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PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, May 17, 1976*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Stand firm in your faith, be courageous, be strong. Let all that you do be done in love.—I Corinthians 16: 13, 14.

Our Father God, as we bow our heads in Thy presence, may we also lift our hearts unto Thee opening all the doors of our being that Thy spirit may come to new life in us making us equal to our experiences and ready for our responsibilities.

Led by Thee may we lead our people on the upward way to a higher plane of unity and peace holding aloft the banners of truth, justice, and love.

Bless our President, our Speaker, and the Members of this House of Representatives. Breathe Thy Holy Spirit into their hearts that with wisdom, understanding, and faith they may keep our Nation, the land of free and the home of the brave.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Roddy, one of his secretaries, who also informed the House that on May 13, 1976, the President approved and signed a bill of the House of the following title:

H.R. 2782. An act to provide for the reinstatement and validation of U.S. oil and gas lease numbered U-0140571, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8957. An act to raise the limitation on appropriations for the U.S. Commission on Civil Rights; and

H.R. 12216. An act to amend the Domestic Volunteer Service Act of 1973 to extend the operation of certain programs by the ACTION Agency.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 510) entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9630. An act to extend the Educational Broadcasting Facilities Program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and public or social service information, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2398. An act to authorize the establishment of the Eugene O'Neill National Historic Site, and for other purposes;

S. 2529. An act to amend chapter 37 of title 38, United States Code, to increase the maximum Veterans' Administration guaranty for mobile home loans from 30 to 50 percent, to make permanent the direct loan revolving fund, to extend entitlement under chapter 37 to those veterans who served exclusively between World War II and the Korean conflict, and for other purposes;

S. 2642. An act to authorize the Secretary of the Interior to establish the Ninety Six and Star Fort National Historic Site in the State of South Carolina, and for other purposes;

S. 3095. An act to increase the protection of consumers by reducing permissible deviations in the manufacture of articles made in whole or in part of gold; and

S.J. Res. 196. Joint Resolution providing for the expression to Her Majesty, Queen Elizabeth II, of the appreciation of the people of the United States for the bequest of James Smithson to the United States, enabling the establishment of the Smithsonian Institution.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE WASTE DISPOSAL FACILITIES COMPACT

The Clerk called the bill (H.R. 9153) granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact.

There being no objection, the Clerk read the bill as follows:

H.R. 9153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact which has been entered into in accordance with the provisions of section 103(b) of the Federal Water Pollution Control Act. The compact reads as follows:

"NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE AND WASTE DISPOSAL FACILITIES COMPACT

"Article I

"GENERAL PROVISIONS

"A. Statement of Policy.—It is recognized that in certain cases municipalities in New Hampshire and Vermont may, in order to avoid duplication of cost and effort, and in order to take advantage of economies of scale, find it necessary or advisable to enter into agreements whereby joint sewage and waste disposal facilities are erected and maintained. The states of New Hampshire and Vermont recognize the value of and need for such agreements, and adopt this compact in order to authorize their establishment.

"B. Requirement of Congressional Approval.—This compact shall not become effective until approved by the United States Congress.

"C. Definitions.—

"1. 'Sewage and waste disposal facilities' shall mean publicly-owned sewers, interceptor sewers, sewerage facilities, sewage treatment facilities and ancillary facilities whether qualifying for grants in aid under title II of the Federal Water Pollution Control Act, as amended, or not.

"2. 'Municipalities' shall mean cities, towns, village districts or other incorporated units of local government possessing authority to construct, maintain and operate sewage and waste disposal facilities and to raise revenue therefor by bonding and taxation, which may legally impose and collect user charges and impose and enforce pretreatment conditions upon users of sewage and waste disposal facilities.

"3. 'Water pollution agency' shall mean the agencies within New Hampshire and Vermont possessing regulating authority over the construction, maintenance and operation of sewage and waste disposal facilities and the administration of grants in aid from their respective state and under the Federal Water Pollution Act, as amended, for the construction of such facilities.

"4. 'Governing body' shall mean the legislative body of the municipality, including, in the case of a town, the town meeting, and, in the case of a city, the city counsel, or the board of mayor and aldermen or any similar

body in any community not inconsistent with the intent of this definition.

"ARTICLE II

"PROCEDURES AND CONDITIONS GOVERNING INTERGOVERNMENTAL AGREEMENTS

"A. Cooperative Agreements Authorized.—Any two or more municipalities, one or more located in New Hampshire and one or more located in Vermont, may enter into cooperative agreements for the construction, maintenance and operation of a single sewage and waste disposal facility serving all the municipalities who are parties thereto.

"B. Approval of Agreements.—Any agreement entered into under this compact shall, prior to becoming effective, be approved by the water pollution agency of each state, and shall be in a form established jointly by said agencies of both states.

"C. Method of Adopting Agreement.—Agreements hereunder shall be adopted by the governing body of each municipality in accordance with existing statutory procedures for the adoption of intergovernmental agreements between municipalities within each state.

"D. Review and Approval of Plans.—The water pollution agency of the state in which any part of a sewage and waste disposal facility which is proposed under an agreement pursuant to this compact is proposed to be or is located is hereby authorized and required, to the extent such authority exists under its state law, to review and approve or disapprove all reports, designs, plans and other engineering document required to apply for federal grants in aid or grants in aid from said agency's state, and to supervise and regulate the planning, design, construction, maintenance and operation of said part of the facility.

"E. Federal Grants and Financing.—

"1. Application for federal grants in aid for the planning, design and construction of sewage and waste disposal facilities other than sewers shall be made jointly by the agreeing municipalities, with the amount of the grant attributable to each state's allotment to be based upon the relative total capacity reserves allocated to the municipalities in the respective states determined jointly by the respective state water pollution agencies. Each municipality shall be responsible for applying for federal grants for sewers to be located within the municipal boundaries.

"2. Municipalities are hereby authorized to raise and appropriate revenue for the purpose of contributing pro rata to the planning, design and construction cost of sewage and waste disposal facilities constructed and operated as joint facilities pursuant to this compact.

"F. Contents of Agreements.—Agreements entered into pursuant to this compact shall contain the following:

"1. A uniform system of charges for industrial users of the joint sewage and waste disposal facilities.

"2. A uniform set of pretreatment standards for industrial users of the joint sewage and waste disposal facilities.

"3. A provision for the pro rata sharing of operating and maintenance costs based upon the ratio of actual flows to the plant as measured by devices installed to gauge such flows with reasonable accuracy.

"4. A provision establishing a procedure for the arbitration and resolution of disputes.

"5. A provision establishing a procedure for the carriage of liability insurance, if such insurance is necessary under the laws of either state.

"6. A provision establishing a procedure for the modification of the agreement.

"7. A provision establishing a procedure for the adoption of regulations for the use, operation and maintenance of the joint facilities.

"8. A provision setting forth the means by which the municipality that does not own the joint sewage and waste disposal facility will pay the other municipality its share of the maintenance and operating costs of said facility.

"G. Nothing in this compact shall be construed to authorize the establishment of interstate districts, authorities, or any other new governmental or quasi-governmental entity.

"ARTICLE III

"EFFECTIVE DATE

"This compact shall become effective when a bill of the general assembly of each of the states of New Hampshire and Vermont which incorporates the compact becomes a law in each such state and when it is approved by the United States Congress.".

Sec. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING THE GEORGE WASHINGTON SQUARE

The Clerk called the bill (H.R. 2479) to name a portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, the "George Washington Square."

There being no objection, the Clerk read the bill as follows:

H.R. 2749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, lying west of said building, on which has been erected a statue of the First President of the United States, George Washington, shall, from and after the date of enactment of this Act, be known and designated as the "George Washington Square".

Mr. JONES of Alabama. Mr. Speaker, the purpose of H.R. 2749 is to name a portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, the George Washington Square in honor of the first President of the United States.

The Federal building located at 1240 East Ninth Street, Cleveland, Ohio, was completed in 1967. On March 7, 1973, the Federal building in Cleveland, Ohio, was designated the Anthony J. Celebrezze Federal Building in conformance with section 39 of Public Law 92–520, approved October 21, 1972. The Early Settlers Association of the Western Reserve and the downtown community development program in the city of Cleveland have proposed in commemoration of the Bicentennial to name a portion of the site of the Anthony J. Celebrezze Federal Building on which has been erected a statue of the first President of the United States, George Washington, as the George Washington Square.

Mr. Speaker, the committee believes it fitting and proper to name a portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, after the founding father of our Nation to commemorate the great events of his military and political life.

I urge enactment of H.R. 2749.

Mr. GINN. Mr. Speaker, the legislation would name a portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, the George Washington Square. Numerous organizations in the city of Cleveland have proposed in commemoration of the Bicentennial to name the site on which has been erected a statue of our first President, in his honor.

I urge enactment of H.R. 2749.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. These are all of the eligible bills on the Consent Calendar.

BEVERAGE CONTAINER GUIDELINES

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, today I have introduced H.R. 13811 to prohibit the Environmental Protection Agency from issuing final regulations to ban the sale of beverages in nonrefillable containers in all Federal installations and facilities.

These proposed guidelines which were published in the Federal Register on November 13, 1975, appear to be just one more instance of a Federal agency attempting to exercise control over a matter which, in my judgment, and that of many others, they have no authority to regulate.

My colleagues should be made aware that this short-term ban on the sale of beverages in nonrefillable containers is only the beginning of an attempt in the long-run to develop a nationwide ban of one-way cans and bottles. The "mandatory deposit system" which these guidelines call for is in reality the same as "ban-the-can" and "ban-the-bottle" legislation.

Mr. Speaker, last August when I became aware of EPA's plans to publish the proposed guidelines, I wrote to Russell Train, EPA Administrator, to express my strong opposition to the guidelines and to question EPA's authority to promulgate such guidelines. Since that time I have heard from literally hundreds of my constituents who would be adversely affected if this ban is placed on nonrefillable beverage contains. I know that this concern has spread in the past several months throughout all segments of our economy.

EPA's mandatory deposit guidelines have been very aptly described as a "tempest in a pop bottle." I am sure that if my colleagues examine this matter closely they will agree with me that this unwarranted dictate by EPA must be halted in light of the negative impact that the container guidelines will have on bottlers, canners, steelworkers, distributors, aluminum workers, glass workers, glass companies, military personnel and commissaries just to name a few.

Mr. Speaker, we must not allow the Environmental Protection Agency to go ahead with the publication of its final beverage container guidelines in view of the ever increasing opposition from all over the Nation to this Agency exceeding its authority under specified provisions of the law in making a decision on an issue of major importance.

CONGRESSMAN WILLIAM A. BARRETT

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, it was indeed a great shock to all of our membership to learn of the passing of our colleague, Bill Barrett, one of the most dedicated, sincere and admired Members of Congress. Of all the Members of Congress I have known during the past 30 years, I believe Bill Barrett could be classified as one possessing a most sincere loyalty not only to his constituency in Philadelphia but also to the State of Pennsylvania and the Nation.

He was sincere and conscientious, devoting extraordinary periods of time on legislation which he sponsored so that when the time for debate and amendments arrived he was always prepared with the proper answers; consequently he possessed the respect of the Membership of the House.

Congressman Barrett would relate to me on many occasions about his exceptional program of returning to Philadelphia every evening after Congress adjourned and consult with constituents, by appointment, into the late hours of the evening and returning in the early morning hours to Washington for committee meetings. One would marvel at his dedication and fatiguing efforts to represent his district and Nation in this great legislative body.

Bill Barrett will be long remembered as an outstanding statesman and legislator by his colleagues as well as the millions of people in Philadelphia who will long remember and admire Congressman William Barrett for his success and dedication to public service.

I wish to extend my deepest sympathy to his family in their bereavement.

RESIGNATION AS MEMBER AND APPOINTMENT AS MEMBER OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER laid before the House the following resignation from the U.S. Group of the North Atlantic Assembly:

WASHINGTON, D.C.,
May 12, 1976.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign from the U.S. Group of the North Atlantic Assembly effective May 12, 1976.

Sincerely,

JOHN JARMAN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689, 84th Congress, as amended, the Chair appoints as a member of the U.S. Group of the North Atlantic Assembly the gentleman from Arizona, Mr. RHODES, to fill the existing vacancy thereon.

APPOINTMENT AS MEMBER OF ADVISORY COMMITTEE OF WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

The SPEAKER. Pursuant to the provisions of section 1(e), Public Law 93–568, the Chair appoints as a member of the Advisory Committee of the White House Conference on Library and Information Services the following member from private life: Mrs. Esther Mae Henke, of Oklahoma City, to fill the existing vacancy thereon.

TWENTIETH ANNUAL REPORT OF HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith the Twentieth Annual Report of the Health Research Facilities Construction Program for activities during fiscal year 1975.

GERALD R. FORD.

THE WHITE HOUSE, *May 17, 1976.*

THIRD ANNUAL REPORT OF DIRECTOR OF NATIONAL HEART AND LUNG INSTITUTE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I am transmitting herewith the Third Annual Report of the Director of the National Heart and Lung Institute, as required by the National Heart, Blood Vessel, Lung, and Blood Act of 1972. This report, which contains a program plan for the next five years, was prepared in consultation with the National Heart and Lung Advisory Council.

The report proposes two levels of expenditures for fiscal years 1977 through 1981, both of which are in excess of the dollar amounts requested in the FY 1977 budget. The report states, however, that these projected expenditures are based on scientific judgment relating only to this research field. Moreover, the plan correctly recognizes that the allocation of national resources for the program must be determined in relationship to other competing national needs within total available Federal resources.

The Report focuses on the new initiatives undertaken since enactment of the 1972 Act, and it provides examples of encouraging progress in the fight against heart, blood vessel, lung, and blood diseases. These diseases, in 1972, led to an estimated national economic loss of more than $57 billion annually. Deaths from coronary heart disease, the number one killer of the American people, continue to decline as do deaths from stroke and hypertension. The Institute's efforts also appear to be bearing fruit in the area of high blood pressure control. A national survey of physicians indicated that in calendar year 1974 the total number of patient visits for treatment of blood pressure increased by 41.6 percent over 1971, the base year. In comparison, the total number of medical visits for all causes increased by only 16 percent over the same period. Furthermore, since the base year, the number of patients whose high blood pressure is under control has doubled.

The Administration recognizes the accomplishments as outlined in the Report, and continues to view the heart, blood vessel, lung, and blood program as an area of high priority.

GERALD R. FORD.

THE WHITE HOUSE, *May 17, 1976.*

TWELFTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations:

To the Congress of the United States:

As required by law, I transmit to the Congress the Twelfth Annual Report on Special International Exhibitions conducted under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256).

This report covers exhibitions presented abroad by the U.S. Information Agency at international fairs and under East/West Cultural Exchange agreements, as well as exhibitions and labor missions presented abroad by the Department of Labor and the Department of Commerce.

GERALD R. FORD.

THE WHITE HOUSE, *May 17, 1976.*

ANNOUNCEMENT OF CHANGES IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I take this

time to announce several changes to the program of this week: S. 2129, Indian crimes, scheduled for suspension today will be moved to the end of the suspension list for tomorrow. Also for tomorrow we are adding under suspensions the bill H.R. 13549, additional income for soldiers' and airmen's home, and we are dropping from the suspension list the bill H.R. 13124, hazardous water transportation. In addition, we are adding to tomorrow, after suspensions, a resolution reported from the Rules Committee, House Resolution 1186, creating a Select Committee on Professional Sports.

GENERAL LEAVE

Mr. GINN. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks just prior to passage of H.R. 2749, a bill to name a portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, the "George Washington Square."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 270]

Abzug
Addabbo
Allen
Anderson, Calif.
Andrews, N.C.
Aspin
Badillo
Bell
Biaggi
Bingham
Boggs
Boland
Bonker
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burke, Calif.
Byron
Carney
Carter
Cederberg
Chisholm
Clancy
Conyers
Cornell
Cotter
Coughlin
Crane
Danielson
Derwinski
Diggs
Dingell
Esch
Eshleman
Evans, Ind.
Fish
Foley
Ford, Tenn.
Fuqua
Giaimo
Gibbons
Goldwater
Gonzalez
Harkin
Harrington
Harsha
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Holland
Holtzman
Hubbard
Jacobs
Jarman
Johnson, Colo.
Jones, Okla.
Karth
Keys
Kindness
Krueger
Litton
McClory
McCloskey
McCollister
McKinney
Macdonald
Michel
Milford
Miller, Calif.
Mills
Mitchell, Md.
Moakley
Mosher
Moss
Nix
Nolan
Obey
Patten, N.J.
Pettis
Peyser
Pike
Pressler
Pritchard
Quie
Quillen
Railsback
Rhodes
Riegle
Rodino
Roncalio
Rousselot
Ruppe
Ryan
Sarbanes
Satterfield
Scheuer
Sebelius
Shuster
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steelman
Steiger, Ariz.
Stephens
Stratton
Stuckey
Symington
Symms
Teague
Thornton
Treen
Tsongas
Udall
Vigorito
Waxman
Wright
Wydler
Young, Ga.
Zeferetti

The SPEAKER. On this rollcall 307 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON S. 217, RELATING TO CONDEMNATION OF CERTAIN PUEBLO INDIAN LANDS

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 217) to repeal the act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico, with the House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. DON H. CLAUSEN. Reserving the right to object, Mr. Speaker, I just want to ask the chairman of the committee whether or not this has been cleared with the ranking minority member.

Mr. HALEY. Yes; it has been, Mr. Speaker.

Mr. DON H. CLAUSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. MEEDS, MELCHER, STEPHENS, and YOUNG of Alaska.

CONFERENCE REPORT ON H.R. 12453, AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. DOWNING of Virginia (on behalf of Mr. TEAGUE) filed the following conference report and statement on the bill (H.R. 12453) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 94-1176)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12453) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space Shuttle, $1,288,100,000;

(2) Space flight operations, $202,700,000;

(3) Expendable launch vehicles, $151,400,000;

(4) Physics and astronomy, $166,300,000;

(5) Lunar and planetary exploration, $192,100,000;

(6) Life sciences, $22,125,000;

(7) Space applications, $198,000,000;

(8) Earth resources operational systems, $200,000;

(9) Aeronautical research and technology, $191,100,000;

(10) Space research and technology, $86,300,000;

(11) Tracking and data acquisition, $255,000,000;

(12) Technology utilization, $8,100,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Modification for high enthalpy entry facility, Ames Research Center, $1,220,000;

(2) Modification of flight simulator for advanced aircraft, Ames Research Center, $1,730,000;

(3) Construction of supply support facility, Ames Research Center, $1,540,000;

(4) Construction of addition to flight control facility, Hugh L. Dryden Flight Research Center, $750,000;

(5) Construction of addition to lunar sample curatorial facility, Lyndon B. Johnson Space Center, $2,200,000;

(6) Construction of airlock to spin test facility, John F. Kennedy Space Center, $360,000;

(7) Modifications for utility control system, John F. Kennedy Space Center, $2,445,000;

(8) Construction of addition for aeroelastic model laboratory, Langley Research Center, $730,000;

(9) Construction of data reduction center annex, Langley Research Center, $2,970,000;

(10) Construction of refuse-fired steam generating facility, Langley Research Center, $2,485,000;

(11) Modification of refrigeration system, electric propulsion laboratory, Lewis Research Center, $680,000;

(12) Rehabilitation of combustion air drying system, engine research building, Lewis Research Center, $1,490,000;

(13) Large aeronautical facility: construction of national transonic facility, Langley Research Center, $25,000,000;

(14) Space Shuttle, facilities at various locations as follows:

(A) Construction of Orbiter processing facility, John F. Kennedy Space Center, $3,750,000;

(B) Modifications to launch complex 39, John F. Kennedy Space Center, $18,855,000;

(C) Modification for solid rocket booster processing facilities, John F. Kennedy Space Center, $8,700,000;

(D) Construction of Shuttle/Carrier aircraft mating facility, John F. Kennedy Space Center, $1,700,000;

(E) Rehabilitation and modification of Shuttle facilities, at various locations, $1,760,000;

(F) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $1,930,000;

(15) Space Shuttle payload facilities at various locations as follows:

(A) Modifications to operations and checkout building for Spacelab, John F. Kennedy Space Center, $3,570,000;

(B) Modifications and addition for Shuttle payload development; Goddard Space Flight Center, $770,000;

(16) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $17,875,000;

(17) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $5,125,000;

(18) Facility planning and design not otherwise provided for, $12,655,000.

(c) For "Research and program management," $813,455,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided,* That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (17), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate on the circumstances of such action, may be varied upward 25 per centum,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (18) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Aeronautical and Space Sciences,

(2) no amounts appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire a title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Aeronautical and Space Sciences and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect as long as provision therefor is included in Acts authorizing appropriations to the National Aeronautics and Space Administration for subsequent fiscal years.

SEC. 7. Paragraph (15) of section 5316, title 5, United States Code, is amended by striking "(6)" and inserting in lieu thereof "(7)".

SEC. 8. Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (81 Stat. 170), is amended by striking out the words "the rate of $100" and inserting in lieu thereof the words "a rate not to exceed the per diem rate equivalent to the rate for GS–18".

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1977".

And the Senate agree to the same.

Olin E. Teague,
Thomas N. Downing,
Don Fuqua,
James W. Symington,
Robert A. Roe,
Dale Milford,
James H. Scheuer,
Charles A. Mosher,
Larry Wynn, Jr.,
Managers on the Part of the House.
Frank E. Moss,
John C. Stennis,
Wendell H. Ford,
Barry Goldwater,
Pete V. Domenici,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12453) to authorize appropriations to the National Aeronautics and Space Administration for FY 1977 for Research and Development, Construction of Facilities, and Research and Program Management, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying conference report.

The NASA request for FY 1977 totaled $3,697,000,000. The House authorized $3,696,070,000 and the Senate amendment authorized $3,696,850,000. The committee of conference agrees to a total authorization for FY 1977 of $3,695,170,000 as follows:

CONGRESSIONAL ADJUSTMENTS TO NASA REQUEST FOR FISCAL YEAR 1977, SUMMARY

	Budget request	House	Senate	Committee of conference
Research and development:				
Space Shuttle	$1,288,100,000	$1,288,100,000	$1,288,100,000	$1,288,100,000
Space flight operations	205,200,000	198,200,000	205,200,000	202,700,000
Expendable launch vehicles	151,400,000	151,400,000	151,400,000	151,400,000
Physics and astronomy	165,800,000	169,800,000	165,800,000	166,300,000
Lunar and planetary exploration	191,100,000	193,100,000	191,100,000	192,100,000
Life sciences	22,125,000	22,125,000	22,125,000	22,125,000
Space applications	198,200,000	185,700,000	198,200,000	198,000,000
Earth resources operational systems	0	13,500,000	0	200,000
Aeronautical research and technology	189,100,000	192,100,000	189,100,000	191,100,000
Space research and technology	82,000,000	92,100,000	82,000,000	86,300,000
Tracking and data acquisition	258,000,000	254,000,000	258,000,000	255,000,000
Technology utilization	7,900,000	8,400,000	8,100,000	8,100,000
Total	2,758,925,000	2,768,525,000	2,759,125,000	2,761,425,000
Construction of facilities	124,020,000	117,090,000	123,670,000	120,290,000
Research and program management	814,055,000	810,455,000	814,055,000	813,455,000
Grand total	3,697,000,000	3,696,070,000	3,696,850,000	3,695,170,000

The points in disagreement and the conference resolution of them are as follows:

1. The House authorized $198,200,000 for the Space flight operations program, a reduction of $7,000,000 in the NASA request, the net result of an $8,000,000 reduction in the Development, Test and Mission Operations subprogram and a $1,000,000 addition to the Advanced Programs subprogram activity.

The Senate authorized $205,200,000, identical with the NASA request for this program.

The conference substitute authorizes $202,700,000 for the Space flight operations program.

The conferees agree that NASA should apply $500,000 additional to its planned effort for advanced programs to improve the structuring and development of this activity in support of future space programs thereby increasing the total amount for FY 1977 from $18,000,000 to $18,500,000.

2. NASA requested $165,800,000 for the Physics and astronomy program. The House authorized $169,800,000 increasing the request by $3,000,000 to initiate the development program for the Space Telescope and by $1,000,000 for additional supporting research and technology effort.

The Senate authorized the NASA request.

The conference substitute authorizes $166,300,000.

The committee of conference, recognizing the significance of the Space Telescope to ongoing research in astronomy, agrees that the initiation of this project has the highest priority in the space science program and, therefore, authorizes NASA to complete the competitive detailed design phase and to proceed with development activities, the latter subject to the availability of appropriations. The conferees further agree that an additional $500,000 is to be applied to supporting research and technology activities to help assure the viability of future research in physics and astronomy.

3. The House authorized $193,100,000 for the Lunar and planetary program increasing the NASA request for the Planetary Advanced Studies activity by $2,000,000 to provide for definition studies for a Jupiter-Orbiter mission.

The Senate authorized $191,100,000, the NASA request.

The conference substitute authorizes $192,100,000.

The conferees agree that NASA should give particular attention to formulating and presenting new initiatives to reverse the "going out of business" trend apparent in this program and accordingly added $1,000,000 to be applied to studies for this purpose.

4. NASA requested $198,200,000 for the Space applications program.

The House authorized $185,700,000 transferring the Landsat-C spacecraft project and the $13,500,000 associated therewith to a new program entitled, "Earth Resources Operational Systems". The House also added $1,000,000 to the severe storm research subprogram activity.

The Senate authorized the NASA request of $198,200,000.

The conference substitue authorizes $198,000,000 for the Space applications program.

The conferees agree that the Landsat-C spacecraft development program should be continued in the Space applications program as presented in the NASA budget request.

5. The House established a new program entitled, "Earth Resources Operational Systems" not included in the NASA request, and authorized $13,500,000 for the program to include activities associated with the Landsat-C development project.

The Senate did not have a comparable line item program in its amendment to the bill.

The conference substitute establishes a new research and development line item in the bill entitled, "Earth Resources Operational Systems" and authorizes $200,000 therefor.

The conferees agree that the Landsat earth resources satellite technology project has reached a state of maturity wherein it is necessary to facilitate arrangements for an operational version of the Landsat system and provide for early activities that would initiate transition to an operational mode. This new program is established for this purpose.

6. NASA requested $189,100,000 for the Aeronautical research and technology program.

The House authorized $192,100,000 increasing the request by $3,000,000 to accelerate the Variable Cycle Engine Components Technology program.

The Senate authorized the NASA request for this program.

The conference substitute authorizes $191,100,000 for the Aeronautical research and technology program.

7. The House authorized $92,100,000 for the Space research and technology program, an increase of $10,100,000 in the NASA request, of which $1,600,000 was for increased rocket engine propulsion technology effort, $3,500,000 was for energy technology identification and verification activity and $5,000,000 was to significantly broaden the system definition effort on solar satellite power systems.

The Senate authorized $82,000,000, identical with the NASA request.

The conference substitute authorizes $86,300,000.

The conferees note that NASA has a significant capability which can and should be fully utilized in the Nation's program to achieve energy self-sufficiency. Tapping this capability requires a basic effort to identify and verify those initiatives that may have a potential contribution to this national need. This identification and verification activity, sometimes referred to as "seed money", is considered to be an appropriate and necessary function within NASA and the conferees direct NASA to continue this productive activity that it initiated in prior years. To this end the conferees agree that $3,500,000 in the Space research and technology program is to be allocated to this activity. Furthermore, the conferees agree that $800,000 of additional effort should be applied to advanced rocket engine propulsion technology.

8. The House authorized $254,000,000 for the Tracking and data acquisition program, a reduction of $4,000,000 in the NASA request.

The Senate authorized the NASA request of $258,000,000.

The conference substitute authorizes $255,000,000 for the Tracking and data acquisition program.

9. NASA requested $7,900,000 for the Technology utilization program. The House added $500,000 for greater emphasis on industrial and technology applications, authorizing a total of $8,400,000 for the program.

The Senate authorized $8,100,000 increasing the NASA request by $200,000 to initiate one additional regional application center.

The committee of conference adopts the Senate position.

10. NASA requested $2,800,000 for the construction of an addition to the Lunar Curatorial Facility at the Lyndon B. Johnson Space Center.

The House did not authorize this facility item in its bill.

The Senate authorized the facility at the requested amount of $2,800,000.

The conference substitute authorizes $2,200,000 for the construction of an addition to the Lunar Sample Curatorial Facility.

11. The House authorized $17,855,000 for the third phase of modifications to Launch complex 39, John F. Kennedy Space Center, in support of the Space Shuttle program, a reduction of $2,000,000 in the NASA request for this facility project.

The Senate authorized the NASA request of $19,855,000 for Launch complex 39 modifications.

The conference substitute authorizes $18,855,000.

12. NASA requested $9,700,000 for the second phase of facilities for processing the solid rocket booster for the Space Shuttle program at the John F. Kennedy Space Center. The House authorized $8,700,000, a reduction of $1,000,000 in the NASA request.

The Senate authorized $9,700,000 as requested by NASA.

The Committee of conference adopts the House position authorizing $8,700,000 for this facility item.

13. NASA requested $780,000 for a crew training facility for the Space Shuttle program at the Lyndon B. Johnson Space Center.

The House did not authorize this facility, believing that existing facilities at the Marshall Space Flight Center could be used during the design, development, test and engineering phase of the Shuttle program, and therefore that this facility item could be deferred.

The Senate authorized the construction of this facility item at the requested amount of $780,000.

The conference substitute does not provide for the construction of this crew training facility.

The conferees agree that the location of such a crew training facility should be restudied giving greater consideration to locations of primary activities associated with a fully operational Shuttle program as anticipated in the early 1980's and beyond. Until a thorough review of this matter is made the conferees request that all action on the construction of or modifications for any such crew training capability be deferred.

14. NASA requested $814,055,000 for the Research and Program Management appropriations category. The House authorized $810,455,000, a reduction of $3,600,000 in the request.

The Senate authorized $814,055,000, identical with the NASA request.

The conference substitute authorizes $813,455,000 for the Research and Program Management activity.

15. The House included, as Section 9 in its bill, a sense of the Congress statement emphasizing its concern for the need to expedite the completion of large aeronautical research facilities noting the importance of these facilities to U.S. dominance in the field of aeronautics.

This provision was not included in the NASA authorization request to the Congress.

The Senate did not include this provision in its amendment to the bill.

The conference substitute does not include this provision.

16. The House adopted a section 10 in its bill amending section 102 of the National Aeronautics and Space Act of 1958 enlarging its policy and purpose by declaring that the general welfare requires that the unique competence in science and engineering systems of NASA also should be directed toward ground propulsion research and development.

There was no comparable provision included in the NASA authorization request for FY 1977.

The Senate did not include this provision in its amendment to the House bill.

The conference substitute adopts the Senate position.

17. The House bill included in section 11, complementary to its amendment to the National Aeronautics and Space Act of 1958 adopted in Section 10 of its bill, which defined the term "ground propulsion system".

The Senate did not include this provision in its amendment to the House bill.

The conference substitute does not have a comparable provision inasmuch as the basic amendment was not adopted and, therefore, this complementary amendment is not necessary.

Olin E. Teague,
Thomas N. Downing,
Don Fuqua,
James W. Symington,
Robert A. Roe,
Dale Milford,
James H. Scheuer,
Charles A. Mosher,
Larry Winn, Jr.,
Managers on the Part of the House.
Frank E. Moss,
John C. Stennis,
Wendell H. Ford,
Barry Goldwater,
Pete V. Domenici,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to, under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

FEDERAL TRADE COMMISSION AUTHORIZATION

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12527) to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal years 1976 and 1977, as amended. The Clerk read as follows:

H.R. 12527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Federal Trade Commission Act (15 U.S.C. 57(c)) is amended by striking out "$46,000,000" and inserting in lieu thereof "$47,091,000"; and by striking out "$50,000,000" and inserting in lieu thereof "$57,233,000".

Sec. 2. Section 202(d) of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act is amended by striking out "18 months after the date of enactment of this Act" and inserting in lieu thereof "July 5, 1978".

The SPEAKER. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. Murphy) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. Rinaldo) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. Murphy).

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 12527) to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal 1976 and 1977.

Mr. Speaker, this legislation is necessary because the President's budget requests for the Federal Trade Commission for both fiscal 1976 and 1977 exceed the levels authorized by the Magnuson-Moss warranty—Federal Trade Commission Improvement Act of 1975 (Public Law 93-637).

H.R. 12527 increases the FTC's authorization for fiscal 1976 by $1,091,000, to a total of $47,091,000, an amount which matches the President's budget request.

H.R. 12527 increases the authorization for fiscal 1977 by $7,233,000, to a total of $57,233,000, an amount which is $4.4 million above the President's budget. The Committee on Interstate and Foreign Commerce feels that the higher amount will allow some leeway for both expected and unexpected contingencies. For example, a 5-percent civil service pay raise in October would necessitate an additional $1,800,000 for salaries. Further, the Congress has upon occasion required action from the FTC without providing specific increases in authorizations. Such was the case in the Emergency Petroleum Allocation Act of 1974, the Equal Credit Opportunity and the Fair Credit Billing Act. The additional authorization covers such possible contingencies for fiscal 1977.

H.R. 12527 also amends section 202(d) of the Magnuson-Moss warranty—Federal Trade Commission Improvement Act which required the Federal Trade Commission and the Administrative Conference of the United States each to study and evaluate FTC rulemaking procedures and each to submit a report of its study to the Congress not later than July 5, 1976.

The Magnuson-Moss Act set up a detailed procedure for the Commission to follow in promulgating substantive trade regulation rules. The new procedure is far more involved than the normal "notice and comment" rulemaking required by section 553 of the Administrative Procedure Act. In addition to written comments on proposed rules, it requires a hearing with cross-examination of witnesses by all interested parties. Not surprisingly, the transcripts of these procedures are routinely running over 30,000 pages.

As a consequence, the FTC has not promulgated any Magnuson-Moss rules as yet, although 2 are very near completion and a total of 15 have been proposed. The Administrative Conference testified at the subcommittee hearing on March 30, 1976, that, in order to adequately analyze the new rulemaking procedures, seven to nine completed rules would be necessary for study. Anticipating that the Commission would complete such rulemaking actions by the spring of 1977, the Conference indicated that it would need 6 months thereafter to organize the information and prepare a draft report. Several more months will then be needed to refine the report through the Administrative Conference Committee review process and through outside comment. By late May or early June in 1978, the Administrative Conference would be ready to consider the report in plenary session.

In order to give the Administrative Conference the opportunity to conduct a meaningful study of these FTC rulemaking procedures, the Committee on Interstate and Foreign Commerce extended the reporting deadline from July 5, 1976, until July 5, 1978.

With regard to the impact of H.R. 12527 on the economy, the committee is unaware of any inflationary effect which would result from the passage of this bill. In fact, the primary intent of the Federal Trade Commission is to stimulate competition in the economy. Insofar as the additional funds herein authorized would enable the Commission to fulfill its mission more effectively, the increased competition which would result would dampen inflationary pressures.

Mr. Speaker, I commend this legislation to my colleagues for their prompt and favorable consideration.

Mr. RINALDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill and urge that the House approve it.

As my colleague from New York has already indicated, the purpose of the legislation is to amend the Federal Trade Commission Act to increase the authorization of appropriations for the Commission for fiscal years 1976 and 1977. During the 93d Congress, we passed the Magnuson-Moss Act which set authorizations for appropriations levels for the Commission at $46 million for fiscal year 1976 and $50 million for fiscal year 1977. However, the President's budget requests for both years have been in excess of the authorized amounts; consequently, the need for the legislation.

The final provision of this bill simply grants a 2-year extension of the time limit for evaluation of new rules under the Magnuson-Moss warranty legislation. As matters stand now, the law requires that by July 5 of this year rules must be evaluated by both the FTC and the administrative conference of the United States.

The July 5 deadline simply cannot be met. The FTC has proposed 15 new rules under the Magnuson-Moss mandate, but I believe only one of those proposed rules has actually been promulgated. The first promulgation, incidentally, came only last week—on May 14.

It is therefore doubtful that the FTC can issue other rules by July 5. When one considers that the administrative conference needs at least 6 months to evaluate the rules, it becomes clear that the July 5 deadline is not an attainable goal.

Looking at H.R. 12527 as a whole, one can see that it is a reasonable approach to existing realities at the FTC. The bill's reasonable approach—and its lack of complexity—account for the unanimous support given to H.R. 12527 in committee and subcommittee.

Mr. Speaker, I urge the approval of this bill.

Mr. MURPHY of New York. Mr. Speaker, I have no further requests for time.

Mr. RINALDO. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. SISK). The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill (H.R. 12527) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal years 1976 and 1977, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2679) to establish a Commission on Security and Cooperation in Europe, as amended.

The Clerk read as follows:

S. 2679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established the Commission on Security and Cooperation in Europe (hereafter in this Act referred to as the "Commission").

SEC. 2. The Commission is authorized and directed to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission is further authorized and directed to monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West.

SEC. 3. The Commission shall be composed of fifteen members as follows:

(1) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party. The Speaker shall designate one of the House members as chairman.

(2) Six Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One member of the Department of State appointed by the President of the United States.

(4) One member of the Defense Department appointed by the President of the United States.

(5) One member of the Commerce Department appointed by the President of the United States.

SEC. 4. In carrying out this Act, the Commission may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman of such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

SEC. 5. In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report, the first one to be submitted six months after the date of enactment of this Act, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.

SEC. 6. The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this Act on a periodic basis and to provide information to Members of the House and Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to Congress a report on its expenditures under such appropriation.

SEC. 7. There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended $350,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this Act, such appropriation to be disbursed on voucher to be approved by the Chairman of the Commission.

SEC. 8. The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

The SPEAKER pro tempore. Is a second demanded?

Mr. WHALEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. FASCELL) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. WHALEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2679 as reported by the Committee on International Relations with an amendment in the nature of a substitute. The text of the bill is as follows:

S. 2679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established the Commission on Security and Cooperation in Europe (hereafter in this Act referred to as the "Commission").

SEC. 2. The Commission is authorized and directed to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields. The Commission is further authorized and directed to monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West.

SEC. 3. The Commission shall be composed of eleven members as follows:

(1) Four Members of the House of Representatives appointed by the Speaker of the House of Representatives. Two members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party. The Speaker shall designate one of the House members as chairman.

(2) Four Members of the Senate appointed by the President of the Senate. Two members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One member of the Department of State appointed by the President of the United States.

(4) One member of the Defense Department appointed by the President of the United States.

(5) One member of the Commerce Department appointed by the President of the United States.

SEC. 4. In carrying out this Act, the Commission may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

SEC. 5. In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report, the first one to be submitted six months after the date of enactment of this Act, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.

SEC. 6. The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this Act on a periodic basis, and to provide information to Members of the House and Senate as requested.

SEC. 7. There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended, $250,000 for the purpose of carrying out the provisions of this Act.

That there is established the Commission on Security and Cooperation in Europe (hereafter in this Act referred to as the "Commission").

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SEC. 3. The Commission shall be composed of fifteen members as follows:

(1) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party. The Speaker shall designate one of the House members as chairman.

(2) Six Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One member of the Department of State appointed by the President of the United States.

(4) One member of the Defense Department appointed by the President of the United States.

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SEC. 6. The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this Act on a periodic basis and to provide information to Members of the House and Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to Congress a report on its expenditures under such appropriation.

SEC. 7. There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended $350,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this Act, such appropriation to be disbursed on voucher to be approved by the Chairman of the Commission.

SEC. 8. The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

S. 2679 embodies the central concept of H.R. 9466 originally introduced in Congress by our distinguished colleague from New Jersey, the Honorable MILLICENT FENWICK. The bill would establish a Commission on Security and Cooperation in Europe in order to foster recognition of and respect for fundamental human rights in the Soviet Union and Eastern Europe. It would accomplish this goal by closely scrutinizing the adherence of signatories to the principles agreed to by the United States, Canada, the Soviet Union, and 32 European nations at Helsinki, Finland, on August 1, 1975, and by publicizing its findings so that the force of world opinion would be brought to bear on any nation violating the provisions of the Helsinki Accords.

Mr. Speaker, to be quite candid, when I first learned of Mrs. FENWICK's proposal I was skeptical about the wisdom of setting up yet another governmental entity for such a specific purpose. After our hearings, conversations with many of the 100 cosponsors in the House, and numerous discussions and other contacts with representatives of such diverse groups as the Veterans of Foreign Wars, the National Conference on Soviet Jewry, the Federation of American Scientists, the Polish American Congress, and the Joint Baltic American Committee, I am now convinced that such an entity would not only be useful but could play a vital role in the promotion of human rights and in making certain that détente will be a two-way street and will mean substantive progress on fundamental humanitarian issues of concern to the people of the United States and the other western nations. I enthusiastically endorse the establishment of the Commission and commend Mrs. FENWICK for her creativity, her perseverance, and her leadership in translating her idea into reality.

The Commission, as provided for in the committee amendment, would be composed of 15 members; 6 members, including the Chairman of the Commission, would be chosen from the House of Representatives by the Speaker of the House. Six would be chosen from the Senate by the President of the Senate. Three other members would be appointed by the President, one each from the Departments of State, Defense and Commerce. In both the House and Senate four commissioners would be chosen from the majority party and two from the minority party.

The purposes of the Commission, as set forth in the bill, are to: First, monitor the "compliance with or violation of the articles of the final act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to Cooperation in Humanitarian Fields," and second, monitor and encourage programs in the United States aimed at taking advantage of those provisions of the final act "to expand East-West economic cooperation and a greater interchange of people and ideas between East and West."

In order to accomplish these purposes the bill provides an annual authorization of $350,000, subpena power, and exemption from certain civil service requirements for the Commission's staff. The Commission is required to submit periodic reports to Congress on its substantive efforts and to report annually on its expenditures.

Mr. Speaker, before the final act of the conference was signed last August 1, many in the United States, both in and out of Congress, were concerned that we and our allies might trade concessions in substantive areas of real concern to the Soviets for paper promises in the humanitarian area. I believe that on balance the overall agreement was of benefit to nations east and west of the Iron Curtain but I believe that everyone in this Chamber would agree that we can be certain that the Soviets will attempt to interpret every single article to their advantage and ignore those provisions which they find inconvenient. There is already considerable evidence that the Soviets are not moving to implement provisions of the Helsinki agreement with respect to family contacts, reunification of families, marriages, and freedom of travel and communications. It is important that the Soviets are convinced of the seriousness of our real and deep concern about these humanitarian issues and of our conviction that progress in these areas is of equal concern to progress on security issues. Establishment of the Commission will help do this and also provide a factual basis to evaluate their compliance with the signatories. In addition, the Commission will provide the Congress with an independent basis for reaching policy decisions related to U.S. participation in a follow-up conference which is to be held next year.

While humanitarian issues will be an area of primary concern to the Commission they will not be the only concern. It will have responsibility to monitor compliance with the Helsinki agreement by all signatories including the United States. In addition to the humanitarian issues addressed in the Final Act there are important provisions dealing with a wide range of issues that were discussed by the conferees over a 2-year period.

The final act contained three principal sections. One was the humanitarian portion which was just discussed. The first part of the agreement deals with the sensitive and highly important area of security in Europe and includes a Declaration on Principles Guiding Relations between Participating States and a Document on Confidence Building Measures and Certain Aspects of Security and Disarmament. Included in this section are major statements on such diverse issues as: The inviolability of frontiers, peaceful settlement of disputes, fulfillment of international legal obligations and prior notification of military maneuvers.

The second part of the Final Act relates to detailed principles on cooperation in the fields of economics, science and technology, and the environment. Separate provisions relate to trade, air and water pollution, tourism, migrant labor, commercial exchanges and industrial cooperation.

Mr. Speaker, given this long list of major issues dealt with in a detailed way in the Final Act I think that it is obvious that the Commission will necessarily be busy and will need not only a widely knowledgeable staff but the fullest possible cooperation of both Congress and the Executive. It was with that necessity in mind that the committee approved the unusual joint executive-congressional makeup of the Commission.

Mr. Speaker, all of the nations which participated in the long and arduous negotiations which led to the signing of the final act agreed that it was a significant step in building greater cooperation among nations and toward fostering peace in the area. We in the United States can help assure that this agreement does contribute to these goals by establishing a mechanism designed to encourage observance of the provisions of the final act by all the signatories. I urge passage of S. 2679 as amended.

Mr. WHALEN. Mr. Speaker, I yield 5 minutes to the Gentelman from Kansas (Mr. WINN).

Mr. WINN. Mr. Speaker, I rise on behalf of S. 2679, which will create a commission to observe the results of the agreements which this country made at Helsinki with the nations of Western and Eastern Europe and the Soviet Union. I strongly support the comments of my distinguished colleague from Florida, the chairman of the Subcommittee on Political and Military Affairs, Mr. FASCELL. I also would like to commend the originator of this idea in the House, the gentlewoman from New Jersey, Mrs. FENWICK. Without her unceasing, vigorous pursuit of this issue, we might not be here today on behalf of this measure.

Mr. Speaker, in my opinion, and the opinions of my colleagues on the full Committee on International Relations, the Commission created by this bill will be constructive and useful. Ever since this Government began a policy of attempting to be more conciliatory toward the Soviet Union, many of us have felt a great uncertainty about just how much could be accomplished by this approach. Even while we knew it was necessary to try, there was always uncertainty as to how much and how far we could trust the Soviets. In view of such a concern, Mr. Speaker, I joined Mrs. FENWICK and several others in sponsoring legislation very much like this bill today, and I was pleased that our subcommittee had the task of exploring the possibilities of the Fenwick resolution.

Mr. Speaker, the hearing held before our subcommittee on the Fenwick resolution demonstrated both that there is considerable support in Congress and in the private sector for some kind of monitoring body. While the Department of State had some problems with the idea of such an organization, we received strong encouragement from the U.S. Advisory Commission on Cultural and Educational Exchange. I can understand that, Mr. Speaker, because the Soviets are even more restrictive of the free move of ideas and information than they are of the free movement of people. I might note here that the Soviet Union has already begun to use UNESCO as a vehicle to undercut internationally accepted rights of the freedom of opinion and information. That development occurred last November at the UNESCO meeting in Paris. I am sure that their success at Paris will only encourage them to undermine further the Basket III accords, unless we provide some opposition. That sort of thing is just another reason why we should make a systematic and centralized effort to stay abreast of this area of concern.

The Department of State takes the position that the agreements at Helsinki are not binding, in the sense of a treaty. The primary reason is that the Department does not wish to give the Soviets a solid basis for claiming that current frontiers in Europe have been irrevocably fixed by international agreement. You will recall, Mr. Speaker, that this body went on record on December 2, 1975 with House Resolution 864, expressing the sense of the House that this was not the case with regard to the Baltic States. We do not consider them to be a part of the Soviet Union, nor should the Helsinki accords be considered to recognize them as such. In any event, since the State Department does not wish to pursue the Helsinki agreements as if they were a treaty, for good reasons, it is perhaps a better diplomatic tool to have a commission which is essentially congressional in nature to keep a watchful eye on this area of concern.

As I have observed before, Mr. Speaker, the Congress cannot enforce détente in general nor the Helsinki accords in particular. Yet, to do our jobs responsibly, we should know what is transpiring in the name of the Helsinki agreements. One of the patterns I have noticed, Mr. Speaker, is that while the Department of State very capably accomplishes government-to-government communications, as it should, it often has problems in handling extensive or large-volume contacts with the private sector.

For one thing, they do not have the staff to seek out, on a large scale, those people and organizations in the private sector who might provide information and assistance. The Commission created by S. 2679 will be able to do that, and will provide dozens if not hundreds of cases and examples of noncompliance—and compliance—with the Helsinki accords. And to the fullest extent possible, the new Commission should also take some initiatives in encouraging individual contact and personal exchange under Basket III of the accords, which deal with that subject matter.

Mr. Speaker, this bill reflects a creative responsible initiative on the part of Congress. It should effect a continuing cooperation between the legislative and executive branches to deal with an area of vital concern to this country, and to thousands of citizens of other countries. And it should do so at a relatively low cost.

I urge my colleagues to support his bill.

Mr. FASCELL. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. Eilberg).

Mr. EILBERG. Mr. Speaker, when the final act of the Conference on Security and Cooperation in Europe was signed on August 1, 1975, it was accompanied by statements by the leaders of many countries about its meaning and importance.

There was also much doubt about the willingness of the signatories to enforce the human rights provisions of the document, which became known as the Helsinki declaration.

A great many people pointed out that the Soviet Union had never lived up to any past agreement dealing with human rights, except when it was politically convenient or expedient, and there was no reason to believe that it would follow a different course with regard to this pact.

For this reason the Congress must provide for a constant public monitoring of how the various signatories to the Helsinki declaration live up to the promises of the section of human rights.

As consistent as Soviet violations of such treaties have been in the past, it is also true that continued public international condemnation of this practice has almost always brought about some relaxation of restrictions and a lessening of harassment of the individuals or groups being persecuted.

However, as soon as the Soviet officials perceived that the protestors were losing interest in their cause, the harassments, arrests, trials, and imprisonments were increased.

As I said, the signing of the final act by 33 European nations, the United States and Canada was hailed, particularly by representatives of the East European countries, as an event of the greatest importance.

The Soviet party leader, Leonid Brezhnev, spoke of the conference's "historic significance" and of "millions upon millions of people" who were "conscious of the special nature of this event and its political sweep."

There were similar statements by the leaders of Poland, Czechoslovakia, Bulgaria, East Germany, and Hungary.

To date we have no evidence that these statements were more than words, and, especially in the case of the Soviet Union, that there was ever any intention to honor them with action.

I believe we can count on the executive branch to effectively deal with monitoring and compliance with the other sections of the declaration, but human rights and the enforcement of agreements to guarantee them have a way of getting lost in the shuffle of high level international diplomacy.

That is why I cosponsored the Fenwick resolution and so strongly support the bill reported by the Committee on International relations.

The Soviet Union is not going to change its treatment of its Jewish citizens who are trying to emigrate; it is not going to allow crusaders for human rights such as Andrei Sakharov to accept the Nobel Peace Prize; it is not going to permit the Ukrainians, Tartars and other ethnic groups to maintain strong curtural identities, and it is not going to permit its citizens, as a general policy, to leave the country to join relatives who live elsewhere.

The Soviet authorities are not going to change their policy in any of these areas or any other repressive actions unless they are held up to the light of public condemnation.

The Commission proposed by Mrs. Fenwick would go a long way toward fulfilling that need.

It would be an independent body without political bias and its sole purpose would be to monitor and report on compliance with the "third basket" of agreement.

Since the agreement itself does not set up machinery for the adequate enforcement of its principles it is vital that the various signatories act swiftly to establish their own mechanisms.

It is now some 9 months since the agreement was signed and there is no sign other than a vague reporting system through our embassies in East European countries that the executive branch is concerned with this part of the accord.

The value of this commission should not be underestimated.

The Soviet Jews are aware of the proposal and have high hopes for it.

When I attended the Brussels two conferences on Soviet Jewry, I was questioned extensively about the commission and the chances that it would be approved.

Mr. Speaker, too often in the past we have relied on the executive branch to report to the Congress and the people on the implementation and success of treaties and agreements only to find that we have been misled.

Now we know better.

We have said time and again that we are going to play an active role in setting our foreign policy and this is a chance to show that we mean what we say.

There is a clear need for this Commission.

The nations which signed it made a public declaration of their feelings that basic human rights must be guaranteed.

It is up to us to show the world that we meant what we said and that we are not going to abandon the people to whom we have offered so much hope.

Thank you.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. EILBERG. I yield to my colleague, the gentleman from Pennsylvania (Mr. Green).

Mr. GREEN. Mr. Speaker, I associate myself completely with the remarks of the gentleman from Pennsylvania.

This morning I spoke to the leadership assembly of the National Conference on Soviet Jewry and reaffirmed my commitment to freer emigration as chairman of the Trade Subcommittee.

I am in complete accord with the efforts of the gentlewoman from New Jersey with whom I visited the Soviet Union this summer (Mrs. Fenwick) and the gentleman from Pennsylvania (Mr. Eilberg) concerning this legislation and the principle freedom of people to emigrate.

Mr. WHALEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. Fenwick).

Mrs. FENWICK. Mr. Speaker, we are coming now to the moment of decision on this question of a commission on security and cooperation in Europe, a commission to monitor the accords that were written into an international agreement in Helsinki.

I think we should take note that at this moment there is a small group of dissidents, Jews, Catholics, and others, maybe only 9 people in all, who have formed a group in the Soviet Union to do the same thing. We in this country are free, but in that country one of the group, Dr. Yuri Orlov was picked up on the street and questioned for many hours concerning his activity in this regard. Another member of that group, Dr. Vitaly Rubin, a distinguished sinologist, is also in the group. They and we are hoping that these international accords will be more than just another empty piece of paper.

Here today we have a chance to take a first step in the direction of true compliance.

Mr. Speaker, in enacting this legislation I think we would be speaking to those principles that have distinguished this country for many years. There is nothing new about American concern for other people. When I was a child there was a terrible flood in the Yellow, or Yangtze River in China, and many small churches in Ohio and in New Jersey and in Colorado sent aid to the Chinese. This is the kind of Nation we have always been.

Respect for the dignity of the individual has been one of our principles, and the rights of the individual, and the right of dissident as proclaimed so eloquently by Thomas Jefferson in his inaugural address.

Mr. Speaker, this kind of concern is native to America. This ought to be the basis of our international relations. These ought to be the things of which we speak to the world: a concern for our fellow human beings, knowing that we are all one family, regardless of distance and dissent or any other kind of barrier; concern for their right to freedom of religion, for their right to travel and be unified with their families. This is what this bill is all about.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. Drinan).

Mr. DRINAN. Mr. Speaker, August 1, 1975, was a very historic date.

Mr. Speaker, today, too, is a historic date, because this particular Commission to monitor the agreements made in Helsinki will have a far-reaching impact on all these 35 nations. These nations will come together again in June 1977, in Belgrade. This Commission that is formed today by Congress, the bill having already passed the Senate, will bring to all those nations information on a regular basis about compliance or noncompliance with the commitments made at Helsinki.

At the Brussels Conference on Soviet Jewry in February 1976, the greatest hope cherished by the 1,200 delegates was the Helsinki agreement; everyone at Brussels looked to the monitoring by the United States, particularly, and by other nations of what the 35 nations agreed to at Helsinki. The problems are very broad; freedom of travel, free cultural exchanges; working conditions of journalists and unification of families.

I am happy to note that the Holy See was one of the signatories among the 35 nations. Lawyers from the Holy See were very active for 2 years at the committee meetings held in Geneva preparatory to the Helsinki Declaration of August 1, 1975.

The right to emigrate is very deep in the philosophy of Judaism and Christianity and, indeed, in Western culture.

Mr. Speaker, I take pride in commending the gentlewoman from New Jersey (Mrs. FENWICK) on the gentlewoman's initiative.

Mr. Speaker, I also commend the gentleman from Florida (Mr. FASCELL) and the gentleman's subcommittee on broadening the objectives of the Commission.

The cooperation of all 35 nations is in the finest spirit of détente. All these nations are entitled to information that is accurate and updated with respect to compliance or noncompliance.

Mr. Brezhnev stated in the most solemn terms at Helsinki and on several occasions thereafter that he and his country wanted to fulfill every jot and tittle of what they had agreed to in Helsinki. Our own President said the same thing in very strong and vigorous terms.

The new Commission that is formed today is a way of helping all of the people in all of the 35 nations that became partners at Helsinki to be faithful to the solemn promises that they made on August 1, 1975.

Mr. Speaker, I support S. 2679 to establish a Commission to monitor international compliance with the Final Act of the Conference on Security and Cooperation in Europe. The Conference, which lasted more than 2 years, produced a comprehensive agreement encompassing the areas of European security, international cooperation and exchange of information, and human rights. While the provisions of the Helsinki Agreement are declaration of intent, without the force of law, all participants in the Conference recognize their strong moral obligation to translate the promises of Helsinki into reality.

The human rights provisions of the Helsinki Agreement kindled a glimmer of hope for millions of oppressed citizens in the Soviet Union and the other Warsaw Pact nations which signed the accord. In particular, thousands of Soviet Jews desiring to visit with their families or to emigrate to Israel undoubtedly read the agreement as it was printed in Pravda and Izvestia and believed that their govenment was finally going to allow them to leave freely.

The agreement asserts as a fundamental principle: "the participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language, or religion." Part III of the agreement, entitled "Cooperation in Humanitarian and Other Fields", contains the following statements:

> The participating states make it their aim to facilitate freer movement and contacts.
>
> In order to promote further development of contracts on the basis of family ties the participating states will favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily and on a regular basis if desired, in order to visit members of their families.
>
> The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old."
>
> They (the participating States) confirm the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family.
>
> The participating States intend to facilitate wider travel by their citizens for personal or professional reasons. . . .

If these declarations of intent had, in fact, been implemented by the Soviet Union, we would probably not be considering this legislation here today. Unfortunately, the pledges made by Secretary Brezhnev at Helsinki last August remain largely unfulfilled promises and unrealized dreams for thousands of Soviet citizens. There has been some relaxation of the bureaucratic requirements and regulations which have long characterized Soviet emigration policy. The exit visa fee has been reduced from 400 to 300 rubles—$305. Requirements for character references for applicants have been reduced. For the first time, individuals whose applications to emigrate are rejected can appeal adverse decisions through regular channels.

Yet these improvements fall far short of the pledges made at Helsinki. A Soviet citizen desiring to emigrate still must pay 500 rubles—$675—to renounce Soviet citizenship in addition to the exit visa fee. Applicants for visas and members of their families are still subject to harassment and reprisal, in direct contravention of the Helsinki Agreement provision quoted above. The Soviet Government took a step backward on December 22, 1975, when it implemented a regulation prohibiting gifts of money to Soviet citizens from abroad. This new prohibition strikes directly at dissident Soviets or applicants for emigration who may have lost their jobs and are therefore dependent upon gifts from friends and relatives abroad for their survival.

Most important of all, there are still 130,000 requests for exit visas which have not yet been acted upon by the Soviet Government. Some of these requests were submitted 5 years ago or more. The emigration of Soviet Jews has declined sharply from approximately 38,000 in 1973 to 20,000 in 1974, and 13,000 in 1975. No increase in emigration has occurred since the Helsinki Agreement was signed more than 9 months ago.

Since the Soviet Government does not appear to be abiding by the provisions of the Helsinki Agreement in good faith, it is imperative that the United States increase its efforts to monitor compliance and to focus international attention on continued violations. The establishment of a Commission on Security and Cooperation in Europe, as called for by this legislation, will fulfill these objectives efficiently and at a nominal cost. This Commission will work with the Department of State in obtaining information on international compliance and bringing their findings to the attention of Congress and the public.

The establishment of this Commission will not, as the administration contends, result in duplication or waste of effort. Rather, it will strengthen our resolve and our ability to act on behalf of those people who still do not enjoy the fundamental human rights Americans often take for granted. As a cosponsor of this bill when it was originally introduced in the House by the gentlewoman from New Jersey (Ms. FENWICK), I urge the passage of S. 2679.

Mr. WHALEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I rise in support of S. 2679, which would establish a Commission on Security and Cooperation in Europe. As a cosponsor of the original bill, H.R. 10275, I believe that its enactment is essential to monitor compliance with the Helsinki agreement.

The Helsinki accords are nonbinding and, therefore, their effectiveness depends on the good will of the signatories. However, I expect that the Soviet Union will reluctantly, if at all, live up to the points in the so-called Third Basket of the Helsinki documents, since human rights abuses are so prevalent in the U.S.S.R., where the non-Russian peoples find their language, culture, and religion subject to constant pressure. The nationalism of the non-Russian peoples remains the biggest weakness of the Soviet Government, which has tried everything to weaken or disburse the nationalism of the three Baltic peoples as well as the Ukrainians, Armenians, and other historic nationalities.

It is also important that we monitor human rights problems that continue to exist in the other Eastern Europe countries. We must not forget the occupation of Hungary in 1956 and of Czechoslovakia in 1968, when Soviet armed forces ruthlessly crushed the efforts of those peoples to achieve some degree of freedom.

Steps are being taken in Canada, Great Britain, and a number of Western European nations to establish official bodies such as the one to be established by this bill. An American commission, properly coordinated with the equivalent entities in Western European countries, is clearly needed to force even minimum compliance with the Helsinki agreement by Communist leaders.

The Commission proposed by S. 2679, consisted of Members of the House and Senate as well as representatives of the Departments of State, Defense, and Commerce, will keep the Congress and the American people apprised of Soviet policy as it relates to the Helsinki agreement. There is a great deal of what I think is legitimate distrust of Secretary of State Kissinger in many circles in the United States, and this proposal presents us with a practical vehicle to obtain accurate and indepth reports from the Department of State as well. I think it will be a strong self-disciplining unit on actions that the Secretary authorizes or personal contracts that might otherwise go unreported.

Mr. Speaker, I urge my colleagues in the House to approve this bill.

Mr. Speaker, this bill is brought to the floor in large part, because of the eloquence and the determination of the gentlewoman from New Jersey (Mrs. FENWICK). It was the gentlewoman's persistence that brought about committee hearings and consideration and strong support by the House Committee on International Relations.

Mr. Speaker, I also commend the chairman of the subcommittee, the gentleman from Florida (Mr. FASCELL) for his farsighted analysis of this picture and support for this measure.

Mr. Speaker, I also commend to the Members a study of the committee hearings themselves. I especially call their attention to a very profound analysis by our colleague, the gentleman from Pennsylvania (Mr. EILBERG), whose knowledge and concern of these problems was evident in the gentleman's testimony before the committee.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and wish to associate myself with the remarks of the gentleman from Illinois (Mr. DERWINSKI) and I wish to commend the gentlewoman from New Jersey (Mrs. FENWICK), with whom I joined in cosponsoring this important legislation and the subcommittee chairman, Mr. FASCELL, for bringing this matter to the floor so expeditiously.

Mr. Speaker, I rise in support of S. 2679, establishing a Commission on Security and Cooperation in Europe, legislation that has been approved by the other body and which is similar to the bill I cosponsored, H.R. 12333.

This measure authorizes the creation of a 15-member commission, first, to monitor the acts of the signatories to the final act of the Conference on Security and Cooperation in Europe—the Helsinki agreement of August 1, 1975—focusing particular attention on those aspects of the agreement relating to cooperation in humanitarian fields, and second, to monitor and encourage the development of programs and activities by governmental and nongovernmental organizations that expand East-West economic cooperation and that promote greater communication of people and ideas between the East and the West.

This measure reflects the concern of the International Relations Committee, of which I am a member, of reports that the Soviet Union has violated the principles set forth in the Helsinki agreement—that fundamental human rights have been violated. The refusal by the Soviet Union to permit Nobel Laureate Andrei Sakharov to travel to Oslo to receive the Nobel Peace Prize; the polittical pressures on the non-Russian peoples of the U.S.S.R.; the harassment of Soviet Jews and political dissidents by Soviet authorities; and the imprisonment of Soviet Jews as "Prisoners of Zion—Prisoners of Conscience" whose only crime was to seek immigration from the Soviet Union—together with the 140,000 persecuted Soviet Jews who have applied for exit visas—underscore the need to create a congressional-executive commission to monitor the Helsinki agreement.

Contrary to the view that the proposed Commission could not significantly add to the information being compiled or that it could not "exercise a more effective monitoring role than existing committees or subcommittees of the Congress," there does exist an important opportunity for such a commission. As the Committee on International Relations stated in its report accompanying S. 2679, creating a commission on security and cooperation in Europe "would combine the vast information-gathering resources of the executive branch with the independence of an autonomous Government organization composed in large measure of Senators and Representatives and chaired by a Member of Congress."

Mr. Speaker, in the interest of assuring that the Helsinki agreement will be properly monitored by an independent congressional-executive agency, I urge my colleagues to support this measure and to create a commission that will scrutinize the implementation and compliance of this important international agreement—an agreement that purports to build bridges in human understanding.

Mr. DERWINSKI. Mr. Speaker, in conclusion, I am pleased to see that some of the truly great statesmen of the House are supporting this measure. I urge adoption of the bill.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Speaker, I rise in support of this legislation, and would like to associate myself with the views of the chairman of the subcommittee, the distingiushed gentleman from Florida (Mr. FASCELL), the ranking minority member of his subcommittee, the distinguished gentleman from Kansas (Mr. WINN) and I am particularly happy to commend the gentlewoman from New Jersey (Mrs. FENWICK) for her idea and her concern and her co-authorship of this legislation.

I would like to make one observation. It is my hope that the commission, once appointed, will act expeditiously in the interest of efficiency and economy. It must be a temporary commission, otherwise I would not support it. I think the job can be done over a reasonable period of time. I hope 1 year will be adequate. Certainly two should be sufficient to get an accurate picture.

Conservently, I would like to express the hope that the gentleman from Florida and his subcommittee monitor the Monitoring Commission to the end that it does not become another commission of long duration.

I also hope the appropriate subcommittee, of the Government Operations Committee, on which both the gentleman from Florida and I serve, will exercise surveillance over this commission, to see that it gets the job done quickly and make its report. The people of America—in fact, people all over the world—need to know who has been adhering to and who has been violating the so-called Helsinki agreements dealing with security and cooperation in Europe, including the extent of East-West economic cooperation and the extent to which there is an interchange of ideas and people between the East and West.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Speaker, I want to rise in support of this legislation and to commend the distinguished chairman of the subcommittee, my colleague from Florida (Mr. FASCELL), the ranking minority member of the subcommittee (Mr. WHALEN) and particularly the gentlelady from New Jersey (Mrs. FENWICK), for taking a great deal of initiative in seeing that this is brought to the floor of the House of Representatives.

Mr. Speaker, as a sponsor of this bill to establish a commission to monitor compliance with the Hensinki accord, I am pleased to see such prompt congressional action on this measure.

This prompt action is a reflection of the strong sentiment in Congress that the Soivet Union must live up to the agreements it signs with the United States.

On August 1, 1975, the Soviet Union, the United States, and 33 other nations signed the final act of the Conference on Security and Cooperation in Helsinki, Finland.

The language of the Helsinki accord affirms that—

> The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.
>
> They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

It is well known that the Soviet Union presently allows little freedom of religious expression for the people trapped within its borders. Jewish and other cultures have been systematically uprooted. Political freedom is denied to all.

The Helsinki accord goes on to say:

> The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family.

Many of us in the House have recently participated in a vigil for scores of Jewish families who have been separated by the inhuman emigration policies of the Soviet Union.

The American people already mistrust the Soviets after decades of broken promises and pledges. In recent years, however, we have been told that the United States has developed a new relationship of détente with the Soviet Union. The basis of this new relationship is the SALT agreements to limit nuclear weapons.

The American people will be watching Soviet compliance with the Helsinki accord to see whether the Soviets can now be trusted to keep an agreement with the United States. If the Soviets do not respect the agreements reached in Helsinki, it would be naive for us to believe that the Soviets are keeping their other agreements with us.

The Commission we are seeking to establish to monitor compliance with the Helsinki accord will answer this key question of whether the Soviets now keep their word.

If they do not, the American people should know this and the sooner, the better.

Mr. FASCELL. Mr. Speaker, I reserve the balance of my time, but I notify the Chair that I have no further requests for time.

Mr. WHALEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I say at the outset that in the years I have been here, there have been a substantial number of people who think that I have been here too long, and I guess, after listening to this debate today, I have to say that this is the first time in my career that I do think I have been here too long.

I cannot help but think that I am in another world. This is the same House that killed the Internal Security Committee. This is the same House that has effectively—and we do not have 2 hours today to detail it—destroyed the intelligence apparatus of this country. Now, we are making much ado about something we already know. There is no doubt in anybody's mind—in the real world that is—that the Communists would operate in the way they have after our blundering acceptance of the Helsinki accords. They have never kept a treaty, they have always broken their word. We act as though there is something different here, that they are not doing what they said they would do. At least that is what the debate up to now has told us.

Maybe it makes sense to the Members on the other side of the aisle, but certainly not to me. How can we expect the Soviet Union to do anything other than what they have done for the past 60 years? Yet, the debate sounds as though we are startled that they are not doing what they said they would do.

If we start out thinking they would—including the State Department and the people down at the other end of Pennsylvania Avenue—that is where we are in trouble. I cannot help but think that I am in another world, sitting here and listening to colleagues whom I love and whom I respect, talking about an issue such as communism with little sense of urgency. It just does not make sense to set up some commission to study what we already know. I doubt that there will be two members on this commission who oppose détente.

As I said, we killed the Internal Security Committee. The majority party seemed to think that it was necessary. Now, are we going to selectively pick up a little bit of security here and a little bit of security there and give the impression that we are doing something when we really are not?

I will be hard pressed to vote against this resolution but I probably will. For the first time in all these years I see my friend BOB DRINAN, with whom I served on the Internal Security Committee, come out on the anti-Communist side. We used to operate by a litmus paper test—if I were against it, he was for it. If he were against it I invariably would be for it. It worked almost 100 percent of the time and served us very well. Now I wonder. Maybe I do not really wonder.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I am delighted that the gentleman is going to vote for this and that we are together on this, because he clearly sees that this has no relevance to the Internal Security Committee.

Mr. ASHBROOK. On that basis, I can agree with my colleague. It has very little to do with anything that unremotely resembles security or our security interests. I note that Father Drinan in his remarks said it would help promote détente. It probably will and for that reason, if not for any other, we should reject it.

Mr. WHALEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I listened carefully to my good friend from Ohio (Mr. ASHBROOK). I can understand why he would voice sentiments as he did, but what we have today before us is whether we should have a commission or not.

I viewed with great apprehension the Helsinki Conference, and I urged our President not to dignify it by going there and signing the document. I have some of the same concerns the gentleman from Ohio (Mr. ASHBROOK) voiced, but the question is, should we have this commission or not. I think the answer is clearly established on the affirmative side.

This commission may not measure up to our expectations, but it will provide us with the means for oversight of the agreements developed in the Helsinki Conference and, I believe, is worthy of support.

Mr. ROSENTHAL. Mr. Speaker, 9 months ago, when the United States signed the Helsinki agreement on Security and Cooperation in Europe, I and many of my colleagues were extremely doubtful that the accord would fulfill its promise of greater human rights in Communist bloc countries. Unfortunately, subsequent events have borne that pessimism out. In recent weeks, Soviet repression of Jews and dissidents has actually intensified. The KGB has applied increased pressure to silence the opposition. The pages of Pravda have carried more fiercely anti-Semitic cartoons than ever before. Despite the initial failure of Helsinki, however, I am hopeful that we in Congress can utilize that accord to secure greater human rights for Jews and other minorities in the Soviet Union.

The Helsinki agreement was in essence an outgrowth of Soviet-American détente, pursued by the Kremlin for two reasons. The central Soviet motive has been its urgent need for technological and economic assistance from the West, particularly the United States. The Russians have, moreover, sought to expand their influence in non-Communist nations by improving their international image.

The Helsinki agreement was tailor-made to Soviet needs. Designed to promote greater economic cooperation, it is of primary benefit to the U.S.S.R. Moreover, its vague guarantees of human rights fuel the regime's propaganda about "socialist freedom." The cost to the Soviet Union is negligible, since the agreement provides no means of enforcing or even monitoring the Kremlin's promises.

The administration, unfortunately, has been reluctant to call the Soviet Union to account for its neglect of the human rights provisions, known as "Basket Three." President Ford and Secretary Kissinger—more concerned with protecting their investment in cooperation than in making that cooperation meaningful—have consistently opposed efforts to pry the Kremlin's fingers from around the throats of Soviet Jews. The task of obtaining compliance with the Helsinki agreement has fallen to us in Congress.

I believe we can undertake two actions to gain that compliance. The first step was taken yesterday with adoption of the Fenwick-Case resolution creating a commission to monitor violations of

Helsinski's human rights provisions. The Commission will focus on one of the Soviet objectives; namely, the desire for an improved reputation. By exposing Soviet practices which violate Basket Three, the Commission can explode the Kremlin's myths about the happiness and freedom of its Jewish citizens. This body will generate public concern over Soviet oppression and then focus that pressure on the regime. In effect, the Commission can become the enforcement mechanism which the agreement itself neglected.

A second congressional action will undoubtedly encounter stiffer opposition. I believe that in determining the level of economic and technological assistance to the Soviet Union we should take into account the extent of Soviet compliance with its treaty obligations. The Helsinki agreement has provided a more encompassing framework in which to judge Soviet conduct. America need not supply know-how and commodities to Russia so long as the Kremlin ignores its Helsinki obligations. We should make our position clear: the Soviet Union will not receive the aid for which it pursues détente, until it honors its international commitments.

Finally, allow me to emphasize that we should not limit our demands for Soviet Jewry to the right of emigration. Those who wish to remain in their homeland should be able to do so without sacrificing their culture or religion. The Soviet Union has pledged itself to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion." The time has come to make that pledge good.

Mr. Speaker, every bit of pressure makes the policy of oppression and supression more costly to the Soviet Union. We can make the Helsinki agreement a key tool in obtaining liberalized treatment of minority groups in the Soviet Union. It is clear that Congress, not the administration, must take the initiative in gaining compliance with the accord.

Mr. KOCH. Mr. Speaker, I rise in support of the pending legislation which would establish the Commission on Security and Cooperation in Europe. First, I want to congratulate our colleague, MILLICENT FENWICK, for having been the initiating sponsor and I was pleased to have been a cosponsor with her at the time of its introduction. I am one of those who believes that détente is a two-way street—not a one-way thoroughfare from us to them. This bill, by establishing a Commission to monitor the actions of the Helsinki signatories, with reports to the Congress every 6 months by the President, will help us determine whether we were correct in signing the accord or whether we were in error. When that committee reports, the force of American public opinion can then be brought to bear upon violations by signatory states in particular those signatory states that are not democratic and which have signed the Helsinki Convention agreeing to the principles of freedom of travel, acceptable working conditions for journalists, the reunification of families and the increased exchange of ideas.

It is distressing that the administration has opposed this bill. I hope that the Congress by resoundingly passing the bill will alert the administration that we here in the Congress intend to have our say in the field of foreign affairs, and that we will not blindly trust the administration in that sensitive and important area of national life.

Mr. DODD. Mr. Speaker, I rise in support of S. 2679, the bill I have cosponsored to establish a Congressional Commission on Security and Cooperation in Europe to monitor the compliance of all nations with the 1975 Helsinki Accord—which supposedly guaranteed human rights and freedom of movement to citizens of all countries.

I believe this commission is necessary for three main reasons.

First, we must never let any country who has signed the Helsinki Accord, especially the Soviet Union, think that the rest of the world believes that this agreement is merely a scrap of paper which can be ignored whenever any nation wishes to ignore it.

We must be firm in our resolve that every nation signing the accord should be held strictly accountable for any actions to deny its citizens the freedoms embodied in that agreement. If any nation does fail to abide by the accord, then we must take it to task at every opportunity, until public, international pressure forces it to right those wrongs.

Mr. Speaker, I think we have seen in the past that such international pressure does work to convince some nations to stop, or at least lessen, their oppressive practices. And I think we have seen that if this pressure itself ceases, those very nations will attempt to renew their oppression.

I believe that the Soviet Union is just such a case in point. We all know that the Soviets are incredibly difficult to deal with when it comes to human rights and freedom of emigration for citizens of that nation.

Many of us in Congress have written numerous letters, made speeches, sent telegrams, signed petitions and even traveled to the Soviet Union to intercede with judicial and emigration officials. Hearings are held by our colleagues on the abuses of human rights.

Yet very few of these activities are even acknowledged by the Soviets, which is quite frustrating. Yet we know that the Soviets are watching, and that they hear what we are saying, because they have changed their practices in the past—in apparent response to these and other efforts by other concerned Americans and people from other nations.

And they make our efforts as difficult as possible, so as to test our resolve. They are waiting for us to falter.

This new congressional commission can be a force in the effort to promote human rights, and a force which can show the world that we take the Helsinki Accord very seriously and that we remain committed to the cause of liberty for all peoples.

This commission provides us in Congress with the official mechanism to monitor what other nations are doing, or not doing, to live by the Helsinki Agreement. This mechanism should prove useful in making more people aware of how important human rights should be to all of us, and what has to be done to guarantee such rights.

Also, the commission can focus international pressure on those who continue to restrict such rights, in an effort to convince them to change such policies.

My second reason to support this bill and this commission is that by establishing such a body, we let those people who are oppressed know that we have not forgotten them or their plight. This gives them the will to continue their own fight, and we must not deny them this encouragement.

When I traveled to the Soviet Union as a member of the House Judiciary Subcommittee on Immigration, many of the Soviet Jews and dissidents I spoke with emphasized that they looked to us for the morale and will to continue.

Lastly, I believe that this Commission is necessary to give Congress an independent source of information and action regarding the Helsinki Accord.

All too often in the past Congress through its own lack of initiative has seen its opinions ignored by an insensitive executive branch. As the most direct, elected representatives of the people, we have the responsibility to express ourselves on all issues as important as human rights, and the actions of other nations to live by agreements the United States has signed and which purport to guarantee such freedoms.

The Congressional Commission on Security and Cooperation in Europe will make us better able to fulfill this responsibility, and I urge all my colleagues in the House to support its establishment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL) that the House suspend the rules and pass the Senate bill (S. 2679), as amended.

The question was taken.

Mr. DERWINSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

INDEPENDENT SAFETY BOARD ACT AMENDMENTS

Mr. HOWARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12118) to amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 309 of the Independent Safety Board Act of 1974 (49 U.S.C. 1907) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated for the purpose of this Act not to exceed $3,800,000 for the transition quarter ending September 30, 1976, $15,200,000 for the fiscal year ending September 30, 1977, and $16,400,000 for the fiscal year ending September 30, 1978, such sums to remain available until expended.".

The SPEAKER pro tempore. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. HOWARD) will be recognized for 20 minutes, and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 12118 provides authorizations for appropriations for the National Transportation Safety Board. This Board is an independent agency; its primary objective is to improve the safety climate in the Nation's transportation system. In order to achieve that goal, the Board investigates accidents involving the various modes of transportation, determines the probable cause of the accidents, evaluates the data it receives, and makes recommendations designed to prevent similar future occurrences. The Board maintains a training program, through which it publicizes the results of its work so that the benefits gleaned therefrom can be utilized by others involved in the commerce of our country.

Last March the Subcommittees on Aviation and Surface Transportation held a joint hearing on this legislation. Based upon the testimony received at these hearings, it was our determination that the necessary funds should be provided to the Board so that it can carry out its vital safety function. I am certain that everyone will agree that the Nation's transportation system must be made as safe as possible. The Committee on Public Works and Transportation will do all it can to foster safety in that system. We believe funds authorized to be appropriated to the Board will permit the Board to properly perform those aspects of the Government's safety program that it has been directed to implement.

One factor that emerged from the evidence adduced at the hearings is that the Board should pursue a more vigorous role in fostering safety on the Nation's highways. In order to facilitate implementation of an expanded highway program, the committee authorized $700,000 more than requested by the Board. The clear intent for authorizing these added funds is for the Board to expand its staff from 20 employees to at least 41 employees in the highway safety program, so that it can more ably fulfill the objectives of that program.

The committee has a strong commitment to safety in transportation. The expanded capacity to investigate highway accidents and evaluate data collected by the Board exemplifies only a small but significant portion of that commitment. Hopefully, these increased funds will help us find additional ways to reduce the loss of life on our Nation's highways. I urge that the House pass the bill as reported by the committee.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur with all which has been said in support of the pending bill, H.R. 12118, to authorize additional appropriations for the National Transportation Safety Board—NTSB.

We recognize that the primary role of NTSB heretofore has been to investigate aircraft accidents—this because the Board assumed the aircraft accident investigation function of the Civil Aeronautics Board—CAB—when it—the NTSB—was established by the Department of Transportation Act of 1967. The Board is authorized to continue the investigation of aircraft accidents at the current level under H.R. 12118, but the bill authorizes greater emphasis on the investigation of surface transportation accidents—as my colleague Mr. SHUSTER, ranking member on the Surface Transportation Subcommittee will discuss in detail.

As reported by the Committee on Public Works and Transportation, H.R. 12118 simply authorizes NTSB spending levels for fiscal years 1977 and 1978, as well as for the 3-month interim period between fiscal years 1976 and 1977, as follows:

[In millions]

Interim period, July 1-September 30, 1976	$3.8
Fiscal year 1977	15.2
Fiscal year 1978	16.4

As initially proposed by NTSB under Chairman John Reed, the authorization levels recommended were as follows:

[In millions]

Fiscal year 1977	$17.3
Fiscal year 1978	18.5

As modified by present Chairman Webster Todd, the authorization levels recommended were as follows:

[In millions]

Fiscal year 1977	$14.5
Fiscal year 1978	15.7

By way of comparison, the President's budget sets the authorization level for fiscal year 1977 at $12 million. In this connection, it should be noted that the Independent Safety Board Act of 1974 authorizes NTSB to submit its budget recommendations directly to Congress simultaneously with its submission of the same recommendations to the President or to OMB.

The Aviation and Surface Transportation Subcommittees agreed to the $14.5 million authorization level for fiscal year 1977 and the $15.7 million authorization level for fiscal year 1978—also the $3.8 million for the fiscal year 1976 interim period—then adopted an amendment offered by Mr. SHUSTER to increase the authorization levels for each of the fiscal years 1977 and 1978 by $700,000 to provide additional positions for the purpose of placing greater emphasis on the investigation of highway accidents.

Also of interest is the fact that the NTSB submitted language with its budget authorization recommendations to amend the Freedom of Information Act to permit the Board to prohibit the disclosure of information obtained from an aircraft accident or incident investigation conducted by a foreign state. The justification for this request was the alleged impropriety of requiring the production of information in the possession of NTSB during litigation in a U.S. court prior to completion of an accident investigation by a foreign nation where a U.S. air carrier or U.S.-manufactured aircraft of foreign registry is involved.

It was determined by the Aviation and Surface Transportation Subcommittees that this matter should be considered at another time, so the proposal was dropped. Little or no urgency appears to be involved because, to date, only one lower court decision has borne upon this matter.

Mr. Speaker, I urge my colleagues to support the pending bill, H.R. 12118.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, the bill before us today is a simple measure, designed to do two things: First, it continues authorizations for the National Transportation Safety Board for 2 years, through fiscal year 1978, and second, it increases the Safety Board's activities in the area of highway safety, which until now has suffered under a "poor cousin" syndrome in terms of dollars spent and recommendations made, even though more people are killed each year on highways than all the other modes combined.

This legislation was the subject of 2 days of joint hearings by the Surface Transportation and Aviation Subcommittees of the Committee on Public Works and Transportation. It was reported out by the full committee in an amended version on April 30 by a unanimous voice vote.

Mr. Speaker, the National Transportation Safety Board is an independent agency that was created by the Independent Safety Board Act of 1974 (Public Law 93-633). Its function is to investigate air and surface transportation accidents, determine their cause, and issue reports and recommendations to prevent their reoccurence and eliminate the conditions that contributed to the accidents. It is also charged with the responsibility to review on appeal the suspension, revocation, modification or denial of any certificate or license issued by the Secretary or an Administrator of the Department of Transportation.

During hearings on this bill, Mr. Speaker, the subcommittees were somewhat surprised, but pleasantly so, to hear the new NTSB Chairman, Webster Todd, ask for less money than was contained in the administration's request. His first priority, he said, was to define more clearly the mission of the Board and resolve the questions surrounding resources and personnel requirements. And his conclusion was that the job could be done for less money and with less manpower. Aside from the example this act should set for the other Federal agencies, it indicated to us that Chairman Todd did not simply accept the policies and procedures of his predecessor on blind faith, but rather evaluated the Board in objective terms with a view to fulfilling its mandate. Thus, the subcommittees were favorably disposed to act on the lower figures.

During questioning, however, it became very clear that of all the modes of transportation which come under the scrutiny of the NTSB—aviation, highways, railroad, pipeline, and marine—highways and motor carrier safety have not received the kind of attention which would be indicated by the statistics. For example, in 1974, the total highway fatality count was 44,950 while the total number of deaths that occurred in aviation accidents, including general aviation, was 1,757. There are actually more people killed on bicycles each year than in commercial air accidents. Again, in 1974, 1,200 people lost their lives in bicycle accidents, while 467 people were killed in commercial air accidents.

Despite this overwhelming imbalance, 44 percent of the National Transportation Safety Board's funding is earmarked for aviation, while only 5 percent is targeted for highway safety.

To bring highways and the other modes more in balance, I sponsored an amendment in subcommittee to increase the Safety Board's authorization and staff by an amount it determined it could profitably use in the period covered by this authorization to expand its highway safety function to a minimally acceptable level. Accordingly, the bill before us today contains $700,000 per year earmarked in our report to pay for a minimum of 21 additional staff positions that would be dedicated to the investigation and evaluation of highway accidents.

As ranking minority member of the Surface Transportation Subcommittee, I intend to monitor progress in this area to insure that a highly viable safety function is developed. But I would also like to add that this redirection is in no way intended to deemphasize the attention given to other modes, especially air, but rather is intended to give added emphasis in an area that has been a "poor cousin" for far too long.

Mr. Speaker, the purpose of this legislation and the purpose of the Board is to save lives. It is an issue that transcends party lines and could touch any one of us at some time during our lives. I ask my colleagues to support this modest bill as a gesture of our concern and a demonstration of our commitment to safety.

Thank you very much.

Mr. JONES of Alabama. Mr. Speaker, H.R. 12118 provides authorizations for appropriations for the National Transportation Safety Board. This board is an independent agency; its primary objective is to improve the safety climate in the Nation's transportation system. In order to achieve that goal, the Board investigates accidents involving the various modes of transportation, determines the probable cause of the accidents, evaluates the data it receives, and makes recommendations designed to prevent similar future occurrences. The Board maintains a training program, through which it publicizes the results of its work so that the benefit gleaned therefrom can be utilized by others involved in the commerce of our country.

Last March the Subcommittees on Aviation and Surface Transportation held a joint hearing on this legislation. Based upon the testimony received at these hearings, it was our determination that the necessary funds should be provided to the Board so that it can carry out its vital safety function. I am certain that everyone will agree that the Nation's transportation system must be made as safe as possible. The Committee on Public Works and Transportation will do all it can to foster safety in that system. We believe funds authorized to be appropriated to the Board will permit the Board to properly perform those aspects of the Government's safety program that it has been directed to implement.

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 12118, the Independent Safety Board Act Amendments of 1975.

I am pleased to rise in support of the recommendations made by the Committee on Public Works in this bill. Beginning with the 94th Congress, many of the transportation matters formerly within the jurisdiction of the Committee on Interstate and Foreign Commerce were transferred to the Committee on Public Works and Transportation. The Committee on Interstate and Foreign Commerce did retain jurisdiction over railroads generally, including railroad safety, and we did hold hearings in February of this year on the activities of the National Transportation Safety Board insofar as they relate to the investigation of railroad accidents and recommendations by the Board in connection with such accidents.

The Committee on Interstate and Foreign Commerce is satisfied that the modifications made by the Committee on Public Works and Transportation in the funding request of the Safety Board, and set forth in H.R. 12118, do not adversely affect railroad safety and we are in agreement with the funding recommendations made in this bill.

The Committee on Interstate and Foreign Commerce did not request sequential referral of this bill because we are in agreement with the recommendations made by the Committee on Public Works and Transportation.

I am so pleased to note, however, that the committee report on this bill does include a letter addressed by me to the gentleman from Alabama, chairman of the Committee of Public Works and Transportation. I did request that the letter be included in this committee report in order to make the jurisdiction of the Committee on Interstate and Foreign Commerce a part of the legislative history of the Safety Board legislation in this Congress.

I want to thank the gentleman from Alabama, and his committee, for their courtesy and consideration in this matter. I believe the working relationship established between the two committees on this matter will provide a sound basis for working out similar matters in the future.

Mr. SNYDER. Mr. Speaker, I have no further requests for time.

Mr. HOWARD. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOWARD) that the House suspend the rules and pass the bill (H.R. 12118), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RIVER BASIN AUTHORIZATIONS

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12545), authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Amount
Alabama-Coosa River Basin	Mar. 2, 1945	$6,000,000
Arkansas River Basin	June 28, 1938	6,000,000
Brazos River Basin	Sept. 3, 1954	19,000,000
Columbia River Basin	June 28, 1944	39,000,000
Mississippi River and tributaries	May 15, 1928	220,000,000

Basin	Act of Congress	Amount
Missouri River Basin	June 28, 1938	$85, 000, 000
North Branch Susquehanna River Basin	July 3, 1958	72, 000, 000
Ohio River Basin	June 22, 1936	23, 000, 000
Red River Waterway project	Aug. 13, 1968	60, 000, 000
San Joaquin River Basin	Dec. 22, 1941	46, 000, 000
Santa Ana River Basin	June 22, 1936	2, 000, 000
South Platte River Basin	May 17, 1950	22, 000, 000
Upper Mississippi River Basin	June 28, 1938	2, 000, 000

(b) The total amount authorized to be appropriated by this Act shall not exceed $602,000,000.

The SPEAKER pro tempore. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege to bring to the floor on behalf of the Committee on Public Works and Transportation the bill H.R. 12545 authorizing additional appropriations for projects in certain comprehensive river basin plans authorized for construction by the Corps of Engineers.

Basin monetary authorizations limit the amount of funds which can be appropriated to carry out projects within specified river basins. There are also individual major projects where the amount of funds authorized to be appropriated is less than that needed to complete the project. This practice gives the Congress an opportunity to review and control the rate of accomplishment of these basin plans and major projects. At the same time there are 29 basin development plans subject to basin monetary authorization limitations.

H.R. 12545 authorizes additional appropriations for projects in 13 river basin plans authorized for construction by the Corps of Engineers. These additional authorizations are required if work on projects within these basins is to continue through fiscal year 1977. Without this authorization the Corps of Engineers will be unable to expend appropriations made for these ongoing projects in the fiscal year 1977 Public Works Appropriations Act. The 13 basins, and the amounts of additional authorization, are:

Alabama-Coosa River Basin	$6, 000, 000
Arkansas River Basin	6, 000, 000
Brazos River Basin	19, 000, 000
Columbia River Basin	39, 000, 000
Mississippi River and tributaries	220, 000, 000
Missouri River Basin	85, 000, 000
North Branch, Susquehanna River Basin	72, 000, 000
Ohio River Basin	23, 000, 000
Red River Waterway project	60, 000, 000
San Joaquin River Basin	46, 000, 000
Santa Ana River Basin	2, 000, 000
South Platte River Basin	22, 000, 000
Upper Mississippi River Basin	2, 000, 000
Total	602, 000, 000

The particular projects within these basins for which the additional authorization will be available are set forth in detail in our committee's report on this bill. The additional authorizations will also be available for any new planning or construction starts for projects in the basins for which the Congress may appropriate funds in fiscal year 1977.

We have included no new project authorizations or modifications in this legislation. These will be taken up in connection with the next water resources development bill. We anticipate having such a bill later this year.

The $602 million in the bill is not budget authority. It is only authority for appropriations to be made to continue work on Corps of Engineers projects. Any new budget authority associated with this bill will occur when appropriations are in fact made and those appropriations of course will be subject to the provisions of and limitations under the Budget Act and the budget resolution.

I am, as always, deeply appreciative of the splendid leadership of the chairman of this committee, the gentleman from Alabama (Mr. JONES), and the cooperation given by the ranking minority member, the gentleman from Ohio (Mr. HARSHA), and the ranking minority member of the Subcommittee on Water Resources, the gentleman from California (Mr. DON H. CLAUSEN).

Mr. Speaker, I urge enactment of this legislation so that the construction of needed water resources projects in these 13 river basins will not be interrupted.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 12545 authorizing additional appropriations for the prosecution of water resources development in 13 river basins. My distinguished colleague, the gentleman from Texas, should be commended for his excellent job in bringing this legislation to the floor. Mr. ROBERTS aptly explained the purpose of this legislation and its needs. I would like to add my support and point out that only through this legislation to increase the authorization levels can these needed projects continue to be developed.

Mr. Speaker, I regard construction of well justified and environmentally responsive water resource development projects to be one of the most productive investments of public funds available to our Nation. These projects improve navigation, prevent flood damages, produce hydroelectric power, provide water supply, improve water quality, and offer water based recreational opportunities for the American public. They are authorized and constructed to alleviate water related problems, and hopefully, to prevent a recurrence of some of the more severe manifestations of these problems which have occurred in past years.

The legislation currently under consideration seeks to continue the implementation of the long standing Federal commitment to water resource development. This legislation affects the safety and prosperity of millions of Americans and thus necessitates favorable action by the Congress. It should be noted that this bill does not provide new budget authority or increased tax expenditures. It merely authorizes funding levels for appropriations in these river basins. Mr. Chairman, I urge passage of H.R. 12545 by the Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to add my praise to that voiced by my colleagues for the work accomplished by Mr. ROBERTS and his Subcommittee on Water Resources in preparing this legislation. The need for this legislation has already been aptly explained by my distinguished colleagues and I would like to reiterate that although continuing funding is provided by public works appropriations, it is contingent on additional authorizations. Therefore, it is imperative that the Congress act on H.R. 12545 in a timely fashion so that these invaluable water resource development projects will continue uninterrupted. It is not in the national interest to delay the realization of the benefits of flood control, navigaion, water supply, hydropower, and recreation that will accrue from these projects.

Mr. Speaker, I urge passage of H.R. 12545 by the Congress.

Mr. ROBERTS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in enthusiastic support of this legislation and I urge the Members of the House to support it. These projects, as has just been pointed out are ongoing projects, among them being the San Joaquin River Basin project which has been of tremendous benefit to the agricultural regions encompassed within it.

Again I urge my fellow Members to support this legislation.

Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 12545, which authorizes additional appropriations for the continuation of projects in 13 river basins authorized for construction by the Corps of Engineers.

In these 13 basins, as in many others, Congress has authorized comprehensive water resources development plans but has imposed limits on the amount of money that can be appropriated so as to maintain control over the rate of progress of the projects within the basins. Without this bill, work on the projects within the 13 basins would not be able to continue through fiscal year 1977.

Of the 13 basins covered in H.R. 12545, two are within my State: The Santa Ana River Basin and the San Joaquin. The additional authorization of $2 million in the Santa Ana River Basin will permit the construction of additional recreation facilities at Brea Dam, Carbon Canyon Lake, Fullerton Dam, and Prado Lake.

The additional authorization of $46 million for the San Joaquin River Basin will permit work to continue on the New

Melones Lake project. This very important project will serve the purposes of irrigation, power, recreation, fish and wildlife, water quality, and flood control and will be of great benefit to the people of the region.

Mr. Speaker, I urge passage of the bill, H.R. 12545.

Mr. JONES of Alabama. Mr. Speaker, I wish to commend the gentleman from Texas (Mr. ROBERTS) on the excellent job he has done as chairman of the Subcommittee on Water Resources in bringing H.R. 12545 to the floor. I also wish to commend the entire membership of the subcommittee for the legislation which they recommended to the full committee.

This legislation is needed to allow the continuation of construction of projects in 13 river basins. These are 13 of the total 29 river basin plans which are subject to monetary authorization limitations. Monetary authorizations were first put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or on specified major projects to levels below the total costs of the authorized basin development or project. In this way, they give the Congress an opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

As my distinguished colleague, the gentleman from Texas (Mr. ROBERTS) has pointed out, this bill is limited to additional authorizations for appropriations to continue the construction of authorized projects. Authorizations of new projects and project modifications are traditionally taken up in connection with our water resources development bills which usually occur each 2 years. It is our committee's intention to have such a bill this year. While we have not yet scheduled hearings, we anticipate doing so this summer. At that time we will be able to give our careful attention to project authorizations and legislative items relating to the Corps of Engineers' water resources development program.

Mr. Speaker, the enactment of H.R. 12545 is necessary to insure that projects underway in 13 river basins will be able to continue through fiscal year 1977 without interruption. I, therefore, urge the passage of this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 12545, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 12545, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL VISITOR CENTER FLAGPOLES

Mr. GINN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3161) to authorize the Secretary of the Interior, with the approval of the Architect of the Capitol, to locate flagpoles on the U.S. Capitol Grounds in order to fly the flag of each of the States of the United States, and its territories and possessions, as amended.

The Clerk read as follows:

S. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the approval of the Architect of the Capitol and to such conditions as he may prescribe, the Secretary of the Interior is authorized to make such use of that portion of the United States Capitol Grounds adjacent or in close proximity to the sidewalks abutting the circular perimeter of the Union Station Plaza in front of Columbus Plaza and the National Visitor Center as may be necessary to enable the Secretary of the Interior to erect and maintain flagpoles to fly the flags of each of the States of the United States and its territories and possessions, generally as shown on NCPC Map File Numbered 1.11 (38.00)-27861.

SEC. 2. (a) Notwithstanding any other provision of law, the Architect of the Capitol is authorized, subject to the provisions of this Act and to such conditions as the Architect of the Capitol may prescribe, to enter into an agreement with the appropriate officials of the government of the District of Columbia pursuant to which the Architect of the Capitol is authorized to permit the government of the District of Columbia to utilize certain areas of the United States Capitol Grounds for the purpose of making certain street changes in order to coordinate and improve the flow of traffic to and from the United States Capitol Grounds and the National Visitor Center (formerly Union Station), and the flow of traffic within Union Station Plaza.

(b) Pursuant to such agreement, the Architect of the Capitol is authorized to make available to the government of the District of Columbia, for the purposes referred to in subsection (a), certain portions of the United States Capitol Grounds as follows:

(1) approximately two thousand one hundred square feet of land in Square 680, at the east end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza, Massachusetts Avenue, and E Street Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change;

(2) approximately three thousand five hundred square feet of land in Square 723, at the northwest end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza, First Street, and Massachusetts Avenue Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change; and

(3) approximately four hundred square feet of land in Square 721, at the southwest end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza and Massachusetts Avenue Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change.

SEC. 3. Nothing in this Act shall be construed to grant to the Secretary of the Interior or to the government of the District of Columbia any right, title, or interest in or to any part of the United States Capitol Grounds and such area affected by this Act or any agreement pursuant thereto shall continue to be a part of the United States Capitol Grounds. All areas of the United States Capitol Grounds, including sidewalks, lawns and other growth, streets, and curblines, disturbed by reason of operations pursuant to this Act shall be promptly relocated or restored by the Secretary of the Interior or the government of the District of Columbia, as the case may be, in a manner approved by, and satisfactory to the Architect of the Capitol.

SEC. 4. The Congress shall not incur any expense, liability, obligation, or other responsibility (operational or otherwise), under or by reason of this Act, or any agreement pursuant to this Act, or be liable under any claim of any nature or kind that may arise from either the construction, operation, or maintenance of the flagpoles authorized by this Act, or by carrying out any agreement pursuant to this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. WALSH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINN) and the gentleman from New York (Mr. WALSH) will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation authorizes the Secretary of the Interior, subject to the approval of the Architect of the Capitol, to erect and maintain flagpoles on Capitol Grounds adjacent to the sidewalks abutting the circular perimeter of Union Station Plaza to fly the flags of the 50 States of the United States and its territories and possessions.

The legislation authorizes the Architect to enter into an agreement with the District of Columbia government to permit certain street changes to improve the flow of traffic in and around the vicinity of the Union Station Plaza.

The legislation stipulates any part of the Capitol Grounds affected by this legislation will remain part of the Capitol Grounds. Further, any Capitol Grounds affected by the construction will be promptly relocated or restored by the Secretary of the Interior or the District of Columbia government subject to the approval of the Architect of the Capitol.

Lastly, the legislation will hold and save harmless the Congress from any expense or liability that may arise from this legislation.

The Federal Government will incur no additional costs in carrying out this legislation. I would like to point out the cost for the erection of the flagpoles is $72,000, however, funds have been reprogramed within previous appropriations for the National Visitor Center. The street changes entailing minor curb cutbacks will cost $103,000 and funds have been earmarked in previous District of Columbia appropriations to be expended only upon authorizing legislation.

Mr. Speaker, I urge enactment of S. 3161.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3161, a bill to authorize the Secretary of the Interior, with the approval of the Architect of the Capitol, to locate flagpoles on the U.S. Capitol grounds. These flagpoles are to be adjacent to Columbia Plaza which is immediately adjacent to Union Station. There are to be 55 flagpoles and flags in total, one for each State, territory, and possession of the United States.

Additionally, this bill authorizes the Architect of the Capitol to enter into an agreement with the District of Columbia to modify the land adjacent to the circle around Columbia Plaza in order to facilitate vehicular traffic flow.

In each instance authority is necessary since these activities will affect the U.S. Capitol grounds and in the case of the flagpoles, new permanent features will be added to the grounds. The District of Columbia currently has a master plan for the vehicular traffic around Columbia Plaza, and in order to fulfill that plan and to provide necessary safety features for traffic flow, existing curbs and sidewalks need to be removed and replaced. This minor effect on the configuration of the borders of the Capitol grounds needs Congressional approval.

Authorization of money is not necessary since funds have been earmarked for each of these projects in their respective appropriations. It is estimated that the flagpoles and related work will cost $72,000 and the cost of the sidewalk cut will cost $103,000.

I urge enactment of this bill.

Mr. JONES of Alabama. Mr. Speaker, S. 3161 as reported by the committee on April 13, 1976 authorizes the Secretary of the Interior to place and maintain flagpoles around the plaza in front of the National Visitor Center to fly the flags of the States, territories, and possessions of the United States. The committee believes these flagpoles will enhance the area and add to the Visitor Center concept serving as a tribute to each of the States of the United States, its territories and possessions in this Bicentennial Year.

The legislation further authorizes the Architect of the Capitol to enter into an agreement with the government of the District of Columbia to permit minor street changes in and around Union Station Plaza in order to better accommodate the needs of the users of the Visitor Center. The general pattern has been thoroughly reviewed and approved by the appropriate local and Federal concerned agencies, including the National Capital Planning Commission, the Capitol Police Board, and the Architect of the Capitol's office.

Further, the legislation insures that any part of the Capitol Grounds affected by this legislation will remain part of the Capitol Grounds and any areas affected by construction will be relocated or restored by the Secretary of the Interior or the District of Columbia government subject to the approval of the Architect of the Capitol. Lastly, S. 3161 stipulates the Congress will not incur any expense or liability that may arise from this authorization.

Mr. Speaker, the Government will incur no additional costs in carrying out this legislation. The sum of $72,000 needed for placement of the flagpoles has been reprogramed from previous appropriations for the National Visitor Center, and $103,000 needed for street changes has been earmarked in previous District of Columbia appropriations.

Mr. Speaker, I urge enactment of the legislation.

Mr. JOHNSON of California. Mr. Speaker, S. 3161 would permit the Secretary of the Interior to erect and maintain flagpoles on the Capitol Grounds adjacent to the Union Station Plaza to fly the flags of each of the States of the United States, its territories and possessions. In addition, the legislation also authorizes the Architect of the Capitol to enter into an agreement with the District of Columbia for the purpose of making certain street changes to improve the flow of traffic to and from the U.S. Capitol Grounds and the National Visitor Center and within the Union Station Plaza.

Mr. Speaker, the proposed legislation has been reviewed by all affected agencies and the Architect of the Capitol and they unanimously support it. The placement of the flagpoles will certainly enhance the area surrounding the Visitor Center and serve as a tribute to each of the States of the United States, its territories and possessions. The changes to be made to the general traffic patterns will better accommodate the needs of the users of the Visitor Center, the Capitol Grounds, and the Union Station Plaza.

Mr. Speaker, I urge enactment of the legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia (Mr. GINN) that the House suspend the rules and pass the Senate bill S. 3161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title was amended so as to read: "An act to authorize certain flagpoles to be located on the Capitol Grounds, and to improve the flow of traffic to and from the U.S. Capitol Grounds and the National Visitor Center."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GINN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 3161, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 3, rule XXVII, the Chair will now put the question on the motion on which further proceedings were postponed.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER. The unfinished business is the question of suspending the rules and passing the Senate bill S. 2679, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. FASCELL) that the House suspend the rules and pass the Senate bill S. 2679, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 95, not voting 97, as follows:

[Roll No. 271]

YEAS—240

Ambro
Anderson, Ill.
Annunzio
Archer
Armstrong
AuCoin
Bafalis
Baldus
Beard, R.I.
Beard, Tenn.
Bedell
Bergland
Bevill
Bingham
Blanchard
Blouin
Boland
Bolling
Brademas
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carr
Clancy
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conlan
Conte
Corman
Cornell
Cotter
Crane
D'Amours
Daniels, N.J.
Davis
Delaney
Dellums
Dent
Derrick
Derwinski
Dickinson
Dodd
Downey, N.Y.
Drinan
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fary
Fascell
Fenwick
Findley
Fisher
Fithian
Flood
Florio
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Gaydos
Gibbons
Gilman
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harris
Hayes, Ind.
Hechler, W. Va.
Hicks
Hightower
Holt
Holtzman
Horton
Howard
Howe
Hughes
Hungate
Hutchinson
Hyde
Johnson, Calif.
Johnson, Pa.
Jordan
Kasten

Kastenmeier
Kazen
Kemp
Koch
Krebs
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lundine
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKinney
Madden
Madigan
Maguire
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Mills
Mineta
Minish
Mink
Mitchell, N.Y.
Moffett
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Nowak
Oberstar
O'Brien
O'Hara
O'Neill
Ottinger
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pike
Preyer
Price
Quie
Randall
Rangel
Rees
Reuss
Richmond
Rinaldo
Risenhoover
Roe
Rogers
Rooney
Rosenthal
Rostenkowski
Roybal
Russo
St Germain
Santini
Sarasin
Scheuer
Schneebeli
Schroeder
Schulze
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Skubitz
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Staggers
Stanton, J. William
Stark
Steed
Stokes
Studds
Sullivan
Symms
Taylor, N.C.
Teague
Thompson
Thone
Traxler
Ullman
Van Deerlin
Vander Veen
Vanik
Walsh
Weaver
Whalen
White
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Yates
Yatron
Young, Fla.
Zablocki
Zeferetti

NAYS—95

Abdnor
Alexander
Andrews, N. Dak.
Ashbrook
Ashley
Baucus
Bauman
Bennett
Biester
Bowen
Breaux
Brinkley
Burke, Fla.
Burleson, Tex.
Butler
Byron
Chappell
Clawson, Del
Cochran
Collins, Tex.
Daniel, Dan
Daniel, R. W.
de la Garza
Devine
Dingell
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
Emery
English
Evins, Tenn.
Flowers
Flynt
Ginn
Guyer
Hagedorn
Haley
Hansen
Harsha
Hays, Ohio
Hefner
Henderson
Ichord
Jarman
Jeffords
Jones, N.C.
Jones, Tenn.
Kelly
Ketchum
Landrum
Lott
Lujan
McKay
Mahon
Mann
Martin
Mathis
Mazzoli
Miller, Ohio
Mollohan
Montgomery
Myers, Pa.
Natcher
Neal
Nichols
Obey
Passman
Paul
Poage
Regula
Roberts
Robinson
Rose
Roush
Runnels
Ruppe
Ryan
Satterfield
Shuster
Slack
Snyder
Spence
Steiger, Wis.
Talcott
Taylor, Mo.
Thornton
Vander Jagt
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Wylie
Young, Alaska
Young, Tex.

NOT VOTING—97

Abzug
Adams
Addabbo
Allen
Anderson, Calif.
Andrews, N.C.
Aspin
Badillo
Bell
Biaggi
Boggs
Bonker
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Carney
Carter
Cederberg
Chisholm
Conyers
Coughlin
Danielson
Diggs
Esch
Eshleman
Evans, Ind.
Fish
Foley
Fuqua
Giaimo
Goldwater
Harkin
Harrington
Hawkins
Hébert
Heckler, Mass.
Heinz
Helstoski
Hillis
Hinshaw
Holland
Hubbard
Jacobs
Jenrette
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Karth
Keys
Kindness
Krueger
Litton
McClory
McCloskey
McCollister
Macdonald
Michel
Milford
Miller, Calif.
Mitchell, Md.
Moakley
Mosher
Moss
Nedzi
Nix
Nolan
Patten, N.J.
Pettis
Peyser
Pickle
Pressler
Pritchard
Quillen
Railsback
Rhodes
Riegle
Rodino
Roncalio
Rousselot
Sarbanes
Sebelius
Sikes
Stanton, James V.
Steelman
Steiger, Ariz.
Stephens
Stratton
Stuckey
Symington
Treen
Tsongas
Udall
Vigorito
Waxman
Wydler
Young, Ga.

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo and Ms. Abzug for, with Mr. Jenrette against.

Mr. Rodino and Mr. Waxman for, with Mr. Krueger against.

Mr. Harrington and Mr. Carney for, with Mr. Hébert against.

Mr. Mitchell of Maryland and Mrs. Boggs for, with Mr. Stephens against.

Until further notice:

Mr. Adams with Mr. Jones of Alabama.

Mrs. Chisholm with Mr. Helstoski.

Mr. Biaggi with Mr. Evans of Indiana.

Mr. Danielson with Mr. Andrews of North Carolina.

Mr. Nedzi with Mr. Heinz.

Mr. Foley with Mr. Bell.

Mr. Conyers with Mr. Karth.

Mr. Milford with Mr. Esch.

Mr. Litton with Mr. Eshleman.

Mr. Jones of Oklahoma with Mr. Coughlin.

Mr. Badillo with Mr. Holland.

Mr. Jacobs with Mr. Brown of Michigan.

Mr. Young of Georgia with Mr. Hubbard.

Mr. Tsongas with Mr. Hillis.

Mr. Allen with Mr. Carter.

Mr. Stuckey with Mr. Kindness.

Mr. Stratton with Mr. Goldwater.

Mr. Sikes with Mr. Brown of Ohio.

Mr. Rousselot with Mrs. Keys.

Mr. Hawkins with Mr. Harkin.

Mr. Anderson of California with Mr. Buchanan.

Mr. Moakley with Mrs. Heckler of Massachusetts.

Mr. Nix with Mr. Miller of California.

Mr. Riegle with Mr. McCloskey.

Mr. Moss with Mr. Broyhill.

Mr. Giaimo with Mr. Cederberg.

Mr. Aspin with Mr. McClory.

Mr. Fuqua with Mr. Nolan.

Mr. Diggs with Mr. Macdonald of Massachusetts.

Mr. Patten with Mr. Peyser.

Mr. Pickle with Mr. Udall.

Mr. Vigorito with Mr. Symington.

Mr. Treen with Mr. McCollister.

Mr. Steiger of Arizona with Mr. Sarbanes.

Mr. Railsback with Mr. Mosher.

Mr. Roncalio with Mr. James V. Stanton.

Mr. Bonker with Mr. Steelman.

Mr. Wydler with Mr. Sebelius.

Mr. Fish with Mr. Pressler.

Mr. Pritchard with Mr. Quillen.

Mrs. SMITH of Nebraska, Mr. McDONALD of Georgia, Mr. KASTEN, and Mrs. LLOYD of Tennessee changed their vote from "nay" to "yea."

Messrs. BENNETT, BOWEN, EMERY, and ICHORD changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FISH. Mr. Speaker, on rollcall No. 271 today, I was unavoidably off the floor. This concerned S. 2679, an identical bill to H.R. 9466, of which I am a cosponsor. Had I been present, I would have voted "yea."

DUTY-FREE ENTRY OF CARILLON BELLS FOR THE USE OF SMITH COLLEGE, MASSACHUSETTS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 1386) for the relief of Smith College, Northampton, Mass., which was unanimously reported favorably to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Mr. Speaker, reserving the right to object—and I shall not object—it appears that we have a series of consent matters before us today, and to the extent that any discussion on them is wished, we will be happy to have them discussed.

Mr. Speaker, I have no objection to this bill, but I reserve the right to object for the purpose of permitting anyone to ask a question at this time.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida (Mr. Gibbons).

Mr. GIBBONS. Mr. Speaker, H.R. 1386 was introduced by our colleague from Massachusetts (Mr. Conte).

Section 1 of H.R. 1386 directs the Secretary of the Treasury to admit free of duty 33 carillon bells—including accompanying parts and accessories—for the use of Smith College, Northampton, Mass.

Section 2 provides for a refund of duty if there has been a final liquidation of the entry of any article subject to the provisions of section 1.

The purpose of the duty-free provision of H.R. 1386 is to enable Smith College to purchase the bells necessary to complete its carillon. The Paccard Bell Foundry in France supplied the original bells. Furthermore, it is alleged that Paccard is the only source for the new bells since they must match those presently in place and since there are no domestic counterparts.

Under the present law, the articles specified in the proposed bill are classified under item 725.36 TSUS and are assessed at the rate of duty of 7 percent ad valorem. The proposed legislation would permit the one-time entry of these items free of duty for use of Smith College, Northampton, Mass.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20, 1976 on duty-free entry and temporary duty suspension bills. During these hearings favorable testimony and written comments were received on H.R. 1386. Favorable reports were also received from interested executive branch agencies. No objections to this legislation have been received by the committee from any source.

The committee was unanimous in reporting the bill to the House and urges its passage.

Mr. CONABLE. Mr. Speaker, it is my understanding that the House has passed similar measures in the past, and they were not objected to.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, 57 years ago the Carlisle family of Massachusetts made a generous donation to Smith College located in Northampton, Mass. They gave the college a complete set of Carillon Bells. The set included 9 large bells, 24 smaller bells and a clavier or keyboard.

As anyone who has visited the college campus can attest, the beautifully chiming bells have been an integral part of Smith's heritage.

But time and weather have taken their toll on the bells. Fortunately, Smith has had other generous donors who have paid for replacement bells. With these donations, Smith has purchased replacement bells from the Paccard Bell Foundry in France, which made the original bells. It was necessary to get bells that would fit the system at Smith's College Hall. The French company is the only company that could replace the original bells. There are no domestic counterparts.

Therein lies the rub. A duty of nearly $2,700 was placed on bells. The purpose of the duty is to protect domestic products. But the bells that Smith need are not made by American companies. Therefore, Smith is seeking relief from paying the duty of $2,678.86.

Mr. Speaker, like most institutions of higher education, Smith has had to tighten its financial belt in recent years. I do not believe Smith should have to face additional hardship to receive this generous donation. I ask the subcommittee to report this bill.

Mr. CONABLE. Mr. Speaker, I support H.R. 1386 providing for the duty-free entry of 33 carillon bells for the use of Smith College in Northampton, Mass.

Although there has been intermittent production of carillon bells in the United States, demand historically has far exceeded domestic production. Currently, only one facility, located in South Carolina, manufactures these bells. The availability of carillon bells in this country therefore continues to be very limited. This is especially true with regard to complete carillon sets containing a large number of bells like the ones required by Smith College.

No domestic producer has raised any objection to duty-free treatment of this importation on behalf of Smith College. In addition, the Department of Commerce has suggested that the duty on all carillon bells be permanently suspended. The one-time loss in customs revenue from enactment of H.R. 1386 would be approximately $2,250.

Mr. Speaker, the committee heard no opposition to H.R. 1386 and reported the bill unanimously. I recommend passage by the House at this time.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall admit free of duty thirty-three carillon bells (including all accompanying parts and accessories) for the use of Smith College, Northampton, Massachusetts, such bells being provided by the Paccard Fonderie de Cloches, Annecy, France.

SEC. 2. If the liquidation of the entry for consumption of any article subject to the provisions of the first section of this Act has become final, such entry shall be liquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF H.R. 2177, EXEMPTION FROM DUTY OF CERTAIN COMPONENTS AND MATERIALS INSTALLED IN AIRCRAFT PREVIOUSLY EXPORTED FROM THE UNITED STATES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2177) to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for articles previously exported from the United States composed in part of fabricated components the products of the United States, when returned after having been exported, without having been advanced in value or improved in condition while abroad, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I support H.R. 2177, providing a partial exemption from duty for articles previously exported from the United States that are composed in part of fabricated components made in the United States as long as such components have not advanced in value or improved in condition while abroad.

Under the provisions of this bill, certain aircraft, previously exported from the United States and composed in part of U.S. components, will be dutiable at the regular rate of duty on the full value of the aircraft minus the cost of the U.S. components. These provisions apply only to aircraft imported before 1970 pursuant to an entry that is unliquidated as of the date of enactment of this bill.

The current tariff schedules include provisions under which specific articles previously exported may reenter free of duty. These are generally items that are clearly identifiable as American made. H.R. 2177 merely extends such limited coverage to American equipment, systems, and furnishings used to improve or expand a foreign aircraft previously exported from the United States and then imported at a later date.

There is no apparent value in levying duty on identifiable American made components, and the narrow application of this bill is intended to prevent the creation of a loophole in the tariff schedules.

Mr. Speaker, the committee received no opposition to enactment, and reported H.R. 2177 unanimously. I recommend passage by the House at this time.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennsylvania.

Mr. DENT. Of course, Mr. Speaker, I understand this pertains only to airplanes prior to 1970, but what we are doing is setting a precedent that will follow in other situations just as surely as night follows day. What we are doing is importing foreign airplanes into the United States, we put American parts on them and export them and then reimport them back into the United States without any duty whatsoever.

Mr. CONABLE. Mr. Speaker, the gentleman misunderstands. What happened in this case was that the aircraft had a series of components added to it in this country; it was then exported. Subsequently, it was brought back in under circumstances that would have made it entirely dutiable with the value of these added American parts. With the addition of those parts, it would have been dutiable if this bill were not passed.

In fact, there is no precedent here. It is a very limited bill, and it in no way works against American manufacturers. As a matter of fact, it provides assistance for American maufacturers by relieving them of the duty on American components that otherwise would have been dutiable.

Mr. DENT. Mr. Speaker, how do other countries treat this kind of thing? How do other nations treat the exact same situation when there is a plane manufactured in this country, it gets foreign parts and is exported, reexported from the United States and reimported into the foreign country? Do they or do they not charge duty on those planes?

Mr. CONABLE. Mr. Speaker, I have no idea. It would create an inequity for the American interests involved, however, were this not to be passed.

Mr. DENT. Mr. Speaker, if the gentleman will yield further, I cannot understand what is happening. We are told everything is working toward equity and all these bills are for our betterment. Yet there are over 2,000 free items on the import list today that were not there 20 years ago.

Mr. CONABLE. But these are American parts on which duty is being charged.

Mr. DENT. I know, but one of our biggest problems in the United States is that we are sending our parts into Canada and other countries. American parts are going over into Mexico, American parts are going into Canada, and then they are coming back into the

United States and duties are exempted on them; yet they are competing with new American parts and products in the United States that we are trying to export.

Does the gentleman understand what I am saying?

Mr. CONABLE. Mr. Speaker, I understand what the gentleman is saying. May I explain to the gentleman that if these particular components had not been built into the plane, they would not have been dutiable because they are clearly American components. In this particular case, however, instead of leaving them so that they were detachable, they were built in, and there was a substantial assessment made against them despite the fact they are American components.

Mr. DENT. Mr. Speaker, if that is a good thing for America, why do we limit it only to those planes sold prior to 1970? Why do we not say that any planes that have American components can come back into the United States? Why does it only pertain to the period before 1970?

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. The gentleman from Florida (Mr. GIBBONS) wishes to comment on that, and I yield to him for that purpose.

Mr. GIBBONS. Mr. Speaker, the reason we are doing it in this way is that a situation has arisen with respect to these aircraft. That is the reason for doing it now. We probably ought to solve the problem in a different way, but until we gain a little experience and know where we are going, and in order to prevent any abuses such as the gentleman from Pennsylvania is talking about, we are doing it on a case-by-case basis.

There is an opportunity for abuse, but it is the opinion of the executive branch and everybody that we have been able to talk to that in this particular case there is no abuse.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, will the gentleman answer the question. Why was it 1970? What about the planes in 1971, 1972, 1973, 1974, 1975, or 1976?

Mr. GIBBONS. Mr. Speaker, if the gentleman will yield further, we have not had this problem arise since that time. Perhaps this is the last time that it will arise.

Mr. DENT. Is it not true that these parts which are put into some planes were not dutied at any time?

Mr. GIBBONS. They were put in here by American labor, by American manufacture; then the plane went overseas, and then the plane comes back.

Mr. DENT. What part is dutied after it comes back?

Mr. GIBBONS. The plane was used. It was sold a couple of times, as I understand it, including avionics and navigational equipment.

Mr. DENT. Then the next step will be that if any foreign countries buy our parts, as they do in Mexico and in Canada, they put the parts into the bare planes, just as they put them into the clothing that they send out, and then there is no duty coming back into the United States because they have American parts in them; is that correct?

Mr. GIBBONS. No; that is not correct.

Mr. DENT. This also extends the cost of putting the parts in due to the labor, too; is that not right? That is what it says.

Mr. CONABLE. Mr. Speaker, to answer the gentleman, these are the normally detachable electronic components in a plane.

Mr. DENT. If the gentleman will yield further, we are not only exempting a component; we are exempting a component; we are exempting the cost of the labor that went into the plane to arrive at the total cost of the parts; is that not correct?

Mr. CONABLE. They were not sold in this country.

Mr. DENT. However, if they are sold to overseas companies, they bring them back to the United States. Where does the duty come in on that complete product?

Mr. CONABLE. When it comes into the United States. In this case it had originally been an American plane and still has certain items added to it, I say to the gentleman.

Mr. DENT. Wait a minute, please. A minute ago the gentleman said it was a foreign plane in which American parts were installed.

Mr. CONABLE. No, no.

Mr. DENT. The gentleman said American parts were installed on a foreign plane.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, it is not the bill of the gentleman from New York (Mr. CONABLE), but as I understand it, it was an American-manufactured plane. It was sold to a foreign owner and went overseas. It came back and had some parts put in it, American parts by American labor; and then it went back overseas again. It was then sold overseas and brought back here again.

This is just to relieve that particular circumstance with respect to this American plane built with American labor, and that is all it is.

Mr. DENT. Yes, but why are we concentrating the additional on parts? If the American plane was built in the United States, the American parts were built in the United States, the plane goes over to some foreign buyer, and the plane comes back to the United States, according to this bill, we are going to charge them a tariff on the full cost of that airplane coming into the United States, emptingn the parts alone. There are all sorts of parts in an airplane.

Mr. CONABLE. I say to the gentleman that the plane has been used overseas for a period of time.

Mr. DENT. Yes, but we are going to charge a tariff on it when it comes back into the United States, all except for the parts in it.

Mr. CONABLE. We have made no effort to change the basic law. We have limited that particular bill to what seemed to be a particular inequity with respect to these American-made components sold in this country.

Mr. DENT. The whole airplane made in America consists of American components, the whole plane, including the wings.

Mr. CONABLE. Yes, but the plane had been overseas.

Mr. DENT. However, when it comes back, we are going to charge a tariff on the plane, but not on the parts.

Would somebody please explain it to me?

Mr. CONABLE. I hope that the gentleman from Pennsylvania (Mr. DENT) does not oppose the bill on that account.

Mr. DENT. It is not a matter of opposing the bill. It is just a matter of trying to find an adequate remedy with respect to the need for jobs in this country 10 years from now.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, I have a different question.

I just have for the first time looked at all these remarks in the report, and in looking them over, I find that in some areas there is a loss of income to the U.S. Government, in one case of $1 million.

I would imagine that all of these bills that the Committee on Ways and Means have brought to us today means 2 loss of income of some $1 million, $2 million, or $3 million.

Does this have to be cleared with the Committee on the Budget?

Mr. CONABLE. To answer the gentleman, most of them are negligible in terms of lost revenue. The customs contribution to total revenues is not very great.

Mr. LUJAN. However, $1 million or $2 million or $3 million would go into the General Treasury; is that not correct?

Mr. CONABLE. I do not have any idea as to what the total figure is with respect to these bills which, of course, remedy specific inequities of one sort or another; but we deem it to be in the interest of the country.

Mr. LUJAN. The question I was leading to is that one of the items means $1 million in loss of revenue if that bill is enacted. Does that then add $1 million to the already high deficit that we will experience during the next year?

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Oregon (Mr. ULLMAN), the chairman of the committee.

Mr. ULLMAN. Mr. Speaker, the report makes it very clear that the loss on this would be no more than $24,640 in 1976, and that would be the total amount of revenue lost on a one-shot basis.

Mr. LUJAN. If the gentleman will yield

further, I was talking about the total of all of the 10 bills of the Committee on Ways and Means, and they would total something over $2 million, which, in my opinion, would mean that if all of these are passed, it would just contribute another $2 million to the already huge deficit which we have in operating the Government for the next fiscal year.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. DENT. Mr. Speaker, I reserve the right object, and I do object.

The SPEAKER. Objection is heard.

DUTY-FREE TREATMENT OF CERTAIN AIRCRAFT ENGINES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2181) to amend the tariff schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Mr. Speaker, reserving the right to object, I support H.R. 2181, which provides duty-free treatment of any previously imported aircraft engine exported as a temporary replacement for an aircraft engine being overhauled within the United States. This exemption would apply only if duty was paid on such replacement engine when it was previously imported.

The duty-free treatment described in this bill is limited to those aircraft engines, propellers or parts thereof that have not advanced in value or condition while abroad. A further limitation requires that the replacement engine be reimported by or for the person who exported it from the United States.

H.R. 2181 is designed to assist the aircraft engine replacement and repair industry that in the past has borne the compounded cost of import duties each time a replacement engine was sent abroad for a brief time while repairs were being made on a previously installed engine. This has placed the industry at a competitive disadvantage with similar industries located outside the United States. Labor organizations have supported passage of the bill as beneficial to job development in this particular industry. The annual customs revenue loss resulting from enactment of H.R. 2181 is estimated to be $2.5 million.

Mr. Speaker, the committee heard no objection to the elimination of duty in this instance, and reported the bill without dissent. I recommend passage by the House at this time.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, the purpose of H.R. 2181 is to amend the tariff schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation.

H.R. 2181 was introduced by our colleagues, Mr. CORMAN and the late Mr. Pettis both of California. The committee also considered an identical bill, H.R. 4627, introduced by our colleague, Mr. HUGHES of New Jersey, who was very helpful in furnishing information to the subcommittee in its consideration of the bill and has actively sought its favorable consideration.

The enactment of H.R. 2181 is necessary to avoid successive payment of duties on each reimportation of an aircraft engine, propeller, or parts thereof, when imported after having been exported for use as a temporary replacement for an aircraft engine being overhauled, repaired, rebuilt or reconditioned in the United States.

Reimportation of loaner or replacement foreign-made aircraft engines, propellers, and parts thereof with respect to which the duty has been paid upon such previous importation are presently dutiable.

Under headnote 1 of part 1 of schedule 8 of the TSUS, the tariff status of an article is not affected by the fact it was previously imported into the customs territory of the United States and cleared through customs whether or not duty was paid on such previous importation in the absence of a specific provision to the contrary. There is no specific provision covering reimportation of loaner or replacement aircraft. Therefore, such reimportation of piston and jet aircraft engines and parts are dutiable at the respective rates of 4 percent ad valorem—TSUS item 660.44—and 5 percent ad valorem—TSUS item 660.46.

Firms in the United States engaged in aircraft engine repair when repairing foreign-made aircraft engines, must provide a replacement engine to the aircraft owner or operator while the repair is taking place. Not only is the duty paid on the replacement engine when first imported, but each time the loaned engine is reimported in exchange for the original engine repaired by the U.S. firm, current law requires that a duty be assessed.

It is claimed that the requirement of successive duty payments on each reimportation of "loaner" aircraft engines after the duty has been paid on original importation serves no purpose and is a cost disincentive to U.S. based firms providing repair services on foreign-made aircraft engines.

Section 1 of H.R. 2181 would amend the tariff schedules of the United States—TSUS—by the inclusion of a new item, 801.20, in subpart A of part 1 of schedule 8—articles exported and returned, not advanced or improved abroad. The new item would provide for the duty-free entry of any aircraft engine or propeller or any part or accessory of either, previously imported, on which the duty was paid upon such previous importation. Such duty-free entry would be limited if the reimported duty paid article had not been advanced in value or improved in condition while abroad, if exported under loan, lease, or rent to an aircraft owner or operator as a temporary replacement for an aircraft engine being overhauled, repaired, rebuilt, or reconditioned in the United States, and if reimported by or for the account of the person who exported it from the United States.

Section 2 of H.R. 2181 as reported would provide that section 1 of this bill would become effective on the date of enactment.

The committee was unable to find merit in applying the duty-free entry to replacement aircraft engines on a retroactive basis, and therefore agreed to eliminate that portion of section 2 of the bill.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20, 1976, on duty-free entry and temporary duty suspension bills. During these hearings, favorable and written comments were received on H.R. 2181 and H.R. 4627. Favorable reports were also received from interested executive branch agencies. No objections to this legislation have been received by the committee from any source.

The committee was unanimous in reporting H.R. 2181 as amended, and I urge its passage.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I want to say to my colleagues that this is an extremely important amendment to the tax law. I have an industry in my district, for instance, called Air Worth, who are practically being forced out of the aircraft engine repair business because they cannot compete with the European countries. For instance, the United Kingdom charges no import duties on the repair of engines. This bill will be of extreme importance to this industry where we are about to lose the international market in our country as well as about 400 jobs in my district because we are paying additional import duties on engines that are being loaned while we repair the other engine in this country. It is the repair work that we are talking about so that it is extremely important that this particular bill be passed.

Mr. DENT. Mr. Speaker, if the gentleman will yield, all of these things start small, as I have observed for over 20 years.

For instance, if you buy an automobile, say you buy a Rolls Royce, maybe some of the Members could buy a Rolls Royce, and I am not picking that automobile out, it is the same thing with your Rolls-Royce as it is with a Honda or any other vehicle that comes into the United States with a foreign motor, and they pay the duty, and then we are letting them be repaired in the United States and bringing in another foreign motor. What will they do with that motor?

Mr. CONABLE. I would say to the gentleman from Pennsylvania that I believe that this body should view with favor anything that has to do with creating jobs in America. I know that the gentleman from Pennsylvania is extremely vigilant in the protection of American business, so it would appear to me that what we are doing in this legislation would be right up his alley.

Mr. DENT. Let me say, Mr. Speaker, that we have been building airplanes and making repairs to them since I was a kid in the Marine Air Force in 1924. Now, all of a sudden in 1976 we are going to set up a system where we will repair these engines, but in doing so we are letting something come in duty free. What is coming in duty free, is it the parts, a new engine, or what? You buy a pair of Italian shoes and they wear out, you cannot get another pair of shoes from Italy duty free.

Mr. HUGHES. Mr. Speaker, I hope my colleagues will not object to this particular bill. These engines were actually manufactured in this country to begin with; we are only overhauling the engines and loaning these motors. Presently the customs agencies are applying the law inconsistently, they do not know how to interpret them, in many instances, that is the tariff schedules, with respect to loan engines.

There will not be any revenue loss in this particular instance because we will not have any new market in which to have a revenue loss. There will not be any repair of American engines because all of the business is going to go to the United Kingdom and other countries that do not have import duties on loan engines. In this particular instance there is nothing added to the engine; it is just loaned to the country so that the aircraft can fly during the time it is being repaired. It does not mean anything except the loss of jobs.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Pennsylvania.

Mr. DENT. I thank the gentleman for yielding.

I know a large repair place overseas run by Pan Am. Do these foreign countries allow us to bring in loan engines duty free?

Mr. HUGHES. Yes.

Mr. DENT. Then there is nothing wrong with this bill, as long as we have reciprocity all along the line.

Mr. HUGHES. This is what we have to have, or else we will not have international borrowing.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon (Mr. ULLMAN)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. '1202) is amended by inserting immediately after item 801.10 the following new item:

' 801.20	Any aircraft engine or propeller or any part or accessory of either, previously imported, with respect to which the duty was paid upon such previous importation, if (1) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, after having been exported under loan, lease, or rent to an aircraft owner or operator as a temporary replacement for an aircraft engine being overhauled, repaired, rebuilt, or reconditioned in the United States, and (2) reimported by or for the account of the person who exported it from the United States.	Free	Free ".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after December 31, 1972, and on or before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the day after the date of the enactment of this Act.

With the following committee amendments:

Page 2, line 1, strike out "(a)".

Page 2, strike out line 5 and all that follows thereafter down through line 18.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOR THE RELIEF OF JACK R. MISNER

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 4047) for the relief of Jack R. Misner, which was unanimously reported favorably by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I support H.R. 4047, a private bill extending for 2 years the expiration date of a temporary importation bond concerning the schooner *Panda* so that Jack R. Misner, of North Tonawanda, N.Y., can complete extensive renovation of the vessel.

Originally, it was anticipated that renovation of the vessel involved could be completed within the 3 years allowed under the bond when first issued. However, material shortages and postponements in delivery dates have made the 3-year statutory time limit impossible to meet. All equipment and materials involved in the reconstruction are of U.S. origin.

The extension of the bond will allow Mr. Misner to complete work on the vessel without the hardship of leaving port or without becoming liable for payment of a penalty duty. H.R. 4047 applies only to the schooner *Panda*, and would not effect present law with respect to temporary importation bond cases in general.

Favorable reports with respect to extending the temporary information bond in this instance were received from both the Department of Commerce and the Department of Treasury. No additional revenue loss of administrative costs would be incurred by enactment of this bill.

Mr. Speaker, the committee received no opposition to H.R. 4047 from any source and reported the bill unanimously. I recommend passage by the House at this time.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, the purpose of H.R. 4047 as reported is to require the Secretary of the Treasury to extend the termination date of the temporary importation bond—TIB—covering the schooner *Panda* until the close of September 18, 1977. In unanimously reporting this legislation the committee amended the bill to show the correct date of entry as September 25, 1972.

The schooner *Panda*, which is under British registry, entered the United States under a TIB filed by Capt. Jack R. Misner of North Tonawanda, N.Y., in September 1972, under the provisions of item 864.05 of the TSUS. This item, as prescribed in headnote 1(a) to subpart 5C, schedule 8 of the TSUS, provides that articles imported for repair, alteration, or processing, but not sale in the United States may enter without payment of duty under bond for their exportation within 1 year. The headnote limits renewal of the bond upon application to a maximum of an additional 2 years at the discretion of the Secretary of the Treasury.

The TIB on the schooner *Panda* was granted for the 3-year maximum total period. Originally Captain Misner anticipated completion of vessel renovation within 3 years. However, due to material shortages and continual delay in delivery dates, particularly for new main engines and other machinery, the renovation schedule had to be considerably extended. All equipment and materials for reconstruction of the yacht are of U.S. origin.

Since the statutory 3-year time limit on the bond expired on September 18, the U.S. Customs Service, in view of this pending legislation to extend the bond, issued instructions to the appropriate customs officials not to issue a claim for liquidated damages. Otherwise, Mr. Misner would have become liable for payment of penalty duty or would have been forced to remove the vessel from the United States prior to completion of the repairs.

The bill would extend the period of bond only in this particular case, due to the exceptional circumstances involved. It would not change the present law in any way with respect to temporary importation bond cases in general.

The committee has received favorable reports from interested executive branch agencies on H.R. 4047. No objections to this legislation have been received by the committee from any source. Similar legislation was introduced in the 93d Congress, but no action was taken.

The committee unanimously reported this bill and recommends its passage by the House.

Mr. KEMP. Mr. Speaker, will the gentleman yield

Mr. CONABLE. I yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman's yielding.

Mr. Speaker, I want to express my appreciation to the committee for bringing this bill to the floor, and I ask for its immediate adoption.

Mr. Speaker, I rise in strong support of H.R. 4047, a private bill extending for 2 years the expiration date of a temporary importation bond concerning the sailing schooner *Panda* so that Jack R. Misner, of North Tonawanda, N.Y., can complete extensive renovation of the vessel. I very much appreciate the cooperation of the committee, Chairman Ullman, Mr. Conable, and subcommittee chairman Mr. Green.

Originally, it was anticipated that renovation of the vessel involved could be completed within the 3 years allowed under the bond when first issued. However, material shortages and postponements in delivery dates have made the 3-year statutory time limit impossible to meet. All equipment and materials involved in the reconstruction are of U.S. origin.

The extension of the bond will allow Mr. Misner to complete work on the vessel without the hardship of leaving port or without becoming liable for payment of a penalty duty. H.R. 4047 applies only to the schooner *Panda,* and would not affect present law with respect to temporary importation bond cases in general.

Favorable reports with respect to extending the temporary importation bond in this instance were received from both the Department of Commerce and the Department of Treasury. No additional revenue loss or administrative costs would be incurred by enactment of this bill.

Mr. Speaker, the committee received no opposition to H.R. 4047 from any source and reported the bill unanimously, I ask passage by the House at this time.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon (Mr. Ullman)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit Jack R. Misner, of North Tonawanda, New York, to complete the renovation of the schooner Panda (entry numbered 902261, September 13, 1972) within the United States (which renovation has been delayed because of material shortages), the Secretary of the Treasury, notwithstanding the provisions of subpart 5C of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202), shall extend the expiration date of the temporary importation bond covering the schooner Panda until the close of September 18, 1977.

With the following committee amendment:

On the first page, line 5, strike out "13" and insert "25".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF H.R. 8656, DUTY-FREE IMPORTATION OF LOOSE GLASS PRISMS USED IN CHANDELIERS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8656) to amend the tariff schedules of the United States in order to provide for the duty-free importation of loose glass prisms used in chandeliers, which was unanimously reported favorably to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I support H.R. 8656, providing for the duty-free importation of loose glass prisms used in chandeliers and wall brackets.

Under the provisions of this bill, loose glass prisms used in the prescribed manner would be reclassified and given duty-free treatment under column 1 of the tariff schedules. All other prisms and glass articles of a type used in chandeliers and wall brackets would remain dutiable at 12 percent ad valorem.

At the present time, there is no domestic production of loose glass prisms. The duty-free treatment of these articles will go far in improving the competitive situation of domestic producers of crystal chandeliers without harming other domestic manufacturers. It is estimated that enactment of this bill would result in an annual customs revenue loss of $60,000.

Mr. Speaker, the committee received no opposition to H.R. 8656 and reported the bill unanimously. I recommend passage by the House at this time.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, revenue loss is not the whole story. The real story is that we no longer make prisms or loose glass for chandeliers. Under title I, section 1, there is a 12-percent tariff. However, once we remove all tariff from these prisms and loose glass for chandeliers, that reduces the price for the chandeliers, which have a 60-percent duty on them. That means in a couple more years we will not only not be making glass for chandeliers but we will not be making the chandeliers. If we keep on removing these tariffs we will not be making anything in this country any more. Not too many years ago they were making loose glass for chandeliers and prisms for chandeliers in my home town. They are not being made any more.

Why can they not pay a measly 12 percent? Their cost differential is so much greater than 12 percent. We ought to have some kind of compensation for the workers in this country who are thrown out of these jobs. How will we get it?

Mr. CONABLE. If we do not enact this, our chandelier makers will not be able to compete in the World market.

Mr. DENT. That is the argument that has been used to remove the 2,000 articles from the tariff list in this country.

Mr. CONABLE. The effect of the gentleman's opposition to such a measure, however, is likely to cause the problem to spread, I assure the gentleman.

Mr. DENT. I am afraid it has spread almost to the end of its limits right now. I do not think we can keep on taking off tariffs and customs and keep on paying $19 billion in unemployment compensation.

Mr. HAYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio. Does he have a question?

Mr. HAYS of Ohio. Yes, I do, before I object. The gentleman made a statement that really got my attention. He said this will result in a loss of only $60,000. Is that correct?

Mr. CONABLE. It will result in an unusual customs revenue loss of $60,000.

Mr. HAYS of Ohio. And then in the next paragraph the gentleman said that if we do not do this we will put all the manufacturers of glass for chandeliers in the country out of business. For $60,000, are we going to put them out of business?

All I am saying is the gentleman's statements really do not add up. If this is the kind of stuff he is peddling, somebody on the face of it ought to stand up and object.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. HAYS of Ohio. I hope the gentleman will yield if the gentleman from Florida can explain the remarks about that $60,000, if that is all that is involved and, No. 2, if the 60,000 in imports they are not going to get are going to put them out of business, they are skating on pretty thin ice. Are they on that kind of thin ice as far as profit? I do not know of any substantial business in this country where $60,000 would put them out of business.

Mr. GIBBONS. Mr. Speaker, I will not explain anybody else's statement. I do not have sufficient time to explain my own, let alone somebody else's.

Mr. Speaker, this is a bill in which the gentleman from Rhode Island (Mr. ST GERMAIN) is interested. Apparently there are some glass manufacturers up there. This is only a temporary suspension of duty—excuse me, I have been corrected. It is a permanent suspension of duty.

The reason we did this was because it was explained to us when we had the hearings that the chandeliers come in and they have got these crystals on them and there is a duty collected, but the American manufacturers have a hard time competing against imported chandeliers if the American manufacturers have to pay a duty on all of those little crystal baubles that hang on the chandeliers.

Mr. Speaker, I do know the AFL–CIO has some interest in this and they are in favor of this bill. I am sure the gentleman from Rhode Island (Mr. ST GERMAIN) is interested in it, and I am sure some of the manufacturers are interested in it, and the AFL–CIO are interested in it. It will produce jobs in this country and I think it ought to be passed.

Mr. Speaker, the purpose of H.R. 8656 as reported is to provide for the duty-free importation of loose glass prisms used in chandeliers and wall brackets when such products are imported from countries receiving most-favored-nation treatment. Column 2 rates of duty—applicable to nonmarket economy countries, except Poland, Yugoslovia, and Romania—would remain unchanged.

Section 2 of the bill applies the duty-free provision to articles entered, or withdrawn from warehouse for consumption on or after the date of enactment.

In reporting this bill unanimously the committee amended the bill to provide that loose glass prisms used in wall brackets as well as those used in chandeliers, should be permitted duty-free entry.

Loose glass prisms for use in making crystal chandeliers have not been commercially produced in the United States for many years, and the domestic lighting fixture industry is entirely dependent upon the importation of glass prisms for its production needs. Therefore, the elimination of the duty on loose glass prisms would lower raw material cost and improve the competitive position of domestic manufacturers of crystal chandeliers and wall brackets.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20, 1976, on duty-free entry and temporary duty suspension bills. During these hearings, favorable testimony and written comments were received on H.R. 8656. Favorable reports were also received from interested executive branch agencies. No objections to this legislation have been received by the committee from any source.

The committee unanimously reported this bill as amended and recommends its passage by the House.

Mr. CONABLE. Mr. Speaker, all I can say in further extension of my remarks, which apparently the gentleman from Ohio objected to because of his feeling that it would not have an impact, is that the AFL–CIO favors the bill since there is no domestic production of the item in question. The passage of the bill would promote jobs in the chandelier industry; a continuation of the existing duty would put the industry at a competitive disadvantage. Whether it would put us completely out of the chandelier business I think is extremely questionable. I regret any statement of mine that may have misled the gentleman from Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. DENT. Mr. Speaker, further reserving the right to object, I thought I ought to take this time to explain all of these products were at one time or another imported into the United States because in the early days we did not have an industry. We developed an industry and every one of the items on the free list now were once made in this country.

The way it works in this country, people have to have the money to buy the products. Wage costs in the United States have gone up; however, we have kept nibbling away at the dollar.

Now, one of my best friends in this House, God rest his soul, came in with a tariff bill and took certain types of hand-knitted blouses off the tariff list. At that time his whole industry in that area was very important in the needlework industry. Before he left this Earth and left this Congress, he had not one plant left. Then we took of the tariff, because we did not need the production any more.

Let me tell this House how we have been duped by this kind of action on this floor. In 1974 when they put through the reciprocal trade agreement, I do not know how many Members know what was happening. I admit I was against the bill in toto and did not pick out its weak spots; but in that bill we shifted the major burden of tariff adjustment relief, which is relief paid to workers in this country who lose their jobs because they are so unfortunate to have lost their jobs by the Tariff Commission. We took that burden and put it back on to the States in their own State unemployment compensation funds. We established that each State would then sign a compact with the Tariff Commission that they had to exhaust their own unemployment compensation benefits and their relief under the Tariff Adjustment Act to trigger it.

In a particular case, we pay 65 percent of our wages up to a certain top figure in Pennsylvania and for 39 weeks we paid that off; but in those 39 weeks the Tariff Commission added 5 percent, because they pay 70 percent of a higher level, after 30 percent of our commission was gone. The Commission then picks up 13 more weeks and pays 70 percent. Then they added 26 weeks of a training period, whether they have a job to go to when that training period is over or not, whether there are any particular jobs in that training field. So last year in one given period in my community which I measured, the entire unemployment compensation bill was for a certain number of people. We had the highest number in the country to pay the tariff adjustment in the whole United States. This particular group drew down 13-million-odd dollars worth of unemployment compensation; $10 million coming out of the pockets of the taxpayers and consumers in the State of Pennsylvania and the employers.

What else happened? The minute the employer was hit with this increased unemployment compensation that was paid on his plan, because he has a merit-rating system, pays it on experience, that doubled his tax on his unemployment compensation, making it even higher for him to try to compete. Fifteen hundred out of 3,700 men laid off, 1,500 men still laid off altogether. When are we going to wake up that there is not anything we can do to bring this country back until we put some jobs on producing goods? How long will we continue buying shirts from Costa Rica, where they pay $2 a day? It is an Arrow shirt that costs $2.90.

Mr. Speaker, I am, therefore, going to object.

The SPEAKER. Objection is heard.

CONTINUATION OF TEMPORARY SUSPENSION OF DUTY ON CERTAIN HORSES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9401) to continue to suspend for a temporary period the import duty on certain horses, which was unanimously reported favorably to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from New York (Mr. CONABLE) reserves the right to object.

Mr. CONABLE. Mr. Speaker, I support H.R. 9401 continuing for 2 years the temporary suspension of import duty on certain horses. Under the provisions of this bill, suspension of duty on horses imported for purposes other than for immediate slaughter would be extended until June 30, 1978.

The horses involved here generally are of two types—those brought in for racing purposes, mostly from Canada, and the

American quarterhorse. Currently, certain breeds approved by the Secretary of Agriculture can enter the country duty-free. These include thoroughbreds and other breeds of racing horses but do not include quarterhorses. The bill would continue the existing suspension on quarterhorses as well as on all other racing horses not already free of duty. The temporary nature of the bill is designed for future negotiation of similar tariff treatment from Canada.

Past suspension of duty in the above instance has resulted in a customs revenue loss of approximately $200,000 each year. No additional loss is expected from the extension contained in H.R. 9401.

Mr. Speaker, the committee heard no objection to enactment of this legislation and reported H.R. 9401 unanimously. I recommend passage by the House at this time.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, the purpose of H.R. 9401 is to extend the existing duty suspension on imports of horses to the close of June 30, 1978.

Under items 903.50 and 903.51 of the tariff schedules, horses, other than for immediate slaughter, are temporarily free of duty until June 30, 1976. In the absence of the enactment of H.R. 9401, imports of horses will become dutiable on July 1, 1976, under item 100.73—relating to horses not valued over $150 per head—at $2.75 per head or item 100.75—relating to horses valued over $150 per head—at 3 percent ad valorem.

In reporting H.R. 13631 under which the existing duty suspension on horses was enacted (P.L. 93–484) it was stated in the report of the Committee on Ways and Means that the duty on horses was originally suspended in recognition of the fact that the present tariff structure for horses operates discriminatorily among different breeds. For example, horses may be imported free of duty for breeding purposes under tariff item 100.01. This rule applies, however, only if they are certified by the Department of Agriculture as being of a recognized breed and duly registered on a book of record recognized by the Secretary of Agriculture for that breed. Since the American quarterhorse does not qualify under these criteria, importers of such horses for breeding purposes are required to pay duty, usually under item 100.75 at 3 percent ad valorem, while other breeds may be entered duty free.

Insofar as is known at this time, there has been no change in the basic condition under which there is differential duty status among certain breeds of horses. Enactment of H.R. 9401 would continue the suspension of this discriminatory treatment to June 30, 1978.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20 and March 2, 1976, on duty-free entry and temporary duty suspension bills. During these hearings favorable testimony and written comments were received on H.R. 9401. Favorable reports were also received from interested executive branch agencies. No objections to this legislation have been received by the committee from any source.

This bill was unanimously ordered reported by the committee as amended and the committee recommends its passage by the House.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to my colleague, the gentleman from New York.

Mr. KEMP. Mr. Speaker, I rise in strong support of H.R. 9401, a bill to continue to suspend the import duty on certain horses.

I introduced this legislation on September 5 of last year, and it was reported from the Committee on Ways and Means, with amendments, several weeks ago.

The committee has made two amendments to the bill, and while I wish the committee had seen fit to remain with the original text or to have reported H.R. 9400, my bill to remove the tariff altogether, I support the reported measure. The two committee amendments are, first, the reduction of the period of the extension of the suspension from my proposed 4 years—June 30, 1980—to the committee's proposed 2 years—June 30, 1978—and, second, making the effective date July 1, 1976, instead of the date of enactment. The present suspension expires on June 30, 1976.

I wish to express my gratitude to the members of the Committee on Ways and Means and its Subcommittee on Trade and to the chairman of the committee, Mr. ULLMAN, and the chairman of the subcommittee, Mr. GREEN, for holding hearings on this measure and for seeing to it that it was reported to the floor.

There is a continuing need to change our trade and tariff policies to reflect changes in the business climate in general and commercial conditions in particular. Outmoded policies and tariff schedules can work an undue hardship on American businesses, large and small, and on our citizens. We can lose advantages gained over the years in international commerce, and we can even fail to preserve evenly balanced competition with our foreign competitors. Either can mean a loss in American jobs, a negative shift in balance of payments, and shortages in goods needed by domestic enterprises. Our administrative agencies can be burdened with policies difficult to enforce, as well.

It is within this context that it is encouraging to American businesses and citizens to see the Subcommittee on Trade and the Committee on Ways and Means engaged in rewriting certain trade policies and laws.

The bill before us, H.R. 9401, would continue the temporary suspension of import duties on certain horses, a suspension signed into law on October 26, 1974, Public Law 93–484.

Let me review briefly the history associated with this issue.

Until Public Law 93–484 was signed into law, a tariff was imposed upon horses entering the United States at a rate of $2.75 per head for horses not valued over $150 and at a rate of 3 percent ad valorem for horses valued over $150. This tariff posed substantial problems, both for importers of horses and for the U.S. Customs Service. The Customs officers at the various points of entry were faced with the burden of making a determination as to the value of a horse, when in fact acknowledged experts differ as to the worth of a particular horse. The Customs officers were not and are not specialists in determining the value of offspring in bloodiness. Foals sired by the same stallions and from the same mares are often sold at public auction—the only way of accurately determining the fair market value of a particular horse—at substantially different prices. Because of this lack of expertise, quite understandable in my opinion, the valuations of horses for tariff purposes became inconsistent and, in the opinion of many owners and importers, unfair.

A second problem created by the tariff arose when a temporary import bond had to be imposed on a horse imported and subsequently claimed in a claiming race. A claiming race is a race wherein a claiming price is placed on the race and any horse in the race can be purchased or claimed for that price. Since the owner of the horse is obligated to sell the horse for the claiming amount, an owner obviously will not enter a horse that has a substantially greater value than the claiming price, for, in general, the owner really does not want his horse claimed.

When an imported horse runs in a claiming race, it can be purchased even though the owner did not wish to sell it. The owner might merely have misjudged the value of the horse. When an imported horse is claimed, the importer, who is subject to the forfeiture of the bond plus a penalty, is no longer the owner of the house and cannot, therefore, return the horse to the country of origin within the 1-year period in order to avoid the forfeiture and penalty.

A third problem arises in connection with horses imported for breeding purposes when those horses are not recognized by our Department of Agriculture as being purebred and registered in a book of record recognized by the Department. This discriminates against such breeds as the American quarterhorse—which does not qualify under this exception and upon which duty must be paid when these horses are imported into our country.

In reporting H.R. 13631 to the floor and recommending its passage in the 93d Congress, the Committee on Ways and Means recognized something else too. Traditionally, a tariff is imposed to protect a domestic industry. In this instance, as has been pointed out in the statements of the American Horse Council, our country's principal spokesman for the industry, the industry is in favor of eliminating the tariff. The industry has also made two additional points worth restatement. First, the revenue produced is negligible and probably does not even cover the costs of administering the regulations. Second, the countries from which the majority of horses are imported into the United States do not impose a tariff on horses exported from this country.

Recognizing these points as valid, the committee recommended a temporary suspension of the duty through June 30, 1976. We are now close to the expiration of that suspension, and the entire system will be back in place unless the Congress approves H.R. 9401.

The criticisms of the tariff raised in the 93d Congress are as valid today as they were then. The Department of the Treasury has now had an opportunity to see how much more efficiently the customs officers can carry out their responsibilities without this tariff and the problems associated with it plaguing them. I represent a district which borders on Canada, and I can assure you the customs officers do not want this tariff to be reimposed, reactivated. There is simply no reason for it to be.

I urge the passage of H.R. 9401, and I hope the Senate and its Committee on Finance will act promptly on this measure, in that we are running against a June 30 deadline. I ask its immediate passage.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill as follows:

H.R. 9401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 903.50 and 903.51 of subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by striking out the words "On or before 6/30/76" in the last column and inserting in lieu thereof the words "On or before 6/30/80".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

With the following committee amendments:

Page 1, line 7, strike out "6/30/80" and insert "6/30/78".

Page 1, lines 10 and 11, strike out "the date of the enactment of this Act" and insert in lieu thereof "July 1, 1976".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEMPORARY REDUCTION OF DUTY ON LEVULOSE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11259) to lower the duty on levulose until the close of December 31, 1977, which was unanimously reported favorably to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Mr. Speaker, I reserve the right to object.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennslyvania.

Mr. DENT. Will the gentleman explain the bill to us?

Mr. CONABLE. Yes, I will.

Mr. Speaker, I support H.R. 11259, lowering the duty on levulose until June 30, 1978.

The article involved is a chemical used in artificial sweeteners. Although levulose is available in its natural state in honey, demand far exceeds supply from this source. The chemical is obtained through an expensive manufacturing process, but there are no domestic commercial producers. H.R. 11259 would temporarily lower the duty on levulose to the level of duty on refined sugar, thus improving the competitive position of artificial sweeteners containing the imported chemical. The actual reduction is for 20 percent ad valorem to 0.6625 cents per pound on column 1 entries and from 50 percent ad valorem to 1.9875 cents per pound on column 2 entries.

Currently, a west coast corporation now producing an artificial sweetener is interested in constructing a plant to manufacture levulose. The temporary reduction contained in H.R. 11259 will provide relief from the rather high duty on levulose until construction of the plant can be completed. The annual customs revenue loss is estimated to be less than $100,000.

Mr. Speaker, the committee heard no opposition to enactment of H.R. 11259 from any source and reported the bill without dissent. I recommend passage by the House at this time.

The purpose of this measure, I say to the gentleman from Pennsylvania, if he is interested, is to give a domestic manufacturer time to set up the expensive procedure to produce this type of artificial sweetener.

Mr. DENT. I understood from the chairman of the committee that this duty-free date was going to be until December 31, 1977, but the gentleman from New York said June 1978. Which date is correct?

Mr. CONABLE. I have June 30, 1978.

Mr. GIBBONS. Mr. Speaker, if the gentleman will yield, we have a committee amendment to change that to 1978.

Mr. DENT. Did the gentleman find that the plant cannot be built until 1978?

Mr. CONABLE. I assume that was the reason. Does the gentleman from Florida wish to be recognized to reply to that?

Mr. GIBBONS. We just conformed all the tariff suspensions to one time so that we would have them come up again at the same time. In that way, we do not have to handle them too early. But this is a temporary suspension just to give the only person who is now interested in this product enough time to build the plant in this country.

Mr. DENT. I have no objection, but I would like to ask that when it comes up in June 1978, if we are extending it, would the gentleman call it to my attention?

Mr. CONABLE. I would be glad to.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, the purpose of H.R. 11259 is to reduce the duties on levulose until the close of June 30, 1978. The column 1 rate of duty—applicable to imports from most-favored-nation countries—would be reduced from 20 percent ad valorem to 0.6625 cents per pound and the column 2 rate—applicable to imports from Communist countries, except Poland, Yugoslavia, and Romania—would be reduced from 50 percent ad valorem to 1.9875 cents per pound.

The committee amended the bill to provide for the termination date of June 30, 1978, in lieu of December 31, 1977, originally proposed, in order to conform to the termination date of other temporary duty suspensions.

The lowering of duties on levulose from 20 percent ad valorem to a less than 1 percent ad valorem equivalent, is considered not likely to represent a threat to products of the U.S. natural sweetener industry, that is, sugar, dextrose, corn syrup, high levulose corn syrup, or honey, nor is the product likely to have much impact on other rare polysacchrides, or on noncaloric sweeteners such as saccharin or cyclamates.

There is no natural source of pure levulose. Such levulose is the result of expensive manufacturing processes. Although levulose is known to be sweeter than sucrose, its price is substantially higher than sugar and levulose does not compete with sugar. The primary use of levulose is in special dietary preparations where the use of sucrose must be avoided. There are claims that levulose may be of special value to diabetics and in the manufacture of sweetened articles not contributory to dental decay.

There is currently no U.S. production of pure levulose. However, a San Francisco firm currently importing its supply of levulose from the Finnish Sugar Co. of Helsinki, intends to construct a plant in California to manufacture this product. After 1977, the company will manufacture all its requirements in the United States.

U.S. imports under the column 1 rate dropped sharply from 653,000 pounds valued at $573,000 in 1974 to an estimated 311,000 pounds valued at $204,000 in 1975. Finland was the only significant supplier in 1975, with estimated U.S. imports of 226,000 pounds valued at $155,000. West Germany and France were important suppliers in 1973 and 1974. There was no imports under the column 2 statutory rate in these years.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20, 1976, on duty-free entry and temporary duty suspension bills. During these hearings favorable testimony was received on H.R. 11259. Favorable reports were received from interested executive branch agencies and no objections to this legislation have been received by the committee from any source.

The committee unanimously reported this bill and recommends its passage by the House.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill as follows:

H.R. 11259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 907.80 the following new item:

“907.90	Levulose (provided for in item 493.66 part 13B, schedule 4)	0.6625¢ per lb.	1.9875¢ per lb.	On or before 12/31/77.”

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

With the following committee amendment:

Page 1, in the matter appearing between lines 5 and 6, strike out "12/31/77" and insert "6/30/78".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to lower the duty on levulose until the close of June 30, 1978."

A motion to reconsider was laid on the table.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN ELBOW PROSTHESES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11321) to suspend until July 1, 1977, the duty on certain elbow prostheses if imported for charitable therapeutic use, or for free distribution, by certain public or private nonprofit institutions, which was unanimously reported favorably to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

Mr. CONABLE. Reserving the right to object, Mr. Speaker, I do so for the purpose of explaining the bill.

Mr. Speaker, I support H.R. 11321 suspending until June 30, 1978 the duty on certain elbow prostheses if imported for charitable therapeutic use, or the free distribution by certain public or private nonprofit institutions.

The suspension applies to column 1 duty on imports of externally powered electric elbow prosthetic devices for juvenile amputees. Although the United States is the leader in development and production of prosthetic devices in general, there is currently no domestic production of elbow prosthetic devices for children. They now must be imported with the additional cost of the duty being passed on to the consumer.

With the enactment of this legislation, nonprofit organizations could acquire these devices at a lower cost. This will go far in making more elbow prosthetic devices, and thus complete limbs, available at lower cost to young amputees regardless of their economic situation. The estimated annual customs revenue loss is no more than $75,000.

Mr. Speaker, no objections to enactment of H.R. 11321 were received by the committee, and the bill was reported unanimously. I recommend passage by the House at this time.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, the purpose of H.R. 11321 as reported is to amend subpart B of part 1 of the appendix to suspend to June 30, 1978, the column 1 rate of duty on imports of externally powered, electric elbow prosthetic devices for juvenile amputees and parts thereof if imported solely for charitable, therapeutic use, or for free distribution by any public or private nonprofit institution established for educational, scientific, or therapeutic purposes. Column 2 rates of duty applicable to nonmarket economy countries, except Poland, Yugoslavia, and Romania, would remain unchanged.

Section 2 applies the duty suspension to articles entered or withdrawn from warehouse on or after the date of enactment.

In unanimously reporting this legislation, the committee amended the bill to change the termination date of the temporary duty suspension from July 1, 1977, to June 30, 1978, in order to conform to the termination dates of other temporary duty suspension legislation.

There is no domestic manufacturer currently producing prosethetic devices for juvenile applications. The short-run impact of the temporary duty-free entry of the subject devices, therefore, would appear to be the reduction of the cost of complete limbs to nonprofit institutions which are distributing the devices free of charge or using them for charitable therapeutic purposes.

Because the proposed legislation limits its applicability only to juvenile devices and parts imported solely for charitable, therapeutic use, it does not overlap with the scope of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897).

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20, 1976, on duty-free entry and temporary duty suspension bills. During these hearings favorable testimony was received on H.R. 11321. Favorable reports were also received from interested executive branch agencies. No objections to this legislation have been received by the committee from any source.

The committee unanimously reported this bill and recommends its passage by the House.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 912.10 the following new item:

“912.80	Externally-powered electric elbow prosthetic devices for juvenile amputes (provided for in item 709.57 part 2B schedule 7) and parts thereof if imported solely for charitable therapeutic use or distribution free of charge by any public or private nonprofit institution established for educational scientific or therapeutic purposes..........	Free	No change	On or before June 30, 1977”.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

With the following committee amendments:

Page 1, line 5, strike out "immediately before item 912.10" and insert "after item 912.05".

Page 2, in the matter immediately preceding line 1, strike out "912.80" and insert "912.07"; and strike out "June 30, 1977." and insert "6/30/78.".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to suspend until July 1, 1978, the duty on certain elbow prostheses if imported for charitable therapeutic use, or for free distribution, by certain public or private nonprofit institutions."

A motion to reconsider was laid on the table.

TEMPORARY SUSPENSION OF DUTY ON MATTRESS BLANKS OF RUBBER LATEX

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11605) to suspend for a 3-year period the rate of duty on mattress blanks of rubber latex, which was unanimously reported favorably to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. CONABLE. Reserving the right to object, Mr. Speaker, I reserve the right for the purpose of explaining the bill.

Mr. Speaker, I support H.R. 11605 suspending for a 3-year period the rate of duty on mattress blanks of rubber latex.

Only one plant in the United States produces the article involved. This plant, located in Shelton, Conn., was completely destroyed by fire in 1975. Since then, we have been without a domestic supplier of this product. This temporary suspension is designed to help preserve the market for mattress blanks of rubber latex, as well as the competitive position of manufacturers of foam rubber mattresses and box spring sets, until the plant can be rebuilt and return to full production.

The suspension of duty provided in this bill would end June 30, 1978, and the customs revenue loss is expected to be no more than $7,500 annually.

Mr. Speaker, the committee received no opposition to enactment of H.R. 11605 and reported the bill unanimously. I recommend passage by the House at this time.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, the purpose of H.R. 11605 as reported is to suspend the column 1 rate of duty—applicable to products imported from countries receiving most-favored-nation treatment—on mattress blanks of rubber latex for a temporary period until June 30, 1978. The column 2 rate of duty—applicable to nonmarket economy countries, except Poland, Yugoslavia, and Romania—would not be affected.

Section 2 applies the temporary duty suspension to articles entered, or withdrawn from warehouse for consumption on or after the date of enactment, and, upon request, to articles entered or withdrawn after March 31, 1975.

Duties are not presently imposed on qualifying products of countries and territories designated beneficiary developing countries for purposes of the generalized system of preferences—GSP—provided for in title V of the Trade Act of 1974.

In unanimously reporting this legislation, the committee amended the termination date in order to conform to the termination dates of other temporary duty suspension legislation.

In 1975, the sole U.S. producer of natural foam rubber latex, a rubber plant in Shelton, Conn., was totally destroyed by fire. Since then, the Nation has been without a domestic supplier of this product, thereby imposing a handicap on U.S. manufacturers of foam rubber mattresses and box spring sets. These producers have no alternative but to import all the foam rubber necessary for their production. Since there is no longer any domestic industry producing foam rubber material for mattress manufacture, U.S. mattress producers feel unnecessarily burdened by the 15 percent import duty.

Import statistics for foam rubber mattress blanks are contained in a basket category that includes all noncotton mattresses. Therefore, there is no accurate way to determine a breakdown of data that would clearly indicate imports of mattress blanks. However, 1975 imports of the basket category TSUS item 727.80.80 show the major supplying country to be Canada. A check with the U.S. Customs Service office at the Port of Champlain, N.Y., indicates that of 1975 imports from Canada valued at $267,000, approximately $50,000 were of foam rubber sheets, blocks, and mattresses.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20, 1976, on duty-free entry and temporary duty suspension bills. During these hearings favorable testimony was received on H.R. 11605. Reports were received from interested executive branch agencies expressing no objection to this legislation. No objections to this bill have been received by the committee from any source.

The committee unanimously reported this bill and recommends its passage to the House.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennsylvania (Mr DENT).

Mr. DENT. Mr. Speaker, I cannot quite understand why. There is only $7,500 involved. If there is only $7,500 involved, the Members can rest assured that no one is going to rebuild a plant in this country to take up that kind of business which does not have any volume higher than that.

Why does not the gentleman just go ahead and take it off? The figures do not jibe with commonsense. I do not understand, if a plant burned in 1975, why it has not been rebuilt.

As I said a few moments ago we are stepping on loose glass. I told the Members of the experience in our community 40 years ago.

The next thing we know, there will not be any foam mattresses made. I do not want to object on these just to be stubborn. I want to make this Congress understand that there is a lot more going out there in unemployment than any person in this Congress knows about.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 912.05 the following new item:

" 912.08	Mattress blanks of rubber latex (provided for in item 727.86, part 4A, schedule 7)........	Free.	No change.	On or before 3/31/78. "

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after March 31, 1975, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry or withdrawal,

shall notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidation as though such entry or withdrawal had been made on the date of the enactment of this Act.

With the following committee amendments:

Page 1, line 5, strike out "after item 912.05" and insert "before item 912.10".

Page 1, strike out the matter appearing immediately after line 6, and insert the following:

912.08	Mattress blanks of rubber latex (provided for in item 727.86, part 4A, schedule 7)	Free	No change	On or before 6/30/78 ".

Page 2, line 12, strike out "shall notwithstanding" and insert "shall, notwithstanding".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to suspend for a temporary period the rate of duty on mattress blanks of rubber latex.".

A motion to reconsider was laid on the table.

CONTINUATION OF TEMPORARY SUSPENSION OF DUTIES ON MANGANESE ORE AND RELATED PRODUCTS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12033) to continue until the close of June 30, 1979, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, which was unanimously reported favorably to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object—and I shall not object—I wish to state that I support this legislation.

Mr. Speaker, I yield to the gentleman from Florida (Mr. GIBBONS) for the purpose of explaining this legislation.

Mr. GIBBONS. Mr. Speaker, the purpose of H.R. 12033 as reported is to extend the existing temporary suspension of the column 1 rate of duty on manganese ore—including ferruginous ore—and manganiferous iron ore from June 30, 1976 to June 30, 1979. The column 2 rate of duty—applicable to nonmarket economy countries, except Poland, Yugoslavia, and Romania—is left unchanged.

Subsection (b) applies the amendment to articles entered or withdrawn from warehouse, for consumption after June 30, 1976.

The committee made technical amendments to the bill and unanimously reported the bill, as amended.

Manganese ore is used primarily for

metallurgical purposes in the production of steel. Much smaller amounts are used in the production of dry cell batteries and in the manufacture of manganese chemicals. The principal consumers of manganese ore are producers of ferroalloys, primarily ferromanganese and, to a lesser extent, silicomanganese.

There are no satisfactory substitutes for manganese in its principal use. Less than 1 percent of domestic consumption of manganese ore in recent years has been supplied by domestic production. In quantity terms imports were 577,509 short tons manganese content in 1974 and 765,592 short tons in 1975. In value terms imports increased from $34.4 million in 1972, to $43.3 million in 1974, and $77.1 million in 1975. The principal sources of imports in recent years are Brazil, Gabon, South Africa, and Zaire; approximately 45 percent of total imports are now subject to duty-free treatment under the generalized system of preferences—GSP.

Domestic shipments, which account for only about 5 percent of total new supply, totalled 34,804 short tons manganese content valued at about $2.3 million in 1974. Demand for manganese in the United States is expected to increase at an annual rate of about 2 percent. Demand will continue to be supplied primarily by imports except as supplemented by shipments from Government stockpile releases. There are no U.S. reserves of manganese ore.

The most recent extension of the temporary suspension passed both the House and Senate unanimously in 1973. No objections were received from the executive branch agencies or from other sources. Continuation of the suspension was believed desirable in 1973 for domestic producers of ferromanganese and other manganese alloys by reducing the costs of basic raw materials to these processors and enhancing the competitive position of domestically produced alloys.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 19 and 20, 1976, on this and other duty-free entry and temporary suspension of duty bills. The administration has no objection to the continuation of the present duty suspension and is not aware of any objections to the bill. No objection to extension of the suspension has been made known to the committee from any source.

Two domestic producers of ferromanganese and other manganese products strongly favor the bill primarily on the grounds that restoration of the tariff on raw material imports would make the industry less price competitive.

Mr. Speaker, I urge the House to approve H.R. 12033.

Mr. SCHNEEBELI. Mr. Speaker, I support H.R. 12033, continuing until June 30, 1979, the existing suspension of duty on manganese ore and related products.

This suspension has been routinely passed year after year since 1964 because demand for manganese ore has always exceeded the limited amount available from known resources in the United States. Domestic producers supply less than 1 percent of the country's manganese ore needs, and the likelihood of finding additional sources is slight. There is no practical substitute for manganese in its major industrial uses. Thus, manganese ore will continue to play an important role in domestic production.

Duties on manganese imports are ultimately reflected in higher prices for manganese ore and related products, thereby contributing to inflation. If this suspension is not continued, domestic producers of ferromanganese and other manganese alloys will be at a competitive disadvantage with foreign producers of similar products containing these ores. Annual customs revenue loss related to the existing suspension is approximately $1 million. No additional revenue loss would be incurred from passage of this bill.

Mr. Speaker, the Committee on Ways and Means heard no oppostion to H.R. 12033 and reported the bill unanimously. I recommend passage by the House at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the bill, as follows:

H.R. 12033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 911.07 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "June 30, 1976" and inserting in lieu thereof "June 30, 1979".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after June 30, 1976.

With the following committee amendments:

Page 1, line 5, strike out " 'June 30, 1976' " and insert in lieu thereof " '6/30/76' ".

Page 1, line 9, strike out "for consumption," and insert in lieu thereof "for consumption".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 10210, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1975

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1183 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1183

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10210) to require States to extend unemployment compensation coverage to certain previously uncovered workers; to increase the amount of the wages subject to the Federal unemployment tax; to increase the rate of such tax; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment to said bill in the House or in Committee of the Whole shall be in order except amendments recommended by the Committee on Ways and Means, and said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON), and pending which I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the rule will understand that this is a closed rule providing for 3 hours of general debate.

Mr. Speaker, as I remember it, there was no controversy in the Committee on Rules about the rule being closed because this is a subject that if opened up to amendment really would be extraordinarily difficult to deal with. I think there was pretty much of a consensus on that notion.

However, Mr. Speaker, I think there is one aspect of the closed rule which is important for the Members to understand. It may make the rule more controversial.

This rule provides that we will consider the bill, but prohibits amendments, both amendments in the Committee of the Whole and in the House. That means that a motion to recommit with instructions to amend the title is not in order. In other words, the only motion to recommit that would be in order under this rule would be a straight motion to recommit. It seems to me that it is important, before we adopt the rule, that all Members understand that.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the yielding of my distinguished colleague, the gentleman from Missouri (Mr. BOL-

LING). He has been honest and candid, as he always is, in talking about the rule.

I am one of those who voted for the closed rule, on the recommendation of the Committee on Ways and Means.

I support the closed rule. I am bothered, however, by the role adopted by the Committee on Rules, which precludes a motion to recommit with instructions.

Why did the committee come to that decision?

Mr. BOLLING. We did not actually come to the decision. Nobody requested a special rule other than a straight closed rule. I made a motion, and frankly, I did not think of this particular aspect of it.

While I am prepared to sustain it, nobody from the committee, either from the majority or the minority, indicated any desire for recommital instructions, and we just did not think of it.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, I guess all I can say is that I would hope in the future this rule would put us on warning so that if there is a reason to have any kind of instructions or the possibility of any kind of instructions, we will then have to make sure that the Committee on Rules is aware of it so that they do not put us in this position.

Mr. Speaker, I think we would be better off and I think the House would be better off were we to have a rule that would allow a motion to recommit with instructions.

Mr. BOLLING. Mr. Speaker, in reply to the gentleman, I would only say this, that I do not feel responsible for having put us in this position.

Mr. STEIGER of Wisconsin. I understood that. I thank the gentleman very much.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, the gentleman will remember that I appeared before the Committee on Rules.

Mr. BOLLING. I do, indeed. The gentleman opposed the rule as a whole.

Mr. PICKLE. Yes; I did oppose the rule and oppose the bill in its present form.

I am concerned that we have no chance, under this closed rule, to offer any kind of motion to recommit with instructions. I am particularly concerned about the fact that we increased the wage base from $4,200 to $8,000. I protested that before the Committee on Rules.

When the rule was granted, I was under the assumption that it would be in order to recommit, with instructions.

I must say, Mr. Speaker, that that is not the specific language of the rule. I see that now, but I am very disappointed; and I join the gentleman from Wisconsin (Mr. STEIGER) in saying that I had hoped that we would be able to offer a motion to recommit with instructions.

I am not trying to do great damage to the bill as such, although I oppose it; but I would like to be able to offer one amendment to curb this heavy increase in the wage base.

If we have this rule in its present form, there is no way to make such a motion. It cannot come out even as a committee amendment unless we go back to the committee.

Mr. Speaker, I wonder whether the gentleman from Minnesota (Mr. FRENZEL) would have any comment to make on this rule.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I do very much oppose the proposed amendment of the gentleman from Texas or motion to recommit, but I support very strongly his ability to have that opportunity.

I would, therefore, ask the gentleman from Missouri (Mr. BOLLING) whether he would object to a unanimous-consent request to strike the words "in the House" where they appear on line 2 of page 2 and add at the end of line 11 "with or without instructions."

Mr. BOLLING. Of course, I would object to it. I act only as an agent of the majority of the Committee on Rules and am bound by the action of the Committee on Rules. I am not authorized to yield for any such purpose or to allow any such unanimous-consent request to pass.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield further, may I then ask the gentleman a question with regard to this same point? The Committee on Ways and Means is going to meet again in the morning for the purposes of changing effective dates for both the base and the rate.

If the committee says that as a committee amendment that they would also recommend a motion to recommit, with instructions, would the gentleman be willing to entertain such a motion or to listen to it, subject to the chairman's calling a meeting of the Committee on Rules for that purpose?

Mr. BOLLING. Mr. Speaker, the gentleman now managing the rule is not a member of the Committee on Ways and Means and he is not bound by the Committee on Ways and Means, although he has great respect for it. The gentleman now speaking is bound by the action of the committee which he now represents. The rule was called up by direction of the Committee on Rules and I have to follow the instructions of the Committee on Rules. There is no way that I can comply with what the gentleman from Texas suggests.

Mr. PICKLE. Mr. Speaker, I understand that the gentleman from Missouri (Mr. BOLLING) as a member of the Committee on Rules cannot be bound solely by the recommendations of the Committee on Ways and Means. But, in the event it did make such a recommendation, would the gentleman be willing to meet with the Committee on Ways and Means to entertain that request?

Mr. BOLLING. If the Committee on Rules decided to have another meeting on this matter, which was not brought up for some reason beyond the control of the gentleman from Missouri acting for the Committee on Rules, then obviously I would be willing to listen to the Committee on Ways and Means. All I know is that the Committee on Ways and Means did not seek a modified rule and that no person appeared before the committee and addressed themselves to that particular subject. The gentleman from Texas (Mr. PICKLE) opposed the rule and indicated this objection in some detail as to why he objected.

Mr. MYERS of Pennsylvania. Mr. Speaker, would the gentleman yield so as to answer a question?

Mr. BOLLING. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Speaker, I would ask the gentleman from Missouri if a possible resolution of this matter might be to defeat the previous question.

Mr. BOLLING. If the previous question were defeated—and I would oppose defeating the previous question—the control of the subject would go to the person who had proposed that the previous question be defeated, which means that at some point they would be able to offer a substitute rule.

Mr. MYERS of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been stated by my colleague from Missouri, House Resolution 1183 will make it in order for the House to consider H.R. 10210, Unemployment Compensation Amendments of 1975, under a closed rule with three hours of general debate. No amendments are in order except amendments recommended by the Ways and Means Committee, and such amendments shall not be subject to amendment.

Specifically, H.R. 10210 extends unemployment compensation coverage to certain previously uncovered workers, increases the amount of wages subject to the Federal unemployment tax while increasing the rate of tax and also provides a longer duration of benefits through a modified trigger mechanism.

Approximately 68 million of the 80 million wage and salary workers are covered under existing unemployment compensation programs. The 12 million not included in this figure are comprised of State and local government employees, agricultural employees and domestic workers.

The provisions of H.R. 10210 would extend unemployment compensation to about 9.5 million of the 12 million jobs not presently covered. The estimated cost for these extensions is $1,350 million in fiscal year 1978. This will result in substantial additional costs to State and local governments to insure their employees under the program.

To extend unemployment benefits and restore solvency to the unemployment compensation trust funds, that are now depleted, employers will bear the burden through an increase in the taxable wage base from $4,200 to $8,000 for both Federal and State unemployment compensation taxes. Additionally, the net Federal uemployment compensation tax rate will be raised from 0.5 to 0.7 percent. The effect will be to increase annual taxes by about $20 per worker.

A serious problem associated with this legislation is the unnecessary financial burden placed on employers. Small businesses, in particular, will be hard hit. Unless a more equitable way to replenish the depleted trust funds without overly punishing the employers is devised, the Congress may be contributing to the already staggering unemployment rate by forcing some employers out of business.

According to the Committee on Ways and Means, the imposition of an $8,000 wage base will cost employers more than $6 billion in unemployment taxes annually. It was pointed out by Representatives BURLESON, WAGGONNER, and PICKLE in dissenting views that—

> This increase, which might have been spent on new plant production and other job-producing capital investments, will be funneled into unemployment taxes.

Representative KETCHUM further warned in accompanying minority views that—

> Another unpleasant side effect of this legislation could well be another round of inflation, as businesses, which are able, increase prices of consumers to offset the escalating costs of unemployment taxes.

H.R. 10210 will also provide extended benefits when there is a seasonally adjusted national insured unemployment rate of 4.5 percent, based on the most recent 13-week period or when the seasonally adjusted State insured unemployment rate is 4 percent, based on the most recent 13-week period.

Finally, this legislation will establish a National Commission on Unemployment Compensation to further study the problem and recommend further changes.

The administration has stated that it will not object to House passage of H.R. 10210.

Mr. Speaker, since the Budget Committee failed to recommend a waiver for this legislation under the first budget resolution, and because the extended coverage resulting from this bill will prove to be extremely costly and administratively unworkable, I urge my colleagues to reject the rule and the Unemployment Compensation Amendments of 1975, that it makes in order.

Mr. DEL CLAWSON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. I thank my colleague, the gentleman from California, for yielding.

Mr. Speaker, it is my intention if this rule passes to submit a motion to recommit. But we are denied by this rule offering a motion to recommit with instructions. It had been my intention, and I am sure I would have been joined—and as a matter of fact I know I would have been—by my friend, the gentleman from Texas (Mr. PICKLE) in a motion to recommit with instructions to lower the taxable wage base to $6,000 rather than to jump from $4,200 to $8,000, to lower the rate and to return to its former voluntary status those municipalities who chose to cover their workers.

I do not intend, Mr. Speaker, to debate the bill during the debate on the rule, but it seems to me that the House once again finds itself foreclosed of any possibility to legislate in the Committee of the Whole House. I am quite certain that there are some amendments that would have been offered that I would perhaps have objected to, and there are some, of course, that I would have gone along with. But the main point is that we are successfully precluded from participating in anything but a "yes" or "no" vote on this unemployment compensation bill, which I can assure the Members is not an unemployment insurance bill but an unemployment welfare bill. That is exactly what it is going to come down to.

I am going to vote "no" on the rule with the hope that we can get a rule that would allow the House to respond in the way that it should, to legislate the way that we should, rather than to have all 435 Members of the House precluded from an opportunity to do other than debate.

The SPEAKER. The time of the gentleman has expired.

Mr. DEL CLAWSON. Mr. Speaker, I now yield 3 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, I am disturbed, as I am sure many Members of the House are, that we cannot offer any kind of an amendment. The Committee on Ways and Means is meeting in the morning to amend the effective dates of the wage and base increases, I hope that the committee might also agree to change the words to "recommit with or without instructions."

The chairman of the subcommittee is here on the floor. I am wondering if he would be agreeable to recommend to the committee a motion to offer a recommittal motion with or without instructions tomorrow? If the gentleman heard my remarks, I wanted to ask him what I asked previously of the gentleman from Missouri. Of course, the gentleman from Missouri replied he was merely bringing this rule here on behalf of the Rules Committee and he could not speak for the committee, although I realize he has great influence in that committee.

When the Committee on Ways and Means meets tomorrow morning, would the gentleman from California be willing to allow the minority side to offer one motion to recommit with instructions, regarding the wage base and rate and the expansion of coverage to public employees?

Mr. CORMAN. If the gentleman will yield, I cannot speak for the Rules Committee. When the Ways and Means Committee considered this bill they voted by a rather substantial margin for a closed rule, 23 to 13, and I would not be in a position to make a commitment as to what the committee would do if they were to reconsider the rule.

We will meet tomorrow to consider a committee amendment that will bring this bill into conformance with the fiscal 1977 budget resolution which passed subsequent to our original action.

I will say to the gentleman that all the motions which would be included in the proposed recommittal with instructions were considered and voted on in our committee.

Mr. PICKLE. I hasten to say to the gentleman, although this has been discussed over a period of 6 to 8 months, none of us is trying to delay the bill. I am not asking for a delay. I think it would be better for the rules of the House if we had a delay for 2 or 3 days in order to get a better understanding of this. I am not trying to delay. All I am asking for is a chance to offer a motion to recommit with instructions.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I would also like to suggest that we open the bill up to the matter where an amendment could be offered to relieve the States of the unemployment compensation payments.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. DEL CLAWSON. Mr. Speaker, I yield the gentleman from Texas 2 additional minutes.

The SPEAKER. The gentleman from Texas is recognized for 2 additional minutes.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I think we should relieve the States of the burden of paying unemployment compensation which results from unemployment which is the fault neither of the States nor employers nor employees and over which they have no control. It is wrong to charge our States when the unemployment is judged and ruled to be unemployment because of imports that take the jobs. Prior to the Trade Act of 1974, all trade adjustment assistance benefits have been paid for by the U.S. Treasury. Under the Trade Act of 1974, the States now pay trade adjustment assistance benefits out of their unemployment compensation funds, supplemented meagerly by Federal funds.

Mr. PICKLE. Mr. Speaker, I will say to the gentleman from Pennsylvania that this has been an item of some controversy. I would like to see it also be given some consideration. I would go along with that. I am not trying to get the bill opened up completely, but we did have a close vote on this matter.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, the gentleman is a day late and a dollar short or even a vote short in asking the Ways and Means Committee to beseech the Rules Committee to grant a rule providing for a motion to recommit with instructions. If we want to do anything of that kind, it seems to me the alternative we have available to us now is to vote down the previous question and then provide in the rule for a motion to recommit with instructions. I can vote for that because I do think there ought to be an opportunity to offer a motion to recommit with or without instructions.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding. I would like to ask the gentleman from Wisconsin, my colleague, a question.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. DEL CLAWSON. Mr. Speaker, I yield the gentleman an additional 3 minutes.

Mr. KETCHUM. Mr. Speaker, it seems to me that since the Committee on Ways and Means has sent out a notice for a meeting for tomorrow to correct an error in this bill, that perhaps the committee might find itself amenable to adopting these additional amendments at that time. What would the gentleman say to that?

Mr. STEIGER of Wisconsin. Mr. Speaker, would my friend, the gentleman from Texas, yield?

Mr. PICKLE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, no way.

Mr. KETCHUM. Mr. Speaker, then I say to the gentleman there is no way for us to change the effective dates in the bill.

Mr. DU PONT. Mr. Speaker, I am disappointed that H.R. 10210, a bill with extremely serious economic ramifications may be considered by the House of Representatives under a closed rule. On principle, I am opposed to bringing any bill to the floor under the procedure which denies Members the opportunity to suggest what they believe would be legislative improvements. However, I feel that this is an especially bad policy in this instance for the following reasons:

This seems like a particularly inappropriate time to shift any of the costs of administration of the unemployment insurance program to the States. That section of H.R. 10210 that would alter the current Federal coverage should be subject to amendment. Using Delaware as just one example of what will take place under the provisions of this bill I have been informed by the Governor of Delaware that it will cause an additional $400,000 in cost to be borne by our State.

In addition to the provisions which would work hardships on the various State governments, I am also concerned that the portion of H.R. 10210 dealing with a reassessment of the method that unemployment statistics are gathered does not go far enough. I feel that several additional changes both in concept and operation should be made. Earlier in the Congress I introduced H.R. 11260, providing for a thorough reexamination of our unemployment statistics. If the bill is considered under an open rule, it is my intention to offer amendments based on H.R. 11260 which I feel expands and improves the counting and use of both employment and unemployment statistics.

So, Mr. Speaker, faced with the reality that this bill is inadequate in several respects and definitely needs amendment, I will be voting for an open rule.

Mr. KOCH. Mr. Speaker, I am voting against the rule notwithstanding the fact that I am for the bill which ultimately will be debated by this House. I believe these votes are consistent with one another. When a rule is a completely closed rule, no amendments are in order. I object to completely closed rules when they are offered by the "bad guys"—and by that description I mean those with whom I philosophically disagree—and I take the same position when a closed rule is offered by the "good guys"—and by that description I mean those with whom I philosophically agree. When the bill is debated under a rule permitting amendments, I assure those interested in this legislation I will vote against those amendments which seek to reduce the coverage of this bill. But it seems to me that at times like this, a statement attributed to Voltaire is particularly applicable:

> I disapprove of what you say, but I will defend to the death your right to say it.

Mr. BURLISON of Missouri. Mr. Speaker, the unemployment compensation program has served us very well since its beginnings in 1935. The past few years, however, have been extraordinary ones for our Nation's economy and the tragically high rate of unemployment has placed an unprecedented strain on our unemployment insurance system. Moreover, the job situation remains quite poor today despite the much heralded upswing in the economy, and the drain on the State unemployment accounts continues. I am proud that the Congress has had the foresight and the conviction to enact the various emergency provisions and benefit extensions that were needed to help the American worker and his family through this period.

Yet, I am not convinced that this is the proper time to expand the program or to make permanent the extended benefit provisions. The accounts of several States are in dire need of replenishment, it is true; but a cost of $4.4 billion next year and $6.3 billion the year after is a heavy burden to place on a struggling economy.

Also, there are a number of immediate problems that are costing the system huge sums of money each year. I call the Members attention to the second paragraph on page 93 of the committee report, the dissenting views of Hon. OMAR BURLESON, JOE D. WAGGONNER, Jr., and J. J. PICKLE:

> As unemployment has skyrocketed in the last two and a half years due to the energy boycott, world commodity shortage and numerous other factors, the State employment services have barely been able to process the claims which millions of jobless Americans have filed. There has been neither time nor money to investigate claims for validity. We are concerned that there are numerous instances of fraud involved with the program which is costing employers and ultimately, consumers, millions of dollars.

It seems to me that the logical course of action would be identify and correct this sort of problem prior to any expansion of the program. Indeed, the proposal to establish a National Study Commission after further expanding the system, perhaps beyond its limitations, seems a classic example of placing the cart before the horse.

The State employment services are inundated by work, they are barely able to process the claims they now have; and under these circumstances, the system is left open to widespread abuse and fraud that seriously undermine basic public confidence in the program. And I believe that confidence and support on the part of the general public is the single most vital element in the success of any program of social insurance. Unfortunately, it is becoming increasingly evident that this support is crumbling.

I have received numerous complaints from my constituents, pleading for corrective action. They are highly resentful, and rightly so, of the waste and outright thievery they perceive as part of the unemployment insurance system. The recent expansion and extension of benefits have led people to view the program, no longer as a system of social insurance, but as a dole, a system of income maintenance.

I find these complaints disturbing and, indeed, they have prompted me to ask the businessmen, the employers, of my district to relate to me any experiences they may have had with fraudulent claims or practices. The responses I received were even more disturbing. Almost to a one, they had some firsthand knowledge of instances of these abuses. The reports ranged from the obvious, the instances of individuals drawing benefits yet not actually looking for work, to the more devious, if not criminal, instances of individuals working for unreported wages while drawing benefits. One constituent, a construction contractor, writes:

> I know for a fact, because the man told me himself, that he was not going to work this winter (His job is a seasonal type, overtime in the summer time and straight time in the winter months) because he would only gross about $120 per week and by the time that he paid Social Security, withholding tax, gasoline for transportation (he drives about fifteen miles to his job), and eating one meal away from home, that he would be better off financially not working and drawing unemployment compensation.

Other reports:

> A recently retired individual who sold his concrete business has now decided he would like to collect unemployment compensation. He signed up at the local office and is collecting unemployment compensation on the basis that he has requested employment of a managerial or supervisory nature at various

concrete companies and there is no work for him. He calls here by phone to tell me that our Company has been given as a reference and if the Employment Security people call, I am to tell them that he has applied.

One person called, said she was out of work, but only wanted a job long enough to become re-eligible for unemloyment.

It is extremely difficult to find competent help in any business today. There are many jobs open today, but until the unemployment runs out they won't be filled. Many contractors in our area can't hire help because those drawing checks want cash and no records kept.

I've known people to quit their jobs and just say, "I'm going to draw my unemployment, why shouldn't I, every one else is doing it." So after a short period of disqualification, they draw it. I think the unemployment weekly rate in most instances are too high. They are too near what a lot of people make it they worked. This program has been so abused since the slow down, it is ridiculous.

It is evident to me that the present system cannot continue to operate this way without further erosion of support from those who are paying for it, either directly, as employers, or indirectly, as consumers and taxpayers.

Under current law, responsibility for policing the system against fraudulent claims is left up to the States; but, as we know, the State employment services are up to their ears in paperwork, with neither the time nor the money to administer their programs properly. The result is that the job does not get done. The State programs are left largely uncontrolled.

It was with "great expectations" that I looked to the Ways and Means Committee to address this problem, to determine the steps necessary to curb the rampant abuse, and to bring forth their recommendations to the full Congress. I cannot tell you of the disappointment I felt as I read through the committee's report and found not a single mention of the problem I have outlined above. Only under the dissenting views of the gentlemen from Texas and Louisiana that I cited earlier did I discover even an acknowledgement that the problems exist.

As I say, I am very disappointed that the committee has chosen not to address this problem. And almost as an insult, the bill before us today, the unemployment compensation amendments, comes to the floor under a closed rule. Thus, not only has the committee failed to address the problem, it has also denied the rest of the Congress the opportunity to do so. I resent very much the fact that the Members not serving on the Ways and Means Committee have no say in this legislation, other than yes or no. Our constituents deserve to be fully represented on this bill. There must be more input into this legislation. I shall vote against the rule for these reasons.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken.

Mr. CLANCY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 125, nays 219, not voting 88, as follows:

[Roll No. 272]

YEAS—125

Adams
Ambro
Anderson, Ill.
Annunzio
Badillo
Baldus
Beard, R.I.
Bergland
Biaggi
Bingham
Blanchard
Boland
Bolling
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Chisholm
Clay
Collins, Ill.
Conable
Conte
Corman
Cotter
Daniels, N.J.
Delaney
Dellums
Dingell
Early
Eckhardt
Edwards, Calif.
Eilberg
Fary
Fascell
Fisher
Flood
Florio
Ford, Mich.
Ford, Tenn.
Fraser
Frenzel
Gaydos
Gibbons
Gonzalez
Harris
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Hicks
Holtzman
Howard
Johnson, Calif.
Jordan
Kastenmeier
LaFalce
Lehman
Long, La.
Long, Md.
Lundine
McCormack
McFall
Matsunaga
Melcher
Metcalfe
Meyner
Mikva
Mills
Mineta
Minish
Mink
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mottl
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patterson, Calif.
Pepper
Perkins
Pike
Price
Rangel
Rees
Reuss
Rinaldo
Risenhoover
Rogers
Rooney
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Seiberling
Simon
Solarz
Staggers
Stark
Steiger, Wis.
Stokes
Thompson
Thornton
Traxler
Ullman
Vander Veen
Vanik
Whalen
Wilson, Tex.
Wright
Yatron
Young, Ga.
Zeferetti

NAYS—219

Abdnor
Alexander
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Bafalis
Baucus
Bauman
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Blouin
Bowen
Breaux
Breckinridge
Brinkley
Broomfield
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carr
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conlan
Cornell
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Dent
Derrick
Derwinski
Devine
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edgar
Edwards, Ala.
Emery
English
Erlenborn
Evans, Colo.
Evans, Ind.
Fenwick
Findley
Fish
Fithian
Flynt
Forsythe
Fountain
Frey
Gilman
Ginn
Goldwater
Goodling
Gradison
Grassley
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harsha
Hefner
Hightower
Holland
Holt
Horton
Howe
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Koch
Krebs
Lagomarsino
Landrum
Latta
Leggett
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Lott
Lujan
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Mezvinsky
Miller, Ohio
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nichols
O'Brien
Passman
Pattison, N.Y.
Paul
Pickle
Poage
Preyer
Quie
Randall
Regula
Richmond
Roberts
Robinson
Roe
Roncalio
Rose
Roush
Runnels
Russo
Santini
Sarasin
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sharp
Shipley
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Stanton, J. William
Steed
Stratton
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Van Deerlin
Vander Jagt
Waggonner
Walsh
Wampler
Weaver
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wirth
Wolff
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki

NOT VOTING—88

Abzug
Addabbo
Allen
Anderson, Calif.
Andrews, N.C.
Aspin
Bell
Boggs
Bonker
Brademas
Brown, Ohio
Broyhill
Buchanan
Carney
Carter
Cederberg
Conyers
Danielson
Dickinson
Diggs
Esch
Eshleman
Evins, Tenn.
Flowers
Foley
Fuqua
Giaimo
Green
Harkin
Harrington
Hawkins
Hébert
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Hubbard
Jacobs
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Karth
Keys
Kindness
Krueger
Litton
McClory
McCloskey
McCollister
Macdonald
Michel
Milford
Miller, Calif.
Mitchell, Md.
Moakley
Mosher
Moss
Nix
Nolan
Patten, N.J.
Pettis
Peyser
Pressler
Pritchard
Quillen
Railsback
Rhodes
Riegle
Rodino
Rousselot
Sarbanes
Sebelius
Sisk
Stanton, James V.
Steelman
Steiger, Ariz.
Stephens
Stuckey
Symington
Treen
Tsongas
Udall
Vigorito
Waxman
Wilson, C. H.
Wydler

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Hébert against.

Ms. Abzug for, with Mr. Krueger against.

Mr. Tsongas for, with Mr. Stephens against.

Mr. Carney for, with Mr. Henderson against.

Mr. Patten for, with Mr. Stuckey against.

Mr. Brademas for, with Mr. Rousselot against.

Mr. Waxman for, with Mr. Treen against.

Mr. Rodino for, with Mr. Quillen against.

Mr. Harrington for, with Mr. Steiger of Arizona against.

Mr. Riegle for, with Mr. Michel against.

Mr. Diggs for, with Mr. Eshleman against.

Mr. Nix for, with Mr. Cederberg against.

Mr. Moss for, with Mr. Kindness against.

Mr. Conyers for, with Mr. Sebelius against.

Mr. Mitchell of Maryland for, with Mr. Carter against.

Mr. James V. Stanton for, with Mr. Buchanan against.

Mr. Hawkins for, with Mr. Dickinson against.

Mr. Green for, with Mr. Broyhill against.

Mr. Helstoski for, with Mr. Brown of Ohio against.

Mr. Moakley for, with Mr. Flowers against.

Mr. Sisk for, with Mr. Fuqua against.

Until further notice:

Mr. Aspen with Mr. Charles H. Wilson of California.

Mr. Jones of Oklahoma with Mr. Udall.

Mrs. Keys with Mr. Symington.

Mr. Nolan with Mr. Vigorito.

Mr. Foley with Mr. Jones of Alabama.

Mr. Bonker with Mr. Andrews of North Carolina.

Mr. Jacobs with Mrs. Boggs.

Mr. Danielson with Mr. Heinz.

Mr. Allen with Mr. Pressler.

Mr. Anderson of California with Mr. Hubbard.

Mrs. Heckler of Massachusetts with Mr. Litton.

Mr. Peyser with Mr. Bell.

Mr. Esch with Mr. Hillis.

Mr. Sarbanes with Mr. Wydler.

Mr. Macdonald of Massachusetts with Mr. Railsback.

Mr. Milford with Mr. McClory.

Mr. Evins of Tennessee with Mr. Mosher.

Mr. Giaimo with Mr. McCloskey.

Mr. Karth with Mr. Steelman.

Mr. Pritchard with Mr. Miller of California.

Mr. Harkin with Mr. McCollister.

Messrs. LLOYD of California, ASHLEY, JARMAN, WOLFF, FORSYTHE, WEAVER, SCHEUER, DODD, COHEN, and MAGUIRE changed their votes from "yea" to "nay."

Messrs. BURKE of Massachusetts, SEIBERLING, BROWN of Michigan, and TRAXLER changed their vote from "nay" to "yea."

So the resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JOE GANLEY GONE FROM THE PRESS GALLERY

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, as we have occasion from time to time to note, the gallery immediately above the well of the House is the eyes and ears of our Nation, looking on as the people's business is transacted. It take a special kind of person to sit in that gallery, one who is bright and inquisitive, savy but not jaded, correct as well as compassionate, perceptive and objective. Many minds have worked in the House press gallery, most to the credit of the fourth estate, and some few to its everlasting honor and pride.

In the tradition of the Jeffersonian ideal for an informed citizenry which can entrust its future and fate to a representative democracy, the press corps reports the actions of Congress in its hours of greatness and its times of mundane routine. In turn for a credible and critical scrutiny of the conduct of elected Representatives, the people are able to extend that most fragile of gifts, trust. As accurate as the media insists on being, so the people directly benefit from having facts upon which to judge our Government.

And this body also benefits by having its collective conscience brought to attention on public matters by an insistent inquiry by the press about the way in which solutions are proposed, imposed, or disposed of to the good or peril of our fellow countrymen. A hard-working and fair-minded press corps is as important to good government as any other element in the conduct of public life. Our Government could not survive without its potent presence as stimulant and gadfly to action.

If we should notice a certain long-faced demeanor to the ladies and gentlemen of the press today, it may well be their saddened reaction to the leaving from their fellowship of the veteran correspondent from the Syracuse Herald Journal and Post Standard, Joseph Vincent Ganley. Any who have had the opportunity to be in the Gallery workrooms must have observed the famous Ganley treatment of colleagues and Members alike. One could always depend on Joe for a spirit-lifting remark or an ego-piercing barb that would keep somebody's feet on the ground even as he reached for the stars.

And this is the key to Joe Ganley's success story in Washington—candor and honesty. Without the puffery of flattery, he was able to represent his readers and the people of central New York by giving fair and frank coverage to the affairs of interest to the hometown constituencies.

Joe decided to go home to Syracuse a while back, but it was not until the finality of his actually moving north that it was possible to accept the decision as being real. We will miss him.

Joe brought an old school toughness to Capitol Hill journalism, one as unaffected by petty posturing as it was impressed by solid achievements. He made friends all over Washington and in very short order had diagnosed the operations and technique of Congress and the administrative agencies. He was able to cut through the blandness of canned releases to the meat of a problem. Often it was his penetration of a situation which was instrumental in its resolution, as in the case of the saving of the 174th Air National Guard Unit from a radical change of status and the exposure of EPA regulations which were costing dollars and delays in sanitation facility construction for Syracuse.

Just as it is a mistake to stereotype anybody, it is a special disservice to think of Joe Ganley as just a reporter. He is a good man. He is a guy of high personal ethics and standards of conduct. He is also the husband of one of the most charming ladies in Washington, Mary Ganley. His temperate recreations include an occasional visit to area links where some maintain the real decisions of commerce and government are made.

Joe will be missed by all who worked with him, but his career will be followed with great interest as he brings his wit and style to bear on the home front of central New York. No fish, no fairway, no maitre d' will rest easy with Joe on the job.

Good luck to him and God's choicest blessings upon him and his family.

NEW FTC RULE PROTECTS CONSUMERS AGAINST SHODDY SALES CLAIMS

The SPEAKER pro tempore (Mr. RYAN). Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO), is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, important new protection against faulty sales claims became available to consumers Friday.

Last fall, the Federal Trade Commission began the long process of promulgating a new rule which allows consumers to retain their rights and remedies on purchases made on time even though that credit account is later sold to a third party.

Upon enactment May 14, the holder in due course doctrine—so infamously known to consumers seeking damages in small claims courts—was finally struck down. Or in other words after Friday, any financial institution which buys a credit account will have to live up to the claims made about the product at the time of its purchase by the seller.

However, beneficial this rule can be it has received little public attention due I suspect to heavy pressure from administration and private business sources. As chairman of the Consumer Affairs Subcommittee it is my intention here to give the rule some of the public exposure it deserves and to compliment the FTC once again on its efforts to bring it to its effective date.

Under the FTC's trade regulation on preservation of consumers' claims and defenses as it is called, banks and others will have to become more interested in the kinds of products they buy paper on and as a result, will have to look closer at the sellers themselves. There is potential in this chain of events for cleaning up much of the shoddy business currently being done under the protection of the holder in due course doctrine.

Until this new ruling, consumers who bought products that wore out or broke down much too soon had no where to turn. Once the credit account was sold to a third party, the seller's claims were no longer legally binding leaving consumers appalled to learn that they must continue to make payments on items they had long since thrown out.

In December I commended the FTC for its work on this rule and strongly urged the support of my colleagues during the period of public comment and hearings. Now that long and hazardous obstacle course, which has been the demise of many consumer-oriented rules in the past, has been successfully negotiated by the FTC and the regulation officially became effective Friday. Truly, it was a significant day for consumers.

There is one problem though, the only information the FTC has for consumers is a 30-page report written in agency language and designed for businessmen who must now comply. A consumer interested in just how the rule can benefit him would have to spend hours studying the report in order to understand it.

Therefore I want to use this forum to urge the FTC to make a better effort to let the consumer know that this protection is now available. It would be a shame after all of the work that has gone into promulgating this rule, if consumers continued to pay for shoddy products when they no longer have to merely because the FTC neglected to take the final step of informing the public.

THE PRESIDENT'S NARCOTICS TRAFFICKERS TAX PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, in a message to the Congress on April 27, 1976, entitled "The Control of Drug Abuse," President Ford states that he has directed the Secretary of the Treasury to work with the Commissioner of the Internal Revenue to develop a tax enforcement program aimed at high-level drug traffickers. I find myself in agreement with the following statements of the President (H. Doc. No. 94–470):

> The first need for stronger action is against the criminal drug trafficker. These merchants of death, who profit from the misery and suffering of others, deserve the full measure of national revolusion. They should be the principal focus of our law enforcement activities—at the Federal, State and local level. * * *
>
> The Federal government must act to take the easy profits out of drug selling. * * *
>
> We know that many of the biggest drug dealers do not pay income taxes on the enormous profits they make on this criminal activity. I am confident that a responsible program can be designed which will promote effective enforcement of the tax laws against these individuals who are currently violating these laws with impunity.

The President's proposal, which comes at a time when narcotics usage is again on the rise, has a familiar ring. In 1971, Mr. Ford's predecessor announced an expanded effort by the Federal Government to combat drug abuse. Included in that Presidential message was a charge to the Treasury Department and the Internal Revenue Service to "intensify investigation of persons involved in large-scale narcotics trafficking." In response to this charge, the narcotics traffickers tax program was created, and the Congress appropriated huge new sums to implement it.

Under the administration of President Ford, that program unfortunately collapsed. The story of that collapse, which I wish to relate today, not only tells us something about how the IRS tail sometimes seems to wag the Treasury Department and White House dog, it also may help to explain why the President now seems compelled to tell Treasury and IRS to get moving again.

The Ways and Means Oversight Subcommittee has a keen interest in the problem of enforcing the tax laws against persons who derive income from illegal sources such as gambling, loan sharking, and narcotics trafficking. I have already expressed my concern about the refusal by the Treasury Department and the IRS to audit convicted gamblers—CONGRESSIONAL RECORD, February 2, 1976, page 1798. Today, I would like to express my concern about the failure of the Treasury Department and the IRS to adhere to Presidential and congressional policy of seeking convictions against the major narcotics wholesalers.

While President Ford's sentiments as expressed in his message of April 27 are laudable, apparently he has no control over the bureaucracy. As I have noted, the IRS did set up a narcotics traffickers tax program to accomplish the very mission that Mr. Ford now wishes to accomplish. But that program was merged out of existence by the IRS on July 1, 1975. And funds specifically requested of Congress for this program were diverted to other IRS programs.

As a result, under this President, tax and penalty recommendations have fallen off dramatically. For fiscal year 1974, almost $70 million in taxes and penalties were proposed against narcotics traffickers. Less than $10 million have been proposed against narcotics traffickers for the first 9 months of this fiscal year. If the narcotics traffickers tax program was not killed by this administration, it was certainly maimed. As a matter of fact, the Internal Revenue Service has become so embarrassed about its criminal tax enforcement statistics that it stopped publishing its quarterly statistics in June 1975.

THE BUDGET

The narcotics traffickers tax program—NTTP—grew from outlays of $10.2 million to fund 482 positions in fiscal year 1972 to outlays of $22.5 million to fund 913 positions in fiscal year 1974.

Thereafter, under this President, support for the narcotics traffickers tax program was cut drastically. The amount claimed by the IRS to have been spent for this program fell by one-third in fiscal year 1975 to only $15 million and 598 positions. Even these reduced amounts were not actually devoted to the NTTP. Inferring from the productivity figures for the period, 70 percent of these claimed outlays were actually diverted to other programs. Only 181 positions and $4.5 million of the amounts claimed to be allocated for tax cases against narcotics traffickers were actually used for that purpose in fiscal year 1975.

TABLE

	Fiscal year—					
				1975		
	1972	1973	1974	Claimed	Actual	Diverted
Positions	482	854	913	598	181	417
Outlays (millions)	$10.2	$19.9	$22.5	$15.0	$4.5	$10.5

There was no separate NTTP program for fiscal year 1976. Worse yet, the President's budget ax for fiscal year 1977 whacks a full one-third out of the special enforcement program. Not only has the President failed to seek a budget to fund a narcotics traffickers tax program, but under his proposed budget, there is no provision for Treasury enforcement of the gambling tax laws. Furthermore, the budget cut will result in a continuing decline of tax evasion cases brought against organized crime figures.

Agents in the special enforcement program work criminal tax cases against people who are suspected of deriving their income from illegal sources. Different techniques and criteria are needed in this program from those utilized in the general program. Agents in the general program work criminal tax cases against those taxpayers who engage in legal businesses but fradulently misstate their tax liability.

People who make their money illegally hide their dealings and generally do not use normal commercial institutions such as banks, brokerage houses, and certified public accountants. When they do use normal commercial institutions, they normally hide behind tiers of nominees. Most illicit profits are received in currency behind closed doors or in dark alleys. Because of the nature of these illegal transactions, it is necessary for the IRS to use different selection criteria to determine the person is engaged in an illegal business and does not report adequate income on his return, than are used in selecting cases where the subject makes an honest living. It is also more difficult and expensive to work a case where the income is illegal. But cutting one-third out of the budget for the special enforcement program, the President has doomed any program against narcotics traffickers to failure.

THE PROGRAM

No one can seriously dispute the fact that there have been serious abuses in the narcotics traffickers tax program in the past. Jeopardy assessments and tax year terminations were often used in violation of the constitutional and administrative rights of taxpayers suspected of being in the illegal business of drug trafficking. I agree with the President that these abuses can be corrected; they are not inherent in the program.

As an example of the administration's opposition to using the IRS to tax illegal drug profits, I cite the Commissioner of Internal Revenue's speech before the tax section of the American Bar Association on August 14, 1974:

> Selective enforcement of tax laws, designed to come down hard on drug dealers or syndicated crime, for example, may be applauded in many quarters, but it promotes the view that the tax system is a tool to be wielded for policy purposes, and not an impartial component of a democratic mechanism which applies equally to all of us.* * *
>
> [T]he overall emphasis of our criminal enforcement activities has been shifted away from special enforcement programs such as Narcotics Traffickers and Strike Forces, and have been aimed more directly toward the taxpaying public in general.

I disagree with this policy. Resistance to our voluntary tax system is more likely to occur if citizens perceive that the IRS is giving a free pass to the criminal element. The IRS cannot stop collecting taxes from gamblers, extorters and narcotics traffickers simply because they are not nice people.

If no special enforcement effort is made against the cleverest tax evaders, then the result will be selective enforcement against the poor, the middle class and the weak. If we are to give meaning to our democratic principles, we must take steps to insure that those in high places and white-collar criminals pay their fair share of taxes and obey the laws of the land.

The last people we want to exempt from taxation is the criminal element. The Supreme Court stated in Marchetti:

That the unlawfulness of an activity does not prevent its taxation.

Drug trafficking is a business. The only purpose of engaging in the business of narcotics trafficking is to earn illegal income. The huge profits of the drug trafficking business are largely unreported. This unreported income from drug trafficking is taxable and the Treasury Department has the responsibility of uncovering and taxing this income. It is a more difficult task than auditing a legal business which keeps books and records, but it is unfair to the general public to give those in illegal businesses a preference because they keep no books and records.

Major drug dealers are immune from conviction under substantive drug laws. They never touch the drugs themselves. They only touch the money. But even the most sophisticated money mover leaves a trail that can be found and followed.

The President's message on controlling narcotics trafficking appears to be campaign rhetoric. This administration has done very little to use the Treasury Department against the purveyors of narcotics. There is a glaring gap between promise and performance in the war against narcotics traffickers.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS), is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, during the period of April 30, afternoon, through May 5, I was away from the Congress on official business for the House Committee on International Relations.

Had I been present I would have voted as follows on the roll calls indicated:

ROLLCALL AND VOTE

FRIDAY, APRIL 30

H.R. 366, "no."

Amendment to deduct death benefit amounts from general revenue sharing funds of an employer, "no."

H.R. 365, "no."

MONDAY, MAY 3

S. 3065, final passage, "yes."
H.R. 7656 final passage, "yes."
H.R. 5523 final passage, "yes."
H.R. 11505 final passage, "yes."
H.R. 13035 final passage, "yes."
H.R. 11920 final passage, "yes."
H.R. 12168 final passage, "yes."

TUESDAY, MAY 4

H.R. 12216 final passage, "yes."
H.R. 9803 final passage, "yes."
H.R. 12704 final passage, "yes."
Ketchum Amendment 1, "no."

WEDNESDAY, MAY 5

H.R. 12234 final passage, "yes."
Skubitz Amendment, "no."
Maguire Amendment, "yes."

Amendment to prohibit use of federal funds, "no."

H. Res. 1165, "yes."

THE FORECAST ON FOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, an excellent editorial on the administration's recent food price predictions appeared May 12 in the Hartford Courant. I would like to insert it into the RECORD for the information of my colleagues.

THE FORECAST ON FOOD

An optimistic forecast on the price of food is such good news that we naturally receive it with considerable satisfaction. Even so, it is well to be aware of the pitfalls in those predictions, especially when the most basic commodity is involved.

The latest forecast has just come from Earl L. Butz, secretary of the U.S. Department of Agriculture. He said supermarket food prices would rise only 3 to 4 per cent this year, even if the Soviet Union purchases more American grain. The reduced inflation forecast, which Mr. Butz claimed would materialize if farmers experience average weather conditions this year, compares with price increases of 8.5 per cent in 1975 and 14.5 per cent in each of the two years that preceded.

A closer look at Mr. Butz' comments does indeed invite some skepticism. In the original 1972 grain deal, Russia obtained 19 million tons of wheat at a bargain price and the huge transaction contributed heavily to climbing food prices. Fortunately, subsequent deals with Moscow have been on more favorable terms to this country. Nonetheless, the market impact remains. Last August, for instance, American labor unions insisted that continued large shipments of grain to the Soviet Union would lift food costs here. Arthur Burns, chairman of the Federal Reserve Board, concurred and pegged the price rise at 2.5 per cent.

Mr. Butz also may be a bit too rosy about the weather, though admittedly it is still too early to tell. The current midwestern drought, for example, may have a damaging effect on the upcoming harvest. Some areas of the semi-arid Great Plains have received less than an inch of rainfall since mid-August of last year. As the drought has intensified farmers have plowed under thousands of acres of withered wheat.

Not to be overlooked, either, are the political implications of the Agriculture leader's crop predictions. In maintaining that food "will not be a political factor" in this year's White House campaign, he is indeed saying what every harried shopper would like to hear. Don't forget, however, that Mr. Butz is a solid supporter of President Ford and wants to portray his economic policies to the best advantage.

Several months hence, the reservations raised here regarding the weather, political propaganda and grain-dealing with the Russians may prove to be groundless. We sure hope so and would gladly celebrate same with a five-course feast.

THE ECONOMY: A CRUCIAL YEAR AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) is recognized for 5 minutes.

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Wall Street Journal of May 3 contained an excellent article by Paul W. McCracken, citing the need for restraint in the year ahead to keep inflationary potential under control.

Dr. McCracken urges caution because he sees great danger for our personal liberties in a shift away from a market-oriented economy to one controlled by the Government.

The task ahead of us will be to balance expansion in employment and output without creating an unsatisfactory rate of inflation.

The House Education and Labor Committee has reported out H.R. 50, the Full Employment and Balanced Economic Growth Act of 1976.

This landmark legislation provides us with the framework within which we can begin to develop responsible public policies that will encourage stability in our economy.

It is a document that makes a national commitment to the jobless: We will begin in earnest to discover ways to put the unemployed back to work, to create opportunities for those entering the labor market, and to encourage growth in our businesses and industries that will provide jobs for vast numbers of Americans.

Most of our recent discussions on manpower policy have been fragmented into two schools of thought: Those who favor expansion of the public service jobs concept, and those who believe that the real answer to unemployment lies in creating jobs in the private sector.

Ideally, our approach to the unemployment problem should embrace both concepts. At the outset, we may have to create public service jobs and training programs to take up the employment slack in the private sector. Then, as the economy improves, we should be able to shift the emphasis to private sector jobs, creating the kind of training programs and business incentives that will enable the private sector to take on the lion's share of employment.

Mr. Speaker, I know that my colleagues will devote considerable time and effort to studying the issues surrounding the full employment bill in the weeks ahead. In the hope that Dr. McCracken's overview on the economy might be helpful to them in that effort, I include it at this point in my remarks:

[From the Wall Street Journal, May 3, 1976]

THE CRUCIAL YEAR AHEAD

(By Paul W. McCracken)

The year ahead may not be the most important 12 months ever for the U.S. economy, but it is high on the list. It is there on the list because we are now under way on the second year of this economic expansion, and how things fall into place during this year will set the course for several years to come.

More is involved here than the usual questions about whether the expansion in markets for output will be ebullient or merely good, or whether the commercial paper rate will be X percent at the end of the year rather than a bit higher or a bit lower. The fact is that the performance of the American economy as it moves through the second year of the current expansion will also profoundly influence the prospects for retaining those freedoms of the individual that cannot really flourish except within the ambit of a market-organized economic system.

All kinds of groups, of course, loudly invoke the interests of "the people" to justify enlarging further the scope of government. It remains true, however, that the person for whom the right to lead his life and spend his income in ways that to him seem good, and that includes the vast majority of us, does far better in a market-organized economy than if it is operated by government dictates. Yet if evidence should emerge that the American economy is once again starting off on another of the roller coaster loops that have dominated our history since 1965, already powerful trends toward far more extensive direct state organization of economic life in the countries of the industrial world (not excluding the United States) would be reinforced. And free collective bargaining would not be excluded from the casualty list. The managers of economic policy have narrow margins for error at this juncture in history.

The key questions, of course, have to do with the price level. Can we have a satisfactory rate of expansion in employment and output without creating an unsatisfactory rate of inflation? Is there any real hope that we can get the rate of inflation down further, down to those rates where concern about the future purchasing power of money ceases to dominate thinking and planning? For our history since the mid-1960s makes it abundantly clear that even with indexation, escalators, and other ingenious arrangements, our economic system loses its balance capability for smooth performance when rates of inflation are high.

SOME ENCOURAGING OMENS

There are, of course, some encouraging omens. The most obvious is what has happened to the rate of inflation itself. Less than two years ago, during the third quarter of 1974, consumer prices in this country were rising at the rate of over 13% per year, and in that same quarter wholesale prices for industrial products were rising at a 28% per year rate. One year later the figures were 7.3% and 8.0% respectively. And in the first quarter of 1976 consumer prices were rising at the rate of 3% per year, and for prices of industrial products at wholesale the figure was below 7%.

Moreover, somewhat similar rates of deceleration have taken place elsewhere in the industrial world. Just a year ago consumer prices in Germany, the bastion of price stability, were rising at a 9% rate, but the rate thus far in 1976 seems to be at about half that. And the horrendous U.K. inflation of last year, reaching a 40% per year rate, is now down to something like one-third of that pace. These slower rates of inflation elsewhere will help to discipline price-making forces here at home.

Even trends in labor costs per unit of output have their encouraging features. For the first quarter this year they were rising at the rate of somewhat over 4% per year for the private nonfarm part of the economy. In part this reflected fairly strong gains in productivity, but compensation per hour rose at only 7.8% annual rate. While the latest wage negotiation gets the headlines, it is never a good indicator of what is going on for the whole economy.

We also see less in the way of imbalances and disequilibria within the wage structure. These imbalances can be a powerful force driving wages upward at rates which seem to defy any relevance to the state of the economy. The more rapid advances in non-union wage rates in the late 1960s, for example, helped to explain the large union demands in 1970 that were wholly out of character with weak markets that prevailed in the shallow 1970 recession.

This is, however, the time to keep our optimism on a firm leash. The basic rate of inflation embedded in the economy remains at not less than a 5% pace, and probably it is closer to 6%. A review of our experience in other expansions during the last two decades shows no case where the rate of inflation during the second year of the expansion was below that for the first. Indeed, the rate accelerated in all of these cases except for 1970–1974, when the second year of the expansion came during price controls. And the results of that second-year moderation were lost in the inevitable price explosion that followed the demise of controls.

If the rate of inflation is to be worked down further to levels that would revive longer-run confidence in the purchasing power of money, the year ahead must produce something that has not occurred since World War II—a lower rate of inflation in the second year of an expansion than during the first.

Cost developments do not lend much support to the hope that this pattern is being broken. In this early part of the active year of the three-year cycle for wage negotiations we find ourselves with expressions of relief over wage bargains in the 10% per year zone. This does not mean immediately 10% for the whole economy, since smaller adjustments from contracts negotiated in 1975 and 1974 will be affecting the over-all average, but they are tending to put labor costs per unit of output on something like a 7% per year rising trend. Since compensation of employes accounts for about 88% of net domestic product in the corporate sector, the path of the price level will never vary much from the trend of labor costs per unit of output.

Is there any route by which historical patterns can be broken, so that we can work toward lower rates of inflation as the economy continues to expand?

We shall, no doubt, be hearing a great deal about the need for a prices and incomes policies program that, if it would only be used, would in some mysterious way make a large difference in the rate of inflation. Noisy harangues hurled at companies from important offices in Washington make for good news copy that gratifies the insatiable political appetite for publicity. Somehow the ensuing pyrotechnics prove that "Washington is doing something." By contrast staying on the course of moderate monetary and fiscal policies must be "doing nothing" since there is no overt battle to be reported between the white knight (government) and the villain (a corporation, or on rarer occasions a union).

Reliance on a prices and incomes program always turns out to have two problems. One is that such programs are ineffective, in spite of the exciting sparks that may fly in the process. The second problem is that those who urge "a flexible and effective incomes policy" have never had much success in laying out precisely what such a program would be. An indication that the administration was placing major reliance on incomes policies would be bad news for the future of the price level.

THE MATTER OF ARITHMETIC

The next requirement is to get some arithmetic straight. The economy cannot deliver ongoing increases in real income per job at the rate of over 2% per year, and the actual figure will probably be somewhat below 2%. Wage-making arrangements that include "improvement factors" of more than 2% constitute perpetual motion toward inflation.

Output per man hour in the private nonfarm sector during the quarter of a century from 1948 to 1973 (both peak cyclical years) rose at the average rate of 2.67% per year. This total gain in productivity, however, must be shared with the 17% of our employment that is in government (where the statisticians assume, some would say optimistically, that productivity does not change), and this reduces to 2.21% per year the extent to which incomes per job could be raised, still maintaining a stable price level. A part of this increase in average productivity comes about because productivity at each job was rising. Indeed, the economy's average productivity could rise even though productivity at each job slipped if enough people moved from low to high productivity jobs.

We must also assume that the diversion of capital outlays to purposes that do not improve measured productivity will have some adverse effect on the capability of the economy to deliver gains in measured real income.

We shall be close to the mark if we assume that on the average increases in income per job of more than 2% per year will produce an upward drift in unit costs and the price level for the economy.

The most important requirement, of course, is that government, at both ends of Pennsylvania Avenue and on Constitution Avenue at the Federal Reserve, stick by its determination to permit a solid but not spectacular expansion. That is the path of the economy that can be sustained for years, and it is the path that will minimize total unemployment in, say, the decade ahead. Moreover, it provides our best hope for a deceleration of inflation during the second year of expansion. In markets that are enlarging persistently but at a moderate pace, strong competitive pressures will discipline price decisions. And the more extensive use of cost of living escalators can serve to transmit moderating price trends more quickly to wage adjustments and the cost level.

If this strategy does not work, we shall be faced with an issue as momentous as that leading to the Sherman Act 86 years ago—dealing with agglomerations of market power in a free society, political democracy, and a market-organized economy.

NEW ERDA STUDY SUPPORTS CONCEPT OF SEPARATING NUCLEAR WEAPONS AND ENERGY PROGRAMS IN ERDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 60 minutes.

Ms. ABZUG. Mr. Speaker, the ERDA authorization measure we will consider tomorrow is a major anomaly since it contains funds both for nuclear weapons activities and for civilian energy programs. It is difficult to imagine two programs which are more distinct in their intent and purpose than these. Each should be given separate consideration by Congress, and that is why I will offer an amendment to strike nuclear weapons activities authorization from H.R. 13350.

Last week President Ford released to Congress a study conducted by ERDA on the management of its nuclear weapons complex which gives new support to the concept of segregating weapons program from the overall energy program. The study concluded that ERDA should retain control of the weapons program rather than shifting it to a different Federal agency but that "fiscal and administrative separation of weapon and energy programs within ERDA . . . is desirable to insure that each can be managed in a manner best suited to meet its own needs."

Mr. Speaker, since the ERDA will not be able to supply copies of the study to every Member prior to debate on H.R. 13350, I am submitting for the RECORD the major concerns, options, and conclusions of the study for the review of every Member. The study raises important organizational and jurisdictional questions which must be examined in order to arrive at the best possible arrangement for responsible weapons and energy programs.

While the study endorses the desirability of separating programs, it does not go far enough in its recommendations to achieve that goal. It recommends that the OMB create a separate budget category—title—for nuclear weapons activities and that the DOD report to Congress on the costs incurred by ERDA for each nuclear weapons system. These managerial reforms are necessary, but by no means are they sufficient to enable Congress to give serious consideration to weapons policy. A separate authorization for nuclear weapons is the needed legislative reform.

Unfortunately, President Ford has not firmly committed the executive branch to implementing ERDA's recommendations of administrative and fiscal reform. In his letter of transmittal to Congress accompanying the report, the President "noted the recommendations" of the study and said only that "I will consider these recommendations in developing my future budget."

Therefore, the basic issue of achieving the separation remains unresolved. We should act now to separate the nuclear weapons from the energy authorization, a concept which has been given important new support by the ERDA study.

I am inserting five excerpts from the study for the RECORD.

The first lists the major concerns noted by ERDA in considering whether or not to transfer management of the weapons program.

The second excerpt lists the nine main options considered.

The third is the description of the alternative finally chosen.

The fourth is the set of recommendations by the ERDA Administrator.

The fifth outlines the implementation considerations if ERDA's recommendations were to be accepted.

FUNDING AND MANAGEMENT ALTERNATIVES FOR ERDA MILITARY APPLICATION AND RESTRICTED DATA FUNCTIONS

[Excerpt No. 1]

CONCERNS SUGGESTING A NEED FOR CHANGE[1]

There is concern:

1. That the nuclear weapon development and production program may unduly restrain ERDA progress in energy development—that administration of the weapon program is incompatible with the assignment of appropriately high priority to EDRA's energy responsibilities.

2. That the nuclear weapon development and production program may receive diminishing management attention and resources in ERDA because of high priorities accorded energy R&D, and may thus eventually fail to be responsive to DoD requirements.

3. That nuclear weapon costs may not be sufficiently visible to the Congress—that the Congressional armed services appropriations and authorization committees are not afforded convenient total weapon-system cost visibility.

4. That the DoD is not sufficiently accountable for ERDA costs incurred as a result of DoD requirements—that the DoD does not adequately consider the financial implications of its requirements and cannot fully rationalize its allocations of resources because it does not have to budget for ERDA costs.

CONCERNS SUGGESTING RESTRAINT AGAINST CHANGE

There is concern:

1. That changes in funding or management arrangements will adversely affect characteristics of the nuclear weapon complex which relate in a key way to the quality of future nuclear weapons.

2. That safety, security, control, and performance features of nuclear weapons will be compromised in the absence of dual-agency judgments.

3. That the capabilities of the nuclear weapon complex will not be readily available to the National Energy Research and Development Program if the complex is separated from ERDA.

4. That separation of program funding and management responsibilities will result in steadily increasing involvement of the funding agency in the management of the program, with a resultant diffusion of responsibility to a level detrimental to weapon quality.

5. That changes in funding or management arrangements will increase pressures toward duplication of facilities, staff, and other resources and/or may lead to a new bureaucracy (i.e., a new executive agency).

6. That transfer alternatives requiring major statutory changes will take time to implement and that the delay can cause serious uncertainties to the detriment of both the weapon and energy programs.

[Excerpt No. 2]

ERDA ALTERNATIVES[2]

Alternative 1

Retain the status quo.

Alternative 2

Retain current ERDA responsibilities but increase cost visibility and separation of weapon and energy programs in ERDA. Review the situation in 2 to 3 years if ERDA or DoD so recommend.

DOD FUNDING ALTERNATIVES

Alternative 3

Require DoD to fund weapon production and new SNM production for weapons.

Alternative 4

Require DoD to fund weapon production and new SNM production for weapons plus weaponization RD&T, but not exploratory RD&T.

DOD FUNDING AND MANAGEMENT ALTERNATIVES

Alternative 5

Require DoD to fund and manage the Nuclear Weapon Production Complex and fund new SNM for weapons plus weaponization RD&T, but not exploratory RD&T.

Alternative 6

Requiring DoD to assume full funding and management responsibility for the weapon program and the weapon complex and to fund new SNM production for weapons.

Alternative 7

Require DoD to fund and manage the entire weapon program and weapon complex but retain one weapon laboratory in ERDA for nonweapon R&D. Require DoD to fund new SNM production for weapons.

NEW AGENCY FUNDING AND MANAGEMENT ALTERNATIVES

Alternative 8

Establish a new Federal agency to assume responsibility for funding and management of the entire weapon program and weapon complex and to fund new SNM production for weapons.

Alternative 9

Establish a new Federal agency to assume management responsibility for the entire weapon program and weapon complex, but require DoD to fund weapon production and production of new SNM for weapons.

[Excerpt No. 3]

ALTERNATIVE 2—RETAIN CURRENT ERDA RESPONSIBILITIES BUT INCREASE WEAPON COST VISIBILITY AND SEPARATION OF WEAPON AND ENERGY PROGRAMS IN ERDA[3]

a. Definition—

As in Alternative 1, program funding and management, and the entire weapon complex, would remain ERDA responsibilities.

By Executive direction, the ERDA nuclear weapon program and budget would be submitted and treated as a separate budget activity (Title), and separate budget target ceilings, budget reviews, and apportionments would be provided. The DoD, using revised budget and cost reporting submittals, would advise the appropriate Congressional committees of all ERDA development, test, and production costs associated with each new nuclear weapon system in development or production, including costs for new SNM production attributed to these systems (but not including any initial-value charges for material recovered from the stockpile). These ERDA costs would be shown as non-add items in the DoD budget and program submission. . . .

b. Evaluation Factors—

Alternative 2 would reduce the possibility of competition between energy and weapons for management support and funding within ERDA.

This alternative would also make more visible to the Congress the ERDA costs of nuclear weapons in DoD weapon systems through new cost-reporting procedures.

As in Alternative 1, this alternative retains nuclear weapon research, development, test, and production under single-agency management, and preserves existing smoothly working interfaces between elements of the weapon complex. It maintains interlaboratory peer review and design competition, permits continued assignment of single-laboratory responsibility over the life cycle of each weapon system and component, and continues dual-agency judgments on weapon safety, security, control, and performance features. This alternative assures simple ERDA access to weapon complex capabilities for nonweapon work. It requires no additional facilities or staff, and entails no delays or uncertainties that might attend extensive statutory revision and reorganization.

Alternative 2 does not fully respond to concerns regarding inadequate DoD accountability for ERDA costs resulting from DoD weapon system requirements.

c. Implementation—

No legislative changes would be required for this alternative. Modification of DoD's reporting systems would be required to include pertinent ERDA costs. As part of implementation, a continuous review would be made by ERDA, in collaboration with DoD, to determine whether this alternative was adequately eliminating the concerns expressed early in this chapter. If ERDA or the DoD considered it necessary after an additional two to three years of experience, another study would be recommended to the President to determine whether further changes were desirable.

[Excerpt No. 4]

RECOMMENDATIONS OF THE ADMINISTRATOR OF ERDA[4]

The Administrator of ERDA, on the basis of the background covered in this report and the foregoing analysis, recommends that current ERDA responsibilities regarding the nuclear weapon program and complex be retained and that Alternative 2 be implemented. He recommends that the President direct that:

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[1] Page 8 of the "Executive Summary."

[2] Page 9 of the "Executive Summary."

[3] Page 55 of the main report.

[4] Page 78 of the main report.

OMB establish a separate budget activity (Title) for the ERDA Weapon Program, providing budget target ceilings, budget reviews, and apportionments separate from other programs in ERDA.

The DoD revise its nuclear weapon budget and cost reporting submissions to the Congress to include, on a non-add basis, additional detail of the ERDA costs associated with each new nuclear weapon or weapon system.

If DoD or ERDA conclude, after 2 to 3 years of experience, that this arrangement needs to be reconsidered, the President could direct an update of this study and its recommendation.

In effecting a budgetary separation of energy and weapon programs within ERDA, it is important to recognize that the entire nuclear weapon effort, unlike energy development, must for security reasons be largely accomplished within a government-owned complex. Capabilities within the private sector cannot be substituted for those of the government nuclear weapon complex. The Administrator believes that the paramount mission of the weapon complex is the successful execution of the weapon program, and intends to take the steps necessary to preserve this principle. In this regard, although he recognizes that the weapon laboratories can and should play a role in energy R&D, he intends to keep under his personal review the allocation of the resources of the complex to ensure that the weapon and energy development programs do not interfere unduly with one another. He intends further to have the AANS continue reporting directly to the Administrator, and to hold the AANS responsible for overseeing the utilization of weapon complex resources. In addition, administration and direction of the weapon complex will be carried out under the overall control of the AANS, and to the degree necessary and practical, apart from the integrated or coordinated administration of ERDA's responsibility in the energy development area.

Unless the President or the Congress disagrees with his recommendations, the Administrator intends to proceed with internal actions consistent with this recommendation, as outlined in Alternative 2.

[Excerpt No. 5]

PRELIMINARY REVIEW OF KEY IMPLEMENTATION CONSIDERATIONS[5]

The following were considered for each alternative:

Changes in Law,

Budget Processing and Funding Changes,

Transfers of Facilities and/or Organizations,

Interagency Agreements and Intra-agency Procedures,

Other Implementation Matters (personnel, international agreements, etc.).

Only elements of major significance are discussed below. Implementation actions applicable to more than one alternative are discussed only once and are referenced thereafter.

A. ERDA alternatives

Under Alternative 2, the nuclear weapon program would be treated as a separate entity in the ERDA's budget, receiving a separate ceiling and apportionment.

1. Changes in Law—

None required.

2. Budget Processing and Funding Changes—

An Executive directive would need to be issued requiring that separate OMB target ceilings and apportionments be established for ERDA nuclear weapon activity and other ERDA functions. The directive would also require that the DoD, via expanded and/or new budget and cost-reporting submittals, advise the Congress of all ERDA development, testing, and production costs (as non-add items) associated with each new nuclear weapon system in development or production, including costs for new SNM production attributed to these systems. . . .

ERDA budgeting and accounting procedures are capable of providing ERDA cost information in sufficient detail to support expanded DoD reporting to the Congress. . . .

3. Interagency Agreements and Intra-agency Procedures—

Alternative 2 can be implemented under the direction of the Secretary of Defense and the Administrator of ERDA, subject to OMB approval and consent by Congressional committees. Day-to-day management of the program would be affected to the extent that programmatic budgeting channels and associated planning, accounting, and reporting procedures would be refined by both ERDA headquarters and the field offices to make them consistent with the separate weapon program ceiling.

4. Other Implementation Matters—

As part of the implementation process, ERDA and DoD would continuously review the situation to determine whether this alternative was adequately diminishing the concerns expressed in Chapter III (weapon and energy program competition, weapon system cost visibility, etc.). If after 2 to 3 years of experience, ERDA or DoD recommended further review, the President could direct an update of this study and its recommendations.

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[5] Page 1 of Appendix F.

TOWARD IMPROVEMENT OF MASS TRANSIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, today I am introducing a bill to require public hearings before a mass transit system receiving Federal funds can raise fares or make substantial route changes.

Mass transit fare increases can have serious adverse consequences for riders who depend on public transportation. Higher transit fares cut into the pocketbooks of working people and can even prevent the unemployed from seeking and keeping jobs. For many people, a fare increase will mean a reduction in their standard of living.

Major route changes for transit buses or subways are also of serious concern to the public. Transportation routes determine whether people can conveniently get to work, school, shopping. Routes affect a city's growth and development.

Although public hearings are now required before a Federal mass transit project is funded, once Federal money is received, fares can be raised and routes changed or discontinued with no public input whatsoever. Decisions that raise fares or change routes are too important to be left to bureaucratic fiat.

The public should be guaranteed a voice in decisions on mass transit fares and routes—decisions that vitally affect their lives. Decisions that have passed the test of public hearings are bound to be better than those arrived at behind closed doors.

In many municipalities, however, there is no legal requirement that public hearings be held on fare increases or route changes. There were no hearings on New York City's last fare increase. Now another fare increase is rumored. The public's right to be heard on future increases should be assured.

The Congress has required public hearings before there can be any change in interstate highway routes. There must be public hearings on airline and railroad fare increases and on rates for all kinds of interstate shipping. Certainly the fares and routes of buses and subways used daily by millions of people are equally important matters.

My bill would mandate that transit authorities or other appropriate public bodies hold public hearings on the economic, environmental, social and energy conservation consequences of raising fares or changing routes. If no hearings are held, Federal payments could be suspended and no new applications approved for urban mass transit.

I urge support for this bill. The text follows:

H.R. 13814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new section:

"ESTABLISHMENT OR CHANGE OF FARES OR SERVICES

"SEC. 17. (a) The Secretary shall not approve any grant or loan under this Act unless the applicant agrees and gives satisfactory assurances, in such manner and form as may be required by the Secretary, that prior to the establishment or change (1) in any fare, or (2) in any service which the Secretary has, by rule, determined may substantially affect any community or segment thereof, the applicant—

"(A) will afford an adequate opportunity for public hearings on such establishment or change in such fare or such service and will hold such hearings pursuant to adequate prior notice;

"(B) will give proper consideration to views and comments expressed in such hearings and will consider the effect on energy conservation and the economic, environmental, and social impact of the establishment or change in such fare or such service; and

"(C) will have determined that the establishment or change in such fare or such service is consistent with official plans, or plans of local planning agencies, for the comprehensive development of the urban area affected by such fare or such service.

Notice of any hearing held pursuant to this section shall include a concise statement of the establishment or change in the fare or service and shall be published in a newspaper of general circulation in the geographic area affected by such fare or such service and on every vehicle which is owned by the applicant and is used for mass transportation in such area. A transcript shall be made of any such hearing and shall, upon request of the Secretary, be submitted to the Secretary.

"(b) If the Secretary determines, after giving an applicant proper notice and an opportunity for a hearing, that such applicant has established or changed any fare or any such service without first complying with the procedural requirements set forth in subsection (a) with respect to which the applicant has entered into an agreement with the Secretary, the Secretary shall—

"(1) suspend any further payment due under any grant or loan agreement for which such requirements were necessary for approval of such grant or loan agreement; and

"(2) not approve any other application for any grant or loan under this Act submitted by such applicant,
until the Secretary determines that such applicant has established or changed such fare or such service pursuant to such procedural requirements.".

Sec. 2. The amendment made by the first section of this Act shall apply with respect to all grant or loan agreements made under the Urban Mass Transportation Act (49 U.S.C. 1601 et seq.) after the date of enactment of this Act.

A CONTINUING DISCUSSION ON THE PROPOSAL TO ESTABLISH A COMMISSION TO STUDY THE RESULTS OF AND OTHER QUESTIONS RELATING TO THE RACIAL INTEGRATION OF PUBLIC SCHOOLS AND THE USE OF BUSING TO ACHIEVE IT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is reported that the Justice Department is considering filing a friend of the court brief asking the Supreme Court to reverse the U.S. District Court order which at the present time governs the Boston school desegregation case. I oppose the Justice Department intervening for that purpose, and I hope they will not for the reasons so eloquently set forth in the New York Times editorial of today, a copy of which I am appending.

I do, however, believe that my proposal which I introduced on January 29 as a bill, H.R. 11613, to establish a commission to study the results of and other questions relating to the racial integration of public schools and the use of busing to achieve it, is even more relevant today than it was on the day it was introduced. When I introduced that bill I said that, "I am no longer certain that I am correct in my belief that compulsory busing and racial balance in schools help to achieve the goals of quality education for all and an integrated, stable society. My heart tells me that in certain circumstances we should bus, but my gut tells me it is not working, and my mind asks why not ascertain the facts for review? No matter how controversial this issue has become, whatever the facts are, we should ferret them out."

I also stated, "I will continue to vote to allow the busing of schoolchildren to achieve racial balance in schools, unless and until I am shown by an impartial source that such busing does not achieve or frustrates the purposes for which it was designed. I continue to support the racial integration of schools. I support the rights of all children—regardless of ethnic or racial identity—to a good education. I support the integration of neighborhoods, the access of all to a decent job."

My proposal has been the subject of comments from those who believe that any questioning on this issue is a "sellout" to the forces of reaction and that it makes no difference whether compulsory racial integration is related to quality education or not, it must be employed in pursuit of a higher societal goal of compulsory racial integration.

Equally polarized at the opposite end of the issue are those who assail my proposal to find the facts as a "cop out," for they believe they know the facts: to wit, that busing does not work and should be ended immediately.

Of course, it is pleasing to report that there is support for my proposal as a reasonable way to ascertain what the facts are. I always like to mention at this point that Dr. James Coleman has endorsed my proposal.

I have on several occasions placed in the Record differing letters that I have received on this issue, as I am doing today. I would hope that rather than seeking to intervene in opposition to the Boston decree the Justice Department would support my proposal to establish a fact-finding commission. Let me first restate my proposal for those who are interested.

To make this study, I am proposing that we establish, through legislation, a 13-member Commission, 11 members of which would be selected by the 11 chief judges of our Federal circuit courts of appeals and 2 members of which would be selected by the Chief Justice of the United States. The Commission's responsibility would be to take testimony across the country on all the paramount factual issues involved in achieving racial balance in schools and the means of effecting it in particular by busing. The Commission would report its findings, as well as any recommendations for appropriate legislation, to the Congress no later than 12 months from the time the Commission commences its work. The Commission members would be required to serve full-time and would be supported by a professional staff and adequate appropriations.

The questions I believe the Commission should address itself to are the following:

First. What are the fundamental goals of racial integration of our educational systems, and how effective have been the various methods to achieve them?

Second. What are the standards that should be used in evaluating the quality of education in our schools?

Third. What has been the impact of compulsory racial integration, achieved through busing or other means, on the quality of education and on other social goals?

Fourth. What has been the impact of measures other than busing taken by communities to achieve the goals of racial balance among schools, and have these methods been more or less effective than busing in meeting educational and social goals?

Fifth. What has been the impact of the effort to insure racial balance among schools on school enrollment, on violence and discipline problems, and on the reported movement of middle-class families from central city areas?

Sixth. Has the effort to insure racial balance in school systems had a positive effect in promoting the goal of a racially integrated society or has it intensified racial divisions within the community?

Seventh. What has been the effect of differing allocations of resources—Federal, State, and local—among and within school districts on the quality of education, and to what extent does the taxing method—for example, local property tax versus general appropriations—affect these disparities?

Eighth. Are there any important educational or social values to be gained by maintaining a commitment to the so-called neighborhood school?

Ninth. What disparities, if any, exist in the training, experience and qualifications of teachers assigned to schools whose pupils are predominantly white, black, Puerto Rican, Mexican-American, Indian, or any other race?

Tenth. What are the effects, if any, of the racial balance or imbalance of the teaching staff on the educational program of a racially balanced or imbalanced school? What are the problems of maintaining a racially integrated teaching staff in a racially imbalanced school?

I believe these questions should be addressed thoroughly by an impartial body, before the Congress or the administration commit themselves to policies that further polarize the Nation.

I append a copy of the New York Times editorial and three letters I have received about my proposal for a commission to study the problems of school busing and racial integration of the public schools. I think these letters represent three general points of view: those who are busing, those who favor busing as a sound means to integrate the schools or society and oppose a study commission, and those who favor the establishment of a commission to study school integration problems in order to help them evaluate what should be done.

The material follows:

[From the New York Times, May 17, 1976]

An Anti-Busing Brief?

Solicitor General Robert Bork is reportedly urging the Justice Department to file a friend of the court brief asking the Supreme Court: (1) to overturn the Federal District Court's order in the Boston school desegregation case; and (2) to reconsider its ruling in the 1971 North Carolina case approving transportation (busing) as a remedy for unconstitutional discrimination against black schoolchildren. The recommendation is reckless, foolish and destructive.

By way of background, it should be remembered that after an extensive trial, Federal District Judge W. Arthur Garrity found that the Boston School Committee had discriminated deliberately and in violation of the Constitution against Boston's black schoolchildren over a long period of time. Consequently, prior to the opening of school in the fall of 1974, he ordered a limited integration plan including some busing. His order was upheld in the First Circuit Court of Appeals. The school year was marked by violent resistance to the order by white children and their parents.

During that year (1974–75) the school administration, at Judge Garrity's insistence, drew up a more comprehensive integration plan involving additional transportation. Once again the judge's order was upheld by the appeals court and once again there has been violent resistance to the decree. It is that second order that is now before the Supreme Court in four separate appeals. The Justice Department is considering lending support to one of them.

The Solicitor General no doubt honestly believes that he has found a legal flaw in Chief Justice Burger's opinion for a unanimous Court in the Charlotte fusing case and that his amicus brief would simply constitute an effort to tidy up the constitutional law. In fact, he could hardly send as many destructive messages or do more harm to the fabric of law if he attacked the marble walls of the Supreme Court with spray paint and a crowbar.

The first message—even worse than that issued by President Ford in 1974 when he "respectfully disagreed" with Judge Garrity's original order—would be to encourage resistance to the orders of the Federal courts. The signal would simply read that if one disagrees loudly enough, throws enough bricks, breaks enough windows and injures enough people, the Justice Department ultimately will back down and ask the courts to bend the law to accommodate violent resistance to it.

A similarly destructive message would spread throughout the Federal court system, where such judicial heroes as Frank Johnson of Alabama, J. Skelly Wright of Louisiana, James B. McMillan of North Carolina, Judge Garrity himself and a host of others withstood the most intense hostility in their home communities in order to vindicate the rule of law. With very few exceptions, they have been supported in their lonely courage by all the effort and skill the Department of Justice could marshal. Such men will now be put on notice that they indulge in honor at their peril.

Black Americans will be put on notice that the Department of Justice, after reviewing the experience with *Brown* v. *Board of Education,* has concluded that there are no remedies for their rights and that the last 22 years have been nothing more than a cruel hoax.

Finally, the filing of an anti-busing brief this week would—however unjustly—be interpreted as a political move connected with the current primary campaign in the Republican Party. From every possible point of view, it would be an act of monumental folly for the United States Department of Justice to proceed in this way against the law and the Constitution.

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
New York, N.Y., April 7, 1976.

Hon. EDWARD KOCH
U.S. House of Representatives
Washington, D.C.

DEAR CONGRESSMAN KOCH: A copy of a letter you sent prominent educators across the nation has been shared with me. We are deeply concerned about its contents and implications.

I am, of course, referring to your request for reactions to your proposal to establish a National Commission to study the "Results of and Other Questions Relating to the Racial Integration of Public Schools and the Use of Busing to Achieve It." Inasmuch as you placed some importance on the respondents' views being published in the Congressional Record, I would hope that you extend us the same courtesy.

First, let me state the Association's viewpoint on busing as a means for promoting racial integration in our schools. We fully support busing as a legitimate and, in many instances, a necessary tool for dismantling racially segregated school systems. Morever, we deplore the efforts of federal, state and local officials, and others, who seek to postpone meaningful school desegregation by attacking busing or questioning anew the legal and moral command for desegregation. No amount of negative public opinion will convince us that the constitutional rights of our children to a quality, integrated education should be denied, abridged, suspended, or postponed.

I'm sure our position on school integration and, specifically, busing has been known to you. But I want to state as candidly as I must that we have received your proposal in the context of the political and open assaults on the principles of racial equality, as public officials attempt to pander and encourage the senseless fears of white bigots.

It is not my intention here to quarrel with you over the goals or strategies of the racial equality movement, or to pursue the rather crude intimations that busing is not "popular" within the black or white communities. The NAACP's goal is to eliminate black ghettoes and white ghettoes, and to put an immediate end to racially-isolated schools.

I think it would be a national tragedy for Congress to attempt to straddle the courts, to impose upon them extraordinary limitations in using their equitable powers to remedy racial segregation in the public schools. We have many many studies which portend the inherent inequality in separate schools and pronounce the negative effects of segregation on black and white children. If there is another study required, it is one which would lay the foundation for federal [congressional] action to eliminate so-called "de facto" segregation and to help integrate so-called "private" school academies. Such a study, for example, would seek data on the number of school districts which divert public school equipment and public funds to support segregated academies through the machinations of School Boards, County Boards of Revenue, City Councils or Commissions, Pensions and Security Offices and other public agencies. Such a study would examine such Congressional remedies as denial of tax deductibility to contributions to private segregated academies on the ground that they are not set up primarily for educational purposes but to evade the mandate of the law.

Finally, let me say a few words about the composition of your proposed National Commission. We have obvious and serious questions about the sincerity of "disinterested" scholars to study the effects of busing. The danger is that such persons will pursue their charge in a literal fashion and obfuscate the issues by disassociating remedy from the vindication of constitutional rights. There is a clear and present danger to the constitutional system of adjudication when members of National Commissions appointed by federal judges,—or the Chief Justice of the United States,—attempt to second-guess the factual determinations of the triers of fact and interject "non-controversial" remedies for constitutionally-mandated remedies.

Similarly, what has busing to do with mandated equal education? Why would you have such a Commission study the question of "white flight" from the cities in the context of litigation for school desegregation?

It has been my understanding for some time that we already have a National Commission of distinguished citizens to consider the many related questions in race relations, and to propose federal action. The United States Commission on Civil Rights has been performing a distinguished service in this regard, and has awarded a contract to the Rand Corporation to design a national study of the impact of school desegregation. The design will, I understand, seek to fill the gaps in available social science research, for whatever it's worth. You may be interested in Gary Orfield's article on the subject, published in the Commission's Summer 1973 Civil Rights Digest, entitled "School Integration and its Academic Critics." I am enclosing a copy for your reading.

With every good wish,

Sincerely yours,

ROY WILKINS,
Executive Director.

THE KOSCIUSZKO FOUNDATION,
New York, N.Y., April 7, 1976.

Mr. EDWARD KOCH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I am pleased to learn that you are reconsidering your position on school busing. As a former teacher in the schools in the City of New York, and as a teacher at one of our local universities, I can only state that the forcible busing of children has been one of the greatest disasters of our times. Were it not for the fact that I can send my children to private school, I would have left the City of New York, together with the Foundation that I head.

Where the school district bounds were created deliberately to exclude blacks, they should have been changed. Where blacks would like to leave their particular school, voluntarily, to attend the neighbouring school, would likewise not cause any concern on my part. But to deliberately force children into buses, is not merely educationally unsound, has not merely done more to set the races apart than perhaps any other issue in our times, but it is likewise contrary to the spirit of the democratic form of the government.

What is most regrettable, however, especially from a Congressman who represents our City, where our population is so completely rootless, is that you have not been able to see the importance of a neighbourhood school, one that would build up pride in the area in which one lives.

With every best wish, I remain

Cordially yours,

EUGENE KUSIELEWICZ,
President.

NEW YORK UNIVERSITY,
New York, N.Y., March 29, 1976.

Representative EDWARD L. KOCH,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR SIR: I was very faborably impressed by your proposal to establish a Commission to Study the Results of and Other Questions Relating to the Racial Integration of Public Schools and the Use of Busing to Achieve It. I think you have raised the right questions for the Commission to investigate. I have studied the questions which you have listed and have tried to think of others which should be studied. I cannot think of any other major questions, so I would conclude that your list is complete and comprehensive.

The only question that I have to raise about your proposal is the method of selection of the Commission. While I agree that your method will very probably be objective, certainly more objective than many other methods that we could think of, I think it poses one problem. I would hope that there would be precautions taken so that all of the Commissioners would not be lawyers. In fact, I think that the number of lawyers on the Commission should be restricted to the proportion that they are in the total population. Further great pains should be taken with the selection of the professional staff. I do not think that any professional who has taken a public position on busing should be a member of the staff. The major advantage of this Commission should be that it takes a fresh look at the question and that the Commission not have any previous position as to the answers that it is looking for.

I want to congratulate you on taking a bold step towards solving one of our most vexing problems. I would certainly offer my services and the services of the School of Education, Health, Nursing, and Arts Professions at New York University.

Very truly yours,

DANIEL E. GRIFFITHS, *Dean.*

INFORMATION ON H.R. 166 AND THE RECENT SUPREME COURT DECISION ON SEXUALITY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, during the past few weeks I have called my colleagues' attention to the recent ruling of the U.S. Supreme Court on the States' right to regulate private sexual conduct, which had the effect of permitting States to prosecute those who engage in homosexual acts. I have urged Members to support H.R. 166, which would amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of affectional or sexual preference. That legislation is cosponsored by Ms. Abzug, Mr. Badillo, Mr. Bingham, Mr. Brown, Mr. John L. Burton, Mrs. Chisholm, Mr. Dellums, Mr. Fauntroy, Mr. Fraser, Mr. Harrington, Ms. Holtzman, Mr. Koch, Mr. McCloskey, Mr. Mineta, Mr. Mitchell, Mr. Nix, Mr. Rangel, Mr. Richmond, Mr. Rosenthal, Ms. Schroeder, Mr. Solarz, Mr. Stark, Mr. Studds, and Mr. Waxman.

I am certain that many Members here in the Congress would like to support H.R. 166 on the basis of simple equity and conscience. I also believe that a substantial number of our colleagues disagree with the recent Supreme Court decision on this subject, but hesitate to take a public position because of the possible political repercussions. For that reason I would like to bring to the attention of our colleagues the results of a recent poll conducted by the New York Daily News which shows that over half the persons interviewed disagreed with the Supreme Court decision permitting a State to outlaw homosexual acts, and 63 percent stated they believe homosexuals should be accepted in society and treated the same as anyone else.

In addition, I am also setting forth an article which appeared in the New York Times on May 15 concerning the scope of the Supreme Court decision on sexuality as it affects both heterosexuals and homosexuals. The article was written by Jean O'Leary and Bruce Voeller who are respectively, legislative director and executive director of the National Gay Task Force.

The two articles follow:

[From the Daily News, May 17, 1976]

Fifty-Eight Percent in Poll Hit Supreme Court's Ruling on Gays

(By Mark Andrews)

More than half the residents of the metropolitan area disagree with the U.S. Supreme Court's recent decision that a state may outlaw homosexual acts, according to The Daily News Opinion Poll.

Almost two-thirds of those interviewed said they thought that homosexuals should be accepted in society and treated the same as anyone else. Respondents were about equally divided on whether they thought homosexuals were treated fairly in America.

The Supreme Court, in a brief order on March 29, upheld a Virginia law providing up to five years in prison and a fine of up to $1,000 for persons convicted of homosexual activities.

535 PERSONS

The News asked New Yorkers on April 19, 20 and 21 what they thought of the high court's ruling. The poll was a random telephone sampling of 535 persons 18 and older in the city, northern New Jersey, and Westchester, Rockland, Nassau and Suffolk counties. Richard F. Link of Artronic Information Systems, Inc., a consultant.

The question was: "The U.S. Supreme Court recently ruled that a state may outlaw voluntary homosexual acts committed by adults in their own homes. Do you agree or disagree with this decision?" The response was:

[In percent]

Agree	18
Disagree	58
Don't Know	24

Agreeing with the decision were 21% of the Catholics polled, 15% of the Jewish respondents, and 14% of the Protestants interviewed.

63 PERCENT SAY YES

Another question was: "Do you think that homosexuals should be accepted in society and treated the same as anyone else?" The replies were:

[In percent]

Yes	63
No	21
Don't Know	16

This question was answered "yes" by 73% of the Jewish respondents, 63% of Protestants and 61% of Catholics who were polled.

Respondents also were asked: "Do you think that homosexuals are treated fairly in America today?" The answers were:

[In percent]

Yes	36
No	38
Don't Know	26

Protestants gave a slightly higher percentage of affirmative answers to the final question than did Catholics. "Yes" answers were given by 43% of the Protestants, 41% of the Catholics, and 28% of the Jewish respondents polled.

Comments from respondents reflected a wide range of opinions. Some of those interviewed said that homosexuals were "sick" and should be treated. Others said that homosexuals should simply be left alone to lead their own lives.

A few respondents said that homosexuals should be accepted in society, but should not be allowed to be teachers.

[From the New York Times, May 15, 1976]

Implications of the Supreme Court Decision on Sodomy

(By Jean O'Leary and Bruce Voeller)

Two hidden implications in the recent United States Supreme Court decision upholding the constitutionality of a Virginia law against sodomy have largely been neglected by the press. The first is that technically far more heterosexual women and men are affected by the ruling than lesbians or homosexual men.

In expert testimony at the recent Air Force hearing on T. Sgt. Leonard L. Matlovich, who was discharged from the service because he is a homosexual, Kinsey Institute researchers testified that about two-thirds of Americans engage in illegal sexual acts. A recent Redbook survey found an even greater percentage, raising the question of just whose sexual acts are deviant.

It is usually estimated that about 10 percent of the population (or twenty million Americans) are predominantly homosexual. If at least 60 percent of the heterosexual population engages in the illicit acts, some 120 million people are "presumptive criminals." All of this is to say that far more people are tarred by the brush of criminality than the press, and perhaps the Court, have perceived.

The second hidden implication lies in the dismaying erosion of privacy that the Supreme Court ruling creates, an erosion that deeply compromises the Court's earlier decisions and should raise great fears.

The right to one's own body and the right to the privacy of one's own home have been vigorously protected by the Court: the right to practice contraception in private, to have pornographic material in one's home, the right to abortion

Yet, the Court has now ruled that we Americans, gay or heterosexual, may not engage in most of the sexual acts recommended by marriage therapists and encouraged by physicians and researchers who have written sexual counseling books.

Thus, a nagging question surfaces that often has been raised by legislators, but only now fully begins to take on its true coloration.

As a legislator might put it, "How can I vote job protection for a person [read: homosexual] who violates the sodomy laws and is thus a presumptive criminal?"

But the fact is that the laws pertain to far more heterosexual women and men than to lesbians and gay men, and another fact is that, contrary to press reports, the sodomy laws do not make homosexuality a crime or criminalize all homosexual acts.

It is perfectly possible for a pair of homosexual lovers never to violate a sodomy statute, but the assumption is made that they always do. Non-gay women and men should now ask those legislators if their right to privacy, just curtailed by the Supreme Court, will now also be violated by employers and landlords and Government agents making the same (warranted) assumptions and inquiring into their sexual practices.

The big questions become: Did the Court act too hastily, not realizing the full implication in law or numbers of affected people? Is the largely Nixon-appointed majority in this Court testing the water on a "despised minority" before mounting a larger campaign to shrink the protected areas of privacy for all?

In the several other areas of privacy litigation recently before the Court, their rulings give cause for great alarm. They refused to block dissemination of stigmatizing police lists, to protect the privacy of bank records or of tax records, to block police search of automobiles and drivers in the absence of a warrant, to permit police officers to decide on their own hair length.

Postscript: Lest anyone think that only homosexuals' privacy is at stake, a married couple, husband and wife, were recently sentenced in Virginia to five-year jail terms following conviction for engaging together in an act of sodomy. Last fall, the Supreme Court upheld the conviction of a Tennessee man for engaging in oral sodomy with a woman.

SOVIET REPRESSION OF HUMAN FREEDOM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it was my privilege this morning to participate in a national leadership assembly sponsored by the National Conference on Soviet Jewry, and to express my strong belief that the Congress must stand firm in denying trade and credit advantages to the Soviet Union as long as it continues its policy of repression and denial of basic human liberties.

I include the text of my remarks at the assembly at this point in the Record:

Statement by Congressman Claude Pepper

I am glad to be with you this morning and to commend your determination not to take passively or without concern the harassment and the persecution and the heinous wrong which is being perpetrated upon the Jewish people of the Soviet Union.

I want to join you all and our fellow Americans in welcoming in the warmest way Dr. Alexander Luntz, who waited four years in the Soviet Union and after undergoing many heinous persecutions is finally not only living in Israel but free to travel at long last wherever his cause is found.

I say my friends, a very simple issue presented to us is, whether the Jewish people of the world, whether the government and people of the United States, long dedicated to the cause of human freedom, human liberty and human dignity, are going to sit passively by, callously unconcerned, or at least unconcerned, by the harassment and persecution committed on the Jewish people of the Soviet Union, or are we going to do our best to use those weapons we have, of a peaceful nature but pressure nevertheless, to try to bring about a change of policy and a change of course toward the Jewish people on the part of the Soviet Union.

I have a quote from a letter that was sent to this country to be disseminated by Dr. Alexander Luntz. I don't know whether Dr. Luntz made the same statement this morning or not but I commend it to you. "What can really hurt the Soviet Jews is any spreading of the thesis, 'Do not annoy the Soviets, or they will be harder on their Jews'—particularly when it is said by high officials. The Soviet Union can provide as many proofs of this thesis as it wishes to, as well as it can intensify the pressure if it sees that such action weakens the West's position. It appears that this is what has been happening in recent months. Now it is up to the West. If, in reply, it sacrifices its humanitarian demands, this will only prove to the Soviet leaders that pressure and repression are productive means of negotiation."

Just yesterday or day before yesterday I had a visit from a friend from my area who had been with a group of Baptists to visit a Baptist church in Moscow in December of last year. This Baptist church was filled to standing room only with only one announcement over the Voice of America that there was going to be this visiting delegation of American Baptists to this church in Moscow. In the course of the service my friend, a former mayor in my area, was permitted to give greetings to the Soviet people who came to that church. He conveyed warm greetings from their Baptist brothers and sisters in America and concluded his remarks by saying that "we your fellow Baptists in America pray that you shall at long last enjoy full religious liberty."

There was a man sitting right behind him with a tape recorder. And there were many others in that church who obviously were there to report to Soviet authorities what was said and done at that service.

When the American group finally concluded their visit to Moscow and stopped in Leningrad on the way home they visited another Baptist group. My friend, who had given the greeting with the statement about full religious liberty in Moscow, asked to be permitted to give greetings to the group in Leningrad. The Soviet authorities denied him the right to give greetings unless he would write out what he proposed to say to give them an opportunity to approve it ahead of time. They had detected in his remarks in Moscow that he had called for all-out religious freedom for the Soviet people and they refused to give him a chance to speak because they thought he might tell that audience that we were praying that they might enjoy full religious freedom.

You and I know that historically, under the Czars and under the Soviet regime, the Jewish people have been persecuted. They have been made the victims of programs and all other forms of harassment and tyranny. Now the question is whether we are going to sit by and say, very well you Soviets persecute your Jewish people, harass them, make them pay enormous taxes and fines, put them in mental institutions, incarcerate them in prison camps, exile them, take their jobs away from them if they ask to go to Israel, break up families, deny the opportunity of families to be reunited in various parts of the world—it's wholly your business. Are we going to say that inhuman treatment is no concern of America in our 200th year when we commemorate this great experiment in human dignity and freedom here upon this great continent? Or, are we going, with determination and persistence and consistency, to tell the Soviet Union that if you want to live in an advanced, modern society, act like a modern, socialized and civilized country!

We don't have to have Russian trade. We're not living off of Russian wheat. We don't need to have Russian techniques in order to have a viable economy in America. But they do need ours!

The only way we are ever going to get them to change their historic policy against the Jews is to put enough pressure on them to make it advantageous for them to change it. They have never loved their Jewish people. They have never felt kindly toward the Jews among their people. They have been hostile to them, on the contrary, because the Jews wouldn't allow themselves to be assimilated into the Russian people and culture. The Jews would not abandon their glorious religion, their historic culture, their determination to see that religion and culture enjoyed and perpetuated by their children. The Russians have never reconciled themselves to the unwillingness of the Jew to abandon everything that he and his people had stood for—for thousands of years—and become another digit in the Russian social structure, which alone is acceptable to their Communist hierarchy.

I'll just say in conclusion my friends: I recently had heart surgery, open heart surgery. I have a new heart. I got mine voluntarily. But the Soviets are never going to change their heart voluntarily. We have got to make them change it by making it in their interest to change it—into a willingness to show some respect and consideration for human dignity, human liberty and human freedom.

NATIONAL HANDICAPPED WEEK

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I would like to call to the attention of my colleagues that this is National Handicapped Week. The theme Independence Through Awareness is most appropriate when we consider that the solution of the problems of the handicapped lies largely in awareness of those problems.

I am especially pleased to announce that Dade County, Fla., which encompasses my district, planned an Action Week May 7 to 14 as a preliminary to National Handicapped Week. Only last Friday, I received word that the Dade Hire-the-Handicapped Committee had collected over 5,000 signatures in support of H.R. 7754, which I am privileged to cosponsor and which would amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against anyone because of physical disability. This legislation is vital to the elimination of discrimination against someone because of disability, with no regard to ability.

One of the primary activities of our Dade County preliminary observance was a Symposium on Freedom of Access to the Handicapped—an event aimed at one of the most critical problems facing the disabled—restricted access to public facilities and transportation because of architectural barriers. A panel of distinguished community leaders addressed themselves to the issues involved in this area. In addition, the symposium included an opportunity for architects, building inspectors, and contractors to get into wheelchairs and experience firsthand the architectural barriers that currently exist.

In awareness of these difficulties, I have sponsored H.R. 6173 and cosponsored H.R. 10707 and House Concurrent Resolution 386, all of which deal with the removal of architectural barriers from public facilities and buildings. I hope that all of my colleagues are also aware of these difficulties, and perhaps they could encourage similar activities in their own districts.

Mr. Speaker, I would like to close by commending the concerned people of Dade County for these actions they have taken on behalf of the handicapped and once again emphasize the importance of making it possible for the handicapped to realize their full potential as a productive and valuable sector of our population.

WHERE HAVE ALL THE WETLANDS GONE?—PART I

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the House will soon be voting on H.R. 9560, a bill to amend the Federal Water Pollution Control Act of 1972 (Public Law 92-500). Section 17 of H.R. 9560 drastically alters section 404 of the Water Pollution Control Act which requires the Corps of Engineers to regulate the discharge of dredged or fill material into the navigable waters of the United States. The basic purpose of such regulations is to protect municipal water supplies, shellfish beds and fishery areas, wildlife, and recreational areas.

What exactly does section 17 do? Section 17 would restrict the jurisdictional scope of the present dredge and fill regulation program by limiting the Corps' authority to those waters which are or could be used for transportation in interstate commerce, and to the ordinary high, water mark of such waters. This limitation would remove Federal regulatory authority from approximately 85 percent of the Nation's remaining wetland resources according to the Natural Resources Defense Council Environmental Lobby.

In view of the fact that nearly half of America's wetlands have already been destroyed by unthinking, antinature actions, this is hardly the time to step backward from the limited protection provided to wetlands under section 404 of the Water Pollution Control Act. In fact, given the rate of decline of our wetland resources, a good case could be made for more stringent Federal protection of wetland areas. I hope the appropriate congressional committees will soon take a hard look at this Nation's sorry record in its use of wetlands and pass needed legislation to protect these vital national and world resources for all time. In the meantime, this Congress can act to continue the current limited protection afforded wetland areas by rejection of section 17 of H.R. 9560—also known as the Breaux amendment.

The following article, "Who's Protecting the Wetlands?" by Paul Clancy, appeared in the May 16, 1976, issue of the Washington Post. It details one observer's view of the political context in which the Breaux amendment was generated. After reading the article, it is hard to escape the conclusion that section 17 of H.R. 9560 is a reaction to a nonevent; that is, the dredge and fill regulations issued by the corps in July 1975, were not nearly as restrictive or as unreasonable as they were initially touted to be by he corps and alarmed farming and ranching interests. In fact, the regulations according to EPA Director Russell Train, provide a balanced decision-making process to protect America's remaining wetland resources from destruction and our estuarine waters from pollution by toxic dredged or fill materials. In short, the regulations issued under section 404 of the Water Pollution Control Act help accomplish the very goal Congress established for the Nation in 1972: the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters.

Who's Protecting the Wetlands?

(By Paul Clancy)

Like hunters in a duckblind, a small but determined group of congressmen on the House Public Works Committee took aim a few weeks ago at a public law that protects the nation's fragile wetlands from destruction. Then they pulled the trigger.

The committee's action, stripping the U.S. Army Corps of Engineers of much of its jurisdiction over wetlands areas, may ultimately not find its way into law. All the same, it seemed a startling leap backward. Even lobbylists for the dredgers and fillers of wetlands were surprised. Environmentalists were positively shocked.

What was at work was not so much a renunciation of the nation's long-standing commitment to preserve and protect the environment, but a rubbing together of politics and misinformation.

The politics of it has to do with a perceived national mood against Washington and its meddlesome federal bureaucracy. Clearly fanned by the leading presidential contenders, this wind whipped hot through the committee room during the April 13 markup of amendments to the Federal Water Pollution Control Act.

This political perception combined with a largely overblown and distorted contention that Section 404 of the act was to be enforced by a literal army of bureaucrats backed up by intolerable and unnecessary regulations.

The result was a 22 to 13 vote to restrict federal authority over wetlands to that fraction which are adjacent to navigable waters and subject to the ebb and flow of the tides. In the view of Environmental Protection Agency officials, this would leave some 80 per cent of the ecologically important wetlands open to destruction by dredgers and developers.

Responsibility then would fall to the states—not a bad idea, a number of congressmen contend. Some states have rigorous wetlands protection laws. But the problem, as environmentalists see it, is that others do not.

CHANGE IN ATTITUDES

The welands, a term that applies to marshes, swamps, bogs, sloughs and river floodlands, were until quite recently viewed as an annoying hindrance to man's enjoyment of the outdoors and to the flow of commerce. This land was thus "reclaimed" for use as farms, second home developments, jetports, causeways and channels. In the past hundred years or so, an estimated 45 million acres, or 40 percent, of the nation's coastal wetlands have been lost.

Now, perhaps not too late, conservationists have convinced us that wetlands are a priceless work of nature, that they are delicate and irreplaceable breeding grounds for fish, waterfowl and fur-bearing wildlife. They aid in flood control and remove pollutants from the air and water. It takes an estimated 4,000 years for marshlands to grow to their normal teeming productivity; man can destroy them in a day.

As it tursn out, the principal agency for protecting the wetlands that remain is the U.S. Army Corps of Engineers. Asking the Army to protect wetlands is like asking the Redskins' front line to dance the ballet. But no one else is doing it. Since the Corps already was issuing dredge and fill permits for waterways, it might as well assume the additional role of wetlands protector.

It is difficult at this point to say exactly what Congress intended for wetlands when it passed the amendments to the Water Pollution Control Act in 1973—except to say that the Corps would have the power to issue or deny permits to anyone wishing to discharge dredged or fill material into navigable waters. And what it meant by navigable waters was anybody's guess.

"There was a lack of information as to just what we were dealing with," says Bill Hedeman of the Corps. "The legislative history was not much help."

Without further guidance, the Corps of Engineers decided to restrict itself to the turn-of-the-century definition of waters affecting interstate commerce. It took a court order to convince the Corps that its responsibility extended to most waters of the United States, particularly swamplands and tributaries of navigable streams and rivers.

Traditionalists in the Corps were obviously horrified at this. They estimated they would have to hire an additional 1,750 employees and spend an extra $50 million annually to write all the permits that would be required. Then, in what seemed to many a deliberate attempt to sabotage the ruling, the Corps issued a confusing four-pronged set of regulations and a press release that flatly stated:

"Under some of the proposed regulations, federal permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen an irrigation ditch or plow a field, or the mountaineer who wants to protect his land against stream erosion."

SOUNDING THE ALARM

The release hit with explosive force. The Associated Press said flatly that the Corps was seeking to extend its authority "over every lake, stream, stock pond, irrigation ditch and marsh in the nation." The next day the wire service added backyard swimming pools. Farm journals and conservation district newsletters jumped in with editorials denouncing the move as a naked power grab, a taking of private land.

Within a few days, newspapers around the country sounded the alarm: Once again the heavy hand of the federal bureaucracy had thrust itself into the lives of rural Americans. One paper actually said that the Corps of Engineers would "soon be in our backyards." An editorial cartoon showed a battleship sailing up into a farmer's creek and claiming it as government property.

It wasn't long before the U.S. Department of Agriculture (USDA) joined the chorus. Secretary Earl Butz called the proposal "a dangerous extension of the long hand of the federal government into the affairs of private citizens."

The Corps did little to discourage the growing alarm. Some of its own officials went to public meetings and added their own embellishments to the story. One estimated that the Corps would regulate every creek that farmers could not jump across. Another said that, since the Corps would not have the manpower to police all the streams, it would rely on farmers to snitch on each other.

Needless to say, the Corps was flooded with angry comments. But then, as environmental groups and officials who took time to read the regulations had a chance to react, a counterattack was begun. EPA Administrator Russell Train sharply rebuked the Corps and demanded that Lt. Gen. William C. Gribble of the Corps take immediate action to correct the false statements.

Finally, in July, the Corps backed down. Hard. Assistant Secretary of the Army Victor Veysey assured the House Public Works Committee that the Corps never had any intention of interfering with normal farming, ranching or forestry operations. He said no one was more astonished than he that the misstatements had been made; it wouldn't happen again.

And it didn't. Where there had been resistance and breast-beating, the Corps succumbed to what even its harshest critics saw as an evenhanded concern for the environment. Such an about-face, one EPA official said, "is really more possible in a military organization than a civil bureaucracy. They had their orders and they carried them out."

New regulations, written in collaboration with the EPA, were published on July 25, 1975. They did indeed envision a wide program of permit issuing—but, according to officials, moderate and reasonably. At least, that's what the court seemed to require.

In a three-phased program, the regulations required permits immediately for discharge of dredged or fill material into coastal waters and inland navigable waters and adjacent wetlands. A second phase, that goes into effect July 1, 1976, extends this authority into primary tributaries, lakes and adjacent wetlands. The third and final phase, beginning a year later, goes into all navigable waters, meaning lakes of 5 acres or more and streams with a flow of at least 5 cubic feet per second.

But the regulations were remarkable not so much for what they included but what they specifically excluded.

Excluded from regulation were drainage and irrigation ditches, stock watering ponds and settling basins and farming activities "such as plowing, cultivating, seeding and harvesting for the production of food, fiber and forest products." Again: "Farming conservation practices such as terracing check dams and land-levelling would also not be regulated unless they occur in navigable waters."

In addition, the engineers held meetings around the country to make sure people understood the regulations. Environmentalists now found themselves on the side of the Corps of Engineers and together the agency and the groups worked to dispel the past misunderstandings.

That should have been that. But it wasn't. Like a fire smoldering under ashes, the Corps' original untruths, perpetuated by critics of the program, lived on. They would continue to burn brightly, not only in the minds of the public but in the minds of members of Congress and in the minds of members of the committee that held oversight hearings on the water quality act.

More than one observer offered the explanation that Congress is not interested in the facts but only the public perception of the facts.

GOVERNORS JOIN IN

Neither the public nor Congress got much help from the USDA. A month after the new regulations were published—after the government's position was supposedly reversed—the Department sent out a press release which began:

"WASHINGTON, Aug. 8.—New 'dredge and fill' regulations of the U.S. Army Corps of Engineers impose the threat of 'cumbersome, time-consuming procedures' on farmers and ranchers every time they clean a ditch or build a pond, according to Robert W. Long, assistant secretary of agriculture for conservation, research and education."

The USDA kept this up for months. For instance, at a breakfast meeting last November with representatives of the South Carolina Association of Conservation Districts, Paul A. Vander Myde, Long's assistant, lashed out at "this 404 situation," calling it federal land-use control by another name. "It could be construed as federal taking of privately owned land rights without due process of law and certainly without just compensation," he said.

The soil conservation districts, guided by their national association in Washington, kept up a steady campaign against 404, as did the National Farm Bureau Federation and a number of other grass-roots organizations. Many of the governors joined in and so did their state ports authorities. Then the industries—home builders, road builders and dredgers—and finally some of the unions—particularly the dredging operators and the harbor crews—added their voices.

In short, congressmen were swamped. They faced angry farmers at home and increasingly organized lobbyists in Washington. And they witnessed a divided government.

Furthermore, it was becoming apparent that the entire federal water pollution control effort was bogged down. Congressmen were convinced that it was the EPA bureaucracy that was unnecessarily tying up grants for municipal water treatment plants. The agency was being charged with hindering, rather than promoting, the cleanup of municipal wastes.

The temptation to strike out at the environmental bureaucracy had grown dangerously by the time the Public Works Committee began markup sessions on water pollution control amendments. Congressmen didn't like the way the government had backed into wetlands protection, the way the judges and the bureaucrats were—once again—deciding national policy.

FEELING THE PRESSURE

But most people involved, including committee staff, figured nothing would be done about Section 404 until next year when a massive review of the act is scheduled to take place. The most that could happen, they said, would be a temporary slowdown of the regulations while Congress decided whether to write a real wetlands bill. But the pressures were such that anything could happen.

There is in Washington a lawyer named Robert E. Losch. Along with other clients, he represents the National Association of Dredging Contractors and the International Association of Operating Engineers, the ones who operate machinery in the ports. The dredging business has been slow these days and so is the harbor business. And Losch's clients are upset.

They believe that the new restrictions on dumping dredged materials are sending costs out of sight. They no longer can simply dump the material in wetlands areas above the high-water mark the way they used to. Furthermore, the Corps, long a friend of the dredgers, is saying that areas that are *periodically* flooded qualify as wetlands. That's bad for business.

Losch is an affable man, late 40s, Midwestern. He recently brought a tiny hermit crab all the way back from Hilton Head and gave it to the aquarium at the Department of Commerce because he was afraid it would fall prey to seagulls.

Bob Losch likes the way things work on the Hill and will admit to playing a part in a lot of key legislation. Like the deepwater ports bill and, interestingly, the original Section 404 of the water quality act. He didn't actually write any legislation, although some people apparently think so, but he knows the subjects well and has plenty of helpful suggestions. He's a compromiser.

A few weeks ago, Losch began getting pressure from a number of ports authorities—among them Charleston and Corpus Christi—to do something about Section 404. He thus began coordinating the lobbying effort to bring this about. It was not a massive undertaking. Most of the lobbyists did not think there was a chance to do anything this year.

The American Farm Bureau Federation sent letters to all committee members on the Friday before the vote and urged bureaus in states that had committee members to do some calling. The forestry products people did some low-key lobbying.

Losch, figuring there might be room for compromise, pushed a bill that would have allowed states to issue their own permits for filling in land areas above the high-water mark. All the lobbyists knew that Rep. John Breaux (D.-La.) intended to introduce his amendment to restrict the Corps' wetland jurisdiction, but they thought it would be shot down.

"I nearly fell out of my chair," said Keith Hundley of the Weyerhaeuser Company about what happened next.

PARTY-LINE VOTE

It was a perceptible shifting of power blocs in the committee. Chairman Bob Jones of Alabama, wielding five proxies, made some brief remarks about restrictions never intended by Congress. But the real signal was an unexpectedly heated pitch for the Breaux amendment by the man who expects to be the committee's next chairman, Jim Wright of Texas.

Wright, considered a smart, articulate man, has had what environmentalists view was an increasingly poor record. He has been accused of being in the pockets of the billboard lobby and of pushing pork barrel projects in his district against environmental interests. Such accusations make him angry. In fact, environmentalists themselves have recently made him angry.

"I am not aware that they have been elected to speak for the environment; I have been," he said in an interview. "I was an environmentalist before many of them even heard the word. Hell, I was fighting for soil and water conservation back when I was a kid in the Texas legislature."

Environmentalists have been generally friendly with Wright, not wanting to make enemies with the expected next chairman of a committee as important as Public Works. But his actions on 404 may have edged him into the ranks of the Dirty Dozen.

Wright asserted at the committee meeting that "any farmer or anybody who is going to dredge and fill around any water, any stock pond, any stream, any little creek running through his property" will have to get permission from the Corps of Engineers. Furthermore, he claimed, "Anybody who wants to have a little terrace across his property to hold his land as a soil conservation measure is going to have to go to the Corps to get a permit." Several other committee members echoed these beliefs.

It appeared that the Corps' careful efforts to clarify its position, even the extraordinarily specific regulations, had little impact on the committee. The vote fell largely along party lines, with Republicans, following the lead of their ranking member, William Harsha, voting against Breaux.

Wright now concedes that the committee may have gone too far. He said that EPA Administrator Train recently expressed concern to him that, in passing the amendment, "we may have restricted the Corps to a lesser application than we wanted to. Maybe he's right."

Wright said he may offer an amendment on the floor of the House that would delay implementation of phases 2 and 3 of the regulations, giving Congress time to conduct an in-depth inquiry.

That will be fine with Breaux, although he will fight all the way for his amendment. "I may get my rear end beat on the floor, but at least Congress will have expressed its intent," he says. "I got their attention."

The lobbyists will be fighting, too. On the industrial-agricultural side, those who would have settled for a moderate change are saying, "We now go for Breaux." On the environmental side, the Section 404 fight has pushed some of the purely educational groups into active lobbying. It will be quite a fight when the bill gets to the House floor.

Whatever happens, Wright feels that Congress is just reacting to public alarm over increasing intrusions of the federal government into the daily lives of Americans. When those Americans happen to be farmers, that's political trouble.

There seems to be a general bureaucratic head hunt in Congress this year. Among other alleged excesses, Wright lists busing, the seat belt interlock, the paperwork demands of the Occupational Safety and Health Administration and a host of "nitpicking" EPA demands.

This may be a year of running for cover. "When a guy like Jimmy Carter runs for President and rails against the Washington bureaucracy, it has to tell you something," Wright said.

INTRODUCTORY STATEMENT ON FRANKING BILL

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, in order for Members to represent the people effectively, we must be aware of their views on the major issues that face the country. Many Members send questionnaires to every household to ascertain their views. A large number of complaints are received that we can send out the questionnaires on the frank, but they have to pay postage to mail the answer. To overcome this inequity, I am today sponsoring legislation to permit constituents to return these questionnaires for free on the frank.

My bill permits the postage free return of only a questionnaire answer sheet—either enclosed with the questionnaire in an envelope or to be detached from it.

Effective communication with constituents is imperative if we are going to represent them adequately. The problem of not being aware of the views of the people we represent is a serious one; yet at the same time we can do something to help the situation now. This bill represents a responsible, practical step to increase the public voice in Congress.

The text of the bill follows.

H.R. 13825

A bill to amend title 39, United States Code, to provide that any person receiving a questionnaire from a Member of Congress may return such questionnaire under the frank

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3210 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) (1) Any congressional questionnaire which is frankable under subsection (a) (3) (C) of this section may be returned as franked mail by the person receiving such questionnaire to the Member of Congress mailing such questionnaire. Any such questionnaire shall contain a preprinted frank to enable the return of such questionnaire in accordance with this subsection.

"(2) Any mail matter which is mailed as franked mail in accordance with this subsection may not include any material unrelated to the questionnaire involved or unnecessary for the completion of such questionnaire.".

THE LATE HONORABLE LIVINGSTON T. MERCHANT

(Mr. MORGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MORGAN. Mr. Speaker, the Nation has lost one of its ablest and most dedicated citizens with the death of the Honorable Livingston T. Merchant.

As a young man with a successful career in finance, Livingston Merchant joined the State Department early in World War II to take part in our defense effort. He served initially in the division of defense materials.

Fortunately for our country, he chose to remain in Government ranks and he entered the Foreign Service after the war. He went on to become one of the most distinguished career diplomats of the Nation's postwar period.

After early assignments connected with Far Eastern affairs, he took on important roles in the reconstruction of Europe and the building of NATO. He twice was assistant Secretary of State for European Affairs, he twice served as Ambasasdor to Canada, and late in the Eisenhower administration he held the high post of Undersecretary of State for Political Affairs.

Livy Merchant served in Democratic and Republican administrations alike with talent and devotion to his country. He was both an expert in economic affairs, and an accomplished negotiator on problems ranging from Germany to Panama.

We are grateful for his service, and saddened by his death. I extend sincerest condolences to his family.

J. J. P. REMARKS ON THE ROBINSON-PATMAN ACT

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PICKLE. Mr. Speaker, unlike previous years, there are several front-page issues generated by the FTC this year. Logically, these items are being discussed today.

Because of these issues, I think it is very important to discuss the Robinson-Patman Act and the FTC today.

Beyond this, this FTC authorization bill makes the first such authorization since the passing of Dean Wright Patman of Texas. I think that many observers outside of the Congress had let slip from mind the fact that the Patman in Robinson-Patman meant Wright Patman. The Robinson-Patman Act, the Magna Carta for small business in America, was his bill, his legislation.

Personally, I feel that those of us who believe in this law would be very derelict if we did not discuss the current status of Dean Patman's great legislative legacy.

Since we are looking at the Federal Trade Commission today, I do not wish to take the time to discuss extensively the onslaught being made on this legislation. In passing, I will say that seldom do we see the big money boys making medicine with the well-meaning consumerists. But this is what is happening in the attack against the Robinson-Patman Act.

It is easy to understand why an administration, which is friendly toward big business, would want to emasculate the Robinson-Patman Act, a law which is designed to help keep competition keen. Not so easy to conceive is why certain consumer groups have swallowed the line that the Robinson-Patman Act is anticompetition. This is a view that leads one to cut one's nose off despite the best of efforts.

Certainly, a big bakery, or a big beer maker, or a big supermarket chain, or whatever big, can go into a market, offer discounts to wholesalers and retailers, and undersell the local or regional bakers, brewers, or grocers. As the local people are fighting the big people, the consumer may be paying lower prices. But once the local people are driven from business, what happens? The answer is clear—a marketplace monopoly is created and the prices go up permanently. In the end, the violation of the Robinson-Patman Act means the consumer pays, and pays, and pays.

So in my opinion, and I have listened to many an economic expert on this, the consumer advocates joining with big business and this administration to get rid of the Robinson-Patman Act are being led down the primrose path.

Mr. Chairman, I confess to saying more about the outside attack on the Robinson-Patman Act than I intended, but I do react strongly to these attacks.

On the other hand, I think even a part-time observer of the Congress can realize this Congress is not going to repeal the Robinson-Patman Act.

So, de jure, the Robinson-Patman Act remains entrenched. The problem is, Mr. Chairman, the Robinson-Patman Act is being repealed de facto; and the chief culprit is the very agency we are authorizing today—the Federal Trade Commission.

I say this without any real malice toward the FTC. I am not out to get the FTC. The FTC has heard from me when I have disagreed with some of its actions, but I have never advocated that the agency be abolished.

In fact, if anything, I implore the FTC to carry out its congressional mandate to enforce the Robinson-Patman Act.

During the 93d Congress, it was my privilege to chair a series of oversight hearings on the FTC and its recent activities on the Robinson-Patman Act. The conclusion I drew from the hearings was that the FTC had a lack, or even next to none, of activity in this Robinson-Patman area.

For example, in 1960 there were 130 complaints and 45 orders by the FTC under the Robinson-Patman statute. With the advent of a new attitude in the late 1960's and early 1970's, those actions dwindled drastically. In fiscal year 1975 there were just 2 complaints and 3 orders. To me, this record spells de facto repeal of the law by FTC officials. Please remember, Congress has never instructed the FTC to ditch enforcement of this longstanding national policy.

So with this legislation, I urge the Congress to send the FTC a message that's loud and clear—a message that says "Enforce the Robinson-Patman Act."

As we watch the FTC, all of us who are supporters of the Robinson-Patman Act should be prepared to do more than make speeches. It may be necessary to be doubly diligent at Senate confirmation hearings on nominees for the Commission. As House Members, however, our greatest control should center around the appropriations process, either by earmarking money or holding money back.

In conclusion, I ask the committee to remain on guard to see that the FTC undoes its unilateral repeal of the Robinson-Patman Act.

HOW TO SAVE $150 MILLION A YEAR? LET'S HAVE BETTER RECORDS MANAGEMENT

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I am pleased to introduce the "Federal Records Management Amendments of 1976." The Federal Government's records management program is now more than 25 years old. It needs updating and clarifying. The growth of Government and new technologies like quick-copying, micrographics, and automation have thrust recordkeeping and records management into a new dimension. Moreover, Congress again needs to reassert its purpose that there be strong, clearly defined administrative authority to deal quickly and effectively with today's huge, complex problems.

The Government Operations Committee's Subcommittee on Government Activities and Transportation, which I have the honor to chair, held hearings last July 11 on records management legislation. Witnesses from the General Services Administration and the General Accounting Office considered it a conservative estimate that a saving of $150 million a year could result from enactment of the legislation. How conservative is indicated by the fact that this saving equals a mere 1 percent of the total annual cost to the Government of its records management.

This bill is based on legislation introduced last year in the form of 12 identical or closely related bills sponsored by 71 Members. The various bills are generally grouped under H.R. 4574 or H.R. 2265, introduced by Mr. WHITE and Mr. ARCHER. Both have joined as cosponsors of our new bill, along with Chairman BROOKS of the Committee on Government Operations and Messrs. HORTON and THONE, ranking minority members of the committee and the subcommittee respectively.

When the original Federal Records Act was passed in 1950, it became title 5 of the Federal Property and Administrative Services Act. These provisions now appear as part of title 44 of the United States Code, enacted as positive law in 1968. The law gave the Administrator of General Services central staff responsibility for the Federal records management program. This included developing and improving standards, procedures, and techniques for better records management, including records disposition. The Administrator also got responsibility for inspecting agency records and practices and for establishing and operating Federal records centers.

After the hearings, we began a period of intensive analysis of the bills, the record, and existing law.

From the review emerged a consensus that although a wholesale replacement of the present language based on the old Federal Records Act was not necessary, there was clear need to update, clarify, and streamline existing law.

In the main, the bill now provides better and more consistent definitions, a strong declaration of records management objectives, and careful enumeration of the responsibilities of the Administrator of General Services with respect to records management.

The bill is composite in its inputs, which come from many sides: The authors of the prior bills, the Committee on Government Operations, the General Services Administration, the Congressional Research Service, the General Accounting Office, the Joint Committee on Printing, and the Commission on Federal Paperwork. It represents very broad agreement.

Let me add my appreciation here for the cooperation and help we have received from our full committee chairman and from the ranking minority members of the committee and subcommittee.

Mr. Speaker, the cost, effort, and physical space required for Federal paperwork are mushrooming. It is vital to the efficiency and economy of Government operations that such growth be systematically curbed and contained. Our legislation is essential to that end. I look forward to early favorable action by our subcommittee and committee so that this excellent piece of legislation may be brought before the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DANIELSON (at the request of Mr. O'NEILL), for today, on account of official business of the Committee on Veterans' Affairs.

Mr. MICHEL (at the request of Mr. RHODES), for today, on account of personal reasons.

Mr. MILFORD (at the request of Mr. O'NEILL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DOWNEY of New York, for 15 minutes, today, and to include extraneous matter.

(The following Members (at the request of Mr. BRODHEAD) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. VANIK, for 15 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. DODD, for 10 minutes, today.

Mr. DOMINICK V. DANIELS, for 5 minutes, today.

Ms. ABZUG, for 60 minutes, today.

Mr. CHARLES H. WILSON of California, for 60 minutes, on May 24.

Mr. MURPHY of New York, for 60 minutes, on May 24.

Ms. HOLTZMAN, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FISH, to have his personal explanation on rollcall No. 271 today appear in the RECORD immediately after the vote on that rollcall.

Mr. DU PONT, to revise and extend immediately prior to the vote on House Resolution 1183 in the House today.

Mr. KOCH, to revise and extend his remarks immediately before the vote on House Resolution 1183 today.

Mr. BURLISON of Missouri, to revise and extend his remarks immediately prior to the vote on House Resolution 1183 in the House today.

(The following Members (at the request of Mrs. SMITH of Nebraska) and to include extraneous matter:)

Mr. CRANE.

Mr. QUIE.

Mr. HYDE.

Mr. GRASSLEY.

Mr. WIGGINS.

Mr. VANDER JAGT.

Mr. DEL CLAWSON in three instances.

Mr. BURGENER.

Mr. RUPPE.

Mr. KETCHUM.

Mr. DERWINSKI.

(The following Members (at the request of Mr. BRODHEAD) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. BROWN of California in 10 instances.

Mr. SANTINI.

Mr. ROSENTHAL.

Mr. WAXMAN in two instances.

Mr. HAWKINS.

Mr. ROYBAL.

Mrs. SCHROEDER.

Mrs. MEYNER.

Mr. MCDONALD of Georgia.

Mr. FRASER in three instances.

Mr. CHARLES H. WILSON of California in two instances.

Mr. DE LUGO.

Mr. AUCOIN.

Mr. HARRIS in 10 instances.

Mr. RANGEL in 10 instances.

Mr. WEAVER.

Mr. HUNGATE.

Mr. GAYDOS.

Mr. HARRINGTON.

Mr. STOKES.

Mrs. SULLIVAN.

Mr. EVINS of Tennessee.

Mr. FASCELL.

Mr. DOMINICK V. DANIELS.

Mr. FITHIAN in two instances.

Mr. VANIK.

Mr. KASTENMEIER.

Mrs. CHISHOLM.

Mr. AMBRO.

Mr. BRODHEAD.

Mr. TEAGUE in two instances.

Mr. RICHMOND.

Mr. RONCALIO.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2398. An act to authorize the establishment of the Eugene O'Neill National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3095. An act to increase the protection of consumers by reducing permissible deviations in the manufacture of articles made in whole or in part of gold; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 196. Joint resolution providing for the expression to Her Majesty, Queen Elizabeth II, of the appreciation of the people of the United States for the bequest of James Smithson to the United States, enabling the establishment of the Smithsonian Institution; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7656. An act to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer information and promotion to improve, maintain, and develop markets for cattle, beef, and beef products;

H.R. 8957. An act to raise the limitation on appropriations for the U.S. Commission on Civil Rights; and

H.R. 12216. An act to amend the Domestic Volunteer Service Act of 1973 to extend the operation of certain programs by the ACTION Agency.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 510. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the safety and effectiveness of medical devices intended for human use, and for other purposes.

ADJOURNMENT

Mr. BRODHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 18, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3266. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1976 for foreign assistance (H. Doc. No. 94–498); to the Committee on Appropriations and ordered to be printed.

3267. A letter from the Under Secretary of Housing and Urban Development, transmitting the Department's comments on the report of the Comptroller General dated April 20, 1976 (H. Doc. No. 94–466) on the alleged rescission of rental housing assistance funds; to the Committee on Appropriations.

3268. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate, and under the German Offset Agreement for the quarter ended March 31, 1976, pursuant to section 719 of Public Law 94–212; to the Committee on Appropriations.

3269. A letter from the Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports and the SAR summary tables for the quarter ended March 31, 1976, pursuant to section 811 of Public Law 94–106; to the Committee on Armed Services.

3270. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 5 of title 37, United States Code, to make permanent the special pay provisions for reenlistment and enlistment bonuses, and for other purposes; to the Committee on Armed Services.

3271. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide for inrceased participation by the United States in the International Bank for Reconstruction and Development, and for other purposes; to the Committee on Banking, Currency and Housing.

3272. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the Asian Development Bank; to the Committee on Banking, Currency and Housing.

3273. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the Asian Development Fund; to the Committee on Banking, Currency and Housing.

3274. A letter from the Administrator of General Services, transmitting a draft of proposed legislation to amend the Bank Holding Company Act Amendments of 1970; to the Committee on Banking, Currency and Housing.

3275. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend and extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Currency and Housing.

3276. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–113, "To amend Regulation 72–17 relating to standards of assistance for public assistance applicants and recipients," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

3277. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and Labor.

3278. A letter from the Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting a proposed allocation formula and program guidelines for the postsecondary education comprehensive statewide planning grants program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3279. A letter from the Army Representative, Defense Privacy Board, transmitting notice of a proposed new system of records for the National Guard Bureau, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3280. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Colorado School of Mines, Golden, Colo., for a research project entitled "The Effect of In Situ Retorting on Oil Shale Pillars," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3281. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with D'Appolonia Consulting Engineers, Inc., Pittsburgh, Pa., for a research project entitled "Design and Evaluation of a Coal Mine Entry System for Longwall Top Slicing of Thick Coal Seams," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3282. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with 3R Corp., Denver, Col., for a research project entitled "Underground Disposal of Spent Shale from the Paraho Retorting Process," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3283. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Cementation Co., of America, Inc., Tucson, Ariz., for a research project entitled "Impact Rock Brakers for Shaft Excavation," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3284. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract of R. A. Hanson Co., Inc., Spokane, Wash., for a research project entitled "Highwall Mining Equipment," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3285. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with The Dow Chemical Co., Midland, Mich., for a research project entitled "Development and Evaluation of Polymer Modified Portland Cement Concrete Lagging for Mine Openings," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3286. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Dravo Corp., Denver, Col., for a research project entitled "Stope Mechanization Vein Mining," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3287. A letter from the Chairman, Indian Claims Commission, transmitting the final determinations of the Commission in Docket No. 18–K, *Red Lake Band [of Chippewa Indians], et al.*, plaintiffs, v. *The United States of America*, defendant, and Docket No. 341–D, *The Seneca-Cayuga Tribe of Oklahoma, and Peter Buck, et al.*, members and plaintiffs, v. *The United States of America*, defendant, pursuant to 60 Stat. 1055 [25 U.S.C. 70t]; to the Committee on Interior and Insular Affairs.

3288. A letter from the Chairman, Indian Claims Commission, transmitting the final determinations of the Commission in Docket No. 18–L, *The Red Lake Band [of Chippewa Indians], et al.*, plaintiffs, v. *The United States of America*, defendant, and Docket No. 341–C, *The Seneca-Cayuga Tribe of Oklahoma, and Peter Buck, et al.*, members and representatives of members thereof, plaintiffs, v. *The United States of America*, defendant, pursuant to 60 Stat. 1055 [25 U.S.C. 70t]; to the Committee on Interior and Insular Affairs.

3289. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in Docket No. 89, *The Six Nations, et al.*, plaintiffs, v. *The United States of America*, defendant, pursuant to 60 Stat. 1055 [25 U.S.C. 70t]; to the Committee on Interior and Insular Affairs.

3290. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide for increased participation by the United States in the International Development Association; to the Committee on Banking, Currency and Housing.

3291. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on International Relations.

3292. A letter from the Administrator, Agency for International Development, Department of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on International Relations.

3293. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations; to the Committee on International Relations.

3294. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 112(b) of Public Law 92–403; to the Committee on International Relations.

3295. A letter from the President, Overseas Private Investment Corporation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for Overseas Private Investment Corporation for fiscal year 1978; to the Committee on International Relations.

3296. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of March 31, 1976, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

3297. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's annual report on cigarette labeling and advertising, pursuant to section 8(b) of the Public Health Cigarette Smoking Act (84 Stat. 89); to the Committee on Interstate and Foreign Commerce.

3298. A letter from the Attorney General, transmitting a draft of proposed legislation to authorize the creation of a record of admission for permanent residence in the cases of certain refugees from the Republic of Vietnam, Laos, or Cambodia; to the Committee on the Judiciary.

3299. A letter from the Chairman, Administrative Conference of the United States, transmitting a draft of proposed legislation to amend the Administrative Conference Act; to the Committee on the Judiciary.

3300. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation authorizing appropriations for the National Science Foundation for fiscal year 1978; to the Committee on Science and Technology.

3301. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 3 of title 37, United States Code, to adjust the pay of cadets and midshipmen at the U.S. Military, Naval, Air Force, and Coast Guard Academies, to equalize the pay of members of, and applicants for, the Senior Reserve Officers' Training Corps while attending field training or practice cruises, and for other purposes; jointly, to the Committees on Armed Services, and Merchant Marine and Fisheries.

Received From the Comptroller General

3302. A letter from the Comptroller General of the United States, transmitting a report that providing economic incentives to farmers increases food production in developing countries; jointly, to the Committees on Government Operations, and International Relations.

3303. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in rehabilitating social security disability insurance beneficiaries; jointly, to the Committees on Government Operations, and Ways and Means.

3304. A letter from the Comptroller General of the United States, transmitting a report on the Navy's activities to develop and maintain the naval petroleum reserves; jointly, to the Committees on Government Operations, Armed Services, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on May 7, 1976 the following reports were filed on May 14, 1976*]

Mr. MURPHY of New York: Ad Hoc Select Committee on Outer Continental Shelf. Supplemental report on H.R. 6218. A bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Lands Act; and for other purposes. (Rept. No. 94–1084, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. Supplemental report on H.R. 11193. A bill to amend title 18 of the United States Code to provide for more effective gun control, and for other purposes. (Rept. No. 94–1103, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 3052. A bill to amend section 512(b)(5) of the Internal Revenue Code of 1954 with respect to the tax treatment of the gain on the lapse of options to buy or sell securities; with amendment (Rept. No. 94–1134). Referred to the Committee of the Whole House on the State of the Union.

Mr. CHARLES H. WILSON: Committee on Post Office and Civil Service. H.R. 10922. A bill to amend title 39, United States Code, to require the furnishing of certain information in connection with the solicitation of charitable contributions by mail, and for other purposes; with amendment (Rept. No. 94–1135). Referred to the Committee of the Whole House on the State of the Union.

Mr. STRATTON: Committee on Armed Services. H.R. 13549. A bill to provide for additional income for the U.S. Soldiers' and Airmen's Home by requiring the Board of Commissioners of the Home to collect a fee from the members of the Home; by appropriating nonjudicial forfeitures for support of the Home; and by increasing the deductions from pay of enlisted men and warrant officers; with amendment (Rept. No. 94–1136). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 11877. A bill to extend the authorization of appropriations for the National Commission on New Technological Uses of Copyrighted Works to be coextensive with the life of such Commission (Rept. No. 94–1137). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Alabama: Committee on Public Works and Transportation. H.R. 13124. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes; with amendment (Rept. No. 94–1138, Pt. I). Ordered to be printed.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 5682. A bill to provide for certain additions to the Tinicum National Environmental Center; with amendment (Rept. No. 94–1139). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 8471. A bill to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone; with amendment (Rept. No. 94–1140). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 13380. A bill to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes; with amendment (Rept. No. 94–1141). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5621. A bill to authorize the Secretary of the Interior to establish the Valley Forge National Historical Park in the Commonwealth of Pennsylvania, and for other purposes; with amendment (Rept. 94–1142). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9549. A bill to provide for the establishment of the Old Ninety-six Star Fort National Battlefield in the State of South Carolina; with amendment (Rept. No. 94–1143). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on International Relations. H.R. 13680. A bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes; (Rept. No. 94–1144). Referred to the Committee of the Whole House on the State of the Union.

Mr. REUSS: Committee on Banking, Currency and Housing. S. 3103. An act to provide for increased participation by the United States in the Asian Development Fund; (Rept. No. 94–1145). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 10138. A bill to create the Young Adult Conservation Corps to complement the Youth Conservation Corps; with amendment (Rept. No. 94–1146). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 13555. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act and to transfer certain functions relating to coal mine health and safety under the Federal Coal Mine Health and Safety Act of 1969; with amendment (Rept. No. 94–1147). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9291. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations; with amendment (Rept. No. 94–1148). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on International Relations. S. 2679. An act to establish a Commission on Security and Cooperation in Europe; with amendment (Rept. No. 94–1149). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11909. A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1977; with amendment (Rept. No. 94–1150). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Joint Committee on Atomic Energy. H.R. 8401. A bill to authorize cooperative arrangements with private enterprise for the provision of facilities for the production and enrichment of uranium enriched in the isotope 235, to provide for authorization of contract authority therefor, and for other purposes; with amendment (Rept. No. 94–1151). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 50. A bill to establish a national policy and nationwide machinery for guaranteeing to all adult Americans able and willing to work the availability of equal opportunities for useful and rewarding employment; with amendment (Rept. No. 94–1164). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on May 7, 1976, the following reports were filed May 15, 1976,*]

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13124. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes (Rept. No. 94–1138, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 1194. A bill to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the States of Alaska and Washington, and for other purposes with amendment (Rept. No. 94–1153). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7792. A bill to designate the Alpine Lakes Wilderness, Mount Baker-Snoqualmie and Wenatchee National Forests, in the State of Washington; with amendment (Rept. No. 94-1154). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 13636. A bill to amend title I (Law Enforcement Assistance) of the Omnibus Safe Streets and Crime Control Act of 1968, and for other purposes; with amendment (Rept. No. 94-1155). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 10133. A bill to upgrade the position of Under Secretary of Agriculture to Deputy Secretary of Agriculture; to provide for two additional Assistant Secretaries of Agriculture; to increase the compensation of certain officials of the Department of Agriculture; to provide for an additional member of the Board of Directors, Commodity Credit Corporation; and for other purposes; with amendment (Rept. No. 94-1156). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 10930. A bill to amend section 7(e) of the Cotton Research and Promotion Act to provide for an additional assessment and for reimbursement of certain expenses incurred by the Secretary of Agriculture and to repeal section 610 of the Agricultural Act of 1970 pertaining to the use of Commodity Credit Corporation funds for research and promotion; with amendment (Rept. No. 94-1157). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 11868. A bill to amend section 602 of the Agricultural Act of 1954; with amendment (Rept. No. 94-1158). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Small Business. H.R. 13567. A bill to amend the Small Business Act and the Small Business Investment Act of 1958; with amendment (Rept. No. 94-1159). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. S. 18. An act to amend the act of August 31, 1922, to prevent the introduction and spread of diseases and parasites harmful to honeybees, and for other purposes; with amendment (Rept. No. 94-1160). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. S. 532. An act to authorize the Secretary of Agriculture to amend retroactively regulations of the Department of Agriculture pertaining to the computation of price support payments under the National Wool Act of 1954 in order to insure the equitable treatment of ranchers and farmers (Rept. No. 94-1161). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 13713. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes; with amendment (Rept. No. 94-1162). Referred to the Committee on the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 13777. A bill to establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes (Rept. No. 94-1163). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11804. A bill to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes; with amendment (Rept. No. 94-1166). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13490. A bill authorizing appropriations for the 1980 Olympic winter games at Lake Placid, N.Y.; with amendment (Rept. No. 94-1167). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13601. A bill to amend the Rail Passenger Service Act to authorize additional appropriations, and for other purposes (Rept. No. 94-1168). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE: Committee on Science and Technology. H.R. 13655. A bill to establish a 5-year research and development program leading to advanced automobile propulsion systems, and for other purposes; with amendment (Rept. No. 94-1169). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 10546. A bill to amend the act of June 22, 1948, as amended, to provide for the acquisition of additional lands, and for other purposes; with amendment (Rept. No. 94-1171). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 11743. A bill to establish a National Agricultural Research Policy Committe, and for other purposes; with amendment (Rept. No. 94-1172). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Agriculture. H.R. 11998. A bill to establish a National Commission on Food Costs, Pricing, and Marketing to appraise the food marketing industry; with amendment (Rept. No. 94-1173). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13711. A bill to revise and extend the Horse Protection Act of 1970; with amendment (Rept. No. 94-1174). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 10498. A bill to amend the Clean Air Act, and for other purposes; with amendment (Rept. No. 94-1175). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 17, 1976]

Mr. TEAGUE: Committee of conference. Conference report on H.R. 12453. (Rept. No. 94-1176). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on May 13, 1976, the following report was filed on May 14, 1976]

Mr. HÉBERT: Committee on Armed Services. H.R. 13615. A bill to amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, and for other purposes; with amendment (Rept. No. 94-1152, Pt. I). Referred to the Committee on Appropriations for a period not to exceed 15 legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93-344. Ordered to be printed.

[Pursuant to the order of the House on May 7, 1976, the following report was filed on May 15, 1976]

Mr. BROOKS: Committee on Government Operations. H.R. 13367. A bill to extend and amend the State and Local Fiscal Assistance Act of 1972, and for other purposes; with amendments (Rept. No. 94-1165, Pt. I). Referred to the Committee on Appropriations for a period not to exceed 15 legislative days with instructions to report back to the House as provided in section 401(b) of Public Law 93-344. Ordered to be printed.

Mr. TEAGUE: Committee on Science and Technology. H.R. 12112. A bill to provide additional assistance to the Energy Research and Development Administration for the advancement of nonnuclear energy research, development, and demonstration; with amendment. (Rept. No. 94-1170), Pt. I). Referred to the Committees on Banking, Currency and Housing, and Interstate and Foreign Commerce for a period ending not later than June 10, 1976, for concurrent consideration of such provisions of the bill as fall within the jurisdictions of those committees under rule X, clause 1(d) and clause 1(l), respectively. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 13805. A bill to establish the National Diabetes Advisory Board and to take other actions to insure the implementation of the long-range plan to combat diabetes; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 13806. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometic and medical vision care; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 13807. A bill to provide that the rates of pay for Members of Congress shall be the rates in effect on September 30, 1975, until such time as they are fixed otherwise by law, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DENT:

H.R. 13808. A bill to revise the salary structure for teachers in the Department of Defense's overseas dependents' schools, to provide a sabbatical leave program for such teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOWNING of Virginia (for himself, Mr. MURPHY of New York, Mr. BOWEN, Mr. EILBERG, Mr. AuCOIN, and Mr. SNYDER):

H.R. 13809. A bill to amend the Merchant Marine Act, 1936, as amended, by inserting a new title X to authorize aid in developing, constructing, and operating privately owned nuclear-powered merchant ships; to the Committee on Merchant Marine and Fisheries.

By Mr. FINDLEY:

H.R. 13810. A bill to amend the Social Security Act to require States to prepare and implement contingency plans to insure that unemployment benefits will be promptly paid in periods of high unemployment; to the Committee on Ways and Means.

By Mr. FLYNT:

H.R. 13811. A bill to amend the Solid Waste Disposal Act to prohibit the promulgation of certain regulations respecting beverage containers sold, offered for sale, or distributed at Federal facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE (for himself, Mr. Mitchell of Maryland, Mr. Ottinger, Mr. Whitehurst, Mrs. Spellman, Mr. Kasten, Mr. Fisher, Mr. Harris, Mr. AuCoin, and Mr. Drinan):

H.R. 13812. A bill to require the payment of interest by Federal agencies on overdue contract payments, to amend the Office of Federal Procurement Policy Act, and for other purposes; to the Committee on Government Operations.

By Mr. HALL:

H.R. 13813. A bill to reffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Ms. HOLTZMAN:

H.R. 13814. A bill to amend the Urban Mass Transportation Act of 1964 to require that any mass transportation system receiving Federal assistance under the act comply with certain notice and hearing requirements before the establishment or change of any fare or certain services, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOWARD for himself and Mrs. Fenwick):

H.R. 13815. A bill to terminate the authorization for the Tocks Island Reservoir project as part of the Delaware River Basin project, and for other purposes; jointly to the Committees on Public Works and Transportation, and Interior and Insular Affairs.

By Mr. HOWE (for himself and Mr. McKay):

H.R. 13816. A bill to increase the amount which is authorized by Public Law 92–287 to be appropriated for the establishment of a metallurgy research center on the Fort Douglas Military Reservation, Utah, in replacement of the facility now located on the campus of the University of Utah; to the Committee on Interior and Insular Affairs.

By Mr. HUNGATE:

H.R. 13817. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13818. A bill to delay the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure and certain other rules promulgated by the U.S. Supreme Court; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 13819. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H.R. 13820. A bill to increase for a 5-year period the duty on certain hand tools, and for other purposes; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 13821. A bill to authorize the Administrator of the National Fire Prevention and Control Administration to make grants to volunteer fire departments which are unable to purchase necessary firefighting equipment because of the increased cost of such equipment as the result of inflation; to the Committee on Banking, Currency and Housing.

H.R. 13822. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

H.R. 13823. A bill to amend the Internal Revenue Code of 1954 to provide a deduction for clothing purchased and used by taxpayers serving in volunteer firefighting organizations; to the Committee on Ways and Means.

By Mr. O'NEILL:

H.R. 13824. A bill to provide certain amounts of broadcast time for candidates for President and Vice President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 13825. A bill to amend title 39, United States Code, to provide that any person receiving a questionnaire from a Member of Congress may return such questionnaire under the frank; to the Committee on Post Office and Civil Service.

By Mr. PICKLE:

H.R. 13826. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for occupational therapy services, whether furnished as a part of home health services or otherwise; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. QUIE (for himself and Mr. Karth):

H.R. 13827. A bill to amend the Tariff Schedules of the United States in order to eliminate all import duties on wool not finer than 46s and for other purposes; to the Committee on Ways and Means.

By Mr. RANDALL (for himself, Mr. Brooks, Mr. White, Mr. Thone, Mr. Horton, and Mr. Archer):

H.R. 13828. A bill to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes; to the Committee on Government Operations.

By Mr. SIKES:

H.R. 13829. A bill to amend the Internal Revenue Code of 1954 to treat the noncash remuneration paid to certain workers on fishing boats as self-employment income for purposes of the Federal Insurance Contributions Act, and for purposes of Federal income tax withholding requirements; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 13830. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State or local taxes imposed on the rental of dwelling units; to the Committee on Ways and Means.

By Mr. ULLMAN (for himself and Mr. Schneebeli):

H.R. 13831. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to the Tax Court; to the Committee on Ways and Means.

By Mr. WEAVER:

H.R. 13832. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476), and for other purposes; to the Committee on Agriculture.

By Mr. CONTE (for himself, Mr. Buchanan, Mr. Helstoski, Mr. Jones of North Carolina, Mr. Pickle, Mr. Roe, Mr. Thone, and Mr. Winn):

H.J. Res. 953. Joint resolution designating National Coaches Day; to the Committee on Post Office and Civil Service.

By Mr. GUDE:

H.J. Res. 954. Joint resolution to authorize the Committee for an American Hungarian Bicentennial Monument, Inc., to erect a monument in honor of the late Col. Michael Korvats de Fabrici in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. DELANEY:

H. Con. Res. 637. Concurrent resolution requesting release of Ukrainian intellectual Valentyn Moroz; to the Committee on International Relations.

By Mr. CRANE (for himself, Mr. Symms, and Mr. Snyder):

H. Res. 1193. Resolution directing the Secretary of Defense to furnish to the House of Representatives documents and other pertinent information relative to the extent of Cuban or other foreign military or paramilitary presence in the Republic of Panama or in the Panama Canal Zone; to the Committee on International Relations.

By Mr. GUDE (for himself, Mr. Anderson of Illinois, Mr. McKinney, Mr. Koch, Mr. Rosenthal, Mr. Oberstar, Ms. Chisholm, Mr. Van Deerlin, Mr. Edwards of California, Mr. AuCoin, Mr. McCloskey, Ms. Meyner, and Mr. Harrington):

H. Res. 1194. Resolution supporting the new U.S. policy toward Africa; to the Committee on International Relations.

By Mr. GUDE (for himself, Mr. Fraser, Mr. Obey, Mr. Whalen, Mr. Bingham, Mr. Rangel, Mr. Brown of California, Mr. Young of Georgia, Mr. Thompson, Mr. Solarz, Mr. Diggs, Mr. Tsongas, Mr. Simon, Mr. Nix, Mr. Ottinger, and Mr. Mitchell of Maryland):

H. Res. 1195. Resolution supporting the new U.S. policy toward Africa; to the Committee on International Relations.

By Mr. HOWE (for himself and Mr. McKay):

H. Res. 1196. Resolution disapproving the proposed deferral of budget authority for the design of a metallurgy research center to be established on the Fort Douglas Military Reservation, Utah (deferral No. D 76–110); to the Committee on Appropriations.

MEMORIALS

Under clause 4 of rule XXII,

388. The SPEAKER presented a memorial of the Senate of the State of Oklahoma, relative to the jurisdiction of Federal courts; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 13833. A bill for the relief of Stefan Kowalik; to the Committee on the Judiciary.

By Mr. PHILLIP BURTON:

H.R. 13834. A bill for the relief of Gilberto Taneo Gilberstadt; to the Committee on the Judiciary.

H.R. 13835. A bill for the relief of Preny Donna Gracia Gandeza; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

460. By the **SPEAKER**: Petition of the Fourth Northern Mariana Islands Legislature, Susupe, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to the establishment of a Commonwealth of the Northern Mariana Islands; to the Committee on Interior and Insular Affairs.

461. Also, petition of the Marshall Islands Nitijela, Majuro, Marshall Islands, Trust Territory of the Pacific Islands, relative to Mili Atoll; to the Committee on Interior and Insular Affairs.

462. Also, petition of Ruta V. Svilpis, Silver Spring, Md., and others relative to release of Vladimir Bukovsky, Gunars Rode, Balentyn Moroz, and Gavril Superfin from Vladimir prison; to the Committee on International Relations.

463. Also, petition of the city council, Bedford Heights, Ohio, relative to the Criminal Justice Reform Act; to the Committee on the Judiciary.

464. Also, petition of Ki Doo Chung, Seoul, Korea, relative to redress of grievances; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 13350

By Mr. OTTINGER:

On page 16, between lines 2 and 3, insert the following:

"SEC. 117. None of the funds authorized to be appropriated under this title or title III of this Act shall be construed by the Administrator to be available to fund an Office of Commercialization."

On page 32, between lines 6 and 7, insert a new section to read as follows:

"SEC. 405. Section 103(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5818 (d)) is amended by striking the words 'two years' and inserting therein 'four years', and at the end thereof adding the following:

" 'Beginning February 1, 1977, the Council shall annually provide to Congress a detailed report of the actions it has taken or not taken in the preceding fiscal year to carry out the duties and functions referred to in subsection (b) of this section, together with such recommendations, including legislative recommendations, the Council may have concerning the development and implementation of energy policy and the management of energy resources. The report shall include a summary of each of the meetings of the Council and such other information as may be helpful to the Congress and the public.' "

By Mr. STARK:

Page 32, immediately after line 6, insert the following:

"SEC. 405. The Administrator shall not use any funds appropriated pursuant to this Act under any contract in effect on or after October 1, 1977 for research, services, or material conducted or supplied by the Lawrence Livermore Laboratory for the Energy Research and Development Administration unless that contract specifically provides that the employees of the Lawrence Livermore Laboratory will be guaranteed the establishment of an impartial grievance procedure and further guarantees employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities."

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 13, 1976, page 13816.

HOUSE BILLS

H.R. 13401. April 28, 1976. Small Business. Amends the Small Business Act to revise the eligibility requirements for small business home-building firms for assistance under this Act. Stipulates that determinations by the Small Business Administration of the reasonable assurance of repayment of prospective loans shall be made on a case-by-case basis.

H.R. 13402. April 28, 1976. Ways and Means. Amends the Tariff schedules of the United States to repeal the duty imposed on (1) articles assembled abroad with components produced in the United States, and (2) certain metal articles manufactured in the United States and exported for further processing.

H.R. 13403. April 28, 1976. District of Columbia. Amends the District of Columbia Code to revise the conditions for detention of accused criminal offenders prior to trial. Allows detention of such individuals if their release would pose a threat to the security of the property of others. Revises the Code to prohibit release prior to trial of persons accused of first or second degree murder, with certain exceptions.

H.R. 13404. April 28, 1976. District of Columbia. Amends the District of Columbia Police and Firemen's Salary Act to establish new salary schedules.

Specifies guidelines relating to payment of retroactive compensation by reason of such revised schedules.

Increases the additional compensation paid to dog handlers and specified technicians in the Metropolitan Police Force, the Fire Department of the District of Columbia, the Executive Protective Service, and the United States Park Police.

H.R. 13405. April 28, 1976. Veterans' Affairs. Increases from ten to fifteen years the delimiting period after which no educational assistance shall be afforded eligible veterans, certain wives of veterans, or the widows or orphans of veterans.

H.R. 13406. April 28, 1976. Education and Labor. Directs the Secretary of Labor to enter into arrangements with States to provide Federal financial assistance for establishing part-time school year and full-time summer employment opportunity programs for youths.

Requires the Secretary of the Interior and the Secretary of Agriculture to jointly extend the Youth Conservation Corps so as to make possible the year-round employment of young adults.

Establishes a permanent year-round recreation support program within the Department of Labor.

H.R. 13407. April 28, 1976. Agriculture. Amends the Agricultural Adjustment Act of 1938 to direct the Secretary of Agriculture to establish national acreage allotments for the 1976 through 1980 crops of peanuts. Establishes the minimum peanut allotments for such years. Amends the Agricultural Act of 1949 to establish a price support for peanuts at 15 cents per pound for the 1976 and 1977 crops. Allows for adjustment of such prices for the 1977 through 1980 crops.

H.R. 13408. April 28, 1976. International Relations. Requires that private channels be used to the maximum extent possible in international sales of agricultural commodities for foreign currencies and long-term dollar credit under the Agricultural Trade Development and Assistance Act of 1954.

H.R. 13409. April 28, 1976. Science and Technology. Establishes the position of Assistant Administrator for Solar and Geothermal Energy and Conservation within the Energy Research and Development Administration.

Directs the Assistant Administrator to implement solar and geothermal energy development programs designed to meet the following goals: (1) ten percent of all energy used in the United States from solar and geothermal sources within ten years; and (2) 20 percent by year 2000.

Directs the Assistant Administrator to implement energy conservation programs designed to achieve a ten percent reduction in national energy consumption by 1985.

H.R. 13410. April 28, 1976. Science and Technology. Establishes the position of Assistant Administrator for Solar and Geothermal Energy and Conservation within the Energy Research and Development Administration.

Directs the Assistant Administrator to implement solar and geothermal energy development programs designed to meet the following goals: (1) ten percent of all energy used in the United States from solar and geothermal sources within ten years; and (2) 20 percent by year 2000.

Directs the Assistant Administrator to implement energy conservation programs designed to achieve a ten percent reduction in national energy consumption by 1985.

H.R. 13411. April 28, 1976. Veterans' Affairs. Directs the Secretary of Defense to provide for the burial at the Arlington Memorial Amphitheater, Arlington National Cemetery, of the remains of an unknown American Soldier who lost his life in the American Revolutionary War.

H.R. 13412. April 28, 1976. Education and Labor. Authorizes the creation of a special Opportunities Industrialization Centers job training and job creation program in order to provide jobs to unemployed Americans.

Directs the Secretary of Labor to enter into contract with Opportunities Industrialization Centers to provide comprehensive employment services for unemployed persons in depressed urban and rural areas.

Sets forth conditions governing the provision of Federal financial assistance and authorizes appropriations to fund the program for the next four fiscal years.

H.R. 13413. April 28, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13414. April 28, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 13415. April 28, 1976. Judiciary. Declares a certain individual to be entitled to retirement pay based upon certain National Guard service.

H.R. 13416. April 28, 1976. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States arising from wrongful dismissal of such individual from employment with the Department of Defense.

H.R. 13417. April 28, 1976. Judiciary. Authorizes classification of certain individuals as children for purposes of the Immigration and Nationality Act.

H.R. 13418. April 28, 1976. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 13419. April 29, 1976. Ways and Means. Amends the Social Security Act to authorize payment under the Medicare program for specified services performed by chiropractors, including X-rays, and physical examination, and related routine laboratory tests.

H.R. 13420. April 29, 1976. Education and Labor. Amends the Vocational Education Act of 1963 to increase the percentage of funds available to States for research and training programs in vocational education which may be used by State boards. Requires that at least ten percent of such funds be used for programs to coordinate research and development with the labor needs of the State.

H.R. 13421. April 29, 1976. Education and Labor. Amends the General Education Provisions Act to incorporate the National Center for Education Statistics into the process of the collection of statistics in the field of vocational education.

H.R. 13422. April 29, 1976. Education and Labor. Authorizes the use of Federal grants under the Higher Education Act of 1965 for programs designed to encourage skilled craftsmen and technicians to enter the teaching fields of vocational education and in-service training programs.

H.R. 13423. April 29, 1976. Education and Labor. Amends the Vocational Education Act of 1963 to require State boards receiving funds under such Act to use a portion of such funds for research into the areas of in-service training in vocational education program development and the recruitment of skilled craftsmen and technicians employed in the community into the vocational education teaching profession.

H.R. 13424. April 29, 1976. Education and Labor. Amends the Vocational Education Act of 1963 to redefine "high school" as including grades seven through twelve. Sets forth minimum expenditure requirements by States receiving funds under such Act for vocational education programs for high school students. Requires that specified programs under such Act include students at junior high schools as well as senior high schools.

H.R 13425. April 29, 1976. Post Office and Civil Service. Repeals the authority of the Commission on Executive, Legislative, and Judicial Salaries to review the rates of pay of Members of Congress.

H.R. 13426. April 29, 1976. Veterans' Affairs. Increases the period of entitlement for educational assistance for eligible veterans.

Eliminates the ten-year time limitation within which such assistance must be used.

H.R. 13427. April 29, 1976. Veterans' Affairs.

Allows an eligible veteran who is pursuing a program of education at the close of the ten-year delimiting period to continue to receive educational assistance in specified circumstances.

H.R. 13428. April 29, 1976. Interstate and Foreign Commerce.

Amends the Public Health Service Act to authorize and direct the Secretary of Health, Education, and Welfare to make grants to designated State agencies to meet part of the costs involved in planning, establishing, maintaining, coordinating, and evaluating programs for comprehensive services for school-age girls, their infants and children.

Specifies the requirements for State plans to qualify for Federal aid under this Act.

H.R. 13429. April 29, 1976. Judiciary.

Transfers from Federal to State courts, jurisdiction over cases in which the remedy of assignment of children to public schools on the basis of race or creed, and requiring the transportation of such children, is either sought or may be granted. Vests appellate jurisdiction of such cases in the Supreme Court of the United States by writ of certiorari from the highest State or territorial court exercising such jurisdiction.

H.R. 13430. April 29, 1976. Ways and means.

Provides, under the Emergency Unemployment Compensation Act of 1974, that the eligibility of unemployed construction workers for emergency unemployment compensation will be determined on the basis of the rate of unemployment in the construction industry.

H.R.13431. April 29, 1976. Judiciary.

Transfers responsibility for furnishing certified copies of Miller Act payment bonds from the Comptroller General to the officer that awarded the public contract for which the bond was given.

H.R. 13432. April 29, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13433. April 29, 1976. Ways and Means. Amends the Tariff Schedules of the United States to suspend through December 31, 1977, the customs duty on rubber-modified acrylonitri e-copolymer methly acrylate.

H.R. 13434. April 29, 1976. Ways and Means. Allows a tax credit, under the Internal Revenue Code, for a specified amount of the tax on employees paid during the taxable year by the corporation.

H.R. 13435. April 29, 1976. Government Operations. Establishes the Commission on Organization of the Executive Branch of the Government. Directs the commission to study the present organization and methods of operation of all agencies of the executive branch to determine what changes are necessary to improve the efficiency and to eliminate unnecessary functions of such agencies.

H.R. 13436. April 29, 1976. Ways and Means. Amends the Social Security Act to require that Old-Age, Survivors and Disability Insurance benefits be paid for the month during which a beneficiary dies.

H.R. 13437. April 29, 1976. Post Office and Civil Service. Prohibits the United States Postal Service from closing any post office which serves a rural area or small town unless (1) a majority of the persons regularly served by such post office approve the closing, (2) it establishes a rural station or branch which provides the same postal services as the post office and does not result in any change in the address of persons served by such post office, or (3) it establishes a rural route to serve the area. Allows the Postal Service to establish a rural route as a substitute for an existing post office upon making specified determinations.

H.R. 13438. April 29, 1976. Interstate and Foreign Commerce. Directs the Secretary of Commerce to make grants available, on a matching basis with non-Federal funds, to States or subdivisions thereof, or private or public, nonprofit organizations or associations for the purpose of encouraging and promoting travel within the United States and its territories.

H.R. 13439. April 29, 1976. Ways and Means. Amends the Old-Age, Survivors, and Disability Insurance program of the Social Security Act (1) to provide benefits thereunder for widowed fathers with minor children on the same basis as benefits for widowed mothers with minor children; and (2) to grant eligibility for husband's insurance benefits to husbands having a child in their care.

H.R. 13440. April 29, 1976. Ways and Means. Requires, under the Medicare program of the Social Security Act, that skilled nursing facilities be adequately equipped with wheelchairs and other appropriate equipment and supplies.

H.R. 13441. April 29, 1976. Ways and Means. Authorizes a taxpayer, under the Internal Revenue Code, to elect to treat qualified architectural and transportational barrier removal expenses which are paid or incurred during the taxable year as expenses which are not chargeable to capital account. Deems such expenses so treated as allowable tax deductible expenditures.

H.R. 13442. April 29, 1976. Ways and Means. Amends the Internal Revenue Code and the Old-Age, Survivors, and Disability Insurance program of the Social Security Act to include within the coverage of such program all Members of Congress and officers and employees in the legislative branch of the Government.

H.R. 13443. April 29, 1976. Ways and Means. Amends the Internal Revenue Code and the Old-Age, Survivors, and Disability Insurnace program of the Social Security Act to provide coverage of such program to all officers and employees of the United States other than those in the judicial branch.

H.R. 13444. April 29, 1976. Merchant Marine and Fisheries. Amends the Great Lakes Pilotage Act of 1960 to limit the liability of United States registered pilots or authorized Association of U.S. Registered Pilots for any injury, damage, or other loss which results from their negligence in navigating any vessel on the Great Lakes.

H.R. 13445. April 29, 1976. Banking, Currency and Housing; Armed Services; Education and Labor; Government Operations; Ways and Means. Establishes in the Executive Office of the President the Defense Economic Adjustment Council to facilitate the economic adjustment of communities, industries, and workers who may be substantially affected by reductions in defense contracts and facilities.

Requires defense contractors to make plans for the continued employment of workers and utilization of facilities once such defense contract is completed.

Authorizes financial assistance to unemployed or underemployed employees of defense contractors.

H.R. 13446. April 29, 1976. Armed Services. Provides a subsistence allowance for members of the Armed Forces when enrolled in an officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as a regular or reserve officer.

H.R. 13447. April 29, 1976. Banking, Currency and Housing. Authorizes the Comptroller General to audit the programs, activities, and financial operations of the Federal National Mortgage Association.

Amends the Housing and Urban Development Act to provide counseling to owners of single-family dwelling units.

Amends the National Housing Act to limit mortgage insurance to individuals whose mortgage payments do not exceed a specified portion of their income and to increase the amount required to be paid by a mortgagor on a residence before the mortgage is eligible for insurance.

H.R. 13448. April 29, 1976. Interstate and Foreign Commerce; Interior and Insular Affairs; Public Works and Transportation. Directs the Secretary of the Interior and the Federal Power Commission to issue appropriate permits and authorizations for United States participation in the construction of the Alaskan natural gas pipeline system through Canada.

Suspends administrative procedure requirements with respect to obtaining rights-of-way for such pipeline. Exempts requirements of the Mineral Leasing Act of 1920 concerning environmental protection, technical and financial capacity, public hearings, and licensing of applicants.

Imposes limitations on judicial review of administrative actions taken pursuant to this Act, including challenges based on the National Environmental Policy Act of 1969.

H.R. 13449. April 29, 1976. Interstate and Foreign Commerce, Amends the Federal Energy Administration Act of 1974 to authorize appropriations to the Federal Energy Administration through fiscal year 1977 on a program-by-program basis. Specifies limitations on the use of funds for nuclear affairs and public relations activities. Extends authorizations under such Act through fiscal year 1979.

H.R. 13450. April 29, 1976. Ways and Means. Amends the program of Grants to States for Services under the Social Security Act. Increases the Federal share of the cost of such services to 100 percent of such cost.

Removes the requirement for Federal standards of State-operated day care facilities.

Removes specified restrictions on the classes of persons to whom States may provide social services under the program.

H.R. 13451. April 29, 1976. Interstate and Foreign Commerce. Creates the National Power Grid Corporation to operate a national power grid system to supply electric power through regional bulk power supply in the area of electric power generation and transmission, with priority given to environmental protection and land use research.

Transfers certain existing Federal power facilities to the national grid system. Defines rights, powers, and duties of national and regional corporations and employees. Requires compliance with environmental standards.

H.R. 13452. April 29, 1976. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to a local education agency which demonstrates that: (1) for bona fide budgetary reasons it has been forced to reduce the expenditure of funds for essential elementary and secondary education services, making it impossible to maintain such services at a quality level; and (2) that it or the local government unit responsible for providing its revenues has made bona fide efforts to raise the revenue necessary to support essential elementary and secondary educational services and maintain quality education.

H.R. 13453. April 29, 1976. Science and Technology. Requires the Director of the Geological Survey to carry out a program of research and implementation designed to predict earthquakes and evaluate earthquake control methods.

Requires the Director of the National Science Foundation to carry out a program of research and implementation designed to advance basic earthquake engineering and earthquake mitigation research.

H.R. 13454. April 29, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13455. April 29, 1976. Armed Services. Requires each Federal agency to undertake steps to assure that no major action is taken which involves placing a significant burden on competition unless the agency finds that no alternative means are available. Directs each independent regulatory agency to submit to the Attorney General procedures by which the Attorney General shall be notified of major proposed actions.

HOUSE JOINT RESOLUTIONS

H.J. Res. 921. April 13, 1976. Judiciary. Limits judges of the Supreme Court and Federal Courts to terms of eight years, with additional terms contingent upon the advice and consent of the Senate.

H.J. Res. 922. April 14, 1976. Judiciary. Proposes a constitutional amendment to prohibit compelling a student to attend a public school other than the one nearest his residence. Provides that no teacher or student shall be assigned to schools, classes, or courses for reason of race, religion, sex, or national origin.

H.J. Res. 923. April 26, 1976. Merchant Marine and Fisheries; Ways and Means. Amends the Fisherman's Protective Act of 1967 to direct the Secretary of the Treasury to place an embargo on the products of all foreign enterprises engaged in commercial whaling.

H.J. Res. 924. April 27, 1976. Post Office and Civil Service. Authorizes and requests the President to issue a proclamation designating the week beginning on November 7, 1976, as "National Respiratory Therapy Week."

H.J. Res. 925. April 27, 1976. Armed Services.

Directs the President to restore to Doctor Mary Edwards Walker the Congressional Medal of Honor.

H.J. Res. 926. April 27, 1976. Education and Labor. Directs the President to convene a White House Conference to evaluate the success of compulsory busing to achieve integration.

H.J. Res. 927. April 28, 1976. International Relations. Authorizes the President to implement the provisions of the Treaty of Friendship and Cooperation between the United States and Spain.

H.J. Res. 928. April 28, 1976. Post Office and Civil Service. Designates the week beginning on May 2, 1976, as "National Vandalism Prevention Week."

H.J. Res. 929. April 28, 1976. Judiciary. Proposes a constitutional amendment which provides that the House of Representatives shall be composed of Members chosen for a term of four years by the people of the several States.

H.J. Res. 930. April 28, 1976. Post Office and Civil Service. Authorizes the President to issue annually a proclamation designating the seven-day period commencing on April 30 of each year as "National Beta Sigma Phi Week."

HOUSE CONCURRENT RESOLUTIONS

H. Con. Res. 608. April 8, 1976. Ways and Means. Expresses the sense of the Congress that the President shall seek the elimination of surety deposit requirements on vegetable protein products imposed by the European Economic Community, provides that if the President shall fail to eliminate such requirement, he shall obtain full compensation for such actions under article XXIII of the General Agreement on Tariffs and Trade.

H. Con. Res. 609, April 8, 1976. Agriculture; International Relations. Declares it the sense of Congress that every person has the right to a nutritionally adequate diet and that the United States increase its assistance for self-help development among the world's poorest people until such assistance reaches one percent of our total national production.

H. Con. Res. 610. April 9, 1976. International Relations. Expresses the sense of Congress that if the United States sells C–130 aircraft to Egypt, in accordance with the statement submitted pursuant to transmittal number 76–47, no additional sales of defense articles or defense services should be made to Egypt until the President certifies to the Congress that Egypt has stated that a state of war no longer exists between it and Israel and has renounced the use of war against Israel except in its military self-defense.

H. Con. Res. 611. April 9, 1976. Sets forth the congressional budget for the United States Government for the fiscal year 1977. Specifies the appropriate level of new budget authority and the estimated budget outlays for each major functional category. Revises the congressional budget for the transition period beginning July 1, 1976.

H. Con. Res. 612. April 12, 1976. International Relations. Expresses the objection of the Congress to the proposed sale to Egypt of C–130 aircraft as described in transmittal number 76–47.

H. Con. Res. 613. April 12, 1976. Post Office and Civil Service. Expresses the sense of the Congress that the theme and slogan "Lasting Independence From Empire (LIFE" be adopted for the United States Bicentennial.

H. Con. Res. 614. April 13, 1976. Ways and Means. Expresses the sense of Congress that the President should, and is hereby urged to, provide effective import relief to the domestic nonrubber footwear industry.

H. Con. Res. 615. April 13, 1976. Agriculture; International Relations. Declares it the sense of Congress that every person has the right to a nutritionally adequate diet and that the United States increase its assistance for self-help development among the worlds' poorest people until such assistance reaches one percent of our total national production.

HOUSE RESOLUTIONS

H. Res. 1161. April 26, 1976. Standards of Official Conduct. Amends Rule XLIII of the Rules of the House of Representatives by requiring that a Member's salary be paid into an escrow account whenever such Member is convicted by a court of record for specified crimes.

H. Res. 1162. April 27, 1976. Rules. Amends Rule X of the House of Representatives to mittee on Standards of Official Conduct may, provide that any Member of the House Com- at his own discretion, disqualify himself from participating in any investigation of the conduct of any Member, officer, or employee of the House.

H. Res. 1163. April 27, 1976. Post Office and Civil Service. Designates the week beginning April 4, 1976, as "National Rural Health Week." Urges that health services and dissemination of health information be improved in rural America.

H. Res. 1164. April 28, 1976. Provides that until May 16, 1976, all committees of the House shall be permitted to sit while the House is reading a measure for amendment under the five-minute rule.

H. Res. 1165. April 28, 1976. Sets forth the rule for the consideration of H.R. 8410.

SENATE—*Monday, May 17, 1976*

The Senate met at 12 noon and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Who shall ascend into the hill of the Lord? or who shall stand in His holy place?

He that hath clean hands, and a pure heart; who hath not lifted up his soul unto vanity, nor sworn deceitfully.

He shall receive the blessing from the Lord, and righteousness from the God of his salvation.—Psalms 24: 3–5.

Eternal Father, come to us in this place with Thy cleansing and renewing power that as we undertake the legislative work of the Republic we may do so with clean hands and pure hearts. And as we pray for ourselves, so we pray for all Americans that this year may be to all people a year of new beginnings when we become better persons in a better nation which moves toward Thy higher kingdom. To the leaders of all the nations, grant grace and wisdom, that justice may be achieved, peace abide and love rule the ways of mankind.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 13, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the legislative calendar of unobjected-to measures under Senate rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet until 1 p.m. or the end of morning business, whichever comes later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations placed on the Secretary's desk.

There being no objection, the Senate proceeded to consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

NOMINATIONS PLACED ON SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Coast Guard placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, this morning I tallied up all the items on the calendar which have not as yet been attended to and, with one exception, have been reported to the calendar by May 14. One has been reported on May 15.

As of now, we have 94 legislative matters on the calendar. We have approximately 14 weeks in which to consider this pileup.

Of the 94 measures—which I shall ask unanimous consent at an appropriate time to have printed in the Record—I think there should be added a number of other legislative bills which will be reported as of May 15, the last day under the Budget Reform Act.

At this time I ask unanimous consent that a whip notice put out by my distinguished colleague, the assistant majority leader, the Senator from West Virginia (Mr. Robert C. Byrd), and a list of additional legislative items on the calendar, be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Whip Notice

[Today, Friday, May 14, 1976]

Dear Colleague:

The Senate will meet at noon on Monday, and will continue debate on S. Res. 400 and amendments thereto. Votes may occur on amendments. Rollcall votes could also occur on other matters.

General Information

The Senate workload in the days ahead looks very much like a smorgasbord. Look it over with relish! Among the measures to be considered are the following, but not necessarily in the order listed:

S. 3219 (Clean Air Act). This bill will probably not be called up until after the Memorial Day weekend.

S. 2477 (more effective public disclosure of certain lobbying activities);

H.R. 6512 (relief of certain postmasters);

S. Res. 436 (United States policy toward Africa);

S. 12 (benefits for survivors of Federal judges);

S. 1284 (antitrust);

H.R. 11559 (to authorize appropriations for saline water conversion);

H.R. 11619 (to authorize appropriations for Council on Environmental Quality);

H.R. 366 (to provide benefits to survivors of certain public safety officers);

S. 1776 (establish Valley Forge National Historical Park in Pennsylvania);

S. 3420 (to authorize appropriations to the International Trade Commission);

H.R. 13069 (authorization) for loans to unemployment fund of Virgin Islands);

H.R. 5360 (benefits to American civilian internees in Southeast Asia);

S. 2837;

S. 972 (scholarships for dependent children of public safety officers);

H.R. 8532 (antitrust);

S. 3424 (State energy conservation implementation programs);

S. 230 (to authorize group life insurance programs for public safety officers);

H.R. 5465 (Federal employment preference to certain employees of the Bureau of Indian Affairs);

S. 2839 (information on foreign and American investments abroad);

S. 1632 (Federal program to promote electric vehicle technologies);

S. 3122 (Endangered Species);

Calendar Order No. 796 (Public Works and Economic Development);

S. 3281 (distribution of current information on Federal domestic assistance programs);

S. 2304 (supervisory authority of Federal banking agencies over financial institutions);

S. 1926 (health maintenance organizations);

S. 3369 (authorization for certain small business programs);

S. 3370 (authorization for Surety Bond Guarantee Fund);

S. 2212 (to amend the Omnibus Crime Control and Safe Streets Act);

S. 3308 (requiring certain Federal agencies to recodify the rules promulgated by such agencies);

S. 3165 (to establish a national marine science and technology policy);

S. 3432 (monetary authorization for certain comprehensive river basin plans);

S. 2069 (national goals for resolution of controversies involving consumers);

S. 3131 (financing for the National Railroad Passenger Corp.);

S. 2042 (to amend Natural Gas Pipeline Safety Act);

S. 2991 (to amend the Hazardous Materials Transportation Act to authorize appropriations);

S. 2323 (to amend the National Traffic and Motor Vehicle Safety Act to authorize appropriations);

S. 3119 (to amend the Federal Railroad Safety Act to authorize additional appropriations);

S. 3434 (to authorize construction at military installations);

S. 2184 (planning and construction of facilities in connection with 1980 Olympic winter games);

S. 3383 (national policy on weather modification);

S. 3147 (to extend the Marine Protection, Research, and Sanctuaries Act);

S. 3435 (authorization of appropriations for the Privacy Protection Study Commission);

S. 2715 (attorney fees for participation before Federal regulatory agencies);

S. 2862 (to authorize appropriations for Federal Fire Prevention and Control Act);

H.R. 11670 (to authorize appropriations for the Coast Guard);

S. 2219 (Central, Western, and South Pacific Fisheries Development Act);

H.R. 5630 (to amend the Federal Boat Safety Act);

S. 2150 (to authorize recovery of resources from wastes);

S. 3037 (authorizations under the Federal Water Pollution Control Act);

S. 3436 (to authorize appropriations for research under the Noise Control Act of 1972);

S. 3437 (to authorize appropriations for research under the Federal Water Pollution Control Act);

S. 3438 (to amend the Clean Air Act to authorize appropriations for research);

S. 2872 (to amend the Federal Energy Administration Act of 1974 to extend the expiration date).

NOTE

On Tuesday a rollcall vote will occur on the motion to invoke cloture on the pending substitute amendment (S. Res. 400). Also please be advised that upon disposing of S. Res. 400 (when that occurs), the Senate is expected to immediately take up one of the following:

Military Authorization bill;

Antitrust legislation;

Arms Control legislation (but not necessarily in the order shown).

Order No.	No. and author of bill	Title	Reported by—
788	H.R. 11438	An act to amend title 5, United States Code, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes.	May 13, 1976.—Mr. McGee, Committee on Post Office and Civil Service, with an amendment. (Rept. 830.)
789	H.R. 12132	An act to extend as an emergency measure for one year the District of Columbia Medical and Dental Manpower Act of 1970.	May 13, 1976.—Mr. Eagleton, Committee on the District of Columbia, without amendment. (Rept. 831.)
790	H.R. 8719	An act to provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.	May 13, 1976.—Mr. Eagleton, Committee on the District of Columbia, with an amendment. (Rept. 832.)
791	H.R. 11481	An act to authorize appropriations for the fiscal year 1977 for certain maritime programs of the Department of Commerce and for other purposes.	May 13, 1976.—Mr. Pearson, Committee on Commerce, with amendments. (Rept. 833.)
799	S. 2485—Messrs. Packwood and Hatfield	A bill to amend title III of the Bankhead-Jones Farm Tenant Act as amended to eliminate the necessity of referring loans made with resource conservation and development funds in excess of $250,000 to congressional committees for approval.	May 13, 1976.—Mr. McGovern, Committee on Agriculture and Forestry, with an amendment and an amendment to the title. (Rept. 842.)
815	H.R. 12455	An act to extend from Apr. 1 to Oct. 1, 1976, the maximum period during which recipients of services on Sept. 30, 1975, under titles IV–A and VI of the Social Security Act, may continue to receive services under title XX of that act without individual determinations.	May 13, 1976.—Mr. Long, Committee on Finance, with an amendment, and an amendment to the title. (Rept. 857.)
816	S. 2184—Messrs. Javits and Buckley	A bill to authorize the Secretary of Commerce to participate in the organization for planning, design, and construction of facilities in connection with the 1980 Olympic winter games at Lake Placid, N.Y.	May 13, 1976.—Mr. Buckley, Committee on Commerce, with an amendment, and an amendment to the title. (Rept. 858.)
817	S. 3383—Messrs. Pearson and Bellmon	A bill to authorize and direct the Secretary of Commerce to develop a national policy on weather modification, and for other purposes.	May 13, 1976.—Mr. Pearson, Committee on Commerce, with amendments. (Rept. 859.)
818	S. 3147—Messrs. Hollings, Magnuson, and Pearson.	A bill to extend the Marine Protection, Research, and Sanctuaries Act for two years.	May 13, 1976.—Mr. Hollings, Committee on Commerce, with an amendment. (Rept. 860.)
819	S. 3435—Mr. Ribicoff	A bill to increase an authorization of appropriations for the Privacy Protection Study Commission and to remove the fiscal year expenditure limitation.	May 13, 1976.—Mr. Ribicoff, Committee on Government Operations, without amendment. (Rept. 861.) (An original bill.)
820	S. 2715—Mr. Kennedy and others	A bill to amend the Administrative Procedures Act to permit awards of reasonable attorney fees and other expenses for participation in proceedings before Federal regulatory agencies, and for other purposes.	May 13, 1976.—Mr. Kennedy, Committee on the Judiciary, with an amendment, and an amendment to the title. (Rept. 863.)
821	S. 2862—Messrs. Magnuson and Pearson	A bill to authorize appropriations for the Federal Fire Prevention and Control Act of 1974.	May 13, 1976.—Mr. Robert C. Byrd (for Mr. Magnuson), Committee on Commerce, with an amendment. (Rept. 864.)
822	H.R. 11670	An act to authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize for the Coast Guard a year-end strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.	May 13, 1976.—Mr. Robert C. Byrd (for Mr. Magnuson), Committee on Commerce, with amendments. (Rept. 865.)
823	S. 2219—Mr. Fong	A bill to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes.	May 13, 1976.—Mr. Robert C. Byrd, (for Mr. Magnuson), Committee on Commerce, with amendments. (Rept. 866.)
824	H.R. 5630	An act to amend the Federal Boat Safety Act of 1971 in order to increase the Federal Government's share of the costs of State boat safety programs, and to increase the authorization for appropriations for such programs.	May 13, 1976.—Mr. Robert C. Byrd, (for Mr. Magnuson), Committee on Commerce, with an amendment. (Rept. 867.)
825	S. 1414—Mr. Fong	A bill to make the Trust Territory of the Pacific Islands eligible to participate in certain Federal fisheries programs, and for other purposes.	May 13, 1976.—Mr. Robert C. Byrd, (for Mr. Magnuson), Committee on Commerce, with an amendment (Rept. 868.)
832	S. 3439	A bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.	May 14, 1976.—Mr. Humphrey, Committee on Foreign Relations, without amendment. (Rept. 876.) (An original bill.)
833	H.R. 3650	An act to clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes.	May 14, 1976.—Mr. McGee, Committee on Post Office and Civil Service, without amendment (Rept. 877.)
834	H.R. 12438	An act to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the armed forces, and to prescribe the authorized personnel strength for each active duty component and of the selected reserve of each reserve component of the armed forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.	May 14, 1976.—Mr. Stennis, Committee on Armed Services, with an amendment (Rept. 878.)
835	S. 3105—Messrs. Pastore and Jackson (By request).	A bill to authorize appropriations to the Energy Research and Development Administration in accordance with sec. 261 of the Atomic Energy Act of 1959, as amended, sec. 305 of the Energy Reorganization Act of 1974, and sec. 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.	May 14, 1976.—Mr. Jackson, Committee on Interior and Insular Affairs, with amendments. (Rept. 879.)
836	S. 3440—Mr. Pell	A bill to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to provide for cultural challenge programs, an arts program and an American bicentennial photography and film project, and for other purposes.	May 14, 1976.—Mr. Pell, Committee on Labor and Public Welfare, without amendment. (Rept. 880.) (An original bill.)
837	H.R. 12838	An act to extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program, and for other purposes.	May 14, 1976.—Mr. Pell, Committee on Labor and Public Welfare without recommendation. (Rept. 881.)

Order No.	No. and author of bill	Title	Reported by—
838	S. 2657—Mr. Pell	A bill to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.	May 14, 1976.—Mr. Pell, Committee on Labor and Public Welfare, with an amendment (Rept. 882.)
839	H.R. 12987	An act to authorize appropriations for fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976 for carrying out title VI of the Comprehensive Employment and Training Act of 1973, and for other purposes.	May 14, 1976.—Mr. Nelson, Committee on Labor and Public Welfare, with an amendment, and an amendment to title (Rept. 883.)
840	H.R. 9019	An act to amend title XIII of the Public Health Service Act to revise and extend the program for the establishment and expansion of health maintenance organizations.	May 14, 1976.—Mr. Schweiker, Committee on Labor and Public Welfare, without recommendation. (Rept. 884.)
841	S. 2515—Messrs Kennedy, Schweiker, and Javits.	A bill to amend the Public Health Service Act to establish the President's Commission for the protection of human subjects involved in biomedical and behavioral research, and for other purposes	May 14, 1976.—Mr. Kennedy, Committee on Labor and Public Welfare, with an amendment. (Rept. 885.)
842	H.R. 5546	An act to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the Health Service Corps program and the National Health Service Corps scholarship training program, and for other purposes.	May 14 1976.—Mr. Kennedy, Committee on Labor and Public Welfare, without recommendation. (Rept. 886.)
843	S. 3239—Mr. Kennedy, and others	A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health professions, to revise the National Health Service Corps program and for other purposes.	May 14, 1976.—Mr. Kennedy, Committee on Labor and Public Welfare, with an amendment. (Rept. 887.)
844	S. 3202—Messrs, Kennedy, Pell, and Mondale	A bill to authorize appropriations for activities of the National Science Foundation for fiscal year 1977, and for other purposes.	May 14, 1976.—Mr. Kennedy, Committee on Labor and Public Welfare, with an amendment. (Rept. 888.)
845	S. 2548—Mr. Cranston, and others	A bill to revise and extend the authorizations of appropriations in provisions of title XII of the Public Health Service Act relating to emergency medical service systems, and for other purposes.	May 14, 1976.—Mr. Cranston (for Mr. Kennedy), Committee on Labor and Public Welfare, with an amendment. (Rept. 889.)
846	H.R. 12566	An act authorizing appropriations to the National Science Foundation for fiscal year 1977.	May 14, 1976.—Mr. Kennedy, Committee on Labor and Public Welfare, without amendment. (Rept. 890.)
847	H.R. 3348	An act to amend title 38, United States Code, in order to extend and improve the program of exchange of medical information between the Veterans' Administration and the medical community, and for other purposes.	May 14, 1976.—Mr. Cranston, Committee on Veterans' Affairs, with an amendment. (Rept. 891.)
848	H.R. 10268	An act to amend title 38 of the United States Code in order to clarify the purposes for which the Administrator of Veterans' Affairs may release the names and addresses of present and former personnel of the armed services and their dependents.	May 14, 1976.—Mr. Cranston, (for Mr. Hartke), Committee on Veterans' Affairs, with an amendment, and an amendment to the title. (Rept. 892.)
849	S. 3091—Mr. Humphrey and others	A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) and the act of June 4, 1897 (30 Stat. 35.)	May 14, 1976.—Mr. Humphrey, Committee on Agriculture and Forestry, with an amendment, and an amendment to the title. (Rept. 893.)
850	S. 3051—Mr. Dole	A bill to amend the Commodity Futures Trading Commission Act of 1974, and for other purposes.	May 14, 1976.—Mr. Dole, Committee on Agriculture and Forestry, with an amendment, and an amendment to the title (Rept. 894.)
851	S. 2081—Mr. Huddleston and others	A bill to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, and for other purposes.	May 14, 1976.—Mr. Eastland, Committee on Agriculture and Forestry, with an amendment. (Rept. 895.)
852	H.J. Res. 92	Joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent.	May 14, 1976.—Mr. Stevens, Committee on Post Office and Civil Service, amendment to the Preamble. (Rept. 896.)
853	S. 2035—Messrs. Pastore and Baker (By request.)	A bill to authorize cooperative arrangements with private enterprise for the provision of facilities for the production and enrichment of uranium enriched in the isotope-235, to provide for authorization of contract authority therefore to provide a procedure for prior congressional review and approval of proposed arrangements, and for other purposes.	May 14, 1976.—Mr. Pastore, Joint Committee on Atomic Energy with an amendment, and an amendment to the title. (Rept. 897.)
854	S. 2661—Messrs. Magnuson and Pearson (By request).	A bill to amend the Independent Safety Board Act of 1974, to authorize additional appropriations, and for other purposes.	May 14, 1976.—Mr. Cannon, Committee on Commerce, with amendments. (Rept. 898.)
855	S. 3070—Mr. Huddleston	A bill to amend section 1114, title 18, United States Code, so that Federal Mine Safety Inspectors will be protected by criminal statutes.	May 15, 1976.—Mr. Williams, Committee on Labor and Public Welfare, without amendment. (Rept. 899.)

Mr. MANSFIELD. Mr. President, the purpose of setting forth this information is to bring home to the Senate the workload which confronts this body in the weeks and few months ahead and to urge that there be the greatest cooperation possible in facing up to this legislation, all of which has been reported by the appropriate committees and most of which are matters of extreme importance.

Mr. HUGH SCOTT. Mr. President, I do think that it is essential we act on as many of these matters as we possibly can.

There are holds which have been placed by one or more Senators on a number of bills. I hope they review these holds in the hope that we can add to the unobjected-to list and move them forward as promptly and efficiently as possible. The time element is critical.

The necessity under the Budget Act of reporting by May 15 has created something of a legislative bind and we have got to find a way to work ourselves out of it. This is going to mean longer sessions, I suspect, and a great deal harder work. I hope that all Senators will be aware of this.

Mr. MANSFIELD. Will the Senator yield?

Mr. HUGH SCOTT. I am glad to yield.

Mr. MANSFIELD. For the further information of the Senate, I think it should be on notice that from this week on we very likely will have Saturday sessions.

ANNOUNCEMENT OF JOINT MEETING TOMORROW

For the further information of the Senate, I wish to announce that at approximately the hour of 12:18 tomorrow, the Senate will assemble in a body to go to the Hall of the House of Representatives for the purpose of hearing an address by the President of France, Giscard d'Estaing to a joint meeting.

I hope we have a good turnout on this memorable occasion.

Mr. HUGH SCOTT. Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

The Senator from Wisconsin.

REPORT ON THE NEW YORK CITY LOAN PROGRAM

Mr. PROXMIRE. Mr. President, I am transmitting to the Senate today a report on the New York City loan program prepared by the Committee on Banking, Housing and Urban Affairs. The report and its findings and recommendations were approved unanimously by the committee, and additional views were submitted by Senators GARN and HELMS.

The committee report is based on testimony given in the committee's oversight hearings on the New York City Seasonal Financing Act, held on April 1 and 2, and on information obtained subsequently. Witnesses at the hearings included William E. Simon, Secretary of the Treasury and administrator of the New York City loan program; Hugh L. Carey, Governor of the State of New York and chairman of the Emergency Financial Control Board; Abraham D. Beame, mayor of the city of New York; and Sidney Schwartz, special deputy—State—comptroller for the city of New York.

NEW YORK CITY CAN MAKE IT—BUT IT WILL BE TOUGH

Mr. President, the committee's hearings revealed that New York City will have the fight of its life to balance its budget, pay off its Federal loans and avoid bankruptcy in 1978. The city can make it, but only with even greater sacrifices than it has made so far.

I am encouraged to find that New York City has made significant progress since the crisis days of last year. Mayor Beame, Governor Carey, and their associates deserve a great deal of credit for making some hard, tough decisions. They have taken 45,000 people off the payroll, a 15-percent reduction since January 1975; and they have cut back garbage collections, library hours, fire companies, and a host of other city services. Furthermore, Mayor Beame has announced a financial plan to reduce city spending by another $862 million over the next 2 years, in order to balance the budget by June 30, 1978, as State law requires.

Nonetheless, the Banking Committee's oversight hearings revealed serious problems which could spell defeat for the city's budget-cutting efforts and even push it into bankruptcy when the Federal loans end in 1978.

THE FEDERAL LOANS WILL BE REPAID—BUT ONLY FOR 1 DAY

I am reasonably confident that the Federal loans made to New York City in this fiscal year—this fiscal year—will be paid back in full by June 30, 1976—that is in only a few weeks—as the law requires. The city will repay the loans out of State aid payments, and New York State has now shown it can borrow the money needed to make those payments.

However, I am disturbed to find that of the $1.26 billion in Federal loans made in this fiscal year, $500 million will not be repaid until the very last day, June 30. Then the city wants to turn around and borrow back that $500 million, perhaps even as much as $1 billion, on July 2. So it will only be off the Federal hook for 1 day. If New York City cannot exist for more than 1 day without a huge sum of Federal money, how will it be able to repay the loans in the next 2 fiscal years and get back in the private credit markets in 1978?

Treasury Secretary Simon should be asking this question and a lot of other questions before July 2. Under the law, he has to decide whether there is a reasonable prospect that New York City will repay the Federal loans it is requesting for fiscal year 1977. If he makes the loans and the city cannot repay them, the Federal Government could lose as much as $2.1 billion on the deal.

NEED FOR A CREDIBLE AND WORKABLE FINANCIAL PLAN

The key question is whether the city has a credible financial plan for balancing its budget and whether it can and will stick to that plan.

The committee's hearings raised serious doubts about New York City's progress to date, about the credibility of the recently proposed financial plan, and about the city's ability to avoid certain pitfalls looming ahead that could undermine the financial plan.

The plan requires $200 million in annualized budget cuts in the current fiscal year, 1975–76, and the city claims to be making those cuts. However, the person in charge of auditing the books, Special Deputy State Comptroller Schwartz, says the city is anywhere from 20 to 64 percent behind schedule and may end up spending more than it planned this year. And Schwartz is in the best position to know.

Evidence of serious slippages in the first year of the plan is most disturbing. While the city claims that it is making substitute cuts where there is slippage, it is not clear that this is happening. The Treasury should work to independently verify that all the $200 million in cuts are in place by June 30, and not just take the city's word for it.

One major problem, which may explain some of the differences in figures, is that New York City's financial accounting system is in terrible shape and has been for years. As Comptroller General Staats pointed out, the city's policy has been to account for expenditures on a cash basis and for its revenues on an accrual basis. That means that the city has not considered money spent until it was actually paid out, rather than when it was obligated; but it has counted revenues at the estimated level whether the money was received or not. This is the exact opposite of accepted accounting practices, and it helps explain why no one trusts the city's own budget figures.

Under the credit agreement with the Treasury, New York City is required to reform its practices and have an adequate accounting system in place by July 1, 1977. City officials say they will meet this deadline and will make some improvements before that date. I think it is essential that the city clean up its books as soon as possible, so the Treasury and the Congress will know what is really going on and whether the required budget cuts are being made.

On March 25, Mayor Beame announced revisions in the financial plan for fiscal years 1977 and 1978. This plan is supposed to wipe out the budget deficit—now estimated at over $1 billion and achieve a balanced budget by June 30, 1978. The new plan is the first one proposed since last October, and since then the city has found that its deficit is $300 million higher than it thought it was.

I have to commend Mayor Beame for coming out with this plan. It obviously required a lot of tough decisions to cut more and more out of a budget that has already been slashed to the bone. Under the plan, the city would cut its spending by a total of $862 million over the next 2 years—$379 million in fiscal year 1977 and $483 million in fiscal year 1978. This would wipe out the deficit and even result in a small surplus.

QUESTIONABLE FEDERAL AND STATE AID

Unfortunately, there are a lot of things that could go wrong with this financial plan, and it has one really glaring weakness. Over one-third of the budget cuts proposed depend on actions beyond the mayor's control; namely, on the State government and the Federal Department of Housing and Urban Development—HUD—taking over programs now funded by the city.

Questioning in the hearings revealed that the city has obtained absolutely no commitments to do this, either from Governor Carey and the State Legislature or from HUD.

The Federal aid part of the plan looked particularly doubtful, and for good reason. The city proposed to put a large portion of its public housing programs under the HUD section 8 program, for a savings of $85 million in the next 2 years alone, and much more subsequently. They included this idea in the plan even though they admitted that it might not even be allowed under existing HUD regulations.

Secretary Hills testified before my HUD Appropriations Subcommittee that neither she nor her staff had been contacted about this proposal. When the formal request was made to HUD, it met with a quick rejection in less than a month, on the grounds that the city's proposal did not meet the requirements of the section 8 program. This rejection leaves a gaping hole in the financial plan, even before it is approved.

The State aid sections of the plan are also questionable. Under the plan, the State is asked to take over funding of the courts, probation, and corrections systems, and also of the City University system. The cost would be $24 million in fiscal year 1977 and $240 million in fiscal year 1978. While negotiations with the State are taking place now, Governor Carey was not encouraging about the prospects for large additional State spending on city programs.

New York City has made a good start, but it has yet to come up with a credible and workable financial plan. The Emergency Financial Control Board, chaired by the Governor, is now reviewing the plan to see what changes need to be made before the board gives its approval.

I think the Secretary of the Treasury should follow the board's deliberations closely, and make his own evaluation of the budget-cutting effort. If the financial plan is not workable, because it relies on State and Federal aid that will not be forthcoming, then the Secretary should insist that the city and the board adopt a realistic plan. Otherwise, the Secretary should not continue the Federal loans.

Even if New York City does come up with a viable financial plan, there are many pitfalls lying in its path which threaten the success of any plan, however well designed.

THREE-YEAR WAGE FREEZE BE MAINTAINED

The largest portion of the city's budget goes for employee costs—wages and fringe benefits—which total about $4 billion, or one-third of the entire budget. It is vital that the 3-year wage freeze imposed by the Emergency Financial Control Board under State law be maintained; otherwise the city may not make it.

Traditionally the transit workers' settlement has been the bellwether of the city employee contract negotiations, even though the Transit Authority is a State agency and not under the mayor's control. Since the transit workers' contract expires on March 31, while the city labor contracts end on June 30, the earlier transit settlement has generally been used as a benchmark by the municipal employee unions.

A transit strike was threatened for April 1, the opening day of the committee' hearings. That strike was averted at the last minute by a tentative agreement negotiated with the Transport Workers Union that included a cost-of-living raise and a change in the formula for computing cost-of-living adjustments.

Questions posed at the hearings revealed that the transit workers agreement, if approved, could scuttle the financial plan. The city's budget office later reported that if the terms of the agreement were extended to municipal employees, it would cost the city an additional $375 million over the next 2 years. Late in April, the Emergency Financial Control Board rejected the agreement and instructed the Transit Authority to negotiate a new contract by May 15.

Mr. President, I commend the Governor and the rest of the board for taking this action. It shows a real determination to set New York City's financial affairs in order.

Nonetheless, we have to realize that the pressures to give ground will be immense from now on, and it remains an open question whether the city and the Control Board can withstand these pressures. If no new agreement is reached with the transit workers, then there will be a mass transit strike beginning on July 1, just before the Democratic National Convention opens at Madison Square Garden. The city contracts all expire on June 30, which raises the threat of more strikes in early July.

In the past, the city has been willing to pay a high price for labor peace. This is one of the root causes of its present financial distress.

This time the mayor and Control Board must stand firm and keep the wage freeze intact. Even a small pay raise could cost the city $200 million more and require still deeper budget cuts elsewhere, and this would cast doubts on the city's ability to repay the Federal loans. In that case, the Secretary should seriously consider ending the loan program.

FRINGE BENEFITS AND RENT CONTROL MUST BE REEXAMINED

While the wage question is important in itself, it is closely linked to matter of fringe benefits.

Cuts in fringe benefits offer the best opportunity for New York City to reduce the burden of escalating labor costs. The committee found that the fringe benefits city workers receive are far and away more generous than those offered by any other city, or by the Federal Government or private companies. They include such things as free health insurance, uniform allowances for nonuniformed workers and retirement pay higher than the worker's take-home pay while on the job.

The cost of these benefits averages out to more than $8,600 per employee, which is higher than the average income per person in the whole country. Even without counting vacations, fringe, and retirement benefits for city workers go as high as 51 percent of base pay, while the average for municipal workers in cities over 500,000 population nationwide is 20 percent.

City officials say that they can only cut fringe benefits by a pitiful 1 percent—$24 million out of $2 billion. I think they can do much better. In fact, the Secretary of the Treasury should demand larger cuts as a condition of making the Federal loans.

Rent control is another area of great concern and political sensitivity. The administration of rent controls over a long period of time is a major cause of the decline of New York City's housing stock and the erosion of its real estate tax base. I believe the city and the State need to confront this problem squarely and, if necessary, take the actions needed to phase out rent control.

Even if the financial plan works and the budget is balanced by June 30, 1978, New York City will still face major problems of keeping the budget in line and getting back into the credit markets. There will be $941 million in notes under moratorium coming due, pent-up demands for large wage increases and questions about the continuation of the State's $800 million advance payments.

There is a need for cold, clear realism on New York City's financial prospects. It is our responsibility—the committee's and the Congress—to raise the tough questions. The fact is that the city may not be able to borrow after the Federal loan program ends, and I see no prospect that Congress will extend the loan program.

NEW YORK STATE SHOULD AMEND CONSTITUTION TO LEND TO NEW YORK CITY AFTER FISCAL YEAR 1978

Therefore, the State and the city should be working together to make contingency plans for the post-1978 period. New York State should be in sound financial shape by that point, while New York City may need more time before it can meet all of its credit needs in the private market. The State should be able to step in and meet the city's credit needs at that point. Under our federal system, the States are responsible for their municipalities, and certainly New York City's financial condition vitally affects New York State's situation.

Unfortunately, Governor Carey contends that the State constitution prohibits loans to municipalities. In that case, State officials should take steps to amend their constitution, since the process takes at least 2 years. Otherwise, with all the good work and good will in the world, New York City could face bankruptcy in 1978.

I think the city can come through: I think it can make it. But success depends on hard work and cooperation by a lot of different players. If the mayor stands firm, if the Governor and State legislature do their part, and if the Secretary of the Treasury enforces the law strictly, then New York City should be able to regain its financial health.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I am pleased that I was in the Chamber when the able Senator from Wisconsin presented his statement.

I commend the distinguished Senator from Wisconsin, the chairman of the Committee on Banking, Housing, and Urban Affairs, for his statement this morning. I think the Senator from Wisconsin was on sound ground in pointing out that New York City and New York State must take a cold, hard, realistic view of the conditions existing in New York, and I also think that the Senator from Wisconsin was on sound ground when he pointed out that the committee of which he is chairman, and the Senate and Congress as a whole, have an obligation to the American taxpayers to see that sound measures are adopted by New York City.

The only reason why Congress is involved in this issue is that New York City and New York State both, for that matter, asked the American taxpayers to become involved. There are American tax funds involved, so that Congress has an obligation, and the able Senator from Wisconsin has pointed out to the Senate today some very important facts in regard to New York, and what steps need to be taken if New York is to be got off the backs of the American taxpayers.

I congratulate the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Virginia. He was a very helpful and constructive critic of assistance to New York, and his questions and his concern about the taxpayers' interests, I think, helped make this a better bill, and certainly strengthened the backbone of the committee and, I think, of the Senate, in taking a line that, I think, in the long run, will be helpful to New York and their ability to resist demands which otherwise would make it impossible for them to balance their budget in 3 years, pay off the Federal loan, and get back in the credit markets. I thank the Senator from Virginia for his most helpful remarks.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona (Mr. GOLDWATER) was scheduled to be recognized for not to exceed 15 minutes at this point.

Mr. CURTIS. Mr. President, I rise to make a unanimous-consent request in reference to Senator GOLDWATER's remarks.

I ask unanimous consent that the time assigned to the distinguished Senator from Arizona (Mr. GOLDWATER) be assigned to the junior Senator from Nebraska.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISC

Mr. CURTIS. Mr. President, the Senate will be involved in consideration of a tax bill within the next very few weeks. It is important that we think about the effect of that tax bill. I am particularly interested in those tax proposals that will create jobs in this country.

I agree that if we appropriate money and employ somebody to rake leaves or fix up the parks, that is better than just handing them a welfare check, but it does not solve our unemployment problems. When we appropriate money and pay individuals for Goverment made work and the year ends, the Government money is gone but the individual then becomes unemployed again.

There are many avenues in the private sector where that is not true. If this Congress, by wise tax policy, can encourage expansion of activity that results in jobs, that activity goes on. If it succeeds, the enterprises involved employ more people, and they, in turn, employ more people, all of whom pay more taxes—incomes taxes, payroll taxes, corporate taxes, as well as local and State taxes.

Mr. President, a few years ago Congress created what we called the DISC proposal—the Domestic International Sales Corporation. This is a means whereby we can produce for export in this country and obtain the same competitive tax treatment as if the jobs were moved outside the United States. It calls for a deferral of certain of the tax to be used for the promotion of foreign exports: one-half. The other one-half could be paid out in dividends, and the stockholders pay taxes on it.

We must keep in mind that if a factory moved out of the United States, we would not get any taxes on the factory at all, but would only be able to tax the dividends that came back.

This proposal has just been started. It works very well. I call the Senate's attention to an enterprise in my home State of Nebraska. It is so easy to say that these tax provisions such as this are for the wealthy only, and the small taxpayers cannot take advantage of them. That is not true. Out in Nebraska, three individuals started a manufacturing concern. They are very skilled. They have a high degree of competence in the scientific area.

One of the instruments they make is for measuring the amount of light used by growing plants—of great value in agricultural environmental matters. They had three employees. The vice president, in order to promote his sales abroad and to write to his Senator, typed out his letters himself; they could not afford to hire a stenographer.

Before the passage of the DISC provision, about 17 to 20 percent of their product was exported. The first year after DISC, 30 percent of their product was exported. This last year, under DISC, 57 percent of their product was exported. They no longer employ three people; they now have 18 employees. Fifty-seven percent of 18 means that about 10 of their 18 employees have jobs in export. Mr. President, that is 10 people now employed would not be employed without this opportunity made possible by DISC.

By deferral of their income from having the employment here, by getting the advantages as if they had moved the factory out, it has enabled them to go out and sell in foreign lands, to send their representatives there in order to promote this business.

There are forces in the Senate, perhaps not present in the Chamber but forces which exist in the Senate, who would do away with DISC. The House of Representatives did enough damage to it. They took agriculture out of it. We should restore DISC fully for agriculture and all other areas. I believe the Senate Finance Committee will do so. It must be preserved here on the Senate floor.

I yield my distinguished colleague from Arizona (Mr. FANNIN) the remainder of my time.

Mr. FANNIN. I thank the Senator.

The distinguished Senator from Nebraska has brought out the great benefits that accrue from DISC, and the damaging effects that will come about if DISC is eliminated.

We have talked much about jobs in this country, and many references have been made to the export of jobs; and then, without thinking it through, we support the elimination of DISC. As the Senator from Nebraska has brought out, this does not apply only to large, giant corporations. He mentioned the small company in his State of Nebraska. This applies in many other States as well. In my State of Arizona I have a similar situation.

DISC encourages small companies to enter into markets and production that otherwise they would not think about, but, because of DISC, they are in a position to go forward with their programs.

I have a letter from the Burr-Brown Research Corp., which is a small company in Tucson, Ariz. Here is what they say when they talk about they are eliminating income taxes. I wish only to bring out what this company referred to in their letter. It says:

> . . . look at what it does in terms of income taxes. As may be seen—

In the exhibit they furnish—

> . . . as a result of our international operations for the past 3 years the government has collected $1,400,000 in income taxes while deferring only $121,000 under the DISC provision. This represents a return on the government's investment of more than 1100%. It is too bad the government cannot find more opportunities like this one.

Mr. President, this is a company that was a small company but they have grown, and they have grown because of their export business because they have been able to compete as a result of DISC. Their employment is not large. The total employment back in 1968 was 248. It is now 450. Due to domestic sales they have increased from 201 to 270. But due to international sales they have increased their employment from 47 to 180. In other words, the time that they started with their DISC operation they really in the last 3 years have just steadily increased whereas they have not increased in their employment in the domestic fields.

Mr. President, this is just one illustration as to what can be done under DISC, and they have furnished a great deal of information.

Mr. President, I ask unanimous consent that the letter with exhibits be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BURR-BROWN RESEARCH CORP.,
Tucson, Ariz., May 13, 1976.

Hon. PAUL J. FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: It was nice to see you and have an opportunity to express my views on the importance of DISC.

Burr-Brown's business is the design, manufacture and sale of industrial electronic system components. All of our products are manufactured in Tucson where I started the company 20 years ago in my garage. Our growth history is shown in Exhibit I. As you can see, we have experienced substantial growth in our international business. At the present time, approximately 40% of our sales are made overseas.

What may be more interesting is the number of employees in Tucson that these overseas sales represent. As you can see from Exhibit II, there are now 163 people employed in Tucson who would not otherwise have a job were it not for our export activities.

Encouraging companies to maintain and increase their exporting makes very good sense from the U.S. Government's point of view. It not only provides new jobs that would not otherwise exist, but it does fine things for our balance of payments.

Further, look at what it does in terms of income taxes. As may be seen in Exhibit III, as a result of our international operations for the past 3 years the government has collected $1,400,000 in income taxes while deferring only $121,000 under the DISC provision. This represents a return on the government's investment of more than 1100%. It is too bad the government cannot find more opportunities like this one.

I hope that you may be able to use our example to prevent foolish and irresponsible actions on the part of our legislators.

Sincerely yours,
THOMAS R. BROWN, Jr.,
President.

Enclosures.

EXHIBIT I

BURR-BROWN RESEARCH CORP.—SALES

[Dollar amounts in thousands]

Year	Total sales	Domestic portion	International portion	International percent	Remarks[1]
1968	$4,800	$3,900	$900	18	
1969	6,100	4,800	1,300	21	
1970	6,900	5,400	1,500	22	
1971	7,100	5,400	1,700	23	BBI formed (DISC).
1972	8,200	6,300	1,900	24	BBIL formed.
1973	9,200	6,500	2,700	20	BBISA formed.
1974	12,100	8,000	4,100	34	
1975	12,200	7,400	4,800	39	BBIGmbH formed BBJ formed.

[1] Codes: BBI—Burr-Brown International; BBIL—Burr-Brown, Ltd., United Kingdom; BBISA—Burr-Brown, S.A., France; BBIGmbH—Burr-Brown, GmbH, Germany; BBJ—Burr-Brown, Japan.

EXHIBIT II

BURR-BROWN RESEARCH CORP.—TUCSON EMPLOYMENT

Year	Total employment	Due to domestic sales	Due to international sales	International percent
1968	248	201	47	19
1969	293	231	62	21
1970	331	259	72	22
1971	342	253	89	26
1972	339	260	79	23
1973	409	289	120	29
1974	407	269	138	34
1975	450	270	180	40

EXHIBIT III

BURR-BROWN RESEARCH CORP.—OPERATIONS (INTERNATIONAL PORTION)

[Dollar amounts in thousands]

	1973	1974	1975	Total
Sales	$2,700	$4,100	$4,800	$11,600
Foreign expenditures	410	600	720	1,750
Balance of payments favorable	2,290	3,480	4,080	9,850
Burr-Brown Research Corp. jobs	120	145	180	180
Suppliers' jobs	110	135	170	170

	1973	1974	1975	Total
Income taxes:				
Burr-Brown Research Corp.[1]	26	60	74	160
Burr-Brown Research Corp. employees	181	220	280	681
Suppliers' employees	150	185	235	570
Total taxes	357	465	589	1,411
Deferred taxes	20	45	56	121
ROI[2] (percent)	1,785	1,033	1,052	1,166

[1] Income taxes prorated on basis of international sales/total sales.

[2] Rate of return to U.S. Government: (Ratio of total income taxes paid over deferred taxes).

Mr. FANNIN. The tax incentives available to many foreign-owned exporters located abroad are well established and extensive. So, when we are talking about competing we should realize that we are placing our companies in an untenable position if we take away their DISC provisions.

Here we have other countries, such as the European Economic Community, the Common Market, are exempt from the value-added tax on exports. Now, they have a great advantage there. In fact, it is practically subsidizing it. It does much more than what we are talking about in DISC.

This is true of other export countries, where they have Latin American Free Trade Association, for instance. They are subject to lower import duties than are exports from outside of their association, countries associated with them.

To a lesser extent the same favorable duty rate structure exists for trade within the European Economic Community.

Mr. President, recently there has been an outpouring of studies, analyses, and legislators' views with regard to the effectiveness of domestic international sales corporations in creating U.S. jobs instead of jobs in foreign countries. They seem to overlook the attitude of the European Economic Community countries, notably France, Belgium, and the Netherlands, and Canada.

I draw special attention to the testimony of Congressman Joseph Karth who addressed this point in the context of the GATT negotiations in Geneva when he testified before the Committee on Finance on March 29, 1976.

Congressman Karth, a former labor leader and the member of the House Ways and Means Committee charged with reviewing DISC laws for the committee spent considerable time in Geneva listening to the arguments of foreign countries on DISC.

The Congressman's testimony clearly explained that the complaining countries now are convinced that DISC should be eliminated because U.S. companies are, in fact, investing in U.S. facilities and export-related assets, and are creating U.S. jobs, here in this country, Mr. President, rather than investing and creating jobs in their countries. the European Economic Community and Canada.

Thus, with DISC, U.S. corporations are not helping to solve the European Economic Community and Canadian serious unemployment problems. But they are creating greatly to the employment in this country.

DISC is doing precisely what it was intended to do—create U.S. jobs and if other countries perceive that it is effective it would seem that solving our unemployment problems by expanding DISC provisions should be given serious consideration by this Congress. High priority has always been given to reducing U.S. unemployment by labor, Government, and management. When these segments are fully aware of the positive contributions of DISC in contributing to the solution of unemployment they will agree fully on its retention and expansion.

There has been a great deal of misunderstanding, there has been a great deal of misinformation, as I stated earlier, that has been given.

Mr. President, I ask unanimous consent to have printed in the Record the testimony of Congressman Joseph Karth before the Committee on Finance on March 29, 1976. I feel that this would be very helpful in bringing out exactly what is involved.

Mr. President, I also ask unanimous consent to have printed in the Record the charts comparing the United States and foreign countries incentives with respect to exports which were prepared by the Special Committee for U.S. Exports and presented to the Committee on Finance by David Garfield on March 29, 1976, as well as the report of Norman B. Ture, economic consultant, with respect to the economic effects of DISC and the list of plant locations by State of the companies which are members of the Special Committee for U.S. Exports. I also request unanimous consent to print letters received from the Upjohn Co., U.S. Electrical Motors, and Arthur Anderson & Co. on behalf of 30 major U.S. engineering construction companies who have prepared a survey of their foreign export activities in 1974 and 1975.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Committee on Finance]

MAJOR TAX REVISIONS AND EXTENSION OF EXPIRING TAX CUT PROVISIONS

STATEMENT OF HONORABLE JOSEPH K. KARTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Karth. Thank you very much, Mr. Chairman. I did not expect to be recognized so soon. I appreciate it very much.

Mr. Chairman, I want to be very brief.

Senator Talmadge. If you see fit, you may insert your full statement in the record and summarize it in your testimony.

Mr. Karth. I appreciate that very much, Mr. Chairman, and I intend to do that.

Briefly, I want to talk to the committee about the experience I recently had as I attended a recent meeting which was held in Geneva, Switzerland where the EC countries complained against the DISC and the laws that they considered to be the sale of foreign-made products in their own countries under the DISC program.

Let me, Mr. Chairman, say to you that if I had not already been convinced that DISC was worth retaining as at least the House has retained it in the recently passed House bill, I would certainly have been convinced that DISC is worth retaining after having listened to the presentation of the EC countries in their complaint against DISC at the GATT hearing that I briefly referred to.

As you are aware, the GATT Council at the request of the European Committee convened a panel for the purpose of studying GATT and consideration of whether or not there had been violation of the anti-export subsidy provisions of GATT Article 16. That is, the DISC is an export subsidy and such subsidy results in American products being sold abroad more cheaply than they are sold here at home. That is the EC complaint against the DISC.

The U.S. has counterclaimed against France, Belgium and The Netherlands, as you know, as also being in violation of those kind of provisions of the GATT and in more ways and to even greater degrees.

During these deliberations which began two weeks ago today, there were many formal and legal arguments concerning which country had the burden of proof and whether the DISC law provides a subsidy. That is, the U.S. has argued there is no subsidy since the DISC provisions provide for a tax deferral rather than a tax exemption, but it is the EC complaint and claim that it does in fact provide a subsidy, and it does in fact provide an opportunity for U.S. manufacturers to sell abroad cheaper than they sell similar products at home.

But it is my very strong personal judgment, Mr. Chairman, that what the EC members and what members of other countries are worried about is the future of DISC holds such promises that U.S. businesses will greatly increase their efforts to export more and more of their production to our trading partners rather than exporting more of our jobs to these countries. They are worried that a continuation of DISC as well as continuation of expansion of DISC corporations will lead to a lack of expansion of U.S. multinational companies abroad in their own countries which will result in a failure to create new production facilities in those countries. This would, of course, result in the U.S. multinational corporations providing fewer jobs there than they either desired or expected.

During my brief visit to observe these panel hearings, I was impressed by the fact that the effect of our DISC law on foreign employment seemed to be the dominant motive behind the GATT complaint and the aggressive actions of our trading partners. These proceedings, as I said, were started in 1973, but they were delayed, according to the official explanations, due to procedural difficulties. I believe the delay was due in part to the belief of our partners, reinforced by statements and actions in and out of Congress during 1973 and 1974, that DISC would be repealed. When it became clear at the end of last year that the Ways and Means Committee was going to adopt my proposal for modification rather than repeal, I believe that EC and other interested countries decided to proceed vigorously with their complaint. I assure you these countries intend to pursue the DISC complaint with every available legal means at their disposal, and are obviously already doing so with great determination.

That is why I think they delayed bringing their complaint as far as they now apparently intend to bring it and that is to fruition.

In fact, it may be the incremental approach that scares them more than the present law. I really do not know, but it does offer an incentive to continue to improve their export market. As I said, I can assure you that these countries intend to pursue the complaint with every means at their disposal.

If it is determined finally that DISC is indeed a violation of the GATT agreements with our trading partners, then we will obviously have to consider alternatives and other legal means to stimulate continued and increased levels of exports of U.S.-made products and not U.S. jobs. In the meantime however, I urge this committee to consider as a very minimum, Mr. Chairman—as a very minimum—adopting House-passed modification to the DISC law.

I really honestly, thoroughly believe after long and arduous study and after my trip to Geneve and listening for nearly one week to the presentations made by the EC countries, and I am firmly convinced, Mr. Chairman, that the DISC does in fact benefit greatly U.S. corporations and does encourage them greatly to make the product here, to invest their money here, to build plant and equipment here, to employ U.S. workers in the United States and to export the product rather than exporting the job. I honestly and fervently believe that, and I would hope the Senate Committee would at the very minimum, as I have already said, and I don't want to appear to be repetitious or redundant, but I think it very important that you not go beyond what the House has passed.

Senator Talmadge. You know virtually all the EC countries have a value-added tax, do they not?

Mr. Karth. Yes, they do.

Senator Talmadge. Then they rebate the tax to all their exporters, do they not?

Mr. Karth. Yes, they do.

Senator Talmadge. That is a greater aid to exports as opposed to the DISC deferrals.

Mr. Karth. According to the best calculations we are able to make, the DISC is three to five percent what DISC gives the EC countries in terms of export benefits.

Senator Talmadge. Three to fiive percent out of a total of 100 percent of the value-added tax?

Mr. Karth. That is the way we have calculated it. We have made a mistake in our arithmetic, if we did, but it is minor.

As you know, we made a very long and exhaustive study of the other benefits that our trading partners—and I don't want to refer just to the EC countries but EC countries and other trading partners—give to trading companies and their exporters. We find there is almost an inexhaustible number of benefits of all kinds given. For example, all taxes are forgiven for those companies that export products. But, at any rate, there is a list that I would like to submit for your record, if I may.

Senator Talmadge. Without objection, it will be inserted in the record.

Mr. Karth. I will have to prepare it and put in comprehensive language, but I would like to do that.

Submitted Appendix D.

Senator Talmadge. Thank you for your appearance and contribution.

Senator Talmadge. Senator Curtis.

Senator Curtis. Are you saying DISC does help business in the United States and therefore creates jobs and part of the reason you know that is true is because our competitors were complaining about it. Is that what it amounts to?

Mr. Karth. Yes.

Senator Curtis. Prior to this study that you made abroad in reference to DISC, did you have the same opinion of it or is this somewhat of a change in your opinion?

Mr. Karth. This is a change in my opinion, Senator Curtis. I was not on the Ways and Means Committee when the original DISC law was passed in 1971. But since that time and after becoming a member, I was somewhat critical of DISC. I felt it was not returning the benefit that it was costing the taxpayers of this country. As a result of that I took some interest in it. Chairman Ullman knowing my interest in it asked me to make a thorough study.

Senator Curtis. You authored the incremental provision?

Mr. Karth. Yes. I talked to persons pro and con, those who had something to offer or those who thought they didn't and in my judgment didn't, but my professional staff and I listened to hundreds of people. I came away at that point in time concluding yes, there was a benefit in DISC that I had overlooked originally.

Then, of course, having studied it at greater length and having gone to witness and having witnessed the explaining parties, I am more convinced than ever that it does promote and stimulate expansion of production facilities in the United States for export of products made here.

Senator Curtis. And that means jobs here?

Mr. Karth. Yes.

Senator Curtis. Have you changed your mind on the incremental provision?

Mr. Karth. I don't know that I changed my mind about it, Senator. Let me just say there is some good and some bad about everything. The incremental approach with the 5-year grace period provides an incentive for countries to continually increase their export markets whereas the existing laws do not provide that incentive and could not continue to export and get the DISC subsidies.

Senator Curtis. There are some administrative problems applying such a rule, company by company.

Mr. Karth. I don't think there is any question about that.

Senator Curtis. Also it creates a problem with reference to a company that has not exported before.

Mr. Karth. Yes, that is true except they also can build a base period. For small exporters, Senator Curtis, I think you are probably familiar with the fact the House said for those who export $100,000 a year or less they are not subjected to the incremental approach.

Senator Curtis. As I understand what the House did, they took the DISC provision away from the Agriculture.

Mr. Karth. That is true in some respects. The raw, grown foodstuffs and things that do not go through a manufacturing process, for those the DISC benefits would be removed.

Senator Curtis. I certainly commend you for your testimony here. You are very helpful to the Committee. This Committee will not be the final authority on this matter. We are anticipating quite a Floor fight on all these provisions. The distinguished Senator from Massachusetts, Mr. Kennedy, appeared before this Committee and appears to be leading the fight.

Among the other things he recommends repeal of the International Sales Corporation DISC provisions. Then he goes on to say the House Bill does restrict the DISC provision somewhat. However, it appears the House failed to repeal DISC entirely largely because of the barrage of business lobbies.

Do you agree with that contention?

Mr. Karth. Let me say in answer——

Senator Curtis. I take it your whole testimony is in disagreement?

Mr. Karth. Let me say the only reason there has been a great deal of repealing it is because of the barrage of lobbying that has been going on by the so-called public interest organizations and the AFL–CIO. I guess it is because the DISC does not provide benefits for their members. If it does not apply to me, it is a loophole and if it applies to me, then it is something in the Code well worthwhile and has great benefit.

Senator Curtis. It gives an out for our friends who are the spenders. They can tell the public that the Internal Revenue Code is wicked and filled with devices for rich men to avoid their taxes and if they could just cure that there would be much money for every spending scheme they can dream of, and of course, that is not true. Those of us who have examined the situation know that.

Senator Talmadge. Senator Hansen.

Senator Hansen. Mr. Karth, I understand the charge has been made that if DISC were repealed, there would be an increase in Federal revenues in excess of one and one-half billion dollars.

Mr. Karth. I disagree with that, Senator.

Senator Hansen. You have anticipated my question.

I think I have no further questions.

I have some figures. Norman Ture estimates an initial impact loss of revenues, the Treasury would get an increased $7.9 billion. The Manufacturing Chemists Association estimates repeal of DISC would result in a loss of $46,000 and Data Resources, headed by Professor Otto Eckstein, estimates repeal of DISC would lose 20,000 jobs the first year and 90,000 jobs after the fifth year of repeal, if that may suggest something, it is all yours.

Mr. Karth. Senator, we looked at all kinds of econometric models and various guesses and estimates by professors and professional people. Obviously, of course, they all come up with different conclusions. But we, my professional staff and I, concluded that there is no doubt whatsoever but that if DISC were repealed, in the longrun, the Treasury would probably lose money rather than what it costs the Treasury today in terms of deferral of taxes for those corporations that have formed the DISC. I don't think there is any question at that, Senator. I am thoroughly convinced that is true and that would be the ultimate result if DISC were repealed.

Senator Hansen. Thank you very much.

Senator Talmadge. Senator Byrd.

Senator Byrd of Virginia. Congressman, you favor the continuation of DISC but you favor a modification in the present low.

Why do you favor a change?

Mr. Karth. I favor a chance for several reasons, Senator. First of all, there were some DISC payments that I thought were not earned. They were really a windfall gift for all practical purposes. I don't think there is any real serious argument about that. Whether there was a DISC law or not, they would have exported X amount of their products.

I favored the change because under the incremental approach, it appears to me that there is an incentive to continue to not only export but to increase your exports. If over a long period of time you did not increase your exports, then you do not benefit to the extent that you do under the present law. That is the reason, sir, that I adopted the incremental approach in my own mind as the best of the two.

You, Senator, may disagree with that.

Senator Byrd of Virginia. I don't disagree. I was just trying to get your thinking.

Mr. Karth. The 5-year grace period we give along with this incremental approach does in fact, as you know, give these companies 5 years in which to increase, over which period of time they can increase their exports before that incremental approach formula really applies to them. So, they are also 5 years behind. That seems to me quite a considerable length of time for them to make the extra effort to increase their exports and, as a result of that, benefit from the DISC law.

I think it is good. I think it is healthy. You sir, and the Senate body over here may disagree with me.

Senator Byrd of Virginia. I take it that you feel the modifications would improve a law that you think is desirable?

Mr. Karth. I think it would improve it, yes, I do, but if, on the other hand, you think that it will not, the only thing I would encourage this Committee is that you don't throw the baby out with the bath water; that at the very least they adopt the House proposal and if that is unsatisfactory, that they not change the existing law. That is what I would suggest to you, sir, if it is in order that I make that suggestion.

Senator Talmadge, Thank you very much, Congressman. We appreciate your contribution and are delighted to have you before us as a witness.

CHART I

TAX INCENTIVES FOR EXPORTS

	Austria	Portugal	Australia	New Zealand	Japan	Canada
Taxation of foreign branch income.	Fully taxed at usual rate (progressive rates from 30 to 55 percent). Deduction for foreign taxes paid. Foreign tax credit upon application.	Exemption of 2/3 of income (effective tax rate of 17.4 percent).	Exempt except if has not been taxed abroad (tax rates from 47.5 to 50 percent).	Fully taxed at usual rate (tax rates are from 20 to 45 percent). Foreign tax credit.	Taxable at usual rate (effective tax rate of 52 percent). Favorable foreign tax credit system.	Fully taxable at usual rate (46 percent). Foreign tax credit.
Taxation of foreign subsidiaries.	None. No subpt. F income equivalent.	None. No subpt. F income equivalent.	None. No subpt. F income equivalent.	None. No supbt. F income equivalent.	None. No subpt. F. income equivalent.	Yes, but under conditions less stringent than under subpt. F income.
Deductibility of foreign branch losses.	Fully deductible	Fully deductible	Fully deductible	Fully deductible	Fully deductible	Fully deductible.
Taxation of foreign source dividends.	Exempt if at least 25 percent control.	Exempt if at least 25 percent control. 1/3 taxable in other cases.	Exempt in practice	Exempt	Fully taxed at usual rate. Direct and deemed paid foreign tax credit.	Exempt when foreign subsidiary is controlled (50 percent). Partial exemption from 1986. Foreign tax credit.
Special deferrals of taxable domestic income.	Investment reserves	None		None	Income may be deferred for: Overseas market development; overseas investment losses; foreign exchange losses.	None.
Specific export tax incentives.	10 percent writeoff with respect to acquisition of shares in certain foreign entities. Custom free zones.	do	Deductions and rebates for export market development expenses.	Deduction of 150 percent of the cost of export related expenditures. Deduction of an amount related to increased export sales.	Reserves for overseas market development—Deduction of overseas investments. Reserves for foreign exchange losses. Special deductions for certain overseas transactions.	Do.
Intercompany pricing rules					Favorable treatment for exporting companies.	
Border tax adjustments (VAT).	VAT (rate 16 percent) zero rate on exports.	None	None	None	None	None.
Tax incentives indirectly benefiting exports.	Accelerated depreciation or tax-exempt investment reserve.[1]	Reduced tax rate or exemption from taxation products or processes. Accelerated depreciation.	do		do	Tax reduction for manufacturing income. Accelerated depreciation. Investment tax credit.[1]

	Belgium	France	Germany	Italy	Luxembourg	Netherlands
Taxation of foreign branch income.	¼ the usual rate (48 percent).	Exempt (corporate tax rate is 50 percent).[3]	Normal tax rate (51 percent) plus foreign tax credit or, in certain cases, imposition of a flat 25 percent tax rate.	Taxed at usual rate (35 percent). Foreign tax credit.	Exemption on 50 percent of income (progressive tax rate from 20 to 40 percent). Foreign taxes deductible.	Taxed at usual rate. Favorable foreign tax credit system.
Taxation of foreign subsidiaries.	None. No subpt. F income equivalent.	None except if election is made. No subpt. F income equivalent.	Yes, but under conditions less stringent than the U.S. subpt. F provision.	None. No subpt. F income equivalent.	None. No subpt. F income equivalent.	None. No subpt. F income equivalent.
Deductibility of foreign branch losses.	Fully deductible even though foreign income is exempt under tax treaty.	Not deductible.[3]	Fully deductible even though foreign income is exempt under tax treaty.[4]	Fully deductible		Fully deductible.
Taxation of foreign source dividends.	Permanent participation (held for more than 1 yr): 95 percent exclusion plus 5 percent tax credit. Nonpermanent participation: 15 percent tax credit.	95 percent exclusion if French company owns 10 percent or more of the stock.	Fully taxed at usual rate. Foreign tax credit and deemed paid foreign tax credit under certain circumstances.	Fully taxed at usual rate. Foreign tax credit.	50 percent exclusion if at least 25 percent control. Total exemption for holding companies. Foreign taxes deductible.	Exempt in majority of cases.
Special deferrals of taxable domestic income.	None	Income may be deferred for: Losses of certain foreign business; cost of investment in certain business in LDC's; export credit extended to foreign buyer.	Income may be deferred for: Losses of foreign branches whose income is tax exempt; losses of foreign subsidiaries; profits realized upon an exchange of property for stock of a foreign corporation.		None	None.
Specific export tax incentives.	do	Joint export programs—Election to compute income on a worldwide basis—All special deferrals—Exclusion from the "inflation levy".	None		do	Tax credit for withholding tax on interest and royal ties paid by residents in certain nontreaty LDC's.
Intercompany pricing rules.	Will provide assurances on allocation in certain cases. Historically generous to exporters.	As a general rule, not enforced against exporters.	Usually enforced although relaxation may be granted in special circumstances.			Usually enforced but special agreement used. May be negotiated with the tax authorities.
Border Tax adjustments (VAT).	VAT (18 percent rate) up to 25 percent for luxury items. Zero rate on exports.	VAT (20 percent rate) up to 33 percent for luxury items. Zero rate on exports.	VAT (11 percent rate). Zero rate on exports.	VAT (12 percent up to 30 percent for luxury items). Zero rate on exports.	VAT (rate 10 percent). Zero rate on exports.	VAT (16 percent rate). Zero rate on exports.
Tax incentives indirectly benefiting exports.	Accelerated depreciation; exemption from real estate tax; reduced income tax rate on certain reinvested profits.[5]	Accelerated depreciation; exemption from local business tax; reduction of registration taxes.[5]	Accelerated depreciation; reduction of corporate tax rate and VAT rates.[5]	Tax exemption or reduction for financial or government owned companies.[5]	Investment credit from 3 to 9 percent of cost of certain capital assets.	Accelerated depreciation.[5] Investment tax credit from 8 to 16 percent of cost of certain capital assets.

	United Kingdom	Ireland	Denmark	Norway	Sweden	United States
Taxation of foreign branch income.	Taxable at usual rate (52 percent). Foreign tax credit.	Taxable at usual rate. (Average rate 50 percent). Deduction for foreign taxes paid.	Taxed at half the usual rate (½ of 37 percent). Foreign tax credit.	Exemption on 50 percent of income (rate is 26.5 percent).	Taxed at usual rate (effective income tax rate is 54 percent). Foreign tax credit.	Fully taxable at usual rate (48 percent). Foreign tax credit.
Taxation of foreign subsidiaries.	None. No subpt F income equivalent.	None. No subpt. F income equivalent.	None. No subpt. F income equivalent.	None. No subpt. F income equivalent.	None. No subpt. F income equivalent.	Yes, under subpt. F provisions.
Deductibility of foreign branch losses.	Fully deductible. Deductible against foreign source business income only when carried over to following years.	Fully deductible	Fully deductible		Fully deductible	Fully deductible.

Footnotes at end of table.

CHART I—Continued

TAX INCENTIVES FOR EXPORTS—Continued

	United Kingdom	Ireland	Denmark	Norway	Sweden	United States
Taxation of foreign source dividends.	Fully taxed at usual rate. Direct and deemed paid foreign tax credit.	Fully taxed at usual rate.	Fully taxed at usual rate. Deemed paid foreign tax credit.	Half-exempt if at least 95 percent control.	Fully taxed at usual rate. Foreign tax credit.	Fully taxed at usual rate. Direct and deemed paid foreign tax credit.
Special deferrals of taxable domestic income.	None		None	Tax free reserves deductible.		About 25 percent of taxable income may be deferred under the DISC provisions.
Specific export tax incentives.	Deduction of business entertainment expenses connected with export activities.	Exemption from corporate taxes on profits attributable to exports of goods produced in Ireland.		do	Additional deduction for interest charged on export credit.	None, aside from DISC.
Intercompany pricing rules	Not actively used				Not actively used	Strictly enforced, including against export industry. Important cases against exporters pending.
Border tax adjustments (VAT).	VAT (8 percent rate up to 25 percent for luxury items). Zero rate on exports.	VAT (19.5 percent up to 36.5 percent for luxury items). Zero rate on exports.	VAT (15 percent rate). Zero rate on exports.	VAT (20 percent rate). Zero rate on exports.	None	None at Federal level.
Tax incentives indirectly benefiting exports.	Favorable rates of depreciation.[1]	Accelerated depreciation.[1]	Tax-free investment reserves constituted by 20 percent of annual profits. Dissolved after 10 yrs.[1]	Accelerated depreciation. Tax-free reserves deductible.[1]	Accelerated depreciation.[1]	Accelerated depreciation. Investment tax credit (10 percent).

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[1] Most of the tax incentives are granted in connection with industrial and regional development.

[2] Foreign branch income is taxable at usual rate if the French company elects to be taxed on a worldwide or consolidated basis.

[3] Losses of foreign branches are deductible when the domestic company elects to be taxed on a worldwide or consolidated basis.

[4] When the income has not been taxed abroad, the amount deducted for foreign losses must be put back into income after a number of years.

[5] Most of the tax incentives are granted in connection with industrial and regional development.

NONTAX INCENTIVES FOR EXPORTS

	Austria	Portugal	Australia	New Zealand	Japan	Canada
Nontax incentives indirectly benefiting exports.	Investment allowances[1]		None			Cash grants.[1]
Financing assistance	Guarantees for medium-term credits. Rate of interest is 7 percent.				Direct loans for medium-term sales. Long-term credits at preferential rates (from 7.5 percent to 8.75 percent). Financing of contract value from 48 to 64 percent. Mixed credits.	
Insurance assistance					Are insured: Production risks; commercial risks; political risks; currency fluctuations; loss of foreign investment. Risks are covered from 60 to 80 percent.	

	Belgium	France	Germany	Italy	Luxembourg	Netherlands
Nontax incentives indirectly benefiting exports.	Interest subsidies: Investment subsidies.[2]	Grants: investment subsidies.[2]	Grants[2]	Capital grants: Long and medium term loans by specialized government institutions.[2]	Grants: Loans; guarantees.[2]	Investment subsidies: Interest subsidies.[2]
Financing assistance	Discount at low rates. Interest rebates on export credit. Subsidized medium term export financing. Average rate borne by exporters is 9 percent. Financing of up to 90 percent of contract value.	Discount at low rates. Long-term loans at 7.5 percent rate to both suppliers or buyers. Financing of up to 100 percent of contract value. Mixed credits.	Discount at low rates. Guarantees. Long-term credits to both suppliers or buyers. Preferential rates of 10 percent. Financing of up to 80 percent of contract value. Mixed credits.	Discount at low rates. Interest subsidies. Long-term loans at 8.95 perrate to both suppliers and buyers. Financing of up to 100 percent of contract value.		Discount at low rates. Guarantees. Subsidized medium and long-term export credits. Average interest rate borne by exporters is 9.5 percent. Financing of up to 90 perpercent of contract value.
Insurance assistance	Are insured: Commercial risks; political risks; currency fluctuations; risks covered from 80 to 100 percent.	Are insured: Production risks; commercial risks; political risks; currency fluctuations; market development; exhibition expenses; inflation risks; risks are covered from 80 to 100 percent.	Are insured: Production risks; commercial risks; political risks; currency fluctuations; inflation risks; risks are covered from 80 to 100 percent.	Are insured: Commercial risks; political risks; currency fluctuations; inflation risks; risks are 90 percent covered.		Are insured: Commercial risks; political risks; currency fluctuations; insurance usually covers from 75 to 100 percent of the risks.

	United Kingdom	Ireland	Denmark	Norway	Sweden	United States
Nontax incentives indirectly benefiting exports.	Grants; investment subsidies; interest subsidies;[1] employment subsidies.[3]	Investment allowances: training grants; loan guarantees.[1]	Loans: Cash grants[1]		Investment allowances: Loan guarantees.[1]	None except limited agricultural subsidies.
Financing assistance	Guarantees. Interest rate subsidies. Portfolio refinancing. Support granted on a supplier and buyer basis. Interest rate borne by borrowers: 7.8 percent. Financing of up to 100 percent of contract value. Mixed credits.	Guarantees. Medium-term loans at preferential rates (8 percent). Financing of up to 80 percent of contract value.	Guarantees. Financing of up to 90 percent of contract value. Interest rate is 8.5 percent after 1st year.		Medium and long-term financing at 2 or 3 percent above discount rate. Financing of up to 100 percent of contract value.	Discount at medium rates. Guarantees. Long-term export credit financing at interest rates from 8.25 to 9.5 percent. No mixed credits. Financing of 30 to 55 percent of contract value.
Insurance assistance	Are insured: Commercial risks; political risks; production risks; inflation risks; currency fluctuations; performance bonds; risks are covered up to 100 percent.	Are insured: production risks; commercial risks; political risks; currency fluctuations. Risks are covered up to 100 percent.	Are insured: Commercial risks; political risks; currency fluctuations; risks are covered from 65 to 90 percent.		Are insured: Commercial risks; political risks; currency fluctuations; inflation risks; risks are covered up to 90 percent.	Are insured: Commercial risks; exhibition expenses; political risks; risks are covered up to 95 percent.

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[1] Most of the nontax incentives are granted in connection with industrial and regional development.

[2] Most of the nontax incentives are granted in connection with industrial and regional development. In Belgium, interest subsidies are granted for the purpose of investment throughout the country and not only in depressed areas.

[3] Granted in order to encourage employers to retain employees.

CHART III

TAX INCENTIVES FOR EXPORTS [1]

	Belgium	France	Germany	Italy	Luxembourg	Netherlands	United Kingdom	Ireland	Denmark	Norway	Sweden	Switzerland	Austria	Portugal	Australia	New Zealand	Japan	Canada	United States
Partial or total exemption *on foreign branch* income.	X	X	X		X				X	X		X		X	X				
Foreign subsidiaries not subject to tax.	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Foreign branch losses deductible.	X		X	X	NA	X	X	X	X	NA	X		NA	NA	X	NA	X	X	X.
Partial or total exemption on foreign source dividends.	X	X			X	X			X			X	X	X	X	X		X	
Special deferrals of domestic income.		X	X	NA				NA		X	NA				NA		X		X.
Export tax incentives		X				X	X	X	NA	X	X		X		X	X	X		DISC only.
Nonenforcement of intercompany pricing rules.	X	X		NA	NA	X	X	NA	NA	NA	X	NA	NA	NA	NA	NA	X		
Border tax adjustments	X	X	X	X	X	X	X	X	X	X			X						

[1] X indicates country has incentives. NA indicates that information not available.

NONTAX INCENTIVES FOR EXPORTS [1]

CHART IV

[In percent]

	Belgium	France	Germany	Italy	Luxembourg	Netherlands	United Kingdom	Ireland	Denmark	Norway	Sweden	Switzerland	Austria	Portugal	Australia	New Zealand	Japan	Canada	United States
Nontax incentives indirectly benefitting exports	X	X	X	X	X	X	X	X	X	NA	X		X	NA		NA	NA	X	
Financing Assistance														NA	NA	NA		NA	
Rate of interest	9	7.5	10	8.95	NA	9.5	7.8	8	8.5	NA	(2)	NA	7				7.5 to 8.7 percent.		8.25 to 9.5 percent.
Portion of contract value financed	90	100	80	85	NA	90	100	80	90	NA	100	NA	NA				48 to 64 per. cent.		30 to 55 percent (to buyers).
Mixed credits		X	X														X		
Insurance assistance					NA					NA		NA	NA	NA	NA	NA		NA	
Commercial risks	X	X	X	X		X	X	X	X		X						X		X.
Political risks	X	X	X	X		X	X	X	X		X						X		X.
Production risks		X	X				X	X									X		
Currency fluctuations	X	X	X	X		X	X	X			X						X		
Performance bonds							X												
Market developments		X																	
Exhibition expenses		X																	
Inflation risks		X	X	X			X				X								X.

[1] X indicates country has incentives.

NA indicates that information not available.

[2] 2 or 3 percent above discount rate.

NORMAN B. TURE, INC.,
ECONOMIC CONSULTANTS,
Washington, D.C., September 17, 1975.

To: David Garfield, Chairman, Special Committee for U.S. Exports.

Subject: Revisions of August 18, 1975, memorandum on the Economic Effects of DISC.

The derivation of the quantitative estimates of the economic effects of DISC, summarized in our July 10, 1975, memorandum is described in detail in our August 18, 1975, memo. Upon close review of the latter, we have identified a number of technical details requiring revision:

Our initial estimates of the labor and capital coefficients in the production functions were derived from national income rather than gross national product data. Since the basic framework of the analysis depends upon estimating the relationship of changes in GNP, not national income, to changes in exports, the production functions should be estimated in terms of gross product and gross returns to capital. Reestimation of the production function coefficients on this basis raises the capital and reduces the labor coefficients and slightly decreases the intermediate input coefficient. The respective changes are:

Coefficient:	*Initial estimate*	*Revised estimate*
Labor	0.83	0.73
Capital	0.17	0.27
Intermediate input	0.70	0.67

Our initial estimates assumed an elasticity of demand for exports of 5, across the board. In the case of U.S. agricultural exports, virtually undifferentiated from agricultural products supplied by other participants in the world market, this is clearly far too low. While the appropriate elasticity is probably very close to infinity, we have deliberately sought to err on the conservative side and assigned it a value of 10.

In obtaining our initial estimates, we did not attempt to estimate a production relationship for agricultural products as intermediate inputs to agricultural exports, but assigned thereto the overall business sector labor and capital coefficients. In view of the marked disparity between agriculture and most of the rest of the business sector in the respective coefficients, as indicated in national income account data on factor shares. this procedure resulted in a substantial underestimate of the impact of the DISC provisions on agricultural output. We have revised the estimates for this sector by estimating a separate production relationship for agriculture. It was also assumed that two-thirds of agricultural output as intermediate products originates in agriculture itself, while one-third originates in industries supplying intermediate products, e.g., fertilizers, to agriculture.

Our initial estimates erred in assuming that the effect of the DISC provisions is to reduce the marginal tax rate on net income attributable to exports to 24 percent. This resulted in an estimated 32 percent reduction in the cost of capital to the DISCs. In fact, the DISC provisions reduce the marginal tax rate to 36 percent, resulting in an 18¾ percent reduction in the cost of capital to DISCs.

The first three of these revisions increase the estimates of the expansionary impact of the DISC provisions on GNP, employment, capital outlays, and Federal revenues. The third revision reduces these effects. On balance, the revisions result in a substantial increase in expansionary effects. These are summarized in the attached table.

The initial estimate of net revenue effect, as shown in the attached table, reflects an arithmetic error and should have been substantially greater than shown. The revised estimate is only slightly different from the correctly computed initial estimate.

These revisions are incorporated in the revision of the August 18, 1975, memorandum, enclosed herewith.

[Revised: September 17, 1975]

Summary of economic effects of DISC: All export industries

[Dollar amounts in billions of 1974 dollars]

Increases in	*Initial estimates*	*Revised estimates*
Employment, total (thousands of man years)	442	365
Export industries	50	71
Supplying industries	392	294
Employee compensation, total	4.4	4.1
Export industries	.6	.7
Supplying industries	3.8	3.4
Business sector Gross National Product, total	28.5	29.7
Export industries	14.2	11.5
Supplying industries	14.3	18.2
Value of exports	5.2	6.3
Capital outlays due to DISC	22.3	22.8
Net Change in Federal tax revenues	1.2	7.9
"Initial impact" (Treasury estimate)	−1.0	−1.0
Increase attributable to increase in output and income	2.2	8.9

Norman B. Ture, Inc.,
Economic Consultants,
Washington, D.C., July 10, 1975.

To: William K. Condrell, Esq.
Subject: Economic Effects of DISC.

The initial impact of the DISC provisions is to reduce the cost of capital committed to the production and selling of export goods. Business response to this decrease in capital costs is to expand the volume of real capital used for production for export sales; this entails an increase in capital outlays in order to increase the net stock of capital used for this production. The increase in such outlays, hence in the net stock of capital, proceeds to the point at which the after-tax return on this capital is the same (adjusted for difference in risk) as that generally prevailing in the business sector.

Unless it were assumed, contrary to fact, that the elasticity of demand for U.S. exports in world markets is very low, the reduction in the cost of capital attributable to DISC provisions results in an increase in the total physical volume of export goods which U.S. businesses will want to sell at prevailing world prices for these exports. Associated with this increase in production for exports there is an increase in employment as well as in capital inputs in companies engaged in export production and sales.

The increase in export production and sales also requires an increase in production of intermediate products, for which additional capital and labor are required. The overall effect of DISC, therefore, is to expand the net stock of capital, capital outlays, and employment throughout the business sector.

The magnitude of the effects on export production, export sales, intermediate goods production, employment, and capital outlays depends on (1) the technical conditions of production in the major export industries and in the total business sector, (2) the ratio of value added in export production to the value of intermediate goods, (3) the conditions of supply of labor services and of capital in the export industries and in the business sector as a whole, and (4) the conditions of demand for U.S. exports in world markets.

On the basis of estimates of these relationships and conditions, it is estimated that total U.S. merchandise exports in 1974 were $5.2 billion greater than they would have been in the absence of the DISC provision.

Employment in production for exports is estimated as 50,000 greater than otherwise in 1974. Additional jobs in the production of intermediate products were about 392,000 in that year. Throughout the business sector, there were 442,000 more full-time equivalent jobs than there could have been in the absence of the DISC.

Wages and salaries paid to employees in export production in 1974 were $0.6 billion greater than the amount that would otherwise have been paid. Adding the $3.8 billion of wages and salaries paid to the additional employees in supplying industries, the aggregate amount of employee compensation in excess of the amount which would have been paid in the absence of DISC is about $4.4 billion.

The additional GNP originating in export industries in 1974 is estimated at $14.2 billion. Virtually the same amount—$14.3 billion—of additional GNP was generated in supplying industries. The total increment of GNP in the business sector attributable to DISC was $28.5 billion.

Aggregate capital outlays throughout the business sector are estimated to have been $23.3 billion more than they would have been without DISC.

On the basis of the Treasury's fiscal year estimates, the calendar year 1974 revenue loss attributable to DISC is estimated at about $1.0 billion. This is the "initial impact" revenue loss, based on the assumption that there were no changes in exports, production, employment, and income in response to the DISC provisions. These responses, as estimated above, generated about $2.2 billion in Federal tax revenues above amounts of revenues that otherwise would have been obtained. The net revenue effect, therefore, is a gain of about $1.2 billion.

Summary of economic effects of DISC: All export industries

[Dollar amounts in billions of 1974 dollars]

Increases in	
Employment, total (thousands of man years)	442
Export industries	50
Supplying industries	392
Employee compensation, total	4.4
Export industries	0.6
Supplying industries	3.8
Business sector grosss national product, total	28.5
Export industries	14.2
Supplying industries	14.3
Value of exports	5.2
Capital outlays due to DISC	22.3
Net Change in Federal tax revenues	1.2
"Initial impact"	−1.0
Increase attributable to increase in output and income	2.2

Norman B. Ture, Inc.,
Economic Consultants,
Washington, D.C., August 18, 1975.
[Revised September 17, 1975]

To: John Babson.
Subject: Procedures for estimating economic effects of the DISC provisions.

ECONOMIC EFFECTS OF DISC

Overview

Analysis of the economic effects of the DISC provisions in the Internal Revenue Code must focus on (1) how these provisions affect business taxpayers' costs, (2) how business taxpayers respond to these changes in costs, and (3) how these responses affect major economic magnitudes and Federal tax revenues. The following discussion documents an analysis of the DISC, prepared by Norman B. Ture, Inc., for the Special Committee for U.S. Exports, which proceeds along these lines.

I. Effect of DISC on business taxpayer costs

The initial impact of the DISC provisions is to reduce the cost of capital committed to the production and sale of export goods. "Costs of capital" may be variously defined; in this analysis, it is conceived as the pretax return required on a given amount of capital to make the present value of the after-tax earnings at least equal to the present value of the outlays to acquire the capital. By deferring the Federal corporation income tax on the net income allocated to the export sales, the DISC provisions reduce the required pretax earnings with respect to any given amount of capital used by the taxpayer in export production and sales.

The magnitude of this initial impact clearly depends on a number of factors particular to each business taxpayer, e.g. the discount rate used in the company's discounted cash flow calculations, and the type of capital used by the company in its production and sales operations, hence the impact of other tax provisions on its taxes and net-of-tax returns. In focusing the analysis on industries rather than on particular firms, these differences tend to diminish in relevance. Overall, the DISC provisions are estimated to reduce exporters' cost of capital by 18¾ percent.

II. Business taxpayers' response to reduction in cost of capital

Companies seeking to maximize their efficiency and profits respond to a change in the relative cost of a production input by changing the amount of that input used in combination with other agencies of production. The optimizing condition is that each input is used in such quantity that at the margin it adds just the same amount to the firm's revenues as it adds to the firm's costs. By the same token, the optimum combination of production inputs is such that the ratio of marginal value product to marginal input cost is the same for each input.

In the short run, it may not be possible to alter the quantity of an input in response to a change in its relative cost. By definition, this is true for fixed capital. Hence, the initial impact of the DISC provisions on reducing the cost of capital does not result in an immediate increase in the amount of capital inputs used in export production and sales. But unless the capital facilities are very highly specialized to export production and sales, implying highly differentiated export products, the time required (1) to shift capital from domestic to export production and (2) to increase the total amount of capital used in aggregate production activity will not be unduly long as a result of technical constraints. In this analysis, a three-year transition period has been assumed.

The initial response of business taxpayers to the reduction in the cost of capital used in export production and sales is to shift the use of capital, insofar as technically feasible, from domestic to export production. In general, any such shift tends to reduce domestic production *relative* to export production, hence to increase the pretax return on capital used for domestic production. If the aggregate amount of capital were fixed, the total effect of the DISC's reducing the cost of capital in export production would be confined to the reallocation of capital, which would continue until net returns at the margin were once more equal in domestic and export production. The fixed amount of capital condition, however, assumes that total saving by business and households is completely unresponsive to changes in the net returns thereto, hence to the cost of saving relative to that of consumption. This assumption is rejected as a conceptual impossibility and as contradicted by empirical evidence. On the contrary, the amount of private sector saving at any pretax return will increase in response to the increase in aftertax returns. Hence, the effect of the DISC provisions is to reduce the cost of capital (hence, the cost of saving) initially in export production but subsequently across the board, resulting in a larger volume of capital and, therefore, capital formation throughout the private sector, not merely in those industries producing for export.[1]

To recapitulate to this point, the initial business taxpayer response to the reduced cost of capital in export production effected by the DISC provisions is to increase the amount of capital used for such production. This entails, initially, a shift in the allocation of capital to export production. As the adjustment process proceeds, however, the diffusion of the lower cost of capital throughout the private sector results in an increase in the aggregate amount of capital above the amount that otherwise would be attained. Production, therefore, tends to become more capital intensive throughout the private sector, not merely in export production.

In addition, as the adjustment proceeds, the volume of export production and sales increases more than it otherwise would. For those exports consisting of substantially undifferentiated products sold in world markets, prices are essentially determined by aggregate world market supply and demand conditions. Hence prices are little influenced by changes in the volume of U.S. exports. The elasticity of demand for U.S. exports is therefore very high. The increase in U.S export volume, therefore, is little constrained by decreases in unit export prices. Accordingly, virtually the entire adjustment is in volume rather than price. When adjustment is substantially complete, the new export volume is that at which export industries' long-run marginal costs are approximately equal to the respective world market prices.

In the case of highly differentiated export products, on the other hand, changes in volume will result in opposite changes in unit price. Total sales revenue, therefore, increases less than in proportion to volume. After adjustment is completed, export volume is that at which long-run marginal cost is equal to marginal revenue and less than price.

The increase in export volume in response to the reduced cost of capital involves increases in labor inputs as well as in capital inputs in export production. The extent of the increase in labor inputs depends on the nature of the technical production relationship (i.e. the production function) and the conditions of supply of labor.[2] Hence, although production is more capital intensive when the adjustment is complete, the expansion of export volume results in an increase in total labor input as well.

For purposes of this analysis it is assumed that the increase in employment does not raise the unit price of labor services more than would otherwise occur. Hence, all of the adjustment with respect to the use of labor services in export production is in number of full-time equivalent employees, rather than in wage rate increases in excess of existing trend rates of gain.

In general, most export production and sales involve intermediate goods and services, not merely the value added in export production and sales *per se*. Hence, as export production and sales increase, there must also be increases in intermediate goods production. The export production function, therefore, includes intermediate goods as an input in fixed proportions to output. Estimates of these intermediate goods proportions were obtained from the national income and product accounts published by the Department of Commerce. In this case, too, prices of intermediate goods as inputs to export production were taken as given, unaffected to any substantial extent by the expansion of exports.

The increase in intermediate goods production requires increases in capital and labor inputs. As in the case of export production, it was assumed that wage rates in the intermediate goods industries did not rise more rapidly than their trend rate, so that all of the labor input adjustment was in the number of full-time equivalent employees.

To summarize, business taxpayers respond to the DISC-induced reduction in the cost of capital by increasing capital inputs in export production, along with increases in employment of labor services in this production. As their output increases, export producers also increase their demands for the intermediate products and services used in export production. Producers of these products, in expanding their output, increase employment and add to their stocks of capital in larger amounts than otherwise.

III. Effects on major economic magnitudes and Federal revenues

Business taxpayers response to the DISC provisions results in an increase in the volume of export production and in sales. In turn, this involves an increase in the amount of capital and labor inputs in such production. It also requires an increase in intermediate goods production, hence in capital and labor inputs for these producers. Increasing the amounts of capital inputs requires larger amount of capital outlays than would otherwise be undertaken.

In sum, then, the effects of DISC are to be found not only in the increase in the exports component of GNP, but also in the additional value added in the intermediate goods productions (indeed, ultimately, in production throughout the economy) and in gross private domestic capital formation, excluding residential construction. In general, a substantial portion—70–75 percent—of the increase in GNP in these categories represents increases in payments for labor inputs, on the assumption that wage rate increases remain on trend, the full amount of the increase in wage payments represents increases in full-time equivalent employment.

In making the quantitative estimates of these effects, this analysis works "backwards" from the Government estimate of U.S. merchandise exports in 1974. The 1974 volume and dollar value of exports obviously was larger than it would have been in the absence of the DISC provisions, unless it is unrealistically assumed that business taxpayers are completely unresponsive to changes in costs and in relative returns on alternative uses of the production inputs at their disposal. For purposes of the analysis, it was assumed that business generally had substantially adjusted by 1974 to the effects of DISC provisions on the cost of capital. The analysis, therefore, aims at estimating the volume of exports and intermediate goods production, hence capital outlays, GNP, and employment, in the absence of the DISC. The differences between these estimates and the respective actual observations, accordingly, represent the gains in these economic magnitudes attributable to DISC.

These increases in GNP and employment generate increases in Federal tax revenues. The net effect of DISC on revenues, therefore, is the difference between the estimated amount of corporation income tax liabilities deferred under the DISC provisions and the increase in individual and corporation income taxes, indirect business taxes and payroll taxes associated with the expansion of GNP and employment.

Technical details

The production function for export goods is assumed to be of the Cobb-Douglas form with respect to capital (K) and labor (L) inputs, but including intermediate goods (M), so that export output is determined as

$$Q = \min\,[f(K, L),\, p^{-1}M] \qquad (1)$$

where p designates the proportion of M in Q.

Export production is assumed to satisfy simultaneously

$$Q = A\,K^{a}L^{b} \qquad (2a)$$

and

$$Q = p^{-1}M \qquad (2b)$$

since allowing either of the terms in the brackets in (1) to act as a binding constraint independent of the other at any given level of output implies that some inputs are wasted.

The Cobb-Douglas portion (2a) of the production relation is assumed to have the property of constant returns to scale, i.e., $a+b=1$.

The total cost of export production is

$$TC = rK + wL + cM \qquad (3)$$

where

r = cost of capital,
w = wage rate, and
c = the unit price of intermediate goods.

The demand for exports is assumed to have a constant (but not necessarily or even likely unitary) elasticity (n), so that

$$Q^{D} = (B^{-1}P)^{-n}, \qquad (4)$$

or

$$P^{D} = BO^{-\frac{1}{n}} \qquad (5)$$

where

P = the unit price of exports, and
B = a constant

Total revenue, therefore, is

$$TR = PQ$$
$$= BQ^{1-\frac{1}{n}} \qquad (6)$$

To maximize profits subject to the production relation constraints (2a) and (2b), the optimum quantity of each input, in terms of the level of output, is

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[1] This analysis however does not attempt to estimate the economy-wide effect of the DISC provisions on the cost of capital. Economy-wide effects on capital formation and other economic magnitudes are limited to the increases in output, in employment, and in capital formation in response only to the increase in export sales and in demands by export industries for intermediate products.

[2] This analysis assumes that the production function is of the so-called Cobb-Douglas variety; the elasticities of output with respect to capital and labor inputs were separately estimated for each of the major export industries for which separate estimates of changes in exports were made.

$$K^*=\frac{Q}{A}\left(\frac{aw}{br}\right)^b \qquad (7a)$$

$$L^*=\frac{Q}{A}\left(\frac{br}{aw}\right)^a \qquad (7b)$$

$$M^*=pQ \qquad (7c)$$

Satisfying these optimal conditions, marginal cost, derived from (3) by substituting (7a), (7b), and (7c) into (3) and differentiating with respect to Q, is

$$MC=\frac{1}{A}\left(\frac{r}{a}\right)^a\left(\frac{w}{b}\right)^b+cp \qquad (8)$$

Marginal revenue is derived as

$$MR=\left(1-\frac{1}{n}\right)BQ^{-\frac{1}{n}} \qquad (9)$$

by differentiating (6) with respect to Q.

The profit maximizing level of output is that at which marginal cost equals marginal revenue, i.e., at which (8) = (9).

$$Q=\left(\frac{1}{B}\cdot\frac{n}{n-1}\left[\frac{1}{A}\left(\frac{r}{a}\right)^a\left(\frac{b}{w}\right)^b+cp\right]\right)^{-n} \qquad (10)$$

Given (10), the percentage change in profit maximizing output with respect to a given percentage change in the cost of capital is

$$eQ._r=-rn\frac{\frac{1}{A}\left(\frac{aw}{br}\right)^b}{\frac{1}{A}\left(\frac{r}{a}\right)^a\left(\frac{w}{b}\right)^b+cp} \qquad (11)$$

And from (10), (7a), (7b), and (7c), the percentage changes in the inputs with respect to a given percentage change in the cost of capital are

$$e_{K.r}=e_{Q.r}-b \qquad (12a)$$

$$e_{L.r}=e_{Q.r}+a=e_{K.r}+1 \qquad (12b)$$

$$e_{M.r}=e_{Q.r} \qquad (12c)$$

The DISC provisions in effect reduce the marginal corporation income tax rate on net income attributable to export by 25 percent, i.e., at the margin from 48 percent to 36 percent. Where adjustment to the DISC provisions is substantially complete, the after-tax rates of returns on capital in DISCs and in other corporations are equal. Denoting the pretax cost of capital as r_D for DISCs and r_N for other corporations, the condition is

$$\frac{(1-.48)r_NK_N}{K_N}=\frac{(1-.36)r_DK_D}{K_D}$$

or

$$.52r_N=.64r_D, \text{ and } r_D=\frac{.52}{.64}r_N$$

Hence, DISC provisions reduce the cost of capital to the DISC by 18¾ percent.

Given this decrease in the cost of capital and the elasticities shown in (11), (12a), (12b), and (12c), the effects of the DISC provisions on major economic magnitudes, expressed as percent changes, are

$$\dot{Q}=-.18\tfrac{3}{4}e_{Q.r},$$

$$K=-.18\tfrac{3}{4}e_{K.r},$$

$$L=-.18\tfrac{3}{4}e_{L.r},$$

$$\dot{P}=\dot{Q}/n,$$

and

$$\dot{TR}=(1+\dot{Q})(1+\dot{P})-1.$$

For the calculations, data on aggregate value were taken from the National Income Accounts (Table 1.14), labeled "Gross Corporate Product." Data on total corporate sales were taken from National Income Accounts (Table 6.19). Intermediate products were estimated as the difference between export sales of corporations and the value added in exports. The deflator for corporate sales and corporate output is the implicit deflator for the gross corporate product. (National Income Accounts Table 1.14).

The labor input measured in terms of full-time equivalent man-years and the average annual wage rate were estimated from data on total business compensation to labor (National Income Accounts Table 6.1) and data on the number of full-time equivalent employees by industry (National Income Accounts Table 6.4). Because these tables cover both corporate and unincorporated business, these figures were adjusted in order to estimate the corporate component. The corporate component was taken to be 68 percent of these values, based on the ratio of income originating in corporate business to income originating in total business as found in National Income Accounts Table 1.13. It was assumed that the average wage rate was the same in both corporate and unincorporated enterprises.

Total payments to owners of capital were estimated as the difference between corporate value added and total corporate labor compensation described above. In turn, following the procedure for the labor input, total payments to owners of capital were separated into the volume of the capital input and the average return per unit of capital. Data on net stocks of capital (less residential structures) in non-financial corporations is found in "New Measures of Output and Input," Survey of Current Business, March, 1972, Table 3. Residential structures were excluded because they are not a component of export production. Figures for 1973 and 1974 have not yet been published but were made available by the Department of Commerce. The average net pre-tax return per unit of capital was then derived by dividing total payments to capital after capital consumption allowances but before corporate profits taxes by the net (of depreciation) stock of capital. The same rate of return was applied to the export industry estimates of total returns to capital.

The year 1971 was taken as the point of departure for the analysis because DISC was initiated at that time. The 1971 values were used to calculate the relative shares of corporate value added, excluding indirect business taxes plus transfer payments less subsidies, supplied by labor inputs and by capital inputs which are needed to estimate the Cobb-Douglas production function. The shares have been relatively stable; for 1971 the labor share was 73% of value added by non-financial corporations, and the capital share was 27%. The same sources and methods were used to estimate the effects of DISC on all export corporations as well as for such major exports as chemicals, transportation equipment (motor vehicles and parts), transportation equipment other than motor vehicles and parts, electrical machinery and non-electrical machinery. Export data were taken from Department of Commerce balance of payments figures, for example, Survey of Current Business, January, 1974, p. 522.

The extent of these changes in major economic magnitudes clearly depends significantly on n, the elasticity of demand for exports. For most types of U.S. merchandise exports, the amount of these exports is only a small fraction of total world production and purchases. An increase in U.S. exports, even in substantial amount relative to preceding levels of these exports, will have only a minor effect on the world market prices of these goods. In other words, the rest-of-the-world elasticity of demand for most U.S. exports is very high. To err on the conservative side, an elasticity of 5 is assumed in this analysis, except in the case of agricultural export for which an elasticity of 10 is used. In all likelihood, these elasticity estimates result in substantial underestimates of the effects of the DISC provisions.

Having estimated the effect of the DISC provisions on the volume of exports and intermediate products, on the net stocks of capital in export production, and on employment and employee compensation in export production, it remains to estimate changes in employment and in capital throughout the economy. For this purpose, the ratio of total intermediate goods purchases to total sales by corporations in the export industries was applied to the incremental sales of export producers; the product is the incremental value added in other industries attributable to the increase in exports.

The labor share of this incremental value added in the other industries was assumed to be the same as the ratio of total labor compensation to total value added originating in the business sector. Data on the number of full-time equivalent employees in each industry permitted determination of the average wage rates in these industries. Division of the estimated increase in labor compensation in these industries by the average wage rate resulted in the estimated increase in full-time equivalent employees attributable to the increase in DISC exports.

The increase in total returns to capital in the other industries was estimated as the difference between the increase in value added and the increase in labor compensation. Estimates of net stocks of capital (excluding residential structures) in non-financial corporations, obtained from the Department of Commerce for the years 1973 and 1974, were divided into total pretax payments to capital, less capital consumption allowances, of nonfinancial corporations to obtain the average net pretax return per unit of capital. Dividing this average pretax rate of return into the estimated increase in net pretax returns to capital in the other industries yielded an estimate of the increase in the net stocks of capital in these industries attributable to the increase in exports from the DISC provisions.

On the basis of Commerce Department estimates of the depreciation and replacement rates for net stocks of fixed capital, estimates of the increase in capital outlays associated with the incremental net stocks of capital in export production and supplying industries were obtained.

Finally, estimates of the effects of the net revenue DISC-induced increase in exports were made by offsetting the Treasury Department's initial impact estimate of the revenue loss in 1974 resulting from deferral of taxes on DISC's net income against the increase in Federal tax revenues resulting from the increases in output and employment attributable to the DISC provisions.

The increase in total Federal revenues was estimated as the sum of additional tax receipts from three sources: income taxes on income from capital (corporate profits, interest, rents and proprietor's income); income and payroll taxes on labor income (wages and salaries); and indirect business taxes (mainly Federal excise taxes). To determine the appropriate marginal tax rates to be applied to each source, it was necessary to divide national income and Federal revenues into the three categories. National income is readily divisible, but since personal income tax and nontax receipts in the National Income Accounts apply to income earned from capital as well as labor, use of a single average tax rate would understate the rate paid by those receiving income from capital who are in higher tax brackets than the population as a whole. Partial segregation of these capital-income recipients is provided by the 1966 and 1969 editions of *Statistics of Income—Individual Income Tax Returns*, which classifies taxpayers by major source of income. In each of those years, the average tax rate (tax after credits as a percent of adjusted gross income) for those whose major source of income was capital (business or professional net profit, partnership net profit, dividends included in adjusted gross income, or net gain from sale of capital assets) was approximately 1.67 times as high as for those whose major source of income was salaries and wages.[3] This ratio was used to find the average tax rates on capital and labor income, t_K and t_L in the equation.

$T = t_K K + t_L L$ where
T = the sum of personal tax and nontax receipts plus contributions for social insurance,
K = the sum of proprietors' income, rental income of persons, and net interest included in national income, and
L = compensation of employees.

"Personal capital-income" tax revenues $t_K K$ were added to Federal corporate profits tax accruals. The sum was divided by the sum of personal capital income (K) and corporate profits to yield an overall capital tax rate. These calculations were made for 1971–74. In that period, the capital tax rate varied from .323 to .331 averaging .33. In the same period, the labor tax rate climbed from .166 to .190 (reflecting the rise in social security rates and the effect of inflation in pushing individuals into higher income tax brackets). By plotting the logarithm of the labor tax rate against labor income, the labor tax rate was found to rise, on average, 5.7 percent for every $100 billion increase in employee compensation. The marginal rate, that is, the rate on the increment of labor income, associated with these changes in average rate was found to be .33. Finally, an indirect business tax rate of .019 (the rate in both 1973 and 1974) was applied to the sum of labor and capital income plus capital consumption allowances.

The increase in total Federal taxes equals the sum of these three components, i.e., .33 on both the labor and capital shares, plus indirect business taxes. From the resulting amount, the Treasury's initial impact estimate was subtracted to yield a net revenue figure.

MEMBER COMPANIES' PLANT LOCATIONS BY STATE

ALABAMA

Albany Int'l. Corp. (1)
Aspro, Inc. (1)
Cook Industries, Inc. (1)
Den-Tal-Ez Mfg. Co. (1)
Dupont (1)
Eastern Air Lines Inc. (4)
The Foxboro Company (2)
Koppers Company, Inc. (1)
Monsanto Company (3)
Southern Aluminum Castings Co.
Southern Industries Corp.
Sundstrand Corp. (1)
TRW, Inc. (2)

ALASKA

Whitney-Fidalgo Seafoods, Inc. (8)

ARIZONA

Albany Int'l. Corp. (1)
Beech Aircraft Corp.
The Black & Decker Mfg. Co. (1)
Rogers Corp. (1)
San Fernando Electric Mfg. Co. (1)
Southwest Forest Industries, Inc.
TRW, Inc. (1)

ARKANSAS

American Hoist & Derrick Co. (1)
Cook Industries, Inc. (1)
Dupont (1)
Eaton Corp. (1)
Franklin Electric (2)
Gould, Inc. (1)
Ingersoll-Rand Company (1)
Jacuzzi Bros., Inc. (2)
Koppers Company (2)
Monsanto Company (1)
TRW, Inc. (3)

CALIFORNIA

American Microsystems, Inc.
American Telecommunications Corp.
Armco Steel (4)
Atlantic Richfield Co.
Baker Int'l. Corp.
Bandag Inc. (3)
Beckman Instruments, Inc.
Beech Aircraft Corp.(10)
Bentley Laboratories, Inc.
Bertea Corp.
The Black & Decker Mfg. Co.
Calbiochem
Celanese Corp. (1)
Coherent Radiation
Consyne Corp.
Cook Industries, Inc. (1)
Craig Corp.
Crocker National Bank
Cyprus Mines Corp.
Dataproducts Corp.
Den-Tal-Ez Mfg. Co. (1)
Dentsply Int'l. Inc. (2)
Donaldson Co., Inc. (1)
Dupont (4)
Eastern Air Lines, Inc. (1)
Eastman Kodak Company (6)
Eaton Corp. (1)
Envirotech
Fibreboard Corp.
Flying Tiger Line, Inc.
The Foxboro Company (2)
The Garrett Corp.
Gould Inc. (2)
Guardian Packaging Corp.
Hesston Corp. (1)
Hoffman Electronics Corp. (1)
Ingersoll-Rand Company (2)
Inland Container Corp. (4)
Knogo Corp. (2)
Lear Siegler, Inc. (3)
Lee Pharmaceuticals
Levi Strauss & Co.
Lockheed Aircraft Corp. (4)
Lukens Steel Company (1)
Measurex Corp. (1)
Merck & Co., Inc. (7)
Michigan General Corp. (1)
Monsanto Company (5)
Norris Industries (7)
Northrop Corp.
PVO Int'l., Inc.
Pacific Lumber Co.
The Ralph M. Parsons Co.
Pertec Corp.
Rogers Corp. (1)
Rohr Industries, Inc.
Rucker Company
San Fernando Electric Mfg. Co. (1)
Spectra-Physics, Inc.
Standard Oil Co. of California
Sundstrand Corp. (3)
Sweco, Inc.
Systron-Donner Corp.
Tab Products Company (2)
The Toro Company (5)
TRW, Inc. (31)
Union Oil Company of California
Union Special Corp. (1)
United Technologies Corp.
Upjohn Company (2)
VSI Corp.
Varian Associates
Vetco Offshore Industries Inc. (1)
Watkins-Johnson Company (2)
Western Bancorporation
Western Gear Corp.
Wolff Mfg. Company
Wynn's Int'l., Inc.

COLORADO

Beech Aircraft Corp. (2)
Cobe Laboratories, Inc. (1)
Columbine Int'l. Corp.
Dupont (1)
Eastman Kodak Company (1)
Eberline Instrument Corp. (1)
The Eversman Mfg. Co.
Fenton Int'l., Inc.
The Foxboro Company (1)
Gould Inc. (1)
Hesston Corporation (1)
Johns-Manville Corp.
Lear Siegler, Inc. (1)
Michigan General Corp. (1)
Portec Inc. (1)
Sundstrand Corp. (1)
TRW, Inc. (5)
Valleylab, Inc.
Windsor Industries, Inc.

CONNECTICUT

Albany Int'l. Corp. (2)
American Can Company
Aspro, Inc. (1)
Beech Aircraft Corp. (2)
Beker Industries Corp.
Condec Corp.
Dupont (2)
Louis Dreyfus Corp.
Echlin Mfg. Co.
The Foxboro Company (1)
General Cable Corp.
General Electric
General Telephone & Electronics Corp. (1)
Gould Inc. (1)
Hooker Chemicals & Plastics Corp.
Ingersoll-Rand Company (2)
Kollmorgen Corp. (1)
Koppers Company
La Pointe Industries
Monsanto Company (4)
Moore Special Tool Co.
Olin Corp. (1)
Remington Arms Co., Inc.
Rogers Corp. (5)
Stauffer Chemical Company
TRW, Inc. (5)
United Technologies Corp.
Upjohn Company (1)

DELAWARE

Dentsply Int'l. Inc. (1)
Dupont (6)
Hercules, Inc.
Inland Container Corp. (1)

FLORIDA

Bandag Inc. (3)
Beech Aircraft Corp. (3)
Dentsply Int'l. Inc. (1)
Dupont (1)
Eastern Air Lines Inc. (15)
Eaton Corp. (1)
The Foxboro Company (1)
Gould Inc. (1)
Harris Corp. (2)
Inland Container Corp. (1)
Knogo Corp. (1)
Koppers Company (2)
Michigan General Corp. (1)
Millmaster Onyx Corp. (2)
Monsanto Company (1)
Sealt-Sweet Int'l.
Sunair Electronics, Inc.
TRW, Inc. (5)
Union Special Corp. (1)
United Technologies

GEORGIA

American Hoist & Derrick Co. (1)
Beech Aircraft Corp. (3)
Celanese Corp. (1)
Dentsply Int'l. Inc. (1)
Dupont (3)
Eastern Air Lines, Inc. (4)
Eastman Kodak Company (2)
Eaton Corp. (2)
Flowers Industries, Inc.
The Foxboro Corpany (1)
Glasrock Products, Inc.
Hesston Corp. (1)
Inland Container Corp. (2)
Knogo Corp. (1)
Lukens Steel Company (1)
Lummus Industries, Inc.
Lockheed Aircraft Corp. (1)
Merck & Co., Inc. (1)
Millmaster Onyx Corp. (1)
Monsanto Company (3)

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[3] The separation of income sources was nearly but not entirely complete. For those reporting salaries and wages as a major source; other sources supplied approximately 3 percent of adjusted gross income, for those with one category of capital income as a major source, other sources accounted for 17–19 percent of adjusted gross income.

Peachtree Doors, Inc.
Scientific-Atlanta, Inc.
TRW, Inc. (4)
The Toro Company (1)
Union Special Corp. (1)
Upjohn Company (1)

HAWAII

Eastman Kodak Company (1)
The Foxboro Company (1)

IDAHO

Monsanto Company (1)

ILLINOIS

American Hospital Supply Corp.
Beech Aircraft Corp. (2)
Bliss & Laughlin Industries, Inc.
Chemetron Corp.
Chicago Bridge & Iron Co.
Comdisco, Inc.
Container Corp. of America
Cook Industries, Inc. (1)
Deere & Company (1)
Dentsply Int'l. Inc. (1)
A. B. Dick Company
Donaldson Co., Inc. (2)
Dreis & Krump Mfg. Co.
Dupont (2)
Eastern Air Lines, Inc. (1)
Eastman Kodak Company (2)
Eaton Corp. (10)
Eberline Instrument Corp. (1)
Elgin National Industries, Inc.
Esmark, Inc.
FMC Corp.
The Foxboro Corpany (2)
Galaxy Carpet Mills, Inc.
Gould Inc. (2)
Grotnes Machine Works, Inc.
Harris Corp. (1)
Harris Trust & Savings Bank
Hesston Corp.
Illinois Tool Works, Inc.
The Ingersoll Milling Machine Co.
Ingersoll-Rand Company (3)
Inland Container Corp. (1)
International Harvester Co.
Richard D. Irwin, Inc.
Keystone Consolidated Industries, Inc.
Knogo Corp.
Libby, McNeill & Libby (1)
The Lockformer Company
Ludlow Industries, Inc.
Lukens Steel Company (1)
Marsh Stencil Machine Co.
McGraw-Edison Co.
Merck & Co., Inc. (1)
Michigan General Corp. (2)
Millmaster Onyx Co. (2)
Monsanto Company (1)
Motorola, Inc.
Northern Natural Gas Co.
Oak Industries Inc.
Portec, Inc. (3)
Refrigerating Specialties Company
Rogers Corp. (1)
Roper Corp.
Signode Corp.
Skil Corp.
Stanray Corp.
Stewart-Warner Corp.
Sundstrand Corp. (4)
TRW, Lnc. (16)
Toro Company (1)
Union Special Corp. (4)
United Technologies Corp.
Universal Oil Products Co.
Valley Industries, Inc. (7)
Victor Comptometer Corp.

INDIANA

Albany Int'l. Corp. (1)
American Hoist & Derrick Company (2)
Beech Aircraft Corp. (5)
The Carborundum Company (1)
Dupont (3)
Eastern Air Lines, Inc. (2)
Eaton Corp. (4)
E-Systems, Inc. (1)
Franklin Electric (1)
Gould Inc. (2)
Great Lakes Chemical Corp.
Hesston Corp. (1)
Ingersoll-Rand Company (3)
Inland Container Corp. (4)
Lear Siegler, Inc. (1)
Eli Lilly & Company
Millmaster Onyx Corp. (1)
Monsanto Company (1)
Portec Inc. (1)
Sundstrand Corp. (1)
TRW, Inc. (5)
Tecumseh Products Co. (1)
United Technologies

IOWA

American Hoist & Derrick Company (1)
Bandag Inc. (3)
Beech Aircraft Corp. (1)
Cook Industries, Inc. (1)
Den-Tal-Ez Mfg. Co. (1)
Donaldson Co., Inc. (3)
Dupont (2)
Eaton Corp. (2)
Hach Chemical Co.
Lear Siegler, Inc. (1)
Massey-Ferguson Inc.
Monsanto Company (3)
Sundstrand Corp. (1)
TRW, Inc. (1)

KANSAS

Beech Aircraft Corp. (7)
Cessna Aircraft Co.
Cook Industries, Inc. (1)
Dupont (1)
The Foxboro Company (2)
Gould Inc. (1)
Hesston Corp. (3)
Ingersoll-Rand Company (1)
Inland Container Corp. (1)
United Technologies

KENTUCKY

Ajax Magnethermic Corp. (1)
Ashland Oil, Inc.
Bandag Inc. (1)
Celanese Corp. (3)
Dibrell Brothers, Inc. (1)
Dupont (2)
Eastern Air Lines, Inc. (3)
Eaton Corp. (5)
Ingersoll-Rand Company (2)
Merck & Co., Inc. (1)
Portec Inc. (1)
Porter Paint Company
Rohm & Haas Company (1)
Tecumseh Products Co. (1)
United Technologies

LOUISIANA

Dupont (3)
Eastern Air Lines (3)
The Foxboro Company (3)
Gould Inc. (1)
Monsanto Company (1)
Newpark Resources, Inc. (1)
Southern Industries Corp.
TRW, Inc. (1)
United Technologies Corp.
Valley Industries, Inc. (1)
T. K. Valve Mfg. Inc.

MAINE

Albany Int'l. Corp. (2)
American Hoist & Derrick Company (1)
The Foxboro Company (1)
Marine Colloids Int'l. Inc. (1)

MARYLAND

Armco Steel Corp. (4)
The Black & Decker Mfg. Co. (3)
The Carborundum Company (1)
Celanese Corp. (1)
The Chesapeake Corp. of Virginia (1)
Eastern Air Lines, Inc. (1)
Eastman Kodak Company (1)
The Foxboro Company (1)
Gould Inc. (1)
Knogo Corp. (1)
Koppers Company (2)
Martin-Marietta Corp.
Merck & Co., Inc. (1)
Millmaster Onyx Corp. (1)
TRW, Inc. (1)
Watkins-Johnson Company (1)
Waverly Press, Inc.
Westinghouse Electric Corp.

MASSACHUSETTS

Addison-Wesley Publishing Co.
Albany Int'l. Corp. (2)
Analog Devices, Inc.
Augat, Inc. (7)
Beech Aircraft Corp. (1)
Cincinnati Milacron Inc. (1)
Corenco Corp.
Denninson Mfg. Co.
Digital Equipment Corp.
Dupont (1)
Eastern Air Lines, Inc. (2)
Eastman Kodak Company (2)
The Foxboro Company (4)
Gloucester Engineering Co., Inc.
Gould Inc. (1)
Incoterm Corp.
Ingersoll-Rand Company (1)
Instrumentation Laboratory, Inc.
Knogo Corp. (1)
Kollmorgen Corp. (1)
Leesona Corp. (1)
Ludlow Corp.
Lukens Steel Company (1)
Millmaster Onyx Corp. (1)
Monsanto Company (2)
Morgan Construction Company
Norris Industries (1)
Pneumo Corp.
TRW, Inc. (10)
Thermo Electron Corp. (3)
Union Special Corp. (1)
United Technologies
Valley Industries, Inc. (1)
Wyman-Gordon Company

MICHIGAN

American Hoist & Derrick Company (3)
Aspro, Inc. (1)
Bandag Inc. (3)
The Bendix Corp.
Brooks & Perkins, Inc.
The Budd Company
Celanese Corp. (1)
Clark Equipment Company
A. T. Cross Company
Dow Chemical Company
Dupont (2)
Eastern Air Lines, Inc. (1)
Eastman Kodak Company (1)
Eaton Corp. (7)
Federal Mogul
The Foxboro Company (1)
Franklin Electric (1)
Gould Inc. (1)
Hoover Ball & Bearing Co.
Ingersoll-Rand Company (1)
Kirsch Co.
Knogo Corp. (1)
Kuhlman Corp.
Lear Siegler, Inc. (4)
Lukens Steel Company (1)
McCord Corp.
Merck & Co., Inc. (1)
Michigan General Corp. (2)
Michigan Seamless Tube Co.
Modern Industrial Engineering Co.
Monsanto Company (1)
Norris Industries (1)
Portec Inc. (1)
Sealed Power Corp.
Sundstrand Corp. (1)
Sycor, Inc.
TRW, Inc. (8)
Tecumseh Products Co. (2)
Thermo Electron Corp. (2)
The Toro Company (1)
United Technologies Corp.
Upjohn Company (1)
Valeron Corp.
Wolverine World Wide Inc.

MINNESOTA

American Hoist & Derrick Co. (6)
Apache Corp.
Beech Aircraft Corp. (1)
Cook Industries, Inc. (2)
Data Card Corp.
Donaldson Co., Inc. (2)

Dupont (1)
Eastern Air Lines, Inc. (2)
Eaton Corp. (1)
Electro-Craft Corp.
The Foxboro Company (1)
H. B. Fuller Company
General Mills, Inc. (1)
Gould, Inc. (2)
Hesston Corp. (1)
Honeywell Inc.
Knogo Corp. (1)
Lear Siegler, Inc. (2)
Magnetic Controls Company (3)
Napco Industries, Inc. (1)
Northrup, King & Co.
Northwest Airlines, Inc.
Peavey Company
Portec Inc. (1)
Possis Corp.
RayGo, Inc. (2)
Rosemount, Inc.
Tonak Corp. (3)
Toro Company (2)
TRW, Inc. (2)
Van Dusen Air Inc.

MISSISSIPPI

Aspro, Inc. (1)
Cook Industries, Inc. (3)
Delta & Pine Land Co.
Dupont (1)
Gould Inc. (2)
Inland Container Corp. (1)
Marathon Mfg. Co. (1)
Tyrone Hydraulics, Inc.

MISSOURI

Alvey Inc. (1)
Beech Aircraft Corp. (3)
Chromalloy American Corp.
Cook Industries, Inc. (2)
Donaldson Co., Inc. (2)
Dupont (1)
Eastern Air Lines, Inc. (1)
Eaton Corp. (3)
Emerson Electric Co.
The Foxboro Company (1)
General Dynamics Corp.
Gould Inc. (1)
Inland Container Corp. (1)
Knogo Corp. (1)
Lukens Steel Company (1)
McDonnell Douglas Corp.
Merck & Co., Inc. (1)
Michigan General Corp. (1)
Monsanto Company (4)
Sundstrand Corp. (1)
TRW, Inc. (4)
Tiffany Industries, Inc.
Valley Industries, Inc. (5)

MONTANA

American Hoist & Derrick Company (1)

NEBRASKA

Beech Aircraft Corp. (1)
Eastern Air Lines, Inc. (1)
Eaton Corp. (1)
Gould Inc. (1)
Hy-Gain Electronics Corp.
Inland Container Corp. (1)
Instrumentation Specialties Co., Ltd.
Northern Natural Gas Co.
TRW, Inc. (4)

NEVADA

Beech Aircraft Corp. (1)

NEW HAMPSHIRE

Centronics Data Computer Corp.
Ingersoll-Rand Company (1)
Merck & Co., Inc. (1)
Rogers Corp. (1)
United Technologies

NEW JERSEY

American Hoist & Derrick Company (1)
The Bates Mfg. Co. (1)
Beech Aircraft Corp. (1)
Celanese Corp. (1)
Classic Chemicals Company
Congoleum Corp.
Datascope Corp. (1)
Dupont (7)
Eastern Air Lines, Inc. (1)
Eastman Kodak Company (1)
Eaton Corp. (2)
Egan Machinery Co. (1)
Federal Paper Board Co., Inc.
Fisher Scientific Co.
Foster Wheeler Corp.
The Foxboro Company (1)
GAF Corp.
Sylvan Ginsbury, Ltd.
Gould Inc. (1)
Inland Container Corp. (1)
International Telephone & Telegraph Corp.
Ingersoll-Rand Company (2)
Koppers Company (1)
Lear Siegler, Inc. (1)
Lockheed Aircraft Corp. (1)
Lukens Steel Company (1)
Marine Colloids Int'l. Inc. (1)
MEM Company, Inc. (1)
Merck & Co., Inc. (2)
Millmaster Onyx Corp. (8)
Monsanto Company (5)
Norris Industries (1)
Prentice-Hall, Inc.
Soundesign Corp. (1)
TRW, Inc. (9)
Union Camp Corp.

NEW MEXICO

Eberline Instrument Corp. (2)

NEW YORK

Albany Int'l. Corp. (6)
Allied Chemical Corp.
American Export Lines, Inc. (1)
American Hoist & Derrick Company (1)
American Precision Industries, Inc. (2)
Anaconda Company
Aspro, Inc. (2)
Astrosystems, Inc.
Avnet, Inc.
Babcock Industries (2)
Bandag Inc. (5)
The Bank of New York
C. R. Bard, Inc.
Bausch & Lomb
Beech Aircraft Corp. (5)
The Black & Decker Mfg. Co. (1)
Borden Inc.
Bunge Corp.
The Carborundum Company (4)
Carrier Corp.
Celanese Corp. (1)
The Chesapeake Corp. of Virginia (1)
Chicago Pneumatic Tool Co.
Cluett, Peabody & Co., Inc.
Colt Industries Inc.
Columbus McKinnon Corp.
Continental Grain Company
Corning Glass Works
Crompton & Knowles Corp.
Crouse-Hinds Co.
Dentsply Int'l. Inc. (2)
Dupont (3)
Eastern Air Lines, Inc. (6)
Eastman Kodak Company (2)
Eaton Corp. (1)
The Foxboro Company (4)
GAF Corp.
Garlock, Inc.
General Host Corp.
Geon Industries, Inc. (2)
Gleason Works (1)
Gould Inc. (1)
Grumman Corp.
Harper & Row, Publishers, Inc.
Harris Corp. (3)
Henningsen Foods, Inc.
Hesston Corp. (1)
Indian Head Inc.
Ingersoll-Rand Company (2)
Int'l. Flavors & Frangrances, Inc.
Int'l. Paper Co.
Int'l. Telephone & Telegraph Corp.
Kewanee Industries, Inc.
Knogo Corp.
Kollmorgen Corp. (2)
Koppers Company (1)
Lincoln First Banks, Inc. (5)
Lockheed Aircraft Corp. (1)
Lukens Steel Company (1)
Macmillan, Inc.
Michigan General Corp. (2)
Millmaster Onyx Corp. (2)
Monsanto Company (1)
Moog Inc.
NL Industries, Inc.
National Distillers & Chemical Corp.
North American Philips Corp.
Pan American Trade Development Corp.
Peabody-Galion Corp.
Portec Inc. (1)
RCA Corp.
Reichhold Chemicals, Inc.
Rogers Corp. (1)
Seagrave Corp. (1)
Seatrain Lines, Inc.
The Singer Company
Sperry Rand Corp.
Sterling Drug Inc.
J. P. Stevens & Co., Inc.
Sun Chemical Corp.
Sundstrand Corp. (1)
Supreme Equipment & Systems Corp.
TRW, Inc. (10)
The Toro Company (1)
Union Carbide Corp.
Union Special Corp. (1)
Uniroyal, Inc.
United Industrial Corp.
U.S. Industries, Inc.
United States Filter Corp.
United Technologies Corp.
Valley Industries, Inc. (1)
Wallace-Murray Corp.
Wheelabrator-Frye Inc.

NORTH CAROLINA

Akzona, Inc.
Albany Int'l. Corp. (1)
Bandag Inc. (8)
Beech Aircraft Cirp. (1)
The Black & Decker Mfg. Co. (2)
Celanese Corp. (4)
The Chesapeake Corp. of Virginia (1)
Cone Mills Corp.
Cook Industries, Inc. (1)
Dibrell Brothers, Inc. (1)
Dupont (5)
Eastern Air Lines, Inc. (6)
Eaton Corp. (6)
The Foxboro Company (1)
Ingersoll-Rand Company (1)
Koppers Company
W. D. Lawson & Company
Rogers Corp. (1)
Rohm & Haas Company (1)
TRW, Inc. (4)
United Technologies Corp.
Wachovia Bank & Trust Company, N.A.
(182)

OHIO

A-T-O Inc.
Acme-Cleveland Corp.
Ajax Magnethermic Corp. (3)
American Hoist & Derrick Co. (1)
Anchor Hocking Corp.
Armco Steel Corp.
Aro Corp.
Aspro, Inc. (2)
Bandag Inc. (9)
Beech Aircraft Corp. (3)
The Black & Decker Mfg. Co. (1)
Celanese Corp. (1)
Cincinnati Milacron Inc. (6)
Commercial Shearing, Inc.
Coepland Corp.
Dayco Corp.
Den-Tal-Ez Mfg. Co. (1)
Dentsply Int'l. Inc. (3)
Diamond Shamrock Corp.
Dupont (4)
The Duriron Company, Inc.
Eagle-Picher Industries, Inc.
Eastern Air Lines, Inc. (3)
Eastman Kodak Company (2)
Eaton Corp. (4)
Emery Industries, Inc.
The Foxboro Company (2)
Gilford Instrument Laboratories, Inc.
Gorman-Rupp Co.

Gould Inc. (6)
Harris Corp. (2)
Hobart Corp.
Inland Container Corp. (2)
Int'l. Paper Co.
Kewanee Industries Inc. (1)
Koppers Company (1)
Lear Siegler, Inc. (2)
Lukens Steel Company (2)
Marion Power Shovel Co., Inc.
Mead (1)
Michigan General Corp. (1)
Midland-Ross Corp.
Millmaster Onyx Corp. (1)
The Mogul Corp. (1)
The Monarch Machine Tool Company
Monsanto Company (5)
Peabody-Galion Corp.
Portec Inc. (2)
Production Machinery Corp.
Reliance Electric Company
Republic Steel Corp.
A. Schulman, Inc.
Sugardale Foods, Inc.
Sun Chemical Corp.
Sundstrand Corp. (2)
TRW, Inc. (19)
Tecumseh Products Co. (2)
Tappan Company
United Technologies Corp.
Valley Industries, Inc. (1)
Van Dorn Company
The Warner & Swasey Company (1)
Weatherhead Company
White Motor Corp.

OKLAHOMA

American Hoist & Derrick Co. (1)
Beech Aircraft Corp. (1)
Born Export Corp.
Braden Industries, Inc.
Donaldson Co., Inc. (1)
Dupont (1)
The Foxboro Company (2)
Ingersoll-Rand Company (1)
Hesston Corp. (2)
Kendavis Industries Int'l. Inc.
Sola Basic
TRW, Inc. (3)
Williams Companies

OREGON

Beech Aircraft Corp. (2).
Bohemia, Inc. (1).
Cook Industries, Inc. (1).
Eastern Air Lines, Inc. (1).
The Foxboro Company (1).
Georgia-Pacific Corp.
Gould, Inc. (1).
Hesston Corp. (2).
Ingersoll-Rand Company (1).
Louisiana-Pacific Corp.
Monsanto Company (1).
Pope & Talbot, Inc. (1).
Pugh & Company.
RayGo, Inc.
TRW, Inc.

PENNSYLVANIA

Acker Drill Company, Inc. (1).
Ag-Met, Inc.
Air Products & Chemicals, Inc.
Ajax Magnethermic Corp. (1).
Allegheny Ludlum Industries, Inc.
American Hoist & Derrick Company (1).
American Medicorp, Inc.
Armco Steel Corp. (2).
Aspro, Inc. (1).
Bandag, Inc. (5).
Beech Aircraft Corp. (6).
Belmont Industries, Inc.
The Black & Decker Mfg. Co. (1).
Carpenter Technology Corp.
The Chesapeake Corp. of Virginia (2).
Copperweld Corp.
Dentsply Int'l. (1).
Dupont (9).
ESB, Inc.
Eastern Air Lines, Inc. (3).
Eastman Kodak Company (1).
Eaton Corp. (3).
Extracorporeal Medical Specialties, Inc.
Fischer & Porter (1).
Fisher Scientific Co.
The Foxboro Company (2).
Franklin Electric Co., Inc. (1).
Gould, Inc. (1).
Grove Mfg. Co.
Hammermill Paper Co.
Hankison Corp.
Harris Corp. (1).
Horiz Mfg. Co. (1).
Ingersoll-Rand Company (9).
Inland Container Corp. (2).
Joy Mfg. Co.
Kennametal, Inc. (1).
Kewanee Oil Company (1).
Knogo Corp. (1).
Koppers Company (6).
Lord Corp.
Lukens Steel Company (2).
MEM Company, Inc. (1).
Merck & Co., Inc. (5).
Mine Safety Appliances Co.
Monsanto Company (1).
Narco Scientific Industries, Inc.
National Forge Company.
Piper Aircraft Corp.
H. H. Robertson Co.
Rockwell Int'l.
Rohm & Haas Company (3).
Sauereisen Cements Company.
Spang & Company.
Spang Industries, Inc.
Steelmet, Inc.
Jacob Stern & Sons, Inc.
TRW, Inc. (10).
The Toro Company (1).
Union Special Corp. (1).
United Technologies Corp.
Upjohn Company (1).
Valley Industries, Inc. (1).
Vesuvius Crucible Company (1).
Wean United, Inc.
Weld Tooling Corp.
Westinghouse Electric Corp.
Zurn Industries, Inc.

RHODE ISLAND

Albany Int'l Corp. (1).
The Cross Company.
Eastern Air Lines, Inc. (1).
The Foxboro Company.
Harris Corp. (1).
Leesona Corp. (1).
Mine Safety Appliances Co. (1).
United Technologies Corp.
Valley Industries, Inc. (1).

SOUTH CAROLINA

Beech Aircraft Corp. (1)
Celanese Corp. (4)
Cook Industries, Inc. (1)
Dupont (4)
Eastern Air Lines, Inc. (3)
Eastman Kodak Company (1)
Eberline Instrument Corp. (1)
E-Systems, Inc. (1)
The Foxboro Company (1)
Graniteville Co.
Ingersoll-Rand Company (1)
Inland Container Corp. (1)
Leesona Corp. (1)
Monsanto Company (3)
Sonoco Products Co.
TRW, Inc. (1)
United Technologies Corp.

TENNESSEE

American Precision Industries Inc. (1)
Bandag Inc. (1)
Beech Aircraft Corp. (2)
Buckman Laboratories, Inc.
The Carborundum Company (1)
Conwood Corp.
Cook Industries, Inc. (2)
W. B. Dunavant & Co.
Dupont (5)
Eastern Air Lines, Inc. (3)
Eastman Kodak Company (1)
Eaton Corp. (4)
The Foxboro Company (2)
Gould Inc. (6)
Inland Container Corp. (1)
Lear Siegler, Inc. (1)
Monsanto Company (1)
Portec Inc. (1)
Rohm & Haas Company (1)
TRW, Inc. (7)
United Technologies Corp.

TEXAS

Alcon Laboratories, Inc. (1)
American Hoist & Derrick Co. (1)
Anderson Greenwood & Co.
Armco Steel Corp. (7)
Bandag Inc. (1)
Beech Aircraft Corp. (13)
Bowen Tools, Inc.
Cleanese Corp. (5)
Cook Industries, Inc. (2)
Daniel Industries, Inc.
Datapoint Corp.
Dentsply Int'l. Inc. (1)
Dresser Industries, Inc.
Dupont (5)
E-Systems, Inc. (4)
Eastern Air Lines, Inc. (4)
Eastman Kodak Company (2)
Farah Mfg. Co., Inc.
The Foxboro Company (6)
Galveston-Houston Co.
Gardner-Denver Co.
Gould Inc. (2)
Harris Corp. (2)
Hesston Corp. (1)
Hughes Tool Company
Ingersoll-Rand Company (2)
Inland Container Corp. (1)
Knogo Corp. (1)
The LTV Corp.
Lockheed Aircraft Corp. (2)
Lukens Steel Company (1)
Marathon Mfg. Co. (3)
Merck & Co., Inc. (1)
Michigan General Corp. (6)
Millmaster Onyx Corp. (1)
Monsanto Company (2)
Reed Tool Company
Riviana Foods Inc.
Rohm & Haas Company (1)
Starke Taylor & Son, Inc.
Sundstrand Corp. (1)
Texas Eastern Transmission Corp.
TRW, Inc. (10)
Union Special Corp. (1)
United Technologies Corp.
Upjohn Company (1)
Valley Industries, Inc. (4)
Vetco Offshore Industries Inc. (1)
Whitehall Electronics Corp.

UTAH

E-Systems Inc. (1)
Hesston Corp. (1)
TRW, Inc. (1)
United Technologies Corp.

VERMONT

The Foxboro Company (1)

VIRGINIA

Beech Aircraft Corp. (2)
The Bendix Corp.
The Carborundum Company (1)
Celanese Corp. (1)
The Chesapeake Corp. of Virginia (2)
Dibrell Brothers, Inc. (2)
Dupont (4)
E-Systems, Inc. (2)
Eastern Air Lines, Inc. (1)
Eaton Corp. (2)
Ethyl Corp.
The Foxboro Company (1)
Gould Inc. (1)
Grumman Corp.
Harris Corp. (1)
Honeywell Inc.
ICA Export Co., Inc.
Ingersoll-Rand Company (1)
Kollmorgen
Merck & Co., Inc. (1)
Northrop Corp.
Sundstrand Corp. (2)
TRW, Inc. (5)
Trane Company
Universal Leaf Tobacco Co.

Vetco Offshore Industries Inc.
Virginia Chemical Inc.

WASHINGTON

The Boeing Company
The Carborundum Company (1)
Dupont (1)
Fenton Int'l., Inc.
John Fluke Mfg. Co.
The Foxboro Company (1)
Ingersoll-Rand Company (1)
Koppers Company
Lockheed Aircraft Corp. (1)
Macmillan, Inc.
PACCAR, Inc.
Sundstrand Corp. (1)
TRW, Inc. (3)
Valley Industries, Inc. (1)
Whitney-Fidalgo Seafoods, Inc. (2)

WEST VIRGINIA

Dupont (3)
The Foxboro Company (1)
Ingersoll-Rand Company (1)
Koppers Company (1)
McJunkin Corp.
Michigan General Corp. (1)
Monsanto Company (1)
Norris Industries (1)
United Technologies Corp.

WISCONSIN

Albany Int'l. Corp. (3)
The Ansul Company
The Black & Decker Mfg. Co. (1)
Briggs & Stratton Corp. (1)
Bucyrus-Erie Company
Congoleum Corp.
Dupont (1)
Donaldson Co., Inc. (1)
Eastern Air Lines, Inc. (1)
Eaton Corp. (2)
The Foxboro Company (1)
Gould Inc. (2)
Heil Company
Inland Container Corp. (1)
Knogo Corp. (1)
Leesona Corp. (1)
Manitowoc Co., Inc.
Merck & Co., Inc. (1)
Norris Industries (1)
Northwest Engineering Company
Oilgear Company
Oshkosh Truck Corp.
Portec Inc. (1)
Rexnord Inc.
Sola Basic
Sta-Rite Industries, Inc.
Sundstrand Corp. (4)
TRW, Inc.
Tecumseh Products Co. (2)
The Toro Company (1)
Trane Company

WYOMING

TRW, Inc. (1)

THE UPJOHN CO.,
Washington, D.C., April 12, 1976.

Hon. PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: Pete Parish, Alan Lincoln and I are most appreciative for the courtesy and attention given by you during our recent meeting which related to possible revision by the Ways and Means Committee of the foreign source income provisions of the tax law. We volunteered, at that time, to provide this further refinement of our position with respect to the significance of the present provision upon The Upjohn Company.

DISC EXPORT OPERATIONS OF THE UPJOHN COMPANY

In 1971, total exports of The Upjohn Company were $40,503,000. Thereafter, in 1972, the company established its DISC operation. By 1973, the first full year of DISC, exports had increased to $87,162,000. In 1975, they reached $133,774,000. We have identified, by careful analysis of our operations, a minimum of 25 percent (up to a very likely 40 percent) of the export volume of The Upjohn Company as directly attributable to DISC incentives.

There follows, in somewhat more detail than that discussed in your office, specific examples of export sales activities whose initiation or significant expansion was and continues to be directly tied to the DISC incentives.

Bid business on public tenders. The profitability of tender business discouraged The Upjohn Company from making a major export sales effort in this area. Thus, in 1971, such business amounted to only $1,213,000. The advent of DISC encouraged us to step up our efforts with the result that in 1975, our public tender export sales reached $6,800,000. Significant also is the fact that while one employee was assigned to this phase of our export sales in 1971, six new marketing specialist jobs have been created to handle this steadily increasing sales volume.

This increased activity has created new jobs in production, both in our own manufacturing facilities and in those of our suppliers.

Papi exports. Another case in point is Papi, one of our isocyanate products. Export sales in the 1970-72 period averaged approximately $4,000,000 annually. Export sales had increased in 1973 to $10,600,000; in 1974, they were $15,900,000. This increase was attributable to a decision by the Board of Directors, based upon the annual DISC incentive, to produce Papi for export in Houston, Texas, rather than Delfzijl, The Netherlands.

Capital investment. The existence of DISC has also been a factor in the consideration of new capital investment in the United States. In considering new investments in the United States, The Upjohn Company examines the potential export markets which may be served by proposed new facilities. DISC benefits have supported decisions to build new facilities and to expand existing ones in this country. In the last full pre-DISC year, 1971, our U.S. capital investments which were in part attributable to our export-related activities were $11,790,000. By 1974, stimulated to a considerable degree by DISC, they had increased to $61,828,000.

An example of a U.S. capital investment motivated by the DISC export incentive is our facility in Houston, Texas, for the production of Papi, discussed above. During the past four years, we have invested $20,992,000 in our Papi manufacturing plant, about one-half the volume of which is now for export as a result of an early 1973 decision to expand for export influenced by the annual DISC tax deferral benefit.

Use of DISC incentive deferral funds. All funds generated in our DISC operations to date have been put back into export operations and in export receivables to carry export customers generally requiring longer credit terms.

DISC conclusion. The above facts reinforce our conviction that the enactment of DISC legislation has been responsible for: (1) an increased volume of our exports; (2) increased capital investments in the United States; and (3) creation of a significant number of new jobs in the United States.

We believe, from the experience of The Upjohn Company, that the tax deferral incentive of DISC received by our company has been multiplied many times in the economy through our own U.S. business operations and the many suppliers required to support our operations. We believe, furthermore, that today with the increased value of the U.S. dollar in world trade, we will, more than ever, need DISC to maintain and expand employment and capital investment.

There is a vital facet to discussion of this entire issue. That is the impact which international business has had upon Upjohn employment. Our analysis of employment statistics indicates that in 1971, The Upjohn Company had on its U.S. payroll 652 production employees whose jobs were directly attributable to the export of our products. By 1974, that number had grown to 1,282, an increase of 97 percent.

There is enclosed a descriptive list of export benefits afforded by major nations. This may place in better perspective export assistance rendered by the United States, such as through DISC, with those extended by other major exporting nations.

We trust that this information will be of assistance as you consider various proposals before the Ways and Means Committee related to foreign source income.

Sincerely,

DANIEL T. COUGHLIN.

TAX INCENTIVES FOR EXPORTS

	Belgium	France	Germany	Italy	Luxembourg	Netherlands	United Kingdom	Ireland	Denmark	Norway	Sweden	Switzerland	Austria	Portugal	Australia	New zealand	Japan	Canada	United States
Partial or total exemption on foreign branch income.	×	×	×		×	×			×	×		×		×	×				
Taxation of foreign subsidiaries.			×															×	×
Foreign losses deductible.	×		×	×	NA	×	×	×	×	NA	×		NA	NA	×	NA	×	×	
Partial or total exemption on foreign source dividends.	×	×			×	×			×			×	×	×	×	×		×	
Special deferrals of domestic income.		×	×	NA				NA		×	NA				NA		×		×
Export tax incentives.		×				×	×	×	NA	×	×		×		×	×	×		
Nonenforcement of intercompany pricing rules.	×	×		NA	NA	×	×	NA	NA	NA	×	NA	NA	NA	NA	NA	×		
Border tax adjustments.	×	×	×	×	×	×	×	×	×	×			×						
Tax incentives indirectly benefiting exports.	×	×	×	×	NA	×	×	×	×	×	×		×	×		NA		×	

NONTAX INCENTIVES FOR EXPORTS—Continued

	Belgium	France	Germany	Italy	Luxembourg	Netherlands	United Kingdom	Ireland	Denmark	Norway	Sweden	Switzerland	Austria	Portugal	Australia	New Zealand	Japan	Canada	United States
Nontax incentives indirectly benefiting exports.	X	X	X	X	X	X	X	X	X	NA	X		X	NA		NA	NA	X	
Financing assistance														NA	NA	NA			
Rate of interest	9	7.5	10	13.8	NA	7	7.8	6	8.5	NA	NA	NA	7				7.5 to 8.7.		10.5 to 12.25.
Portion of contract value financed.	NA	90	77	85	NA	NA	85	80	75	NA	NA	NA	NA				48 to 64.		30 to 70 (to buyers).
Mixed credits		X	X														X		
Insurance assistance					NA					NA	NA	NA	NA	NA	NA	NA			
Commercial risks	X	X	X	X		X	X	X	X								X		X.
Political risks	X	X	X	X		X	X	X	X								X		X.
Production risks		X	X				X	X									X		
Currency fluctuations.	X	X	X	X		X	X	X									X		
Performance bonds							X												
Market developments.		X																	
Exhibition expenses		X																	

U.S. ELECTRICAL MOTORS,
May 12, 1976.

HON. PAUL J. FANNIN,
Senator, Arizona,
Russell Building,
Washington, D.C.

DEAR SENATOR FANNIN: As a member of the Senate Finance Committee, which is currently considering changes to the Domestic International Sales Corp. (DISC), I would like to pass along to you some of my thoughts. It is my understanding that the present law is under consideration for a modification by H.R. 10612.

U.S. Electrical Motors, headquartered in Milford, Connecticut, has one of its major manufacturing facilities in Prescott, Arizona. Additionally, it has approximately 20 principal locations (service facilities, sales offices and other manufacturing plants) in other states, and operations in Canada, Venezuela, Brazil and Mexico. As a company, we are extremely concerned and disturbed over the possibility of modification or elimination of DISC Corporations. The tax benefits provided encourage export sales without which a sizeable portion of our planned growth would be impossible.

U.S. Electrical Motors has had a rapid improvement in its export sales since the formation of our DISC Corporation. This is particularly true for the Prescott plant, which manufactures the large vertical motors used in pumping applications. Export sales have increased fourfold in four years. This improvement in export sales has contributed materially to the growth of the Prescott plant, which has more than doubled its employment during the past two years.

The nature of international business which necessitates the obtaining of letters of credit, the arrangements for overseas shipment and special export boxing, results in it being a more costly transaction than its domestic counterpart. The effect of the tax credit is to offset these increased costs and provide an incentive for international business. I think this point is not generally understood.

It is estimated that employment in the Emerson Corporation, of which USEM is a Division, has been enhanced by 2,800 jobs directly related to export sales. DISC creates jobs in the United States. Studies made by Treasury and Commerce Departments show that the DISC Corporations provide a revenue gain rather than a loss, and at the same time help improve the U.S. balance of payments.

As a minimum, the DISC provision should be maintained as under current law. For the reasons pointed out above, I sincerely request that you vote against revision, and for continuation of the current law.

Sincerely,

E. L. VINCENT,
Director of Manufacture,
Western Operations.

ARTHUR ANDERSEN & CO.,
Houston, Tex., November 12, 1975.

MR. MARVIN COLLIE,
Vinson, Elkins, Searls, Connally & Smith,
First City National Bank Building,
Houston, Tex.

DEAR MR. COLLIE: As requested, we have tabulated the written and verbal responses furnished directly to one of our mutual clients and to us in reply to a request from this client. The tabulated results are set forth in Items 1, 3, 4, and 5 of the accompanying Schedule A relating to foreign activities of 30 major United States engineering and construction companies listed in Schedule B.

The information set forth in Item 2 and the footnote of Schedule A was computed by the above-mentioned client and is submitted herewith for your convenience.

Since our work consisted only of tabulation of certain data furnished us, we cannot and do not express any opinion on the validity of such information.

Very truly yours,

ARTHUR ANDERSEN & CO.

Attachments.

SURVEY OF 30 MAJOR U.S. ENGINEERING-CONSTRUCTION COMPANIES FOREIGN ACTIVITIES IN 1974 AND 1975

	1974 (actual)	1975 (estimated)
1. Value of U.S. goods purchased and exported to foreign projects	$1, 112, 571, 000	$1, 613, 273, 000
2. Number of U.S. jobs created due to foreign projects:		
A. Manufacturing industry	22, 708	30, 951
B. Design engineers	4, 034	5, 513
C. Administrative and other	1, 345	1, 838
Total	28, 087	38, 302
3. Number of U.S. citizens on foreign assignment	7, 643	9, 533
4. Total wages paid U.S. citizens employed abroad	169, 301, 000	245, 171, 000
Less—Nonexempt wages	71, 064, 000	104, 054, 000
Net foreign wages subject to sec. 911 exclusion	98, 237, 000	141, 117, 000
5. Revanue from foreign construction	4, 629, 053, 000	6, 326, 890, 000

Notes: The number of jobs created in the United States as a result of the U.S. engineering-construction firms' foreign contracts was computed utilizing published statistical data as follows: (a) Manufacturing industry—U.S. sales per manufacturing employee were $48,995 in 1974 and $52,123 (estimated) in 1975. The 1975 estimated sales per employee is based upon 7 mos' actual experience annualized. Figures were compiled using "Survey of Current Business" (vol. 55, No. 8), published August 1975, by the U.S. Department of Commerce. The number of U.S. jobs created was determined by dividing value of U.S. goods exported by sales per employee for the manufacturing industry. (b) Design engineers—U.S. jobs created in 1974 and 1975 were determined from the contract awards in foreign engineering design and construction as reported by "Engineering News-Record" Apr. 10 and May 15, 1975. Contract awards on foreign contracts for design engineering in 1974 were $360,000,000 or 3.1 percent of the $11,700,000,000 foieign construction awards. The number of U.S. jobs created was determined by applying the 1974 average billings per professional employee ($35,575) of the top 500 engineering design firms to the estimated design portion of revenue from foreign construction. (c) Administrative and other—Experience of certain U.S. engineering-construction firms indicates that nontechnical employees (administrative, accountants, and clerical) are required in support to employees engaged in foreign work at a rate of 1 employee for every 3 engineers.

[Schedule B]

LIST OF 30 MAJOR U.S. ENGINEERING-CONSTRUCTION COMPANIES REPORTING FOREIGN ACTIVITY IN 1974 AND 1975

Guy F. Atkinson Company.
The Austin Company.
The Badger Company, Inc.
Bechtel Corporation.
Brown & Root, Inc.
Chicago Bridge & Iron Company.
Daniel International Corporation.
Dillingham Corporation.
Ebasco Services Incorporated.
Fluor Corporation.
Foster Wheeler Corporation.
J. A. Jones Construction Company.
Kaiser Engineers.
The M. W. Kellogg Company.
Peter Kiewit Sons' Co.
The Litwin Corporation.
J. Ray McDermott & Co., Inc.
Morrison-Knudsen Company, Inc.
The Ralph M. Parsons Company.
Perini Corporation.
H. C. Price Co.
J. F. Pritchard and Company.
Procon Incorporated.
Raymond International Inc.
The Rust Engineering Company.
Santa Fe International Corporation.

Stearns-Roger Corporation.
Warren Brothers Company.
Williams Brothers Company.
H. B. Zachry Company.

Mr. FANNIN. Mr. President, I have voluminous information on DISC, and I feel that it is imperative that the Members of the Senate realize exactly what is involved. I hope they will take advantage of all these materials that are available.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. FANNIN. I am very pleased to yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Is it not true that the Department of Agriculture has urged that the Senate restore the DISC provisions for agriculture which were removed by the House of Representatives?

Mr. FANNIN. That is correct. The Department of Agriculture officials feel it would be very damaging to our exports if this is not done.

Mr. CURTIS. The distinguished Senator from Arizona has given a great deal of study to the DISC operation. Does he say that in the overall it results in more income to the Treasury of the United States rather than less?

Mr. FANNIN. Yes, a great deal more, and within the papers that I have furnished the figures are given as to the tremendous benefits that have accrued over the years and also projections for the future indicate it is going to be even greater.

The PRESIDING OFFICER. (Mr. Harry F. Byrd, Jr). The Senator's 15 minutes have expired.

Mr. CURTIS. I thank the Senator.

Mr. FANNIN. I thank the Chair.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed beyond the hour of 1 p.m., with statements therein limited to 5 minutes each.

NATIONAL HISTORIC PRESERVATION FUND

Mr. METCALF. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 327.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.) laid before the Senate the amendments of the House of Representatives to the bill (S. 327) to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes.

(The amendments of the House are printed in the Record of May 5, 1976, beginning at page 12565.)

Mr. METCALF. Mr. President, I move that the Senate disagree to the amendments of the House to S. 327 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Johnston, Mr. Metcalf, Mr. Haskell, Mr. Bumpers, Mr. Hatfield, Mr. McClure, and Mr. Bartlett conferees on the part of the Senate.

Mr. METCALF. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISC

Mr. HARRY F. BYRD, JR. Mr. President, tomorrow the Committee on Finance probably will consider and be voting on the question as to whether there should be a repeal of the DISC provisions in the present tax law.

The Senator from Virginia unfortunately will not be able to be at the committee session tomorrow morning. I do, however, read into the Record at this point a letter which I received from my friend C. E. Leadman, business agent, local 371 of the Textile Workers Union of America.

Mr. Leadman resides in Front Royal, Va. I have known him for many years. He has worked closely, as business agent for the TWUA, with the employees of the large industrial plant at Front Royal. It had been the American Viscose plant, and now it is the FMC Corp. I know many of the employees at that plant, and they are splendid individuals.

Mr. Leadman's letter to me, dated May 12, states:

Hon. Harry F. Byrd,
Senate Office Building,
Washington, D.C.

Dear Senator Byrd: TWUA, Local 371, would appreciate your support in the continuation of the DISC provision in its present form.

This is important to Local 371 because DISC creates jobs in the Front Royal area and helps to keep the United States industry competitive in the world marketplace.

Mr. President, if a motion is made in the Committee on Finance tomorrow to repeal DISC, I shall ask the chairman to cast my vote in the negative, against repealing DISC.

If there are other votes pertaining to DISC, I will reserve judgment until I know what the precise matter is. I shall ask the approval of the committee to cast my vote on any subsequent motions dealing with DISC when I return to the city of Washington, as early as possible, from Virginia tomorrow.

But I do wish to be recorded in committee and on the floor of the Senate as being opposed to repealing the DISC provisions.

Mr. Leadman, as business agent for the Textile Workers Union of America, has pointed out that many American working people feel that this provision in the tax law is necessary to protect their jobs and to keep U.S. industry competitive in the marketplace.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Virginia for his very lucid explanation of the feelings of the labor leader to whom he referred and the employees of the company in Virginia.

It was my pleasure to visit one of the larger firms in Richmond, Va. They, too, have a DISC operation, and they are very much in favor of retaining it. I feel that it is highly essential that we work together on these problems.

I have a letter in this connection. A special committee for U.S. exports has made an analysis that I believe will be of interest to the distinguished Senator from Virginia and to other Members of the Senate. It is a history of DISC and the incremental approach. It brings out the tremendous advantage we have of going forward with DISC in its present form, rather than to change and take the position that it is only going to be placed on the incremental; because then we lose the great incentive we have had in the past and which will be continued if that approach is taken.

Mr. President, I ask unanimous consent to have the letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 15, 1976.

Hon. Paul J. Fannin,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Fannin: In recent weeks, our committee has been asked numerous questions about the economic effect and practicality of the "incremental" or "base period" approach to the Domestic International Sales Corporation (DISC). In the following analysis, we will provide an historical perspective to this approach and the reasons why we believe the approach will not achieve its goals and is, rather, counterproductive. In light of this analysis, we respectfully request the Senate Finance Committee not to encumber DISC laws with this restrictive provision and reject its inclusion in the present law.

HISTORY OF DISC AND THE "INCREMENTAL APPROACH"

The DISC provisions were initially proposed by the Treasury Department—and approved by the Ways and Means Committee and the House of Representatives—as part of the Trade Act of 1970. However, action was not completed by the Senate before the final adjournment of the 91st Congress. DISC was again proposed on August 15, 1971, as part of the President's New Economic Policy and was subsequently enacted with modifications as part of the Revenue Act of 1971.

As initially proposed by Treasury, DISC would have allowed deferral of 100 percent of export income. In its consideration of the proposal, the Committee on Ways and Means limited the deferral to income from export sales over and above previous levels.

The Treasury Department and virtually every public witness testifying before the Senate Finance Committee opposed the incremental approach. They testified that the House Bill would substantially cripple the ability of DISC to serve its main purpose of increasing exports and keeping jobs in the U.S., discriminated between taxpayers, provided no incentive for maintaining exports in the fact of unusual business conditions, posed extraordinary technical and administrative problems, and made DISC of little utility to small businesses.

The Committee on Finance rejected the incremental approach in its version of the Revenue Act, but *limited deferral to 50% of DISC income* and restricted the deferral to a 10 year period. On the floor of the Senate, the period was further reduced to 5 years. The final outcome, as a result of Conference Committee action, was to eliminate the Senate-imposed time limitation and retain the 50% limitation on deferral of income. The time limitation was removed because of the feeling that companies would not be sufficiently stimulated to use the new program if a time limit were made part of its provision.

It is important to remember, then, that the incremental approach was removed for serious questions of its effectiveness and possible bad side effects. Deferral was reduced from 100% to 50% to limit the same problems for which the incremental approach was intended.

WHY THE INCREMENTAL APPROACH IS WRONG

We concur with Secretary Simon in his conclusion that "the reasons valid in 1971 for rejecting the incremental approach remain valid today". Like any legislation which imposes base period, the incremental approach subverts its intended effect, works unfair advantages for new entrants while penalizing those who have worked hardest, and multiplies complexity with complexity, rendering the statute unworkable and impossible to administer.

1. The economics of the incremental approach

In the Trade Reform Act of 1974, Congress voiced its concern over the fact that U.S. exports had been constantly diminishing in world market share and were subject to the many vagaries of international trade and politics. We believed that Congress was of the persuasion that the U.S. was committed to the twin goals of protecting its exports from these conditions and maintaining exports, while seeking new and underutilized production and markets to expand the same.

The incremental approach would undermine those goals. It provides no incentive for maintaining existing levels of exports. DISC would provide aid only to those companies that constantly expanded their exports—regardless of overseas competition, unusual business cycles, political and economic market disruptions, or the economic justification of their sales. The approach provides only temporary incentives to new entrants to export business. While these incentives will seem inordinately large at first, they will dwindle as these new entrants face the same problems as previous exporters.

The result is particularly unfortunate because it is in a time of decreasing exports that DISC incentives are most needed to capitalize the movements to new products, new markets, and higher productivity. It is fundamental that a dollar of exports maintained is a dollar of exports earned.

Moreover, the imposition of the incremental approach will so severely restrict the generation of export capital and make the law so complicated, thus raising the costs of export capital and decreasing the attractiveness of DISC incentives, that few firms will move to its use. These problems will be felt most acutely by the small businesses that DISC was and is intended to help most.

Indeed, the base period method provides a negative incentive in that exporters will wait out the base period before attempting to increase exports through DISC again. This disincentive would subvert DISC's intended effects of maintaining current exports as well as building our export business upon that base.

We understand your concern over the possible abuses that a non-incremental DISC poses. We remind you that it was this very problem that the compromise of 1971—reduction of the deferred income percntage in return for the removal of the incremental approach—was intended to address. In addition, present DISC rules require that the reinvestment of DISC profits into a company's export base. While this reinvestment can change a company's export marketing policies—its way of doing business—DISC need not do so to be effective. DISC does help to find new markets and finance the accelerated rate of exporting, which means more jobs and greater export volume.

Only one company has testified that DISC has had no effect on its export policies. But Caterpillar, Inc. never said that DISC has not accelerated its production or financed its exports to maintain and increase the demand for their product. In any case, we do not believe that you should penalize all DISC corporations, over 8,300 in number, on the basis of the testimony of one company, and a peculiarly unique one at that. Few, if any companies have the clear market advantage that Caterpillar has. These other companies must face the problems of marketing and foreign competition. Serious restriction of DISC only serves to make their task more difficult and to so restrict DISC on the basis of one unique situation would be unfair to all these other companies.

2. Tax discrimination on the wrong firms

The incremental approach penalizes those firms which have used DISC to increase their exports and have worked hardest to accomplish the goals of DISC. In addition, it provides substantial competitive advantages, albeit temporary to both new entrants and companies with lagging export sales during the base period.

The effect of this tax discrimination will undermine the intent of DISC. A company which has aggressively used DISC to increase exports will find itself constantly faced with competitors who are given substantial temporary advantages. If these advantages cause a lessening of the original company's export business, it then loses its DISC benefits. The effect of this constant interchanging of who gets DISC benefits is unfair to those who try to abide by its rules and will cause extreme variations in exports contrary to the stated goals of DISC.

3. The administration of incremental rules

Base period figures are inherently difficult to measure, and create extraordinary administrative problems. The problems that would be faced by the Treasury in administering the law and companies trying to comply with it would only render an already complex law more complex. The complexity of the new base period approach—which the ABA Section on Taxation called "appalling"—would be a disincentive to the use of DISC. The "moving base period" concept only further magnifies these problems.

For these reasons, the Treasury and numerous public witnesses urged rejection of the incremental approach. Nobody wants it—neither the administrators nor the administered. They would rather live with less deferred income than the entangled web in which the incremental approach would ensnare our export business.

For the foregoing reasons, we believe that the "incremental approach" should be soundly rejected. In terms of economics, fairness, and practicality, the approach makes little sense.

Sincerely yours,

JOHN R. BABSON,
Chairman, Executive Committee.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Arizona mentioned being in an industrial plant in the city of Richmond. I, too, was in the Philip Morris plant. I am not sure that that is the plant which the Senator from Arizona visited.

The Senator from Virginia spent 2 hours going through the Philip Morris plant talking with the employees.

When I go through the various industrial plants in our State, I am tremendously impressed by the very excellent men and women who work there. Prior to going through the Philip Morris plant, I went through the Continental Can Co. plant in the city of Hopewell. There, too, I met many of the working people. I was greatly impressed with them and with their efficient work.

I do not think that we in Congress want to do anything which will reduce the opportunity for jobs. Our people need jobs. The people of Virginia need jobs. The people throughout our Nation need jobs. We must be aware of that as we legislate on the floor of the Senate.

I do not know of anything more important to our people, overall, than the opportunity to make a living, the opportunity to obtain jobs in the private sector.

There are those who say, "Don't worry about that. If there are not enough jobs in the private sector, we will make some jobs in the public sector." We have too large a Nation, and we have too many people who need jobs, to rely on the public sector. If we are going to have adequate job opportunities for the people of our Nation, they must come, by and large, from the private companies and plants throughout our Nation.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. FANNIN. Mr. President, I commend the Senator for having such outstanding companies in his State. The company to which I referred was Reynolds Metals. We are fortunate that they operate in my State of Arizona, but it is a small operation compared with that in Virginia. They are great neighbors.

The Senator from Arizona had an opportunity to visit them regarding solar energy and the new equipment they are building. They are looking to the future. They are developing equipment that could result in millions of jobs all over this Nation—insulation work, work that would be involved in conversion, which would save energy, utilizing power from the sun. They have gone forward with some remarkable discoveries as to what can be done. I commend them for it. The men who are working on these problems, in addition to the top officials, were tremendously impressive to the Senator from Arizona.

Also, I say to the Senator from Virginia, another program which is of great interest to the present occupant of the Chair, the Senator from Montana (Mr. METCALF), is that they are doing work on mining in the sea, mining at the bottom of the ocean. This was something I did not know about, and it was brought out in conversation. They are doing extensive work in this regard. They have a submarine with wheels, and it goes down into the depths of the ocean—they are talking about the 200-mile limit area—to determine what can be done about mining the minerals that are at the bottom of the ocean. This work, which they are carrying forward, is tremendously valuable to this Nation and to the world.

What I observed in just the few hours I was visiting that plant certainly convinced me that there is an aggressive group of people in that particular company and if that is typical of Virginia, I commend the Senator for what he has said previously as to the companies that have been involved in his State. Certainly, my experience verifies what the Senator from Virginia has stated.

Mr. HARRY F. BYRD, JR. I thank the able Senator from Arizona. The plant that the Senator mentioned, Reynolds Metals, is typical of the excellent plants that we have in our State. It is an excellent company and I have been through some of its plants—of course, not all. The last Reynolds Metals plant I went through is in the city of Bristol. I spent a delightful day there with both the employees and the managers of that plant.

I am grateful for the very generous comments that the able Senator from Arizona has made in regard to Virginia industry. I might say that we in Virginia are always proud to have Senator Fannin in our State. I regard him as one of the finest persons that I have met.

Mr. HANSEN. Mr. President, I rise to support the continuation of the Domestic International Sales Corp. I strongly believe that DISC has made a valuable contribution to this Nation's balance of payments and has helped create U.S. jobs.

The principal objectives of the DISC legislation were to increase exports and improve the balance of payments. The DISC was designed to achieve these objectives both by placing U.S. exporters on a more equal tax footing with their foreign competitors, many of which are located in countries that have tax structures that encourage exports, and to more closely equate U.S. taxation of export profits with taxation of U.S. corporations that produce and sell abroad through foreign subsidiaries. The evidence indicates that DISC has promoted exports and created jobs in the United States.

Joint Tax Committee figures indicate that since the enactment of DISC in 1971, exports have increased from $43 billion to $107 billion for 1975, an increase of 250 percent. Although other factors played a significant role in increasing exports DISC has certainly played an important role in this increase.

In its recent annual report on DISC covering the 1974 period of operation, the Department of Treasury concluded that U.S. exports in DISC year 1974 were about $4.6 billion higher than they would have been in the absence of DISC. Treasury estimates that these additional exports provided approximately 230,000 export sector jobs.

The Commerce Department has estimated that $7 to $9 billion of increased export sales of $27 billion in 1974 were attributable to DISC and that these export sales created 280,000 to 360,000 U.S. export-related jobs.

Moreover, if we consider not only the increase in export sector jobs but the increase in jobs in the nonexport sector which arise as a result of the general increase in economic activity as a result of increased exports, the overall job increase is even higher. Economic Consultant Norman Ture estimates that U.S. merchandise exports in 1974 were $5.2 billion greater than they would have been in the absence of DISC. Mr. Ture estimates that employment in production for 1974 exports was 50,000 greater than otherwise; additional jobs in the production of intermediate products were about $392,000. Accordingly, throughout the business sector, there were 442,000 more full-time equivalent jobs than there could have been in the absence of DISC. Accordingly, there is substantial evidence that DISC has increased U.S. economic activity and created a large number of jobs.

However, the opponents of DISC argue that, even assuming the DISC has created jobs, the cost of creating these jobs has caused substantial revenue loss to the Treasury. This argument lacks merit.

Considering the cost of DISC in isolation, the Treasury concludes that the 1974 revenue loss of DISC was $766 million and approximately $1.3 billion for 1975. However, these revenue loss figures do not consider the increased revenue flowing into the Treasury as a result of the increased economic activity due to DISC. A Commerce Department publication in February of 1976 pointed out that—

> Recent studies also indicate that the $10 to $15 billion gain in the GNP . . . (from DISC in 1975) will generate $2 to $3 billion in Federal taxes. The Commerce Department estimates that DISC has increased the GNP by $21 to $27 billion with a rise in Federal tax revenues of $5 to $6 billion. Accordingly, the direct revenue loss by DISC tax deferrals ($1.3 billion in 1975) is more than offset by the indirect effect of the increased exports on increased GNP revenue gains ($2 to $3 billion in direct revenue gains in 1975).

Thus, DISC does not lose revenue for the Treasury; on the contrary, it is a revenue gainer.

Mr. President, not only has the DISC legislation improved the U.S. balance of payments and created jobs, but DISC is needed for the United States to effectively compete in world markets. Congressman Joseph E. Karth, who chairs the Ways and Means task force to study DISC, has concluded that DISC is a necessary tool to enable U.S. firms to effectively compete abroad. Congressman Karth, in testimony to the Finance Committee, stated that without DISC, U.S. firms would be at a competitive disadvantage as compared with foreign exporting companies because of the export incentives provided to these companies by their governments.

For example, EEC countries rebate the amount of value added taxes attributable to a product that is exported from common market countries. Congressman Karth told the Finance Committee that DISC provides for only 3 to 5 percent of the rebate advantage of value added tax provided by these European countries.

Moreover, while some countries have only a few, but very substantial, incentives, others have spread the export incentives' impact over a dozen or more separate provisions in their tax and trade laws and regulations. Examination shows, however, that the United States is ranked at the bottom among the major industrial nations in terms of Governernment encouragement for export marketing. Clearly, the United States must retain DISC to be able to effectively compete in worldwide export markets. Particularly now, the United States needs to promote exports. Without the balance-of-payments surplus this country has built in the export of manufacturing and agricultural products, we could not withstand the dollar drain we have experienced in the purchase of foreign oil.

Mr. President, if the United States is to retain a competitive position in world markets, DISC must be retained.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Metcalf) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILL

A message from the President of the United States announced that on May 14, 1976, he approved and signed the bill (S. 2115) to amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of Selected Reservists, for a limited period, whether or not a declaration of war or national emergency has been declared.

REPORT OF THE DIRECTOR OF THE NATIONAL HEART AND LUNG INSTITUTE—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am transmitting herewith the Third Annual Report of the Director of the National Heart and Lung Institute, as required by the National Heart, Blood Vessel, Lung, and Blood Act of 1972. This report, which contains a program plan for the next five years, was prepared in consultation with the National Heart and Lung Advisory Council.

The report proposes two levels of expenditures for fiscal years 1977 through 1981, both of which are in excess of the dollar amounts requested in the FY 1977 budget. The report states, however, that these projected expenditures are based on scientific judgment relating only to this research field. Moreover, the plan correctly recognizes that the allocation of national resources for the program must be determined in relationship to other competing national needs within total available Federal resources.

The Report focuses on the new initiatives undertaken since enactment of the 1972 Act, and it provides examples of encouraging progress in the fight against heart, blood vessel, lung, and blood diseases. These diseases, in 1972, led to an estimated national economic loss of more than $57 billion annually. Deaths from coronary heart disease, the number one killer of the American people, continue to decline as do deaths from stroke and hypertension. The Institute's efforts also appear to be bearing fruit in the area of high blood pressure control. A national survey of physicians indicated that in calendar year 1974 the total number of patient visits for treatment of high blood pressure increased by 41.6 percent over 1971, the base year. In comparison, the total number of medical visits for all causes increased by only 16 percent over the same period. Furthermore, since the base year, the number of patients whose high blood pressure is under control has doubled.

The Administration recognizes the accomplishments as outlined in the Report, and continues to view the heart, blood vessel, lung, and blood program as an area of high priority.

GERALD R. FORD.

THE WHITE HOUSE, *May 17, 1976.*

REPORT OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I transmit herewith the Twentieth Annual Report of the Health Research Facilities Construction Program for activities during fiscal year 1975.

GERALD R. FORD.

THE WHITE HOUSE, *May 17, 1976.*

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by law, I transmit to the Congress the Twelfth Annual Report on Special International Exhibitions conducted under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256).

This report covers exhibitions presented abroad by the U.S. Information Agency at international fairs and under East/West Cultural Exchange agreements, as well as exhibitions and labor missions presented abroad by the Department of Labor and the Department of Commerce.

GERALD R. FORD.

THE WHITE HOUSE, *May 17, 1976.*

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 3201) to amend the Public Works and Economic Development Act of 1965, to increase the antirecessionary effectiveness of the program, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. WRIGHT, Mr. JOHNSTON of California, Mr. ROE, Mr. HOLLAND, Mr. HOWE, Mr. OBERSTAR, Mr. NOWAK, Mr. CLEVELAND, Mr. DON H. CLAUSEN, and Mr. HAMMERSCHMIDT were appointed managers of the conference on the part of the House.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 5071. An act to amend section 584 of the Internal Revenue Code of 1954 with respect to the treatment of affiliated banks for purposes of the common trust fund provisions of such Code;

H.R. 7228. An act to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of tax payment;

H.R. 8283. An act to amend the Internal Revenue Code of 1954 with respect to the type of flavors which may be used on bonded wine cellar premises in the production of special natural wine;

H.R. 12835. An act to amend the Vocational Education Act of 1963, to extend the authorization of appropriations for the National Institute of Education and establish priorities on which resources of the Institute will be concentrated, to make certain technical and perfecting amendments to the Education Amendments of 1974 (Public Law 93-380), and for other purposes;

H.R. 13396. An act to authorize appropriations to the International Trade Commission for fiscal year 1977, to provide for greater efficiency in the administration of such Commission, and to provide for the continuation of certain reports by such Commission regarding synthetic organic chemicals;

H.R. 13501. An act to extend or remove certain time limitations and make other administrative improvements in the medicare program under title XVIII of the Social Security Act.

The message further announced that the House has agreed to the concurrent resolution (H. Con. Res. 635) directing the Secretary of the Senate to make a correction in the enrollment of S. 2498, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 510. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the safety and effectiveness of medical devices intended for human use, and for other purposes.

H.R. 7656. An act to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer information, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products.

H.R. 8957. An act to raise the limitation on appropriations for the United States Commission on Civil Rights.

H.R. 12216. An act to amend the Domestic Volunteer Service Act of 1973 to extend the operation of certain programs by the ACTION Agency.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. METCALF).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE ASSISTANT SECRETARY OF DEFENSE

A letter from the Assistant Secretary of Defense transmitting a secret report entitled "43 Selected Acquisition Reports and the SAR Summary Tables for the quarter ending March 31, 1976" (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE DEPARTMENT OF AGRICULTURE

A letter from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to extend the authorizations for rural housing programs (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

FINAL DETERMINATIONS OF THE INDIAN CLAIMS COMMISSION

Six letters from the Chairman of the Indian Claims Commission, each transmitting, pursuant to law, a report of its final determinations in the cases of the following dockets: 18-K, 341-D, 89, 18-L, 341-C, 208, 206, and 197 (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Management of and Plans for the Naval Petroleum Reserves" (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to make permanent the special pay provisions for reenlistment bonus and enlistment bonus (with accompanying papers); to the Committee on Armed Services.

PROPOSED AMENDMENTS TO THE BUDGET REQUEST OF THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense transmitting proposed amendments to the budget request for fiscal 1977 for the Department of Defense (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense to amend chapter 3 of title 37, U.S.C., to adjust the pay of cadets and midshipmen at the Military, Naval, Air Force, and Coast Guard Academies, and for other purposes (with accompanying papers); jointly by unanimous consent to the Committees on Armed Services and Commerce.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that a communication from the general counsel of the Department of Defense relative to chapter 3 of title 37, United States Code, be referred jointly to the Committees on Armed Services and Commerce.

The PRESIDING OFFICER. Without objection, it is so referred.

PETITIONS

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following petitions, which were referred as indicated:

Resolution No. 88 adopted by the Nitijela of the Marshall Islands, Trust Territory of the Pacific; to the Committee on Interior and Insular Affairs:

"RESOLUTION

"Whereas, the United States and Trust Territory governments have ignored the complaints of the people of Mili Atoll about their long-standing problems; and

"Whereas, it is increasingly clear that Americans will not believe the justice of these grievances until they see Mili for themselves; therefore,

"It is resolved by the Marshallese people through its Marshall Islands Nitijela in 23d Regular Session, 1976, that the United States Congress is urged to send its representatives to Mili Atoll to conduct a hearing with the people of the atoll respecting their complaints; and

"It is further resolved that a certified copy of this resolution be sent to the presiding officer of each House of the United States Congress, to the Secretary of the United States Department of Interior, to the High Commissioner of the Trust Territory of the Pacific Islands, to the District Administrator of the Marshall Islands District, and to the magistrate of Mili Atoll."

Resolution No. 6 adopted by the Sub-Cabinet of the Governor of the Territory of Guam; to the Committee on Armed Services:

"RESOLUTION No. 6

"Be it resolved by the Governor and the Governor's sub-cabinet:

"Whereas, the United States Navy, has announced that a study will be conducted to determine a possible Reduction in Force (RIF) at the Guam Ship Repair Facility (SRF); and

"Whereas, a reduction in force or closure of SRF would affect the jobs of at least 330 employees; and

"Whereas, the loss of these employment positions will increase the Territory of Guam's unemployed rolls to 4,000 and the rate of unemployment to over 14%; and

"Whereas, the multiplier effect on the loss of income by these SRF employees could affect the Government of Guam's tax revenue by over 5 million dollars; and

"Whereas, the Territory of Guam, and the People of Guam cannot afford to withstand the impact of such a reduction in force due to its present critical fiscal condition; and

"Whereas, it would be in the best interest of the People of Guam and in the best interest of the defense posture of the United States of America to maintain the Guam Ship Repair Facility; now, therefore, be it

"Resolved, that the Commissioners of the various villages and members of the Governor's Sub-cabinet, hereby request that the United States Navy reconsider and abandon any plans to close or reduce the workforce at the Guam Ship Repair Facility, due to its devastating economic effect on the Territory of Guam; and be it further

"Resolved, that the Sub-cabinet request that Congressman Antonio B. Won Pat do everything possible, within the law, to prevent any closure or reduction in force; and be it further

"Resolved, that when Congressman Mendel Davis and Congressman Antonio B. Won Pat visit Guam in April to study the effect of the reduction, the Governor invite these Congressmen to a Special Sub-cabinet Meeting, so that, the Commissioners might impart to these Congressmen, the impact as seen from the village level; and be it further

"Resolved, that the Governor of Guam, the Lieutenant Governor of Guam, the Commissioner and Assistant Commissioners of Guam, affix their signatures upon this Resolution, on behalf of the People of Guam, and that copies of this same Resolution be transmitted to the President of the United States, the Secretary of Defense, the Secretary of the Navy, the Speaker of the United States House of Representatives, President pro tempore of the United States Senate, the Chairmen of the Armed Forces Committees of the United States Senate and House of Representatives, to Representatives Mendel Davis and Antonio B. Won Pat, the Commander, Naval Forces, Marianas, and to the Speaker of the Thirteenth Guam Legislature."

House Resolution No. 601 adopted by the House of Representatives of the State of Hawaii; to the Committee on Commerce:

"HOUSE RESOLUTION No. 601

"Requesting the Congress of the United States to consider the effects of the Federal Communications Commission's decisions on State Public Utilities Commissions

"Whereas, the objective of the Federal Communications Act of 1934 is to assure the widest possible availability of basic telephone service at the lowest practicable cost to the consumer; and

"Whereas, the near-universality of telephone service in the United States attests to the wisdom of this national policy of promoting an integrated switched communications network with end-to-end service responsibility; and

"Whereas, in recent years the Federal Communications Commission, which was created by the 1934 Act, made several decisions which have changed the traditional service responsibility of the telephone industry; and

"Whereas, the Federal Communications Commission's policy permits the direct connection of non-utility-provided telephone instruments, PBXs, and other types of terminal equipment to the telephone network; and

"Whereas, the Federal Communications Commission also permits 'specialized common carriers' to provide intercity private-line telephone service over selected routes carrying extremely heavy traffic which is highly profitable; and

"Whereas, these policies have changed the traditional rate structure for telepone services; and

"Whereas, these changes have direct implications upon State Public Utilities Commissions which must approve changes in the rate structure; now therefore,

"Be it resolved that Congress is requested to recognize the responsibility of the State Public Utilities Commission to set local rates for telephone service and to institute procedures whereby the Federal Communications Commission solicit the views of the state commission prior to making policy changes in the telephone industry; and

"Be it further resolved that certified copies of this Resolution be transmitted to U.S. Senators Hiram L. Fong and Daniel K. Inouye, and U.S. Representatives Spark M. Matsunaga and Patsy T. Mink, and U.S. Senate President Michael J. Mansfield, Speaker of the House Carl B. Albert, Governor George R. Ariyoshi, Director of Regulatory Agencies Wayne Minami and the Chairman of the State Public Utilities Commission Lorrin W. Dolim."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of May 13, 1967, the following reports of committees were submitted during the adjournment:

On May 14, 1976:

By Mr. HUMPHREY, from the Committee on Foreign Relations:

S. 3439. An original bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes (Rept. No. 94–876).

By Mr. PELL, from the Committee on Labor and Public Welfare:

S. 3440. An original bill to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to provide for cultural challenge programs, an arts program and an American bicentennial photography and film project, and for other purposes (Rept. No. 94–880).

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 3650. An act to clarify the application of section 8344 of title 5, United States Code, relating to civil service annuities and pay upon reemployment, and for other purposes (Rept. No. 94–877).

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

H.R. 12438. An act to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes (Rept. No. 94–878).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3105. A bill to authorize appropriations to the Energy Research and Development Administration in accordance with sec. 261 of the Atomic Energy Act of 1959, as amended, sec. 305 of the Energy Reorganization Act of 1974, and sec. 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes (Rept. No. 94–879).

By Mr. PELL, from the Committee on Labor and Public Welfare, without recommendation:

H.R. 12838. An act to extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program, and for other purposes (Rept. No. 94–881).

By Mr. PELL, from the Committee on Labor and Public Welfare, with an amendment:

S. 2657. A bill to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes (Rept. No. 94–882).

By Mr. NELSON, from the Committee on Labor and Public Welfare, with an amendment and an amendment to the title:

H.R. 12987. An act to authorize appropriations for fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, for carrying out title VI of the Comprehensive Employment and Training Act of 1973, and for other purposes (Rept. No. 94–883).

By Mr. SCHWEIKER, from the Committee on Labor and Public Welfare, without recommendation:

H.R. 9019. An act to amend title XIII of the Public Health Service Act to revise and extend the program for the establishment and expansion of health maintenance organizations (Rept. No. 94–884).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 2515. A bill to amend the Public Health Service Act to establish the President's Commission for the protection of human subjects involved in biomedical and behavioral research, and for other purposes (Rept. No. 94–885).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare without recommendation:

H.R. 5546. An act to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health professions, to revise the National Health Service Corps program and for other purposes (Rept. No. 94–886).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3239. A bill to amend the Public Health Service Act to revise and extend the programs of assistance under title VII for training in the health professions, to revise the National Health Service Corps program, and for other purposes (Rept. No. 94–887).

S. 3202. A bill to authorize appropriations for activities of the National Science Foundation for fiscal year 1977, and for other purposes (Rept. No. 94–888).

By Mr. CRANSTON (for Mr. KENNEDY), from the Committee on Labor and Public Welfare, with an amendment:

S. 2548. A bill to revise and extend the authorizations of appropriations in provisions of title XII of the Public Health Service Act relating to emergency medical services systems, and for other purposes (Rept. No. 94–889).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, without amendment:

H.R. 12566. An act authorizing appropriations to the National Science Foundation for fiscal year 1977 (Rept. No. 94–890).

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with an amendment:

H.R. 3348. An act to amend title 38, United States Code, in order to extend and improve the program of exchange of medical information between the Veterans' Administration and the medical community, and for other purposes (Rept. No. 94–891).

By Mr. CRANSTON (for Mr. HARTKE), from the Committee on Veterans' Affairs, with an amendment and an amendment to the title:

H.R. 10268. An act to amend title 38 of the United States Code in order to clarify the purposes for which the Administrator of Veterans' Affairs may release the names and addresses of present and former personnel of the armed services and their dependents (Rept. No. 94–892).

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, with an amendment and an amendment to the title:

S. 3091. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) and the act of June 4, 1897 (30 Stat. 35) (Rept. No. 94–893).

By Mr. DOLE, from the Committee on Agriculture and Forestry, with an amendment and an amendment to the title:

S. 3051. A bill to amend the Commodity Futures Trading Commission Act of 1974, and for other purposes (Rept. No. 94–894).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with an amendment:

S. 2081. A bill to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, and for other purposes (Rept. No. 94–895).

By Mr. STEVENS, from the Committee on Post Office and Civil Service, with an amendment to the preamble:

H.J. Res. 92. A joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent (Rept. No. 94–896).

By Mr. PASTORE, from the Joint Committee on Atomic Energy, with an amendment and an amendment to the title:

S. 2035. A bill to authorize cooperative arrangements with private enterprise for the provision of facilities for the production and enrichment of uranium enriched in the isotope-235, to provide for authorization of contract authority therefore, to provide a procedure for prior congressional review and approval of proposed arrangements, and for other purposes (Rept. No. 94–897).

By Mr. CANNON, from the Committee on Commerce, with amendments:

S. 2661. A bill to amend the Independent Safety Board Act of 1974, to authorize additional appropriations, and for other purposes (Rept. No. 94–898).

On May 15, 1976:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, without amendment:

S. 3070. A bill to amend section 114, title 18, United States Code, so that Federal Mine Safety Inspectors will be protected by criminal statutes (Rept. No. 94–899).

NEW YORK CITY LOAN PROGRAM—REPORT OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS—(S. REPT. NO. 94–900)

Mr. PROXMIRE submitted a report entitled "Report on the New York City Loan Program" from the Committee on Banking, Housing and Urban Affairs, together with additional views, which was ordered to be printed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1977—CONFERENCE REPORT (REPT. NO. 94–901)

Mr. MOSS submitted a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12453) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which was ordered to be printed.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 5071. An act to amend section 584 of the Internal Revenue Code of 1954 with respect to the treatment of affiliated banks for purposes of the common trust fund provisions of such Code; to the Committee on Finance.

H.R. 7228. An act to amend the Internal Revenue Code of 1954 to permit the authorization of means other than stamps on containers of distilled spirits as evidence of tax payment; to the Committee on Finance.

H.R. 8283. An act to amend the Internal Revenue Code of 1954 with respect to the type of flavors which may be used on bonded wine cellar premises in the production of special natural wines; to the Committee on Finance.

H.R. 12835. An act to amend the Vocational Education Act of 1963, to extend the authorization of appropriations for the National Institute of Education and establish priorities on which resources of the Institute will be concentrated, to make certain technical and perfecting amendments to the Education Amendments of 1974 (Public Law 93–380), and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 13396. An act to authorize appropriations to the International Trade Commission for fiscal year 1977, to provide for greater efficiency in the administration of such Commission, and to provide for the continuation of certain reports by such Commission regarding synthetic organic chemicals; to the Committee on Finance.

H.R. 13501. An act to extend or remove certain time limitations and make other administrative improvements in the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 17, 1976, he presented to the President of the United States the following enrolled bill:

S. 510. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the safety and effectiveness of medical devices intended for human use, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUMPHREY, from the Committee on Foreign Relations:

S. 3439. An original bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes. Placed on the Calendar.

By Mr. PELL, from the Committee on Labor and Public Welfare:

S. 3440. An original bill to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to provide for cultural challenge programs, an arts program and an American bicentennial photography and film project, and for other purposes. Placed on the Calendar.

(The above original bills were reported on May 14, 1976, during the adjournment.)

By Mr. HUGH SCOTT (for himself and Mr. MANSFIELD):

S. 3441. A bill to authorize the Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery for a two-year period, and to authorize a study by the Secretary of the Interior to formulate proposals for renovation and permanent maintenance of such sections by the United States. Referred to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT:

S. 3442. A bill for the relief of Richard A. S. Moore. Referred to the Committee on the Judiciary.

By Mr. NUNN:

S. 3443. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGH SCOTT (for himself and Mr. MANSFIELD):

S. 3441. A bill to authorize to Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery for a 2-year period, and to authorize a study by the Secretary of the Interior to formulate proposals for renovation and permanent maintenance of such sections by the United States. Referred to the Committee on Interior and Insular Affairs.

Mr. HUGH SCOTT. Mr. President, in this Bicentennial Year, I ask my colleagues to project ahead a century to the tricentennial. What would be your reaction to a newspaper story in 2076 A.D. about Arlington National Cemetery that told of vandals tipping over gravestones, grave robbers rifling through coffins, weeds growing waist high, and real estate speculators drawing up plans to turn the site into a high-rise condominium complex?

I know all would find such a story outrageous and implausible. One would think that our honored dead deserve a less inglorious fate. Yet, that is precisely the fate that has befallen the Americans who are buried in our first national cemetery. This cemetery, now called the Congressional Cemetery, is located in the Nation's Capital. It served as the national cemetery until Arlington National Cemetery was established after the Civil War.

In addition to the sailors, marines, soldiers, and the 21 female war workers killed in the explosion at the Federal Arsenal during the Civil War, many of our other illustrious dead are buried in the Congressional Cemetery. The list of those buried there reads like a Who's Who of famous Americans: Vice Presidents, Senators, Representatives, signers of the Declaration of Independence, Supreme Court Justices, admirals and generals, six Indian chiefs, J. Edgar Hoover, and John Philip Sousa. It also serves as the final resting place for many Confederate soldiers who died in Federal prison-of-war camps.

The cemetery encompasses a 30-acre site overlooking the Anacostia River 17 city blocks from the Capitol Building. Last fall a number of college students from my fraternity spent their Labor Day weekend with hoes, shovels, and lawnmowers, in an attempt to restore the cemetery's faded glory. Despite their effort, the cemetery continues to deteriorate. The U.S. Marine Corps and other groups have also provided assistance. These haphazard volunteer maintenance efforts, though useful, are inadequate. Congress must undertake a long-term solution and recognize its responsibility in caring for our first national cemetery. In this historic year we must show proper tribute for the fallen patriots and the principles for which they lived, fought, and died.

Toward this end, Senator MANSFIELD and I have introduced legislation that would authorize the Architect of the Capitol to spend up to $250,000 for the next 2 years to do what in his expert opinion is necessary to stabilize the deterioration of the historic section of the cemetery. In addition, the legislation would provide $50,000 to the Secretary of the Interior to enable him to undertake a study and formulate proposals for renovation and perpetual maintenance of the historic sections of the cemetery.

A country that forgets its past can have no future. We hope that you will join in this effort to correct what is in effect a national disgrace.

At this time I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), the Architect of the Capitol is authorized to perform such work as may be necessary to prevent further deterioration of, and to maintain, those sections of the cemetery located in the District of Columbia known as the Congressional Cemetery which are of historical significance, including those sections in which former Members of the Senate and House of Representatives are buried.

(b) Before commencing any work under subsection (a), the Architect of the Capitol shall obtain the consent and approval of the person or persons who have legal responsibility for the care and maintenance of the cemetery and shall enter into such agreements with them as may be necessary to carry out the provisions of such subsection. Such agreements shall include provisions protecting the liability of the Architect of the Capitol and the employees of his Office.

(c) To carry out the provisions of subsection (a), there are authorized to be appropriated the sum of $175,000 for the fiscal year ending September 30, 1977, and the sum of $75,000 for the fiscal year ending September 30, 1978.

SEC. 2. (a) The Secretary of the Interior shall conduct a study for the purpose of formulating proposals for renovation and permanent maintenance by the United States of those historical sections of the Congressional Cemetery referred to in the first section of this Act. The Secretary shall report the results of such study to the Senate and the House of Representatives not later than September 30, 1977.

(b) To carry out the provisions of subsection (a), there is authorized to be appropriated the sum of $50,000 for the fiscal year ending September 30, 1977.

By Mr. NUNN:

S. 3443. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes. Referred to the Committee on the Judiciary.

ADMINISTRATIVE RULEMAKING REFORM ACT OF 1976

Mr. NUNN. Mr. President, I am today introducing the Administrative Rulemaking Reform Act of 1976, a bill designed to expand public participation in the Federal regulatory process and to provide for congressional review of rules and regulations.

I also am introducing the text of this bill as an amendment to S. 2716, the Regulatory Limitation Act, which I introduced last year and which is pending in the Committee on Government Operations. S. 2716 provides for a congressional veto of proposed rules and regulations.

The Administrative Rulemaking Reform Act of 1976 has been developed and refined in the House of Representatives by Representative WALTER FLOWERS' Judiciary Subcommittee on Administrative Practices. The bill has been reported by the full House Judiciary Committee and is now pending in the House Rules Committee. The bill I introduce today is identical to H.R. 12048 as reported by the Judiciary Committee.

The fundamental concept of this legislation—a congressional veto of proposed rules and regulations—has been championed in the House by my fellow Georgian, Representative ELLIOTT LEVITAS, who deserves much credit for this legislation.

The Committee on Government Operations begins hearings this week on congressional oversight of the regulatory process, and Representative LEVITAS is scheduled to be one of our witnesses. I look forward to his testimony.

Last February Congressman LEVITAS joined me and my Subcommittee on Oversight Procedures at a field hearing in Atlanta on the impact of Federal regulations and administrative actions. We received testimony from a number of distinguished Georgians who told us about the burdens of Federal regulations, especially in the areas of job safety, the environment, health, education, and consumer product safety. Their experiences convinced me that we must reform our regulatory process in order to accomplish the worthy goals of fundamental legislation—such as environmental protection and job safety—without unnecessary burdens on the private sector and without adverse impact on the economy.

I fully recognize that regulatory reform will not be easy to accomplish and that more than one approach to the problem may have to be adopted. Our hearings in the Government Operations Committee will explore several different approaches, one of which is the congressional veto embodied in S. 2716. Another is the timetable approach advocated by the distinguished Senator from Illinois (Mr. PERCY) and the distinguished Senator from West Virginia (Mr. BYRD) in their bill, S. 2812.

In my estimation, the congressional veto approach merely opens another avenue by which Congress can exercise its legislative powers and carry out its oversight responsibilities. After all, the regulatory agencies issue rules in the performance of quasi-legislative powers delegated them by Congress, and the veto process permits Congress to have the last say about how these powers are carried out.

Professors Nathaniel E. Gonzansky

and Frank P. Samford of Emory University in Atlanta testified in the House about the congressional veto provision. They said that:

> Such an approach seems to be a simple proposal for preventing abuses of the administrative process. It does not seek to strip the agencies of their power but, rather, implicitly recognizes that a modern government would find it very difficult to operate without administrative agencies exercising discretionary authority. Instead, it provides for a modest congressional input into the process. A House of Congress could not on its own amend, modify, or mandate administrative rules; it could only veto a rule and, that, only by means of a resolution passed by the full House or Senate. One would not anticipate that this power would be exercised frequently, although the possibility of its exercise would operate to constrain the agencies in certain instances. If one believes that administrators should be subject to some control by elected officials, this influence can only be regarded as salutary.

Mr. President, I ask unanimous consent that a section-by-section analysis of the Administrative Rulemaking Reform Act of 1976 and the text of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—ADMINISTRATIVE RULEMAKING REFORM ACT OF 1976

SECTION 1

The popular name of the Act is to be the "Administrative Rulemaking Reform Act of 1976".

SECTION 2

Subsection (a) amends section 551 of title 5 to revise the definition of "rule" as basically "an agency statement of general applicability". Also as required by new chapter 6 on congressional review, "emergency rule" is defined as a rule of temporary effectiveness without the usual notice and comment procedure upon specific agency findings of necessity.

A new paragraph (6) defines "ratemaking and cognate proceedings" by including present language which *now* includes this type of activity within the meaning of "rule".

Subsection (b) adds to "rulemaking" in section 556(d) the term "ratemaking and cognate proceedings" concerning submission of written evidence.

Subsection (c) makes the same amendment to section 557(b) including "ratemaking and cognate proceedings" with "rulemaking" for exceptions to the requirement of initial decisions.

SECTION 3

This section revises section 553 on rulemaking.

Subsection (a) (1) restricts the present exception for notice and comment rulemaking for military or foreign affairs functions to those functions authorized "under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy" which is properly so classified.

Subsection (a) (2) would delete the present exceptions for "public property loans, grants, benefits, or contracts."

Subsection (b) (1) (A) is amended to add to the present requirement for notice of proposed rulemaking in the Federal Register the requirement that agencies make a reasonable attempt to inform those likely to be affected by the proposed action, or, representative members of large groups. Present language concerning personal service or actual notice is transferred to subsection (b) (1) (B).

Subsection (b) (1) (B) contains present language of 553(b) dispensing with notice in case of personal service or actual notice in accordance with law.

Subsection (b) (2) revises the present language of (b) as to the contents of the notice of rulemaking, with a new requirement of statement of the "projected effective date of rules", and an added requirement in (B) of a statement of the purpose of the proposed rulemaking.

The three items (C), (D), and (E) add requirements for the notice including a description of the subjects of the rulemaking and of the major issues, text of the proposed rule, and identification of studies which the agency intends to rely upon.

Subsection (b) (3) provides exceptions to the notice and comment procedure. While retaining an exception for rules of agency organization, practice or procedure, it does not contain an exception for interpretive rules or statements of general agency policy. An exception is provided for rules of a "routine nature" or "insignificant impact." Presently, the exception is that for "good cause" the agency must find that these procedures are "impracticable, unnecessary, or contrary to the public interest". An exception is provided for emergency rules.

An agency may invite differing points of view, may create advisory committees, or use other means to obtain suggestions on rulemaking prior to giving notice of that rulemaking.

Subsection (c) fixes a minimum of 45 days for notice of rulemaking. Written statements are to be received with the right to hold oral presentations. It further defines the requirements for the person or persons who shall preside at any such hearing. An agency is authorized to utilize an appropriate procedure for resolution of a "significant controversy over a factual issue." The agency would then be required to state its resolution of the issue and its reasons. A new requirement provides for maintenance of a file for each rulemaking proceeding together with an outline of items to be included.

New subsection (d) is an expansion of present language of § 553(c) requiring a statement of the basis and purpose of adopted rules. The new requirements would include a statement of the purpose, the legal authority for the rule, statements required by law, and also a requirement that the rulemaking file contain a statement of the reasons for rejecting points raised in opposition to the rule.

New subsection (d) (2) would bar adoption of a rule "substantially different" from the proposed rule unless interested persons were apprised of the differences and given an opportunity to comment.

New subsection (e) is a revision of present subsection (d) on rules with immediate effect on publication or service. These include a rule which grants or recognizes an exemption or relieves a restriction, and a rule exempt from public notice and comment under subsection (b) (3); that is, rules of agency organization, practice or procedure "routine nature" or "insignificant impact" or emergency rules which may also be effective immediately.

As to other rules, the effective date is to be governed by sections 602(a) and 603(b) in the congressional review chapter.

Subsection (f) concerns the commencement of rulemaking procedures upon issuance of an emergency rule. There is a limit of 60 days for public comment with provision for an additional 30 days if found necessary. The rule is then to be issued within 30 days. Finally it is provided that the emergency rule is to expire in 210 days or upon the effective date of a final rule.

Subsection (g) provides that when rules by statute are required to be made on the record after hearing, sections 556 and 557 are to apply to significant issues of fact in dispute, instead of subsections (b), (c) and (d) of revised section 553. Present subsection (c) has similar language but does not have the reference to "significant issues of fact in dispute."

Subsection (h) is essentially a restatement of present subsection (g) on the right to petition for a rule's issuance, amendment or repeal.

Subsection (i) provides language somewhat similar to that found in the Federal Register Act (44 USC 1507) and the Freedom of Information Act (5 USC 552) as to the effect of a rule which fails to comply with the section.

SECTION 4

Section 4 of the bill adds a new chapter 6 to title 5 of the United States Code concerning congressional review of agency rule making.

New section 601 defines terms applicable to the chapter and with limited exceptions incorporates the definitions of section 551 of chapter 5 on administrative procedure. The terms "rule" and "emergency rule" are subject to certain limited exceptions which are also found in the rulemaking provisions of section 553. The term "promulgation" means filing with the Office of Federal Register for publication.

Section 602 provides for resolutions of disapproval. Upon promulgation, a copy of a rule is to be transmitted to the Secretary of the Senate and the Clerk of the House. A promulgated rule (other than an emergency rule) will not go into effect if both Houses of Congress adopt a concurrent resolution disapproving the rule. A rule will also be disapproved if one House adopts the concurrent resolution within 60 days and the other House fails to take adverse action on the resolution.

If no committee of either House has reported such a concurrent resolution or has been discharged within 60 calendar days or neither House has passed it, the rule may go into effect. If any of those events occur and the resolution is not disapproved, it can go into effect not sooner than 90 days after promulgation.

In the absence of a statute modifying the agency's powers, the agency may not promulgate a new rule or an emergency rule identical to one disapproved under the section. After such disapproval, the procedures for rule on that subject proposed within less than 12 months may be limited to changes in the rule.

Section 603(a) provides that either House can pass a resolution directing an agency to reconsider an existing rule (other than an emergency rule) or a proposed rule. If such a resolution is adopted by either House within 90 calendar days of continuous session after promulgation, a new rule will not go into effect and the agency must then reconsider the rule and within 60 days either withdraw or repromulgate the rule or it will lapse. A repromulgated rule is subject to the congressional review provisions of Chapter 6.

If, within 60 days of promulgation, a committee of either House has not reported a resolution for reconsideration or has not been discharged within 60 days after promulgation, the rule goes into effect. If a committee has reported or has been discharged and the resolution does not pass the House concerned, the rule may go into effect in 90 days.

Subsection 603(c) of section 603 concerns resolutions for reconsideration of rules which have gone into effect. If, after 180 days of passage of such a resolution the rule has not been repromulgated, the rule shall lapse. Prior to 60 days before repromulgation the agency must give notice of the repromulgation proceedings, and the notice and proceeding must comply with section 553 (b) and (c) as to procedures for rulemaking. (The exceptions in 552(b) (3) will not be applicable.) Rules repromulgated within 180 days of passage of the reconsideration resolution take effect as provided in section 602 (a), and during the period fixed for congressional review, the reconsidered rule may remain in effect.

Subsection (d) makes it clear that a concurrent resolution of disapproval supersedes a resolution for reconsideration of the same rule or a part thereof.

Section 604 provides that where a law places a time limit for rule making and a concurrent resolution of disapproval passes the Congress, the agency must adopt the rule and the time limit in the specific statute is to apply to the renewed rulemaking from the rate of final approval of either type of resolution.

Section 605 provides for the computation of "calendar days of continuous session of Congress" as that term is used in chapter 6. The period is interrupted only by a sine die adjournment, but days in which either House is not in session because of an adjournment of more than 3 days to a day certain are to be excluded from the computation.

Section 606(a) provides for the congressional procedure for the consideration of resolutions of disapproval and for reconsideration and states that the provisions of the section are enacted as an exercise of the rule making power of the Senate and the House of Representatives and are to be deemed a part of the rules of each House while recognizing the Constitutional right of either House to change its rules. The provisions of the section are to be applicable only with respect to the procedure to be followed by each House in the case of resolutions described in section 602 [disapproval of proposed rules] and section 603 [reconsideration of rules].

Subsection (b) (1) requires that resolutions of disapproval and resolutions for reconsideration of a rule are to be immediately referred to the standing committee having oversight and legislative responsibility over the agency.

In subsection (b) (2) of section 606 it is provided that a committee may be discharged of a concurrent resolution of disapproval or a resolution for reconsideration. As to concurrent resolutions of disapproval of a proposed rule under section 602(a) or a resolution for reconsideration of a proposed rule under 602(b), a committee can be discharged of consideration after 45 "calendar days of continuous session" from referral of either type of resolution. A committee can be discharged from consideration of a resolution for reconsideration of an effective rule under section 603(c) when 90 such days elapse from date of referral.

When a concurrent resolution has been adopted by one House of Congress, it is provided in § 606(b) (3) that the committee to which it is referred in the other House which fails to report in 15 days may be discharged of its consideration.

Subsection (b) (4) of section 606 provides that a motion to discharge must be supported by one-fifth of the Members of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a resolution of disapproval or for reconsideration with respect to the same rule); and debate thereon shall be limited to no more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

Subsection (c) of section 606. The consideration of a resolution of disapproval or for reconsideration is to be in accord with the rules of the Senate and of the House of Representatives, respectively. Except that subsection 606(c) provides that when a committee has reported or has been discharged from further consideration of a resolution with respect to a rule, it would be in order to move to consider the resolution, and the subsection defines the procedure.

Section 607 concerns the effect on judicial review of congressional review procedures, and provides that congressional inaction on or rejection of a resolution of disapproval or for reconsideration is not to be deemed an expression of approval of the rule.

Section 608 provides for Administrative Conference study of the new congressional review process. A report would be made to Congress on or before July 1, 1982, and the sum of $200,000 would be authorized to be appropriated for the study.

SECTION 4(b) OF THE BILL

Subsection (b) adds the reference to new chapter 6, Congressional Review of Agency Rule Making, to the table of chapters in part 1 of Title 5, United States Code.

SECTION 4(c) OF THE BILL

Subsection (c) of the bill provides that the provisions of chapter 6 of Title 5, United States Code, would supersede any other provisions of law governing procedures for congressional review of agency rules to the extent such other provisions are inconsistent with such chapter for the period of three congresses fixed in Section 6 of the bill.

SECTION 5

This section makes amendments of section 706 on scope of review of Title 5 to conform that section to changes made by the bill to Section 553 of that title. It adds a reference in § 553(c) (3) concerning procedures where there is a "significant controversy over a factual issue" as to a proposed rule. Section 706 is also amended by the addition of a new clause (G) to section 706 providing as an additional basis for holding unlawful and setting aside agency action, findings and conclusions, a determination that such action is unwarranted by material in the rulemaking file.

SECTION 6

This section makes the Act effective at the beginning of the 95th Congress. It also provides that section 4 (adding Chapter 6 to Title 5) will lapse at the end of the 97th Congress unless renewed prior to the sine die adjournment of that Congress.

S. 3443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Administrative Rule Making Reform Act of 1976".

SEC. 2 (a) Section 551 of title 5, United States Code, is amended as follows:

(1) Amend paragraph (4) of such section to read as follows:

"(4) 'rule' means the whole or a part of an agency statement of general applicability designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of an agency and includes any amendment, revision, or repeal of such a statement;".

(2) Insert immediately after paragraph (4) of such section the following new paragraphs:

"(5) 'emergency rule' means a rule which is temporarily effective without the expiration of the otherwise specified periods of time for public notice and comment and which was duly promulgated by an agency pursuant to a finding that delay in the effective date would—

"(A) seriously injure an important public interest,

"(B) substantially frustrate legislative policies, or

"(C) seriously damage a person or class of persons without serving any important public interest;

"(6) 'ratemaking and cognate proceedings' means agency process for the approval or prescription for the future of rates, wages, corporate or financial structure, or reorganization thereof, prices, facilities, appliances, services, or allowances therefor, or of valuations, costs, accounting, or practices bearing on any of the foregoing;".

(3) Redesignate paragraphs (5) through (13) as paragraphs (7) through (15), respectively.

(b) Section 556(d) is amended by striking out "rule making or" in the last sentence thereof and inserting in lieu thereof "ratemaking and cognate proceedings, rule making, or".

(c) Section 557(b) is amended by striking out "rule making or" in the fourth sentence thereof and inserting in lieu thereof "ratemaking and cognate proceedings, rule making, or".

SEC. 3. Section 553 of title 5, United States Code, is amended to read as follows:

"§ 553. Rule making

"(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

"(1) a matter pertaining to a military or foreign affairs function of the United States that is (A) specifically authorized under criteria established by Executive order to be kept secret in the interest of the national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order; or

"(2) a matter relating to agency management or personnel.

"(b) (1) (A) Except as provided in subparagraph (B), general notice of proposed rule making shall be published in the Federal Register. In addition agencies shall make a reasonable attempt to inform those likely to be affected by the proposed rule making or, if the group is large, representative members thereof of the pendency of the proceeding; and agencies shall send copies of the notice of proposed rule making to all persons requesting such notice.

"(B) If all persons affected by the proposed rule making are named and either personally served or otherwise have actual notice thereof in accordance with law, published notice in the Federal Register may be omitted.

"(2) The notice shall include—

"(A) a statement of the time, place, and nature of public rulemaking proceedings and the projected effective date of rules;

"(B) a brief statement of the purpose of the proposed rule making, and a reference to the legal authority under which the rule will be proposed;

"(C) a description of the subjects with which the rule making will deal and major issues it will raise;

"(D) the text of a proposed rule, if available, except that the agency may omit the proposed text in its initial notice of rule making, if, prior to the adoption of a rule, the agency publishes and distributes (as provided in paragraph (1) of this subsection) the text of the proposed rule, a reference to the initial notice, and a statement of the time, place, and nature of the public proceedings for the consideration of the text of the proposed rule; and

"(E) a list of the technical, theoretical and empirical studies, if any, on which the agency intends to rely in the rulemaking proceeding and a statement of where this material may be inspected or copies thereof may be obtained.

"(3) Unless notice with opportunity for public comment are otherwise required by statute, this subsection and paragraphs (1), (2), and (3) of subsection (c) do not apply—

"(A) to rules of agency organization, practice, or procedure; or

"(B) when the agency finds that—

"(i) public notice and comment are unnecessary due to the routine nature or the insignificant impact of the proposed rule, or

"(ii) emergency rules should be promulgated. An agency which finds that a rule is within an exception specified in subparagraph (A) or (B) of this paragraph shall publish in the document promulgating such rule either that finding and a brief statement of reasons therefor.

"(4) The requirements of this subsection shall not preclude an agency from—

"(A) inviting persons representing different points of view to submit,

"(B) creating an advisory committee to report, or

"(C) using other such devices to obtain suggestions regarding the content of proposed rules prior to notice of rule making.

"(c)(1) The agency shall give interested persons not less than 45 days after the notice required by subsection (b) to participate in the rule making. The agency may extend this period of time if it appears that such period is too short to permit diligent, interested persons to prepare comments or if the agency determines that other circumstances justify an extension.

"(2) The agency shall receive written statements on each proposed rule. The agency may hold hearings on a proposed rule to receive oral presentations. Any such hearing shall be conducted in such a manner, for such duration, and at such places and times as the agency shall direct. The head of the agency, one or more of the members of the body which comprises the agency, or one or more agency employees assigned the responsibility of recommending changes in the proposed rule shall preside at any such hearing.

"(3) If the agency determines that there is a significant controversy over a factual issue the resolution of which will materially affect the substance of the rule, the agency shall utilize a procedure for resolution of that issue which will permit different points of view to be adequately presented, will provide for agency objectivity in such resolution, and will not unduly delay the rulemaking. Not later than the date on which the rule is promulgated, the agency shall state its resolution of the issue and the reasons therefor.

"(4) The agency shall maintain a file of each rulemaking proceeding. The file shall include—

"(A) the notice of proposed rule making required by subsection (b) and any supplemental notice;

"(B) all relevant material and all material which the agency by law is required to retain on file in connection with the rule making;

"(C) the rule and statements required of the agency in formulating the rule; and

"(D) copies of petitions for exceptions to, amendments of, or repeal of a rule.

This file shall be available to the courts and the Congress in connection with review of the rule, and to the public as provided by law.

"(d)(1) After consideration of all relevant material, the agency shall adopt such rule as it deems appropriate, incorporating therein a concise statement of (A) the purpose of the rule, (B) the legal authority for the rule, and (C) any other statements required by law. In addition, at the time a rule is adopted, the agency shall place in the rulemaking file a statement setting forth the primary considerations interposed by persons outside the agency in opposition to the rule as adopted, together with brief explanations of the reasons for rejecting those considerations.

"(2) When rule making is required to be conducted in compliance with subsections (a) and (b), an agency may not adopt a rule substantially different from the proposed rule, unless (A) interested persons were apprised of such potential differences during the period for public participation and were afforded an opportunity to comment upon them, or (B) the agency gives notice as required by subsection (b)(2)(D) with respect to such revised rule and receives comments on such differences.

"(e) Unless a longer period of time is required by law or provided in the rule—

"(1) a rule may become effective immediately if it—

"(A) grants or recognizes an exemption to or relieves a restriction from a rule, or

"(B) is exempt from public notice and comment under subsection (b)(3) of this section; and

"(2) a rule which is subject to disapproval or reconsideration pursuant to chapter 6 of this title shall not take effect except as provided in sections 602(a) and 603(b) of such chapter.

"(f) At the time of promulgation of an emergency rule the agency shall commence rulemaking proceedings in accordance with the subsections (b), (c), and (d), except that the period for public comment shall be limited to 60 days unless the agency determines that an additional 30 days are necessary to enable diligent, interested persons to participate. Within 30 days after the close of the period for public comment, the agency shall issue a final rule to take effect as provided in subsection (e). Unless earlier withdrawn or set aside by court action, an emergency rule shall expire 210 days after its promulgation or upon the effective date of the final rule, whichever occurs first.

"(g) When rules are required by statute to be made on the record after opportunity for agency hearing, sections 556 and 557 of this title apply to significant issues of fact in dispute instead of subsections (b), (c), and (d) of this section.

"(h) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

"(i) Unless a rule is adopted in conformity with this section, or is within an exception to the provisions of this section, no person shall be required to resort to or be adversely affected by such a rule, nor may such a rule be admitted into evidence or considered in any agency proceeding, or any judicial review of such proceeding, except that this shall not prevent a person from interposing such a rule as a defense to an agency proceeding or to a criminal prosecution, or from seeking agency or judicial review of such rule.".

SEC. 4. (a) Title 5 of the United States Code is amended by inserting immediately after chapter 5 the following new chapter:

Chapter 6—CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

"Sec.
"601. Definitions.
"602. Resolution of disapproval.
"603. Resolution for reconsideration.
"604. Effect on statutory time limits.
"605. Computation of calendar days of continuous session of Congress.
"606. Procedure for consideration of resolutions.
"607. Effect on judicial review.
"608. Administrative Conference study.

"§ 601. Definitions

"The definitions set forth in section 551 of this title shall apply to this chapter except that—

"(1) those functions excluded from the definition of the term 'agency' by paragraph (1)(H) of such section are included in such definition for purposes of this chapter;

"(2) the terms 'rule', and 'emergency rule' shall not include—

"(A) rules of agency organization, practice, and procedure,

"(B) rules relating to agency management and personnel,

"(C) rules granting or recognizing an exception or relieving a restriction, or

"(D) rules adopted without public notice and comment pursuant to a valid agency finding that such notice and comment were unnecessary due to the routine nature or insignificant impact of the rule; and

"(3) the term 'promulgation' means filing with the Office of the Federal Register for publication.

"§ 602. Resolution of disapproval

"(a)(1) Simultaneously with promulgation or repromulgation of any rule, including an emergency rule, the agency shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), rules other than emergency rules shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule promulgated by   dealing with the matter of   , which rule was transmitted to Congress on   .', the first blank being filled with the name of the agency issuing the rule, the second blank being filled with the title of the rule and such further description as may be necessary to identify it, and the third being filled with the date of transmittal of the rule to Congress; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule, other than an emergency rule, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule, and neither House has adopted such a resolution, the rule may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(b)(1) An agency may not promulgate a new rule or an emergency rule identical to one disapproved pursuant to this section unless a statute is adopted affecting the agency's powers with respect to the subject matter of the rule.

"(2) If an agency proposes a new rule dealing with the same subject matter as a disapproved rule, the agency shall comply with the procedures required for the issuance of a new rule, except that if less than 12 months have passed since the date of such disapproval, such procedures may be limited to changes in the rule.

"§ 603. Resolution for reconsideration

"(a) Either House of Congress may adopt a resolution directing agency reconsideration of a rule other than an amergency rule. The matter after the resolving clause of such a resolution shall be as follows: 'That the   directs   to reconsider its rule dealing with the matter of   which rule is found at   .' (or if a new rule 'was transmitted to Congress on   .'), the first blank being filled with the House of Congress adopting the resolution, the second blank being filled with the name of the agency issuing the rule, the third blank being filled with the title of the rule and such further description as may be necessary to identify it, and the fourth blank being filled with the citation to the rule in the agency records or, if it is a new rule, the date on which it was transmitted to Congress.

"(b) (1) If a resolution for reconsideration of a rule, other than an emergency rule, is adopted by either House within 90 calendar days of continuous session of Congress after the date the rule was promulgated, the rule shall not go into effect. The agency shall reconsider the rule and within 60 days either withdraw or repromulagte the rule with such changes and with such public participation as the agency determines appropriate. If the agency takes no action within 60 days such rules shall lapse. If promulgated, the rule shall be subject to congressional review and go into effect as provided in this chapter.

"(2) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule, other than an emergency rule, no committee of either House of Congress has reported or been discharged from further consideration of a resolution of reconsideration of a rule, the rule may go into effect at the end of such period. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation.

"(c) One hundred eighty days after passage of a resolution for reconsideration with respect to a rule which has taken effect, the rule shall lapse unless repromulgated by the agency. Unless excepted by subsection 553 (a) of this title, the agency shall, not less than 60 days prior to repromulgating such a rule, give notice of a proceeding to consider its repromulgation. The notice and proceeding shall comply with subsections (b) and (c) of section 553 of this title, except that the provisions of paragraph 553(b) (3) shall not be available to the agency and the agency shall hold a hearing for oral presentations. Rules repromulgated pursuant to this subsection within 180 days of the passage of the resolution for reconsideration shall take effect as provided in section 602(a); and during the period for congressional review provided in that section the reconsidered rule may remain in effect.

"(d) A concurrent resolution of disapproval supersedes a resolution for reconsideration of the same rule or part thereof.

"§ 604. Effect on statutory time limits

"If a resolution of Congress disapproves or directs reconsideration of a rule which was being promulgated subject to a statutory time limit for rulemaking, the adoption of the resolution shall not relieve the agency of its responsibility for adopting a rule, but any statutory time limit shall apply to such renewed rulemaking only from the date on which the resolution was adopted.

"§ 605. Computation of calendar days of continuous session of Congress

"For the purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of calendar days of continuous session.

"§ 606. Procedure for consideration of resolutions

"(a) The provisions of this section are enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by sections 602 and 603 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) (1) Resolutions of disapproval and resolutions for reconsideration of a rule shall, upon introduction or receipt from the other House of Congress be immediately referred by the presiding officer of the Senate or of the House of Representatives to the standing committee having oversight and legislative responsibility with respect to the promulgating agency in accordance with the rules of the respective House; and such resolutions shall not be referred to any other committee.

"(2) If a committee to which is referred a resolution which has not been adopted by the other House of Congress, does not report out such resolution—

"(A) within 45 calendar days of continuous session of Congress after referral, in the case of a resolution to disapprove or to require reconsideration of a rule pursuant to section 602(a) or 603(b); or

"(B) within 90 calendar days of continuous session of Congress after referral, in the case of a resolution to require reconsideration of a rule pursuant to section 603(c),

it shall be in order to move to discharge such committee from further consideration of such resolution.

"(3) If a committee to which is referred a resolution which has been adopted by the other House of Congress does not report out such resolution within 15 calendar days of continuous session of Congress after referral, in the case of a resolution to disapprove a rule pursuant to section 602(a), it shall be in order to move to discharge such committee from further consideration of such resolution.

"(4) Such motion to discharge must be supported by one-fifth of the Members of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after the Committee has reported a resolution of disapproval or for reconsideration with respect to the same rule); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a resolution of disapproval or for reconsideration shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a resolution with respect to a rule, it shall be in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(3) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to or motion to recommit the resolution is not in order and it is not in order to move to reconsider the vote by which the resolution is agreed or disagreed to.

"§ 607. Effect on judicial review

"Congressional inaction on or rejection of a resolution of disapproval or of a resolution for reconsideration shall not be deemed an expression of approval of such rule.

"§ 608. Administrative Conference study

"The Administrative Conference of the United States shall undertake a study of congressional review of agency rules under sections 601 to 606 and its effect on agency rulemaking and report its findings to Congress on or before July 1, 1982. The sum of $200,000 is authorized to be appropriated for such study.".

(b) The table of chapters for part I of title 5 is amended by inserting immediately after

"5—Administrative Procedure__________ 501"

the following:

"6—Congressional Review of Agency
Rule Making__________________ 601".

(c) The provisions of chapter 6 of title 5, United States Code, shall, for the duration of the period during which such chapter is in effect (as provided in section 6 of this Act), supersede any other provisions of law governing procedures for congressional review of agency rules to the extent such other provisions are inconsistent with such chapter.

SEC. 5. Section 706 of title 5, United States Code, is amended—

(1) by inserting "553(c) (3) or" after "section" in clause (E) of paragraph (2) and by striking out "or" at the end of such clause;

(2) by striking out the period at the end of clause (F) of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by inserting immediately after clause (F) of paragraph (2) the following new clause:

"(G) unwarranted by material in the rulemaking file when and to the extent an agency rule is not covered by clause (E) hereof, and a rulemaking file is required by section 553 (c) (4) of this title or similar provision of law.".

SEC. 6. (a) This Act shall become effective at the beginning of the first session of the Ninety-fifth Congress.

(b) Section 4 of this Act shall lapse at the adjournment sine die of the Ninety-seventh Congress unless renewed prior thereto.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 2657

At the request of Mr. PELL, the Senator from Maryland (Mr. BEALL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from New York (Mr. JAVITS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Pennsylvania (Mr. (SCHWEIKER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. STAFFORD), the Senator from Minnesota (Mr. MONDALE), the Senator from Ohio (Mr. TAFT), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from Maine (Mr. HATHAWAY), the Senator from Wisconsin (Mr. NELSON), and the Senator from New Hampshire (Mr.

Durkin) were added as cosponsors of S. 2657, the Education Amendments of 1976.

S. 3393

At the request of Mr. Fannin, the Senator from Virginia (Mr. William L. Scott) was added as a cosponsor of S. 3393, the Voting Rights Act Repealer Amendments Act.

AMENDMENTS SUBMITTED FOR PRINTING

TAX REFORM ACT OF 1976—H.R. 10612

AMENDMENT NO. 1650

(Ordered to be printed and referred to the Committee on Finance.)

Mr. RIBICOFF. Mr. President, I send to the desk an amendment to H.R. 10612 that would provide tax relief for middle income families burdened with the rising costs of higher education. I first introduced this legislation over 12 years ago. The Senate has passed it three times. Unfortunately, the House of Representatives has failed to follow our lead.

My amendment is designed to provide parents a tax credit of up to $325 for each college student.

The credit would be computed on the basis of 100 percent of the first $200 of qualifying expenditures for tuition fees, and books; 25 percent of the next $300; and 5 percent of the subsequent $1,000. No credit would be allowed for student costs above $1,500.

The resulting credit would be allowed against the Federal income tax of any person who paid the expenses of education for himself or another person at a qualified educational institution. A qualified institution includes recognized colleges, universities, graduate schools, vocational and business schools.

The available credit would begin to be phased out when the taxpayer's adjusted gross income reached $15,000. Two percent of the amount by which a taxpayer's adjusted gross income exceeded $15,000 would be deducted from the credit available to that taxpayer. Thus, no taxpayer with an adjusted gross income above $31,250 would be eligible for a credit.

I ask unanimous consent that a table outlining the available benefits to various income groups be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

AVAILABILITY OF TUITION CREDIT BY AMOUNT OF QUALIFIED EXPENSES AND INCOME LEVEL (PER STUDENT)

Qualified expense	Adjusted gross income					
	$10,000	$15,000	$20,000	$25,000	$30,000	$35,000
$100	$100.00	$100.00	0	0	0	0
$200	200.00	200.00	$100.00	0	0	0
$300	225.00	225.00	125.00	$25.00	0	0
$400	250.00	250.00	150.00	50.00	0	0
$500	275.00	275.00	175.00	75.00	0	0
$750	287.50	287.50	187.50	87.50	0	0
$1,000	300.00	300.00	200.00	100.00	0	0
$1,250	312.50	312.50	212.90	112.50	$12.50	0
$1,500	325.00	325.00	225.00	125.00	25.00	0

LOBBYING DISCLOSURE ACT OF 1976—S. 2477

AMENDMENT NO. 1651

(Ordered to be printed and to lie on the table.)

Mr. METCALF. Mr. President, as reported by the Senate Government Operations Committee, the Lobbying Disclosure Act of 1976 (S. 2477) will neither close the loopholes nor prevent the abuses that led to the effort to replace the defective 1946 Federal Regulation of Lobbying Act. Worse still, if its defects are not corrected, this measure will create new problems and introduce new inequities into the political system of considerably greater consequence than those it was designed to correct.

Today I am introducing the first in a series of amendments intended to insure that this measure will provide for disclosure of significant lobbying activities without having a chilling effect on the exchange of fact and opinion between citizens and their elected representatives.

What this amendment will do is:

First, clarify what is meant by a "lobbying solicitation," so that citizens can continue to be freely urged to express their own opinions on the governmental decisions which affect their lives; and

Second, provide for equal treatment of all publications, so that voluntary membership organizations which publish newspapers, magazines, books, and the like can continue to inform their readers without having to fulfill costly reporting requirements that serve no demonstrable public interest.

Together, these two changes will remove what in S. 2477, as reported, is a wholly unnecessary burden on the exercise of rights guaranteed under the first amendment. Let me explain, Mr. President, why provisions of S. 2477 are seriously defective in this sensitive area.

As defined in section 3(c), a lobbying solicitation includes any communication which:

Is intended to influence an issue before the Congress; and

Urges, requests, or requires one or more persons to communicate with Congress, or to solicit another person to make such a communication.

If taken literally to mean what it says, this language will cover a balanced discussion of the pros and cons of virtually any consequential question which appears in context with a general statement to the effect that the reader or listener should let his elected representatives know how he or she feels about the issues of the day.

Certainly, the term "lobbying solicitation" should not reach all discussion of public policy, whether or not the "solicitation" expressly calls for approval or disapproval of a clearly identified "issue before the Congress." Certainly the registration and reporting requirements of S. 2477 should not cover publications or speech which only seek to inform and to urge citizens to perform what is generally regarded as a civic duty—the communication of their own opinions to Members of their national legislature.

Yet, as I read the report on S. 2477 (S. Rept. No. 94–763), this apparently is what is intended. Let me quote, from page 21:

> To be a solicitation under this provision the organization must intend to influence an issue before Congress by encouraging others to write Congress. The organization's statement must clearly urge, request or require those who receive the communication to write Congress. No specific words such as "write your Congressman" have to be included but there should be no doubt that the communication is in fact urging, requesting or requiring the recipients to write Congress.
>
> An organization's newsletter which just informs its readers about pending legislation would not be a lobbying solicitation. But if in addition to informing its readers about the provisions in a bill, the newsletter clearly urges or requests the reader to communicate with Congress about the legislation, then the newsletter would be a lobbying solicitation.

Thus—and incredibly—a communication can become a lobbying solicitation under S. 2477 without either expressly urging the recipient to write or without explicitly identifying a particular position on any issue.

How can such a vague and overly broad statutory provision be applied? How can those who write or speak on current events know—in advance of publication or speaking—whether their words will make their sponsoring organization subject to registration and reporting as lobbyists or liable to the sanctions contained in S. 2477?

Any organization with an active public affairs publication or advertising program will require answers every step of the way, to assure compliance with provisions of this measure. Paying for one full page advertisement in a major metropolitan newspaper can make its sponsor a lobbyist, under the threshold test in section 3(a)(3), if the advertisement is determined to constitute solicitation. Furthermore, for those organizations which have come lobbyists under any of the tests in section 3(a), there is a formidable array of reporting requirements for each issue in which solicitation is determined to be involved.

If the term "lobbying solicitation" is not actually intended to include general issue advocacy, then we must specify in statutory language what it is to cover. We must not rely on the varagies of legislative history in this area.

Nor would it be appropriate—even if it were possible—for the Comptroller General to prescribe the voluminous regulations necessary to cover the myriad factual situations which will inevitably arise in attempting to distinguish between "lobbying solicitations" and public affairs education.

Even more inappropriate, in my judgment, would be reliance upon the advisory opinion procedure authorized in section 10 of S. 2477. Under this procedure, the Comptroller General, in consultation with the Attorney General, would have to determine, case by case, the motive of the sponsor of a publication and the meaning of the words he proposes to use—where the question pertains to initial registration as a lobbyist—or has used, where fulfilling the reporting requirements subsequent to becoming a lobbyist is involved.

Mr. President, the burden of assuring compliance and the consequent restraint of free speech resulting from section 3 (c) will fall heaviest on voluntary membership organizations.

Publishers of newspapers, books, and periodicals of "general distribution," as well as radio and television broadcasters, are exempt under section 3(d) (6). Only the sponsors of paid advertisements are covered. But the provisions of S. 2477 pertaining to lobbying solicitation cover the entire content of publications of voluntary membership organizations—the public interest groups, corporate trade associations, professional academic associations, business groups and labor unions, and the like—which are not "customarily distributed outside the scope" of their membership.

I cannot conceive of any justification for placing this burden on the publications of such groups, let alone the creation of an artificial and invidious distinction between their newspapers, magazines, and books and those which are of "general distribution."

Let me emphasize this point: We are not talking about fly-by-night broadsheets, issued surreptitiously and distributed "privately" or in secret. The vast majority of publications of voluntary membership organizations are readily available to the public, in libraries, by calling and asking for them, or, indeed, in the dentist's waiting room or local barbershop.

Are Nation's Business, published by the U.S. Chamber of Commerce, and the AFL–CIO News "customarily" distributed outside the membership of these organizations? In fact, these periodicals are distributed very differently, and there are innumerable variations in the ways the different voluntary membership organizations make their publications available to readers who may be interested but who are not "regular" members. Will the Comptroller General here again be expected to decide, case by case, which organization's publication is covered and which is exempt?

Moreover, an even more fundamental question remains: However the determination may be made with regard to these particular publications, the person who subscribes through dues or other payment and who reads such periodicals as Nation's Business or the AFL–CIO News is no less a member of the "general" public than those who are likewise informed by subscribing to the Manchester, N.H., Union Leader, or the New York Times. Which of these newspapers does not regularly attempt to influence public opinion with respect to matters of national concern? How often do Union Leader and Times editorials urge readers to exercise their civic duty, by communicating with the Congress on current issues?

And there is certainly no compelling public interest which can justify placing this unequal burden on every news item, editorial, article, letter to the editor, or announcement contained in the publications of voluntary membership organizations.

Many such organizations, of course, are exempt from Federal taxation—according to the Internal Revenue Service there are more than a quarter million such groups around the country—and their status will be in jeopardy if they are required to register and report as lobbyists. Their public affairs advocacy is remote, at best. There is no justification, constitutional or otherwise, for a restriction of free expression by these groups. They are not shouting "fire" in a crowded theater but are competing with others throughout the Nation, to inform and to inspire, in a manner protected by the first amendment, many times removed from the hallways of the Capitol.

The publications of these well-established voluntary membership organizations are clearly identified as to their source. The advocacy of their sponsors—which plays a vital role in insuring vigorous and informed debate of public policy issues—is a matter of public record because it is published.

In short, Mr. President, no public purpose is served by requiring extensive reporting of lobbying solicitations, as vaguely defined in section 3(c), contained in their pages. And the amendment I am introducing today will remove this unnecessary—and unnecessarily restrictive—burden.

First, with my amendment the term "lobbying solicitation" is clearly defined to cover only those communications which expressly urge the recipient to convey orally or in writing a specified position on an issue before Congress. What this means is that the kind of communication which describes a factual situation and gives the sponsor's opinion regarding it—leaving it entirely up to the citizen to decide how or whether to act on this information—will not be covered. What will be covered are communications which instruct the reader or listener not only what to do but what position he is to take in writing to or speaking with his Represenatives in Congress.

Second, my amendment eliminates the invidious distinction between the publications of voluntary membership organizations and those "of general distribution" or which qualify as part of the "mass media." Accordingly, only paid advertisements containing lobbying solicitations—as clearly and narrowly defined by my amendment—will be covered. And, as is the case in the present language of section 3(d) (6) of S. 2477, where any organization pays for such an advertisement, the organization, not the newspaper or broadcast station operator, will be subject to registration and reporting as a lobbyist.

Mr. President, if anything is obvious in our present situation, it is that citizens need and want more, not less, information about what their Federal Government and elected officials are doing in their behalf. And certainly today, perhaps as never before, we as public officials need to know far more, not less, about what concerns the people of this Nation.

I believe that my amendment carefully balances the need for disclosure against the need for free and vigorous communication, and ask unanimous consent that it be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 1651

On page 38, line 22, after "by" insert "expressly".

On page 38, line 23, after "Congress" insert the following: "a specific or general position".

On page 40, line 2, strike out "(a)" through "(b)" on page 40, line 6.

REGULATORY LIMITATION ACT—S. 2716

AMENDMENT NO. 1652

(Ordered to be printed and referred to the Committee on Government Operations.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill, S. 2716, to improve congressional oversight of the operations of Federal departments and agencies in order to insure that rules and regulations conform to the intent of Congress.

S. 2812, REGULATORY REFORM ACT OF 1976: BIPARTISAN SUPPORT AS HEARINGS BEGIN

Mr. PERCY. Mr. President, last December, Assistant Majority Leader Robert C. Byrd and I introduced S. 2812, the Regulatory Reform Act of 1976. This bill would establish a 5-year action-forcing timetable designed to insure comprehensive reform of the entire range of Federal regulation. Since that time, I have on several occasions shared my thoughts on this issue with my colleagues. I have been principally concerned about the need for swift action in alleviating the problems connected with the current system of government regulation. The time to move from rhetoric to reality is now.

In this respect, I am pleased to report that due to the commitment to reform on the part of its chairman, Abe Ribicoff, the Government Operations Committee will be holding hearings on S. 2812 beginning tomorrow, May 18, 1976. Hearings will continue May 20, May 24, and May 25. In preparation for those hearings, I would like to bring certain items to my colleagues' attention, which may help them in their consideration of this bill. These include a chamber of commerce resolution endorsing in principle the concepts and procedures embodied in S. 2812, and a syndicated column by Mr.

Jerald terHorst supportive of S. 2812. I ask unanimous consent that these items be printed in the Record at the conclusion of my remarks.

Because of the importance which we attach to this measure, Senator Byrd and I are especially pleased to be joined in this undertaking by our distinguished colleagues Senators Chiles, Domenici, Hansen, Hartke, Leahy, Mathias, McGee, Taft, Eastland, and Huddleston, who are cosponsors of the Regulatory Reform Act of 1976. The companion legislation in the House, H.R. 11450, introduced by Representatives John Anderson and Barbara Jordan, currently has about 60 cosponsors.

This strong bipartisan support which has been building behind S. 2812 is especially heartening. It is my firm hope that this support will assist the measure as it moves through hearings and committee consideration. A somewhat similar approach was submitted by President Ford last week in the form of an "Agenda for Government Reform Act." This action was an important affirmation of the need to agree upon an agenda for timely and comprehensive action. I am pleased that the administration bill is so similar to S. 2812. The administration proposal adopts the two key underlying concepts of S. 2812: that there is a need for a comprehensive approach in which government regulation in a different area is dealt with systematically each year over a period of several years, and that certain "action-forcing" measures are needed to insure that reform plans will be submitted by the President and acted upon by the Congress.

However, there are important differences between the administration proposal and S. 2812. The administration's sectors of industry approach reflects some serious internal inconsistencies which are minimized by the sectors of Government regulation approach taken in S. 2812. Also, the discipline embodied in S. 2812 is much stronger. Under the key sunset provisions of S. 2812, interest groups risk losing everything by opposing reform; for if no comprehensive measure is enacted by June 30, all affected rules conferring economic benefits would be rendered inoperative. Under the administration proposal, self-interested groups have everything to gain if they can successfully kill any reform plan. They incur no risk. Consequently, S. 2812 is more likely to be an effective means for assuring comprehensive reform.

Senator Byrd and I look forward to the upcoming hearings on S. 2812, in which a wide range of viewpoints will be expressed. We hope for responsible action, thereafter, within the Government Operations Committee and the Rules Committee, to which the measure has also been referred.

There being no objection, the material was ordered to be printed in the Record, as follows:

Regulating the Regulators

(By Jerald terHost)

Washington.—Hire a pollster, as Ronald Reagan did, and ask people if they regard the federal government as a good influence on our lives. The answer Reagon got, unsurprisingly, was a resounding "No!"

All of the presidential candidates are hearing the same thing. So their campaign rhetoric is larded with promises to get Washington off your back.

Reagan doesn't talk as much about it as he did back in January, but he would—if he could—hack off a $90-billion chunk of the federal establishment and let it float out to sea. Even Hubert Humphrey, the last of the big spenders, talks of the need to reform and streamline the bureaucracy.

Fortunately, this time at least, there may be more here than usually meets the ear. There is a bipartisan move afoot within the Ford administration and the Democratic-controlled Congress to revamp one pervasive facet of the federal government that has an impact on every aspect of our daily lives—eating, sleeping, traveling, playing, working, even breathing.

It is an effort to end excessive regulation by federal fiat, the collective cancer that costs Americans an estimated $60 billion annually.

Getting the government off your back and mine, while wildly cheered in principle, is often jeered in private. The airlines, for example, were quick to complain that their fares were set by the Civil Aeronautics Board.

But when President Ford prodded the CAB to relax its regulations, the first to howl were the airlines, the pilots' union, and some of their protectors in Congress who said it would destroy the aviation industry.

Similarly in the trucking business, the meat packing industry, and public utility field, almost every proposal to deregulate has been resisted by the affected firms and labor organizations. Business will be hurt, they cry; employment will suffer.

Such protests have been effective, too. Ford's bid to loosen the regulatory restraints on cable television, for example, has just become a campaign-year victim of the broadcasting industry's clout.

That's why it's encouraging to report a move that may yet bear fruit. Sen. Charles Percy [R., Ill.] and Assistant Majority Leader Robert Byrd [D. W. Va.] have introduced a legislative blueprint that would require both Congress and the President to jointly review and revise Federal economic regulations over a five-year period.

Their approach, simply, is to provide Congress with a method of disciplining itself so that the assorted special interests of business and labor and agency bureaucracies cannot divide and conquer the lawmakers on specific reform plans.

The model for the Percy-Byrd approach is the Budget Reform Act of 1974 which finally forced Congress into dealing with appropriations as part of a whole budget and not as fragmented segments of federal spending.

"The success of this budget discipline has convinced me that rigid deadlines and strong action-forcing procedures will also work for regulatory reform," Percy recently told the Executives Club of Chicago. "All regulations must be reviewed. All special arrangements reconsidered. All sweetheart relationships reassessed."

Without going into the details of the plan, here's a skeletal look at what's proposed. By March 31 in each of the next five years, the President would be required by law to give Congress his regulatory reforms in five areas: banking and finance in 1977; emergy and environment in 1978; commerce, transportation, and communication, 1979; food, health, safety, industry trade practices, 1980; housing, labor-management, government procurement, small business, equal employment, 1981.

By Sept. 15 in each of these years, Congress would have to come up with its own version of regulatory reform or let the President's plan go to the floor for a vote. If neither Congress nor the President can come up with an agreeable reform bill in the specified area by the following June 30, all regulatory benefits conferred by the affected agencies would be rescinded. The agencies, in other words, would be virtually wiped out.

Percy and Byrd are confident that the powerful lobbies in this town won't let that happen. So am I. But the hardest test may be the very first test—getting the House and Senate to accept the discipline of their five-year reform plan.

And that, in large part, will be determined by the way that labor and industry lobbyists line up. It will be interesting to see who wants to get the government off our back and who wants to keep it there.

All in the name of free enterprise, of course.

Summary of Board Action Urging Systematic Study of Regulatory Reform Process

The Chamber of Commerce Board approved, in concept, support for legislation which would authorize the systematic study of the regulatory processes, establish a timetable for conducting such studies, and set forth procedures for the consideration of recommendations to improve the management, functioning and oversight of the regulatory agencies.

BACKGROUND

The various regulatory agencies of the federal government have enormous economic impact upon business. There is a growing realization in both the government and private sector that regulation may, in some respects, be detrimental to business and the consumer, and must be reformed. This has brought a growing number of broad-gauged proposals in Congress to accomplish what is now called "regulatory reform."

While many of the pending bills are designed to make immediate and substantive changes in the regulatory process, others are aimed at studying the problem first and then recommending changes. Among this latter group are S. 2812 (Percy, R-Ill. and Byrd, D-W. Va.) and H.R. 9392 (Heinz, R-Pa.).

The preferable approach is to study the problem first before either recommending or instituting changes in the process and, therefore, we should support legislation, in concept, which will accomplish this end.

BOARD ACTION

The Board action resulted in an interpretation of policy as an adequate basis to approve support, in concept, for legislation which would authorize the systematic study of the regulatory processes, establish a timetable for conducting such studies, and set forth procedures for the consideration of recommendations to improve the management, functioning and oversight of the regulatory agencies.

NATIONAL CHAMBER RECOMMENDATIONS ON FEDERAL REGULATORY REFORM

Government rules and regulations emanate, either directly or indirectly, from authority possessed by the Congress. Therefore, ultimately, Congress must be responsive for the consequences of regulatory activities.

In many cases, the net effect of government regulations is a burden on consumers, taxpayers, and business which is much greater than the benefits.

Government regulatory activities frequently result in much overlapping and duplication of effort, contradictory requirements, and in an increasing drag on productive economic activities.

To deal with the problems of Federal Government regulation, the Chamber of Commerce of the United States supports regulatory reform based on the following principles.

A competitive free market system should be retained and encouraged to provide an incentive for innovation, and to give consumers the maximum range of choices.

Regulation should be only that essential to the protection of health, safety and the general welfare, and should be revised and administered so as to:

1. Provide that degree of regulation essential to the proper functioning of a competitive free market system keeping in mind the need for, and the feasibility of, regulation consistent with the foregoing principle;
2. Eliminate uneven and inequitable enforcement;
3. Eliminate regulatory duplication and conflict;
4. Provide for prompt regulatory decisions consistent with due process;
5. Assure adequate consideration of costs and benefits;
6. Minimize compliance costs;
7. Provide federal preemption only in those instances where federal regulation is essential; and
8. Assure a more orderly development of regulation with the Congress establishing basic policy, agencies regulating in accord with the intent of Congress, and Congress reviewing regulatory actions within its oversight function.

NOTICE OF HEARINGS ON THE OVERSIGHT AND REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (P.L. 93–415)

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Indiana (Mr. Bayh), I announce that the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, will commence a series of hearings on oversight and reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. The first day is scheduled for Thursday, May 20, 1976 at 10:30 a.m. in room 6202, Dirksen Office Building, Washington, D.C. The subcommittee will devote special attention to the problems of the status offenders—juveniles who have been declared in need of supervision by a juvenile court under special statutes which prohibit certain acts, that are illegal only by virtue of the juvenile's minor status; that is, truants, and runaways—and the growing need within the juvenile justice system to effectively respond to violent juvenile offenders.

Unfortunately our current approach often leads to inappropriate action, in that status offenders are jailed and those youths who seriously threaten person and property are not. Thus, because of the system's failure to differentiate between criminal and noncriminal conduct many youngsters are wrongly introduced to our penal colleges of crime, while others remain free to terrorize our communities.

A major thrust of the 1974 Juvenile Justice and Delinquency Prevention Act was to provide incentives to assure that the juvenile system responds in a fair and sound manner so that we will all be more secure in our person and property. The subcommittee will explore these and other relevant issues during this series of hearings.

The subcommittee will hear testimony from public and private parties interested in the legislation.

Anyone interested in these hearings, or desiring to submit a statement for the record should contact John M. Rector, staff director and chief counsel of the subcommittee, U.S. Senate, A504, Washington, D.C. 20510, (202) 224–2951.

NOTICE OF HEARINGS

Mr. METCALF. Mr. President, in accordance with the rules of the Committee on Interior and Insular Affairs, I wish to advise my colleagues and the public that the following hearings and business meetings have been scheduled before the committee for the next 2 weeks:

May 18: Energy Research and Water Resources Subcommittee, 10 a.m., room 3110, hearing S. 3395, to authorize appropriations for the construction of the Uintah Unit of the Central Utah Project.

May 20–21: Full committee, 10 a.m., room 3110, business meeting pending calendar business.

May 20–21: Full committee: 10 a.m., room 3110, hearing S. 158, New River bill.

May 24: Full committee, 10 a.m., room 3110, hearing on FEA energy action No. 2 Small Refinery Exemption, an action pursuant to the Energy Policy and Conservation Act.

May 28: Parks and Recreation Subcommittee, 10 a.m., room 3110, hearing S. 3329, a bill to expand the boundaries of the Indiana Dunes National Lakeshore.

SUBCOMMITTEE ON ENERGY RESEARCH AND WATER RESOURCES—ANNOUNCEMENT OF PUBLIC HEARINGS

Mr. METCALF. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Energy Research and Water Resources Subcommittee.

The hearing is scheduled for Tuesday, May 18, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding this bill. The bill, S. 3395, will authorize appropriations for the construction of the Uintah Unit of the Central Utah project.

For further information regarding the hearing you may wish to contact Mr. Russell Brown of the subcommittee staff on extension 41076. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Energy Research and Water Resources Subcommittee, room 3206, Dirksen Senate Office Building, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

THE DIRE CONSEQUENCES OF ENERGY DIVESTITURE

Mr. FANNIN. Mr. President, these days there seems to be a lot of loose talk and just plain demagoguery concerning the oil industry and our country's energy situation.

In some circles, it seems to be fashionable to rail against "the big oil barons" and decry "excessive" profits made by "oil monopolists." Obviously, it is far simpler to talk about breaking up the oil companies than to seriously consider rational, sensible, and progressive approaches to solving the energy crisis and ending our Nation's costly dependence on foreign oil.

The Committee on the Judiciary is now considering a bill aimed at complete dismemberment of the oil industry. To my way of thinking, this is a simplistic, dangerous proposal which would badly cripple positive efforts toward energy independence.

Divestiture would seriously jeopardize America's chances of ever achieving adequate energy supplies. For the Congress to single out one industry with a view toward divestiture seems based on the assumption that vertical and horizontal integration are inherently evil.

In truth, such integration in the oil industry has worked to reduce manufacturing costs for a number of vital petroleum and industrial products. To be in favor of divestiture is to favor an automatic price increase for consumers and business users of such products. Moreover, development of alternative energy sources requires the kind of capital investment, manpower skills, and experience that only this country's integrated oil industry can provide.

In my opinion, proposals to break up the competitive oil industry, or any other industry merely because it is big, are unwise. I cannot agree with those who believe that bigness is necessarily bad in our free market economy.

Mr. President, as divestiture proposals are being considered, I ask my colleagues to give serious consideration to the consequences to the American economy and our energy situation. In this regard, I call the attention of my colleagues to the editorial, "Break Up Big Oil?" published recently in the Arizona Republic and the article, "Oil Company Divestiture: It's Economic Insanity" by Kevin Phillips which also appeared in the Republic. I ask unanimous consent that the complete texts of both articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Break up Big Oil?

Americans have a traditional aversion to bigness—Big Business, Big Labor, Big Government.

It, therefore, was inevitable that, sooner or later, Democratic liberals would seize on Big Oil as a target.

Last October, they came within a hair's breadth of slipping through a proposal in the Senate that would have limited every oil company to just one phase of the business—production, transportation, refining and marketing.

Sen. Philip Hart, D-Mich. says they will make it a top priority this year. Going beyond that, they will attempt to prevent oil companies from owning a non-oil business—chemicals, uranium and coal.

With the exception of George Wallace, all the Democratic candidates for the presidency are in favor of breaking up Big Oil. The staff of the Federal Trade Commission has recommended it, and, according to Forbes magazine, the Ford administration is not firmly against it.

Forbes quotes John Hill, deputy administrator of the Federal Energy Administration, as saying: "Forces have been unleashed . . . that cannot be stopped."

Breaking up the oil companies would be a national disaster.

It would halt the search for new domestic sources of energy for years and years, while oil company executives were engrossed in figuring out how to divest themselves of properties.

It would put the U.S. oil industry at a fatal disadvantage in competing with foreign producers like British Petroleum and Royal Dutch/Shell, which are beyond the reach of Congress.

It would make the United States even more dependent on foreign oil, for all oil investments naturally would go overseas, where there are no restrictions on integration.

Those who argue in favor of breaking up the oil companies say that it would lead to greater competition and lower prices, because the oil companies are a trust.

This is demonstrably false.

There are 50 fully integrated oil companies in the United States, with 20 generally classified as "majors." In addition, there are 130 refiners, 15,000 wholesale oil distributors, 18,000 fuel-oil suppliers, 10,000 crude-oil producers and 200,000 gasoline retailers.

The majors are big, true but even the biggest of them, Exxon, with assets of $25.9 billion, does not account for as much as 10 per cent of U.S. production, refining capacity or gasoline sales.

The four largest account for only 26 per cent.

In contrast, the four largest aluminum manufacturers account for 96 per cent of production, the four largest automobile companies for 91 per cent, the four largest copper companies for 75 per cent.

The profits of the majors are not inordinately high. They have averaged only 10.2 per cent of stock-holders' equity since 1954, slightly below the average of the rest of U.S. industry. Smaller firms engaged only in production had a bigger return.

The attack on Big Oil overlooks a simple fact: The industry demands bigness.

The Alaska pipeline, for example, is going to cost at least $7 billion. Even Exxon couldn't build it alone. Seven companies had to join to scrape up the required capital.

If the integrated companies were forced to break up. could it ever be possible for the U.S. oil industry to undertake a project like the pipeline again? Obviously not.

The American way back to bigness goes all the way back to Thomas Jefferson, but in the case of the oil industry, bigness is absolutely essential. And the record shows that it has not led to less competition, higher prices and bigger profits but to exactly the reverse.

Oil Company Divestiture: It's Economic Insanity

(By Kevin Phillips)

It's time for a little angry analysis of this nonsense about forcing U.S. oil companies to split themselves into separate corporate units for production, refining, transportation and marketing. A proposal along these lines barely lost in the U.S. Senate last October (by a 55–45 vote) and the scheme now shows new life.

The Senator who offered October's amendment is James Abourezk of South Dakota. A few years ago, Lebanese-American Abourezk received many thousands of dollars for speeches to Arab groups and was attacked as a pro-Arab. Hopefully, that's a coincidence.

Whatever its motivation, the dismemberment scheme is economic insanity. No such proposal could be receiving serious congressional consideration except for an extraordinary overlap of events and psychologies.

First, the oil companies' sleazy new bribery and slush fund image.

Second, the American public's vastly inflated idea of corporate profit levels in general and oil company profit levels in particular (these actually declined 30 per cent in the first nine months of 1975).

Third, the incredibly small attention given to the staggering impact that oil company dismemberment would have on economic recovery, consumer prices, fuel conservation efforts, foreign policy and national security.

The case for dismemberment does have the virtues of simplicity. Break up the oil companies, create four little companies where just one big one exists today. Then there would be more competition: More competition equals lower prices.

Unfortunately, this case also has the faults of simplicity—a fatal failure to grapple with deeper issues and considerations.

The essential arguments against dismemberment all rest on the merits of large-scale organization in the oil industry.

For example, exploration and drilling require huge capital outlays (up to $350 million for a single offshore platform), and only big companies can generate that kind of money.

Second, UCLA Prof. J. Fred Weston, author of "The Impact of Large Firms on the U.S. Economy," calculates that large-size firms yield American consumers tens of billions of dollars a year in lower prices made possible by economies of scale and managerial efficiency.

And, with specific reference to oil, even the Ford Foundation's Study "A Time to Choose" admitted:

"So far as prices are concerned, the energy industries have in one sense a very good record. Over the last 20 years, prices of all kinds of energy have either fallen, or risen less rapidly than the general price level."

On top of this price efficiency, the major oil companies are also better able to manage conservation.

Even New Left economists Gar Alperovitz and Jeff Faux, submitting their "Economic Program for the Coming Decade" to November's National Democratic Issues Convention, admitted that "the waste and duplication of creating more oil corporations would make a national conservation policy even less attainable." Underline those words: "waste and duplication." So why is divestiture being considered? Reduced oil industry investment capacity, conservation ability and price efficiency would injure U.S. consumers and workers.

Besides which, "increased reliance on foreign oil could affect the nation's leverage in foreign policy," warned a recent Library of Congress report.

"Energy may well become the 'Achilles Heel' of U.S. foreign policy the same way agricultural shortages are for the Soviet Union."

Even American ownership could be threatened if the Arabs begin to buy (or otherwise gain control of) smaller, split-up U.S. oil companies.

The whole divestiture proposal just doesn't make sense. Appearing before the Senate Antitrust and Monopoly Subcommittee Jan. 21, Mobil Oil Corp. President William P. Tavoulareas said:

"In preparing to testify before you today, I reviewed some of the testimony which this committee has received, and was struck by the fact that proponents of this legislation have not attempted to lay down a blueprint of the consequences of this action."

Exactly, and it's a distressing comment on the shallow thought processes of U.S. Senate "policymakers."

WHO OPPOSES B–1 BOMBER

Mr. PROXMIRE. Mr. President, I notice that this morning 19 former Defense and high level governmental officials have announced their opposition to the B–1 bomber program. This list includes a former Secretary of Defense, two Deputy Secretaries of Defense, a President's National Security Adviser, a Presidential Science Adviser and a Director of Defense and Engineering, an Under Secretary of the Air Force, a three-star admiral, a Special Counsel to the President, various chairmen of high level science committees, and others.

Mr. President, I ask unanimous consent that a press release from the Federation of American Scientists listing these names be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Independent Observers in the Defense Community Oppose the B–1 Bomber

The Federation of American Scientists released today a statement of opposition to the B–1 bomber endorsed by a broad and distinguished selection of formerly high-ranking officials from the American defense community. They included such former officials as: a Secretary of Defense and two Deputy Secretaries of Defense; a President's National Security Adviser and a Deputy National Security Adviser; a Presidential Science Adviser and the Chairmen of two relevant panels of the President's Science Advisory Committee; a Director of Defense Research and Engineering in the Defense Department and an Assistant Secretary for International Security Affairs; an Undersecretary of the Air Force and a Three Star Admiral; a former Special Counsel to the President and other long time observers of the military scene.

The statement these officials endorsed simply observed that the B–1 bomber was not worth the cost, viz.:

"The tens of billions of dollars required to build and operate the B–1 bomber are not warranted by any contribution to our security which it might make." (List of signatories is at the bottom of press release).

The Federation of American Scientists has itself long opposed the B–1 bomber and has called it the "least cost-effective" of all the multibillion dollar expenditures of the entire Cold War. Suspecting that the bomber had unprecedentedly little support in the defense community more broadly, the Federation wrote to senior members of the community in both parties. The response confirmed the suspicion that the bomber had a very broad base of opposition and few adherents. Indeed, no FAS position in recent years has drawn such wide support throughout the defense community. Significantly, some who declined to endorse the FAS statement admitted that they did not support the bomber. We doubt that B–1 supporters can amass an equally impressive list of senior members of the defense community not now under military-industrial complex discipline.

FAS charged that B-1 bomber adherents were trying to commit the government to the B-1 bomber before a possible change of Administrations could stop the program. In this connection, it observed that the leading Democratic Candidate, Governor James Earl Carter, had spoken critically of the bomber and talked of cutting the defense budget.

FAS officials questioned whether the B-1 bomber could ever survive a national referendum. Its costs were likely to be $100 for every man, woman and child in the nation, and a further $400 per person for operation and maintenance. No defense official had, or could, assert that the bomber was critical to our security. In such a case, would the public vote such large out-of-pocket expenditures for a bomber in a missile age—especially in light of the fact that the United States continues to have an entirely adequate bomber force of B-52's?

Inasmuch as the Democratic candidate for President seems likely to be among B-1 opponents and both possible Republican candidates are B-1 supporters, the election will be, in part, a referendum on the B-1. This was considered by FAS to highlight the desirability of not approving procurement funds for the B-1 at least until after the election.

In releasing this statement, FAS thanked and commended the signatories below for expressing their opposition view on a project so firmly supported by the Defense Department. It urged all members of the defense community, for or against the B-1, to be no less candid. And it expressed the hope that this extraordinarily expensive project would become an issue not only in the defense community but in the public at large in the course of the impending election.

LIST OF NAMES OF SIGNATORIES

Names and some former positions held by the signatories follow; in a few cases they added short comments to the one sentence statement quoted earlier which they endorsed*:

Clark Clifford—Secretary of Defense and former Special Counsel to the President.

McGeorge Bundy—Special Assistant to the President for National Security Affairs.

Roswell Gilpatric—Deputy Secretary of Defense; Undersecretary of the Air Force.

William C. Foster—Deputy Secretary of Defense; Director, Arms Control and Disarmament Agency.

George B. Kistiakowsky—Special Assistant to the President for Science and Technology. Dr. Kistiakowsky adds: "In my judgment, the B-1's contribution to our security will be virtually nil in the realistically foreseeable future."

Herbert F. York—Director, Defense Research and Engineering, DoD; Chief Scientist, Advanced Projects Research Agency (ARPA); Director, Lawrence Radiation Laboratory.

Paul C. Warnke—Assistant Secretary for International Security Affairs, DoD; General Counsel, Department of Defense.

Adrian Fisher—Deputy Director, Arms Control and Disarmament Agency; General Counsel, Atomic Energy Commission; Legal Adviser, Department of State.

Herbert Scoville, Jr.—Deputy Director for Science and Technology, Central Intelligence Agency; Assistant Director for Science and Technology, Arms Control and Disarmament Agency.

Carl Kaysen—Deputy Special Assistant for National Security Affairs.

Townsend Hoopes—Undersecretary of the Air Force; Principal Deputy Assistant Secretary of Defense for National Security Affairs. Mr. Hoopes adds: "This is manifestly the wrong plane at the wrong time; moreover, there is no need to face a decision on a new strategic bomber for at least ten years. Congress must not allow itself to be stampeded into a $91 billion boondoggle."

Vice-Admiral John M. Lee—Commander of the Eastern Sea Frontier; Vice-Director International military staff, NATO Military Committee.

Marvin L. Goldberger—Chairman, Strategic Weapons Panel, President's Science Advisory Committee.

Richard Garwin—Chairman, Panel on Military Aircraft, President's Science Advisory Committee. Dr. Garwin adds: "Defense Department and Administration emphasis on such unnecessary programs distorts the decision-making process. It makes it impossible fairly to assess our real defense needs and to evaluate current dangers and opportunities."

George W. Rathjens—Director, Weapons Systems Evaluation Division, Institute for Defense Analyses; Deputy Assistant Director for Science and Technology (and Special Assistant to the Director) Arms Control and Disarmament Agency; Deputy Director, Advanced Research Projects Agency, DoD.

Adam Yarmolinsky—The Special Assistant to the Secretary of Defense.

Harry C. McPherson—Special Counsel to the President; Deputy Undersecretary International Affairs, Department of the Army.

Franklin A. Long—Assistant Director for Science and Technology, Arms Control and Disarmament Agency.

Harvey Brooks—Member, President's Science Advisory Committee, Dean, Harvard School of Engineering and Applied Physics.

ANOTHER OIL EMBARGO?

Mr. McCLURE. Mr. President, the New York Daily News recently criticized Federal Energy Administrator Frank Zarb for raising "the hideous prospect of a new Arab oil boycott." The editorial, printed on April 23, 1976, was entitled "Scare Tactics."

I want to set the record straight about "scare tactics." The United States, a major exporter of crude oil and petroleum products, has become unacceptably dependent on imports to meet its growing energy needs. That lesson was driven home when the Arab members of the Organization of Petroleum Exporting Countries—OPEC—imposed an oil embargo to further their foreign and domestic policy objectives during the course of the war in the Middle East in the fall of 1973. At that time, the embargo effectively reduced the ability of the United States to import oil by about 1.5 million barrels per day.

The United States is currently importing more than 2 million barrels of oil each day from the Arab OPEC countries. While we are committed to avoiding another conflict in the Middle East that might precipitate another embargo, we cannot guarantee it will not occur. Furthermore, the world is troubled in many other areas, and imported oil arrives in the United States by tanker. The security of this delivery system is dependent, of course, upon open sea lanes, a factor that reasonable men take into consideration in assessing national policy.

Obviously, an embargo remains a distinct possibility, and must be reckoned with in developing national policy. Far from being "idle doomsday talk" or "scare tactics," frank and forthright recognition and discussion of the possibility of another embargo is essential to any level-headed discussion of the energy situation now confronting the United States. To refuse to recognize such a possibility would do the United States no more good than the tactic of an ostrich, when confronted with peril, of sticking its head in the sand.

Recognizing that oil import interruptions could occur does not amount to a prediction that they will, any more than buying fire insurance reflects a judgment that one's house is about to burn to the ground; but it does require prompt and effective action. Unfortunately, an oil storage program is not enough and unless this country enacts much more effective energy legislation, our vulnerability will continue to grow. Those who would say there is no peril and that tough new actions are not desperately needed will ultimately do this Nation more harm than those who warn of dire consequences even if the probability is unknown.

AN ACCOLADE TO THE FRENCH AND BRITISH

Mr. PERCY. Mr. President, in tonight's late edition of the Washington Star in a front page article entitled "Less Noise Than Ford's Jet," the authors Lance Gay and Thomas Love report that—

> The Concorde came to Washington today on cat's feet, whispering through the morning cloudbanks that hung over Andrews Air Force Base.

I would like very much to insert the full text of the article for those who fought so vigorously against the Concorde on the grounds that it caused severe noise pollution.

I think the lesson to be learned from today's arrival of the "whispering jet" is that it is extremely important to give various projects a chance before condemning them outright.

Mr. President, I ask unanimous consent that the article, "Less Noise Than Ford's Jet" be printed in the RECORD.

There being no objections, the article was ordered to be printed in the RECORD, as follows:

LESS NOISE THAN FORD'S JET

(By Lance Gay and Thomas Love)

The Concorde came to Washington today on cat's feet, whispering through the morning cloudbanks that hung over Andrews Air Force Base, and disappointing many sightseers who came—some equipped with ear plugs—expecting to hear an ear-shattering noise.

"Jesus, and they're objecting to that noise," said Frank Dealing, as the sleek broken-nose supersonic jet transport swished overhead at 9:55 a.m., passing the Forestville Volunteer Fire Department and landing on the north runway at Andrews.

"You ought to hang around here and listen to the noise some of those other jets make," said Dealing, as Air Force One—the president's subsonic 707 jet—flew screaming overhead, making more noise than the Concorde.

"She was awfully pretty, like an eagle coming in," said Mrs. Jessica Davenport of Bowie, who brought her parents, Mr. and Mrs. Luther Vann of Murfreesboro, N.C., to watch the jet land.

"It didn't sound like it was making much noise," she said.

Some onlookers, however, were not assuaged.

"I wouldn't want to live around there with that noise coming in," said John Koontz, environmental officer with the Prince Georges County Health Department, who took a noise meter to the airport landing strip to measure the arrival.

Koontz said his noise meter registered 102 decibels from the Concorde. He said a 747 jet makes 90 to 95 decibels and 140 decibels is enough to break eardrums. Koontz said he expects the jet to make more noise when it takes off from Andrews. Sensitive noise meters often record higher readings than are apparent to the human ear.

But as far as the apparent noise of the jet is concerned, dozens of people gathered to watch the landing were unanimous in saying they didn't mind the jet.

"It's not as noisy as that 747 or the C-5As that use Andrews," said Carlis Roberson, who lives near Forestville Plaza. "I live in the flight pattern and our jets are a lot worse.

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*Some, but by no means all, of the officials listed are members of the Federation of American Scientists.

"I didn't think it was much louder than the ones that came in prior to that," said a salesman from Annandale, who stopped on Forestville Road to watch the non-event.

"I personally feel people are making much ado about nothing about this," he said, referring to objections made by some environmentalists and citizens to the noise of the British-French commercial jet. Opponents charge the noise from the SST is far louder than any other planes flying.

The first commercial Concorde flights will come into Dulles airport next Monday, after planned inaugural flights into John F. Kennedy in New York were blocked by the airport's operators—largely on account of noise.

Both the Forestville Volunteer Fire Department and Forestville Plaza lie directly beneath the Andrews' landing path, and hundreds of sightseers parked nearby and up the road to the north gate of Andrews this morning to watch the arrival.

About five minutes ahead of schedule, the sleek jet pierced the cloud cover to the north of the field, whistling down the landing path to the airport and dropping its nose as it prepared to land.

"That is a pretty thing," said Dealing.

Susan Lovett, assistant manager of a Dart drug store, said "We thought it was beautiful as it landed. It didn't make nearly as much noise as I thought it would. I see no reason at all to ban it from this country."

Joanne Dickinson, a Prince Georges school bus driver, who was driving her bus into the shopping center when the Concorde passed overhead, said she didn't hear a thing out of the ordinary. And Mrs. Doris Chestnut said she didn't even notice the arrival. "I was wide awake, too. It makes me mad, I wanted to see it," she said.

"There was no noise at all, hardly," said Louis W. Litz, who lives with the jets taking off and landing at the military base.

"They shake the house all the time, the fighter jets whistle and make far much more noise," he said. "I think the people opposed to this have a lot of mouth."

The arrival of President Valery Giscard d'Estaing in a Concorde had raised a great deal of opposition from environmentalists who have demanded that the plane be barred from this country.

The loudest noise from the Concorde comes during takeoff, and W. Casey of the Prince Georges fire service, voiced the one bit of skepticism at the plaza this morning when he said, "It's not so bad, but we'll wait until its takeoff to know for sure."

CHARLES L. BATES, UTAH'S SMALL BUSINESS PERSON OF THE YEAR

Mr. MOSS. Mr. President, the Senate honored the Small Business Person of the Year from each of the 50 States, the District of Columbia, and Puerto Rico, during National Small Business Week.

Utah's winner is Charles L. Bates from Provo, Utah. Mr. Bates is president and director of Valtek, Inc., located in Provo. He is the second winner to come from the Provo-Orem area.

Mr. Bates was born in Brockton, Mass., and received his B.S. degree with honors in mechanical engineering from Northeastern University. He interrupted his education during World War II to serve in the Air Force and flew 60 combat missions in Europe. After graduation from college he joined Masoneilan, a major valve manufacturing firm. He spent 20 years with Masoneilan specializing in engineering and marketing. He left that firm in 1966 and moved to Provo where he helped to organize Valtek, originally in Orem and later moved the company to Provo.

Valtek designs and manufactures automatic control valves, used in industry of all types including energy development, chemical manufacturing, and so forth. In less than 5 years, Valtek has more than quadrupled sales and has multiplied net earnings more than nine times. In the last 9 months, Valtek did $4.6 million in sales which is a 50-percent increase over the same period last year. Valtek now has 150 employees.

This is a heartening recitation of the building of a valuable small business enterprise in my State, and Valtek has other plants in Canada and elsewhere. It was my pleasure to greet Mr. and Mrs. Bates in Washington and to congratulate them on their fine contribution to Utah and to the Nation.

FCC CHAIRMAN HITS OUT AT ANTI-COMPETITIVE INDUSTRY STANCE

Mr. PERCY. Mr. President, the Federal Communications Commission has been under attack lately for certain regulations it has issued in an effort to inject a greater degree of competition into the telecommunications industry.

Recently FCC Chairman Richard Wiley responded to this attack in a speech he gave before the International Communications Association Conference. Mr. Wiley defended the FCC's regulations, and challenged the prophecies of doom being used by the phone companies in their effort to prevent competition.

Mr. President, this is the kind of bold and aggressive leadership which we so desperately need at the helm of our independent regulatory agencies. Far from being captured by the industry, Richard Wiley is tackling it head on where it counts—by trying to increase competition and benefit American consumers. I want him to know that this kind of forthright leadership is appreciated in the Congress. Perhaps if regulators more commonly demonstrated the kind of courage and integrity Mr. Wiley has shown—and John Robson and Rod Hills have shown at the CAB and SEC, respectively—we would not be in the regulatory mess we now are in.

Mr. President, I ask unanimous consent that Commissioner Wiley's address before the International Communications Association Conference, and a May 9, 1976, Washington Post article on Mr. Wiley's position be printed in the Record.

There being no objection, the articles mentioned were ordered to be printed in the Record, as follows:

Address by Richard E. Wiley, Chairman, Federal Communications Commission

Thank you for inviting me to be the Keynote Speaker at this 29th Annual ICA Conference. It is an honor to participate in this distinguished and world-wide gathering of telecommunications experts from industry, commerce, education and government.

Although this is, indeed, an international association, I would like to begin by addressing certain controversies which have arisen over the domestic communications policies of the Federal Communications Commission. The era of the 1970's in the common carrier field has been one marked by rapid technological change, new and innovative services, diverse and ever-expanding consumer demands and, finally, governmental action which has attempted to respond to these dynamic factors.

Now, here in 1976, one aspect of the government's response—a return to marketplace principles and opportunities in limited sectors of the communications field—is under an intensive and wide-ranging attack, an attack being directed by the world's largest corporation in conjunction with other members of the telephone industry and one which has moved well beyond the Commission and the courts to the halls of Congress itself. The intended objective of this assault—and I say this factually and without rancor—is to sweep away every last vestige of this Commission-made and, to date, court-upheld policy.

Perhaps, then, the time is ripe to take a close look at the FCC's efforts in this area: what have we decided, why have we so acted and, most pertinently, what are and will be the probable results of these determinations. Let me try to summarize it for you in what, obviously, can be only a brief recitation.

Distilled to its essential ingredients, the fundamental issue which faced our agency in the late 1960's was whether the telephone company had to be the sole provider of the nation's telecommunications services or whether, instead, the public interest might be better served by eliminating regulatory barriers to the development of alternative sources and alternative suppliers. Both then and today, there was no question concerning the logic or efficiency of a single integrated network to provide the basic facilities for public telephone service. Rather, the issue was whether the American consumer should be afforded an opportunity to secure equipment—from any source—which would adapt those facilities to meet his own individualized communications needs. With respect to telephone company activities outside of the public telephone field, a related question was whether similar opportunities should be permitted for specialized facilities to meet specialized non-public communications needs. The FCC answered these questions by concluding that the communications market is so vast, so vigorous and so vital that opportunities for new ideas and new sources of services could be publicly beneficial without necessarily injuring an existing monopoly supplier or its residential telephone customers.

Our policy—basically, to provide the American consumer with telecommunications options and alternatives—was restricted to two discrete areas of the market: customer-supplied terminal equipment and private line services. Just how narrow and limited these opportunities have been is best illustrated, perhaps, by the market shares which competitors have been able to obtain in economic rivalry with the telephone industry. Today, specialized common carriers account for only 1/10th of 1% of the telecommunications market while companies offering terminal equipment in competition with "telcos" have captured but 4/10ths of 1% of that market. Their combined revenues do not exceed $170 million. By way of contrast, the revenues of the telephone industry—which exceed $35 billion for all services—are over $4 billion in the competitive market sectors alone.

The current dimension of the competition is perhaps best dramaticized by the simple fact that AT&T's increase in revenue for private line and terminal equipment services in 1975, over 1974 figures, was more than double the total revenues of all competing suppliers of these services.

Now why has the Commission permitted competition in these discrete markets in place of a regulated monopoly? As to terminal equipment, the answer is our conviction that our citizens should have the right to use their telephone system in a manner "privately beneficial, but not publicly detrimental." Similarly, with respect to private line services, we believe that consumers should be permitted to enjoy the communications options available from alternative sources. This principle of protecting the American consumer's right to decide how his communications needs will best be met, and who can best meet them, undergirds the FCC's decisions permitting competition in these two well defined markets.

Implementation of such precepts has borne fruit for the public in substantial forms. For one thing, there always will be some communications needs which a monopolist either does not find profitable to meet or which it simply lacks the incentive to introduce. The businessmen in this audience know this far better than I do—and you can fill in our own diverse examples. I will provide only one, rather interesting example of this reality: namely, the development of communications terminals for the deaf. As students of telephone may recall. Alexander Graham Bell first became interested in communications as a teacher of the deaf. Some 100 years later, however, telephone companies still have not produced special communications services which would enable over one and a half million deaf Americans to utilize the voice telephone network. Meanwhile in the 1960's, a deaf engineer developed a terminal which—if widely marketed—would afford a convenient system for the deaf to communicate by telephone. His initial efforts were unsuccessful because the telephone operating companies concluded that this communications market was too small to be attractive. Undaunted, the entrepreneur began selling his terminal directly to the deaf users and, today, over 20,000 of those terminals are now in use.

In the area of private line offerings, it was a specialized common carrier—not a telephone company—that was the first to provide a switched digital data system so important for efficient data communications. Moreover, the first two domestic satellite systems were not launched by a telephone company but by competing private line carriers. The carriers who have pioneered this new satellite technology provide such new and novel services as: a distribution system for the Wall Street Journal; a delivery system for cable television movie services; long haul, high speed data offerings; and vital communications services to remote villages in Alaska.

I say all of this not to denigrate the telephone industry for which I have profound respect and admiration. We do have the finest telephone system in the world, thanks primarily to the expert and dedicated services of the men and women of the Bell System and of thousands of independent companies located throughout the nation. The question, however, remains: is it only the telephone industry which can provide telecommunications service for our citizens or can others, in selected areas, also compete to better serve the public in a number of very tangible ways?

Moreover, the greatest benefit to the American consumers from increased competition may be an intangible one. The old monopolist philosophy that "you can have it if we choose to offer it" has given way to a new receptivity and responsiveness to the public which best can be summed up by AT&T's recent and highly publicized motto: "We hear you."

Consumer wants and the needs of small businessmen, both of which previously might have been overlooked, now are pursued energetically by the telephone industry. Competition, in my opinion, has made AT&T and its partners better and more vigorous business entities and better and more vigorous public servants.

Critics of the Commission's pro-competitive policy originally argued that the "one carrier—one system" concept was necessary to preserve the technical integrity of the telephone network. After nearly a decade of experience with the interconnection of customer-supplied equipment and specialized common carriers, the telephone industry has yet to document any deterioration of the nationwide switched network. Thus, it is not surprising that the technical integrity arguments have now been superseded by the theme of adverse economic impact.

In point of fact, however, Bell and the independents also have yet to prove any case of harm here either—that is, any present adverse economic impact. Indeed, USITA's own study bears clear witness to this fact. This does not mean, of course, that some companies or some users could not experience economic effects in the future. But the first task in assessing such potentialities, I would suggest, is to ascertain where subsidies may exist between various classes of users served by the telephone company. Since telco services traditionally have been dealt with in the aggregate for ratemaking purposes, the FCC, and perhaps the industry itself, has paid little attention to the very fundamental social and political question of whether some classes of users do or should subsidize other classes of users.

Stated another way, rate averaging has not been conducive to record-keeping which reflects whether individual services are priced above, or below, cost. Not surprisingly then, the evidence submitted in the Commission's Docket 20003 Economic Inquiry has been conflicting. The telephone companies maintain that terminal and private line services subsidize local exchange rates. Others, most notably the New York Public Service Commission, argue that those services are priced below costs and that residential users may be subsidizing business users. For example, some suggest that residential users may well be subsidizing low private line television transmission rates for the broadcast networks and news wire services. The Commission is presently analyzing these conflicting contentions and will be issuing an initial report late this summer. Until the nature and extent of existing subsidizies between classes of users are identified, however, there is no basis for any intelligent conclusions as to potential economic harm to some portion of the telephone industry or its subscribing public.

Let us assume, arguendo, that some economic impact might eventuate. What possible remedies might be available? The telephone industry seems to suggest that the only solution is to submerge or destroy their competitors—a notion vaguely akin to contending that amputation is the only cure for an incipient hangnail. There are, however, numerous other alternatives which should be considered. First and foremost is the repricing and unbundling of telephone service rates to make them more competitive with independent suppliers. Second, telcos might be authorized to impose access charges for terminals interconnected with the network. Third, specialized common carriers could be brought into the separations arrangements. Fourth, usage sensitive pricing could be adopted by state jurisdictions to allow users to pay only for the services they use and in relation to the costs they cause. And fifth, state jurisdictions could adopt a "lifeline service" offering—such as that authorized by the New York Public Service Commission—which guarantees each citizen the availability of an inexpensive phone. These are but a few of the options which might be available in the event that any real economic impact on telephone company or subscriber should occur.

The public interest equation must take into consideration the ability of the telephone industry to provide the public with quality service at reasonable rates. Obviously, not all telephone companies throughout the United States stand on the same economic footing in terms of their profitability and their resulting ability to absorb any new costs or burdens imposed by regulatory policies. Regulatory actions that have diminutive impact on large or profitable licensees may be unbearable for their smaller or less profitable brethren. The FCC has given recognition to this reality in the Broadcast and Cable Television fields by according special or different treatment for small or marginal licensees.

Once the Commission has finalized its interim report in Docket 20003, we should have—as indicated—a better idea as to how the subsidies run for telephone company services. At that juncture, the Commission will be in a position to assess whether its terminal interconnection and private line decisions pose special burdens on marginally profitable telephone companies. If so, if—for example—some cooperatives or independent telephone carriers are found unable to provide quality public service at reasonable rates with a reasonable return on their investment, I believe that the Commission will take prompt remedial action. Accordingly, the attempt by certain large companies to oppose our policy by wrapping themselves in the banner of small, rural entities is simply not very compelling.

One final word about our decisions in this area, both past and future: they should permit true competition and not market allocation. In the private line field, for example, the Commission must walk a careful tightrope between ratemaking principles which fail to adequately protect new entrants against monopoly services being utilized to subsidize competitive services, and the equally dangerous evil of erecting a protective umbrella over new entrants. If the public is to receive the benefits of innovation, efficiency and productivity stimulated by competition, telephone companies must be free to realize any efficiencies or economies of scale inherent in their operations. Furthermore, new entrants should not expect regulatory intervention to protect them from what are natural marketplace forces as opposed to anticompetitive cross-subsidies. For this reason, I expect to spend most of the next several months personally reviewing the contents of Docket 18128 dealing with ratemaking principles. This proceeding poses a tremendous challenge to the agency in assuring that the cardinal principle of full and fair competition is attained.

Having belabored domestic common carrier matters at length, let me turn very briefly to the international field. Last June, I publicly expressed my conviction that the time was long overdue for careful Commission analysis of international common carrier policies and practices. In fact, no comprehensive assessment of international common carrier issues has been undertaken by the FCC since 1943. Since last June, the Commission has been engaged in a systematic review of long pending proceedings or outdated policies. As a result, a number of major decisions have been issued—including those relating to "gateway" cities, formulas for distributing unrouted overseas telegraph messages, international dataphone and the lengthy Comsat rate case.

The Commission will continue to devote considerable time and resources to the international field during the next year. Just last week, for example, we ordered an audit of all international carriers. This will be the initial step in the first FCC review of international rates since 1958. Indeed, for some 18 years, the Commission has neither ascertained what the international carriers' costs and earnings have been nor determined what should be the allowable rate of return for their services to various points throughout the world.

While this initial audit is being conducted—with an intended conclusion date of December 1, 1976—I would hope that our agency, interested parties and members of the academic community would devote attention to possible alternatives to rate of return regulation for international and, indeed, domestic carriers. Criticisms of this form of regulation have been frequently catalogued, but practical and feasible alternatives have yet to emerge. In this connection, the Commission announced last week also that—in July—we will hold a Future Planning Conference on alternatives and possible improvements to rate base regulation.

Ladies and gentlemen, my time is up. In closing, let me simply say that the FCC today is committed to a course of addressing and resolving all of the major policy issues vital to the well-being of the nation's telecommunications capabilities—and doing so in a timely and responsible manner. We welcome your participation and the benefit of your expertise in these efforts to the end of providing our citizens with the very best communications services available and at the lowest possible cost.

[From the Washington Post, May 9, 1976]

Wiley Defends FCC's Stance—Hits AT&T's Attempted End Run on Competition

(By Carole Shifrin)

American Telephone & Telegraph Co.'s attempts to head off competition by seeking legislation to reverse Federal Communications Commission policies has finally raised the pique of the agency's chairman, Richard E. Wiley.

In his first public response to the Bell-sponsored legislative campaign, Wiley gave a spirited defense of the agency's efforts to spur competition in parts of the telecommunications industry in a speech to the International Communications Association conference here.

Officials of AT&T and other telephone companies have been preaching that the FCC decisions would "compromise the integrity of the nationwide telephone network," jeopardizing its technical quality, and resulting in higher prices to the consumer—by as much as 75 per cent.

There has never been any question about the "logic or efficiency" of a single integrated telephone network, Wiley shot back last week.

"The fundamental issue which faced our agency . . . was whether the telephone company had to be the sole provider of the nation's telecommunications services or whether, instead, the public interest might be better served by eliminating regulatory barriers to the development of alternative suppliers.

"The FCC . . . concluded that the communications market is so vast, so vigorous and so vital that opportunities for new ideas and new sources of services could be publicly beneficial without necessarily injuring an existing monopoly supplier or its residential telephone customers," Wiley said.

He noted that the FCC's decisions involved just two areas of the market—customer-supplied terminal equipment such as phones and switchboards, and private-line services, the leasing of telecommunications circuits for the exclusive use of businesses and government and designed to satisfy their own internal requirements.

To ilustrate "just how narrow and limited" are the opportunities for competition sanctioned by the FCC, Wiley noted that the specialized common carriers offering private-line services account for only one-tenth of 1 per cent of the telecommunications market, while firms offering terminal equipment in competition with the telephone companies have "captured" four-tenths of 1 per cent of that market. Their combined revenues do not exceed $170 million.

The increase in AT&T's revenue for both services in 1975 over 1974 figures was more than double the total revenues of all competing suppliers of these services, Wiley added.

Calling into question AT&T's contention that the technical integrity of the telephone network would be harmed if the FCC allowed non-Bell equipment to be hooked up to the Bell system network, Wiley noted. "After nearly a decade of experience with the interconnection of customer-supplied equipment end specialized common carriers, the telephone industry has yet to document anydeterioration of the nationwide switched network."

Now, the technical integrity arguments seem to have been superceded by the theme of adverse economic impact, Wiley said. "In point of fact, however, Bell and the independents also have yet to prove any case of harm" here either. . . .

"This does not mean, of course, that some companies or some users could not experience economic effects in the future," Wiley said, But the first task in assessing such potentialities is to ascertain where subsidies may exist between various classes of users served by the telephone company.

Because of the long-standing policy to average rates, little attention has been paid to what Wiley called the "very fundamental social and political question" of whether some classes of users do or should subsidize other classes of users.

The telephone companies have maintained that terminal and private-line services subsidize the local exchange rates—so that the FCC's decision, which they say allows the non-phone companies to "skim the cream off" this profitable portion of the market means that basic home telephone services must necessarily rise.

However, there are others. Wiley noted, like the New York Public Service Commission, who argue that the reverse is true—that residential users may well be subsidizing the terminal and private-line services.

The commission is analyzing these conflicting contentions and will be issuing an initial report late this summer, he said.

"Until the nature and extent of existing subsidies between classes of users are identified, however, there is no basis for any intelligent conclusions as to potential economic harm to some portion of the telephone industry or its subscribing public," Wiley contended.

Even if some economic impact might eventuate, Wiley suggested, numerous alternatives could be considered to the "only solution" suggested by the telephone companies—which is to "destroy their competitors." Among the options, he listed repricing and unbundling of telephone service rates to make them more competitive with independent suppliers and authorizing telephone companies to impose excess charges for terminals connected with the network.

If the commission finds that some marginally profitable telephone companies could be adversely impacted, the commission could take prompt remedial action. "Accordingly, the attempt by certain large companies to oppose our policy by wrapping themselves in the banner of small, rural entities is simply not very compelling," Wiley said.

Implementation of the FCC's pro-competition policies has already borne fruit for the public, Wiley said, citing the availability of a terminal for deaf users developed by a non-Bell deaf engineer utilizing the free market, the launching of the first two domestic satellite systems by private carriers, who also provided the first switched digital data systems. And competition has made AT&T more vigorous, he said.

"We do have the finest telephone system in the world," Wiley agreed with the oft-quoted telephone company refrain. "The question, however, remains: Is it only the telephone industry which can provide telecommunications for our citizens or can others, in selected areas, also compete?"

SENATE RESPONSIBILITY ON GENOCIDE

Mr. PROXMIRE. Mr. President, many persons have misunderstood the nature of genocide and its uniquely international character. They have failed to realize that genocide transcends both State and national boundaries. This misunderstanding has been the basis of the argument that the Genocide Convention would authorize an unconstitutional and unnecessary Federal encroachment upon State criminal jurisdiction.

Mr. President, I wish to dispel this confusion. Genocide is indeed a crime against international law. The most vivid and frighteningly recent example of this heinous crime was the slaughter and torture of millions of Jews during World War II. The repercussions of these actions were felt around the world. In the United States, for example, in addition to the tremendous war effort, millions of dollars were spent on refugees, many of whom were genocide victims. It was further necessary to inact specific immigration laws to take care of these ravaged persons.

Once we realize the important international implications of genocide, it becomes clear that the Genocide Convention does not create a new Federal power to legislate in the criminal law field. To the contrary, Congress by adopting the implementing legislation would be merely exercising its established power to punish crimes against international law. This power is expressly granted in article I, section 8, clause 10 of the Constitution, which states:

> The Congress shall have the Power * * * to define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations.

The fact that the implementing legislation is based upon a treaty does not alter Congress' competence to enact the legislation in any event.

Twenty-eight years ago the U.S. representative, upon signing the Genocide Convention, hailed the international significance of this act, saying:

> The Government of the United States considers this an event of great importance in the development of international law and of cooperation among states for the purpose of eliminating practices offensive to all civilized mankind.

I urge us to reaffirm our dedication and support of the law of nations.

SECRETARY OF STATE KISSINGER

Mr. PERCY. Mr. President, in this sometimes overheated election season, we hear a great deal of argument, pro and con, about the qualities and performance of the Secretary of State, Henry Kissinger.

I believe it would be worth our while to halt this rumble of rhetoric long enough to consider just one particular quality of Dr. Kissinger. No person in this Government—nor in any other current government in the world that I am aware of—has done more than he to promote the cause of world peace. He has worked tirelessly with leaders of nations from one end of the earth to the other. Although I have not agreed with him on every issue, I believe that his efforts and the policies he has pursued will stand the test of time. There is no doubt in my mind, for example, that his latest trip to southern Africa will contribute both to the best interests of the United States and to the goal of universal peace and better international understanding.

What brings Dr. Kissinger to mind today is his broadcast interview this morning with one of America's most outstanding TV journalists, Barbara Walters, on the NBC Today program. The interview scanned a wide range of topics and gave us a valuable insight into Dr. Kissinger's personal feelings and attitudes.

Mr. President, I ask unanimous consent that the transcript of that interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

INTERVIEW WITH THE HONORABLE HENRY A. KISSINGER, SECRETARY OF STATE, BY BARBARA WALTERS, NBC "TODAY" SHOW

Miss WALTERS. Mr. Secretary, how do you feel knowing that you are the target of criticism for a whole segment of the Republican party? How do you feel knowing that you are considered a liability?

Secretary KISSINGER. Foreign policy is an important aspect of the lives of Americans, and most Secretaries of State have been the subject of attack at one point or another. I do not look at my task as a political one. I have to do the best I can for peace and the economic progress of the United States and I cannot worry about particular political attacks.

Miss WALTERS. Doesn't it ever get to you personally? It has been an awful lot.

Secretary KISSINGER. My father, who collects news clips on me, indicates that he would prefer getting different ones than the ones he has been receiving. I would prefer more unanimity, but I can live with what is going on.

Miss WALTERS. If President Ford is re-elected, would you stay on as Secretary of State?

Secretary KISSINGER. I do not want to tie the conduct of foreign policy to me personally. If a foreign policy is well designed, then it should be able to be carried out by many people.

So, on the whole, I would prefer not to stay.

On the other hand, I do not want to say today, when I do not know the circumstances that exist, the necessities that the President may feel he has, that I won't even listen to him, but on the whole I would prefer to leave.

Miss WALTERS. One of the most controversial matters concerning you has been the report in the Woodward and Bernstein book, The Final Days, that Richard Nixon, in those last days, asked you to get down on your knees and pray with him. Woodward and Bernstein say that this is true, that you told aides of the incident. Is it true or false?

Secretary KISSINGER. I have taken the position that I would not comment on incidents in the Woodward and Bernstein book. The last week of President Nixon's incumbency was a very tragic, personal experience for a man who had gone through a great deal of travail, and with whom I had worked closely.

I do not believe that the authors understood the complexity of human motivations in all the accounts they give of various incidents, but I do not want to go into the details of what was a very difficult and a much more complicated period.

Miss WALTERS. I have to pursue this, Mr. Secretary, because this is such a telling point. As far as the motivations, that is something one can have disagreement about, but as to whether an incident occurred when there are only two people who would know it, one being the President and one being the Secretary of State, and the Secretary of State refuses to say whether it is accurate or not, leaving aside the motivations, I think it is very hard for an audience to understand why.

Secretary KISSINGER. Because I believe that for me—if I start going into one event, I have to go into all events.

Miss WALTERS. Well, that is the major one.

Secretary KISSINGER. If I go into all events, I will then have to write my perception of the history of that period. I simply believe that it is not appropriate for me, for somebody who had such close experience now to go into essentially personal matters on television or anywhere else.

Miss WALTERS. Is the book essentially accurate?

Secretary KISSINGER. I think the rendition of the sequence of events, insofar as I know it, it was essentially accurate. Many other aspects of the book I consider factually inaccurate.

Miss WALTERS. Mr. Secretary, another point of controversy about you stems from the statement allegedly made by you to Admiral Elmo Zumwalt, former Chief of Naval Operations.

In his book he quotes you as saying that in 1970 you said, "The United States has passed its historic high point. It is on a downhill. My job is to negotiate the second-best position for the United States available before the Soviet and the United States both perceive these changes in balance have occurred."

Did you ever say anything like this?

Secretary KISSINGER. I think the statement is totally untrue. Admiral Zumwalt alleges that I made this statement on a train going to an Army-Navy football game. Now, if anybody has even been on a train going to an Army-Navy football game, you cannot imagine that a group of Admirals and advisors to the President sit together and discuss the relationship of Athens to Sparta and whether that is a particularly good audience to which to say the United States has passed its zenith.

Nor when you go to an Army-Navy football game with the Chief of Naval Operations do you expect that he then writes a memorandum of conversation, God knows how many days or weeks later, of his recollection of what may or may not have been said. I did not say it. It is not my view.

Our policy has never been conducted on that assumption. Our policy assumes that the United States can achieve its purposes in this world and can work for peace without giving up its values or interests.

Miss WALTERS. You also supposedly said to Admiral Zumwalt, "The American people lack the will to do the things necessary to achieve strategic parity and to maintain superiority." Is that incorrect?

Secretary KISSINGER. Well, I think Admiral Zumwalt is running for the Senate in Virginia against somebody who is not called Kissinger, but I am not sure he has yet fully understood this. I do not believe that the United States lacks the will to achieve strategic parity. I have supported, since I have come here, every budget recommended by the Defense Department. I believe we have strategic parity. I believe we can maintain it. We have suffered no setback anywhere in the world ever for lack of strength.

Miss WALTERS. There has been much talk about the fact that your trip to Africa might have hurt President Ford's chances in the primaries in several southern states. One member of the Ford Election Committee is quoted in *Newsweek* Magazine as saying, "Sending Kissinger to Africa to be the black man's brother right before three southern primaries was insane." Couldn't you have taken this trip later, after the primaries?

Secretary KISSINGER. I wasn't sent to Africa, first of all, to be anybody's brother. I was sent to Africa to prevent a conflagration in the southern part of Africa and to see whether the Communist influence from the Soviet Union and Cuba could be checked and a hopeful evolution could be started. Now, as for my trip——

Miss WALTERS. Couldn't you have done it after the Texas primary, for example?

Secretary KISSINGER. It is my responsibility as Secretary of State to recommend to the President the best timing. The timing was dictated by these factors: there was a meeting in Nairobi, an international meeting in Nairobi, which I wanted to address on behalf of the President and the Administration, about international developments.

Secondly, several of the key leaders of Africa whom I had to see on this problem were leaving for the month of May on various trips they had already planned. This is why I picked the period.

The President and I went over this in great detail. As in all other things, he personally approved every proposal that I made. I briefed the Cabinet two weeks before I went, in the presence of all of the political experts, and nobody said this was a bad, inopportune time to go. I don't believe it is my obligation as Secretary of State to introduce political considerations into the conduct of foreign policy.

The President decided that this was the right time to go, and I think he deserves a great deal of credit for focusing on the substance of foreign policy and not gearing it to the weekly primaries that are taking place.

Miss WALTERS. How do you feel about the controversy over the Panama Canal?

Secretary KISSINGER. First of all, it has to be understood that these negotiations on the Panama Canal are not something that was invented recently. The negotiations on the Panama Canal have been going on for 12 years. They have been conducted by three different Presidents, and they have been conducted by three different Presidents because each of them came to the conclusion that he had an obligation to see whether it was possible to assure the safe and neutral passage of ships of all nations, including, of course, of the United States, through the Panama Canal without alienating all of Latin America.

Up to this moment, not one line of an agreement has even been put down on paper. After such an agreement exists, which is—I don't know—certainly not imminent—after such an agreement exists, one-third and one members of the Senate can block it. We need a two-thirds vote in the Senate to ratify. Before we conclude it, we will discuss it in full detail with both houses of the Congress.

There is no question of giving up the Panama Canal. The issue is whether our interests in the Panama Canal should be maintained under conditions of constant political tension with the entire Western Hemisphere or whether we can bring about a safer and better arrangement.

If necessary, we will defend the Panama Canal. When we defend the Panama Canal, we want to be able to tell the American people that we've made every effort to achieve a better arrangement. And we cannot agree to the proposition that a President should not even make that exploration, and should not even engage in a negotiation to see what is possible. Which is all that is going on at this moment.

Miss Walters. If there should be a war over the Panama Canal, we would send troops?

Secretary Kissinger. If we have to defend the Panama Canal, we will defend it. And that will depend whether we can get the terms we consider essential for our security.

Miss Walters. Cuba. You warned Cuba against further intervention in Africa.

Secretary Kissinger. Yes.

Miss Walters. Well, suppose Cuba doesn't take your warning. Suppose it sends troops to Rhodesia. What will the United States do?

Secretary Kissinger. Well, our African policy is designed to avert this eventuality.

Miss Walters. But suppose.

Secretary Kissinger. If Cuba—I have said it repeatedly—if Cuba engages in further military adventures, it will raise the gravest question for the United States. I said it before the Senate Foreign Relations Committee only last week. I have said it publicly——

Miss Walters. But what? Troops? Would we send troops? We have given these warnings, and a lot of people say "Fine, Mr. Secretary. You give these warnings, but, you know, what specifically are you talking about?"

Secretary Kissinger. What we would do and where we would do it, I don't think we should discuss now, and I don't believe that the danger is imminent. I believe that we can avert the problem. But if the Cubans engage in military adventures in Africa, it can only be as surrogates of the Soviet Union, and if that happens, we are facing a serious international crisis, which we would then discuss fully with the Congress, explain fully to the American public, but towards which this Administration will certainly not be indifferent.

Miss Walters. Mr. Secretary, earlier in this interview we talked about the vague possibility, but still the possibility, that there might be a war, a battle over Panama. And you said if there were that we would fight, that we would send troops——

Secretary Kissinger. That is correct.

Miss Walters. Now, if you say it about one part of the world, I would think you would be willing to say it about another. If Cuba should intervene and send troops into Rhodesia, would there be the possibility of our sending troops?

Secretary Kissinger. I would think that it is a problem that can be dealt with without sending troops to Africa, but I also believe that it is the primary objective of our foreign policy to prevent this from happening, and I am confident that we can prevent it, or at least I hope very much that we can prevent it from happening.

Miss Walters. The way you answer that question makes me want to ask, are you then talking about taking some direct action in Cuba?

Secretary Kissinger. Barbara, I think it would be extremely unwise for me to say what we will do in circumstances that have not yet arisen, on which we have not made any final decisions, and I must warn, I can only warn, any country, any outside power that thinks of military adventures in Africa that it would not be taken lightly in the United States.

Miss Walters. Realistically, Mr. Secretary, how can we support the black majority while protecting the white minority? If fighting breaks out, the probability is that we would not commit troops. So, what leverage do we have?

Secretary Kissinger. The problem in Africa before my trip was that war in southern Africa had already started, that we had seen in other parts of Africa, that if these operations continued to gain momentum, the danger of Soviet and Cuban intervention would multiply and that therefore we would see more and more external intervention and the radicalization of a continent upon which we depend for 30 to 60 percent of our imports of critical materials, and Europe and Japan from 60 to 90 percent of some of their critical materials like manganese, cobalt and similar items.

The United States is attempting to deflect this into a peaceful path, and to give the nations in the area a moderate alternative, and to give the black and white communities an opportunity to work out their destinies through negotiation with each other.

The leverage we have is—if we can promise them, or if we can indicate progress and hope rather than conflict, that perhaps all of the parties will conclude that negotiation is preferable to bloodshed.

Miss Walters. And we turn our attention to the Middle East. Prime Minister Rabin said this week that he thought that it might be possible to have negotiations with Syria during this year to end the state of war. He said they would need the help of a third nation; that is probably the United States. Now, is that the next step—negotiation with Syria?

Secretary Kissinger. We are prepared to be helpful in whatever forum the parties can agree to. Until recently, Syria has taken the position that it would not negotiate separately, but only together with other Arab countries. When Prime Minister Rabin was here in the United States last February, we agreed on certain procedures that could be followed, and certain proposals that could be made. We began exploring these ideas with various Arab governments when the situation in Lebanon erupted to a point that it absorbed all of the energies of all of the parties and, therefore, the process of exploration has been interrupted since the end of March—not because it has been—because there have been any conclusive answers yet. I believe that as the situation in Lebanon settles down, it will be possible to begin this process of exploration again.

In this, Israel indicated it was prepared to proceed on all fronts simultaneously in return for a certain progress towards ending the state of war. We have, as I said, had no conclusive answers. If that approach does not work, then we will have to talk to the parties again, either about the possibility of separate negotiations, or some other framework for all of the negotiations.

Miss Walters. Well, there seems to be such a stalemate, this past fall. Now, with this possibility of conversation with Syria, it seems that something has happened. Has something? Or is this just wishful thinking?

Secretary Kissinger. In the Middle East things usually oscillate between excessive optimism and excessive pessimism. And they always go through periods of stalemate in which all parties feel each other out, and come to an understanding of the limits of their possibilities. I believe that progress towards peace in the Middle East is possible. I believe that the chief elements for it exist, and that it is only a question of time before the momentum starts again.

Miss Walters. The first time you and I did an interview together—it was eight years ago—and I asked you if you thought the crisis in the Middle East would be over in ten years, and you said, "Yes." That gives us two more years to go.

Secretary Kissinger. Three more years.

Miss Walters. I don't add. That is one of my problems. Three more years to go.

Secretary Kissinger. I think in three more years we can have made very substantial progress towards peace, or achieve peace.

Miss Walters. Do you think we may have peace in three years?

Secretary Kissinger. I think it's possible.

Miss Walters. Mr. Secretary, turning to Viet-Nam. Are you surprised that there was no bloodbath there, as was predicted?

Secretary Kissinger. I am gratified that in Viet-Nam itself there has not been a bloodbath, although in Cambodia there has been horrendous suffering and hundreds of thousands killed and by any definition there has been a terrible bloodbath in Cambodia. We don't know yet what is going to happen in Viet-Nam. It is only a year since Saigon fell and the process of assimilation has only started. But we would be very pleased if the loss of life and suffering in Viet-Nam would have finally stopped.

Miss Walters. When do you think the United States will recognize the Government of Viet-Nam? What would it take for us to do that?

Secretary Kissinger. I think the issue between us and Viet-Nam is the accounting for missing in action and full accounting for the remains of Americans who were shot down over Viet-Nam or otherwise killed in Viet-Nam. This is the absolute precondition without which we cannot consider the normalization of relations. All our talks with the North Vietnamese up to this point have concentrated, I would say, almost exclusively on the subject of the American missing in action, and only as we make progress on that can we begin other diplomatic conversations.

Miss Walters. Are you you making progress?

Secretary Kissinger. So far we have not made any progress, no.

Miss Walters. Why?

Secretary Kissinger. Because the North Vietnamese believe they can blackmail us by using the remains of Americans to extort economic and other aid, and we will not be blackmailed by the American suffering, and we will not attach any conditions to the missing in action.

Miss Walters. China. Have you had any contact, have you had any word through the Chinese envoys in this country that the policy and the relationships with the United States are the same since the new government in China has taken place?

Secretary Kissinger. All indications are that the relations between us and China have not been affected by the domestic changes in the Peoples Republic, and every conversation that American officials or other Americans have had in China has confirmed this.

Miss Walters. Do you have any plans, or would you like to go back to China now and meet the new leader?

Secretary Kissinger. Well, it's been an annual event. But I think I should wait until our own domestic turmoil has calmed down a bit.

Miss Walters. Can you imagine yourself going before, let's say, November or January?

Secretary Kissinger. I can imagine myself going before January, but not so easily before November.

Miss Walters. Thank you, Mr. Secretary.

MAY 1: A DAY OF FISCAL INDEPENDENCE

Mr. McCLURE. Mr. President, Saturday, May 1, was a very special day for all Americans, because it marked the day upon which the average taxpayer ceased to work for the Government and began to provide for himself and his family. It was in a sense his day of fiscal independence and as such should be declared a national holiday to provide a time when the average wage earner can reflect on the cost of a Government grown large and pervasive.

Such a holiday could, of course, not be fixed as to any particular day since it moves forward as Government spending increases. In 1975, fiscal independence day would have been celebrated on April 30. Just think, in less than 65 years we will be able to celebrate both political and fiscal independence on the same day—July 4. Of course, if we count deficits in Government spending the true date of fiscal independence for us as a nation is July 15. I am not disposed, however, to quibble on that point.

For those of us who find an annual day of recognition to be too infrequent, we can find satisfaction on a daily basis by noting that taxes at all levels consume 2 hours and 39 minutes of the average income produced in an 8-hour day.

It would, of course, be unfair to pose this issue in the context of Government taking money from beleaguered taxpayers. Government also gives. If we calculate Federal Government spending by functional category on a per household basis, we see that spending per household totals $5,285. That spending reflects the following priorities:

Health and income security, $2,299 or 43 percent.

National defense, $1,356 or 28 percent.

Interest on Federal debt, 504 or 10 percent.

The above three priorities utilize approximately 80 percent of outlay dollars. All other functions of Government absorb the remaining 20 percent. These are the priorities which characterize the fiscal year 1977 budget. I wonder how closely they reflect the priorities of the tax paying electorate.

I ask unanimous consent that a chart entitled "Estimated Federal Budget Outlays Per Household, by Function, Fiscal Year 1977," be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

ESTIMATED FEDERAL BUDGET OUTLAYS PER HOUSEHOLD BY FUNCTION, FISCAL YEAR 1977

Function	Amount	Cents per dollar of total outlays
Total all functions	$5,285	100.0
Health and income security	2,299	43.5
National defense	1,356	25.7
Interest	554	10.5
Veterans benefits and services	231	4.4
Education, training, employment, and social services	223	4.2
Commerce and transportation	221	4.2
Natural resources, environment, and energy	185	3.5
Revenue sharing, other general fiscal aids	99	1.9
International affairs and finance	91	1.7
Community and regional development	74	1.4
General science, space, and technology	60	1.1
General government	46	.9
Law enforcement and justice	46	.9
Agriculture and agricultural resources	23	.4
Allowances for civilian pay raises and contingencies	30	.6
Undistributed offsetting receipts[1]	−253	−4.9

[1] Includes interest received by trust funds, rents and royalties on Outer Continental Shelf, etc.

Source: Computed by Tax Foundation from data published by the Office of Management and Budget and U.S. Department of Commerce.

LET US GET THE TRUTH ABOUT ALASKAN OIL BEFORE VOTING ON A GAS PIPELINE

Mr. McINTYRE. Mr. President, natural gas is the cleanest-burning, and therefore, the most valuable, of all the Nation's fossil fuels. It is also interchangeable with certain oil products for some uses.

Thus, it is a very important resource, especially to heavily industrialized areas which need clean-burning domestic fuels. And, it follows that the development of domestic sources of natural gas will decrease this Nation's dependence on expensive foreign oil.

My colleague, Senator MONDALE, has introduced a bill, S. 2950, of which I am one of many cosponsors, to expedite the construction of a natural gas pipeline that would bring natural gas into the eastern section of the lower 48 States through Canada. An alternative proposal would transport gas down the route of the Alaskan oil pipeline and then in tankers to ports along the west coast.

Before this Nation decides on which route a gas pipeline should take, it is worth our time to consider what effect the Alaskan oil pipeline is expected to have. Both the Government and the giant oil companies that own the Alaska pipeline are wondering what to do with the big surplus of oil that it will create on the west coast—a surplus that is virtually sealed off from the rest of the country by the Rocky Mountains. At the same time, the United States east of the Rockies is starved for energy and must rely on these same oil giants for imported oil.

Earlier this year, without using any great powers of clairvoyance, I anticipated that a surplus would occur on the west coast, and I asked the American Petroleum Institute and the oil companies what would be done with the surplus.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter that I am sending to the chairman of the Board of Exxon Corp., the world's largest oil company and one of the owners of the Alaskan pipeline. This letter quotes my question, Exxon's response, and a later, conflicting statement that an Exxon official made to newspaper reporters.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
May 14, 1976.

CLIFTON C. GARVIN, JR.,
Chairman, Exxon Corp.,
New York, N.Y.

DEAR MR. GARVIN: On January 30 of this year, I inserted a statement in the Congressional Record which said in part:

"What does Big Oil really plan to do with Alaskan oil surpluses when the pipeline is finished—bring the oil east for the benefit of American consumers, export it to Japan at high profit or leave it in the ground to force prices yet higher?"

Your operating company, Exxon USA, responded with a statement that began, "Senator McIntyre's statement is filled with error, exaggerations and innuendo."

Your company's statement responded to my question about Alaskan oil with this statement:

"Senator McIntyre's inference that producers of Alaskan crude oil intend to do anything other than develop it to benefit the American consumer is unfounded. Exxon USA's commitment to help the United States become more energy self-sufficient has been on record since early 1974. Moreover, the fact is that there is legislation in place that prohibits exporting this crude."

More recently, in the April 28th issue of the Washington Post, on page A 15, an article written from Seattle, Washington, was published with the headline, "Alaska Oil Glut Feared in West." The article included information from an interview with an Exxon official. I quote the relevant passage:

"Ames Smith, marine department manager for Exxon, which will own about a fifth of the pipeline oil, told reporters last week that his company is preparing for a surplus and is considering several alternatives.

"One alternative that both Federal and private officials said they would like to avoid is reducing production at the Alaska end of the pipeline. Full production is needed, they said, both to pay off the huge capital expenditures of the Alaskan pipeline and to reduce the national dependence on Arab oil.

"A second alternative, Smith told reporters, is selling Exxon's surplus oil to Japan if no way could be found to move it to the Midwest."

The story then indicated that Exxon has discussed with the Ford Administration a plan to have the U.S. government pay at least part of the cost of moving Alaskan oil east of the Rockies.

It is clear that your company is telling a far different story on the West Coast than it told in Washington, in response to my question.

Now I am writing to demand a truthful answer to the question that I asked in January about Alaskan oil. And I want the whole truth, on the record, for the American people. And I want the answers to these questions:

What does your company plan to do with its Alaskan oil? What alternatives are you contemplating?

What price could you sell Alaskan oil for today in Japan?

Has your company discussed with the White House the possibility of allowing exports of Alaskan oil? With whom and when were such discussions held, if any? What was the substance of the discussions? Have any agreements been made, even tentatively?

How much is the subsidy for transporting the oil eastward that your company has discussed with the White House, and what kind of subsidy is it?

What do you expect Alaskan oil to cost, delivered at West Coast ports?

Enclosed are copies of my earlier statement, your company's response and the April 28 Washington Post story. I hope I can anticipate your early response.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator,

Mr. McINTYRE. Mr. President, these statements by Exxon suggest to me that the Congress of the United States has been deceived by big oil. We were led to believe that the Alaskan North Slope oil would be used in the United States. Upon that basis, and upon the fact that the country's dependence on foreign oil was increasing, we brushed aside the concerns of environmentalists and allowed the Alaskan oil pipeline to be built.

I am raising this issue now because I hope we will not be deceived again. I hope that we will not be fooled into allowing the construction of a natural gas pipeline that would bring natural gas only to the west coast, creating a surplus and bringing on strong pressures from the oil companies to allow oil and natural gas to be exported to Japan at high profits, while in the East we must continue to import high-priced foreign oil—through largely the same big oil companies.

A PEACEFUL SPRING ALONG THE POTOMAC

Mr. FANNIN. Mr. President, to many, springtime in Washington means beautiful cherry blossoms and azaleas and thousands of tourists. But to my friend, Paul A. McKalip, editor of the Tucson Daily Citizen, it was a reminder that peace and stability reign along the Potomac once more.

Mr. McKalip was in Washington recently for the annual convention of the American Society of Newspaper Editors. His observations on this season of politics in the Nation's Capital were contained in his Daily Citizen column.

Mr. President, I ask unanimous consent that the text of Paul A. McKalip's letter from the editor, Report from the Potomac, of April 21, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REPORT FROM THE POTOMAC

The nation's capital is ready for the republic's gala 200th birthday. The hundreds of thousands of vistors, from at home and from abroad, who will flow through Washington this bicentennial year will see it at its very best.

I was in Washington last week for the annual convention of the American Society of Newspaper Editors. The opportunity to see our capital and get the feel of it firsthand is as important as is the opportunity for us to confer on the problems of the press.

This time I had the distinct and proud feeling that Washington is determined to present its cleanest, its tidiest and its most attractive appearance for its visitors. Countless will be from Arizona.

The famed cherry blossoms, symbolic of spring along the Potomac, had come and gone early this year. Their blooming is subject always to the vagaries of the weather. Even the Cherry Blossom Festival, an annual celebration, missed the season by a couple of weeks.

But the cherry blossoms much heralded as they are, are only a small part of the capital's beauty. Right now the dogwood and redbud offer a glorious riot of color along the parkways, the tidal basin and the banks of the Potomac.

Flowering azaleas crowd center dividers of traffic arteries. Every one of the little parks that dot and distinguish Washington contains large beds of tulip plants that stand in phalanses of red, white and yellow blooms. Everywhere you go, they make a breathtaking sight.

Beyond the contributions of nature and of skillful gardeners, combining to create such beauty, the capital's buildings and memorials stand nobly and impressively as symbols of the nation's heritage and of the ongoing work of representative government.

First upon arriving in Washington, and repeatedly as one moves anywhere about, there is the inspiring sight of the stately, upreaching Washington Monument. This year especially it seems to offer singular and adequate testimony to the whole span of our nation's life.

But it is people, the 220 million of us now spread throughout 50 farflung states and the thousands of our fellow citizens to whom we entrust the nation's affairs in its capital, who make this nation. It is all of us and all of them who give ongoing life and present meaning to the memorials of the past that abound in Washington.

Our gathering of the nation's press leadership was favored to see and hear many of those who serve in positions of government leadership.

There were meetings with, and personal impressions gained of, President Ford, Secretary of State Henry Kissinger, Sen. Hubert Humphrey (still considered the ultimate Democratic nominee for president) and George Bush, new director of the embattled CIA (Central Intelligence Agency).

I shall write another time about some of these. Appropriate here to these comments on the appearance of Washington, I might just remark on our visit to the White House.

Its present occupants are taking good care of it. Inside and out, in the gardens and across the stately lawns, there was the impression that the President and the First Lady were preparing and expecting to continue occupancy for another four years.

It was in August two years ago that Richard Nixon delivered his resignation there and Gerald Ford was administered the oath to succeed him.

It took humorist Art Buchwald, whose saucy and irreverent columns about Washington appear regularly in the Tucson Daily Citizen, to give a new meaning and a profound significance to that historic moment.

Speaking to the editors at their final banquet, Buchwald departed from proverbial humor at the close of his remarks and turned serious. He pointed out something that few if any of us might have thought about before.

When, for the first time in our history, one president was stepping out and another was being sworn in, there was an aura of peaceful change and orderliness in the executive mansion and a quiet approval abroad in the capital and in the country.

Buchwald reminded us that throughout it all there were no tanks drawn up around the White House, no files of soldiers with bayonets encircling the grounds, no planes roaring menacingly overhead. The only two persons wearing weapons whom he saw anywhere near the White House were policemen routinely directing traffic on Pennsylvania Avenue.

Thus, he observed, has the United States of America come through its first 200 years of nationhood to a point of maturity that augurs well for the future. We can be proud and confident.

PAUL A. MCKALIP.

COUNCIL ON ECONOMIC PRIORITIES STUDY OF B-1 BOMBER—PART II

Mr. PROXMIRE. Mr. President, the first half of the excellent analysis of the B-1 program by the Council on Economic Priorities in New York discussed the strategic rationale for the B-1, the rising costs of the B-1 and the politics of the B-1. This statement can be found on pages 13628-13633 of the May 12, 1976, RECORD.

Today, I will place the second and concluding section of that report in the RECORD. This last chapter analyzes the economic impact of the B-1 bomber and provides a wealth of supportive documentation in the appendix section.

Particular attention should be paid to the results of the Chase Econometric Associates study of the economic impact of the B-1 program on the U.S. economy. This study, although commissioned by Rockwell International, the prime contractor for the B-1, actually concludes that there would be little if any different effect on the economy between proceeding with the B-1 and an equivalent tax cut. In fact, an equivalent tax cut produces more growth in GNP. Thus, the argument that the B-1 is good for national growth is found wanting. Equivalent spending in various public sectors produces more employment than on the B-1 project.

Mr. President, I ask unanimous consent that the remainder of this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION IV: THE ECONOMIC IMPACT OF THE B-1

In a time of high U.S. unemployment, Rockwell and the DoD have justified the B-1 as beneficial to the American economy. Rockwell, in particular, is stressing the positive impact of the program nationally and locally. A recent Rockwell-commissioned study by the highy respected Chase Econometric Associates (a subsidiary of Chase Manhattan Bank) on the economic impact of the B-1 suggests, however, that the B-1's effect on U.S. Gross National Product between 1975 and 1984 would be little different from that of an equivalent tax cut or welfare transfer payment.[58]

TABLE VI

Cumulative GNP (constant 1958 $), 1975-1985:	*Billion*
Standard model (w/B-1)	$9,292.1
Standard model (-/B-1)	9,291.0
Tax cut	9,292.8
Welfare transfer	9,292.7

The Air Force and Rockwell have made available data on the distribution of B-1 contracts and subcontracts by state, for both actual research and development contracts and for projected production contracts. (See Table VII and Appendix) These data suggest that the economic effect of the B-1 program is unevenly distributed geographically. California has clearly been the primary beneficiary of the B-1 to date with over 50% of the R&D funding. The four leading beneficiary states have received over 85% of the total funds (California, Ohio, Washington and Massachusetts), while the top 10 states received over 94%.

Many states do not actually benefit from the program. Tax revenue data, which distributes tax contributions of each state to the B-1 R&D program suggests that the majority of states do not benefit as much from B-1 contracts as their residents contribute in tax dollars to fund the program. Only six states—Arizona, Oklahoma, Washington, Vermont, Ohio and California—have received more in contract revenue than they have paid out in income taxes.

B-1 PROGRAM EXPENDITURES AND INCOME TAX CONTRIBUTIONS (FISCAL YEAR 1970-75)[1]

State	Contracts and subcontracts	Percent	Rank	Paid in taxes for B-1[1]	Net gain or loss
Alabama	$679, 500			20, 570, 500	−$19, 891, 000
Alaska	15, 000			3, 094, 700	−3, 079, 700
Arizona	23, 686, 500	1. 3	8	16, 383, 600	+7, 302, 900
Arkansas	5, 000			11, 104, 400	−11, 900, 400
California	1, 068, 377, 000	58. 7	1	192, 416, 300	+875, 960, 700
Colorado	1, 632, 400			21, 116, 600	−19, 484, 200
Connecticut	27, 175, 000	1. 5	6	37, 136, 200	−9, 961, 200
Delaware	225, 500			6, 735, 500	−6, 510, 000
District of Columbia	10, 000			9, 102, 000	−9, 092, 000
Florida	4, 063, 400			67, 718, 900	−63, 655, 500
Georgia	2, 368, 100			33, 859, 400	−31, 491, 300
Hawaii	1, 000			7, 827, 700	−7, 826, 700
Idaho	26, 000			4, 915, 100	−4, 889, 100
Illinois	23, 504, 900	1. 3	9	119, 054, 200	−95, 549, 300
Indiana	7, 416, 100			44, 417, 800	−37, 001, 700
Iowa	1, 742, 700			21, 844, 800	−20, 102, 100
Kansas	7, 252, 000			18, 022, 000	−10, 770, 000
Kentucky	353, 200			20, 752, 600	−20, 399, 400
Louisiana	3, 000			23, 847, 200	−23, 844, 200
Maine	6, 000			6, 553, 400	−6, 547, 400
Maryland	13, 762, 500			41, 505, 100	−27, 742, 600
Massachusetts	47, 944, 700	2. 6	4	57, 706, 700	−9, 762, 000
Michigan	10, 886, 300			85, 740, 800	−74, 854, 500
Minnesota	2, 793, 000			30, 036, 600	−27, 243, 600
Mississippi	1, 652, 700			10, 740, 400	−9, 087, 700
Missouri	1, 851, 000			39, 684, 700	−37, 833, 700
Montana				4, 915, 100	−4, 915, 100
Nebraska	175, 000			12, 014, 600	−11, 839, 600
Nevada	144, 100			6, 007, 300	−5, 863, 200
New Hampshire	1, 844, 500			6, 735, 500	−4, 891, 000
New Jersey	14, 013, 800			80, 461, 700	−66, 447, 900
New Mexico	2, 508, 000			6, 553, 400	−4, 045, 400
New York	37, 930, 300	2. 08	5	198, 059, 500	−160, 129, 200
North Carolina	325, 400			34, 951, 700	−34, 626, 300
North Dakota				3, 640, 800	−3, 640, 800
Ohio	365, 796, 000	20. 1	2	96, 481, 200	+269, 314, 800
Oklahoma	26, 796, 000	1. 5	7	18, 204, 000	+8, 592, 000
Oregon	1, 885, 500			18, 022, 000	−16, 136, 500
Pennsylvania	13, 156, 300			103, 216, 700	−90, 060, 400
Rhode Island	134, 800			8, 191, 800	−8, 057, 000
South Carolina	179, 000			15, 837, 500	−15, 658, 500
South Dakota	1, 000			3, 822, 800	−3, 821, 800
Tennessee	1, 230, 000			28, 216, 200	−26, 986, 200
Texas	15, 976, 000	. 88	10	91, 202, 000	−75, 226, 000
Utah	242, 000			7, 281, 600	−7, 039, 600
Vermont	9, 493, 700			3, 094, 700	+6, 399, 000
Virginia	2, 266, 300			40, 959, 000	−38, 692, 700
Washington	74, 299, 200	4. 08	3	29, 308, 400	+44, 990, 800
West Virginia	417, 000			12, 014, 600	−11, 597, 600
Wisconsin	4, 023, 400			36, 226, 000	−32, 202, 600
Wyoming	146, 000			3, 094, 700	−2, 948, 700

[1] The income tax figure represents a proportion of the B-1 expenditure that would be paid for by Federal income tax payments by residents of each State, based on proportionate shares of Federal income tax payments made in the early 1970's.

Source: Letter from DOD to Senator George McGovern (Democrat of North Dakota), February 1976. Tax calculations by NARMIC, March 1976.

Projected program expenditures for the B-1 will be distributed in a similarly uneven way, with New Jersey, Maryland, Kansas and Tennessee replacing Massachusetts, Connecticut, Arizona and Illinois among the top ten beneficiaries (see Appendix).

The most important specific economic impact of defense spending, which has been vigorously argued in the case of the B-1, is its impact on employment. Rockwell has stated that the B-1 program will create 70,000 direct jobs and as many as 120,000 indirect jobs, for a total employment impact of 190,000. The Air Force has been slightly more cautious, reporting and forecasting only prime contractor employment. Current employment on the B-1 is in the range of 13,800 workers.[59]

Footnotes at end of article.

TABLE VIII—B-1 EMPLOYMENT

[Prime Contractors Only]

Current:		*Forecast*	
FY1971	8, 000	FY1977	13, 000
FY1972	14, 500	FY1978	15, 500
FY1973	11, 500	FY1979	19, 000
FY1974	9, 500	FY1980	22, 000
FY1975	8, 500	FY1981	28, 000
FY1976	8, 700	FY1982	22, 500
		FY1983	19, 000
		FY1984	15, 500
		FY1985	8, 000

SOURCE.—Department of Defense letter to Senator George McGovern, February, 1976.

The impact of defense spending on employment, however, is more complicated than is generally assumed, especially when contrasted with other forms of public expenditure. The geographic impact of defense spending has already been suggested. Some local labor markets such as Los Angeles, Seattle, Wichita, Evendale and Lynn, Mass. rely heavily on defense spending. Rockwell workers were reportedly "weeping" with joy upon learning their firm had won the B-1 contract, while layoffs at General Dynamics and Boeing accelerated.[60]

Although these local effects are real, the overall employment impact of defense spending may be negative. One recent study [61] suggests that while defense spending increases employment in some areas of the country, other areas lose jobs as a result of foregone alternative expenditures (e.g., for construction, services and state and local government). For the roughly $400 billion spent on military budgets between 1968 and 1972, twenty-six states lost more jobs than they gained. While the South and West gained heavily, the New England, Middle Atlantic and North Central states lost jobs heavily.

TABLE IX.—ESTIMATED 1980 REGIONAL EMPLOYMENT PRIOR TO AND AFTER COMPENSATED INCREASES AND DECREASES IN DEFENSE EXPENDITURES[1]

[Employment given in thousands]

Region	Status quo forecasts [2]	Defense expenditure decrease		Defense expenditure increase	
		Total employment [3]	Percent change [4]	Total employment [5]	Percent change [6]
1. New England (Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island)	5, 646	5, 690	+0. 8	5, 634	−0. 2
2. New York	8, 701	9, 078	+4. 3	8, 422	−3. 2
3. Middle Atlantic (Pennsylvania, New Jersey)	8, 764	9, 223	+5. 5	8, 462	−3. 4
4. Eastern Midwest (Michigan, Ohio)	9, 091	9, 564	+5. 2	8, 850	−3. 0
5. Central Midwest (Illinois, Indiana, Wisconsin)	9, 819	10, 298	+4. 9	9, 518	−3. 1
6. West North Central (North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kansas, Missouri)	7, 503	7, 760	+3. 4	7, 375	−1. 7
7. Upper South Atlantic (West Virginia, Maryland, Delaware, Virginia, Washington, D.C.)	5, 340	5, 455	+2. 2	5, 291	−. 9
8. Lower South Atlantic (North Carolina, South Carolina, Georgia, Florida)	8, 964	8, 903	−. 7	8, 955	−. 1
9. East South Central (Kentucky, Tennessee, Mississippi, Alabama)	5, 697	5, 737	+. 7	5, 682	−. 3
10. West South Central (Oklahoma, Arkansas, Louisiana)	3, 557	3, 591	+. 1	3, 508	−1. 4
11. Texas	5, 136	5, 105	−. 6	5, 149	+. 3
12. Mountain (Idaho, Montana, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico)	4, 306	4, 252	−1. 2	4, 350	+1. 0
13. Pacific Northwest (Washington, Oregon)	2, 541	2, 528	−. 5	2, 557	+. 6
14. California	11, 004	10, 891	−1. 0	11, 096	+. 8

[1] Regional estimates exclude Alaska and Hawaii.

[2] Employment estimates based on a "most likely,, set of economic and social assumptions.

[3] Net regional employment after a compensated 30 percent reduction in defense expenditures.

[4] Percentage change in regional employment computed using ststus quo employment as the base.

[5] Net regional employment after a compensated 30 percent increase in defense expenditures.

[6] Percentage change in regional employment computee using status quo employment as the base.

Source: Bezdek, "Economic Impact of Shifts in Defense Spending," p. 193.

Economist Roger Bezdek of the Energy Resources and Development Administration finds similar regional effects. An increase in domestic program expenditures, according to his forecasting work, creates employment in New England, especially in New York; in the Middle Atlantic area; the Midwest; and West North Central states, while unemployment falls slightly in Texas, the Mountain states, the Pacific Northwest and California. With an increase in defense expenditures, employment rises only in the latter areas, falling seriously elsewhere.[62] (See Table IX.)

Regional inequalities in employment would naturally follow from the uneven distribution of the defense industry. Bezdek and Anderson both find, however, that defense spending has a negative effect on overall employment patterns as well. Bezdek's work, using an input-output model, shows that a shift of $30 billion from defense to domestic programs increased total national employment by 2% while increasing defense and reducing domestic expenditures by a like amount reduced total employment by 1.3%.[63] The Michigan study supports this finding. As defense spending rises, it shows, non-defense spending declines more rapidly, cutting into the existing supply of jobs more deeply.

The principal source of this outcome is the nature of production in defense, as contrasted with other sectors. Defense work is highly skilled and capital intensive, hence employs fewer workers per dollar of spending, while sevice, construction and teaching work are highly labor intensive, hence contain more jobs per dollar of expenditure. Military spending increases employment in specific highly skilled and a small number of semi-skilled professions, such as aircraft, electronic, engineering, and skilled and semiskilled metal working. Domestic spending creates jobs in areas of high public need, such as the medical professions, social work, civil engineering, construction and education, among others.[64]

Defense spending, in other words, is not as effective a way to create jobs as other forms of public expenditure. Using more detailed input-ought simulations and an aircraft procurement expenditure (to represent the B–1), Bezdek has reproduced similar results. (See Tables X and XI.)

Interestingly, the Chase study for Rockwell provides confirmation of this conclusion. The first Chase comparison, using its own forecasting model, indicates that the B–1 would increase nationwide employment by 291,000 jobs, while a taxcut and welfare transfer would employ 290,000 and 287,000 respectively, between 1975 and 1984. These statistically margain difference in a job market of over 90 million are misleading, however, since an expenditure to produce a material product like the B–1 is not the same as an expenditure which creates disposable income. Fortunately, the Chase study goes on to make comparisons of equivalent expenditures, using the University of Maryland input-output model, which breaks down the economy by sectors. Here the job impact of the B–1 is shown to be quite similar to the indications in the previous studies. In 1980, for example, a year of high B–1 spending, the Chase study finds that the B–1 creates fewer jobs than a housing program, a public works program or even a taxcut.

TABLE X—*Labor power requirements generated by $1 billion spending for B–1 and alternate Federal programs* [65]

Program	*Jobs*
B–1	58,591
Army Corps of Engineers	69,384
Law Enforcement	75,601
Sanitation	78,954
Mass Transit Construction	83,536
Public Housing	84,524
Highway Construction	84,933
Conservation and Recreation	88,415
Welfare Payments	99,406
Social Security	108,196
Education	118,191

SOURCE.—Bezdek, personal communication.

Footnotes at end of article.

TABLE XI.—SELECTED OCCUPATIONS—JOBS GENERATED BY $1,000,000,000 OF EXPENDITURE ON B–1 AND ALTERNATIVES

	B–1	Education	Highway	Health	Mass transit
Aeronautical engineer	703	34	39	31	7
Chemical engineers	103	74	85	107	47
Civil engineers	244	410	801	183	1,520
Electrical engineers	1,007	300	266	245	249
Mechanical engineers	985	246	273	179	181
Chemists	487	188	49	317	240
Physicians and dentists	22	1,227	22	1,963	29
Teachers, elementary and secondary	21	14,504	51	1,814	15
Teachers, college	16	2,835	9	289	3
Architects	30	64	67	41	25
Carpenters	208	255	3,491	218	7,460
Electricians	598	678	1,276	277	2,351
Structural metal-workers	308	171	351	32	709
Machinists	1,693	410	499	171	290
Drivers and delivery	1,483	2,924	4,613	2,237	3,860
Welders	1,118	575	922	190	1,026

Source: Bezdek personal communication.

TABLE XII.—EMPLOYMENT EFFECTS OF ALTERNATIVE PENDITURES AS COMPARED TO B–1 GENERATED EMPLOYMENT

[Percent change in total jobs; B–1 equals 0]

	1976	1977	1980
Tax cut	+0.01	+0.01	+0.03
Housing	+.02	+.03	+.07
Public works	+.02	+.02	+.06

Broken down by sector, the Chase study shows that equivalent housing expenditures would create 70,000 more jobs than the B–1, while a public works program would create 60,000 more jobs. (See Table XIII.)

The studies reported on here, including Rockwell-commissioner data, indicate that the B–1 is not the most effective way to create employment. They also reveal a major policy problem. Defense spending does have significant local employment effects in the aerospace industry. Without the B–1, it was said, Rockwell would have laid off 8000 workers.[66] A job on hand is clearly worth more to an aerospace worker and aerospace unions than the possibility of work in other sectors as a result of changes in Federal priorites. The job market in aerospace, moreover, has declined in the 1970s [67] and the Chase analysis projects a continuation of this trend. Comparing the B–1 to a taxcut, housing or public works, the differences in overall employment would be marginal in such sectors as communications equipment, machinery or metal working. Only in the aircraft sector is there a decline in employment without the B–1. Even here, however, it is not statistically large. (See Table XIV.) The B–1 program, in other words, may not actually create jobs; it rather maintains slightly more of them, in specific geographic areas, in a generally declining aerospace job narket.

Withdrawal of B–1 funding could create a real problem for highly paid, skilled aerospace workers, needing retraining and seeking lower-paying jobs in education, services and construction. The withdrawal of B–1 funding could also create severe mobility problems, since workers would have to leave areas of high defense employment (West and South, for example) and move to the Northeast and Midwest. Any plans to terminate the B–1 program, then, should contain thorough discussion of retraining, income supplement, and relocation programs. These alternatives would be least costly in 1976, when only 13,800 workers are directly employed on the B–1, than in future years. The real economic choice is one of priorities: bombers or houses, bombers or public works, bombers or mass transit. Any of the latter programs are likely to create more jobs than B–1 spending.[68]

TABLE XIII—SELECTED OCCUPATIONAL IMPACTS OF ALTERNATIVE GOVERNMENT EXPENDITURES, AS COMPARED TO B–1 JOB IMPACT

[Difference in number of persons employed as compared to B–1]

	1980	1981	1982
TAXCUT			
Major employment gains: [1]			
Construction	3,000	3,000	2,000
Apparel	3,000	2,000	1,000
Wholesale and retail trade	14,000	16,000	14,000
Finance and services	18,000	20,000	17,000
Public education	11,000	10,000	7,000
Major employment losses:			
Metalworking machinery	3,000	2,000	2,000
Miscellaneous machinery and shops	3,000	3,000	2,000
Communications equipment	6,000	6,000	3,000
Aircraft	7,000	7,000	4,000
Mechanical measuring devices	1,000	1,000	2,000
HOUSING			
Major employment gains:			
Construction	78,000	77,000	57,000
Wholesale and retail trade	5,000	6,000	5,000
Finance and services	3,000	3,000	3,000
Major employment losses:			
Metalworking machinery	3,000	2,000	2,000
Miscellaneous machinery and shops	3,000	2,000	2,000
Communication equipment	6,000	6,000	3,000
Aircraft	7,000	7,000	4,000
PUBLIC WORKS			
Major employment gains:			
Construction	39,000	38,000	27,000
Wholesale and retail trade	6,000	6,000	5,000
Finance and services	13,000	14,000	10,000
Major employment losses:			
Metalworking machinery	3,000	3,000	2,000
Miscellaneous machinery and shops	3,000	2,000	2,000
Communication equipment	5,000	4,000	3,000
Aircraft	7,000	7,000	4,000

[1] For all charts major gains are those numbering over 2 000 in the selected years. Other changes in employment are minor. 1980 and 1981 are years of high forecast B–1 spending.

Source: Drawn from Chase Econometric Associates, "Economic Impact of the B–1 Program on the U.S. Economy."

TABLE XIV.—EMPLOYMENT IN AEROSPACE (FORECAST)

[Thousand jobs]

	B–1	Taxcut	Housing	Public Works
1971	530	530	530	530
1975	630	628	628	628
1976	638	636	636	636
1977	624	621	621	621
1978	611	606	606	606
1979	599	593	593	593
1980	588	581	581	581
1981	578	571	571	571
1982	569	563	563	563
1983	562	558	558	558

Source: Drawn from Chase Econometric study.

APPENDIX

B–1 EXPENDITURES AND AEROSPACE JOBS BY STATE (TOTAL PROGRAM PROJECTION)[1]

[Dollar amounts in millions]

State	Total contracts		Aerospace jobs (annual average)	
	Amount	Percent	Number	Percent
Arizona	$203		650	
California	7,317	30.9	25,210	27.4
Colorado	45		170	
Connecticut	251		1,170	
Florida	319		1,140	
Georgia	489	2.1	3,030	3.3
Illinois	343		970	
Indiana	89		400	
Iowa	41		100	
Kansas	759	3.2	3,300	3.6
Maryland	793	3.3	4,890	5.3
Massachusetts	446		2,250	
Michigan	215		1,020	
Minnesota	26		85	
Mississippi	35		170	
Missouri	17		60	
New Hampshire	36		240	
New Jersey	972	4.1	1,550	1.7
New Mexico	31		270	
New York	2,040	8.6	8,830	9.6
Ohio	4,421	18.7	16,290	17.7
Oklahoma	830	3.5	5,060	5.5
Oregon	57		165	
Pennsylvania	139		480	
Tennessee	642	2.7	4,000	4.3
Texas	599	2.5	3,310	3.4
Utah	64		85	
Vermont	82		360	
Virginia	29		105	
Washington	2,279	9.6	6,400	6.9
West Virginia	34		160	
Wisconsin	60		245	
Total	23,703		92,165	

[1] Rockwell's figures cover only States receiving over $1,000,000 in R. & D. contracts and subcontracts. DoD data shows that the 18 other States not covered here received 0.13 percent of total R. & D. contracts and subcontracts.

Source: Data supplied Senator George McGovern by Rockwell International, March 1976.

FOOTNOTES

[58] Chase Econometric Associates, *Economic Impact of the B–1 Program on the U.S. Economy* (Penn.: July, 1975). The Chase study uses its own forecasting model for the macroeconomic data, inserting and withdrawing B–1 expenditures, taxcuts and welfare transfers. The writeup of the Chase study reports the GNP comparisons in current dollars as showing greater impact from the B–1 than from the two alternatives. The difference between the constant dollar and current dollar comparisons implies the inflationary effect of government spending, especially for defense, as the Chase report suggests (p. 5).

[59] Asst. Secretary of the Air Force, Dr. Walter B. LaBerge put the 1975 B–1 employment at 9800 at prime contractors and roughly 4000 at subcontractors. Senate, Appropriations Committee, *Hearings on DoD FY1976*, Part 4, March 19, 1975, p. 396.

[60] *Fortune*, July, 1970, p. 27.

[61] Marion Anderson, *The Empty Pork Barrel: Unemployment and the Pentagon Budget* (Michigan: Public Interest Research Group, n.d.).

[62] Roger Bezdek, "The 1980 Economic Impact—Regional and Occupational—of Compensated Shifts in Defense Spending," *Journal of Regional Science*, Vol. 15, No. 2 (1975), p. 193.

[63] *Ibid.*, p. 190.

[64] See Richard Dempsey and Douglas Schmude, "Occupational Impact of Defense Expenditures," *Monthly Labor Review*, December, 1971, pp. 12–15.

[65] The data in this table is drawn from a model containing 220 simulations, including 60 possible government programs, half defense, half non-defense. Over 90% of the programs generated more jobs than aircraft procurement. For a more detailed description of methodology, see Roger Bezdek, *Long-Range Forecasting of Manpower Requirements: Theory and Applications*, (New York: IEEE Press, 1974).

[66] *Fortune*, July, 1970, p. 27.

[67] See *Aerospace Facts and Figures*, 1974–75 Edition, p. 117 for data on the general decline of aerospace employment in the 1970s.

[68] This report has not discussed the impact of the B–1 on raw materials, energy consumption or on the environment. The airframe of the plane was designed to be 45% of titanium, but this proportion was dropped to 20% as a cost-cutting measure. The impact on overall titanium consumption is unclear, although each frame and engine is worth $800,000 to the titanium industry, and the B–1 program would require an increase in industrial capacity. 65% of U.S. consumption of metallic titanium is in aerospace. See *Aviation Week*, January 26, 1976, pp. 83–84.

The B–1 will also have an impact on fuel consumption, noise levels and ozone depletion. For fuller discussion of these issues, see James Conroy and Paul d'Eustachio, *Boom and Bust: The B–1 Bomber and the Environment* (Washington, D.C.: Environmental Action Foundtiaon, 1975) and testimony of Michael Mann of Environmental Action before the House Appropriations Subcommittee on Defense, April 6, 1976.

POPULATION PLANNING IN BANGLADESH

Mr. PERCY. Mr. President, I am pleased to bring to the attention of my colleagues an excellent article about the new emphasis on population planning in Bangladesh, written by Dr. James R. Echols, a former president of the Population Reference Bureau and currently population communication consultant to the Government of Bangladesh. The article appeared in the April 1976 issue of Intercom, a publication of the Population Reference Bureau.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANGLADESH SETTING CONTROLS

President A.S.M. Sayem of Bangladesh has presonally taken over the chairmanship of the National Population Council, named a member of his National Advisory Council, Dr. Mohammad Ibrahim, as Minister of Health, Population Control and Labor, placed one of his special assistants, Dr. A. Sattar, in the position of Secretary of Population Control and Family Planning, and officially declared the population problem as the number one problem of the country.

To inaugurate the country's population control drive an intensive "family planning information and service delivery campaign" was carried out in February. In the one-week campaign, 12,000 Family Welfare Workers, assisted by 28,000 volunteers, attempted to contact all of Bangladesh's 15 million couples of childbearing age. In teams of two and three, they distributed pills and condoms, explained the benefits of family planning, and told couples how to reach clinics that would insert an IUD or perform a tubal ligation or vasectomy. In a country where travel is extremely difficult, the trip to a clinic requires high motivation. As the lead editorial in the February 27 Bangladesh Times said ". . . motivating such a big segment of our population (uneducated and in dire poverty) on a subject which is shrouded with prejudices even in some advanced countries, cannot be achieved in a campaign of one or two weeks. Sustained and relentless operation is necessary."

Family planning is not new in Bangladesh. With much less intensity, the East Pakistan Family Planning Board and private association carried out a program from 1965 to independence in 1971. All family planning programs have faced heavy going, however, since in their own way, Bangalee villagers already "plan" their families. If they want three sons, they know that they must have 10 or 12 children since half are girls and 3 or 4, in the past, have died before reaching puberty. Thus "family planning" to these villagers doesn't mean 2 or 3 children—it means 10.

The government's information, education, motivation program is attempting to persuade them that health care will allow more children to live, agricultural development will make child labor obsolete, crowding will cut down on land size, and that a few well-educated and prosperous children are better insurance for their old age than a large and poor family. "With two children you can build a self-reliant family" is one of the slogans which appear in ads picturing a man and wife with one boy and one girl.

In spite of high hopes and valiant efforts, it is quite possible that development cannot take place in the face of a population problem almost without equal in the underdeveloped world; Bangladesh has a per capita income of about $70 per year and a population density of 1,380 people per square mile. Ninety percent of the people live in rural areas. Over 80 percent are illiterate and well over half are estimated to have insufficient caloric intake. The ratio of population per physician is 10,000 to 1.

The death rate is now 17 per 1,000 according to government statistics. Recent UN figures indicate that the death rate may be higher than this, however, and that life expectancy, which government figures show as 48 years, may be closer to 40. Fertility still remains at approximately 47 per thousand per year. The growth rate is thus about 3 percent per year which means a doubling of the population every 23 years.

The population control program now getting under way was developed early in 1975. But, since there was no local government structure below the Thana (county) level it has taken over a year to get family welfare workers and health and family planning delivery personnel into the 4,500 Thana subdivisions in which the 65,000 villages of Bangladesh are located. There are now 12,000 Family Welfare Workers spread throughout the country who do family planning work as a part of their overall welfare job. Pilot population/development programs are being conducted in one Thana in each of the 19 Districts (States). By 1979 the population control plan calls for 18,000 more field workers who will have the specific job of family planning. In addition, family planning will receive countrywide coverage by education, rural development, cooperative, social welfare health officers, and mass media. The overall goal is to cut the growth rate of 2.8 percent per year by the end of the first five year plan (1978) and to reach replacement level by 2000.

The population control program is coordinated by the National Population Council, composed of the President of Bangladesh and the heads of all ministries. The major field effort, however, is centered in the Directorate General of Population Control and Family Planning. Their concentration is twofold: (1) setting up a delivery system for contraceptive programs and (2) information, education, and motivation (IEM). Other ministries are also involved and Mothers Clubs, co-ops, agricultural extension centers, labor centers, health centers, clinics, and welfare departments are setting up family planning training programs. Schools are increasing the time spent on population education. Media programs on population control are the number one priority of the Ministry of Information and Broadcasting.

Other measures are being planned: community incentive programs, legalization of abortion, old-age security for parents of two-child families, payment of incentives for delayed marriage and wide spacing of children, community awards for low birth rates, and preferential treatment in community facilities for families with no more than two children. Once completely under way, this program will be the most sweeping in any less developed country except the city-state of Singapore and perhaps the Peoples' Republic of China.

A recent evaluation of progress to date shows that the program supported by World Bank funding is ahead of schedule in training of field workers and in some IEM programs and only slightly behind in the procurement and importing of vehicles and equipment and the construction of family planning facilities. Estimates are that the recent campaign, although it fell short of reaching every fertile couple in the country, resulted in over 10 million personal contacts by field workers and countrywide exposure of population information by mass media.

It will be some time before evaluations concerning acceptors of contraception are available and even longer until any changes in fertility can be measured. In the meantime, the Government is examining data from Thailand, Indonesia and the Philippines and adopting measures used in these programs to the Bangalee situation. "In our condition," states a recent editorial, "no single device is expected to produce the desired result because of the existing constraints like lack of education, abject poverty, social prejudices and taboos. To break such formidable barriers in so sensitive but vital a sphere a combination of all the known techniques will have to be tried. We are fortunate that there is no dearth of assistance from friendly governments and helpful international agencies. Recent studies of world population trends also indicate a large measure of success achieved through regulatory programs in various countries. There is no reason why we should not succeed too."

THE TRAGEDY OF ABORTION

Mr. BUCKLEY. Mr. President, just when it seems that there are no more words to describe the tragedy of abortion, one comes across still more evidence of the ghastly impact it is having upon American society. On May 14, an anonymous article in the New York Times recounted one woman's devastating experience with abortion. It is not pleasant reading; and I must warn those Members of the Congress who oppose all restrictions upon abortion that if they read Jane Doe's story, they too, like her, may find themselves living with a ghost. Indeed, with millions of them. I hope so.

Because of the national carnage which the Supreme Court unleashed upon this Nation 3 years ago in its abrupt overthrow of American law and the Judeo-Christian tradition which had underlain it, there will be more Jane Does, millions of them. Many will not realize what they have done until it is too late, until some doctor, like the life-taking physician mentioned in this article, tells them, "It's too late to stop now. It'll just take a few more seconds."

He was right. In the United States of America during our Bicentennial jubilee of independence, it takes only seconds to legally extinguish a human life, as casually as snuffing out a candle. That is the true impact of the Supreme Court's decision on abortion; and, in order to make it better understood in the Congress, I ask unanimous consent that Jane Doe's story be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, May 14, 1976]

"There Just Wasn't Room in Our Lives Now for Another Baby"

(By Jane Doe)

We were sitting in a bar on Lexington Avenue when I told my husband I was pregnant. It is not a memory I like to dwell on. Instead of the champagne and hope which had heralded the impending births of our first, second and third children, the news of this one was greeted with shocked silence and Scotch. "Jesus," my husband kept saying to himself, stirring the icecubes around and around. "Oh, Jesus."

Oh, how we tried to rationalize it that night as the starting time for the movie came and went. My husband talked about his plans for a career change in the next year, to stem the staleness that fourteen years with the same investment-banking firm had brought him. A new baby would preclude that option.

The timing wasn't right for me either. Having juggled pregnancies and child-care with what freelance jobs I could fit in between feedings, I had just taken on a full-time job. A new baby would put me right back in the nursery just when our youngest child was finally school age. It was time for *us*, we tried to rationalize. There just wasn't room in our lives now for another baby. We both agreed. And agreed. And agreed.

How very considerate they are at the Women's Services, known formally as the center for Reproductive and Sexual Health. Yes, indeed, I could have an abortion that very Saturday morning and be out in time to drive to the country that afternoon. Bring a first morning urine specimen, a sanitary belt and napkins, a money order or $125 cash—and a friend.

My friend turned out to be my husband, standing awkwardly and ill at ease as men always do in places that are exclusively for women, as I checked in at 9 A.M. Other men hovered around just as anxiously, knowing they had to be there, wishing they weren't. No one spoke to each other. When I would be cycled out of there four hours later, the same men would be slumped in their same seats, locked downcast in their cells of embarrassment.

The Saturday morning women's group was more despirited than the men in the waiting room. There were around 15 of us, a mixture of races, ages and backgrounds. Three didn't speak English at all and a fourth, a pregnant Puerto Rican girl around 18, translated for them.

There were six black women and a hodge podge of whites, among them a tee-shirted teenager who kept leaving the room to throw up, to a puzzled middle-aged woman from Queens with three grown children.

"What form of birth control were you using?" the volunteer asked each one of us. The answer was inevitably "none." She then went on to describe the various forms of birth control available at the clinic, and offered them to each of us.

The youngest Puerto Rican girl was asked through the interpreter which she'd like to use: the loop, diaphragm or pills. She shook her head "no" three times. "You don't want to come back here again, do you?" the volunteer pressed. The girl's head was so low her chin rested on her breast bone. "Si," she whispered.

We had been there two hours by that time, filling out endless forms, giving blood and urine, receiving lectures. But unlike any other group of women I've been in, we didn't talk. Our common denominator, the one which usually floods across language and economic barriers into familiarity, today was one of shame. We were losing life that day.

The group kept getting cut back to smaller, more workable units, and finally I was put in a small waiting room with just two other women. We changed into paper bathrobes and paper slippers and we rustled whenever we moved. One of the women in my room was shivering and an aide brought her a blanket.

"What's the matter?" the aid asked her. "I'm scared," the woman said. "How much will it hurt?" The aide smiled. "Oh nothing worse than a couple of bad cramps," she said. "This afternoon you'll be dancing a jig."

I began to panic. Suddenly the rhetoric, the abortion marches I'd walked in, the telegrams sent to Albany to counteract the Friends of the Fetus, the Zero Population Growth buttons I'd worn, peeled away, and I was all alone with my microscopic baby. There were just the two of us there and soon, because it was more convenient for me and my husband, there would be one again.

How could it be that I, who am so neurotic about life that I step over bugs rather than on them, who spend hours planting flowers and vegetables in the spring even though we rent out the house and never see them, who make sure the children are vaccinated and inoculated and filled with Vitamin C, could so arbitrarily decide that this life shouldn't be?

"It's not a life," my husband had argued, more to convince himself than me. "It's a bunch of cells smaller than my fingernail."

But any woman who has had children knows that certain feeling in her taut, swollen breasts, and the slight but constant ache in her uterus that signals the arrival of a life. Though I would march myself into blisters for a woman's right to exercise the option of motherhood, I discovered there in the waiting room that I was not the modern woman I thought I was.

When my name was called, my body felt so heavy the nurse had to help me into the examining room. I waited for my husband to burst through the door and yell "stop," but of course he didn't. I concentrated on three black spots in the acoustic ceiling until they grew in size to the shape of saucers, while the doctor swabbed my insides with antiseptic.

"You're going to feel a burning sensation now," he said, injecting Novocain into the neck of the womb. The pain was swift and severe and I twisted to get from him. He was hurting my baby, I reasoned, and the black saucers quivered in the air. "Stop," I cried. "Please stop." He shook his head, busy with his equipment. "It's too late to stop now," he said. "It'll just take a few more seconds."

What good sports we women are. And how obedient. Physically the pain passed even before the hum of the machine signaled that the vacuuming of my uterus was completed, my baby sucked up like ashes after a cocktail party. Ten minutes start to finish. And I was back on the arms of the nurse.

There were twelve beds in the recovery room. Each one had a gaily flowered draw sheet and a soft green or blue thermal blanket. It was all very feminine. Lying on these beds for an hour or more were the shocked victims of their sex life, their full wombs now stripped clean, their futures less encumbered.

It was very quiet in that room. The only voice was that of the nurse, locating the new women who had just come in so she could monitor their blood pressure, and checking out the recovered women who were free to leave.

Juice was being passed about and I found myself sipping a Dixie cup of Hawaiian Punch. An older woman with tightly curled bleached hair was just getting up from the next bed. "That was no goddamn snap," she said, resting before putting on her miniskirt and high white boots. Other women came and went, some walking out as dazed as they had entered, others with a bounce that signaled they were going right back to Bloomingdale's.

Finally then, it was time for me to leave. I checked out, making an appointment to return in two weeks for an IUD insertion. My husband was slumped in the waiting room, clutching a single yellow rose wrapped in a wet paper towel and stuffed into a baggie.

We didn't talk the whole way home, but just held hands very tightly. At home there were more yellow roses and a tray in bed for me and the children's curiosity to divert.

It had certainly been a successful operation. I didn't bleed at all for two days just as they had predicted, and then I bled only moderately for another four days. Within a week my breasts had subsided and the tenderness vanished, and my body felt mine again instead of the eggshell it becomes when it's protecting someone else.

My husband and I are back to planning our summer vacation and his career switch.

And it certainly does make more sense not to be having a baby right now—we say that to each other all the time. But I have this ghost now. A very little ghost that only appears when I'm seeing something beautiful, like the full moon on the ocean last weekend. And the baby waves at me. And I wave at the baby. "Of course, we have room," I cry to the ghost. "Of course, we do."

LOWELL THOMAS SAYS "SO LONG"

Mr. PERCY. Mr. President, for many of us here in the Senate and for literally millions of Americans everywhere, the early evening radio news will not be the same now that Lowell Thomas has signed off for the last time.

Few of us can remember when this remarkable man first set down behind a network microphone in 1929, or even when he made the first televised newscast in 1940. Forty-six years is a long run in any business and in the mercurial business of broadcasting it amounts to a near-miracle.

Through all those years Lowell Thomas has reported to us from every corner of the Earth. I have learned never to be surprised to arrive in some remote village in the Himalayas, for example, and find that the last American to sign the guest book—years earlier—was Lowell Thomas.

His radio reports have always been notable for their crispness and their insight. Lowell believes in an economy of words and has usually managed to work a touch of irony or humor into his copy when that was appropriate.

Though we shall miss him from daily radio, I am very glad that he is in such fine fettle. As recently as last year, he was skiing vigorously in the Rocky Mountains. In fact together with his devoted friends. Tom and Olive Watson, my wife Lorain and I skiied at Vail with Lowell on his 83d birthday. Even now he is making plans for the future—plans that include some work in television—which he intends to keep him busy for at least another 16 years. So in a sense Lowell Thomas is not saying goodbye to us, but merely "So long, until tomorrow."

ON REPORTING

Mr. DOLE. Mr. President, in recent years we have witnessed a trend in American journalism which is premised on the theory that even the innermost private affairs of public officials and their families are legitimate objects for public disclosure. Certainly, it is not the role of Government to delimit the boundaries within which a journalist may focus his reporting. It is, however, the duty of the responsible journalist to weigh the interests involved—the interests of family privacy on the one hand, and the interests of the public to have a full understanding of important public events, on the other hand.

An article by Julie Nixon Eisenhower in the May 24 issue of Newsweek is a poignant illustration of the difficulties encountered in weighing these interests. Ms. Eisenhower's essay eloquently articulates the hardship which can be brought on by a failure to balance these interests equitably. I commend her article to all my colleagues. For it vividly illustrates the potential for inaccuracy and unfairness which is risked by such reporting.

I ask unanimous consent that the article be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MY MOTHER

(By Julie Nixon Eisenhower)

After reading Woodward and Bernstein's "The Final Days," I find there is one distortion in particular I cannot live with: the portrait of my mother. Woodward and Bernstein relegate her to the realm of a non-person: a woman who passively lived through the last months of the Nixon Administration. They portray her as withdrawn, self-centered and drinking heavily. A few critics have commented publicly on the references to my mother in "The Final Days." I am dismayed by their reaction: they are sympathetic but seem to accept the portrait as truth.

I am mystified by Woodward and Bernstein's willingness to ignore the public record of my mother's activities during the months covered in their book. They focus, for instance, on May 1974 and refer to "an occasional reception or a tea." Yet in that month my mother took part in nineteen public events in Washington and made separate trips to four states as well. In June and July she went on state visits to the Middle East and Soviet Union with my father. This is hardly the schedule of a reclusive heavy drinker tuned out to the needs of her family and consumed by her own problems.

In fact, in five and a half years of almost daily public activity she missed only two events. This is a remarkable achievement if one considers the usual pressures of life in the White House. It is difficult to fathom the strain of never-ending public scrutiny and to imagine what being guarded 24 hours a day, year after year, does to one's spirit. It takes a strong person to maintain a cool and balanced outlook on the world and an even stronger person to meet people and travel.

UNLIMITED PARTNERSHIP

"The Final Days" is being promoted as a precise and detailed account of my father's state of mind and every action. It seems to me that a complete profile should have called for a more serious attempt to examine his partner of 36 years, especially the role she played in the Administration right up to "the final days." My mother has been profiled and interviewed hundreds of times and, as a result, most of her actions and beliefs are recorded. Even a cursory glimpse at the Pat Nixon file in The Washington Post morgue of articles should have suggested to Woodward and Bernstein that the woman, orphaned at 17, self-educated, who has represented the United States in 75 countries around the world, faced death by mobs in Caracas and met with fortitude the cruel disappointment of political defeats, was in August of 1974 a courageous and strong woman. The nebulous, weak figure of "The Final Days" is not the same person.

Several other current characterizations miss the mark as well. I find it ironic that my mother is known today as the perfect old-time political wife: tactful, self-effacing, in the shadow of her husband. In reality, she is the most independent and self-sufficient woman I know. She had an unlimited view of her role as a political wife. My sister, Tricia, was three weeks old when my mother joined full force the first campaign for Congress in 1946. During the next two decades she was an invaluable and dedicated participant in my father's political and government career. As First Lady she traveled more widely than any of her predecessors, including unprecedented trips to the U.S.S.R., People's Republic of China and the first solo visit by the wife of the President to Africa.

SHATTERED DREAMS

In the White House, my mother refused to be confined to one "First Lady project," saying instead, "People are my project." For her support of people helping people, she became known as the nation's "First Volunteer." She was undaunted by up to five hours of correspondence each night because she believed people who wrote deserved a response. She saw a mission to make the White House more open and accessible and more physically beautiful. Through her persuasion and hard work, an unprecedented 500 paintings and antiques were donated to the White House collection between 1969 and 1974. She inaugurated public tours of the gardens and special tours for the handicapped so that, for the first time, they could touch historic objects such as Abigail Adam's coffee urn. Just as in the House, Senate and Vice Presidential years—and the years out of office—she was a partner in the fullest sense.

When I think of my mother seeing the dreams and goals, which she and my father shared and hoped to work toward during his second term in office, shattered, I remember Anne Lindbergh's words on suffering: "Stoicism is courageous, but it is only a halfway house on the long road . . . a shield. In the end one has to discard shields and remain open and vulnerable."

I believe those words describe my mother. People who have labeled her "superhuman" or "Plastic Pat" underestimate her. She is a woman of tremendous self-control because all her life self-control has been necessary simply to survive. She is a woman of dignity who does not seek pity from others or feed on pity herself. But she has grieved, she has wept.

"LOVE BEARS ALL THINGS"

The flashes of bitterness and anger at what happened, the remorse for this path taken, that rejected, all these feelings exist. But the overwhelming emotion is a willingness to remain open to love and life. This willingness was never more evident to me than during the year and a half of Watergate. There is no doubt in my mind that my father would not have had the heart to withstand the pressures, or for that matter the bitterness of the Vietnam war years, if my mother had even slightly wavered in her commitment to him and what he was trying to accomplish. In 1968, I asked my mother why she, an intensely private person, supported the decision to seek the Presidency. She answered: "He's a great man, a man of destiny." She was to repeat those words in 1974 when friends asked what sustained her.

My mother gives meaning to the words in the thirteenth chapter of I Corinthians: "Love bears all things, believes all things, hopes all things, endures all things." This extraordinary spirit she possesses is one reason why, in the face of the gossipy history of "The Final Days," I want to describe my mother as I know her. There is another reason I am writing. I cannot forget something my mother told me when I was 13. She said you should always express the love you feel in your heart because the moment is precious. Without a doubt, one of the yet unwritten stories of the "final days" is of the courage and love personifed by Patricia Ryan Nixon.

DISC—LIBRARY OF CONGRESS REBUTTAL TO THE TREASURY'S REBUTTAL

Mr. KENNEDY. Mr. President, tomorrow the Senate Finance Committee is scheduled to begin its consideration of the controversial question of DISC, the tax subsidy for exports enacted by Congress in 1971.

In April, in its annual report for 1974 on DISC, the Treasury Department suggested to Congress that DISC may have been responsible for the stimulation of over $4 billion in additional exports and 230,000 additional jobs in 1973.

Subsequent analysis by the Library of Congress, however, cast serious doubt on the Treasury analysis. According to the study, the Treasury estimates were based on so many erroneous assumptions, qualifications, hedges, and uncertainties that the estimates were virtually worthless. Using an independent method of economic analysis, the Library of Congress concluded that repeal of DISC would have no significant effect on jobs or exports, and that the subsidy was essentially a pure and unjustified windfall to exporters. The text of the Library of Congress study appears in the CONGRESSIONAL RECORD of May 3.

On May 7, Mr. Charles Walker, Assistant Secretary of the Treasury, in a letter to Senator LONG, attempted to defend the original Treasury estimate and criticized the Library of Congress analysis. Mr. Walker's letter appears in the CONGRESSIONAL RECORD of May 13.

Today, I have received a rebuttal prepared by the Library of Congress pointing out serious new flaws and questionable new assumptions in the Treasury letter. In my view, this series of analyses and rebuttals simply confirms the invalidity of the original Treasury study and digs the Treasury deeper into the DISC hole into which its original analysis placed it. The case has not been made for DISC, and I hope that the committee will repeal it.

Mr. President, I believe that today's Library of Congress reply to the Treasury will be of interest to all concerned with the merits of the DISC provision, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

RESPONSE TO TREASURY DEPARTMENT CRITIQUE OF CRS ANALYSIS OF DISC

On May 7, 1976 the U.S. Department of the Treasury submitted to Senator Long a critique of the Congressional Research Service report: "The Domestic International Sales Corporation (DISC) and its Effect on Exports and Employment: A Background Report." The Treasury critique has two stated purposes: (1) to support the estimates contained in the original Treasury report on DISC, (2) to criticize the CRS analysis of that report.

Treasury now contends that the upper range of estimates of the impact of DISC on U.S. exports is as much as $8.5 billion in 1973, much higher than reported by CRS—higher in fact than the previous Treasury estimate. CRS economists have reviewed the Treasury critique and conclude that the new Treasury estimate rests on highly questionable assumptions and flawed economic logic. CRS must retain its finding that DISC has not had a significant impact on U.S. exports.

I. A DESCRIPTION AND APPRAISAL OF TREASURY'S DEFENSE OF ITS STUDY

In evaluating the Treasury study of the DISC export subsidy, CRS developed three basic arguments: (1) Treasury failed to demonstrate that the difference in growth rates between DISC and non-DISC exports was due to DISC; (2) the Treasury without explanation counts as zero all instances where the data indicate a possible decline in exports as a result of DISC; and (3) the Treasury estimate of DISC related increases in exports has an upward bias, because under the current regime of flexible exchange rates the DISC export subsidy can be expected to increase the value of the dollar which in turn will limit the impact of the export subsidy and actually reduce non-DISC exports.

The Treasury response addresses only the second, and perhaps least significant argument. Treasury omitted from their analysis any categories of exports that declined in value after DISC was introduced. Treasury now justifies this omission by stating that factors other than DISC are responsible for the apparent DISC related declines in exports. CRS does not have access to the data used by Treasury and cannot, therefore, judge the validity of this explanation. Certainly, the contention seems plausible and should be accepted in the absence of contrary evidence. It is unclear, however, why Treasury did not discuss, or even mention, these issues in their original report. Moreover, even with the introduction of the new data, Treasury fails to explain why the same analysis of non-DISC causal factors is not performed on the "conforming" categories, and if it was, what the results are. It is quite possible that factors other than DISC explain some growth in DISC exports.

The Treasury simply fails to address the impact of flexible exchange rates. As stated in the CRS report while DISC could have been effective in a world of fixed exchange rates they no longer exist today. An assumption of fixed exchange rates in the existing international economic environment is clearly inadequate. This question does not rest on statistical techniques, but on fundamental economic logic.

II. TREASURY'S CRITIQUE OF THE CRS REPORT

In the Treasury critique of the Congressional Research Service report the assertion is made that had Congressional Research Service used an export price elasticity estimate of 5, rather than 1.5 or 2.8, the "best case" effect on the value of exports from DISC would have been substantially higher than the $1.4 billion CRS estimate. The report continues with the claim that proper application of the Congressional Research Service methodology would lead to a "best case" estimate of $8.5 billion. This higher figure estimate is the result of using a larger price passthrough, higher price elasticities, and total exports rather than DISC exports for the base.

A. Price elasticity estimates

The Treasury justifies the use of a price elasticity of 5 by referring to two separate studies, and notes that "The Congressional Research Service seems unaware that elasticity estimates as high as 5 are widely quoted." First of all, it should be pointed out that CRS does indicate that elasticity estimates do vary widely, but that 2.8 seems to be the top of the reasonable range of estimates. A check of the sources cited by the Treasury to establish that elasticity estimates as high as 5 are widely quoted does not lead to the conclusion that 5 is a reasonable estimate, but that perhaps 2.8 is too high.

The first source cited by Treasury to support an export price elasticity of 5 is a 1973 textbook by Caves and Jones.[1] A perusal of the Caves and Jones text, however, reveals that this estimate: (1) is not by Caves and Jones in 1973, but is taken from a 1965 study by Junz and Rhomberg[2]; (2) is a weighted average of all industrial countries and not the U.S.; and (3) is only applicable to manufactured goods. More importantly, a reading of the study itself indicates that the price elasticity of industry exports for the U.S. was estimated to be 1.3, below that of either of the two estimates used in the CRS study.

The other Treasury citation is to a study prepared by Norman Ture for the Special Committee on Export Trade, a business group. In this analysis, Dr. Ture uses an elasticity of 5, but provides no justification for this estimate. In fact, he does not claim that 5 is an estimate at all, but merely uses it for purposes of calculations.

Nevertheless, estimates of elasticities have varied widely. A rule of thumb estimate commonly used for individual countries is 2. Interestingly, the Junz and Rhomberg study quoted by the Treasury reports just such a rule of thumb. In preparing estimates of the impact of DISC, CRS attempted to use recently generated estimates which fall in a reasonable range.[3] The CRS study could have chosen a price elasticity estimate of less than one. In fact, an estimate of .74 is reported in the Data Resources Inc. Monthly Review for April, 1976 where a 5% increase in the value of the dollar is simulated using their international model. Although most analysts agree that the long term price elasticity of exports is greater than one, it may be more relevant to question this assumption rather than whether the elasticity is as high as 5.[4]

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[1] Caves and Jones, World Trade and Payments: An Introduction, 1973.

[2] Junz and Rhomberg, "Price and Export Performance of Industrial Countries, 1953–63. International Monetary Fund, Staff Papers. July, 1965.

[3] Houthakker and Magee, "Income and Price Elasticities in World Trade," Review of Economics and Statistics, 1969; Goldstein and Khan, "The Supply and Demand for Exports: A Simultaneous Approach," International Monetary Fund, 1973.

B. Price passthrough

In the May 4, 1976 CRS report on the DISC export subsidy, CRS noted that the potential price passthrough could be calculated on the basis of recorded DISC profits, or on the assumption that firms would react to DISC by seeking to maintain the same after-tax profit margin. Using the latter method would lead to the possibility of a somewhat larger reduction in export prices. The second method for computing the potential price passthrough, however, was not used in an earlier CRS report on DISC that was also released to the public. Quoting the first rather than the second study, the Treasury quite rightly points out the implications of the second method.

CRS, however, does not agree with the Treasury that a reasonable estimate of the maximum price passthrough is 3.3% of DISC export revenue, and consider it to be not very significant in any case. The 3.3% effect estimate by Professor Horst in the Senate Budget Committee's hearings cited by Treasury is based on the assumption that the effective corporate tax rate is the statutory rate. We believe that this assumption is not reasonable and suggest the use of 30% tax rate. The 30% rate is approximately the average effective domestic tax rate for manufacturers as reported in the National Income Accounts and is adjusted by various factors.[5] While it is true that the marginal tax rate is equal to the statutory rate, it is not appropriate to use the marginal tax rate unless it is being applied to the marginal rate of return. In this instance, since the average rate of return can be calculated, and not the marginal rate of return, it is more appropriate to use the average effective tax rate.

In fact, use of a 30% tax rate may be too high since exported products tend to fall in industry categories relatively favored by U.S. tax law—agriculture, timber and paper and allied products, and manufacturing. Using an effective tax rate of 30% to compute the price passthrough results in a maximum estimate of price passthrough to export revenues, when after tax returns are equated, of 2.4%. The "best case" estimate of increased export revenue would then be $1.9 billion. In the May 4 CRS report it is noted that such an estimate is somewhat above the $1.4 billion CRS estimate, but is substantially below the $4.6 billion Treasury estimate.

In addition, if a comparison of the impact on revenue with the subsidy provided by the DISC provision is made, the tax revenue loss estimate resulting from DISC should be adjusted to take into account the changes in export prices and quantities. Rather than comparing the $1.9 billion estimate with a $756 million revenue loss, the estimate should be compared with a $1.06 billion revenue loss (2.4% of export value). This larger tax revenue loss takes into account the DISC-induced reduction in the taxable income base as well as the rate change.

C. Export base

Treasury also argues that optimistic assumptions about price passthrough and elasticity effects may be applied to the *entire* volume of U.S. exports—rather than merely those that are eligible for and use DISC privileges. Treasury argues: "If all U.S. exports of a certain product type are sold at the same price, it would then be reasonable to assume that the 'passthrough' price reduction would lead to an increase in foreign demand for all U.S. exports."

A logical extension of the argument could say: and if, as generally understood, domestic sales of U.S. products must compete with our export markets it is reasonable to assume that the price relief deriving from DISC on exports might soon filter down to entire trillion and a half dollar economy with a diminished inflation, reviving sagging consumer demand and boosting job and output levels. This is undoubtedly true. However, it is unsound to assume that the passthrough effect to the entire economy would remain at 3.3%. It is equally wrong to apply the 3.3% calculated for the DISC export market to the entire market.

DISC, or other special tax privileges, cut the cost of doing a particular kind of business for a particular kind of businessman (the tax-favored firm). The effects on increasing production depend on decreasing the expense of operating at a particular level of output (or maintaining the same unit costs as output is pushed upward). Assuming that the full benefit of decreased costs flows through to purchasers, an estimate of demand elasticity can be applied to gauge the likely market for the favored, now cheaper goods. But we cannot legitimately apply this same elasticity to all the product markets conceivably competitive with those of the privileged firms. To do so would presume that output would be expanded, and additional costs incurred, by producers who are not only unfavored by tax preferences, but see their selling prices falling as well. Consumers might well enjoy such an arrangement. But profit-making U.S. enterprise rarely operates in this fashion.

In short, Treasury uses the price passthrough presented by Professor Horst, for DISC related exports only. Treasury, however, applies the DISC passthrough to all exports, which obviously are much greater. If the DISC passthrough estimate is to be applied to all exports, then the passthrough must be calculated from a base that includes all exports. When this calculation is made the passthrough effect to all exports is found to be 2.4%, not 3.3%. When the more reasonable assumption of a 30% effective tax rate is used, the 2.4% passthrough effect to all exports is reduced to 1.5%, and the "best case" effect on export revenue is $1.9 billion, the same result as using only the DISC export base.

Aside from the questions of appropriate price elasticities, the fact that an estimate of 5 should be viewed as too high should be reemphasized. None of the discussed estimates take into account the secondary effects of flexible exchange rates which would act to reduce the initial export gains. Nor should calculations of the impact on export revenues and employment obscure the central question of DISC—is it an appropriate policy in a world of flexible exchange rates? As the original CRS report suggests, there is no way to determine, given a specified level of fiscal stimulus, whether the effect on jobs is positive or negative.

The Treasury Department also argues that the price elasticity approach is inappropriate because DISC was never intended to reduce price. The critique then goes on to point out that the function of DISC is to increase the quantity of exports through a higher rate of return to the manufacturer, and to draw attention to the export market. Unless there are severe barriers to entering the export market, for each and every product exported, any increase in the rate of return from exporting must be short-lived. A rate of return to exports higher than the rate of return available elsewhere would attract new investment to the export sector and thereby increase the quantity of exports. This increased supply, however, normally would result in lower prices and a reduction in the rate of return back towards that available in the other markets. The net effect would be an increase in the U.S. export market at the expense of domestic markets. In effect DISC acts as a subsidy to foreign consumers of U.S. products. It would also seem reasonable that more cost effective methods of drawing attention to the export market exist. It is hard to imagine that over $700 million—Treasury's estimated cost of DISC for 1973—is a cost effective way to accomplish this purpose.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, Senate Resolution 400, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 400) to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

FURTHER AUTHORIZATIONS FOR THE COUNCIL ON ENVIRONMENTAL QUALITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 773.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 11619) to authorize further appropriations for the Council on Environmental Quality.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Without objection, the bill was considered, ordered to a third reading, read the third time, and passed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS, 1977—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on H.R. 12453 and ask for its immediate consideration.

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[4] It should be noted that a price elasticity of 5 implies that a 10 percent fall in the price of exports would result in an increase in quantity demanded of 50 percent.

[5] "Effective Corporate Tax Rate: Toward a More Precise Figure," by Emil M. Sunley, Jr. Tax Notes, March 1, 1976, pp. 15–24.

The PRESIDING OFFICER (Mr. ALLEN). The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12453) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today.)

Mr. MOSS. Mr. President, the conference agreement authorizes to the National Aeronautics and Space Administration for fiscal year 1977 $3,695,170,000. This is $1,830,000 below the NASA budget request for the fiscal year. This conference report authorizes $2,761,425,000 for research and development; $120,290,000 for construction of facilities; and $813,455,000 for research and program management. The actions of the conferees on the differences between the House and Senate bills are recorded in the joint explanatory statement accompanying this conference report.

Mr. President, I believe the conference report now before the Senate reflects a balanced program for the NASA for the forthcoming fiscal year. I believe that the conferees have exercised budgetary restraint and have agreed upon a program which makes the maximum use of the resources which are recommended herein for the Agency. It is forward looking. It is constructive and in addition to supporting sound ongoing activities it will provide a good base for future research and development activities in space and aeronautics.

While there was some reduction in the NASA request and the amount approved by the Senate, I am pleased that the conferees agreed to provide $2.2 million to construct an addition to the lunar sample curatorial facility at the Lyndon B. Johnson Space Center for the storage of, and more importantly, to provide the capability to process, the 842 pounds of lunar samples returned to Earth by the highly successful Apollo program. This facility addition will provide the support necessary to conduct a program of scientific research on these materials, acquired at great cost to the Nation, with the objective of increasing our knowledge of the Earth's space environment. These materials represent hard evidence in the overall study of the processes taking place in the space environment and they may well prove to be extremely important to understanding the factors in that environment that impact the Earth on which we work and live. This facility requirement was examined carefully by the Committee on Aeronautical and Space Sciences prior to its being recommended to the Senate. The committee, in its report on the fiscal year 1976 NASA authorization bill, requested further study and a report on this requirement by NASA. The report was submitted on October 23, 1975. This study considered remote storage, use of alternate facilities at the Johnson Space Center, a facility at another location, and the facility project as originally proposed. Also, upon receipt of the fiscal year 1977 budget request restating this facility item the committee asked the Comptroller General to review the location of and the design plans for the facility. I think this facility project has been reviewed adequately and responsibly. I think it is necessary, it is supported by the scientific community, and I believe the support that the Senate has shown for this project is fully warranted.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a standing committee of the Senate on intelligence activities, and for other purposes.

Mr. PERCY. Mr. President, it is anticipated that sometime tomorrow votes will be held on Senate Resolution 400. I am anticipating some of the concerns that Members of the Senate have expressed about the proposed compromise resolution that will hopefully be voted upon.

Some Members have expressed concern as to why the new committee on intelligence is embracing defense intelligence.

I would like to comment briefly on this point, because it may be that there will not be too many Senators on the floor today. Possibly some might be interested in some of the deliberations that have occurred and the hearings that have been held over a period of many weeks under the chairmanship of the Senator from Connecticut (Mr. RIBICOFF). They have brought our testimony which certainly has caused the Senator from Illinois to conclude that it would be in the national interest and in the interests of senatorial oversight for the new proposed Committee on Intelligence to include defense intelligence as well as all other aspects of the intelligence community.

I shall be very brief, but I would like to make the following points:

First, DOD does represent a huge portion of the overall intelligence budget. The Church report says:

> DOD controls nearly 90 percent of the Nation's spending on intelligence programs.

These programs are costly, and they do go to the heart of the intelligence provided to the Federal Government, the executive branch of the Government essentially, but upon which Congress rightfully draws in attempting to formulate judgments in many areas. The Senator from Illinois himself has found this information valuable.

But for the Senate of the United States, after extensive inquiry, the establishment of select committees, the months of hearings, and voluminous reports, if we were to establish a committee on oversight over the intelligence community and then to exclude from that committee 90 percent of its expenditure, I wonder if we would not be in a position where we would be presuming to say to the country, "We have seen the nature of this problem; we intend now to exercise diligence in connection with our oversight responsibilities; and yet we are establishing a committee that would have only 10 percent of the intelligence budget under its jurisdiction for authorization and oversight." So, for that reason alone, I should think we would want to include DOD.

Also, if for any reason, in any amendment proposed, the Senate voted in favor of excluding the Department of Defense intelligence from oversight responsibilities of the overall committee, would we not then go to the heart of breaking the compromise that has been reached wherein concurrent responsibility was assigned to the intelligence committee as well as to the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary for oversight over Defense, State, and FBI intelligence?

So, once we invade this area and break the compromise that had been so painstakingly worked out, would we not then establish a precedent to say, then, let us take everything else back into the other committees? Instead of having a focused responsibility in the hands of one committee clearly by its own charter and by its name, with the implication that it is going to have that oversight responsibility as one of the major functions of that committeee, would we not in a sense even fractionalize further a Senate procedure which has led us to the present point? The past procedure has really meant we had implied oversight, but with so much diversified responsibility that we never really did have effective oversight. It was even up to the point where the Secretary of State testified before the Committee on Government Operations that he thought he knew what the intelligence community was doing as it affected foreign policy, but he was shocked and surprised in the hearings and revelations of the Church committee to find that he did not know what he should have as Secretary of State.

I wonder if any Member of the Senate who has exercised oversight responsibility in the past could today say that, as a Member of the Senate assigned to that particular oversight responsibility, he was not shocked and surprised to find many operations being carried on that he did not know about when he had the oversight responsibility.

So, one of our problems has been a diffusion of responsibility. It seems like everyone had it and, therefore, no one had it. Is it not better to focus oversight on one committee that has that overall picture and overall responsibility and then, just so that there is no chance that we would not exercise proper responsibility within a chosen field, have concurrent oversight responsibility as is provided for in the compromise?

The second point that I mention is that the armed services are a major consumer of finished intelligence, and obviously those framers of the compromise have determined for that reason the Committee on Armed Services should have concurrent jurisdiction.

But the Senator from Illinois points out that those who worked out the compromise, and from the inception of the construction of the bill in the Committee on Government Operations, always drew the distinction between exercising oversight over a particular activity and having the benefit of the end product of intelligence. We have tried to make it very clear in this legislation and this resolution before us that any committee of the Senate that requires the end product of intelligence to carry out its responsibilities should have that end product. It is not necessary for that committee to feel that it is only going to get that information if it happens to set the budget. That is not necessary at all.

In the number of years the Senator from Illinois has served in the Senate, never once has the Senator from Illinois ever been deprived of proper end product intelligence in formulating judgments and obtaining information from the CIA, Defense Intelligence Agency, or whoever it may be, simply because the Senator from Illinois did not sit on a committee that happened to set the budget. I do not think we have to feel in that respect that that is the only way we can receive the end product of intelligence.

The third point I make is that DOD Intelligence has been subjected to much criticism on managerial grounds. DIA was created to provide a single intelligence voice for the Secretary of Defense. In point of fact, it has constituted an additional layer over the parochial interests of the individual service intelligence branches. DIA's defense attaché program has been much criticized for incompetency and mismanagement. NSA is often accused of gathering too much information at too great a cost.

I do not believe that this area is so sacrosanct that we should not oversee it, when the power of the purse has been so clearly given to Congress in the Constitution. Even though the area is sensitive we have the ability, the right, and the duty to go in and say how much is it costing, how much duplication exists, and what is the end product that we are getting, is it cost effective? Someone must ask those questions in the framework where the whole picture is available to those who are asking the questions. Unless Members of the Senate have that total picture they would be the first to say they are not truly competent to ask the right questions and to exercise the kind of oversight that can and must be made over every expenditure of the Government no matter how sensitive it may be, in order to see whether we have the overlapping and duplication that has been so apparent in the Church committee report. All of this goes back to the fact that 20 years ago the now majority leader of the Senate had the wisdom and the foresight, as he so frequently has had, to say that we cannot exercise this responsibility that Congress must and should carry out unless we have a committee given the full responsibility and authority to carry out this function. Are we then, after all of these years, after the wisdom of that judgment at that time has now been so unmistakably proven, to once again fractionalize the intelligence oversight functions now to be assumed and that the country is insisting that Congress assume? All we know is that in the past men of goodwill, with indefinite authority and fractionalized responsibility have not fulfilled and carried out the function the Nation thought they were carrying out. And to the shock and amazement of the Senate itself, we had not organized ourselves in such a way to carry out the duty, function, and responsibility that we should have had.

The fourth point I make is simply this: Many abuses have been committed by Defense Department agencies. We know, for instance, in NSA, in the question of cable traffic alone we have had abuses that are on the record for all of us to study. From 1947 until May 1975, NSA received from international cable companies millions of cables which had been sent by American citizens in the reasonable expectation that they would be kept private. Many questions could be raised about this practice: Was it necessary to protect the national interest? Was it necessary and was it cost effective? What end result came from all of that cable traffic that was reviewed?

Talk about a make-work project. The PWA was small compared to the make-work that was created by this oversight operation scanning and reviewing, reading and looking at, passing around, making copies of millions of pieces of paper involving private transaction of business. Where is the proof that this has been a cost-effective operation?

Another point I should like to raise is in connection with watch lists. In the late 1960's and early 1970's, various Federal agencies gave NSA names which went into so-called watch lists, names of Americans whose communications were selected for monitoring, without a warrant. Where is the protection to the civil rights of those individuals?

I wonder whether it does not come right down to the fact that NSA operated without a charter.

My point, therefore, is this: should not NSA operate with a charter?

The Church report, under the section on defense, if I recall correctly, indicated that the Senate and Congress should set out in charter form the duties and responsibilities of NSA. Certainly, one of the purposes of this committee would be to establish such a charter and, hopefully, place it in legislation.

Recently, the Senate proposed, and Congress now has adopted, a charter for the Voice of America. It never was a legislated charter. It was always an Executive order, subject, therefore, to interpretation by the executive branch only.

The Senator from Illinois felt very strongly that VOA should have a charter that is in law. The Congress of the United States would have a duty and a responsibility then to see that that law was effectively carried out, not simply subject to its executive branch charter. The Senator from Illinois felt the charter was being abused in such a way as to detract from the value of VOA.

Having it in law now clearly enunciates what the rules should be.

NSA likewise carries on a function so vital that a legislated charter should be undertaken.

With respect to Army intelligence, under the guise of quelling civil disorders, Army intelligence gathering covered not only "subversion" and "dissident elements"—and there was no further definition of what "dissident elements" were—but also the civil rights movement, the anti-Vietnam-antidraft movement, and later this was extended to cover "prominent persons" who were "friendly" with the "leaders of the disturbances" or "sympathetic with their plans."

I wonder, Mr. President, whether that is under the charter under which the 5th Army, in Chicago, had dossiers, files, and surveillance over some of our most prominent citizens.

In a newspaper report—and I say a newspaper report only—I discovered, to my shock and horror, that a Member of the Senate, my distinguished colleague from Illinois, ADLAI STEVENSON III, was under the surveillance of the Fifth Army in Chicago. By what right does Army intelligence place surveillance over civilians, particularly Members of Congress? Why? Because they might happen to disagree on a Vietnam war policy? Millions of Americans disagreed with that policy. The distinguished majority leader of the Senate disagreed with that policy. Does that give the Army the right to place them under surveillance?

It is almost as bad as the "plumbers" who wasted I do not know how much taxpayers' money, placing other people under surveillance. I understand, from testimony given to the Watergate Committee, that the senior Senator from Illinois was placed under surveillance by an operator of the "plumbers" who testified that he did not know why he was placed outside my office. He was to record the name of everyone who went in and out, and he said, "I don't know why they picked me. I'm not from Illinois, and I knew virtually no one who went in or out, and I couldn't say it in my report. But I was there for 3 weeks, outside the Senator from Illinois' office, recording, presumably, who goes in and out."

I do not know that their thought was in doing that. Was it their thought to determine the protesters going into the Senator from Illinois' office, to talk to the Senator, who might subvert his kind of thinking?

Heaven knows what goes on in an intelligence operation that is as big as 90 percent of our entire intelligence budget. It is a confidential figure, but it is not in pennies, dollars, tens of thousands of dollars, hundreds of thousands of dollars, millions of dollars, or hundreds of millions of dollars. It is in the billions of dollars, and we know that.

So should there not be a concentrated oversight of this operation? Is it right and proper to exclude 90 percent of the entire intelligence budget and kid the people of this country into thinking that we are setting up an intelligence oversight committee, and then exclude 90 percent of it?

The fifth point I should like to make is that it is not true that national—that is, strategic—intelligence cannot be separated from tactical intelligence, although there is much overlapping. I say this first because both DOD and the DCI and their budget procedures make the clear distinction themselves. So when we say that we cannot separate them, they belie it themselves by having separated it in their budget procedures.

Further, the President, in his executive order on intelligence, has given the DCI clear authority over all national intelligence, thus providing that it can in fact be distinguished from tactical intelligence.

In any case, the proposed new committee merely would have shared jurisdiction with the Committee on Armed Services. Thus, Armed Services will retain its input into all military intelligence legislation and authorization, both national and tactical.

But the citizens of this country and the Congress of the United States will know that that shared jurisdiction in this particular area with the Armed Services Committee, in the case of the FBI, with the Committee on the Judiciary, and with the Committee on Foreign Relations in State Department intelligence, will not mean that the intelligence oversight committee to be established has been relieved of oversight responsibility. It will have concurrent responsibility, and in one committee we can hold 15 members, 17 members—however many members we put on for the 8-year period in which it is now determined they will serve—fully and effectively responsible for oversight.

The intelligence committee has resulted from a great deal of soul-searching, a great deal of earnest negotiation. We feel that an extraordinarily good job has been done. Not a single Member who engaged in those negotiations ever achieved everything he wanted or would have built into the resolution before the Senate. Everyone entered into the spirit of compromise, that everyone had to give up some of his own sacred cows. But in the interest of reaching a broad-based agreement, we tried to arrive at a consensus, and this consensus was arrived at.

Certainly, many important issues were debated. Originally, it was conceived by some Members of the Senate that the intelligence committee should have prior knowledge of any covert activity carried on and, in a sense, should have the right to veto it. After a great deal of deliberation, after hearing many witnesses, the Committee on Government Operations wisely agreed, and the framers of the compromise retained the provision that provided that information always should be available to the intelligence oversight committee, but that prior approval of activities would, in a sense, make the oversight committee part and parcel of the original decision. How can we exercise oversight if we are a part of the action that has been taken? So it was determined that these activities should be committed to writing and should be signed by a high official. The options that went into the thought process should be committed to writing so that they always could be subsequently reviewed.

The Senator from Illinois made the point in those hearings and in the deliberations at markup that if something were committed to writing, a proposed activity, and someone at high levels had to sign it and authorize it, many, many times, the activity would not even be engaged in. Because, when you put something down in black and white and you analyze it and appraise it, some of these foolish activities that were carried on, that ended up to be on the wrong side of the national interest, would not be entered into in the first place.

But if the Senate, through the oversight committee, actually approved these operations in the first place, how could Congress subsequently have oversight over that activity in which it shared responsibility? How could it then be in a position to criticize or find fault with it?

For these and other reasons, Mr. President, I hope that my distinguished colleagues who are not on the floor today will have an opportunity to look over the RECORD in the morning and, when we vote tomorrow, I hope we can move forward with great dispatch. I trust that the spirit and the principle of the compromise can be achieved in our utimate vote, which I hope will come at the earliest possible time.

Mr. President, I ask unanimous consent that an article dated May 17, 1976, from the New York Times entitled "Military Flouted Civilians' Rights, Senate Unit Says", written by John M. Crewdson, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Monday,
May 17, 1976]

MILITARY FLOUTED CIVILIANS' RIGHTS, SENATE UNIT SAYS—INTELLIGENCE AGENTS ACCUSED OF IGNORING LEGAL CURBS IN SPYING ON DISSENTERS

(By John M. Crewdson)

WASHINGTON, May 16.—Military intelligence agents have violated the rights of United States citizens in the agents' investigations of domestic political and protest groups, and in the process have threatened "to violate the traditional and legal restraints which govern the use of military forces in the civilian community," the staff of the Senate Select Committee on Intelligence Activities has concluded.

During the middle and late 1960's, the staff said in a report released today, Defense Department agents, principally those of Army intelligence, penetrated and reported on numerous civil rights and anti-Vietnam war organizations, intercepted those groups' radio communications and cooperated with civilian law-enforcement agencies in monitoring the activities of private citizens.

REPORTS CONFIRMED

The Senate staff termed those activities "improper" and went on to confirm reports published yesterday in The New York Times indicating that the Army has also conducted active surveillance of United States citizens living in West Germany and West Berlin whom it considered to be "threats" to its operations.

Until 1968, according to the Senate staff's report, Army commanders in West Germany had unilateral authority to open mail to and from such individuals and to subject them to wiretaps.

Since then, the West German Government has forbidden the Army to conduct such activities, but the 1968 restrictions do not apply to the American sector of West Berlin where "mail openings and wiretaps continued to be employed against Americans and groups of Americans," according to the report.

FILES ON ALL DISSENTERS

Affidavits from Army Secretary Martin R. Hoffman recently filed in two civil court cases show that Army intelligence officers opened mail in West Berlin as late as 1972, and the affidavits carried the strong implication that such practices were continuing there.

As the Army was called upon with increasing frequency in the early 1960's to respond to civil disorders, the report said, it began what later became a "massive" intelligence collection effort that eventually produced files on "virtually every group engaged in dissent in the United States."

The military's rationale for such surveillance, the staff noted, was that, to enable its forces to respond effectively to Presidential requests for assistance in times of civil disorder, it was necessary to learn about the goals of dissident groups.

Although there is no statute authorizing military surveillance of the political activities of private citizens, the report said, the Constitution gives the Federal Government the responsibility of protecting each of the states "against domestic violence."

1971 INQUIRY CITED

The committee staff noted, however, that the Senate Subcommittee on Constitutional Rights, which conducted an extensive investigation of military intelligence activities in 1971, had been "unwilling to imply the authority to conduct political surveillance of civilians from the role assigned by statute to the military in the event of civil disturbance."

In all, the committee staff estimated, 100,000 individuals and a "similarly large" number of domestic organizations were subjected to surveillance by Army intelligence agents "who were young and could easily mix with dissident young groups of all races."

In addition to civil rights protests, such as the 1968 Poor People's March on Washington, and anti-Vietnam war organizations like the National Mobilization Committee, Army agents penetrated a coalition of church youth groups, classes at New York University, a conference of priests convened to discuss birth control and the late Rev. Martin Luther King Jr.'s Southern Christian Leadership Conference.

POSED AS NEWSMEN

While the covert infiltration of such organizations was a principal technique, the report said Army intelligence agents monitored protest marches and rallies by posing as newsmen and by recruiting civilian informers to work in the agents' behalf, before the defense department's nationwide intelligence collection effort was declared to have been ended in 1971.

In an effort reminiscent of, but narrower in scope than the "Cointelpro" domestic counter-intelligence programs of the Federal Bureau of Investigation, military officers and enlisted men also set out to harass and disrupt attempts of some antiwar groups to organize public demonstrations, the report said.

Among the individuals on whom the army maintained intelligence files, it added, were Dr. King; the late Whitney M. Young, head of the National Urban League; Julian Bond, the Georgia State legislator; Arlo Guthrie and Joan Baez, folksingers; Dr. Benjamin Spock, the child care specialist and antiwar activist; and Senator Adlai E. Stevenson 3d, democrat of Illinois.

"WORST INTRUSION"

The experience of the late 1960's which the committee staff termed "the most intrusion that military intelligence has ever made into the civilian community," resulted in the issuance of new Defense Department directives that presumably eliminated some intelligence activities against United States citizens and sharply curtailed others.

The Senate report pointed out, however, that the 1971 restrictions, while barring the collection of intelligence about individuals "unaffiliated" with the military, excepted from that prohibition individuals or groups that the Pentagon considered "threats" to its operations or security.

Although the committee staff said it had found very few apparent violations of the 1971 directive, it pointed out that the directive was an administrative one, and that "no matter how effective it may have been in the past, the directive can be rescinded or changed at the direction of the Secretary of Defense."

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO VITIATE ORDER FOR VOTE ON CLOTURE PETITION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a vote on a petition of cloture to occur tomorrow be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENTS—SENATE RESOLUTION 400

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the amendment to be offered by Senators TOWER, STENNIS, and THURMOND, there be a time limitation of not to exceed 4 hours, the time to be equally divided between the sponsor of the amendment and the manager of the bill; that on one of the Taft amendments, there be a time limitation of not to exceed 2 hours, the time to be equally divided between the Senator from Ohio and the manager of the bill; that on all other amendments, there be a period of not to exceed 1 hour, with the time to be equally divided between the sponsors of the amendment and the manager of the bill; and that on the resolution itself, there be a time limitation of 4 hours under the usual rules of procedure, the time to start immediately.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, the vote on the cloture petition has been vitiated?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, as the majority leader knows, the entire Illinois delegation will be at Arlington Memorial Cemetery tomorrow for a period of about 2 hours. Will it be possible to have no vote scheduled during that period, and if debate has been finished, that votes be set aside until, say 4 o'clock tomorrow?

Mr. MANSFIELD. We shall pile up the votes, if need be, in view of the sad circumstance involved.

Mr. RIBICOFF subsequently said. Mr. President, I ask unanimous consent that under the previous consent agreement on S. 400, all motions, appeals, points of order, be limited to 20 minutes, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That during the consideration of S. Res. 400 (Order No. 728), a resolution to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes, debate on any amendment (except an amendment by Senators Tower, Stennis, and Thurmond, on which there shall be 4 hours debate, and an amendment by Senator Taft, on which there shall be 2 hours debate) shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the resolution, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided,* That in the event the manager of the resolution is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said resolution shall be received.

Ordered further, That on the question of agreeing to the said resolution, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the Majority and Minority Leaders, or their designees: *Provided,* That the Senators, or either of them, may, from the time under their control on agreeing to the said resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, on my own initiative, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning; and that no later than the hour of 11 o'clock tomorrow morning, the Senate will return to the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I wish to speak to the pending Stennis-Tower amendment.

The PRESIDING OFFICER. Will the Senator from Minnesota suspend?

Who yields time?

Mr. MONDALE. Mr. President, I ask the distinguished floor manager if he will yield to me such time as I may require—15 minutes?

Mr. RIBICOFF. I am pleased to yield 15 minutes to the Senator from Minnesota.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

Mr. MONDALE. Mr. President, the Stennis-Tower amendment would delete from the jurisdiction of the oversight committee which we seek to create approximately 80 percent of the Nation's intelligence budget. The overwhelming proportion of the activities of this Nation in the intelligence field would be outside the jurisdiction of the new committee. The amendment proposes to delete from the jurisdiction of the new committee all of the Defense intelligence activity. That would mean the Defense Intelligence Agency, the National Security Agency, and joint programs with the CIA. It seems to me that the arguments for turning that amendment down and including these activities within the jurisdiction of the new committee under the terms of the Cannon resolution are overwhelming. First of all, the abuses that we have uncovered in the 15 months of the work of our committee have shown that there have been as many abuses committed by these agencies as by the agencies that would remain within the jurisdiction of the new committee, the CIA and the FBI.

The DIA played a role in covert action. One of the classic examples of misguided, counterproductive, and, I think, inexcusable covert actions that we found was so-called Track 2 in Chile. Track 2 was the strategy ordered personally by the President, under instructions to go around the institutions that exist for intelligence decisions in this country, and the CIA going directly to the DIA operatives in Chile. The idea behind Track 2 was, stripped to its essentials, to depose Mr. Allende, who was the duly elected President of Chile. One of the things that was decided in Track 2 was that a General Schneider, who was a constitutionalist and therefore refused to cooperate in the attempt to overthrow President Allende by a coup to be removed because he insisted on complying with the constitutional requirements of the government that he took an oath of office to uphold.

Of course that effort, although we had not intended it that way, led indirectly to the assassination of General Schneider because, while being abducted, General Schneider was assassinated.

That one example, it seems to me, stands as a classic example of a misguided, poorly conceived, immoral and counterproductive tactic of the kind that shames this country. It is counterproductive in terms of our relationship not only with Chile, where it led our responsibility indirectly for the present repressive and terrorist administration which runs Chile, but also it has humiliated us in the eyes of Latin America.

Another agency that would be exempt under the proposed amendment is NSA, the National Security Agency. There was a separate report put out by our committee on the activities of NSA. It was this agency that had a watch list on 1,600 innocent Americans, and established an operation called "Shamrock," which read all of the cable traffic out of the city of New York, none of it complying with the requirement for a court warrant.

Mr. President, in addition to the report put out by the committee, there was in this Sunday's New York Times Magazine an article entitled "Big Ear or Big Brother?" by David Kahn, spelling out the broad range of abuses interfering with constitutional and legal rights of the American people conducted for several years and with practically no limits whatsoever by the National Security Agency.

I ask unanimous consent that that article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From The New York Times Magazine
May 16, 1976]

BIG EAR OR BIG BROTHER?

(Note.—David Kahn, assistant professor of journalism at New York University, is the author of "The Codebreakers."]

(By David Kahn)

Room 6510 at the State Department is a warren of windowless offices with a special cipher lock on the door. Scrambler teletypewriters, shielded by special walls so that none of their radiation can escape, tick out a stream of material. Another door bars an inner area to all but perhaps 5 percent of the officials at State. This is the LDX room—long-distance Xerox. Here, the scourings of the globe's electronic environment flood in.

The environment is heavy with traffic—the *didahdidah* of Soviet Army radiograms in code or in clear; the buzzings of foreign air-defense radars; the whines of high-speed radio-teletypewriter circuits carrying diplomatic dispatches; the bleeps of missile telemetry; the hums of the computer-data links of multinational corporations; the plain language of ordinary radio messages; the chiming sing-song of scrambled speech. Moving on these varied channels may be Soviet orders to transfer a regiment from one post to another; Chinese Air Force pilots complaining during a practice flight about deficiencies in their equipment; Saudi Arabian diplomats reporting home from a meeting of OPEC. Tens of thousands of such messages are intercepted daily around the world and beamed to a complex at Fort Meade, Md., for decoding and relaying to the State Department and, simultaneously, to the White House, the Defense Department and the C.I.A.

The tall, bespectacled Air Force general sat down behind a table in the high, colonnaded Caucus Room of the Old Senate Office Building. Television focused its dazzling lights upon him and recorded his gestures. Two business-suited aides pulled up their chairs on either side of him. Before him sat the members of the Senate's Select Committee on Intelligence. A gavel banged, and the hearing began.

In appearance, the event resembled the start of thousands of Congressional hearings. What distinguished this one, last Oct. 29, was that, for the first time, the head of the largest and most secretive of all American intelligence organs had emerged from obscurity to describe some of his agency's work and respond to charges that it had invaded Americans' privacy. The big officer was Lieut. Gen. Lew Allen Jr., current director of the National Security Agency. N.S.A. is America's phantom ear. And sometimes it has eavesdropped on the wrong things.

In addition to sucking up and disgorging its daily load of intercepts from abroad, the N.S.A. had improperly eavesdropped on the conversations of many Americans, such as the antiwar protesters Benjamin Spock and Jane Fonda and the Rev. Ralph Abernathy, successor to Dr. Martin Luther King Jr., current director of the National Bureau of Narcotics and Dangerous Drugs and other Government agencies, its vast technological capabilities had invaded the domestic field, which they were never intended to do. The committee wanted to know about an N.S.A. activity dubbed the "watch list."

General Allen testified that, in the early 60's, domestic law-enforcement agencies asked the N.S.A. for information on American citizens traveling to Cuba. The assignment, he said, was reviewed by "competent external authority"—two Attorneys General and a Secretary of Defense. All approved it, and the idea of using the N.S.A. for such purposes spread rapidly through the Government. The drug bureau submitted the names of 450 Americans and 3,000 foreigners whose communications it wanted the N.S.A. to watch. The F.B.I. put in a list of more than 1,000 American and 1,700 foreign individuals and groups. The Central Intelligence Agency, the Defense Department and the Secret Service also submitted watch lists. Altogether, General Allen said, some 1,650 American names were on the lists, and the N.S.A. issued about 3,900 reports on them.

But all this is over, he said; he personally abolished the "watch list" when he took over the agency in 1973.

The general's assurance did little to overcome the committee's overall concern—and that of many other Americans. For both prior to and since that hearing, disclosures in Congress and elsewhere have indicated a multifaceted practice of using the N.S.A. in ways that threaten American freedoms. For instance:

The N.S.A. persuaded three major cable companies to turn over to it much of their traffic overseas. It was partly through this operation, code-named Shamrock, that the N.S.A. complied with the "watch list" assignment. At one office, the N.S.A. man would show up between 5 A.M. and 6 A.M., pick up the foreign messages sorted out for him by company employees (who were said to have been paid $50 a week for their cooperation), microfilm them and hand them back. When messages began to move on tape, the N.S.A. got them in that form. The agency took some 150,000 messages a month, 90 percent of them in New York, and thousands of these were distributed to other Government bodies. Congress got wind of Shamrock, however, and a year ago, after 28 years and millions of private telegrams, Secretary of Defense James R. Schlesinger had to terminate the operation.

A previous N.S.A. director, co-signed the notorious plan of White House aide Tom C. Huston to penetrate organizations considered security threats by the Nixon Administration. The agency furnished Huston with several suggestions; one of them seems to have been to let the N.S.A. eavesdrop on domestic American communications. Huston conceded that the plan would use "clearly illegal" techniques. But the N.S.A. has acknowledged that it "didn't consider . . . at the time" whether its proposal was legal or not. The Huston plan was never implemented, but, said the Senate Watergate Committee, the "memorandum indicates that the N.S.A. D.I.A. (Defense Intelligence Agency), C.I.A. and the military services basically supported the Huston recommendations."

Former President Nixon acknowledged in a recent deposition to the Senate Intelligence Committee that he had used the N.S.A. to intercept American nonvoice communications. He said he wanted to discover the source of leaks from the staffs of the National Security Council and the Joint Chiefs of Staff.

The agency is said to have passed reports on what prominent Americans were doing and saying abroad directly to Presidents Johnson, and Nixon. Once, for example, the agency informed Johnson that a group of Texas businessmen involved in private negotiations in the Middle East had claimed a close relationship with him to improve their bargaining position.

Two Stanford University computer scientists have recently accused the N.S.A. of promoting its own interests at the expense of the public's in a standard cipher proposed by the Government for computer networks. At issue is the key that would afford secrecy between pairs of users. The scientists accuse the N.S.A. of maneuvering to get industry to accept a key that, while too complex for rival businesses to try to solve would be susceptible of cracking by the N.S.A.'s superior capabilities. That would permit the agency to raid the economic data flowing into the computer network, and to penetrate personal-data files enciphered for security.

In the whole area of economic intelligence, N.S.A. interception has been developing rapidly. The House Intelligence Committee, in its report, expressed concern over the resultant "intrusion . . . into the privacy of international communications of U.S. citizens and organizations."

At the root of General Allen's appearance before the Senate Intelligence Committee, and of the entire Congressional investigation of the N.S.A., lay the question: Who authorized these abuses? What was there about the agency's legal basis that permitted it to invade privacy at the request of other Government agencies—and with so little qualm? Was the final authority the President's—and, in that case, was he not armed with powers to play Big Brother beyond the worst imaginings of the recent past?

"[The N.S.A.'s] capability to monitor anything . . . could be turned around on the American people," said the committee's chairman, Senator Frank Church. "And no American would have any privacy left. There would be no place to hide. If a dictator ever took charge in this country, the technological capability that the intelligence community has given the Government could enable it to impose total tyranny."

How essential to the nation's security is the National Security Agency? How can a balance be struck between the legitimate needs it serves and the freedoms it has shown itself capable of undermining? How did the whole problem originate?

Signals intelligence reaches back in America to the founding days of the Republic. But it matured only in World War I, with the widespread use of radio. During World War II, it became the nation's most important means of gathering secret information. When the Iron Curtain clanged down, the United States wanted to preserve these extraordinary capabilities. In 1952, President Truman issued a directive transforming the Armed Forces Security Agency, the interservice arm for signal intelligence, into the National Security Agency, serving all branches of government.

Therein lay the first pitfall. Unlike the C.I.A., in which all intelligence functions were centralized in 1947, the N.S.A. was not formed by act of Congress, with a legislative charter defining the limits of its mission. The cryptologic empire has only a Presidential directive as its legal base. So shadowy has been the N.S.A.'s existence, however, that the text of the seven-page directive has never been made public.

This obsession with secrecy is well reflected by the agency's headquarters. At the edge of Fort Meade, just off the Washington-Baltimore Parkway, it is ringed by a double chain-link fence topped by barbed wire with six strands of electrified wire between them. Marines guard the four gates. Inside lie a modern, three-story square-A-shaped structure and, within its arms, a boxy nine-story building. From the latter, in particular, emanates a chill impersonality, quite different from the flashiness of C.I.A. headquarters in McLean, Va. Topped by a frieze of antennas, the only sign of life a plume of white steam rising from the roof, the afternoon sun gleaming off its glassy facade, it stares bleakly south, toward Washington, the White House, and the centers of national power.

All around sprawl the vast macadam parking lots for the 20,000 employees who work there. They have passed some of the most rigorous security tests in the Government, but they may be fired merely on a suspicion. They are enjoined from talking even to their spouses about their work. And inside the building they are physically restricted as well. The colored badge each of them wears tells the patrolling Marine guards into which areas they may and may not go.

Their work is of two kinds. Some of them protect American communications. They devise cryptosystems. They contract for cipher machines, sometimes imposing performance standards so high and tolerances so close that suppliers quit in despair. They promulgate cryptologic doctrine to ensure that the procedures of, say, the State Department do not compromise the messages of Defense. But the main job is SIGINT—signal intelligence—listening in. To do all its work, the N.S.A. alone spends about $1 billion a year. The agency also disposes of about 80,000 servicemen and civilians around the world, who serve in the cryptologic agencies of the Army, Navy and Air Force but stand under N.S.A. control, and if these agencies and other collateral costs are included, the total spent could well amount to $15 billion.

The N.S.A.'s place on the organizational chart is ambiguous: It is "within but not a part of" the Defense Department. The Secretary of Defense merely serves as the "executive agent" of the President in carrying out the functions assigned to the agency. It is not subordinate to the C.I.A., but its director sits on the United Sates Intelligence Board, the intelligence community's steering committee, whose chairman is the Director of Central Intelligence—the C.I.A. chief. The N.S.A. director is always a three-star general or admiral. (The deputy director must be a career cryptologist.) The President appoints the director, rotating among the three services, which get 85 percent of its output. The seven directors before General Allen held the job for an average of three and a half years each.

The agency's orders—Truman's 1952 directive—are to "obtain foreign intelligence from foreign communications or foreign electronic signals," General Allen is said to have told the House Intelligence Committee. The agency can be remarkably successful.

"Most collection agencies give us history. The N.S.A. is giving us the present," said Lieut. Gen. Daniel O. Graham, a former head of the Pentagon's Defense Intelligence Agency (D.I.A.). "Spies take too long to get information to you, [satellite] photographs as well. N.S.A. is intercepting things as they happen, N.S.A. will tell you, "They're about to launch a missile. . . . The missile is launched' We know in five minutes that a missile has been launched. This kind of intelligence is critical to the warning business."

During the Strategic Arms Limitation Talks (SALT) of 1972, the N.S.A. reported on the precise Soviet negotiating position and on the Russian worries. "It was absolutely critical stuff," said one high intelligence officer. The information was passed back quickly to the American diplomats, who maneuvered with it so effectively that they came home with the agreement not to build an antiballistic missile defense system. "That's the sort of thing that pays N.S.A.'s wages for a year," the officer said.

In 1973, large antennas appeared in satellite photographs of Somalia, which lies east of Ethiopia on the Indian Ocean. They looked like Soviet models. But not until the N.S.A. had learned where the antennas' signals were going to and coming from was the Government certain that the Russians, who had been kicked out of Egypt, had moved their military advisers into Somalia in force and were controlling their warships in the Indian Ocean from there.

Examples like these made General Allen's task a little easier when he appeared before the Senate Intelligence Committee. Senator Walter F. Mondale, the Minnesota liberal, told the general, "The performance of your staff and yourself before the committee is perhaps the most impressive presentation that we have had. And I consider your agency and your work to be possibly the single most important source of intelligence for this nation."

Senator Church concurred. "We have a romantic attachment to the days of Mata Hari that dies very hard. The public has the impression that spies are the most important source of information, but that is definitely not so. The more authoritarian the Government being penetrated, the less reliable the information derived from secret agents. In the Soviet Union and other Communist countries, the penetrations are likely to be short-lived and the information limited. But information obtainable through technical means constitutes the largest body of intelligence available to us, except by overt means."

And, he might have added, the most reliable. It is free of the suspicion that blights a spy's reports: Is he a double agent? Photographs from satellites also provide data as hard as can be, but, as Schlesinger once remarked, "nobody has ever been able to photograph intentions."

On the other hand, communications intelligence is far more easily jeopardized than other forms of information gathering. If a Government merely suspects that its communications are compromised, it does not have to hunt down any spies or traitors—it can simply change codes. And this will cut off information not from just one man but from a whole network. That is why the Government is so hypersensitive to any public mention of the N.S.A.'s work. When President Ford last September refused to send classified material to the House Intelligence Committee after it made public four apparently innocuous words—"and greater communications security"—it was because of fears that the words would reveal to the Egyptians, to whom they referred, that the United States had pierced deeply enough into their communications to detect important changes. When last February he invoked executive privilege for private firms to keep them from furnishing information to a House committee looking into Government interception of private telegraph and teletypewriter messages, it was also for fear of compromising N.S.A. procedures.

In doing its work, the agency doesn't just tune up its receivers and go out hunting for codes to break. It gets its assignments from other elements of the Government. They tell the United States Intelligence Board what information they need that the N.S.A. can probably provide. After board approval, the Director of Central Intelligence levies the requirements upon the N.S.A. Typical assignments might be to locate and keep track of all the divisions of the Chinese Army, to determine the range and trajectory of Soviet ICBM's, to ascertain the characteristics of radars around East Berlin. In all of these, the first step is to seek out the relevant foreign transmissions.

Some of the intercepts come from N.S.A. teams in American embassies. The team in Moscow has been spectacularly successful—at least before the Russians began flooding the building with low-intensity microwave radiation. It had picked up the conversations between Soviet leaders in their radiotelephone-equipped automobiles and other officials in the Kremlin.

More intercepts come from special satellites in space called "ferrets." Swinging silently over the broad steppes and scattered cities of the Communist world, or floating permanently above the golden deserts and strategic gulfs of the Middle East, these giant squat cylinders tape-record every electric whisper on their target frequencies. These they spew out upon command to American ground stations.

Most radio intercepts come from manned intercept posts. Some of these are airborne. The Air Force patrols the edges of the Communist bloc with radio reconnaissance airplanes, such as the supersonic SR–71, the EC–135, and the EC–121, which carries a crew of 30 and six tons of electronic equipment. These planes concentrate not on communications intelligence (COMINT) but on the second branch of signals intelligence—electronics intelligence, or ELINT.

ELINT plays an important role in modern war. Suppose the Air Force were to send a bomber force against Moscow, Soviet radars would detect, the force and report its range, direction and speed, enabling their fighters to attack. To delay this, the Americans would have to jam the radars, or "spoof" them—i.e., emit counterfeit pulses that would indicate a false position and speed for the bombers. But to to do this, the Air Force would first have to know the frequency, pulse rate, wave form and other characteristics of the Russian radars. That explains why, in fiscal 1974, according to a report of the Center for National Security Studies in Washington, the Air Force flew at least 38,000 hours of ELINT flights—better than a hundred hours a day—dissecting radar signals with oscilloscopes and other electronic means. The game is not without its risks. No nation leaves all its radars turned on all the time. So the planes sometimes dart toward the country's territory. They hope the target will turn on its more secret radars. The danger, particularly at a time of international tension, is that the target will take the tease for the real thing and start World War III.

Other N.S.A.-directed posts lurk in the depths of the sea, aboard submarines in the Navy's Holystone program. This seeks, among other things, to "fingerprint" the acoustics of Soviet missile submarines. Aboard the Holystone submarine Gato, when it collided with a Russian sub in the Barents Sea in 1969, were eight sailors working for the Navy's N.S.A.-related security group. The Navy also used to have nine noncombatant surface ships collecting signal intelligence. But after the Liberty was strafed by Israeli forces during the Six-Day War of 1967 and the Pueblo was captured by the North Koreans, it decommissioned this mode.

The vast majority of the manned posts are fixed on the ground. They ring the Soviet Union and China—clusters of low huts huddling on a dusty plain or in the foothills of some remote Karakoram. In Turkey, they nestle close to the Russian underbelly. The post at the Black Sea port of Sinop—the ancient Sinope, which centuries ago colonized the shores of the Euxine—strains to hear Soviet voices. At Okinawa, the antenna field cobwebs a mountainside.

But much of the interception is done by servicemen. Earphones clamped to their heads, they hear the staccato of Russian Morse: One Soviet Army post reports the movement of half a dozen trucks to another. Other messages are in cipher. On a voice circuit, soldiers can be heard talking on maneuvers.

During moments of tension, the routine changes. Transmitters will vanish from their usual points on the dial. Station call signs will cease following their normal pattern of changes. Yet this is when information is most needed. The monitors hunch over their radio sets as they hunt up and down the frequency spectrum for their target transmitter. They can recognize him by peculiarities in sending or by the tone of his transmitter. One may sound like dowdy-dowdow, another like doodee-doodee. One may sound as if he's sending from inside a can; another may let his frequency slide up two or three kilohertz during a message.

They type out their intercepts on four-ply carbon paper and pass them back to the analysts. These men graph message routing to deduce organizational relationships. They monitor traffic volume for an upsurge that might indicate unusual activity. They extract from the message content indications of equipment capabilities, unit morale, names and characteristics of commanders. And they send the messages in cipher back to the cryptanalysts.

These are the aces, the shamans, of the communications intelligence business. They are the descendants of the ruffed divines and mathematicians who broke codes in curtained, candle-lit black chambers to further the grand designs of their absolute monarchs. The N.S.A.'s modern Merlins work in large open spaces filled with rows of gray steel desks. They pore over green-striped sheets, tap on computer terminals print letters with colored pencils in rows and columns on cross-ruled paper, sip coffee, confer. Their successes become the agency's most jealously guarded secrets.

They succeed, however, mainly with the ciphers of third-world countries and with the lower-level ciphers of major powers. Underdeveloped nations have neither the money nor the expertise to secure their messages from American—and Russian—exposure. Anyhow, they mainly want to keep things secret from their neighbors—Pakistan from India, Egypt from Israel, Argentina from Chile. So they buy commercially available cipher machines. But N.S.A. cryptanalysts, backed up by probably the largest concentration of computers under one roof in the world, some of them perhaps a generation or two ahead of any others in existence, can often beat these.

The major powers, on the other hand, use machines to generate ciphers so strong that, even given a cryptogram and its plaintext, and all the world's computers of this and the next generation, a cryptanalyst would need centuries to reconstruct the cryptosystem and use the reconstruction to read the next message. The N.S.A., in other words, cannot get the most desirable communications intelligence—the high-level messages of the Soviet Union and Communist China. (The SALT coup was partly the result of a Soviet enciphering error.) Worse, the area in which cryptanalysts may expect success is shrinking. The main reason is the declining cost of computation. This is falling by 50 percent every five years; the most obvious example is the price of pocket calculators. For the same amount of money as it spent five years ago, a nation can buy a cipher machine today with double the coding capacity. But doubling the coding capacity squares the number of trials the cryptanalyst has to make. Very quickly this work rises beyond practical limits.

So the N.S.A. asks for help. The F.B.I. burglarized embassies in Washington for it. The C.I.A. has subverted code clerks in foreign capitals: It once offered a Cuban in Montevideo $20,000. In 1966, it bugged an Egyptian code room to pick up the vibrations of the embassy's cipher machine. The N.S.A., which could not cryptanalyze this machine, though it was commercially available, analyzed the recordings, revealing the machine's settings—and hence the messages. The C.I.A.'s most spectacular assist came in 1974, when it spent $350 million in an unsuccessful secret effort to raise a Soviet submarine from the depths of the Pacific, with missiles and cipher machines intact.

In Room 6510 at the State Department, the intercepts come in on white sheets of paper bearing the heading "To Secretary of State from DIRNSA [Director, N.S.A.]." Several lines of gibberish indicating the distribution are followed by the text of the intercept, unscrambled on the spot. R.C.I. officers (for "research—communications intelligence"), one for each geographic area, insert the new material into fat loose-leaf binders and pull out the old. Once a week or so, the country directors mosey on down to Room 6510 and leaf through the file to keep current with their areas. If something urgent comes in, the R.C.I. officer calls the country director, who comes right down. Daily, an R.C.I. officer conceals the more important intercepts under black covers (the C.I.A.'s color is red) and carries them in a briefcase to the several Assistant Secretaries of State.

Dramatic intercepts are rare. And when they come, they seldom have much impact. Once, an intercept arrived suggesting that a *coup d'état* could take place in a certain country in a matter of hours. It was rushed to U. Alexis Johnson, then Under Secretary of State. He read it, nodded, said, "That's interesting," and handed it back to the R.C.I. officer. There was simply nothing he could do about it.

The vast majority of the intercepts are low-level routine. At State, they deal largely with the minutiae of embassy business, such as foreign messages dealing with Soviet visa requests to foreign governments, reports of foreign ambassadors about meetings with American officials, foreign businessmen's orders. At Defense, they may include foreign ship locations, a reorganization in a Soviet military district, the transfer of a flight of Iranian jets from Teheran to Isfahan. Nearly all come from third-world countries. Usually they are of secondary interest, but sometimes their importance flares: Korea, the Congo, Cuba, Chile. And since these countries are spoken to by the major powers, their messages may carry good clues to the major powers' intentions. (This was another of the sources for the SALT intelligence.)

The quantity is enormous. In part this reflects the soaring increase in communications throughout the world. In part it marks a shift to the more voluminous peripheral sources, such as observing message routings, to compensate for the growing difficulty of cryptanalysis in areas of central interest, such as Russia and China. Unfortunately this overwhelming volume can stifle results. In late September 1973, just before the start of the Yom Kippur War, "the National Security Agency began picking up clear signs that Egypt and Syria were preparing for a major offensive," the House Intelligence Committee reported. "N.S.A. information indicated that [a major foreign nation] had become extremely sensitive to the prospect of war and concerned about their citizens and dependents in Egypt. N.S.A.'s warnings escaped the serious attention of most intelligence analysts responsible for the Middle East."

"The fault," the committee concluded, "may well lie in the system itself. N.S.A. intercepts of Egyptian-Syrian war preparations in this period were so voluminous—an average of hundreds of reports each week—that few analysts had time to digest more than a small portion of them. Even fewer analysts were qualified by technical training to read raw N.S.A. traffic. Costly intercepts had scant impact on estimates."

If N.S.A. failed in this major test, how does it do in its day-to-day operations?

A survey at the State Department showed that most desk officers felt that while the N.S.A. material was not especially helpful, they didn't want to give it up. It made their job a little easier. A former top State Department official was always glad to see the man with the locked briefcase. "I got some good clues on how to deal with various countries," he said, "and I quickly learned which ambassadors I could trust and which not."

At the Defense Department, most officials said they appreciated the help they got from the agency. "D.I.A. relies very heavily on N.S.A.," said General Graham, "because D.I.A. puts out a warning document to American units all over the world and to Washington, and whether the warning lights are green or amber or red comes mostly from the N.S.A."

For policy makers, naturally, the more information the better. But is this marginal advantage worth the billions it costs in a nation that has so many other vital human needs unfulfilled? Put that way, the question poses a false dilemma. The money for health and housing and education can—and should—come from elsewhere. It is on the vastly larger arms budget, on atomic overkill and obsolescent nuclear aircraft carriers, that the nation overspends. Intelligence is far cheaper and usually saves more than it costs. In general, with its record of some failures and some successes, and the incalculable potential value of its sleepless watch around the world, the N.S.A. is worth the money the nation spends on it.

The real question for a nation reappraising its intelligence community is not one of financial priority but of legal basis. There is no statute prohibiting the N.S.A. from activities that encroach on Americans' constitutional rights. In response to criticism, President Ford recently issued an executive order on intelligence that seems to forbid the N.S.A. from intercepting American communications—but also seems to leave a loophole. Even with the best of intentions, however, that cannot be an adequate approach. For what one President can order another—or even the same—President can abrogate or amend.

The final responsibility for all those improper activities by the N.S.A. was, in each case, the President's, even though it remains unclear whether all of them were reported to the Oval Office. That alone should illustrate the hazards of an arrangement under which the powers of an intelligence service derive not from Congress but from the White House. As a basic reform, Congress should replace Truman's 1952 directive with a legislative charter for the N.S.A.

That, in fact, was the view that underlay much of the questioning of General Allen before the Senate Intelligence Committee; and that is the substance of the recommendations on the N.S.A. contained in the committee's recent report on the intelligence establishment as a whole. "The committee finds," said the report, "that there is a compelling need for an N.S.A. charter to spell out limitations which will protect individual constitutional rights without impairing N.S.A.'s necessary foreign intelligence mission." The committee also made specific recommendations designed to prevent a repetition of the known abuses of the past.

The House Intelligence Committee, in its own report, came to the same basic conclusion, declaring that "the existence of the National Security Agency should be recognized by specific legislation," which should "define the role of N.S.A. with reference to the monitoring of communications of Americans."

There is no question that the National Security Agency, in the words of the Senate committee report, is "vital to American security." In fact, in this nuclear age, when danger-fraught situations can be best handled with knowledge about the "other side," and when many international agreements, such as SALT, are dependent on, say, America's ability to verify Soviet compliance by its own technical means. N.S.A. intelligence, like all intelligence, can be a stabilizing factor in the world.

There is also no question that we need a new statute. No law can guarantee prevention of abuses, especially if lawlessness is condoned in the higher echelons of government, and the C.I.A.'s charter did not prevent that agency from overstepping its bounds. But a gap in the law is an invitation to abuse. An institutionalized mechanism to seek out violations and punish the guilty can best deter the sort of intrusion that so many Americans fear—and that destroys the very freedom the N.S.A. was created to protect.

Mr. MONDALE. Next, Army Counterintelligence, which would be another agency exempt under this pending amendment, was found spying on innocent Americans, bugging, tapping, and illegally opening mail. That record is also spelled out in the reports of our committee. Some of the early pioneering work in the area of intelligence abuse came as a result of the hearings before Senator Ervin on the Constitutional Rights Subcommittee relating to the abuses of the Army Intelligence Agency against innocent Americans. Thus there is a very rich and broad record that demonstrates that abuse has occurred within the authority and under the jurisdiction of Army intelligence.

Next, the military has provided the backbone for the major paramilitary activities. These are activities which have been carried on in Laos, the Bay of Pigs, in which an attempt is made to suggest that it is not direct U.S. military intervention but which, in fact, have been under our control and direction, often U.S.-trained military personnel who have been, in the jargon of the business, "sheep-dipped." They have been clandestine in their outward marks, but they are, in fact, U.S. military personnel involved in those activities.

Those paramilitary activities occurred outside the Constitution. If you read the Constitution and the declaration-of-war powers contained therein you will find no exception in there permitting military activities run and conducted by the United States except through a declaration of war, and there is no exception in there for such activities if you call them paramilitary. If you did, of course, there would be no constitutional protections at all. This is another area of abuse, another area of major significance that would be beyond reach of this oversight committee if this amendment is adopted.

The military clandestine intelligence activities are supervised by the CIA. Only half of what the CIA spends comes from its own appropriations. The other half comes out of defense appropriations through transfers or advances, and thus if you controlled only the CIA it would be a simple matter to shift intelligence operations, covert operations, dirty tricks, into agencies not under the jurisdiction of this oversight committee.

Anything the CIA does or the FBI does the military can do and has done. You either have to oversee all of them or, in all likelihood, we will not have had restrained what we are seeking to restrain.

Finally, let us look at the Huston report. The Huston report or the Huston plan is probably the most classic official document of lawlessness ever prepared and signed off by high officers in the history of America. It was approved by the President, it was approved by representatives of every intelligence agency in the Federal Government. On its face it sanctioned a broad range of illegal and unconstitutional activities: reading mail without a court's warrant, contrary to law; black bag jobs; breaking and entering the homes of American citizens, contrary to the fourth amendment; tax returns and a whole range of activities that we have revealed and which were to be officially sanctioned by Presidential private plan, the Huston plan. The reason I raise this point is that a majority of the participants in the committee, who prepared that plan, were representatives of the military agencies, the DIA, the NSA, Army Intelligence, Navy Intelligence, Air Force Intelligence. Each had a representative on the committee that prepared the Huston plan.

So if what we are trying to do here is designed to try to prevent the recurrence of abuses that threaten American democracy and threaten the accountability for U.S. foreign policy to Congress and to our constitutional system, then the argument is overwhelming that these agencies must be included within the jurisdiction of this new oversight committee.

Moreover, the reason for the oversight committee is not simply to prevent abuses, as important as that is, but to assure that these agencies are acting effectively to defend us. The record is replete with failures on the part of these agencies to effectively defend our interests. For years the CIA and the FBI did not talk to each other at top levels, risking this Nation's defense because of the petty personal disputes. No one knew about it because there was no oversight.

For years there has been private talks within the Defense Department about the effectiveness of the DIA on which we spend millions and millions of dollars. The Murphy Commission recommended that it be terminated; the House committee, after studying it, recommended that it be terminated, and we understand there is a good deal of private talk in the Defense Department toward that same end, because it has not proven to be as effective and to serve the purpose it was supposed to serve in helping to protect this country.

For many years there was a paranoid attitude in the CIA that viewed possible agents that we could work with or possible leads as all plants presented by the Russians. Maybe and undoubtedly many of them were, but not all of them, and very few of these leads were pursued.

That shows, in my opinion, the need for oversight not only to prevent abuses but to make certain that these agencies are performing effectively to defend our country against real dangers.

If we do not have oversight of the military agencies, I think we have largely failed—largely failed in our effort.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Who yields time?

Mr. MONDALE. May I have 5 more minutes?

The PRESIDING OFFICER. The Senator is recognized for 5 more minutes.

Mr. MONDALE. It seems to me that there are three or four fundamental principles that justify and demand oversight of all of these agencies.

First of all, if there is one thing we have learned from this long study, it is that we must be very concerned about how human nature works when we clothe people with secret power, particularly with great secret power. If we are not careful, it will almost inevitably lead to abuse.

Recently, the Director of the Bureau, Mr. Kelley, said, "Well, the real problem is that in Hoover's twilight years he was acting foolishly," and I think that is true. But I do not think the villain theory answers our question because many of these things occurred before Mr. Hoover's twilight years. They were committed by many people in the Bureau and in these other agencies, other than Mr. Hoover.

Mr. Hoover does not explain the CIA; he does not explain the DIA; he had nothing to do directly with assassinations. Many of the abuses that we have seen here were not the contribution of Mr. Hoover.

Mr. Hoover had little or nothing to do with the "Palmer Raids" in World War II.

What we have seen, if we look at the history of secret intelligence agencies, is that if we are not careful and if we do not have oversight, we can expect, based on the record, that human nature is such that those who wield this power will find it very hard to restrain themselves from abusing it. It is hard to refuse to play God when we have the right to do it outside the law and protected by censorship.

That is why, above all, we need what Madison once called auxiliary precautions.

I do not think it is any insult to those now running these agencies to say that we need that oversight and that we cannot accept their argument that, "we are different people than those other people who did wrong, but we don't do wrong."

I do not think that answers the question. I do not think the experience and history justifies it.

I often like to quote Madison's Federalist Paper No. 51, which I think underscores the need for what he called "auxiliary precautions."

He said this:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

and that he said

> Experience has taught mankind the necessity of auxiliary precautions.

I think that is what this record shows: experience has taught us that we need auxiliary precautions against abuse, particularly the abuse of power in the intelligence field which, by necessity, operates in secret.

Secrecy, yes. Unaccountability, no. That is why we simply must have full jurisdiction in this oversight committee.

It seems to me that, when we strip the arguments down to their essentials, what many people are really arguing in these agencies is that this Nation cannot defend itself unless it can do so with the protection of the censorship and unless it can from time to time proceed illegally. In other words, in order to defend this country, it is necessary to do something that the framers of this country found abhorrent, namely, to have censorship——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. May I have 5 more minutes, please?

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Yes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. MONDALE. So that we can proceed with secrecy and protect ourselves from the Congress, from the American people, and, second, to have the right to act illegally and in violation of the rights of the American people from time to time in order to defend this country from its real dangers.

I say that is their essential argument, when we get down to it, and certainly the record will demonstrate that time and time again they said almost exactly that, because that would be the only reason for saying that they should have the right to operate in secret and beyond the reach of the Congress.

Why do they want that right if they are operating legally and responsively? What is their fear?

I think the fear is that it would deny them this broad freedom they have had to pursue whatever course they wanted, no matter how illegal or disruptive of constitutional rights it should be.

What we found, if we found anything, is that this Nation can defend itself fully and effectively, as it has for 200 years, within the law.

For some months we have looked through the FBI files; we asked them which dangers they wanted to defend us from. We did not look at logic, we did not look at theory, we looked at real life, and we found out that this Nation can clearly defend itself within the law and within the Constitution from every threat to this country, terrorists, bombers, foreign spies, rioters, civil unrest. We can do all that within the Constitution and within the law.

I want to know what right any of us have, those of us who have taken the oath to uphold the Constitution of the United States, to grant authority to anyone, the President or anyone in his behalf, or ourselves, to take the law into his own hands and in secret and in that fact threaten the constitutional rights and the constitutional system of this Nation.

It is not necessary and it is the most dangerous thing that this Nation can do.

If our study has concluded anything, it is this, that those framers of our Constitution nearly 200 years ago came up with a document that was shrewd and profound in terms of how human nature worked, but shrewd and profound in terms of giving us the full authority we needed, the power we needed to protect us from our dangers at home and abroad, and at the same time to restrain the hand of Government. Because we do not want to go beyond that line, beyond enforcing the law to interfering in the political rights and freedoms of the American people.

It is the most sacred and important line drawn in the Constitution. I cannot think of anything better that we could do to celebrate this Bicentennial and more meaningful than to say that 200 years later we agreed that line is right and that in the face of this record we are going to insist that these agencies observe the law and to make certain they obey it, that they are going to have to report their activities to this Congress, all of them.

Mr. President, I yield the floor.

INTERNATIONAL TRADE COMMISSION AUTHORIZATIONS

Mr. MANSFIELD. Mr. President, in order to keep the calendar clear and to take only a few minutes of the Senate's time, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 776, S. 3420.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (S. 3420) to authorize appropriations to the International Trade Commission.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CURTIS. Mr. President, I fully support S. 3420 which provides budget authorization for the United States Trade Commission. The Finance Committee has approved the amount requested by the Commission for fiscal year 1977 and 1978, and I would like to briefly explain the need for this level of funding.

The Trade Act of 1974 has placed increased responsibilities on the Commission. For example, in fiscal year 1975, about one-third of all Commission resources were devoted to the development of advice to the President on the probable economic effect of trade concessions. Additional work in this area has been necessary this year and more is expected as negotiations proceed. Undoubtedly, the Commission will be asked to furnish additional support to U.S. representatives as negotiations intensify in fiscal year 1977. The new escape clause criteria have resulted in a total of 14 industry investigations in less than a year since the Trade Act's effective date, compared to a total of only 1 such investigation initiated in the previous 21 months. Intensive efforts are being devoted to completion of unfair import practice investigations under the new rules and time limits established by the Trade Act of 1974.

Mr. President, the Commission's present efforts, such as its recent advice to the President on the probable effect of tariff concessions and the generalized system of preferences, its reports on East-West trade, its studies of international commodity agreements and the United States-Canadian automotive agreement, and its series on the competitiveness of the United States and other major trading countries, have greatly impressed the members of the Committee on Finance.

Further, as the multilateral trade negotiations proceed in Geneva the Commission will play an increasingly important role regarding the economic impact of proposed tradeoffs and the Commission must be adequately staffed to carry out this important task.

Mr. President, it is essential that the International Trade Commission remain responsive to the needs of government and the American business community and I strongly urge my colleagues to support S. 3420.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there are authorized to be appropriated to the International Trade Commission $11,789,000 to carry out its duties and functions during fiscal year 1977.

(b) There are authorized to be appropriated to such Commission $12,036,000 to carry out its duties and functions during fiscal year 1978.

(c) In addition to the amounts authorized under subsections (b) and (c), there are authorized to be appropriated to such Commission such amounts as may be necessary for fiscal years 1977 and 1978 for increases required by law during such fiscal years in salary, pay, retirement, and other employee benefits.

ORDER REFERRING S. 3091 TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. TALMADGE. Mr. President, I ask unanimous consent that S. 3091, which was reported on Friday from the Committee on Agriculture and Forestry be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a Standing Committee of the Senate on intelligence activities, and for other purposes.

AMENDMENT NO. 1647, AS MODIFIED

Mr. TAFT. Mr. President, I call up my amendment No. 1647, and I send a modification to the desk.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The legislative clerk read as follows:

> The Senator from Ohio (Mr. Taft) proposes an amendment (No. 1647), as modified.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

> On page 8, lines 13 and 14, delete the term "for public dissemination".
>
> On page 8, line 17, delete all after the period and delete all of line 18.
>
> On page 8, line 22, before the period insert "or the amount of funds authorized to be appropriated for intelligence activities."

The PRESIDING OFFICER. May the Chair ask the Senator, is this the amendment which has the time limitation of 2 hours?

Mr. TAFT. Mr. President, this is not the amendment that I referred to in the consent agreement for 2 hours. It is merely a 1-hour amendment.

The PRESIDING OFFICER. Who yields time?

Mr. TAFT. Mr. President, I yield myself such time as I may consume.

Mr. President, first of all, let me say with regard to this entire measure that I have very serious reservations about it. I am glad that we are going to dispose of it. In delaying action on it last week, I did so because I thought that while the Senate ought to act on it, while I think we need some type of an institutionalization of the reporting process of our intelligence agencies, the one we have today being either nonexistent or at least wholly inadequate in my opinion, nevertheless the approach that was taken by the substitute which is before us at this time, amendment No. 1643, should be of great concern to all Members of the Senate. I am not sure whether I am going to vote for it or not. I am going to listen to the debate with interest and observe what happens with regard to the amendments before making up my mind whether I will support it or not.

I think it raises questions as to our security insofar as intelligence operations are concerned which give me serious pause.

The fact that we are going to have 15 Members of the Senate, and still the same reporting or some other reporting procedure on the House side, means that quite a few more people are going to be privy to the information than has been true in the past, which is, I think, a very serious question.

I also believe there are very serious questions relating to the provisions of this bill which go toward the reports that the select committee is directed to make. In that regard, I want to go over some of the specific provisions in the substitute amendment with the Senate.

I am certain that there is no Senator who wants to see abuses of power or authority in or by any arm of the Government, and the control of abuse in intelligence matters is properly a function of the Congress which we should not avoid. But we must exercise control in a careful and deliberate manner to insure that our oversight activities do not undermine effective intelligence operations, to the advantage of our adversaries.

We have seen around the world too many cases where national security is used as a justification for domestic repression. Equally, we see cases where foreign intelligence services of various States, especially the Soviet Union, engage in practices on foreign soil that violate the rights and sovereignty of other States. We cannot and should not view any of these practices with equanimity or approval.

At the same time, I would hope that there is no member of this body who is not aware of the vital national need for adequate and accurate foreign intelligence. Our international opponents, particularly the Soviet Union, are closed societies. They do not publicize their capabilities or their intentions. I think the question of intentions is particularly acute for this country. We know that the ideology of the Soviet Union calls for the spread of communism worldwide. What we do not know is how seriously that ideology is taken, in terms of policy plans. We cannot obtain such knowledge without using covert intelligence collection; yet without it, how can we establish a policy toward the Soviet Union other than one based on general mistrust and suspicion of Soviet intentions?

This is, of course, only one example of the need for intelligence, but at a time when we are hotly debating the merits of détente, it is a timely example.

There are, Mr. President, many aspects to the problem of how to exercise adequate oversight over the intelligence community so as to prevent potential abuses, while at the same time not imparing our vital intelligence gathering capability.

In this respect, I see a number of ways in which amendment No. 1643 to Senate Resolution 400 may be improved. My amendment No. 1647 seeks to avoid one of the potential problems created by the resolution by prohibiting the public dissemination of annual reports required under section 4(B) of the substitute amendment. My colleagues will recall that the section 4(B) presently reads:

> (B) The Select Committee shall obtain an annual report from the director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation for public dissemination. Such reports shall review the intelligence activities of the Agency or Department concerned and the intelligence activities of foreign countries directed at the United States or its interests. An unclassified version of each report shall be made available to the public by the Select Committee. Nothing herin shall be construed as requiring the disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the sources of information on which such reports are based.

Mr. President, last week after this substitute had appeared on the scene, the Armed Services Committee, under Chairman Stennis, called the Deputy Secretary of Defense, Mr. Robert Ellsworth, before that committee to testify on this subject. Secretary Ellsworth's testimony is now printed and available for study and we are making copies available to any Senators here today who would like to read that testimony.

I was concerned in this hearing about the effects of section 4(b) on foreign intelligence sources because of the requirement of annual public disclosure. In response to my questions about the effects of the section, Mr. Ellsworth had a good deal to say. I want to read specifically from some of his testimony before the committee just last week with reference to this particular section, section 4(b), appearing on page 8 of the bill.

Mr. President, at that time, I asked as follows:

> Senator Taft. I would like to ask Secretary Ellsworth, in section 4(b) is a provision that:
>
> "The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation for public dissemination. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interests. An unclassified version of each report shall be made available to the public by the select committee. Nothing herein shall be construed as requiring the disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the sources of information."
>
> And so forth.
>
> What in your opinion would be the effects on foreign intelligence sources to us of it being known that there will annually be such a report made public?
>
> Mr. Ellsworth. I think that the effect of that report would be to apprise foreign nations of the extent of our familiarity with their operations against us, and would assist them in perfecting and strengthening their operations against us.

That appears on page 11 of the transcript.

On page 13, a question was asked by Senator Stennis, the chairman of the committee:

> Now, Mr. Secretary, are there any other points that you can think of? And I want you to answer questions here by our Chief of Staff, too. But make your points further.
>
> Mr. Ellsworth. The only other point. Mr. Chairman, is a personal point that comes out of what some of my friends, for example, in the academic community have been saying for a couple of years, before I came into the Defense Department, to the effect that it is logical, if we are going to spend that amount of money on intelligence, to have a coherent, unitary budget for that, and logical therefore to give the jurisdiction for authorizing that budget and for overseeing its performance, and so forth and so on, into a separate

committee in the Congress. They use words like logical and coherent. But I want to stress again that notwithstanding the appeal of logic and coherence, the fact of the matter is that in real life this is going to give us tremendous problems in our responsibilities as far as the Defense Department is concerned, first of all, because naturally when you get things into a coherent, unitary picture in the intelligence field, foreign intelligence specialists and analysis—the analysts who work for foreign powers—are not so dumb that they can't figure out on the basis of a year-to-year comparison basis what is going on in our intelligence collection effort on more effective and efficient basis than they are today.

The Chairman. You mean intelligence from foreign nations?

Mr. Ellsworth. That is right. A foreign analyst analyzing our program is going to have a tremendous edge when he can look at our unitary defense overall intelligence budget and compare it from year to year and put it together with other bits of information that he has assembled on the worldwide basis. It is going to be a tremendous help to him with his problem, figuring out what we are doing and how he can counter it.

That is one problem.

Another problem is a reflection of the point you yourself made, Mr. Chairman, and that is if the Senate has this process, it is just going to mean double accounting, it is going to mean double automation, and double staffing as far as we are concerned in presenting our budget to the two bodies.

So those are our points.

Senator Thurmond then asked the following question:

I might ask you this. Have you any thoughts or recommendations on the way you think intelligence might be handled by the Congress to provide the greatest protection to the Government?

Mr. Ellsworth. Well, I would think—and speaking again for Secretary Rumsfeld—that it would be desirable as well as—it certainly would be desirable from the standpoint of the public confidence and support in intelligence operations, and completely acceptable to us, there could be either in the one body, or in the other, or both, or on a joint basis, an oversight committee which would have an exercise a rigorous oversight function over the various intelligence activities of the Government, which would not imply involving itself in these other problems which I have mentioned; that is to say, the administrative problems and the unitary budget presentaiton problem which I have mentioned.

And it seems to me that that would be something that could be and would be beneficial to everybody in the Government and to everybody in the intelligence community, because of the fact that it would improve and increase, presumably, the public's confidence, and therefore support, for necessary information-gathering functions.

Then, continuing on, Senator Thurmond asked the following question:

I believe Mr. Colby said he would welcome a small joint committee on the matter of surveillance. There would be no objection to that, as I see it. As the chairman mentioned, a joint committee would save intelligence officials from making so many appearances. They have to appear before the Armed Services and Appropriations Committees of the Senate, and the Armed Services and Appropriations Committees of the House. If you had a joint committee of both Houses, they could make one appearance instead of four.

And so forth. But I think the general impact of the testimony here by Mr. Ellsworth makes it perfectly clear that there is a real danger, even on an unclassified basis, in making these annual reports to the public, reports that the committee is not even given the discretion of releasing or not.

I point out that the committee, if it is set up under this substitute amendment, could release information if it decided it wanted to do so in the public interest, but it would be mandated by the language of this section 4(b) to go ahead annually with an unclassified version of the report, and it would be required also to have this report, and I think to have it become public property, in effect, unless some matter in it were specifically classified; and I question whether it would be possible to segregate out the unclassified portion and have the report mean anything so far as the public is concerned; or, on the other hand, not face the alternative Secretary Ellsworth talked of, of providing a pattern of information as to how our intelligence gathering is proceeding and what kind of authorization we are giving to it.

My amendment would take out the requirement that such reports be made public, and take out the requirement that the unclassified version be made available to the public by the select committee, and this modification, which was added today, would also add at the end of section 4(b) the words "or the amount of funds authorized to be appropriated for intelligence activities," which is an attempt to help meet the last objection of which Secretary Ellsworth was speaking.

Mr. President, I urge the passage of the amendment, and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, let me respond briefly to the distinguished Senator from Ohio:

The part of the section that the Senator seeks to have stricken was put in the bill by the Senator from Tennessee (Mr. Brock). We have sent for Mr. Brock, and would like to have him here before we take further action.

Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. PERCY. Mr. President, before we go into a quorum call, I should like to respond.

The PRESIDING OFFICER. Does the Senator from Connecticut withdraw his request?

Mr. RIBICOFF. I withdraw my request.

Mr. PERCY. Mr. President, I would like to reserve final judgment until Senator Brock has taken the floor, but my initial reaction to the amendment of the Senator from Ohio (Mr. Taft) is a favorable one. I really cannot imagine what value a report for public dissemination would really have. I am concerned that it might actually be misleading.

Certainly to have a report from the intelligence community to the committee on its activities would be highly valuable. It would be comprehensive in scope, and could be a useful document. Obviously the committee has available to it procedures, as provided for in the resolution, for public dissemination of such information in that report as it feels is desirable and would not be contrary to the interests of the intelligence community in the United States. The resolution it would provide for coordination of release with the executive branch of the Government. But it does seem to me there is value in the amendment being offered. I would like to wait to hear a final argument by the author of this particular section, Senator Brock, because I feel he should have that privilege; but my initial reaction to the amendment is favorable.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time consumed by the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the pending amendment may be set aside temporarily in order that I might call up an amendment which the managers of the bill have agreed to accept, and which I believe we can dispose of in about a minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLEN. I call up my amendment which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Alabama (Mr. Allen), from himself, Mr. Percy, and Mr. Cannon, proposes an amendment to amendment No. 1643, as follows:

On page 8, line 21 between the words "or" and "the" add the following: "the divulging of intelligence methods employed or"

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself such time as I may use.

Mr. President, the resolution calls for the select committee to obtain an annual report from the Director of Central Intelligence, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. It provides also that:

Nothing herein shall be construed as requiring the disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the sources of information on which such reports are based.

The language of the resolution does not cover the leaving out of the report the matter of divulging intelligence methods employed.

Without an amendment, it could be construed that all that could be withheld from the report would be the matters listed in section 4(b) of the resolution, that is, that the report did not have to include the names of the individuals engaged in intelligence activities for the United States, or the sources of information on which such reports are based.

This amendment would add a third bit of information that would not have to be disclosed, and that would be the intelligence methods employed by the agencies. Otherwise, if they were required to disclose the intelligence methods employed, the methods, of course, would be made available to adversaries and would become common knowledge. All the amendment does is to provide that, in addition to not disclosing the names of the individuals carrying on intelligence activities, or the sources of information, they should not be required to give information as to their methods of operation.

So the manager of the bill, the distinguished Senator from Illinois (Mr. Percy), and the distinguished chairman of the Committee on Rules and Administration (Mr. Cannon) have approved the amendment, and I hope that the Senate will accept the amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, as the manager of the bill, the amendment offered by the distinguished Senator from Alabama is acceptable.

Mr. PERCY. Mr. President, speaking on behalf of the minority I know of no objection on this side and certainly the amendment is acceptable to the Senator from Illinois. Just looking at a technical point——

Mr. ALLEN. I wish to touch that.

Mr. PERCY. Have the two "ors" been eliminated?

Mr. ALLEN. Yes.

Mr. PERCY. Fine.

I have no further comment.

The PRESIDING OFFICER. The amendment was agreed to.

Mr. RIBICOFF. Mr. President, May I have the attention of the distinguished Senator from Ohio?

I have just noted that the distinguished Senator from Ohio changed the printed amendment 1647:

> On page 8, line 22, before the period, insert the following: "or the amount of funds authorized to be appropriated for intelligence activities."

What concerns me is that, while it is not the intention of the resolution to require that the amounts appropriated be made public, yet there is provision in the legislation providing that, under rule XXXV, any two Senators in a closed session, could debate the question of the amount of funds. The Senate then by majority vote could make the decision to make public the amount appropriated. This would be the Senate's decision in that case. What concerns me is that the additional language might foreclose the Senate itself by majority vote in making public the amount of the appropriation. This is what concerns me.

Mr. TAFT. Mr. President, if the Senator will yield on that point, I do not think the Senator's fears would be justified here.

The additional clause that would be added at the end of that sentence on line 22 would still be governed entirely by the language in line 19. The language in line 19 says that "nothing herein shall be construed as requiring the disclosure in such reports of * * *", and then referring to the language I added, "the amount of funds authorized to be appropriated for intelligence activities." In other words, it would relate only to a requirement that it be disclosed. If the committee decided it wanted to disclose it, or if the Senate overruling the committee decided it wanted to disclose the amount of funds authorized to be appropriated, it could do so and there would be nothing in the language that would prevent it. I would like to go on to say, however, that this is the very point on which Secretary Ellsworth was, I think, abundantly clear. He made the point that the disclosure of the authorization of appropriations was very likely to be helpful to possible adversaries in interpreting our intelligence activities.

So I think a specific indication that there is no authorization or no requirement that such a disclosure be made would be desirable at this point. It is only that.

Mr. RIBICOFF. Will the Senator agree that it is not his intention, and he does not interpret the language to foreclose, the Senate after meeting in executive session to vote by majority vote to disclose the amount of authorization?

Mr. TAFT. I certainly take that interpretation, again saying I would hope, if the Senate ever gets to that point, it would take a very careful look at it because of the danger I have just outlined.

Mr. RIBICOFF. But we do have to have faith and trust in the Senate as a whole to make the decision and not to foreclose the Senate from making it.

Mr. TAFT. There is no question about it. As I indicated, I do not think the language forecloses the committee from making the disclosure if it decided it wanted to do so. I think it would be unwise to do so, but if it wanted to do so, it could do so under the language of the amendment.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time allotted to the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Beall). Without objection, it is so ordered.

Mr. ALLEN. Mr. President, will the Senator from Ohio yield me about 5 minutes on the amendment?

Mr. TAFT. How much time do I have remaining on the amendment, Mr. President?

The PRESIDING OFFICER. The Senator from Ohio has 15 minutes remaining.

Mr. TAFT. I yield 5 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the Senator.

Mr. President, I support the amendment offered by the distinguished Senator from Ohio.

The resolution calls for the annual report that the committee obtains from the intelligence agencies to be obtained for public dissemination and would seem to contemplate that possibly it could be classified and unclassified information, from the language of the resolution; because farther down in the section it says that an unclassified version of each report shall be made available to the public by the select committee.

Obviously, there is no need, then, for the first phrase that the distinguished Senator from Ohio is seeking to strike, to eliminate the "for public dissemination" of the annual report.

So the report can be obtained; but what the first phase of the Senator's amendment does is to eliminate the "for public dissemination." That would leave, then, the unclassified version being made available to the public by the select committee.

The second phase of the amendment would strike that out, because the committee has authority, under other sections, to divulge information, if it sees fit to do so, subject to an appeal to the Senate. So a method is provided, without this sentence, for this disclosure of information.

Further, the sentence which the Senator seeks to delete provides that it shall be made available, which is directory and mandatory; and by eliminating this sentence, it would be discretionary with the committee to take the necessary steps to divulge the information. So that sentence is not needed.

Also, the third phase of the amendment provides that this section shall not be construed as requiring a report on the amount of the appropriation to the intelligence agency. Obviously, a disclosure of the amount of the appropriation would give much valuable information to adversaries as to the extent of our intelligence activities.

The colloquy that just occurred between the distinguished Senator from Connecticut (Mr. Ribicoff) and the distinguished Senator from Ohio (Mr. Taft) indicates that if the committee wished to divulge this information, it could do so if it were allowed to do so by the Senate.

So the amendment in all three of its aspects, it seems to me, is a constructive amendment, and I hope it will be agreed to by the Senate.

I yield back the remainder of the time allotted to me.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed by the quorum not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROCK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I yield such time as he may require to the distinguished Senator from Tennessee.

Mr. BROCK. I thank the Senator from Connecticut.

Mr. President, I should like to discuss the proposed amendment with the Senator from Ohio and be sure that we are on the same track.

I wish to explain, first of all, the purpose of the language as it was inserted by me in the committee. What we hoped to obtain by this language was at least, on an annual basis, some sort of general overview of our intelligence operations to be made available to the American people so that they could understand the need for maintenance of a basic intelligence capability.

I understand what the Senator is trying to do. I just want to be certain that it leaves us the opportunity to present to the American people, in a completely unclassified sense, a report on why we need an FBI, a CIA, and so forth. I think most people know, but I am not sure that we are reminded of it in a tangible fashion, on a regular basis. Those two agencies particularly have come under massive assault in recent months—for some valid reasons on occasion, but generally the assault has exceeded the crime, in my opinion.

I think we have done a great deal of damage to our capacity for national security. In that sense, then, I was hoping that this report would afford the agencies an opportunity to present their side of the case to the American people and to justify the foundation for their actions, not only with regard to their basic intelligence activities, but with regard to the intelligence activities directed against the interest of this country and its people. That was the purpose of the language.

I am not so sure that the language is perfect. I certainly have no pride of authorship in it. But I do think it is important that we provide an opportunity for the American people to see just what threats are being raised against this country and what we are trying to do to deal with those threats.

Mr. TAFT. I yield myself 2 minutes.

Mr. President, I appreciate the position taken by the Senator from Tennessee. Basically, I do not think I have any real disagreement with him. It does seem to me that the public should have from the select committee and from Congress a general indication as to the need for our intelligence activities. The difficulty I have is in going into a formal report of them and setting out exactly what we are doing anywhere. As Secretary Ellsworth pointed out in the testimony I referred to earlier, there is a substantial danger that adversaries, looking at that information, may be able to detect major intelligence activities.

I did go on and read another part of this report of the same hearings before the Committee on Armed Services. I shall ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

I cite the question raised by Senator Nunn, to which Secretary Ellsworth replied later by a letter at the end of the testimony. Senator Nunn pointed out that, for instance, with the *Glomar Explorer*, the U-2, and other similar situations, the nature and size of those very activities could show a bulge in intelligence activities that might be of some use to those who are making a constant analysis of any information they can get as to what we are doing in the intelligence agencies. I do not disagree with the Senator at all. The committee, if it decides to do so, can make available general information if it becomes convinced that it is not going to be detrimental from the point of view I am concerned with.

I tell the Senator one thing: The American people are deeply concerned with the whole problem of intelligence. They are deeply concerned with the abuses that have been described by the committee that the Senator from Minnesota was talking about earlier. They are even more concerned about the possibility that some of this information that is classified or information that can be of use to those who are our adversaries in the international intelligence community might become available to them. The American people are in an uproar about that. Everywhere I go, people are concerned about it. They want to see Congress do something to try to tighten up this entire area. I hope the legislation that we pass eventually will have that effect. I do not want anything counterproductive to that in the language here. I had the feeling, reading this language in the bill, that it might be so interpreted.

Mr. BROCK. The President has expressed a concern, and I share it. I am disgusted, frankly, with some of the machinations with regard to this investigation. There clearly were abuses; they must be cleared up. But, there clearly have been excesses in reporting those abuses. I think that is a tragedy for Congress and for the American people. I want no part of that kind of action.

What I am reaching for, and may be the Senator can help me find a better way to do it, is an opportunity for these agencies to demonstrate to the American people in some fashion why we need an intelligence capability. I should like for them to have an opportunity to present their side of the case. That is all I am reaching for. If the Senator finds the words, "for public dissemination" on line 13 excessive or unnecessary, then, that is fine to strike that.

I am not trying to give the committee an opportunity to make a report on why we need an agency; I am trying to get the agencies a chance to present their case. What I am asking is that the committee get the full report and that an unclassified summary or synopsis be made available so that we can at least make some judgment as to protecting that national interest.

Maybe that is not necessary, but I do not know how else to do it, I say to my colleague from Ohio. I know that he and I seek exactly the same objectives with regard to this total bill. We are not in disagreement.

Mr. TAFT. I reply to the Senator by saying that with the amendment I am proposing, we still would have language under which reports would be made by the various agencies involved and going for a review of the intelligence activities or department concerned and intelligence activities of foreign countries directed at the United States. It would take out "for public dissemination" and would leave that entirely up to the committee or the Senate.

As I discussed earlier with the distinguished chairman of the committee, the Senator from Connecticut, there is nothing in the language of the amendment that would prevent the committee or prevent the Senate, either with the committee or without the committee, from going ahead and making public such aspects of any reports from the various departments that they think it is desirable to make public. I do not intend to cut off that right at all. In fact, I think it would be a mistake to cut it off.

Mr. BROCK. But by striking the language, I think—let us just talk about some future Senate with some future, different composition. Reading the legislative history in which we simply strike the language on lines 17 and 18, the second part of the amendment, it would read that the committee could write its own report or could not issue any report at all. I almost would rather, if the Senator wants to allow them the privilege of passing on this report—because I think this is a passthrough thing. I do not want it completely rewritten or turned around by the committee. I think the agencies ought to have the right to present their own case.

I wonder if the Senator would allow me to keep lines 17 and 18 and, instead of the word "shall," write "may." That would allow the committee to release it, but that still leaves the decision with the committee. It still implies that they are releasing a report which came to them and not writing their own.

Mr. TAFT. I do not think I would have any objection to that. I think that would leave it optional to the committee still and not mandatory. I must say, however, that I would rather expect, from any knowledge I have of the intelligence agencies involved, that the last thing in the world they are going to want done is to have a copy of their reports made public.

Mr. BROCK. It may be. It is quite possible that the committee would agree with that and say no report at all.

You see, there is not any reason for this whole paragraph on page 8, subparagraph b, without the report, though, because the rest of the bill deals with requiring the CIA and the FBI to come before the committee and testify as to what they are doing and why. We might be better off just to eliminate the whole paragraph, because that annual report is part and parcel of the whole bill. If the Senator wants to do that, fine.

Alternatively, we could strike the word "shall" and substitute "may" and leave it to the discretion of the committee.

I think the Senator can see what I

am reaching for. I am a little reluctant to deny these agencies an opportunity for presentation of their own case to the American people at large without——

Mr. TAFT. I can understand the Senator's feeling. The only thing I would say about it is if there is a report of that kind made, I think it ought to come from the President of the United States to the people of the United States, anyway.

Mr. RIBICOFF. Will the Senator yield?

Mr. TAFT. Yes.

Mr. RIBICOFF. I wonder if we could reconcile the differences in emphasis here? If on line 17, we struck the word "shall" and substituted "may" and on line 18, after the word "public," "at the discretion of" the select committee, would that satisfy the Senator from Tennessee and the Senator from Ohio?

Mr. BROCK. It would be all right with me.

Mr. TAFT. I think that would satisfy our need in what we have here. Mr. President, I move to modify the amendment by deleting lines 3 and 4 of the amendment and on page 8, line 17 that the word "shall" be stricken, and that the word "may" be substituted for it; and in line 18 after the word "public" strike the word "by" and insert the words "at the discretion of."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. RIBICOFF. Another question arises, if I may have the attention of the distinguished Senator from Ohio, on line 19, page 8, after the word "the" and the word "disclosure" insert the word "public" because we have now added the question of methods of gathering information and the amount of authorization. While this information should not be made public by Senate Resolution 400, we should not deprive the select committee of the information.

Mr. TAFT. I think that suggestion is proper, and I agree to that modification.

Mr. RIBICOFF. I wonder if the Senator would modify it to insert the word "public" at that point?

Mr. TAFT. Mr. President, I move to modify the amendment to insert the word "public" in line 19 before the word "disclosure."

The PRESIDING OFFICER. The amendment is so modified.

The modifications are as follows:

Delete lines 3 and 4 of the amendment (No. 1647).

On page 8, line 17 strike "shall" and insert in lieu thereof "may".

On page 8, line 18 strike "by" and insert in lieu thereof "at the discretion of".

On page 8, line 19, after "the" insert "public".

Mr. RIBICOFF. Mr. President, under these circumstances the amendment of the distinguished Senator from Ohio, as modified, is acceptable by the manager of the bill.

Mr. PERCY. Mr. President, I should like to commend both the Senator from Ohio and the Senator from Tennessee, who originally wrote this section, for further clarification of its intent and purpose.

The Senator from Illinois is delighted to learn the objective is exactly the same, and I think the compromise language that has been worked out with the manager of the bill is entirely acceptable.

Mr. BROCK. Mr. President, may I say that I too appreciate the efforts of the Senator from Ohio. I think we have an absolutely common purpose in this debate, and I appreciate his pointing out the possible dangers as the wording was originally. I could not more thoroughly agree with his concern about the releasing of any classified material that would damage our security and our intelligence activities. I appreciate the fact that he brought it up, and I shall support the amendment, as modified.

Mr. TAFT. I thank the Senator.

Mr. President, I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. RIBICOFF. I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Ohio.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TAFT and Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise in opposition to Senate Resolution 400——

The PRESIDING OFFICER. Who yields time to the Senator from South Carolina?

Mr. RIBICOFF. The Senator is in opposition.

Mr. THURMOND. I yield myself 10 minutes.

The PRESIDING OFFICER. The time being under the control of the minority leader or his designee, the Senator from South Carolina is recognized for 10 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to Senate Resolution 400 and the proposed substitute amendment which would establish a committee of 15 members plus the minority and majority leaders.

Mr. President, my opposition to this substitute revolves around a number of issues. As each member of this body realizes, this substitute constitutes an entirely new bill and poses far-reaching ramifications. This legislation was not written in the Government Operations Committee and has not had the benefit of hearings.

Once again we are witnessing an effort to push through the Senate highly significant legislation without the benefit of the views of the executive departments involved, or the President of the United States. While this bill deals with the responsibilities of the Senate, it impacts on the responsibility of the President, who is charged with management of the intelligence agencies.

Obviously, the Senators who wrote this legislation are attempting to do what they consider best for this country. But I feel if other Senators were brought into the legislative process in the calm of a committee hearing and markup, we could come up with better legislation.

Therefore, it would be my hope the Senate would recommit Senate Resolution 400, as amended, to the Government Operations Committee with the requirement it come back to the floor in about 30 days. Otherwise, we will be asked to approve a very important bill which most of us had not even seen before last Thursday.

Now moving to the issue of the Select Committee on Intelligence Activities, I would like to make three or four points:

First, it is my view this step by the Senate will result in disclosure of sensitive information relative to our intelligence activities. This may not come as a result of disclosure by any particular Senator, but when highly sensitive intelligence is handled by such a large committee and responsibility is shared with many other committees, it is much more difficult to protect classified data. Furthermore, if this bill is adopted I would estimate 50 to 60 staff people will be privy to the most sensitive matters of our Goverment. The Soviets must be laughing at us and the rest of the world looking on with shocked amazement.

The Senate must realize that by passage of the proposed substitute we are moving toward a vast proliferation of sensitive data. In my opinion, it will lead to our Nation becoming No. 2 as to the effectiveness of its intelligence gathering apparatus.

As presently written, the substitute amendment requires notification prior to any significant activities. This obviously refers to covert operations. If this had been in effect during the Vietnam war it would have required notification to the Senate of highly sensitive military intelligence operations such as the mining of Haiphong Harbor, the Son Tay Prison raid, and the *Mayaguez* rescue effort, prior to execution. Any leak, however inadvertent or unintended, would endanger the lives of the personnel carrying out such operations.

Our foreign intelligence agents are already shaken by the murder in Athens, Greece, of an agent whose name was published by enemies of the Central Intelligence Agency.

Furthermore, by putting intelligence funds under the authority of a large select committee, the size of our intelligence budget will become public knowledge as the annual authorization of the budget proceeds through the legislative process. This means our enemies will be able to assess our intelligence efforts by evaluating changes in increases and decreases of funding for our intelligence agencies.

Finally, on the subject of disclosures, this committee will be vested with the authority to reveal to the public, after a vote of the full Senate, the most sensitive information provided by the Director of Central Intelligence. This means congressional control over the Agency will be so powerful it would virtually become an arm of Congress rather than an arm of the Commander-in-Chief.

Another undesirable aspect of this provision provides authorization to the select committee to reveal to any other committee any matter which the select committee determines requires such attention. This approach is a step toward proliferation of vital information, whereas the real need is to concentrate oversight in a smaller portion of the membership, such as a subcommittee.

Mr. President, my second point would be that separation of the intelligence oversight from the defense committees will weaken the intelligence agencies, as well as the defense committees. On this subject I offer the following points:

First. Defense decisions are predicated on foreign intelligence. Our strategic forces are formulated on meeting the threat. The threat is evaluated for us by the intelligence agencies.

Second. Defense funding and intelligence funding overlap. This is illustrated by the example of military pilots flying military aircraft on intelligence missions.

Third. The quality of intelligence is a legitimate area of concern for the Defense Committees, if they are to provide properly for our national defense. Quality cannot be assured without control by the responsible defense committees.

In conclusion, Mr. President, I would favor strengthened oversight through a permanent subcommittee with highly qualified staffs in the four defense committees.

If it is the will of the Senate to provide oversight through a select committee, we should at least hold hearings on any such proposal.

Mr. President, I ask unanimous consent to have printed in the Record pages 3 through 26 of testimony from the hearing before the Committee on Armed Services.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Floyd M. Riddick, Retired Parliamentarian of the U.S. Senate

Mr. **Riddick**. Mr. Chairman, I think we have changed the resolution considerably from what the Government Operations Committee did, as far as protection of information is concerned, and also as far as giving the Appropriations Committee its present status as it had previously. We managed to salvage yesterday a compromise, section 12, which reads as follows:

"Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year" et cetera, just as Mr. Braswell said. But this clause, "Subject to the Standing Rules of the Senate," retains rule 16 as it exists now. So that the Appropriations Committee can come in with funds not only in a continuing resolution, but in any resolution, or any other committee can make a motion, which after one day's reference to the Appropriations Committee could be brought up on the floor to provide funds for a new item not authorized, or to increase an item above authorization that is in the bill. So you retain to the Appropriations Committee now, if this is retained as is, the existing authority it has now to bring in funds for any purpose not authorized, not subject to a point of order.

I think that is a very significant point. For example, if you wanted to hire a group to do some spy work in Cuba and there was no legislative authorization for it, and you wanted them to go in on a submarine, you could just put an item for an intelligence activity in South America, for $500 million, or whatever you wanted, and no authorization would be necessary under this proviso.

Senator **Symington**. But then you bypass the supervisory committee, the regulatory committee.

Mr. **Riddick**. Senator, that is not the intent of this appropriation.

Senator **Symington**. I know it is not the intent, but it is what has been going on for 25 years, and it is one of the chief reasons we are in this mess.

Mr. **Riddick**. What the Authorization Committee can do is to come in with legislation that would say, no funds shall be spent, which would give them authority that we now have under this legislative authorization authority. The only thing is, as the conference was agreed upon, if this committee acted to take negative action against a certain activity, it certainly would not be expected that the Appropriations Committee would come in unless there was an extreme crisis, and defy what the legislative authorization committee had done.

The **Chairman**. Let me ask a question right there.

If you had this proposal for this activity in South America, you would have to disclose it right there if you have the authorization, you might say, from the floor in the method that you describe?

Mr. **Riddick**. That is true. But there are other aspects in there, Senator, that are going to be more exposing than this. For example, the proviso which reads here:

"On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974, regarding matters within the jurisdiction of the select committee."

So the select committee has to submit its information to the Budget Committee just like any other committee, which, if they want to, can expose the details of what they are proposing.

The **Chairman**. Yes. But that increases rather than takes care of the problem as some of us see it at least about unnecessary or undue disclosure.

Mr. **Riddick**. The way this substitute tightens up on the flow of information is that it prohibits any member of the select committee from exposing any of the information submitted to the select committee until the committee votes.

Now, if it is lawfully classified information, then they must, before the information can be released, submit a report to the Senate in closed session, which the Senate will debate in closed session, as opposed to the way this committee decides whether information of that nature is to be exposed. And if the Senate says yes, it will be exposed, and if the Senate says no, it will not be exposed.

The **Chairman**. We especially appreciate your being here.

I will now call on Mr. Ellsworth to discuss further some matters already touched on.

Now, the general situation. Mr. Ellsworth, is that we want to know your analysis. You represent the executive branch that is going to have to deal with whatever is done.

I am glad you arrived Senator Hart. We are just having a roundrobin table discussion on this whole matter.

STATEMENT OF HON. ROBERT ELLSWORTH, DEPUTY SECRETARY OF DEFENSE

Mr. **Ellsworth**. Thank you, Mr. Chairman. And I do speak for the Secretary on this matter.

First of all, he understands, and so do I, and fully respect the responsibilities and prerogatives of the Senate to organize its various committees and their jurisdictions in whatever way the Senate sees fit.

But this proposal to create authorization for appropriations jurisdiction in a new Senate committee does give the Secretary and me some concern as far as our ability to discharge our responsibilities in the Defense Department is concerned. And principally those concerns are two as far as we are concerned.

We operate our intelligence responsibility in a somewhat different world from the CIA or the FBI. We operate in an extremely, highly technological world, which with our facilities, is very sensitive and very delicate. And that is the basis for our first concern from the standpoint of maintaining the overall confidentiality of our sensitive and expensive military and defense intelligence sources and methods—and you know what I mean, particularly our most modern collection systems—the visibility that is created by a separate budget formulation process would entail, as we see it, grave risks. That is our first concern about the creation of a committee with the authorization for appropriations jurisdiction over these matters.

And then in addition, our Department would still be required, should the Senate create this new committee, to maintain a budget formulation process for the House of Representatives which would continue to conform to an appropriation account. And those two separate processes would require double accounting, and would require additional expense, and additional staff, and additional automation equipment. So that we would hope that the Senate in its wisdom would not create this additional committee having additional authorization for appropriations jurisdiction over these intelligence matters.

Senator **Hart**. Mr. Chairman, is the Secretary going to come back and tell us what these grave risks are? He just leaves the phrase hanging there and I wonder if he is prepared to tell us what these risks are?

The **Chairman**. I do not know. We can take it up with him a little later. I invited him to come here just to put before the committee whatever he saw in this matter and what problems would be created.

Senator **Hart**. I think the committee ought to know what the grave risks are, instead of just floating a phrase like that.

The **Chairman**. You will certainly have a chance to question him on it.

Senator **Tower**. I might say that this is extremely sensitive, Mr. Chairman. I know what the risks are. It is extremely sensitive.

The **Chairman**. For the time being, as I understand it, we will pass it over and give you a right to examine him.

All right, Mr. Ambassador, go ahead.

Mr. **Ellsworth**. Those are my two points, Mr. Chairman, the points of the Secretary of Defense and myself.

The **Chairman**. When you refer to the budget of the Defense Intelligence Agency—you are talking about military intelligence?

Mr. **Ellsworth**. That is right.

The **Chairman**. That is the DIA?

Mr. **Ellsworth**. The DIA and the NSA and those are the principal subject matters.

The **Chairman**. And those are the concerns that you carry primarily?

Mr. **Ellsworth**. That is correct.

The **Chairman**. And you are not thinking in terms of the CIA as such?

Mr. **Ellsworth**. No.

Senator **Symington**. If the Chair will yield.

The **Chairman**. I will yield to you, Senator.

Senator **Symington**. I would like you to explain to us, if you will, Mr. Secretary—you say exclusively CIA. As I understand, there is now an effort to put the CIA in as a part of the military intelligence setup, or as an equal member of it, perhaps a senior member of it. I have always been very suspicious after General Graham's speech as to just what the military thought about the position of the CIA. And you have talked a little at length about this with Director Bush. Now, Director Bush has a political base, and he has tremendous popularity among the people and the Congress, and he is a strong man. But the way he explained the new plans that he had for an overall committee on intelligence, it seems to me that a normal man in that position could be drowned by military intelligence people. The whole idea of setting up the CIA was to have a brake against the estimate of the threat by the military. He assured me that he did not have that apprehension. But I cannot get it out of my mind. I would like to ask you, what is the revised plan that you plan to have from the executive aspect as against what we are discussing here from a legislative aspect?

Mr. ELLSWORTH. Well, I have not heard about any plan to swallow the CIA up into military intelligence. Of course, for a number of years, as I understand it, the CIA program has been presented to the Congress as a part of what is called the consolidated defense intelligence program.

Senator SYMINGTON. I am talking about the new structure you plan.

Mr. ELLSWORTH. The new structure which the President established in his Executive order of February 18, 1976, simply creates a national Committee on Foreign Intelligence, of which Mr. Bush as the DCI is the Chairman. And I, as Deputy Secretary of Defense, am one of the members. The other member is Mr. William Hyland, who is Deputy Assistant to the President for National Security Affairs. And our charge is to see that a national perspective is imposed on the development of the planning, the programing, and the budgeting of all of the intelligence activities of the various branches of the Federal Government, so that there is a resource allocation process that insures that the President's perspective is brought to bear in connection with it. But there is certainly nothing in that about the military intelligence swallowing up the CIA, or dominating the CIA, or even getting involved in the CIA estimating.

Senator SYMINGTON. I am talking about the listening to it—and I did it with complete sympathy—in fact, it seemed to me that there was a meshing of the CIA into the military intelligence apparatus. If that is going to be the executive branch, then I would lean toward something of the Church recommendation, because if you are going to have an overall setup, including all intelligence, then you might as well have an overall setup from a regulatory standpoint that includes all intelligence. For example, under the Kennedy letter, the Ambassador in a foreign country had complete supervision of the Central Intelligence Agency man. But when it got back to Washington, the Foreign Relations Committee was cut out of it entirely, and the Armed Services Committee took it over. There never could have been any original chart that explained that absurd situation. And it cost us a lot of money, and it cost us a lot of lives, in my opinion. And I was on both sides of the fence. So what I am saying is that before we adopt any committee, whether it be Rules, Government Operations, the Church committee, or this committee, we ought to know what the plan is in the executive branch that you have for reorganizing intelligence in the executive branch. I think we ought to base a lot of our committee decision on that decision.

The CHAIRMAN. Thank you, Senator.

Senator TOWER. I call you on for questions and comment. You are a member of the Intelligence Committee.

Senator TOWER. Mr. Chairman, for the reasons stated by Mr. Ellsworth and for others, I oppose the creation of this committee. My approach would be that we should bring appropriate resolution, a permanent subcommittee of the Armed Services Committee to perform the jurisdictional responsibility that it already at this moment has, and try that system for a while. I believe that this oversight committee is going to result in a proliferation of disclosures of sensitive information. And I think the potential is very much there. I think that we have typically overreacted in the Congress to things that have been said in the press.

Now, the press may have often reflected public sentiment. In this particular instance, I don't believe that the press does. The overriding concern of the constituents that I have heard from on this matter is that we disclose too much, not too little. Most Americans, I think, want an effective intelligence-gathering capability, and do not insist on the disclosure of smoking tidbits of classified information to get their kicks. I think, too, that these kinds of disclosures taken out of context very often create distortion in the popular mind of what our foreign policy is or should be, and where the national interest lies. I see the potential for all kinds of mischief for this committee. And therefore I oppose its creation.

Those are my sentiments.

The CHAIRMAN. All right, do you have any questions for Secretary Ellsworth?

Senator TOWER. I have no particular questions for him, Mr. Chairman.

The CHAIRMAN. We will continue, Senator Jackson.

Senator JACKSON. I will defer for now.

The CHAIRMAN. Senator Thurmond.

Senator THURMOND. I am very strongly opposed to this Select Intelligence Committee. In the first place, I think it will lead to the disclosure to our enemies of vital information relative to our intelligence activities. I think it will do that in these ways. The size of the committee, with 19 members, plus a staff of 25 to 30, presents problems in protecting information. I don't believe you can keep information confidential when you have 19 Senators and 25 to 30 staff members dealing with it. I have been around here for 22 years. And I have seen information released when the Senate was cautioned that it would be improper and illegal to disclose information, but it got out. The newspapers, specifically the New York Times and the Washington Post, managed to get it some way.

A separate committee means a separate budget for intelligence, and thus public disclosure. If you are going to have a separate budget, people are going to inquire as to where this money goes and how it is authorized.

Next, the proposal requires the President to advise the committee in advance of any covert operations. I think that is ridiculous. The President of the United States has got to have some flexibility in when to move. This information is highly confidential, and the lives of those carrying out such operations could be subject, I think, to undue hazards.

I will give you an example. For instance, future Presidents will have to notify the Senate of operations such as the mining of Haiphong Harbor, the Son Tay Prison raid, and the *Mayaguez* rescue effort prior to execution. Any leak, however inadvertent, would endanger the lives of the personnel carrying out these orders.

In addition to the fact that it will lead to the disclosure to our enemies of classified information, separation of intelligence oversight from the Defense committees will weaken the intelligence agencies, as well as the Defense committees. Defense and intelligence are inseparable. Actions taken on the part of Defense depends upon intelligence. Defense decisions are predicated on foreign intelligence.

The level of our intelligence activities can be known to Members of Congress, but funding levels should be hidden within defense programs, as is now the custom in the Defense committees. That is, the two Armed Services and the Appropriations Defense Subcommittees. The House has decided not to add another layer of supervision, but undoubtedly will strengthen present oversight.

In conclusion, I would merely say this. The new committee may lead to placing the United States in the No. 2 or No. 3 position in the world when it comes to the effectiveness of our intelligence activities. I want to repeat that. This new committee may lead to placing the United States in the No. 2 or No. 3 position in the world when it comes to the effectiveness of our intelligence activities.

Next the Mansfield substitute does not offer any means of improving our system of capabilities. It merely changes present oversight and increases the numbers of managers in the Congress of intelligence activities.

And for those reasons, Mr. Chairman, I am very strongly opposed to the establishment of this Select Committee.

The CHAIRMAN. All right, Senator, thank you very much.

Senator Hart, that brings us to you. Right now we are questioning Secretary Ellsworth.

Senator HART. It sounds more like stating our position, so I will state mine. Much of what we have heard here this morning is what we heard when we established the Senate Select Committee on Intelligence 15 months ago. The committee was going to be a big sieve, 11 Senators and 100 staff members could not keep secrets, and Members of Congress did not have a right to know what was going on in this country, and on and on. And some of us have been directly the victims of administration leaks. I do not know why it is we have that double standard. Members of Congress and their staffs cannot keep secrets, but the administration is leakproof. Well, the administration under all Presidents and both parties have leaked like sieves when they want to. And, as I said, I have been a victim of that, so I know how it works.

Senator Tower knows as well as I that we have operated for 15 months with 11 Senators and over 100 staff members and have had no leaks. So this business about you can't have a congressional committee temporary or permanent without leaks is just preposterous. The record shows otherwise. And who is to say that because you wear an armed services hat that you are more leakproof than if you wear some other hat?

I don't like the size of the proposed committee. I would prefer that it be nine. But it is 17 members because of the compromise to accommodate those who oppose this to begin with. The people who proposed this committee and support it don't want 17 members. I would not have 17 if it were my choice. Every living CIA Director has, on the record, supported this committee. The administration indicates that a single oversight committee is much better than the present confused situation.

I would, as I said before, be extremely interested in hearing from the Secretary rather than all of us just rehashing what our positions are on this, as we have been all along, particularly in the area where he talks about serious threats. If we have to empty the room to do it, I think we ought to hear it. Because that is what he is here for.

The CHAIRMAN. I do not try to control any Senator. I think we can have either comments or questions during this first round. Senator Taft.

Senator TAFT. I must say I share some of the serious doubts about this already expressed by my colleagues, Senator Tower and Senator Thurmond. There are some practical things I would like to ask. Maybe Dr. Riddick or Mr. Ellsworth can comment on them.

But the question I have is that under the procedures involved, as I read them, the Armed Services Committee would be entitled to ask for a referral of a particular matter to the Armed Services Committee for a period of time, is that correct?

Mr. Riddick. For 30 days. It goes two ways, it is sequential concurrent referral, except for CIA. The CIA programs do not go to any committee except to the Select Committee.

Senator Taft. There is also in the bill a ban on the disclosure of information by any member of the committee to any other Senator outside of the committee of the classified information.

Mr. Riddick. There are two aspects in there. One is, until the committee has acted, you may not. After the committee has acted to divulge under certain circumstances, after this has been submitted to the Senate, they can pass it onto a committee or to a Senator. But the staffs are pretty well—

Senator Taft. Only after the committee has acted and there has been an appeal to the President and so forth.

Mr. Riddick. That is correct.

Senator Taft. The question that comes up to me, substantively, then is, how is the Armed Services Committee going to have enough jurisdiction?

Mr. Riddick. The Armed Services Committee also has a right to make investigations. The resolution specifically states that nothing given to the select committee shall prohibit any standing committee from making investigations within their respective jurisdictions that they already have.

Senator Taft. But in order to find this out they are going to have to call in the various intelligence agencies, they can't go to the select committee and ask for it?

Mr. Riddick. This is a part of that compromise that Senator Hart was talking about there.

Senator Taft. How are they going to know, unless they have an independent investigation? I do not know how they are going to know that they are going to get jurisdiction?

Mr. Riddick. That is what I was going to explain. Part of the reason that the committee got so large is the fact that they wanted two representatives from each of these committees.

Senator Taft. But the ban on disclosure of information that is presently in the bill as I read it would apply even to a disclosure of information by the ex officio Armed Services Committee member to the chairman of the Armed Services Committee, if he is not a member.

Senator Hart. If the Senator will yield, I think a portion of the bill may touch on that. Section 4(a) states:

"The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters deemed by the select committee to require the immediate attention of the Senate or such other committee or committees."

Senator Taft. Would that apply to classified information?

Senator Hart. That is what it does apply to.

Senator Taft. But the same question would remain, I think, because the judgment would then be made by the Armed Services Committee unless the select committee decided to turn the matter over to the Armed Services Committee; the Armed Services Committee would have no way to know whether or not there would be a referral.

Senator Hart. I think it is mandatory language. They don't have a choice.

Senator Taft. It says deem, and deem to me confers a choice. They have to make a judgment, the legislative committee makes a judgment as to whether they think the Armed Services Committee ought to have this. If they decide that, then they have to defer it.

Senator Hart. It is not an arbitrary kind of power that they have to decide whether to turn something over to the Armed Services Committee or not. If it is a defense-related matter, they have to. That is the way I read this language.

Senator Taft. I don't read it that way, Senator. I think that is something that ought to be cleared up. I am thinking about an amendment, is why I am asking these questions along this line.

Senator Hart. And you do have two members of the Armed Services Committee on this 17-member committee.

Senator Taft. I understand that. I might comment that the 8 and 9 setup that you are advocating is that the 8 members involved are represening 61 Senators and with 9 Senators representing 39 Senators who aren't on the committee. It doesn't seem to me it be a very equalized situation. It seems to me that there ought to be an amendment saying that not more than two, because I don't ban the other members of the committee from serving on the Intelligence Committee.

Mr. Riddick. Here is another point on that:

"The select committee may under such regulations as the committee may prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate."

Senator Taft. Again, this is a judgment of the select committee, not of the various other respective committees involved?

Mr. Riddick. That is correct.

Senator Hart. Would the Senator yield again?

One other section is 3(c) on page 4:

"Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to sudy and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee."

Senator Taft. This is a separate investigation such as we mentioned earlier?

Senator Hart. That is right.

Senator Taft. I would like to ask Secretary Ellsworth, in section 4(b) is a provision that:

"The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation for public dissemination. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interests. An unclassified version of each report shall be made available to the public by the select committee. Nothing herein shall be construed as requiring the disclosure in such reports of the names of individuals engaged in intelligence activities for the United States."

And so forth.

What in your opinion would be the effects on foreign intelligence sources to us of it being known that there will annually be such a report made public?

Mr. Ellsworth. I think that the effect of that report would be to apprise foreign nations of the extent of our familiarity with their operations against us, and would assist them in perfecting and strengthening their operations against us.

Senator Taft. Thank you. That is all the questions I have.

Mr. Riddick. The purpose of that compromise, Senator, was not to prevent the select committee from collecting sensitive information, but as in the next paragraph, an unclassified report, after they sift it out, should be made public. But it was designed to get all such information they wanted, and then make unclassified reports pursuant to the information they obtained.

Senator Taft. Mr. Riddick, you are our Parliamentarian, and I always thought a very good one, for many years. Doesn't the subsitute amendment really involve a change in the Senate rules?

Mr. Riddick. Not directly. It is sort of like the concept that you may not put legislation in an appropriations bill. But by the use of a limitation you can prohibit the operation of existing law which does not amend that law, and therefore is not subject to a point of order.

There was one thing in here, for that reason—and I wish Senator Symington was still here, because he was disturbed about this particular point—in section 12, getting back again to the phrase "subject to the Standing Rules of the Senate." If you adopt this as opposed to a provision in the law, you are beginning to adopt orders for the Senate. And when you adopt an order for the Senate, you are subjecting anything to the contrary of this resolution to a point of order, whereas if you write, as you did in your law on procurement, that no appropriation should be made unless they are authorized, that presents a different problem, because the Chair is not called upon to interpret the law. And it would not subject that to a point of order. If you put this in the hands of one single Senator, not the Senate, can make a point of order and knock the thing out. Whereas if you leave this language in there, "Subject to the Standing Rules of the Senate," you do not throw everything subject to a point of order and let one man kill it; it becomes a vote of the majority of the Senate. That is the main purpose of this proviso.

Senator Stennis. Yes, let me say a few words here, with as much emphasis as I can. Of course the membership is not as numerous as it was a minute ago.

Based on my experience as a Member of the Congress, the legislative body, any legislation or activity as broad and as far-reaching as this that is not done in conjunction with the House of Representatives is going to fame; it doesn't make any difference what kind of a rule we adopt. It encircles the globe; it goes to the innermost operations of the Government, it goes to every diplomatic post that we have around the world, the subject matter of this legislation. And also, to the very heart of the operations of our Government, far beyond the military, to the operation of any major enterprise in the United States and foreign countries that is involved in all the matters that come into these appropriation bills and the other legislation.

I am not talking about surveillance now, I am talking about legislation. And to try to have anything that is as involved as that controlled by the Senate that is also not binding on the House of Representatives is just not going to go in my opinion.

Imagine the Appropriations Committee of the House sitting around their table and being bound by a Senate rule. They would look upon it as being ridiculous. And I say that with all respect to the author of this measure. They are trying to meet a problem, that is what they are doing, the Senators on the Church committee, the Rules Committee and the others, they are trying to meet a problem. But to those of us who have been here for years, and have been in these conferences meeting with the very fine Members of the House, we know that they will snort at these limitations that you put on the Senate.

I said way back there that I would favor, if it is worked out very carefully, a joint committee on intelligence. I think the problem has grown, and everything, and I think perhaps that is the best way to handle it. But anything that concerns major legislation is just not going to make a go of it with the House Armed Services Committee and the House Appropriations Committee if they are not included in the guidelines, the legislation, or whatever you may call it.

So, I emphasize with all deference to everyone that a plan that doesn't include them is going to prove unworthy.

Now, we have to remember too that this matter of getting up an authorization bill as required by this resolution, a real authorization bill now that goes into the matters here that are necessary—you can figure out something on paper, but an authorization bill or a budget, or whatever you may call this intelligence operation that will be passed on and adopted at some point by the entire Senate, and then be the controlling guideline for the appropriation bill of the Senate and not the House that is something. The undertaking itself, dealing wtih those annual authorizations, and then the other phases of legislation, is just a monumental undertaking. And I don't think it can be done as well and as thoroughly as required by this resolution, and it is impractical to start with. But I felt like Senator Hart wanted to go further in cross-examining the Deputy Secretary here that he is entitled to.

But, it is sensitive that we would have to largely clear the room, because I don't want to take all that responsibility.

But I can illustrate here something that has come out. Now, there has been a project that went on for years which was finally discovered, this Russian submarine that we undertook to surface.

That went through many appropriation bills, and so forth.

Finally, the cable broke, we actually had it fastened, and almost to the surface.

I know what all they went through. It was just impossible for all that to have gone through all those processes that we discussed this morning without that having been disclosed. And of course, first, it didn't have to be disclosed to become worthless, once it was suspected that we were trying to do something with that submarine we were out of business, and everything was lost.

And other illustrations could be given that haven't become known yet.

So, I don't see how any President of the United States can be held accountable for the security of this Nation, or the Congress either, unless we can work out some system that is simpler than this. It may have its defects and it will. Our present system has its defect, and plenty of them.

So, I have to oppose that general concept.

Now, Mr. Secretary, are there any other points that you can think of? And I want you to answer questions here by our Chief of Staff, too. But make your points further.

Mr. Ellsworth. The only other point, Mr. Chairman, is a personal point that comes out of what some of my friends, for example, in the academic community have been saying for a couple of years, before I came into the Defense Department, to the effect that it is logical, if we are going to spend that amount of money on intelligence, to have a coherent, unitary budget for that, and logical therefore to give the jurisdiction for authorizing that budget and for overseeing its performance, and so forth and so on, in to a separate committee in the Congress. They use words like logical and coherent. But I want to stress again that notwithstanding the appeal of logic and coherence, the fact of the matter is that in real life this is going to give us tremendous problems in our responsibilities as far as the Defense Department is concerned, first of all, because naturally when you get things into a coherent, unitary picture in the intelligence field, foreign intelligence specialists and analysis—the analysts who work for foreign powers—are not so dumb that they can't figure out on the basis of a year-to-year comparison basis what is going on in our intelligence collection effort on more effective and efficient basis than they are today.

The Chairman. You mean intelligence from foreign nations?

Mr. Ellsworth. That is right. A foreign analyst analyzing our program is going to have a tremendous edge when he can look at our unitary defense overall intelligence budget and compare it from year to year and put it together with other bits of information that he has assembled on the worldwide basis. It is going to be a tremendous help to him with his problem, figuring out what we are doing and how he can counter it.

That is one problem.

Another problem is a reflection of the point yourself made, Mr. Chairman, and that is if the Senate has this process, it is just going to mean double accounting, it is going to mean double automation, and double staffing as far as we are concerned in presenting our budget to the two bodies.

So those are our points.

The Chairman. Senator Thurmond.

Senator Thurmond. I might ask you this. Have you any thoughts or recommendations on the way you think intelligence might be handled by the Congress to provide the greatest protection to the Government?

Mr. Ellsworth. Well, I would think—and speaking again for Secretary Rumsfeld—that it would be desirable as well as—it certainly would be desirable from the standpoint of the public confidence and support in intelligence operations, and completely acceptable to us, there could be either in the one body, or in the other, or both, or on a joint basis, an oversight committee which would have and exercise a rigorous oversight function over the various intelligence activities of the Government, which would not imply involving itself in these other problems which I have mentioned; that is to say, the administrative problems and the unitary budget presentation problem which I have mentioned.

And it seems to me that that would be something that could be and would be beneficial to everybody in the Government and to everybody in the intelligence community, because of the fact that it would improve and increase, presumably, the public's confidence, and therefore support, for necessary information-gathering functions.

Senator Thurmond. I believe Mr. Colby said he would welcome a small joint committee on the matter of surveillance. There would be no objection to that, as I see it. As the chairman mentioned, a joint committee would save intelligence officials from making so many appearances. They have to appear before the Armed Services and Appropriations Committees of the Senate, and the Armed Services and Appropriations Committees of the House. If you had a joint committee of both Houses, they could make one appearance instead of four.

I often thought that if we could save the time of these officials in the executive branch that have to come up here before the Congress, it would mean a great deal.

So, a joint committee would appear to be all right if it is not too large; wouldn't it? A joint committee of both Houses, possibly? Would that be your thinking?

Mr. Ellsworth. That would certainly be in the right direction.

Senator Thurmond. These are all the questions I have.

The Chairman. Now, Senator Taft, do you have any questions?

Senator Taft. Yes, Mr. Chairman.

Mr. Riddick, going back to the rules question, isn't it true that this resolution involves changes in the provisions relating to disciplining of members?

Mr. Riddick. Well, I don't know of any rules in the standing rules except rules 35 and 36 and 37 of the executive business of the Senate that in any way penalize. Of course, we have got in the constitution the power to expel them, and we have got the practice of censuring them. And I would assume that the Senate could cite another Senator for contempt. Certainly they could apply——

Senator Taft. Not under this rule they couldn't. They can cite employees for contempt, but they can't cite Members for contempt.

Mr. Riddick. I don't think the rules could change the constitutional power—that is the only place I know of which provide the basis on which we have censured anybody; that is the power of the Senate to censure its Members.

Senator Taft. Let's go to another point on the same question. Isn't it true that the rules currently set the jurisdiction of the various committees?

Mr. Riddick. Yes. And his is a question that I raised, Senator. When they are talking about giving the exclusive jurisdiction to this committee. And I don't know how you are going to get a ruling to that extent, unless somebody later on makes a point of order on that question. And that is it. If you go back to rule 25 and look at the jurisdiction set forth to the various committees there, you won't find anywhere that it specifically says that the Armed Services Committee shall have jurisdiction over CIA.

Now, this proviso here merely says that there shall be referred to this committee these following suggestions, and there it stops.

Senator Taft. The rules set up what the committees are; doesn't it?

Mr. Riddick. Yes.

Senator Taft. Isn't that a permanent change in the rules to set up a new committee?

Mr. Riddick. That doesn't block the Senate—just like we did in the Small Business Committee, in my opinion—that doesn't block the Senate from giving limited jurisdiction to the Select Committee on Small Business.

However, if there was something specific, say, for example—and I am not sure, I have not investigated all aspects of it—as I said to the committee when they were talking about this, if you try to take something away from a committee that was specifically set forth in rule 25, giving that committee specific jurisdiction over it—say, for example, it did say in rule 25 that the CIA shall go to the Armed Services Committee—then to do this you would have to amend the rules.

Senator Taft. The CIA is a part of the Armed Services and the Rules; the committee should have jurisdiction over the Armed Services.

Now, it has taken that way.

Mr. Riddick. I know what you are saying. But the point is, you have got to get a ruling from the Chair on it. And I would say that if the proviso in rule 25 gave the Armed Services Committee specifically the CIA, and somebody should introduce a bill, and you could ask the Chair where he was going to refer it, and he said to the Select Committee on Intelligence, why you could make a point of order that rule 25 provides for the reference of the CIA to the Armed Services Committee. And then the Chair would have to rule, and you could take an appeal, and the Chair would submit his ruling to the Senate for decision. But where it is silent and it doesn't specify in the rules that some of these things go——

Senator Taft. It does specify the Armed Services as to the DIA. The DIA is part of the Armed Services.

The Chairman. Will you yield to me?

The term "common defense" is what is in the rule, isn't it?

Mr. Riddick. I think that is it exactly, common defense, generally.

The Chairman. Yes; common defense.

Senator Taft. I won't belabor this point, Mr. Chairman. It is obviously one that is going to be brought up.

For my own information, however, I would like to ask Dr. Riddick to describe as he understands it the current situation with regard to the finance backing, whatever the procedure might be, of the CIA.

In other words, I understand there is a code section which permits transfer of funds to the CIA from other areas, it does nothing through authorization committees today, it goes through the Appropriations Committee. And there is some kind of an information procedure. Is that information procedure to various committee chairmen, and so forth, in writing? What is its history, and where do we stand today? What is the current procedure? I don't really understand that. I tried to find out about it at the time of Angola, and I couldn't get any help; I couldn't find anything in writing as to the current procedure.

Mr. Riddick. I am in your predicament, too. I know in the appropriation bills they did provide for the transfer not to exceed a certain amount for certain purposes.

Senator Taft. There is a code authorization for the transfer, I understand that. But as to what checking is done and why the checking is done, is there anything in writing at all?

Mr. Riddick. That is kind of a legal question that gets a little out of my field.

Senator Taft. I don't think it is legal. There isn't anything in the Senate rules that you know of that relates to this consultation process, is there?

Mr. Riddick. I don't know of anything in the rules that would prohibit it.

Senator Taft. Can you tell us what the practice has been? This goes directly to this subcommittee question.

Mr. Riddick. The practice has been that when the budget estimates come up for the various purposes, even though they might be silent and give it in a lump sum, we refer the whole thing to the Appropriations Committee.

Senator Taft. If there is a desire to get an appropriation after the bill is passed, and a desire to transfer for a new project of the CIA, some money from another department, what happens?

Mr. Riddick. I don't think it is spelled out any more, Senator.

Senator Taft. Do you know as a matter of practice what happens? Because I got the same kind of answers from where I asked. And I think it does show the need for some institutionalization here.

Mr. Riddick. I would assume that it is administrative action pursuant to that transfer of power.

Senator Taft. Purely the matter of CIA coming to various Members of Congress of their choice or understanding and telling them about it, is that right?

Mr. Riddick. I assume so after consultation, with certain Senators who have been doing some oversight in that area.

Senator Taft. There is nothing in writing that requires in any way that they consult with the chairman of the Armed Services Committee or the chairman of the Foreign Relations Committee or the chairman of the Appropriations Committee, or the ranking membership.

Mr. Riddick. Not that I know of.

Senator Taft. Thank you. That is my understanding, but I am amazed by it. Everything I understood was to the contrary until this came up. Everybody thinks that there is a definite procedure, but there isn't any.

The Chairman. We will come back to that.

I would like to give these gentlemen a chance to ask questions. This is a general discussion and inquiry about the pending resolution being debated on the floor now. We went into the version known as the Cannon amendment, that was filed yesterday; it goes back to the resolution by the Rules Committee, and also Government Operations Committee. Dr. Riddick has been with them during the course of the proposals so I invited him to be here.

I asked Senator Cannon to come, but he could not. He suggested Dr. Riddick, and I was glad to invite him.

The Deputy Secretary of Defense for intelligence, Mr. Ellsworth, was invited to come here to give us what he saw in this matter. I called on Mr. Braswell to state what he saw in it.

All who have been here have not only impressed the Members, but have also asked questions of Mr. Ellsworth and Dr. Riddick.

So, I call on you gentlemen now.

Senator Nunn, I call on you.

Senator Nunn. I am taking up where Senator Taft left off. I don't know what has been talked out before he started because I wasn't here.

The thing that bothers me, that I have the most questions about, is how the budgetary part of this is going to work. I am like Senator Taft, I am not sure what the status quo is now. I don't know how it is working now. I am not on the Committee that deals with it. So let me start there.

Is there an authorization process for the CIA budget? Is there an authorization process at the present time?

I will call on Mr. Braswell.

Mr. Braswell. Senator Nunn, in the basic law there is a provision that gives CIA authorization, but I do not have the annual process required by law.

Moving to the appropriation process, they obviously get annual money every year, and then that becomes a question of in what accounts the money will be placed. Part of that intelligence money, in order to spread it around, and to require the least amount of disclosure, is in the authorization bill. All the CIA money is in defense appropriations.

So then, the question is, what portion do you want authorized which covers procurement, R. & D., but not O. & M. in support?

Now, for the CIA alone, that is not carried in the authorization. So, technically it is not authorized in the sense that it is covered in the military authorization bill on the floor, it is covered in other elements of the DOD appropriation. There are other large elements of the intelligence activities of defense that are authorized, and some of them are split, some in one side and some in the other. But then that is a division of how you are going to cover it.

Senator Nunn. I am not sure I understand now. You are saying that none of the CIA budget is authorized in our military bill now?

Mr. Braswell. It could be, as a cover.

Senator Nunn. If it has got a permanent authorization anyway, why would you need to reauthorize it?

Mr. Braswell. It is not a question that you do not have to, but it is a question of when you want to hide the money, put it in two places. It does not have to be locally.

Senator Nunn. You are saying that part of the intelligence budget now is authorized?

Mr. Braswell. Yes.

The Chairman. And the DIA budget?

Mr. Braswell. Some.

Senator Nunn. I can't judge this proposal until I know what the situation is. I don't know how much you want to go into. It is impossible for me to judge a new proposal. I know where we are now. And I don't have any idea.

Mr. Braswell. The big distinction as to this proposal and the way it is done now is that you do not have to have a separate bill to authorize any intelligence activity, it is hidden entirely in the appropriations without authorization, or it is hidden under missiles or something else in the defense, but it is never surfaced as an intelligence function.

Senator Nunn. Let's put it this way. If you do have part of the DIA budget authorized, that still requires an appropriation in addition?

Mr. Braswell. Everything requires an appropriation.

Senator Nunn. So, everything right now for intelligence has to be appropriated every year?

Mr. Braswell. Yes, sir.

Senator Nunn. And it is all in the appropriations bill in the DOD budget?

Mr. Braswell. Yes, sir. And so has been authorized——

Senator Nunn. It could be in the DOD under authorization, in procurement, in manpower or O. & M.

Mr. Braswell. Half and half. But this is totally different here, in having by rule a bill coming out saying, so much for intelligence.

Senator Nunn. That is the point I want to get to. In the Cannon substitute, as I understand it, would say that all the authorization for all the intelligence community would come in this one bill?

Mr. Braswell. It says you shall not appropriate after September 30, 1977, unless such funds have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding year. That raises the whole issue of disclosure, and these are for designating the activities of CIA, DIA, NSA, and so forth.

Senator Nunn. My next question is, how do you have an authorizing bill that comes out of the Senate if you don't have the same thing coming out of the House?

Mr. Braswell. That is the issue, it will be controlling on the Senate appropriation, which the House does not control.

The Chairman. That is the point I made; there is no such legislative channels that I ever heard of, an authorization bill or a joint resolution passed only by the Senate.

Senator Nunn. We are going to get up on the floor and have an authorization bill on the intelligence budget, and are we going to debate that authorization bill separately from everything, is that right?

The Chairman. That is correct. Dr. Riddick.

Mr. Riddick. That is what the rules provide.

Senator Nunn. I don't see how that is possible.

The Chairman. That is what the argument is about, Senator.

Mr. Riddick. If we should pass the bill and send it over to the House, they would do something with it.

The Chairman. I know what they would do with it. They would laugh at it.

Mr. Braswell. They cannot do anything in the House, because there is no requirement for authorization within the House under the House rules.

The Chairman. I made the point, Senator Nunn, if you will yield to me, with all deference to every Senator, and every committee, and the author of every bill, a plan cannot be successful if it does not include the House in a legislative plan.

Senator Nunn. I recommended before the Rules Committee—maybe they considered it and rejected it—I recommended that the oversight committee—maybe Senator Culver and Senator Taft could listen to it—that the oversight committee, if there is going to be an oversight committee, be given the responsibility of reviewing the intelligence budget. And then making a recommendation on that intelligence budget to the authorizing committee, which would be Armed Services Committee, and then have it built into the same authorization that we have now, so that we would not be on the floor debating the individual items. I don't think that is practical, and I don't think it can possibly work.

Senator Taft. I agree with you totally. And if that committee had the recommendation authority to us, then it could be built into our budget.

Mr. BRASWELL. But that is not what this provides.

Senator NUNN. I know it. I don't see—maybe Dr. Riddick can explain to me how this is going to work as a practical matter. Wouldn't we be involved in a detailed debate on the intelligence budget on the floor of the Senate every year?

Mr. RIDDICK. That is if the Select Committee on Intelligence reported such a bill.

Senator NUNN. You meant, no, they don't have?

Mr. RIDDICK. It says matters coming up here for reference. If we have got a permanent authorization for the CIA, we could go ahead and appropriate without providing the legislation if the select committee did not report any legislation.

Senator NUNN. They don't have to do it, then, under this.

Mr. RIDDICK. If any requests for it come up, it would be referred under this resolution to the Select Committee on Intelligence.

Senator NUNN. Where is this permanent authorization in the law? Is it in the law there?

Mr. RIDDICK. I am starting from what Mr. Braswell just gave us.

Senator NUNN. You are saying that that permanent authorization is continuing on the books in law now?

Mr. RIDDICK. Yes. We have got—as I understand it, I am citing from experience—we have got a few legislative authorization provisions that dates back to 1789, and we still appropriate every year. Where there is no annual appropriation required, or where a legislative authorization bill does not put a limitation on the years, it becomes a permanent authorization.

Senator NUNN. Where is that provision in law? Have you cited that, on the CIA?

Mr. RIDDICK. Mr. Braswell has it.

Senator NUNN. I think Ed Braswell doesn't agree completely with this.

The CHAIRMAN. Would you like to ask him the same question now? This is purely an informal meeting. It is a key question, and there is some dispute about it.

Senator NUNN. Yes.

Mr. BRASWELL. I would be the last one to argue with Mr. Riddick on parliamentary law. This is a new Senate rule which says that no funds shall be appropriated for any fiscal year. I realize this is subject to the old standing rule. But this amends it unless such funds have been previously authorized by a bill of joint resolution by the Senate during the same preceding year to carry out such activity for such fiscal year.

The CHAIRMAN. What are you reading from?

Mr. BRASWELL. This is the Cannon substitute.

Mr. RIDDICK. But you didn't read the opening phrase, "Subject to the Standing Rules of the Senate."

Mr. BRASWELL. You are reading to get in a point of order issue there. The question is, what does this really mean then if you adopt this as a rule, then you do not have an annual appropriation or authorization. Are you saying that you do not really have to do it?

Mr. RIDDICK. My point is, under this as it is written, if there were no other authorization, and the appropriations committee recommended funds for said purposes, it would not be subject to a point of order on the Senate floor. And therefore the Senate could go ahead and pass that appropriation bill, including those funds.

Mr. BRASWELL. I guess the issue that Mr. Riddick is making is that if the new select committee chose not to carry out this mandate under the rule in the form of an annual authorization, the action of the Appropriations Committee, the funds would not be subject to a point of order.

Mr. RIDDICK. That is right.

The CHAIRMAN. I think that clears it up.

Senator NUNN. This is such an important point that it seems to me that it is a very bad situation we are in. I am sure that most of the people that are for this substitute, probably part of their premise of being for it would be that they think there is going to be an annual authorization bill. And most of the people who are opposed to it are worried about that particular point for the same reason as those with opposite opinions. And what we are realy finding out with it is that it is strictly up to the committee as to whether there is going to be an annual authorization bill or not.

Mr. RIDDICK. The presumption is that the committee would report something pursuant to their assignment under this resolution.

Senator NUNN. And if they do, we are going to be in the business of reporting on the floor of the Senate at the authorization debate containing the whole intelligence budget. And there would be no way to get into a breakdown, would there?

Mr. BRASWELL. Let me interject that the CIA is only one of five activities which must be authorized for appropriation, and the DIA as such has no permanent language.

Senator NUNN. You mean if the committee did want to authorize that——

Mr. BRASWELL. They have got to authorize for the rest.

Senator NUNN. This was the main question I had. I really think there ought to be at least an effort to amend that part of this bill by this committee. And my suggestion is that we consider and let counsel consider having a committee with the duty to review the overall intelligence budget, or whatever they have under that jurisdiction, and make a recommendation to the authorizing committees as to what that budget should be, and then let the authorizing committees make the final decision.

The CHAIRMAN. All right.

May I ask one question gentlemen? Following Senator Nunn's questions, directing your attention to what you said this morning about the perceptiveness of foreign intelligence analysts and how they watch our expenditure. Let me re-ask that question now, with reference to the budget that he brought up.

Mr. ELLSWORTH. The point was that even if the Senate didn't get into the details of what was in a national intelligence budget, the fact of the matter is that by watching changes in the size of the budget from year to year, if a coherent, unitary intelligence budget was offered publicly and discussed publicly, putting that together with other pieces of intelligence information gathered over a period of years and all around the world, foreign intelligence analysts, that is to say the intelligence analysts in foreign capitals could very quickly flesh out the intimate details of all of our intelligence programs and their capabilities and it would be quite a revelation to them, and quite an addition to their overall capability.

The CHAIRMAN. Let me say here, gentlemen, in the time I have been into this work, I have been tempted many times to make more disclosures as to the money part. It has always been embarrassing to me—I mean, disclosures to my colleagues about the money part. If it comes up, we can debate it on the floor many times. But I am always restrained from disclosing matters indiscriminately or even moderately because of the point that the Secretary has made. Foreign Intelligence analysts have the capacity to interpret, directly and indirectly, and put things together as they watch you from year to year. The more I got into it, the more I am convinced that it just has to be kept under the hat to a large degree.

Senator Thurmond, do you have any questions?

Senator THURMOND. I don't have any other questions.

The CHAIRMAN. Senator Taft.

Senator TAFT. I would like to ask Mr. Ellsworth one thing. Do you have any comment on what the effects would be of the proposed changes insofar as the commitments in time of the executive branch versus concern with intelligence might turn out to be?

Mr. ELLSWORTH. Yes, If this were to be adopted by the Senate, then it would mean, as far as our time is concerned in the Pentagon, in the preparation of our budgt, and the justification of it in detail, that we would have to have, because of the necessity to go ahead and follow the regular procedures, or the existing procedures, I should say, that would continue in the House, that we would have to have double accounting, probably not double staffing, but we would have to have a considerable increase in our staff, and a considerable increase in our automatic data processing machinery equipment and capability, and it would be a very considerable add-on.

Senator TAFT. I was thinking about the time of the Secretary and various others under the Secretary testifying on the Hill as well.

Mr. ELLSWORTH. Of course, there would be that addition also.

Senator TAFT. I would like to raise a point at this time, Mr. Chairman.

The CHAIRMAN. All right, Senator.

Senator TAFT. I think the Secretary's testimony has been extremely interesting, and I think very relevant, and should be available to Members of the Senate during the debate on this measure. And I wonder what would be the disposition of the chairman or the committee with regard to making the testimony of the Secretary public after this meeting and making it available, and the debate. And I would particularly like to ask the Secretary if there is anything that he has gone into here that is so sensitive that it should not be discussed or included in any such disclosure of information?

Mr. ELLSWORTH. Not that I can think of. But if the committee wants to do that I would like to have an opportunity to review it, if I could get it quickly, I will review it immediately. I don't think I have anything, but I would like to have that opportunity.

The CHAIRMAN. Subject to review, the chairman would be glad to release it.

Senator THURMOND. I think it would be a good idea to have his testimony available to show just how the burden is going to be increased on the Defense Department, their time, and their efforts, and additional personnel, and so forth. And if this could be made available, I think that would be helpful.

Senator NUNN. If the Senator will yield just a moment for one point here, I had conversations with Bill Tobey, and he gave me a concrete example. Sometimes I think they are necessary when you are talking about debate.

For instance, the *Glomar Explorer*—is that the name of the ship that they sent out? The funding on that, if it has been disclosed, the total budget, there would have been a bulk in the intelligence budget for certain years while that was being built, and then inevitably the foreign agent would have been able to tell there was something up, and they would have sent it in and probably found out about that.

Now, is there any way without breaching confidence that you can be more specific and give us, at least for the record, to be used in debate, some examples that occurred in the years past that would have led to disclosure? We have to talk in the abstract so much about this thing so that nobody can appreciate the reality of it.

Mr. ELLSWORTH. Let me do the best I can. I will draw on that example, and see if I can find some others, Senator. I will be glad to try.

Senator Thurmond. That would be helpful.

Mr. Ellsworth. I will have to go back into history.

Senator Nunn. How about the U-2 incident? I think if you could show us what would have happened under this procedure, if it had existed at certain points in our history about certain intelligence information, it would be very useful. But if we have to just talk in abstractions about what we fear may happen, I don't think it is going to convince many people.

The Chairman. Mr. Secretary, is there something else you want to say?

Mr. Ellsworth. No.

The Chairman. Mr. Riddick?

Mr. Riddick. No, sir.

The Chairman. We thank both of you very much for coming.

Senator Nunn. May I ask Dr. Riddick one question. What would be wrong with having the Select Committee on Intelligence making a budget recommendation that would then be built into the authorizing legislation of existing committees?

Mr. Riddick. We have a proviso in the resolution that requires "that the select committee on or before March 15th of each year, the select committee shall submit to the Committee on the Budget"—they have to make a report to that committee on all the details. But as to how this can be handled in the authorization, if you amend that section that spells out the details of how the authorizations are to be made and so forth, you could accomplish whatever you wanted to accomplish even if you wanted to change the present rules.

Senator Nunn. What would be the main arguments against this? That it would diminish the authority of the committee?

Mr. Riddick. Senator, I will tell you, I have been into about 20 conferences trying to reach compromises. And this is what they came up with finally. I worked with them to try to get language that would be acceptable.

Senator Nunn. I understand that. But that would probably be the objection, that it would dilute the authority of the new committee.

Mr. Riddick. I think that is true, I think that what they want to do is make the information more public, and at the same time try to protect security.

Senator Thurmond. How can they do that?

Mr. Riddick. It is a difficult problem, Senator. I don't know how you can do it. As the Secretary has indicated, if you go a certain way, like if you publish information to whom you are giving contracts for defense purposes, that sets up a picture for the intelligence of foreign countries to plant spies in that plant and locate what they can. If you give them an indication that you are doing so and so, it gives them an idea where they can plant spies. I don't know how you can do it.

Senator Thurmond. As I see it the more information disclosed the more our security is subject to being jeopardized. I can't see it any other way.

Mr. Riddick. I don't feel that I am entitled to express an opinion. I just say what the problem is.

Senator Thurmond. Sure. We understand your position.

Mr. Braswell. Mr. Secretary, just to wrap this up, you say that there are certain elements of this bill, the proposed resolution, that would be damaging to U.S. intelligence efforts.

Mr. Ellsworth. We feel that the authorizing for appropriation provisions in sections—I don't remember what the numbers are, 3 and 12 if my memory serves me correctly—would be damaging in that they would force the presentation in public of a unitary, coherent budget for intelligence operations and organizations.

Mr. Braswell. And this damaging effect results from the fact that more information would have to be disclosed?

Mr. Ellsworth. That is correct.

Mr. Braswell. Dr. Riddick, would you be able to shed any light on what was intended under paragraph 11(b) when it says, "It is the sense of the Senate that the head of any department or agency involved in any intelligence activity should furnish any information or document in the possession, custody, or control of the following agencies," et cetera. Now, that has no limitations on it in terms of words. Was it intended that there would be no limitation? Could the committee put a demand on all our agents in foreign nations to furnish information to it?

Mr. Riddick. That sense of the Senate provision doesn't give the committee any additional power, in my opinion.

Mr. Braswell. What was the sense of those words with respect to furnishing documents?

Mr. Riddick. In my humble opinion it is; the purpose at the time the Government Operations reported this resolution, the feeling was that they couldn't get a law passed or a joint resolution, but they could get a Senate resolution adopted. It came to me that the House was not going to consider such, and that they were just putting in the sense of the Senate, knowing full well that you can't legislate by simple resolution, emphasizing that these were the things that they wanted the departments to know that the select committee would be concerned about.

Mr. Braswell. Do you think it was intended that anything and everything the committee might ask for should be furnished?

Mr. Riddick. I would hate to interpret their motives.

Senator Thurmond. This is a Senate resolution, isn't it?

Mr. Riddick. That is correct, a simple resolution.

Senator Thurmond. Is the effect of that a concurrent resolution?

Mr. Riddick. No sir. This has no relation with the House, nor can it concur in the legality.

Senator Thurmond. It is not legislation, and it is not law. Would the Defense Department be bound by it?

Mr. Riddick. No more so than they would have to under any situation in the case of an investigating committee that had subpena power.

Senator Thurmond. I imagine they would contest this, if they are not bound by it. Because if the national security of the country is jeopardized by some resolution of either body of the Congress, I presume the executive branch would make a test of that in court, if necessary.

Mr. Riddick. I would say this Senator, it endeavors to set up a procedure for the Senate to follow. It does not give any select committee any legal authority to get information that it doesn't already have.

Senator Thurmond. It would be a resolution that would be a guide and to the Senate to get what information they could, but it is not law, another branch of Government would not necessarily have to be bound by it, would they?

Mr. Riddick. The extent of authority of the committee is its subpena power to get information.

The Chairman. Gentleman, do we have further questions? If not, Mr. Ellsworth and Mr. Riddick, thank you very much.

We will take a recess, gentlemen, subject to the call of the Chair.

[The attached letter from Secretary Ellsworth has been submitted for inclusion in the record at this point:]

The Deputy Secretary of Defense,
Washington, D.C., May 14, 1976.

Hon. John C. Stennis,
Chairman, Armed Services Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I have reviewed my testimony of yesterday and would have no problem with its being released.

You will recall that Senator Hart indicated he would like to know "what the grave risks are" which I had mentioned in setting forth Department of Defense concerns with regard to the visibility that would be created by a separate budget information process. Inasmuch as the Committee did not have the opportunity at yesterday's meeting to return to that question, I thought it might be helped if I were to spell out in a little bit more detail what I had in mind.

As you know, the Department of Defense plans, programs, budgets and operates several very expensive high technology collection systems, which collect foreign intelligence information not only for the Department of Defense but also for the Department of State, for the Central Intelligence Agency, for the NSC Staff, and for the President. The very fact of the existence of the specific systems I am referring to is never officially acknowledged. First, because the fact of the existence of a given system could, when combined with other facts, expose United States foreign intelligence collection sources and methods—thereby enabling foreign powers to deny that information to us.

I fully recognize the difficulty of proving the validity of the foregoing proposition in public debate. It is not a matter which can be debated in public without at the same time doing the very damage which the policy of nondisclosure is designed to prevent. Therefore, in order to sustain the validity of the above point, it is absolutely necessary to rely on the informed judgment of the President and those to whom full knowledge of these extremely expensive and sensitive systems and programs has been entrusted.

Second, public discussion of a comprehensive intelligence budget, as would be required by the separate budget formulation process now being considered, would inevitably bring these matters into much wider knowledge, in two ways:

a. Such a budget could hardly he debated without debating the particular parts thereof; and

b. The exposure of changes in the overall size of a comprehensive intelligence budget, over a period of years, would give to the intelligence analysts of foreign powers a substantially increased capability, when they combined information of those changes with other intelligence information available to them, to begin to get at the programs and systems I have in mind, and the capabilities thereof. The intelligence analysts of foreign powers are not so dull and inattentive as to overlook the shifting patterns of expenditure and programming which would be revealed.

I think it is important to keep in mind that the very openness of our society already gives to the intelligence analysts of foreign powers a considerable advantage as they work to collect and understand information on our capabilities and intentions, as well as our vulnerabilities. To give them the added advantage of details of programs and systems which heretofore have been fully protected from their scrutiny would be quite undesirable.

In reviewing some recent history, for example, it is interesting to note that overall national intelligence funding showed a bulge from fiscal year 1969 to fiscal year 1972, then a slight decrease to fiscal year 1976, then a more marked decline. The initial bulge reflected initial funding of the Glomar Explorer; the slight decrease represented the conclusion of the initial production phase and the more marked decline coincided with the public disclosure of that operation and its abandonment. If that pattern had been available to the intelligence analysts of foreign powers at the time, they might well have been able, when combining that pattern with other bits and pieces of information available to them, to have been relatively fully informed on the Glomar Explorer program.

A separate point, Mr. Chairman: the Department of Defense would still be required to maintain a budget formulation process for the House of Representatives which would continue to conform to an appropriation account. The two separate processes which would be required would in themselves impose upon us the necessity to maintain double accounting for our intelligence programming and budgeting. It would also require additional expenses, additional staff, and additional automation equipment.

I hope that this is helpful, Mr. Chairman, to yourself and to the Committee and to the Senate.

Respectfully,

Robert Ellsworth.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McClure). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1646

Mr. TAFT. Mr. President, I call up my amendment No. 1646.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 12, delete paragraph (b) and substitute the following provision:

(b) Any proposed legislation or other intelligence matter considered by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall be communicated to the chairman and ranking member, respectively, of such standing committee, and at the request of the chairman of such standing committee any proposed legislation shall be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which any proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

Mr. TAFT. Mr. President, this amendment relates to section 3(b) of the proposed substitute, page 6 of that substitute, which sets up a procedure under which any proposed legislation reported by the select committee, except legislation relating to authorizations and legislation relating to the Central Intelligence Agency, or the Director of Central Intelligence, containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter.

Then it goes on to the procedural aspects of how this is handled requiring the standing committee to act within a specified period of time.

The PRESIDING OFFICER. The Chair inquires of the Senator if this is the amendment upon which 2 hours have been designated.

Mr. TAFT. No; this is a 1-hour amendment.

The PRESIDING OFFICER. I thank the Senator.

Mr. TAFT. Mr. President, the question that occurred to us in the hearings before the Armed Services Committee with regard to this amendment was whether there was any way in which the chairman of the standing committee could possibly know what matters were before the intelligence committee so that he could ask for jurisdiction to be asserted under this particular clause.

Let me read briefly from the transcript of the committee hearings before the Armed Services Committee in this regard, page 9 of that transcript:

Senator Taft. I must say I share some of the serious doubts about this already expressed by my colleagues, Senator Tower and Senator Thurmond. There are some practical things I would like to ask. Maybe Dr. Riddick or Mr. Ellsworth can comment on them.

But the question I have is that under the procedures involved, as I read them, the Armed Services Committee would be entitled to ask for a referral of a particular matter to the Armed Services Committee for a period of time, is that correct?

Mr. Riddick. For 30 days. It goes two ways, it is sequential concurrent referral, except for CIA. Now, the CIA project does not come to any committee except to the Select Committee.

Senator Taft. There is also in the bill a ban on the disclosure of information by any member of the committee to any other Senator outside of the committee of the classified information.

Mr. Riddick. There are two aspects in there. One is, until the committee has acted, you may not. After the committee has acted to divulge under certain circumstances, after this has been submitted to the Senate, they can pass it onto a committee or to a Senator. But the staffs are pretty well——

Senator Taft. Only after the committee has acted and there has been an appeal to the President and so forth.

Mr. Riddick. That is correct.

Senator Taft. The question that comes up to me, substantively, then is, how is the Armed Services Committee going to have enough jurisdiction?

Mr. Riddick. The Armed Services Committee also has a right to make investigations. The resolution specifically states that nothing given to the select committee shall prohibit any standing committee from making investigations within their respective jurisdictions that they already have.

Senator Taft. But in order to find this out they are going to have to call in the various intelligence agencies, they can't go to the select committee and ask for it?

Mr. Riddick. This is a part of that compromise that Senator Hart was talking about there.

Senator Taft. How are they going to know, unless they have an independent investigation? I do not know how they are going to know that they are going to get jurisdiction.

Mr. Riddick. That is what I was going to explain. Part of the reason that the committee got so large is the fact that they wanted two representatives from each of these committees.

Senator Taft. But the ban on disclosure of information that is presently in the bill as I read it would apply even to a disclosure of information by the ex officio Armed Services Committee member to the chairman of the Armed Services Committee, if he is not a member.

Senator Hart. If the Senator will yield, I think a portion of the bill may touch on that. Section 4(a) states:

"The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters deemed by the select committee to require the immediate attention of the Senate or such other committee or committees."

Senator Taft. Would that apply to classified information?

Senator Hart. That is what it does apply to.

Senator Taft. But the same question would remain, I think, because the judgment would then be made by the Armed Services Committee unless the select committee decided to turn the matter over to the Armed Services Committee; the Armed Services Committee would have no way to know whether or not there would be a referral.

Senator Hart. I think it is mandatory language. They don't have a choice.

Senator Taft. It says deem, and deem to me confers a choice. They have to make a judgment, the legislative committee make a judgment as to whether they think the Armed Services Committee ought to have this. If they decide that, then they have to defer it.

Senator Hart. It is not an arbitrary kind of power that they have to decide whether to turn something over to the Armed Services Committee or not. If it is a defense-related matter, they have to. That is the way I read this language.

Senator Taft. I don't read it that way, Senator. I think that is something that ought to be cleared up. I am thinking about an amendment, is why I am asking these questions along this line.

Senator Hart. And you do have two members of the Armed Services Committee on this 17-member committee.

Senator Taft. I understand that. I might comment that the 8 and 9 setup that you are advocating is that the 8 members involved are representing 61 Senators and with 9 Senators representing 39 Senators who aren't on the committee.

The point that I would make is that there is no way under which the Armed Services Committee can know what is before the Select Committee on Intelligence unless the Select Committee on Intelligence itself makes a judgment that it wants to refer to the Armed Services Committee. If the select committee wants to leave the Armed Services Committee in the dark, they can leave them in the dark because they would deem it was not within their jurisdiction or area of interest.

So I think we have a real question here. I attempt, by this amendment, to clear it up by changing the language saying that any matter otherwise under the jurisdiction of any standing committee shall be communicated to the chairman and ranking minority member, respectively, outside the standing committee. Then we would go ahead with the same language for concurrent jurisdiction that is included in the substitute as it presently stands.

Mr. President, with regard to that, the committee never really did resolve the question. I would be interested in hearing from the distinguished chairman of the committee and the ranking minority member as to what their understanding is in this regard and how mechanics of this can work.

I reserve the remainder of my time.

Mr. RIBICOFF. I would be pleased to respond. Senator TAFT's amendment requires the new committee under section 4(a) to communicate to the appropriate standing committee any intelligence matter, as well as any legislation considered.

Section 4(a) already requires this new committee to promptly communicate with the appropriate standing committee any matter deemed by the select committee to require the immediate attention of such committee. What worries me is that the mandatory nature of the proposed language, in conjunction with its vague reference to the words "any matter," could unduly hamper the new committee's operations. If it requires disclosure of all the details of an intelligence activity, for example, it could be a burdensome requirement. The general language in 4(a) is preferable. Under section 3(d) on page 7 the other standing committees will be able to obtain directly from the intelligence committee the information they need.

I read:

> (d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

And on page 7 is 3(c):

> (c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

I would like to point out that last Thursday the distinguished Senator from Nevada (Mr. CANNON) introduced an amendment cutting down the size of the committee from 17 to 15. The pending substitute also mandates that two members on that committee be from Armed Services, two from Foreign Relations, two from Appropriations and two from the Judiciary. So the standing committees that have jurisdiction generally over the agencies that engage in intelligence will have the majority of the 15 members on that committee.

Mr. TAFT. Will the Senator yield at that point?

Mr. RIBICOFF. I would be pleased to yield.

Mr. TAFT. What confused me is the fact that, as I understand the prohibition on communication of information by members of the Select Committee on Intelligence even though there are ex officio members on that committee from various other standing committees with concurrent jurisdictions, there would not be any authority on their part to even communicate to their own chairmen something before the Select Committee on Intelligence that they felt also would entitle the other standing committee with concurrent jurisdiction to receive it.

Mr. RIBICOFF. May I point out they are not ex officio. They are actual, voting members of that 15-member committee. There is a provision that at the request of the so-called parent committee there is a sequential referral for a period of 30 days. So the other committee can ask that it be referred on to them.

If this is going to work at all, there has to be comity between the standing committees, the select committee, and the executive branch of our Government. If there is not this comity, it is not going to work. It is inconceivable to me that any intelligence matter would be kept back from the parent committee.

Mr. TAFT. Will the Senator yield?

Mr. RIBICOFF. I am pleased to yield.

Mr. TAFT. Can the Senator answer specifically under the legislation as it is now proposed, without any amendment, whether the members of the Armed Services Committee, who also are Members of the Select Committee on Intelligence, have the right—never mind the duty—to communicate information that they get on the select committee to the chairman of the Armed Services Committee and the ranking minority member of the Armed Services Committee?

Mr. RIBICOFF. It is my understanding that when it comes to communications the communications will be in accordance with rules and regulations established by the select committee. We did not try to write into the legislation how they were going to communicate with one another. But the select committee, with eight members being from the four other committees, could sit down and make the rules and regulations of the select committee which could provide under what circumstances there would be communication from the select committee to the other standing committees. I am sure the eight members would see to it that they would be able to communicate to the so-called parent committee a matter that affects the standing committee and its operating functions.

I wonder if my distinguished colleague from Illinois interprets the resolution the same way that I have.

Mr. PERCY. Mr. President, if the Senator will yield for just a comment, on line 22 on page 14, paragraph 2, the language says:

> The Select Committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate.

It certainly seems that by our prescribing that two Members shall come from each of the four committees, the intent and purpose is to be certain that those committees, each of which do deal with one aspect of intelligence, are fully apprised, and that there shall be a member of both the majority and the minority.

Any time any member of that committee feels that certain matters are being discussed that the other cognizant committees should be aware of, there is adequate procedure for making certain that that information can be transmitted.

The problem I have with the pending amendment is that it would require a tremendous amount of reporting by the intelligence committee of a broad range of matters not requiring legislation, simply by those words "or other intelligence matter considered by the select committee." The burden of responsibility would be tremendous, and much of that material might be highly sensitive. That would seem to drastically reduce the independence of the intelligence committee, and place a burden upon it which hopefully the group working on the compromise in the Government Operations Committee have provided for by making certain that there is a broad-based representation on the intelligence committee itself, and that the four cognizant committees are fully represented on that committee at all times.

Mr. RIBICOFF. If I may add further, we were careful not to try to write all the rules and procedures in the legislation. You have to read 8(c)(2) on page 14 with section 3 (c) and (d) on page 7 and section 4(a) on page 7 together. I look at all those provisions to be taken together.

These provisions show that it is the intention of the resolution that the new committee keep informed all these other committees sharing responsibility. I do believe that we have, in 3 (c) and (d) and 4(a), combined with 8(c)(2) on page 14, the method by which to keep the Armed Services, Foreign Relations, Judiciary, and Appropriations Committees completely informed. I would be very disappointed in the intelligence of the Senate as a whole and the select committee if they were not able to prescribe rules to assure that the Armed Services, Foreign Relations, Judiciary, and Appropriations Committees could exercise their appropriate functions.

Mr. TAFT. Mr. President, I yield myself such time as I may consume.

I appreciate the good intentions of the distinguished Senator to discuss the fact that there would be good coordination under the regulations of the Select Committee on Intelligence. But I still have not received an answer to the basic question as to whether there is any legal right under the resolution as drafted for a member of the Select Committee on Intelligence who is also a member of the Committee on Armed Services to go to the chairman of the Armed Services Committee, or the ranking minority member if he be a member of the minority, and tell them about a matter that is being heard by the Select Committee on Intelligence which comes also within the concurrent jurisdiction of the Armed Services Committee.

I point out with regard to that the specific language included in section 8 (c)(1). We have been talking about section 8(c)(2), but I would call attention to section 8(c)(1), which is a flat prohibition, saying that no information in the possession of the select committee relating to the lawful intelligence activities, and so forth, which has been classified, can be disclosed to any other Member or anyone else.

Mr. RIBICOFF. I would say it could not without action by a majority of the select committee.

Mr. TAFT. So it would be up to the select committee to vote.

Mr. RIBICOFF. To the select committee, by a majority vote; and the select committee may have regulations requiring a written record of who was disclosing what to whom.

Mr. TAFT. Then I go on to point out—I do not really agree with the Senator in that statement, because it seems to me the prohibition in (c)(1) is so clear it is not even amended by (c)(2). The Senator says it is amended by (c)(2); I would take it this would be legislative history on that point. But it still does not leave in the control of the member of the Armed Services Committee the decision as to whether he talks with the chairman of the Armed Services Committee, which I think is an intolerable burden to put on the man, and he is in a conflict of interest position, basically.

Mr. RIBICOFF. No, I would say that (c)(1) provides in line 21, "or as provided in paragraph (2)." If you go now to (c)(2), it gives the select committee the authority to make regulations to communicate this matter to the other committees.

I have complete confidence that the select committee will be able to make sure that they transfer from the select committee to the other committees the knowledge and information as provided under section 4(a).

I think we are making the legislative history right here today indicating how that would be achieved.

Mr. TAFT. I would just say with regard to that, I am afraid I cannot agree with the Senator on it. It seems to me that subsection (2) merely applies to the way the regulations of committees will operate. It does not really say what the individual member of the committee may or may not do with regard to his other standing committee. It gives me a good deal of pause about this. I do not see any way in which there is direct authority for a member of the select committee to refer a matter to the standing committee of which he is a member.

I feel we have a deficiency here, which I think is a rather serious one insofar as the committee referral is concerned, and apparently it is an intended deficiency. Apparently the intention of the draftees of the substitute is that individual members of the select committee who are members of another standing committee which has concurrent jurisdiction may not communicate to the chairman or the ranking minority member of that committee information that they get with regard to a matter properly within the jurisdiction of the Armed Services Committee or the other standing committee.

This seems to me to put them in a direct conflict of interest position insofar as their position on the standing committee is concerned. The amendment is designed to correct that, and I do not see what harm the amendment does in correcting it. It merely says they have that authority. I am not attempting to take it one step farther than that.

But if the matter also comes before the Select Committee on Intelligence, I think the member of the select committee should be authorized to go before the chairman of the committee.

The matter might be solved if the only members of the select committee who are members of the standing committee were the chairman and the ranking minority member of the standing committee. That might resolve it, although then perhaps someone would even find within himself a conflict as to whether he could take that information and move with his committee.

Mr. RIBICOFF. I wonder if the Senator would concur—and I would have to check also with the distinguished Senator from Nevada and the distinguished Senator from Illinois—if, on page 8, on line 5, we deleted the words "deemed by," crossing out the select committee, and then having "requiring," so as to make it read "such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the immediate attention of the Senate or such other committee or committees."

So anything of importance would immediately be sent over to the committee having sequential jurisdiction, without requiring such committee to take all the minutia that comes to it, and give it to the other committees, or all the details which would not concern the other committee. Does the Senator from Ohio think that would solve his problem?

Mr. TAFT. It does solve my problem in some part anyway because it seems to me to go to matters requiring immediate attention. I do not know why it should be limited to those matters, but it is a step in the right direction certainly so if the matter does require immediate attention, of course, we have it all. What it would do practically is give the member of the Intelligence Committee, who is a member of the standing committee, a basis for raising the question and saying this is a matter requiring the immediate attention of the committee.

Mr. RIBICOFF. I am even willing to take out the word "immediate" so then there would be no problem what our intention is. It is definitely our intention if there is any matter of importance involving any other committee that that matter should go to this other committee for its attention. If we took out the word "immediate" that would indicate that it is the intention of this resolution that when a matter of substance comes before the Intelligence Committee it then goes over to the Committees on Armed Services, Foreign Relations, Judiciary, or Appropriations.

Mr. TAFT. I think with that change it meets substantially the objections I have been raising.

Mr. RIBICOFF. I would suggest the absence of a quorum so I could consult with the Senator from Illinois and the Senator from Nevada.

The PRESIDING OFFICER. The clerk will call the roll. The time is to be equally charged against both sides.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Montana is recognized.

PUBLIC WORKS EMPLOYMENT ACT OF 1976

Mr. MANSFIELD. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH) I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3201.

The PRESIDING OFFICER (Mr. McCLURE) laid before the Senate a message from the House of Representatives insisting upon its amendments to the bill (S. 3201) to amend the Public Works and Economic Development Act of 1965, to increase the antirecessionary effectiveness of the program, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. MUSKIE, Mr. MONTOYA, Mr. BURDICK, Mr. RIBICOFF, Mr. GLENN, Mr. BAKER, Mr. McCLURE, Mr. STAFFORD, and Mr. JAVITS conferees on the part of the Senate.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll. The time is to be charged equally to the proponents and opponents of the Taft amendment.

The second assistant legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask to modify my amendment.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

On page 8, line 5, delete the words "deemed by the" and substitute the words, "requiring the".

On page 8, line 6, strike the words, "select committee to require the immediate".

Mr. TAFT. I appreciate the consideration this matter was given by the Senator from Connecticut and the Senator from Illinois.

I believe this largely does meet the problem that I have raised. I think, practically, with this language as modified that the intention will be clear that the individual members of the Select Committee on any matters affecting the other standing committee on which they serve will be in a position to ask the Select Committee to call the matter to the attention of the other standing committee for their possible assertion of concurrent jurisdiction.

Mr. RIBICOFF. Mr. President, the amendment offered by the distinguished Senator from Ohio is acceptable to me.

Mr. PERCY. Mr. President, a point of clarification.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. Is the language substituted for the language offered before by the distinguished Senator from Ohio?

Mr. TAFT. Yes. That was the intention of the Senator from Ohio. The language is a substiute for the amendment previously offered.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Ohio states this is a substitute for the entire language?

Mr. TAFT. It is a substitute for the amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. PERCY. Mr. President, with that understanding and also taking into account the wording of the substitute, the objection the Senator from Illinois had before has now been fully taken satisfied. The concern that I had before was that it imposed a tremendous burden upon the committee to refer all other intelligence matters considered by the Select Committee to another committee whenever it involved their work. This clearly delineates the difference now between all matters, which might include minor matters, and matters of considerable importance. With that modification and substitution, it is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1645

Mr. TAFT. Mr. President, I call up my amendment No. 1645.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. TAFT) proposes amendment numbered 1645.

The amendment is as follows:

On page 4, line 20, delete the word "not".

Mr. TAFT. Mr. President, for the advice of the Chair, this is a 1-hour amendment, not the 2-hour amendment in the unanimous-consent agreement.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time to be charged to the bill or to the amendment?

Mr. MANSFIELD. To the bill.

Mr. CRANSTON. Mr. President, will the Senator withhold that, for a unanimous-consent request?

Mr. MANSFIELD. Yes.

COMMITTEE DISCHARGED FROM FURTHER CONSIDERATION OF S. 1174, EARTHQUAKE HAZARD REDUCTION ACT

Mr. CRANSTON. Mr. President, this request has been cleared on both sides of the aisle, with all concerned.

S. 1174, the Earthquake Hazard Reduction Act, originally called the Earthquake Disaster Medication Act of 1975, was introduced on March 13, 1975. It was referred by unanimous consent to the Committee on Commerce, with an additional referral to the Committee on Labor and Public Welfare for a period not to exceed 30 days, if and when it was reported by the Committee on Commerce.

I now ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of this bill as of the time it was reported by the Committee on Commerce, so that the bill will be placed directly on the calendar as of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum, in accordance with the previous request.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on tomorrow, I be allotted not to exceed 15 minutes, after the joint leaders have been recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Wednesday next, after the joint leaders have been recognized, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

Mr. MANSFIELD. Mr. President, it is my understanding that the Senate has agreed to a 20-minute limitation on debatable motions or appeals under the unanimous-consent agreement. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. It is my further understanding that the following amendments are still to be considered:

One Taft amendment, which is now the pending business; a possible Taft amendment with a 2-hour limtiation, which will be offered tomorrow; one Allen amendment, and one Tower-Stennis-Thurmond amendment which will take not to exceed 4 hours, plus the remainder of the 4 hours on the bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:15 p.m. the Senate adjourned until tomorrow, Tuesday, May 18, 1976 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, May 17, 1976:

FEDERAL ELECTION COMMISSION

The following-named persons to be members of the Federal Election Commission for the terms indicated (new positions):

For terms expiring April 30, 1977:
William L. Springer, of Illinois.
Neil Staebler, of Michigan.

For terms expiring April 30, 1979:
Vernon W. Thomson, of Wisconsin.
Thomas E. Harris, of Virginia.

For terms expiring April 30, 1981:
Joan D. Aikens, of Pennsylvania.
Robert O. Tiernan, of Rhode Island.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general

Maj. Gen. Robert C. Kingston, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Gerd S. Grombacher, [redacted]

[redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard G. Fazakerley, [redacted] Army of the United States (colonel, U.S. Army).

Lt. Gen. Eugene J. D'Ambrosio, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Ennis C. Whitehead, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert L. Kirwan, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh F. T. Hoffman, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John L. Osteen, Jr. [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. George L. McFadden, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Julius W. Becton, Jr. [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Raphael D. Tice, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Harry A. Griffith, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles I. McGinnis, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard L. Prillaman, [redacted] Army of the United States (colonel, U.S. Army).

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3370 and 3383:

ARMY PROMOTION LIST

To be colonel

Alley, Harold R., [redacted].
Bailey, Benjamin H., [redacted].
Bailey, Theodore E., [redacted].
Ball, James D., [redacted].
Bangs, Glen J., [redacted].
Bass, Henry K., Jr., [redacted].
Beckwith, James H., Jr., [redacted].
Blann, Jack R., [redacted].
Bolus, John, [redacted].
Caster, James G., [redacted].
Chestnut, Robert L., [redacted].
Closson, T. C., Jr., [redacted].
Creedon, Richard O., [redacted].
Delk, James D., [redacted].
Dickman, Irwin S., [redacted].
Faulkner, Leon, [redacted].
Formica, Robert S., [redacted].
Fox, Daniel O., [redacted].
Gallagher, Robert J., [redacted].
Giesen, Donald D., [redacted].
Ginn, Keith C., [redacted].
Goode, Bob R., [redacted].
Hedge, Jack D., [redacted].
Herlihy, Frank J., [redacted].
Hessel, Edward F., Jr., [redacted].
Hoggard, Horatio C., III, [redacted].
Hopkins, James R., [redacted].
Kagamida, Robert T., [redacted].
Kennedy, Maurice V., [redacted].
Kullman, Russell M. H., [redacted].
Leon, Gustavo A., [redacted].
Leseur, William G., [redacted].
Lusa, John M., [redacted].
Luttrell, Grady A., [redacted].
Magers, Richard H., [redacted].
Marshall, Wallace E., [redacted].
McLaren, William D., [redacted].
McLea, Jack Y., [redacted].
Merolla, Anthony J., [redacted].
Moorehead, Davis T., [redacted].
Morgan, Mack J., Jr., [redacted].
Mott, Charles J., [redacted].
Papke, Elmer M., [redacted].
Redemann, William N., [redacted].
Rodriguez, Albert F., [redacted].
Rowen, Edward P., [redacted].
Sandy, William P., [redacted].
Sellers, Jesse M., Jr., [redacted].
Seymour, David E., [redacted].
Sims, William S., [redacted].
Stewart, Robert A., [redacted].
Tarry, John J., [redacted].
Usery, James B., [redacted].
Verdin, Jimmie W., [redacted].
Waller, Thomas N., [redacted].
Weenick, Lawrence N., [redacted].
Whelton, Joseph A., [redacted].
Wiken, Daniel L., [redacted].
Wilkerson, Burl J., [redacted].
Willard, Emmet E., [redacted].
Willing, Loran, [redacted].
Yannekis, James N., [redacted].

CHAPLAIN

To be colonel

Goertz, Bernard G., [redacted].
Gomke, Edwin C., [redacted].
Mertz, William H., [redacted].
Webb, Joe P., [redacted].

WOMENS ARMY CORPS

To be colonel

Nagel, Theodora H., [redacted].

ARMY NURSE CORPS

To be colonel

Fuchs, Margaret A., [redacted].
Lunde, Ruth M., [redacted].
McLaughlin, Mary M., [redacted].
Morales, Genoveva, [redacted].
Perone, Elena T., [redacted].
Rojas, Gloria C., [redacted].
Tollefsrud, Valborg E., [redacted].

DENTAL CORPS

To be colonel

Hagan, Thomas L. Jr., [redacted].
Herbert, Louis N., [redacted].
Siman, Robert E., [redacted].

MEDICAL CORPS

To be colonel

Braunschneider, G. E., [redacted].
Jeffords, Francis W., [redacted].
Karlsberg, Paul, [redacted].
Levy, Michael, [redacted].
Marcial-Rojas, Raul A., [redacted].
Ogram, Gordon, [redacted].
Potter, Thomas E., [redacted].
Wall, Herschel P., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Bonner, Francis, [redacted].
Fransen, Frederick C., [redacted].
Hichar, Joseph K., [redacted].
Milazzo, Maurio J., [redacted].
Turner, Henry C., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Anderson, Beverly J., [redacted].
Boyd, Geraldine, [redacted].
Graham, Margaret E., [redacted].
Nicolaidis, Lillian M., [redacted].
Wood, Robert O., [redacted].

The followning-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3367 and 3383:

ARMY PROMOTION LIST

To be lieutenant colonel

Adamson, Charles A., [redacted].
Andrysiak, Frank L., [redacted].
Atherton, Walter B., Jr. [redacted].
Baker, William W., [redacted].
Berzowski, Michael M., [redacted].
Bethea, William L., [redacted].
Boling, William L., [redacted].
Boos, Richard L., [redacted].
Borzykowski, Anthony, [redacted].
Bowers, Billy T., [redacted].
Brannon, Charles W., [redacted].
Braughard, R. P., [redacted].
Breckel, Charles C., [redacted].
Brennan, K. J., Jr. [redacted].
Bunch, Joel L., [redacted].
Bunch, Robert L., [redacted].
Burke, Edward J., [redacted].
Busby, Donald L., [redacted].
Carter, Homer M., [redacted].
Cassell, Kenneth M., Jr., [redacted].
Cavness, Leslie W., [redacted].
Chapman, Anthony E., [redacted].
Chenevert, Ronnie L., [redacted].
Chinn, Darrell D., [redacted].
Church, R. E. J., Sr., [redacted].
Claghorn, Chester G., [redacted].
Clark, Robert D., [redacted].
Cochrell, Cary M., [redacted].
Coll, James N., [redacted].
Collet, Frederick C., Jr., [redacted].
Cox, Daryl A., [redacted].
Davis, Charles H., Jr., [redacted].
Davis, Charles R., Jr., [redacted].
De Leo, John B., Jr., [redacted].
Detora, John T., [redacted].
Dewey, John F., [redacted].
Dominick, Virgil S., [redacted].
Donohue, Francis T., [redacted].
Duffy, James E., [redacted].
Dunbar, Ralph B., [redacted].
Duncan, Richard E., [redacted].
Farnberg, Wayne R., [redacted].
Ferguson, Richard L., [redacted].
Focht, Marvin E., [redacted].
Forrest, John J., Jr. [redacted].
Foster, Richard M., [redacted].
Free, Charles R., [redacted].
Friedman, Norman W., [redacted].
Gentry, Gordon L., Jr., [redacted].
Geriner, Henry B., III, [redacted].
Glover, Freeman F., [redacted].
Goolsby, Waid D., [redacted].
Gravins, John J., III, [redacted].
Guthery, Thornwell G., [redacted].
Hamilton, Walter L., [redacted].
Hammond, Ronald A., [redacted].
Hammond, William C., [redacted].
Hankerson, C. E. II, [redacted].
Hanna, Judson W., [redacted].
Harper, Michael R., [redacted].
Harrington, John C., [redacted].
Harris, William F., [redacted].
Harviel, Leonard W., [redacted].
Hatheway, Allen W., [redacted].
Hill, Glenn A., [redacted].
Hodge, Ray, [redacted].
Hood, Willard G., [redacted].
Hoyt, Jimmie M., [redacted].
Ideman, James M., [redacted].
Iseri, Arthur S., [redacted].
Jasper, Jack N., [redacted].
Johnson, Jerry W., [redacted].
Johnson, Nicholas A., [redacted].
Johnson, Norman R., [redacted].
Jones, Leroy, Jr., [redacted].
Kennedy, James J., [redacted].
King, Russell M. Jr., [redacted].
Kinney, Richard K., [redacted].
Kistner, Stanley G., [redacted].
Knipper, William A., [redacted].
Koch, Milton J., [redacted].
Kroeschell, Robert W., [redacted].
Kussman, Alvin F., [redacted].
Langham, Gary A., [redacted].
Larson, Louis W., [redacted].
Latson, David M., [redacted].
Leach, Wauldron D., [redacted].
Lee, Robert B., [redacted].
Leibstone, Marvin A., [redacted].
Lewis, Robert P., [redacted].
Livingston, Carey A., [redacted].
Lolonis, Ulysses F., [redacted].
Luce, Robert F., [redacted].
Manwaring, Max G., [redacted].
Martin, Phillip L., [redacted].
McAteer, Kenneth A., [redacted].
McCune, John H., [redacted].
McDonald, James K., [redacted].
McIndoe, James B., [redacted].
McKay, James L., [redacted].
McKinley, Robert V., [redacted].
Meckwood, Robert M., [redacted].
Million, Edward B., [redacted].
Moody, Richard C., [redacted].
Murdaugh, L. J. Jr., [redacted].
Nelius, Jack C., [redacted].
Perez, Felix E., [redacted].
Perry, George A., [redacted].
Phillips, James H., [redacted].

Pletcher, George D., Sr., [redacted].
Pooley, William R., [redacted].
Pouliot, Ralph A., [redacted].
Rivera, William, [redacted].
Ruffin, Mack T. III, [redacted].
Sampson, Franklin E., [redacted].
Santa-Ana, Sam S., [redacted].
Schnupp, Regis A., [redacted].
Sewell, Stephen H. Jr., [redacted].
Shaffer, Gene A., [redacted].
Shen, John L., [redacted].
Sheridan, William G. Jr., [redacted].
Sherman, Joseph P., [redacted].
Sherrer, Ronald P., [redacted].
Sherrill, James V., [redacted].
Silva, John L. Jr., [redacted].
Smith, Charles F., [redacted].
Smith, Donald J., [redacted].
Smith, James E., [redacted].
Smith, Richard J., [redacted].
Smith, Wendell F., [redacted].
Smith, William D., [redacted].
Southworth, Dean E., [redacted].
Spataro, William J., [redacted].
Spikes, Harold J., [redacted].
Spindler, Gary R., [redacted].
Sproul, Harvey L., [redacted].
Starring, John W., [redacted].
Steuber, Richard R., [redacted].
Stokes, Roger D., [redacted].
Sullins, William R., [redacted].
Sullivan, Jimmie D., [redacted].
Taylor, David S. Jr., [redacted].
Tenney, Mark W., [redacted].
Thomas, Daniel H. Jr., [redacted].
Thompson, Jerry L., [redacted].
Thorp, Kenneth A., [redacted].
Truitt, L. D., [redacted].
Valiunas, Andrew V., [redacted].
Vaughan, Roger C., [redacted].
Wagner, Herbert, [redacted].
Webb, Stanley D., [redacted].
Werner, Lloyd D., [redacted].
Wheeler, Benson H., [redacted].
Wild, Karcher C. Jr., [redacted].
Woodbeck, Jay W., [redacted].
Zimmerman, George A., [redacted].

CHAPLAIN

To be lieutenant colonel

Barker, Dwight L., [redacted].
Byrne, Joseph P., [redacted].
Dahlstrom, Myron L., [redacted].
Daire, Delbert L., [redacted].
Dawe, Victor G., [redacted].
Garrity, Paul F., [redacted].
Hartrick, Paul W., [redacted].
Knutson, Rodger B., [redacted].
Reiners, John Jr., [redacted].
Uyehara, Lawrence S., [redacted].
White, Donald E., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Rutledge, Helen M., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Brown, Frank M., [redacted].
Burney, Spencer W., [redacted].
Carson, Jay W., [redacted].
Franco, Pilar J., [redacted].
Henderson, George P. Jr., [redacted].
Henke, Clarence E., [redacted].
Trevey, John E., [redacted].
Walston, Abe II, [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Brown, George E., [redacted].
Foley, Roy H., [redacted].
Griffin, Mathew M. II, [redacted].
Haren, Fred C., [redacted].
Huber, Don M., [redacted].
Kennedy, Thomas E., [redacted].
Lippert, Joseph E., [redacted].
Penick, Norman D., [redacted].
Potter, Clifford W. Jr., [redacted].
Sanders, Richard S., [redacted].
Schmid, Everett M., [redacted].
Shepersky, Allen D., [redacted].

Weishaar, Michael F., [redacted].
White, Charles S., [redacted].
Wutzer, Edmund B., [redacted].

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 591, 593, and 594:

ARMY PROMOTION LIST

To be lieutenant colonel

Drummond, James D., [redacted].
Hendrickson, Russell T., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Degraffenreid, Cleo D., [redacted].
Payne, Barbara E., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Baker, Jerald F., [redacted].
Bastian, Robert C., [redacted].
Beckman, Donald E., [redacted].
Caccamo, Aurelio, [redacted].
Callam, Thomas W., [redacted].
Del Valle, Rafael A., [redacted].
Dickey, Ward E., Jr., [redacted].
Douglas, William F., [redacted].
Durham, James C., [redacted].
Farruglia-Bonnici, Paul, [redacted].
Flynn, Patrick W., [redacted].
Gibbs, Donald C., [redacted].
Lee, Sandra J., [redacted].
Leppla, Bruce W., [redacted].
Lipton, Charles S., [redacted].
Mathews, Thomas P., [redacted].
Richardson, Joseph B., [redacted].
Rossiter, Francis S., [redacted].
Sampson, George L., [redacted].
Surti, Nergesh R., [redacted].
Yoen, Catherine C., [redacted].

The following-named officers for appointment in the Army of the United States under the provisions of title 10, U.S.C., section 3494:

MEDICAL CORPS

To be lieutenant colonel

Abbott, Don C., [redacted].
Braden, John P., [redacted].
Cadol, Roger V., [redacted].
Crowley, James R., [redacted].
Evers, Peter L., [redacted].
Fleurant, Lucien, [redacted].
Gerlock, Amil J., Jr., [redacted].
Gilman, Priscilla A., [redacted].
Jurney, Thomas R., [redacted].
Killoran, Sean M., [redacted].
Moore, William L., Jr., [redacted].
Saint Romain, Ray A., [redacted].
Wells, Thomas J., [redacted].
Whelan, Francis J., [redacted].
Yee, Richard F., [redacted].

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3385:

ARMY PROMOTION LIST

To be colonel

Bittick, John N., [redacted].
Bombouras, James A., [redacted].
Bray, Lonnie M., [redacted].
Hefner, Hal L., [redacted].
Herman, Theodore E., [redacted].
Herrero, Ismael H., Jr., [redacted].
Johnston, John W., [redacted].
Nolan, James R., [redacted].
Nudo, David L., [redacted].
Oswalt, Bobby J., [redacted].
Phillips, Duane C., [redacted].
Rodriguez, Frank, [redacted].
Schueler, Donald A., [redacted].
Waterland, Hiram T., [redacted].

CHAPLAIN

To be colonel

Ketner, Frederick M., [redacted].
Nilles, John I., [redacted].

MEDICAL CORPS

To be colonel

Chosy, Louis W., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Sherman, Philip, [redacted].

ARMY PROMOTION LIST

To be lieutenant colonel

Anderson, Ben A., [redacted].
Baljo, George A., [redacted].
Balbach, James J., [redacted].
Barnette, James H., Jr. [redacted].
Bodenheimer, F. P. Jr., [redacted].
Boyce, Woodrow D., [redacted].
Bradley, Paul R., [redacted].
Brown, Lytle III, [redacted].
Brown, Ralph H., [redacted].
Buck, Thomas E., [redacted].
Caldwell, Ellis M., [redacted].
Capps, Billy F., [redacted].
Capps, Richard G., [redacted].
Cleaton, Mell A., [redacted].
Dennison, Benjamin F., [redacted].
Dingelstedt, R. B., [redacted].
Fisher, Robert J., [redacted].
Gentry, James H., [redacted].
Guthrie, Lamont M., Jr., [redacted].
Hardin, Malcolm D., [redacted].
Hartman, E. M., Jr., [redacted].
Henrichsen, W. A. Jr., [redacted].
Hipp, Joseph F. Jr., [redacted].
Horton, Willard C. Jr., [redacted].
Kilian, Leonard A., Jr., [redacted].
LeSueur, Robert L., Jr., [redacted].
Martin, Jesse M., [redacted].
Merideth, Francis E., [redacted].
Mercado-Nieves, Bienvenido, [redacted].
Miller, Howard D., [redacted].
Morgan, Robert M., [redacted].
Myers, Richard D., [redacted].
Olling, Davis S., [redacted].
Olsen, James J., [redacted].
Partin, Bolling S., Sr., [redacted].
Perry, Louis W., Jr., [redacted].
Quattro, Anthony J., [redacted].
Ray, Dudley C., [redacted].
Remer, Jack C., [redacted].
Rowlands, Jack H., [redacted].
Saulter, Rudy J., [redacted].
Seymore, Emory, [redacted].
Shorter, Billy R., [redacted].
Simmons, Jerry D., [redacted].
Smith, Norbert F., [redacted].
Sprang, Donald W., [redacted].
Walsh, Burton K., [redacted].
Wepster, Jan P., [redacted].
Werkheiser, Richard L., [redacted].
Williams, James R., [redacted].
Woodley, John C., Jr., [redacted].

DENTAL CORPS

To be lieutenant colonel

Wennerlund, N. E. Jr., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Alamo-Estrada, P. J., [redacted].
Balch, James I., [redacted].
Cottey, John H., [redacted].
Dille, John R., [redacted].
McKewon, Claude R., [redacted].
Mobley, Joe D., [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Clark, Robert L., [redacted].
Duffy, James W., [redacted].
Lewis, John T., [redacted].
Stults, Theodore M. II, [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1976:

IN THE COAST GUARD

Coast Guard nominations beginning Curtis J. Gruver, to be chief warrant officer, W-2, and ending Henry J. Kunkel, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on May 10, 1976.

EXTENSIONS OF REMARKS

A MISSION DISASTROUS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, May 17, 1976

Mr. HARRY F. BYRD, JR. Mr. President, the ably edited Tampa, Fla., Tribune published an excellent editorial on Secretary Kissinger's African trip—and promises. I ask unanimous consent that this editorial, captioned "A Mission Disastrous," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Tampa Tribune]

A MISSION DISASTROUS

Secretary of State Henry Kissinger, reporting to the Senate Foreign Relations Committee . . . on his trip to black Africa:

"We made, I believe, an immense and welcome impact in Africa on those . . . who truly care for peace, independence and justice."

Mr. Kissinger in this statement exceeds even the diplomatic license for hypocrisy.

Who are those who "truly care for peace, independence and justice"?

Idi Amin, the dictator of Uganda, aptly described by former United Nations Ambassador Pat Moynihan as "a racist murderer"?

Samora Machel, leader of the Communist band which has made a police state of Mozambique?

President Kenneth Kaunda of Zambia, who deals with political opponents by throwing them in jail?

The Marxist dictator of Tanzania, Julius K. Nyerere, who aids the training of terrorists to operate against Rhodesia?

Secretary Kissinger knows that 15 of the 49 countries in Africa are under direct military rule and 29 have one-party governments which brook no opposition. Of the only five which permit more than one political party to offer candidates, one is the country which was the principal target of the Kissinger expedition: Rhodesia.

In his effort to gain favor with the black-ruled governments, Mr. Kissinger promised "unrelenting opposition" to white control in Rhodesia and South Africa.

He also promised to tighten the economic squeeze on Rhodesia by funneling American aid to its hostile neighbors (notably Mozambique) and trying again to persuade Congress to cut off U.S. imports of Rhodesian chrome.

The Secretary represented these policies as necessary to deter further Soviet-Cuban intervention of the kind which won Angola and to assure favorable treatment of American interests in Africa.

"Our chrome imports would be greatly endangered," he told the Senators, if the black nationalists take over Rhodesia without American support.

Surely, Mr. Kissinger doesn't delude himself that his efforts to appease the African radicals will either block Soviet imperialism or assure a permanent supply of Rhodesian chrome for our strategic industries.

If the black nationalists overthrow the present Rhodesian government, they will feel free to shut off chrome supplies or quadruple the price to the U.S. as suits their purposes. They can be expected to act in concert with Russia, the other principal source of supply.

As for good will? In the African dictatorships, to borrow a phrase from Mao, it grows out of the barrel of a gun. "Peace and justice" are words as foreign to them as Swahili is to Floridians.

Secretary Kissinger set off his African expedition with the professed aims of helping achieve a peaceful transition to majority rule in Rhodesia and weakening Soviet influence in Africa.

The effect of his trip is most likely to be an escalation of violence, since the extremists now have the implied backing of the United States for an all-out campaign against Rhodesia—a country in which blacks have more freedom and a higher standard of living than in most of the black-ruled countries.

When Kissinger began his trip, we said it was a Mission Impossible. We would now call it a Mission Disastrous.

CONFIDENCE IN THE PRESS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Ms. HOLTZMAN. Mr. Speaker, in a democratic society, the perpetual tug of war between liberty and order frequently is waged over the limits on freedom of the press. John Oakes, an editor of the New York Times, recently made an important contribution to this debate in an article that appeared on the Op Ed page of that paper. I commend his article to my colleague's attention.

The text follows:

CONFIDENCE IN THE PRESS

(By John B. Oakes)

(What is the liberty of the press? . . . Its security, whatever fine declaration may be inserted in any constitution respecting it, must altogether depend on public opinion, and on the general spirit of the people and of the government.—*Alexander Hamilton*)

The experience of Watergate is the most recent demonstration that a free press is essential to a free democracy. Yet, ironically, just as government because of its size and complexity has distanced itself from the individual citizen, the press has been distancing itself from the individual reader at the very moment when democracy needs it most.

The intimate, almost personal, relationship between newspaper and reader of an earlier day has declined; and the consequent growing alienation of public from press threatens even greater danger to press freedom than specific legislative or judicial restraints about which we are so rightly concerned.

As the confidence of Americans in all our institutions has been weakened, as our society has at the same time become more complex, more broadly sophisticated and less trustful, and as newspaper management has tended to move steadily away from the personally directed journalism of an individual editor toward the impersonality of a corporate structure, the newspaper's direct relationship to the public has become more strained; and public understanding of the inextricable connection between press liberty and public liberty has been correspondingly blurred.

But once the public becomes convinced—however wrongly—that the press does not deserve that First Amendment guarantee, which was written into the Constitution as essential to free government, its legal protection will be hollow, as Alexander Hamilton predicted, and its freedom will become a sham.

The press has gradually learned that it has the inescapable obligation to illuminate the reality behind the appearance. If following that course tends to place the press in an adversary position vis-a-vis not only government but any and all other institutions, so much the better for us and for them, and most of all for the public. The adversary position is indeed the natural position for a press that takes seriously its responsibility to uncover what is wrong or corrupt in public life, or with private institutions or individuals whose activities affect the public interest.

But a much more difficult problem is the obverse of this one. Does the press not also have the responsibility of making the judgment *not* to publish, the responsibility of self-restraint, of withholding a potentially dangerous secret, or refusing to publish details that could damage the nation's security or an individual's reputation?

The dilemma is a terribly real one. No newspaperman wants to damage the national security; and yet no newspaperman any longer places full faith and credit in the phrase "national security" which has so often been used as a wrapper to clothe error, venality, corruption or even a drift toward authoritarianism and personal rule.

However each time that information allegedly involving national security is published in the American press, the question is unavoidable: Are we taking undue advantage of our First Amendment privilege to the detriment of the nation, or are we acting in the public interest? Each case must be decided on its merits, but each case legitimately raises the question anew.

Freedom of the press in the United States today is under more serious attack than at any time since the Sedition Act nearly two centuries ago. As the press has assumed the responsibility in recent years of inquiring into the hidden recesses of government—executive, legislative and judicial—the reaction on the part of governing authority has been to attempt to place new and unaccustomed restrictions on it.

The attacks take various forms. One used with growing frequency, is the "gag order," a kind of prior censorship forbidding the press to publish certain material on the ground that to do so would endanger the defendant's strictions upon it.

The First Amendment's guarantees and the Sixth Amendment's guarantee of trial by an impartial jury may often on occasion conflict; the question is a real one and is under constant scrutiny and discussion by both press and courts. But it would surely be better to impose sanctions on officers of the court to forestall leaks, and use other devices such as sequestration of juries and changes of venue than to introduce censorship through loose employment of the gag order, as is done so often at present.

Similarly, the repeated use of the subpoena power in recent years to force newspapermen to testify before a grand jury or to reveal their sources in criminal cases represents another potentially crippling attack on press and public freedom, for the very basic reason that confidentiality of sources is at the heart of the newspaper's ability to function.

But the press does not help its case by insisting on an absolutist position, on regarding the First Amendment as automatically overriding every other provision of the Constitution, not to mention common sense.

The press is not going to retain—or regain—public confidence if it is perceived to be constantly arrogant, unwilling to recognize conflicting rights, or not too concerned about maintaining the most rigid standards to protect and preserve its own integrity.

Newspapermen have a special obligation to retain public confidence through conscious and deliberate effort to open ourselves to the public, to pay particular attention to complaints of unfairness, inaccuracy, bias, vindictiveness—that is, to make ourselves voluntarily accountable. Some newspapers have already gone a considerable distance in doing just this—but not many and certainly not enough.

If there comes to be a widespread public conviction that the press is a closed institution and therefore not to be trusted, or that the press is willing to defy the national interest or trample on individual rights merely to sell papers, the First Amendment protections may indeed crumble before the combined assault of legislatures and courts. The result, as President David Truman of Mount Holyoke College recently said, will be "far more damaging to the national interest than any [restrictions] resulting from a responsible self-restraint by the press."

The legal right inherent in the First Amendment carries with it a moral obligation, a kind of moral compact between press and people. This is not something that can be enforced; but it is something that the press will ignore at its own and the country's peril.

STATEMENT OF MR. FRED WERTHEIMER OF COMMON CAUSE SUBMITTED TO THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. FRASER. Mr. Speaker, on May 6 and 7, 1976, the gentleman from Florida (Mr. Sikes) placed in the Congressional Records of those dates his statement before the House Committee on Standards of Official Conduct—May 6, page 12910—and the summary statement of Lawrence J. Hogan, our former colleague from Maryland and Mr. Sike's attorney, before the same committee—May 7, page 12993.

Mr. Speaker, to the best of my knowledge, Fred Wertheimer's statement of May 6 has not been reprinted in our Record. Mr. Wertheimer is vice president for operations, Common Cause.

The Wertheimer statement will appear eventually in the official record of the committee, but until that record appears it strikes me that the opening statement of all participants in the hearing ought to be available to a wider audience. I insert the Wertheimer statement to be printed in full following these remarks:

Statement by Fred Wertheimer, Vice President for Operations on Behalf of Common Cause

Mr. Chairman, my name is Fred Wertheimer and I am appearing today on behalf of Common Cause. On April 8, 1976, 44 Representatives transmitted to this Committee, a complaint filed by Common Cause pursuant to Rule X4(e) (2) (B) (1) of the House of Representatives. Common Cause has filed this complaint with the House Ethics Committee only as a last resort. It was our belief that the serious public charges raised during the past year about the activities of Representative Robert Sikes presented precisely the kind of matter that the House Ethics Committee was established to investigate and rule upon. In past years investigations have been undertaken by Congress on its own initiative regarding the conduct of members based on serious public charges. One such investigation, that of Representative Adam Clayton Powell, helped lead to the 1968 decision to create this committee. No member of Congress, however, was prepared to take the steps necessary to assure that the issues raised about Representatives Sikes would be reviewed by Congress.

We have therefore prepared and transmitted a complaint to the Committee. We consider the issues involved in this case of such a nature as to represent a fundamental test of whether members of Congress and this Committee are willing to take seriously their ethical obligations as elected public officials.

The case set forth in our complaint, we believe, creates an obligation on the Committee to conduct an investigation. The investigation should review the facts we have brought to the Committee's attention and any other relevant facts, and should consider the application of the various rules we have referred to plus any other relevant rules, regulations or standards of conduct. The full House of Representatives, of course, has the ultimate responsibility to decide these matters.

The complaint is based on information that has been gathered from public documents, and statements by Representative Sikes, by Common Cause staff members operating under my supervision. As a private organization, without subpoena power, we have gathered as much information as we could under these limitations. There are numerous questions to be pursued which can now only be resolved in the course of an investigation by this Committee.

We have brought before this Committee in our complaint allegations that deal with Representative Robert Sikes' personal financial holdings in three areas: the CBS Development Corp, the First Navy Bank, and Fairchild Industries.

CBS DEVELOPMENT CORP.

In 1948 Representative Sikes introduced legislation to transfer to Okaloosa County, Florida, certain portions of Santa Rosa Island, which the bill defined to include the Island property formerly attached to Santa Rosa Island that eventually became known as Holiday Isle.

The legislation which became PL 80–885 contained restrictions on the use of all the land transferred, including the Holiday Isle property, and contained a reverter clause covering all the land and giving the United States the right to take over control and operation of the land in the event of a national emergency.

In 1959, CBS Development Corp. acquired a lease on the Holiday Isle property. Representative Sikes was one of the founders of and owned a 25 percent interest in CBS Corp. The Holiday Isle lease was acquired by CBS Corp. for $60,000 from a person who had paid $100 for the lease just a few years earlier.

In 1961 Representative Sikes introduced and testified on behalf of legislation which became Pub. Law 87–860. The sole purpose of this legislation was to remove the restrictions and reverter clause on all of the property transferred to Okaloosa County as a result of Representative Sikes' initial successful legislative effort in 1948. Representative Sikes in testimony to the Armed Services Committee never revealed that this legislation directly benefited property in which he had a substantial financial interest. The record makes clear that Pub. Law 87–860 removed the restrictions and reverter clause from all the property originally transferred by the 1948 Act including the Holiday Isle property.

The removal of these restrictions was of substantial benefit to the value of all the land transferred by the 1948 Act, including the Holiday Isle property. Prior to the removal of the restrictions, CBS Development had paid no gross receipts taxes to its landlord, the Okaloosa Island Authority. In the ten year period following the removal of the restrictions in the deed transferring the Holiday Isle, CBS Corp. paid the Island Authority approximately $19,173 in taxes. Since this fee represented one percent of gross receipts, according to the CBS arrangement with the Okaloosa Island Authority, the gross receipts to CBS for the ten-year period following removal of the reverter clauses were in excess of $1.9 million.

According to Representative Sikes, Holiday Isle leases were disposed of in mid-1972 for $600,000. While CBS Development Corp. was dissolved in 1973, according to Representative Sikes, he still continued as of May 30, 1975, to receive some income from Holiday Isle leases.

The final picture here is clear. Representative Sikes has sponsored and shepherded through Congress legislation designed to increase the value of a relatively small piece of property, a significant piece of which was leased by a corporation in which he was a principal shareholder. His actions, without disclosure to the Congress of his personal financial interest, constitute a clear cut conflict of interest. Representative Sikes' only defense is that it came as a complete surprise to him that Holiday Isle was benefiting from his efforts. He is thus relying on a highly unusual claim, that he did not know that he was dealing with his own property. Certainly, in the words of the Code of Ethics, Representative Sikes sought and accepted "benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties."

FIRST NAVY BANK

During the periods 1965–1966, and 1972, Representative Sikes provided assistance to persons seeking to organize the First Navy Bank, in their efforts to replace the Florida First National Bank at the Pensacola Naval Air Station. Representative Sikes contacted both federal and state officials in support of the First Navy Bank applications for a bank charter at the Naval Air Station.

While the initial effort in 1965–1966 was unsuccessful, the second effort led to the First Navy Bank replacing Florida First National Bank, which had previously operated for approximately 32 years, at the Pensacola Naval Air Station. On October 26, 1973, the First Navy Bank was established at the Naval Air Station.

Representative Sikes has admitted that he provided assistance to the efforts to establish the First Navy Bank. Following these efforts, Representative Sikes was given the opportunity to buy stock in First Navy Bank, a closely held company. Representative Sikes acquired 2500 shares of First Navy Bank in 1973.

Representative Sikes in his Dear Colleague letter of October 28, 1975, noted that this stock was considered a good investment, i.e., he noted that the various naval officers also given the opportunity to purchase stock, considered it a good investment.

According to the list of prospective shareholders filed with the Florida Comptroller in April 1973, Representative Sikes was to be the third largest shareholder in the bank, with his 2500 shares representing approximately seven percent of the bank's stock.

On the report he filed in 1974 pursuant to House Rule XLIV (A) (1), Representative Sikes failed to disclose his ownership of this stock which was worth more than $5000 and was in a business entity subject to regulation by federal agencies.

In short, and at a minimum, Representative Sikes accepted the benefit of an opportunity to buy privately held and sought after stock in a bank which he had used his government office to help have licensed, established on Navy property, and federally insured. In the precise language of House Rule XLIII (3) he permitted "compensation to accrue to his beneficial interest . . . by virtue of influence improperly exerted from his position in the Congress." It's hard to dispute that in the words of Section 5 of the Code of Ethics, he accepted "benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties."

FAIRCHILD INDUSTRIES

In the early 1960's, according to Representative Sikes, he purchased stock in Fairchild Industries, Inc. (known at the time as Fairchild Hiller). Since 1960, Representative Sikes has served as a member of the House Appropriations Committee and its Subcommittee on Defense and Military Construction. A very significant part of Fairchild's business is as a defense contractor. In this situation, citizens and other Congressmen—who followed the judgment of senior committee members in their votes—were entitled to know that Representative Sikes benefited when Fairchild got defense contracts or appropriations. Yet Representative Sikes has admitted that he failed to report his ownership of the Fairchild stock. Such disclosure was required from at least 1968 to 1972 and perhaps for 1973.

We believe that the matter goes further than disclosure. A member of an appropriations subcommittee should not own stock in a company whose future worth depends importantly upon decisions by that appropriations subcommittee. The conflict of interest is obvious and embarrassing to the House. Even if he insists on owning such stock, the member should disclose the ownership and should disqualify himself in Committee, on the floor, and in conference.

We have charged this conflict under the only rule we found at all concrete on the subject—a rule that goes to the weakest form of influence Sikes could have exercised with respect to Fairchild, his vote on the floor in August 1974 for passage of the Defense Appropriations Bill.

But that is a far weaker case than could be made. If the Committee believes the potential consequences of applying our contention are too far-reaching, we would urge the Committee to investigate and evaluate the member's conduct in the far more serious context that is involved: a ranking member of an appropriation subcommittee who has held stock that could rise or fall depending on the subcommittee's actions and, perhaps, on the Defense Department's desire to please powerful subcommittee members who are also shareholders. A failure to disclose in this setting is an unusually serious matter.

CONCLUSION

In summary, we believe that we have presented this Committee with sufficient information to carry out its responsibilities to conduct an investigation of Representative Sikes' activities. We believe that this is precisely the kind of case which the House Ethics Committee was created to deal with.

In the March, 1968 Report of the Committee on Standards of Official Conduct, the following statement was made:

> "A mere statement of guidelines serves neither as a deterrent to improper conduct nor as a yardstick for punitive action, in the absence of means that demand respect for the guidelines. Enforcement is the substance that makes standards meaningful. It would arm the House with the weapon needed to defend itself, and, in truth, make it the judge of its own membership."

At stake here is whether this Committee intends to fulfill the role envisioned for it in 1968. Equally at stake in our view is public confidence in the integrity of Congress.

We believe that everyone's interests—including Represenatative Sikes'—are best served if Representative Sikes is given the opportunity to deal with these issues in a public proceeding. We urge that the Committee vote to conduct an investigation of these matters. We also urge the Committee to adopt procedures for carrying out this investigation in an open and public manner designed to protect the integrity of the House of Representatives and the interests of the American public.

PROBLEMS IN TOTALITARIAN GOVERNMENT STRUCTURES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. DERWINSKI. Mr. Speaker, the Chicago Daily News columnist Sydney J. Harris, well known for his commentaries and his sage interpretation of foreign and domestic news developments, very properly alerts us, in his column of Friday, May 7, to the constant problems inherent in totalitarian governmental structures:

THE TOTALITARIAN'S MASQUERADE

(By Sydney J. Harris)

Ludek Pachman was one of the leading young European chessmasters when his native country of Czechoslovakia was taken over by the Russians after World War II—by intimidation, if not by actual physical presence. At that time, like so many central Europeans who had opposed the Nazis, he became a fervent supporter of what he imagined was "socialism" for his country.

He soon learned a lesson that changed the course of his life: The noble slogans of "socialism" and "brotherhood" and "people's democracy" were a mask for sheer totalitarian power, trampling all real freedom underfoot.

Pachman's new book, "Checkmate in Prague," subtitled, "The Memoirs of a Grandmaster," has really nothing to do with chess as such, except in showing that the totalitarian juggernaut is truly total in its dominance over the life of the people, not only in politics and economics, but even in such marginal activities as sports and games.

What is tragic about the book is that the Russian "liberators" were greeted so enthusiastically after the German defeat, by naive and hopeful populaces who actually believed that Soviet hegemony would bring them into the camp of "international solidarity" of the working classes.

Any honest historian of the 20th century could have told them otherwise. Just as Hitler used the deceptive rubrics of "National Socialism" and "labor" in the name of his Nazi Party to conceal its basic despotism, so the Soviets constantly promulgate the same fictions to mask their ruthless betrayal of the workers' hopes for equality, democracy and a humane socialism "that wears a human face."

The word "communism" has been used as a bogeyman in the West, manipulated by the cunning to frighten the credulous; but it is not communism per se that poses a threat to freedom: The early Christians, it seems probable, practiced a primitive form of communism, based on genuine sharing out of love and brotherhood.

It is, rather, the totalitarian monster masquerading as the liberator of mankind that deludes and then destroys the hopes of the disinherited everywhere, whether the monster paints itself brown as in Germany or red as in Russia. There is no accommodating it, except on its own arbitrary terms. Even a chessmaster must toe the party line if he expects to be allowed to play in tournaments.

It is meaningless and delusive for us to be merely "anti-Communist"; we must learn to be antitotalitarian, wherever the monster may raise its head, no matter which flag it seems to flutter. By concentrating on the "Communist" veneer of our enemies, it becomes too easy to forget that what we oppose is not so much an economic system as a power complex that subverts all systems to its malignant ends. Being simply "against communism" is what blinded the German people to the opposite evil within their own heartland.

GOVERNOR OF UTAH STRONGLY ENDORSES FEDERAL LOAN GUARANTEES FOR SYNTHETIC FUEL DEVELOPMENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. TEAGUE, Mr. Speaker, Calvin Rampton, Governor of Utah, spoke for the people of Utah in testimony he submitted to the House Committee on Science and Technology expressing support for H.R. 12112, Federal loan guarantees for synthetic fuel development.

In an analysis of major sections of the bill, Governor Rampton points out that H.R. 12112,

> . . . Achieves important national objectives without skewing the Federal system, by recognizing our concerns that States be treated as equal partners in the determinations basic to planning and development of resources within a State, particularly when development is contemplated on federally-owned land.

Sixty-seven percent of Utah's land is federally owned and much of it is interspersed with both private and State-owned property. A large portion of the State's energy resources are contained on this Federal property and the only way to avoid chaos and conflict in the development of these resources is to provide a logical process for State input in the total planning and decisionmaking phases of every demonstration project using these resources.

Utah is particularly interested in the development of synthetic fuel from oil shale. Governor Rampton states that he supports the recovery of synthetic fuels from coal, oil shale and other resources, both renewable and nonrenewable, but would like to see the committee rescind its limitation on the size of oil shale developments detailed in the legislation.

In addition, he considers it desirable, whenever possible, to use the resources and personnel of the State and region where a facility is located to provide the socio-economic, environmental and technical research needed by the Federal Government.

There is strong agreement with and praise for the principle of providing funds for impacted communities. Governor Rampton considers it particularly important that State and local governments have input in deciding who shall pay the socio-economic impact costs.

In assessing the energy needs of the Nation, the Governor emphasizes that synthetic fuel must be developed and produced to augment our diminishing oil and natural gas supplies if we hope to maintain the strength of our economy and the Nation's security.

According to Governor Rampton:

> In this regard we gratefully acknowledge the leadership of the House Committee on Science and Technology . . . in the development of the concepts embodied in H.R. 12112. This bill is a model of Federal-State-local cooperation in the solution of a problem with overriding national consequences with significant State and local impact.

THE NEW KISSINGER PROMISES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. GAYDOS. Mr. Speaker, news reports on Secretary of State Henry Kissinger's journey through Africa told of promises of U.S. dollar giveaways at most every stop.

One totaled $200 million as a "contribution" to a development fund. Another was a $75 million "gift." The topper was an offer to join in a $7.5 billion project to "roll back the desert," no less. Perhaps we shall learn of others later.

These new proffered generosities, it should be unnecessary to add, comes while our Federal budget continues dangerously out of balance and when countless American communities are in severe financial trouble.

For one example in thousands, my home country in Pennsylvania is without funds to repair its many deteriorated bridges and so far has received little hope from Washington. And yet Dr. Kissinger would have our scarce tax dollars undertake a desert rollback half the world away.

I have an abiding sympathy for impoverished people in Africa and elsewhere and find myself conditioned to back any reasonable program by which they may be helped. But I would like, nevertheless, to see others in the so-called Western World, many of them financially better off than we, take a lead in this. We are doing, and have done, more in the giveaway field than any other nation and thus it is disturbing to me to read of Dr. Kissinger's new commitments which threaten another spilling of hard-earned dollars as gifts in still another area.

The Secretary has done this country no favor in basing our offers of friendship in Africa on grants and gifts. In effect, this is seeking to buy good relations with the peoples there rather than achieving them through a mutual understanding and respect. It is the old foreign aid theory of a free-handed Uncle Sam revived and I fear that it will not work any better for us in Africa than it did in Southeast Asia, or India, or in the other regions in which we have poured billions.

In my mind, it is demeaning to the Africans who, in their new independence, are deservingly proud. And it is unfair to us and especially when we realize that Dr. Kissinger, in order to carry out his Santa Claus act, first must get the support of Congress which could take a dim view of more aid appropriations and of the American public which shows every indication of being fed up with giveaways. His path through Africa could become one strewn with broken promises that could create tensions, rather than cement relations.

OTHER VOICES ON MEXICO

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. McDONALD of Georgia. Mr. Speaker, my recent comments on events in Mexico has created quite a stir. However, that is not because the situation is particularly new, but because those who have been concerned about it have not been able to reach large numbers of people, due to the "liberal" form of media censorship we must endure.

It pleases me to call attention to a project of the American Security Council called Radio Free Americas which has been providing details of the attempt to steer Mexico into the Castroite camp, without the consent of the Mexican people. Two examples of these brief broadcasts dealing with Mexico will show the nature of this project.

The article follows:

REPORT ON MEXICO

President Luis Echeverria-Alvarez, of Mexico, is already back in his country, after rendering homage to dictator Castro, in person, and insulting the national feelings of the Cuban people. Up to now, barring what his sycophants will decide to the contrary, he has completed a series of expensive trips abroad connected with his search for votes as Secretary General of the United Nations.

There has been some important dissent as to the advantages for Mexico in so many costly political tours. One dissenter came out into the open because a radio network disapproved of the exaggerated praise by one of its commentators, who was fired in spite of his protests.

Mr. Echeverria reached home in his role as a world statesman to find that the "13th of September" Communist guerrillas had been killing policemen during his absence at the rate of more than one a day. Altogether, seventy-two policemen, plus several soldiers and marines, have been murdered in a few weeks, while President Echeverria, his relatives and his friends, were enjoying themselves abroad.

In a few more days, the ruling bosses of the official Institutional Revolutionary Party will let it be known who will be the next president of Mexico, to replace Echeverria, if the country does not go through a political crisis similar to the ones in Chile, Peru and Ecuador, or the ones expected in Argentina, Colombia, and Venezuela. It may happen that the Mexican Armed Forces will get tired of the corruption, the inefficiency and the whims of the politicians in power.

But the most serious aspect of the Echeverria administration now coming to an end, is that it has brought about the worst economic crisis in the recent history of the country. The deterioration in the balance of payments is alarming economists, politicians and even labor leaders, traditionally allied to the ruling party. The devaluation of the peso is being discussed openly, although President Echeverria, not very well known as an economist, is proudly saying: "The dollar may be devalued, but the peso will not."

In the last thirty months, inflation has risen more than 50 percent. Trying to please the powerful CTM, the government has agreed to two blanket wage increases totalling 42 percent. During the first four months of 1975, while President Echeverria was preparing the most recent of his expensive trips abroad, the trade deficit reached 48.7 percent and even the earnings from the tourist trade fell by 10.3 percent compared to last year.

The Mexican foreign debt in 1970, when Echeverria took office was $3.2 billion, but he and his cronies have managed things in such a way that it has grown to $8 billion in 1974. These dismaying figures have been piled up in spite of the recent oil findings in Mexico, bringing several hundred million dollars in oil exports.

The rumblings of unrest and discontent are everywhere, but President Echeverria answers with more inflationary measures and crushing all opposition to his leftist policies.

NOT ALL IS DEMAGOGUERY

Listening to the thunderous radical outbursts by President Luis Echeverria-Alvarez, his sure successor, Jose Lopez-Portillo, and their leftist courtiers, it is possible to think that Mexico is going the way of Communist Cuba.

But the fact is that the Mexican demagogues have not yet had their day.

Just last month there was a bitter clash between President Echeverria-Alvarez and the Mexican Association of Private Enterprise, based in the northern part of the country, where large steel, manufacturing, mining and agricultural enterprises are centered. These conservative Mexican elements, worried about the prevailing leftist political trends, had issued a statement defending their rights under the Constitution and denouncing the activities of radical politicians and labor leaders. The Communists immediately countered with the accusation that rightist elements were preparing a revolution, while President Echeverria-Alvarez himself accused the businessmen in Northern Mexico as being reactionary and pro-fascists.

But the defenders of free enterprise were not shouted down by the demagogues. They reasserted their views and pointed out that the leftists were responsible for the critical economic situation of Mexico and were flirting with Marxist-Leninist tendencies.

An even more encouraging sign comes from the very respected Mexican Institute for Social and Economic Research, for twenty-one years fighting for responsible and democratic reforms in Mexico. Its "Sheet for Economic Information", issued March 15, is a courageous defense of Mexican democratic institutions.

"We are losing our freedom. Things go bad here . . . The citizen has a right to rule Mexico, but he has forgotten it . . . It is in our hands to change things going bad . . . When the State is being subverted by the Socialists, it no long fulfills its mission and it is not granted the monopoly for violence . . . The people do not then have any other right against the abuses but their own violence . . . There is no other alternative . . ."

This strong statement against the creeping leftist tendencies of the people ruling Mexico is very important, especially a few months before a presidential election in which the one-party system will try to oust demagogue Echeverria with Lopez-Portillo as his sure successor. The Mexican Agrarian Revolution has made many more leftist millionaires in Mexico than the so-called "cientificos" or scientists who surrounded dictator Porfirio Diaz and who did not dare to invent the permanent rule of the Institutional Revolutionary Party, although they were swept away by violence and had kept themselves in power by violence.

MISLEADING CANAL DEBATE

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. DEL CLAWSON. Mr. Speaker, the Washington Post of Saturday, May 15, contains a column by Mr. John M. Cabot which examines the major premises on both sides of the debate over U.S. policy concerning the Panama Canal. I commend the column to the attention of my colleagues, particularly for the realistic view of international relations.

The column follows:

MISLEADING CANAL DEBATE

(By John M. Cabot)

In the past weeks I have noted various commentaries as well as several news stories in The Post with regard to the Panama Canal controversy. I certainly agree with The Post that Gov. Reagan's reported statements are misleading and unfortunate, though perhaps not "demagogic" by presidential campaign standards. But I am bothered by the equally misleading statements made by The Post's columnists.

One can perhaps dismiss Nicholas von Hoffman's recent column as self-evidently tendentious (he, for example, mentions our many interventions in Panama before 1903 without mentioning that under Article 35 of our treaty of 1846 with New Granada (Colombia) we had not only the right but also the obligation to maintain freedom of transit on the isthmus of Panama; that several of these interventions were at the specific request of the Colombian government, which could not itself maintain freedom of transit, and that others were understaken to forestall European intervention). But I am more perturbed at Marilyn Berger's column on May 3 which, coming from a lady who you say "was a diplomatic reporter for The Post, is NBC correspondent for national affairs," should be enlightening but is actually about as misleading as anything I have noted Gov. Reagan as saying.

Ms. Berger is right in arguing that we do not have titular sovereignty to the Canal Zone. Then-Secretary of War Taft and many other responsible American officials have made the same point over the years. But I would like her to explain how she reconciles her statement that we do not "exercise sovereignty" in the Zone with Article III of the treaty of 1903, which says we have "all the rights, powers and authority which the United States would possess and exercise if it were the sovereign . . . to the exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers and authority."

That article has not been amended by either of the subsequent treaties of 1936 or 1955. The question before the American people today is whether the old treaties, which give us sovereign rights to the Zone in perpetuity, shall be superseded by a new treaty gradually diminishing those rights until they are totally relinquished (as I understand it) in a maximum of 50 years.

Nor does the $250,000 annual payment (increased to 460,000 bolivares in 1936, not $500,000 as Ms. Berger incorrectly states) provided by the 1903 treaty enter into the equation. Historically these payments were to be made in return for our taking over the formerly Colombian interest in the Panama Railroad. Ms. Berger completely fails to mention that our rights in the Zone were in fact secured by a payment of $10,000,000. This may seem peanuts in comparison with what we are proposing, for example, to pay Greece and Turkey 73 years later for bases to facilitate our protecting them from their Communist neighbors, but it is not so trifling in comparison with the $7,000,000 we had paid to acquire Alaska—with an area approximately a thousand times greater than the Zone—only 36 years before.

Ms. Berger notes that "An American can remain in the Canal Zone only as long as he or she is employed there" but she fails to note that the same is true of Panamanians. There is no oppressed indigenous population in the Zone and substantially all property in it belongs to the U.S. government. There are several other statements in Ms. Berger's article that seem to me arguable.

I have not seen Gov. Reagan quoted as pointing out that the U.S. government undoubtedly connived at the Panamanian coup that brought independence (despite Secretary Hay's denials); or that we assured the success of the coup by an interpretation of the 1846 treaty that even the Soviets might blush with shame to defend; or that our treaty with Panama was hastily signed, with a man who had a blatant conflict of interest; or that it has been the arrogance of Americans to the Panamanians in the Zone over the years that has contributed importantly to the present situation. I have not heard much from the pro-new-treaty advocates about the many concessions the Panamanians have won from us by throwing tantrums, or how, when we sought the implementation of the barely ratified 1936 treaty provisions to secure sites outside the Zone for its defense, they blackmailed us before granting them; or how, after the war, they simply rejected a new treaty granting us their continued use despite the 1936 treaty; or how every concession on our part only led to accelerating demands on theirs.

In this connection, although I agree with most of The Post's editorial of May 5, it seems to me open to question in some of its points. It is certainly a legitimate question whether we want the canal closed and fought over if we reject a new treaty. But is it not a legitimate question what happens to "assuring continued free American transit through the canal" after the maximum treaty duration of 50 years? Previous history does not reassure me. And what has become of the proposed sea level canal, which was to be built at vast expense to the United States, presumably to be turned over to Panama at the expiration of a new treaty?

In short, I think that the American people should be more fully and accurately informed about this "vital and legitimate interest." President Ford and Gov. Reagan and, with apologies, the American press including The Post, have not given the American people a full and balanced picture of this most important and complicated question. I feel it is the press' duty to do so. Perhaps this is the moment in history to give up the canal—and possibly it is not. Twenty-three years ago, when I was chief U.S. negotiator of what became the treaty of 1955, the question of giving up the canal was not even raised. Who knows what further demands will be made on us 23 years hence? Nobody from the Third World seems to be raising questions about the vast territories the Soviets have seized and hold by force, because they know Communists don't cede territory, and fear them. I agree with The Post that Gov. Reagan's jingoism is not promoting a satisfactory settlement of this problem. I dread to think of what will immediately follow if the Senate votes down a new treaty, but I must say I dread equally to think of the probable consequences, in the light of the historical record, if the Senate agrees to a new treaty and we lose the sovereign rights that are now legally ours.

A DIALOG ON HOW GOVERNMENT HURTS ITSELF

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. KEMP. Mr. Speaker, earlier today I read into the RECORD an informative article on government competition with the private sector, an article appearing in the May issue of the magazine, Government Executive.

A second article also appears in that issue, entitled "A Dialog on How Government Hurts Itself," authored by C. W. Borklund, its publisher.

I commend this second article to the attention of my colleagues:

A DIALOG ON HOW GOVERNMENT HURTS ITSELF

(By C. W. Borklund)

Last May at the Spring meeting of CBEMA (Computer and Business Equipment Manufacturers Association) member-company top management, then-Administrator of the GSA (General Services Administration) Art Sampson proposed "an annual procurement management review" between CBEMA and GSA.

The conference he had in mind "would focus on procurement techniques we use and specific lessons learned in the preceding year. It would be a conference researched in advance and structured to provide GSA, other users of your products in the Federal Government and members of the industry, itself, with direction for the year to come."

One more specific he wanted to see: "Proposals for new buying techniques. We can then examine those ideas to see if they make sense for both industry and Government."

The first such conference was a one-day, "frank talk" session held last October—half the GSA/CBEMA teams concentrating on business equipment and office machines, the other half on computers, peripherals and related hardware/software systems.

WAKE UPS

Since this dialogue is designed for the long haul, says CBEMA President Pete McCloskey, "We can bite off chewable parts of the total problems." That alone tends to make the arrangement unique among government-industry seminars which, says one observer of such things, "usually consist of a lot of people spending one day a year making grand pronouncements about 'needs' and the rest of the year doing 'business as stupidly usual.' "

"We're not looking for any instant magic," sums up McCloskey. But for all the low-key approach, targets laid on last October amount to major goals to measure progress against this coming Fall. In the computer arena alone, Government heard some eye-openers. Probably the strongest one:

"Because of Federal procurement and contracting practices, the Federal inventory of general purpose computers is some 70% obsolescent compared to only 30% in private industry." The reasons are several. Among them:

Long procurement times—"Government can't even handle the purchase, not counting justification-to-buy and system-need analysis, in less than two years normally." The sharpest contrast to this is among firms in private industry who provide computer-time-sharing services.

There, under competitive pressure, the latest state-of-the-art hardware and software is bought. In addition, sensitivity to customer demand is so strong that "If I need," some firms say, "I can add three mainframe computers to my complex in a month."

Acquisition cost vs. end-user need—Federal computer-system buyers have concentrated too greatly on cost avoidance, i.e. initial purchase price plus attendant pressures for greater and greater company price discounts and related auctioneering practices.

Far too little attention, says CBEMA, is given to the end user's real needs. In simpler terms, they say in effect, there are many times when a Cadillac is better than a Chevrolet in relation to an agency's overall mission performance. But that, says the industry, is a poor analogy.

A better one is "start small and let the system grow," again with the agency computer-user having "the whip hand" in the evolution—just as he has in most private industry cases. (McCloskey even has suggested that GSA hold periodic meetings with industry computer-users so Government could learn that first-hand rather than just take CBEMA's word for it.)

In short, final accounting for an agency's productivity rests with the head of the agency. Yet, in ADP (automatic data processing)procurements, says CBEMA, "he gets jerked around by the ADP types" who emphasize purchase "cost" rather than system "effectiveness' in the agency when evaluating proposals.

Total new systems vs. augmentation—Better for the end-users, says industry, would be again, if Federal procurements were made on the basis of an initial buy with a plan for system augmentation. What usually happens, instead, is a constant reiteration of the requirement with all the attendant delays in re-competing a contract.

Ten years ago, when Government had 2400 general purpose computers and 40% of them were owned by IBM, that push to generate competition may have been justified, says one IBM executive. But today, when no one manufacturer has more than "20% of the pie and the Government has some 8,000 computers," that acquisition exercise is no longer justified.

Government, in sum, faces a much more pressing problem. Every agency, Federal, State and local is short of funds to finance programs. They have, points out McCloskey, one of three choices: "either cut programs, increase taxes (both hard to do, especially in an election year), or increase agency productivity."

High Cost to Bid—Besides driving down the sales price with "discount" demands, GSA rules shoved into the bidding exercise have discouraged competition. "Not only the 'hard dollar' elements such as system design, proposal preparation, benchmarking (demonstrating the system will do what the mission statement says is required) and acceptance test costs have gone up significantly," says McCloskey, "but also the time and effort to understand the procurement process and all of its ramifications has become a very costly proposition."

Result: a "considerable danger" that only companies with large resources will be able to compete. Related to that are terms and conditions that find their way into GSA ADP equipment-purchase contracts, including demands for multiple (as much as 5–7 years) commitments from industry to fulfill a contract if Government orders and re-orders.

Government, the other hand, insists on the right to cancel a competitively awarded contract on 30 days written notice "and for any reason;" plus multiple-year renewal options on fixed price contracts at its choice. CBEMA thinks a fairer "contract mutuality" would be if contracts could be cancelled only for lack of funds or because a requirement was no longer needed.

"I find it hard to understand," says McCloskey, "why government needs so much more protection than a commercial enterprise to perform in many cases the same or a similar function."

One-sidedness in commitments, again plus the long-lead times of system procurement, has another onerous effect. Companies tend to bid their "safest" systems, i.e. ones on which R&D is already written off. the equipment is fully proven, and thus the risk is the lowest. That not only means the Government tends to be offered what is already outdated; but also it causes another abrasion—in effect Government demanding the latest state-of-the-art (again, because they know it won't be "on-line" for several years) and not getting it.

Those are only highlights from among the 16 major procurement subjects first outlined—on both the computer and business equipment sides—at last Fall's meeting and the subject of continuing GSA/CBEMA staff discussions since. Some of the others:

A conviction in both CBEMA and GSA that present GSA policy does not adequately cover (nor consider it effectively in new bid proposals) the many problems, including cost, that surface in conversion from one ADP system to another; A need for guidelines to allow upgrading with minimum procurement restrictions from a present to a proposed ADP system;

The "inequity"—philosophically another part of the "contract equal risk" problem—of Government refusing to make payments on leased equipment and software, and maintenance services, on Government owned equipment in the interim between when one fiscal year's contract runs out and the conclusion of negotiation on the next year's;

A simplified solicitation document for maintenance of Government-owned ADP equipment; Recommendations on use of remote terminal emulation in ADP procurement; the "inequitable and unsatisfactory" ways GSA uses mandatory requirements contracts for ADP high technology/quantity buying;

A CBEMA contention, re. Circular A–76 which calls as a policy for Government reliance on private industry for goods and services, that current implementing instructions are too limiting. CBEMA, in short, supports "the present rationale of GSA Federal Management Circular (FMC) 75 5 which "emphasizes private vs. public (in-house) cost comparisons on the full range of alternatives offered by the private sector."

(Traditionally, Government does rely on the private sector for ADP equipment and associated maintenance but does not normally use industry for programming and operation of the equipment. What is being pushed is, basically, more reliance on industry for systems design, programming, data entry, training and operation.)

INTO THE OFFICE

Over on the business equipment side, the chief benefit of last Fall's conference and the resultant dialogues is, in simplest terms, Government and the industry getting to know each other better. With both Sampson and then-Federal Supply Service director Mike Timbers leaving shortly after the first interchange took place, there was some speculation the whole communication-of-problems idea might die right there.

It has, says CBEMA's Vico Henriquez, been just the opposite. "The career staff people are 100% for it (these meetings and the dialogue. The change in leadership has made no difference at the working level."

Moreover, "they're very competent people. We haven't had a meeting yet where they haven't really done their homework." Initially, the GSA/FSS and CBEMA "shirt-sleeves" debaters identified "a lot of cripple-crapple headaches."

But much of what they've gotten into since is not all that simple. There is, for instance, "The Benchmark problem." In simplest terms, it amounts to the procuring office picking the best discount-off-list-price offered from among qualified bidders; telling all other qualified firms "meet or beat that and we'll consider your bid."

That happens not just over discounts but on all other services one or the other bidder may offer. This "auction," like that in computers," carried on long enough will destroy competition.

In a related way, CBEMA has been pushing the message that GSA should recognize in their procurements that some companies do their own marketing and equipment support among customers; other firms use dealers. "Do you recognize that the dealer provides a service which you expect the manufacturer to provide if you buy direct?"

And related to that in turn are some other facts of the market which should dictate a flexibility in procurement practice and an awareness in GSA of what the marketplace supplier arrangements are. Examples, raised more as questions at the moment:

1–Does the "guy who quotes F.O.B. destination (which Government prefers) get credit in his bid price against the guy who quotes F.O.B. factory?"

2–On price reduction and price escalation clauses, CBEMA says, in a word, "they're unrealistic." With the former, GSA requires they get the same price reduction granted "any customer" commercially by a manufacturer or dealer. Fact is, there can be one-time, sound business reasons for a commercial price reduction, e.g. distressed line, inventory clearance, mistaken billing, that a firm shouldn't be forced to live within on-going contracts.

In price escalation, GSA says, if an investigation proves the contractor justified, GSA will grant the increase. CBEMA doesn't want that in the contract and besides that, thinks GSA should look at a possible increase when it is at about the 8% level (even if they don't grant it) rather than waiting until they're in a "double-digit crisis."

And for all these, and other government-industry problems, "We're not saying the system is all bad," says Henriquez; "Just that it needs improving." And the main reason for that, in turn, says McCloskey, is that for all the problems, much is very good to industry about Government procurement in the CBEMA field.

How Government Export Policy Penalizes Industry . . . and Gives No Rewards in Return

U.S. Government policy and practices which, in effect, prevent or at least delay export sales—often for six months to a year—are stimulating foreign buyers, especially in Russia and the East European bloc, to create their own technological and manufacturing capability.

This is evident in a host of areas—semiconductors, numerically (that is, computer) controlled machine tools, aerospace equipment of all kinds including commercial transports, computers and office equipment. In short, says CBEMA's Pete McCloskey, "We (the United States) create our own competition."

The most frustrating part of all this, to the critics, is that the U.S. gains no measureable benefit from this shortsightedness. In fact, say the industrial representatives out in the world-market trenches, the very motives for stringent limits on export of high-technology products (national security, "the national interest," et al) are harmed not helped, by this kind of economic "fortress America."

Chief among the culprits, they say, is a "lack of clear statutory guidance and a resultant dispersion of authority and differing departmental positions toward East-West trade." Moreover, in the complex inter-agency bureaucracy which rules on, for instance, export license requests, there's a general lack of both technical expertise and personnel continuity. The result is a review-and-approval process which is not only financially punitive to the exporter but which actually runs counter to the claimed Congressional intent of encouraging exports, at least as spelled out in the Export Administration Act of 1969.

Restricting exports which would make "a significant contribution to the military potential of other nations" is not, they say, "difficult to understand." What is, they complain, is the ability granted the bureaucracy to make export turn-down decisions based on an all-embracing rationale called the "national interest"—which they point out, can cover not only national security but also the domestic and world economic situation, politics, the status of domestic employment/unemployment and even "unspecified sociological and psychological factors."

That phrase, "national interest," they charge is in increasing use as the reason for specific export license denials. Worse, say the critics, such "capricious and arbitrary decisions" are, in effect forcing what would have been overseas customers to, instead, create their own design and manufacturing capability and become competitors.

This is a special worry to CBEMA-member companies. Last year, $13.8 billion of their $32.7 billion in sales came from overseas; from 30 to 50% of the members' total 621,000 payroll are employed because of exports. In the main, they want not only to maintain their share of foreign markets vis-a-vis foreign competitors "but also to gain a foothold in new markets early in their development."

That also implies, of course, a multinational character for many CBEMA-member companies. Overseas affiliates, licensees and even wholly owned subsidiaries, they long ago learned like virtually every other multi-national, are the best—if not frequently the only—way to capture foreign buyers.

Government insensitivity to the politico-economics of the matter is not the industry's only complaint. Government naivete about U.S. technological superiority—or rather they say in fact the lack of it—is just as upsetting.

As the Russians have already demonstrated repeatedly, they and increasing numbers of other nations on both sides of the Iron Curtain have the technological capability to do anything they feel they must do, including and especially in the military field.

On at least two counts, the industry faults the Pentagon as one of the main obstacles to speedy granting of export licenses:

U.S. military top management "would never buy its computer needs from a potential enemy," they say, "because that would make the U.S. dependent on them for spare parts, servicing, etc. Why can't they give the Russians credit for feeling the same way?"

They see a marked inconsistency "in denying moderately advanced computers to the USSR, Eastern Europe and the People's Republic of China and at the same time (the Pentagon, itself) actively exporting weapons systems containing highly sophisticated computers to nations whose long-term allegiance to the U.S. is questionable; and where such technology is highly susceptible to uncontrolled leakage."

Moreover, they add, the U.S. would have to increase immensely its export of general purpose computers (which are also available from several other developed nations) and "they would have to be of the very latest state-of-the-art" before they would make a significant contribution of any kind "to a peaceful potential enemy."

Thus, by denying or delaying (to the point of the company losing the overseas sale) industry export license requests, the U.S. Government costs the U.S. in jobs, in balance-of-payments, in political and economic ties. Moreover, by forcing potential customers to build their own technology base, the U.S. does not foreclose but actually encourages strengthened military capability among potential adversaries—to the extent the two are related at all.

But one of the largest threats the industry sees is that Government policy and practice, in effect, threatens to take away U.S. world leadership in fields it once pioneered.

THE SECOND WAR BETWEEN THE STATES—PART II

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. HARRINGTON. Mr. Speaker, today I am inserting the second of an eight part series concerning regional economic development which appeared in the May 17, 1976 edition of Business Week. This particular segment deals with the reasons behind the tremendous shift in U.S. population to the South in recent years and also discusses the current Federal practice of spending more in the faster-growing, fiscally potent sunbelt region than in the stagnating industrialized North.

The text of the second installment follows:

WHY MIGRATION BECAME A FLOOD TIDE

There is always something mysterious about mass migrations. Some causes of the movement to the South and Southwest are familiar: good climate, cheap land and labor, and the sheer availability of materials and space.

But what is mysterious is the sudden acceleration. Perhaps the most important factor that seems to have been overlooked is that at some point around the late 1960s, Southern growth achieved a critical mass, turning orderly migration into a flood tide.

Growth became self-sustaining as the South's industrial base broadened and deepened. This process, which amounts to "import substitution," will continue, and it is now clear that Northern leaders who minimize manufacturing losses by promising economic vitality based on exportable business services are whistling "Dixie."

The emergence of a large population of financially independent retirees and professional people was also an important stimulus. The maturing of both federal and private pension plans is perhaps the major factor underlying this group s migration toward warmer climates and the countryside.

The impact of good agricultural conditions combined with the end of the draft to give the South an extra push relative to the North. People stay on the farm when agricultural prices are favorable. The rise of farm prices in the early 1970s thus cut sharply into a traditional Northeastern source of inmigration. Furthermore, the end of the military draft reduced the tendency of farm youths to return to cities visited while in uniform.

The energy crunch also had a major impact on business relocation. In the late 1960s, supplies of natural gas for interstate shipment were sharply reduced because of the unrealistically low prices set by the Federal Power Commission. To obtain adequate supplies, many companies found it necessary to locate in energy-rich areas and buy unregulated intrastate gas. Although pressures are mounting for deregulation, the availability of gas continues to provide Louisiana, Alabama, and many other Southern states with a strong locational advantage. In addition, the explosive rise in the over-all price level for energy has greatly accentuated the South's long-standing climatic advantage, which permits lower plant construction and operating costs.

THE SEEDS OF HOSTILITY

These economic factors, of course, are not the whole story. However the underlying motivations are viewed, relatively generous Northern assistance for the poor, public education, and job opportunities for blacks have combined powerfully with increased employment opportunities for managers and professionals in the South to produce an interregional exchange of human capital that amounts to a multibillion-dollar Point Four program of technical assistance. Although it appears that there has been a marked decrease in the black outflow to the North since 1970, this informal program continues in a major sense: Those who migrate southward tend to be above average in income and educational level, while the thousands who continue to flow to the older industrial cities of the Northeast and Midwest are below average in these respects. This has placed an awesome burden on the already eroding tax base of the North.

Moreover, national economic recovery may lead disadvantaged Southern blacks and whites to migrate as heavily as before. "As the economy improves," says Harvard University's John F. Kain, an economist and professor of city and regional planning, "the net migration of blacks could shift back to the North. The slowdown in the last five years, say, is occurring because of the particularly high unemployment in older industrial cities, such as Cleveland. This is relatively temporary."

Other experts maintain that the South's economic advantages mean it will continue to be the region of opportunity for blacks as well as whites. NASPA's Campbell says: "When recovery intensifies, you'll get a further pick-up in the South and Southwest. The exodus of Southern blacks appears to be over for the foreseeable future. With regard to Puerto Ricans, however, the problems are similar, and their inflow may resume once the Northeast shows signs of life." Thus the pressures on Northern cities will continue.

But this impact of the vast migration is not the only aspect of public policy that contains the seeds of interregional hostility. An even more striking element, which is certain to lie at the center of the coming war between the states, is that the largest net flows of federal spending continue to go to those regions that are growing the fastest (chart, page 94). As Roy Bahl puts it, "The Northeast is not getting federal assistance, and in the Southeast and Southwest, where they have no fiscal problems at all, it's flowing right in."

This pattern was readily justified when the South still lagged behind other regions. Furthermore, there is an underlying logic that draws major federal projects toward useless land. Huge irrigation projects and dams, highway systems, navigable rivers and canals—projects that defy the profit calculus of the private sector—have always lured federal bureaucrats and engineers to backwater bayous and vast open places. But the consequences of this tradition have drawn the ire of the Joint Economic Committee. In its 1976 report, the committee notes: "In recent years the largest increases in direct federal employment have occurred in precisely those regions that are experiencing the greatest private sector growth. Federal nonmilitary payrolls as a percentage of nonfarm income are often three to four times higher in growing states than in stable or declining states. Many of these expenditures could be shifted to high unemployment areas."

Moreover, these projects no longer require large inputs from Northern industry. "Years ago," Bahl says, "when the federal government made disbursements for big projects, there were major leakages—TVA, for instance, generated a considerable volume of contracts for the Middle Atlantic states. Now that the South is relatively self-sufficient, those leakages no longer occur." Further distortions of federal effort arise from regional differences in the cost of living. "The categorical grants tend to be directed toward lower-income states," Bahl adds. "Now if you don't correct for differences in living costs, it looks as though the Southern regions are still the lower, so they continue to get most of the money."

THE WINNERS AND THE LOSERS

Although data on the regional distribution of the total federal impact (chart, page 94) are of recent vintage, the sense that there is a chronic imbalance has been growing for some time. Aside from the highly visible incidence of federal employees—more than half of them civilian and of such projects as the Tennessee Valley Authority, the Arkansas River project, Cape Canaveral in Florida, the Redstone Arsenal in Huntsville, Ala., and the Lyndon B. Johnson Space Center in Houston, there is the evidence of the regional economic growth differentials themselves. Looking at growth in these regions, the high degree of association between net federal benefit and faster growth becomes manifest:

The Northeast

To some extent the victim of its earlier prosperity, this area (New England and Mideast) is singled out by experts as the most severely affected by the South's steamroller drive toward self-sufficiency. Says Bahl: "The Northeast is overdeveloped relative to its future role. The reason they had the central-office, for instance, was agglomeration, the need to be near other businesses. But that is disappearing in two ways—firms can decentralize to other regions, or they can move to the suburbs. Transportation and communications changes have played an important role. New York is still a fine deepwater port, for instance, but that's no longer so important. This part of the situation is going to continue."

In short, changes that new highways, airports, pipelines, canals and communications have wrought in the calculus of locational strategy mean that it will gradually be stripped of many of the "export" functions it once sold to other regions, including both manufactured goods and business services. At this point the region's most conspicuous harbinger is perhaps the incredible magnitude of the negatives. As Alvin L. Erlich, president of the Ward-Johnston subsidiary of Chicago's Ward Foods, sees it: "I don't think people are going to uproot in those kinds of dimensions. What do you do? Duplicate the whole city of New York? Somewhere along the way the economics are going to be such that you do not move."

The view that so populous a region cannot slide forever is also advanced by BEA economist Robert Bretzfelder. "It's difficult to picture the economy getting anywhere near full employment," he says, "without New York and the other industrial states growing more than they did during 1969–73, even before the recession hit them."

The Great Lakes

In this region, which shows the highest per capita rate of net outpayments to the federal government (chart, page 94), manufacturing is still the king, queen, and court of the economy, accounting for nearly 50% of all private wage and salary payments. But employment in this vital "export" sector slipped by 8% from 1970 to 1975, and population, which rose at the national rate during the 1950s, has plummeted to 39% of the national average since 1970. Like the Northeast, this region is lagging behind the BEA's estimates as its "overdeveloped" heavy manufacturing sector continues a migration toward southern markets and raw materials. Strong agricultural earnings of such States as Wisconsin have provided an offset, but the empty factories and fiscal hardships of such cities as Cleveland and South Bend bear witness to the uneven grace of federal activism (page 97).

Northwest-Central (Plains plus Rocky Mountain)

Right now, forecasting the future growth trends of this area is something like tracking one of Colorado's bighorns up the side of a glacier on a snowy night. The eight Rocky Mountain states stand out both for their No. 1 position in terms of net federal outlays and for breakneck rates of growth from a very shall base. On the other hand, despite this growth, the region has fewer than 300,000 factory hands. The BEA's Bretzfeider identifies energy projects and associated construction as the major nonfederal source of growth, and many of the region's residents show no interest in matching the South's open-door industrial policy. NASPA President Campbell recalls a recent speaking engagement in Denver wistfully. "There were a lot of complaints about growth," he says. "I said, if you don't like growth, you should come back East and try decline for a while."

Plains population has grown at only about half the national rate since 1950 but the region has staked out a solid inducement for manufacturers. Says economist Clyde Hartz, of Schlage Lock Co.: "The Bible Belt of the Plains states is the place of be if you want very productive labor, conservatism, and a good place to raise your family." Spending has also benefited enormously from the virtual doubling in farm income levels that began in 1972. On the other hand, only Missouri has a population density equal to the national average, so local markets are still small.

The Far West

This region is decelerating, and its per capita income is virtually the same as the Northeast's. Nonetheless, the consequence will not be so visible, for this area never developed greatly as a service center for other regions. Climatic advantages and a heavy infusion of federal funds provide it with a growth cushion not enjoyed by the Northeast or the Great Lakes area. Furthermore, most of its cities have been shaped largely by the single-family construction, highways, and private automotive transportation that have predominated in the newer growth regions.

Already, however, many parts of this region have equaled or exceeded Northeastern cost levels for both labor and land, environmental constraints are critical, and some firms are beginning to move out. Bethlehem Steel Corp. is selling an 800,000 sq.-ft. facility in Richmond, Calif., and other companies, such as Hewlett-Packard, National Semiconductor, and Schlage Lock, have tilted expansion programs toward the Plains, Rocky, and Southern regions. But agriculture-food processing, still California's largest sector, is strong, electronics has spurted because of new consumer and industrial applications, and California is slated for the prime contract on the B–1 bomber.

The South

Both regions (Southeast plus Southwest) are richly endowed with land, minerals, energy, and net federal outlays. Vincent Barabba, director of the U.S. Census Bureau, emphasizes changes in transportation. "One of the major reasons for the shift to net immigration in the South and net outmigration in the Northeast has been the nation's reliance on truck transportation," he says. "Massive highway construction in the 1950s and 1960s opened up many parts of the South to manufacturing plants."

In sharp contrast to the rest of the nation, state coffers are overflowing here, since energy prices have generated enormous windfalls for coal and oil producers and the governments that tax them. According to a staff report of the JEC, 80% of the tax increases posted by energy states in 1975 were based on higher coal and oil levies, and the 13 energy-rich states account for more than 70% of the combined surpluses of all 50 state governments.

Federal defense outlays have also worked powerfully to offset the region's homegrown educational shortcomings. "The acquisition of knowhow, both from the standpoint of mobility of Northern management and labor and improvement occurring within the South itself, is a key factor," says economist Elsie Watters of the Tax Foundation. "And this is the kind of advantage that can snowball." The South is on its way to virtual self-sufficiency in education, as well as business output.

RESOLUTION TO APPROPRIATE $25 MILLION FOR HUMANITARIAN ASSISTANCE TO THE VICTIMS OF THE EARTHQUAKE-RAVAGED NATION OF ITALY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. KOCH. Mr. Speaker, Senator John Marchi of Staten Island, who is a distinguished member of the New York State Legislature and chairman of its Senate Finance Committee, has accepted the cochairmanship of the Italian Relief Committee of Famee Furlane of North America, Inc., which is an organization of American citizens having close ties to Italy. The Senator introduced on May 10, 1976, a resolution which cites the high death toll, the high number of injured, and the extraordinary destruction and damage inflicted on homes and property as a result of the recent earthquake in Italy. Those who would like to assist in aiding the Italian quake victims should be in touch with the Italian Relief Committee of Famee Furlane of North America, Inc., at 7316 Roosevelt Avenue, Jackson Heights, Queens, N.Y. 11372. The telephone number of that organization is (212) 651–2431.

The resolution, which I endorse wholeheartedly and urge upon the Congress, follows:

RESOLUTION INTRODUCED IN THE NEW YORK STATE SENATE

Whereas, the United States of America has never hesitated to lend help to the people of nations hit by natural disaster, such as Yugoslavia and Guatemala; and,

Whereas, the United States is specially bound by historic, cultural and family ties to Italy; and

Whereas, at a time when Italy is under severe economic and social pressures, it is important that the United States do whatever it properly can do to help shore up democratic institutions there; and

Whereas, the U.S. Agency for International Development has already made $353,000 available for the Italian victims; and

Whereas, the U.S. made $25 million available for relief in the Guatemalan earthquake,

Now, therefore, be it

Resolved, That the Legislature of the State of New York memorialize the Congress of the United States to appropriate $25 million for humanitarian assistance to the victims of the earthquake ravaged nation of Italy and to approve all other measures as may be appropriate to assist the Italian people in their time of ordeal.

CONGRESSMAN MICHAEL HARRINGTON COMMENTS ON THE CONGRESSIONAL INVESTIGATIONS OF THE INTELLIGENCE COMMUNITY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Ms. ABZUG. Mr. Speaker, Michael Harrington, our able and articulate colleague from Massachusetts, has published in the current issue of the Nation an article on the congressional investigations of the U.S. intelligence community. The piece is well worth reading, and I include its text in the Record:

[From the Nation, May 22, 1976]

Congress Boots the CIA Probes

(By Representative Michael J. Harrington)

Washington.—The extraordinary failure of the Congressional investigations of the intelligence agencies to produce reform—or even an enhanced public awareness of the problems—is a striking political victory for the national security establishment and its allies. The victory is the more striking because the political professionals on the Hill were outsmarted, outpoliticked, and finally routed by the technocrats and bureaucrats at the other end of Pennsylvania Avenue.

The rout comes on the heels of a year's celebration of the resurgence of Congressional power and authority, following the war in Vietnam, Watergate and impeachment. Our resurgence in the area of foreign affairs was especially well advertised and supposedly embodied in such statutes as the War Powers Act, the Commitments Resolution and the prohibitions on use of force in Southeast Asia.

Four and a half months after the resignation of President Nixon, the Congress voted to investigate the inner sanctum of the national security establishment, the intelligence agencies, and thus raised hopes for the urgently needed restructuring of the cold-war apparatus and its surrounding mythology. Now, fifteen months later, we have, if anything, turned the clock back. The House Intelligence Committee disbanded in disarray after its final report was published in The Village Voice, and no new oversight or reform legislation has even been contemplated in the House. The traumatic effects of the Voice leak and the killing of Athens CIA Station Chief Richard Welch have taken their toll also in the Senate, where at this writing there seems little or no chance to establish a meaningful oversight committee—something that a year ago was regarded as the bare minimum of reform to be expected from the investigations.

It is tempting to conclude that Congress has been subverted by the same forces that subverted Salvador Allende and Martin Luther King—that in effect the intelligence agencies mounted a covert action against the Congress to discredit its public image, mainly by leaking information to the press and then blaming it on the Congressional investigators. Naturally there were leaks, and although their source has not been established, the administration has created the strong impression that they came from Congress. While a case can be made that the administration had a stronger motivation than did Congress for leaking classified information, we may never know the facts. In any case, the administration's political purpose was served.

It is my view that in all probability there was no conspiracy to discredit and thwart Congress, and that the failure of Congress in this instance reflects a deeper and more troubling institutional failure. It would be more comforting to assume a conspiracy or covert action by the executive, because the culprits might then be discovered and punished, and our faith in institutions would remain intact. It is a time-honored credo of the American political tradition that failure and adversity are the result of corruption and malfeasance on the part of individuals or small groups. Thus the Nye investigation into the causes of World War I pointed to the venality of the munitions makers, and thus McCarthy sought the causes of the cold war in the disloyalty and weaknesses of State Department and armed services personnel.

It would, however, be a dreadful error to explain the failures of the Congressional intelligence investigations—or indeed the misdeeds of the intelligence agencies—by conspiracy theories or individual acts of irresponsibility. The problems are institutional, fundamental to the functioning of the federal government. The CIA is the limiting case—the most extreme instance—in which exposure would discredit not individuals but an institutional process, undermining confidence in the agencies and the assumptions of the entire national security establishment. Thus, at least in the administration's view, the disclosure of abuses would not reassure the people about the ability of the system to cleanse itself. Instead of reaffirming the legitimacy of the government's authority, it might seriously undermine it.

Regrettably, this point of view was also accepted in great measure by the Congressional committees running the investigations. From the outset great pains were taken to demonstrate that Congress was "responsible," that House and Senate were worthy of being admitted into the secret chambers of the executive branch. As a result, the Congressional investigations were on the defensive from the beginning and never seized the offensive. When the Senate Select Committee on Intelligence began its investigation of CIA assassination plots, it decided to proceed exclusively in secret, thereby abdicating its responsibility to show the American public that an agency responsible for misdeeds of that magnitude could be called to public account. Senator Church argued that he did not want to "hold up this sordid story before the world." Then, after the Senate committee had spent five months investigating assassinations behind closed doors, the President made a predictable appeal to suppress the committee's written report on the subject, and Church complained that "concealment is the order of the day." Fortunately, the Senate did vote to release the report, but the precedent had been established that the imperatives of secrecy in the interest of national security could determine the mode of Congressional procedure. At least *that*, it was clear, would not be changed.

Publication of the assassination report alone should have been convincing evidence that our institutions had badly malfunctioned. Instead of driving home that point, the opposite impression was conveyed, even by such respected liberals as Senator Mondale, who concluded: "We're not any good at assassinations, and thank God!" In other words, although we cannot drag our spies out into public view to account for their misdeeds, we can be reassured that they are good old incompetent American spies who are bad at what they do because they are Americans, and are therefore harmless.

The acceptance by Congress of the executive's ground rules for secrecy and security was an early and ominous concession of the prerogatives of a supposedly coequal branch of government. It is appalling that Congress would accept the proposition that it had to prove itself worthy before it could receive and use on an equal basis information classified by the executive branch. And yet a few days after being named chairman of the Senate committee, Senator Church announced that any member of the staff who leaked would be fired; the CIA was permitted to come to the Senate to approve the security mechanisms and "debug" the premises; and the CIA still refused to allow much of the most sensitive material to be physically transmitted to the Congress, after requiring the investigative staff to work at the agency.

Perhaps the most damaging institutional feature of the investigations was the establishment of deadlines for their completion. Even though the cutoff dates, especially in the Senate, were extended, the message was conveyed at the outset that there *was* a deadline. In such a situation even the most simple-minded adversary would adopt a strategy of delay, and that is precisely what the administration did to great effect. Instead of putting the executive on notice that the investigations would be concluded when Congress was satisfied with the results, the committees were in the position of having to explain to their parent bodies why they had not met the original deadlines and to request new ones.

A third institutional difficulty was committee staffs. In the House the staff was too small for the task: thirty-three in all. The Senate committee had the opposite problem: a staff of 133 persons who, according to press reports, did not always pull in the same direction. The result, on the Senate side, is that large quantities of staff reports remain classified and unabsorbed by the political process. The House staff has become the object of an internal House investigation to determine who leaked the final report to Daniel Schorr, a clear warning to those in the future who may feel that disclosure serves a public purpose.

The political consequences of the constraints placed on the investigations have been simply disastrous. The most costly result was the failure of either committee to hold coherent and sustained public hearings. That public education is a major function of Congress was demonstrated beyond any doubt by the Senate Watergate hearings in the summer of 1973. While the CIA investigations were not entirely analogous to the Watergate affair, the need for public education was in some ways even more pressing. The war in Vietnam had provided conclusive evidence that the judgment of the executive branch about threats to national security was calamitously flawed. In the wake of that experience, Watergate gave proof that a President could exploit the national security mythology for explicitly partisan political purposes. We now know that the misuse of the FBI for political purposes started with Franklin Roosevelt, and that paranoia about opposition to the war in Vietnam drew the CIA into domestic politices. The need in 1975 was to define the proper and constitutional limits of what could be done in the name of national security, beginning in the obvious place: the intelligence agencies.

The House Intelligence Committee gets better marks on this score than does the Senate, although the House committee failed to sustain a thorough examination of the basic issues. The Senate committee did not commence its hearings until September, when the issue's momentum had considerably diminished. And then, inexplicably, the Senate chose to begin with lengthy hearings on the CIA's retention of shellfish toxin against the wishes of the President. The boredom of these hearings caused the networks, and even public TV, to take the Church committee off the air. Thus, when a few hours of hearings were finally held in November on covert action and CIA meddling in Chile, they went unbroadcast and largely ignored.

We are now paying the price for the failure to hold informative hearings, because the field of battle for access to the public mind was left to the administration. Now that the sole legislative product of the investigations, a bill to set up an intelligence oversight committee in the Senate, is in deep trouble, there is no informed public, no constituency, from which to draw support for even modest reforms of the *status quo*.

While the Congress was defensively trying to prove to the executive branch that it was a trustworthy and reliable partner in national security and intelligence policy, the administration had no intention of being converted. Instead it skillfully exploited Congress' defensive position. The theme of the administration's strategy was that the executive branch should regulate itself and the most effective way to make a persuasive public case for self-regulation was to represent Congress as inherently irresponsible, particularly in safeguarding classified information. The first move seems to have been to avert a Congressional investigation altogether by creating the impression of executive self-regulation. Thus President Ford responded to the sensational disclosures of CIA domestic spying by appointing the Rockefeller Commission to investigate. Director Colby acknowledged to the Senate Armed Services Committee that the CIA was indeed guilty of wrongdoing in this area. When word of the CIA assassination plots reached the press, that subject was added to the mandate of the Rockefeller Commission. The climax of the self-regulation strategy was the President's Executive Order of February 18, 1976, purporting to carry out an adequate internal reform of the intelligence agencies, and thus relieving Congress of the task. No committee of Congress even held hearings on the Executive Order.

The crucial event in the administration's campaign was the handling of the killing of Athens CIA Station Chief Welch in December 1975. David Phillips, founder of the Association of Retired Intelligence Officers, attacked those who were "unnecessarily exposing intelligence operators," and Welch was buried as a national hero after the plane bearing his body was kept in a holding pattern over Andrews Air Force Base so that its arrival could be covered live on morning network news programs. In short, the administration seized on this tragic event to launch a public relations blitz against all disclosure of information about intelligence activities. Members of Congress, at home for the Christmas recess, quickly got the word from their constituents; no more exposure of CIA activities.

Self-regulation by the executive depends on nonregulation by a complacent Congress. It is precisely the discredited mechanisms of past oversight that are now being preserved for the next generation. The quality of the traditional pattern of oversight was revealed in a CIA memorandum of February 1973, dealing with the CIA's strategy to cope with the Senate investigation of the ITT–CIA Chile affair. The memo, as stated in the House committee report, suggested that Sen. Henry Jackson, long a member of the Senate Armed Services CIA Oversight Subcommittee, help take the ITT investigation away from Senator Church's Multinational Corporations Subcommittee: "Senator Jackson repeatedly made the comment that in his view the CIA Oversight Subcommittee had the responsibility of protecting the agency in the type of situation that was inherent in the Church subcommittee. As a result of this conviction, Senator Jackson would work with the agency to see that we got this protection."

It is not my view that the purpose of Congressional oversight is to protect *any* federal agency from the exposure of its abuses and excesses. My point is that Congress must share a large part of the blame for the failure to reform the intelligence agencies. To say that we were tricked by the clever professionals of the CIA, who cannot shoot straight in Havana, but can run circles around two Congressional committees, is to miss that point. In the face of the administration's pro-secrecy onslaught, the Congress could have defended itself only by making a specific and compelling case for the misdeeds of the intelligence agencies. In other words, maximum possible disclosure is the only antidote to the complaints about leaks. Disclosure would show the public that much of what is classified is either trivial or a concealment of inefficiency and ineffectiveness; whereas the misdeeds were real, in some cases criminal, and in many cases violations of our most fundamental political beliefs.

As it is, no individuals who may have committed criminal acts in the name of national security have been indicted by the Justice Department, although no one disputes that criminal acts were committed. The apparent perjury of administration officials before Congressional committees is not being pursued by the Justice Department or the Congress. And the body politic is still disturbed by some of the questions left unanswered by the investigations, not the least of which is the apparent CIA cover-up of anti-Castro assassination plots at the time of the Warren Commission's deliberations.

In all likelihood it will be another generation before an opportunity recurs to address the important issues of intelligence and national security. Only by a truly objective understanding of what took place this past year will we be in a position to take advantage of whatever opportunities are afforded in the future. And that objectivity will be hard to achieve if the blanket of secrecy and concealment is allowed to suffocate the democratic processes of a free people.

WE ALL HAVE STORIES TO TELL

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. GRASSLEY. Mr. Speaker, it is my pleasure today to mention the recent publication of an unusual and charming book, "We All Have Stories To Tell." It has come to my attention because the editor was formerly a constituent of the Third District of Iowa, now residing in the congressional district of our colleague ROBERT GIAIMO, of Connecticut.

This is an unusual book because the 15 authors are a group of senior citizens, none of whom had written in any formal sense before. They came together for a course in writing offered by the Creative Arts Workshop in New Haven, Conn., and financed by a grant from the Connecticut Commission on the Arts. This course was anything but busy work. It was a serious workshop taught by a gifted teacher and professional writer. The result is a book of short pieces, largely reminiscence, that brings to life a whole new source of delight and interest for us all. I want to congratulate the New Haven group for an innovative and worthwhile program and to recommend it to you all and especially my colleagues on the Committee on Aging as an important cultural contribution that could be made by senior citizens in all parts of our country.

CHESS AS THE ELECTRIC UTILITY INDUSTRY'S PAWN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. WAXMAN. Mr. Speaker, On April 9, the Commerce Subcommittee on Health and Environment and the Science Subcommittee on Environment and the Atmosphere held a day-long joint hearing on the controversy which has flared over the validity of EPA's CHESS studies. The CHESS program is a series of studies designed to measure and evaluate the impact of air pollution on human health. These studies have been an invaluable source of information on the relationship between sulfur orides and their derivative, sulfates, and the aggravation of incidences of heart and lung diseases and other impairments of our physiological functions.

On February 29, the Los Angeles Times published a lengthy article which alleged that Dr. John F. Finklea, who directed the CHESS program in 1972, deliberately distorted scientific data in order to establish a stronger link between low levels of pollution and adverse health effects than might be justified by the evidence. Even though EPA did not rely on the CHESS studies in formulating its pollution control strategies, the electric utility industry seized on these charges in an attempt to discredit congressional and regulatory efforts to require continuous reduction of sulfur emissions.

As the Clean Air Act will be debated in the House within the next several weeks, it is of crucial importance to resolve this controversy to the greatest extent possible. At stake is not only the reputation of Dr. Finklea but, by inference, the credibility of EPA's research program.

At our April 9 hearings, witness after witness refuted the allegations contained in the Los Angeles Times article. Not one scientist who was directly connected with the CHESS study could contradict the study's conclusions or document the charges which have been leveled against Dr. Finklea. Except for the presentation by the electric utility industry, no one testified that the current sulfur dioxide air quality standards are not justified by the vast amounts of scientific and health data available. Indeed, some voiced concern that the standards may not be stringent enough—that there may not exist threshold levels below which no adverse health effects occur.

Although the hearing uncovered a broad consensus on the validity of the CHESS study's conclusions and the propriety of Dr. Finklea's conduct, clearly more research on the effects of air pollution on health needs to be undertaken. An understanding of the process by which sulfur oxides are transformed into highly toxic sulfates remains elusive, and needs to be more fully explored. I believe we should also carefully evaluate whether EPA's research and regulatory functions should be more clearly separated, so that the integrity of the factfinding and decisionmaking processes can be better protected.

An excellent summary of the controversy to date was published in the April 23 issue of Science. I urge all my colleagues who have been concerned over this issue to review the attached article:

Sulfur Pollution: Charges That EPA Distorted the Data Are Examined

(By Philip M. Boffey)

The charges were very serious—they impugned the professional integrity of a fast-rising government health official and the validity of a government antipollution program.

On 29 February the Los Angeles *Times* published a story asserting that a former research administrator at the Environmental Protection Agency (EPA) deliberately distorted research reports "in an effort to prove that pollution from sulfur-bearing fuels had an adverse effect on human health."

The investigative article, written by reporter W. B. Rood, pointed the finger at John F. Finklea, currently director of the National Institute for Occupational Safety and Health but previously the head of EPA's Human Studies Laboratory in North Carolina. In his former capacity Finklea was a key figure in managing the EPA program known as CHESS (Community Health and Environmental Surveillance System), a series of epidemiological studies in communities around the country aimed at determining the health effects of exposure to relatively low levels of pollutants. The program was designed to evaluate whether existing air quality standards are adequate, to obtain data for new standards that might be needed, and to document any health benefits that might result from controlling air pollution.

In the spring and summer of 1972, Finklea was in charge of preparing the early drafts of a monograph analyzing data from the first year of the CHESS program, 1970–71. That monograph, which was eventually published in 1974, purported to find that sulfur pollutants (notably sulfur dioxide and suspended sulfates) were associated with a variety of adverse health effects, including aggravation of asthma and heart and lung disease in the elderly.

The L.A. Times reported that "extensive interviews" with government and nongovernment scientists and others had disclosed that, in preparing this monograph:

"Dr. John F. Finklea rewrote the work of agency scientists, often deleting what the researchers felt were important qualifiers on experimental results;

"Finklea deleted material from the reports that did not show a connection between sulfur pollution and adverse health effects;

"Finklea screened statistical analyses to downplay evidence tending to weaken or contradict the case against pollution; and

"Finklea overrode agency scientists' objections to publishing estimates of the health impact of pollution which were either statistically dubious or unsupportable."

The article viewed the consequences as serious. "Relying heavily on the disputed CHESS studies," it said, "EPA has called for controls on sulfur pollution that would cost power companies and ultimately American consumers billions of dollars."

The evidence to support these charges consisted largely of quotes from individuals—some named, some not—who were critical of the CHESS findings, Winklea, or both. Most of the critics who were identified by name aimed their barbs at the CHESS monograph. Only one of them implicated Finklea, and he did so by saying that he had heard others blame Finklea. The remaining attacks on Finklea came from anonymous sources. The article cited not a single specific example of material that Finklea had supposedly distorted or deleted.

Almost immediately the article became a political factor. Representatives of the coal industry, the electric utilities, and other purveyors of sulfur pollutants began clamoring for a moratorium on new clean air legislation until the charges could be examined. Faced with mounting pressure on the eve of congressional consideration of amendments to the Clean Air Act, two House committees—the subcommittee on environment and health, chaired by Representative Paul G. Rogers (D-Fla.), and the subcommittee on the environment and the atmosphere, chaired by Representative George E. Brown, Jr. (D-Calif.)—held a joint hearing on 9 April to receive testimony on the charges and their implications. It was a marathon session involving more than 20 witnesses, including some who were expected to be friendly to Finklea and some who were deemed hostile. But by the end of the day, Finklea, a hard-driving type who seems to have made a few enemies on his way up the executive ladder, had been showered with flattering testimonials to his integrity and competence while several witnesses threw darts at the L.A. Times.

Congressional staffers say they had some difficulty finding witnesses to criticize Finklea's handling of CHESS, since few critics have surfaced publicly. The scientist who seemed most critical in quotes attributed by the L.A. *Times*—Harvard's George B. Hutchinson—declined to appear, according to staffers.

Among those who did appear, the most critical by far was Robert W. Buechley, an epidemiologist at the University of New Mexico's Cancer Research and Treatment Center who served at EPA during the time the CHESS monograph was prepared. Buechley, who was not interviewed for the L.A. *Times* article, nevertheless echoed its charges. He claimed that "promises were made" by CHESS leaders "that specific scientific findings would be forthcoming to incriminate those pollutants for which regulations were being written . . . ill-done studies were then written up as if they did, in fact, incriminate the desired pollutant." But Buechley acknowledged that he did not work on CHESS himself, he merely worked alongside the CHESS scientists and heard their gripes. When pressed, he said he could not document his charges and was unwilling to be more specific about the alleged wrongdoing.

Another witness who had seemed critical when quoted in the L.A. *Times*—Ian P. T. Higgins, professor of epidemiology at the University of Michigan—took a more equivocal position in testimony. On the one hand, he asserted again that CHESS data "have sometimes been overinterpreted" in the sense that "insufficient weight has been given to inconsistencies in the findings." This poses the danger, he said, "that conclusions might be drawn that significant effects on health are produced by lower levels of pollution than are justified by the evidence"; thus "unnecessary, costly attempts at further reduction in pollution might be instituted." That seemed to support the paper's allegations. But Higgins also praised the CHESS program, said he had never intended to impugn Finklea, and claimed the L.A. *Times* "distorted" his position.

Another seeming critic in the L.A. *Times* article, Benjamin G. Ferris, Jr., of Harvard's School of Public Health, who had coauthored (with Higgins) a 1973 paper critical of a draft of the CHESS monograph, resolutely emphasized the valuable aspects of the CHESS program in his testimony.

GREENFIELD SWITCHES SIDES

Similarly, Stanley M. Greenfield, former assistant administrator for research and development at EPA, who now heads a consulting firm that is analyzing the sulfur issue under contract with the Electric Power Research Institute, an arm of the electric utility industry, handled the issue with kid gloves. Greenfield said he had "a professional or technical disagreement" with the CHESS monograph, but no reason to believe that Finklea had distorted the data or analyses (though he acknowledged that he didn't really know for certain). Greenfield was forced to explain to skeptical congressmen how it was that, when he wore his EPA hat, he endorsed the CHESS report and praised it lavishly, yet now that he's carrying the spear for the utilities, he's finding fault with CHESS. Part of his answer was that he has been examining the raw data from subsequent years of CHESS and believes it contradicts some of the initial findings. When pressed, he said he has seen nothing in the data that would undercut the current federal standard for sulfur dioxide, but he expressed doubts that sulfates are as hazardous as the CHESS monograph indicated. (The federal government has not yet promulgated a sulfate standard but several states have.) For the most part, Greenfield was unwilling to get very specific about his differences with CHESS pending completion of an analysis by his new firm of the raw data from several years of CHESS. That, he explained, might take a year or two.

While the attack on Finklea largely failed to materialize, a battalion of witnesses from EPA—ranging from agency director Russell Train down to the foot soldiers who had worked on the CHESS report—marched into the fray to defend both Finklea and the program against what one called "public character assassination" in a "sensational article." The thrust of their combined testimony was that:

Finklea did indeed revise, or require the original authors to revise, some of the papers that went into the monograph. This was partly to establish uniformity in data presentation and partly because some of the first drafts contained incomplete analyses.

In the process, there were instances where Finklea left out qualifying statements, but this does not appear to have been systematic and there is no evidence he sought to distort the data.

Some of the original authors were unhappy at the time with Finklea's editorial changes, and their unhappiness was exacerbated by pressure to meet short deadlines as Finklea lashed his troops to complete the project. (The L.A. Times described "lasting scars" on scientists whose marriages were broken, whose careers were threatened, or who became "psychotic" under the pressure.)

The complaints of the original authors, and much of the criticism by other scientists cited in the L. A. *Times* article as well, were directed at a *draft* of the monograph prepared by Finklea. Subsequently Finklea was promoted to another post in EPA, the draft was widely circulated for review and criticism, and it was revised by Finklea's successors before final publication. The reviewers' comments were no more critical than is normal for such an exercise, which is meant to elicit criticism. Most participants believe the final document is a valuable piece of work whose overall merit far outweighs any disagreement they may have over specific details of interpretation.

The document does not slant its interpretations by using only "worst case" or "least case" analyses; rather, it employs a "best judgment" approach. Although some reviewers complained that the draft emphasized results indicating an adverse health effect, other participants believe there are factors in the CHESS approach which could cause *underestimation* of health effects.

Even if one assumes the worst about CHESS, that does not call into question EPA's regulatory program for sulfur oxides, which is based on a broad array of studies and analyses. The national ambient air quality standards for sulfur dioxide were set before the CHESS studies even began, and the emission standards for power plants are based on the ambient standards, not on CHESS. CHESS has indeed been cited to support EPA's case for controls on power plants converting from oil or gas to coal, and to buttress EPA's opposition to the use of dispersion techniques to control pollution—but it is only one among many supporting studies.

CHESS is only one. In some cases, CHESS was not even a factor in establishing federal standards.

By the end of the long day, Finklea had emerged with his reputation largely restored. Even those congressmen who asked the most hostile questions stressed that they were not questioning his integrity. But the avalanche of support for Finklea proved disquieting to some. Witness Buechley claimed that some EPA scientists who had been critical of CHESS in conversations with him [and presumably with journalist Rood as well] sang a different tune when called upon to testify. Rood, who attended the hearing, declined to comment afterward but gave no indication he does not stand behind his original piece.

Some congressmen said that, in exonerating Finklea, they did not intend to endorse EPA's sulfur oxides program. They noted that the CHESS monograph had been prepared in a great rush while the agency was facing a legal challenge to one of its sulfur dioxide standards—not necessarily the best environment for objective analysis. Moreover, the allegations of distortion had been largely investigated by the agency itself. Representative Barry M. Goldwater, Jr. (R-Calif.) has requested additional investigations, and he said at the hearing that Congress should examine whether EPA's research function should examine whether EPA's research function should be separated from the regulatory process. But chairman Rogers, probably the most influential House member in air pollution matters, indicated that such further scrutiny will not necessarily weaken the antipollution fight. In a day that was largely devoted to examining charges that sulfur oxides regulations have been made too stringent, Rogers managed to extract some testimony which indicated to him, at least, that the standards may not be strict enough.

FEA MUST BE ABOLISHED—CONGRESSWOMAN PATRICIA SCHROEDER

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. FITHIAN. Mr. Speaker, the House will soon have the opportunity to determine the future of the Federal Energy Administration, one of the fastest growing bureaucracies in Washington.

The easiest course of action regarding the FEA would be to simply extend the Agency's temporary mandate as the administration and the House Commerce Committee have suggested. Indeed, rubber stamping the proposal to continue the FEA would be something of a traditional response to a bureaucracy's desire to perpetuate itself.

The House of Representatives has many fine traditions, traditions which should be cherished and perpetuated. Assisting in the entrenchment of temporary agencies is, however, not among them. This tradition has, over the years, led to an enormous growth in the Federal bureaucracy and corresponding increase in the Federal budget.

The more difficult yet more responsible course of action would be to reconcile the necessary functions of the FEA to permanently constituted agencies of Government already possessing the necessary administrative personnel and expertise, rather than permanently authorizing yet another layer of bureaucracy. The savings to taxpayers would be substantial.

Representative PATRICIA SCHROEDER, in testimony before the Senate Appropriations Committee on April 8, 1976, presented an admirable overview of the case against extending the FEA and offered responsible alternatives to FEA extension. For the benefits of those who did not have the opportunity to review the testimony, I insert it in the RECORD.

STATEMENT OF CONGRESSWOMAN PATRICIA SCHROEDER BEFORE THE SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES OF THE SENATE COMMITTEE ON APPROPRIATION

I am pleased to be here to offer my statement to the subcommittee. My comments are directed at the Federal Energy Administration. I urge your subcommittee to consider an alternative to the FEA budget request. Assuming the Federal Energy Administration Act of 1974, which expires June 30, 1976, is not renewed by either the House or the Senate, Sections 9 and 10 of the Act permit a reversion of FEA functions back to the executive departments and agencies from whence they came.

Since there is a good possibility that the FEA law will not be renewed—an effort to that end is already underway in the House—I think the subcommittee should seriously consider funding only those FEA functions that were detailed over from other departments and agencies back in 1974 and which will revert back should the FEA expire on June 30.

And even these functions should be scrutinized. Some perhaps can be eliminated altogether. Others, while still needed, may be overstaffed and overbudgeted by FEA, and should be trimmed. The FEA is not known for its conservation of tax dollars.

Only the House Subcommittee on Energy and Power of the House Interstate and Foreign Commerce Committee has held hearings on the FEA renewal. These hearings have not been completed—with the deadline for reporting the authorization bill under the Budget Act so close at hand, the expiration of the FEA is a real possibility. I also believe it is the only possibility which deserves serious consideration.

I am of the opinion that the FEA should go when the present law runs out this June. I am doing all I can to that end, including making my views known to this subcommittee and others in the House and Senate who have to deal with the FEA.

I think that ending the FEA will make a great bicentennial gift to the taxpayers of this nation.

There is a great fear that some terrible disaster will befall the nation without the FEA—that our energy policy will fall apart. But such is not the case.

Congress in its wisdom placed reverter clauses in the original FEA authorizing legislation and in all subsequent FEA legislation which would redelegate FEA duties and functions back to the departments and agencies from whence they came. The FEA's top-heavy, bloated administrative and public relations functions would be eliminated entirely.

You really wouldn't know that the FEA could revert if you listened to the Administration and the FEA. Faced with a June 30 expiration date and mandatory language in the FEA act stating that he must submit a report to Congress on whether or not he wants FEA renewed, as well as what he plans to do if it isn't renewed, the President sent to Congress on February 16, 1976, a month and a half late, a brief one page letter saying it seemed to him it should be renewed. This is a far cry from what the law requests. I have written to the President regarding this action and would like my correspondence included at the end of my statement.

Faced with a June 30 cut-off of his job, FEA Administrator Frank G. Zarb talks in his budget submission to your subcommittee of "the next decade" at the FEA, and that "FEA's fundamental mission now and in the future will be to formulate energy policies that will most effectively solve . . . " the problems of America's energy shortage. This is a far cry from the short term intention of Congress.

The FEA began in 1974 as a group of employees transferred from other agencies. Section 6 of Public Law 93-275 made the primary transfers: from the Department of the Interior, the Office of Petroleum Allocation, the Office of Energy Conservation, the Office of Energy Data and Analysis, and the Office of Oil and Gas. The Energy Division was transferred over from the Cost of Living Council—an agency I need remind no one, which has already vanished from the scene.

Let me list the current set-up at FEA:

1. Executive direction and administration.
2. Energy policy and analysis.
3. Regulatory programs.
4. Energy conservation and environment.
5. Energy resource development.
6. International energy affairs.
7. Strategic planning and storage.

Mr. Chairman, the President and the FEA themselves apparently have not faced the question of where these various operations would go. But I have: the following proposal would do the trick.

First, the Department of the Interior can take back the functions it previously held—these would be energy resource development and energy policy and analysis. As Interior already has its Bureau of Mines and its USGS energy data gathering functions, (and does a better job at them than the FEA can do, even though FEA's data is often borrowed from them), I think Interior can continue these functions with ease.

Second, the Department of the Interior should have the new strategic reserve office, as they have long administered public lands and reserves.

Now we are left with the FEA's international office. The FEA act mandates international participation. If there is any reason it needs to be continued, I believe that this small office would also work quite well in the Department of Interior, as its primary function is to offer counsel so that the State Department follows the right course in international affairs affecting energy.

Third, I believe that the Energy Research and Development Administration (ERDA) will, in the long run, be the best location for the FEA's energy conservation and environmental functions. ERDA's technical and scientific stance could easily be broadened to include readily available conservation methods, and the agency is already mandated to perform environmental studies. Right now, FEA's dual mandate—increasing both energy production and energy conservation—is contradictory. FEA is working at odds with itself.

Fourth, Regulatory programs in the FEA are orphans. The Cost of Living Council is dead. But the Department of the Treasury is experienced in regulation. In fact, the FEA's regulatory functions were set up by Treasury personnel transferred in for that purpose. There is no reason why regulatory programs cannot be sent over to Treasury.

Fifth, The so-called Executive Direction and Administrative functions, some $31 million and 1000 employees, should disappear. Too much time, money, and personnel at FEA are invested in self-promotion.

I recognize that the departments and agencies to which I suggest transfer of FEA's function have not been known as the most consumer-oriented. The Department of the Interior is often accused of being in bed with the major oil companies. The Department of the Treasury is well known for its kowtowing to the major oil companies on the foreign tax credit agreement. The ERDA is thought to be too nuclear-oriented.

But, for whatever draw-backs my proposal might have, I firmly believe it will, in the long run, prove far more effective than the FEA. It's not often that the American Petroleum Institute, the Ralph Nader groups, and the environmentalists all gang up on one agency. But indeed, the FEA has been subjected to such criticism. Given more life, the FEA would become the worst ogre we have ever created.

Even if the subcommittee does not agree on the need to abolish the FEA, it ought to seriously scrutinize the FEA's budget requests by function so that we will have better data for our debate on the agency's future.

MRS. DARLENE KORAN, HAWTHORNE, CALIF., CHAMBER OF COMMERCE'S "MOTHER OF THE YEAR"

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. CHARLES H. WILSON of California. Mr. Speaker, it is my great pleasure today to pay tribute to Mrs. Darlene Koran, known to her friends as Dottie, who is the Hawthorne Chamber of Commerce's Mother of the Year.

Let me say at the outset, that in order to win the accolade of "Mother of the Year," a woman must be more than a mother; she must also be a woman who has contributed in various ways to the quality of life of her community; and a woman who has served her friends and neighbors with untiring devotion.

In short, she must be one of those rare, and, if I may say so, noble individuals, of whom any town or nation can be proud. Such a woman is Mrs. Koran. Let me give you a brief synopsis of her accomplishments:

She has worked countless hours in snack stands at Little League baseball games and Pop Warner football games; chauffered boys to ball games, sold advertising in programs, helped with church bazaars, fashion shows, book fairs, and bake sales. She has gone to campouts with her Girl Scout daughters, kept everybody accounted for on vacations in the mountains, and been an inspiration to her children, and a good wife to her husband.

Our Mother of the Year has lived in Hawthorne for 25 years, and every one of her 12 children were born here. Every one has attended St. Joseph's School, and the older ones are either attending or have graduated from Leuzinger High School.

Of the four who have graduated, the three girls are working locally and the other, a boy, is in the Army. And this Mother of the Year is also a grandmother.

Let me read you some excerpts from the letter which won for her the 1976 Mother of the Year award. It was written by her oldest daughter, Margie, who is 21:

> In behalf of eleven brothers and sisters and myself, I am submitting this account of the love and regard we have for our mother. An ordinary day for Mom begins at about 5 A.M. and ends around 1 A.M. Preparing Dad's breakfast and lunch is first on her list of duties to be performed, followed by rousing sleepy young-uns either for school or work. By the time they all show up shiny bright, lunches and books are ready for distribution. Mom's day has only begun.
>
> Everything pertaining to our home must be in order before outside activities can be considered. We, ourselves can imagine what it would be like to face twelve loads of laundry, sewing, patching, and mountains of ironing. Would you believe Mom's favorite hobby is the yard work? Did my brothers ever luck out! . . .
>
> We are very certain that Mom has a real love for children. She has changed 48,384 diapers and this does not include the care she has given her grandchildren.

Let me close by saying that I am extremely proud to have Mrs. Koran as one of my constituents in the 31st Congressional District and I would like it to be recorded that the debate of this Congress was briefly suspended so that we could pay tribute to her, Hawthorne's Mother of the Year.

NEW APPROACH

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. VANDER JAGT. Mr. Speaker, I have recently introduced new legislation, H.R. 13678, which I am convinced will help to speed up the delivery of Alaskan natural gas to Midwestern States, including Michigan.

The legislation instructs the Federal Power Commission to approve the construction of a pipeline from the North Slope of Alaska, via the present oil pipeline corridor, to Fairbanks and then following the Alaska-Canada highway through eastern Alaska and southeast through Canada to the U.S. border.

This route would be the least expensive according to the Department of the Interior and Federal Power Commission preliminary studies. It would stand the best chance of early completion because previous environmental reviews have already essentially resolved related issues.

Alternatives to this route being considered by the FPC include a pipeline through the Arctic National Wildlife Preserve in northern Alaska and then through Canada which is strongly opposed by environmental groups, and a trans-Alaska pipeline to a southern Alaska port for gas liquefaction and shipment by boat to west coast States. Judging from the surplus of oil now being anticipated on the west coast when the Alaskan oil pipeline is in operation, it makes little sense to talk about even more fossil fuel ending up in that area in the form of Alaskan natural gas.

Several companies have filed with the FPC for construction of Alaskan natural gas transportation facilities. An FPC decision combining parts of several of the proposals would coincide with my legislation and be best for Michigan. Construction of the pipeline would take about 5 years and cost roughly $6 billion.

Senate and House Committees are holding hearings now or will begin consideration shortly on this issue. I am confident that careful consideration will result in both the most economical and the most environmentally sound route for a pipeline to the Midwest where the gas is needed for homes and industry.

NEW BISHOP NAMED TO HEAD LONG ISLAND DIOCESE

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. AMBRO. Mr. Speaker, I would like to bring to the attention of my colleagues the elevation of Bishop John McGann to Bishop of the Roman Catholic Diocese of Rockville Centre on Long Island.

Bishop McGann has earned a reputation for involvement and participation with Diocesan priests, nuns, and brothers in the decisionmaking process during his 5 years as Auxiliary Bishop of the sprawling Rockville Centre Diocese, which includes Nassau and Suffolk Counties.

No stranger to the Diocesan administration, Bishop McGann has worked in the Chancery Office since 1969. Shortly after being named Auxiliary Bishop, Bishop McGann was named Episcopal Vicar for Suffolk County and moved to Brentwood. During that time, he visited every parish and church institution in the county, talking and consulting with clergymen and parishioners.

Bishop McGann was born in Brooklyn and studied for the priesthood on Long Island before being ordained in 1950. A man of great personal charm and warmth, Bishop McGann is expected to stress consultation and "co-responsibility" with parishioners in church affairs.

Our new Diocesan leader is a talented, highly motivated clergyman and eminently qualified for the august position to which he has been called. I am looking forward to working with him on both the local and national levels.

I would like this Chamber to join me in extending to Bishop McGann our congratulations on his new position and most sincere best wishes for unparalleled success.

"BETTER HEARING AND SPEECH"

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. FASCELL. Mr. Speaker, May is "Better Hearing and Speech Month" and it is appropriate that we recognize this subject's importance to millions of Americans.

The ability to communicate is our most human characteristic. When a person cannot communicate, isolation from friends, family, and society often occurs.

Yet nearly 10 million Americans, or 1 out of every 20 persons, suffers from some type of speech or language disorder. Some 14 million Americans have a hearing impairment.

Individuals with such problems may encounter isolation in vocational, social, emotional, and educational areas. For example, adults with speech and language disorders may find it difficult to gain employment or may be forced into less satisfying jobs, because of their inability to communicate effectively. School children may experience difficulties in learning because of such a problem. The onset of a hearing impairment at birth or during infancy may result in severe delays in the development of speech and language.

According to the American Speech and Hearing Association, the answers to the following questions will indicate signs of disordered communications:

First. Is the individual's speech and/or language so different from others of the same age, sex, or ethnic group that it attracts unfavorable attention?

Second. Is the individual's speech and/or language difficult to understand?

Third. Does the individual appear to have difficulty hearing or understanding speech?

Fourth. Does the individual avoid communicating with others because he is self-conscious about his speech, hearing, and/or language ability?

If the answer is "yes" to any of these questions, a thorough evaluation by a speech pathologist or audiologist is needed to determine the individual's communications strengths and weaknesses. After a complete evaluation is obtained, the speech pathologist or audiologist will be able to provide or recommend a program—if required—to meet the specific communication needs of the individual.

Speech and language pathology and audiology services are provided in many public and private schools, community clinics, hospitals, rehabilitation centers, private practices, health departments, colleges and universities, industries, and State and Federal governmental agencies.

During the month of May I hope that full recognition will be given to the important work being done by those in this field and to the need for our full support of their activities.

THE NEED TO GO BACK TO THE BASICS IN EDUCATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. CRANE. Mr. Speaker, although we are spending more money on higher education today than ever before the unfortunate fact is that standards in our high schools, colleges, and universities are rapidly declining. Federal aid and assistance to education has been high in cost, but low in results. The only discernible results show a trend in the direction of lower rather than higher quality.

Previously, a high school diploma meant that students could read at the appropriate 12th grade level. This is not true today. For the class of 1976, only one State—Arizona—will have any statewide competency requirement for a high school diploma. That requirement will be the ability to read at a ninth grade level. In the other 49 States, the only State requirements for high school graduation will be years of schooling.

A recently published study entitled "Achievement Test Score Decline: Do We Need To Worry?" concludes with an emphatic, "Yes."

Sponsored by Cemrel, Inc., a national educational laboratory in Chicago the 160-page study determined that the decline in knowledge and academic skills on the part of American students is real. Through the 1940's, the 1950's, and up the mid-1960's, test scores steadily increased. Since about 1965, scores have been dropping.

One of the reasons for this decline, state authors Annegret Harnischfeger and David E. Wiley, is the change in curriculum. Enrollment in basic high school English courses has declined more than that of any other subject and English test scores have correspondingly gone down most dramatically.

Discussing this unfortunate state of affairs, the Richmond Times Dispatch noted that, "the logical conclusion is that students are not going to learn basic academic skills if they are permitted to duck the tough, demanding courses in which such skills are taught. One particularly startling statistic: From 1970 to 1973, students taking remedial math increased by more than 80 percent, while students taking general math decreased 15 percent."

The kind of "freedom" for students which has been brought about in recent years, the Times Dispatch points out, "could result in a nation populated by illiterates and ignoramuses, a nation that could lose its most precious freedoms by default."

The answer to our educational problems is not more Federal aid, not higher teacher salaries, not more extravagant buildings and facilities. We have had all of these things in recent years and they have gone hand in hand with our declining standards. What we need, instead, is a return to basics and a return to standards.

I wish to share with my colleagues the editorial, "The Basics," as it appeared in the Richmond Times Dispatch of April 5, 1976, and insert it into the RECORD at this time:

THE BASICS . . .

The title of the study is "Achievement Test Score Decline: Do We Need to Worry?" and the answer is yes, we do.

Sponsored by CEMREL, Inc., a national educational laboratory in Chicago, the 160-page study determined that the decline in student knowledge and academic skills, as tracked by a variety of standardized tests, is real. It is not the result of quirks in the tests, or intrinsic flaws in the testing process. Those who insist, comfortingly, that no one should worry, "the kids are smarter than ever," are wrong. We ought to be concerned, we ought to be alarmed, about the sag in skills that are essential to civilized society.

Through the 1940s, the 1950s, and up to the mid-1960s, achievement test scores steadily increased, noted the report's authors, after analyzing data from nine major tests, including the Scholastic Aptitude Test, American College Testing Program, and the Iowa Tests of Educational Development. But since about 1965, scores in many subject areas—English, writing, literature, vocabulary, reading, social studies, mathematics, and natural sciences—have been dropping. The declines are "more dramatic in recent years and most evident for higher grades. They are especially pronounced in verbal tests, but hold for nearly all tested areas."

The big question is "Why?" Authors Annegret Harnischfeger and David E. Wiley say there's no sole cause, but they do pinpoint one major factor: changes in the school curriculum.

Declines in achievement scores, they found, paralleled closely declines in enrollment for basic academic subjects. Enrollment in regular high school English courses has declined more than that of any other subject (11 per cent in one two-year period), and English test scores have correspondingly taken the greatest plunge. Mathematics is next in decline of both enrollment and achievement, followed by the natural sciences.

Not only are secondary students taking fewer courses in general English and math, but they are signing up for typical college-preparatory courses such as algebra, foreign languages and physics in decreasing numbers. Also, fewer are taking courses in United States and state history, although world history's popularity hasn't diminished.

The logical conclusion is that students are not going to learn basic academic skills if they are permitted to duck the tough, demanding courses in which such skills are taught. One particularly arresting statistic: From 1970 to 1973, students taking remedial math increased by more than 80 per cent, while students taking general math decreased 15 per cent.

The academic nose-dive dates to the mid-1960s; not coincidentally, those were the giddy days when schools around the nation were capitulating to juvenile demands for student "freedom." That kind of freedom, it appears, could result in a nation populated by illiterates and ignoramuses, a nation that could lose its most precious freedoms by default. Schools and colleges ought not hesitate in requiring students to take such essentials as English, math, history, foreign language and science and in allowing selection of "electives" only after foundation requirements have been satisfied.

The report cited in this editorial would make good background for groups interested in restoring high standards to public education. It is available free from CEMREL, 875 N. Michigan Ave., Chicago, Ill., 60611.

MONITORING THE HELSINKI ACCORD

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mrs. FENWICK. Mr Speaker, it was 9 months ago that a delegation of House Members visited the Soviet Union and Romania. You led that delegation and I am sure you know what it meant to all of us to work under your leadership and to have you as our spokesman.

The trip made a lasting impression on most of us who realized, after talking for many hours with dissidents and Soviet citizens wanting to emigrate, that the hopes of these people had been pinned to the implementation of the Helsinki Accord which had been signed just before our arrival.

Congressman YATES and I cochaired an ad hoc committee which met with dissidents and refuseniks and with Jews, Christians and agnostics. Through all of our conversations, the one consistent thread was that the West must not forget the third "basket" of Helsinki Accord, which addresses itself to human rights. We also pursued this theme with Soviet officials, including Secretary Brezhnev, whom we met at Yalta on August 14.

When Congress reconvened in September, I introduced H.R. 9466, which was later introduced in the Senate as S. 2679, believing that it was essential to involve Congress in the monitoring of the Accord. There will be no other such mechanism until the autumn of 1977, when an international committee meets to establish a form for such monitoring. We must follow through on the agreements we have signed. As President Ford said in Helsinki, history will judge the effectiveness of the conference "not by the promises we make, but the promises we keep."

The monitoring commission would embody those principles which, above all others, have distinguished this Nation: our respect for human dignity and for the right of dissent; the importance of the individual; and the freedom to pursue one's own beliefs. I feel strongly that we should emphasize these values in our international relations, Mr. Speaker. This is what America does best: recognizing that we are one human family, across any barriers of distance or dissent.

The establishment of this commission by the Congress would be a step in that direction and would indicate to the world that the United States will continue its dedication to human rights.

Mr. Speaker, in the 8 months since the first Helsinki Commission bill was introduced, I have observed with great interest the lack of enthusiasm on the part of Soviet and Eastern European officials in implementation of the third basket of the Accord.

Just last week, for example, nine Soviet dissidents announced formation of a group to monitor human rights violations in the Soviet Union. This public group to assist the fulfillment of the Helsinki Accord in the U.S.S.R. is led by the renowned scientist Yuri Orlov and the distinguished sinologist Dr. Vitaly Rubin. It intends to monitor violations to Helsinki Accord signatory countries.

As is so often the case, this attempt to hold the U.S.S.R. to its international commitments has been attacked by articles in the Soviet newspapers. Yesterday's New York Times reported from Moscow that Soviet authorities have already moved against this group. Yuri Orlov, for example, was picked up on Saturday and interrogated for an hour. The harassment was further intensified when Tass news agency noted, in an unusual step, that Mr. Orlov has been "officially warned of the inadmissability of his antilaw actions."

Mr. Speaker, I have received evidence from many individuals in the past 8 months that this type of harassment is far from unusual. I have dozens of cases which are clear violations of the Helsinki Accord.

The Commission will help the State Department to speak forcefully for these people in all the countries which are parties to the accord. It will also strengthen European efforts at monitoring compliance. There are many nongovernmental groups which are already active in Europe. I would like to mention a few of them because it is this concerted mobilization of world opinion that is our best hope for realizing the promises made at Helsinki. Some of the European groups concerned with compliance are:

1. The East-West Institute, Van Stolkweg 10, The Hague, Netherlands.
2. Association Européene Pour Une Vraie Détente, 19 Rue Monsieur 75007 Paris, France.
3. North Atlantic Assembly, 3 Place Petit Samlom, Brussels 1000, Belgium.
4. World Council of Churches, 120 Route de Fernay, Geneva, Switzerland.
5. Committee on the Helsinki Agreement, Council of Europe, Strasbourg, France.
6. Institute of Jewish Affairs, London, England.
7. European Cooperation Research Group, 35 Bow Street, London WC2R 7AU. U.K.

Mr. Speaker, in conclusion, I would like to urge my colleagues to support this measure which has been supported by such diverse groups as the National Conference on Soviet Jewry, the Federation of American Scientists, the National Confederation of American Ethnic Groups, the Episcopal Diocese of Washington, the Association of American Publishers and the Veterans of Foreign Wars. The bill has also received wide support in the House, where it now has 96 cosponsors of both political parties and from all regions of the country.

In closing, I would like to pay tribute to the chairman of the subcommittee, Representative DANTE FASCELL, and the chairman of the International Relations Committee, Representative THOMAS MORGAN. Without their leadership and concern, and that of ranking members, Representative BROOMFIELD and Representative WINN, and the help of the committee members, this legislation might never have seen the light of day.

The articles follow:

[From New York Times, May 16, 1976]

SOVIET DISSIDENT WARNED ON RIGHTS UNIT

MOSCOW, May 15.—Soviet authorities today began cracking down on a dissident watchdog group formed three days ago to monitor the Soviet Union's compliance with the human rights provisions of the Helsinki declaration.

Yuri Orlov, the leader of the group, was picked up by three plainclothesmen and driven off for questioning as he walked along a street in southwest Moscow with another group member, Mikhail Bernshtam. Mr. Orlov, a physicist unemployed because of his dissident activities, was released after an hour of interrogation.

WARNINGS ARE EXPLAINED

Within a few hours, the official press agency Tass took the unusual step of confirming that Mr. Orlov had been picked up by the police and had been "officially warned of the inadmissibility of his antilaw actions" in connection with the new group.

Tass, which rarely acknowledges dissident activities, said the warnings were intended "to cut short Orlov's provocative activity as well as to prevent the perpetration by Orlov and persons connected with him of actions punishable by law."

The speed of the reaction by the authorities underscores the Soviet Union's continuing sensitivity on the human rights issue, particularly following criticism in the West that it has not lived up the minimum standards set on humanitarian issues by the 25-state European Security Conference, which wound up last summer at Helsinki.

The Kremlin has denounced Western efforts to monitor Soviet compliance as interference in Soviet internal affairs. It has also responded by accusing the West in turn of violating the human rights of its citizens.

However, the prospect of having Soviet citizens, even dissidents, watching its actions in a formal manner poses a more awkward problem for Moscow. Today's incident suggested that the authorities planned to head off such a threat by treating it purely as anti-Soviet activity, which is a criminal offense under Soviet law.

Mr. Orlov told reporters after his release that the security officers had called the new group illegal and warned that legal action would be bought if its activities continued.

DISCRETING MOVE SEEN

Tass asserted that "it is difficult to qualify Orlov's actions in any other way than an attempt to question in the eyes of the international public the sincerity of the Soviet Union's efforts to undeviatingly implement the international obligations it assumed." It added that the group's formation could also be "another provocation" to undermine detente.

There are nine founding members of the new dissident committee, which calls itself the "Public Group To Promote the Fulfillment of the Helsinki Accords in the USSR."

The other members are Aleksandr Ginsberg, a friend of the writer Aleksandr Solzhenitsyn; Aleksandr Korchak, Vitaly Rubin and Lyudmila Alekseyeva.

Mr. Sakharov himself has not joined but is believed to be a supporter of the group. It was he who informed Western reporters after Mr. Orlov was picked up today.

In its statement several days ago, the new group said it would compile instances of human rights violations and pass them on to the governments and citizens of other countries.

[From the New York Times, May 14, 1976]

Nine Russian Dissidents Unite to Monitor Rights

Moscow, May 13.—Nine Soviet dissidents today announced formation of a group to monitor Soviet compliance with the Helsinki declaration signed last year and to report human rights violations to other countries that signed that document.

The organization, named the Public Group to Assist the Fulfillment of the Helsinki Accords in the U.S.S.R., said in a statement it was concerned with sections laying down basic freedoms of conscience, religion and belief and those providing for greater human contacts and exchanges of information and culture.

The group is led by Yuri Orlov a scientist, and includes Yelena Sakharov, the wife of Andrei D. Sakharov, the Nobel Peace Prize winner, Aleksandr Ginzburg, Anatoly Marchenko and Pyortr Grigorenko.

Dr. Sakharov is not a member of the group, but he told Western correspondents that he supported its planned activities.

The Helsinki declaration was signed last August by the Soviet Union and 32 other European states, along with the United States and Canada.

The statement by the dissident group said it would accept written complaints by Soviet citizens about violation of the accords affecting them personally, and would pass on the complaints in summarized form to heads of governments and the public of other countries that signed the Helsinki declaration.

It will also try to collect information and in "special cases of inhumanity" will appeal to foreign governments to form international committees to try to verify information.

REPRESSION IN IRAN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. HARRINGTON. Mr. Speaker, I recently sent a statement of support to a coalition of student and citizen groups in Baltimore who are attempting to raise public awareness and concern over the great number of political prisoners in Iran. I am inserting that statement in the Record at this point for the attention of my colleagues. It is regrettable indeed that so little international attention has been focused on this situation in comparison with the cases of, say, Chile and Brazil, where human rights violations are certainly serious but probably not as widespread as those under the Shah.

The statement follows:

Statement by Congressman Michael Harrington for the Joint Session of American Communities to Support Political Prisoners in Iran

I am sorry that I am unable to deliver this message of support in person, because I believe the advancement of human rights is a crucial issue facing the world today. Accounts of torture and brutality by agents of autocratic governments may seem far away to those of us in the United States, but the horror of the situation is all too real for those involved. Our detachment from the situation and the lack of immediate material involvement make this an issue of conscience, one which will only come to prominence through the efforts and dedication of people like yourselves. I urge you all to press actively on whatever levels are available to you for a wider recognition of our obligation to protest violations of human rights wherever they occur. More important, the protests must have more teeth than the expressions of "official dismay" which presently constitute the lion's share of U.S. human rights policy. The influence of our government is much more far-reaching than such feeble indications of concern, and should be brought to bear when possible.

In Iran the situation is particularly grim. Between forty and one hundred thousand people languish in jail for political offenses, hundreds and perhaps thousands have died from torture and execution, and the arbitrary and typically ruthless power of the Shah continues to be employed without restraint. No government resorting to such extremes has a claim on our respect.

I extend my full support to this assembly of the Joint Session of American Communities to Support Political Prisoners in Iran. I hope this can be one of many steps toward a heightened awareness of the gruesome human rights situation in Iran and around the world.

UNEMPLOYMENT IN CONSTRUCTION INDUSTRY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. LEHMAN. Mr. Speaker, as the Nation recovers from the recent recession, it is easy to lose sight of certain sectors of the economy where unemployment is still a major problem. The construction industry in south Florida is just one example.

From the standpoint of the unemployed, there is still a depression. One person who is still feeling the effects of the depressed state of the construction industry is Mr. Pat Byrd of Opa Locka, Fla. Besides being unemployed, Mr. Byrd finds himself faced with the prospect of losing his home because he is no longer able to make the mortgage payments on time. The following is a letter Mr. Byrd recently sent to Secretary Carla Hills. It is a simple but eloquent plea for help. I am sure he is not alone in his predicament, and I urge HUD to use the power it has to provide emergency relief to those for whom the recession is still a reality.

The letter follows:

April 22, 1976.

Ms. Carla Hills,
Secretary, HUD, HUD Building, 451 7th Street S.W., Washington, D.C.

Dear Ms. Hills: My name is Patrick Byrd, I reside at 351 Bahman Avenue, Opa Locka, Florida. I am a Carpenter who has been unemployed for the last fourteen (14) months.

It is my understanding that Congress passed an Act that would assist me, and others in the event of Mortgage foreclosure on my home.

The Mortgage Company is now in the process of foreclosing.

I request your assistance in the implementing of this Congressional Act. Your cooperation is solicited and will be appreciated. Your response is vital to my family and myself. I look forward to it.

Sincerely,

Patrick Byrd,
Opa Locka, Fla.

ADMINISTRATION PROPOSAL ON ADDITIONAL URANIUM ENRICHMENT FACILITIES ALLOWS EXCESS COSTS AND RISKS TO GOVERNMENT—AND RICH REWARDS TO PRIVATE UTILITIES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. EVINS of Tennessee. Mr. Speaker, an editorial published recently in the Nashville Tennessean is critical of a proposal by the administration to allow private ownership of uranium enrichment plants as unwise and ill-advised in that it will result in higher electric power prices for the American consumer and further concentrate the Nation's energy resources in the hands of a few large companies.

The editorial points out that the administration's proposal provides for a Federal guarantee of $8 billion to offset any private losses.

"What is being proposed," according to a scientist quoted in the editorial, "is a rather lopsided partnership between the public and private sectors, in which the risks are public and the rewards are private."

Further, the editorial quotes a report by the General Accounting Office as describing the administration's proposal as "excessively generous."

Because of the interest of my colleagues and the American people in this vital and important matter, I place a copy of the editorial in the Record, herewith.

The editorial follows:

Nuclear Fuel Proposal Gives Away Too Much

The Ford administration's proposal to let private industry in on the government's uranium enrichment monopoly is coming under increasing scrutiny and with good reason.

Last summer the administration made its proposal in the form of the Nuclear Fuel Assurance Act after it was determined that the government's three enrichment plants would be unable to meet the growing demand for nuclear plant fuel.

According to a government study, there is the possibility of a shortage of nuclear fuel by the mid-1980s unless steps are taken to increase production capacity in the near future. To meet such a shortage, two alternatives were put forth: Have the government expand one of its three existing enrichment plants or allow private industry to build a new one.

At present, private companies operate the government's plants under contract, and it was widely expected that if private industry were allowed to own and operate enrichment plants, some of these contracted companies would be among the first to enter the field.

Indeed, one of the partners, Goodyear Tire and Rubber Co., in Uranium Enrichment Associates, operates the government's enrichment plant at Portsmouth, Ohio. UEA, whose other partners are the Bechtel Corp. and the Williams Companies, has proposed building a $3.5 billion enrichment plant at Dothan, Ala., if the administration's bill passes Congress.

Among the key provisions of the Nuclear

Fuel Assurance Act are: a federal guarantee of $8 billion to cover private industry losses if they occur and are beyond industry's control; a presidential pledge that fuel orders placed with the private producers by either domestic or foreign consumers will be honored—even if the government must provide it out of federal stockpiles; and permission for foreign interests to invest in the private ventures provided 55% voting ownership remains in U.S. hands.

Until the administration wrote a bill with such favorable terms for private industry, companies such as UEA were playing it coy. Afterwards, their reluctance vanished—and with good reason. The administration's bill is adequately described by Dr. Barry Commoner, a scientist who opposes nuclear power in general: "What is being proposed is a rather lopsided partnership between the public and private sectors, in which the risks are public and the rewards private."

A Bechtel spokesman admitted that the UEA consortium would probably gross $300 million annually when its plant went into operation. Federal officials estimate that by the end of the century the enrichment of uranium for use in nuclear power plants would be a $9 billion a year business.

The spokesman tried to compare the government's largesse to the Federal Deposit Insurance Corp. "The consortium is buying technology and service from the government, we are simply asking that the government guarantees that it works," the Bechtel official said.

However, the General Accounting Office, which studied the proposal for Congress last fall, characterized the Ford bill as "excessively generous." The report concluded: "Its (the administration proposal) fundamental shortcoming is that it shifts most of the risks during construction . . . to the government." According to the GAO, it would be more in the public interest for the government to continue its dominant role by setting up a corporation that could borrow public funds to construct new enrichment plants.

During congressional hearings on the Nuclear Fuel Assurance Act, administration officials have argued that if the government continues its monopoly, it will cost the taxpayers some $2.8 billion. Mr. Jerome Komes, board chairman of UEA, told the congressmen that the Dothan plant would not cost the taxpayers a cent—if it succeeded.

And, of course, the bill admittedly will cost the taxpayers a very pretty penny if it doesn't succeed.

Moreover, an investigation by the Associated Press indicates that even a successful UEA venture will cost the American taxpayers, directly and indirectly. Jarvis L. Schwennesen, head of a government task force reviewing the UEA proposal, told AP that the administration's claim of a $2.8 billion saving is exaggerated.

Mr. Schwennesen said that, according to the UEA proposal, the government would have to buy $1 billion worth of enriched uranium from UEA and stockpile it to help get the private plant started. In other words, the government will not spend $2.8 billion to increase its capacity and to provide relatively low-cost uranium to nuclear power plants, but it may be forced to lay out $1 billion to subsidize UEA's profits.

Moreover, the nuclear fuel produced by private industry would be more costly than that now provided by the government. To collect its overhead and make its proposed profit margin of 15%, UEA estimates that it would sell enriched uranium at $85 per unit, compared to the government's present average price of $54 per unit.

As Mr. Schwennesen explained it to AP, the government would, most likely, then be forced to raise its price so that customers would buy from UEA. All of this financial juggling, according to AP calculations, would raise nuclear fuel costs some $700 million a year—and the consumers would end up paying it.

That $700 million figure might even be conservative. Mr. Komes told the congressmen, "We are going to have difficulty . . . with our investors . . . in keeping as low as that 15%" rate of return.

Congress can resolve that difficulty very easily—by rejecting the Ford administration proposal and maintaining the government's monopoly on enrichment of uranium.

PERSPECTIVE ON KENNEDY ASSASSINATION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. DEL CLAWSON. Mr. Speaker, perspective, both historical and logical, is an element which appears to be needed in much of the current controversy over the Warren Commission report on the assassination of President Kennedy. An editorial in the Washington Star for Sunday, May 16, I believe supplies some of that necessary element. At this point in the CONGRESSIONAL RECORD, therefore, I commend the editorial to the attention of my colleagues:

THE WILL TO DOUBT

The first serious look at the shortcomings of the Warren Commission report on President Kennedy's assassination came in Edward J. Epstein's interesting book Inquest, which began as a master's thesis at Harvard; and the poking and prodding by various hands—from television networks to law professors skilled in the rules of evidence—has gone on ever since.

To what effect? In our view, none of these studies has shaken, and several tend to confirm, the original conclusion of the Warren panel that Lee H. Oswald, acting alone, shot the President from the Dallas textbook depository. Often assailed, by cranks and conspiracy theorists as well as by the ingenuity of scholars, that theory has stood.

Now we have a suggestion from a subcommittee of the Senate Select Committee on Intelligence—Sens. Gary Hart and Richard Schweiker—that yet another official investigation, this time by the Senate, be undertaken.

The two senators base their recommendation, reportedly, on new information made available to the Church Committee (though not to the Warren Commission) about plots on the life of Fidel Castro.

But the two senators do not agree what questions remain open. Senator Hart harbors "lingering doubts"—not that Oswald was actually the trigger man at Dallas but about "the question, which the Warren Commission did not answer, 'Why?'" Senator Schweiker, for his part, has more substantive doubts about the Warren Commission's basic conclusions and says that "six months on this subcommittee reinforce and strengthen those doubts."

This senatorial disparity can only be explained, we suppose, in one of two ways: Either the two senators interpret the same new body of information differently, or Senator Schweiker has seen evidence that Senator Hart hasn't seen. The latter supposition seems improbable, so that we are really back to a familiar problem that has dogged the Warren Commission report all along. As the Commission initially said, you can't prove a negative to a certainty.

If this is the problem that bothers Senator Schweiker, it is not a new one, and it is difficult to believe that still another official report would dispel it.

In fact, you can make a good case that the more the assassination is investigated, the more entrenched public skepticism becomes. The two senators are going to write a report which the full Church Committee will then either suppress or make public. If released, as it should be, that report may reveal how two senators can start from the same information and reach entirely different orders of doubt. But we suspect that the net effect of the exercise will be to emphasize, again, that with a limited body of fact different investigators will draw different inferences from it. That has been the heart of the mystery all along.

Some of us, that is, want to believe the simplest conclusion consistent with the given evidence, while some of us want to believe the most complex conclusion not inconsistent with it. Given that basic difference in human temperaments, we'd wager that there will always be a mystery in the Kennedy assassination for those who want to find it there, regardless of the depth and frequency of the investigations. But that is not to say that the mystery exists independently of the will to believe in it.

PROJECT ON EQUAL EDUCATION RIGHTS SURVEY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. HAWKINS. Mr. Speaker, the Project on Equal Education Rights—PEER—of the National Organization for Women Legal Defense and Education Fund recently published the results of a survey it conducted of State departments of education. The results show that only nine State education departments are in complete compliance with Federal regulations for ending sex bias in education. The regulations were issued last June by the Department of Health, Education, and Welfare to enable affected agencies to comply with title IX of the Education Amendments of 1972.

Public attention has focused chiefly on the impact of title IX on schools and colleges. However, the law also covers State education departments which have a powerful influence on public education in this country as they are responsible for overseeing public education in each State.

PEER's survey was designed to determine the extent to which these State agencies carried out the five basic steps for eliminating sex discrimination as mandated by title IX. State education departments are required to first, officially designate a coordinator to see that the activities of each department comply with title IX, including the investigation of sex discrimination complaints; second, notify all employees, students, and any other affected groups of the name, address, and telephone number of the coordinator; third, notify all employees and students under its jurisdiction that the department does not discriminate on the basis of sex, and inform them of their rights under title IX. Initial notices were to have been published by October 1976; fourth, conduct a thorough review—self-evaluation—of its own policies and practices to determine if such policies comply with title IX; fifth, establish and publish grievance procedures for resolving sex discrimination complaints.

The PEER survey of 51 State departments of education—including the District of Columbia—revealed that 80 percent of the State departments of education are in violation of at least one of the title IX regulations. I am inserting in the RECORD, for the information of my colleagues, the results of that survey and a copy of a Washington Post article on the PEER survey:

PROBE BY HEW ASKED 41 STATE AGENCIES ACCUSED OF SEX BIAS

(By Eric Wentworth)

Fourty-one state education agencies are violating one or more federal requirements for ending sex bias, a women's rights group charged yesterday.

The Project on Equal Education Rights (PEER) of the National Organization Fund for Women Legal Defense and Education Fund said the agencies had failed to take steps mandate under Title IX of a 1972 education law.

PEER called on the Health, Education, and Welfare Department which issued Title IX rules last June, to investigate its charges and press the agencies to comply.

Among violators PEER said it found in a survey this spring were the Maryland and Virginia departments of education and the District of Columbia school system.

HEW's Title IX rules bar sex discrimination in a wide range of school, college and other education activities from student financial aid and faculty hiring to athletics.

PEER said the state agencies were required to take some initial steps of their own: picking staff members to coordinate compliance activities, reviewing departmental policies and procedures and remedying any problems, proclaiming nondiscrimination policies and notifying employees of their rights, and establishing grievance procedures to handle any complaints.

Holly Knox, PEER director, said the requirements "sound like technicalities." But, she added, "when state officials break the law . . . it affects students and teachers in every school district in the state."

When state agencies fail to set an example by getting their own houses in order, Knox said, it undercuts their efforts to help local school systems comply with Title IX requirements.

PEER said its survey showed that Georgia, Indiana, South Dakota, and Vermont had failed to take any of the required first steps.

Locally, it found that Virginia had failed to pick a staff compliance coordinator and that Maryland and the D.C. school system had failed to publicize properly their identity or how they could be contacted.

PEER said none of the three had adequately publicized their non-discrimination policies by informing every employee in writing, but observed that many agencies appeared confused over what kind of notice was required.

It said its survey also disclosed that neither the D.C. schools nor Virginia had reviewed their own policies. Maryland had failed to establish grievance procedures.

STATES VIOLATING CERTAIN TITLE IX REQUIREMENTS,[1] MAY 6, 1976

[Key: An × indicates a violation; an (*) indicates information not available]

State	Title IX coordinator	Notice of designation	Notice of policy	Self-evaluation	Grievance procedure	Federal fund (thousands)[2]
Alabama	×	×	×			$84,167
Alaska	×	×	×			44,498
Arkansas		×	×			49,219
California		×	×			373,996
Colorado	×	×	×			50,362
Connecticut		×	×	×	×	41,486
District of Columbia		×	×	×		24,828
Florida				×		123,950
Georgia	×	×	×	×	×	101,959
Illinois				×		177,768
Indiana	×	×	×	×	×	65,918
Iowa		×	×	×	×	38,716
Kansas				×		40,003
Kentucky				×		71,499
Louisiana		×	×			86,297
Maryland		×	×		×	79,145
Massachusetts	×	×	×			86,142
Michigan		×				142,627
Minnesota	×	×		×		60,678
Missouri				×	×	73,444
Montana		×	×			19,781
Nevada	×	×	×	×		11,523
New Jersey	×	×	×			$105,764
New Mexico	×	×	(*)	(*)		40,541
New York	×	×				322,898
North Carolina	×	×	×			114,813
Ohio		×	×			136,460
Oklahoma		×	×	×		54,075
Oregon		×	×	×		35,685
Pennsylvania	×	×	×		×	174,181
South Carolina		×	×	×		67,708
South Dakota	×	×	×	×	×	19,613
Tennessee	×	×	×			79,898
Texas		×				229,811
Utah			×			25,602
Vermont	×	×	×	×	×	8,879
Virginia	×	×	×	×		113,725
Washington		×	×			62,531
West Virginia		×		×		33,162
Wisconsin		×	×	×		64,858
Wyoming	×	×	×	×		10,101
Total	18	35	30	21	9	3,448,867

[1] See the regulation implementing title IX of the Education Amendments of 1972 (45 CFR, pt. 86).

[2] Funds allocated by formula to States by the U.S. Office of Education, fiscal year 1976.

Note: Title IX Coordinator: State did not designate an employee to coordinate its own efforts to comply with title IX. Notice of Designation: State did not inform affected groups how to contact coordinator. Notice of Policy: State did not notify affected groups that, as required by title IX it does not discriminate on the basis of sex. Self-evaluation: State has not begun to review its policies and practices for title IX violations. Grievance procedure: State has no title IX complaint procedure.

MISS KAREN IRENE TRIPP RECEIVES RED CROSS CERTIFICATE OF MERIT

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. RUPPE. Mr. Speaker, the American National Red Cross has recently brought to my attention a heartening example of courageous action by a young American. Miss Karen Irene Tripp, of Tawas City, Mich., has been named to receive the Red Cross Certificate of Merit and accompanying pin, for her quick work in saving a drowning swimmer. This is the highest award given by the American Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a volunteer training program offered by the Red Cross in first aid, small craft or water safety. I salute Miss Tripp for fast action, and would like to bring the details of this rescue to the attention of my colleagues by quoting from the Red Cross letter which was sent to me:

On July 19, 1975, Miss Tripp, trained in Red Cross lifesaving, heard her mother say that a swimmer in Tawas Bay was calling for help from about 500 feet off shore. Taking a ring buoy handed to her by her mother, Miss Tripp swam to the troubled swimmer, shouting encouragement and instructions to tread water. After reaching the swimmer, she towed him into shore with the ring buoy, continuing to reassure him. She then assisted others in treating the victim for shock by wrapping towels around his body. Within an hour the victim seemed completely recovered and left the scene. Without doubt, the prompt, unhesitating action of Miss Tripp saved the victim from drowning.

WOMAN VIP'S EXPRESS COMMITMENTS

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. BURGENER. Mr. Speaker, the Women Volunteers in Politics—VIP's—in San Diego County, Calif., have written expressing their commitment to the Declaration of Independence, the Constitution of the United States, and the Bill of Rights. They have asked that I insert this letter in the RECORD.

I hope that my colleagues will find their expression of commitment to the basic documents of our freedoms of interest and include the letter to be reprinted at this point in the Record:

Women V.I.P.'s,
La Mesa, Calif., May 14, 1976.

Congressman Clair Burgener,
House Office Building,
Washington, D.C.

Dear Congressman Burgener: In this Bicentennial year the Women V.I.P.'s (Volunteers in Politics) wish to shout from the rooftops and publicly acclaim our love for and our dedication to those three great documents, the Declaration of Independence, the Constitution and the Bill of Rights.

No other Nation in the world has the Freedom and individual Liberty for its people that these documents give to us. Because, as in our Pledge of Allegiance, we are One Nation Under God.

So let those small groups of troublemakers who wish to change these documents etiher by force or smooth-sounding words, be hereby warned that the Women V.I.P.'s stand ready to protect, uphold and fight for our Declaration of Independence, Bill of Rights and the Constitution.

To this end we pledge our fortunes our lives and our sacred honor.

Approved unanimously at our May 13th 1976 Meeting.

Dorothea K. Benner,
National Legislation Chairman.

BILL TO REMOVE TARIFF ON WOOLS OF 46's GRADES AND COARSER

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. QUIE. Mr. Speaker, I am today introducing for myself and Congressman Karth legislation to remove the tariff on wools of 46's grades and coarser. These wools, which are produced only in minimal quantities, if at all, in the United States, have for many years been free of duty if used in the manufacture of carpets, papermakers' felts, lumbermen's socks and some other products.

This bill would simply extend this same treatment to all other products in which these coarser wools can be used. It is my belief that this legislation will increase the use of the finer wools which are produced in great quantity in this country, by stimulating the manufacture of products in which the finer domestic and coarser foreign wools can be blended. Blankets are an example.

Mr. Speaker, the decline in the use of wool in this country in recent years is a cause of great concern and I am delighted to have the opportunity to make what I am certain will be a contribution to stimulating usage of this fiber.

I want to make it clear that this legislation is not intended to establish a precedent for removal of the tariff on wools finer than 46's, the so-called apparel-type wools. The domestic wool producing industry needs that protection provided by this tariff. It is with this understanding that my bill has the endorsement of the National Wool Growers Association. It is also supported by the American Textile Manufacturers Institute and the Boston Wool Trade Association.

OIL COMPANIES SUPPORT DIVESTITURE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. MIKVA. Mr. Speaker, I would like to bring to the attention of my colleagues an article by the Honorable Philip A. Hart, senior Senator from the State of Michigan, on divestiture of the major oil companies. Throughout his distinguished career of public service, Senator Hart has been one of the Nation's most thoughtful analysts of the impact of monopolistic business practices upon the American economy and the American consumer. In the following article, which appeared in the April 1976 edition of the Consumer Federation of America News, Senator Hart shows the inconsistencies inherent in the arguments of the large oil companies against divestiture, and further shows how those same oil company arguments have been contradicted in statements made in open court by Exxon Oil Co.'s own attorney.

The article follows:

[From the Consumer Federation of America News, April 1976]

Is Breaking Up Hard to Do?

(By Senator Philip A. Hart)

The ad on the television was picture clear: There was the jigsaw puzzle. And the message was that each piece of the oil industry interlocked—just like the jigsaw puzzle. Clearly we were being subtly told that if, heaven forbid, the government should step in and pry the pieces separate from each other, the whole system built up over the years would collapse.

It was an entertaining ad—and to many quite persuasive. Then, one day, Senate Antitrust and Monopoly Subcommittee staffers made a trip to Wisconsin and picked up the transcript of a case in the Tax Appeals Commission—Exxon Corporation vs. Wisconsin Department of Revenue.

At issue was whether the state could apply a formula for taxing the entire operation of Exxon or must tax only the marketing business carried on in the state boundaries.

The key question was: Is Exxon a company so integrated—so commingled—so dependent, one division on the other—that it would be called "unitary"?

If it were decreed "unitary", it would have to pay higher taxes in Wisconsin—and a number of other states.

For those of us who think that this industry can manage quite wrll if broken up into separate divisions, by function, the company's response was instructive.

Exxon—and all the other major oil companies—had lectured the Antitrust Subcommittee for years as to the essential value vertical integration gives to the company.

Mr. Frank Ikard, president of the American Petroleum Institute, told the subcommittee that if divestiture legislation were to separate the functions of the major companies, it: ". . . Would inevitably cause every company, regardless of its degree of integration, to become less efficient than it is now. Each company would have to engage in a lot of costly transactions that are simply not necessary."

But Exxon seemed to tell a different story to state tax authorities.

In the Wisconsin tax case, Mr. Thomas G. Ragatz, counsel for Exxon, said: Our evidence will show that none of (Exxon's) functional departments are integral parties of a unitary business composed of all functions combined; rather it will show that each function is independent and not unitary to, or an integral part of, any other function.

Repeatedly, the company made the argument that each functional division—exploration, transportation, refining and marketing stood on its own feet. Each, it was claimed, was "operated as separate businesses in competition with other oil companies having similar functions."

Thereby, it seems to me, was laid to rest the most reasonable argument the industry has made against vertical divestiture: That somehow we would mess up the efficiencies that come from vertical integration.

If—with the profit motive as their incentive—the companies already have organized into functional units, we can assume this is the most efficient arrangement.

And, it becomes clear that we will not do great harm to the industry by moving these separate functional units out from under the corporate umbrella and into the competitive world.

What the Wisconsin Exxon testimony has done for us is to give evidence that the real world recognizes what the theoretical world preaches—that competition, within a company or outside it, is the best road for all.

It seems a small step to move those "mini-competitive" segments into a world of "maxi-competition".

But, I believe, it is a step that will help energy consumers—and all consumers—everywhere.

THE DIVESTITURE PROCESS

Inevitably the question arises as to how divestiture can be accomplished. How do you go breaking up an Exxon, a Shell, a Phillips? The industry has informed us that it is just about impossible. The fact is, of course, that our financiers, our accountants, our corporate lawyers, and our courts have had decades of experience in handling all of the problems which would arise. Because they do arise almost every day of the week in any kind of corporate reorganization, regardless of whether it comes from court-ordered divestitures (ranging from the 1911 Standard Oil case to the pending divestiture by Kennecott of Peabody Coal), bankruptcy proceedings, voluntary divestitures, and even mergers. The problem in all of them is to do the best possible job of protecting the equities of all parties.

Mergers are not usually thought of in this connection, yet they raise just as many problems of equity as divestitures. The off-again on-again attempt of Mobil Oil to merge its affiliate, Marcor, is a case in point. Will an outright merger fairly treat those Marcor stockholders with roughly $600 million equity in Marcor who have evidently chosen not to sell out to Mobil over the past couple of years? Will the issue of Mobil stock in connection with the merger dilute the equity of existing Mobil stockholders? And how about the debt? Will those investors who hold three quarters of a billion dollars in Marcor debt have more or less security in a merger with Mobil, which has $1 billion of its own long-term debt? Evidently the directors of both Mobil and Marcor are fully confident that these questions can be worked out satisfactorily to most of the investors involved, because they know that the expertise needed to do the job exists.

What are the mechanics of divestiture? The simplest approach is to have the existing integrated companies establish separate subsidiaries in the functions to be divested—production, pipelines, refining, and marketing. The subsidiaries could be sold or spun off. Given the magnitudes involved, the spinoff is the most likely solution, with stockholders in the original company receiving, *pro rata,* shares in each of the subsidiaries. In other words, each stockholder would have the same residual claim to assets after divestiture as he had before. In order to prevent continuation of common control, of course, large stockholders would be allowed a period of time in which to decide which function they chose to retain and to dispose of their stockholdings in the other functions.

General corporate debt can be allocated among the new functional companies on some reasonable basis, such as the corporation's investment in the different functions. Another merger example is useful here. United Gas had 11 separate debenture issues at the time it was acquired by Pennzoil in 1968. These were replaced by comparable Pennzoil issues, with a modest cash reserve established to redeem debentures of investors who preferred not to exchange their old securities for Pennzoil. Incidentally, the whole process was reversed a few years later when Pennzoil was required by the FPC to divest United Gas Pipeline Co.

PENSION RIGHTS PROTECTED

Witnesses in Subcommittee hearings also raised a question about the effect of divestiture on pension rights. Again, this is a problem which arises frequently and is solved on the basis of existing law. Thus, Scovill Manufacturing Co. sold its last metals division for $40 million a couple of weeks ago. The purchase price included $22 million in cash; the balance represented mostly the assumption by the buyer of the unfunded portion of pension obligations for Scovill employees who were transferred to the new employer. There was no problem, in other words, with the pension rights of employees under the divestiture action.

The crunch question, of course, is: Can the affected companies make reasonable and equitable allocations of assets, liabilities and net worth necessary to accomplish divestiture? The answer has to be yes.

Three majors—Gulf, Sun, and Continental—have already done so internally. They have reorganized their corporate structures to provide separate functional subsidiaries, including production, refining, marketing, and transportation. These are separately-incorporated subsidiaries, each with its own income statement and balance sheet, in which the sole stockholder is the parent. Divestiture by these companies simply requires that the parent dispose of its stock in the subsidiaries affected by the legislation.

The same thing can be said generally for pipeline divestiture. Nearly all pipelines are separately-incorporated entities with their own company owners as shareholders.

But how about the production, refining and marketing operations of other majors? Here we may rely on the testimony of Exxon's witnesses in its case against the Wisconsin Department of Revenue, as mentioned earlier.

One of Exxon's expert witnesses was the managing director of Arthur Andersen's Houston office, which audits the books of a number of integrated companies other than Exxon. On the basis of 28 years' experience, the witness testified that "all [integrated] companies use the functional profitability independence for measuring the performance of their various operations." He responded affirmatively to a question by Exxon's counsel as to "whether these functional departments in such companies are generally treated as independent businesses."

The point of this is clear. There are already in place the accounting and financial data necessary to permit the rapid development and implementation of any divestiture plan which should be required by Congress.

U.S.S.R. AND EGYPT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. ROSENTHAL. Mr. Speaker, on March 14 Egyptian President Sadat called for the abrogation of Egypt's treaty of friendship and cooperation with the Soviet Union. This action, regarded by many observers as a climax to the rapidly deteriorating relationship between the two countries, seemed to some to signal Sadat's desire to adopt a foreign policy decidedly more pro-Western and pro-American.

Fresh on the heels of Sadat's announcement, the Ford administration informed Congress of its decision to sell six C–130 combat transport planes to Egypt and to provide training for Egyptian personnel in U.S. military schools. This decision, the administration claimed, was based largely on Egypt's desire to work more closely with the United States, and its decision to repudiate previous policies of close cooperation with the U.S.S.R. in the political, economic and military fields.

Despite efforts in Congress to stop the arms sale, the transaction will be carried out amidst administration assurances that there will be no further arms sales to Egypt this year and this deal constitutes no precedent.

As I already indicated, the administration's justification for the arms sale was based largely on Egypt's decision to turn away from Moscow and pursue friendlier relations with the United States.

At the time, I expressed skepticism over what seemed to be an exaggeration of the extent of the Soviet-Egyptian fallout. Despite official claims to the contrary, intelligence reports show Soviet arms shipments to Egypt did not halt after the Yom Kippur War. Moreover, nearly all of Egypt's losses in the 1973 war were replaced by the Soviets, and it is widely believed that Egypt is continuing to receive additional Soviet weapons, directly or through Eastern European countries.

In an earlier statement in which I spoke out against arms sales to Egypt, I quoted from a monograph entitled "Soviet Arms Aid in the Middle East," published by Georgetown University Center for Strategic and International Studies. An important and even prophetic section in the article states:

> Despite the recent vicissitudes in Soviet-Egyptian relations and Cairo's probing for U.S. and Western European arms, it still appears that some type of working arrangement will be maintained between Cairo and Moscow. Both sides have too much at stake to accept a complete split.

It is becoming increasingly apparent from recent press reports that both the Egyptians and the Soviets are going out of their way to avoid a "complete split." To many observers, the Moscow-Cairo rift is more analogous to a lovers' spat or even a trial separation than to a divorce, as the administration would have us believe. Recent actions by both sides clearly indicate that a mood of reconciliation surrounds present Soviet and Egyptian attitudes.

Sadat's May Day 1976 speech in Suez spoke of the Russians in a conciliatory tone, saying:

> We do not wish to enter a battle or escalate a battle with the Soviet Union.

Furthermore, his decision to back away from a threat to publish a list of grievances against the Russians also comes out of an apparent desire to play down Egypt's differences with Moscow. Other recent developments include:

The signing of a new trade agreement after several months of delay,

A Soviet delegation expected in June to discuss a long-term commercial accord,

Instructions to the Egyptian press to modify the anti-Soviet tone of its recent articles, and

Continued Soviet use of naval maintenance and supply facilities at the port of Alexandria.

Likewise, the Soviets appear to be trying to "minimize the damage" of their break with Mr. Sadat. Common diplomatic ground was reached when the Soviets called for a resumption of the Geneva Peace Conference, and Egyptian Foreign Minister Fahmy met recently with the Soviet Ambassador to Cairo, their first meeting since the friendship treaty was abrogated.

If the present pattern of reconciliation in Soviet-Egyptian relations is not the beginning or a continuation of an arms supply relationship, it has certainly placed their relationship on firmer ground.

Very careful attention should be given to the future shape of Soviet-Egyptian relations and the manner in which they could and should affect American-Egyptian relations, the balance of power in the Middle East and the achievement of an overall peace settlement.

SORRY CHARLIE!

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mrs. MEYNER. Mr. Speaker, the purse seine method for tuna fishing, which kills hundreds of thousands of porpoises each year, has been ordered halted within 2 weeks by a May 12 U.S. District Court order. I applaud the wisdom of the court in ruling that the interests of the tuna industry, important as they are, must be served only after protection of the animals is assured.

Although the purse seine method was an eminently successful response by our tuna companies to the Japanese challenge of the 1950's, it was disastrous for porpoises. This is well known. I am sure that many of us have received stacks of mail from children as well as adults voicing deep concern about the rapidly dwindling numbers of this friendly, intelligent mammal. Young people of all ages who loved Flipper and who flocked to see the "Day of the Dolphin" could not bear to think of these creatures trapped in nets, drowned by the hundreds of thousands, wasted. A can of tuna hardly seemed worth that price.

One seventh-grade correspondent of mine said:

> Instead of writing me back, talk to somebody, have a meeting with somebody. If you don't do something about it, I will try to.

I urge the House of Representatives to pass legislation in support of the District Court decision. I hope to be able to reassure the children, especially, that Congress has "had a meeting" about the porpoises.

AN OUTSTANDING EDUCATOR DESERVES RECOGNITION

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. SANTINI. Mr. Speaker, I am pleased to join with other proud Nevadans in honoring Dr. John S. Wright upon the occasion of his retirement from the Department of History of the University of Nevada, Las Vegas, on May 15, 1976. Through his 20 years of distinguished service, Dr. Wright has made numerous contributions to the field of education and our understanding of American history.

To convey to you the importance of the accomplishments Dr. Wright has made, I would like to make available to my colleagues the following tribute, by Mr. Gary Roberts, to be published in the June 1976 issue of the "Nevada State Historical Society Journal."

Dr. John S. Wright, a member of the faculty of the University of Nevada, Las Vegas, since 1956, and an individual who must be ranked as one of the "founding fathers" of that institution, is being formally honored May 15, 1976, on the occasion of his retirement. His many friends, students, and admirers are sponsoring a reception and banquet for Dr. Wright in recognition of his manifold contributions to the State of Nevada, his community, and to the university which he has helped to develop since its inception.

After serving in World War II and being awarded the Bronze Star, John Wright completed his doctorate in history at the University of Chicago in 1946. He taught for 10 years at Illinois College, moved to Las Vegas in 1956, and became the first professor of history and chairman of the social science division during the vital developmental years of UNLV. In the late 1950's and the 1960's, Dr. Wright served on most of the key committees which worked out the plans and the policies which eventually led to the emergence of UNLV as an increasingly autonomous institution within the University of Nevada system. His patient and skilled negotiations often served to lessen the tensions between the growing southern institution and its allied university in Reno. In addition, Dr. Wright remained active as a research scholar, and the University of Nevada Press in 1970 published his monograph "Lincoln and the Politics of Slavery."

As one of his colleagues has remarked,

> In describing John Wright, the great problem is that it is difficult to avoid sounding like an insincere panegyrist when one is merely noting a few of his more obvious qualities.

As a teacher, he has been noted for his thorough preparation and deep knowledge of American History, for his patience and fairness, and for his firm belief that students should not be treated as numbers, but rather as individuals. Dr. Wright's administrative approach is widely—even fondly—remembered, for he pursued his tasks with a sense of humanity and not with a proclivity for bureaucratic manipulation and insensitivity. A quiet and self-effacing man, he provided leadership and inspiration for his colleagues purely by the moral force of his example as a Christian gentleman.

One cannot easily summarize the character or the influence of John Wright. Those who have known him and who have been privileged to have been his colleagues will agree that there is an intangible, ineffable quality to the man—a compound of gentleness, tolerance, patience, and good will. The final tribute, then, must be to John Wright the man—a fine teacher, a devoted scholar, and a gentleman of dignity and great worth.

THE NATURAL GAS BILL COMPROMISE (?)

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. HARRIS. Mr. Speaker, as my colleagues are aware, a natural gas deregulation compromise has been offered in the Senate. The lead headline of the May 14 Oil Daily, the newspaper of the energy industry, was "Gas Dereg Bill Would Bring Higher Prices." What sort of a compromise is that?

The whole issue in this controversy is whether we should burden the consumer with higher natural gas prices to try to resolve energy supply problems. Even the American Gas Association in an April report admits that "if field price controls are eliminated—most forecasters predict that in the mid-term period of 1985 to 2000, domestic natural gas production will not satisfy the market demand." I think that these are optimistic predictions. In my opinion, the elimination of price controls and tripling the price of natural gas will not significantly increase gas supplies even in the short run. This approach is unfair to the consumer and it will not resolve our gas supply problems.

Further, high-priced natural gas is going to fuel inflation—not provide energy for the American people.

THE NEWS MEDIA AND THE CIA

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. KASTENMEIER. Mr. Speaker, Charles Seib is not only one of America's invaluable columnists; he also serves as an ombudsman, watchdog, and in-house critic of the press which makes him a unique and much-needed individual.

In his May 14, 1976, article in the Washington Post, Charles Seib discusses the matter of CIA infiltration into American journalism and the foreign media. As chairman of the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, I am naturally interested in and have dealt with legislative and constitutional questions involving the press. Thus, I am particularly sensitive to the issue raised by Charles Seib.

There has been a relative lack of investigative zeal on the part of the press in making revelations about the CIA use of the press. One can only draw the conclusion that the American press cannot always be relied upon, particularly when it cannot do the right thing respecting itself. The press, in this instance, has unfortunately subordinated the public's right-to-know to its own self-interests. The Seib article correctly states the inherent problem in this situation—one cannot be part of the national security police state apparatus and still claim to serve the free press.

Mr. Speaker, we need a complete disclosure of those in the press who have served as agents of the CIA and their activities undertaken on behalf of the CIA. I commend the Seib column to my colleagues and I strongly urge that they take the time to read it:

SPIES UNDER MEDIA COVER

(By Charles B. Seib)

The American press treasures its freedom, and is quite willing to use its muscle when it perceives a threat to that freedom. A current example of such a reaction has been the massive media battle against the so-called Nebraska gag order, which is now before the Supreme Court.

Yet the news business has been strangely undisturbed by a threat to the whole idea of a free press posed by some of its own in cahoots with the CIA. The attitude seems to be: If we pretend that this little internal scandal doesn't exist, maybe it will go away. But it keeps coming back.

Its latest manifestation was in a report of the Senate intelligence committee. The report, issued April 27, revealed that until early this year the CIA had undercover "relationships" with about 50 percent journalists or employees of American media organizations, and that more than half of those relationships still existed when the report was written.

The report also noted that more than a dozen U.S. news organizations and publishing houses have provided cover for CIA agents abroad, most of them knowingly. These disclosures came on the heels of earlier ones with different figures but the same message.

In January a leak from the report of the House intelligence committee revealed that the CIA had 11 full-time secret agents working as journalists overseas last year. It revealed also that 12 television, radio, newspaper and magazine companies provided cover for these agents.

And back in 1973, William Colby, then the CIA director, let it be known that the CIA had three dozen American journalists working abroad, some of them as fulltime agents.

Each disclosure has brought an almost-promise from the CIA that it would mend its ways. The most recent one came last February from the present CIA director, George Bush. He said his agency would not "enter into any paid or contractual relationship with any full-time or part-time news correspondent accredited by any United States news service, newspaper, periodical, radio or television network or station."

That seems fairly definite, although there may be some sleepers in it—that word "accredited," perhaps.

The Senate committee, which noted that it received only limited information and no names on the CIA's use of the media, says that covert use of staff members of general circulation U.S. news organizations "appears to be virtually phased out." But, assuming that appearances can be trusted, there is plenty of room for relationships with freelancers and stringers and with staffers of other than general circulation organizations.

In the face of the disclosures, the press has shown little of the investigative zeal so in fashion these days. After the leak from the House report, there was an effort to shake the names loose, but the CIA stonewalled and the effort soon died. And the cloud of suspicion continued to hover over the heads of all American journalists overseas.

I have seen just one specific result of the Senate report: The executive board of the National Conference of Editorial Writers passed a resolution opposing the clandestine CIA employment of any journalists, American or foreign, and noting the polluting effect of CIA material planted in the media anywhere in the world.

It also called on the CIA to release the names of American journalists employed by it now or in the past.

So what should be done? The editorial writers are right. The names of the journalists and the news organizations that have engaged in covert operations with and for the CIA should be disclosed. I am referring to the journalists who have accepted payment from the agency and the organizations that have permitted CIA operatives to use them for cover or who have permitted their own people to work for the agency.

It should be noted that many journalists have contact with the CIA, as they do with all the other agencies of government. These contacts, and even the occasional trading of information such as constantly goes on between reporters and sources, are not what we're taking about here. We are talking about the deliberate subversion of the news business for the CIA's espionage and propaganda purposes.

Publication of names would solve part of the problem, but not all of it. The CIA apparently views the use of foreign media for propaganda and other purposes as a proper agency function. But this corruption of the foreign press has a fallout effect in this country. Inevitably some of the material CIA plants overseas trickles back to Americans in the form of wire service dispatches, special articles, reprints from foreign publications and the like.

So in addition to publicizing the names of American journalists and news organizations involved covertly with CIA, consideration should be given to ending the agency's use of foreign media as well. A presidential order would do the trick.

Even without the fallout problem, we should reject the idea that all will be well if the taint of CIA can be removed from American journalism.

The concept of a free press is not the special property of Americans. In the perfect world that lies too far beyond the horizon, all people will enjoy its benefits.

That millennium is a long, long way off. But is it right for an agency of the American government, of all governments, to work against it by subverting the foreign press? And is it right for the American news business to fail to oppose such activities tooth and nail? To ask such questions is to answer them.

DON KING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. STOKES. Mr. Speaker, once in a very great while, there comes a person or personality so profound that he transcends ordinary description.

Don King is such a person.

From humble beginnings on the streets of Cleveland, Ohio, Don King has risen to the heights, defied all the odds, confounded all the rules and played the ofttimes harrowing game of life to a "royal flush."

Mr. King is probably one of the most astute entrepreneurs to live in this or any century. He took a daring idea and developed it into an astounding success. By promoting the prizefights of the charismatic heavyweight champion of the world, Muhammad Ali, he has brought excitement and adventure to millions all over the world. From the "Thrilla from Manila" to Washington's "Rope-a-Dope" spectacle, it was Don King behind the scene all the way.

At this time, Mr. Speaker, I would like to submit to you an article which appeared in the Friday, April 30, 1976, Washington Post, which gives us some insight into the life of my friend, Mr. King.

I am sure that my colleagues in the House will enjoy its contents:

AND, IN THIS CORNER, THE KING OF FLAIR AND SIZZLE

(By William Gildea)

Don King takes second place to nobody, including Muhammad Ali.

Don King is very visible. His voluminous Afro has been described as so electrified he must have stuck his finger in a light socket. Then there are the baubles: a $30,000 diamond ring, a $9,000 watch. Tuxedos at high noon, ruffled shirts, three limousines; the dark green, 24-foot, $20,000 Lincoln Continental is his favorite.

His office is the penthouse atop the RCA building in Rockefeller Center. Two portraits hang over his desk: an original of Ali and a print of Rembrandt's "Aristotle Contemplating the Bust of Homer."

He comes on strong, spouting flowery and often fractured rhetoric, quoting philosophers and poets: "I am truly evidence of what Rudyard Kipling said about being able to walk with kings and yet keep the common touch. I walk with kings, literal kings, the King of Malaysia, I sit down and have tea with him, have coffee, have dinner, then turn around and walk with the peons."

Five years ago he was doing one-to-20 in the Ohio State Penitentiary for manslaughter, the result of a fight with one of his numbers racket workers in Cleveland. In the "joint" King got close to, among others, Khalil Gibran ("He dealt with truth and wisdom"), Voltaire ("He mastered the art of invective and accusation for those who were in power"), Guy de Maupassant ("Which I had a tremendous delight in") and Shakespeare ("Shakespeare was one of my finest hours").

Don King also got an idea, which took him from shoveling manure in prison all the way to the penthouse. He would make deals with foreign governments as boxing promoter for Muhammad Ali. Who else could pay the kind of money Ali wanted? King reasoned.

King had known Ali since 1960, when King was high up in the numbers racket in Cleveland. Ali visited King's corner tavern-supper club. They liked one another. King literally followed Ali, driving his "hog," his Cadillac, across country or flying to the fights. He followed Ali until 1967, then Ali "went into exile and I went into incarceration, so we were both gone at the same time."

So King got Ali $5 million in Zaire, $6.25 million in the Philippines, $2 million in Malaysia, $1.1 million in Puerto Rico. He raised $18.85 million for Ali, $35 million in all, in less than two years. For King, tonight's Ali-Jimmy Young title fight at the Capital Centre, worth another $1.5 million to Ali, is merely a holding action; he wants to take Ali abroad again. Turkey, maybe.

"I'm a pioneer, mind you," he says. "We've had our Jack Johnsons and our Joe Louises before Muhammad Ali but we've had no black man in the class I'm in, in the promotional field, to be international like I am, to be able to deal with various heads of state, around the world, sit down and talk about world policy. The all-time promoters have been P. T. Barnum, Michael Todd, and yours truly."

There are those who say that the 44-year-old King has done as much as he can do, that Ali and he may now be breaking up. This much is clear:

The Ali-King promotional team attracted very few of the movie stars or famous politicians said to have been invited to a pre-fight party last night at the Embassy Row Hotel. The party fell about as flat as many say Jimmy Young will tonight.

In addition, King's arch-rival, Bob Arum, who promoted Evel Knievel's one-quarter canyon jump in Idaho, will promote Ali's next fight, with Richard Dunn, next month in Germany. Arum also insists he will bring off a bizarre match between Ali and a Japanese wrestler named Antonio Inoki in Tokyo in June. And who will promote Ali's first major fight since Joe Frazier in Manila last year, against Ken Norton this fall? "Ali is going with the guy who puts up the most money," says Arum. "For a while Don had sort of a monopoly, but now we're back in the ballgame."

Arum has had some catching up to do. Parlaying fast talk and no money of his own King managed to win the confidence of Ali, of George Foreman, and the country of Zaire, which put up the money, and produced a $5 million guarantee for each fighter, and catapulated himself up near the heavens at Rockefeller Center.

That was 1974. King had managed a journeyman heavyweight named Earnie Shavers who got himself knocked out in the first round of a fight with Jerry Quarry. Ali called King to console him. "Anything I can do to help you I'll help you," King recalls Ali saying. "So I said, 'Muhammad, if you really want to help me, I got what I want you to do'. I said, 'Fight George Foreman.' He said 'How much money you gonna pay me?' I said $5 million. He says, 'Nigger you crazy.'

"So I kept pushin' him and pretty soon I got wound up and once he gets wound up he takes off like a jet. And he was feelin' so good that in a moment of ecstasy he said, 'Go talk to my manager, Herbert Muhammad.' So my assignment became to go to see Herbert Muhammad. Eventually I persuaded Herbert into givin' me a handshake deal."

But a King colleague, Henry Schwartz, failed to sign Foreman. "Now I've never been one that quits," King says, "I've never dealt with failure, I've totally eradicated that out of my vocabulary. I only deal with setback every now and then, but never failure. All right, so I persevered, I say, well, I will go out and see Foreman myself."

Foreman's manager, Dick Sadler, made seeing Foreman difficult, King says, but "by happenstance, fortuitously" King landed at Foreman's motel in San Francisco. "I went around talkin' to the waiters and the clerks and I say, 'What time will the champ get in?' So I posted one of the bellhops, you know what I mean, and breezed him real good, 'So when you see George comin', come on in, get me.' "

Foreman arrived and two of King's nonblack colleagues hid out, believing a black man could better persuade Foreman. "They ran off to their room," says King, "and locked themselves in and that's the first time they ever put the white guy in the room and locked him up and let the nigger go out and perform. So I go out and meet George in the parking lot. I said, I got some business to talk to you about.' He says, 'About what?' I says, 'About $5 million.' So me and George and his dog went for a walk. He says, 'Muhammad Ali don't want to fight me. I'll kill him.' I say, 'That you will do.' I say, 'There ain't no doubt in my mind' . . . I won George's confidence."

Now for the money. A London source fell flat. "Now I got a problem," King says. But Schwartz found a London corporation and the man there said, "Take off your coat and have some tea," King relates. He got $200,000 to hold the fight together, but he couldn't get the big money from U.S. backers. 'We found ourselves being reduced to slavery. Well, I abhor slavery so I will not reinstitute it . . . But it was comin' out to the same thing again, the black man always ends up with nothin.'

"So I had an odyssey that was almost unbelievable," trying to get the $10 million. He remembered a man at the Foreman-Norton fight in Caracas in early 1974 who "had spoken about Africa and that a country named Zaire wanted to be a promoter." Schwartz got an intermediary, a German, to intercede for them with a Zaire official.

"We flew to Paris to see the representative of the government of Zaire and his name was Bula Mandungu. When I met Bula Mandungu and we began to talk I warned Bula Mandungu I was not a token black. And after considerable conferences with him and his French lawyers and his German adviser and the rest of 'em I demonstrated to him a type of acumen for business and commitment, which is really my basic and fundamental forte, and that is I deal from my word and my commitment. I learned a long time ago that your money comes and goes but your word follows you forever.

"I made an impassioned spiel to him. And he sent a Telex to President Mobutu Sese Seko that 'I found a strong black man and I recommend that we do the fight.' They sent an $11 million letter of credit." From there, it was non-stop to the 67th floor of the RCA building.

"Ex-convict, it's a label that you carry until you die," says King. "So you must deal with this, so why not bring it to the fore and deal with it honestly rather than try to hide it? It's what I do from here on. . ."

Thus the story of Sam Garrett, who died. "My bein' in the numbers, they come to you for favors," says King. "So I helped this guy. My whole genius was that I knew what my limitations were. If you give me $10 on a number and I know I can't pay if that number hits, then what am I gonna do? So I look at my bankroll and my bankroll says I can stand a $2 hit which means I'm gonna lay off the other $8."

So King gave Garrett, and others, some of his money as insurance to bet with other bookmakers. "When one of my layoff numbers hit, he didn't pay me," says King. "I went along with him two or three days, I'm still givin' him my action because I believe in him. So it finally came to pass that I realized he was not doin' what was right and I told him, 'I can't give you no more action.' He said I was slandering his reputation. So what he did he attacked me from the rear as I was gettin' in my car. Unfortunately, in the tussling and the fighting, I was instrumental in the fatality of a fellow human being. He's kickin' me and I'm kickin' him and 78 days later he expired.

"When they found out I was Don King, the so-called numbers baron, numbers kingpin, policy czar, numbers overlord, they raised my charge from aggravated assault to second-degree murder. Now these titles I was takin' delight in became millstones around my neck because when they tell an all-white jury about a gangster, a racketeer, they can't understand anything else. If the judge says strike it from the record you can strike it from the record but you can't strike it from the hearts and minds. They found me guilty.

"But the judge himself would not allow the charge to stand, for which I'm very grateful to him to date because I would still be in there. To carry any kind of murder charge there had to be intent and without intent it can't stand up . . . I had a pistol with me, never used it. So under those conditions he took it out of the hands of the jury. I thank God for that."

King says he declined both the judge's and his lawyer's advice to appeal, taking his chance on going before a parole board. "The closest to God you'll ever see on earth is a parole board." he learned. "They gave me a four-year flop. I was so good that every six months I'd be back before the parole board. I went through the rising and shattering of hopes four times after the first time and you talkin' about a traumatic experience on a man, Jack . . .

"Every time I'd get a flop I'd just go back to readin' Khalil Gibran. I put myself in the position that I was gonna be the hermit." He read American history because "I love this ole country, ya dig?" He read about the law because "I had planned to be a Clarence Darrow." He ticks off the names of those he says he read: John Stuart Mill, Socrates, Plato, William E. DuBois, Frederick Douglass, St. Paul, Milton, Thoreau, many others too numerous to mention, and Shakespeare. "Bill and I," King says, "became very close. I began to search his life out and I began to think that he was the writer of the King James version of the Bible."

(A Shakespeare scholar says it is not a new theory that Shakespeare did part of the King James but added, "That's interesting, you wouldn't expect the author of the thrilla in Manila to be a fan of Shakespeare's." It might also be said that it is interesting that a Shakespeare scholar could identify Don King as "the author of the thrilla in Manila.")

King, from the penitentiary, took correspondence courses in English, economics and law from Ohio University and says, "I got one problem in economics and I was the only one on or off campus that got the right answer; the instructor wrote me a letter on it . . . I would have gotten a degree but I got out" of jail on Sept. 30, 1971, three years and 11 months after he had gone in.

This answered the prayers of his patient family, his wife, Henrietta, and his three children. They live on King's farm in Ohio, where she raises black Angus cattle. She visited him on most weekends when he was in the penitentiary. Now she visits him at the fashionable New York townhouse he bought, on East 62d Street.

King grew up in the Cleveland inner city, one of six children. His father died on Pearl Harbor Day, Dec. 7, 1941. "He was working on a ladle in a steel smelter and the plug didn't come out and the ladle exploded and he got consumed by the hot molten steel."

His mother, he says, "was very frugal and she got what we call throughout the ghetto 'tragedy money,' double indemnity, you go out that way you get the $10,000. She took the money and when I was 11 or 12 she moved into an area called Mount Pleasant, which was the integrated area which was riding the peripheries of the ghetto."

There, King learned about the numbers racket. "You would have runners who come by your house and write down whatever your hunches and dreams were. You got dream books like The Three Wise Men, the Kansas City Kitty, Luck, Widow, Three Sisters, and in these dream books they define your hunches; if you dream of black woman it'd be 725, Thanksgivin' 527, the dead 769, kissin' would be 437, clear water is 123, muddy water is 705, money is 567 . . ."

King ran numbers himself on the way to the top of the numbers game but he got his start in a different, rather quaint, fashion: "I was selling peanuts. My mother used to buy 100-pound sacks of raw peanuts and we'd put X amount of peanuts in each little sack and in the sack we would write two numbers down. Then we'd sell the peanuts around the policy houses, you know, 'Get your lucky number hot roasted peanuts, get your lucky number hot roasted peanuts.' So they'd buy our peanuts."

The numbers in the peanut sacks had no connection with the winning numbers drawn by the policy banker, but when the numbers accidentally matched, King—who kept a list of which numbers were in which bag and who bought the bags—would approach the winner seeking a "gapple—that means your tip, your gratuity" for supposedly giving out the winning numbers. "My peanuts were selling like that," he says. "We went from selling 100-pound bags to sellin' 500 and 600 pounds of peanuts on a weekend."

King says he had planned to go to Kent State University after graduating from high school but by then he was running numbers and graduated easily into booking numbers himself. He was heading for the top of the business. Still, he returned to school. "I went to Western Reserve in Cleveland and I did a year there," he says.

"These kids in there, like 16 and 17, but I couldn't afford to let them outdo me. I tried to stay with 'em. I have a competitive-like inner being in myself, you know, a pride." He studied hard, made sacrifices, he says, "so this caused a different way of life for me than what I was accustomed to at the time. So what I did I made the irrational rationalization that you go to school in order to get educated, you get educated so you can get some money, but I already was makin' money, so why should I go to the school?" So he stayed with the numbers and prospered. And he followed Ali.

Some now say King will fall as fast as he rose if Ali says goodbye to him. Maybe King knows something he isn't telling; he himself almost seems to acknowledge that his days in the penthouse could be numbered. "Don't know how long I'm gonna stay there. Do the best I can while I'm there. It was difficult getting there. It's gonna be more difficult to stay there. But I shall persevere."

But he scoffs at the suggestion his future is tied to Ali's. "I don't worry about what happens to Muhammad. We all gonna come and go, Jesus, Moses, Zacharius, Jacob, Andrew, Bartholomew, John, Paul, Isaac, Isaiah, you know, all come and go . . . I can't be fired, you can't fire talent."

Is he "clean" now?

"Straight as an arrow," he responds.

He says he still has "a contribution," to make, "far beyond what people are lookin' at, they're lookin' at all this flare and this sizzle." What he wants to be, he says, is "a liaison" between oil-rich countries and impoverished ones. He says he's negotiating with Kuwait, and wants to arrange loans for other countries. "You see, I'm a student of economics. I'm a businessman." He also admits he hasn't made his first deal yet—but, then, even Ali told him he was "crazy" when he said he could raise $10 million for a fight to Zaire.

"Every little promotion I do is a big promotion," he says. "Get ready for one of the biggest in the world, it has nothin' to do with prize fighting, and it's gonna blow the mind of everybody.

"So, I'll be around."

Trust him.

PUTTING AMERICA BACK TO WORK

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. DOMINICK V. DANIELS. Mr. Speaker, I am inserting into the Record today an editorial which appeared in the Washington Post on Friday, May 14, 1976, written by the distinguished Senator from Minnesota, Hubert H. Humphrey.

Senator Humphrey, who along with my friend and colleague, Representative Augustus F. Hawkins, authored H.R. 50, the Full Employment and Balanced Growth Act of 1976, wrote this editorial as a response to editorials which appeared in the Washington Post on March 30 and May 8 dealing with jobs legislation.

As chairman of the Manpower, Compensation, and Health and Safety Subcommittee, which held 6 days of hearings on H.R. 50, I am most concerned about the continuing unemployment problem which our Nation faces and the lack of initiative the present administration is showing in dealing with this situation. My colleague Mr. Hawkins has devoted long hours of hard work and investigation to the concepts envisioned in H.R. 50 and the formation of a flexible general economic policy framework.

The report for H.R. 50 was filed by the Education and Labor Committee on May 14. I strongly urge my colleagues to consider this piece of legislation carefully, and the importance of establishing a goal of full employment for our Nation's people. A copy of Mr. Humphrey's editorial follows:

A Strategy for Putting America Back to Work

(By Hubert H. Humphrey)

Most Americans have begun to realize that there is something fundamentally wrong with our nation's economy.

During the past five years, U.S. economic growth averaged less than one-half its historical rate. As a result, the nation lost some $500 billion in production of goods and services in the last five years alone. And we can expect to lose another $600 to $900 billion by 1980.

That astounding waste lies at the center of our economic problems. And coming to grips with it requires fundamental reform of the way in which we manage our economy. It requires that this nation answer the basic question of whether or not it is an important function of government to assure that all citizens willing and able to work are given an opportunity to do so.

The Full Employment and Balanced Growth Act of 1976, authored by Rep. Augustus Hawkins and me, is one proposed answer to that question. This measure, co-sponsored by many other members of both houses of Congress, proposes a general economic policy framework and a package of programs that vary from year to year depending on economic conditions and decisions by Congress and the President. This flexibility is a major strength of the bill.

The Act is based on two simple, yet profound, premises: First, that work and productivity are better than welfare and waste; and, second, that the full use of our human and capital resources is in the best interest of all the American people.

The principal thrust of the Act is to encourage the creation of job opportunities in private enterprise through tax credit and budget policies that will stimulate the private sector in a balanced and sustainable way.

Many of the auxiliary programs, such as the incentive program to revitalize depressed areas, the skills-training and job-placement grants and loans from the development financing institutions, are specifically designed to create jobs in private industry. Moreover, the programs for emergency public works and community development would provide jobs in private business by channeling funds to private contractors. Additional activities under the bill will supplement and not supplant the private sector. It is *not* a public service jobs proposal.

The Act sets an initial objective of reducing unemployment among adults to not more than three per cent within four years. This is an ambitious goal, but it can be done. The President is required to inform Congress of his views on this goal and to recommend any changes he believes are needed.

The Act also provides for a new cooperative relationship whereby the President and the Congress, working with the Federal Reserve Board, would establish explicit, numerical goals each year for employment, production and purchasing power. That is the most crucial reform in the legislation.

Last year, by contrast, instead of setting positive goals that would challenge economic policy, the debate degenerated into nothing more than a superficial discussion of the size of the federal deficit and the rate of increase in the money supply. No progress was made and policy suffered.

In addition, the bill places new requirements on the Federal Reserve to make its credit and interest rate policies respond to these national economic policy decisions. If they do not, the President can make recommendations to the Board and Congress to ensure closer conformity. Dr. Arthur Burns, Federal Reserve Board Chairman, has stated repeatedly that Congress has been remiss in failing to set specific economic goals that the Board could strive to achieve.

The Act further recognizes that renewed inflation may become a serious threat as our economy moves toward full employment and production. Therefore, it requires the President to submit a detailed and comprehensive set of anti-inflation policies to Congress every year. This program must include an inflation information system to alert the President and Congress to emerging inflation problems, a program to expand the supply of goods, services, labor and capital in tight markets, and recommendations to strengthen antitrust enforcement and to increase competition. Furthermore, the President is required to recommend *any* administrative or legislative actions he feels are necessary to promote reasonable price stablity.

I disagree with those who claim that low unemployment means high inflation. In the 1960s inflation averaged only 2.3 per cent and the unemployment rate averaged 4.8 per cent. In the last few years we have seen that as unemployment came down from the 9 per cent level, inflation was cut in half—from about 12 per cent to 6 per cent.

This bill is not intended to provide all of the answers to every economic situation that might develop. But it does face up to the crucial need to streamline government and make it more efficient and responsive.

It requires the Congress and the President to undertake a complete review of all existing government rules and regulations to determine which still serve the public interest and which should be eliminated. And it further requires them to carry out each year an in-depth evaluation and review of 20 per cent of the dollar volume of existing federal programs. Thus, all government programs would receive a special intensive evaluation at least once every five years, thereby giving Congress and the executive branch the information necessary to amend, extend or eliminate programs.

As a result, the bill does what many people only talk about. That is, it faces up to the problems of overregulation, excessive bureaucracy and programs that don't work or cost too much.

The Act also calls for more systematic and structured long-range planning. It became obvious with the energy crisis and food price explosion of the mid-1970s that we must do a much better job of anticipating future problems, their economic impact and what to do about them. The bill allows us to look ahead.

Beyond these measures, I am convinced that economic policy must be broadened to treat systematically structural problems that impede growth, employment and price stability. The bill reflects this conviction and would require a range of supplemental policies:

A comprehensive youth employment program to provide jobs, training and employment services to young people who are unable to find work without assistance;

A financial institution responsible for encouraging private and public investment in economically depressed regions, economic sectors and inner cities; and

A program designed to correct federal tax, spending and employment policies that have undermined the economic strength of certain regions and areas of the country.

The Act recognizes that public policy has responded much too slowly during periods of economic instability and seeks to eliminate this problem with a comprehensive countercyclical manpower program, including such elements as accelerated public works, community development, anti-recession support to states and local governments, and emergency public service jobs. These programs are designed to begin and end automatically as economic conditions warrant.

Finally, the Act creates a new Full Employment Office in the Department of Labor. It is required to assist all those able and willing to work to find decent jobs. A reservoir of useful publicly financed jobs will be available for those who have no other employment opportunities, up to the limits of the annual numerical employment goal set by Congress.

The direct cost of authorizing the Act is less than $50 million to establish the general policy framework for full employment. The indirect costs—that is, those determined by subsequent legislation to fulfill the mandate of the Act—will be arrived at each year within the goal-setting process.

Assuming a normal economic recovery, I see no reason to expect indirect budget costs to exceed $8 to $12 billion, after taking into account the drastically decreased costs of welfare and the increased revenues from taxes. In contrast, under present policies, excessive unemployment in 1976 alone will cost the U.S. Treasury more than $50 billion in lost tax revenues and increased costs for unemployment compensation, food stamps and welfare.

The full Employment and Balanced Growth Act embodies the best in current thinking about how to ensure full production in our economy and modern, coordinated policymaking in our government. Undoubtedly, it will be refined and improved during debate, discussion and committee hearings. But the strategy set forth in the Act provides our best chance for sustaining a healthy economy while providing the greatest opportunities for productive and constructive work to all Americans.

CHILDREN AND POLITICS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mrs. CHISHOLM. Mr. Speaker, in this morning's New York Times, an article by Anthony Lewis summarized the current national situation with respect to day care. Despite the overwhelming support on the part of this House, the failure last week in the Senate to override Mr. Ford's unwise and unsound veto will have dire consequences for all child care facilities in which children from poverty-level homes are enrolled.

The argument proffered by the administration in Mr. Ford's veto message did nothing to answer to the real problems which have resulted from a lack of Federal moneys for title XX centers. The problem is one of the inability to meet health and safety codes—not just Federal staff requirements—and, because of this veto, many day care centers throughout the country are facing shutdowns.

I would like to insert into the Record Mr. Lewis' eloquent discussion of "Children and Politics," for the consideration of all my colleagues in the House:

Children and Politics

(By Anthony Lewis)

Minneapolis.—Nestled against a wall of St. Mary's Basilica, a hulking old church near downtown Minneapolis, is a small playground. Ten children, 2½ to 6 years old, use the swings and slide and run over to talk with their teacher, Michael Young. They are in a day-care center: Child Garden Montessori.

One of the kids is 3½-year-old Laura Lacey. She is well-dressed, bright, articulate, happy, active: the model of what we have come to think of as the middle-class child. But in fact the Federal Government pays her fee at the center, $130 a month.

Laura Lacey is the reality at the heart of an abstract political debate. President Ford recently vetoed a bill providing added funding for day care, saying that it violated his principles for Federal aid, and the Senate failed to override the veto. Unless Congress finds a way around the President's objections. Laura Lacey will have to leave the Child Garden day-care center.

Laura's mother, Geraldine Lacey, a slim attractive woman of 34, is separated from her husband. She worked as a secretary but found, she said, that she did not make enough to support herself and the child. So she went back to school, to the University of Minnesota, where she hopes to become a nurse. While there she is on welfare—a fact that troubles her.

"People think of welfare as a leech on society," Mrs. Lacey said, "and I feel that way, too. My ego is bruised. I want to study to get off welfare."

Mrs. Lacey had Laura in a private home first—a woman minding half a dozen children—but that turned out to be a depressing place. Then she looked at many day-care centers before choosing Child Garden.

"The kids looked so nice here," she said, "and they were interested in Laura when she came—didn't resent a new child, as I'd seen in other places. I was so happy to see that. And I though it mattered that there was a man teaching here.

"I hope I don't have to move Laura now—I don't think it's healthy to keep changing. I'm just depressed . . ."

The situation of Geraldine and Laura Lacey is not unusual in the United States now. There are 2.8 million American children between 2½ and 6 who live with their mother alone. And altogether, 6.5 million of that age have working mothers.

The trend toward working mothers and single-parent families has made day care an essential factor in many lives. It enables many women to work instead of going on welfare—and thereby to save public funds. Welfare costs the Government about three times as much as day care.

The Federal Government now provides $600 million a year for care of children in poorer families, matched by $200 million from the states. The question inevitably debated is to what extent Federal standards for day care should go along with Federal money.

Congressional supporters of day care funds, such as Senator Walter Mondale of Minnesota, have not wanted to set up a tight network of Federal rules. They agree that regulation should be left largely to state and localities.

On the other hand, studies have shown widespread and gruesome examples of bad day care, unsafe buildings, children ignored because of inadequate staff, and so on. Senator Mondale and others in Congress have felt that Federal money should not be used to send children to such places—that it should be used, gradually, to assure a decent environment in places where children will spend as much as eight hours a day.

In 1974, after long negotiations, the Ford Administration and Congress agreed on modest Federal standards. A new law required day care centers, first, to meet state and local rules on fire, safety and health. And it established staffing standards, for example one adult teacher or volunteer to about six children between 2½ and 6.

When the time approached to apply those standards, it turned out that many centers could not meet them. Conditions were worse than had been realized. The states asked for more time and more Federal help.

That was the aim of the vetoed bill. It delayed the standards a bit longer and provided an extra $125 million to help the states meet them. President Ford, in vetoing it, said nothing about the earlier agreement, worked out so carefully by his own people and Congress. He objected to the whole idea of Federal standards and introduced the new demand that day-care money be included in Federal block grants for community services. Unless Congress acts on new legislation, Federal standards will now take effect without money to meet them.

The real reason for the veto was evidently the specter of Ronald Reagan. The President wanted to look tough, and what could be tougher than to drive children out of day-care centers. Gerald Ford should have to explain to Laura and Geraldine Lacey.

I. F. STONE ON "THE THREAT TO THE REPUBLIC"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Ms. ABZUG. Mr. Speaker, the current issue of the New York Review of Books includes a thoughtful article by I. F. Stone on the congressional investigations of the intelligence community by the House and Senate select committees.

In addition to detailing the gross abuses of the intelligence agencies and their refusal to cooperate with the investigating committees, Mr. Stone goes on to observe that they are not even very good at doing what they are supposed to be doing:

> The secret agencies fail in the task of really intelligent assessment of human aspiration and social forces for several reasons. One is that they attract a large proportion of screwballs, crackpots, paranoids. A second is that the nature of the profession makes paranoia its occupational disease. The third is that ruling classes and bureaucracies generally prefer the paranoid explanation. If trouble, if protest against the Vietnam war, if radical agitation for social justice, if racial rising against discrimination are just the product of Satanic "subversives" plotting unrest, then there is no need to amend policies, to give up ruling class privileges. All one need do is purge and imprison the "conspirators." The spies blind their masters comfortably to realities. It wasn't for lack of spies that the Czars fell.

The Stone piece is eminently worth reading, and I include its full text in the Record at this point:

The Threat to the Republic

(I. F. Stone)

It can be said—but it would be unwise to dwell on it—that the Church and Pike committee reports represent the first time in history any country's legislature has ever investigated, exposed, and shamed its intelligence agencies and their "dirty tricks." Long before electronics, as far back as the Rome of the Caesars, a spy-haunted society feared, as Tacitus tells us, that somehow walls might have ears.[1] But a degenerate Senate, though constitutionally and nominally still all-powerful, lacked the will to do anything about it.

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[1] "Never was Rome more distracted and terror-stricken. Meetings, conversations, the ear of friend and stranger were alike shunned; even things mute and lifeless, the very roofs and walls, were eyed with suspicion" (*The Annals of Tacitus*, 4.69, Modern Library edition).

Unfortunately there is little prospect that our Senate, and our Congress, will behave any better. Between the time this is being written and the time it will be read, the Senate is expected to vote on a first timid effort at reform, an intelligence oversight committee. But its prospects are dim, and some of its provisions dubious.

The Republican White House and the Democratic Old Guard in the Senate are in a bipartisan alliance against any real reform. A similar coalition in the House—led by the Republican McClory of Illinois and the Democrat Stratton of New York—is blocking bills to revive and clear the way for publication of the suppressed Pike report. The secret agencies are smugly confident that they have not only weathered the storm but entrenched themselves.

Their strength has deep roots. The great masters of property in our society are unwilling to give up "dirty tricks" in defense of their investments and privileges at home and abroad. For them, the end justifies the means, just as surely as for their adversaries in Moscow and Peking. Radicals, opponents of the existing order, critics who go too far, are fair game, outside the law, on both sides. It is not an accident that—as the Church committee found—the FBI has twice as many informers in radical or liberal organizations as in organized crime.

The main job of a political secret police in any society is to keep in power those who have it. When the Roman Senate, after one particularly terrible scandal, tried to put some limit on informers, the Emperor Tiberius interposed his veto, saying, "Better to subvert the constitution than to remove its guardians." [2] Though no one today speaks so frankly, that is still the answer of those who cannot bring themselves altogether to prohibit "dirty tricks."

To understand the intelligence miasma, one must look at the family tree of the CIA. The CIA is only the institutionalization, though on a vast and unprecedented scale, of what we have done for more than a century and a half in Latin America and an earlier China under the rubric of defending "American lives and property."

Then we used State Department agents and the US Marines. The Marines were bill collectors for National City Bank and enforcers for the banana, oil, and sugar companies. What the CIA has done in Indochina, Iran, and Chile is no different in kind from the crass way Marines turned patriots into bandits and puppets into presidents in Central America and the Caribbean. It is only the means that have grown to keep pace with the expansion of the American empire and new forms of exploitation like the multinationals.[3]

You cannot run an empire without secrecy. And you have to be ready to deal with turbulent natives abroad and dissenting citizens at home. The FBI is well equipped to aid the CIA in that task. Its family tree, its dominant prejudice against liberals and the left, its coziness with the right, go back to the instinctive hostility of propertied interests to whatever elements in our society seemed to threaten property. This is how they saw abolitionists, trade union organizers, socialists, anarchists, radicals of any kind, and indeed all "do-gooders," a favorite term of contempt with J. Edgar Hoover. The bomb squads, Red squads, anarchist squads appeared in many cities during the ninteenth century were the FBI's progenitors, as they remain its collaborators. American history can be read as a continuous struggle between democracy and property, and in that perspective there is no doubt where the secret police stand.

Their true role as the janissaries of property is only implicit, of course, in these carefully manicured Church reports. Nor do the reports make more than a partial breach in the secrecy which shrouds the agencies. We must assume, after all we have learned, that the committee staff itself was penetrated by the agencies. The reports themselves—as internal evidence will reveal to a careful reading—were the product of a continuous wrangle among the staff, the committee, and the agencies. The agencies controlled what went out of their files and what went into the reports. The effort to censor as much as possible and the effort to tell as much as possible have left their marks. The final product must be read with extreme care. Every formulation, almost every word, must be evaluated not only for what it does say but for what it does not say. The latter is sometimes the more revealing.

The committee had power to subpoena, *on paper*, but there are indications throughout the report that the agencies withheld much in many areas which the committee wanted to explore. "The Central Intelligence Agency," the committee says in the introduction to Volume 1 (p. 7), "and other agencies of the executive branch have limited the Committee's access to the full record. . . . In some highly important areas . . . the Committee has been refused access to files or documents."

In assessing the feasibility of congressional oversight, one must not forget this initial and successful defiance of the power given Congress by the Constitution to oversee and control every department of government. This muted note indicates that the Church committee knuckled under. The precedent bodes ill for congressional oversight. If this was the best the Church committee could do, after the multitudinous revelations of Watergate, what can one expect of a permanent committee when press and public opinion are once again somnolent?

This withholding of whatever the agencies did not wish to disclose was only the beginning of the struggle. At the outset of its inquiry the committee put its neck into a noose by agreeing "in a meeting with President Ford" that it would not disclose any classified information given it without consulting the agencies and "carefully consider[ing] the Executive's reasons for maintaining secrecy." The committee says that it retained final decision. But it was inhibited because attempts to go against agency wishes would risk a White House blast and a refusal of cooperation. So "virtually all difficulties were resolved" and "the only significant exception" was the release of the Assassination Report last November even though the executive branch thought this "would harm national security." Since, even Ford had to go on record against assassination, at least of other nations' leaders and at least in peacetime, the White House and the agencies had to swallow defeat on that one.

But down to and well past the original deadline for the report, it is clear that the committee had to suffer constant revision and censorship. The committee notes that three chapters, on "Cover," "Espionage," and "Budgetary Oversight," were omitted altogether on the insistence of the agencies, along with two sections of the chapter on "Covert Action of the CIA" and one section of the chapter "Department of State." Elsewhere "particular passages" rewritten on the insistence of the intelligence agencies were denoted by "italics" and a footnote explaining them.

An example is Chapter X on CIA influence in academic institutions, the media, and religious organizations. There are several italicized references to "university officials and professors" who "provide leads and make introductions for intelligence purposes." One suspects that originally the phrasing plainly said they helped the CIA recruit on campus. The report as published did not speculate on the fact that the relation between university officials and professors on the one hand and students on the other is hardly one of equality, and the door is thus opened to favoritism or discrimination, depending on the student's reaction to the indecent proposal.

The most dramatic evidence of last-minute struggle is the blank white and the notation "[deleted]" which cover all but a few lines on page 332 of Book 1. This was the concluding portion of that section on the total size of the aggregate intelligence budget for fiscal year 1976, which begins at page 330 with the sentence, "The Committee's analysis indicated that [deleted] billion constituted the direct costs to the United States for its national intelligence program for FY 1976." A footnote said it was "deleted pending further Committee consideration," and the very morning the report was given to the press the committee voted to let the full Senate decide on whether to disclose the full figure.

The nonsense that publication of that figure would somehow reveal secrets to the enemy prevailed in committee and will probably prevail on the Senate floor, although former CIA director James Schlesinger testified (p. 377) "that our enemies already know in the first place and it's broadly published." Elsewhere (p. 470) the report says that direct and indirect intelligence costs are roughly 3 percent of the total budget. The total is now over $400 billion. That would bring the total costs, direct and indirect, secret and budgeted, of all intelligence to about twelve billion dollars. But committee sources, in this deplorable and labyrinthine comedy, say that this figure is too high and that their own way of reporting was misleading. So now we must wait for the promised Senate vote on whether to disclose the real figure or leave it hidden. That vote will be a neuralgic point in American constitutional history.

The battle over the figure still to be fought on the Senate floor involves the most fundamental constitutional considerations. Congress has two weapons in dealing with the intelligence agencies. One is the power of disclosure. The other is the power of the purse. A vote to blank out the total will be a vote to surrender both powers to the agencies. The fight against absolutism, the fight for parliamentary supremacy, began with the power of the purse. In the eyes of the Framers nothing was more important in the Constitution than Article I, Section 9, Clause 7, which embodies that power. It says "no Money shall be drawn from the Treasury" except in pursuance of appropriations made by law and that "a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." The CIA, unlike the FBI, has from its beginning completely evaded that clause. Will the Senate take the final step in constitutional emasculation by voting to keep secret even the aggregate total of the cost of all intelligence agencies?

The baneful influence does not end with the suppression of facts and figures. The reports read as if written not only with the agencies peering over the shoulders of the writers but actually participating in the phrasing. There are some passages which sound as if they were written or rewritten at Langley or in the FBI headquarters. There is throughout a tendency to opaque, *sotto voce*, bureaucratic phraseology of a kind at which the White House and the State Department have always been adept. The prose style—to single out one of the recent masters in this genre—is sometimes downright Nixonian. There are many instances of what could legitimately be called brain-washing—the bland, almost subliminal assertion as eternal verities of dubious propositions, propositions the investigators were supposed to challenge and test, not to accept without examination as major premises. A prime example is the statement at the very beginning of the CIA report that "a national intelligence system is a permanent and necessary part of our government. The system's value to the country has been proven."

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[2] Tacitus, *Annals* 4.30.

[3] General Smedley Butler, one of the best and bravest men the Marine Corps ever produced, got into trouble for telling the truth about the imperialist purposes he had served from Cuba to the Philippines. See Lowell Thomas's biography of him, *Old Gimlet Eye* (1933) and Butler's recently republished *War Is a Racket* (1935) in *Three Generals on War*, Garland Publishing, New York and London.

Humanity will never get rid of the intelligence miasma until that overblown nonsense is challenged. The greatest intelligence networks of our time failed to prevent the most disastrous surprise attacks their regimes suffered. Pearl Harbor, the Nazi attack on the Soviet Union, the place and timing of the D-day invasion of Hitler's Fortress Europe were historic disasters. The American, the Soviet, and the Nazi regimes all had intelligence networks of a magnitude and power without precedent in all history, even under the Czars and the First Empire of Napoleon. Yet they suffered unprecedented loss through effective surprise in those three tremendous attacks. One put the Nazi armies almost at the gates of Moscow before effective defense could be organized; the second crippled our naval and air forces in the Pacific from Hawaii to the Philippines; the third was the beginning of the end for Hitlerism. All three regimes had explicit and correct warnings, but in all three cases the warnings were drowned in the sheer volume of inflowing reports and by the failure of the center to assess all this information correctly. "Intelligence" is not the same as intelligence.

Intelligence networks have mainly been proven effective in intimidating their own peoples. But no regime has yet been saved from disastrous error by "intelligence." The American Republic got along quite well internally without a Federal Bureau of Investigation until 1908 and without a "dirty tricks" agency abroad until 1947. Since then, as the Church report says, the U.S. "has devoted enormous resources" to its intelligence network. But never has the United States been more poorly advised and suffered more shameful pratfalls than in that period. The postwar successes of Western capitalism have been due to the vitality of enterprise, the superior advantages of an open society, and the moral bankruptcy of the Soviet regime. And that last was more than anything else the product of Russia's reliance on secrecy and the secret police. The dead-end course of Stalinism is the same course on which we are being impelled in the name of "national security."

If the U.S. is hated by the best youth in Iran, in South Korea, in Chile, in the Dominican Republic, wherever the writ of our secret agencies and its puppet regimes has run, the Soviet Union is hated in Kiev, in Warsaw, in Prague, and in Bucharest for the very same reasons. The agencies on both sides have succeeded to the extent that brutality and repression can succeed, but the price will be paid in future explosions on both sides.

The secret agencies fail in the task of really intelligent assessment of human aspiration and social forces for several reasons. One is that they attract a large proportion of screwballs, crackpots, paranoids. A second is that the nature of the profession makes paranoia its occupational disease. The third is that ruling classes and bureaucracies generally prefer the paranoid explanation. If trouble, if protest against the Vietnam war, if radical agitation for social justice, if racial rising against discrimination are just the product of Satanic "subversives" plotting unrest, then there is no need to amend policies, to give up ruling class privileges. All one need do is purge and imprison the "conspirators." The spies blind their masters comfortably to realities. It wasn't for lack of spies that the Czars fell.

The CIA could foment the mob that killed Mossadeq in Iran. It could help to bring about the killing of Lumumba in the Congo and Allende in Chile, but there is no evidence that it can successfully Canute the tides of change in our time. Each side in the cold war struggle now beginning again has profited by the excesses and inhumanities of the other. Read Sakharov's great memoranda and ask yourself whether the stultification and rigidification that secrecy has imposed on Soviet science, industry, and society recommend a similar experiment on our side.

Intelligence agencies thrive by telling the boss he's doing fine. When reports signal the truth, they are more than often ignored. There were, we now know, intelligence reports which questioned the dominant delusions about the Vietnam war, which warned that the Bay of Pigs invasion would not trigger a popular uprising in Cuba, and which advised two years before Allende's election that the days of our copper monopoly in Chile were numbered no matter who won the coming election. But they were ignored and men who ventured such reports risked the query, "Who let that pinko in?"

You cannot—as even such great liberal papers as *The New York Times* and *The Washington Post* in their queasy editorials on the CIA advise—square the circle. You cannot make lawlessness lawful. You cannot bring "dirty tricks" within a constitutional system. In this bicentennial year we are forgetting the basic lessons of the Revolution and the basic advantages and virtues of an open society. It cannot be open without risk, but the risks of free discussion over and over again have proven superior to the risks of repression. Some intelligence activity is inescapable for military and law enforcement purposes, but how much? The evidence suggests that we are drowning in intelligence, that we need not more but less "collection," not more spying but more analysis and thought. And thought requires debate. And you cannot have debate so long as ideas and expressions are watched and "collected." There is no room in an open society for a thought police, and that is what the FBI and the CIA, with occasional assists from the military, have become.

The picture which emerges from the Church reports, muted and mutilated as they are, must be made explicit. The CIA has become a huge conglomerate, with its secret tentacles in almost every section of American life, prostituting the universities, books, the press, and religious institutions; it runs a network of businesses at home and abroad, some wholly fictitious, some real enough to be insurance companies and aviation lines. The magnitude is veiled but at one point the report says that these ostensibly private businesses gross $1.6 billion a year and generate profits substantial enough to replenish a CIA "Contingency Fund" from which it can finance secret activities wholly outside the orbit of any supervision or audit, even from within the Executive.

The whole Angola business was financed in this way. The CIA has become a big business, a conglomerate, operating behind various "legitimate" fronts as a conspiracy against society, with its "hit men" and "enforcers" on the Mafia model. It can provide—and has provided—presidents with the means to operate outside the constitutional system, even to the point of waging secret war. Here lies the lesson of Watergate, already half forgotten.

It has been said over and over again that the bribery, the corruption of elections, the assassinations, and the other "dirty tricks" the CIA has been practicing abroad must inevitably spread to the domestic front. But few of us fully realized until the Church report on the FBI the extent to which J. Edgar Hoover had been practicing "dirty tricks" at home. The most shameful, of course, was the long harassment of Martin Luther King and the civil rights movement. It is depressing that despite all we now know Attorney General Levi has rejected recommendations from within the Justice Department for an independent citizens' investigation of King's assassination and insists on turning it back for another self-inquiry by the FBI. This is the only field of law enforcement in which it is left to the suspect to investigate himself.

And it is alarming that even the Church committee recommendations would still allow the FBI to engage in "preventive intelligence," the catchword which has allowed the worst abuses and invasions of privacy and basic rights in the past. We applaud Senator Philip A. Hart for pointing out in a separate opinion appended to the Church report on the FBI that the recommendations in this respect would for the first time give "statutory authorization" for the very abuses the committee has exposed.

The intelligence agencies have become a cancer that threatens the Republic. The authority of the FBI should be restricted to crimes. Terrorism is a crime, even though politicially motivated, and can be handled like any other crime. This and all other kinds of crime would be better handled if the FBI did not waste so substantial a portion of its resources on the whole spectrum of what it calls "do-gooders," all of them treated prima facie as suspect. And it should be made a statutory offense for the FBI to practice "dirty tricks," to act as an agency for secretly defaming citizens it dislikes and disrupting their lives by just that kind of "disinformation" in which the CIA has specialized abroad and can also resort to at home.

I believe the Church CIA report does not tell the full truth about the CIA's origins. "Dirty tricks" were justifiable for the OSS, its predecessor, in wartime; the CIA took over the same practices in peace. Its conditioning, its personnel, and a substantial part of its activities still link it indissolubly to "dirty tricks." I believe the wise course would be to outlaw "dirty tricks" and abolish the CIA altogether and let its legitimate intelligence functions be taken over by other agencies. Otherwise Big Brother is here to stay.

TRIBUTE TO MORRIS B. CHAIN

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. KETCHUM. Mr. Speaker, I am greatly privileged to count among my constituency a most remarkable man, acknowledged as one of the country's leading defense attorneys, and truly a legend to those who know him. Morris B. Chain, of Bakersfield, Calif., is not only my constituent, but my personal friend. Therefore, it was with great pleasure that I learned of Mr. Chain's selection to receive the Kern County Bar Association's respected "Bench and Bar Award" recently. I regret that I was not able to participate in the banquet paying honor to Morris Chain, and would like at this time to offer my own tribute in this House.

Morris Chain has practiced law for 44 years. Throughout his career, often defending clients accused of the most sensational of crimes, he has exemplified the basic roots of the American judicial system. He has dedicated himself to assuring that one's right to receive proper defense in a fair trial was protected, and has perpetuated the philosophy that an individual is innocent until proven otherwise.

Above and beyond his outstanding contributions to the judicial system, Morris Chain represents another great American tradition: a man who reached the top though his own hard work, determination, and continuing effort to excel.

While he is now the senior partner in the firm of Chain, Younger, Jameson, Lemucchi, Busacca, and Williams, Morris Chain had no easy road to his current successful position. Fresh out of law school, he sought employment asking only for the experience he would gain, offering to work without salary. For 5 years, he served as court-appointed public defender, often preparing his own cases without benefit of assistance or investigation by others; as he says, he simply could not afford it. Determined to succeed, he often worked 18 hours per day preparing his cases.

Morris Chain is well known for the crystal ball he keeps in his office. He uses it to demonstrate to clients the unpredictability of the law.

Mr. Chain is a member of numerous organizations, including the National Association of Criminal Defense Lawyers; the American Judicature Society; the State Bar of California; the Kern County Bar Association; the American Trial Lawyers Association. He currently serves as President of the Kern County Chapter of the California Trial Lawyers Association, a position he also held in 1964.

In 1953, Morris Chain received another great—and well deserved—honor: he was named "Man of the Year" by the Jewish War Veterans.

To Morris, his wife, Edith, and their family, I say congratulations on a job well done. I know that my colleagues here in the House will be honored to join with me in recognizing the achievements of this outstanding figure in the practice of law.

TWO HUNDRED YEARS AGO TODAY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago, on May 15, 1776, the Continental Congress approved the preamble to the resolution urging the colonies to establish governments, if they had not already done so. John Adams, one of the foremost proponents of independence, wrote the preamble, which read in part:

> It appears absolutely irreconcileable to reason and good Conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted, under the preservation of internal peace, virtue, and good order, as well as for the defense of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies.

Referring to the event in a letter to James Warren, Adams stated:

> This Day the congress has passed the most important Resolution that ever was taken in America.

It was obvious that the United Colonies were on the verge of declaring their inpendence.

FERRY TALE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. HUNGATE. Mr. Speaker, Allen Blackmore, one of my constituents from Canton, Mo., is retiring after operating a ferry on the Mississippi River for 46 years. I believe my colleagues will be interested in his story and I submit this last chapter of his "ferry tale":

CANTON FERRY PILOT LAUNCHES FINAL SEASON

(By Susan Denkler)

When Allen Blackmore landed a ferry for the first time, he launched a career that extended 46 years and the width of a river.

Now he's ready to step down.

"It was a big thrill when I was able to get in that boat and land it myself," Blackmore said.

"We were living close to the ferry on a farm when I started riding on the river. As a boy I would help with the decking chores. Ellis Inman hired me when I was about 18 years old."

For 10 years, Blackmore continued to work out of Batchtown, Ill., for the West Point Ferry which crossed to Winfield, Mo.

June 8, 1940 marked a move to the Missouri side of the river when Blackmore became owner and operator of his own ferry located at Canton. He's been there ever since.

"There's not many left," Blackmore said recently. "We're the only one between here and the headwaters of Minnesota. There's been a ferry here since 1853."

Blackmore said he plans to retire in December, but quickly adds, "I'm not going to quit altogether. The wife and I plan on doing some traveling, and I'll catch up on some of the fishing I've missed out on all these years."

He "conservatively" estimates making 380,000 to 395,000 round trips with the ferry in his lifetime.

"We'll make about 35 round trips in a day. During the busy time we'll make about 10 more than that . . ."

The season opens around mid-March and extends through mid-December, Blackmore said. The busiest period is June through December when many tourists and a lot of farmers' grain is crossed.

"We cross plenty of wheat in the first two weeks of July. The tourist season is generally busiest June 15 through Labor Day."

Neil Kizer, an operator, and deckhand Michael Hitt help out.

Blackmore said he was required to take an examination with the St. Louis Coast Guard before he could operate the ferry. The written examination consisted of about 50 questions on the "rules of the road."

"You need to know all the different laws and rules, lights and buoys. Everything pertaining to safety and the safe operation of a boat on the river," he said.

"Barge tow operators need to know more about the channel. When you're carrying passengers for hire, it's a little more complicated. We're classed as a passenger-carrying vessel."

Blackmore figures there are those who think operating a ferry is easy as crossing the street, but he disagrees.

"What tricks you, gives you more problems than anything else is high winds. Some winds will change two to three times a day.

"You must remember how to cope with different winds. I judge the velocity and wind direction by looking at the water, the type of wave and how large it is.

"When the wind velocity gets up to 40 miles an hour, it'll blow the top off whitecaps. when it gets above 45 miles an hour, we tie up."

He remembers a storm in 1960—"the first time I was ever scared," he said.

"We were going up river when we pulled in and tied up. A lot of times you get severe winds. But the wind slacked off to about 15 miles an hour, and just about the time we got back in the channel, a wind started blowing from the northeast 75 to 80 miles an hour.

"It blew water over the deck of the barge eight to 10 inches deep. We blew back in a mile down the river.

"Rain and hail and that wind . . . it was terrible. We couldn't tell any direction. No control at all.

"I'll always remember that one. We respect those dark and stormy clouds, I'll tell you."

Storms brewing up north also command some respect from Blackmore, who knows excessive rainfall and snow melt combine for a spring flood.

The danger for a ferry during flood times is minimal, but if the water rises above their high water landing north of the main landing, the ferry is out of commission.

"In 1973, we lost about 30 days due to high water. It went over our high water landing in 1960, '65 and '73. Every one's been a little higher."

In 1973, the official stage in Canton was 24.49 feet.

"We've had some high water, I'll tell you, but we don't look for too much this year, unless we get excessive rain. If you don't have high water by the 15th of June, you're reasonably safe."

Even with changeable winds, storms and occasional high water, Blackmore professes a love for his kind of life.

"I can hardly think of anything I dislike about it. I've always enjoyed the work. This is always a little more of a challenge."

Few dignitaries have taken the 10-minute ride, but Blackmore has a lot of regular customers, commuting to work and school, and he's crossed tourists from every state in the union.

"We have quite a few people who come down, park the car and ride across. A lot of people take their children or grandchildren for a ride on a Saturday.

"They're just hard to find in this part of the country. People have talked bridges as long as I've been operating a ferry. It'll die down, then start up again and die down . . .

"If they did build one I imagine it would be closer to Keokuk or Hannibal, and the type of road would be an interstate. If the bridge wasn't right close to the ferry, I don't expect it would affect us much."

His ferry holds six cars, four loaded trucks, one big semi tractor trailer or two tandems. It's the second one he's owned, bought in 1955. He paid $15,000 for the barge, $7,000 for the launch.

A like model today would bring closer to $40,000 for the barge, $30,000 for the launch, he said.

The ferry will continue to operate. Blackmore's successor is John Froman, a native of minute Meyer, Ill., across from the landing.

Blackmore and his wife, Hazel, plan to spend their winters in Alamo, Tex., and their summers back in the home area.

"We'll always call this home," Blackmore said.

"All these years I've been outside on the river, in the sunshine. I couldn't stand to be cooped up.

"There's people that have told me, 'I wouldn't have that ferry if you'd give it to me.' But I can't think of anyone I would trade jobs with.

"It's been good to me," he said.

A LIVING MEMORIAL TO ONE MAN'S GOODNESS

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. DE LUGO. Mr. Speaker, in our fast changing world, it is nice to know that some things stay the same. For years, "Daddy's," a small eatery in Charlotte Amalie on St. Thomas, U.S. Virgin Islands, was a haven for the bone-weary and hungry. Isiah Venzen, "Daddy" to almost everyone, became famous for his meals, and cherished for his friendship. His whole family, three generations worth, became involved in the restaurant with its ambience of warmth and good cheer. In 1974 a new "Daddy's" opened, operated by Rae Venzen Brunn, daughter of the late "Daddy" Venzen. While the building was new, the old traditions of the original "Daddy's" remain. Recently, the St. Thomas Daily News published an article celebrating this remarkable man, his family, and his enterprise. It is surely a tribute to one man's goodness in his dealing with his fellow man. I recommend it to my colleagues:

Fifteen minutes up, down and around the Red Hook Road from downtown Charlotte Amalie, near Benner's Hill and across the road from fishing fleet dock, sits the world's only monument with menus—$150,000 restaurant honoring the late Isiah "Daddy" Venzen. Naturally, the restaurant is called "Daddy's"—at least it seems natural to call it that in St. Thomas, where family ties are very close, it has become this year's "In" spot for vacationers and locals alike, who go there to feast on fresh local fish, sizzling steaks and chops.

It all adds up to a warm St. Thomian story, honoring a local patriarch who numbered his friends in the thousands during the three generations in which he raised a family of seven from the proceeds of a tiny roadside shack stand.

The "new" Daddy's stands on the very same site, only now dinnerware gleams in the soft candlelight on tables, artwork by local artists hangs on the walls, and many of those enjoying dinner now order wine with their meals.

Daddy's daughter Rehenia Venzen Brunn owns the restaurant. She is a tawny woman of pleasing proportions, with a mobile face framed in reddish hair. Her infectious laugh rings out across the room as she asks each newcomer to please call her "Rae." Most likely she holds whatever Olympic title there is for sit-down-a-second table-hopping, and for the warm-chair-in-flight.

Staff consists of sisters and brothers, for Daddy's children all help out, some full-time and others part-time. Then there are Rae's two sons, both helping out after school. One of her boys goes to the Virgin Islands College and tends bar at Daddy's most nights. Also there are what you might call itinerant relatives.

Everybody gets along swimmingly and by working very hard. They are in the kitchen, behind the bar, and out among the customers, who are accommodated—50 maximum at a time—in the windowed main dining room that looks out to the lagoon and that picturesque fleet of fishing boats.

Already Rae has expansion plans in mind, involving a cocktail lounge where there would be "some nice quiet music", as she puts it, her eyes dancing in anticipation.

Thus, Daddy's really is family. Cold indeed is the temporary stranger who stops by to enjoy some of the best food in the Caribbean, and somehow manages to leave without feeling he is a part of that family. Rae hardly will permit it!

Locals, of course, know what to expect as they telephone in their reservations, and then stop by for first, second or even third dinner sittings. But among those who have come in for the first time and later walked away cousins-cozy, you would have to include just this first year the Prince and princess of Denmark; Miss Black America; top government officials, both local and national; also wandering Haitians, honeymooners, island fishermen, and cruise ship visitors away from their ships for a couple of hours.

According to Rae, who bubbles over with cheerful gab, there never has been a short-order roadside stand like the one run by her beloved Daddy.

First of all, nobody ever called him anything but "Daddy". He was a deep-chested powerhouse of a man, with arms like baseball bats.

His menu, if you could call it that, consisted of whatever Daddy chose, depending on what nearby fishermen had brought in on that particular day. Mostly, requests for meals meant that Daddy would have to interrupt his domino game, or his "medical" consulting with neighbors, customers, cronies, and mere passers-by. Those who could pay for their food did so; those who couldn't just then ate anyway, and paid later.

The Venzens are an old St. Thomas family. One of Rae's grandfathers, a blue-eyed Frenchman, bought one of the first parcels of land on the breeze-cooled east end of the island. And as a Virgin Islander born and bred, Daddy, her father, had warm wisdom, and an apparently irresistible personality that didn't need to be taught in the island schools where he learned his letters.

For example, he is remembered still for uncommon skills with herbal cures, particularly by the local fishermen, who recall the paralyzing hangovers and other varied disorders that always vanished with his dosing.

He produced his "medicines" in 5-gallon kerosene cans, boiled fiercely for hours over an outdoor fire.

One of his former "patients" ruminated on Daddy from the immense cockpit of his 65-foot charter fishing boat, moored across the road. "Daddy", he said simply, "was closer to me than even my own daddy". What more is there to say?

There is nothing more that Rae could say, nor any of the children, assorted grandchildren and all who knew him. After all, Daddy kept the kids well fed, and kept them hale through self-taught medicine because a doctor was miles away.

Even in the early days, when the kids were toddlers and he lived off barter for the most part, Daddy found ten cents per week for each child as a gesture of tuition at the local Catholic school.

"Always", he said, "you have to get educated, you have to be thrifty, you have to save and a family has to work together".

Eventually, he put all those factors together so well that he owned seven acres of land, plently of room for vegetables, cows, goats and of course, first one house and then others, all for the family. And the roadside acre was the site, then as now, of "Daddy's".

Rae inherited her father's good business sense. First she learned the beauty shop business, and ran her own in Manhattan for years while married and raising her two boys. Now she has a beauty shop in downtown Charlotte Amalie, as well as the restaurant.

The St. Thomas branch of Chase Manhattan Bank thinks so well of her business abilities that it advanced the $150,000 necessary to establish the restaurant. But the local bankers pretty well knew what kind of a family Daddy had put together, helped by his wife, who still survives as a quiet matriarchal presence. For in St. Thomas, character is prime collateral anytime.

Daddy lived long enough to see his restaurant open. He was in a wheelchair at the last, aged 72, and he would roll himself to the front patio of the main house, higher up the hill, to watch in serenity as the construction crews busied themselves on the great new structure below.

"Daddy's" was opened in August of 1974. Daddy died in October, his tasks accomplished, Oh Lord.

OAK PARK, ILL., NAMED "ALL-AMERICA CITY"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. HYDE. Mr. Speaker, as the Congressional Representative of the 6th District of Illinois, it gives me great pride to announce that the village of Oak Park has been named an "All-America City" by the National Municipal League. Only 10 cities in the country have been selected for this honor, and I am truly not surprised that Oak Park is one of them. I have long thought of Oak Park as an outstanding community—one that cities and towns throughout the Nation could study with great profit.

Certainly the greatness of any community is nothing more than a reflection of the attitudes of its inhabitants. It is evident that Oak Park is a community that reflects the attitude of public-spirited people with ideas, enthusiasm, zest, and energy.

I am sure that the people of Oak Park share a deep sense of pride and fulfillment in their community's latest award. As their Congressman—but more than that, as a longtime admirer of Oak Park—I share in that sense of pride.

I am pleased to share with my colleagues several newspaper articles concerning Oak Park's All-America City Award. The first is by Stanley Ziemba of the Chicago Tribune; the second is an editorial by John McClelland, managing editor of Oak Park's Oak Leaves; the third is an editorial by Randy Cypret, editor of Oak Park's News Journal World; and the fourth, a summary of the day's events when Oak Park officially became an "All America City," is by

Jeanne Quinn of the Oak Park Economist.

OAK PARK: REPORT OF ITS DEATH WAS VERY EXAGGERATED

(By Stanley Ziemba)

Oak Park today, most of its 62,500 inhabitants would agree, is a great place to live in, but it wasn't always so.

Names an All-America City by the National Municipal League last week—one of 10 communities so designated nationwide—Oak Park now boasts a stable, racially integrated population; a thriving downtown shopping mall; and an architectural preservation program that has attracted national attention.

In the 1960s, however, dire predictions were being made for the historic suburb adjacent to Chicago's deteriorating West Side neighborhoods.

Demographers [population experts] said it was only a matter of time before the 4½-square-mile, rectangular-shaped community became an extension of the city's black ghetto.

Real estate experts predicted property values in the village would plunge in the face of an influx of minority groups.

Shoppers began abandoning the village's aging business district in favor of the ultramodern, enclosed shopping centers that were popping up like corn in suburban fields.

All signs indicated Oak Park was going downhill. The former hometown of such giants as architect Frank Lloyd Wright and authors Ernest Hemingway and Edgar Rice Burroughs was supposed to become a slum.

But it didn't happen and the fact that it didn't is a tribute to the tenacity and esprit de corps of is residents.

To meet the challenge of achieving racial integration in housing rather than succumbing to the "Chicago pattern" of block-by-block resegregation, the Oak Park Housing Center was formed by 15 local residents in 1971.

Its two major objectives are to assure that blacks seeking housing in Oak Park will not be concentrated in one section of the village and to maintain white demand in areas that already are integrated.

The results have been impressive. Integration has been conducted in an orderly fashion. Six per cent of the suburb's population is made up of minorities. About 4 per cent is black, according to village officials.

White demand for homes is high, and the real estate experts' confidence in the suburbs' stability is reflected in the fact that property values have increased about 16.5 per cent in the last four years.

To lure shoppers back to downtown Oak Park, merchants two years ago began construction of a $1.5 million grassy shopping mall stretching from Harlem to Forest avenues and from North Boulevard to Ontario Street.

It was a gamble that paid off. When it opened in November, 1974, sales in stores on the mall increased 10 to 14 per cent, according to Oak Park Mall Commission officials.

Oak Park has always had a lot going for it architecturally. Wright lived and worked in the village between 1890 and 1910. Seventy-one of its 328 buildings of "architectural merit" are considered national landmarks.

It took a group of Oak Park residents, however, to transform this obvious but dormant asset into a profitable tourist attraction.

They formed the Frank Lloyd Wright Home and Studio Foundation in 1972, purchased Wright's home to spare it from the wrecker's ball, and established a tour center to direct visitors to the village's architectural attractions.

"The amazing thing is that all these programs were started by people instead of by government," said Mrs. Edith Slayton, president of the Oak Park-River Forest League of Women Voters.

"They originated not in board rooms, but in living rooms. They didn't offer big salaries to the people involved. They offered high hopes."

The league nominated Oak Park for the All-America City honor, stressing that the resident-sponsored housing, village mall, and architectural programs deserved national recognition.

National Municipal League officials agreed.

ALL-AMERICA: ACTION, NOT STATUS, WON

We never had any real doubt that Oak Park deserved an All-American City designation and a lot of other honors as well. Last week's announcement resolved at least the one doubt about whether this award would arrive.

Our heartiest congratulation to the hard-working committee members who put together the presentations which won the award—it could not have been won without their efforts.

From what we know of the judging process, excellent presentations alone do not make winners: they simply display to full advantage the fundamental characteristics of a vital community. This community—warts and all, as they say in the movie about us—is vital.

And there lies the difference between Oak Park and the also-rans. This community, long since built up, now aging, is dealing with economic and social challenges in vital, energetic ways, involving plenty of problems and disputes. One of the hallmarks of the process, one of the key judging criteria this year, is citizen involvement. It takes many forms here, from a core of dedicated volunteers through the on-again off-again task forces to the occasional event of mass participation.

This is a community which long has had the key attributes of a highly desirable place to live—location, schools, quality housing, business services and civic institutions that work. Those things don't carry much weight with All-America judging panels.

They ask not "What do you have?" but rather "What are you doing?"

For several years, Oak Park has been doing a lot about its past, its present and its future. Respect for the historical heritage and its potential for the future, a hard look at the economics of the present and their implications for the future and anticipation of the urban lifestyles of the future—all of these have affected the way the community has done things for more than seven years.

The things Oak Park has been doing in recent years reached a high point in 1975, resulting in the All-America City designation for 1976. The award itself is a landmark on the continuing trail to more excellence and the distinctive symbol a banner to help inspire more effort; we are delighted and confident.

OAK PARKERS WIN AWARD FOR VILLAGE

Oak Park has been named one of 10 recipients for the All-American City Award by the National Municipal League, and that is no small statement.

The league described the All-America Cities as "places where citizen involvement is helping shape a desired style of life and achieve improvements in community institutions."

Of course, all communities strive for improvement, but Oak Park actually has made tangible progress.

The league also said, "The 1975–1976 stories presented by winning communities represent a casebook of citizen activism with accomplishments including improved human relations, construction of community facilities, revitalization of downtown areas, preservation of historic sites, development of recreational facilities, creation of senior citizen programs and services, reorganization of local government and provisions of wider housing opportunity."

Of course, improvement in these areas is of concern for many communities, but Oak Park translated these concerns into concrete programs such as the Housing Center, the Senior Citizen Nutrition Center, the Frank Lloyd Wright Home and Studio Foundation and the Oak Park Mall.

Why did Oak Park win an All-America City Award?

Certainly, the presentation by Edith Slayton, Sara Bode, Dawn Goshorn and Bobbie Raymond played a major part in Oak Park's selection.

But, Oak Park won because Oak Park has people who are not surprised by the work that has been accomplished in the village. In fact, they would only be surprised by a lack of positive action.

Oak Park won because residents have shown they not only want a good community, but are willing to put in the time and effort to effect positive change.

Oak Parkers have always known they have an outstanding community. Now, the country knows, too. The World remains Bullish on Oak Park.

NO DAMPENED SPIRITS AT CITY CELEBRATION

(By Jeanne Quinn)

Outside, the All-America City was being pummeled with a freakish combination of snow, rain, and wind. But inside Oak Park's Village Hall on Madison St., the atmosphere was warm and cordial. Nearly a thousand residents had braved the unseasonable weather-mix to witness Oak Park's celebration of Oak Park: the official naming of the Village as "All-America City" in 1976.

In this Bicentennial year, many felt it was particularly significant that Oak Park had garnered an award traditionally reserved for newer or more spectacular cities. Indeed, Oak Park was the only Illinois municipality to receive the award this year.

Shortly after the start of the two-hour, Sunday afternoon celebration, Village officials received the "All-America City" flag from a representative of the National Municipal League. Bill Kurtis, Channel 2 news anchorman and Oak Park resident, officiated at the opening ceremonies.

Following the flag presentation, residents and officials stood elbow-to-elbow, feasting on cake and punch and listening to the contemporary sounds of the OPRFHS Jazz Band. Many wore lapel buttons emblazoned with the "All-America City" logo.

Later, several hundred residents watched a special slide program highlighting Oak Park's major accomplishments. Opting for more fanciful adventure, their children raced to the wet courtyard and released colorful balloons imprinted with Oak Park's newest title.

DAY CARE BILL: CASUALTY OF PRESIDENT'S PRIMARY WOES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. RANGEL. Mr. Speaker, the President recently vetoed the day care bill which would have granted States additional time to meet Federal standards for these centers and would have provided the States with $125 million to assist them in meeting these new guidelines. Although we overrode the veto in the House, the Senate failed in its attempt.

Clearly this veto by the President was an attempt to appease the more conservative elements within his party. Unfortunately as the President acts more and more like a politician, instead of an incumbent President acting for the good of the entire Nation, important programs are sacrificed. Although a certain amount of political demagoguery is expected during this political season, I find it deplorable that children are being penalized because of the President's political misfortune.

Anthony Lewis wrote a column for Monday's New York Times in which he tells of the tragedy that will ensue if Congress does not act to reverse this callous act on the day care legislation. I call upon my colleagues to carefully review Lewis' remarks which I insert at this point in the Record:

Children and Politics

(By Anthony Lewis)

Minneapolis.—Nestled against a wall of St. Mary's Basilica, a hulking old church near downtown Minneapolis, is a small playground. Ten children, 2½ to 6 years old, use the swings and slide and run over to talk with their teacher, Michael Young. They are in a day-care center: Child Garden Montessori.

One of the kids is 3½-year-old Laura Lacey. She is well-dressed, bright, articulate, happy, active: the model of what we have come to think of as the middle-class child. But in fact the Federal Government pays her fee at the center, $130 a month.

Laura Lacey is the reality at the heart of an abstract political debate. President Ford recently vetoed a bill providing added funds for day care, saying that it violated his principles for Federal aid, and the Senate failed to override the veto. Unless Congress finds a way around the President's objections, Laura Lacey will have to leave the Child Garden day-care center.

Laura's mother, Geraldine Lacey, a slim attractive woman of 34, is separated from her husband. She worked as a secretary but found, she said, that she did not make enough to support herself and the child. So she went back to school, to the University of Minnesota, where she hopes to become a nurse. While there she is on welfare—a fact that troubles her.

"People think of welfare as a leech on society," Mrs. Lacey said, "and I feel that way, too. My ego is bruised. I want to study to get off welfare."

Mrs. Lacey had Laura in a private home first—a woman minding half a dozen children—but that turned out to be a depressing place. Then she looked at many day-care centers before choosing Child Garden.

"The kids looked so nice here," she said, "and they were interested in Laura when she came—didn't resent a new child, as I'd seen in other places. I was so happy to see that. And I thought it mattered that there was a man teaching here.

'I hope I don't have to move Laura now—I don't think it's healthy to keep changing. I'm just depressed . . ."

The situation of Geraldine and Laura Lacey is not unusual in the United States now. There are 2.8 million American children between 2½ and 6 who live with their mother alone. And altogether, 6.5 million of that age have working mothers.

The trend toward working mothers and single-parent families has made day care an essential factor in many lives. It enables many women to work instead of going on welfare—and thereby to save public funds. Welfare costs the Government about three times as much as day care.

The Federal Government now provides $600 million a year for care of children in poorer families, matched by $200 million from the states. The question inevitably debated is to what extent Federal standards for day care should go along with Federal money.

Congressional supporters of day-care funds, such as Senator Walter Mondale of Minnesota, have not wanted to set up a tight network of Federal rules. They agree that regulation should be left largely to state and localities.

On the other hand, studies have shown widespread and gruesome examples of bad day care: unsafe buildings, children ignored because of inadequate staff, and so on. Senator Mondale and others in Congress have felt that Federal money should not be used to send children to such places—that it should be used, gradually, to assure a decent environment in places where children will spend as much as eight hours a day.

In 1974, after long negotiations, the Ford Administration and Congress agreed on modest Federal standards. A new law required day-care centers, first, to meet state and local rules in fire, safety and health. And it established staffing standards, for example one adult teacher or volunteer to about six children between 2½ and 6.

When the time approached to apply those standards, it turned out that many centers could not meet them. Conditions were worse than had been realized. The states asked for more time and more Federal help.

That was the aim of the vetoed bill. It delayed the standards a bit longer and provided an extra $125 million to help the states meet them. President Ford, in vetoing it, said nothing about the earlier agreement, worked out so carefully by his own people and Congress. He objected to the whole idea of Federal standards and introduced the new demand that day-care money be included in Federal block grants for community services. Unless Congress acts on new legislation, Federal standards will now take effect without money to meet them.

The real reason for the veto was evidently the specter of Ronald Reagan. The President wanted to look tough, and what could be tougher than to drive children out of day-care centers. Gerald Ford should have to explain to Laura and Geraldine Lacey.

TWO HUNDRED YEARS AGO TODAY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mrs. SCHROEDER. Mr. Speaker, 200 years ago the Colonies were embroiled in the beginning of their struggle to obtain freedom from England—a struggle which was to bring hardship and suffering to many Americans before our independence was won.

Congressman Charles E. Bennett has brought to the attention of the Subcommittee on Census and Population, which has jurisdiction over the Bicentennial, a resolution which was adopted 200 years ago today, calling for a day of fasting and prayer. I would like to share this resolution with my colleagues in the House.

I ask unanimous consent that the resolution be printed in the Record as follows:

[From the Journals of the Continental Congress, March 1776]

In times of impending calamity and distress; when the liberties of America are imminently endangered by the secret machinations and open assaults of an insidious and vindictive administration, it becomes the indispensable duty of these hitherto free and happy colonies, with true penitence of heart, and the most reverent devotion, publickly to acknowledge the over ruling providence of God; to confess and deplore our offences against him; and to supplicate his interposition for averting the threatened danger, and prospering our strenuous efforts in the cause of freedom, virtue, and posterity.

The Congress, therefore, considering the warlike preparations of the British Ministry to subvert our invaluable rights and priviledges, and to reduce us by fire and sword, by the savages of the wilderness, and our own domestics, to the most abject and ignominious bondage: Desirous, at the same time, to have people of all ranks and degrees duly impressed with a solemn sense of God's superintending providence, and of their duty, devoutly to rely, in all their lawful enterprizes, on his aid and direction, Do earnestly recommend, that Friday, the Seventeenth day of May next, be observed by the said colonies as a day of humiliation, fasting, and prayer; that we may, with united hearts, confess and bewail our manifold sins and transgressions, and, by a sincere repentance and amendment of life, appease his righteous displeasure, and, through the merits and mediation of Jesus Christ, obtain his pardon and forgiveness; humbly imploring his assistance to frustrate the cruel purposes of our unnatural enemies; and by inclining their hearts to justice and benevolence, prevent the further effusion of kindred blood. But if, continuing deaf to the voice of reason and humanity, and inflexibly bent on desolation and war, they constrain us to repel their hostile invasions by open resistance, that it may please the Lord of Hosts, the God of Armies, to animate our officers and soldiers with invincible fortitude, to guard and protect them in the day of battle and to crown the continental arms, by sea and land, with victory and success: Earnestly beseeching him to bless our civil rulers, and the representatives of the people, in their several assemblies and conventions; to preserve and strengthen their union, to inspire them with an ardent, disinterested love of their country; to give wisdom and stability to their counsels; and direct them to the most efficacions measures for establishing the rights of America on the most honourable permanent basis—That he would be graciously pleased to bless all his people in these colonies with health and plenty, and grant that a spirit of incorruptible patriotism, and of pure undefiled religion, may universally prevail; and this continent be speedily restored to the blessings of peace and liberty, and enabled to transmit them inviolate to the latest posterity. And it is recommended to Christians of all denominations, to assemble for public worship, and abstain from servile labour on the said day.

U.S. POLICY TOWARD ISRAEL

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. BRODHEAD. Mr. Speaker, on May 3, 1976, I was privileged to attend the annual dinner of the American Israel Public Affairs Committee. At that dinner, an address was given by Senator Hubert Humphrey. I think that this speech is a particularly excellent one, for it is a clear and logical explanation of the special relationship that exists between the United States and Israel. The speech also contains some important comments about mistakes in current U.S. policy toward Israel. Because of the importance of this subject and because of the significance of the address, I wish to share it with my colleagues:

Humphrey Wants Clear Signals

Tonight you heard from my colleague in the Senate, Senator Clifford Case. Let me say to this audience, you have no better friend than Senator Clifford Case. We work together very closely in the Committee on Foreign Relations. We don't lobby each other. We just sort of come out on the same side. Of course, that makes me believe he's awfully smart. And it reassures me about my own judgment.

Many members of Congress are with us tonight. I think this is a real tribute to this gathering, the 17th Annual Policy Conference of AIPAC, because members of Congress are very busy. I don't know how many meetings you have tonight, but this is my third, and I know that many of us are pressured to go with our own constituents. We have large groups coming down. This is the bicentennial year. You put in a long day and yet, when I looked out into the audience tonight and counted the roll call, all I could say is that you do much better than we do in the Senate. We need you in town most of the time . . .

I said to Ambassador Dinitz tonight: "You know, I look out here and I feel I'm with my family." I really do. No place, no meeting anywhere with any group could I feel more like I was with my loved ones—my family.

Most of you have heard me speak a dozen times, but it's for Israel. I've attended so many B'nai B'rith meetings that I may decide to be a rabbi yet. It just seems that no matter what it is, I have been at it. But I have enjoyed it.

Now there are a couple of topics that I want to get at right quick. I've noticed a comment or two in some columns—every so often someone feels that they ought to advise the American people, tell us what we ought to do—they've been talking a good deal lately about the appropriateness of the kind of work that you're engaged in.

In other words, questions have sort of been raised. Should you be here? Much of the talk, frankly, as I see it, has been downright ridiculous and silly. Columnists, editorial writers have warned us about ethnic lobbies. We've been hearing a lot about "ethnic" lately. They've been warning us about ethnic lobbying, especially in foreign affairs. We've heard careless, and I think, wreckless things being said about the powerful Jewish lobby, the Greek lobby, the Turkish lobby, the Baltic states lobby—you mention it, as if somehow or another, it was against the law in this country to speak up for what you believe in.

Now, let me just lay it on the line. What a privilege it is to be both a good Jew and a good American at the same time. Let no one contest the patriotic dedication of the Jewish community in the United States. From the first days of our republic, from the days George Washington needed help in the battle for our independence, people of Jewish faith have been in the front lines doing their job for freedom, for justice. The whole theme of justice and the priceless nature of the human spirit comes from Jewish philosophy and Jewish religion. I'm very proud to be with an audience such as this, and I want you to know that I approve of what you are doing. In fact, I not only approve of what you are doing, you arrived just in time because there is work to be done in this city, and make no mistake about it.

I approve not only because I happen to agree with the program that you're advocating, but also because I think it is good for our country. It is good for the basic democratic process that people who have convictions about what American public policy should be take time to get their fellow Americans and their public officials to understand what they believe and to urge their support. That's what we mean by free speech in this country.

PETITION THE GOVERNMENT

We have some people in government who think that if they make a statement, everybody is supposed to agree with them. I thought we had gotten over that nonsense. I say it will be a sad day for this country when its citizens stop using the precious guarantees in the first amendment to petition their government. Let's never forget it. And let us remember that even in the Declaration of Independence, the people were petitioning, they were stating their grievances, and they were petitioning then the King of England.

Now, if oil producers can spend millions of dollars in their lobbying efforts, and much of it tax deductible, as they put these full-page ads in the paper to get special consideration, to influence legislation, to get special tax breaks; if sugar companies and shoe companies and clothing manufacturers can seek trade and tariff and quota policies that they think will benefit them; if workers can seek favorable labor legislation; and doctors can work against national health insurance, why can't Americans be concerned about the cultural or physical genocide of their co-religionists and relatives in the Soviet Union and in the Middle East? I think it speaks for itself. Thank God there are voices in America that speak up against injustice, and I don't care where that injustice may be. Injustice in our own country is a mortal enemy to everything that we believe in, and injustice in other lands ought not to be tolerated in the name of how fine we get along with people. We have a right to speak up. And not only do we have a right, we have a moral obligation to stand our ground for human rights the world over.

So I say there is nothing new about lobbying on behalf of causes in foreign places. It's as American as a hot dog or apple pie, spaghetti, gefilte fish or Polish sausage. We are a nation of immigrants, even into our 200th year. We are concerned about the land of our fathers, be it Poland or Italy or Russia or Norway or England or Ireland or Africa. And we have evey right to urge the Congress and the President to pursue policies that we deem to be correct. We are never assured that those policies will be followed. We may not win. We may not be able to gain the majority, but we surely have that right to state our case.

Now, I want to turn to the major topic before us this evening, but I thought I'd kind of clean that little issue away before we got any further along because every once in a while I hear people say: "Well, the real trouble is these people—the Jewish people—they're just thinking about Israel." That's just a lot of hogwash. I want to tell you that the Jewish people in America, the people of Jewish faith, have been thinking about the poor in this country, they've been thinking about the education of our people, they've been thinking about how to make our cities better, they've been thinking about immigration laws, they have been thinking about civil rights and civil liberties and the Bill of Rights and the Constitution of the United States. And I would think that you should be terribly proud, all of you that represent these great organizations, for what you stand for. I for one, as a member of Congress, applaud you. I only wish to God there were thousands more like you. We need you.

THE LAND AND ITS PEOPLE

Well—28 years ago, Israel's first Prime Minister, the beloved David Ben Gurion, proclaimed to the world that the Jewish people have a right to a free and independent nation. This nation, a land of immigrants and a land of help, helped rekindle the ancient Jewish prayer to be in Jerusalem again, to return again to the land of their fathers. Israel reborn was a poor land which awaited the rich in spirit to renew the covenants between the land and its people. I always loved that phrase—the land and its people—because it tells so much of character.

Israel reborn was a small nation surrounded by hostile neighbors who vowed, as we know, to destroy it at the very moment of its inception. And they've kept up that vow year in and year out, but they've failed. For Israel was not alone in the world. That small little country was sustained by the sacrifices of world Jewry, and it was befriended, to the everlasting credit of this republic, by the world's most powerful democracy, the United States of America. And it went on to win its struggle for its own freedom.

Why did Harry Truman use the power and prestige of his great office to befriend the Jewish state and inaugurate a commitment which has been crucial to Israel's security? Because Harry Truman was a compassionate and a moral man with a deep sense of history. He saw in Israel's rebirth the fulfillment of a biblical prophecy.

He saw in Israel's rebirth the creation of a democracy at a time when democracy was threatened. (By the way, there aren't many democracies. They are a very fragile product, a very fragile plant on this very destructive earth.) And he saw in the creation of Israel relief and haven for a people who had been the victim of Nazi and fascist tyranny.

There is a lesson for us today in Harry Truman's recognition of the State of Israel. It was clear from this and other policies that Truman put a premium on support of democracy. He understood the need for the United States to aid and support those peoples and nations who chose to form governments guided by democratic principles. And today, as in Harry Truman's time, the preservation of democracies must be at the top of our foreign policy agenda, in Israel, in Greece, in Portugal, in Japan and in the nations that struggle for self-government in southern Africa. We Americans ought to support freedom-loving people, first and last and all the time.

My, how we go out of our way to accommodate ourselves to others, and any little deviation, by some of our friends, is subject to such criticism. As Ambassador Pat Moynihan observed so well in his all too-brief tour at the UN, there are so few real democracies in this world that we cannot be indifferent to their needs and their principles. Within the limits of our resources then, and with our security objectives clearly outlined, democracies merit the support of America. And idealism still has a place in public policy. For our democratic heritage is not one that's just unique to ourselves, it is shared by Israel. Our system of liberty and equality also gives Israel its national vitality. And America's love for freedom is the cornerstone of Israel's independence.

ISRAEL'S HERITAGE DEMOCRACY

These values are the heritage of a democratic Israel. They are the values of our nation as well. And whether here in America or in Israel, we must stand for their preservation and protection. We must never forget Israel's claim to moral right based on its strong democratic institutions.

What I am trying to say here, and possibly inadequately, is that it is time for this country, this America, to be clearly identified in the minds of mankind everywhere that we support and put a premium upon our support for those who cherish democratic institutions—they shall be first in line; they shall have our first guarantees; they shall have our first generous help; they, above all, shall be helped—and once that's understood, I think there will be others who will treat us with a great deal more respect.

Jews around the world just recently celebrated Passover, the festival of thanksgiving and of freedom. I think it's right that we look ahead and ask questions. Will Israel be free and safe at next year's Passover? Will Israel be free on its 50th anniversary and the years beyond? To all Americans who believe in freedom, cherish it and who will sacrifice to preserve it, I think the answer is quite obvious. It is and it must be: *Yes.*

But let us understand that preserving Israel's freedom, as this audience knows all too well, will not be an easy task. It is a demanding task. Today Israel celebrates its independence at a time of uncertainty over the intention of its neighbors, at a time of diplomatic isolation such as no country has had to endure for at least generations, and at a time of great economic hardship.

ISRAELIS HARD PRESSED

Its citizens are taxed at a rate of unprecedented hardship and sacrifice. Its enemies have skillfully used international bodies and their own great economic power to try to turn world opinion against Israel. The momentum of peace that was started with an American initiative has been nearly halted by those nations and groups who know how critical peace is to Israel's ultimate security.

But it seems that a new element has been added to Israel's struggle for freedom during these troubled days, and I speak of it openly and honestly as I see it. I'm deeply concerned that a series of Administration actions and attitudes over a brief period have given the impression that the United States may be weakening its commitment to Israel.

Now, I refuse to believe that this Administration deliberately seeks to call into question the basic American commitment to Israel at the most difficult time in its history. And I refuse to believe that our President would knowingly abandon Israel, and I don't think he will. If this were to happen, the stated policies of five American Presidents would be abruptly reversed. But through inattention and inadvertence, and, I regret to say it, insensitivity, this Administration has taken steps which I believe have the effect of eroding the historical bonds of trust and confidence between the United States and Israel.

The erosion has been very gradual, but it has been profound. It is alarming for the future of Israeli-American relations.

At this point, let me state that I have no disagreement with the goal of securing the trust and the friendship of the Arab world. Securing that trust and friendship and being committed to the defense and the security and the freedom of Israel are not in contradiction. In fact, I believe that securing Arab trust and friendship is an imperative. But while we are pursuing this policy, we should not forget that Israel, for the United States, cannot be regarded as just another nation among many nations in the Middle East. Like it or not, Israel has a special place in the hearts of the American countrymen, and it does have that special place.

A SPECIAL RELATIONSHIP

We must declare without embarrassment and with no apology that Israel has earned a special relationship with America. The Arab world must understand that if it desires better relations with the United States, it must accept our good relations with Israel. No Administration should ever mislead any Arab leader to believe otherwise. Whoever will be President of the United States next year must assure all nations that we are ready to have constructive and positive relations with them, but we will not do so at the price of ending our special relationship with the State of Israel.

I sometimes feel that there is an analogy here. We have our problems with Great Britain. Many times Britain disappoints us and we're very critical of her. But Britain has a special place in the hearts of Americans. And we're not about ready, in order to make somebody happy somewhere else in the world, to sell out our relationship with Britain—and we're not ready to do that with Israel, and people need to know it.

We must never forget that the world watches intensely what our nation does and particularly what it does in the Middle East. The Soviets, the Arab nations, the nonaligned nations follow our every move. If we digress, if we're ambivalent, if we're doubtful, they sense it immediately. We must never give the impression, through our acts, that we are relegating our relationship with Israel to a second-place status. Perceptions in the world of diplomacy are as important as outright actions. Let me review this record which causes me some concern:

In October 1973, during a grave moment of the Yom Kippur War, the United States finally began resupply efforts to Israel, only after considerable pressure was exerted by members of Congress on the Administration. I know. I was one of those. I was on that telephone with the Secretary of Defense, with the Secretary of State asking when do we start moving the supplies. Thank goodness those supplies moved, and they moved in large quantities, to the everlasting credit of the government of the United States and to the President of the United States. But I shall never forget those critical first days of that war when we were not so sure whether the United States would provide aid quickly to the embattled Israelis. It's important that Arab states, the Soviet Union and all know that we will not dillydally, that there is a commitment, that it will be acted upon promptly, that there will be no reassessment, that the facts are stated clearly ahead of time.

Prior to the Secretary's Sinai peace initiative, the Administration launched a reassessment of American policy which included a halt, temporarily to be sure, in the delivery of critical military items and needlessly and painfully increased Israel's apprehension at a moment of growing international isolation.

Let me be frank about that reassessment. It followed the unwarranted public scolding of Israel after the breakdown of spring negotiations. I am saying nothing here that I haven't said privately to the Secretary of State who I like and admire. I have tried to be a helpful friend and will continue to be.

Friends, however, do not accuse one another in such a manner even at difficult times—at least not publicly. At the United Nations, all too many times, we stood idly by while nations tried to humiliate Israel and impugned its motives.

To be sure, when they tried to equate Zionism with racism, thank God the public position of the United States was made manifestly clear, to the everlasting credit of the President, the Secretary of State, and our Ambassador. Those are moments that we can be proud of.

Let me speak with equal candor about another subject. For too many years, this government has countenanced an unjust and odious boycott of Israel by powerful corporations and Arab nations. We still wait for an initiative from the Administration which will declare that the United States should use its powers to enact and enforce laws which impose on American corporations a standard of conduct in their overseas dealing fully as strict as that required at home.

By the way, in legislation waiting for the President's signature is the necessary legislation that will make it manifestly clear that we mean business. It will be only at this moment that we can say in the rest of the world that we will not participate in, nor will we acquiesce in, nor tolerate, an economic boycott of Israel or discrimination aimed at American citizens of Jewish faith or birth. The American citizenship carries with it the world over the protections of this country. . . .

When we start taking pride in our citizenship and letting people know that we take pride in it, we'll be respected. It's about time that the world knew that we mean that kind of business.

Finally, the President of the United States has foolishly threatened to veto a foreign aid appropriations bill on several grounds. but one of the grounds is that it contains funds for Israel allocated in conformance with our new budget act to cover what we call a three-month "transition quarter." The simple truth is that the fiscal year of the new act starts in October. The fiscal year under the old act ends June 30, and there is a period of time from July 1 through September when there are no funds made available unless a special act of Congress provides those funds. Possibly, my friend Senator Case told you about it because he was so instrumental, along with Senator Javits, in seeing that these transition funds were made available.

TRANSITION QUARTER AID

Now let me set the record straight. We discussed this matter in the Committee. I serve as chairman of the Subcommittee on Foreign Economic and Military Assistance. I telephoned the Secretary of State, Mr. Kissinger, in my capacity as chairman of Foreign Assistance Subcommittee on Jan. 29 to determine the Administration's position on providing Israel with $550 million in transition quarter funding. This matter was brought up by Senator Case, and we discussed it in committee.

There was doubt as to what we ought to do and the committee said to me: "Mr. Chairman, go call the Secretary of State." We went and called the Secretary of State. The Secretary of State told me personally that he approved the transition funds, that he felt it was proper what we were doing.

He said he could not, however, speak for the Office of Management and Budget. But he is the President's first officer. The Secretary of State is the President's first officer. Well, the OMB, that's the Office of Management and Budget, and the White House have spoken differently. President Ford and the OMB have obviously overruled the Secretary of State. The President and some of his people have lobbied House members to prevent Israel from receiving these funds. When that failed, a veto was threatened.

Now what good does it do for a Secretary of State to say, as he did on Apr. 4, that the United States will help keep Israel strong, while the President threatens the veto of a bill containing funds vital to Israel's security. The two are a contradiction in terms.

I want this audience to know that we take this matter seriously in the Congress, and we want you to take it seriously. Israel knows that you can't, on the one hand, state that we are going to keep Israel strong, and, on the other hand, have a threatened veto of the bill that includes the money. The Congress understands this contradiction, and we're not going to let the American people be fooled.

This dangerous series of events which seems to weaken, or perceives, or looks as if it weakens, the American commitment to Israel continues unabated. But let me assure you that, in what we call politics, perception is sometimes even more important than the facts.

The Administration attempts to start a significant military relationship with Egypt only to be told directly by the Congress that we will not permit this to happen.

Let me say here and now that we must not, and if I have my way—and I intend to have something to say about it—we must not undertake a full-fledged military commitment to Egypt, a commitment that can only increase the risk of war and vastly increase the expenditures of the American people and pose a threat to peace in the Middle East. I and my colleagues have no disagreement whatsoever in providing Egypt with the means necessary to better the lives of its people. We want to help President Sadat in every way we can to improve the living standards of that poverty-stricken nation. But the best way for Egypt to improve its living standards is to quit wasting its money on unnecessary weaponry.

What a blessing it would be if there could be some turning back of the flow of arms into the Middle East. Now this is the type of positive relationship which should be encouraged. I applaud the fact that neither Israel nor this organization has ever opposed economic assistance, or technical assistance, or food assistance, or humanitarian assistance to any nation in the Middle East or elsewhere. The Administration is determined to sell vast quantities of arms to a great number of Israel's potential enemies if they just put the cash on the barrelhead, and we are concerned about that. I don't believe that our balance of trade needs to be sustained by making America the world's arms merchant.

PERCEPTIONS THREATEN PEACE

The Ford Administration, and I say this with a heavy heart, simpy does not understand that actions which are perceived to weaken the American commitment to Israel are not acts of peace, but rather will threaten the peace. They can only bring confusion and postponement of peace. A final peace is all that Israel seeks and desperately needs—a peace that will end the hatred and a peace that will provide security.

Why must Israel remain economically viable and militarily strong? I think there are three simple reasons.

1. No Arab nation has recognized Israel or has expressed a great willingness to do so.
2. No Arab nation has been willing to abandon the systematic scheme of boycott and diplomatic pressure on Israel.
3. No Arab leader has accepted Israel's invitation to come forward and negotiate directly.

I'm not saying these things to be hostile to the Arab nations. On the contrary, the happiest day of my service in the Senate Foreign Relations Committee will be when we can know that Arab and Jew alike are working in concert for the development of that beautiful part of the world which is so much a part of the history of the home of western civilization.

A weak Israel, however, with an uncertain relationship with the United States, will not make sacrifices for peace in the face of the three factors I just mentioned. Weakness does not bring security. Nations take risks for peace when they are either very secure or extremely desperate. I never want to see Israel make sacrifices and compromises for what might be called peace out of desperation. The United States must never be a party to any such eventuality.

NEEDED: A CLEAR MESSAGE

Therefore, I call upon the President and the Secretary of State to act positively in the execution of American policy towards Israel. And I ask them to act in a timely and in a very precise manner so there is no ambiguity, no uncertainty, that the message is clear and undistorted. The time has come for this government to recognize the dangers which lie ahead. If we continue to act with insensitivity, and hesitancy in our relationship to Israel, bickering over a technical matter called the transition quarter, bickering over something that is part of the law of this land—every other department of government, every other program has received their transition quarter money—bickering over this amount that would go to Israel—yes, and to Egypt as well—only spreads uncertainty throughout the entire Middle East, and it must tell the Soviet Union something as well.

I am confident that if Israel is aided to overcome its severe economic problems, and it desperately needs help, and if it can remain strong, then we can call upon Israel to make the sacrifices for peace. And it will make them. I believe that Israel has the moral courage and the fortitude to grapple with the tough issues of the West Bank, the Palestinians and the problem of the new settlements. But to ask Israel to do so in the absence of a full-fledged effort on our part is an unfair and unfriendly act.

A FATHER AND SON

It is indeed difficult to discuss these issues without recalling my last visit to Israel's capital, the historic city of Jerusalem, just a short time ago. I stood on the Judean foothills, and I had with me my son who is a state senator from Minnesota. I wanted him to know the experiences that his father has had. I believe in bringing up the sons at least with some of the opportunity to share in the experiences of the father. I wanted that son of mine, who is a state senator, to be another spokesman for justice and for freedom and for Israel. And let me tell you, he got the message. When we stood there on the Judean foothills before the panorama of the City of David, I could see the Parliament, the Knesset, the Dome of the Rock, Mount Zion, and the Old City. What a sense that he should know this; what a proud ritual, if you have any feeling at all.

I walked through the Jaffa Gate down the ancient cobblestones, and I made my way to the Wailing Wall. Standing before the holiest shrine of the people of Israel and Jews around the world, I was told that the people of Israel come to the wall to lament over the destruction of the Second Temple, to shed spiritual tears for those who had given their lives in defense of Israel and the Jewish people.

For centuries, tears, salt have marked Jewish existence. Jews have shed tears for the ancient exile, the Czar's pogroms: they have wept for the victims of Nazi terrorism, the heroes of Warsaw, and the sons and the fathers who died in defense of a united Jerusalem, and a free independent Israel in 1948, 1956, 1967, and once again in 1973.

Just think of that tattering destruction, of war, of sacrifice and of suffering. Think literally of the rivers of tears that have come from these incredible experiences. Too many tears have been shed throughout the centuries; too many young men have given their lives in defense of Israel's freedom and the right of Jews to be free wherever they live. It is time, I say, to end the tears, to end Israel's pain, to restore her confidence and to help to bring her peace—the peace for which she has fought for 28 years, the peace her prophets spoke of and her sons and daughters have prayed for. As Israel's national anthem. *Hatikvah*, proclaims: "Once again, the land of Israel must be filled with hope, and with that hope, she will prosper. When this comes to pass, people will rejoice. For the miracle of Israel whose people will make the desert bloom in security and in peace."

That's my testament to you tonight: that's the way I believe, and those are the thoughts that will govern my actions in the Congress. Those are the thoughts that will govern my votes, and will indeed inspire whatever legislation I can put my hand to.

And I say to you now, don't you waste a single day or a moment while you are here. You contact every member of Congress, and tell them that all that you ask is that America show its dedication to democracy, that we show our dedication to those who are willing to die for freedom.

What I love about Israel so much is that she reveals in her existence what I think are the best objectives of American foreign policy; a people and a country, who are insisting for their right to be free and independent; a people and a country who are willing to use their resources to enrich the lives of their own people; a people and a country who are willing to play a responsible role in world affairs. If every country that we've helped would do as much, then tonight, the world would be a happier and a safer place in which to live.

TIMBER BILL WILL ASSURE CONTINUITY OF TIMBER HARVEST

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. WEAVER. Mr. Speaker, today I am introducing legislation to remove the threat of court action that could restrict the timber harvest in the Northwestern States. It is responsive to the court decisions already handed down which invite action by Congress to remedy the shortcomings in existing law.

I direct attention to the features of the bill that I believe represent a solid middle ground, and balance the concerns expressed by the industry, by environmentalists, and others for the resources of the National Forest System. Industry wanted flexibility—and the bill provides ample flexibility to the Forest Service. Environmentalists wanted strong guidelines to protect watersheds, soils, streams, and wildlife, and the bill has these.

My bill is similar to the one approved unanimously by the Senate Committees on Agriculture and Interior. It does contain modifications which will strengthen congressional oversight over the Forest Service, and provide balance in funding all multiple uses.

Most important, it contains the same provision as the Senate bill which eliminates language from the 1897 law, and permits the Forest Service to use modern forest management practices, including harvesting. Sustained yield operation on each national forest is required, as are several guidelines for all timber harvesting—that harvest levels will be set only pursuant to land management plans; harvests shall be based on availability and suitability of lands for timber productions, and land not suited to growing timber will not be subject to timber production as a management goal.

A section-by-section description of my bill follows:

Section 1 is the bill title: National Forest Management Act of 1976.

Section 2: Makes seven findings by Congress. A major one calls upon the Federal Government to become a catalyst among all forest land owners to encourage and assist them in their long-term use and improvement. Another directs the Forest Service to promote and expand the use of recycled forest products.

Section 3: Requires a new chapter to be prepared in future Assessments made under the Renewable Resources Planning Act to study the fiber potential of the National Forest System, as compared to current production.

Section 4: Adds a new paragraph of directions on what must be included in the Renewable Resource Program which the President transmits to Congress. These state addition goals for resource planning, including protection and improvement of soil, water, and air resources.

Section 5: This section requires the Secretary of Agriculture to fix many new guidelines for the development of land management plans on the National Forest System. They must provide for public particiaption in the formulation and review of proposed plans; specify how the interdisciplinary approach mandated by the existing law will be implemented; identify the suitability of lands for resource management; provide for obtaining inventory data and the various resources, soil, and water, including maps, graphic material and explanatory aids; provide methods to identify special conditions or situations where there is a hazard to the resources; insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources to provide for outdoor recreation, range, timber, watershed, wildlife, and fish.

Guidelines must also be promulgated that will provide for diversity of plant and animal communities, based on the suitability and capability of the land area; recognize the need for protection of soil, water, aesthetic, and wildlife resources where conditions are critical for tree regeneration; prescribe appropriate systems of silviculture according to geographic area, including harvesting, thinnings, regeneration, and other treatment methods; insure research and continuous monitoring on the ground of the effects of each management system in use or proposed for use, and provide for its discontinuance if it proves detrimental to the productivity of the land; provide that timber harvesting shall be determined only through the preparation of the land management plans; identify the relative productivity of national forest land, and assure that timber production is not a management goal where the cost of production exceeds the economic return; and permit increased harvesting only upon demonstration that it is justified by management practices.

Additional guidelines are to be established for all timber harvesting, and for clearcutting in particular. They must insure that timber will be cut only where there is no irreversible damage to soil, slope, or other watershed conditions, there is assurance that the land can be restocked in 5 years, and protection is provided for streams, and other bodies of water. Clearcutting guidelines must assure that it will be done only when it is the optimum means to meet the land management goals, that the interdisciplinary review has assessed the impact on other resources, the cuts are designed to blend into the natural terrain, and maximum size limits for clearcuts are set for each geogrpahic area or other suitable clasification. The latter limitation does not apply to the harvesting of timber damaged by natural disaster.

A committee of scientists must be appointed by the Secretary of Agriculture to provide technical advice and counsel on these guidelines.

Section 6: Puts the Forest Service programs under a fixed term authorization of five years. This will require Congress to examine its five-year Program and act positively on it before money to carry it out can be appropriated. It also requires that funding of the various programs not vary more than 10% from the levels established in the Program.

Section 7: Requires the Secretary of Agriculture to report to Congress the extent of the lack of vegetative cover in the National Forest System, and the amount of money needed to restock it.

Section 8: Requires that permanent roads be included in the forest development road system plan, and that any other road for timber removal or other purpose shall be temporary, and allowed to revert to vegetation within 10 years.

Section 9: Establishes the National Forest System by statute. Most national forests were created by executive order of the President, and could be removed back to the public domain the same way. This requires that they cannot be so moved, except by act of Congress.

Section 10: Includes past and future responsibilities and authorities of the Forest Service in the term "renewable resources" for which it must plan.

Section 11: Limits the sale of timber from each national forest to a quantiy equal to or less than a quantity which can be removed from such forest every year on a sustained-yield basis. An exclusion for natural disasters is provided.

Section 12: Contains conforming amendments to the Renewable Resources Planning Act of 1974.

Section 13: Redesignates paragraphs in the 1897 Organic Act.

Section 14: Amends the Organic Act by striking out the twelfth paragraph, and substituting: "For the purpose of achieving the policies set forth in the Multiple Use Sustained-Yield Act and the Forest and Rangeland Renewable Resources Planning Act of 1974, the Secretary of Agriculture may sell at not less than appraised value, trees, portions of trees, or forest products located on the National Forest System." Additional language limits sales contracts to 10 years, except in circumstances beyond control of the purchaser, and permits sale of trees of less than $10,000 in value without competitive bidding.

It also requires the Forest Service to establish utilization standards for removal of timber.

Section 15: Validates timber sales made pursuant to the 1897 Organic Act, and requires re-negotiation of the 50 year timber sale contract in Alaska to conform to the new requirements of this bill.

Section 16: Provides that in the calculation of money returned to the counties from timber sale receipts, there shall be included all collections for reforestation under the Knutsen-Vandenberg Act, and credits allowed to timber purchasers for construction of roads. This will yield about $60 million more to the counties where National Forests are situated.

Section 17: Abolishes the National Forest Reservation Commission, and directs the Secretary of Agriculture to report to Congress annually on all land purchases and exchanges affecting the National Forest System.

Section 18: Adds a new paragraph to the Knutsen-Vandenberg Act to permit collections to be made from timber purchases to work on the timber sale area to improve its productivity in addition to reforestation.

Section 19: Provides a title to the 1960 Multiple Use Act.

Section 20: Strikes out the provision in the 1964 National Forest System Roads and Trails Act which relieves timber purchasers of paying for road standards that are higher than what is needed to remove the timber.

COMMON CAUSE ON THE SIKES CASE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. FRASER. Mr. Speaker, the Standards of Official Conduct Committee has voted to go ahead with a formal investigation of activities involving Representative Sikes, based on a Common Cause complaint.

I feel it would be useful to place in the Record the Common Cause communications relating to the dispute over committee rules.

Three letters follow:

Common Cause,
Washington, D.C., May 5, 1976.

William G. Geoghegan, Esq.,
Counsel to the House Committee on Standards of Official Conduct, Ring Building, Washington, D.C.

Dear Bill: This is to follow up on our conversation this morning. If there is any disagreement about the scope of any obligations of secrecy at the inquiry stage—and I don't think there is—Common Cause believes that should be discussed in public session at the outset of Thursday's hearings. There is obviously no reason why any discussion of that issue should be kept secret. Hopefully, there's no problem here. We simply don't want to be hit by surprise in executive session with obligations that go far beyond our understanding of the purposes of privacy at this stage.

The 1968 Report of the Committee on Standards of Official Conduct indicates a concern that the Committee avoid being used as a forum for cheap and wide-spread publicity of frivolous charges. The "inquiry" stage, which is intended to determine whether the charges are substantial enough to warrant an investigation, can sensibly be shielded from too much public attention until the Committee is satisfied that an investigation is appropriate. We would, therefore, accept an obligation not to report anything we hear said about Mr. Sikes at the Thursday inquiry. That fully covers the purpose of going into executive session on this occasion.

Just to be clear, we retain the right to say publicly what we know from any other source, as the Constitution surely requires. The mere fact that we were present at the inquiry doesn't affect our general freedom of speech about matters we didn't learn there. We can say what *we* said to the committee; that's established even for witnesses before a federal grand jury. And finally, there is no legitimate secrecy about the procedures, rulings, or other actions of the Committee itself. The Congress obviously wants the public to have confidence in the procedures its Committee follows in deciding whether to investigate, as well as in the course of an investigation itself. That would be impossible if complainants were ordered not to discuss procedures.

I don't think there is disagreement about this, but we don't want to face any uncertainty about whether we're violating any obligations of secrecy. If there is dispute, let's discuss this important issue openly at Thursday's hearing before going into executive session.

Sincerely,

Philip Heymann,
Counsel to Common Cause and Fred Wertheimer.

Common Cause,
Washington, D.C., May 7, 1976.

William G. Geoghegan, Esq.,
Counsel to the House Committee on Standards of Official Conduct, Ring Building, Washington, D.C.

Dear Bill: I wanted to write you promptly to try and straighten out whatever confusion there may be after yesterday's hearing before the House Committee on Standards of Official Conduct. As you know, our position was that it would be wrong for us to reveal any testimony or evidence we heard on that occasion about Congressman Sikes. We also thought it was fairer not to release our opening statement to the public while the Committee was deciding whether to initiate an investigation. On the other hand, we were clear that we had a constitutional right to continue to discuss Representative Sikes' record, to reveal the substance of our position before the Committee at some later date, and to talk about any unfairness or legal misconceptions that we saw in the procedures.

The Committee was not prepared to concede any of these rights, saying that they were inconsistent with the very meaning of "executive session." This is simply wrong as a matter of law and history. Such claims for executive session are, I believe, wholly unprecedented and starkly unconstitutional. Whether inadvertently or not, the Committee was setting forth a sweeping new construction of the rules and a novel demand for the total future silence of anyone who testifies in executive session. Let me be specific.

I. To the best of my knowledge there is no precedent whatsoever for House action against a witness who simply continues to state publicly what he has stated to a Committee in executive session. Representative Bennett attempted to make that clear yesterday at the hearing, but we could not obtain Committee assurance of even that minimal protection for First Amendment rights. Surely it is inconceivable that the price of petitioning Congress can be made a legally binding obligation not to continue to make one's complaint in public.

II. I believe there is no precedent for forbidding a witness before a congressional committee, whether in executive or open session, to make public what he said to the committee and that he said it. How could the responsiveness of Congress to citizens ever be evaluated if the price of appearing as a witness would be a prohibition of stating what one had asked of, and said to, a committee? Rule XII.2.(k), is intended to apply to Members of Congress and their staffs to prevent them from revealing what they have heard in executive session. The legislative history makes this clear. It is not designed to interfere with the First Amendment rights of witnesses and potential witnesses to speak their piece. Like the law governing federal grand juries, the Rule is directed not at witnesses but at representatives of the government.

If the matter is otherwise classified or protected without regard to the rules of executive session, that is, of course, a different story. Witnesses are bound by federal law in dealing with national security matters. *See*, 18 U.S.C. § 793–798. If such law applies to forbid a person discussing some matter, it applies after the witness leaves a congressional hearing, just as it did before he entered the hearing.

III. I believe there is no authority and no precedent for forbidding a witness from talking about the way he was treated before the committee in executive session, the committee's procedures, and the committee's rulings. One Member tried to make it clear that we were in danger of violating House rules if we even made public the discussion about the proposed rules of secrecy. We were certainly unable to get from the Committee an assurance that we could discuss these matters (except for the last-minute decision at the executive session to make public the transcript of the whole session). How could the legislative process work if witnesses would appear at the risk of never being able to complain of the way the proceedings were handled while they were there? What witness would appear on these terms?

IV. The Library of Congress has stated that there is no authority or precedent for binding a witness to silence in *any* way simply because he appears before an executive session of the House of Congress. They suggested, and we agreed, that the way to handle this is to reach a common understanding on what will be said or not said. As you know, we tried to be entirely fair in that regard. But if there is no legal authority at all to bind witnesses, what is it that we were being confronted with yesterday at the session?

These are not unimportant matters. What is at stake is the basic structure of a free government. I believe that the Committee is making a far broader claim to burden the constitutional rights to free speech and to petition Congress than has been made before. Perhaps I have overlooked some precedents for all this; if so, I think you should let us know about them right away. I don't think that either the Committee or Common Cause should be confused about what is at stake here.

Sincerely,

PHILIP HEYMANN,
(By JANE TINKER)
Counsel for Common Cause.

COMMON CAUSE,
Washington, D.C., May 11, 1976.

Hon. JOHN J. FLYNT,
Chairman, House Committee on Standards of Official Conduct, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I very much hope that the Members of the Ethics Committee will read the enclosed memorandum [not reprinted] submitted on behalf of Common Cause explaining why we believe the Committee is obligated to proceed with an investigation of certain activities involving Representative Sikes. It is long enough to be worth summarizing in this letter.

The Committee presently has under consideration a threshold question—whether to undertake an investigation regarding the activities of Representative Sikes. We submit that, whenever two conditions are met by factual allegations, the Committee has the responsibility to conduct an investigation. The two conditions are: (1) that the allegations involve significant violations of *either* the historic duty of a Member not to discredit the House by engaging in, or giving the appearance of engaging in, financially self-serving conduct *or* any more specific rules which were also applicable at the time the conduct took place; and (2) that the allegations have sufficient factual support to raise reasonable suspicions of serious wrongdoing and thus require a factual investigation.

When both these conditions are met, as we show in the attached memorandum that they are here, the Committee has an obligation to conduct an investigation and make findings based on that investigation. There can be no thought of the Committee dismissing "for want of prosecution" by a private complainant who has already set the allegation and factual support before the Committee in a sworn complaint. The Rules of the House make it clear that the job of pursuing an investigation lies with the Committee, not with any complainants—whether they are from within or outside the House.

Of course, Common Cause is not withdrawing from this matter. We continue to be willing to take part in open session, or in executive session at the inquiry stage, provided fair and equitable rules are established. We are anxious to participate in any way that does not smother the possibility of criticizing the Committee's proceedings or decisions if we feel that is warranted.

The extension at the May 6 meeting of the meaning of "executive session" to forbid discussion of these matters is unprecedented. It is also destructive of public trust in the Congress. Public evaluation of the Congress requires that citizens know the good and the bad about these matters so they can judge how willing the House is to deal seriously with the difficult subject of allegations concerning one of its own Members.

We have already expressed at the May 6 meeting our commitment not to reveal publicly any testimony or evidence we might hear from or about Rep. Sikes in executive session at the inquiry stage. But we find no legal authority for the Committee's use of "executive session" to limit or eliminate our right to make public: (1) the substance of the factual allegations we were putting before the Committee; (2) arguments (such as those we make here) as to what is acceptable conduct by a Member; and (3) information as to the conduct of Committee proceedings. Absent any showing by the Committee of legal and constitutional authority to limit such important rights, we will insist on keeping them; but consistent with this, we remain willing to assist in any way the Committee desires. The attached memorandum is such an effort.

The allegations we have set forth raise two central (and several less major) issues of standards of conduct.

(1) Is it permissible for a Member who is a substantial shareholder in a closely held corporation to use his position, without revealing his personal interest, to sponsor and guide through passage legislation, a major effect of which is to grant federal property interests to that corporation? If the Committee rules such conduct is not permissible, as we urge, then there is a central factual question that demands investigation: whether Rep. Sikes is telling the truth to the Committee when he denies having known that "this leasehold would be affected by the legislation". If he is not telling the truth to this Committee, the prolonged intentional concealment of a serious undisclosed conflict of interest deserves severe condemnation now, i.e. promptly after the concealment is revealed. This is not a criminal proceeding, it is plainly civil in nature. The law is clear that time delays, occasioned by concealment, are not valid grounds for dismissal of a noncriminal charge.

(2) Is it permissible for a Member to use his official position to attempt to obtain government permits and insurance for a prospective bank and then accept, from the owner, the opportunity to buy a substantial portion of the privately held stock in that bank? We think such conduct—which is apparently uncontested—is plainly impermissible because of the suspicions it suggests to reasonable men and thus the discredit it brings to the House. Here, too, further factual investigation of the precise nature of the arrangement is obviously called for. The extent of Rep Sikes' activity is sufficient to raise reasonable suspicions of even more serious activities—at the very least, a prior expectation of participation in the bank. The Committee cannot avoid answering these questions without shirking its responsibility.

The central responsibility for investigation of these matters is, and has been, the Committee's. If the Committee disagrees with the standard we have set forth as requiring an investigation, it should explain what alternative standards it believes are applicable. If the Committee accepts these standards but believes that the conduct alleged was permissible for any Member of the House, it should say so. If the Committee agrees such conduct is impermissible but believes that there is no adequate factual basis for undertaking an investigation of whether it occurred, it should say that. What Common Cause seeks is a clear explanation of the responsibility this Committee is prepared to assume for dealing with allegations of serious wrongdoing by one of its Members. The public is entitled to at least that.

Although we disagree profoundly with the position the Committee took, I appreciate, Mr. Chairman, your willingness to hear our arguments on secrecy procedures so fully in executive session last Thursday. We would appreciate the opportunity to argue the legal issues involved in this case before the Ethics Committee in open session.

Sincerely,

PHILIP B. HEYMANN,
By JANE TINKER,
Counsel for Common Cause

CHAIRMAN EVINS SPEAKS AT THE NATIONAL BICENTENNIAL SALUTE TO SMALL BUSINESS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. CORMAN. Mr. Speaker, as chairman of the Subcommittee on Government Procurement and International Trade of the House Small Business Committee, I was delighted at the talk that Representative JOE L. EVINS, chairman of the Small Business Committee, gave at the recent presentation of awards to the small business subcontractors of the year.

Because of the importance of his remarks and the substantial interest in this matter by the public and the small business community, I would like to share Chairman EVINS' thoughts with my colleagues.

The text of the speech follows:

SPEECH BY REPRESENTATIVE JOE L. EVINS

I. INTRODUCTORY

Thank you, Mr. Chairman, certainly I am pleased and delighted to have this opportunity of appearing before this distinguished group of small businessmen, officials of the Small Business Administration, and others interested in the growth and progress of small business.

It is fitting and appropriate this Bicentennial Year of our Nation's founding that small business be recognized for its tremendous contributions to the founding of our Nation and the establishment of our Republic and our free enterprise system.

Small businessmen were in the vanguard of the American Revolution.

Today as we celebrate the 200th anniversary of our Nation's birth, small business remains strong and important to this Nation.

Congress has again recently declared that it shall be a policy of this Nation to aid, counsel, assist and promote American small business and our free enterprise system.

Today we cannot over-emphasize the importance of small business to our economy and to our country.

II. THE IMPORTANCE OF SMALL BUSINESS

Small business is the seedbed of our free enterprise system.

Small business is the heart and soul of our economy.

Small business is creative and the mother of invention—of new technology.

Small business is responsible for hundreds—indeed thousands—of breakthroughs in new technologies.

Small business will continue to be the source of new technologies—new techniques and new productions.

Small business is where the mind is free to exercise its greatest capabilities.

More than 95 percent of all businesses in this country are considered small business.

Small businesses contribute almost 50 percent—one-half—of our Gross National Product.

While small business is important today—I should point out that small business is confronted with many problems and is fighting for its economic life against Giantism, unfair competition and deceptive trade practices in the marketplace.

Our pioneer forefathers were tradesmen, craftsmen and small businessmen.

History tells us that Samuel Adams, Paul Revere, Roger Sherman and other Revolutionary War leaders were small businessmen.

Tradition tells us that Paul Revere was the first small businessman to apply to the United States Government for a small business loan.

He had about as much trouble getting a direct loan then as small businessmen do today.

III. BICENTENNIAL INDEPENDENCE FROM HIGH INTEREST RATES

In my view, one of the greatest achievements of this Bicentennial Year would be for the small businessman to be able to declare his independence from high interest rates and once again receive low-interest direct loans from the Small Business Administration.

Perhaps we can appeal to the patriotism of our friends at the Office of Management and Budget.

Over the years of my service in the Congress I have fought the battles of small business as has our Committee in the House.

As has been indicated, after 30 years, I am not seeking re-election to the Congress.

I am looking to my successors in the Congress and others to carry on the fight to preserve, promote and perpetuate American small business and our free enterprise system.

This conference is concerned with small business procurement—getting a fair share of government contracts among other current small business problems.

I was pleased to note recently that Department of Defense subcontracts to small business concerns in 1975 amounted to 39.3 percent of all military subcontracts—although I would hope that this total would be even larger.

The 1975 percentage does reflect a slight increase—about one percent—over the amount of subcontracts that went to small business subcontractors in 1974.

Our Committee over the years has devoted much time and effort to resolving problems which subcontractors have in securing work from prime contractors at the Department of Defense, and certainly we shall continue to do so.

Our Committee has taken a strong position in favor of mandatory small business subcontracting by Federal departments and agencies, and I was pleased to note that there has recently been established a test program for mandatory small business subcontracting.

I believe this new set-aside program is a good indication that small business is continuing to make progress toward securing an even greater share of Federal contracts for goods and services in the future and we look forward to even greater progress.

Regettably we must face the fact that small businessmen this year are caught up in a squeeze between—

Big Government.

Big Business.

And High Interest.

Big Government over-regulates small business and forces small businessmen to spend many man-hours filling out useless forms and questionnaires complying with frivolous regulations and much red tape.

While Big Business and small business should be complementary in our competitive free enterprise system, we know that Big Business often applies every conceivable pressure to capture an even larger segment of the market.

And High Interest—high interest rates—restrict the ability of a small businessman to grow and expand.

We are concerned with these problems—American small business is concerned—and I am sure that Administrator Kobelinski and officials of SBA are also concerned with them.

We have studied these problems—now we need action—action by SBA and the Administration—and action by the Congress.

IV. HISTORY, GROWTH AND DEVELOPMENT OF SMALL BUSINESS COMMITTEE

The Small Business Committee in the House and Senate are a natural outgrowth of a national concern for small business.

It was on August 12, 1941, that the late Wright Patman—the first Chairman of the House Small Business Committee—introduced the first Resolution in the 77th Congress authorizing the establishment of a Select Committee on Small Business in the House.

This first Committee was charged initially with the responsibility of investigating charges of discrimination against small business in the awarding of defense contracts.

Over the years, Congress has recreated and re-established the Committee because of its reports, its usefulness and its service to the small businessmen of the Nation.

The present Congress—the 94th Congress—made the Committee a permanent and standing Committee with legislative authority.

The authority and responsibilities of our Committee have thus been greatly expanded to meet the mounting challenges to small business.

I am pleased to have had the honor of serving as Chairman of the Select Committee for a number of years—appointed by the Speaker—and now to serve as the first Chairman of the new legislative Committee on Small Business.

Over the years our Committee has had many outstanding members, including—

The Honorable Mike Mansfield, now the Majority Leader in the Senate.

Senator Henry M. Jackson, a contender for the Presidency and former Chairman of the Democratic National Committee.

The late Senator Estes Kefauver of Tennessee.

Representative Charles Halleck, the Republican Minority Leader for many years.

Former Congressman Leonard Hall of New York, later Chairman of the Republican National Committee.

James Roosevelt of California, and many others.

Today our expanded Committee functions as a service Committee—a legislative Committee—an oversight Committee—and an investigative Committee.

Our Committee serves the small businessman by following up on complaints and requests for assistance referred to us by our Colleagues in the House and by going to bat for the small businessman.

V. RECENT CONGRESSIONAL ACTION—BILLS PASSED

Wearing the mantle of legislative authority, our Committee during this session has lost little time in moving forward with legislation to assist the small businessmen of the Nation.

In this connection, I want to commend my friend and Colleague Representative Neal Smith of Iowa—the Chairman of the Legislative Subcommittee—and the members of the Small Business Committee for their outstanding work in expediting hearings, reporting and passing vital small business legislation.

During the first session, the Committee completed action on 28 bills and resolutions—and three bills passed the House by unanimous vote.

Among the bills passed during the first session include:

H.R. 5541—the Small Business Emergency Relief Act—now Public Law 94–190—and which authorizes a Federal agency to cancel or modify, under certain circumstances, a fixed-price contract where the small businessman has encountered substantial price increases which were not anticipated. This act also provides that if a contractor is unable to obtain energy, petroleum or petroleum products, the delay is an excusable one—and he must be allowed additional time to fulfill his commitments.

H.R. 9056—this bill provides for amendments to the SBA and SBIC Acts clarifying the eligibility of agricultural oriented small businesses to obtain SBA loans and establishes a new program of financing to assist small business in meeting pollution standards.

Another bill passed during the current session provides assistance to small businesses injured by the disruption of public utility service. This bill would establish a program of special assistance to small businesses injured as a result of the disruption of services by public utilities.

The Legislative Subcommittee, headed by Congressman Neal Smith of Iowa, has a heavy schedule of pending small business measures, including an Omnibus Small Business bill recently reported which raises the ceiling on authorizations of small business loans, among other provisions.

Time will not permit a detailed accounting of all bills pending before our Committee.

Suffice it to say that our Committee is keenly aware of its legislative responsibilities and expanded authority—and we are moving forward in the public interest.

VI. SOME BASIC BELIEFS OF THE COMMITTEE

This great conference will be interested in knowing some of the basic beliefs of our Committee.

Our Committee favors a climate and atmosphere in this country favorable to the growth and progress of American small business.

We favor action to end government over-regulation—regulatory "over-kill"—to end unnecessary paperwork, needless reporting requirements and discriminatory taxes which discourage capital formation and harass small business.

We favor doing away with red tape and giving small businesses the green light for growth and expansion.

We favor vigorous enforcement of the antitrust laws to break up the monopolies and conglomerates and to restore competition to the marketplace.

We favor the elimination of unfair trade practices that drive small businesses into bankruptcy and that encourage and assist the steady growth of monopolies, multinational corporations, conglomerates and giantism.

One of the most important phases of our Committee's work this year has been the investigation by a Special Antitrust Ad-Hoc Subcommittee of reports that there is and has been for some time in this country a move underway to repeal the Robinson-Patman Act, the "Magna-Carta" of small business. The Robinson-Patman Act must be maintained and should be vigorously enforced.

The Congress and the country are looking forward to the report and recommendations of this Subcommittee in the near future with great interest.

We favor a stronger and also an expanded small business assistance program to encourage the creation of new small businesses and to provide jobs and employment for Americans through the free enterprise system.

We favor a return to the direct small loan program for small businesses.

We favor a greatly expanded and increased amount of the Government procurement dollar going to small business subcontractors and small industries—and

We favor a strong and continuing overall program to assist small business—the backbone of our country.

VII. VALDEDICTORY OBSERVATIONS

I truly believe that this year—1976—can be a landmark year not only for small business but for America.

We must eliminate the threats to small business and our competitive free enterprise system. We must strengthen SBA in the public interest.

The Small Business Administration is considered small in size compared with the vast departments of Government—Commerce, Agriculture and Labor, for instance.

Over the years our Committee has fought to maintain the independence of SBA when any Administration has sought to place the agency in a huge bureaucracy mass where SBA and the interests of the small businessman would suffer and be diminished.

Our Committee continues to be concerned with the growth in regulatory agencies affecting small business and the public generally.

We have seen the number of regulatory agencies in the Federal Government double from 12 to 24 in the past 10 years.

We have seen their budgets increase from $860 million to 3 and one-half billion dollars.

While we all recognize that we need some regulation, we now have in too many instances over-regulation—regulatory "overkill"—too much regulation, too many rules, too much paperwork, red tape and guidelines.

Certainly the time has come to act against this excessive bureaucratic imposition on small business—to free small business.

VIII. CONCLUSION

In summary, may I say that we must continue to work against excessive over-regulation and red tape in Government—provide increased loans and asstistance to small business—generate a greater share of government procurement—create and maintain a climate favorable to the growth and progress of American small business—in the public interest.

These goals must be achieved in the months ahead.

Again, let me thank you for permitting me the opportunity of sharing with you the observance of Small Business Week in this our Nation's Bicentennial Year.

Small business began strong in this country—and as I return to Tennessee at the conclusion of this session of the Congress, I have faith and confidence to hope to believe that small business will continue to grow stronger in the future.

Let's keep it that way.

Thank you and good luck.

FEA MUST BE ABOLISHED

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. FITHIAN. Mr. Speaker, I want to respectfully urge my colleagues to support H.R. 13795, a bill to transfer the necessary functions of the Federal Energy Administration to other agencies and to allow the FEA to expire. Representative SCHROEDER and I introduced this bill last week to provide a rational and responsible alternative to the proposed 3-year extension and expansion of the FEA suggested by the administration and the House Commerce Committee.

As you may know, the Federal Energy Administration was created in 1974 to deal with the specific problems created by the Arab oil embargo. That short-term crisis has passed, FEA's controls are being phased out. The time has now come to phase out the FEA.

The record of the FEA over the past 2 years demonstrates conclusively that the agency is unfit for an expanded role in administering national energy policy. The record suggests, in fact, that the agency is unfit to continue even as presently constituted.

The FEA is one of the fastest growing, highest paid bureaucracies here in Washington, expanding from a borrowed staff to 3,400 employees in just 2 years. Next year, while the controls it administers are coming off, it wants 700 more.

The FEA has repeatedly overstepped its statutory responsibilities, starting bureaucratic range wars with the FPC over natural gas policy, with the Department of State over international oil policy, and with ERDA over nuclear power promotion and solar energy.

FEA's public relations efforts have been a gross misuse of public moneys. Its 112 public relations experts have spent over $3.5 million to propagandize and promote the agency and to lobby Congress.

FEA's self-assumed role of major oil company advocate runs at cross-purposes with its regulatory responsibilities, severely impairing the agency's credibility and effectiveness.

It is my hope that the introduction of this bill will help focus attention on these serious problems with the Federal Energy Administration before FEA extension legislation comes to the floor. It is my intention to present the bill as a substitute to H.R. 12169, the Commerce Committee's bill to extend the FEA, during the floor debate on the measure.

Americans from all walks of life and from every State in the Union are expressing their concern this year over the growth and cost of the Federal Government. We should respond to these concerns, and ending the FEA is a good place to start.

LT. THOMAS BIGELOW NAMED "CITIZEN OF THE YEAR" BY HAWTHORNE, CALIF., CHAMBER OF COMMERCE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. CHARLES H. WILSON of California. Mr. Speaker, today it gives me pleasure to pay tribute to a leading citizen of Hawthorne, Calif., Lt. Thomas Bigelow, who has recently been named "Citizen of the Year" by the Hawthorne Chamber of Commerce.

Lieutenant Bigelow is a policeman and during his 23 years with the Hawthorne Police Department he has taken on so many other responsibilities and given the people of Hawthorne so much of his off-duty time that one can truly say that he has made an outstanding contribution to the community.

For instance, he worked in the PTA's for more than 9 years in his school district, spearheading the block parent program. For his outstanding work with children and youth he received an honorary service award from the Centinela Valley Council of PTA's.

This Citizen of the Year is well known for his work with the Centinela Child Guidance Clinic, part of the Southwest Community Health Clinic Association. This organization is an outpatient facility, providing counseling for families who have problems with youngsters from 3 to 18 years of age. These cover a wide spectrum, such as drugs and alcohol abuse, truancies and runaways, youths with abnormal sexual behavior patterns and other problems. Every year many families and young people are saved from serious consequences because of the work done by this clinic.

Lieutenant Bigelow has been active in this clinic for several years. He has been a working president for 2 years and has just been elected to a third term. By working, I mean he has done such things as being responsible for painting the clinic, acquiring needed equipment and presently, locating and remodeling new quarters. He has rustled such things as carpeting, fixtures, furnishing, and material to redecorate the building, also doing much of the physical labor himself.

As a police officer for the city of Hawthorne, the 1976 Citizen of the Year has presented special programs to many groups on such things as self protection for women, antiburglary techniques, protection for senior citizens and similar subjects, often on his own time.

Lieutenant Bigelow has his B.A. in police science from Cal State, is a member of the Southern California Juvenile Officers Association and the Los Angeles County Peace Officers Association.

He has been a member of the Wiseburn School District Board of Trustees for 8 years, serving as president on two occasions. He served as vice president of the Hawthorne Coordinating Council, and was in charge of case conferences for this body. His concern for people has benefited individual families when normal channels were not available to help with emergency food and other necessities. He has aided new citizen families and in other instances helped save jobs for heads of households.

I am very proud to have persons such as Lieutenant Bigelow as part of our police department, and as a member of our community.

And I am equally proud to have him as one of my constituents in the 31st Congressional District of California. I think it should be recorded that the business of this great Nation has been temporarily suspended so that we could pay homage to this citizen who, in his quiet way, has contributed so much to the quality of life of his neighbors.

FEDERAL SPENDING

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. DEL CLAWSON. Mr. Speaker, judging from some of the discussion of Federal spending, it would not be surprising to read a headline one of these days stating "Robin Hood is alive and well and living on Capitol Hill." But we might find to our dismay that it would be a Robin Hood who applies his philosophy with a difference—taking from all in order to bestow some highly costly beneficence. Mr. William F. Buckley, Jr. points out in his column which appeared in the Washington Star of May 14, the flaws of that philosophy. The column is included at this point in the Congressional Record for the information of my colleagues:

Teddy's Feeble Defense of Federal Spending

(By William F. Buckley Jr.)

Sen. Edward Kennedy, in *obiter dicta* on the annual report of the Joint Economic Committee of Congress, has emitted a few thoughts calculated to make Americans feel better about federal spending. In doing so, he ran into the buzzsaw of economist Alan Reynolds.

"The first and most damaging misconception," Sen. Kennedy wrote, "is the myth of the mushrooming federal government . . . The only valid comparison is the ratio of (federal) spending is GNP. And that proportion has remained almost precisely constant at about 20 per cent ever since the early 1950s." Get that at about.

For one thing, raw federal spending is an imprecise index of federal control, neglecting off-budget and regulatory agencies, and the role of matching grants and revenue sharing in fostering the explosion of state and local spending. It doesn't cost the taxpayers very much to finance the CAB, but the CAB costs taxpayers a lot of money, as anyone knows who has commuted from San Francisco to Los Angeles, which is twice the distance from Washington to New York, and paid half the fare—because CAB is out of the picture.

"But a comparison of current federal spending with the level of 'the early 1950s'—i.e., the Korean War," Mr. Reynolds points out, "is just dirty pool. Defense was more than half of the budget back then, and only a fourth now. Still, federal spending was 14 per cent of GNP in 1951, 17.1 per cent in 1956, 19.1 per cent in 1966 and 23.6 per cent in 1976. That may sound like 'about 20 per cent.' But federal spending in 1977 would be about $265 billion if it were still 14 per cent of GNP, rather than the $413 billion figure Congress is now shooting for."

"The second myth," writes Mr. Kennedy, "is the so-called crushing burden of federal debt. In 1950, when the country emerged from World War II, the federal debt was an incredible 32 per cent of the nation's GNP. In 1974, the level was a modest 26 per cent."

But as Mr. Reynolds points out, savings bonds are fixed in dollar terms, while GNP has been wildly bloated by inflation. Bonds inevitably shrink in relation to the GNP, which means simply that the government has swindled the bondholders.

But even then, federal debt rose from 35 to 38.5 percent of GNP between 1974 and 1975. The "crushing burden" isn't the percentage of the GNP of the federal debt, it is the taxes required merely to pay the interest on that debt—a burden close, now, to $50 billion.

Sen. Kennedy has a solution. It is, as you would suspect, tax reform. He trots out the usual figure: "In 1973, over 3,000 people with adjusted gross incomes in excess of $50,000 paid no Federal income tax at all. This privileged group represents the wealthiest one-half of 1 percent of all families in the United States. Yet they paid not one dime in federal Taxes. . . . The data means that average workingclass families making $7,500 to $15,000 must pay higher taxes.

As a matter of fact, that is the least of the meaning of the data. All these data mean is that federal income taxes aren't paid on adjusted gross income (though I myself believe they should be) but on taxable income—after specified deductions neither Sen. Kennedy nor Congress nor the average working family wants to do without.

The 3,000 red herrings don't constitute the wealthiest one half of 1 percent of all families. All studies show that high-income families pay substantially higher tax rates than low-income families.

As for the matter of tax relief, if the federal government took $25,000 from each of those 3,000 people, that would raise a whopping $75 million. Is that enough to make a dent in the cost of a $413 billion government?

"The government probably misplaces $75 million every minute or so," is Mr. Reynold's wry remark.

Sen. Kennedy isn't particularly interested in taking more money from the affluent for the sake of accumulating more money for the government. There isn't enough around the rich to make much difference.

He wants to take their money so that they won't have the money to spend as they wish to spend it, preferring that it be spent as Sen. Kennedy wishes to spend it. It's bad enough that the public is paying tax dollars for economic analysis of the quality of Sen. Kennedy's.

MEDICAL DEVICE AMENDMENTS OF 1976—CONFERENCE REPORT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. WAXMAN. Mr. Speaker, years of effort were completed last week with the House and Senate passage of the conference report to the Medical Device Amendments of 1976. This is a landmark piece of legislation.

As this House was told when it first passed this bill on March 9, there is a compelling need for this legislation. Astonishingly, there is not now any Federal regulation mandated by the Congress to assure that medical devices on the market are safe and effective. The device industry is one which is indispensable to the provision of quality health care to the American people. It is one in which the public has placed a great deal of its trust—in large part because of the industry's outstanding contributions to medical research and treatment.

Nevertheless, it has been documented time and again that in the absence of mandatory standards designed to protect public health, the American people have from time to time been exposed to an unreasonable risk due to the lack of safety and efficacy, or from the misuse or abuse, of some medical devices. A blue-ribbon commission chaired by Dr. Theodore Cooper documented that, over a 10-year period, hundreds of deaths and thousands of incidences of illness and injury were caused by medical devices. The Health and Environment Subcommittee received extensive testimony of numerous instances of harmful effects caused by unproven or defective intrauterine devices, pacemakers, intraocular lenses, and other instruments which play a crucial and intimate role in the promotion of human health.

The nature of the industry itself posed a vexing problem for our subcommittee in devising an appropriate and effective regulatory mechanism. The devices industry, which grosses over $6 billion a year, produces everything from tongue depressors and crutches to renal catheters and artificial heart valves. The challenge before the subcommittee was to design a regulatory scheme that was both tailored to such a diverse spectrum of health care products, and consistent with our overriding concern—that those devices which reach the market be established as safe and effective.

The general rule which has been applied in this legislaiton is: the less scientific documentation available to establish safety and efficacy, the greater the showing of these qualities that has to be made by the manufacturer. This, in my judgment, is the most prudent and reasonable approach which could be adopted. It is structured to provide the flexibility necessary to regulate such an amorphous range of products but is designed, ultimately, to protect the public health.

As I have mentioned earlier, much of our attention was of necessity focused on those devices which are most dramatically involved in supporting or sustaining human life and health, and particularly those which are implanted in the body. This conference report makes clear that all these devices must secure premarket approval before they can become commercially available to the public, unless it can be clearly and convincingly shown that premarket clearance is not necessary to assure the device's safety and efficacy. Moreover, any decision not to require premarket clearance must be fully, and publicly, documented.

I believe this is a crucial first step in guaranteeing that the intrauterine devices available to women, the pacemakers implanted in our elderly, and the devices which are increasingly used to replace damaged or dysfunctional human organs will be of the highest quality, and as safe and effective, as possible.

Second, we have provided that any information regarding any adverse health effects associated with the use of a device be available to the public.

Third, we have required under most circumstances that patients who have been subjected to a health risk due to the use of a device be notified by their physician so that appropriate corrective treatment can be undertaken.

Fourth, we have required that all who participate in developing performance standards for medical devices disclose any potential conflicts of interest which would prejudice their involvement in this process.

Fifth, we have require that informed consent be obtained by researchers who are investigating the use of a device with human subjects. Although exactly what constitutes informed consent is outlined only in the conference report, we very much intend and expect that those provisios will be rigorously followed by investigators and researchers.

As can be seen, we have conscientiously tried, in a time when the consumer is rightfully demanding to be fully apprised of the choices and opportunities, and the risks and benefits available, to make certain that information can be secured. I believe we have, on the whole, succeeded.

This legislation has truly been a collaborative effort. I have been greatly heartened by the extraordinary cooperation among the devices industry, public interest groups, the Food and Drug Administration, and the Health Subcommittee in writing this legislation. Well deserved congratulations are to be extended to Chairman PAUL ROGERS, with whom it has been an honor and a privilege to work, to member of the Health and Environment Subcommittee, and its outstanding staff. I am very proud of the work we have done on this bill.

GOVERNMENT SHOULD NOT BE IN COMPETITION WITH PRIVATE ENTERPRISE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. KEMP. Mr. Speaker, on February 19, I introduced House Joint Resolution 818, a resolution to clarify and reaffirm Government purchasing policies.

This resolution is receiving growing support from within Congress and from the private sector, and I can assure my colleagues that strong support for its adoption has been privately expressed to me from officials within the administration.

The resolution is designed to reassert the principle embodied in OMB Circular A-76—that it is the general policy of the Government to rely upon private commercial sources for the goods and services required to meet Government needs.

Why is this resolution and the principle reflected through it of such major importance to our economy?

Congress has before it an opportunity we cannot miss. It is an opportunity to redirect about $2½ billion in existing Federal spending into the Nation's smaller businesses each year. This would be a new flow of activity into the private, productive sector of the economy—not a redirection of existing contract dollars from one type of business to another. And it would be done without spending one extra dollar of taxpayers' money.

How would this come about? By reaffirming the policy of Congress that the Government should buy its goods and services from the private sector in both the defense and civilian fields. This is already the policy of the Congress. It has been clarified and reaffirmed by us before. And it has been adopted by all administrations.

Yet this policy is constantly eroded at the department and agency levels, presumably by those who want a larger bureaucracy, one more dominant in our society. It has become a policy observed more in the breach than in compliance—a breach which has produced a number of losses for the country.

The taxpayers have lost. A dollar spent in-house by Government simply does not buy the same level of productivity as one spent in the private sector. That is statistically provable.

The economy has lost. Real wages, aggregate personal income, production, and the gross national product simply do not grow as quickly when large percentages of expenditures are made by and within Government. This is statistically provable.

Employment has lost. Dollars spent in Government do not create as many jobs.

Competition has declined. Government is forcing itself into obtaining more and more of its goods and services without the benefits of competition. This is statistically provable.

The adequacy of investment capital has declined. The private sector has lost part of the capital base it needs for facility expansion and employment as a result of the circumvention of Congress policy. This is statistically provable.

And America's technological lead over other industrialized nations is being lost. In large measure this is because of the way in which increasing percentages of the innovative, creative processes associated with research and development are being moved into the often stale environments of the bureaucracies. This is statistically provable too.

The growth of Government in general has had much to do with this. But the growth in Government being an increasingly larger provider of goods and services for itself has had a profound effect on this trend. It has accelerated this trend significantly.

Government has no business being in business. Yet, we are at a point where Federal dollars are being used increasingly to compete with the private sector. And Government has an unfair, inequitable and anticompetitive advantage over the private sector, because Government also sets the rules governing the competition between and with itself. In simplest terms it has the double advantage of both playing the game and setting the rules—player and umpire.

The results of this can be obvious. You can see rather readily the effects on tax burdens, the economy, employment, and our status. You can see that Government is moving toward becoming the first convergence of monopoly and monopsony—a single seller and a single buyer. It is buying more than ever and is producing more than ever—to sell to itself. But other results are not as obvious. You cannot see as readily the effect on our way of thinking, of shifts in relative importance between what Government decides should be done and what the people decide should be done, and of the decline in the success rate in experimental technology.

This is why I believe we are winning the support of so many Members—Members who are becoming cosponsors of the resolution. As of today, we have there are 43 cosponsors of the measure in the House and 10 cosponsors of the Senate companion bill, Senate Joint Resolution 186, introduced by our former colleague and my friend, Senator BILL BROCK of Tennessee. Those cosponsors are:

Mr. KEMP of New York.
Mr. ADDABBO of New York.
Mr. ARCHER of Texas.
Mr. ASHBROOK of Ohio.
Mr. BAFALIS of Florida.
Mr. BROWN of Ohio.

Mr. Brown of Michigan.
Mr. Burgener of California.
Mr. Cederberg of Michigan.
Mr. Collins of Texas.
Mr. Crane of Illinois.
Mr. Derwinski of Illinois.
Mr. Dickinson of Alabama.
Mr. Duncan of Oregon.
Mr. Esch of Michigan.
Mr. Eshleman of Pennsylvania.
Mr. Goldwater of California.
Mr. Grassley of Iowa.
Mr. Guyer of Ohio.
Mrs. Holt of Maryland.
Mr. Hyde of Illinois.
Mr. Kasten of Wisconsin.
Mr. Ketchum of California.
Mr. Kindness of Ohio.
Mr. Mann of South Carolina.
Mr. McDonald of Georgia.
Mr. McKinney of Connecticut.
Mr. Milford of Texas.
Mr. Moorhead of California.
Mr. Nowak of New York.
Mr. Patterson of California.
Mr. Pattison of New York.
Mr. Pickle of Texas.
Mr. Robinson of Virginia.
Mr. Rooney of Pennsylvania.
Mr. Rousselot of California.
Mr. Sarasin of Connecticut.
Mr. Satterfield of Virginia.
Mr. Simon of Illinois.
Mr. Steelman of Texas.
Mr. Teague of Texas.
Mr. Treen of Louisiana.
Mr. Vander Jagt of Michigan.
Mr. Walsh of New York.
Mr. Charles Wilson of Texas.
Senator Brock of Tennessee.
Senator Fannin of Arizona.
Senator Garn of Utah.
Senator Goldwater of Arizona.
Senator Helms of North Carolina.
Senator McClure of Idaho.
Senator Morgan of North Carolina.
Senator Hugh Scott of Pennsylvania.
Senator Weicker of Connecticut.
Senator Young of North Dakota.

I take this time this afternoon to amplify upon my address to the House of March 15, found at pages 6424–6427 of the Record of that day, by reading into the Record an informative article from the May issue of the magazine, Government Executive, written by that magazine's editor, John F. Judge. The article, entitled, "Government: Wrong Kind of Competition," sets forth a number of examples of where Government persists in going in the wrong direction in this matter—where Government continues to or increasingly relies upon its own devices for providing goods and services, most commonly in direct competition with the private sector.

I commend this article to the attention of all my colleagues, particularly those who are members of the Committee on Government Operations to which House Joint Resolution 818 has been referred and to those who are concerned, as I am, over the effects of Government actions of this nature on the private sector, especially our 11 million smaller businesses. The article follows:

GOVERNMENT: WRONG KIND OF COMPETITION

(By John F. Judge)

For more than two decades it has been a national policy that the Government is to rely, to the maximum extent, on the private sector. It, the Government, is not to *compete* with private enterprise.

The first directive was issued in 1955 by the then Bureau of the Budget. This original directive has been revised four times since then and is known as Circular A–76.

The limited circumstances covering Government in-house work are very clear in A–76. This policy is bipartisan and has not shifted since 1955 through several changes of Administrations.

And Government, by and large, has been ignoring this policy since its inception—even though it is constantly reaffirmed by the leadership.

For more than a decade, a small, but very effective industry group, the National Council of Technical Service Industries (NCTSI) has been fighting the Government's inclination to do itself what is being done more effectively by the private sector—particularly in the area of support activities.

Edward C. Leeson, NCTSI Executive Director for the past several years and a highly experienced industry executive in his own right says "There is no reason why such a policy should not be followed in an economy such as now exists in the U.S.—where the working force is comprised 60% by people engaged in service type, non-product activities where the private sector can, and does, provide every conceivable type service in a competitive environment."

HARD ADVANTAGES

These activities annually cost the U.S. taxpayer more than $20 billion. Of this, only $8.5 billion is obtained from the private sector via competitive contracting. The remainder is being done in-house by Government personnel and none of it is in the national interest.

Reliance on the private sector to provide goods and services needed by Government generates advantages that "cannot even be approached by 'in-house' operations." Among these, says Leeson;

The Government agency is assured of getting the job performed at minimum cost due to the highly competitive environment prevailing in the support service industry. Many corporations, each fully capable of performing specified services, bid on the same job and bring into the picture a vast array of management skills to produce the most efficient, low cost operation.

The Government can choose from among many, that outfit which they believe meets best the particular requirements.

Complete flexibility is provided, allowing for immediate curtailment or expansion of dynamic situation without the administratively burdensome and costly routines demanded by a permanent Government staff.

The Government agency is relieved of the day-to-day direction of support activities and concentrate, instead, on what it is supposed to be doing by reason of its mission and charter.

The Government assures itself of a periodic comprehensive review and evaluation of each support service activity in terms of performance, management and costs—because (in direct contrast to an in-house activity) each contracted activity must undergo in-depth evaluation when a contract expires and is then competed for by other qualified firms seeking the same business.

And there is the intangible, the Government is not duplicating what already exists in the private sector but is not being fully utilized—and this goes straight to productivity in terms of maximum return per tax dollar expended.

NCTSI members, and Leeson himself, have never had these advantages successfully challenged—although there is a lot of sand often thrown over them.

One of two primary reasons the policy, as indicated by the history of A–76, has been thwarted is the dedicated opposition of the federal employee labor unions—it is obvious that such organizations, now more than a million strong in membership, have a vested interest in furthering Government growth in employment. It increases their membership.

Thus the Government unions have been fighting the whole concept of service contracting—in Congress and in the Courts. It is a logical stand since their strength as unions depends on their growth, for one thing, and for a constantly increasing pay check and fringe benefits for another. Both while understandable, can hardly be termed in the interest of the U.S. taxpayer.

And growth to these unions also includes a broadening of the definitions of their membership.

The second reason bears on the first—it is the power of these unions, as represented by their votes *as citizens*, brought to bear on the legislative branch.

The historical ineffectiveness of A–76 is in part due to its lone positions—there are no statutes or Federal laws to back it up. And the Service Contract Act of 1965 helps too. This act means, in effect, that before a contract can be let, the Labor Dept. will determine what the prevailing wage rate is in the area where the contract is to be performed—and the winning bidder must pay that rate to employees working under the contract.

The Act came about, in part, to correct abuses in the "caretaker" business. But, as usual, while the abuses have gone the law remains.

(For example, consider building guards. The GSA costs are the same across the country—$9.50 per hour. The private sector guard firm, because it operates in a competitive arena, can have costs of $5.50 per hour in Washington, D.C. and $4.75 per hour in Jackson, Miss.).

"Out in the field", says one businessman, "the Government people don't even know what you are talking about" when A–76 is mentioned.

Although the directive calls for reviews of in-house work to determine what should be shifted outside, these reviews are simply not being done in most cases. In fact, the intent of A–76 has been revised in practice with agencies looking at what is being contracted out with a view to establishing in-house empires.

The whole area of costs between in-house vs. private industry has practically been explored to death over the years by Congress (through hearings), the General Accounting Office, the agencies in the Executive Branch and by industry itself.

In every case there has been absolutely no indication that it is less costly to perform support services in-house than to obtain them on a competitive basis from the private sector.

One of the major quandries the private sector constantly faces in these analyses is that it is extremely difficult to achieve a reasonable basis of comparison.

In most specific cases the argument advanced by those who would prefer Government to perform all, or most, such services in-house completely ignores Government's total economic costs—and usually cites only those costs that are paid for from appropriated funding such as direct salaries paid to government employees.

If all of these costs—which, ironically enough, are completely spelled out by any private sector firm doing business with Government—were to be included then there would be, in Leeson's judgement, very few cases where Government in-house costs would be less than those of the private sector.

LOADED DICE

In the eyes of the NCTSI, any fair cost comparison—government vs. private industry—*must* include such amounts as federal, state and local tax revenues lost as a result of government vs. private industry; general and administrative expense of the Government which rise as the size of the Federal establishment increases with any build-up of in-house Government work; the true costs of civil service retirement benefits; the interest costs of working capital; the difference between the productive time for government workers and private industry because Government has a much more generous allowance for annual and sick leave than does industry; and many other similar cost elements.

(It is worthy to note that industry gets 2,080 hours of labor per manyear allowing for its standard leave and sick leave work rules while Government claims only 1860 of labor per manyear. This says, in short, that contracting out buys about 20% more productive labor time for the same costs.)

Yet every element mentioned, and many others, are required to be included in a contractor's bid for performing support services by federal regulations.

The short of it is that the impact of these ongoing and very real costs in the government operation are not readily subject to evaluation in the case of in-house activities.

Government financial accounting procedures are simply not geared to disclose, on the Government side, all relevant costs required of private industry—making any true competitive comparison between the two all but impossible.

Government has established a Uniform Cost Accounting Standards Board to impose standards on industry. The question is: why not a similar requirement for Government on its own cost accounting jungle?

Yet one businessman says "Even with their phony price structure and their incremental pricing, I can still beat the Government's own in-house price for a job—if they'll let me bid on it."

In one case, that of a new facility, where there is no in-house activity in existence the private sector analysis of service-associated costs as compared to those of government are revealing. For a total base labor of 524,160 gross hours, the contractor costs would be $3,066,665 while government's would be $3,560,024—a $493,359 difference.

Life, accident and health insurance contractor costs would be $83,865 as against government's $96,120 for a $12,255 difference.

Pension costs to the contractor would be $179,400 while government needs $708,444 for a $529,044 difference. Finally, paid absences (sick leave, holidays, vacation and other) has the contractor costing $223,866 as against government's $744,045 for a $520,179 difference.

It all adds up to government paying $1,554,837 more doing in-house what the private sector could do. And, for that additional cost, the rest of the taxpayers get several hundred more government employees to support through retirement.

UNCLE NOW COMPETING

Last January, the Commerce Dept.'s Bureau of Economic Analysis published the National Income Accounts Revision of January, 1976.

A review of this by two major industry associations led them to conclude that the "notion that the Federal Government has been increasing in-house activities since the close of the Korean War is clearly recognizable and can no longer be dismissed as being merely a bothersome complaint heard from the private sector."

Indeed, the analysis indicates that Government competion with the private sector is "big business."

The data shows an ever increasing portion of federal expenditures for federal employee compensation. Some 37% of the total federal funds expended for goods and services went for compensation in the 1951–1955 period. "The most recent 1971–1974 period reveals that 49% is expended for compensation. Correspondingly," says the analysis, "the private sector share has declined from 63% to 51% for the same periods."

Expressed in dollar terms: if the private sector had been able to maintain the five-year average recorded during the 1961–1965 period when only 40% was allocated for federal employee compensation costs, then an additional $48.2 billion would have found its way into the private enterprise economy.

In other words, an average of $6 billion per year could have been used in the private sector to stimulate production, generate jobs and provide the Government with a "better product at a lower price."

COMPUTER OPERATIONS

The largest concern in the support area is the fantastic growth of data processing in Government. Dr. George E. Mueller, former Associate Administrator for Manned Space Flight at NASA and now the Chairman and President of System Development Corp. points out circumstances have changed in the last ten years.

"Whole new service areas have grown in capabilities and size. Many of the regulations, policies and laws governing Federal ADP procurement were written years ago in a period when this very volatile and expanding industry comprised a totally different mix of products and services.

"Today a vast array of services outside of hardware are available within the commercial marketplace." Mueller believes that Federal, State and local governments should look at ways to "use these capabilities to their fullest to improve government services."

Mueller notes that OMB statistics showed—in 1974—that only 17% of Federal ADP costs are for outside services, 3 for hardware leaving 52% for in-house activities.

Leeson and NCTSI agree. "It is estimated that Federal agencies now annually expend about $3 billion for ADP operations and only 15% of this is supplied under contract by the private sector."

Leeson adds that it is about time to change this imbalance.

Leeson emphatically disputes the claim that in-house ADP is basically cheaper than contracting out. Again, Leeson says that such claims are unsupported and that all relevant costs are not included.

Government in-house advocates ignore the demonstrated facts that competitive pressures force the latest state-of-the-art hardware and software into private sector operations. One firm's official is able to add mainframe computers to his operation within 30 days if workloads demand it while Government needs almost two years just for its procurement cycles. "I can do one particular job for Government in my shop in 16 seconds that I know takes a particular agency more than 19 hours."

Leeson contends that the Government does not build computers but relies on sound procurement practices and competitive forces in the private sector to get fair prices.

"We contend that this same policy ought to prevail with respect to all support services—including ADP services."

One major step in achieving a larger private sector involvement in Government ADP work is a judgment handed down in March of this year by the U.S. District Court, Orlando (Fla.) Division.

In finding for the plaintiff, Federal Electric Corp. and against the defendants, John Dunlop, Secretary of Labor et al., the Court held that certain job classifications did not fall under the definition of "service employee" as contained in U.S. Code 357(b).

The specific classification included keypunch operator, senior keypunch operator, technical clerk, senior technical clerk, control specialist, production specialist, auxiliary equipment operator, junior computer operator, intermediate and senior computer operator.

While Leeson says the industry is "unhappy" with past progress in implementing the A–76 provisions for ADP services, "we are encouraged by recent actions indicating better understanding of existing problems in both industry and government. It is our job to see that the future develops a cooperative atmosphere, instead of an adversary relationship."

LOW BID VERSUS ITC: HOW GOVERNMENT CAN PAY MORE FOR LESS

In the seemingly mundane but essential field of building services, i.e., security guards, cleaning and janitorial service, Government procurement practices are in many respects a worse problem than the debate over differences between in-house and outside labor costs.

Basically, says the industry's better-quality spokesmen, Government insistence that it must award these types of service contracts only on a lowest-bid basis "drives the best qualified suppliers out of the market." The result, they report, is that Government gets poorer quality work and, overall, at a higher price than do private building owners.

Best case in point is in the janitorial and cleaning business where Government, some five years ago, figured out how to do it better—and is now about to flush all that learning down the drain. The details:

Back about 1970–71, NASA (National Aeronautics & Space Administration) became highly concerned with the cleaning quality it was buying, especially for its laboratories. To turn that around, they developed an Incentive Type Contract (ITC).

In 1971, GSA (General Services Administration) Public Building Service (PBS) adopted it "wholeheartedly." Reason: their files were filled with fright stories on what they were getting under the then-current low-bid system—where a contract carried "deduct" penalties for non-performance of services.

Item: the bidder who came in low on cleaning services for an Army hospital simply by finding out what last year's price was, submitting a bid 8% below that—only to find out later that a new wing had been added to the hospital.

The Army was required to give him the contract under low-bid procurement rules, particularly since they offered him a chance to withdraw his bid and he refused. Result was, he did "what he could, which means a lousy cleaning job."

Item: the "deduct" penalty under one contract was $1500 for not cleaning the windows. But to clean them would have cost the contractor $3000. So he simply didn't clean the windows, took his penalty—and made $1500 profit.

And PBS files were filled with cases where the lowest bid—which GSA had to accept—was for less direct labor hour/cost than even GSA estimated it should take to clean the building. Result: dirty buildings. But the "alleyshop" operators were still willing to bid for several reasons.

Among them: under the "deduct" system they often could make money, anyway, even if they didn't perform. Besides, as Government, itself, knew, to declare a company in total "nonperformance" launches an appeal and review process that can take from six to 18 months. And since GSA building supervisors usually couldn't document that thoroughly until after the contract was some six months old, the usual, realistic PBS reaction to poor work was simply to put up with it until the year ended and they could go out on new bids.

Under the ITC system, the emphasis was on incentives rather than penalties. Contract bids were based on a graduated scale. Bidders submitted their cost figures for each service (cleaning windows, polishing floors, etc.) at roughly a 70% quality level, i.e. barely passable.

And, based on an annual accumulation of quarterly grades, winning bidder's profit-fee was determined by where he ended up in a scale from 70% up to 98–100%. In addition, bidders had to submit a "management plan," i.e. how many persons he planned to assign to the job, how much on-site and indirect supervision they would receive. In short, he had to demonstrate he knew what he was bidding into.

Finally, as an additional incentive to the contractor to invest in modern equipment and perform against the contract, it was let the first year with a Government option to negotiate a renewal in each of the next two years.

After five years of working the ITC system, PBS has managed to attract the recognized quality contractors (most of them small business) back into the market and has had every ITC contract in recent years performing at the 98% level. In other words, said one member of the Building Service Contractors Association International (BSCAI) "For about the first time, GSA is getting clean buildings."

The cost of the cleaning, itself, is higher; but according to GSA's own analysis, the overall cost to the Government is less—mainly because the administrative time and support costs of the low-bid approach have been eliminated. Further, to protect the small, new contractor—who otherwise might find the cost of preparing the bid and investing in equipment prohibitive—PBS limited ITC contracting to 100,000 sq. ft. buildings and larger. (In actual practice, ITC's have been used only on buildings with 250,000 sq. ft. of floor space and up.)

Then, a few weeks ago, the General Accounting Office (GAO) blew the whistle. GSA's Determination & Finding (the write-up supposedly justifying going to the ITC approach "in the best interests of the Government") was unsatisfactory, said GAO.

Even GAO was surprised that, in the words of one PBS official, "Our (GSA) lawyers caved in." In short, rather than rewrite the D&F to GAO's satisfaction, GSA's legal staff said simply, "OK, forget ITC. We'll go back to the old low-bid approach."

BSCAI asked, and got, an audience with new GSA Administrator Jack Eckerd. In addition to all of the above, they pointed out that GSA is getting in Region 3 (Washington, D.C., where most of the ITC's are in force) ITC-based cleaning done at an average cost of 68 cents a square foot. The national average, according to the Building Owners and Managers Association, they pointed out is 72.8 cents.

Eckerd's reaction was, "It looks as though we've got something here that's good for the Government, good for the contractors and good for the taxpayers . . . and a bunch of lawyers are messing it up."

But if GSA is going to turn this around, they'll have to hurry. Many ITC contracts run out on June 30. Some of the small businessmen, with new-equipment loans to pay off, are liable to fold if they can't get a renewal of their ITC contracts. The real loser, however, will be Government which will have pushed itself back into a provably poor quality, high cost operation.

REVOLUTIONARY TERROR CLOSES IN ON BUSINESSES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. McDONALD of Georgia. Mr. Speaker, America is witnessing an increasing rate of revolutionary terrorist attacks. It is no coincidence that this is happening at the same time our law enforcement intelligence agencies are being forced to close down their operations and either burn their files or turn them over to the very revolutionary groups they were investigating.

Robert Bleiberg, editor of the prestigious Barron's weekly, has instructive and important comments on this situation in the May 7 edition, which I recommend to my colleagues:

Grace in Adversity: Corporate Enterprise Faces Heavy Radical Attack

(By Robert M. Bleiberg)

"J. Peter Grace, president of W. R. Grace & Co., shocked a few reporters at the company's annual meeting in Boston Monday when he admitted that the bulge under his suit jacket was indeed a revolver. Grace attributed his sidearm possession to reasons of 'security,' and didn't elaborate further.

"A survey of other major corporations in the metropolitan area, and of firms which provide security for such companies, indicates that the Grace situation is not commonplace. A security firm executive, who wished to remain anonymous, said that his corporate clients do 'have a real fear' for their security at this time (annual meeting) of the year.

"But he said that if that fear is compelling, the security firm provides trained bodyguards and at all times discourages corporate executives from arming themselves. Another security company executive said that 'very few of our clients carry guns. We advise against it.' He also offered the opinion that the 'Grace thing is an isolated instance.' " . . .

For the most intriguing story of the week, we hereby nominate the paragraphs, taken word for word from last Thursday's New York Daily News, quoted above. Unlike most publicly owned companies, to be sure, W. R. Grace & Co. in the first quarter of 1976 failed to report gains in sales and earnings, both of which (like the common stock) were down. Citing a 50% fall-off in the fertilizer business, the chairman of the board declined to estimate profits for the full year: "Whether they'll make up the decline is the crucial question." Shareholders might or might not have been disappointed and aggrieved; even given the temper of the times, however, they would be unlikely to attack top management with anything more lethal than a traveling mike. The world of finance, as we all know, is rough-and-tumble, if not dog-eat-dog, but its movers and shakers rarely feel the need to go about armed.

In response to queries, Mr. Grace at first was barely forthcoming. "With all the things that are going on today . . . we've got to be prudent," he offered one reporter. "I wear it all the time." Further questioning evoked a bit more. W. R. Grace & Co., after all, does business in 40 foreign countries, where in some cases security arrangements are less than perfect and kidnapping and ransom have become a way of life. What's more, a spokesman added almost casually, "like so many other corporate executives, Mr. Grace has been a target for various radical groups. In fact, he has turned up on an assassination list." On this score, apparently, "the Grace thing" is by no means isolated or unique. To the contrary, so Barron's has learned, the authorities have warned hundreds of the country's chief executives that their names have been found on similar lists.

FBI propaganda? Perhaps. Hard to believe? Sure. Yet it squares uncomfortably with a pattern of anti-capitalist violence that has been erupting both at home and abroad. As to the latter, in some parts of the world, notably South America, the kidnapping and murder of businessmen have grown commonplace. To make headlines today, such atrocities need a special twist, like the recent expropriation by the Venezuelan government of the local holdings of Owens-Illinois Glass Co. for seeking to ransom its general manager.

In the U.S., the attack on corporate enterprise—thus far at any rate—has taken other forms. A so-called People's Bicentennial (weighted with ultra-leftists) beats the drums for a second American Revolution and not-so-subtly seeks to harass executives and their families. ("Dear Secretary," ran a recent appeal, "The P.B.C. is offering $25,000 in cash to you if you can provide us with concrete information that leads directly to the arrest, prosecution, conviction and imprisonment of a chief executive officer of one of America's Fortune 500 corporations. . . .")

Escalating from words to deeds, radical activists like the New World Liberation Front and Weather Underground on a mounting scale bomb stores, office buildings, banks and other symbols of the hated Establishment. Meanwhile, from bystanders, innocent and otherwise, comes a swelling chorus of disapproval and abuse, aimed not at the perpetrators of terrorism but at the dwindling and disheartened few who would protect the Republic and keep the peace. Perhaps war is too important to be left to the generals, but at least they know there's a war on.

Unlike the war in Vietnam, which Americans watched nightly in prime time and living (or dying) color, this one has attracted scant notice. Yet it is more than half-a-decade old. In mid-1969 an explosive-device with the force of 24 sticks of dynamite ripped through the Marine Midland Building in New York City, devastating the eighth floor and injuring 19; "it was a miracle," said one victim, "that nobody was killed." Others were hurt a few months later when bombs went off in the Chase Manhattan, General Motors and RCA Buildings. Bombs also caused extensive damage in offices of General Telephone & Electronics, IBM and Mobil, while an accidental detonation destroyed a bomb factory (and killed several activists) in a town house in Greenwich Village. Repeated bombings also occurred in San Francisco, Seattle and Detroit.

In the past 18 months, things have gone from bad to worse. Throughout California, terrorist bombings—of General Motors Acceptance Corp. in San Jose, Wells Fargo Bank in Piedmont, Safeway Stores and Pacific Gas & Electric, among others—last spring exceeded one per week. Last summer three small bombs exploded outside the home of the board chairman of the Bank of California; on a driveway pillar, in fluorescent red paint, appeared the letters "NWLF" (New World Liberation Front).

Last month an explosion rocked the Mutual Benefit Life Building in San Francisco; according to an AP dispatch, "police said they believed the bomb was planted by the Red Guerrilla Family, the same underground group (involved in) an explosion three months ago in Embarcadero Center." Last week the "Fred Hampton Unit of the People's Forces," a terrorist group named after a slain leader of the Black Panthers, set off a pair of bombs at the heaquarters of Central Maine Power Co. Companies quietly have been insuring their executives against the risk of kidnapping, while J. Peter Grace and others, forewarned and forearmed, are packing guns.

Widely unreported though they are, the casualty lists and body count have grown ponderable. According to Clarence M. Kelley, FBI Director, acts of terrorism in this country over the past five years have included 21 cases of arson, 24 ambushes, 45 incidents of sniping, 120 shootings, 122 firebombings and 255 bombings. Compared to 24 in 1973 and 45 in 1974, the past 12 months witnessed "89 bombings attributable to terrorist activity in our nation." Since 1971, the deaths of more than 40 police officers have been linked to terrorists. And, according to the FBI, acts of terrorism injured 72 and killed 11 last year.

Once thought to be the work of mad bombers—a few slow learners, like New York's Mayor Beame, still think so—these persistent outrages are something else. In the alleged madness, events have exposed ugly method. Years ago, in a communique to the press, a group calling itself "Revolutionary Force 9" publicly claimed credit for several bombings, in the following inflammatory terms: "IBM, Mobile (sic) and GTE are enemies of life . . . All three profit not only from death in Vietnam, but also from American imperialism in the Third World. They profit from racist oppression, from the exploitation and degradation of employes forced into lives of antihuman work, from the pollution and destruction of our environment." Even without benefit of such fiery rhetoric, the very names of the organizations now ravaging the nation—Armed Forces of Puerto Rican Liberation, Black Liberation Army, Continental Revolutionary Army, Emiliano Zapata Unit, Symbionese Liberation Army, Red Guerrilla Family—are alarmingly revealing. Scarcely recognizing the fact, and getting precious little enlightenment from most communications media, this country has come under relentless radical attack.

Here is a clear and present danger to which the U.S. has dismally failed to respond. On the contrary, under persistent leftist prodding, it has proceeded to dismantle the few bulwarks against subversion it can muster. Last year Congress scuttled the House Internal Security Committee, while its respected Senate counterpart has been starved for funds. Under assault for excessive zeal and other misdeeds—actual, exaggerated or alleged—the FBI is threatened with a crackdown on all its political intelligence operations. If current trends continue, indeed, the U.S. will truly lie naked to its enemies. "A country which treats its police and security agencies," so syndicated columnist Patrick J. Buchanan wrote the other day, "in the ungrateful and shabby fashion in which we have been treating ours, may find that they are too defeated and demoralized to respond when we need them—in the not too distant future."

FUNDING FOR THE U.S. EMPLOYMENT SERVICE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1976

Mr. FRASER. Mr. Speaker, we are all pleased that the economy is at least coming out of the recession. However, we still face the challenges of finding jobs for the 7 million-plus jobless workers.

Congress has made some progress at creating jobs in the public sector. These programs have been criticized by President Ford who prefers that the unemployed find jobs in the private sector. Yet the President has proposed a cut in the level of services provided by the U.S. Employment Service, the very agency which helps unemployed men and women find jobs in private industry.

In the last Congress the Labor-HEW Appropriations Subcommittee wisely refused to approve President Ford's cuts in the ES budget. I am sure the same wisdom will prevail this year.

In Minnesota the Department of Employment Services has been very successful in finding jobs for workers despite the unemployment rate. One of its real successes has been the increase in AFDC recipients placed in employment—a 29-percent increase over 1974 figures.

I would like to share with my colleagues the letter I received from Commissioner Emmet Cushing of the Minnesota Department of Employment Services. He makes a strong case for continuing the current level of staff.

MINNESOTA DEPARTMENT
OF EMPLOYMENT SERVICES,
St. Paul, Minn., April 9, 1976.

Hon. DONALD M. FRASER
U.S. Representative
Longworth Office Building
Washington, D.C.

DEAR MR. FRASER: I want to express my appreciation for your past support of legislation dealing with issues of importance to the State Employment Service system. The time and effort you have taken to inform yourself on these issues, and the efforts you have made in Congress on their behalf have been of great help.

On May 19, I wrote you relative to the budget situation which State Employment Service agencies throughout the nation faced in fiscal year 1976 due to Administration cuts. My point was that in a time of unprecedented unemployment the budget for State Employment Service agencies was being drastically reduced. Minnesota was given an 88 position reduction—to serve increased numbers of citizens seeking work.

Your concern was evident and I was pleased Congress took action to increase the appropriation by some $68 million. From the best estimates I can get, it appears only $25 to $26 million (exclusive of the amount set aside for computerized job match) has been released by the Office of Management and Budget, with $4.2 million only within the last 2 weeks. This was particularly welcome at this time, as we had begun laying off staff to stay within a reduced budget.

Now that Congress has begun hearings on the fiscal year 1977 budget, I felt it appropriate to again call your attention to the continued budget needs of the State Employment Service at the same staff level. Contrary to Congressional action during fiscal year 1976, the Administration has requested $499 million for Employment Service activities for fiscal year 1977. Compared with the amount appropriated by Congress for fiscal year 1976, this request represents a reduction of $51 million for Employment Service personnel and $15 million for computerized job matching, a total reduction of $66 million. In terms of Employment Service positions, this is 2,700 fewer positions than that approved by Congress in its total action for fiscal 1976. The Administration contends the impact of this cut can be overcome by increased productivity. This is unrealistic; and represents an arbitrary and devastating cut in both staff and resulting services. The extent to which productivity of the Employment Service can be increased should be used to expand a much needed service to the unemployed. It is essential that the Employment Service continue to be financed at a minimum staff level of 30,000 positions, if it is to adequately serve the public. It may be of interest to you to know that Employment Service personnel resources have not kept pace with growth in the labor force. In 1967, the Service had 4.8 employees per 10,000 in the labor force. In 1975, the ratio had dropped to 3.04.

To place this in its proper perspective from a Minnesota point of view, a reduction of 2,700 positions would result in about 55 fewer staff allotted to us. At the productivity level currently being experienced in our State this means 10,000 fewer persons will be placed in employment by our agency in fiscal year 1977. I know you agree with me that with unemployment at 7% in Minnesota we can ill afford to find jobs for fewer people. We should expand rather than reduce the opportunities at times such as these.

The Administration estimates employment will increase in fiscal year 1977, but at the same time predicts continued high unemployment. This is not a time to diminish the resources of the Employment Service; rather, it is a critical time to strengthen it. While thousands of workers will return to their previous employers under recall provisions of their union contracts; thousands of others will not, due to lack of strength in certain industries, production method changes, and worker mobility. Many others are young people and Vietnam veterans who, essentially, have no former employer to recall them.

The ability of the Employment Service to effectively serve job seekers must not be eroded at this critical time. Rather it is a time to move rapidly to assist the economy to recover. There are more job applicants in need of assistance and more employers considering adding workers to meet new production goals. It is essential that the Employment Service be staffed to serve these applicants and to call on employers to encourage them to turn thoughts of employment expansion into specific job orders. At the same time, the Employment Service must have placement interviewers ready to move rapidly to fill these job openings. The more rapidly this transition can be accomplished, the greater the reward will be in terms of renewed employment. This renewed employment is translated into purchasing power, additional jobs, and ultimately into tax revenue. The computerized job match is another tool which the Employment Service is developing to speed the match of job seeker and job.

Still another area of budget concern is the Administration's 1977 budget request for the Work Incentive Program (WIN). As you know, WIN is jointly administered by the State Employment Service system and State welfare agencies. In Minnesota and in the nation, WIN has been effectively meeting the needs of persons on Aid to Families with Dependent Children (AFDC).

In spite of an adverse economy, 170,000 AFDC recipients entered employment with the assistance of the WIN program during 1975, only slightly less than the 1974 national total of 177,000. In Minnesota, the total number of WIN assisted applicants entering full time employment actually increased in 1975. In 1975, 3,065 AFDC recipients entered full time employment, an increase of 688 over the previous fiscal year. This is a continuation of the Minnesota trend of increasing success with this program. Our goal for fiscal year 1976 is 3,704.

A very important part of the WIN program is its short-term work and training component. This includes on-the-job training, institutional training, work experience, and public service employment (PSE). The President's budget would reduce average enrollment in work experience by 40 percent, in institutional training by 50 percent and in PSE by 20 percent. These cuts in the WIN program, which will amount to $85 million during fiscal year 1977, are unwise and will result in continuing people on welfare who would otherwise enter productive employment.

It is essential that the Employment Service not be weakened during fiscal year 1977. I urge your continued support at the level approved by Congress in fiscal year 1976.

Thank you for your continuing consideration of Employment Service legislation.

Yours sincerely,

EMMET J. CUSHING,
Commissioner.

SENATE—*Tuesday, May 18, 1976*

The Senate met at 10 a.m. and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our Father, help us to obey Thy law, to do to others as we would wish them to do unto us. Grant us Thy grace for our daily life and work.

Grant us grace to possess respect and tolerance for the views and beliefs of others as we would wish them to have for ours. Grant us grace to understand others as we would wish to be understood. Grant us grace to make allowances in others as we would like them to make for us. Grant us grace to forgive others as we would wish to be forgiven. Grant us grace to be kind to them as we would wish them to be kind to us.

Grant us grace to enter into the feelings of others, that we may see things with their eyes, think things with their minds, feel things with their hearts.

What we ask for ourselves here we pray for all people.

In the name of the great Redeemer, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 18, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 17, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet until 12 noon today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT OF COMMITTEE OF SENATORS TO JOIN WITH COMMITTEE OF THE HOUSE TO ESCORT PRESIDENT OF FRANCE TO HOUSE CHAMBER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee of Senators on the part of the Senate to join with the committee on the part of the House of Representatives to escort the President of the Republic of France into the House Chamber.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendars Nos. 784, 785, 790, 792, 795, 797, 805, 807, and 828.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOUISE G. WHALEN

The bill (H.R. 2279) for the relief of Mrs. Louise G. Whalen was considered, ordered to a third reading, read the third time, and passed.

ALICE W. OLSON, ET AL.

The bill (S. 3035) for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson was announced as next in order.

Mr. MATHIAS. Mr. President, as the recent report of the Senate Intelligence Committee sets forth, during the 1950's and early 1960's the Central Intelligence Agency engaged in a program for the testing of chemical and biological agents. Most aspects of this program were considered so secret that they were unknown to either the executive branch or the Congress.

During the course of this program, Dr. Frank Olson, a civilian employee of the U.S. Army at Fort Detrick, Md., was administered 79 micrograms of the hallucinogenic drug commonly known as LSD without his knowledge or consent. Shortly thereafter, Dr. Olson fell to his death from a hotel window in New York City. Despite a determination by the Federal Government that the administration of the LSD was the proximate cause of Dr. Olson's death, the CIA purposefully concealed the true facts from his family. It was not until 22 years later—when the Olson family reviewed the findings of the Rockefeller Commission on the CIA—that the family learned the true circumstances regarding Dr. Olson's death. It is entirely conceivable that but for the recent investigations of the CIA, that the Olson family would have forever labored under the misconception that Dr. Olson had inexplicably committed suicide.

Presently before the Senate is S. 3035, a bill which I introduced with my colleague from Maryland, Mr. BEALL, on February 25, 1976, and which attempts to compensate the Olson family for the losses associated with the tragic death of Dr. Olson and the subsequent coverup by the CIA. This legislation is fully supported by the President, the Department of Justice, and the Central Intelligence Agency and was unanimously approved by the Senate Judiciary Committee on May 12, 1976, S. 3035 is predicated upon the assumption of responsibility by the United States for the facts and circumstances surrounding the death of Dr. Olson and is a recognition of the deception and evasiveness perpetrated upon the Olsons and of the importance of preventing the repetition of similarly inexcusable acts in the future.

Specifically, S. 3035 authorizes appropriations totalling $1,250,000 to the Olson family—Mrs. Olson and her three children—in full satisfaction for all claims arising out of the circumstances surrounding the death of Dr. Olson. The Olsons, however, would be able to retain all payments made to date under the Federal Employees Compensation Act—FECA—but the bill requires the Olsons to forgo future FECA payments. Moreover, the enactment of S. 3035 would not affect the availability of the medical benefits—CHAMPUS—which Mrs. Olson is presently entitled to receive. S. 3035 is premised upon the novel circumstances surrounding Dr. Olson's death and is not intended to serve as a precedent for future private bills involving FECA awards and different factual patterns.

In considering this legislation, two points warrant special attention:

The amount contained in the bill is a fairly arrived at negotiated figure which the Department of Justice is satisfied represents fair compensation for the damages suffered; and

It would be inequitable to require the Olsons to endure the emotional and financial strains associated with prolonged litigation.

There have been three detailed investigations of the circumstances surrounding the tragic death of Dr. Olson:

First. The Senate Select Committee on Intelligence, of which I am a member, conducted an intensive 15-month investigation of the Olson case in its examination of the testing and use of chemical and biological agents by the intelligence community. The final report of the select committee devotes a full chapter to this subject, with one section devoted to a detailed treatment of the Olson case.

Second. The Senate Judiciary Committee, on which I serve, conducted hearings in its Administrative Practice and Procedure Subcommittee, chaired by Senator Edward M. Kennedy, on drug testing by the CIA. These hearings were held jointly with the Senate Health Subcommittee, which Senator Kennedy also chairs. At these hearings, detailed testimony was taken on the circumstances leading to Dr. Olson's death and the subsequent coverup. I wish to thank Senator Kennedy for his fine work in helping to bring to light the full dimensions of this problem, and for his support of this bill.

Third. The report of the Rockefeller Commission's investigation of CIA activities also detailed the CIA drug testing program and the Olson case.

In sum, this bill is the culmination of many months of detailed study and investigation. The facts are known. The need to act is clear. By passing this bill today, we can begin to redress the great wrong that was done to the Olson family.

Mr. President, I hope we have learned from recent events that nothing is gained—but much is lost—when a government engages in calculated coverups and acts of duplicity. We need only look at the tragic and inexcusable death of Dr. Olson and the subsequent coverup—with all the terrible suffering that this brought to the wife and children of Dr. Olson—to fully recognize the harm which flows from such policies of deception. We must candidly ask ourselves what was gained from the deliberate Government policy of keeping as much of the truth as possible regarding Dr. Olson's death from surfacing? Would the national security have been prejudiced by the full disclosure of the facts? The answer to these questions is a resounding no.

Mr. President, I hope that our Government has learned from this tragic episode that in a democratic society truthful disclosures are a necessity and acts of deception cannot be tolerated. Above all, our Government must learn to level with its citizens and tell them all the facts. If our democratic principles are to survive, we must be honest with ourselves and with the American people.

Mr. President, with respect to the tax aspects of the award under S. 3035, I have been advised that since such award is not considered taxable income for purposes of the Internal Revenue Code, the award is tax free. In view of this, I have refrained from expressly providing for tax-free treatment in the legislation itself. It is the intent of the bill to make the award tax free.

I urge my colleagues to join me in supporting S. 3035.

I ask unanimous consent that the following items be placed in the Record:

An excerpt from the report of the Judiciary Committee on S. 3035, to which is appended the letter from CIA Director Bush urging favorable consideration of S. 3035;

The Department of Justice letter to the Judiciary Committee recommending enactment of S. 3035; and

The section of the final report of the Select Committee on Intelligence dealing with the Olson case.

There being no objection, the material was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this legislation is to provide compensation to the widow and children of Dr. Frank R. Olson.

STATEMENT

Senator Charles McC. Mathias, in introducing this bill on February 26, 1976, made the following statement:

"* * * Dr. Olson died as the result of injuries sustained after he had jumped from a hotel room in New York City on November 28, 1953. At the time of his death, he was a civilian biochemist with supervisory responsibilities and employed by a special unit of the Army Chemical Corps at Fort Detrick, Md. This unit maintained liaison with the Central Intelligence Agency, CIA, and participated in meetings with CIA personnel regarding its work.

"At one such meeting on November 18–19, 1953, which was attended by seven representatives from Fort Detrick and three from the CIA, a number of those present, including Dr. Olson were administered lysergic acid dipthylamide—LSD—which had been introduced into a bottle of Cointreau liqueur without their knowledge by the CIA participants at the meeting. Dr. Olson and the others were told of the "experiment" 20 minutes later. Immediately after the experiment, Dr. Olson exhibited unusual sleeplessness, restiveness, and feelings of depression. Pursuant to arrangements made by the CIA, Dr. Olson, accompanied by a CIA employee, went to New York City, where he received psychiatric treatment from someone contacted by the CIA. During the period of treatment, Dr. Olson apparently threw himself from his 10th floor hotel room window and plunged to his death.

"Not aware of the true facts and having been led to believe that her husband's death was an unexplained suicide, Mrs. Olson, at the urging of certain Army personnel, applied to the Bureau of Employee's Compensation, BEC, of the Department of Labor for benefits due her and her children under chapter 81—compensation for work injuries of title 5, United States Code—the Federal Employees Compensation Act, FECA—in lieu of civil service retirement benefits. BEC officials personally reviewed the records supplied by the CIA which described the circumstances leading up to and attendant upon the death of Dr. Olson. The BEC officials determined that the material furnished by the CIA was "sufficient to show that the condition responsible for self-destruction was proximately due to the conditions of his employment," and "from a medical standard there was a very definite connection between the illness and the act of self-destruction."

"In part, BEC's determination was based on a statement by the General Counsel of the CIA that the death had resulted from 'circumstances arising out of an experiment undertaken in the course of his official duties for the U.S. Government.' A review of relevant CIA documents reveals that the CIA was eager to arrange payments to the Olson family under chapter 81 and thus end all questions relating to the death of Dr. Olson.

"Between that time and November 30, 1975, the family has received $147,573.22 in benefits under chapter 81—compensation for work injuries, 5 U.S.C. 8101 et seq., the Federal Employees' Compensation Act, hereinafter cited as the FECA. The Olson family is currently receiving monthly benefits of nearly $800. Under the FECA, a widow is entitled to compensation until she dies or remarries before reaching age 60; and children are paid until each becomes 18 or if over 18 and incapable of self-support when each becomes capable of self-support, 5 U.S.C. 8133(b).

"Neither Mrs. Olson nor her children were told or knew of the involvement of the CIA or of all of the circumstances surrounding the death of Dr. Olson until the Rockefeller Commission Report on the CIA was published in June 1975. Although the report did not specifically identify Dr. Olson, it described the events leading up to his death.

"On July 17, 1975, the surviving members of the Olson family, with the aid of their attorneys, David Kairys and David Rudovsky, of Philadelphia, filed a wrongful death claim with the CIA pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. In their letter the family requested, first, full disclosure to the family of the facts surrounding the death of Dr. Olson, second, an assurance that appropriate steps would be taken to forbid the kind of activities involved in the death of Dr. Olson; and third, monetary damages.

"On July 21, 1975, the President met with the family of Dr. Olson. He expressed the sympathy of the American people and apologized on behalf of the U.S. Government for the circumstances of his death. The President also informed the Olsons that the Attorney General had been asked to meet with the Olsons' legal representatives to discuss any claims they wished to assert against the Government by reason of Dr. Olson's death. Subsequent to the President's meeting with the Olson family, negotiations began between the Department of Justice and the Olsons' attorneys.

"In a July 24, 1975, letter, William Colby, Director of Central Intelligence, expressed his deepest personal sympathy to the family and apologized for their suffering and for the failure to inform them of the circumstances surrounding Dr. Olson's death. He further advised them that he was making available to their attorneys the information concerning the death which was available to the CIA. Since that time all of the documents which the CIA were able to find concerning Dr. Olson's death have been delivered to the Olsons along with a signed affidavit testifying as to their completeness.

"As a result of the negotiations between the Department of Justice and the Olson family attorneys regarding the Federal Tort Claims Act suit instituted by the Olsons, it became clear that there existed certain potential technical obstacles, which might preclude recovery under the act. Accordingly, everyone concerned, including the President, the Attorney General and the Director of the CIA, agreed that it would be appropriate to proceed by way of a private bill for an amount which would adequately compensate the Olson family for damages suffered.

"The private legislation now before us is premised on the assumption of responsibility by the United States with respect to the circumstances surrounding the death of Dr. Olson, and most significantly for the fact that the Olson family was deliberately not informed of these circumstances. I have been assured that the President, the CIA, and the Department of Justice all totally support the amount stated in the bill. Indeed, it must be stressed that this amount is a fairly arrived at negotiated figure, which the Department of Justice is satisfied represents fair compensation for the damages suffered.

This bill recognizes that, in view of the responsibility assumed by the Government, it would be inequitable to subject the Olson family, which has already been forced to live for over 20 years under the inexplicable shadow of Frank Olson's death, to the financial and emotional strains associated with long and protracted legal proceedings.

"It should be noted that this bill does not increase compensation to the dependents of an employee under the FECA; rather it would authorize compensation for injuries which are unrelated to the benefits available under that act.

"Furthermore, the payment to the Olsons under this bill shall be in full satisfaction of any claims of the entire family against the United States relating to the unique circumstances surrounding Dr. Olson's death and shall also be in lieu of further compensation otherwise due under FECA. It is to be additionally noted that this bill is predicated on the novel circumstances which led to Dr. Olson's untimely death and thus this legislation is by no means intended to establish a precedent for future private bills involving different factual patterns and FECA awards.

"As I previously stated, I have been assured that the President, the Justice Department, and the CIA fully support this legislation and I trust that my colleagues will swiftly enact this bill."

The Central Intelligence Agency has urged that the bill be given favorable consideration.

The Committee on the Judiciary believes that this bill is meritorious and recommends its favorable consideration.

Attached and made a part of this report is the report of the Central Intelligence Agency on this bill.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., April 5, 1976.
Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for our views on S. 3035, a private bill to authorize compensation to the surviving members of the immediate family of Dr. Frank R. Olson. We strongly urge that the Committee give favorable consideration to the bill.

Dr. Olson died in November 1953, a few days after he had participated with representatives of the Central Intelligence Agency and U.S. Army personnel in an experiment involving the use of an hallucinogenic drug. At the time of his death, Dr. Olson was a civilian biochemist with a special unit of the Army Chemical Corps at Fort Detrick, Md. His unit was in periodic contact with representatives of the Central Intelligence Agency and once or twice a year they held joint meetings. At one such meeting held on November 18–19, 1953, Dr. Olson and several others were administered lysergic acid dipthylamide (LSD) which had been introduced into a bottle of liquor without their knowledge. About 20 minutes later, they were told what had been done. The test was done to study reactions since little was then known about the effects of the drug.

Shortly thereafter, Dr. Olson exhibited unusual sleeplessness and depression. A CIA employee accompanied him to New York where he received psychiatric treatment. While still under treatment and shortly before he was to return to the Washington, D.C., area to enter a sanitarium, Dr. Olson apparently threw himself from his hotel window and fell to his death.

Mrs. Olson was not told of the administered LSD and believed her husband's death to be an unexplained suicide. In December 1953, Mrs. Olson applied for and was awarded compensation benefits under the Federal Employees Compensation Act (FECA), title 5, United States Code, chapter 81. Officials of the Office of Workers Compensation Programs (OWCP), Department of Labor, reviewed all of the records relating to Dr. Olson's death. The OWCP found that the evidence supported a finding that the conditions of Dr. Olson's employment brought about his illness and his death. The claim, figured on the basis of two-thirds of Dr. Olson's salary, was approved December 21, 1953. Mrs. Olson is currently receiving about $800 per month and up to November 30, 1975 has received $147,573.22 under the FECA.

Mrs. Olson and her children did not become aware of the circumstances surrounding the death of Dr. Olson and of the CIA involvement until June 1975, when some of the facts were related in the report by the Commission on CIA Activities within the United States. The President personally apologized to the Olson family on behalf of the U.S. Government for the anguish and suffering for more than 20 years of not knowing the full and complete circumstances surrounding Dr. Olson's death. Mr. William Colby, former Director, extended personal apologies on behalf of the Central Intelligence Agency, and existing Agency documents concerning the death of Dr. Olson have been declassified and given to the Olson families and their attorneys.

On July 17, 1975, the Olson family, through their attorneys, filed a wrongful death claim with CIA under the Federal Tort Claims Act for money damages. However, a suit by the Olson family under the act would undoubtedly fail as the courts have consistently held that the FECA provides the exclusive remedy for death resulting from work-related injury. The authorization of $1.25 million under the private bill, however, is not necessarily dependent upon the compensation to which the surviving Olson family might otherwise be entitled absent legal defenses. It represents the sum which this Agency and the Olson family consider to be appropriate for the suffering which the family has endured over the years as the result of what was, in the family's view, Dr. Olson's inexplicable suicide. As such, the amount of compensation sought implicitly resognizes the authority of Congress to pay, by private bill, a debt founded in equity in its ethical as well as legal senses.

Rather than require the Olson family to resort to the courts which most probably will fail, we urge that the committee give early and favorable consideration to the private bill to compensate members of the family for the wrong they have suffered. For 20 years, the Olson family was unaware of the true circumstances and extended litigation would further aggravate the prolonged anxiety that they have already suffered.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,
GEORGE BUSH, *Director*.

DEPARTMENT OF JUSTICE,
Washington, D.C. April 21, 1976.
Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning S. 3035, a bill, "For the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson.

S. 3035 would authorize appropriations in the sum of $1,250,000 to the Olson family according to a prescribed schedule in satisfaction of all claims arising out of the death of Frank Olson. The bill permits the family to retain benefits received to date under the Federal Employee Compensation Act, as amended (5 U.S.C. § 801, et seq.), but requires the family to forego any future FECA payments.

The Justice Department favors the prompt and fair resolution of the Olson family claims now barred by the exclusivity provisions of the Federal Employees Compensation Act. Absent legislative action such as S. 3035, a resolution of these liability and damage claims could only occur after prolonged judicial and administrative proceedings with substantial costs to all parties concerned.

The proposed authorization would compensate the Olson family for the full range of damages that arose from the death of Frank Olson and the 22 years of misrepresentation that followed. Many elements of these damages may not be compensable under applicable law. For example, under the Federal Tort Claims Act (28 U.S.C. § 2680), no action is available for any misrepresentation or deceit concerning the circumstances of Frank Olson's death, nor are punitive damages permitted. (28 U.S.C. § 2674). However, in the unique and tragic circumstances of this case, the Department of Justice supports this legislation. Should Congress decide to compensate the family for the full range of their claimed damages, the figure of $1,250,000 would appear to be reasonable.

Therefore, the Department of Justice recommends enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the substance of this report from the standpoint of the administration's program.

Sincerely,
MICHAEL M. UHLMANN.
Assistant Attorney General.

B. CIA DRUG TESTING PROGRAMS

1. THE RATIONALE FOR THE TESTING PROGRAMS

The late 1940s and early 1950s were marked by concern over the threat posed by the activities of the Soviet Union, the People's Republic of China, and other Communist bloc countries. United States concern over the use of chemical and biological agents by these powers was acute. The belief that hostile powers had used chemical and biological agents in interrogations, brainwashing, and in attacks designed to harass, disable or kill Allied personnel created considerable pressure for a "defensive" program to investigate chemical and biological agents so that the intelligence community could understand the mechanisms by which these substances worked and how their effects could be defeated.[18]

Of particular concern was the drug LSD. The CIA had received reports that the Soviet Union was engaged in intensive efforts to produce LSD; and that the Soviet Union had attempted to purchase the world's supply of the chemical. As one CIA officer who was

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Footnotes at end of article.

deeply involved in work with this drug described the climate of the times: "[It] is awfully hard in this day and age to reproduce how frightening all of this was to us at the time, particularly after the drug scene has become as widespread and as knowledgeable in this country as it did. But we were literally terrified, because this was the one material that we had ever been able to locate that really had potential fantastic possibilities if used wrongly." [19]

But the defensive orientation soon became secondary. Chemical and biological agents were to be studied in order "to perfect techniques . . . for the abstraction of information from individuals whether willing or not" and in order to "develop means for the control of the activities and mental capacities of individuals whether willing or not." [20] One Agency official noted that drugs would be useful in order to "gain control of bodies whether they were willing or not" in the process of removing personnel from Europe in the event of a Soviet attack.[21] In other programs, the CIA began to develop, produce, stockpile and maintain in operational readiness materials which could be used to harass, disable, or kill specific targets.[22]

Reports of research and development in the Soviet Union, the People's Republic of China, and the Communist Bloc countries provided the basis for the transmutation of American programs from a defensive to an offensive orientation. As the Chief of the Medical Staff of the Central Intelligence Agency wrote in 1952:

"There is ample evidence in the reports of innumerable interrogations that the Communists were utilizing drugs, physical duress, electric shock, and possibly hypnosis against their enemies. With such evidence it is difficult not to keep from becoming rabid about our apparent laxity. We are forced by this mounting evidence to assume a more aggressive role in the development of these techniques, but must be cautious to maintain strict inviolable control because of the havoc that could be brought by such techniques in unscrupulous hands." [23]

In order to meet the perceived threat to the national security, substantial programs for the testing and use of chemical and biological agents—including projects involving the surreptitious administration of LSD to unwitting nonvolunteer subjects "at all social levels, high and low, native American and foreign"—were conceived, and implemented. These programs resulted in substantial violations of rights of individuals within the United States.

Although the CIA recognized these effects of LSD to unwitting individuals within the United States, the project continued.[24] As the Deputy Director for Plans, Richard Helms, wrote the Deputy Director of Central Intelligence during discussions which led to the cessation of unwitting testing:

"While I share your uneasiness and distaste for any program which tends to intrude upon an individual's private and legal prerogatives, I believe it is necessary that the Agency maintain a central role in this activity, keep current on enemy capabilities the manipulation of human behavior, and maintain an offensive capability." [25]

There were no attempts to secure approval for the most controversial aspects of these programs from the executive branch or Congress. The nature and extent of the programs were closely held secrets; even DCI McCone was not briefed on all the details of the program involving the surreptitious administration of LSD until 1963. It was deemed imperative that these programs be concealed from the American people. As the CIA's Inpector General wrote in 1957:

"Precautions must be taken not only to protect operations from exposure to enemy forces but also to conceal these activities from the American public in general. The knowledge that the Agency is engaging in unethical and illicit activities would have serious repercussions in political and diplomatic circles and would be detrimental to the accomplishment of its mission." [26]

2. THE DEATH OF DR. FRANK OLSON

The most tragic result of the testing of LSD by the CIA was the death of Dr. Frank Olson, a civilian employee of the Army, who died on November 27, 1953. His death followed his participation in a CIA experiment with LSD. As part of this experiment, Olson unwittingly received approximately 79 micrograms of LSD in a glass of Cointreau he drank on November 19, 1953. The drug had been placed in the bottle by a CIA officer, Dr. Robert Lashbrook, as part of an experiment he and Dr. Sidney Gottlieb performed at a meeting of Army and CIA scientists.

Shortly after this experiment, Olson exhibited symptoms of paranoia and schizophrenia. Accompanied by Dr. Lashbrook, Olson sought psychiatric assistance in New York City from a physician, Dr. Harold Abramson, whose research on LSD had been funded indirectly by the CIA. While in New York for treatment, Olson fell to his death from a tenth story window in the Statler Hotel.

a. Background.—Olson, an expert in aerobiology who was assigned to the Special Operations Division (SOD) of the U.S. Army Biological Center at Camp Detrick, Maryland. This Division had three primary functions:

(1) assessing the vulnerability of American installations to biological attack;

(2) developing techniques for offensive use of biological weapons; and

(3) biological research for the CIA.[27]

Professionally, Olson was well respected by his colleagues in both the Army and the CIA. Colonel Vincent Ruwet, Olson's immediate superior at the time of his death, was in almost daily contact with Olson. According to Colonel Ruwet: "As a professional man . . . his ability . . . was outstanding." [28] Colonel Ruwet stated that "during the period prior to the experiment . . . I noticed nothing which would lead me to believe that he was of unsound mind." [29] Dr. Lashbrook, who had monthly contacts with Olson from early 1952 until the time of his death, stated publicly that before Olson received LSD, "as far as I know, he was perfectly normal." [30] This assessment is in direct contradiction to certain statements evaluating Olson's emotional stability made in CIA internal memoranda written after Olson's death.

b. The Experiment.—On November 18, 1953, a group of ten scientists from the CIA and Camp Detrick attended a semi-annual review and analysis conference at a cabin located at Deep Creek Lake, Maryland. Three of the participants were from the CIA's Technical Services Staff. The Detrick representatives were all from the Special Operations Division.

According to one CIA official, the Special Operations Division participants "agreed that an unwitting experiment would be desirable." [31] This account directly contradicts Vincent Ruwet's recollection. Ruwet recalls no such discussion, and has asserted that he would remember any such discussion because the SOD participants would have strenuously objected to testing on unwitting subjects.[32]

In May, 1953, Richard Helms, Assistant DDP, held a staff meeting which the Chief of Technical Services Staff attended. At this meeting Helms "indicated that the drug [LSD] was dynamite and that he should be advised at all times when it was intended to be used." [33] In addition, the then DDP, Frank Wisner, sent a memorandum to TSS stating the requirement that the DDP personally approve the use of LSD. Gottlieb went ahead with the experiment,[34] securing the approval of his immediate supervisor. Neither the Chief of TSS nor the DDP specifically authorized the experiment in which Dr. Olson participated.[35]

According to Gottlieb,[36] a "very small dose" of LSD was placed in a bottle of Cointreau which was served after dinner on Thursday, November 19. The drug was placed in the liqueur by Robert Lashbrook. All but two of the SOD participants received LSD. One did not drink; the other had a heart condition.[37] About twenty minutes after they finished their Cointreau, Gottlieb informed the other participants that they had received LSD.

Dr. Gottlieb stated that "up to the time of the experiment," he observed nothing unusual in Olson's behavior.[37a] Once the experiment was underway, Gottlieb recalled that "the drug had a definite effect on the group to the point that they were boisterous and laughing and they could not continue the meeting or engage in sensible conversation." The meeting continued until about 1:00 a.m., when the participants retired for the evening. Gottlieb recalled that Olson, among others, complained of a "wakefulness" during the night.[38] According to Gottlieb on Friday morning "aside from some evidence of fatigue, I observed nothing unusual in [Olson's] actions, conversation, or general behavior." [39] Ruwet recalls that Olson "appeared to be agitated" at breakfast, but that he "did not consider this to be abnormal under the circumstances." [40]

c. The Treatment.—The following Monday, November 23, Olson was waiting for Ruwet when he came in to work at 7:30 a.m. For the next two days Olson's friends and family attempted to reassure him and help him "snap out" of what appeared to be a serious depression. On Tuesday, Olson again came to Ruwet and, after an hour long conversation, it was decided that medical assistance for Dr. Olson was desirable.[41]

Ruwet then called Lashbrook and informed him that "Dr. Olson was in serious trouble and needed immediate professional attention." [42] Lashbrook agreed to make appropriate arrangements and told Ruwet to bring Olson to Washington, D.C. Ruwet and Olson proceeded to Washington to meet with Lashbrook, and the three left for New York at about 2:30 p.m. to meet with Dr. Harold Abramson.

At that time Dr. Abramson was an allergist and immunologist practicing medicine in New York City. He held no degree in psychiatry, but was associated with research projects supported indirectly by the CIA. Gottlieb and Dr. Lashbrook both followed his work closely in the early 1950s.[43] Since Olson needed medical help, they turned to Dr. Abramson as the doctor closest to Washington who was experienced with LSD and cleared by the CIA.

Ruwet, Lashbrook, and Olson remained in New York for two days of consultations with Abramson. On Thursday, November 26, 1953, the three flew back to Washington so that Olson could spend Thanksgiving with his family. En route from the airport Olson told Ruwet that he was afraid to face his family. After a lengthy discussion, it was decided that Olson and Lashbrook would return to New York, and that Ruwet would go to Frederick to explain these events to Mrs. Olson.[44]

Lashbrook and Olson flew back to New

Footnotes at end of article.

York the same day again for consultations with Abramson. They spent Thursday night in a Long Island hotel and the next morning returned to the city with Abramson. In further discussions with Abramson, it was agreed that Olson should be placed under regular psychiatric care at an institution closer to his home.[45]

d. The Death.—Because they could not obtain air transportation for a return trip on Friday night, Lashbrook and Olson made reservations for Saturday morning and checked into the Statler Hotel. Between the time they checked in and 10:00 p.m.; they watched television, visited the cocktail lounge, where each had two martinis, and dinner. According to Lashbrook, Olson "was cheerful and appeared to enjoy the entertainment." He "appeared no longer particularly depressed, and almost the Dr. Olson I knew prior to the experiment." [46]

After dinner Lashbrook and Olson watched television for about and hour, and at 11:00, Olson suggested that they go to bed, saying that "he felt more relaxed and contented than he had since [they] came to New York." [47] Olson then left a call with the hotel operator to wake them in the morning. At approximately 2:30 Saturday, November 28, Lashbrook was awakened by a loud "crash of glass." In his report on the incident, he stated only that Olson "had crashed through the closed window blind and the closed window and he fell to his death from the window of our room on the 10th floor." [48]

Immediately after finding that Olson had leapt to his death, Lashbrook telephoned Gottlieb at his home and informed him of the incident.[49] Gottlieb called Ruwet and informed him of Olson's death at approximately 2:45 a.m.[50] Lashbrook then called the hotel desk and reported the incident to the operator there. Lashbrook called Abramson and informed him of the occurrence. Abramson told Lashbrook he "wanted to be kept out of the thing completely," but later changed his mind and agreed to assist Lashbrook.[51]

Shortly thereafter, uniformed police officers and some hotel employees came to Lashbrook's room. Lashbrook told the police he didn't know why Olson had committed suicide, but he did know that Olson "suffered from ulcers." [52]

e. The Aftermath.—Following Dr. Olson's death, the CIA made a substantial effort to ensure that his family received death benefits, but did not notify the Olsons of the circumstances surrounding his demise. The Agency also made considerable efforts to prevent the death being connected with the CIA, and supplied complete cover for Lashbrook so that his association with the CIA would remain a secret.

After Dr. Olson's death the CIA conducted an internal investigation of the incident. As part of his responsibilities in this investigation, the General Counsel wrote the Inspector General, stating:

"I'm not happy with what seems to be a very casual attitude on the part of TSS representatives to the way this experiment was conducted and the remarks that this is just one of the risks running with scientific experimentation. I do not eliminate the need for taking risks, but I do believe, especially when human health or life is at stake, that at least the prudent, reasonable measures which can be taken to minimize the risk must be taken and failure to do so was culpable negligence. The actions of the various individuals concerned after effects of the experiment on Dr. Olson became manifest also revealed the failure to observe normal and reasonable precautions." [53]

As a result of the investigation DCI Allen Dulles sent a personal letter to the Chief of Technical Operations of the Technical Services Staff who had approved the experiment criticizing him for "poor judgment . . . in authorizing the use of this drug on such an unwitting basis and without proximate medical safeguards." [54] Dulles also sent a letter to Dr. Gottlieb, Chief of the Chemical Division of the Technical Services Staff, criticizing him for recommending the "unwitting application of the drug" in that the proposal "did not give sufficient emphasis for medical collaboration and for the proper consideration of the rights of the individual to whom it was being administered." [55]

The letters were hand carried to the individuals to be read and returned. Although the letters were critical, a note from the Deputy Director of Central Intelligence to Mr. Helms instructed him to inform the individuals that: "These are not reprimands and no personnel file notation are being made." [56]

Thus, although the Rockefeller Commission has characterized them as such, these notes were explicitly not reprimands. Nor did participation in the events which led to Dr. Olson's death have any apparent effect on the advancement within the CIA of the individuals involved.

FOOTNOTES

[18] Thus an officer in the Office of Security of the CIA stressed the "urgency of the discovery of techniques and method that would permit our personnel, in the event of their capture by the enemy, to resist or defeat enemy interrogation." (Minutes of the ARTICHOKE conference of 10/22/53.)

[19] Testimony of CIA officer, 11/21/75, p. 33.

[20] Memorandum from the Director of Security to ARTICHOKE representatives, Subject: "ARTICHOKE Restatement of Program."

[21] ARTICHOKE memorandum, 7/30/53.

[22] The Inspector General's Report of 1957 on the Technical Services Division noted that "Six specific products have been developed and are available for operational use. Three of them are discrediting and disabling materials which can be administered unwittingly and permit the exercise of a measure of control over the actions of the subject."

A memorandum for the Chief, TSD, Biological Branch to the Chief, TSD, 10/18/67, described two of the objectives of the CIA's Project MKNAOMI as: "to stockpile severely incapacitating and lethal materials for the specific use of TSD" and "to maintain in operational readiness special and unique items for the dissemination of biological and chemical materials."

[23] Memorandum from the Chief of the Medical Staff, 1/25/52.

[24] Even during the discussions which led to the termination of the unwitting testing, the DDP turned down the option of halting such tests within the U.S. and continuing them abroad despite the fact that the Technical Services Division had conducted numerous operations abroad making use of LSD. The DDP made this decision on the basis of security noting that the past efforts overseas had resulted in "making an inordinate number of foreign nations witting of our role in the very sensitive activity." (Memorandum for the Deputy Director of Central Intelligence from the Deputy Director for Plans, 12/17/63, p. 2.)

[25] *Ibid.*, pp. 2–3.

[26] I.G. Survey of TSD, 1957, p. 217.

[27] Staff summary of Vincent Ruwet Interview, 8/13/75, p. 3.

[28] Memorandum of Col. Vincent Ruwet, To Whom It May Concern, no date, p. 2.

[29] Ruwet Memorandum, p. 3.

[30] Joseph B. Treaster, *New York Times*, 7/19/75, p. 1.

[31] Memorandum for the Record from Lyman Kirkpatrick, 12/1/53, p. 1.

[32] Ruwet (staff summary), 8/13/75, p. 6.

[33] Inspector General Diary, 12/2/53.

[34] *Ibid.* Dr. Gottlieb has testified that he does not remember either the meeting with Helms nor the Wisner memorandum. (Gottlieb, 10/18/75, p. 16.)

[35] Dr. Gottlieb testified that "given the information we knew up to this time, and based on a lot of our own self-administration, we thought it was a fairly benign substance in terms of potential harm." This is in conflict not only with Mr. Helms' statement but also with material which had been supplied to the Technical Services Staff. In one long memorandum on current research with LSD which was supplied to TSD. Henry Beecher described the dangers involved with such research in a prophetic manner. "The second reason to doubt Professor Rothland came when I missed the question as to any accidents which had arisen from the use of LSD–25. He said in a very positive way, 'none.' As it turned out this answer could be called overly positive, for later on in the evening I was discussing the matter with Dr. W. A. Stohl, Jr., a psychiatrist in Bleulera's Clinic in Zurich where I had gone at Rothland's insistence. Stohl, when asked the same question, replied, 'yes,' and added spontaneously, 'there is a case Professor Rothland knows about. In Geneva a woman physician who had been subject to depression to some extent took LSD–25 in an experiment and became severely and suddenly depressed and committed suicide three weeks later. While the connection is not definite, common knowledge of this could hardly have allowed the positive statement Rothland permitted himself. This case is a warning to us to avoid engaging subjects who are depressed, or who have been subject to depression.' " Dr. Gottlieb testified that he had no recollection of either the report or that particular section of it. (Sidney Gottlieb testimony, 10/19/75, p. 78.)

[36] Memorandum of Sheffield Edwards for the record, 11/28/53, p. 2.

[37] Lashbrook (staff summary), 7/19/75, p. 3.

[37a] Gottlieb memorandum, 12/7/53, p. 2.

[38] Edwards memorandum, 11/28/53, p. 3.

[39] Gottlieb memorandum, 12/7/53, p. 3.

[40] Ruwet memorandum, p. 3.

[41] *Ibid.*, p. 4.

[42] Lashbrook memorandum, 12/7/53, p. 1.

[43] Staff summary of Dr. Harold Abramson interview, 7/29/75, p. 2.

[44] Lashbrook memorandum, 12/7/53, p. 3.

[45] Abramson memorandum, 12/4/53.

[46] Lashbrook memorandum, 12/7/53, p. 3.

[47] *Ibid.*, p. 4.

[48] *Ibid.*

[49] CIA Field Office Report, 12/3/53, p. 3.

[50] Ruwet memorandum, p. 11.

[51] CIA Field Office Report, 12/3/53, p. 3.

[52] *Ibid.*

[53] Memorandum from the General Counsel to the Inspector General, 1/4/54.

[54] Memorandum from DCI to Chief Technical Operations, TSS, 2/12/54.

[55] Memorandum from DCI to Sidney Gottlieb, 2/12/54.

[56] Note from DDCI to Richard Helms, 2/13/54.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $312,500 each to Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson, in full settlement of all their claims against the United States arising out of the death of Doctor Frank R. Olson in November 1953, if all of them waive any and all rights arising out of such death. The payment of such sums shall be in full satisfaction of all claims of Alice W. Olson, Eric Olson, Lisa Olson Hayward, and Nils Olson of any nature whatsoever against the United States, or against any past or present employee or agent of, or person associated with, the United States, his estate or personal representative, in connection with the circumstances surrounding such death and such payments shall be in lieu of further compensation otherwise due under chapter 81, of title 5, United States Code, or any award thereunder.

SEC. 2. No part of the amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine in any amount not to exceed $5,000.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

The Senate proceeded to consider the bill (H.R. 8719) to provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority which had been reported from the Committee on the District of Columbia with an amendment on page 8, beginning with line 15, strike out:

SEC. 4. Notwithstanding any other provision of this Act or of any other law, the Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact.

And insert in lieu thereof:

The Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact, but in no case shall any such amendment become effective until after it has been approved by Congress.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INTERNATIONAL INVESTMENT SURVEY ACT OF 1975

The Senate proceeded to consider the bill (S. 2839) to supplement authority of the Secretary of Commerce to collect regular and periodic information on foreign direct and portfolio investments in the United States and on American investments abroad, and for other purposes which had been reported from the Committee on Commerce with an amendment to strike out all of the enacting clause and insert:

That this Act may be cited as the "International Investment Survey Act of 1976".

SEC. 2. DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The Federal Government is presently authorized to collect limited amounts of information on United States investment in foreign nations and and on foreign investment in the United States.

(2) The amount of international investment has increased rapidly within recent years.

(3) Such investment significantly affects the economies of the United States and other nations.

(4) International efforts to obtain information on the activities of multinational enterprises and other international investors have accelerated recently.

(5) The potential consequences of international investment cannot be evaluated accurately, because the Federal Government lacks sufficient information on such investment and its actual or possible effects on the national security, commerce, employment, inflation, the general welfare, and United States foreign policy.

(6) Accurate and comprehensive information on international investment is needed by the Congress to enable it to develop an informed United States policy with respect to such investment.

(7) Existing estimates of international investment, collected under existing legal authority, and limited in scope and insufficient for policy formulation and decisionmaking because they are based on outdated or otherwise inadequate statistical bases, reports, and data.

(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to grant to the President (acting through any officials or agencies he may designate), the Secretary of Commerce, and the Secretary of the Treasury clear and unambiguous authority to collect information on international investment and to prepare and provide analyses thereof for the Congress, the executive agencies, and the general public. Any such information, which is collected from the public under this Act, shall be obtained in a manner which (1) imposes the least burden on business concerns and other persons, consistent with the national interest in obtaining comprehensive and reliable information on international investment, and (2) avoids any unnecessary duplication.

(c) POLICY.—Nothing in this Act shall be construed to restrain or deter foreign investment in the United States or United States investment in foreign nations.

SEC. 3. DEFINITIONS.

As used in the Act, the term—

(1) "affiliate" means an enterprise doing business in one nation which is owned or controlled, directly or indirectly (to the extent of 10 percent of the voting stock thereof, in the case of a corporation, or to the extent of an equivalent interest, in the case of any other business enterprise, including any branch thereof);

(2) "business enterprise" or "enterprise doing business" means a corporation, partnership, association, venture, branch, or other organized entity which is engaged in commercial or other activities for the purpose of making a profit or otherwise economic advantage;

(3) "foreign" means or refers to anything which is primarily located or situated outside of the United States or which belongs to, is characteristic of, or is subject to the jurisdiction of any nation or political entity other than the United States;

(4) "includes" and variants thereof should be read as if the phrase "but is not limited to" were also set forth;

(5) "international investment" refers to (A) any direct or indirect interest which is held or acquired by any foreign person, by contractual commitment or otherwise, in any property located in the United States or in any stock, other securities, or short- or long-term debt obligations of, or issued by, any United States person; and (B) any such interest which is held or acquired by any United States person, by contractual commitment or otherwise, in any property located outside of the United States or in any stock, other securities, or short- or long-term debt obligations of, or issued by, any foreign person;

(6) "parent" means any person in any particular nation who owns or controls, directly or indirectly, 10 percent or more of the voting stock, or its equivalent, in any enterprise doing business outside of that nation;

(7) "person" means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government;

(8) "direct investment" means ownership or control, direct or indirect, by one person or an associated group of persons, which constitutes 10 percent or more of the voting stock, or its equivalent, in a business enterprise;

(9) "portfolio investment" means ownership or control, direct or indirect, by one person or an associated group of persons, which constitutes 10 percent or more of the voting stock, or its equivalent, in a business enterprise;

(10) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, or any other territory or possession of the United States;

(11) "United States", when used in a geographical sense, means all of the States; and

(12) "United States person" means any person who resides in or is otherwise subject to the jurisdiction of the United States.

SEC. 4. RESPONSIBILITIES.

(a) IN GENERAL.—The President shall collect such data and information, prepare such studies, and take such other actions as he deems necessary and appropriate to—

(1) conduct comprehensive surveys of international portfolio and direct investment, pursuant to subsection (b);

(2) establish and maintain a regular data collection program designed to obtain current and continuing information from parents and affiliates on international capital flows and other matters relating to international investment, including information necessary for computing and analyzing the United States balance of payments, employment, and taxes, and the international investment position of the United States;

(3) conduct such studies and surveys as may be necessary to prepare timely reports on specific aspects of international investment which may have significant implications for the economic welfare and national security of the United States;

(4) determine the adequacy of information, disclosure, and reporting requirements and procedures; recommend necessary improvements in information recording, collection, and retrieval and in statistical analysis and presentation; and report periodically to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives on national and international development with respect to laws and regulations affecting international investment; and

(5) publish and make available, for the use of the general public and government agencies, periodic, regular and comprehensive statistical information collected pursuant to this section.

(b) BENCHMARK SURVEYS.—(1) The Secretary of Commerce shall conduct comprehensive benchmark surveys regarding United States direct investment in foreign nations and foreign direct investment in the United States. Such a survey shall be conducted at least once every 10 years. Each such survey shall, to the extent such Secretary determines necessary, applicable, and feasible—

(A) identify the location, and the nature and magnitude of and changes in total investment by a parent in each affiliate and the financial transactions between a parent and each affiliate;

(B) obtain information on the balance sheet and related financial data of parents and affiliates; income statements, including the gross sales by primary line of business and with as much significant product-line detail as is feasible, of such parents and affiliates in each foreign country (or geographic area, where it is not feasible to obtain data for each country) in which such affiliates have significant operations; and related information regarding trade between the parent and its affiliates and between unrelated enterprises;

(C) collect employment data showing both the number of United States and foreign employees of each United States parent and affiliate, and the level of compensation thereof, by nation;

(D) obtain reports on the amount of taxes paid by parents and affiliates;

(E) determine the total dollar amount of research and development expenditures by each United States parent and affiliate; payments between parents and affiliates for the transfer of technology; and payments received from the transfer of technology to unrelated foreign firms or State enterprises; and

(F) include such other matters as the Secretary of Commerce prescribes which are consistent with the purposes of this Act.

(2) The Secretary of the Treasury shall conduct comprehensive benchmark surveys of foreign portfolio investment in the United States. Such a survey shall be conducted at least once every 10 years. Each such survey shall, to the extent such Secretary determines necessary, applicable, and feasible, determine (A) the magnitude and aggregate value of portfolio investment; (B) the form of such investments; (C) types of investors in such investments; (D) the nationality of such investors and the recorded residences of foreign private holders of such investments; (E) the extent of the diversification of such holdings, by economic sector, and holders of record; and (F) such other matters as the Secretary of the Treasury prescribes. He shall also review the feasibility and desirability of conducting such equivalent benchmark surveys with respect to United States portfolio investment in foreign nations.

(c) PROCEDURE.—(1) The activities prescribed under this section shall be carried out in the form and manner most likely to result in information which is timely and useful in the development of policy with respect to international investment. Reporting and recordkeeping requirements imposed under this Act shall be so designed, to the extent feasible, consistent with effective enforcement and the compilation of required data. Reporting, recordkeeping, and documentation requirements shall be periodically reviewed and revised in the light of developments in information technology.

(2) In collecting information authorized under this Act, the President shall give due regard to the cost incurred by persons supplying such information, as well as to the costs incurred by the Government, to assure that the information collected is only in such detail as is necessary to fulfill the stated purposes for which the information is being gathered.

SEC. 5. RULES, REGULATIONS, AND ACCESS TO INFORMATION.

(a) IN GENERAL.—The authorities and responsibilities prescribed under this Act may be exercised through such rules and regulations as may be necessary to carry out the purposes of this Act.

(b) RECORDS AND REPORTS.—Rules or regulations issued pursuant to this Act may require any person subject to the jurisdiction of the United States—

(1) to maintain a complete record of any information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, and financial statements) which are essential to carrying out the international investment surveys and studies to be conducted pursuant to this Act; and

(2) to furnish, under oath, any report containing information which is determined to be necessary to carry out the international investment surveys and studies prescribed in section 4.

(c) ACCESS TO INFORMATION.—Access to information obtained under subsection (b) (2) shall be available only to officials or employees designated to perform functions under this Act, including consultants and persons working on contracts awarded pursuant to this Act. Subject to the limitation set forth in subsection (d) (1), the President may authorize information furnished by any person under this Act to be exchanged between agencies or officials designated by him where he deems such exchange necessary to carry out the purposes of this Act. Nothing in this section shall be construed to require any Federal agency to disclose to another Federal agency exercising authority under this Act any information or report collected under legal authority other than this Act where such disclosure is prohibited by law.

(d) USE OF INFORMATION.—Information lected pursuant to subsection (b) (2) may be be used only for—

(1) analytical or statistical purposes within the Federal Government; or

(2) for the purpose of a proceeding under section 6(b).

No person may (A) publish, or make available to any other person, any information collected pursuant to subsection (b) (2), if information furnished by any person can be specifically identified, except as provided in this section; or (B) compel the submission or disclosure of any information or report collected, or prepared, in whole or in part, pursuant to this Act without the prior written consent of all of the persons involved or identifiable therefrom.

(e) VIOLATION.—Any person who willfully violates the confidentiality provisions of this Act shall be fined not more than $10,000, in additon to any other penalty imposed by law.

SEC. 6. ENFORCEMENT.

(a) CIVIL PENALTY.—Whoever willfully fails (1) to submit any information required under this Act (whether required to be furnished in the form of a report or otherwise), or (2) to comply with any rule, regulation, order, or instruction promulgated pursuant to this Act, may be required to pay to the United States a civil penalty, not to exceed $10,000 for each violation, in a proceeding in accordance with subsection (b).

(b) PROCEEDING.—A civil action may be commenced in an appropriate district court of the United States by the Secretary of Commerce, the Secretary of the Treasury or the Attorney General of the United States whenever it appears that any person willfully failed (1) to submit any information required under this Act (whether required to be furnished in the form of a report or otherwise), or (2) to comply with any rule, regulation, order, or instruction promulgated pursuant to this Act. Upon a proper showing of the relevance of such rule, regulation, order, or instruction to the purposes of this Act, such court may, in its discretion, enter a restraining order or a permanent or temporary injunction commanding such person to comply with such rule, regulation, order, or instruction, or impose the civil penalty provided for in subsection (a) or both.

(c) CRIMINAL PENALTY.—Whoever willfully fails (1) to submit any information required under this Act (whether required to be furnished in the form of a report or otherwise), or (2) to comply with any rule, regulation, order, or instruction promulgated pursuant to this Act, shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than 1 year (if a natural person), or both. Any officer, director, or agent of any corporation who knowingly participates in any such violation may be punished by a like fine, imprisonment, or both.

SEC. 7. POWERS.

(a) STAFF.—Any official designated by the President to carry out the provisions of this Act, the Secretary of Commerce, and the Secretary of the Treasury, may procure the temporary or intermittent services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code. Persons so employed shall receive compensation at a rate not in excess of the maximum amount payable under such section. While away from his home or regular place of business and engaged in the performance of services in conjunction with the provisions of this Act, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(b) COOPERATION.—The President, his designee, the Secretary of Commerce, and the Secretary of the Treasury are authorized to use, on a reimbursable basis when appropriate, the available services, equipment, personnel, and facilities of any agency or instrumentality of the Federal Government, in conjunction with carrying out responsibilities prescribed under this Act.

SEC. 8. PUBLIC PARTICIPATION.

Officials performing functions pursuant to this Act are authorized and directed to secure balanced, diverse, and responsible views from qualified persons representing business, organized labor, and the academic community and may, where appropriate, create such independent public advisory committees as are necessary to carry out the purposes of this Act.

SEC. 9. AUTHORIZATIONS FOR APPROPRIATIONS.

There are authorized to be appropriated, for purposes of carrying out the provisions of this Act, not to exceed $250,000 for the transitional period ending September 30, 1976, not to exceed $1,000,000 for the fiscal year ending September 30, 1977, and not to exceed $1,000,000 for the fiscal year ending September 30, 1978.

Amend the title so as to read: "A bill to supplement the authority of the President and various Federal agencies to collect regular and periodic information on international investment, and for other purposes.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENDANGERED SPECIES ACT AUTHORIZATIONS

The Senate proceeded to consider the bill (S. 3122) to amend the Endangered Species Act of 1973 to extend authorizations for appropriations which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended—

(1) by striking out "(A) not to exceed $4,000,000" and all that follows through "$10,000,000 for fiscal year 1976," in paragraph (A) thereof and inserting in lieu thereof "(1) not to exceed $10,000,000 for the fiscal year ending June 30, 1976, not to exceed $1,800,000 for the fiscal transitional period ending September 30, 1976, and not to exceed a total of $25,000,000 for the fiscal year ending September 30, 1977 and the fiscal year ending September 30, 1978,"; and

(2) by striking out "(B) not to exceed $2,000,000" and all that follows through "$2,000,000 for fiscal year 1976," in paragraph (B) thereof and inserting in lieu thereof "(2) not to exceed $2,000,000 for the fiscal year ending June 30, 1976, not to exceed $500,000 for the fiscal transitional period ending September 30, 1976, and not to exceed a total of $5,000,000 for the fiscal year ending September 30, 1977 and the fiscal year ending September 30, 1978,".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the authorization for appropriations to carry out the Endangered Species Act of 1973."

CONVEYANCE OF CERTAIN LAND TO THE COMMONWEALTH OF MASSACHUSETTS

The Senate proceeded to consider the bill (S. 3399) to authorize the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts which had been reported from the Committee on Government Operations with an amendment on page 1, in line 8, strike out "as a gift from the people of the Commonwealth of Massachusetts" and insert in lieu thereof "by the Commonwealth of Massachusetts, as a gift on behalf of its people", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the Commonwealth of Massachusetts, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to that certain tract of land, situated in Cambridge, Massachusetts, which was conveyed to the United States, by the Commonwealth of Massachusetts, as a gift on behalf of its people in order to provide a site for the Presidential archival depository of the John Fitzgerald Kennedy Library, by a deed dated January 24, 1968, and recorded with the Middlesex, Massachusetts, Southern District Registry of Deeds in book 11467 at page 668.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts."

BILL PASSED OVER

The bill (S. 3308) to improve the regulation of commerce by requiring certain Federal agencies to recodify the rules promulgated by such agencies was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

INCREASE IN AUTHORIZATION FOR CERTAIN RIVER BASIN PLANS

The bill (S. 3432) to authorize an increase in the monetary authorization for certain comprehensive river basin plans previously approved by the Congress was announced as next in order.

Mr. BUCKLEY. Mr. President, I wish to express my strong support for passage of S. 3432, legislation that is needed to assure that work on the Tioga-Hammond Dam project is not delayed or interrupted.

At the present time, the Army Corps of Engineers has the capability—within the budget—to spend a cumulative total of $138,800,000 in the north branch, Susquehanna River basin through the transition quarter. But the present authorized cumulative limit covering the period since 1958 is only $133,000,000. Thus, the corps cannot legally spend the $5,800,000 difference, even though those funds are available and have been programed.

Failure to enact this legislation soon would force a halt this summer to work needed to assure adequate flood protection for the citizens of Corning and Elmira, N.Y., and other communities downstream from the Tioga-Hammond Dam. Such delays would also affect two projects in the South Platte basin in Colorado.

Specifically, four vital aspects of the Susquehanna basin work would be halted if Congress fails to provide the extra $5.8 million in basin authorization. This would force contractors off the project, force rebidding of work, and generally produce delays and push up costs.

For example, a contract for construction of the Cowanesque Dam could not be let as planned later this month. Thus, $2,760,000 would be lost in spending, and the completion of the dam would be delayed by a full year because the summer construction season would be lost.

Work would have to be halted around August 1 on the dam embankment for Tioga-Hammond Dam, representing a loss of $1,100,000 in spending, and producing more delays.

Work would have to be stopped August 1 on the dam structure itself for Tioga-Hammond Dam, cutting spending by $979,000, and delaying public protection.

And work would have to be halted on a new contract on the repair of a slide in connection with a highway rerouting. Present plans call for advertising this contract in mid-May, awarding it in late June. A halt in August would reduce expenditures $1,010,000.

In summary, the corps needs an additional $5,800,000 in authorizations for the north branch of the Susquehanna to carry work—work already underway or scheduled—through the transition quarter. And they need $5,545,000 in appropriations or fund transfers. I am advised that the corps can and will cover this need with funds transferred from other projects, on which delays have developed.

This bill, of course, is only a stopgap effort. The north branch of the Susquehanna and other basins need major increases in various spending limitations by the 1977 fiscal year. Approximately $72 million will be needed in the cumulative Susquehanna limit to carry work through fiscal year 1977, so the corps can move forward at its level of construction capability. It is anticipated that our committee will provide such funding as part of a more comprehensive, omnibus water resources bill this summer.

Mr. President, I want to express my support for this legislation and my appreciation for the cooperation of the distinguished chairman of the Water Resources Subcommittee, Mr. GRAVEL, in encouraging action on this bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Act of Congress	Additional monetary authorizations required through transition quarter
North Branch, Susquehanna River Basin	July 3, 1958	5, 800, 000
South Platte River Basin	May 17, 1950	3, 200, 000
Total		9, 000, 000

(b) The total amount authorized to be appropriated by this Act shall not exceed $9,000,000.

NOISE CONTROL ACT AUTHORIZATIONS

The bill (S. 3436) to authorize appropriations for research, development, and demonstration under the Noise Control Act of 1972 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the Noise Control Act of 1972 (86 Stat. 1250) is amended by adding "(a)" after "SEC. 19." and a new subsection as follows:

"(b) There is authorized to be appropriated to carry out section 14 of this Act $2,500,000 for the fiscal year ending September 30, 1977.".

NEWSMEN IN THE NEWS

Mr. MANSFIELD. Mr. President, there have been two good items in the news about newsmen recently, one which I deeply regret and one which causes me great sorrow. The good items are the return of Peter Lisagore to his position as chief Washington correspondent of the Chicago Sun-Times. I must say that I am very pleased that he is back in action and performing in his usual vigorous, *entrancing*, humorous style.

I am also glad that Marvin Kalb has returned to active duty with the Columbia Broadcasting System. I had missed his pithy commentaries and his keen analysis of the news, and it is a pleasure to welcome him back once again.

I regret the retirement of Bill Anderson of the Chicago Tribune. This outstanding national reporter will be missed because he was a first-rate reporter, a keen analyst of the news and a very worthy member of his profession.

I am saddened, though, at the news of the passing of John R. Cauley, who served some years in Washington as a chief of the Washington Bureau of the Kansas City Star. John R. Cauley was a gentleman in the real meaning of that term. He was a gentle man. He was an incisive reporter. He dug for the facts, he reported them fairly, and I think he was one of the outstanding journalists in this Nation. With his passing, my wife, Maureen, and I feel a sense of deep personal loss. We extend to his two surviving sisters, Janet Stephenson of Kansas City, Mo., and Margaret Carter of Columbia, Mo., our heartfelt regrets and our deepest sympathy. May his soul rest in peace.

I ask unanimous consent that a statement of John R. Cauley's passing be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 18, 1976]

Ex-Bureau Chief J. R. Cauley of Kansas City Star Dies

John R. Cauley, 68, retired chief of the Washington bureau of The Kansas City Star, died yesterday at the Research Hospital in Kansas City, Mo. He had been in failing health for the past year.

Mr. Cauley had joined the Washington bureau in 1954 and retired in May, 1974. He had moved back to Kansas City last year.

Born in Rushville, Ind., he was a 1932 graduate of the University of Missouri School of Journalism. He began his career during the depression as owner of a neighborhood newspaper in Kansas City. He supplemented his income with a job at a service station and on a construction crew.

Mr. Cauley joined The Kansas City Star staff in 1936, working on the market desk. He later served as assistant city editor, telegraph editor and editorial writer before coming to Washington.

After arriving here, he covered the State Department and the White House and was named bureau chief in 1964. He had covered every national political convention from 1952 to 1972 and was present at the famous kitchen debate in 1959 between then Vice President Richard Nixon and Premier Nikita Khrushchev in Moscow.

He traveled to Europe with President John F. Kennedy in 1963 and from time to time covered sessions of the United Nations.

In an article written at the time of his retirement, Mr. Cauley recalled his humble start in newspapering in the depression days.

"If anyone had told me that some day I would be chief of the Washington bureau of The Kansas City Star and that five presidents, three secretaries of state, many senators and House members, Cabinet officers and justice of the Supreme Court would call me by my first name and share their confidences with me, I would have told him he was just dreaming," he wrote. He added that it wasn't a dream but a "wonderful reality."

Mr. Cauley had served as president of the Kansas City Press Club and had been on the board of directors of the Associated Press Managing Editors Association.

He also had been treasurer and a member of the board of the National Press Club and was a member of the Gridiron Club. He had been an usher at St. Matthew's Cathedral here.

He is survived by two sisters, Janet Stephenson, of Kansas City, Mo., and Margaret Carter, of Columbia, Mo.

The family suggests that expressions of sympathy may be in the form of contributions to the Rockhurst High School scholarship fund in Kansas City, Mo.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield back the time allotted to me by the Senate on yesterday.

RECESS UNTIL 10:45 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 10:45.

There being no objection, the Senate, at 10:13 a.m., recessed until 10:45 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GARY HART).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Colorado, suggests the absence of a quorum. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond 11 a.m., with a limitation on statements therein of not more than 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. CLARK) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I herewith transmit the Seventh Annual Report of the independent National Corporation for Housing Partnerships and The National Housing Partnership, as required by Section 908(a) of the Housing and Urban Development Act of 1968.

GERALD R. FORD.

THE WHITE HOUSE, *May 18, 1976*.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate the following letters, which were referred as indicated:

Report of the Under Secretary of Housing and Urban Development

A letter from the Under Secretary of Housing and Urban Development reporting on the findings of the Comptroller General regarding "rescission of Department of Housing and Urban Development budget authority;" jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, and Banking, Housing and Urban Affairs.

Proposed Legislation by the Export-Import Bank

A letter from the Chairman of the Export-Import Bank transmitting a draft of proposed legislation to amend and extend the Export-Import Bank Act of 1945, as amended (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

Report of the Export-Import Bank

A letter from the Chairman of the Export-Import Bank reporting, pursuant to law, on certain loan transactions of the Bank with Communist countries during March 1976; to the Committee on Banking, Housing and Urban Affairs.

Proposed Contracts for Research Projects

Twelve letters from the Deputy Assistant Secretary of the Interior each transmitting a copy of proposed contract for a research project (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation by the Administrative Conference

A letter from the Chairman of the Administrative Conference transmitting a draft of proposed legislation to amend the Administrative Conference Act (with accompanying papers); to the Committee on the Judiciary.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report concerning the claim of Mr. and Mrs. Aaron Wayne Ogburn (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation by the Attorney General

A letter from the Attorney General transmitting a draft of proposed legislation to authorize lawful permanent resident status for refugees of Southeast Asia (with accompanying papers); to the Committee on the Judiciary; and

A letter transmitting a draft of proposed legislation entitled "Juvenile Justice and Delinquency Prevention Amendments of 1977" (with accompanying papers); to the Committee on the Judiciary.

Published Regulation of the Department of Health, Education, and Welfare

A letter from the Director of Regulatory Review of the Department of Health, Education, and Welfare transmitting, pursuant to law, a copy of a published regulation concerning educational programs (with accompanying papers); to the Committee on Labor and Public Welfare.

Report of the National Transportation Safety Board

A letter from the Chairman of the National Transportation Safety Board transmitting, pursuant to law, a report on the interpretation of section 304(a)(7) of the Independent Safety Board Act (with an accompanying report); to the Committee on Commerce.

Report of the Federal Trade Commission

A letter from the Chairman of the Federal Trade Commission transmitting, pursuant to law, a report concerning cigarette labeling (with an accompanying report); to the Committee on Commerce.

Proposed Act by the Council of the District of Columbia

A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of a proposed act adopted by the council (with accompanying papers); to the Committee on the District of Columbia.

Proposed Legislation by the Agency for International Development

A letter from the Administrator of the Agency for International Development transmitting a draft of proposed legislation to authorize foreign assistance development programs (with accompanying papers); to the Committee on Foreign Relations.

Pproposed Legislation by the Arms Control and Disarmament Agency

A letter from the Director of the Arms Control and Disarmament Agency transmitting a draft of proposed legislation authorizing new budget authority (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation by the Overseas Private Investment Corporation

A letter from the Persident of the Overseas Private Investment Corporation transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation by the Department of State

A letter from the Assistant Secretary of State transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation by the Secretary of the Treasury

Four letters from the Acting Secretary of the Treasury each transmitting a draft of proposed legislation to (1) provide for increased participation by the United States in the Asian Development Fund; (2) provide for increased participation in the Asian Development Bank; (3) provide for increased participation in the International Bank for Reconstruction and Development; and (4) provide for increased participation in the International Development Association (with accompanying papers); to the Committee on Foreign Relations.

International Agreements Other Than Treaties

A letter from the Assistant Legal Adviser of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into within the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

Reports of the Comptroller General

Two letters from the Comptroller General, each transmitting a report entitled "Providing Economic Incentives to Farmers Increases Food Production in Developing Countries" and "Improvements Needed in Rehabilitating Social Security Disability Insurance Beneficiaries" (with accompanying reports); to the Committee on Government Operations.

Notice of Certain Meetings by the Federal Energy Administration

A letter from the Assistant General Counsel of the Federal Energy Administration transmitting, pursuant to law, notice of certain meetings related to the International Energy Program (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, without amendment:

S. 1872. A bill to enlarge the boundary of the Cibola National Forest (Rept. No. 94–902).

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1365. A bill to authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands (Rept. No. 94–903).

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, with an amendment and an amendment to the title:

S. 2798. A bill for the relief of the city of Yakutat, Alaska (Rept. No. 94–904).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

Mr. EASTLAND, from the Committee on the Judiciary: James C. Hill, of Georgia, to be U.S. circuit judge for the fifth circuit.

Maurice B. Cohill, Jr., of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania.

By Mr. EASTLAND, from the Committee on the Judiciary:

John A. Field III, of West Virginia, to be U.S. attorney for the southern district of West Virginia.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JOHNSTON:

S. 3444. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENTSEN:

S. 3445. A bill for the relief of Dr. Laurence T. Gayao, his wife, Edith Gayao, and their child, Lorraine Gayao. Referred to the Committee on the Judiciary.

By Mr. ALLEN:

S. 3446. A bill to amend the Internal Revenue Code of 1954 to provide that Federal employment tax provisions shall not apply to certain individuals. Referred to the Committee on Finance.

By Mr. JOHNSTON (by request):

S. 3447. A bill to authorize a program of loan and grants to the Government of Guam for capital improvements and for other purposes; and

S. 3448. A bill to guarantee certain obligations of the Guam Power Authority. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY (for himself and Mr. Philip A. Hart and Mr. McGovern):

S. 3449. A bill to authorize the Secretary of Agriculture to carry out a program of nutrition information and education as part of food service programs for children conducted under the School Lunch and Child Nutrition Acts.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON:

S. 3444. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. JOHNSTON. Mr. President, I am pleased to introduce today a bill to provide for the study of certain lands in Louisiana to determine their suitability for designation as wilderness. The Saline Bayou and the Kisatchil Hills are picturesque areas located in the Kisatchie National Forest in central Louisiana. Thousands of people yearly enjoy the natural treasures found in these areas, and hopefully in generations to come, thousands more will experience their scenic beauty.

Mr. President, last year the Senate passed S. 3433 which included the Kisatchie Hills and Saline Bayou as study areas. Unfortunately, the areas were deleted during consideration by the House of Representatives. The interest in the Kisatchie Hills and Saline Bayou by the people of my State has been considerable. I would hope that hearings on this legislation could be held in time to allow this bill to move through the legislative process.

By Mr. JOHNSTON (by request):

S. 3447. A bill to authorize a program of loans and grants to the government of Guam for capital improvements and for other purposes; and

S. 3448. A bill to guarantee certain obligations of the Guam Power Authority. Referred to the Committee on Interior and Insular Affairs.

Mr. JOHNSTON. Mr. President, at the request of Congressman Antonio Won Pat, I am pleased to introduce two bills affecting the territory of Guam.

Mr. President, I ask unanimous consent that both of these bills, S. 3447 and S. 3448, as well as Congressman Won Pat's letter of transmittal, be printed in the Congressional Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 31(a) of the Organic Act of Guam (64 Stat. 392; 48 U.S.C. 1421i(a)) as amended, is hereby amended by striking out the period and inserting in lieu thereof the following: ": *Provided,* That notwithstanding any other provision of law, the Legislature of Guam is authorized to levy surtax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam.".

Sec. 2. (a) The purpose of this section is to provide Guam with funds for the construction of necessary public works, including the acquisition of real property, and for other purposes.

(b) There is authorized to be appropriated to the Secretary of the Interior not to exceed $30,000,000 to carry out the purposes of this section, $14,000,000 of such sum to be available to the Government of Guam as loans and $16,000,000 of such sum to be available to such government as grants, such grants and loans to be paid at such times as may be requested by the Governor of Guam with the concurrence of the territorial legislature and approval of the Secretary of the Interior. Such moneys as may be appropriated shall be available until June 30, 1981. Loans (but not grants) made under this section shall also be available for use by the Government of Guam to permit Guam to qualify for participation in Federal programs relating to public works and community development for which Guam is otherwise eligible.

(c) There is authorized to be appropriated to the Secretary of the Interior not to exceed $1,000,000 to be paid to the Government of Guam to be used to conduct a financial management systems study, a tax study, and a long-range socio-economic growth study of Guam. These studies shall be undertaken under the direction of the Secretary of the Interior, who shall report the results of these studies to Congress within 30 months of the effective date of this Act.

Sec. 3. Repayment of the loans under section 2 of this Act shall commence 5 years after making of the first advance, in such amounts as the Secretary of the Interior estimates will reimburse the United States, with interest as set forth below, over a period of thirty years. These repayments may be made in the form of withholdings by the Secretary of the Treasury from sums collected pursuant to section 30 of the Organic Act of Guam (64 Stat. 392; 48 U.S.C. 1421h) before such sums are transferred to the Government of Guam. The foregoing amounts, until reimbursed to the United States, shall bear interest beginning on the date when the moneys are advanced, at a rate determined by the Secretary of the Treasury, taking into consideration the average yield on outstanding marketable obligations of the United States of comparable maturities as of the last day of the month preceding the advance, adjusted to the nearest one-eighth of 1 percent. All sums so withheld shall be deposited in the Treasury of the United States as miscellaneous receipts.

Sec. 4. The Secretary shall place such stipulation as he deems appropriate on any grants and loans to Guam pursuant to section 2 of this Act.

Sec. 5. No portion of the sums to be repaid by the Government of Guam to the United States, as provided for in section 2 of this Act, shall be considered to be public indebtedness of Guam within the meaning of section 11 of the Organic Act of Guam (64 Stat. 387; 48 U.S.C. 1423i).

S. 3448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Organic Act of Guam (64 Stat. 387; 48 U.S.C. 1423a) is hereby amended by adding at the end thereof the following: "Bonds or other obligations of the Guam Power Authority with a maturity or maturities falling due on or before June 1, 1986, which shall be issued in order to refinance short-term notes due or existing on June 1, 1976, and other indebtedness not evidenced by bonds or notes in an aggregate amount of not more than $36,000,000, are hereby guaranteed, as they become due, as to both principal and interest by the United States of America. Such guaranteed obligations shall include provision for (1) semiannual payments of interest only during the first five years, (2) semiannual payments of interest and annual payments of principal (determined on a twenty-seven-year level amortization schedule) for the remaining period ending June 1, 1986, and (3) payment in full on June 1, 1986, of all outstanding principal and interest. Nothing herein contained shall prohibit full payment without penalty by the Guam Power Authority prior to June 1, 1986, of such guaranteed obligations. Should there be default on the bonds or other obligations so guaranteed, thus calling the guarantee into effect, the Secretary of the Interior may withhold such sums as he determines may be necessary from sums collected pursuant to section 30 of the Organic Act of Guam until the amounts paid by the United States under the guarantee plus interest have been reimbursed to the United States and, notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the Government of Guam which may be or may become due pursuant to any law and for offsetting the amount of such withheld payments against any claim the United States may have against the Government of Guam or the Guam Power Authority pursuant to this Act. Should the guarantee be called into effect pursuant to this Act, for the purposes of section 3466 of the Revised Statutes (31 U.S.C. 191) the term 'person' includes the Government of Guam and the Guam Power Authority.".

House of Representatives,
Washington, D.C., May 14, 1976.

Hon. J. Bennett Johnston,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Johnston: Your kind assistance is requested to help expedite through the Congress two bills which are vitally important to the Government of Guam, by introducing the attached two bills in the Senate.

The first bill, introduced in the House on May 10 as H.R. 13679, would guarantee loan obligations to the Guam Power Authority, an instrumentality of the Government of Guam. The importance of this bill derives from the fact that $17.5 million in two-year notes issued by the Guam Power Authority become due on June 1, 1976. If GPA were to default on these notes, which it will surely do as it has been unable to sell any new bond issues, it would be unable to borrow again for decades. This bill would guarantee loans for up to $36 million, which would cover the amount of the notes coming due on June 1, 1976, allow payment of the $10.4 million debt of GPA to the company that built GPA's new power plant, and cover other short-term debts. The bill also provides that the Government of Guam will pay back to the federal government any sums paid out by the United States covering a default of any GPA loan, plus interest. These repayments by the Government of Guam shall be in the form of withholdings by the Secretary of the Interior of federal taxes collected on Guam. These taxes normally are covered into the treasury of the Government of Guam pursuant to section 30 of the Guam Organic Act. (64 Stat. 387). We have obtained assurances from the Congressional Budget Office that this bill is not affected by the May 15 deadline of the Budget Act applicable to authorizations, as it is merely a guarantee for loans for which the Government of Guam is primarily liable in the event of a default. We have been assured on a daily basis by the Department of Interior that they are doing everything they can to make the Office of Management and Budget aware of the need for urgency in finalizing the executive comment on this bill. The House Territories Subcommittee of the Interior Committee made a formal request for departmental reports on May 11, 1976.

The second bill we ask you to introduce is identical to H.R. 13718, introduced May 11, 1976. This bill would provide $30,000,000 in loans and grants to the Government of Guam for construction of necessary public works. The grants, totaling $16 million, could be used to meet federal matching grants. There is an additional $1 million authorized to the Secretary of Interior to oversee a financial management systems study, a taxation study, and a long-range socio-economic growth study conducted by the Government of Guam. The repayments of these federal loans would be made through collections of the federal tax receipts collected on Guam and normally covered into the treasury of Guam. This bill is a modification of the $56 million bill for loans and grants, upon which hearings were held in the House Interior Committee on June 16, 1975. Unfortunately, the Department of the Interior's careful deliberations to arrive at their recommendations did not allow them to send those recommendations over to the Office of Management and Budget until Tuesday of this week. Due to the provisions authorizing $16 million in grants for public works, and $1 million for Government of Guam studies, this bill clearly is subject to the May 15, 1976, deadline for reporting authorization bills for the FY 77 budget out of committee. Despite the difficulty in including this program in the FY 77 Budget, the introduction of this bill in the Senate will help to promptly begin the thoughtful legislative process necessary to bring to Guam critically needed funds at the earliest reasonable opportunity.

Thank you for your assistance in this matter.

With warmest personal regards,
Sincerely yours,
ANTONIO B. WON PAT,
Member of Congress.

By Mr. HUMPHREY (for himself Mr. PHILIP A. HART and Mr. McGOVERN):

S. 3449. A bill to authorize the Secretary of Agriculture to carry out a program of nutrition information and education as part of food service programs for children conducted under the School Lunch and Child Nutrition Acts.

Mr. HUMPHREY. Mr. President, I am today introducing the National Child Nutrition Information and Education Act of 1976. Senators PHILIP A. HART and McGOVERN are joining me in sponsoring this legislation.

This bill authorizes the Secretary of Agriculture to carry out a program of nutrition information and education as a part of food service programs for children conducted under the School Lunch and Child Nutrition Acts.

The purpose of this legislation is to encourage the dissemination of sound nutrition information to children participating or eligible to participate in the school lunch and related child nutrition programs. A system of grants to State educational agencies would be established for the training of food service and educational personnel in the principles of good nutrition and the development of comprehensive nutrition education programs. Such comprehensive nutrition programs will fully utilize as a learning laboratory the existing schood lunch and child nutrition programs.

We have become increasingly aware of the importance of good nutrition. There are numerous findings which point out the economic importance of better nutrition:

Improved nutrition helps learning and the development of the brain;

Improved nutrition increases the capacity for work and raises the productivity and the motivation of workers;

Improved nutrition results in higher resistance to disease and lowers the severity of disease;

Improved nutrition decreases fetal, infant, child, and even maternal mortality;

Improved nutrition among poor children would lead to a 10 to 30 percent higher mental achievement.

It has been estimated that eliminating malnutrition among 3.3 million poor children alone could produce a $6.3 to $18.8 billion increase in GNP over the lifetime of these children.

Dr. George Briggs in 1972 suggested that hunger and poor eating habits might cost as much as $30 billion, or about one-third of the Nation's annual health costs.

The problem may be growing worse since the Department of Agriculture's 1965 10-year food consumption survey indicated that the number of Americans receiving an adequate diet had declined from 60 to 50 percent. And there is some fear that the next consumption survey—which has been delayed—will show a further decline.

The obvious focal point to attack the problem should be the school system and the education we provide there in the early years.

The Congress through successive legislative acts, has made major changes and additions to broaden and improve the effectiveness of the existing child nutrition programs.

Over 25 million children are eating nutritious lunches every day. And the lunch program now is available to nearly 90 percent of all children enrolled in school.

Despite this record we have not scratched the surface in using it to build an effective nutrition education effort.

When Congress approved the National School Lunch Act some 30 years ago, it stated:

> It is hereby declared to be the policy of Congress, as a matter of national security, to safeguard the health and well-being of the Nation's children....

We need to reiterate the importance of good health and nutrition as they relate to our national security.

This very modest bill would bring together the training of the classroom and that of the lunchroom. It would offer a laboratory experience in terms of cementing the lessons learned in the class.

I should like to remind my colleagues that the original National School Lunch Act was passed by the House and Senate just 30 years ago in February of 1946.

As considered in both Houses, the original bill included a title II which was designed to provide grants to the States for the purpose of nutrition education directly related to the operation of the school lunch program.

The purpose of title II, as explained by Senator Ellender in the floor debate, was to "work out techniques and procedures for making school lunches educational" and to "help school principals integrate the school lunch with health instruction, home economics instruction and so forth."

An amendment to delete title II from the Senate bill was soundly defeated by the strong opposition of Senators Ellender and Aiken. Unfortunately, the House did not include title II in its passage of the bill, and it was dropped in the House-Senate conference.

I am proud to say that the bill I am presenting today follows the same general principles on nutrition education as were incorporated in title II of the original bill on the school lunch program.

Senators Russell, Ellender, and Aiken, as well as Congressman Flanagan, who sponsored the House bill, felt strongly that the school lunch program would never be a complete nutrition program until the lunch program became an integral part of the educational program. I have always subscribed to that view and, on several occasions in the past have sponsored school lunch and child nutrition legislative proposals directed toward this purpose.

However, the bill I now propose is a much more comprehensive approach. In my opinion, the vital need is to bring together in a working, cooperative relationship, the school lunch personnel, who plan menus, purchase, prepare, and serve food to children, with the educational personnel who provide the teaching of nutrition principles in the classroom.

In this way, the theory of good nutrition learned in the classroom can be directly related to the learning and practice of good eating habits in the school cafeteria. When learned in this manner, I believe that the lessons of good nutrition will carry over as children leave school and build their adult lives.

There are three major features of the bill:

First. Each State Department of Education, with Federal funding, will establish a child nutrition information and education coordinator responsible for developing a State nutrition education program and coordinating existing child nutrition activities of various other State agencies.

Second. Federal funds at the rate of 50 cents for each child in each State enrolled in schools and nonprofit child care institutions will be available to State educational agencies for the employment of nutrition education specialists and similar personnel, with supporting staff, at the State level. Such specialists would work with local school systems through workshops and other means to bring together food service and education personnel in planning and training sessions. Under this procedure, each school system would develop its own nutrition information program.

Third. A food and nutrition information and training resources center would be established within the Agricultural Library of the U.S. Department of Agriculture. Such a center would be responsible for:

Assembling and collecting food and nutrition materials, including the results of nutrition research, training methods and procedures, and other materials related to the purposes of this act;

Maintaining such information and materials in a library and providing for this dissemination on a regular basis to State educational agencies and other interested persons.

I am very hopeful that this bill will receive favorable consideration in the Congress. In so doing, the Congress will be reflecting the great wisdom of Senators Russell, Ellender and Aiken who sponsored a similar proposal 30 years ago.

This type of program has been carried out successfully on a limited basis by the bureau of nutrition education and school lunch in the Massachusetts State Department of Education. Nutrition specialists assigned to the school lunch program at the State level work part time in the local school districts to bring together school lunch and education personnel to develop a positive program of nutrition education for the students on the same basis as outlined in my bill. The Massachusetts Bureau of Nutrition Education and School Lunch has long-range plans to broaden and intensify this program by establishing nutrition education specialists in six geographical areas of the State to work with the individual school districts on a full-time basis.

This bill represents an important forward step in addressing an urgent national need.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Child Nutrition Information and Education Act of 1976".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) The proper nutrition of the Nation's children is a matter of highest priority.

(2) The lack of understanding of the principles of good nutrition and its relationship to health can lead to the child's rejection of certain highly nutritious foods and consequent plate waste in school food service operations.

(3) Many teachers and school food service operators have not had adequate training in the fundamentals of nutrition.

(4) There is a need for a closer relationship and coordination between information on the principles of good nutrition supplied to children in the classroom and the application of these principles in the school cafeteria.

(b) It is the purpose of this Act to encourage the dissemination of sound nutrition information to children participating or eligible to participate in the school lunch and related child nutrition programs by establishing a system of grants to State educational agencies for the training of food service and educational personnel in the principles of good nutrition and development of comprehensive nutrition education programs. Such comprehensive nutrition education programs shall fully utilize as a learning laboratory the existing school lunch and child nutrition programs.

NUTRITION INFORMATION AND TRAINING

SEC. 3. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to formulate and carry out a program, through a system of grants to State educational agencies, to provide for (1) the nutritional training of food service and educational personnel; and (2) the conduct of nutrition education activities in schools and child care institutions eligible under the School Lunch and Child Nutrition Acts. Such a program is to be coordinated at the national level with other nutrition activities conducted by education and health agencies. In formulating such a program, the Secretary shall solicit the advice and recommendations of the National Advisory Council on Child Nutrition, State Educational Agencies and other interested groups and individuals concerned with improvement of child nutrition.

APPROPRIATIONS AUTHORIZED

SEC. 4. (a) For the fiscal year 1977 and subsequent fiscal years, grants to the States for the conduct of the nutrition education and information program shall be based on a rate of 50 cents for each child enrolled in schools or children in situations within the State: *Provided, however,* That no State shall receive an amount less than $75,000 per annum. Enrollment data so used will be the latest available as certified by the Office of Education of the Department of Health, Education, and Welfare.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(c) In addition to the monies otherwise available under this Act, in the case of States which do not administer the school lunch and child nutrition programs in eligible private schools and child care institutions, the Secretary is authorized to withhold funds from such States for the purpose of carrying out the program authorized under this Act. Such withholding shall be based on the number of children attending private schools and child care institutions in such State.

AGREEMENTS WITH STATE AGENCIES

SEC. 5. The Secretary is authorized to enter into agreements, incorporating the express provisions of this Act, with State educational agencies and develop and issue such regulations as are necessary to implement the programs authorized under this Act.

USE OF FUNDS

SEC. 6. (a) The funds made available under Section 4 of this Act may be used by State educational agencies for: (1) the planning, development and conduct of nutrition education programs and workshops for food service and educational personnel; (2) coordinating and promoting nutrition information activities in local school districts using as a learning laboratory existing child nutrition programs, including but not limited to, the National School Lunch program; (3) contracting with public and private educational institutions for the conduct of nutrition training education programs relating to the purposes of this Act; and (4) related purposes including the preparation and distribution of visual aids and other informational materials.

(b) Such funds may be used by State educational agencies for the employment of nutrition information specialists, and personnel of similar qualifications, including travel and related personnel costs, to carry out the functions of subsection (a) of this section.

(c) An amount not to exceed 15 percent of each State's grant may be used for overall administrative and supervisory purposes in connection with the program authorized under this Act.

ACCOUNTS, RECORDS, AND REPORTS

SEC. 7. (a) State educational agencies participating in programs under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance under this Act and the regulations thereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of three years, as the Secretary determines to be necessary.

(b) State educational agencies shall provide periodic reports on expenditures of Federal funds, program participation, program costs, and so forth, in such form as the Secretary may prescribe.

FOOD AND NUTRITION INFORMATION AND EDUCATION RESOURCES CENTER

SEC. 8. (a) There is hereby established within the National Agricultural Library of the U.S. Department of Agriculture, a Food and Nutrition Information and Education Resources Center. Such center shall be responsible for:

(1) assembling and collecting food and nutrition education materials, including the results of nutrition research, training methods and procedures, and other materials related to the purposes of this Act.

(2) maintaining such information and materials in a library and providing for this dissemination on a regular basis to State educational agencies and other interested persons.

(b) Not to exceed $1,500,000 from the funds appropriated to carry out this Act shall be used for the purposes of this section.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 9. (a) In carrying out the provisions of this Act, neither the Secretary nor a State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction and materials of instruction in any school.

(b) For purposes of this Act, any term defined in the National School Lunch Act shall have the same meaning when used in this Act.

ADDITIONAL COSPONSORS

S. 2910

At the request of Mr. SCHWEIKER, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 2910, to establish the National Diabetes Advisory Board.

S. 2939

At the request of Mr. SCHWEIKER, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 2939, to provide a special program for financial assistance to Opportunities Industrialization Centers.

S. 3091

At the request of Mr. HUMPHREY, the Senator from Montana (Mr. METCALF) and the Senator from Florida (Mr. STONE) were added as cosponsors of S. 3091, to amend the Forest and Rangeland Renewable Resources Planning Act.

S. 3227

At the request of Mr. HUMPHREY, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 3227, to accelerate solar energy research and development.

S. 3240

At the request of Mr. BENTSEN, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3240, to encourage the use of life-cycle cost procurement.

S. 3292

At the request of Mr. PEARSON, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3292, to amend title XIX of the Social Security Act.

S. 3422

At the request of Mr. PEARSON, the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of S. 3422, to regulate commerce to assure increased supplies of natural gas at reasonable prices.

WITHDRAWAL—S. 3422

At the request of Mr. PEARSON, the Senator from New York (Mr. BUCKLEY) was withdrawn as a cosponsor of S. 3422, supra.

S. CON. RES. 66

At the request of Mr. HATFIELD, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Concurrent Resolution 66, declaring the right to food as national policy.

AMENDMENTS SUBMITTED FOR PRINTING

STATE AND LOCAL FISCAL ASSISTANCE ACT AMENDMENTS OF 1976—H.R. 13367

AMENDMENT NO. 1653

(Ordered to be printed and referred to the Committee on Finance.)

REVENUE SHARING—AMENDMENT TO MAKE STATES DECIDE TO SPEND OR PROVIDE TAX CUT

Mr. PROXMIRE. Mr. President, I send to the desk an amendment to the revenue-sharing bill (H.R. 13367) which would return the revenue-sharing money to individual Federal income-tax payers unless the State legislatures, by law, specify that the funds should be distributed to the State and local units of government according to the revenue-sharing formula.

In effect each State has to determine whether it is going to spend the money or return the money to the taxpayers.

TAX RETURN OF $85 IN WISCONSIN

In the case of the State of Wisconsin if my amendment had been in effect for the last year for which we have complete figures—1974—and the State legislature had failed to act, some $152 million in revenue-sharing funds would have been returned to 1,798,702 Wisconsin taxpayers who filed a Federal income tax return.

This would have amounted to about $85 per average tax return or a 7-percent Federal income tax cut.

My major objection to revenue sharing is that it lacks fiscal discipline. Those State and local officials who spend the money do not have to impose the taxes to raise the money. The result has often been disastrous—new city halls, cars for officials, tennis courts in wealthy neighborhood, and so forth.

I can understand why Governors, mayors, city managers, and county officials are so strong for revenue sharing. We in Congress pass the taxes, and they get to spend the money with no strings attached. They have the best of all worlds. But they should not moralize about those who believe the program often results in the use of funds for foolish or low priority projects.

I also recognize that the cities and towns of this country urgently—in some cases desperately—need this money. Local taxes are punishing, and local needs are vital.

FUNDS COULD BE SPLIT

My amendment would also allow a State legislature to split the money by allowing a part of it to go for revenue sharing and a part of it returned as a tax refund.

The amendment would in no way change the revenue-sharing formula, the amount due each State or any other provision of the law.

LEGISLATURES MUST ACT TO DISTRIBUTE FUNDS TO UNITS OF GOVERNMENT

If a State legislature by law passes the money on to the local units of government, fine. They get the money. If a State legislature fails to act, then the people who paid the taxes get their fair share of the money by way of a tax refund.

Since the one-man, one-vote decision of the Supreme Court State legislatures fairly represent all the people of a State. Further, they are the right ones to make the decision because all other local units of government—counties, cities, towns, and so forth—are the legal creatures of the State governments.

The amendment provides that the law must be passed by July 1, preceding the beginning of the fiscal year in which the revenue sharing funds are paid out. This means that each State would have until July 1, 1977, to pass the law dealing with funds due in the fiscal year beginning October 1, 1977. The amendment provides that a State legislature can act for 2 years in advance as some legislatures meet only once every 2 years.

PAY 5 PERCENT IN TAXES—GET 5 PERCENT BACK

Technically the formula provides that each taxpayer would get the same percentage of the total revenue sharing funds due each State as the percentage his personal Federal income taxes are to the total Federal income taxes paid by all individual taxpayers in the State.

To put it more simply, if the revenue sharing funds due a State were equal to 5 percent of the Federal personal income taxes paid by the citizens of the State, then each taxpayer would get a 5-percent refund. In the State of Wisconsin the refund based on past experience would be about 7 percent.

The amounts would be provided in tables in the tax instructions just as tables are now provided for amounts of State gasoline taxes and State sales taxes which can be claimed.

PROVIDES FOR FISCAL DISCIPLINE

I believe my amendment would return fiscal responsibility and fiscal discipline to this program. The people, working through their State legislators, will make their wishes known. I believe the effect will be to make State and local governments far more careful than they have been as to how they spend revenue sharing money. If they are not careful, the people will demand that the money be returned rather than spent foolishly.

I ask unanimous consent that the text of the amendment be printed a this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1653

On page 27, after line 10, insert the following new section:

SEC. 12. (a) The Act is amended by adding at the end thereof the following new subtitle:

"Subtitle D—DETERMINATIONS BY STATES TO RECEIVE PAYMENTS

"SEC. 161. STATE LAWS MUST SPECIFY THAT AMOUNTS ARE TO BE PAID STATES AND UNITS OF LOCAL GOVERNMENT.

"Effective with respect to the fiscal year beginning October 1, 1977, and each fiscal year thereafter, a State and its units of local government shall be paid the amounts to which they are otherwise entitled under sections 107 and 108 for such fiscal year only if on or before July 1 preceding the beginning of such fiscal year, there is a law of such State in effect which—

"(1) specifies that such amounts are to be paid to such State and its units of local government for such fiscal year, or

"(2) specifies that a percentage of such amounts is to be paid to such State and its units of local government for such fiscal year.

No such State law may be effective beyond the second fiscal year beginning after the date on which it is enacted.

"SEC. 162. UNPAID AMOUNTS TO BE ALLOWED AS INCOME TAX CREDIT TO RESIDENTS OF THE STATES.

"(a) No Amounts to Be Paid to State and Units of Local Government.—In the case of any State which does not have in effect a State law described in section 161 for a fiscal year beginning on or after October 1, 1977, the amounts to which such State and its units of local government are entitled under sections 107 and 108 shall be allowed as an income tax credit, as provided in section 45 of the Internal Revenue Code of 1954, to the individuals residing in such State for their taxable years beginning in the calendar year in which such fiscal year ends.

"(b) Partial Amounts to Be Paid to State and Units of Local Government.—In the case of any State which has in effect a law described in section 161(2) for a fiscal year beginning on or after October 1, 1977, the amounts to which such State and its units of local government are entitled under sections 107 and 108 for such fiscal year, reduced by the amounts that will be paid to such State and its units of local government during such fiscal year, shall be allowed as income tax credit, as provided in section 45 of the Internal Revenue Code of 1954, to the individuals residing in such State for their taxable years beginning in the calendar year in which such fiscal year ends.".

(b) (1) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 45 as 45A, and by inserting after section 44 the following new section:

"SEC. 45. UNPAID REVENUE-SHARING FUNDS.

"(a) Allowance of Credit.—In the case of an individual who is a resident of a State which for a fiscal year does not have in effect a State law described in section 161 of the State and Local Fiscal Assistance Act of 1972, or which has in effect a State law described in section 161(2) of such Act, there shall be allowed as a credit against the tax imposed by section 1, for such individual's taxable year which begins in the calendar year in which such fiscal year ends, an amount of the payments to which such State and its units of local government are entitled under sections 107 and 108 of such Act, as determined under subsection (b).

"(b) Amount of Credit.—

"(1) Determination.—The amount of the credit allowed by subsection (a) for a taxable year is—

"(A) an amount (i) which bears the same ratio to (ii) the total amount to which such State and its units of local government are entitled but will not be paid under the State and Local Fiscal Assistance Act of 1972 for such fiscal year, as

"(B) the amount (i) which the taxpayer's tax liability for the preceding taxable year bears to (ii) the sum of the tax liability of all individuals who were residents of such State for the preceding taxable year, as determined by the Secretary or his delegate.

"(2) Tax liability.—For purposes of paragraph (1), the term 'tax liability' means the tax imposed by section 1 reduced by the sums of the credits allowed by this part, other than the credits allowed by this section and sections 31 and 39.

"(3) Substitution for preceding taxable year.—If statistics are not available to determine the amount under paragraph (1)(B) based on the preceding taxable year, there shall be substituted the second preceding taxable year.

"(c) Publication of Tables.—The Secretary or his delegate shall publish tables for each taxable year which begins on January 1 of a year, for each State the residents of which are allowed a credit under subsection (a), setting forth, by appropriate brackets of tax liability, the amount of credit to which such residents are entitled as determined under subsection (b). Such tables shall also provide instructions for determining the amount of credit in the case of taxpayers whose taxable year does not begin on January 1 of a year.

"(d) Refundable Credit.—

"For treatment as overpayment of tax when credit exceeds tax liability, see section 6401(b).

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out this section.".

(2) The table of sections for such subpart A is amended by renumbering item 45 as 45A, and by inserting after item 44 the following:

"45. Unpaid revenue-sharing funds.".

(3) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive credits) is amended—

(A) by inserting ", 45 (relating to unpaid revenue sharing funds)," after "lubricating oil)"; and

(B) by striking out "31 and 39" and inserting in lieu thereof "31, 39, and 45".

(4) Section 6201(b)(4) of such Code (relating to erroneous credit) is amended—

(A) by striking out "39" in the heading and inserting in lieu thereof "39 or 45"; and

(B) by inserting "or 45 (relating to unpaid revenue sharing funds)" after "lubricating oil)".

(5) The amendments made by this subsection shall apply to taxable years beginning after December 31, 1977.

On page 27, line 11, strike out "12" and insert "13".

On page 27, line 14, strike out "section 5" and insert "sections 5 and 12(a)".

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATION—S. 3105

AMENDMENT NO. 1654

(Ordered to be printed and to lie on the table.)

Mr. HASKELL. Mr. President, I am today introducing an amendment to the Energy Research and Development Administration's fiscal year 1977 authorization legislation, S. 3105.

The Joint Committee on Atomic Energy and the Committee on Interior and Insular Affairs, on which I serve, share responsibility for this legislation. The Joint Committee considers the nuclear aspects of the energy R. & D. program, while the Interior Committee considers the nonnuclear aspects.

While this joint responsibility permits those who are long familiar with differing aspects of energy R. & D. to consider the legislation, there are those who argue that it inhibits the consideration of the energy R. & D. budget as a whole. Such consideration, it is argued, would facilitate the proper balance between nuclear and nonnuclear aspects of the program.

Others argue that we are spending as much as possible on all our R. & D. programs and that increases in one area have no impact on moneys expended in others. The amendment I am submitting today reflects my concern about the veracity of this latter proposition.

There is considerable evidence that, in the collective mind of OMB at least, there are limited funds available for energy R. & D. Moreover, there is evidence to suggest that these limited funds should be made available primarily for the nuclear R. & D. program, and more particularly, the breeded reactor.

Whereas the ERDA division requests for nonnuclear R. & D. were cut by between 30 and 50 percent, the plutonium breeder reactor funding request was cut by only 7 percent. John Teem, former Assistant Administrator for Solar, Geothermal and Advanced Energy Systems at ERDA resigned in part due to the lack of funding for R. & D. in these areas. The Interior Committee has restored some of the money to the nonnuclear budget. However, as long as the heavy emphasis on nuclear energy to the exclusion or detriment of other energy opportunities continues within the administration, such efforts will have only limited effect.

One course of action which should have greater effect is to begin to examine the nuclear portion of the R. & D. budget for areas in which reasonable savings can be made. One such area is the demonstration breeder reactor at Clinch River, Tenn.

The original estimated cost of the Clinch River Breeder Reactor—CRBR—was $699 million. The private sector agreed to provide a fixed amount of $257 million for the project, and the Federal Government was to assume the burden of any cost overruns. The current ERDA estimated cost of the CRBR is $1.95 billion and there are reasons to believe that this estimate is still on the conservative side.

Moreover, there is evidence in the form of a GAO report that the management of the CRBR program has been less than adequate. For example, the GAO determined that the average increase of actual cost over original estimate for Federal civilian construction project to be 81 percent, whereas the CRBR has already increased 179 percent over the 1972 estimate.

The amendment I am submitting today would serve the purpose of both redressing the balance between nuclear and nonnuclear R. & D. by reducing the Government's burden for cost overruns and causing the private managers involved in the project to take greater care to avoid cost overruns. The amendment would simply require that for all costs over $2 billion the private participants would share the cost overruns on a 50-50 basis with the Federal Government. Since the current ERDA and private participants' estimate stands at $1.95 billion, a $50 million cushion is provided before the sharing would begin to occur.

Other ERDA R. & D. projects normally require a much greater participation by the private sector than is presently the case at Clinch River. Based on the current ERDA estimate, the private participants will be furnishing only 13 percent of the cost. The standard private participation in pilot projects is 33 percent. It is standard OMB and ERDA policy to require 50 percent participation for demonstration projects. Requiring 50 percent participation for only the cost overruns above $2 billion is surely reasonable in light of these facts.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1654

On page 17, insert between lines 11 and 12 the following:

SEC. 407. Section 106 of Public Law 91-273 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this section, sums appropriated in excess of $1,743,000,000 under this section shall be expended only to meet the Federal share of the costs of the Clinch River Demonstration Breeder Reactor. For the purposes of this subsection the Federal share is 50 percent of all costs of construction of the Clinch River Demonstration Breeder Reactor which exceed $1,743,000,000.

PERMITS ON PUBLIC DOMAIN NATIONAL FOREST LANDS—S. 2125

AMENDMENT NO. 1655

(Ordered to be printed and referred to the Committee on Interior and Insular Affairs.)

HEARINGS PRODUCE SKI BILL CHANGES

Mr. HASKELL. Mr. President, I submit an amendment to S. 2125 for printing.

On July 16, 1975, I introduced S. 2125, a bill to provide for the issuance of permits on public domain national forest lands for commercial outdoor recreation facilities and activities, and for other purposes. At that time I made a lengthy statement on the reasons for and provisions of that bill. I ask unanimous consent that the statement be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HASKELL. During the subsequent months, much has happened to convince me of the necessity of this legislation and of the need to substantially rewrite and strengthen it. The Subcommittee on the Environment and Land Resources held field hearings on this measure on October 4 and 6, 1975, in Aspen and Denver, Colo., and a hearing in Washington, D.C., on November 17. 1975. Testifying at these hearings were the Chief Forester, State, and local officials, ski area operators, skiers, representatives of environmental organizations and local citizens. Virtually all of the testimony favored enactment of S. 2125, although most witnesses suggested changes. At the conclusion of the hearings, I instructed the subcommittee counsel to draft an amendment in the nature of a substitute to incorporate many of these suggested changes. Although the amendment was prepared over the Christmas recess, I made a decision to delay its introduction because of intervening events.

In October 1975, and again in January 1976, I was apprised by several of my constituents of a controversy concerning a proposed expansion of the Crested Butte ski area and the treatment afforded that proposal in the East River unit plan for the Gunnison National Forest in Colorado. On February 19, 1976, I wrote Chief McGuire, asking a number of questions concerning the controversy. On March 8, 1976, having not received a response from the Chief, I requested a subcommittee investigation into the controversy. On April 8, 9, 10, and 12, and May 13 and 14, the Subcommittee on the Environment and Land Resources held legislative oversight hearings on this controversy and the results of the investigation. These hearings were termed "legislative oversight" hearings for good reason. Clearly, the controversy, raising as it did questions of whether the Forest Service succumbed to political pressure, required the oversight attention of the subcommittee; but it also provided a valuable case study of the procedures and policies employed by the Forest Service in determining whether to issue and how to administer commercial outdoor recreation permits—a case study which would be useful as a reference point when considering the provisions of S. 2125.

I had originally hoped to incorporate in my amendment the lessons learned from the East River unit plan controversy; introduce my amendment directly after April 12, the day the legislative oversight hearings were originally scheduled to end; mail copies of the print of the amendment to all the interested people who testified at the S. 2125 hearings 30 days prior to the committee markup on the proposal; receive their comments during that 30-day period; and incorporate the best suggestions in the amendment during the bill's markup at our regularly scheduled committee business session on May 19. Unfortunately, this schedule was interrupted by developments during the course of the legislative oversight hearings. First, the Secretary of Agriculture, Mr. Butz, was unavailable to testify, and, second, one of the principal witnesses, Mr. Howard Callaway, requested additional witnesses who had to be subpenaed. Therefore, further hearings were scheduled for May 13 and 14, for the limited purpose of hearing Mr. Butz, the additional witnesses requested by Mr. Callaway, and the conclusion of Mr. Callaway's testimony.

These hearings are now completed. Irrespective of whether the subcommittee finds, as a result of the hearings that undue pressure was brought to bear on the Forest Service during the East River unit planning process, the testimony received from the Chief Forester, Associate Chief Forester, and other regional and local Forest Service personnel on April 8, 9, and 10 clearly disclosed a lack of uniform, objective statutory requirements and administrative regulations governing the issuance and administration of commercial outdoor recreation permits, particularly permits for ski facilities and services. I believe the amendment I introduce today, with the recent modifications made in it to reflect the Forest Service testimony, will provide those statutory requirements and mandate the promulgation of those regulations.

Mr. President, I would like to summarize the significant changes made by the amendment in the nature of a substitute to S. 2125. These changes are found in sections 1, 3, 4, 5, 6, 7, 8, 9, and 10 of the amendment.

SECTION 1

The first significant change occurs in section 1 of this amendment. The definition of forest reserve lands would make the legislation apply only to public domain lands within the National Forest System. These lands, which are situated for the most part west of the 100th meridian, contain a high percentage of sites suitable for commercial outdoor recreation facilities and services. Unlike the situation in eastern national forests where only a few of the ski areas are located on public land, in the West ski areas operated under Forest Service permits have virtually no competition from facilities on private land. In addition, the sites set aside under Forest Service permits in the West are much larger than sites under permit in the East, and the development which occurs as a result of those permits is much greater in the West than the East resulting in a more significant impact on the environment, public services, and the economies of the areas in which those sites are situated. These differences suggest the need to target the legislation to the region where it is most needed. This separate treatment of eastern, acquired national forest lands and western, public domain national forest lands is not unique; the Forest Service administers many activities on these two sets of lands under different statutes.

Section 3 of the bill concerning the area to be covered by a permit, has been modified to eliminate a cumbersome procedure for the approval of ski area permits. S. 2125, as introduced, provides a three step procedure based upon the amount of land covered by a permit for commercial ski facilities and services. Any permit under 1,280 acres of national forest lands could be issued by the Secretary of Agriculture at his own discretion; any permit covering 1,280 acres to 5,000 acres would first have to be submitted to the two Interior Committees and could be issued only if neither committee within a period of 60 days voted a resolution of disapproval; and any permit of 5,000 or more acres would require resolutions of approval by both committees before it could be issued. The amendment eliminates the second step. This step would have permitted an inference of congressional approval whenever the two committees failed to act, an inference which in many cases might have been inaccurate. The amendment would permit the Secretary to issue permits, at his discretion without submission to the Congress, whenever the land to be covered by the permit is less than 2,000 acres. Any permit applicable to 2,000 or more acres must be accompanied by a resolution of approval from the two committees before it could be issued.

In addition, section 3 contains a requirement that all uncleared or unimproved land between areas to be cleared or improved for ski runs, lifts, or other ski facilities and services would have to be included within each permit's coverage. This is to insure that the requirements of this legislation and the permit would be applicable to the entire area affected by the proposed ski development and that a truly coherent land base would be identified for planning purposes.

SECTION 4

Section 4, which sets forth the requirements for issuance of the permits, also contains several changes. The present period for permits for commercial ski facilities and service is 30 years. At the request of the ski industry, I extended this term to 50 years in S. 2125, as introduced. In my introductory statement, which will be printed at the conclusion of my remarks, I questioned the necessity for such an extension. It is my belief that, during the course of the hearings, the industry did not make a sufficiently compelling case for an extension of the permit term and, therefore, I have reinstated the 30-year term in the amendment.

In my view, however, the industry did bring up one significant problem and that is the difficulty of making capital investments during the last few years of any permit. The permittee and his creditor are faced with two unfortunate choices—either to risk making investments which might not be recovered if the permit is not reissued or to allow the quality of facilities and services the permittee provides to deteriorate and risk the loss of business which may result from such deterioration. It is my belief that neither the business nor the public which it serves is benefited by this situation. Therefore, I have added a provision which would allow the issuance of a new permit during the 7-year period prior to the expiration of the permit if the Secretary approves substantial investment by the permittee during that period. I chose the figure of 7 years carefully. It reflects the testimony given by Mr. Tom Swanson, vice president, United Bank of Denver, Colo., at the Denver hearings. In response to my questions he noted that the lengthiest period of any bank loan to a ski area operation of which he was aware was 8 years. So long as a loan can be fully amortized prior to the termination date of a permit, there is no need to provide for issuance of a new permit as a means of attracting the necessary capital investment. A permit which could be issued under this new investment provision would, of course, also have to meet all the other conditions for permit issuance found elsewhere in the amendment.

Clause 2 of section 4 would make it clear that the Secretary has full discretion to issue a permit to a different permit applicant at the conclusion of a permit only so long as he has fully complied with the terms of the existing permit.

Clause 3 of section 4 contains existing language as to the termination of any permit for breach of permit term. However, I have added to this language the proviso which our committee has placed in the BLM Organic Act (S. 507) and in the act of November 16, 1973, Public Law 93–153, concerning rights-of-way across Federal lands for oil and gas pipelines. This proviso assures that the Secretary has the authority to order immediate temporary suspension of any permit when necessary to protect public health or safety or the environment. A recent fatal accident on a gondola lift in a well-known Colorado ski resort suggests a need to insure that the Secretary has such temporary suspension authority.

SECTION 5

A new section 5 has been added to address an increasingly serious problem concerning ski resorts on national forest lands in the West. Whenever the Forest Service issues a permit to the operator of a ski area it is in reality issuing a license to conduct business on Federal land. As the permittees often conduct millions of dollars of business each year, the value of these permits is considerable. The peculiar geographical needs of ski resorts and outdoor recreation facilities limit the sites available in the National Forest System for such permits. In addition the Forest Service quite clearly must determine whether the ski resort is the best use among the many multiple uses of the National Forest System for that particular tract of land. As part of that determination, the Forest Service must assess the need for such a resort. These physical and policy constraints limit the number and locations of permits issued. The result is too often the creation of monopoly conditions for the fortunate few who obtain those permits. Although large, destination ski resorts may in fact be competing on the national market for skiers from distant States, they may provide the only available facilities and services for citizens in the region or area in which they are situated.

This, of course, given the constraints I have already noted, is unavoidable. What concerns me and concerned many of the witnesses at our hearings are actions taken by the Forest Service in recent years to unnecessarily perpetuate these monopolistic conditions. The Forest Service has too often permitted the establishment of more than one ski resort in the same area under separate permits issued to a single corporation. In addition, it has permitted expansion of existing ski areas through amendments to existing permits in situations where competing operations might have been encouraged. If the need for new areas for expansion exists and no reasonable alternative to awarding a new area for expansion to the holder of an existing permit is available, then clearly the existing permit should be amended or a second permit should be awarded to the permittee. Section 5 of my amendment would, however, require that, prior to the issuance of a second permit or amendment of the existing permit, the Secretary of Agriculture must first consult with the Attorney General of the United States and determine in writing whether such action would diminish competition in national, regional, or local markets which otherwise would occur if another party were to develop the area involved. The Secretary would have to refrain from issuing the second permit or amending the existing permit if he finds diminished competition would result.

SECTION 6

Section 6, concerning conditions for and terms of permits, incorporates the most significant changes made by the amendment. Most of these changes, requested by officials of State and local government, environmentalists, and interested citizens during the hearings, are self-explanatory. They reflect a concern about the ability of State and local government to respond to the direct and indirect growth resulting from ski area development. In today's economy, ski area operators must become real estate developers as well as resort owners. As most ski resorts today cannot make a favorable return on the ski facilities and services alone, their very economic survival depends upon a strong land or condominium sales program on the private lands in and around the resorts base areas. The result is a rapid population growth, with the correspondingly rapid demand for public services, in what are otherwise usually rural areas. Too often in the past the Forest Service has issued commercial outdoor recreation permits without regard for the local governments' financial and planning capabilities to absorb the direct and indirect growth which follow issuance of the permit.

The new provisions in section 6 would assure that the direct and indirect impacts associated with commercial outdoor recreation permits would be fully disclosed and that the appropriate planning, licensing, and permitting by the State and local governments would occur prior to the issuance of such permits. This section first sets out the procedures to be followed in deciding whether to issue the permits. Among the requirements are the early notification of and continual consultation with the State and local governments involved; consideration of all direct and indirect development and resulting public service demands; preparation of a maximum area capacity agreement which must be entered into by the permittee, the Secretary, and the State and local governments; and development of a conceptual land use plan by the State and local governments which anticipates impacts of the direct and indirect growth and sets forth policies and procedures to be used in managing those impacts.

Second, section 6 contains the guidelines for determining whether to issue a permit. These guidelines require the Secretary to determine whether: First, sufficient demand exists for the commercial outdoor recreation facilities and services; second, such facilities and services would not preempt more suitable uses of the national forest land; third, the public would not be better served by siting such facilities and services elsewhere; fourth, the facilities and services would not adversely affect other adjacent public lands; fifth, the conceptual land use plan is accurate and consistent with the requirements of S. 2125 and other relevant laws; sixth, all State and local government laws, regulations, plans, and permitting and licensing requirements will be met by the permit applicant and are compatible with the conceptual land use plan; and seventh, the State and local governments have sufficient authority and capacity to meet public service demands and mitigate all adverse environmental impacts resulting from the facilities and services and the indirect growth they will stimulate.

A particularly vexatious issue arose during the hearings on S. 2125. This concerned independent ski instructors in permit areas. In Aspen and Denver we received testimony from a number of ski instructors who wished to provide private ski instruction on permitted land other than through the ski schools of the permittees. These independent ski instructors were willing to subject themselves to all reasonable requirements such as prohibition on giving group lessons, payments to the ski area permittee, testing to establish ability, and purchase of liability and indemnity insurance. The merits and demerits of independent ski instruction were debated continually throughout the course of the hearings. Both the independent ski instructors and the permittees have provided strong reasons for their position. On balance, however, I believe a place can be found for the independent ski instructor, not tied to a particular ski school's instruction technique and schedule. Accordingly, subsection (c) of section 6 authorizes the Secretary to permit other uses not incompatible with the commercial outdoor facilities and services and subject to such necessary requirements as I have already mentioned.

During the course of the legislative oversight hearings concerning the East River unit plan controversy the manner in which the Forest Service uses information provided it by permit applicants became a significant issue. At several critical junctures during the planning process, the Forest Service apparently accepted without question the data provided it by the Crested Butte Development Corp. In one particularly surprising case, immediately after a Forest Service planning decision went against the corporation based partly on data provided by it and not checked by the agency, the corporation asked for a change in that planning decision and, as justification for the change, submitted new figures which revised the old figures by greater than 50 percent. The Forest Service did make the requested change after accepting the corporation's second submission of data, again without independent analysis, subsection (d) of section 4 would eliminate such practices. It would require the Secretary or any employee of the Department of Agriculture to verify the accuracy and completeness of information which is supplied by private parties to be used by the Forest Service in reaching any decision concerning or relating to the issuance, removal, or amendment of commercial outdoor recreation permits, including the preparation of unit plans and designation of areas as winter sports sites.

SECTION 7

S. 2125, as introduced, has several requirements concerning the setting and charging of the permit fee. The testimony at the hearings, however, disclosed that the Forest Service does have a serviceable, objective formula for determining the annual permit fee. Accordingly, the requirements of S. 2125 concerning the establishment of a new formula and the tying of that formula to "reasonable return on equity investment" have been deleted.

However, one change in the law concerning the establishment of permit fees appears absolutely necessary. The present law requires that the Federal Government surrender 25 percent of the permit fees to the States for construction of roads and schools. At the Aspen hearing, compelling testimony provided by public officials from Pitkin County and the city of Aspen demonstrated a serious discrepancy between public service costs to local governments of ski areas permitted by the Forest Service and that portion of the permit fees eventually received by those governments from the Forest Service. Complaints were also expressed about the limited uses to which the local governments' share of permit fee moneys can be applied and the requirement that the funds first go to the State and only then, at the discretion of the State, be distributed to local governments. The new section 7(b) in my amendment would alter the law as it relates to commercial outdoor recreation permits by increasing the share of permit fee moneys provided to local governments, requiring that payments be made directly to those governments, and removing the limitations on the funds use. It would provide that 50 percent of all moneys received by the United States for commercial outdoor recreation facilities and services permits would be paid directly to the local governments and allow the use of such payments for any governmental purpose.

SECTIONS 8, 9, AND 10

Sections 8, 9, and 10 of the amendment alter considerably the provisions in S. 2125, as introduced, concerning Forest Service review of permittees' charges to the public and public disclosure of information supplied by the permittees as justification for increases in those charges. The industry objected to a number of these provisions in the bill, as introduced. In particular, they were concerned about disclosure of other than historical financial data and the requirement of a hearing each time they propose increases in charges.

I believe both objections are valid. As I noted in my statement introducing S. 2125, the Forest Service has viewed all financial data supplied by permittees as exempt from the Freedom of Information Act under an exception provided in that act. I have disagreed and will continue to disagree with any such broad construction of the limitations of the Freedom of Information Act. I firmly believe that financial information supplied to a public land management agency justifying a charge by a private party to the public for use of the public's own land should be disclosed unless disclosure so endangers the financial security of the private party as to terminate the services he is offering to the public. I believe, however, that the proposal provided by the industry during the hearings on S. 2125 to disclose only historical financial data will suffice if the Forest Service develops a formula for review of proposed increases in charges which is based on historical data. For this reason section 9 now limits the public disclosure to historical data. It does, however, require the preparation of a written statement of the basis upon which the Forest Service has determined to issue or amend the permits or to allow, reject, or modify requests for increases in permittees' charges to the public.

As the industry made a strong case against tying the formula for reviewing permittees' charges to the public to "reasonable return on equity investment," I have removed from the new section 8 the provision which would have based the formula on that factor. The Secretary will still be required, however, to develop uniform objective regulations for the determination of whether to allow, modify, or reject any request by a permittee to increase charges to the public. Added to this provision are several guidelines which must be incorporated in these regulations. First, the decision on permittee charges must be the responsibility of the appropriate regional forest. This will insure that the decision is given the attention it deserves and will be consistent with other decisions on permittees' charges in the same region. Second, any increase must be reasonable and must not unduly restrict access to the facilities or services for which the charge would be made for any particular customer class. This will insure that the schedule of charges is not weighted to attract additional destination skiers and limit the number of local skiers. The third guideline would require that the region establish conditions under which a permittee can offer special rates to persons who reside in the permit area. In the past special rates have been offered to local school children, members of the chamber of commerce, and the area's elderly; but, increasingly, the Forest Service has felt constrained under existing law to resist such rates. This provision would make special rates permissible. Finally, the guideline requires that the formula for determining whether or not to permit an increase in charges must be tied to the facilities and services directly related to the activity of skiing and not to such ancillary activities as real estate sales.

Deleted from section 8 is the requirement of a hearing each time the permittee requests a rate increase. I concur with the judgment of the industry that this would be an onerous administrative burden on ski area operators. There is only a short period of time between the final accounting of the last ski season and the publication of rates for the next ski season. If the permittee were required to go through a lengthy hearing process he might find himself in a position of being unable to publish rates in time to compete for destination skiers and package ski tours. I also concur with the judgment of many witnesses that public participation should not be limited to testimony in hearings only on the issue of rate increases. Rather the public should have access to the Forest Service in expressing its views on the full range of issues concerning the permittees' general performance. Therefore, I have provided a new section 10 in the amendment which requires a hearing at the end of each 3-year period during the life of a commercial outdoor recreation permit to assess the permittee's performance and his compliance with the provisions of S. 2125, other applicable law, and the permit itself.

The remaining sections of the amendment are vitally identical to the bill, as introduced.

Mr. President, I believe this amendment is necessary. The recent East River unit plan controversy dramatizes its significance, but its origin is associated with numerous other unfortunate, unnecessary incidents relating to the issuing and administering of commercial outdoor recreation permits on public domain national forest land. These permits must be based on modern statutory authority and uniform, objective policies and procedures. Enactment of S. 2125, as amended by my amendment, would accomplish this.

I ask unanimous consent that the amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1655

Strike out all after the enacting clause and insert the following:

"That (a) the Congress hereby finds that appropriate facilities and services within the forest reserves created from the public domain may be desirable to meet the projected increasing demand for public recreation; and the enhancement of these opportunities for recreation and the protection of environmental quality require prudent development and substantial capital investment. It is the policy of the Congress that, where such facilities and services are determined to be advisable by the Secretary of Agriculture through long-range, multiple-use planning conducted by the Forest Service, and upon consideration of the views of the relevant State and local governments and the public, private development and management of such facilities and services, on a competitive basis where appropriate, may be authorized through issuance of permits. As the facilities and services authorized by any such permit, which has as its purpose the provision of needed services to the public on public lands, are affected with public interest, such permit shall provide, consistent with the policy and provisions of this Act and subject to conditions which protect the soil, air, and water and the other uses of the forest reserves, for payment of reasonable fees which reflect a primary objective of maintaining a high quality of outdoor recreation facilities and services at reasonable prices for the use and enjoyment of the public.

"(b) For the purpose of this Act—

"(1) 'forest reserves' or 'forest reserve lands' means lands of that portion of the national forest system which has been created from the public domain.

"(2) 'Secretary' means the Secretary of Agriculture;

"(3) 'person' means any individual, partnership, association, corporation, trust, estate, or other legal or commercial entity;

"(4) 'permittee' means the holder of a permit issued pursuant to this Act;

"(5) 'other recreation permit' means a permit or special use permit for commercial outdoor recreation facilities and services on forest reserve lands issued before or after enactment of this Act in whole or in part under the Act of March 4, 1915 (38 Stat. 1101, as amended; 16 U.S.C. 551); the Act of April 24, 1950 (64 Stat. 8, 16 U.S.C. 580(d)), or any other Act authorizing special use permits;

"(6) 'prior permit' means a permit or special use permit for commercial ski facilities and services on forest reserve lands issued prior to the enactment of this Act under the Acts set forth in clause (5) of this subsection; and

"(7) 'local government' or 'unit of local government' means a county, parish, township, municipality, borough or other unit of general government as determined by the

Secretary of the Treasury (on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes).

"PERMIT AUTHORITY

"Sec. 2. Subject to such terms and conditions as he deems desirable or as required by this Act or other applicable law, the Secretary is authorized to permit any person to use and occupy areas within the forest reserves which are needed to provide commercial outdoor recreation facilities and services for the use and enjoyment of the general public.

"AREA COVERED BY PERMITS

"Sec. 3. The area of land to which permits issued pursuant to this Act may apply shall in each case be determined by the Secretary, taking into consideration present and future public needs for all the multiple uses of the forest reserves: *Provided*, That—

"(1) any permit issued pursuant to this Act for commercial outdoor recreation facilities and services other than commercial ski facilities and services shall not apply to more than eighty acres of forest reserve lands;

"(2) (A) any permit to be issued pursuant to this Act for commercial ski facilities and services which will apply to more than two thousand acres of forest reserve lands shall not be approved until after (i) the Secretary has submitted to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate the proposed permit, together with detailed findings as to the terms and considerations he proposes to impose upon the permit applicant, and (ii) each committee has adopted a resolution stating that such committee approves of the issuance of the permit;

"(B) whenever either committee fails to adopt a resolution of approval for such proposed permit within one hundred and eighty days from the date of its submission, the Secretary, should he continue to deem the facilities and services to be provided by the permit applicant to be advisable, the applicant to have met all requirements for the issuance of the proposed permit, and the proposed permit to contain all necessary and appropriate terms and conditions, shall submit to the Congress proposed legislation, together with a report thereon, authorizing the issuance of said permit;

"(C) not more than one permit may be issued pursuant to this Act for commercial ski facilities and services within an area of less than four thousand acres unless each such permit, irrespective of the acreage involved, is issued in accordance with procedures provided in section 3(2) (A) and (B); and

"(D) the total area to be used by the applicant for a permit for commercial ski facilities and services and to which such permit shall apply shall include all land within the outer boundaries of the land to be used by the proposed facilities and services, including uncleared or unimproved land between areas to be cleared or improved for ski runs, lifts, or other such ski facilities and services.

"PERMIT PERIOD; PERMIT TERMINATION AND SUSPENSION

"Sec. 4. Subject to the provisions of this Act and other applicable law, the Secretary may—

"(1) issue permits pursuant to this Act for such periods as he deems appropriate, but not to exceed thirty years;

"(2) issue, at the expiration of the period of any such permit, a new permit to either a new permit applicant or the holder of the expired permit if such holder is determined by the Secretary to have fully complied with the terms of the expired permit: *Provided*, That the Secretary may issue a new permit to a permittee within a seven year period prior to the expiration of the existing permit if he approves a proposal by the permittee to make, prior to the expiration of the existing permit, a substantial capital investment to construct additional facilities or provide additional services consonant with the purpose for which the existing permit was issued; and

"(3) terminate any permit issued pursuant to this Act for breach of the terms of said permit after giving the permittee due notice and a reasonable opportunity to conform with such terms, or if, in the judgment of the Secretary, the lands to which the permit applies are needed for another use: *Provided*, That the Secretary may order an immediate temporary suspension of any such permit prior to providing such notice and opportunity to conform with permit terms if he determines that such a suspension is necessary to protect public health or safety or the environment.

"COMPETITION

"Sec. 5. Prior to the issuance, transfer, or amendment of any permit authorized by this Act, the Secretary, in consultation with the Attorney General of the United States, shall determine, in writing, whether the effect of such issuance, transfer, or amendment would be to diminish competition in national, regional, or local markets which otherwise would occur should such permit be issued, or transferred, to another person or not be so amended. Such permit shall not be so issued or transferred or so amended if diminished competition is determined to be the effect.

"CONDITIONS FOR, AND TERMS OF, PERMITS

"Sec. 6. (a) (1) Within six months from the date of enactment of this Act, the Secretary shall publish in the Federal Register and submit to the Congress proposed regulations containing procedures and objective criteria to be employed by him in determining whether a permit for commercial outdoor recreation facilities and services shall be issued to a particular permit applicant or for a particular area.

"(2) Such regulations shall, among other things, require the Secretary, in making the determinations required in paragraph (3) of this subsection, to follow the procedures set forth in this paragraph (2). He shall—

"(A) notify the relevant State and local governments within fifteen days of the allocation of an area in a unit plan for a form of recreation which would require a permit for commercial outdoor recreation facilities and services, the designation of an area as a winter sports site, the filing of an application for a permit for commercial outdoor recreation facilities and services, or the taking of any action by a Forest Service employee which will likely result in the issuance of any such permit;

"(B) consult with the relevant State and local governments within thirty days of any action set forth in clause (A) of this paragraph, and continue such consultation thereafter at each significant stage in the permit issuance process;

"(C) consider all facilities to be constructed by the permit applicant, all residential, recreation, commercial, and transportation development which will likely occur as a result of the construction and operation of the applicant's facilities, all public services necessary for such facilities and development, and other direct and indirect financial impacts on State and local government, on both forest reserve land and private land in the proximity thereof;

"(D) prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act (83 Stat. 852, 853, as amended; 42 U.S.C. 4321, 4332);

"(E) require that the permit applicant enter into a maximum area capacity agreement with the Secretary and the State and local government involved; and

"(F) require that a conceptual land use plan be adopted by the State and local governments involved, which plan anticipates the direct and indirect impacts of the facilities and services and the development which will likely occur as a result of such facilities and services and sets forth the policies and procedures to be employed in managing such impacts.

"(3) Such regulations shall, among other things, establish objective criteria to be applied by the Secretary in making the determinations set forth in this paragraph (3). Such criteria shall insure that any such permit shall not be issued unless the Secretary, following the procedures set forth in, and making use of the maximum area capacity agreement, conceptual land use plan, and environmental impact statement developed pursuant to, paragraph (2) of this subsection, determines that—

"(A) sufficient demand exist for the commercial outdoor recreation facilities and services;

"(B) such facilities and services would not preempt more suitable uses of the forest reserve lands involved;

"(C) the public would not be better served by permitting or siting such facilities and services in a location other than that specified in the permit application;

"(D) where any unit of the national park, wildlife refuge, wilderness preservation, and wild and scenic rivers systems is adjacent to or in the vicinity of the lands to which such permit would apply, such facilities and services would not adversely affect the purpose for which that unit is withdrawn, designated, or established;

"(E) the conceptual land use plan is accurate and consistent with the policies and provisions of this Act and other relevant laws;

"(F) all applicable State and local government laws, regulations, plans, and permitting and licensing requirements are or will be met by the permit applicant and are compatible with the conceptual land use plan; and

"(G) the State and local governments have sufficient authority and capability to meet all public service demands generated by, and to mitigate all adverse environmental impacts of, such facilities and services and all residential, recreation, commercial, and transportation development which will likely occur as a result of such facilities and services.

"(b) Development, management, and operation of the facilities and services to which any permit issued pursuant to this Act applies shall be the responsibility of the permittee, subject to such terms and conditions as the Secretary may prescribe, consistent with the policies and provisions of this Act and other applicable laws.

"(c) Within any area to which a permit issued pursuant to this Act applies, the Secretary may permit other uses, such as cross-country skiing, independent ski instruction, and professional guide services, not incompatible with the facilities and services to which the permit applies: *Provided*, That he shall, by regulation, establish proof of ability, liability and indemnity insurance, and such other requirements for any such use as he deems necessary to protect the public and the permittee.

"(d) Any information, data, or documents submitted by a holder of a permit issued pursuant to this Act, a prior permit, or any other recreation permit, by an applicant for a permit pursuant to this Act or any other recreation permit, or by any other party, which is required or used by the Secretary or any employee of the Department of Agriculture in reaching any decision concerning or leading to the issuance, transfer, or amendment of any such permit, including the preparation of any unit plan or designation of any area as a winter sports site, shall be verified as to the accuracy and completeness thereof by the Secretary prior to such decisionmaking.

"PERMIT FEE

"SEC. 7. (a) The permittee shall pay to the United States an annual fee for the use and occupancy of forest reserve lands to which the permit issued pursuant to this Act applies. In all cases, fees and charges shall be in accord with the principles set forth in title V of the Independent Offices Appropriations Act of 1925 (65 Stat. 290, 31 U.S.C. 483a).

"(b) Notwithstanding the provisions of the Acts of May 23, 1908, and March 1, 1911 (35 Stat. 260 and 36 Stat. 963, as amended; 16 U.S.C. 500) and any other pertinent law, 50 per centum of all moneys received by the United States during any fiscal year from any permit issued pursuant to this Act, any prior permit, or any other recreation permit, shall be paid to the unit or units of local government within the boundaries of which the forest reserve land to which the permit applies is situated, and such payments may be used by such unit or units for (i) planning; (ii) construction, operation, and maintenance of public facilities; and (iii) provision of public services: *Provided*, That, where all or part of a smaller unit of local government is located within the boundaries of a larger unit of local government, forest reserve lands subject to this subsection which are within the boundaries of both such units shall be treated for the purposes of this subsection as only within the boundaries of the smaller unit: *Provided further*, That the Secretary of the Treasury shall promulgate regulations which provide for the distribution of a share or shares of any such payments, which otherwise would be paid in full under this subsection to the unit or units of local government within the boundaries of which the forest reserve land to which the permit applies is situated, to the unit or units of local government (i) the boundaries of which do not encompass any forest reserve land to which the permit applies, and (ii) which experience more significant economic, social, or environmental impacts from the commercial outdoor recreation facilities and services and the development which accompanies such facilities and services than do the unit or units of local government which would otherwise receive the full payments. When any such payments are shared the shares shall be divided equitably based on the impacts experienced by each eligible unit.

"PERMITTEES' CHARGES TO THE PUBLIC

"SEC. 8. (a) Within six months of the date of enactment of this Act, the Secretary shall publish in the Federal Register and submit to the Congress proposed regulations which set forth in detail the criteria the Secretary shall employ in exercising his authority under this Act and other laws to determine whether to allow, reject, or modify any request by a holder of any permit issued pursuant to this Act, any prior permit, or any other recreation permit to increase any charge to the public for use of the facilities and services of such holder. Such regulations shall not be promulgated prior to sixty days from the date of submission thereof to the Congress.

"(b) Such regulations, shall among other things—

"(1) require that the decision to allow, reject, or modify any such proposed increase in a charge to the public shall be the responsibility of the appropriate regional forester;

"(2) require that any such proposed increase shall be reasonable and shall not unduly restrict access to the facility or service for which the charge is to be made for any customer class;

"(3) set forth conditions under which a holder of any such permit may offer special season rates or other special rates to persons who reside in the same general area in which is located the land to which the permit applies; and

"(4) insure that any such proposed increase under a permit issued pursuant to this Act for commercial ski facilities and services or a prior permit, and the criteria to be used in the determination of whether to allow, reject, or modify such proposed increase, shall relate only to the operation of facilities and provision of services directly related to the activity of skiing.

"PUBLIC DISCLOSURE

"SEC. 9. (a) Notwithstanding any other provision of law, the Secretary shall make available for public inspection any and all memoranda, financial statements, or other materials, or portions thereof, concerning or providing historical financial data or information or concerning any aspect, other than financial, of the operation of commercial outdoor recreation facilities and services furnished to him or any official of the Department of Agriculture in support of or in opposition to proposed increases in charges to the public for use of the facilities or services of the holder of any permit issued pursuant to this Act, any prior permit, or any other recreation permit or in connection with the administration of any prior permit and the issuance and administration of any permit issued pursuant to this Act or any other recreation permit.

"(b) A detailed statement providing the basis upon which a decision by the responsible officer of the Forest Service to issue, transfer, or amend a permit pursuant to this Act or any other recreation permit, amend or transfer a prior permit, or allow, reject, or modify a request for an increase in charges to the public for use of the facilities or services of a holder of any permit issued pursuant to this Act, any prior permit, or any other recreation permit shall be made available for public inspection promptly after such decision is made.

"PERMIT REVIEW

"SEC. 10. Three years after the issuance of a permit pursuant to this Act or other recreation permit after the enactment of this Act, or three years after the enactment of this Act for any prior permit or other recreation permit issued prior to enactment of this Act, and at three-year intervals thereafter, the Secretary shall hold a public hearing, with adequate public notice, in a location in the proximity of the area to which the permit applies to determine whether the holder of such permit has complied and is complying with the provisions of this Act and other applicable law and with the terms and conditions of the permit. The Secretary shall set forth his findings, based on the hearing, in writing and make them available to the public. Nothing in this section shall be construed as relieving the Secretary from his responsibility to review independently the performance of the holder of any such permit as periodically as necessary during such three-year periods to insure such compliance.

"TITLE TO IMPROVEMENTS; COMPENSATION

"SEC. 11. Any structure, fixture, or improvement which is not owned by the United States and to which a permit issued pursuant to this Act applies shall not be deemed to be the property of the United States. The permittee shall be deemed to be the owner thereof, and may remove the property and assign, transfer, encumber, or relinquish the title thereto. Said title shall not be extinguished by expiration or other termination of the permit and shall not be taken for public use without just compensation: *Provided*, That the use or enjoyment of any structure, fixture, or improvement shall be permissible only so long as the owner thereof holds a permit which applies to the area on which such structure, fixture, or improvement is located: *Provided further*, That within six months following the expiration or other termination of such permit, the Secretary may order the removal of such structure, fixture, or improvement and the restoration of the site, and, upon failure of the owner to comply with such order, he may bring an action for ejection and recovery of costs incurred by the United States in such removal and restoration: *Provided further*, That, in the event the Secretary does not order the removal of such structure, fixture, or improvement and permits the continued use thereof either by the United States or by some party other than the permittee, then the Secretary shall, before allowing such use to become effective, take such action as may be necessary to assure the permittee of just compensation therefor, unless the Secretary and the permittee mutually agree to other arrangements for the disposition of such structure, fixture, or improvement: *Provided further*, That if any permit is terminated by the Secretary for another use, the United States shall be obligated to pay an equitable consideration for the removal of such structure, fixture, or improvement and damage thereto resulting from the removal.

"UTILITY SERVICES FOR CONCESSIONERS; REIMBURSEMENT

"SEC. 12. The Secretary may furnish, on a reimbursement of appropriation basis, all types of utility services within the forest reserves to concessioners, contractors, permittees, or other users of such services: *Provided*, That reimbursement for costs of such services may be credited to the appropriation from which the expenditure was made.

"RECORDKEEPING; AUDIT AND EXAMINATION; ACCESS TO BOOKS AND RECORDS

"SEC. 13. Each permittee shall keep such records as the Secretary may prescribe in the permit to enable the Secretary to determine that all the terms of the permit have been and are being faithfully performed. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to said records and to other books, documents, and papers of the permittee pertinent to the permit and all the terms and conditions thereof.

"EFFECT ON OTHER LAWS; APPLICABILITY

"SEC. 14 (a) This Act shall be construed as supplemental to, and not in derogation of, the provisions of the Act of March 4, 1915 (38 Stat. 1101, as amended; 16 U.S.C. 497); the Act of June 4, 1897 (30 Stat. 34, as amended; 16 U.S.C. 551); the Act of April 24, 1950 (64 Stat. 84, 16 U.S.C. 580(d)), or any other Act authorizing special use permits, except that this Act shall be construed as the sole authority for issuance of permits for commercial ski facilities and services. Prior permits shall be subject to the provisions of section 7(b), 8, 9, and 10 of this Act and the provisions of the other Acts enumerated in this subsection until the expiration of the periods of such permits remaining as of the date of enactment of this Act: *Provided*, That when one person holds more than one such prior permit applicable to a single, integrated commercial ski facilities and services operation and such permits have different expiration dates, the provisions of this Act, other than the provision of sections 7(b), 8, 9, and 10 hereof, shall not be applicable to such facilities and services and the holder of such permits until the expiration of the prior permit with the lengthiest remaining period, and those prior permits with shorter remaining periods may be amended or renewed under the authority of such Acts to remain valid until such expiration: *Provided further*, That the holder of any such prior permit may apply to the Secretary for cancellation thereof and issuance of a permit pursuant to this Act.

"(b) The provisions of this Act shall not be applicable to any existing or future application for a permit for commercial outdoor recreation facilities and services on forest reserve land in Mineral King Valley, Sequoia National Forest, and shall not affect in any manner any litigation pertaining thereto.".

Amend the title so as to read: "A bill to provide for the issuance of permits on public domain national forest lands for commercial outdoor recreation facilities and services, and for other purposes.".

Statement of Senator Floyd Haskell

Mr. Haskell. Mr. President, I introduce today a bill to reform the systems of issuing and administering permits for ski facilities and other outdoor recreation facilities on national forest land created from the public domain.

The present system serves no one well. Users may be paying unjustifiably high charges for the use of skiing and other recreation facilities. Permittees may be paying unjustifiably low fees to the public which owns the national forest lands, considering the privileges the permits grant. In any event, the public is certainly witnessing the unnecessary degradation of the productivity, environmental quality, and value of its lands.

The permittees are concerned about the security and stability of their existing investments which, in turn, influence their ability to make new investments. The Federal Government finds itself criticized for a permit system which it should have reformed long before now. That system is shrouded in secrecy. It lacks a coherent set of standards and it fails even the most basic tests of uniform application.

Mr. President, I began investigating the present outdoor recreation permit system for national forests last February when many of my constituents brought to my attention a proposal by three Colorado ski areas to increase by 20 percent the daily adult tow ticket rate. Skiing is already too expensive for many Coloradans. I was concerned that so large an increase would put skiing beyond the reach of many more people, especially families. I wanted to be sure the increase was justified.

As no public hearing is held on proposed rate increases, I asked the Forest Service to delay its decision on the rate hike to permit a careful review by all parties concerned. At the same time, to facilitate that review, I asked the Forest Service to provide me the financial information the three ski areas supplied in support of their requests.

The Forest Service did subsequently deny the full rate increase request and reportedly offered instead a compromise increase. Yet, any meaningful review of even this compromise proposal was frustrated by that agency. The Forest Service denied access to the information I requested claiming that, under terms of leases with ski areas operating in the national forest, such information is confidential.

Mr. President, it is inconceivable that a Government agency can base a decision which so fundamentally affects the leisure lives of citizens on information which it refuses to make public. Not only is there no way for the public to adequately review a proposed rate hike, but any appeal process from a Forest Service decision to grant that increase would be a sham.

On May 16, 1975, I announced that the Subcommittee on the Environment and Land Resources, which I chair, would hold hearings in Colorado in the fall on the issue of ski permittees' charges to the public and public participation in the determination of charges.

I stated: "Tow ticket prices have risen to the point that it's very difficult for a family to ski on any kind of regular basis; yet the public does not know whether fees charged by companies operating on public land—for private profit—are justified. It is absolutely essential that all of us have access to this information—and that includes profits ski areas may be making, whether those profits are too high, too low or just right. Further, I believe public hearings should be held before any rate increases are granted. If, as the Forest Service contends, present law provides for the confidentiality of financial information submitted with rate increase proposals, then the law must be changed."

As any Senator would be, I was very gratified with the strong public support which greeted this announcement. However, accompanying this support was a surprising number of communications on the matter from the public, skiers and other users, and ski operators and other permittees. They detailed numerous additional inefficient, inequitable, and financially or environmentally costly faults in the Forest Service's system of issuing and administering outdoor recreation permits.

Among these are the lack of standards to determine whether to issue or deny permit applications by particular applicants or for specific areas and to subsequently determine the fees to charge the applicants for the permits which are issued. The absence of standards further frustrates public review of the adequacy of Forest Service decisions. Furthermore, the lack of standards inevitably leads to a lack of uniformity in permit application and fee decisions both among and within regions of the national forests. This lack of uniformity plays havoc with the financial planning of permit applicants and holders and can jeopardize existing and planned investment. Substandard services to the public can result.

Our present permit system is so inadequate that the Forest Service is constrained to adopt a number of questionable practices to meet the public's demand for outdoor recreation facilities. Perhaps the most serious of these practices is that of issuing to a single ski area operator a 30-year permit for 80 acres and a large number of 1-year special use permits for additional acreages. Existing law permits a maximum of only 80 acres for a recreation permit—an area decidedly too small for most ski operations today.

To circumvent this antiquated requirement, the Forest Service is forced to perform the charade of issuing the special use permits on a yearly basis. The result of this charade is that the operators are faced with serious threats to their investments. Certainly, annual permits do not provide sufficient security, especially as the legality of those permits has been questioned, most prominently in the well-known Mineral King litigation.

Mr. President, this long and growing list of problems with our present permit system has convinced me that the fall hearings should not simply be oversight hearings but should focus instead on concrete legislative proposals. The legislation I introduce today is designed to bring about the necessary reforms in our outdoor recreation permit system for the national forests. Most of the provisions of this bill were drafted by staff under my direction. The staff has also substantially reworked the provisions submitted to me after my May announcement by the ski area operators, environmentalists, and other interested parties. The bill, however, should be regarded only as a draft to be critiqued and reworked during the hearing process.

First, the bill lifts the 80-acre limitation for permits for ski facilities. However, permits over 1,280 acres would be issued only if neither Interior Committee passes a resolution of disapproval within 60 days of the submission of the permit to the committees. And permits over 5,000 acres would be issued only if both committees pass resolutions of approval. Furthermore, the bill would require the Secretary of Agriculture to submit permits over 1,280 acres in the form of authorizing legislation should they not pass the committees' review and would prevent issuance of two or more permits for contiguous areas without congressional review. Most important, the bill would require the Secretary to submit to the Congress and the public within 6 months proposed guidelines to be employed by him in determining whether a ski facilities permit should be issued to a particular applicant or for a particular area. The guidelines are not to be promulgated until 60 days after their submission.

They are to take into consideration the effect of planned and unplanned growth precipitated by the proposed recreation facilities on adjacent non-Federal lands and provide a procedure for consultation with affected State and local governments prior to any decision on a permit application.

Second, the bill would extend the life of ski permits from 30 to 50 years. This provision, as well as removal of the 80-acre limit, was requested by the ski area operators who saw the time and acreage limitations as threats to their investment. I can certainly understand the detrimental effect the inadequate acreage allowance and the legally suspect methods of avoiding it have on the financial environment of permittees. But I am not yet convinced of the need for extending the permit period to 50 years. I have placed this provision in the bill, however, in order to encourage the ski operators to provide me with detailed justifications for this provision.

Third, the bill would require that annual fees for commercial outdoor recreation permits be based on a standard of a reasonable return on equity investment. Furthermore, the bill would require a 6-month study and report to the Congress by the Secretary of Agriculture on permit fees. The report would include steps the Secretary plans to take, and legislation necessary, to establish a single method or formula to be applied uniformly throughout all national forest lands to determine fees from commercial outdoor recreation permits.

Fourth, the bill would require public disclosure of all financial data pertinent to determination of permittee's charges for public use of his facilities. And it would require public hearings on any permittee's request for increase in those charges. A second 6-month study would be required of the Secretary, this one to determine criteria to be used by the Secretary in rejecting or accepting proposed rate hikes. Among the criteria would be that of reasonable return on equity investment.

Finally, the bill contains several other provisions dealing with disposition of permittees' improvements upon expiration or termination of permits; record keeping audit and examination; and provisions to prevent the mooting of the Mineral King litigation.

Mr. President, the holders of permits for commercial outdoor recreation facilities are granted the privilege of pursuing private gain on public lands. But the ultimate purpose of such permits is to provide high quality service at a reasonable cost to the public which owns the land. Any business which holds such a permit is uniquely affected with a public interest. It must expect vigorous enforcement of that interest. And that is achieved when the public is allowed to participate.

At the same time, permittees are entitled to reasonable assurances as to the security of their investment, not only for their protection but to insure that services are provided to the public.

The legislation I introduce today attempts to modernize the permit system in accordance with these principles.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Walter M. Garrison, Jr., of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, vice Rex K. Bumgardner, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, May 25, 1976, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

DAVID MATHEWS TACKLES BUREAUCRACY

Mr. ALLEN. Mr. President, an interesting article on the Honorable David Mathews, Secretary of Health, Education, and Welfare, was published in the May/June issue of the South magazine.

The author of the article, Mr. Brandt Ayers, editor and publisher of the Anniston Star, is one of Alabama's leading journalists. His incisive article reveals Secretary Mathews' studious, patient, and enlightened approach to running one of the Federal Government's most unwieldy agencies. Mr. Ayers points out that Secretary Mathews, first and foremost an educator, tries to teach big government the need for personalized, practical government. He believes the time for massive Federal activism has passed and he is engaged in an attempt to develop a new philosophical framework for Federal action.

As an example of Secretary Mathews' measured movements in the whirlwind, bureaucratic Washington atmosphere, Mr. Ayers writes:

> With a historian's sense that he is only a part of a long continuum he will bear the criticism, get done what he can get done and, when it is all over, he would like nothing better than to go back to the University of Alabama—if they still have a challenging job for him there.

I ask unanimous consent that the article entitled "David Mathews Tackles Bureaucracy," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAVID MATHEWS TACKLES BUREAUCRACY

(By H. Brandt Ayers)

Two months after Forrest David Mathews became Secretary of the Department of Health, Education and Welfare a friend called to see how he was getting along, and found his sense of humor still intact.

"I'm just sitting up here in this great big office wishing I had something to do; I'm thinking of taking up bridge," he said about the job of administering a $120 billion budget and monitoring the activities of 127,000 bureaucrats.

As it turned out there was a kind of limited truth in that joking remark.

After months of labor and consultations with the cabinet and the President, the Domestic Issues Council finally worked up the administration agenda for the home-front.

In his State of the Union message President Ford said that he was committed, in effect, to a little more or less of the same. The status quo is the nation's domestic purpose.

When the President sets out hold-that-line goals in an election year, when perhaps 95 percent of HEW's budget cannot be tampered with by the Secretary because of congressional mandates, Sec. Mathews is hardly in a position to undertake any breathtaking new initiatives.

But that suits him just fine. In his view the time for massive federal activism has passed and he is engaged in an attempt to develop a new philosophical framework for federal action.

Most citizens would be somewhat cheered to know that a member of the cabinet is thinking through an approach to federal intervention in the natural order of institutions and communities which seeks not to overwhelm, not hassle people but to help them.

Dr. Mathews was thinking out loud about these ideas when he gave the Frank Nelson Doubleday Lecture at the Smithsonian Institution in December. He said government action should be based on a humane naturalism that considers the quality of its impact on real people in a real world.

"Government acts through law which is necessarily impersonal and remote," he said. "It deals with people at arm's length and its edicts have a great insistence upon form. Hence, government is poorly equipped to be sensitive to the limitations of the real world in imposing its will."

But this approach does not always please congressional committee chairmen who prefer the Roman sword to Greek philosophy in administering the laws they have written.

If hospitals, for whatever reason, are failing to carry out congressional directives, committee chairmen want Mathews to act like a Caesar and cut off their funds. They have little patience for Platonic reflection about the consequences of such actions on the sick.

Neither is the press universally friendly to this approach. One editorial writer, a former HEW bureaucrat himself, reacted to the Doubleday lecture in this language:

"What I suspect may be a typical Mathews formula—noble, high plane, impressive, original, scholarly, philosophical, noncontroversial, vague, safe, obtuse, unclear in any real context."

The lecture does make hard reading and, spoken, it might have been compared favorably with police riot-control techniques; however, the speaker's context is nothing if not real.

He was born not to the abstract world of government or the academy but as the son and grandson of school superintendents in the small town of Grove Hill in southwest Alabama.

He has been eye-witness to a combination of federal action and inaction that have doomed Grove Hill and thousands of communities like it to a living death. He may have been thinking of the federal bulldozer in the city and of his own smalltown America when he said in that lecture, "We may be learning that we can kill neighborhoods as well as rivers, and whole communities as well as lakes."

Blood-knowledge of what it means for a small town to lose its only doctor could explain why, as the 33-year-old president of the University of Alabama's Tuscaloosa campus, he emphasized family-practice centers to train doctors for small town and rural practice.

Down-to-earth roots make him think it is impractical to institute comprehensive national health insurance before the health-care system is prepared to deliver.

Federal health insurance puts cardiovascular surgery within reach of everyone's wallet but what if the patient doesn't need open-heart surgery, doesn't even know what is wrong with him? It doesn't matter if a ghetto dweller or a rural resident can afford the treatment if there is no doctor to diagnose and treat his diabetes or hypertension.

For his ideas to have impact, he has a lot of convincing to do, in and out of government—even within his own bureaucracy. But Dr. Mathews has a natural ally for his personalized, essentially southern, approach to government—the average citizen.

Too many Americans have learned to think of the government as "them," as a body of powerful strangers who make more money, are exempt from the dislocations most citizens face and who feel indifferent or superior to the very people they are supposed to serve.

Government is an unruly classroom in which Dr. Mathews is trying to get across his lesson but it is an effort perfectly in character with a man who thinks of himself first of all as an educator.

With a historian's sense that he is only a part of a long continuum he will bear the criticism, get done what he can get done and, when it is all over, he would like nothing better than to go back to the University of Alabama—if they still have a challenging job for him there.

AN ENERGY CONSERVATION POLICY

Mr. PACKWOOD. Mr. President, this Nation needs a systems concept approach toward an integrated and a comprehensive energy conservation policy. A responsive energy policy must address itself not only to energy, but to such cause-and-effect interrelated areas as employment, and capital availability. It must consider the institutional, political, economic, environmental, technical, and social structures. Energy decision and management systems must be designed to improve productivity, free capital for expanding plant capacity, and increase employment in related industries. A systems concept approach may be the only answer since it is a rational approach to the resolution of complex problems. It is a framework designed to help decision-makers choose desirable, or optimum course of action under uncertainty. The method encompasses the careful definition of the problem, the identification of a set of objectives, the generation of alternatives, the modeling of the dynamic interrelationships of the situation, the evaluation of alternatives, the implementation of results and the revision or updating of these results as new data becomes available.

The Nation is entering an era of significant changes in the traditional patterns and trends in the field of energy. Price relations, rates of use, resources, supplies, and environmental impacts, have become areas of great concern, uncertainty, and conflict. The problems between the high demand of energy and the impact on the quality of life can best be resolved by the development and use of efficient new and existing technologies, improvement of energy conversion technologies, and improvement in efficient use of energy and conservation.

Currently the annual U.S. consumption of coal is about 600 million tons which constitutes about 17 percent of the Nation's total energy consumption. Assuming an average heating value of 10,000 Btu per pound, the 600 million tons has an energy value of 12×15^{15} Btu. The present energy consumption by the electric utilities is about 22×10^{15} Btu. That is, in order to supply the current rate of energy input to the electric utilities we must double the present coal production.

A recent study by the Interagency Task Force on synthetic fuels headed by FEA predicted that the probability of doubling present coal production by 1985 is indeed very small and difficult to achieve. The reason given is that in order to double our present coal production by 1985 we must maintain an annual rate of growth of over 7 percent. Translating this figure to physical facilities and personnel required by 1985 we have to:

First. Develop 170 new 2 million ton per year eastern mines.

Second. Develop 100 new 5 million ton per year western mines.

Third. Recruit and train about 80,000 new eastern coal miners.

Fourth. Result and train about 45,000 new western coal miners.

Fifth. Manufacture about 140 new 100 cubic yard shovels and drag lines.

Sixth. Manufacture 2,400 continuous mining machines.

Seventh. Double the transportation mode to transport this additional coal. At present 50 percent of the coal is transported by rail, about 20 percent by inland waterways, and the remaining is moved by slurry pipelines.

Eighth. Provide additional capital investment of about $21 billion.

In contrast to these projections, during the 10 year period between 1960 and 1970 only 13 mines of greater than 2 million tons per year production were opened, and in 1971 there were only 25 mines operating that produced more than 2 million tons per year and only 3 exceeded 5 million tons per year production.

Furthermore, assuming the current rate of increase in electrical energy demand, by 1985 the electrical energy generating capacity will be double the present quantity, or about 44×10^{15} Btu. This means that the coal production must increase by a factor of 4 to meet this new demand. In order to accomplish this task, at least a 14 percent annual growth rate must be maintained during the next 10 years with 7 percent annual rate thereafter.

If such an annual growth is to be maintained, our known coal reserves will be depleted at the following rate:

Year:	*Coal production in billions of tons*
1975	0.6
1985	2.4
1995	4.8
2005	9.6
2015	19.2
2025	38.4
2035	76.8
2045	153.6
2055	317.2
2065	634.4

Consider now the commercial production of synthetic fossil fuels and the economics involved in this venture. Estimates are that for every $1 capital investment in producing western coal one can obtain 20 million Btu of energy by burning that coal directly. If that same capital investment is used to mine the coal and then convert it to liquid, one would get 125,000 Btu of energy for the same dollar invested. Furthermore, if the same capital investment is used to mine oil shale, then one would get 2,000 Btu of energy for that same investment. In addition to the capital investment considerations, an aggressive research effort is needed on testing and evaluating metals and alloys. A strong special alloy development program is essential if second generation commercial coal gasification plants which require high temperature, high pressure, and large size components are to be built. Also stepped-up research effort in in-situ coal gasification and oil shale production methods is needed.

If the electrical generating capacity continues to increase at the present rate, we will need over 50 1,000 MW fossil and/or nuclear powerplants per State by the year 2000. This constitutes a total of about 2,500 to 3,000 plants. The construction cost of each 50 powerplants plus transmission systems will be in the order of $2 trillion of 1974 dollars. Each 1,000 MW plant will require about 1 million gallons of water per minute for condenser cooling. The total water requirements for these plants will be more than two-thirds the total runoff of our major rivers.

The Building and Construction Trades Department, AFL–CIO estimates that each 1,000 MW nuclear powerplant alone requires a peak construction site work force of 2,000 to 3,000 workers. They predict that due to the large skilled labor requirements on these projects, certain parts of the country might have labor shortages, and others unemployment.

In addition, recent ERDA forecasts show that skilled manpower needs for powerplants alone will increase from the current 150,000 to over 2 million by the year 2000. Furthermore, a study conducted by the National Planning Association for the National Science Foundation shows that in seven selected energy related areas there is a need for an increase between 1970 and 1985 from the current 100,000 to 225,000 engineers and from 141,000 to 307,000 scientists with greater increases coming after 1985.

The current electricity energy consumption rate increase in this country is between 5 and 7 percent per year, depending on whose estimates one uses. At this current exponential growth the electric energy demands double every 10 years. If this growth is maintained, by the year 2010 we would need twice the above stated number of powerplants, or on the average of 100 powerplants per State. Presently, some States have difficulty locating one desirable powerplant site.

A strong energy conservation program and efficiency in energy use will help to slow down energy growth rates, and hence relieve pressure on the scarce energy resources, reduce environmental problems related to energy production, increase employment, and increase capital availability. However, in order to realize these contributions it will require not only the political wisdom to implement the necessary conservation measures, but the imagination and intellectual resources of the country to develop new technologies, to increase the efficiency of energy use, and to educate the people on proper energy conservation systems, techniques, and management.

Therefore, it is proposed that a strict and well defined energy conservation program using systems concepts approach be implemented with a well defined mission, responsibilities, and authorities so that the program can achieve its goals and provide for an effective and efficient governance.

SUMMARY

A recent study conducted by the Ford Foundation's energy policy project describes three future alternatives, or scenarios, on energy growth states. They may be paraphrased as follows:

First. Historical Growth state: This state implies that the use of energy will continue to grow much as it has in the past. That is, the consumption growth over the next 25 years will be at the same rate as that between 1950 and 1972, or about 3.4 percent per year. At this rate, the energy consumption will grow as follows:

[*In quadrillion Btu*]

Year:	*Original estimate*	*Revised estimate*
1974	74	73.1
1980	95	87.1
1985	115	103.5
2000	185	163.4

This state results in an aggressive national policy to develop all possible supplies of energy at a rapid rate to match the rising demands.

The above predictions were recently revised by the Bureau of Mines based on new data that has become available. The decline in energy consumption is primarily attributed to increased awareness of energy shortages, response to higher prices, and new conservation measures.

Second. Technical Fix Growth state: This state implies that a conscious national effort will be made to reduce demand for energy through the application of energy saving technology. This state will result in an annual average increase of 1.7 percent per year, or about one-half of the historical growth state. With this plan, the energy consumption would be 35 percent below what it would be by the year 2000, if the historical growth state is followed.

This state can be accomplished under certain conditions without reducing our economic well-being and our quality of life. It can be achieved through a significant energy conservation program. Such programs should consist of the following measures:

Improved building codes.

Greater recycling of metals.

More efficient production of steam in industry.

Use of better energy-saving heating and cooling systems, such as, heat pumps and solar heating and cooling methods.

Use of smaller and more efficient cars.

Shift of inter-city freight transportation from trucks to rail.

Increased load factors of aircraft.

Need for load management by public utilities companies, such as, peak rates, off-peak rates, seasonal rates, power control options, tax incentives for low energy consumers, and elimination of energy volume discounts, that is, the more you buy the less you pay concept.

The implementation of the technical fix growth state will depend to some extent on the price mechanism; however, it must be strongly supplemented by Government-supported research and development, significant changes in the tax structure, and changes in certain regulations, such as, stricter and well-defined building codes.

Third. Zero Energy Growth state: This state implies durability, and not disposability of goods. I will emphasize the ethic that "enough is best" rather than "more is better," and that quality is better than quantity. The zero energy growth state will reduce the average energy growth rate to about 1.2 percent during the next 25 years, but the rate of growth will stabilize by the year 2000. This state does not imply that economic growth will cease; however, a significant change in life style will result. The following measures must be taken:

Cities and transportation systems will be redesigned and retrofitted to stress energy conservation.

Energy intensive products, such as, plastics will be deemphasized.

Services such as health, education, et cetera, will grow in relative importance while the supply of material goods may shrink.

The energy conservation program cannot be expected to be a success overnight. As a matter of fact one will not be able to distinguish between the technical fix state and the zero energy growth state described in this paper until 1985 or 1990. In order to bring about a significant energy conservation program the following possible actions are recommended:

First. An orderly long-range systems planning and analysis program is needed.

Second. A wide public education program and public support is essential.

Third. Regulation, tax incentives, and capital availability are required.

Fourth. Shifts in taxation and government programs and subsidies at the local level are needed.

Fifth. The establishment of a Total Energy Efficiency and Conservation Systems Institute with regional field stations is recommended to assist in the research, development, demonstration, implementation and management of these systems.

PRESENT STATUS

The present conservation measures are referred to as the "conservation ethic." These consist of avoiding waste and "doing with less," voluntary conservation of fuel usage, and governmental fuel allocations. Price increases have, and are ejpected to continue, to stimulate voluntary conservation.

In the past, surplus and low prices have created a tendency to be wasteful and inefficient. This tendency is continuing at present. For example, about two-thirds of the energy used today to provide electricity is rejected as waste heat. Not only is this wasteful, but it will pose an increasingly severe environmental problem in the future if the projected electrictly growths are realized. This year the electric utilities consumed about 22×10^{15} Btu. This is about 28 percent of the total energy used in this country. Furthermore, electrical generation is projected to have the largest increase in energy consumption between now and 1990. The electric generation is expected to increase by about 75 percent between now and 1990.

A second area of severe energy waste is the transportation area. This year transportation consumed about 20×10^{15} Btu, or one quarter of the total energy used in this country. The transportation sector fuel consumption has been increasingly dominated by the growth in use of the automobile, which though frequently not the most efficient in fuel use, is often much more convenient and versatile than any other available alternative mode of transportation. The inherent efficiency of energy utilization in an automobile powered by an internal combustion engine ranges from a low of 10 percent to a high of 28 percent with the average being around 20 percent. Considering the nature of the conversion processes involved, there is little chance for large improvements in this efficiency.

A third area of energy waste and inefficiency is in the industrial sector. Past trends in efficiency of industrial energy use have not been severe; however, with energy input an inexpensive commodity, it has frequently been better economics to buy cheaper and less efficient equipment whose total cost including depreciation was smaller, but whose energy consumption was considerably higher. Additional waste exists in industry due to a large nonproductive idling time of equipment and plant facilities. During the past year industry consumed about 22×10^{15} Btu, which constitutes about 27 percent of the total energy consumed in this country.

A fourth major area of energy waste is in the residential and commercial sector. About three-fourths of this sector's energy consumption consists of space heating and cooling. This represents about 20 percent of the total primary requirements, or 16×10^{15} Btu, so any savings on heating and cooling requirements would have a substantial impact on the overall energy demands. Again, many present insulation and building code standards reflect a period of inexpensive energy and expensive insulation and other building materials.

POTENTIAL INCREASES IN CONSERVATION

Future conservation measures should consist to a large extent of the employment of new technology on the part of users, some added capital investment, changes in regulations, and Government research and development. Potential future energy efficiencies in the major energy consuming sectors of our society may be described as follows:

I. ELECTRICITY CONVERSION

Considerable further improvement in the efficiency of the conventional steam driven turbines for electrical power generation is approaching its limits. The upper limit of this generator is likely to be under 40 percent. A promising development in the field is the combined cycle generator which uses the exhaust heat from a gas turbine to produce steam for a conventional generator, with electricity being produced in both stages. Present efficiencies attained by these systems are between 40 and 50 percent and it is possible with further development to raise these to 50 or 60 percent.

In addition to these developments, more efficient use of waste heat will be required. Projects such as sale of steam or district heating schemes will be required. These will require a close collaboration between the utilities and the industrial or municipal agencies. It must be recognized that with increased energy prices the economics of waste heat utilization is much more favorable. It may be desirable to include this concept in new urban planning developments, for example, placing a powerplant in an area containing large industrial users of process heat. The environmental impact will have to be considered in such situations. Further use of waste heat may be in agriculture in such areas as hothouse heating and culture.

For consumers such as light industry, dense residential areas, and shopping centers, a possible alternative may be the total energy system. This consists of a single generating plant which produces electricity, hot water, steam for space heating or process heat, and power for cooling. A serious problem that will have to be contended with in the total energy system is the balancing of heat and electricity requirements over a period of time. An additional problem for total energy systems is the qualified manpower necessary to operate and maintain these systems and the additional cost involved. The additional manpower may be a benefit since it will provide additional employment opportunities. However, it has been demonstrated that even with present technology, integration of these systems yields significant energy conservation benefits. For example, traditional systems providing heating, cooling, and electricity to buildings are characterized by annual energy use efficiencies of only 25 percent to 50 percent, whereas total integrated energy systems provide the same services at about 75 percent efficiencies.

II. TRANSPORTATION

The transportation sector is responsible for about 25 percent of the total energy consumption in this country.

The importance of conservation in this area lies mainly in the fact that it relies almost exclusively on oil products as energy input. Therefore opportunities for saving energy in the short term are primarily confined to driving at lower speeds, increased use of public transportation systems, increased use of railroads for transporting goods, rescheduling of air passenger transport to increase the load factors, and by decreasing airplane cruising speeds.

The most desirable midterm trend would be increasing fuel economy by some fairly simple design changes. Some of these are decreased weight, increased use of diesel engines and radial tires, improved load to engine matching, and redesign of body styles for better aerodynamics. New forms of engines, such as, stratified charge, gas turbine, rankine cycle, and stirling cycle now under development can have an impact by 1985 and beyond.

Although urban public transportation systems frequently require high capital investment, a more efficient use of existing systems can be encouraged by measures aimed at discouraging private automobile use at city centers. In the long term, Government sponsored research and development in new urban transportation systems could be aimed at achieving the versatility of the private car with a system which is both less energy consuming and less polluting.

For 1985 and beyond, reduction in transportation energy consumption growth can be improved by urban planning and the development of communities combining residential, work, and recreational activities to a greater extent than at present. Many of the automobile trips currently made for business or shopping can be minimized by advanced telecommunication systems. There is already considerable research in this area, but significant technological progress is needed and it must be considered as a long-term objective.

III. INDUSTRY

In the short term, it is estimated that better energy management and elimination of wasteful practices can reduce industrial energy consumption by 10 to 15 percent without significant reduction in output. Most of this reduction can be accomplished by less nonproductive idling of plants, better regulation and control, heat recovery, and lower nonprocess hot water circulation temperatures. Industrial energy conservation is limited in the short term by the present inventory of equipment and processing systems. However, more investment in conservation coupled with technical innovation can increase the savings to 15 percent by 1985.

The opportunities in waste heat recovery, which due to equipment costs involved have been uneconomical in the past, are especially good where the same industry uses both high and low temperature processes.

In process technology area, more efficient production processes in the five main energy intensive industries, paper, steel, aluminum, plastics, and cement may result in energy savings of 10 percent by 1985. Computer control of processes on a more widespread scale than the present can make a rapid impact on industrial efficiency of energy use.

Increased recycling of selected raw materials and scrap can have a significant impact on their processing energy needs, since often their reprocessing requires only a small amount of the energy used in extraction from the ore. Recycling would also have a favorable environmental impact, through reduced ore mining, reduced energy consumption, and less solid waste disposal problems.

IV. RESIDENTIAL/COMMERCIAL

Two important areas for saving energy in this sector are building insulation and temperature control. Estimates assuming higher standards for all new buildings from 1975 on, and making some allowance for insulation of existing buildings suggest a saving of energy by 1985 of 15 to 20 percent.

More refined temperature control systems, especially in large buildings will save energy by avoiding overheating of large sections of the building in order to heat the most exposed sections adequately. Refinements in heating and ventilation systems can include waste heat recovery, by either heat pumps or other means. In addition, more individual, and possibly computerized, metering and billing for energy consumers will provide an incentive to avoid unnecessary consumption, especially in large apartment buildings and commercial buildings.

Lighting systems can be made more efficient. For example, fluorescent lighting is about 5 times more efficient than incandescent lamps. Fluorescent lighting is used extensively in commercial buildings, but so far it has made no impact in the residential area.

PROBLEMS AND CONCERNS

One major consideration in the development of new energy supplies and in the assessment of future energy demands is the uncertainties involved in the decisionmaking process. Therefore, one has to be cautious when considering energy alternatives and making predictions on the magnitude of future energy demands and supplies.

Certain concerns have been expressed that some of these studies might give one the impression that the energy problem is an easy one to solve, and that our life patterns will have to change significantly in order to achieve the goals set forth in the energy conservation program.

To achieve the substantial energy reductions and efficiencies required to meet the energy conservation goals stated, a number of assumptions regarding projected efficiency improvements, environmental impacts, social considerations, and acceptable life style changes must be realizable. Therefore, before an effective long-range national energy policy is established, it would be desirable to have the opportunity to analyze these concerns using some energy policy decisionmaking model. One such system is presently being developed by a group of electrical engineering faculty at the University of Michigan. This, and other such groups would very much like to have a real life situation to test their model.

Furthermore, one must realize that the energy conservation program must be a continuous program, but it is not the end to our energy predicament. The fact remains that the U.S. oil and gas production has already peaked, and such new areas as Alaska and offshore Atlantic sites will merely retard the decline. Also, both the United States and the world resources of oil and gas will be virtually exhausted in a few decades at most. Hence, to rely on these energy resources and to think that there is adequate time to develop other energy sources may have catastrophic consequences.

Additional problems may be created when one attempts to locate new powerplants near centers of population in order to take advantage of waste heat in the industrial uses of process heat. This may be in conflict with the environmental regulations and safety in care of nuclear plants. Also, the conversion or large scale extension of subway or surface rail transport centers is a long-term goal requiring large capital investment, and needs to be coordinated with long-range urban planning and development. However, the switch to mass public transportation will achieve not only energy conservation, but reduction in traffic congestion, noise and atmospheric pollution.

COST AND BENEFITS

To make reliable estimates of the cost involved in order to achieve the energy conservation program goals with the many uncertainties and variables is indeed a difficult task. However, studies on energy conservation costs are presently being carried out by the Ford Foundation's energy policy project, and by the Federal Energy Office, and it may be useful to state some of these results. Based on an annual total energy consumption growth rate in the United States of 1.7 percent, which is about one-half of the present annual rate, and it constitutes about 20 percent energy conservation by 1985, the capital requirements are about $200 billion by 1985.

Equally difficult will be to make reliable estimates of the side benefits of such a conservation effort. However, there exist some fairly concrete spinoffs, such as in the recycling industry, which have been documented by that industry and are summarized here.

The value of all recycled materials purchases in this country in 1974 was over $14 billion and over 70,000 people were employed in this activity. Recycled iron and steel constituted over half of this amount or about $9.7 billion. In terms of volume, there were over 60 million tons of ferrous and stainless steel scrap purchased and consumed during the same year. Total scrap consumption in the domestic steel industry was about 105 million tons. This includes scrap generated during steel production. It is expected that by 1980 the expansion rate will be about three times the present capacity. Presently, about half of all new steel is derived from scrap. The National Inventory of Scrap has estimated the current inventory of scrap at 1 billion tons, however only a very small portion of this available steel scrap is being presently used. For every ton of ferrous scrap used, one and one-half tons of iron ore plus one-third ton of coal is saved. In addition, using scrap rather than primary materials, the steelmakers reduce energy requirements 75 percent, air pollution 85 percent, water pollution 75 percent, water use 40 percent, mining wastes 97 percent, and the use of virgin materials 90 percent. Furthermore, about one-fourth of the country's energy goes into mining and processing of materials, and as deposits decrease, increasing amounts of energy will be needed to extract and process the poorer ore.

In addition, by recycling the unused potential of just ferrous scrap, aluminum, and copper, we can save energy equivalent to the heat content of 3.22 billion gallons of gasoline per year.

Metals constitute the largest and most vital of recyclable materials; however, there exists great potential in other areas. For example, 30 percent of all paper is easily recyclable, and it is possible to recover half of the remaining 70 percent. Since each ton of recycled paper saves 17 trees; 430 million trees can be saved annually if two-thirds of all trash paper were recovered.

The potential fossil fuel saving in recycled waste paper is about 2.4 billion gallons of gasoline per year, or 200 million gallons more than the energy generated by burning the same amount of trash paper.

Another area is plastics, which are made of petroleum products. Even though recycling of these materials is difficult; nevertheless, if 25 percent of the 4.2 million tons of plastics discarded annually were recycled, an energy saving equivalent of 400 million gallons of gasoline per year may be realized. Another alternative here would be to convert to a more leather and less plastics oriented economy, since plastics are high-energy-intensive products.

Other recyclable areas which can contribute significantly to energy conservation, additional jobs, and availability of capital are such items as glass, textiles, and rubber.

In general, a vigorous conservation program can provide 6 million additional jobs and may save up to $53 million. There is a considerable side benefit since there are 1.5 to 2 million new people entering the employment force each year.

GOALS, RECOMMENDATIONS, AND POSSIBLE ACTIONS

In a modern industrial society energy follows a very complex path from its production to its consumption. A detailed systems analysis of the energy macrosystem is essential; however, such studies are still in very early stages and not very conclusive. Nevertheless, it is possible by examination of the relative importance of the main sectors and subsectors of energy consumption to reveal where efforts in energy conservation can prove realistic and most fruitful.

The emphasis on the energy conservation program should be on developing and implementing efficient energy producing and consuming systems. In this manner, the societal problems and the impact on the quality of life will be minimized. Any viable energy policy must conserve energy and at the same time create jobs and increase the availability of capital.

The following may be some recommended alternatives, and possible actions toward these objectives:

I. ELECTRICITY CONVERSION

Develop more efficient generating systems:

First. Conduct further improvement in the efficiency of the classical steam-driven turbines to achieve 40-percent efficiencies.

Second. Conduct further development of the combined generator to achieve 50- to 60-percent efficiencies.

Third. Conduct research and development of the magnetohydrodynamics generator—MHD—which produces electricity by passing an ionized gas through a magnetic field, to determine its practical application.

Fourth. Carry out further smoothing of the daily demand cycle, reduction of peak load and automatic control load management technique by the utilities.

Support the electrical industry's efforts to demonstrate required higher capacity overhead and underground transmission systems with high efficiency, reliability, and reduced environmental impact.

Demonstrate the technical and economic use of waste heat:

First. Demonstrate the use of heat recovery systems which use the heat from the exhaust gases of a furnace or other processes to warm incoming air.

Second. Demonstrate the feasibility of urban planning development with connection to powerplant sites and large industrial users of process heat, and encourage development of new systems planning techniques.

Total energy systems:

Whenever fossil or nuclear fuels are used to generate electricity, about two-thirds of the heat is released into the environment. If this waste heat is used to generate process steam or heat which is used in residential or commercial applications, then the concept is also used in industrial applications where high temperature energy is used to generate electricity before it is used as process heat. Institutional and technical problems associated with operating these systems as part of a larger electric power system need to be considered and solutions need to be found before widespread use of these systems is realized.

II. TRANSPORTATION

Conduct further improvement in the efficiency of the existing road transport system:

First. Switch to smaller, lighter weight, and better aerodynamic car designs.

Second. Improve the load to engine matching in order to minimize the so-called thermodynamics overkill, the mismatching between energy source and sink.

Third. Introduce lower speed limits and overdrive.

Fourth. Increase efficiency by switching to diesel engines.

Fifth. An additional consideration might be the substitution of aluminum for steel. Even though aluminum manufacturing is more energy intensive, this is far outweighed by the fuel economy from its weight advantage.

Consider alternatives to road transport system:

First. Develop a better rail transport system for travel between cities as well as within city centers.

Second. Shift from the road to a rail intercity freight transport system. To accomplish this would require not only competitive rates, but a developed terminal-handling system with easy transfer to urban delivery trucks. This will result in better inventory control and centralized information services and lead to routine savings which will result in additional fuel savings for road freight transport.

Third. Conduct further improvement in the air transport system. Fuel consumption may be reduced by requiring airlines to reduce the number of flights and increase load factors. An additional 3 percent savings can result by reducing cruising speeds.

Long-term considerations, beyond 1985:

First. Conduct and stimulate further research and development of new technologies to develop more efficient propulsion systems, and more efficient systems which store energy and use electricity, such as flywheels, thermal storage, and batteries. The present electric car is only 5 percent more efficient than the present internal combustion engine car, but it does have the additional advantage of being pollution free. Additional research and development is also needed in modern mass transportation systems. Also, consider development of intercontinental freight transport by nuclear-powered ships, or advanced ground transport such as airtrains.

Second. Encourage research and development in living patterns with long-range urban planning and development of integrated communities combining residential, work, recreational, and social activities.

III. INDUSTRY

Provide regulations for a revised rate structure and better price adaptability of demand. Many electric utilities have rates which give their largest and probably most price adaptive consumers unit prices corresponding to the short-run marginal costs of power generation. In order to conserve energy this practice must be reversed. Large users must pay the true long-run marginal cost, including new plant capital for each unit of additional consumption.

Develop and implement better process technology and waste heat recovery systems, such as:

First. Less expensive and more efficient heat exchanges to preheat the air input to industrial furnaces using waste gas.

Second. More and improved computer control systems for industrial processes.

Third. Improved thermal insulation and better temperature control in industrial furnaces and pipes carrying steam or hot water.

Encourage better overall thermodynamics matching between sources of energy and sinks of energy in all industrial processes.

Recycling of raw materials and recovery of waste materials not only will conserve energy, but it will conserve the diminishing supplies of the country's primary materials. The United States is running short of certain vital primary materials and the situation is getting worse. Of the 10 primary metals that are critical to U.S. industry, we are importing more than half of our requirements of 6. By the year 2000, more than half of our supply of all 10 of these metals will be imported. In order to increase recycling significantly certain legal and tax structures must be worked out, such as zoning and licensing requirements, and tax structures of the municipal recycling centers. It turns out that the major scrap problem in the country is not one of collection but one of marketing.

IV. RESIDENTIAL/COMMERCIAL

Develop better insulation standards. Studies indicate that theoretical savings of 40 to 50 percent can be achieved in a new building by improved insulation. Economic and practical considerations will probably reduce these figures by about 10 percent.

Provide incentives which will result in reduction of energy waste.

First, a number of office buildings and apartment buildings are extensively overheated in the winter and have little or no temperature control. While the problem of overheating a building is occasionally a question of careless operation, the central heating systems often have to provide sufficient heat to the coolest part of the building. Better temperature control systems would not only repay the extra investment in reduced energy consumption within a few years, but would improve the level of personal comfort.

Second, replace the present inefficient heat balancing system with terminal reheat which is used in most tall buildings with a mixer system which brings in air from the outside.

Implement better heat recovery techniques, such as regenerative heat exchanges or heat pumps which transfer heat between the incoming and outgoing ventilation ducts. Forty- to fifty-percent savings may be attained with these systems. The heat pump can also be used to recover heat from waste water.

Develop and implement better lighting systems in office and other large commercial buildings:

First, energy savings can be accomplished with lower general lighting levels and optional more intense desk illumination in offices.

Second, artificial lighting is a source of heat, and can contribute to the heating of a building in the winter. However, in hot weather it adds to the cooling load. This extra load can be reduced by liquid cooling systems for light fixtures, now under development. With these systems the water is piped to a cooling tower in the summer and to heat exchanges in the winter.

Third, energy conservation must play a major role in the design of new buildings. Such aspects as heat flow through windows balanced against the optimum use of daylight, and the investment in compartmental temperature control weighed against possible reductions in consumption must be seriously considered.

Introduce laws requiring that appliances be clearly labeled as to their efficiency and energy consumption under normal working conditions with penalties imposed on poorly designed appliances and other energy consuming devices.

OVERALL ENERGY CONSERVATION POTENTIAL

Based on the estimated potential savings in the above-described major energy consuming sectors, the energy conservation savings with negligible changes in the economic structure and quality of life may reach 15 percent by 1978, and 20 to 25 percent by 1985. Keep in mind that each 10-percent reduction is equivalent to about 1.7 million barrels of oil per day.

Furthermore, about 35 percent of all energy used in the U.S. today is consumed directly in buildings. An additional 6 percent is consumed for building support facilities such as water supply and sewage treatment, and about 7 percent is used to process, produce and transport materials directly used for building construction. Hence about 48 percent of all energy used today is used for buildings. If this energy is reduced by 25 percent through conservation; then about 4 million barrels of oil can be saved each day.

If the energy conservation efforts described in each of the major energy consuming areas herewith are begun immediately, the total possible energy saving by year 2000 may be about 65 quadrillion Btu's per year or one-third of the energy estimated to be consumed by this country if no conservation and no technological programs are implemented. This savings is also about as much as the total energy consumed today.

The energy conservation program proposed here follows closely to the technical fix state described by the Ford Foundation's energy policy project.

The proposed energy conservation program may be implemented in three phases:

First. Reduce existing waste.

Second. Retrofit existing energy consuming systems.

Third. Design new energy conservation systems.

For your information a consensus of estimates of the 1980 energy situation past trends continued is shown on figure 1. That consensus projected oil imports of 10.8 million barrels per day and gas imports equivalent to about 2 million more barrels per day of oil. Therefore, the energy situation in 1980 will have to differ by the equivalent of about 12 million barrels per day of oil from previous estimates if the country is to become self-sufficient by then. In addition, the sectoral energy conservation possibilities are summarized on table 1.

CONCLUSION

The fate of this Nation hangs on the energy sources we develop over the next few years, and it is not an issue that can be put off until tomorrow.

Historians will look back on our generation as the one that found and burned one-third of the world's energy resources, with each American devouring six times as much energy as any other person in the world—yet we have only one-twelfth of the population. Statistics show that we waste 50 percent of this energy. Put another way, we waste almost as much energy as it takes to meet the energy needs of Switzerland, West Germany, and Sweden for 1 year.

Ours has been an era of cheap energy, but the day of cheap, plentiful energy is gone.

Congress must now begin the task of developing a comprehensive and far-reaching energy plan—one that will be flexible enough to meet today's energy needs as well as those of our children and our grandchildren 20 or 100 years down the road. Meeting the future energy needs of this Nation is an awesome responsibility, and it is not an issue that Congress can call up on a Friday afternoon and pass after brief discussion.

What we have now is an energy policy of drift—Congress drifts along without direction passing piecemeal legislation until a crisis comes along. We need to chart our direction now before we drift onto a reef.

I want historians to look down through their mirrored halls of history and reflect that ours was the generation that marked the turning point of a nation, from one that wasted 50 percent of all the energy it used to a country that maximized its use of energy—and to report that ours was the generation to harness the wind, the sun, and the atom.

To do this, we need to develop a strong energy conservation program coupled with development and use of new, multiple energy technologies. This will take an immediate and long-term commitment by Congress and the scientific community. We cannot wait for a crisis to get our ship into shape.

I ask unanimous consent that a table entitled "Sectoral Energy Conservation Possibilities" be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SECTORAL ENERGY CONSERVATION POSSIBILITIES

Type of conservation	Potential savings in percent of sectoral consumption	Cost/benefits	Type of policy action recommended
I. ELECTRICITY CONVERSIONS			
Improve efficiency of generation and transmission			Encourage R. & D. by utilities.
(a) Smoothing daily demand cycle and reduction of peak load.	Slight increase in generation efficiency (immediately)	Lower capital requirements for new plant: possibility of earlier retirement for old plant.	Revised tax structures (less favorable rates for heavy users).
(b) Develop the combined cycle generator	10 to 15 percent increase in efficiency by (1985)	Less economies of scale for small plants—less thermal pollution.	Removal of legal and institutional obstacles. Encouragement of initiatives by utility companies.
(c) Waste heat utilization (total energy systems and district heating).	Total energy systems use 15 percent less primary energy than do systems with fuel heating and electrical cooling.		
II. TRANSPORTATION			
Driving at slower speeds	25 percent less fuel consumption at 50/mph than at 70/mph.	Reduction in accidents involving injury or death.	Enforce speed limits.
Switch to smaller and efficient cars. Automobile efficiency improvements.			Tax incentives for smaller more efficient cars.
Redesign of body for better aerodynamics including trucks.	15 to 20 percent less specific fuel consumption by (1985).	Small cost	
Change to radial tires	5 to 10 percent less specific fuel consumption by (1985).	Small cost/longer tread life, greater safety	Graduated tax on fuel economy.
Improved load to engine matching and improved technologies in braking and ignition.	15 to 20 percent less specific fuel consumption by (1985).	$100 to $200 less engine wear	
Installation of overdrive	15 to 20 percent less specific fuel consumption by (1985).	$150 to $200 less engine wear	
Increased commuter car pooling	1 to 2 percent (immediately)	Reduces congestion	Encouragement reduced road tolls for cars containing 2 or more occupants during commuting hours.
Increased use of public transportation in cities	Depends on present state of development of public transport system.	Reduces traffic congestion and pollution	High city center parking fees and fines.
More priority bus lanes		Low cost/discourages private cars	Subsidies to public transport.
Fast commuter bus services		do	
Extension of rail and subway systems		High investment	
More cycle paths		Low cost/increased safety encourages switch to bicycle for short rtips.	
Introduction of fast intercity train service		High investment/competes with automobile and airplane (less than 300 miles).	Subsidy.
Switch some intercity freight to rail	1 to 3 percent by (1985)	Investment in terminal handling facilities/competes with road haulage.	Do.
Increased load factors in airplane flights	22 percent jet fuel, 2.5 percent of savings by (1980) in transportation.		Encouragement of cooperation between airlines.
Lower plane cruising speed	3 percent by (1980)		
Longer term aspects:			
New propulsion			Support for R. & D.
Development of urban clusters			
Advanced communications systems to save trips			
III. INDUSTRY			
Eliminate waste:			
Less nonproductive idling of plant	10 to 15 percent fuel	Small cost compared savings	Information and encouragement.
Better regulation and control heat recovery	5 to 10 percent electricity (immediately)		
Replacement of old equipment and processes by a more efficient inventory and technologies.	15 to 25 percent by (1985)		Ensure that energy price to industry reflects real long-run marginal costs of production.
Improved thermal insulation	do		Accelerate efficiency improvements by tax incentives and/or credit facilities.
Increased maintenance of energy-using equipment	do		
More heat recovery systems	do		
Recycling of selected raw materials	Scrap processing reduces energy requirements by 90 to 95 percent in (aluminum and copper) and by 80 to 85 percent in (steel).	Scrap collection system. Recycle-oriented design of products less environmental pollution.	Subsidy for R. & D. taxes or lower depletion allowances on virgin material.
IV. RESIDENTIAL/COMMERCIAL			
Adjustments of thermostats by 1° to 2° C	5 percent per degree of space heating/cooling requirements (immediately).		Encouragement.
More energy-conscious construction. Improved thermal insulation temperature control.	30 to 40 percent of space heating needs in new buildings or 20 to 25 percent of sectoral consumption in existing buildings by (1985).	2 to 3 percent of cost of new building	Revised insulation standards for new buildings; financial incentives for insulation of existing buildings.
Increased use of heat pumps	5 to 10 percent space heating needs, depending on degrees of insulation.		
Heat recovery from ventilation stream	do		
More efficient appliances	1 to 2 percent of sector consumption by (1980)	Higher initial cost/lower running cost	Efficiency labeling requirement, possibly tax on efficiency.
Reduce excess lighting	5 to 10 percent of total electricity consumption		Encouragement.
District heating schemes (using waste heat from electricity generation or burning municipal waste).		Reduces thermal pollution	Removal of institutional barriers grants for pilot schemes.
Increase R. & D. on better design and operation of buildings and on appliance technology.	Increase the probability of achieving maximum potential.	Accelerates the impact of new energy saving technology.	Support for R. & D.

ARMS SALES CONTROL

Mr. HUMPHREY. Mr. President, I wish to commend to the attention of my colleagues a perceptive article on arms sales by Mr. Cyrus Vance, the distinguished former Deputy Secretary of Defense, which appeared in the New York Times on May 13, 1976.

Mr. Vance is presently serving as Vice Chairman of The United Nations Association Policy Panel on Conventional Arms Control. His panel has recently published an important study which called attention to the need for arms transfer controls. I am happy to say that many of their recommendations parallel recent actions taken by the Committee on Foreign Relations in the form of the "International Security and Arms Export Control Act" (S. 2662).

Mr. Vance described this bill, which the President recently vetoed, as "the most comprehensive and far-reaching reform of the policymaking process for United States arms sales ever undertaken." As particularly important features he cited those which opened arms sales to greater public scrutiny and congressional review.

In Mr. Vance's view the veto was "surprising" and "ill-considered." I share that opinion. He calls for the re-enactment of its essential provisions. This, I am happy to say, has already been done in the form of a new bill, S. 3439, which the Senate should have the opportunity to vote on in the very near future.

In addition to the essential arms transfer controls contained in the old bill, S. 3439 provides much needed and long-delayed authorizations for military and security assistance programs for fiscal year 1976 and the transition quarter as well as similar authorizations for the fiscal year 1977.

The redrafted bill represents an effort by the committee to respond to the President's objections as stated in his

May 7 veto message in a spirit of compromise and conciliation; it is now up to the President to respond in an equally responsible manner. In this connection, I would also like to call attention to the New York Times editorial of May 13, 1976.

Mr. President, I ask unanimous consent that both of these items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 13, 1976]

CONTROLLING U.S. ARMS SALES

(By Cyrus R. Vance)

President Ford's veto of the International Security Assistance and Arms Export Control Act of 1976 blocks the most comprehensive and far-reaching reform of the policymaking process for United States arms sales ever undertaken. Though not without flaws, this legislation represented a historic initiative by Congress to increase its oversight with respect to the rapidly growing arms-sales program.

The veto is particularly surprising because the Administration was closely consulted throughout the drafting and had apparently indicated that it was prepared to accept the legislation.

During the last decade, the United States exported almost as many arms as all other nations combined. Most of these transactions have been in the form of sales rather than aid. In fact, military assistance now constitutes less than 5 percent of United States arms transfers. Foreign sales orders for arms, under $1.5 billion in 1970, are expected to exceed $10 billion this year for the third year in succession.

The increasing emphasis on sales rather than aid has sharply reduced Congressional control over the bulk of United States arms exports. Military-assistance programs require Congressional review, while most sales do not. Government-to-government sales of over $25 million could be rejected by concurrent resolutions of both houses, but this has proved to be a difficult procedure and is rarely attempted. The growing number of commercial sales is completely beyond Congressional review.

Perhaps the most important impact of the vetoed bill would have been to open arms sales to public scrutiny. At present, Congress receives little useful information regarding most proposed sales. Moreover, the Administration often assigns a security classification to the information it does provide, further limiting public access.

This bill would have required the President to provide Congress with far more detailed descriptions of proposed arms sales. Such information would not only assist Congress in carrying out its legislative responsibilities but also would provide the American people with a fuller explanation of the basis and rationale for our expanding arms-sales program.

The increasing competition for arms-sales contracts has led many private arms manufacturers to employ foreign agents as middlemen, promoting and facilitating arms sales abroad. In recent months, there have been numerous reports of unethical practices to gain foreign sales. The legislation would have required the reporting of all agents' fees, contemplated or paid.

The bill also prohibited arms manufacturers from selling major defense equipment whose value exceeded $25 million to non-North Atlantic Treaty Organization countries.

A recent report by the United Nations Association policy panel on conventional arms control goes further, recommending that commercial sales be phased out gradually. In its report on "Controlling the International Arms Trade," the panel notes that "arms sales have important foreign policy, national security and arms-control implications and should be handled solely on a government-to-government basis.

By establishing an annual ceiling of $9 billion on total arms sales, the bill would have given Congress a level for limiting the growth of arms exports. Though the setting of a ceiling may seem somewhat arbitrary, there is a need to define an overall limit to the growing arms-sales program.

In the absence of a well-defined and publicly enunciated overall program, recent Administration policy toward arms sales has been determined on a case-by-case basis. The ceiling would compel United States policymakers to clarify their priorities in foreign arms sales.

The legislation also called upon the President to transmit to Congress an annual report of estimated arms sales, including their impact on regional arms races, to each country for the next year. The preparation of such a report would help give overall direction and coherence to Administration policy and provide a general framework within which individual cases could be determined.

The bill recognized that it would be neither feasible nor desirable for Congress to review every proposed arms sale. Under this legislation, the executive branch would have retained the necessary flexibility to tailor its arms-export policy to unanticipated changes in the international scene.

If national security so required, the President could waive the ceiling on a case-by-case basis. Similarly, the annual sales estimate, like the present military-assistance program, would provide a general guideline rather than a binding commitment to a specific set of figures.

As the United Nations Association panel points out, "In the long run limiting the global arms traffic will require international cooperation and multinational agreements among both arms suppliers and recipients." Yet the panel concludes that the United States, as the dominant arms supplier, must take the initiative by displaying greater restraint in its arms exports.

The veto of this legislation is a serious mistake. Even if the veto cannot be overridden, Congress should overturn this ill-considered action by re-enacting the essential provisions of the legislation.

[From the New York Times, May 13, 1976]

FOREIGN AID VETO

Once more President Ford has resorted to the veto and once more his explanation is unconvincing at best. This time, the issue was foreign aid, and money was not the stated reason for the President's disapproval. What Mr. Ford objected to was inclusion in the legislation of provisions to give Congress a more active role in shaping foreign policy. The intent of this entirely appropriate Congressional participation was portrayed by Mr. Ford as an unconstitutional limitation on his ability to conduct foreign policy.

Such reasoning must have come as a surprise to the President's own advisers in the White House, at the State Department and in the Pentagon, who had worked for six months with key legislative leaders to develop the measure. Those leaders had themselves been startled a few weeks earlier when, without warning, the President informed them of his intention to exercise his 49th veto against the bill.

Since the President's decision bore the unmistakable mark of improvisation, it is not unreasonable to look elsewhere for a more plausible explanation for the veto; backward perhaps toward Texas, Alabama, Georgia, and now to Nebraska as well as to Michigan and beyond.

In addition to reasonable, though perhaps overly cautious, Congressional notice of intent to exercise some judgment on such issues as the American role in the international arms trade, the bill contained a provision for a six-month suspension of the trade embargo against Vietnam. Even though that provision was intended to help elicit information about Americans missing in action, the President may have panicked at the thought of Ronald Reagan turning it into another Panama Canal issue in the campaign. Presidential primaries are clearly ill-suited to the shaping of foreign policy, or of legislation affecting such policy.

Fortunately, Mr. Ford's error is not irreversible. After the veto, the legislators and their opposite numbers in the executive branch went back to work in an effort to forge a new compromise. While Congressional leaders are unwilling to renounce their legitimate interest in arms sales, they are willing to drop the provision concerning trade with Vietnam and to soften other positions which have troubled the President.

It will be up to Mr. Ford to respond to such serious efforts at accommodation with an answer that suggests the concerns of a President rather than the tactics of a candidate for the Presidential nomination.

DESEGREGATION AND THE CITIES

PART VI—THE DELIBERATE SPEED OF URBAN DESEGREGATION

Mr. JAVITS. Mr. President, frequently statements on the floor of Congress or in the news convey the impression that busing is an immediate nationwide problem of immense proportions. Speeches and editorials denounce the tendency of the Federal courts to run the Nation's schools. If we do not act quickly, we are warned, local control of the schools will be fatally eroded.

Everyone knows of the same few cases, but rarely does anyone attempt to summarize the sum total of activity in the Federal courts. Recently we asked the Civil Rights Division of the Justice Department to report on the number of desegregation plans expected for the coming school year, the nature and extent of other pending school litigation in the Federal courts, and the full record of Justice Department urban litigation since the mid-1960's.

The report shows that among the many scores of urban systems, only five can expect major new desegregation orders to be implemented this fall and there are only seven more cases in the early litigation stages. The Justice Department has filed only two such new cases since 1972 and private litigants are experiencing grave problems in managing even the small number of cases already filed. Many of the cases consume years in the courts before anything happens. Sometimes as much as a decade passes before an order is issued and implemented.

Some of the most important cases are not in the Federal courts at all. The Los Angeles and Philadelphia cases are being contested in State courts under State law. In several States, education officials are pressing for desegregation of small school systems.

The following Justice Department data demonstrates that the role of the Federal courts had been far more modest than usually described. Urban school desegregation activity peaked after the 1971 Swann decision, but its influence was largely limited to the Southern and Border States. Across the North there were only two new Federal court plans implemented in the fall of 1975 and only three more expected this fall. Desegregation is coming very slowly, in a very limited number of districts, and there is no sign of growing momentum. This record demonstrates that descriptions of the role of the Federal courts, used to justify proposed limitations on court powers over desegregation are grossly misleading.

I ask unanimous consent that this data be placed in the RECORD.

There being no objection, the desegregation data was ordered to be printed in the RECORD, as follows:

URBAN DESEGREGATION CASES

DATA SUPPLIED BY JUSTICE DEPARTMENT CIVIL RIGHTS DIVISION, APRIL 8, 1976

Federal Court-Ordered Desegregation Plans Expected this Fall: Southern and Border States

1. Dallas
2. Wilmington (metropolitan plan)

Northern and Western States

1. Milwaukee
2. Dayton, Ohio
3. Omaha

In addition the plan in Denver will be modified and further desegregation is possible in Lansing, Michigan. The case in St. Louis was settled out of court without provision for significant student desegregation. There will be modifications to the Louisville plan, minor changes in Boston, and a court order in Springfield, Ill. is "unlikely."

Cases Pending in Federal District Court in Which There Has Not Yet Been a Finding of De Jure Segregation—No Plan Expected Next School Year

1. Cleveland
2. Columbus, Ohio
3. Cincinnati
4. Youngstown, Ohio
5. Buffalo
6. Tucson
7. El Paso

Urban Desegregation Cases Ever Filed by the Justice Department and Their Present Status

1. *Mobile, Alabama:* U.S. intervened on June 14, 1967. A desegregation plan was consented to by private plaintiffs and school board after the Supreme Court decision in 1971. There is now pending a motion for further relief filed by private plaintiffs.

2. *Birmingham, Alabama:* U.S. intervened on April 8, 1966. A neighborhood zoning plan was ordered in 1970. Private plaintiffs have filed a motion for further relief which is pending.

3. *Huntsville, Alabama:* U.S. intervened on April 12, 1966. Final desegregation plan implemented in 1974–75 leaving no all-black schools.

4. *Montgomery, Alabama:* U.S. appointed as *amicus curiae* with rights of a party in 1964. Neighborhood zoning plan implemented in 1970. In 1974 a new plan which required further desegregating secondary schools, but leaving eleven virtually all-black elementary schools was approved by district court and Court of Appeals.

5. *Polk County, Florida (Lakeland, Fla.):* U.S. intervened on March 1, 1967. Desegregation plan implemented in 1970. U.S. motion for further relief pending.

6. *Savannah, Georgia:* U.S. intervened on November 3, 1965. Desegregation plan implemented in 1972.

7. *Caddo Parish, Louisiana (Shreveport, Louisiana):* U.S. intervened July 19, 1965. Desegregation plan consented to by private plaintiffs and school board in 1973–74.

8. *Rapides Parish, Louisiana (Alexandria, Louisiana):* U.S. intervened on July 8, 1969. Desegregation plan implemented in 1971–72. U.S. motion for further relief pending.

9. *Lafayette Parish, Louisiana (Lafayette, Louisiana):* U.S. appointed *amicus curiae* with rights of a party on June 23, 1971. Desegregation plan implemented in 1970. District court presently considering further desegregation plan.

10. *Raleigh, North Carolina:* U.S. intervened in 1970. Final desegregation order in 1971–72.

11. *Norfolk, Virginia:* U.S. intervened in 1966. Final desegregation order in 1972 or 1973.

12. *Houston, Texas:* U.S. intervened in 1967. Neighborhood zoning plan implemented in 1970. Implemented a magnet school plan in 1975.

13. *Corpus Christi, Texas:* U.S. intervened in 1971. Desegregation plan implemented in 1972. New elementary school plan implemented in 1975.

14. *Austin, Texas:* U.S. filed suit in 1970. Secondary school plan implemented in 1971–72. Presently their elementary school plan and their duty to desegregate Mexican-Americans is pending in Court of Appeals.

15. *Lubbock, Texas:* U.S. filed suit in 1970. Plan implemented in 1970.

16. *Other, smaller urban areas in Texas (13,000–20,000):* Port Arthur, Beaumont, Midland, Odessa, Tyler, San Angelo, Wichita Falls. U.S. filed suit in 1970 and implemented plans in that year, except Beaumont which was filed in 1973 and implemented a plan in 1975.

17. *Pasadena, California:* U.S. intervened in 1968. Plan implemented in 1970–71. Presently before Supreme Court on issue of whether Pasadena can get injunction dismissed or modified.

18. *Waterbury, Connecticut:* U.S. filed suit in 1969. Consent decree to desegregate entered in 1973.

19. *Indianapolis, Indiana:* U.S. filed suit in 1968. Partial desegregation plan implemented in 1973. Issue of whether metropolitan relief will be required pending before Court of Appeals.

20. *Omaha, Nebraska:* U.S. filed suit in 1973. Desegregation plan will be implemented in 1976–77.

21. *Kansas City, Kansas:* U.S. filed suit in 1973. Issue of *de jure* segregation now pending before District Court. No desegregation expected in 1976–77.

22. *Kinlock, Missouri (consolidation of suburban districts in St. Louis area):* U.S. filed suit in 1971. Plan will be implemented in 1976–77.

23. *Tulsa, Oklahoma:* U.S. filed suit in 1968. Plan implemented in 1971–72. Presently pending before district court on issue of further desegregation.

Districts which have implemented desegregation plans as a result of private civil right litigation

1. *Maryland*
a. Prince Georges County
2. *Virginia*
a. Richmond
b. Newport News
c. Portsmouth
d. Virginia Beach
e. Arlington
3. *North Carolina*
a. Charlotte
b. Winston-Salem
4. *South Carolina*
a. Greenville
b. Charleston
5. *Tennessee*
a. Memphis
b. Knoxville
c. Nashville
d. Chattanooga
6. *Georgia*
a. Atlanta (metropolitan issue pending in district court)
b. Augusta
c. Columbus
d. Macon
7. *Mississippi*
a. Jackson
8. *Louisiana*
a. New Orleans
b. Baton Rouge (issue of further relief pending in Court of Appeals)
9. *Florida*
a. Pinellas Co. (St. Petersburg)
b. Hillsborough Co. (Tampa)
c. Palm Beach Co. (W. Palm Beach)
d. Dade Co. (Miami)
e. Orange Co. (Orlando)
f. Duval Co. (Jacksonville)
g. Escambia Co. (Pensacola)
h. Broward Co. (Ft. Lauderdale)
10. *Texas*
a. Ft. Worth
b. Waco
11. *Arkansas*
a. Little Rock
12. *California*
a. San Francisco
b. Oxnard
13. *Illinois*
a. Rockford
14. *Indiana*
a. Evansville
15. *Michigan*
a. Detroit—implemented in January, 1976
b. Kalamazoo
c. Pontiac
d. Grand Rapids—no *de jure* segregation found. Court accepted their voluntary plan.
e. Benton Harbor—further relief may be required after 1976.
16. *Minnesota*
a. Minneapolis
17. *Oklahoma*
a. Oklahoma City
18. *Nevada*
a. Las Vegas
19. *Massachusetts*
a. Boston—implemented major desegregation plan in 1974 and 1975. Still volatile.
20. *Kentucky*
a. Louisville and suburban Jefferson County—implemented plan in 1975; modifications possible in 1976.

OUTSTANDING HOOSIER BUSINESSMAN

Mr. BAYH. Mr. President, I would like to extend my congratulations to two fellow Hoosiers who received awards last week from the Small Business Administration for their outstanding achievements as small businessmen in Indiana.

The first is Herman J. Schwarts, president of Universal Steel in Kokomo, Ind., who has been selected as Indiana's Small Businessman of the year. Mr. Schwarts founded his company in 1965 and has seen it grow from a 2-man operation to its present size of more than 90 employees. Financing through the SBA was instrumental to Mr. Schwarts in building his company, and he stands as an outstanding example of what can be accomplished by small businessmen in America today. Equally important, Mr. Schwarts has been an outstanding leader in his community. He has made many contributions to the city of Kokomo, including a term as president of the city council.

The second is Edward R. Cronk, president of Thomas and Skinner Inc. of Indianapolis. Thomas and Skinner has been selected as the Small Business Subcontractor of the Year in SBA's region V. T and S is the Nation's first manufacturer of permanent magnets with over 50 years of experience and leadership in the field of magnetism. Its products have been used extensively in the space program and numerous defense projects.

Mr. President, the importance of businesses like Universal Steel and Thomas and Skinner cannot be exaggerated. Small businesses have always been the backbone of our economy. They account for 43 percent of our gross national product and provide 55 percent of all business jobs.

I am extremely pleased that two Indiana businesses are receiving the national recognition they so richly deserve.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the objections loudly voiced against ratification of the Genocide Convention is directed at article II of the Convention which describes one form of genocide as—

> (b) Causing serious bodily or mental harm to members of the group.

Critics of the Convention have contended the phrase "mental harm" to mean the continued use of slurs against an individual group.

However, this argument is totally groundless. The Senate Foreign Relations Committee in its report on the treaty recommended that we adopt an understanding in order to prevent any misconception of the meaning of the phrase "mental harm"—

> (2) That the U.S. Government understands and construes the words "mental harm" appearing in Article II(b) to mean permanent impairment of mental faculties.

Therefore, it is clear that the Convention is not attempting to outlaw free speech. Rather the Convention seeks to preserve not only the right of every person to exist, but also right to live free from fear of harm. This is both humane and imperative. We must take a stand against any actions which we perceive to be in any way damaging to national, ethnic, or religious groups.

Therefore, it is through the concise phrasing of the understanding provided by the Senate Foreign Relations Committee that any vagueness once attributed to article II no longer remains. Mr. President, there is no longer any excuse for any further delay on our part—ratification of this convention is essential if we are to continue to enjoy the rights which are so precious to us all.

DIRECT FARMER-TO-CONSUMER MARKETING

Mr. HUMPHREY. Mr. President, I wish to share with my colleagues a statement by H. Emmett Reynolds, president of the Georgia Farm Bureau Federation in support of direct farmer-to-consumer marketing.

The Georgia Farm Bureau has undertaken a direct marketing program which has been very effective in giving its producers prices above that offered by other buyers. It would also appear that the establishment of the direct consumer outlet served to lower meat prices by 10 to 15 cents per pound at two nearby supermarket chains. In addition it is intended that the quality of the meat offered has been generally higher than that offered at the two supermarket chains

Mr. President, this undertaking indicates the potential of what can be done under this direct marketing program. I anticipate that the Senate will ultimately approve legislation along the lines of H.R. 10339.

Mr. President, this program has great possibilities, and I ask unanimous consent that the statement of Mr. Reynolds be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF H. EMMETT REYNOLDS BEFORE THE SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING AND STABILIZATION OF PRICES OF THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. Chairman and members of the Subcommittee:

My name is H. Emmett Reynolds. I am president of the 108,000 member Georgia Farm Bureau Federation with state headquarters in Macon, Georgia.

It is a pleasure to be here today to testify in favor of HR-10339, the Farmer-to-Consumer Direct Marketing Act, and to offer the Subcommittee an example of a direct marketing program established by our organization. This program has proven to be an outstanding success in every respect within only a short period of time.

Direct farmer-to-consumer marketing is not a new concept. In fact, it is as old as the country and was the primary means of marketing farm products in the early days of America.

Today, direct marketing is enjoying a rebirth of interest—from farmers and consumers alike—all over the country. We think this is good and that the idea should be encouraged by agricultural and consumer groups and by the government. This is why we are pleased to support this bill. It does not go as far as we would like, and I will have a suggestion later to broaden the impact of the legislation. But this bill will help us move forward toward greater utilization of the farmer-to-consumer marketing concept with benefits to all concerned.

Mr. Chairman, I would like now to relate the experience of the Georgia Farm Bureau in direct marketing of meat products.

In September, 1975, the Georgia Farm Bureau Board of Directors established a Beef Cattle Advisory Committee which recommended the development of a direct consumer outlet for Georgia produced beef, pork and poultry. The market is a pilot project set up in the State Farmers Market in Macon, Georgia, which is owned and operated by the Georgia Department of Agriculture. We leased the building and installed the necessary equipment and coolers at a cost of nearly $140,000, in order to handle the sales outlet. The Georgia Farm Bureau Marketing Association has a beef cattle specialist who works with our member producers of beef to select and place in their own feedlots desirable cattle to go into the direct sales program. The specialist selects the cattle to be slaughtered from these feedlots after 90 to 120 days on grain. Several small slaughter facilities throughout the state custom slaughter our cattle and deliver them to the retail market in Macon.

We had gained some useful experience in marketing even before the retail market was established. The Georgia Farm Bureau operates three slaughter hog markets in the state, and the processors that purchase pork from these facilities now slaughter and break down the pork carcasses and deliver them to the Macon market.

In order to determine the number of beef cattle available for the market, we surveyed our county Beef Cattle Commodity Committees and provided them with the criteria for selection of the cattle for the retail market. To date, we have determined that our producers have over 13,000 head of cattle they are interested in feeding out for sale through the Macon market.

The Georgia Farm Bureau Meat Market held its Grand Opening on March 24, 1976. It proved to be an instant success. During the first six weeks of operation almost 200 head of cattle were sold through the facility in the form of processed meat. Our farmer members received top market prices for their cattle.

The market has received an enthusiastic reception from consumers in the Macon and Middle Georgia area. During the first six weeks of operation, total sales volume reached over $86,000, an average of over $14,000 per week. This included the sale of beef, pork, poultry, eggs and milk.

In addition, retail prices of meat in the Macon and Middle Georgia area dropped dramatically immediately following our opening.

There are two major supermarket chains in our area. Both of these chains dropped their advertised prices of ground beef and chuck roast—two of the most popular meat items—immediately after our market opening on March 24.

In the six weeks that our market has been in operation, prices of all meat cuts have averaged 10 to 15 cents per pound below those of the two supermarket chains. And we offer a higher quality grade on the average than they do.

Mr. Chairman, we cannot say for certain that these price drops were a direct result of our new market. However, I think it is a fair assumption that we did have some effect on them.

If the initial success of the pilot market in Macon is borne out after more operating experience, we plan to open additional retail markets throughout Georgia. Among the locations we are considering is Atlanta which will give us an opportunity to test the direct marketing concept in a major metropolitan area.

Let me say, Mr. Chairman, that the Georgia Farm Bureau did not establish its Meat Market to compete with the supermarkets. Our main purpose is to provide a market for fed cattle in Georgia and to offer consumers a high quality product at a fair and reasonable price. We market only high good and choice grade cattle through this facility and the producer is paid on USDA grade yield basis.

Mr. Chairman, the Farm Bureau Meat Market is only the beginning of what can be done in the field of direct farmer-to-consumer marketing. However, if this type program is to have a significant impact on the marketing of farm products nation-wide, there is an overwhelming need for funding far beyond the technical assistance provided under this legislation.

There is enormous know-how already available through USDA, including the Extension Service, and through farmer organizations such as ours, that can be used in the development of direct marketing programs. But in order for this knowledge to be utilized properly, it is essential that funds be made available in the form of low interest loans to organizations willing to undertake the development of marketing facilities.

Therefore, Mr. Chairman, we suggest that this Subcommittee consider an amendment to H.R. 10339 that would authorize the Farmers Home Administration, or some other appropriate Federal Agency to make loans, with proper safeguards, to qualified organizations and groups for the establishment of direct marketing facilities and networks. With the availability of adequate funding, direct marketing can become an important means for moving high quality fresh farm products directly to the consumer at fair and reasonable prices. The benefits could be enormous to both the farmer producers and consumers of our nation.

Mr. Chairman, that completes my formal statement. I would like to submit for the record a weekly summary of our Meat Market operation since opening and a pamphlet explaining the market to our customers. I shall now be pleased to answer any questions the Subcommittee may have.

GEORGIA FARM BUREAU MARKETING ASSOCIATION

MEAT MARKET—WEEKLY ACTIVITIES REPORT

Product sales	Week of Apr. 24–30	Year-to-date
Beef sales	$6,468.85	$60,081.09
Pork sales	2,113.32	19,227.38
Deli sales	516.42	3,902.19
Poultry sales	359.55	1,001.13
Dairy and egg sales	228.73	714.50
Wholesale sales	369.58	1,822.75
Total sales	10,056.45	86,749.04
Cattle slaughtered (head)	22	197

Product sales	Week of Apr. 17–23	Year-to-date
Beef sales	$8,861.23	$53,612.24
Pork sales	1,843.61	17,114.06
Deli sales	514.87	3,385.77
Poultry sales	260.28	641.58
Dairy and egg sales	137.14	485.77
Wholesale sales	0	1,453.17
Total sales	11,617.13	76,692.59
Cattle slaughtered (head)	28	175

Product sales	Week of Apr. 10–16	Year to date
Beef sales	$9,147.31	$44,751.01
Pork sales	3,041.81	15,270.45
Deli sales	724.45	2,870.90
Poultry sales	259.23	381.30
Dairy and egg sales	236.59	348.63
Wholesale sales	1,097.29	1,453.17
Total sales	14,506.68	65,075.46
Cattle slaughtered (head)	27	147

Product sales	Week of Apr. 3–9	Year to date
Beef sales	$11,653.25	$35,603.70
Pork sales	3,235.65	12,228.64
Deli sales	974.01	2,146.45
Poultry sales	92.73	122.07
Dairy and egg sales	112.04	112.04
Wholesale sales	293.48	355.88
Total sales	16,361.16	50,568.78
Cattle slaughtered (head)	33	120

Product sales	Week of Mar. 27–Apr. 2	Year-to-date
Beef sales	$15,097.07	$23,950.45
Pork sales	5,141.25	8,992.99
Deli sales	733.43	1,172.44
Poultry sales	29.34	29.34
Dairy and egg sales	0	0
Wholesale sales	7.47	62.40
Total sales	21,008.56	34,207.62
Cattle slaughtered (head)	14	87

Product sales	Week of Mar. 19–26	Year-to-date
Beef sales	$8,853.38	$8,853.38
Pork sales	3,851.74	3,851.74
Deli sales	439.01	439.01
Poultry sales	0	0
Dairy and egg sales	0	0
Wholesale sales	54.93	54.93
Total sales	13,199.06	13,199.06
Cattle slaughtered (head)	73	73

THE SMALL BUSINESSMAN OF THE YEAR AWARD

Mr. HASKELL. Mr. President, I would like to offer a few observations for the record on the role of small business in this country. Particularly, I would like to congratulate Mr. Duane Pearsall, the president of Statitrol Corp., of Lakewood, Colo., for his receipt of the Small Businessman of the Year Award.

Mr. Pearsall's company is a pioneer and an innovator in the field of electronic smoke detection. Five years ago only 5,000 of these lifesaving devices were marketed. This year 3 million will be sold.

I had the pleasure of meeting Mr. Pearsall in my office last week during the National Small Business Week. This was our second opportunity to discuss matters of importance to the small businessman and again I was impressed with his broad perceptions of the problems confronting our Nation. I would like to share some of his thoughts with my colleagues.

Mr. Pearsall raised an issue that we hear daily in this Chamber—the burden of paperwork and regulation which is burying the small entrepreneur. He noted that the pile of documents necessary for securing a SBA loan were 8¾ inches thick. Now, Mr. President, I believe the SBA has to be cautious with the use of the public's money. But 8¾ inches of documentation is astounding.

Next, Mr. Pearsall suggested that the public has a distorted view of the free enterprise system. People misunderstand the function of profits, the democracy of the marketplace, and the need for a healthy investment environment.

There is a rising tide of antibusiness in this country. People do have a right to express their dissatisfaction with shoddy products, depersonalized service, and tremendously concentrated control of wealth which giant corporations give us. But I think that we are in danger of throwing the baby out with the bathwater. We must spread the word that the answer is not a wholesale attack on business but a conscious, concerted public effort to nourish an alternative to depersonalizing megabusiness. That alternative is the community-minded small and medium sized businessman. He is the last bastion of the real free enterprise system in this country.

When the oil companies control 50 percent of our coal reserves and the price of coal skyrockets right along with oil prices, I ask myself where is the free enterprise system? When Exxon has sales of nearly $50 billion in 1 year, I wonder how one starts an oil company that can compete with them. According to Bradford Snell, counsel to the Senate Antitrust Subcommittee, Firestone, General Motors, and a variety of oil companies acquired trolley and intercity rail operations during the 1930's, 1940's, and 1950's.

These means of transportation which offered the consumer an alternative to auto transport were then closed down by G.M. and its highway interest partners. Los Angeles, which once had the most highly developed intracity and intercity rail system in this country, is an example of what happened to our cities when the only viable form of transportation was the auto. The smog in Los Angeles is an example of what happens when the consumer is denied the benefit of choice and competition, when the free enterprise system is overwhelmed by the power of concentrated wealth.

I think it is time to bring our antitrust laws out of mothballs. And I think it is time we change the tax system in this country so that it benefits the small businessman, not the big businessman. In fiscal year 1977 corporate tax breaks of the investment tax credit will cost $7.5 billion. According to the Department of the Treasury 0.4 percent of the Nation's corporations will collect 73 percent of the credit. Similarly, the asset depreciation range system will cost $1.5 billion. Any small businessman can tell you that small businessmen do not use ADR. It is too complicated for them to bother with. These Government subsidies make competition even harder for the small businessman because they directly reduce the big corporations' cost.

Now if we took some of this money and reduced the corporate tax rate at the bottom—where it would benefit the small guy—then we would be taking a major step in saving the free enterprise system from monopoly, and the government regulation that follows. I intend to introduce several pieces of tax legislation designed to benefit the small businessman. I hope my colleagues will support these efforts.

Mr. Pearsall is a conservative Republican. Yet we agreed on every issue we discussed. We agreed that social security is a regressive tax, since upper income people pay at the same rate as low-income people. We agreed that the Nation must provide social services for those in need, especially working mothers.

I think we were discussing issues which have a broad nonpartisan appeal. People want a decent, fair Government. They want the Government to help those who legitimately need financial assistance. They object to people who milk the system—both the wealthy and the powerful and the lazy and immoral.

People are tired of absentee big government and absentee big business. They support free enterprise in its true sense—small units of production which offer personalized service and which have a commitment to the local community.

Mr. President, Duane Pearsall impressed me as a man who had his finger on the pulse of America and I hope that we can turn our attention to the issues he raises as a concerned small businessman.

SENATOR PROXMIRE COMMENTS ON JOINT STRATEGIC BOMBER STUDY AND AIR FORCE REPLY

Mr. PROXMIRE. Mr. President, on May 13, 1976, I gave my fifth speech on the subject of the controversial B–1 bomber program. That speech discussed the issue of the Air Force Joint Strategic Bomber Study which is used to justify the purchase of the B–1 bomber at a cost of $21 billion.

The Air Force has responded to that speech with a detailed rebuttal. They point out why they think the study was unbiased and fair in its examination of the alternatives presented to the B–1.

I continue to believe that in its assumptions, particularly those related to numbers of weapons delivered and equal costs at the level of the B–1 program, this study was unsound. Nevertheless, the Air Force statement should be examined on its own merits. Therefore, Mr. President, I ask unanimous consent that the Air Force rebuttal and my comments on that rebuttal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., May 17, 1976.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Your doubts about the adequacy and objectivity of the Joint Strategic Bomber Study (JSBS), expressed in your fifth B–1 speech, are based on a number of misunderstandings which hopefully, the attached comments will clear up.

You will recall that in 1973, the Senate Armed Services Committee asked the Department of Defense to prepare a study of alternatives to the B–1. The GAO was assigned, by Congress, the job of assuring that study's adequacy. The JSBS was conducted by three different organizations in the Department of Defense—the Assistant Secretary, Program Analysis and Evaluation; the Director of Defense, Research and Engineering; and the Air Force. This was done by design to eliminate the very bias which you charge is in the study. When completed, Dr. Malcolm Currie, Director of Defense Research and Engineering, told Congress that the JSBS was a valid study on the B–1 and its various alternatives. I would remind you that, after detailed evaluation of the substance and the methodology of the basic Study and its supplementary analysis, the Comptroller General of the U.S., head of the GAO, reported to Senator Stennis, "We are of the opinion that the study results now provide the bases for a more informed consideration of the Strategic Bomber question by the Congress."

As you indicated, the JSBS is a classified document. Since it deals extensively with projected U.S. and Soviet force capabilities, it is obviously necessary to protect the most sensitive information from compromise. However, it was briefed and made available in its entirety to appropriate committees in Congress and it is incorrect to imply that security classification was used to hide facts from Congress.

I would also point out that the Joint Strategic Bomber Study is only one factor used in considering the merits of the B–1 program. If you need further assurances as to the validity of the JSBS results, I would be delighted to arrange for you to receive a complete copy of the Study. Perhaps if you avail yourself of the opportunity to examine the objective and exhaustive analysis, which was made to explore precisely the sort of questions you have raised, your reservations may be alleviated.

Sincerely,

THOMAS C. REED.

Attachment: AF Comments.

THE B–1 PROGRAM

SENATOR PROXMIRE	AIR FORCE COMMENT	PROXMIRE COMMENTS
The Senate Armed Services Committee sought information on the B–1 and alternatives. The DOD response was the Joint Strategic Bomber Study. "The Air Force holds all the cards in the sense that only they can declassify this report or use statistics from it at will . . . the factual basis for these remarks is controlled exclusively by what information the Air Force chooses to make public, whether complete, incomplete, factual or misleading." My analysis is based on unclassified references.	The Joint Strategic Bomber Study was a *Joint* study among two OSD offices and the Air Force under OSD direction. The study was supplied in its entirety to the House and Senate Committees on Armed Services and Appropriations on 20 December 1974. Since that date it has been available for review by the Congress. A formal presentation of the Study was given the House Appropriations Committee on 20 May 1975 and the Congressional Budget Office received a similar presentation on 18 December 1975. In addition, the GAO reviewed both the Bomber Study and its Supplementary Analysis and forwarded its findings to Senator Stennis on 4 March 1975. It found in part that "the Study results now provide the basis for more informed consideration of the strategic bomber questions by the Congress."	The fact remains that this is a highly classified study and that the only references to the substance of the study have come from the Department of Defense or have been cleared for publication by the Department of Defense. It is inaccurate to imply that the General Accounting Office has put its stamp of approval on the B–1 program. The GAO only examined the methodology and assumptions as defined by the Department of Defense. Changing those assumptions would change the outcome of the analysis. The fact that the GAO thinks the study will provide the basis for more informed consideration of the strategic bomber question is not a ringing endorsement. In fact, the GAO specifically leaves that issue up to Congress to decide. The GAO also stated "The real questions which then must be addressed by the Congress are: (1) how much risk can the Nation afford in planning the structure of our strategic forces and (2) do we need a manned bomber? The latter point was not addressed in any way by the OSD study team nor did they assess the deterrent value of the alternatives." Further it should be noted that the level of destruction required for all missions, regardless of the force mix, was extraordinarily high. With a very high level of destruction required by definition, this biases the resulting requirement for a new system.
A pure force of B–52's at a low acquisition cost ($2.1 billion) was not compared to the B–1, FB–111G and standoff bomber.	The basic Joint Strategic Bomber Study did not examine a force consisting solely of B–52I (reengined) aircraft but did address an equal cost force of B–52I's and B–1's. The Supplementary Analysis requested by the GAO and delivered to them on 20 December 1974 did in fact address pure forces—including B–52I's. Review of this material was provided in the 4 March 1975 letter from the GAO to Senator Stennis. Findings indicated that the B–52I force was—for any nominal level of effectiveness, a more expensive alternative than the B–1 for threats postulated beyond 1980.	The equal cost force comparison of the reengined B–52 to the B–1 was based on the full cost of the B–1 program, not the lower costs of the B–52I program. Thus the basic assumption was an expenditure of money equal to the B–1 program rather than any consideration of savings from a lower level of expenditure. It should be noted that the Defense Department analysis is extremely sensitive to estimates of the threat. If the Soviet threat is not as sophisticated as projected, or more sophisticated, then alternatives to the B–1 are more appealing. In a less sophisticated threat environment, the B–52's will per-

THE B-1 PROGRAM—Continued

SENATOR PROXMIRE	AIR FORCE COMMENT	PROXMIRE COMMENTS
		form more than adequately. In a more sophisticated threat environmen, the B-1, as a penetrating bomber, also will be threatened, thereby giving the edge to the stand-off bomber.
Another misrepresentation in the study was its portrayal of the B-52I's penetration speed. This apparent misrepresentation raises questions as to takeoff distance and escape speed used in the study. One wonders of any improvement over the existing B-52 was assumed.	The B-52I's new engines would permit just under a ten percent increase in speed. That increase as well as the predicted takeoff distance and escape profile were used in the study. Senator Proxmire neglects to mention that the B-52I's weight rises along with thrust. It is the combination of new engines and additional fuel that give the B-52I its only significant improvement over the B-52G/H low altitude penetration range.	In their response to my third B-1 speech the Air Force argued: "Re-engining the B-52 addresses only one portion of the overall mission problem—range." I argued that new engines would also decrease the take-off distance, thereby increasing survivability, and would reduce the infrared signature. This latest response from the Air Force concedes that new engines would also increase take-off distance and improve the escape profile. It's good to have the Air Force in agreement now although it would have been appropriate for them to have made mention of this earlier.
If the B-52I was not coupled with the cruise missile, either as a standoff bomber or as a penetrator, the study never analyzed the most logical and inexpensive alternatives.	The B-52I was not addressed as a standoff cruise missile carrier since the benefit of re-engining is penetration range. By using the B-52/H aircraft as standoff cruise missile carriers, the study demonstrated that re-engining was not necessary for this purpose—exactly opposite to the view of Senator Proxmire.	After stating that re-engining the B-52 helps with range and takeoff distance/mission profile, we are now back to penetration range. The B-52I was not examined with the cruise missile option. Reengined B-52 are significantly improved over the B-52G & H in terms of take-off, (survivability on the ground) range and/or payload. Contrary to the Air Force presumption, these would have to show up in their analysis, if they had been considered.
A B-521 in a pure standoff mode would be much cheaper than a B-1.	And an unmodified B-52 would be cheaper still in a pure standoff mode—but it cannot do the job. Cost alone does not provide the basis for correct comparison; effectiveness must be included to provide valid comparison.	Cost, wherever borne by the taxpayer, is one of the most important elements of any weapons decision. If equal cost comparisons were made between the reengined B-52 and the B-1 at the level of the former, then clearly the B-52 would be more cost effective. Inflating the requirements to the B-1 level, distorts the analysis and precludes savings from alternatives in being or easily modified.
The Study used the Air Force ALCM rather than the Navy's Tomahawk which has better performance.	The cruise missile used in the Joint Strategic Bomber Study was in fact a missile of equal or greater capability than either the ALCM or the SLCM modified for internal carriage by the B-52. (The range of the missile used in the study for external carriage is approximately equal to the Decision Coordinating Paper threshold for range of the externally carried SLCM.)	The "approximately equal" language indicates that the range of the cruise missiles used in the study was less than that currently considered for external carriage and certainly much less than Navy estimates for the technology in general. More important, since the cruise missile is limited by internal carriage of the B-52, or B-1, it is very clear that a stand-off bomber platform based on a variation of the wide-bodied jets or 747 type aircraft would not have the same restraints and could carry much longer range cruise missiles.
Beside range, the most likely factors that caused the cruise missile to show poorly are the level of Soviet air defense and understatement of cruise missile evasive capability.	All forces examined in the study faced the same threat. Cruise missiles, in all equal cost forces were launched from outside the enemy defenses and not one single carrier aircraft was attrited by the defenses. The cruise missiles were given the capability to evade known defenses when feasible except when they were employed against defended targets. The cruise missile was not given the capability for unprogrammed evasive action. Neither the ALCM or the SLCM will have this capability and thus the comparison is valid.	The Air Force admits here that the cruise missile will have the capability for preprogrammed changes in course and evasive action, as stated in my speech. The Air Force did not give the cruise missile the capability to take evasive action against defended targets even though this is a preprogrammable situation given the intelligence that is available from satellites and other sensors. Further the cruise missile depends on saturation for effect and can be purchased in vast quantities compared to the number of warheads carried by the B-1.
The Joint Strategic Bomber Study used a biased economic methodology. Their equal cost approach was based on the assumption that we must spend as much as what the B-1 would cost. Thus, trade-offs at lower levels of expenditures were not considered in the main body of the study and supplemental analyses showing lower level expenditures have not been made public.	The Bomber Study used equal cost forces as the basis for evaluation. However, the Supplementary Analysis—provided to the GAO, did in fact examine pure forces which were costed against a range of desired effectiveness. The essence of these results, again reviewed by the GAO, was provided to Senator Stennis. Further, copies of this Supplementary Analysis were provided the Congressional Budget Office and to the Senate Armed Services R&D Subcommittee Staff. While Senator Proxmire may not consider this "public" disclosure, the data is available for Congressional Review.	The statement stands that equal costing was determined by B-1 expenditures not that of alternatives. The results are not public in any sense of that word. Review by Congress also cannot be public since the Department of Defense has classified the analysis and conclusions. The relevant documents should be sanitized and made public so that a full examination of DoD assumptions can be undertaken. Other sensitive documents have been handled in this manner.
Further methodological questions center on the discount rate and the issue of current versus constant dollars.	In the Joint Strategic Bomber Study we elected to use current dollars at the time of the study (FY 75) and to project these costs uninflated. Thus we were able to avoid criticism for the use of improper inflation rates which might accord an advantage to one equipment or another.	Current dollar analysis understates the full cost of a program constructed and deployed in future years and for a longer period of time compared to a modification of existing aircraft operating for an interim period of time such as the reengined B-52s. The Air Force makes no mention of the discount rate

THE B-1 PROGRAM—Continued

SENATOR PROXMIRE	AIR FORCE COMMENT	PROXMIRE COMMENTS
		used. If none were used, as suggested, this is at odds with the Office of Management and Budget directives on using a 10 percent discount rate.
The study conveniently neglects to consider the effect of the other two legs of the TRIAD—submarine missiles and land based missiles. The bomber fleet does not exist in a vacuum, and to forget the contribution of other systems is to overlook the obvious.	The Joint Strategic Bomber Study did not examine the TRIAD. The size and makeup of the TRIAD is a matter for political and diplomatic consideration as well as quantitative analysis. It is important to stress each element in isolation to insure that its contribution to the overall deterrent is viable without critical dependence on support by one or more of the other legs of the TRIAD. The Supplementary Analysis however did examine the effect of defense suppression to aid the penetrating bomber force. The analysis indicated that high confidence defense suppression is not an effective use of TRIAD resources. Further, it should be pointed out that the targets selected for attack by the Bomber Force represented only a small percentage of the total target base and were no way indicative of the Task assigned to the complete TRIAD of forces.	The third Air Force sentence is contrary to former Secretary of Defense Schlesinger's Posture statement "Each leg of the Triad is not required to retain independently a capacity to inflict in a second strike unacceptable damage upon an attacker. Instead, the three legs of the triad are designed to be mutually supporting." At issue is not only the defense suppression capability of the missile force but the primary and secondary effects on the bomber mission coming *after* a missile attack. Obviously many defensive positions would be degraded if not completely destroyed after a significant missile attack, leaving a greatly altered target list. On the other hand using bombers in an initial second strike capacity, reserving the remainder of the missile force, would needlessly expose those missiles to a second wave of attack from adversary missiles left unattacked by the bomber force.
The Joint Strategic Bomber Study considered only the case where there was a Soviet attack without any Strategic Warning. Additional options assuming various levels of strategic warning are clearly called for. The result of examining "only out of the blue" attack option is to favor those aircraft that are kept on higher peacetime alert rates. . . . Thus, assuming only out-of-the-blue attacks biases the Study against the B-52 in favor of the B-1.	A Soviet attack without strategic warning is the most demanding scenario that a launching bomber must face. Since this type of attack must be guarded against, any bomber force either now or in the future must be designed to cope with this very real threat. In the supplementary analysis the force containing B-52I's was postulated at the same high alert rate as the B-1. Still this force was not as cost-effective as the baseline force containing B-1s. The Supplementary Analysis extended the examination of forces against a spectrum of threats which could be logically expected to evolve. The results were viewed with respect to the ability of a force to accommodate changes in threat. The results indicated that the B-1 was the least sensitive to postulated threat changes.	It is rather difficult to discuss this point since the Air Force has not made public any of the methodology or analysis that led to that conclusion. Nonetheless measuring the worst case against the bomber fleet makes little sense. Of the three legs of the triad, clearly the submarine force is the element that should be measured against the worst case—that of a surprise out of the blue. The submarine force weathers that type of attack with greater survivability than either land based missiles or bombers. As Secretary Schlesinger said, each leg of the Triad need not be totally independent in all respects. Thus to insist on a worse case approach for a very limited attack situation already insured against by the submarine fleet, is to drive the case for the B-1 to absurd and costly lengths.
The Joint Strategic Bomber Study used projected performance data for the B-1 that *exceeded* what an Air Force convened panel of experts considered would be "most probable" for the B-1. . . .	All B-1 performance parameters used in the Joint Strategic Bomber Study, begun in Nov. 73 and completed on 20 Dec. 74, were based on the Dec. 73 SAR furnished to the Congress. SAR information, developed from detailed engineering data, was considered the most accurate available. Flight test results have shown the aircraft's range performance to be closer to the SAR than the Bisplinghoff committee's "most probable" estimates.	Current performance parameters show the B-1 with decreased capabilities in range, supersonic speed, penetration, internal payload, take-off gross weight and take-off distance. The Air Force only cites range which remains significantly below originally specified levels.

Mr. PROXMIRE. I ask unanimous consent that a portion of Senator McINTYRE's letter to the Secretary of Defense on March 14, 1975, regarding the Joint Strategic Bomber Study be reproduced.

Deputy Secretary of Defense Clements provided a detailed reply to Senator McINTYRE's letter. His letter is attached.

There being no objection, the material will be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., April 9, 1975.
Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Research and Development, Senate Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of March 14, 1975 on the B-1 program.

If, as appears implicit in that letter, we can agree on our continuing need for some manned bomber force as an essential element of the strategic TRIAD and on the need to modernize our current bomber force sometime in the future; and if we can agree that the strategic cruise missile is potentially a substantive contributor to the effectiveness of the manned bomber force, then the fundamental issue emerges: What should be the characteristics of our future manned bomber force? This is indeed a vital issue.

In addition to the details of your criticism of the Joint Strategic Bomber Study (JSBS), I see your position as based on the following fundamental arguments:

There is no need for a penetrating manned bomber force. Ballistic missiles can be used to degrade Soviet air defenses with such confidence that a less capable bomber force is adequate and bomber-carried high performance air-to-surface missiles (SRAMs) are not required to penetrate to defended high value targets.

Future threats can be predicted with such accuracy that it is not necessary to design a threat-insensitive bomber force.

There are major rebuttals to these two arguments. First, the need for a penetrating manned bomber force stems from the fundamental reason for maintaining strategic forces—credible deterrence of nuclear war. We maintain a range of capabilities in our strategic forces to provide high confidence that unforeseen developments in Soviet forces, or unexpected degradations in the capabilities of a component of our forces, will not unacceptably degrade deterrence. To assume that ballistic missiles can be used to suppress air defenses, thus removing the necessity to have a highly effective penetrating bomber force, makes the bomber force dependent upon ballistic missiles to be effective. As a result, such a force would not hedge against unexpected degradations to our ballistic missile forces.

Moreover, we cannot rely on ballistic missiles to attack SAMs or area air defense units in the future because of the Soviet movements to more mobile air defense systems, as reflected in their current development and deployment programs. Without high confidence of successful attack from ballistic missiles, we must have a highly flexible penetrating bomber force to evade or destroy these air defense systems, especially SAMs. Our analysis has concluded that the cost of attacking air defense units with ballistic missiles is sufficiently high that, when added to the cost of less capable bombers, the B-1 force costs compare favorably.

Second, we are estimating that the B-1 aircraft will last about 30 years from the time it enters the operational inventory. The current plan would therefore call for the first aircraft to become operational in 1980 and to be phased out starting in the year 2010. Since it is very difficult, if not impossible, to project the threat to the manned bomber force during this period, it is desirable to procure a bomber which is as insensitive to threat variations as possible (within technical and economic restraints). An aircraft like the B-1 meets this criterion and will help ensure that we are not faced with an effective threat to our bomber force between new and the early years of the next century.

If I could be assured that in the future our present land-based missiles, SLBMs, and bombers would, with high probability, survive a pre-emptive attack by the Soviet Union, or the Soviet air defense threat would not improve according to current threat projections, or we could obtain significant reductions in strategic weapons through SALT, or we could obtain significant reductions in strategic weapons through SALT, or we could insure the longevity and effectiveness of the existing strategic bomber and tanker forces through their expected lifetime and into the 21st Century—then I would be willing to restructure our strategic bomber force in a significant way, perhaps to include force reductions and a lesser degree of bomber modernization than we currently plan. However, I cannot be assured of these events at the present time and I believe we should continue with our bomber modernization plans, including continued development of the B-1 and cruise missiles, to provide a viable bomber force for the future.

Now, let me comment briefly on your criticisms of the JSBS. As you know, the bomber study was done in two parts: the basic study and supplemental analyses. The second part was delivered to the General Accounting Office on December 20, 1974, and copies have been provided to your staff. The additional analyses in the supplement respond to questions raised by your staff and the General Accounting Office, so they do in large measure cover points raised in your letter.

After studying the supplement, the Comptroller General wrote Senator Stennis on March 4, 1975 that "Additional analyses were performed by the OSD study team to satisfy our reservations" and, "We are of the opinion that the study results now provide the bases for a more informed consideration of the strategic bomber question by the Congress."

We took considerable care in structuring the study team in order to eliminate possible bias. I feel strongly that a detailed examination of the working arrangements, the methods of analysis, and the professional competence and integrity of the members of the study team would convince you that there was no bias either for or against the B-1.

I would also like to point out that although we have confidence in the results of the JSBS, the Department of Defense does not rely on any single study or input in deciding on a major weapon system. There are many factors that go into that decision, both qualitative and quantitative. The JSBS was only one factor, albeit a key factor, in the decision to continue development of the B-1.

I hope that the supplement plus the further material in this letter and the enclosure discussing each of the points raised in your letter will provide the information you feel is necessary. I will be pleased to supply other material and to meet with you to review these important issues.

With respect to your request for cost and schedule information on various B-1 program alternatives, this will be furnished by separate correspondence.

Sincerely,

W. P. CLEMENTS, Jr.,
Deputy.

Enclosure.

DETAILED COMMENTS ON MARCH 14, 1975 LETTER FROM SENATOR MCINTYRE TO THE SECRETARY OF DEFENSE ON THE JOINT STRATEGIC BOMBER STUDY

This attachment addresses the six main points of the letter of March 14.

Point 1. The Joint Strategic Bomber Study biases its conclusions regarding the B-1 versus an air launch-cruise missile force by assuming that alternative bomber forces should be evaluated independently of other elements of the TRIAD.

Comment. The rationale for the TRIAD is not simply to provide an optimum set of forces in a cost sense. Rather, it is to hedge against unanticipated defense breakthroughs, or unexpected force vulnerabilities, so that the unaffected forces could accomplish their mission and thereby prevent a breakdown of deterrence. Moreover, it is important not only to do "total TRIAL" analyses, but also to subject each element of the TRIAD to independent scrutiny to insure that its contribution to the overall deterrent is viable without critical dependence on support by one or more of the other legs of the TRIAD.

Nonetheless, the supplemental analysis did examine the use of missiles to suppress anti-bomber defenses with the objective of maximizing combined force effectiveness. It was found that the use of missiles to attack fighter bases is ineffective for this purpose, except where the attrition of the penetrating force from fighter attacks is very high or the fighter defenses are very dense. Because only a few surviving bases are required to support the fighter forces, virtually all the fighter bases in a region must be attacked before attrition of bombers by fighters is reduced substantially. In the case of missile suppression attacks on low-altitude SAM's to assist ALCM, there is a negative payoff because the number of RV's required to suppress a SAM is greater than the additional ALCM's which then penetrate.

Point 2. The Joint Strategic Bomber Study biases its conclusions in favor of the B-1 by unrealistically excluding from consideration strategic warning, force generations, and airborne alert as with regard to a Soviet surprise attack.

Comment. "The purpose of our strategic forces—of which the bomber force is a component—is to deter nuclear conflict. . . Consequently, conservative assumptions (from the U.S. viewpoint) about the posture of both the attacking and retaliatory forces were made." (Volume I, page 2, para 3, Joint Strategic Bomber Study).

In any event, the relative survivability of the aircraft examined is rather insensitive to whether the force is in a day-to-day alert or full generated posture. Hence, the overall conclusions would not change materially were different alert postures or degrees of warning assumed.

Extending the analysis to the less conservative case of generated forces would be expected to reduce somewhat the differences between the target value extracted by the different forces, because the most valuable targets would already be destroyed by the fraction of the force equivalent to that on day-to-day alert, but there is no reason to expect the FB-111 and Cruise Missile Carrier forces to show marked improvement relative to the other forces.

Point 3. The Joint Strategic Bomber Study was biased in favor of the B-1 in its treatment of comparative costs.

Comment. Every attempt has been made to be even-handed in dealing with costs, and to explain the cost methodology used. This is particularly true in the supplementary analyses which were arranged to permit simple substitution of alternative cost parameters, such as was done by the GAO.

As was explained in the report, indirect supporting costs were held constant for all forces. This was done for two reasons: the great difficulty of allocating supporting activities and pricing them out, and the judgment that supporting costs would not vary significantly with force size, inasmuch as many major elements such as bases and headquarters are not a function of forces.

Point 4. The Joint Strategic Bomber Study is inadequate because it does not analyze long range interceptor threat to alternative bomber force.

Comment. The Cruise Missile Carrier, approaching the Soviet Union in relatively smaller numbers (than the B-1), are clearly more vulnerable than the B-1 to such a long range threat. Under Point 4, you also state that if our own AWACS is difficult to jam, so should be the Soviet AWACS. This statement is consistent with the study since jamming the Soviet AWACS did not appreciably degrade AWACS effectiveness; the ECM critical in the study is that used against interceptors.

Point 5. The Joint Strategic Bomber Study's most fundamental bias in favor of the B-1 was its design and evaluation of alternative bomber forces on the basis of the cost of the B-1 rather than designing a precise military mission and comparing each alternative bomber force's capability to fulfill that mission.

Comment. This criticism addresses a real problem associated with the methodology of any detailed study of force effectiveness. We have worked with your staff and the GAO in an effort to resolve it more to your and their satisfaction. However, it is really only practical to enter the analysis with a postulated force and then determine its effectiveness, rather than work backwards from a desired effectiveness to a required force level. Let me explain: To obtain a force capable of particular effectiveness requires an iterative procedure whereby a series of forces are developed and their effectiveness determined until convergence is reached on the desired effectiveness. Because of the massive computational workload required by this procedure, it was decided at the beginning of the study to compare forces on the basis of equal cost, rather than on the basis of equal effectiveness.

The level of costs used in the basic study, though based on a plausible force structure, were criticized by the GAO and your staff following initial submission of the study. They also criticized the methodology of selecting the force, rather than the effectiveness. Fortunately, the study results gave us confidence in some approximate techniques for determining the force required to achieve a given effectiveness, valid at least for pure forces (single aircraft type) over a fair range of capabilities.

Accordingly, these techniques were incorporated into the supplemental analyses, which were then able to display, for three different levels of effectiveness (including two substantially lower than in the basic study), the relative cost effectiveness of various pure forces as a function of the postulated threat. In all cases, for threats projected in 1980, the B-1 was most cost effective—and by a margin such that it would remain most cost effective even at significantly higher cost:

Point 6. The domination of the Study's organization by Air Force undercuts its credibility as an objective basis for Congressional decision.

Comment. Three different organizations in the Defense Department, with three different points of view, conducted the study: the Office of the Director, Defense Research and Engineering; the Office of the Assistant Secretary, Program Analysis and Evaluation; and the Air Force. Two of these are civilian offices in the Office of the Secretary of Defense. Policy and overall (and, it might be added, intimate) guidance was provided by the Advisory Committee, under the Chairmanship of an OSD civilian.

We had to recognize the simple fact that an adequate pool of competent talent for such study can only be found among those who devote much of their activities to analysis of bomber effectiveness.

We believe that the conduct of the study group as a whole, the working arrangements, the methods of analysis and the professional competence and integrity of the members of the study team—permitted no bias for or against the B–1.

Summary. The study has examined several classes of alternative strategic bombers: the B–1, modifications of the B–52, the FB–111, and cruise-missile carrier derivatives of commercial aircraft. Hypothetical new aircraft cannot be competitive because of the investment required to bring them to a state of development similar to the examined alternatives.

Derivatives of the FB–111 are clearly inadequate, as is a pure standoff cruise missile force, although cruise missiles themselves appear to be a valuable and cost-effective augmentation to a penetrating bomber force. The study has also established the levels of threat and force objectives at which the B–1 becomes superior to the B–52. Thus, the study including its supplemental analyses comprises an adequate, comprehensive, cost effectiveness analysis.

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

Mr. HUMPHREY. Mr. President, section 36(b) of the Foreign Military Sales Act requires that Congress receive notification of proposed arms sales under that act in excess of $25 million. Upon receipt of such notification, the Congress has 20 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on May 7, 1976.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, Room S–116 in the Capitol.

AFTERMATH OF WAR: HUMANITARIAN PROBLEMS OF SOUTHEAST ASIA

Mr. KENNEDY. Mr. President, for well over a decade the Subcommittee on Refugees, which I serve as chairman, has closely followed humanitarian problems in Southeast Asia. And although the Indochina war has come to an end, there remain many serious refugees and other humanitarian problems in the aftermath of the conflict.

The subcommittee has issued this week the latest, in a long series of reports, on conditions in Southeast Asia. The report reviews the humanitarian legacy of the Indochina war, focusing on some relief and rehabilitation programs currently underway in Vietnam and Laos, the serious problem of Indochina refugees in Thailand, and the Indochina refugee resettlement program in the United States.

Mr. President, in releasing the report I urge the President to continue his stated intention to undertake talks with the Vietnamese government. He should designate immediately a special envoy to undertake new diplomatic initiatives to promote the normalizing of relations with Vietnam—to come to grips with the serious humanitarian and related problems remaining in the aftermath of the war, especially Americans still missing in Indochina.

We must finally take some real steps in moving from a position of hostility and neglect, to a policy of reconciliation and normalization. We simply cannot ignore American interests in a part of the world where we were once so heavily involved.

Mr. President, I would like to share with the Senate the summary of findings and recommendations of the subcommittee staff report, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AFTERMATH OF WAR: HUMANITARIAN PROBLEMS OF SOUTHEAST ASIA

(A staff report prepared for the use of the Subcommittee to Investigate Problems Connected With Refugees and Escapees of the Committee on the Judiciary, United States Senate, Ninety-Fourth Congress, Second Session, May 17, 1976)

RECOMMENDATIONS

For the purposes of this report, the Subcommittee Chairman makes the following recommendations:

1. Normalization of relations with the people and government of Vietnam

The United States should actively seek a reconciliation and normalization of relations with the people and Government of Vietnam. Such a policy is in the interest of resolving the many outstanding humanitarian and related problems resulting from the war, and of promoting peaceful development and stability in Southeast Asia.

In pursuing an active policy of reconciliation and normalization, the United States should stress the immediate need for additional measures to get information about American military and civilian personnel still considered missing in action and to facilitate the repatriation of remains. The United States should also promote:

a. the commencement of trade and commerce;

b. the opening of cultural, educational, and similar exchanges;

c. the relaxation of travel restrictions;

d. the reunification of families separated by the events of March and April 1975; and

e. the free exchange of personal communications, including mail and parcels, between people living in the United States and those living in Vietnam.

In the interest of seeking a reconciliation and a normalization of relations with the people and Government of Vietnam, the United States should also renew its intention to help heal the wounds of war, with a view toward contributing to the international relief and rehabilitation efforts currently underway in the war-affected areas of Vietnam.

The basis for pursuing a policy of reconciliation and normalization was stated by Secretary of State Kissinger in 1973: ". . . it is our firm intention in our relationship to the Democratic Republic of Viet-Nam to move from hostility to normalization to conciliation and cooperation. And we believe that under conditions of peace we can contribute throughout Indochina to a realization of the humane aspirations of all the people of Indochina. And we will, in that spirit, perform our traditional role of helping people realize these aspirations in peace."

2. Special Presidential envoy to Indochina

Tto move from a posture of hostility and neglect, to a policy of reconciliation in our relations with the people and governments of Indochina, the President should designate immediately a Special Envoy to undertake new diplomatic initiatives to promote the normalizing of relations with Vietnam and People's Democratic Republic, where the United States continues to maintain an Embassy. Such initiatives are in the interest of all parties, and would hopefully contribute to real progress in resolving some immediate problems of mutual concern and in building friendly relations between the United States and Vietnam and Laos.

3. Admission of Vietnam to the United Nations

On two occasions last year, in August and September, the United States used its veto in the Security Council to bar the separate admissions to the United Nations of the Democratic Republic of Vietnam and Republic of South Vietnam. Since then, both Vietnams have taken important steps to unify the country.

There is good reason to beileve that a unified Vietnam will, in the weeks ahead, apply for admission to the United Nations. The United States should drop its policy of hostility toward the presence of Vietnam in the organized international community, and not utilize its veto power in the Security Council to bar again the admission of Vietnam to the United Nations. A continuing policy of hostility, toward the presence of Vietnam in the United Nations, serves no useful purpose in American policy, and could seriously impede the resolving of outstanding humanitarian and related programs between our two countries and the process of normalizing relations between the American and Vietnamese peoples.

4. Humanitarian problems in Thailand

The heavy presence of Indochina refugees in Thailand deserves the continuing interest and concern of the United States and the international community.

Two items, however, deserve particular attention:

a. On May 6, following consultations with the appropriate committees of Congress, the Attorney General authorized the parole of 11,000 additional Indochina refugees into the United States. Most of those eligible for parole are currently in Thailand under the mandate of the UNHCR. Many of these refugees have family members and friends in the U.S. Without further delay, the Department of State and the Immigration and Naturalization Service should expedite the movement of these refugees for resettlement in the U.S. It is the Subcommittee's understanding that these additional refugees fall within the parole ceiling of 150,000 regugees generally agreed to by Congress last year, that appropriated funds are immediately available to assist the movement of these additional refugees, and that private voluntary agencies have sponsors readily available to assist in the resettlemnt of any new arrivals.

b. The United States must continue to support the humanitarian activities of the UNHCR and respond generously to any new appeals by his office for additional funds to assist in the care, resettlement, or repatriation of the Indochina refugees in Thailand. As reviewed in this report, the related activities of the Intergovernmental Committee for European Migration (ICEM), the International Red Cross and the private voluntary agencies also deserve our country's full support and help.

5. The President's Indochina refugee program

The President's Indochina Refugee Resettlement Program is authorized in the Indochina Migration and Refugee Assistance Act of 1975. Among other things, this Act authorized the appropriation of $455,000,000 to assist in the movement and resettlement of refugees from Cambodia and Vietnam, "in addition to amouts otherwise available for such purposes." No provision was made, however, to assist refugees from Laos. Moreover, none of the funds appropriated to carry out the purposes of the Act "shall be available for obligation for any purpose after September 30, 1977."

Despite many serious problems, especially in the early stages of the movement and resettlement efforts, the President's Program has, in the main, been serving its purpose well. A number of items, however, merit our attention and concern.

a. Congress should speedily complete final action on pending legislation (S. 2760), introduced by the Subcommittee Chairman, to include refugees from Laos in the resettlement benefits provided for in the Indochina Migration and Refugee Assistance Act of 1975. This non-controversial legislation, fully supported by the Executive Branch, merely corrects an inequity in present law.

b. Any pressures to extend the overall Indochina Refugee Program beyond the September 30, 1977 expiration date of present law should be strongly resisted by all concerned. Any special refugee needs that continue at that time should be met in the context of on-going federal programs available to Americans generally. Congress, the Executive Branch, and all concerned should fully anticipate and prepare for such transition—especially in light of the long experience in assisting refugees from Cuba, and of the needless and wasteful institutionalizing of the Cuban Refugee Program, which is still being administered by the Department of Health, Education and Welfare. Institutionalizing the Indochina Refugee Program can and must be avoided.

c. In light of continuing and growing needs among the refugees, Congress should favorably consider an additional appropriation to carry out the humanitarian purposes of the Indochina Migration and Refugee Assistance Act of 1975. Although the Act authorized $455,000,000, only $405,000,000 was appropriated in 1975. The President has now proposed that the authorization be fully funded, and has included $50,000,000 for this purpose in his budget request for Fiscal Year 1977.

d. Any approval by Congress of pending special legislation to assist local school districts in absorbing refugee children, should include support for adult education and an expiration date no later than September 30, 1977. This date would coincide appropriately with the expiration of the Indochina Migration and Refugee Assistance Act of 1975.

6. Immigration status of Indochina Refugees in the United States

As in the case of earlier refugee movements to the United States, the Indochina refugees entered in "parole" status under Section 212(d)(5) of the Immigration and Nationality Act, as amended.

The time has now come for the Executive Branch and the appropriate committees of Congress to give early consideration to special legislation authorizing an adjustment of the refugees' immigration status, after one year from their date of parole, to that of permanent resident alien.

The speedy enactment of such legislation would promote the refugees' integration into their adopted communities across the country, and provide the opportunity for them eventually to become American citizens.

SUMMARY OF FINDINGS

I. Relief and rehabilitation in Indochina

1. In the aftermath of war, the new governments of Indochina confronted people problems of massive dimensions. Although conditions vary in each country, as do the responses of each government, they all share similar humanitarian problems as well as longer-term relief and rehabilitation tasks.

2. Some of the principal areas of concern to the new governments, in terms of short-term emergency relief and rehabilitation needs, are as follows: a) assisting dependent populations, i.e. refugees, orphans, widows, war casualties, etc.; b) meeting public health and social problems; c) rebuilding housing and community facilities; d) dealing with false urbanization; e) dealing with high unemployment and inflation; f) increasing food production; g) restoring communications; h) removing unexploded ordnance; among others.

3. In an effort to meet these immediate concerns, the new governments have launched varying plans to achieve the common goals of recovery and reconstruction. Although amibitous, expert reports suggest that in the case of Vietnam and Laos, the governments' efforts are founded on clearly understood needs and a realistic assessment of available and potential resources, including international assistance.

4. International assistance to the governments of Indochina provided through both bilateral and multilateral channels. Bilateral assistance is widespread, coming from both the socialist countries as well as the nations of western Europe and Japan. In addition, there is a broad range of assistance from United Nations and international humanitarian agencies.

5. The collective international relief and rehabilitation budgets in Indochina total nearly $100 million. This is in addition to well over this amount spent earlier throughout the war-affected areas of Indochina.

6. The international agencies most actively involved in Indochina relief and rehabilitation include the United Nations High Commissioner for Refugees, UNICEF, the International Red Cross, the World Health Organization, the Food and Agriculture Organization and World Food Program, and a number of private voluntary agencies.

7. The UNHCR program in Indochina has focused on Laos and North Vietnam and South Vietnam, beginning shortly after the Paris Agreements in 1973. Some $12 million was budgeted through mid-1975. The implementation of the UNHCR programs proceeded effectively in North Vietnam and Laos, however the escalation of conflict in South Vietnam interrupted programs in the South. A second phase of the UNHCR program was initiated in the later part of 1975, targeted at $20 million, focusing on assistance for the resettlement of displaced persons, rehabilitation of community facilities, increasing agricultural production, and employment generating projects for refugees.

8. Unexploded ordnance is one of the greatest obstacles confronting the rural areas of Indochina, particularly in South Vietnam. A continuing toll of death and injury comes from what is estimated to be several million tons of unexploded bombs, booby-traps, and shells. If not removed in a systematic fashion, they will blow-up in fields and forests for years to come.

9. Long years of war and disruption have had a particularly serious impact upon health conditions in the area, especially in South Vietnam and Laos. Recent findings by WHO in South Vietnam underscore what the cumulative impact of years of neglect and war have brought to millions of people. The report portrays a land infested with communicable diseases, many of which are under control in other East Asian countries—particularly malaria, bubonic plague, leprosy, tuberculosis, venereal disease, among others. WHO estimates that $75 million will be needed to meet the health needs of Vietnam over the next five years, two-thirds of it in the south.

10. A serious flaw in the existing South Vietnamese health structure is that it is primarily designed for the cities, instead of rural areas, and towards curative rather than preventive medicine. The first priority of the new government is to revamp the basic health system, building a system of rural health centers. Other priority needs are in the areas of health laboratory services for public health purposes, health manpower, immunization programs, and the reactivation of pharmaceutical production.

11. To further respond to the relief and rehabilitation needs of Indochina, United Nations Secretary-General Waldheim recently dispatched a Special Representative to the field. His report will serve as the basis for longer-term United Nations assistance to Indochina.

12. The United States, to date, has made no contribution to any United Nations or other international humanitarian relief program in Indochina.

II. Refugee problems in Thailand

13. Of the estimated 300,000 persons who have left Indochina, most have resettled abroad, in the United States, France, Canada and other countries. However, some 85,000 refugees, mainly from Laos and Cambodia, remain unsettled in Thailand. These refugees are under the mandate of the United Nations High Commissioner for Refugees (UNHCR).

14. In the early stages of the refugee crisis, neither the Thai Government nor the international community were prepared to adequately respond. Through August 1975, relief efforts were *ad hoc* at best, and only the work of the voluntary agencies averted greater disaster.

15. In response to appeals for help from the Thai Government, the UNHCR launched an urgent appeal for $12.5 million on the basis of 45,000 refugees then in Thailand. Although this total has now been reached, with the continued flow of refugees it will probably be revised upward. The U.S. has contributed some $8.6 million, or close to three-fourths.

16. The first priority of the UNHCR program was emergency food, shelter, and medical suppies. As these needs were met, the program by late 1975 shifted to up-grading camp conditions and providing better housing and other community facilities. After a slow start, the UNHCR program is now fully underway, and effective working relationships have been established between all parties involved in the refugee program: the Thai Government, voluntary agencies, and Third country donors.

17. The refugees have posed both a serious internal economic and political burden for Thailand, as well as a delicate diplomatic problem. The Thai dilemma has been to fulfill internationally recognized standards of assisting and protecting refugees, while also walking a careful line with the new governments in Indochina. Thai authorities do not want the refugees, and will not encourage more to come, but they have also pledged not to forcibly repatriate any refugee.

18. Thai officials recognize that they have three prospects for dealing with the refugee crisis: (1 voluntary repatriation, which is the "ultimate goal"; (2) resettlement in Third Countries; and (3 the continued presence of the refugees in Thailand for the foreseeable future.

19. The Thai Government hopes that some 20,000 to 30,000 "resettleable" refugees will be accepted by Third Countries. To date, approximately 17,000 refugees from Thailand have moved to Third Countries, and the U.S. has pledged to take 11,000 more. France has been accepting close to 600 to 1,000 each month, with other nations taking smaller numbers.

20. For the refugees who stay, Thai authorities hope and believe that most will eventualy want to return to their homes when conditions stabilize and sufficient time has elapsed. In the meantime, Thailand will con-

tinue to speak tough words about returning them home, even as they allow refugee "camps" to become refugee "villages" under controlled conditions.

III. Refugee resettlement in the United States

21. In little more than a year, some 131,000 Indochina refugees moved from boats and crowded processing centers, to reception areas in the U.S., to sponsors and homes in local communities. By this June 30th, when the parole program comes to an end, the total will reach nearly 143,000.

22. Despite the chaos of the evacuation, and the lack of leadership and direction in the early stages of the resettlement program, substantial progress has been achieved in resettling a majority of the refugees. However, serious problems remain, contrary to optimistic reports from the Task Force.

23. No overall data exists, but all observers agree that unemployment, underemployment, welfare and other problems have generally increased among the refugees—and increased very dramatically in some areas of the United States.

24. A clear indication of the adjustment and integration problems among the refugees can now be seen in their frequent movement from their initial resettlement areas of last year, to new areas. The movement is largely towards the so-called "sun-belt" from the northeast and midwest. The reasons for moving are usually personal—climate, the presence of family or friends elsewhere, better job opportunities, the lack of acceptance in a community, etc.

25. For a significant number of refugees the optimism and hope of last year has faded into feelings of frustration, failure, loneliness and general depression. There are undoubtedly legitimate reasons for this situation, including the state of the nation's economy, lack of resources of many refugees, poor job skills, lack of English language, etc. But these problems have also come from some failings in the President's resettlement program: early pressures to empty the camps at the expense of good resettlement; emphasis on the widest dispersion of refugees, leading to unrealistic resettlement situations; the limited scope of the program; the lack of federal programs available for job training, etc.

26. There are no quick remedies for these problems, and the refugess resettlement program is in a period of transition. So the refugees must try to cope, and officials are still trying to "catch up", even as they talk about phasing out the program.

MISS LAURA JOHNSON

Mr. RIBICOFF. Mr. President, Miss Laura Johnson, who for many years was president of Hartford College for Women, recently retired. Her achievements were many in the fields of education and community affairs. The Hartford Courant, in a recent editorial, commented on her accomplishments.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Hartford (Conn.) Courant, May 14, 1976]

MISS LAURA JOHNSON RETIRES

When a college president retires, it is expected that tributes will outline numerical gains: Acreage added to a campus, how many new buildings were erected and how much the student body grew. All these are evident achievements when reviewing the 33 years spent by Miss Laura Alice Johnson, first as dean, then as president of Hartford College for Women.

But the main concern of Miss Johnson, who retires next month, always has been the broadening of student minds, not particularly their growth in numbers on the campus of the two-year liberal arts college. Widened horizons and expectations for them as persons have been nurtured by Miss Johnson rather than focusing only on the narrower stereotyped role of women.

Indeed, Miss Johnson herself epitomizes that philosophy. When she became the first woman to be named as a director of a Hartford-based insurance company—Phoenix Mutual in 1972—she described that unique honor as "nothing special; not a big thing." Rather she hoped her selection was based on her talent as an individual, not as a woman.

She again became a "first woman who" when in 1974 The Courant asked her to be a member of its Board of Directors. The year before that she became a director of the Greater Hartford Chamber of Commerce. Each honor and its accompanying responsibility has recognized Miss Johnson's distinguished accomplishments not only as an educator but also as a skillful administrator.

She once said, "If a woman is head of the Harvard Crimson, that's newsworthy and it shouldn't be. Women who have a potention for leadership do well to get practice in it."

That potential long has been nurtured by Miss Johnson. Before it was popular she encouraged women to return to college part-time to complete degrees. She founded a career counseling center at the college and an adult lecture series aimed at making education a life-long, continuing pursuit.

Last night Miss Johnson was honored at a $100-a-plate testimonial in honor of her years of service. In her name the money will go to the college. It will help to maintain the rigorous, top-standard higher education of women at Hartford College where Miss Laura Johnson's influence long will be felt in its graduates, as they confidently take their places in the world as persons of talent and potential.

SHIPBUILDING CLAIMS AGAINST THE NAVY: A MANUFACTURED CRISIS

Mr. PROXMIRE. Mr. President, William P. Clements, Deputy Secretary of Defense, has formally notified Congress that the Pentagon is invoking its national emergency powers under Public Law 85–804 to pay over half a billion dollars to two Navy contractors. The two contractors, Newport News Shipbuilding & Drydock Co. and the Ingalls Shipbuilding Division of Litton, have filed $1.4 billion worth of shipbuilding claims against the Navy.

In addition, Mr. Clements says that about $300 million in claims is about to be filed by the Electric Boat Division of General Dynamics. These claims have not yet been received by the Navy.

THE CLAIMS HAVE NOT BEEN FULLY AUDITED

Part of Mr. Clements' argument in support of emergency treatment of the claims, rather than the normal settlement procedures followed by the Navy, is that the claims represent longstanding disputes and therefore must be quickly resolved. The impression has been created that the claims are old and that they have been unresolved for a long period of time.

The facts are that most of Newport News' claims were either filed for the first time or revised this year, and that the backup documentation for Litton's claims has still not been submitted to the Navy.

What this means is that the Navy has still not had a chance to fully audit or analyze the claims. For the Government to pay the claims wholly or in part without a full audit and analysis would be like buying a pig in a poke.

Such an action is objectionable as a matter of principle. The taxpayer should not have to pay for unaudited, unanalyzed claims.

Paying these particular claims before they are fully audited is especially objectionable.

A MANUFACTURED CRISIS

After reviewing the facts and the sequence of events in this matter, I am forced to conclude that the Pentagon is conspiring with the shipbuilders to manufacture a crisis designed to cover up cost overruns and possible false claims that could cost the taxpayer hundreds of millions of dollars.

The facts surrounding the $1.4 billion in claims filed by Newport News and Litton against the Navy show that they are based at least in part on vague estimates, phony assertions, and inflated figures.

The facts also show that the timing of many of the claims coincide with pressures applied to get them quickly settled and that the Pentagon is now trying to exempt the contractors from audits of their claims and pay them under a national emergency law.

CLEMENTS PROPOSAL IS FOR A BAILOUT

The Pentagon's purpose seems to be to bail out two defense contractors who have incurred huge cost overruns because of their own inefficiency and failures to deliver on time.

I am confident that if the claims were thoroughly audited, they would be revealed as largely a mixture of hocum and hot air.

The squeeze play engineered by Clements and the shipbuilders has already resulted in recent provisional payments of nearly $20 million to Litton based on an incomplete analysis of partial information.

Litton asserts that the Navy agreed in a March 1976 meeting to pay the company $50 million in provisional payments. I am informed that Navy officials deny making any such agreements.

SHIPBUILDERS HAVE WITHHELD DOCUMENTATION

Part of Litton's and Newpor News' strategy has been to withhold supplying the Navy with the documentation of their claims in order to delay or prevent Government auditors from examining them. Three-fourths of Newport News' $894 million in claims were either filed for the first time or substantially revised this year. Newport News began preparing its claims years ago, sat on them for months after the paperwork was completed, and then dumped most of them in the Navy's lap last February and March.

In January, Clements met personally with J. P. Diesel, president of Newport News, to discuss the claims before most of them had even been filed. Early in February Clements ordered Adm. James L. Holloway, Chief of Naval Operations, to come up with the plan to resolve the claims dispute with Newport News in 30 days. Some of the largest claims had still not been filed.

NUCLEAR CARRIER CLAIMS FILED FEBRUARY 1976

Newport News' largest single claim—$221 million for the aircraft carriers *Nimitz* and *Eisenhower*—was filed on February 19, 1976, together with 16 thick volumes of documentation. On February 20, Diesel wrote to the Navy threatening to stop work on other Navy ships unless there was progress toward settlement of its claims.

NUCLEAR SUBMARINE CLAIMS FILED MARCH 1976

Newport News' $92 million claim for the nuclear submarines SSN 686 and SSN 687 was not filed until March 1976. I am informed that Newport News completed its price estimates for this claim in May 1975.

Another curious fact about the SSN 687 and SSN 687 claims is that General Dynamics built four submarines of the same class, in the same time period, in accordance with the same designs. Yet General Dynamics has no significant claims against the Navy for its submarines.

NEWPORT NEWS CLAIMS FILLED WITH DISCLAIMERS

Other disturbing facts about the Newport News claims are:

First, the statements accompanying the claims are filled with disclaimers indicating the company would not be able to prove the Navy owes the amounts alleged.

Second, with regard to its $160 million claim on the cruisers CGN 38, 39, and 40, documentation "includes the team's analysis of contemporary documents and working files which might be lost when the project goes tinto final completion stages." The contractor also admits "some errors may have been made" in its estimates, and that the specific impact of what the Navy is alleged to have done "is difficult to identify."

Third, Newport News also admits "some errors may have been made" in its nuclear submarine claim, that its conclusions cannot be proven with certainty, and that it may be evaluated differently by the Government.

Fourth, Newport News refuses to certify its claims although Navy regulations require that contractors certify that their claims are "current, complete and accurate" in a sworn affidavit.

LITTON LHA CLAIM STILL NOT FULLY DOCUMENTED

Litton's claim on the helicopter carrier program—LHA—was originally $270 million in 1972 and was revised upwards three times until it reached the total of $505 million in April 1975.

The Navy rejected Litton's original claim in 1973 on the grounds that it had failed to substantiate its allegations with facts. The Navy did agree to pay Litton $109.7 million for cancellation costs when the LHA program was cut back from nine ships to five ships. Litton appealed the decision to the Armed Services Board of Contract Appeals instead of providing the Navy with supporting facts.

In January 1976, the Navy and Litton agreed that the contractor would withdraw its appeal, begin documenting the LHA claim, and resume negotiations after the Navy examined the backup data. Litton's documentation began arriving in March, enabling the Navy for the first time to begin analyzing the facts behind the claim. In the latter part of March, Secretary Clements pulled the rug out from beneath the Navy by deciding the Government should provide financial relief to Newport News and Litton through its national emergency powers.

EARLIER LITTON CLAIM UNDER INVESTIGATION BY JUSTICE DEPARTMENT

Among the disturbing facts about Litton are the following:

First, an earlier Litton claim on a submarine contract was referred by the Navy to the Justice Department for investigation of possible fraud. That investigation is now taking place.

Second, in 1972 Roy Ash, president of Litton, urged the Navy to ask Congress for $1 billion to $2 billion to solve LHA and other shipbuilding problems. Ash said he discussed such a program with a Mr. Connally, who was quoted as saying that it should be positively presented, "on a grand scale—make it bigger than the Congress."

Third, only a fraction of the supporting data to the LHA claim has been submitted to the Navy.

Fourth, Litton's shipyard facility has been proven to be inefficient and poorly managed by a number of Government investigations. This is the same company that ordered a ship cut in half so that when welded back together Litton could claim that it had been built according to modern, modular construction techniques.

THE REAL ISSUE—WHO IS TO BLAME FOR DELAYS AND COST OVERRUNS?

I believe Secretary Clements is a man of high integrity and that he is dedicated to the public interest. I also feel certain that the Navy must share some of the responsibility for the problems in the shipbuilding program. The real issue is, who is to blame for the schedule delays and the cost overruns?

THE CLAIMS MUST BE FULLY AUDITED AND ANALYZED

There is no way to decide this issue until the claims are thoroughly audited and analyzed.

The contractors should have nothing to fear from a Navy audit if the claims are legitimate.

The taxpayer should not have to pay anything for unaudited, unanalyzed and unsubstantiated claims.

Under the law the Senate and the House each have 60 days of continuous session to adopt a resolution disapproving the Pentagon's proposal. Clearly, there is no national emergency justifying the wholesale bailout of the shipbuilding industry proposed by Mr. Clements. It is also of interest that the shipbuilders themselves have not asked for the kind of relief contemplated by the law that is being invoked.

The Senate should reject the Clements proposal.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, Senate Resolution 400, which will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 400) to establish a standing Committee of the Senate on Intelligence Activities, and for other purposes.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment of the Senator from Ohio.

Mr. TAFT. Mr. President, we have before us amendment No. 1645 to the substitute.

An aspect of Senate Resolution 400 that disturbs me greatly is the stipulation that the Select Committee on Intelligence be, in essence, a "B" committee with members limited to an 8-year term of service on the committee.

In fact, as every Senator knows, "B" committees do not always receive the attention from their members which they might deserve. This is fully understandable in terms of the severe constraint on time faced by every Member of the Senate. In recognition of this fact, we usually designate as a "B" committee those committees responsible for areas which, while vital, are perhaps not as vital as certain other areas.

Extending this logic, by designating the select committee as a "B" committee, we state that its area of concern is not as vital as a number of other areas, and that it is recognized that members may not be able to give its committee business as much attention as they would like to. Can we do this in regard to the area of national intelligence? I strongly suggest we cannot. It is clear to me that national intelligence is one of the most critical areas for which the Congress has some responsibility.

In fact, is it not contradictory that the increasing awareness of the importance of the intelligence community has brought us to consider a bill, which implies strongly, by designating the proposed committee as a "B" committee, that the subject in question is comparatively a less important one? I do not think this aspect of the proposed legislation can be considered at all satisfactory or acceptable.

Mr. President, Members, particularly those with the greatest abilities, may tend to seek to avoid such a committee assignment because it is an uncompensated add-on to their primary committee responsibilities. Can we afford to have this committee regarded by the Membership as one of the "dogs," so to speak as far as committee assignments are concerned? Given the tremendously important nature of the national intelligence function, I do not believe we can afford that.

Merely doing the authorized housekeeping work annually, in itself, in my opinion, has to be a very considerable burden upon all Senators who serve on the committee, regardless of the continuing oversight functions which that committee would be called upon to exercise continually. Not at any particular point in the calendar year, I emphasize to the Senate, but throughout the entire calendar year this intelligence committee would have a responsibility for its oversight function. The experience we have had would indicate that that oversight should continue on a very active basis at all times.

Mr. President, what about those diligent Senators who really become involved with the work of the select committee, as we would hope and expect. Will we not have a situation where other senatorial committee assignments and other necessary work will suffer because of the time and effort devoted to the select committee by such Senators?

Mr. President, this situation is unfair to Senators who rightfully assume responsibilities for work on the select committee as well as to those Senators who must, by virtue of time limitations, pick up the slack created on regular committee assignments.

We want our very best people to serve on this committee, if such a committee is established; and we want them to be motivated to devote their full attention to it. We must provide for an accommodation between the current requirements imposed by section 6(a) of rule XXV and the realities of our demanding work in the Senate in all areas. My amendment, No. 1645, would integrate the select committee into the normal functional work structure of the Senate and thereby recognize the realities of providing for a realistic opportunity to do our very best in this most critical area.

I shall mention one other danger I see involved here. I see it involved in any case, but I think it is multiplied by the approach we are taking with respect to permitting this committee to be an add-on, select, or "B" committee, whatever one wishes to call it. That is the propensity that already exists in many of these areas of Senators to rely on their committee staffs very heavily. That is likely to be magnified in this particular area. What we have here, very possibly, is the building up of a staff of so-called intelligence experts in this area who, unless the Senators have the time, in view of their other committee assignments, to devote a great deal of attention to the work of the committee, are going to become the actual, functional working committee. Instead of having one or more agencies in the executive branch with the final word in the intelligence field, I think we are very likely to see it centralized, as we have it in this committee, in the staff of this committee—a power in itself within the Senate but not subject to as much oversight or control as there should be and really becoming the dominant force in the intelligence activities of the United States.

For all these reasons, my feeling is that it would be far wiser if we, at the very outset, began by regarding this as a "B" committee or a select committee that under rule XXV would have the same requirements as to a limitation on membership as the other "B" and select and joint committees of the Senate have under the second sentence of rule XXV.

For that reason, I recommend the adoption of this amendment.

I reserve the remainder of my time.

Mr. RIBICOFF. Mr. President, the compromise substitute as presently written allows a Senator to serve on the new intelligence committee in addition to any other committee on which he already serves.

The amendment offered by Senator Taft would change this. It would bar a member of the select committee from also serving on any other "B" committee. Paragraph 6(a) of rule 25 places in the category of "B" committees the following committees:

District of Columbia, Post Office and Civil Service, Rules and Administration, Veterans' Affairs, any permanent select or special committee, any joint committee of the Congress except the Joint Committees on the Library and Printing.

If the amendment offered by Senator Taft was adopted, any Member going on the new intelligence committee would have to give up his present membership on any of these "B" committees.

The problem with the amendment offered by Senator Taft is that it will make it more difficult to find a suitable cross-section of the Senate to serve on the committee.

Only 23 Members of the Senate are not now members of a B committee. Of the 40 Senators from whom the 7 at-large Members must be drawn, only 7 are not already on a "B" committee. Thus, it is clear that to get a true cross-section of the Senate, and meet the other membership requirements of the resolution, the leadership will have to find Senators now on other "B" committees willing to give up their present committee assignments.

This may be difficult if the proposed wording were approved in light of the provision in the resolution for rotating membership.

It will be difficult to get a Senator to give up his chance of seniority on another "B" committee to go on the new committee for more than 8 years. At the end of this period, he will have to start all over again on another "B" committee.

The proposed amendment will affect especially hard those Senators initially appointed to the committee who must get off the committee after only 4 years, in order to start the rotation process. These Senators may have to give up all their seniority on another committee to serve just 4 years on the new committee. It could very well be hard to find a Senator willing to do that.

The members of the present Select Committee on Intelligence were able to conduct their work on this committee as an add-on committee on top of all other committee assignments. Members of the new permanent committee could do so also.

It would seem to me that even without the proposed wording, the leadership could certainly take into account the overall problems of a Senator's other obligations in trying to find Senators to serve on the new select committee.

Consequently, and for these reasons, Mr. President, I oppose the amendment offered by the distinguished Senator from Ohio.

Mr. TAFT. I wonder if the distinguished Senator would yield for a moment for a question?

Mr. RIBICOFF. I am pleased to yield.

Mr. TAFT. I should like to know the rationale by which the committee arrived at the decision or the framework for the compromise which subsequently arrived at the decision to have an 8-year limitation on the term. I have not offered an amendment to strike that, but it does seem to me it raises exactly the same point. The Senator, indeed, has made the same point himself. That is that having a committee of this limited length seems to me to militate against members choosing it as a committee on which they want to serve and, thereby, downgrading the committee. If you know you are only going to be on it for 8 years, you cannot build up seniority on it as you might on another committee, and it seems to me you would think a long time before you would agree to go on this committee.

Is the Senator firm and are the compromisers firm in feeling that they want to keep the 8-year limitation of membership?

Mr. RIBICOFF. The Committee on Government Operations at first suggested only a 6-year term. It was our feeling that we wanted to make sure that the Senators on this committee would not get a vested interest in the intelligence community and find themselves apologists for the intelligence apparatus instead of doing their oversight job. When we sat in Senator Mansfield's office to try to work out a compromise between the proposals of the Committee on Rules and the Committee on Government Operations, the point was raised by Senator Cannon that he felt that it should be a longer term of years in order to give the members of this committee the necessary special knowledge and insights. Consequently, it was raised to 9 years.

When we started to think about the 9-year term, it became obvious that certain members would have to get off in the middle of a term, and, consequently, an amendment was offered on the floor changing it to 8 years. I think there is a basic wisdom in making sure that no member stays on this committee too long, and thereby loses his interest, becomes indifferent to the problems and an apologist for the intelligence community. That was the rationale behind limiting the term.

I say respectfully to the Senator from Ohio that I have a degree of sympathy for his point of view. It is my feeling that this committee is going to have a lot of hard work to do. It is my feeling that this committee is going to take a considerable amount of a member's time. We have before us a Senate resolution setting up a group of Senators to look over the entire committee structure. I believe they have to report back in the next session of Congress. At that time, the whole alinement of "A" and "B" committee will be gone into. At such time, the select committee will be in place.

I say frankly, I do not seek a place on this committee. If I were a member of this committee, I would give up a "B" committee on which I serve, because I do not think I could really give the necessary time to the new committee without doing so. But taking into account the thinking of Senator CANNON and Senator BYRD and the fact that we will take a hard look at the entire committee structure at the beginning of the next Congress, it was felt that, because of all these reasons, at this time, we should not insist that any member serving on the select committee would have to give up another committee assignment.

Mr. TAFT. I appreciate the Senator's comments, particularly with regard to the ongoing review of the entire committee structure in the Senate. I am extremely hopeful that something affirmative will come out of that at the next session. The experience of the House today, unfortunately, does not seem to be too sanguine a one as to what is likely to come out of it. I still feel that we badly do need such a study and we badly need some realinement of legislative responsibilities within the various legislative committees. That is one reason why I, frankly, have trouble with the substitute at this point. I thought that the resolution of the matter, in view of that pending study that the Committee on Rules came out with in setting up an oversight committee at this point, really deferring any question of transferring basic authority for legislative purposes to such a committee until we got the report of that study of committee jurisdiction overall, was a sound approach to the problem.

I do wonder, however, in view of what the Senator has indicated, whether perhaps some kind of resolution of the matter might not be arrived at better by at least putting a 2-year limitation or a next-session limitation, a 2½-year limitation, upon the ability of anyone to serve on the Select Committee on Intelligence and not count it, under rule XXV, as a select committee or a "B" committee.

I have given some thought to that consideration and perhaps should want to consider modifying the amendment in that direction if the committee were disposed to think along those lines. Is there any feeling of the committee on that? Has that been discussed?

Mr. RIBICOFF. I do not think that at this time, as manager of the resolution, that I could accept that modification.

I think it is important to have the majority and minority leader, if the Senate agrees to Senate Resolution 400, set up this committee as soon as possible. I have the utmost confidence in Senators MANSFIELD and SCOTT, to structure this committee in a way that takes into account the composition of the Senate and the question of seniority, and makes sure that this committee represents a cross section of the thinking of the U.S. Senate. I should like to give Senator MANSFIELD and Senator SCOTT a free hand.

I cannot talk for Senator MANSFIELD, but I have heard his testimony that he is going to make sure that whoever he appoints will be able to give this committee ample time and attention. If he finds that a Member wants to get on this committee and is so overburdened with other committee assignments that he could not give this committee the attention it deserves, I do not think the majority leader is going to appoint such a man. If it is somebody he wants, I think Senator MANSFIELD could very well talk to such a Member of the Senate and find out if he would be willing to give it up. But I do not want to tie the hands of either Senator MANSFIELD or Senator SCOTT in the makeup of this 15-member committee. If it is going to work, it is going to work because of the setup and the makeup of this first 15-man committee. I should like to give the majority and minority leaders the freedom to make that choice without writing in restrictions in this resolution.

Mr. TAFT. I am not sure that the Senator understands my suggestion, because I do not think it relates to writing in restrictions. I have no restrictions. I think the makeup of the committee at present is probably as good as we can get, although I think, frankly, it ought only to come from the four committees involved and not be a legislative committee. But in view of the direction that the substitute has already gone, I concur rather strongly with the drafters of the substitute to the effect that the selection ought to be made by the majority and minority leaders. I think that is a move in the right direction and one that I would not want to upset if this legislation is going to become law.

My suggestion rather was that we say that, for the purposes of the second sentence of subparagraph (a) of rule XXV, paragraph 6, membership on the Select Committee on Intelligence would not be taken into account until a date occurring during the first session of the 96th Congress, upon which the appointment of the majority and minority members of the standing committee of the Senate would be initially completed.

In other words, you would have a delay until after the next Congress before the limitation upon holding membership on this committee would be included under the rules as they currently stand, and that is a consideration I would await, and I think it is particularly appropriate in view of one of the matters the Senator has already mentioned, which is the fact that we have an ongoing study of the lineup of our committee structure.

But, it seems to me, if you do not do that, in a way you sort of make a promise which later I feel we are going to be called upon to "grandfather" in of keeping people on this committee for the full 9-year period even though it is an add-on committee, and even though they may already be on their full quota of committees insofar as paragraph 6 of rule XXV is concerned.

So my proposal really was to put this limitation on so that anybody who goes on this committee knows that at the end of the 95th Congress he is going to have to make a choice.

We have done this once before. There is an obvious precedent for it insofar as the Budget Committee was concerned. We have tried that before. It would seem to me this might be a fair way, a workmanlike way, to go about resolving this question.

Mr. RIBICOFF. Again, this will be a permanent rotating committee, and the rotation will go into effect in the original appointments, so it is difficult to see how just deferring your amendment for 2 years resolves the basic difficulty of applying your proposal to a committee with rotating membership.

As I indicated, this provision was worked out in close cooperation between the Rules Committee and the Governmen Operations Committee. At this time I do not feel I could depart in this instance and change the basic compromise that was worked out between the Committee on Rules and the Committee on Government Operations.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. RIBICOFF. Yes.

Mr. PERCY. I think what the Senator from Ohio is attempting to accomplish is comparable to the original thoughts that the Senator from Illinois had. I felt there should be some sacrifice.

As I interpret this amendment, it would require a Member to decide between all of the select committees that he has—these permanent assignments they have on those committees—and he would have to give up those permanent assignments, all of them, for a temporary assignment on this committee.

Taking into account the very difficult compromise position that we finally resolved and worked out, where every single Member receded in that compromise group on some points, I finally receded on this point. I think the Senator from Illinois will stand by that and oppose the amendment.

However, I do commend the Senator from Ohio for grappling with a problem that we wrestled with ourselves in committee and in the conferences that we had. It is not an open-and-shut case either way.

What I am impressed with is that the floor manager of the bill is attempting to provide as much leeway as possible, to have as many Senators from whom we can draw as possible, and then leave it to their conscience and their own judgment as to whether they can handle the load.

I am sure the leadership will impose the requirement that once this responsibility is accepted that it be accepted as a major responsibility.

The old saying is that if you want a job done, give it to a busy man. Now, that would only be altered by saying to give it to a busy person. We know the capacity of some people to handle a tremendous workload, and certainly I think everyone in the Senate will be impressed by the fact that this is a heavy load. Members of the Select Intelligence Committee, the Church committee, recognized the amount that it took out of their lives and the time and the effort that they put in, and we have that as a guideline to go by.

But I still would come down on the side of giving the leadership the maximum leeway, and standing by the compromise. So I would regretfully oppose the amendment.

Mr. TAFT. Mr. President, I ask to

modify the amendment, and I send the modification to the desk.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read as follows:

> The Senator from Ohio (Mr. Taft) modifies his amendment to read as follows:
>
> On page 4, line 18, strike lines 18–21 and substitute in lieu thereof:
>
> "(d) Paragraph 6 of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:
>
> (i) For purposes of the second sentence of subparagraph (a) membership on the Select Committee on Intelligence shall not be taken into account until that date occurring during the first session of the Ninety-Sixth Congress, upon which the appointment of the majority and minority party members of the standing Committee of the Senate is initially completed."

The PRESIDING OFFICER. The amendment is so modified.

Mr. RIBICOFF. Mr. President, I will have to oppose the modified amendment for the same reasons previously stated.

Mr. TAFT. Mr. President, it is my intention to call for the yeas and nays on the amendment, as modified, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TAFT. Mr. President, I yield back the remainder of my time.

Mr. RIBICOFF. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Ohio, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr President on this vote I have a pair with the distinguished Senator from Iowa (Mr Culver). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "aye." Therefore, I withhold my vote.

The PRESIDING OFFICER. The clerk will suspend. Let us have order in the Chamber. Will Senators please clear the well? Senators will please take their seats or return to the cloakroom.

Mr. NELSON. Mr. President, there is still not order in the Chamber.

The PRESIDING OFFICER. The point of the Senator from Wisconsin is well made. The well is not clear. Will Senators please take their seats? Let us have order in the Chamber. The clerk will suspend until we have order.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. Harry F. Byrd, Jr.), the Senator from Iowa (Mr. Culver), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), and the Senator from California (Mr. Tunney) are necessarily absent.

I also announce that the Senator from Indiana (Mr. Bayh) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Goldwater), and the Senator from North Carolina (Mr. Helms) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Helms) would vote "yea."

The result was announced—yeas 38, nays 50, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—38

Allen
Bartlett
Bellmon
Bentsen
Biden
Brock
Curtis
Dole
Eastland
Fannin
Garn
Griffin
Hansen
Haskell
Hruska
Kennedy
Laxalt
Leahy
McClure
Metcalf
Moss
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stevens
Stone
Taft
Thurmond
Tower
Young

NAYS—50

Abourezk
Beall
Buckley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Domenici
Durkin
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary
Hartke
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Long
Magnuson
Mathias
McClellan
McGovern
McIntyre
Mondale
Montoya
Morgan
Muskie
Nunn
Pearson
Percy
Ribicoff
Sparkman
Stennis
Stevenson
Symington
Talmadge
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—11

Baker
Bayh
Brooke
Byrd, Harry F., Jr.
Culver
Goldwater
Hart, Philip A.
Helms
Inouye
McGee
Tunney

So Mr. Taft's amendment, as modified, was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. Leahy). The question is on agreeing to the motion of the Senator from Montana.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. May we have order in the Chamber so the Senator from West Virginia may be heard?

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF SENATE RESOLUTION 400

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 11 a.m. tomorrow the Senate resume consideration of the unfinished business, Senate Resolution 400.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON AMENDMENTS TO AND VOTE ON SENATE RESOLUTION 400

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 11 a.m. tomorrow morning there be a time limit for debate on the amendment by Mr. Stennis and Mr. Tower, the time to be limited to 3 hours to be equally divided between Mr. Ribicoff and Mr. Stennis, that a vote occur on the amendment by Mr. Stennis and Mr. Tower at the hour of 2 p.m. tomorrow afternoon, that immediately upon the disposition of that vote the Senate proceed to vote on the Cannon substitute, as amended, if amended, and that upon the disposition of that vote the Senate proceed immediately to the vote on Senate Resolution 400, as amended if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

> Ordered, That on Wednesday, May 19, 1976, at the hour of 11:00 a.m., the Senate proceed to consider the amendment offered by the Senator from Texas (Mr. Tower) and the Senator from Mississippi (Mr. Stennis), with a time limitation thereon of 3 hours, to be equally divided and controlled by the proponents of the amendment and the manager of the resolution.
>
> Ordered further, That at the hour of 2:00 p.m., the Senate proceed to vote on the Tower-Stennis amendment, and that immediately following that vote, there occur a vote on the substitute amendment of the Senator from Nevada (Mr. Cannon), and that if adopted, the committee substitute amendment, as amended, be considered as having been adopted, and that in any case, the Senate immediately proceed to vote on S. Res. 400 as amended, if amended.

EXECUTIVE SESSION

Mr. FANNIN. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations.

There being no objection, the Senate proceeded to the consideration of executive business.

FEDERAL ELECTION COMMISSION

Mr. CANNON. Mr. President, on May 4, 1976, the Senate passed by a vote of 62 to 29 the Federal Election Campaign Act Amendments of 1976 (S. 3065) providing for the administration of the Federal Election Campaign Act of 1971, as amended, by a Federal Election Commission to be appointed by the President, by and with the advice and consent of the Senate. S. 3065 had passed the House on May 3, 1976, by a vote of 291 to 81. On May 11, 1976, the President signed S. 3065 into law.

Yesterday, May 17, the President submitted to the Senate the nomination of six individuals as members of the Federal Election Commission, five of whom were previously confirmed by the Senate as members of the Commission prior to the Supreme Court's decision in Buckley against Valeo. The nominations have been made pursuant to section 101 of the Federal Election Campaign Act Amendments of 1976.

On March 14, 1975, the Subcommittee on Privileges and Elections of the Committee on Rules and Administration held hearings on the nominations of Thomas A. Harris of Arkansas, Joan D. Aikens of Pennsylvania, Robert O. Tiernan of Rhode Island, Vernon W. Thomson of Wisconsin, and Neil Staebler of Michigan, to be Commissioners of the Federal Election Commission. These nominations were reported favorably by the Committee on Rules and Administration on March 24, 1975, and approved by the Senate on April 10, 1975.

The pending nominations of these five individuals have been cleared by the members of the Committee on Rules and Administration for approval by the Senate. In view of the Senate's recent approval, after full hearings, of these five individuals, I ask unanimous consent that the Senate consider their nominations as in executive session at this time without referral to that committee.

Several Senators addressed the Chair.

Mr. HATFIELD was recognized.

Mr. HATFIELD. Mr. President, reserving the right to object, I wonder if the Senator will yield for a question or two.

Mr. CANNON. I yield.

Mr. HATFIELD. I ask the chairman of the committee what his time schedule is on the sixth member who has been nominated by the President and whose name has been sent to the Senate along with the five names that are now before us at this time? I refer to former Congressman, Mr. Springer, who is also a former member of the Federal Power Commission.

Mr. CANNON. Mr. President, the Committee on Commerce of which I am a member held hearings on the nomination of William L. Springer, a former Congressman from the State of Illinois and the sixth nominee to the Federal Election Commission on March 19 and 20, 1973, when he was nominated to the Federal Power Commission. His nomination to the Federal Power Commission was approved by the Senate on May 21, 1973, by a rollcall vote of 65 to 12.

Since Mr. Springer's present nomination is to the Federal Election Commission, it is necessary, however, to have the matter referred to the Committee on Rules and Administration, and I intend to call for a hearing on this nomination on Thursday or Friday of this week.

Should the Senate confirm five of the pending Presidential appointments, being more than a majority of the members, it is hoped that the Federal Election Commission will then be able to perform its duties and carry out all of the vital functions delegated to it under the law, as recently amended by this Congress, pending Committee hearings and subsequent consideration by the Senate of the President's sixth appointment to the Commission.

I say, in further response to our colleague, that I said on Thursday or Friday for the reason that we have been holding hearings for a number of days in the joint conference committee on the airport-airways bill. We did not conclude this morning and went over until tomorrow morning. I am hopeful we will conclude tomorrow. If we do, I will set the hearing on the Springer nomination for Thursday. If we do not conclude tomorrow morning with the airport-airways bill, then I will set the hearings for Friday morning on Mr. Springer.

Mr. HATFIELD. I thank the Senator, and I am glad the Senator brought out the point that he, as the chairman of the Committee on Rules and Administration and also as a member of the Committee on Commerce, has already sat in a hearing on Congressman Springer, which I am sure was a very intensive, comprehensive, and complete hearing.

Will the Senator not agree that in all likelihood this would be a relatively brief hearing in the Committee on Rules and Administration and then we could expect the nominee's name reported out, barring unforeseen circumstances, by Monday, at least to the Chamber?

Mr. CANNON. I could not make a commitment as far as Monday is concerned, but based on my past knowledge of having heard this witness, the nominee, before, I myself would be willing to report his nomination immediately at the conclusion of the hearings, assuming that nothing else comes up that was not brought out in our hearings before in the Committee on Commerce.

So if the committee agrees with me on that and we do not receive any adverse comments on the nominee, I would hope that we could report him out forthwith.

Mr. HATFIELD. That is precisely the point I wished to ask the Senator. The Senator has agreed to a hearing on Thursday and Friday. But I was wondering what the Senator felt about reporting the nomination after the hearing, if there would be any delay that he could foresee at this time, not precluding, of course, any possible question raised in the hearing.

Mr. CANNON. I do not see any need for delay or any reason for delay. So far I have not had any requests from anyone to appear and testify in opposition to the nominee.

Mr. HATFIELD. I have one last question, if the Senator will yield further. Regardless of the time schedule we may have on Mr. Springer, is it not true that until the nominees are formally sworn in by the President none of the members whom we confirm can function as a commission?

Mr. CANNON. The Senator is correct. After the notice of confirmation, it is my understanding that they would have to be sworn in by the President.

Mr. HATFIELD. If the White House decided they wanted to wait until all six were confirmed before swearing any of them in that would mean, then again, that the function of this Commission would still be nonexistent.

Mr. CANNON. The Senator is correct, as I understand the law.

Mr. HATFIELD. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I welcome the assurances that the chairman of the Committee on Rules and Administration has provided to the Senate. I shall not object because I think it is important that the campaign funds which have been held up be released and made available as early as possible.

It also is important that the Senate move to confirm the nomination of the sixth FEC Commissioner as quickly as possible. A new chairman of the Commission must be selected, and it will be difficult, if not lawfully impossible, to choose a new chairman without all the members being on board.

There also are legal questions that could arise about the powers of the Commission. I will not go through them at the present time. It may be that they are legal questions without substance. Yet questions could arise, it seems to me, if certain actions were attempted by the Commission without its full membership because the FEC is contemplated as a bipartisan Commission.

I do welcome the assurances of the chairman. I hope that we will be able, by the early part of next week at the latest, to have the nomination of the sixth member confirmed.

Mr. CANNON. I thank the Senator.

The PRESIDING OFFICER. If there is no objection, the nominations will be stated. The legislative clerk read the nomination of Neil Staebler, of Michigan; Veronon W. Thomson, of Wisconsin; Thomas E. Harris, of Virginia; Joan D. Aikens, of Pennsylvania; and Robert O. Tiernan, of Rhode Island to be members of the Federal Election Commission.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

Mr. CANNON. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. CANNON. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

PRIVILEGE OF THE FLOOR—SENATE RESOLUTION 400

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Leahy, I ask unanimous consent that Doug Racine and Herbert Jolovitz be permitted the privilege of the floor during the further consideration of Senate Resolution 400 and during all rollcall votes in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that a member of my staff, Mr. Walker Nolan, be permitted the privilege of the floor during the consideration of and voting on Senate Resolution 400.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE HOUSES—ADDRESS BY THE PRESIDENT OF FRANCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to suggest the absence of a quorum, the time to expire at 12:15 p.m.; that at that time the Senate stand in recess, pending the conclusion of the address to be delivered by the President of France Valery Giscard d'Estaing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Also, I ask unanimous consent that the Senate resume consideration of its business not later than 2 o'clock this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The order for the quorum call is rescinded.

Thereupon, the Senate, at 12:15 p.m., took a recess.

The Senate, preceded by the Secretary of the Senate, Francis R. Valeo; the Sergeant at Arms, F. Nordy Hoffmann; the Vice President of the United States; and the President pro tempore (JAMES O. EASTLAND), proceeded to the hall of the House of Representatives to hear the address by the President of France.

(The address delivered by the President of France to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 1:21 p.m., the Senate having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. HATHAWAY).

ORDER FOR RECOGNITION OF SENATOR GOLDWATER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after Mr. PROXMIRE is recognized under the order previously entered, Mr. GOLDWATER be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a standing committee of the Senate on intelligence activities, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the Senate votes tomorrow on the Cannon substitute for the committee substitute, if the amendment is agreed to, the committee amendment as amended be considered as adopted, since, in effect, the Senate would be voting on the same question again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the orders for the recognition of Senators have been completed, there be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 1:27 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STAFFORD).

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

The PRESIDING OFFICER. The pending business is the amendment in the nature of a substitute by the Senator from Nevada (Mr. CANNON).

Who yields time?

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I have a matter that I have discussed with the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Illinois (Mr. PERCY), the ranking Republican member handling this bill, and now with Senator WEICKER.

On page 12, in line 7, I suggest that where we are discussing information being made public——

The PRESIDING OFFICER. Is the Senator from California discussing a possible amendment to the amendment in the nature of a substitute of the Senator from Nevada?

Mr. CRANSTON. Beg pardon?

The PRESIDING OFFICER. Is the amendment to the amendment offered as a substitute by the Senator from Nevada? Is the Chair correct in that assumption?

Mr. CRANSTON. No; I am just going to discuss with the floor manager adding three words, which could be done by their accepting those words, I believe, at this point.

The PRESIDING OFFICER. The Chair wishes to know whether or not it is to the amendment in the nature of a substitute.

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. Or to the original resolution.

Mr. CRANSTON. It is to the amendment in the nature of a substitute.

The PRESIDING OFFICER. The one offered by the Senator from Nevada?

Mr. CRANSTON. Right.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CRANSTON. On line 7, where we are discussing information and the release of that information, the present language is that the President—

> Certifies that the threat to the national interest of the United States posed by such disclosure is vital and outweighs any public interest in the disclosure.

I suggest that the word "security" be inserted after the word "national" and before the word "interest" in line 7, just to stress that national security is involved. I understand that language is acceptable to the Senators from Connecticut.

Mr. RIBICOFF. Mr. President, the language is satisfactory to the manager of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WEICKER. Mr. President, I yield time for the quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination reported earlier today.

There being no objection, the Senate

proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

THE JUDICIARY

The second assistant legislative clerk read the nomination of Maurice B. Cohill, Jr., of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a standing committee of the Senate on intelligence activities, and for other purposes.

Mr. CRANSTON. Mr. President, I turn to another suggestion. On the same page of the Cannon substitute, line 5 on page 12 and line 10 on page 12, I suggest that after the word "President" the word "personally" be inserted in both places.

The PRESIDING OFFICER. The Chair informs the Senator that there is a pending amendment earlier offered by the Senator from California which has not been acted upon.

Mr. CRANSTON. I did not actually offer that as an amendment, so I am not discussing that.

The PRESIDING OFFICER. Does the Senator move to modify his amendment?

Mr. CRANSTON. I move to modify that amendment to suggest that the word "personally" be inserted therein.

The PRESIDING OFFICER. The Chair suggests to the Senator that he withdraw his earlier amendment.

Mr. CRANSTON. I withdraw my earlier amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

ORDER AUTHORIZING THE COMMITTEE ON COMMERCE TO MEET THIS AFTERNOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce be allowed to meet this afternoon while the Senate is in session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a standing committee of the Senate on intelligence activities, and for other purposes.

The PRESIDING OFFICER. The Chair asks the Senator from California if he will repeat his current amendment.

Mr. CRANSTON. Yes.

This amendment has been discussed with the leadership on both sides of the aisle just now. The proposal is this: on line 5, after the word "President" the word "personally" be inserted, and on line 10, after the word "President" the word "personally" be inserted.

The purpose of the amendment is to insure that this will in all cases be a Presidential notification and not done through delegation to some other official without the President's knowledge of the request.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I yield.

Mr. TOWER. It is my understanding that the Senator's intent here is simply to insure that this is a personal communication from the President, that it does not require that he appear personally.

Mr. CRANSTON. Absolutely.

Mr. TOWER. And that the notification come over his signature.

Mr. CRANSTON. That is correct.

Mr. GRIFFIN. Mr. President, reserving the right to object, looking at the language on line 10, although the legislative history which has just been made would help, it seems to me that if we are going to insert the word "personally," we ought to add the words "in writing."

Mr. CRANSTON. That is fine.

Mr. GRIFFIN. "Notifies the select committee in writing of his objections."

Mr. CRANSTON. I so move to modify the amendment.

The PRESIDING OFFICER. The amendment is so modified.

The Chair inquires: Is the modification to occur in both places?

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. It is in both places.

Is time yielded back?

Mr. CRANSTON. Mr. President, I yield back any remaining time on the amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from California.

The amendment as modified was agreed to.

Mr. CRANSTON. I thank all Senators involved.

Mr. GRIFFIN. Mr. President, I call to the attention of the managers of the bill line 8 on page 12, specifically the words "is vital."

The President here is required to certify "that the threat to the national interest of the United States posed by such disclosure is vital and outweighs any public interest in the disclosure."

I frankly wonder about the use of the word "vital." It does not have a very precise meaning in this context, as far as I am concerned.

We have just discussed and rejected the insertion of the word "security," recognizing that there might be economic or diplomatic information, not national security in character, which nevertheless should not be disclosed. By the same token it seems to me that there might be information, not perhaps "vital" to the survival of the Nation, which also should not be disclosed. Perhaps we should try to determine what the word "vital" means in this context since we are setting up a standard with this language.

I would like to read the definition of the word "vital" from Webster's New Collegiate Dictionary:

> Akin to life, existing as a manifestation of life, concerned with or necessary to the maintenance of life, fundamentally concerned with or affecting life, tending to renew or refresh the living, destructive to life.

My question is: Is that what we really mean? Are we going to limit it to that kind of a situation, where the life of the Nation has to be involved?

So what I am suggesting is that we strike the words "is vital" in line 8.

Mr. RIBICOFF. Mr. President, I shall respond to the distinguished minority whip.

This language comes from the original Church committee bill. I wonder whether the Senator from Michigan will be satisfied with these words: "is of such gravity that it outweighs any public interest in disclosure."

Mr. GRIFFIN. I think that is much better. In other words, it is a very serious matter. I think that is what we are really talking about.

Mr. RIBICOFF. That is acceptable to me, if it is satisfactory to the Senator from Michigan.

Mr. GRIFFIN. It would be. I think that is a very good suggestion.

Mr. RIBICOFF. My suggestion is this: On line 8, strike out the words "vital and" and insert in lieu thereof the words "of such gravity that it outweighs any public interest in disclosure".

The PRESIDING OFFICER. Is the Senator suggesting that in the form of a modification of the amendment?

Mr. RIBICOFF. I think it should be done by the Senator, and I accept it.

Mr. GRIFFIN. I propose the modification.

The PRESIDING OFFICER. The Senator from Michigan so modifies the amendment.

Mr. GRIFFIN. On page 12, line 8, strike the words "vital and" and insert, as has been suggested, the words "of such gravity that it".

The PRESIDING OFFICER. Is all time yielded back?

Mr. RIBICOFF. Mr. President, I should like the distinguished Senator from Nevada to have an opportunity to look at the wording.

The PRESIDING OFFICER. Does the Senator from Michigan or the Senator from Connecticut suggest the absence of a quorum?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be charged against both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I yield back the remainder of my time.

Mr. GRIFFIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan, as modified.

The amendment, as modified, was agreed to.

Mr. CANNON. Mr. President, do we know precisely how many amendments remain on Senate Resolution 400?

Mr. MANSFIELD. Yes. So far as we know, one.

Mr. CANNON. That is the Tower-Stennis amendment?

Mr. MANSFIELD. That is right. They have indicated that their time could be better spent tomorrow, rather than this afternoon.

Mr. RIBICOFF. Mr. President, if the Senator will yield, I believe that Senator NUNN would like an opportunity to engage in a colloquy with the distinguished Senator from Nevada and me. I have informed Senator NUNN that I am willing, and I am sure the Senator from Nevada will be willing to do so, at his convenience.

Mr. CANNON. Certainly.

Mr. RIBICOFF. I imagine that we will use my time, not Senator STENNIS' time, to oblige the Senator from Georgia.

Mr. STENNIS. We will still have an hour and a half?

Mr. RIBICOFF. I will take it out of my time, not out of the time of the Senator from Mississippi.

Mr. BAYH. Mr. President, throughout the 1970's we have been shocked by one revelation after another regarding improper activities of intelligence agencies. The piecemeal disclosure of abuses, led us to establish a Select Committee on Intelligence to give us a full and complete picture of problems within the intelligence community. The Rockefeller Commission was charged with a similar responsibility.

Now after a 15 month study by the select committee, we have more information regarding the operation of this country's intelligence apparatus than ever before. We have learned that while the intelligence community for the most part has carried out its duties well and performed a vital service, the occasions on which power was abused were more numerous and even more shocking than we had previously imagined. The question before us today is whether we will respond to what we learned and take the first step in gaining control of intelligence activities by establishing an effective oversight committee. I sincerely hope that we will answer that question in the affirmative.

Mr. President, I think all of us here recognize the importance of sound intelligence to this Nation. No one wants to do anything to jeopardize our ability to collect intelligence information. We do have a responsibility, however, to insure that intelligence activities are carried out effectively and in a manner consistent with our foreign policy and the fundamental principles of individual rights on which this Nation was founded. This has not been the case in the past, and we cannot assume that it will be so in the future.

When bureaucracies are capable of carrying out clandestine activities and are not properly restrained, there will always be the temptation to employ those capabilities in an improper fashion. I do not wish to imply that individuals in the intelligence community have evil motives, Mr. President. To the contrary, their underlying intentions are usually most patriotic. But as Justice Brandeis said many years ago,

> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

Mr. President, our recent experience includes Cointelpro operations to disrupt the activities of groups expressing political dissent, the CHAOS program to collect information on thousands of Americans who opposed the Vietnam war, FBI mail cover programs, attempts to discredit Martin Luther King, Jr., CIA paramilitary operations in Chile and Laos, and assassination attempts against a number of foreign leaders. It is clear that we must be more alert and make it perfectly clear to the intelligence community that there are, indeed, limits to what it can do.

I believe a permanent oversight committee with legislative authority is an important first step in gaining control of intelligence activities. One committee with responsibility solely for intelligence oversight and legislation should serve us far better than maintaining the exclusive jurisdictions for intelligence matters in committees which have many other responsibilities.

The new committee can serve as a watchdog to keep the intelligence agencies in check, and, equally as important, work on legislation to insure protection of human rights and to make our intelligence efforts as effective as possible. Recent experience shows there is much to be done in this last area.

Mr. President, nearly every person or group which has studied the intelligence agencies has called for an intelligence oversight committee, including the Senate select committee, the Rockefeller Commission, President Ford, George Bush, William Colby, and the Murphy Commission. It is up to us now to act.

The compromise proposal introduced by the distinguished chairman of the Rules Committee will provide us with an effective oversight committee. While I do not believe it is perfect and there are many changes I would make, I believe it merits support and passage.

The new committee will have a broadly drawn membership. It will have exclusive jurisdiction over the CIA and will share jurisdiction with existing committees on other intelligence matters. It will be involved in the critical budget process of the intelligence agencies. The compromise also provides adequate protection against unwarranted disclosure of sensitive information by resting the ultimate authority in these matters with the full Senate.

Mr. President, if we fail to provide a mechanism to control the intelligence agencies now, we will set the worst possible precedent. Our failure would be nothing more than a green light for the overzealous to repeat past abuses.

We cannot turn our backs to the outrageous actions which have been revealed. If we care anything about restoring confidence in Government, we must act now to begin to set things right in the intelligence establishment.

ORDER FOR H.R. 12527 TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 12527, authorizing funds for the Federal Trade Commission, be held at the desk until further disposition. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it will be so held, when received.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate convenes tomorrow at 10 a.m.

Mr. PROXMIRE will be recognized for 15 minutes. Thereafter Mr. GOLDWATER will be recognized for 15 minutes. Morning business will follow until 11 a.m., with a limitation on statements therein of 5 minutes each.

At 11 a.m. the Senate will resume consideration of Senate Resolution 400. The pending question at that time will be on adoption of the Stennis-Tower amendment. There is a limitation for debate thereon of 3 hours equally divided.

At 2 p.m. the Senate will vote by rollcall on the Stennis-Tower amendment. When that amendment is disposed of the vote will occur immediately, without intervening motion or debate, on amendment 1643, the Cannon et al. substitute amendment as amended.

After the Senate votes on the Cannon substitute to the committee substitute, if the Cannon substitute is agreed to, the committee amendment, as amended, will be considered as adopted since, in effect, the Senate would be voting on the same question again.

Without intervening motion, debate, or amendment the Senate will then proceed to vote by rollcall on Senate Resolution 400.

It is the intention of the leadership to call up the antitrust legislation upon disposition of Senate Resolution 400.

Also coming up in the near future will be the military procurement and military construction authorization bills, but not necessarily in that order.

S. 3439, foreign military sales, will be taken up in the near future.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 2:36 p.m. the Senate adjourned until tomorrow, Wednesday, May 19, 1976, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1976:

DEPARTMENT OF DEFENSE

John J. Martin, of Maryland, to be an Assistant Secretary of the Air Force, vice Walter B. LaBerge, resigned.

DEPARTMENT OF STATE

Joseph Z. Taylor, of Virginia, to be Deputy Inspector General, Foreign Assistance, vice John P. Constandy, resigned.

THE JUDICIARY

John P. Crowley, of Illinois, to be U.S. district judge for the northern district of Illinois, vice Richard B. Austin, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 18, 1976:

FEDERAL ELECTION COMMISSION

The following-named persons to be members of the Federal Election Commission for the terms indicated:

For a term expiring April 30, 1977:
Neil Staebler, of Michigan.
For terms expiring April 30, 1979:
Vernon W. Thomson, of Wisconsin.
Thomas E. Harris, of Virginia.
For terms expiring April 30, 1981:
Joan D. Aikens, of Pennsylvania.
Robert O. Tiernan, of Rhode Island.

THE JUDICIARY

Maurice B. Cohill, Jr., of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania.

HOUSE OF REPRESENTATIVES—*Tuesday, May 18, 1976*

The House met at 12 o'clock noon.

Rev. Kenneth Bedell, United Methodist Church, Newfield, N.Y., offered the following prayer:

Trust in the Lord; for the Lord Himself is an everlasting rock.—Isaiah 2: 4.

O God, the Creator and Sustainer of the universe, we pray to You that we might have the courage and strength to put our trust in You.

We confess the difficulty we have in trusting You.

Save us from the vain conviction that without You we can accomplish anything with lasting value. Protect us from the cleverness of those who rely on human wisdom. Build us up so that we do not try to hide behind false defenses. Show us the way to work for those things which are part of Your will so that all creation might exist in harmony cemented together by Your love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 11619. An act to authorize further appropriations for the Council on Environmental Quality.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12453) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 327) entitled "An act to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. JOHNSTON, Mr. METCALF, Mr. HASKELL, Mr. BUMPERS, Mr. HATFIELD, Mr. MCCLURE, and Mr. BARTLETT to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3201) entitled "An act to amend the Public Works and Economic Development Act of 1965, to increase the antirecessionary effectiveness of the program, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RANDOLPH, Mr. MUSKIE, Mr. MONTOYA, Mr. BURDICK, Mr. RIBICOFF, Mr. GLENN, Mr. BAKER, Mr. MCCLURE, Mr. STAFFORD, and Mr. JAVITS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3420. An act to authorize appropriations to the International Trade Commission.

REV. KENNETH B. BEDELL

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, it is my great honor today to have my son, Kenneth Bedell, who is the minister of the United Methodist Church of Newfield, N.Y., open this session with the prayer.

One watches his children as they grow to maturity, and I am sure we all share that constant concern about how they will mature and how they will develop.

My son Ken graduated as a chemist at Cornell University, and he decided at that time that he would rather devote his life to service to others in a profession which certainly would be much less rewarding in terms of dollars than if he had continued as a chemist.

I want to tell the Members of the joy he has been to me, and how proud I am of him and his family, his wife, Kathie—and their daughter Charity as well—and I want to tell the Members what a great honor it is to me today that he address this House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that today when the Houses meet in joint meeting to hear an address by the President of the Republic of France only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MCFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 273]

Abzug
Alexander
Andrews, N.C.
Ashley
Bonker
Brown, Calif.
Brown, Mich.
Buchanan
Burton, John
Carter
Chisholm
Conyers
Dellums
Diggs
Dingell
Dodd
Drinan
Edwards, Calif.
Esch
Eshleman
Fish
Ford, Mich.
Fraser
Gaydos
Giaimo
Goodling
Guyer
Harrington
Harsha
Hawkins
Hébert
Heckler, Mass.
Hinshaw
Hyde
Jarman
Jones, Ala.
Karth
Kindness
LaFalce
Litton
Long, Md.
McClory
McKinney
Macdonald
Mahon
Mikva
Milford
Moakley
Moorhead, Pa.
Murphy, N.Y.
Nolan
O'Hara
Patterson, Calif.
Pepper
Peyser
Railsback
Randall
Rees
Riegle
Rosenthal
Rousselot
Ruppe
St Germain
Santini
Sarbanes
Scheuer
Shuster
Sikes
Spellman
Stanton, James V.
Steiger, Ariz.
Stephens
Stuckey
Teague
Tsongas
Udall
Vigorito
Waxman
Wiggins
Wilson, C. H.
Wilson, Tex.

The SPEAKER. On this rollcall 351 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RECESS

The SPEAKER. Pursuant to the order of the House of Wednesday, April 28, 1976, the House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF FRANCE

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Molloy) announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Republic of France into the Chamber the gentleman from Massachusetts (Mr. O'Neill), the gentleman from California (Mr. McFall), the gentleman from California (Mr. Phillip Burton), the gentleman from Pennsylvania (Mr. Morgan), the gentleman from Arizona (Mr. Rhodes), the gentleman from Illinois (Mr. Michel), and the gentleman from Michigan (Mr. Broomfield).

The VICE PRESIDENT. Pursuant to the order of the Senate, the Chair appoints as members of the committee on the part of the Senate to accompany the President of the Republic of France into the Chamber the Senator from Mississippi (Mr. Eastland), the Senator from Montana (Mr. Mansfield), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Utah Mr. Moss), the Senator from Alabama (Mr. Sparkman), the Senator from Kentucky (Mr. Ford), the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Michigan (Mr. Griffin), the Senator from Nebraska (Mr. Curtis), the Senator from Texas (Mr. Tower), the Senator from Vermont (Mr. Stafford), and the Senator from New Jersey (Mr. Case).

The Doorkeeper announced the Ambassadors, Ministers and chargés d'affaires of foreign governments.

The Ambassadors, Ministers and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 38 minutes p.m., the Doorkeeper announced the President of the Republic of France, His Excellency, Valery Giscard d'Estaing.

President d'Estaing, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and personal pleasure, to present to you His Excellency, Valery Giscard d'Estaing, the President of the Republic of France.

[Applause, the Members rising.]

President d'ESTAING. Mr. Speaker, I thank you for your words of welcome, which express such kindness toward me and such warmth toward my country.

The cordial simplicity of your reception gives me an even greater awareness of the honor you are paying me.

It is a great privilege for me to be able to bring the voice of France to the elected representatives of the American people, to you the heirs of those men who, gathered together in the Continental Congress 200 years ago, proclaimed the independence of the United States.

In thinking about our meeting in this Chamber—which for my country is the high point of the Bicentennial—and reflecting on what I was going to say to you, one thing seemed immediately obvious to me: I would not come before you to recall old memories.

"Past Is Prologue". These three words, an expression of the legitimate pride of the New World, can be seen, not far from here, carved on the facade of the building that houses your National Archives. The lesson these words convey to peoples such as ours, whose heritage resembles "immense ships laden with wealth and spirit" is that we must, first and foremost, seek in the commemoration of the past that which can help us to understand our present and build our future.

This is what I had in mind when I came here to ponder with you this extraordinary historical fact:

Two hundred years ago, we were preparing to fight side by side for liberty.

Today, on a worldwide scale, the same struggle goes on to insure the triumph of the same cause.

But in 1976, what does this ideal represent? What do we expect of it? What does it demand of us?

There are few places more worthy of considering this question than this Chamber of the Congress of the United States, a hall still filled with the shadows of the men who throughout history carried aloft the torch of liberty.

The principles which assured the unparalleled rise of the American Nation and which have given our friendship its strength and meaning for two centuries have lost none of their value or relevance.

Our faith in these principles must be reaffirmed with special forcefulness under such circumstances as these, for on ordinary days the multitude of little things, the news and rumors, disputes and debates, cast a superficial fog over the broad landscape of our certainties.

The world has, of course, been transformed and has become more complex. The circle of nations has grown larger; there is today an almost infinite diversity in relationships of power and resources, of territorial dimensions and levels of development, of systems of government and choices of ideology.

Within our societies, the application of science has brought innovations everywhere, upsetting age-old traditions and disrupting the conditions of man's daily life.

In the spectacle which unfolds before us, even if some aspects very properly conflict with our convictions as free men let us learn to recognize what is ours This diversity and change are our work and the consequence of our principles: they are the children of liberty, and it is largely up to us to see that they become a means of enriching mankind.

In international relations this presupposes first of all respect for the independence of all, recognition of the right of peoples to self-determination and rejection of external interference.

But the spirit of tolerance and mutual respect between States is only a negative aspect of freedom.

The natural extension of this, which corresponds to the profound desire of all the men of our time, is the spirit of dialog and cooperation.

Both aspects must therefore be put into practice and developed as rapidly as possible, with every country, provided the countries themselves so desire.

First of all let us consider countries which profess a different philosophy from ours. It is their right to do so, and we respect this right absolutely. With regard to these countries, we were the first to undertake a policy of détente and cooperation aimed at developing common interests on both sides and gradually laying the bases for understanding and mutual trust.

Détente is an open and sincere approach. It requires perseverence; it means we must keep our eyes open. It must be based on reciprocity.

But opting for détente is the opposite

of relaxing our moral defenses. It does not signify, in the slightest degree, that we are renouncing our system of values, or our desire to spread our convictions and preserve our way of life.

Liberty sometimes seems to us as natural as the air we breathe, but we know very well we must constantly defend it against the forces of intimidation and falsehood to maintain it.

My country is ready to make the effort and sacrifices such defense entails. In saying this, I am probably only restating what the greatest of my predecessors have already said before me in the name of France. However, this is not a meaningless repetition. Through me, it expresses the intellectual and emotional endorsement, by new generations of French men and women who have elected me, of the positions taken vis-a-vis the United States.

France will continue her action in the future, loyal to her commitments. She will continue to contribute to the effectiveness of the Atlantic Alliance, of which she is part.

In view of this, and with a concern for summetry as it were. France sets the greatest store by America's commitment. In the past, perhaps, had such a commitment been made apparent beforehand, it might have averted a world conflict. This time, at least, I hope that deterrence will protect us against confrontation.

Second. Then, there are the countries of the third world to which we should lend our assistance to help them strengthen and complete their independence; we should be prepared to work with them on an equal footing for a more just order in the world, one in which every people will find the conditions it needs to favor its development.

This is what France had in mind when she proposed a dialog between the North and the South. We are pleased to note that the United States shares our concern.

The stakes in this dialog between the industrialized countries and the developing countries are of world dimensions: They affect the economic, social, and technical progress of half of mankind, its cooperation and friendly relations with the advanced societies, and ultimately world equilibrium, that is, peace.

Contingent in large measure on the success of this policy of détente and dialog in its various forms, are the solutions to local conflicts, to the regional tensions that are the legacies of earlier injustices, geographical accidents, and human fanaticism.

Although our responsibilities are neither exclusive nor universal, they cannot stop at our frontiers. In many areas of the world where crisis situations exist we can make a positive contribution; I am thinking of Cyprus where a legacy of antagonisms has to be overcome; of the strife in Lebanon where internal unity and tranquillity must be restored; the Middle East where it is important to insure peace, security and dignity to one and all; southern Africa where peaceful evolution must be founded on the right of peoples to self-determination and equality among men.

Duty, as well as interest, bids the world community—beginning with the United Nations—to not only prevent the deterioration of each crisis but also, in the face of every risk of possible confrontation, to be tireless in pursuing its efforts toward persuasion and moderation. Such efforts will be much more effective if a clear definition is made on one hand of the limits of any tolerable intervention and on the other hand of necessary commitments beyond our territories.

Third. Nations like ours, that claim to be of a liberal bent, have special responsibilities in this respect. For them to make their voice heard, the voice of reason and peace, they must set the example for unity first of all in their mutual relations. To carry their full weight in world affairs, they must also regain their economic vigor and financial health as soon as possible.

This would be difficult to do in a climate of constraint or distrust. That is why it is right and proper to take into consideration the desire, on the part of independent nations, for new orders that have been well thought out and that arise from legitimate rights.

Inspired by these ideals, we in Europe have set about the task of building a confederation of free and democratic states that are determined to insure together their prosperity and their future.

From the very beginning, the United States has encouraged Europe's efforts to unify. Let America view Europe's achievements without misgivings and without apprehension. You do not fear freedom for yourself; do not, then, fear it for your friends and your allies. An independent, organized, and prosperous European Community is the best partner for the United States, and a guarantee, for the world, of stability, development, and peace.

Freedom brings the privilege not only of diversity but also of innovation. We must demonstrate this in the way we organize and conduct our societies.

In all ages, great minds have been concerned lest progress turn to the disadvantage of freedom. There was Jefferson, for whom I have special admiration, who felt that governments would remain honest only as long as they were based on agriculture. Then there was Tocqueville, a little later, who wondered if freedom would not become a victim of the increasingly egalitarian society he saw taking shape before his eyes.

In our day, bewildered by the seemingly inevitable tide of mounting bureaucracy, by the growing influence of mass media, and by the encroaching power of machines, some of our contemporaries are tempted to ask the same question in their turn: Is there a future for freedom in the world we are building for our children?

But a question such as this implies a double misunderstanding of the meaning of freedom: first of all because freedom is indispensable to human dignity, and no true happiness can be bought at its expense; and second, because all the great things in human history attest to the fact, that freedom is synonymous with invention, creative energy, and indefinite power to renew and improve. It is proof that, far from hampering progress, freedom is its very soul. And it is up to us to prove this by making changes that are needed or implementing reforms required by the course of development. Indeed, nothing is more essential to the world today, nothing is more worthy of the aspiration of a statesman, than to illustrate, through actions, that a free society is also the best of progressive societies.

To solve the external as well as the internal problems of our times, individuals and peoples must also keep their pride in their principles, and their determination to defend and act on them. I say defend them because—need I recall it here—independence is not a gift but something that is hard won, and one must be ready to fight for it if one is to deserve it. I said act on them, because it is not by immobilism, or by nostalgia for the past, or by turning inward, that the world will recognize the advantages of freedom, but by entering into active solidarity, and by having courage and imagination.

If in times of difficulty, we should doubt ourselves, let us remember that two centuries stand behind us, two centuries of your democracy, two centuries of our friendship, to support Tocqueville when he says that "Nothing is more fertile in prodigies than the art of being free."

Through freedom and in freedom your Nation was built. Through freedom and in freedom, you have overcome the external and internal crises in your history. You are proving, to those who were banking on your weakness or on some sort of decline, your determination and your recovery.

Show the same confidence in us that we have in you. Freedom is not just the greatness of our past and the glory of France's memories. It is also at the root of all we do today, and it speaks in our hearts, as in the hearts of all men, with the voice of hope.

[Applause, the Members rising.]

At 1 o'clock and 15 minutes p.m., the President of the Republic of France, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper (Hon. James T. Molloy) escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 1 o'clock and 45 minutes p.m. today.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 45 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Roddy, one of his secretaries.

ANNOUNCEMENT BY MR. ULLMAN ON ESTATE AND GIFT TAX LEGISLATION

(Mr. ULLMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, I take this time today to make an announcement that I know will be of great interest not only to Members of Congress but to the American taxpayer.

As Members will recall, the Committee on Ways and Means held extensive public hearings on the subject of estate and gift taxes which concluded on March 23, 1976. During the hearings, we received testimony from witnesses representing virtually all sectors of society and from representatives of the administration.

Immediately after concluding the public hearings, under my direction, the joint staff began drafting legislation for consideration by the committee. I have been working closely with the staff, supervising this drafting, working out alternatives, and discussing details to be included in the proposal. Although I have been pushing hard to get the legislation completed, Members must understand that this has been a complex and difficult operation since each part of the bill is of great importance to the American people.

I am pleased to announce now that we are completing this draft and I expect to introduce a comprehensive bill on Thursday of this week.

As I have indicated previously to Members, the committee will begin marking up this bill on June 2. Key provisions of the legislation are as follows:

First, it would provide a unified rate schedule for estate and gift taxes and an increased specific exemption in the form of a credit against the tax imposed. An additional credit against estate taxes would be provided for estates where a substantial portion of the estate consists of a farm or other closely held small business.

Second, it would increase the marital deduction in the case of small and moderate sized estates passing to a surviving spouse.

Third, the bill would provide for the imposition of a progressive tax on the appreciation of assets held at death but only prospectively on increases above current valuation. However, under the bill, an election to take a carryover basis for property acquired from a decedent would be available as an alternative to the current imposition of the appreciation tax.

Fourth, special rules will be proposed for the valuation of farms on the basis of farm use rather than on the basis of other potential use, such as development for residential or commercial use.

Fifth, the bill would liberalize extension of payment rules to alleviate liquidity problems arising where an estate consists substantially of a farm or other closely held small business. The bill will also provide for more favorable interest rates where the time for payment of the estate tax is extended in these situations.

Finally, the bill would impose a tax on property transferred to another generation under a so-called generation-skipping trust. The proposed tax is to be substantially equivalent to the estate tax which would have been imposed if the property had been actually transferred outright to each successive generation.

A detailed explanation of this important legislation is being prepared and will be available to Members soon after the bill is introduced.

I will be seeking bipartisan support for, as Members know, revisions in this portion of the tax code are of vital importance to many Americans.

Again, let me say it is my plan to begin markup on this legislation on June 2 in the full committee, so we do have it programed for early action, and I am anticipating that the bill will be fully enacted into law in this session of the Congress.

ORPHANS OF THE EXODUS

(Mr. RICHMOND asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RICHMOND. Mr. Speaker, all of the nations which signed the Helsinki Final Act, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries.

Because the Soviet Union is not living up to that promise, Members of Congress are conducting a vigil on behalf of the families which remain separated.

A case history of these families entitled "Orphans of the Exodus" dramatically details this tragic problem. At this time I would like to bring to the Members' attention the situation of the Kazieva family.

DINA KAZIEVA

Dina Kazieva is a 15 year old girl from Tashkent. She is being held captive in the Soviet Union at a "boarding school." Cruelly separated from her parents and her four younger brothers and sisters, who are now in Israel, Dina cannot speak for herself and we are the ones she must depend upon for the protest that will reunite her with her grief-stricken family.

Dina disappeared in February 1972, a day after her family received permission to emigrate to Israel. A frantic search revealed her whereabouts in a children's home in Tashkent but the parents were refused permission to see her.

Threatened with arrest themselves, the grief-stricken parents, their other children, and an aged grandmother left for Israel. There they have been appealing to Soviet and American officials in vain.

While we have not received a letter from her family in Israel to date, we wonder: Who will speak for Dina now?

If not us, then who?

If not now, then when?

Birthdate: 1960.

Occupation: Student.

Applied: 1972.

Present Status: Held captive in a "boarding school" in Tashkent.

Dina Kazieva, Children's Home, Kirovsky Region, Tashkentm Uzbek SSR, USSR.

Father: Avram Kazieva, Rehov Hakanaim 5, Kiriat Shalom, Tel Aviv, Israel.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, could we know what the purpose of the reports is?

Mr. MADDEN. Mr. Speaker, if the gentleman will yield, the first is on the International Security Assistance and Arms Export Control Act of 1976, and the next is the rule on H.R. 13589, U.S. Information Agency Authorization Act.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

GENERAL REVENUE SHARING PROGRAM

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, support for the pending legislation on revenue sharing seems to be unanimous in the industrial Calumet Region of Indiana. The revenue sharing program has indeed been a great aid to some of the financially embarrassed urban areas in northwest Indiana.

I include in my remarks a resolution forwarded to me by President William T. Tuley of the Northwest Town Trustees Roundtable. The resolution reflects the general opinion of municipalities throughout the Calumet region. It follows:

RESOLUTION OF THE NORTHWEST INDIANA TOWN TRUSTEES ROUNDTABLE

Whereas, the General Revenue Sharing Program has brought tremendous benefits to the towns of Northwest Indiana over the past four years; and,

Whereas, the reenactment of this program is presently being considered in the Congress; and,

Whereas, it is in the best interest of the towns and people of Northwest Indiana that the program be reenacted with a minimum of federal guidelines, and with the authority concerning the use of such funds left to the discretion of local elected officials,

Therefore, be it resolved that: The Northwest Town Trustees Roundtable urges the

Indiana Congressional delegation to work toward, and vote for, the reenactment of the General Revenue Sharing Program in a form that contains as few guidelines and restrictions as possible, and which leaves the decisions and authority concerning how such funds may best be spent to the discretion of the local elected officials of Indiana.

RESIGNATION AS CONFEREE AND APPOINTMENT AS CONFEREE ON S. 2554, SPORTS BROADCASTING ACT OF 1975

The **SPEAKER** laid before the House the following resignation as a conferee:

WASHINGTON, D.C.,
May 13, 1976.

The SPEAKER,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as a House Conferee in connection with the House-Senate Conference on the Sports Broadcasting Act of 1975 (S. 2554).

Sincerely,
TORBERT H. MACDONALD.

The **SPEAKER**. Without objection, the resignation is accepted.

There was no objection.

The **SPEAKER**. The Chair appoints as a member of the Committee of Conference on S. 2554, Sports Broadcasting Act of 1975, the gentleman from California (Mr. VAN DEERLIN), to fill the existing vacancy.

The Clerk will notify the Senate of the change in conferees.

PRIVATE CALENDAR

The **SPEAKER**. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FIDEL GROSSO-PADILLA

The Clerk called the bill (H.R. 6817) for the relief of Fidel Grosso-Padilla.

Mr. **WYLIE**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANGELA GARZA

The Clerk called the Senate bill (S. 223) for the relief of Angelo Garza.

There being no objection, the Clerk read the Senate bill, as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act and section 21(e) of the Act of October 3, 1965, Angela Garza shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to special immigrants as defined in section 101(a)(27)(A) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Angela Garza, the widow of a citizen of the United States, and her son, Manuel Aguilar, (also known as Manual Garza) shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in their cases."

The committee amendment was agreed to.

The Senate bill was ordered read a third time, was read the third time, and passed.

The title was amended so as to read: "An act for the relief of Angela Garza and her son Manuel Aguilar (aka Manuel Garza)."

A motion to reconsider was laid on the table.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 1424) for the relief of Mrs. Rose Thomas.

Mr. **BAUMAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MILDRED N. CRUMLEY

The Clerk called the bill (H.R. 7685) for the relief of Mildred N. Crumley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of section 8341 of title 5, United States Code, Mildred N. Crumley of Livermore, California, is deemed to have been married to Darrell D. Crumley for the two-year period before his death on May 16, 1963. Mildred N. Crumley and Darrell D. Crumley were married for more than twenty-seven years, but, because of an intervening divorce, Mildred N. Crumley is not eligible, but for this Act, to receive a survivor annuity under such section.

SEC. 2. For purposes of chapter 83 of title 5, United States Code, any entitlement of Mildred N. Crumley to a survivor annuity by reason of the first section of this Act shall be effective as of the day after the date of death of Darrell D. Crumley. Any survivor annuity payments to which Mildred N. Crumley is so entitled for the period before the date of the enactment of this Act shall be made in a lump sum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MURRAY SWARTZ

The Clerk read the bill (H.R. 1560) for the relief of Murray Swartz.

Mr. **BAUMAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Maryland?

There was no objection.

FRANKLIN R. HELT

The Clerk called the bill (H.R. 2564) for the relief of Franklin R. Helt.

Mr. **WYLIE**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CHESTER C. CLARK, MARY L. CLARK, AND DOROTHY J. WILBUR (ALSEA VENEER, INC.)

The Clerk called the bill (H.R. 6507) for the relief of Chester C. Clark, Mary L. Clark, and Dorothy J. Wilbur.

Mr. **BAUMAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PAUL W. WILLIAMS

The Clerk called the Senate bill (S. 1494) for the relief of Paul W. Williams.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Act entitled "An Act providing for the barring of claims against the United States", approved October 9, 1940 (54 Stat. 1061), the Department of the Navy is authorized and directed (1) to receive and consider any claim filed within six months of the date of enactment of this Act by Paul W. Williams (United States Marine Corps, retired) of Grants Pass, Oregon, for retirement pay he did not receive, due to administrative error, during the period of September 1, 1955, through June 9, 1961, and (2) to award to the said Paul W. Williams any retirement pay to which he would have been entitled for such period.

SEC. 2. Any amounts payable by reason of the enactment of this Act shall be paid in a lump sum within sixty days after the determination that such amounts are payable.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER**. This concludes the call of the Private Calendar.

SEVENTH ANNUAL REPORT OF INDEPENDENT NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking, Currency and Housing.

To the Congress of the United States:

I herewith transmit the Seventh Annual Report of the independent National Corporation for Housing Partnerships and The National Housing Partnership, as required by Section 908(a) of the Housing and Urban Development Act of 1968.

GERALD R. FORD.

THE WHITE HOUSE, *May 18, 1976.*

PER DIEM EXPENSES OF MEMBERS OF UNIFORMED SERVICES ON OFFICIAL BUSINESS

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8089) to amend section 404(d) of title 37, United States Code, relating to per diem expenses of members of the uniformed services traveling on official business, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, strike out lines 5 and 6, and insert:

(1) by striking out "of not more than $25 a day" and inserting in lieu thereof "in an amount sufficient to meet actual and necessary expenses, but in no event more than $35 a day".

Mr. STRATTON. Mr. Speaker, as you know, H.R. 8089 passed the House on November 17, 1975, and provides for an increase in military per diem rates during official travel from the current maximum of $25 a day to $35 a day. This bill increases the ceiling for travel to particularly high cost areas from $40 to $50 a day. Both of these changes are in accord with existing per diem rates for civilian employees of the Government.

The Senate amended the language of the bill in the form passed by the House in the section establishing $35 a day as the maximum per diem rates under normal circumstances. The Senate amendment accepts this $35 a day as the maximum but adds language permitting reimbursement within this maximum amount only for "actual and necessary expenses." The effect of this language is to require a traveler to verify his actual lodging expenses. During the Armed Services Committee's consideration of this bill, the Department clearly indicated its intention to require this documentation and so the language of the Senate amendment does not substantially change the effect of the bill passed by the House.

The Department of Defense stated it has no objection to this amendment.

Mr. Speaker, I renew my unanimous-consent request to agree to the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to, under clause 4 of rule XXV.

After all motions to suspend the rules have been entertained and debated and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

CALL OF THE HOUSE

Mr. ANNUNZIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 274]

Abzug
Addabbo
Alexander
Ambro
Andrews, N.C.
Archer
AuCoin
Bonker
Brown, Mich.
Buchanan
Carter
Cederberg
Clausen, Don H.
Conyers
Crane
Diggs
Duncan, Oreg.
Eckhardt
Esch
Fish
Ford, Mich.
Giaimo
Gibbons
Goodling
Guyer
Harsha
Hays, Ohio
Hébert
Heckler, Mass.
Helstoski
Hinshaw
Horton
Jarman
Jones, Ala.
Karth
Kelly
Kemp
Kindness
LaFalce
Litton
Long, La.
Lujan
Lundine
McClory
McKinney
Macdonald
Mathis
Melcher
Michel
Milford
Moakley
O'Neill
Peyser
Pike
Pritchard
Railsback
Randall
Riegle
Rousselot
Runnels
Ruppe
Santini
Sarbanes
Satterfield
Scheuer
Shuster
Spellman
Stanton, James V.
Steiger, Ariz.
Stephens
Stuckey
Thompson
Tsongas
Udall
Vigorito
Waxman
Wilson, C. H.
Winn

The SPEAKER. On this rollcall 354 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WAR RISK INSURANCE EXTENSION

Mr. ANDERSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13308) to amend the Federal Aviation Act of 1958 to extend the authority of the Secretary of Transportation with respect to war risk insurance.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1312 of the Federal Aviation Act of 1958 (49 U.S.C. 1542) is amended by striking out "May 7, 1976", and inserting in lieu thereof "May 7, 1977".

The SPEAKER. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. ANDERSON) is recognized for 20 minutes.

Mr. ANDERSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 13308 is to extend the authority of the Secretary of Transportation to issue aviation war risk insurance until May 7, 1977.

Under the current aviation war risk insurance program, the Secretary of Transportation operates two policy programs, nonpremium and premium. With respect to the premium program the Secretary is authorized, with the approval of the President, to provide war risk insurance for the protection of aircraft and of persons and property transported aboard them when commercial insurance cannot be obtained on reasonable terms and conditions from the commercial insurance market.

Under the nonpremium program, a department or agency of the United States may, with the approval of the President, procure war risk insurance from the Secretary of Transportation. This insurance is provided without premiums to air carriers that have contracts with the Departments of Defense and State. The premium war risk insurance program is intended to provide coverage for American air carriers in addition to what is available commercially. The coverage of war risks is necessary because the ordinary aviation insurance policy covers only the usual perils of fire, damage, and other risks, and excludes certain named "war risks" from coverage. Commercial policies usually include a clause, or clauses, excluding from coverage any claim for loss or damage occasioned by, among other things, war hostilities, insurrection, or acts of foreign enemies.

Public Law 94-90—approved August 9, 1975—extended the aviation war risk insurance program until May 7, 1976, and provided for an investigation and study by the President, in consultation with the Secretaries of Transportation, Defense, and State, of the need to expand the program to provide coverage for losses and damage resulting from riots, civil disorders, hijacking, or other similar acts.

The Presidential study was received on March 22, 1976, and recommended that the present program be expanded to authorize the Secretary of Transportation, after appropriate consultation with the Secretaries of State and Defense and with the approval of the President in each case, to provide interim insurance for air carriers—in addition to that for war risks—when not available elsewhere and when required by reasons of foreign policy for the continuation of a particular air service.

This report was received too late for the committee to hold necessary indepth hearings into the need to expand the program prior to the May 7 expiration date. H.R. 13308, as reported, extends the present program until May 7, 1977, in order to allow sufficient time for study of the President's report and recommendations.

I urge passage of this bill.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the chairman of our subcommittee, the gentleman from California (Mr. ANDERSON) has well described the legislation which is before us. I know of absolutely no objection to it from any quarter of the industry, of Government, of bureaus, or anyone else. It does only one thing. It changes the date of expiration of the existing program from 1976 to 1977.

Mr. Speaker, the minority members of the Public Works and Transportation Committee concur fully in all which has been said about the pending bill, H.R. 13308, to extend the war risk insurance program.

This legislation was reported unanimously by both the subcommittee and the full committee. It is essential, all agree, that the war risk insurance program be extended. Our international air carriers must have the assurance that such coverage is available when the need arises; that is, when commercial underwriters refuse to provide the necessary coverage.

Mr. Speaker, the extension of the war risk insurance program we passed last summer mandated an administration study of the program and the question of whether coverage should be broadened to include risks beyond war risks—such things as riots, civil disorder, hijacking, and other similar acts. The administration report—some 4 months late, I might say—did recommend such broadened coverage—tieing the program in closely with foreign policy considerations. In effect, the report recommends that the executive branch be empowered to determine under what circumstances the program should be employed.

Mr. Speaker, inasmuch as the report just recently reached us, and since the war risk insurance program expired on May 7, 1976, we have concluded that we must extend the program, as is, for 1 year—to provide time for us to study the administration recommendations and consider other viewpoints. Hearings are essential, and I am hopeful that the aviation subcommittee will schedule such hearings within the near future. I believe our chairman has indicated that we will be moving on this during the summer months.

Mr. Speaker, I urge my colleagues to support the pending bill, H.R. 13308.

Mr. JONES of Alabama. Mr. Speaker, I rise in support of H.R. 13308, to extend the aviation war risk insurance program for 1 year to allow the Congress time to consider the President's proposal to expand the present program to cover certain other risks.

This has been a good and needed program since its inception in 1951. The program is vital to our Nation's commerce during times of international turmoil. Its analogous program, the marine war risk insurance program has been in existence since World War I, and has also been extended several times by the Congress as has the aviation program.

I urge your support of this bill, and I wish to extend my sincere compliments to my friends and colleagues Glenn Anderson and Gene Snyder for their efforts on this bill.

Mr. SNYDER. Mr. Speaker, I have no further requests for time.

Mr. ANDERSON of California. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. Anderson) that the House suspend the rules and pass the bill H.R. 13308.

The question was taken.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from Tennessee (Mr. Quillen) withdraw his point of order that there is no quorum?

Mr. QUILLEN. Mr. Speaker, I withdraw the point of order of no quorum.

GENERAL LEAVE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the Record on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REGULATIONS RELATING TO ALCOHOLIC BEVERAGES IN THE CANAL ZONE

Mr. METCALFE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8471) to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone, as amended.

The Clerk read as follows:

H.R. 8471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 731 of title 2, Canal Zone Code (76A Stat. 29), is revised to read as follows:

"§ 731. Regulation of manufacture, sale, et cetera

"The President shall prescribe, and from time to time may amend, regulations relating to the:

"(1) manufacture, distribution, and sale of alcoholic beverages in the Canal Zone, and licenses and fees therefor;

"(2) importation of alcoholic beverages into, and exportation thereof from, the Canal Zone; and

"(3) purchase, possession, consumption, use, and transportation of alcoholic beverages by individuals under eighteen years of age.".

Sec. 2. Section 732 of title 2, Canal Zone Code (76A Stat. 29) is revised to read as follows:

"§ 732. Penalties for violation

"(a) Whoever violates a regulation issued pursuant to paragraphs (1) and (2) of section 731 of this title shall be fined not more than $500 or imprisoned in jail not more than six months, or both, and, in addition, his license may be revoked or suspended as the President may prescribe by the regulations as issued. (76A Stat. 29.)

"(b) Whoever violates a regulation issued pursuant to paragraph (3) of section 731 of this title shall be fined not more than $100 or imprisoned in jail not more than thirty days, or both.".

Sec. 3. The amendments made in sections 1 and 2 of this Act shall take effect on the ninetieth day after the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Illinois (Mr. Metcalfe) will be recognized for 20 minutes, and the gentleman from Kentucky (Mr. Snyder) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Metcalfe).

Mr. METCALFE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on the Panama Canal, I strongly support H.R. 8471, long-overdue legislation which will grant greater regulatory control over the use of alcoholic beverages by individuals under 18 years of age in the Canal Zone. I support the provisions of this bill because they will materially assist the authorities in the Canal Zone in coping with the serious problems occasioned by the excessive drinking of alcoholic beverages by certain groups of youngsters in the Canal Zone.

The problems with teenage drinking in the Canal Zone are unfortunately typical of national patterns. National studies conducted in recent years on the subjects of alcohol and alcoholism indicate that drinking and problem drinking are more prevalent among the younger age groups in our country. These same studies have pointed out that a substantial majority of teenagers in the United States do drink alcoholic beverages, and that the proportion of teenagers who do drink increases steadily with age and grade level. So the problem they have in the Canal Zone is like that of many towns and is typical, but the legal framework they have to deal with the problem is uniquely inadequate.

The legal framework with which Canal Zone officials may now confront the problem of teenage drinking is inadequate because no public law has granted the zone the power to regulate the purchase, possession, consumption, use, and transportation of alcoholic beverages. There does exist authority to regulate the manufacture, sale, exportation, and importation of these beverages, but those powers alone cannot deal with the problem today. The citizens in the Canal Zone and the Canal Zone Government have been asking for some statutory power to control the teenage drinking problem, and I believe this power should be granted.

Basically, then, H.R. 8471 provides a grant of authority to regulate certain aspects of alcoholic beverage control. And for purposes of making the enforcement and adjudication of regulations in connection with this new authority practical, there is also contained in this legislation a provision to insure that magistrate courts will hear cases involving the violation of new regulations issued pursuant to the authority in H.R. 8471.

The Canal Zone now limits the criminal jurisdiction of magistrate courts in the zone to cases where the maximum penalty is a $100 fine or imprisonment in jail for 30 days, or both. By installing in

H.R. 8471 this same maximum penalty for violations of the new authority granted, we will be keeping these future cases involving young people out of the U.S. District Court, which is already overburdened, and we will be placing them in a more appropriate forum.

The subcommittee which I chair attempted to be very thorough and aware in our deliberations on this bill, Mr. Speaker. We explored the possibilities of a more detailed and comprehensive approach to the question of alcoholic beverage control in the Canal Zone, but our hearings demonstrated that the educational, prevention, and treatment programs which are so necessary for a balanced approach in resolving the problem of teenage alcohol abuse were already in existence in the Canal Zone. We did not need to mandate more programs.

In our hearings on H.R. 8471, we found that there were some minor modifications to the bill that were necessary in order for the purposes of its proper implementation. At the suggestion of our witnesses we incorporated an amendment to grant power over the distribution of alcoholic beverages in the zone. We also adopted an amendment making the effective date of the legislation 90 days after enactment in order to give the Secretary of the Army time to formulate sound regulations.

The executive agencies generally support this legislation. The citizens in the Canal Zone favor it. Your committee supports it unanimously after having studied the problems with which it is interrelated. I hope that this body, aware of the problem and the proposed solution to teenage drinking in the Canal Zone, will pass this legislation in as rapid a fashion as is possible.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I call for the passage of H.R. 8471, a bill that should help the authorities in the Canal Zone to reduce the incidence of excessive drinking of alcoholic beverages by teenagers in that territory.

For a number of years, its citizens and the Canal Zone Government have sought from Congress the kind of legislation that will empower the local authorities to deal more directly with the problem.

At present the President has authority over the manufacture and sale of alcoholic beverages, over licensing and establishment of fees in their regard, and over their importation into, and exportation from the zone. The President has in turn delegated this authority to the Secretary of the Army.

There has been no authority granted by Congress to date to control the distribution of such beverages, or over their purchase, possession, consumption, use, and transportation by persons under 18 years of age.

H.R. 8471 creates such new powers for the President.

In my view, this bill satisfactorily answers the requests from the Canal Zone for legislation to help combat teenage drinking to excess. Violators will be tried in magistrate courts, since the maximum penalty is set by the legislation at $100 fine or 30 days in jail, or both.

As is true every place else, it is but a minority that commits the abuses that annoy or endanger the majority. In the Canal Zone it is especially important that abuses be reduced, since the excessive use of alcohol by persons under 18 has led to a number of troublesome incidents between some of our citizens and some citizens of the Republic of Panama.

I consider passage of the measure to be of real importance in contributing to better relations between the two countries. The sowing of ill will between them is the very purpose of certain cold-sober agitators. Passions inflamed by alcohol have played directly into the hands of those agitators. We must provide the President, and thus the Canal Zone authorities, with the statutory power to apply necessary preventative measures to reduce the role of alcohol as a factor in such unfortunate incidents.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. Yes, I will be glad to yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I appreciate the fact that the gentleman from Kentucky (Mr. SNYDER) is one of the great defenders of the Panama Canal, and I am pleased to see that he is all for looking after the behavior of Canal Zone residents.

I was just wondering about this, though: Is it true that the problem that the gentleman intends to correct has been prevalent for some time?

Mr. SNYDER. Mr. Speaker, I understand it has been prevalent for some time. However, I think it was brought to our attention when the skipper of your *Titanic* was shown on the front page of the Washington Star last week stuck in the canal.

Mr. DERWINSKI. Yes, but the gentleman knows that the statesmanlike approach of our President to the Panama Canal issue is one of the greatest diplomatic approaches since the French first came to our defense 200 years ago.

Mr. SNYDER. The gentleman does not know that.

Mr. DERWINSKI. In that event, I will advise the gentleman in detail concerning that later.

Mr. SNYDER. I will await that with bated breath.

Mrs. SULLIVAN. Mr. Speaker, one of the jurisdictional responsibilities of the Committee on Merchant Marine and Fisheries is the fashioning of wise and effective legislation for the Canal Zone, that territorial entity on the Isthmus of Panama which is associated with U.S. operation of the Panama Canal. From time to time the citizenry of the Canal Zone and also the Canal Zone Government, which has traditionally been headed by a general officer of the Corps of Engineers, make known their desire for specific legislation to help solve the kinds of social or economic problems that could arise in any U.S. community. H.R. 8471 as amended, a bill to grant to the executive branch powers to regulate certain aspects of alcoholic beverage control for minors in the Canal Zone, is basically the result of a specific request for legislation by leaders in that jurisdiction.

Many years ago, the President was granted authority to regulate the manufacture, sale, export, and import of alcoholic beverages in the Canal Zone. The President delegated this particular authority to the Secretary of the Army, who has in turn issued regulations on these subjects. While there is the customary authority to regulate alcoholic beverage control in the Canal Zone in the aspects I have mentioned, there is nonetheless a paucity of authority when it comes to the regulation of the purchase, possession, consumption, use, and transportation of alcoholic beverages. So H.R. 8471 corrects this statutory deficiency. It grants new authority, not for any theoretical consideration, but for the purposes of solving a practical social problem—teenage drinking in the Canal Zone.

Your committee and its Subcommittee on the Panama Canal attempted to be most conscientious in its consideration of this amending legislation, Mr. Speaker. There was a general desire to meet a limited need with a limited approach. We did not want a bill that would engender more controversy or Government control than was necessary. That is why H.R. 8471 extends the power to regulate purchase, possession, consumption, use, and transportation of alcoholic beverages with respect to minors only. That is why there is a provision that specifically puts the violation of any regulation issued pursuant to this legislation in a Canal Zone magistrate's court. That is why several changes were made to the legislation in committee to assure that no legal loopholes would frustrate the basic intention of the bill.

Mr. Speaker, I urge the Congress to act in its rightful role as general legislature for the zone, and pass H.R. 8471.

Mr. RUPPE. Mr. Speaker, this legislation is needed to provide the Governor and his subordinates in the Canal Zone with the statutory power sought for those officials by parents and other residents of that territory, in order that the authorities can exercise a measure of real control over teenage drinking and alcoholic abuse.

The Subcommittee on the Panama Canal gave much consideration to the problem, and to several legislative proposals in the last two Congresses to help solve that problem.

H.R. 8471 has been reported favorably by the Merchant Marine and Fisheries Committee without objection by the minority. I recommend its passage. We know it will not provide the complete answer to the serious matter of excessive use of alcohol by a small percentage of the Canal Zone's teenagers. However, I feel its enactment is vital if we are to end the situation which has left the authorities well nigh powerless to exercise any kind of effective preventive measures in regard to the errant youth.

This bill will remedy that particular situation by providing the President with additional powers which he in turn shall delegate to the Secretary of the Army. Section 731 of title 2 of the Canal Zone Code is amended by H.R. 8471 to give the President the power to prescribe and amend regulations relating to the purchase, possession, consumption, use and transportation of alcoholic beverages by individuals in the Canal Zone under 18 years of age. Section 732 is amended to establish maximum penalties for violations.

By further amendment to section 731, the President is granted the authority to control the distribution of alcoholic beverages in the zone. This power, now lacking, is necessary if the new measure aimed at those under 18 is not to be thwarted by adults who could make purchases for those under age without fear of penalty of the law.

Mr. Speaker, I urge passage of H.R. 8471 as reported.

Mr. SNYDER. Mr. Speaker, I have no further requests for time.

Mr. METCALFE. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. METCALFE) that the House suspend the rules and pass the bill H.R. 8471, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. METCALFE. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on H.R. 8471, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRAINING OF FOREIGN NATIONALS AT THE COAST GUARD ACADEMY

Mr. BIAGGI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11407) to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy.

The Clerk read as follows:

H.R. 11407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 195 of title 14, United States Code, is amended to read as follows:

"§ 195. Admission of foreign nationals for instruction; restrictions; conditions

"(a) A foreign national may not receive instruction at the Academy except as authorized by this section.

"(b) The Secretary may permit a person designated by the President to receive instruction at the Academy as follows:

"(1) not more than four at any one time from the Republic of the Philippines;

"(2) not more than twenty at any one time from Canada and the American Republics other than the United States; and

"(3) not more than twelve at any one time from other foreign countries friendly to the United States.

"(c) A person from the Republic of the Philippines receiving instruction under this section is entitled to the same pay and allowances, to be paid from the same appropriation, as any other cadet at the Academy. Funds are not authorized for the travel, pay, or allowances of any other person receiving instruction under this section.

"(d) A person receiving instruction under this section is—

"(1) not entitled to any appointment in the Coast Guard by reason of his graduation from the Academy; and

"(2) subject to those regulations applicable to the Academy governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, except as may otherwise be prescribed by the Secretary.".

The SPEAKER. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BIAGGI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the passage of H.R. 11407, a bill to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy.

The bill does essentially two things. It brings the law relating to the training of foreign nationals at the Coast Guard Academy into conformity with the law relating to the Naval Academy, as to provisions relating to trainees from the Philippines, from Canada, and from the American Republics other than the United States. In addition, it authorizes the training of 12 additional foreign nationals from other countries friendly to the United States. A similar provision for the Naval Academy is included in a separate bill now pending in the Committee on Armed Services.

The program involved in training foreign nationals at the Academy is beneficial not only to the foreign national trainees but, as pointed out in the committee report, is also beneficial to the Coast Guard cadet who, through his daily contacts, is exposed to ideas and cultures different perhaps from those to which he is ordinarily exposed. Hopefully, this broadening of the opportunity to foreign nationals will be utilized and will make the interchange of ideas even more meaningful. Furthermore, it will result in a wider understanding in future years of the general purposes of the Coast Guard, an organization, the missions of which are directed toward the promotion of service, safety, and protection, not only in relation to people, but in relation to our national environment.

In connection with the funding for the training of foreign nationals, the bill continues the provisions of present law which authorizes the payment of appropriated funds for the pay and allowances of the Philippine trainees. That cost amounts to approximately $20,000 per year for the four trainees. From those allowances, the trainees pay for their own food and uniforms. The bill also continues the present provisions of the Executive order which authorizes the training of foreign nationals from the American republics, and which requires the nation involved to fund for their trainees. The same provision will apply for the 12 additional trainees from other nations. It would have, of course, been possible to shift the annual $20,000 cost for Philippine trainees to the Government of the Philippines. However, our traditional relationship with that nation and our past agreements for the recruiting of Philippine nationals in the Navy and Coast Guard would make a change in this traditional gesture of support undesirable and might be misunderstood by the Government of the Philippines. I, therefore, believe that the continuation of the present procedures in that regard is more than justified.

I solicit the support of all Members for this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support the motion to suspend the rules on H.R. 11407. This bill amends existing law relating to the admission of foreign nationals to the U.S. Coast Guard Academy. The bill would consolidate in one section existing provisions of law which authorize instruction of foreign nationals at the Academy and would permit the training of 12 additional persons from other foreign countries friendly to the United States not authorized under present law.

Present law permits up to four persons from the Philippines and 20 persons from the American Republics to receive instruction at the Academy. This bill simply provides 12 more slots for other nationals, including trainees from Canada, which in the past has not been considered an American Republic.

I want to emphasize the fact that the countries which will be eligible for these additional slots will be reimbursing the U.S. Government for expenses. Therefore, this legislation results in no additional expense to the taxpayer.

It is beneficial to our interests in that it serves valuable foreign relations interests. Foreign trainees receive valuable training which they can take back to their countries to assist that country in upgrading its equivalent of the Coast Guard. The experience has been that many of the foreign national graduates of the Coast Guard Academy return to their countries to assume important leadership posts in their Coast Guard or naval services. The training also provides these nationals with an opportunity to become better acquainted with the United States and with our form of democracy. Such an exchange can only be beneficial to the United States.

This is an noncontroversial measure that was requested by the executive branch in an effort to provide greater opportunities for foreign nationals in this country's service academies. It received unanimous support in both subcommittee and full committee and I would hope that we could expedite its consideration and suspend the rules.

Mrs. SULLIVAN. Mr. Speaker, I rise to support the passage of H.R. 11407, a bill to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy.

The bill is a simple one. Its purpose is to consolidate in one section, present provisions of law which authorize the admission of foreign nationals for training at the U.S. Coast Guard Academy, and to expand present law by authorizing 12 additional foreign nationals from nations friendly to the United States, not covered under the present law.

Since 1970, similar to provisions relating to the Naval Academy, the Coast Guard Academy has been available for the instruction of not more than four nationals of the Philippines, and at the present time, that quota is filled, with one Philippine national in each of the four academy classes under training.

In addition to the Philippine nationals, the President is authorized by the act of June 24, 1938, as amended, to permit citizens of the American Republics to receive training at the Coast Guard Academy, as well as at other professional educational institutions and schools maintained and administered by Federal agencies. At the present time, one trainee, from Venezuela, is undergoing training at the Academy.

H.R. 11407 would transfer the authority for such training from general coverage under title 20 for foreign and exchange students and place the authority in the appropriate section in title 14, together with the authority for training of Philippine nationals. That shift was previously made for the military academies when title 10 was codified into positive law in 1956. In addition, the bill would include Canadian nationals as a part of the 20-man quota, along with nationals from the American Republics, bringing the provision into parallel with the existing provision for the Naval Academy.

Finally, the bill will authorize the admission of 12 nationals from other foreign countries friendly to the United States, in addition to those countries already specifically provided for by law.

The utilization of the Coast Guard Academy for the training of foreign nationals is supported by the Department of State as beneficial to our foreign relations, and, as a matter of fact, the new addition was added at the instigation of the State Department.

In connection with the cost involved, the bill would not result in any additional cost to the taxpayer. It would continue the present provisions of law which authorize the expenditure of appropriated funds to cover the pay and allowances of the four Philippine trainees at an approximate total cost of $20,000 per year. Of the trainees authorized from other nations, it would continue the present requirements that their own governments shall fund for their pay, allowances, and any other emoluments.

I urge the passage of H.R. 11407.

Mr. RUPPE. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from Alaska in supporting this legislation. Admission of these additional foreign nationals to our Coast Guard Academy can only assist our foreign relations with other countries and serve to broaden the horizons of our own cadets who attend the Academy with these foreign visitors.

The Coast Guard Academy offers a wide curriculum of skills that not only includes training in seamanship and navigation, but in new technologies involving marine pollution and maritime safety. It is certainly in our interest to see such expertise spread to other countries with whom we have trade and diplomatic relations. The committee wants to emphasize that these foreign nationals are going to return to service in their own countries. The education is not being provided for the purposes of preparing these foreign nationals for careers in the United States.

There is no cost involved in this legislation because of the reimbursement requirements and I would hope that my colleagues would join in voting to suspend the rules on H.R. 11407.

Mr. BIAGGI. Mr. Speaker, I have no further requests for time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. McFall). The question is on the motion offered by the gentleman from New York (Mr. Biaggi) that the House suspend the rules and pass the bill (H.R. 11407).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 11407, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection .

NONDISCRIMINATORY APPOINTMENT OF CADETS TO THE COAST GUARD ACADEMY

Mr. BIAGGI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10192) to amend title 14, United States Code, to provide for the nondiscriminatory appointment of cadets to the U.S. Coast Guard Academy, as amended.

The Clerk read as follows:

H.R. 10192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 182 of title 14, United States Code, is amended by inserting after the second sentence thereof two new sentences as follows: "All such appointments shall be made without regard to the sex, race, color, or religious beliefs of an applicant. In the administration of this chapter, the Secretary shall take such action as may be necessary and appropriate to insure that female individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. Biaggi) and the gentleman from Alaska (Mr. Young) will each be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge the passage of H.R. 10191, a bill to amend title 14, United States Code, to provide for the nondiscriminatory appointment of cadets to the U.S. Coast Guard Academy.

The purpose of the bill before us is to place into statutory law an unequivocal requirement for the nondiscriminatory appointment of cadets to the Coast Guard Academy. Under the existing provisions of the section related to cadet appointments, those appointments are made under regulations prescribed by the Secretary, and any restrictions or requirements as to how the Secretary must exercise his discretion in the matter must be sought for elsewhere. It is my belief that the time has come to make it clear that he has no discretion to discriminate.

Up until a few years ago, appointments to the Coast Guard Academy were not issued to minority groups. That policy has changed administratively through outside pressures for such a change. Up until this year, no appointments were offered to female individuals. A change in that policy may also be attributed in some measure to outside pressures. In each case, the change in policy was made at a time when it can be said to have been somewhat overdue. The bill before us will place as a statutory requirement the present existing policies on nondiscrimination. Aside from expressing a clear endorsement of the Congress for equal treatment of all qualified individuals interested in receiving training at the Coast Guard Academy and the opportunity for a career as an officer in the regular Coast Guard, the bill will close the door to any possibility that a future change of policy in this area might even be considered.

Last year, in the consideration of the Department of Defense authorization legislation, a section was included which requires the admission of female individuals to the various academies of the military departments. This statutory enactment will place the same requirement as to the Coast Guard Academy. While the present Secretary of Transportation and the Commandant of the Coast Guard are to be congratulated on the change of policy made last fall, it is my belief that we should not leave open the possibility that a future secretary or a future commandant might be less enlightened. Furthermore, I know of no reason why the statutory requirements relating to cadet eligibility at the Coast Guard Academy should not be similar to the statutory requirements for eligibility of cadets and mishipmen at West Point, Annapolis, and Colorado Springs.

In addition to the statutory endorsement of a nondiscriminatory policy, the bill places a positive requirement of the Secretary to insure that all cadets must measure up to the same standards and, except for minor deviations because of physiological differences, it must be clear that female applicants will not receive any special treatment because of their sex, either through lower standards, or through the establishment of any quota system. Every applicant is entitled to be judged and accepted on his or her individual accomplishments and merits, without having to face unreasonable barriers.

In this Bicentennial Year, the Nation is not only reaffirming the fundamental beliefs on which our Government was founded, but we are also reaffirming our progress in implementing our fundamental concepts. The Declaration of Independence spoke of life, liberty, and the pursuit of happiness. The Constitution included the Bill of Rights, which outlines individual protection. Our Pledge of Allegiance speaks of "liberty and justice for all." If we are really to live up to our early promise, we must insure that Government deals with individuals with an even hand and that all persons are entitled to equal opportunity, as well as to the equal protection of the laws. This bill before us, as minor as it appears to be, is a reaffirmation of our basic national policy in those regards. It is worthy of the support of all Members.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to support the motion to suspend the rules on H.R. 10192, a bill that provides for nondiscriminatory appointment of cadets to the Coast Guard Academy. This bill simply represents statutory enactment of present Coast Guard policy and, therefore, should present no controversy.

Last year this Congress, in the Defense Appropriation Authorization Act of 1976, directed the Secretaries of the military departments to insure that female applicants be eligible for admission to the service academies. Just prior to the enactment of that law, the Commandant of the Coast Guard announced that starting with the class entering in July of 1976, women would be admitted to the Academy.

Women have served in the Coast Guard since the early 1940's filling both officer and enlisted billets demonstrating their capability to perform as competently and efficiently as males in comparable assignments. Similar integration of women has been achieved in the Coast Guard Reserve. The decision to admit women to the Academy is essentially a logical extension of the increasing role of women in the Coast Guard. The Secretary of Transportation and the Commandant of the Coast Guard are to be credited for their action in administratively reversing a previous policy regarding the admission of women to the Coast Guard Academy.

Because the Commandant has already provided for the admission of women in the Academy, it would appear that this legislation is unnecessary. It is this committee's belief, however, that Congress has clearly stated its mandate to allow for nondiscriminatory appointment of cadets to all military academies. To be consistent, this mandate should be expressed explicitly for the Coast Guard Academy as well. Rather than relying on an administrative decision which could be reversed without congressional review, the members of the Merchant Marine and Fisheries Committee concluded that this requirement of nondiscriminatory admission should be expressed in statutory form subject to the review and oversight of the Congress.

I want to emphasize that this bill in no way impacts rules and regulations relating to the eligibility of women for combat duty or for hardship posts. The bill simply locks the Commandant of the Coast Guard into providing a quality education to both men and women.

I urge my colleagues to support this motion to suspend the rules.

Mrs. SULLIVAN. Mr. Speaker, on behalf of the Committee on Merchant Marine and Fisheries, I endorse the passage of H.R. 10192, a bill to amend title 14, United States Code, to provide for the nondiscriminatory appointment of cadets to the U.S. Coast Guard Academy.

When this bill was first introduced, I must say I was somewhat lukewarm in my reaction. I was aware at that time that the Commandant of the Coast Guard had already announced that appointments to the Coast Guard Academy would be opened for the first time to female applicants, beginning with the class to be sworn in this summer. It was my belief, therefore, that statutory action was not necessary, because I cannot believe that either the Secretary of Transportation or the Coast Guard could get away with a change in this recently announced policy and revert to an all male Academy.

I have not really changed my position. And yet, I recognize that there is some merit to placing this requirement into positive law. It is a requirement which is already inherent in national policy. It provides for the equal treatment of all qualified citizens regardless of their race, sex, or creed. Certainly, we can all endorse that concept. I am, therefore, prepared to support the legislation, and to urge that other Members do likewise.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time.

Mr. BIAGGI. Mr. Speaker, I have no further requests for time and I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BIAGGI) that the House suspend the rules and pass the bill H.R. 10192, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 10192, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TINICUM NATIONAL ENVIRONMENTAL CENTER

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5682) to provide for certain additions to the Tinicum National Environmental Center, as amended.

The Clerk read as follows:

H.R. 5682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the Act of June 30, 1972, entitled "An Act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes" (Public Law 92-326) is amended—**

(1) by striking out "and Prospect Park Boroughs, exclusive of the portion of marshland which has been filled by the Folcroft Landfill Corporation." in the last sentence of section 2 and inserting in lieu thereof "Prospect Park Boroughs, and the Delaware County incinerator numbered 2."; and

(2) by striking out "$2,250,000" in section 7 and inserting in lieu thereof "$5,900,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LEGGETT) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for H.R. 5682.

Mr. Speaker, in an effort to preserve the last remaining marshland in the Commonwealth of Pennsylvania, in 1972, my subcommittee reported legislation that resulted in the establishment of the Tinicum National Environmental Center. This center—which will consist of not more than 1,200 acres of land—of which about 200 acres are the original pristine marshlands—will be operated as a part of the National Wildlife Refuge system.

Mr. Speaker, the 1972 act authorized the sums of $2,250,000 to be appropriated to carry out the purposes of the act. Thus far, there have been no acquisitions but some 233 acres of the marshlands are under the control of the U.S. Fish and Wildlife Service. Of this amount, 145 acres were donated to the Service by the City of Philadelphia and the remaining 88 acres were transferred to the Service by the Corps of Engineers. It has now been determined by the U.S. Fish and wildlife Service that to acquire the remaining lands in the refuge boundaries, it will take an additional $2,300,000, and the Department of the Interior, with OMB approval, supports the increasing of the appropriation-authorization to this level.

Mr. Speaker, H.R. 5682 as reported by my subcommittee for an increase in the appropriation-authorization level to $5.9 million, which would allow for the acquisition of the Folcroft dump site at an estimated cost of $1,300,000. This dump site would be an ideal area for the location of the center, since it is highly elevated and it fits in excellently with the scheme of the refuge, which is readily apparent from a look at the map of the refuge boundaries included in the committee report on this legislation. Plans are to topsoil and seed this area in order to minimize the rat problem created by its former use.

Mr. Speaker, the H.R. 5682 was unanimously ordered reported by the Committee on Merchant Marine and Fisheries. I think it is a good bill and urge its prompt passage.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to my distinguished colleague from the Philadelphia area, the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the distinguished subcommittee chairman for yielding.

Mr. Speaker, I am pleased to have this opportunity to speak in support of the bill I introduced to expand the Tinicum National Environmental Center. I appreciate the interest that the Subcommittee on Fisheries and Wildlife Conservation and the Environment, chaired by the gentleman from California, and the Merchant Marine and Fisheries Committee have shown in considering and approving the bill. Let me point out that the bill as I originally introduced it called for the addition of 123 acres to the Tinicum National Environmental Center, but due to fiscal considerations, the committee has agreed to a compromise calling for the addition of 45 acres. Although it is a substantial reduction from the earlier bill, I strongly support the amended version.

Many of my colleagues will recall the passage in 1972 of legislation establishing the Tinicum National Environmental Center. This legislation had special significance in that it marked the creation of the first urban national park in the history of the Nation. The legislation authorized $2.25 million to acquire the 890 acres comprising the center. My bill as amended would add another 45 acres that is the site of the former Folcroft Dump and would increase the authorization level to a total of $5.9 million. The additional money is needed to purchase the land within the authorized boundaries. The 45-acre addition is essential to fully carry out our previous commitment to establishing a viable urban national park.

The Tinicum marshland is the sole surviving tidal marsh in Pennsylvania. It is located in Delaware and Philadelphia Counties of Pennsylvania. Within a 10-mile radius of the center are the homes of millions of people. Originally there were some 4,700 acres of marshland, but in the last few centuries, the amount of marshland has dwindled considerably. Most notably in recent years, much of the marshland has been irreversibly developed for highways, railroads, residences, industrial sites, and even for the Philadelphia International Airport.

The Tinicum Marsh serves a number of important functions. It acts as a natural floodplain for the Darby Creek, which has been the scene of severe flooding in recent years. The Tinicum Marsh also serves as a natural wastewater treatment plant. In addition, the Tinicum National Environmental Center has a tremendous potential for serving as an open classroom for the millions of people who live in the highly urbanized area around it. A total of 119 different species of waterfowl and wading birds have been sited in the center, as well as 177 different types of land birds. Many types of animals and fish abound as well.

Anyone who has visited the marsh or seen photographs of the area can readily understand the need for acquiring the 45-acre landfill site along the northeast boundary of the center, which is provided by the bill before us. This small parcel of land is contributing each day to the destruction of the marsh and of the environmental center which we have created. The former dump site is a breeding ground and home for thousands of Norway rats, which are threatening to drive the other wildlife from the marsh. The dump seeps noxious chemicals into the marsh water.

While the dump is a tremendous threat to the marsh in its present condition, it could become a substantial benefit if it were added to the present center. The land comprising the dump has been damaged beyond repair, so it cannot be reclaimed as marshland. But it could be topsoiled and sealed to minimize the rat problem. And it has been built up to such an elevation that it is a natural choice as a site for a visitor center to overlook the marsh. During hearings before the Subcommittee on Fisheries and Wildlife Conservation and the Environment, the Fish and Wildlife Service of the Interior Department attested to the fact that this area could be developed for recreation and visitor use facilities. The access roads already exist for such a use, and placing the visitor center here would make it unnecessary to build on less damaged portions of the marsh.

The owner of the 45-acre tract has indicated privately his intent to develop the land into a shopping center. Such a use would tragically intrude on the intregrity of the marsh. But even if such a proposal were disapproved, the seepage problem and rat problem remain, and will continue to plague the rest of the marsh unless the area is acquired by the Fish and Wildlife Service. It is for this reason that I urge my colleagues to pass H.R. 5682 as amended.

As many of my colleagues know, including an area within the boundaries of the center carries no real protection against development of the land. The land must actually be purchased before it can be fully protected. Since the 45-acre tract appears most vulnerable to development of all the lands within the center's boundaries, I strongly urge that if H.R. 5682 is passed, the Fish and Wildlife Service move the Folcroft landfill to its highest purchase priority.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join with the distinguished chairman of the committee and with my colleague from California in supporting this legislation. Not only does the Tinicum marsh support a variety of wildlife including the Bog turtle which is under consideration for listing as an endangered species, but the marsh also serves other important environmental purposes.

The marsh acts as a natural water purifier for the polluted Darby Creek. Recent scientific studies have revealed that the marsh adds 20 tons of oxygen to the water each day and removes 4.9 tons of phosphates and 4.3 tons of nitrates.

The marsh is a natural floodplain which stores excess runoff water which would otherwise cause Darby Creek to overflow. Without the marsh, it would be necessary to construct elaborate and expensive flood-control facilities in the area.

The Tinicum marsh also acts as a recharger for ground water supplies and feeds the Raritol-Magothy Aquifier which is responsible for conducting ground water to a sizable portion of Gloucester County in my State of New Jersey.

Mr. Speaker, I believe it is important that this Congress insure that the last remaining title wetlands in the Commonwealth of Pennsylvania be preserved and I urge the adoption of this legislation.

Mr. NIX. Mr. Speaker, I rise in support of H.R. 5682, a bill to provide for certain additions to the Tinicum National Environmental Center in Pennsylvania.

I am pleased that this bill is being considered today in the House. It provides for an important addition of land to the Tinicum Marsh, Pennsylvania's sole surviving tidal marsh. This area is rich in wildlife and natural beauty and is a major asset to the mililons of people who live in Philadelphia and surrounding counties. Since its creation in 1972, the Tinicum National Environmental Center has proved an outstanding success.

The bill before us adds to the center a 45-acre site containing the Folcroft landfill area. This addition will protect the Marsh from encroachment by nonconforming land uses. It will allow for a solution to the rat control problem in the landfill area. And finally, it will provide an outstanding site for a visitors center for the Marsh.

Mr. Speaker, I support the bill and urge its passage.

Mrs. SULLIVAN. Mr. Speaker, in the 92d Congress, my committee reported legislation that resulted in the enactment of Public Law 92–326, which provided for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania.

The center—which will consist of not more than 1,200 acres—is located just west of the Philadelphia International Airport.

Mr. Speaker, this marsh land to be included in the center serves as the habitat for at least 119 kinds of waterfowl and shore birds and 177 species of land birds. It also serves as a valuable resting and feeding ground for tens of thousands of migratory waterfowl in the Atlantic Flyway, and for this reason alone, this last remaining acreage of marsh land should be preserved.

Mr. Speaker, H.R. 5682 would provide the remaining funds that will be needed to acquire these lands and I urge its prompt passage.

Mr. RUPPE. Mr. Speaker, the marshland of the Tinicum Environmental Center is the last remaining tidal marsh in the Commonwealth of Pennsylvania. In 1643, when the first settlers arrived in Pennsylvania, there were 5,700 acres of marshland in this State. Today, there are approximately 200. Since World War I, virtually all of the original 5,700 acres have been covered with fill to construct highways, railroads, boatyards, disposal sites and residential and industrial sites.

The legislation before us today provides the authorization necessary to acquire the lands originally contemplated by the Congress in 1972. Mr. Speaker, there should be no doubt about the merit of preserving the Tinicum marsh. It is located in the urban region of Philadelphia and provides a recreational experience for over 40,000 people per year. Furthermore, the marsh is a vital wildlife habitat. More than a quarter of the marsh is covered by wild rice which often reaches 11 feet in height and which produces seeds that are of outstanding value as waterfowl food.

In all, at least 119 species of waterfowl and 109 species of land birds are known to occur at Tinicum. Thousands of migratory waterfowl, sometimes tens of thousands, pause at the Tinicum marsh to rest and feed. The marsh also supports a great variety of species, including mink, weasel, otter, fox, raccoon, opossum, and groundhog. The marsh is also the home for over 10 species of fish and various species of turtles and toads.

In fact, the people of the surrounding area feel so strongly about the need to preserve the marsh that they have raised over $155,000 which will be donated to the Government and used for the preservation of the marsh.

In addition to providing funds for the acquisition of the original lands, the bill before us today authorizes the acquisition of the 45-acre Falcroft dump which is immediately adjacent to the existing center. The dump is a breeding ground for thousands of Norway rats which threaten to drive other wildlife from the marsh. The waste materials leaching from the landfill are also a significant threat to the marsh's natural wildlife. To eliminate this threat, the bill authorizes the acquisition of the dumpsite. The height of this land would make it an ideal location for a visitor's center providing people with a panoramic view of the estuary. If we are to realize the original objective of preserving Tinicum marsh, it is essential that the Falcroft dump be acquired.

Mr. Speaker, to preserve the last remaining pristine title marsh in the Commonwealth of Pennsylvania, I urge the adoption of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill, H.R. 5682, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to extend the boundary of the Tinicum National Environmental Center, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members, including the chairman of the full committee, may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 5682) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PACIFIC TUNA FISHERIES DEVELOPMENT PROGRAM

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13380) to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes, as amended.

The Clerk read as follows:

H.R. 13380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central, Western, and South Pacific Fisheries Development Act (86 Stat. 744; 16 U.S.C. 758a note) is amended—

(1) by striking out "three-year" in section 2 thereof;

(2) by inserting "and not later than September 30, 1979," immediately after "June 30, 1976," in section 4 thereof; and

(3) by inserting ", and for the period beginning July 1, 1976, and ending September 30, 1979, the sum of $3,000,000," immediately after "$3,000,000" in section 7 thereof.

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LEGGETT) and the gentleman from New Jersey (Mr. FORSYTHE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, this legislation simply put would extend the Central, Western, and South Pacific Fisheries Development Act for an additional 3 years—from June 30, 1976 to September 30, 1979—and would authorize to be appropriated to the Secretary of Commerce the sum of $3 million to carry out the purposes of the act during the extended 3-year life of the program. In addition, the legislation would require the Secretary of Commerce to submit to the President and the Congress his activities by September 30, 1979.

Mr. Speaker, the need for this legislation arises from the fact that it took some time after passage of the original act in 1972 before industry and Government funding could be obtained. I am delighted to report that a cooperative agreement has now been entered into between the Secretary of Commerce and the Pacific Tuna Development Foundation—a nonprofit organization composed of representatives of the U.S. tuna industry and spokesmen for the various island entities—and good progress is being made. However, it is necessary that an appropriation-authorization of $3 million be obtained through fiscal year 1979 in order to complete the program. We believe that an extension of this act would result in an increase in the harvest of tuna and would give the islanders of Guam, American Samoa, Hawaii, and the Trust Territory of the Pacific a sound viable industry.

Mr. Speaker, this legislation was unanimously reported by the Committee on Merchant Marine and Fisheries, and I urge its prompt passage.

Mr. Speaker, I yield to the distinguished gentleman from Hawaii (Mr. MATSUNAGA), the author of companion legislation to this bill.

Mr. MATSUNAGA. Mr. Speaker, I rise to express my full and unqualified support for H.R. 13380, a bill to extend the Central, Western, and South Pacific Fisheries and Development Act of 1972 for an additional 3 years. As the introducer of the original bill in the 92d Congress, I can attest both to the success of the fisheries development programs fostered under the legislation, and to the pressing need to continue this program for an additional 3 years. I commend the gentleman from California (Mr. LEGGETT) for his continuing efforts in behalf of the fishing industries of the Pacific region and for bringing the pending bill to the floor so expeditiously.

Mr. Speaker, Public Law 92-444 was enacted by Congress in 1972 to provide a much-needed impetus to the development of the tuna and other latent fishing industries of the Trust Territory of the Pacific Islands and the islands of Guam, American Samoa, and Hawaii. At that time, the Congress noted correctly the vast potential which the full development of this resource held for the economies of these Pacific islands. In American Samoa, for example, the tuna fishing industry represented the only important private enterprise, although the vast majority of the tuna supplied to the two local canneries was supplied by foreign vessels.

In my own State of Hawaii, the skipjack tuna fishing industry, once an extremely viable industry with a 1951 peak of 28 fishing vessels in operation, had declined rapidly to a low of 12 vessels in 1971. Similar examples of insufficient realization of the potential held by this industry were also noted in Guam and the Trust Territory.

Under the 1972 law, which authorized a $3 million appropriation for a 3-year period, the Secretary of Commerce entered into an agreement with the Pacific Tuna Development Foundation, a nonprofit organization consisting of representatives of the governments and fishing industries of these four island groups. Under the agreement, which has proved very workable, the costs of development programs were shared by all parties involved.

As has been well emphasized, research programs undertaken under this effort, such as the testing of new harvesting techniques including the use of new nets and new baits, have undoubtedly been successful. Yet, the effort is incomplete, and must be extended in order for the stated purpose of the original legislation to be achieved. The economies of Guam, American Samoa, and the trust territory, overly dependent on very few industries, remain extremely fragile. The proposal of the Department of the Navy to disestablish its ship repair facility on Guam threatens to bring this point home all too painfully should Congress concur with the Navy's recommendation. There is also the recent Federal court order banning certain methods of harvesting tuna, used in connection with one-third to one-half of the national tuna catch. Whether or not the order is actually implemented, a matter which depends on the outcome of legislation proposing its reversal, it has emphasized the continuing need to develop new, ecologically sound methods with which to tap this vast potential.

Mr. Speaker, 3 years ago, in a statement in support of a House resolution to establish a national policy to support and develop our fishing industry, I spoke of the potential for growth in the Hawaiian fishing industry. I stated at that time that although the 1972 catch was valued at $5.5 million, experts had agreed that, with adequate private and governmental assistance, an efficient, modernized fleet could easily harvest $300 million in tuna annually. That statement remains as true today as it was then. That same potential remains as true for Guam, American Samoa, and the trust territory as it is for my own State of Hawaii. I believe that this bill before us today can contribute significantly to the development of this potential and I urge its expeditious passage by the House.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1972 the Congress enacted the Central, Western, and South Pacific Fisheries Development Act. This important legislation recognized the tremendous potential value of the latent skipjack tuna fishery in the Western Pacific.

In American Samoa, tuna fishing is the only important private enterprise. The only developable raw material in Guam is the skipjack tuna resource which the Japanese are now harvesting. Similarly, the tuna fishery in Micronesia is, as yet, an undeveloped resource. In Hawaii the skipjack industry is on the decline.

The 1972 law establishes a program for developing these resources. To date, substantial progress has been realized. An experimental deep seine net has been developed and tested. New trolling techniques are being experimented with and efforts are being made to find adequate bait sources to stimulate the live-bait fishery for skipjack tuna.

Mr. Speaker, it is important to note at this juncture that these efforts are not dependent solely upon Federal dollars. The tuna industry has contributed approximately $380,000 to this program and the governments of Hawaii, American Samoa, Guam, and the Trust Territories have also made substantial contributions.

H.R. 13380 authorizes a total of $3 million for the next 3 years to continue these important efforts to develop the skipjack tuna industry in the Western Pacific and I urge its adoption.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, did I hear the gentleman say that it is only American sources that contribute to the fund for the development of all the necessary new areas and redeveloping the old areas so as to increase the skipjack population?

Mr. FORSYTHE. This is in the area we are talking about. It does not deal with the eastern part.

Mr. DENT. Is there any thing in this particular piece of legislation that would in any way hinder and maybe curtail the Japanese exploration of the fishing grounds after they have been redeveloped?

Mr. FORSYTHE. Well, of course, under the Pacific Tuna Convention there is a measure of control in this area; but insofar as this legislation, no.

I would really yield to my chairman or the gentleman from Hawaii, who is more intimately concerned with that.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Speaker, this measure itself is aimed at research to provide more supply. It does not contain any authorization to limit others from fishing. The limiting bill is more particularly described as H.R. 200. It does extend it from the sources of the United States out in the Pacific. We accept, however, so-called migratory species and that we intend to cover by the Tuna Convention agreements. A large part of that has been accomplished.

Also, as we know, under our Marine Maritime Act, we limit our imports in the United States of foreign-produced tuna where the tuna is acquired under standards different than we have for the American tuna industry; to wit, limits in taking the so-called kill of porpoises.

Mr. DENT. Mr. Speaker, if the gentleman will yield further, there is no limit to what a foreign fishery can take out of these waters?

Mr. LEGGETT. There is, and they can take that under the international agreements.

Mr. DENT. But if they take it, we penalize them by not taking their fish.

Mr. LEGGETT. We have kind of a double whammy. There are a number of sanctions we can use. As we know, we fish off foreign shores.

Mr. DENT. I know.

Mr. LEGGETT. We are being limited down in Ecuador. They tried to bring in a boat size limitation, and so forth. We are paying license fees down there. Here we are doing the same thing; but with some other countries, I do not know.

Mr. DENT. As the gentleman from California knows, we have not at any point retaliated and tried to protect something that we have. They say we are retaliating. We never use the word, nor do we attempt to retaliate. They go merrily along and, as the gentleman knows what happened to the fisheries on the west coast better than I know and the gentleman knows what happened in the Chilean and Ecuadorian waterways. They have taken it as far as 200 miles out, captured our ships, made us pay for that and everything else.

Somewhere in this whole picture we have to quit developing supplies for other people to take out. It is just like poaching in the reserves of our own hunting grounds.

Mr. LEGGETT. Exactly where the end of that line is, on March 1 next year this matter is going to come to a screeching halt. I met yesterday all day with the people from the National Fishery Service.

We are going to meet the rest of this action with the State Department. We are going to institute a program and it is going to be carried out, and we are going to have AWACS airplanes monitoring these foreign ships fishing off our shores.

They are going to be licensed and put into a computer. When they are fishing without a license, a red light is going to come up and we are going to send a Coast Guard boat out and they are going to be picked up.

Mr. DENT. What year?

Mr. LEGGETT. March 1, 1977.

Mr. DENT. God willing and if the electorate will allow me to, and if I am here, we will talk about it on March 2d.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I might say to the gentleman from New Jersey that under the present act, which we propose to extend by this bill, we have developed new techniques and new bait for fishing for skipjack to the extent that we are now able to compete with the Japanese fishermen.

Mr. DENT. If the gentleman will yield, I wonder what makes him think that they will not have those techniques? We have never held anything else back.

Mr. MATSUNAGA. No, but we have developed special techniques so that at least we are able to keep up with the competition; and this is part of the program we propose to extend by the pending bill.

Mrs. SULLIVAN. Mr. Speaker, in the 92d Congress, my committee reported legislation that resulted in the enactment of Public Law 92-444, which authorized $3 million to be appropriated to the Secretary of Commerce over a 3-year period for the purpose of developing tuna and other latent fisheries resources in the Central, Western, and South Pacific Ocean.

Mr. Speaker, beneficiaries of the 1972 program are the residents of American Samoa, Guam, Hawaii, and the Trust Territory of the Pacific Islands.

Mr. Speaker, testimony produced at my committee's hearings indicated that all of these islands had one thing in common—there was no raw material available which could be used to develop an industry. The only developable raw material presently available in substantial quantity in this area is the skipjack tuna resource that the Japanese are now harvesting in great numbers. It appears that the only hope of survival for these islanders is to develop a purse seine technique that will work in the clear tropical waters of the Pacific islands as it has worked so well for our American fishermen in the South and East Pacific.

Mr. Speaker, much progress has been made since the inception of this program—which expires June 30 of this year—but much more needs to be accomplished before these islanders can develop a sound viable industry.

Mr. Speaker, I think this legislation—which would extend this program for an additional 3 years at the same level of funding—would be of valuable assistance in making this goal a reality and I strongly support its passage.

Mr. RUPPE. Mr. Speaker, the United Nations' Charter giving the United States trusteeship responsibilities for the Micronesian Islands directs the United States to promote the economic advancement of the islands inhabitants and to this end regulate the use of natural resources and encourage the development of fisheries and other resources. H.R. 13380 enables the United States to continue to meet its responsibilities under the U.N. Charter by permitting the continuation of the fisheries development programs funded pursuant to the Central, Western, and South Pacific Fisheries Development Act.

The original act was passed in response to the fact that the fishing conditions in the western Pacific are dramatically different from those in the eastern regions of the Pacific Ocean. In the western Pacific the water is clear, the mixed layer is deeper, the rate of change in the temperature gradient is more gradual and the behavior of the fish is erratic. The result of these conditions is that fishing nets and techniques used in the yellowfin tuna fishery in the eastern Pacific are generally unsuited for adaptation to the skipjack tuna fishery in the western Pacfic. As has already been pointed out, substantial progress has been made toward developing the skipjack fishery in the western Pacific. To continue these efforts, I urge the adoption of H.R. 13380.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 13380, the amendments to Central, Western, and South Pacific Fisheries Development Act, which would benefit those islands under the American flag in the Territories of American Samoa and Guam, the Trust Territory of the Pacific Islands, and my State of Hawaii.

This Congress committed itself to an aggressive program of fisheries research by the passage of Public Law 92–444 in 1972 for the development of the tuna and latent fisheries resources of this vast area of the Pacific. At that time the Congress envisioned a program which would locate concentrations of skipjack tuna; design and demonstrate a purse seine which would catch skipjack effectively in Pacific water conditions; develop a system to provide sufficient quantities of suitable species of live bait for the industry; and investigate the possibilities of trolling in island areas.

To date, much of this work has been carried out. We seek now an extension of the authorization for the program through fiscal year 1979 at a funding level of $3 million for that period.

That the fisheries industry in this ocean area is declining seems to me to be an unfortunate occurrence. The potential of the sea has yet to be tapped, and we seek a revival of what should be an economic mainstay for island peoples.

The tuna fishing industry is the only important private enterprise in American Samoa. In Guam, the hope for tapping this potential lies in developing a purse seine technique that will work in the clear tropical waters which surround these islands. In Micronesia, that area under the U.S. flag which we administer in trust under a United Nations mandate, the industry is in its infancy, although the ocean area in which these islands lie situated totals 3 million square miles.

In Hawaii, the skipjack tuna industry is on the decline. The numbers of boats fishing has declined steadily over the last two decades, as has the number of fishermen in this trade. For our 50th State, carrying out the aims of the act and extending its authorization means hope of reviving the industry and injecting new and diversified employment into the economy.

The impetus for passage of the 1972 act came from the work done by the Pacific Islands Development Commission, PIDC, beginning in 1970. The Governors of Guam, American Samoa, and Hawaii, and the High Commissioner of the Trust Territory, have diligently pursued their original recommendations which they presented to the Congress as we deliberated in the 92d Congress. Hawaii's Gov. George R. Ariyoshi heads the PIDC this year, and the economic development studies have continued to point out the need for support of agriculture, tourism, and fisheries for the islands. I commend this effort to the attention of my colleagues, and urge a favorable vote on the extension of the program and passage of H.R. 13380.

Mr. LEGGETT. Mr. Speaker, I have no further requests for time.

Mr. FORSYTHE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McFall). The question is on the motion offered by the gentleman from California (Mr. Leggett) that the House suspend the rules and pass the bill H.R. 13380, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUSING AMENDMENTS OF 1976

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13724) to amend chapter 37 of title 38, United States Code, to increase the limitations with respect to direct housing loans to veterans to $29,000, to permit up to 50 per centum of the amount of any mobile home loan to be guaranteed under such chapter, and to provide for the continuation of the direct loan revolving fund.

The Clerk read as follows:

H.R. 13724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 of title 38, United States Code, is amended—

(1) by striking out "$21,000" the first place it appears in subsection (d)(2)(A) and inserting in lieu thereof "$29,000";

(2) by striking out "$21,000;" and all that follows thereafter in subsection (d)(2)(A) and inserting in lieu thereof "$29,000."; and

(3) by striking out "$21,000;" and all that follows thereafter in subsection (d)(3) and inserting in lieu thereof "$29,000.".

Sec. 2. (a) Section 1819(c)(3) of title 38, United States Code, is amended by striking out "30 per centum" and inserting in lieu thereof "50 per centum".

(b) The amendment made by subsection (a) of this section shall apply with respect to any application for loan guaranty benefits under section 1819 of title 38, United States Code, which is made on or after the effective date of this section, and to any application therefor which was made before such effective date if final action on such application was not taken by the Administrator of Veterans' Affairs before such date.

Sec. 3. Section 1823 of title 38, United States Code, is amended—

(1) by striking out the last sentence of subsection (a) thereof; and

(2) by striking out "loans," and all that follows thereafter in the third sentence of subsection (c) and inserting in lieu thereof "loans.".

Sec. 4. The first section and section 2 of this Act shall take effect on October 1, 1976.

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. Roberts) and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, one of the most successful Federal programs in existence today is the Veterans' Administration housing assistance program. As of January 31, 1976, the Veterans' Administration had guaranteed 9,298,960 loans in an aggregate principal amount of $120.2 billion. In addition, more than 322,000 veterans have bought homes with the assistance of VA direct loans totaling almost $3.2 billion; and nearly 14,000 severely disabled veterans have received specially adapted housing grants from VA totaling over $158 million.

The overall foreclosure rate of 3.6 percent through calendar year 1975 compares favorably with other loans generally, especially when one considers the large proportion of VA loans made with no downpayments. Since the beginning of the VA loan program, 374,568 properties have been acquired and 363,365 have been disposed of, leaving an inventory as of December 31, 1975 of 11,203 properties.

Mr. Speaker, the last major changes in provisions governing the current housing program were the amendments made by the Veterans Housing Act of 1974 (P.L. 93–569). The reported bill (H.R. 13724) would increase the maximum direct loan from $21,000 to $29,000; raise the maximum mobile home loan guarantee from 30 percent to 50 percent, and would provide for the continuation of the direct loan revolving fund.

Raising the maximum amount of a direct home loan will mean that many more veterans will be able to purchase homes for their families who live in rural areas and small cities and towns where private credit is not generally available. Increasing the direct loan ceiling will increase the number of direct loans by 35 percent.

The bill as reported would also amend section 1823(c) of title 38, United States Code, to make the direct loan program permanent. Currently, the Administrator is required by this section to deposit all sums in the direct loan revolving fund with the Treasury no later than June 30, 1976. This would have the effect of precluding any further direct loans after that date unless the law is changed. The reported bill would remove the date and insure that the direct loan program would continue permanently.

The bill would also amend section 1819 (c)(3) of title 38, to increase the maximum VA mobile home loan guaranty from 30 to 50 percent. According to the Veterans' Administration, the total number of mobile homes guaranteed to date is 18,874. During fiscal year 1975, 2,200 applications for mobile homes were received by the VA of which 2,028 loans amounting to $19.3 million were guaranteed. The House Committee on Veterans' Affairs saw the need to increase the mobile home loan guaranty in 1974, and included a provision in its bill, H.R. 15912, that passed the House on August 5, 1974, to raise the ceiling from 30 to 50 percent, bringing it more in line with the guaranty for conventional home loans. The Veterans' Administration opposed the ceiling increase and the Senate Committee on Veterans' Affairs believed it prudent to "await further experience" of the VA home loan program in general, and of the 1974 mobile home amendments in particular, before taking such action.

Since then, data obtained by both the House and Senate Veterans' Affairs Committees has convinced both committees that an increase in the guaranty is necessary. This data shows that in July of last year, which is normally the busiest month of the year for the VA program, only 100 mobile home loans were guaranteed. The number of mobile homes guaranteed during 1975 was 62 percent lower than 1974. Even taking into account poor economic conditions during this period, it is obvious that the financial institutions were not participating in the program as had been anticipated. So the question remains whether lenders are refraining from participating in the program because of the 30 percent guaranty. During hearings on this measure, the committee received a fair amount of evidence that the increase, if adopted, would increase overall participation in the mobile home loan program.

Finally, Mr. Speaker, the reported bill is not an expensive measure. The Veterans' Administration advises that the enactment of H.R. 13724 would not result in any increase in general operating expenses. It would result in outlays from the loan guaranty and direct loan revolving funds. The maximum cost of the bill in fiscal year 1977, according to the Congressional Budget Office, would be approximately $2,192,000. There would be no new budget authority created by the enactment of this legislation.

I hope the bill will receive the unanimous support of my colleagues in the House.

Mr. Speaker, before I yield to the chairman of the Subcommittee on Housing, I want to express to him my appreciation for his efforts to get this before the full committee. He assumed his new post of leadership last year, and he has done an outstanding job.

I also want to pay tribute to the ranking minority member of the subcommittee, the gentleman from South Dakota (Mr. ABDNOR). I also want to commend the distinguished ranking minority member of the full committee, the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. Speaker, it is my pleasure to yield such time as he may consume to the chairman of the Subcommittee on Housing, the gentleman from Georgia (Mr. BRINKLEY).

Mr. BRINKLEY. Mr. Speaker, I thank my chairman for yielding.

Mr. Speaker, on May 12, the Committee on Veterans' Affairs unanimously ordered reported H.R. 13724, a clean bill incorporating the provisions of H.R. 12781, H.R. 9063, and H.R. 10944, the bill as reported (H.R. 13724) would amend chapter 37 of title 38, United States Code, to accomplish the following three things:

Section 1 would increase the maximum direct loan ceiling from $21,000 to $29,000 and thereby more adequately reflect the increased cost of housing which has resulted from current inflation. Under current law, the maximum amount of a direct home loan is set at $21,000, except that the Administrator may increase the $21,000 limitation to an amount not to exceed $25,000 where he finds that cost levels so require. In view of the increasing cost of housing, the Administrator exercised that authority and set the maximum direct loan amount at $25,000 nationwide, effective October 9, 1973.

Since that time, the cost of both new and existing single family housing has increased in excess of 20 percent, according to statistics reported by the Department of Commerce, the Federal Home Loan Bank Board, the National Association of Realtors, and the National Association of Home Builders.

Section 2 would permit the administrator of Veterans' Affairs to increase the guaranty on mobile home loans from 30 per centum to 50 per centum. The current economic recession, coupled with a tightening of available mortgage money and the absence of a secondary mortgage market for the sale and purchase of VA mobile home loan mortgages, has made it difficult, and frequently impossible for veterans' to obtain loans under the Veterans' Administration's mobile home loan guaranty program. The proposed increase in the guarantee is necessary in order to stimulate participation by lending institutions. Thereby making more funds available to prospective veteran purchasers of mobile homes. I note here that the proposed increase is not new to the House. In the 93d Congress, the House passed H.R. 15912 which contained a provision for an increase in the mobile home loan guaranty from 30 per centum to 50 per centum. The bill was referred to the Senate where the guaranty increase provision was removed. The Senate now favors enactment of this provision and has so indicated in its passage of S. 2529 on Friday, May 14, 1975.

Section 3 would provide for the continuation of the direct loan revolving fund. It would amend section 1823 of title 38, United States Code, which provides for the disposition of funds in the direct loan revolving fund with the Secretary of the Treasury at the termination of the direct loan program. Under current law, the direct loan program will expire on June 30, 1976. Because of the pending June 30, 1976 date of termination, it is crucial that we act immediately to pass this bill and in so doing provide for the continuation of the direct loan program. Failure to act now will result in the termination of one of this Nation's most successful Government housing programs. It has, in my opinion, fully served the needs of veterans in credit short areas who cannot otherwise obtain financing for the purchase of a home.

We feel the enactment of this legislation is essential if the mobile home loan program and the direct home loan program are to be viable veteran benefits programs that will assist our veterans who have so well served the needs of our country.

Mr. Speaker, I urge my colleagues to join in favorable consideration of H.R. 13724.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 13724, and concur with the remarks of our distinguished chairman of the full committee, Mr. Roberts. As was previously explained this is an omnibus type measure relating to the veterans' housing program. I want to commend the Subcommittee on Housing under the able leadership of the gentleman from Georgia (Mr. Brinkley) and the gentleman from South Dakota (Mr. Abdnor) for bringing to the floor a measure that is both realistic and restrained.

This measure, Mr. Speaker, will increase the maximum amount of a direct housing loan made by the Veterans' Administration to veterans residing in remote and rural areas to $29,000. Under existing law, veterans residing in areas where private capital is not available may obtain a direct loan from the Veterans' Administration. The law limits the loan to $21,000 unless the Administrator exercises his discretionary authority and increases the loan maximum to $25,000 when the cost of housing so warrants.

The situation became so acute that the Administrator on October 9, 1973, set the direct loan maximum at $25,000. Housing costs have since skyrocketed to the point that a $25,000 loan in remote and rural areas is no longer a realistic maximum. This bill, Mr. Speaker, proposes to increase that amount to $29,000.

The measure, Mr. Speaker, will also continue the direct loan revolving fund for an indefinite period. This fund is used to make direct loans and it is replenished by the repayment of direct loans. The fund is scheduled to expire June 30 of this year.

Finally, Mr. Speaker, the bill will increase the existing Veterans' Administration guaranty on mobile home loans from 30 percent to 50 percent. Although opposed to the increase, the Veterans' Administration said:

> The total number of mobile homes guaranteed to date, numbering 18,874, represents only a small proportion of the total loans guaranteed.

This admission, Mr. Speaker, from the agency administering the program, is a pointed example of the fact that the mobile home loan program is not doing the job it was intended to do. Hopefully, increasing the guaranty from 30 to 50 percent will attract greater lender participation and make more homes they can afford available to young veterans. I shall support the bill and urge that it be passed.

Mr. Speaker, I yield such time as he may consume to the ranking minority member of the subcommittee, the gentleman from South Dakota (Mr. Abdnor).

Mr. ABDNOR. Mr. Speaker, as ranking minority member of the Veterans' Affairs Subcommittee on Housing, and as a cosponsor of H.R. 13724, I want to strongly endorse this proposed legislation. I also want to thank the distinguished chairman of the Housing Subcommittee, Mr. Jack Brinkley, for expeditiously conducting hearings on these important legislative matters.

The Veterans' Administration housing program is one of the most effective Government programs ever devised. Since its inception in 1944, until the end of the calendar year 1975, the total cost of this program including the administrative expenses has only been $890.5 million of which $404 million was 4-percent gratuities paid. However, this relatively inexpensive housing program has enabled over 9.3 million veterans to borrow over $121 billion under the guaranteed loan program and over 324,000 veterans have borrowed over $3.2 billion under the direct loan program. It is, therefore, vitally important that we continue to keep this efficient housing program in tune with the housing needs of today's veterans and this is what H.R. 13724 is designed to accomplish.

As we all know, it would not be necessary to conduct a huge study to determine that the cost of both new and existing housing has skyrocketed in the last couple of years. For many young Vietnam veterans this high cost of conventional housing has priced him out of the housing market.

Therefore, in the Veterans Housing Act of 1970, Public Law 91–506, Congress for the first time authorized the Veterans' Administration to make loans on mobile homes. This would enable the veteran to obtain safe, sound, and sanitary housing within the means of his pocketbook. Today's proposal to increase the guaranty on mobile homes from 30 percent to 50 percent will bring the program more in line with the guaranty on conventional homes which is a 60 percent guaranty. Currently, very few lenders will make a no-downpayment VA loan on a mobile home. In fact, VA mobile home loans account for only 1 percent of the mobile home business. From testimony the committee has received, however, we are hopeful that this increase in guaranty to 50 percent will induce more lenders into the program, and thereby enable many young veterans the opportunity to purchase a home.

The cost of housing in rural areas has also been increasing. In Public Law 90–77, authority was given the Administrator to increase the direct loan maximum from its then ceiling of $17,500 to a maximum of $25,000 in high cost areas. Alaska was immediately declared a high cost area on October 1, 1967, and in August 1972 the Virgin Islands were declared a high cost area. Later, on October 9, 1973, the Administrator declared the entire United States a high cost area for the purpose of increasing the then direct loan maximum of $21,000 to $25,000. Since 1973, the cost of both new and existing housing in direct loan areas has increased appreciably. Therefore, earlier this year, I introduced H.R. 12781 to increase the direct loan maximum to $29,000. That bill has been incorporated into the proposal before us today. As the direct loan program was designed to place veterans living in credit short areas on a parity with their counterparts in the metropolitan areas, it is necessary that we continue to maintain the viability of the program by granting a modest cost of housing increase in the direct loan program. The final provisions of this bill also relates to the direct loan program and was also contained in a bill I introduced earlier, H.R. 10944. This provision continues the direct loan revolving fund from which all direct loans are made. The Administrator was given the authority under Public Law 91–506 to make direct loans indefinitely for eligible veterans. However, that act failed to also continue the direct loan revolving fund indefinitely. Therefore, on June 30, 1976, the direct loan revolving fund by statute must be deposited in the Treasury of the United States, and the Administrator will still have the authority to make direct loans, but no funds with which to make them. This provision merely corrects this problem and removes the June 30, 1976 termination date for the direct loan revolving fund. Without this provision, our veterans living in rural credit short areas could be denied the opportunity to obtain a VA home loan.

Thus, Mr. Speaker, I feel it is necessary that we pass this proposal in order to continue to keep this noteworthy VA housing program in tune with the high cost of housing. The cost of this program for fiscal year 1977 as estimated by the Veterans' Administration is approximately $4.7 million. However, it should be remembered that these funds will not come out of general funds but will come from the direct loan and guaranteed loan revolving funds, neither of which have required additional appropriations since their inception in 1951 and 1962, respectively. Therefore, I urge that we unanimously pass H.R. 13724.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to a member of the committee, the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Speaker, I too, urge passage of the bill now before us. There were several weaknesses in the existing VA housing program. One is the current two tier limitation of $21,000 and $25,000 on direct housing loans. This limitation is totally unrealistic when we consider the rapid appreciation in the price of real property that has taken place in recent years. This low ceiling has for practical purposes precluded many veterans from making effective use of this program, thereby thwarting the expressed intent of the Congress. The increase in the housing loan limit to $29,000 as proposed in the bill before us will help make the GI housing program workable again.

The same general rational supports the increase of the mobile home loan guarantee to 50 percent. Mobile homes have for a number of economic reasons become very popular in recent years and often provide adequate housing at a rather modest cost. The utilization of this cost efficient form of providing homes for our deserving veterans is to be encouraged.

Last but not least the statutory authorization for the revolving direct loan fund that provides the money to finance the veterans' housing program is about to expire. This legislation will enable the direct loan fund to be operated on a continuing basis.

This bill warrants the support of the House.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time.

Mr. ROBERTS. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Speaker, I rise in support of the pending measure. This is a bill which realizes the situation that now obtains to veterans.

Mr. Speaker, I express my full concurrence with the views of the gentleman from Georgia (Mr. BRINKLEY), the distinguished Chairman of the Subcommittee on Housing of the Committee on Veterans' Affairs, and in support of the bill presently before the House. I commend the gentleman for his efforts on behalf of our country's veterans in bringing this much-needed bill to the floor.

Mr. Speaker, H.R. 13724 would increase the maximum direct housing loan for veterans from $21,000 to $29,000, and increase the guarantee on mobile home loans from 30 to 50 percent. Because of the rapidly increasing cost of housing, veterans and their families are increasingly unable to obtain adequate housing. It has been estimated that, in just 2½ years, this increase in the cost of both new and existing single family housing has exceeded 20 percent. This is just a national average. I can assure my colleagues that they would be much more inclined to support this bill were they to see these same figures with regard to my own State of Hawaii, which has the highest average cost of housing of any State in the country.

Mr. Speaker, passage of the bill before us today is essential if we are to continue to fulfill our commitment to assisting our veterans and their families in finding adequate housing. I urge that the House act favorably on H.R. 13724.

Mr. ROBERTS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. (Mr. McFALL). The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 13724.

The question was taken.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 3(b), rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

Does the gentleman from Ohio (Mr. WYLIE) withdraw his point of order of no quorum?

Mr. WYLIE. Yes, Mr. Speaker, I do.

PROVIDING AN ALLOWANCE TO STATES OR AGENCIES OR POLITICAL SUBDIVISIONS OF STATES FOR EXPENSES INCURRED IN THE BURIAL OF VETERANS

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12735) to amend title 38 of the United States Code in order to require the Administrator of Veterans' Affairs to pay a $150 allowance to any State or any agency or political subdivision of a State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State or agency or political subdivision of a State, if the cemetery or section thereof is used solely for the interment of veterans.

The Clerk read as follows:

H.R. 12735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 903(b) of title 38, United States Code, is amended to read as follows:

"(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator—

"(1) in any case in which any such veteran is buried in any cemetery or section thereof which is solely used for the interment of persons eligible for burial in a national cemetery and is owned by any State or any agency or political subdivision of a State, shall pay such State, agency, or political subdivision $150 as a plot or interment allowance; and

"(2) in any case in which any such veteran is buried in any cemetery other than one described in paragraph (1) of this subsection, shall pay a sum not exceeding $150 as a plot or interment allowance to such person as he prescribes, except that if any part of the plot or interment expenses of a burial to which this paragraph applies has been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred, and the amount paid or assumed by any or all of the foregoing entities.".

SEC. 2. This Act shall take effect on October 1, 1976, or the date approved by the President, whichever is later.

The SPEAKER pro tempore. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ROBERTS) and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the reported bill, H.R. 12735, would remove present restrictions on payment of a plot or interment allowance to State and local governments for expenses incurred in the burial of veterans in cemeteries under their jurisdiction.

The chairman of our Subcommittee on Cemeteries and Burial Benefits, the gentleman from California (Mr. DANIELSON) has been most interested in getting this bill to the floor, and I want to commend him for his leadership not only in bringing this bill forward, but for his tremendous labor and efforts to strengthen our national cemetery system. He continues to do a great job and I am very grateful for his work as subcommittee chairman and as a ranking member of the full commmittee.

The same is true, Mr. Speaker, of the gentleman from Indiana, (Mr. HILLIS), the ranking minority member of the subcommittee. He does his homework and no one works harder for our veterans than the gentleman from Indiana.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield such time as he may consume to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, I thank my committee chairman for yielding, and I thank him for his kind remarks.

Mr. Speaker, H.R. 12735 is a bill which came out of the Committee on Veterans' Affairs with the unanimous support of that committee.

Mr. Speaker, I would like to point out its purpose.

For a number of years the law has provided that when an eligible veteran dies, a plot or interment allowance of $150 shall be paid as a reimbursement to the person or persons who pay, or obligate themselves to pay for, the cost of the burial.

That allowance is not payable when the veteran is buried in a national cemetery, nor is it payable when a veteran is buried in a State cemetery. It is payable only when the interment is in a private cemetery.

Mr. Speaker, we have throughout the land today 30 million veterans who are eligible for burial in national cemeteries. Of that number we can reasonably anticipate that 6 million or 7 million will wish to exercise that option.

Quite obviously, the expense of establishing national cemeteries throughout the length and breadth of the land would be a tremendous financial burden; and we have to find some way to, first of all, meet our obligations to the veterans, and second, to keep our budget within reason.

Mr. Speaker, this bill provides an excellent program for that purpose. It is actually an economy bill.

We have found throughout the country that in many States, there is a strong feeling that there should be a veterans' cemetery, a national cemetery, within each of the individual States so that the veterans can be buried near their homes where their graves can be visited by their families and loved ones from time to time. It is a very understandable desire. Yet, the cost of establishing and maintaining that type of cemetery facility in every State would be almost prohibitive.

Mr. Speaker, we have found that several States have now established State veterans' cemeteries. A leader in this field is the State of Rhode Island, which recently established a cemetery not far from Providence. It is a State-operated, State-owned veterans' cemetery.

They have a problem in meeting the budget for maintaining and operating it, but at the same time that State-owned veterans' cemetery relieves the Federal Government of the burden of providing additional national cemetery facilities.

Mr. Speaker, in visiting that cemetery

and in talking with the veterans' leaders and government officials in Rhode Island we found that if we could simply amend the $150 plot allowance, which is already paid in the event of a veteran's death, and pay it to the State which provides the State-operated veterans' cemetery, this would go a long way toward meeting their cost of operation. It would alleviate their financial burden without creating one extra dollar of expense for the Federal Government.

Mr. Speaker, we have talked over this plan with several other States. Maryland is about to establish a State cemetery. I believe there is a facility in Ohio. There are one or two others; I cannot recall them as I stand here speaking, possibly Maine.

In any event, Mr. Speaker, I respectfully submit that this bill would simply change subparagraph (b) of section 903 of title 38, to provide that where a State establishes a veterans' cemetery, or a designated area within a cemetery which is reserved for the use of veterans who would otherwise be entitled to burial in a national cemetery, then the plot allowance of $150 can be paid to that State to help offset their cost of operation.

I have found no opposition whatever to this proposal. In fact, it has strong support.

Just yesterday, Mr. Speaker, I was in Arizona talking with the State officials there in the Veterans' Department; and they are very anxious that this type of relief be granted because they would like to set up a cemetery to take care of the Arizona veterans.

Mr. Speaker, I think that we will find that this bill will provide an incentive for States to operate their own veterans' cemeteries and thereby alleviate the burden on our national cemetery system, and I urge that it be passed.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 12735, a bill that would permit the payment of the full $150 plot allowance where a veteran is buried in other than a national cemetery.

The present law stipulates that where burial takes place in a veterans' cemetery maintained by a State, county, or municipality, the $150 plot allowance is reduced by any amount paid by the State or local government.

The bill before us would remove this stipulation in the law by permitting the full payment of $150 to the cemetery.

The Federal Government is striving to meet the demand of providing adequate and fitting burial places for veterans. The national cemetery system is being expanded, accordingly. But the fact remains that many veterans would prefer to rest with their buddies closer to home than national cemeteries in many instances permit.

H.R. 12735 would encourage States and local governments to create veterans' cemeteries, since the plot allowances would go a long way to defray operational and maintenance expenses.

I believe this is a meritorious bill, and I intend voting for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE), a member of the committee.

Mr. WYLIE. Mr. Speaker, I rise in support of H.R. 12735, a bill to provide a $150 allowance to any State or any agency or political subdivision of a State as reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State or agency or political subdivision of a State, if the cemetery or section thereof is used solely for the interment of veterans.

Mr. Speaker, the current law governing plot allowances is inequitable in that it prohibits the States from receiving the same Federal assistance which is available to any private or commercial cemetery.

H.R. 12735 would eliminate this inequity, and, thereby, encourage States to establish veterans' cemeteries. Such a measure would provide incentive for States whose veterans' population is too small to justify the establishment of a national cemetery.

Mr. Speaker, I urge my colleagues to join in supporting this important legislation.

Mr. DANIELSON. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. BEARD).

Mr. BEARD of Rhode Island. Mr. Speaker and Members of the House, certainly I stand for the 147,000 veterans in the State of Rhode Island; and I wholeheartedly support this legislation.

This legislation has a direct effect on Rhode Island, Maine, Maryland very shortly, and Arizona. I believe that it is a very progressive piece of legislation. It will help States like Rhode Island, my own State, where we have a State veterans' cemetery. It is a very, very beautiful cemetery. It guarantees the burial with dignity of veterans throughout this country.

Mr. Speaker, I think that it would behoove the House certainly to unanimously support this type of legislation.

I support H.R. 12735, and I ask my colleagues to do likewise.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I rise in support of this legislation. I think it reflects a need for the veterans and the respect this country holds for those who serve their country.

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 12735, a bill that will require the Administrator of Veterans' Affairs to pay a $150 burial plot allowance to any State or political subdivision thereof in reimbursement for expenses incurred in the burial of each veteran in any State-owned cemetery.

Under existing law, Mr. Speaker, the burial plot allowance of $150 is payable when a veteran is buried in a private cemetery. It is not, however, payable if a veteran is interred in a national cemetery or in a State cemetery. There appears to be no reason why the Federal Government should not reimburse States for veterans buried in State cemeteries. H.R. 12735 will correct this situation by authorizing the $150 payment to States in the situation which I have just described.

The enactment of this legislation should provide an incentive to States to construct State veterans' cemeteries that will serve as a perpetual memorial to those who made the supreme sacrifice on behalf of their State and Nation.

Mr. Speaker, this is a good bill—its cost is minimal—and I urge that it be approved.

Mr. MATSUNAGA. Mr. Speaker, I rise to express my complete support for H.R. 12735. As sponsor of a similar bill in the present Congress to provide for memorial plots in national cemeteries for deceased veterans with unrecoverable remains, I believe that the pending legislation represents a major improvement in our country's effort to provide its veterans with a final resting place. I commend the gentleman from Texas (Mr. ROBERTS), the chairman of the Veterans' Committee, and the gentleman from California (Mr. DANIELSON) for continuing attention to the needs of our Nation's veterans.

Mr. Speaker, H.R. 12735 would require the payment of $150 by the Federal Government to a State as a plot or interment allowance for each veteran buried in a cemetery owned by that State. Under present law, such a reimbursement by the Federal Government to States is not required. Although with the sincere appreciation, I am sure, of our country's veterans, many States reimburse the families of veterans for their out-of-pocket expenses. However, States are increasingly unable to provide this assistance, given the other pressing financial needs which they are obligated to fulfill. This in turn has been reflected in an increasing lack of cemeteries in which the desire of many veterans to be buried alongside their comrades can be fulfilled. I know this to be the case in my own State of Hawaii, where Punchbowl National Cemetery will in a very short time be unable to accomodate further burials.

Mr. Speaker, by encouraging the further establishment of State veterans cemeteries, H.R. 12735 would meet this very special obligation we all owe to our veterans, in whose debt we will always be. It is a good bill, and I urge its expeditious passage.

Mr. DANIELSON. Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. HAMMERSCHMIDT. I have no further requests for time and I reserve the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 12735.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation, H.R. 12735, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TREATMENT OF PAYMENT OR REIMBURSEMENT BY PRIVATE FOUNDATIONS FOR FOREIGN TRAVEL EXPENSES OF GOVERNMENT OFFICIALS

Mr. ULLMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2984) to amend section 4941(d)(2)(G) of the Internal Revenue Code of 1954, as amended.

The Clerk read as follows:

H.R. 2984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4941(d)(2)(G) of the Internal Revenue Code of 1954 (relating to payment or reimbursement of certain traveling expenses) is amended by striking out "or" at the end of clause (vi), by striking out the period at the end of clause (vii) and inserting in lieu thereof ", or", and by adding at the end thereof the following:

"(viii) any payment or reimbursement of traveling expenses for travel between a point in the United States and a point outside the United States, but only if such payment or reimbursement with respect to any one trip by an official does not exceed the lesser of the actual cost of the transportation involved or $2,500, plus an amount for all other traveling expenses not in excess of 125 percent of the maximum amount payable under section 5702(a) of title 5, United States Code, for like travel by employees of the United States for a maximum of 4 days.

Clause (viii) shall not apply to any payment or reimbursement made by a private foundation if more than one-half of the foundation's support (as defined in section 509(d)) is normally derived from any business enterprise, trade association, or labor organization.".

SEC. 2. The amendments made by the first section of this Act shall apply to travel beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. CONABLE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. ULLMAN) and the gentleman from New York (Mr. CONABLE) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2984, the bill now before the House, amends the Internal Revenue Code to permit Government officials to be reimbursed by private foundations for part of the cost of foreign travel.

Let me briefly run through the restrictions that are imposed by the bill in order for this reimbursement to be allowed.

The travel must be for charitable purposes.

The reimbursement for the transportation costs is not to exceed those costs and in no event is to be more than $2,500.

The reimbursement for all other traveling expenses is not to exceed those expenses and in no event is to be more than 1¼ times the per diem for Federal employees and in no event is more than 4 days' worth of per diem to be reimbursed.

The reimbursement is not to be made at all if more than half the foundation's support normally comes from any business enterprise, trade association, or labor organization.

This bill does not change the definition of what is a private foundation, or what is an exempt organization. In fact, this bill does not expand the powers of any private foundation even as to foreign travel. What the bill does is to protect the Government official that receives the reimbursement. If the standards of the law are violated on this point, both under present law and under this bill, any penalty tax would be imposed on the Government official.

Hearings were held on this bill, together with other bills, on December 10, 1975. Only one witness testified on this bill and that witness had no objections to it. The Treasury Department indicated at that time, and has confirmed again, that it supports this bill.

The committee markup on this bill was held on March 1, 1976. No objections to the bill were presented to the committee by the time of that markup.

The committee report on this bill was filed on April 29, 1976. No objections to this bill were presented by the time the report was filed.

When this bill was brought to the floor under unanimous-consent procedure last week, one objection was made to the bill. As far as I can understand the substance of that objection, it dealt with matters that are not a part of this bill.

The committee was unanimous in voting to report this bill favorably. The Treasury Department supports this bill.

Mr. Speaker, I urge that the House pass H.R. 2984.

Mr. CONABLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. H.R. 2984 provides an additional exception to the self-dealing provision of the Internal Revenue Code of 1954 and allows a private foundation to reimburse a Government official for certain foreign travel expenses.

The Tax Reform Act of 1969 limited the activities of private foundations by classifying certain of their acts as acts of self-dealing and imposing an excise tax on these acts. Included among the prohibited acts of self-dealing was the reimbursement of a Government official by a private foundation for travel expenses. An exception was provided where the Government official was reimbursed for certain domestic travel expenses. Thus under current law, the reimbursement of a Government official by a private foundation for any foreign travel expenses is treated as an act of self-dealing.

The bill provides that a private foundation may reimburse a Government official for certain foreign travel expenses. Thus, the amount of the reimbursement for transportation expenses cannot exceed the actual amount of such expenses or $2,500, whichever is less. As in the case of other reimbursable traveling expenses the amount of the reimbursement cannot exceed 125 percent of the maximum amount payable under section 5702(a) of title 5 of the United States Code—concerning travel by U.S. employees—for a maximum of 4 days.

There are other restrictions. Under this bill the reimbursing private foundation cannot normally receive more than one-half of its support from any business enterprise, trade association, or labor organization. If it does, then its reimbursement payments are not eligible for the bill's exception.

The current restrictions imposed on the reimbursement of Government employees for foreign travel expenses has resulted in private foundations not being able to carry out their exempt function to the fullest extent possible. As the committee report notes, the attendance of Government officials at foreign conferences conducted by private foundations in their area of expertise has been limited by these restrictions. Thus, the reimbursement restrictions in practice have gone beyond their intended purpose and require amendment.

I believe the bill will allow private foundations to more effectively pursue their tax-exempt purposes and I urge its passage.

Mr. Speaker, I have no other requests for time.

Mr. ULLMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, I realize this bill was reported unanimously and also that the committee provided for some protection against abuse, but I think that a word of warning might be in order.

It seems to me that inevitably the foundations who pay for the travel expenses are going to influence the selection of the people who go. By influencing the selection of those who go, they will influence the conclusions that are brought back. The traveling officials may very well come back and support a report that was written before they went.

The least that can be said is that knowing that they were supported by a certain foundation will temper their judgments. They will issue a report reflecting the viewpoint of a foundation but it will be in the name of Congress, and in effect it will be at Government expense because it is a tax-exempt foundation.

I think that we should be very careful on this kind of legislation. It could become a way for rewarding those particular Government officials who happen to be representing the viewpoint that the people in that foundation support. It seems to me that if it is in the interests of this Government for officials of this Government, or for Members of Congress, to travel, in the long run the cheapest way and the best way to keep them independent of any influence is for the Government to pay their expenses and not have anybody else pay them. I just think that in the long run this is bad legislation.

Mr. ULLMAN. Mr. Speaker, I know of only one foundation that has been directly involved and that is the Ditchley Foundation.

I know of no finer foundation nor finer purpose than the conferences that have been held in Ditchley, which Government officials and Members of Congress have attended. We on the committee feel that the safeguards in the bill which do tighten the bill up considerably more than the existing requirements are adequate to take care of any problems.

Mr. Speaker, we urge the passage of the bill.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I would like to second what the gentleman from Oregon has been saying.

I think the Ditchley Foundation has furthered United States-British relations. It has proved to be a beneficial foundation in that respect.

There is no prohibition on a charity paying the expenses of public officials, and what has resulted from the rule we are changing in this bill is that some foundations have funded the travel of public officials through public charities such as universities, making their grants through a public charity in effect and thus achieving this same purpose.

That seemed somewhat devious to me. It seems to me as long as there are proper restrictions on the payment of foreign travel expenses of this sort that we should permit it in a direct way rather than through a devious route such as the one I have described.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN) that the House suspend the rules and pass the bill H.R. 2984, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

JOINT RECEIPT OF AID TO FAMILIES WITH DEPENDENT CHILDREN, UNEMPLOYED FATHERS, AND UNEMPLOYMENT COMPENSATION

Mr. CORMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13272) to amend section 407 of the Social Security Act to eliminate the present prohibition against payment of aid in the case of a family with an unemployed father who receives unemployment compensation, and, where possible, to eliminate the necessity of more than one registration for employment by an unemployed person.

The Clerk read as follows:

H.R. 13272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 407(b)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (B); and

(2) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) for the denial of aid to families with dependent children to any child or relative specified in subsection (a)—

"(i) if and for so long as such child's father, unless exempt under section 402(a)(19)(A), is not registered pursuant to such section for the work incentive program established under part C of this title, or, if he is exempt under such section by reason of clause (iii) thereof or no such program in which he can effectively participate has been established or provided under section 432(a), is not registered with the public employment offices in th State, and

"(ii) with respect to any week for which such child's father qualifies for unemployment compensation under an unemployment compensation law of a State or of the United States, but refuses to apply for or accept such unemployment compensation; and

"(D) for the reduction of the aid to families with dependent children otherwise payable to any child or relative specified in subsection (a) by the amount of any unemployment compensation that such child's father receives under an unemployment compensation law of a State or of the United States.".

(b) Section 407(d)(3) of such Act is amended by inserting ", for purposes of section 407(b)(1)(C)," before "be deemed".

(c) The amendments made by this section shall be effective with respect to months after (and weeks beginning in months after) the date of the enactment of this Act.

SEC. 2. Section 407 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"(e) The Secretary of Health, Education, and Welfare and the Secretary of Labor shall jointly enter into an agreement with each State which is able and willing to do so for the purpose of (1) simplifying the procedures to be followed by unemployed fathers and other unemployed persons in such State in registering pursuant to section 402(a)(19) for the work incentive program established by part C of this title and in registering with public employment offices (under this section and otherwise) or in connection with applications for unemployment compensation, by reducing the number of locations or agencies where such persons must go in order to register for such programs and in connection with such applications, and (2) providing where possible for a single registration satisfying this section and the requirements of both the work incentive program and the applicable unemployment compensation laws.".

The SPEAKER pro tempore. Is a second demanded?

Mr. BAFALIS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. CORMAN) and the gentleman from Florida (Mr. BAFALIS) will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation affects only the 28 States that are participating in the AFDC–UF program.

It requires unemployed fathers who apply for AFDC–UF to collect any unemployment compensation to which they are entitled before they can receive any AFDC–UF benefits for which they might qualify.

In those cases where the individual collecting unemployment compensation meets State AFDC–UF eligibility requirements, the State would be required to supplement his UC benefits up to AFDC–UF benefit levels.

This legislation is necessary because of the June 9, 1975, Supreme Court decision which held that an unemployed father of dependent children eligible for AFDC–UF, who is also eligible for unemployment compensation, must be given the option of receiving either. Prior to this ruling, an unemployed father eligible for UC was prohibited from receiving AFDC–UF, even if he met the State AFDC–UF requirements. The Supreme Court ruling allows individuals to draw AFDC–UF instead of UC in those cases where AFDC–UF benefits are higher and, as a result, has increased AFDC–UF expenditures and decreased UC expenditures.

HEW estimates that in fiscal 1977 there will be an average of 155,000 AFDC–UF families each month, of which 28,000 will be eligible for both AFDC–UF and UC benefits. Based on these figures, HEW estimates that the effect of H.R. 13271 in fiscal 1977 would be to shift about $47 million in AFDC–UF expenditures back to the UI trust funds, where they were prior to the Supreme Court ruling.

This bill would also reduce the number of locations or agencies recipients of AFDC–UF and recipients of both U.C. and AFDC–UF must go in order to register for employment. Where the work incentive program (WIN) is operating, an individual receiving just AFDC–UF would have to register only with WIN, rather than with both WIN and the Employment Service as under current law. If a WIN program is not available, the individual would have to register with the Employment Service. For those receiving both U.C. and AFDC–UF, the bill directs the Secretaries of HEW and DOL to work with the States in reducing the number of places these individuals must go to fulfill the employment registration requirements in both programs.

The following States are currently participating in the AFDC–UF program and would be affected by this legislation:

California, Colorado, Connecticut, Delaware, District of Columbia, Guam, Hawaii,

Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan,

Minnesota, Missouri, Montana, Nebraska, New York, Ohio, Oregon, Pennsylvania,

Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin.

Mr. BAFALIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 13272 has the full support of the minority members of the Subcommittees on Public Assistance and Unemployment Compensation, as well as the minority members of the full Ways and Means Committee. We fully subscribe to this approach to resolving problems arising subsequent to the 1975 Supreme Court decision in Philbrook against Glodgett, the magnitude of which now is becoming clear in many States. Appropriately, this measure directs unemployed fathers to collect any unemployment compensation benefits to which they are entitled, and required States to supplement such benefits where AFDC–UF benefits are greater and the unemployed father meets the tests of AFDC–UF eligibility.

We also support the provision directing the Secretary of Health, Education, and Welfare and the Secretary of Labor to enter jointly into agreements with States, where the States are willing to do so, for the purpose of simplifying registration requirements for work and manpower services.

I urge the adoption of this legislation.

The SPEAKER pro tempore (Mr. McFall). The question is on the motion offered by the gentleman from California (Mr. Corman) that the House suspend the rules and pass the bill (H.R. 13272).

The question was taken; and (two-thirds having voted in favor there) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL INCOME TO ASSURE THE CONTINUED OPERATION OF THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME

Mr. STRATTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13549) to provide for additional income for the U.S. Soldiers' and Airmen's Home by requiring the Board of Commissioners of the home to collect a fee from the members of the home; by appropriating nonjudicial forfeitures for support of the home; and by increasing the deductions from pay of enlisted men and warrant officers.

The Clerk read as follows:

H.R. 13549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for months after the month in which this Act is enacted, the Board of Commissioners of the United States Soldiers' and Airmen's Home (hereinafter in this section referred to as the "Home") shall collect a fee from each member of the Home.

(b)(1) Except as provided in paragraph (2) of this subsection, the amount of the fee required to be collected from each member of the Home pursuant to subsection (a) shall be—

(A) for months after the close of the sixty-month period referred to in subparagraph (B) of this paragraph, an amount equal to 25 per centum of—

(i) the monthly amount of the military retired pay of the member,

(ii) the monthly amount of the disability compensation or pension paid by the Administrator of Veterans' Affairs to the member; or

(iii) the monthly amount of military retired pay and such a disability compensation, in the case of any member receiving both; and

(B) for months during the sixty-month period beginning with the month after the month in which this Act is enacted, an amount equal to such percentage (but less than 25 per centum) of the monthly amount of military retired pay, disability compensation, or pension, as the case may be, of each member as the Board of Commissioners may determine to be appropriate to provide for an incremental phasing-in of the fee amount specified in subparagraph (A) of this paragraph.

(2) In any case in which a member of the Home has assigned more than 75 per centum of his disability compensation or pension payable by the Administrator of Veterans' Affairs to his child, wife, or parent pursuant to section 4 of the Act of March 3, 1883 (24 U.S.C. 52), the amount of the fee collected under this section for each member for each month shall equal the monthly amount of the disability compensation or pension payable pursuant to such section 4 to the treasurer of the Home on behalf of such member, but adjusted accordingly during the sixty-month period referred to in paragraph (1) (B) of this subsection to carry out the purposes of such paragraph.

(c) All fees collected pursuant to this section shall be for the sole and exclusive use of the Home.

Sec. 2. Section 4818 of the Revised Statutes of the United States (24 U.S.C. 44) is amended by inserting "or under authority of section 815 of title 10, United States Code" before ", over and above".

Sec. 3. The Act of February 13, 1936, chapter 66 (24 U.S.C. 44a), is amended by striking "25 cents," and inserting in place thereof "50 cents".

The SPEAKER pro tempore (Mr. McFall). Is a second demanded?

Mr. O'BRIEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. Stratton) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. O'Brien) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 13549 is to provide for additional income for the U.S. Soldiers' and Airmen's Home to assure for financial support needed to continue operation of the Home.

The Home, located here in Washington, has been in existence for 125 years. It was originally started with a bounty that Gen. Winfield Scott brought home from the Mexican War of 1846–48. It is an outstanding facility which allows older soldiers and airmen to spend their declining years in dignity among other career soldiers and airmen.

The Home has never received appropriated funds. It has been supported for 125 years by the interest on its trust fund; by the income from fines and forfeitures from courts-martial; by a small monthly deduction from the pay of active-duty soldiers, airmen and warrant officers; and on occasion by contributions by members of the Home.

In recent years the Home has experienced financial difficulty. When the Congress revised the Uniform Code of Military Justice, it provided for what is called article 15 punishment; that is, nonjudicial punishment handed out by a commanding officer. A 1963 ruling by the Comptroller General stated that, because of the wording of the law, forfeitures as a result of nonjudicial punishment could not be paid to the Home's trust fund, thus reducing a traditional source of income. In addition, in recent years the Home has been, like all of us, the victim of severe inflation.

The result is that the Home's trust fund has begun to be seriously depleted. From a level of over $110 million in 1970, the fund is now down to $93 million; and at the present rate of depletion, the fund will be exhausted in about 10 years. The Home has instituted a number of stringent economies and discontinued all capital improvements. Even with these measures expenditures still exceed income; and while inflation continues on the expenditure side, there is no provision for growth in income. In fact, as the trust fund is reduced, the interest income on the fund is reduced accordingly.

The Armed Services Committee believes the Soldiers' and Airmen's Home is an outstanding sanctuary for older enlisted personnel which should be continued. The committee sought, therefore, to develop legislation which will assure the financial soundness of the institution for an extended period of years. H.R. 13549 will accomplish this aim. Let me briefly explain what the bill does:

First, it provides that article 15 forfeitures of pay would accrue to the Home's trust fund. This is consistent with the provision of fines and foreitures from courts-martial. When the Congress revised the Uniform Code of Military Justice, it did not express any intention of reducing the accrual of these moneys to the Home or of having the Federal Treasury gain income from forfeitures of pay. The loss of article 15 forfeitures resulted later from a Comptroller General decision concerned with the wording of the law. The bill, therefore, would return to the Home this traditional source of income. This is provided by section 2 of the bill.

Second, the bill would increase the contribution from active-duty personnel to 50 cents. The amount of deduction authorized in law has been 25 cents since 1851 and has varied from 10 cents to 25 cents over the years. The deduction was 10 cents during World War II when soldiers were paid $21 a month. Today the monthly pay of the lowest-ranked enlisted man, an E–1, is $361.20. This change is provided in section 3 of the bill.

Finally, the legislation provides for a user's fee of 25 percent of the member's military retired pay—or VA compensation or pension as the case may be—with the provision that the Board of Commissioners may phase in the fee on an incremental basis over a 5-year period. Since residents of the home receive their meals without charge and have free access to the home's outstanding hospital as well as free use of the bowling alleys, golf course, movies, and all other facilities, the committee believes that a fee of 25 percent of retired pay is not unreasonable. However, since members have had the use of the home free in the recent past, we provided for the gradual phasing-in of the fee over a 5-year period.

There is a precedent for charging a fee since at times in the past members of the home have been required to contribute a portion of their retired pay; in fact, at one period members had to surrender all of their retired pay.

It is estimated that the average income from military retired pay or the equivalent by members of the home is approximately $335 a month. The committee's bill, therefore, would result in an average charge to the residents of the home of $83 a month once the full fee is instituted. The governor of the home had originally suggested a flat fee of up to $150 a month and intended initially to institute a fee of $50 a month that might be gradually increased to $150. The Board of Commissioners, however, indicated support of a user's fee based on a percentage of retired pay and agreed that this method of assessment is the most equitable in terms of the members' ability to pay.

DEFENSE DEPARTMENT POSITION

The Department of Defense provided a ludicrous performance on this legislation. At our initial hearings the Department announced that it was not prepared to state a position on the bill. A month later a Department witness appeared and said that the Department supported one section of the bill but not the other two sections. At one point we were told the Navy had reservations on one section, although the bill does not affect the Navy at all. The Department finally submitted a letter that proclaimed strong support for continuation of the home and stated revised positions on the bill's various sections.

The Defense Department supports the user's fee and indicated support for giving the board of commissioners authority to institute a fee of up to 50 percent of retired pay.

As to the deduction from the pay of active-duty personnel, the Department of Defense stated it would not object to an increase to $1, as proposed by the home's board of commissioners. But the Department proposed that for those in pay grades E-4 with less than 4 years' service and below—in other words, first-term enlistees—the deduction remain at 25 cents.

The committee does not believe the Department's objection to increasing the deduction for a first-term enlisted man is valid. It ignores the fact that a soldier or airman, during his first term, can become eligible for membership in the home because of retirement for disability.

The board of commissioners of the home had recommended that the deduction from active-duty pay be raised to $1 in 15-cent increments. Rather than frequent changes which might be disturbing to enlisted personnel, the committee provided for a flat increase to 50 cents to be made immediately with the understanding that the deduction would be stabilized at that figure for a good many years.

The Department of Defense opposed the accrual of forfeitures of pay to the home on the grounds it would add to Defense expenditures in an indirect manner. The subcommittee rejects this reasoning since, as stated, the changes in nonjudicial punishments were not intended to deny income to the home or to allow the services to benefit financially from the administration of discipline.

Our committee made a careful projection of the expected income from present and proposed sources if H.R. 13549 is enacted, and of projected expenses. The committee believes it has designed a bill which will assure the financial solvency of the home throughout the remainder of the century.

If such legislation is not passed, either annual appropriations will have to be made to the home or the home will have to be closed.

Over the years, the Soldiers' and Airmen's Home has provided a residence, as well as medical, spiritual, and moral care for aged and infirm former Regular enlisted and warrant personnel of the Army and Air Force. Many of these services are not available to the home members through other sources.

As the costs of other private and public institutions engaged in similar activities continue to soar, the home, despite the difficulties it has encountered, remains an economical and self-supporting method of caring for former members of the Regular Army and Air Force by permitting them to live out their declining years in dignity. This legislation will protect the home's financial integrity and its future operation, thereby insuring the continuity of essential services necessary to support the home's membership.

Mr. Speaker, I urge all Members to support this bill.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 13549, and I might add that, in its small way, this bill affords the House a rather unusual opportunity. H.R. 13549 gives us a chance to demonstrate a sense of compassion without a burden on the taxpayers.

A century and a quarter ago, Gen. Winfield Scott appealed to the Congress to establish a home—an "asylum" as it was called in those days—for old and disabled soldiers. A farsighted Congress responded with a rather remarkable piece of legislation that proved over the years both fiscally sound and philosophically well grounded. In those days, a certain amount of stigma was attached to welfare, so the Congress provided that every enlisted man in the Army would contribute 25 cents per month from his pay for the support of the home during the course of his active duty career. This 25 cents represented a kind of old age and disability insurance policy. Having contributed to its support, soldiers who eventually chose to reside at the home would not suffer the indignity of being stigmatized as recipients of charity.

The Congress also provided that the proceeds collected from the administration of military discipline—that is, the forfeitures and fines from courts-martial—would be deposited in a congressional trust fund for the support of the home. Underlying this provision was not only an intention to generate income for the home, but also the idea that the Army should not be allowed to benefit financially from its disciplinary policies by retaining the forfeitures and fines.

With these two sources of funds—payroll deductions and court-martial fines—and with the interest earned annually on the unused balance in the trust fund, the home remained in a financially solvent condition for about 120 years. So solvent, in fact, that the home expanded its facilities several times over the years without adversely affecting its trust balance, and, during the war years, actually found it necessary to reduce the payroll deduction from 25 to 10 cents because the massive manpower buildup was resulting in needlessly large surpluses to the trust fund.

Of course, none of the Members of Congress back in 1851 foresaw that runaway inflation would strike the United States in the 1970's. But then, few of us who are here today did either. Thus, it should not be surprising that the act of 1851 which worked so well for so long has now become a little frayed around its financial edges. The Soldiers' and Airmen's Home, like every other institution in this country, is running into financial difficulty because of soaring costs. Despite some very severe economy measures, the Home has been operating at a deficit in recent years, and it is being forced to make up the deficits by withdrawals from its trust fund. Unless substantial changes are made in the method of financing, the fund will be depleted in about 10 years.

H.R. 13549 proposes to make the necessary changes to insure the continued financial solvency of this outstanding retirement facility. But it does not propose to abandon its historic tradition of functioning without taxpayer support. Rather, it is designed to reinforce that tradition. The modest increase in the payroll deduction is not unreasonable since every contributor is potentially eligible to reside at the Home. The Air Force Sergeants' Association—a principal spokesman for enlisted personnel—indicated that it had no objection to this feature of the bill. Similarly, the bill was endorsed by the American Legion.

The idea of assessing a reasonable user's fee was endorsed by the residents, themselves, when they were informed of the Home's financial difficulties. None of them wishes to become a burden to the taxpayers—a wish we should have no reluctance in accommodating.

Another income provision of H.R. 13549 merely restores the intent of the original congressional legislation which was circumvented by a Comptroller General decision in 1963. When Congress earmarked the forfeitures and fines from courts martial for the support of the Home, it simply did not foresee that over a hundred years later the disciplinary system would be revised to provide for nonjudicial punishment. When the system was modified, the laudable intent was to distinguish between major and minor disciplinary infractions by allowing commanders to administer a form of punishment that did not bear the stigma of a criminal conviction. It was never intended by the Congress that the Home should be financially penalized in the process, or that the service should benefit financially from its ability to administer nonjudicial punishment. That resulted, not from the intent of Congress, but from an arbitrary decision by the Comptroller General that chose to interpret the law narrowly. H.R. 13549, therefore, removes the technicality and restores the original intent of the Congress.

If this legislation is not passed, either the Home must be supported by annual appropriations or it will have to be closed. It is as simple as that. And it is not often we have such an easy choice to make.

Mr. STRATTON. Mr. Speaker, I have no further requests for time.

Mr. O'BRIEN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. STRATTON) that the House suspend the rules and pass the bill H.R. 13549.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INDIAN CRIMES ACT OF 1976

Mr. HUNGATE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2129) to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders as amended.

The Clerk read as follows:

S. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Crimes Act of 1976".

SEC. 2. Section 1153, title 18, United States Code is amended to read as follows:

"§ 1153. Offenses committed within Indian country

"Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, rape, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and larceny within the Indian country, shall be subject to the same laws and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

"As used in this section, the offenses of burglary and incest shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

"In addition to the offenses of burglary and incest, any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.".

SEC. 3. Section 113 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) Assault resulting in serious bodily injury, by fine of not more than $10,000 or imprisonment for not more than ten years, or both.".

SEC. 4. Section 3242, title 18, United States Code, is amended to read as follows:

"§ 3242. Indians committing certain offenses; acts on reservations

"All Indians committing any offense listed in the first paragraph of and punishable under section 1153 (relating to offenses committed within Indian country) of this title shall be tried in the same courts and in the same manner as are all other persons committing such offense within the exclusive jurisdiction of the United States.".

The SPEAKER pro tempore. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. HUNGATE) and the gentleman from California (Mr. WIGGINS) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2129 deals with a subject that may be unfamiliar to many Members of Congress—criminal jurisdiction in Indian country—so at the outset, I want to point out that this legislation has so far been noncontroversial and nonpartisan. It was reported out of the Senate Judiciary Committee unanimously, and it passed the Senate by voice vote on February 4, 1976. The Committee on the Judiciary reported it favorably by a voice vote on April 6.

The two basic statutes that define criminal jurisdiction in Indian country are sections 1152 and 1153 of title 18, United States Code.

The problem that this legislation is addressed to arises in the context of section 1153. That section incorporates the definitions and penalties of State law when an Indian commits certain listed major offenses.

Section 1152 applies the definitions and penalties of Federal law when a non-Indian commits those same offenses. Since State and Federal definitions and penalties may differ, it is possible that one or the other class of offenders may be treated more severely.

The Eighth and Ninth Circuit Courts of Appeals have held that section 1153 denies Indians due process of law in situations where the incorporated State law imposed upon them greater penalties than the Federal law imposed upon non-Indians.

The result of these eighth and ninth circuit decisions has been to deprive the Federal Government of the authority to prosecute Indians for the offenses of assault with a dangerous weapon and assault resulting in serious bodily injury, when these offenses occur in Indian country. Although neither the eighth nor the ninth circuit said so, the same constitutional defect probably exists with regard to the offenses of rape and assault with intent to commit rape. If so, the Federal Government would be unable to prosecute Indians for these offenses when they occur in Indian country.

The fact that the Federal Government cannot prosecute such crimes does not mean that the States can. Jurisdiction in Indian country is essentially Federal, with one possible exception that is not relevant here. That exception—offenses committed in Indian country where a non-Indian is both the offender and the victim—has been judicially created. A case now pending before the Supreme Court—*United States* v. *Antelope* (No. 75-661)—may lead to a reexamination of that exception and perhaps an elimination of it.

The offenses involved—assault with a dangerous weapon, assault resulting in serious bodily injury, and probably rape and assault with intent to commit rape—may be prosecutable in Indian tribal courts. However, tribal courts are limited in the sentences they can impose. The maximum possible sentence a tribal court could have for one of these crimes is 6 months imprisonment and a $500 fine.

The problem, then, is that there are four serious crimes—assault with a dangerous weapon, assault resulting in serious bodily harm, rape, and assault with intent to commit rape—that cannot adequately be prosecuted. S. 2129 solves this problem by amending section 1153 so that the crimes in question are defined and punished in accordance with Federal law. This eliminates any disparity of treatment between Indian and non-Indian offenders and avoids the constitutional defect found by the eight and ninth circuits.

In addition to this, S. 2129 makes another change in section 1153. It adds kidnaping to the list of major offenses that the Federal Government can prosecute. Section 1152 of title 18 gives the Federal Government jurisdiction when a non-Indian commits kidnaping in Indian country or when an Indian commits kidnaping there and the victim is a non-Indian. However, at present, there is no basis for Federal prosecution if an Indian kidnaps another Indian in Indian country. S. 2129 amends section 1153 to provide for Federal jurisdiction in such circumstances.

The Judiciary Committee recommends a technical amendment to S. 2129 in order to conform the venue statute—section 3242 of title 18—to section 1153.

Mr. Speaker, S. 2129 has proven to be entirely noncontroversial and nonpartisan. It will fill a gap in present law, and I ask my colleagues to support it.

Mr. WIGGINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2129. This is a bipartisan bill, supported by the Interior and Justice Departments, intended to rectify a constitutional deficiency in the Indian Major Crimes Act (18 U.S.C. 1153).

Certain Circuit Courts of Appeal have

detected in the Major Crimes Act a potential for discrimination against Indian defendants arising from the relationship between this statute and 18 U.S.C. 1152, which extends Federal jurisdiction to offenses committed in Indian country. The application of these two sections can result in the punishment of Indian defendants according to state law for some crimes, while non-Indians committing the very same acts are subject to Federal law. Where this places a severer burden or harsher penalty upon a defendant solely because he is an Indian, courts have found a constitutional violation. *U.S.* v. *Cleveland*, 503 F. 2d 1067 (9th Circuit) and *U.S.* v. *Big Crow*, 523 F. 2d 955 (8th Circuit).

The problem may arise when a crime listed in 18 U.S.C. 1153 is committed by an Indian against either an Indian or a non-Indian. Section 1153 provides for reference to State law for the punishment and/or definition of 6 of the 13 crimes listed. Therefore, for those six crimes, Indians are treated under the terms of State law, while a non-Indian committing the very same acts against an Indian is treated under Federal enclave law, 18 U.S.C. 1152 together with the Assimilative Crimes Act (18 U.S.C. 13).

The major thrust of S. 219 is to insure that Indian and non-Indian defendants will not be treated differently merely because of their race.

Briefly, Section two of S. 2129 provides that persons committing crimes enumerated in the first paragraph of the revised Major Crimes Act will be punished according to Federal law. Where there is no applicable Federal law, as is the case with burglary or incest, reference then will be made to State law. S. 2129 thus harmonizes section 1153 with section 1152 so that when Federal jurisdiction exists over an offense listed in the Major Crimes Act, the applicable law will be the same irregardless of the defendant's race. The Indian defendant will be treated under section 1153 just as the non-Indian defendant is treated under section 1152.

The result of the Appellate Court cases, according to the Justice Department, has been to preclude prosecution of Indians for several serious assaultive crimes. Therefore it is urgently required to remedy this critical situation by providing equality of treatment.

Section 3 of S. 2129 adds to the Federal assault statute (18 U.S.C. 113) a definition and punishment for the offense of assault resulting in serious bodily injury. This is to conform 18 U.S.C. 1153 with 18 U.S.C. 113, the latter giving substance to the former.

Section 4 merely amends 18 U.S.C. 3242 so as to provide a proper venue for all offenses listed in the Major Crimes Act.

Indian jurisdiction is a fertile area for legal disagreement and scholarly controversy. I recognize that S. 2129 will not settle all debate over Federal, State, and tribal jurisdiction in the Indian country. Such is not the bill's intention.

S. 2129 merely responds to a serious problem concerning one aspect of law enforcement within Indian country.

Mr. HUNGATE. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE) that the House suspend the rules and pass the Senate bill (S. 2129), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate Bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2129, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CALL OF THE HOUSE

Mr. DANIELSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 275]

Abzug
Alexander
Andrews, N.C.
Annunzio
Archer
Bingham
Bonker
Brown, Mich.
Buchanan
Burke, Calif.
Carter
Cederberg
Chappell
Cochran
Collins, Ill.
Conyers
D'Amours
Diggs
Drinan
Duncan, Oreg.
Eckhardt
Eshleman
Evins, Tenn.
Fary
Giaimo
Goodling
Guyer
Hall
Harsha
Hays, Ohio
Hébert
Heckler, Mass.
Hinshaw
Holland
Jarman
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Karth
Kelly
Kindness
LaFalce
Litton
Lundine
McClory
McDade
Macdonald
Melcher
Metcalfe
Mikva
Milford
Murphy, Ill.
Peyser
Railsback
Randall
Rees
Riegle
Risenhoover
Rostenkowski
Rousselot
Ruppe
Russo
Santini
Sarbanes
Scheuer
Shipley
Shuster
Simon
Spellman
Stanton, James V.
Steiger, Ariz.
Stephens
Stuckey
Tsongas
Udall
Vander Veen
Vigorito
Waxman
Wilson, C. H.
Winn
Yates
Young, Ga.

The SPEAKER. On this rollcall 350 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Debate has been concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 3 of rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 13308; and H.R. 13724.

The Chair will reduce to 5 minutes the time for the electronic vote after the first such vote in this series.

WAR RISK INSURANCE EXTENSION

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 13308.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill H.R. 13308.

The question was taken.

Mr. QUILLEN. Mr. Speaker, I renew my previous request. I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred sixty Members are present, a quorum.

Mr. QUILLEN. Mr. Speaker, a quorum being present, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 39, as follows:

[Roll No. 276]

YEAS—392

Abdnor
Adams
Addabbo
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Cederberg
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conlan
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.

Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kemp
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarasin
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spence
Staggers
Stanton, J. William
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—1

Collins, Tex.

NOT VOTING—39

Abzug
Alexander
Andrews, N.C.
Bonker
Brown, Mich.
Buchanan
Carter
Chappell
Conyers
Diggs
Duncan, Oreg.
Giaimo
Guyer
Hébert
Heckler, Mass.
Hinshaw
Holland
Karth
Kelly
Kindness
Litton
McClory
Macdonald
Milford
Peyser
Railsback
Randall
Riegle
Rousselot
Ruppe
Sarbanes
Spellman
Stanton, James V.
Steiger, Ariz.
Stephens
Stuckey
Tsongas
Udall
Vigorito

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bonker.
Mr. Chappell with Mr. Carter.
Ms. Abzug with Mr. Guyer.
Mrs. Spellman with Mr. Andrews of North Carolina.
Mr. Udall with Mr. Stuckey.
Mr. Vigorito with Mr. Kelly.
Mr. Diggs with Mr. Karth.
Mr. Giaimo with Mr. Steiger of Arizona.
Mr. Holland with Mr. Stephens.
Mr. Tsongas with Mr. Brown of Michigan.
Mr. Sarbanes with Mr. Riegle.
Mr. Conyers with Mr. Macdonald of Massachusetts.
Mr. Alexander with Mr. Ruppe.
Mr. Litton with Mr. Buchanan.
Mr. Milford with Mr. Railsback.
Mr. James V. Stanton with Mr. Rousselot.
Mr. Randall with Mr. Peyser.
Mr. Duncan of Oregon with Mr. McClory.
Mrs. Hechler of Massachusetts with Mr. Kindness.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) (3), rule XXVII, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

HOUSING AMENDMENTS OF 1976

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 13724.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 13724.

The question was taken.

Mr. WYLIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 2, not voting 44, as follows:

[Roll No. 277]

YEAS—386

Abdnor
Adams
Addabbo
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Cederberg
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kemp
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Paul
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Russo
St Germain
Santini
Sarasin
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spence
Staggers
Stanton, J. William
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—2

Duncan, Tenn.
Myers, Pa.

NOT VOTING—44

Abzug
Alexander
Andrews, N.C.
Bonker
Brown, Mich.
Buchanan
Carter
Chappell
Conyers
Diggs
Duncan, Oreg.
Giaimo
Gude
Guyer
Hayes, Ind.
Hébert
Hinshaw
Holland
Karth
Kelly
Kindness
Litton
McClory
Macdonald
Milford
Pattison, N.Y.
Peyser
Railsback
Randall
Riegle
Rousselot
Ruppe
Ryan
Sarbanes
Spellman
Stanton, James V.
Steiger, Ariz.
Stephens
Stuckey
Talcott
Treen
Tsongas
Udall
Vigorito

The Clerk announced the following pairs:

Mr. Hébert with Mr. Andrews of North Carolina.
Mr. Chappell with Mr. Gude.
Ms. Abzug with Mr. Holland.
Mrs. Spellman with Mr. Carter.
Mr. Pattison of New York with Mr. Talcott.
Mr. Tsongas with Mr. Duncan of Oregon.
Mr. Giaimo with Mr. Kelly.
Mr. Diggs with Mr. Sarbanes.
Mr. Ryan with Mr. Brown of Michigan.
Mr. Udall with Mr. McClory.
Mr. Vigorito with Mr. Guyer.
Mr. Randall with Mr. Treen.
Mr. Riegle with Mr. Kindness.
Mr. Hayes of Indiana with Mr. Buchanan.
Mr. Alexander with Mr. Litton.
Mr. Bonker with Mr. Milford.
Mr. Conyers with Mr. Macdonald of Massachusetts.
Mr. Stuckey with Mr. Peyser.
Mr. Stephens with Mr. Rousselot.
Mr. James V. Stanton with Mr. Ruppe.
Mr. Karth with Mr. Railsback.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2529) to amend chapter 37 of title 38, United States Code, to increase the maximum Veterans' Administration's guaranty for mobile home loans from 30 to 50 percent, to make permanent the direct loan revolving fund, to extend entitlement under chapter 37 to those veterans who served exclusively between World War II and the Korean conflict, and for other purposes and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Housing Amendments Act of 1976".

SEC. 2. (a) Subchapter I of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 1807. Service after July 25, 1947, and prior to June 27, 1950

"Each veteran whose only active duty service occurred after July 25, 1947, and prior to June 27, 1950, and who—

"(1) served for a period of more than 180 days and was discharged or released therefrom under conditions other than dishonorable; or

"(2) served for a period of less than 180 days and was discharged for a service-connected disability;

shall be eligible for benefits of this chapter.".

(b) The table of sections for subchapter I of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new item:

"1807. Service after July 25, 1947, and prior to June 27, 1950.".

SEC. 3. Paragraphs (2)(A) and (3) of section 1811(d) of title 38, United States Code, are amended—

(1) by striking out "$21,000" wherever it appears and inserting in lieu thereof "$30,000"; and

(2) by striking out "$25,000" wherever it appears and inserting in lieu thereof "$35,000".

SEC. 4. Section 1818(a) of title 38, United States Code, is amended to read as follows:

"(a) Each veteran who served on active duty, any part of which occurred after January 31, 1955, and who—

"(1) served for a period of more than 180 days and was discharged or released therefrom under conditions other than dishonorable;

"(2) has served more than 180 days in an active duty status and continues on active duty without a break therein; or

"(3) was discharged or released from active duty after such date for a service-connected disability;

shall be eligible for the benefits of this chapter, subject to the provisions of this section.".

SEC. 5. Section 1819(c)(3) of title 38, United States Code, is amended by striking out "30 per centum" and inserting in lieu thereof "50 percent" in the first sentence.

SEC. 6. Section 1823(c) of title 38, United States Code, is amended by striking out before the period at the end of the last sentence ", and not later than June 30, 1976, he shall cause to be so deposited all sums in such account and all amounts received thereafter in repayment of outstanding obligations, or otherwise, except so much thereof as he may determine to be necessary for purposes of liquidation of loans made from the revolving fund and for the purposes of meeting commitments under section 1820(e) of this title".

SEC. 7. Chapter 37 of title 38, United States Code, is amended—

(1) by striking out in section 1801(a)(2) "widow", "her own", and "her husband" wherever they appear and inserting in lieu thereof "surviving spouse", "the spouse's own", and "the spouse", respectively;

(2) by striking out in section 1801(a)(3) "wife" and "her husband" wherever they appear and inserting in lieu thereof "spouse" and "the spouse", respectively;

(3) by striking out in section 1802(b), including clause (3), "he" and "his" and inserting in lieu thereof "the Administrator" and "the veteran-transferee's", respectively;

(4) by striking out in subsections (c) and (d) of section 1802 "He", "him", and "he" wherever they appear and inserting in lieu thereof "The Administrator", "the Administrator", and "the Administrator", respectively;

(5) by striking out in subsections (e) and (g) of section 1802 "him" and "his wife" wherever they appear and inserting in lieu thereof "the Administrator" and "the veteran's spouse", respectively;

(6) by striking out in section 1803(d)(3) "he" and inserting in lieu thereof "the Administrator";

(7) by striking out in section 1804(c) "he" and "his" wherever they appear and inserting in lieu thereof "the veteran" and "the veteran's", respectively;

(8) by striking out in section 1804(d) "he" and inserting in lieu thereof "the Administrator";

(9) by striking out in section 1805(a) "his" wherever it appears and inserting in lieu thereof "the Administrator's";

(10) by striking out in section 1806(a) "his" and inserting in lieu thereof "the seller's";

(11) by striking out in section 1810(a) "him", "his", and "he" wherever they appear and inserting in lieu thereof "the veteran", "the veteran's", and "the Administrator", respectively;

(12) by striking out in section 1811(b) "he" and "He" and inserting in lieu thereof "the Administrator" and "The Administrator", respectively;

(13) by striking out in section 1811(c) "he" wherever it appears and inserting in lieu thereof "the veteran";

(14) by striking out in paragraphs (2)(A) and (3) of section 1811(d) "he" wherever it appears and inserting in lieu thereof "the Administrator";

(15) by striking out in section 1811(g) "him" and "he" and inserting in lieu thereof "the Administrator";

(16) by striking out in section 1811(k) "his" and "he" wherever they appear and inserting in lieu thereof "the Administrator's" and "the Administrator", respectively;

(17) by striking out in section 1815(a) "he" and inserting in lieu thereof "the Administrator";

(18) by striking out in subsections (a) and (b) of section 1816 "his" and "he" wherever they appear and inserting in lieu thereof "the Administrator's" and "the Administrator", respectively;

(19) by striking out in section 1817(a) "him" wherever it appears and inserting in lieu thereof "the veteran", by striking out "he" the first time it appears and inserting in lieu thereof "the Administrator", by striking out "has obligated himself" and inserting in lieu thereof "is obligated", and by striking out "he" the second and third time it appears and inserting in lieu thereof "the transferee";

(20) by striking out in section 1817(b) "him" and "he" and inserting in lieu thereof "the veteran" and "the Administrator", respectively;

(21) by striking out in paragraphs (1) and (3) of section 1819(c) "he" wherever it appears and inserting in lieu thereof "the Administrator";

(22) by striking out in paragraphs (1) and (3) of section 1819(d) "his" and "he" wherever they appear and inserting in lieu thereof "the Administrator's" and "the Administrator", respectively;

(23) by striking out in paragraphs (4) and (5) of section 1819(e) "subparagraph", "he", and "his" and inserting in lieu thereof "subsection", "the veteran", and "the veteran's", respectively;

(24) by striking out in subsections (f), (h), (k), and (l) of section 1819 "he" and "his" wherever they appear and inserting in lieu thereof "the Administrator" and "the manufacturer's", respectively;

(25) by striking out in clauses (1) and (5) of section 1820(a) "his" and "she" wherever they appear and inserting in lieu thereof "the Administrator's" and "the Administrator", respectively;

(26) by striking out in section 1820(a)(6) "him" and inserting in lieu thereof "the Administrator";

(27) by striking out in paragraphs (1) and (2) of section 1820(e) "he", "him", and "his" wherever they appear and inserting in lieu thereof "the Administrator", "the Administrator", and "the Administrator's", respectively;

(28) by striking out in subsections (a) and (c) of section 1823 "he" and "his" wherever they appear and inserting in lieu thereof

"the Administrator" and "the Administrator's", respectively;

(29) by striking out in section 1824(d) "his" and inserting in lieu thereof "the Administrator's";

(30) by striking out in section 1825 "he" and inserting in lieu thereof "said person";

(31) by striking out in section 1826 "he" and "widow" wherever they appear and inserting in lieu thereof "the Administrator" and "surviving spouse", respectively; and

(32) by striking out in subsections (a) and (b) of section 1827 "he" and "his" wherever they appear and inserting in lieu thereof "the Administrator" and "the Administrator's", respectively.

SEC. 8. (a) The provisions of the constitution of any State expressly limiting the amount of interest which may be charged, taken, received, or reserved by certain classes of lenders and the provisions of any law of the State expressly limiting the amount of interest which may be charged, taken, received, or reserved shall not apply to—

(1) any loan or mortgage which is secured by a one- to four-family dwelling and which is (A) insured under title I or II of the National Housing Act, or (B) insured, guaranteed, or made under chapter 37 of title 38, United States Code; or

(2) any temporary construction loan or other interim financing if at the time such loan is made or financing is arranged, the intention to obtain permanent financing substantially by means of loan or mortgages so insured, guaranteed, or made is declared.

(b) The provisions of this section shall apply to such loans, mortgages, or other interim financing made or executed in any State until the effective date (after the date of enactment of this section) of a provision of law of that State limiting the amount of interest which may be charged, taken, received, or reserved on such loans, mortgages, or financing.

MOTION OFFERED BY MR. BRINKLEY

Mr. BRINKLEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BRINKLEY moves to strike out all after the enacting clause of S. 2529 and to insert in lieu thereof the provisions of H.R. 13724, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend chapter 37 of title 38, United States Code, to increase the limitations with respect to direct housing loans to veterans to $29,000, to permit up to 50 per centum of the amount of any mobile home loan to be guaranteed under such chapter, and to provide for the continuation of the direct loan revolving fund."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 13724) was laid on the table.

GENERAL LEAVE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RESIGNATION AS CONFEREE AND APPOINTMENT AS CONFEREE ON S. 2554, SPORTS BROADCASTING ACT OF 1975

The SPEAKER laid before the House the following resignation as a conferee:

WASHINGTON, D.C., *May 18, 1976.*

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: Since I am no longer a member of the Communications Subcommittee, I hereby resign as a conferee in the conference committee with the Senate on S. 2554.

Sincerely,

EDWARD R. MADIGAN.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints as a member of the committee of conference on S. 2554, Sports Broadcasting Act of 1975, the gentleman from Louisiana (Mr. MOORE), to fill the existing vacancy.

The Clerk will notify the Senate of the change in conferees.

CONFERENCE REPORT ON H.R. 13172, MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1976, AND THE PERIOD ENDING SEPTEMBER 30, 1976

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H.R. 13172) making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 13, 1976.)

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, this is a very important conference report, the second supplemental appropriation bill. The conference report before us today provides for a total appropriation for fiscal year 1976, in supplemental appropriations, and for the transition period of $12,040,849,150. This bill, which touches almost every Federal department and agency, will be, except for foreign aid and the D.C. appropriation bill for fiscal 1976, which have not yet been cleared, the last major appropriation bill for fiscal year 1976 to come before this body this year.

The conference report being presented today represents a compromise total of 9.4 billion in budget authority in 1976 and 2.6 billion for the transition period for fiscal 1976. This is $526.9 million below the budget and $1.3 billion over the House and $322.7 million below the Senate. For the transition period, the agreement is $254.6 million over the budget estimate, $314.3 million over the House bill and $298.47 million below the Senate bill.

The Senate considered budget requests of $1.9 billion for fiscal 1976 and $67.5 million for the transition period that were not considered by the House.

Mr. Speaker, I would also like to point out that this agreement is well within the ceilings established for 1976 by the second concurrent resolution on the budget and the ceiling for the transition period set in the budget resolution agreed to just last week. Based on the May 10 report to the Speaker, there will be $3.9 billion in budget authority and $2.9 billion in outlays left for 1976 after this report is approved. In the event the foreign aid conference report and the District of Columbia 1976 bill are approved, there will still be $1.7 billion in authority and $1.7 billion in outlays remaining. For the transition period, there will be about $2 billion in authority and outlay remaining after this agreement on the supplemental is reached.

The bulk of funds provided are for items over which we have little control—increased pay and retirement costs, public assistance payments, veterans benefits, firefighting costs and payment to the Postal Service Fund.

Major items include the following:

	Fiscal year 1976	Transition period
Increased pay costs for military and civilian personnel	$1,867,261,820	$702,331,220
Public assistance payments	2,237,000,000	440,500,000
Compensation, pensions, readjustment benefits and medical care for veterans and operating expenses	1,295,291,000	329,335,000
Child nutrition programs	234,151,000	419,500,000
Food stamp program	------------	200,000,000
Retired pay costs for Federal, military, and Foreign Service personnel	687,995,000	167,600,000
Increase in limitation on loans for housing for the elderly or handicapped	375,000,000	----------
Firefighting costs on Federal lands	140,900,000	40,000,000
Payment to the Postal Service fund	121,231,000	17,649,000
Strategic petroleum reserve	313,375,000	600,000
Alcohol, drug, and mental health	161,126,000	32,690,000
Basic educational opportunity grants	791,750,000	1,000,000
Older Americans Act programs	146,975,000	50,000,000

	Fiscal year 1976	Transition period
Liquidation of obligations of the Federal highway program	1, 100, 000, 000	
Regional rail service assistance	265, 130, 000	6, 700, 000
Disaster assistance to Italy	25, 000, 000	
International fund for agricultural development	200, 000, 000	

Mr. Speaker, that generally covers the major points in the bill. I would say that most of the subcommittees of the Appropriations Committee drafted the original versions of this bill and they were represented in the conference. The subcommittee chairmen and ranking minority members and others on the committee are interested and concerned about the bill before us and are able to respond to questions which may be propounded.

At this point in the RECORD, I offer a summary table by title and chapters showing the conference agreement compared with the budget estimates and the action on the bill by the House and Senate:

SUMMARY OF CONFERENCE ACTION ON H.R. 13172—2D SUPPLEMENTAL APPROPRIATIONS BILL, 1976

	Budget estimate 1976/transition	Amounts recommended in— House bill	Senate bill	Conference report	Increase (+) or decrease (−) conference report compared with— Budget estimate	House bill	Senate bill
TITLE I—GENERAL SUPPLEMENTALS							
I. Agriculture:							
New budget (obligational) authority	$246, 540, 000	$269, 405, 000	$314, 570, 000	$292, 617, 000	$+46, 077, 000	$+23, 212, 000	$−21, 953, 000
Transition period	412, 613, 000	438, 963, 000	908, 963, 000	647, 163, 000	+234, 550, 000	+208, 200, 000	−261, 800, 000
By transfer	(372, 000)	(372, 000)	(372, 000)	(372, 000)			
Transition period	(93, 000)	(93, 000)	(93, 000)	(93, 000)			
By transfer from sec. 32 (transition period)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)			
Liquidation of contract authority (transition period)	(85, 000, 000)	(85, 000, 000)	(85, 000, 000)	(85, 000, 000)			
Increase in limitations	(1, 435, 000)	(685, 000)	(1, 435, 000)	(1, 435, 000)		(+750, 000)	
Transition period	(69, 000)	(69, 000)	(69, 000)	(69, 000)			
II. Defense:							
New budget (obligational) authority	729, 000, 000	502, 800, 000	723, 800, 000	510, 800, 000	−218, 200, 000	+8, 000, 000	−213, 000, 000
Transition period	209, 000, 000	187, 840, 000	187, 840, 000	187, 840, 000	−21, 160, 000		
By transfer	(180, 000, 000)		(165, 000, 000)	(165, 000, 000)	(−15, 000, 000)	(+165, 000, 000)	
III. Foreign operations:							
New budget (obligational) authority	505, 000, 000	10, 000, 000	240, 000, 000	240, 000, 000	−265, 000, 000	+230, 000, 000	
Transition period			20, 000, 000				−20, 000, 000
IV. Housing and Urban Development, independent agencies:							
New budget (obligational) authority	1, 517, 419, 000	1, 301, 291, 000	1, 301, 791, 000	1, 301, 791, 000	−215, 628, 000	+500, 000	
Transition period	329, 986, 000	329, 335, 000	329, 835, 000	329, 835, 000	−151, 000	+500, 000	
Liquidation of contract authority	(80, 999, 000)	(80, 999, 000)	(80, 999, 000)	(80, 999, 000)			
Increase in limitation on loans	(115, 000, 000)	(375, 000, 000)	(375, 000, 000)	(375, 000, 000)	(+260, 000, 000)		
Increase in limitations	(879, 000)	(679, 000)	(679, 000)	(679, 000)	(−200, 000)		
Transition period	(220, 000)	(220, 000)	(220, 000)	(220, 000)			
V. Interior and related agencies:							
New budget (obligational) authority	1, 042, 014, 000	181, 797, 000	572, 807, 000	562, 987, 000	−479, 027, 000	+381, 190, 000	−9, 820, 000
Transition period	74, 156, 000	40, 679, 000	68, 679, 000	64, 679, 000	−9, 477, 000	+24, 000, 000	−4, 000, 000
Liquidation of contract authority	(10, 000, 000)		(10, 000, 000)	(10, 000, 000)		(+10, 000, 000)	
VI. Labor and Health, Education, and Welfare:							
New budget (obligational) authority	2, 736, 848, 000	3, 259, 809, 000	3, 664, 882, 000	3, 586, 367, 000	+849, 519, 000	+326, 558, 000	−78, 515, 000
Transition period	511, 241, 000	580, 124, 000	588, 788, 000	583, 788, 000	+72, 547, 000	+3, 664, 000	−5, 000, 000
VII. Legislative branch:							
New budget (obligational) authority	13, 588, 655	7, 900, 600	12, 948, 855	12, 967, 405	−621, 250	+5, 066, 805	+18, 550
Transition period	5, 975, 005	2, 098, 800	5, 336, 135	5, 363, 960	−611, 045	+3, 265, 160	+27, 825
VIII. Public Works:							
New budget (obligational) authority	84, 000, 000	30, 000, 000	50, 000, 000	50, 000, 000	−34, 000, 000	+20, 000, 000	
Transition period	23, 000, 000		21, 000, 000	21, 000, 000	−2, 000, 000	+21, 000, 000	
By transfer	(12, 630, 000)		(12, 630, 000)	(12, 630, 000)		(+12, 630, 000)	
Liquidation of contract authority	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)	(5, 000, 000)			
IX. State, Justice, Commerce and the Judiciary:							
New budget (obligational) authority	26, 817, 000	11, 872, 000	24, 584, 000	24, 562, 000	−2, 255, 000	+12, 690, 000	−22, 000
Transition period	36, 025, 000	5, 893, 000	37, 599, 000	36, 599, 000	+574, 000	+30, 706, 000	−1, 000, 000
Liquidation of contract authority	(30, 235, 000)				(−30, 235, 000)		
X. Transportation:							
New budget (obligational) authority	477, 895, 000	252, 965, 000	489, 005, 000	486, 255, 000	+8, 360, 000	+233, 290, 000	−2, 750, 000
Transition period	36, 774, 000	25, 330, 000	34, 300, 000	34, 145, 000	−2, 629, 000	+8, 815, 000	−155, 000
Liquidation of contract authority	(1, 186, 000, 000)	(1, 200, 000, 000)	(1, 186, 000, 000)	(1, 186, 000, 000)		(−14, 000, 000	
Increase in limitations (transition period)	(2, 284, 000)	(2, 250, 000)	(2, 250, 000)	(2, 250, 000)	(−34, 000)		
XI. Treasury, Postal Service and general Government:							
New budget (obligational) authority	381, 294, 000	394, 872, 000	398, 612, 000	404, 212, 000	+22, 918, 000	+9, 340, 000	+5, 600, 000
Transition period	28, 890, 000	32, 581, 000	31, 213, 000	34, 313, 000	+5, 423, 000	+1, 732, 000	+3, 100, 000
XII. Claims and judgments	53, 971, 745	22, 257, 997	53, 971, 745	53, 971, 745		+31, 713, 748	
Total, title I:							
New budget (obligational) authority	7, 814, 387, 400	6, 244, 969, 597	7, 846, 971, 600	7, 526, 530, 150	−287, 857, 250	+1, 281, 560, 553	−320, 441, 450
Transition period	1, 667, 660, 005	1, 642, 843, 800	2, 233, 553, 135	1, 944, 725, 960	+277, 065, 955	+301, 882, 160	−288, 827, 175
By transfer	(193, 002, 000)	(372, 000)	(178, 002, 000)	(178, 002, 000)	(−15, 000, 000)	(+177, 630, 000)	
Transition period	(93, 000)	(93, 000)	(93, 000)	(93, 000)			
By transfer from sec. 32 (transition period)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)	(20, 000, 000)			
Liquidation of contract authority	(1, 312, 234, 000)	(1, 285, 999, 000)	(1, 281, 999, 000)	(1, 281, 999, 000)	(−30, 235, 000)	(−4, 000, 000)	
Transition period	(85, 000, 000)	(85, 000, 000)	(85, 000, 000)	(85, 000, 000)			
Increase in limitation on loans	(115, 000, 000)	(375, 000, 000)	(375, 000, 000)	(375, 000, 000)	(+260, 000, 00)		
Increase in limitations	(2, 314, 000)	(1, 364, 000)	(2, 114, 000)	(2, 114, 000)	(−200, 000)	(+750, 000)	
Transition period	(2, 573, 000)	(2, 539, 000)	(2, 539, 000)	(2, 539, 000)	(−34, 0000)		
TITLES II AND III—INCREASED PAY COSTS							
Total:							
New budget (obligational) authority	2, 106, 294, 450	1, 888, 191, 570	1, 869, 542, 820	1, 867, 261, 820	−239, 032, 630	−20, 929, 750	−2, 281, 000
Transition period	724, 787, 220	689, 878, 400	712, 164, 220	702, 331, 220	−22, 456, 000	+12, 452, 820	−9, 833, 000
By transfer	(8, 214, 000)	(9, 314, 000)	(9, 314, 000)	(9, 314, 000)	(+1, 100, 000)		
Transition period	(2, 966, 000)	(2, 966, 000)	(2, 966, 000)	(2, 966, 000)			
Increase in limitation	(39, 559, 200)	(37, 919, 000)	(37, 919, 000)	(37, 919, 000)	(−1, 640, 200)		
Transition period	(21, 862, 800)	(21, 597, 000)	(21, 597, 000)	(21, 597, 000)	(−265, 800)		
Trust fund transfers	(1, 411, 000)	(1, 411, 000)	(1, 411, 000)	(1, 411, 000)			
Transition period	(486, 000)	(486, 000)	(486, 000)	(486, 000)			

SUMMARY OF CONFERENCE ACTION ON H.R. 13172—2D SUPPLEMENTAL APPROPRIATIONS BILL, 1976—Continued

	Budget estimate 1976/transition	Amounts recommended in—			Increase (+) or decrease (−) conference report compared with		
		House bill	Senate bill	Conference report	Budget estimate	House bill	Senate bill
Grand total—Titles I, II, and III:							
New budget (obligational) authority	$9,920,681,850	$8,133,161,167	$9,716,514,420	$9,393,791,970	−5$26,889,880	+$1,260,630,803	−$322,722,450
Transition period	2,392,447,225	2,332,722,200	2,945,717,355	2,647,057,180	+254,609,955	+314,334,980	−298,660,175
By transfer	(201,216,000)	(9,686,000)	(187,316,000)	(187,316,000)	(−13,900,000)	(+177,630,000)	
Transition period	(3,059,000)	(3,059,000)	(3,059,000)	(3,059,000)			
By transfer from sec. 32 (transition period)	(20,000,000)	(20,000,000)	(20,000,000)	(20,000,000)			
Increase in limitation on loans	(115,000,000)	(375,000,000)	(375,000,000)	(375,000,000)	(+260,000,000)		
Increase in limitations	(41,873,200)	(39,283,000)	(40,033,000)	(40,033,000)	(−1,840,200)	(+750,000)	
Transition period	(24,435,800)	(24,136,000)	(24,136,000)	(24,136,000)	(−299,800)		
Trust fund transfers	(1,411,000)	(1,411,000)	(1,411,000)	(1,411,000)			
Transition period	(486,000)	(486,000)	(486,000)	(486,000)			
Liquidation of contract authority	(1,312,234,000)	(1,285,999,000)	(1,281,999,000)	(1,281,999,000)	(−30,235,000)	(−4,000,000)	
Transition period	(85,000,000)	(85,000,000)	(85,000,000)	(85,000,000)			

Mr. Speaker, every conference agreement is a result of compromise by members of the conference committee of the House and Senate. I am frank to say that in my opinion the conference agreement is much too high in some respects and if I had exclusive authority, I would have made many reductions in this bill which were not made. I'm not saying this in criticism of my colleagues, but I simply believe that we have got to find a way to get a better handle on spending and that there is no way to do this other than by some considerable exercise of restraint in fiscal matters.

Mr. Speaker, I would like to warn the House that in the conference report before us today we are opening two doors to what may very well become massive expenditure programs.

I refer to the International Fund for Agricultural Development and the African Development Fund. Both of these items were added in the Senate. While I opposed these items in conference, they nevertheless were included in the conference report.

Both of these items are new programs and represent the first steps in what could easily develop into major annual foreign aid programs. Each of these new programs is also a costly duplication of already existing efforts and organizations—such as the International Development Association, the Inter-American Development Bank, the Asian Development Bank and our own efforts through the Agency for International Development.

Mr. Speaker, I am also concerned that the International Fund for Agricultural Development could possibly promote agricultural enterprises that would be detrimental to our own interests—particularly in the agricultural area.

I strongly support the ideal of ridding the world of hunger, as I believe all Members do. I believe we must assist poor and underdeveloped nations of the world to improve their agricultural production in order to feed their own people. But my support does not extend to helping other nations develop agricultural industries that undercut the efforts of the United States and threaten the American farmer with bankruptcy.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

I would like to ask the chairman, the gentleman from Texas, how did these funds get into this particular bill that were not in the House bill? Were they in the Senate bill?

Mr. MAHON. They were placed in the bill in the other body, I would say to my friend, and the program for this agricultural aid was approved last December, several months ago.

Mr. KAZEN. If the gentleman will yield further, I was just wondering if any of these articles were not the subject of a conference and were added by the conference rather than by the Members of this body.

Mr. MAHON. No. These actions were taken in the Senate with these amendments being added, and the conference agreed to concur to some extent in the Senate amendments.

Mr. KAZEN. I thank the gentleman.

Mr. MAHON. I think another subject here regarding these amendments is the fact that the other body added over the budget the sum of $400 million for food stamps. There was no budget estimate for this amount, and there were those of us on the conference, including myself, who opposed this $400 million addition above the budget for food stamp programs. The Committee on Appropriations through its able subcommittee headed by the gentleman from Mississippi (Mr. WHITTEN) and the gentleman from North Dakota (Mr. ANDREWS) made some very constructive recommendations in our supplemental bill last year which are designed to bring down sharply certain costs in the field of food stamps.

Mr. Speaker, the other body put in $400 million. The conferees agreed to $200 million. I doubt very seriously that these funds are needed and I did not support the addition of the funds.

So far this year, the Department has requested appropriations for the food stamp program of $6,590,000,000 for fiscal year 1976 and $1,828,000,000 for the transition quarter. In the first supplemental appropriations bill, H.R. 10647, which passed the House on November 13, 1975, we made reductions in the program of $1,387,095,000 for fiscal year 1976 and $788,883,000 for the transition period. We were able to recommend these reductions for two reasons: First, we found in reviewing the Food Stamp Act that the Secretary of Agriculture had more than ample authority to correct the abuses that are so widespread in the program; and second, there was a carryover of $586,500,000 in unobligated funds from fiscal year 1975.

Of course, the primary reason for the reduction of $2,175,978,000 in the first suplemental appropriations bill was that the Secretary of Agriculture had the legal authority to revise regulations, curb abuses, and effect program savings. We directed him to do so. Let me quote from our report (H. Rept. No. 94–645) which was prepared under the able leadership of Chairman WHITTEN:

> In recommending an additional appropriation for the food stamp program for that part of fiscal year 1976 from February until June 30, 1976 of $1,750,000,000, the Committee has made $100,000 of such funds available only to revise regulations as authorized by existing law. This should put an end to many existing violations. In this connection the committee takes note of section 5(a) of the Food Stamp Act which authorizes the Secretary of Agriculture to establish eligibility standards and specifically provides:
>
> "* * * participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet."
>
> Section 10(e) provides that the Secretary must approve State plans and specifies:
>
> "The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State * * *" and section 10(f) authorizes the Secretary to withhold funds:
>
> "If the Secretary determines that in the administration of the program there is a failure by a State agency to comply substantially with the provisions of this Act, or with the regulations issued pursuant to this Act, or with the State plan of operation, he shall inform such State agency of such failure and shall allow the State agency a reasonable period of time for the correction of such failure. Upon the expiration of such period, the Secretary shall direct that there be no further issuance of coupons in the political subdivisions where such failure has occurred until such time as satisfactory corrective action has been taken."
>
> Section 11 authorizes the disqualification of retail stores and wholesale concerns under the following conditions:

"Any approved retail food store or wholesale food concern may be disqualified from further participation in the food stamp program on a finding, made as specified in the regulations that such store or concern has violated any of the provisions of this Act, or the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued pursuant to this Act. The action of disqualification shall be subject to review as provided in section 13 of this Act."

In addition, other sections of the Food Stamp Act, as amended, deal with the authority of the Secretary to establish terms and conditions for participation in the program.

Therefore, it would seem apparent that most of the abuses of the program, which have been so widely reported, are subject to action by the Department. Some officials estimate that close to 1 out of every 5 food stamp dollars are used improperly. Improper issuance, lax regulations, fraud, blackmarketing, and loose eligibility standards may be costing $1 billion per year.

For example, testimony before the Committee revealed that under existing regulations an individual could own a $100,000 home and a new luxury automobile, but as long as he was unemployed and had less than $1,500 in the bank he could get food stamps; two airline pilots with income in the $50,000 per year bracket drew food stamps during an airline strike; and it was reported that in some States a food stamp caseworker must complete as many as a dozen different forms in order to certify an applicant eligible under existing regulation. These and similar cases could be prevented by a change in regulations.

It has also been reported that food stamps are widely used to purchase liquor, cigarettes, hard drugs, or make installment payments on television sets and other major items. *This would be greatly reduced through the countersigning procedure.*

With regard to the complaints of issuance of food stamps to students contrary to the intent of the act, the Committee calls attention to the following provision contained in the Appropriation Act for fiscal year 1976: "*Provided further*, That no part of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1976 to make food stamps available to any household, to the extent that the entitlement otherwise available to such household is attributable to an individual who: (i) has reached his eighteenth birthday: (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household."

In this case all that is needed is for the Department and others to enforce the law.

It becomes evident that at least a billion dollars a year could be saved if the Department would change the regulations and enforce them. For the purpose of enforcement, the Committee authorized for the fiscal year the transfer of an additional $6,094,000 to the Inspector General. This is in addition to the other enforcement activities."

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Speaker, I note that as opposed to the bill when it left the House we have added $2 million for the implementation of the 200-mile-limit legislation, and that is under the Department of Commerce, on page 27 of the report, and also that we added in or substituted $10 million for the Coast Guard, to implement that, and that is I think somewhat less, a little bit less than the Senate but the amount is more than the House had passed.

I would hope that our efforts at economy here do not give any indication to the Office of Management and Budget that we do not have our whole heart and commitment behind the 200-mile-limit legislation.

Mr. MAHON. I would say to my colleague, the gentleman from California, that additional funds will be added in the regular fiscal year 1977 bill.

Mr. LEGGETT. This is primarily for the quarter of transition, to get it going?

Mr. MAHON. That is right.

Mr. LEGGETT. I appreciate the gentleman including these amounts at this time. I think it is very important to move ahead and get staffed up because we have a very important timetable to adhere to in order to accomplish the results of the legislation.

Mr. MAHON. I thank my colleague.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Pennsylvania such time as he may consume.

Mr. FLOOD. Mr. Speaker, I appreciate my colleague, the gentleman from Texas, yielding. I will also insert a table with my remarks.

Mr. Speaker, the Labor-HEW chapter of H.R. 13172, as agreed upon by the conferees, totals $3,586,367,000, an increase of $849,519,000 over the budget, $326,558,000 over the House bill, and a decrease of $78,550,000 from the Senate bill. The chapter also includes $583,788,000 for the 3-month transition period between fiscal years 1976 and 1977, an increase of $72,547,000 over the budget, $3,664,000 over the House bill, and a decrease of $5,000,000 from the Senate bill.

With respect to the Department of Labor, the bill provides 76 new positions, as requested in the budget, to carry out the Longshoremen's and Harbor Workers' Compensation Act and 30 new permanent positions for the black lung program. The bill includes $5,000,000 to operate the mountain-plains family education and employment program in Montana for another year. Language is included in the bill to permit the Virgin Islands to borrow from the unemployment trust fund to pay unemployment benefits.

The bill includes $2,237,000,000 for public assistance, which accounts for $248,033,000 of the increase over both the budget and the House bill. The increase is primarily to meet the Federal share of medicaid costs and is based on the latest estimates received from HEW. The payments are required by law, and the funds will have to be appropriated sooner or later. The bill includes 175 new positions for St. Elizabeths Hospital, together with $5,200,000 for renovation and construction to correct deficiencies identified in the 1975 JCAH report relating to safety improvements needed at the hospital.

The bill includes $4,000,000 for construction at Rogers Memorial-Capitol Hill Hospital in Washington, D.C. Language is included in the bill to transfer $22,500,000 from existing appropriations for medical facilities construction to the health planning program and the regional medical program. Of that amount, $12,500,000 is for health planning agencies and $10,000,000 is for the RMP program. Language is also included to place a limit of $1,500,000,000 on the cumulative medical facilities loan principal outstanding in fiscal year 1976.

The bill provides additional funds for the so-called transition period for several health activities. Among them are the maternal and child health program, drug abuse programs, and programs to combat alcoholism.

For education programs, the conferees have agreed on a total of $945,325,000, of which $791,000,000 is for basic educational opportunity grants. The bill includes $90,000,000 for education for the handicapped State grants, $30,000,000 for emergency school aid for school districts that are in the process of desegregating, $24,000,000 for hold-harmless provisions of the impact aid law, $6,800,000 for the right to read program, and 65 new positions associated with education for the handicapped and impact aid.

The bill also includes transition period funding for certain education programs, such as the initial funding for the new State equalization program, emergency school aid special projects, and public libraries.

For programs for the elderly, the conferees agreed on $143,410,000, an increase of $39,835,000 over the budget request. For the transition period, the bill includes an additional $50,150,000 for aging programs, an increase of $24,256,000 over the budget.

For the Corporation for Public Broadcasting, the bill includes $78,500,000, an increase of $8,500,000 over the budget and $16,500,000 over last year's appropriation. For the transition period, the bill includes the budget request of $17,500,000.

Those are the highlights of chapter VI of this bill. In sum, Mr. Speaker, the Labor-HEW chapter totals $3,586,367,000, of which $2,237,000,000 is for mandatory public assistance payments and $383,036,000 is for programs that were not considered in the regular Labor-HEW bill for 1976 because they were not authorized in time.

I insert a table in the Record following my remarks showing the Labor-HEW chapter in detail:

2D SUPPLEMENTAL APPROPRIATIONS BILL, 1976 (H.R. 13172)

CHAPTER VI—DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES

[Thousands of dollars]

	1975 appropriation	1976 appropriation to date	1976 supplemental budget request	House action	Senate action	Conference agreement
DEPARTMENT OF LABOR						
Employment Standards Administration:						
Salaries and expenses	$76,116	$85,561	$435	$100	$260	$260
Transition period	NA	21,492	321	281	445	445
Departmental Management:						
Salaries and expenses	31,159	33,381	174	60	10,060	5,060
Transition period	NA	8,156	589	589	589	589
Total, Department of Labor, 1976			609	160	10,320	5,320
Transition period			910	870	1,034	1,034
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE						
Health Services Administration: Maternal and child health (transition period)	NA	80,225	0	18,300	18,300	18,300
Center for Disease Control	152,298	285,417	0	0	25,900	0
NIH—National Institute for Environmental Health Sciences (transition period)	NA	7,540	0	1,000	1,000	1,000
Alcohol, Drug Abuse, and Mental Health Administration:						
Drug Abuse:						
Project grants	122,000	12,925	126,126	126,126	126,126	126,126
Transition period	NA	2,500	12,090	12,090	12,090	12,090
Formula grants	35,000	0	35,000	35,000	35,000	35,000
Alcoholism project grants: (Transition period)	NA	10,940	0	17,100	20,600	20,600
St. Elizabeth's Hospital	48,758	53,000	375	125	125	125
Transition period	NA	15,875	375	1,007	1,007	1,007
Buildings and facilities	NA	5,400	5,200	5,200	5,200	5,200
Health Resources Administration:						
Health Planning (By Transfer)	0	90,000	0	0	(40,000)	(22,500)
Special Medical Facilities	0	4,000	0	0	8,000	4,000
Office of Education:						
Elementary and secondary education	2,186,915	2,425,792	0	0	12,950	8,000
Transition period	NA	NA	0	3,000	3,000	3,000
School assistance in federally affected areas	656,016	680,000	0	0	40,000	24,000
Emergency school aid	241,700	241,700	0	0	50,000	30,000
Transition period	NA	325	0	3,000	3,000	3,000
Education for the Handicapped: State grants	100,000	110,000	0	90,000	90,000	90,000
Higher education:						
Basic opportunity grants	660,000	715,000	404,200	791,000	791,000	791,000
Transition period	NA	124,000	0	1,000	1,000	1,000
Fellowships for the Disadvantaged	0	0	0	750	750	750
Library resources: (Transition period)	NA	0	0	12,937	12,937	12,937
Salaries and Expenses	100,686	105,224	0	1,575	1,575	1,575
Transition Period	NA	24,643	0	635	635	635
Social and Rehabilitation Service:						
Public Assistance	13,841,479	15,003,950	1,988,967	1,988,967	2,237,000	2,237,000
Transition Period	NA	3,965,000	440,500	440,500	440,500	440,500
Special Institutions:						
Gallaudet College	35,595	22,435	396	396	396	396
Transition Period	NA	5,606	135	135	135	135
Howard University	81,700	84,158	2,400	2,400	2,400	2,400
Transition Period	NA	18,728	900	900	900	900
Assistant Secretary for Human Development:						
Rehabilitation Service Projects			0	0	4,465	3,565
Aging programs:						
Community services	105,000	0	97,235	120,000	125,600	123,800
R. & D. manpower	15,000	0	5,765	19,000	19,000	19,000
Federal Council on Aging	500	0	575	575	575	575
Subtotal	120,500	0	103,575	139,575	145,210	143,410
Transition period	NA	0	25,894	50,150	55,150	50,150
Total, Department of Health, Education, and Welfare, 1976			2,666,239	3,181,149	3,576,079	3,502,547
Transition period			492,831	561,754	570,254	565,254
RELATED AGENCIES						
Corporation for Public Broadcasting, 1976	62,000	0	70,000	78,500	78,500	78,500
Transition period	NA	0	17,500	17,500	17,500	17,500
Grand total, 1976			2,736,848	3,259,809	3,664,917	3,586,367
Transition period			511,241	580,124	588,788	583,788

Mr. Speaker, I would like to add a few words about an item that is included in chapter III of this bill as agreed upon in the conference. I am very pleased to report that the conferees have accepted the full amount of $25,000,000 added by the Senate for emergency aid to the victims of the recent disastrous earthquakes in northeastern Italy. The initial shocks occurred at approximately 9 p.m. local time on Thursday, May 6. There have been more than 50 aftershocks since then, including a relatively severe one on May 9. The Provinces of Udine and Pordenone in the Friuli region, within which is the area primarily affected, have a population of approximately 800,000. About 180,000 were in the most severely stricken zone. The official death toll is 903 and 1,742 are hospitalized. There are 80,000 to 100,000 homeless who are being sheltered in tents provided by Italy, the United States, and other Governments.

It is clear that the people affected by these earthquakes need our assistance immediately. The funds in this bill will be used to provide emergency assistance such as blankets and cots, temporary shelter, clearance of streets, repairs of essential utilities, and the like. It will also be used to help on the reconstruction of utilities and buildings to some extent. I am pleased that we have been able to act so quickly on this important matter.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, this bill originally contained the funds so that under title IX of the Older Americans Act the number of jobs under title IX or green thumb and other jobs programs administered by national contractors would be increased from 12,400 up to 15,000. As I understand it, the Senate took that from the bill and put it into the swine flu vaccine that passed here, so it could become law sooner and, therefore, it is no longer in this bill. In agreeing to that provision being shifted to the swine flu bill, is it true that the additional funds for 2,600 jobs are used solely for the purpose of funding jobs under national contractors for the green thumb and other older American jobs under title IX.

Mr. FLOOD. I can say this to the gentleman. That is the intention of the committee now, it always has been the clear intention of the committee, and I cannot see where there would be any possible misunderstanding.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. MOAKLEY. Mr. Speaker, I would like to inquire of the distinguished chairman of the Subcommittee on Labor-HEW, about this. Amendment No. 85 provides $30 million to carry out the provisions of section 708(a) of the Emergency School Aid Act.

The conferees indicate they expect the full $30 million to be distributed to the emergency impact areas. I just want to be sure that it is a clear understanding that by "emergency impact areas" the reference is to major metropolitan areas such as Boston and Louisville, that are now under court ordered busing programs.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield further, I can say this to the gentleman, the answer is "Yes." The conferees agreed on $30 million in the conference, to carry out section 708(a) of the Emergency School Aid Act. This section of the act authorizes the Assistant Secretary of HEW to assist the school districts who have these very special emergency problems, resulting from the court ordered desegregation plans. The best examples are in Boston and Louisville and Detroit.

The conference report, by the way, makes it very clear that this $30 million is only for such emergency impact areas, which are implementing court-ordered desgregation plans.

Mr. BAUMAN. Mr. Speaker, will the gentleman from Texas yield for a question?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I have one question relating to amendment No. 205, in which the House receded and agreed to the language of the other body. It deals with funds for the International Women's Year Commission. The House originally adopted language offered by the gentleman from Ohio (Mr. MILLER), which read as follows:

> That none of the funds appropriated under this paragraph shall be used for the purpose of directly or indirectly influencing the passage or defeat of any piece of legislation before any legislative body including the ratification of any constitutional amendment.

I am sure that the gentleman from Texas will recall this prohibition arises out of a controversy about this particular Government agency's support for the equal rights amendment and for other legislation of this nature.

I am disturbed that the conferees changed that in the conference report to nothing more than a prohibition against lobbying activities.

Can the gentleman assure me and the other Members of the House that this phrase contained in lobbying activities forbids the use of any funds here for any sort of lobbying activities, whether before Federal or State bodies or any other body and specifically forbids lobbying for the equal rights amendment?

Mr. MAHON. Mr. Speaker, I would say it should limit such lobbying. I had supported the language in the House version which affected this matter. The chairman of the subcommittee who conducted the hearings and the markup of this item is the gentleman from Oklahoma (Mr. STEED). I would yield to the gentleman from Oklahoma for a response on the conference action.

Mr. STEED. Mr. Speaker, I say to the gentleman that in the terms of the act itself and in the amendment still in the House version, it is my opinion that it does prohibit any use of this money for lobbying. That does not mean there may not be a difference of opinion between the gentleman and myself and others as to what constitutes lobbying. So I do not know whether we can put language in the bill any stronger than it already is in terms of saying that the money is to be spent in the way the act provides.

We have been assured by the chairman and others that are involved in the work of this Commission that there will be no abuses of the use of this money in the lobbying field. Outside of having their assurance and their word for it, I do not know of anything else at this stage that we can depend on, other than the language of the bill, and that is the way they interpret it.

Mr. BAUMAN. Mr. Speaker, if the gentleman from Texas will yield further, I would point out to the gentleman from Oklahoma that this is the same Commission that endorsed the equal rights amendment and said they intended to work for its passage all over the United States. I do not think their word is worth a tinker's damn as far as their past performance. That is why we need a strong prohibition.

I am asking about forbidding the use of these funds for lobbying for this or any other legislation.

Mr. STEED. Mr. Speaker, if the gentleman from Texas will yield further, I think we have to remember that we are talking about two different things. The other action the gentleman referred to was a matter of the authority which expired. We are talking about a new act setting up a commission. It grew out of this other Commission, but this new Commission operates under the act. It creates it, but does say it will not be used for lobbying. The new activities will be mostly done at the State level and inside the United States. The other was an international activity that took place outside the United States; so I think we have two different types of activities here. There is no reason that I see why the new work would not be in conformance with the law and what the leaders of this Commission have told us that they would do and what they interpret the law to mean.

Mr. BAUMAN. I thank the gentleman for yielding. I am not persuaded that the language, however, reaches the intent of the House when the bill first passed, and it should not have been weakened in conference.

Mr. MAHON. I would say to the gentleman from Maryland that I think the House language was more definitive than the language agreed to in conference, but it was necessary to reach an agreement, and this is the agreement that was reached.

Mr. Speaker, I have no further requests for time.

Mr. MICHEL. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I would really like to support the conference report, because the bill contains a number of worthy programs. However, the overall bill is substantially above the budget, and thus I cannot in good conscience do so if my commitment to spending restraint is to have any meaning.

On the surface, the bill appears to be under the budget estimates. We see an amount in the bill of $12,040,849,150 for both fiscal year 1976 and the transition quarter, compared with budget estimates of $12,313,120,075. That is a very misleading comparison, though, because when you eliminate budget requests that were not considered because of a lack of authorizing legislation later estimates, or a desire to consider the items as part of the fiscal year 1977 appropriations, you find that the bill is actually some $900 million above the budget. And this does not even include the $248 million for public assistance, for which there was no request. Nor does it include $260 million in loan limitation authority added to the budget request for housing for the elderly or handicapped.

The Labor-HEW chapter alone, minus the public assistance add-on, is some $670 million over the budget, a 20-percent increase.

Touching on the pluses of the bill first, we have in here $200 million for the U.S. contribution to initiate the International Fund for Agriculture Development. This is designed as a billion-dollar fund to assist the less developed countries to increase their food production and improve the nutritional level of their population. The oil producing countries are expected to contribute half the funds, or $500 million. This is the first time they will have provided moneys to an international fund, and our contribution is necessary to insure that such a contribution does in fact take place. Whatever the final total, however, we cannot provide more than 20 percent. So if less than a billion is ultimately contributed, our share will be reduced proportionately. A pledging session will take place in June, which is why the funds need to be included in this supplemental.

The sum of $25 million is included in the bill for disaster relief for Italy, to assist the victims of the recent earthquakes. We also consider providing $20 million in relief and rehabilitation funds for Lebanon, but decided against doing so at this time because of the unstable conditions in that country. There is uncertainty as to the durability of the government, and the war is still ongoing, which would make any rehabilitation futile at this time. If conditions stabilize, I think there is considerable disposition to provide construction assistance to that country.

In the Labor-HEW section, we have provided funds to fund the drug abuse community programs, which were not funded previously due to a lack of authorizing legislation.

We have doubled funding for education for the handicapped.

We have provided the necessary money to fully fund the basic educational opportunity Government program for the upcoming school year. This will permit the participation of a fourth class and will insure that there will be no reduction in current grant levels.

We have included money to fund library resources through the transition quarter. A number of librarians had expressed particular concern about this problem.

We have included funds for programs to aid the elderly, including a substantial increase over last year's level for the title III community services program. This program had been operating under the continuing resolution at a level lower than last year. The funds in this bill will allow supplemental allocations to be made to the various area aging agencies, and should enable them to restore funding for those programs that have been cut and also to fund new programs providing various forms of services to the elderly, such as meals on wheels, transportation, et cetera.

The sum of $78.5 million is included for the Corporation for Public Broadcasting, an increase of $16.5 million over the current operating level. Almost all of this increase will go to the local stations, however.

Last, we have included language cutting off funds for the so-called sex-marihuana study at Southern Illinois University. Some concern has been expressed that this sets a precedent and will result in future congressional intervention into the peer review process of approving research grants. I do not think this will be the case, because most of us have neither the expertise nor the time to get involved in this process. However, we do have a responsibility to the American people to insure that their tax dollars are properly spent, and if our action in this instance gets the message through to the peer reviewers that they ought to be looking over grant applications a little more carefully from the standpoint of propriety and justifiable expenditures, then it will have had the desired impact and future congressional action should not be necessary.

These good points in the bill are more than offset, however, by the substantial amount the bill is over the budget in real terms. Heading the list of unwarranted expenditures is the $200 million for food stamps. Just last December the Appropriations Committee knocked $1.7 billion for food stamps out of the first supplemental on the grounds that the Department of Agriculture should develop new regulations to tighten up the program, and that such regulations would save in excess of a billion dollars. We now have such regulations, and because of such regulations the Department states no additional funds will be needed, and yet we go ahead and appropriate additional moneys anyway. Is it any wonder that the American public has such a low opinion of the way Congress operates?

In the Labor-HEW chapter, $30 million was added for emergency school aid, when the Department of HEW estimates that the need, because of new court orders, will only be $18.5 million. We should also begin to ask ourselves as to whether it is in fact wise policy to financially bail out Federal judges. There could be no end to the cost to the American taxpayer if the idea takes hold that the Federal Government has a financial obligation to cover the cost of any Federal court order. It might be wiser policy to try and find a way to deal with the judges who venture too far into the "political thicket," rather than having to ameliorate judicial excesses through financial payoffs.

The $40 million included in the bill for impact aid "hold harmless" funding is totally unjustified. Of the $80 to $90 million estimated requirement for "hold harmless," over $50 million would go to the hold harmless "D" category to provide funds not to cover any losses to these "D" districts, but to cover increases they would have received had the funds for public housing children gone for increased payments to A and B districts. There is, in other words, simply no harm to "D" districts to be held harmless against. Providing hold harmless to these districts simply provides them a bonanza for which there is no justification. If ever a rescission is in order, this item is it, for there are more than enough other moneys already available to cover the other hold harmless categories.

The $90 million added to the budget figure for education of the handicapped represents a 100-percent increase over the previous year. Certainly one cannot quarrel with the objectives of the program, but there is considerable doubt as to whether the States can efficiently and effectively spend such a large increase. It must also be asked as to whether this is a proper Federal responsibility. We certainly ought to help the States set up their programs, but if we make it a policy to share in the operational financing, the cost could eventually reach $3 billion by 1982.

The $791 million included to fully fund the basic educational opportunity grant program is $386.8 million over the budget. The administration had suggested a series of transfers and reprogramings to make up the difference, and that idea made sense, because the increase in student enrollment is nowhere the increase in total student assistance being provided.

Altogether, Federal programs will generate a total of nearly $3.9 billion in student assistance this coming academic year, an increase of nearly $600 million, or 19 percent, over the current year, this compares with an estimated enrollment increase of maybe 1 to 2 percent.

If students are going to rely more on the basic grant program, then it stands to reason there will be less reliance on other Federal student assistance programs. We should, in other words, be shifting moneys around within the overall student assistance category to meet changing priorities, rather than continuing to simply pile dollars on top of dollars.

The bill also singles out certain projects for special funding, which one can only surmise was done as a favor to certain individuals. Included in this category is $4 million for Rogers Hospital, $3.8 million for an aging demonstration project in the State of Washington, $1.1 million for the Seattle Handicapped Center and others in the Pacific Northwest, and $2.4 million for construction of a recreation complex for the handicapped in West Virginia.

I am sure every Member of Congress has projects in his district for which he would like special consideration, and if we are going to be fair about it, we ought to provide special earmarking for those projects too, rather than just for those of Members in positions of power. Of course, that would make a mockery of the overall process and formulas we have established to consider project applications in an equitable and unbiased manner.

In conclusion, what we have here is a conference report which, despite the inclusion of a number of necessary items, is simply too excessive in nature to warrant adoption. If all of the rhetoric we hear on the campaign trail, by candidates of both parties, about the need to limit Federal spending is to have any meaning, we need to take the bull by the horns and vote this bill down. We cannot have it both ways, if we are going to be honest about it. We cannot talk about cutting expenditures and then turn around and vote for major increases. The key test of one's commitment to lower spending is a bill such as this one. A vote for the conference report is a vote for a policy of high Federal spending and continued high taxes. A vote against the report is a vote to pursue a leaner, more efficient Government and a vote to let the people keep more of their hard-earned dollars. I urge rejection of the report.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I would like to express my personal appreciation to the gentleman from Illinois (Mr. MICHEL) for bringing these facts to the attention of the House.

Time and time again when these appropriation bills come before us he quite often stands almost alone in his willingness to explain to the full membership who do not have the privilege of serving on the Committee on Appropriations exactly what each piece of legislation means.

Mr. Speaker, if it were not for the information he imparts to us, many would not be able to vote intelligently. I commend him for what he has done, for his firm stand for principle, and I hope he will continue to offer his views to Members on both sides of the aisle.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker and Members of the House, I rise in support of this conference report.

I was pleased to serve as one of the conferees. I am satisfied that the conference and all the members of the committee of conference were most diligent in their efforts to maintain necessary funding levels and still insure the integrity of our congressional budget ceiling. I am pleased to note that this appropriations bill is still under the congressional budget ceiling which I voted for.

Mr. Speaker, I spoke extensively on various provisions of this bill when it was on the House floor earlier, and at this time I should like to address myself to several important provisions which were added by the Senate and agreed to.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Spekar, I just want to say, in commending the gentleman from Massachusetts (Mr. Conte), who on many occasions voted for amounts over and above what this gentleman would prefer, that to his credit he did support the budget resolution as distinguished from the administration budget. For that I commend him because to do otherwise, frankly, is pure demagoguery; so while we do have our differences on the amount of money we both feel is justified, I commend him for at least taking the bull by the horns and voting for the increased budget to substantiate his other vote.

Mr. CONTE. Mr. Speaker, I want to commend the gentleman from Illinois (Mr. Michel).

Although we may disagree on some of these figures, not only in this budget but in other budgets, I want to commend him for his courage. He has a lot of guts and stands up for what be believes in. I know the pressure that is put on him not to go along with some of his thinking in cutting the budget.

The tragedy that has overcome the country of Italy is the subject of a provision in this legislation for $25 million in disaster relief for the earthquakes in the Provinces of Udine and Pordenone.

In fact, my mother and father were born right near the little village of Udine and I have been there many times.

Mr. Speaker, this earthquake has left over 800 dead in that particular area of Udine and Pordenone. There were 2,300 injured, and there are around 45,000 homeless. Not only that, 5,000 homes have been completely destroyed.

Mr. Speaker, it is most important that we provide this humanitarian assistance to our friends who have endured such losses and tragedies.

The funds are specifically designed for two distinct purposes: First, to provide temporary assistance and shelter, and second, to begin to repair the damaged buildings and the construction of new facilities to replace those that have been completely destroyed by the earthquake.

I am proud to see that this Congress, in behalf of the American people, has acted so quickly in this emergency situation to aid those who are in such desperate need.

The funding for Guatemala disaster assistance, which I supported strongly, and our many other programs covered by our famine and disaster relief efforts had virtually depleted the funds left in this particular account. This is the reason for this specific appropriation.

I might say here, Mr. Speaker and Members of the House, that I understand there are some Members in the House who are disturbed about the language that we have in here for the $25 million.

I hope no one will rise to oppose this language. In essence, what this language does is that it makes the $25 million available upon the signing of this appropriation bill. If the language were not in there, we would have to wait for an authorization bill, and these people need this money in northern Italy like they needed it yesterday and not tomorrow.

Therefore, Mr. Speaker, I hope my colleagues who are thinking about this do not think we are trying to encroach on any other committee's jurisdiction. This committee, headed by the gentleman from Louisiana (Mr. Passman), never tries to encroach upon the jurisdiction of any other committee.

This is a very exceptional case, and I plead with my fellow Members to leave this particular item alone.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MICHEL. Mr. Speaker, I yield 3 additional minutes to the gentleman from Massachusetts.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. Conte) for yielding to me. I too would like to speak in favor of the $25 million for the people of Friuli—these are hard-working, fine people who have suffered repeatedly in war and in disasters. I think it is important for many reasons. In the first place, it is in the American tradition that when there is a disaster we help. I think that is one of the best examples of the kind of Nation we are. Second, I think it is also so important for the people themselves to know that they have friends and that their suffering is not lonely. Third, I think it is also important for the people in Italy, as a whole, to know that this country is thinking of Italy, remembering Italy in its tragedy.

So, Mr. Speaker, I hope very much that this will be approved.

Mr. CONTE. Mr. Speaker, I want to thank the gracious gentlewoman from New Jersey (Mrs. Fenwick) for those remarks.

Mr. GILMAN. Mr. Speaker, would the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding. I too wholeheartedly support the proposal to commit $25 million toward the disaster that has occurred in Italy. We have already expended a considerable amount of money to show our nation's commitment for Italy's emergency needs. U.S. assistance to Italy began almost immediately following the disaster. Ambassador Volpe provided six helicopters for medical evacuations, aerial reconnaissance and for carrying supplies. The 40th Tactical Group of the U.S. Air Force supplied 100 tents on May 7 and the Agency for International Development issued 620 family tents to be used for temporary shelter, providing shelter for 50 percent of the victims of Osoppo.

As of May 17, the total U.S. assistance to Italy was over $600,000.

Fourteen other nations have contributed some $700,000 in addition to substantial equipment. The European Economic Community has provided $112,000 and the League of Red Cross Societies has made a donation of over $800,000. Finally, private voluntary organizations have given $140,000.

However, Mr. Speaker, I would like to point out that the Committee on International Relations is concerned about the fact that the authorizing process here has been abrogated. The Committee on International Relations has the responsibility for authorizing all disaster funds. There will be a bill tomorrow that will provide the authorization for this disaster relief to Italy. While the committee is not raising this as an issue at this time, I think that this procedure is something that this body should be concerned about in the future, that we not abrogate the authority of the committees that properly have the responsibility for fulfilling this deed.

Nevertheless, I fully support this measure and urge its support by my colleagues.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from New York, and I can understand the position the gentleman has taken with respect to his committee, but the Members well know what would happen should we have to wait for the authorization bill, and then the bill may be different in the Senate, then you would have to go to conference this would take a good deal of time and in this situation time is of the essence.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MICHEL. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I thank the gentleman for yielding me the additional time.

Again let me say that time is of the essence in this situation.

The conference committee recommended funding the international fund for agricultural development program in the amount of $200 million. This budget request was received after House consideration of this legislation. This fund will provide grant or loan assistance to less developed countries to increase food production and improve the nutritional level among the poorest of their populations.

It is anticipated that the international fund will exceed $1 billion with the OPEC countries contributing at least 50 percent. Should the other countries renege on their commitments, then the United States will be absolved from liability. I feel this program can be the beginning of our first real attempt at solving the international food and nutrition problems so rampant in the less developed nations.

Also, I should like to note that this legislation also contains a $5 million initial funding for the African Development Bank. It is my hope that we will continue to support this bank. We have seen what tremendous benefits other development banks have done with their regions, I am sure the same benefits will accrue to the African countries. It is in this manner that our foreign assistance program is most effective—enabling the regions to help themselves, rather than rely on piecemeal grant programs. As a member of the Foreign Operations Subcommittee, I am pleased with these conference provisions.

In the Labor-HEW portion of this legislation, the Senate provided $50 million for emergency school aid for fiscal year 1976. The House had no funding. It is estimated by Boston Mayor Kevin White that his city alone will be required to spend over $20 million above and beyond the required education budget to comply with various court orders.

The situation is the same with every school system now under court order. I fought hard to maintain as high a level as possible in conference. The conferees agreed further to insert language providing these funds only for those school districts under emergency court ordered situations. This will insure the integrity of the fund. As a member of the Labor-HEW Subcommittee, I can assure my colleagues that these funds were well justified in our hearings.

In conclusion, Mr. Speaker, I should like to advise that I am satisfied that the conferees have prepared a good compromise. I urge my colleagues to support this legislation.

Thank you, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield further, I recognize that time is essential. I just wish to point out, once again, that tomorrow the military security assistance measure will be on the floor and that authorization is in that bill.

Mr. CONTE. Again I thank the gentleman.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, I would also like to comment on a provision of the report related to some of are disadvantages. One of the actions of the conference committee to H.R. 13172 needs some explanation in light of the work we have undertaken over the past year in the Education and Labor Committee. We have strived to strengthen and expand the WIC program, a good supplement program for low-income pregnant and lactating women and their young children, and I do not want this supplemental appropriation bill to incorrectly imply any rejection of our commitment to this worthwhile and important program.

In Vermont, we have the only statewide WIC program in the country. The program is well administered, and is aiding in the effort to insure that a lack of proper nutrition at birth will not be allowed so as to retard the growth of our young. In order to expand that effort, my State has applied to the Agriculture Department to extend its program to an additional 4,400 needy women and children. However, that application—like the applications of the States and districts represented by other Members—has not been acted upon.

The only conclusion I can draw is that the Department of Agriculture is continuing its policy of saving money at the expense of the nutritional needs of our most important national asset—our youngsters. At the end of this fiscal year, the Department will have available about $125 million of the $250 million, plus carryover, that it should have spent this year. That $125 million, which includes about $35 million of unspent fiscal year 1975 moneys, must be carried over to the transition quarter and spent to fund the applications that have not yet been acted upon.

The Department wanted to use this carryover money to fund WIC's transition quarter needs. In fact, it asked this body for permission to defer spending about $60 million of these fiscal 1976 funds for use during the July–August–September transition period between fiscal years 1976 and 1977. I was pleased that this body refused to approve such a deferral. In so doing, we expected the Department to spend an additional $62.5 million—a proportionate amount of the yearly $250 million spending level—during this summer's transition quarter.

Although the conference committee to H.R. 13172 has now decided not to use regular appropriations to fund WIC during the transition quarter, it in no way removes the Agriculture Department's responsibility to make available an additional $62.5 million this summer. This is because the child nutrition bill we enacted last October specifically provides for moneys should the regular appropriations process fall short of funding needs. Pursuant to Public Law 94–105, the Agriculture Secretary is instructed to use money from the section 32 fund if regular appropriations are less than $250,000,000 in either fiscal 1976 or 1977, or $62,500,000 in the transition quarter.

Thus, Mr. Speaker, since the conference committee did not consider it necessary to use regular appropriations to fund WIC during the transition quarter, section 32 funds must be used, as provided in section 17(c) of the Child Nutrition Act of 1966, as amended by Public Law 94–105.

I am sorry that I had to take this time to make a point that we carefully wrote into the legislation, but the WIC program is too important to the needy of my State to allow for any possible confusion.

Mr. THOMPSON. Mr. Speaker, I would like to comment on one aspect of H.R. 13172, the supplemental appropriations bill now before us. Unlike the many programs which are funded by H.R. 13172, one program may be affected by virtue of not having received moneys through this bill.

I am referring to the WIC program—the special supplemental food program for women, infants, and children. This program serves many pregnant women, mothers and young children who need the supplemental food it provides so as to forestall the harm caused by inadequate nutrition in the formative years of life.

Unfortunately, there are many applications for WIC programs sitting idly on the desks of program administrators at the Agriculture Department. In my State of New Jersey alone, five agency applications to serve almost 10,000 needy women and children have yet to be acted upon by the Department. There simply is no excuse for this official inaction, especially when we took such pains in the Education and Labor Committee and in the Congress as a whole to mandate program expenditures by enacting Public Law 94–105 over the President's veto.

The reason I am taking the time to again raise this issue, Mr. Speaker, is that I am afraid the Agriculture Department may read into this supplemental appropriation bill a message that conforms more to its idea of delaying spending rather than to this Congress intent as embodied in Public Law 94–105.

The conference committee on H.R. 13172 decided against accepting the Senate's amendment to fund WIC for the transition quarter out of regular appropriations. This refusal to use this supplemental appropriation bill to fund the program does not, however, mean that a separate $62.5 million—or one-quarter of the yearly spending level for WIC—will not be available for needy WIC participants in the transition quarter.

On the contrary, Mr. Speaker, this conference committee action on the Senate's WIC appropriation triggers the safeguard we built into Public Law 94–105 which mandates a separate transition quarter expenditure of $62.5 million for section 32 funds. Section 17(c) of the Child Nutrition Act of 1966, as amended by Public Law 94–105, specifically says that when funds for regular appropriations are not forthcoming, section 32 funds must be used to fund the WIC program at the levels specified in that subsection. Thus, a separate $62.5 million must be spent in the transition quarter, in addition to the fiscal 1975 and fiscal 1976 carryover funds which will be available, to fund all eligible agencies that apply for new programs or program expansion.

Mr. FORD of Michigan. Mr. Speaker, this supplemental appropriations bill does not provide moneys out of regular appropriations for the transition quarter's operation of the WIC program—the special supplemental food program for women, infants and children. As a member of the conference committee on Public Law 94–105, which we enacted last October, there is one point concerning this nutrition program that I feel obliged to make at this time.

Right now, there are 13 applications from local Michigan agencies to expand the WIC program which have not been acted upon by the Agriculture Department. I thought that when we reaffirmed our commitment to WIC in that legislation last year we cleared up any doubt as to the spending levels we wanted for WIC. We said that we wanted $250 million plus carryover funds spent in fiscal years 1976 and 1977, and a proportionate amount spent during the transition quarter in addition to any fiscal 1976 funds which were still available. There still seems to be some doubt in USDA's mind as to our mandate to fund all eligible agencies that make application. Something must be wrong when Michigan has applications pending to serve over 80,000 pregnant and nursing mothers and their children, and the Department of Agriculture has about half of the fiscal 1976 funds yet to be expended.

This money must be spent, and the pending applications from my State and all others must be acted upon until the spending mandates we imposed, plus carryover funds, are reached. Since this supplemental contains no funds from regular appropriations for WIC, the Department must now employ the provision we wrote into Public Law 94–105 that section 32 moneys be used if regular appropriations are not forthcoming. Therefore, a separate $62.5 million must now be used from section 32 funds to supplement the fiscal 1975 and fiscal 1976 carryover in the transition quarter. That provision in the law was written precisely for the situation in which we now find ourselves.

I hope this helps to make the message a bit more clear to the program administrators in the Department. There is no excuse for the delay that has occurred. The WIC program is all too critical to the nutritional health of the people it is intended to serve.

Mr. CLAY. Mr. Speaker, I would like to take a minute to discuss one very important program for which this supplemental appropriations bill contains no funds. That program is the WIC program, through which many needy women and children receive health-sustaining nutrition assistance.

I understand that the conference committee did not accept a Senate amendment that would have appropriated $62.5 million for WIC operations in the transition quarter out of regular appropriations. This appears to be a reasonable decision given the purpose of a supplemental appropriations bill and the WIC funding mechanism we created last October by enacting Public Law 94–105. However, I do not say this because the WIC program does not need the money for the transition quarter, but rather because the money does not need to come from the regular appropriations process.

When we passed Public Law 94–105, we rewrote section 17(c) of the Child Nutrition Act of 1966 to say that $250 million in fiscal year 1976 and fiscal year 1977, and a pro rata share of that amount in the transition quarter, was authorized to be appropriated for the purposes of the program. But we also wrote into that subsection a guarantee that WIC would not be solely dependent on the regular appropriations process. It says that if funds, in the amounts I have specified for fiscal years 1976, 1977, and the transition quarter, are not appropriated for WIC by the beginning of each fiscal year, then "the Secretary shall use $250,000,000, or, if any amount has been appropriated for such program, the difference, if any between the amount directly appropriated for such purpose and $250,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c)." Thus, there is really no need for regular appropriations in order for the WIC program to reach the specified spending levels mandated in Public Law 94–105. Of course, these section 32 funds must be expended in addition to any and all carryover funds so that the program's benefits reach as many nutritionally vulnerable women and children as possible.

I think it is easier for us to understand the conference committee's action with this legislative mandate in mind. This supplemental appropriations bill is intended for emergency purposes in order to provide funds which are immediately needed, and WIC does not have this current need for regular appropriations.

Thank you, Mr. Speaker. I simply wanted to make clear that the conference committee's action in no way threatens the viability of the WIC program.

Mr. BRADEMAS. Mr. Speaker, I rise to make clear my understanding of one of the actions taken by the conference committee on H.R. 13172.

The conferees decided against using regularly appropriated funds to provide support during the transition quarter for the special supplemental food program for women, infants and children, or WIC, which was created in 1972 by Public Law 92–433, and amended last fall by Public Law 94–105.

The amendments approved last fall strengthened the WIC program in three significant ways.

First, they required that program funds be provided to any eligible agency that applies to operate a WIC program.

Second, they authorized appropriations of $250 million for fiscal year 1976, $250 million for fiscal year 1977, $250 million for fiscal year 1978, and a proportionate amount—$62.5 million—for the transition quarter in addition to all carryover moneys, which must be spent.

Third—and most important in light of the conference committee's action in H.R. 13172—the amendments required that funds from Section 32 of the Agriculture Act of 1935 be used to fund WIC in fiscal year 1976 and fiscal year 1977 if regular appropriations were inadequate to reach those spending levels.

Since H.R. 13172 provides no appropriation for WIC during the transition quarter, the statutory requirement that Section 32 funds be used comes into play. Therefore, the Agriculture Department must use a separate $62.5 million from section 32 funds for the WIC program during the transition quarter to supplement the funds which will remain available from fiscal year 1976.

It is important that this point be stressed so that the Agriculture Department puts an end to its fiscal foot-dragging and spends the money that Congress has provided. Right now, the Department is sitting on 235 applications to serve over half a million women and children. The intended beneficiaries of WIC are simply too vulnerable, and the food assistance too important, for there to be any delay at all.

Mr. BOLAND. Mr. Speaker, as one of the conferees on H.R. 13172, the pending supplemental appropriations bill, I support wholeheartedly the $25 million item therein which provides disaster relief for the victims of the recent tragic earthquake that struck the Provinces of Udine and Pordenone in Italy. This appropriation is necessary because the funds which have been provided for disaster relief in fiscal year 1976 have already been exhausted for Guatemalan aid.

The list of dead in Italy now exceeds 800. Another 2,300 have been injured, many of them seriously. In all, nearly 45,000 people are now helpless. Five thousand homes have been destroyed. The need for relief services to the people of Udine and Pordenone is unquestioned.

How this relief can be provided is, of course, a different matter altogether. This country has already provided $600,000 in assistance under the direction of our able and distinguished Ambassador to Italy, John Volpe. He has moved quickly and efficiently to provide shelter, medical evacuation, and transportation of needed supplies and medicine. Much more must still be done, however.

Other nations have contributed assistance as well as the Common Market, the Red Cross, and other voluntary relief societies. It remains no secret, however, that to fully assist the homeless, the sick and the destitute of the Udine and Pordenone on an emergency basis, will require much more money than has yet been expended. Our country has achieved an unmatched reputation for its generosity to distressed peoples throughout the world. Our humanitarian response has been truly unstinting. In fact, in many cases our Government and major voluntary relief services have had to turn away volunteers and proffered supplies which they simply could not use.

Mr. Speaker, the recent disaster in Italy warrants swift, generous aid from this country. Our response should be as generous as those others which have recently depleted our fund for such international disaster assistance. I urge that this $25 million item remain in this bill.

Mr. MICHEL. Mr. Speaker, I have no further requests for time.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD in connection with the conference report and in connection with the various amendments in disagreement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 100, not voting 46, as follows:

[Roll No. 278]

YEAS—286

Abdnor
Adams
Addabbo
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Brown, Calif.
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Cederberg
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Fenwick
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frenzel
Fuqua
Gaydos
Gilman
Gonzalez
Gradison
Grassley
Green
Gude
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Horton
Howard
Howe
Hungate
Hyde
Jacobs
Jeffords
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Leggett
Lehman
Lent
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lundine
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Russo
Ryan
St Germain
Santini
Sarasin
Scheuer
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Staggers
Stanton, J. William
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Thompson
Thone
Thornton
Traxler
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Walsh
Waxman
Weaver
Whalen
White
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wydler
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—100

Andrews, N.C.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bennett
Broomfield
Brown, Ohio
Broyhill
Burleson, Tex.
Butler
Clancy
Clawson, Del
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, R. W.
Davis
Devine
Dickinson
Edwards, Ala.
Emery
English
Erlenborn
Eshleman
Evans, Ind.
Findley
Flynt
Fountain
Frey
Gibbons
Ginn
Goldwater
Goodling
Hagedorn
Haley
Hansen
Harsha
Hefner
Henderson
Hightower
Holt
Hubbard
Hughes
Hutchinson
Ichord
Jarman
Jenrette
Johnson, Colo.
Jones, Okla.
Kasten
Kemp
Ketchum
Latta
Levitas
Lott
Lujan
McDonald
Mann
Martin
Mathis
Michel
Miller, Ohio
Montgomery
Moorhead, Calif.
Mottl
Myers, Ind.
Myers, Pa.
Neal
Nichols
Paul
Poage
Quillen
Risenhoover
Roberts
Robinson
Runnels
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Shuster
Skubitz
Snyder
Spence
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Treen
Waggonner
Wampler
Whitehurst
Wright
Wylie

NOT VOTING—46

Abzug
Alexander
Bell
Bonker
Brown, Mich.
Buchanan
Burke, Calif.
Byron
Carter
Chappell
Conyers
Diggs
Duncan, Oreg.
Esch
Giaimo
Guyer
Hébert
Hinshaw
Holland
Karth
Kelly
Kindness
Landrum
Litton
McClory
McEwen
Macdonald
Milford
Mosher
Peyser
Railsback
Randall
Riegle
Rousselot
Ruppe
Sarbanes
Spellman
Stanton, James V.
Steiger, Ariz.
Stephens
Stuckey
Tsongas
Udall
Vanik
Vigorito
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Chappell for, with Mr. Kelly against.

Ms. Abzug for, with Mr. Rousselot against.

Mr. Riegle for, with Mr. Steiger of Arizona against.

Mrs. Spellman for, with Mr. Guyer against.

Mr. Udall for, with Mr. Young of Alaska against.

Mr. Vanik for, with Mr. McClory against.

Mr. Peyser for, with Mr. Landrum against.

Mr. Conyers for, with Mr. Byron against.

Mr. Giaimo for, with Mr. Hébert against.

Mrs. Burke of California for, with Mr. Buchanan against.

Mr. James V. Stanton for, with Mr. Kindness against.

Mr. Diggs for, with Mr. McEwen against.

Until further notice:

Mr. Vigorito with Mr. Stephens.

Mr. Bonker with Mr. Karth.

Mr. Alexander with Mr. Randall.

Mr. Tsongas with Mr. Stuckey.

Mr. Duncan of Oregon with Mr. Macdonald of Massachusetts.

Mr. Holland with Mr. Brown of Michigan.

Mr. Litton with Mr. Carter.

Mr. Milford with Mr. Mosher.

Mr. Esch with Mr. Bell.

Mr. Railsback with Mr. Ruppe.

Messrs. WAMPLER, EMERY, and FREY changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 8, line 8, after "$1,900,000" insert ": *Provided,* That appropriations available to the Navy for Operations and Maintenance during the period July 1, 1975, through September 30, 1976, for the alteration, overhaul and repair of naval vessels shall be available in an amount not to exceed $1,872,438,000 for the performance of such work in Navy shipyards."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 11, line 13, insert: "*Provided,* That $365,600,000 of the funds appropriated under this heading for fiscal year 1976 in the Department of Defense Appropriation Act, 1976, shall be available only for the production of M60-series tanks."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 11, line 17, insert: "*Provided,* That $150,900,000 of the funds appropriated under this heading for the period July 1, 1976, through September 30, 1976, in the Department of Defense Appropriation Act, 1976, shall be available only for the production of M60-series tanks."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 12, line 1, insert:

"PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY, 1971/1973

"(LIQUIDATION OF DEFICIENCIES)

"For an additional amount for 'Procurement of equipment and missiles, Army, 1971/1973,' for liquidation of obligations incurred and chargeable to that account, $147,800,000, to be derived by transfer from 'Procurement of ammunition, Army, 1975/1977,' $118,000,000, from 'Procurement of aircraft, Army, 1976/1978,' $5,800,000, and from 'Other procurement, Army, 1976/1978,' $24,000,000."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of Senate numbered 21 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 12, line 12, insert:

"PROCUREMENT OF AMMUNITION, ARMY, 1973/1975

"(LIQUIDATION OF DEFICIENCIES)

"For an additional amount for 'Procurement of ammunition, Army, 1973/1975,' for liquidation of obligations incurred and chargeable to that account, to be derived by transfer from 'Procurement of ammunition, Army, 1974/1976,' $50,000,000."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 12, line 19, insert:

"OTHER PROCUREMENT, ARMY, 1972/1974

"(LIQUIDATION OF DEFICIENCIES)

"For an additional amount for 'Other procurement, Army, 1972/1974,' for liquidation of obligations incurred and chargeable to that account, $17,200,000, to be derived by transfer from 'Procurement of missiles, Army, 1976/1978,' $9,800,000, and from 'Procurement of weapons and tracked combat vehicles, Army, 1976/1978,' $7,400,000."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: Page 14, line 2, insert:

"FOREIGN ASSISTANCE

"INTERNATIONAL DISASTER ASSISTANCE

"For an additional amount for 'International disaster assistance', $25,000,000, notwithstanding section 10 of Public Law 91-672."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion, and I would like to be recognized after the motion is read.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein.

Mr. MAHON. Mr. Speaker, this provides $25 million for earthquake victims in Italy. It was agreed to in conference.

The motion was agreed to.

The SPEAKER. The clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: Page 14, line 12, insert:

"INTERNATIONAL DEVELOPMENT ASSISTANCE

"MULTILATERAL ASSISTANCE

"PAYMENT TO INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

"For payment to the International Fund for Agricultural Development, as authorized by section 103(e) of the Foreign Assistance Act of 1961, as amended, $200,000,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"INTERNATIONAL DEVELOPMENT ASSISTANCE

"MULTILATERAL ASSISTANCE

"PAYMENT TO INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

"For payment to the International Fund for Agricultural Development, as authorized by section 103(e) of the Foreign Assistance Act of 1961, as amended, $200,000,000, to remain available until expended: *Provided*, That the funds made available in this paragraph shall not be obligated or expended until proper justification of the obligation or expenditure of such funds is provided to the Committees on Appropriations of the Senate and the House of Representatives."

Mr. MAHON. Mr. Speaker, I ask for recognition.

The SPEAKER. The gentleman from Texas (Mr. Mahon) is recognized.

Mr. MAHON. Mr. Speaker, that is an amendment relating to the International Fund for Agricultural Development.

Previously in my remarks I expressed my opposition to this amendment and my concern over the potential it has for becoming another massively funded foreign aid program.

I would also express the same reservation concerning amendment number 30 providing funding for the African Development Bank.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: Page 14, line 20, insert:

"INTERNATIONAL FINANCIAL INSTITUTIONS

"INVESTMENT IN AFRICAN DEVELOPMENT FUND

"For payment by the Secretary of the Treasury of a United States contribution to the African Development Fund, $5,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 18, line 20, insert:

"CONSTRUCTION AND MAINTENANCE

"For an additional amount for 'Construction and maintenance', $400,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 20, line 1 insert:

"PLANNING AND CONSTRUCTION

"For an additional amount for 'Planning and construction', $242,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 50: Page 20, line 24, insert: ": *Provided further*, That within funds available for the operation of Bureau schools in Alaska, such amounts as are necessary shall be used for repair and rehabilitation of the North Slope Borough School to bring the facility into conformance with life and safety code standards".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 52: Page 21, line 8, insert:

"ROAD CONSTRUCTION

"(LIQUIDATION OF CONTRACT AUTHORITY)

"For an additional amount for 'Road construction (Liquidation of contract authority)', $10,000,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 52 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 61: Page 22, line 25, insert: "For an additional amount for 'Salaries and expenses', for the period July 1, 1976, through September 30, 1976, $11,000,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$7,000.000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 67: Page 23, line 17, insert:

"INDIAN HEALTH FACILITIES

"For an additional amount for 'Indian health facilities', $250,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offered a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 67 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 70: Page 24, line 6, insert:

"For expenses necessary to carry out section 201 of the Naval Petroleum Reserves Production Act of 1976, $24,152,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 71: Page 24, line 9, insert:

"For 'Petroleum reserves' for the period July 1, 1976, through September 30, 1976, $15,350,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 71 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 75: Page 25, line 7, insert:

": *Provided*, That $10,000,000 shall remain available until September 30, 1977, of which $5,000,000 shall be to carry out the High School Equivalency Program and the College Assistance Migrant Program authorized by Section 303 of title III of the Comprehensive Employment and Training Act of 1973 and of which $5,000,000 shall be to carry out activities of the Mountain-Plains Family Education and Employment Program authorized by title III of said Act of 1973".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 75 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That $5,000,000 shall remain available until September 30, 1977 to carry out activities of the Mountain-Plains Family Education and Employment Program authorized by title III of the Comprehensive Employment and Training Act of 1973:"

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 76: Page 25, line 15, insert: ": *Provided further*, That the funds for the Mountain-Plains Family Education and Employment Program shall be transferred through the Old West Regional Commission".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 80: Page 28, line 10, insert:

"For an additional amount for "Health resources" $8,000,000 to remain available until expended for the construction of a medical facility under section 305(b)(3) of the Public Health Service Act without regard to the requirements of section 308."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For an additional amount for "Health resources" $4,000,000 to remain available until expended for the construction of a medical facility under section 305(b)(3) of the Public Health Service Act without regard to the requirements of section 308."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 81: Page 28, line 15 insert:

"For carrying out titles IX and XV of the Public Helath Service Act, $40,000,000, to be derived by transfer from funds appropriated under this head in Public Law 94–206 for carrying out title XVI of the Public Health Service Act: *Provided*, That $20,000,000 for carrying out title IX shall remain available until expended, notwithstanding the limitations of section 5(a)(2) of Public Law 93–641: *Provided further*, That the appropriation under this head in Public Law 94–206 for fiscal year 1976 is hereby amended by repealing the second proviso and by striking out '$100,000,000 for Title XVI' and inserting in lieu thereof '$34,260,000 for Title XVI'."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 81 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For carrying out titles IX and XV of the Public Health Service Act, $22,500,000, to be derived by transfer from funds appropriated under this head in Public Law 94–206 for carrying out title XVI of the Public Health Service Act: *Provided*, That $10,000,000 for carrying out title IX shall remain available until expended, notwithstanding the limitations of section 5(a)(2) of Public Law 93–641. *Provided further*, That the appropriation under this head in Public Law 94–206 for fiscal year 1976 is hereby amended by repealing the second proviso and by striking out $100,000,000 for Title XVI and inserting in lieu thereof $51,760,000 for Title XVI'."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 83: Page 29, line 19, insert:

"For an additional amount for 'School assistance in Federally affected areas', $40,000,000, to remain available until expended only for payments under subparagraphs (A), (B), (C), and (D) of section 305 of the Edu cation Amendments of 1974."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

For an additional amount for "School assistance in Federally affected areas", $24,-

000,000, to remain available until expended only for payments under subparagraphs (A), (B), (C), and (D) of section 305 of the Education Amendments of 1974.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 87: Page 32, line 25, strike out "$139,610,000" and insert: "and the Rehabilitation Act of 1973, $149,640,000 of which $2,465,000 under section 304(b)(3) of the Rehabilitation Act shall remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 87 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert: "and the Rehabilitation Act of 1973, $146,975,000 of which $2,465,000 under section 304(b)(3) of the Rehabilitation Act shall remain available until expended."

The motion was agreed to.

Mr. MAHON. Mr. Speaker, inasmuch as amendments Nos. 90 through 115 relate solely to housekeeping operations of the other body in which, by practice, the House concurs without intervention, I ask unanimous consent that Senate amendments Nos. 90 through 115 be considered as read, printed in the RECORD, and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Senate amendments Nos. 90 through 115 are as follows:

Senate amendment No. 90: Page 34, line 3, insert:

"SENATE"

Senate amendment No. 91: Page 34, line 4, insert:

"SALARIES, OFFICERS AND EMPLOYEES"

Senate amendment No. 92: Page 34, line 5, insert:

"LEGISLATIVE ASSISTANCE TO SENATORS"

"For an additional amount of "Legislative Assistance to Senators" for the period July 1, 1976, through September 30, 1976, $225,000."

Senate amendment No. 93: Page 34, line 9, insert:

"OFFICE OF SERGEANT AT ARMS AND DOORKEEPER"

Senate amendment No. 94: Page 34, line 10, insert:

"For an additional amount for "Office of Sergeant at Arms and Doorkeeper", $127,805: Provided, That, effective May 1, 1976, the Sergeant at Arms and Doorkeeper may appoint and fix the compensation of an Executive Secretary at not to exceed $22,260 per annum; a Special Assistant at not to exceed $22,260 per annum; a Floor Assistant at not to exceed $17,172 per annum in lieu of an Assistant Doorkeeper at not to exceed $17,172 per annum; two Floor Assistants at not to exceed $16,059 per annum each; an Assistant Operations Manager at not to exceed $23,214 per annum; four Systems Analysts at not to exceed $23,214 per annume each in lieu of three Systems Analysts at not to exceed $23,214 per annum each; seven Office Systems Specialists at not to exceed $15,582 per annum each; two Training Specialists at not to exceed $23,214 per annum each; five Senior Computer Specialists at not to exceed $27,030 per annum each in lieu of four Senior Computer Specialists at not to exceed $27,030 per annum each; eight Senior Programmer Analysts at not to exceed $25,122 per annum each in lieu of seven Senior Programmer Analysts at not to exceed $25,122 per annum each; thirteen Programmer Analysts at not to exceed $23,214 per annum each in lieu of eight Programmer Analysts at not to exceed $23,214 per annum each; six Systems Programmers at not to exceed $23,214 per annum each in lieu of five Systems Programmers at not to exceed $23,214 per annum each; a Network Technician at not to exceed $20,352 per annum; two Secretaries at not to exceed $13,992 per annum each in lieu of a Secretary at not to exceed $13,992 per annum; a Network Supervisor at not to exceed $29,892 per annum; three Senior Job Controllers at not to exceed $20,034 per annum each in lieu of a Job Controller at not to exceed $15,582 per annum and an Applications Programmer at not to exceed $20,034 per annum; four Operations Clerks at not to exceed $11,766 per annum each; two Keypunch Operators at not to exceed $10,971 per annum each in lieu of a Keypunch Operator at not to exceed $8,586 per annum; an Operations Scheduler at not to exceed $20,034 per annum; two Data Standards Specialists at not to exceed $20,034 per annum each; three Computer Shift Supervisors at not to exceed $16,059 per annum each; a Data Conversion Operator at not to exceed $10,017 per annum; a Tape Librarian at not to exceed $13,038 per annum; six Lead Operators at not to exceed $14,628 per annum each in lieu of three Support Operators at not to exceed $14,628 per annum each, a Programmer-Operator at not to exceed $14,310 per annum, an Operator at not to exceed $14,628 per annum, and an Operator at not to exceed $13,674 per annum; an Operations Clerk at not to exceed $11,766 per annum in lieu of a Systems Clerk at not to exceed $11,766 per annum; five Junior Operators at not to exceed $13,038 per annum each in lieu of four Operators at not to exceed $13,038 per annum each; an Operations Manager at not to exceed $27,666 per annum in lieu of a Manager Programmer at not to exceed $27,666 per annum; a Hardware Services Supervisor at not to exceed $17,808 per annum in lieu of a Supervisor Operator at not to exceed $17,808 per annum; and a Garage Foreman at not to exceed $14,628 per annum in lieu of a Stockroom Clerk at not to exceed $12,720 per annum.

Senate amendment No. 95: Page 36, line 18, insert:

"For an additional amount for 'Office of Sergeant at Arms and Doorkeeper' for the period July 1, 1976, through September 30, 1976, $191,705."

Senate amendment No. 96: Page 36, line 21, insert:

"AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

"For an additional amount for 'Agency Contributions and Longevity Compensation' for the period July 1, 1976, through September 30, 1976, $86,250."

Senate amendment No. 97: Page 37, line 1, insert:

"CONTINGENT EXPENSES OF THE SENATE"

Senate amendment No. 98: Page 37, line 2, insert:

"SENATE POLICY COMMITTEES

"For an additional amount for 'Senate Policy Committees' for the period July 1, 1976, through September 30, 1976, $625."

Senate amendment No. 99: Page 37, line 6, insert:

"AUTOMOBILES AND MAINTENANCE"

Senate amendment No. 100: Page 37, line 2, insert:

"For an additional amount for 'Automobiles and Maintenance', $5,000."

Senate amendment No. 101: Page 37, line 9, insert:

"For an additional amount for 'Automobiles and Maintenance' for the period July 1, 1976, through September 30, 1976, $1,250."

Senate amendment No. 102: Page 37, line 12, insert:

"INQUIRIES AND INVESTIGATIONS"

Senate amendment No. 103: Page 37, line 13, insert:

"For an additional amount for 'Inquiries and Investigations', $1,350,000."

Senate amendment No. 104: Page 37, line 15, insert:

"For an additional amount for 'Inquiries and Investigations' for the period July 1, 1976, through September 30, 1976, $577,730."

Senate amendment No. 105: Page 37, line 18, insert:

"MISCELLANEOUS ITEMS"

Senate amendment No. 106: Page 37, line 19, insert:

"For an additional amount for 'Miscellaneous Items', $1,260,200."

Senate amendment No. 107: Page 37, line 21, insert:

"For an additional amount for 'Miscellaneous Items' for the period July 1, 1976, through September 30, 1976, $2,012,915."

Senate amendment No. 108: Page 37, line 24, insert:

"POSTAGE STAMPS"

Senate amendment No. 109: Page 37, line 25, insert:

"For an additional amount for 'Postage Stamps', $100: *Provided*, That, effective with fiscal year 1976 and each fiscal year thereafter, the postage allowance for the Office of the Chaplain is increased to $200 per year.

Senate amendment No. 110: Page 38, line 4, insert:

"For an additional amount for 'Postage Stamps' for the period July 1, 1976, through September 30, 1976, $35."

Senate amendment No. 111: Page 38, line 6, insert:

"ADMINISTRATIVE PROVISIONS"

Senate amendment No. 112: Page 38, line 7, insert:

"SEC. 115. The unexpended balances of any of the appropriations granted under the heading 'Salaries, Officers and Employees' for the current fiscal year shall be available to the Secretary of the Senate to pay the increases in the compensation of officers and employees notwithstanding the limitations contained therein."

Senate amendment No. 113: Page 38, line 13, insert:

"SEC. 116. (a)(1) There is hereby established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Computer Center Revolving Fund (hereinafter in this section referred to as the 'revolving fund').

"(2) The revolving fund shall be available only for paying the salaries of personnel employed under subsection (c), and agency contributions attributable thereto, and for paying refunds under contracts entered into under subsection (b).

"(3) Within 90 days after the end of each fiscal year, the Secretary of the Senate shall withdraw all amounts in the revolving fund in excess of $100,000 other than amounts required to make refunds under subsection (b)(2)(B), and shall deposit the amounts withdrawn in the Treasury of the United States as miscellaneous receipts.

"(b)(1) Subject to the provisions of paragraph (2), the Sergeant at Arms and Doorkeeper of the Senate is authorized to enter into contracts with any agency or instrumentality of the legislative branch for the use of any available time on the Senate computer.

"(2) No contract may be entered into under paragraph (1) unless it has been approved by the Committee on Rules and Administration of the Senate, and no such contract may extend beyond the end of the fiscal year in which it is entered into. Each contract entered into under paragraph (1) shall contain—

"(A) a provision requiring full advance payment for the amount of time contracted for, and

"(B) a provision requiring refund of a proportionate amount of such advance payment if the total amount of time contracted for is not used.

Notwithstanding any other provision of law, any agency or instrumentality of the legislative branch is authorized to make advance payments under a contract entered into under paragraph (1).

"(c) To the extent that the personnel of the Senate Computer Center are unable to carry out the contracts entered into under subsection (b) according to their terms and conditions, the Sergeant at Arms and Doorkeeper of the Senate is authorized to employ such additional personnel for the Senate Computer Center as may be necessary to carry out such contracts, and to pay the salaries of such additional personnel, and agency contributions attributable thereto, from the revolving fund. Such additional personnel may temporarily be assigned to perform the regular functions of the Senate Computer Center when their services are not needed to carry out such contracts.

"(d) Disbursements from the revolving fund under subsections (b) and (c) shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate."

Senate amendment No. 114: Page 40, line 15, insert:

"Sec. 117. For the purpose of carrying out his duties, the Sergeant at Arms and Doorkeeper of the Senate is authorized to incur official travel expenses not exceeding $10,000 during any fiscal year. With the approval of the Sergeant at Arms and Doorkeeper, the Secretary of the Senate is authorized to advance to any designated employee under the jurisdiction of the Sergeant at Arms and Doorkeeper such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Sergeant at Arms and Doorkeeper in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Sergeant at Arms and Doorkeeper a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. For purposes of this section, official travel expenses includes travel expenses incurred in connection with training of employees only if the training has been approved by the Committee on Rules and Administration of the Senate. Payments under this section shall be made from funds included in the appropriation 'Miscellaneous Items' under the heading 'Contingent Expenses of the Senate' upon vouchers approved by the Sergeant at Arms and Doorkeeper."

Senate amendment No. 115: Page 41, line 12, insert:

"Sec. 118. (a) The first sentence of the paragraph under the heading 'GENERAL PROVISION' of chapter XI of the Third Supplemental Appropriations Act, 1957 (2 U.S.C. 102a) is amended by inserting before the period at the end thereof the following: ', except that the unexpended balances of such appropriations for the period commencing on July 1, 1976, and ending on September 30, 1976, and for each fiscal year beginning on or after October 1, 1976, shall be withdrawn as of September 30 of the second fiscal year following the period or year for which provided'.

"(b) (1) The first paragraph of section 105 (a) of the Legislative Branch Appropriation Act, 1965 (2 U.S.C. 104(a)) is amended by inserting '(1)' after '(a)' and by adding at the end thereof the following:

"'(2) The report by the Secretary of the Senate under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30, 1976. Thereafter the report by the Secretary of the Senate under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year.'.

"(2) Effective October 1, 1976, any provision of law relating to the Senate which contains a July 1 or June 30 date which is related to the beginning or end of a fiscal year shall be treated as referring to October 1 and September 30, respectively.

"(c) Section 105(b) of the Legislative Branch Appropriation Act, 1965 (40 U.S.C. 162b) is amended by inserting '(1)' after '(b)' and by adding at the end thereof the following:

"'(2) The report by the Architect of the Capitol under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30, 1976. Thereafter, the report by the Architect of the Capitol under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year.' ".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendments of the Senate numbered 90 through 115 inclusive and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 116: Page 43, line 6, insert: "For payment to the estate of William A. Barrett, late a Representative from the State of Pennsylvania, $44,600."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 116 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 122: Page 44, line 7, insert: "*Provided further*, That, prior to the employment of any consultants or procurement of services by contract relative to any review and analysis of the operation of the Government Printing Office, the Joint Committee shall consult with the Legislative Branch Appropriations Subcommittees of the House and Senate; and that periodic reports on the progress of any such review and analysis be submitted to the Joint Committee on Printing and the Legislative Branch Appropriations Subcommittees of the House and Senate".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 122 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 123: Page 44, line 17, insert:

"JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1977

"For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1977, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, $825,000, to remain available through September 30, 1977."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 123 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 124: Page 45, line 1, insert:

"AMERICAN INDIAN POLICY REVIEW COMMISSION

"Not to exceed $100,000 of the funds heretofore appropriated under this heading for the fiscal year 1976 shall remain available until June 30, 1977."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 124 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 126: Page 45, line 15, insert:

"For an additional amount for 'Capitol Guide Service', $18,550, to be disbursed by the Secretary of the Senate: *Provided*, That notwithstanding the provisions of Public Law 94–59, the Sergeant at Arms and Doorkeeper of the Senate may appoint not to exceed ten additional temporary guides at an annual rate of compensation not to exceed $11,130 during the period May 1, 1976, through September 30, 1976.'

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 126 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"For an additional amount for 'Capitol Guide Service', $37,100, to be disbursed by the Secretary of the Senate: *Provided*, That notwithstanding the provisions of Public Law 94–59, the Sergeant at Arms and Doorkeeper of the Senate and the Sergeant at Arms of the House each, subject to approval of the Capitol Guide Board, may appoint not to exceed ten additional temporary guides at an annual rate of compensation not to exceed $11,130 during the period of May 1, 1976, through September 30, 1976."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 127: Page 45, line 20, insert:

"For an additional amount for 'Capitol Guide Service' for the period July 1, 1976, through September 30, 1976, $27,825, to be disbursed by the Secretary of the Senate."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 127 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"For an additional amount for 'Capitol Guide Service' for the period July 1, 1976, through September 30, 1976, $55,650, to be disbursed by the Secretary of the Senate."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 128: Page 45, line 23, insert:

"OFFICE OF TECHNOLOGY ASSESSMENT

"SALARIES AND EXPENSES

"Any funds remaining unobligated as of September 30, 1976, shall remain available until September 30, 1977."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 128 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 130: Page 46, line 10, insert:

"CONSTRUCTION OF AN EXTENSION TO THE NEW SENATE OFFICE BUILDING

"The paragraph under the heading "Construction of an Extension to the New Senate Office Building" in title V of the Legislative Branch Appropriation Act, 1976 (89 Stat. 289) is repealed."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 130 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 140: Page 49, line 4, insert: "The appropriations made available under this head for the fiscal year 1976 and the period July 1, 1976, through September 30, 1976, in the Public Works for Water and Power Development and Energy Research Appropriation Act, 1976 (Public Law 94-180) are hereby made available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 140 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 141: Page 49, line 10, insert: "Moneys received by the Commission for the cooperative nuclear safety research program may be retained and used for salaries and expenses associated with that program and shall remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 141 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 158: Page 52, line 9, insert:

"For an additional amount for 'Fees and expenses of witnesses', $350,000. The $1,750,000 limitation on compensation and expenses of expert witnesses contained in the Department of Justice Appropriation Act, 1976, is deleted."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 158 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 159: Page 52, line 13, insert:

"For an additional amount for 'Fees and expenses of witnesses' for the period July 1, 1976, through September 30, 1976, $90,000. The $437,500 limitation on compensation and expenses of expert witnesses contained in the Department of Justice Appropriation Act, 1976, is deleted."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 159 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 171: Page 54, line 3, insert:

"OPERATIONS, RESEARCH, AND FACILITIES

"For an additional amount for 'Operations, research, and facilities,' for the period July 1, 1976 through September 30, 1976, $3,000,000 to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 171 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

"OPERATIONS, RESEARCH, AND FACILITIES

"For an additional amount for 'Operations research, and facilities,' for the period July 1, 1976 through September 30, 1976, $2,000,000, to remain available until expended."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 176: Page 56, line 5, insert:

"PRIVACY PROTECTION STUDY COMMISSION

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $250,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon enactment of authorizing legislation."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 176 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 177: Page 56, line 23, insert:

"TRANSPORTATION, PLANNING, RESEARCH, AND DEVELOPMENT

From amounts made available in the fiscal year 1976 appropriation under this head, not to exceed $244,673 shall be used to pay the cost of a study by the Georgia Institute of Technology to devise analytical procedures for intercity transportation and development planning using the route identified in section 143(1) of Public Law 93-87 as the focus of the study."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 177 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 178 Page 57, line 7, insert:

"ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

"For an additional amount for 'Acquisition, construction, and improvements,' $11,200,000 for carrying out the provisions of Public Law 94-265, Fishery Conservation and Management Act of 1976, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 178 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert the following: "$10,000,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 179: Page 58. line 1, insert:

"FACILITIES, ENGINEERING AND DEVELOPMENT

"For an additional amount for 'Facilities, engineering and development,' $2,500,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 179 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 181: Page 60, line 3, insert: "For an additional amount for 'Railroad research and development', $3,000,000, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 181 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 182: Page 60, line 6, insert: "For an additional amount for 'Railroad research and development' for the period July 1, 1976, through September 30, 1976, $2,000,000 to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 182 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 184: Page 60, line 14, insert: ", of which $1,250,000 shall only be used for the Minority Resource Center".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 184 and concur therein with an amendment, as follows: In lieu of the matter in said amendment insert the following: "; together with $13,880,000 for rail service assistance programs authorized by section 803 of Public Law 94–210 and section 402 of Public Law 93–236, as amended, and for necessary administrative expenses in connection with Federal assistance not otherwise provided for; together with $1,250,000 for the necessary expenses of the minority resource center as authorized by section 906 of Public Law 94–210."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 185: Page 60, line 17, insert: "For an additional amount for rail service continuation subsidies under section 402(1) of the Regional Rail Reorganization Act of 1973, as amended, $6,400,000; and for necessary expenses in connection with Federal assistance not authorized or provided for, $300,000; for the period July 1, 1976, through September 30, 1976, to remain available until expended."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 185 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 187: Page 62, line 13, insert:

"PROJECTS SUBSTITUTED FOR INTERSTATE SYSTEM PROJECTS

For payment to the urban mass transportation fund for necessary expenses to carry out the provisions of title 23, U.S.C. 103(e) (4), $188,000,000, to remain available until expended provided that such amounts as are necessary to carry out highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 187 and concur therein with an amendment, as follows: In lieu of the matter in said amendment insert the following:

"Projects Substituted for Interstate System Projects. For necessary expenses to carry out the provisions of title 23, U.S.C. 103(e) (4), $188,000,000, to remain available until expended: *Provided*, That such amounts as are necessary to carry out highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 194: Page 64, line 15, insert: "Of the amount provided under this head in the 'Treasury, Postal Service, and General Government Appropriation Act, 1976', $712,000 shall be available for expenses of travel, notwithstanding the provisions of section 501 of the Act."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 194 and concur therein.

The motion was agreed to.

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Senate amendment No. 195: Page 64, line 20, insert: "Of the amount provided under this head for the period from July 1, 1976, through September 30, 1976, in the 'Treasury, Postal Service, and General Government Appropriation Act, 1976', $193,000 shall be available for expenses of travel, notwithstanding the provisions of section 501 of the Act."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 195 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 196: Page 65, line 11, strike out: "$5,600,000" and insert: "$4,000,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 196 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$9,600,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 197: Page 65, line 14, strike out: "$3,100,000" and insert: "$700,000".

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendments of the Senate numbered 197 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$3,800,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 206: Page 68, line 13, insert:

"NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

"SALARIES AND EXPENSES

"For an additional amount for the National Commission on Supplies and Shortages, for the necessary expenses of the Advisory Committee, established under section 720(1) (2) of the Defense Production Act of 1950, $125,000, to remain available until March 31, 1977."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House recede from its disagreement to the amendment of the Senate numbered 206 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

Mr. MAHON. Mr. Speaker, inasmuch as Amendments Nos. 209 through 214 relate solely to housekeeping operations of the other body in which, by practice, the House concurs without intervention, I ask unanimous consent that Senate amendments Nos. 209 through 214 be considered as read, printed in the Record, and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendments are as follows:

Senate amendment No. 209: Page 69, line 23, insert: "Senate"

Senate amendment No. 210: Page 69, line 24, insert:

"'Office of the Legislative Counsel of the Senate', $22,870;".

Senate amendment No. 211: Page 70, line 1, insert:

"'Senate policy committees', $29,410;"

Senate amendment No. 212: Page 70, line 2, insert:

"'Inquiries and investigations', $587,685;"

Senate amendment No. 213: Page 70, line 3, insert:

"'Folding documents', $3,250;"

Senate amendment No. 214: Page 70, line 4, insert:

"'Miscellaneous items', $4,450;"

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendments of the Senate numbered 209 through 214 inclusive and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

Mr. MAHON. Mr. Speaker, inasmuch as amendments Nos. 229 through 235 relate solely to housekeeping operations of the other body in which, by practice, the House concurs without intervention, I ask unanimous consent that Senate amendments Nos. 229 through 235 be considered as read, printed in the RECORD, and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendments are as follows:

Senate amendment No. 229: Page 95, line 16, insert:

"SENATE"

Senate amendment No. 230: Page 95, line 17, insert:

"'Salaries, officers and employees', $1,342,925;"

Senate amendment No. 231: Page 95, line 18, insert:

"'Office of the Legislative Counsel of the Senate', $7,625;"

Senate amendment No. 232: Page 95, line 20, insert:

"'Senate policy committees', $9,805;"

Senate amendment No. 233: Page 95, line 21, insert:

"'Inquiries and investigations', $195,895;"

Senate amendment No. 234: Page 95, line 22, insert:

"'Folding documents', $1,085;"

Senate amendment No. 235: Page 95, after line 23, insert:

"'Miscellaneous items', $1,485;"

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendments of the Senate numbered 229 through 235 inclusive and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 244: Page 120, line 16, insert:

"SEC. 405. Section 307 of the Education Division and Related Agencies Appropriation Act, 1976 (Public Law 94–94) is hereby repealed."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 244 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 245: Page 120, line 19, insert: "SEC. 406. None of the funds appropriated by this Act or any other Act shall be paid to the Peoples Bicentennial Commission or used to support such Commission either directly or indirectly."

MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 245 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which the action was taken on the several motions was laid on the table.

CREATING A SELECT COMMITTEE ON PROFESSIONAL SPORTS

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1186 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1186

Resolved, That (a) there is hereby created a select committee on professional sports to conduct an inquiry into the need for legislation with respect to professional sports.

(b) The select committee shall be composed of thirteen Members of the House of Representatives, seven from the majority party and six from the minority party, who shall be appointed by the Speaker, and one of whom he shall designate as chairman. Any vacancy occurring in the membership of the committee shall be filled in the manner in which the original appointment was made.

(c) For the purposes of this resolution, the committee, or any subcommittee thereof, authorized by the committee to hold hearings, is authorized to sit and act during sessions of the House and during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether or not the House has recessed or adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

(d) A majority of the members of the committee shall constitute a quorum for the transaction of business, except that the committee may designate a lesser number as quorum for the purpose of taking testimony. The chairman of the committee, or any member of the committee designated by him, may administer oaths to any witness.

(e) The committee shall report to the House the results of its inquiry as soon as practicable during the present Congress. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, a reading of the resolution makes it amply clear that this would create a select committee of 13 members, 7 Democrats and 6 Republicans, to look into certain areas of professional sports.

Mr. Speaker, I want to make it clear, it deals exclusively with only certain spectator sports in the area where they operate in connection with Federal laws where they are affected, which would simply be baseball, football, basketball, and ice hockey and would not cover other sports.

I might say, Mr. Speaker, that this resolution carries no request for funds. There will not be a request, as far as this Member is concerned, for any funds in the future. It is not asking for any staff. Therefore, there will be no expense of any kind involved with the committee.

Mr. Speaker, I urge the adoption of the resolution and reserve the balance of my time.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I thank the distinguished gentleman from California for yielding. I think, however, the gentleman is setting a very dangerous precedent with this legislation. In the gentleman's statement that he can guarantee to create a committee that will not cost anything. If this becomes epidemic around here, I might cause serious results in the future.

Mr. Speaker, I would also like to ask the gentleman a question, the last time we had an extensive investigation of professional sports, the former dean of the House, the distinguished gentleman from New York, Mr. Emanuel Celler in his position at that time as chairman of the Committee on the Judiciary conducted, as I remember, years of hearings in the area of professional sports. I am sure that somewhere in the bowels of the Rayburn Building or one of the many other buildings and annexes there are hundreds of thousands of volumes of hearings that were printed on professional sports. I am sure they cost a great deal of the taxpayers' money.

Is it the gentleman's intention that his committee will have no place to meet and no staff to conduct its affairs, and no hearings will be printed after they are held?

Mr. SISK. Let me say to the gentleman that we are requesting no staff. We have already made arrangements to use services such as the Congressional Research Service and also the General Accounting Office. There is no question, of course, but what I would have to agree with my friend that these individuals who are involved in existing agencies are being paid by those agencies, so if we wanted to run to that particular area, I suppose there would be no particular objection.

However, what we seek here is no staff to be brought abroad. We are thus not seeking any space. We will expect, of course, to borrow some space. We will be limiting this to a very narrow basis, primarily in connection with baseball.

I very well remember and was here at the time the gentleman from New York held a series of hearings in connection with football. As my colleague knows, there have been a series of hearings held in that area. It is not anticipated at the present time to get into any redoing of any of those hearings. Basically, as I say, primarily we are concerning ourselves with the matters in connection with baseball.

Mr. BAUMAN. I thank the gentleman for yielding to me, but I do reiterate that if this becomes an epidemic in general, it will destroy the enjoyment of a great many people around here, having committees with no cost.

Mr. SISK. I agree with the gentleman that to do anything without adding a lot of payroll would be unusual. Perhaps it would set a precedent and maybe we could learn to like it.

I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, this resolution to create a Select Committee on Professional Sports does have bipartisan sponsorship. I think, given the fact that the committee ratio as called for in the resolution is seven and six—seven members of the majority party and six members from the minority side of the aisle—it is anticipated that it would be the kind of committee that would function in a truly bipartisan fashion as, I believe, the gentleman from California made quite clear.

It has no legislative jurisdiction, no reporting jurisdiction, and therefore Members who might be concerned that this resolution represents some trespass on the jurisdiction of other committees—and I think in particular the Committee on the Judiciary—can be assured that the sole responsibility of this committee would be to report its findings, such as they are, to the House of Representatives for such action as the House may then deem fit.

I have one point, if I may have the attention of my very good friend and distinguished colleague from the Committee on Rules, the gentleman from California (Mr. Sisk). The only reservation, very frankly, that has been expressed to me is that the gentleman is now, of course, serving and has served very ably in the past as chairman of the Ad Hoc Committee on Broadcasting. I also have the privilege to serve on that committee under the gentleman's chairmanship. We were disappointed, at least for a time, in the failure of the full committee to act on the recommendations of the subcommittee. I tried to reassure those who have raised this point with me, that I did not feel that the gentleman's assumption of a leading role in connection with the Select Committee on Sports would in any way so preempt his time that he would not be able to bring back before the Rules Committee, before the first of June, the measure that I described a moment ago.

Merely for the purpose of confirming this reassurance that I have tried to provide other Members who are truly interested in the broadcast resolution, I would be interested in whatever comments the gentleman would choose to make. I yield to the gentleman from California for that purpose.

Mr. SISK. Mr. Speaker, I appreciate my colleague from Illinois yielding to me. Let me hasten to assure him that my interest continues in the matter of a broadcast. It is our intention, in connection with the ad hoc committee, to bring the matter before the committee, at which time, of course, the committee will dispose of the matter as it sees fit.

The gentleman knows, of course, that so far as my own personal position in connection with the broadcast is concerned, this gentleman recognizes there are differences of opinion; but certainly, so far as he is concerned, he will try to see to it that the other situation will in no wise keep him from his dedication of the matter the gentleman brought up.

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from California (Mr. Sisk) for his reply.

I find it eminently satisfactory to those of us who continue to hope, of course, that that resolution can and will be resurrected in the Committee on Rules.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. Horton).

Mr. HORTON. Mr. Speaker, I rise in support of this resolution.

The gentleman from California (Mr. Sisk) and I have worked very closely on this matter, and I feel it is important to the committee. We are not asking for any staff or space. It is important, I think, however, to look at the problems as previously outlined. I rise in support of it and I ask the Members to vote for the measure.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Myers).

Mr. MYERS of Pennsylvania. Mr. Speaker, I have a couple of questions I would like to ask the chairman, if I could have his attention.

It seems to me that the committee has some permanency. There is no date as to when it would go out of effect.

Was there any discussion about limiting it to a year's time or 6 months' time, or whatever?

Mr. SISK. If the gentleman will yield, the resolution is limited to the balance of this year. It would, of course, expire. Since it is a select committee, it would expire at the end of the 94th Congress. The maximum limit would be this coming January 2. So certainly there is no expectation that it would go beyond that. If it did, it would have to be reauthorized. This resolution automatically expires at the end of this Congress.

Mr. MYERS of Pennsylvania. Will the gentleman expand on the reason why professional sports distinguish themselves from others and the need for a select committee?

Mr. SISK. If the gentleman will yield further, I am sure my colleague is aware of the fact that in this country today certain professional sports operate in such a manner that they do affect certain basic Federal laws, such as antitrust laws, tax laws, and others.

Frankly, this Member—and I am sure many others—recognizes it as a part of the necessary elements.

Basically, they are private enterprise, and yet they are permitted under the present situation to do certain things that no other business could do under the so-called Sherman-Clayton Act, as I am sure my colleague knows.

This would only deal in that particular area. It is very narrow, I might say.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Speaker, very briefly, I want to commend the gentleman from California (Mr. Sisk) for bringing this about, and I want to give it my wholehearted support.

Mr. SISK. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I ask unanimous consent that the resolution be amended as follows: On page 2, line 15, after the word "as," insert the word, "a."

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNEMPLOYED SHOULD READ HELP WANTED ADS

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the unemployment rate as reported by the Bureau of Labor Statistics at 7.5 percent is much too high but is considerably reduced from 8.9 percent this time last year. Nevertheless, in my local Ohio Columbus Dispatch newspaper each Sunday there are about 6 pages of "Help Wanted" ads suggesting there are indeed jobs available.

Meanwhile, I noticed an article by one Charles Parmiter recently which suggests millions of jobs are going begging while the taxpayers' money continues to support the unemployed. The source apparently is Dr. Robert O. Snelling, Sr., of Snelling and Snelling, described as having more than 500 employment agency offices across the country. The article reads as follows:

Millions of Jobs Going Begging While Your Tax $$ Help Support the Unemployed

(By Charles Parmiter)

Millions of jobs are going begging in this country—while taxpayers shell out to support the non-working and the headlines scream of high unemployment rates.

That's the charge made by the president of the nation's largest employment agency, Dr. Robert O. Snelling Sr., of Snelling and Snelling, which has more than 500 offices across the country.

"More than 3 million jobs are available in this country right now, according to our careful estimates," Dr. Snelling declared.

"We have plenty of jobs open at our offices—we just can't get applicants for them. We have openings for unskilled workers, secretaries, medical personnel, file clerks, management trainees, salesmen, vice-presidents for marketing—you name it. We can place anyone who has a high school degree or better, even if they've never worked before."

Snelling blamed political scare tactics, lucrative unemployment benefits and poor work attitudes for the paradox of unemployment amid millions of jobs to be filled.

"All this scare stuff put out by politicians and bureaucrats about the high unemployment rate discourages job-seekers," he asserted. "People think there are no jobs to be had, so they don't look. Those who have jobs are afraid to move up the ladder and make room for new people.

"At the same time the government by offering lucrative unemployment benefits, actually encourages people not to work.

"And the large number of folks who won't take a job if they can get away with not working are another part of the problem. The government, with its benefits, is actually competing with private industry for these people."

Snelling gave what he called "a perfect example" of this process. "A man came into our Plainfield, N.J., office who'd been out of work for five months. We found an opening for him that paid $20 a week more than he earned in his last job. What's more, in 90 days he'd receive an additional $30 a week plus a complete package of benefits.

"The man turned the opening down. He explained why. He and his wife were receiving $9,880 a year in unemployment compensation, and $5,200 a year from moonlight work—and they qualified for food stamps. With a total yearly income of over $15,000 a year plus food stamps, the man said he couldn't afford to take the job we offered him!

"In another case, a secretary in Parsippany, N.J., turned down a job with these words: 'I'm going to take a 26-week vacation at $90 a week (unemployment benefits)—tax-free.'"

The solution? "The unemployed person should be required to take the best possible job he can land and keep looking for a better one," Snelling declared. "That way, he'd be a productive member of society, earning his keep and paying taxes. When he found a better job, he'd move back up the ladder."

WEATHER AND FOOD RESERVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Smith) is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Speaker, people in the United States have finally begun to awaken to the importance of basic food commodities and some have belatedly discovered that even the U.S. consumers and processors cannot depend upon there being a surplus available at a low price every year. It affects not only the supply and price of food for people in the United States but also our ability to earn credits with which to purchase energy and other needed supplies in world trade.

The extent to which we can depend upon normal production per acre in the United States is central to the determination of the extent to which reserves are needed. The U.S. Department of Agriculture has been assuming that technology has reduced the variations weather could cause from normal production. Many scientists contradict this assumption. This difference of opinion in the assumptions used has been one of the principal reasons why food reserve bills have been able to be enacted into law. I was the chief sponsor of a bill which passed in the House in December of 1971 but it was stopped in the Senate by arguments that it was not needed. Only 2 years later we found that had we set that reserve aside, the Government could have sold it for a net profit of almost $1 billion while preserving some of our foreign markets and reducing other adverse effects which flow naturally from severe shortages.

The factfinding and research behind this critically important debate cannot be produced into a best seller for a society which prefers reading mysteries, sports, intrigue, and subjects which generate immediate emotion and passion; however, it is one of the most important subjects of our time and about which people in a free society should be more informed so they can participate more wisely in the necessary governmental decisions.

An article in the Monday, Des Moines Register, by George Anthan, very astutely lays out the basic questions involved and refers to some activities which have largely escaped basic attention. I recommend its reading for those who have access to the Congressional Record and it is as follows:

1930's-Type Drought Would Be a "Disaster," Scientists Say

(By George Anthan)

Washington, D.C.—The U.S. will lose 220 million tons of grain—the equivalent of 84 per cent of its 1975 production—if a drought similar to the 1930s occurs during this decade, according to a group of scientists connected with the Institute of Ecology.

The scientists said such an event would be a "disaster" for this country and for millions of people in the rest of the world who depend on the U.S. for a portion of their food.

They said while they were confining their role to determining the impact of weather on grain production, the U.S. Department of Agriculture (USDA) and Congress might want to reassess their positions on the issue of grain reserves.

Up to now, the USDA has strongly resisted proposals to establish domestic grain reserves, and several bills in Congress that would direct the government to buy and store such reserves have not been successful.

CONTENDS U.S. INSULATED

The USDA contends technology and use of fertilizer, pesticides and hybrid grains has, in effect, insulated the U.S. from a major crop failure due to weather, and reserves aren't needed as a cushion. The Institute of Ecology scientists say their studies indicate technology has done little or nothing to affect the percentage of grain lost per acre due to adverse weather.

The scientists, who recently conducted a briefing here for congressional and administration personnel, currently are completing the "climate-food study" for the Institute of Ecology in cooperating with the Kettering Foundation. Their study covers wheat production in Canada and all grain production in the U.S. Following release of their final report this summer, they will begin a study of possible climatic impact on grain production in other parts of the world, including the Soviet Union, western Europe, and Africa.

The Ecology Institute scientific panel, which is headed by James Newman, a Purdue University professor of bioclimatology, also is not asking any predictions as to whether the U.S. actually will suffer serious drought of the kind that hit during 1933–36.

20-YEAR CYCLE

Some other scientists have stated that major droughts in the American Great Plains seem to occur about every 20 years and there have been predictions that a 1930s-type dry period may occur sometime during the 1970s.

Parts of the Midwest, including western Iowa, have been hit by serious mid and late summer dry spells during the past two years, cutting corn and soybean production. This year, the winter wheat crop in southwestern Kansas and in sections of Oklahoma, Texas and Colorado has been diminished by dry weather.

"The world is living from hand to mouth," said Dr. Louis M. Thompson, associate dean of agriculture at Iowa State University, a member of the Institute of Ecology study panel. Studies indicate world grain reserves currently are at the lowest level since just after World War II.

Thompson and other members of the panel demonstrated, through the use of a series of graphs, how the average yield of grain per acre has been affected in the U.S. and Canada by weather conditions.

Using computers, they determined that a 1930s-type drought would dramatically cut American production in five major agricultural states, including Iowa. Thompson said they did this by projecting 1930s weather conditions into the 1970s and by taking into account the technological advancements that have been made since the earlier period.

GREATER LOSS

The percentage reduction in per-acre yields, Thompson said, would be the same in a 1970s drought as in the 1930s, but the loss of production would be much greater because American farmers now get many more bushels per acre than they did 40 years ago.

The Institute of Ecology scientists said grain harvests in India for more than 100 years were carefully studied. Technology, they said, had little or no impact on Indian agriculture until 1960, yet the Indians had the same percentage drops in grain yields during certain dry spells as did the U.S. "Technology," said project director A. Dexter Hinckley, "really didn't have much impact.".

"The question we have to ask," said Hinckley, "is whether the USDA is right when it says technology shields the U.S. from a major crop disaster due to weather?"

The panel said the issue is of importance to many other countries because the U.S. accounts for almost three-fourths of the grain moving in world trade.

They said the 1973 U.S. corn crop was reduced by some 23 per cent due to drought, and that this could "wipe out the 24 per cent of our crop we normally export." Exports continued that year at a somewhat lower rate due mainly to carryover and to reduced domestic consumption.

"If two or three major producers are affected by dry weather at the same time," said Thompson, "we could have a disastrous multiplying effect."

He added, "Agricultural planners should be taking these into consideration because the effects could be disastrous, particularly since the USDA has no reserves to cushion the situation."

1965 STUDY

The USDA currently is relying on a 1965 department study that concluded "through the use of better varieties and improved cultivation and fertilization practices, man has reduced variation in yields in both good and bad weather.

The Institute of Ecology panel has studies indicating yields are significantly affected by weather and more favorable combinations of temperature and precipitation can produce bigger crops.

"I'm convinced," said Thompson, "that not only are we not more immune now than we were in the 1930s, we're actually more susceptible" because the much larger harvests mean a percentage reduction due to drought would translate into millions of bushels of added loss.

The Congressional Budget Office, in a report to be released soon, also raises questions about the effect of weather on the world food situation.

"Despite the advanced state of technology," the report states, "agricultural production is still heavily dependent on favorable weather, adverse weather explains much of the recent variability in food supply."

RECENT DROUGHTS

It notes that in recent years there have been droughts in the southern Sahara, east Africa, northwest India, the Soviet Union and the U.S. Midwest, torrential rains in the Philippines; floods in the U.S. Midwest and in Europe, warm winters (with increased winter kill) in western Russia and the eastern U.S. and early frost in the U.S. The Institute of Ecology scientists said Canada, Argentina and Russia, all major grain producers, can be severely affected by adverse weather. A three-degree drop in temperature could put Canada out of the wheat business," said Thompson.

For example, only one-third of Russia's agricultural land lies south of the 49th Parallel with its long growing season, and 1.1 per cent receives as much as 28 inches of rain a year.

In the U.S., by contrast, all cropland lies below the 49th Parallel and 60 per cent receives at least 28 inches of rain.

PLAN CHANGES DANGEROUS

Scientists from the Institute of Ecology acknowledged it would be dangerous if the government or anyone else were to advise farmers at the beginning of a year to change their planting intentions because of the possibility of adverse weather.

All corn farmers, for example, might plant soybeans, which are more resistant to drought, and if there wasn't a drought, the country would have a huge supply of soybeans at low prices and no corn.

What the scientists are recommending is the U.S. and other countries not base their food policies on reliance on marginal agricultural lands as regular and dependable sources of food.

They recommend a national program of research on climatic change and on weather modification and establishment of a reliable global monitoring and reporting network for weather and food production.

The National Weather Service has assigned a staff to the USDA and it now is reporting international weather developments with a time lag of less than a month.

TRUTH IN DEFENSE, PART I, THIRD EXCITING EPISODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Downey) is recognized for 15 minutes.

Mr. DOWNEY. Mr. Speaker, on March 18 of this year I began a series of what I call "Truth In Defense" bulletins, designed to rectify what I regard as erroneous or misleading statements on questions of national security. The first bulletin dealt with a letter which had previously been circulated to all members of Congress by our colleague, the gentleman from New York (Mr. Kemp), urging that production of the Minuteman III missile be continued.

I then took a special order on March 23 to discuss the issue, and invited the gentleman from New York to participate, along with any other Member interested in the subject. To my regret, the gentleman from New York did not appear, so I inserted into the Record the full text of his letter, together with my bulletin and some explanatory material. It appears beginning on page 7694.

The gentleman from New York did, however, prepare a response which he inserted in the Record in a special order on April 8, beginning on page 9969. I was not notified of his intention to take a special order to discuss the subject; if I had been, I would have been present. This is what I would have said:

I. MINUTEMAN III NOT OUR ONLY LAND-BASED ICBM

"Fact No. 1" in my "Truth in Defense Bulletin" pointed out that the gentleman from New York was incorrect in claiming Minuteman III is our only land-based ICBM. In response, the gentleman agrees with me, and points out that in his accompanying letter to the President he twice referred to Minuteman III as our only ICBM in production. He then says:

> I think it appropriate to correct the omission which creates the impression I am saying the Minuteman III is our only ICBM.

The point is, the gentleman did in fact say Minuteman III was our only ICBM. As he and I both are well aware, it is common practice for those who are not as interested in defense as he and I to read such material very rapidly and to remember the most alarming aspects. Thus, it would surprise me if at least some Members of Congress, having read his letter, did not put it down with the impression that Minuteman III is our only ICBM.

I also note that the spring 1976 issue of Rendezvous magazine quotes the gentleman from New York as saying:

> The Minuteman III is America's only land-based strategic ICBM and is scheduled to be completely phased out of production.

I am sure the gentleman will ask Rendezvous to print a correction.

I am grateful for the gentleman's cooperation in clearing up this misconception. I would be happy to join him in a Dear Colleague letter pointing out that Minuteman III is not our only ICBM.

II. MARK 12A VS. MORE MINUTEMAN IIIS

"Fact No. 2" in my "Truth in Defense Bulletin" pointed out that another option available to us—replacement of present Minuteman III warheads with the new Mark 12A model and associated accuracy improvements—would produce far more hard-target kill capability and would be available only a few months later than would additional Minuteman III missiles. I suggested that, therefore, it is not necessary or advisable to replace an entire missile in order to increase capability. The gentleman disputes both my capability estimates and my schedule estimates.

First, the capability question: I estimated Mark 12A to have seven times the hard target kill capability of basic Minuteman III. The gentleman from New York states:

> I have been unable to substantiate this assertion. My own computations place the figure closer to 2½ to 3 times more capability.

At this point, I cannot respond to the gentleman because he has not supplied his calculations. I have inserted a detailed explanation of my calculation methods and assumptions in the Record for April 8, 1976, page 9969. If the gentleman will be so good as to do likewise, we can then proceed.

Second, the time question. The gentleman says:

> We both agree that the new MX ICBM will not be available until the next decade. You state, however, that within three years we will be able to replace the Minuteman III warhead, the Mark 12, with the improved warhead, the Mark 12A. This argument is predicted upon a commitment that has not been made by Congress and can not be assumed. The Mark 12A program is now in the R&D phase and was, in fact, delayed last year. No decision has been made on production. Were Congress to go ahead with full production of the Mark 12A, as your argument assumes, your time frame is still off. It will be several years beyond first deployment before the Minuteman III force can be fully converted to the Mark 12A.

I was not, of course, referring to full conversion to Mark 12A, any more than the gentleman was referring to full conversion to Minuteman III. My point was that the conclusion of another year's worth of new missiles, which is October 1978, is rather close to the initial operational capability date of Mark 12A, which would be August 1979. Neither program has yet been authorized.

Since these are dates of rather artificial significance, I suggest a reexamination of the problem in this way: Continued Minuteman production, as recommended by the gentleman from New York, would produce five additional Minutemen per month beginning October 1977. Mark 12A would have 10 missiles operational in August 1979, and at that time or very shortly thereafter we would be turning RVs out at 36 per month, or the equivalent of 12 missiles per month. If we recognize that six missiles or warheads must be produced for every five placed on line, we can draw out the capability-increase curves to the following conclusions:

Through 1978 and early 1979, we clearly get more hard-target capability by continuing Minuteman III production. But the crossover point comes in September 1979 if you accept my 7-to-1 capability ratio, or in July 1980 if you accept the gentleman's 2½-to-1 ratio. From these points onward, Mark 12A gives us more additional hard-target capability than does continued Minuteman III production.

The year 1979 or 1980 may seem a long way off, but this is not a matter of military significance. It is well to remember that we are discussing a molehill of capability. Using my assumptions, the crossover point comes when we have increased our total missile hard-target kill capability by 1.4 percent; using the gentleman's assumptions, it comes at 2.4 percent.

It is more interesting to note that, even if we replace all Minuteman IIs with Minuteman IIIs and blow the Vladivostok agreement to kingdom come, we increase our total missile hard-target capability by the magnificent proportion of 6.5 percent. In contrast, installing Mark 12As on all present Minuteman IIIs increases capability 254 percent by my assumptions, or 63 percent by the gentleman's assumptions.

The gentleman from New York (Mr. Kemp) then suggested another option which I had not previously heard:

> By contrast, we could deploy additional Minuteman III within one year, utilizing available test and spare assets and presurveyed sites, provided the production line remains open to replenish the supply. You misread the evidence in stating that the Minuteman III deployment could not take place for several years.

My first reaction was that this seemed to be a superexpensive route to a small increase in capability, but the gentleman did appear to have a point in saying it is available sooner than the alternative routes. But when my staff called the office in the Defense Department which handles research on offensive strategic systems, he was told we could not possibly deploy 50 new silos with missiles, even at presurveyed sites, in less than 3 years, and that 4 years was a more likely figure. So it appears the gentleman's information disagrees with mine, and I am sure he will want to enlighten us regarding the source of his information.

III. NEED TO MATCH THE SOVIETS

"Fact No. 3" in my "Truth in Defense Bulletin" pointed out that, in military terms, there is no sense in comparing our ICBM's with Soviet ICBM's; instead of matching them we should concern ourselves with what we can do to counter their ICBM's. The gentleman did not respond to this point at all. I would like to conclude the gentleman agrees with me, but since he later cites Soviet ICBM developments as reasons for our continued ICBM production, I know this is not so.

I regard this as the most significant point of the "Truth in Defense Bulletin," and I am disappointed that the gentleman passed over it.

We have not yet decided whether it is our objective to match the Soviets or to counter them. Until we do, it will be impossible for us to have a rational strategic program, since the hardware and strategy required for the two are considerably different and, in some very important cases, incompatible.

It is particularly disappointing to find so much attention being given, in the Republican primaries and elsewhere, to the question of whether we are No. 1, and so little attention to the question of whether we are militarily secure. I would like to discuss the fact that we can be No. 1 and still be highly insecure; we can also be No. 10 and be highly secure. Once again, I regret that the gentleman chose not to respond to this point.

IV. RELATIVE CAPABILITIES OF UNITED STATES AND SOVIET ICBM'S

Since the academic question of "who's ahead," its irrelevance notwithstanding, is one which interests many people, my "Fact No. 4" pointed out the superior hard-target capability of the mark 12A system relative to various Soviet systems.

The gentleman from New York appears to dispute my calculations, but since he does not supply his own figures, I am unable to proceed further at this time.

Regarding the fifth new ICBM to which the gentleman referred, I stated my inability to find any unclassified information on this system. In his response, although the gentleman delivered a rather Delphic pronouncement on the subject, somewhat reminiscent of an Easter egg hunt, he did not provide any of the information I was and still am unable to locate. So I remain unable to discuss this missile.

There is one point, however, on which I can comment. The gentleman says I am comparing present Soviet capabilities with future U.S. capabilities. This is not correct, although I can understand how the gentleman might have reached this conclusion, since my explanation was not as explicit as it might have been. In fact, I am comparing probable unclassified deployed capabilities for both sides for the 1980 period. As I am sure the gentleman is aware, Soviet work in what is called gravity and geodesy—that is, measuring the gravitational and physical irregularities of the Earth—is well behind ours. Thus, the difference between performance on a test range and performance over operational trajectories is considerably greater for them than for us. It is important to keep this in mind when evaluating the meaning of Soviet missiles tests.

V. VARIETY OF SOVIET ICBMS

My fact No. 5 pointed out that, whether the Soviets have 1 new ICBM design or 5, or 50, is of no particular significance. What counts is their total capability in relation to our capability.

To this Mr. Kemp responded, "I do not agree that what each side has is of 'no particular significance' but I do believe that what each side has is not as important as what each side can do with what it has."

I believe the gentleman from New York misunderstood me. I did not say "what each side has is of no particular significance." I said their number of different ICBM designs is of no particular significance.

I do agree, however, that what each side has is less important than what it can do. Therefore, I am puzzled by the gentleman's continued reference to the number of Soviet ICBM types as if this in itself enable them to do more.

Suppose, for example, that the entire Soviet missile force were composed of their largest and most capable missile, the SS–18. It seems clear that, by any measure, this would be a more capable force than what they have, which involves nine different ICBM types including four now in production. It also seems clear that it is a more impressive technological feat to combine your best accuracy, best reliability, largest MIRV multiplicity, largest throw-weight, and so forth into a single missile type, than to have your virtues dispersed among several types. But for some reason the gentleman feels that multiple types give more capability.

No doubt he is more sophisticated than I in these matters, and has reasons for his conclusions. But since I am unable to understand his reasoning, I am unable to discuss it further.

ADDITIONAL ISSUES

In his response, the gentleman from New York raised a number of issues I had not discussed. These fall into three general categories.

First. A number of the gentleman's remarks are ad hominem, in the nature of a personal attack against me. This is not the type of debate I wished to generate, the gentleman has already been admonished on the floor of the House for this type of behavior, and I will not comment upon it further.

Second. The gentleman raises a number of points, which, while not pertinent to my "Truth in Defense Bulletin," are nevertheless interesting and significant. I will not discuss them now because I have found that a discussion which roams all over the lot rarely focuses on anything. But I will discuss them in a separate statement that I will make in a few minutes.

Third. The gentleman raises a number of points which are not strictly relevant to the issues under debate, the Minuteman III question, or to the purpose of the Truth in Defense series. I will discuss these now.

RETARGETABILITY AND HARDENING

The gentleman suggests that Minuteman III possesses superior hardening against dust and debris, and therefore can be launched with an increased confidence following a nuclear attack. This is true, it is a significant and meaningful advantage, and if the gentleman had mentioned it in his initial letters I would have agreed with him. A rough estimate given to me by the Air Force indicates that hardening a Minuteman II to Minuteman III standards would cost less than one-tenth as much as buying a new Minuteman III. This would be an excellent and worthwhile move which would contribute to deterrence, and I would certainly support it.

The gentleman also suggests that Minuteman III can be retargeted rapidly and remotely. We should understand that this is not an inherent capability of the Minuteman III missile, and in fact the vast majority of Minuteman III's did not have this capability when installed. Rapid retargeting is done by what is called the Command Data Buffer, which is a system we are adding onto those silos which already have Minuteman III's. This too is a useful deterrent system which I support. But a quick check with the ICBM research people at the Pentagon found that the cost of installing Command Data Buffer into Minuteman II's would be essentially the same as installing it into Minuteman III's, and that the research and development needed to install it in the Minuteman II's would be minor. So rapid retargeting does not bear on the question of Minuteman II vs. Minuteman III.

PURPOSE OF "TRUTH IN DEFENSE"

The gentleman declares himself confused by the fact that, after arguing that Mark 12A is more effective than additional Minuteman III's, I point out that I do not favor either. Since this confusion deals with the fundamental purpose of the "Truth in Defense" series, I wish to respond to it as thoroughly as possible.

In my view, we have had far too much of the practice of first, arriving at a conclusion and second, seeking facts to plug in for support of that conclusion. The reduction ad absurdum of this philosophy can currently be seen in the practice of claiming the Soviets are far ahead of us when trying to build a case for a bigger defense budget, and then turning around and claiming we are ahead of the Soviets when there is a need to protect against political criticism that we are behind.

The facts should come first, and the conclusions should then be built upon them. The purpose of the "Truth in Defense" series is to aid in this process. Thus, I will not argue in favor of or against a particular course; I do this on other occasions. In the "Truth in Defense" series, I will merely present facts for the use of the Congress, the press, and the public in making up their own minds.

In the case in point, "Truth in Defense Part One" I pointed out that, if increased hard target capability is our goal, production of additional Minuteman III's is a less effective route to it than another which is available to us. That the gentleman should somehow regard this as "deceptive" because I do not favor the Mark 12A is, I believe, a commentary on how accustomed we have become to what I call advocacy analysis. It may surprise the gentleman to hear that, my opposition to the B-1 notwithstanding, a "Truth in Defense" bulletin now in preparation rebuts a fallacious argument made against the B-1.

There is nothing inconsistent, no "disavowal of my arguments" involved, in first pointing out the more effective method of increasing hard target capability, and then explaining that I am not persuaded of the need for more hard target capability. Unfortunately, many of our current programs appear to me both to be pursuing a wrong goal and to be doing so in an ineffective way. But I assume that even those who disagree with me about goals will agree on the need for effectiveness.

The gentleman implies I somehow concealed my opposition to Mark 12A. I am not sure why he feels this way, since I stated my opposition plainly and clearly in my original "Truth in Defense" bulletin, and in fact he quoted that statement. I did not make it to persuade. I offered no arguments in support of my opposition to Mark 12A, and I am sure nobody will be persuaded by a simple statement that I am for or against something.

On the contrary, I stated my opposition simply as a matter of identification. While I believe my factual analyses to be unbiased, of course I can never be sure that is the case. Moreover, my readers can never be sure. Therefore, I shall continue the practice in this series of first, setting out facts and second, briefly identifying my own views as an obligation to my readers.

FURTHER QUESTIONS OF NATIONAL DEFENSE

Mr. DOWNEY of New York. Mr. Speaker, I will now proceed to discuss several additional issues which arose in the exchange between me and the letter of the gentleman from New York (Mr. KEMP).

REAL DIFFERENCE OF OPINION

The gentleman from New York suggested that, as he sees it, our real difference of opinion lies, not over the merits of the Minuteman III program, but rather over whether we should proceed with this and the Mark 12A.

As I explained a moment ago, my purpose in the "Truth in Defense" series is not to discuss my opinion but to supply facts. That having been done, the gentleman is certainly correct in that we disagree on the adviseability of continuing Minuteman III and Mark 12A. If the gentleman would like to take a special order to discuss this, I will certainly cooperate. In any case, it appears we will have the opportunity to debate Minuteman III when the supplemental request comes before us.

But I suggest that the gentleman and I have differences of opinion which are considerably more fundamental. They include questions such as the following:

First. Is it more important to maintain a sufficient military capability to do what we will need to do, or to create a force which, by whatever measures are used, will compare favorably with the Soviets'?

Second. Should our objective be to conduct a first strike against the Soviet Union, or to deter their first strike against us?

Third. Is capability determined by forces in being and scheduled to be in being, or is it also influenced by the number of systems in production?

I believe a discussion of these issues between the gentleman and me would be fruitful and invite the gentleman to join me, perhaps in this forum at another date.

OPPOSITION TO WEAPONS SYSTEMS

The gentleman expressed his confusion that:

> Some Members of Congress argued against deployment of the Safeguard missile defense system on the grounds that the Site Defense ABM system (which was then in research and development, like the Mark 12A you argue for) would be a more cost-effective option. Later, however, these same individuals opposed development of the Site Defense system. Likewise, these individuals are questioning the utility of the B-1 bomber on the grounds that the stand-off platform with the long-range cruise missiles could perform the same mission at less cost. Yet, these individuals offer amendments to halt development and testing of long-range cruise missiles.

ABM was before my time, but as I understand the issue it was clear, and it is even more clear today, that Safeguard was a technological turkey. Site defense, which by its design acknowledged all the defects of Safeguard which at the time were leveled by congressional critics and denied by the Pentagon, was considerably better but still offered a probably unfavorable cost-exchange ratio. So many Members of Congress at the time felt that the best course was to deploy no ABM, but that if one were to be deployed, it would be preferable to have the more effective site defense. Perhaps I am merely confessing my own intellectual limitation, but I am confused as to why the gentleman finds this position confusing.

As far as the cruise missile is concerned, there may be Members of Congress who oppose it—that is, the air-launched cruise missile, which is the only version which competes with the B-1—but offhand I don't know of any and I certainly am not one of them.

I favor the ALCM as a far more effective and less costly alternative to the B-1. There is no doubt in my mind that in 10 years the gentleman will favor it as well, when the Air Force comes back to us and tells us how the B-1 just cannot penetrate that Soviet defense. There is little doubt that by 1990 our air-breathing strategic penetrator will be a cruise missile. The question is, how do we get there? The difference between the two routes is that one has us spending several tens of billions of dollars on an intermediate system that would not hack it, while the other route will not.

If I understand the thrust of the gentleman's comment, and of comments he has made on other occasions, is that he wonders which weapons those of us who feel the way I do support. To resolve this question in the gentleman's mind, I make him the following proposition: Let us, he and I, take a special order together. We can then take the military procurement and research requests and go down the list while I tick off the systems I support and he ticks off those he opposes.

SAVING THE TRIAD

To my pleasure and surprise, the gentleman has expressed his desire that we save the land-based two-thirds of our triadic deterrent—that is, the ICBM's and bombers. This is a matter of great interest to me. In fact, my major Armed Forces legislative effort has been a thus far unsuccessful attempt to preserve these two arms. The gentleman says:

> Due to the fact that not all of our sea-launched ballistic missiles and bombers are on alert, we could expect to lose a substantial number of them in a Soviet attack. Consequently, the importance of our ICBM force should not be understated. The ICBM force is the most survivable leg of our strategic TRIAD today, and the Minuteman III is the best element of our ICBM force. You have gone on record as opposing the B-1 bomber. You have stated in your "Dear Colleague" letter you "see little purpose" in the Minuteman III. If you have, in fact written off two-thirds of our TRIAD, it would further the cause of a true "Truth in Defense" debate, for you to first establish your perceptions of "defense".

Before proceeding, I point out that the gentleman's first sentence is absolutely true. It emphasizes the need to consider, not all strategic systems in inventory, but only those available and reliable for use on a few minutes warning. I am sure the gentleman appreciates how shifting to this mode of assessment devastates Soviet SLBM capability, both in absolute terms and in relation to our own forces.

To return to the other two-thirds of the Triad, I must simply disagree with the gentleman's suggestion that I have written it off. On the contrary my every action concerning strategic weapons is dedicated to strengthening it. By urging that the B-1 be scrapped in favor of the more effective and cheaper air-launched-cruise missile, I am strengthening, not weakening, the recallable arm of the Triad. As far as Minuteman III is concerned, I have pointed out that this system offers very little capability augmentation beyond the Minuteman II, and as I understand him the gentleman has not disputed me. So I have some difficulty in understanding why opposition to further Minuteman III production should be construed as abandonment of the ICBM.

There is, however, a real threat to two-thirds of the Triad on the Horizon. This is the prospect of a Soviet submarine-launched terrain-homing MaRV. Once this is deployed in quantity, I know of no military program on our part which will give our land-based deterrents the security they have today. I believe that the vote of the House against limitation of U.S. MaRV testing was a vote to weaken the probability of a negotiated MaRV, and to weaken the future survivability of our bombers and ICBM's. If the gentleman or anyone else would care to dispute me on this point, now or at any other time, I believe this would be a most fruitful discussion.

NATIONAL CLIMATE PROGRAM ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAYES) is recognized for 10 minutes.

Mr. HAYES of Indiana. Mr. Speaker, the Subcommittee on the Environment and Atmosphere of the Science and Technology Committee began 6 days of hearings today on The National Climate Program Act of 1975, H.R. 10013, which I have introduced with 45 cosponsors. I am pleased to present a complete listing of the witnesses for these hearings as well as my opening remarks during today's session:

WITNESS LIST

HEARINGS ON A NATIONAL CLIMATE PROGRAM

Tuesday, May 18—9:30 a.m., 2318 RHOB

Dr. Robert E. Hughes, Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences, National Science Foundation;

Professor Bert Bolin, Director, Institute of Meteorology, University of Stockholm, Sweden; former Chairman, Joint Organizing Committee for the Global Atmospheric Research Program (GARP); and

Dr. Stephen Schneider, National Center for Atmospheric Research (NCAR); author *The Genesis Strategy*.

Wednesday, May 19—9:30 a.m., 2318 RHOB

Dr. William C. Ackermann, Chief, Illinois State Water Survey;

Dr. Ralph M. Rotty, Institute for Energy Analysis, Oak Ridge;

Dr. William A. Nierenberg, Director, Scripps Institution of Oceanography.

Thursday, May 20—9 a.m., 2318 RHOB

Dr. Don Parrlberg, Director, Agricultural Economics, DoA;

Dr. Walter Orr Roberts, Director, Program for Science, Technology, and Humanism, Aspen Institute for Humanistic Studies;

Dr. William J. Hargis, Jr., Chairman, National Advisory Committee on Oceans and Atmosphere (NACOA) with: Dr. Helmut Landsberg, NACOA, Acting Director of the Institute for Fluid Dynamics and Applied Mathematics, University of Maryland; and

Dr. Charles L. Hosler, Jr., President, American Meteorological Society; Dean of Earth and Mineral Sciences, Penn State University.

Tuesday, May 25—9:30 a.m., 2318 RHOB

The Honorable Frederick Richmond (D.-N.Y.);

Dr. Paul Weller, Vice President, National Council of Farmers Cooperatives With: Dr. Gilbert Porter, Agway, Incorporated; and

Mr. Sig Jaeger, Executive Director, North Pacific Fishing Vessel Owners Association.

Wednesday, May 26—9:30 a.m., 2318 RHOB

Dr. Reid A. Bryson, Director, Institute for Environmental Studies, University of Wisconsin;

Dr. Francis Bretherton, President, University Corporation for Atmospheric Research (UCAR); Director, NCAR; and

Dr. Robert W. Stewart, Chairman, Joint Organizing Committee for GARP.

Thursday, May 27—9:30 a.m., 2318 RHOB

Dr. Robert M. White, Administrator, NOAA;

Mr. Lindsey Grant, Acting Deputy Assistant Secretary for Environmental and Population Affairs, Department of State; and

Dr. Verner E. Suomi, Director, Space Science and Engineering Center, University of Wisconsin; Member, Joint Organizing Committee of Vice Chairman, NAS Committee on Atmospheric Sciences.

OPENING REMARKS BY HON. PHILIP H. HAYES (D. IND.) ON THE NATIONAL CLIMATE PROGRAM ACT (H.R. 10013) BEFORE THE ENVIRONMENT AND ATMOSPHERE SUBCOMMITTEE MAY 18, 1976

Mr. Chairman, I want to take this opportunity to thank you for your intests and cooperation in scheduling these important hearings on H.R. 10013, The National Climate Program Act of 1975 and the subject of climatic variations in general.

H.R. 10013, which is cosponsored by 45 of our colleagues and a majority of the members of this Subcommittee, is based on a report by the Subcommittee on Climate Change of the Environmental Resources Committee of the Domestic Council issued in December, 1974, and entitled "A United States Climate Program." This report, in turn, was based on reports from the National Academy of Sciences and the Joint Organizing Committee of the World Meteorological Organization and the International Council on Scientific Unions. The scientific foundation for this legislation is, therefore, well established.

The goal of the climate program, as defined in the Domestic Council report is—

"To help the nation respond more effectively to climate-induced problems by enabling its government to be aware of or anticipate climate fluctuations and their domestic and international impacts. (page 6 of *A United States Climate Program*)"

This goal could be met with the enactment of the National Climate Program Act.

The bill has four main objectives:

First, it establishes a climatic impact warning system. The National Oceanic and Atmospheric Administration (NOAA) does not acquire, process, interpret or deliver timely climatic impact warnings to decision makers. The know-how is present for early warning; the tools are not present. In order to adequately process the available data and access and analyze new data on a national and international scale H.R. 10013 proposes adequate funding.

Second, the bill seeks to improve existing climate prediction. Valid forecasts of precipitation and temperature fluctuations for more than a season ahead have not yet been demonstrated. But some improvements are possible in this area if proper analysis of climate factors and application of statistical methods of prediction are carried out. This would be particularly helpful in understanding climate's impact on food production, availability of water resources and energy consumption.

Third, the bill seeks to develop computer simulation and prediction of climate. The simulation and forecasting of climatic variations by computer offer the only approach that lends itself to answering the full range of climate related questions to which the government must ultimately respond. A long term commitment is necessary to:

Apply existing mathematical models of experimental monthly forecasts;

Develop a combination of oceanic and atmospheric models;

Determine the limits of climatic prediction, and

Simulate man's effect on climate and determine the possible consequences.

Fourth, this bill seeks to develop a global monitoring system for climate. NOAA, working with NASA and other Federal agencies has developed an extensive worldwide monitoring system for many environmental conditions. However, this system will require substantial funding to monitor the global climate. The present system provides a sound base—supported by the Federal government with over $10 million in fiscal year 1976—on which to build U.S. participation in international climate monitoring efforts. Specifically this monitoring system will include:

International ocean monitoring;

An earth-orbiting satellite program for climate—beyond the work of NASA;

A global pollutant monitoring program for climate, and

An accelerated development of the climate-related environmental monitoring systems of the United Nations agencies.

This bill originally authorized $10 million for the transition period, $42 million for fiscal year 1977 and $56 million for fiscal year

1978. These figures will no doubt have to be adjusted somewhat with the advice of NOAA.

The bill designates NOAA as the coordinating agency of the program with other governmental agencies participating.

When we consider the fact that the food and energy crises are sharply intensified throughout the world because of climate fluctuations and the fact that these same fluctuations seriously disrupt land, water, and energy use patterns, it seems reasonable to establish a coordinated program of climate monitoring and analysis which offers hope of anticipating the effects of climate fluctuations. We have the knowledge to understand climate better. This bill gives the right people the right tools to use their knowledge. Millions of people will be assisted through the program to plan their lives better. Future droughts, like the one in the African Sahil, could be anticipated in order to prepare populations affected. Crops in this country can be planted with a better knowledge of climate variations in the growing seasons. Energy can be more adequately allocated based on knowledge of anticipated temperature variations in different parts of the country.

Mr. Chairman, I consider this an important bill which will contribute greatly to our understanding of climate. I once again commend you for scheduling these hearings in the hope of understanding the need for further climate research.

REMOVING DISCRIMINATION AGAINST WOMEN, SINGLE TAXPAYERS, WORKING MARRIED COUPLES, GAYS, MARIHUANA SMOKERS, RACIAL MINORITIES, APARTMENT DWELLERS, AND THE HANDICAPPED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, there are so many inequities in our society that a Member, if realistic and hopeful of accomplishing something, must select a few on which to concentrate and attempt to achieve their elimination. I would like to discuss some of those issues to which I have been giving particular attention. I might add that the issues are discussed, not in any particular order of priority, for I realize that to each group involved, theirs is the most important inequity to be addressed. As the old adage goes, "It all depends on whose ox is being gored."

SINGLE TAXPAYERS AND WORKING MARRIED COUPLES

The inequity that affects people the most in terms of dollars is that which imposes higher tax schedules on single taxpayers and working married couples. I believe that the Government should not be concerned with one's marital status. All taxpayers, regardless of whether or not they are married, should have their income taxed at the same progressive schedule depending on their income. Under today's law, those paying the largest tax for the same income are those whose spouse is working and making approximately the same amount. To deal with this inequity and that suffered by single taxpayers who pay up to 20 percent more in taxes, I have introduced a bill, H.R. 850 since 1970 which is now pending before the House Ways and Means Committee. I hope that those who agree with me will write Chairman Al Ullman of the Ways and Means Committee and urge committee approval of the bill.

WOMEN

Another group—larger and worldwide—that suffers discrimination, are women. I have concluded an analysis of the executive offices of the United Nations' System of Organizations. My findings lead me to one conclusion: The United Nations has a policy of continuing bias against women in its hiring for executive positions.

As of January 1, 1976, only 8 of the 384 top officers of the United Nations were women. That is 2.1 percent. If the United Nations were solely an American organization, it would be a prime candidate for a sex discrimination case under title VII. The United States itself, both in the public and private sector, is not doing enough to deal with this problem within our own society. As one who voted for the equal rights amendment to the Constitution, I have taken every opportunity to support legislation to advance opportunities for women, including H.R. 9924 funding the National Women's Conference. I spoke in favor of H.R. 9924 when it was debated and approved by the House and I expect that the conference will be helpful in addressing the public to the remaining biases against women in our society.

MARIHUANA

A third area to which I am devoting attention relates to the personal use and possession of marihuana. When I first came to the Congress in 1969, I introduced legislation which became law and which created the Presidential Commission on Marihuana to ascertain the scientific, legal, medical, and sociological facts relating to the use of marihuana. That Commission, otherwise known as the Schafer Commission, issued its report in 1972 urging the decriminalization of the personal use and possession of marihuana. Since that time, 8 States have adopted legislation which does exactly that. The Javits-Koch bill, H.R. 561, has been pending in this Congress since 1972 to decriminalize the personal use and possession of marihuana. There are two bills bearing the Javits-Koch title, one is H.R. 561 which simply decriminalizes, without penalty for personal use and possession of marihuana; and the second is H.R. 6108 which removes all criminal penalties for personal use and possession but allows a civil penalty of up to $100. Those who think this is not a serious problem for lots of people, should know that over 400,000 persons were arrested last year in the United States for possession of marihuana. The vast majority of these were in possession of very small amounts of marihuana for their personal use. An estimated 53 percent of all Americans between the ages of 18 and 25 have tried marihuana. I do not believe that it serves the interest of our country to have these individuals branded as criminals. Both H.R. 561 and H.R. 6108 are pending in the House Commerce Committee's Health and Environment Subcommittee. Those who support this legislation might want to advise Chairman Paul Rogers of such and urge that hearings be held.

PERSONAL PRIVACY

A fourth area relates to sexual privacy. Recently, the U.S. Supreme Court ruled by a vote of 6 to 3 that States may prosecute and imprison consenting adults for participating in homosexual acts. The Court's action affirmed without comment the 2 to 1 decision last fall of a Federal district court in Virginia which upheld a State law prohibitng consensual sodomy. Every person without regard to his or her sexuality, heterosexual or homosexual, should be outraged by this decision. The Court summarily ruled on this matter, without hearing arguments or issuing an opinion. This was an insensitive handling of an issue affecting the lives of millions. The fact that the Court closed its doors to arguments of law may suggest to some that the Court could not adequately justify its decision by law or reason.

All persons should be concerned with the failure of the Court to protect the privacy of citizens.

Now, not only must civil libertarians pursue changes in the criminal laws to overcome this horrendous failure to act by the U.S. Supreme Court, they must redouble their efforts to enact legislation on a Federal and State level to bar discrimination against homosexuals in the area of employment, housing, public accommodations, and Federal programs. There is legislation now pending in the House, H.R. 166, of which I am a cosponsor, which would do exactly that. The bill is pending in the Subcommittee on Civil and Constitutional Rights chaired by our distinguished colleague, Don Edwards. I hope that those who agree with this legislation will urge Chairman Edwards to hold hearings on it.

I might add that none has ever improved upon the statement of Prime Minister Pierre Trudeau on this matter: "The state has no business in the bedrooms of the nation." It is also pertinent to note that a poll conducted by the Daily News and released yesterday on the Supreme Court's decision indicated that only 18 percent of the persons surveyed agreed with the Court. The survey was conducted in the New York Metropolitan area where 58 percent of those polled indicated disagreement with the decision and 24 percent said they did not know.

MINORITIES

Another gross inequity in this country is that suffered by blacks and Hispanics. We have had legislation dealing with discrimination in housing, jobs, education, and public accommodations but it still goes on and we all know it. But, there is one area that is particularly disturbing to me because it takes place in a sector of our economy which is quasi-public and which sector I normally enthusiastically support and urge additional money for: Public broadcasting. I was appalled that the House and Senate conferees in reporting back the bill to provide millions for public broadcasting in December of 1975 noted that "despite some improvement, discrimination in the employment practices of CPB, PBS, and the public television and radio stations appears to be continuing," but nevertheless failed to enact the legislation necessary to prohibit such discrimination. As a consequence of that failure, I stated at the time of my "no" vote that "I felt compelled to do so because of the striking of the civil rights provision" that had been included in the House passed bill which I had voted for. Many opposed the conference bill on the basis of their opposition to public broadcasting. I, on the other hand, am supportive of public broadcasting, but feel I can only support its authorizing legislation if it includes civil rights protections.

RENTERS AND THE TAX CODE

In the city of New York, as is the case in many of our metropolitan areas nationwide, many people rent their apartments rather than owning them. Our tax code arbitrarily discriminates in favor of homeowners and against those who rent. While a homeowner, including the owner of a cooperative apartment, may deduct that portion of his or her rent or "maintenance" which represents property taxes on the building and the interest on the mortgage, such a deduction is not given a renter. There is no legitimate reason for such a distinction between the homeowner and renter. Accordingly, I have proposed that each tenant be permitted to deduct that part of his or her rent payments which represents the proportionate share of the property taxes and mortgage interest paid on his apartment building, and that is the purpose of my bill H.R. 578. This bill is pending in the Ways and Means Committee and those interested in it should write Chairman Al Ullman of that committee.

If our cities are to survive, they must be vital, vibrant centers, not areas inhabited only by the very rich and the very poor. To halt the growing exodus of the middle class from our cities, we need to eliminate the present tax discrimination and provide tax equity for the renter.

THE HANDICAPPED

Finally, in this list of inequities, I want to mention the need to establish equality for the handicapped and the need to end discrimination in hiring practices as is currently the case. I have introduced H.R. 13527 which would do exactly that. I believe that those who apply for emplyment and who have handicaps ought not be subject to discrimination and refused employment on the grounds of the handicap unless that handicap is job related. My legislation places protections for the handicapped into those protections we now have against discrimination on the grounds of race, religion, sex, and national origin. H.R. 13527 has been referred to the Committees on Education and Labor and Post Office and Civil Service. I hope that those who favor this legislation will urge that hearings be initiated by the chairman of these committees, Carl Perkins and David N. Henderson, respectively.

So, Mr. Speaker, having recounted this litany of inhumane practices by Americans against other Americans, and most horrendous, by the Government against its own citizens, I urge my constituents to join with me as I do my colleagues here in the House in addressing ourselves legislatively and personally in the fight against discrimination in all of its forms.

WASHINGTON POST CORRECTED ON CANAL ZONE ISSUES

(Mr. SNYDER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SNYDER. Mr. Speaker, Ambassador John M. Cabot, former Assistant Secretary of State, with the exception of one point wrote an excellent letter to the Washington Post which that paper printed on May 15.

Although I do not agree completely with everything he said, and certainly not with his citing of Gov. Ronald Reagan's statements as "jingoism," Mr. Cabot corrected many distortions in the Post and elsewhere about our status in the Canal Zone, and our treaty relations with the Republic of Panama. His is the single most objective commentary on "this most important and complicated question" that I have seen in the press.

In my capacity as ranking minority member of the Panama Canal Subcommittee of the House Merchant Marine and Fisheries Committee for several years, I have constantly endeavored to explain our true position in the Isthmus of Panama. Congress itself has contributed much to the confusion that prevails by passing legislation in regard to the Zone based on seemingly contradictory concepts.

I am very glad that Governor Reagan has made the Panama Canal the issue it has become in the Presidential campaign, inasmuch as the present Department of State has endeavored to give away this extremely important U.S. possession, one of the most vital assets we have, and our single greatest contribution to the commerce of the entire world.

Mr. Speaker, I urge my colleagues to read carefully the well expressed letter of a very well informed former public servant. It is also my hope that Ambassador Cabot will come to appreciate the contribution Governor Reagan has made to informing the public about this issue. Mr. Cabot's letter follows:

[From the Washington Post, May 15, 1976]

Misleading Canal Debate

(By John M. Cabot)

In the past weeks I have noted various commentaries as well as several news stories in The Post with regard to the Panama Canal controversy. I certainly agree with The Post that Gov. Reagan's reported statements are misleading and unfortunate, though perhaps not "demagogic" by presidential campaign standards. But I am bothered by the equally misleading statements made by The Post's columnists.

One can perhaps dismiss Nicholas von Hoffman's recent column as self-evidently tendentious (he, for example, mentions our many interventions in Panama before 1903 without mentioning that under Article 35 of our treaty of 1846 with New Granada (Colombia) we had not only the right but also the obligation to maintain freedom of transit on the isthmus of Panama; that several of these interventions were at the specific request of the Colombian government, which could not itself maintain freedom of transit, and that others were undertaken to forestall European intervention). But I am more perturbed at Marilyn Berger's column on May 3 which, coming from a lady whom you say "was a diplomatic reporter for The Post, is NBC correspondent for national affairs," should be enlightening but is actually about as misleading as anything I have noted Gov. Reagan as saying.

Ms. Berger is right in arguing that we do not have titular sovereignty to the Canal Zone. Then-Secretary of War Taft and many other responsible American officials have made the same point over the years. But I would like her to explain how she reconciles her statement that we do not "exercise sovereignty" in the Zone with Article III of the treaty of 1903, which says we have "all the rights, powers and authority which the United States would possess and exercise if it were the sovereign . . . to the exclusion of the exercise by the Republic of Panama of any such sovereign rights, powers and authority."

That article has not been amended by either of the subsequent treaties of 1936 or 1955. The question before the American people today is whether the old treaties, which give us sovereign rights to the Zone in perpetuity, shall be superseded by a new treaty gradually diminishing those rights until they are totally relinquished (as I understand it) in a maximum of 50 years.

Nor does the $250,000 annual payment (increased to 460,000 bolivares in 1936, not $500,000 as Ms. Berger incorrectly states) provided by the 1903 treaty enter into the equation. Historically these payments were to be made in return for our taking over the formerly Colombian interest in the Panama Railroad. Ms. Berger completely fails to mention that our rights in the Zone were in fact secured by a payment of $10,000,000. This may seem peanuts in comparison with what we are proposing, for example, to pay Greece and Turkey 73 years later for bases to facilitate our protecting them from their Communist neighbors, but it is not so trifling in comparison with the $7,000,000 we had paid to acquire Alaska—with an area approximately a thousand times greater than the Zone—only 36 years before.

Ms. Berger notes that "An American can remain in the Canal Zone only as long as he or she is employed there" but she fails to note that the same is true of Panamanians. There is no oppressed indigenous population in the Zone and substantially all property in it belongs to the U.S. government. There are several other statements in Ms. Berger's article that seem to me arguable.

I have not seen Gov. Reagan quoted as pointing out that the U.S. government undoubtedly connived at the Panamanian coup that brought independence (despite Secretary Hay's denials, or that we assured the success of the coup by an interpretation of the 1846 treaty that even the Soviets might blush with shame to defend; or that our treaty with Panama was hastily signed with a man who had a blatant conflict of interest; or that it has been the arrogance of Americans to the Panamanians in the Zone over the years that has contributed importantly to the present situation. I have not heard much from the pro-new-treaty advocates about the many concessions the Panamanians have won from us by throwing tantrums, or how, when we sought the implementation of the barely ratified 1936 treaty provisions to secure sites outside the Zone for its defense, they blackmailed us before granting them; or how, after the war, they simply rejected a new treaty granting us their continued use despite the 1936 treaty, or how every concession on our part only led to accelerating demands on theirs.

In this connection, although I agree with most of The Post's editorial of May 5, it seems to me open to question in some of its points. It is certainly a legitimate question whether we want the canal closed and fought over if we reject a new treaty. But it is not a legitimate question what happens to "assuring continued free American transit through the canal" after the maximum treaty duration of 50 years? Previous history does not reassure me. And what has become of the proposed sea level canal, which was to be built at vast expense to the United States, presumably to be turned over to Panama at the expiration of a new treaty?

In short, I think that the American people should be more fully and accurately informed about this "vital and legitimate interest." President Ford and Gov. Reagan and, with apologies, the American press including The Post, have not given the American people a full and balanced picture of this most important and complicated question. I feel it is the press' duty to do so. Perhaps this is the moment in history to give up the canal—and possibly it is not. Twenty-three years ago, when I was chief U.S. negotiator of what became the treaty of 1955, the question of giving up the canal was not even raised. Who knows what further demands will be made on us 23 years hence? Nobody from the Third World seems to be raising questions about the vast territories the Soviets have seized and hold by force, because they know Communists don't cede territory, and fear them. I agree with The Post that Gov. Reagan's jingoism is not promoting a satisfactory settlement of this problem. I dread to think of what will immediately follow if the Senate votes down a new treaty, but I must say I dread equally to think of the probable consequences, in the light of the historical record, if the Senate agrees to a new treaty and we lose the sovereign rights that are now legally ours.

THE VALUE OF GARBAGE

(Mr. SCHEUER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, tomorrow when the House considers amendments to the ERDA authorization bill, I plan to introduce an amendment earmarking $8.65 million for the budgetary authority of the Office of Waste Systems Utilization in EDRA. This Office has prime responsibility in ERDA for research, development, and demonstration of solid waste projects.

I have included, for the benefit of our colleagues, some supporting documents for this amendment:

First, a background paper on solid waste disposal which describes the existing technologies for solid waste systems and their advantages over current disposal practices. Since none of the agencies involved in solid waste projects have bothered to put all their figures together I thought I would share this background paper with my colleagues.

Second, a list of the 53 Representatives in whose districts there exist solid waste landfills adjacent to major airports that interfere with otherwise routine landings and takeoffs of aircraft. This list was compiled by the Environmental Protection Agency.

Third, a letter from ERDA emphasizing that my amendment would not increase the budget of ERDA nor impinge on any other ERDA projects—underscoring the fact that my amendment is an earmarking amendment only.

Fourth, excerpts of letters of endorsement from Friends of the Earth; Citizens for Clean Air, Inc.; Energy Policy Task Force of the Consumer Federation of America; National Conference of Governors; National League of Cities; National Association of Counties; National Taxpayers Union; city of New York; and the Indiana Rural Electrification Corp.

Mr. Speaker, this background paper has six sections: first, current costs of solid waste; second, current technology; third, energy conversion; fourth, resource recovery; fifth, benefits; and sixth, costs—economics.

CURRENT COSTS OF SOLID WASTES

The solid wastes we are talking about are municipal or post consumer solid wastes including materials generated by households, office buildings, wholesale and retail trade, and other general business and service sectors of the economy.

Experts have drawn a correlation between the affluence of a society and the way the people of that society view their solid waste. In less developed countries little goes to waste. However, as affluence replaces need, the trash heap grows, and garbage becomes a public issue. The results in the United States are as follows:

First, by 1973, over 300 million tons of urban waste was generated in the United States according to the American Can Co.

Second, this translates into over 8 pounds of refuse per person per day, and the figure is growing at a rate of almost 5 percent each year according to U.S. Bureau of Mines, and will be translated into more than 330 million tons of urban waste being produced in 1975 and almost 350 million tons of solid waste being produced in the United States in 1976.

Third, in 1975, of the 330 million tons of solid waste produced in this country, 243 million tons of it was collected regularly. Of this 243 million tons, about 55 percent was collected in metropolitan areas and geographic locations where the volume of waste is sufficient to make recovery practical.

Fourth, we can directly translate this huge tonnage of solid waste into costs to local governments:

Collection costs of between $10 and $30 a ton—the national average is $21 a ton.

Disposal costs range from $1 per ton for uncontrolled dumping to as high as $15 to $20 a ton for incineration with air pollution controls—the national average is $5 a ton.

From a national perspective, this meant a direct cost to communities for collection and disposal of $3.5 billion in 1973, the third largest expenditure made by local governments.

By 1985 direct real costs are anticipated to increase by 20 to 30 percent; adding on a four percent per year inflation rate would imply a 1985 collection and disposal cost for the average city of $50 per ton and a national cost of nearly $7 billion annually.

There are two main causes for these cost increases: mandated pollution controls and the increased scarcity of available land-fill sites. Both of these factors impact greatest on heavily populated areas. But it is these same heavily populated areas that have the greatest potential for resources recovery.

CURRENT TECHNOLOGY

Resource recovery from solid wastes involves a sequence of collection and processing steps to render the recovered products available in a form, quantity, and location that would make them economically competitive with virgin materials.

There are essentially two methods of accomplishing this. The first is the traditional source separation, in which the items to be recovered are segregated at the point of discard.

Practically all post-consumer recycling is performed this way today, and 96 percent of what is recovered is paper.

The second method employs a variety of technologies to extract useful materials. The steps are analogous to those employed in mining and processing ores and indeed much of the equipment used in mixed waste reprocessing has been borrowed from the mining industry. Virtually all such systems extract ferrous metals. Components for the recovery of glass, aluminum, and other nonferrous materials are optional for most systems.

Between 70 and 80 percent of the waste is organic and available for the production of energy. Thus, the energy savings inherent in solid waste recovery is twofold: First, we can recover raw materials—like iron for example—and convert them into useful ore with a fraction of the energy required to produce the product from virgin materials. Second, we can directly convert the waste into energy forms.

Unfortunately, Mr. Speaker, implementation of these technologies is proceeding at a snail's pace for four reasons:

First, the technologies, and economics of the technologies, have not been fully demonstrated and evaluated. The ability of the systems to perform at the estimated cost levels is not certain.

Second, the economic success of a recovery system depends on continuing revenues from product sales. Long-term market commitments are needed, but potential buyers are reluctant to make this commitment until the system has operated and the quality and consistency of the products has been proven. The vicious circle is completed because without long term contracts, bond sales or other methods of private financing cannot be arranged.

Third, there is inadequate information on the energy conversion and recovery systems. Comprehensive information based on actual operations simply does not exist. The selection of a system for a particular city is a complicated endeavor: no one system is best, and the choice is highly sensitive to the local situation.

Fourth, there are a variety of State laws that jeopardize resource recovery. Particularly important are laws restricting contract length, laws requiring split bidding, and laws requiring competitive bidding.

ENERGY CONVERSION

There are at least 50 processes for recovering energy from solid waste. They can be broadly categorized as combustion, pyrolysis, and biodegradation processes, and there are a number of variations for each.

Under combustion, for example, alternatives include using waterwall incinerators to produce steam—as is done in Nashville—and using the solid waste as supplement in coal or oil fired furnaces. The refuse may be shredded, pelletized, or wet pulped beforehand.

Pyrolysis is a process that uses high temperatures and little or no oxygen to break down materials into three parts: A gas fuel containing methane, a fuel oil, and a char that is almost pure carbon. The design of the system determines which will be the predominant product. The liquid or gas fuel can be stored, or used immediately as it is in Baltimore, to produce steam.

Of the various methods that fall in the third category, biodegradation, the most important in terms of energy production is decomposition of solid waste in an oxygen free environment. This natural process results in the generation of methane and carbon dioxide. Programs are underway to recover the methane by drilling wells in sanitary landfills, and by the accelerated decomposition of solid waste in a mechanical digestor.

As of September 1975, the Environmental Protection Agency considered only two methods to be commercially available: waterwall incineration and the use of prepared solid waste as a supplement to coal in electric utility boilers. The pyrolysis and biodegradation systems are not yet fully operational.

So, solid waste can be transformed into a solid, liquid, or gaseous fuel, and the energy can thus be released to generate steam or electricity.

The quantification of energy production requires some definitions of terms. Recall that 243 million tons of urban waste are collected annually in the United States. Also recall that only 55 percent of this is collected in geographic areas where economies of scale would justify use of resource recovery systems. Thus, we have two different set of figures—the theoretical energy savings is the energy that can be saved by use of all 243 million tons of refuse that are collected annually. The practical savings is that savings from the 55 percent of the 243 million tons—about 135 million tons—that is collected in areas where the economies of scale would justify resource recovery.

EPA estimates that the practical savings from combusting municipal wastes is approximately 522,000 barrels per day of oil, or 190 million barrels per year. They present a rock bottom figure for energy savings. American Can Co. is more optimistic:

In theory, if all available refuse—243 million tons annually—was converted to synthetic fuel in a process similar to the Union Electric Co. in St. Louis, in the space of 1 year the Nation would conserve the equivalent of about 400 to 425 million barrels of low sulfur residual fuel oil, about 1 to 1.2 million barrels of oil a day. This quantity of energy is equal to: 13 percent of the fuel consumed by all utilities in 1973; or 27 percent of all the coal consumed by all utilities in 1973; or 77 percent of the oil projected to be delivered through the Alaska pipeline; or 2.75 percent of all energy consumed in the United States in 1973.

In practice, if all available refuse—135 million tons—was converted to synthetic fuel the energy savings would be 220 to 235 million barrels of oil a year, or one-half to two-thirds of a million barrels of oil a day. This quantity of energy is equal to: 7 percent of the fuel consumed by all utilities in 1973; or 15 percent of all the coal consumed by all utilities in 1973; or 42 percent of the oil projected to be delivered through the Alaskan pipeline; or 1.5 percent of all energy consumed in the United States in 1973.

It is clear that we are talking about enormous amounts of energy.

Mr. Speaker, as an example of the effectiveness of this amendment, look at its impact on New York City. The city presently generates 20,000 tons of processable refuse a day—7.3 million tons a year. The conversion of this refuse to gas and oil would provide an offset of 20 million barrels of oil per year, equal to approximately one-half of New York City's electric power needs. In addition, the income realized by selling the gas and oil would cover the purchase price of the refuse disposal plant in less than 2 years.

RESOURCE RECOVERY

Waste offers other opportunities to conserve energy because it takes substantially less energy to recycle materials than it does to manufacture them new. It takes 20 times as much energy to produce a ton of aluminum from virgin material as it does to produce the same ton from recycled aluminum. The equivalent figure for copper is 19 times as much energy, for zinc it is 11 times as much energy, and for steel it is 4 times as much. In theory, if all available solid waste—243 million tons—were processed, the resources recovered and used in substitution of virgin materials to produce new products would save 500 million barrels of oil a year or 1.37 million barrels of oil a day. This quantity of energy is equal to: 15 percent of the fuel consumed by all utilities in 1973; or one-third of all the coal consumed by utilities in 1973; or over 90 percent of the oil projected to be delivered through the Alaskan pipeline; or 3.25 percent of all energy consumed in the United States in 1973.

In practice, if all available refuse—135 million tons—were processed the resources recovered and used in substitution of virgin materials to produce new products would save 275 million barrels of oil a year or three-quarters of a million barrels of oil a day.

This quantity of energy is equal to: 8 percent of the fuel consumed by all utilities in 1973; or 18 percent of all coal consumed by utilities in 1973; or one-half of the oil projected to be delivered through the Alaskan pipeline; or almost 2.7 percent of all energy consumed in the United States in 1973.

The total theoretical savings from energy conversion and resource recovery is 900 million barrels of oil each year or approximately 2½ million barrels of oil a day. This is equivalent to 168 percent of the oil projected to be delivered through the Alaskan pipeline and 6 percent of all energy consumed in the United States in 1973.

The total practical savings from energy conversion and resource recovery is 500 million barrels of oil a year or 1.37 million barrels of oil a day.

Mr. Speaker, the following would be fair estimates of the energy equivalents of total savings from energy recovery and resource recovery: 15 percent of the fuel consumed by all utilities in 1973; or 33 percent of the coal consumed by all utilities in 1973; or 90 percent of the oil projected to be delivered through the Alaskan pipeline; or six times the gasoline savings estimated for the 55-mile-per-hour fuel conservation program in 1973–74; 3 percent of all energy consumed in the United States in 1973.

BENEFITS

Implementation of a national policy to further solid waste processing, aside from the energy benefits document above, has an environmental-aesthetic benefit as well. Sanitary land fills, due to leaching of pollutants, cause the contamination of drinking water supplies and the contamination of wetlands. Thus, by recycling the urban refuse, we achieve the added advantage of removing the pollutants that are poisoning our land.

EPA stated in their report to Congress on Waste Disposal Practices and their effects on ground water in December 1975 that "Waste disposal practices have contaminated ground water on a local basis in all parts of the Nation and on a regional basis in a few heavily populated and industrialized areas."

Ground water degradation is most significant in California, Florida, Illinois, Indiana, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas, according to the EPA.

Additionally, the dumps which surround our airports have proven to be an attraction for seagulls that have repeatedly caused damage to incoming and outgoing aircraft and pose a serious safety hazard to air travel. For example, on November 12, 1975, a DC-10 crashed attempting to take off at J.F.K. International Airport. The National Transportation Safety Board claims that as of April 1, 1976, there have been three other air crashes because of massive bird ingestion into the jet engines.

COSTS—ECONOMICS

Taking a thousand tons of waste a day as the threshold input to energy-from-waste facilities that could be built in the next 5 years, the American Can Co. states that there are potentially 280 to 350 regions in the country that could take advanage of this new energy technology. If each of these were to build a facility at today's capital cost of $20 million each, the total funding requirements would aggregate $5 to $7 billion. Over the next 5 years, we can expect that 30 to 50 of these systems will come on stream. This will require a capital cost of $1 billion.

The Bureau of Mines has made a comprehensive economic study of solid waste recycling which tend to show that sufficient economies of scale exist at the 250 ton per day capacity. The revenues from resource recovery alone are $15.76 per ton and the operating costs range from $1.08 to $4.06 per ton.

Related materials follow:

AIRPORT LIST

Bird/aircraft hazards at airports near solid waste dumps—article by the Office of Solid Waste Disposal Programs, EPA.

Congressman, State, and airport.

Brock Adams, Washington, Seattle International.

Mark Andrews, North Dakota, Grand Forks AFB, Grand Forks International, Minot AFB.

William Barrett, Pennsylvania, Philadelphia International.

Robert Bauman, Maryland, Cambridge.

Alphonzo Bell, California, L.A. International.

Mario Biaggi, New York, LaGuardia.

John Burton, California, Hamilton AFB.

William Cohen, Maine, Eastport Municipal, Preisque Isle.

Don Clausen, California, Santa Rosa, Sonoma.

Mendel Davis, South Carolina, Charleston AFB.

Don Edwards, California, Fremont Municipal, Hayward Municipal, San Jose Municipal.

David Emery, Maine, Brunswick NAS.

Norman D'Amours, New Hampshire, Laconia Municipal.

Dante Fascell, Florida, Homestead AFB.

Thomas Foley, Washington, Clallam County, Spokane International.

L. H. Fountain, North Carolina, Wilson Municipal.

Louis Frey, Florida, Patrick AFB.

Bo Ginn, Georgia, Hunter AFB.

Margaret Heckler, Massachusetts, Fall River Municipal.

Henry Helstoski, New Jersey, Teterboro.

David Henderson, North Carolina, Seymour Johnson AFB.

Kenneth Holland, South Carolina, Shaw AFB.

James Jeffords, Vermont, Burlington Municipal.

John Jenrette, South Carolina, Myrtle Beach AFB.

Robert Kastenmeier, Wisconsin, Madison.

Jack Kemp, New York, Greater Buffalo International.

Robert Leggett, California, Travis AFB.

Mike McCormack, Washington, Yakima Municipal.

Stewart McKinney, Connecticut, Bridgeport Municipal.

Dawson Mathis, Georgia, Moody AFB, Tifton.

Abner Mikva, Illinois, Glenview NAS.

John Moss, California, Mather AFB, McClellan AFB.

James Oberstar, Minnesota, Duluth International.

Tip O'Neill, Massachusetts, Logan International.

Charles Rose, North Carolina, New Hanover County.

Ben Rosenthal, New York, Flushing.

Philip Ruppe, Michigan, Kincheloe AFB, Wurtsmith AFB.

Peter Rodino, New Jersey, Newark.

Leo Ryan, California, San Francisco International.

Fernand St Germain, Rhode Island, Quonset Point NAS.

Jim Santini, Nevada, Fallon Municipal.

James Scheuer, New York, Floyd Bennett Field, Kennedy International.

Keith Sebelius, Kansas, Renner Field Municipal.

Garner Shriver, Kansas, Hutchinson Municipal.

Robert Sikes, Florida, Eglin AFB.

James Stanton, Ohio, Cleveland Lake Front.

Pete Stark, California, Alameda NAS, Oakland International.

Gerry Studds, Massachusetts, S. Weymouth NAS.

Paul Tsongas, Massachusetts, Hanscom AFB, Lawrence Municipal.

Al Ullman, Oregon, Pendleton Municipal.

James Weaver, Oregon, Milton Sweet.

William Whitehurst, Virginia, Norfolk NAS, Norfolk Municipal.

Clement Zablocki, Wisconsin, General Mitchell Field.

U.S. ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION,
Washington, D.C., May 12, 1976.

Hon. JAMES H. SCHEUER,
House of Representatives.

DEAR MR. SCHEUER: Your letter of May 11, 1976, requested information concerning the Energy Research and Development Administration's intention of funding waste systems utilization under budgetary authority of H.R. 13350.

It is our understanding that if an additional $13.0M funds over the President's requested budget were appropriated to the buildings' program, our present plans to allocate these would be:

Building Standards, $3.8M.
Community Systems, $2.2M.
Urban Waste Systems, $7.0M.

The President's budget request was for $1.65M in budget authority for urban waste; thus, the total planned budget authority for waste systems utilization under H.R. 13350 in FY 1977 would be $8.65M.

Sincerely,

MAXINE SAVITZ,
Director of Buildings and Industry,
Office of Conservation.

FRIENDS OF THE EARTH,
Washington, D.C., May 11, 1976.

Rep. JAMES SCHEUER,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE SCHEUER: There is a a distinct need for this nation to realize that the term "solid waste" is a highly erroneous characterization of a very valuable resource—those materials which are no longer used in the stream of commerce. Millions of tons a year of these no-longer-useful materials are simply thrown away, because society has not yet found a way to redirect them to sectors of the economy where they can be useful. This results in profligate misuse of natural resources and energy, as well as the land in which such "solid waste" is dumped.

We hope that, through passage of your amendment, there will be increased efforts on the part of the federal government to tap this valuable and readily available resource.

Sincerely,

JEFFREY W. KNIGHT,
Legislative Director.

NEW YORK, N.Y.

Congressman JAMES SCHEUER,
Rayburn House Office Building,
Washington, D.C.

This is to indicate our support of your amendment to the FY 1977 ERDA authorization bill earmarking funds for the continuation of work in the Office of Waste System Utilization (conservation research and development section of the bill).

As you are aware urban waste management soon will overwhelm this and other major cities in the very near future unless we find an effective way of reclaiming material and energy assets available in this resource. Your amendment should speed this development.

BRIAN KEICHAM,
Vice President, Citizens for Clean Air, Inc.

ENERGY POLICY TASK FORCE,
Washington, D.C., May 11, 1976.

DEAR REPRESENTATIVE: It becomes increasingly clear each day that the energy crisis is far from over, and that proven methods of preserving our natural resources must be explored and new methods must be developed. Solid waste management is a step towards a sound, efficient, rational and environmentally sound solution to one of the most pressing problems facing the Nation today. Recent studies have already indicated that waste recovery techniques can produce monumental savings in energy resources. Effective solid waste recovery can produce the energy equivalent of over half a million barrels of oil a day.

The funds for the Office of Solid Waste Utilization recommended in the President's January Budget Message are only a fraction of those requested in the Scheuer amendment and would have required a drastic reduction in the current programs undertaken by the Office of Waste Systems Utilization.

Sincerely,

LEE C. WHITE, *Chairman.*

NATIONAL GOVERNORS' CONFERENCE,
Washington, D.C., May 6, 1976.

Hon. JAMES H. SCHEUER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SCHEUER: The NGC supports expanded research activities in the field of energy production from solid waste recovery systems. This is detailed in the enclosed policy resolution D18, "Solid Waste Management," as updated at the Winter Meeting of the Governors on February 22–24, 1976.

In fact, the Governors strongly support increased efforts by ERDA and other federal agencies in all matters of energy conservation, as the only relief to the energy shortage in the short range.

Sincerely,

DAVID W. JOHNSON,
Staff Director, Committee on Natural Resources and Environmental Management.

MAY 6, 1976.

Hon. JAMES H. SCHEUER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SCHEUER: The issue of solid waste management is critical for all local governments throughout the country. Recent projections indicate that over one-half of the nation's localities will run out of landfill capacity within the next two years. Depletion of our natural resources is a problem with profound political, economic and environmental ramifications. All these factors comprise a compelling case for expanding the role of federal government in the solid waste area. One way in which the federal government can increase it's involvement in this activity is by funding research and development projects aimed at recovering the resources we currently dispose of throughout the country.

Your amendment would be a first step in accomplishing the overall objective of resource recovery.

We appreciate your leadership in this area and hope your colleagues will join us in support for this important amendment.

Sincerely yours,

DONALD A. SLATER,
Director of the Office of Federal Relations, National League of Cities.

RALPH L. TABOR,
Director of Federal Affairs, National Association of Counties.

National Taxpayers Union,
Washington, D.C., May 11, 1976.
Hon. James H. Scheuer,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Scheuer: The National Taxpayers' Union wishes to extend its wholehearted support for your upcoming amendment to the FY 1977 Energy Research and Development Administration (ERDA) Authorization Bill earmarking funds for the recycling of waste materials.

The present waste disposal system employing unsanitary landfills not only is a nuisance to the public health, but also causes inflation and therewith raises taxes by sharply reducing the supply of energy and materials available. It is only by conserving our limited natural resources, both of energy and of materials, that we can hope to curb the extravagant waste which has continuously racked our past national policy.

With warm wishes,

Stephen H. Levy, *Consultant.*

May 7, 1976.

Hon. Ray J. Madden,
Washington, D.C.

Dear Congressman: Congressman James H. Scheuer of New York has proposed amendments to H.R. 13350 that would provide funds for the office of waste systems utilizations and for their solid waste recycling program. As you are perhaps aware, this is a part of ERDA authorization title I non-nuclear program, section 101, sub-section 8.

It is our feeling this program is not only good from an environmental standpoint, but research of this nature will no doubt lead to a more useful disposal of waste in the rural areas of America.

Congressman Scheuer has supported the REMC program on many occasions during his years in the Congress. After a study of the above amendments, it would be greatly appreciated if you would support them.

Sincerely,

Ernest P. Howe,
Director, Congressional Relations, Indiana's Association of Rural Electrics.

The City of New York,
Washington Office,
Washington, D.C., May 12, 1976.
Hon. Edward Koch,
Secretary, New York State Delegation,
Washington, D.C.

Dear Congressman Koch: New York City, like many other municipalities, has received scores of proposals for new methods of disposing of wastes in a manner that would generate energy and/or facilitate materials recovery. No municipality has the financial resources to analyze in detail and to construct plants that would test the most promising of the slowly emerging technology in this field. Since the benefits that would accrue from such research would benefit all communities, it is only equitable that the financial burden for such research be funded by the Federal Government.

Therefore, we urge the New York Congressional Delegation to support the Scheuer amendment.

Sincerely,

Terry Agriss,
The City of New York.

HEARINGS ON THE MARINE CORPS

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, the military Personnel Subcommittee will commence a series of hearings on Monday, May 24, in room 2118 of the Rayburn House Office Building on the subject of the Marine Corps' recruiting and recruit training programs.

The hearings will address the recent incidents of alleged maltreatment of individuals in recruit training, all aspects of the Marine Corps recruit training program and possible problems in the recruiting program of the Marine Corps.

As originally announced, the hearings were to commence on Thursday of this week. The schedule has been changed to commence on Monday, when the subcommittee will be pleased to consider testimony from Members of Congress on these matters.

WARNING! SYNTHETIC FUELS SUBSIDIES MAY BE HAZARDOUS TO YOUR ECONOMY

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, last Thursday, May 6, the House Science and Technology Committee reported H.R. 12112 which presents to Congress for a second consideration essentially the same subsidy program for commercial production of synthetic fuels as was resoundingly rejected by the House last December.

Indeed, Robert Seamans, the Administrator of the Energy Research and Development Administration, testified before our committee on March 31 that this is a first $4 billion installment of the same program calling for $6 billion in loan guarantees, $4.5 billion in price supports—the product being too expensive to sell otherwise—and $600,000,000 in construction grants.

In addition, in a letter from Vice President Nelson Rockefeller to Mr. Seamans, submitted as the administration position on H.R. 12112, endorsed it "as an important first step" toward subsidizing commercial development of synthetic fuels "which will hopefully be folded into the EIA—Energy Independence Authority—should that broader program become law."

In the next weeks, I intend to submit for the Record documentation with respect to the unsoundness of this legislation. In addition, I commend to my colleagues the Dissenting Views in the committee report on H.R. 12112.

As the first installment, I submit today an excellent analysis of the bill by the Environmental Policy Center related to the Federal and consumer costs of the bill. It shows that this is a fundamentally unsound program that will involve ballooning Federal costs, severe disruption of capital markets, and diversion of capital in short supply to economically and environmentally unsound technology. The EPC analysis follows.

Costs and Budgetary Impacts of Synfuels Subsidies

A. COSTS OF THE PROPOSED PROGRAM (TAXPAYER COSTS)

HR 12112 is only part of a legislative strategy designed to enact eventually an $11.1 billion synthetic fuels subsidy program, which would then be folded into the $100 billion Energy Independence Authority.

1. From $2 Billion to $4 Billion to $6 Billion to $11.1 Billion: HR 12112 was introduced earlier this year with a $2 billion price tag. On the second day of markup, the Science and Technology Committee raised the authorization to $4 billion. ERDA has stated, however, that it will need $6 billion in loan guarantees, as well as $5.1 billion in price supports and grants, in order to carry out its program. Robert Seamans, Administrator of ERDA, told the Committee in his March 31 testimony: "We remain firmly convinced that in order to achieve the objectiveness of the full 350,000 barrels per day program, that $6 billion in loan guaranty authority will be required along with about $4.5 billion in price guaranty authority and about $600 million in grants."

2. First Installment of $100 Billion Energy Independence Authority: In a letter to Dr. Seamans on April 13, Vice President Nelson Rockefeller wrote with regard to HR 12112: "This authority, initially granted to ERDA, would hopefully be folded into the EIA should that broader program become law."

The proposed synfuels subsidy program is probably just the beginning of a long term drain on the Federal Treasury. As demonstrated by the troubled nuclear business, an industry that needs massive subsidies to get off the ground offers little promise of ever supporting itself without taxpayers' dollars. As a nuclear industry spokesman told Business Week last November:

"The fundamental cause of our malaise is the nature of the nuclear business itself. . . . It was born in the government and consciously weaned by statutory and administrative policies to grow through the adolescence of government support. But the business was never firmly founded, and the magnitude of the problems of getting it established in the private sector were never fully appreciated."

B. COSTS OF THE PRODUCT (CONSUMER COSTS)

The projected prices of synthetic fuels have risen steadily, always floating a few dollars above the price of OPEC oil. As recently as 1973, the industry claimed that shale oil would be economical at $5.10 per barrel. That estimate shot up to $17 per barrel by last December, and jumped again to $21.70 per barrel early this year. On February 10, *The New York Times* reported oil and gas industry price forecasts, in current dollars, of "$21.70 a barrel for low-sulfur crude oil from the shale rock of Colorado, and $4 a thousand cubic feet for synthetic pipeline gas derived from Wyoming and New Mexico coals."

While supporters of the loan guarantees claim that those prices will decline after the industry learns from the first few plants, one of the key potential synthetic gas producers apparently disagrees. The same *New York Times* article quoted Jack Bixby, vice president and chief financial officer of the Texas Eastern Transmission Company (a partner in the WESCO consortium), as follows: "The research and development takes so long that escalation of construction costs eats up all of the economic benefits of the improvement. That's why the cheapest gas will come from the first plant."

COSTS OF THE INDUSTRY

1. Impact of Inflation: As Mr. Bixby's statement implies, synthetic fuels projects rely heavily upon industries experiencing the highest rates of inflation. Cost estimates for oil shale and coal gasification plants increased by more than 100% annually in the past two years. For example, the projected cost of El Paso's proposed coal gasification plant in New Mexico has risen from $209 million in early 1973 to approximately $1 billion today. According to WESCO, the capital costs of their proposed plant increase by $220,000 every day. Similarly, an oil shale plant expected to cost $250 million in 1973

is now estimated to cost more than $1 billion—and construction has not even begun.

2. Oil Shale Projects Overseas Have Fared Poorly: The Russian shale industry—which benefits from deposits twice as rich as this country's, from lower mining costs because the deposits are shallower than ours, from lower production costs because the shale doesn't have to be processed or transported as much, from cheap and ample water supplies, and from little or no environmental constraints—is "in serious trouble," according to Oil and Gas Journal (October 6, 1975).

COSTS TO THE ECONOMY

1. Lessen Competition and Raise Prices: In an analysis of the Administration's proposal to subsidize the development and production of 350,000 barrels per day of synthetic fuels, the Congressional Budget Office reported: "Although potentially effective in achieving production targets, the Administration's proposed incentives may reduce competition, increase costs of producing synthetic fuels, and adversely affect private capital markets." ("Commercialization of Synthetic Fuels," Congressional Budget Office, January 16, 1976).

2. Divert Capital Away From Other Sectors of the Economy: Extensive federal intervention in investment markets will drain scarce capital away from housing, transportation, consumer goods, and public services—all areas that provide more jobs and other benefits to the nation. Competition for the remaining capital will drive up interest rates for consumer and commercial credit. In testimony to the Science and Technology Committee, Assistant Treasury Secretary Gerald Parsky stated: "The proposed program of Federal incentives will direct capital from other areas of our economy into synthetic fuels production."

3. Disadvantage Alternative Energy Sources: Attracting investment capital into synthetic fuels projects will disadvantage alternative energy projects that could otherwise have obtained private financing. As Mr. Parsky warned in an internal memo last year: "More economical projects, including more economical domestic energy projects, will be 'crowded out' by the forced diversion of funds to the less economic synfuels projects . . . Once one energy project is subsidized, others will seek similar treatment, including some, like the Alaska Natural Gas project, which should be economically viable."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MILFORD (at the request of Mr. O'NEILL), for today, on account of illness.

Mr. GIAIMO (at the request of Mr. O'NEILL), for this week, on account of surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PEPPER, Thursday, May 20, for 60 minutes, and to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. OBERSTAR), to revise and extend their remarks, and to include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. SMITH of Iowa, for 5 minutes, today.

Mr. DOWNEY of New York, for 15 minutes, today.

Mr. HAYES of Indiana, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCHEUER and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $764.50.

(The following Members (at the request of Mrs. SMITH of Nebraska) and to include extraneous material:)

Mr. SARASIN.
Mr. MCCLORY.
Mr. FORSYTHE.
Mrs. PETTIS.
Mr. BEARD of Tennessee.
Mr. MICHEL in two instances.
Mr. BURGENER in two instances.
Mr. RHODES.
Mr. WIGGINS.
Mr. MYERS of Indiana.
Mr. LENT.
Mr. SHRIVER.
Mr. ARMSTRONG.
Mr. LAGOMARSINO.
Mr. TAYLOR of Missouri.
Mr. J. WILLIAM STANTON in two instances.
Mr. TREEN.

(The following Members (at the request of Mr. OBERSTAR) and to include extraneous material:)

Mr. TEAGUE.
Mr. ROSENTHAL.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. EILBERG in three instances.
Mr. EDGAR.
Mr. MCDONALD of Georgia in three instances.
Mr. WOLFF.
Mrs. SULLIVAN.
Mr. REES.
Mrs. KEYS.
Mr. CORMAN in 10 instances.
Mr. MOTTL.
Mr. MEEDS.
Mr. MEZVINSKY.
Mr. SCHEUER.
Mr. DRINAN in two instances.
Mr. FRASER in five instances.
Mr. FISHER.
Mr. NIX.
Mrs. LLOYD of Tennessee.
Mr. DOWNEY of New York.
Mr. BINGHAM in 10 instances.
Mr. CLAY.
Mr. HAYES of Indiana in 10 instances.
Mrs. MEYNER.
Mr. MAGUIRE.
Mrs. SCHROEDER.
Mrs. BURKE of California.
Mr. MAZZOLI.
Mr. OBEY.
Mr. RANGEL.
Mr. FLYNT.
Mr. LEHMAN.
Mr. JOHNSON of California.
Mr. BALDUS.
Mr. OBERSTAR.
Mr. HARRINGTON.
Mr. STARK.
Mr. BENNETT in two instances.

ENROLLED BILL SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11619. An act to authorize further appropriations for the Council on Environmental Quality.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on May 17, 1976, present to the President, for his approval, bills of the House of the following title:

H.R. 7656. An act to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer information, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products;

H.R. 8957. An act to raise the limitation on appropriations for the United States Commission on Civil Rights; and

H.R. 12216. An act to amend the Domestic Volunteer Service Act of 1973 to extend the operation of certain programs by the ACTION Agency.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 19, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3305. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the U.S. Information Agency for "Salaries and expenses" for fiscal year 1976 has been apportioned on a basis which indicates the necessity for a supplemental appropriation, pursuant to section 3679 of the Revised Statutes [31 U.S.C. 665(e)(2)]; to the Committee on Appropriations.

3306. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 6082 of title 10, United States Code, to provide for the use of margarine as part of the Navy ration; to the Committee on Armed Services.

3307. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to extend the authorizations for rural housing programs; to the Committee on Banking, Currency and Housing.

3308. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during March 1976 to Communist countries; to the Committee on Banking, Currency and Housing.

3309. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations for special projects for arts education, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3310. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations for the program for the gifted and talented, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3311. A letter from the Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting proposed final criteria for the funding of proposals in the foreign language and area studies fellowships program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3312. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Coe and Van Loo Consulting Engineers, Inc., Phoenix, Ariz, for a research project entitled "Conceptual Design and Engineering Economics and Environmental Analyses of Surface Pit Slope Caving Mining System," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3313. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Bendix Corp., Denver, Colo., for a research project entitled "Development of a System for High Speed Drilling of Small Diameter Roof Bolt Holes," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3314. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with the Ansul Co., Marinette, Wis., for a research project entitled "Improved Fire Protection System for Underground Fueling Areas," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3315. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Battelle-Pacific Northwest Laboratories, Richland, Wash., for a research project entitled "Development of Large Diameter Drilling Equipment (Phase I)," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3316. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Colorado School of Mines, Golden, Colo., for a research project entitled "Development of a System for High Speed Drilling of Small Diameter Roof Bolt Holes," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3317. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports on political contributions made by Ambassadors-designate Viron P. Vaky and Robert V. Keeley and their families, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

3318. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Phillip V. Sanchez and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

3319. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title V of the Merchant Marine Act, 1936; to the Committee on Merchant Marine and Fisheries.

3320. A letter from the Chairman, Marine Mammal Commission, transmitting a draft of proposed legislation to amend the Marine Mammal Protection Act of 1972 to extend the authorization of appropriations for the continuation of administration and implementation; to the Committee on Merchant Marine and Fisheries.

3321. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, submitting a report on the Wallkill River, N.Y., and N.J. (H. Doc. No. 94–499); to the Committee on Public Works and Transportation and ordered to be printed with illustrations.

3322. A letter from the Chairman, National Transportation Safety Board, transmitting copies of letters exchanged between the Board and the Office of Management and Budget concerning the interpretation of section 304(b)(7) of the Independent Safety Board Act, pursuant to that section; to the Committee on Public Works and Transportation.

Received From the Comptroller General

3323. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during April 1976, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

3324. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Federal Prison Industries, Inc., Department of Justice, for fiscal year 1975, pursuant to section 106 of the Government Corporation Control Act, as amended [31 U.S.C. 851] (H. Doc. No. 94–500); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REUSS: Committee on Banking, Currency and Housing. Supplemental report on H.R. 12945. A bill to amend and extend laws relating to housing and community development (Rept. No. 94–1091, pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. Supplemental report on H.R. 13555. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act and to transfer certain functions relating to coal mine health and safety under the Federal Coal Mine Health and Safety Act of 1969 (Rept. No. 94–1147, pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Georgia: Committee on Rules. House Resolution 1203. Resolution providing for the consideration of H.R. 13589. A bill to authorize appropriations for the U.S. Information Agency, and for other purposes (Rept. No. 94–1177). Referred to the House Calendar.

Mr. YOUNG of Georgia: Committee on Rules. House Resolution 1204. Resolution providing for the consideration of H.R. 13680. A bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and and for other purposes (Rept. No. 94–1178). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEARD of Tennessee:

H.R. 13836. A bill to provide that whenever the exportation of any agricultural commodity is prohibited or curtailed as a result of action taken by the President or any Federal agency, the exportation of any primary element in the production of such agricultural commodity shall be prohibited or curtailed in the same manner and to the same extent; to the Committee on International Relations.

By Mr. BRINKLEY (for himself, Mr. Beard of Rhode Island; Mr. Dan Daniel, Mr. Robert W. Daniel, Jr., Mr. Dickinson, Mr. Henderson, Mr. Johnson of Colorado, Mr. Nichols, Mr. Quillen, Mr. Scheuer, Mr. Yatron, Mr. Frenzel, Mr. Rogers, and Mr. Alexander):

H.R. 13837. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. BRINKLEY (for himself, and Mr. Treen):

H.R. 13838. A bill to amend section 4940 of the Internal Revenue Code of 1954 to change the excise tax on the investment income of private foundations from 4 percent to 2 percent; to the Committee on Ways and Means.

H.R. 13839. A bill to amend the Internal Revenue Code of 1954 to modify the charitable distribution requirements imposed upon foundations; to the Committee on Ways and Means.

By SCHNEEBELI (for himself, Mr. Rhodes, Mr. Conable, Mr. Duncan of Tennessee, Mr. Archer, Mr. Vander Jagt, Mr. Frenzel, and Mr. Martin):

H.R. 13840. A bill to provide estate tax relief for moderate estates and the owners of small businesses and family farms; to the Committee on Ways and Means.

By Mr. CEDERBERG (for himself and Mr. Brown of Michigan):

H.R. 13841. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

Mr. D'AMOURS:

H.R. 13842. A bill to amend the Internal Revenue Code; to the Committee on Ways and Means.

Mr. MOORHEAD of California:

H.R. 13843. A bill to incorporate the American Blood Commission; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 13844. A bill to amend the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief, and for other purposes; to the Committee on Armed Services.

By Mr. MOSHER:

H.R. 13845. A bill to establish a national program of earthquake hazards reduction; to the Committee on Science and Technology.

By Mr. MOTTL (for himself, Mr. Beard of Rhode Island, Mr. John L. Burton, Mr. Clay, Mr. Conyers, Mr. Dominick V. Daniels, Mr. Edwards of California, Mr. Eilberg, Mr. Harrington, Mr. Hyde, Mr. Mathis, Mr. Nowak, Mr. Ottinger, Mr. Patterson of California, Mr. Roybal, Ms. Spellman, Mr. Studds, and Mr. Charles H. Wilson of California):

H.R. 13846. A bill to permit the payment of interest on demand deposits which consist of public funds of the United States or of a State or a political subdivision or instrumentality of a State; to the Committee on Banking, Currency and Housing.

By Mr. NIX:

H.R. 13847. A bill to amend title 5, United States Code, to guarantee to each employee in the competitive service who has completed the probationary or trial period, the right to a hearing, a hearing transcript, and all relevant evidence prior to a final decision of an agency to take certain action against such an employee, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13848. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mr. NIX (for himself, Ms. Abzug, Mr. Badillo, Mr. Bingham, Mrs. Burke of California, Mr. Phillip Burton, Mr. Carney, Mr. Clay, Mr. Conyers, Mr. Cotter, Mr. de Lugo, Mr. Dodd, Mr. Edgar, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fauntroy, Mrs. Fenwick, Mr. Ford of Tennessee, Mr. Fraser, Mr. Frenzel, Mr. Harris, Mr. Helstoski, Mr. Hughes, and Mr. Hungate):

H.R. 13849. A bill to provide for the issuance of a commemorative postage stamp in honor of Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself, Mr. Koch, Mr. Krueger, Mr. Lehman, Mr. Maguire, Mr. Mazzoli, Mr. Metcalfe, Mr. Mikva, Mr. Miller of California, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Ottinger, Mr. Patterson of California, Mr. Richmond, Mr. Roe, Mr. Rosenthal, Mr. Stark, Mr. Simon, Mr. Solarz, Mr. Stokes, Mr. Symington, Mr. Charles Wilson of Texas, Mr. Wolff, and Mr. Yatron):

H.R. 13850. A bill to provide for the issuance of a commemorative postage stamp in honor of Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself and Mr. Young of Georgia):

H.R. 13851. A bill to provide for the issuance of a commemorative postage stamp in honor of Dr. Martin Luther King, Jr.; to the Committee on Post Office and Civil Service.

By Mr. PERKINS:

H.R. 13852. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RISENHOOVER:

H.R. 13853. A bill to amend medicare and medicaid provisions as they relate to rural health care facilities; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mr. Fithian):

H.R. 13854. A bill to provide for the orderly reorganization of certain functions of Federal agencies and departments, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and Government Operations.

By Mr. ADDABBO:

H.R. 13855. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for the training and education of private security personnel; to the Committee on the Judiciary.

H.R. 13856. A bill to amend the act commonly known as the Miller Act to raise the dollar amount of contracts to which such act applies from $2,000 to $25,000; to the Committee on the Judiciary.

H.R. 13857. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to reduce the amount of performance and payment bonds in connection with contracts let to the administration under section 8(a) of such act; to the Committee on Small Business.

By Mr. ADDABBO (for himself and Mr. Corman):

H.R. 13858. A bill to amend the Small Business Act to require the utilization of small business as a condition of receiving certain amounts of Federal financial assistance for the procurement of articles, equipment, supplies, services, materials, or construction work; to the Committee on Small Business.

By Mr. BROWN of Ohio:

H.R. 13859. A bill to provide for the protection of franchised distributors and retailers of motor fuel; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself and Mr. Maguire):

H.R. 13860. A bill to strengthen the warning label required on cigarette packages, extend such warning to cigarette advertisements, regulate smoking in Federal facilities and in facilities serving interstate common carrier passengers, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, Public Works and Transportation, and Ways and Means.

By Mr. ECKHARDT:

H.R. 13861. A bill to study certain lands for suitability for preservation as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 13862. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. EILBERG (for himself, Mr. Badillo, Mr. Rangel and Mr. Zeferetti):

H.R. 13863. A bill to establish a national lottery in the Department of the Treasury and to provide that revenues from such lottery be used to provide assistance to low-income senior citizens in paying their electric and telephone bills; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. Simon, and Mr. Stark):

H.R. 13864. A bill to terminate the granting of construction licenses of nuclear fission powerplants in the United States pending action by the Congress following a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technology Assessment, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. LEGGETT (for himself and Mr. Forsythe):

H.R. 13865. A bill to amend the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidental to the course of commercial fishing operations; to the Committee on Merchant Marine and Fisheries.

By Mr. LEHMAN:

H.R. 13866. A bill to amend the Federal Reports Act, and for other purposes; to the Committee on Government Operations.

By Mr. McDADE:

H.R. 13867. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE:

H.R. 13868. A bill to amend the Public Health Service Act to encourage the formation of comprehensive medical practices, to encourage medical training in such practices, to encourage the study of systems of delivery of health care, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Ohio:

H.R. 13869. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. MOSS (for himself and Mr. Stark):

H.R. 13870. A bill to amend the Securities Exchange Act of 1934 to require issuers of securities registered pursuant to section 12 of such act to maintain accurate records and to furnish reports relating to certain foreign payments, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 13871. A bill to establish a program to facilitate the purchase of life insurance by cancer victims; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Badillo, Mr. Bingham, and Mr. Koch):

H.R. 13872. A bill to amend the Regional Rail Reorganization Act of 1973 to authorize States to acquire certain rail properties from the Consolidated Rail Corporation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REES (for himself, Mr. Fauntroy, Mr. Nowak, and Mr. Stuckey):

H.R. 13873. A bill to establish procedures for settling disputes involving compensation and other conditions of employment between the government of the District of Columbia and the policemen and firemen or the teachers of the District of Columbia; to the Committee on the District of Columbia.

By Mr. RISENHOOVER:

H.R. 13874. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communication Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing sepcialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY (for himself, Mr. Perkins, Mr. Pepper, Mr. Carter, Mr. Breckinridge, Mr. Thompson, Mr. Mazzoli, Mr. Chappell, and Mr. Snyder):

H.R. 13875. A bill to regulate interstate commerce with respect to wagering on horseracing, to maintain the stability of the horseracing industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN (for himself, Mr. Reuss, Mr. Annunzio, Mr. Hanley, Mr. Moorhead of Pennsylvania, Mr. Neal, Mr. Derrick, Mr. Ashley, Mrs. Boggs, Mr. Hannaford, Mr. D'Amours, Mr. Rees, Mr. Wylie, Mr. Gradison, and Mr. Hyde):

H.R. 13876. A bill to provide for Federal regulation of participation by foreign banks in domestic financial markets; to the Committee on Banking, Currency and Housing.

By Mr. SCHEUER:

H.R. 13877. A bill to amend the Securities Exchange Act of 1934, to create within the Securities and Exchange Commission a Division of Consumer Affairs; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 13878. A bill to authorize appropriations for the Winter Olympic games, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON (for himself and Mr. Clay):

H.R. 13879. A bill to extend and modify provisions relating to Federal expenditures to correct or compensate for structural defects present in homes purchased with federally insured mortgages; to the Committee on Banking, Currency and Housing.

By Mr. THONE:

H.R. 13880. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TREEN (for himself, Mr. Whitehurst, Mr. Duncan of Tennessee, Mrs. Boggs, Mr. McCloskey, Mr. Anderson of Illinois, Mr. Hyde, Mr. Frenzel, and Mr. Flood):

H.R. 13881. A bill to increase the salaries of justices, judges, and certain other personnel in the judicial branch; to the Committee on the Judiciary.

By Mr. BELL:

H.J. Res. 955. Joint resolution to save the whales from extinction; to the Committee on Merchant Marine and Fisheries.

By Mrs. BURKE of California (for herself, Mr. Badillo, Mr. Boland, Mr. Corman, Mr. Eilberg, Mrs. Fenwick, Mr. Ford of Michigan, Mr. Harrington, Mr. Hawkins, Ms. Keys, Mr. Krebs, Mr. Krueger, Mr. Mazzoli, Mr. Melcher, Mr. Mitchell of Maryland, Mr. Pepper, Mr. Richmond, Mr. Rosenthal, Mr. Sarbanes, Mr. Scheuer, Mr. Simon, Mr. Stark, Mr. Waxman, and Mr. Whitehurst):

H.J. Res. 956. Joint resolution to designate March 13–19, 1977, as National Community Health Week; to the Committee on Post Office and Civil Service.

By Mrs. BURKE of California (for herself, Mr. Diggs, Mr. Howard, Mr. Matsunaga, Mr. Patterson of California, Mr. Rodino, and Mrs. Spellman):

H.J. Res. 957. Joint resolution to designate March 13–19, 1977, as National Community Health Week; to the Committee on Post Office and Civil Service.

By Mr. RISENHOOVER (for himself and Mr. Rhodes):

H.J. Res. 958. Joint resolution authorizing the President to proclaim the week of October 10 through 16, 1976, as Native American Awareness Week; to the Committee on Post Office and Civil Service.

By Mr. FINDLEY (for himself, Mr. Breckinridge, and Mr. Pressler).

H. Con. Res. 638. Concurrent resolution to protest European duties on oilseeds and oilseed meal; to the Committee on Ways and Means.

By Mr. HARKIN:

H. Con. Res. 639. Concurrent resolution expressing the sense of Congress that the Soviet Union should release Georgi Vins from imprisonment; to the Committee on International Relations.

By Mr. BRADEMAS (for himself and Mr. Peyser):

H. Res. 1197. Resolution expressing the congratulations and appreciation of the House of Representatives to Carnegie Hall for its 85 years of cultural enrichment and artistic achievement; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H. Res. 1198. Resolution to provide assistance to Lebanon and appealing for a ceasefire; to the Committee on International Relations.

By Mr. FINDLEY (for himself and Mr. Simon):

H. Res. 1199. Resolution relative to committee hearings on the Nation's future telecommunication policy; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTEN:

H. Res. 1200. Resolution to insure that the quality and quantity of free broadcasting service not be impaired; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H. Res. 1201. Resolution expressing the sense of the House regarding the transfer of fissionable material to any nonsignatories of the Nuclear Non-Proliferation Treaty; to the Joint Committee on Atomic Energy.

By Mr. SYMINGTON (for himself, Mr. Burke of Massachusetts, and Mr. D'Amours):

H. Res. 1202. Resolution calling on the Committee on Ways and Means to require an investigation by the U.S. International Trade Commission into the injury to the domestic nonrubber footware industry being caused by imports; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

389. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to national defense; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

465. By the SPEAKER: Petition of the Hawaii County Republican Convention, Hilo, Hawaii, relative to the Panama Canal; to the Committee on International Relations.

466. Also, petition of Ray C. Dietrich, Sacramento, Calif., relative to foreign policy; to the Committee on International Relations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 9560

By Mr. EDGAR:

Strike section 17.

Renumber following sections accordingly.

On page 29, in line 8, strike out "$50,000" and insert in lieu thereof "$500,000".

On page 29, in line 18, strike out "$100,000" and insert in lieu thereof "$1,000,000".

On page 29, in line 20, strike out "$500,000" and insert in lieu thereof "$1,500,000".

H.R. 12169

By Mr. FITHIAN:

On page 6, between lines 19 and 20 insert the following new subsections:

"(C) On July 1, 1976, all functions identified as assigned to the Office of Energy Policy and Analysis shall be transferred to the Energy Research and Development Administration.

"(D) Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions: *Provided, however,* That no appropriated funds may be used for a payment of the salaries of personnel employed in the execution of functions transferred by this Act in excess of the number of personnel engaged in such duties on January 1, 1976.

"(E) Any reference in any other Federal law to functions transferred by this section from the Federal Energy Administration, or to any officer or employee thereof, shall be held and considered to refer to the Administrator of the Energy Research and Development Administration or his delegate.

"(F) In the exercise of functions, the same authority as that vested in the Administrator of the Federal Energy Administration immediately prior to the transfer of the functions by this Act shall be found in those to whom the functions are transferred, except to the extent such functions are limited by this Act.

"(G) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Federal Energy Administration, by any Federal department or agency or any official thereof, or by a court of competent jurisdiction, in the performance of functions that were transferred under this section, and

(2) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, or other authorized officials, a court of competent jurisdiction, or by operation of law.

"(H) This Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or any component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent they relate to functions so transferred, shall be continued in the name of those persons to whom the functions are so transferred. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions, and to the same extent, that such proceeding could have been discontinued if this Act had not been enacted.

"(I) No suit, action, or other proceeding commenced by or against the Federal Energy Administration or any other office or agency or any officer of the United States acting in any such official capacity shall abate by reason of this section, and in all such suits, actions, or proceedings, appeals shall be taken, and judgments rendered in the same manner and effect, as if this subsection had not been enacted."

On page 7, between lines 2 and 3, insert the following new subsections:

"(C) On July 1, *1976*, all functions identified as assigned to the Office of Regulatory Programs as of January 1, 1976 and those functions identified as assigned to the Office of Private Grievances and Redress as of January 1, 1976 within the Office of Executive Direction and Administration shall be transferred to the Federal Power Commission.

"(D) Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions: *Provided, however,* That no appropriated funds may be used for the payment of the salaries of personnel employed in the execution of functions transferred by this Act in excess of the number of personnel engaged in such duties on January 1, 1976.

"(E) Any references in any other Federal law to functions transferred by this section from the Federal Energy Administration, or to any officer or employee thereof, shall be held and considered to refer to the Commissioner of the Federal Power Commission or his delegate.

"(F) In the exercise of functions, the same authority as that vested in the Administrator of the Federal Energy Administration immediately prior to the transfer of the functions by this Act shall be found in those to whom the functions are transferred, except to the extent such functions are limited by this Act.

"(G) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Federal Energy Administration, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that were transferred under this section, and

"(2) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, or other authorized officials, a court of competent jurisdiction, or by operation of law.

"(H) This Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or any component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent they relate to functions so transferred, shall be continued in the name of those persons to whom the functions are so transferred. Orders shall be issued in such proceedings, appeals shall be taken from therefrom, and payments shall be made pursuant to such orders as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by an operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions, and to the same extent, that such proceedings could have been discontinued if this Act had not been enacted.

"(I) No suit, action, or other proceeding commenced by or against the Federal Energy Administration or any other office or agency or any officer of the United States acting in any such official capacity shall abate by reason of this section, and in all such suits, actions, or proceedings, appeals shall be taken, and judgments rendered in the same manner and effect as if this subsection had not been enacted.

On page 7, between lines 18 and 19, insert the following new subsections.

"(D) on July 1, 1976, all functions identified as assigned to the Office of Conservation and Environment as of January 1, 1976, shall be transferred to the Energy Research and Development Administration."

"(E) Personnel engaged in functions transferred under this Section shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions; *Provided, however,* That no appropriated funds may be used for the payment of the salaries of personnel employed in the execution of functions transferred by this Act in excess of the number of personnel engaged in such duties on January 1, 1976.

"(F) Any references in any other Federal law to functions transferred by this section from the Federal Energy Administration, or to any officer or employee thereof, shall be held and considered to refer to the Administrator of the Energy Research and Development Administration or his delegate.

"(G) In the exercise of functions, the same authority as that vested in the Administrator of the Federal Energy Administration immediately prior to the transfer for the functions by this Act shall be found in those to whom the functions are transferred, except to the extent such functions are limited by this Act.

"(H) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Federal Energy Administration, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that were transferred under this section, and

"(2) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, or other authorized officials, a court of competent jurisdiction, or by operation of law.

"(I) This Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or any component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent they relate to functions so transferred, shall be continued in the name of those persons to whom the functions are so transferred. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modication of any such proceeding under the same terms and conditions, and to the same extent, that such proceeding could have been discontinued if this Act had not been enacted.

"(J) No suit, action, or other proceeding commenced by or against the Federal Energy Administration or any other office or agency or any officer of the United States acting in any such proceedings shall continue in effect son of this section, and in all such suits, actions, or proceedings, appeals shall be taken, and judgments rendered in the same manner and effect as if this subsection had not been enacted."

On page 8, between lines 2 and 3, insert the following new subsections:

"(C) On July 1, 1976, all functions identified as assigned to the Office of Energy Resource Development shall be transferred to the Department of the Interior."

"(D) Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to the transfer of function; *Provided, however,* That no appropriated funds may be used for the payment of the salaries of personnel employed in the execution of functions transferred by this Act in excess of the number of personnel engaged in such duties on January 1, 1976.

"(E) Any references in any other Federal law to functions transferred by this section from the Federal Energy Administration, or any officer or employee thereof, shall be held and considered to refer to the Secretary of the Department of the Interior.

"(F) In the exercise of functions, the same authority as that vested in the Administrator of the Federal Energy Administration immediately prior to the transfer of the functions by this Act shall be found in those to whom the functions are transferred, except to the extent such functions are limited by this act.

"(G) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Federal Energy Administration, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that were transferred under this section, and

"(2) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, or other authorized officials, a court of competent jurisdiction, or by operation of law.

"(H) This Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or any component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent they relate to functions so transferred, shall be continued in the name of those persons to whom the functions are so transferred. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions, and to the same extent, that such proceeding could have been discontinued if this Act had not been enacted.

"(I) No suit, action, or other proceeding commenced by or against the Federal Energy Administration or any other office or agency or any officer of the United States acting in any such official capacity shall abate by reason of this section, and in all such suits, actions, or proceedings, appeals shall be taken, and judgments rendered in the same manner and effect as if this subsection had not been enacted.

On page 8, between lines 8 and 9, add the following new subsections:

"(C) On July 1, 1976, all functions identified as assigned to the Office of International Energy Affairs as of January 1, 1976, shall be transferred to the Energy Research and Development Administration."

"(D) Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions; *Provided, however,* That no appropriated funds may be used for the payment of the salaries of personnel employed in the execution of functions transferred by this Act in excess of the number of personnel in such duties on January 1, 1976.

"(E) Any references in any other Federal law to functions transferred by this section from the Federal Energy Administration, or to any officer or employee thereof, shall be held and considered to refer to the Administrator of the Energy Research and Development Administration or his delegate.

"(F) In the exercise of functions, the same authority as that vested in the Administrator of the Federal Energy Administration immediately prior to the transfer of the functions by this Act shall be found in those to whom the functions are transferred, except to the extent such functions are limited by this Act.

"(G) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective by the Administrator of the Federal Energy Administration, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that were transferred under this section, and

"(2) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, or other authorized officials, a court of competent jurisdiction, or by operation of law.

"(H) This Act shall not affect any proceeding pending, at the time this section takes effect, before any department or agency (or any component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent they relate to functions so transferred, shall be continued in the name of those persons to whom the functions are so transferred. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions, and to the same extent, that such proceeding could have been discontinued if this Act had not been enacted.

"(I) No suit, action, or other proceeding commenced by or against the Federal Energy Administration or any other office or agency or any officer of the United States acting in any such official capacity shall abate by reason of this section, and in all such suits, actions, or proceedings, appeals shall be taken, and judgments rendered in the same manner and effect as if this subsection had not been enacted.

Page 10, line 4, strike out "September 30, 1979" and insert in lieu thereof "December 31, 1977".

Page 10, after line 4, insert the following:

"Prohibition of Certain Employment After Employment With the Federal Energy Administration

"Sec. 3. Section 7 of the Federal Energy Administration Act of 1974 is amended by adding at the end thereof the following new subsection:

"(k) Section 207 of title 18, United States Code, shall apply with respect to any officer or employee of the Federal Energy Administration who has regulatory responsibilities, except that the one-year period specified in such section 207(b) shall be deemed to be three years with respect to any officer or employee who commences employment at the Federal Energy Administration after the date of enactment of this subsection."

By Mr. MOFFETT:

Page 6, line 11, strike out "33,324,000" and insert in lieu thereof "33,086,000".

Page 8, line 22, strike out "$2,274,000" and insert in lieu thereof "2,036,000".

By Mr. OBERSTAR:

Paragraph (9) of section 5(b) of the Federal Energy Administration Act of 1974 is amended to read as follows:

"(9) to collect, analyze and distribute energy information pursuant to the provisions of section 11 of the Energy Supply and Environmental Coordination Act of 1974 (P.L. 93–319) as extended by section 506 of the Energy Policy and Coordination Act (P.L. 94–163), provided that the Administrator, in exercising his authority under any law to collect, analyze or distribute information, shall not, directly or by contract, conduct surveys or polling of public opinion, attitudes or views, or collect, analyze, or disseminate informtion concerning the public attitudes or views gathered in surveys or polling of public opinion, attitudes or views."

By Mrs. SCHROEDER:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Federal Energy Administration is abolished.

ABOLITION OF FUNCTIONS

Sec. 2. The functions of the following offices of the Federal Energy Administration shall be abolished: the functions of the Office of Management and Administration (other than the Office of Private Grievances and Redress); the functions of the Office of Intergovernmental, Regional, and Special Programs; the functions of the Office of Congressional Affairs, the functions of the Office of Communications and Public Affairs; the functions of the Office of the General Counsel; the functions of the Office of the Administrator.

TRANSFER OF FUNCTIONS

Sec. 3. (a) The functions of the following offices of the Federal Energy Administration shall be transferred to other agencies as directed in this section:

(1) The functions of the Offices of Energy Policy and Analysis, Energy Conservation and Environment, and International Energy Affairs shall be transferred to the Energy Research and Development Administration.

(2) The functions of the Office of Energy Resource Development (including the Office of Strategic Petroleum Reserve) shall be transferred to the Department of the Interior.

(3) The functions of the Office of Regulatory Programs (including the Office of Private Grievances and Redress) shall be transferred to the Federal Power Commission.

(b) Personnel engaged in functions transferred under this section shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions; *Provided, however,* That no appropriated funds may be used for the payment of the salaries of personnel employed in the execution of functions transferred by this Act in excess of the number of personnel engaged in such duties on January 1, 1976.

(c) Any references in any other Federal law to the Federal Energy Administration, or to any officer or employee thereof, shall be held and considered to refer to the Director of the Energy Research and Development Administration or his delegate, the Secretary of the Interior or his delegate, and the Commissioner of the Federal Power Commission or his delegate, or jointly or severally, as the case may require.

(d) In the exercise of functions, the same authority as that vested in the Administrator of the Federal Energy Administration immediately prior to the transfer of the functions by this Act shall be found in those to whom the functions are transferred, except to the extent such functions are limited by this Act.

(e) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Federal Energy Administration, by any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that were transferred under this section, and

(2) which are in effect at the time this section takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(f) This Act shall not affect any proceeding pending, at the time this section takes effect, but before any department or agency (or any component thereof) regarding functions which are transferred by this Act; but such proceedings, to the extent they relate to functions so transferred, shall be continued in the name of those persons so transferred, shall be continued in the name of those persons to whom the functions are so transferred. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions, and to the same extent, that such proceeding could have been discontinued if this Act had not been enacted.

(g) No suit, action, or other proceeding commenced by or against the Federal Energy Administration or any other office or agency or any officer of the United States acting in any such official capacity shall abate by reason of this section, and in all such suits, actions, or proceedings, appeals shall be taken, and judgments rendered in the same manner and effect as if this subsection had not been enacted.

OVERSIGHT RESPONSIBILITIES

Sec. 4. (a) The Director of the Office of Management and Budget shall take such action as may be necessary to insure the abolition of functions under section 2(a), in accordance with applicable laws and regulations relating to the abolition of functions.

(b) The Director of the Office of Management and Budget shall take such action as may be necessary to insure that the offices, employees, assets, liabilities, contracts, property, and records of the Federal Energy Administration employed, held, or used primarily in any transferred function of such agency is to be transferred in accordance with section 3.

(c) The Director of the Office of Management and Budget is hereby directed to take such action as may be necessary to insure that the transfer of functions does not result in any unnecessary duplication.

(d) The Director of the Office of Management and Budget shall report to the Government Operations Committees of the House of Representatives and of the Senate on progress in this matter within 90 days after the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 5. (a) There are authorized to be appropriated, subject to the restrictions of this Act, the following sums:

(1) To carry out the functions identified as assigned to the Office of Regulatory Programs of the Federal Energy Administration as of January 1, 1976 (including the Office of Private Grievances and Redress)—

(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $13,968,000; and

(B) for the fiscal year ending September 30, 1977, not to exceed $64,650,000.

(2) To carry out the functions identified as assigned to the Office of Energy Resource Development of the Federal Energy Administration as of January 1, 1976—

(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $3,052,000; and

(B) for the fiscal year ending September 30, 1977, not to exceed $16,934,000.

(3) To carry out the functions identified as assigned to the Office of Conservation and Environment of the Federal Energy Administration as of January 1, 1976—

(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $7,386,000;

(B) for the fiscal year ending September 30, 1977, not to exceed $12,596,000; and

(C) for the period beginning July 1, 1976, and ending September 30, 1977, to carry forward demonstration projects to improve electric utility load management procedures and regulatory rate reform initiatives, not to exceed $13,056,000, of which not more than $1,000,000 may be assigned for the purpose of intervention or participation in State regulatory proceedings.

(4) To carry out the functions identified as assigned to the Office of International Energy Affairs of the Federal Energy Administration as of January 1, 1976—

(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $300,000; and

(B) for the fiscal year ending September 30, 1977, not to exceed $1,921,000.

(5) To carry out the functions identified as assigned to the Office of Energy Policy Analysis of the Federal Energy Administration as of January 1, 1976—

(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $8,137,000; and

(B) for the fiscal year ending September 30, 1977, not to exceed $34,971,000.

EFFECTIVE DATE

Sec. 6. This Act shall become effective on the date of enactment or on July 1, 1976, whichever occurs first.

On page 8, strike lines 18 through 23 and insert in lieu thereof the following:

"(1) No amounts shall be expended to carry out the functions identified as assigned to the Office of Communications and Public Affairs, as of January 1, 1976; and"

Page 10, after line 4, insert the following:

TRAVEL EXPENSES

Sec. 3. Section 7(b) of the Federal Energy Administration Act of 1974 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph

(2) No officer or employee of the Federal Energy Administration may be paid or reimbursed for the difference between the cost of any first-class accommodation with respect to air travel and the cost of any other accommodation with respect to air travel, unless—

(A) no other accommodations are available;

(B) first-class accommodation is necessary because of the health of the employee involved;

(C) in the case of foreign travel, only first-class accommodations meet satisfactory standards of sanitation, health, or comfort; or

(D) the cost of first-class accommodation provided by the air carrier involved does not exceed the cost of other accommodations provided by other air carriers.

H.R. 13179

By Mr. VANIK:

Page 3, line 5, immediately after "Sec. 4." insert "(a)"; and immediately after line 15, add the following new subsection:

"(b) After the date of enactment of this Act, any commissioner of the International Joint Commission appointed on the part of the United States, pursuant to article VII of the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington on January 11, 1909 (36 Stat. 2448; TS 548; III Redmond 2607), shall be appointed by the President by and with the advice and consent of the Senate."

Page 10, immediately after line 9, add the following new section:

INTERNATIONAL JOINT COMMISSION

Sec. 14. After the date of enactment of this Act, any commissioner of the International Joint Commission appointed on the part of the United States, pursuant to article VII of the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington on January 11, 1909 (36 Stat. 2448; TS 548; III Redmond 2607), shall be appointed by the President by and with the advice and consent of the Senate.

H.R. 13350

By Mr. GOLDWATER:

Page 16, line 2, after the period, insert the following new section 117, "Sec. 117. Subsection (d) of Section 108 of the Energy Reorganization Act of 1974 (42 U.S.C. 5818) is amended by striking all after the word "resources" and inserting in lieu thereof a period."

By Mr. JACOBS:

Page 32 immediately after line 6 insert the following:

Sec. 405. No moneys authorized to be appropriated by this Act shall be used for the purchase of equipment for or construction of the Clinch River Breeder Reactor until one year after the date on which the Fast Flux Test Facility (FFTF) at Hanford, Washington begins operation at not less than 50% of the design power.

By Mr. JEFFORDS:

Page 2, line 9 strike out "$1,047,182", and insert in lieu thereof "$1,163,382,000."

Page 3, strike out line 21 and insert in lieu thereof the following:

(5) Other Solar Energy Programs:

(A) Agricultural and process heat, $6,700,000.

(B) Solar thermal conversion, $65,000,000.

(C) Ocean thermal energy conversion, $17,000,000.

(D) Photovoltaics, $81,000,000.

(E) Wind energy conversion, $28,800,000.

(F) Fuels from biomass, $6,000,000.

(G) Technical support, $8,500,000.

(H) Solar Energy Research Institute, $2,500,000.

(I) Report on solar-electric generation systems (as provided in section 112), $1,000,000.

(J) Additional program support (in accordance with section 113), $1,500,000.

Page 5, after line 24, insert the following new subsection:

(d) There is also authorized—

(1) for construction of project 76–2–C, total energy demonstration facility, 1 megawatt electric, 10 megawatts thermal, the sum of $4,000,000;

(2) for construction of project 77–2–A, solar thermal electric demonstration powerplant for a small community, electric cooperative or municipal utility, 5 megawatts (baseline design studies), the sum of $2,500,000;

(3) for construction of project 77–2–B, solar electric-hygrid (photovoltaic-coal) demonstration powerplant, 10 megawatts (baseline design studies and utility interconnect studies), the sum of $4,000,000;

(4) for construction of project 77–2–C, solar thermal electric demonstration powerplant for agricultural use, 5 megawatts (baseline design studies), the sum of $2,500,000;

(5) for construction of project 76–2–B, 10 megawatts central receiver solar thermal powerplant, the sum of $5,000,000;

(6) for construction of project 77–2–D, 5 megawatts distributed collector receiver solar thermal test facility, the sum of $3,000,000; and

(7) for construtcion of project 77–2–E, 10 megawatts wind electric test facility (baseline design studies), the sum of $4,000,000.

Page 12, after line 7, add the following new section (and redesignate the succeeding sections accordingly):

Sec. 112. On or before September 30, 1977, the Administrator shall report to the President and the Congress on the integration of existing electric utility systems with decentralized solar-electric generation systems. Such report shall contain an analysis of the total impact of widespread use of solar energy systems, including as a separate project an evaluation of the impact of large scale use of solar energy systems (especially on-site generating systems) on the existing utility structure. Such report shall also include a statement of—

(1) the extent to which reserve utility electric generation capacity is necessary or appropriate to support solar-electric generation systems and their related energy storage devices;

(2) the possible funding arrangements for reserve utility electric generation capacity necessary to support solar-electric generation systems and their related energy storage devices; and

(3) the extent to which a greater integration of existing electric grids, and extensive use of energy storage devices for decentralized solar-electric generation systems, will minimize the need for reserve utility electric generation capacity to support such systems.

Page 12, after line 7, add the following new section (and redesignate the succeeding sections accordingly):

Sec. 113. There shall be within the Solar Division of the Administration the following positions (in addition to those currently existing within such Division):

(1) Assistant Director for Solar Thermal Programs (1 position, GG–17).

(2) Assistant Director for Photovoltaic Programs (1 position, GG–17).

(3) Supervisory Engineers (6 positions, GG–16).

(4) Program Managers (engineers, economists, physical scientists, mathematicians, systems analysts, etc.) (12 positions, GG–15).

(5) Technical Specialists (engineers, economists, physical scientists, mathematicians, systems analysts, etc.) (20 positions, GG–14).

(6) Technical Specialists (engineers, economists, physical scientists, mathematicians, systems analysts, etc.) (10 positions, GG–13).

(7) Supporting clerical and administrative personnel (24 positions, grades 4–9).

Page 12, after line 7, add the following new section (and redesignate the succeeding sections accordingly):

Sec. 114. (a) Notwithstanding any other provision of law, at least 20 per centum of the total amount of funds made available pursuant to this title for energy programs in the area of solar energy technology shall be available exclusively to small business concerns and individual inventors.

(b) For purposes of subsection (a)—

(1) the term "small business concern" has the meaning given it by the Administrator of the Small Business Administration under—

(A) section 3 of the Small Business Act (Public Law 85–536; 72 Stat. 384); or

(B) section 103(5) of the Small Business Investment Act of 1958 (Public Law 85–699; 72 Stat. 690); and

(2) the term "individual inventor" means any individual who is under no obligation to transfer to any other person or any government or governmental agency any interest in any invention, discovery, or other property with respect to which such individual seeks any contract or other assistance in any energy program in the area of solar energy technology.

By Mr. SIMON:

Page 32, immediately after line 6, insert the following:

Sec. 405. In addition to any other sums authorized to be appropriated by this Act, there are authorized to be appropriated for the fiscal year 1977 such sums as may be necessary to permit the Administration to cooperate with the International Atomic Energy Agency in appropriate studies of the feasibility of the implementation of Article 12, paragraph (A)(5) of the Charter of such Agency.

Page 32, immediately after line 6, insert the following:

Sec. 405. In addition to any other sums authorized to be appropriated by this Act, there are authorized to be appropriated such sums for the fiscal year 1977 as shall be necessary for the Administration to make a study of plutonium balances which may exist in other countries as a result of United States exports of nuclear materials to determine if it would be in the best interest of the United States to repurchase or to otherwise reacquire the plutonium (whether in separated form or contained in the form of spent fuel) in order to reduce the possibility of the use of plutonium for weapons production by other countries. The Administration shall report the results of this study to Congress no later than 180 days after the date of the enactment of this Act.

By Mr. STARK:

Page 32, immediately after line 6, insert the following:

Sec. 405. The Administrator shall not use any funds appropriated pursuant to this Act under any contract in effect on or after October 1, 1977 for research, services, or material conducted or supplied by the Lawrence Livermore Laboratory for the Energy Research and Development Administration unless that contract specifically provides that the employees of the Lawrence Livermore Laboratory will be guaranteed the establishment of an impartial grievance procedure and further guarantees employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities provided however that no employee rights or activities shall be guaranteed in such contract which would be in violation of California State Law.

H.R. 13680

By Mr. RANGEL:

On page 73, after line 10, add a new section:

Sec. 418. In addition to any amounts otherwise available for such purposes, there is authorized to be appropriated to the President for the fiscal year 1977, to carry out the proposals made by the Secretary of State in Lusaka, Zambia, on April 27, 1976, the following amounts:

(1) $30,000,000 for security supporting assistance for Zaire;

(2) $30,000,000 for security supporting assistance for Zambia; and

(3) $25,000,000 for security supporting assistance and economic assistance for other countries in southern Africa affected by the crisis in that region.

Such sums are authorized to remain available until expended.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the Congressional Record of May 17, 1976, page 14095.

H.R. 13456. April 29, 1976. District of Columbia. Grants judicial officers the power to deny pretrial release to persons charged with the commission of violent crimes if there is reason to believe that such persons would flee or pose a danger to others or the community.

H.R. 13457. April 29, 1976. Armed Services. Prohibits any research activities by the Department of Defense or its contracting parties where human subjects are at risk unless the risks are substantially outweighed by the benefit to the subject and importance of the knowledge to be gained. Prohibits such experimentation without the express approval of the Committees on Armed Services of the Congress. Requires the informed consent of individuals participating in such procedures. Prohibits the undue inducement of prisoners or individuals involuntarily confined in mental institutions to participate in such experiment. Requires the onsite supervision by a representative of the Secretary of Defense during such experimentation.

H.R. 13458. April 29, 1976. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire certain lands to establish the Frederick Law Olmsted Home and Office in Massachusetts as a national historic site.

H.R. 13459. April 29, 1976. Ways and Means. Establishes a national lottery in the Department of the Treasury and creates a trust fund to be known as the Lottery Trust Fund. Provides that revenues from such lottery be used to render assistance to low-income senior citizens in paying their electric and telephone bills.

H.R. 13460. April 29, 1976. Armed Services. Grants eligibility for retired pay to members of the Armed Forces reserves who performed active duty service during specified periods of time or who performed at least 20 years of service after August 15, 1945.

H.R. 13461. April 29, 1976. Post Office and Civil Service. Includes as creditable service for civil service retirement, service performed by special agents of the Bureau of the Census who are paid on a piece price basis.

H.R. 13462. April 29, 1976. Ways and Means. Amends the Internal Revenue Code to permit a charitable contribution of any literary, musical, or artistic composition or similar property to be deducted at its fair market value.

H.R. 13463. April 29, 1976. Judiciary. Institutes the death penalty for specified destructive acts to airports, airplanes, and related things and places where death of any person results and prescribes a fine of not more than $100,000, or imprisonment for any term of years, or both, where no death results.

H.R. 13464. April 29, 1976. Ways and Means. Amends the Internal Revenue Code of 1954 to extend until December 31, 1977, the period during which a member of a recognized religious sect or division thereof may apply for exemption from the tax on self-employment income if such member is opposed, because of his religious beliefs, to acceptance of the benefits of any insurance which makes payments in the event of death, disability, old age, or retirement, or which makes payments for medical care.

H.R. 13465. April 29, 1976. Ways and Means. Allows an individual to take a tax credit, under the Internal Revenue Code, for a percentage of the qualified solar heating and cooling equipment expenditures incurred with respect to the taxpayer's principal residence. Allows a tax credit for the portion of the qualified State or local real property taxes attributable to such solar heating and cooling expenditures.

Authorizes an individual to take a tax deduction for a part of the acquisition costs of any qualified solar heating and cooling equipment for any residence.

H.R. 13466. April 29, 1976. House Administration. Prohibits contributions to candidates for Federal office by persons other than individuals.

H.R. 13467. April 29, 1976. District of Columbia. Establishes three retirement funds encompassing (1) District of Columbia firefighters and police officers and specified Federal law enforcement personnel, (2) District of Columbia teachers, and (3) District of Columbia judges, respectively.

Establishes the District of Columbia Retirement Board to manage the retirement funds created by this Act.

Details provisions relating to the administration of such funds and revises provisions relating to specified retirement and disability benefits under the retirement programs of such personnel.

H.R. 13468. April 29, 1976. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish a National Commission on Digestive Diseases. Requires the Commission to develop a long-range plan for the use of national resources to deal with digestive diseases.

Directs the Secretary to establish a Coordinating Committee for Digestive Diseases to improve coordination among Federal agencies in the research, training, control, and treatment of digestive diseases.

H.R. 13469. April 29, 1976. Ways and Means; Interstate and Foreign Commerce. Amends the Medicare program of the Social Security Act to extend the time limit on the regulations governing payment for physicians' services rendered as part of inpatient hospital services, and to remove the time limitation on regulations governing the computation of the costs of physicians' services by health insurance carriers.

H.R. 13470. April 29, 1976. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire certain lands to establish the Frederick Law Olmsted Home and Office in Massachusetts as a national historic site.

H.R. 13471. April 29, 1976. Merchant Marine and Fisheries. Amends the Great Lakes pilotage Act of 1960 to limit the liability of United States registered pilots for any injury, damage, or other loss which results from their negligence in navigating any vessel on the Great Lakes.

H.R. 13472. April 29, 1976. Ways and Means. Amends the aid to Families with Dependent Children program of the Social Security Act: (1) to establish the amount of income to be disregarded in determining need for benefits under the program; (2) to require the inclusion of the income and resources of a stepparent in such determination; (3) to establish a new formula for calculating the Federal percentage of a State's costs under such program; and (4) to require fathers of needy children to apply for and accept unemployment compensation.

H.R. 13473. April 29, 1976. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 13474. April 29, 1976. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 13475. April 29, 1976. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence, and declares such individual to be an immediate relative of a United States citizen, under the Immigration and Nationality Act.

EXTENSIONS OF REMARKS

OUTDOOR RECREATION

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Tuesday, May 18, 1976

Mr. EAGLETON. Mr. President, I call to the attention of my colleagues a highly attractive program initiated by a small but effective Bureau in the Department of the Interior.

The Bureau of Outdoor Recreation is principally responsible for the mandate given to the Secretary of the Interior in 1963 by Public Law 88–29 to insure that all American people of present and future generations be assured adequate outdoor recreation resources.

This mandate means more land and facilities, accessible to Americas millions, dedicated to public outdoor recreation use. Acquiring land for outdoor recreation and open space, particularly near urban areas, is a costly proposition in these days of inflated realty prices and increasing demands on resources for residential and commercial development. The Land and Water Conservation Fund, the Federal Government's most effective funding source for recreation land acquisition and facility development, has invested nearly $2 billion in increasing America's recreation estate. Over $800 million has been used by the Federal recreation land managing agencies to acquire 1.5 million acres of nationally significant land. Another $1.2 million has been invested by the States in acquiring 1.4 million acres and funding another 10,000 projects for recreational development.

The Land and Water Conservation Fund obviously cannot do the whole job; and State and local budgets are already overcommitted.

To help take the pressure off the L&WCF, the Bureau of Outdoor Recreation has embarked on an innovative technical assistance effort to open privately owned land for public recreation. One aspect of this initiative is assistance to private landowners in developing plans for public, noncommercial recreation use of their lands. The thrust of this effort is public management through use agreements of public recreation. Thus, the land remains productive and in private ownership, yet available for public enjoyment.

In addition, by outlining potential tax advantages and public benefits to be derived by an individual, organization, or corporation, BOR is encouraging private landowners to donate land, facilities, and services for recreation.

The payouts to the public have already been great. An outstanding example of private action initiated by the Bureau of Outdoor Recreation is the donation by St. Joe Minerals Corp. of 8,500 acres to the Missouri Department of Natural Resources for a new State park. The value of the donation is estimated at $2 million.

BOR field personnel visited the St. Joe Minerals Corp. in April 1975, and learned that the company planned to move its lead mining operation from the Flat River area west to Viburnum some 60 miles away. The company indicated that they had 20,000 acres of mined land near Flat River and would probably sell most of the acreage.

BOR moved quickly to ascertain State interest in the property and initiate a State conceptual development plan. Working with the Bureau of Mines State liaison officer for Missouri, BOR representatives and State officials arranged a meeting with St. Joe officials to present a proposal for a new State park including specific acreages and a financial analysis for the company. The meeting was, in effect, a sales promotion to the minerals company, outlining procedures and potential benefits of both a complete donation and a bargain sale—sale for less than the fair market value—to the State. The benefits of a complete donation were emphasized by explaining that the State could use the appraised value of the donated acreage for their matching share of a land and water conservation fund grant to develop the park. A complete donation would yield greater public relations benefits for the St. Joe Minerals Corp. as well as bring potential new dollars into the local economy and provide additional recreation opportunities for company employees.

St. Joe Minerals Corp. made a donation of 8,500 acres to the Missouri Department of Natural Resources. This will be the second largest State park in Missouri, offering a variety of outdoor experiences to residents and visitors.

The Bureau of Outdoor Recreation has recognized that one reason more private land is not donated for outdoor recreation and open space is that it does not occur to public agencies to ask for it.

BOR realizes that many individual landowners, organizations, and corporations with unused acreage, currently considered "dead assets," would be willing to donate or "bargain sell" land to public agencies if they were made aware of the potential, attractive tax benefits from a charitable donation and the multiple side benefits such as public relations and corporate recognition for a public-spirited deed. The program is working.

Private contributions will undoubtedly play an important role in helping to insure the continued availability of recreation resources. BOR's technical assistance program, in fiscal year 1975 alone, initiated donations totaling over 20,000 acres, valued at $10 million plus over 13 miles of urban trails.

In this Bicentennial Year, many of us are conscious of the great need to insure a high quality life for future Americans—a life which includes ample opportunity to enjoy the natural beauty of our Nation through outdoor recreation. The Bureau of Outdoor Recreation is successfully accomplishing its mission by encouraging private gifts of recreation land to the Nation.

CHILDREN AND POLITICS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. FRASER. Mr. Speaker, the Senate recently failed to override the President's veto of the child care bill, H.R. 9803. As you know, the debate centered on the Federal Interagency Day Care Requirements which are tough enough to compel an estimated 80 percent of all day care centers to close down due to noncompliance. The alternative was H.R. 9803 which provided $125 million to keep the centers open and in compliance with these standards.

While I think the controversy created over this bill has provoked necessary discussion about the Federal role in establishing such standards, I also think it is important for us to be aware of the consequences of our actions—or inaction—for the people in these programs. For this reason, I ask that the text of a May 17, 1976, New York Times article be printed in the Record. Anthony Lewis describes the impact of our debate on a mother and child in Minneapolis. I urge my colleagues to be aware of such realities "at the heart of our abstract political debates." The text follows:

Children and Politics

(By Anthony Lewis)

Minneapolis.—Nestled against a wall of St. Mary's Basilica, a hulking old church near downtown Minneapolis, is a small playground. Ten children, 2½ to 6 years old, use the swings and slide and run over to talk with their teacher, Michael Young. They are in a day-care center: Child Garden Montessori.

One of the kids is 3½-year-old Laura Lacey. She is well-dressed, bright, articulate, happy, active: the model of what we have come to think of as the middle-class child. But in fact the Federal Government pays her fee at the center, $130 a month.

Laura Lacey is the reality at the heart of an abstract political debate. President Ford recently vetoed a bill providing added funds for day care, saying that it violated his principles for Federal aid, and the Senate failed to override the veto. Unless Congress finds a way around the President's objections, Laura Lacey will have to leave the Child Garden day-care center.

Laura's mother, Geraldine Lacey, a slim attractive woman of 34, is separated from her husband. She worked as a secretary but found, she said, that she did not make enough to support herself and the child. So she went back to school, to the University of Minnesota, where she hopes to become a nurse. While there she is on welfare—a fact that troubles her.

"People think of welfare as a leech on society," Mrs. Lacey said, "and I feel that way, too. My ego is bruised. I want to study to get off welfare."

Mrs. Lacey had Laura in a private home first—a woman minding half a dozen children—but that turned out to be a depressing place. Then she looked at many day-care centers before choosing Child Garden.

"The kids looked so nice here," she said, "and they were interested in Laura when she came—didn't resent a new child, as I'd seen in other places. I was so happy to see that. And I thought it mattered that there was a man teaching here.

"I hope I don't have to move Laura now—I don't think it's healthy to keep changing. I'm just depressed . . ."

The situation of Geraldine and Laura Lacey is not unusual in the United States now. There are 2.8 million American children between 2½ and 6 who live with their mother alone. And altogether, 6.5 million of that age have working mothers.

The trend toward working mothers and single-parent families has made day care an essential factor in many lives. It enables many women to work instead of going on welfare—and thereby to save public funds. Welfare costs the Government about three times as much as day care.

The Federal Government now provides $600 million a year for care of children in poorer families, matched by $200 million from the states. The question inevitably debated is to what extent Federal standards for day care should go along with Federal money.

Congressional supporters of day-care funds, such as Senator Walter Mondale of Minnesota, have not wanted to set up a tight network of Federal rules. They agree that regulation should be left largely to state and localities.

On the other hand, studies have shown widespread and gruesome examples of bad day care: unsafe buildings, children ignored because of inadequate staff, and so on. Senator Mondale and others in Congress have felt that Federal money should not be used to send children to such places—that it should be used, gradually, to assure a decent environment in places where children will spend as much as eight hours day.

In 1974, after long negotiations, the Ford Administration and Congress agreed on modest Federal standards. A new law required day-care centers, first, to meet state and local rules on fire, safety and health. And it established staffing standards, for example one adult teacher or volunteer to about six children between 2½ and 6.

When the time approached to apply those standards, it turned out that many centers could not meet them. Conditions were worse than had been realized. The states asked for more time and more Federal help.

That was the aim of the vetoed bill. It delayed the standards a bit longer and provided an extra $125 million to help the states meet them. President Ford, in vetoing it, said nothing about the earlier agreement, worked out so carefully by his own people and Congress. He objected to the whole idea of Federal standards and introduced the new demand that day-care money be included in Federal block grants for community services. Unless Congress acts on new legislation, Federal standards will now take effect without money to meet them.

The real reason for the veto was evidently the specter of Ronald Reagan. The President wanted to look tough, and what could be tougher than to drive children out of day-care centers. Gerald Ford should have to explain to Laura and Geraldine Lacey.

NATIONAL TRANSPORTATION WEEK

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Tuesday, May 18, 1976

Mr. EAGLETON. Mr. President, few things are as vital to the economic welfare of the people of Missouri as adequate transportation. Missouri has prospered largely because of its superior network of highway, rail, air, pipeline and waterway transportation facilities. All communities in Missouri, from metropolitan areas to the smallest farm centers, share equally in the good things of life because of the unparalleled transportation system serving the American people everywhere.

Transportation plays a significant role in virtually every facet of the production, distribution, and consumption of goods. While the contributions of transportation to the national economic well-being take precedence over other considerations, a people's political and military success are directly related to the facilities for moving people and property from one locality to another. Also, good transportation, along with efficient communication, makes possible unity and cooperation among scattered peoples.

Economic factors are in general the most important in the development of a Nation's transportation. Commercial and industrial growth stimulate invention and innovation in agriculture, mining, and manufacturing, which in turn, tend to increase demand for transportation. Mechanization makes possible a greater division of labor, which increases productivity. Large scale production becomes possible if extensive markets can be developed; this calls for the interacting effects of industrial and commercial progress.

Transportation is both a cause and a result of an advancing society. Especially in modern times, transportation development has reflected the rate of advance of a country.

Transportation has had a profound influence on the currents of history. What nation has become great that did not give major attention to the development of transportation?

Human beings have demands, both personal and collective, that can be satisfied only by transportation services.

Solving transportation problems of the future will depend largely on viewing transport as a whole, without favoring one from the other. Also, any successful transportation plans and policies will need to be an integral part of a broad economic and social development plan.

No man is an island unto himself nor is transportation, but rather we are dependent one upon the other.

Good transportation is a main artery of progress; it is, therefore, most fitting that we salute the dedicated men and women making up our vast transportation systems on the occasion of National Transportation Week, May 16 to 22, 1976.

National Transportation Week is a nationwide project of Traffic Clubs International, sponsored in conjunction with the National Defense Transportation Association, shipper and business groups, and chambers of commerce, and the Department of Transportation, to focus attention on both the achievements and the challenges of the transportation industry in the United States, and otherwise help to create a better understanding and appreciation for its capabilities and objectives.

THE TERMITE TRAP

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mrs. MEYNER. Mr. Speaker, I recently received a letter from a constituent, Mr. Harry J. Hof, Jr., of Sparta, N.J., in which he points out yet another example of bureaucratic insensitivity and consumer exploitation in the pest-control industry. An expert in his field, Mr. Hof recommends "congressional action to correct this sickening situation" in which the Federal Government promotes inadequate and inaccurate information on pest control, while certain segments of the private sector exploit homeowners who depend on pest control for their homes. I wholeheartedly agree with Mr. Hof, and I urge my colleagues to take a close look at his letter, which follows:

HOME PROTECTION SERVICE CO.,
Sparta, N.J., May 14, 1976.

Representative HELEN S. MEYNER,
House of Representative,
Washington, D.C.

DEAR HELEN: Because of the fear-psychology tactics of exterminators, American homeowners spend $750 million each year for termite control work. When homeowners are informed that termites are present, they immediately visualize the complete destruction of their homes and frequently pay exhorbitant fees for treatments.

Subterranean termites are the most overrated insects in the world. Various chemical companies offer rewards totaling at least $18 thousand for anyone who can prove that termites destroy sound lumber. It has never been claimed!

Because all lumber had been alive at one time, it contains spores. These reproduce as fungus when the wood becomes wet over a period of time. The fungus lives on the cellulose in the wood and partially disintegrates it. Although the termites live below the ground, they can sense the presence of fungus-rotted wood. They enter it directly if it is in the soil. Because these blind, sterile workers cannot withstand air or light, they build shelter tubes to enter the wood if it is above grade. They fill their bodies with the fungus-rotted cellulose and return to the termitary where they regurgitate it to feed the colony. When they reach solid cellulose, they cannot feed upon it.

Although many infestations occur in only one small area of the home, most exterminators treat the entire home despite the fact that the other areas are constructed so that termite infestations are impossible there.

Professor Louis Vasvary of Rutgers University is co-author of the present Dept. of Agriculture termite bulletin. I spent hours of correspondence with him and Warren Welsh, Senior Sussex County Agent for the Dept. of Agriculture Extension Service. Not only did they concur on the termite situation, but Professor Vasvary wrote a new termite bulletin. This will enable many homeowners to easily correct the infestations themselves or demand honest termite control of exterminators. When he submitted this bulletin to the U.S. Government Printing Office, he was told that they did not have funds for it. He was also informed that even if funds were available, they would not print the bulletin until they had disposed of all the old ones.

It seems so incredible that these officials can allow unscrupulous exterminators to bilk American homeowners out of hundreds of millions of dollars each year. In ten years, that represent $75 billion. Congressional action to correct this sickening situation should result in the everlasting gratitude of the American public.

Sincerely,

HARRY J. HOF, Jr.

LOCKS AND DAM 26

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MICHEL. Mr. Speaker, the question of what to do with the problem of Locks and Dam 26, the deteriorating navigation facility on the Mississippi River at Alton, Ill., has perplexed the Congress in the past, and may continue to do so.

The issue cuts across a multitude of competing interests, with the national interest difficult to find in the process. Environmentalists and farmers, barge operators and railroad companies all have their own views.

And when the bill to rebuild the facility came before the House last year, it did so under a bit of parliamentary trickery that covered up all those issues, and mandated its defeat on procedural grounds.

But the matter must one day soon be decided on its merits by those of us in this Chamber. In that regard, I want to take this opportunity to make my colleagues aware of an insightful editorial on Locks and Dam 26 which appeared recently in the Peoria Journal Star. In an even-handed way, Editor C. L. Dancey examines some of the important questions raised by the project. I would like his article placed here in the RECORD:

ROLLIN' ON THE RIVER

Rail rates are roughly 20 per cent higher than those for hauling heavy materials up and down the river in barges. There are two reasons for that. One is the obvious efficiency involved in the massive tonnage that one tow can handle. The other is that the basic system of the "road-bed" for boats is financed by Uncle Sam where feasible, whereas railroads have to finance their own at heavy cost—plus taxes.

That is manifestly unfair.

However, it is also true that in those places where the natural advantage of the river exists, our society ought to make the most of it.

The simple fact is that without the revival of the river transport system, there is no way in the world we could transport that massive tonnage of the modern grain crops of much of the Middle West to its far-off markets.

We strain both storage facilities and transport now with the incredible tonnage of Illinois crops alone.

Likewise, the cost of energy and food would unquestionably rise if we had to transport the bulk coal all by rail and the grain, as well.

The system is unfair, but it exists and the biggest part of the inequity is "natural" and not artificial.

There are things that could be done to make it more equitable, but we cannot suddenly let the lock system go to pot because of this inequity. You can't change horses in the middle of the stream without great risks, and that would be dumping off one horse in mid-stream when the other is still on the far bank!

We have to deal with what exists.

So we are not espousing a war against the river system on behalf of the beleaguered railroads, nor any instant drastic action to "make them even" at terrible cost to the agricultural realities or the consumer costs that would result.

We know that in this whole equation Lock Number 26 at Alton is important. It processes more cargo than the Panama Canal which is now the center of presidential debate.

So, should we give three cheers for the Corps of Engineers and "full speed ahead" on their plans for Lock 26?

No way!

The thing that has placed the whole situation at hazard and may ultimately endanger Illinois crops, etc., is the penchant the Corps seems to have for turning every problem and project into some kind of grandiose scheme at a cost of hundreds of millions of dollars.

The Corps plan for Lock 26 is a massive one, with "sills" so deep it has raised visions of a 12 foot channel and giant boat motors intensifying the use—or misuse—of the river.

Opposition has stalled the whole proposition, and a plan so grand invited opposition.

The resulting delays merely increase the dangers to the existing system because they create a situation of no action at all.

When this kind of thing plunges into the political and bureaucratic morass of a Great Debate, the only thing we can be sure of is endless inaction regardless of the hazards to energy, agriculture and anything else in this state.

The Corps has created these hang-ups before by their seeming super-ambition to dock the Queen Mary at Peoria some day.

God knows those engineers know a lot more about the locks, their designs and their needs than I do—or most of the critics probably.

But why must we have a system where they make their usual super-duper proposal as the only possibility, the only right way to do it, and the only proposition to be examined?

I do know that engineers working for folks other than the U.S. government find it possible to lay out choices and price tags, and the scale of advantages, etc., improved.

The present "take it or leave it" (until next year) aproach, and the apparent tendency to always option for the most grandiose new construction they can dream up has created a ruckus we probably didn't need—and might create a real crisis if the dam is permitted to run-down, meanwhile, that we certainly don't need!

There has to be a better way for the work of the Corps to be laid out and decided upon.

Of all the regulations we have on people not spending pubic moneys, how do we reasonably curb and regulate the Corps of Engineers and the vital work they really do perform and must perform on our rivers?

And, eventually, how do we relate the costs thereof to the users of the "free" river?

At these kind of price tags, the "free ride" for river traffic is getting ridiculous.

A BICENTENNIAL PRAYER

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. LENT. Mr. Speaker, the distinguished rabbi of the Seaford, N.Y., Jewish Center, Dr. Esor W. Ben-Sorek, has written a moving prose prayer honoring our Nation's Bicentennial. His feelings are those of an immigrant's son, and I commend them to my colleagues' attention:

A BICENTENNIAL PRAYER (1776–1976)

(By Rabbi Esor Ben-Sorek)

O Lord of Hosts,
The glory is Thine
But the honor is mine—
The honor of being a free man in a free land.
Here where I am equal, there is no king or monarch, emperor, kaiser or czar—
No one before whom I need bow humbly low
Save Thee, the King of Kings, the Holy One.
To this precious blessed land my fathers fled
From hatred persecution, wanton bloodshed
And made a home and haven here
Where their children could be called Americans.
O Thou who doth from spacious skies e'er reign,
Grant blessings to this land on every mountain-top, farm and field and vale and plain
And cause as swift to flow as rivers which never cease
To all mankind, America's great Peace.
Amen.

DIVISION OF CONSUMER AFFAIRS FOR THE SEC

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. SCHEUER. Mr. Speaker, I am introducing a bill today that would create a Division of Consumer Affairs within the Security and Exchange Commission—SEC. This Division would be charged with responding to requests for information and complaints received by the SEC.

When the SEC receives a complaint about a stock brokerage firm today, it forwards it to the firm in question with a request for its comments. Not surprisingly, the firm normally responds that the complaint is without foundation. The SEC then forwards this response to the complaining party with a form letter stating that the Commission is not authorized to act on behalf of investors, and suggesting the retention of private counsel. In many cases, the amount in controversy is so small that retaining private counsel is not economically feasible, and the complaints of the small investor fall through the cracks unresolved.

This SEC system clearly needs to be improved so that the small investor may receive the protection and benefits which the Commission was created to provide. A response to a complaint should extend, whenever possible and appropriate, beyond a simple referral of the complaint to the firm against whom the complaint was made. In many cases a visible SEC investigation would be far more productive than an in-house check by the firm involved.

In addition, the Division would serve as a consumer advocate within the SEC, advising the Commission with respect to the effect on small investors of proposed action by the Commission—or any registered exchange or association—and making recommendations for other action.

Finally, the Division would have the authority to assist persons who are or may become parties in civil litigation if, due to the size of any potential recovery or potential legal fees, retention of private counsel would be economically infeasible and SEC assistance would be in the public interest.

Mr. Speaker, I hope that this bill will provide a forum for much needed discussion in the area of consumers and their relation to Federal agencies. Many of our constituents feel that the Government is a vast bureaucracy unresponsive to the needs of all except the rich and powerful. We must insure that this is not the case.

VETERANS EDUCATIONAL BENEFITS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MURPHY of New York. Mr. Speaker, today, I am introducing legislation which will extend the time period in which veterans of the U.S. Armed Forces from the Vietnam era can utilize the educational benefits they earned by their service. This proposal will extend the existing deadline by 2 years thereby allowing those veterans who are in school to finish or at least prepare their alternatives.

It must be recognized that each armed conflict of our history represents a unique phase of our political, social, and economic cycles. The Vietnam veteran, unlike the veteran of past decades, was discharged into a society of unemployment, recession, spiralling inflation, and an ever-increasing demand for advanced educational degrees. The Vietnam veteran, like other veterans, was also discharged into a society of obligations, obligations which had to be met under increasingly severe economic conditions. For most young heads of households the task of "breaking even" utilized all energy allowing little for the consideration of higher education.

Under normal circumstances, I believe 10 years would be enough time for a student to complete a college degree; however, a veteran's readjustment from years of military service does not always denote normal circumstances. Problems, both economic and social, can make coming home a difficult experience. Being a veteran myself and knowing the sacrifices which are made in any war, I urge my colleagues to enact this legislation and allow the veterans of Vietnam an additional 2 years in which to secure a future for themselves and their families:

H.R. —

A bill to amend title 38, United States Code, to provide for a 12-year delimiting period for a veteran to complete a program of education

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1662 of ttile 38, United States Code, is amended—

(1) by striking out "10" in subsection (a) and inserting in lieu thereof "12";

(2) by striking out "10-year" in subsection (b) and inserting in lieu thereof "12-year";

(3) by striking out "10-year" each place it appears in subsection (c) and inserting in lieu thereof "12-year"; and

(4) by striking out "10-year" in subsection (d) and inserting in lieu thereof "12-year".

SEC. 2. This Act shall take effect on the earlier of—

(1) the date of the enactment of this Act; or

(2) the close of May 31, 1976.

TRIBUTE TO D. THOMAS IORIO—A FRIEND TO ALL IN THE HOUSE OF REPRESENTATIVES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1976

Mr. BIAGGI. Mr. Speaker, it was my personal privilege and honor to have attended yesterday's ceremony in the Rayburn Room during which my good friend Tom Iorio was presented with the distinguished and highly coveted John W. McCormack Award of Excellence. I can think of no man more deserving of the award than Tom Iorio, whose 31 years of service to the House is without parallel.

While Tom's official title is Pair Clerk to the Majority Office of the Sergeant at Arms, his importance to the Congress goes far beyond his assigned duties. Tom Iorio represents perhaps the most knowledgeable source of information about current legislation as well as important House procedures. His assistance has benefited me and all Democratic Members of the House.

Yet Tom Iorio holds a special place in the hearts of those of us who are fortunate enough to represent the great city of New York. Tom Iorio is one of the city's most respected native sons. He was born and raised on the East Side of New York, affectionately known as Little Italy. Prior to coming to Washington, Tom served with distinction as a deputy sheriff in Brooklyn. He has remained in close touch with New York politics. No one familiar with the New York political scene will ever forget the tireless efforts which Tom Iorio made on behalf of the late Honorable John Rooney in his last campaign for the House. In John Rooney's own words, "I didn't win that race, Tom Iorio did."

Dedication, loyalty to friends, and a master of his profession; those are but a few of the outstanding qualities of Tom Iorio. These traits and others are what merited Tom Iorio's receiving the McCormack Award, the highest award which can be presented to a House employee. Tom, it should be noted, was chosen from a list of 10,000 candidates and is only the sixth person ever to win the award. Tom will soon also receive the "Man of the Year Award" from the Doormen's Society.

The bipartisan praise which was directed at Tom during yesterday's ceremonies demonstrated that his friendships with Members of the House transcend political ideologies. One of the highlights of yesterday's award ceremony was the reading of a congratulatory letter sent by our former colleague, President Gerald R. Ford.

As a friend, I am very proud for Tom Iorio receiving this award. In my years in the House I have come to rely on Tom Iorio for many things related to the legislative activities of the House. I feel confident when dealing with Tom, that the advice and information he offers will be sound and unimpeachable.

In addition to his time-consuming duties in the House, Tom Iorio has been very active in the Italo-American community and has been awarded for his efforts. He has received two distinguished honors from the Republic of Italy, including the title of Cavaliere Ufficiale in the Order of Merit of Italy, and in 1974 the title of Commendatore in the Star of Solidarity of Italy, the highest civilian award given to a foreign national.

Tom Iorio's life has been a deeply satisfying and rewarding one for himself and for those of us fortunate enough to know him. As he approaches the age of 75, Tom remains as astute and knowledgeable as ever. It has been said that a man's greatness can be measured by the reliability of his word. On this score, Tom Iorio receives unanimous praise from both sides of the aisle, for when a Member wants to get information and the position of other Members on legislation, Tom Iorio is often consulted and is always prepared with the answer.

It has been my personal pleasure to pay tribute to Tom. I know his lovely wife Clara and how proud she is of her husband's accomplishments. I offer my warmest congratulations to Tom, and his wife and can say without qualification that Tom Iorio is a dear and valued friend. There are few in the House who cannot credit Tom Iorio with making their work somewhat easier. He is a warm, compassionate human being who deserves only the best of what life has to offer.

IN REMEMBRANCE OF FORMER ILLINOIS GOVERNOR OTTO KERNER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. McCLORY. Mr. Speaker, I am pleased to participate in this tribute of respect to the late Otto Kerner, former Governor and judge who served the State of Illinois and the Seventh Federal Judicial Circuit.

The passing of former Governor Kerner recalls a long and sometimes stormy political career. Governor Kerner's contributions as Governor of Illinois for 8 years, as county judge, and later as a Federal judge, established an almost record career of public service.

I have been a lifelong friend of the Kerner family, including the late Governor's father who served as attorney general of Illinois and likewise as a judge of the Federal Court of Appeals.

Governor Kerner has always maintained a home in my congressional district where other members of his family reside as well as many personal friends.

Prior to his passing, I recommended that Governor Kerner be granted a pardon by the President. While this has not yet occurred, I hope that President Ford will nevertheless grant the Kerner pardon.

Mr. Speaker, it is fitting that former Governor Kerner be laid to rest in Arlington National Cemetery in tribute to his service to his country both in the Illinois National Guard and during World War II in North Africa and Sicily.

I extend deep sympathy to all members of the Kerner family.

GUESS WHO PAYS FOR CONRAIL?

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BAUMAN. Mr. Speaker, television station WJZ–TV, Channel 13, in Baltimore recently aired an editorial entitled "Guess Who Pays For Conrail?" The television station's editorial department has correctly described the very difficult situation in which the Delmarva Peninsula and the Eastern Shore of Maryland finds itself as a result of the intransigence of certain rail unions in the recent negotiations by the Southern Railway to purchase railroads in the area. The editorial properly makes the point that Congress must change the law to prevent unions from standing in the way of railroad improvements in this country.

I recommend to the Members reading this editorial, and I hope that legislative action will be taken soon to correct this abuse:

GUESS WHO PAYS FOR CONRAIL?

Conrail is a new railroad system subsidized by you, the taxpayer. On April 1, Conrail took over a 17,000-mile network of bankrupt railroads. The economic future of Maryland's Eastern Shore, and to some extent, the economy of Baltimore is tied into the fortunes of Conrail. But Congress made Conrail a piece of cake for railroad labor unions. As a result, Maryland's transportation picture has some gloomy spots.

First, the Chessie System got involved. That's the major railroad serving the Baltimore area. Chessie was willing to take over 2,000 miles of the Conrail System, try to operate it at a profit, and take it off the taxpayers' backs. But the Chessie System couldn't match the generous labor terms of the Conrail legislation, so the negotiations broke down. Chessie claims it would have had to meet some of the very conditions that made these railroads bankrupt in the first place.

Then the Southern Railroad offered to take over, operate and improve the rail network on the Eastern Shore. But one union, employing 55 people in Maryland, balked at Southern's terms. Fifty-five people thereby threatened the jobs and the economy of 300,000 people. And no one in that union would have lost his job. So Conrail will take over, but no one knows for how long.

But we don't blame the unions for turning down the offers of private railroads when Conrail offered them a better deal. The fault lies with Congress for including provisions that discourage private railroads from taking over. Since Congress made the original mistake, Congress ought to correct it. The sad failure of the Southern and Chessie plans is proof of the need for change. Meanwhile, you, the taxpayer, are paying the bill.

LOCAL GOVERNMENT AND THE WELFARE BURDEN

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. DOWNEY of New York. Mr. Speaker, it is no secret that local governments in many States are bending under the weight of social services costs. My own county of Suffolk in New York, for example, commits more than 50 percent of its general fund budget to welfare costs that are mandated by the State. The final solution for New York and many other States has not yet been determined, and the debate continues.

John V. N. Klein, the Suffolk County executive, is deeply involved in this matter, and has expressed his thoughts to me recently. I think they deserve wider attention, particularly as it appears that greater numbers of groups, governments, and individuals argue for total Federal control of welfare. Mr. Klein's letter follows:

MAY 14, 1976.

Re Welfare Reform.

Hon. THOMAS J. DOWNEY,
U.S. Congressman, Longworth Office Building, Washington, D.C.

DEAR TOM: A great deal has been said over the past years about the need for welfare reform. You, of course, are aware of the enormous impact on local governments such as Suffolk where over fifty percent of a $400 million general fund budget is expended on seven percent of the population. Indeed, if the local participation by the county government in the cost of welfare, including Medicaid, were lifted in New York State from the backs of the local government, Suffolk County could eliminate the general fund property tax completely. Regrettably, New York State is one of only seventeen of the nation's fifty states where local government must bear any significant portion of the cost of social services.

Perhaps you are also aware of the fact that all counties in New York State have now declared their intention to refuse to appropriate additional funds for welfare in 1977 over 1976 expenditure levels and to cover the cost of welfare over-runs in 1977 by dismantling the balance of county government. In Suffolk, that will become painfully clear on September 25, 1976, when I deliver the 1977 Budget to the County Legislature. That budget will virtually eliminate all optional services of county government and effect significant lay-offs of county personnel in order to cover the county's share of an estimated $30 to $40 million increase in welfare.

The county executives have approached the Governor and state legislative leaders to effect specific reforms at the state level. A very clear and definite legislative and administrative program has been developed by the New York State Association of Counties and presented to Governor Carey and legislative leaders.

The Welfare Reform Task Force of the National Association of Counties has similarly prepared a working draft of welfare reform proposals. For your convenience, I am enclosing a copy of that working draft dated February 24, 1976, and reprinted April 1, 1976.

I sincerely urge your attention to this program and earnestly solicit your views on this subject which is far and away the most immediate and serious issue facing local government in New York State today.

Sincerely yours,

JOHN V. N. KLEIN,
Suffolk County Executive.

THE "HEAT" VERSUS THE "LIGHT" ON THE PANAMA CANAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. ANDERSON of California. Mr. Speaker, the "heat" in the 1976 campaign for the Oval Office has been suffocating what "light" exists about the sovereignty of the United States over the Panama Canal Zone.

The facts are the canal is vital to our international trade, commerce, and defense interests. As such, I believe any renegotiation or relinquishment of our rights to this strategic waterway would be a grave mistake for the United States to take.

Usually the House does not ratify treaty negotiations, a perogative of the Senate, who gives advice and consent to ratification by the President of a treaty. However, article IV, section 3, paragraph 2 of the Constitution states:

> The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . .

I believe the canal is a duly paid for territory of the United States. Therefore, the yielding of any property paid for from appropriated funds, such as the Panama Canal, must be approved by the House as well as the Senate.

Mr. Speaker, if a new treaty comes before this body, I will vote against any scheme that I feel will jeopardize our interests as a Nation in the canal. In the interim, I am frankly worried.

In February 1974, Secretary of State Kissinger and Panamanian Foreign Minister Juan A. Tack reached an agreement on a set of eight principles to serve as guidelines for the formulation of a new treaty. These highly controversial principles call for an entirely new treaty with a fixed termination date, ending the basic concept of perpetuity; the return to Panama of the Canal Zone; a "just and equitable" share for Panama of the financial benefits from the canal; a role for Panama in administering the canal during the life of the new treaty, and total responsibility for its operation upon termination of the treaty; joint protection and defense of the canal by the two nations; the rights necessary for the United States to regulate the flow of ships through the canal and to operate, maintain, and defend it; and provisions for the future enlargement of the waterway.

Mr. Speaker, I believe some of these principals go too far, especially in light of the attacks of Ambassador Nander Pitty, the delegate from the Republic of Panama to the Organization of American States. He was quoted as accusing the United States of a "policy of strangulation" of Panama, of "paternalism, colonialism, and oppression." Further, Ambassador Pitty was quoted as saying "he regards his mission in the OAS as one of destroying the (U.S.) policy of arrogance toward Panama." This does not sound like statements from a country interested in international harmony.

Historically, our territorial sovereignty was established on December 2, 1903, when the United States agreed to pay the Republic of Panama $10 million, plus a yearly annuity for, "in perpetuity the use, occupation, and control" of this 10-mile-wide Canal Zone. Article 111 of this Hay-Bunau-Varilla treaty granted the United States "all the rights, power and authority * * * which the United States would possess and exercise as if it were the sovereign of the territory * * * to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

The $10 million which the United States paid to Panama under article XIV as well as the $250,000 to be paid annually during the life of the treaty were expressly stated to be "the price or compensation for the rights, powers, and privileges granted in this convention."

I am asking why we, as a nation, should nullify a treaty which was legally ratified, and give back territorial rights which were legally purchased.

The people in favor of relinguishing U.S. sovereignty over the Panama Canal claim that unless there is a new treaty the United States can expect disruptions and violence. I am more worried about the fate of 13 military bases, about 10,000 military men, 29,000 civilian employees and their families in the Canal Zone, and 6,000 U.S. citizens living in Panama.

Similarly, the voices in favor of relinguishment argue that the canal is economically and militarily a "convenience" and not a necessity to the United States as it may have been in earlier years. Are these people blind to the visits of Gen. Omar Torrijos to Castro's Cuba?

We have not been exploitive or imperialistic in our relations with the Republic of Panama. If anything, the United States has improved the economic plight of Panama. We have spent in excess of $6.8 billion for the defense, operation, and maintenance of the Canal Zone.

Mr. Speaker, it is my belief, and I think the belief of the American people, that the United States should maintain and strengthen its defense, commerce, and trade interests in the Panama Canal. Doing what we have always done; that is the message I believe we should send to the Department of State.

SPIRIT IS WILLING, BUT * * *

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. ARMSTRONG. Mr. Speaker, a great deal of rhetoric is heard in Congress about the danger of excessive Government regulation and the pervasive threat of big government and undermining free enterprise.

Much of this rhetoric comes from businessmen—from those regulated individuals and companies who roundly denounce big government.

In this context, I found the following editorial by Stanley Modic most interesting. It originally appeared in the May 10, 1976, issue of Industry Week and I commend to your attention this thoughtful commentary:

> SPIRIT IS WILLING, BUT . . .
>
> We've been on the spring circuit of business and trade associations meetings. Each seems to feature at least one speaker warning about the dangers of our burgeoning federal bureaucracy and its spreading tentacles of government regulation.
>
> Audience response to such speeches is encouraging. Hearty applause greets comments about the need to curtail government involvement in business. Funny anecdotes about the bungling of bureaucrats even bring cheers.
>
> The concern seems genuine. In polling members attending its annual meeting, the Chamber of Commerce of the United States found 87% described "the impact of government regulation of business" as "generally harmful." Even more, 93%, consider government regulation as a "serious" or "very serious" deterrent to economic growth; 68% expressed the fear that the government bureaucracy will get bigger.
>
> The audiences even rally around the cry of the speakers urging business to fight back. In fact, a large majority of those polled by the Chamber feel business leaders and trade associations should exercise leadership in bringing about regulatory reform.
>
> But that is about as far as the enthusiasm seems to go.
>
> Another Chamber survey at the meeting showed 43% of those polled have never bothered to volunteer in a political campaign. Asked why they don't get more involved, 10% admitted "apathy" and 47% pleaded "no time"; 9% confessed to not even contributing money to a candidate or cause. More discouraging yet, 46% said their firm or organization doesn't even have a political information or get-out-the-vote activity, and 26% of those don't even favor starting one.
>
> It's obvious that when it comes to business vs government regulation the spirit is willing, but the flesh is weak.
>
> Cheers and applause won't get the job done. Cheerleaders are fine. But it'll take dedicated players to win this contest.

ITEM 807 MUST BE REPEALED

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. NIX. Mr. Speaker, I am today introducing legislation to eliminate item 807 of the Tariff Schedules.

This provision is a loophole in our trade laws which virtually encourages American manufacturers to have their products assembled or finished by inexpensive foreign labor.

I heard graphic testimony of the effects of this provision on one industry when the Subcommittee on International Economic Policy, which I chair, heard representatives of the International Ladies' Garment Workers' Union and the Amalgamated Clothing Workers.

In the garment industry, many American companies now cut their material in this country, then ship the material abroad to be sewn and finished by foreign labor for importation back into this country.

Why do these manufacturers send their work abroad? In the first place, they can avoid American laws and union contracts on wages and working conditions. In fact, many garments now brought into this country under this system are produced under sweatshop conditions reminiscent of the early days of the industrial revolution.

Second, the manufacturer who keeps his costs low by using foreign sweatshop labor is actually rewarded by item 807 by being charged a lower duty on the goods he brings into this country than a foreign manufacturer.

Mr. Speaker, item 807 must be repealed. Our subcommittee will continue to investigate those parts of our trade policy that encourage the erosion of employment and industrial capacity in the United States. We cannot continue to allow the weakening of the industrial base of this country through misguided trade policies.

UPPER CUMBERLAND ELECTRIC MEMBERSHIP CORP. COMMENDS CONGRESSMAN EVINS FOR 30 YEARS OF HONORABLE SERVICE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mrs. LLOYD of Tennessee. Mr. Speaker, as you know, our colleague JOE L. EVINS, the dean of the Tennessee delegation, is leaving Congress at the end of this, his 15th term and recently he was praised for his outstanding record of service and support for public power—specifically, rural electrification.

The board of trustees of the Upper Cumberland Electric Membership Corp. adopted a resolution citing Congressman EVINS' record as a champion of rural growth and progress. The Congressman has built a reputation during his 30 years in Congress as a champion of small town and rural America.

The Congressman, over the years, has been a strong supporter of the Rural Electrification Administration and the Tennessee Valley Authority—although he has been critical of TVA for its policy of constant rate escalation. Because of the interest of my colleagues and others in this matter, I place the resolution from the Upper Cumberland Electric Membership Corp. in the RECORD herewith.

The resolution follows:

> RESOLUTION IN APPRECIATION FOR JOE L. EVINS 30 YEARS SERVICE
>
> Whereas, Joe L. Evins is retiring after thirty years of honorable service to the 4th Congressional District of the State of Tennessee; and
>
> Whereas, Mr. Evins has proven his ability,

his sincerity and his interest in the welfare of the people of the 4th Congressional District; and

Whereas, Mr. Evins has proven to be a friend of the electric cooperatives and the general development of the 4th Congressional District throughout his service on the many committees of the United States House of Representatives; and

Whereas, Mr. Evins has constantly been a friend of the Upper Cumberland Electric Membership Corporation and has assisted this Cooperative in its endeavors from time to time; now therefore

Be it resolved that we the Board of Trustees of Upper Cumberland Electric Membership Corporation express our sincere thanks for excellent service and our best wishes to Congressman Evins and his family for a long and happy retirement and be it known that this resolution will be a matter of record of the official Board Meeting of the Cooperative May 1, 1976.

LOYCE L. McCORMICK RETIRES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. STARK. Mr. Speaker, it is with great pleasure and honor that I bring to the attention of my colleagues a devoted public servant and active citizen from my district, Mr. Loyce L. McCormick, principal of Roosevelt Elementary School, in San Leandro, Calif. On May 8, 1976, he retired from a long and distinguished career in education, and he deserves our recognition.

Mr. McCormick received a bachelor of arts degree from East Central State College, Ada, Okla., in 1939 and began his teaching career at the junior high school level. However, World War II intervened and between 1942 and 1946 he served in the Army. He was discharged as a first lieutenant, having served the majority of time in the European theatre.

After completing his master's degree in history at Stanford University in 1951, he served as a teaching vice president at Cleveland Elementary School. He remained at that post until his appointment as first principal of the newly completed Madison Elementary School in 1954. Then in 1964 he was appointed principal at Roosevelt Elementary School.

Mr. McCormick proved himself to be a dedicated and innovative administrator. Unafraid of change, he constantly sought new and better instructional methods. He also went to great lengths to draw the community into the affairs of the school, requesting recommendations from the Dad's Club and the PTA for improvements of the physical plant and education opportunities for the students.

A brief mention of some of the changes he was instrumental in bringing about point to his unqualified success in both areas. Antiquated portable classrooms were replaced by open-space complexes with the newest education materials. A modern two-way communication system was installed. A multimedia center was added to supplement the standard library. The training of teachers and volunteers became a model for all the schools in the district. His work with the Dad's Club stimulated renovation of Farrelly Swimming Pool—a spot of school property that is now in great demand by children and senior citizens alike.

Mr. Speaker, excellence in education is a goal to which all teachers aspire. There is no question among those who know Mr. McCormick that he achieved that goal. I know that you join me in wishing him good fortune in the years to come.

JACK ANDERSON'S PECULIAR SOURCE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. McDONALD of Georgia. Mr. Speaker, on May 11, 1976, Jack Anderson's column consisted of an attack on me and one of my staff members. Our crime according to Anderson was that my staff member is married to a man that issues a newsletter that Anderson dislikes. I revealed the truth about this matter in the CONGRESSIONAL RECORD of May 12, 1976.

Now I would like to tell you something about the source used by Jack Anderson for his smear attack. William F. Haddad, an employee of New York State Assembly Speaker Stanley Steingut, has been a source of information for Jack Anderson for many years. Anderson admitted before the Watergate Committee that Haddad had provided information to him about the Watergate break-in prior to its taking place.

William F. Haddad was born in Charlotte, N.C., July 25, 1928. He is a graduate of Columbia College and then did postgraduate work at Georgetown University, specializing in Russian affairs. His career at Georgetown is one of the many incidents in his life about which Haddad is reluctant to talk. Haddad was employed in the office of a U.S. Senator at that time and phoned the State Department demanding information for the Senator. He claimed that the Senator was going to make a speech about the Soviet Politburo and needed biographical data immediately. Officials at the State Department immediately prepared declassified summaries of the information Haddad demanded.

Officials at the State Department soon learned that the Senator had made no such speech but that Haddad had wanted the material for use in a class project. They provided this information to Haddad's professor, Dr. Joseph I. Coffey, who after an investigation gave Haddad an "F" in the course. Georgetown officials terminated Haddad's participation in the degree program because of his plagiarism.

Tomorrow I would like to tell you more about the strange career of William F. Haddad, a poor boy who got rich working for the poverty program.

CONGRESS NOW HOLDS THE KEY

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BURGENER. Mr. Speaker, this Sunday's Los Angeles Times carried an excellent article by our own colleague, the gentlewoman from California, Mrs. PETTIS, which should be of interest to all of the Members.

Many of my colleagues will recall that her late husband, Congressman Jerry Pettis, worked diligently on his legislation, the "Desert Protection Act." Upon taking up her duties in this House, Mrs. PETTIS has continued the effort to obtain passage of this important legislation.

As one who is a cosponsor of this legislation, I was impressed with the eloquence of her explanation of the need for this legislation to become law. She paints a dramatic picture of the problem which faces our beautiful and fragile desert lands and makes a strong case for enactment of the Desert Protection Act.

I commend this article to my colleagues and insert in the RECORD at this point:

CONGRESS NOW HOLDS THE KEY

(By SHIRLEY N. PETTIS)

Can you imagine what would happen if the news media were to carry stories about vandals looting and destroying our historical monuments in Washington, D.C.? Or of visitors to Independence Hall in Philadelphia chipping off pieces of the Liberty Bell to take home as souvenirs? Or of motorcyclists cutting deep tracks across the White House lawn?

As a member of Congress I can tell you that my office phone would not stop ringing, and I shudder to estimate the tons of mail I, and other members, would receive from irate citizens demanding to know why Congress was not doing something to stop such destruction of our national treasures.

These people would be justified in pressing Congress to end such wanton destruction. After all, these links with our past belong to all of us, not to just a few people who would like to tear them up as momentos of a summer vacation.

On the other hand, bring up the continuing senseless destruction and vandalism taking place in the more than 16 million acres of the California Desert which are public lands, and you may get an indifferent reaction. Maybe that is why Congress has been slow to develop legislation to protect the desert. Yet some in Congress have tried. Immediately after taking office last year I reintroduced the Desert Protection Act originally written by my late husband, U.S. Representative Jerry L. Pettis. This measure would preserve and protect both the Indian artifacts and all of the many other desert resources through a comprehensive, multiple-use, land management plan. Ideally, this plan would make the most careful use of mineral resources and recreation potential, preserve archaeological treasures, and protect rare plants and animals.

To guarantee grass roots input in the development of this plan, the representatives of groups who use the desert and its resources for recreation, study and business would be brought together with representatives of federal agencies holding public land in the desert, desert specialists, state and local representatives, and residents of the desert, including American Indians.

My bill also would require the secretary of the interior to set up an interim desert protection program until the long-range plan is formulated.

Multiple-use land planning is a great concept, but without money and manpower to effectuate the plan, it is useless. It is like a lock without a key. There can be no doubt that Congress now holds that key. On Thursday, after three years of intensive work, the House Interior and Insular Affairs Committee reported out omnibus legislation which, in addition to incorporating the Desert Protection Act, provides the first comprehensive, statutory statement of goals and authority for use and management of federally owned lands.

Nowhere than in the California Desert is there a greater need to give the Bureau of Land Management the enforcement powers outlined in this Public Land Policy and Management Act—or, as it is more commonly called, the BLM Organic Act. There, as in other lands it administers, the bureau's present capability to enforce the lawful use of these lands is limited to persuasion, cooperation and education. Apparently, from the growing list of vandalistic acts, these "tools" just aren't working.

Without providing the funds for adequate manpower to wield that authority, giving BLM enforcement or police powers would be a pointless exercise. Incredible as it may seem, the BLM now has only 27 rangers to patrol the 16 million acres of the California Desert.

Although this key legislation has found bipartisan support within the Interior Committee, there are several provisions which the Department of the Interior opposes—particularly those tightening Congressional control over BLM activities. And, despite the demonstrated need to equip BLM rangers with necessary police powers, some members of Congress are reluctant to give the BLM federal law enforcement authority.

The House bill now goes to the Rules Committee. If it is passed there—and success is not certain by any means—the legislation would reach the floor of the House for a vote. A similar bill, which includes desert protection legislation sponsored by U.S. Sens. Alan Cranston (D) and John Tunney (D) of California, has already passed the Senate.

Political realities being what they are, we might just see the House "forgetting" to address itself to this controversial issue before it adjourns for the November elections. It has already neglected other complex and controversial issues such as tax reform and a long-range comprehensive energy plan.

Most people visit the desert and leave it undisturbed for others. But without the proper law enforcement protection, others will go on thoughtlessly destroying and defacing this rich historical and natural wonder, piece by piece.

HELEN AVERY—A LADY FOR OUR TIMES

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. JOHNSON of California. Mr. Speaker, next Wednesday, May 26, the historic and colorful community of Rough and Ready, Calif., will be paying tribute to its favorite citizen, Helen Avery. Helen Avery is our postmaster in Rough and Ready. She has served in this capacity for many years and, in so doing, has been the mainstay of a fine mountain community. On her birthday, the good people of Rough and Ready are honoring her and I, in this way, want to pay tribute to an outstanding community leader.

Mr. Speaker, there have been attempts to deemphasize our smaller post offices. I have maintained that this is an unacceptable policy because the post offices and their postmaster serve as the heart of these communities. There is no better example of this than Rough and Ready and the service given by Helen Avery.

The sponsors of Helen Avery's surprise party point out that her deeds have gone unsung, her contributions have not been recognized, things which they seek to correct on her special recognition day. May I congratulate the Community of Rough and Ready for such a fine and wonderful postmaster and to Helen Avery congratulations and best wishes. Keep up the good work.

MISSOURI LEGISLATORS HONORED

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. TAYLOR of Missouri. Mr. Speaker, recently the St. Louis Globe-Democrat, a prominent Missouri newspaper announced awards for meritorious service to nine members of the Missouri General Assembly.

The selections were made by an anonymous committee representing the newspaper and several groups interested in State legislation. The awards have been presented every 2 years since 1958 to pay tribute to lawmakers who have done outstanding work in the public interest.

The recipients will be presented with inscribed silver plates and certificates by the publisher of the Globe-Democrat, G. Duncan Bauman, at a luncheon on May 26, 1976.

I am pleased to announce that two of the honorees are residents of the Missouri Seventh Congressional District which I am proud to represent. I know of their work in our State legislative body and I certainly agree that they have compiled outstanding records in behalf of their constituents and the people of our State.

Senator Emory Melton of Cassville who represents the Missouri 29th senatorial district was named for having, "served with honor and conviction, representing a respected conservative position. Melton has been a leader in the senate fight against bureaucratic redtape and the intrusion of the authority of State administrative agencies. He has represented the 'common folks' of his Ozark district. Melton is described as one lawmaker none of his colleagues ever has anything bad to say about."

Representative George Donegan, Springfield, district 146, was cited for being "considered one of the respected voices in the minority party in the house. He became a voice of moderation and of a rational approach to issues. Donegan represents a conservative viewpoint against governmental intrusion into private affairs. He was an effective member of the minority party on the Judiciary Committee on Small Claims Court and Public Defender Legislation."

Mr. Speaker, I am pleased to join the St. Louis Globe-Democrat in recognizing the efforts of these two outstanding legislators.

MR. WALTER GARDNER—A SENIOR CITIZEN WHO TAKES PRIDE IN AMERICA

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. SARASIN. Mr. Speaker, during our Bicentennial Year, Americans are celebrating the hard work of our Founding Fathers, the inspired pragmatism that brought forth a nation of freedom and glory, a system of government unsurpassed throughout the world, and a caliber of people who are strong, generous, and determined to insure that the freedom we have had for 200 years continues for our generations yet to come.

While we are celebrating, though, we are also questioning. We are engaging in national self-analysis, the results of which could well determine the course of action for the United States in the next 200 years. Some people have lost faith and hope, some have allowed their disillusionment with temporary situations to dissipate their underlying faith in a form of government that has endured for two centuries.

Fortunately, however, most Americans still take great pride in their country and have great hope for the future. With this hope and effort our liberties will continue. To that end, I would like to share with you the thoughts of a senior citizen in my district, who, though disabled with rheumatism, took the time and cared enough to share with me his pride in country and his faith in our future.

THE STARS AND STRIPES FOREVER

"Long ago our flag had but thirteen stars representing the States of the Union. Our country was young then and has grown so mighty that today it boasts of fifty stars on its field of blue. We must all respect the flag. It is a symbol of our birthright, our heritage, the freedom for which countless men have fought and died. Let us revere the memory of the Unknown Soldier. It is important to remember that we are the greatest nation on earth—a nation under God and a democracy. Loyalty to it means protection of it no matter what the cost.

"But we must also respect the rights of other nations and the brotherhood of all men. Let us take an imaginary trip into space and there build a reviewing stand for our famous leaders. Imagine the thrilling spectacle now ready to unfold before our eyes. Sitting on the stand are Washington, Madison, Lincoln. Now the largest parade ever assembled is putting on a display never to be forgotten. Marching by are the men of the Army, Navy, Marines, the brave of all years past who sacrificed to ensure our liberty.

"Now we hear the greatest of all band marches, 'Stars and Stripes Forever'. What patriotic feelings that stirs in all hearts. All regimented flags are being proudly carried by the standard bearer to the rousing music. Standing erect are those in the reviewing stand. All briskly salute the Red, White and Blue.

"Suddenly there is silence and a complete blackout. The stars disappear from the sky, then the marching heroes fade and finally the impressive figures of Washington, Madison and Lincoln vanish. Reluctantly, we return to earth in our space ship. All that is left in the sky is the reviewing stand. This experience will long be remembered.

"It is hoped that something of our leaders' spirit will rub off on us. Let us cherish our proud flag and all it stands for. It should never be destroyed or desecrated, but regarded as something sacred in its symbolism. Let us be proud that it was the first to be implanted on the moon, and of the valiant men who made that possible. Long may it wave there over our land and in the hearts of all Americans! God Bless America!"

MUNICIPAL CLERK'S WEEK

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. FORSYTHE. Mr. Speaker, having served as mayor of my hometown, Moorestown, and having been extremely active all my life in municipal affairs, I know full well how important our dedicated municipal clerks are to each and every citizen.

Dr. John A. Rocco, mayor of Cherry Hill, N.J., a delightful community located in my district, recently dedicated the week of May 10 through May 14 as Municipal Clerk's Week. I thought this was a most appropriate way to recognize the valuable service provided by these employees of the people, and I wanted to share in this recognition.

Therefore, I am inserting the text of Dr. Rocco's proclamation at this point in the RECORD:

PROCLAMATION

Whereas, municipal government, in order to best serve the needs of the citizenry, must be operated with efficiency and in an orderly manner; and

Whereas, the efficiency and order with which government carries out its public functions is strongly reliant on procedures and records; and

Whereas, the Municipal Clerks administer the procedures and keep the records; and

Whereas, an organized source of knowledge about a community and its government activities is vital to the smooth governing of that municipality; and

Whereas, the Municipal Clerks provide and maintain such a body of knowledge; and

Whereas, the strength of local government depends upon the citizens' opinion of it, and such opinion is formed largely by the image set forth by the municipal government employees; and

Whereas, the Municipal Clerk is the municipal official most closely in daily contact with the citizenry, and therefore is a key position to mold sound public opinion; and

Whereas, during our Bicentennial Observance, it is most appropriate that we recognize an historical municipal office which grew out of the traditions of our democratic heritage,

Now, therefore, I, Dr. John A. Rocco, Mayor of the Township of Cherry Hill, in the County of Camden, State of New Jersey do hereby proclaim the week of May 10 through May 14, 1976, as Municipal Clerk's Week, in recognition of the vital services they perform and their outstanding dedication to the communities they represent.

"FARMING" 1976

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BEARD of Tennessee. Mr. Speaker, last month the Bolivar, Tenn. Bulletin-Times devoted an entire edition to "Farming 1976." I would like to call your attention to an article that appeared in that edition which very clearly articulates a sentiment which is becoming more widespread among farmers in this country. The title of the article is "Why Farm?", written by Mr. Jerry Clifft. I would like to relate to you and the other Members present a few comments I have extracted from the article, which I feel are extremely important.

Mr. Clifft expresses frustration that the operating expenses of farmers are at an all-time high; that equipment and other inputs are priced completely out of reason. In contrast, farm products and farm income remain low. He is troubled by this apparent imbalance in our economy which does not appropriately reward the farmer's work and investment. The frustration expressed in this article is due in large part to a farm economy overwhelmed by government involvement. The American farmer has always represented the backbone of the free enterprise system in this country, yet slowly Government has pushed its way into the farm sector with a mass of Federal regulations which restrict the operation of the free market system.

Perhaps the most severe meddling that Government has become involved in, has been the tampering with the farmers' markets. Our recent history of embargoes, moratoriums, curtailments, and other devices to impose export controls on agricultural commodities have had a disastrous effect on farm income. The imposition of these various export control devices are especially aggravating when the American farmer was told that it was in the national interest to maximize food production to meet an increasing domestic and international demand for farm products. Farmers were given assurances from the executive branch that they would have free access to export markets, and they responded with record grain crops.

Seemingly unaware of previous commitments, the executive branch imposed export controls and thus disrupted normal supply and demand marketing. They effectively depressed grain prices, in some cases below production costs and denied grain producers a fair and equitable price for their product. Yet, while markets were restricted and prices depressed, inputs to production such as fertilizer, diesel fuel, baling twine, and heavy equipment skyrocketed in price.

Farmers in this country were rightly outraged by this series of events. They saw this as a betrayal of their legitimate interest by a government that encouraged them to plant their fields, "from fencerow to fencerow." However, this is an example of what can happen if decisions on agriculture policy are controlled by an agency of Government which is not responsible for agriculture, but rather for international policy.

It is incredible to me, and I am sure to many other Members of this Congress, that this series of events could have occurred in the name of our national interest. I submit to you that it is not in our national interest to pursue a policy that discriminates against agricultural products, that uses agricultural commodities as a pawn in international politics, that damages our credibility as a supplier abroad, and that causes a severe and unjustifiable financial burden on the American farmer.

Mr. Speaker, I plan to introduce legislation today that would limit the possibility that agricultural commodities could again be used as a tool to accomplish some international political objective. This bill seeks to eliminate the inequity which exists in our export policy.

My legislation proposes something that might be called a "balanced embargo concept." This concept addresses the problem of falling farm prices for a commodity under export control, while the prices of production inputs continue to rise. A balanced embargo would restrict the export of related agricultural inputs, such as fertilizers, during the period of the embargo on an agricultural product. For example, if corn were placed under embargo, phosphate fertilizers would also come under export restrictions. This approach would prohibit the manufacturers of agri-business inputs from selling abroad the domestic surplus created by the embargo on the final product. Marketing the surplus would reduce domestic supply and cause the prices of needed inputs to rise, once the embargo was lifted. But a balanced embargo would assure the farmer that when the embargo was lifted, he would have access to needed inputs at approximately the same price he received for his product prior to the embargo.

The bill does not intend to challenge the authority of the President to establish export controls. However, it does intend to insure that when an export control is deemed to be in the national interest, then the consequence of that decision will not mean that farmers as a group will suffer an undue burden.

Mr. Speaker, the legislation I plan to

introduce is very short, and I would ask that it be printed in its entirety at the close of my remarks.

The general economy continues to register a steady growth. Indeed, the performance thus far in 1976 is turning out to be stronger than earlier anticipated. Inflation is slowly being brought under control, and unemployment is declining. The future of the agricultural economy seems equally bright. Farm income during the first half of this year is likely to total well above last year's levels. Exports of major crops in 1975–76 are expected to be substantially higher than last year. Feed grains and soybeans are currently enjoying stronger than expected foreign demand, and exports have been pushed up from earlier forecasts. Inputs are still very high, but farmers will face a much-improved situation, perhaps the most favorable since 1972. Of course, input prices in general will still be rising, although the rate of increase is slowing. These are encouraging facts, and we must do everything we can to insure that nothing impedes this recovery. It is my opinion that the best way to stimulate that recovery is to remove Government involvement and restore the free enterprise system to the farm economy. The bill I propose today is consistent with that direction.

HONOR FOR DR. EMORY LINDQUIST

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. SHRIVER. Mr. Speaker, I wish to take this opportunity to extend warmest congratulations to an eminent scholar and professor, Dr. Emory Lindquist of Wichita, Kans., who received the Commander Award from the Swedish Royal Order of the North Star from King Carl XVI Gustaf of Sweden. The presentation ceremony took place during King Gustaf's visit to Lindsborg, Kans., where he participated in colorful observances of Swedish-American contributions to our Nation's Bicentennial.

The award and presentaiton came as a surprise to Dr. Lindquist. I should point out that Emory Lindquist is one of our Nation's foremost authorities on Swedish-American history. He has written five books on the subject.

As Kansans we are proud that King Gustaf took the time to visit Lindsborg, and to honor Dr. Lindquist with this distinguished award. Dr. Lindquist, a university professor at Wichita State University, has served as president of Bethany College in Lindsborg and as president of Wichita State University.

Under leave to extend my remarks in the Record, I include a well-deserved editorial from the Hutchinson News and an article from the Wichita State University student newspaper, the Sunflower.

The articles follow:

Honor to Lindquist

A most noteworthy item was all but overlooked in the zip through Lindsborg by King Carl XVI Gustaf of Sweden.

Rushed as he was, the King took time to honor Dr. Emory Lindquist, long-time president of Bethany College, later Wichita State president and now teaching at WSU.

Lindquist received the Commander Award of the Swedish Royal Order of the North Star. This is a cherished award for outstanding civilian accomplishments.

It came to Lindquist as a surprise, which made the occasion even warmer.

His work in Swedish-American history and culture is well-known in this area. It includes five books on the subject, much of it embracing the Swedish-American life in Central Kansas. His last volume, for example, is a history of Bethany College.

The professor is himself the embodiment of that heritage, both in family and in his profession. His scholarship and his talents as an educator have made him one of our most distinguished citizens. It was good that the King paused long enough to recognize his service.

Swedish Award Surprises Native Son

(By Bonnie Johnson)

Emory Lindquist, former Wichita State University President and current University Professor, received the Commander Award from the Swedish Royal Order of the North Star Saturday from King Carl XVI Gustaf of Sweden.

King Gustaf presented the award to Lindquist in a brief visit to Linsborg, Kansas as part of a 27-day tour of the United States.

Lindquist said the Royal Order of the North Star was founded in 1748 to recognize achievement in civilian life, including such things as government service, judicial capacities and research.

"I believe I received the award because of my interest in Swedish-American history and culture," Lindquist said.

Lindquist, whose grandparents were born in Sweden, has written five volumes dealing with various aspects of Swedish-American life.

His latest book is entitled *Bethany in Kansas—The History of a College*. A volume that has been translated in Swedish is entitled *Vision for a Valley—Olof Olsson and the Early History of Lindsborg.*

Lindquist is a graduate of Bethany College and served as president there from 1933 to 1953. He began teaching at WSU in 1953 and served as president from 1963 to 1968.

Lindquist said he didn't know he was going to receive the Commander Award and was called out of the audience after the performance of Handel's "Messiah."

"I thought the king was very gracious and modest in his manner," Lindquist said. "He is truly a people's king."

Lindquist said the thing that impressed him most, however, was the king's visit to the Bethany home for the aged.

"He visited and shook hands with all the residents who had been born in Sweden," Lindquist said, "and he was on a very tight schedule."

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200 YEARS OF PROLOG: TO ADVANCE HUMAN PROGRESS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. RHODES. Mr. Speaker, I would like to call to the attention of the House remarks which were made on April 26 at the 64th annual meeting of the Chamber of Commerce of the United States by the president of the chamber, Dr. Richard L. Lesher.

So often today we hear attacks on every aspect of our way of life, and predictions of gloom and doom for the future. It is, therefore, a refreshing change to read Dr. Lesher's speech.

He shows us how far we have come, how much we owe to our social and business system, and how bright the future can be—for Americans and for all mankind—if we continue to trust in the institutions and the science that have given us our unprecedented prosperity.

Dr. Lesher's speech follows:

200 Years of Prologue: To Advance Human Progress

(By Dr. Richard L. Lesher)

Thank you Mr. Smith and thank you ladies and gentlemen. I hope you enjoyed that classic debate as much as I did. I know it has given me food for thought to last for a long time.

My opportunity, as I see it, is to take just a few moments to reflect on 200 years of prologue; to find guidance for the future and to speculate on some of the major characteristics we might expect to be important in the third century of this great nation.

Finally, I would like to relate the Chamber of Commerce of the United States to our present and to our future.

Let me begin by mentioning the mission statement of the U.S. Chamber. This statement grew out of a thorough and probing discussion which took place last summer as we began developing a long-range plan for the National Chamber. Our mission is:

"To advance human progress through an economic, political and cultural system, based on individual freedom, incentive, initiative, opportunity and responsibility."

That statement, I believe, will serve us well to guide and direct our activities. It could also serve as an overly simplified statement of what our Founding Fathers intended for this nation. It certainly makes it clear that the destiny of the country belongs in the hands of the people—and in the private sector to the maximum extent possible—and only when there is no alternative should it be entrusted to the government.

But more important, it is a positive statement of desire for progress in all areas of human activity—human rights, social and economic development, the arts, science, medicine and so on. These are desirable goals for this nation and for all of the peoples of the world. And it seems appropriate to me that our responsibility *is* to all of the people of the world—in addition to our own. That's one of our early ideals we have lately been in danger of forgetting.

So, let's take a moment and go back to the beginning, to understand our history and our heritage.

To paraphrase the inscription on the Statue of Liberty:

This nation was built by the bodies and minds of the tired, the poor and the huddled masses, yearning to breathe free. They came to a wilderness from all parts of the world, of many religious backgrounds. Many were fleeing religious persecution. Others were fleeing oppressive government. Most were humble and poorly educated.

I repeat—they came to a wilderness, a frontier, a region devoid of the refinements and comforts of the advanced nations of western Europe whence they came.

It is critically important to understand that grinding poverty was the normal condition for the masses throughout the world at that time. It is also important to understand that things were worse here than in the rest of the world. Not all of our early settlements won their battle with starvation.

By 1618, a total of 1,800 colonists had left England for the New World, and only one third of them—600—remained alive.

As one of the early leaders of the Jamestown colony wrote, "There were never Englishmen left in a foreign country in such misery as were we in the new-discovered Virginia."

The New World did not guarantee riches, happiness or success—only the freedom to pursue those goals.

Our chief economist, Carl Madden, recently produced a brilliant paper that boils down the millions of years of human existence in a most enlightening fashion:

He quotes an estimate by the London *Economist* that in the year of the birth of Jesus there were about 250 million people on earth. These people had an annual per capita income roughly equivalent to 200 of today's dollars.

One thousand seven hundred and seventy six years later—the year of our Declaration of Independence—world population had grown to about 750 million, *but real annual income remained at about $200 per person.*

Then something happened. Something happened of such magnitude that it would be difficult for us to comprehend it, if we hadn't been conditioned to take it for granted.

In the 200 years between the founding of this nation and today, world per capita income rose from $200 to about $1,000.

For thousands of years, per capita income had remained relatively unchanged. And then in the comparatively brief span of 200 years it suddenly increased by 400%.

But even that dramatic increase is only a small part of the real story. While per capita income rose from $200 to $1,000, world population rose from 750 million to nearly four billion.

Think how much *gross* income had to increase to keep *ahead* of the huge increase in population.

Better yet, let's find out:

Multiply population in 1776 by per capita income that year and you get a gross world income of about $150 billion.

Now, multiply *current* population by *current* per capita income and the resulting figure is current world income: Some four trillion dollars per year.

That's an increase of 2,567% . . . a 27-fold increase! In 200 years!

If that's not the greatest secular miracle in human history, I'd like to hear what's in first place.

And, up to now we've been talking only of *world* averages. The change from conditions in 1776 is even more dramatic if you break down the figures by type of economy.

In 1972, Gross National Product per person averaged $3,670 in industrial countries, $580 in centrally planned countries, and $280 in developing countries. In the U.S., GNP per person was $5,590.

The point of all this is that our economic system has proven to be the best system in *all* of history for creating wealth—and wealth is critically important to human progress; to health, to welfare, to education, to a high standard of living, and to life itself. Wealth is the product of creative and imaginative economic activity.

Throughout our history, there have been those among us who have argued for a redistribution of wealth—but after many decades of devotion to that cause there is now ample evidence to support the proposition that the best way to advance the lot of the poor is to maintain a healthy and growing economy. All boats rise together when the tide comes in.

The poor in this nation have gained more from our economic growth than from all of our government aid programs put together.

More recently, the cries for redistribution of wealth have increasingly related to international affairs. There are those here and hundreds more around the world who believe that the advanced and wealthy nations should share their wealth with the poorer nations. This argument brings to mind a quotation from an Abraham Lincoln speech:

"You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage-earner by pulling down the wage payer. You cannot further the brotherhood of man by encouraging class hatred.

"You cannot help the poor by destroying the rich. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away a man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves."

Lincoln makes it quite clear that redistribution of wealth would be self-defeating for both the wealthy and the poor.

On the other hand, America is helping the world's people rise to higher standards of living.

We are often criticized for leading the world into periods of inflation, or alternately, into recessions or depressions. But how often do we hear the other side—that our sustained economic growth and development has pulled up the economies of many other nations? And not just our trading partners. International trade is mutually beneficial, creating jobs both here and abroad.

The multinational corporation—which seems to be constantly under attack for various reasons—is seldom given credit for helping to reduce poverty in various parts of the globe. But it has done so. And in my opinion, it offers the greatest hope of abolishing world poverty in the future.

We should remember that through international trade, not only goods and services are exchanged. Also exchanged are the intelligence, training, organization and financial techniques necessary for economic development.

It is naive to judge America's contribution to the world only by the amount of foreign aid in the federal budget.

Human progress, worldwide, depends on us in so many ways.

For example, some environmentalists would have us believe that American-generated pollution is endangering the very existence of the world. But, how often is this story told:

That the commitment to environmental protection is stronger in America than anywhere else in the world?

That our relative investment in environmental research and development is greater than any other nation?

That we have made substantial progress in cleaning up our air and water?

And that someday, it will be our R & D, our technology, and our know-how that is put to work cleaning up the environmental problems of the rest of the world?

Speaking of research and development, or science and technology, it is instructive to note that our Founding Fathers were quite concerned about the "technology gap" of their era. Jefferson and others were worried that America might never catch up with the advanced nations of Western Europe.

Today, the roles are reversed. But it needs to be made clear that the fruits of our expenditures and research have been *shared* with the rest of the world—in space, in medicine, and in basic science. This, too, is a marked contrast to the practices of the so-called "closed" societies.

And let's do away with the nonsense that greedy America is raping the world. How often have you heard statements like this:

"America, with 6% of the world's population, is consuming 40% of the world's goods."

Statements like that have been repeated by hundreds of high-level officials here and abroad. And such statements are patently false for two reasons:

First of all, we have not even discovered or created a fraction of the world's potential wealth, and won't have done so 200 years from now.

And second, nothing is ever "consumed" in an absolute sense. The petroleum that we buy from abroad provides the fertilizers and the power to help America feed the world—a role which is undoubtedly going to fall to us increasingly during our third century.

Sure, we buy ¼ of the world's output. And we *produce* ¼ of the world's output. And what we produce pays for what we consume.

I've just touched upon another major problem area—energy.

Make no mistake about it: In the short run, this is a critical and complex problem.

Our growing dependence of imported petroleum makes us vulnerable to political and economic blackmail. It is a dangerous position to be in. And things may get worse before they get better.

But, in the long run, it is unlikely that we will ever run out of energy. This spaceship earth that we live on dissipates more natural energy from the sun, the wind, and the tides than we could ever use in many lifetimes.

There is a billion years of energy locked in the waters of the oceans. All we need is the key to the lock. And we're going to find it.

Hence, another prediction: American research and ingenuity will help lead us to new power sources offering energy abundance for all eternity. Probably in America's next 100 years.

Then there are those who predict the demise of the world because we are rapidly "exhausting" our resources.

But once again, the loftier perspective of a longer time frame suggests that one day we will master the principles of recycling that Mother Nature tries to teach us.

With the exception of fossil fuels, virtually all of the natural resources that were in the system at the beginning of time are still here with us—the glass of water you had for lunch might have been shared at the Last Supper, or at the Constitutional Convention. The precious metals which you carry may have been first refined by the ancient Egyptians.

Given enough energy, we will be able to make anything out of anything. For the record, you *can* make a silk purse out of a sow's ear—in fact, somebody already has.

That's enough to make my point. The spirit of this whirlwind tour of history is a positive belief that all things are do-able. If we have the faith, and the initiative, we will never lack the resources.

If we have the faith.

This noble experiment of our forefathers has borne magnificent fruit. This restless, contentious, challenging, dynamic, big land of ours. This people—generous to a fault, jealous of their rights, committed to progress—this people called "America."

We have freed man from the slavery of poverty.

We have opened his mind and his universe.

We have shared our wealth with the world.

And we have done it all with techniques and institutions dimly understood at best, and under attack much of the time.

We have given man the greatest of all possible gifts: Faith in himself.

But the challenge of success, of prosperity, of maturity can be even more difficult than the challenge of poverty. It is often harder to remodel an old building than to build anew.

Nevertheless, we stand today on a point of departure, unmatched in all history. And now I am not talking about the Bicentennial. It is just a coincidence that the dawn of a new era comes on our 200th birthday.

For 40 years we have turned increasingly away from our inner resources and toward the central government for the solution to all problems. And we have just about reached the point where the marginal cost of additional government service surpasses the benefits to be gained from it—both in economic and political terms.

In a brilliant recent study, the economist Edgar Browning shows that further efforts at income redistribution in this country can produce—at best—only small gains for the poor, at enormous cost to productive incentives for the middle class.

And as for political freedom—well, we should remember that the original antitrust laws were passed not against business, but against the looming power of government. They are called the Constitution and the Bill of Rights.

There is little excuse for ignorance of the threat. The political geniuses who gave us birth also bequeathed us ample warning. Listen to them now:

George Washington: "Government is not reason, it is not eloquence . . . it is force. Like fire, it is a dangerous servant and a fearful master. . . ."

Thomas Jefferson: "The natural progress of things is for liberty to yield and government to gain ground."

And this chilling prophecy from Madison—the father of the Constitution: "Remember, democracy never lasts long. It soon wastes, exhausts and murders itelf. There never was a democracy that did not commit suicide."

Is he right? The light of liberty grows dim and flickers.

But there is hope. For all our carelessness, we yet remain the longest enduring society of free men governing themselves without benefit of kings or dictators.

And we are waking up. For the first time in our recent history, there is a consensus—and it is almost unanimous—that we have delegated to government more power than is wise, to do things for which it is ill suited.

This song is an old song. What is new is the consensus—majorities and minorities—Democrats, Republicans and independents—rich and poor. The message is on the tongues of spokesmen from all parts of the political spectrum.

The task now is to implement the consensus; to move from rhetoric to action.

To accomplish that task, we must pay close attention to several principles:

1. We must reinvest the intellectual endowment of our Founding Fathers, and rekindle an appreciation of freedom, private property, and individual incentives.

2. We must rebuild or remodel those institutions that don't serve us well—if some of the houses of government have leaky roofs, the time to repair them is now; and

3. We must celebrate the noble experiment by our understanding, by our support, and more than support, by our commitment . . . our commitment to the continuation of our system not only for our own benefit, and our children's, but for all the children of the world.

In conclusion, ladies and gentleman, I'd like to leave you with this simple thought:

> Where the northern ocean darkens,
> Where the rolling rivers run,
> Past the cold and empty headlands,
> Toward the slow and westering sun,
> There our fathers, long before us,
> Armed with freedom, faced the deep;
> What they won with love and labor,
> Let their children watch and keep.

CAPITAL FORMATION

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MYERS of Indiana. Mr. Speaker, in this election year, there has already been a great deal of discussion of the problem of unemployment in our Nation. The center of controversy has been the role which the Federal Government should play in putting people back to work.

Those on the other side of the aisle from me have proposed the Humphrey-Hawkins bill, H.R. 50, which would call for total Government control of the planning of our economic future.

However, I am proud to have joined over 100 other Members of this body who believe in the free enterprise system, in sponsoring the Jobs Creation Act, H.R. 8053.

The Jobs Creation Act would provide the private sector with the necessary capital to increase production and hire individuals who are unemployed. The greatest advantage of this legislation is that it would cut unemployment without increasing taxes, and it would not add to our increasing national debt or to our bloated budget. People would be placed on jobs that would be permanent, instead of the temporary make-shift jobs under Humphrey-Hawkins.

In recent months, the Mobil Oil Corp. has published a series of articles in the Nation's leading newspapers explaining the economic problems of our Nation. On Sunday, May 9, 1976, the following appeared in the Washington Post and other newspapers. This is the fourth in a six-part series.

The comments contained in this article help explain the need for the capital formation which is suggested in the Jobs Creation Act:

SOCIAL MOBILITY OR CLASS WARFARE?

The economic confusions of millions of Americans—especially the educated, concerned members of the middle class, who exert great influence on public policy—are frustrating their efforts to make this a country of growing opportunity for all our people.

In fact, their economic misunderstanding threatens to *diminish* the opportunity for social progress and better living standards for those still enduring second-class citizenship of one sort or another. Because the one thing worse than not knowing something is knowing things that aren't so.

THE NEED FOR UNDERSTANDING

We don't mean to offend you, but we feel keenly that there is a desperate need for people to understand better the economic system that makes our country tick—even in a recession—and underpins the highest living standards of any major country. This is not to say that those of us in industry are all that smart either; we make mistakes, too. But we are now deeply concerned, as the handwriting on the wall becomes clearer by the day. We'd like to share these concerns, and what we have learned, with you.

In *real* economic growth—the growth rate after you subtract the inflation—the United States ranked 17th among the 20 most advanced economies in the Free World during the 1960s. We were tied with Ireland and *behind* such nations as Iceland, Austria, Greece, Portugal, and Yugoslavia.

What caused our country's deplorably slow rate of growth? A major factor: not enough money invested in new plants and equipment.

THE RECORD SINCE 1960

Since 1960 the United States has had the lowest level of private capital investment in relation to Gross National Product (GNP) of any major industrialized nation in the Free World. U.S. business investment averaged a shade over 13.5% of GNP in the period 1960–73. Japan's figure was more than twice ours. In West Germany it was 20%; in France, over 18%.

As a direct result, the American labor force's productivity is growing much more slowly than that of most of the countries with which the U.S. competes in world markets. *Productivity, the measure of output per hour worked, is the key to improving living standards.*

What's likely to happen if our economy more or less stagnates instead of grows?

If it becomes clear to everyone that the economic pie isn't going to get appreciably bigger, every group will begin fighting for a larger piece of that static pie. Women, blacks and other racial minorities, and young people of all backgrounds will be the hardest hit. College graduates will find job-hunting even tougher. More and more of them will have to take jobs lower in the economic scale. This will further squeeze every minority and everybody else.

Rising social strife can create a backlash against efforts toward cleaner air and water and toward the funding of health services and education. It can produce pressure to push older workers out early.

CORPORATE EARNINGS MUST RISE

If we as a people are to avoid such divisive bitterness, we are going to have to put some of our emotional hang-ups aside and face up to facts. The belief that business has prospered in recent years while individuals have suffered simply is not true. The evidence on this is incontrovertible. What a lot of people find difficult to swallow is that corporate earnings have to rise to levels substantially above those of recent years if our country is not to get into even deeper trouble.

Government obviously has a decisive role to play in promoting economic growth. Only government can formulate economic policy. Only government can disavow the adversary position that politicians have created with respect to private business, and replace it with a more responsible and productive relationship. Only government can create a healthier economic climate—though it cannot operate a business efficiently.

Economic growth is the last, best hope for the poor and for all the rest of us. Sheer redistribution of income cannot do the job. We must create a steadily larger income pie. This can be done only through economic growth. And only profitable private business can make the capital investments that produce economic growth and jobs and tax revenues.

THE CITIZEN'S BICENTENNIAL PLATFORM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. ROSENTHAL. Mr. Speaker, as chairman of the Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, I have become increasingly aware of the problems of consumers who wish to have a voice in the policy decisions which affect their health, safety, and economic well-being.

While private businesses are permitted to writeoff their lobbying costs as business expenses, citizen groups rarely have a steady source of income because contributions for lobbying activities are not tax deductible.

A new fund-raising venture—the Citizens Action Fund—has been founded to raise money for citizen groups across the country which lobby and are not chapters of a national group. These groups are all working for the basic American principle that citizens should have a voice in the kind of community and the kind of country in which they live. This includes making business and government accountable to the people.

With this ideal in mind, the Citizen Action Fund has developed a legislative platform which outlines the necessary elements for effective and responsible government. I commend the Citizen's Bicentennial Platform to my colleagues and am inserting it in the RECORD at this point:

THE CITIZEN'S BICENTENNIAL PLATFORM

THE BICENTENNIAL PLATFORM

Two hundred years ago delegates from the thirteen original colonies gathered in Philadelphia to declare that citizens have the right to organize their government "in such Form as to them shall seem most likely to effect their Safety and Happiness." It is time to reassert that principle by equipping citizens with the power and tools to make government and business responsible to the people and to determine the quality of life in their community and in their country.

Consumer groups sponsoring this platform seek to make their voices heard to government before policy decisions are made which affect their health, safety and economic well-being. The environmental organizations are actively working to use the earth's limited resources wisely, prudently and with foresight and concern for future generations.

Based upon these ideals, this bicentennial legislative platform outlines the necessary elements for effective and responsive government.

GOVERNMENT ACCOUNTABILITY TO CITIZENS

Government decision-makers must be made responsive and accountable to the fundamental needs of consumers by:

Open Government—Guaranteeing direct citizen access to government decisions by requiring agencies and the Congress to hold open meetings and requiring high level civil servants to keep public logs of industry and citizen contacts.

Freedom of Information—Assuring that citizens have unfettered and inexpensive access to government information.

High Quality Regulators—Selecting government regulators with the capacity to withstand political pressure, economic and philosophical independence from the regulated interests and consumer sensitivity; prohibiting employment by an agency-regulated firm within three years of departure from government.

Citizen Standing to Sue—Assuring citizens the right to challenge illegal government action in court and to compel agencies, which are too often ineffective or subservient to special interests, to obey the law.

Attorneys fees—Providing compensation to citizens for costs incurred in participating in litigation or agency proceedings on behalf of the public interest.

Private Attorney General—Encouraging citizens to act as private attorneys general by rewarding citizens who successfully enforce the law against corporate violators in the public interest with a share of the penalty imposed.

Civil Service Accountability—Giving citizens the right to challenge the tenure of or to seek damages from government officials who arbitrarily refuse to enforce the law or who engage in wasteful practices or harassment.

Initiative, Referendum, Recall—Expanding the use of ballot box instruments which permit citizens to hold office holders accountable: the initiative, permitting citizens to enact legislation without legislative action; the referendum, allowing citizens to express their opinions on controversial public issues and the recall, authorizing citizens to remove unresponsive office holders.

CORPORATE ACCOUNTABILITY TO CITIZENS

Economic competition leads to the production of the best possible goods at the lowest possible price. As competition has disappeared, economic concentration and corporate abuse have generated higher prices and inferior or unsafe products. And, as corporate power has exploded, citizens have been deprived of the ability to be heard and to choose. Corporate accountability can be sought through:

Consumer Class Actions—Permitting consumers to join together to file small but identical claims against the same company to facilitate recovery of damages and prevent unjust enrichment.

Small Claims Court—Providing individual consumers with an accessible judicial forum to give quick and inexpensive redress to small injuries caused by producers and merchants.

Residential Utility Citizen Action Group—Establishing a voluntary check-off contribution system on utility bills to raise funds for citizen oversight and participation in the regulation of state-granted monopolies.

Consumer Cooperative Bank—Creating a Consumer Cooperative Bank modeled after the successful farm credit system to make loans for development of local consumer cooperatives.

Equal Credit—Assuring that credit is available to all who seek and deserve it without regard to sex, age, marital status and race.

Product Information—Requiring complete and prominently displayed information at the point of purchase to assist consumers, in making intelligent marketing decisions, including mandatory price marking, unit pricing, nutritional labelling, product care, ingredients, net and drained weight, additives and expiration dates, health and safety warnings and warranty information.

GOVERNMENT ACTION TO PROTECT CITIZENS FROM CORPORATE ABUSE

When corporations hold excessive market power, their resources—financial and technical—are so vast that citizens cannot hold them accountable. Citizens must therefore look to government to prevent corporations from treading on individual rights, from engaging in willful pollution and from violating the law. To accomplish this goal, government needs new powers, including:

Independent Consumer Advocate—Creating an Independent Consumer Protection Agency within the Executive Branch to represent consumer interests before the courts and the federal agencies which daily make decisions affecting the health, safety and economic well-being of consumers.

Federal Chartering—Requiring large multinational corporations to obtain a federal charter (in addition to a state charter) which would increase corporate disclosure, protect employee rights, limit monopoly growth and subject the corporation to strict federal requirements for democratic corporate governance and increased influence of stockholders, workers and consumers. This is needed because corporations have outgrown their state-based origins and need to be brought back under control.

State Anti-Trust Enforcement—Permitting State Attorneys General to file class action antitrust damage suits on behalf of citizens of their states.

Federal Antitrust Enforcement—Saving consumers billions annually by vigorously enforcing existing antitrust laws and enacting new laws to cover oligopolistic industries. In some industries, such as food and energy, a single company controls the product from its natural origins to its consumption. Vertical divestiture (splitting off production from retail functions) and horizontal divestiture (prohibiting control of near substitutes such as oil company ownership of uranium, coal and other energy sources) would increase competition and curtail the power of corporate giants.

Family Farms—Discouraging corporate takeover of independent family farms which are efficient food producing units.

ENERGY POLICY TO SERVE THE ECONOMY AND THE PUBLIC NOT THE OIL COMPANIES

The costs of energy—in resource depletion, pollution, and dollars-and-cents—skyrocket while national energy policies serve only the convenience of the major oil, coal, and utility companies. Energy prices should reflect the true costs of production—but energy users should not be at the mercy of either the OPEC oil cartel or the U.S. firms that dominate domestic energy production.

The federal government, instead of intervening against other interests in behalf of the energy companies, should regulate the industry in behalf of the eclectic economic and political interests our government is supposed to serve. This means rejecting deregulation of natural gas prices, subsidies to synthetic food producers, and other schemes for increasing company profits without really adding to energy supplies. And it means reducing the consumption and waste of energy while encouraging the development of diverse, decentralized, more efficient and renewable energy production systems.

ENVIRONMENTAL PROTECTION TO SAFEGUARD HEALTH AND SAFETY

Polluters portray the environment as nice but not necessary—something that's just too costly to protect. And some industries avoid the cost of environmental safety by forcing others to pay—workers with their lives in mine explosions or industrial poisoning, farmers and fishermen with their livelihoods when land is strip mined and waters polluted, all of us with our help when toxic substances and other pollutants enter the air and water.

A healthy environment means more than protected wildlife, parklands, and recreation opportunities—it means a sound economy, more jobs, and good public health. Cancer and respiratory disease caused by pollutants cost dearly in lives and money. Environmentally dangerous nuclear and synthetic fuels mean higher energy costs. Destroying rivers and wetlands to subsidize the barge industry debilitates our railroads and creates pressure for more highways.

Our environment and economy can be protected through:

Toxic Substance Control—requiring that chemicals be tested for safety before they are marketed, not after they are found to cause cancer and other diseases in workers and consumers.

Air and water pollution control—workers and consumers, wildlife and the land, air, and water, should not be the recipients of industrial and municipal waste. Air and water pollution control standards should be enforced, not weakened.

Jobs and the environment—energy companies and some other industrial producers say that production increases and jobs are assured only if industry is free from environmental regulation. Workers know that tough strip mine regulations mean more jobs in the mining industry, that producing synthetic fuels takes capital—and jobs—away from other more labor-intensive industries. But success in cleaning up the environment will come only with a federal government honest enough to reject industry blackmail of workers into accepting weaker pollution and safety standards.

ISSUES ON WHICH YOU CAN MAKE A DIFFERENCE

Each citizen can effect the outcome of pending legislation. Environmental and consumer groups urge you to write your members of Congress about the following bills:

Consumer Protection Act

(S. 200, H.R. 7575) Creates an independent advocate to represent the interest of consumers before federal agencies and courts, and establishes a central clearinghouse for consumers. Having passed both houses of Congress, the bill will soon go to President Ford, who has threatened to veto it. Write to the President urging him to sign the Consumer Protection act. (Contact: Public Citizen, Consumer Federation of America, Consumer Action Now.)

Toxic Substances Control Act

(S. 776, H.R. 10318) Authorizes the Environmental Protection Agency to require testing of chemicals prior to marketing and, if necessary, to limit use or require recall. Mandatory premarket testing is crucial if the bill is to serve its preventive purpose. (Contact: Environmental Action, Public Citizen, and Consumer Action Now.)

Attorneys' fees

(S. 2715) Providing compensation for costs of participation by citizens in administrative and judicial review proceedings where the participant could not otherwise afford to participate or has a small economic stake in the outcome and would present views not otherwise represented. (Contact: Public Citizen and Consumer Federation of America.)

National no-fault automobile insurance

(S. 354, H.R. 9650) Establishes minimum national standards for no-fault insurance, assuring every American driver lower cost insurance. (Contact: Consumer Action Now and Consumer Federation of America.)

Consumer cooperative bank

(S. 2631, H.R. 10881) Creates a bank modeled after the successful farm credit system to loan money to consumer cooperatives. Government seed money would be repaid by participating cooperatives, until the cooperatives own the bank. (Contact: Public Citizen and Consumer Federation of America.)

The B–1 bomber

The B–1 bomber program, costing $100 billion, poses numerous environmental threats: damage to the fragile ozone layer, waste of precious fuel supplies, and bombarding Americans with sonic booms. This money could better be used to clean up the nation's pollution. (Contact: Environmental Action.)

The bottle bill

(S. 613, H.R. 3246) While wasting natural resources, throwaway bottles and cans cost money—in higher market prices and garbage collection costs. National legislation similar to that passed in Oregon and Vermont would require a mandatory deposit. (Contact: Environmental Action.)

Plutonium breeder reactor

Despite mounting evidence that a plutonium breeder reactor, which produces fuel for other reactors, is neither economical nor safe, the breeder is the Administration's number one energy development funding priority. (Contact: Public Citizen.)

Strip mining

(H.R. 9725) America needs to produce more coal—but it must be mined safely, burned cleanly and strip mined lands must be reclaimed. Federal strip mine standards can assure full production without ecological damage. (Contact: Environmental Policy Center.)

Offshore oil production

Mandates strict environmental safeguards, state and local control of the onshore impact of offshore production and increased competition among companies bidding to produce oil from public lands to insure that increased offshore production respects the natural resources and local economies of our coastal regions—where 80% of Americans live. (Contact: Environmental Policy Center.)

WHAT IS THE CITIZEN ACTION FUND?

The Citizen Action Fund was recently formed to arrange fund raising projects for public interest groups throughout the country who lobby and who are not chapters of a national group. The Fund was organized by the five national organizations listed below and is directed by actor Robert Redford, Warner Brothers board chairman Ted Ashley, Wells College President and former Texas legislator Frances (Sissy) Farenthold, Nashville, Tennessean publisher John Seigenthaler, and University of Massachusetts President Robert Wood. Each of these five founding groups are supported by private contributions. The premier showing of "All the President's Men" is the first project of the Citizen Action Fund. The premier will benefit over 25 consumer and environmental groups in more than a dozen different cities. The founding national groups are:

Consumer Action Now—A six-year-old environmentally concerned consumer organization which focuses on how consumer behavior affects the environment. The New York based group deals with issues ranging from air pollution and toy safety to over the counter drugs and no-fault automobile insurance. (49 East 53rd Street, New York, NY, 10022, 212–PL2–1220)

Consumer Federation of America—A federation of over 200 national, state and local organizations, joined together to advocate consumer rights before Congress, the President, the regulatory agencies, the courts, and industry, CFA's lobbying has included advocacy of the Consumer Protection Act, national health insurance, improved consumer product warranties, creation of the Consumer Product Safety Commission, and supermarket pricing. (1012 14th Street, NW, Washington, DC, 20005, 202–737–3732)

Environmental Action—A Washington based environmental organization which lobbies on solid waste management, toxic substances, the B–1 bomber program and transportation issues. The group publishes a biweekly magazine, Environmental Action, and its political committee runs the Dirty Dozen campaign, an election effort to defeat twelve of the most antienvironmental members of the House of Representatives. (1346 Connecticut Avenue, NW, Washington, DC, 20005, 202–833–1845)

Environmental Policy Center—Specializes in energy, land use and water resource issues and serves as the Washington information center for state and local environmental, agricultural, and community organizations. EPC lobbies on strip mining, offshore oil, nuclear power, synthetic fuels, energy facility siting, coastal zone management, and Corps of Engineers legislation. (324 C Street, SE, Washington, DC, 20003, 202–547–6500)

Public Citizen—Headed by Ralph Nader, Public Citizen groups litigate, lobby, research, participate before the federal agencies, courts and Congress on behalf of citizen interests, and foster citizen action in communities across the United States. They advocate structural reforms in tax policy, corporate accountability, freedom of information, health care delivery, occupational health, safe energy production, consumer choice in the marketplace and citizen participation in government decision-making. (133 C Street, SE, Washington, DC, 20003, 202–546–4996)

THE GOOD NUCLEAR POWER CAN DO

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MICHEL. Mr. Speaker, we have heard a great deal about the potential harm that might ensue from a nuclear powerplant that suffered an accident. In my view, this sort of fear is not backed by solid evidence, but results rather from the scare tactics employed by those who would thwart our energy development program, for reasons either sinister or foolhardy.

Further damage to the scaremonger's cause has been done, I feel, by an article appearing in this week's Newsweek magazine by Dr. Edward Teller.

Dr. Teller documents, in contrast to the potential harm, the good nuclear power can do, for example the tremendous benefits that can result for the underprivileged and poverty-stricken majority of the world.

His case is convincing, and I feel that all Members will profit by considering it, for which reason I include it here in the RECORD:

NUCLEAR SALVATION

(By Edward Teller)

Today people all over the world know we must do something about the environment. Unfortunately, too few of them understand what the real problem is. One part of this problem is greater by far than all its other parts put together—pollution by *poverty*.

There is poverty in our country, but in relative terms, we are well off. Three-quarters of the world is wretchedly poor. Pollution by poverty leads to hunger and disease. That kind of pollution kills. That kind of pollution generates hatred. And that's the pollution that may become the cause of the third world war.

There is no single method by which worldwide poverty can be alleviated. But efforts to relieve it have taken a turn for the worse due to the energy shortage.

At the present time the world consumes the energy equivalent of 120 million barrels of oil a day. Of this, 70 million barrels come from wells in the form of oil and natural gas. A little more than 30 million comes from coal. A little less than 20 million is obtained from other sources, among which the burning of wood and wastes and hydroelectric power are the most important.

Today 4 billion people live on the earth. By the year 2000 it will be 7 billion—and we can do little about it. This means that if, by the turn of the century, we consume energy only at the *present* per capita rate, we would require the equivalent of 210 million barrels of oil a day.

THE YEAR 2000

But limiting consumption to the present per-capita use would only perpetuate the misery of the majority of mankind. Energy is needed not only for industry. It is also needed for effective production of food. Without more energy the underdeveloped world will not progress. In fact, it will starve. Among the nations, India and Pakistan were hardest hit when OPEC boosted the price of oil fourfold.

By the year 2000 we will need at least the equivalent of 300 million barrels per day. Oil and gas cannot ever provide more than 100 million barrels a day. One must be optimistic to believe that we can get from coal as much as another 100 million. Hydroelectric power, solar energy in all its forms (including the use of wood, solar heaters, solar electricity and others) together with geothermal energy probably cannot yield more than the equivalent of 50 million barrels a day.

Yet the goal of 300 million barrels *can* be reached—if we employ nuclear reactors. Nuclear power is clean. Industrial reactors are so safe that we know of not a single individual in America whose health has been damaged by the nuclear nature of such a reactor. Expensive "accidents" have occurred but no one was hurt. Each accident, affecting the pocketbook, led to improvements that made life around reactors even safer.

THE CALIFORNIA REFERENDUM

The reactors should be deployed primarily in the advanced countries where they can be handled with the greatest safety. The energy supplied by nuclear reactors could reduce oil consumption in these advanced countries, to the world's benefit. Every barrel of oil that a country like the United States imports is taken away from other countries where the need is greater. This is as strong an argument for cutting oil imports as our goal of "energy independence."

Yet, in the midst of this desperate worldwide need for energy, certain groups in California have put a referendum on the ballot in next month's election that could have disastrous consequences. Passage of this initiative would effectively forbid deployment of more reactors and would reduce the maximum permitted power of present reactors to 60 percent of capacity (this would not enhance safety to any great extent but would make any reactor an economic fiasco). Under this proposal these consequences could be avoided only by an utterly unworkable bureaucratic procedure. Oregon and more than a dozen other states are ready to follow the lead of California. As a result, the American nuclear industry could be dead in a couple of years. If this should come to pass, America will have turned its back on the one overwhelming environmental trouble of the world—poverty.

It is remarkable and fortunate that among responsible legislative bodies no bill has been passed that would stop the building of nuclear reactors. The opponents of nuclear power are, therefore, turning to the mass of the voters. These voters are fully capable of understanding the issues, if they learn the facts. But they are subjected to sensational stories and become easy prey to scare propaganda.

Indeed, there is no better subject with which to scare people than nuclear energy. What is new, what is not completely understood, is always frightening. But nuclear energy is a special case.

It comes from a remote part of research that, in the minds of many people, borders on science fiction. It was developed in wartime and was shrouded in secrecy. It came to the attention of mankind when, in two strokes, more than 100,000 people were killed in the final days of a terrible war.

THE FIRST PRIORITY

If we had demonstrated the bomb to the Japanese first, we probably would not have needed to use it on their cities. Then today we would feel safer and have a more rational attitude toward nuclear energy. The California initiative would have no chance of passing.

Can we, in our democratic society, overcome unreasonable fears? Can we give first priority to the great international issues that ultimately affect every one of us? Or will scare tactics and provincial considerations prevail?

Every environmental issue can be alleviated by appropriate action. Smokestacks and automobile emissions can be cleaned up. Strip-mined land can be restored to excellent condition.

But no environmental problem is more important, or is harder to relieve, than worldwide poverty. Energy is one of the keys to solving the problem.

Let us not start with a long step in the wrong direction.

FEA PUBLIC OPINION POLLING

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. OBERSTAR. Mr. Speaker, when the FEA authorization bill comes up for consideration on the House floor, I intend to offer an amendment to restrict FEA's authority to conduct public opinion polls.

I testified before the Energy and Power Subcommittee in support of a bill which I had introduced and which I suggested as an amendment to the Federal Energy Administration Act of 1974 to correct abuses of agency authority in the conduct of public opinion polling.

In response to my testimony the subcommittee has cut back on the FEA public relations budget and attempted by language in the committee report to restrain future such activities of the FEA.

While the subcommittee's action is commendable, in my judgment it does not go far enough nor provide the safeguards I feel are necessary to prevent recurrence of this activity.

PURPOSE OF THE AMENDMENT

The subcommittee hearings showed that FEA spent over $600,000 in public opinion surveys or polling, and that such expenditures were part of a broad scale effort to mold public opinion in order to influence Congress to deregulate natural gas and other fuels. The FEA is charged with carrying out the law rather than to endeavor to influence public opinion, particularly with respect to legislation. It has no business or justification for spending public funds for surveys or polls of public opinion or attitudes. My amendment would prohibit such activity.

BLOOD PRESSURE TREATMENT PROGRAM

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. FLYNT. Mr. Speaker, one of the most effective programs for the early detection and subsequent treatment of hypertension has been developed by the Georgia Heart Association.

Dr. Jack E. Birge, a family physician of Carrollton, Ga., has provided leadership for the Georgia Task Force for High Blood Pressure in the schools. This breakthrough has been endorsed and implemented by the Georgia Heart Association in conjunction with volunteer work in local school districts throughout the State. Thus far the program has reached more than 26,000 students and the number is increasing every week. The ideal objective of course is to discover the absence of hypertension or high blood pressure but if it exists actually or potentially, the sooner it is detected the more effective the treatment.

The Georgia Heart Association has received an award and commendation from the National Center for Voluntary Action for introducing and carrying out this program. The program has been endorsed by the National High Blood Pressure Education Center, the Office of Health, and the Commissioner of Education. Today, Tuesday, May 18, 1976, the President of the United States will receive Dr. Birge, Mr. Neil Shulman, Sandra Lee Owen, and others in the White House in connection with this program. Also today the National Center for Voluntary Action will make the award to the Georgia Heart Association during a luncheon at the Kennedy Center.

In the February 1, 1976, issue of Patient Care, this program was described in an editorial, "A Peach of a Blood Pressure Program in Georgia."

Mr. Speaker, it is my pleasure to share this editorial with my colleagues. It follows:

A PEACH OF A BLOOD PRESSURE PROGRAM IN GEORGIA

Schoolchildren search for hypertension: In a program of three years' standing, the Georgia Heart Association is uncovering unsuspected hypertension in the hard-to-reach under-45 age group by teaching fifth, sixth, and seventh graders the basics of blood pressure measurement and lending them equipment to use at home on their parents. Initial successes are leading to statewide adoption of the program, expected to be complete by 1978. The program suggests that broader teaching of basic physiology and of the limitations of restorative medicine might reverse some depressing trends in the personal health habits of adult Americans.

Last May in this space we suggested that the money spent in promoting "Hypertension Month" to physicians and other health professionals might be better spent in the public schools. Children, we reasoned, might well have greater success in convincing their parents of the importance of blood pressure monitoring and early treatment of hypertension than physicians and other health professionals have had so far.

It recently came to our attention that there has been for three years in Georgia a public school program that goes far beyond the scope of our suggestion. It has tested an approach so beautifully simple that one wonders why it wasn't instituted nationwide long ago: Explain to youngsters of age 11–13 the rudiments of blood pressure physiology, teach them how to take blood pressure readings and make them overnight loans of sphylgmomanometers and stethoscopes so they can take their parents' blood pressures at home. This way, you screen the hard-to-reach under-45 age group for hypertension, and you can follow up with professional care when suspicion arises.

Easier said than done? Not terribly. The program, developed by Georgia Heart Association (GHA) volunteers from the ideas of Jack E. Birge, MD, a family physician of Carrollton, Ga., has had the eager support of school officials, science teachers, public health nurses, local physicians—everyone whose time and support is needed to make it work.

The program has two main thrusts:

To offer through the standard school curriculum practical education on high blood pressure, including sound principles of prevention and care

To provide some skill in measuring blood pressure, not only to reinforce the learning experience but also to enable the student to pass along the benefits of his knowledge to family and friends.

The GHA approach will be described in detail by program coordinator Sandra Lee Owen, BSN, in a presentation* at the National Conference on High Blood Pressure Control in New Orleans at the end of March. Basically, the plan has five easily accomplished steps:

1. Professional volunteers instruct public schol teachers (of science, physical education, or health) in the appropriate presentation of the basic facts relating to high blood pressure—etiology, physiology, therapy, control, associated risks—and in blood pressure measurement techniques.

2. Teachers provide a five-day instruction unit that includes lectures, films, and practical demonstrations to students in the fifth, sixth, and seventh grades. Parents are asked to consent to the instruction beforehand.

3. Qualified teachers or health professionals verify the students' ability to measure blood pressure accurately.

4. Students take home blood pressure testing equipment and supplementary education aids for their parents. Each student takes three BPs on each subject (brothers and sisters as well as parents—and perhaps neighbors and friends). If any subject's readings are consistently greater than 160/95, he is informed (by health authorities, not the child) that he should have his blood pressure checked by a physician or in a health department clinic.

5. Everyone concerned with the program promotes it actively, by word of mouth or through any public media available to them.

The novel approach of teaching children to do "clinical" tasks attracts newspaper and local TV coverage. The influence of the program goes far beyond the families of the students themselves.

The Georgia program has approximately 60 trained teachers instructing some 20,000 students a year in 17 different school systems. GHA officials say the program will be extended statewide by the end of 1978. They also expect to get queries from all over the country about their methods. A booklet now in preparation—for distribution to all who request it—has a foreword by Assistant Secretary for Health Theodore Cooper. Says Dr. Cooper: ". . . our task of bringing high blood pressure under control throughout the nation is far from complete. A major portion of the remaining effort lies in developing more effective school health education programs which focus on health hazards and their avoidance.

If the nation elects to wait to reach its citizens after they are adults and have formed life-style patterns which are deleterious to health, our health care system will always be in the position of playing catch-up ball. The work described here, to mount a unique new program of hypertension awareness among school-age children, is one example of providing students with this kind of preparation.

"I commend the Georgia Heart Association and the local school districts with which it is working for their willingness to pioneer such an important educational endeavor."

The GHA program has the obvious benefits of uncovering unsuspected hypertension and restoring some therapy dropouts to control. These benefits alone are sufficient to justify the program's careful study by health professionals everywhere. It's worth noting here that local physicians who assist the program need to devote only a little time to it. Their advice and a show of support are the principal elements required of them. On the other hand, they receive considerable benefit themselves. Some of their own patients, asymptomatic and unsuspecting, are almost sure to be "referred" in for much-needed assessment of elevated blood pressures. In one series of 2,278 BP measurements by schoolchildren, 108 confirmed elevations were discovered and followed up.

The program also contains a seed of greater promise: reaffirmation of the belief that every individual is responsible for preserving his own good health to the limits of his knowledge and ability. In that concept lies not only our best hope for a relatively disease-free society but also for a medical care system that can meet all reasonable demands upon it at reasonable costs.

Too many adults persist in indifference to severe health hazards despite widespread warnings. Too broadly the conviction prevails that the right to good health includes restorative miracles upon demand at any physician's office. Perhaps by giving our children a better understanding of their basic physiology and of the limitations of restorative medicine, we can help future generations do better than we ourselves can do. It's a thought worth considering.

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* "The 3 Rs and HBP: A unique approach to high blood pressure education," a paper coauthored by Sandra Lee Owen, BSN, Georgia Heart Association, 2581 Piedmont Road NE, Atlanta, GA 30324; Jack E. Birge, MD, Carrollton, Ga.; Neil Shulman, MD, Emory University School of Medicine, Atlanta; E. Bentley, PhD, Cooperative Education Service Agency, Atlanta; and S. Mann, Computer Science Department, Georgia Institute of Technology, Atlanta.

REDUCING FEDERAL PAPERWORK

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. LEHMAN. Mr. Speaker, I am today introducing a bill, the "Federal Reports Act Amendments of 1976," to reduce the burden of Federal reporting requirements and the avalanche of Washington-generated paper. In the spirit of the bill, I will say no more.

END THE FEDERAL ENERGY ADMINISTRATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mrs. SCHROEDER. Mr. Speaker, the Federal Energy Administration Renewal Act, H.R. 12169, is scheduled to be considered by the House soon. Congressman Floyd Fithian and I are planning to offer a substitute to this bill—one which abolishes the FEA and transfers its functions to other departments and agencies. The substitute is entered along with other amendments we plan to offer in the amendments section of today's Record. The following explains the substitute:

Explanation of Schroeder-Fithian Substitute To Abolish the Federal Energy Administration and Comparison to H.R. 12169

I. The FEA Office of Executive Management and Administration is abolished, except for the Office of Private Grievances and Redress. The Office of Private Grievances and Redress is transferred into the Office of Regulatory Programs and then transferred to the Federal Power Commission. H.R. 12169 provides funding levels for the Office of Executive Management and Administration at $8,655,000 for the Transition Quarter and $33,324,000 for fiscal year 1977. Only the funding for the Office of Private Grievances and Redress is retained at $730,000 for the Transition Quarter and $2,191,000 for fiscal year 1977 (included in authorization level for Regulatory Programs).

RATIONALE

Abolishing the Office of Executive Management and Administration will eliminate approximately $32,000,000 from the fiscal year 1977 budget. Offices under this office include the Office of Administrator, Office of Management and Administration, Office of General Counsel, Office of Communications and Public Affairs, Office of Congressional Affairs, and Office of Intergovernmental, Regional, and Special Programs. All of these functions can be absorbed by the Departments and Agencies to which the various functions overseen by them are transferred. For example, the Federal Power Commission General Counsel will oversee the legal affairs of the Office of Regulatory Programs when it is transferred. The Department of Interior's Congressional Liaison Office can handle correspondence with regard to FEA functions transferred to the Department of the Interior, etc.

II. The FEA Office of Energy Policy and Analysis is transferred to the Energy Research and Development Administration. H.R. 12169 provides funding levels of $8,137,000 for the Transition Quarter and $34,971,000 for Fiscal Year 1977 for this Office. The substitute contains these funding levels.

RATIONALE

Transferring the functions of this office to ERDA will permit a rational, integrated approach to Energy policy and planning. The Office now operates the National Energy Information Center which collects and disseminates data, forecasts and analyzes shortages and impacts, coordinates energy policy processes, and formulates alternative energy strategies. These functions are similar to those planned for ERDA in the bills Congress is considering to create an Energy Extension Service. Furthermore, ERDA has the technological tools and information (with regard to such innovations as alternative energy sources and improved conservation technologies) to better estimate forecasts on which policy is based, and ERDA has an Office for Planning and Analysis duplicating many of FEA's functions.

III. The FEA Office of Regulatory Programs is transferred to the Federal Power Commission. H.R. 12169 provides funding levels of $13,238,000 for the Transition Quarter and $62,971,000 for Fiscal Year 1977. Because funding figures in the Schroeder-Fithian bill include within this Office the Office of Private Grievances and Redress, the substitute funds this office at $13,968,000 for the Transition Quarter and $64,650,000 for Fiscal Year 1977.

RATIONALE

Having the Office of Regulatory Programs within the Federal Energy Administration best points out the short-term intentions of Congress in creating the FEA. The office has responsibility over price regulation and allocation of oil and oil products. For the short-term, having the regulatory framework within the same agency which advocates conservation and expansion of energy development is not harmful. However, now a situation is developing where the FEA, charged both with developing the Administration's energy policies and with regulating oil producers, refiners, and marketers is neglecting to do a good job at regulation because its policy leanings are towards deregulation. This situation must be altered else the nation face a repetition of problems faced in the Atomic Energy Commission which caused that agency to be dissolved into ERDA and the Nuclear Regulatory Commission.

The Federal Power Commission has expertise in the field of energy regulation because it regulates interstate natural gas. Indeed, many, if not all, of the persons it regulates in the production level are also being regulated by the FEA. Transfer of the FEA's Regulatory Program to the FPC does not mean that it need be immediately integrated into the FPC's organizational structure. It does mean that effective leadership will be given it so that it does its job in an unbiased manner. Furthermore, transfer to the FPC should mean that the substantial bias at the FEA towards regulating small producers and marketers while neglecting major companies will be eliminated. In addition, many of the duplicate reporting requirements of the FEA and the FPC as to production and reserve data can be consolidated.

The $37,365,000 cut in funding for this office is not done in furtherance of a policy of anti-energy conservation, but rather, in favor of a policy of fiscal responsibility. This funding was added on in the full Commerce Committee mark-up, never having been considered in the Subcommittee on Energy and Power. It exceeds the budget levels authorized for this function and will draw funds from other categories. No direction is given to the expenditure of these funds. Rather, the Committee report on H.R. 12169 speaks to them as ". . . funds added to the FEA budget . . . [which] . . . might be wastefully or inefficiently spent." The nation needs a massive program of energy conservation, but short-term crash spending programs are notoriously inefficient and counterproductive to later well-thought out requests for funding.

IV. The FEA Office of Conservation and Environment is transferred to the Energy Research and Development Administration. Funding levels for these programs in H.R. 12169 are $7,386,000 for the Transition Quarter and $49,961,000 for Fiscal Year 1977. In addition, a continuation of the Electrical Utility Study which the FEA has been carrying on to improve state electric utility rate-making is funded in a lump sum of $13,056,000, presumably to be prorated over the fifteen month period covered by the Transition Quarter and the Fiscal Year. The Schroeder-Fithian substitute includes the funding for the electrical utility study and identical funding for the Transition Quarter, but reduces funding for Fiscal Year 1977 to $16,934,000 the amount which the Subcommittee on Energy and Power alloted to this function, a reduction of $37,365,000.

RATIONALE

This office promotes actions to reduce demand for fuels, to improve fuel efficiency, and to analyze environmental impacts and implications of energy policy. Except as to such things as the public relations campaigns which FEA carries on among industry users, ERDA presently either duplicates or furnishes FEA with required background information on many programs which are carried on by the Office. Again, an integrated approach—where all approaches from the very theoretical to the very practical are in one permanent agency—will present economies for the taxpayer and a more efficient use of knowledge.

V. Energy Resource Development (including the Office of Strategic Petroleum Reserve) are transferred to the Department of the Interior. The Funding levels in H.R. 12169 of $3,052,000 for the Transitional Quarter and $16,934,000 for the Fiscal Year 1977 are continued in the substitute.

RATIONALE

The Energy Resource Development Office may sound like it should be in ERDA; however, it is directed towards development of available energy supplies. In other words, its functions involve implementation of energy development plans rather than research into how plans should be implemented. Thus the Energy Resource Development Office rightly belongs with the Department of the Interior, which oversees the nation's natural resources. The Interior Department can easily handle decisions which ordering oil and gas fired power plants to turn to coal, or developing petroleum reserves and storage entail. In fact, the Interior Department's Bureau of Mines and United States Geological surveys are prime information sources for such decision-making.

VI. The Office of International Energy Affairs is transferred to the Energy Research and Development Administration. Funding levels for H.R. 12169, of $300,000 for the Transition Quarter and $1,921,000 for Fiscal Year 1977, are continued in the substitute.

RATIONALE

The Office of International Energy Affairs coordinates and reviews international energy affairs of such agencies as the State Department, the Defense Department, and the National Security Council. It oversees international energy agreements. Again, the ERDA has a similar office and, again, there is duplication of functions which consolidation into one permanent, integrated agency will alleviate. Furthermore, ERDA's mandate in the nuclear field (and the highly secret information it sometimes must use to deal in the nuclear area) means that in order for the FEA even now to be effective in this area requires much basic support from ERDA.

VII. The funding in H.R. 12169 for a solar demonstration project is not included in the Schroeder-Fithian Substitute. The funding level here is $2,945,000 apparently to be prorated over the Transition Quarter and Fiscal Year 1977.

RATIONALE

Congress passed the Solar Energy Demonstration and Development Act in 1974 and gave the prime mandate for such activities to the Energy Research and Development Administration. In addition, the Federal Energy Administration's entire solar energy program right now is without any statutory justification in the FEA Act of 1974. Furthermore, solar energy demonstration is within the jurisdiction of the House Committee on Science and Technology, and this addition is therefore subject to a point of order on the floor of the House. As ERDA covers this field and has implemented many solar demonstration projects, FEA activities in this area can only be duplicative and counterproductive.

VIII. Section 4 of the Schroeder-Fithian substitute delegates oversight responsibilities on the FEA disbandment to the Director of the Office of Management and Budget. Among the responsibilities in this area are that the Director of OMB must make efforts to assure that FEA functions transferred are integrated into the bodies they are transferred to to assure the least possible duplication of efforts. The Director of OMB must report to both the Senate and House Committees on Government Operations on his actions in this regard ninety days after enactment of the act.

WINNERS OF 103D INTERSTATE ORATORICAL CONTEST

HON. ALVIN BALDUS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BALDUS. Mr. Speaker, I would like to call to the attention of my colleagues two winners of the 103d Interstate Oratorical Contest.

Two brothers from the University of Wisconsin in Eau Claire swept the first and second place positions at the Interstate Oratorical Contest, held May 7 and 8 in Gatlinburg, Tenn.

John and Mike Rindo of Muskego, Wis., defeated top orators from 18 States to finish first and second in the annual contest. It was the first time in the history of the tournament that two brothers from the same school placed in the first two spots.

The national championship concludes the most successful season that the University of Wisconsin-Eau Claire forensics and debate teams have ever had. Students under the direction of coaches Grace Walsh and Robert A. Lapp have collected more than 80 trophies in the course of the past year, including the Wisconsin Collegiate Forensics Association debate and forensics championships. This is the sixth straight year the Eau Claire team has won the WCFA championship.

As coach Grace Walsh said regarding her team's success:

> To have won the state championship for the sixth consecutive year, to have won every tournament of the Twin Cities Forensics League, to have accumulated a total of more than 80 trophies, and to have broken a 103 year record of the Interstate Oratorical Association by having two brothers place first and second makes this a dream year for any coach!

I would certainly have to agree with

her assessment, and I congratulate her and everyone at the university for their fine performance.

BICENTENNIAL DISRUPTERS: MASS PARTY ORGANIZING COMMITTEE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. McDONALD of Georgia. Mr. Speaker, the Mass Party Organizing Committee—MPOC—is taking a leading role in the July 4th Coalition—J4C—effort to develop mass demonstrations in Philadelphia and on the west coast to protest the 200 years of America's existence. Headquartered at 156 Fifth Avenue, room 326, New York, N.Y. 10010, 212/243–0519, the MPOC has developed close working relationships with the Cuban-dominated, violence-prone Puerto Rican Socialist Party—PSP—and the Prairie Fire Organizing Committee—PFOC—which is the overt arm of the terrorist Weather Underground.

Commenting on the July 4 Coalition—J4C—the MPOC Political Council—PC—noted:

> The success of the mobilization will depend on our ability to broaden our base and to mobilize all sectors of people in struggle against the manifestations of U.S. imperialism, not merely the "most advanced" sectors.

The MPOC leadership continued:

> In this work, we must avoid the temptation to become engaged in endless ideological struggle with other left groups. The coalition, locally and nationally, cannot be allowed to make its primary work an internal struggle for idealogical purity. We must respect the political and ideological differences within the coalition in order to insure that the major energy of coalition participants goes into the outreach and organizing necessary for a truly mass mobilization. We must struggle within the coalition for this perspective.

Formerly called the National Interim Committee for a Mass Party of the People—NIC—MPOC emerged some 3 years ago as a Marxist revolutionary organization supporting "armed struggle" and various "national liberation movements" such as the Vietcong. Organized by one of the leading U.S. revolutionary legal theoreticians, Arthur Kinoy, MPOC has developed "comradely relationships" with the New American Movement—NAM—the remnants of the People's Party—PP—and the Prairie Fire Organizing Committee—PFOC.

MPOC and Arthur Kinoy's followers have had a long relationship with the Cuban-oriented Puerto Rican Socialist Party—PSP—which also is working closely with the PFOC and other groups in the Hard Times coalition. The main thrust of the PSP's U.S. mainland organizing is developing mass demonstrations in Philadelphia. Those demonstrations are being organized through the PSP-initiated July 4 Coalition—J4C—a PSP front calling for a "Bicentennial without colonies;" and on whose 67 at-large member national board MPOC notes some 22 persons "close" to their own organization.

The MPOC associated group of J4C national board members includes Arthur Kinoy, representing MPOC; MPOC Political Council members Ella J. Baker, Moses Harris, Jim Haughton and Bob Lewis; Jose Alberto Alvarez, first secretary of the U.S. Branch of the PSP; Muhammand Kenyatta, Black Economic Development Conference (BEDC); Jimmie Durham, of the American Indian Movement and International Indian Treaty Council United Nations Office; Vernon Bellecourt, American Indian Movement (AIM); Antonio Rodriguez, CASA (a Chicano Marxist-Leninist organization); Dr. Helen Rodriguez, Committee to End Sterlization Abuse; Cora Weiss, Friendshipment, Women Strike for Peace and Clergy and Laity Concerned; David Dellinger, Seven Days: Joe Waller, African Peoples Socialist Party; Imari Obadele (Richard Henry), Republic of New Africa (RNA); Peter Van Delft, District 65 (Boston); Edwin Vargas, Hartford Federation of Teachers; Barbara Dane; Karen Kollias, Quest, the Institute for Policy Studies women's journal; Rev. Paul Mayer; Dorron Perkins, Black Panther Party; and David McReynolds, War Resisters League (WRL).

The Mass Party Organizing Committee publishes the MPOC Bulletin—$3 for 12 issues—and is about to begin distribution of the MPOC Journal—$5 for four issues—self-characterized as "a popular theoretical journal." Edited by members of the MPOC Political Council, the MPOC Journal has an Editorial Advisory Board" including Dave Dellinger, Jimmie Durham, James Early, Dorothy Ray Healy, Karen Kollias, David McReynolds and Al McSurely.

An apparent important adjunct to MPOC's "anti-imperialist solidarity work" is the Latin American Project (LAP) of Goodard College's Cambridge, Mass., Graduate School of Social Change.

The Latin American Project, organized by Shepherd Bliss, leader of the Boston MPOC, is planning to give academic "respectability"—and an accredited M.A. degree—to those who are able to work on implementing MPOC's international goals in Latin America: goals which closely parallel those announced by the Cuban Government and the Soviet Union's World Peace Council.

It is also noted that Goodard is offering a 12-month M.A. program entitled "Law and the People's Movement," to be taught by National Lawyers Guild member Lee Goldstein. The M.A. program has been designed for "nonlawyer activists who need to acquire legal skills to do more effective political work."

MPOC is providing "energetic support" for the July 4 Coalition, and claims that the success of the J4C March 27–28 meeting in New York "lay in part in the ability of MPOC to play a leading role, particularly in reaching out to the black movement." MPOC PC member Ro Reilly has been working on the J4C national staff "first in organizing for the national conference and now as the coordinator of the actual events on July 4." Ken Byalin from MPOC's national office staff is coordinating all MPOC national work for the J4C and has served as MPOC representative on the J4C interim committee.

Arthur Kinoy said at the conclusion of the March J4C meeting, "We have begun to find the way of merging the strength of our various movements, the key to victory. * * * Now, let's get on with the work."

The "work" that Kinoy, the Cuban-controlled Puerto Rican Socialist Party, the Weather Underground's Prairie Fire apparatus, and their allies want to accomplish is the creation of a Marxist-Leninist state in which free American citizens would be effectively reduced to serfs ruled by their elite Communist oligarchy.

These groups, revolutionary themselves and supporting active terrorist groups here and abroad, pose a clear threat to U.S. internal security. In the face of mounting terrorist threats, we need to restore the House Committee on Internal Security.

TARZAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. REES. Mr. Speaker, with all the excitement over this Nation's Bicentennial celebration, many people have probably overlooked the fact that this year marks the centennial of the birth of perhaps the most famous fictional characters throughout the world, Edgar Rice Burroughs' immortal "Tarzan."

Through Burroughs' 99 novels, Tarzan has become a folk hero to people all over the world. The books are printed in 56 languages, including not one, but three Bantu dialects. Tarzan comic books are read in 20 languages, including Hebrew and Arabic, and it is estimated that some 200 million people follow the comic strip every week. In our very fragmented world, it is a great tribute to this fictional character that he has been able to transgress cultural boundaries to become a source of enjoyment for people from all over the globe.

While we are all aware of the various Tarzan paraphernalia that can be purchased at any toy or novelty shop, many people are probably not aware that this man of the jungle has a city which bears his name. I am proud to represent the city of Tarzana, Calif., which is set against the backdrop of the Santa Monica Mountains. This area, which now contains one of my district offices, once included the ranch of Edgar Rice Burroughs. In 1928, this city, formerly known as Runnymede III, took on the name of Burroughs' famous creation.

I know Tarzan fans everywhere will join me in paying tribute to the exceptional nature of a very enduring character, Tarzan—King of the Jungle.

FINANCIAL STATEMENT

HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MEZVINSKY. Mr. Speaker, as I have done in the past, I take this opportunity to disclose my finances for the preceding year. I believe the public has the right to know the nature of their representative's holding and obligations. At a time when trust in Government is at a low ebb, disclosure can be an important reassurance that a Congressman's judgments are independent of his personal interests.

My income tax returns have, on an annual basis, been made available, upon request, through our Washington and Iowa offices. For 1975, my wife Marjorie and I have paid $9,950.36 in Federal income tax and $2,802.73 in State and local income taxes. Additionally, I hereby submit our annual accounting of financial holdings and obligations:

FINANCIAL STATEMENT OF MR. AND MRS. EDWARD MEZVINSKY, MAY 1, 1976

ASSETS

Cash on hand and in banks [1]	$12,095.00
Securities [2]	195,288.00
Real estate [3]	185,000.00
Retirement plans [4]	12,463.00
Loans and mortgage [5]	34,387.00
Cash surrender value [6]	715.00
Personal property [7]	33,000.00
Total	472,948.00

LIABILITIES

Notes payable to banks [8]	115,000.00
Mortgages on real estate [9]	154,664.00
Interest accrual to date [10]	1,563.00
Total	271,227.00
Net worth	201,721.00
Total liabilities and net worth	472,948.00

[1] Philadelphia Savings Soc. (savings acct. and cd), $7,195.00; U.S. House of Representatives Sergeant at Arms, $4,700.00; cash, $200.00.

[2] 800 shares of A. Mezvinsky Stores, Inc., book value $11,504.00; 377⅓ shares of A & F Realty Company, Inc., book value $77,285.00; 76 shares A.T. & T. (NYSE), present market value $4,339.00; 100 shares First Women's Bank (OTC), present market value $1,600.00; 18 shares Cont. B. & T., 3 shares CIT present market value $500.00.

[3] 2214 Wyoming Avenue, NW, Washington, D.C.

[4] U.S. Civil Service Retirement Plan, $11,412.42; NBC retirement plan $1,051.00.

[5] Family loans, $9,387.00 (secured by promissory note and collateral; purchasers of Iowa City, Iowa, property $25,000.00 (secured by mortgage).

[6] Metropolitan Insurance Company, whole life policy.

[7] Automobile, furniture, clothing, fine arts, etc.

[8] 400 shares of A. Mezvinsky Stores, Inc. and 292⅓ shares of A & F Realty Company, Inc. are pledged as security for $90,000.00 in bank loans with Iowa State Bank and Trust; and 260 shares of A. Mezvinsky Stores, Inc. are pledged as security for $25,000.00 in bank loans with New London State Bank.

[9] First mortgage $129,664.00; second mortgage $25,000.00.

[10] See footnote #8 above.

Last year I also announced the formation of a supplemental account, the First District Congressional Caucus, created solely for the purpose of assisting with some of the expenses entailed in running a congressional office in excess of those reimbursements provided for by the House of Representatives. All receipts came from Iowans in amounts that did not exceed $200. In 1975, the caucus expended $3,645.55, received contributions of $3,647.50, and now reports a balance of $1.95. A complete accounting of all receipts and expenditures is on file with the Clerk of the House of Representatives and available upon request.

THEY REALLY DIG THE YCC

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MEEDS. Mr. Speaker, in response to increased interest in the Young Adult Conservation Corps legislation which extends the highly successful and popular Youth Conservation Corps. I submit the following article for insertion in the RECORD.

This legislation has received the support of various conservation groups, and as indicated by this article appeals to educators as well.

I recommend this article to all Members interested in youth employment and resource management:

THEY REALLY DIG THE YCC!

(By Sidney Dorros)

Are you tired of being offered as solutions to the awesome problems of today's youth more of the same conditions that created the problems in the first place? I am.

Let me give a few examples of what I mean: greater permissiveness to remedy problems caused by excessive permissiveness, even less direction for problems caused by lack of adequate adult direction, and almost complete abdication of responsibility for inculcating values as a solution for problems caused by lack of a common value system.

Recently I've had an opportunity to learn about a federally sponsored program that has had great success with thousands of youth during the past five years in alleviating these problems while building very important values and skills.

The name of the program is the Youth Conservation Corps (YCC). If you're not familiar with it, don't feel embarrassed. Administered by the U.S. Departments of Interior and Agriculture in cooperation with state governments, it has been dubbed "the only remaining secret program in Washington." I assume it has remained relatively unpublicized for the following reason: Although it's a relatively uncontroversial federal program that works, it would cost a substantial amount of money if demand for it were to increase.

Even the famous pollster George Gallup, who advocated in the September-October issue of *Today's Education* the establishment of "a new kind of conservation corps" similar to the Civilian Conservation Corps (CCC) of the 1930's, seems to be unaware that the Youth Conservation Corps exists.

The basic objectives of the CCC and the YCC are similar, but I think the YCC offers several significant improvements over the CCC in structure and program.

The YCC includes a younger group (15- to 18-year olds) than did the CCC and works with them summers *before* they get bored and drop out of school, *before* they get discouraged about getting a job, *before* they are alienated from society or go on drugs or develop racial and class animosities.

Unlike the CCC, the YCC seeks to recruit a cross section of our population, including both sexes. The YCC is for everyone. This is important because as Gallup points out, "Children from so-called better homes are not behaving appreciably better than those from less advantaged ones."

The objectives of the YCC program are for participants to—

Learn about the natural environment.

Learn to use, manage, and protect natural resources.

Accomplish needed conservation work.

Be gainfully employed.

Acquire increased self-discipline and self-dignity.

Work and relate better with peers and superiors.

Build lasting cultural and communications bridges among youth from various backgrounds.

The YCC is phenomenally successful in achieving those objectives. That is attested to not only by the official evaluations conducted by the University of Michigan Institute for Social Research, but by the comments of YCC participants, parents, and staff and by local newspaper articles describing YCC programs throughout the country.

It is refreshing to read reports indicating that more than 95 percent of YCC participants enjoy their experience and feel it is worthwhile, hardly any drop out for reasons associated with the program, and significant learning about conservation and ecology takes place.

In many camps, the assessed value of the work projects alone almost pays for the entire cost of that YCC program, including the educational and recreational activities.

At Catoctin Mountain Park in Maryland, for example, every $1 of the 1975 YCC budget resulted in $.95 worth of paths, stream improvements, recreational facilities, and other physical improvements to public parks. For the program nationwide, the average value of projects accomplished equals more than three-quarters of each dollar spent on YCC including national administration and overhead costs.

To me, the most impressive aspect of the YCC has been the effect of the program upon my 16-year-old daughter Carol, who was one of the lucky few to participate in the program last summer. My wife and I have noted positive and, so far, lasting changes in her personality including greater self-confidence and dignity, increased ability and interest in carrying out many kinds of physical work, more social poise and ability to work and play with all kinds of people of both sexes, and a much happier outlook on life. All this, plus net pay after expenses of about $350, is a great deal to get from eight weeks of one summer.

The significance of the YCC for our daughter is pleasantly impressed in the memories of my wife and me by an experience which we refer to as "The View from the Bridge."

On Parents' Day we visited Carol at the YCC in Catoctin Park. We had never seen her look so happy or proud. She was standing on a sturdy wooden bridge that she and nine other members of a work crew had built as part of an elevated nature trail in the marsh adjoining Owens Creek picnic ground.

"I never worked so hard in my life," Carol had told us after we inspected the trail, "and I never had so much fun."

"How come you enjoy working hard here and usually avoid easier chores around home?" my wife wanted to know.

"Because here I work with other kids. We can complain to each other and encourage each other, and together we accomplish something really big and useful. Seeing our trail being used by park visitors makes all the sweat and aggravation over our mistakes seem worthwhile."

"You mean to say that with all the staff they have here and the detailed plan you were given at the beginning of the summer, you still made mistakes?" I asked.

"Well, we could never have managed at all if the staff hadn't laid out the basic structure for us, but lots of decisions were left up to us. We learned from our mistakes, and most important of all, we learned how to get along and work with each other. In my opinion, the program is really excellent. What do you think, Dad?"

"I think it's so successful," I replied, "that many teachers could get some ideas from YCC for improving their teaching, especially for reducing restlessness, improving discipline, and dealing with several other problems in most schools."

"Well," Carol replied "as you know, most of the senior staff members of YCC *are* teachers during the school year. Problems here aren't as hard to handle as they would be in the classroom. Kids who are dog-tired from hard physical work are not likely to be very restless. And, as far as discipline is concerned, one reason there's so little difficulty is that everyone likes being part of YCC and doesn't want to mess up the right to stay at camp.

"The staff enforces some strict rules about a few things like bedtime and no drinking or drugs, and being kicked out is the penalty for the worst offenses. The Student Court handles other cases. They're not soft either, but they always explain the reason for their punishment. I don't mind the rules and discipline because we have a lot of freedom, too, and they treat us like responsible people."

Later, when my wife and I talked with Jim Schafer, the program director, he confirmed much of what Carol had told us. (An Association member, Mr. Schafer teaches social studies at nearby Catoctin High School). He was very enthusiastic about the value of teachers of working for the YCC in the summer.

"Here teachers have an opportunity to work with youth under physical conditions quite different from those they are used to, and they have a chance to be more creative than in a conventional school situation. They take back new ideas to the classroom just as our young people do.

"Teachers as well as YCC participants enjoy and benefit from the close interpersonal relationships between youth and adults. The camper-staff ratio at residential camps like ours is much smaller than the pupil-teacher ratio in almost any school. At Catoctin, for example, we have a staff of 14, counting youth leaders, for about 40 corps members.

Teachers who are interested in working on any kind of YCC project or who wish information for their students should communicate with one of the following:

Director, Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250; or Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C. 20240.

One of the most appealing features of the YCC program is that it provides a new environment, new people, and new kinds of experiences. Even though the schools cannot hope to provide these sorts of stimuli, I believe that they could benefit by introducing several of the basic methods YCC uses to meet the needs of youth and society.

Here are just five suggestions to stimulate educators' imagination and action:

1. Practice a high degree of school and teacher autonomy in developing school programs under broad national, state, and local goals and guidelines.

School board members, administrators, and parents please take special note of this first suggestion.

"Teaching successfully in today's schools requires the freedom to improvise responses to unanticipated moments and opportunities. It necessitates flexibility . . ." declared NEA Executive Director Terry Herndon in a recent speech (National Press Club, October 9, 1975).

He went on to tell how some school systems directed from the top induce "conformity rather than creativity" and how "teachers are denied the excitement of formulating their own programs and accounting to their colleagues and patrons for the results. Instead, even the most competent are frequently reduced to the repeated performance of specified tasks, in specified ways, at specified times, in specified stations."

Contrast this description of a prevalent school condition with the first "secret of YCC success" named by Jim Schafer in our interview with him:

"Autonomy in planning each camp's own program under broad national goals and administrative policies elicits the most creative thinking and enthusiasm and enables us to adapt to specific local needs and conditions. When people feel their program is their own, they give more to it and get more out of it."

This should apply to schools as well as YCC.

2. Do thorough teacher planning in advance, but allow for changes and for meaningful student involvement.

A factor that has contributed to the effectiveness of the YCC program at Catoctin seems to be the detailed plan distributed to all corps members in advance of their arrival at camp so that they and their parents know exactly what to expect.

The program, which uses many different kinds of resources and methods, includes field trips, presentations by experts from outside, learning by doing, and work experience.

3. Establish adult-conceived standards and rules for the classroom and school.

In the name of "democracy," many school leaders have taken the position that teachers should not impose their own values on students. Thus, many teachers are discouraged from working toward one of the most important purposes of our schools—the development of a common core of values. I believe, however, that it is not reasonable to expect children of elementary or even high school age to develop philosophies and codes of behavior that require the combined wisdom and experience of our entire social heritage.

4. Help provide many opportunities for students to work, work, work.

Hard physical as well as mental work, group work, and socially useful work are probably among the greatest unmet needs of most youth today. The YCC program has shown that suburban, affluent youth are as hungry for and benefit as much from such work as do the inner-city poor.

Furthermore, the effectiveness of learning by doing in one educational practice that has stood the test of time. Through new emphases in career education and other influences, many educators are now coming to believe that academic or theoretical learning and learning how to work in the "real world" should be related more than they have been in the past. Therefore, teachers are urged to stretch their imagination and ingenuity to help provide youth with many more work experiences related to school and the outside world.

5. Foster student leadership.

Today's Education has carried many dramatic stories about how teachers have improved discipline and learning by recognizing, developing, and enlisting the aid of student leadership.

However, traditional academic programs do not offer as many opportunities for significant student leadership as do work projects. Another great block to the practice of student leadership in schools is the reluctance of some teachers to allow young people to learn "the hard way," that is, by making mistakes. Sometimes, in order to develop leadership and learning we have to risk rather serious errors.

"The main thrust of our YCC program is to develop leadership," Jim Schafer told us. "We've created as many leadership opportunities as possible."

In summary, this article suggests several methods teachers or administrators can adopt from the successful YCC programs to simultaneously provide both greater freedom and greater order in school and society.

These methods include coupling strong teacher direction with strong student involvement; fostering group action as well as individual responsibility; setting clear standards and value systems while providing opportunity for students to question, modify, develop, and make such values their own; and providing opportunities for challenging, socially useful, physically active work.

Many of us who grew up in an era when excessive permissiveness and lack of clear direction by adults were the rule have had to wait 20 years or more to find out the error of such practices. We cannot afford another 20 years of the same.

INTRODUCTION OF "NATIONAL COMMUNITY HEALTH WEEK" JOINT RESOLUTION WITH COSPONSORS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mrs. BURKE of California. Mr. Speaker, last December I introduced a joint resolution to designate March 13–19, 1977, as "National Community Health Week." Today, I am reintroducing this resolution with 29 cosponsors.

Community health centers have been established under the auspices of Federal, State, and local governments to insure that no individual or community is denied health services because of unavailability, inadequate financial resources, or other such barriers.

A growing number of communities are already observing National Community Health Week under the sponsorship of the Community Health Association, Inc. This organization is headed by my good friend, Dr. Ruth J. Temple of Los Angeles, who has devoted much time and energy to the establishment of community health centers.

Designation of a National Community Health Week would provide an opportunity for a united effort in health education by bringing individuals and organizations active in the health field together with education, business, labor, religious, and civic groups, as well as individual citizens. This would encourage cooperation in the common cause of preventing disease and attaining high-quality, economical, and efficient health care. I urge my colleagues to join me in this endeavor.

THE NEED FOR INCREASED DIABETES RESEARCH

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. DRINAN. Mr. Speaker, many members of the public are unaware of the severity and pervasiveness of diabetes. From 1965 to 1973, the prevalence of diabetes in the United States increased 50 percent, so that now 5 percent of the population, or approximately 10 million Americans, suffers from the disease.

In 1974 alone, more than 600,000 new cases of diabetes were diagnosed. The incidence of diabetes is increasing so rapidly that, unless a means of prevention is found, the average American born today will have more than one chance in five of developing diabetes.

Diabetes directly caused 38,000 deaths in 1974, and strong evidence indicates that diabetes and its complications are responsible for more than 300,000 deaths each year, making diabetes the third ranking cause of death in the United States, headed only by cardiovascular disease and cancer.

Diabetics are 25 times more prone to blindness than nondiabetics, 17 times more likely to contact kidney disease, five times more likely to be stricken with gangrene, and twice as likely to suffer from heart disease.

In addition to the physical, social, and psychological problems associated with diabetes, there is the staggering economic cost. It has been estimated that the annual cost to the United States of diabetes, not even including its complications, is $5.3 billion per year.

In recent years the Congress has taken a major step toward waging an effective battle against diabetes. That was the enactment in 1974 of the Diabetes Mellitus Research and Education Act, which created the National Commission on Diabetes.

Due to the pressing need for increased research into the prevention and treatment of diabetes, I was gratified to read an editorial in the May 12 New York Times that cites an important new development in research at the National Institutes of Health and that advocates additional diabetes research.

The editorial follows:

AIDING DIABETICS

The philosopher who complained that progress consists mainly of submitting new problems for old ones might well have been thinking of diabetes and its victims. A half-century ago a serious case of diabetes was equivalent to a death sentence. Then came the discovery and use of insulin, an advance that has added many years to the life expectancy of diabetes victims. One result is that the number of diabetics in this country—now about 10 million—is increasing rapidly. By 1990 this number is expected to have doubled.

But the gains have been made at a price. Those granted longer and more nearly normal lives by insulin and other drugs may develop other types of pathology as they grow older. Among the most serious of these late complications is blindness caused by disorders of the small blood vessels in the retina. The number of diabetics blinded in this way is growing rapidly. Public health experts predict that, unless effective treatment is found, diabetes will soon rank first among the causes of blindness.

This prospect makes particularly welcome reports that a large-scale study conducted by the National Institutes of Health has found an effective treatment to combat diabetic retinopathy, source of this blindness. Even with that, however, the basic nature of diabetes and the causes of its many lesions are still not understood. Only additional fundamental research can provide a cure.

THE WOMEN'S BANK OPENS IN SAN DIEGO

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BURGENER. Mr. Speaker, a bank opened in Mission Valley of San Diego on March 31 that captured nationwide interest and set a precedent for the entire West.

It is the Women's Bank in San Diego, an organization worthy of our attention, since this California bank is leading our country in a movement toward financial equality for men and women.

The bank opened its doors after 2 years of hard work by a small group of San Diego citizens, both men and women, who sold 150,000 shares of stock and acquired $1.5 million in working capital. Now the bank is State chartered, FDIC insured, and after only 1 month, recorded $1 million in deposits.

The Women's Bank is more than a full-service bank—it is an educational tool, offering a hand to all, including those who find the world of finance incomprehensive and formidable. The bank sponsors seminars on investing, taxes, or how to read financial statements. It has free lectures during the lunch hour with ideas on budgeting, establishing a good credit rating, or financial considerations for the homemaker or community volunteer.

The bank offers a service exclusive to its area called S.O.S., Specialized Organizational Services, which counsels, without charge, customers on financial affairs after divorce or the death of a spouse. The bank has even designed a children's play area near its lobby so parents can transact or discuss business leisurely.

It is more gratifying to see such an idea root and prosper in San Diego.

PERSONAL EXPLANATION

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mrs. KEYS. Mr. Speaker, on Monday, May 17, 1976, I was unavoidably absent from the House. Had I been present, I would have voted on matters coming before the House as follows:

"Yea" on rollcall No. 271, final passage of the Senate bill, S. 2679, Commission on Security and Cooperation in Europe.

"Yea" on rollcall No. 272, House Resolution 1183, providing for consideration of H.R. 10210, Unemployment Compensation Amendments of 1975.

PERSONAL INCOME TAX PROCEDURES NEED CHANGE

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. FISHER. Mr. Speaker, as a member of the Ways and Means Committee, I have been keenly interested in the simplification of the income tax laws.

In this connection, I am inserting into the RECORD a paper recently prepared by Dr. Oscar Kiessling of Falls Church, Va., which proposes changes in the personal income tax procedures. Dr. Kiessling has served as an economic adviser to the U.S. Tariff Commission and has published several articles on various topics of an economic nature.

Dr. Kiessling's paper does not necessarily reflect my own point of view; however, I did want to share his opinions with my colleagues:

PERSONAL INCOME TAX PROCEDURES NEED CHANGE

(By Oscar Kiessling)

Care in walking through our living room is needed these days. The floor is littered with papers, records, receipts, checks and other items required to complete the annual tax forms. What is happening here is repeated in millions of homes throughout the land—and often not without family arguments as to who made boos-boos in record keeping. This is all part of the annual tax hassle that paralyzes productive work and congenial family life in the first quarter of the year.

That the tax forms have become so numerous and complicated as to confuse even the experts is common knowledge. Similar hypothetical data sent to different IRS and commercial processors' offices turn in widely different results. Behind this is a vast bureaucracy which breeds fear in most hearts.

The IRS has 1.7 million employees and an annual budget of $789,000,000. The agency receives 77.5 million personal tax returns per year, of which about 22 percent are non-taxable. For 1974 it is estimated that 22 million returns required correction. Although the bulk of such corrections were in favor of the government, many also benefited taxpayers. What an individual taxpayer's liability is seems to be importantly determined by which IRS office it is sent to, as well as by the views of the particular person who reviews the return.

The mushrooming army of commercial tax form processors is now a large industry. The IRS reports (preliminary for 1975) 113,000 organizations (firms, partnerships, and individuals) engaged in "personal services".

There are also 148,000 engaged in legal services, 111,000 in accounting services, 25,700 C.P.A.'s and 137,000 in "other related tax services. Many of the firms or indiviuals of course, also have employees. These figures do not include the large number of persons who moonlight preparing individual tax returns in the first quarter of the year. It has been estimated that in 1974 62% of all taxable returns came through such channels. Since fees for this work are tax deductible, there is less left for both the government till and the taxpayers.

There is, in addition, a very large number of socially-minded volunteers who, for free, help members of retirement and fraternal organizations, churches, people in nursing homes and hospitals, the handicapped, invalids, the homebound and others. The entire picture is a strong indictment of the procedural tax morass into which we have been euchred, and which, irrespective of the amount of taxes paid, needs to be changed.

Politicians hear plenty about tax problems from constituents, but appear immobilized with regard to making effective changes. Under the innocuous term "Tax Reform", they talk mainly about "closing loopholes, increasing exemptions, new deductions, bigger allowances for the poor," and similar items. Such actions would merely make the present forms even more complicated, and they would have to be changed frequently to keep abreast of the impact of continuing inflation on family finances. More fundamental changes are in order.

A good place to test new tax procedures is with the "65 year-old and over" group, the elderly retired. There are now 22.4 million of such persons, or 10.5% of the total population. These people have serious problems in preparing tax forms. Aunt Marge's vision, for example, is clouded by diabetes. She cannot read the fine print. Uncle Will's arthritic hands can no longer hold a pencil. How many are in better or worse health is uncertain, of course, but more than one-third in the over-65 age group are past 75, and many are in nursing homes. Old people also occupy a disproportionately large share of the 1,800,000 regular hospital beds.

The U.S. Treasury reopens seven million returns from the elderly clientele (1972 figures are the latest available). With exemptions, these returns represented 20.8 million persons. Of the total forms filed, 2.4 million reported "no owe", but regulations required filing the forms with all items listed. The 4.6 million returns with taxable income furnished 9.6% of total personal income taxes collected. The average tax paid was $1,957 per taxable return. Elderly persons in the highest income brackets ($500,000 and over) paid only 0.5% of the taxes paid by the entire group.

Most of the elderly filing taxable returns (over 70%) use long form 1040 and itemize deductions of obvious reasons. They have extraordinary medical, dental, and personal care expenses, and many owning homes have heavy property taxes. They would be unable to make ends meet if they took the standard deductions.

Isn't it time to provide this over-65 age group with an alternate form and a simplified procedure, giving a more liberal exemption, such as a flat $10,000 per person with a flat 5% tax above that amount to $50,000, and 10% above that? Since not all oldsters might find it advantageous or wish to use such a form, the regular form should continue to be available to them, at least during a period of transition.

If such an arrangement proves workable for most of the elderly, variations could be developed for average families who also sorely need relief from the punishing labor required under the present system. With a properly designed plan, some of the rich might also be encouraged to crawl out of loopholes instead of paying high legal and tax counselor fees.

Fortunately, some Congressmen are now concerned with the need for substantive changes in tax procedures instead of dabbling with minutiae. Congressman Joseph L. Fisher of the Ways and Means Committee has recently requested the IRS and the Joint Committee on Internal Revenue Taxation to supply extensive information on the revenue impact of various plans having only a liberal personal exemption, plus flat rates on the remainder of income. But archaic blunderbuss tax procedures die hard. It will take a lot of support at grass roots to get the changes made which would mean a better life for most of the people.

SOUTH KOREAN ABUSES TOLERATED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. FRASER. Mr. Speaker, the destruction of democratic rule and loss of human rights in South Korea in 1973 and 1974 has caused dismay among Americans. Equally dismaying is the report by Don Oberdorfer in the May 17 Washington Post that the U.S. Government evidenced no concern about these actions of the South Korean Government and, in effect, gave the green light to President Park to continue along the same repressive path.

Don Oberdorfer has covered the Far East for the Washington Post for a number of years and is knowledgeable about developments within South Korea as a result of many visits to that country.

The House Committee on International Relations took note of the events in South Korea in reporting H.R. 13680. The most prominent were the recent arrests and trials of political and Christian leaders in South Korea for having called for a return to democracy in Korea in a statement read in Seoul Cathedral on March 1.

The House Committee voted to reduce the request for military aid and title I, Public Law 480 assistance for 1976 and 1977 to the same levels at which aid was provided in 1975. In the absence of stronger administration action, this is perhaps the only means open to Congress to express its dismay at the course of events in South Korea. These actions in no way jeopardize the security of South Korea, for the United States continues to station over 40,000 men in South Korea under our bilateral mutual security agreement. It would be a travesty on decency if the only response of the U.S. Government to the increasing repression of President Park were an increase in all forms of aid over the 1975 levels.

In case our colleagues missed it, the article by Don Oberdorfer follows:

[From the Washington Post, May 17, 1976]

SOUTH KOREAN ABUSES TOLERATED

(By Don Oberdorfer)

President Nixon and Secretary of State Henry A. Kissinger expressed U.S. lack of interest in the destruction of democratic rule and loss of human rights in South Korea in 1973 and 1974, according to a former State Department official concerned with Korean affairs.

Donald L. Ranard, who was State Department country director for Korean affairs from March, 1970, to November, 1974, said actual U.S. policy as transmitted in private by the top American officials, was at variance with the public claim of U.S. concern for human rights.

The die was cast, according to Ranard, in a private White House meeting Jan. 5, 1973, less than three months after President Park Chung Hee had seized unlimited power via martial law in Seoul, disbanding the elected parliament, scrapping the country's constitution and placing political opponents under house arrest.

At the time of Park's action the State Department refused to say whether the United States approved or disapproved, saying only that it was not consulted about or associated with the decision. Nevertheless, the Park regime reportedly remained uncertain about Washington's tolerance for one-man rule in Korea, where the U.S. is massively involved militarily, economically and diplomatically.

The January, 1973, meeting was between Nixon and Korean Prime Minister Kim Jong Pil, No. 2 to Park at the time, who had taken the occasion of President Truman's funeral to come to the United States as head of the Korean delegation.

"Unlike other Presidents, it is not my intention to interfere in the internal affairs of your country," Nixon told his Korean visitor, according to Ranard who was not present in the meeting but received this account from authoritative sources. Ranard said that in his view, "The Koreans had to interpret Nixon's remarks as meaning, 'Whatever you do is your business, we're not getting involved.'"

Ranard said it is his assessment that in the context of the times, Nixon's statement was the authoritative U.S. signal Park had been hoping for. Ranard is now director of a Washington-based study group concerned with human rights, the Institute for International Policy.

Nixon's reference to the policy of "other Presidents" is unclear. In 1961, President Kennedy refused to apply strong pressures recommended by the embassy in Seoul to roll back the military coup of Park, who was then a general, against the elected government. Later Kennedy successfully pressured Park to return the country to constitutional rule by standing for election as a civilian.

According to Ranard, he learned that Nixon's assurances were reiterated to Park himself by Gen. Alexander M. Haig, then Army vice chief of staff, on a visit to Seoul later in 1973. Haig reportedly promised the Korean leader that the United States would provide the funds as previously agreed for a $1.5 billion Korean military modernization program and that the United States would "not interfere" in internal affairs.

In mid-1973 the foreign policy apparatus in Washington began a major review of Korean relations looking toward a new basic policy document, issued in 1974 as National Security Memorandum 154.

Among other topics, the memorandum dealt with U.S. policy toward the Korean domestic scene, where signs of opposition to Park and strong repression were evident.

The controversy accelerated after Park's secret police (KCIA) kidnaped former opposition presidential candidate Kim Dae Jung from self-exile in a daring midday raid on a Tokyo hotel.

Late in January, 1974, Kissinger met with senior officials at the State Department to review the forthcoming policy directive. In Korea, Park had just responded to a "restoration of democracy" campaign of Catholic and Protestant leaders, political critics and students by decreeing 15-year jail sentences for anyone opposing or criticizing his rule. Ambassador Philip C. Habib, who was home temporarily from his post in Seoul, presented the draft recommendation that U.S. policy should be to counsel moderation.

By Ranard's recollection the following exchange summed up Kissinger's attitude, and the U.S. policy.

Kissinger: Why counsel moderation?

Habib: If you were where I am (in Seoul), you would want to do so.

Kissinger: No, I wouldn't. I don't think we should be involved. So why counsel?

Despite secret police harassment, arrests and trials by closed courts martial, Korean students, and other critics continued to demand an end to one-man rule. In early April 1974, Park decreed penalties up to death for student demonstrators and their sponsors, and began extensive arrests.

About this time, Kissinger learned that Habib had taken it upon himself to express concern privately in Seoul about the increasing violations of human rights. According to Ranard, Kissinger ordered that a cable go out to Habib to "tell him to get off their [Korean government] backs."

The U.S. "hands off" policy about Park's rule and its attendant repression was not expressed in public, where officials maintained that "the Korean government is well aware of our position on the matter of human rights."

As criticism grew among U.S. church groups, and in the news media, and Congress following the arrest of the country's only living former President, imprisonment of a Roman Catholic bishop and the death sentence imposed on a popular poet for violating Park's anti-dissent decrees, the State Department on July 30, 1974, issued a "special report" to Congress. That report said for the first time that "we do not approve of Korea's policies on human rights." The statement also said that U.S. support for "an independent, self-reliant" Republic of Korea had greater priority.

Evidently because of Nixon's attitude, the "special report" began, "The issue" of human rights in the Republic of Korea is currently a matter of concern to the Congress, the Department of State and the public." No mention was made of the White House.

A former official of the U.S. embassy in Seoul, who served there through the end of the Nixon era, said he and others were told repeatedly that "there will be no change in U.S. policy no matter what you might report and no matter what happens here." The official did not wish to be quoted by name.

Habib, recently named to be under secretary of state for political affairs, would not comment on the incidents described by Ranard except to invite attention to official government statements during the period concerned. Kissinger did not respond to an opportunity to discuss the matter prior to publication.

Ranard, who retired in November, 1974, after more than 30 years as a career government official, said, there is as yet no sign that U.S. policy toward Park's rule in Korea has changed.

The U.S. government has had little to say as previously accepted freedoms have been snuffed out, except to claim that U.S. concerns are being made known in private to the Korean government.

Ranard said he doubts any fundamental change in policy will take place as long as Kissinger is Secretary of State.

TWO HUNDRED YEARS AGO TODAY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago today, on May 18, 1776, in response to a request from Gen. Charles Lee, Commander of the Southern Department, the Continental Congress authorized the building of six galleys to protect the Continental Forces when they crossed the numerous navigable rivers of Virginia. Congress also authorized the establishment of a hospital in Virginia, to be staffed with "two surgeons, one apothecary, six mates, one clerk, one store keeper, and a nurse to every ten sick. . . ."

Congress rejected General Lee's request that reinforcements be sent to his department, however, because it felt—

> The uncertainty of the enemy's design, and the number of regiments already sent into Canada, it will be inexpedient, at present, to order any troops, raised in Pennsylvania, or the colonies to the eastward thereof, to the southern department.

A CONSTITUENT REFLECTS UPON WORLD TRAVEL

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mrs. PETTIS. Mr. Speaker, the world outside the United States is often viewed to be a hostile and uninviting place. Certainly a part of our cynicism is valid, for there are many countries who despise us and all that we stand for. However, there are many, many other countries who continue to look up to the United States as a world power. These countries praise our way of life and our democratic system of government.

As one who has traveled extensively throughout the world, Mr. Speaker, I can personally attest that nothing fosters international friendship more nor breaks down the barriers which divide us faster than the one-to-one contact which comes with such travel.

For this reason, I was delighted to read an article written by a constituent of the 37th Congressional District, which I represent. In her article, which I am inserting today, Mary Stow Warring of Idyllwild, Calif., recounts her recent travel and how such an experience turned "cynicism to wonder."

Mr. Speaker, I ask at this time that my colleagues take a moment to read the following article:

[From the Christian Science Monitor, May 10, 1976]

FOR HEADMISTRESS, TRAVEL TURNS CYNICISM TO WONDER

(By Mary Stow Warring)

IDYLLWILD, CALIFORNIA.—Foreign bazaars, women wearing chardars, cacophonic taxicab horns—impressions. Impressions—in and out of 18 airplanes, searches, guards with machine guns, wrestling of luggage, and gifts making the weight heavier and heavier.

Yet, for my traveling companion and myself, the sights, sounds, smells, and tastes of the Middle East only provided the framework for the trip. Each day would unfold as if it were its own miracle. The miracle was once more being in a state of wonder. Wonder at the majesty of creation, nature's world; the gentle affection in eyes that could express when words count not; the awesome relics of ancient cultures; the quality of artistic creation stated in myriad forms.

To once more stand in awe and feel the despair melt away was a miracle unto itself for this headmistress. So many discordant symbols can create dismay in a head of school—shattered children seeking answers in drugs, sex, and messianic leadership; budgets that won't balance; personalities tearing in different direction; children trying to understand the confusion of the adults; and leadership seemingly based on lies, bribery, and deceit.

The result, a cynicism, and cynicism is destructive to the cynic and to those who are forced to listen. This head of school was in dismay—a treasured student had taken his life. Everywhere, it seemed as if a gigantic hand were stripping the leaves and buds off the trees before they had a chance to bloom. The question were endless, and the answers seemed few.

VISIT SPANS CENTURIES

Our visit took us across a span of centuries; the ancient walls of Constantinople, the minarets of Istanbul: the ruins of Troy gazing across the Dardanelles to the resting place of the heroes of the Galipolis campaign; the moon rock on display in Tehran and set in an architectural masterpiece displaying 2,500 years of Persian history; Persepolis with its statues of bearded monarchs and a tent city that housed and fed their contemporary counterparts.

Everywhere we went (Turkey, Iran, Kuwait, Arabia, Egypt, and Greece) we were impressed by contrasts: old and new, rich and poor, rubble and magnificient architectural masterpieces. Yet, in all this there seemed to be a harmonious whole and the whole was people; people who were living and working together yet blending ancient traditions with modern technology. Everywhere we went, people were friendly, supportive, and eager to show us their monuments, their ideals, traditions, and customs. They wanted to help us to understand them. We wished to learn.

But underneath the surface was the same question—"Here and There"—the same fears, and the same uncertainty about the future. The search for values seems to be worldwide.

AN ECHO CAN BE HEARD

Still, there is an echo that can be heard from the temples at Karnak, the ruins of Knossos, and the Parthenon in Greece. There is a statement made—even a shout. When men build monuments, and they search for harmony and balance between heaven and earth, they walk like gods.

I returned refreshed and believing once more that people who live in faith together, who build temples to the dignity of man and the "unknown god," will indeed long endure. And even if we today fail to do these things as we walk upon this, our stage in history, the spirit of man cannot be erased.

For our nobility lies with God, and any philosophy that fails to understand this fact cannot endure. And those that do understand will inspire the future, the civilizations will then once more stand upon the shoulders of giants.

RATIONAL ALTERNATIVES TO EXTENDING THE FEDERAL ENERGY ADMINISTRATION

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. FITHIAN. Mr. Speaker, I am inserting, for the benefit of my colleagues, a comparison of the funding levels contained in H.R. 12169 and the Schroeder-Fithian substitute to H.R. 12169:

COMPARISON OF SCHROEDER-FITHIAN SUBSTITUTE TO H.R. 12169, THE BILL REPORTED BY THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE TO EXTEND THE FEA FOR 39 MONTHS

FEA office	H.R. 12169 funding level	Schroeder-Fithian funding level	Schroeder-Fithian function disposition
Executive Management and Administration:			
Transition quarter	$8,655,000	0	Abolishes this office (except for Office of Private Grievances and Redress, transferred to FPC).
1977	33,324,000	0	
Energy Policy and Analysis:			
Transition quarter	8,137,000	8,137,000	Transferred to the Energy Research and Development Administration.
1977	34,971,000	34,971,000	
Regulatory Programs:			
Transition quarter	13,238,000	13,968,000	Transferred to the Federal Power Commission. Includes authorization for the Office of Private Grievances and Redress. FPC has long experience in natural gas price regulation and allocation.
1977	62,459,000	64,650,000	
Conservation and Environment:			
Transition quarter	7,386,000	7,386,000	Transferred to Energy Research and Development Administration.
1977	49,961,000	16,934,000	
Electrical utility study: Transition quarter and 1977	13,056,000	13,056,000	
Energy Resource Development:			
Transition quarter	3,052,000	3,052,000	Transferred to the Department of Interior.
1977	16,934,000	16,934,000	
International Energy Affairs:			
Transition quarter	300,000	300,000	Transferred to Energy Research and Development Administration.
1977	1,921,000	1,921,000	
Solar Demonstration: Transition quarter and 1977	2,945,000	0	

As you will note from the chart, the most significant savings offered by the Schroeder-Fithian substitute result from the abolition of FEA's topheavy Office of Executive Management and Administration. Nearly $40 million could be saved during fiscal year 1977 and the transition quarter by this change alone.

Significant savings would also be realized by the transfer of the functions of FEA's Office of Conservation and Environment to the Energy Research and Development Administration—ERDA. The amount contained in the Commerce Committee bill, H.R. 12169, for the FEA's Office of Conservation and Environment is fully $37.8 million above the President's budget request. It could be reduced largely because of the existence of parallel ERDA conservation programs.

An additional $2.9 million would be saved by omitting the authorization for duplicative solar energy demonstration projects. Since ERDA, which already has jurisdiction over solar demonstration projects, is not in a position to use more funds in an efficient manner, these funds must regrettably be dropped. Solar energy is extremely promising and funds to speed the development of its potential should be supported by every responsible legislator. Yet when we have committed all of the resources which can effectively be used in the effort, we need to draw the line. If the space race of the 1950's and 1960's taught us anything, it is this—money alone cannot buy an advanced technology. Time, too, is a crucial factor.

It is my most sincere hope that my colleagues will seriously consider the rational and responsible alternatives to extending the life of one of Washington's most onerous bureaucracies, the Federal Energy Administration. The Schroeder-Fithian substitute to H.R. 12169 is one such alternative.

POEM FOR MEMORIAL DAY

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. J. WILLIAM STANTON. Mr. Speaker, John Yarish, a friend and constituent of mine from Rome, Ohio, recently sent me the following poem which he has written. I want to share it with my colleagues as we approach Memorial Day in this Bicentennial Year.

A BICENTENNIAL MEMORIAL

**M any men have died, for freedom's sake . . .
E verywhere, throughout the world.
M any lives, the enemy did take,
O n the fields where flags unfurled.
R ockets, rifles, cannon balls were fired . . .
I ndependence, self-rule sought.
A nd the men fought on, hungry, wet, and tired
L ike the General said they ought.**

**Let your spirits rise, let them show no fear,
D on't forget the dead . . . show love,
A nd throughout this Bicentennial Year,
Y ou should offer thanks above.**

HONORING ALBERT H. "BUD" REVIS UPON HIS RETIREMENT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. LAGOMARSINO. Mr. Speaker, taking note of some of the traits we most admire in our fellow man one comes up with words such as ability, dedication, devotion, responsibility, modesty. But how do you describe a man who has touched the lives of thousands of young people in 25 years of leadership in the athletic field: Additional words would have to be adaptability, amiability, creativity, perseverance, patience, prudence, and wisdom.

Albert H. "Bud" Revis has had to exercise all of these in his 33 years, total, of teaching, coaching, and as athletic director at Santa Barbara City College. He needed degrees of AA, BA, and MA to do it but the results are evident in the quality of competition and superiority provided by S.B.C.C. teams in football, basketball, baseball, golf, tennis, and track. They have not won every game, but of defeat "Bud" feels "it is not the worst of failures. Not to have tried is true failure."

Now in 1976, "Bud" will retire. Because of this extraordinary career I ask the Members of the House to join with me, his wife Barbara, son Norman, daughter Kay, and his four grandchildren in wishing "Bud" Revis many years of happy, and well-earned retirement.

OUR NATIONAL FORESTS—CONGRESS SHOULD PLAY A PART

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BROWN of California. Mr. Speaker, in the last 2 months I have spoken often on the subject of the multiple use of our national forests, the need to provide adequate timber supplies to meet rising demand, the cost of wood fiber in housing, and all the various considerations involved in the management of our public forests. Pressures are mounting from every side as the House Agriculture Committee moves closer to markup, and the complexity of the problems becomes more evident as the information accumulates.

Congress has long since given the major responsibility of national forest management to the U.S. Forest Service. Even so, we are now being called upon to judge this management, to scrutinize it for its adequacies and failures, draw conclusions, and then to legislate. It is possible that we have handed over too much responsibility, with too little oversight. Why else would letters like the following two which I would like to include in the RECORD, one from a private woodlot owner and the other from the American Institute of Architects, be so fraught with concern. These people are questioning the misjudgments and inequities in the present management system which have led to concern over future timber supplies, over the destruction of the necessary ecological balance in our forests, and over the state of affairs where the private timber owner cannot compete with ridiculously low prices of national forest timber.

I urge my colleagues to read these sincere expressions of concern, hoping you will come to the conclusion I have reached—that it is time for Congress to shoulder some of the responsibility for our national forest management by strengthening guidelines and restrictions and conducting future oversight.

The letters follow:

THE AMERICAN INSTITUTE OF ARCHITECTS,
April 26, 1976.

DEAR SENATOR: The American Institute of Architects has followed closely the discussion and debate surrounding the two primary legislative proposals on management of the national forests currently under consideration by the Interior and Agriculture Committees—S. 2926, the National Forest Timber Management Reform Act, and S. 3091, amendments to the Forest and Rangeland Renewable Resources Planning Act. As you meet on April 27th and 29th to consider these bills, we urge your support for S. 2926, sponsored by Senator Jennings Randolph.

The architectural profession is concerned with the cost and supply of lumber for current construction and with timber resources for the future. But we are also deeply concerned with the protection and enhancement of the national forests as an important element of our natural environment.

Major criticism of S. 2926 has been that it legislates specific standards for management of forest resources which would restrict professional manageability. The legislation does provide standards for management; but we believe that, rather than imposing restrictions, it would provide an opportunity for a higher quality of forest management.

The principal objective of S. 2926 is to establish timber management standards intended to bring about more equitable and multiple-use, sustained-yield practices in the national forests which reinforce the purposes of the Multiple-Use Sustained Yield Act of 1960. The bill restricts the size of clearcuts, prohibits massive cutting of immature trees, discourages management of trees in even-age stands closely associated with the practice of clearcutting, and precludes transfer of important hardwood forest areas to pulpwood tree species. Though strong, these measures leave considerable room for flexibility by the professional forest manager. In any legislation which affects the operation of the Forest Service and establishes standards for timber management, the AIA believes it is important that there be provisions to: (1) slow down the rate of liquidation of old growth timber; (2) prevent logging in marginal areas where soil is fragile, regrowth is slow, and other multiple-use values are high; (3) prevent conversion of large scale eastern hardwoods to other species; and (4) carefully regulate the application of clearcutting and other potentially damaging logging practices.

The American Institute of Architects strongly recommends Committee approval of S. 2926. We appreciate the opportunity to comment and trust that you will give our recommendations careful consideration.

Sincerely,

LOUIS DE MOLL,
President.

RICHARDSON'S NURSERY,
Garrison, Tex., May 5, 1976.

Senator JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Your position to improve the prices private land owners receive for their timber products is very well taken.

The glowing reports of huge profits derived from planting and growing timber are written by vested interested and published without question by the news media.

Recently the National Forest Service sold pulp wood for three dollars ($3.00) per cord. This kind of competition is causing our private forest land to be mismanaged and neglected.

Please read the attached letter for a better explanation of the dilemma the private woodland producer faces.

Yours truly,

JOHN D. RICHARDSON.

RICHARDSON'S NURSERY,
Garrison, Tex., April 2, 1976.

PROGRESSIVE FARMER,
General Editorial Office,
Birmingham, Ala.

DEAR SIRS: Should I grow Pine timber on my farm?

If you own land in Texas suitable for Pine trees, you must have this question answered accurately and without bias toward any group or industry. Then you can make up your own mind.

There are many sources of information on this subject. Farm magazines will tell you of the profit and pleasure to be derived from this undertaking. Federal, State, County and School District experts will encourage you and hold your hand while you plant a new pine forest. "Unlimited" help and assistance may be promised and obtained from the wood using industries. The Environmentalists and many well intentioned Civic Organizations will urge you to "grow more trees".

But the bottom line, compelling question still has to be: Will this splendid venture make me any money? Under present circumstances and in the light of the past twenty years of experience the regrettable answer must be "No." For the following reasons:

I am a tax-paying individual and I have to make a living off my hard earned land. I am not a philanthropist wealthy enough to undertake a long term venture like this simply for the commendable goal of "the greater good of the public".

First, let us calmly examine the past which "is prologue to the future". Aside from the Soil Bank Payment, how much money have you taken in from the trees you planted twenty years ago? In many instances your reply will be "None". But you may protest: "It is good land use and it is good for the Country." God Bless you. We are all in favor of what is good for the Country and there are many other avenues to follow for our beloved Country which has many present and urgent needs.

Others of you may reply: "Well, I sold my *pulpwood* once and got $3.00 per cord and they cut about three cords to the acre."

Still others may lament: "After I realized that the very ones who encouraged and urged me to grow Pine trees would only offer me $3.00 per cord after tying up my land for twenty years, I bulldozed and burned the small trees and changed land use again". (There is ample photographic evidence of this practice and sad turn of events.)

Whom shall we fault? Certainly not the Public Agencies—their intentions were conscientious and noble. Certainly not the wood using industries. They simply followed the dictates of free enterprise and competition.

We ourselvs are to blame. "We have met the enemy and he is us" in the words of the well known quotation.

It takes a very large block of our life-time to grow trees and we know it. If we are willing to dedicate that much of our allotted Biblical span "of three score and ten years" to growing Pine trees and then virtually *give* the wood products to the wood using industries John Donne summed it up for us: "Never send to know for whom the bell tolls. It tolls for thee" Or in a more familiar admonition: "We have made our bed and we must lie on it."

Before we jump head first into producing pulpwood for the pulp mills and others we ought to take a good long look at the following record of prices paid to the farmers for their labor and time and investment. Thirty years ago, right after World War II, and with construction and newsprint etc. booming, pulpwood sold for $6.00 per cord. The latest figures obtainable (1976) confirm the fact that the average price being paid to Texas farmers today for pulpwood is $5.75 per cord. Will that be the going price for cord thirty years hence? Ponder for a while, what has happened to the cost of everything else the farmer needs since World War II. As far as pulpwood is concerned, even the purchasing value of the dollar has remained unchanged! Almost incredible, isn't it, but true.

In summary, can you conscientiously and prudently plan Pine trees on land currently valued at $300 to $500 per acre, pay taxes, control fires and insects, and get satisfaction out of your labor, management and investment?

Our wives and children are as patriotic and hard working and unselfish as any group in the whole Country. They are justly proud of the framed certificates of praise and thanks awarded to us by Civic Agencies but we must be practical and also consider their welfare if and when widowhood comes. These prized honors hung in the parlor have great sentimental value but can't be traded in for food at the grocery store.

This letter is being written from Garrison, Texas (Nacogdoches County) where we have the desire and the potential for growing good timber. Why must we sell our standing pulpwood for $5.75 per cord when exactly the same product brings $20.00 in Georgia and $17.55 in Florida? Even though we are as near, or even closer, to the Paper Mills and other users than are the tree farmers in our sister States.

Speaking for myself, a small producer of wood and for other independent wood producers in East Texas, your comments and constructive suggestions will be welcomed.

Hasn't the time come, at long last, for us to band together?

Sincerely,

JOHN D. RICHARDSON.

WHAT THE LAW OF THE SEA CONFERENCE NEEDS IS A MONNET

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. EDGAR. Mr. Speaker, I hope Members will be interested in reading a thoughtful speech on the current crisis in the ongoing United Nations Conference on the Law of the Sea by one of my constituents, Dr. John J. Logue, director of Villanova University's World Order Research Institute. As you know, the giant 156-nation Conference met from March 15 to May 7 at UN Headquarters in New York City. It will resume its important deliberations in the same place from August 2 to September 17. Dr. Logue's talk was given on April 2 at the opening session of a most interesting International Student Symposium on the Law of the Sea held at Pace University under the joint sponsorship of Pace and Villanova Universities.

Dr. Logue's talk is entitled "What the Law of the Sea Conference Needs Is a Monnet." In it he says that the national interests of our own and every other nation will be better served by a bold and generous approach to law of the sea matters rather than by the "least common denominator" approach which seems to him to characterize recent negotiations in the conference. He urges the delegates to have the vision and statesmanship with respect to the problems of the sea which two great Frenchmen, Jean Monnet and Robert Schuman, showed with respect to another impossible problem: the reconciliation and rebuilding of Western Europe after World War II. He says that two Monnet-Schuman proposals, the European Coal and Steel Community and the European Common Market, played a key role in bringing about a reconciliation of France and German and the building of a peaceful and prosperous Europe. He contends that a strong ocean authority with substantial funding can play a similar role in helping to build bridges between East and West, between North and South. He would use a substantial portion of those trillions of dollars of ocean wealth to build peace, ecological sanity and economic development.

Dr. Logue's thesis is simple. It is that the Law of the Sea Conference is stalled not so much by the selfishness of participating nations as from their "lack of imagination." He believes it is essential that the conference revive the concept of ocean mineral wealth as the common heritage of mankind, and make that concept the heart of the Law of the Sea treaty.

He reminds us that in December of 1970 the United Nations General Assembly endorsed the common heritage concept by a unanimous vote. Yet, according to Dr. Logue, in the Law of the Sea Conference the concept of the common heritage is "dying from neglect." Many coastal states are insisting that the proposed law of the sea treaty give them all the resources, marine and mineral, in a 200-mile exclusive economic zone—EEZ, resources which under traditional international law belonged to no state. Dr. Logue finds the EEZ and the common heritage incompatible because, as he points out,

> The overwhelming proportion of exploitable ocean mineral wealth, including some twenty-four trillion dollars' worth of oil, is within that zone.

He favors instead a 200-mile mixed economic zone—MEZ. In it the coastal state would be required, depending on its per capita GNP to give 1 to 20 percent of the "within 200" revenues to a World Common Heritage Fund, to be used for appropriate purposes. He stresses that he is talking about sharing mineral wealth but not about sharing fish.

Dr. Logue believes that the concept of the common heritage must and can be revived because it is "central to almost every issue before the Law of the Sea Conference." He says "a meaningful and generous implementation of the common heritage principle" is "the only guarantee that a meaningful law of the sea treaty will last." As he puts it,

> We must remember that the treaty will not enforce itself. It will not provide for a United Nations Navy. The treaty will be lived up to only if nations believe it has a strong moral claim on them as well as being in their self-interest.

Let me add just a word about the fine symposium at which Dr. Logue spoke. It brought together some 70 students from 15 countries and a number of young and not-so-young professors who specialize in law of the sea matters. Together they took a close look at some of the key issues facing the Law of the Sea Conference. With them were law of the sea diplomats from 16 countries, including the United States, the Soviet Union, Nigeria, Trinidad and Tobago, Nepal, Poland, and Singapore.

A high point of the symposium was a session on ocean pollution on board the 80-year-old Norwegian squarerigger, the *Barba Negra*, moored in the East River. As their special guest, the students were honored to have the president of the Law of the Sea Conference, Ambassador H. S. Amerasinghe of Sri Lanka. From the poopdeck of the *Barba Negra* the Ambassador gave a brief report on the progress of the conference and made a plea that all nations refrain from making new unilateral claims to ocean space. After that he met and talked with the student participants.

I hope members will find the time to read Dr. Logue's speech. It comes from an experienced observer of the Law of the Sea Conference who is acquainted with diplomats from all parts of the world and has lectured on the law of the sea in 13 countries. I recommend it to you.

"What the Law of the Sea Conference Needs Is a Monnet

(By John J. Logue)

It is a great honor and a great pleasure to talk before this International Student Symposium on the Law of the Sea. I'm more moved than I can say. I really am. I think we have a wonderful mix here: students from the United States and some fifteen other countries, law of the sea diplomats and professors, some of them leading scholars in this important policy area, and, of course, some representatives of non-governmental organizations.

I know that there have been other student conferences on the law of the sea but this is the only international one I am aware of. I think such a symposium is overdue for I can think of no policy area which needs more public attention, more serious reflection and more citizen action than the law of the sea. You see I think you students can—and should—play an important role in all those areas. And as an American I know what a tremendous contribution students can make if they take an issue seriously. American students played a crucial part in ending the Vietnam War. They played a key role in the struggle for civil rights. They made a major contribution to developing ecological consciousness among their fellow citizens. The young people of many other countries have also played constructive roles in the politics of their countries, many of them playing leading roles in the achievement of national independence and later in the struggle for economic and social development.

Yes, it is my hope, my wild dream, that this very modest symposium and you young people taking part in it can help develop a consciousness among young people—and not so young people—of the tremendous but fleeting opportunity which the world has in this Law of the Sea Conference: an opportunity to use some of the trillions of dollars of ocean mineral wealth to aid development, to promote ecological sanity and to expand the peacekeeping capacity of the United Nations.

I am afraid the Law of the Sea Conference is not moving very far in these directions. To get it moving in a more positive direction will require a broader understanding of the ocean question, indeed, a veritable ocean consciousness revolution. That revolution has begun. And youth can—and should—play an important role in promoting it, in helping the people of every country to understand that ocean wealth, properly used, can help build bridges between East and West, between North and South, that a strong and generously endowed ocean authority can help bring the nations of the world together in the way the European Coal and Steel Community and the European Common Market brought the nations of Western Europe together. That is my hope.

My text tonight is from Hamilton—not Hamilton Shirley Amerasinghe, the great President of the Law of the Sea Conference, who will be with us tomorrow on the *Barba Negra*—but from the American statesman and political theorist Alexander Hamilton. Somewhere in the Federalist Papers Alexander Hamilton said that you do not truly will an end, a purpose, an objective unless you will the means to the accomplishment of that objective. Let us apply that text to our world organization and the things we say it stands for.

In 1945 in San Francisco delegates from many nations dedicated the United Nations to the goals of peace, economic and social advancement and "larger freedom". But—and we must be honest—in the thirty-one years since San Francisco the nations of the world have given the United Nations next to nothing with which to do its job. If we apply Alexander Hamilton's test we are forced to conclude that the members of the United Nations clearly did not mean what they said at San Francisco. For if they had meant what they said they would have given the United Nations the means, the money to do its job. To take but one example: the U.S. contribution to the "world fire department" is less than New York City gives its fire department. It is less than 1/200th the amount of the U.S. annual military budget.

But we have another chance. The great wealth of the oceans offers us a tremendous opportunity to "put our money where our mouth is", to give the UN and the international community the means to keep the peace, to build development, to save the delicate ecological system of our planet. Because I want a stronger United Nations doesn't mean I endorse everything the UN does. Far from it. But I believe a reformed and strengthened UN is essential if we are to keep the peace and build the new economic order which is so desirable and so essential, so much in the interest of all countries. So the focus of my remarks is on the need to assure that a very substantial part of the tremendous mineral wealth of the oceans he regarded, as Ambassador Pardo proposed in 1967, as "the common heritage of mankind" and used for the high purposes I have mentioned.

However I am sorry to have to report to you that the concept of the common heritage of mankind is dying from neglect. Yet that concept, properly understood and properly implemented, is central to almost every issue before the Law of the Sea Conference. It is central to the resolution of the important issue of dispute settlement procedures. It is central to preservation of the oceans' ecological system. It is central to the question of resource ownership. It is central to the question of whether we shall have a viable international ocean authority. Unfortunately many coastal states insist on getting all the mineral resources within 200 miles of shore—where the overwhelming proportion of ocean wealth is—in a 200 mile "exclusive economic zone" or EEZ. However I am happy to say that the geographically disadvantaged nations—and your keynote speaker, Ambassador Upadhyay of Nepal, has played an important role in their efforts—are beginning to see and say that the common heritage concept must be revived.

What the geographically disadvantaged nations are beginning to say—and say loudly—is that it is wrong to give the greatest proportion of the really valuable mineral wealth of the oceans, wealth that thirty years ago belonged to no one, to a few coastal states. Yes, if the EEZ is adopted it will give all the twenty-four trillion dollars—twenty-four thousand billion dollars—of oil within 200 miles of shore off the coastal states. By the way, that figure of twenty-four trillion dollars is based on a UN study made by Dr. L.G. Weeks (A/AC.138/87). The geographically disadvantaged are willing to accept an economic zone, even a 200-mile one, but not an EEZ. They feel that a substantial part of the aforementioned twenty-four trillions, should be part of the common heritage. They know that if it isn't, a huge amount of that wealth will go to a relatively few states, many of them already very rich, e.g., the United States, Canada, Norway, Australia, South Africa, New Zealand, the United Kingdom and the Soviet Union.

In a recent talk before the Foreign Policy Association I tried to focus on the bizarre character of the move for the 200-mile EEZ. Let me try it on you. Let us suppose that Mayor Beame has persuaded the New York City Council to reduce the size of Central Park, to dispose of the outer 200 yards of the park, much of it immensely valuable because of its location along Fifth Avenue or 59th Street or Central Park West. Now let us suppose that a Council hearing the manager of the very posh Plaza Hotel on 59th Street says: "You must make us a *free* gift of the tract of land opposite us since we are closer to that land than anyone else." Let us suppose that the manager of the very posh Hotel Pierre on Fifth Avenue says: "We hereby declare that we own the land opposite us. Now since we are the first to claim it and since we are closest to it, you must give it to us free." You know and I know that no one in New York City would take seriously the argument that owners of property opposite Central Park would be entitled to a free gift of land which has been the common heritage of all New Yorkers for some 100 years.

But what would be dismissed as absurd in New York City is being applauded as "moral" and "desirable" and "inevitable" in the Law of the Sea Conference. The "ocean commons" that was no one's property, *res nullius*, for more than three centuries is now being claimed as the exclusive property of the states adjoining that commons. A battery of arguments is used—legal. historical, philosphical, geological and what have you—to defend the concept of the EEZ. The arguments are eloquently presented by learned advocates. But the geographically disadvantaged are not impressed. Their common sense tells them that there is something wrong with a solution that gives the greatest portion of ocean wealth to a few rich states and a few developing states and not a penny of it to most of the geographically disadvantaged states.

Now I obviously think the ocean coastal states are being a bit selfish when they advocate the EEZ. But what I really fault those states for is not selfishness but a lack of imagination. The ocean coastals say they want a law of the sea treaty—and one that will last. But they do not seem to understand that a meaningful and generous implementation of the common heritage principle is the essential cement, the glue, *the dream*, that will make a meaningful law of the sea treaty possible. It is the guarantee. the only guarantee, that a meaningful law of the sea treaty will last. For we must remember that the treaty will not enforce itself. It will not provide for a United Nations Navy. The treaty will be lived up to only if nations believe it has a strong moral claim on them as well as being in their self interest.

In my view a generous implementation of the common heritage principle is an essential step on the way to the new economic order, the new political order we need if the nations of this troubled world are to save themselves from the dangers implicit in nuclear proliferation, in the conventional arms we are seeing, in the grave economic and ecological crises we face.

Let me try to say it very simply. I admire and respect the Law of the Sea Conference. I have friends and acquaintances in many delegations. I respect and have genuine affection for its excellent leadership. But I still believe that what the Law of the Sea Conference needs is a Jean Monnet, a Robert Schumann and the broad vision which those two great Frenchmen brought to the troubled old continent of Europe in the forties and fifties. Let me explain what I mean.

In January of this year I lectured at the University of Iceland. I explained to my listeners that I would be arriving in the Netherlands the next day. I said that I could, but would not ask the Netherlanders if the French and the Germans were likely to go to war with each other. I would not ask them because the Netherlanders would, quite appropriately, think I was out of my mind!

This is a very important point. Why do Europeans—and almost everyone else—think the idea of France and Germany going to war is absurd? After all they waged three very bloody wars in seventy-five years. Yet there is no chance that they wil go to war today. Why? I believe that one of the most important reasons is because of the success—not perfect success but success—of the two great institutions they fathered: The European Coal and Steel Community and the European Common Market or Economic Community. Through these institutions the French and Germans and a handful of neighboring countries intertwined their economies and their political destinies. They got to know and trust each other and in that way helped build a new and peaceful and prosperous Europe. We can and should apply their insights to our troubled world. For through a strong, powerful, well-funded ocean authority we can bring North and South together, we can bring East and West together.

What the Law of the Sea Conference needs most is a broad vision. What the world needs is not a least common denominator treaty but a treaty inspired by and incorporating a generous version of the common heritage principle. And those who have that vision—I call them "common heritagers"—need a strategy of persuasion. For it is not too late for the Conference to rethink—and revive—the common heritage concept and give it the central place in the treaty it should have—it must have—if that treaty is to last.

I have already mentioned the creative role the geographically disadvantaged states are playing in the Conference. I think that a most important role can and should be played by those citizens of the geographically advantaged states who disagree with their countries' law of the sea policies. Let me give you four examples. Last spring in an excellent series of articles the Toronto Globe and Mail raised searching questions about Canadian law of the sea policy. Last year Thor Heyerdahl, Norway's most famous citizen, urged that Norway contribute as much as 25 per cent of its offshore mineral revenues to a World Common Heritage Fund. And Jacques Cousteau of France took a very similar position. In Britain the well known scientist and author, Lord Ritchie-Calder, is one voice among many who have urged that Britain share some of its offshore oil revenues with the developing world. All four countries support the EEZ but not all their citizens. And because the very rich coastal countries are now supporting EEZ the geographically disadvantaged are seeing more clearly that the EEZ never was the ticket to Third World economic progress that it was alleged to be.

But before I leave the developed countries, let me mention one recent and very hopeful development. It is the Trilateral Commission's 1976 report: "A New Regime for the Oceans." The Commission is made up of prominent individuals from North America, Europe and Japan. Its members include William W. Scranton, David Rockefeller, and Edwin Reischauser. On page 8 the report recommends that approximately one-half of the resources royalties in the area between 12 and 200 miles be given to the international community. That almost takes my breath way. It is a good deal more than I have been proposing!

Another proposal which has generated some interest, especially in the Third World, is the idea of a 200-mile mixed economic zone (MEZ) from which the coastal states would be required to give to a World Common Heritage Fund between one and twenty percent, depending on its per capita income. Third World countries are beginning to see that while regional economic zones may be appropriate for fishing, there must be global sharing of mineral revenues, both within and beyond the EEZ.

Mark Twain once said that "The report of my death is an exaggeration." So are the reports of the death of the common heritage. The concept has life because it has logic. As I have said, it is the cement, the blue, the dream that will make the treaty meaningful. It may seem too late in the Conference for the common heritage to be revived. I don't agree with that judgment. At the American Constitution Convention in my home city of Philadelphia, one of the most important creations was the presidency. It is interesting to recall that the presidency was dealt with only very late in the Convention. It was created because at that point in the Convention it was felt to be necessary and logical. I think we are reaching a point in the Law of the Sea Conference were delegates are beginning to see that a meaningful and generous common heritage concept is necessary and logical if we want a treaty that will last.

One reason for my optimism is that I think I know the delegates rather well. The thing that is most striking to me is that even among delegations committed to the exclusive economic zone there is a deep sense of regret as to what has happened to the common heritage. There is a sense that a bold and beautiful dream is dying. And there is, I think, in almost every delegate a feeling that it would be a wonderful thing if, somehow, it could be restored to its proper place in the Treaty.

The common heritage will not be revived unless there is a much broader understanding of its importance, a much broader understanding of the ocean question as a whole. I think you students from many countries—and students who do not happen to be here today—can and should play an important role as apostles of the common heritage idea. I think you have the energy, the intelligence, and the heart.

Yes, I think you young people can play an important role in turning the Conference around, in helping the delegates to write—and sell—a bold and generous treaty. In that way we will be showing we believe that every person on this globe is a part of the human family and that we have a common destiny as shipmates on the good ship Earth.

A TRIBUTE TO DR. JOHN HICKEY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. EILBERG. Mr. Speaker, Dr. John Hickey is retiring from his active affiliation with Father Judge High School, Philadelphia, Pa., and I would like to take this opportunity to honor a man who is both noted in his field and for his ability to give fully of himself.

Born on September 18, 1976, he attended St. Joseph's Preparatory School, St. Joseph's College, and Jefferson Medical School, graduating in 1951. In 1955 he was approached by Rev. Joseph Cutter, OSFS, to serve as Father Judge's High School's team physician. His affirmative response was prompt and without hesitation.

During the next 21 years his generosity knew no bounds. He was always ready to serve no matter what time or whatever the possible personal inconvenience. His kindness was complete; he has never been known to refuse his teams' call for medical care at any time or any season.

The following remarks attest to the impact that Dr. Hickey has made upon the people he has served for so long:

Rev. Joseph Murray, OSFS, sums up the school's relation with Dr. Hickey by saying:

> His work has been untiring and far beyond our ability to value both in terms of service or in friendship. We will be hard pressed to replace this dedicated man.

Rev. William Dougherty, OSFS, a former athletic director, repeats words so often heard in regards to Dr. Hickey's years of service by saying:

> He was available day or night. When other doctors might require appointments, Dr. Hickey was always one to respond, "Bring the boy right down!"

Rev. Daniel McLernan, OSFS, a soccer coach and former athletic director, says that:

> In all my dealings with Dr. Hickey he has always impressed me by his outstanding ability to carefully diagnose a case and, where any doubt existed, his willingness to seek aid in his judgment.

Brother James Williams, OSFS, described Dr. Hickey as:

> A good man, always available at games or when needed.

Rev. William F. Davis, OSFS, the Principal and another former athletic director, amply sums up Dr. Hickey's performance with the following praises. He says:

> Dr. Hickey has provided hundreds of young men, their parents, coaches and school officials all the outstanding traits of a gentleman, a true professional and as a dedicated servant. He has served this community for 21 years and his prudence, wisdom, and humility have given us more than we could ever have hoped for. We will miss his service more than we can say but I am sure his friendship will be with us. I thank him in the name of all those who have benefited from his service.

TERENCE CARDINAL COOKE: A MAN OF VISION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. RANGEL. Mr. Speaker, recently I had the opportunity to meet with Cardinal Cooke to discuss several matters of concern to both of us. Our discussion was very cordial and productive, and left me with a feeling that Cardinal Cooke is a man who is deeply concerned about the destiny of the Nation.

During Holy Week and Passover, the Cardinal issued some remarks which I think illustrate quite clearly his resolve in providing the guidance which we need in order to realize that we have the capabilities to solve our present domestic woes. Hopefully my colleagues will review the Cardinal's speech and reflect on it as this legislative body attempts to grapple with the major issues of the day. The Cardinal's statement follows:

THE HUMAN CRISIS IN NEW YORK—HOLY WEEK AND PASSOVER—1976

(Statement of His Eminence, Terence Cardinal Cooke)

During the next few days throughout the cities, towns and villages within the ten counties of the Archdiocese of New York, the millions who share our Judeo-Christian religious tradition will gather with their families in a prayerful spirit to observe a time of worship and reflection In this sacred time we are all conscious of our dependence on God, Our Father. He has called us to be His children and, with Him as Father, to be brothers and sisters to each other within His one human family. At no time during the year are we more aware than now that He is our true hope—our only true guide on the journey of life. During these holy days, we are even more aware, as our immigrant ancestors were, of the promise of a new life fulfilled in a new land.

These are indeed days for prayerful reflection and concern, especially for all whose lives have been affected by the financial and human crises that have captured the headlines since last Spring. Our public officials and civic leaders are seeking to find a way to maintain the fiscal and social viability of our communities. The poor and disadvantaged as well as those whose lives are devoted to their service, are deeply concerned that their present situation, with its stringencies, carries only the future promise of less services and fewer programs to meet their human needs. And people in the middle—families with children, taxpayers, those engaged in corporate enterprises and businesses—are wondering where it will all end. How can our communities as we have known them continue to exist.

The result of this confusion is that the promise of life's fulfillment for people in so many of our cities, towns and villages is now being seriously endangered. Unemployment continues to exist at an unacceptably high level. Life in so many areas of our communities is in a process of deterioration. Conflicts intensify as human service programs meeting health, social welfare and educational needs compete against each other, and often neighbors are pitted against each other in their struggle to have supportive services maintained.

I am deeply concerned about the present crisis for our communities and the threat of continuing crises for our people in the foreseeable future. On earlier occasions I have stated that this present crisis is not simply a fiscal problem. In its true dimensions it is a human problem as well. Deep moral and human issues are involved. The current and future deliberations of our governmental officials and civic leaders will be decisive in the quest for equitable and just solutions to what is truly an unprecedented problem.

As we enter these days of prayerful reflection, we cannot be unmindful of some basic human and moral concerns:

First, a concern that in the search for a restoration of fiscal integrity, the integrity of life for so many people who live in our communities could be seriously jeopardized;

Secondly, a concern that our leaders, in their justifiable desire to restore a measure of investor confidence, could find themselves cutting so deeply into human service programs that there would result a serious erosion of confidence and hope for the millions of people for whom these human life-support services are essential to sustain them and their families;

Thirdly, a concern that people who are already suffering the effects of prolonged unemployment, continuing inflation and cutbacks in services might be forced to shoulder a disproportionate share of even deeper cutbacks in the months and years ahead;

And finally, a concern that so many Americans seem to continue to regard the current crisis only as a fiscal problem affecting New York City and New York State and not as a national urban crisis of major proportions affecting people throughout the United States.

The Catholic Bishops of New York State have repeatedly insisted that the poor and disadvantaged should in no way be made the scapegoats either for the past mistakes of governmental officials or for the inability of today's leaders sufficiently to stimulate the economy and to eliminate unemployment.

The Catholic Bishops of the United States at our general meeting last November, called attention to the human crisis confronting American cities and threatening the common good and dignity of millions of our fellow citizens.

At this time of Holy Week and Passover, we are very conscious of the plight of our centers of population. They have been battered by recession, inflation and unemployment and now they struggle under the difficulty of stagnant or eroding tax bases and an increasing number of people of all ages who have become service dependent.

It is not my desire to deny that a serious commitment to belt-tightening must take place if our urban and near-urban neighborhoods and communities are to survive, and yet we cannot allow the structures of our communities to be torn apart or even to be severely wounded. Nor can we accept the tragic inability of our American society to provide adequate human services for the children, the aged, the helpless and those who are educationally disadvantaged.

What we need during these holy days is a spirit of understanding, of faith and of hope. We need a spirit of understanding so that we can recall that our nation and its communities were conceived in difficulties, grew through them and, with God's help, developed the courage and strength to forge a country that became a land of promise and a haven of hope for our forebears.

We also need a spirit of faith to encourage us to believe that a nation which came through the deep and perplexing problems of the great Depression has within itself the creativity, the talent and the human resources to measure up to the present challenge.

From this understanding and this faith, we can all take hope—renewed hope to overcome the discouragement and sense of frustration which this crisis casts upon us.

This week we relive the Passover of the Lord and the passage through suffering and death to newness of life in a land of hope and promise. This is truly a holy week of hope for us! This is a week for reflection and for prayer!

In our prayers during these sacred days, let us ask our Father in Heaven for the precious gift of hope.

Hope that we will be ever thankful for His gifts to this nation and to its people;

Hope that our national, state and local officials and our civic leaders will return from the reflection of the holy days with a renewed and lively commitment to serve the people of our communities;

Hope that our land will continue to be a land of opportunity and new life for those who come after us as it has been for us and for those who came to it before us;

Hope that all children, who are our future, will receive from our society all the support they need to become the concerned citizens and the leaders of our communities tomorrow;

Hope that the families of New York and throughout our country will be blessed with a rebirth of that family spirit which has been the backbone of our American society;

Hope that our society will respect older people, recognize its debt to them and afford them the opportunity to live out their lives in health, decency and respect;

Hope that the poor, marginal working families and those living on fixed incomes will not be singled out as the means to relieve society's financial pressures;

And finally, hope, that in a spirit of true charity and justice we in this land of promise will all give ourselves, as great-hearted volunteers, to the service of all our brothers and sisters in the One Human Family of God.

RESULTS OF QUESTIONNAIRE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BIAGGI. Mr. Speaker, earlier this year, I distributed a questionnaire to the residents of my congressional district. I now wish to insert the results into the RECORD for the benefit of my colleagues:

QUESTIONNAIRE RESULTS

[In percent]

1. Should the federal government provide more housing and recreational services for senior citizens? Yes, 80; no, 20.

2. Should older Americans have to take a means test to participate in senior citizen center programs? Yes, 21; no, 79.

3. Should a national health insurance bill provide "cradle to grave" coverage for all Americans? Yes, 58; no, 42.

4. Should national health insurance coverage be provided only in cases of catastrophic illnesses? Yes, 52; no, 48.

5. Should an immediate criminal penalty be imposed on an employer who knowingly hires illegal aliens? Yes, 64; no, 36.

6. Should unconditional amnesty be granted to aliens illegally residing in this nation at this time? Yes, 25; no, 75.

7. Should private ownership of handguns be banned? Yes, 55; no, 45.

8. Should mandatory minimum prison sentences be imposed on persons convicted of using a gun in crime? Yes, 79; no, 21.

9. Should the death penalty be restored? Yes, 86; no, 14.

10. Should the age at which juveniles can be tried as adults be lowered for certain serious crimes? Yes, 81; no 19.

11. Should corporal punishment be used again in our schools as a means to improve school safety and end violence? Yes, 84; no, 16.

12. Should the federal government spend more money to create public service jobs? Yes, 16; no, 40.

13. Should oil and gas prices be fully decontrolled? Yes, 64; no, 36.

14. If no, should there be a gradual phase out of oil and gas price controls over a specified period of time? Yes, 59; no, 41.

15. Should a multi-billion dollar energy research and development program be created to make the United States self-sufficient in energy resources? Yes, 78; no, 22.

16. Should the United States government require car manufacturers to improve their gas mileage? Yes, 80; no, 20.

17. Should an extension of the tax cut be coupled with an equal reduction in federal spending, as proposed by the President? Yes, 80; no, 20.

18. Should the federal government be required by constitutional amendment to have a balanced budget? Yes, 80; no, 20.

19. Should busing be used to achieve racial balance in schools? Yes, 5; no, 95.

20. Should the United States pull out of the United Nations? Yes, 66; no, 34.

21. Should the United States take more outspoken positions in the United Nations? Yes, 70; no, 30.

22. Should the United States continue to have full sovereign control over the Panama Canal and Canal Zone? Yes, 87; no, 13.

23. Should the United States government reestablish diplomatic and economic relations with Cuba? Yes, 58; no, 42.

24. Should the United States provide military assistance to Egypt? Yes, 65; no, 35.

25. Should the United States continue its present detente policy with the Soviet Union? Yes, 66; no, 34.

26. Should the United States intercede in Northern Ireland to help resolve the current problems there? Yes, 20; no, 80.

27. Is the United States government doing enough to end world hunger? Yes, 60; no, 40.

NORMANDY HIGH SCHOOL PROJECTS

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MOTTL. Mr. Speaker, it is commendable that many youths of our Nation are becoming actively involved in the Bicentennial celebration through their schools. That is pleasing to me in that I think such school projects serve a meaningful role in the learning process and generally are free of the comericalism which has accompanied other Bicentennial projects.

One school which I feel deserves special mention in the scope and degree of its Bicentennial activities is Normandy High School in Parma in my congressional district.

Under the direction and guidance of Faculty Chairman Charles M. Spinner, students at the high school have engaged in activities ranging from conducting a Lexington-Concord memorial mile run, to sponsoring a faculty beard and mustache contest, to planting a tree and a memorial time capsule.

I ask my colleagues in the House to join with me in congratulating this fine school for its outstanding accomplishments during our country's 200th anniversary.

Here is a complete list of the projects Normandy High School has undertaken:

NORMANDY HIGH SCHOOL PROJECTS

(1) Conducted a Lexington-Concord Memorial Mile run as part of the Parma Relays of April, 1975. Historical fact sheets were distributed to the public and the Bicentennial club presented a trophy to the winning runner.

(2) The Bicentennial Club designed and created their own unique Bicentennial T-shirt for sale to raise money for other Bicentennial projects.

(3) Provided first fireworks (in shape of the Liberty Bell) ever presented in conjunction with a halftime football game (Normandy-Parma) at Byers Field.

(4) Painted every fire hydrant on Pleasant Valley Road from State Road to Broadview. (That includes 27 fire hydrants. This project won the special recognition of Mayor Petruska.)

(5) Became the first Parma school ever to receive permission to decorate the exterior of a building. Normany's Bicentennial club painted the overhang to the entrance of Normandy in red, white, and blue colors with the dates 1776–1976 predominant over several stars.

(6) Arranged and conducted a faculty Bicentennial beard and moustache judging contest. During the summer of 1975 letters went out to every Normandy male faculty member encouraging them to participate in this project. At the beginning of the year we had 37 men with beards or moustaches.

(7) Printed Bicentennial scholarship and contest information and distributed this information to all students. As a result:

a. Laurie Gabriel was selected as Normandys' Representative in the Hugh O'Brien Bicentennial Leadership Contest for 10th graders.

b. Normandy High School Girls won all three divisions in the American Legion Government Test given to Parma area 10th, 11th, and 12th graders. Elizabeth Volk, Helen Rackas, and Francine Straka won the 10th, 11th, and 12th grade divisions respectively. Francine and Helen tied for overall winners and were both given bronze medals and $25 bonds.

c. Karen McGroarty was selected as the only student among the winners (2nd place and a $50 bond) in Parma's efforts to select a flag and a logo. The winning entry was submitted by a commercial artist.

d. Dean Carmichael and Michelle Beerer were the only Parma student winners (2nd place) in Cleveland's Oral History contest.

(8) Normandy is one of only a few area schools that have obtained (from Booster Club and American Legion) a Bennington flag that is flown daily at the school.

(9) Normandy's Bicentennial Committee is cleaning up and researching an abandoned graveyard as to its local history.

(10) Normandy's Bicentennial Committee has interviewed 1st graders and Senior Citizens as to their views on the Bicentennial. They have used these interviews as the basis of a school newspaper article and a display in the school showcase.

(11) Normandy's Bicentennial Committee is planning on planting a tree and memorial time capsule in the school's courtyard.

(12) Normandy's Bicentennial Committee has designed a Bicentennial ID card that is given to outstanding club members and area contributers to Normandy's Bicentennial celebration.

(13) Printed Bicentennial news bulletins for faculty and curriculum materials for Social Studies faculty.

(14) Normandy is hosting the 80 member Elyria Bicentennial Chorus May 21st as a Bicentennial Song Fest.

(15) Normandy is also featuring the widely acclaimed Columbus Whitehall High School Flag salute in the May 21st program.

(16) Provided Normandy students the opportunity to participate in a number of American Experience field trips which emphasized America's cultural and historical heritage.

PRESERVING OUR CITIES—EVERYONE'S CONCERN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. ANDERSON of California. Mr. Speaker, the public has, in recent years, become increasingly aware that the unrestrained use of natural resources would lead to problems. Every State in the Union has witnessed the birth of private groups, forming to do battle for the conservation of irreplaceable lands and waters.

Awareness has also grown with respect to the need to preserve our cities. Cities are the hub about which our political and economic systems rotate. Foremost among those seeking to maintain America's vital urban communities has been NAHRO, the National Association of Housing and Redevelopment Officials. NAHRO is a bipartisan, nonprofit organization engaged in community housing and development programs.

A popular slogan of this group is: "Can America Afford 'Throw Away' Neighborhoods, Cities and Towns?" Obviously, the answer is, "We cannot."

At this point, I would like to insert a recent article published by this group, "The New American Realism: Save and Rebuild America," into the RECORD. I hope others may gain as much from it as I have.

THE NEW AMERICAN REALISM: "SAVE AND REBUILD AMERICA"

The new politics of America is realism. The mood of America is to save and rebuild America.

The leadership in this country must sense this new realism, must feel the mood.

We know our resources are not unlimited, nor are our choices for using them. The stark sentinels of inflation and unemployment, of energy shortages and housing shortages remind us of our limitations.

We are tired of patchwork policies and scatter-shot programs—often designed to fulfill political slogans. We want to fight to save what we have built and rebuild what cannot be saved. In the neighborhoods and cities of America, we want to recreate opportunities for everyone to live, work, and play, secure and confident that the quality of life is improving.

Looking back 200 years, we are proud of what we have done. We have wrested farms from valleys and plains. We have harnessed great rivers. We have built homes and factories and cities on the face of the land. We have used the abundance of our resources to shape a life that few people in history have achieved.

But we know now we have paid a high price. We have abused the land. We have wasted our resources. We have built and abandoned only to build again. There are bleak reminders of abuse and waste—polluted waters, fouled air, abandoned homes, dilapidated neighborhoods, decayed cities.

The best place to start saving and rebuilding America is to build upon what we have already built—the homes, the schools, the streets, the hospitals, the factories, the stores and office buildings that stand as monuments to our energy and creativeness in every village, town, and city in the country. Most of us live in these places. What better place to start rebuilding? And, in the process, save precious resources.

We must now lay as a cornerstone of domestic policy—the saving and rebuilding of America. The best foundation for the cornerstone is in the neighborhoods, villages, towns, and cities that we have already created.

We must provide the public programs and the private initiative to help them. Straightforward, comprehensive policies and programs at all levels of government and industry are essential to accomplish this task.

With this unmistakable purpose and firm direction, we can give incentive and opportunity and help to residents, homeowners, hope-to-be homeowners, employers, and investors. It will be their energies and their commitment that will save and rebuild America.

Public leadership and private leadership must mobilize a national effort to save and rebuild the neighborhoods and cities of this country. Such a national mobilization must provide the American people with the tools to do the job.

These are the programs that can help them do the job:

A Neighborhood Conservation Program that aims directly at conserving housing, industrial and commercial buildings, and public facilities. Such a program would provide tax credits and incentives to homeowners, investors, and lenders who make commitments to neighborhood conservation areas; would help people and businesses by making federal loans available for property improvement or provide federal insurance for local programs serving the same purpose; would help local governments provide public facilities by upgrading existing ones or replacing out-moded ones.

A City Rebuilding Program that encourages and supports private reinvestment in the city, when long-term financing and heavy front-end investment are required. Such a program would remove physical conditions that blight neighborhoods, discourage investment, stimulate abandonment; would provide tax incentives or tax credits to property owners and businesses participating in rebuilding; would provide public loan and public grant assistance to local governments and private enterprise for rebuilding purposes.

A Housing Program that supports both neighborhood conservation and city rebuilding by providing interest subsidies, direct loans, direct grants, tax incentives, and tax credits. Such a program would encourage and assist home ownership; would create new housing for families of all incomes on recycled urban land; would encourage the lender, the builder, the middle-income family, and the low-income family to reinvest in their community by conserving existing houses or building new housing; would build public housing for special groups: the poor, the elderly, the handicapped.

Realistically, the American people know that there is a lot of good housing that just needs fixing up. There are good neighborhoods that need streets repaired, schools modernized, and shopping improved. We know we have created houses, factories, and stores that are not being used to the fullest. A neighborhood conservation program can bring them back to life. We know there are some places that need to be rebuilt in the neighborhoods and the cities, A city rebuilding program can help those places change. Above all, we know that we need new housing for young people, the elderly, and the handicapped.

If we build new housing to take advantage of the schools, parks, and streets that are already in place, we will protect investment already made, we will save money, we will save energy, we will stop abusing the land and wasting our resources.

These are national needs; they exist in every city, village, and town in the country.

But this is where we've got to stand: strengthening the foundations that we have already built; recommitting our energies and our resources; getting government and business to help us, so that we can help ourselves rebuild America.

This is a realistic program. It fits the mood of America today. It needs—urgently needs—to be done.

It is not going to be easy for you and me to arise and say, "This is where we want to stand. This is where we have got to start saving and rebuilding America: in the neighborhoods, in the villages, in the towns, and in the cities." It is not going to be easy to get businessmen, bankers, and corporation leaders to reinvest. It is not going to be easy to get local officials, state officials, or Congressmen and national leaders to enact laws that will help save and rebuild America.

INCREASING LABOR SUPPORT FOR FEDERAL LOAN GUARANTEES FOR SYNTHETIC FUELS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. TEAGUE. Mr. Speaker, Angelo Fosco, general president of the Laborers' International Union of North America, expressed the union's strong support of H.R. 12112 Federal loan guarantees for synthetic fuels—in a letter to Chairman MIKE MCCORMACK of the Subcommittee on Energy Research, Development and Demonstration.

Mr. Fosco emphasizes that United States and world supplies of petroleum are finite and that their exhaustion can be projected within the next 30 to 40 years. When this occurs he warns that we must already have in place adequate alternative sources of energy which will permit the Nation's uninterrupted economic development. He tells us:

> This Union looks to the Federal Government to provide leadership, planning and support to the development of such alternatives. In this vein we have placed ourselves on record in support of nuclear development, the Coal Slurry Bill and now wish to join with those asking for Federal leadership in developing energy technology.

Aside from nuclear energy, Mr. Fosco feels that coal and oil shale represent the most viable energy sources for the near future. Although we have abundant coal reserves, serious problems exist in burning coal to produce electricity. The stack emission from coal-fired electric generators creates a public health hazard which could, if not overcome, significantly increase the rate of cancer and lung disease among the American populace. A logical method to overcome this problem would be the gasification of coal. Reducing the coal to liquid or gaseous forms would permit the removal of many of these poisonous elements before the final product is burned.

An additional advantage to coal gasification over present methods of coal use is the ease with which this new coal form could be transported. We could move the new fuel efficiently and economically through the already existing pipeline network that traverses our country to carry petroleum products from their points of extraction to their ultimate markets. Products of both coal gasification and oil shale plants could easily be cut into this transportation system.

The Laborers' International Union is a building trades union and they are not unaware of the employment aspects of this legislation. The synthetic fuels program will not only employ thousands of laborers to construct the demonstration plants but many thousands of jobs outside the construction industry will be generated by manufacturers and suppliers of equipment, materials and services to the construction sites.

Mr. Fosco concludes his letter with the following statement detailing the necessity for Federal loan guarantees if this Nation hopes to develop synthetic fuel technologies. He says,

> There appears to be little possibility that these technologies will develop in a reasonable time without Federal loan guarantees. The capital costs of this development are staggering and in some cases, amount to figures approaching the total networth (sic) of the companies proposing to build the plants. The technology involved has been proven feasible by theoretical engineering studies and prototype plant operations, but remains to be proven by operation on a commercial scale in an actual plant. In order for operating companies to raise the funds necessary to establish such commercial plants at a reasonable interest rate, it would require the direct intervention of the Federal Government—not through a subsidy, but through loan guarantees which will reassure the money market. We choose to support loan guarantees rather than subsidy or direct government development of these facilities because loan guarantees provide the minimum assistance that is absolutely necessary to develop this technology at little or no cost to the taxpayer; and will assure a smooth passage by the United States into a energy-sufficient future.

NATIONAL TRANSPORTATION WEEK

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mrs. SULLIVAN. Mr. Speaker, I am grateful to Mr. M. J. McCarthy of the Santa Fe Railway in Kansas City, the Missouri State chairman for National Transportation Week this year, for alerting me to the fact that this is National Transportation Week—May 16 through May 22. Since this is an annual event of great significance to the business community of Missouri, particularly to the men and women engaged in our extensive transportation industry which is a keystone of our State's economy and prosperity, I want to take this occasion to urge my colleagues in the U.S. House of Representatives to reflect on the importance to all of our districts and constituents of the role of transportation in literally making the wheels of America turn.

My own city of St. Louis, the Gateway to the West, grew from a tiny fur trading post more than 200 years ago to its present greatness, first as the base for the Lewis and Clark Expedition, then as the staging area for the thousands upon thousands of pioneers who ventured into the great West by wagon train, horseback, or on foot, and later as a principal transportation hub between east and west. Every mode of transportation is important to the St. Louis area—highway, rail, air—including space—pipeline and waterway transportation, and we even have a unique form of vertical transportation inside the great stainless steel Gateway Arch of the Jefferson National Expansion Memorial, carrying visitors to the top of that incredibly beautiful engineering marvel.

Mr. Speaker, throughout the existence of our Nation, Congress has recognized a fundamental need to support the expansion of America's transportation capabilities on land and water and in the air. Sometimes these programs of massive Federal assistance to transportation expansion or technology have been denounced at the time of their proposal as monstrous "giveaways" of tax moneys. But we have earned back our public investments in these programs many times over through increased economic activity and creation of employment opportunities. In time of war, our transportation facilities and capabilities have saved innumerable lives.

The transportation industry, unlike many other segments of the economy, is fiercely competitive as between railroads, truck lines, barge lines, pipelines, and so forth, in the haulage of bulk cargoes and this frequently leads to efforts by one or another form of transportation seeking to block Federal programs which are viewed as helping competing forms. For example, the railroads often oppose highway development; truckers have been known to oppose assistance to the railroads; both the truckers and the railroads generally fight against river transportation improvements. However, we need all of these modes of transportation, and we need them able to function at high efficiency if our transportation needs are to be met.

This is not a nation with an excess of transportation equipment and capacity. If we are to expand our economy sufficiently to provide jobs for all who want to work and are willing to work, we must encourage not only the expansion of our productive capacity but also of our capacity to move goods quickly and economically.

Each form of transportation has its own special advantages. While I recognize the competitive drive which motivates all of them, I feel that the Congress should make sure that all can prosper, for we need all of them as part of our total transportation capability.

And during National Transportation Week we salute them all. Friday is National Defense Transportation Day, marking the contributions of this industry to national security. National Transportation Week is a national project of Traffic Clubs International, aided by the National Defense Transportation Association, the Department of Transportation, and many business groups.

THE WOODHAVEN CENTER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. EILBERG. Mr. Speaker, on April 12 the Philadelphia Evening Bulletin carried an article by Barbara Lewis which described an educational treatment program being offered by Woodhaven Center, which is located in my district in Philadelphia. The school for retarded people, a cooperative venture between Temple University, the city of Philadelphia, and the Commonwealth of Pennsylvania, is funded in part by the State's Department of Public Welfare.

What is happening at Woodhaven has national implications as it offers a glimpse of what a retarded person could do, given the support of government, and the people. Without it such a person could be lost in a dark corner of an institution for a lifetime.

The conclusion the article reaches is a tentative one as much of the future of deinstitutionalization of retarded people in this country will depend upon the vision we, who occupy this Chamber have, and the vision of those whom we represent. The future for retarded people is also dependent upon the support we are willing to give to community services which will permit a facility such as Woodhaven Center to in fact return people to community life and the understanding that as we draft Federal law and regulations inherent in them must be the ability of citizens to utilize programs within the familiar surroundings of their own community.

At this time I enter into the RECORD the newspaper article:

"AN AWFUL LOT OF LOVE"—REWARDS, REPRIMANDS USED TO TEACH RETARDED

(By Barbara Lewis)

"Good girl, Diana, staying in your seat." The teacher hugged the little girl with the blond pigtails, patted her head, and gave her a pretzel stick which was promptly eaten.

Diana, a student at the Woodhaven Center, a state school for the mentally retarded operated by Temple University, was learning to stay in her seat.

She and other children in the classroom were also learning, through the system of treats and praise for good behavior and reprimands for bad behavior, to stop wetting themselves, biting themselves, scratching and hitting others, making loud noises and falling on the floor.

"We teach through behavior modification," said Steve Migotsky, Diana's teacher. "We try to ignore something inappropriate and try to reinforce with tender loving care whatever is appropriate.

"The kids here are very low-functioning," he said. "They have to be taught basic skills like staying in their seats. We had one child who would bite himself every 10 minutes in class. At the beginning we would hold his hands down whenever he bit himself, and give him a treat or a pat on the head every minute he didn't. Now he hasn't bit himself for months."

The staff tries to provide 10 times more positive than negative reinforcement, he said. Ideally, the child will be praised or rewarded 10 times for "good use of hands" for every time he or she is reprimanded for hitting or throwing something. Eventually, he said, the child won't need the rewards, but we will engage in good behavior naturally.

"There's an awful lot of love here among the staff and kids," said Robert Raucci, administrative assistant to Pennsylvania state senator Henry J. Cianfrani (D, Phila.) after a tour of the center Friday.

Thirty-two state legislators from southeastern Pennsylvania were invited by Parents of Woodhaven Center to take a firsthand look at the school, the first public fa-city of its kind in Pennsylvania. More than a dozen legislators visited the center Friday or sent representatives.

Most, agreeing with Raucci, were impressed with what they saw. They also recognized some problems at the school, which opened in late 1973.

There is no kitchen on the premises, and food for the 300 students, most of whom live there, is trucked in from Cornwall Heights, Pa. It is usually cold when it arrives, as the legislators discovered when they were served a lunch of cold soup, cold grilled cheese sandwich, pickles, carrots, and celery, and cake.

Woodhaven, at 2900 Southampton road, Northeast Philadelphia, is set up to provide short-term services—lasting anywhere from six months to two and a half years—to retarded persons in southeastern Pennsylvania.

The center's goal is to teach them enough so they won't have to be institutionalized the rest of their lives.

"We used to be content to get rid of the deviancy, to create a docile, bland, unassuming, unthreatened child," said Adlai Boyd, assistant director of education and training at the center.

"Our goal now is to teach marketable skills. There's no such thing as a ceiling to learning ability. Saying a retarded child has reached his limit is completely false," he said. Retarded persons can learn an unlimited more difficult than teaching "normal" persons.

Most of Woodhaven's students, whose ages range from 5 to 50 and whose conditions range from "borderline" to "severe" retardation, spend five hours in class each day. Those who have progressed beyond the basic skills of speech, toilet training, and dressing themselves may learn "pre-academic" or vocational skills.

In each classroom, a staff member keeps a chart on each student, showing the number of times he or she was reprimanded for bad behavior and rewarded or praised for good behavior. Monthly charts show each child's progress in achieving the goals set for him at the start of his Woodhaven sojurn.

The learning atmosphere carries over to the cottages where most of the students live during the week. In the cottages, as in the classrooms, charts are kept showing each student's progress in dropping bad habits, such as biting or yelling, and in picking up good habits, such as sitting quietly or tying his shoes.

In addition, the children receive a half-hour of personal attention from a specialist in the cottage every day. The specialists concentrate on personal skills, such as teaching the child to wash himself or brush his teeth.

The students—Woodhaven staffers call them "clients,"—are sent to the center by the mental-health/mental retardation base service unit in their community, said Adlai Boyd.

Woodhaven contracts with the base service unit to reach certain goals with the child. After a 30-day evaluation period, the staff sets up a program for the client with specific objectives.

"At the end, the kid shoud be ready to go into a less restrictive environment, whether it's his home, a group boarding home, or an apartment with very loose supervision," Boyd said.

The problem, he said, is that most communities aren't ready to provide these kinds of environments for retarded citizens. With no place else to go, he said, many retarded persons end up in the "back wards" of institutions.

"This is not a good place," he said, encompassing Woodhaven's red brick buildings and rolling green lawns with a sweep of his arm. "But it's better than most of the others. And we could be perfect, but if there's no place for these people to go when they leave, it's all a waste of time."

ORDEAL OF A SOVIET DISSIDENT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. ROSENTHAL. Mr. Speaker, on April 24, the pressure of the KGB finally took its toll on a courageous Soviet dissident, Yefim Davidovich. Having survived five heart attacks, he died from his sixth on April 24. The persecution of Mr. Davidovich, sadly, is typical of the harassment which befalls those Soviet citizens who seek to exercise fundamental human rights.

Yefim Davidovish was a retired colonel in the Red army, who had been wounded 5 times in World War II and was decorated on 15 occasions. His fall from grace began in 1972, when Colonel Davidovich sought permission to emigrate to Israel. The secret police immediately undertook a campaign of harassment against him and the five other retired army officers who wished to leave. The KGB arrested the officers for allegedly encouraging Russian citizens to emigrate and for distributing Zionist propaganda.

Although the government promised Davidovich an emigration permit in May 1973, it soon put him and his fellow officers on trial for producing antistate literature. Because of widespread protests on the eve of Secretary Brezhnev's visit to the United States, the charges were dropped. Nevertheless, regular police harassment of Davidovich continued. Strained by the exhausting daily interrogations, the colonel developed a serious heart ailment.

Colonel Davidovich refused to be silenced. On May 9, 1975, the 30th anniversary of the defeat of the Nazis, he spoke at a memorial service in Minsk for those Russian Jews who had perished in World War II. Colonel Davidovich condemned the Stalinist terror which had itself destroyed millions of human beings. As a result, the KGB escalated its reprisals. Secret police warned Davidovich that they would retry him on the charges which had been dropped in 1973. The government stripped the military hero of his rank and his officer's pension.

In February of this year, Colonel Davidovich suffered his fifth heart attack. The government refused to admit him into a hospital. Despite widespread pleas by Soviet citizens on the dying dissenter's behalf, the Kremlin refused him permission to emigrate. At the same time, Soviet officials assured concerned Americans that Davidovich was in fine health.

Last week, the colonel suffered his sixth heart attack. He died at the age of 54. A group of 32 courageous Soviet Jews appropriately charged that Davidovich had been "killed by organs of the KGB because of his struggle to emigrate to Israel. What the Hitlerites had been unable to do, has been cold-bloodedly done by the butchers of the KGB."

In the words of Stanley H. Lowell, chairman of the National Conference on Soviet Jewry:

> Colonel Davidovich's death was a direct result of continued harassment and persecution by the Soviet authorities.

Mr. Speaker, I find it ironic that last August, the U.S.S.R. signed the Helsinki agreement, guaranteeing basic liberties to all peoples. The Soviets pledged to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion" and to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms." The persecution and death of Yefim Davidovich indicate that Soviet leaders are living in the age of Stalin rather than in the age of Helsinki.

BICENTENNIAL DISRUPTION PLANS DEVELOP

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. McDONALD of Georgia. Mr. Speaker, the July 4th Coalition, J4C, now operating from P.O. Box 998, Peter Stuyvesant Station, New York, N.Y. 10009, is accelerating the pace of its organizing for a massive counterdemonstration to the Fourth of July Bicentennial celebrations in Philadelphia.

During the past 3 weeks, Alfredo Lopez, member of the political committee of the Puerto Rican Socialist Party, PSP, and J4C national coordinator, has spoken at numerous radical gatherings in the Midwest and Northeast, reporting on the March 27–28 formal constitution of the J4C and outlining plans for the event. According to a report in the Philadelphia Inquirer, the demonstrations are planned for Fourth of July "with or without city permission."

Sources within the revolutionary groups forming the J4C have provided the following information on the March 27–28, 1976 meeting:

Some 230 representatives from approximately 100 radical, revolutionary and "progressive" national and community organizations jammed into the law lounge of New York University Law School on Washington Square to prepare for a new broad front of Castroite and new left groups in the United States.

Conference organizers announced that 102 organizations had representatives present from 55 towns and 27 States to hear Philadelphia's Muhammad Kenyatta, head of the Black Economic Development Conference, convene the conference with solidarity greetings from the Provisional Revolutionary Government of the Republic of New Africa, RNA, a small though militant negro separatist group; the International Indian Treaty Council; and the Puerto Rican branch of the Soviet-dominated World Peace Council headed by Noel Colon Martinez.

The keynote address was delivered by Jose Alberto Alvarez, first secretary of the U.S. branch of the PSP, who said that the United States had been weakened by the "victory of the Vietnamese people" and the results of the war in Indochina. Alvarez said that now while U.S. imperialism is on the defensive, "all progressive sectors" in the United States must unite and "demonstrate a new and higher level of unity" so that they can "reinforce and deepen the trend of imperialist decline and the advance of our struggles. The July 4 mobilization in Philadelphia is an opportunity to do this."

The "unity" theme was central to the meeting. The various demands to be raised were discussed and different organizations debated which were priorities and how they should be phrased. Alfredo Lopez stepped in to sum up the discussions, and the majority of those present basically agreed that the issues were unimportant, what really was important was getting as many demonstrators as possible into Philadelphia.

Three general demands were agreed to, each with many subsidiary demands to suit the large number of J4C groups:

Three General Demands

1. For a Bicentennial without colonies—Freedom for all oppressed nations.

Independence for Puerto Rico.
Sovereignty for American Indians Nations.
National Independence for Colonized Black People in the U.S.
Self-Determination for Mexican People in the U.S.
Stop the CIA/Military Intervention in Other Nations.
Stop U.S. Government Aid to Repressive Regimes.

2. For full democracy and equality. This included:

Defeat S–1 (Senate Bill 1) and All Repressive Legislation.
Equal Rights for Gay (homosexual) People.
End the Oppression of Women.

3. For jobs and a decent standard of living. The principal demand was for "jobs for all at living wages and a guaranteed income."

Conference organizers constantly reemphasized that the J4C was the beginnings of a great mass movement which must contain all the varied left groups and that arguments over the correct line were totally out of place within the J4C.

A 67-member executive board for the July 4 Coalition was selected. They include:

At-Large Members of Executive Board

Jose Alberto Alvarez, Puerto Rican Socialist Party.
Akil Aljundi, Attica Now.
Lindsay Auden, New York Coalition Against S–1.
Steve Ault, National Coalition of Gay Activists.
Ella Baker, civil rights activist.
Norma Becker, anti-war activist.
Ben Bedell, The Guardian.
Vernon Bellecourt, American Indian Movement.
Rosa Borenstein, Puerto Rican Solidarity Committees.
Owen Brooks, Delta Ministry.
Juan Chacon, Local 890, United Steel Workers of America.
Alan Charney, New American Movement.
Marilyn Clement, Inter-religious Foundattion for Community Organization.
Slim Coleman, National Tenants Organization.
Virginia Collins, civil rights activist.
Burt Corona, National Alliance Against Racist and Political Repression.
Rene Cirla Cruz, Union of Democratic Filipinos.
Tal D'Amato, Midnite Special.
Barbara Dane, cultural worker.
Ivy Davis, Law Students Civil Rights Research Council.
Dave Dellinger, Seven Days magazine.
Emile di Antonio, filmmaker.
Jimmy Durham, United Nations Office of the International Indian Treaty Council.
Anne Gael [Durham], Native American Solidarity Committee.
Gavrielle Gemma, Workers World Party.
Wilbur Haddock, United Black Workers.
Moses Harris, Black Economic Survival.
Jim Haughton, Fightback.
Ronnie Sue Jaffee, Rank and File, District 1199, Hospital Workers Union.
Rev. Muhammad Konyatta, Black Economic Development Conference.
Arthur Kinoy, Mass Party Organizing Committee.
Rev. Frederick Douglas Kirkpatrick, folksinger, Deacons for Defense and Justice.
Patrick Knight, Local 371, Social Service Employees Union, District Council 37, AFSCME.
Yuri Kochiyama, National Committee for Defense of Political Prisoners.
Karen Kollias, Quest, a feminist quarterly.
Bob Lewis, labor attorney.
Alfredo Lopez, National Coordinator, July 4th Coalition.
Don Luce, Clergy and Laity Concerned.
Harry Magdoff, Monthly Review.
Alberto Marez, Crusade for Justice.
Key Martin, Youth Against War and Fascism.
Rev. Paul Mayer, New York Theological Seminary.
Dave McReynolds, War Resisters League.
Saladine Muhammad, African Peoples Party.
Ed Nakawatase, Native American Affairs, Community Relations Division, AFSC.
Hank Neussiein, Rank and File Telephone Workers.
Imari Obadele, Provincial Government of the Republic of New Africa.
Susan Ortega, U.S. Committee for Panamanian Sovereignty.
Sidney Peck, anti-war activist.
Darron Perkins, Black Panther Party.
Walter Pletsch, A.R.I.S.E.
Milton Pokorne, Taxi Rank and File.
Lance Pustin, Prairie Fire Organizing Committee.
Arturo Rivera, Federation of Socialist Puerto Rican University Students.
Jovolino Ramos, Commission on Justice and Liberation, National Council of Churches.
Antonio Rodriguez, Center for Autonomous Social Action (CASA).
Helen Rodriguez, Committee to End Sterilization Abuse.
Sheila Ryan, Palestine Solidarity Committee.
Ali Shabazz, Youth Against War and Fascism, Philadelphia.
Ann Sparanese, Venceremos Brigade.
Paul Sweezy, Monthly Review.
Peter Van Delft, Boston Local, District 65, Distributive Workers of America.
Edwin Vargas, American Federation of Teachers, Hartford, Conn. Local.
Chiqui Vicioso, Dominican Republic Task Force.
Joe Waller, Afrikan Peoples Socialist Party.
Rev. Phillip Wheaton, Ecumenical Program for Interamerican Communication and Action.
Cora Weiss, Friendshipment.
Margaret Wright, People's Party.

Those organizations with representatives at the March 27–28 July 4th Coalition meeting included:

List of Representatives

Action for Women in Chile.
Afrikan People's Party.
African People's Socialist Party.
Agricultural Workers Association.
Alliance for Labor and Community Action, Washington, D.C.
Alternative Press Syndicate.
American Friends Service, Committee, Nationwide Women's Program.
American Indian Movement.
ARISE, NYC.
Attica Now.
Baltimore Chile Group.
Black Economic Development Conference.
Black Economic Survival, Brooklyn.
Black Panther Party.
Brooklyn Committee to Defeat S–1.
Bryn Mawr-Haverford Social Action Caucus.
Caucus for a New Political Science.
Center for Autonomous Social Action (CASA).
Committee for the Freedom of the Puerto Rican Nationalists.
Committee to End Sterilization Abuse.
Communist Party, USA.
Co-op City Tenants Organization.
Deacons for Defense and Justice.
Delta Ministry.
District 65, Boston local.
Ecumenical Program for Interamerican Communications and Action.
El Comite.
Ethiopian Women's Reparation Committee.
Fightback.
Friends of Indochina.
Friendshipment.
Federation of Socialist Puerto Rican University Students.
Ganienkeh Support Committee.
Granite State Alliance, N.H.
Guardian.
Hard Times Coalition.
Hartford Federation of Teachers.
Intercommunal Survival Committee.
International Indian Treaty Council.
International Workers Party.
Jesuit Conference, Office of Social Ministries.
Jihad News.
Lance Yellowhand Defense Committee, Pittsburgh.
Liberation Support Committee, East Coast.
Local 215, District Council 1707.
Manchester Food Club, Pittsburgh.
Mass Party Organizing Committee.
Mid Night Special.
Mountain Community Union, Morgantown, W. Va.
Movimiento Popular Dominicano.
National Coalition for Social Change.
National Committee for the Defense of Political Prisoners.
National Lawyers Guild.
National Student Coalition Against Racism.
Native American Solidarity Committee.
New American Movement.
New Unity, Springfield, Ma.
New World Resource Center, Chicago.
New York City Unemployed Council.
New York Coalition to Defeat S–1.
New York Student Coalition Against Racism.
New York Theological Seminary.
Non Intervention in Chile.
Northwest Bronx Peace Committee.
Organizing Committee for a Fifth Estate.
Paredon Records.
Penn State University Coalition.
People Against Racism in Education, NYC.
Palestine Solidarity Committee.
People for Economic Survival.
People for Radical Action, NJ.

Peoples BiCentennial, Chicago.
Peoples Bicentennial Commission, Manchester, New Hampshire.
Prairie Fire Organizing Committee.
Progressive Socialist Workers.
Puerto Rican Solidarity Committee.
Puerto Rican Socialist Party.
Queens Coalition for Peace and Justice.
RESIST.
Republic of New Africa.
Revolutionary Marxist Organizing Committee, Baltimore.
Seven Days.
Social Service Employees Union, Local 371.
Socialist Caucus, Gay Academic Union.
Socialist Party, NYC.
Socialist Workers Party.
Spartacist League.
Stars for a New Age.
Strike Support Committee, Amherst, Mass.
Third World Women's Alliance.
Twin Cities Women's Union.
Underground Tonight Show.
Unemployment Council of Philadelphia.
Union of Democratic Filipinos.
United Black Workers.
United Electrical Workers Union.
United Members Committee 1199.
U.S. Committee for Panamanian Sovereignty.
Venceremos Brigade.
War Resisters League.
Wisconsin Alliance.
Worker Unity, St. Louis, Mo.
Workers World.
Youth Against War and Fascism.
Youth International Party.

The main thrust of the July 4th Coalition organizing at this time is the development of local city and State coalitions to organize numbers of people to travel to Philadelphia on July 4. In many areas, the members of the Mass Party Organizing Committee or the New American Movement, NAM, are taking a leadership role in J4C organizing.

One city coalition formed under the impetus of NAM wrote:

> American public opinion is increasingly aware of the enormous problems that we're facing in the 1970's. Domestically we're plagued by high unemployment, poor wages and working conditions, and severe cutbacks in necessary social services. While the government expects us to pride ourselves on the degree of "democracy" that we enjoy, we face Senate Bill 1 and the continued systematic oppression of women and racial and ethnic minorities. Around the world the government continues to spend our tax dollars in support of repressive regimes and the subversion of progressive ones. This same mechanism is at work in the so-called "legitimate" domain of U.S. control over Puerto Rico and the Native American nations.
>
> In the face of all this and more, the administration seems to believe that we should want to "celebrate" our nation's 200th anniversary. To add insult to injury, President Ford intends to host the Queen of England and the Pope in Philadelphia to join us in the celebration! The BUYcentennial.
>
> We believe that this charade requires a response. We're going to Philadelphia on July 4th to make that response. The demonstration will be very broad-based, focusing on three areas of concern: 1. Jobs and a Decent Standard of Living; 2. Full Democracy and Equality; and 3. A Bicentennial Without Colonies—Freedom for all Oppressed Nations.

While the Philadelphia Bicentennial events remain the principal target of the J4C, two subsidiary events are being organized on the west coast in Los Angeles and San Francisco. The San Francisco J4C is operating from offices at 362 Capp Street, San Francisco, Calif.

The July 4th Coalition organizers are now hoping for some 80,000 demonstrators to descend on Philadelphia. It is interesting to note that representatives of both the Communist Party, U.S.A., and its arch rival, the Trotskyist Communist Socialist Workers Party, were present at the coalition meeting. The likely result is a joint effort, as with the old New Mobilization Committee during the anti-Vietnam protests, to bring the largest possible number of U.S. leftists to Philadelphia. It is also significant that chapters of the People's Bicentennial Commission also had representatives present although the PBC is currently organizing its mass demonstrations for Fourth of July in Washington.

A FISCAL REPORT ON THE KENNEDY CENTER FOR THE PERFORMING ARTS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. RONCALIO. Mr. Speaker, the Public Works Committee Public Buildings and Grounds Subcommittee under the chairmanship of Bo GINN will soon be handling legislation which will affect the Kennedy Center. In order that interested Members may have background information on this great institution, I am inserting into the CONGRESSIONAL RECORD an article by Tom Zito which appeared in the Sunday, May 16, 1976, Washington Post that contains detailed information on the Kennedy Center which may be of interest to our colleagues.

The article follows:

ARTS AND ECONOMICS: A CENTER REPORT

(By Tom Zito)

In its first four and one half years the Kennedy Center has more than doubled its annual box office receipts from $5.4 million to this year's anticipated $13 million, has put on about 5,000 performances before a total audience of more than 7 million, and has come to be considered, in the words of producer David Merrick, "the most successful cultural facility in the world."

At the same time, the $73-million arts complex, which opened on Sept. 6, 1971, amid predictions that it would never pay its own way, concedes the findings of a recent audit by the General Accounting Office. On Dec. 31, 1978, the Center will be unable to hand over $5.8 million in interest due the Treasury Department on $20.4 million in construction loans.

These aspects of the Center's programing and economic status were revealed in a special 400-page report provided in response to 31 questions submitted to Kennedy Center chairman Roger L. Stevens by The Washington Post.

The report also notes that:

It may be time, as Stevens puts it, for "serious considerations by the Congress" on the Treasury Department loan if the Center is to continue to fulfill its mandate.

The Center is currently $650,000 ahead of its projected gross income of $12.4 million for fiscal 1976;

Average attendance for the facility's three theaters has been 80 percent since opening day;

The biggest money-loser in Center history was "Odyssey," the Eric Segal/Brynner musical later retitled "Home Sweet Homer" when booked onto Broadway. It lost $649,028;

The biggest money-maker: "Hello Dolly," starring Pearl Bailey, which netted $103,690;

Some performing groups get special rates on Center halls—in the case of the National Symphony, because it is "an important cultural resource."

Since opening, the all-electric arts complex has reduced its power consumption by 33 per cent (last year's bill was $874,227.10)—and won a Federal Energy Administration citation.

The Center pays Martin Feinstein, its executive director of performing arts, $57,115.32. No one else on its staff is paid more than $40,000;

$69,000 a year is spent to care for indoor plants;

The GAO, in its report, suggested that the Center might meet its loan obligations by increasing theater occupancy beyond the current 80 per cent. Stevens considers this an irony of governmental logic: "I told them they need an accountant who understands the arts," he says. "Eighty per cent is probably the best occupancy rate in the country."

The report shows the Center to be popular with tourists as well as ticket-buyers. The national memorial to President Kennedy is surpassed only by the Smithsonian's Museums of History and Technology and Natural History as Washington's most popular tourist site. It attracts about 3.5 million visitors annually (compared to the 1,276,573 tickets sold for performances last year).

The Kennedy Center was established by an act of Congress signed into law by President Eisenhower in 1958. After years of deliberation—which entailed consideration of a location on the Mall, an arts complex built into Union Station, and various designs that included a giant clam shell thrust into the Potomac—the present riverbank site was established.

Congress approved the appropriation of $23 million to match private contributions for the construction, and later authorized the loan of $20.4 million from the Treasury Department as inflation drove the final cost of the Center to $73 million. Stevens, one of the most successful real-estate tycoons in American history, was quick to point out to congressional questioners in 1972 that construction costs had escalated 50 per cent between 1967 and 1971, and demonstrated to them that the Center came to less than two-thirds the cost of New York's Lincoln Center on a cubic-foot basis.

By the time construction was completed, Stevens had worked some ingenious shuffling of the financial deck in a manner that allowed the Center to open (by transferring funds from various accounts to continuously cover his hand, while covering those loans with substantial advances from concessionaires) but undercut the facility's ultimate ability to carry its interest burden. In addition, the anticipated revenue from the parking garage—largely conceived as a source of income for paying bond interest—was reduced when its 1,450 planned spaces shrank to 1,250.

Stevens now says: "We agree with the conclusions of the GAO that Kennedy Center will be unable in 1979 to make the payments required on the principal and interest of the garage bonds. If the public service and programming activities of the Center were cut back completely, and the halls operated solely as booking situations for profit, and the parking fees increased as suggested by the GAO, then the Center would possibly be able to pay both the principal and interest of these bonds. However, it should be pointed out that the bond issue was conceived as a method of financing in 1964, when there was not an Arts Council and the U.S. government had not yet begun to provide aid to the arts. Therefore, serious considerations by the Congress at this time may be in order to enable Kennedy Center to fulfill the mandates of the Kennedy Center Act."

In effect, Stevens feels the interest is money owed to the government by the government and might be easily forgotten. He's also quick to point out that the Center has totally avoided the federal programming subsidies advocates and critics alike thought would be necessary when the arts complex was conceived.

It is the Kennedy Center's dual role as a memorial/performing arts facility that places responsibility for its operation in several hands. The National Park Service, as it does for any other monument in the Federal City, cleans the floors, washes the windows and heats and cools the Kennedy Center at a cost of about $3 million annually (versus, for example, $500,000 spent on the Washington Monument). The Center reimburses the Park Service for 23.8 per cent of the utilities as its performing arts share of the overall operation of the building, the ratio determined by the percentage of hours the theaters are in use in relation to the number of hours the building itself is open.

In its performing arts function, the Center ran up a deficit of $276,261 in its first year of operation, the report indicates. The following 12 months, fiscal 1973, yielded a surplus of $139,715; 1974's surplus was $163,315; 1975's $187,693. All of these surpluses came through private contributions, which substantially offset operating deficits. In 1975, for instance, the Center began enjoying a $24,000 "oil royalty"—a dividend from a gift of oil stock. There are currently 162 members of the Center's Golden Circle club who each contribute $1,000 annually.

The Center fully assumes all responsibility for programming and operating its three theaters (the American Film Institute functions autonomously, paying an annual rental of $24,000, plus 8 per cent of the Center's maintenance fee), booking outside productions considered to be of sufficient artistic merit by its board of directors, and originating its own attractions through the auspices of Kennedy Center Productions, Inc.—an independent, nonprofit corporation which mounts theatrical ventures that debut on the Center's stages.

In many ways the Kennedy Center is like any other arts auditorium in the nation. Outside promoters generally are able to procure a hall and independently put on a show. The Concert Hall, for example, costs about $2,500 to rent for a single performance including box office and usher fees, but excluding stage hands—a figure somewhere between the rentals of New York's similarly sized Avery Fisher and Carnegie Halls, according to the Kennedy Center report. It costs the Center an average of 47 cents to print and sell a ticket; last year the facility spent $168,625 on Instant Charge telephone orders.

"The real problem is that we have the highest stage-hand rates in the country," says Stevens, who has produced over 150 plays in New York, Washington and around the country. "We'd never come to Washington with a new play in the '50s because it cost so much in stage-hand fees to mount the thing."

"There's no doubt that the Kennedy Center has had a tremendous impact on culture and the arts here in Washington," says Jack Boyle, one of the country's biggest rock promoters. "But the halls are so small—2,500 seats you can use in the Concert Hall—and the fees so high that its impossible to put an act in there that costs more than $5,000 and make a profit. Now there are very few popular acts willing to play for that kind of money, which is why you get so little rock at the Kennedy Center."

Some organizations, like the National Symphony Orchestra, the Washington Performing Arts Society, the Opera Society of Washington, the American Ballet Theater and the New York City Ballet enjoy reduced rental rates because of their special relationship with the Kennedy Center. The National Symphony, for example, pays the Center a $155,000 annual base rent for 171 performance dates. In 1972 the Center went so far as to give the orchestra a $150,000 contribution. "Their contributions were shaky that year," says Stevens, "and they're an important cultural resource of Washington. Besides, the one thing in the world I don't want to get involved in is the finances of the National Symphony."

It is through Kennedy Center Productions, Inc. (KCPI) that the Kennedy Center can stage shows like "Odyssey" without risking the solvency of the Center itself. Incorporated in 1972 at Stevens' suggestion, KCPI's main function is to provide attractions for the stages of the Kennedy Center and the nation. A particularly important function of the organization is ensuring that the houses of the Kennedy Center never go dark for lack of presentable material. KCPI solicits private contributions to cover the costs necessary to prepare a work for production, and also helps underwrite ambitious productions brought into the Kennedy Center that are sure-fire money losers (like the Center's inaugural Bernstein "Mass"). All profits are donated to the Kennedy Center, and frequently productions are sent out on the road, which explains how some Broadway shows bear the legend "The John F. Kennedy Center for the Performing Arts presents. . . ." "The Enchanted," "Headhunters" and "Pippin," as well as the music "Festival of the Old and the New" have all been KCPI projects. While the Center's books now show a KCPI deficit of $242,253. Stevens says profits not yet reported on "Pippin" will put KCPI clearly in the black.

Beyond his work as unsalaried director of both the Kennedy Center and KCPI, Stevens is still actively involved in the production of plays on Broadway. It is not unusual for some of these productions to appear on Kennedy Center stages, and this has understandably raised questions of conflict of interest. The Kennedy Center board of trustees notes in the report that "of the approximately 90 legitimate plays and musicals presented at the Kennedy Center since 1971, Roger Stevens could personally benefit from "Old Times," "Finishing Touches" and "Creation of the World." In none of these productions were sufficient funds recouped to fully pay the investors. With respect to each of these attractions, Mr. Stevens' personal financial interest was disclosed in detail to the board of trustees prior to the engagement. In all instances, the booking terms for the attractions were approved by the board without the participation of Mr. Stevens and on terms that were deemed in the best interest of the Kennedy Center. In all instances the terms were considered by the board of trustees and the Kennedy Center staff to be not better than the terms given other producers whose attractions have been presented at the Kennedy Center and the board considered that the loss of such presentations would be to the Center's financial and artistic detriment."

"In fact," says Robert Whitehead, Stevens' partner of 25 years, "every time they book one of our shows down there, we get one of the lousiest deals in the business."

CATHERINE HECHLER DIES AT 96—EAST HILLS VILLAGE HISTORIAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. WOLFF. Mr. Speaker, I rise to extend my deepest sympathy to our distinguished colleague from West Virginia (Mr. HECHLER) over the loss of his mother, Catherine Elizabeth Hechler.

Catherine Hechler was a constituent of mine, a resident of East Hills, N.Y., for the past 67 years. She was a constituent whom I considered it an honor to represent. For 67 years, Catherine Hechler was a leader in our community. The Roslyn News wrote:

> Her death marks the end of an era in Roslyn's history.

Among her many contributions to the Roslyn community, Mrs. Hechler was a founder of the Roslyn branch of the American Red Cross, a founder of the Roslyn District Visiting Nurse Association—later the Nassau County Home Bureau—a Republican committeewoman in district 22, Greenvale, for over 25 years and one of the first trustees of the Village of East Hills. Mrs. Hechler also served as official historian for the village of East Hills, a position which she held until her death. She was singularly devoted to the community, to preserving its history, to enriching the quality of the present and enhancing prospects for the future. To her many endeavors, she brought her special brand of kindness, good will and optimism.

Mr. Speaker, Catherine Hechler truly helped to mold the Roslyn community. We are indebted to her and will sorely miss her energy, foresight and faith.

I would like to share with my colleagues the article about Catherine Hechler that appeared in the Roslyn News; it is a fine tribute to a very great lady:

CATHERINE HECHLER DIES AT 96; EAST HILLS VILLAGE HISTORIAN

(By Marian Altman)

Catherine Elizabeth Hechler, a resident of East Hills for the past 67 years, died on May 5 at the age of 96. Her death marks the end of an era in Roslyn's history.

Born Feb. 6, 1880, on a farm in Ballwin, Mo., she was a graduate of Central Wesleyan College and taught in the St. Louis County Schools until her marriage to Charles Hechler in 1909. The Hechlers came to Roslyn immediately following their wedding when Mr. Hechler was appointed superintendent of the Mackay Estate, a position he held until Mackay's death in 1939.

Until his death in 1962, Charles Hechler was active in local and North Hempstead Civil and political affairs, serving on the Town Board for many years. He was treasurer of the Village of East Hills for 20 years, on the Roslyn Board of Education for 24 years (serving as its president for six years), director of the Bank of Hempstead Harbor and chairman of the board of the Roslyn National Bank and Trust Company.

Mrs. Hechler, equally active in community affairs, helped found the Roslyn Branch of the American Red Cross and was appointed to its executive committee in 1917. During World War I, she prepared and served food, in a tent, in Camp Mills; during World War II, she was chairman of staff aides. She assisted at every blood bank for many years and in 1971 was honored for having given 55 years of service.

As soon as women were permitted a voice in government, Mrs. Hechler was elected as a Republican Committeewoman in District 22, Greenvale, where she served for over 25 years. She was also vice-chairman and member of the executive board of the Nassau County Federation of Republican Women. One of the first trustees of the Village of East Hills, she served later as Official Historian, a position she held until her death.

In 1913, Mrs. Hechler, along with other prominent women in Roslyn, helped found the Roslyn District Visiting Nurse Association, and later the Nassau County Home Bureau. Her friends of many years ago read like a history of our area, from Mr. and Mrs. Samuel Andrews who lived in the home that became the Blue Spruce Inn; Mrs. Thomas Clapham whose home was later bought by Benjamin Stern; the Peter Letsons, from the Mackay Dairy; the Leon Rushmores, whose land was sold to Levitt for the Country Club development, and Mrs. Christopher Morley with whom she served on committees for the Red Cross. She remained loyal to the Mackays all of her life and frequently expressed her love for the family.

In 1919, Mrs. Hechler was initiated into the Order of the Eastern Star, Glen Cove-Nakomis-Roslyn Chaper No. 432. She was Worthy Matron in 1927, and received her 50 year pin in 1969. She was historian of the Glen Cove Chapter No. 580. Mattie Lee Horton of Eastern Star, upon hearing of her death, stated that Catherine Hechler "was loved by all who knew her. There was never a word of criticism, always words of encouragement. She wrote lovely poems for each of her Eastern Star sisters as they were going up the line."

Carol York, speaking as past president of the Roslyn Heights Garden Club, recalled that Mrs. Hechler was a frequent and proud exhibitor of the chrysanthemums which she grew in her back yard, for which she won many blue ribbons and tri-colors. Historian of the Garden Club, Mrs. Hechler always took great delight in the fact that her birthday, Feb. 6, usually coincided with the annual meeting of the club, and "it was a time to rejoice and celebrate." Mrs. York, deeply moved by Mrs. Hechler's death, said, "With the death of Catherine Hechler our community has lost its first lady. She epitomized charm, graciousness, intelligence, and vital good humor. Those of us who have chosen the Roslyn area for our homes owe a great debt to the early residents like the Hechlers. We are the beneficiaries of a remarkable type of dedicated commitment to community—a rare and genuine concern—which has made the greater Roslyn area so unique."

For many years, Mrs. Hechler made arrangements of the chrysanthemums she loved so well, and presented them to numerous people. Among her favorites was the Roslyn Republican Club, to which she presented arrangements for their meetings which took place at Carpenter's Hall. She was named Honorary Life Member of the Club because of her dedicated loyalty.

The Hechlers moved into their family home on Glen Cove Road in 1931 when it was still part of the Mackay Estate, and it remains today the Hechler home, a quiet reminder of Roslyn's past. It stands to remind us of a time when people like the Hechlers involved themselves in the Roslyn Negihborhood House, the Village Improvement Society, the founding of the various incorporated villages in Roslyn, the start of nursery schools and sewing classes and home economic classes in private quarters because such services were needed, and the hundred other concerns for their fellow man that was exemplified by the life that Catherine Hechler lived.

Interested, aware, committed, never bored with life, Mrs. Hechler enjoyed her many activities and was always available to offer a kind word or answer a question about Roslyn's past. At a party given in 1970 at the Bryant Library, Mrs. Hechler at the age of 90 was a featured speaker. She ended her little talk with these words: "I can truly say that in the 60 years I have lived in Roslyn, I have never had a dull moment."

Mrs. Hechler is survived by her two sons, Ken, Congressman since 1959 from Huntington, W. Va., author of "Bridge at Remagen." and Charles Hechler Jr., a free-lance photographer who has had a serious interest in art all his life. Charles Hechler resides in the family home in Roslyn.

Friday evening services at Lewis Funeral Home were conducted by the Eastern Star. On Saturday, May 8, services were conducted by the Reverend Charles Calcagni of the Congregational Church of Manhasset. Interment followed in the family plot in Roslyn Cemetery.

THE NEXT PRESIDENT'S MIDEAST POLICY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. OBEY. Mr. Speaker, I wanted to insert into the CONGRESSIONAL RECORD at this time a most sober article on the policy choices facing Israel by Stephen Rosenfeld. The points he makes may not be pleasant but they must be faced.

The article follows:

THE NEXT PRESIDENT'S MIDEAST POLICY

(By Stephen S. Rosenfeld)

Election-year drag notwithstanding, is there such a thing as an American Mideast policy aimed not at stalemate but at settlement—a policy carrying enough bureaucratic thrust and popular consensus to be put into effect after the election, if not before?

Plainly, the Israel government hopes not. Prime Minister Rabin has made no secret of his judgment that Israel's best bet is to hang on until 1977 and then cope as well as possible. One does not have to suspect he is merely bowing to fierce Israeli domestic political pressures. Given continued Arab unwillingness to make the kind of commitments to peace that could ease Israeli anxieties, there is good reason for Israel to try to tough it out.

I think, however, that there is such a thing as an American settlement policy, and that the Israelis are going to have to deal with it sooner or later, reluctant as they and many of their American Jewish supporters may be to face up to the fact.

Everybody knows the basic equation of such a settlement policy: territory for peace. It surfaced as the Rogers Plan in 1970, as the Brookings Institution report a few months ago.

Indeed, according to Mark Bruzonsky, a perceptive young Washington writer who read the Edward Sheehan "Foreign Policy" article closer than the rest of us, the United States was heading toward public statement of that basic equation in its Mideast "reassessment" last year.

To get around the expected opposition, Sheehan wrote, "Kissinger's advisers envisioned Ford going to the American people . . . pleading the necessity for Israeli withdrawal in exchange for the strongest guarantees." But the May pro-Israel letter of 76 senators killed that option. Kissinger decided, according to Sheehan, to put off that option to "some future time when the President is stronger, when his prospects are more auspicious. . . ."

Bruzonsky, writing in Interchange, a publication of a small American Jewish group called Breira (alternative), adds:

"The letter from the 76 Senators may well prove to have been a mistake. While it stopped the verbal articulation of America's conception of a Middle East peace, to the confusion of everyone, it did not stop its implementation. In fact, the letter may have made it easier for Kissinger since it prevents Israeli supporters from challenging the fundamentals of American policy, forcing them to focus on the slow and subtle manifestations of pressure which have been growing since 1975. In effect, Israel is getting all the pressure implicit in option 1, without the benefit of an articulated overall policy to challenge."

Would the man elected President next November decide to review that "option 1"? Certainly the same objective conditions—the oil-swollen American economic and political interest in the Arab world, the higher ($2 billion a year) post-1973 cost of supporting Israel, the interest in Soviet-American detente—will be there pressing on any new President. So will be many of the old bureaucrats. It is wrong to think that only a Republican President, and only a Secretary of State of a particular sort, would choose or be compelled to address such conditions.

In my view, there is really only one way Israel can gain some assurance that the United States won't continue leaning on it—in the name of a settlement plan, whether enunciated openly or not—to make concessions it deeply fears to make. That is, of course, for Israel to proclaim the territory it will yield up for peace and on that basis seek to enlist American support for its plan.

I think that Israel is much more likely to regain and hold the firm long-term American support it desperately needs by taking the initiative—on the Palestinians as well as on territory—than by sticking in the cramped shrinking bargaining posture that the Rabin government currently is in. That is the way Israel can best get the United States to demand concessions from Arabs as well as themselves. It is, if you will, the way to put the monkey on the Arabs' back.

I am not talking strictly about moral factors, although the morality that Americans perceive in Israeli policy is of tremendous importance to a nation like Israel, which seeks American support on the basis of a presumed moral stand. Being a vigorous working democracy, which Israel is, is one aspect of this stand. Treating the Palestinians fairly, if and as they treat Israel fairly, is a second aspect.

But one must acknowledge as well the realpolitik of the situation. As long as Israel is not seen to be taking advantage of all the avenues to peace possibly open to it, then the breadth and depth of the American commitment are bound to erode. Israel and many American Jews might like to see the United States accept Israel as "a symbol of American steadfastness," in James Schlesinger's words. But Israelis would be foolish to think that "American steadfastness" will be mobilized regardless of what Israel does on its own.

THE SECOND WAR BETWEEN THE STATES—PART III

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. HARRINGTON. Mr. Speaker, today I am inserting the third of an eight-part series concerning regional economic development which appeared in the May 17, 1976, edition of Business Week. As I have emphasized previously, the burden of our country's regional imbalance does not fall on the Northeast alone, but extends to all of the States in the industrialized North. The accompanying text addresses the problems that the industrialized Midwest is facing due to a shrinking tax base, among other factors.

I strongly recommend the article to my colleagues.

The text of the third installment follows:

BEHIND THE DECLINE IN MIDWEST MANUFACTURING

For a century, Midwesterners watched with pride as the Great Lakes states of Ohio, Michigan, Indiana, Illinois, and Wisconsin evolved from an agricultural center into the country's mightiest and most concentrated industrial complex. The economic power came from mining, steel production, refining, and transportation systems tied to the Great Lakes. In turn, the lakes and railroads linked the region with the rich timber and iron ore of the North and the coalfields of the lower Midwest and Appalachia. A chain of ethnic cities along the Southern rim of the lakes, swollen by a massive influx of European immigrants, emerged as strategic manufacturing centers, major markets, and gateways to the West.

Today, this vast industrial heartland is losing momentum. Its old manufacturing cities, faced with shrinking tax bases, are decaying. Like New England two decades ago, the region's growth rates in population, personal income, and employment are rapidly slipping behind those of the booming Southeast and Southwest.

Since 1950 manufacturing employment in the Great Lakes states has grown only 4.3%. That compares with 76% in the Southeast, 141% in the Southwest, and a national average of 20%. Between 1967 and 1972, capital expenditures in manufacturing increased only 12% in the Great Lakes states and Pennsylvania (the latter is economically tied to that region by the steel industry). During the same period, they rose 21% in the Southeast, 19% in the Southwest, and 12% across the U.S.

Ralph Widner, former head of the Appalachian Regional Commission and now director of the Ohio-based Academy for Contemporary Problems, puts it bluntly when he says, "The industrial Midwest is the new economic problem area of the country."

The traditional vigor of the industrial Midwest is being sapped by three important national trends:

The economic shift from manufacturing to services—which now represents nearly two-thirds of the nation's private-sector employment—means that more and more companies are less shackled by geographical requirements. Unlike manufacturing companies, which are often restricted by transportation and raw material needs, service companies are freer to move wherever they choose. And many choose to go where the living is cheaper—and often better.

The industrial Midwest—like New England—is losing a growing number of factories to the Southeast and Southwest. In the past 20 years, for instance, the Akron-based rubber companies have moved production facilities closer to new Southern markets, trimming employment of rubber workers in Akron by half.

Automation may be taking the biggest job toll of all. According to Edmund Ayoub, assistant research director of the United Steelworkers of America, employment among production and maintenance workers in the industry peaked in 1953 at 571,000. By the early 1970s, employment dropped to a pre-recession low of 400,000. Along the way, productivity increases have taken up the slack.

THE REGION'S BOOSTER

Regional developers, government planners, and others concerned about the growth problems of the industrial Midwest are busily trying to reverse the trend. In their industry recruiting, city fathers can still make a strong case for the Great Lakes. Despite its economic troubles, the region continues to account for 32% of total U.S. manufacturing employment and absorbs nearly 30% of all U.S. capital spending for manufacturing plant and equipment.

The five-state region and bordering metropolitan areas, such as Pittsburgh and St. Louis, produce 80% of the nation's automobiles, 75% of its steel, and 62% of its machine tools. Because of the region's central location, transportation network, and skilled labor force, developers can also sell the industrial Midwest as an attractive primary location. Within a few weeks, in fact, Volkswagen is expected to announce that its first U.S. assembly plant will be in Ohio.

In many ways, in fact, Ohio could be representative of many of the problems of the industrial Midwest—and its sales appeal. "Ohio is preeminently a manufacturing state," says Paul Craig, an economist at Ohio State University. "Some 35% of all Ohio employment and 40% of gross state product are in manufacturing. Nationally, only 25% of employment is in manufacturing." Furthermore, Craig adds, Ohio manufacturing is heavily concentrated in durable goods: primary metals, metal fabricating, machinery, electrical equipment, and transportation equipment.

"There is a general misimpression that the durable manufacturing industries are sick and stagnant nationally," says Craig. "Nothing could be further from the truth." From 1948 to 1973, Craig notes, the country's real output of durable goods—the combined total of consumer durables and producer durable equipment—expanded by 251%, while real gross national product expanded only 159%.

To help lure industry, boosters are spreading far and wide. Ohio's Governor James A. Rhodes personally led a group of local and state officials that lobbied in Wolfsburg, Germany, for the U.S. Volkswagen plant. Two weeks ago, Rhodes joined another regional grade mission to Japan. Robert D. Orr, Lieutenant Governor of Indiana and the leader of that state's industry-recruiting drive, hopes to get the topic of regional economic development on the agenda for the Midwest Governors Conference in Indianapolis in July.

With the rapid growth of service industries, many metropolitan areas are also going after service companies—so far, with only mixed success. At a time when Chicago, Cincinnati, Cleveland, Detroit, Pittsburgh, and other manufacturing centers are losing population, other metropolitan areas that have become education and service centers are growing and thriving. Among the healthiest are Columbus, Ann Arbor, and Indianapolis. Yet the region's services employment continues to trail the rest of the country. Since 1950 services hiring in the Great Lakes region has grown only 55%, compared with a national average of 65% and a growth rate in the Southeast and Southwest of 79%.

Many Midwestern economists look to New England for answers to their regional problems. New England, for instance, has made a fairly successful attempt to attract more and more high-value-added technology industries. However, the industrial Midwest lags behind the Northeast and other regions in attracting the federal research and development funds crucial to such industries. Only 5% of federal R&D dollars are now spent in the region.

A PH. D. DRAIN

As shown in the chart on page 94, in fact, the region receives total federal outlays equal to only 64% of its federal tax burden. Comparing actual tax collections with total federal aid, payroll, defense contracts, and veterans and Social Security benefits, the payback ratio falls to only 49%. "A good deal of the wealth of these states goes to Washington and gets distributed in the South and West," says Indian's Orr. "We are now actually subsidizing the states that are successfully competing against us."

The Great Lakes states are also looking for ways to attract and hold top professional talent. Like capital and jobs, professional talent now tends to flow southward or westward. While one of every four PhDs in the country is educated in the region, only one in six works there.

Some limited growth proponents praise the new economic character of the Midwest. Other experts, such as Widner, find bitter irony in the region's problems. "The industrial Midwest has historically inherited the out-migration of the poor from the South," Widner say. "Now the tax base to handle that problem is draining back to the South, but the poor are left behind," he adds. "The industrial Midwest is simply bleeding to death."

MR. BROOMFIELD'S THOUGHTS ON ISRAEL, THE CONGRESS, AND AMERICAN DIPLOMACY

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. J. WILLIAM STANTON. Mr. Speaker, yesterday my colleague from Michigan (Mr. BROOMFIELD) addressed the Men's Club of Congregation Beth Shalom in Oak Park, Mich., on Israel, the Congress, and American diplomacy. I found his remarks to be suffused with discerning observations and analyses on subjects of major concern to us all. Moreover, this speech provides an especially relevant and timely backdrop for Congress' consideration later this week of international security assistance legislation for fiscal year 1976 and 1977. In short, it is must reading and I commend it to your immediate attention:

I thank you for the invitation to appear before Congregation Beth Shalom today. I am pleased to have this chance to give you my impressions of where we stand in the Middle East and how the Ford Administration plans to proceed on the path toward a just and durable peace in the area.

As the ranking minority member of the House Committee on International Relations, I have worked closely with the Ford Administration on the formulation and implementation of American foreign policy. I have had the opportunity personally to discuss our Middle East and security assistance policies with the President on several recent occasions (most recently this week while we returned together to Michigan). I would like to reassure you on two basic points.

Three months ago, speaking in the District, I noted that American support for Israel transcends politics, traditional concepts of alliance, and Big Power rivalry. Our support for Israel is a moral issue; indeed it is a moral imperative.

There is no inclination anywhere in Washington, or anywhere in this country, to walk away from our moral commitment to Israel. To do so would be to betray everything America has stood for for the past two hundred years.

This Administration and this Congress are determined to provide Israel with the wherewithal, the military and economic assistance and the moral support, to preserve its independence and integrity as a Jewish state. Any analysis of American Middle East policy must begin from this premise. The American commitment to Israel is not in question.

The President, the Congress, and the American people, even in a time of economic distress, overwhelmingly support assistance to Israel on a massive, unprecedented scale. We support this aid, we are prepared to make this sacrifice, because we believe in what Israel stands for; because we are honored to count that brave country as a friend; and because we shudder at the very thought of what might transpire if Israel is unable to defend itself and stand on its own two feet. Aid to Israel is not charity; it is an investment in democracy and decency.

I take issue with those who suggest that the Administration is pressuring Israel for unrealistic concessions as a quid pro quo for continued aid. We recognize, as most Israelis recognize, that true security can only come with peace, and peace will not blossom forth from the status quo. If there is to be peace in the Middle East, there will obviously have to be territorial and political adjustments in the area. But it is not for this or any other government to dictate to the parties what these adjustments should be. The United States has neither the right, the ability, nor the inclination to impose a peace in the Middle East. (And that goes for the Soviet Union too.)

We can, and we are, doing everything possible to bring the parties together, for improved understanding. But we recognize that a genuine peace in the Middle East can only be one that is genuinely acceptable to the parties concerned. We understand that Israel, as the party being asked to make the major territorial concessions, must be convinced that such concessions will indeed lead to peace and acceptance and will not pose intolerable security risks. Israel must also be assured that she can count on the firm, unflagging support of the United States in the event the Arabs remain intransigent.

I can also reassure you, again from first-hand experience, that President Ford's recent veto of the Fiscal Year 1976 Security Assistance legislation—with its more than $2 billion for Israel—was totally unrelated to reports of friction between Tel Aviv and Washington over the so-called interim quarter question.

President Ford's veto was occasioned by a genuine, deep-felt, fully-justified concern that a hostile Congress was attempting to legislate the conduct of our foreign relations, robbing the President—and future Presidents—of important flexibility and authority in the process.

Reacting to past abuses and excesses, Vietnam and Watergate being the most obvious examples, Congress has attempted to use its authorization of assistance legislation as a lever to pry concessions from the Administration and win for Congress a larger share of the foreign policy action.

Congress attempted to strip the President of his ability to limit trade with Viet Nam in the vain hope that unilateral concessions to the Communists will produce information on our MIA's; Congress has imposed an arbitrary ceiling on arms sales abroad, a ceiling that inhibits our ability to interact with other nations, places American business at a serious disadvantage, and could impact adversely on shipments to Israel in the future. Congress has also legislated an end to our military assistance programs abroad.

Of greatest concern to the President is Congress' increasing resort to the "legislative veto" as an instrument—of questionable constitutionality—to enforce its will in foreign affairs and cripple the ability of the Executive Branch to act decisively. Congress has claimed the ability to cancel, by concurrent resolution, arms sales and arms transfers abroad, even when they are conducted within straight commercial channels; Congress would also like the ability to terminate assistance to nations it deems to be in violation of basic human rights.

Congress, in short, went for a foreign affairs power grab, encroached upon the President's authority, and dared him to react.

After President Ford called Congress' bluff by vetoing the Security Assistance Bill, Congress quickly caved in and removed some of the provisions that were most objectionable to the Executive Branch. One of the factors contributing to the unusual speed with which Congress went about "eating crow" was the urgent, compelling requirement to come up with a coherent, substantial, and acceptable program of assistance to Israel.

I can tell you categorically that this vital program will not become a victim of the internal squabble between Congress and the President over authority to conduct our foreign policy. Our assistance for Israel will not be jeopardized because all parties—the Democratic Congress, the Republican President, and the American electorate all realize that a strong, confident and secure Israel is an indispensable ingredient of our foreign policy and a prerequisite to peace in the Middle East.

As you can tell from my remarks, I sincerely believe that Congress is going too far in asserting its prerogatives in the field of foreign affairs. I do not think this country can function effectively in the international arena if we have 535 individuals—100 Senators and 435 Congressmen—pretending to be Secretary of State and clamoring to make foreign policy. Believe me, I have been in the House long enough to know it won't work.

The American Congress has an accepted, important foreign policy function that centers on oversight and control of the purse. It has the ability to function as a constructive, responsible force in foreign affairs. Congress has also undertaken significant foreign policy initiatives; it has, for example, been the conscience of the Administration in the field of human rights.

But what concerns me is that Congress, in its fascination with and desire to legislate in the field of "fundamental human rights", focuses almost entirely on countries such as Chile and Korea. Wholesale abuses of human rights in India are conveniently overlooked. And that greatest perpetrator of outrages against the conscience of mankind—the Soviet Union—is allowed to purchase grain and technology vital to its survival while it keeps millions of people pent up within its repressive borders, people innocent of any crime save for the desire to live in the country of their choice.

I say that if Congress, disillusioned with the progress of detente, wants to play a leading role in human rights, wants to block discriminatory policies, and seeks to act as a responsible force in foreign affairs, let us take a close look at the policies of the Soviet Union and ask ourselves how far we are prepared to go in sustaining a regime that daily tramples human rights and affronts the world with its policies of repression.

Friends of Israel in this country have a difficult, sensitive mission of the highest importance. We must work to insure that Israel obtains from the United States the full measure of support necessary to maintain its security and to deter aggression. At the same time, we must seek to preserve and strengthen the overall fabric of friendship between Israel and the United States. We must recognize that the vitality and sincerity of this friendship is at least as important as specific levels of assistance at any given time.

American assistance to Israel is obviously significant, and there is room for legitimate disagreement on that critical question of "how much is enough?" Our assistance, however, is only part of a bigger picture. It is a tool designed to give Israel the power, the confidence, and the latitude to examine carefully all roads to peace.

There is no erosion of American support for Israel, no weakening of the American commitment. I am extremely confident about the relationship between America and Israel. I am confident that both countries are working for a common objective—peace and security. We are pursuing a difficult, elusive goal, but one that is well worth the chase.

To the extent that there are differences between Israel and the United States, they are family differences, differences of approach and not of principle. They shall be resolved because both parties seek to resolve them and get on with our work as partners in the pursuit of peace.

They will be resolved because neither Israel nor the United States can afford the price of failure.

JENSENISM II

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. YOUNG of Georgia, Mr. Speaker, I join our colleagues Representatives CHISHOLM, METCALFE, MITCHELL of Maryland, and MADIGAN in submitting the following article by Prof. Jerry Hirsch entitled "Jensenism: The Bank of Science Without Scholarship." I believe that this article will set the record straight regarding the undocumented sources of Jensen's writings. It is hoped that those who use propaganda to further the causes of racism and divisionism in our society would not be misled by the theories of Jensen.

Part II of Professor Hirsch's thought-provoking article follows:

JENSENISM II

Lest I leave the impression that only behavioral scientists have been gulled by Jensenism, note the following tribute from British geneticist Eaves: "... The HER article ... is unparalleled in breadth and lucidity as a review of the genetical and environmental determinants and correlates of intelligence. ... [I] commend it as a useful summary of the evidence relating to the genetical determination of individual differences in intelligence and as a source of data and hypotheses relating to differences between races and social classes. ... No one who reads Jensen's papers can fail to recognize a facility with the literature which is shared by few of his critics. ..." [30] (pp. 250–251)

Even Dobzhansky nods sympathetically: "It is unfortunate that the writings of Jensen (1969), Eysenck (1971) and some others are eagerly exploited by racist propagandists, perhaps without consent of the scientific investigators themselves." [31] (p. 11) And, in Ernst Mary's updated abridgement of his classic volume on evolution, some solid biological information had to be pruned away to make room for his new Jensen-based discussion about the "correlation between performance in I.Q. tests and genuine [sic!] intelligence (Jensen 1969)." [32] (p. 406)

Recently Oxford's J. R. Baker relies on both Jensen's "original" and Eysenck's popularization in *the* treatise claimed by the prestigious Oxford University Press in the *New York Review of Books* (February 2, 1974) to be "Written with a thoroughness uncharacteristic in the usual treatment of this subject" and touted with the following rhetoric on the dust jacket: ". . . it was high time that someone wrote about race as Baker does, i.e. in the spirit of a one-man Royal Commission" by Sir Peter Medawar, nobel laureate, and "A most impressive display of profound scholarship and vast erudition . . . . provides the essential basis upon

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Footnotes at end of article.

which any objective, rational and scientific discussion of racial differences must proceed" by none other than Arthur R. Jensen! Therefore, it should come as no surprise that "Dr. Baker's conclusion . . . is that in certain racial groups there is a higher proportion of persons capable of developing high intelligence than in other groups."[33]

And finally we learn to be skeptical about the prevailing standards of quality control, scientific judgment and scholarly integrity when we find that Jensen is now deciding on the merits of articles submitted to the *American Journal of Human Genetics*.[34] It makes the Cattell shortcomings understandable (see below).

III. THE NADIR OF SCURRILITY

On page 31, Jensen[35] presents as his Fig. 4 the graph and caption listed as my Fig. 1 and gives in the text immediately beneath it the following explanation: " . . . within only six generations of selection the offspring of the 'dull' strain make 100 percent more errors in learning the maze than do the offspring of the 'bright' strain (*Thompson, 1954*)." And the *only* reference appearing in his bibliography for this figure and the accompanying statement is to a *123*-page 1954 publication by W. R. Thompson. Again, on page 456 of the summer issue in Jensen's fallacious riposte to Lee Cronbach's criticism,[36] which appeared in the spring issue, he alleges: "In fact, in the *study* which I cited as an example, and *from which my Figure 4 is taken,* rats were bred for learning ability that generalized across 24 different mazes. . . . Fuller and Thompson (1960)."[37] (p. 456; italics added) What Jensen misrepresents to be "24 different mazes" is repeatedly described by his own source (Fuller and Thompson 1960, p. 212) in the singular: " . . . the Hebb-Williams *maze*. . . . . *It* consists of *a* square enclosure . . . *a* starting box . . . *a* goal box. . . . Barriers . . . interposed in various ways between the starting box and the goal constitute the problems."[38] (Italics added)

Consultation of Thompson (1954), however, reveals another graph—his Fig. 44 (on page 217)[39] which appears as my Fig. 2. Furthermore, Thompson's article occupies only 23 not the 123 pages Jensen misrepresents it to be. In our exchange at Cambridge, England, I urged the audience to read Thompson for themselves in order to appreciate Jensen's misrepresentation. There, Jensen expressed surprise. In the Harper & Row reprinting of his 1969 HER travesty, Jensen (1972) presents on page 102[40] the two figures and caption which appear as my Fig. 3, preceded on page 101 by the following statement in a footnote: "At a meeting of the Brain Research Association on July 17, 1970, in Cambridge, England, Professor Jerry Hirsch accused me of having *faked* or altered the graph in Figure 4 to make it more strongly favor an hereditarian interpretation. The figure that appears here was directly reproduced (by photography, not re-drafting) from the source in which I found it (Robinson, R., *Genetics of the Norway Rat*. New York: Pergamon, 1965, page 537). In checking this figure against the *original* data, it turns out that one data point is in error. I have had the graph re-drafted with the necessary correction, as shown in figure 4′."[41] (Italics added) I never said "faked" or argued "to make it more strongly favor an hereditarian interpretation." (The conference was tape recorded.) I have no way of distinguishing Jensen's fakery from his incompetence. Consultation of Robinson[42] (1965, p. 537), reliance on which he only belatedly confesses in 1972, corroborates it as the previously unacknowledged source of Jensen's figure, which in 1969 was deceptively attributed to Thompson 1954. It also reveals a new Jensen misrepresentation. Jensen's claim in 1972 to have consulted "the original data" is there revealed as misleading because Robinson states explicitly: "The average score for each generation was *presented graphically* in the report but without accompanying figures" (p. 537)—(= no data!). In addition, Thompson himself states: "Mean scores of bright and dull animals of each generation are presented *graphically* in figure 44." (Italics added)

We are informed by two sources (Jensen 1972;[43] *Times Literary Supplement*, Summer 1973[44]) that Jensen's "classic" paper is also reprinted in "*Congressional Record*, May 28, 1969, Vol. 115, No. 88, pp. 14189–14217."[45] Reassure Jensen fans that they have little to fear: examination of the *Congressional Record* of the United States reveals that their hero has been able to cover his tracks and reduce his risk of perjury or contempt-of-Congress charges—neither the purloined Figure 4 nor the Thompson reference with the false pagination appears there! In place of the latter we find that on page 14216 in the alphabetically ordered references between D. P. Moynihan and R. D. Tuddenham is a blank space into which has been inserted: "[Page 122 of manuscript was not included in printed copy submitted]", as shown in my Fig. 4, which is a photograph of the *Congressional Record*—he has omitted 30 references and all the figures from the 1969 HER travesty in the version provided to our Congress, the ultimate source of the funds that have financed the Jensenism disgrace.

It was introduced by John R. Rarick, the congressional representative of St. Francisville, Louisiana, ". . . because of the significant findings . . . [by Jensen] in the field of environment, heredity and behavior." (p. 14189) The following year under the headline "Integration May Harm Blacks" (p. 22519, July 1, 1970,[46] Rarick again introduces Jensen testimony beginning on page 22524. More fully to appreciate Rarick's constituency and philosophy, note: ". . . Rarick is the most rapidly right-wing member of Congress . . . who some claim was once associated with the Ku Klux Klan, regularly inserts the most vitriolic kind of far-right, sometimes anti-Semitic, propaganda into the *Congressional Record*. Even his fellow Southern conservatives don't take him very seriously." (M. Barone, G. Ujifusa and D. Matthews, *The Almanac of American Politics*. (Boston: Gambit, 1974), p. 398: fortunately, Rarick has now been defeated in the 1974 primaries after four terms in Congress), consult *The Citizen* published by the white Citizens Councils of America, 254 E. Griffith Street, Jackson, Mississippi, and read the accounts of the Citizens Councils and their goal ". . . to wage unremitting war in defense of segregation," in C. Vann Woodward's *The Stranger Career of Jim Crow,* and in Jack Peltason's *58 Lonely Men*. As late as summer 1974 the situation had still not changed. It appears that all states except Louisiana have taken some action "for compliance with Title VI of the Civil Rights Act of 1964. . . . Louisiana . . . refused . . . to file desegregation plans and has . . . been sued by the Justice Department for compliance. . . ."

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FOOTNOTES

[30] L. Eaves. Review of *Genetics and Education* by A. R. Jensen, *Heredity*, Vol. 30, No. 2 (1973), pp. 250–251.

[31] T. Dobzhansky, *Genetic Diversity and Human Equality* (New York: Basic Books, Inc., 1973), p. 11.

[32] E. Mayr, *Populations, Species, and Evolution* (Cambridge: Harvard University Press, 1971), p. 406.

[33] J. R. Baker, *Race* (New York: Oxford University Press, 1974).

[34] *American Journal of Human Genetics.* Vol. 25 (1973), p. 692; vol. 27 (1975), p. 816.

[35] Jensen, HER.

[36] L. J. Cronbach, "Heredity, Environment, and Educational Policy," *Harvard Educational Review*. Vol. 39, No. 2 (1969), pp. 338–347.

[37] A. R. Jensen, "Reducing the Heredity-Environment Uncertainty: A Reply," *Harvard Educational Review*, Vol. 39, No. 3 (1969), pp. 449–483.

[38] J. L. Fuller and W. R. Tompson. *Behavior Genetics* (New York: Wiley. 1960).

[39] W. R. Thompson, "Genetics and Inheritance of Integrated Neurological and Psychiatric Patterns," *Proceedings of the Association for Research in Nervous and Mental Diseases*, Vol. XXXIII (Baltimore: Williams and Wilkins, 1954), pp. 209–231.

[40] A. R. Jensen, *Genetics and Education* (New York: Harper & Row, 1972).

[41] *Ibid.*

[42] R. Robinson, *Genetics of the Norway Rat* (New York: Pergamon, 1965), pp. 537 and 777.

[43] Jensen, *Genetics and Education.*

[44] "By the Colour of Their Genes?" *Times Literary Supplement* (London) (August 3, 1973).

[45] *Congressional Record,* Vol. 115, No. 88 (May 28, 1959), pp. 14189–14217.

[46] *Ibid.*, Vol. 116, No. 110 (July 1, 1970), pp. 22519–22526.

THE NEED FOR TEACHING ETHICS AND CITIZENSHIP IN OUR SCHOOLS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BENNETT. Mr. Speaker, Owen Frisby, vice president of the Chase Manhattan Bank, has brought to my attention several articles that illuminate the pressing need in the Nation's schools for programs to stimulate an awareness of ethics and citizenship among American young people.

Both "Moral Education," a Wall Street Journal editorial, and the Tom Braden article, "What Was Wrong With Their Education?" point out this tremendous need and lack in our present educational system.

I also submit the findings of a recent Gallup poll in which 79 percent of those interviewed favored public school instruction in morals and standards of conduct.

Mr. Speaker, I have a bill, H.R. 53, which undertakes to fill the ethical educational gap in our Nation's schools by providing grants upon local application by a public school which requests such aid for the purpose of setting up programs to teach ethics and citizenship. I believe this is a concept whose time has come.

I strongly urge the House to take prompt action on this bill. We should lose no further time in starting our effort to prepare more adequately the next generation of American young people to face the issues and problems of the future in a more adequate manner.

The articles follow:

[From the Wall Street Journal, Jan. 25, 1975]

Moral Education

Watergate provided the final push, but other social problems from drug use to rising crime have spurred U.S. public schools to pay more attention to questions of moral and ethical development. A Christian Science Monitor survey found widespread enthusiasm in schools for courses in "moral development," "character education" and "value clarification."

In a certain sense this represents a turnabout in the direction of American education. In the early years schools placed great stress on moral and ethical development along with the three Rs. Whatever their other defects, William McGuffey's "Eclectic Readers" and similar primers sought to impart an ethical consciousness. But directed efforts to impart standards lessened as American society became more complex and pluralistic.

The revised effort to teach moral principles in schools is, however, not a particularly radical change, even in modern terms. It would be hard for good teachers not to convey a set of ethical and moral principles to their students through their words and example and through their interpretations of literature, science and other academic subjects. By this process, there can be little doubt that schools always have tended to reflect the ethical or moral framework of the society that surrounds them.

We would admit to some concerns over efforts to formalize this process and to make it a conscious and directed part of the school curriculum. In a pluralistic society, specific standards of belief are better set by such bodies as the church, where membership is voluntary, or in the home than by state-directed schools.

There is always the danger that the state efforts will come into conflict with personal and private beliefs or that they will attempt to foster an allegiance to selective, and not altogether wholesome values. Militarists in pre-war Japan, for example, seized upon moral instruction in the schools (shu-shin) to forge a doctrine of blind obedience to the emperor. This sort of thing may make for a more orderly society but it carries risks for a democratic, free nation.

Having said that, however, we have little doubt that there are generally accepted ethical and moral verities that have had a place in almost every society and religion down through time. The simple principle of "do unto others as you would have, etc.," is a prescription for ethical conduct, for example, that is hard to improve upon, whatever sophists might try to make of it.

We would hope that the ethical revival the Monitor sees would reaffirm doubt that some youngsters in our society receive no worthwhile ethical guidelines, from either church or family. And too many modern adults, in the schools, churches and households, are reluctant to exercise moral authority, perhaps because of a confusion in their own beliefs. If the latest movement restores the notion that adults can and should provide moral leadership, it will be welcome indeed.

[From the Washington Post, Apr. 17, 1974]

What Was Wrong With Their Education

(By Tom Braden)

There was something wrong with the education of those who surrounded President Nixon during the Watergate crimes, and I wonder whether our college and university presidents are giving any thought to the question of what it is.

It would be sad to think that 10 or 20 years from now a future President would again surround himself with such bright young men, so well dressed, so well graduated and so ill prepared to face questions of right and wrong.

There has been a good deal of soul-searching among lawyers, sensitive about the fact that so many of these men were members of the bar. As a result, it has been officially proposed that law schools make a conscious endeavor to get to the questions of ethics during a training which may now lean in the direction of the expedient.

But by the time anybody enters law school he ought to have had some acquaintance with moral questions. In four years of undergraduate study, some professor, some course, some reading should cause him to ask himself whether a thing is right rather than whether a thing can be done.

Which is why our colleges and universities ought to be looking closely at their political science and business administration departments. Can it be sheer coincidence that so many of those who have admitted guilt in the Watergate affair—or who have been indicted by grand juries—took undergraduate degrees in these subjects?

Consider the list: Donald Segretti, who has already served a prison term, graduated in business administration from the University of Southern California. So did Herbert W. Kalmbach, the President's personal attorney who pled guilty to selling an ambassadorial post. H. R. (Bob) Haldeman, Mr. Nixon's former chief of staff who has been indicted on several counts, is a business administration graduate from UCLA.

Among Watergate majors in political science are John Ehrlichman at UCLA, Dwight Chapin and Gordon Strachan (international relations) at USC, Jeb Magruder at Williams, Charles Colson at Brown.

The institutions are among the country's finest. But what was wrong with the education? Are business administration and political science two subjects that do not lend themselves to ethical questions? Or are they being taught that way?

Walter Lippmann pointed out many years ago that the diminishing religious faith of Americans posed a problem for the public morality. Americans would have to reason their way rather than having it handed to them from the pulpit. How useful, then, the educational system, and how important the great books which posed the great moral problems?

Is a man required to read any of these books in four years of business administration? Or of political science? Or is he chained to questions of management, manipulation and image?

In his book, "Public Opinion," Lippmann recounts the scene in Book V of the "Republic" when Socrates stalks out after warning Adeimanthis to attribute the usefulness of philosophers "to the fault of those who will not use them, and not to themselves."

How sad to reflect that, 2,000 years after Plato, graduates of our finest colleges have not only never used philosophers but were never required to hear them.

[From the New York Times, Apr. 18, 1975]

Morals Instruction Favored in Schools by 79 Percent in Survey

A large majority of Americans favor the instruction on morals and moral behavior in the schools, according to the latest Gallup Poll.

The survey found that 79 percent of those interviewed supported the instruction, while 15 percent were opposed.

To the question, "Would you favor or oppose instruction in the schools that would deal with morals and moral behavior," 84 percent of parents with children in public schools favored the instruction, while 12 percent were opposed. Eighty-five percent of parents with children in parochial schools supported it, with 13 percent opposed.

Two-thirds of those interviewed also believed that people today do not lead lives that are as honest and moral as the lives of people in the past.

To the question, "Do you think people in general today lead as good lives—honest and moral—as they used to," 66 percent said no and 30 percent said yes.

The proportion of negative responses has increased 14 percentage points since 1965 when the same questions was asked and 52 percent said no while 39 percent said yes. In 1952, opinion was about evenly divided with 47 percent saying that morality was declining and 46 saying it was not.

The survey was based on personal interviews with 1,538 adults, aged 18 and over, conducted in more than 300 selected localities throughout the nation during the period Jan. 23 to Jan. 26.

PRESIDENTIAL PROCLAMATION

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. TREEN. Mr. Speaker, Mrs. Alvin Ackerman, a constituent of mine from Morgan City, La., asked me to bring to the attention of my colleagues President Lincoln's admonition that our Nation, as it grows in numbers, wealth, and power not forget "the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us." I believe we should admit that sometimes in our congressional debates in Congress, "we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own." In accordance with Mrs. Ackerman's request, I am inserting in the Record the Presidential proclamation proclaiming April 30, 1863, as a Day of National Humiliation, Fasting and Prayer.

The proclamation follows:

Proclamation Appointing a National Fast-Day, March 30, 1863 By the President of the United States of America

Whereas, the Senate of the United States, devoutly recognizing the supreme authority and just government of Almighty God in all the affairs of men and of nations, has by a resolution requested the President to designate and set apart a day for national prayer and humiliation:

And whereas, it is the duty of nations as well as of men to own their dependence upon the overruling power of God; to confess their sins and transgressions in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon; and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord:

And insomuch as we know that by his divine law nations, like individuals, are subjected to punishments and chastisements in this world, may we not justly fear that the awful calamity of civil war which now desolates the land may be but a punishment inflicted upon us for our presumptuous sins, to the needful end of our national reformation as a whole people? We have been the recipients of the choicest bounties of Heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth, and power as no other nation has ever grown; but we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us:

It behooves us, then, to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness:

Now, therefore, in compliance with the request, and fully concurring in the views, of the Senate, I do by this my proclamation designate and set apart Thursday the 30th day of April, 1863, as a day of national humiliation, fasting, and prayer. And I do hereby request all the people to abstain on that day from their ordinary secular pursuits, and to unite at their several places of public worship and their respective homes in keeping the day holy to the Lord, and devoted to the humble discharge of the religious duties proper to that solemn occasion. All this being done in sincerity and truth, let us then rest humbly in the hope authorized by the divine teachings, that the united cry of the nation will be heard on high, and answered with blessings no less than the pardon of our national sins, and the restoration of our now divided and suffering country to its former happy condition of unity and peace.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

[L. S.] Done at the city of Washington, this thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-seventh.

Abraham Lincoln.

By the President:
William H. Seward, *Secretary of State.*

REMARKS BY PAUL R. SCREVANE, CHAIRMAN OF THE NEW YORK CITY OFF-TRACK BETTING CORPORATION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following: The testimony of Paul R. Screvane, the chairman of the board of the New York City Off-Track Betting Corp., before the American Horse Council in Washington, D.C., in March of this year. Mr. Screvane has been a distinguished public servant in New York City for years, and his statement does an excellent job of enumerating the benefits of the off-track betting program, while touching upon the future of racing in the United States. This is an area of considerable interest in New York and around the Nation, and I commend Mr. Screvane's remarks to my colleagues.

Paul R. Screvane

Paul Screvane completed twenty-nine years of service to New York City, including terms as Deputy Mayor to Robert F. Wagner and as President of the New York City Council, prior to his appointment as President and Chief Executive Officer of the New York City Off-Track Betting Corporation by Mayor Abraham D. Beame on March 4, 1974. On August 1, 1974 Mr. Screvane became Chairman of the Corporation's Board of Directors. He was reappointed to six year terms as Chairman and President of the Corporation on December 14, 1975.

Remarks by Paul R. Screvane Before The American Horse Council, Washington, D.C., March 11, 1976

Members of the panel, ladies, and gentlemen: My name is Paul Screvane. I suppose most of you know that I serve as the President and Chairman of the Board of Directors of the New York City Off-Track Betting Corporation.

The purpose of this panel is to discuss off-track betting. That is, I am afraid, an original idea. There is no issue in the sporting world more in need of serious discussion, but I can recall, almost without exception, only diatribe and rhetoric in the trade and sporting press. Here—and I choose at random—is Jerry Hauck, president of Harness Horsemen International, saying in the Horsemen's Journal for April that "We—meaning, I take it, you—must watch the OTB people. They have an ambition to destroy racing".

Who's the better for remarks like that? I had hoped—I do hope—to engage in a dialogue with horsemen, who are, after all, the foundation of the pari-mutuel betting industry, but Mr. Hauck's comment is rather a non sequitur. It's confusing, too—harness racing, in New York, is doing well enough. Average daily harness handle in 1974 was up 14% relative to 1970. Harness purses had increased by 35% over the same period, so there wouldn't appear to be anything seriously the matter with New York harness racing. But perhaps OTB's "destructive ambitions" concern only the flats. Shall I examine the New York Racing Association?

1970 was a record year for the NYRA. The Association's average daily handle was $3.2 million. Average daily pari-mutuel revenues, net of money returned to the bettors and payments to the State, were $183,000. With admissions and concessions total average daily revenues came to $252,000, or $59 million, for that year. Legal off-track betting began operations in 1971. And OTB did impact local track handle and attendance in that year and in 1972. But by 1974 the relationship between the tracks, OTB, and the market for pari-mutuel betting in New York was maturing. It is instructive to compare NYRA handle and revenues for 1974 to the 1970 figures.

Handle, at $750 million, was about 1.0% greater than the $743 million the NYRA reported for 1970. But the number of racing days had been increased, from 234 to 265, and average daily handle was down 10.9%, to $2.8 million, from the record level of 1970. One would therefore expect pari-mutuel revenues to be down also, but this was not the case. Average daily pari-mutuel revenues had increased by 24.7%, to $228,000. Total average daily revenues, including admissions and concessions but excluding contributions from OTB, had also increased, by $26,000, or 10.2%, to $278,000. The NYRA, then, was in better condition, so far as revenues are concerned, in 1974 than in 1970, even without OTB's financial contribution. But off-track betting contributed $8 million, or $30,000 for each racing day, to the NYRA in 1974. This money increased the Association's total revenues to $81.5 million, or $308,000 for each day of racing, an increase in total average daily revenues of 22.2% over 1970. There is nothing in these figures to support the contention that off-track betting has hurt New York Racing Association revenues. NYRA revenues are up, and not down, compared to 1970.

And what of thoroughbred horsemen? Has off-track betting hurt or helped the interests of people who raced horses at NYRA tracks during the last five years? Let's look at NYRA purses. These stood at record levels in 1970. In that year the average daily total purse money at NYRA tracks was $93,000. During 1974 the average daily total NYRA purse had increased by 32% to $122,000. Total NYRA purses were $22 million in 1970. By 1974 NYRA purses had risen to $32 million, an increase of 49.5%. OTB contributed $8 million, or 74%, of this increase.

There can be no question, I think, that thoroughbred horsemen have benefited from off-track betting in New York. This is because purses, under New York State law, are directly related to pari-mutuel handle, and OTB has enormously increased the pari-mutuel handle on racing in New York. I have already said that the NYRA handled $750 million in 1974. OTB handled an additional $418 million on NYRA races that year, which increased the total handle on NYRA races by 55.8% to $1.17 billion. And horsemen directly profited from this increase.

This is the essential point concerning off-track betting's effect upon racing in New York: OTB has increased the market for legal pari-mutuel wagering. This is a fact of great significance to horsemen, track owners and operators, and government.

It may also be the only encouraging fact concerning the racing industry in New York and the neighboring States. Racing has been dangerously over-extended in the Northeast. There are too many races on too many racing days in the New York area—and next year there will be major tracks opening at Meadowlands across the Hudson in New Jersey. The racing industry has broken a law that says you cannot profitably increase your product without also increasing the market for your product. Industries that break this law undergo—sooner or later—serious contraction. This—and I am talking about tracks closing—will happen to the racing industry unless something is done to prevent it.

Protectionism—anti-OTB legislation—is not the answer. Only the near-term interests of a few individuals and corporations will be served by policies designed to protect a declining market.

The answer is growth. The market for pari-mutuel racing must be increased. And it is simple, short-sighted folly to suppose that racing can increase its market by restricting access to pari-mutuel wagering.

What racing needs, and does not have, are nationally—or at least regionally—conceived policies designed to insure the interests of all the partners in the pari-mutuel industry—of track owners and horsemen and government.

The first principle, because it is the overriding need, of such policies should be to develop interest in the sport of racing. Racing must find more personalities in its horses and riders. And racing must create more events of wide and general interest for these personalities to compete in.

Television is the most effective and perhaps the only way to accomplish these things on the scale that is needed. OTB has spent $5.7 million on televised racing since 1971. We have made this expenditure to increase the public's exposure to racing. We have shown that this increases the public's participation in pari-mutuel wagering on horse races. You should not fear the challenges of televised racing. You should accept them.

And as racing develops a larger market for its sport, for the spectacle of horses running, it should capitalize on the public's interest by increasing the public's access to pari-mutuel betting through off-track betting systems.

It will not be easy to restore American racing to sound economic health. But I think that New York's experience with off-track betting has proven that the idea of creating a new market for racing by increasing the public's access to pari-mutuel betting is sound. OTB has caused enormous growth in pari-mutuel handle. Track revenues have increased. Purses have grown. Government has realized a greater return on the investment that it made when pari-mutuel racing was legalized. This much has been accomplished. More—much more—remains to be done. There are complicated and difficult problems before us, but I believe that if each of the several partners in the pari-mutuel industry will agree to cooperate in the management of that industry all of us will benefit.

Thank you. Are there any questions?

FITHIAN: FEA SHOULD BE ABOLISHED

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. FITHIAN. Mr. Speaker, I respectively urge my colleagues in the House to join with Congresswoman PATRICIA SCHROEDER and myself to abolish the Federal Energy Administration—FEA.

I cannot support legislation, such as H.R. 12169, the Commerce Committee bill, which will continue the life of this needless bureaucracy, an agency which has been a spokesman for the special interests.

The FEA is one of the fastest growing bureaucratic agencies in Washington. It has politicized the energy issue and has squandered millions of dollars on a computerized public relations campaign to justify its own existence. It is the classic example of a temporary agency which expands and expands, duplicating functions of other agencies and creating overlapping jurisdiction.

Waste in Government must be reduced, and a good place to start is with the FEA. By abolishing FEA, we could redistribute a few key FEA activities to existing Government offices and eliminate most of the agency's divisions, saving the taxpayer millions of dollars.

Our goal should be quite simple—the elimination of FEA. We must stop its abuse of power. We must stop its efforts to bring politics into the energy issue. We must halt the Big Oil influence on American energy policy.

Today, I testified before the House Committee on Rules concerning the abolishment of FEA. I would like to share these comments with my colleagues in the House, and ask that they be reprinted in the RECORD:

TESTIMONY OF HON. FLOYD J. FITHIAN OF INDIANA, BEFORE THE HOUSE COMMITTEE ON RULES, TUESDAY, MAY 18, 1976, CONCERNING H.R. 12169

Mr. Chairman, Members of the Committee, I would like to thank you for the opportunity to speak to you this morning regarding H.R. 12169, the Commerce Committee's bill to extend and expand the Federal Energy Administration.

I must tell you from the outset that I am strongly opposed to extending the life of the FEA. I am even more strongly opposed to the legislative vehicle chosen for the extension, H.R. 12169. Extending the life of the FEA may be simply a perpetuation of a mushrooming administrative anachronism, but extending its life by side-stepping concurrent committee jurisdictions, as H.R. 12169 clearly does, appears to be a threat to the orderly transaction of business in these chambers.

I believe a bit of history is in order.

That the FEA was formed two years ago as a temporary agency is an indisputable fact. The Federal Energy Administration Act of 1974 provided the statutory authority for the new FEA, but its personnel and many of its functions originated in other government agencies and departments. The Interior Department furnished the Offices of Petroleum Allocation, Energy Conservation, Energy Data and Analysis, and Oil and Gas.: The now-defunct Cost-of-Living Council supplied its Energy Division. And the FEA's regulatory sections borrowed heavily upon the Department of Treasury's talent and manpower.

The Federal Energy Administration Act specified clearly and directly that the personnel and functions performed by the agency could be returned to their original locations in government at the termination of the Act, just 43 days from today. "Borrowed" personnel were specifically assured in the bill that they could return to their former positions in permanent agencies of government following the termination of the FEA. The President was directed by the act to transmit a full report outlining the disposition of the functions of the FEA upon its termination, or on the reorganization of the federal government for the management of energy policy. In short, every step was taken two years ago to allow us to let FEA quietly expire on June 30.

But since the original FEA Act two years ago, the FEA has widely expanded its operations, flagrantly soliciting a permanent role in national energy policy, often acting without legal authorization and, in some cases, acting in defiance of its charter. In the past two years the agency has instituted, without legislative or presidential authorization, nuclear power promotion activities, natural gas deregulation lobbying efforts, and most recently, its own solar power program in direct competition with ERDA programs.

To be sure, the FEA's operations have been legally expanded as well in recent months, most notably in the Energy Conservation and Policy Act of 1975. But it should be noted that nothing in this act extends the life of the FEA beyond June 30, 1976, nor obligates this body to enact an extension.

Nor can it be argued that the FEA is crucial to our national energy effort. Two years ago our energy policy was narrowly focused on immediate results—ending the long lines at the gas pump, making sure that scarce supplies of fuel were fairly distributed, and surviving the Arab Oil Embargo. We needed an agency like the FEA to help accomplish these goals. Things are different today. We don't have the critical short-term supply problems we did in 1974, nor are we likely to see them again in the foreseeable future. Even oil price controls, as you know, are coming off. We realize now that we have a long-term energy problem and need long-term solutions to it. We need solutions only scientists and technicians can give us, solutions which take years of research, testing, and demonstration. We need the efforts of agencies like the Energy Research and Development Administration, established to further these purposes, not an extra layer of bureaucracy to hamper them.

Legislation to expand the agency's budget, manpower and responsibilities would be bad public policy even if it had received the consideration of the appropriate legislative committees. But the fact of the matter is that the bill before the Rules Committee today, H.R. 12169, has not been reviewed by the appropriate committees.

I am requesting, Mr. Chairman, that the Rules Committee grant concurrent jurisdiction on this bill to both the Committee on Government Operations and to the Committee on Science and Technology. The subject matter of the bill clearly pertains to the legislative jurisdictions of these two committees. It should be returned for their consideration before moving on to the House floor.

The House Government Operations Committee has jurisdiction over the creating and termination of federal agencies. As you know, the Government Operations Committee was responsible for the original Federal Energy Administration Act. The Government Operations Committee should have concurrent jurisdiction over any legislation extending the agency's life beyond the date set by that Act, whether 39 months or 39 minutes. I might add that our colleagues in the Senate, in recognition of this fact, granted jurisdiction on similar FEA legislation to their Government Operations Committee.

The bill also contains an authorization for solar energy demonstration projects amounting to nearly $3 million for FY 77. The inclusion of this odd authorization clearly places the bill within the concurrent jurisdiction of the Science and Technology Committee, to which the rules of the House grant jurisdiction over all energy research and development except nuclear research and development.

Jurisdictional considerations aside, I find it extremely disturbing that the Commerce Committee has chosen to duplicate the functions of ERDA within the FEA. Authorizations for $229 million for FY 1977 ERDA solar energy projects—an increase of $67 million over the Presidential budget request—already have been approved by the Science and Technology Committee. ERDA, an agency with considerable expertise in these matters, has indicated that it is not in a position to use more funds for solar energy in an efficient manner. FEA, without experience in the administration of solar energy demonstration projects, could hardly be expected to do any better. In any case, authorizations of this type which openly encourage inter-agency competition, can only serve to hamper our long-range solar energy development efforts.

Representative Schroeder and I plan to offer a substitute measure to the Commerce Committee's bill similar to H.R. 13795, which we introduced last week. This substitute would provide for the orderly transfer of necessary FEA functions to permanent agencies and the formal termination of FEA. If this substitute measure is not successful, we plan to offer a series of amendments to transfer various functions of the FEA to other federal agencies. We seek a ruling from the committee which will allow these amendments to be brought to the floor.

In conclusion, Mr. Chairman, I would make one final request of the Rules Committee. Should the committee decide to grant the bill a rule today, I ask that floor action be postponed for three legislative days. FEA extension is an extremely complex issue, touching on the potential government reorganization, the budgetary process, and national energy policy. Members should have adequate time to review not only the legislation before the committee today, but to assess possible alternatives to it in detail before casting a vote on the floor. A three day postponement would provide this crucial time.

Thank you for the opportunity to testify this morning.

TRIBUTE TO RABBI DR. SAMUEL BELKIN—DISTINGUISHED EDUCATOR AND RELIGIOUS LEADER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. BIAGGI. Mr. Speaker, both the Jewish and the educational communities of this Nation lost a true friend with the recent passing of Rabbi Dr. Samuel Belkin, president of Yeshiva University of New York.

Dr. Belkin in addition to being recognized as a leading American educator was held in high regard among the Jewish American community. In his more than 3 decades of leadership at Yeshiva, Dr. Belkin combined innovation with tradition, and helped make the University one of the most prominent educational institutions of this Nation. His tenure as president was one of the longest in American education history.

In their May 1976 newsletter, the Young Israels of Mosholu Parkway paid tribute to the memory of Dr. Belkin. They highlighted his vast contributions to the education and spiritual growth of thousands of Jewish students. The tribute was written by Rabbi Zevulum Charlop whose vast knowledge of Dr. Belkin allowed him to write a truly moving tribute which few friends and associates of Dr. Belkin will ever forget. I offer this excellent article for the consideration of all my colleagues:

DIVINE OPTIMISM AND THE LEAP OF FAITH

(By Rabbi Dr. Shmuel Belkin O.B.M.)

With the passing of Dr. Samuel Belkin, o.b.m., American Judaism has lost its chief spiritual architect. Yeshiva University, its various schools and services, which were all the product of Dr. Belkin's extraordinary vision and energy, very possibly constitute the greatest single Jewish contribution to the American civilization as well as the surest guarantor of the survival of our Torah faith, in its authentic mold, on these shores and beyond.

He was only 64 when he died, and yet he served what may very well be the longest unbroken tenure as President of an American University in all our history. This in itself is no mean achievement. But, incredibly, it is only the smallest and least important aspect of his accomplishment. His more than three decades of leadership signified a measure of advance in diversity and excellence unprecedented in American education. What may have taken Harvard and other prestigious citadels of learning a century or two to accomplish was embraced by Yeshiva in the single span of his presidency: The Ferkauf School of Education, the Wurzweiler School of Social Work, the Belfer School of Science and the diadem of his graduate school aspiration, the Albert Einstein Colege of Medicine, its hospital and Sue Golding and Kennedy Institutes, all came into being under his aegis.

But from our point of view, more importly and the true achievement of his genius was that he managed to preserve and even enhance Yeshiva's commitment to Torah learning in the Yeshiva proper and through the founding of Stern College for Women and the James Striar School. With all its extraordinary expansion, unlike the fate of the Divinity schools of the Ivy League colleges which were the original cornerstones "that was disdained by the builders," the primal spiritual thrust of Yeshiva, nurtured from the classical fonts of Jewish learning through its centuries, remained central to its existence and suffused every nook and cranny of its multifaceted educational structure. He was as my late father o.b.m. said of him, on one of his visits to our congregation, even as G-d said of Moses, "A faithful servant in ALL my house." he saw to it that every room and division of the Yeshiva home in its context was faithful to G-d and His teaching.

How did he do it all? What was the secret of his strength?

Dean Paulsen of the Cardozo School of Law of Yeshiva University, which will open in September, and which is the fruition of yet another, but, alas, final dream of Dr. Belkin, tried at its recent convocation to illustrate the kind of special courage and faith that had allowed Dr. Belkin against all odds and in the face of the most strained economic circumstances to embark on one ambitious enterprise after another with the following story: A man had slipped off the peak of a thousand foot high mountain. Luckily about midpoint, as he hurtled earthward, he caught on to a protruding tree branch and desperately clung to it. He looked 500 feet down and shouted—"Is there anyone down there?" But there was no answer. He then looked up, heavenward and shouted: "Is there anyone up there?" And a voice responded: "Yes! I am the L-rd your G-d, if you have faith you shall be saved. Do you believe?" "Yes," the man answered. "If so," the Heavenly voice resumed, "loosen your grasp from the branch and let yourself drop." The man looked up again and timidly asked: "Is there anyone else up there?"

Dr. Belkin had what he himself describe as *divine optimism*. To him it wasn't another pretty figure of speech. But he lived dangerously and oftentimes he loosened his grasp from the branch and let himself drop because he genuinely believed that it was G-d's will.

It was uncanny that Dr. Belkin was put to rest on the eve of *SHVEE-EE SHEL PAISACH*, the Seventh Day of Passover, when we particularly commemorate the miracle of the splitting of the Red Sea: Israel's successful crossing over to the other side and the mass drowning of the pursuing Egyptian hordes.

The Torah tells us that Israel with the sea in front of them and the Egyptians to the rear, were beginning to lose heart. G-d commanded Moses *V'Yisau*, "let them start to move." Our Rabbis explain that the waters of the sea would not divide unless the Jews would first display an act of faith. It was Nachshon ben Aminadov the Prince of the tribe of Judah who *took the plunge* and the waters indeed did not begin to recede "until they reached his very nostrils."

Dr. Belkin was never afraid to take the plunge—that almost literal Leap of Faith which was the expression of absolute trust in G-d . . . Divine Optimism.

May His Soul Rest In Peace.

Rabbi Zevulun Charlop.

ICEM AND THE HELSINKI DECLARATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1976

Mr. EILBERG. Mr. Speaker, last week I attended the 49th Session of the Executive Committee of the Intergovernmental Committee for European Migration, which met in Geneva, Switzerland. ICEM was formed in 1952 to assist in the movement and resettlement of refugees and has worked in every area of the world where there are refugees.

At that meeting I called upon ICEM to work within the context of the Helsinki Declaration to help reunite families. This is one of the basic human rights spelled out in the declaration which all of the signatories pledged to work for.

It is my belief that ICEM's contacts with the governments of the East European countries would be invaluable in this area and that the organization's records of the results of its efforts in this area would help us to evaluate the success of Helsinki. This proposal was immediately endorsed by James Carlin, the State Department's representative at the meeting along with the spokespersons of many other countries.

At this time I enter into the RECORD my statement and that of Mr. Carlin:

JOSHUA EILBERG'S STATEMENT

I am pleased to be here once again and appreciate the opportunity to make a few remarks to this Executive Committee. In my capacity as Chairman of the Subcommittee on Immigration, Citizenship, and International Law of the House of Representatives Committee of the Judiciary, I follow the activities of ICEM very closely. I am aware of the importance of the service it provides to my own country and other refugee and/or migrant receiving countries, and am not unmindful of the many thousands of new refugees it has assisted to reach the United States over the past year. It is very useful to me to gain a first-hand impression of the current work of ICEM and I listen to the discussion of ICEM's programs with great interest.

There is, Mr. Chairman, another area which deserves our attention and I recommend it to you for your consideration. It particularly comes to mind since I have firmly believed for sometime that more attention should be given to the Helsinki Declaration. I am concerned that the intent of that Declaration is not being fully met, particularly in the area of the freer movement of people. To this end I have co-sponsored a bill in the House of Representatives which bears the name of Congresswoman Millicent Fenwick calling for the establishment of a Commission on Security and Cooperation in Europe.

A companion measure in the United States Senate, sponsored by Senator Case, passed the Senate only last week. The Commission, if established, would pay particular regard to the provisions of the Helsinki Declaration relating to cooperation in humanitarian fields. It would operate as a "watchdog" body. I have spoken on this matter on several occasions before various bodies in the House, since I am firmly convinced that there should be a public monitoring of how the various signatory governments carry out the provisions of the Declaration.

What has all this to do with ICEM? I think there would be much merit in this international body looking thoughtfully at the results of the Conference on Security Cooperation (CSCE) in Europe to see if there is not an opportunity to give some practical meaning to the conclusion endorsed by thirty-five heads of State in Helsinki in August of 1975. As I am sure the members of this Committee will recall, the signatories solemnly adopted the following: "The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill and old." The Declaration goes on to say, "the participating States will support the efforts of Red Cross and Red Crescent Societies concerned with the problems of family reunification."

The Reunification of families has always been given special attention and priority in the field of refugee resettlement. ICEM has had much experience in this type of activity. This is the kind of activity ICEM, together with the international voluntary agencies, engages in daily. ICEM, within the context of the CSCE, could well serve as the focal point for contacts with governments and private organizations for the purposes of family reunification. ICEM, in collaboration with the Red Cross, could develop the practical measures needed to give real meaning to a very human aspect of the Helsinki Declaration. ICEM has the capacity to respond to this basic and humanitarian need. Such a response would advance our objective of improving relations between European States. I sincerely hope that the Executive Committee will take steps to implement Helsinki.

I encourage an expression of views on this proposal with the hope that you find it of some value and consistent with ICEM's basic mission.

Thank you, Mr. Chairman, for permitting me to address the Executive Committee. I wish you the best possible success in your deliberations.

JAMES CARLIN'S STATEMENT

The Executive Branch of the U.S. government "solidly supports" Congressman Eilberg's proposal, which he called "a practical and constructive response to Helsinki."

We share the view that ICEM does have a practical role to play in this regard. In our dealing with refugee problems over the years, we have always given special consideration to the divided families and have always worked for their reunification. We very much appreciate the cooperation ICEM has given us in this regard.

We believe that it is possible to bring renewed focus on this very human problem. Congressman Eilberg has rightly pointd out that the Declaration stemming from CSCE provides us with an opportunity for a new initiative. ICEM is tailor-made for this.

There would be considerable value for ICEM in the CSCE context in collaboration with the appropriate arms of the Red Cross in becoming an active instrument in pursuit of family reunification and a repository for the data necessary to effect such reunifications. ICEM could serve as a focal point for contacts with governments working closely with the network of national and international voluntary agencies who have stores of information on individual cases.

ICEM also has access to international financing for the movement of people, including long experience in the administration of loan funds, should such be required. ICEM can bring together all the necessary ingredients for the preparation of travel and for the reception of the traveler. It can serve as the catalyst as well as the prime mover.

HOUSE OF REPRESENTATIVES—*Wednesday, May 19, 1976*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

The Lord is the strength of my life.—Psalms 27: 1.

Eternal God, who art the strength of Thy people in every age and our strength in this present hour, we pause in Thy presence to acknowledge our dependence upon Thee, to offer Thee the gratitude of our hearts and to pray for faith, hope, and love as we face this day and the days that lie ahead.

Amid all the changes on this earthly scene help us to build our lives and the life of our Nation upon the moral foundation of truth and love. Help us at all times, and in all places to maintain our integrity, to be truehearted and wholehearted in our endeavors and to keep ourselves committed to the highest good of our beloved country.

God bless America and make her a channel for good in our world. May Thy spirit living in us bear fruit in an abundant harvest in the days to come, through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Roddy, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2279. An act for the relief of Mrs. Louise G. Whalen.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8719. An act to provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2839. An act to supplement the authority of the President and various Federal agencies to collect regular and periodic information on international investment, and for other purposes;

S. 3035. An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson;

S. 3122. An act to extend the authorization for appropriations to carry out the Endangered Species Act of 1973;

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts;

S. 3432. An act to authorize an increase in the monetary authorization for certain comprehensive river basin plans previously approved by the Congress; and

S. 3436. An act to authorize appropriations for research, development, and demonstration under the Noise Control Act of 1972.

APPOINTMENT OF CONFEREES ON S. 3420, AUTHORIZING APPROPRIATIONS TO THE INTERNATIONAL TRADE COMMISSION

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3420) to authorize appropriations to the International Trade Commission and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there are authorized to be appropriated to the International Trade Commission $11,789,000 to carry out its duties and functions during fiscal year 1977.

(b) There are authorized to be appropriated to such Commission $12,036,000 to carry out its duties and functions during fiscal year 1978.

(c) In addition to the amounts authorized under subsections (b) and (c), there are authorized to be appropriated to such Commission such amounts as may be necessary for fiscal years 1977 and 1978 for increases required by law during such fiscal years in salary, pay, retirement, and other employee benefits.

MOTION OFFERED BY MR. ULLMAN

Mr. ULLMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ULLMAN moves to strike out all after the enacting clause of Senate bill S. 3420 and insert in lieu thereof the provisions of H.R. 13396, as passed by the House, as follows:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Subsection (e) of section 330 of the Tariff Act of 1930 (19 U.S.C. 1330(e)) is amended—

(1) by inserting "(1)" immediately before "For"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) (A) There are authorized to be appropriated to the Commission for necessary expenses for fiscal year 1977 not to exceed $11,339,000.

"(B) Nothing in subparagraph (A) shall authorize appropriations for more than—

"(i) four employees for each commissioner (other than the commissioner who is the chairman of the Commission) who serve as the personal staff of the commissioner; and

"(ii) six employees who serve as the personal staff of the chairman of the Commission.

"(3) There are authorized to be appropriated to the Commission for each fiscal year after September 30, 1976, in addition to any other amounts authorized to be appropriated for such fiscal year, such sums as may be necessary for increases authorized by law in salary, pay, retirement, and other employee benefits.".

SEC. 2. ELECTION OF CHAIRMAN; ADMINISTRATION OF THE COMMISSION.

(a) IN GENERAL.—Subsection (c) of section 330 of the Tariff Act of 1930 (19 U.S.C. 1330(c)) is amended to read as follows:

"(c) ELECTION OF CHAIRMAN; ADMINISTRATION OF THE COMMISSION.—

"(1) The Commission shall elect one of the commissioners as chairman, who shall serve as chairman at the pleasure of the Commission. The term of office of the chairman shall be three years. No commissioner may be elected as chairman after serving as chairman for two terms. During any period in which there is no chairman, the commissioner having the longest period of continuous service as a commissioner shall act as chairman.

"(2) A majority of the commissioners in office shall constitute a quorum, but the Commission may function notwithstanding vacancies. No commissioner shall actively engage in any business, vocation, or employment other than that of serving as a commissioner.

"(3) The chairman of the Commission shall be responsible for initiating, and the Commission shall be responsible for approving, administrative action in the following areas:

"(A) the employment and discharge of key personnel (other than personnel referred to in subsection (e)(2)(B), the employment and discharge of which shall be the responsibility of the individual commissioner concerned),

"(B) external relations, and

"(C) the budget of the Commission.

The chairman of the Commission shall be responsible for all other administrative matters of the Commission.".

(b) EFFECTIVE DATE.—Paragraphs (1) and (2) of section 330(c) of the Tariff Act of 1930 (as amended by subsection (a)) shall take effect on December 17, 1976. Paragraphs (3) and (4) of such section 330(c) shall take effect on the date of the enactment of this Act.

SEC. 3. CONTINUATION OF REPORTS WITH RESPECT TO SYNTHETIC ORGANIC CHEMICALS.

The International Trade Commission is hereby directed to make, during each calendar year ending before January 1, 1981, reports with respect to synthetic organic chemicals similar in scope to the reports made with respect to such chemicals for the calendar year 1974.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize appropriations to the International Trade Commission for fiscal year 1977, to provide for greater efficiency in the administration of such Commission, and to provide for the continuation of certain reports by such Commission regarding synthetic organic chemicals."

A motion to reconsider was laid on the table.

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 3420) to authorize appropriations to the International Trade Commission, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. ULLMAN, GREEN, LANDRUM, GIBBONS, VANDER VEEN, SCHNEEBELI, and CONABLE.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 279]

Allen
Andrews, N.C.
Beard, R.I.
Bell
Bingham
Bonker
Brown, Mich.
Buchanan
Byron
Carter
Chappell
Chisholm
Conlan
Conyers
Diggs
Dingell
Duncan, Oreg.
Esch
Ford, Mich.
Forsythe
Giaimo
Hébert
Hefner
Henderson
Hinshaw
Jarman
Jones, Ala.
Karth
Kemp
Kindness
Landrum
Leggett
Litton
McClory
McDade
Macdonald
Mahon
Milford
Mills
Moss
Murphy, N.Y.
Quie
Randall
Rees
Reuss
Riegle
Rodino
Ruppe
Sarbanes
Shuster
Stanton, James V.
Steiger, Ariz.
Steiger, Wis.
Stuckey
Sullivan
Tsongas
Udall
Vander Jagt
Vigorito
Wilson, Tex.
Young, Alaska
Young, Ga.

The SPEAKER. On this rollcall 370 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THIRD REPORT OF THE NATIONAL HEART AND LUNG ADVISORY COUNCIL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

Enclosed is the "Third Report of the National Heart and Lung Advisory Council," prepared in accordance with the requirement of section 418(b)(2) of the Public Health Service Act.

The National Heart and Lung Advisory Council has again prepared a thoughtful Report that addresses a number of important research policy questions. With regard to the recommendations and conclusions in the Council's Report, some recommendations are in accord with the Administration's views (e.g., the need for evaluation of pilot programs) and other recommendations are at variance with Administration policy (e.g., the budget recommendation and recommendations dependent on the Council's recommended budget).

The Council recommended funding levels without full knowledge of the competing needs of other high priority programs. Therefore, it is not surprising that the budget recommendations of the Council considerably exceed those of the President's 1977 Budget, which must take fiscal constraints and competing national needs into consideration. It should be noted that the budget for the National Heart and Lung Institute has increased greatly in recent years: from $195 million in 1971 to a potential of $370 million in 1976.

In addition, these fiscal concerns were recognized in H.R. 7988, "Health Research and Health Services Amendments of 1976", which I recently signed into law. The Congress authorized appropriations at a considerably lower level for FY 1977 than was recommended by the Council.

The Administration recognizes the accomplishments of the National Program as outlined in the Council's Report, and continues to view the heart, blood vessel, lung, and blood program as an area of high priority. The Report of the Council is being carefully studied and evaluated. I am forwarding the Report so that it is available to the Congress for its deliberations.

GERALD R. FORD.
THE WHITE HOUSE, *May 19, 1976.*

MAKING IN ORDER AUTHORITY FOR SPEAKER TO DECLARE A RECESS AT ANY TIME ON WEDNESDAY, JUNE 2, 1976, FOR RECEIVING IN JOINT MEETING THE KING OF SPAIN

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 2, 1976, for the Speaker to declare a recess for the purpose of receiving in joint meeting the King of Spain.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION FOR FISCAL YEAR 1977

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1182 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1182

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13350) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Fderal Nonnuclear

Energy Research and Development Act of 1974, and for other purposes, and all points of order against sections 108, 210, and 306 of said bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology and one hour to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 1182 is an open rule providing 2 hours of general debate on the bill H.R. 13350, a bill to authorize appropriations to the Energy Research and Development Administration. The time for general debate is to be divided and controlled equally by the chairman and ranking minority members of the Joint Committee on Atomic Energy and the Committee on Science and Technology. In addition the rule waives points of order against three sections of the bill for failure to comply with the provisions of clause 5, rule XXI. The three provisions to which the waiver applies authorizes ERDA to retain certain receipts and credit them to their operating expenses appropriations. The expenditure of these receipts is not subject to the appropriation process and the provisions therefore violate the rule. The rule further provides that the bill shall be read for amendment by titles instead of by sections.

Mr. Speaker, H.R. 13350 authorizes $1,047,182,000 for nonnuclear energy research, development, and demonstration of fossil, solar, geothermal and other forms of energy for energy conservation, and for scientific and technical education; $5,253,304,000 for nuclear energy research and development, basic research, space nuclear systems and other technology, uranium enrichment, nationsal security, and related programs; and $684,248,000 for environmental research and safety, basic energy sciences, program support, and related programs.

Mr. Speaker, I urge the adoption of House Resolution 1182 so that we may proceed to the consideration of H.R. 13350.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself as much time as I may require.

Mr. Speaker, House Resolution 1182 is a 2-hour open rule making in order the consideration of H.R. 13350, the Energy Research and Development Administration authorization for fiscal year 1977. Under this rule, the time would be equally divided between the Joint Committee on Atomic Energy and the House Committee on Science and Technology, and between the chairmen and ranking minority members on those committees, respectively. The only other aspect of this rule which is different from a straight open rule is its waiver of points of order against sections 108, 210, and 306 of the bill for failure to comply with the provisions of clause 5 of rule XXI which forbids appropriations on an authorization bill. All three of these sections authorize ERDA to retain certain receipts and credit them to the "operating expenses" appropriation and permit such funds to remain available until expended. While this waiver does protect these sections against points of order, it would obviously still be in order for any Member to offer an amendment to change this procedure. And it is my understanding that the gentleman from Michigan (Mr. DINGELL), even though he did not appear in time to testify before the Rules Committee, intends to offer amendments to sections 108 and 306 to require that reve- annual appropriations.

Mr. Speaker, H.R. 13350, the bill which nues from these receipts be subject to this rule would make in order, authorizes $7.3 billion for the Energy Research and Development Administration in fiscal year 1977, including $1.4 billion for nonnuclear programs and $5.9 billion for nuclear activities. The total ERDA authorization of this bill represents a $2.4 billion or 47.7 percent increase over the fiscal year 1976 authorization, and about a $600 million or 9.2 percent increase over the administration request for fiscal year 1977.

Mr. Speaker, this rule was reported by unanimous voice vote from the Committee on Rules last Thursday after we heard from witnesses from both the Joint Committee and the Science Committee which share jurisdiction over ERDA. While no objection to the rule was heard by our committee, I should mention in all fairness that some of the listed witnesses did not appear. The bill itself is very complex and involved, and it is not without controversy since it does go to the very heart of our Nation's energy priorities. I am aware that numerous amendments will be offered to various parts of this bill and I therefore urge adoption of the rule so that we can proceed to general debate and the amendments process.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill (H.R. 13350).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13350) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13350, with Mr. ROUSH in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate will continue for not to exceed 2 hours, 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy.

Under the rule, the gentleman from Texas (Mr. TEAGUE), the gentleman from Ohio (Mr. MOSHER), the gentleman from Illinois (Mr. PRICE), and the gentleman from Illinois (Mr. ANDERSON) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 13350 authorizes funds for the Energy Research and Development Administration for fiscal year 1977. The bill authorizes appropriations for both nuclear and nonnuclear programs of $6,984,734,000 for fiscal year 1977. The amount of money contained in the bill within the jurisdiction of the Committee on Science and Technology for fossil energy, solar energy, geothermal energy, conservation research and development, basic energy sciences, environment and safety, and education is $1,423,560,000. This amount reflects the increases made by the committee to the administration request of $1,143,928,000. The committee actions increased this request by $279,632,000. This figure does not include an addition of $10.2 million for program support.

The bill which is before the House today reflects decisions made on the part of both the Committee on Science and

Technology and the Joint Committee on Atomic Energy, although each committee has only worked on those portions of the bill which fall within its jurisdiction. As was accomplished last year, Mr. PRICE and I have worked well together and have authorized in our committees only those ERDA programs over which we have sole or shared responsibility. The situation this year has been clarified substantially by some structural changes in the bill which has been reported, H.R. 13350. In addition, the referral by the Parliamentarian this year was most helpful, since it clearly specified that the Committee on Science and Technology and the Joint Committee on Atomic Energy consider such provisions as fall within their respective jurisdictions.

Mr. Chairman, not only do I want to express my gratitude to the work of the chairman and members of the Joint Committee on Atomic Energy, but I also would like to salute the chairman of the two subcommittees of the Committee on Science and Technology, Congressman KEN HECHLER of West Virginia and MIKE MCCORMACK. They, their ranking members, Mr. BELL and Mr. GOLDWATER, and the other members of both subcommittees have done a superb job on this bill.

In addition, we also have had the critical review of the environment and safety programs by another subcommittee, that on environment and the atmosphere, chaired by Mr. BROWN of California, who has worked closely with the ranking minority member, Mr. ESCH. Again this year, our committees worked diligently on this bill and came in for hearings at 8 a.m. day after day, and they and the dedicated staff have worked late into the night. This area is an important and critical responsibility in freeing our Nation from the dependence which we continue to have on foreign supplies of energy, and I want to express my appreciation to all members of our committee, and particularly the ranking Republican on the full committee, Mr. MOSHER, for sharing the success of this bipartisan committee effort which was unanimously reported out by our committee.

As I stated earlier in these remarks, Mr. Chairman, the titles of the bill have been separated into those matters which are most reflective of the jurisdictions of the two committees which worked on this legislation. Title I is the nonnuclear title, which consists of operating expenses and plant and capital equipment for all nonnuclear programs, including scientific and technical education and other provisions. Title II is the nuclear title, which includes nuclear research and development, basic research, nuclear systems, uranium enrichment, national security, and related programs. Title III is the title which contains the environmental research and safety programs under the jurisdiction of both committees, and, in addition, program support and related programs under the jurisdictions of both committees, and basic energy sciences. Title IV contains the general provisions for both nuclear and nonnuclear, and the provisions for fossil energy which were agreed to last year and are now public law have been continued in this bill, as reported. Lastly, title V relates to governmental policy for uranium enrichment.

The Science Committee, which has two subcommittees actively working on energy R. & D., has added funds in both the fossil energy area and in the other areas for solar energy, geothermal energy, and energy conservation. The total addition recommended by the Science Committee is $279,632,000, excluding the additional funds for program support contained in title III. The authorization for fossil energy programs has been increased by $55,432,000 above the ERDA request, bringing the total to $535,382,000. This includes two new demonstration plants, each of which may have a total cost which is estimated to be as large as $500 million. The solar energy programs were increased by the committee by $66,700,000 to a total recommendation of $229,200,000. Geothermal energy was increased by $25 million, for a new figure of $75,100,000. Energy conservation was increased by the committee by $82.5 million, raising the authorization figure to $202.5 million. In the other areas where the committee shares jurisdiction with the other committee—basic energy sciences and environment and safety—the increases are reflected in the chart below. In addition, a program for scientific and technical education which was authorized last year but not funded has been reauthorized this year at a level of $5,000,000.

At this point, I would like to submit for the RECORD a table which summarizes our actions:

SCIENCE AND TECHNOLOGY COMMITTEE—BUDGET SUMMARY TABLE: BUDGET AUTHORITY

[In thousands of dollars; fiscal years]

	Actual 1975	Estimated 1976	ERDA request for 1977	Committee action	Total committee authorization
Fossil energy:					
Coal programs	282, 147	312, 762	354, 494	+27, 432	381, 926
Petroleum and natural gas	28, 158	43, 220	36, 905	+6, 200	43, 105
In situ technology	11, 211	21, 122	30, 631	+6, 800	37, 431
Total operating expenses for fossil energy	321, 516	377, 104	422, 030	+40, 432	462, 462
Plant and capital equipment	13, 260	20, 425	57, 920	+15, 000	72, 920
Total fossil energy	334, 776	397, 529	479, 950	+55, 432	535, 382
Solar energy	41, 909	114, 650	162, 500	+66, 700	229, 200
Geothermal energy	28, 075	31, 390	50, 100	+25, 000	75, 100
Conservation research and development	36, 441	74, 738	120, 000	+82, 500	202, 500
Basic energy sciences	86, 566	97, 315	109, 000	+20, 000	129, 000
Environment and safety	177, 588	208, 680	222, 378	+25, 000	247, 378
Education	0	0	0	+5, 000	5, 000
Total nonnuclear	705, 355	924, 302	1, 143, 928	[1] +279, 632	[1] 1, 423, 560

[1] These figures do not include an addition of $10,200,000 for program support. Program support is in sec. 301(5) of title III.

These increases represent a substantial sum of money, but the committee feels strongly that this country must move ahead with this important job of developing a broad spectrum of new nonnuclear energy technologies. I am also pleased to point out that the budget resolution just approved by the House provides for these increases.

Mr. Chairman, last year during the consideration of this bill, I brought to the attention of the Members a program of particular interest to me entitled "Energy Extension Service," which falls within the conservation area. I am pleased to report that this year funds are contained in the authorization bill at a funding level of $10 million to begin this important endeavor and I think that Mr. THORNTON, who has been particularly instrumental in moving this program forward, will have more to say about this program later in the debate.

Then "Energy Extension Service" has been added as a new line item by the committee to promote the acceptance of new and existing means to improve the efficiency of energy usage. There are many reasons for this program of Federal involvement which can so effectively provide the kind of Federal leadership to get out to the people the kind of face-to-face assistance that is needed—to individuals, to businesses, and to State and local governments. It is an exciting concept, similar in nature to the Agricultural Cooperative Extension Service, and we expect it to have many benefits in explaining the use of home insulation, for example, the availability and viability of solar heating and cooling equipment, how to use waste materials to produce energy—all of these are simple examples of what is possible if we take this concept and implement it effectively. For these reasons, we have begun this effort this year and have added sufficient funding to begin this demonstration so that up to 12 to 16 States can participate in this first year.

Longer range expectations for extensive utilization of geothermal energy resources include the development of the vast geopressured resources along our gulf coast. We must move rapidly to put to use the three forms of energy contained in these extraordinary deposits. Geopressured deposits contain thermal energy, dissolved methane gas, and energy derived from hydraulic pressure. The U.S. Geological Survey has estimated that the energy potential in known geopressured deposits is over 50 times greater than the energy in known dry-steam deposits. These reservoirs of energy potential extend both landward and seaward from the gulf coast and occur primarily in Texas and Louisiana.

Mr. Chairman, the committee increased the funding of the advanced technology applications program above the ERDA request by $7.6 million in budget authority and $6 million in budget outlays to a total of $17.7 million in budget outlays. The committee took this action in the belief that geopressured resources, which fall under the advanced technology applications program, may represent an early opportunity for extending the Nation's energy production.

In its deliberations, the committee added a new line item to the authorization bill for scientific and technical education in the amount of $5 million for fiscal year 1977. The authorization recommended by the committee will permit the establishment of a broader program of scientific and technical education designed to help meet the manpower needs associated with nonnuclear energy technologies. The technologies specifically include those associated with the production and utilization of fossil fuels, solar energy, geothermal energy, and energy conservation technologies.

The United States is facing a major challenge in the development of alternative sources of energy to replace our depleting fossil fuel reserves. Estimates of the U.S. Geological Survey indicate that the remaining supplies of petroleum and natural gas available in our country will be practically exhausted within the next 16 to 42 years unless other sources of energy can be utilized in meeting many of our energy requirements. New technologies are being rapidly developed to utilize other fossil resources, solar energy, and geothermal energy as well as to reduce energy waste through energy-conserving technologies.

If Government and industry are to be successful in stimulating commercial use of these new technologies, they must concurrently provide for development of manpower resources with the knowledge and skill to install, operate, maintain, and repair new equipment and facilities. To provide for the estimated manpower needs, it is essential that an analysis be conducted for each technology area. As a result of the analysis a comprehensive vocational and technical education program should be developed, implemented in pilot test locations, revised as needed, and disseminated nationally. Pilot testing of the curriculum and full scale evaluation are necessary to insure a curriculum that will be comprehensive in nature and produce the manpower necessary to meet our national needs.

A heavy emphasis must be placed on technical and vocational training at the precollege and junior college levels, since a relatively large proportion of the present and future manpower needs are associated with installation, operation, maintenance, and repair of new, but relatively low-level technology. It is expected that the Nation's community colleges will play a major role in implementing this program, and that a significant portion of the funds will be used to institute programs in technical and vocational training programs similar to the one proposed by Navarro College in Corsicanna, Tex., regarding development of such a program related to solar energy technologies.

In conclusion, Mr. Chairman, I should like to reemphasize my support of H.R. 13350. It is an important and worthwhile bill which is absolutely essential to encourage the development of new energy technologies which we must encourage in our Nation for our future. I urge my colleagues to give us their support also.

Mr. Chairman, I would like first to yield time to the gentleman from West Virginia (Mr. HECHLER), who is chairman of one of the important subcommittees handling a part of this bill. This will be the last time for the gentleman from West Virginia (Mr. HECHLER) to appear on the floor handling the recommendations of his subcommittee. Of all the members of the committee, the gentleman from West Virginia (Mr. HECHLER) has attended all the hearings for a longer period of time than any other member of the committee. We will miss the gentleman from West Virginia (Mr. HECHLER) on the Committee on Science and Technology in the next Congress.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, at the outset I would like to express the appreciation and commendation of the Congress and also the gratitude of the Nation for the dynamic leadership which the gentleman from Texas (Mr. TEAGUE) has exhibited in the area of energy research and development. For many years in his senior position on the old Committee on Science and Astronautics the gentleman from Texas was a pioneer and legislative leader in the development of this Nation's space program. With the establishment of the Committee on Science and Technology, and the new responsibilities for energy research and development, Chairman Teague met the challenge and expanded the dimensions of his leadership. He has done a truly remarkable job in insisting that the energy research and development program be conducted on a completely bipartisan basis.

I would like to add my commendation to the ranking minority member of the full committee, the gentleman from Ohio (Mr. MOSHER), the ranking minority member of the subcommittee, the gentleman from California (Mr. BELL), and to the other majority and minority members of the committee who have helped to make this issue a bipartisan issue. But above all, and towering head and shoulders above the efforts of every member of the committee, stands the work and leadership of the gentleman from Texas (Mr. TEAGUE).

Mr. Chairman, the pending bill includes $535,362,000 for fossil energy programs, of which $469,882,000 is for research and development in coal and the balance for petroleum and natural gas.

Your committee believes very strongly in the near-term value of our coal, oil, and natural gas resources in meeting this Nation's energy requirements. This is why we bring to you a bill which increases by $55 million our investment in vital research and development of fossil energy.

AN AGGRESSIVE FOSSIL ENERGY PROGRAM

This Nation must have a dynamic and aggressive program to develop coal, oil, and natural gas. Representing the great State of West Virginia, which has mined a quarter of the total tonnage of coal produced in this Nation and today ranks among the top coal-producing States, I am proud to present to this committee and to the Congress a program which steps up this Nation's emphasis on coal as well as other fossil fuels.

The subcommittee which I chair—Energy Research, Development, and Demonstration (fossil fuels) was disappointed to discover that the administration came up to us with a budget which was far too puny in its scope and vision so far as fossil fuels were concerned. The administration asked for $18 million less than what the Congress authorized for fossil energy for the fiscal year 1976, which our committee regarded as a shocking downgrading of the importance of fossil energy. Mr. Chairman, we simply must move forward to assure our country of adequate supplies of energy before the more advanced, long-term programs for solar, geothermal, and nuclear fusion and other cleaner forms of energy are developed for the future.

COMMITTEE INCREASES RECOMMENDED

Our committee fully supports the administration requests of $480 million in the fossil energy area, and has recommended the addition of $55 million for operating expenses and plant and capital equipment.

The increases in operating expenses are in the following areas:

[In millions of dollars]

	Administration request	Committee increase	Recommendation
Low-Btu gasification	33.052	13.94	47
In situ coal gasification	8.236	6.80	15.036
Systems studies	7.750	2.60	10.35
Petroleum and natural gas	35.074	6.20	41.274
Coal liquefaction	73.946	2.88	76.825
High-Btu gasification	45.054	8.00	53.054

In the plant and capital equipment area, your committee has added $15 million over the administration request to authorize two additional demonstration plants, one for high-Btu gasification, and one for low-Btu gasification.

COMMITTEE AMENDMENTS

In addition to some technical amendments, our committee adopted an amendment limiting the authorization period for fossil demonstration plants to 3 years, unless the plants are funded during that period or the period is subsequently extended. The objective is to get the demonstrations underway and not let them go unfunded, but authorized for an indefinite period. At the end of the 3 years, Congress would review reasons why the authorization had not been funded and could then reauthorize it or let the authorization lapse.

The second principal amendment would add a new section to assure that all revenues derived by ERDA from fossil programs be deposited into the Treasury and an annual report of such revenues be provided to our committee. The fossil program is expected to generate revenues in the future. But under present ERDA practice such revenues are not necessarily used for the programs generating them, but are available for any ERDA nuclear or nonnuclear program. Congress has no real control over them. Further, we believe that we exercise better oversight over the cost and objectives of the fossil program if it is funded solely by appropriations we authorize.

We also recommend an increase of $5 million for scientific and technical education and training, of which at least $1.9 million is earmarked for fossil energy.

WATER RESOURCES COUNCIL

The committee also added amendments to section 13 of Public Law 93–577, the Nonnuclear Energy R. & D. Act, concerning the Water Resources Council. The first two related to the assessment of water requirements and availability and the third makes the ERDA Administrator a statutory member of the Council.

ACCELERATING FOSSIL ENERGY R. & D.

In fiscal year 1970, the Federal Government spent only $12 million in fossil energy research and development. In fiscal year 1974, the budget increased to more than $98 million, and was subsequently increased for fiscal year 1975 to more than $342 million. The estimated expenditures for fossil energy for 1976 are $397,529,000. The substantial increases that have come about in the last few years have been due to the recognition that we, as a nation, must move to be self-sufficient in energy. However, to successfully demonstrate these technologies and to make sure that they are environmentally acceptable and economically viable, there is still much work to be done. H.R. 13350 recognizes this fact and is a careful, thoughtful program authorization for fossile energy.

ENVIRONMENT AND SAFETY

The committee last year approved an environment and safety provision related to fossil energy, which is now permanent law. This ERDA program for environment and safety related to fossil fuels was requested at a funding level of $40 million. We have approved an increase of $15 million for a program of $55 million.

The environment and safety program related to fossil fuels will include coal extraction, preparation, conversion, and utilization; marine oil spills; and oil shale extraction and processing and other fossil fuel R. & D. efforts.

This increase will better enable the environmental control technology program to initiate indepth assessments across the broad range of fossil energy technologies which merit attention and provide independent and timely judgments of control technology capabilities. In particular, funds are to be directed toward assessment of environmental activities associated with: First, expanded energy extraction and preparation; second, advanced first and second generation coal conversion technologies; third, enhanced petroleum and recovery operations including offshore oil development; and fourth, spent shale management, disposal techniques, and control aspects of in situ retorting.

An overall objective of this assessment program is to develop a clear understanding of the advancements in environmental controls that must be made if such fossil energy systems developments are to proceed in an environmentally acceptable manner.

COAL MINING AND ENVIRONMENT

More specifically, the committee emphasizes the need to project environmental intrusions that can result from increased mining activities. The identification of environmental control technology capabilities and requirements associated with strip mining in the arid West should complement the research efforts underway on effluents in mining operations in the East. Concerns to be addressed include evaluation of impoundments, mine waste disposal, acid mine drainage, and contamination of water resources by trace element leaching.

The massive synthetic fuels development supported by ERDA demands that more emphasis be placed on identifying both the status of state-of-the-art environmental control technology and future needs. Therefore, a significant fraction of the increased funding is to be allotted to assessment of control options for advanced first- and second-generation coal conversion technologies, including in situ gasification. Representative technologies of high priority include Lurgi, synthane, bi gas, and solvent refined coal—SCR. In particular evaluation of control technology for waste water steams which may contain potential carcinogenic hydrocarbons and trace elements in detrimental concentrations is to be broadened and accelerated. New programs are to be initiated leading to an assessment of solid waste management techniques and control options for emissions of noxious airborne contaminants. Recent concerns associated with health effects of sulfate and fine particulate require that work be expended with respect to appropriate control technology. Studies of the alternatives for coal utilization are to be conducted with a view toward establishing the most environmentally acceptable mix of technologies. Options investigated are to include precombustion coal cleaning, stack gas cleaning, and coal conversion options of gasification and liquefaction.

The growth of interest in enhanced recovery operations for petroleum and offshore oil development activities requires detailed assessments of the environmental impacts associated with these technologies.

OIL SPILLS

The committee endorses the continuation of the cooperative program with the U.S. Coast Guard relating to the identification and development of control options for marine oil spill prevention, retention and cleanup being carried out pursuant to section 6(b)(3)(Q) of the Federal Nonnuclear Energy Research and Development Act of 1974. A project to assess the efficacy, practicability, and environmental consequences of using chemical dispersants and other agents in oil spill operations is planned for this fiscal year.

OIL SHALE TECHNOLOGY

The potential for oil shale technology development demands that the recognized potential for environmental intrusions be identified and environmental control options be evaluated. Emphasis is to be directed at assessing control options for the massive amounts of solid wastes generated as a byproduct of oil shale processing. Also programs on fine particulate control and process waste water treatment are to receive increased funding for both surface and in situ retorting.

SYSTEMS STUDIES

Again this year the committee has added funds for systems studies to make sure that the impact of these new energy industries will be understood and properly addressed by the agency which is advocating technology for synthetic fuels and fossil energy use in general. The committee has wrestled with the plans for a massive influx of people to run energy complexes in sparsely populated areas of the country where so many of our resources are located. Questions must be answered, and solutions addressed before major commitments for all-out development are made for coal synthetic plants. This is a challenge which faces this Congress and can be better understood by the funds that have been added in the authorization under fossil energy.

OVERSIGHT THROUGH LINE ITEMS

The committee is pleased that its oversight this year has been greatly enhanced by the language passed by the Congress last year in Public Law 94–187, which has been followed in this year's authorization. The line items in the fossil energy programs give the committee good oversight on exactly what each program area is doing, and has already provided instances where the committee has been able to work with the administration to assure that any changes in priorities are publicly noticed and brought to the attention of the committee.

DEMONSTRATION PLANTS

Within the last year, debate on energy research and development has often failed to carefully delineate the present efforts which are contained in the framework of the fossil energy programs and authorized by this Congress in fiscal year 1976 under Public Law 94–187. Contained within that authorization, funding was initiated for a high-Btu gasification plant, a low-Btu gasification plant, and a fluidized bed facility. These are large demonstrations. They are exciting proposals which will move our country forward in an orderly program to produce alternative sources for liquids and gases from coal more efficiently and environmentally acceptable than is possible at the present time. This program is not a small undertaking; each one of the high Btu demonstration plants costs approximately $500 million. Many Members in this Chamber are familiar with the Coalcon project, which was first approved in fiscal year 1975. ERDA has also requested proposals for the high-Btu gasification plant and is presently reviewing them. The authorization bill recommended by this committee contains an additional high-Btu gasification plant and an additional low-Btu gasification plant. In addition to the low-Btu gasification demonstration, the bill also contains an important combined-cycle concept for low-Btu gasification which will move us much further than we are at this time in developing efficient uses for low-Btu gas from coal. The private utilities have put together a proposal which has been accepted by ERDA, and this will constitute one effort which is already underway. The committee's actions will permit another pilot plant to be undertaken, so that the maximum advantage can be taken of slightly different technologies at a smaller scale than needed for a large demonstration, so that utilities and industrial users can become confident that coal is a thoroughly reliable and efficient energy source for their needs.

FOSSIL ENERGY IN WEST VIRGINIA

West Virginia, a leading coal State, has many fossil energy projects which are funded in this ERDA authorization.

For the Morgantown Energy Research Center, which is located within an extensive bituminous coal-producing area, the fiscal year 1977 request has been increased $5.3 million above the fiscal year 1976 budget of $12 million for a total amount of $17.3 million. Contained within this funding level for the Morgantown center are several critical subprograms: coal liquefaction, high-Btu gasification, low-Btu gas/advanced power systems, direct combustion, advance research and support studies, gas and oil extraction, and underground gasification of eastern coal. The direct combustion program has doubled from last year's figure to a 1977 authorization of $9 million. It is the largest program and includes plans for construction of a test facility beginning in fiscal year 1977.

COAL LIQUEFACTION AT CRESAP

Other areas in West Virginia also receive funding for the coal research programs contained in this authorization. The pilot plant at Cresap, W. Va., was originally constructed for the development of a process for making low-sulfur synthetic crude oil from coal. It was renovated and converted to a modern test center with funds approved last year. The committee is authorizing $5 million for fiscal year 1977 to begin operations there for its testing program.

Work on the advanced method for combusting coal in a fluidized bed boiler is underway at Rivesville, W. Va., at the Monongahela Power Co. In fiscal year 1975, $7 million was obligated for boiler installation and further work on the contract. The fiscal year 1976 budget authorization to complete the work necessary for startup was $8.6 million. The committee is authorizing $3 million for fiscal year 1977.

West Virginia University will receive $400,000 new funds under this authorization for its existing contracts to study coal-associated wastes caused by mining and coal utilization.

OIL AND GAS IN WEST VIRGINIA

The enhanced recovery of oil and gas is another area within fossil energy that has received a lot of attention recently because of the shortage of gas and the potential of 285 trillion feet of gas which is locked in tight formations in the Appalachians. The first phase of this project, contained in a contract with Guyan Oil Co. for demonstration of the use of carbon dioxide for secondary oil recovery has begun, including the drilling, coring, and logging of the initial injection well. A 30-foot core was taken from Griffithsville oilfield at depths between 2,220 and 2,250 feet. This was the first of 25 wells to be drilled in the project. This promising Devonian shale program was increased by $6.2 million by the committee to insure that the key program for gas recovery is funded at the total amount of $10 million, to maintain the accelerated program initiated last year.

Mr. GOLDWATER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MYERS).

Mr. MYERS of Pennsylvania. Mr. Chairman, I wish to rise in support of the bill H.R. 13350. As a member of the Committee on Science and Technology and of two of the three subcommittees which have responsibility for authorizing ERDA, I can assure my colleagues that this budget has been carefully considered and represents a balanced approach to future energy research, in these times of budgetary restraint.

Two very important new projects authorized by this bill are an additional demonstration plant to produce high-Btu gas from coal and an additional demonstration plant to produce low-Btu gas from coal. This will bring the number of demonstration plants for the conversion of coal to gas up to five. These plants are big and costly but the investment is worth it, because it will bring the promise of substitute natural gas closer to consumer availability. These second-generation technologies have been tested at the pilot plant size and with this authorization bill will proceed to the demonstration plant size—the last step before commercial development.

The committee also made very important increases in operating expenses for ERDA in the fossil energy programs. The committee added $6.2 million to the petroleum and natural gas program to continue the Devonian shale program which was started last year. The committee also increased the low-Btu gasification subprogram by $13.9 million to start an entrained-bed gasification pilot plant. The third area of increase is in the in situ coal gasification subprogram which was increased by $6.3 million to expand and accelerate that much-needed program. The final area of increase was in the advanced research and supporting technology, which was raised by $2.6 million in order to provide for more and better systems studies of fossil energy usage.

I would particularly like to call the attention of my colleagues to the increase of $6.2 million in natural gas stimulation work. OMB had cut the budget for this year's effort in half; this increase will restore it to its original level. ERDA has established an eastern Devonian shale natural gas program, which will cover 5 years and will cost $50 million. This money will be spent to find the geological formations with the best potential for recovery and the best techniques for tapping this resource. The gas industry is fully participating in the work and costs of this program. This program is vitally important because of the potential for tapping these vast reserves—approximately 285 trillion cubic feet—and because of the proximity of this gas to our eastern industrial markets.

I would also like to call the attention of my colleagues to two projects in ERDA's direct combustion subprogram, which could have a real impact on our energy shortages in the near-term time frame. The first of these is the industrial application of a new technology to burn coal in an environmentally acceptable manner—the fluidized bed technology. The fluidized bed development program is designed to offer large fuel users, who are now dependent on curtailable natural gas and petroleum, the option of using coal in an environmentally acceptable manner. The concept involves using a cushion of air in which particles of coal and dolomite or limestone are suspended, thereby permitting cleanup of the combustion gases prior to emission through a stack.

ERDA issued a program opportunity notice in September of last year for this project, and the response from industry was tremendous. In all four categories of the program, ERDA received 13 responses to participate. This is one of the heaviest responses that ERDA has received in fossil energy and shows industry's awareness of the potential of this technology.

I would also like to call the attention of my colleagues to the project ERDA has for burning mixtures of coal and oil. This has very important implications for the near-term because it will allow us to use an abundant fuel, coal, as an extender, to increase the heat content of a scarce resource, crude oil. The objective of the program is to modify/retrofit, operate, and test existing boilers, heaters, and furnaces to demonstrate coal-oil slurry combustion technology. It also will obtain sufficient data from such demonstration units to enable applicable industrial and utility operations to convert to coal-oil slurry firing with minimum modifications and capital expenditures.

These projects will proceed in a manner that will allow ERDA to not only learn how to modify boilers to use this mixture but also allow ERDA to collect operating data.

Finally, I would like to call my colleagues' attention to section 116 which is an amendment I sponsored in the full committee markup of this authorization bill.

Section 116 requires ERDA to report to Congress within 6 months on the environmental assessment and control efforts which have been authorized which exceed $25 million in estimated Federal cost. ERDA is required to report on three areas: the extent to which monitoring and control is needed, the costs of this monitoring, and who will have the responsibility for the monitoring, as among the private participant and the various Federal agencies. Thus, ERDA will be required to assemble all of the relevant cost data for each federally developed technology, whether or not the environmental study is directly associated with the project or not. Congress will thus be able to get a more complete picture of the total costs of the development of each of these new energy technologies. This information will be of great value to the Congress not only in learning what environmental study costs have resulted from the development of new energy technologies, but also in gaining insight into understanding what the complete cost of development of these technologies will be, as requests for authorization are presented to the Congress. If this study proves to be particularly enlightening, then future legislation to make this report an annual requirement will be considered.

In conclusion, Mr. Chairman, I wish to urge my colleagues to support this very important bill, which is helping to shape our future energy policy.

Mr. TEAGUE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. McCormack).

Mr. McCORMACK. Mr. Chairman, H.R. 13350 authorizes funds for the Energy Research and Development Administration for fiscal year 1977. The ERDA is the focal point for energy research, development, and demonstration activities within the Federal Government. This new agency is in its second year of existence having incorporated certain functions of the Atomic Energy Commission, the Department of Interior, the National Science Foundation, and the Environmental Protection Agency. In its first year the ERDA consolidated its multiplicity of new functions and personnel while moving forward in substantial ways in the broad spectrum of energy technologies which hold promise for augmenting our dwindling domestic supplies of oil and natural gas and for curtailing energy waste in our homes, our business, and our transportation.

I serve along with Mr. Brown, of California, as a member of both the Committee on Science and Technology and Joint Committee on Atomic Energy. The Subcommittee on Energy Research, Development and Demonstration of the Committee on Science and Technology, for which I serve as chairman has legislative responsibility for all nonfossil, nonnuclear energy research, development, and demonstration. The major programs over which this subcommittee has cognizance are solar energy, geothermal energy, conservation, and basic energy sciences.

In addition, Mr. Hechler's subcommittee and mine have joint responsibility for the ERDA environment and safety program, along with Mr. Brown's Subcommittee on Environment and the Atmosphere.

Title I of H.R. 13350 authorizes $1,047,182,000 for fiscal year 1977 for nonnuclear energy research, development and demonstration programs. This is almost 2.4 times as much as was spent in fiscal year 1975 and is a 70-percent increase over the spending levels for the current fiscal year. Moreover, title II of H.R. 13350 authorizes an additional $684,248,000 for environmental research and safety, basic energy sciences, program support, and related programs. These moneys to a substantial degree provide support for research programs germane to all energy programs without creating needless duplication with programs in other Federal agencies.

The bulk of the increases in H.R. 13350 were associated with programs for which my subcommittee has jurisdiction. My intention here this afternoon is twofold. I hope to show to the satisfaction of my colleagues that the funds authorized by the Committee on Science and Technology are necessary to move these programs vigorously forward and that the increases are fiscally responsible. I believe that the increases can be shown to be justified when they are measured against the potential return on the investment for our children's future and the potential future risks associated with doing less than we should.

At the same time, I firmly believe that the additional funds approved by the Committee on Science and Technology represent the maximum prudent effort for moving forward the programs in solar energy, geothermal energy, and energy conservation. I recognize there are among the Members of this body those that are impatient to develop new energy technologies quickly. However, there are serious limitations to the speed with which one can increase the size of Federal programs without causing costly mistakes which can negatively impact the very programs which we seek to help. Creating false expectations hurts us all—the specific technologies and the country as a whole. It also reflects on the credibility of the legislative process.

Mr. Chairman, the Committee on Science and Technology has attempted to balance numerous factors in its consideration of the ERDA authorization bill. The national need, the time-scale for return on the taxpayers investment, the ability of the programs to profitably commit the additional funds, fiscal responsibility, managerial capability, and many others. We walked a veritable tightrope between two diverse groups. On the one hand we face the guardians of the Federal Treasury who would criticize us for irresponsibly throwing moneys at a program without carefully scrutinizing the merits of each proposed new activity. On the other hand there are those Members who feel that rapid development of alternative energy technologies is so important that we risk making mistakes in program management to spur the activities on at a hectic pace—fully anticipating that there will be substantial waste and failures.

I wish to point out that the actions of the committee regarding specific amounts for increases in the ERDA authorization were firmly grounded in the hearing process. The Subcommittee on Energy Research, Development and Demonstration did its homework well; we held 9 days of hearings on the authorization bill. Testimony was received from witnesses from the ERDA and other Federal agencies as well as representatives from State government, private industry, universities, and other institutions. The subcommittee asked questions of the ERDA both at detailed briefing sessions and in writing. This record was augmented by an analysis of the ERDA budget request performed by the Office of Technology Assessment. A meet was held before markup with the OTA staff experts who collaborated with the committee staff to review and analyze the programs and policy for the committee members. This collective information was the basis for the committee's actions recomended to you today.

Mr. Chairman, I want to offer my congratulations to Chairman "Tiger" Teague for the truly outstanding job that he has done in providing the leadership for our committee during the consideration of the ERDA authorization bill. I also want to commend my colleagues on the Committee on Science and Technology for all of the work that has gone into putting together this excellent bill. In particular, I wish to congratulate the gentleman from Ohio (Mr. Mosher) the ranking minority member and the gentleman from California (Mr. Goldwater), the ranking minority member of my subcommittee; the gentleman from West Virginia (Mr. Hechler) and the gentleman from California (Mr. Brown). I also wish to congratulate all the rest of the team who have worked on this bill.

Members of Congress can be proud of congressional initiative to maintain our ongoing programs, and to develop alternative energy sources and new technologies for synthetic fuels. I want to tell the Members just what we have done in the Subcommittee on Energy Research, Development and Demonstration with respect to the building of an energy program. There has been a lot of talk about an unbalanced program. I want to tell the Members what we have done in this regard. I am inserting tables in the Record which provide a graphic description of how rapidly Congress has moved to develop energy programs in nonnuclear technologies:

SOLAR ENERGY

[In thousands of dollars]

	Actual, fiscal year 1975		Estimated for fiscal year 1976		Requested for fiscal year 1977		Committee change		Total fiscal year 1977 committee authorization	
Operating expenses	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays
Direct thermal application:										
Hearing and cooling of buildings:										
Residential demonstrations	600	260	5,900	4,000	8,100	6,300	+18,100	+13,600	26,200	19,900
Commercial demonstrations	6,043	2,430	18,200	12,600	16,700	12,200	13,500	10,100	30,200	22,300
Research and development	5,589	2,200	5,000	3,700	10,500	8,200	0	0	10,500	8,200
Development in support of demonstration	850	421	6,000	4,500	10,000	7,800	2,000	1,500	12,000	9,300
Subtotal heating and cooling of buildings	13,082	5,311	35,100	24,800	45,300	34,500	+33,600	+25,200	78,900	59,700
Agriculture and process heat	500	200	4,750	3,700	3,900	2,500	2,800	2,100	6,700	4,600
Subtotal direct thermal applications	13,582	5,511	39,850	28,500	49,200	37,000	+36,400	+27,300	85,600	64,300
Solar electric applications:										
Solar thermal	13,216	3,732	14,300	10,600	30,900	26,500	+7,100	+5,300	38,000	31,800
Photovoltaics	5,158	2,607	21,600	16,000	28,200	22,000	3,900	3,100	32,100	25,100
Wind	5,720	1,039	14,900	11,000	16,000	12,000	0	0	16,000	12,000
Ocean thermal	1,888	1,010	8,100	6,000	9,200	7,000	7,800	6,000	17,000	13,000
Subtotal solar electric applications	25,982	8,388	58,900	43,600	84,300	67,500	+18,800	+14,400	103,100	81,900
Fuels from biomass	885	96	4,500	3,830	4,300	3,000	+1,700	+1,200	6,000	4,200
Technology support and utilization:										
Solar energy resource assessment	700	500	1,000	900	1,500	1,300	+4,000	+3,400	5,500	4,700
Solar Energy Research Institute	0	0	2,200	1,600	1,500	1,000	1,000	700	2,500	1,700
Technology utilization and information dissemination	700	500	600	600	1,000	700	2,000	1,400	3,000	2,100
Solar storage	0	0	1,600	1,500	0	0	0	0	0	0
Subtotal technology support and utilization	1,400	1,000	5,400	4,600	4,000	3,000	+7,000	+5,500	11,000	8,500
Total operating	41,849	14,995	108,650	80,530	141,800	110,500	+63,900	+48,400	205,700	158,900
Total capital equipment	60	40	1,000	500	5,700	2,800	+2,800	+1,500	8,500	4,300
Total plant	0	0	5,000	5,000	15,000	2,650	0	+9,300	15,000	11,950
Total solar energy	41,909	15,035	114,650	86,030	162,500	115,950	+66,700	+59,200	229,200	175,150

SOLAR ENERGY

In fiscal year 1971, all this country was spending on solar energy research and development was about $1.2 million. In fiscal year 1975 we spent about $50 million. The administration requested $70 million for 1976 while Congress appropriated $115 million for 1976. This means that in 5 years we have increased the funding for solar energy research and development by a hundredfold. In recent years, industry, private institutions, and other governmental entities have been stimulated to make concomitant expenditures toward the commercialization of solar energy.

For fiscal year 1977 the committee recommends an increase of $66.7 million in budget authority for the ERDA Solar Energy Division. This recommended action represents a 41-percent increase over the Presidential budget requests for the ERDA solar program in fiscal year 1977, bringing the total to $229.2 million. This recommended authorization is more than double the appropriated amount for the current fiscal year; the increase will permit a significant expansion of the ERDA research, development, and demonstration activities in solar energy technologies.

In reviewing the budget figures for fiscal year 1977 the committee in its actions attempted to follow the guidelines laid out in Public Law 93–409 the Solar Heating and Cooling and Demonstration Act of 1974 and Public Law 93–423, the Solar Energy Research, Development, and Demonstration Act of 1974. These clear expressions of the will of the Congress signal a strong desire by the people of this country to develop the solar energy technologies and encourage their widespread utilization as soon as they are economically viable. The committee feels that the budget and programs it recommends this year are implementing these public laws, and will utilize the available talent and resources in an efficient and effective manner. In short, it is a maximum effective effort to develop the wide range of solar technologies.

The major components of the ERDA solar energy program are: direct thermal applications, solar electric applications, fuels from biomass and technology support and utilization. In addition to funding the operating expenses for these direct and indirect solar energy technologies, the committee recommends the provision of plant and capital equipment to be used in these research, development and demonstration activities.

It is well known that about 25 percent of all the energy consumed in this country is used for heating, cooling and supplying hot water for buildings. The original ERDA budget as submitted included a second cycle of 500 commercial and residential solar heating and cooling demonstrations. The addition of $35.3 million to the heating and cooling program by the committee will increase the number of demonstrations to nearly 2,000 by the end of the calendar year 1977, thus permitting ERDA and HUD to implement the congressional intent in enacting Public Law 93–409, the Solar Heating and Cooling Demonstration Act of 1974. The legislative history of this act shows a clear congressional intent of providing 2,000 heating demonstrations within 3 years of the date of enactment and 2,000 more heating and cooling demonstrations within a 5-year period after enactment. In the related area of agricultural and process heat, the committee recommends an increase of $2.8 million.

The committee increased the recommended authorization for the solar electric application by $19.9 million above the administration budget request. Benefiting from this increase will be primarily the solar thermal, the photovoltaics and the ocean thermal programs. The increases will help bring these programs on schedule and provide a budget level more consistent with the high priority that ERDA places on solar electric applications in its comprehensive energy plan for our Nation's future.

The solar-electric category is comprised of the subcategories of solar thermal conversion, photovoltaics or solar-cells, wind energy conversion, and ocean thermal energy conversion. The committee authorized increases in each of these categories except for wind energy for which funds for an aggressive program were already requested by ERDA. The committee increases were intended to accomplish specific objectives. In the solar thermal conversion program the increase of $7.1 million will push forward on the dual fronts of the central receiver and the total energy systems concepts. For the photovoltaics program the committee added $3.9 million primarily to expand the ERDA program in novel, non-silicon photovoltaic devices and materials as a compensation for the termination of a similar NSF program. The committee recommends greatly increased funding of $7.8 million for the ocean thermal concept to accelerate the efforts to obtain answers to a number of fundamental questions such as biofouling and heat exchanger performance. These answers will in turn determine whether the future parts of this program should be greatly increased to an early pilot plant, or shifted to more fundamental studies if problems of extreme difficulty should be identified.

The committee added $1.7 to the fuels from biomass program, raising the total to $6 million so that it can effectively develop and demonstrate the economic and technical feasibility of this alternative energy source utilizing vast renewable agricultural and forestry residues and also producing terrestrial and marine biomass specifically for conversion to clean fuels, petrochemical substitutes and food. The increased funding will help the program in the critical areas of improving biomass yields and conversion efficiencies.

Under the category of technology support and utilization are the solar resource assessment, the Solar Energy Research Institute—SERI—and the technology utilization and information dissemination activities.

The original fiscal year 1977 solar resource assessment budget totaled $1.5 million. The committee's recommended increase of $4 million to $5.5 million will allow ERDA to carry out its originally planned program of environmental and long-range technical and resource assessments. Expert witnesses state that there is a Federal responsibility to carry out such assessments because no private industrial group can be expected to carry out such assessments because no private industrial group can be expected to gather such data over the geographical range required.

For SERI an additional $1 million plus the already requested $1.5 million will fund ERDA efforts to select a site and management organization and begin operation in January, 1977. The committee believes the additional funding will help insure that further delays in the implementation of this important laboratory will not occur.

The original ERDA request of $6 million for technology utilization and information dissemination was reduced to $1 million in the final budget submission to Congress. This program is the key to the successful commercialization of solar energy and must be expanded rapidly to meet this objective. The committee added $2 million to assist in the program of establishing a data base from which solar energy information can be quickly and effectively disseminated to users, producers, and the financial community.

GEOTHERMAL ENERGY

[In thousands of dollars]

Operating expenses	Actual, fiscal year 1975		Estimated for fiscal year 1976		Requested for fiscal year 1977		Committee change		Total fiscal year 1977 committee authorization	
	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays
Engineering research and development	13,000	6,018	10,620	9,280	11,500	11,500	+3,600	3,600	15,100	15,100
Resource exploration and assessment	2,800	2,957	3,650	3,200	10,000	9,600	7,300	6,900	17,300	16,500
Hydrothermal technology applications	6,400	4,185	5,700	11,770	12,200	10,200	0	0	12,200	10,200
Advanced technology applications	4,000	5,559	6,900	4,420	10,000	8,200	7,600	6,000	17,700	14,200
Utilization experiments	0	0	0	0	0	0	4,000	3,200	4,000	3,200
Environmental control and institutional studies	500	1,230	3,900	2,500	4,800	4,800	800	800	5,600	5,600
Total operating	27,100	19,949	30,770	31,170	48,600	44,300	+23,300	20,500	71,900	64,800
Total capital equipment	975	686	620	485	1,500	1,200	+1,700	1,000	3,200	2,200
Total geothermal	28,075	20,635	31,390	31,655	50,100	45,500	+25,000	21,500	75,100	67,000

GEOTHERMAL ENERGY

While geothermal energy has been used in many countries of the world for a number of years, in practice, it has been mainly the rare dry steam deposits which have been used to generate electricity. The Geothermal Energy Research, Development and Demonstration Act of 1974, Public Law 93-410, laid out specific goals for developing presently unused geothermal resources such as hot dry rock, geopressured zones, and hydrothermal systems. It specifically set the goal of producing electricity from 1 to 10 megawatts per plant, in a 6 to 10 pilot or demonstration plants by the end of fiscal year 1980.

The committee recommendation increases the fiscal year 1977 geothermal budget. The committee believes this increase reflects the minimum expansion of the level of effort established by ERDA in fiscal year 1976 and the transition period which will permit ERDA to successfully pursue the programs and goals established in Public Law 93-410.

The geothermal energy program consists of six subprograms: engineering research and development, resource exploration and assessment, hydrothermal technology applications, advanced technology applications, utilization experiments, and environmental control and institutional studies.

The committee recommends an increase of $3.6 million for a total of $15.1 million for acceleration both of ERDA's drilling technology activities and its technology development related to utilization of various types of geothermal resources. It is important that improved geothermal drilling technologies are developed in a timely manner since drilling costs represent such a large fraction of the total cost of developing a geothermal resource.

The committee's increase of $7.3 million above the ERDA request would provide for up to $6 million in pass-through funds to maintain the U.S.G.S. efforts finally agreed upon by the ERDA and U.S.G.S. pursuant to an ERDA agreement on a joint resource assessment program, and $1.3 million for ERDA's resource assessment activities. Further identification of geothermal resources will increase the number of sites available for research development and demonstration activities as well as commercial development.

The committee did not increase the ERDA request for hydrothermal technology applications, since major programs are proceeding aggressively. The increase of $7.6 million provided by the committee for advanced technology applications will initiate work at a number of geopressured wells in widely separated locations. With these funds an additional three wells can be tested and analyzed, providing parallel efforts to the one well proposed in the ERDA budget request.

The ERDA budget request for fiscal year 1977 provided no funds for the initiation of utilization projects. Demonstration of the commercial feasibility of geothermal projects will normally be prerequisite for industry to invest heavily on geothermal energy development. Therefore, the Congress has provided budget authority of $4 million for the initiation of one or more demonstration projects in fiscal year 1977.

The committee has provided a total of $6.8 million in budget authority for environmental control and institutional studies which rank among the most serious barriers to geothermal development today. Additional funds are provided for expanded environmental studies and regional economic, legal, policy and planning studies.

CONSERVATION RESEARCH AND DEVELOPMENT

[In thousands of dollars]

	Actual, fiscal year 1975		Estimated for fiscal year 1976		Requested for fiscal year 1977		Committee change		Total fiscal year 1977 committee authorization	
Operating expenses	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays
Electric energy systems and energy storage:										
Electric energy system	15,920	5,984	17,930	12,630	20,960	17,920	0	0	20,950	17,920
Energy storage	7,177	5,669	15,568	13,200	20,840	17,920	+13,800	+11,700	34,640	29,620
Subtotal electric energy systems and energy storage	23,097	11,653	33,498	25,830	41,800	35,840	+13,800	+11,700	55,600	47,540
End-use and technologies to improve efficiency:										
Buildings	2,400	0	12,550	8,170	21,600	18,410	+14,000	+11,900	35,600	30,310
Industry	0	0	4,200	2,000	11,430	9,260	9,500	7,100	20,930	16,360
Transportation	8,142	8,443	12,540	10,000	23,170	20,190	9,500	9,500	32,670	29,690
Improved conversion efficiency	2,252	529	8,900	6,870	15,000	4,300	8,150	8,000	23,150	12,300
Subtotal end-use and technologies to improve efficiency	12,794	8,972	38,190	27,040	71,200	52,160	41,150	36,500	112,350	88,660
Energy Extension Service	0	0	0	0	0	0	10,000	8,000	10,000	8,000
Price supports for MSW reprocessing	0	0	0	0	0	0	5,000	200	5,000	200
Total operating	35,891	20,625	71,688	52,870	113,000	88,000	+69,950	+56,400	182,950	144,400
Total capital equipment	550	374	3,050	2,636	7,000	3,000	+4,050	+2,000	11,050	5,000
Total plant	0	0	0	0	0	0	+8,500	+1,700	8,500	1,700
Total conservation	36,441	20,999	74,738	55,506	120,000	1,000	+82,500	+60,100	202,500	151,100

ENERGY CONSERVATION

Again this year the part of the ERDA budget which received the most dramatic increase by the Committee on Science and Technology was energy conservation research, development, and demonstration. The ERDA request of $120 million for fiscal year 1976 was increased to $202.5 million. This represents an increase of $82.5 million. This increased funding will permit ERDA to expand its energy conservation program in order to develop the new energy conservation technologies which we need today and in the future.

The major components of the ERDA energy conservation program are electric energy systems, energy storage, conservation, buildings conservation, industry conservation, and improved conversion efficiency. Two new programs added to the ERDA conservation program by the committee are the energy extension service and moneys authorized for a price support program in municipal solid waste reprocessing.

The committee did not increase the ERDA request for its electric power transmission program, since major programs are already underway within ERDA and private industry.

Energy storage was increased by $13.8 million for fiscal year 1976 bringing the total budget to $34.6 million for fiscal year 1976. Energy storage underlies the economical implementation of many new energy technologies. We need better storage systems for solar energy and electric vehicles. The increased ERDA energy storage budget will permit advances in chemical storage, underground pumped hydro, compressed air storage, flywheel storage, thermal storage, superconducting magnetic energy storage, and other storage schemes.

The committee added operating funds for buildings conservation subprograms amounting to $19 million including $5 million for price supports for municipal solid waste reprocessing. The total authorization is $40.6 million in operating expenses. The increased funds will permit development and promulgation of standards on a voluntary basis by the States—that is, to meet the requirements of Public Law 94-163—or by Federal mandate as requested in title X of the Energy Independence Act of 1975 currently being considered by both Houses of the Congress.

The incremental budget proposed by the committee is essential if the municipal solid waste program is to be a credible R. & D. program. The increment will allow the program started in fiscal year 1976 to broaden a small degree and to initiate one or more demonstrations in order to stimulate technology implementation.

The committee received testimony that the ERDA conservation management is examining various options to promote municipal solid waste reprocessing including loan guarantees as well as price supports. The committee seeks to prod the private sector and the ERDA into early examination of and submissions to the Congress of proposals for price supports related to municipal solid waste reprocessing. The authority for price supports is already provided to the ERDA in Public Law 93-577. Therefore, the committee authorized in fiscal year 1977 appropriation of $5 million to initiate a price support program to demonstrate municipal waste reprocessing for the production of fuels and other energy intensive products, including methanol and anhydrous ammonia. The committee feels that the contract between any price support beneficiary and ERDA for price supports should provide for resort to the price supports only after the price of the supported product falls below a certain point for a specified period of time. The committee further feels strongly that price supports should be available for the life of the project, and the contract for a price support program should contain restrictive provisions in the event of basic and substantial failures in process technology. It should be emphasized that the committee intends that the prescribed procedure in section (c) of Public Law 93-577 be utilized by ERDA in implementing the authorized program even though the congressional authorization required by section 7(c) is included in this bill.

The community systems program is directed toward opportunities for providing electricity and using waste heat for other utility services such as space heating, domestic hot water and air conditioning. The additional funds authorized by the committee are needed to move this project into the demonstration stage.

The committee authorized $20.9 million for the industry conservation subprogram which is an increase of $9.5 million. The increase will initiate projects aimed at waste heat recovery in small businesses, industrial park concepts for cascading industrial processes using waste heat from one industry as an energy input to another, and new processes related to the most energy-intensive industries.

The committee authorized $32.7 million for transportation conservation. The addition of $10 million will fund R. & D. efforts in a wide range of highway and nonhighway transportation program efforts. Primarily the funds will provide for expansion of the gas turbine auto engine technology and hardware development; initiation of additional tasks in the Stirling cycle auto engine development effort, maintaining parallel electric vehicle systems efforts and expansion of alternative fuels utilization work including hydrogen use research.

The committee increased funds for the Improved Conversion Efficiency program from $15.0 million to $23.2 million for fiscal year 1977. Efforts on Stirling engines for total energy systems also have high potential payoff. The committee's proposed increase will allow an increase in this project area.

The committee increase also included a construction line item for an $8.5 million Combustion Research Center which will serve as a national focal point for research and development activities.

In addition, the committee has added funding so that ERDA can continue and expand the more fundamental fuel cell technology programs that have been initiated during fiscal year 1976. These programs are directed to increasing efficiency, reducing material costs and widening the range of fuel options emphasizing coal derived fuels.

A national energy program must deal with day-to-day individual energy problems. This is true for implementing energy conservation and new technology programs as well as for making decisions. Inasmuch as the ERDA will represent the major Federal energy research and development effort in the years to come, it is essential that the means be established now to enable the ERDA to create a public awareness of these efforts and to provide advisory services as a way of assuring the dissemination of information and knowledge to industry, Government and the public on energy technologies.

An Energy Extension Service could fulfill this need in much the same way that the present Agricultural Extension Service has fulfilled the need in agriculture or the sea-grant college program has fulfilled the need in Marine Advisory Services.

The committe recommends funding of $10 million for an Energy Extension Service in fiscal year 1977 which will provide support for completion of the ERDA demonstration program begun in fiscal year 1976, and for formulation and possible initial implementation of the final concept in the latter part of fiscal year 1977.

The committee added $4.1 million for fiscal year 1977 for capital equipment urgently needed in conjunction with energy conservation programs.

ENVIRONMENT AND SAFETY

[In thousands of dollars]

Operating expenses	Actual fiscal year 1975		Estimated for fiscal year 1976		Requested for fiscal year 1977		Committee change		Total fiscal year 1977 committee authorization	
	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays
Biomedical research	142, 472	134, 618	174, 547	164, 365	182, 916	174, 734	+14, 490	+14, 490	197, 406	189, 224
Environmental control technology	8, 203	7, 143	12, 567	11, 455	15, 577	14, 155	7, 300	7, 300	22, 877	21, 455
Operational safety	3, 328	3, 027	6, 886	6, 310	7, 707	5, 058	1, 210	1, 210	8, 917	6, 268
Total operating	154, 003	144, 788	194, 000	182, 130	206, 200	193, 947	+23, 000	+23, 000	229, 200	216, 947
Total capital equipment	9, 935	9, 114	11, 480	11, 065	11, 978	11, 629	+2, 000	+2, 000	13, 978	13, 629
Total plant	13, 650	2, 606	3, 200	5, 329	4, 200	8, 325	0	0	4, 200	8, 325
Total environmental research and safety	177, 588	156, 508	208, 680	198, 524	222, 378	213, 901	+25, 000	+25, 000	247, 378	238, 901

ENVIRONMENT AND SAFETY

The committee increased the administration request for environment and safety research by $25 million for fiscal year 1976. This brings the environment and safety budget up to $247.4 million for fiscal year 1977. This will permit expansion of the biomedical research, environmental control technology, and operational safety programs.

The committee recommendation is for a general increase of $14.5 million for fiscal year 1977 for new initiatives in environmental and safety research in support of nonnuclear activities in biomedical and environmental research. This increase in the biomedical and environmental research budget will permit expansion of health, environmental, biological, physical, and analytical studies for nonnuclear energy technologies.

Within the general increase for biomedical and environmental research, $9.3 million is intended for fossil fuels programs to establish a data base from which to address the acute and chronic health and environmental effects associated with coal, oil and gas, and oil shale development.

Within the biomedical and environmental research program are included human health studies, biological systems studies, environmental studies, physical and technological studies, and analysis and assessment. The committee increased the funding for health studies by a total of $2 million in budget authority and outlays with $1.8 million related to monitoring the medical surveillance of occupational forces on coal conversion facilities.

In reviewing the proposed ERDA activities in biological studies, the committee added $2.1 million in budget authority to address the potential effects of increased utilization of coal and oil shale on the incidence of cancer and to support work relevant to advance studies of processes in photosynthesis.

Considering the ERDA budget request for the environmental studies category to be inadequate, the committee reinstated in budget authority $6.6 million.

Part of the increase will be used in the Multistate Atmospheric Power Production Pollution Study—MAP3S—while programs related to environmental effects of energy use on the coastal zone will also be increased. Studies will be expanded in the New York Bight, Carolina coast, Gulf coasts, Florida and Pacific coasts, and the Great Lakes.

A total of $1.7 million was added to the ERDA request for physical and technological studies and analysis and assessment studies primarily related to monitoring fossil energy resource development.

In order to insure that facilities built as an out-growth of research and development programs are environmentally acceptable, technologies related to environmental control must be developed on a parallel track so that delays and cost overruns are not encountered in demonstrating new technologies for any energy source. For these reasons the committee authorized an additional $7.3 million for the development of equipment to control environmentally hazardous effluents associated with energy resource exploitation.

The committee's increase for operational safety is aimed at safety studies and the development of operational guidelines primarily in the fossil fuels facilities. Efforts will commence in areas that should be studied in the geothermal, solar, and conservation programs.

BASIC ENERGY SCIENCES

[In thousands of dollars]

Operating expense	Actual, fiscal year 1975		Estimated for fiscal year 1976		Requested for fiscal year 1977		Committee change		Total fiscal year 1977 committee authorization	
	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays
Material sciences	40, 926	39, 751	46, 275	43, 970	51, 100	48, 700	+11, 100	+8, 300	62, 200	57, 000
Molecular, mathematical and geoscience	40, 640	39, 468	45, 315	44, 110	50, 500	48, 000	+7, 200	+5, 400	57, 700	53, 400
Total operating	81, 566	79, 219	91, 590	88, 080	101, 600	96, 700	+18, 300	+13, 700	119, 900	110, 400
Total capital equipment	5, 000	3, 446	5, 725	4, 280	7, 400	6, 600	+1, 700	+850	9, 100	7, 450
Total basic energy sciences	86, 566	82, 665	97, 315	92, 360	109, 000	103, 300	+20, 000	+14, 550	129, 000	117, 850

BASIC ENERGY SCIENCES

The committee acted to increase the budget authority for basic energy sciences by $20 million—$12 million for materials sciences and $8 million for molecular, mathematical and geosciences including capital equipment allotments. This increase brings the total budget authority for these two subprograms to $129,000 in the fiscal year 1977.

The basic energy sciences program of ERDA has the responsibility of carrying out fundamental research relevant to all energy technologies. This activity is clearly established by the legislation creating ERDA, and the Division of Physical Research has a reasonably balanced basic research effort in support of the ERDA nuclear programs. The program for basic research related to nonnuclear energy technologies was insufficient as proposed in the fiscal year 1977 request.

The committee commissioned a study by the Congressional Research Service of the Library of Congress on "Basic Research Needs of Energy Technologies." A draft of this report made available to the committee during markup amply demonstrated the need for and value of an increased effort in the basic energy sciences.

In the opinion of the committee the ERDA budget request was inadequate for support of nonnuclear programs. The requested percentage increase was less than inflation in the preceding year. Without funds in excess of the ERDA request the materials sciences and the molecular, mathematical, and geosciences subprograms would actually be retarded at the very time when the ERDA mandate has been broadened to include research, development, and demonstration in nonnuclear energy technologies.

Without adequate support for the basic energy sciences subprograms of materials and molecular sciences, a sufficient reservoir of scientific expertise will not be available to be brought to bear on major technical problems which are bound to occur when major demonstration plants are built on an accelerated time scale. The costs for retrofitting and lengthy delays in the construction of nonnuclear demonstration plants built with borrowed moneys can quickly exceed the cost of several years of research in real terms and can in indirect terms cause public discontent with the programs due to costly overruns and delays.

Scientific and Technical Education

[In thousands of dollars]

Fiscal year 1977:	*Budget authority*	*Budget outlays*
Operating expenses	5,000	3,750
Capital equipment	0	0

This new line item recommended by the committee will permit the establishment of a broader program of scientific and technical education designed to help meet the manpower needs associated with nonnuclear energy technologies. The technologies specifically include those associated with the production and utilization of fossil fuels, solar energy, geothermal energy and energy conservation technologies.

A similar provision was included in the ERDA authorization, Public Law 94–187, last year. However, no funds were allocated for this purpose in the ERDA Appropriation Acts for fiscal year 1976 and the transition period.

An increasing demand for trained scientific and technical manpower is apparent in the fossil fuel technologies. Such trained manpower is vital if these technologies are to advance at the pace needed to assume adequate energy supplies. The rapid increase in funding for energy conservation, solar, and geothermal underlies the need for developing trained scientists and engineers in these fields. Public Law 93–410, the Geothermal Energy Research, Development and Demonstration Act of 1974, and Public Law 93–473, the Solar Energy Research, Development and Demonstration Act of 1974 both specifically require ERDA to establish and support scientific and technical education programs in these areas.

Emphasis will be placed on technical and vocational training at the pre-college and junior college levels, since a relatively large proportion of the present and future manpower needs are associated with installation, operation, maintenance and repair of new, but relatively low-level technology. It is expected that the Nation's community colleges will play a major role in implementing this program, and that a significant portion of the funds will be used to institute programs in technical and vocational training programs.

The committee is aware that there is $2.2 million for primarily nuclear education programs in the environmental and safety program for fiscal year 1977 as proposed in the ERDA request.

Mr. GOLDWATER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our Nation faces a continuing crisis in energy for the foreseeable future. Production of domestic oil and gas continues to decline. Imports of foreign oil, mostly from OPEC nations, continues to rise. Two month ago, for the first time in the Nation's modern history, the country imported more oil than it produced, some 7 million barrels per day. That is a sad and ironic note in this Bicentennial Year.

Such import levels are costing the American economy between $25 and $30 billion annually in payments to the oil-producing nations. Those levels also continue to expose the Nation to the economic and national security threat of another Arab embargo for political reasons and yet another price increase. In fact, the OPEC cartel will be meeting again later this month to consider another price increase for a price that already is 6 to 7-fold increased over the pre-embargo levels.

And perhaps most importantly, the future only appears to be worse. Almost every major study has concluded that our dependency on foreign oil will only increase, perhaps to twice current levels, over the next 10 to 15 years. Despite the earlier optimistic claims of both Government and private assessments that the Nation could shortly attain energy independence or self-sufficiency, it is now apparent that continued dependence on foreign oil will be a fact of life for the foreseeable future.

Sadly, despite the significant increases in world oil prices in the past 2 years, real energy conservation efforts, as distinct from the results of the recent economic recession, have only resulted in a reduction in energy consumption of about 1 percent since the embargo. Of course, the deplorable actions of this Congress in continuing to artificially hold down the price of oil and gas under continued regulation only exacerbates the situation. Public sacrifice for the national good is difficult to sell during gas wars at local service stations. And, for business, two Wall Street Journal articles last week entitled, "Energy Scare's Impact on the Stock Market Fades into History (Idea of Self Sufficient U.S. is Dead)" and "Gasoline Usage Rises as Price and Supply Bring End to Frugality (Memory of Embargo Fades as Economy Improves)" give the best indication as to the popular impact of energy today. Hopefully, the next Congress will be more enlightened, and more willing to bite the bullet, and fashion effective and equitable deregulation legislation.

Unfortunately, however, such strong domestic action cannot solve the longer range problem.

All of the respected analyses conclude that the United States is running out of domestic oil and gas, although the analyses do differ on specific details. This is true even when the Alaskan and Outer Continental Shelf oil and gas are taken into account. Consequently, we as a Nation must act resolutely to develop new energy technologies for the future. We have to have the technologies to use our abundant supplies of coal and oil shale, to capture the regionally significant solar and geothermal energy potentials, and to use energy more efficiently and effectively.

And, it is most important that these programs go forward in an accelerated, yet well-managed and fiscally responsible manner. To get a new technology on line and contributing to the national supply and demand equation is going to take anywhere from one to two decades. Our efforts in moving most of these programs today, realistically, is a step down a very long road toward our energy future in 1990, 1995, and the year 2000. Some of these new technologies, in fact, will probably not make any significant contributions to our energy balance until the years 2010 or 2020. In many ways, then, we must move now to provide for the energy, economic, and national security future of the next generation of Americans. The bill before the House today, H.R. 13350, the authorization for fiscal year 1977 for the Energy Research and Development Administration, directly addresses these new energy technology requirements.

H.R. 13350 is the authorization for the Energy Research and Development Administration for fiscal year 1977 for, among other things, energy research and development in both nuclear and nonnuclear energy technologies. H.R. 13350 was jointly referred to the Committee on

Science and Technology and the Joint Committee on Atomic Energy for consideration of the provisions which were within the respective jurisdictions of each committee. The Committee on Science and Technology has reported the nonnuclear energy R. & D. portions of the bills in titles I, III, and IV. The committee gave no consideration to the nuclear portions of this bill which are within the jurisdiction of the Joint Committee on Atomic Energy. The nonnuclear energy R. & D. portions of the bill contain the entire R. & D. programs for solar energy, energy conservation, geothermal energy, and fossil energy development. Additionally, the bill includes programs in basic energy sciences, environmental R. & D., and scientific and technical education, which are common to both the nuclear and nonnuclear programs. These latter programs were considered by both committees.

The Science and Technology Committee recommended a total nonnuclear energy R. & D. authorization of $1.4 billion for fiscal year 1977 for the Energy Research and Development Administration. This figure is an increase of 24 percent over the President's request and 39 percent over last year's authorization. The figures for the various subprograms differ considerably. Some, such as MHD in the fossil program, were authorized at the requested level, which was essentially increased by an inflation escalator. Others, such as conservation research, were significantly increased. Conservation R. & D. was increased by 69 percent over the President's request and 171 percent over last year to a recommended total of $202.5 million.

I generally support the increases recommended by the Science and Technology Committee. In my own subcommittee, which has jurisdiction over the solar, Conservation, and geothermal programs, under the able leadership of Chairman Mike McCormack. I supported significant increases of 41 percent, 69 percent, and 50 percent, respectively, in a single, unanimously adopted, compromise amendment. While I personally would have set these figures much lower in many subprograms, there was equal pressure to go much higher. I believe our compromise strikes a reasonable balance, and one which I hope the House will support.

I could not in good conscience go any higher in these programs. While I realize that the solar and conservation programs offer a great appeal to many members, I am convinced that our increases have already reached, if not in many subprograms significantly exceeded, the limit of effective and productive research. Any additional funding for these programs would be a total waste of money and would be wholely irresponsible. They would also prevent cost-effective administration of the already recommended funds. Accordingly, I will urge the House to reject any amendments to further increase these programs.

Before returning to the discussion of the individual programs, let me provide some background on the way the program levels were set by the committee and subcommittees.

The Subcommittee on Energy Research, Development, and Demonstration, because of the concern of several Members about the President's request for the ERDA solar and Conservation programs, reviewed in great detail the background of that request. Through formal testimony and many informal contacts and meetings with administration officials, the subcommittee reconstructed the process for the ERDA fiscal year 1977 budget as follows.

Each ERDA division, such as the Solar Division and the Conservation Division, prepared a proposed program last summer that was a completely unconstrained budget based on estimates of what Congress would authorize and appropriate for fiscal year 1976 and on review of all the possible R. & D. projects in that program area. The divisions were not working against any predetermined total. In most cases, the proposed division program constituted a virtual "wish list" of potential R. & D. projects, and totals reflected that fact.

ERDA management, through its Budget Review Committee, then examined the division requests and recommended the ERDA request to OMB for that R. & D. area. Again, this was an unconstrained recommendation, but, according to the candid comments of senior managers, it was the first realistic scrubbing of the proposed efforts. The ERDA requests to OMB, therefore, represent the first effort to provide realistic totals within an unconstrained budget.

The first external constraint to these figures came in the form of the interaction with OMB in formulating the President's budget request to Congress. After much debate back and forth over these programs, including Dr. Seaman's personal plea to the President for reclamation of some of the OMB cuts in these programs, the budget request was finalized. That request is reflected in the budget tables included in the committee report.

This series of events and associated budget figures for fiscal year 1977 and for prior fiscal years are summarized on the so-called Holifield tables. These tables are provided to the committee as a matter of procedure in the budget process. The relative levels of the budgets in going from last year's level to the division request, to the ERDA request, to the President's request are indicative of the process of going from the unconstrained "wish list" level of the division to the fiscally constrained President's budget.

Several members of the subcommittee informally proposed extremely large increase in the solar and conservation programs to levels approximating the division requests included in the Holifield tables. As a result, the subcommittee requested and received the program descriptions for the activities which were deleted or reduced in scope in going from the division requests to the President's request. The subcommittee also received detailed briefings by the divisions, by ERDA management and by OMB on the relative merits of the various proposed activities and the justifications supporting each. We also met with outside experts, including the Office of Technology Assessment, and Dr. John Teem, the recently resigned ERDA Assistant Administrator for Solar, Geothermal, and Advanced Energy Systems. We also reviewed the recent studies and comments on these programs. Additionally, several of us spent long hours with ERDA management reassessing the subprogram priorities, schedules, strategies, and individual projects as of the time of our consideration.

The subcommittee recommendations, which were adopted by the full committee with little change, reflect all of this review and consideration. In effect, we reviewed not only the justification for the President's request, but also the full spectrum of potential R. & D. in the solar and conservation programs. The committee recommendation, therefore, is in reality a fully congressionally formulated budget for these programs, taking into account all identified factors. It is a result of a proposed project by project review and consideration of the ERDA budget. Additionally, it represents in most subprograms the maximum effort which can be responsibly funded in fiscal year 1977, in light of personnel, procurement, contracting, materials, technical feasibility issues, et cetera. In most subprograms, the committee recommendation equals or exceeds the ERDA request for operating funds in its unconstrained request to OMB. In short, additional funds can produce little or no additional R. & D. progress. If anything, additional funds would be counterproductive because of pressure on managers to expend them wastefully. It is important to note that the subcommittee recommendation was the result of a single, unanimously adopted amendment, which included the collectively developed consensus budget.

I supported the subcommittee amendment that forms the basis for the committee recommendation in the solar and conservation programs, after arguing throughout the process for the need to balance fiscal responsibility in our actions to accelerate those programs. While individually I would not have made such substantial increases, if any, in many program areas, I also am sympathetic to the need to make progress as swiftly as we can in these and other energy R. & D. programs, consistent with other national priorities. To that extent, I believe that the committee recommendation is a reasonable compromise in continuing to accelerate our vital energy R. & D. efforts, while hastening to add that I would have rather had the total increase at a much lower level.

In that regard, the committee view of our committee in last year's ERDA authorization report, which I proposed, bears repeating this year. It certainly applies to the proposed increases in the solar and conservation programs. The view follows:

(I) BALANCING AN ACCELERATED R&D PROGRAM WITH FISCAL RESPONSIBILITY

Our Nation's energy shortcomings will not be solved by a single, spectacular breakthrough. Rather the solution lies in marshaling many smaller, individual achievements into a comprehensive energy package. Some elements of this package are already well underway; e.g. fossil energy and nuclear power. The Science and Technology Committee has undertaken to foster the development of other promising energy sources, such as solar and geothermal, which have long been known but also long neglected. To so foster these other resources and significantly accelerate their development and commercial availability, the Committee has substantially increased authorizations in associated program areas, to totals in some nonnuclear R&D areas as much as two to three times ERDA requests. Such authorizations specifically were made in the solar, geothermal and conservation programs. In each of these program areas, the Committee strongly believes that these substantially increased authorizations can be effectively and productively utilized within administrative managerial and technical constraints for R&D of the technologies in FY 76 and the Transition Period.

Additionally, the Committee views the funds devoted to energy R&D as a National investment. Our original energy R&D investment will return generous dividends. For example, each R&D dollar spent returns more than seven dollars in the economy over an 18-year period. This statistic is based on the runout effect of aerospace technology. The runout effect of energy R&D should be even more dramatic. Thus, the money that leaves the Treasury in the coming few years for these programs should stimulate continued prosperity and constructive growth. And eventually the initial cost will be recouped through the taxes on the increased productivity which it generates.

The Committee, however, is aware of the perennial problems faced in any accelerated R&D program; e.g., additional money alone does not guarantee success. While money can spur progress, there is a limiting point beyond which additional funds cannot be spent effectively. After that limiting point, money is wasted rather than invested. Overfunding, in fact, can be counterproductive to the extent that a finite R&D management pool in ERDA is taxed to manage marginally effective or potentially non-productive R&D and senior management attention and focus on truly promising programs is reduced. The Committee, of course, is also aware that energy R&D funding must reflect overall national priorities and budget constraints. The Committee, therefore, recognizes that the funding for the significantly increased nonnuclear energy R&D programs must reflect a careful balancing of an accelerated R&D program and fiscal responsibility.

While the additional funds authorized by the Committee in the significantly increased program areas were based on the belief that they could be used effectively, supporting information and testimony for such substantial R&D acceleration is necessarily limited and, to a degree, speculative. The Committee therefore relies on the judgment of ERDA in expending this money in the significantly increased program areas. If further scrutiny reveals that a particular topic in those program areas does not warrant continued pursuit, then the Members expect ERDA to exercise restraint and not feel bound to expend the full amount authorized and appropriated. Various provisions of the authorization bill and existing procedures provide for reprogramming within program areas and for retention of appropriated funds without fiscal year limitation until expended. The Committee expects ERDA to utilize these provisions fully in the exercise of such fiscal responsibility in those program areas. ERDA, of course, must satisfy all requirements for notification to the Committee in any exercise of restraint and utilization of reprogramming procedures.

The Committee believes the nonnuclear portions of the ERDA authorization enables us to begin an accelerated but sensible energy R&D program. The cumulative effect of many small and diverse achievements will be an American economy free from foreign manipulation and capricious perturbation. In the end we will be a stronger and more independent Nation because of it.

Let me turn now to the specific program actions which the Science and Technology Committee is recommending in H.R. 13350. The committee increased the authorization for Solar Energy Development by $66.7 million—plus 41 percent—over the administration request. The total $229 million authorized by the bill is also $14.6 million—99.9 percent—above the 1976 authorization. The committee has acted across the board in the solar program to put this research and development onto the track required for solar energy to make a meaningful contribution to our future energy requirements. Specifically, the increases will allow ERDA to proceed expeditiously with the programs in the Solar Heating and Cooling Demonstration Act of 1974 and the Solar Energy Research, Development and Demonstration Act of 1974 programs. As I noted earlier, the committee reviewed each of the programs and their requests from the ERDA Solar Division to ERDA management, and from ERDA management to OMB. The committee's action will materially restore most of the reductions made by OMB. The increases in the overall solar program also reflect the committee's general agreement with criticism that has been levied at the solar program by several knowledgeable reviewers, including the Office of Technology Assessment in its analysis of the ERDA plan and program and its review of the updated program associated with the fiscal year 1977 budget.

A major subprogram within the solar energy program is direct thermal applications which includes solar heating and cooling of buildings and direct solar energy for agriculture and process heating. For these programs, the committee recommended a total of $85.6 million, $36.4 million—74 percent—over the administration request; $79 million is for the heating and cooling of buildings, and $7 million is for the agriculture and industrial process heat. A majority of funds in the heating and cooling program will be used to accelerate the solar heating and cooling demonstration program, pursuant to the 1974 act. The increase will place the demonstration program on a schedule providing approximately 2,000 residential demonstration units by the end of calendar year 1977 and 4,000 units by the end of 1979. Additionally, 60 more commercial building demonstrations will be funded. In the agriculture and process heat program the committee increased total funding by $2.8 million over the administration request of $3.9 million. The administration request reflected a reduction in this program and the committee increase restored and expanded the full scope of the program. The additional funding will provide for the full spectrum of ERDA-proposed projects under these potentially highly leveraged energy-saving technologies.

In the solar electric application areas, the committee approved total funding of $103 million, $19 million—22 percent—above the administration request. The solar electric programs have been identified in the ERDA plans as one of the basic electric generation technologies for the long-range future of the Nation. Consequently, it is the belief of the committee that these programs should be funded at the maximum effective rate to insure that the technologies will be available in the time frame required to meet domestic electrical needs. The committee increase also is consistent with the comments of the Office of Technology Assessment and its review of the ERDA plans and programs.

The solar thermal conversion program is one of the very promising solar technologies for direct electrical generation, using the energy of the sun for the heat requirement in a conventionally or advanced electrical generating facility. The recommended increase in funding will provide for an expanded scope and level of R. & D. for this program. Several innovative projects will now be funded in the area of direct thermal and total energy systems using this technology.

The solar photovoltaics program was increased by the committee by $3.9 million over the requested $28.2 million. Photovoltaic technology provides for the direct conversion of solar energy into electricity and the increased funding will provide for R. & D. associated with several novel materials and devices for this conversion. The committee was concerned that the existing program was too narrowly focused on a single option, that is, silicon devices.

Wind energy conversion was authorized by the committee at the requested level of $16 million. The committee considered the request to be adequate to keep the ambitious ERDA program on schedule.

The ocean thermal energy conversion program was increased by $7.8 million over the $9.2 million administration request. The increase was made to provide the necessary funds for a rapid resolution of several key technical issues and, upon their resolution, proceeding expeditiously to experimental design and subsystem testing. The increased funding also will provide initial support for at-sea testing of critical components using either a test facility or a towed barge as a platform.

The fuels from biomass program was increased by $1.7 million over the administration request of $4.3 million. The additional funds will allow timely and expanded tests for improving biomass yields and conversion efficiencies. The increase will also keep the ongoing projects on schedule.

Solar energy resource assessment is an element of the ERDA program which has been significantly ignored in preceding years. Accordingly, the committee increased this program by $4 million over the administration request of $1.5 million. The increased funding will support a series of solar insulation, wind, and ocean thermal gradient efforts.

The solar energy research institute has been a controversial project from its establishment in the Solar Energy R. & D. Act 2 years ago. The committee increased by $1 million the administration request for $1.5 million to insure that further delays will not occur in getting the institute started.

The technology utilization and information dissemination program in the solar program provides the supporting mechanisms for insuring that the results of ERDA's solar research programs are available in a timely and useful manner for the public. The committee increased this supporting program $2 million over the administration request of $1 million to insure that solar energy information will quickly and effectively be available to all those with an interest.

Geothermal energy is a developing program for providing the technologies to tap the several forms of geothermal energy available in the domestic United States. A recent geological survey assessment of geothermal resources gives strong support for maintaining an effective and fast-paced development of these technologies. On a regional basis, geothermal will be particularly important in the latter years of the century and may even provide a substantial input to regional supplies of energy in the next 15 years.

The committee increased this vital program by $25 million over the administration request $50 million—49.9 percent. The $75 million authorization is 139 percent above last year's figure. This increase will insure that the program moves in an accelerated fashion under the Geothermal Energy Research, Development, and Demonstration Act of 1974. The committee believes that this program is not only potentially a major contributor to the energy supply of the future, but also represents one of the best managed programs within ERDA, and also that such substantial increases can be effectively utilized in moving the program forward.

Geothermal resource exploration and assessment is a critical part of the overall geothermal program. Development of exploration technology, reservoir assessment technology, and reservoir confirmation capabilities is absolutely essential to the application of geothermal technologies in the future. The committee increased this effort by $7.3 million over the administration requested $10 million. A portion of these funds will be made available to the geological survey for its supporting activities to ERDA under the 1974 act. An unfortunate cut in the Geological Survey's funds and personnel ceilings has precipitated a potentially major program delay. The committee intends that this increase will restore the Survey's capabilities in this area.

Hydrothermal technology applications were not increased by the committee. The ERDA hydrothermal program is moving forward as anticipated and the attractiveness of this particular geothermal resource is such that industry efforts already are strong in this area.

Advanced technology applications were increased by the committee by $7.6 million over the administration request of $10 million. These applications will provide the technology for the more long-ranged potential in geopressured and hot dry rock resources. The Geological Survey circular identified these resources as both being extremely large and potentially major contributors on a regional basis to the Nation's energy supply. The committee accordingly increased support for the program to accelerate the R. & D. process and also to allow for the exploratory drilling requirements for these resources.

Environmental control and institutional studies were authorized with a slight increase over the administration request of $4.8 million. The increase was considered necessary to insure that environmental requirements for the accelerating geothermal activities are fully satisfied. Engineering research and development was increased by $3.6 million over the administrations $11.5 million request. Acceleration in the areas of drilling technology and other critical components will be supported by the increase.

The administration did not request any funds for demonstration projects. Demonstration projects are called for under the 1974 act and thus far there has been no action taken to satisfy the requirements of the act. The committee added $4 million for such projects for the initiation of one or more demonstrations in fiscal year 1977, including design studies and site preparation work. The committee intends that these projects will be jointly funded with industry.

The 1974 act established a loan-guarantee program for geothermal research, and development, resource assessment, and demonstration projects. The committee notes that ERDA has requested the $50 million appropriation for activation of the loan guarantee program in the next fiscal year.

The conservation R. & D. program deals with several aspects of increasing the efficiency with which the nation utilizes energy. The committee increased the administration request by $82.5 million—68.7 percent to a new total of $202.5 million. The total also is 171 percent above last year's figure. The committee increase was made to provide full funding for the several ERDA conservation research programs to ensure that our national energy research program includes an adequate balance of attention and focus both on increasing the supply of domestic energies and in reducing the demand for such energy, through the means of increased efficiency of use. While the individual programs were reviewed on a program-by-program basis, the overall increase directly reflects this increased focus and attention.

The electric energy system program was authorized at the administration-requested level of $21 million. This program will provide the advanced and highly sophisticated technologies for increased efficiency of electrical system applications and uses.

The committee increased the energy storage program by $13.8 million over the requested $20.8 million, for a new total of $34.6 million. It is in the area of energy storage that many of the potentially attractive new energy technologies have their Achilles' heel, in that the original sources of energy are intermittent in nature, whereas the uses of the energy may be continual or not in phase with the sources. The committee particularly is concerned about the energy storage program as it applies to the various solar technologies. The increase will provide for an aggressive program which will explore all of the various alternatives for energy storage, as coupled with the new energy supply technologies.

The end-use energy conservation research program was also substantially increased from the requested $71.2 million by a total of $41.1 million, to a new authorization of $112.3 million. This increased emphasis on end-use conservation reflects the committee's long held view that it is in these areas where the greatest gains can be made in creating a technologically based energy conservation ethic. All of the relevant studies have supported this view of the committee, as have the comments of the Office of Technology Assessment on the ERDA program. The total increase will fund accelerated and expanded efforts in several key areas where potential savings over the next 10 to 15 years have been projected to be significant.

The buildings subprogram was increased by $14 million over the requested $21.6 million. This program will focus on the demonstration, as well as the development of more energy efficient technologies for energy use in buildings, both commercial and residential. A large percentage of our current energy consumption is in the building area.

The industry conservation R. & D. program was increased by $9.5 million over the requested $11.4 million for a new total of $21 million. Industry utilizes approximately 40 percent of the energy consumed in the country and a series of studies have indicated that the efficiency with which it uses that energy could be substantially increased. The increase for the industry conservation program will provide for a greatly accelerated development of new, energy efficient technologies in a series of industries.

Transportation conservation R. & D. was increased by $9.5 million over the requested $23 million. The transportation program focuses primarily on achieving increased propulsion efficiency in the broad spectrum of transportation energy uses. Primary emphasis is placed on the automotive sector. The increase will provide an accelerated and expanded program of R. & D. on new propulsion components, subsystems and systems for automobiles. It also will provide for a concerted effort in the area of electric vehicles.

The improved conversion efficiency program includes a series of efforts to increase the efficiency of energy usage in various processes in the generation of other forms of energy, such as electricity. The committee increased funding for this program by $8 million over the requested $15 million. The increases will support several accelerated projects and new projects associated with recovery of the waste heat at various stages of the electrical generation process and in other conversion applications.

The subcommittee added $10 million for an energy extension service within ERDA. There was no request for funding for such a service. This increase is consistent with the committee's direction to ERDA to explore various concepts for an energy extension service during fiscal year 1976. Should pending legislation establishing an energy extension service be enacted during fiscal year 1977, these funds would be allocated to the service.

The committee added $5 million for price supports for municipal solid waste reprocessing into fuels and other energy-intensive products. Procedures for such price supports are included in the Federal Nonnuclear Energy Research and Development Act. The committee acted to provide a positive incentive for the further development of this technology in the interest of not only adding to the energy supply of the Nation but also taking a step at eliminating waste disposal difficulties now being experienced throughout the Nation.

The fossil energy development program includes a number of programs which deal with the conversion of coal into liquid fuel, high- and low-Btu gasification, direct combustion and MHD, petroleum and natural gas, and oil shale technology. The program also includes demonstration plants, many with industry cost sharing, in the various programs. The committee authorized a slight 7.5-percent increase overall in the budget for fossil energy to a total of $535 million. This total also represents an 11.5-percent increase over the administration request. Various of the programs within the fossil energy development were either significantly increased or significantly decreased depending upon their evolution in the research and development cycle. The details of these various program changes as recommended by the committee will be discussed by my colleague from Pennsylvania (Mr. MYERS) who is a member of the Fossil Fuel Energy Research, Development and Demonstration Subcommittee.

The overall ERDA Nonnuclear R. & D. program represented by the recommended committee authorization for fiscal year 1977 provides a strong and reasonably balanced effort in nonnuclear technologies. The solar, geothermal, and conservation programs, all of which are essentially new or greatly accelerated over pre-ERDA programs, include significant increases as a result of the committee's belief that we must move forward aggressively in these areas. The fossil energy development program, which is a continuation of a reasonably mature R. & D. program in the Department of Interior, has reached the level of maturity where funding is generally settled, and therefore it requires less additional funding to fully support this balanced nonnuclear effort. On the whole, I believe that the Congress can take a great deal of pride in this balanced program.

Mr. EMERY. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Maine.

Mr. EMERY. Mr. Chairman, as we attempt to deal with the difficult search for solutions to our deepening energy, crisis, we are faced with conflicting goals and conflicting means of achieving these goals. How do we go about reducing our dependence on imported petroleum, while maintaining a stable and healthy domestic economy, a clean environment, and a secure future for our Nation's energy needs? In the last session of this Congress, we considered the tax incentive approach to encouraging domestic production, limiting oil imports, and curbing consumption. That bill (H.R. 6860) has been lost somewhere in the Senate. Also in the last session, a regulatory bill (H.R. 7014) was approved in hopes of achieving these same ends. But even this bill has had little immediate impact on our energy demand-supply dilemma.

Today we are considering what I feel to be the most positive and potentially productive solution to rising energy demand and equally serious shortages: That being the immediate research, development and commercialization of alternatives to imported petroleum products. This year's Energy Research and Development Administration budget represents a balanced and responsible program for such development.

Our country's only long term energy solution lies in our ability to effectively tap energy from infinitely renewable, domestic resources; the most important of these being solar, wind, biomass, and energy production from waste. In this regard, I plan to support all efforts to increase funding in these areas. The renewables, and particularly the utilization of biomass, an indirect form of solar energy, offers the most attractive immediate source for petroleum supplements such as methanol, ethanol, and other synthetic fuels. It is my hope that this program will be diligently pursued by ERDA and expanded in future authorizations.

Our country cannot afford to face the continuing threat of energy embargoes and sky-rocketing prices. The ERDA authorization will help to move us most rapidly toward energy independence with a minimum public sacrifice. Investments made in alternative energy development now, will yield great rewards in the not-too-distant future. I urge and support prompt passage of the ERDA authorization.

Mr. TEAGUE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I rise to express my strong support for H.R. 13350, the ERDA authorization bill for fiscal year 1976. I feel that the committee has carefully critiqued the ERDA budget as submitted to the Congress and has added sufficient money for the nonnuclear programs. The recommended funding levels will provide the Nation with an aggressive, well-balanced effort in research, development, and demonstration for solar, geothermal, conservation, and basic energy sciences as well as environmental research and safety and scientific and technical education.

I want to commend to my colleagues the outstanding efforts of Mr. HECHLER and Mr. MCCORMACK, the chairmen of the two Energy Subcommittees of the Committee on Science and Technology. Through their leadership and dedication the subcommittees completed the task of holding extensive hearings, examining the evidence, and making recommendations to the full Committee on Science and Technology by March. I want to take special note of the leadership of Chairman TEAGUE as he directed the committee's actions on this bill in his usual evenhanded manner.

Mr. Chairman, in the early 21st century, the annual U.S. appetite for power may reach a staggering 200 quadrillion Btu's, or "quads." No longer will we, as Americans, be able to rely on any single resource for the bulk of our energy, as we have periodically throughout our history—first with wood, later with coal, and today will oil. By the year 2020, six energy sources, none supplying more than 25 percent of the total, may power the Nation. In the wake of this unparalleled energy supply/demand dilemma, researchers in the United States are looking with renewed interest and a sense of urgency at nontraditional alternate energy sources.

Six facets of solar energy technology could help shoulder the demand: solar-heated buildings; "biomass" fuels from Sun-nourished organic crops; steam power from solar-thermal machines; electricity from solar cells; power produced by Sun-driven winds; and energy generated by ocean temperature differences caused by the Sun. Together, as estimated by ERDA, they could supply up to 7 percent of the Nation's power needs by the year 2000 and as much as 25 percent by the year 2020. Innovative among these solar application technologies is the ocean thermal energy conversion process. One of the last great sources of untapped, raw energy is the ocean. Its tides, currents, waves, and temperature differences all have enormous potential—aside from energy stored in oil and gas deposits beneath the seabed and continental shelf. So far, however, the ocean is being given less attention and research money than most other exotic sources of energy, with one exception of energy from ocean temperature differences.

Mr. Chairman, in many parts of the world ocean covering 70 percent of our globe, temperature differences that exist between surface water warmed by the Sun and cold, deep seawater are a potential source of energy—energy which, when compared to that provided by fossil fuels, would be essentially pollution free and renewable. Temperature differentials as energy sources know no difference in capability whether it be daytime in bright sunlight or in the dead of night. They know scarcely any seasonal variations in capability. No storage of energy is required; the oceans serve as a huge solar heat collector and do the storing for us. There is no significant land use requirement for this solar-driven energy process.

Schemes for generating power from ocean temperature differences are, for the most part, based on available technology. Practically everything that has been done to make mechanical cooling—air-conditioning—work, applies directly to the ocean thermal power concept. The thermal-to-electrical energy conversion can be accomplished in several ways, but basically, by using warm surface water, engineers would boil a "working fluid"—something with a low boiling point such as ammonia or the commercial refrigerant Freon—to drive a turbogenerator. Cold, deep-ocean water would be used to condense this fluid for recycling through the system. The end result is electricity, using a fuel no more expensive than sea water. Associated with such systems are the additional options of producing products such a protein, plant life, fresh water, minerals, chemical fuels, and fertilizers.

The objective of ERDA's ocean thermal energy conversion—OTEC—subprogram is to develop, demonstrate and stimulate the implementation of large-scale commercial offshore powerplants capable of economically converting ocean thermal energy into substantial quantities of usable electric energy. During fiscal year 1976, ERDA initiated contracts for detailed system test program definition studies with two teams of industrial contractors. These efforts are directed at implementing the development of OTEC electric powerplants similar to those defined in the industrial baseline systems concept studies of fiscal year 1975. Two OTEC concepts developed by Lockheed Missiles & Space Corp., and TRW Systems are very similar in some respects, yet represent completely different approaches to the overall OTEC hull design. The TRW concept is essentially a floating powerplant on the surface of the ocean, while the Lockheed configuration is a deep submerged—spar type—configuration with only a minimal structure exposed on the surface.

The findings of these two concurrent OTEC engineering evaluations indicated that a baseline commercial offshore powerplant using existing technology can produce electrical power at about $2,000 per kilowatt or 56–60 mills per kilowatt-hour, and that with certain engineering improvements—especially concerning heat exchangers—this cost can be significantly reduced.

Ocean areas contiguous to the United States that are suitable for commercial OTEC deployment and operation have been initially identified. In fiscal year 1977, the OTEC program plans on a more intensive evaluation of these regions for both electric power generation and energy-intensive industrial product processing. This evaluation will include both the continental United States, Hawaii, and its associated islands, Guam, Puerto Rico, and the Virgin Islands. Commercialization of OTEC will provide the United States with the end-use options of distributing electricity via transmission networks, and of utilizing it to produce energy-intensive products, such as ammonia, hydrogen, aluminium, and magnesium—thus, releasing oil and gas resources for other applications.

Although technological breakthroughs are not required for developing ocean thermal systems, certain engineering improvements and adaptations of presently available power technologies, along with refinement and optimization within the existing body of technology are needed to satisfy OTEC's specialized requirements. The major milestones to be accomplished with support in fiscal year 1977 include: First, implementation of a significant test program in heat exchangers and biofouling; second, site selection, conceptual design, and initial contracting for an engineering and/or floating test facility; third, initiation of environmental monitoring at the selected test facility sites; fourth, completion of the initial phase of OTEC mission analyses, to determine energy utilization and marketability opportunities; and fifth, initiation of conceptual design of an offshore 25 megawatt pilot plant.

Mr. Chairman, central to the success of OTEC technology, and the other solar technologies as well, will be the establishment of the Solar Energy Research Institute, SERI, required by Public Law 93–473—the Solar Energy Research, Development, and Demonstration Act of 1974. SERI will perform analyses; assessment and information functions; specific research and development activities; educational activities; technical consultation on demonstration projects; and support international cooperative programs as necessary to undergird the national solar energy program. In fiscal year 1976, the role and mission for SERI have been identified and published and the site selection process has been conducted. In fiscal year 1977, the Management Board and the Director of the Institute will be selected and staffing of the Institute will be started. An additional $1 million plus the already requested $1.5 million will be used for ERDA in-house efforts to select a site and management organization for SERI. The Committee on Science and Technology hopes that this additional funding will ensure that further delays in the implementation of this important national laboratory will not occur.

Regarding OTEC, the committee recommends greatly increased funding of this innovative concept to permit the present theoretical and small scale research efforts to move rapidly from conceptual design to experimental design in subsystem performance testing. The total committee recommendation for the operating expense budget amounts to $17 million in budget authority and $13 million in budget outlays after committee increases of $7.8 million and $6 million, respectively. The committee intends that efforts be accelerated to obtain answers to a number of fundamental questions such as biofouling and heat exchanger performance. These answers will, in turn, determine whether OTEC programs should be accelerated culminating in an early pilot plant stage, or whether emphasis should be redirected to more fundamental studies if problems of extreme difficulty should be identified.

The committee funding increases, it is hoped, will expedite component development testing and advanced heat exchanger concepts. It will permit the testing of sufficient parallel approaches to be able to proceed with the most efficient configurations in subsequent fiscal years. It will also permit the initiation of testing of other critical power cycle components, including pumps, turbines, and cold water pipes. It will permit the implementation of the conceptual design of an offshore 25 megawatt pilot plant.

If I may, Mr. Chairman, I would like to bring to the attention of the Members an intriguing proposal. It is particularly intriguing for me since OTEC plants in the proposal are deployed in the Gulf Stream off Florida's east coast. These advanced plans for floating OTEC plant design are those of Prof. William Heronemus and his associates at the University of Massachusetts, Amherst. His plans call for twin hulls of reinforced concrete, each of about 500 feet in length and 100 feet in diameter, joined into a semi-submersible catamaran structure, providing the basis for a 400-megawatt powerplant.

Of particular interest to the University of Massachusetts project team is the thermal energy potential of the Gulf Stream as it winds its way along our southeast coast. Professor Heronemus explains that his ocean thermal plant concept is deliberately conceived to be sited in the swiftly moving Gulf Stream, because the flow replenishes the energy source for free, moving 30 million cubic meters per second of near-tropical water by our southeastern seaboard. He reports that in an 8,000-square-mile area—15 miles across west to east and 550 miles long from Key Sombrero at the bottom of Florida, all the way up to a point 165 miles due east of Charleston, S.C.—a temperature difference of at least 30° Fahrenheit is available at any time of the year. University of Massachusetts estimates that as many as 4,000 400-megawatt powerplants could be installed in this 15 by 550-mile swath, and be expected to produce at the rated capacity for at least 8,100 hours per year, or 92 percent of the time.

The total annual output of this grand scale "Gulf Stream Solar Sea Thermal Energy System" would be 13.0 trillion kilowatt-hours per year. And that, Mr. Chairman, is almost 1½ times the projected U.S. power consumption for the year 2000. These solar sea powerplants would have the capability of delivering energy in the form of electricity and/or a direct use fuel, hydrogen, the ideal direct use fuel for our future energy market.

Of the unconventional alternate energy sources the ocean environment offers, the one with the most potential is ocean thermal differences. Ocean thermal energy conversion promises the biggest payoff in terms of energy production vis-a-vis, for example, waves, tides or currents. Ocean thermal powerplants can be expected to meet an appreciable portion of the future electric power demand of the U.S. mainland, Hawaii, Puerto Rico, and the Virgin Islands. Their contribution may be especially significant on a local or regional scale as a secondary source in augmenting the peak power capacity of conventional and nuclear base load facilities.

In the long run, Mr. Chairman, the exploitation of renewable environmental energy sources, ocean thermal differences included, rests in their economic competitiveness when all internal and external costs of conventional energy resources are properly assessed. The uncertain availabilities, shrinking supplies, and rising costs of fossil fuels, together with the increasing cost estimates for nuclear power generating facilities, are clear mandates for ERDA to move alternate energy R. & D. programs forward with all due haste and vigor in pursuit of national energy self-sufficiency. The skepticism of some with respect to OTEC stems in large part from their hope that the energy for the future will come from a system based upon highly sophisticated physics, certainly not from a system which at best could be called sophisticated plumbing! I urge full support of funding for necessary R. & D. in order that we may realize the potential of ocean thermal energy conversion.

Mr. TEAGUE. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I thank the chairman of the committee for yielding to me.

Mr. Chairman, as a freshman Member of Congress, I serve on the Energy and Environment Subcommittee of the Committee on the Interior with energy oversight. This committee has held extensive hearings on energy oversight. In some of those hearings I had the privilege of being temporary chairman. We had before us some of the finest minds on energy in the country. Many diverse points of view were represented. From these points of view I gleaned a great education. The substance of these gleanings were that solar energy is overlooked and is a much to be sought after form of energy. The potential for solar energy which we find falling on the surface of the earth every 15 days has as much energy as the entire proven world oil reserves and it is up to us today in the Congress to provide the funds for development and research of this enormous potential.

Mr. Chairman, I represent a timber district. I would like to point out to the Members that our forests represent one of the greatest forms of solar energy. They take the energy of the Sun and grow wood and fiber. It takes one-tenth of the energy that man creates or draws from the Earth to produce a wooden stud than it does to make a metal stud.

All agriculture is solar energy, using the energy of the sun to produce the food and fiber we need.

So, Mr. Chairman, when I discovered that, for instance, the Energy Research and Development Administration had not one single research project going on to measure the amount of what they call insolation or the energy of the Sun reaching the surface of the Earth, particularly in cloudy climes such as Oregon, when I realized that we were underfunding the solar energy research to the extent that such basic information was not being obtained and when I discovered that the fast breeder reactor could not possibly give us commercial electricity until 1995 at the very earliest and when I discovered that ERDA itself in its goals published in 1976 projects more energy from solar, both from thermal and from electricity produced from the Sun than it does from the breeded, then I felt it was time for the Congress to reorient its priorities and begin giving more funds for solar energy and alternate sources of energy than it does to nuclear.

For this reason, I urge support for increased funds for solar energy use today.

Mr. TEAGUE. Mr. Chairman, I reserve the balance of my time.

Mr. GOLDWATER. Mr. Chairman, I yield 7 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, we have looked into the detailed figures of the ERDA budget, have looked carefully at the breakdowns and we think the Congress should be doing better. There is a lack of urgency in our energy programs today—demand for gasoline is now above preembargo levels, and Mr. Zarb has recently stated that we should not be surprised to be confronted with another Arab embargo within 5 years.

We will be less prepared for the next embargo than we were for the last one if we do not explore, vigorously, all feasible options for reducing our dependence on foreign sources.

This amendment adds $116.2 million to various solar energy technologies—primarily photovoltaics, solar thermal wind, and various construction items. The first question is: Is solar worth the effort? Will it be cost effective? What are the real prospects?

I would note that recently such an authority as Dr. Edward Teller has stated that he felt solar might justifiably be given the very highest of our energy priorities. I am not suggesting that—I am suggesting we give it its rightful place in the Sun, if you will.

Every individual we have heard from, from industry, from ERDA program managers, from private consultants and others knowledgeable with the technology indicates that we are on the verge of very promising developments in this field.

The original Project Independence report said we could achieve between 15 to 30 percent of our total energy demand by 2000; a recent projection by FEA said that 10 percent of total energy demand by 1990 was feasible at accelerated funding levels. The accelerated program would probably, over the next 15 years cost in the neighborhood of $14 billion. We might argue this can be compared with the over $40 billion we have spent during the last 20 years for nuclear energy, and yet nuclear energy still only provides 2 percent of our total energy demand. I am not taking a swipe at nuclear; rather, I am looking positively at another source with great promise. It looks cost effective, if we start now.

This amendment would increase the ERDA budget by a grand total of 1.6 percent. It means the difference between a marginal program and one which industry says can start us on the road to another major viable alternative energy source.

A recent authoritative study done for the Office of Technology Assessment concluded that the program was one probably for the year 2000 and maybe later; but with the proper dedication of resources it could be one for the year 1985. Can we really afford not to pursue this goal?

Most of the funding for decentralized, and particularly irrigation and agricultural projects, as well as small, medium and rural community projects was taken out of the budget. This amendment reinstates some $20 million of such funding.

The Jet Propulsion Laboratory, which is the ERDA program manager for the photovoltaic division of ERDA, and was involved in solar developments for our space program has been projecting over the last year—based on various technological breakthroughs—that a fiscal year 1977 figure of $81 million in this technology would initiate a program to deliver cost-competitive energy from three kinds of photovoltaic systems by the year 1985. In fact, the committee adopts the program goal of the JPL program, but does not adopt the funding levels. We think it altogether logical and justified to reinstate these levels of funding.

I would note that during last year's debate on the appropriation measure, which failed to increase this funding it was stated, and I quote that increased funding would "just be throwing money away on a program that is already well funded by the committee." We have checked with all the people involved in the technologies for which increased funding is recommended—all of them are completely out of money from last year, and need millions more right now to get their program on the road—they could have, indeed, used more in the fiscal year 1976 budget. It would not have been wasted—it could have been used effectively. We would not offer this amendment if we felt this money would not be well spent. There are important projects wanting for funds right now—today—and we are on the verge of importing more oil on a regular basis than ever in our history.

I would note that Dr. Hirsch, the present Administrator, has explained in detail how his agency would use the additional funding for photovoltaics in a recent letter to Senator FANNIN—I have distributed the major portions of this letter to you today with a "Dear colleague" letter.

Dr. Hirsch stated in his confirmation speech before the Senate last month that if indeed the Congress desires to "proceed with energy options more vigorously, that a much more vigorous solar program can and should be conducted."

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to congratulate the gentleman for his efforts in expanding the solar energy field. I played a key part in increasing the solar energy budget that was adopted by the Science and Technology Committee. I think that does represent a significant advance, but nonetheless I feel that if we really want to achieve energy independence, if we really want to reorder our priorities, there is room for this kind of expansion that the gentleman has worked out with great care with ERDA officials, who feel that with this kind of money they could push this technology forward much more rapidly.

Mr. Chairman, I intend to support the Jeffords amendment to the ERDA authorization for fiscal year 1977. During my year and a half as a member of the House Committee on Science and Technology, I have learned a great deal about the difficulty of projecting energy demands and sources of supply. I am always suspicious of the use of projections, because I can see them manipulated for the use of the person speaking, and I have finally concluded that the use of figures claiming energy potential by the year 2000 are really only valuable to show the perspective philosophy of the speaker—not the clairvoyance of wisdom.

My philosophy of our energy dilemma is that we must work as hard as possible right now to put energy conservation measures into effect, and that we must move our energy research and development rapidly ahead, especially in those areas which seem at this stage to be the least harmful to our human health and our environment. We must attempt to evaluate our energy future in terms of the most beneficial costs and economic paybacks for our industries, our workers, and our consumers. However, we must not panic and develop sources of energy which will not allow a revision of priorities, nor must we set goals which in themselves may deter or hamper progress.

I have become a strong advocate of the development of solar energy. I have heard during the past months of the developments which have occurred in other parts of the world, such as in Israel, Japan, Australia, and France. I have watched the enormous interest which has arisen in this country about solar energy. I have spent many hours listening to those in the administrative and congressional seats of power who supervise our energy research and development efforts.

I have spoken with the men who are working in those agencies of our Government which are responsible for the development of solar energy, as well as with many groups and individuals around the country who are involved with solar. My conclusion is that we have not responded to the demands of the country with a decisive national commitment in this area.

When John Teem resigned from ERDA as the head of the Solar Energy Division, he gave as one of his reasons the arduous battle on solar energy funding which was taking place within the administration. Dr. Teem has met informally with several members of the Science and Technology Committee, and also attended another informal meeting of the members of the Subcommittee on Energy Research Development and Demonstration. We have also met with the staff of the Office of Technological Assessment who reviewed ERDA programs quite thoroughly.

There were strong differences in the opinions held by John Teem and by OTA from those of the administration. Within the administration itself, ERDA projects a 7-percent energy contribution of solar by the year 2000. FEA predicts a 12-percent energy contribution for solar by the year 1990. In its January 1976 report Shell Oil said that—

> By the year 2000 and beyond, all forms of solar energy could reasonably be expected to supply as much as 15% of the total U.S. demand.

Last November's issue of UAW Solidarity had a lead article entitled "UAW Experiments in Practical Use of Solar and Wind Energy Lead the Way in Providing Examples of Energy Conservation," which stated that—

> There are enough workers laid off in the aerospace industry who have the technological knowledge, know-how to build commercially available equipment to conserve energy.

Today in this country we are devoting less than 2 percent of our total energy budget to solar programs, and less than 1 percent to conservation. I felt a strong sense of achievement in the Science and Technology Committee's increase in the fiscal year 1977 solar authorization of $66 million over the budget submitted by OMB through ERDA.

However, I also support the amendment to be offered by Mr. JEFFORDS, which seeks to raise this authorization by an additional $116.2 million.

I believe that these increases are based on evaluations performed in conjunction with those individuals who are actually performing the programing at ERDA. I think these increases reflect the bureau chiefs' opinions and relfect those scientists and individuals from the solar industry who have been most closely involved with the work going on around the country and indeed throughout the world. I think these figures also begin to respond to the ERDA statement that—

> . . . given changes to present assumptions concerning future energy resources—that is, reduced contributions by nuclear and fusion, an all-out solar effort would be required to replace the shortfall. A budget of at least two to three times the present program might be required just to accelerate ERDA's solar energy program.

We have the beginnings here before us today. I urge support of the Jeffords amendment.

Mr. Chairman, I intend to join the gentleman in his efforts.

Mr. JEFFORDS. I thank the gentleman. I could not agree with him more.

Mr. PRICE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the bill now under consideration, H.R. 13350, would authorize appropriations for the Energy Research and Development Administration—ERDA—for fiscal year 1977. The program of ERDA includes both research, development and demonstration of energy sources and continued support of a strong nuclear weapons development program.

The bill includes authorization of a variety of programs designed to fully develop our Nation's energy resources; to provide new and improved technologies to utilize these resources to their maximum potential; and to prevent wasting the energy supplies with which we have been blessed.

Events worldwide continue to demonstrate that energy supplies are neither as abundant nor as cheap as we once enjoyed. We have been forced to compete in world markets for limited fuel supplies. And we have come to rely principally upon diminishing supplies of oil and natural gas.

Last year, 20 percent of our total energy needs was met by imports. There are no signs of early relief. Thus, it becomes incumbent upon us at the Federal level to adequately fund programs which will restore our country to a position free from dominance by other countries which control the energy we need to fuel our homes, industries and vehicles.

As we consider this bill we must remember the lessons we have learned and resist the temptation to place total dependence on any one energy resource, no matter how promising it may appear. I think my colleagues will agree with me that this authorization bill for ERDA provides a balanced program for helping to close the energy gap. It provides substantially increased funding for all energy technologies.

The total amount authorized by H.R. 13350 is $6,984,734,000 for ERDA for fiscal year 1977. Of this amount, 46 percent is for the civilian nuclear energy programs, 29 percent is for the military applications of nuclear energy, 15 percent is for nonnuclear energy programs, and 10 percent is for technology programs which support both nuclear and nonnuclear efforts.

TITLE II PROGRAMS

Focusing on title II of the bill, which is solely for nuclear programs, I will summarize the programs included therein and the action which the Joint Committee on Atomic Energy took in these areas. The Joint Committee recommends authorization of $3,371,676,000 for operating expenses for fiscal year 1977 for programs included in title II.

The Joint Committee has recommended changes in several areas. The committee added $32.5 million for magnetic fusion research and $14 million for laser fusion research. These additions were considered essential to maintain program pace both in the Government efforts and in promising industry and university programs.

For fuel cycle research and development, the committee added $18.4 million to be used to accelerate the development of an acceptable method for disposal of high level radioactive wastes produced by the commercial nuclear reactor industry. The committee considers this area one of highest priority requiring a strong and aggressive program.

The committee added $55 million to the national security program, of which $48.8 million is for increased weapons research and development, and $6.2 million is to insure continued operation of the N-reactor, which provides 800 megawatts of electricity to the Pacific Northwest area.

In other areas, the committee added $2.96 million for nuclear materials security and safeguards, $4 million for high energy physics, $8.5 million for nuclear sciences, and $0.8 million for thermionic energy conversion.

The committee also recommended an increase of $122.8 million in the estimate for uranium enrichment revenues. This estimate assumes favorable action on title V of the bill and implementation by ERDA of the revised basis for enrichment pricing.

Title II of the bill also authorizes $753,428,000 for new plant and capital equipment acquisition and modifications. Also included are amendments to prior year acts which provide a total of $1,128,200,000 additional authorization for projects authorized in prior years.

The major change recommended by the Joint Committee was the addition of $230 million for an add-on to the gaseous diffusion uranium enrichment plant at Portsmouth, Ohio. The committee believes this add-on is essential to insuring that adequate quantities of enriched uranium are available to fuel nuclear powerplants.

TITLE III PROGRAMS

Title III of the bill provides for authorization of appropriations for ERDA programs which support all energy technologies. The work is under the joint jurisdiction of the Joint Committee and the Science and Technology Committee. The committees are recommending authorization of $645,870,000 for operating expenses for these supporting programs. Joint Committee increases include $3.9 million for the artificial heart program, $1.5 million for nuclear medicine, and $3.72 million for community operations.

Title III also authorizes plant and capital equipment totaling $38,378,000 for the supporting programs. A special provision of section 304 of the bill is the authorization of an additional $3 million for the uranium mill tailings remedial action program. This section also provides for a 3-year extension for the program and for the reimbursement of property owners for self-removal of tailings.

TITLE V PROVISIONS

Finally, title V of the bill amends the Atomic Energy Act to permit ERDA to revise its basis for establishing prices for uranium enrichment services to permit the Government to obtain fair value for enriching services and to eliminate the differential between the Government's charges for uranium enriching services and those of potential domestic private uranium enrichers. The amendment provides that no change shall go into effect until the Joint Committee holds full and complete hearings and gives its approval.

These are the highlights of the nuclear portions of the bill. The Joint Committee has conducted a very thorough review of the budget request and believes that the bill provides a sound distribution of funding for ERDA's nuclear programs. It was reported out by unanimous vote of the members present at the final markup, and I urge its favorable consideration.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Chairman, I thank the distinguished gentleman from Illinois (Mr. PRICE), our leader and vice-chairman of the Joint Committee on Atomic Energy.

Mr. Chairman, I rise in support of H.R. 13350, a bill to authorize appropriations totaling nearly $7 billion for the Energy Research and Development Administration for fiscal year 1977. The total budget represents about a 40-percent increase over the approximately $5 billion authorized last year.

This bill is primarily about energy. It is our attempt to deal with the energy crisis which our country faces. Whatever your perception of the energy situation, I believe we have a real crisis. In order to better understand the extent of the crisis, let's look at some facts.

Our country runs on energy. In 1975, we consumed nearly 71 quadrillion Btu's of energy in our homes, our cars, our factories and our stores. This is the equivalent of about 34 million barrels of oil per day. That is down about 5 percent over the last 2 years. But, this decline in consumption has been closely matched by declines in GNP, industrial output, and employment.

Adequate energy is the lifeblood of our country. The oil embargo clearly demonstrated that. And it also demonstrated that those who control energy supply can have a significant influence on us.

But the situation has not improved since 1973. We import about 20 percent of our energy. That is changed little in the last 2 years. In fact, I understand that during 1 week in March of this year we imported more oil than we produced domestically. We still find our very existence controlled by others in a substantial way.

But the crisis is not only one of foreign dependence; it is also one of narrow dependence. Over 70 percent of the energy we consume comes from oil and natural gas. These are the least abundant fuels we have. Yet we are consuming them as if they were in endless supply.

We can solve both problems by developing a dependence on diverse sources of energy. Domestic and foreign oil is too valuable for unique applications to be sent up the smokestack. There are other sources that can do the energy job for us.

Energy is money. Our energy resources are money in the bank. In order to avoid squandering these resources, we have got to make some intelligent choices about how best to use what we have got.

That is where this bill comes in. It provides for a substantial investment in energy research, development, and demonstration in all potentially promising areas. The amount of this investment is entirely justified, I feel, in light of the $30 billion which we spent last year for imported oil.

Increases are provided in the ERDA budget for all energy technologies:

Conservation, for more efficient use of energy;

Fossil energy, for enhanced recovery of oil and gas and for cleaner use of coal;

Solar energy, for direct heating and cooling by the sun and for possible economic central station use;

Geothermal energy, for extraction of heat from the Earth's interior;

Fusion energy, for virtually inexhaustible energy from the oceans; and

Fission energy, for maximum use of our Nation's most abundant fuel.

That is what we need—a balanced program that recognizes not only the promise of various options, but also the state of advancement.

Some maintain that nuclear power is getting more than its fair share of the R. & D. budget and that other energy options are being starved for funds. I disagree. Let us look at the record.

Nuclear power plants generated nearly 9 percent of the electricity produced in this country in 1975—160 billion kilowatt hours from nuclear. It saved the consumers over $2 billion in fuel adjustment costs. In some areas of the country, nuclear plants generate as much as 35–40 percent of the electricity. A total of 60 nuclear units are operational. Utilities have scheduled 182 units for operation by 1985, 80 percent of which are already operating or under construction.

Nuclear is not pie-in-the-sky technology. It is here. You can see it produce. Nuclear has demonstrated its ability to get the job done. It is safe; it is clean; it is economic. These are the reasons that nuclear is getting such substantial support in the budget.

I do not deny that there are risks associated with nuclear. But neither do I advocate retreat from proven technology. We must recognize that there is no industry, no technology, which can guarantee absolute safety. But we can insist on minimal risks.

I say to you that the facts speak for themselves. The facts support continued expansion of the nuclear industry and continued development of advanced nuclear concepts.

Lest you mistake my intent, I want to state that I am not against other energy sources. I fully support responsible actions to accelerate the availability of all promising energy concepts. The ERDA budget that we are considering today does provide for substantially increased funding for all the major energy options.

But money does not guarantee success, and there is a point of diminishing return on the investment. Let us recognize that of those advanced technologies which promise unlimited energy in the future, only the nuclear breeder is ready for full scale demonstration, and several other nations are well into their breeder programs. Let us apportion the funds responsibly, in accordance with technical promise, not dreams.

The Joint Committee has taken a long and hard look at the funding requested by ERDA for its nuclear programs. We are convinced the money has been, is being, and will be spent wisely. We are convinced that demonstrated progress warrants funding at the levels set forth in our report.

Those who have studied the Nation's energy problems realize that all practical energy sources, as well as conservation measures, will be needed if we are to meet our future requirements. This country runs on energy. It is absolutely essential that we take action now to insure a continuing supply for the future. We cannot afford to curtail any energy option.

I urge all of my colleagues to support this bill which will help us realize a future of national growth not limited by energy supply.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, my good friend and colleagues of 13 years on the JCAE, the vice chairman of the committee, has summarized well the overall spending priorities of this nuclear portion of the bill under our jurisdiction. I will not elaborate further on the overall figures, but rather attempt to shed some light on committee action regarding various recommended increases in ERDA programs.

The whole bill, that part reported by the Committee on Science and Technology, as well as the portion reported by the Joint Committee, reflects the vital concern that both committees have for the long-term ability of this country to meet its energy needs. The eventual depletion of our oil and gas supplies is not a contingency, it is a certainty. Most of the energy that we use in the future will be provided by those energy technologies which survive the intense research, development and demonstration programs of the next decades. One would not expect that all energy sources will survive nor be economically competitive in common usage. Some will be suitable for specialty areas, some will be too expensive to use under nearly all conditions.

But what does survive will be desperately needed and will be folded into the energy production system of the country quickly.

In the nuclear power field we have a technology that is starting to fill in a very serious energy gap that is already developed—the need to remove oil and gas from under electric utility boilers and yet not suffer the attendant loss of electric generating capacity. Nuclear power is proving to be competitive with the cheapest coal and much cheaper than oil or gas. It is reliable and it is safe.

ENERGY DOUBLER/SAVER AT FERMILAB

Mr. Chairman, it is not very often we can point to a Government project that has succeeded beyond anyone's imagination. When the Fermilab accelerator was authorized to be constructed at a price tag of $250 million it was contemplated that the machine would operate at 200 billion electron volts. There were some who felt that the attainment of this energy under those cost levels was not likely and there would be some cost overruns and delays.

What in fact happened through the dedicated leadership of Dr. Robert Wilson and a staff of talented and hardworking people at Fermilab was that the machine was built for a total cost of $6 million under budget, it operated at 400 billion electron volts, twice the designed energy, well within the schedules and quickly established itself as the premier high energy physics laboratory in the country, and in fact, the whole world.

This year the committee has added $4 million to the operating budget for Fermilab to increase the total amount of money available to Dr. Wilson and his people for building what is known as the energy doubler/saver. The completion of this addition to the accelerator facility will permit scientists to use protons of 1,000 billion electron volts to probe the innermost secrets of the natural world. It will also permit Fermilab to save $5 million per year in their power bill, since the doubler/saver will be built with superconducting magnets which use essentially no power.

The committee has confidence that the money being added to the budget for this project will be well spent. In fact, I noted recently that the test magnets for this program have been run at full power and have performed flawlessly and that installation of them has already begun in the main ring of the accelerator. If past performance is any indicator, our investment, totaling possibly some $35–$50 million, will be returned in just 7–10 years of operation in an energy regime which was not accessible without building this device.

It is also under intense public scrutiny. Personally, I cannot agree with much of the rhetoric and misunderstanding that circulates through the media and Members' offices. The data that has been developed within this program simply does not justify most of the critical comments that are made. But I must admit that public awareness and public mistrust of those who are claiming that nuclear power is safe and sane reaches deeply into our society and is seriously affecting the formulation of a realistic national energy policy.

The Joint Committee has been very much aware of the public perceptions of nuclear power. From its inception some 22 years ago the committee has insisted on the highest standards of safety and the safety record of the nuclear program can speak for itself. But it is not enough to rest on our laurels and for that reason we have seen fit to increase funding for programs that are crucial to building a technological base that will ease public concern as well as remove a very significant bottleneck in the nuclear fuel cycle.

Before I detail some of these areas, let me first of all digress for a moment to discuss the view of nuclear power from the other side of the Atlantic. Last summer, Mr. McCORMACK, chairman of the ad hoc subcommittee to review the Nation's breeder reactor program, I, and other members of the subcommittee, visited Great Britain, France, and Germany to try to learn why the European breeder programs had appeared to have progressed so far beyond the effort in this country. What we saw was impressive. In France we stood on top of Phenix, a 250 MWe liquid metal fast breeder reactor running at 105 percent of rated capacity at the time without a whisper. It was a beautiful piece of equipment. It had been operating for a year as a capacity factor in excess of 85 percent. In its second year of operation the performance has been equally impressive. Put simply, the French built a big breeder and they are operating it on the electric utility grid with no problems.

The question was immediately posed to the French—How did you do it when in the United States we are having much more trouble getting ours built? The answer was simple—The French are in debt to the OPEC nations for nearly 90 percent of their crude oil supplies and the development of a domestic energy resource was absolutely critical to their long-term survival. The breeder gave them that opportunity. Drawing on their own experience in building and operating small breeders, as well as the experience in Great Britain and the United States, they went into an all-out effort to build a commercial breeder and they succeeded.

As the next step, an agreement has recently been signed between France, Germany, and Italy to build a fully commercial 1,200 MWe breeder, Superphenix. From the success that has been achieved in their program so far, there can be little question that the French have the resolve and the lead position in the international breeder business.

Last year I was under the distinct impression that the Congress started this country down a path that will lead to a breeder program that in my opinion will be second to none. The vote last year on the Coughlin amendment to strike breeder procurement funds was defeated 136 to 227. It was clear to all then that this was the definitive vote on the desirability of having the breeder as a part of our national energy priority.

This year we are moving steadily towards that goal. The difficult but necessary licensing process is grinding along. The NRC is applying very tough licensing standards to this plant. This is being done because the Clinch River breeder reactor will be a fully commercial facility and therefore should pose no greater threat to the public than an operating light water reactor. That licensing process is necessarily difficult since this is a demonstration plant and much experimental data must be developed by ERDA, the private participants, and the NRC before the NRC can rule that the facility can be operated in full protection of the public health and safety.

But in spite of the deliberate pace of the breeder program we are faced again this year with amendments aimed at stopping the program in its tracks. The amendments are being offered by the same opponents as were defeated in the well last year. This year's spate of amendments will severely affect the pace and scope of the program and it is disturbing to me that an attempt to repudiate the expressed will of Congress is being made in this fashion. The amendments can be argued on their merits and defeated, there is no question about that. They are not good amendments. But I wish all Members would join me in a common understanding that the will of the Congress as expressed last year bears heavily on our debate here today. I can assure you that I will be discussing these amendments in some detail later under the 5-minute rule.

The CHAIRMAN pro tempore (Mr. MOORHEAD of Pennsylvania). The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN), a member of the committee.

Mr. LUJAN. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time.

Mr. Chairman, I would like my colleagues to consider that perhaps this piece of legislation we are considering today will be the only piece of legislation that will encourage energy development in this country at a time when it is needed so badly.

Perhaps some of the Members may think that that statement is quite wide, but I think if they will review the record of this Congress, they will find that not much has happened to encourage the development in the generation of electricity in this country during this 94th Congress.

This basically is an energy bill. I have not seen any amendments to cut any amounts of money from the weapons program, so apparently everyone is quite satisfied that that effort is sufficient. All of the amendments will be directed to energy. If the Members will consider what has happened during this Congress, it has been basically an antienergy Congress. We started, of course, by putting a price control on oil, and that certainly does not encourage the production of oil in this country. We not only refused to deregulate natural gas, but we put additional burdens and additional regulations on natural gas.

This morning in the Committee on Interior and Insular Affairs there was a proposal to allow pipeline companies to have the right of eminent domain against railroads to facilitate the transportation of coal from one part of the country to the other. We again postponed the issue until June 9, after having postponed it to today, and I fully expect that come June 9 we will postpone it again.

We had also in committee—and I do not criticize the sponsors of that particular legislation—the New River legislation. The Members all know that that was designed to stop a hydroelectric powerplant from being built on the New River. If we take that proposal by itself, perhaps it is justified, but when we look at the record, almost every powerplant that is proposed in this country for one reason or another is delayed. Now, as most of us know, we have antinuclear incentives all across the country. So that if the Members will review the record of this Congress, they will come to the conclusion, as I have, that the only ball game in town is the ball game of funding the various energy research programs.

I think that by and large this bill does an excellent job. I think it is a good effort in most areas. I will tell the gentleman from Vermont that I will, however, support his amendment, and he is joined by my colleague, the gentleman from New Mexico (Mr. RUNNELS) in seeking additional funds for solar energy. I think that it is a way that we can prove our commitment to additional research in this field.

Mr. Chairman, I yield back the remainder of my time.

Mr. FREY. Mr. Chairman, I rise in support of H.R. 13350, the fiscal year 1977 ERDA authorization bill. It is clear to me that this legislation provides timely and sufficient funding for utilizing renewable resources, particularly solar energy. Further, this budget provides a balance of funding across the continuum of research, technology and development from basic work to prototype demonstration in all sectors of ERDA's responsibility.

This bill has been designed with full consideration of the various impacts of industry, environmental groups, universities and other government agencies including EPA, DOI and NASA. I believe also that ERDA has moved toward a more stable organizational situation where the new agency's various components from AEC, DOT, EPA and NSF have begun to truly function as a whole. In this more settled climate, ERDA is better able to assure what is needed for a truly balanced program as various technological options are compared and sorted out in this early phase of the national energy research and development program.

I believe that the significant funding increases by the committee particularly in solar energy research, constitute a constructive initial response to those critics who maintain that a nuclear bias persists in the ERDA distribution of effort, but only a start. The solar energy program strongly supports ultimate applications ranging from direct thermal applications such as in the heating and cooling of buildings through solar electric applications including such attractive schemes as wind energy. The ERDA has also requested initial funding for the Solar Energy Research Institute—SERI—which promises to provide a strong interdisciplinary base for technology applications in all aspects of solar energy. I am disappointed that ERDA has adopted a more modest approach for SERI than first envisioned but I trust that as the Institute evolves it will play a key role in basic research for the Advanced Energy Systems Administration in ERDA.

It is clear that SERI is the multidisciplinary bridge to advanced technology from the basic energy science work in ERDA. ERDA is called upon to perform extremely broad work in materials sciences and molecular, mathematical and general sciences to support a myriad of energy technologies. The committee has seen fit to increase funding by 15 percent to fight labor and equipment-intensive inflationary effects and provide support in attacking problems from low temperature conversion to behavior of very hot fusion plasmas. I feel that it is important that the fruits of basic research be transferred to the marketplace and trust that ERDA will pay increasing attention to bridging this gap from fundamental investigation to applied technology.

This bill recognizes that commercialization of solar energy will require encouragement of industrial research and development, industrial participation in joint projects and possible additional Federal incentives to obtain commitments of private capital for manufacture and purchase of solar energy equipment and facilities. Thus this authorization not only assures the development of the next generation of solar heating and cooling technology but guarantees rapid infusion and implementation of existing technology into the marketplace. Many of us on the committee are keenly aware of the vital need for strong Government/industry partnership such as those NASA has forged with segments of the aerospace industry. It seems to me that the energy industry is a much more diffuse and complex entity than aerospace and thus the Government/industry partnership is an even more critical ingredient if we are to attain our national goals in energy R. & D.

Let me remind my colleagues that this bill addresses the fact that the utilization of new sources of energy, such as solar, is a major goal of our national energy R. & D. program.

I want to address the remainder of my remarks to committee actions on four major program elements in the solar area.

In solar heating and cooling the committee has increased funding for the number of demonstration units to sustain the momentum developed in the first cycle of heating and cooling demonstrations over a wider geographical area while focusing on cost effectiveness for solar units.

In photovoltaics the increased budget provided by the committee will greatly enhance the assurance of meeting the objective of low-cost, reliable systems for widespread use in residential, industrial, and commercial applications by mid-1980's. I am gratified that ERDA has utilized NASA in this research so that another investment of the space program can pay dividends in the terrestrial application of solar cell technology. There is no question that considerable long-term research is required to achieve needed breakthroughs in cost and desirability for these systems.

The committee recommends authorization of the full Presidential request for wind energy conversion where good progress has been made in the past year. This is a second area where NASA's advanced technology expertise has been utilized both in managing projects for ERDA and in contributing to aerodynamics and materials technology. I trust it will continue to do so. By the end of this century I believe a new generation of windmills will be in place satisfying age-old needs such as water pumping for irrigation. I do feel, however, that the agriculture industry is just beginning to appreciate the potential of advanced wind energy systems.

The committee felt compelled to request greatly increased funding for ocean thermal energy conversion, an innovative approach which is in the conceptual design stage for subsystem performance testing. This program is in a phase where fundamental problems in biofouling and heat exchange performance are being addressed and component development tests are being expedited. Success in these developmental activities could permit an ocean thermal demonstration at a 25 megawatt plant size by the early 1980's. ERDA seems to be dragging in this area without due cause. We must pursue this attractive economic approach for tapping the vast stores of energy flowing in the oceans, particularly in locations where offshore plants can supply urban mainland sites.

I think it is particularly striking to note that environmental concerns surrounding the application of solar energy are nonexistent and no environment and safety funds are needed to assess such factors for solar energy research and technology.

In closing, I contend that this budget allows ERDA to get down to business in a stabilizing climate for fiscal year 1977. These first few years for any new agency are always somewhat unsettled because of the conflicting pressures from the advocates of various energy options and the lack of a priori staffing situation. But the time for excuses is over—the time for action is now. I believe that the exploitation of renewable resources is now receiving recognition but more is needed and the funding must be increased in the future. Any narrowing of technological options is being done only after considerable deliberation and I feel certain we are marshaling the resources to achieve the degree of energy independence necessary for national security. To paraphrase Mr. Churchill, "we have given them the tools, now they can do the work."

Mr. PRICE. Mr. Chairman, I reserve the balance of my time.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, Mr. MOORHEAD of Pennsylvania and I plan to offer, at the appropriate time, an amendment to this bill which would require gradually increased financial participation by the private participants in the Clinch River breeder reactor plant—CRBR—for all costs of the facility above $2 billion, up to a maximum contribution of 50–50 at the $2.5 billion level. In effect, we would provide for cost-sharing of overruns only, according to the following phased formula: First, for the first $250 million—$2–$2.25 billion—70 percent public and 30 percent private sharing; second, for the next $250 million—$2.25–$2.5 billion—60 percent public and 40 percent private sharing; and third, for all cost overruns exceeding $500 million—over $2.5 billion—50 percent public and 50 percent private sharing. The present estimate cost of Clinch River is now $1.95 billion.

This $1.95 billion figure includes a $200 million contingency fund, as well as an 8-percent inflation factor. In addition, our amendment would allow an additional $50 million leeway above the current projection before increased cost sharing is scheduled to begin. Moreover, there is ample leadtime for the private parties to raise the extra capital—if, in fact, it must be raised, since the criticality date for Clinch River is not scheduled until October 1983.

Clinch River is the demonstration phase of the liquid metal fast breeder reactor project—LMFBR—the program which consumes the lion's share of the total energy R. & D. budget. To put the LMFBR in proper perspective, recommended expenditures for this program over the next 5 years total $2.6 billion—in undiscounted current dollars—equal to 63 percent of the nuclear fission R. & D. budget, 26 percent of the total energy R. & D. budget, and almost twice the nuclear fusion reactor budget.

As many of my colleagues are aware, the LMFBR program in general and the Clinch River project in particular, have been beset by rapidly increasing costs. The intent of our amendment is to offer a proposal which would help to bring these dramatic increases under control and to bring to bear on this project the cost-consciousness of private industry.

Originally estimated at $3.9 billion in 1969, the overall price tag for the LMFBR is now $11.8 billion. Costs for the Clinch River facility also have been spiraling at a rapid rate—from the original figure of $699 million in 1972, to $1.7 billion a year ago, to $1.95 billion at the present time.

As BILL MOORHEAD and I have repeated many times, our intent is not to kill the breeder program—or to even slow it down. But we do want to make certain that once it is developed, the program will be cost-effective. And to be quite frank, we have our doubts about the eventual cost/benefits, particularly when we see the total estimates continue to soar.

At the same time we are concerned over these rapid escalations, we are even more distressed by the declining contribution to be made by private industry. The cost share expected to be borne by the utilities and the reactor manufacturers at the outset of negotiations in 1972 was 30 percent. It has steadily declined and now is only 13 percent.

It has been charged that our amendment is unfair to the private participants involved and would represent bad-faith bargaining by the Federal Government. We fully disagree, and offer the following justifications in support of our proposal:

Our amendment would restore some of the original Government-industry cost sharing which had been included in the original authorizing legislation for Clinch River—Public Law 91-273. When this measure was passed in 1970, it contained a stipulation that the Government's assistance for the plant shall not exceed 50 percent of the estimated capital cost of the Clinch River facility. I understand that language was included at the request of the esteemed former Member of the House and the Joint Atomic Energy Committee, Craig Hosmer.

That same language—requiring 50 percent of capital outlays—was deleted in last year's ERDA bill. We believe the principle, however, should continue to be adhered to on behalf of the Clinch River program.

Our opponents have argued that our amendment would abrogate the original agreement between the Government and the private participants which contemplated a fixed commitment involvement by the private sector. According to my understanding of the original language authorizing the Clinch River project, I would refute their argument. It is true that there is now a fixed commitment set for the private sector of $257 million. However, as I said before, their proportion of total project costs is continuing to plummet as the estimate for Clinch River is continuing to rise.

A second justification for our amendment is that ERDA, itself, has acknowledged that cost consciousness of private industry is an important benefit of financial participation by the industry in energy demonstration projects. In fact, the revised program justification for Clinch River stated that one of the major objectives of the Clinch River project will be ""first, demonstrate the economic feasibility in a utility environment of a LMFBR central electric power station."

As ERDA has stated in response to questions from the House Science and Technology Committee:

> We believe cost sharing is a particularly effective means of implementing this philosophy of joint participation. Cost sharing serves as a pragmatic indication that a project has credibility by the standards of the private sector.

In advocating that the private sector share in the overruns, we are not espousing a new approach. In fact, the President's energy message to the Congress in June 1971, stated:

> Industry should play the major role in (demonstration projects) . . ., but government can help by providing technical leadership and by sharing a portion of the risk for costly demonstration plants.

Present ERDA policy for fossil programs is to require 50 percent non-Federal funding in demonstration plants in the construction and operating phases. If it is fair to require 50 percent private funding of the capital and operating costs of fossil projects, it certainly is fair that the private participants be required to contribute 50 percent of the cost overruns for Clinch River. This is the position of the Office of Management and Budget as well.

A third justification for the Coughlin-Moorhead amendment is the very significant role which the private sector now has at Clinch River. In fact, 8 of the

19 top management positions and 130 of the 200 project organization positions will be staffed by private industry personnel. Thus, while contributing only 13 percent of project costs, the private parties will be controlling 65 percent of the management.

Even though ERDA technically has ultimate control of the project under the revised contract arrangements, its decisions will be implemented to a significant degree by the private participants, as I have pointed out. In view of the position they are in—through which they can affect the total outlays—I do not feel it is unrealistic to expect them to share the financial risks.

Two recent General Accounting Office reports—April 4, 1975, and March 26, 1976—make it clear that ERDA, even though it officially controls Clinch River, would not be able to exercise the usual management prerogatives:

First, the revised contract places ERDA program funds under a complicated tripartite decision system. Under the previous contract, they were under ERDA's sole control.

Second, the contract grants the private parties the right to end their participation in the project if a major design change is adopted to which they object.

Third, since the primary purpose of the Clinch River project is demonstration, if the private parties should withdraw, the project would lose its rationale. This would be an extreme embarassment to ERDA. Therefore, it is possible that the private participants could use threats of withdrawal in order to force ERDA not to exercise normal management prerogatives.

By requiring the utilities to share the overrun burden on an equal basis with the Federal Government, we believe these potential conflicts of interest would tend to be minimized.

A fourth justification of our amendment is that it would bring to bear the cost-consciousness of private industry. Right now, it is the Federal Government which has the open-ended commitment to finance all cost overruns at Clinch River. As a recent Newsday editorial on the LMFBR noted:

> There are few pleasures quite so keen as spending someone else's money on a grand scale.

Because the public is picking up the tab for any and all future overruns, there is no incentive for private enterprise to be fiscally responsible. If the risk burden were increased and eventually shared equally, the utilities would be forced to exercise the restraints which now are lacking.

A fifth reason for offering our amendment is that its adoption would demonstrate the private participants' commitment to the project and their confidence in it as a cost-effective means of electricity generation. It has been charged that the current level of $257 million is a clear indication of the private parties' interest in Clinch River. Yet, ERDA opposes any requirements such as we propose because the utilities cannot—and would not—pay any more beyond this amount.

This, to me, is not a clear indication of interest or commitment. Nor is it to Mr. TUNNEY and Mr. RONCALIO, who, in signing the minority views to this bill's report have stated with regard to Clinch River's soaring costs, "private utilities have displayed an obvious lack of enthusiasm for assuming a proportional share of cost overruns." After all, it is the industry which eventually stands to benefit from this advanced technology. Is it unreasonable, therefore, to expect them to help finance it?

It is appropriate to mention at this point that the consortium of private participants in Clinch River includes over 740 publicly and privately owned utilities and rural electric cooperatives. Considering the $257 million total which has been pledged as their contribution to this joint venture, that averages out to $347,000 each.

A sixth important factor in substantiation of our amendment is the very limits of our energy R. & D. budget. As we all know, there is only so much money to go around and I, for one, do not want to see such a disproportionate share of that kitty directed to a project about which there has been not only controversy, but also one in which the Government has an open-ended commitment to pick up all the extras. Greater controls and cost-sharing at Clinch River would not only result in more efficiency in the project itself, but it also would provide more Federal R. & D. money which could be allocated to other alternatives, thus insuring our Nation of the optimal mix of energy programs at the lowest cost.

Two recent studies have been focused on the economics of the breeder. In February, the American Enterprise Institute released an independent report which raised serious doubts about the assumptions and projections employed in the Atomic Energy Commission's cost-benefit analyses of the LMFBR. In essence, it concluded that an unrealistically large benefit had been attributed to this source.

Another independent study done for the Joint Economic Committee, which was released last month, tended to confirm the AEI's conclusions. It, too, determined that the cost-benefit studies justifying the breeder project must be fundamentally revised.

I cite these studies, knowing full well that my opponents have their own evaluations to substantiate the position they have taken. Despite these differing opinions, I believe our ultimate objective is the same—to make sure that our energy dollars are invested wisely.

In concluding my remarks, I would like to reiterate that BILL MOORHEAD'S and my intention in offering this amendment is not to kill the breeder. We are prompted, instead, by a very sincere concern over the skyrocketing costs involved and by a very sincere desire to bring these escalating figures under control.

We feel that adoption of our amendment would help to establish this needed control: it would require the private utilities involved to be more fiscally responsible and exercise needed spending restraints, particularly in accordance with their substantial management role; it would give all of us a clear indication of the industry's commitment to this project and their belief in it as a cost-effective means of electricity generation; and it would prevent this program from devouring more than its fair share of the overall energy R. & D. budget.

I want to emphasize that the liquid metal fast breeder reactor project is taking almost two-thirds of our entire nuclear fission R. & D. budget and more than one-quarter of our total energy budget. Reason and logic dictate that such a project must stand the test of fiscal and management responsibility to assure every chance of success without permitting so open ended a funnel to the U.S. Treasury that its possible failure would deal a staggering blow to our entire national energy program which, I submit, can ill afford it.

Mr. ANDERSON of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, the ERDA authorization before us today is a vital piece of legislation. It is the vehicle by which the Federal Government will continue its participation in the research and development of alternate sources of energy that the American people expect. It is also the vehicle by which we in the Congress can establish priorities in the development of these alternate sources.

While I agree with many of the provisions contained in the committee bill, I strongly support the Coughlin amendment which would require a gradual increase in the private share of cost overruns above $2 billion for the Clinch River breeder reactor plant.

Doubts have been raised about the priority accorded the breeder from many quarters—by William A. Anders, former Chairman of the Nuclear Regulatory Commission; by the National Council of Churches; and by Dr. Edward Teller, the "father of the hydrogen bomb." At a recent meeting of the San Diego Committee of the Citizens for Jobs and Energy, Dr. Teller said:

> The need for the breeder is doubtful—they are not economic.

It is difficult to understand why the Coughlin amendment is being so strongly opposed. ERDA estimates that the cost of the Clinch River reactor will be $1.95 billion—that includes inflation and a 20 percent contingency fund. If the cost of the project is not expected to exceed $1.95 billion, why is there any objection to requiring the private parties to pick up a share of the costs above $2 billion? I suspect that the answer to that question can be found in the past history of the breeder reactor program.

Congress was solemnly promised in 1972 that the cost of the Clinch River reactor would be $699 million. Then last year, ERDA told us that the cost would be $1.7 billion. And now, about a year later, they solemnly estimate that they are 90 percent sure that the costs of this reactor will not exceed $1.95 billion. I say that through this amendment, we will find out what the cost of this project will be.

But it is not only the hypocrisy of asserting that the cost will not exceed $1.95 billion, but that any amendment which limits the cost in any way will kill the project that bothers me the most. My real fear is that the $1.95 billion spent on this reactor will simply be wasted—that the reactor will be another atomic white elephant. We all get on our desks brochures telling us about all the glowing benefits of atomic power. But we get little information about the huge amounts of the taxpeyers' money that have been wasted on atomic projects. Let me briefly mention a few.

First and foremost, there was Pluto. Pluto was not a cartoon character, but it was a joke on the American taxpayer. Pluto seemed like a great idea—an atomic powered pilotless air missile. We spent enormous amounts on it. In 1961, we spent $1.23 million alone. But of course, it was never used for the simple reason that if this atomic buzz bomb sailed over the countryside, it would spend huge amounts of radioactivity over the countryside. It was finally abandoned in 1964, but not before this bad joke cost the American taxpayer millions of dollars.

Then there was the atomic airplane. We spent $1.5 billion on it—these were uninflated 1950 and 1960 dollars. The reason you or I have never flown in one is very simple. If you put enough shielding in the airplane to protect the passengers from radiation, it will be so heavy that it could not possibly fly. They knew about that problem when they started to spend the billion and a half dollars. Perhaps we are lucky that an atomic airplane never flew. Imagine what could have happened if an atomic airplane crashed.

Then there is the atomic rocket engine. About $2 billion has been spent on it. It has never flown although we have sent men to the moon and back, and rockets throughout space. The atomic rocket engine—another atomic white elephant.

More down to earth is the atomic merchant marine. We spent millions of dollars to develop the atomic ship *Savannah*, and then the taxpayer had to subsidize it to the tune of $3 million a year. We do not have an atomic merchant marine today. We simply have a floating atomic white elephant.

Then there is Project Plowshare. It too seemed a good idea, just like the idea of a reactor that produces more fuel than it consumes. The idea was to use atomic explosions for peaceful purposes. Build another Panama Canal with atomic explosives, create great cavities in the ground by atomic explosions in which natural gas would gather. But no canals have been built. The people of Colorado even went so far as to pass the amendment to their constitution to forbid atomic explosions for peaceful purposes beneath their soil.

Believe it or not, the Atomic Energy Commission even produced plutonium heated "long johns." These atomic "long johns" were designed to keep deep sea divers warm while they were underwater. But of course, in spending the taxpayers' money to produce atomic long johns, the atomic establishment ignored the fact that they could never be used because 1,000 grams of plutonium is 1 trillion maximum permissible lung dosages.

These atomic white elephants are why the Coughlin amendment is so necessary. The Coughlin amendment, by requiring the private participants in the project to pay 30 percent for the first $250 million over $2 billion, 40 percent for the second $250 million, and 50 percent of all costs above $2.5 billion will test the economic credibility of the plutonium breeder reactor program. If private industry is willing to pay for a fair share of these cost overruns, then we will find out whether the project has any economic credibility in the eyes of the private utilities who ultimately must buy these reactors.

It is also ERDA's position that cost sharing tests the economic credibility of a project. As ERDA has stated in response to questions from the House Science and Technology Committee concerning cost sharing in fossil energy demonstration programs:

> Cost sharing serves as pragmatic indication that a project has credibility by the standards of the private sector.

For some reason, ERDA does not implement this policy on atomic energy projects such as the plutonium breeder reactor. In this project, the private sector has refused to accept responsibility for any of the cost overruns, and only 13 percent of the total funds.

Finally, I want to point out to my colleagues that this plutonium breeder technology may turn out to be a white elephant because other technologies, such as solar energy and fusion, are developing so rapidly. If anyone has a choice between a plutonium breeder reactor and its risks, and solar energy or fusion, they would most likely pick solar or fusion.

But some of my colleagues will object that solar energy is exotic, that it is far in the future. I want to point out that according to ERDA, this is not the case.

ERDA's recent national plan for energy research and development estimated that solar energy could produce 10.1 quads—quadrillion Btu's—of energy by the year 2000 while the plutonium breeder reactor would only be producing 3.1 quads of energy ERDA is saying that solar energy will produce three times as much energy as the plutonium breeder reactor program in this century.

Fusion has also achieved several important technical breakthroughs this past year. In tests at Oak Ridge, MIT, and Lawrence Livermore, lab test results exceeded, or at the least equaled expectations. These programs will enable the fusion program to build a demonstration plant in the late 1990's. Since plutonium breeder reactors will not be ready for commercial purchase until the 1990's, there simply may be no market for plutonium breeders when they are put up for sale.

In conclusion, billions of dollars in Federal funds have been wasted on atomic energy projects that have turned out to be absolutely useless. Some experts think that the Clinch River breeder reactor project may also turn out to be a serious mistake. I therefore urge adoption of the Coughlin amendment because requiring the private sector to pay for an increased share of the cost overruns will tell us whether the private sector believes the plutonium breeder project is economically viable. We have had enough atomic white elephants.

Mr. McCOLLISTER. I would like to take the opportunity today to discuss a subject of great interest to me and a subject which has been very much in the news lately; nuclear energy. Today's debate on the ERDA authorization bill is an appropriate occasion to address this subject. As a Representative from Nebraska, I am very familiar with the contribution nuclear energy has made toward meeting the energy needs of our State. As a member of the House Committee on Interstate and Foreign Commerce, the committee which has jurisdiction over a number of energy-related bills, I have had the opportunity over the last several years to study energy questions at length. I have come to realize that the key problem areas which will demand the attention of public policymakers during the next decade will focus on the interrelationship between three very complex issues: energy, environment and economics. A rash of adverse publicity, emotion, and rhetoric has of late been targeted on nuclear energy. I believe it is incumbent on the Congress, the publicly elected body which has since 1954 fostered and supported the development of a commercially viable nuclear energy capacity for this country, to address these concerns—not with emotion, but rather with a reasoned and balanced discussion of these issues—energy, environment, and economics—and how nuclear energy relates to each.

It was not until the Arab embargo and OPEC's success at controlling world petroleum prices that Americans were forced to come to grips with a grim set of statistics. Actually, the figures and their disturbing significance had been present for years. Few heeded their warning. The United States, with 6 percent of the world's population, was consuming one-third of the world's energy. More ominous, during the decade of the sixties U.S. dependence on foreign imports for a critical share of its energy supply increased steadily. By 1973 the United States exercised no control over one-third of the energy necessary to meet its daily demand. The costs of that dependence to both individuals and to society as a whole were vividly registered when the embargo was imposed. Energy dependence contributed to one of the worst unemployment cycles in American history; prices soared; gasoline lines stretched for blocks, sometimes miles, and the specter of rationing loomed in the background.

For the first time Americans realized the far-reaching significance of energy to their lives, and the stakes were high. Without adequate supplies of energy, the economic structure of the country began to shake, and the reverbation from that quake will not be forgotten soon. A viable industrial economy to employ millions cannot survive without energy. A healthy agricultural economy to feed America and the world's starving millions will collapse without energy. Investment, growth, jobs, standard of living, food production are all essential to the American economic system. Without adequate supplies of energy, each will slowly wither.

The embargo was a blessing in disguise. No longer could Americans take energy for granted. No longer could we continue a policy that discouraged exploration, development, and production of domestic resources. No longer could we live in a world of unlimited choices. Quite the contrary. Choices are indeed limited, and their price is high. A population of 215 million with an insatiable appetite has reached the point when supply can no longer keep pace with demand. This realization dictates a fairly simple set of policies. Demand must be curbed, thus energy conservation must be encouraged. Supply, particularly domestic supply, must be increased. The means of achieving the policy goals, however, remain a source of conflict today.

Since 1973 America has become energy conscious. All possible sources of energy supply are being promoted from the obvious—coal, nuclear, oil shale, solar, wind, ocean tides, and geothermal—to the more exotic forms like fusion or biomass conversion. All are expensive, and many have not reached the technological state where they can be considered cost competitive.

For the immediate future, the choices are limited. In order to reduce our dependence on foreign imports the United States has only two choices: coal and nuclear. Each presents risks and disadvantages that perhaps may not be present with alternatives like solar and geothermal. But, the latter are not yet commercially viable alternatives. Nor can they produce amounts of energy sufficient to meet our needs. If public utilities are to continue serving their customers on a "quality of service" basis which every public service commission in the country now requires, they must choose between two types of plants: coal or nuclear. If we, as customers, expect to have electricity available at the flip of a switch, then we must accept the risks that accompany that luxury. It is this realization that underlies the nature of our present energy dilemma, and particularly the debate now occurring on the merits of nuclear energy.

Nuclear energy is very important to Nebraska. Whereas nuclear power contributes less than 10 percent of the electricity generated nationally, it contributed 37.5 percent of all electricity generated in Nebraska in 1974. Nebraska's nuclear power is generated from two plants. Fort Calhoun No. 1, a 443-megawatt facility operated by the Omaha Public Power District which came on line in September 1973, and the Cooper nuclear station, an 800-megawatt facility operated by the Nebraska Public Power District which came on line in July 1974. These two utilities will jointly finance a third nuclear plant, Fort Calhoun No. 2—1,150 megawatts—which is scheduled to go into operation in 1983.

Nebraska's experience with nuclear power has been a good one. I think it is a tribute to our two major utilities in the State that their foresight and planning left them prepared to meet the power demands of Nebraska citizens at a time when other areas of the country were experiencing brownouts because their primary source of electrical power was oil.

Nuclear powerplants are expensive to build. OPPD's Fort Calhoun No. 1 Plant—approximately 500 megawatts—cost $179 million to construct in 1973. The proposed Fort Calhoun No. 2 Plant—double the size—is now estimated to cost $843 million, though this figure will likely inflate before construction is completed.

Given the controversy and extremely complicated licensing procedures that accompany construction of nuclear powerplants, one wonders why utilities ever consider nuclear power. The answer is pure economics. Lower fuel and pollution abatement costs outweigh the higher construction costs.

To run a 1,150-megawatt coal-fired plant for 1 year requires the consumption of slightly more than 5 million tons of coal. The average cost of coal delivered in Omaha, Nebr., in 1975, was in excess of $16 per ton. Officials at OPPD provided me with the following statistical information. Coal costs for such a plant are estimated at $57.25 million; nuclear fuel costs are estimated at $13.37 million. Thus, a cost differential of $44 million would be realized in favor of nuclear generation.

The estimated difference in capital costs for a large nuclear powerplant is approximately 20 percent in favor of a coal-fired plant. This difference in construction costs is recaptured in less than 3 years by the fuel cost savings realized with nuclear generation. As the average life of both nuclear and coal plants are 40 years, the economics seem to favor nuclear generation.

These figures do not take into account pollution abatement requirements. The Clean Air Act amendments which will soon be debated on the House floor would require electric utilities to spend an additional $25 billion to install and operate scrubbers to clean the emissions from coal-fired plants. Unlike coal, nuclear energy is a clean fuel. When these figures are added to the cost comparison, nuclear power looks even better.

I think it is significant to mention at this point one of the critical findings of a recent study released by the Federal Energy Administration which details the impacts for the State of California should the voters approve the Nuclear Initiative which is on the ballot June 8. The study concludes that, if nuclear power is phased out in California, the State can expect to experience severe environmental effects because such fuels as coal and oil will be expected to make up the gap.

After economics, then, the major issues surrounding nuclear power are environmental and safety. Opponents of nuclear power believe that the potential risks to property and human life are too great to warrant its commercial use. Their concerns relate specifically to the safety of the reactors themselves, the potential for nuclear blackmail, and the issue of radioactive waste disposal.

I believe these concerns are legitimate and appropriate for debate in a public forum. While the technology of nuclear generation is complex and beyond the comprehension of most of us, the central questions of its necessity, utilization, reliability, and safety can be addressed by the general public. My study of these questions has led me to conclude that nuclear energy can provide a reliable and clean source of power to meet the energy demands of the American public for the coming decades; that the regulatory process which governs every step of the nuclear cycle insures a margin of safety uncharacteristic of other types of electrical generation; and that the remaining technical problems, primarily associated with waste disposal, are solvable. It would be a grave mistake for this country or any State within this Union to prohibit the use of nuclear power. In my judgment, the benefits of nuclear power far outweigh the potential risks. The risks of continued dependence of insecure supplies of foreign oil are far greater than the risks associated with nuclear power. The costs to society and individuals should chronic shortages be allowed to occur far outweigh the costs of nuclear power.

Because nuclear energy was first used in the atomic bombs of World War II, the public's perception of nuclear energy is clouded with images of the vast destruction that occurred because of the bomb. That is why it is important to underscore at the very outset that it is absolutely impossible for a commercial nuclear powerplant to explode like an atomic bomb. It has neither the right ingredients nor configuration for this type of reaction to occur.

While reactors are not capable of nuclear explosion, they can fail. Several types of failure could be catastrophic. That is why a long and complicated licensing procedure accompanies every application for a nuclear powerplant. And, that is why one Federal agency, the Nuclear Regulatory Commission, has as its primary task the regulation and constant monitoring of these plants. Every nuclear reactor contains multiple safety systems which can be activated in an emergency. These systems are by far the most sophisticated commercial safety systems in existence. They have never failed catastrophically. No nuclear reactor has ever experienced an accident which resulted in measurable damage or injury to the public.

Those involved in the commercial nuclear power business have never claimed that their process was foolproof. Quite the contrary, they planned and designed for every possible form of failure. As the Chairman of the NRC, William Anders, stated in testimony before the Joint Committee on Atomic Energy earlier this year:

> While there is no such thing as zero risk, licensed nuclear power plants provide margins of safety for the public which place

them among the lowest rungs of risk exposure.

Probably the most sophisticated study of the nuclear safety issue was that conducted by Dr. Norman Rasmussen for the Nuclear Regulatory Commission. The Rasmussen report, completed last year, is an extremely complex effort to estimate the amount of risk created by commercial nuclear reactors and compares it to risks associated with other types of natural or manmade events.

The basic technique employed by Dr. Rasmussen was to first attempt to identify all possible events which could lead to a catastrophic accident at a nuclear reactor. A second analysis was performed to estimate the probability that the systems designed to cope with those events would fail to operate properly. Finally, the amount of radioactive material that would be released by such a nuclear accident was estimated with projections as to its effect on people and property. While the technique employed is highly sophisticated, some of the results deserve underscoring:

A person living near a nuclear powerplant is 150 times more likely to be killed by lightning than by a nuclear reactor accident;

The chance of 1,000 persons being killed in any year due to the operation of 100 nuclear powerplants is one in a million. This is just about the same risk level associated with meteors.

MAN-CAUSED FATALITIES

	Probability of—	
	100 fatalities	1,000 fatalities
Fire	1 in 7 yr	1 in 200 yr.
Dam failure	1 in 25 yr	1 in 90 yr.
Airplane crash (persons on the ground).	1 in 100 yr	1 in 4,000 yr.
Nuclear reactors, 100 plants.	1 in 10,000 yr	1 in 1,000,000 yr.

The second public policy issue that is raising concern is that of disposing of radioactive waste materials. The waste products from the nuclear fuel cycle are highly toxic and could be potentially dangerous to life. At present, there is no permanent facility for disposing of nuclear waste. The Energy Research and Development Administration is currently investigating numerous options for a permanent disposal facility. The most realistic method appears to be permanent underground storage in salt formations.

The third issue in the nuclear debate is that of safeguards. Essentially, opponents of nuclear power raise the possibility that materials involved in nuclear fuel cycle, particularly plutonium, are potentially usable to construct nuclear bombs. I do not deny that this possibility exists. But, again, I believe the nuclear industry working with the Federal Government, has developed controls to make such possibilities very remote.

In conclusion, I would like to return to the three themes I outlined at the beginning of my remarks—energy, economics, and environment. Adequate supplies of energy are vital to a healthy economy. Sustaining growth, creating jobs, and maintaining a high standard of living are part of it. But, I believe the issue is even more basic.

An excellent expression of that view appeared in a recent news column by Edward Teller, the eminent nuclear physicist who was the first Chairman of the Atomic Energy Commission's Committee on Nuclear Safeguards. In one short paragraph, Mr. Teller emphasizes the heart of the problem:

> But limiting consumption to the present per-capita use would only perpetuate the misery of the majority of mankind. Energy is needed not only for industry. It is also needed for effective production of food. Without more energy the underdeveloped world will not progress. In fact, it will starve.

A viable and expanding agricultural economy cannot exist without adequate supplies of energy. We simply cannot afford to tie the hands of the food-producing sector of our economy by denying it the energy it needs to produce the food the world needs.

Mr. Teller calculates that by the year 2000 the world will demand the equivalent of 300 million barrels a day in energy. Oil and gas alone will never fulfill that demand. Coal, solar, geothermal, and hydroelectric power will certainly help. But, there is only one guarantee. That is power generated from nuclear reactors.

Sure there are risks, but they are manageable. Without the needed energy, I fear the consequences would become unmanageable for this country and those who share this planet with us.

Mr. BADILLO. Mr. Chairman, I am very unhappy with the heavy emphasis placed in this measure on nuclear development and nuclear power. We are faced with an energy crisis compounded of increased demand and more and more expensive supplies. It is imperative that we develop alternate, economical sources of energy that will permit us to attain and maintain healthy economic growth. It is far from certain, at this time, that nuclear energy can safely meet our national needs. We are not able to gage fully the environmental or health impact of heavy nuclear development. Consequently, in our search for new sources of energy, we should explore fully all nonnuclear alternatives, such as solar energy.

Unfortunately, H.R. 13350 does not permit us to do so. The nonnuclear portion of this $6.97 billion budget amounts to only $1,143.9 billion.

Numerous amendments have been prepared to redress this imbalance. Of particular importance among them is an amendment offered by the gentleman from Vermont (Mr. JEFFORDS) which seeks to increase funding for solar energy technologies by $116.2 million and stipulates that at least 20 percent of the funds contracted out by ERDA for solar energy go to small businesses. Mr. Chairman, I give my wholehearted support to this amendment and urge my colleagues to adopt it overwhelmingly.

Mr. DODD. Mr. Chairman, I rise in support of H.R. 13350, the energy research and development authorization for fiscal year 1977. With my colleagues on the Science and Technology Committee, I spent long and fruitful hours working on this bill, and I feel that the proposal we now bring to the floor is worthy of House support.

Several major accomplishments are contained in the nonnuclear portion of this bill, and a number of excellent floor amendments should further improve the quality of the ERDA programs drawn up for next year.

Most noteworthy of all is the growth of our commitment to the development of alternative energy sources, and to a greater implementation of conservation methods—both of which are essential to a society which consumes a full 40 percent of the world's energy production.

The generous increase in funding for solar energy programs—which has been more than doubled since last year—is proof that we are looking toward the future in a dynamic and evolutionary manner.

In my estimation, our greatest energy priority is certainly the development of as wide a field as possible of diversified and reliable energy sources. Only in this way will we avoid repeating the mistakes of the past, and being trapped once again in a situation of virtual dependency on a single means of energy production.

While there is still a certain reluctance to rethink our strong emphasis on nuclear programs, it is encouraging to see an increasing willingness to broaden the scope of research and development in the energy field.

The limited supply of uranium, the escalating costs of nuclear powerplants, and their still unresolved safety and environmental problems are clouding the nuclear future. What is now called for, as a result of these factors, is a serious reevaluation of our budgetary priorities which in the past have been heavily weighted in favor of nuclear power.

The technological knowledge necessary to produce solar energy has been perfected to the point where we can now engage in relatively large-scale practical applications with expected success. And this we should do with no further delay.

An extra $100 million over and above ERDA's request for solar programs was included in the bill by the committee in recognition of this acute need for new directions.

The increased funding allotted to other alternative sources of energy—including geothermal energy, ocean thermal gradients, and biomass conversion—is also gratifying to those of us that see these as promising new methods worthy of sustained attention.

I am particularly pleased with the $17 million for fuel cells which should set this pioneering program on its way to full-fledged development. I pushed very hard for the fuel cell program, and I am grateful for the support that my amendment to add an additional $5 million to its budget received in committee.

With reference to the nuclear and supporting programs, I would like to make basically two points. First of all, I would like to express my strong support for the three floor amendments that address themselves to some of the problems encountered in the Clinch River breeder program.

The first of these amendments, to be offered by Representative JACOBS, of Indiana, seeks to delay construction at the Clinch River site until the experience of the fast flux test facility in Hanford, Wash., has been evaluated. The design and manufacturing aspects of this facility are deemed to be invaluable in contributing to the construction of the Clinch River liquid metal fast breeder reactor.

Clearly, no such contribution will be made if the Clinch River project goes on before the tests results are in. Given the enormous cost overruns already experienced with the CRBR, it would seem both fiscally and environmentally responsible to support a delay which will preclude avoidable mistakes and save the American taxpayer a great deal of money.

The taxpayer also stands to benefit from the passage of the Coughlin-Moorhead amendment which would reallocate the financial burden more evenly between Government and private industry. While costs and delays have escalated the CRBR's price tag to nearly $2 billion, the reactor manufacturers and the utilities presently bear a mere 13 percent of this astronomical sum. Certainly it is time that the latter percentage be increased, and I support the new formula proposed by the gentleman from Pennsylvania.

My final point on the CRBR is that I believe we also owe the American public a greater guarantee of safety, which the Fraser amendment seeks to bring about in a very efficient fashion. It would simply require the nuclear regulatory commission to make its safety evaluation prior to issuing a construction license. This can only improve upon the present practice of requiring a safety determination only at the operations stage, when it is often decided that it is either too late or too costly to make substantial—but necessary—changes.

In conclusion, I would like to reiterate my desire to see the civilian and military uses of nuclear energy treated in two separate bills. While I am not opposed to the maintenance of our nuclear capability, I do not feel that nuclear weapons funding should be included in what is properly an energy bill. Thus, I will continue to work for the separate consideration of weapons issues; and for these reasons, I will support Representative ABZUG's amendment to strike all weapons funds from the ERDA authorization.

Mr. WINN. Mr. Chairman, I rise in support of H.R. 13350, the authorization bill for ERDA for fiscal year 1977.

ERDA has matured rapidly in the year since its creation. It has assumed the role as the lead agency in developing new and improved energy sources. Fossil, solar, and geothermal energy development are now focused in one institution. This centralization promotes greater coordination among energy programs. Such coordination not only enhances efficiency and cost effectiveness, but also recognizes the fact that our energy technologies must eventually be integrated together to produce a comprehensive energy package. ERDA's role in sheparding the development of new energy technologies gives it a good head start at combining these technologies into an overall energy system.

ERDA's solar energy program has maintained the momentum of last year's enthusiasm for this clean energy source. Most individuals think of solar energy as applied to the heating and cooling of homes and buildings. But solar heat can make a valuable contribution to our energy supply in the agricultural industry. Solar energy can be adopted for drying various crops—corn, grain, soybeans, and peanuts—and to heat animal shelters and greenhouses.

The utility of solar energy in agriculture does not stop with processing aspects. Agricultural crop residues can in themselves be the feedstock for the production of clean fuels. By such processes as fermentation or pyrolysis, waste organic materials can be converted into energy. The research task here is to investigate the technology required for each conversion process. This application has dual benefit of generating useful energy and also eliminating what would otherwise be a waste disposal problem.

A truly ambitious and innovative application for solar energy is the concept of the solar power space satellite. Conceptual designs have already been present for a satellite which converts solar energy into microwave energy and then transmits the energy back to a receiver on Earth. The virtue of this system is that it could operate 24 hours a day in an environment where the Sun's energy is not diminished by the atmosphere. It has been estimated that a solar power satelilte could produce 10 megawatts of power. While such a system is many years off, it demonstrates that solar energy has a much broader future than merely installing rooftop solar collectors on buildings. Obviously a solar power satellite would require the active participation of NASA with ERDA. NASA is studying the solar power satellite concept. I encourage both agencies to cooperate in analyzing the technology and operational requirements necessary to make this system a reality.

Another near term application is the direct conversion of solar energy into electrical energy. The basic technology for such conversion has been developed in connection with our space program. The objective now is to improve this technology to the point where the conversion systems would be economical enough for widespread use. NASA continues to be actively engaged in pursuing this technology. ERDA programs should be able to build upon post and current NASA achievements and vice versa.

The members of the committee devoted extensive time in examining the details of the ERDA budget request. The committee's judgment on funding levels is based on an informed knowledge of the technologies and a realistic projection of what can be accomplished in the coming year. The amounts authorized provide funds to implement even the most optimistic program projections. The committee often resolved questions of adequate funding levels by approving too much rather than too little.

Consequently I share Mr. GOLDWATER's concerns as expressed in his additional views in the committee report. We cannot buy technology breakthroughs with money alone. Advances in technology follow an evolutionary, orderly process which cannot be accelerated indefinitely. The funding levels in the bill are now at the saturation point. I would urge my colleagues to resist the impulse of increasing these amounts even further. Increases would not produce any more results than already provided for in the bill. Too much is enough. We are at that point now, so let us not add any more.

Mr. Chairman, I believe that H.R. 13350 is a bill which will sustain our accelerated program of energy research and development. The success of ERDA's programs will ensure that we have adequate energy supplies to maintain our economy and standard of living in coming generations. I urge my colleagues to adopt the bill as reported.

Mr. HARKIN. Mr. Chairman, I rise in general support of the portion of H.R. 13350 which was reported by the Committee on Science and Technology. I believe our energy subcommittee hearings which reviewed the ERDA nonnuclear programs were painstaking and thorough. As I did at this time last year, I want to compliment Chairman TEAGUE, and Subcommittee Chairmen HECHLER and McCORMACK, and all members of the committee for their diligence in scrutinizing the ERDA nonnuclear budget request for fiscal year 1977.

I do not intend to cover all the ERDA program areas over which our committee has jurisdiction. Instead, I wish to focus on the committee actions taken with respect to ERDA's solar and conservation programs and express my personal concerns regarding their relative position in the competition for funds within ERDA, as well as the role that these two technologies are perceived to play by the administration in our total energy picture.

I am convinced that most solar energy technologies will provide energy at costs comparable to those of fossil and nuclear energy sources in the near and distant future. There is a wealth of Federal studies, including those conducted by ERDA itself, which have predicted that even with a modestly financed Federal program solar technologies could furnish energy at cost-competitive prices by the early and mid-1980's. The question now is how quickly the cost of these solar technologies can become competitive and how rapidly production capacity can be commercially scaled up to achieve a substantial impact on our Nation's energy picture.

The use of solar energy has clearly captured the imagination of Americans. The potential from its best known applications—the direct heating and cooling of buildings and the generation of electricity—needs little elaboration here. We should all be familiar with this potential by now. But solar applications in the areas of agricultural and process heat, wind energy conversion, and the conversion of fuels from biomass is seldom recognized. And yet, we use over 1 billion gallons of LP gas or equivalent each year to dry crops and feeds. And this use is rapidly increasing. Nor is it widely known that the heat value of burning agricultural and forestry wastes make the conversion of these resources a very efficient and environmentally sound method of not only producing energy and thereby conserving our fossil fuels, but also affording a way in which we can better manage our recoverable resources.

Yet, there continues to be little indications in this year's budget request to Congress that the administration is giving solar energy development the priority it deserves. It is especially troubling to note that for the second year in a row, the administration's request to Congress for solar programs was far less than what ERDA wanted and reflects a continuing and very basic difference of opinion between the White House and ERDA as to the extent and speed with which the Government should develop solar energy.

Fortunately, actions taken by our committee have insured a more vigorous program of research, development and demonstration in all solar technologies. While I, of course, concurred in the increases recommended by our committee for solar energy, I want to make it clear that my personal view is that these increases represent a minimum level of support in this area, and that I intend to support the amendment to be offered by my colleague, Mr. JEFFORDS, which is designed to authorize a level of funding by ERDA for solar energy programs which is closer to the recommendations made by the ERDA branch chiefs and supported by the studies to which I earlier referred.

A second concern that I have expressed with regard to ERDA's overall budget request for fiscal year 1977 has to do with the funding priorities within ERDA.

Last year, ERDA's national energy plan stated:

> The technologies for producing essentially inexhaustible supplies of electric power from solar energy will be given priority comparable to fusion and the breeder reactor.

Yet, the administration requested in its fiscal year 1977 budget almost 12 times as much money for the fusion and breeder program than as for solar-electric applications, or $880 million compared to $73 million. This is especially hard to justify when one stops to consider that the breeder is not expected to become commercial for another 15 to 20 years, and fusion for 20 to 25 years, while most solar technologies will become competitive before both of these nuclear technologies.

I am also very much concerned about the continued deemphasis by the administration of energy conservation relative to other energy technologies as reflected in the same budget request for fiscal 1977. This is all the more puzzling when ERDA's updated national energy plan, which was released on April 15, stated that the major change reflected in this first annual revision of ERDA's national plan is the "singling out of conservation technologies for increased attention, ranking them with several supply technologies as being of the highest priority for national action."

While ERDA points out that the President's fiscal year 1977 budget provides a 64-percent increase for energy conservation, it should be noted that ERDA's request to Congress was for $91 million, or only 2 cents of the Federal energy research dollar for conservation. And, only $53 million of that amount was targeted for end-use conservation, the one area where immediate and effective results can be obtained.

Moreover, while the administration's proposed total energy conservation spending for fiscal 1977—ERDA, FEA, and so forth—contains a dramatic 30.4 percent increase, as in previous years most of the total energy budget—96 percent—is devoted to increasing energy supplies, with only 4 percent devoted to programs aimed at reducing energy demand and conserving energy. Again, I think our committee has recommended increases for the conservation programs which will begin to make ERDA's commitment in program funds for conservation consistent with its public statements. I am especially happy to note that three areas within the buildings conservation program—performance standards, utilization of urban waste, and the total energy and community systems program—will be able to continue their ongoing projects.

With regard to the urban waste program, I also intend to support the amendment to be offered by my colleague on the committee, Mr. SCHEUER, to earmark a specified amount of the funds authorized under buildings conservation for ERDA's Office of Waste Systems Utilization. The EPA has estimated that roughly 70 to 80 percent of residential and commercial wastes are combustible and contain an energy contact equivalent to approximately 522,000 barrels per day of oil. My own hometown of Ames, Iowa, is today providing 20 percent of the fuel requirement for its municipal powerplant from residential and commercial garbage.

The funding disparity between competing energy technologies within ERDA, and the administration's continued unwillingness to present an energy research, development, and demonstration program which provides a reasonable blend of energy supply and demand related programs, reflects a very serious problem which continues to confront the House Science Committee. The annual ERDA authorization request is referred jointly to the House Science Committee and the Joint Committee on Atomic Energy. The Science Committee has budget responsibility for the nonnuclear programs; the Joint Committee for nuclear energy and nuclear weapons research and development programs. I think that for Congress to achieve satisfactory answers to the Nation's energy research and development problems, a careful balance must be achieved in the efforts and resources devoted to the various options available in the nuclear and the nonnuclear energy fields.

At the present time, neither of the two committees having jurisdiction over ERDA are in a position to consider this balance adequately and reach responsible decisions. We all realize that major questions exist as to the proper balance within the nuclear field, as between the breeder and nonbreeder reactor programs, the fusion energy programs, and so forth. Likewise, judgements vary as to the emphasis to be placed on nonnuclear programs—including fossil, solar, geothermal and conservation—vis-a-vis the nuclear programs.

I think it is clear that these problems can no longer be adequately addressed by joint referral and that the technical nature of the subject makes it extremely difficult to fashion the final bill on the floor of the House. There are no easy answers to this question. But I would suggest that to conform to the executive branch reorganization, which places all energy research and development within one organization, Congress should consider the possibility of placing energy research, development and demonstration jurisdiction in the House within one joint committee on energy modeled after the JCAE—or leave it completely within the jurisdiction of the House Science Committee.

Finally, I believe that the defense-related programs of the ERDA should be within the province of the Department of Defense authorization bill, and should therefore be considered by the Armed Services Committee, as part of any restructuring of the jurisdiction of the House committees relating to energy research.

In this regard, I intend to support an amendment by the gentlewoman from New York (Ms. ABZUG) which would correct this situation. I urge my colleagues to do likewise.

Mr. THORNTON. Mr. Chairman, I want to state my clear support for H.R. 13350 and the actions taken by the Committee on Science and Technology in its consideration of the funding levels for the entire spectrum of nonnuclear energy R. & D. programs. Our committee, under the leadership of the gentleman from Texas, Chairman TEAGUE, and the subcommittee chairman, has outlined an orderly and aggressive program for energy development. I will limit my remarks to three specific areas, geothermal energy, energy conservation and environmental and safety.

Mr. Chairman, I support the authorization of $71.9 million for Federal research, development, and demonstration activity for geothermal energy.

There are basically five types of geothermal resources: dry-steam resources, which consist of superheated steam with very little or no associated water; high-temperature water resources; moderate-temperature water resources; geopressured resources; and hot dry rock resources.

The technology for producing electric power from dry superheated geothermal steam deposits is well advanced and, indeed, we are now producing enough electricity to supply about half of the requirements of the city of San Francisco from the geysers dry-steam field located in Sonoma County, Calif. The unit cost of dry-steam installations is under that for fossil and nuclear fueled facilities, and dry-steam has less adverse environmental impact. Exploitation of such deposits will provide valuable additions to local power supplies and will also help conserve conventional fuels. However dry-steam deposits appear to be uncommon in nature and have proven difficult to locate. Unfortunately, no commercially exploitable superheated steam field similar to the geysers has as yet been identified.

The next logical step is the use of high-to-moderate-temperature geothermal water systems, which the U.S. Geological Survey has estimated as being more than 10 times as plentiful as the steam types.

Powerplants utilizing this mixture will be more expensive than the dry-steam plants and the technology to utilize these deposits is not totally developed. Technology suitable to derive electrical power from such deposits will be ERDA's immediate priority target in fiscal year 1977. ERDA's hydrothermal technology applications program will consist of conceptual design assistance, reservoir evaluations and management studies, component and systems development, environmental studies, and other work in support of industrial programs directed toward possible construction of demonstration plants, such as the program which is currently under development by the Electric Power Research Institute.

ERDA's program is also designed to demonstrate the feasibility of using thermal waters for nonelectrical purposes such as space heating systems and industrial processes.

Mr. Chairman, I support the committee's recommendation of the authorization of the full amount of the ERDA request of a budget authority of $12.2 million and a budget outlay of $10.2 million for this most important hydrothermal technology applications program.

The development of the vast geopressured resources along our gulf coast is a high priority need for extensive use of geothermal resources. There are three forms of energy contained in these extraordinary deposits. Geopressured deposits contain thermal energy, dissolved methane gas, and energy derived from hydraulic pressure. The estimated energy potential in known geopressured deposits according to the U.S. Geological Survey is over 50 times greater than the energy in known dry-steam deposits. These reservoirs of energy potential are found both onshore and offshore along the gulf coast, primarily in Texas and Louisiana.

After hydrothermal resources, geopressured resources may hold the nearest-term potential for the commercialization of geothermal resources. However, there is very little information currently available regarding either the chemical or mechanical properties of these deposits. Work must therefore first be concentrated in fiscal year 1977 on characterizing the geopressured resource base.

A three-dimensional computer model of the geopressured geothermal resources is projected for completion by mid-fiscal year 1977. The input for this model includes data from literally thousands of gulf coast well records, seismic survey information, and geological interpretations. The model's output will consist of the estimated size, shape, and location of promising onshore geopressured deposits. In fact, two new and major areas of geothermal potential have recently been identified on the Texas coastal plain.

Mr. Chairman, a first generation technology for converting the thermal energy content of geopressured waters into electricity has already been defined. It is based on a flashed-steam cycle. However, several areas of possible environmental concern have also been defined. These are related to water disposal, cooling, and subsidence. The problem of subsidence will continue to be studied in the next fiscal year. The legal and regulatory status of the methane produced as a byproduct of geopressured fluids is also of special concern.

Another major program activity of fiscal year 1977 will be the performance of dynamic tests on wells in geopressured reservoirs to provide data on the sustained production capacity of geopressured deposits and information on the composition of the geopressured fluids. The fiscal year 1977 ERDA budget will allow such tests and evaluations to be performed on about four existing geopressured wells.

A geopressured pilot plant study is now underway. The first task is to identify candidate sites suitable for a pilot plant. Three to five wells will be drilled in the next fiscal year to characterize geopressured reservoirs for this purpose. Concurrently, conceptual design of a pilot plant based on first generation conversion technology will take place. The pilot plant will follow, contingent upon successful tests and technology development.

Mr. Chairman, the committee increased the funding of the advanced technology applications program above the ERDA request by $7.6 million in budget authority and $6 million in budget outlays to a total of $17.7 million in budget authority and $14.2 million in budget outlays.

The committee took this action in the belief that geopressured resources, which fall under the advanced technology applications program, may represent an early opportunity for extending the Nation's energy production. However, the committee also recognizes that more information will be required about this resource to predict whether its exploitation will be practical. The increase in funds provided by the committee will permit additional well tests and reservoir analyses at widely separated locations. The committee estimates that an additional three wells can be tested providing parallel results to the efforts proposed by ERDA in its budget request. Accelerating the date by which the character of the geopressured resource base will be more firmly established will permit an earlier decision regarding the construction of a pilot plant and test facility to explore the technologies to extract geopressured waters, manage reservoir production, utilize the energy recovered, and control possible environmental effects.

Mr. Chairman, the committee has increased the entire fiscal year 1977 geothermal budget significantly above the ERDA request. The committee believes that this increase reflects the minimum expansion of the level of effort established by ERDA in fiscal year 1976 and the Transition Period which will permit ERDA to successfully pursue the programs and goals established in Public Law 93–410, the Geothermal Energy Research, Development, and Demonstration Act of 1974.

The committee has expressed its approval with the manner in which the directives of Public Law 93–410 are being implemented by the ERDA Geothermal Energy Division.

However, the committee has also expressed a strong note of disapproval with the administration recommendation to curb the excellent work of the U.S. Geological Survey in the area of geothermal resource evaluation. The committee through its authorization increase has also provided sufficient funds for ERDA to transfer to the U.S. Geological Survey to insure monetary support for this evaluation program and expects to exert significant oversight in this area during the next fiscal year.

Mr. Chairman, I would like to next address the need for a more effective program of energy conservation.

First, the need for an effective energy conservation effort does not minimize the need to develop new and alternative sources of supply. Even with maximum energy conservation efforts, the United States must develop new supplies of energy in order to maintain and improve our standard of living and assure a secure and prosperous future.

Second, energy conservation need not and should not carry with it the connotation of restricted economic activity or reduced standards of living. If the Nation does not develop and maintain an adequate energy resource base, reduced standards of living, and restricted economic activity may be imposed upon us, but, approached in the right way, energy conservation can make a positive contribution to the economy and improve living conditions.

My support for an energy extension service is motivated by a recognition of inadequacies and lack of a coordinated approach in present energy programs.

In order to be truly effective, any comprehensive conservation program must stimulate a conservation ethic in the private sector—in the millions of individual citizens and thousands of small businesses, commercial establishments, and agricultural enterprises throughout the Nation. I am convinced that this cannot be accomplished by reliance upon slogans, billboards, and media campaigns. What is required is an active face-to-face relationship with energy consumers to help them to recognize energy conservation opportunities and to assist them in implementing energy conservation techniques and technologies.

Also it is essential that we develop effective means to encourage use of alternative energy resources such as solar heating and cooling or hot water heating, and other new technologies which may be developed. There is also a need to communicate back to researchers the problems faced by end users to which research and innovation should be addressed.

We have in this country a highly successful model on which to base an active energy extension service. That model is the agricultural extension program which for many years has provided to farm families information and assistance in the growth and cultivation of crops, farm and home management, and many other areas.

A carefully devised energy extension service can fulfill the same role throughout a large segment of our country. This bill contains an authorization to begin work toward the development of this concept, and I support the committee's recommendation of $10 million in fiscal year 1977 for an Energy Extension Service within ERDA.

Finally Mr. Chairman, I would like to discuss one of the significant problems associated with the development of fossil energy resources, such as coal and oil shale, or geothermal energy resources. Such developments may have a potential for release of toxic substances into the environment. A major unknown associated with these toxic substances is the threshold level which will precipitate carcinogenic reactions in the human population and in the environment at large. With the committee's increase of $25 million for environmental and safety programs we can address these problems in a meaningful way in the coming fiscal years.

The committee expressed the view that the existing Federal program expertise in the area of toxicology should be examined by ERDA so that other centers of national stature and competence would be used when appropriate as a complement to existing programs carried out in the national laboratories. In that regard I must speak with considerable pride in the National Toxicological Research Center in Pine Bluff, Ark. This center was established in facilities vacated when the Biological Warfare Center was closed a number of years ago. The stature of the National Toxicological Research Center has grown over the years to be considered an outstanding focus for research on toxicology and related topics. It receives significant funding from the Federal Food and Drug Administration and the Environmental Protection Agency. This center may well prove to be a suitable site for toxicology studies related to development of energy resources.

Mrs. LLOYD of Tennessee. Mr. Chairman, I rise in support of the ERDA authorization bill, which we are discussing today. I urge this bill be passed as recommended by the committee. My concern and support for this bill reflects my judgment that it is an appropriate means for developing new technologies. More than that I am concerned that the Congress take a positive, constructive approach to the energy problem. So much of recent legislation has been concerned with restrictions on energy consumption and adjustment of consumption patterns. These are, of course, very important issues but there are other options for positive action in this country. Supporting ERDA's authorization bill for 1977 will keep faith with this affirmative approach to our country's energy problems.

In the nonnuclear portions of the ERDA authorization, the recommendations of the committee demonstrate its commitment to a positive energy policy. There is not a single area in the nonnuclear divisions of ERDA that has not had its authorization increased beyond the OMB suggested levels. The largest increase of $82.5 million went to conservation research and development. This may seem ironic in the light of the positive tone I have just taken. Yet the emphasis of the program is not simply using less energy but rather on using the energy available in more efficient ways. For example, the programs to be supported include small coal-fired total energy systems for heating and electrifying office and residential buildings. Another conservation technology will examine new ways to recover heat from solid waste. More exotic conservation projects include development of catalytic combustion boilers for industry and improvements in the aluminum electrolytic smelter.

Just as Congress and the committee has responded to their perceptions of the public consensus by increasing the authorization for conservation substantially, in the same way the promise of solar technologies receives encouragement in the bill. The committee has recommended an increase of more than $66 million. This brings the total for the solar energy program to $229.2 million. Again the emphasis is positive. Direct thermal applications of solar energy for heating and cooling of buildings and for agriculture and process heating supported for near and midterm applications. Solar electric applications capture the imagination with their variety, from wind systems in the near term to photovoltaic and solar thermal electric in the intermediate period and ocean thermal systems for long term contributions. The hope is that the 1980's will see a supplementary contribution from solar electric systems for load following or intermediate load generating systems.

As exciting as the conservation and solar technologies are, the United States has depended on its vast coal resources for much of its history. And it appears that we will have to turn to coal once more, until we have learned to harness the virtually unlimited renewable sources of energy in the Sun and the fusion process. As a consequence ERDA with the approval of Congress is spending large amounts of money and effort to develop clean, efficient, and convenient ways to use our abundant coal.

In addition to these obvious areas, the committee has given increased and continuing support to the geothermal energy program, the environment and safety program, and the educational efforts of ERDA.

Also encouraging is the increased support of the basic energy sciences. So much of our strength as a country has depended on the continued innovation supported by both Government and industry. In a technological society that has its base in science, such innovation can continue only if that base is healthy. This recognition has been renewed recently and is reflected in the increased authorization for the basic energy sciences.

Once again I commend the work of the committee for your attention and support this bill with a sense of urgency and confidence that my colleagues will keep faith with the people they serve.

Mr. VANIK. Mr. Chairman, the Energy Research and Development Administration authorization which is before us today is once again a disappointment. While I am pleased that the nonnuclear programs were increased during committee and subcommittee consideration of this legislation over the original ERDA requests, I am still dismayed over the continuing budgetary bias in favor of nuclear research and development, at the expense of the significant potential progress that we would be making in solar energy and conservation technologies.

It is estimated that by the year 2000, solar energy could be supplying nearly 25 percent of the country's energy needs. However, only 3.2 percent of the ERDA budget is dedicated to solar energy research and development. It is also estimated by ERDA that the development and use of such conservation technologies as waste heat utilization could effectively reduce the amount of energy that we would otherwise be consuming in the year 2000 by 25 percent, without any harm to our economy. Again, however, funding for conservation R. & D. only accounts for 2.9 percent of the total ERDA budget. In fact, the total funding for nonnuclear ERDA programs amounts to only 20 percent of the entire ERDA budget authorization. A full 75 percent of the ERDA budget authorization is dedicated to nuclear energy programs R. & D. For the third year since its inception, the overwhelming share of the ERDA energy R. & D. budget goes to the development of nuclear power, to the detriment of the development of other energy sources and technologies.

The real significance of this budgetary imbalance is quickly learned from an examination of who stands to gain from the heavy emphasis on Federal subsidies for the nuclear industry. According to the Federal Energy Administration and ERDA, 12 out of the 25 top companies that control 95 percent of this country's low-cost uranium reserves have significant oil and gas interests. In fact, these 12 companies control 51 percent of the total supply of known low-cost uranium ore reserves.

In other words, Mr. Chairman, the petroleum industry stands to gain the most from the development of nuclear energy. While it is not surprising that the companies that already have substantial oil and gas holdings also have other underground interests, the direct correlation between the corporate ownership of nuclear energy potential in this country and the heavy emphasis placed on the development of this energy supply by the Federal Government through ERDA is particularly disturbing.

This emphasis leads one to wonder who really controls the energy policy in this country: Congress, which takes the blame for not having developed a cohesive national energy policy, or the oil companies, who stand only to gain from the manipulation of the priorities of our energy development budget.

Mr. Chairman, we have played into the hands of the big oil companies for far too long. Our energy policy is made in the back rooms of corporate powers, and not in the open in Congress where it should be. Now we are repeating the folly of the first half of this century, by encouraging a continued stranglehold on this Nation's energy and economy. We are already heavily subsidizing the so-called energy industries with generous tax writeoffs. Now we are asked to continue to provide billions of dollars in direct cash subsidies, so that they may continue their control on into the next century.

In addition, we are tolerating one of the biggest hypocricies of this century. The energy companies cry for free enterprise through such devices as the deregulation of oil, which would create artificially high prices. At the same time they are seeking special Government subsidies for nuclear development. The free enterprise that the energy industries tout so highly is a far cry from the conception of free enterprise that the small storekeeper or farmer maintains.

Mr. Chairman, I believe that both industry and the Government must contribute to the development of new energy sources. However, we should not allow our future policies to be determined by a handful of powerful energy companies. Their financial self-interest must not be permitted to blur the vision that we must employ in developing these programs. We must remove these critical energy research decisions from the intense pressures of budgetary politics. The financing of energy research and development should be accomplished through an independent trust fund in order to provide a better opportunity for adequate funding for all research alternatives. The decisions that we make in the next few years will affect our energy supplies for decades to come. It is essential that we insure the development of a balanced energy research program in which all important energy alternatives will receive an adequate share of funding.

Mr. PRICE. Mr. Chairman, during the debate on title I of the bill, there has been considerable discussion concerning the costs of electricity generated by nuclear power compared to the costs of generation by other sources of energy. I would like to supply for the record the most current available information on the costs of nuclear power generated electricity and the costs of electricity generated by fossil sources.

I insert this information in the RECORD:

COSTS

A recent paper dealing with the continuing comparison of nuclear vs. conventional electric generation was prepared by Gordon R. Corey, Vice Chairman, Commonwealth Edison Co. dated December 8, 1975. Such comparison is a necessary ongoing activity for all responsible utilities which must decide on the type of generating units to build when adding needed capacity. Corey's paper, entitled simply, "A Comparison of the Cost of Nuclear Versus Conventional Electric Generation", comprises a key element in the data available to Commonwealth Edison management when making decisions on capacity additions. The central issues and conclusions of Corey's paper are summarized here.

Corey first presented the actual experience of Commonwealth Edison in nuclear construction cost, dating from the Dresden 2 service date of 1970 to the projected service date of the Braidwood units in the 1980's, as follows.

Nuclear construction costs

	Service Date	*Cost Per Kw*
Dresden	1970–1	$146
Quad Cities	1972	161
Zion	1973–4	281
LaSalle	1978–9	[1]450
Byron	1980–2	[1]500
Braidwood	1981–2	[1]500

[1] Estimated.

He also compared present regional differences in construction costs throughout the country as follows.

Nuclear construction costs (1973–74 service date)

	Cost Per Kw
Northeast and Middle Atlantic	$350–$400
Middle West	280–325
Southeast	180–200

Regional fossil fuel costs were found to compare as follows.

Fossil fuel cost

[Per million BTU]

	1974 Average	*Estimated Current Market*
Coal—F.O.B. the mine:		
Illinois	$0.35	$0.88
Montana	0.27	0.63
Eastern Kentucky	1.25	0.90
Oil		
No. 2	2.24	2.45
No. 6	0.94	1.90
Freight rates on coal:		
To New York from eastern Kentucky	0.32	0.37
To Chicago from central Illinois	0.10	0.18
To Chicago from Montana	0.53	0.65

Corey then compared nuclear construction cost estimates made by Commonwealth Edison, by the FEA, and by Arthur D. Little for present-day construction. For convenience he converted all figures to 1974 dollars as follows with the cost figures including capitalization at 7% annually of funds used during construction.

Nuclear construction costs per KW [2]

[1974 dollars]

Commonwealth Edison:	
High	$463
Low	401
Probable	421
FEA estimates	438
Arthur D. Little estimates for New England	454

[2] Assumes a two-unit station of 1100 to 1200 MWe per unit.

He also estimated construction cost for a coal-fired station as follows: Three units of 800 MWe per unit were selected because 800 MWe is the largest coal-fired unit which Commonwealth regards as a commercially standard size today.

Coal-fired construction costs per KW [3]

[1974 dollars]

High	$458
Low	392
Probable	420

[3] Assumes a three-unit station of 800 MWe per unit. Includes flue gas SO_2 scrubbers.

These results show that the most probable cost of the coal-fired unit is virtually the same as the most probable cost of the nuclear unit. If scrubbers are omitted from the coal-fired unit its most probable cost would diminish by $125 per KW and the nuclear construction cost disadvantage relative to coal would be about that same amount.

Corey then assumed a 60% capacity factor and 20% per year carrying charge rate, yielding the following bus-bar carrying charges.

Bus-Bar Carrying Charges [4]

	Mills/KWH
Nuclear	16
Coal (with scrubbers)	16
Coal (without scrubbers)	11

[4] Assumes a 20% annual carrying charge rate, which is high.

Corey hastened to point out that the 20% assumption is high and therefore penalizes the capital-intensive alternative. A more realistic value would be 16%. However, it was his intention to be conservative regarding the nuclear costs in this comparison.

Fuel costs were estimated as follows:

Total fuel costs

[Present replacement costs]

	Mills/KWH
Nuclear	5½ to 6
Hi-sulfur coal	10
Lo-sulfur coal	16
Oil (no. 6)	23

However, high-sulfur coal is regarded as generally unacceptable by Commonwealth Edison. Until scrubbers are further developed, high sulfur coal with scrubbers is not regarded as a viable "new plant" option. Also, several assumptions were involved in the fuel cost estimates above as follows.

Fuel cost assumptions

Nuclear:

$25 to $35 per lb. for yellowcake.

$65 to $75 per SWU with 0.3% tails assay.

[*Megawatt Days per Metric Ton*]

Burn-up:	
Pressurized water reactors	33,000
Boiling water reactors	29,000

Salvage: Net cost of reprocessing and waste storage less recovery of ½ mill/KWH.

(Chicago Delivery)

[*Cost per Million Btu*]

Fossil:	
Hi-sulfur coal	$1.00
Lo-sulfur coal	1.67
Oil (No. 6)	2.38

The final comparison in total bus-bar cost was as follows.

TOTAL BUS-BAR COSTS (MILLS PER KILOWATTHOUR)

	Nuclear	Hi-sulfur coal	Lo-sulfur coal	Oil
Carrying charges	16	16	11	11
Fuel	5½–6	10	16	23
Other	2	3	2	1
Total	23½–24	29	29	35
Nuclear advantage		5–5½	5–5½	8–8½
Percent		(18)	(18)	(26)

Therefore, in the view of Commonwealth Edison the nuclear cost advantage over coal is considerable, and over oil is even more so.

Mr. McCLORY. Mr. Chairman, I will support the Jeffords amendment when it is offered to H.R. 13350, which would significantly increase funding for the development of solar energy technologies, and I applaud my colleague, the gentleman from Vermont, for his efforts in bringing this measure to the floor.

It seems to me that solar, geothermal, and wind energy technologies could provide a considerable percentage of our

Nation's energy needs in this century—if the development of these technologies receives proper program emphasis and funding within ERDA. The Jeffords amendment to the 1977 ERDA authorization bill would provide this needed funding and signify this House's commitment to a balanced program of nuclear and nonnuclear energy sources.

As we all know, the need for clean, safe, and renewable sources of energy has never been greater. The tremendous enthusiasm for the development and implementation of solar energy in my 13th District in Illinois—and throughout the Nation—is, I feel, an indication that our citizens are also keenly aware of and concerned about our future energy needs, and that they expect our full support for the most forward-looking energy technologies. Increased emphasis on solar, solar thermal and wind power, under the Jeffords amendment, will afford this country a broader base of energy alternatives sooner, and also allow much more flexibility in making the kind of energy choices which face us in the future. I urge my colleagues' support of this amendment.

Mr. PRICE. Mr. Chairman, I have no further requests for time.

Mr. ANDERSON of Illinois. Mr. Chairman, I have no further requests for time.

Mr. TEAGUE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

H.R. 13350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 261 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017), section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915), there is hereby authorized to be appropriated to the Energy Research and Development Administration for fiscal year 1977, subject to titles I, II, III, IV, and V of this Act, the following:

(A) For nonnuclear energy research, development, and demonstration of fossil, solar, geothermal, and other forms of energy, for energy conservation, and for scientific and technical education, $1,047,182,000.

(B) For nuclear energy research and development, basic research, space nuclear systems and other technology, uranium enrichment, national security, and related programs, $5,252,504,000.

(C) For environmental research and safety, basic energy sciences, program support, and related programs, $684,248,000.

TITLE I—NONNUCLEAR PROGRAMS

OPERATING EXPENSES

Sec. 101. For "Operating expenses", for the following programs, a sum of dollars equal to the total of the following amounts:

Fossil Energy Development.—

(1) Coal:

(A) Coal liquefaction, $76,830,000.

(B) High Btu gasification, $53,054,000.

(C) Low Btu gasification, $47,000,000.

(D) Advanced power systems, $22,500,000.

(E) Direct combustion, $52,416,000.

(F) Advanced research and supporting technology for the following:

(i) Coal conversion processes, $15,200,000.

(ii) Direct utilization, $5,550,000.

(iii) Materials and components, $8,585,000.

(iv) System studies, $10,350,000.

(G) Demonstration plants, $53,000,000.

(H) Magnetohydrodynamics, $37,441,000.

(2) Petroleum and Natural Gas:

(A) Gas and oil extraction, $41,274,000.

(B) Supporting research, $1,831,000.

(3) In-situ Technology:

(A) Oil shale, $21,085,000.

(B) In-situ coal gasification, $15,036,000.

(C) Supporting research, $1,310,000.

Solar Energy Development.—

(4) Solar Heating and Cooling, $78,900,000.

(5) Other Solar Energy Programs, $126,800,000.

Geothermal Energy Development

(6) Geothermal Energy Development, $71,900,000, including $3,600,000 for initiation of activities necessary to the construction of a hot brine test facility.

Conservation Research and Development

(7) Conservation Research and Development in Electric Energy System and Energy Storage, $55,600,000.

(8) Conservation Research and Development in Transportation, Industry, Buildings, and Improved Conversion Efficiency, $112,350,000.

(9) Conservation Research and Development: Energy Extension Service, $10,000,000.

(10) To carry out the municipal solid waste demonstration price guarantee program authorized by section 110 of this Act, $5,000,000.

Scientific and Technical Education

(11) Scientific and Technical Education, $5,000,000.

PLANT AND CAPITAL EQUIPMENT

Sec. 102. (a) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following amounts:

(1) Fossil Energy Development—Coal:

(A) Project 77–1–a, modifications and additions to Energy Research Centers, $6,900,000.

(B) Project 77–1–b for a high Btu pipeline gas demonstration plant (which is estimated to cost a total of $500,000,000, including the non-Federal share of such cost) is authorized. The amount authorized for such plant is $10,000,000.

(C) Project 77–1–c for fuel gas low Btu demonstration plant (which is estimated to cost a total of $380,000,000, including the non-Federal share of such cost) is authorized. The amount authorized for such plant is $5,000,000.

(2) Conservation Research and Development:

(A) Project 77–17–a Combustion Research Center, $8,500,000.

(3) Capital Equipment, not related to construction:

(A) Fossil energy development, $1,020,000.

(B) Conservation research and development, $11,050,000.

(C) Solar energy development, $8,500,000.

(D) Geothermal energy development, $3,200,000.

(b) There is authorized an additional sum of $50,000,000 for the clean boiler fuel demonstration plan (project 76–1–a) authorized by section 101(b)(1) of the Act of December 31, 1975 (89 Stat. 1065).

(c) There is authorized an additional sum of $15,000,000 for the five megawatt solar thermal test facility (76–2–a) authorized by section 101(b)(2) of the Act of December 31, 1975 (89 Stat. 1065).

PROVISIONS RELATING ONLY TO FOSSIL ENERGY DEVELOPMENT PROGRAMS

Sec. 103. Funds appropriated pursuant to this Act for "Operating expenses" for fossil energy purposes may be used for (1) any facilities which may be required at locations, other than installations of the Administration, for the performance of research and development contracts, and (2) grants to any organization for purchase or construction of research facilities. No such funds shall be used for the acquisition of land. Fee title to all such facilities shall be vested in the United States, unless the Administrator determines in writing that the programs of research and development authorized by this Act shall best be implemented by vesting fee title in an entity other than the United States: *Provided,* That, before approving the vesting of title in such entity, the Administrator shall (A) transmit such determination, together with all pertinent data, to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate, and (B) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. Each grant shall be made under such conditions as the Administrator deems necessary to insure that the United States will receive therefrom benefits adequate to justify the making of the grant. No such funds shall be used under clause (1) of the first sentence of this section for the construction of any major facility the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator shall (i) transmit a report on such major facility showing the nature, purpose, location, and estimated cost of such facility to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate, and (ii) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 104. Not to exceed 3 per centum of all funds appropriated pursuant to this Act for "Operating expenses" for fossil energy purposes may be used by the Administrator to construct, expand, or modify laboratories and other facilities, including the acquisition of land, at any location under the control of the Administrator, if the Administrator determines that (1) such action would be necessary because of changes in the national programs authorized to be funded by this Act or because of new scientific or engineering developments, and (2) deferral of such action until the enactment of the next authorization Act would be inconsistent with the policies established by Congress for the Administration. No portion of such sums may be obligated for expenditure or expended for such activities, unless (A) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the Administrator has transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate a written report containing a full and complete statement concerning (i) the nature of construction, explansion, or modification, (ii) the cost thereof, including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary and in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 105. Notwithstanding any other applicable provision of law, the initial authorization in this Act or any other Act heretofore or hereafter enacted to construct, pursuant to section 8 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5907), any fossil energy demonstration plant shall expire at the end of the three full fiscal years following the date of enactment of such authorization, unless (1) funds to construct each such plant are appropriated or otherwise provided pursuant to applicable law prior thereto, or (2) such authorization period is extended by specific Act of Congress hereafter enacted.

Sec. 106. All moneys received by the Administrator from any fossile energy activity shall be paid into the Treasury to the credit of miscellaneous receipts, except that on December 1 of each year the Admnistrator shall provide to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate a report of all such receipts for the preceding fiscal year, including, but not limited to, the amount and source of such revenues and the program and subprogram activity generating such revenues.

GENERAL PROVISIONS RELATING TO NONNUCLEAR PROGRAMS OTHER THAN FOSSIL ENERGY DEVELOPMENT

Sec. 107. The Administrator is authorized to perform construction design services for any Administration construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Administrator, and (2) the Administrator determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 108. Any moneys received by the Administration may be retained and used for operating expenses (except sums received from disposal of property under the Atomic Energy Community Act of 1955 and the Strategic Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7)), notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended.

Sec. 109. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred, may be merged with the appropriation to which transferred.

Sec. 10. The Administrator is authorized, subject to the appropriation of funds pursuant to section 101(10) of this Act, to establish and implement, under section 7(a) (4) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906(a)(4)) and in accordance with section 7(c) of such Act (42 U.S.C. 5906 (c)), a price-support program to demonstrate municipal solid waste reprocessing for the production of fuels and energy intensive products.

Sec. 111. (a) Funds made available to carry out nonuclear programs, other than fossil energy programs, for fiscal year 1977 may be used for activities in the field of intermediate technology, through grants in support of an expanded and coordinated effort to promote the development and dissemination of technologies appropriate to—

(1) the needs of local communities and which can enhance community self-reliance through the use of available natural resources;

(2) the use of renewable resources and the conservation of nonrenewable resources;

(3) applications which are energy conserving, environmentally sound, small scale, durable, and low cost; and

(4) applications which demonstrate simplicity of installation, operation, and maintenance.

(b) The Administrator shall prepare a detailed proposal to carry out this section and shall keep the Committee on Interior and Insular Affairs of the Senate and the Committee on Science and Technology of the House of Representatives fully and currently informed concerning the development of the proposal. The proposal shall be transmitted to such committees as a part of the annual report required by section 15(a)(1) of the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5914(a)(1)) beginning in 1977.

GENERAL PROVISIONS RELATING TO ALL NONNUCLEAR PROGRAMS

Sec. 112. Except as otherwise provided in this title—

(1) no amount appropriated pursuant to this Act may be used for any nonnuclear program in excess of the amount actually authorized for that particular program by this Act,

(2) no amount appropriated pursuant to this Act may be used for any nonnuclear program which has not been presented to, or requested of, the Congress,

unless (A) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the receipt by the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate of notice given the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action: *Provided,* That the following categories may not, as a result of reprograming, be decreased by more than 10 per centum of the sums appropriated pursuant to this Act for such categories: Coal, petroleum and natural gas, in situ technology, solar, geothermal, and conservation.

Sec. 113. The Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate a detailed explanation of the allocation of the funds appropriated pursuant to sections 101, 102, 301, and 302 of this Act for nonnuclear energy programs and subprograms, reflecting the relationships, consistencies, and dissimilarities between those allocations and (a) the comprehensive program definition transmitted pursuant to section 102 of the Geothermal Energy Research, Development, and Demonstration Act, (b) the comprehensive program definition transmitted pursuant to section 15 of the Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5564), (c) the comprehensive plan for nonnuclear energy research, development, and demonstration transmitted pursuant to section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905).

Sec. 114. Section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912) is amended by—

(1) striking, in the first sentence of subsection (a), the words "At the request of the Administrator, the" and inserting therein "The";

(2) striking, in the first sentence of subsection (b), the words "prepare or have prepared an assessemnt of the availability of adequate water resources." and inserting therein the following: "request the Water Resources Council to prepare an assessment of water requirements and availability for such project."; and

(3) adding at the end thereof a new subsection to read as follows:

"(f) The Administrator shall, upon enactment of this subsection, be a member of the Council."

Sec. 115. (a) The Administrator shall classify each recipient of any award, contract, or other financial arrangement in any nonnuclear research, development, or demonstration category as—

(1) a Federal agency,

(2) a non-Federal governmental entity,

(3) a profitmaking enterprise (indicating whether or not it is a small business concern,

(4) a nonprofit enterprise other than an educational institution, or

(5) a nonprofit educational institution.

(b) The information required by subsection (a), along with the dollar amount of each award, contract, or other financial arrangement made, shall be included as an appendix to the annual report required by section 15(a) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914): *Provided,* That small purchases or contracts of less than $10,000, which are expected from the requirements of advertising by section 252(c)(3) of title 41, United States Code, shall be exempt from the reporting requirements of this section.

Sec. 116. The Administrator shall submit a report to the Congress, six months after enactment of this Act, on the environmental monitoring, assessment, and control efforts, relating to environment, safety, and health, which are required to successfully demonstrate any project, which is subject to sections 8 (e) and (f) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5907 (e) and (f)), and is authorized by this Act or by any other Act. The report shall contain the extent to which monitoring and control is required, the estimated costs thereof, and the responsibility for such monitoring and control, as between the Federal and non-Federal participants.

Mr. TEAGUE (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is the gentleman from Texas refering to the first section and title I?

Mr. TEAGUE. And title I, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 13, delete the figure "$5,252,504,000" and substitute therefor the figure "$5,253,304,000".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. AMBRO

Mr. AMBRO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ambro: In title I, the nonnuclear title, on page 3, line 21 change the period at the end of the line to a comma and add: "including $4 million for initiation of activities at the Solar Energy Research Institute."

And on page 5, line 15 change the period at the end of the line to a comma and add: "including $1.5 million for initiation of activities at the Solar Energy Research Institute in the areas of modification of facilities, acquisition and fabrication of capital equipment, and design of the final installation."

Mr. AMBRO. Mr. Chairman, for the last year, the Energy Research and Development Administration has moved at less than full speed in establishing the Solar Energy Research Institute. Twelve months of following this activity, or more appropriately this lack of activity, has convinced me that there is a need for a strong reaffirmation of congressional intent that such an installation should be established.

My amendment is just such an action. Taking the dollar figure suggested by ERDA, the amendment assures that funds will be allocated to the project during fiscal year 1977. Without adding to the total authorization figure, this measure assures that the Institute will receive adequate funding in its startup period.

There is a clear need for this kind of action. Over the last year, the ERDA Solar Energy Research Institute program has been subject to constant delays. The potential importance of the laboratory merits better attention than it has been given. A National Academy of Sciences study team suggested that the Institute could serve as a major stimulus to the Nation's infant solar industry. By providing research and development skills, as well as a consulting role for the manufacturers involved, there is a real chance that the most ambitious goals for solar energy can be achieved in a compressed period of time.

This is how our subcommittee chairman Mr. McCORMACK described the Institute on October 22 when we were reviewing the ERDA program:

> The Institute will have a unique and extremely important role to play in knitting the fabric of solar energy, research, and development into a total program.

And it is because of the shaky start ERDA has made in moving toward the Institute that this amendment is being offered.

Another consideration enters into this program. While I have no doubt that ERDA personnel are committed to the Institute's success, they also put great stress on the first several years of operation for determining whether the Institute will be expanded in the future. If internal difficulties make it impossible for the Institute to get adequate funding during startup, the project might be called unsuccessful when in fact it was not given a chance. The amendment helps it get off to a sound start.

Potential impact of the Institute is enormous. As a highly visible symbol of the Government's belief in solar energy, it can serve as a starting point for expansion of solar manufacturing interests. At the same time, the Federal commitment will help stimulate the consumer purchases of solar equipment and further aid the manufacturing base. And throughout this process, the Institute will be doing the basic and applied research that will make solar increasingly attractive to a wider part of the consumer market. Efficiency can be raised and price lowered through a solid research and development effort.

In drafting this amendment, I was especially concerned that it would be overly prescriptive. I have no desire to constrain the ERDA administration in doing its job. But in the first, crucial startup year, when adequate funds are essential for project initiation and staff morale, this kind of budget assurance is needed. And since it is only a 1-year authorization, normal laboratory budgeting will resume in fiscal year 1978.

Throughout these considerations, we must consider the central reason for developing solar energy. It is an environmentally benign, nondepletable energy source with numerous applications that should be made an element of our energy economy. It can provide near-term relief to many now faced with ever-increasing home heating costs based on the rising prices of fossil fuels, and it has the long-term potential of providing part of the electrical power needs of the Nation as research and development projects are commercialized.

The Solar Energy Research Institute is the necessary first step toward realizing these potentials offered by solar energy. By freeing its budget from the politics of budgeting in its startup year, it will have the opportunity to make the strongest possible contribution to the national solar energy research, development, and demonstration program.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. AMBRO. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman for yielding. I want to establish one point for the record, with certainty. That is, that there is no increase in funding in this amendment, and that this is a one time only requirement which applies only to this fiscal year.

Mr. AMBRO. In both cases the distinguished chairman of the subcommittee is absolutely accurate. There is no increase in funding levels in either of the requirements, and it is a one time effort.

Mr. McCORMACK. Given that assurance, I have no objection to the amendment.

Mr. AMBRO. I thank the gentleman.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. AMBRO. I yield to the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, the chairman of the committee knows of no opposition to this amendment. As far as this side of the aisle is concerned, we accept it.

Mr. AMBRO. I thank the gentleman.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. AMBRO. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, the minority side has reviewed the proposal offered by the gentleman, and we see no problem with it. We would accept it.

Mr. AMBRO. I thank the gentleman.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. AMBRO. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I would like to commend the gentleman for offering his amendment. This adoption of amendment is one specific way we can show our interest in this worthy project. It is something that can be made workable and practical, and something that we can get underway right away.

Mr. AMBRO. I thank the gentleman very much for his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. AMBRO).

The amendment was agreed to.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I put in the RECORD an amendment which would prohibit the use of any funds under this act by ERDA to establish or fund an Office of Commercialization. I understand that ERDA has said it did not intend to use any such funds for this purpose, and that any such funds to provide for an office of commercialization, are to be provided under H.R. 12112, if that is passed.

I am told by my good chairman that this is also the intent of the committee. If he will confirm that, I will not offer the amendment.

Mr. TEAGUE. Mr. Chairman, if the gentleman will yield, I will say that is certainly the intent of the committee as the chairman understands it. Certainly, this bill does not deal with ERDA going into commercialization.

Mr. OTTINGER. I thank the chairman.

AMENDMENTS OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. JEFFORDS: Page 2, line 9 strike out "$1,047,182", and insert in lieu thereof $1,164,882,000."

Page 3, strike out line 24 and insert in lieu thereof the following:

(5) Other Solar Energy Programs:

(A) Agricultural and process heat, $6,700,000.

(B) Solar thermal conversion, $65,000,000.

(C) Ocean thermal energy conversion, $17,000,000.

(D) Photovoltaics, $81,000,000.

(E) Wind energy conversion, $28,800,000.

(F) Fuels from biomass, $6,000,000.

(G) Technical support, $8,500,000.

(H) Solar Energy Research Institute, $4,000,000.

(I) Report on solar-electric generation systems (as provided in section 112), $1,000,000.

(J) Additional program support (in accordance with section 113), $1,500,000.

Page 5, after line 24, insert the following new subsection:

(d) There is also authorized—

(1) for construction of project 76-2-C, total energy demonstration facility, 1 megawatt electric, 10 megawatts thermal, the sum of $4,000,000;

(2) for construction of project 77-2-A, solar thermal electric demonstration powerplant for a small community, electric coop-

erative or municipal utility, 5 megawatts (baseline design studies), the sum of $2,500,000;

(3) for construction of project 77–2–B, solar electric-hybrid (photovoltaic-coal) demonstration powerplant, 10 megawatts (baseline design studies and utility interconnect studies), the sum of $4,000,000;

(4) for construction of project 77–2–C, solar thermal electric demonstration powerplant for agricultural use, 5 megawatts (baseline design studies), the sum of $2,500,000;

(5) for construction of project 76–2–B, 10 megawatts central receiver solar thermal powerplant, the sum of $5,000,000;

(6) for construction of project 77–2–D, 5 megawatts distributed collector receiver solar thermal test facility, the sum of $3,000,000; and

(7) for construction of project 77–2–E, 10 megawatts wind electric test facility (baseline design studies), the sum of $4,000,000.

Page 12, after line 7, add the following new section (and redesignate the succeeding sections accordingly):

Sec. 112. On or before September 30, 1977, the Administrator shall report to the President and the Congress on the integration of existing electric utility systems with decentralized solar-electric generation systems. Such report shall contain an analysis of the total impact of widespread use of solar energy systems, including as a separate project an evaluation of the impact of large scale use of solar energy systems (especially onsite generating systems) on the existing utility structure. Such report shall also include a statement of—

(1) the extent to which reserve utility electric generation capacity is necessary or appropriate to support solar-electric generation systems and their related energy storage devices;

(2) the possible funding arrangements for reserve utility electric generation capacity necessary to support solar-electric generation systems and their related energy storage devices; and

(3) the extent to which a greater integration of existing electric grids, and extensive use of energy storage devices for decentralized solar-electric generation systems, will minimize the need for reserve utility electric generation capacity to support such systems.

Page 12, after line 7, add the following new section (and redesignate the succeeding sections accordingly):

Sec. 113. There shall be within the Solar Division of the Administration the following positions (in addition to those currently existing within such Division):

(1) Assistant Director for Solar Thermal Programs (1 position, GG–17).

(2) Assistant Director for Photovoltaic Programs (1 position, GG–17).

(3) Supervisory Engineers (6 positions, GG–16).

(4) Program Managers (engineers, economists, physical scientists, mathematicians, systems analysts, etc.) (12 positions, GG–15).

(5) Technical Specialists (engineers, economists, physical scientists, mathematicians, systems analysts, etc.) (20 positions, GG–14).

(6) Technical Specialists (engineers, economists, physical scientists, mathematicians, systems analysts, etc.) (10 positions, GG–13).

(7) Supporting clerical and administrative personnel (24 positions, grades 4–9).

Page 12, after line 7, add the following new section (and redesignate the succeeding sections accordingly):

Sec. 114. (a) Notwithstanding any other provision of law, at least 20 per centum of the total amount of funds made available pursuant to this title for energy programs in the area of solar energy technology shall be available exclusively to small business concerns and individual inventors.

(b) For purposes of subsection (a)—

(1) the term "small business concern" has the meaning given it by the Administrator of the Small Business Administration under—

(A) section 3 of the Small Business Act (Public Law 85–536; 72 Stat. 384); or

(B) section 103(5) of the Small Business Investment Act of 1958 (Public Law 85–699; 72 Stat. 690); and

(2) the term "individual inventor" means any individual who is under no obligation to transfer to any other person or any government or governmental agency any interest in any invention, discovery, or other property with respect to which such individual seeks any contract or other assistance in any energy program in the area of solar energy technology.

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendments be dispensed with and that they be printed in the Record, since they are substantially as printed in the Record previously, with the exception that they are altered to take into consideration the previously accepted amendment offered by the gentleman from New York (Mr. Ambro).

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc, because part of the amendment does go to the first part which was read prior to title I, and merely confirms the figure.

The CHAIRMAN. The Chair would inform the gentleman that portion of the bill is open to amendment, as well as is title I.

Mr. JEFFORDS. I thank the chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, I am offering an amendment, coauthored by myself, and Congressmen Runnels and Weaver, and sponsored by 80 others of our colleagues including Lehman of Florida, Richard White of Texas, Gude of Maryland, Richmond of New York, Fenwick of New Jersey, Fraser of Minnesota, Udall of Arizona, Neal of North Carolina, Reuss of Wisconsin, Seiberling of Ohio, Cleveland of New Hampshire, Biester of Pennsylvania, Conte of Massachusetts, Mitchell of New York, Lujan, of New Mexico, Bedell of Iowa, Oberstar of Minnesota, AuCoin of Oregon, Bingham of New York, Nolan of Minnesota, Tsongas of Massachusetts, Holtzman of New York, Lundine of New York, Edgar of Pennsylvania, Minish of New Jersey, Whitehurst of Virginia, Howe of Utah, Beard of Rhode Island, Keys of Kansas, Santini of Nevada, Jenrette of South Carolina, Johnson of California, Thone of Nebraska, Koch of New York, Harrington of Massachusetts, Rees of California, Chisholm of New York, Ryan of California, Breaux of Louisiana, Hays of Ohio, Rodino of New Jersey, Cornell of Wisconsin, Hughes of New Jersey, McHugh of New York, Downey of New York, Solarz of New York, Spellman of Maryland, Wirth of Colorado, Hannaford of California, Simon of Illinois, Moorhead of Pennsylvania, LaFalce of New York, Mitchell of Maryland, Traxler of Michigan, Badillo of New York, Hillis of Indiana, Abzug of New York, D'Amours of New Hampshire, Krebs of Minnesota, Patterson of California, Aspin of Wisconsin, Roe of New Jersey, Steelman of Texas, Dominick Daniels of New Jersey, Miller of California, McCloskey of California, Mineta of California, Lloyd of California, Emery of Maine, Pressler of South Dakota, Drinan of Massachusetts, McKinney of Connecticut, Alexander of Arkansas, Wilson of Texas, Bob Wilson of California, Won Pat of Guam, Pattison of New York, and Studds of Massachusetts.

This amendment will put the proper emphasis on the development of solar technologies, and at a pace which the technology can now absorb and at which commercial viability can be demonstrated in the foreseeable future.

The amendment does several things:

First. It increases the funding for solar energy technologies—in particular photovoltaics—the direct conversion of sunlight into electricity—by a total of $116.2 million. This is a total increase of the ERDA budget of about 1.6 percent;

Second. It requires that at least 20 percent of the funds contracted out by ERDA for solar energy go to small business;

Third. It provides the additional staffing to ERDA which would be necessary to administer this expanded funding; and

Fourth. It requires that a report on the future of this technology and its relationship to the existing utility structure should be done this year.

These changes in the ERDA program are vital to the development of viable solar energy technologies during the next 10 to 15 years. The requirements for these changes have been noted consistently during the last year by the people most knowledgeable about the technology: by contractors to ERDA, by industry, by private consultants, by the Office of Technology Assessment.

The Office of Technology Assessment just yesterday released its analysis of the current ERDA plan and program—its critique of that program has generally not been met by the committee bill in several key areas. These are the areas which our amendment addresses.

Overall, OTA finds that ERDA does not sufficiently convey the urgency required to address the near-term energy problems. A sense of urgency is needed—ERDA has still not adequately addressed the immediate problem of the Nation's increasing dependence on foreign oil. Thus, the American public is not aware of the serious energy problems and choices facing this Nation in the decade ahead. We have referred repeatedly to the important study done by the Jet Propulsion Laboratory which—as the ERDA program manager for photovoltaic technology—establishes a program of milestones reaching the development of cost-competitive energy from three kinds of photovoltaic systems by the year 1985. The $81 million needed to do this was requested by the branch chief in charge in ERDA—the necessity for the funding was established again by interviews done by consultants to OTA with these same ERDA officials; it was confirmed by industry last month in testimony before the Joint Economic Committee where industry and university officials argued that that specific level of funding was critical to get the technology going; and to convince industry that we are serious about its development. These officials said that at this time Federal Government spending level was needed to galvanize commercial markets and stimulate accelerated cost reductions in this technology. The same comments were made in regard to the increases we recommend for solar thermal energy. In regard to solar electric generation—including both photovoltaic and solar thermal:

OTA criticism No. 1: There are no explicit budget requests for decentralized solar electric systems.

Neither are there in the committee bill. We are placing three demonstration/pilot projects in the bill—one for small communities, electric cooperatives, or municipal utilities, one for agricultural usages and one for a distributed collector/receiver solar thermal test facility. All of them were requested by the ERDA branches, all were cut either by ERDA top management or by OMB. They are vital for decentralized systems and for earlier self-sufficiency in rural areas.

OTA criticism No. 2: No program is specifically defined for the total energy concept; that is, use of thermal output as can be achieved in a decentralized system. It must still be concluded that there is not much emphasis placed on decentralized solar electric plants with the potential for both electrical and thermal outputs. Again we place a specific project in the amendment to do just this: the total energy demonstration facility and a hybrid plant which can mix the usage of solar with coal to produce a total energy system.

One U.S. solar electrical system has recently been installed at Sandia, N. Mex. Overall, OTA says, however:

> No other electrical-generating facility will be ready for several years according to present ERDA plans, despite the relative simplicity of the technology and the availability of all components. The reason for this delay in construction is not clear.

OTA criticism No. 3: "Throughout the solar electric programs there is no discussion of studies to investigate the problems and benefits of decentralized systems or of comparative assessments of central versus decentralized systems." We feel such a study is crucial. What will the future face of our utility gridwork look like with the development of these newer decentralized-type systems. Where are we going?

OTA criticism No. 4: Staffing. Every OTA evaluation has indicated serious staffing shortages. There are currently 65 people—including clerical people—responsible for the entire solar program. Quoting from the study:

> The program is substantially understaffed—the present ratio being $3.35 million per professional. This makes it extremely difficult to develop an efficient program in this rapidly expanding technology.

The fiscal year 1977 ERDA staff request was for 130 people. OMB cut this to 80.

The increase of 74 new positions brings us back to the level of the ERDA request.

We have lineitemed $1½ million for this in addition to $2.7 million the committee has allowed for increased staff. The total of $4.2 million for this new staffing averages out to about $55,000 per person, which is the rough rule of thumb for staff support in our bureaucracies—includes retirement, supporting personnel activities, fringe benefits.

OTA criticism No. 5: Alternative photovoltaic materials: funding constraints for basic research and study of new photovoltaic materials are "severe" according to OTA. Referring to the JPL study again, we would free up the money to develop the materials necessary to drive costs down and make photovoltaic electricity cost-competitive.

One note on Mr. John Teem, former ERDA Assistant Administrator, the committee has said that Mr. Teem as a private citizen has told them he recommends a budget lower than ours—something around $205 million. Yet I would remind the committee that Mr. Teem defended the Solar Division budget of over $350 million before the Budget Review Committee in ERDA. I would also point out that the present Assistant Administrator for Solar, Mr. Robert Hirsch testified before the Senate in his confirmation hearing that if the Congress were willing, "a much more vigorous solar program can and should be conducted." And in a letter which we sent around with our dear colleague this morning, which was sent from Mr. Hirsch to Senator FANNIN, Mr. Hirsch detailed the additional and critical items which could be funded with the $81 million we suggest for photovoltaics. He did not say the money would be wasted, or not used—he plainly stated the additional funding would bring acceleration in the program. Specifically, he said:

> It is expected that the additional funds would provide for accelerating the program to achieve earlier large scale implementation of silicon material and automated array pilot lines in cooperation with industry. It would provide for the systems studies to support an earlier and larger implementation plan, including early demonstrations of selected applications. The cadmium sulfide area would be enhanced by the early transfer of recent research and development advances to industry which in turn would assist in the simulation of a low-cost silicon alternative. Further expansion of the concentrator and photovoltaic total energy systems would be allowed. Finally, additional studies to form two elements of an accelerated 5-year plan for both novel materials and novel devices would be pursued.

This amendment has two broad purposes:

First. To develop a momentum in the solar programs—particularly photovoltaics and solar thermal—which will bring lower cost solar energy, available on a more widespread basis, at a pace which it is reasonably clear the technology can now sustain.

Second. To elevate the funding levels to match policy objectives already announced by the administration; that is, to commit the Nation to solar development in the same way as the Nation is now committed to the breeder reactor.

The goal: That by 1985 the viability of the renewable energy option will be demonstrated.

Information from reliable industry and administration officials, and knowledgeable independent authorities has convinced us that—

First. Absorptive capacity: The technologies can effectively utilize this additional funding. It is signficant that the orginal ERDA branch chief requests, from the persons most knowledgeable about the practical capacity to use the funds effectively, totalled $471.2 million. 25 percent higher than the figure we propose.

Second. Economic and commercial viability: The funding is needed to give our most promising nonnuclear technologies the opportunity to prove themselves viable from the perspective of economics and as a major American energy source. The prospects could be bright indeed: a recent program analysis developed by the highly respected Jet Propulsion Laboratory indicates that there are three very attractive photovoltaic technologies which could be economically competitive with all other energy sources by 1985, for generation of electricity at any scale. This, however, can only be achieved by reinstating the $81 million originally requested by the photovoltaic branch in ERDA, and not with the $32 million presently in the authorization bill. If the present figure is allowed to stand, such promising technologies will be stretched out many years and commercial markets which could be galvanized with the increased funds will be greatly reduced.

Other fruitful technologies have been eliminated in the solar thermal area. The effect of increasing the solar thermal budget from the authorization bill figure of $38 million to $65 million—the branch chief request was $100 million—will be to increase the development of systems with specific application to small- and medium-sized communities, rural communities, agricultural needs—particularly irrigation, industrial facilities, and total energy systems. It will allow the development of technologies in parallel, shortening the gestation period and bringing economically viable systems on line much earlier.

In reinstating this funding, we believe it will be possible to go forward with the development of decentralized systems. The program as now outlined in the authorization bill is too overbalanced in the direction of large central systems.

This amendment is endorsed by the National Association of Manufacturers, the National Small Business Association, Common Cause, and all major environmental and consumer groups.

Mr. Chairman, I would state emphatically that we are attempting to set the right priorities of the ERDA program for the first time today, to take this opportunity to provide the proper emphasis on solar technologies, and to give them the decent chance that they and the Nation deserve. I ask your support for this increased level of funding as a commitment to energy independence and to the maximization of the development of alternative, clean, inexhaustible supplies of energy.

Mr. THONE. Mr. Chairman, I rise in support of this amendment by Mr. JEFFORDS and in support of H.R. 13350 and recommend adoption of both.

My remarks about this authorization bill for the U.S. Energy Research and Development Administration will be confined to just two fields: Solar energy and conservation.

The sun provides a very large supply of energy. As long as man exists, there will be plenty of sunlight available. Solar power is available without relying on any imports. By the same token, U.S. development of solar energy will make it easier for the so-called "have-not" nations to meet their needs for food and industrial development. Solar energy is a source of power that can be developed without any problems of pollution or of degradation to our environment. I want us to develop a real momentum in the solar programs.

In short, solar energy offers the prospect of a day when all peoples around the world will have abundant sources of energy at low cost. The only prudent course for America is to develop this source of energy at the fastest possible rate. I regard a crash program of solar energy development as far more important to the peace and prosperity of the United States and the world than was the Manhattan Project, which created the atomic bomb during World War II.

Direct heating and cooling of buildings offers the best opportunity for early practical application of the power of the sun. About 20 percent of the Nation's total energy needs are for heating and cooling buildings. I believe it is very realistic to anticipate that within 20 years we can save the equivalent of a million barrels of oil per day through use of solar power in buildings.

Already, in certain cases, solar heating can be provided in a building at costs equal to the average cost of electricity in the United States. Research and development will produce more—and eventually a majority—of applications where solar energy can meet price competition.

Higher investment is the drawback to addition of solar power to individual residences. Research, development and especially demonstration projects can illustrate that Americans will be willing to invest in homes that will relieve them of at least part of their dependence upon completely unpredictable utility prices.

For these and other reasons, we must greatly increase our Federal funds for solar energy work. The Jeffords amendment does this and does it wisely.

In particular, Congress must give the Energy Research and Development Administration indication that the agency is to pursue the congressional mandate for creation of a national Solar Energy Research Institute. Congress requested that solar energy research be given this center for research, apart from other types of energy research. Congress must now authorize the funds to spur ERDA on to the swiftest possible development of this center.

The second topic on which I want to speak briefly is that of conservation. It is simple common sense that it is more beneficial to save oil that would have been wasted than it is to find a new source of oil. On April 15, 1976, ERDA made the first annual update of its June, 1975 plan for creating energy choices for the future. The most significant difference in the new report is the increased emphasis which the agency has placed upon conservation.

Conservation is the program that can have a singificant impact upon our energy requirements in the next 10 years—even within the next 4 years. By 1980, ERDA estimates that our Nation can save up to 1.8 million barrels of oil per day through conservation.

Energy conservation is a broad field. Research is needed in conserving energy when it is converted from one form to another, during transmission, storage as well as in methods to operate factories, offices, and homes more efficiently.

Mr. Chairman, conservation offers the best—the only feasible—means of reducing our Nation's energy dependence for the short term. Solar energy offers the best means of reducing our energy dependence on other nations for the long term. By voting for passage of H.R. 13350, Congress will be furthering a better life both for those who are now adults and for those who are now children.

Mr. JEFFORDS. Mr. Chairman, I appreciate the gentleman's remarks.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, this amendment is the "motherhood and God" amendment of the ERDA bill. This amendment is a Christmas present for all of the well-wishers and all the people who would like to do something nice in solar energy. This is the amendment that pretends to solve this Nation's energy problems.

However, this is also the amendment that will, more than any other facet of this entire bill, mislead the people of this country into thinking that the provisions of this amendment or these programs will accomplish something for this country in the short term or that they will have a significant impact at all in this century as far as providing any significant amount of energy for this country is concerned.

I would like to relate first of all, for the benefit of the Members, just where we are in these programs. I would point out to the Members that this amount in this amendment of $116 million, which is more than half again of what we are presently authorizing, falls in only three categories of expenditure.

First, there is the solar thermal technology. This is the technology by which we hope eventually to build in the deserts of the Southwest many square miles of mirrors or other kinds of reflectors and collectors to collect the sunshine from those many square miles of desert in order to drive one single powerplant. Even the advocates of this technology tell us that this will not be ready until late in the century and that it will cost from 4 to 10 times as much as electricity produced from energy derived from coal.

The next of the three categories is photovoltaics. Photovoltaics results from the solar panels for our space satellites. These black panels on our space satellites are a maze of silicon cells. These cells are arranged to catch the sunlight in outer space and convert it to electricity. This is low-voltage, direct-current electricity, and it has to be converted into usable form.

These solar cells work beautifully, and when cost is no object, they are just fine. The problem is that these solar panels that we put on our space satellites cost about 50 times as much per kilowatt in terms of delivered electricity as we pay for delivered electricity today. Even if we optimize these cells to the maximum extent they will still cost several times the amount for which electricity can be produced by conventional methods.

The committee, pushing this solar cell technology to its very limit, has increased the funding from $5.2 million in fiscal year 1975 to $21.6 million in fiscal year 1976, and it has authorized $32 million for fiscal year 1977. What the Jeffords amendment would do would be to increase the amount from $32 million to $85 million.

Mr. Chairman, this is simply throwing money at a technology without having the slightest notion of what this money would accomplish. We can say very easily that one thing we can do with it is to go out and just buy vast numbers of solar cells, and maybe by doing so we will drag the price down somewhat because they would be mass produced. This breaks down in logic, however, and this is the reason why it has not been done. It is quite obvious that if this could be done, it would be done today. The reason why it is not being done is because it is not necessarily true that by the process of mass producing of these cells we would save significant amounts of money per unit.

We do not have any technology for mass-producing these cells. Each one must be cut and sliced and polished and built individually.

One can say that there is an abundance of transistors which can be used, but the fact is the reason it succeeded with transistors is because we were able to microminiaturize the electronic connectors of the transistors, not the transistors themselves. That is what made them so successful.

The next technology for which we would double the increase that the committee has provided is with respect to windmills.

The CHAIRMAN. The time of the gentleman from Washington (Mr. McCORMACK) has expired.

(By unanimous consent, Mr. McCORMACK was allowed to proceed for 3 additional minutes.)

Mr. McCORMACK. To continue, Mr. Chairman, in the case of windmills, we have already built windmills. We are spending under this present budget $16 million to develop windmill technologies, but there is a limit to how many parallel efforts one needs to accomplish the goals of the program.

This is not research and development. This is just wasting money. It is not accomplishing anything except permitting Members to say that they voted for something or satisfied some community so that it has a windmill in its area.

Mr. Chairman, the gentleman has suggested that he is basing his program on recommendations from OTA. I would like to say that the contrary is true.

The OTA analysis of the ERDA plan and program severely criticized the Energy Research and Development Administration for placing too much emphasis on the solar electric area. They said, "You are putting too much emphasis on solar electric applications which have only middle- or long-term payoffs." They said that we should be putting more emphasis on solar heating and cooling, which is what we are doing with the committee's recommendation.

Mr. Chairman, I suggest to the Members that what this amendment would do, as fine and as attractive as it seems to be to all of us, is to spend a lot of money needlessly.

Mr. Chairman, this is the point, I think, where our responsibility stands. We all want to develop solar energy as rapidly as we can, but not irrationally.

The subcommittee which I chair has established an extremely aggressive program. As I mentioned earlier, we have gone from about $1 million in 1971 to over $100 million today and over $200 million for next year.

I want to assure the Members of this House that we had protracted, detailed analyses in meetings with representatives of the Energy Research and Development Administration with respect to each and every one of these technologies.

In each case we asked them, "Could you possibly use any more money constructively or realistically on any technology or breakthrough that could be exploited?"

In every case the amounts provided were the amounts they said would be the maximum that could be constructively used.

Mr. Chairman, I want to recommend a vote against the amendment. As attractive as it may seem and as lovely as it may seem, solar energy, and particularly these selected technologies, are not going to have any impact on this country until very late in this century at best.

Mr. Chairman, if we vote for this amendment so that some Members can go home and say, "We have solved this Nation's energy problems," we are going to be guilty of the grossest sort of misrepresentation and of misleading of the people.

The CHAIRMAN. The time of the gentleman from Washington (Mr. McCORMACK) has expired.

(On request of Mr. WEAVER and by unanimous consent, Mr. McCORMACK was allowed to proceed for 2 additional minutes.)

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. The fast breeder tleman from Oregon.

Mr. WEAVER. Mr. Chairman, the gentleman stated that these forms of energy may cost as much as four times the cost of nuclear energy.

Can the gentleman tell us what the projections are, in kilowatt hours, if the fast breeder reactor generates electricity?

Mr. McCORMACK. The fast breeder reactor will not do that until the year 2000.

Mr. WEAVER. We will not generate electricity by that means until the year 2000?

Mr. McCORMACK. That is correct.

Mr. Chairman, I think the gentleman from Oregon is missing the point. If he is setting out solar energy against breeder technology, he is betraying his constituents, his people back home.

The fact is that we need all the technologies we can get as quickly as we can get them. We need solar energy and nuclear energy, but to try to choose up sides between them is to do the greatest possible disservice to the people.

Mr. WEAVER. How much will it cost for the fast breeder reactor to produce electricity per kilowatt-hour?

Mr. McCORMACK. The breeder is designed to produce fuel. Through a breeder program we can convert or otherwise utilize uranium and convert it into five times the energy potential of all of the oil produced in all of the OPEC countries combined. This is the virtue of the breeder reactor. There will probably be not more than about, let us say, from one-quarter to one-tenth the cost of solar electricity produced by any of the technologies considered in this amendment.

I would say that there will be from 4 to 10 times the amount of cost for electricity production from solar as from the breeder, but the breeder reactor is designed to provide this Nation with energy independence. It is one of our hopes for energy independence. It is one of our chances to provide fuel for this country. We should not play solar energy against nuclear energy.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. WEAVER, and by unanimous consent, Mr. McCORMACK was allowed to proceed for 2 additional minutes.)

Mr. WEAVER. If the gentleman will yield further, could the gentleman tell the House this: The gentleman said there would be four times as much cost for electricity produced by solar means as for nuclear energy; how much will the fast breeder reactor produce electricity for per kilowatt hour?

Mr. McCORMACK. The present estimates for the solar energy technology are that the electricity produced by these means will cost from 4 to 10 times as much as energy produced by conventional nuclear reactors, and not quite that much from coal.

Mr. WEAVER. How many mills per kilowatt hour at the bus bar will the fast breeder reactor produce electricity for?

Mr. McCORMACK. I am not going to try to project costs 25 years ahead.

Mr. WEAVER. Then how can we make comparisons.

Mr. McCORMACK. I am pointing out what the relationship is between conventional nuclear and solar today, I believe both are accelerating about the same rate.

Mr. WEAVER. Do we know that, as far as the development of the technology?

Mr. McCORMACK. The technology exists. We know where we are in this program.

Mr. WEAVER. For the fast breeder reactor?

Mr. McCORMACK. Both.

Mr. WEAVER. But we do not know in solar energy?

Mr. McCORMACK. Yes; we do, we know where we are in both.

Mr. WEAVER. But the Subcommittee on Energy Environment says that the estimates of the top experts in the country, who have done research on this, predict that they could produce it at 34 mills, and they think it is too high. But at 34 mills, the present cost of nuclear energy, if one were to begin construction today, would be at least 45 mills per kilowatt hour at the bus bar.

Mr. McCORMACK. I do not know where the gentleman from Oregon gets his information, but the figures I have indicate that nuclear energy would be under 20 mills.

Mr. WEAVER. But does not the gentleman from Washington agree that it is $13 million for the present capacity in the whole State of Washington, that the projection is $13 million for the capitalization of that?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. TEAGUE, and by unanimous consent, Mr. McCORMACK was allowed to proceed for 1 additional minute.)

Mr. TEAGUE. Mr. Chairman, if the gentleman would yield, I would like to ask the gentleman from Washington a question. A number of the Members think that solar energy for both cooling and heating are both present in this amendment. It is my understanding there is not a bit of money in this amendment pertaining to either.

Mr. McCORMACK. That is correct. There is nothing in here for heating and cooling or OIEC, or basic research on photovoltaic, solar-thermal, and wind energy, which are under way.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOLDWATER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendments.

Mr. Chairman, it is appropriate that I be recognized after my colleague, the gentleman from Washington (Mr. McCORMACK) because the gentleman from Washington is the chairman of the Subcommittee on Energy Research, Development and Demonstration, and I am privileged to be the ranking minority member of that subcommittee.

Mr. Chairman, I recognize that this amendment is very attractive to the Members and one seeing it at first blush perhaps would be tempted to vote for it. I think we have to pause for a moment and be a little more responsible than to be tempted by something called solar energy. Solar energy is going to make a contribution but it is only going to make a meaningful contribution if we have a meaningful program.

I would submit to the Members that under the efforts of the gentleman from Washington, Mr. MIKE McCORMACK, and my efforts on the subcommittee, along with the input of the entire Committee on Science and Technology, this subject has been studied and studied until we know it very well. We have tried through our hearings to develop a meaningful and responsible program to accelerate solar energy technology to the point where it can become useful and to the point where it can become commercially feasible.

It makes no sense to me—and I am sure that most will agree—to throw more money into something where it cannot be economically used. We have doubled the solar energy development program over last year's authorization.

ERDA is a new agency. This is a new program. Surely we can pile money on top of money, but can we use it meaningfully? Can we use it effectively?

Let us take a look at the solar program. Back in 1971 there was only about $1.2 million. It jumped up to $48.2 million in 1975, and $114 million in 1976. Now we are looking at $229 million. That is a tremendous escalation of one particular research and development program. We have doubled it over last year, and I would only submit to my colleagues that the compromise that was struck in the committee is one that was a hard fought and long one. All members had an opportunity to reflect on their thinking. We heard witnesses from OMB, the administration, outside experts, OTA, and Dr. John Teem, who is recognized as an authority in this area. The figure we came up with of $220 million is a compromise and does strike a reasonable balance.

Solar energy obviously has great appeal, and who can oppose it. It is somewhat like the subject of the environment or of consumers. It is very appealing. Certainly we want an intelligent, aggressive, but above all an economically effective program. I think we have to be responsible, and I think this figure as submitted by the Committee on Science and Technology is responsible. I am hopeful that the Members will consider it in an atmosphere of intelligence and not emotion. We cannot jump out into midair without knowing where we are going to come down.

The committee has submitted a balanced program, I submit, and I urge the defeat of this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. SEIBERLING, and by unanimous consent, Mr. GOLDWATER was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

As I recall, the fiscal 1976 authorization for solar research was for $80 million. I do not recall what the appropriation was. Am I in the ball park?

Mr. GOLDWATER. In the total authorization, the $229 million today is $66.7 million over the administration's request.

Mr. SEIBERLING. I am talking about fiscal 1976.

Mr. GOLDWATER. Right. It is $114 million over 1976.

Mr. SEIBERLING. At the time the ERDA authorization bill was up in the last session there was an amendment to double the amount. As I recall, it was $45 million, and then that would have made it $90 million; is that correct?

Mr. GOLDWATER. There was an amendment to increase it. I am not sure what the amount was.

Mr. SEIBERLING. What I am getting at is, whatever it was, it ended up being increased. Was ERDA able to use that money?

Mr. GOLDWATER. In the Committee on Appropriations the full amount of the authorization was not appropriated.

Mr. TEAGUE. The actual appropriation last year was $114.9 million.

Mr. SEIBERLING. Was all that used by ERDA?

Mr. McCORMACK. The committee's authorization last year was $140 million. That is where we wound up in the House, and in the conference we wound up with $170 million. The appropriation was $114 million. They were not able to expend all of the money, partially because it was not authorized until late in the fiscal year, but the expenditure level was $114 million.

Mr. SEIBERLING. The reason for this line of questioning was that last year we had a similar amendment. The gentleman said if we increased the authorization ERDA could not use all of it, but we increased the authorization and they did spend it.

Mr. GOLDWATER. But the point that has to be made is that we want a balanced program. Until we get into the very heavy spending area of capital requirements this is a sufficient authorization.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. McCORMACK, and by unanimous consent, Mr. GOLDWATER was allowed to proceed for 1 additional minute.)

Mr. McCORMACK. Mr. Chairman, if the gentleman will yield, I want to clarify one point. The authorization level the committee came in with on this floor last year was $140 million. The final total expenditure was $114 million. The fact is that ERDA did not spend more than we authorized. They spent a great deal less.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield, I would say every year there is an effort made to increase the amount for solar R. & D., and every year we hear again from the committee that ERDA cannot spend it, but nevertheless they somehow manage to do it. I would have to check the record, but my recollection is the amount finally authorized by the bill was in excess of what the committee asked for.

Mr. GOLDWATER. The important thing to remember is the committee is trying to present a balanced program which is acceptable to the entire body, a program which represents responsibility and intelligence and not strictly emotion.

We can throw all the money we want to at this thing and that will not solve the problem unless there is a meaningful program, and that the committee has tried to give the body.

Mr. FISH. Mr. Chairman, I move to strike the last word, and I will yield to the gentleman from Vermont (Mr. JEFFORDS), but first I want to take some time myself.

There has been some talk so far with respect to the amendment offered by the gentleman from Vermont comparing solar with nuclear power and using the target year 2000, when both of them would be on line. I would like to ask the gentleman this question: Is it the case that in ERDA's recent national plan for energy research and development that ERDA itself estimates solar energy could produce 10 quadrillion Btu's of energy by the year 2000 while the plutonium breeder would be producing only 3.1 quads?

Mr. JEFFORDS. That is right.

Mr. FISH. Even if we are only talking about electric energy, ERDA's own plan estimates solar electric would be producing between 2 and 4 quads of energy by the year 2000. Is that correct?

Mr. JEFFORDS. That is correct.

Mr. FISH. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

I think this is vital. The program the gentleman is talking about is the present ERDA program and partially what is funded here, but what we are talking about is a program that would be better than that.

I would differ substantially from the chairman of the subcommittee saying that people knowledgeable in the field do not want this money. I know if we talk to the branch chiefs and others he will find they are crying for funds to put this program ahead. We went to the bureau chiefs and the Jet Propulsion Laboratory and others working in this field and said: "What do you need to get us on schedule?" There is not a thing in this amendment which is not being cried for by the branch chiefs and the people working in the area so they can put us on schedule.

And yet to say that there is no testimony is somewhat misleading. These men did not testify before the committee because they were not allowed to get into this particular area. They may have answered a couple questions, but when it came down to could they use the money, for all the things scheduled in this amendment, these questions were not asked.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I just want to say that the statement the gentleman from Vermont (Mr. JEFFORDS) just made, with all due respect, is categorically untrue. The subcommittee over and over again asked the representatives of ERDA, "How much can you spend in these categories."

Then in addition to that in private meetings held in my home State where we were completely away from any control by the Office of Management and Budget, we went over the budget again to increase it to its maximum level.

Now, we may differ in the amounts we think should be spent, but I do not think the gentleman can stand in the well and say that the committee did not do its job or did not try to get the answers or did not try to get the maximum product that ERDA could spend and did not authorize more than was requested by the administration.

Mr. JEFFORDS. Mr. Chairman, if the gentleman from New York (Mr. FISH) will yield further, I am not attacking the chairman. Do not get me wrong. What I am saying is that the branch chiefs, and I do not think I am wrong in this, did not testify themselves on what programs they wanted to have funded. Am I wrong in that?

Mr. McCORMACK. Mr. Chairman, the gentleman is completely correct. The branch chiefs of no organizations would be testifying when the chiefs are doing the testifying.

Mr. JEFFORDS. My view differs from the administration and I have heard the detailed tape-recordings of conversations with the branch chiefs and I would be willing to recess so the gentleman can listen to them. They asked for the money to get these programs on schedule. They want the money in this amendment.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I happen to have constituents who are developing new solar energy technology that ERDA would like to sponsor and they are unable to get sponsorship from very much of the ERDA system. We have not had enough money appropriated in fiscal year 1976, so I know for a fact there is not enough money, if what they tell me is true.

Mr. JEFFORDS. Mr. Chairman, if the gentleman will yield further, that is true. If we go back, originally they told us they did not spend as much as was authorized but that is because it was not appropriated. That is a game with words. They spent every cent that was appropriated and they still cry for more money.

Mr. SEIBERLING. That is the same song we heard a year ago when the effort was made to increase the authorization and we know they could not spend it if they had it; so I take all statements of the same ilk with the same grain of salt.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, first of all, the chairman of the subcommittee worked very hard trying to get the right figures.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. JEFFORDS, and by unanimous consent, Mr. FISH was allowed to proceed for 2 additional minutes.)

Mr. FISH. Mr. Chairman, I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, I know in OTEC, ocean thermal, that whenever a request came in from ERDA for some $20 million and in working out a compromise, we got a figure of $17 million.

Now, personally, I would like to see more added, but I think we must understand this was a give and take thing.

Second, I would say ERDA has been rather slow in the solar area. I do not really get a sense of urgency with ERDA in terms of alternate energy. Anything we can do to kick wherever they have to be kicked would be a very beneficial thing.

Now, if there is any area that needs a vote or increased funds in this area, it would be the energy area. No. 1, no matter how good we do, we will not have enough oil to take care of the problem.

No. 2, as an economic matter, for every dollar in this area we get more benefit to the economy in jobs.

Mr. Chairman, I think by bringing this amendment up, the gentleman has done a good thing.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I would like to say in response to the comment made previously, that Dr. Seamans told the Environmental Subcommittee while I was in the hearings that they could spend more money. This was in response to a question to Dr. Seamans and he did testify that the year before it was said ERDA could not spend the money that was being requested in an amendment and I said, "Would this be true this year, Mr. Seamans?"

And he said, "Yes. We could spend the additional money." This is from the head of the Research and Development Administration.

AMENDMENTS OFFERED BY MR. BROWN OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. JEFFORDS

Mr. BROWN of California. Mr. Chairman, I offer amendments as a substitute for the amendments.

The Clerk read as follows:

Amendments offered by Mr. BROWN of California as a substitute for the amendments offered by Mr. JEFFORDS: Page 2, line 9 strike out "$1,047,182,000" and insert in lieu thereof "$1,159,182,000."

Page 2, line 16 strike out "$684,248,000" and insert in lieu thereof "$688,448,000."

Page 3, line 20, strike out "$78,900,000" and insert in lieu thereof "$314,900,000."

Page 3, line 21, strike out "$126,800,000" and insert in lieu thereof "$182,800,000."

Page 26, line 14, strike out "$289,370,000" and insert in lieu thereof "$293,570,000."

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD, and that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Chairman, this is a relatively simple substitute for the Jeffords amendment. It has exactly the same amount of money in it, $116 million. It does a very simple thing. It divides that money in half, between the solar electric programs which are now the sole recipient of the money, and the heating and cooling of buildings. In other words, it takes $56 million and assigns it to the solar electric and other energy category, and $56 million is assigned to heating and cooling of buildings.

If the Members have the bill before them, they can see this on page 3, lines 20 and 21. It increases each of those figures by $56 million, and then adds $4.2 million for program management in the appropriate place later on in the bill. In doing this, it also removes from the Jeffords amendment the requirement for an annual report and a 20-percent set aside for small business—as I recall—because these matters are both dealt with in existing legislation with regard to ERDA programs and are unnecessary in this particular amendment.

Now, the reason for offering this substitute amendment have been brought up by the previous discussion. As the chairman of the full committee, the distinguished gentleman from Texas, indicated, there is nothing in the Jeffords amendment that would apply to solar heating and cooling. As several Members brought out in debate, the OTA analysis of the ERDA solar budget pointed out the most effective payoff for additional investment in solar energy in the short term would be in connection with the heating and cooling of buildings. The research and development in the other solar programs, in solar thermal and photovoltaic, are essentially middle- and long-term projects in which there will be no energy payoff of any substantial amount within the next generation. So that, if we want to be realistic in allocating this additional sum of money, we should, in my opinion, put at least a portion of it—and I have suggested half—in that area in which OTA and ERDA in concurrence feel there would be the greatest near-term payoff.

Now, I have not spoken on the merits of the Jeffords amendment, as to the desirability of increasing any part of the solar budget by the amount of $116 million. I would just like to point out in simple terms that what we have in connection with the solar program is a committee bill which increases the current year's funding by 100 percent. The Jeffords amendment would increase it by 200 percent. I think the question is not one of whether we are dedicated to solar energy research and development, but the realism of the timing of these additional increments of money.

While I, very honestly, have a very strong predisposition to solar energy, I want to see it developed as rapidly as possible. I think the committee bill, however, represents a realistic increment of funding. I think a 100-percent increase in any one year is realistic, but in the event that the Members of this body feel that 100 percent is not enough and that 200 percent is preferable, then I want to make sure—and my substitute would make sure—that it is distributed in a more realistic way between the two main categories of solar research and development; namely, the solar heating and cooling on the one hand of the solar electric program and other solar energy programs on the other hand.

I think this adequately explains the purpose and intent of my substitute. I ask for the Members' support of it.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Jeffords amendment.

I would like to acknowledge that what the gentleman from Washington, the subcommittee chairman (Mr. McCormack)—and I serve on the subcommittee—says is accurate within the limits of what ERDA has provided us; that is to say that all ERDA came and testified that it could responsibly do, we funded, and he was exceedingly cooperative in providing the full amount that we could get them to agree that they would push forward on.

My problem goes to ERDA itself, which has been much too oriented to the high capital energy development technologies, where industry itself has been pushing very hard, and has not been as oriented to solar technology where a good deal more of the development has taken place under the auspices of small business.

I do not think ERDA has been doing half of what ought to be done to advance solar energy.

Also, I strongly challenge some of the figures that were put forward by the gentleman from Washington. He said at one time that photovoltaics, for instance, is estimated to cost 1,000 times more per kilowatt hour than nuclear energy is today. In further discussion, he came down to 50 times, and finally, when the gentleman from Oregon (Mr. Weaver) got down to specifics, he came down to 4 to 10 times.

I think the potential for the price for solar photovoltaics to come down is very great indeed if adequate effort is put into research. The indication we have is that the price presently is expensive with the existing technology, but that the industry is working on concentrators that will produce dramatic improvements. It is estimated that with the use of concentrators, this energy will come out at less than $10 per square meter. It is estimated by the principal companies that have been working on this, which are five or six manufacturers—and we have received this evidence—that there would be a 10 to 30 percent decrease in cost for each doubling of cumulative output. The ultimate result of the work that is presently being done just in photovoltaics is expected to reduce the cost by a factor of 100 or more. But this will only come about if adequate effort is expanded—which clearly is not the case now.

I think we are dealing in an area that has a great potential.

I think we ought to put as much effort into solar as we do nuclear. I do not want to get into the question of whether we ought to be funding nuclear research at the present levels. I think we should at least be doing as much with solar and putting the same kind of emphasis on it as we are in pushing the nuclear technology. Solar should be pushed to the fullest feasible measure.

The same kind of emphasis is not reflected in the testimony of the ERDA people who come before us. The same kind of enthusiasm is not exhibited, and the same kind of innovative approach is not used.

I believe that the very small projections we get from ERDA in the solar field are a reflection of their relative lack of interest and the lack of industry pressure for solar. I have a very sincere belief that if we could only sell the sun to Standard Oil, we would have the problem licked, because then ERDA would be interested and we would get the kind of push that has been exhibited in other technologies.

(On request of Mr. Mottl and by unanimous consent, Mr. Ottinger was allowed to proceed for 2 additional minutes.)

Mr. MOTTL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Ohio.

Mr. MOTTL. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, I rise to support the amendment offered by my distinguished colleagues Mr. Jeffords, Mr. Weaver, and Mr. Runnels. I was pleased to join with them as a cosponsor.

The solar energy field presents great opportunities for small business. According to the Mitre Corporation's report, only two out of the seven basic solar areas are effected by significant scale economies which might prove to be a problem for small firm involvement. In fact, the industries which our solar efforts must reach, such as the heating, ventilating and air conditioning industry, are nearly completely small business industries.

The track record of small business is phenomenal. They account for most of the major innovations of this century, nearly all of the developments in solar energy, and presently dominate the young solar energy industry.

The Congress has previously stated its intention that small business be included in our energy programs, but these directives have gone virtually ignored. Small business received less than 6 percent of the solar contracts in fiscal year 1975. According to Dr. Teems testimony before the Senate Small Business Committee, they received less than 2 percent of the fiscal year 1976 awards—a decline of 66 percent.

Small Business has received a cold reception by ERDA.

The 20 percent figure in this amendment is a low figure, and one which I feel is an absolute minimum. But, it represents a clear demonstration of the Congress intent. It is a clear directive to ERDA to open its doors to small business and individual inventors, and to tap their potential and creative spirit.

The participation of small business in our solar energy efforts is vitally important. I strongly urge all of my colleagues to support this amendment.

Mr. Chairman, the single purpose of this amendment, in my judgment, is to accelerate the commercialization of our single greatest energy resource—solar energy. The one energy source which has the potential to provide more energy than our country could conceivably consume, which presents almost no environmental problems, and which has great potential to provide low-cost energy for our Nation.

I find it ludicrous that we are presented with a program which, it is said, will hopefully give us 2 percent of our energy from solar sources by 1985. This has to be one of the slowest development programs I have ever seen. It raises some serious questions about the integrity of ERDA's solar program.

Jack Anderson's recent column reporting that ERDA employees were threatened should they discuss solar energy outside of the Agency, and other such reports, bring me to question whether ERDA is committed to develop solar energy.

Let us take a look at ERDA–48. The most optimistic projection for solar energy is entitled the "Limited Nuclear Power Scenario." They project 11.1 quads of solar energy will be generated in the year 2000. I find it interesting that this limited nuclear power scenario incorporates a 550 percent increase in nuclear power generation by 1985. I also find it interesting that the Mitre Corporation projects a figure three times ERDA's, and that Project Independence projects a figure more than twice ERDA's highest estimate.

In the northern Ohio area, Mr. Joseph Barbish has been pioneering the use of solar energy, particularly for residential and small industrial applications. In his letter, Mr. Barbish observes—

> The solar heating and cooling program started off with a big bang, then ERDA got a hold of it, and it has not moved at all.

Gentlemen, contrary to some reports, the time to develop this clean, renewable, and potentially low-cost energy source is now. President Eisenhower's commission, the Paley Commission, recommended the development of solar energy. Had we followed their recommendations we would be saving hundreds of millions of barrels of oil per year. This amendment envisions a strong commitment to solar development today. An accelerated program, according to FEA, would save an additional 2.3 trillion cubic feet of natural gas per year, or 400 million barrels of oil, within 10 to 15 years. By the end of this century, an accelerated program would provide—additionally—more than 10 times the energy provided by the Alaskan Pipeline, or more than 3 times our oil imports. Clearly, this additional funding will move our country closer to energy independence. This additional funding will be put to productive and valuable use.

According to the information at my disposal, ERDA is preparing to publish a cost analysis prepared by the University of Wisconsin. This report concludes that even in marginal areas—such as northern Ohio or the Pacific Northwest—solar heating would save the average homeowner from $40 to possibly $100 per year. This is using today's technology, not some far distant technological possibility.

I would like to direct my comments specifically to the small business provisions of this amendment.

The solar energy field is highly amenable to small business participation. The Mitre Corporation's "Systems Analysis of Solar Energy Programs," notes that only two out of seven basic solar fields have significant scale-economies, which might prove to be a problem for small firms. Small business opportunities range from heating and cooling of buildings through solar thermal collection, photovoltaics, wind power, agricultural applications and others.

ERDA's programs, particularly demonstration efforts, involve industries nearly completely dominated by small firms: The building trades, the heating, ventilating, and air-conditioning industry, engineering firms, to mention a few. The solar energy field today is predominantly composed of small firms and individual entrepreneurs.

The Senate Small Business Committee investigated the role of small business in solar energy research, development, and demonstration. They note that—

> Small business pioneers and individual innovators who, acting on their own initiative, with virtually no government support, were responsible for almost all of the solar energy research, development, and demonstration that occurred in this country prior to 1973.

They found that although the laws passed by the Congress clearly state that small business should have "realistic and adequate opportunities to participate in ERDA's programs," they have been virtually ignored. No considered program for small businesses appears to have been developed by ERDA, and they have "usually relied on and favored big business concerns and giant universities."

Small businesses received less than 6 percent of ERDA's solar energy awards for fiscal year 1975. In their testimony before the Senate Small Business Committee, ERDA—while proudly proclaiming its commitment to the inclusion of small businesses—had the audacity to report that in fiscal year 1976, 6 out of 31 contracts went to small firms. They neglected to note, however, that those six contracts represented only 1.9 percent of their wards. Through all of their efforts they were able to cut small business funding by 66 percent.

As I noted earlier, the purpose of this amendment is to accelerate the commercialization of our single greatest energy resource—solar energy. I submit, that significant participation by small business is essential to the development of this new technology.

I would like to refer to the statement of Richard J. Barber, president of Richard J. Barber Associates, Inc., a noted economic consulting firm:

> Unlike large corporations a small business does not have the immense financial resources and established market position that causes many large firms to be more interested in preserving the status quo than in striking out on new approaches. To a large enterprise it may make sense, from its private perspective, to seek to control and constrain the forces of change. Often this can be done. For the small business, however, there is almost by definition less to protect and thus a greater receptivity to innovation. The small business is propelled principally by its wits, its quickness, and its capacity to relate goods or services to changing conditions. Documenting this is evidence showing a disproportionately large number of technological innovations which have their genesis with small businesses, or even with single entrepreneurs. It is small business which prods the giants in terms of technological innovation, marketing initiatives, and price competition. Small business thus helps to achieve a more desirable competitive balance, providing meaningful alternatives and instigating change in an economic world which would otherwise be far more thoroughly dominated by bigness and the protection of the status quo.

Mr. Barber's statement is fully supported by the findings of other noted authorities and the Department of Commerce's Panel on Invention and Innovation. In addition, the Department of Commerce report points out a unique cost-benefit advantage of small firms:

> We are persuaded that a unique cost-benefit opportunity exists in the provision of incentives aimed at encouraging independent inventors, inventor-entrepreneurs, and small technologically based business. The cost of incentives to them is likely to be low; the benefits are likely to be high.

Small firms throughout the country have consistently reported the reluctance of ERDA to deal with them fairly. Small firms, already handicapped by inherent limitations in dealing with the Federal Government, are facing excessive red-tape, bureaucratic bias, and peer group exclusion.

One poignant example of this was presented by Dr. Jerry Plunkett. Dr. Plunkett presented a new energy concept to NSF through his small business. It was rejected. He then took the same plan and submitted it through the University of Utah. He found that a project rejected as a small business idea quickly became suitable university research. The history of small business dealings with NSF and ERDA, who have had the prime responsibility for our solar programs, is replete with examples of small business exclusion.

If this pattern continues, the Nation will be clearly denied the creativity and spirited energies of our small businesses, and our progress toward energy self-sufficiency will be seriously impeded.

It seems the congressional directives in the previous laws are not enough to break the closed colloquy between ERDA, giant corporations, and large universities. Twenty percent is a low figure, but it represents a clear directive to ERDA to change its ways, and tap the creative spirit of small business and individual inventors.

(On request of Mr. BROWN of California and by unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to assure the gentleman from Ohio (Mr. MOTTL) that I am equally concerned about the participation of small business in the ERDA program. I indicated that I had not included that provision in my own substitute because there is a requirement in the existing law which governs the affairs of ERDA and provides that they do give a priority to small business.

I have received a report today from ERDA with regard to the success with which they have implemented that directive, and I would like to have the RECORD reflect this information which is current as of today. This is with regard to ERDA's fiscal year 1976 funds in the solar program. The facts are as follows: 80 percent of the solar heating and cooling funds have been contracted with small business; 50 percent of the wind program has been contracted with small business; 30 percent of the photovoltaic program has been contracted with small business, and over 20 percent of any remaining funds is for programs that have been contracted with small business. The average overall for all of the solar programs is greater than 40 percent, more than twice what the Jeffords amendment would require.

A small business is defined as one with less than 500 employees. That is the standard definition.

It is for this reason that the performance is already twice as good as the amendment would require. In addition, this gives the kind of emphasis that I felt it was necessary to include.

Mr. Chairman, I thank the gentleman for yielding.

Mr. SEIBERLING. Mr. Chairman. will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I just want to commend the gentleman in the well for his statement.

We have reason to believe that the protestations that ERDA cannot spend additional money on solar energy are not completely accurate, on the basis of past experience and my own personal experience. Incidentally, the constituent was a small businessman.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

Mr. OTTINGER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Therefore, Mr. Chairman, it seems quite clear that there are plenty of meritorious areas for additional research if the money is available. There are people going to ERDA who have the know-how, but lack the funds. It is simply a matter of giving them a contract; but in addition, even if they cannot have all the money, what this amendment does is send a message to ERDA—I will not say anything about the committee—but it sends a message to ERDA that we are not satisfied with the priorities here, that there are too many eggs in the nuclear basket, and it may turn out to be a very dangerous step so that we will get ourselves out on a dangerous limb, because the people of this country are not yet satisfied that we should go all out on nuclear energy. I personally am not satisfied. We had better darn well make sure that we have some alternatives.

Mr. OTTINGER. Mr. Chairman, I agree with the gentleman from Ohio (Mr. SEIBERLING) very strongly.

I assure my friend, the gentleman from Ohio (Mr. MOTTL), that if this additional money is provided for solar energy, it will in fact go to small business. There is no "Solar Industrial Forum" as there is for nuclear energy. There is no big energy industry push behind solar energy putting ads in all the media. Yet, it is one of the most promising technologies for solving our energy problems in the future.

Mr. Chairman, I think that this is a responsible amendment and should be supported.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, as a cosponsor of the Jeffords amendment, I rise to urge my colleagues to adopt it.

There is no doubt that Congress must give greater priority to development of solar technologies. Too much reliance is now based on developing the breeder reactor. But the breeder reactor is not our only energy option for the future. I urge my colleagues to take a broader view of our energy options, and step up the pace of solar technology progress.

This amendment, offered by the distinguished and insightful gentleman from Vermont, will proceed in that direction by boosting the authorization for solar energy research and development by more than 50 percent over the committee's recommendation.

As the ranking minority member of the Committee on Small Business, I have another strong reason to urge the adoption of this amendment. Too little incentive and encouragement has been given to individual inventors and small business enterprises in the present ERDA programs. While grant money has flowed freely to major corporations this past year, the funding applications of inventors and small businessmen for their solar energy ideas have been lost in redtape or mired in the bowels of bureaucracy.

I have recently studied a report about how the Energy Research and Development Administration is managing the solar energy program. I am somewhat distressed by what I have read, and I intend to ask the chairman of the House Small Business Committee for hearings into this problem.

This report states that the Energy Research and Development Administration has been producing with massive and expensive research programs concerning solar energy that almost wholly exclude the participation of small inventors and small businessmen.

Too much emphasis is placed on more and more research. And too many of the Federal research dollars are being funnelled to big corporations.

This report states the fact that there are now 70 manufacturers of solar heating and cooling appliances for homes in the United States. We now have the technology for using solar energy in our homes and offices. So instead of spending massive sums of taxpayers' dollars for further research, the Federal Government should be dedicating these funds for programs to demonstrate the workability of solar energy appliances. And, more Federal demonstration grants should be earmarked for small business firms.

This problem of big business bias has become so apparent that I have asked Energy Subcommittee Chairman DINGELL for an investigation by the Small Business Committee.

Small business firms and inventors are getting only a crumb from ERDA's pie of energy grants. More of that pie should be directed or set aside for innovators and enterprising businessmen. The keystone of this Nation's technological success has been the presence of a social and business environment that encouraged innovation and fostered quick commercial application of new ideas.

I would like to see this amendment go much further—and have at least half of ERDA's solar grants go to small business. But as this amendment stands, it is a positive contribution to national energy policy, and I urge its immediate adoption.

Mr. LEHMAN. Mr. Chairman, I rise in strong support of the Jeffords amendment to H.R. 13350. I would like to commend the gentleman from Vermont for this most important amendment, to increase funding for solar energy programs.

Just 2 years ago, the energy crisis was the most important issue facing Americans. We waited for hours in gas lines, and our electric bills doubled and tripled. As the Nation looked for alternatives to oil, many Floridians remembered the days when most homes had solar water heaters and again realized the potential of harnessing the inexhaustible and nonpolluting power of the Sun.

In responding to my recent Federal spending questionnaire, 68 percent of the residents of Florida's 13th Congressional District stated their belief that we should be spending more for energy development; only 11 percent favored any reduction in overall energy spending. Any wider survey would doubtless show that the great majority of Americans agree that energy funding should be increased.

ERDA's solar experts feel that they can use $471 million to develop photovoltaic, solar thermal, and other solar systems. The administration, however, proposes to spend only $160 million for solar programs. The Jeffords amendment, which I cosponsored and support fully, would add $116.2 million above the committee recommendation, for a total nonnuclear figure of $345.4 million.

We cannot hope to obtain any kind of energy independence or even to lessen our dependence on foreign sources unless all the available alternatives are explored. The energy crisis is still with us, even if its urgency is not as evident as it was 2 years ago. We cannot concentrate only on such technologies as nuclear fission, which will take so many years to provide a significant percentage of our electric power needs, or nuclear fusion, which has not even been demonstrated feasible.

Solar technologies, by contrast, exist now and have for many years. What is needed is an all-out program to bring these technologies within the reach of the people, and at reasonable cost.

Mr. Chairman, this amendment is vital to a balanced energy independence program. We must assure that all options are kept open, and that promising options are developed and put in place as swiftly as possible. Solar energy and other nonnuclear technologies could rapidly grow from promising to actual if Congress would continue its commitment, expressed in the creation of ERDA, in the Solar Energy Research, Development, and Demonstration Act, and in many other pieces of legislation, to a broad range of energy possibilities. I urge all of my colleagues to join me in voting for this amendment and in supporting solar energy.

Mr. TEAGUE. Mr. Chairman, I wonder whether we could come to some agreement as to time on these amendments and all amendments thereto.

Mr. Chairman, I ask unanimous consent that all debate on these amendments and all amendments thereto end at 3:15 p.m.

The CHAIRMAN. The Chair would ask the gentleman from Texas (Mr. TEAGUE) whether he is asking for a limitation on the Brown amendments or on the Jeffords amendments and all amendments thereto.

Mr. TEAGUE. On the Jeffords amendments and the Brown amendments and any amendments thereto, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas.

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was made will be recognized for 1¾ minutes each.

The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

AMENDMENTS OFFERED BY MR. ANDERSON OF ILLINOIS TO THE AMENDMENTS OFFERED BY MR. BROWN OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. JEFFORDS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer amendments to the amendments offered as a substitute for the amendments.

The Clerk read as follows:

Amendments offered by Mr. Anderson of Illinois to the amendments offered by Mr. Brown of California as a substitute for the amendments offered by Mr. Jeffords: Line 2, Strike "$1,159,182,000" and insert in lieu thereof "$1,103,182,000."

Line 4, Strike "$688,448,000" and insert in lieu thereof "$686,348,000."

Strike lines 5 and 6.

Line 10, Strike "$293,570,000" and insert in lieu thereof "$291,470,000".

Mr. ANDERSON of Illinois. Mr. Chairman, I ask unanimous consent that these amendments may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GOLDWATER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GOLDWATER. Mr. Chairman, it is my understanding that each Member standing at the time of the limitation of debate will be given 1¾ minutes, is that correct?

The CHAIRMAN. The gentleman from California is correct. Each Member standing at that time will be recognized for 1¾ minutes.

Mr. GOLDWATER. Further, Mr. Chairman, the gentleman now in the well, Mr. Anderson of Illinois, will have how much time to explain his amendment?

The CHAIRMAN. The Chair will state that the gentleman now in the well will be recognized for 1¾ minutes.

Mr. GOLDWATER. I thank the Chairman.

Mr. OTTINGER. Mr. Chairman, might I inquire if this pending amendment is an amendment to the Brown amendment or to the Jeffords amendment?

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will permit, this is an amendment to the Brown substitute to the Jeffords amendment.

(By unanimous consent, Mr. Goldwater yielded his time to Mr. Anderson of Illinois.)

Mr. ANDERSON of Illinois. Mr. Chairman, I think the gentleman from California (Mr. Brown) has already made it abundantly clear that we do not need the language of the Jeffords amendment insofar as it would call for a small business set-aside; that there is existing general law that applies to that situation; but, Mr. Chairman, recognizing that politics is the art of compromise and that it is the art of the possible, recognizing the validity that may exist in the arguments of my friend, the gentleman from California (Mr. Goldwater), that there is already doubt as to the ability of ERDA to absorb the entire additional amount that was proposed in the original Jeffords amendment, or that that would be carried by the Brown of California amendment, what I am simply doing in this amendment is adopting the language of the Brown amendment by reducing it by $58 million, so that we would increase the amount provided for solar energy by $58 million.

Let me further point out, Mr. Chairman, that the amendment would go to support solar electricity and biomass, and thermal and photovoltaic and wind principles, all research and development programs of ERDA. I think that this is the same kind of legislation that the gentleman from New York was talking about. I think we must recognize and I think we certainly owe the Committee on Science and Technology some respect for the work that they have done on this bill and the fact that they have tried to bring a balanced energy package to the House. I am simply proposing that we cut in half the proposed addition of $116 million to $58 million and direct this additional funding to the area for applications for solar and photovoltaic and wind. I think we can accomplish that which many of those who have spoken on both sides of this amendment this afternoon seek to accomplish by amending the committee bill, and at the same time demonstrate some much needed fiscal restraint.

I urge support of my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. Weaver).

Mr. WEAVER. Mr. Chairman, it has been established here today that we do not know how much electricity is going to cost to produce by the fast breeder reactor. Electricity produced by a light water reactor, whose construction begins tomorrow, will be at least 45 mills per kilowatt at the busbar. That is for capitalization cost alone. Therefore the costs of solar energy, that we know about today, are cheaper than nuclear energy today. Nuclear costs can only go up; solar energy can only go down in cost.

Further, as a member of the Committee on Agriculture, I would like to point out that we cannot have small coal plants, we cannot have small nuclear plants. That was tried and that went out the window a number of years ago, but we can have small solar energy plants. This will avoid costs of transmission, allow energy to be produced where it is needed. This will benefit agriculture and the rural communities greatly.

So I say, Mr. Chairman, that we must push on with the development of solar energy. It is not only going to be cheaper, but it will help the rural communities and the essential industry of agriculture which produces our food.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Scheuer).

Mr. MOAKLEY. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, I would like to express my strong support for the amendment offered by the gentleman from Vermont (Mr. Jeffords), to increase the funding for our national solar energy programs. In order for solar energy technologies to reach their highest potential, we must substantially support the programs with money not just words of encouragement. The committee bill as it stands appropriates funding at a much lower level then the ERDA solar energy branch chiefs had requested. Some have suggested that additional funds would be thrown away, but in actuality solar branches are completely out of money and many worthwhile projects are lacking funds.

We cannot possibly obtain ERDA's predicted 1986 goal of solar energy growth without the money requested. I strongly urge my colleagues to support this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. White).

Mr. WHITE. Mr. Chairman, I rise in support of the Jeffords amendment for various reasons. The primary reason, however, is the funding support this amendment will provide for solar pumping systems for irrigaton and windpower for irrigation.

Many of you are aware of the serious difficulties facing farm operators in the Trans-Pecos area of west Texas due to tremendous increases in the price of natural gas. This same problem is affecting areas in New Mexico and Arizona as well. A nearly 500 percent increase in energy costs in January 1976 from 40 cents per Mcf to $1.85 per Mcf—has resulted in serious consequences.

Several hundred acres of otherwise arable farmland have been taken out of production. In a short period of time these excessive costs for irrigation water will result in a decrease of about 50 percent of the farmland under cultivation. Escalation of energy costs of irrigation water will cause extreme economic hardships to the population of the Trans-Pecos areas as well as in the high plains extending through Lubbock to Amarillo and northward through the panhandle of Texas, Oklahoma, and adjoining States.

The Trans-Pecos farming area contains approximately 340,000 acres of arable land. There are more than 2,000 irrigation wells in operation. Water is pumped at each well from a depth of 500 to 600 feet requiring 200 to 250 horsepower each well is pumped continuously 4 to 5 months each year during the growing season.

The farm operators in the Trans-Pecos area have no alternative energy sources. Electricity is currently about 90 cents to $1 per Mcf equivalent, however the conversion procedure amounts to $5 to $8,000 per well. Power plants—motors—are not readily convertible to other fuels except gasoline which would greatly exceed current costs for natural gas.

Solar and wind energy could be alternative energy sources for the farmers in my district if they are developed in time. However, much work still must be done; much research must be undertaken to make these sources of energy viable and useful to the farm communities around the country. I am aware of only two projects that relate to solar pump irrigation being conducted by ERDA at the present time. Surely this is insufficient. Wind irrigation projects are nonexistent.

I cosponsored this amendment because I feel strongly that with enough funds, ERDA can move ahead in solar and wind technology to the point where our farming communities can benefit. The current amendment provides $4 million for solar pumping systems for irrigation. Solar powered engines and storage systems must be developed. Although small pumps are in use in Mexico and North Africa, no comparable equipment is available in the United States for agricultural communities.

The amendment also provides for $7.5 million for wind power for irrigation and heating. Wind power was once used extensively in agriculture and should be redeveloped to current needs and technology. We must not forget our rural areas which have unique energy problems.

These rural areas provide the rest of our country with valuable materials. We must help them stay alive in the face of our changing energy outlook.

Mr. Chairman, it is time to put our priorities in perspective. Let us upgrade funding for solar energy and seek its full potential.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. I thank the gentleman for yielding.

I would like to just briefly ask the gentleman if the technology is there, is that not the kind of argument to give ERDA more money for research and development?

Mr. WHITE. The basic technology is there. It is a matter within our means but needs further development. Also wind energy is a very possible means of providing energy. In the southwest we have plenty of wind sweeping through these passes that could be harnessed and utilized for farm and irrigation purposes.

Mr. MYERS of Pennsylvania. I just want to make a point that there is a difference between commercialization and research and development, and I do not think we should confuse the two of them.

Mr. WHITE. The technology is there to be expanded. Fifty percent horsepower is not adequate, but with sufficient moneys, ERDA will be able to move forward and provide the technology to develop solar and wind energy to pump the water to irrigate these farmlands.

Mr. MYERS of Pennsylvania. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I rise in support of the Weaver-Jeffords amendment and ask for its adoption at this point in the bill.

(By unanimous consent, Mr. HILLIS yielded his time to Mr. JEFFORDS.)

Mr. HILLIS. Mr. Chairman, I have, and continue to, support the research and development of alternate sources of energy to our tradtional petroleum based fuels. We have seen significant progress in the development of nuclear energy as an economical source of energy in recent years. The development of our breeder program will insure Americans an almost endless source of nuclear energy by 1990. Because of this, nuclear energy has been presented as an answer to our energy dependence on the OPEC nations. It appears to me, however, that nuclear energy is only a partial solution to our energy situation. There are tremendous problems which must be solved before the breeder program becomes operational. I support the breeder program and feel we should continue to develop it and solve whatever problems that might arise. However, we should not allow recent achievements in the development of nuclear energy to act as a blinder to other alternate sources of energy; sources such as solar energy. America must keep all its options open in its endeavor to achieve energy independence. The adoption of this amendment will allow both the development of the atom and the Sun as a source of energy. The United States cannot limit itself to only one alternative source of energy from petroleum based fuels. It is, therefore, vital that this amendment be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HANNAFORD).

Mr. HANNAFORD. Mr. Chairman, as cosponsor of the Jeffords-Weaver amendment, I rise in support of that amendment as amended by the Brown substitute.

I want to comment on the previous comments of my colleague, the gentleman from New York (Mr. OTTINGER) in regard to the enthusiasm that is shown for nuclear energy, and the lack of enthusiasm shown for solar energy. These packets are available in quantity from ERDA. That is the research and development that some of our money is going into. They contain about a dozen differen pamphlets that give us intelligence about how important nuclear energy is. This is what I call enthusiasm.

They sent these to the State of California, and here is a little bumper sticker one could have for the window of the automobile if one would want it. They sent to the State of California 78,000 oi these multicolored pamphlets which at 17 cents per copy represents about $15,000 in California regarding good will foı nuclear energy, sent at a time to coincide with a State ballot initiative on the subject of nuclear energy.

I happen to think we need nuclear research, but I do not think this is the kind of research and development that needs to be done with the money we are putting out for R. & D. I think it is the wrong way to expend our taxpayers' money.

If we want to figure out how we can spend a little bit more money in R. & D. for solar energy, perhaps this kind of enthusiasm would accommodate that kind of expenditure.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. RUNNELS).

(By unanimous consent, Mr. TEAGUE yielded his time to Mr. RUNNELS.)

Mr. RUNNELS. Mr. Chairman, we in Congress have often been accused of passing cream-puffed energy bill—I feel we have talked long enough, argued long enough, and now it is time to get the show on the road. If we in the Congress fail to heed the public's clamor, we may find ourselves staying home in November as our constituents voice their frustrations against Washington.

We, as Members of Congress, must accept the challenge and provide the leadership and direction that the Nation is so desperately seeking. Last year I proposed a 10-year national commitment to achieve energy self-sufficiency through an accelerated program for the use of renewable energy resources, such as solar and wind energy. Our proposed amendment constitutes the first phase of such a program.

The arguments voiced against an accelerated solar energy program are: "The money cannot be spent," "solar energy isn't ready yet," and "it will exceed the budget." Let me briefly comment on each of these statements.

First, regarding the budget. As a member of the Budget Committee, I can only state that if we fail to take these steps, the eventual cost to our Nation, from energy shortages and imports, will be many times the cost of this program.

For a fact, we cannot afford not to undertake the proposed solar acceleration program.

Second, testimony before the Joint Economic Committee hearing last month, in which I took part, as well as interviews conducted for OTA, both confirmed that solar energy is ready to be demonstrated publicly on a national scale and will soon be able to contribute significantly to solving our energy problem—especially in small sized communities, rural areas, agricultural regions, and for use in remote site defense installations, industrial parks, and residential and commercial buildings.

Furthermore, if we are able to put men on the Moon, develop the atomic bomb, the nuclear submarine, planetary spacecraft, and the ICBM, then we darn sure can put solar energy on line by 1985—in fact, with the proper direction and funding, we can be well on our way by 1980.

As to being able to spend the money we authorize—the ERDA solar energy branch chiefs have indicated the need for about three times the current funding level—worthwhile projects are unfunded because of a lack of money—

agriculture and irrigation projects, electric power projects for small, medium-sized, and rural areas, decentralized solar and wind systems for industrial and commercial facilities, solar cell systems for home and businesses—all are waiting for funds.

I can name numerous specific demonstration programs if you want me to—but the point is—the money can, and will be wisely spent.

Now, I challenge my colleagues in the Congress, to join with us in solving the energy, employment, and economic problem of our Nation by making this program a reality and passing this amendment.

(By unanimous consent, Mr. Frey yielded his time to Mr. Jeffords.)

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. Lujan).

Mr. LUJAN. Mr. Chairman, much has been said this afternoon about the wasting of moneys if we appropriate an additional $116 million. As we all know the budgetary process starts by the various departments making out their budget, submitting it higher up within the agency and then it eventually goes to the Office of Management and Budget, which cuts it down. I might point out to the Members of this House that the original amount requested by the various departments within ERDA was $471 million. Now, if we will take the $229 million that the bill authorizes, add the $116 million requested by this amendment, we come to a total of $345 million, which is certainly less than the $471 million that was originally asked for by the various departments in ERDA; so there is ample proof that those who do the work, those who are more intimately familiar with the day-to-day operations of ERDA, can very properly use the additional amount that is requested by this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. McCormack).

Mr. McCORMACK. Mr. Chairman, I yield to the gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, I rise in support of the Jeffords amendment of which I am a cosponsor; it addresses the very pressing need to increase funding for our solar energy research and development. I urge my colleagues to fully look at this proposal, and then to authorize the requested $116.2 million.

It is the stated policy objective of the administration and of the Environmental Research and Development Administration, ERDA, that our Nation should commit itself to solar energy development with the same fervor that we have shown toward the breeder reactor program. A commitment to solar energy is an excellent goal and one which I fully support, however, the necessary funds for its achievement are not being provided. Granted, there are budgetary constraints, but that only emphasizes the need to set priorities, and to make the best use of available moneys. I think that the direction which we should take is clearly toward solar research.

Solar energies promise to be both efficient, and in time, cost competitive. I would ask my colleagues to carefully examine the chart which I am appending; it comes from ERDA's "National Plan for Research Development and Demonstration," which was submitted to Congress on April 19 of this year. The figures indicate that the combined uses of "Solar Electric" and "Solar Heat and Cooling" technologies are expected to account for between 8.0 and 10.1 quads of energy by the year 2000—a quad is equal to 10^{15} Btu's; total U.S. consumption in 1975 was 71 quads. This compares with the 3.1 quads of energy which the breeder is expected to produce by the year 2000. Yet despite these ERDA figures which indicate that solar resources will produce three times more energy than will the breeder reactor, funding outlays for the breeder—$575—are five times greater than the figure which Mr. Jeffords is requesting for solar energy. Does this represent an "equal commitment"?

Simple commonsense would seem to dictate that we should fund the most promising programs over the less encouraging ones, and solar energy appears to have unique potential. John Wilhelm, in the recent March issue of National Geographic, discusses the benefits and savings of a solar energy program:

> Most estimates agree that in 25 years solar systems could save more barrels of oil than will be flowing through the Alaskan pipeline—or about a third of all our current imports. That amounts to several billion dollars a year in balance-of-payments savings. And, as one lawmaker recently noted. "Sunshine cannot be embargoed."

Dr. Morton B. Prince, who heads the solar division of ERDA, is also optimistic about the promise of this energy source. He hopes that by the year 2000 annual production of rooftop panels for converting sunlight into electricity will represent a generating capacity of 50 billion watts, which is more than 50 times the present capacity of Consolidated Edison's large nuclear plant at Indian Point. But such an achievement is contingent upon improved cost/efficiency ratios which may only by obtained with thorough research and development.

The estimates as to solar potential are not extravagant. In fact, I believe the ERDA figures seriously underestimate the future impact of the Sun's energy. The Project Independence report in 1974 stated that if all solar technologies were actively promoted, by the year 2000 we could have 39 quads of energy, almost four times more than ERDA is now saying.

The question of solar energy versus other alternatives comes down to a weighing process. If funding were abundant for energy programs, and if other energy programs could be adequately funded, then I would advocate strong funding for most programs, on the basis of supporting basic research and development. Unfortunately, all of our energy programs must compete for limited funds. Supporting the breeder at the currently planned level will require a severe reduction in our commitment to other worthwhile programs. We should pursue the most efficient, most productive energy program. We must make choices. More and more studies point to the advantages of a solar development plan, such as a recent issue of Astronautics and Aeronautics which contains an American Institute of Aeronautics and Astronautics assessment of solar energy. I should like to mention the conclusions of that article for the information and interest of my colleagues. I think they state clearly the benefits of actively pursuing the solar alternative. I urge support of the Jeffords amendment which would accomplish this; and if the measure fails, I intend to pursue the question in the Appropriations Committee, on which I serve.

In the name of commonsense, I urge the House to set funding priorities, and invest in the very promising solar energy program.

Let me now list the technologies now available for pursuing major energy technology goals.

Conclusions from an American Institute of Aeronautics and Astronautics, AIAA, assessment entitled "Solar Energy for Earth," are:

[From Astronautics and Aeronautics, November 1975]

Conclusions

(1) Technical feasibility has been demonstrated for a number of solar-powered energy systems designed to provide terrestrial heat, electric power, or both.

(2) Solar energy can begin to make significant contributions to the nation's energy supply sometime in the period 1985–2000. Its present economic disadvantage as compared with alternative energy sources can be reduced or eliminated altogether if (a) a vigorous program of federal research and development support is provided, (b) the implementation of pilot-plant, demonstration, and prototype solar-powered plants is actively promoted, and (c) the prices of fossil fuels remain high or fluctuate unpredictably and nuclear power costs continue to rise.

(3) Identifiable environmental and sociological impacts of solar energy systems are far less severe than those associated with fossil-fueled and nuclear fission-powered systems. In particular, solar-powered systems do not deplete natural energy sources.

(4) In contrast to fossil-fueled and nuclear-fission sources, most solar energy systems depend critically on the availability of either energy storage facilities or supplementary power sources. This mismatch between available and demand power is not a problem for ocean thermal energy conversion powerplants or biomass energy and is of only minor concern for satellite solar power stations.

(5) Premature implementation of solar-powered energy systems without adequate research, technology, and development support, or demonstration efforts involving economically or operationally unsuitable components or systems, could lead to an undesirable "backlash" effect. Adequate R&D pilot-plant, and demonstration projects should be accelerated but not bypassed.

TABLE II-1.—TECHNOLOGIES NOW AVAILABLE FOR PURSUING MAJOR ENERGY TECHNOLOGY GOALS

[The last column of this table presents data from ERDA–48. It represents the maximum impact of the technology in any scenario measured in terms of additional oil which would have to be marketed if the technology were not implemented. Basis for the calculation is explained in app. B of ERDA–48. These data are being reexamined, and changes will be made when analysis is completed. In a number of cases, revised projections of the impacts will be lower.]

Technology	Term of impact [1]	Direct substitution for oil and gas [2]	R. D. & D. status	Impact in year 2000 in quads
Goal I: Expand the domestic supply of economically recoverable energy producing raw materials:				
Oil and gas—enhanced recovery	Mid	Yes	Pilot	13.6
Oil shale	Near	Yes	Study/pilot	7.3
Geothermal	Mid	No	Lab/pilot	3.1–5.6
Goal II: Increase the use of essentially inexhaustible domestic energy resources:				
Solar electric	Long	No	Lab	2.1–4.2
Breeder reactors	Long	No	Pilot/demo	3.1
Fusion	Long	No	Lab	
Goal III: Efficiently transform fuel resources into more desirable forms:				
Coal—Direct utilization utility/industry.	Near	Yes	Pilot/demo	24.5
Waste materials to energy	Near	Yes	Comm	4.9
Gaseous and liquid fuels from coal.	Mid	Yes	Pilot/demo	14.0
Fuels from biomass	Long	Yes	Lab	1.4
Goal IV: Increase the efficiency and reliability of the processes used in the energy conversion and delivery systems:				
Nuclear converter reactors	Near	No	Demo/comm	28.0
Electric conversion efficiency	Mid	No	Lab	2.6
Energy storage	Mid	No	Lab	
Electric power transmission and distribution.	Long	No	Lab	1.4
Goal V: Transform consumption patterns to improve energy utilization:				
Solar heat and cooling	Mid	Yes	Pilot/demo	5.9
Waste heat utilization	Mid	Yes	Study/demo	4.9
Electric transport	Long	Yes	Study/lab	1.3
Hydrogen in energy systems	Long	Yes	Study	
Goal VI: Increase end-use efficiency:				
Transportation efficiency	Near	Yes	Study/lab	9.0
Industrial energy efficiency	Near	Yes	Study/comm	8.0
Conservation in buildings and consumer products.	Near	Yes	Study/comm	7.1

[1] Near—now through 1985. Mid—1985 through 2000. Long—Post-2000.

[2] Assumes no change in end-use device.

Mr. McCORMACK. Mr. Chairman, I have listened to this debate in the last few minutes with great interest. I can very much sympathize with the attitudes of all the Members who are here. I cannot agree, but I can sympathize with them.

Mr. Chairman, I do want to say that I will support the substitute offered by the gentleman from California (Mr. BROWN) and the amendment of the gentleman from Illinois (Mr. ANDERSON). I think this is a reasonable compromise and I think with that we can proceed with it.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I rise in opposition to both the substitute amendments. I would like to explain, first, exactly what they would do. As I understand, the Brown amendment will take about half, not quite half of what is in my amendment and would put it into the area of solar heating and cooling, which already has $78,900,000. Where that would be used, we do not know. We do know the technology in that area is far more developed relative to the electrical energy area.

Also, my amendment does have money in it for total energy systems, which would help homes, and that is what the gentleman is for. The gentleman's amendment might be supportable if we could redefine solar heating and cooling to include some of the areas to be shifted over; but I cannot support it in its present form.

The Anderson amendment would take all that I offer and cut it in half. The amendment as offered is the bare minimum and it is not even sufficient, as suggested by the branch chiefs, it is not sufficient even in their minds; but we believe it is a reasonable amount which can put us on the right course, which can get us into energy independence by 1985.

Therefore, Mr. Chairman, I must reluctantly oppose the substitute and the amendment to the substitute.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I support the gentleman's amendment. I oppose the Brown amendment and support the Jeffords amendment.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I completely agree with the position that the Anderson amendment should be voted down, the Brown substitute amendment voted down, and the Jeffords-Weaver amendment should be adopted.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I am cosponsoring this amendment and recommend it to my colleagues because our solar energy programs need a new commitment of Government support in order to carry out vigorous development and implementation.

Just a brief comparison between solar energy and fossil or nuclear fuels shows that solar energy is a logical, convenient energy alternative. Where fossil and nuclear fuels are expensive or prone to boycotts, solar energy is an inexhaustible and accessible energy source. Where fossil and nuclear fuels pollute the environment or pose safety hazards, solar energy is a clean and safe source. Where remaining entirely dependent on fossil fuels and nuclear energy reflect the priorities of the giant energy corporations, solar energy represents an opportunity for creative local and decentralized energy usage based on the needs of local communities.

I believe that total reliance on fossil and nuclear fuels is short-sighted. We are overly dependent on fossil and nuclear fuel sources and under dependent on solar energy.

One of the most important features of this amendment is that it would authorize funds for a wide variety of solar energy projects. Demonstration projects in individual homes and communities will explore the viability of residential energy systems. The irrigation pumping and storage systems of small farmers powered by solar and wind systems will bring new benefits to our country's small agricultural producers. Larger prototype powerplants and solar thermal test facilities will also be funded. Fully 20 percent of the funds authorized would be set aside for use by small businesses.

Solar energy may not be high on the administration's agenda or in the oil companies' future plans, but it should be at the top of the public interest agenda for the coming decade. Americans should look forward to a sunny future.

Mr. EMERY. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Maine.

Mr. EMERY. Mr. Chairman, I, too, rise in support of the Jeffords amendment. I have been very much an enthusiast of the development of solar energy, and I am not swayed by the arguments that ERDA would not find good use for the additional funds provided in the authorization.

I must say, however, that there have been times when I have heard critics of ERDA policies complain that too much money is put into other areas of energy research and development compared to solar energy. But I must point out that solar energy, by its very nature, is a low technology field—which is an advantage—because one can do far more with available funds for solar than one could do with the same amounts in some of the other areas.

I hasten to add, however, that solar

energy is not a panacea. It is not feasible as an automotive propellant, or for supplying the huge amounts of electricity necessary for industry. These breakthroughs will—hopefully—come in the future. Meanwhile, we must quickly develop solar systems for heating and cooling, low-drain electrical systems, and for many other useful purposes. The Jeffords amendment provides more money for these constructive purposes, and also directs the specific use of the proposed funds.

Mr. Chairman, I will reluctantly oppose both the Brown substitute and the Anderson amendment thereto, and will support the amendment offered by the gentleman from Vermont (Mr. Jeffords).

The CHAIRMAN. The Chair will put the question.

Mr. TEAGUE. Mr. Chairman, would the Chair state the parliamentary situation for the benefit of the committee?

The CHAIRMAN. After the Chair puts the question, the Chair will ask for a vote on the Anderson of Illinois amendments to the Brown of California substitute for the Jeffords amendments. The first vote will occur on the Anderson of Illinois amendments. Does that satisfy the gentleman?

Mr. TEAGUE. I thank the Chair.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. Anderson) to the amendments offered by the gentleman from California (Mr. Brown) as a substitute for the amendments offered by the gentleman from Vermont (Mr. Jeffords).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDERSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 207, not voting 37, as follows:

[Roll No. 280]

AYES—188

Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Bauman
Beard, Tenn.
Bennett
Bevill
Bowen
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Cederberg
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Cotter
Crane
Daniel, Dan
Daniel, R. W.
Davis
de la Garza
Dent
Derwinski
Devine
Dickinson
Dingell
Dodd
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Ind.
Evins, Tenn.
Findley
Fisher
Fithian
Flood
Flowers
Flynt
Foley
Ford, Tenn.
Forsythe
Fountain
Fuqua
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen
Harsha
Henderson
Hicks
Holland
Holt
Horton
Hubbard
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Kelly
Kemp
Ketchum
Krueger
Latta
Leggett
Lent
Lloyd, Tenn.
Lott
McCormack
McDonald
McEwen
McFall
McKay
Madigan
Mahon
Mann
Martin
Mathis
Michel
Miller, Ohio
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Nichols
O'Brien
Paul
Pickle
Pike
Poage
Preyer
Price
Pritchard
Quillen
Rees
Regula
Rhodes
Roberts
Robinson
Rostenkowski
Roush
Rousselot
Ruppe
Santini
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Snyder
Spence
Staggers
Stanton, J. William
Steelman
Steiger, Wis.
Stephens
Stratton
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Treen
Ullman
Vander Jagt
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wright
Wydler
Yates
Yatron
Young, Tex.
Zablocki

NOES—207

Abdnor
Abzug
Addabbo
Alexander
Allen
Ambro
Andrews, N. Dak.
Aspin
AuCoin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Brademas
Breaux
Breckinridge
Brodhead
Broyhill
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Conlan
Conte
Conyers
Corman
Cornell
Coughlin
D'Amours
Daniels, N.J.
Danielson
Delaney
Dellums
Derrick
Diggs
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Evans, Colo.
Fascell
Fenwick
Fish
Florio
Fraser
Frenzel
Frey
Gaydos
Gilman
Green
Gude
Hagedorn
Hall
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hightower
Hillis
Holtzman
Howard
Howe
Hughes
Jacobs
Jeffords
Jenrette
Jones, Ala.
Kasten
Kastenmeier
Keys
Koch
Krebs
LaFalce
Lagomarsino
Lehman
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Lujan
Lundine
McCloskey
McCollister
McDade
McHugh
McKinney
Madden
Maguire
Matsunaga
Mazzoli
Meeds
Melcher
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mottl
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Pettis
Peyser
Perkins
Pressler
Quie
Railsback
Randall
Rangel
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roybal
Runnels
Russo
Ryan
St Germain
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Stark
Stokes
Studds
Thompson
Thone
Traxler
Van Deerlin
Vander Veen
Vanik
Walsh
Waxman
Weaver
Whalen
White
Wilson, C. H.
Wirth
Wolff
Wylie
Young, Fla.
Young, Ga.
Zeferetti

NOT VOTING—37

Bell
Bolling
Bonker
Brown, Mich.
Buchanan
Byron
Carter
Chappell
Collins, Ill.
Duncan, Oreg.
Fary
Ford, Mich.
Giaimo
Hébert
Hefner
Hinshaw
Karth
Kindness
Landrum
Litton
McClory
Macdonald
Metcalfe
Milford
Mills
Moss
Murphy, N.Y.
Stanton, James V.
Steed
Steiger, Ariz.
Stuckey
Sullivan
Thornton
Tsongas
Udall
Vigorito
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Chappell for, with Mr. Murphy of New York against.

Mr. Fary for, with Mr. Macdonald of Massachusetts against.

Mr. Hébert for, with Mr. Moss against.

Mr. Byron for, with Mr. Tsongas against.

Mr. FLYNT and Mr. SANTINI changed their vote from "no" to "aye."

Mrs. SMITH of Nebraska and Mr. BROYHILL changed their vote from "aye" to "no."

So the amendments to the amendments offered as a substitute for the amendments were rejected.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. MYERS OF PENNSYLVANIA

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Myers of Pennsylvania moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. MYERS of Pennsylvania. Mr. Chairman, I take this time simply because I think it is important that those Members who were not on the floor during the debate on the Jeffords amendment and the Brown substitute thereto, have the opportunity to fully analyze what their next vote will involve.

Specifically, the gentleman from California (Mr. Brown) has offered an amendment as a substitute, which was attempted to be cut down in size by the gentleman from Illinois, Mr. Anderson's amendment.

The question the Members will be voting on in all probability will not be whether or not we are going to increase our emphasis on solar energy, but how we will do it and who will make the decisions. If we do not accept the amendment offered by the gentleman from California (Mr. Brown) as a substitute for the amendment offered by the gentleman from Vermont (Mr. Jeffords), we will be allowing the gentleman from Vermont (Mr. Jeffords), and two other Members of the House, to dictate the increases in solar energy.

Specifically, I think it is important for those Members who are concerned about the size of the Federal bureaucracy to take note that the Jeffords amendment designates that the following positions will be created by ERDA: one assistant director for solar-thermal programs at a GS–17 level; an assistant director of OTEC programs at a 17 level; supervisory engineer, 6 positions, at a 16 level; program managers, 12 positions, at a 15 level; technical specialists, 20 positions, at a 14 level; technical specialists, 10 positions, at a 13 level; supporting clerical and administrative personnel, 24 positions, at grades 4 to 9.

So we are not simply voting on whether or not we are going to increase our development of solar energy, but we are specifically dictating to ERDA that they will create these positions.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Pennsylvania. I yield to the gentleman from Washington.

Mr. McCORMACK. I thank the gentleman for yielding.

I want to say that as chairman of the Subcommittee on Energy Research, Development, and Demonstration, I very much sympathize with what the gentleman is trying to do. I very strongly support the Brown substitute.

What the Brown substitute does is allow the amount of money, the full $116 million called for in the Jeffords amendment, but it takes out the attempt in the amendment to try to structure the internal mechanism of the Energy Research and Development Administration by going down four levels of bureaucracy to tell them how many people they will have, what they will do, and how they will manage their own business. If the Brown substitute is accepted, we will eliminate all of that intrusion into the Administration, and we will also spread the money, the $116 million, more uniformly across the solar energy projects.

Since we defeated the Anderson amendment and got to the full $116 million, I agree with the gentleman, and I think we should support the Brown substitute, so we are not acting irresponsibly.

Mr. MYERS of Pennsylvania. I want to thank the gentleman for his support.

I hope the Members will take note of what the gentleman has said. This is the gentleman who has been leading programs for solar energy. If we are going to give ERDA more money, I do not think it makes good sense for us arbitrarily to handcuff them.

I would just like to make a few specific points here. If we do not vote for the Brown substitute, we have to be aware of the fact that we are voting for Projects 77-2-B, 77-2-C, 76-2-B, 77-2-D, 77-2-E. I am certain that most Members are not in the position to evaluate whether that is the way we want to spend this money specifically, and this is the last chance they are going to have to make that decision.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Pennsylvania. I yield to the gentleman from California.

Mr. GOLDWATER. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the gentleman for clarifying precisely what the vote is on the Brown amendment. I believe, as the ranking minority member on the subcommittee that has responsibility, from working with the gentleman from Washington on this solar program, the Brown amendment would provide the flexibility needed so that the additional money provided by the Jeffords amendment will fit and meld within the program that the subcommittee and the full committee have tried to develop into a responsible solar program.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWN of California. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I want to express my appreciation to the gentleman from Pennsylvania for using this time in order to explain the content of the Brown substitute for the Jeffords amendment. I do not think in all seriousness he meant to strike the enacting clause of the whole bill, and I firmly oppose that.

Let me now explain again why I offered this amendment. It has already been adequately explained, but many of the Members were not present when I originally offered the substitute. As the gentleman from Pennsylvania (Mr. MYERS) has indicated, what the substitute does is take exactly the same amount of money that is in the Jeffords amendment and divide it equitably between the two major solar programs, solar electric and solar heating and cooling.

As we indicated in earlier debate, the reasons for this are multiple. This concurs with the recommendation both of ERDA itself as to how the funds should be distributed, and the Office of Technology Assessment in analyzing the ERDA solar program, which indicated that the most immediate payoff would come from additional funds in solar heating and cooling.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

I would just like to point out that one of the arguments made last year against an amendment to increase solar funding was, "You have not told us where we can spend it."

It is interesting to see this year that the argument is coming around the other way and they are saying now: "You are telling us where to spend it and you shouldn't do that." We have come to the spending decisions, the line items, and provisions in my amendment as a result of going and talking to the branch chiefs, the people who are going to spend this money. We asked them: "How many men do you need to do the job? How much money do you need? Where do you need the men if you get this amount of money?" These amendments represent a carefully devised program which points out our needs in the solar energy field. It sets forth how many men are needed and how much money is required to do the job so we can have usable solar energy as soon as is reasonably possible. But the Brown substitute for these amendments will take a whole chunk of money and apportion it to the places where technology is already developed solar treating and cooling and will take the money away from electrical energy where we desperately need it.

Mr. BROWN of California. I appreciate the gentleman's explanation. I compliment him for the excellent work he has done.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, the Brown amendment is a well-meaning substitute but the question for this House to answer today is: Do we begin embarking on a great new program to produce electricity from the Sun? We need electricity from the Sun if we are to meet our target goals by the year 2000 and we must begin now.

I ask for a vote of "No" on the Brown substitute amendment and "Yes" on the Jeffords amendment.

Mr. BROWN of California. I disagree with what the gentleman says. We are not embarking on any brave new program. We are attempting to structure properly a program already in existence which is really going very well. The question is, Do we want a 100-percent increase over what is in the current budget, or a 200-percent increase, which I have included in my substitute, as long as it is properly distributed over the programs? The gentleman says he talked to the branch chiefs, but maybe he talked too much to them. The problem is to get away from the individual branch chiefs and get to the overall program charted by ERDA and see that it is carried out properly.

I ask for a "Yes" vote on my substitute.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Pennsylvania (Mr. MYERS).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. BROWN) as a substitute for the amendments offered by the gentleman from Vermont (Mr. JEFFORDS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. JEFFORDS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 127, not voting 40, as follows:

[Roll No. 281]

AYES—265

Abdnor
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Archer
Ashley
Aspin
Bafalis
Baucus
Beard, R.I.
Bennett
Bergland
Bevill
Biaggi
Blanchard
Boggs
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, Phillip
Butler
Carney
Cederberg
Chisholm
Clawson, Del
Clay
Cochran
Collins, Tex.
Conable
Conlan
Corman
Daniel, Dan

Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Devine
Dickinson
Diggs
Dingell
Downing, Va.
Drinan
Duncan, Tenn.
du Pont
Eckhardt
Eilberg
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Fithian
Flood
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Fuqua
Gaydos
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Helstoski
Hicks
Hightower
Holland
Horton
Howe
Hubbard
Hungate
Hutchinson
Hyde
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kemp
Krueger
LaFalce
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
McCormack
McDade
McEwen
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Melcher
Michel
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Mottl
Murtha
Myers, Pa.
Natcher
Nedzi
Nichols
Nix
Nowak
Oberstar
Obey
O'Hara
Passman
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Pike
Poage
Pressler
Preyer
Price
Quie
Quillen
Randall
Rees
Regula
Reuss
Rhodes
Riegle
Risenhoover
Roberts
Robinson
Rodino
Roe
Roncalio
Rooney
Rose
Roush
Rousselot
Roybal
Ruppe
Santini
Sarasin
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stark
Steiger, Wis.
Stephens
Stokes
Stratton
Sullivan
Symington
Talcott
Taylor, Mo.
Teague
Thompson
Thornton
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Waggonner
Walsh
Wampler
Waxman
Whalen
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wirth
Wolff
Wright
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOES—127

Abzug
Andrews, N. Dak.
Armstrong
Ashbrook
Badillo
Baldus
Bauman
Beard, Tenn.
Bedell
Biester
Bingham
Blouin
Burleson, Tex.
Burlison, Mo.
Burton, John
Carr
Clancy
Clausen, Don H.
Cleveland
Cohen
Conte
Conyers
Cornell
Cotter
Coughlin
Crane
D'Amours
Dellums
Derrick
Derwinski
Dodd
Downey, N.Y.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
Evans, Ind.
Fenwick
Fish
Florio
Forsythe
Frenzel
Frey
Gilman
Green
Gude
Hansen
Harkin
Harrington
Heckler, Mass.
Heinz
Henderson
Hillis
Holt
Holtzman
Howard
Hughes
Jacobs
Jeffords
Jenrette
Jones, N.C.
Kasten
Kelly
Ketchum
Keys
Koch
Krebs
Lagomarsino
Long, Md.
Lujan
Lundine
McCloskey
McCollister
McDonald
McHugh
Maguire
Matsunaga
Meyner
Mezvinsky
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Mink
Mitchell, Md.
Moakley
Moffett
Murphy, Ill.
Myers, Ind.
Neal
Nolan
O'Brien
O'Neill
Ottinger
Pattison, N.Y.
Paul
Peyser
Pickle
Railsback
Rangel
Richmond
Rinaldo
Rogers
Rosenthal
Rostenkowski
Runnels
Russo
Ryan
St Germain
Sarbanes
Sebelius
Simon
Smith, Nebr.
Solarz
Spellman
Steelman
Studds
Symms
Taylor, N.C.
Thone
Traxler
Weaver
White
Wilson, Tex.
Wydler
Wylie

NOT VOTING—40

Annunzio
AuCoin
Bell
Bolling
Bonker
Brown, Mich.
Buchanan
Byron
Carter
Chappell
Collins, Ill.
Duncan, Oreg.
Fary
Giaimo
Hébert
Hefner
Hinshaw
Karth
Kindness
Landrum
Litton
McClory
Macdonald
Metcalfe
Milford
Mills
Moss
Murphy, N.Y.
Pettis
Pritchard
Stanton, James V.
Steed
Steiger, Ariz.
Stuckey
Tsongas
Udall
Vigorito
Wilson, C. H.
Yates
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Fary against.

Mr. Annunzio for, with Mr. Macdonald of Massachusetts against.

Mr. Chappell for, with Mr. Charles H. Wilson of California against.

Mr. Hébert for, with Mr. Moss against.

So the amendments offered as a substitute for the amendments were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Vermont (Mr. JEFFORDS), as amended.

The question was taken.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 321, noes 68, not voting 43, as follows:

[Roll No. 282]

AYES—321

Abdnor
Abzug
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Ashley
Aspin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Conable
Conlan
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McCloskey
McCollister
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mann
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Meyner
Mezvinsky
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Morgan
Mottl
Murtha
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Roberts
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Teague
Thompson
Thone
Thornton
Traxler
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Walsh
Wampler
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Wirth
Wolff
Wright
Wylie
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOES—68

Archer
Armstrong
Ashbrook
Bauman
Bennett
Brinkley
Burke, Fla.
Burlison, Mo.
Butler
Cederberg
Clancy
Clawson, Del
Cochran
Collins, Tex.
Crane
Devine
Dickinson
du Pont
Edwards, Ala.
Erlenborn
Findley
Foley
Fountain
Goldwater
Goodling
Hammerschmidt
Hansen
Henderson
Holt
Hutchinson
Hyde
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Ketchum
McCormack
McDonald
Mahon
Martin
Michel
Montgomery
Moorhead, Calif.
Mosher
Myers, Ind.
Myers, Pa.
O'Brien
Passman
Paul
Pickle
Poage
Risenhoover
Robinson
Ruppe
Satterfield
Schneebeli
Sebelius
Shuster
Skubitz
Snyder
Symms
Taylor, Mo.
Taylor, N.C.
Treen
Waggonner
Winn
Wydler

NOT VOTING—43

Annunzio
AuCoin
Bell
Bolling
Bonker
Brown, Mich.

Buchanan
Byron
Carter
Chappell
Collins, Ill.
Dent
Duncan, Oreg.
Fary
Giaimo
Hébert
Hefner
Hinshaw
Karth
Kindness
Landrum
Litton
McClory
Macdonald
Metcalfe
Milford
Mills
Moss
Murphy, Ill.
Murphy, N.Y.
Obey
Pettis
Stanton, James V.
Steed
Steiger, Ariz.
Stuckey
Tsongas
Udall
Vigorito
Waxman
Wilson, C. H.
Yates
Young, Alaska

So the amendments, as amended, were agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. DINGELL: On page 9, line 25, strike all after the word "whenever" through "(2)" on line 2 of page 10; and on page 10, line 6, strike the period and insert the following: "in order to meet the needs of national defense or protection of life and property or health and safety."

On page 10, line 8, insert a comma after the word "used" and the following: "as provided in annual appropriation Acts enacted after the date of enactment of this Act,".

The CHAIRMAN. Does the gentleman from Michigan (Mr. DINGELL) ask unanimous-consent request that the amendments be considered en bloc?

Mr. DINGELL. Yes, Mr. Chairman, I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, we have studied both amendments. We think they improve the bill. On this side of the aisle we accept those amendments.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, the minority side has no problem with these amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. DINGELL).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHEUER: Page 4, line 6, insert immediately before the period ", including $8,650,000 for the Office of Waste Systems Utilization".

Mr. SCHEUER. Mr. Chairman, this is a comparatively simple amendment. This amendment would earmark $8.65 million of the conservation subsection entitled "Conservation Research and Development in Transportation, Industry, Buildings, and Improved Conservation Efficiency" for obligation by the Office of Waste Systems Utilization in ERDA. It is my intention and understanding that this authorization of $8.65 million in budgetary authority will not allow the Office of Waste Systems Utilization to actually spend any more than $7.2 million in fiscal year 1977, but would allow them to obligate ERDA to $8.65 million in solid waste projects.

The President's budget message of last January announces the administration's intention to allocate only $1.65 million to this office. This allocation of funds would be woefully inadequate. Indeed, ERDA's Office of Waste Systems Utilization has said that such funding not only would not permit even their present modest program to continue at its current snail's pace, but also would require the Office actually to slow down work in progress, and to forego any further investigation into other technologies.

For the past 30 years, we have taken the easy route for the disposal of our solid wastes by dumping waste on "sanitary land fills" and by burning of wastes. The time for such simplistic answers has ended.

Experts have drawn a correlation between the affluence of a society and the way the people of that society view their solid waste. In less developed countries, little goes to waste. However, as affluence replaces need, the trash heap grows and garbage becomes a public issue.

Mr. Chairman, the results in the United States are staggering. Indeed, the present growth rate, when extrapolated, predicts that almost 350 million tons of solid waste will be produced in the United States in 1976, well over 8 pounds per person per day.

In 1975, of the 330 million tons of solid waste produced in this country, 243 million tons were collected regularly. Of this 243 million tons, about 55 percent was collected in urban areas and the geographic locations where the volume of waste is sufficient to make recovery practical.

We can directly translate this huge tonnage of solid waste into costs to local government:

Collection costs of between $10 and $30 a ton—the national average is $21 a ton;

Disposal costs ranging from $1 per ton for uncontrolled dumping to as high as $15 to $20 a ton for incineration with air pollution controls—the national average is $5 a ton;

From a national perspective, this means a direct cost to communities for collection and disposal of $3.5 billion annually in 1973, the third largest expenditure made by local governments;

By 1985, direct real costs are anticipated to increase by 20 to 30 percent; adding on a 4-percent-per-year inflation rate would imply a 1985 collection and disposal cost for the average city of $50 per ton and a national cost of nearly $7 billion annually, by 1985.

My amendment is designed to stimulate the research, development, and demonstration of solid waste recovery systems. Such systems have multiple advantages.

First, processed solid waste is a significant source of energy.

Second, processing of solid waste has environmental advantages as well.

Third, solid waste can be a potential source for otherwise nonrenewable resources.

Energy can be recovered from solid waste in two ways. First, processed solid waste can be used as a fuel, and second, materials recovered from solid waste—for example: aluminum, iron, steel, copper, and zinc—can be recycled into usable products at an energy cost far lower than the cost associated with work with virgin materials.

The total savings, the sum of energy conversion and resource recovery, from a national solid waste program would be 500 million barrels of oil a year or 1.37 million barrels of oil a day.

Mr. Speaker, proper implementation of a solid waste program would thus have the following energy savings: 15 percent of the fuel consumed by all utilities in 1973, or 33 percent of the coal consumed by all utilities in 1973, or 90 percent of the oil projected to be delivered through the Alaskan pipeline, or six times the gasoline savings estimated for the 55-mile-per-fuel hour conservation program in 1973–74, or 3 percent of all energy consumed in the United States in 1973.

Implementation of a national policy to further solid waste processing, aside from the energy benefits documented above, has an environmental esthetic benefit as well. Sanitary landfills, due to leaching of pollutants, cause the contamination of drinking water supplies and the contamination of wetlands. Thus, by recycling the urban refuse, we achieve the added advantage of removing the pollutants.

Ground water degradation is most significant in California, Florida, Illinois, Indiana, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas, according to the EPA.

Additionally, the dumps which surround our airports have proved to be an attraction for seagulls that have repeatedly caused damage to incoming and outgoing aircraft and pose a serious safety hazard to air travel. For example, on November 12, 1975, a DC–10 crashed attempting to take off at JFK International Airport. The National Transportation Safety Board claims that as of April 1, 1976, there have been three other air crashes because of massive bird ingestion into the engines. I am reproducing an EPA list of 68 airports in which this bird problem is severe, along with the names of my colleagues who represent each airport, in today's RECORD.

Solid waste recovery is a new and potentially beneficial technology which can simultaneously improve our environment and provide us with recycled materials and that most precious of resources—energy. ERDA should have the resources it needs to continue and expand its programs of resource recovery and the production of oil and gas through the decomposition of solid waste. My amendment is an opportunity for the Congress to insure that ERDA will use its funds in both an environmentally and energy constructive manner.

At this point, I would like to insert into the RECORD a memorandum of understanding between the Environmental Protection Agency and the Energy Research and Development Administration on "The Development of Energy From Solid Waste" which was signed during the first week of May. This memorandum divides the authority for solid waste programs between EPA and ERDA and establishes a coordinating steering committee between the two agencies to insure that there will be no duplication of effort. It is important that these two agencies follow this memorandum of understanding so that we can insure that both agencies use their funds in the most appropriate manner. The text of the memorandum follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C.

Subject: Formal Agreement on Energy From Solid Waste.

From: John R. Quarles, Jr., Deputy Administrator.

To: Assistant Administrators, Office Directors, DAA for Solid Waste Management, DAA for Energy, Minerals and Industry.

Enclosed you will find the "Interagency Agreement Between the Environmental Protection Agency and the Energy Research and Development Administration on the Development of Energy from Solid Waste." This agreement has been under development for several months and was finalized with the signatures of Administrators Seamans and Train on May 7, 1976.

This agreement is a major step forward in providing for maximum effectiveness and coordination in the implementation of Federal programs in this area. The agreement clearly recognizes EPA's expertise and authority in this area and with infrequent exceptions new project responsibilities will rest with EPA for the development of energy from solid waste.

You will find on Page 2, para. C. of the agreement that a steering committee and a program-level working committee will comprise the means by which the two agencies will maximize coordination. The steering group is to be chaired by one Assistant Administrator from each agency. Because of the general overview and management role of the Office of Solid Waste Management in formulating, guiding and implementing solid waste programs I am designating the Assistant Administrator for Air and Waste Management as EPA's co-chairman to the steering group. It is important that Roger Strelow work closely with the Office of Research and Development and other parts of the Agency to insure full representation of the Agency.

INTERAGENCY AGREEMENT BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION ON THE DEVELOPMENT OF ENERGY FROM SOLID WASTE

A. INTRODUCTION

This document is an agreement between the Environmental Protection Agency (EPA) and the Energy Research and Development Administration (ERDA) on the subject of projects in the area of the conversion of energy from solid waste. It is intended to supplement and detail a broader Memorandum of Understanding (MOU) between EPA and ERDA providing coverage and guidance in all areas of joint interest between the two agencies. That MOU is now being drafted and on its adoption will provide additional guidance and agreement in other program areas and in broader administrative and procurement matters.

B. PRINCIPLES

1. As used herein, the term "solid waste" is intended to include (a) municipal waste, both solid and liquid, (b) sewage, and (c) industrial wastes.

2. It is understood that EPA has a mission to ameliorate the adverse environmental impacts of solid waste, as well as to recover useful products from solid waste. As such, EPA's interest extends to the collection as well as to the recycling, use and disposal of solid waste and to the characterization and control of pollutants that may arise from solid waste.

3. It is understood that ERDA has a mission to assist in the development of new energy sources, including solid waste. In performing this mission, ERDA establishes priorities for Federal development efforts for a wide range of energy technology developments, of which energy recovery from solid waste is only one.

4. It is understood that EPA has developed a substantial solid waste program, which includes the focal point of Federal expertise, strong technical skills, established institutional arrangements with state and local governments, and disposal technologies that produce energy. ERDA also has strong technical skills that may be useful in the development of such technologies, but does not have a large program in solid waste as such nor established institutional arrangements with state and local governments.

5. EPA and ERDA agree, on the basis of the foregoing understanding, that:

a. It is in the interest of both agencies to maintain EPA's solid waste management capability at a high level. To this end, ERDA does not intend to duplicate EPA's capability. ERDA's primary interest in this field is to those activities that relate to the research and development of new technology for the production of energy from solid waste.

b. It is in their interests to draw on the technical competence of each.

c. Their missions and programs are not coextensive, nor should they be. For example, EPA is concerned about solid waste collection and characterization, treatment, disposal, and reuse. Similarly, ERDA's energy mission may lead to priorities on disposal projects different from those that EPA's mission may dictate.

d. Effective cooperation in energy from solid waste depends, therefore, on: (1) identifying projects in which the agencies share an interest, (2) agreeing on mutually supportive actions to execute such projects, consistent with the priorities dictated by each agency's missions, and (3) ensuring that projects of potential mutual interest are not unilaterally initiated by either agency but instead proceed only after adequate consultation.

C. PROCEDURE

1. The agencies agree to establish a steering group chaired by one Assistant Administrator from each agency and a program-level working committee. The working committee shall take action in accordance with the agreements herein, subject to the review and approval of the steering group.

2. As an early and priority item, agreement will be reached on a common data base relating to solid waste sources, availability, convertibility to energy, etc., by location and time period.

3. As an early and priority item, agreement will be reached on the availability, potential, and priority of various applicable energy-from-solid-waste technologies to support the objectives of each agency.

4. The material of items 2 and 3 will be documented and subsequently used to agree on specific energy-related projects of mutual interest. (Such projects will typically involve pilot plant, demonstration, and commercialization activities and their associated environmental activities.) For those energy-related projects of mutual interest, planning will be conducted jointly, following which project responsibility will be assigned to one agency.

5. The joint planning for such a project will be accomplished by the working committee and will include establishment of scope, objectives, level of effort, and items of special interest to each agency. While overall responsibility for a particular project will rest with one agency, it shall be generally understood that ERDA will be responsible for input and evaluation of the energy-research-related portion of the project and EPA for the input and evaluation of the economic, institutional, administrative, and environmentally-related portions of the project (including solid waste disposal).

6. It is ERDA's policy to encourage existing programs in other agencies that can help meet Federal energy RD&D objectives. Accordingly, new project responsibility will generally rest with EPA although it is recognized that circumstances may justify infrequent exceptions to this policy. The agency assigned the responsibility shall name the project manager who will thereafter plan and manage the project to meet the objectives described in the jointly approved plan.

7. Leadership and direction related to ongoing or existing projects shall remain with the agency having responsibility at the time this Interagency Agreement becomes effective. The agencies will review the existing projects, however, to determine whether any minor modifications in them might be appropriate and desirable. The provisions of 5, above, shall apply to such projects to the extent practical.

8. The working committee shall meet as frequently as necessary to undertake or monitor the progress of efforts under 3, 4 and 5 above and to take appropriate action on ongoing projects related to 7 above. Other aspects of each agency's programs will also be reviewed at these meetings, both to inform each agency of the other's activity and to eliminate any needless duplication in related activity (e.g., studies, laboratory or bench scale experiments).

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I want to thank the gentleman for yielding and comment that the committee on this side has no objection to this amendment. The amendment is completely consistent with the intent of the committee and that of the Office of Utilization of Solid Waste. Furthermore the amendment directs itself to a very worthy project and the committee will support the gentleman's amendment.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, the minority side has no problem with this amendment. In fact it may very well bring to this important area of solid waste the kind of attention that is needed.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I associate myself with the remarks of the gentleman from New York. I congratulate the gentleman on his amendment.

This amendment would have the effect of earmarking $7 million for the operating budget authority for ERDA's Office of Waste Systems Utilization. The extensive work which my office has done in this area indicates that this amendment is both responsible and necessary.

As my colleagues know, I have introduced the Solid Waste Energy and Resource Recovery Act, H.R. 12380, which has now been cosponsored by 95 Members of Congress. Under the provisions of this bill, research, development, and demonstration efforts in the area of energy recovery from waste would be accelerated. Although my bill specifies that the Environmental Protection Agency is to administer the program, ERDA also has a worthwhile program which is operating in conjunction with EPA efforts. Therefore, I believe this amendment to be perfectly compatible with the legislation which I have introduced in this area.

The gentleman from New York has indeed focused upon an issue whose time has come. The logic of using municipal trash, heretofore a huge problem for cities and towns all over the country, for the purpose of generating energy and recycled materials is unassailable. Until now we have viewed solid waste as a significant disposal problem, while it is, in fact, a rich resource, whose components can be beneficially used by an increasingly resource starved nation.

The possibility of wide-scale energy recovery from solid waste seems to be especially promising at this time. Energy recovery from municipal and other trash has become feasible through the use of solid waste as a fuel in electricity generating power facilities and through other more involved processes. By 1980, advanced solid waste processing could potentially provide between 2 percent and 3 percent of our projected national energy requirements. This was the conclusion of a Mitre Corp. report, prepared for the Energy Research and Development Administration, while the Environmental Protection Agency estimates that between 400,000 to 500,000 barrels per day of oil equivalent could potentially be recoverable from waste.

Mr. Chairman, while these significant energy returns are now possible through new technology, the Federal Government is doing very little to insure the success of solid waste resource recovery. The Environmental Protection Agency which has the most experience in promoting these solid waste technologies, has a mere budget of $4 million.

The ERDA Office of Waste Systems Utilization operates on a budget of $1 million, with a little more than $2 million designated for the Pompano Beach Project in Florida. This means that the whole Federal effort in the solid waste resource recovery area barely total $7 million at present. Is this the way we treat a technology which could conceivably provide between 2 percent and 3 percent of our projected national energy requirements?

I have been in contact with the ERDA Office of Waste Systems and have found that the President's suggested fiscal year 1977 budget for this Office is $1.65 million. Again, I ask my colleagues whether this is an appropriate expenditure for a technology which promises so much? Under the pending amendment, ERDA would have to earmark $7 million for its solid waste operating budget. This is only $3.8 million more than what ERDA is already spending in the resource recovery area.

In addition to the above figures, Mr. Chairman, I would like to point out that just in order to keep operating the new projects which ERDA initiated, almost $5 million will be required. This figure would provide for the optimum utilization of existing projects. Consequently, the earmarking of $7 million which we are debating today would only provide for a very modest number of new projects being started. Surely, Mr. Chairman, this $7 million earmarking is a worthy expenditure of Federal funds.

I would like to direct one question to the gentleman from New York. I do believe ERDA should be involved in this aspect of utilization of solid waste research. I have a bill which has 95 cosponsors wherein the bulk of the work would be done by EPA. I wonder if the gentleman in the well would envision a coordinated role between ERDA and EPA so that both agencies may coordinate very smoothly the resource recovery with a minimum of overlapping and so on?

Mr. SCHEUER. I support that concept heartily. I am a cosponsor of the bill sponsored by the gentleman from Massachusetts and I support a cooperative joint approach by both agencies.

Mr. DRINAN. I thank the gentleman for answering this question.

Mr. Chairman, I believe the only legitimate criticism of this amendment is that it only earmarks $7 million for solid waste resource recovery in ERDA. It is quite possible that the Congress ought to be earmarking far more of this budget for the Office of Waste Systems. Yet I am willing to go along with this amendment's low figure in view of the fact that a comprehensive solid waste bill should be reaching the floor of the House in this session of the Congress. In that bill, the Solid Waste Utilization Act, the provisions of my bill, H.R. 12380, will be largely incorporated in title I. This will provide for significantly increased authorizations for accelerating resource recovery technologies.

I would like to take this last opportunity to assure my colleagues that this is indeed a very responsible and forward-looking amendment. My office has compiled a huge amount of data on solid waste energy and resource recovery, and I can personally attest to the great potential involved in this technology. There are few areas where our energy dollars can be better spent. Therefore, I enthusiastically urge my colleagues to support the amendment offered by the gentleman from New York.

Mr. McCORMACK. If the gentleman will yield, if I may comment on the remarks by the gentleman from Massachusetts, the provision for cooperation between the two agencies in this area of research recovery of solid waste is provided for in this bill, so we are well on the way to doing what the gentleman seeks to do.

Mr. DRINAN. I am well aware of that. I compliment the gentleman and I thank him.

Mr. SCHEUER. One of the first projects I became enamored of in 1965 when I became a Congressman was represented by a bill I introduced calling for a joint Government-industry effort to invent a biodegradable liquid container for beer and soft drinks. I do not think there is anything that would do more to eliminate insults to the environment caused by beer cans and pop cans, Pepsi and Coke cans. So this is a long standing concern of mine.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I support the gentleman's amendment.

To clarify the intent of the gentleman, it is his intent that these funds would be directed and any programs that would result would be directed to extracting fuel from agricultural solid wastes?

Mr. SCHEUER. We are talking about solid waste, period. That would certainly include agricultural waste products. Perhaps one problem would be to collect large enough amounts of agricultural solid wastes to achieve the economy of scale necessary to convert agricultural waste economically into energy. Certainly that would be a major goal of my amendment.

Mr. EMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my two committees, the Science and Technology Committee and the Merchant Marine and Fisheries Committee, have both dealt with the question of ocean dumping of waste materials. It has become apparent in our committee deliberations this year that municipal wastes and industrial wastes are potentially very large resources for energy production. I think this particular amendment will draw attention to the great potential that exists in extracting energy from our municipal waste products. I hope that in the future both ERDA and the various congressional committees interested in this field will pay more attention to energy production from waste and, hopefully, will produce some research and development programs, as well as provide more funds for resource recovery and utilization in the future.

Mr. Chairman, I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—FOR NUCLEAR ENERGY RESEARCH AND DEVELOPMENT, BASIC RESEARCH, SPACE NUCLEAR SYSTEMS AND OTHER TECHNOLOGY, URANIUM ENRICHMENT, NATIONAL SECURITY, AND RELATED PROGRAMS

OPERATING EXPENSES

SEC. 201. For "Operating expenses", $3,370,876,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 202. For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following amounts:

(1) Magnetic Fusion:

Project 77–2–a, computer building, Lawrence Livermore Laboratory, Livermore, California, $5,000,000.

(2) Laser Fusion:

Project 77–3–a, electron beam fusion facilities, Sandia Laboratories, Albuquerque, New Mexico, $13,500,000.

(3) Fission Power Reactor Development:

Project 77–4–a, modifications to reactors, $5,000,000.

Project 77–4–b, breeding nondestructive assay facility, Idaho National Engineering Laboratory, Idaho, $9,500,000.

Project 77–4–c, high performance fuel laboratory, Richland, Washington (A–E only), $1,500,000.

Project 77–4–d, fuel storage facility, Richland, Washington (A–E and long-lead procurement), $7,000,000.

(4) Fission Power Reactor Development:

Project 77–5–a, computer building acquisition, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $950,000.

(5) High Energy Physics:

Project 77–7–a, accelerator improvements and modifications, various locations, $3,600,000.

(6) Basic Energy Sciences:

Project 77–8–a, accelerator and reactor improvements and modifications, various locations, $1,300,000.

Project 77–8–b, expanded experimental capabilities, Bates Linear Accelerator, Massachusetts Institute of Technology, Massachusetts, $5,000,000.

Project 77–8–c, increased flux, high flux beam reactor, Brookhaven National Laboratory, New York, $2,500,000.

Project 77–8–d, conversion of steam plant facilities, Oak Ridge National Laboratory, Tennessee, $12,200,000.

(7) Uranium Enrichment Activities:

Project 77–9–a, expansion of feed vaporization and sampling facilities, gaseous diffusion plants, multiple sites, $30,000,000.

Project 77–9–b, air and nitrogen system uprating, gaseous diffusion plant, Oak Ridge, Tennessee, $5,200,000.

Project 77–9–c, upgrade ventilation systems, technical services building, gaseous diffusion plant, Portsmouth, Ohio, $3,000,000.

Project 77–9–d, centrifuge plant demonstration facility, Oak Ridge, Tennessee, $60,000,000.

(8) Uranium Enrichment Activities:

Project 77–10–a, fire protection upgrading, gaseous diffusion plants, multiple sites, $8,300,000.

Project 77–10–b, modifications to comply with the Occupational Safety and Health Act, gaseous diffusion plants, and Feed Materials Production Center, Fernald, Ohio, $8,200,000.

(9) Weapons Activities:

Project 77–11–a, safeguards and research and development laboratory facility, Sandia Laboratories, Albuquerque, New Mexico, $9,300,000.

Project 77–11–b, safeguards and site security improvements, various locations, $13,500,000.

Project 77–11–c, 8-inch artillery fired atomic projectile production facilities, various locations, $20,500,000.

Project 77–11–d, tritium confinement system, Savannah River, South Carolina, $3,500,000.

(10) Weapons Activities:

Project 77–12–a, fire and safety project, Lawrence Livermore Laboratory, California, $2,300,000.

Project 77–12–b, life safety corridor modifications, Bendix Plant, Kansas City, Missouri, $3,100,000.

Project 77–12–c, modifications to comply with the Occupational Safety and Health Act, Y–12 Plant, Oak Ridge, Tennessee, $6,400,000.

Project 77–12–d, upgrade reliability of fire protection, Bendix Plant, Kansas City, Missouri, $7,800,000.

Project 77–12–e, sludge disposal facility, Y–12 Plant, Oak Ridge, Tennessee, $3,000,000.

(11) Weapons Materials Production:

Project 77–13–a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho (A–E and long-lead procurement), $10,000,000.

Project 77–13–b, improved confinement of radioactive releases, reactor areas, Savannah River, South Carolina, $6,000,000.

Project 77–13–c, seismic protection, reactor areas, Savannah River, South Carolina, $3,000,000.

Project 77–13–d, high level waste storage and waste management facilities, Savannah River, South Carolina, $56,000,000.

Project 77–13–e, high level waste storage and handling facilities, Richland, Washington, $40,000,000.

Project 77–13–f, waste isolation pilot plant, site undesignated (A–E, land acquisition, and long-lead procurement), $6,000,000.

Project 77–13–g, safeguards and security upgrading, production facilities, multiple sites, $12,600,000.

Project 77–13–h, personnel protection and support facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,500,000.

(12) Project 77–14, General Plant Projects, $74,610,000.

(13) Project 77–15, Construction Planning and Design, $7,200,000.

(14) Capital Equipment, $276,368,000.

LIMITATIONS

SEC. 203. The Administration is authorized to start any project set forth in title II, subsections 202 (2), (3), (5), (6), (7), (9), and (11), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

SEC. 204. The Administration is authorized to start any project set forth in title II, subsections 202 (1), (4), (8), and (10), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

SEC. 205. The Administration is authorized to start any project under title II, subsection 202(12) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $750,000 and the maximum currently estimated cost of any building included in such project shall be $300,000: *Provided*, That the building cost limitation may be exceeded if the Administration determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under title II, subsection 202(12) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 206. The total cost of any project undertaken under title II, subsections 202 (2), (3), (5), (6), (7), (9), and (11), shall not exceed the estimated cost set forth for that project by more than 25 per centum unless and until additional appropriations are authorized: *Provided*, That this subsection will not apply to any project with an estimated cost less than $5,000,000.

SEC. 207. The total cost of any project undertaken under title II, subsections 202 (1), (4), (8), and (10), shall not exceed the estimated cost set forth for that project by more than 10 per centum, unless and until additional appropriations are authorized: *Provided*, That this subsection will not apply to any project with an estimated cost less than $5,000,000.

AMENDMENTS TO PRIOR YEAR ACTS

SEC. 208. (a) Section 101 of Public Law 89–428, as amended, is further amended by striking from subsection (b) (3), project 67–3–a, fast flux test facility, the figure "$420,000,000" and substituting therefor the figure "$540,000,000".

(b) Section 101 of Public Law 91–273, as amended, is further amended by striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$510,100,000" and substituting therefor the figure "$820,000,000".

(c) Section 101 of Public Law 93–60, as amended, is further amended by striking from subsection (b) (1), project 74–1–g, cascade uprating program, gaseous diffusion plants, the figure "$270,400,000" and substituting therefor the figure "$417,300,000".

(d) Section 101 of Public Law 93–276, as amended, is further amended by—

(1) striking from subsection (b) (1), project 75–1–c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, the figure "$27,500,000" and substituting therefor the figure "$65,000,000";

(2) striking from subsection (b) (3), project 75–3–b, high energy laser facility, Los Alamos Scientific Laboratory, New Mexico, the figure $22,600,000" and substituting therefor the figure "$54,500,000";

(3) striking from subsection (b) (6), project 75–6–c, positron-electron joint project, Lawrence Berkeley Laboratory and Stanford Linear Accelerator Center, the figure "$11,900,000" and substituting therefor the figure "$78,000,000".

(e) Public Law 94–187 is amended by—

(1) striking from subsection 101(b)(5), "project 76–5–a, Tokamak fusion test reactor, Princeton Plasma Physics Laboratory, Plainsboro, New Jersey, $23,000,000.", and striking from subsection 201(b)(5) "project 76–5–a, Tokamak fusion test reactor, Princeton Plasma Physics Laboratory, Plainsboro, New Jersey, $7,000,000.", which authorized appropriations for this project totaling $30,000,000 and substituting therefor in section 101(b)(5), "project 76–5–a, Tokamak fusion test reactor, Princeton Plasma Physics Laboratory, Plainsboro, New Jersey, $214,600,000.";

(2) striking from subsection 101(b)(8), project 76–8–e, conversion of existing steam plants to coal capability, gaseous diffusion plants and Feed Materials Production Center, Fernald, Ohio, the figure "$12,200,000" and substituting therefor the figure "$13,500,000";

(3) transferring the text appearing as section 106 in section 201(a) of title II to fol-

low immediately after the colon in (d) of section 103 of title I; and

(4) striking the words "June 30, 1976, and the interim period following that fiscal year and ending September 30, 1976" in the text of section 106(a) and substitute therefor the words "September 30, 1977";

(5) striking from subsection 101(b)(8), "project 76–8–g, additional facilities, enriched uranium production, locations undetermined, $25,000,000." and substituting therefor "project 76–8–g, enriched uranium production facility, Portsmouth, Ohio, $255,000,000.".

PROVISIONS RELATING TO NUCLEAR PROGRAMS

SEC. 209. The Administrator is authorized to perform construction design services for any Administration construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Administrator, and (2) the Administrator determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 210. Any moneys received by the Administration may be retained and used for operating expenses (except sums received from disposal of property under the Atomic Energy Community Act of 1955 and the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7)), notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended.

SEC. 211. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13350) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 13680, INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976

Mr. YOUNG of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1204 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1204

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 2(1)(6) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13680) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Georgia (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Georgia. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Ohio (Mr. LATTA). Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 120 provides for an open rule with 1 hour of general debate on H.R. 13680, a bill amending the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes. This resolution waives points of order against the bill under the provisions of clause 2(1)(6) of rule XI. This is the 3-day rule.

The rule further provides that the bill be read for amendment under the 5-minute rule by titles instead of by sections.

H.R. 13680 would authorize $3.19 billion for fiscal year 1976—and up to one-fourth that amount for the transition quarter—and $3.05 billion for fiscal year 1977 for military and security assistance programs.

This bill is a follow-up bill to S. 2662 which was vetoed by the President on May 7, 1976. H.R. 13680 takes recognition of the concerns expressed by President Ford in his veto message while still maintaining certain policy provisions such as the ending of MAP assistance by 1978. It imposes a new ceiling of $25 million on economic aid to Chile and holds military aid and Public Law 480 food assistance to South Korea at the fiscal year 1976 level. Support assistance to Israel is continued at the same level as in the vetoed bill, S. 2662.

Mr. Speaker, H.R. 13680 is key legislation for the conduct of U.S. foreign policy. I urge that we adopt and pass House Resolution 1204 so that we can debate and vote favorably on this bill.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has just been pointed out by the gentleman from Georgia, House Resolution 1204 provides for a 1-hour open rule, making in order the consideration of H.R. 13680, the International Security Assistance and Arms Export Control Act of 1976. Under this rule, the bill would be read by titles instead of by sections in order to expedite the amending process.

The rule also provides for a waiver of the rule requiring a committee report to be available for 3 days prior to floor consideration.

One other item added by the Rules Committee is language making it clear that a motion to recommit with instructions may be offered if so desired. This attempts to avoid the kind of situation which resulted several days ago when the rule on the unemployment compensation bill was drafted in such a way as to have the effect of denying a motion to recommit with instructions.

Mr. Speaker, while there are a number of controversial provisions in this bill, there is one very damaging provision which has not had the attention, the publicity, and discussion it deserves, particularly among the individuals in this House coming from agricultural districts. I was amazed to learn, in interrogating the good chairman of the committee, the gentleman from Pennsylvania, that an amendment was inserted in this bill, to wit, section 413, which would reduce the fiscal year 1977 Public Law 480, title I agricultural sales to South Korea by 72 percent or $104 million.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Idaho.

CALL OF THE HOUSE

Mr. SYMMS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 283]

Annunzio
AuCoin
Beard, R.I.
Bell
Blouin
Bolling
Bonker
Brown, Mich.
Buchanan
Byron
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Cochran
Collins, Ill.
Conyers
D'Amours
Davis
Diggs
Duncan, Oreg.
Emery
English
Erlenborn
Eshleman
Fary
Ford, Mich.
Giaimo
Hays, Ohio
Hébert
Heckler, Mass.
Hefner
Henderson
Hinshaw
Jarman
Jones, Tenn.
Karth
Kastenmeier
Kemp
Kindness
Koch
Landrum
Litton
Lundine
McClory
Macdonald
Mathis
Meeds
Melcher
Metcalfe
Milford
Mills
Mitchell, Md.
Mosher
Moss
Murphy, Ill.
Myers, Ind.
Pettis
Quie
Rees
Rostenkowski
Russo
Santini
Seiberling
Shuster
Solarz
Stanton, James V.
Steiger, Ariz.
Stuckey
Teague
Tsongas
Udall
Ullman
Vander Jagt
Vigorito
Waxman
Wilson, C. H.
Yates
Young, Alaska
Young, Tex.

The SPEAKER. On this rollcall 351 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 13680, INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976

The SPEAKER. The gentleman from Ohio (Mr. LATTA) is recognized.

Mr. LATTA. Mr. Speaker, I wish to announce to my colleagues that I had nothing to do with this quorum call, but I am glad that more Members are now on the floor.

As I mentioned earlier there is a matter which will be coming up during the amendment stage of this bill which adversely affects American agricultural sales abroad and most Members from agricultural districts should be aware of it. I believe that it is important that they be alerted because, as I pointed out earlier, the existence and adoption of this amendment, now known as the Fraser amendment to section 413, was a well-kept secret, until it was brought to my attention in the Committee on Rules by the good chairman of the committee.

I also gleaned from his remarks before the Rules Committee that he did not support the Fraser amendment in his committee and had voted against it. Unfortunately, it passed by a 13 to 9 vote with only two Republican votes for it.

What are we talking about when we speak of Public Law 480?

Mr. FRASER. Mr. Speaker, will the gentleman yield for a question?

Mr. LATTA. If it is not for the purpose of calling a quorum, I would be happy to yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I wonder if the gentleman from Ohio knows that there had been an understanding reached to take out the limitation on Public Law 480 sales?

Mr. LATTA. No; but if the gentleman from Minnesota has felt the heat and seen the light, I am glad to listen.

The Public Law 480 program has been one of the most successful agricultural programs ever passed by this Congress. It began 22 years ago under the Eisenhower administration in 1954 and since then, over $25 billion worth of U.S. farm commodities have either been sold, donated, or bartered under it. At one time some 30 percent of all U.S. agricultural exports were shipped under this program.

Last year under title I, over $763 million worth of commodities were sold under long-term dollar sales.

I realize that the amendment proposed by the gentleman from Minnesota (Mr. FRASER) is aimed only at South Korea at present but it also places overall constraints on a program intended to help U.S. farmer export the fruits of his labor abroad, exports which are absolutely essential to the health of the United States farm economy which, in turn, is essential to the overall U.S. economy.

The net effect of this section 413 would be to place a partial embargo on agricultural sales to a country friendly to the United States.

What are we talking about when we talk about sales to Korea? Korea is a major cash market for U.S. agricultural exports. Public Law 480 is essential in maintaining these commercial purchases. Some of the commodities Korea purchases such as wheat, feed grains, and cotton, are widely available from competitive exporting nations such as Canada, Australia, and Mexico.

Korea's agricultural import needs are expected to be substantial for some years to come.

In fiscal year 1975 Korea generated $807 million in commercial exports and was second only to Japan in the 43 nations of the Near East and Asia. Worldwide, our commercial agricultural exports to Korea were exceeded only by those to Japan, the Netherlands, West Germany, Canada, and Mexico, five countries, and were substantially larger than agricultural exports to countries such as France and the United Kingdom. Thus it becomes clear to the American farmers just what this bill, with the gentleman's amendment, would do to farm prices if these sales to Korea are not permitted to be made.

In 1975 Korea purchased from the United States 1,700,000 tons of wheat, 600,000 tons of corn, 322,000 tons of rice, and 923,000 bales of cotton. This one amendment, introduced and adopted in the committee without hearings, would take away 72 percent—and I repeat, 72 percent—of the projected sales to Korea under the Public Law 480 program for all of fiscal year 1977.

It means $104 million in lost sales to the American farmer at a time when we are searching for new markets for our agricultural products. Certainly, as I pointed out, this amendment would substantially reduce the sales and if used in the manner intended in section 413, could mark the beginning of the end of one of the most successful agricultural programs ever initiated in this Congress.

We cannot let this happen, and now is the time to see that it does not happen by striking out of this bill the amendment inserted by the gentleman from Minnesota when the amendment period begins.

I am glad I have called the danger of this amendment to the House and to hear that the proponent is now ready to concede and strike it from the bill.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Kansas.

Mr. WINN. I thank the gentleman for yielding.

I am very pleased to hear that the gentleman from Minnesota has agreed to reach an agreement. Korea is a major American export market, as the gentleman from Ohio has pointed out. In 1975 it was the world's fifth largest importer of U.S. farm products. It has represented $880 million worth of wheat, corn, rice, and cotton, and I think the gentleman from Ohio deserves a great pat on the back in appreciation by the farmers in this Nation for pointing this out to this body.

Mr. LATTA. I thank the gentleman for his comments.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I thank the gentleman for yielding.

I apologize if I am going beyond the point the gentleman has made in his comments, but section 413 as it is now constituted almost defies proper amendment. I would just say, Mr. Speaker, that there is not a man in the House whom I respect more than the gentleman from Minnesota (Mr. FRASER). But turning the gentleman from Minnesota (Mr. FRASER) loose to negotiate an adjustment on the damage he has already done is like letting the fox in the chicken coop. I think if we take a good hard look at this subject we do have the proper amendments to solve this matter. It is not to be solved this afternoon by a minor retreat of the author of the damage.

Mr. LATTA. Let me say to the gentleman that he brings up a very valid point. We have not seen the gentleman's amendment, but certainly according to his comments it heads in the proper direction. Unless it does totally and completely restore the damage that his amendment would have done had it passed the Congress, I will not support it.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Michigan.

Mr. TRAXLER. I thank the gentleman for yielding.

Certainly agricultural exports are important both to our Nation and to the farmers. I appreciate the gentleman's bringing this matter to our attention. However, we do not want the membership to be under the impression that this matter can be resolved only in Congress. I am sure the gentleman will join me in the event the White House again places an embargo on our grain exports.

Mr. LATTA. I might say to the gentleman that I have been an outspoken opponent of all embargoes on agricultural commodities whether they come from the administration or by legislation passed by this Congress. I am glad that the gentleman shares my views and those of President Ford on this amendment. Today the President had a letter delivered to Chairman MORGAN in opposition to the Fraser amendment and urging that it be stricken. Let me conclude by reading just two paragraphs from that letter:

> I am writing to express my strong opposition to Section 413 of H.R. 13680, limiting PL–480 and security assistance to the Republic of Korea.
>
> This provision would impose a $175 million ceiling on PL–480, Title I Assistance to Korea, for the period July 1, 1975–September 30, 1977. This restriction, if Congress accepted it, would cut FY 1977 PL–480 Title I Assistance by 72 percent or $104 million. Although Korea has made great progress in achieving self-sufficiency in food grains, it

still must import in 1976 about 2.6 million metric tons of grain at a cost of about $650 million. A cut in U.S. food assistance would seriously restrict Korea's economic growth potential and also its ability to finance its military self-sufficiency effort.

Mr. YOUNG of Georgia. Mr. Speaker I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, the gentleman from Georgia yielded me some time at my request so that I might further elaborate on the statement I made to the gentleman from Ohio.

The Committee on International Relations voted to impose certain ceilings on assistance to South Korea covering the 2 years which are embraced in the military assistance legislation that will be before us later tonight and tomorrow. What was done in the committee was to use the 1975 level of aid and carry it forward through 1976 and 1977, in other words, holding the levels of assistance both under title I, Public Law 480, and military assistance to the same levels of assistance that had been received in 1975.

The reason for this, of course, is clear, I think, to anyone who has followed the unfolding events in South Korea, and that is the very regrettable destruction of democracy and human rights in South Korea which has been such a tragic story these last few years. Nevertheless a number of Members from farm areas have spoken to me about their concern on the title I limitation. The commodity producers would like to have the opportunity to sell more than was sold in 1975. The administration had requested figures that would run $130 million to $140 million a year.

This is not a central part of our amendment, and I have no objection to taking out this limitation. I am prepared to offer an amendment which would take out any restriction on the title I sales. This may be particularly merited because I am informed that many of the shipments have already been made for fiscal year 1976, so that the limitation creates a bind due to the lateness of this bill.

Mr. LATTA. Mr. Speaker, in view of what the gentleman said, should we be looking to the future when he will have more of these amendments coming out of his committee as far as Korea is concerned? The gentleman seems to be saying that the only reason he is relenting is the fact that most of the sales have already been made. Can we expect such amendments in the future from the gentleman? As I mentioned earlier this did not come to our attention until it came before the Rules Committee. I found nothing in the report which spelled out the Public Law 480 amendment with which we are so much concerned, and I knew nothing about it until the chairman of the committee mentioned it out before our committee. As I said earlier, the chairman of the committee did not support this amendment. Can we expect these kinds of attacks on Public Law 480 in the future? Is that what the gentleman is telling us?

Mr. FRASER. I will say to the gentleman, I do not know what our committee will do with respect to Public Law 480 in the future. I cannot speak for our committee. But I would say the limitation that was put on for 1976 and 1977 to hold it to the 1975 level of sales is not an important part of the amendment that was considered and agreed to in the committee.

What may happen 5 years from now I will be unable to tell the gentleman and I would not think he would want my prediction as to the future, but we will remove any limitation of the Public Law 480 as far as the bill before us is concerned.

Mr. LATTA. I thank the gentleman and I shall maintain my vigil in the future.

Mr. FRASER. I will just close, Mr. Speaker, by making the point that on military assistance to South Korea, the level provided for by the committee is the same level as was provided in 1975; in other words, the 1975 level is carried forward to 1976 and 1977.

It would not be helpful to have the Congress indicate its approval of vastly increased levels of military aid, given the nature of the events that are taking place in South Korea today.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I will be very brief.

I would like to point out to the Members that they just heard the start of what will be a major debate tomorrow on section 413. I would like to point out there is much, much more involved than the question of just Public Law 480. What is involved is the entire stability of Asia, our relationship with Japan, and what is most involved is the threat to South Korea from North Korea.

I will be covering those matters extensively tomorrow and I am asking the Members in their usual fashion to be objective, and to listen to those of us who practice that approach rather than to listen to the well intentioned but misdirected attacks by others. There are far more countries that deserve criticism and they are treated with silence but it is an allied nation, South Korea, that is being singled out for attack. So I would ask the Members to be objective in their consideration of the bill and amendments tomorrow.

Mr. YOUNG of Georgia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 35, not voting 47, as follows:

[Roll No. 284]

YEAS—350

Abdnor
Abzug
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Bedell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Carney
Carr
Cederberg
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Erlenborn
Esch
Eshleman

Evans, Colo.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Gilman
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Kasten
Kazen
Kelly
Kemp
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McCloskey
McCollister
McCormack
McDade
McEwen

McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Meeds
Meyner
Mezvinsky
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Mottl
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Roybal
Ruppe
Ryan
St Germain
Santini
Sarasin
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shriver
Sikes

Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Staggers
Stanton,
J. William
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thornton
Traxler
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—35

Ashbrook
Bauman
Bevill
Brinkley
Burleson, Tex.
Clawson, Del
Collins, Tex.
Conlan
Crane
Emery
Evans, Ind.
Ginn
Hansen
Harsha
Jenrette
Jones, Tenn.
Kastenmeier
Ketchum
Latta
Lloyd, Tenn.
McDonald
Melcher
Montgomery
Paul
Poage
Quillen
Roberts
Rousselot
Runnels
Satterfield
Shipley
Shuster
Snyder
Symms
Thone

NOT VOTING—47

Annunzio
AuCoin
Beard, Tenn.
Bell
Bolling
Bonker
Brown, Mich.
Buchanan
Byron
Carter
Chappell
Collins, Ill.
Duncan, Oreg.
Fary
Ford, Mich.
Giaimo
Hays, Ohio
Hébert
Hefner
Hinshaw
Karth
Kindness
Litton
McClory
Macdonald
Metcalfe
Milford
Mills
Moss
Murphy, Ill.
Nichols
Pepper
Pettis
Rostenkowski
Russo
Sarbanes
Stanton,
James V.
Steiger, Ariz.
Stuckey
Sullivan
Teague
Tsongas
Udall
Vigorito
Wilson, C. H.
Yates
Young, Alaska

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Teague.
Mr. Fary with Mr. Nichols.
Mr. Rostenkowski with Mr. Milford.
Mr. Tsongas with Mr. Byron.
Mr. Litton with Mr. Hébert.
Mr. Chappell with Mr. Charles H. Wilson of California.
Mr. Ford of Michigan with Mrs. Sullivan.
Mr. Giaimo with Mr. Karth.
Mr. Hays of Ohio with Mr. Beard of Tennessee.
Mr. Russo with Mr. Carter.
Mr. Udall with Mr. Bell.
Mr. Vigorito with Mr. Macdonald of Massachusetts.
Mr. Yates with Mr. Moss.
Mr. AuCoin with Mr. Brown of Michigan.
Mr. Bonker with Mr. McClory.
Mrs. Collins of Illinois with Mrs. Pettis.
Mr. Duncan of Oregon with Mr. Buchanan.
Mr. Metcalfe with Mr. Sarbanes.
Mr. Murphy of Illinois with Mr. James V. Stanton.
Mr. Pepper with Mr. Young of Alaska.
Mr. Stuckey with Mr. Steiger of Arizona.

Mr. ROBERTS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I was just outside the chamber in consultation with some people who wanted to see me and did not get onto the floor until the vote was concluded on the rule on the bill H.R. 13680.

If I had been here, I would have voted in favor of the adoption of the rule.

RESIGNATION AS CONFEREE AND APPOINTMENT AS CONFEREE ON S. 3420, INTERNATIONAL TRADE COMMISSION AUTHORIZATION

The SPEAKER laid before the House the following resignation as a conferee:

WASHINGTON, D.C.,
May 19, 1976.

DEAR MR. SPEAKER: I hereby wish to resign as a conferee on the bill relating to the authorization of the International Trade Commission, S. 3420.

Sincerely,
HERMAN T. SCHNEEBELI.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. The Chair appoints the gentleman from Minnesota (Mr. FRENZEL) to fill the existing vacancy on the committee of conference on the Senate bill, S. 3420.

The Clerk will notify the Senate of the change in conferees.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13680) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13680, with Mr. EVANS of Colorado in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MORGAN).

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill, H.R. 13680, like its predecessor, S. 2662 which was vetoed on May 7, represents a historic initiative by the Congress to take a more active role in the field of military sales and security assistance.

The committee has worked long and hard, under great pressure, to come back this soon with a bill that we feel is a good honest compromise, a compromise which retains the most essential and worthwhile reforms of S. 2662 while bowing to the most valid of the President's objections.

But while we have considered the objections of the President carefully, the committee firmly believes that the Congress has a legitimate interest, if not a duty, to take a more active role in shaping foreign policy in this increasingly important area.

Therefore, we have reported this bill, H.R. 13680, which embodies the most comprehensive and far-reaching reforms in the areas of security assistance and military sales which the Congress has ever undertaken.

We hope that the Committee of the Whole House adopts this bill as they did its predecessor S. 2662.

The major provisions of H.R. 13680 are as follows:

First, on funds, H.R. 13680 authorizes the appropriation of $3.2 billion for security assistance for fiscal year 1976 and $3.1 billion for fiscal year 1977.

Of the total program in fiscal year 1976, Israel will receive $2.2 billion. Of this, $1.5 billion is for military sales credits and $730 million in security supporting assistance.

For fiscal year 1977, the bill earmarks about $1.8 billion for Israel. Of this amount $1 billion is for military sales credits and $785 million for security supporting assistance.

Second, on issues raised in President Ford's veto message on S. 2662, the bill retains the $9 billion ceiling on the annual volume of arms sales which was in the vetoed bill.

Provisions relating to a temporary lifting of the trade embargo on North Vietnam have been deleted from the bill.

The bill reaffirms U.S. policy of opposing discrimination by countries receiving U.S. arms aid against U.S. citizens for reasons of race, religion, national origin, or sex. The requirement to terminate aid and sales to such countries has been deleted.

The legislation vetoed by the President contained seven provisions which would have given the Congress the authority to veto executive actions by passage of a concurrent resolution which does not require Presidential signature. The bill reported today drops five of these provisions relating to:

Disapproval of third-country transfers of U.S.-origin arms;

Termination of assistance to countries affording sanctuary to international terrorists;

Veto of the issuance of licenses in connection with commercial sales of "major defense equipment" valued between $7 million and $25 million; and

Termination of assistance and sales to countries believed to have committed substantial violation of the conditions for the use of U.S.-origin arms—two provisions.

The new bill retains congressional authority, through the passage of a concurrent resolution, to disapprove the sale of major defense equipment sold through government-to-government channels, and congressional authority to terminate assistance to countries engaging in a consistent pattern of gross violation of internationally recognized human rights.

Third, among other major substantive provisions of the new bill are the following:

Termination of the grant military assistance program at the end of fiscal year 1977.

Termination of all military assistance advisory groups by the end of fiscal year 1977.

Establishment of a new military education and training program.

Revision of the procedure for approval for third country transfers.

Strengthening of the requirement for the President to furnish information to the Congress on arms sales.

Expansion of the power of Congress to disapprove government-to-government arms sales.

Requirement that major sales of defense equipment to be made on a government-to-government basis only, and subject to congressional review.

Revisions of the human rights section of the Foreign Assistance Act of 1961 and addition of a new provision relating to discrimination.

Authorization of funds for carrying out future base agreements with Greece, Turkey, and Spain—but only after such agreements are specifically approved by Congress.

Limitation on economic and military assistance for Chile.

Limitation on assistance for Korea.

Authorization of disaster relief assistance for Cyprus—$10 million; Italy—$25 million; and Lebanon—$20 million; and

A strict reporting requirement on all payments received in connection with sales of arms to foreign countries.

Now, Mr. Chairman, the committee has worked very hard under pressure to come up with a reasonable compromise before May 15, which protected what we feel were the most important and worthwhile reforms of S. 2662. At the same time as I have described, the committee did delete or soften some of the provisions which the President had the most serious objections to.

We think the final product is a good bill born of the spirit of compromise, a balance of interests, and a healthy measure of fairness and good sense.

I hope, therefore, that this bill will be accepted without objection by the House—the way it was in our committee.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, I thank my colleague, the gentleman from Pennsylvania, for yielding to me.

I would ask the distinguished chairman whether I am correct that in this bill we are providing $2.2 billion for income in fiscal 1977 and then another $1,800,000,000 in fiscal 1977?

Mr. MORGAN. That is correct. The $2.2 billion was the amount that was in the bill that passed the Congress but which was vetoed by the President. Of course, the President objected in no way to the money amounts in the bill for Israel. The $2.2 billion was almost the same amount requested by the President for that country for 1976 and the $1.8 billion is the exact amount requested by the President for fiscal 1977.

Mr. SKUBITZ. In other words, we are accepting the President's recommendation; is that correct?

Mr. MORGAN. We are accepting the President's recommendation after holding long hearings with many witnesses including the Secretary of State who made these recommendations on behalf of the President.

Mr. SKUBITZ. My next question to my colleague is that about $2 billion of this will be forgiven, is that correct, in the form of grants?

Mr. MORGAN. Under the agreement with the Prime Minister of Israel $750 million of the $1.5 billion to be sold to Israel in fiscal year 1976 will come under what is known as a forgiveness clause and, again, in the request made for the $1 billion for fiscal 1977, half of a billion is involved in the forgiveness clause.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. Mr. Chairman, I yield myself 5 additional minutes.

I want to say that I was in Congress when the nation of Israel was created some 26 years ago, and I have been a strong supporter of Israel in what is known as their own country. I think that it is the only hope for our settlement of peace in the Middle East to have a strong and viable State of Israel.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding.

I rise to commend the chairman, the gentleman from Pennsylvania, (Mr. MORGAN) for the remarkable work he has done in connection with this bill, but even more pointedly, for his sensitivity by responding to the needs of people in the disaster areas.

Mr. Chairman, I rise in support of this legislation and to express my particular support for the amendment in the bill which will provide $25 million for the victims of the recent Italian earthquake.

This amendment in large part is based on legislation I introduced the day after the earthquake struck Friday, May 7, H.R. 13631. I note that mine was the first piece of legislation introduced on behalf of assisting the victims of this major catastrophe.

At the time I introduced my legislation, the extent of personal injury and property damage caused by the earthquake had not yet been determined. These figures are now available and according to a report issued by the Agency for International Development, there are officially 903 persons dead, 1,742 injured and between 80,000 and 100,000 homeless.

These figures give a general assessment of the tragedy but an examination of certain other more specific figures helps to provide a better understanding of the effects of this, Italy's worst earthquake in 60 years. The most severely affected areas include the Friuli, Venezia, and Giulia regions. The most serious damage was concentrated in an area comprised of some 50 towns with approximately 180,000 people. According to the AID report, "The destruction in this area was virtually total." A larger area which sustained major damage encompassed 100 towns with an additional population of some 350,000 persons. The brunt of the physical damage was felt by homeowners in the affected regions. Some 24,000 single family homes were either completely destroyed or damaged by the earthquake. Churches, schools, and businesses were also affected.

The dairy industry which accounts for some 60 percent of the total agricultural production in the area, was heavily affected by the earthquake. In addition to loss of livestock and poultry, many farms were destroyed. Overall, more than 8,000 workers in Italy were made jobless by the earthquake, adding serious problems to Italy's already precarious economic situation.

The amendment will provide $25 million for fiscal year 1976 "for the relief and rehabilitation of the people who have been victimized by the recent earthquake in Italy." The United States, to its credit has already expended more than $670,000 on behalf of the earthquake victims. Included among our assistance has been over 1,200 tents to provide temporary shelter for the homeless, medical assistance, and food. The Italian people and government desperately need this assistance. The Italian Government has already expended some $500 million and expects the total amount to exceed $3 billion. This is money which will be increasingly difficult for the Italian Government to raise.

Adoption of this amendment will be consistent with maintaining the U.S. leadership in aiding victims of natural disasters. Allow me to cite some examples. We passed legislation earlier this year providing $25 million for the victims of the Guatemalan earthquake. In September of 1975, the United States provided some $259,000 to aid earthquake victims in Turkey. We have provided $50 million to aid the drought-ravaged African Sahel region, as well as $27 million for the Ethiopian drought.

I, myself was the sponsor of an amendment to the 1975 Foreign Assistance Act which provided $25 million in relief aid to the victims of war-torn Cyprus. These funds which I note have been extended for this year, have provided medical care, housing, and food for the 200,000 refugees on the island. It is obvious that this Nation's record on behalf of providing humanitarian aid is sound. All we are asking today is to extend this commitment.

Of course in our discussion of this amendment we cannot be oblivious to the political situation in Italy. In just over 1 month, Italy will be holding the most important elections since the end of the Second World War. There are growing fears that the Communist Party will make sizable gains in the election, perhaps even capturing a majority. The

Italian Communists have already sought to make a political issue of the Italian Government's handling of the earthquake relief effort. The assistance of the U.S. Government to the relief effort may help to cut the wind out of their sails and prevent them from making any additional political hay out of the misfortunes of their countrymen. This aid is needed now for any sustained period of disruption caused by the earthquake, could have serious consequences on the immediate stability of Italy.

I do remind my colleagues, however, that the Foreign Assistance Act does prohibit the United States from providing any aid to nations with Communist governments.

Mr. Chairman, I am proud of my affiliation with this amendment. I note that this amendment was passed overwhelmingly by the House International Relations Committee. The appropriations necessary for this amendment were provided during yesterday's consideration of the second supplemental appropriations bill, and the President is sure to approve of the proposal, as he himself proposed an identical $25 million in aid. The amendment makes good sense from both a humanitarian and political standpoint. It will aid the injured and destitute victims of this terrible catastrophe and it may aid the nation of Italy in their fight against the onslaught of communism. I urge its prompt adoption today.

Mr. MORGAN. I just want to say that the gentleman from New York has been a leader in helping people around the world when disaster strikes. I remember he was the author and the first person who approached us when the need for refugee aid became evident on Cyprus, and again he was the first one to come forward with a bill for relief for the recent earthquake in Italy. I want to commend the gentleman for his great devotion to people around the world in time of need.

Mr. BIAGGI. I thank the gentleman for his gracious remarks.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. RANGEL. I thank the gentleman for yielding.

I would like to commend the gentleman from Pennsylvania (Mr. MORGAN) for the leadership he has shown on this legislation. We recognize that while we have very difficult problems at home, still we show sensitivity to those people abroad who are in need.

I want to say a very special word in commendation for the gentleman from New York (Mr. BIAGGI) who, as the gentleman from Pennsylvania so adequately pointed out, has always been sensitive to the needs people find themselves in extremely tragic situations.

Mr. MORGAN. I thank the gentleman for his comments.

Mr. MEZVINSKY. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. MEZVINSKY. I thank the gentleman for yielding.

Mr. Chairman, under section 414 of this bill, funds are authorized to settle equitable claims resulting from the termination of assistance programs in Indochina. It is my understanding that some Vietnamese refugees who are here and were formerly employed by the U.S. mission have claims against the United States.

In the final days of U.S. presence in Vietnam, the U.S. mission authorized the exchange of up to $2,000 from piasters into dollars. Because of the volume of the exchanges, the mission was unable to complete the transfers before they left Saigon and urged Vietnamese employees to leave with piasters, assuring them that they would be able to convert their money at a later date. Now these refugees find that this is not the case. Relying on the word of the U.S. Government, they brought piasters into this country and have not been able to exchange them for dollars.

I believe that section 414 authorizes the payment of these equitable claims of former personnel.

I would like the comments of the gentleman from Pennsylvania in this regard.

Mr. MORGAN. Yes, I agree that the payment of equitable claims of former U.S. Mission personnel, can be made under section 414.

Mr. MEZVINSKY. I thank the Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the third time in as many months we have met to discuss security assistance legislation. H.R. 13680, the bill before us today, has been expanded to include fiscal year 1977 and amended to remove some of the more flagrant encroachments on the power of the executive noted in President Ford's May 7 veto message. The basic issues, however, are essentially the same as they were in March. There is no need to elaborate again on why we need an international security assistance program even in times of economic adversity in this country. The requirement for this legislation is compelling and overwhelming.

Security assistance is of special importance to the continued security of Israel and to the prospects for peace in the Middle East. We should be aware that about 45 percent of the 2-year program total—some $4 billion—is earmarked for Israel in the form of security supporting assistance, FMS credits, and loans on which we waive repayment.

There may be some Members of Congress who suspect that the magnitude of our assistance to Israel was a factor in President Ford's security assistance veto earlier this month. This is a false assumption. On May 11, the President responded to these allegations in a personal letter to me stating—

> Nothing could be further from the truth . . . Our relations with the Arab states will not be pursued in my administration at the expense of our special relationship with Israel.

The President went on to say that he would sign immediately a bill free of unacceptable restrictions so that Israel may receive vital security assistance funds. Israel is by far the largest, but by no means the only Middle East beneficiary of H.R. 13680; Egypt, Jordan, Syria, and Lebanon will receive a combined total of about $2 billion over 2 years.

Mr. Chairman, H.R. 13680 is a substantial improvement over the security assistance legislation narrowly passed by the House 12 days ago. I support this bill, and I commend Chairman MORGAN, the members, and the staff of the Committee on International Relations for their responsible, resourceful reaction to President Ford's veto which—in my opinion—was entirely justified.

The chairman has explained how the committee accommodated some of the President's major objections, particularly in the murky and troublesome area of the legislative veto. I would only add that this potentially dangerous impasse between Congress and the Executive was defused quickly, effectively, and in the spirit of bipartisanship so typical of Doc MORGAN's leadership.

Unfortunately, Mr. Chairman, despite the best efforts of the committee, H.R. 13680 is more objectionable than its predecessor in one important aspect. I refer to the manner in which it casually gores our program of security assistance to Korea because the Park government is allegedly violating the human rights of its subjects. It might be worthwhile to point out that Korea has been a staunch friend and ally of the United States for over a generation, plays a critical role in the security and stability of Northeast Asia, shares a peninsula with one of the most repressive, aggressive and violent regimes in the world, and—let us not forget—stood by this country when others were criticizing us bitterly on our conduct in Vietnam.

Mr. Chairman, this attempt to use security assistance authorization to wrench political concessions from friendly governments is fostered by many of the same people who would react violently to any suggestion that the United States should police the world. Their rationale goes as follows: We can really not do much about the human rights situation in places like the Soviet Union and Eastern Europe because we provide no aid and have no real influence in these countries. We should concentrate our influence on areas where we have leverage: places like Chile and Korea. To this argumentation I would respond that if we persevere in these policies we will soon sacrifice whatever influence we have over these regimes; we will forfeit longstanding friendship and alliances; and in the end we shall have done nothing to serve the cause of human rights.

The gentleman from Illinois (Mr. DERWINSKI) will introduce an amendment to confront this bold raid on assistance to Korea. I will support the Derwinski amendment, and I urge my colleagues to support it. In urging this support, I would suggest that we sometimes become so involved in our own special causes and self-righteous indignation that we forget the world is watching and asking questions of us. The experience of Vietnam has been observed and recorded. Our actions in Angola have been observed and recorded.

Are we now, Mr. Chairman, about to slash aid to Korea by 40 percent at precisely the time we are urging the Koreans to step up their program of military modernization so that we can reassess our military presence on the Peninsula? There is a fundamental incompatability in this policy that will not be lost on the world. If we had some assurance that such an initiative, however potentialy damaging to our security interests, would bring the dawn of perfect democracy to South Korea, perhaps some risk would be in order. But we have no assurance; in fact we have no reason to believe that our initiative in South Korea will be any more effective than congressional efforts to legislate freedom of movement for Soviet Jewry.

I am strongly, steadfastly, and unalterably opposed to the violation of human rights anywhere in the world. I believe that this Nation has a moral obligation to do what we can to insure the maximum possible respect for human rights worldwide. Where I differ from some of my colleagues, however, is in how we can best achieve this objective. I do not believe we can bully and threaten other regimes into enhanced respect for human rights. I do believe that we have the ability, working through diplomatic channels and drawing on the resources of friendship to prod and counsel, to make our opinions known in the strongest possible terms, and thereby help achieve substantial progress in the field of human rights.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Ohio.

Mr. WHALEN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 13680, the International Security Assistance and Arms Export Control Act of 1976, which authorizes appropriations for fiscal years 1976 and 1977. This legislation represents an historic and long-overdue initiative by the Congress to increase its oversight of our rapidly growing arms sales program. Most arms transfers originating from the United States in recent years have been in the form of sales rather than aid. The legislation before us opens up this burgeoning commerce to public and congressional scrutiny while maintaining ample flexibility for the administration to tailor its security assistance policy to unanticipated changes in the international scene.

The recent Presidential veto of the previous 1976 bill in this field, S. 2662 in its conference form, was particularly surprising because the executive branch agencies were closely consulted throughout the drafting and had indicated they were prepared to accept its provisions. However, the International Relations Committee has eliminated some provisions described as objectionable by the President and the current version reflects this action. For example, the section removing restrictions on trade with Vietnam has been removed. And the bill no longer mandates a cutoff of assistance if recipient countries do not comply with U.S. visa practices.

Moreover, H.R. 13680 allows the President to waive the arms transfer ceiling on a case-by-case basis when national security so requires. Also, the annual sales estimates, like the present military assistance program, will provide a general guideline rather than a binding commitment to a specific set of figures.

Congress must reenact the provisions of this legislation in order to carry out its responsibility and to prod the administration into providing the American people with a fuller explanation of the basis and rationale for our expanding arms sales program. Arms sales have important foreign policy, national security and arms control implications and should be monitored in a coherent fashion by the U.S. Government. The bill before us today will help give overall direction to administration policy and provide a general framework within which individual priorities can be more clearly determined.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I wish to commend the gentleman for a very kind, scholarly, and profound statement. I know that his objective leadership and his cooperative attitude together with the chairman of the committee we will work out a very fine bill by tomorrow afternoon.

Mr. BROOMFIELD. I thank the gentleman.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HAMILTON).

Mr. ROUSSELOT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 285]

Adams
Andrews, N.C.
Annunzio
Archer
Ashley
AuCoin
Beard, Tenn.
Bell
Biaggi
Bolling
Bonker
Brademas
Brinkley
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burton, John
Burton, Phillip
Byron
Carter
Cederberg
Chappell
Chisholm
Clawson, Del
Clay
Collins, Ill.
Conyers
Coughlin
Crane
Davis
Delaney
Dickinson
Diggs
Dingell
Duncan, Oreg.
Esch
Eshleman
Evins, Tenn.
Fary
Fish
Florio
Flynt
Foley
Ford, Mich.
Fuqua
Gaydos
Giaimo
Harsha
Hays, Ohio
Hébert
Hefner
Hinshaw
Howard
Jarman
Jones, Ala.
Jones, N.C.
Jones, Okla.
Karth
Kemp
Kindness
Koch
Landrum
Litton
Long, La.
Lundine
McClory
McCollister
McKay
Macdonald
Mathis
Meeds
Metcalfe
Michel
Milford
Mills
Moakley
Moss
Murphy, Ill.
Murphy, N.Y.
Nichols
Obey
Pettis
Rangel
Rees
Riegle
Rodino
Roe
Rosenthal
Rostenkowski
Runnels
Ruppe
Russo
Ryan
St Germain
Sarbanes
Scheuer
Schneebeli
Seiberling
Shipley
Shuster
Sikes
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stokes
Stuckey
Symms
Talcott
Teague
Thompson
Tsongas
Udall
Ullman
Vigorito
Waxman
Weaver
Wiggins
Wilson, C. H.
Wilson, Tex.
Wright
Yates
Young, Alaska
Young, Tex.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. EVANS of Colorado, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13680, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 307 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, I rise in support of H.R. 13680, the International Security Assistance and Arms Export Control Act of 1976. This bill authorizes the appropriations of $3.2 billion for security assistance for fiscal year 1976 and another $3.1 billion for fiscal year 1977.

The money amounts authorized here are enormous, but this bill supports important national inerests and institutes crucial controls and restraints on the burgeoning arms sales programs which are of concern to all of us and which have the possibility of threatening the fragile political peace in various situations around the world.

Three aspects of this legislation should be highlighted.

THE MIDDLE EAST PACKAGE

First, this 2-year authorization promotes important American interests in the strife-torn Middle East and it is directly related to our efforts to try to create an environment in which further progress toward a relaxation of tensions in the region and successful peace talks becomes possible.

We may have certain apprehensions about the current stalemate in peace talks, the sense of drift in the Mideast and the enormity of the aid commitment the American people are being asked to make to the Middle East in relation to results on the peace front, but the blunt fact is that we have few alternatives in the delicate situation in the Middle East and without our encouragement and inducements, the probability of renewed hostilities increases sharply.

This bill authorizes close to $4 billion in foreign military credit sales and security supporting assistance for Israel alone. This aid is crucial for the State of Israel's ability to maintain present in the coming years and the budget support provided by over $1 billion worth of security supporting assistance is essential to this small state which has had to commit upwards of 40 percent of its own resources to its defense and security.

The bill also authorizes over a 2-year period close to $1 billion in economic aid to Egypt, smaller amounts of aid to Jordan and Syria and some disaster and rehabilitation aid for war-torn Lebanon. This aid directly supports foreign policy interests of the United States in the Middle East.

Jordan is an old and close friend of the United States and supporter of our policies in the region. Our economic and military aid is needed to complement King Hussein's own strenuous efforts to achieve economic self-sufficiency and maintain his small, effective armed forces.

Egypt is a newer friend. Our economic aid there is the result of the willingness of President Sadat to change certain policies of the Egyptian Government and to explore with us political options to resolve the Arab-Israeli conflict.

Our aid to Syria and our ability to carry on a dialog with President Assad have produced significant modifications in Syrian behavior over the last several months. Syria probably remains Israel's toughest foe in the region and Syria now sits on center stage in the Middle East drama. These facts highlight the importance of our being able to work with Syria to resolve the present stalemate in the region. Our economic support is one important manifestation of our ability to work with Syria.

Although current headlines continue to relate gruesome tales of death and destruction in Lebanon, the United States should remain prepared to work with the international community and Lebanon's other old friends in a process of reconstruction and rehabilitation should the fighting subside. This bill authorizes funds for this important task which we hope can be started soon.

Mr. Chairman, all these programs for Middle East states, which represent close to 70 percent of the funds authorized for fiscal years 1976 and 1977, are a calculated risk for peace in the Middle East. The American people today support these commitments. But if this huge allocation of our resources does not encourage and facilitate further progress toward a peace settlement in the region, there is a likelihood that over a short period of time, the American people will lose interest and perhaps oppose large outlays to the area. I hope that this does not happen. To insure it does not, we need further progress in peace talks soon.

ARMS CONTROL MEASURES

A second highlight of this legislation are several arms export control provisions. These provisions, some of which are designed to strengthen and institutionalize congressional oversight and involvement in the transfer of conventional arms, are at the core of the President's veto of the fiscal year 1976 international security assistance authorization legislation. This bill before us takes into consideration some of the President's objections and several provisions have been modified. But the legislation remains strong in its essential arms export control provisions.

Many of the major arms control provisions of this bill are familiar to our colleagues from the earlier consideration of the vetoed fiscal year 1976 legislation.

A brief summary of some of these provisions shows how important this legislation is. This new bill would—

Create a $9 billion ceiling on the annual volume of arms sales;

Terminate the grant military assistance program after fiscal year 1977;

Teminate all military assistance advisory groups by the end of fiscal year 1977;

Establish a new military education and training program;

Revise the procedure for approval of third country transfers;

Require a strict report on all payments received in connection with sales of arms to foreign countries;

Strengthen the requirement for the President to furnish information to the Congress on arms sales;

Expand the power of the Congress to disapprove government-to-government arms transactions; and

Require that major sales of defense equipment be made on a government-to-government basis only and be subject to congressional review.

These provisions give the Congress an important and awesome new responsibility and mandate in arms export matters. Burgeoning U.S. arms sales over the last several years have prompted this legislation and they have also produced in the Congress a sustained interest in the issues involved which helps to insure that we will perform the role we have created in this bill.

One provision of the new bill which received attention in the President's veto message on S. 2662 deserves special mention here. The $9 billion ceiling on the annual volume of arms sales is an important feature of this legislation but its value is largely symbolic, despite what has been said about it. The measure has a very broad Presidential waiver and current Defense Department estimates, usually fairly accurate, are that in fiscal year 1977, the first year this ceiling would be in effect, FMS sales orders will be in the neighborhood of $7.4 billion, well below the proposed ceiling.

For many of us, the symbolic importance of this provision is that it would compel U.S. policymakers to clarify their priorities in foreign arms sales programs and would discourage the current practice of moving blithely from one sale to another with little vision of any overall, well-defined program. The tragedy of the recent proliferation of arms sales is that little restraint has been shown by the United States and we have shown little or no sustained interest in a search to negotiate with other major arms suppliers mutual restraints on the proliferation of conventional weapons.

The fact is that we control over 50 percent of the market and few other suppliers take seriously our interest in arms control measures at a time when we do little but sell and sell more arms. This provision can be a signal to others that we mean business; with enlightened leadership in our Government, this provision can be used to forge new directions in the search for arms control action.

HUMAN RIGHTS CONCERNS

A third feature of this legislation which deserves special mention here are the human rights provisions and the specific limitations on military assistance to Chile and Korea.

As reflected by amendments offered both in committee and on the House floor during consideration of the international security assistance bill for fiscal year 1976 earlier this year, there is increasing sensitivity and interest of Members in human rights questions around the world. The general feeling among many in the Congress that the executive branch does not recognize, and will not make any linkage between levels of assistance and human rights considerations has helped to intensify congressional efforts to make a linkage. The impression here is that there exists either total opposition or extreme reluctance to see human rights issues as a factor impinging on security relationships.

We have, in the cases of Chile and Korea, made linkages because of gross violation of human rights. We have done so because we believe that support for the governments of those two states is eroding in the United States and further erosion will occur as long as domestic oppression continues.

In both cases, it is felt that cuts in aid will not affect the security of the states because at the present time, their security problems are more internal than external. This is especially true for Korea. The South Korean military remains strong and its economy vibrant enough to pay cash for a greater percentage of what it feels it needs for its security. This legislation will not affect cash purchases; it will only affect what we give in grant and credits. What we are telling Chile and Korea is that we cannot continue to have business-as-usual relations in present circumstances.

CONCLUSION

Mr. Chairman, H.R. 13680 is a reform bill. It is supportive of important national interests and addresses congressional policy concerns. It deserves support because of the important reforms it legislates and because of the crucial aid it provides, especially in the Middle East.

These reforms of arms export provisions and the assistance authorized by this bill should be inseparable: together they represent a key reorientation of security assistance legislation. Only time and practice will tell how effective the reforms of arms export control legislation are on limiting arms proliferation and how successful our aid in the Middle East is in promoting further peace talks. But we must, for the sake of our national interest and world peace, take these steps. In our deliberations today, we must protect our reforms and the important levels of assistance provided.

I urge your support for H.R. 13680.

Mr. MORGAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. MEYNER).

Mrs. MEYNER. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. MORGAN), for yielding.

Mr. Chairman, I rise in support of H.R. 13680.

As I do, I would just like to say a word or two in praise of our chairman, the gentleman from Pennsylvania (Mr. MORGAN).

His leadership as Chairman of the International Relations Committee, has been the highlight of the 16 months that I have served here in Washington. Doc MORGAN, as chairman has served with fairness, integrity, intelligence, kindness, energy and great courage.

Whenever I think of our chairman, I am reminded of a certain very delicious dessert, a dessert that is served in a wonderful little restaurant in Rome on the beautiful, Old Piazza Novona. The restaurant is called the Tres Scalini, and the dessert is called a tartuffe.

Mr. Chairman, some of my colleagues may have enjoyed a tartuffe when visiting Rome. It is made up of a ball of rich delicious vanilla ice cream surrounded by dark creamy chocolate ice cream, which is surrounded with a hard thick chocolate coating sprinkled with nuts.

Mr. Chairman, every time I think of a tartuffe, I am reminded of our chairman because they are both tart and crunchy on the outside but sweet and soft and delicious in the center. Mr. Chairman, I have no comment to make about our beloved committee chairman being surrounded by nuts.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Chairman, I thank the gentleman for yielding me this time.

He has managed very successfully for many, many years a bill to give away a lot of money that we do not have. On the other hand, he has been an outstanding Member of this Congress.

He has been very fair. He has always yielded to me, knowing that I would oppose any foreign aid program that he might present, because I just do not like giving away things that we do not have.

Mr. Chairman, I want to say to the gentleman that he has been a very fine chairman. He has been successful, of course, for many, many years. I just say that I wish we had more men in the Congress who would measure up to the way in which the chairman, the gentleman from Pennsylvania (Mr. MORGAN) has handled this proposition for many, many years.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I want to join with the gentleman in what he said about the great chairman of the Committee on International Relations, Doc MORGAN.

This House is not going to be the same without him.

I certainly appreciate what the gentlewoman from New Jersey (Mrs. MEYNER) said. However, I think the gentleman from Florida comes from a family with a lot of money; and I would just like to say that some of us poor kids would rather give away money we do not have than to give away money we have.

Mr. HALEY. May I say, Mr. Chairman, that I would be glad to match my dollars with those of the gentleman from Oklahoma. I am sure he would be way on top.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, on April 28, the House and Senate both passed the conference report on S. 2662, authorizing fiscal year 1976 appropriations of $3.2 billion for international security assistance and arms export controls. By functional categories, the bill allocated $1.2 billion for the arms export control program, $1.8 billion for security support and $196.7 million for the military assistance grant program—MAP.

Providing for a general phaseout of MAP and military assistance advisory groups—MAAG—beginning in fiscal year 1976, S. 2662 completely revised the U.S. military sales program—extending congressional authority to review and veto all proposed foreign sales, both private and Government. Specifically, it set a $9 billion annual ceiling on sales and required the President to submit to Congress all proposed sales of: First, major defense equipment amounting to more than $7 million or second, any military equipment or service costing $25 million or more. In addition, the vetoed bill mandated termination of military aid to countries: First, consistently violating internationally recognized human rights; second, discriminating against U.S. citizens on the basis of sex, religion or national origin; or third, harboring international terrorists. Partially lifting the trade embargo against North and South Vietnam, the bill also allowed aid to Turkey and Chile, with limitations.

PRESIDENTIAL VETO

In his May 7 veto message to Congress, the President stated that S. 2662 permits the legislative branch to encroach upon Executive authority and inhibits a flexible U.S. response to changing international needs. Pointing to provisions authorizing Congress to disapprove certain Presidential actions by concurrent resolution, he argued that the bill seriously impinges upon the President's constitutional powers. He stated that allowing Congress, by a simple majority vote, to prohibit transactions authorized by law without changing the law is incompatible with the constitutional provisions requiring resolutions having the force and effect of law to be presented to the President, and, if disapproved, repassed by two-thirds majority in both Houses. In addition, he questioned permitting Congress to participate in such Executive functions as contract or license decisions. He feels that Presidential authority is undermined and believes inefficiency, delay and uncertainty in the conduct of foreign affairs will result.

Objections to specific restrictions contained in S. 2662 include opposition to the $9 billion annual ceiling on total U.S. arms sales, which the President says would: First, impede efforts to obtain cooperation of other arms-supplying nations in limiting arms transfers; second, require evaluation of individual transactions on basis of the volume of other unrelated transactions; and third, substitute arbitrary, overall limitations for case-by-case analyses.

While the administration supports efforts to protect internationally recognized human rights and to eliminate discrimination by foreign governments against U.S. citizens on any basis, it contends that legislative aid terminations ignore complex policy considerations, add an element of uncertainty to security assistance programs and cast doubt on U.S. reliability. Moreover, he argued that such restrictions might prove counterproductive because if the United States is disassociated from governments criticized by Congress, the opportunities to advance the cause of human rights through diplomatic means is diminished. Finally, the President maintains that general terminations of MAP and MAAG after fiscal year 1977 would negatively affect U.S. relations with nations whose security interests are linked to ours, limiting our flexibility. He stated that eliminating MAAG services is inconsistent with increasing congressional demands for arms sales information which these groups provided.

Mr. Chairman, at this point, I do wish to join the Members of the House in eulogizing the distinguished chairman of the full committee, the gentleman from Pennsylvania (Dr. MORGAN). I would say that if back in his district he has been as good an M.D. as he has been a chairman of this committee, that he must have the healthiest constituents in the entire country. He has done a masterful job on this bill. There are defects—one which a legislative chiropractor slipped into the bill—and I will try to take them out tomorrow.

Mr. Chairman, I think that in honor of Dr. MORGAN we should pass a bill that will not draw a presidential veto. I again remind the House that there are just many Members who automatically vote against any foreign aid bill. So if this bill contains the type of bad provisions that remain in certain sections and have been properly discussed earlier and properly pointed out in supplemental views, then the Members are likely to face another veto and we would have to bring another bill to the floor. So, let us clean up the bill properly tomorrow and let us get this foreign aid exercise over with for two and a half fiscal years.

Mr. GUYER. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I am delighted to yield to my colleague, the gentleman from Ohio.

Mr. GUYER. Mr. Chairman, I too would like to say a few good words about the gentleman from Illinois (Mr. DERWINSKI) but I just cannot think of any right now. However, I would like to say something about our chairman, the gentleman from Pennsylvania (Mr. MORGAN) because I think doctors are probably the most unappreciated people in the world. One the other day was so much of a failure that he turned to bank robbing and he was not very good at that, either, because every time he held a note up to the tellers, they could not read it.

But, Mr. Chairman, I would like to pay the gentleman from Pennsylvania, Dr. MORGAN, a little tribute since we have a few minutes to kill. I know it is getting late, but we do have time to use up. We usually talk by the yard, think by the inch and go out by the foot. I have a little poem I would like to quote:

A man stood at the Pearly Gate
His face was scarred and old,
He stood before that Man of Fate,
For admission to the fold.

"What have you done," the Angel said,
"To gain admission here?"
"I have been a hard-working committee chairman
For many and many a year."

The Pearly Gate swung open wide
The Angel touched the bell,
"Come in and choose your harp," he said
"You've had your share of Hell."

Mr. DERWINSKI. Mr. Chairman, I presume that the last performance will be covered under my unanimous consent request to revise and extend my remarks.

Mr. BINGHAM. Mr. Chairman, I will vote for H.R. 13680, the International Security Assistance and Arms Export Control Act of 1976.

As the committee report indicates, this bill is the product of a long process of deliberation by the Congress and negotiation between Congress and the executive branch. The bill was vetoed by the President in an earlier form, and the current bill is an effort to retain the key provisions of the previous bill while offering some changes in response to the President's objections.

One of the changes that has been made, Mr. Chairman, is that a provision, of which I was the chief sponsor, lifting the current American embargo of trade with Vietnam has been deleted from this bill. I have accepted that deletion with two considerations in mind. First, the measure as passed by the House contained a requirement that the embargo be reimposed after 180 days unless in the meantime there had been a substantial accounting by the Vietnamese for Americans missing in action in Southeast Asia. It is my view that the trade embargo of Vietnam is an ill-advised and counterproductive policy that should be terminated without conditions. I agreed in Committee to the addition of a 180-day limit in response to the concerns and support of the Select Committee on Missing-in-Action, chaired by our respected colleague from Alabama, Congressman MONTGOMERY. There has, however, been no persuasive indication during the several months that this amendment has been under consideration that the Vietnamese would comply with the terms of the 180-day limit provision. Having to reimpose the embargo after 180 days seems to me potentially more damaging to United States-Vietnamese relations and our hopes for full information on MIA's and trade relations than simply continuing the embargo

A more positive and hopeful reason for deleting this amendment, Mr. Chairman, is the fact that the administration has offered to open negotiations with the Vietnamese without preconditions. That offer, I must say, was prompted in part by the insistence of the select committee and the threat of congressional enactment of legislation lifting the embargo. Nevertheless the offer was made, and the administration has pledged seriously and openly to pursue such negotiations in the interest of solving the differences between Vietnam and the United States and achieving an early accounting for Americans missing in action.

Mr. Chairman, the administration would make a serious mistake if it interpreted the deletion of the Bingham amendment from this bill as an invitation to delay or put aside the proposed negotiations with Vietnam.

The solid affirmation given by the House on a record vote on my amendment is a clear indication of the interest of the Congress in getting on with the task of resolving our differences with Vietnam, both because it is in our general foreign policy interests to do so, and because such resolution of differences constitutes our most reasonable and best hope for obtaining full information on our MIA's.

It is with such expectation of prompt and forthcoming negotiation by the administration with the Vietnamese that my amendment is deleted from this bill.

I must admit, Mr. Chairman, that I am less than totally confident that the Administration will keep its pledge to negotiate. As I understand the situation, the Vietnamese have responded to the administration's offer to open negotiations by requesting a substantive agenda and set of proposals on the basis of which to commence such negotiations. So the ball is back in our court and so far the administration has not, to my knowledge, presented such a plan. As we know from the circumstances surrounding the veto of this bill, the President is sensitive to possible criticisms from within his own party by candidates and forces hostile to any reasonable approach to resolving our differences with Vietnam.

Mr. Chairman, I urge the President to resist the political pressures and carry out his responsibilities based upon the pledge his Secretary of State has made to the Congress. He should move forward constructively with negotiations with Vietnam. If he fails to do so—if he puts the minority demands of his own party ahead of the stated wishes of Congress—there will be renewed interest in legislation to remove his discretion in this matter and to lift the embargo on trade with Vietnam. One of the President's argument in opposing my amendment was that it intruded upon his authority and jeopardized negotiations. If that is his concern, let him now exercise that authority and proceed with those negotiations.

Mr. Chairman, I plan to continue to watch this matter closely. The full International Relations Committee will be taking action later next month on the Export Administration Act which expires in September. The administration has requested extension of that Act, which contains part of the authority under which the President has imposed the current embargo on Vietnam. If by the time the Export Administration Act is acted upon, the administration has not begun to make good on its pledge to proceed seriously with negotiations, I will seriously consider reviving my amendment on Vietnam and adding it to the Export Administration Act extension. I am certain that many Members of the House would support such a course of action in the face of further delays and foot-dragging by the administration on the MIA problem.

Mr. WAXMAN. Mr. Chairman, I rise in support of the foreign aid authorization. I am very gratified by the swift and certain response of the House and Senate International Relations Committees to the President's veto of this bill on May 7. Not only does this legislation underwrite our Government's peace initiatives in the Middle East, but it continues to be firm in our insistence that the content of our foreign assistance programs be faithful to the ideals and values we cherish as a Nation.

Most importantly, this legislation maintains the $9 billion ceiling on arms shipments abroad. Despite the administration's concern over increasing instability throughout the developing world—a concern which I share completely—the fact remains that the United States, by virtue of its uncontrolled arms sales policies, has been a major contributor to the problem. We export more arms than any other nation on earth. Since 1973 alone, we have sold or extended nearly $40 billion in armaments and security assistance abroad, with most of it earmarked for the Arab oil producing states. Although such programs do positively affect our balance of payments, it make little long-term political or strategic sense for us to be the gunrunners of the world.

I fully supported and very much wish that this Congress was in a position to assert a flat ban on arms sales against those countries which discriminate against U.S. citizens. This provision was clearly written to counter the growing scope and influence of the Arab boycott. Last year alone, over 630 firms filed reports covering nearly 4,300 sales records totalling over $781,000,000 for which boycott requests were received. Most of the reporting companies complied with these requests. In exacting boycott demands against American corporations, countries such as Saudi Arabia have successfully imposed their discriminatory policies against our own people. The Arab boycott is inherently alien to a free society and the operation of a free market. The President's desire to remove this provision from the bill in order not to offend the Arab League nations with whom we have a growing series of relationships is, in my judgment, an offense to the dignity of the American people.

The President has also forced us to retreat from our new policy of promoting the protection of human rights around the world. Far too often in the past, this country, through its arms sales policies, has become identified with repressive military regimes. It is difficult to see how, after our tragic experience in Vietnam, and after our ill-conceived involvement in Angola, the national security interests of our Nation are advanced by alliances with governments which systematically deny fundamental human freedoms to their people.

The President's veto has also forced the Congress to eliminate the cutoff of arms to countries which harbor international terrorists. It has long been apparent that the world community will not take responsibility for curbing the murderous activities of international outlaws if no sanctions are imposed against those who extend comfort and support to these groups.

In all these areas, the President is sadly mistaken if he believes that the strength of our words alone will be sufficient to curb those activities which threaten stability and peace throughout the world. And contrary to his belief, the vetoed legislation did not tie the President's hands.

Nearly every provision to which he had an objection allowed for a waiver if he could make a showing that an exception would be in the best interests of the Nation. These policy provisions were entirely consistent with the goals we seek to realize around the world. The approach we adopted was both prudent and reasonable, for they gave the certainty of our convictions the force of our actions.

The President's veto can regrettably be viewed as an admission that we may intend to do little or nothing about these challenges. I believe this is unacceptable.

However, even though these new congressional initiatives have been compromised, this legislation clearly maintains that it will be the policy of the United States not to extend arms assistance to those countries which engage in the practices discussed above. I therefore trust that this Congress will endeavor to apply, on a case-by-case basis, the same standards which would have applied automatically to all countries receiving aid under this bill. Although the President's veto makes our task more difficult—and there will undoubtedly be more confrontations with the executive over these issues—this is surely the correct course for us to follow.

Finally, this legislation contains the full funding for the Middle East aid package, including the $550 million in transition quarter funding for Israel. This House has recognized time and again that the prospects for peace in the Middle East depend on the maintenance of the strategic balance of power in the area. The amounts of aid authorized in this bill are indispensable to Israel's security and ability to deter aggression. Its passage today can only reiterate our commitment to this aid package and the policies which underly it. I therefore urge my colleagues to overwhelmingly adopt this desperately needed legislation. I can only hope that our compromises will be met by a responsible response from the President in signing the bill.

Mr. RIEGLE. Mr. Chairman, the bill we are considering today was approved by the House International Relations Committee following the President's May 7 veto of the authorization bill for fiscal year 1976. H.R. 13680 retains the most important reforms contained in the vetoed bill and provides about $4.5 billion in vitally needed U.S. assistance to Israel.

Prior to the 1973 Mideast war, Israel was able to provide for most of her own defense needs. Israel is still doing all that she can to meet these needs. However, an inflation rate of 56 percent in 1974 and 24 percent in 1975, increases in petroleum prices coupled with the loss of the Abu Rodeis oil fields and increased dependence on imported oil, and the constant need for defense preparedness have weakened the Israeli economy.

The 3 million people of Israel have made great sacrifices to meet Israel's economic problems and insure an adequate defense system. As in the past, the government has looked to its own people before requesting assistance from the United States. The people of Israel are the most heavily taxed in the world—an average of 60 percent of a worker's salary goes to the government. The government has initiated a program of tough economic measures including cuts in health, education and welfare services. In spite of this, the per capita debt of Israel is the highest in the world. Today, 40 percent of Israel's budget goes for defense needs and 20 percent for debt servicing. Clearly, the people of Israel are doing their share and are deserving of U.S. aid.

Israel has requested and this bill authorizes only the minimum amount of money, $4.5 billion, to finance the procurement of defense systems and services. Israel has never sought military superiority over her Arab neighbors, rather she seeks to maintain an adequate defense posture to deter aggression. This assistance will not raise the standard of living in Israel but will just cover the cost of oil Israel gave up and the maintenance of a new line of defense resulting from the Sinai agreement.

Israel today is still the one true friend of the United States in the Middle East. While the Arab countries can choose among many countries for aid, Israel can rely only on the United States. The assistance in this bill is a reaffirmation of our commitment to Israel's security and survival. If we falter in our support of Israel we will lose not only the peace in the Middle East, but much of our cultural heritage and will certainly diminish our own security.

The moral necessity here is clear. Israel stands as a real democracy in an area otherwise inhabited by authoritarian regimes of the right and left. Israel alone among her neighbors has free elections and vigorous, open internal dissent. To turn our backs on this foreign aid request would be to reject the value of liberty and respect for human dignity which have been the moving spirits of our nation since its formation.

Ms. ABZUG. Mr. Chairman, the President's veto of the International Security Assistance Act for 1976 was an attempt to roll back the history of the last decade and pretend that the Vietnam war never occurred. By vetoing that bill, President Ford vetoed the hopes of Americans for a new foreign policy which could prevent future Vietnam-type wars. He said Congress was obstructing the President's power to conduct foreign affairs.

But it was President Ford who was obstructing our attempts to create a more democratic foreign policy.

It was the President who was obstructing attempts to reduce American arms sales.

It was the President who was obstructing the firm commitment of our country to the enforcement of human rights in the world and to end discrimination against our own citizens by foreign countries.

It was the President who was obstructing the possible speedy resolution of an accounting of our missing in action in Vietnam and other postwar issues with Vietnam by his objection to the lifting of the trade embargo for 6 months.

By showing a willingness to meet some of the President's objections, the International Relations Committee has still reported out a security assistance bill which represents a step forward. I intend to support this bill because it contains important provisions, including:

Israel is authorized to receive $4.5 billion for the 27-month period covered by this bill. Israel needs this aid quickly, especially given the new instability in the Middle East caused by civil war in Lebanon. Any further delay of this vital aid would be intolerable.

The military assistant advisory groups and grant military assistance programs would be terminated at the end of 1977 fiscal year except in cases approved by Congress. Vietnam showed us how a small commitment which begins with one of these assistance programs can lead to a bigger, futile commitment later on. If we have not learned this lesson from Vietnam, then we have not learned anything, I am afraid.

Limitations on aid to South Korea and Chile are imposed at levels which still allow aid but which indicate that the United States will no longer give a green light to authoritarian regimes to become dependent on the American taxpayers. I oppose any attempt to delete these aid ceilings from this bill.

The nature of our foreign aid program reflects the nature of the society which gives the aid. Americans too have a stake in how and where this aid is distributed. We have a stake in supporting democratic countries like Israel. We have a stake in strengthening our own democratic procedures to prevent another Vietnam-type war. And we have a stake in making sure that, in this Bicentennial year, our aid helps further the achievement of wider respect for human dignity and democratic rights in the world.

Mr. MURPHY of New York. Mr. Chairman, the consideration of section 413 of H.R. 13680, limiting security assistance to South Korea is an incredible display of myopic vision on the part of some of our colleagues. The proposal to severely curtail our assistance to South Korea—by 72 percent—is made, as I understand it, as an unjustified reaction to what are alleged violations by the South Korean Government of the human rights of the South Korean populace.

Nothing could be further from the truth.

In their ill-advised move to cut security assistance funds to South Korea and impose a ceiling on Public Law 480, my colleagues have taken only a single side of the issue, and have failed to look at the remainder of the pertinent facts so important to a balanced view.

Even the State Department, in the person of our Ambassador to Korea, Richard L. Sneider, states that the United States will abide by its commitments to its allies, including Korea, and he noted that some Asian countries have been too hasty in bending their foreign policies in the wake of the fall of Indochina. The Ambassador said that Korea has survived in the midst of a complex international current due to the people's self-reliance, accompanied by U.S. aid. As the internal strength of South Korea, the strong will of its people and its evolving internal policies are key factors in any discussion of this nature, we must also note that one of the most striking success stories in Asia in the past 25 years is the outstanding economic development achieved by the Korean people.

Sneider explained that the main guideline of U.S. foreign policy in Asia "is to seek equilibrium of power and reconciliation of different interests," and that "continued American strength in Asia is required to realize it."

The administration has attempted to maintain that equilibrium, the Congress has wisely accommodated assistance to Korea through Public Law 480 and section 413 of H.R. 13680, and yet a small band of Members wish to thwart one of the most important aspects of our Asian foreign policy.

Look at the devastating impact such deletions of funding and assistance ceilings would have:

IMPACT: PUBLIC LAW 480

Section 413 would cut our fiscal year 1977 Public Law 480 title I assistance by 72 percent—$104 million.

Although Korea has made great progress in achieving self-sufficiency in food grains, in 1976 it still must import about 2.6 million metric tons of grain at a cost of about $650 million.

Korea is a major American export market. In 1975 Korea was the world's fifth largest importer of U.S. farm products, with purchases totaling $880 million—including 1,700,000 tons of wheat, 600,000 tons of corn, 322,000 tons of rice and 923,000 bales of cotton on commercial terms.

The Public Law 480 title I program is in large part responsible for development of this growing commercial market. Were the Public Law 480 program to be substantially reduced, the Koreans might turn for their commercial purchases to other sometimes cheaper outlets for wheat, rice, cotton, and corn—in Canada, Australia, Thailand, and other countries.

Korea needs concessional sales because it still faces a substantial balance of payments deficit in 1976—approximately $1.5 billion.

U.S. food assistance is thus a significant contribution to Korea's economic viability, which is essential to maintenance of stability on the peninsula.

Moreover, Public Law 480 assistance is provided to Korea in fulfillment of an understanding made in 1971 in connection with Korean acceptance of restraints on their textile exports to the United States.

IMPACT: SECURITY ASSISTANCE

Section 413 would cut 40 percent—$200 million—from the administration's fiscal year 1976–77 request of $485.8 million for security assistance for Korea.

The severe cuts in funding levels in section 413 will preclude completion of our modernization plan goals for fiscal year 1977 and will cause a further stretchout of the plan into fiscal year 1978.

The administration request was carefully considered to provide the framework under which grant materiel assistance for Korea would be terminated after fiscal year 1976, substituting defense guaranteed loans in future years. The funding levels in section 413 are so low that they seriously jeopardize this program.

The funding levels in section 413 would seriously obstruct our efforts to support the Korean Government in achieving military self-sufficiency in the foreseeable future.

Major procurement programs would be seriously affected by the section 413 ceiling—for example, F–5E, F–4E aircraft and Harpon missiles. This equipment is essential for the Republic of Korea to achieve a military balance with North Korea.

This military balance is an essential element of U.S. policy for maintaining stability in Northeast Asia.

The net effect of section 413 would be to stretchout our current programs and to delay significantly the time when Korea could reach military self-sufficiency, and we could consider reduction of American forces in Korea.

This is an impressive array of evidence that the move to delete the funding is a most unwise action.

As I mentioned, the purported reason for the move to cut these funds is to deny aid to a nation whose internal problems and policies have not met the standards of a western democracy. Make no mistake about it, President Park Chung Hee is the spark behind Korea's sociopolitical revolution. But some of the strong positive actions Park has taken in his leadership have drawn criticism from students, intellectuals, and journalists. Park has tried to alter thousands of years of habit and custom in a very short time. His basic change outside of the major urban areas was in the towns and villages where the system of Confucianism existed, replacing the elders—and the ancient—as leaders with community leadership being handed over to younger, university-trained individuals. It is the university-educated younger leaders who are the basic factor in the political modernization of Korea. Yet it is the embryo graduates, the students, who cause much of the agitation, but often for reasons other than those played up in the Western press.

As you know, Park's handling of dissension became aggressive in late 1973 and 1974 when he imposed what appeared to be extreme or repressive controls over the people and dissidents. Our officials in Seoul have indicated that Park's strength lies in his perception of areas of discontent. They also indicate his reaction is to quickly impose a clamp down, such as the much publicized emergency order No. 9. After such a reaction, however, he usually withdraws immediately and, as in the case of emergency order No. 9, simply does not fully implement the order. It is unfortunate that the first half of his actions are copiously reported in the U.S. press, but not the last half.

The Korean CIA does not sit in editorial rooms, on university campuses, nor does it knock on church doors. As a matter of fact, there is a substantial amount of freedom of expression in the press and complete freedom of religion.

The notable cases that brought about Park's disfavor with certain U.S. elements involved the case of Kim Chi Ha. Kim is a Catholic poet now in jail on criminal charges that antedate his public embroglio with Park. All subsequent criminal charges that grew out of the Park actions have been dropped.

The other celebrated case is the Kim Dae Jung case. Kim Dae Jung unsuccessfully opposed President Park during the 1971 presidential election. Because of his increased opposition to Park after the election, particularly in foreign countries, Kim was seriously hampering the Park government's ability to function. Kim was kidnapped from his hotel in Tokyo on August 8, 1973, and taken to South Korea to be held under house arrest. According to U.S. officials, Park was acutely sensitive to the U.S. reactions to the Kim kidnapping and similar incidents. Being "an extremely capable and shrewd political leader, he intuitively knew when to back off."

The situation over the past months has developed to the point that the U.S. Ambassador has established a relationship with Park that is such that he can go to Park and speak frankly and with good effect. Earlier I commented that Park himself may have sown some of the seeds of the country's discontent. To expand on this, I point out that the Korean student's release from traditional family control which Park fostered, is considered a factor leading to their demonstrations—but this is only a partial explanation. The students objected in 1973 and 1974 to a centralization of authority and to restrictions on freedom of speech. In the words of American officials, the students "got up and said what they were not historically supposed to do in Korea." The point here is that student dissent is more a fact of historical significance than current events, behavior which has characterized Korea, Japan, and China for decades.

The strong basic support for President Park can be interpreted from the 1971 election, wherein he received 51 percent of the vote, compared to the recent vote of confidence, which was at the 68-percent level. Significantly, his strongest support comes from the people, the peasants if you will, in the countryside.

On the whole, in my visits to Korea, I found a great reservoir of confidence on the part of the people of Korea in the current government of the Republic.

In an hour-long conference I chaired as head of a seven-member U.S. congressional delegation, President Park responded to the questions of the curtailment of civil liberties and political prisoners in the Republic of Korea at great length and assured the members that the Korean law and constitution was upheld in all instances, that all prisoners detained were tried and convicted and in most cases, pardoned or had their sentence suspended.

He expressed the opinion that if the Russians had a million-man Army 60 miles from Washington, D.C., Americans rights and privileges to demonstrate against their Government would be curtailed, as they were in less severe circumstances by Presidents Abraham Lincoln, Woodrow Wilson, and Franklin Roosevelt. President Park further asked my colleagues that a comparison be made with the virtual total freedom in South Korea as against the totally repressive society that exists in North Korea. Further, he asked that Americans realize that the tensions in the peninsula have been created solely by North Korea, that his desire is for a relaxation of tensions on the peninsula so that, hopefully, security requirements as they now exist in South Korea can be relaxed.

In my judgment, notwithstanding the problems facing South Korea, the government is making substantial progress under the ever-present threat of invasion and war and I am convinced President Park is aware of human rights issues and is attempting to be fair under the most trying conditions.

I would like at this point to expand briefly on the apalling situation with which we are faced regarding the image of American concern for human rights around the world. While we berate our friends and allies for what the media generally terms oppressive governmental structures, we simultaneously ignore the rape, plunder and Hitleresque despotism in dozens of countries led by dictators and military juntas whose stone-age mentalities find mass murder and terrorism the only solution to a political difference of opinion with the majority of their populace.

The activities of our sister nations have been skewed beyond recognition in some cases, by a media which reports on appearances, rather than on truths and realities. It is that very quality of the media, which seizes upon the most visible story available to scoop the opposition media, which compounds a complex problem into one of immense dimensions. The quality, coupled with the ironhanded control of information from those countries which are truly repressive, combines to create a picture grossly unbalanced, and which does a sorry disservice to those nations whom we are fortunate enough to consider as friends and allies.

The hard and cold statistics are frightening: of 4.063 billion persons in 208 nations and territories worldwide, 44.9 percent are considered not free, and another 35.3 percent as only "partly free," a total of 80.2 percent of the world's population. Less than 20 percent of the world populations, then, is embraced by a free society.

What are the rights which we associate with freedom? We in the political arena might first consider the political structure of such nations—an open voting process, the existence of significant opposition, the allocation and exercise of power by elected representatives. But then, as it always must, freedom is defined in civil and human rights as well the right to express oneself openly, the lack of censorship in an independent news media, the right to a fair trial, and the state's respect of these and other individual rights through its exercise of the police function. This last set of qualifications is without a doubt the most important to consider.

We are all aware of the nature of human rights in such countries as Russia, East Germany, Cuba, North Vietnam, Czechoslovakia—for that is where the news has been most obvious. It is these nations that people wish to leave, but cannot; where people wish to speak, but are forced into silence; where people wish to be free, but are threatened with death—threats which are all too often carried through for no better reason than the whim of a deranged head of state.

But what of the literally dozens of equally repressive governments to whom human and civil rights are simply an antiestablishment idea to be crushed into submission before any word of it leaks to the free world? For that is precisely the case in such countries as North Korea, Panama, Chile, Cambodia, Laos, Ecuador, many of the emerging African nations, and dozens of other pockets of oppression in every corner of the Earth. Uncounted citizens whose only crime was disagreement with the existing regime have simply disappeared into mass graves in nations where execution continues to be the preferred means of controlling the citizenry. Terror is the hallmark.

Among the most brutal dictatorships, for example, are Cambodia and North Korea. Populations have been dispersed into the countryside or imprisoned by the thousands for no other apparent reason than the dissatisfaction of their self-anointed leaders. The information on the horrors of these and other nations is not readily available because, quite simply, those who speak of it, or attempt to leave it, are summarily shot.

The Khmer Rouge regime in Cambodia force-marched the people from their homes and hospital beds in the cities into the surrounding countryside. Their stated reason—to make Cambodia self-sufficient through a return to an agrarian society—is frightening enough, but it seems rather obvious that the true purpose was simply to scatter a population of 7 million people so that a tiny army of fanatics could better control the pockets of resistance. Dissenters were sometimes roped together in bunches to be clubbed to death, or sent to work camps for endless hours of physical labor punctuated by beatings and killings for those who protested.

Let us not forget a devastating war 25 years ago on the Korean peninsula, and the devastating effects which still divide the Korean people. The unbalanced Kim Il Sung continues to threaten another invasion of South Korea the very moment that American troops withdraw from their defensive role in the south. His massive army is poised just 30 miles from the Southern capital, ready to release the fury of his Russian and Red Chinese weaponry on a peaceful nation in the south which has developed into one of our staunchest allies in the Pacific basin. The dictator in the north has classified his populace into 51 categories which define the reliability of each person with respect to the government. Fully 40 percent of his population belong to untrustworthy categories, to be kept under varying degrees of surveillance.

Panama is another prime example of controls. The dictator, General Omar Torrijos, has allowed only the Communist Party to remain in his country, and following his 1968 military coup, he simply exiled his coconspirators so that their experience and inside knowledge of his takeover would not give them an avenue to repeat the occasion. And his continued threats of bloodshed if the United States does not relinquish its stand on the Panama Canal are the rantings of a power hungry czar who draws his support from the Castro Communists.

To return to my point, why does the media insist on focusing on the occasional minor failings of our friends—countries to whom the concepts of freedom and democracy are just beginning to be realized to their full potential, after perhaps centuries of colonialism, hereditary dynasties, or as the spoils of dozens of regional wars—while the incredibly brutal tyrannies of warlords, juntas, dictators and malevolent savages are virtually ignored, due to a simple lack of information.

That very difficulty in obtaining such information is one of the keys to oppression. I remind you of the controlled press in Hungary or Laos, in Albania and in Communist China, in Chile, Zaire, and North Korea. We hear of very little opposition in such countries, because none is raised for fear of the brutal punishments which follow. What little opposition is mustered is crushed under jackboot heels, an word of such a cry for freedom never reaches the outside world. Thousands of refugees from the Chilean regime, for example, were mass-arrested during the Argentine coup and bused back to the Chilean secret police. Such wholesale trafficking in human lives is commonplace among those countries to whom individual rights have little meaning.

There are hundreds of other examples of the decline in human freedoms around the world: India's declaration of a state of emergency, in which civil rights were sharply curtailed; Pakistan's abolishment of the opposition party; the military takeover in Bangladesh; terrorism in Laos, and Cambodia; a state of siege in Colombia which reduced judicial guarantees; the internal violence in Lebanon, new powers of arrest in Liberia; and Zaire's replacement of religion by President Mobutu's personality cult. The one-party systems of Iran, and Zambia, are faltering, as is a similar system in Kenya, where members of parliament were jailed for expressing their dissatisfaction with the system.

I hope my colleagues have understood my point: that we cannot, as responsible leaders of a nation whose very existence is the embodiment of personal and political freedoms, allow our friends to be pilloried by the national and international media, while an endless list of travesties is committed upon the human rights of over four-fifths of the population of this Earth. That the very secretive and oppressive natures of those governments denies the truth to the free world is not an excuse for ignoring the truth, or for failing to try to bring freedom and a decent way of life to the people of those oppressed lands. In the words of John P. Curran in 1790, "eternal vigilance, is the price of liberty", and if I might expand on that, not only vigilance and awareness, but a desire and ability to change things for the better.

But things cannot be changed until we care enough to change them . . . not just within our own borders, where every freedom—or lack of it—affects the daily life of our own families, but to rebel against tyranny for the sake of all mankind. Tyranny feeds on the weakness and ignorance of oppressed peoples, and it is our good fortune to be able to recognize that oppression, and to lend the strength of our freedom to those people who would only wish for their rights as human beings.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

Mr. BROOMFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Security Assistance and Arms Export Control Act of 1976".

Mr. MORGAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. Evans of Colorado, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13680) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the debate just concluded on H.R. 13680 and to include extraneous matter.

The SPEAKER pro tempore (Mr. McFall). Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I rise to announce the program for the remainder of the week.

Tomorrow we will consider the conference report on H.R. 9712, the Inter-American Development Bank; conclude consideration of H.R. 13350, Energy Research and Development Administration; and following that we will conclude consideration of H.R. 13680, international security assistance. Then we will have H.R. 11656, government in the sunshine, with an open rule and 2 hours of debate; and then H.R. 13179, State Department Authorization, under an open rule with 1 hour of debate.

That is the possible schedule for Thursday.

On Friday we hope to come in at 10 o'clock and break at noon for Former Members' Day. We will start with the conference report on H.R. 12453, NASA authorization, followed by Senate Concurrent Resolution 100, science and engineering fellowship programs, followed by H.R. 12677, alcohol abuse and alcoholism amendments, under an open rule, with 1 hour of debate, followed by H.R. 12679, health services research and statistics and medical libraries, under an open rule, with 1 hour of debate.

I hope that we can conclude sometime between 3 and 4 o'clock on Friday.

HOUR OF MEETING ON TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, is the gentleman's intention to ask that we come in at 10 a.m. on Friday in addition to this request?

Mr. O'NEILL. Yes, it is.

Mr. BAUMAN. Does the gentleman have any idea, if we pursue the program that he has outlined for tomorrow, what time we may expect to finish tomorrow night—by midnight?

Mr. O'NEILL. I can hardly anticipate that we could finish this program tomorrow evening, but we do hope that we can finish the conference report, conclude energy research, and conclude international security. Anything else on the program we would probably have to have follow along on Friday or take it off the program and place it on next week's program.

Mr. BAUMAN. So realistically we will probably not consider the last two bills that he listed for tomorrow?

Mr. O'NEILL. The answer to that is in the affirmative, but we do have them scheduled.

Mr. BAUMAN. Then we will come in at 10 o'clock on Friday and break when?

Mr. O'NEILL. No. We will work until 12 o'clock, when we will have the former Members program.

Mr. BAUMAN. What time does the gentleman expect that we would finish the program or adjourn on Friday?

Mr. O'NEILL. On Friday I would hope that we would finish sometime around 4 o'clock.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE ESTATE TAX ADJUSTMENT ACT OF 1976

(Mr. SCHNEEBELI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHNEEBELI. Mr. Speaker, on Tuesday, several of my colleagues and I introduced H.R. 13840, the Estate Tax Adjustment Act of 1976, supported by the President.

No one doubts the need for reform of our estate and gift tax system—it is becoming increasingly burdensome, causing the breakup of family-owned farms and businesses. Surviving spouses and families, with few liquid assets, are having great difficulty meeting their estate tax burdens.

President Ford has recommended reform; his proposals are contained in H.R. 13840. His proposals would prevent the breakup of family-owned businesses and farms, would increase the estate tax exemption, and permit property to be transferred between husband and wife free of estate and gift taxes.

Let us get on with reform in this vital area.

An explanation of H.R. 13840 follows:

In general, the bill increases the estate tax exemption, provides liquidity relief for the owners of small farms and businesses, introduces a free interspousal transfer rule, and modifies the filing requirement for gift tax returns.

The bill raises the estate tax exemption from $60,000 to $150,000 over a 5-year period, so that estates with gross assets valued at $150,000 or less will no longer be required to file an estate tax return or pay an estate tax. The exemption will increase to $78,000 for taxpayers who die after the date of enactment but prior to October 1, 1977, and will increase on an incremental basis thereafter, until it becomes fully effective with respect to taxpayers who die after September 30, 1980.

To eliminate the additional exemption from the lower estate tax brackets, rather than from the higher marginal rates, the bill modifies the current estate tax rate table over the 5-year phase-in period by gradually eliminating the lowest rates. After 5 years, the present rates of 3 percent through 28 percent on taxable estates of under $100,000 are replaced by a flat rate of 30 percent, and the higher rates are restructured on a more evenly distributed basis.

The bill makes corresponding changes in the credit for State death taxes and in the exemption for the estates of nonresidents not citizens of the United States.

The bill also introduces an unlimited marital deduction for estate and gift tax purposes. Under the provisions of the bill, a husband may transfer property to his wife, and vice versa, without paying a gift tax and without subjecting his property to Federal estate taxation, unless the property transferred constitutes a so-called terminable interest. The change will become effective with respect to transfers made by gift or on account of death after December 31, 1976.

To provide liquidity relief for the owners of family farms and small businesses, the bill modifies the present provisions under which estate taxes may be paid in 10 equal annual installments. Under the bill, an executor may elect to pay certain estate taxes in equal annual installments over a period of 20 years, commencing 5 years from the normal due date, with interest accruing after the fifth year at the rate of 4 percent a year.

These provisions will apply in full with respect to the estate taxes attributable to a decedent's business interest which currently qualifies for 10-year installment payments under section 6166 of the Internal Revenue Code, if the value of such interest does not exceed $300,000. Between $300,000 and $600,000 there will be a dollar-for-dollar reduction in the value of the farm or small business qualifying for the moratorium and extended payment provisions, although the portion of the tax not qualifying will continue to be eligible for the 10-year installment payments with interest at the current annual rate of 7 percent.

In conjunction with these changes in the liquidity relief provisions, the bill allows an executor or other fiduciary to be released from personal liability for payment of the estate tax without the posting of a bond. The bill retains the right of the Internal Revenue Service to request a bond when taxes are deferred under section 6166, although the bill provides that an adequate bond will be deemed to have been furnished with respect to that portion of the extended tax secured by an adequate mortgage or other recorded lien in favor of the Government upon real property included in the estate. As further security for deferred estate tax payments, the bill also extends the special lien for Federal estate taxes from 10 to 25 years, unless the estate tax is sooner paid in full.

The liquidity relief provisions will apply to the estates of decedents with respect to which the date for filing the estate tax returns occurs after the date of enactment.

Finally, the bill modifies the gift tax return provisions under current law, by requiring the filing of a gift tax return for a calendar quarter—prior to the last quarter of the year—only when the donor's total gifts for the year exceed $100,000 by the end of such calendar quarter. This change will apply to calendar years beginning after the date of enactment.

BILL INTRODUCED TO CORRECT PORPOISE RULING

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, today, I am pleased to introduce a bill, which amends the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidental to the course of commercial fishing operations. This legislation is vital because it deals with a situation which could deal a fatal blow to California's distant water tuna fleet.

Last week, a Federal district court here in Washington handed down a verdict based on the Marine Mammal Protection Act of 1972, which I authored and fought for passage. That ruling, in effect, bans any U.S. fishermen from killing any marine mammals in the course of commercial fishing. In the tropical Pacific, the yellowfin tuna—the most important commercial species—forms a strange association with herds of porpoise, swimming in large schools directly below the mammals. The effects of last week's ruling will bar U.S. boats from fishing for these yellowfin with nets, thus driving them out of business or forcing them to sail under foreign flags.

Until the latest incident, U.S. fishermen had made great strides toward reducing the annual porpoise kill. This year's total was expected to be the lowest ever, but we may never find out how much progress has been made. For after May 31, 1976, the court's ruling takes effect, and U.S. boats will be barred from fishing for tuna when porpoise are nearby.

Mr. Speaker, I sponsored the Marine Mammal Protection Act because I felt strongly, and still do, that we must take steps to insure the survival of these interesting, beautiful creatures. But I must also point out that the act was never intended as a cudgel with which to beat our commercial fishing industry to death.

Marine mammals must and will be protected by law. But I can see no justification for declaring war on the U.S. tuna fleet, harassing a traditional way of life into extinction.

The bill I am introducing today will allow U.S. tuna fishermen to earn their living. It will also protect the porpoise, regulating the annual incidental kill, and continuing research efforts to reduce porpoise mortality. No one likes to slay these intelligent creatures, and the industry has made every effort to reduce the kill.

If something is not done to correct this situation, American boats will eventually be forced to sail under the flags of other nations to escape this needless regulation. Should that happen, or should the boats be forced to stay ashore, the United States will lose all control of the protection of these marine mammals.

Other nations will continue to fish and expand existing operations. They do not care how many porpoise are killed, and the end result will be an even greater decimation of the porpoise population.

Thus, conservation will have received a setback, and our tuna fishing industry will have been effectively destroyed. Nothing positive will have been accomplished.

I am giving this legislation my full support, and I urge my colleagues to do the same.

THE SUPREME SACRIFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, on Friday, May 14, a Drug Enforcement Administration aircraft carrying two special agents and a Mexican federal judicial policeman crashed and burned on a remote mountain in Mexico. The crash site was but a few miles from a barren, mountainous field where opium poppies once grew freely. All three men were killed.

Thanks to the efforts of these courageous U.S. drug enforcement agents, James T. Lunn, of Mission, Kans. and Ralph N. Shaw, of El Centro, Calif., that Mexican poppy field which once produced the plant which is transformed into heroin had been reduced to mulch.

Mexican-produced heroin is responsible for 80 percent of the heroin now being shipped into our Nation. U.S. DEA agents Lunn and Shaw, and Mexican police agent Noe Inchaustegui were supervising the Mexican Government's crop eradication program at the time of their unfortunate deaths. It was their belief that heroin is a cancerous growth which must be destroyed completely at its source.

These men know the damage and destruction that drugs reap. They knew that they were in a battle to protect the youth of our Nation from the viciousness of heroin. President Ford recently stated that about 5,000 Americans die each year from drug overdoses; that there are approximately 500,000 addicts on our streets; and that drug-related crime costs us $17 billion yearly.

In dedication to their duties they made the ultimate sacrifice, their very lives.

It was in January of this year that Congressman LESTER WOLFF and myself flew with DEA agents over the same mountainous Mexican terrain in which this plane went down. We were in Mexico to bolster our Nation's efforts to stem the flow of heroin from Mexico into the United States. In our discussions with Mexican President Echeverria we urged that the poppy eradication program be accelerated and that a joint working commission in both nations be set up to attack all phases of the illicit narcotics business.

Drug agents Lunn and Shaw died protecting our Nation by helping to destroy poppy fields which were capable of producing billions of dollars in heroin sales on the streets of our cities. It is evident that the Mexican drug traffic is big business, it is a vicious business.

Accompanying our January mission to Mexico was Burt Moreno, Acting Chief for the Latin American Section of the Drug Enforcement Administration. Mr. Moreno trained Agent Lunn and spent a great deal of time with him while he was stationed in Mexico. Agent Lunn had been with the DEA for 4 years. The 34-year-old former flight instructor with the U.S. Air Force was married and the father of two sons, Mark, 14 and Larry, 12. Agent Shaw, was 41 and a bachelor. He was a former border patrolman and was the son of Mr. and Mrs. Kenneth Shaw of Buffalo, N.Y.

On notification of the deaths of these three law enforcement agents in Mexico, the DEA reported the following:

Since the early 1970's, the area around Acapulco has emerged as a principal area of narcotic production. On Friday, May 14th, as a result of the continuing efforts by the Mexican government to control the production of narcotics in the Sierra Madre Mountains, a small DEA aircraft, which conducted a routine, liaison flight from Acapulco to the area of Atoyac and de Alvarez, crashed and burned. There was no immediate sign of foul play.

The hazardous climatic conditions in this already dangerous terrain led to the tragic wreck of this aircraft. The wreckage was discovered on Saturday, May 15th by mobilized air and ground search units, on the side of a 12,000 foot mountain peak, fifty miles northwest of Acapulco.

Our efforts here (United States) and in Mexico have gone beyond the preliminary stages. We have expanded our staff and increased our operations, thus increasing the risk factor. The Mexican government has also increased its operations in an effort to bring about a meaningful solution to this international problem.

For those who may have thought that the Mexican drug eradication program was a farce, let them look to the record of Mexican and U.S. officials who have made the supreme sacrifice in the performance of their duties.

The exposure of our dedicated DEA agents to risks and danger is not limited to Mexico. In Southeast Asia, in Turkey, is South America, anywhere throughout the world where illicit drugs are produced, there are DEA agents on the battlefront.

Accordingly, I have taken this special order to permit my colleagues the opportunity to pause and offer our heartfelt condolences to the families of these brave law enforcement officers and let us make certain that their deaths were not in vain.

I yield to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for taking this special order and for yielding. I would like to take this opportunity to inform my colleagues of a tragic airplane crash in the mountains of western Mexico which took the lives of two dedicated Drug Enforcement Administration agents and one Mexican Federal Judicial Police officer. These professional narcotics enforcement officials were flying in the mountains doing critical narcotics reconnaissance work when their plane struck the side of one of the canyons.

I have personally flown with DEA agents in this area and know of the hazardous flying conditions. The canyons in which the opium poppies are illegally cultivated reach heights of 12,000 feet and are often blanketed in a heavy haze. The agents were overflying the cultivated areas to verify the effectiveness of the Mexican eradication campaign. This is crucial work which must be continued.

I have written to the families of these two agents informing them of my appreciation for the work which these men were doing. It is, indeed, a tragedy that Mr. Lunn and Mr. Shaw lost their lives in an effort to save the lives of American citizens who might otherwise abuse heroin which is derived from the opium poppies of Western Mexico.

I know that Mr. Lunn and Mr. Shaw will be long remembered by their colleagues in the narcotics control field. Mr. Speaker, I include the press release describing this tragic event in the RECORD at this point:

[From the Drug Enforcement Administration]

PRESS RELEASE

Mexican Army troops searching the Sierra Madre Mountains 50 miles northwest of Acapulco have discovered the wreckage of a small Drug Enforcement Administration (DEA) plane that crashed into the side of a 12,000 foot mountain peak.

The small plane, missing since Friday when it departed Acapulco International Airport on a routine liaison flight reviewing the Mexican eradication program, was spotted early Sunday morning by ground troops who had been combing the rugged terrain since late Friday. The Mexican troops reported there were no survivors.

The crew of the single-engine, six-seat DeHavilland Beaver aircraft included two DEA special agents and an officer of the Mexican Federal Judicial Police. They were:

DEA Special Agent James T. Lunn, the pilot, 34, of 5516 Broadmoor Avenue, Mission, Kansas. A DEA agent for four years, Lunn was an experienced pilot and former civilian flight instructor for the U.S. Air Force. He also flew DC-7s as a commercial pilot prior to joining DEA. Married and the father of two sons, Mark, 14, and Larry, 12, Lunn was born in Kansas City, Mo. He was a U.S. Air Force veteran and a graduate of Central Missouri State College. His parents are Mr. Ted Lunn of Denever, Colorado, and Mrs. Emma Bogard, of Linwood, Kansas.

DEA Special Agent Ralph N. Shaw, 41, of Del Nido Apartments, El Centro, California, who had worked on the Mexican border since 1962 when he joined the U.S. Immigration and Naturalization Service as a border patrol inspector. He transferred to DEA's predecessor agency, the Bureau of Narcotics and Dangerous Drugs, in 1968. A native of Buffalo, N.Y. and a Marine Corps veteran, Shaw was a graduate of San Bernardino Valley College. He was not married. Ralph Shaw's parents are Mr. and Mrs. Kenneth Charles Shaw, of 113 Florida St., Buffalo, N.Y.

Mexican Federal Judicial Police Officer Noe Inchaustegui.

Funeral arrangements have not yet been completed for the three officers. Mexican Attorney General Pedro Ojeda-Paullada, who has expressed his condolences to the U.S. Embassy in Mexico City, has arranged for a thorough investigation of the crash by Mexican authorities.

The intensive air and ground search has been hampered by a heavy haze hanging over the mountains since the day the plane was reported missing. This haze had limited the use of all aircraft except helicopters on Friday and most of Saturday. Mexican helicopters reached the crash scene Sunday afternoon and confirmed the identity of the plane.

"Special Agents Lunn and Shaw were dedicated narcotic law enforcement officers involved in a difficult international effort to reduce the flow of heroin into this country," said Peter B. Bensinger, Administrator of the U.S. Drug Enforcement Administration.

"Their loss is a tragedy to their families, to law enforcement and to all of us. We extend our deepest sympathies to their families and the family of Mexican Federal Judicial Police Officer Noe Inchaustegui," he said.

"The commitment of these narcotic officers to engage in the fight to stop the flow of heroin resulted in their death. We do not yet know the cause of the crash. That will be determined. We do know," said Bensinger, "that our efforts must continue."

Mr. RANGEL. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding and I would like to join with my colleagues in expressing my profound sorrow about the recent crash of a plane which was carrying two Drug Enforcement Administration agents and an officer of the Mexican Federal Judicial Police. From the reports that I have received, the crew was on a routine flight to check on the Mexican narcotics eradication program. Having personally flown over this area on my factfinding trips, I can fully appreciate the dangers involved in such a mission.

In my efforts to reduce the flow of narcotics which find their way into this Nation, I have worked very closely with the Drug Enforcement Administration. I believe the work they are doing with the Mexican officials is very positive and has led to a reduction of the drugs that come into our Nation from Mexico. The fact that DEA and the Mexican Government are conducting regular missions of this kind indicates a resolve on the part of both to reduce the availability of narcotics despite the potential for danger which these missions present.

Once again, Mr. Speaker, I would like to offer my condolences to the families of the victims and urge that the President continue to seek a dialog with foreign nations on the issue of narcotics control. Perhaps when our diplomatic approaches yield a solution to the eradication issue, we will no longer have to require that such missions be flown.

SIXTEEN OUTSTANDING BROOKLYN POLICE OFFICERS HONORED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, in these troubled times when the crime rate is rising and police services are being cut back because of budgetary considerations, much attention has been focused on the problems of law enforcement. Unfortunately, very often the work of the individual police officer, who has continued to serve the community ably and courageously in the face of growing personal danger, has gone unnoticed. In order to right this wrong, a committee composed of officers of the 67th precinct and the 67th precinct's Community Council—located in my congressional district—have chosen to honor 16 police officers on Police Appreciation Day, May 22, 1976, for extraordinary achievement in the line of duty.

Citations have been awarded to Officers Joseph Buceti, Joseph Perrotto, Anthony Maniscalco, Jeffrey O'Conner, and Michael Tellone for outstanding arrest records. Police Officers Louis Filosa, Milton Berenson, William Lyde, Detective Thomas Fernino, and Lt. Vincent Bradley are being honored for their unusually dedicated police work. The heroic efforts made by Officers Thomas Walsh, Toy Windham, Steven Carcaterra, and Carmine Guadagno to save the lives of those in danger have earned them this special distinction and Detectives Jerome Pascucci and Raymond Dwyer are being recognized for their untiring, unselfish work on behalf of the community they serve.

I salute and congratulate these police officers who were selected for these well-deserved honors and all the policemen and policewomen of the 67th precinct for the fine job they are doing.

HEARINGS ON CONSUMER COMMUNICATION REFORM ACT SHOULD BE CONDUCTED AS SOON AS POSSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, Congress established the Federal Communications Commission—FCC—when it passed the Communications Act of 1934. Since that time our national telephone system has grown to the point where almost every home in the country is connected to every other home. The cost of this service has been generally affordable.

Recently the FCC has made a series of decisions that may affect the quality and cost of the telephone service to the American people. These new rules have not enjoyed congressional examination and may not be consistent with the national telecommunications policy established by the Congress.

On March 4, 1976, the Consumer Communications Reform Act of 1976 was introduced by our distinguished colleague from Wyoming, the Honorable TENO RONCALIO. The bill can provide a useful framework, in my opinion, for discussion of Congress role in the shaping of our national telecommunications policy. I would hope that the Interstate and Foreign Commerce Committee would hold extensive hearings on this legislation as soon as possible.

I have written to the chairman of the committee and I insert my letter to Chairman STAGGERS in the RECORD:

MAY 17, 1976.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In recent years we have witnessed a new spirit of assertiveness on the part of the various regulatory agencies. While in many instances these new directions have produced positive results, often these assertions are in directions which are inconsistent with the policy goals established by the Congress. For instance, over the past seven years the Federal Communications Commission (FCC) has been promulgating regulations, based on the authority initially granted to it in the Communications Act of 1934. Many of these decisions will affect the quality and cost of telephone service to the American consumer and have not received the benefit of detailed Congressional examination.

The Consumer Communication Reform Act, has been referred to your Committee, can provide a useful framework for Congressional debate on the future direction of our national telecommunications policy. I urge that hearings on this legislation be conducted as soon as possible.

Sincerely yours,

DAN ROSTENKOWSKI,
Member of Congress.

POSTAL POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, since passage of my amendment to the House postal reform bill last October which requires the Postal Service to come to Congress for an annual authorization and appropriation, many of my colleagues have questioned me regarding the status of this bill.

Appearing in yesterday's Wall Street Journal was an article which I believe accurately answers that question. I commend it to those of my colleagues who share my interest in improved postal services.

An additional recent action in this regard is a resolution passed by the Board of Directors of the National League of Postmasters which endorses my amendment and urges its inclusion in the Senate postal reform bill. I would also like to share with my colleagues a copy of that resolution:

[From the Wall Street Journal, May 18, 1976]

POSTAL POLITICS—AS MAIL SERVICE SINKS, CONGRESS AND PRESIDENT TRY TO AVOID THE ISSUE

(By James Hyatt and Walter Mossberg)

WASHINGTON.—The troubled U.S. Postal Service is fast becoming the political tar baby of the year.

Although the service is nearing financial collapse and pleading for help, most politicians are studiously avoiding its sticky problems.

The presidential candidates seldom talk about postal troubles. The Postmaster General recently complained that the White House wouldn't even return his phone calls. A series of intense negotiations this month has so far failed to budge President Ford and his top advisers from their opposition to further postal aid.

On Capitol Hill, there is plenty of complaining about rate increases and service cutbacks, but little is done. "In an election year," declares Democratic Rep. William Ford of Michigan, a senior member of the House Post Office Committee, "You can't lose votes by criticizing the Postal Service. You can only lose votes by defending it."

Much of the political energy being invested in the postal problem is devoted to finger-pointing. Some in Congress accuse the White House of dodging the issue, while White House men blame low worker productivity in the Postal Service. The postal unions reject that charge and instead attack the White House and Postal management. In a recent full-page newspaper ad, one union declared, "Grown men are playing 'Post Office' in Washington. And they're kissing off the American public."

SUBSIDY IS STALLED

There is some talk in Congress of various alternatives to cope with postal ills—of providing higher subsidies or permitting full competition by private carriers or restoring congressional control of the independent Postal Service. But none of these ideas commands much support. A bill to double the service's subsidy of $1.5 billion a year has had rough going in the House, has been marking time in the Senate and is being cold-shouldered by the White House.

So Postmaster General Benjamin Franklin Bailar is being left for now to struggle along in a deepening financial morass, with annual deficits exceeding $1 billion. He will probably resort to further service reductions this year and may have to seek still higher rates next year.

In the end, the politicians may have to come to grips with the postal troubles in one way or another. Whatever measures postal management chooses to try to escape real disaster, Congress will take some heat from the public. Service cuts already announced have brought streams of complaints to Capitol Hill, and the lawmakers would surely get a share of the blame for any disaster. "It is temporarily popular to kick the Postal Service," Rep. Ford declares, "but if it collapses, everyone's going to be fumbling to explain where they were when the dam began to break."

Even now argues Patrick J. Nilan, lobbyist for the American Postal Workers Union, "Unless he is deaf, dumb and blind, no politician in Washington can be unaware that the U.S. Postal Service needs more tax funds to keep functioning." But so far Congress and the White House prefer not to see, hear or discuss the unpleasant truths about the mails.

POLITICAL AVERSION

The politicians' aversion to postal matters stems partly from the Postal Reorganization Act of 1970, which converted the old Post Office Department into the new Postal Service. To excise political influence, that law made the Postmaster General an appointee of a separate board of governors, instead of his being nominated by the President. The law also stripped Congress of its politically charged power to set postage rates and postal workers' wages, and to select local postmasters.

The lawmakers couldn't have been happier. "The Postal Service is the kind of problem most members think shouldn't exist. It's like roaches in the kitchen," says one congressional staff aide. "When you really get down to it, they don't even want to think about it." Says one Congressman, "It took us 20 years to get rid of it. Why should we want it back?"

There is another reason why Congress isn't rushing to the rescue of the Postal Service: resentment of what many members feel are pressure tactics by Postmaster General Bailar.

Convinced he can't expect much help soon from the politicians, and believing the public won't accept another rate boost now, Mr. Bailar has chosen to cut postal services. He has announced plans to close many small rural post offices (though that would save only a few million dollars a year) and to slash downtown business mail deliveries in big cities from two to one daily. And the Postal Board of Governors has authorized the legal work needed to propose by midsummer the biggest cut yet, eliminating Saturday mail delivery everywhere—at a saving of $350 million a year.

RURAL AND BUSINESS WRATH

Mr. Bailar insists the cuts aren't being made with the intent of pushing Congress to provide help, but they have brought down the wrath of rural and business constituents upon a large number of lawmakers. In response to rural complaints, about 50 members of Congress recently sued the Postal Service to block the closedowns of small post offices.

The economy moves have cost the Postal Service dearly in congressional support. They have led critics such as Rep. Patricia Schroeder, a Colorado Democrat, to charge that all the service cuts are merely political maneuvers to scare Congress into ponying up more subsidy money. And they have prompted postal allies like Rep. Ford and Sen. Gale McGee of Wyoming, chairman of the Senate Post Office Committee, to plead for a halt to the cuts they believe Mr. Bailar is pursuing without enough sensitivity to political considerations. "We've told Bailar that if he doesn't get off this service-cutting kick, we aren't going to lose any more skin for him," Rep. Ford says.

"Bailar makes a big mistake in not listening to Sen. McGee and others who are telling him about the political costs of the service cuts," says Jerome Waldie, lobbyist for the letter-carriers union and a former member of Congress. "They're costing him the public confidence of the country, and once the country becomes manifestly unhappy, Congress follows."

Mr. Waldie says the congressional coolness to the expanded subsidy bill is "an expression of exasperation with the Postal Service on the part of the average member." In debating the bill on the House floor last year, Democratic Rep. Wayne Hays of Ohio summed up much congressional opinion by charging that the service "has ruined the mail system in the United States."

A Congress so unhappy, postal allies and critics agree, isn't likely to vote blithely the billions needed to balance the postal budget. (The services' deficits are escalating: it had a loss of $1.6 billion during its first four years and will have a loss of nearly that much just in the present fiscal year, ending June 30.)

But even if Congress should pass the subsidy bill, it is considered doubtful that President Ford would go along. Budget Director James Lynn said in February, "We don't believe" that the service "has made a case" for more aid. In March, the administration position softened only slightly, when Press Secretary Ron Nessen said Mr. Ford might support a "very modest" added subsidy. But the White House line against an expanded subsidy has since hardened.

And in a recent letter to the letter-carriers union, President Ford sought to buy more time. "It is premature to conclude that an increased taxpayer subsidy is the only answer," he wrote, promising that the administration "will be considering several alternatives for action during the next few months."

Like other politicians, President Ford apparently feels there are big risks in plunging into the postal mess. "He is under the gun to keep the budget down," explains Rep. Edward Derwinski of Illinois, ranking Republican on the House Post Office Committee. "If he came in with a substantial request, he'd get shouted at for pouring good money after bad."

Bailing out the Postal Service, Mr. Derwinski says, wouldn't be an accomplishment that is "readily exploitable" in the presidential campaign. "It isn't the kind of issue your Madison Avenue genius likes," he says. "He wants you to solve Palestine, or Cyprus, or whip cancer. The Post Office is more of a pain in the neck than anything else."

Still, many Democrats in Congress believe it is properly the President's pain in the neck, partly because he appoints the service's board of governors. "If the President wants to improve the service," fumes Rep. Schroeder, "he can put some people in there who know which side of a stamp you lick." Instead, she claims, "The President is pretending he's never heard of the Postal Service."

The belief that the White House is playing politics with the issue has prompted fear among Congressmen that approving a postal subsidy increase would expose them to a White House squeeze play: The President might veto Congress' bill as being too expensive, and take credit later for proposing some other plan of his own. So, before an increased subsidy can be passed, Sen. McGee says, "there has to be a bona fide move" from the White House to support the idea.

That isn't the legislation's only problem. The chief advocates of a bigger subsidy, the postal committees of both houses, have lost much of their old clout since the 1970 law took patronage out of the Post Office. Many younger Congressmen now regard the committees as undesirable legislative backwaters, and their members are often viewed as apologists for the Postal Service.

That problem surfaced sharply last fall when the House, acting against the wishes of its postal committee, insisted on amending its version of the subsidy bill. Twice, on the House floor, a majority adopted an amendment sponsored by Democratic Rep. Alexander of Arkansas to return full control of the postal budget to Congress.

"Those votes caught us by surprise," Rep. Ford, a committee leader, admits. "Even though we'd heard a lot of complaining, we underestimated the reservoir of resentment in the House."

So great is the discontent, says Rep. Paul Simon (D., Ill.), that "if a vote were taken right now between the old system or this, the vote would be five-to-one to go back to the old system." But Sen. McGee, Rep. Ford and others don't believe most angry Congressmen really want that. So the postal committee leaders are clinging to their subsidy proposals.

However, the subsidy bill is off to a rocky start in Congress. Sponsors were cheered when the Senate Budget Committee voted to include $1 billion for additional postal subsidies in the new fiscal year but were jolted when House-Senate conferees on the budget total later decided against the extra funds. And plans by the Senate Post Office Committee to act directly on the subsidy bill stalled this month when the White House opposed a subsidy increase.

Sen. McGee will try in the next month or so to get the Senate to pass a subsidy bill unencumbered by an Alexander-type amendment. He hopes to be able to kill the budget-control idea for good when the Senate and House bills are compromised in a conference committee.

Still, the House rebellion would probably require inclusion of some provisions restoring to Congress a more direct role in postal affairs. That might mean stepped-up congressional supervision of the postal budget or a moratorium on service cuts and rate increases.

Or some move could emerge to pin more responsibility on the White House. Both Rep. Alexander, and Rep. Ford want to make the Postmaster General once again a presidential appointee, confirmed by the Senate. "I want to put the President on the spot," Rep. Ford explains.

Meanwhile, until the politicians act, Mr. Bailar will keep cutting services. "When I look at those two House votes last fall, and I look at the size of the federal deficit," he says, "I've got to operate on the assumption we aren't going to get more money. Of course, if I'm wrong, it'll help a great deal. But I can't count on it."

RESOLUTION

Whereas sufficient time has elapsed to assess the operation of the U.S. Postal Service under the Postal Reorganization Act of 1970; and

Whereas the performance in the past five years of the quasi-independent agency has resulted in a general deterioration of mail service to the American people; and

Whereas the postal management in Washington has so isolated itself as to make it unaccountable and unresponsive to the people; and

Whereas the current management has not responded to the changing postal needs of the American people; and

Whereas the postal management has chosen to take out its financial woes on those postal patrons who reside in non-metropolitan areas:

Be It Therefore Resolved, That the National League of Postmasters supports fundamental changes in the Postal Reorganization Act of 1970 to restore the accountability of the top postal management to the people the Postal Service was created to serve;

Be It Further Resolved, That the League believes that Congress must intervene to correct existing inefficiencies in the postal system through the means expressed in the House-passed postal reform bill, specifically the Alexander amendment to require the Postal Service to come to Congress annually to justify its budget and to secure an annual appropriation.

Be It Further Resolved, That the League supports the House provision requiring Presidential appointment and Senate confirmation of the Postmaster General and the Deputy Postmaster General.

Be It Further Resolved, That the National League of Postmasters urges that the Senate Post Office and Civil Service Committee include the above-mentioned provisions in its postal reform bill.

HEARINGS CONCLUDED ON H.R. 13131, AMENDING CLAYTON ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. **RODINO.** Mr. Speaker, the House Judiciary Subcommittee on Monopolies and Commercial Law has now concluded its hearings on H.R. 13131, a bill to amend section 7 of the Clayton Act to provide for premerger notification, waiting, and stay requirements. In the course of our hearings, we have heard from officials of the Federal Trade Commission and the Antitrust Division of the Justice Department, economists, a representative of the American Bar Association, attorneys in private practice, interested members of the business community, and the distinguished former chairman of our committee, Emanuel Celler. I would like to note that the hearing record on H.R. 13131 will remain open until Friday, May 28, 1976, in order to receive further comments and written submissions on this legislation, which I am sponsoring.

I would like to request permission to revise and extend my remarks on this important and vitally needed measure.

EULOGY FOR THE LATE HONORABLE WILLIAM BARRETT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. BURKE) is recognized for 5 minutes.

Mrs. **BURKE** of California. Mr. Speaker, in the space of just a few weeks, the House has lost two distinguished and respected colleagues in Wright Patman and, just last month, Bill Barrett. Bill will long be remembered for his painstaking work and leadership on behalf of housing legislation. He was the architect of laws which have had great positive impact on the needs of minorities and the poor of this Nation.

Beginning with the landmark Housing and Urban Development Act of 1965, Bill went on to fashion the Demonstration Cities Act of 1966; the Housing and Urban Development Acts of 1968, 1969, and 1970; the Housing and Community Development Act of 1974; and the Emergency Housing Act of 1975.

Bill will also be remembered for his wonderfully unique approach to constituent representation. He returned to his district every evening after the House adjourned to meet with constituents—often into the early morning hours. Such tireless energy made him an effective Representative—a man of whom we can be very proud. He will be sorely missed.

ANNOUNCEMENT AS TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, due to official business of the Committee on Veterans' Affairs I was compelled to be absent from the session of the House held on Monday, May 17, 1976, and for that reason missed rollcall votes Nos. 271 and 272. I wish the RECORD to show how I would have voted had I been present for those rollcalls.

As to rollcall No. 271, on S. 2679, to establish a Commission on Security and Cooperation in Europe—I would have voted "yea."

As to rollcall No. 272, on House Resolution 1183, the rule providing for the consideration of H.R. 10210, the Unemployment Compensation Amendments of 1975—I would have voted "yea."

THE HONORABLE JOHN W. McCORMACK

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. NATCHER) is recognized for 15 minutes.

Mr. **NATCHER.** Mr. Speaker, I want to commend you on the excellent statement that you made at the time our distinguished former Speaker, John W. McCormack, visited with us in the House Chamber on May 12, 1976.

When I was sworn in as a Member of Congress on January 6, 1954, I soon learned that our friend, John W. McCormack, was one of the Members in the House who always assisted new Members and his door was open at all times for advice and assistance to a newly elected Member of the House of Representatives. This applied not only to those of us who sat on the Democratic side of the aisle, but to the new Members who sat on the Republican side. Like all new Members, I wanted to get a good start in the House and shortly after I was sworn in I went to see Mr. McCormack. His guidance and his counsel was freely given and he was loved and respected by all of the Members of the House.

It was a distinct honor and privilege for me to serve with our former Speaker from the date that I was sworn in as a Member until January 3, 1971, the date of his retirement as a Member of Congress and as Speaker of the House.

As you know, Mr. Speaker, our friend, John W. McCormack served as Speaker of the House of Representatives from January 10, 1962, until January 3, 1971, which was the longest consecutive tenure that any Speaker has served since the opening day of the first Congress on March 4, 1789.

Mr. Speaker, the status of our Nation is built on the careers of such men as John W. McCormack. Down through the years the outstanding Members of the House have performed the demanding and necessary assignments which must be done every day and these men and women have to make hard and unpopular decisions at times. During our time giants have walked the face of the Earth and John W. McCormack was one among them. Never was there anyone more dedicated to the service he performed or the people he served. He has a mind that has never flagged, a physical well-being that age and prodigious exertions cannot attack.

As we all know, Mr. Speaker, our former Speaker has charm and wit and he always extended a warm courtesy and consideration toward others at all times. The Members of the House, regardless of party, were impressed by his intelligence and dedication, his compassion and his humor. He loves his country, his State, and the House of Representatives. This is the greatest legislative body in the world and it has acquired this honor and distinction by virtue of having such men as John W. McCormack to serve as Members.

In future years historians writing about the House of Representatives will often mention the name of John W. McCormack. As you have probably heard me say, Mr. Speaker, when history records the story of John W. McCormack's tenure in the Congress, it will state that in addition to his many other duties and offices that he filled as a Member of the House, he served as chairman of the Select Committee on Astronautics and Space Exploration. After the Soviet Union succeeded in placing Sputnik I in orbit on October 4, 1957, a select committee composed of 13 Members of the House and 13 Members of the Senate were named and after conducting hearings for a period of 1 year, prepared and passed through the House and the Senate the legislation creating the Space Agency and shortly thereafter the necessary resolution setting up the Committee on Science and Technology. On the initial select committee we had seven Members on the Democratic side composed of John W. McCormack, chairman, together with Representatives Overton Brooks, Brooks Hays, Leo W. O'Brien, LEE METCALF, WILLIAM H. NATCHER, and B. F. SISK. On the Republican side we had as the ranking minority Member, the Honorable Joseph W. Martin, Jr., together with Representatives Leslie C. Arends, Gordon L. McDonough, James G. Fulton, Kenneth B. Keating, and Gerald R. Ford. Mr. Speaker, President Ford today would say to you that his assignment on this select committee was one of the most fascinating assignments that he has ever filled during his career as a public official. I can make the same statement and I know all of the others who served with us under the chairmanship of our former Speaker would agree.

Again, I want to commend you, Mr. Speaker, on your excellent statement and recognition of our former Speaker on May 12, 1976. It is impossible to surpass in sincerity or depth of feelings some of the words that have been so well written and eloquently spoken about our former

Speaker. The achievements of Mr. McCormack on the American scene over the years will be long remembered, and again, I want you to know that one of the nicest things that has happened to me during my career as a Member of Congress is the opportunity that I have had to associate with and to be a friend of John W. McCormack.

A HAPPY ENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, 6 months ago 16 Members of Congress sent letters to officials of the Soviet Union, Secretary General Leonid Brezhnev and Ambassador Anatoly Dobrynin, asking their assistance in securing exit visas for Sofia Belotserkovskaya and her daughters.

Married to Edward Gorin, a member of the Baltimore Symphony Orchestra, Sofia had tried for 3 years to obtain permission to join her husband in the United States. Mr. Gorin was fired from the Bolshoi Symphony Orchestra for refusing to denounce his former colleagues who had emigrated from the Soviet Union. Unable to find work, he applied for exit visas for himself and his family. Only his was granted. Upon receipt of the visa he was told that he had to leave the country within 5 days or face imprisonment. From the time he left, the Gorins have been trying to reestablish their family life.

This story, unlike many stories of Soviet citizens who wish to emigrate, has a happy ending. Mr. Gorin and his wife and daughters were in my office this morning, having finally arrived in Baltimore. I wanted to share this story with our colleagues as a reminder that sometimes our seemingly futile efforts are not in vain. I am sure that you will join me in welcoming the newly reunited Gorin family to the United States.

JUSTICE DENIGRATED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I read in the New York Times that Eugene Hollander, a nursing home operator who was one of the chief perpetrators of medicaid fraud in the State of New York, has been given a suspended prison sentence. In dollars alone his fraud was so great that he has agreed to pay New York State $1,000,000 in restitution and $250,000 in fines within 6 months, and further, not to engage in the nursing home field or any related activity.

The sentencing judge, Justice Milton Mollen, according to the New York Times report, said in the State supreme court in Brooklyn:

> A prison sentence in this instance is the equivalent of a death sentence.

According to the Times:

> Moments earlier, the justice had read into the record excerpts from reports by medical experts who had agreed that Mr. Hollander would probably commit suicide if incarcerated, or would suffer severe aggravation of a current heart ailment. The likelihood of suicide was said to be a result of 18 months spent by Mr. Hollander in Nazi concentration camps.

This sentence is in addition to a Federal court sentence of May 4 in which Judge Jack B. Weinstein of the U.S. district court in Brooklyn had also sentenced Mr. Hollander in a way different than ordinarily occurs. There, the judge ordered that the former president of a Metropolitan Nursing Home Association spend 5 nights a week for as much as 6 months in a detention center. The New York Times article goes on to say that—

> The judge had added that the sentence could be shortened if Mr. Hollander could satisfy Federal officials that he had paid back all he owed and that he no longer was connected with the nursing home industry.

Mr. Speaker, such favored treatment of Mr. Hollander brings the judicial system into gross disrepute and in this case it is both the Federal and State courts which should be criticized. I happen to know both Justice Mollen and Judge Weinstein and I have a high regard for both of them as decent, able, ethical men. But I must say I am grievously disappointed in what occurred. To those who say it is inappropriate to criticize judges for their decisions, I say they are not infallible and above criticism, and criticize I will.

I am proud to state that it was as a result of my urging that Senator FRANK MOSS, chairman of the Senate Special Committee on the Aging, brought his committee to the State of New York in January 1974 and undertook the basic investigation of the nursing home scandal initially involving Dr. Bernard Bergman and then extending to others. I was especially pleased and proud that as one of his first actions, the new Governor, our former colleague, Hugh Carey, appointed a special prosecutor to investigate the nursing home industry because of the revelations that came about as a result of the Moss Committee hearings. And I am also proud that Senator Moss invited me to participate in those hearings and examine the witnesses, which I did.

Governor Carey appointed Charles J. Hynes as a deputy attorney general and special State prosecutor. How depressed Mr. Hynes must be, by the courts' actions. Let me quote his remarks following yesterday's court decision:

> He (Eugene Hollander) stole more flagrantly than anyone else in the industry, and the principal objective was to build for himself a life of luxury and prestige on the backs of those committed to his care. He remodeled his Fifth Avenue apartment at a cost of nearly $30,000; he purchased more than $12,000 worth of paintings, including two Renoirs—and in both instances these costs were disguised as expenses related to the care of patients in his nursing homes.

What I find difficult to understand is how, if Mr. Hollander's Nazi concentration camp experience so affected him that he would now commit suicide if imprisoned, he could have taken medicaid funds for his own benefit and consequently forced the elderly sick to live in poor circumstances. If that becomes an acceptable defense to imprisonment, then every other convicted defendant should be able to find comparable psychiatric reasons to ask for similar lenient treatment.

I believe that if we permit white collar criminals to escape prison and simply engage in restitution, it places in question our right to punish with prison the poor who engage in physical crimes of violence. I am one of those who believes that our judicial system is verging on bankruptcy. We do not apprehend our criminals in sufficient numbers and when we do apprehend them in limited numbers, we do not adequately punish them. When the revelations are such as they were in this case, that someone has enriched himself on the bodies of those elderly entrusted to his care by the Federal Government, and at the expense of the U.S. taxpayer, it is shocking to find that such an individual does not go to jail. Such kid glove handling of Mr. Hollander must reinforce, whether true or not, the feelings that pervade so many in our society today, that the rich get richer, the poor get poorer and it is not what you know, but whom you know that counts.

Once a sentence has been imposed under our system, it cannot be changed other than reduced. But I would feel less of a legislator if I sat silently by and let this travesty of justice occur without stating my dissent.

PUBLIC PARTICIPATION IN GOVERNMENT PROCEEDINGS ACT OF 1976

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today with our colleagues YVONNE BURKE, MICHAEL HARRINGTON, TOBEY MOFFETT, NED PATTISON, and JOHN SEIBERLING, who are the initiating prime sponsors with Chairman PETER RODINO and I are introducing legislation which will permit the award of reasonable attorney fees and other expenses for public participation before Federal agencies. The bill, known as the Public Participation in Government Proceedings Act of 1976, has been introduced in the other body by Senator KENNEDY as S. 2715, and on Wednesday, May 12, was reported favorably by the Senate Judiciary Committee.

In part, this legislation is in response to the Supreme Court decision of last year, Alyeska Pipeline Co. against Wilderness Society. In that case the Court held that unless there was a specific statute allowing attorney's fees that attorney's fees would not be awarded.

While a few limited attorney's fees provisions do exist in specific areas, there is no comprehensive statute. Under the Public Participation in Government Proceedings Act, each agency is authorized to award reasonable attorney fees, expert witness fees, and other costs of participation when public participation can reasonably be expected to promote a full and fair determination of the issues involved in the proceeding.

To be eligible a person or class of persons must be reasonably expected to substantially contribute to a fair determination of the proceeding, and the person's or classes' economic interest in the case must be small or their resources so small that they could not participate without an award.

The act applies to all licensing, ratemaking, and rulemaking proceedings and such other agency proceedings which involve issues relating to health, safety, civil rights, environment, and consumer pocketbook issues.

Furthermore, any party or intervenor in a civil action for judicial review of agency action shall be entitled to collect reasonable attorney's fees where the court affords in substantial measure the relief sought, or subsequently the agency affords the relief sought, and the court determines that an important public purpose was served; and the economic interest in the case is small or their resources are so low that without an award under this section they could not have participated.

Each agency makes the determination of elegibility under this section prior to the commencement of any proceeding, unless that is impractical.

There are provisions to bring a civil action to review an agency action which has denied or insufficiently awarded or reimbursed attorney fees. Agencies are required to adopt regulations to take effect within 6 months after enactment.

There are reporting requirements for each agency head and the courts to make an annual report to Congress on the nature and disposition of all proceedings in which fees and costs were sought under the act.

CONCLUSION

I have been concerned with the issue of citizen access to our legal processes for quite some time. In April of 1975 I introduced H.R. 6296 which provides for the award of attorney fees in criminal cases where the defendant has not been convicted. In December of last year I presented a draft of comprehensive legislation which would permit courts and administrative agencies to award attorney fees in criminal and civil cases as well as administrative proceedings—CONGRESSIONAL RECORD, December 12, 1975, at page 40239.

The legislation I am introducing today is an important first step toward broader citizen participation in our agency process. It comes at a time when the American people are no longer convinced that Government is working in the public's best interests. It also comes at a time when the citizenry is becoming acutely aware that they do not have the resources to effectively represent their position against a relatively well-funded and powerful bureaucracy. Not only will this bill provide the agencies with needed citizen input, but hopefully it can also put us on the right track toward restoring public confidence in government. A copy of the bill follows:

H.R. —

A bill to amend chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act), to permit awards of reasonable attorneys' fees and other expenses for public participation in proceedings before Federal agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Public Participation in Government Proceedings Act of 1976".

SEC. 2. (a) Subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), is amended by inserting after section 558 of such title the following new section:

"§ 558a. Attorneys' fees; fees and costs of experts; participation expenses

"(a)(1) The Congress finds that effective functioning of the administrative process of Government requires Federal agencies to seek the views of all affected citizens. In practice, access to the administrative process is frequently an exclusive function of a person's ability to meet the high cost of participation in Government proceedings.

"(2) The purpose of this section is to promote increased public participation in agency proceedings, thereby insuring more effective functioning of the administrative process by enabling all affected persons to secure the representation in agency proceedings to which such persons are entitled. The Congress intends that Federal agencies shall utilize to the fullest extent the authority and funds provided pursuant to this section.

"(b)(1) For the purpose of this section, the term—

"(A) 'person' means any person defined in section 551(2) of this title and includes a class of individuals and any individual member of such class;

"(B) 'proceeding' means any agency process including adjudication, licensing, rulemaking, ratemaking, or any other agency process in which by statute, regulation, or agency practice public participation is authorized, whether or not such process is subject to the provisions of this subchapter.

"(2) This section applies to all rulemaking, ratemaking, and licensing proceedings, and in addition, to such other proceedings involving issues which relate directly to health, safety, civil rights, the environment, and the economic well-being of consumers in the marketplace.

"(c) Each agency is authorized, in accordance with the provisions of this section, to award reasonable attorneys' fees, fees and costs of experts, and other costs of participation incurred by eligible persons in any agency proceeding whenever public participation in the proceeding promotes or can reasonably be expected to promote a full and fair determination of the issues involved in the proceeding.

"(d) Any person is eligible to receive an award under this section based on participation (whether or not as a party) in an agency proceeding if—

"(1) the person represents an interest the representation of which contributes or can reasonably be expected to contribute substantially to a fair determination of the proceeding, taking into account the number and complexity of the issues presented, the importance of public participation, and the need for representation of a fair balance of interests: and

"(2)(A) the economic interest of the person in the outcome of the proceeding is small in comparison to the costs of effective participation in the proceeding by that person, or whenever the person is a group or organization, the economic interest of a substantial majority of the individual members of such group or organization is small in comparison to the costs of effective participation in the proceeding, or

"(B) the person demonstrates to the satisfaction of the agency that such person does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this section.

"(e) In any enforcement proceeding and in any other proceeding with respect to a license, rate, route, or other privilege, grant, or benefit, and upon application by an eligible person, the agency may require the respondent or applicant in such proceeding to pay part or all of an award under this section upon a determination by the agency that the respondent or applicant has acted toward that eligible person in an obdurate, dilatory, or mendacious fashion, or for oppressive reasons.

"(f)(1) In order to facilitate public participation, each agency shall make a written determination, giving reasons therefor, of the eligibility of a person for an award under this section, and the amount and computation of such award, if any, prior to the commencement of any proceeding, unless the agency makes an express written finding that all or any part of such determination cannot practically be made at that time. The agency shall make such determination after consideration of the maximum amount payable for awards under this section for the proceeding and the requests or possible requests for awards under this section by other eligible participants in the proceeding.

"(2) Payment of fees and costs under this section shall be made within ninety days after the date on which a final decision or order disposing of the matters involved in the proceeding is made by the agency.

"(3) If an eligible person establishes that the ability of such person to participate in the proceeding will be impaired by failure to receive funds prior to the conclusion of such proceeding, then the agency shall make advance payments to permit the person to participate or to continue to participate in the proceeding.

"(4) A person who receives advance payments pursuant to this section or who the agency determines to be eligible to receive a specified award pursuant to this section shall be liable for repayment of part or all of such payments actually received, or for forfeiture of part or all of the specified award for which such person is determined to be eligible, whenever the agency determines that—

"(A) the person clearly has not proivded the representation for which the payments or specified award was made, or

"(B) the person has acted toward a respondent or applicant under subsection (e) of this section in an obdurate, dilatory, mendacious, or oppressive manner.

"(5) Reasonable attorneys' fees, experts' fees, and other costs of participation awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished.

"(g) A person may bring an action in accordance with chapter 7 of this title for review of a final agency action under this section—

"(1) denying an award or payment of an award of fees or costs, or both, or

"(2) granting an amount of fees or costs, or both, which is insufficient to enable such person to participate effectively in a proceeding, or

"(3) reimbursing an amount of fees or costs, or both, which is insufficient to compensate adequately such participation,

in the appropriate court of the United States having jurisdiction of an appeal from the proceeding in which such person participated or sought to participate, except that no other to stay the proceeding in which application for payment of fees and costs under this section was made shall be entered by that court in such action.

"(h)(1) Each agency shall, within ninety days after the date of enactment of this section, propose regulations to carry out the provisions of this section. Such regulations shall be adopted by the agency and take effect no later than one hundred eighty days after the date of enactment of this section.

"(2) The head of each agency to which this section applies shall prepare and transmit to Congress on the date of submission of the President's budget an annual report with respect to the nature and disposition of all proceedings in which grants of fees and costs pursuant to this section were sought, and which report shall include the amounts sought and awarded in each such proceeding, the computation of such amounts, and the identity of each recipient.".

(b) The analysis of chapter 5 of title 5, United States Code, is amended by inserting immediately after the item relating to section 558 of such title the following new item:

"558a. Attorneys' fees; fees and costs of experts; participation expenses.".

Sec. 3. (a) Chapter 7 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 707. Attorneys' fees; fees and costs of experts; litigation expenses

"(a) For the purpose of this section, the term 'person' means any person defined by section 551(2) of this title and includes a class of individuals and any individual member of such class.

"(b) Notwithstanding any other provision of law, any party or party intervenor in a civil action or other proceeding for judicial review of agency action under this chapter shall be entitled to recover reasonable attorneys' fees, fees and costs of experts, and other costs of litigation, including taxable costs, from the United States, if—

"(1) the court affords such person the relief sought in substantial measure or, after the filing of such action, the agency affords such person the relief sought in substantial measure;

"(2) the court determines that such action served an important public purpose; and

"(3)(A) the economic interest of the person is small in comparison to the costs of effective participation in the action by that person, or whenever the person is a group or organization, the economic interest of a substantial majority of the individual members of such group or organization is small in comparison to the costs of effective participation in the action, or

"(B) the person demonstrates to the satisfaction of the court that such person does not have sufficient resources available to participate effectively in the action in the absence of an award under this section.

"(c) Reasonable attorneys' fees, experts' fees, and other costs of litigation awarded under this section shall be based upon prevailing market rates for the kind and quality of the services furnished.".

(b) The analysis of chapter 7 of title 5, United States Code, is amended by adding immediately after the item relating to section 706 of such title the following new item:

"707. Attorneys' fees; fees and costs of experts; litigation expenses.".

Sec. 4. The Administrative Office of the United States Courts shall, in accordance with such rules as the Judicial Conference of the United States may prescribe, prepare and transmit to Congress an annual report on awards of attorneys' fees and litigation expenses against the United States under section 707 of title 5, United States Code. Such report shall contain a list of all civil actions in which such awards were sought, and shall include the amounts awarded in each such action and the identity of each recipient.

Sec. 5. (a) In addition to the sums authorized under subsection (b), and in addition to any funds otherwise available for supporting public participation in agency proceedings, there are authorized to be appropriated for the purposes of carrying out the provisions of the amendment made by section 2 of this Act the sums of $10,000,000 for the fiscal year 1977, $10,000,000 for the fiscal year 1978, $10,000,000 for the fiscal year 1979, and such funds as may be necessary for each fiscal year thereafter.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of the amendments made by section 3 of this Act.

Sec. 6. The provisions of this Act shall take effect on the date of its enactment, except that—

(1) the amendment made by section 2 shall take effect one hundred eighty days after such date, but the provisions of the amendment made by such section shall apply to the proceedings in which regulations are required to be issued under section 558a(h)(1); and

(2) the amendments made by section 3 shall apply to any civil action in which final judgment is entered after such date of enactment.

UKRAINIAN-AMERICANS SALUTE THE BICENTENNIAL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the 200th birthday of this Nation is bringing out a strength in our people—the ability of Americans of different backgrounds to join in a common identity. One of the most recent examples of this phenomenon took place last week in New York City as the first Ukrainian Bicentennial Street Fair brightened East Seventh Street in Manhattan. The fair also marked the 100th anniversary of Ukrainian immigration to the United States, and this dual celebration highlights the ability of different ethnic cultures to remain vibrant in our pluralistic society.

In the bright costumes and traditional dances could be seen the strong heritage of a proud people. The 100 children from St. George's Ukrainian Catholic Parochial School who took part in the fair are evidence of a robust culture. St. George's, under the guidance of Sister Gerald, O.S.M. and Sister Martin, O.S.M. keeps alive the traditions in this area of downtown Manhattan which was formerly almost totally Ukrainian.

The singing of the "Star-Spangled Banner" followed by "The Ukrainian Has Not Perished Yet" caused one to step back and reflect on the reason for these celebrations: freedom. The United States is celebrating its 200th year of independence, and as Rev. Volodymyr Gavlich, O.S.M., said in his benediction, the Ukrainian Americans were giving thanks for the freedom which they have been able to enjoy in the United States for the past century. But in the festive ceremonies, no one has forgotten the fight for freedom from Soviet rule which continues for those freedom-loving Ukrainians oppressed and still living in the homeland. The spirit of the East Seventh Street Fair, and the pride in the Ukrainian heritage shows that feelings for their ancestral country, its culture and traditions, remains strong.

I am proud to be the Member of Congress representing this community and was delighted to have participated in their celebration.

One final note, Mr. Speaker. In the thoughts of all assembled for the celebration was the name of a Ukrainian dissenter who is now in jail in the Soviet Union—Valentyn Moroz. I would like to end this statement with the fervent cry of the free in this country, whether Ukrainian or not: "Free Moroz."

THE OUTREACH PLAN

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, as my colleagues in this body well know, the food stamp program is now a multibillion-dollar-a-year proposition involving tens of millions of American recipients. At the time of the original Food Stamp Act in 1964, the Government decided that the American public should be educated as to the existence of the new program and the Department of Agriculture established program promotion as a nationwide advertising campaign to encourage good nutritional habits in this Nation and to disseminate dietary and nutritional information to the public.

As with all Government programs, however, revisions were inevitable, and in 1971 Congress drafted new food stamp amendments that replaced program promotion with the Outreach Plan whereby States were directed to undertake effective action to insure participation of eligible households in the food stamp program as well as inform State residents of the eligibility requirements and benefits of the program. Semantics play a great role in our Government and in the USDA regulations implementing Outreach, the States were only directed to encourage participation in the food stamp program with the result that on April 7, 1975, in the case of Bennett against Butz—U.S. district court, Minneapolis—the court decided that the USDA regulations were not living up to the wording of the law and directed the Department of Agriculture to implement new comprehensive plans for insuring food stamp participation by July 1975.

Based on this court case and on Congress selection of words in the 1971 Food Stamp Amendments, Missouri and every other State of this Union must now employ a full-time food stamp coordinator to organize and direct the State's food stamp advertising campaign and, in the best traditions of Government paperwork, to send an updated plan to USDA every 6 months advising what the State had done in the previous 6 months, what the State plans to do for the next 6 months, estimating the direct and indirect costs of the program, detailing the minimum number of food stamp eligibles and actual participants, and explaining in detail what audio-visual aids that State used to advertise the food stamp program.

The absurdity of this regulation, albeit at the direction of a district court, is manifest.

First, States use various forms of data in determining food stamp eligibility and, therefore, the State plans will have no usefulness insofar as comparing State achievements under Outreach.

Second, there is no way to determine the cost to the Federal Government of Outreach since the Federal share of same is lumped into other administrative expenses. Nevertheless, in fiscal year 1975 it is estimated that the States spent $880,000 and the Federal Government spent $1,106,000 for Outreach merely to advertise the existence of one Federal program.

Third, I find it absolutely ridiculous that we are spending an undertermined amount each year to get more people on food stamps while at the same time

Congress and the Department of Agriculture are trying to tighten food stamp eligibility, lower benefit amounts, and reshape the program to curb abuse.

Finally, the implementation of Outreach once again places the Government in the position of dictating how State resources will be spent—a practice I deplore not only for its possible unconstitutionality but also for its threat to our fundamental concept of a Federal Government. The "federal" in Federal Government does not mean a centralized, all-powerful government in Washington but rather highlights the fact that ours is a government formed by a compact between our States to yield certain abatements of sovereignty to a unified government. Increasingly, however, the States have been forced to subtly yield more and more of their sovereignty to the Government and I believe that the following letter from the Governor of Missouri demonstrates the frustration that is faced by our States today:

Executive Office,
State of Missouri,
Jefferson City, Mo., April 20, 1976.

Hon. Earl Butz,
Secretary,
U.S. Department of Agriculture,
Washington, D.C.

Dear Secretary Butz: Enclosed is a copy of Amendment No. VII to Missouri's Food Stamp Program detailing the operation of our State Outreach Plan. Missouri will comply with the federally mandated requirement for establishing an Outreach Plan, but we will do so under protest.

Additional state personnel will be required to administer the Outreach Plan. I am opposed to spending state monies for additional administrative costs on an informational program the state does not want or need. We do not believe that a significant number of people are uninformed about the availability of food stamps. The State Outreach Plan will place additional financial burden on the state with negligible benefits. Furthermore, the program may have a demoralizing effect on our citizens since the plan encourages applications for food stamps, and yet federal legislation currently pending in Congress would curtail issuance of the stamps.

While Missouri will comply with the minimum requirements in operating the State Outreach Plan, I emphasize again that we do so under protest.

Sincerely,

Christopher S. Bond,
Governor.

Fortunately, there is some relief on the horizon for our States and the burden imposed by the court ordered regulations for the Otureach Plan. Markup began on May 12 before the full House Agriculture Committee on H.R. 13613, a bill providing for general reform of the food stamp program. H.R. 13613 does contain a provision which deletes the 1971 food stamp language forcing States to insure the participation of eligible individuals in the food stamp program and replaces this language with a much more reasonable provision whereby the States and the Federal Government shall cooperate in informing the public of the food stamp program. No longer, however, will States have to meet the unreasonable requirement of proving that they are insuring the participation of all eligible individuals in the food stamp program.

The Outreach Plan is only a minute part of our Government program and yet it exemplifies what is wrong with lawmaking today. In drafting laws Congress must be more sensitive to the impingement of those laws on State resources and privileges and more cautious in the actual language of its legislation. More and more the laws drafted and passed by Congress are taking on entirely different meanings through agency regulation or court interpretation. As a result Congress is spending more time redrafting laws already passed in an attempt to overturn court or agency decisions. The laws of this land are to be made only by Congress and not by judicial or agency edict. The only way to insure this is to make sure from the outset that the laws we enact say in exact terms what we mean.

RETRAINING CUBAN PROFESSIONALS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the outstanding educational facilities in my area is the Bilingual Institute at Biscayne College, which is engaged in the retraining of Cuban professional men and women so that they can function at the professional level in our English-speaking society.

The distinguished director of this institute is Dr. Carmen Marina. She is making an outstanding contribution to our area and I would like to call to the attention of our colleagues, her work and her own professional background:

Dr. Carmen Marina

The Bilingual Institute started in the Fall, 1972, with 282 students. Its enrollment has been growing steadily and stands at 860 today. It is engaged mainly in the re-training of Cuban professionals providing them with the necessary knowledge and credit so that these Cubans are able to function at a professional level in the American society. The first group graduated in December, 1973, and since then until the summer of 1975 378 professional Cubans have acquired professional status in the United States through the Bilingual Institute. They have obtained degrees in the areas of Education, Business Administraton, Accounting, Sociology, Psychology and other professional fields.

Dr. Marina is a graduate of Villaneuva University in Havana, Cuba with a Doctor in Pedagogy degree. She came to the United States and continued her education acquiring a Master of Teaching Arts and later a Doctor of Education degree. She started a Bilingual program in the New Jersey School System in 1967, and eventually became Director of "The Weekend College," at Montclair State College and Director of the "Spanish-speaking Teacher Training Corps" in New Jersey in the summer of 1969. When she came to Miami the programs she started in New Jersey were still functioning. The Bilingual Institute is still growing as a service to the Spanish-speaking community in the South Florida area.

CREATION OF A SELECT COMMITTEE ON PROFESSIONAL SPORTS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING Mr. Speaker, as the author of proposed legislation in the 93d and 94th Congresses to fully apply the antitrust laws to professional sports, I am particularly interested in the adoption yesterday of House Resolution 1186, creating a select committee on professional sports.

Last year, I introduced H.R. 2355, which would prohibit such restrictive anticompetitive practices as the reserve clause, the Rozelle rule, blacklisting, and certain other facets of the reserve systems used by professional sports leagues. During the congressional recess last October, the House Judiciary Subcommittee on Monopolies and Commerical Law conducted hearings on H.R. 2355. National Football League Players Association President Kermit Alexander, and Executive Director Ed Garvey testified in support of the bill, as did our distinguished former colleague and antitrust expert Hon. Emanuel Celler. NFL Commissioner Pete Rozelle testified against the bill. The Judiciary Committee also had the benefit of the administration's views on the legislation, which were essentially neutral.

During those hearings, I pointed out that "professional sports is the only industry in the United States which drafts its employees, buys them, sells them, trades them, refuses to let them negotiate with other employers."

I went on to say:

> It may be that some of the practices which would be specifically prohibited by H.R. 2355 could, standing alone, be considered reasonable restraints between persons in an employer and employee relationship. However, they do not stand alone. They are part of a deeply entrenched, long-standing industry-wide system which goes far beyond the normal terms and conditions of employment and which affects competition between the various member teams of the professional sports leagues. . . .
>
> Professional sports are one form of entertainment, they are one segment of the entertainment industry. Each of the major sports industries is a multi-million dollar business. The owners are in it for one reason—to make money. There is no reason whatsoever why professional sports should not be treated the same as the other segments of the entertainment industry, none of which needs any special antitrust exemption. If Congress or the courts are to treat professional sports any differently from other segments of the entertainment industry, I believe that the sports leagues and owners should explain their justification fully. The burden is on the leagues owners to show that they need an exemption and that it is in the public interst, or that it would be disastrous for them to have to obey the antitrust laws. I would urge the Subcommittee to examine very closely the economic justification offered by representatives of the sports leagues or owners.

Following the hearings on H.R. 2355, Mr. Speaker, I introduced H.R. 11832, which states expressly that all professional sports are fully subject to the antitrust laws—including baseball, which now enjoys a court-created exemption from the antitrust laws shared by no other professional sport. The Supreme Court itself has called the baseball exemption "an aberration that has been with us now for half a century." *Flood* v. *Kuhn* (407 U.S. 258, 282 (1972)). I might note that the administration supports H.R. 11382, as it agrees with me that baseball should not be treated differently from other professional sports.

Of course, Mr. Speaker, there are other antitrust issues relating to professional sports which deserve congressional attention. The various leagues and their constituent team owners, for instance, have refused to let certain qualified cities participate or join their leagues. Also, the two hockey leagues appear near a merger which may violate section 7 of the Clayton Act because the merger may be anticompetitive. The same situation appears imminent in professional basketball with the recent settlement of the Oscar Robertson case. I would urge the Justice Department and the select committee to closely examine any such mergers which may be proposed.

Mr. Speaker, while the Judiciary Committee has initiated an antitrust investigation of professional sports associations, I welcome the creation of the new select committee, since it will have the ability to examine all facets of this huge industry including its anticompetitive and, indeed, antilibertarian business and labor practices. Each of the professional sports leagues or associations operates as a cartel, deciding where players go, which cities will have teams and setting the economic terms on which they will operate. This kind of monopolistic pattern of conduct is not to be tolerated in any other industry. It should not be tolerated in the sports industry.

I hope, Mr. Speaker, that the select committee will conduct hearings quickly and make its recommendations early enough for the Judiciary Committee to consider them along with other information on this subject already collected by the Judiciary Committee.

Finally, I would like to commend the sponsor of House Resolution 1186 (Mr. Sisk) for his interest and initiative in the field of professional sports.

Mr. Speaker, I insert the texts of my two bills at this point in the Record, along with the views of the administration:

H.R. 2355

A bill to protect the civil and constitutional rights of professional athletes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) every individual who is engaged, or wishes to engage, in organized professional team sport in or affecting interstate commerce has the right to enter into a contract with any person for the purpose of engaging in such sport with a particular team without agreeing to permit that person to control his right, upon the expiration of his contract, to enter into a contract with any other person for such purpose, or agreeing to perform under any such contract for an unreasonable period of time.

(b) Any provision of a contract which requires such an individual (1) to agree to permit the other party to the contract to control his right, upon the expiration of that contract, to enter into a contract with any other person for the purpose of engaging in an organized professional team sport, (2) to secure a release from the other party to the contract before entering into or performing under such a contract with any other person for such purpose, or (3) to perform under that contract for an unreasonable period of time shall be unenforceable.

(c) Any person who deprives, or conspires with any other person to deprive, an individual of his rights under subsection (a) shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than $50,000, imprisoned for not more than one year, or both.

H.R. 11382

A bill to clarify the application of the antitrust laws to professional sports, including baseball, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), is amended by adding at the end thereof the following new section:

"Sec. 27. The words 'trade or commerce' as used in any provision of the antitrust laws shall include the interstate business of any organized professional sport, including baseball.".

Department of Justice,
Washington, D.C., June 19, 1975.

Hon. Peter Rodino,
Chairman, House Judiciary Committee, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in response to your request for the views of the Department of Justice on H.R. 2355, a bill "To protect the civil and constitutional rights of professional athletes."

Section (a) of the bill purports to create for professional athletes and those desiring to become such a "right" to enter into contracts with any person for the purpose of engaging in a sport without having to agree "to permit that person to control his right, upon the expiration of his contract, to enter into a contract with any person for such purpose, or agreeing to perform under any such contract for an unreasonable period of time." The "rights" created in Section (a) are given legal effect in Section (b) which renders unenforceable provisions in contracts which would (1) give a team the right to control a professional athlete's right to sign a contract with a different team upon the expiration of the athlete's contract with the first team or (2) require the athlete "to perform under that contract for an unreasonable period of time." Section (c) of the bill makes it a criminal offense to deprive or conspire to deprive any person of the "rights" created by this legislation.

We recognize that historically professional sports leagues have entered into congeries of horizontal agreements between the league teams that restrict the commercial mobility and bargaining positions of individual players or prospective players vis-a-vis their employers. One clear effect of these restrictive agreements is the elimination of a large part of intraleague bidding for the services of players. As a result it would be expected that in some instances player salaries are reduced below the competitive price that would more nearly reflect the player's economic value to the team. In addition, after the expiration of a player's contract or when the team holding his contract no longer desires his services, the player's freedom to bargain with the team of his choice is often restricted by various league rules and practices. Proponents of these league agreements contend that such restrictions are necessary to preserve competitive balance, the entertainment value of sports contests and ultimately the viability of the league sport. It is our belief that the constituent teams of a sports league should not be permitted to enter into or continue significant anticompetitive agreements among themselves respecting their players unless these agreements are both essential to the financial viability of the league sport and the least anticompetitive alternative available to accomplish the league's legitimate goals. *Cf. Silver* v. *New York Stock Exchange,* 373 U.S. 341 (1963); *Deeson* v. *Professional Golfers Association,* 358 F.2d 165 (9th Cir.) *cert. denied,* 385 U.S. 846 (1966).

The league agreements which restrict player mobility in several professional sports are presently being challenged in private antitrust litigation. It is our understanding that several judges in various stages of these cases have held or indicated the view that at least some of the restraints upon the players' commercial rights violate the antitrust laws. *See, e.g., Joe Kapp* v. *National Football League,* No. C–72–537 (N.D. Calif. 1971); *Oscar Robertson* v. *National Basketball Association,* No. 70–1526 (S.D.N.Y. 1970).

The antitrust laws are clearly applicable to professional team sports with the exception of baseball. *See, e.g., Flood* v. *Kuhn,* 407 U.S. 258, 282–283 (1972); *Radovich* v. *National Football League,* 352 U.S. 445 (1957); *Haywood* v. *National Basketball Assn.,* 401 U.S. 1204 (1971); (Douglas, J. in Chambers); *Philadelphia World Hockey Club, Inc.* v. *Philadelphia Hockey Club Inc.,* 351 F. Supp. 462 (E.D. Pa. 1972); and *Denver Rockets* v. *All-Pro Management Inc.,* 325 F. Supp. 1049 (C.D. Calif. 1971). Baseball was held to be exempt from the antitrust laws in the historic case of *Federal Baseball Club* v. *National League,* 259 U.S. 200 (1922). The Supreme Court based that decision on the twin premises that baseball was neither "trade or commerce" within the meaning of the Sherman Act nor interstate in nature. While disavowing both of these original rationales, the Supreme Court has twice reaffirmed *Federal Baseball. Flood* v. *Kuhn,* 407 U.S. 258 (1972); *Toolson* v. *New York Yankees, Inc.,* 346 U.S. 356 (1953). The Supreme Court justified these decisions on the principle of *stare decisis,* and the Court has stated that any change in the antitrust exemption for baseball would have to be made by Congress. Without regard to the general issues raised by H.R. 2355, it is the Department's position that Congress should act to remove baseball's special antitrust exemption. There is no logical reason for continuing to afford baseball different antitrust treatment from that given to the other major professional team sports. In light of *Flood* v. *Kuhn, supra,* and its predecessors, any general professional sports legislation that seeks to affect baseball's reserve system should make specific reference to that sport so that there will be no question as to whether Congress intended the legislation to apply to baseball.

As we read H.R. 2355, one of its purposes appears to be to prevent employers of professional athletes from restricting the athlete's right to work for another team within the same league upon the expiration of the contract between the athlete and the first team. However, we believe that the language used may not effectively achieve this purpose. For example, it is unclear whether H.R. 2355 would make unlawful league agreements which require a team that employs a player previously under contract to another team to compensate the other team for the loss of that player's services. The National Football League has such a compensation agreement and if the two teams can not agree upon compensation that decision is made by the Commissioner of the league. Such compensation agreements among league teams inhibit a veteran player's freedom to transfer to another team by making it more expensive for any other team besides his present team to sign him to a contract. Stated differently, such a league compensation agreement reduces a player's bargaining position with the new team by an amount approximating the compensation the new team estimates that it will have to pay to the old team. Such compensation agreements can be made effective without giving the old team the right of "control" or requiring the athlete to secure a "release" from his old team which are the prerequisites for making the contract unenforceable and subjecting the perpetrator to criminal liability under the bill.

The second purpose of H.R. 2355 appears to be to protect a professional athlete from being forced to sign a contract for "an unreasonable period of time." Unfortunately, the bill does not define what constitutes an "unreasonable period of time," a significant omission in view of the criminal liability which would be imposed by the bill.

In addition to the drafting defects discussed above, we are concerned that the prohibitions of H.R. 2355 may be overly broad. The bill seeks to create for professional athletes a "right" to enter into contracts without having to agree to certain conditions such as the traditional "option" or "reserve" clause or an unreasonably long-term, and it makes such contract provisions unenforceable. However, H.R. 2355 may also remove from the athlete or his union the "right" to voluntarily enter into contracts containing any of the proscribed provisions. For example, subsection (b) (3), which prohibits unreasonably long contracts could have the practical effect of preventing a player from obtaining a long-term contract which he or she desired. Similarly, the bill could prevent a players' union, certified to collectively bargain with a sports league, from determining that a "reserve clause" or a similar contract provision would serve the players' interest as part of a complex agreement and negotiating for such a package with a sports league. In that circumstance, we can see no persuasive reason for prohibiting such contract provisions. After all, the only persons potentially harmed to any significant degree by many of these restraints are the players themselves.

If Congress determines that coercive "reserve or option" clauses or any other player restraint employed by a professional sports league is not in the public interest, we believe that rather than voiding the contract provision a better approach would be to strike at the league agreements that both create and enforce such restraints. Without the shield afforded by uniform, league enforced player restrictions, normal competition among the teams for the services of players can be expected to protect the bargaining freedom of athletes.

In any event, we believe that the criminal penalty created by subsection (c) is unwise from a law enforcement viewpoint. What is at issue here are questions of commercial equity and competitive restraints in a particular type of employer-employee relationship. The issues do not concern violence or other manifestations of such anti-social purpose or effect as to warrant the imposition of criminal liability.

For the reasons stated, the Department recommends against enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

A. Mitchell McConnell, Jr.,
Acting Assistant Attorney General.

Department of Justice,
Washington, D.C., May 17, 1976.

Hon. Peter W. Rodino, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This is in response to your request for the views of the Department of Justice on H.R. 11382, a bill "To clarify the application of the antitrust laws to professional sports, including baseball, and for other purposes."

The proposed bill would amend the Clayton Act (15 U.S.C. § 12 et seq.) by adding a new section:

Sec. 27. The words 'trade or commerce' as used in any provision of the antitrust laws shall include the interstate business of any organized professional sport, including baseball.

The proposed amendment to the Clayton Act is designed to treat professional baseball no differently than other professional sports. Thus far, judicial decisions have recognized that the reach of the antitrust laws extends to such professional sports as professional football, *Radovich v. National Football League,* 352 U.S. 445 (1957), professional boxing, *United States v. International Boxing Club,* 348 U.S. 236 (1955), and professional basketball, *Haywood v. National Basketball Association,* 401 U.S. 1204 (1971). However, out of deference to its decisions in *Federal Baseball Club v. National League,* 259 U.S. 200 (1922) and *Toolson v. New York Yankees, Inc.,* 346 U.S. 356 (1953), the Supreme Court, as recently as *Flood v. Kuhn,* 407 U.S. 258 (1972), has refused to apply the antitrust laws to professional baseball. If enacted, H.R. 11382 will subject professional baseball to scrutiny under the antitrust laws, and correct what has been described as "an aberration that has been with us now for half a century." 407 U.S. at 282.

The Department of Justice recommends enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Michael M. Uhlmann,
Assistant Attorney General.

RECOGNITION FOR LITERARY WORKS OF MISS MARIA OWENS AND MR. DAVID BAKER OF STEPHENS COUNTY, OKLA.

(Mr. ALBERT (at the request of Mr. Harkin) was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, it is an honor and a privilege for me to share the literary works of two very outstanding young people from Stephens County, Okla., in my congressional district. Miss Marla Owens and Mr. David Baker attend Comanche High School in Comanche, Okla. Marla's essay, "America's 200th Birthday," was ranked first in Oklahoma at the annual Freedom Forum sponsored by the American Citizenship Center. David wrote a "Bicentennial Minute" and an essay "A Spirit of Unity," both of which won top awards in Oklahoma. I extend the heartiest congratulations to Marla Owens and David Baker and to their principal, Mr. Jack Cheatham, and their teacher, Mrs. Helen Patrick, on their outstanding achievements. I am pleased to include in the Record these award-winning compositions.

Bicentennial Minute

(By David Baker)

On May 20, 1776, two hundred years ago today, the fires of a dream were sparked for A SPIRIT OF UNITY.

In the background, music of a solemn, almost dreary nature, can be heard. A map of the thirteen colonies is pictured. Beginning with John Adams's quote, "The delegates from Georgia . . ., an outline of the United States appears with the map of the colonies superimposed on it. The background music changes to that of a lively nature such as "The Battle Hymn of the Republic." The narrator wears simple modern clothing.

Good Evening, I'm David Baker. Two hundred years ago today, May 20, 1776, John Adams sparked the initial fires of an exaggerated dream into a very real hope of unity and freedom. The first attempt to form a central legislative body had been thwarted by the colonies themselves who restricted the powers of their delegates.

On this day, John Adams announced a breakthrough in the battle for a united central government. He said, "The Delegates from Georgia, made their appearance this day in Congress, with unlimited powers . . . South Carolina has elected her government and given her delegates ample powers . . . North Carolina has given theirs full powers . . . This day's post has brought . . . letters from Virginia, all of which breathe the same spirit."

It was this "spirit" that Adams quoted that, eventually, totally united this nation against another to turn the dream into reality—the reality of unity and freedom.

I'm David Baker, and that's the way it was 200 years ago today.

A Spirit of Unity

"United we stand, divided we fall." This oft-repeated truism holds significance to our country, and the things for which it stands. The very name of our country—The United States of America reflects this significance.

John Adams, in 1776, realized the importance and necessity of unity if colonies were ever to become an independent nation. At first, only a few so-called radicals were persuing the seemingly impossible dream of freedom. History reveals the fact that independence began as a dream in the minds of a few and ended as a reality for many.

Although we may look upon other countries as rebellious and radical when they strive to overthrow a ruling aristocracy, we must remember that we once were as they are. When we scoff at their hardships and trials in their early attempts, we should be reminded of our early problems.

When this country first began, the men who signed the Declaration of Independence staked their very lives on this dream. These few men, united in the effort to free an enslaved nation, realized that, not only they, but the entire nation must be united in the goal of freedom. With Adam's announcement that the colonies were indeed starting to "jell" into a common goal, freedom was one large step nearer.

In this day and age, we must not forget the reason men signed their very lives away, if necessary, for one common goal. If, for any reason, we become, as we have before, disappointed in the goals and ideas of our country, we must remember our common goal. We must retain the freedom our ancestors bought, no matter what the cost.

We must stand united in the same way Adams excitedly reported that the colonies were doing 200 years ago for one reason—*Divided* we fall.

America's 200th Birthday

(By Marla Owens)

I can still see it . . . far away in a haze.
He was a young man, struggling to get shot and powder into a battered musket.
Beside him was another youngster wearing tattered breeches and a shirt a size too small.
For almost six years I watched,
Bleeding when they bled,
Laughing when they laughed.
I was there beside Washington and Paul Revere,
And my name was there on the Declaration of Independence.
I was Patrick Henry;
I was Nathan Hale.
I caught that "shot heard round the world" and died in my own blood at Lexington.
I was Davy Crockett, Jim Bowie, and nameless others who died at the Alamo.
And I was with Sam Houston when he revenged it.
I died at Antietam and Vicksburg.
And I suffered through Bull Run and Gettysburg.
I wore the blue;
I wore the gray.
I was Lincoln and I was Lee.
I surrendered bravely at Appomattox;

Then wept unashamedly when Lincoln fell.
I was the pioneer moving westward toward a new home,
And I was the Indian who fought to stop him.
I was the "fighting" Irish,
And I was the "native" Apache.
I was with Custer.
I was with Chief Joseph.
I died with the dead of both sides, but saw the victory of only one.
I was on the battleship *Maine*.
And I followed Roosevelt across Cuba.
I was one of two million "Yanks" in Europe.
I fought at Chateau-Thierry.
I fell at the Marne in the Argonne.
I fought and bled.
I lived and I died.
But I never gave up.
I saw the stock market crash in 1929 and plunged to the bottom with the Depression.
I was at Pearl Harbor.
And I went down on the U.S.S. *Arizona* and U.S.S. *Oklahoma*.
I followed McArthur into the Philippines;
Then marched to my death on the famed Bataan Death March.
I fell at Corregidor,
But rose to my first victory at Midwar.
I survived Guadalcanal, Casa Blanca, and Salerno.
I hit the beaches at Anzio and Normandy,
And fell at the Battle of the Bulge.
I was Patton's 3rd,
And I was Montgomery's 8th.
I was with the 10th when they took Okinawa,
And with the 1st when they took Manila.
I was in Berlin when Germany surrendered,
And on the battleship *Missouri* when Japan called a halt.
I had seen the death and destruction,
And I brought home with me the memory of the living.
I saw Eisenhower go into office,
And breathed a sigh of relief when I came out of Korea.
I extended my hands to Martin Luther King;
Then wept with the rest of the nation at the blood on them.
I rode with John F. Kennedy,
And I witnessed the death at Dallas.
I saw our young men go into Vietnam,
And I felt the joy of seeing those who returned,
Yet knowing of those who didn't.
I knew the anguish of not knowing whether that was right or wrong,
Yet I met the first returning POW with open arms.
I'm strong when I have to be strong.
And I am gentle when I need to be gentle.
I've witnessed the works of the devil,
And I've gloried in the miracles of God.
I am a haven to those looking for rest,
And I am a chance for a new beginning.
I am John Wayne riding into the sunset,
And I am Louis Armstrong on the golden trumpet.
I am Maria Tallchief,
And I am Johnny Cash.
I have walked beside Billy Graham,
And beside Eddie Arnold,
And I have smiled down at Willie Mays as he chants his "Say, hey."
But I am also the little boy watching the great Niagara,
And I am the aged little lady listening to a bobwhite.
I am America.
I'm her people,
Her strengths.
Her weaknesses.
I'm proud of what I've done and what I've been.
But I'm prouder still of who I am and what I've grown to become.
Next year I'll be 200 years old,
And I know that in the years ahead as in the years past,
My strength will come from walking with those who are as proud of me as I am of them.

MR. MARK CHRISTIAN WINS ORATORICAL CONTEST IN OKLAHOMA

(Mr. ALBERT (at the request of Mr. HARKIN) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, I annually sponsor an oratorical contest for the students attending colleges and junior colleges in my district in Oklahoma. This year's contest was won by a young man from Durant, Okla., Mr. Mark Christian, who is a student at Southeastern State University. I am pleased to include Mark's oration in the RECORD:

ORATION

(By Mark Christian)

What do you see on this paper? . . . I'll bet you think that it's a piece of blank paper . . . You know, I don't see it that way. I suppose it's all in the way you look at it.

The Bicentennial, which we are currently celebrating, can also be seen from many angles. There are many things that the Bicentennial is and is not.

To begin with, trivial though it may seem, July 4, 1976, will not be America's 200th birthday. In July of 1776 the Declaration of Independence was signed. It was over a decade later, 1789, when the revolutionaries' dream manifested itself as the Constitution of the United States of America. In a sense America was conceived in 1776, but not born until 1789.

Even though 1976 is not America's 200th birthday, the Bicentennial which we are experiencing has many facets which warrant analysis.

This Bicentennial can be seen as a time of recognition. A well deserved chance to recognize our national affluence: the fact is that even through difficult times this nation is experiencing, the United States gross national product is the highest of any nation in the world and the "average" American has access to more goods and services than any other people on this earth. The Bicentennial offers a chance for the American people to become more historically aware of the events that made America what it is today. Being aware of the historical greatness of this country can do little but raise our level of national pride.

Unfortunately, the Bicentennial is not all good. I feel that a term coined by Calvin Coolidge must be associated with a critique of the Bicentennial. His words, "The business of America is business" are, in fact, amply justified by the Bicentennial. Today you are being pursuaded to buy Bicentennial commemorative coins and plaques, Bicentennial cars, Bicentennial toys, even a Bicentennial chess set which, when not in use, can be placed on its side to display a commemorative map of old Boston.

The most important service that the Bicennial presents is a chance for Americans to show our national greatness by correcting the problems with which we are now faced. I will speak of three specific problems which I feel can be used to show our national greatness: suppression of individuality, government suppression of information, and finally, suppression of freedom.

I feel Henry David Thoreau gave the best justification for individuality when he said, "If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music which he hears, however measured or far away." Thoreau sensed a suppression of individuality that still exists. Social values and pressures shape the way we react, feel and interpret things. Our education system, although already attempting to alleviate the problem, still does more to "form good students" than develop the individuality of our nation's school-age children. The second area that I suggest . . . government lies and suppression of information . . . is obvious through the recent situations of Angola and Watergate. But even before that, on April 22, 1972, Secretary of State Rogers testifying before the Senate Foreign Relations Committee stated, "Cambodia is one country where our hands are clean and our hearts are pure." Perhaps Secretary Rogers should have pointed out that the United States had been bombing Cambodia for almost an entire year. I feel that we as Americans have a right to know the goings on of this country.

The final problem that I would suggest to you is the suppresson of dissention, which is historically justified by . . . "When in the course of human events . . ." I am once more reminded of Thoreau, author of Civil Disobedience, this time of a conversation which took place in a Concord jail with Ralph Waldo Emerson. Thoreau had been arrested for not paying a tax . . . he had the money, but refused to pay because he could not support the war actions of the United States. Emerson had come to bail out and take Thoreau home. As Emerson saw Thoreau sitting in the cell, he said, "Henry, what are you doing in jail?" Thoreau quickly replied, "Ralph, what are you doing out of jail?" Suppression of dissent comes from many sources: some obvious, some obscure. Often times suppression of dissent comes from a fear of change. The hidden suppressor I see here is the Church. Today the Church has almost omnidetrimental power to deem something atheistic or blasphemous as they have such issues as divorce, abortion, alcohol and premarital sex. The churches' power can also be seen in our Sunday blue laws. I may not agree with them but I can understand an objection to the purchase of alcohol or firearms on Sundays, but I fail to see the reasoning behind the fact that in some states it is illegal to purchase a can of wall paint on Sunday.

Church suppression is especially unjustified because of the United States commitment to separation of Church and State. Separation of church and state is a good philosophical position because of two reasons. First, one of the reasons that the original settlers of this nation fled England was to escape religious persecution. Secondly, the church has in the past suggested that politics and religion do not mix.

Today, separation of church and state does not exist. "Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?" or E. Pluribus Unum, In God We Trust, and most of our governmental functions are opened with a prayer.

There are those who feel that if dissent is indeed suppressed that it still does not matter for 'there is justice in America." . . . with liberty and justice for all . . . or just a few? . . . the law is blind, color blind? Green and black? . . . all men are created equal . . . it's just that some are more equal than others.

Richard Pryor, a comtemporary black comedian, once said something to the effect of . . . "heah, there is justice in America . . . go down to the jail you'll find justice . . . just us Niggers!"

The problems I have presented you are not insurmountable. To solve them we must first, be aware of them. "Know thy enemy." Second consider changes before casting them aside as worthless. It has been suggested that change is inevitable and constant. And finally, support organizations that strive for justice and equality. Organizations such as Amnesty International which supports political prisoners around the world . . . The American Civil Liberties Union . . . and the multiplicity of organizations which opt for reform of our schools and our government.

I hope the American people can use this anniversary of our independence to find viable solutions to the problems which I see . . . so that in 1989 when our 200th birthday rolls around we can look at those problems and see . . . Well . . . I know what I see.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. MILFORD (at the request of Mr. O'NEILL), for today, on account of illness.

Mrs. PETTIS (at the request of Mr. RHODES), for today and the balance of the week, on account of illness in the family.

Mr. YOUNG of Alaska (at the request of Mr. MICHEL), for today through May 27, 1976, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SMITH of Nebraska) to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 30 minutes, today.

Mr. GILMAN, for 60 minutes, today.

(The following Members (at the request of Mr. HARKIN), to revise and extend their remarks, and to include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANDERSON of California, for 5 minutes, today.

Ms. HOLTZMAN, for 10 minutes, today.

Mr. DODD, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ALEXANDER, for 30 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mrs. BURKE of California, for 5 minutes, today.

Mr. BADILLO, for 10 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

Mr. NATCHER, for 15 minutes, today.

Mr. MEZVINSKY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALBERT (at the request of Mr. HARKIN), in two instances, and to include extraneous material.

Mr. FREY to revise and extend his remarks immediately following the remarks of the gentleman from New Mexico (Mr. LUJAN) during general debate in the Committee of the Whole today.

Mr. THONE to follow Mr. JEFFORDS during debate on his amendment.

(The following Members (at the request of Mrs. SMITH of Nebraska) and to include extraneous matter:)

Mr. BELL.

Mrs. PETTIS.

Mr. STEIGER of Wisconsin in two instances.

Mr. BURKE of Florida.

Mr. BOB WILSON.

Mr. QUILLEN.

Mr. ANDERSON of Illinois.

Mr. CONLAN.

Mr. MICHEL.

Mr. GRASSLEY.

Mr. MADIGAN.

(The following Members (at the request of Mr. HARKIN) and to include extraneous matter:)

Mr. FRASER in two instances.

Mr. McDONALD of Georgia in two instances.

Mr. ALLEN.

Mr. EDGAR.

Mr. GAYDOS in 10 instances.

Mr. MAZZOLI in two instances.

Mr. FARY.

Mrs. KEYS.

Mr. HARRINGTON.

Mr. MOAKLEY.

Mr. RODINO.

Mr. WOLFF.

Mr. DOMINICK V. DANIELS.

Ms. ABZUG in two instances.

Mrs. COLLINS of Illinois.

Mr. YOUNG of Georgia.

Mr. BADILLO.

Mrs. SCHROEDER.

Mr. EILBERG.

Mr. MITCHELL of Maryland.

Mrs. SPELLMAN in two instances.

Mr. GREEN.

Mr. FISHER.

Mr. METCALFE.

Mrs. CHISHOLM.

Mr. HÉBERT.

Mr. BOLAND.

Mr. MEZVINSKY.

Mr. HAMILTON.

Mr. MAGUIRE.

Mr. HELSTOSKI in five instances.

Mr. LEHMAN.

Mr. MOORHEAD of Pennsylvania.

Mr. ROYBAL.

Mr. LEGGETT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2839. An act to supplement the authority of the President and various Federal agencies to collect regular and periodic information on international investment, and for other purposes; to the Committee on International Relations.

S. 3035. An act for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson; to the Committee on the Judiciary.

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts; to the Committee on Government Operations.

S. 3436. An act to authorize appropriations for research, development, and demonstration under the Noise Control Act of 1972; to the Committee on Science and Technology.

ENROLLED BILLS SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2279. An act for the relief of Mrs. Louise G. Whalen; and

H.R. 8089. An act to amend section 404(d) of title 37, United States Code, relating to per diem expenses of members of the uniformed services traveling on official business.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1494. An act for the relief of Paul W. Williams.

ADJOURNMENT

Mr. HARKIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 20, 1976, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3325. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report covering the quarter ended March 31, 1976, on the export expansion facility program, pursuant to Public Law 90-390; to the Committee on Banking, Currency and Housing.

3326. A letter from the Administrator, Federal Energy Administration, transmitting a report on changes in market shares for petroleum products during the months of December 1975 and January 1976, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

3327. A letter from the Assistant General Counsel for International Conservation and Resource Development Programs, Federal Energy Administration, transmitting notice of meetings related to the International Energy Program; to the Committee on Interstate and Foreign Commerce.

3328. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms during July 1975 to February 1976, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

RECEIVED FROM THE COMPTROLLER GENERAL

3329. A letter from the Comptroller General of the United States, transmitting a report on efforts of the General Services Administration and the Department of Defense to increase the use of recycled materials; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. H.R. 13502. A bill to amend the Social Security Act to provide that the formula now in use under title XIX of such act shall be used in computing the amount of Federal financial participation in the program of aid to families with dependent children under part A of title IV, and to provide relief to States in connection with certain protective and vendor payments made under such program with amendment (Rept. No. 94-1179). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 1207. Resolution providing for the consideration of H.R. 11656. A bill to provide that meetings of Government agencies shall be open to the public, and for other purposes. (Rept. No. 94-1180). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 13882. A bill to amend XVIII of the Social Security Act to provide for the coverage of certain psychologists services under the supplementary medical insurance benefits program established by part B of such title; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 13883. A bill to amend the Marine Mammal Protection Act of 1972 with respect to the taking of marine mammals incidental to the course of commercial fishing operations; to the Committee on Merchant Marine and Fisheries.

By Mr. BOWEN:

H.R. 13884. A bill to amend title 39 of the United States Code to require the U.S. Postal Service to hold a hearing and to take into consideration certain matters prior to the consolidation or closing of any post office; to the Committee on Post Office and Civil Service.

By Mr. BURLESON of Texas (for himself, Mr. Burke of Florida, Mr. Moffett, Mr. Rogers, and Mr. Rose):

H.R. 13885. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax martial deduction, and to provide an alternate method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 13886. A bill to increase for a 5-year period the duty on certain hand tools, and for other purposes; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Chappell, Mr. Duncan of Tennessee, Mr. Fary, Mr. Gude, Mr. Howard, Mr. Jones of North Carolina, Mr. Litton, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Neal and Mr. Rees):

H.R. 13887. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. McKinney, Mr. Mikva, and Mr. Mineta):

H.R. 13888. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Breckinridge, Mr. Green, Mrs. Heckler of Massachusetts, Mr. Long of Maryland, Mr. Nolan, Mr. Spence, Mr. J. William Stanton, Mr. Studds, and Mr. Wolff):

H.R. 13889. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 13890. A bill to amend the Internal Revenue Code to provide renters with a credit against income tax; to the Committee on Ways and Means.

By Mr. HENDERSON:

H.R. 13891. A bill to amend title 5, United States Code, to assure that appointments in the civil service are on the basis of merit, to establish an independent board to hear appeals from certain Federal personnel decisions, and for other purposes; to the Committee on Post Office and Civil Service.

By Ms. KEYS (for herself, Mr. Baldus, Mr. Bowen, Mr. Davis, Mr. Duncan of Tennessee, Mr. Emery, Mr. English, Mr. Flowers, Mr. Helstoski, Mr. Hughes, Mr. Jacobs, Mr. McHugh, Mr. Mollohan, Mr. Ottinger, Mr. Pattison of New York, Mr. Rooney, Mr. Ruppe, Mr. Simon, Mr. Stark, Mr. Walsh, Mr. Weaver, Mr. Whitten, and Mr. Charles Wilson of Texas):

H.R. 13892. A bill to amend title 39, United States Code, to require the U.S. Postal Service to evaluate and examine specific criteria whenever the closing of a post office is considered, to provide for a public hearing whenever the U.S. Postal Service considers closing any post office, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McEWEN:

H.R. 13893. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN (for himself, Mr. Davis, Mr. Derrick, and Mr. Jenrette):

H.R. 13894. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission action authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY (for himself, Mr. Bedell, Mrs. Collins of Illinois, Mr. Drinan, Mr. Edgar, Mr. Hughes, Mr. Matsunaga, Mr. Minish, Mr. Mitchell of New York, Mr. Charles Wilson of Texas):

H.R. 13895. A bill to revise chapter 99 of title 18 of the United States Code to provide for the punishment of sexual assaults in the special jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. STEELMAN:

H.R. 13896. A bill to study certain lands for suitability for preservation as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. WAGGONNER:

H.R. 13897. A bill to prohibit the Federal Trade Commission from promulgating trade regulation rules which repeal or limit use of holder in due course defenses in connection with the sale or lease of goods or services to consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN:

H.R. 13898. A bill to revise and reorganize the classification and the rates of duty on certain pipes and tubes and blanks therefor of iron or steel; to the Committee on Ways and Means.

By Mr. HUNGATE (for himself, Mr. Mann, Ms. Holtzman, Mr. Mezvinsky, Mr. Drinan, Mr. Wiggins, and Mr. Hyde):

H.R. 13899. A bill to delay the effective date of certain proposed amendments to the Federal Rules of Criminal Procedure and certain other rules promulgated by the U.S. Supreme Court; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Addabbo, Mr. Badillo, Mrs. Collins of Illinois, Mr. Delaney, Mr. Downey of New York, Mr. Edgar, Mr. Edwards of California, Mr. Fraser, Mr. Lehman, Mr. Mitchell of Maryland, Mr. Murtha, Mr. Ottinger, Mr. Rangel, Mr. Richmond, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Traxler, Mr. Waxman, Mr. Charles Wilson of Texas, Mr. Yatron, and Mr. Zeferetti):

H.R. 13900. A bill to amend the Vocational Rehabilitation Act of 1973, and for other purposes; jointly, to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. RODINO (for himself, Mr. Koch, Ms. Burke of California, Mr. Harrington, Mr. Moffett, Mr. Pattison of New York, and Mr. Seiberling):

H.R. 13901. A bill to amend chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act), to permit awards of reasonable attorneys' fees and other expenses for public participation in proceedings before Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mrs. SPELLMAN (for herself, Ms. Abzug, Mr. Badillo, Mr. Boland, Ms. Burke of California, Mr. Phillip Burton, Mr. Carr, Mr. Clay, Ms. Collins of Illinois, Mr. Conyers, Mr. Downey of New York, Mr. Fraser, Mr. Harkin, Mr. Harrington, Mr. Hayes of Indiana, Mr. Howard, Mr. Jennette, Mr. Koch, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Moss, Mr. Ottinger, Mr. Patterson of California, Mr. Pattison of New York, and Mr. Rees):

H.R. 13902. A bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 with respect to the awarding of attorneys' fees and the authority of the Department of Housing and Urban Development to initiate a civil action to enforce the provisions of such title; to the Committee on the Judiciary.

By Mr. BADILLO (for himself, Ms. Abzug, Mr. Bell, Mr. Benitez, Mr. Brown of California, Mr. Carr, Mrs. Chisholm, Mr. Dellums, Mr. Edwards of California, Mr. Lloyd of California, Mr. Mineta, Mr. Miller of California, Mr. Ottinger, Mr. Pattison of New York, Mrs. Schroeder, Mr. Stark, Mr. Steelman, Mr. Rangel, Mr. Richmond, Mr. Rosenthal, Mr. Won Pat, and Mr. Young of Georgia):

H.J. Res. 959. Joint resolution to pay tribute to the contributions of Hispanics, to establish an Office of Hispanic Affairs in the various executive agencies, and for other purposes; to the Committee on Government Operations.

By Mr. ECKHARDT:

H. Res. 1205. Resolution disapproving energy action No. 2 submitted May 12, 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNT:

H. Res. 1206. Resolution disapproving energy action No. 2 transmitted to the Congress on May 12, 1976; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINDLEY:

H.R. 13903. A bill for the relief of Susan Spurrier; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 13904. A bill for the relief of Sun Sook Koo; to the Committee on the Judiciary.

By Mr. KELLY:

H.R. 13905. A bill for the relief of Ruth Wilhelmina Irene Brookes; to the Committee on the Judiciary.

H.R. 13906. A bill for the relief of John G. Donahue; to the Committee on the Judiciary.

H.R. 13907. A bill for the relief of Anastasia

Araliou Hourdas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

467. By the SPEAKER: Petition of the ctiy council, Elizabeth, N.J., relative to the Emergency Rail Transfer Act; to the Committee on Interstate and Foreign Commerce.

468. Also petition of the Centro Unido de Detallistas de Puerto Rico, Hato Rey, Puerto Rico, relative to political prisoners; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 9560

By Mr. EDGAR:

Strike section 17.

Renumber following sections accordingly.

On page 29, in line 8, strike out "$50,000" and insert in lieu thereof "$500,000".

On page 29, in line 18, strike out "$100,000" and insert in lieu thereof "$1,000,000".

On page 29, in line 20, strike out "$500,000" and insert in lieu thereof "$1,500,000".

H.R. 12945

By Mr. RINALDO:

Page 23, line 2, insert "(a)" immediately after "SEC. 20.".

Page 23, after line 10, add the following:

(b) Notwithstanding any other provision of law, social security benefit increases occurring after May 1976 shall not be considered as income or resources or otherwise taken into account for purposes of determining the amount of the rental which any individual or family is required to pay for his or its accommodations under the United States Housing Act of 1937, the National Housing Act, the Housing and Urban Development Act of 1965, or the Housing Act of 1949. For purposes of this paragraph, the term "social security benefit increases occurring after May 1976" means any part of a monthly benefit payable to an individual under the insurance program established under title II of the Social Security Act which results from (and would not be payable but for) a cost-of-living increase in benefits under such program occurring after May 1976 pursuant to section 215(i) of such Act, or any other increase in benefits under such program, enacted after May 1976, which constitutes a general benefit increase within the meaning of section 215(i)(3) of such Act.

H.R. 13350

By Mr. HORTON:

Page 32, beginning with line 7, strike out all down through page 33, line 20.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 18, 1976, page 14331:

HOUSE BILLS

H.R. 13476. April 30, 1976. Ways and Means. Denies the benefits of the foreign tax credit, under the Internal Revenue Code, to a taxpayer, or a member of a controlled group which includes the taxpayer, who is determined by the Secretary of the Treasury to have participated in or cooperated with the boycott of Israel, with respect to income, war profits, or excess profits taxes paid or accrued to any country which requires such participation or cooperation as a condition of doing business within that country.

Denies DISC benefits to any DISC that the Secretary of the Treasury determines has participated in or cooperated with the boycott of Israel.

H.R. 13477. April 30, 1976. Post Office and Civil Service. Changes the title of Federal hearing examiners to administrative law judges. Sets the salary for such officials at 90 percent of the salary paid U.S. district court judges.

H.R. 13478. April 30, 1976. Ways and Means; Interstate and Foreign Commerce. Establishes a voluntary home care benefits program for aged and disabled individuals who are eligible for Medicare benefits, such program to be financed with contributions from funds appropriated by the Federal Government and contributions by the States. Creates within the U.S. Treasury the Federal Home Care Trust Fund.

Amends the Social Security Act to extend medicare coverage of hospital care for the aged to remove time limitations on inpatient hospital services and posthospital extended care services.

H.R. 13479. April 30, 1976. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to prohibit a pipeline company engaged in the transportation of oil from transporting any oil through its pipelines if such company has an interest in such oil.

H.R. 13480. April 30, 1976. Education and Labor. Amends the Higher Education Act of 1965 to require the Commissioner of Education to make Federal interest subsidy and administrative cost allowance payments to holders of loans under such act on behalf of the borrower within 30 days of receipt by the Commissioner of an itemized voucher in such form as the Commissioner shall by regulation prescribe.

H.R. 13481. April 30, 1976. Judiciary. Amends the Federal Rules of Evidence to prohibit, in cases of alleged rape or assault with intent to commit rape, the introduction of evidence of the victim's prior sexual conduct or reputation. Makes such prohibition inapplicable to evidence of the victim's prior sexual conduct with the alleged assailant.

H.R. 13482. April 30, 1976. Ways and Means. Amends the medicare program of the Social Security Act to authorize payment under the supplementary medical insurance program for specified diagnostic tests and physical examinations given for the detection of breast cancer.

H.R. 13483. April 30, 1976. Ways and Means. Amends the medicare program of the Social Security Act to authorize payment under the supplementary medical insurance program for specified diagnostic tests and physical examinations given for the detection of breast cancer.

H.R. 13484. April 30, 1976. Ways and Means. Amends the Medicare program of the Social Security Act to authorize payment under the supplementary medical insurance program for specified diagnostic tests and physical examinations given for the detection of breast cancer.

H.R. 13485. April 30, 1976. Judiciary. Amends the Voting Rights Act of 1965 to repeal the prohibitions against voting qualifications, prerequisites, tests, or devices which abridge the right of a citizen to vote who is a member of a language minority.

Repeals the requirement that States and other political subdivisions make available registration and voting materials, and voting assistance in languages other than English.

H.R. 13486. April 30, 1976. Interstate and Foreign Commerce. Requires the Secretary of Commerce to provide grants to the Lake Placid 1980 Olympic Games, Inc., for assisting in the planning, design, and construction of winter sports and supporting facilities for the XIII international Olympic winter games.

H.R. 13487. April 30, 1976. Interstate and Foreign Commerce. Reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13488. April 30, 1976. Ways and Means. Amends the Tariff Schedules of the United States to permanently allow the importation free of customs duty of horses other than for immediate slaughter. Terminates the special tariff classification of race horses which are exported and returned to the United States.

H.R. 13489. April 30, 1976. Judiciary. Revises the discovery procedures and requirements for Federal civil antitrust investigations. Revises the procedures and requirements for seeking an order modifying or setting aside discovery demands by the Justice Department in antitrust cases.

H.R. 13490. April 30, 1976. Interstate and Foreign Commerce. Requires the Secretary of Commerce to provide grants to the Lake Placid 1980 Olympic Games, Inc., for assisting in the planning, design, and construction of winter sports and supporting facilities for the XIII international Olympic winter games.

H.R. 13491. April 30, 1976. Ways and Means. Authorizes a taxpayer to elect to exclude the gain from sale or exchange of property from gross income, under the Internal Revenue Code, if the taxpayer is disabled and if such property has been owned and used by the taxpayer as his principal residence for periods aggregating five years or more during the eight-year period ending on the date of the sale or exchange.

H.R. 13492. April 30, 1976. Judiciary. Directs Federal Courts to consider specified criteria in the imposition of terms of imprisonment for criminal offenses.

Establishes a United States Commission on Sentencing as an independent commission within the judicial branch of the United States Government to promulgate sentencing guidelines for criminal offenses.

H.R. 13493. April 30, 1976. Armed Services. Amends the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief.

H.R. 13494. April 30, 1976. Armed Services. Amends the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief.

H.R. 13495. April 30, 1976. Public Works and Transportation. Terminates the authorization of the navigation study and survey of the Wabash River, Indiana.

H.R. 13496. April 30, 1976. Veterans' Affairs. Changes the degree of impairment necessary for veterans to qualify for certain service-connected disability payments.

H.R. 13497. April 30, 1976. Veterans' Affairs. Terminates the authority for the pursuit of flight training programs by veterans and for the pursuit of correspondence training programs by veterans.

H.R. 13498. April 30, 1976. Interior and Insular Affairs. Amends the Water Resources Planning Act to revise the membership of the Water Resources Council. Lists additional powers and duties of the Council.

Revises procedures for allotment of Federal financial assistance to States under provisions of the Act.

Amends the Water Resources Research Act of 1964 to transfer functions from the Secretary of the Interior to the Water Resources Council.

H.R. 13499. April 30, 1976. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the first calendar quarter 1976:

(Note.—The form used for report is reproduced below. In the interest of economy in the Record, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

File One Copy With the Secretary of the Senate and File Two Copies With the Clerk of the House of Representatives:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

Place an "X" Below the Appropriate Letter or Figure in the Box at the Right of the "Report" Heading Below:

"Preliminary" Report ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"Quarterly" Report: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

Pursuant to Federal Regulation of Lobbying Act

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Note on Item "A".—(a) In General. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) Separate Reports. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. Organization or Individual Filing:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

Note on Item "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. Employer.—State name, address, and nature of business. If there is no employer, write "None."

Note on Item "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. Legislative Interests, and Publications in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Donald G. Agger, 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

A. Akin, Gump, Strauss, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.

B. Datran (Data Transmission Co.), 8130 Boone Boulevard, Vienna, Va. 22180.

A. Alcalde, Henderson & O'Bannon, Ltd., 1911 North Fort Myer Drive, Rosslyn, Va.,

B. Hillsborough County Aviation Authority, P.O. Box 22287, Tampa, Fla.

A. George Alderson, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

A. American Chilean Council, 95 Madison Avenue, New York, N.Y. 10016.

A. American International Group, Inc., 102 Maiden Lane, New York, N.Y. 10005.

A. American Polygraph Association, 3105 Gumwood Drive, Hyattsville, Md. 20783.

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

A. John Christian Archer, 1730 Rhode Island Avenue NW., Suite 213, Washington, D.C. 20036.

B. Brown & Root, Inc., 1730 Rhode Island Avenue NW., Suite 213, Washington, D.C. 20036.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. Combined Insurance Co. of America, 5050 Broadway, Chicago, Ill. 50640.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. Humana, Inc., 1 Riverfront Plaza, Louisville, Ky. 40201.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. National Association of Greeting Card Publishers, 200 Park Avenue, New York, N.Y. 10017.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. National Association of Recording Merchandisers, Inc., 1060 Kings Highway North, Suite 200, Cherry Hill, N.J. 08034.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. W. Stanley Armstrong, 1721 DeSales Street NW., Washington, D.C. 20036.

B. National Federation of Citizens' Band Radio Operators, 1721 DeSales Street NW., Washington, D.C. 20036.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

A. Fritz E. Attaway, 1600 I Street NW., Washington, D.C. 20006.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.

A. Walter F. Atwood, 3105 Gumwood Drive, Hyattsville, Md. 20783.

B. American Polygraph Association, 3105 Gumwood Drive, Hyattsville, Md. 20783.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. The Boston Co., 1 Boston Place, Boston, Mass. 02106.

A. Baker & McKenzie, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Magnatex Corp., 620 Commercial Bank Tower, Midland, Tex. 79701.

A. Nancy L. Ball, Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Daniel J. Edelman, American Safety Belt Council, New Rochelle, N.Y.

A. David O. Banks, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edelman International Corp. (for Republic of Turkey), 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Thomas Barlow, 1425 H Street NW., No. 714, Washington, D.C. 20005.

B. Coalition To Save Our National Forests, 1425 H Street, NW., No. 714, Washington, D.C. 20005.

A. Barrett, Smith, Schapiro & Simon, 26 Broadway, New York, N.Y. 10004.

B. New York Cocoa Exchange, Inc., 127 John Street, New York, N.Y. 10038.

A. Barrett, Smith, Schapiro & Simon, 26 Broadway, New York, N.Y. 10004.

B. New York Coffee and Sugar Exchange, Inc., 79 Pine Street, New York, N.Y. 10005.

A. Joseph W. Barron, 1828 L Street NW., Suite 402, Washington, D.C. 20036.

B. The Singer Co., Aerospace and Marine Systems, 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

A. Allison Beck, 113 Fourth Street SE., Washington, D.C. 20003.

B. Energy Action Committee, 1523 L Street NW., Washington, D.C. 20005.

A. John C. Bennett, 310 Suffridge Building, 1775 K Street NW., Washington, D.C. 20006.

B. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001; El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

A. Benrus Corp., Benrus Center, Ridgefield, Conn. 06877.

A. Gene S. Bergoffen, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.

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A. George K. Bernstein, 1730 K Street NW., Washington, D.C. 20006.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. George K. Bernstein, 1730 K Street, NW., Washington, D.C. 20006.

B. Crum & Forster Insurance Co., P.O. Box 2387, Morristown, N.J. 07960.

A. Donna C. Blair, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Stephen C. Blakeslee, Jr., 7106 Laverock Lane, Bethesda, Md. 20034.

A. Bill Blankenship, 1903 Milton Court, Peoria, Ill. 61604.

B. Swanson Contracting Co., Inc., 11701 South Mayfield, Alsip, Ill. 60482.

A. L. Francis Bouchey, 1735 De Sales Street, NW., Washington, D.C. 20036.

B. American Chilean Council, 95 Madison Avenue, New York, N.Y. 10016.

A. Robert P. Brammer, 318 Massachusett Avenue NE., Washington, D.C. 20002.

B. National Campaign to Stop the B-1 Bomber, 318 Massachusett Avenue NE. Washington, D.C. 20002.

A. Breed, Abbott & Morgan, 1 Chase Manhattan Plaza, New York, N.Y. 10005.

B. Goldman Sachs & Co., 55 Broad Street, New York, N.Y.

A. Jerome J. Breiter, 1800 K Street NW., Washington, D.C. 20006.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

A. John B. Brock, P.O. Box 3331, Houston, Tex. 77001.

B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Phillip W. Brooks, Volunteer State Oil Committee, Division of API, 19th Floor, Third National Bank Building, Nashville, Tenn. 37219.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. J. Melville Broughton, Jr., Broughton, Broughton, MacConnell & Boxley, P.O. Box 2387, Raleigh, N.C. 27602.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005; Broughton, Broughton, MacConnell & Boxley.

A. Richard A. Brown, 2030 Allen Place NW., Washington, D.C. 20009.

B. Full Employment Action Council, 815 16th Street NW., Washington, D.C. 20006.

A. Thomas C. Brown, 1660 L Street NW., Washington, D.C. 20036.

B. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.

A. Brownstein Zeidman Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.

A. John M. Burdick, 1000 Vermont Avenue, Washington, D.C. 20005.

B. Citizens Committee on Natural Resources, 1000 Vermont Avenue NW., Washington, D.C. 20005.

A. Francis X. Burkhardt, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Brotherhood of Painters and Allied Trades, AFL-CIO, 1750 New York Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs (for Badger Meter, Inc.), 815 Connecticut Avenue NW., Washington, D.C. 20006.

A. Roy C. Cahoon, 6100 Knollwood Drive, Falls Church, Va. 22041.

B. National Automatic Merchandising Association, 7 South Dearborn Street, Chicago, Ill.

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B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

A. Bruce P. Cameron, Americans for Democratic Action, 1424 16th Street NW., Washington, D.C. 20036.

B. Americans for Democratic Action.

A. Camp, Carmouche, Palmer, Carwile & Barsh, Fourth Floor, Pioneer Building, P.O. Drawer 2001, Lake Charles, La. 70601.

B. Powell Lumber Co., P.O. Box P, Lake Charles, La. 70601.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. H & R Block, Inc., 4410 Main Street, Kansas, Mo. 64111.

A. John B. Carroll, 918 Onondaga Savings Bank Building, Syracuse, N.Y. 13202.
B. Dairy Farmer Distributors of America, Inc., Chittenango, N.Y. 13037.

A. Richard L. Cartwright, P.O. Box 88581, Atlanta, Ga. 30338.
B. General Atomic Co., San Diego, Calif. 92138.

A. Robert J. Casey, 330 Madison Avenue, New York, N.Y. 10017.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. Samuel B. Chase, Jr., Inc., 1730 M Street NW., Washington, D.C. 20036.
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A. Ann Clark, 10564 Jason Lane, Columbia, Md. 21044.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. The Congress of Micronesia, Saipan, Mariana Islands 96950.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Railroad Passenger Corp. (Amtrak), 955 L'Enfant Plaza North SW., Washington, D.C. 20024.

A. Coalition to Save Our National Forests, 1425 H Street NW., No. 714, Washington, D.C. 20005.
B. Coalition to Save Our National Forests, 1425 H Street NW., No. 714, Washington, D.C. 20005.

A. Cohen & Uretz, 1775 K Street NW., Fourth Floor, Washington, D.C. 20006.
B. Vance, Sanders Exchange Fund, 1 Beacon Street, Boston, Mass. 02108.

A. Anne Cole, 4308 Rosedale Avenue, Bethesda, Md. 20014.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow (for Energy Advances, Inc.), 1200 17th Street NW., Washington, D.C. 20036.

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B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Committee for American Movie Production (AMP), 711 Fifth Avenue, New York, N.Y.

A. Committee for Public Advocacy, 1140 Connecticut Avenue, Suite 309, Washington, D.C. 20036.

A. Peter J. Connell, Aetna Life & Casualty, 1707 H Street NW., Suite 805, Washington, D.C. 20006.
B. Aetna Life & Casualty, Farmington Avenue, Hartford, Conn.

A. John J. Connolly, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

A. Container Corp. of America, 1101 15th Street NW., No. 205, Washington, D.C. 20005.
B. Container Corp. of America, 1 First National Plaza, Chicago, Ill. 60607.

A. Bruce Stewart Cook, 1425 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

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B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

A. E. Keith Cooper, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Cotton Warehouse Association of America, 1707 L Street NW., Suite 540, Washington, D.C. 20036.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Pineapple Growers Association of Hawaii, 1902 Financial Plaza of the Pacific, Honolulu, Hawaii 96813.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Pyramid Ventures Group, Inc., P.O. Box 1671, Morgan City, La. 70380.

A. James R. Cregan, 491 National Press Building, Washington, D.C. 20045.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20045.

A. Lynn E. Cunningham, 2000 P Street NW., No. 410, Washington, D.C. 20036.
B. Florence Wagman Roisman, 2000 P Street NW., No. 410, Washington, D.C. 20036. (for Cooperative Services, Inc., 7404 Woodward, Detroit, Mich. 48202.)

A. Dairy Farmer Distributors of America, Inc., Chittenango, N.Y.

A. Joan E. Dannenbaum, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Vitex Manufacturing Co., Ltd., and Amity International Corp., St. Croix, Virgin Islands.

A. Gerri Debusschere, 201 Brixton Road, Garden City, N.Y.
B. Consumer Action Now, Inc. 30 East 68th Street, New York, N.Y. 10021.

A. Delson & Gordon, 230 Park Avenue, New York, N.Y. 10017.
B. All American citizens with property expropriated by Czechoslovakia (Mrs. Mia Le Comte, et al.).

A. Pamela Deuel, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dewey, Ballantine, Bushby, Palmer & Wood, 1776 F Street NW., Washington, D.C. 20006.
B. American Can Co., American Lane, Greenwich, Conn. 06830.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Krauss-Maffei, AG, 8000 Muenchen 50, Krauss-Maffei-Strasse 2, Federal Republic of Germany.

A. H. A. Doersam, Route 1, 517 Powell Drive, Annapolis, Md. 21401.
B. Household Finance Corp., Prudential Plaza, Chicago, Ill. 60601.

A. Hollis M. Dole, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Dana B. Dolloff, 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., No. 700, Washington, D.C. 20006.

A. David D. Dominick, 2510 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203.
B. Cameron Engineers, Inc., 1315 South Clarkson Street, Denver, Colo. 80210.

A. John C. Doyle, Jr., 324 C Street SE., Washington, D.C. 20003.
B. Coalition Against Strip Mining, 324 C Street SE., Washington, D.C. 20003.

A. Lawrence M. Dubin, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

A. L. L. Duxburg, Burlington Northern Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

A. Jack Eckerd Corp., 2120 U.S. Highway 19 South, P.O. Box 4689, Clearwater, Fla. 33518.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. Manufactured Housing Institute, P.O. Box 201, 14650 Lee Road, Chantilly, Va. 22021.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. National Insulation Contractors Association, 8630 Fenton Street, Suite 506, Silver Spring, Md. 20910.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C.
B. Optical Manufacturers Association, 1730 North Lynn Street, Arlington, Va. 22233.

A. Edelman International, 1730 Pennsylvania Avenue NW., Washington, D.C.
B. Republic of Turkey, Embassy of Turkey, Washington, D.C.

A. El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

A. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001.

A. Jerry N. Ervin, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Joseph O. Evans, 1730 North Lynn Street, Suite 400, Arlington, Va. 22209.

A. Constance C. Everett, 1000 Vermont Avenue NW., Washington, D.C. 20005.

B. Citizens Committee on Natural Resources, 1000 Vermont Avenue NW., Washington, D.C. 20005.

A. Stuart F. Feldman, 1140 Connecticut Avenue, Suite 309, Washington, D.C. 20036.
B. Committee for Public Advocacy, 1140 Connecticut Avenue, Suite 309, Washington, D.C. 20036.

A. Richard C. Fenton, 1707 H Street NW., Suite 901, Washington, D.C. 20006.
B. American Committee on United States-Soviet Relations, 122 Maryland Avenue NE., Washington, D.C. 10002.

A. Fidelity Management & Research Co., 35 Congress Street, Boston, Mass 02109.

A. Peter J. Finnerty, Suite 307, 1730 K Street NW., Washington, D.C. 20006.
B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27101.

A. T. E. Fitzgerald, 3216 Wispering Pines Drive, Silver Spring, Md. 20906.
B. Household Finance Corp., Prudential Plaza, Chicago, Ill. 60601.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Badger Meter, Inc., 4545 West Brown Deer Road, Milwaukee, Wis. 53223.

A. Pamela B. Freer, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

A. David T. French, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Bakers Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Gary R. Frink, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. Alaska International Industries, P.O. Box 60029, Fairbanks, Alaska 99701.

A. Vicki Love Frost, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Full Employment Action Council, 815 16th Street NW., Suite 310, Washington, D.C. 20006.

A. Gallor & Elias, 700 E Street SE., Washington, D.C. 20003.
B. Maryland Savings Share Insurance Corp., 901 North Howard Street, Baltimore Life Building, Baltimore, Md. 21201.

A. Norman S. Gaines, Suite 307, 1730 K Street NW., Washington, D.C. 20006.
B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27101.

A. Wendell G. Garrett, 4712 Briar Patch Court, Indianapolis, Ind. 46250.
B. Indianapolis Morris Plan Corp., 110 East Washington Street, Indianapolis, Ind. 46204.

A. Joan L. Gavino, 955 L'Enfant Plaza, North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Llewellyn H. Gerson, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

A. Mark W. Gillaspie, P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. Harvey S. Gold, Velsicol Chemical Corp., 1629 K Street NW., Washington, D.C. 20006.
B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. R. Kinnan Golemon, 1300 American Bank Tower, Austin, Tex. 78701.
B. Texas Oil Marketers Association, 701 West 15th, Austin, Tex. 78701.

A. Charles E. Goodell, 1225 19th Street NW., Washington, D.C. 20036.
B. Hydeman, Mason & Goodell, 1225 19th Street NW., Washington, D.C. 20036 (for: State of Illinois, Department of Transportation).

A. Carl F. Graham, 7575 East Fulton Road, Ada, Mich. 49355.
B. Amway Corp., 7575 East Fulton Road, Ada, Mich. 49355.

A. Allan Grant, 225 Touhy Avenue, Park Ridge, Ill. 60068.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

A. John E. Grant, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.

A. Grants Newsletter, 3240 North Webster Road, Tucson, Ariz. 85715.

A. Lori Gribbin, 1025 Connecticut Avenue NW., Suite 202, Washington, D.C. 20036.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

A. John P. Guttenberg, Jr., 8130 Boone Boulevard, Vienna, Va. 22180.
B. Datran (Data Transmission Co.), 8130 Boone Boulevard, Vienna, Va. 22180.

A. C. James Hackett, 1119 A Street, Tacoma, Wash. 98401.
B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, Edward L. Weidenfeld, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Greenview Associates, Beaver Hill Apartments, 100 West Avenue, Jenkintown, Pa. 19046.

A. Morris G. Hallock, South Dakota Petroleum Council, Division of API, P.O. Box 669, Pierre, S. Dak. 57501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Newman T. Halvorson, Jr., 888 16th Street NW., Washington, D.C. 20006.
B. Trustees of the Penn Central Transportation Co., debtor in bankruptcy under § 77, Bankruptcy Act, 6 Penn Center Plaza, Philadelphia, Pa. 19104.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. The Hardaway Co., 11th Street and Third Avenue, Columbus, Ga.

A. Dave Harbour, Alaskan Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.
B. Alaskan Arctic Gas Study Co., P.O. Box 979, Anchorage, Alaska 99510.

A. Hartzog, Lader & Richards, 1400 North Uhle Street, Arlington, Va. 22201.
B. Mr. and Mrs. Samuel W. Morris, Pughtown, Pa.

A. Walter A. Hasty, Jr., 888 17th Street NW., No. 601, Washington, D.C. 20006.
B. Business Roundtree, 405 Lexington Avenue, New York, N.Y. 10017.

A. Patrick J. Head, Container Corp. of America, 1101 15th Street NW., No. 205, Washington, D.C. 20005.
B. Container Corp. of America, 1 First National Plaza, Chicago, Ill. 60607.

A. Robert A. Heggestad, 2230 California Street NW., Washington, D.C. 20008.
B. Manufactured Housing, Institute, 14650 Lee Road, Chantilly, Va. 22021.

A. Spencer H. Heine, Container Corp. of America, 1101 15th Street NW., No. 205, Washington, D.C. 20005.
B. Container Corp. of America, 1 First National Plaza, Chicago, Ill. 60607.

A. Gordon D. Henderson, Barrett, Smith, Schapiro & Simon, 26 Broadway, New York, N.Y. 10004.
B. The Income Fund of America, Inc., and The Growth Fund of America, Inc., 611 West Sixth Street, Los Angeles, Calif. 90017.

A. Richard Dean Henderson, 1101 17th Street NW., No. 1008, Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

A. Hercules, Inc., 910 Market Street, Wilmington, Del.

A. Hewes & Wolf, 1720 I Street NW., Washington, D.C. 20006.
B. Pennsylvania Petroleum Association, Building 2, Suite D, 2101 North Front Street, Harrisburg, Pa. 17110.

A. Hill, Christopher & Phillips, 2000 L Street NW., Washington, D.C. 20036.
B. California Housing Finance Agency, 1120 N Street, Sacramento, Calif.

A. Hill, Livingstone & Associates, 1220 Watergate South, 700 New Hampshire Avenue NW., Washington, D.C. 20037.
B. VIII Pan American Games Organizing Committee, GPO Box 70175, San Juan, P.R. 00936.

A. Hill, Livingstone & Associates, 1220 Watergate South, 700 New Hampshire Avenue NW., Washington, D.C. 20037.
B. National Association of Greeting Card Manufacturers, Meridian Building, 170 Mason Street, Greenwich, Conn. 06830.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Council of European & Japanese National Shipowners' Associations, 30/32 St. Mary Axe, London EC 3A 8ET, England.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C.
B. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.

A. Fortescue W. Hopkins, Box 218, Daleville, Va. 24083.
B. Graham-White Manufacturing Co., P.O. Box 1099, Salem, Va. 24153.

A. Fortescue W. Hopkins, Box 218, Daleville, Va. 24083.
B. Virgil L. Frantz, 1211 Pickwick Lane, Salem, Va. 24153.

A. James N. Horwood, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Richmond Power & Light of the City of Richmond, Ind.

A. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Paul N. Howell, 800 Houston Natural Gas Building, Houston, Tex. 77002.
B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Hudson, Wilf & Kronfeld, 2200 Packard Building, Philadelphia, Pa. 19102.

B. Butcher & Singer, 1500 Walnut Street, Philadelphia, Pa. 19102.

Humana, Inc., 1 Riverfront Plaza, Louisville, Ky. 40201.

A. James Floyd Humphreys, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

A. Hunton, Williams, Gay & Gibson, % George C. Freeman, Jr., P.O. Box 1535, Richmond, Va. 23212.

B. National Association of Electric Co's., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

A. E. Hamilton Hurst, 2901 Butterfield Road, Oak Brook, Ill. 60521.

B. Nalco Chemical Co., 2901 Butterfield Road, Oak Brook, Ill. 60521.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 500 12th Street SW., Washington, D.C. 20024.

B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.

A. Inter-American Services, Inc., 1750 Pennsylvania Avenue NW., No. 1109, Washington, D.C. 20006.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Fort Pierce Utilities Authority of the City of Fort Pierce; the Gainesville-Alachua County Regional Electric Water and Sewer Utilities; the Sebring Utilities Commission; cities of Homestead, Kissimmee, Lakeland, Starke, and Tallahassee, Fla.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. Bank of America N.T. and S.A., Bank of America Plaza, San Francisco, Calif. 94137.

A. Edward C. Johnson, 35 Congress Street, Boson, Mass. 02109.

B. Fidelity Management & Research Co., 35 Congress Street, Boston, Mass. 02109.

A. Neal Jones, Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Daniel J. Edelman (for American Safety Belt Council), New Rochelle, N.Y.).

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Thomas J. Kenan, George, Kenan, Robertson & Lindsey, 1000 Fidelity Plaza, Oklahoma City, Okla. 73102.

B. Coquina Oil Corp., 200 Building of the Southwest, Midland, Tex. 79701.

A. Thomas P. Kerester, Coopers & Lybrand, 1800 M Street NW., Washington, D.C. 20036.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

A. Thomas P. Kerester, Coopers & Lybrand, 1800 M Street NW., Washington, D.C. 20036.

B. The Balcor Co., 1 Concourse Plaza, 4711 Golf Road, Stokie, Ill. 60026.

A. David S. King, 1620 I Street NW., Washington, D.C. 20006.

B. Semper/Moser & Associates, 13953 Panay Way, Marina del Rey, Calif. 20291.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.

B. Automatic Phonograph Manufacturers.

A. Ann Kocker, 9 Seventh Street SE., Washington, D.C. 20003.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Anthony L. Kucera, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

A. Latham & Watkins, 555 South Flower Street, Los Angeles, Calif. 90071.

B. James L. Walker, S. T. Timmons, William Rapien, and Russell K. Kendall, c/o 6315 Bandini, City of Industry, Calif. 90040.

A. Elaine Day Latourell, 3321 Northeast 185th, Seattle, Wash. 98155.

B. National Organization for Women (NOW), Inc., 425 13th Street NW., No. 1001, Washington, D.C. 20004.

A. Denise Leary, 410 First Street SE., Washington, D.C. 20003.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

A. Charles W. Lee, 148 Duddington Place SE., Washington, D.C. 20003.

B. The Committee for Full Funding of Education Programs, 148 Duddington, Place SE., Washington, D.C.

A. Pat Leeper, 425 13th Street NW., No. 1001, Washington, D.C. 20004.

B. National Organization for Women (NOW), 425 13th Street NW., No. 1001, Washington, D.C. 20004.

A. Fielding H. Lewis, 575 Madison Avenue, New York, N.Y. 10022.

B. Cigar Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.

A. Lincoln National Corp., 1301 South Harrison Street, Fort Wayne, Ind. 46801.

A. Charles B. Lipsen, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Charles B. Lipsen, 6414 Earlham Drive, Bethesda, Md. 20034.

B. National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.

A. Cynthia A. MacDonald, 1701 South 26th Street, Apt. 1, Arlington, Va. 22206.

B. National Association for Milk Marketing Reform, 1000 Connecticut Avenue No. 1204, Washington, D.C. 20036.

A. William G. Mahoney, 1015 18th Street NW., Washington, D.C. 20036.

B. Railway Labor Executives' Association 400 First Street NW., Washington, D.C.; Brotherhood of Railway, Airline & Steamship Clerks, etc., 6300 River Road, Rosemont, Ill.

A. Preston Mangum, 1025 Connecticut Avenue NW., 1206, Washington, D.C. 20036.

B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.

A. Carl M. Marcy, 100 Maryland Avenue NE., Washington, D.C.

B. The United Nations University, 3932 Huntington Street NW., Washington, D.C. 20015.

A. Katherine E. Martin, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

A. Martin, Whitfield, Thaler & Bebchick, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. International Bank (an Arizona corporation), 1701 Pennsylvania Avneue NW., Washington, D.C. 20006.

A. Thomas P. Mason, Jr., 1725 K Street NW., Washington, D.C. 20006.

B. Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

A. Buddy L. Mawyer, 8224 Old Courthouse Road, Vienna, Va. 22180.

B. Sheet Metal & Air Conditioning Contractors' National Association, Inc., 8224 Old Courthouse Road, Vienna, Va. 22180.

A. Stanton E. Mayo, 2138 Georgian Woods Place, Wheaton, Md. 20902.

B. Discon, Inc., 1718 P Street NW., Washington, D.C. 20036.

A. F. Stephen McArthur, 1341 G Street No. 908, Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street, No. 908, Washington, D.C. 20005.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70110.

A. Richard M. M. McConnell, 1156 15th Street NW., Washington, D.C. 20005.

B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

A. Jack McDonald, 6845 Elm Street, McLean, Va.

B. Jack McDonald Associates, 6845 Elm Street, McLean, Va. for Lear Siegler Manufacturing, 3171 South Bundy Drive, Santa Monica, Calif. 90406.

A. Jack McDonald Associates, 6845 Elm Street, Suite 512, McLean Va.

B. Lear Siegler, 3171 South Bundy Drive, Santa Monica, Calif. 90406.

A. James McDonald, 6845 Elm Street, McLean, Va. 22101.

B. Jack McDonald Associates, 6845 Elm Street, McLean, Va. for Lear Siegler Manufacturing, 3171 South Bundy Drive, Santa Monica, Calif. 90406.

A. Medical Area Service Corp., 398 Brookline Avenue, Suite 7, Boston, Mass. 02215.

A. John Martin Meek, Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Daniel J. Edelman, Inc., (for Federation of American Hospitals), 1101 17th Street NW., Washington, D.C. 20036.

A. John Martin Meek, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006. (For Republic of Turkey.)

A. Marilee Menard, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

A. Edward L. Merrigan, Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.

B. Riviana Foods, Inc., P.O. Box 2636, Houston, Tex. 77001.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American General Capital Management, Inc., 717 Fifth Avenue, New York, N.Y. 10022.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American International Group, Inc., 102 Maiden Lane, New York, N.Y. 10005.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Fidelity Management & Research Co., 35 Congress Street, Boston, Mass. 02109.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Medical Area Service Corp., % Mr. Michael Brewer, Holyoke Center 1000, Cambridge, Mass. 02138.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Clara A. Miller, trust, Frederick M. Bransfield, trustee, 2666 One First National Plaza, Chicago, Ill. 60603.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lincoln National Corp., 1301 South Harrison Street, Fort Wayne, Ind. 46801.

A. Miller & Chevalier, 1700 Pennsylvania Avenue N.W., Washington, D.C. 20006.

B. Estate of Charlotte B. O'Toole, Westover Hills, 710 Princeton, Wilmington, Del.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. State Street Research & Management Co., 225 Franklin Street, Boston, Mass. 02110.

A. Maya Miller, 1310 New Hampshire NW., Washington, D.C.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Paul J. Miller, 8000 Sears Tower, Chicago, Ill. 60606.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Richard M. Millman (Law Office of), 1730 M Street NW., Washington, D.C. 20036.

B. National Council of Senior Citizens, Inc., 1511 K Street NW., Washington, D.C. 20005.

A. John S. Monagan, 1730 Pennsylvania Avenue NW., Suite 1010, Washington, D.C. 20006.

B. Benrus Corp., Benrus Center, Ridgefield, Conn. 06877.

A. Powell A. Moore, 1155 15th Street NW., Washington, D.C. 20036.

B. Associated Gas Distributors, 1800 M Street NW., Washington, D.C. 20036.

A. Mary Jane Mulholland, 555 California Street, Suite 4500, San Francisco, Calif. 94126.

B. National BankAmericard Inc., P.O. Box 26673, 555 California Street, San Francisco, Calif. 94126.

A. Harold D. Muth, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va., 22209.

A. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

A. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. National Association of Independent Lumbermen, 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

A. National Association of Recording Merchandisers, Inc., 1060 Kings Highway North, Suite 200, Cherry Hill, N.J. 08034.

A. National Association of State Lotteries, P.O. Box 26, Wethersfield, Conn. 06109.

A. National Association of Wheat Growers, Suite 1030, 1030 15th Street NW., Washington, D.C. 20005.

A. National Campaign to Stop the B–1 Bomber, 318 Massachusetts Avenue NE., Washington, D.C. 20002.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Zimmer, Egge & Sisk, Suite 220, 1775 K Street NW., Washington, D.C. 20006.

A. National Corp Insurance Association, 222 West Adams Street, Chicago, Ill. 60606.

A. National Federation of Citizens' Band Radio Operators, 1721 DeSales Street NW., Washington, D.C. 20036.

A. National Franchise Association Coalition, 242 North Wolf Road, P.O. Box 773E, Wheeling, Ill. 60090.

A. National Government & Legislative Relations Service, 1625 I Street NW., Suite 124–A, Washington, D.C. 20006.

A. J. T. Nelson, Gibson Island, Md. 21056.

B. Household Finance Corp., Prudential Plaza, Chicago, Ill. 60601.

A. Nicholson & Carter, 21 Dupont Circle NW., Washington, D.C. 20036.

B. American Chamber of Commerce In Spain, Inc., Suite 200, 21 Dupont Circle NW., Washington, D.C. 20036.

A. Carl A. Nordberg, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Dana Corp., P.O. Box 1000, Toledo, Ohio 48697.

A. Richard B. Norment IV, 2 Militia Drive, Lexington, Mass. 02173.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. North American Telephone Association, Inc., 1725 DeSales NW., Washington, D.C. 20033.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Board of Water Commissioners, City and County of Denver, State of Colorado, 144 West Colfax Avenue, Denver, Colo. 80202.

A. John F. O'Neal, 600 New Hampshire Avenue NW. Suite 952, Washington, D.C. 20037.

B. Wheat & Wheat Foods Foundation, 14 East Jackson Boulevard, Suite 1010, Chicago, Ill. 60604.

A. George C. P. Olsson, 25 Clifford Road, Plymouth, Mass.

B. Ocean Spray Cranberries, Inc., Hanson, Mass. 02341.

A. Estate of Charlotte M. O'Toole, c/o Connolly, Bove & Lodge, Farmers Bank Building, Wilmington, Del. 19899.

A. Pasco, Inc., P.O. Box 1677, Englewood, Colo. 80110.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Committee for American Movie Production (AMP), 711 Fifth Avenue, New York, N.Y.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Energy Advances, Inc., 1375 Perry Street, Columbus, Ohio 43201.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. King Ranch, Inc., Kingsville, Tex. 78363.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Pyrotechnic Signal Manufacturers Association, Inc., 1730 K Street, Suite 1300, Washington, D.C. 20006.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

B. Revlon, Inc., 767 Fifth Avenue, New York, N.Y. 10022.

A. Roland A. Paul, 41 Oakland Beach Avenue, Rye, N.Y. 10580.

B. Delson & Gordon, 230 Park Avenue, New York, N.Y. 10017 (for Mrs. Mia Le Comte, et al.).

A. Steven C. Pearlman, 318 Massachusetts Avenue NE., Washington, D.C. 20002

B. National Campaign to Stop the B–1 Bomber, 318 Massachusetts Avenue NE., Washington, D.C. 20002.

A. Charles Penman, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., Suite 200, Washington, D.C. 20006.

B. Consolidated Rail Corp., 1818 Market Street, Philadelphia, Pa. 19104.

A. Donald A. Petrie, 2029 Connecticut Avenue NW., Washington, D.C.

B. Dreyfus Corp., 767 Fifth Avenue, New York, N.Y. 10002.

A. Paul F. Petrus, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. John Pflieger, Time, Inc., 888 16th Street NW., Washington, D.C. 20006.

B. Time, Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.

A. Daphne Philos, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

A. Scott H. Phillips, 800 Houston Natural Gas Building, Houston, Tex. 77002.

B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.

B. Time, Inc., Time Life Building, 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Pineapple Growers Association of Hawaii, 1902 Financial Plaza of the Pacific, Honolulu, Hawaii 96813.

A. Prather, Seeger, Doolittle, Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.

B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.

A. Prather, Seeger, Doolittle, Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.

B. First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

A. Paul R. Preston, 925 15th Street NW., Washington, D.C. 20005.

B. National Asociation of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. Robert N. Pyle, Suite 450, 1707 L Street NW., Washington, D.C. 20036.

B. American Bankers Association, Suite 650, 1700 Pensylvania Avenue NW., Washington, D.C. 20006.

A. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Ragan & Mason, 900 17th Street, NW., the Farragut Building, Washington, D.C.

B. Denver Water Department, 144 West Colfax Avenue, Denver, Colo.

A. Jerry Rees, Suite 1030, 1030 15th Street NW., Washington, D.C. 20005.

B. National Association of Wheat Growers, Suite 1030, 1030 15th Street NW., Washington, D.C., 20005.

A. Richard M. Reilly, 35 Congress Street, Boston, Mass. 02109.

B. Fidelity Management & Research Co., 35 Congress Street, Boston, Mass. 02109.

A. Pratt Remmel, Jr., 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. Tom Reston, 815 Connecticut Avenue, Suite 400, Washington, D.C. 20006.

B. Hogan & Hartson, 815 Connecticut Avenue, Suite 400, Washington, D.C. 20006. (for Committee for Public Advocacy).

A. Linda Ricci, 706 Seventh Street SE., Washington, D.C. 20003.

B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

A. Ronald C. Rice, 801 Northland Towers West, Southfield, Mich. 48075.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27101.

A. Rona Roberts, 88 Central Park West, New York, N.Y.

B. Consumer Action Now, Inc., 49 East 53d Street, New York, N.Y.

A. Robert Robertson, 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

B. National Association of Independent Lumbermen, 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.

A. Sally Robinson, 1425 H Street, NW., No. 714, Washington, D.C. 20005.

B. Coalition to Save Our National Forests, 1425 H Street NW., No. 714, Washington, D.C. 20005.

A. Terrence L. Rogers, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Florence Wagman Roisman, 2000 P Street NW., No. 410, Washington, D.C. 20036.

A. Florence Wagman Roisman, 2000 P Street NW., No. 410, Washington, D.C. 20036.

B. Cooperative Services, Inc., 7404 Woodward, Detroit, Mich. 48202.

A. Edward James Rouse, 7702 Hanover Parkway, No. 304, Greenbelt, Md. 20770.

B. National Justice Committee, 412 Fifth Street, NW., Washington, D.C. 20001.

A. Richard Royce, 2011 I Street NW., Washington, D.C.

B. Appalachian Hardwood Manufacturers Association, High Point, N.C. 27260.

A. Ruckelshaus, Beveridge, Fairbanks & Diamond, 1 Farragut Square South, 3d Floor, Washington, D.C. 20006.

B. Geothermal Kinetics, Inc., 301 West Indian School Road, Phoenix, Ariz. 85013.

A. Ruckelshaus, Beveridge, Fairbanks & Diamond, 1 Farragut Square South, 3d Floor, Washington, D.C. 20006.

E. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Paul M. Ruden, Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.

B. Southwest Airlines Co., 1820 Regal Row, Dallas, Tex. 75235.

A. Edward J. Russell, 13027 Beaver Dam Road, Cockeysville, Md. 21036.

B. United Game Fowl Breeders Association, P.O. Box 267, Muskogee, Okla.

A. Austin St. Laurent, 710 White Henry Stuart Building, Seattle, Wash. 98101.

B. Western Environmental Trade Association of Washington, Inc., 710 White Henry Stuart Building, Seattle, Wash. 98101.

A. Santarelli, Sandground & Good, 1025 Connecticut Avenue NW., Suite 911, Washington, D.C. 20036.

B. American Firearms Industry Association, 122 Lafayete Avenue, Laurel, Md. 20810.

A. Santarelli, Sandground & Good, 1025 Connecticut Avenue NW., Suite 911, Washington, D.C. 20036.

B. Sturm, Ruger & Co., Inc., Southport, Conn. 06490.

A. Thomas T. Scambos, 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffel AG, 800 Muenchen 50, Krauss-Maffei-Strasse 2, Federal Republic of Germany).

A. Darryl Schaefermeyer, P.O. Box 1127, Seward, Alaska 99664.

B. Alaska Loggers Association, P.O. Box 425, Ketchikan, Alaska 99901.

A. Susan Freeman Schapiro, 2000 P Street NW., No. 410, Washington, D.C. 20036.

B. Florence Wagman Roisman, 2000 P Street NW., No. 410, Washington, D.C. 20036.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. William H. Schweitzer, Suite 500, Southern Building, 805 15th Street NW., Washington, D.C. 20005.

B. Baker, Hostetler, Frost & Towers (for The Soap & Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016), 805 15th Street NW., Suite 500, Washington, D.C. 20005.

A. Carl F. Schwensen, Suite 1030, 1030 15th Street NW., Washington, D.C. 20005.

B. National Association of Wheat Growers, Suite 1030, 1030 15th Street NW., Washington, D.C. 20005.

A. Paul Y. Seligson, Wilner & Scheiner, 2021 L Street NW., Washington, D.C. 20036.

B. Southwest Airlines Co., 1820 Regal Row, Dallas, Tex. 75235.

A. Richard N. Sharood, 919 18th Street NW., Washington, D.C. 20006.

B. Great Lakes & European Lines, Inc., 222 South Riverside Plaza, Chicago, Ill. 60606.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Altair Airlines, Inc., P.O. Box 5346, Philadelphia International Airport, Philadelphia, Pa. 19153.

A. Shaun Sheehan, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edelman International Corp. (for Republic of Turkey), 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Hannah Shore, 434 First Street SE., Washington, D.C. 20003.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Marjorie M. Shostak, Stein & Shostak, 3435 Wilshire Boulevard, Los Angeles, Calif. 90010.

B. Doherty Barrow of Texas, Inc., P.O. Box 34, Bellaire, Tex. 77401; Plains Cooperative, P.O. Box 1889, Lubbock, Tex. 79408.

A. Anthony T. Shtogren, 8130 Boone Boulevard, Vienna, Va. 22180.

B. Datran (Data Transmission Co.,) 8130 Boone Boulevard, Vienna, Va. 22180.

A. Raymond W. Sifley, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Robert Slomski, 620 C Street SE., Washington, D.C. 20003.

B. National Clean Air Coalition, Inc., 620 C Street SE., Washington, D.C. 20003.

A. Robert G. Smerko, G. D. Searle & Co., Suite 320, 1750 Pennsylvania Avenue, Washington, D.C. 20006.

B. G. D. Searle & Co., Box 1045, Skokie, Ill. 60076.

A. Robert Stiles Smith, 3240 North Webster Road, Tucson, Ariz. 85715.

B. Grants Newsletter, 3240 North Webster Road, Tucson, Ariz. 85715.

A. Katherine Snowden, 241 Hollow Tree Ridge Road, Darien, Conn. 06820.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Belle Soloway, 1207 East Capitol SE., Washington, D.C. 20003.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.

A. Harold L. Springer, 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

A. State Street Exchange Fund, 225 Franklin Street, Boston, Mass. 02110.

A. Robert B. Stewart, Skelly Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.

A. Kenneth F. Stinger, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Sandra J. Strebel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. The Cities of Anaheim and Riverside, Calif.

A. Harold R. Sullivan, Suite 700, 1010 16th Street NW., Washington, D.C. 20036.

B. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.

A. Surrey, Karasik & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Canadian National Railways, 935 De La Gauchetiere Street West, Montreal 101, Quebec, Canada.

A. Surrey, Karasik & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Canadian Pacific, Ltd., Windsor Station, Montreal 101, Quebec, Canada.

A. Surrey, Karasik & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Hamilton Bros. Oil Co., 1600 Broadway, Denver, Colo. 80202.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Mutual Benefit Life Insurance Co., 520 Broad Street, Newark, N.J. 07101.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Mutual Life Insurance Co. of New York, Broadway at 55th Street, New York, N.Y. 10019.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Phoenix, Inc., 3300 First National Bank Tower, Atlanta, Ga. 30303.

A. R. H. Rick Swentek, 11671 North Shore Dr., Reston, Va. 22090.

A. Fred Tammen, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
B. National Rehabilitation Association, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.

A. Philip W. Tashbar, 1900 South Eads Street, No. 1028, Arlington, Va. 22202.

A. John T. Thielke, Economics Laboratory Inc., 4 Corporate Park Drive, White Plains, N.Y. 10604.
B. Economics Laboratory, Inc., Osborn Building, Saint Paul, Minn. 55102.

A. Melissa Thompson, 425 13th Street NW. No. 1001, Washington, D.C. 20004.
B. National Organization for Women (NOW), Inc., 425 13th Street NW. No. 1001, Washington, D.C. 20004.

A. John R. Thorne, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Alaskan Arctic Gas Pipeline Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washington D.C. 20037.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Genesco, 111 Seventh Avenue, North, Nashville, Tenn. 37202.

A. James R. Tobin, Becton, Dickinson & Co., Rutherford, N.J. 07070.
B. Becton, Dickinson & Co., Rutherford, N.J.

A. Maurice B. Tobin, American Land Development Association, 1010 16th Street NW., Washington, D.C. 20036.
B. American Land Development Association.

A. Warren D. Toburen, 1660 L Street NW., Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

A. Jay C. Townley, 715 South Harvey, Oak Park, Ill. 60304.
B. Schwinn Bicycle Co., 1856 North Kostner, Chicago, Ill. 60639.

A. George G. Troutman, General Electric Co., 777 14th Street, NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

A. James Terry Turner, 1300 Pennsylvania Building, NW., Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building NW., Washington, D.C. 20004.

A. Shela C. Turpin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. St. Clair J. Tweedie, 1800 K Street NW., Suite 600, Washington, D.C. 20006.
B. Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Marcos von Goihman, 6700 Belcrest Road, No. 625, Hyattsville, Md., 20782.
B. Guyana Airways Corp., 6700 Belcrest Road, No. 625, Hyattsville, Md. 20872.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Franchise Association Coalition, 242 North Wolf Road Post Office Box 773E, Wheeling, Ill.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Business Roundtable, 888 17th Street NW., Suite 601, Washington, D.C. 20006.

A. Donald L. Wallace, Jr., 1707 L Street NW., Suite 540, Washington, D.C. 20036.
B. Cotton Warehouse Association of America, 1707 L Street NW., Suite 540, Washington, D.C. 20036.

A. Alan S. Ward, Suite 500, Southern Building, 805 15th Street NW., Washington, D.C. 20005.
B. Baker, Hostetler, Frost & Towers (for the Soap & Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016.), 805 15th Street NW., Suite 500, Washington, D.C. 20005.

A. Michael A. Watson, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the U.S., 200 Maryland Avenue NE., Washington, D.C. 20002.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.
B. American Society of Composer, Authors & Publishers, ASCAP Building, 1 Lincoln Plaza, New York, N.Y. 10023.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.
B. Beneficial Management Corp., 200 South Street, Morristown, N.J.

A. Western Environmental Trade Association of Washington, Inc., 710 White Henry Stuart Building, Seattle, Wash. 98101.

A. Brian B. Whalen, 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.

A. Mary Whitesides, R.D. 1, Box 409, Sussex, N.J.
B. Consumer Action Now, Inc., 30 East 68th Street, New York, N.Y. 10021.

A. Patricia B. Wild, Economics Laboratory, Inc., 4 Corporate Park Drive, White Plains, N.Y. 10604.
B. Economics Laboratory, Inc., Osborn Building, Saint Paul, Minn. 55102.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Data Communications Manufacturers Association, Inc. (IDCMA), 1735 New York Avenue NW., Washington, D.C. 20006.

A. Williams, Connolly & Califano, 1000 Hill Building, Washington, D.C. 20006.
B. Benenson Realty Co. (Charles B. Benenson), 380 Madison Avenue, New York, N.Y. 10017.

A. Wiliams, Connolly & Califano, 839 17th Street NW., Washington, D.C. 20006.
B. Howell Corp. 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Williams, Connolly & Califano, 829 17th Street NW., Washington, D.C. 20006.
B. Pasco, Inc., P.O. Box 1677, Englewood, Colo. 80110.

A. Williams, Connolly & Califano, 829 17th Street NW., Washington, D.C. 20006.
B. Quintana Corp., P.O. Box 3331, Houston, Tex. 77001.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Brown & Root, Inc., Box 3, Houston, Tex. 77001.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Jack E. Lawton and William B. Lawton, Route 2, Box 816, Sulphur, La. 70663.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. National Association of Water Cos., Box 387, Washington, D.C. 20044.

A. A. W. Winter, P.O. Box 1677, Englewood, Colo. 80110.
B. Pasco, Inc., P.O. Box 1677, Englewood, Colo. 80110.

A. Frank R. Wolf, 1800 North Kent Street, Suite 1024, Arlington, Va. 22209.
B. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, P.C., 1701 Pennsylvania Avenue NW., Suite 404, Washington, D.C. 20006.

A. John M. Wood, Jr., 50 Congress Street, Boston, Mass. 02109.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Frederick S. Wyle, 3 Greenwood Common, Berkeley, Calif. 94708.
B. Congress of Micronesia, Delegation to United Nations Law of the Sea Conference, Capitol Hill, Saipan, Mariana Islands.

A. Lynn Zakupowsky, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Joseph N. Zannino, 263 S. Conkling Street, Baltimore, Md. 21224.
B. United Game Fowl Breeders Association, P.O. Box 267, Muskogee, Okla.

A. Roger H. Zion, Resources Development, Inc., 1155 15th Street NW., Suite 418, Washington, D.C. 20005.
B. Citizens Commission for the Right to Keep and Bear Arms, 1601 114th Street SE., Suite 151, Bellevue, Wash. 98004.

A. Barry Zorthian, Time, Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time, Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1976:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees*. An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

NOTE ON ITEM "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $________Dues and assessments
2. $________Gifts of money or anything of value
3. $________Printed or duplicated matter received as a gift
4. $________Receipts from sale of printed or duplicated matter
5. $________Received for services (e.g., salary, fee, etc.)
6. $________TOTAL for this Quarter (Add items "1" through "5")
7. $________Received during previous Quarters of calendar year
8. $________TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $________TOTAL now owed to others on account of loans
10. $________Borrowed from others during this Quarter
11. $________Repaid to others during this Quarter

12. $________"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ________

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ________________, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $________Public relations and advertising services
2. $________Wages, salaries, fees, commissions (other than item "1")
3. $________Gifts or contributions made during Quarter
4. $________Printed or duplicated matter, including distribution cost
5. $________Office overhead (rent, supplies, utilities, etc.)
6. $________Telephone and telegraph
7. $________Travel, food, lodging, and entertainment
8. $________All other expenditures
9. $________TOTAL for this Quarter (Add "1" through "8")
10. $________Expended during previous Quarters of calendar year
11. $________TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $________TOTAL now owed to person filing
13. $________Lent to others during this Quarter
14. $________Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

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A. Albert E. Abrahams, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 155 East Superior Street, Chicago, Ill. 60611, and 925 East 15th Street NW., Washington, D.C. 20005.
D. (6) $2,550. E. (9) $538.15.

A. Action for Legal Rights, 2030 M Street NW., Room 300, Washington, D.C. 20037.
D. (6) $77.73. E. (9) $212.69.

A. Bruce Adams, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,200.01.

A. John J. Adams, Suite 1060, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
D. (6) $750.

A. John J. Adams, Suite 1060, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Vepco, Seventh and Franklin Streets, Richmond, Va.
D. (6) $500.

A. Clarence G. Adamy, 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $450.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.
D. (6) $10,607.23. E. (9) $10,607.23

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,000. E. (9) $2,906.87.

A. Donald G. Agger, 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale, 37 Blvd. de Montmorency, Paris, France).

A. Randolf H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $1,250. E. (9) $115.31.

A. John N. Ake, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Akin, Gump, Strauss, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Gibbs Oil Co., 40 Lee Burbank Highway, Revere, Mass. 02151.
D. (6) $3,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. The Industry Coordinating Committee To Conserve Energy, Motor and Equipment Manufacturers Association, 222 Cedar Lane, Teaneck, N.J., 07660.
D. (6) $4,230.

A. Akin, Gump, Strauss, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Republic of Texas Corp., P.O. Box 22105, Dallas, Tex. 75222.
D. (6) $10,850.

A. Akin, Gump, Strauss, Hauer & Feyd, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Riviana Foods, Inc., 277 Allen Parkway, Houston, Tex. 77019.

A. Akin, Gump, Strauss, Hauer & Feyd, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Society of Independent Gasoline Marketers of America (SIGMA), 230 South Bemiston Street, St. Louis, Mo.
D. (6) $7,500.

A. Alaskan Arctic Gas Pipeline Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska 99510.
E. (9) $8,425.

A. Alcalde, Henderson & O'Bannon, Ltd., 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va.
B. Hillsborough County Aviation Authority, P.O. Box 22287, Tampa, Fla. 33622.
D. (6) $650.

A. Alcalde, Henderson & O'Bannon, Ltd., 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Alcalde, Henderson & O'Bannon, Ltd., 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va.
B. Latin American Manufacturers Association, 1015 18th Street NW., No. 408, Washington, D.C.
D. (6) $200.

A. Alcalde, Henderson & O'Bannon, Ltd., 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D. (6) $1,500.

A. Alcalde, Henderson & O'Bannon, Ltd., 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn., 55912.
D. (6) $2,385. E. (9) $418.11.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,875. E. (9) $203.89.

A. Maxton Allcox, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $1,400.

A. John Allen, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $300. E. (9) $142.

A. Webb M. Alspaugh, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (an Ohio corporation), Midland Building, Cleveland, Ohio 44115.
D. (6) $500. E. (9) $406.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.
B. Lockheed Aircraft Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $1,060. E. (9) $758.34.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo., 64114.
D. (6) $910.70. E. (9) $910.70.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa., 17022.
D. (6) $521. E. (9) $55.22.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va., 22042.
E. (9) $21.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $59,682.60. E. (9) $59,682.60.

A. American Chilean Council, 95 Madison Avenue, Suite 608, New York, N.Y. 10016.
D. (6) $33,570.96. E. (9) $3,009.79.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $2,211.60. E. (9) $2,211.60.

A. American Committee on United States-Soviet Relations, 122 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $1,100. E. (9) $1,186.16.

A. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $2,444.90.

A. American Dental Association, 211 East Avenue, Chicago, Ill. 60611.
D. (6) $6,109.19. E. (9) $6,109.19.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068; Washington Offices: 425 13th Street NW., Washington, D.C. 20004.
D. (6) $47,342. E. (9) $47,342.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $75,760.65.

A. American Feed Manufacturers Association, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) 541.82. E. (9) $541.83.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $221,099. E. (9) $550.

A. American Hellenic Institute, Public Affairs Committee, Inc., 1730 K Street NW., Washington, D.C. 20006.
D. (6) $312.50. E. (9) $54.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $4,256.68. E. (9) $3,972.15.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $44,208.13. E. (9) $44,208.13.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $2,266.84. E. (9) $3,182.66.

A. American Meat Institute, P.O. Box 3556, Washington D.C. 20007.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill., 60610.
E. (9) $30,185.52.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $6,545.

A. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.
E. (9) $4,350.

A. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $5,022. E. (9) $14,797.32.

A. American Nurses' Association, Inc., 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $4,216.98. E. (9) $4,216.98.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $311.95.
A. American Parents Committee, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,974.22. E. (9) $6,766.51.

A. American Petroleum Institute, 2101 L Street, Washington, D.C. 20037.
D. (6) $157,238. E. (9) $55,500.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $8,293.90. E. (9) $8,293.90.

A. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
E. (9) $12,380.52.

A. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $2,004,633.69. E. (9) $105,442.69.

A. American Public Transit Association, 1100 17th Street NW., Suite 1200, Washington, D.C. 20036.
D. (6) $10,469. E. (9) $10,469.

A. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
E. (9) $2,373.

A. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $935.73. E. (9) $935.73.

A. The American Society of Radiologic Technologists, 500 North Michigan Avenue, Suite 836, Chicago, Ill. 60611.
D. (6) $1,115.79. E. (9) $6,223.52.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $294.69. E. (9) $102.03.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $413.87.

A. American Textile Manufacturers Institution, Inc., Wachovia Center, 400 South Tryon Street, Charlotte, N.C. 28285.
D. (6) $21,403.79. E. (9) $2,403.79.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $47,111.87.

A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $2,897.05. E. (9) $507.

A. Morris J. Amitay, 1341 G Street, No. 908, Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street NW., No. 908, Washington, D.C. 20005.
D. (6) $5,750.

A. Anthony L. Anderson, Sun Oil Co., Suite 820, 1800 K Street NW., Washington, D.C. 20006.
B. Sun Oil Co., 240 Radnor-Chester Road, St. Davids, Pa. 19087.
D. (6) $5,000. E. (9) $1,175.

A. John L. Anderson, 400 First Street NW., Washington, D.C. 20001.
B. Time Inc., Rockefeller Center, New York, N.Y. 10020.
D. (6) $1,750. E. (9) $1,128.44

A. M. Kent Anderson, The Trane Co., 2020 14th Street, North Arlington, Va. 22201.
B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.
D. (6) $350. E. (9) $22.

A. Scott G. Anderson, Scott Anderson Productions, Inc., Heron House, Reston, Va. 22090.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $4,500. E. (9) $1,860.19.

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $5.

A. Donald M. Andersson, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $66.25.

A. Scott P. Anger, 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.
B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.
D. (6) $200. E. (9) $177.60.

A. J. Donald Annett, 1050 17th Street NW., Suite 500, Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $225.

A. Appalachian Hardwood Manufacturers, Inc., 164 South Main Street, NCNB Building, Room 408, High Point, N.C. 27260.
E. (9) $777.

A. Leonard Appel, Wilson, Woods, Villalon & Hollengreen, 425 13th Street NW., Washington, D.C. 20004.
B. Everett Terminal Co., Inc., P.O. Box 1478, Hewitt Avenue Marine Terminal, Everett, Wash. 98206.
E. (9) $135.39.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.
B. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $3,750.

A. John Christian Archer, 1730 Rhode Island Avenue NW., Suite 213, Washington, D.C. 20036.
B. Brown & Root, Inc., 1730 Rhode Island Avenue NW., Suite 213, Washington, D.C. 20036.
D. (6) $1,800. E. (9) $525.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. Combined Insurance Co. of America, 5050 Broadway, Chicago, Ill. 50640.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. National Association of Greeting Card Publishers, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $138. E. (9) $1.25.

A. Arent, Fox, Kintner, Poltkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. National Association of Recording Merchandisers, Inc., 1060 Kings Highway North, Suite 200, Cherry Hill, N.J. 08034.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $18.

A. Howard Arnett, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.
B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.
D. (6) $1,140. E. (9) $300.68.

A. Carl F. Arnold, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Quintana Petroleum Corp., 500 Jefferson Building, Houston, Tex. 77002.
D. (6) $1,250. E. (9) $250.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Quintana Refining Co., 500 Jefferson Building, Houston, Tex. 77002.
D. (6) $1,250. E. (9) $250.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.
D. (6) $874. E. (9) $34.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Council on Atmospheric Sciences, c/o Ralph Engel, Chemical Specialties Manufacturing Association, Inc., 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $10,000. E. (9) $463.

A. Leonard Arrow, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,615.38.

A. Associated Builders & Contractors, Inc., 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $8,000.

A. Associated Credit Bureaus, Inc., 6767, Southwest Freeway, Houston, Tex. 77074.
E. (9) $197.93

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $105.83. E. (9) $113.40

A. Association for the Advancement of Invention and Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $5,526. E. (9) $3,239.58.

A. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.
E. (9) $896.60.

A. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $5,063.72. E. (9) $5,963.72.

A. Association of American Railroads, American Railroads Building, Room 211, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $9,233.05. E. (9) $9,233.05.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $3,750. E. (9) $4,300.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $985.

A. The Association of Trial Lawyers of America, 20 Garden Street, Cambridge, Mass. 02138.

D. (6) $12,874. E. (9) $12,874.

A Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

E. (9) $500.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $1,025. E. (9) $1,240.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $38.37.

A. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

D. (6) $6,100. E. (9) $6,087.40.

A. John S. Autry, Johns-Manville Corp., 1025 Connecticut Avenue, Suite 214, Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.

D. (6) $400. E. (9) $350.

A. Richard W. Averill, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Alvin Levin, O.D., 120 South Hanover Street, Carlisle, Pa. 17013.

D. (6) $920. E. (9) $396.

A. Donald L. Badders, TRW Credit Data, 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW Credit Data, 100 Oceangate, Suite 800, Long Beach, Calif. 90802.

D. (6) $105. E. (9) $109.70.

A. Baer & Marks, 70 Pine Street, New York, N.Y. 10005.

B. Commodity Exchange, Inc., 81 Broad Street, New York, N.Y. 10004.

D. (6) $300.

A. Carl E. Bagge, Coal Building, Washington, D.C. 20036.

B. National Coal Association, Coal Building, Washington, D.C. 20036.

E. (9) $2,239.79.

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.

B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $6,825. E. (9) $287.55.

A. David L. Baird, Jr., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20515.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $288.91.

A. Thomas F. Baker, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Donald Baldwin, Donald Baldwin Associates, 906/1625 I Street NW., Washington, D.C. 20006.

B. American Electric Power Co., 2 Broadway, New York, N.Y. 10004.

A. Nancy L. Ball, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Daniel J. Edelman, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006 (for American Safety Belt Council, 271 North Avenue, New Rochelle, N.Y. 10801).

A. Nancy L. Ball, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edelman International, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Aerospatiale, c/o DGA International, 1225 19th Street NW, Washington, D.C.).

D. (6) $1,500. E. (9) $24.60.

A. E. Clinton Bamberger, Jr., 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $100. E. (9) $5.25.

A. David O. Banks, 1730 Pennsylvania Avenue NW., Washington, D.C. 20008.

B. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20008 (for the Republic of Turkey).

E. (9) $16.

A. James G. Banks, 1511 K Street NW., Suite 439, Washington, D.C. 20005.

B. Washington Board of Realtors, 1511 K Street NW., No. 439, Washington, D.C. 20005.

A. Robert D. Bannister, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 155 East Superior Street, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,787.50. E. (9) $220.30.

A. Thomas H. Barksdale, Jr., 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $2,400. E. (9) $194.

A. Tom Barlow, Room 731, 1346 Connecticut NW., Washington, D.C. 20036.

B. Environmental Action, Room 731, 1346 Connecticut NW., Washington, D.C. 20036.

A. James C. Barr, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

D. (6) $300. E. (9) $140.65.

A. Richard L. Barr, Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

B. Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $250.

A. David S. Barrows, 214 Century Building, Portland, Oreg. 97205.

B. Association of Oregon & California Land Grant Counties, Douglas County Courthouse, Roseburg, Oreg. 97470.

D. (6) $1,200.

A. T. Michael Barry, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $270.90.

A. William M. Bates, William M. Bates/Public Relations, Inc., 814 Carnegie Building, Atlanta, Ga. 30303.

B. Georgia Farm Bureau Federation, 814 Carnegie Building, Atlanta, Ga. 30303.

D. (6) $3,000. E. (9) $567.26.

A. Lucius D. Battle, 950 L'Enfant Plaza SW., Washington, D.C. 20024.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $1,000. E. (9) $456.48.

A. John F. Battles, Massachusetts Petroleum Council—a division of American Petroleum Institute, 11 Beacon Street, Boston, Mass. 02108.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.

B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.

D. (6) $500.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.

B. Herbst Oil Co., P.O. Box 2983, Huntridge Station, Las Vegas, Nev. 89104; Kocolene Oil Corp., Box 448, Seymour, Ind. 47274.

D. (6) $500.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.

B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $500.

A. Gary Lee Bauer, 1730 K Street NW., Suite 905, Washington, D.C. 20006.

B. DMMA, 1730 K Street NW., Suite 905, Washington, D.C. 20006.

D. (6) $3,000. E. (9) $1,425.

A. Bruce A. Beam, 40 Franklin Road SW., Roanoke, Va. 24011.

B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24011.

D. (6) $244. E. (9) $503.45.

A. John E. Bearer, 1001 Broad Street, Johnstown, Pa. 15907.

B. Pennsylvania Electric Co., 1001 Broad Street, Johnstown, Pa. 15907; Metropolitan Edison Co., 2800 Pottsville Pike, Reading, Pa. 19603; Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

D. (6) $2,226.51. E. (9) $2,770.25.

A. Donald S. Beattie, Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $2,186.89.

A. Christine T. Beatty, Suite 911, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.

D. (6) $1,500.

A. Allison Beck, 113 4th Street SE., Washington, D.C. 20003.

B. Energy Action Committee, 1523 L Street NW., Washington, D.C. 20005.

D. (6) $693.33. E. (9) $3.25.

A. Noreen H. Beebe, 1016 20th Street NW., Washington, D.C. 20036.

B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

D. (6) $176.10. E. (9) $176.10.

A. R. C. Beerbower, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Thomas Belford, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,800.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.

B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States & Canada, 901 Massachusetts Avenue, NW., Washington, D.C. 20001.

D. (6) $3,750. E. (9) $53.10.

A. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C. 20006.

B. Association of Trial Lawyers of America, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $600.

A. C. Robert Benedict, 1211 Connecticut Avenue NW., Suite 212, Washington, D.C. 20036.

B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.

D. (6) $300. E. (9) $45.

A. Bruce Benefield, 2030 M Street NW., Washington, D.C. 20036.

B. TRW Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $1,000.

A. John C. Bennett, Pouch 7009, Anchorage, Alaska 99510.

B. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001; El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

D. (6) $2,500.

A. Kathleen M. Bennett, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. William C. Bennett, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $200. E. (9) $140.

A. Nancy C. Benson, 1625 I Street NW., Suite 514, Washington, D.C. 20006.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $132. E. (9) $96.99.

A. James Bernhart, 1776 K Street NW., Suite 200, Washington, D.C. 20006.

B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.

D. (6) $400. E. (9) $75.

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., No. 670, Washington, D.C. 20006.

B. Atalanta Corp., 17 Varick Street, New York, N.Y. 10013.

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $800. E. (9) $471.50.

A. Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., No. 670, Washington, D.C. 20006.

B. OEHEG, Sudtiroler Platz 8, A-6020 Innsbruck, Austria; OEMOLK, P.O. Box 176, A-1013 Vienna, Austria.

E. (9) $149.28.

A. Max N. Berry, Berry, Epstein & Sandstrom, 1700 Pennsylvania Avenue NW., No. 670, Washington, D.C. 20006.

B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

E. (9) $201.62.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000. E. (9) $194.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $12,972. E. (9) $134.95.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Charles L. Binsted, No. 301, 2021 K Street NW., Washington, D.C. 20006.

B. National Congress of Petroleum Retailers, No. 301, 2021 K Street NW., Washington, D.C. 20006.

D. (6) $1,554. E. (9) $1,575.

A. Birch, Jermain, Horton & Bittner, 4400 Jenifer Street NW., No. 300, Washington, D.C. 20015.

B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99504.

A. Birch, Jermain, Horton & Bittner, 4400 Jenifer Street NW. No. 300, Washington, D.C. 20015.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

A. Tracy Bird, Suite 302, 1725 K Street NW., Washington, D.C. 20006.

B. National Motorsports Committee of ACCUS, Suite 302, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $275.

A. Susan Engelhart Bistline, 1707 L Street NW., Suite 480, Washington, D.C. 20036.

B. Association of American Publishers, Inc., 1707 L Street NW., Washington, D.C. 20036.

D. (6) $1,250. E. (9) $210.00.

A. Robert B. Bizal, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill., 60601.

D. (6) $364.13. E. (9) $4.96.

A. Neal R. Bjornson, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,750. E. (9) $41.25.

A. Donna C. Blair, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $200. E. (9) $200.

A. Richard W. Blake, 1776 K Street NW., Washington, D.C. 20006.

B. National Sugarbeet Growers Federation, Greeley National Plaza, Suite 740, Greeley, Colo. 80631; 1776 K Street, Washington, D.C. 20006.

D. (6) $115.

A. Bill Blankenship, 1903 Milton Court, Peoria, Ill. 61604.

E. (9) $37.45.

A. Edwin C. Bliss, National Association of Manufacturers, Western Division, P.O. Box 998, Mt. View, Calif. 94042.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $550. E. (9) $129.47.

A. Jerald Blizin, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Christie K. Bohner, 900 17th Street NW., Suite 1000, Washington, D.C. 20006.

B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C.

D. (6) $100. E. (9) $100.

A. A. Dewey Bond, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arlington, Va.).

D. (6) $500. E. (9) $42.

A. G. Stewart Boswell, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Suite 2124, 400 South Tryon Street, Charlotte, N.C. 28285.

D. (6) $750.75. E. (9) $302.66.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.

A. L. Francis Bouchey, 1735 De Sales Street NW., Washington, D.C.

B. American Chilean Council, 95 Madison Avenue, Suite 608, New York, N.Y. 10016.

D. (6) $1,000. E. (9) $1,201.08.

A. A. D. Bourland, 1660 L Street NW., Suite 804, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $3,000. E. (9) $3,522.87.

A. Kenneth J. Bousquet, 2021 K Street NW., Suite 709, Washington, D.C. 20006.

B. General Atomic Co., San Diego, Calif.

D. (6) $1,600. E. (9) $345.

A. Frank J. Bowden, Jr., c/o Associated Petroleum Industries of Pennsylvania, a division of API, P.O. Box 925, Harrisburg, Pa. 17108.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. J. Wiley Bowers, 415 Pioneer Building, Chattanooga, Tenn. 37402.

B. Tennessee Valley Public Power Association, 415 Pioneer Building, Chattanooga, Tenn. 37402.

A. Robert R. Bowers, West Virginia Petroleum Council, division of API, Suite 714 Atlas Building, Charleston, W. Va. 25301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $450. E. (9) $205.

A. Edward L. Bowley, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.

B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $9,500.93. E. (9) $1,433.99.

A. Richard P. Bowling, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $93.28.

A. Melvin J. Boyle, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $8,500.

A. William W. Brackett, Alaskan Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.
B. Alaskan Arctic Gas Study Co., P.O. Box 979, Alaska Mutual Bank Building, Achorage, Alaska 99510.
D. (6) $4,500. E. (9) $100.

A. Frank W. Bradley, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron Oil Co., subsidiary of Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
E. (9) $100.

A. Charles N. Brady, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
E. (9) $21.

A. Joseph E. Brady, 5018 East Summer Moon Lane, Phoenix, Ariz. 85044.
B. National Coordinating Committee of the Beverage Industry.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $669.23. E. (9) $91.49.

A. Jacques Bramhall, Jr., 199 Cherry Hill Road, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C.
D. (6) $1,250.

A. Robert M. Brandon, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,000.

A. Breed, Abbott & Morgan, 1 Chase Manhattan Plaza, New York, N.Y. 10005.
B. Lehman Brothers, et al., 1 William Street, New York, N.Y.
D. (6) $4,680. E. (9) $184.10.

A. Marshall J. Breger, University of Texas School of Law, 2500 Red River, Austin, Tex. 78705.
B. Legal Services Corp. 733 15th Street NW., Washington D.C. 20005; University of Texas School of Law, 2500 Red River, Austin, Tex. 78705.
D. (6) $145. E. (9) $346.

A. Jerome J. Breiter, 1800 K street NW., Washington, D.C. 20006.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $1,012.50. E. (9) $166.91.

A. Helen Bremberg, 4515 South 31st Street, Arlington, Va. 22206.
B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $26.40.

A. Edward J. Brenner, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

A. Bill Brier, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,925. E. (9) $144.

A. Claude S. Brinegar, Sr., 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $1,448.77.

A. Parke C. Brinkley, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agriculture Chemical Association, 1155 15th Street, NW., Washington, D.C. 20005.

A. Wally Briscoe, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $912.50.

A. John B. Brock, Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $335.82. E. (9) $10.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y., 10016.
D. (6) $625.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $4,500.

A. Phillip Wayne Brooks, Volunteer State Oil Committee, division of API, 19th floor, Third National Bank Building, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David W. Broome, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $735. E. (9) $87.50.

A. J. Melville Broughton, Jr., Broughton, Broughton, MacConnell & Boxley, P.O. Box 2387, Raleigh, N.C. 27602.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005; Broughton, Broughton, MacConnell & Boxley, P.O. Box 2387, Raleigh, N.C. 27602.

A. Charles B. Brown, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Industries Corp., 900 17th Street, NW., Washington, D.C.
D. (6) $50. E. (9) $2.50.

A. Chris Brown, 3249 O Street NW., Washington, D.C. 20007.
B. National Council for a World Peace Tax Fund, 2111 Florida Avenue NW., Washington, D.C. 20008.
D. (6) $650. E. (9) $5.

A. Donald K. Brown, 1127 11th Street, Suite 525, Sacramento, Calif., 95814.
B. Hughes Air Corp., 3125 Clearview Way, San Mateo, Calif., 94403.

A. Donald K. Brown, 1127 11th Street, Suite 525, Sacramento, Calif. 95814.
B. Summa Corp., P.O. Box 14000, Las Vegas, Nev. 89156.
D. (6) $150. E. (9) $52.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. Centar Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.
D. (6) $3,225. E. (9) $55.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md. 20795.
B. National Association of Life Sciences, 1710 Chapman Avenue, Rockville, Md. 20852.
D. (6) $500. E. (9) $10.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $250.

A. Michael F. Brown, 919–18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C., 20006.
D. (6) $200.

A. Thomas C. Brown, Suite 1100, 1660 L Street NW., Washington, D.C. 20036.
B. Small Producers for Energy Independence, Suite 970, 4th Financial Center, Wichita, Kans. 67202.
D. (6) $5,000. E. (9) $100.

A. Travis Taylor Brown, 2525 49th Street NW., Washington, D.C.

A. Stanley R. Browne, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
E. (9) $27.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Council of Housing Producers, 9255 Sunset Boulevard, 8th Floor, Los Angeles, Calif. 90069.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. International Foodservice Manufacturers Association, 1 East Wacker Drive, Chicago, Ill. 60601.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. International Franchise Association, 7315 Wisconsin Avenue, Bethesda, Md. 20014.
D. (6) $64.38.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Massachusetts Bankers Association, 125 High Street, Boston, Mass.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC, Milwaukee, Wis. 53201.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. National Restaurant Association, Suite 2600, 1 IBM Plaza, Chicago, Ill. 60611.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. New York State Urban Development Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.

B. PruLease, Inc., 1255 Boylston Street, Boston, Mass.

A. Lawrence E. Bruce, Jr., 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $3,875. E. (9) $26,483.

A. Jacqueline Brunell, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.

B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.

D. (6) $2,025.93. E. (9) $2,025.93.

A. Paul A. Brunkow, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,300.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.

B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Marguerite E. Bryan, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. District No. 1-Pacific Coast District, Marine Engineers' Beneficial Association, AFL–CIO, 17 Battery Place, New York, N.Y. 10004.

D. (6) $1,089. E. (9) $116.85.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48231.

D. (6) $2,000. E. (9) $258.08.

A. Norman D. Burch, 1775 K Street NW., Washington, D.C. 20006.

B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

D. (6) $3,375. E. (9) $222.04.

A. William J. Burhop, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $2,375.

A. Duane V. Burke, P.O. Box 26, Wethersfield, Conn. 06109.

B. National Association of State Lotteries, P.O. Box 26, Wethersfield, Conn. 06109.

D. (6) $1,800.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $45.25.

A. Thomas G. Burke, 1625 I Street NW., Washington, D.C. 20006.

B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

A. Francis X. Burkhardt, 1750 New York Avenue NW., Washington, D.C. 20006.

B. International Brotherhood of Painters & Allied Trades, AFL–CIO, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $743.11.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Washington, D.C.

D. (6) $11,519.70. E. (9) $702.24.

A. Phillip C. Burnett, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $806.25. E. (9) $45.87.

A. George Burnham IV, U.S. Steel Corp., 1625 K Street NW., Washington, D.C. 20006.

B. U.S. Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $299. E. (9) $344.

A. Charles S. Burns, Phelps Dodge Corp., 1620 I Street NW., Washington, D.C. 20006.

B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.

D. (6) $1,200. E. (9) $1,038.72.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.

E. (9) $50.80.

A. Richard M. Bush, Pacific Northwest Power Co., Suite 501, Barr Building, Washington, D.C. 20006.

B. Pacific Northwest Power Co., Suite 501, Barr Building, Washington, D.C. 20006.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.

D. (6) $9,436.91. E. (9) $1,583.56.

A. James J. Butera, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $1,625. E. (9) $250.97.

A. Harry W. Buzzerd, Jr., 1725 K Street NW., Suite 903, Washington, D.C. 20006.

B. Outdoor Power Equipment Institute, 1725 K Street NW., Suite 903, Washington, D.C. 20006.

D. (6) $554. E. (9) $554.

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006 (for Cabot Corp.).

A. John W. Byrnes, 815 Connecticut Ave,nue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006 (for the Dealer Bank Association).

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006 (for Encyclopaedia Britannica, Inc.).

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006 (for Insurance Association of Connecticut).

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006 (for Jos. Schlitz Brewing Co.).

A. John W. Byrnes, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C. 20006 (for U.S. Steel Corp.; Bethlehem Steel Corp.; Inland Steel Co.; Freeport Minerals Co.; Hanna Mining Co.; and AMAX).

A. M. Douglas Caddy, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 155 East Superior Street, Chicago, Ill. 60611; 925 15th Street NW., Washingon, D.C. 20005.

D. (6) $1,000. E. (9) $62.65.

A. Alan Caldwell, 1825 K Street NW., Washington, D.C. 20006.

B. Del Monte Corp., 1 Market Plaza, San Francisco, Calif. 94119.

D. (6) $1,000. E. (9) $50.

A. F. Patricia Callahan, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union of Electrical, Radio and Machine Workers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $875. E. (9) $500.

A. Gordon L. Calvert, New York Stock Exchange, 1800 K Street NW., Washington, D.C. 20006.

B. New York Stock Exchange, 11 Wall Street, New York, N.Y. 10005.

D. (6) $1,000. E. (9) $420.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y. 10005.

B. New York Stock Exchange, 11 Wall Street, New York, N.Y. 10005.

A. Arthur E. Cameron, 918 16th Street NW., Suite 201, Washington, D.C. 20006.

B. LFE Corp., 1601 Trapelo Road, Waltham, Mass. 02154; Eagle Signal, 736 Federal Street, Davenport, Iowa 52803.

D. (6) $3,000.

A. Arthur E. Cameron, 918 16th Street NW., Suite 201, Washington, D.C. 20006.

B. Prismo Universal Corp., et al., 4 Research Place, Rockville, Md. 20850.

D. (6) $3,496.50.

A. Camp, Carmouche, Palmer, Carwile & Barsh, Pioneer Building, Lake Charles, La. 70601.

B. Louisiana Department of Conservation, State of Louisiana, P.O. Box 44275, Capitol Station, Baton Rouge, La. 70804.

D. (6) $2,150.

A. Carl C. Campbell, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $403.85.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

E. (9) $273.50.

A. Charles O. Campbell, 8111 Gatehouse Road, Falls Church, Va. 22042.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va., 22042.

A. David A. Caney, 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue. NW., Washington, D.C. 20006.

D. (6) $4,125. E. (9) $120.

A. W. Dean Cannon, Jr., 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.

B. California Savings and Loan League, 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.

D. (6) $1,500. E. (9) $1,228.67.

A. David L. Cantor, 1140 Connecticut Avenue NW., Room 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Room 1010, Washington, D.C. 20036.
D. (6) $418.75. E. (9) $66.09.

A. Marvin Caplan, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,852. E. (9) $99.23.

A. Caplin & Drysdale, 1101 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Aetna Casualty & Life, et al., 151 Farmington Avenue, Hartford, Conn. 06156.
D. (6) $49,700. E. (9) $885.

A. Caplin & Drysdale, 1101 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Council on Foundations, Inc., 888 Seventh Avenue, New York, N.Y. 10019.
D.(6) $95.50.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue, Suite 800, Washington, D.C. 20036.
B. Council of European and Japanese National Shipowners' Association, 30/32, St. Mary Axe, London, EC3A 8ET, England.
D. (6) $5,000. E. (9) $294.71.

A. Norval E. Carey, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $1,000. E. (9) $375.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
B. Seafarers International Union, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
D. (6) $2,500. E. (9) $1,366.68.

A. Charles R. Carlisle, Suite 911, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $7,100. E. (9) $489.90.

A. Austin B. Carlson, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

A. Carl J. Carlson, 575 Madison Avenue, New York, N.Y. 10022.
B. Cigar Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $10,300. E. (9) $275.23.

A. Elizabeth Carpenter, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y.

A. L. C. Carpenter, 201 South Seventh Street, Columbia, Mo. 65201.
B. Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
D. (6) $5,299.32. E. (9) $753.

A. Henry A. Carrington, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Charles M. Carroll, 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale, 37 Blvd de Montmorency, Paris, France).
D. (6) $180.32. E. (9) $4.

A. John R. Carson, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
D. (6) $6,250.

A. Harlon B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,125.

A. Richard L. Cartwright, P.O. Box 88581, Atlanta, Ga. 30338.
B. General Atomic Co., San Diego, Calif. 92138.
D. (6) $1,500. E. (9) $1,200.

A. Ann M. Case, Phelps Dodge Corp., 1620 I Street NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $300. E. (9) $75.

A. Frank H. Case III, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $200. E. (9) $75.

A. John L. Casey, 345 Park Avenue, New York, N.Y. 10022.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $25.80.

A. Rita L. Castle, 11709 New York Avenue NW., Suite 312, Washington, D.C. 20006.
B. The Organization of Plastics Processors, 1709 New York Avenue NW., Suite 312, Washington, D.C. 20006.
D. (6) $3,692.28.

A. Frank R. Cawley, Room 511, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Agricultural Publishers Association, Room 511, Wilson Plaza Building, 2425 Wilson Boulevard, Arlington, Va. 22201.
D. (6) $225. E. (9) $262.80.

A. Frank R. Cawley, Room 511, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $275. E. (9) $103.75.

A. Dorothy D. Cecelski, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,000.01.

A. Charles E. Chace, c/o Nebraska Petroleum Council, a Division of API, 334 South 13th Street, Lincoln, Nebr. 68508.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C. 20008.
D. (6) $1,221.25.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Satra Corp., 475 Park Avenue South, New York, N.Y. 10016.
D. (6) $1,500.

A. J. M. Chambers & Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Swaziland Sugar Association, P.O. Box 445, Mbabane, Swaziland.
D. (6) $7,500. E. (9) $1,998.68.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1101 17th Street NW., Washington, D.C. 20036.
B. York Division, Borg-Warner Corp., South Richland Avenue, York, Pa. 17405.
E. (9) $28.50.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $3,117.66.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson, Elkins, Searls, Connally & Smith (for Belco Petroleum Corp., One Dag Hammarskjold Plaza, New York, N.Y. 10017), 2100 First City National Bank Building, Houston, Tex. 77002.
E. (9) $199.02.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson, Elkins, Searls, Connally & Smith (for Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002), 2100 First City National Bank Building, Houston, Tex. 77002.
D. (6) $8,160. E. (9) $1,345.21.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson, Elkins, Searls, Connally & Smith (for Quintana Petroleum Corp., 500 Jefferson, Houston, Tex. 77002), 2100 First City National Bank Building, Houston, Tex. 77002.
D. (6) $27,225. E. (9) $615.45.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Chester Bank; Chester, Conn. 06412; The Chester Savings Bank, Chester, Conn. 06412.
D. (6) $5,135.45. E. (9) $5,135.45.

A. Children's Rights, Inc., 3443 17th Street NW., Washington, D.C. 20010.
D. (6) $42. E. (9) $334.06.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. James Ciarroccki, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $675. E. (9) $290.

A. Cigar Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $114,232.44. E. (9) $1,013.92.

A. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th Avenue SE., Suite 151, Bellevue, Wash., 98004.
D. (6) $137,143.21. E. (9) $13,657.64.

A. Anne Harrison Clark, 10564 Jason Lane, Columbia, Md. 21044.
B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $1,552. E. (9) $216.88.

A. Earl W. Clark, 100 Indiana Avenue, NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,810. E. (9) $29.20.

A. Kimball Clark, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $130.90. E. (9) $196.23.

A. Richard W. Clark, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M. Street NW., Washington, D.C. 20036.
D. (6) $5,500.02. E. (9) $151.

A. Thomas R. Clark, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $98.

A. Vernon A. Clark, 1660 L Street NW., Suite 215-216, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., Suite 215-216, Washington, D.C. 20036.
D. (6) $550. E. (9) $953.

A. Clark, West, Keller, Sanders & Butler, 2424 First National Bank Building, Dallas, Tex. 75202.
B. National Music Publishers' Association, Inc., 110 East 59th, New York, N.Y. 10022.
D. (6) $1,000. E. (9) $514.88.

A. Joan B. Claybrook, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $3,000.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010, Standard Oil of Calif., 225 Bush Street, San Francisco, Calif. 94120; Standard Oil Co. (Indiana), P.O. Box 5910A, Chicago, Ill. 60680; Exxon Corp., 1251 Avenue of the Americas, N.Y. 10020.
D. (6) $2,000.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.
D. (6) $1,380.70. E. (9) $20.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Scarsdale, N.Y. 10533.
D. (6) $1,694. E. (9) $20.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y. 10017.
E. (9) $56.

A. Earl C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Brown & Williamson Tobacco Corp., Louisville, Ky. 40201.
E. (9) $56.

A. Earl C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Liggett & Myers, Inc., 4100 Roxboro Road, Durham, N.C. 27702.
E. (9) $56.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Lorillard, Division of Loews Theaters, Inc., 200 East 42d Street, New York, N.Y. 10017.
E. (9) $56.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Philip Morris, Inc 100 Park Avenue, New York, N.Y. 10017.
E. (9) $56.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C. 27102.
(E) (9) $56.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.
D. (6) $225. E. (9) $87.65.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Australian Meat Board, 5 Elizabeth Street, Sydney, N.S.W., Australia.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.
E. (9) $9.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. The Congress of Micronesia, Saipan, Mariana Islands 96950.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Railroad Passenger Corp., (AMTRAK), 955 L'Enfant Plaza North, SW., Washington, D.C. 20024.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. New York Cocoa Exchange, Inc., and New York Cocoa Clearing Association, Inc., 127 John Street, New York, N.Y.; New York Coffee and Sugar Exchange, Inc., 79 Pine Street, New York, N.Y.; Commodity Exchange, Inc., 81 Broad Street, New York, N.Y.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C., 20006.
B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street, Box 1035, Toledo, Ohio 43601.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Teleprompter Corp., 50 West 44th Street, New York, N.Y. 10036.
D. (6) $6,050. E. (9) $1,255.45.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $24.75.

A. Charles M. Clusen, 324 C Street SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $4,375. E. (9) $30.

A. Coalition for Fair Copyright Protection, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $3,000.

A. Coalition of Concerned Charities, c/o Barbara J. Washburn, 1776 F Street NW., No. 200, Washington, D.C., 20006.
D. (6) $1,600. E. (9) $1,000.

A. Coaltiion of Independent Ophthalmic Professionals, 75 East 55th Street, New York, N.Y. 10022.
D. (6) $6,650. E. (9) $4,009.49.

A. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
E. (9) $1,350.

A. John J. Coffey, Suite 638, 2101 L Street NW., Washington, D.C. 20037.
B. Western Oil and Gas Association, 609 South Grand Avenue, Los Angeles, Calif. 90017.
D. (6) $825.

A. Jeffery Cohelan, 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts NW., No. 701, Washington, D.C. 20036.
D. (6) $2,700. E. (9) $261.68.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,124.97. E. (9) $593.29.

A. Timothy A. Colcord, 1620 I Street NW., Washington, D.C. 20006.
B. National BankAmericard Inc., 555 California Street, San Francisco, Calif. 94126.
D. (6) $6,875. E. (9) $8,348.77.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. The Chase Manhattan Bank, N.A., One Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $6,485.65. E. (9) $1,490.51.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. Claude Charles, 37 Severn Road, The Peak, Hong Kong.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington Co., D.C. 20036.
B. H. H. Robertson Co., Two Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $465. E. (9) $6.22.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $657.80. E. (9) $6.

A. Eleanor Cole, 720 Hotel Washington, Washington, D.C. 20004.
B. UBA, Inc., 720 Hotel Washington, Washington, D.C. 20004.
D. (6) $1,000. E. (9) $1,000.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $80.60.

A. Stacey W. Cole, c/o New Hampshire Petroleum Council, a Division of API, 23 School Street, Concord, N.H. 03301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William Cole, 461 South Boylston Street, Los Angeles, Calif. 90017.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee of American Tanker Owners, Inc., 1 Chase Manhattan Plaza, New York, N.Y. 10005.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Academy of General Dentistry, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $3,000.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Cardio Pulmonary Contractors Association, 1200 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. National Ethical Pharmaceutical Association, P.O. Box 13547, St. Petersburg, Fla. 33733.
D. (6) $2,500.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for American Guild of Authors and Composers).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for American Imported Automobile Dealers Association).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow 1200 17th Street NW., Washington, D.C. 20036 (for American Maritime Association).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for American Society of Association Executives).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Association of Trial Lawyers of America).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Boating Industry Associations).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Chicago Board Options Exchange).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Council of State Chambers of Commerce).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Machinery Dealers National Association).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for National Association of Engine and Boat Manufacturers).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for National Medical Care, Inc.).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Reading Co.).

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Washington, D.C. 20006.
B. American Cylinder Manufacturers Committee, 1666 K Street NW., Washington, D.C. 20006.
D. (6) $35.

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Suite 701, Washington, D.C. 20006.
B. American Feed Manufacturers Association, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Washington, D.C. 20006.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Washington, D.C. 20006.
B. Bicycle Manufacturers Association of America, Inc., 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Suite 701, Washington, D.C. 20006.
B. Department of Information, Private Bag X152, Pretoria, 0001, Republic of South Africa.
D. (6) $712.35. E. (9) $1,516.79.

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $450.

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Suite 701, Washington, D.C. 20006.
B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $450.

A. Collier, Shannon, Rill & Edwards, 1666 K Street NW., Suite 701, Washington, D.C. 20006.
B. Tool & Stainless Steel Industry Committee, 1666 K Street NW., Suite 701, Washington, D.C. 20006.
D. (6) $1,250. E. (9) $525.

A. Robert B. Collyer, 720 Hotel Washington, Washinton, D.C. 20004.
B. UBA, Inc., 720 Hotel Washington, Washington, D.C. 20004.
D. (6) $1,000. E. (9) $1,000.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.
D. (6) $1,400. E. (9) $3,200.

A. Committee for Do-It-Yourself Household Moving, 1100 17th Street, Suite 1000, Washington, D.C. 20036.

A. The Committee for Hand Gun Control, Inc., 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $429. E. (9) $149.39.

A. Committee for Jobs Through Economic Development, 1006 State Street, Erie, Pa. 16501.
D. (6) $750. E. (9) $1,000.

A. Committee for Public Advocacy, 1140 Connecticut Avenue NW., Suite 309, Washington, D.C. 20036.
D. (6) $16,120.

A. Committee on Modern, Efficient Transportation (COMET), 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $12,000. E. (9) $9,902.44.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,401,703.69. E. (9) $347,090.28.

A. Computer Industry Association, 1911 North Fort Myer Drive, Suite 801, Arlington, Va. 22209.
D. (6) $85,816. E. (9) $7,766.

A. Basil G. Condos, 1815 Kilbourne Place NW., Washington, D.C. 20010.
B. American Hellenic Institute Public Affairs Committee, Inc., 1730 K Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Harold B. Confer, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,906.

A. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $19,642.94. E. (9) $19,642.94.

A. Raymond F. Conkling, 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $200. E. (9) $12.50.

A. Ross Conlin, Chessie System, 840 Washington Building, Washington, D.C. 20005.
B. Chessie System, Terminal Tower, Cleveland, Ohio 44101.
D. (6) $2,000. E. (9) $1,000.

A. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103.
D. (6) $1,162.95. E. (9) $159.93.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48231.
D. (6) $500. E. (9) $571.96.

A. Albert J. Conners, Air Force Sergeants Association, Inc., 1608 Pittsfield Lane, Bowie, Md. 20715.
B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Marlow Heights, Md. 20031.

A. Jerry C. Connors, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y. 10003.

A. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

A. Container Corp. of America, 1101 15th Street NW., No. 205, Washington, D.C. 20005.
B. Container Corp. of America, 1 First National Plaza, Chicago, Ill. 60607.
D. (6) $36.50. E. (9) $150.

A. Dana Contratto, 1800 M Street NW., Washington, D.C. 20036.
B. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. (for Associated Gas Distributors).
D. (6) $7.50.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Charles F. Cook, Jr., 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $468.41. E. (9) $50.18.

A. Cook & Franke, 660 East Mason Street, Milwaukee, Wis. 53202.
B. M&I Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Frederick N. Cook, Vermont Petroleum Association, a division of API, P.O. Box 566, Montpelier, Vt. 05602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $395.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C. 20036.
B. The National Waterways Conference, Inc.

A. Howard Lee Cook, Jr., 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
D. (6) $1,575. E. (9) $620.

A. James A. Cook, 2311 West El Segundo Boulevard, Hawthorne, Calif. 90250.
B. Ernest W. Hahn, Inc., 2311 West El Segundo Boulevard, Hawthorne, Calif., 90250.

A. Eileen D. Cooke, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $728.10.

A. Jesse D. Cooper, North Dakota Petroleum Council, a division of API, P.O. Box 1395, Bismarck, N. Dak. 58501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $216.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $2,500. E. (9) $652.75.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $7,500. E. (9) $37.88.

A. Samuel Cooper III, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $312.50.

A. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $3,500. E. (9) $1,005.75.

A. Darrell Coover, 1625 I Street NW., No. 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $322.

A. James T. Corcoran, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,187. E. (9) $100.

A. Richard L. Corrigan, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D.(6) $750. E. (9) $209.50.

A. Allan D. Cors, 1800 K Street NW., Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International, Ltd., 1707 H Street NW., Washington, D.C. 20006.
D. (6) $7,500. E. (9) $6,116.

A. John E. Cosgrove, Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $6,884.28.

A. David Cosson, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $18,777.96. E. (9) $14,146.81.

A. Council for the Preservation of Worldwide Meetings, 1101 16th Street NW., Third Floor, Washington, D.C. 20036.
D. (6) $4,800. E. (9) $37.23.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,194. E. (9) $1,423.37.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Society of Oral Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $26,250. E. (9) $253.74.

A. Covington & Burling, 888 16th Street, NW., Washington, D.C. 20006.
B. Association of American Publishers, Inc., 1707 L Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $34.57.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif 90071; BP Alaska, Inc., 100 Pine Street, San Francisco, Calif. 94111; Exxon Corp., 1251 Avenue of the Americas, N.Y. 10020; The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $140.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Business Men's Assurance Co. of America, BMA Tower, 1 Penn Valley Park, Kansas City, Mo. 64141.
D. (6) $19,250. E. (9) $27.69.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Eli Lilly & Co., P.O. Box 618, Indianapolis, Ind. 46206.
D. (6) $18,625.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $15,000. E. (9) $146.43.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Committee for Limited Profit Housing c/o HRH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.
E. (9) $4.59.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Federation of Independent Business, 921 Washington Building, Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Football League, 410 Park Avenue, New York, N.Y. 10022.
D. (6) $2,500.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Perdue Inc., P.O. Box 1537, Salisbury, Md. 21801.
E. (9) $20.44.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.
D. (6) $17,500. E. (9) $40.89.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md. 20854.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $82. E. (9) $82.

A. Carol A. Cowgill, 470 L'Enfant Plaza East SW., Suite 3100, Washington, D.C. 20024.
B. American Academy of Family Physicians, 470 L'Enfant Plaza SW., Suite 3100, Washington, D.C. 20024.
D. (6) $500.01. E. (9) $220.89.

A. Cox, Lanford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Cox, Lanford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. The National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.
E. (9) $3.50.

A. William J. Cox, 1707 L Street NW., Suite 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $6,747.22. E. (9) $1,331.27.

A. Roger C. Cramton, Cornell Law School, Ithaca, N.Y. 14850.

B. Legal Services Corp. 733 15th Street NW., Washington, D.C. 20005; Cornell Law School, Ithaca, N.Y. 14850.

D. (6) $145. E. (9) $129.90.

A. William M. Crane, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Robert W. Crawford, 1625 I Street NW., Washington, D.C.

B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C., 20006.

D. (6) $349.14. E. (9) $1,000.

A. William D. Crawford, 400 First Street NW., No. 820, Washington, D.C. 20001.

B. Brotherhood of Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo. 64112.

D. (6) $1,470.

A. James R. Cregan, 491 National Press Building, Washington, D.C. 20045.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20045.

E. (9) $82.88.

A. P. H. Croft, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,050. E. (9) $1,167.42.

A. H. C. Crotty, Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. Jack A. Crowder, American Textile Manufacturers, Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 400 South Tryon Street, Suite 2124, Charlotte, N.C. 28285.

D. (6) $1,500. E. (9) $97.

A. James M. Cubie, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $2,500.

A. Barry M. Cullen, 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $150. E. (9) $125.

A. William E. Cumberland, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $394. E. (9) $1,136.

A. Cummins Engine Co., Inc., 1000 Fifth Street, Columbus, Ind. 47201.

E. (9) $16,183.

A. Frank Cummings, 1819 H Street NW., Suite 1175, Washington, D.C. 20006.

B. Institute of Electrical & Electronics Engineers, 345 East 47th Street, New York, N.Y. 10017.

D. (6) $1,500.

A. John T. Curran, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $9,979.23. E. (9) $2,739.90.

A. Everett E. Cutter, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

E. (9) $179.73.

A. Cystic Fibrosis Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.

E. (9) $17,172.94.

A. William Kay Daines, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,850. E. (9) $194.

A. Dairymen, Inc., 604 Portland Building, 200 West Broadway, Louisville, Ky. 40202.

E. (9) $281.93.

A. Thomas A Daly, 1101 16th Street NW., Washington, DC. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. David S. Danielson, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Alvin Levin, O.D., 120 South Hanover Street, Carlisle, Pa. 17013.

A. Joan E. Dannenbaum, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $2,500. E. (9) $200.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $1,110. E. (9) $1,110.

A. Stephen I. Danzansky, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. Potomac Electric Power Co., 1900 Pennsylvania Avenue, Washington, D.C. 20006; Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $88.84. E. (9) $88.84.

A. Fred E. Darling, 110 Maryland Avenue NE., Suite 511, Washington, D.C. 20002.

B. Noncomissioned Officers Association of the U.S.A. (NCOA), P.O. Box 2268, San Antonio, Tex. 78298.

D. (6) $355.

A. Philip J. Daugherty, 815 16th Street NW., Washington, D.C. 20006.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $3,774. E. (9) $158.47.

A. A. R. Davis, 15216 Charlotte Avenue, San Jose, Calif.

E. (9) $12.50.

A. Charles W. Davis, 1 First National Plaza, No. 5200; Chicago, Ill. 60603.

B. Bankers Life & Casualty Co., 4444 Lawrence Avenue, Chicago, Ill. 60630.

A. Charles W. Davis, 1 First National Plaza, No. 5200; Chicago, Ill. 60603.

B. The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

D. (6) $1,100. E. (9) $10.

A. Charles W. Davis, 1 First National Plaza, No. 5200; Chicago, Ill. 60603.

B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

D. (6) $160. E. (9) $58.07.

A. Charles W. Davis, 1 First National Plaza, No. 5200; Chicago, Ill. 60603.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

D. (6) $450. E. (9) $200.25.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $2,200.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

D. (6) $125. E. (9) $58.07.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $2,100. E. (9) $58.06.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60606.

E. (9) $377.86.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

D. (6) $125. E. (9) $58.07.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. United Insurance Co., 1 East Wacker Drive, Chicago, Ill. 60601.

A. David R. Davis, Indiana Petroleum Council, Division of API, 714 Harrison Building, Indianapolis, Ind. 46204.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $621.05. E. (9) $582.09.

A. George R. Davis, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

B. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. Ovid R. Davis, P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $125. E. (9) $280.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

D. (6) $30. E. (9) $5.

A. Thomas A. Davis, 1776 F Street NW., Washington, D.C. 20006.

B. American Horse Council, Inc., 1700 K Street NW., Washington, D.C. 20006.

D. (6) $1,560. E. (9) $50.05.

A. Thomas A. Davis, 1776 F Street NW., Washington, D.C. 20006.

B. The Chicago Board of Trade, LaSalle at Jackson, Chicago, Ill. 60604.

D. (6) $2,291.66. E. (9) $224.08.

A. Thomas A. Davis, 1776 F Street NW., Washington, D.C. 20006.

B. Florida Power & Light Co., P.O. Box 01300, Miami, Fla. 33101.

D. (6) $167.18. E. (9) $21.96.

A. Thomas A. Davis, 1776 F Street NW., Washington, D.C. 20006.

B. Jockeys' Guild, Inc., 555 Fifth Avenue, New York, N.Y. 10017.

E. (9) $75.50.

A. Thomas A. Davis, 1776 F Street NW., Washington, D.C. 20006.

B. National Corp. for Housing Partnerships, 1133 15th Street NW., Washington, D.C. 20005.

D. (6) $1,514.06. E. (9) $44.95.

A. Thomas A. Davis, 1776 F Street NW., Washington, D.C. 20006.

B. The National Life & Accident Insurance Co. et al., National Life Center, Nashville, Tenn. 37250.

D. (6) $207.81. E.(9) $58.60.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $750.

A. Charles W. Day, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $650. E. (9) $482.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Association Third-Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Electronic Industries Association, Consumer Electronics Group, 2001 Eye Street NW., Washington, D.C. 20006.

A. John Russell Deane III, 1128 16th Street NW., Washington, D.C. 20036.

B. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte. Calif. 91734.

D. (6) $300. E. (9) $5.46.

A. Gaston de Bearn, Hoffmann-La Roche, Inc., 1775 K Street NW., Suite 300, Washington, D.C. 20006.

B. Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, N.J. 07110.

A. Tony T. Dechant.

B. The Farmers' Educational & Co-Operative Union of America, P.O. Box 39251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

D. (6) $5,000. E. (9) $183.83.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Council on Foundations, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $210. E. (9) $28.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo., 64105.

D. (6) $350. E. (9) $25.70.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

D. (6) $1,925. E. (9) $81.40.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recycled Paperboard Division of the American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

D. (6) $210.

A. Paul H. DeLaney, Jr., Suite 1111, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402.

D. (6) $5,319.03 E. (9) $1,000.

A. John L. Delano, Box 1172, Helena, Mont. 59601.

B. Montana Railroad Association, Box 1172, Helena, Mont. 59601.

E. (9) $1,303.15.

A. Delson & Gordon, 230 Park Avenue, New York, N.Y. 10017.

B. All American Citizens With Property Expropriated by Czechoslovakia (Mrs. Mia Le Comte, et al.).

E. (9) $10,045.23.

A. Ray Denison, 815 16th Street, NW., Washington, D.C.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $8,483.50. E. (9) $491.19.

A. John H. Denman, Missouri Oil Council, a division of API, 208 Madison Street, Jefferson City, Mo. 65101,

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $360. E. (9) $8.

A. Daniel B. Denning, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $625. E. (9) $200.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.

B. American Society of Composers, Authors & Publishers, 1 Lincoln Plaza, New York, N.Y. 10023.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.

B. Flavor & Extract Manufacturers Association of the United States, 900 17th Street NW., Washington, D.C.

A. Claude J. Desautels, Suite 811, 1725 K Street NW., Washington, D.C. 20006.

B. Merrill Lynch Pierce, Fenner & Smith, Inc., 1 Liberty Plaza, New York, N.Y. 10006.

A. Pamela Deuel, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $942.31.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.

B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.

D. (6) $190.

A. Dewey, Ballantine, Bushby, Palmer & Wood, 1776 F Street NW., Washington, D.C. 20006.

B. American Can Co., American Lane, Greenwich, Conn. 06830.

E. (9) $102.80.

A. Ralph B. Dewey, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $5,098.50. E. (9) $2,572.51.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Krauss-Maffei AG, Krauss-Maffei-Strasse 2, Munich, West Germany.

D. (6) $2,109.04. E. (9) $1,147.75.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. Societe Nationale Industrielle Aerospatiale, 37, Boulevard de Montmorency, 75781 Paris, France.

D. (6) $20,390. E. (9) $74,971.02.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John M. Dickerman, John Dickerman & Associates, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.

D. (6) $9,454.22. E. (9) $189.60.

A. John R. Dierker, 1150 17th Street NW., Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

D. (6) $300. E. (9) $162.80.

A. Timothy V. A. Dillon, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Department of Water Resources, State of California, P.O. Box 388, Sacramento, Calif. 95802.

D. (6) $2,300.85. E. (9) $200.85.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., 1511 K Street NW., Washington, D.C. 20005.

B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.

D. (6) $1,600.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C. 20006.

E. (9) $3,838.70.

A. Dennis C. Dix, 1725 K Street NW., Suite 903, Washington, D.C. 20006.

B. Outdoor Power Equipment Institute, Inc,. 1725 K Street NW., Suite 903, Washington, D.C. 20006.

D. (6) $498. E. (9) $498.

A. James F. Doherty, 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $7,796.25. E. (9) $342.92.

A. John D. Doherty, Jr., 900 17th Street NW., Washington, D.C. 20006.

B. The Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

D. (6) $63. E. (9) $18.98.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Co., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $337.50. E. (9) $87.20.

A. Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002.

D. (6) $117,500. E. (9) $30,590.48.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Richard M. Donaldson, 1735 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (an Ohio corporation), Midland Buidling, Cleveland, Ohio 44115.

D. (6) $75.

A. Gary W. Donnelly, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limstone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $21.60.

A. James A. Dorsch, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $196.86. E. (9) $89.97.

A. Richard Morgan Downey, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,000.01.

A. F. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45201.

A. James E. Drake, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,502. E. (9) $548.

A. Andrew Drance, room 511, 2425 Wilson Boulevard, Arlington, Va. 22201.

B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.

D. (6) $705.50. E. (9) $98.65.

A. Thomas E. Drumm, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Macmillan, Inc., 1730 Rhode Island Avenue N.W., Washington, D.C. 20036.

D. (6) $400. E. (9) $1,300.

A. Franklin B. Dryden, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $500. E. (9) $130.

A. Lawrence M. Dubin, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $2,100. E. (9) $58.06.

A. Evelyn Dubrow, 1710 Broadway, New York, N.Y. 10019.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.

D. (6) $4,896.45. E. (9) $3,126.16.

A. William E. Duke, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Robert A. DuLong, 1421 Peachtree Street NE., Suite 201, Atlanta, Ga. 30309.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $1,562.50. E. (9) $23.40.

A. Douglas G. Dunn, Northern Natural Gas Co., 1133 15th Street NW., Room 503, Washington, D.C. 20005.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $1,500.

A. J. D. Durand, 1725 K Street NW., Washington, D.C. 20006.

B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9)$985.

A. L. L. Duxbury, Burlington Northern, Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.

B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

D. (6) $775.12. E. (9) $337.14.

A. Henry I. Dworshak, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Jean F. Dye, 2466 Stratford Road, Cleveland Heights, Ohio 44118.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $481.35.

A. A. Blakeman Early, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,615.38.

A. Jack D. Early, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association, The Madison Building, 1155 15th Street N.W., Washington, D.C. 20005.

A. Roy W. Easley, 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $800. E. (9) $871.50.

A. Donald R. Ebe, 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Robert E. Ebel, Enserch Energy, Inc., 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.

B. Enserch Corp., 301 South Hardwood, Dallas, Tex. 75201.

D. (6) $1,450. E. (9) $1,090.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, N.Y. 10017.

D. (6) $1,500. E. (9) $20.40.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Safety Belt Council, 271 North Avenue, New Rochelle, N.Y. 10801.

D. (6) $1,500. E. (9) $26.10.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Optical Manufacturers Association, 1730 North Lynn Street, Arlington, Va. 22219.

D. (6) $750. E. (9) $31.80.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Aerospatiale, c/o DGA International, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $30,900. E. (9) $14,247.40.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.

D. (6) $3,110. E. (9) $100.25.

A. William R. Edgar, 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

D. (6) $1,884.61.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago. Ill.

D. (6) $2,437.50.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. John P. Edwards, 1030 15th Street NW., Suite 720, Washington, D.C. 20005.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $2,500. E. (9) $1,445.94.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. Portland General Electric Co., 621 Southwest Alder Street, Portland, Oreg. 97205.

A. Macon T. Edwards, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $437.50. E. (9) $48.74.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va.

B. The Tobacco Institute, 1776 K Street NW., Washington, D.C.

D. (6) $175.

A. Thomas Ehrlich, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $324. E. (9) $20.25.

A. Harmon L. Elder, 2000 L Street NW., Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 2000 L Street NW., Washington, D.C. (for United States Industrial Council, Nashville, Tenn.).

D. (6) $250. E. (9) $239.21.

A. George K. Eliades, 1501 Wilson Boulevard, Arlington, Va. 22209.

B. Imported Hardwood Products Association, Inc., 1501 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $700. E. (9) $695.

A. Charles W. Elliott, Wisconsin Petroleum Council, Division of API, 25 West Main Street, Room 703, Madison, Wis. 53703.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $132.96. E. (9) $20.32.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

A. Ruth Bowdey Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

D. (6) $1,407.50. E. (9) $994.28.

A. El Paso LNG Co., P.O. Box 2185, Houston, Tex. 77001.

E. (9) $6,749.

A. Emergency Committee for Americaan Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,048.37. E. (9) $1,574.71.

A. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.

E. (9) $1,367.17.

A. William Emerson, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Richard W. Emory, 1800 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $477.89.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
E. (9) $833.79.

A. Energy Action Committee, Inc., 1523 L Street NW., Washington, D.C. 20005.
D. (6) $12,896.35. E. (9) $32,571.51.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. York Barbell Co., York, Pa. 17405.
D. (6) $1,950. E. (9) $387.67.

A. Steven L. Engelberg, Price, Grove, Engelberg, & Fried, 1737 DeSales Street, Washington, D.C. 20036.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005; Price, Grove, Engelberg & Fried, 1737 DeSales Street, Washington, D.C. 20036.
D. (6) $600. E. (9) $32.

A. John R. Englehorn, P.O. Box 948, Stamford, Conn. 06904.
B. Texasgulf, Inc., 200 Park Avenue, New York, N.Y.
D. (6) $2,031.26. E. (9) $518.17.

A. M. Dale Ensign, Husky Oil Co., 1625 I Street NW., Washington, D.C. 20006.
B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.
E. (9) $539.75.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y. 10017.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,587.

A. Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $13,278.88. E. (9) $13,278.88.

A. John L. Erickson, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $623. E. (9) $436.90.

A. Jerry N. Ervin, P.O. Box 3331, Houston, Tex. 77001.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $602.88. E. (9) $511.67.

A. George T. Esherick, United States Steel, Corp., 1625 K Street NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $35. E. (9) $73.

A. David C. Evans, Suite 404, Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22101.

A. Joseph O. Evans, 1730 North Lynn Street, Suite 400, Arlington, Va. 22209.
E. (9) $30.65.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Vernon L. Evans, 1000 16th Street NW., Washington, D.C. 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $120.

A. Robert R. Fahs, 1030 15th Street NW., Washington, D.C. 20005.
B. Cargill, Inc., 1200 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $2,500. E. (9) $11.

A. Robert J. Falasca, 1030 15th Street NW., Washington, D.C.
B. American Seed Trade Association, Suite 964, 1030 15th Street NW., Washington, D.C.
D. (6) $375.

A. Thomas B. Farley II, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,476. E. (9) $93.48.

A. The Farmers' Educational and Co-Operative Union of America, P.O. Box 39251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $147,392.13. E. (9) $40,856.25.

A. R. Roy Fausset, 1800 M. Street NW., Washington, D.C. 20036.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $150.

A. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $777.33. E. (9) $777.33.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $4,500. E. (9) $4,500.

A. Andrew A. Feinstein, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $200.

A. Stuart F. Feldman, 1140 Connecticut Avenue NW., Suite 309, Washington, D.C. 20036.
B. Committee for Public Advocacy, 1140 Connecticut Avenue NW., Suite 309, Washington, D.C. 20036.

A. Stuart F. Feldstein, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,930. E. (9) $200.

A. Kenneth E. Feltman, 222 South Prospect Avenue, Suite 130, Park Ridge, Ill. 60068.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,437.50.

A. Carol Fielders, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $2,191.05. E. (9) $2,191.09.

A. Herbert A. Fierst, 607 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. Council of Forest Industries of British Columbia, 1500/1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.
D. (6) $8,821.29. E. (9) $245.

A. Herbert A. Fierst, 607 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. Joint Committee of Printing and Publishing Industries of Canada, Suite 1001, 150 Ferrand Drive, Don Mills, Ontario M3C 1H6, Canada.
D. (6) $2,250. E. (9) $220.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $6,643.38.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. James W. Finley, Crown Zellerbach, 1660 L Street NW., Suite 915, Washington, D.C. 20036.
B. Crown Zellerbach, 1 Bush Street, San Francisco, Calif. 94119.
E. (9) $250.

A. Peter J. Finnerty, 1730 K Street NW., Suite 307, Washington, D.C.
B. RJR Industries, Inc., 401 North Maine Street, Winston-Salem, N.C. 27101.
D. (6) $1,000. E. (9) $25.

A. Firearms Lobby of America, 329 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $6,745.92. E. (9) $6,633.12.

A. First Class Mailers Association, Inc., 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
D. (6) $1,200. E. (9) $855.

A. Robert R. Fitzgerald, 13174 Putnam Circle, Woodbridge, Va. 22191.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $3,038.76.

A. Susan Garber Flack, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $69.

A. James J. Flanagan, 20 Turnpike Road, Westborough, Mass. 01581.
B. New England Power Service Co., 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $607.77. E. (9) $594.73.

A. James F. Fleming, United Egg Producers, 991 National Press Building, Washington, D.C.
B. United Egg Producers, 3951 Snapfinger Parkway, Suite 580, Decatur, Ga. 30032.
D. (6) $1,000.

A. Carl J. Fleps, The Greyhound Corp., 1629 K Street NW., Suite 300, Washington, D.C. 20006.
B. The Greyhound Corp., Greyhound Tower, Phoenix, Ariz. 85077.
D. (6) $165. E. (9) $39.60.

A. James F. Flug, 2904 Brandywine Street NW., Washington, D.C. 20008.
B. Energy Action Committee, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $5,347.20. E. (9) $58.33.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,000. E. (9) $789.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C., 20006.
B. Cabot Corp., and Subsidiaries, 125 High Street, Boston, Mass. 02110.
D. (6) $1,200.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C., 20006.
B. The Dealer Bank Association, P.O. Box 479, Wall Street Station, New York, N.Y. 10005.
D. (6) $135.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C., 20006.
B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $10,010. E. (9) $32.01.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C., 20006.
B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.
D. (6) $1,000.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C., 20006.
B. Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53201.
D. (6) $500.

A. Foley, Lardner, Hollabaugh & Jacobs, 815 Connecticut Avenue NW., Washington, D.C., 20006.
B. United States Steel Corp., et al., 71 Broadway, New York, N.Y. 10006.
D. (6) $2,045. E. (9) $16.95.

A. Forest Farmers Association, 4 Executive Park East, Northeast, Atlata, Ga. 30329.
D. (6) $320.41. E. (9) $320.41.

A. James W. Foristel, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,300. E. (9) $216.

A. Gerald J. Forney, 141 Battery Street, San Francisco, Calif. 94111.
B. Uranium Enrichment Associates, 141 Battery Street, San Francisco, Calif. 94111.
D. (6) $4,500. E. (9) $3,200.

A. John S. Forsythe, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $825. E. (9) $75.

A. Francis C. Fortune, 3211 South Leisure Boulevard, Silver Spring, Md. 20906.
E. (9) $42.35.

A. David H. Foster, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. $2,250. E. (9) $690.

A. Ebert E. Fournace, 301 Cleveland Avenue SW., Canton, Ohio 44702.
B. Ohio Power Co., 301 Cleveland Avenue, SW., Canton, Ohio 44702; American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.
D. (6) $1,425. E. (9) $550.23.

A. David E. Fox, 1100 17th Street NW., Suite 1200, Washington, D.C. 20036.
B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $237.50. E. (9) $105.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036; 195 Broadway, New York, N.Y. 10007.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.

A. Joe H. Foy, P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
D. (6) $1,500. E. (9) $1,083.50.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md. 20902.
B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $45.75.

A. Ron Frank, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $6.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.
B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $965.51 E. (9) $150.59.

A. Donald A. Frederick, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $932. E. (9) $42.

A. Harry L. Freeman, American Express Co., 1701 K Street NW., Washington, D.C. 20006.
B. American Express Co., 65 Broadway, New York, N.Y. 10006.

A. James O. Freeman, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,593.75. E. (9) $59.

A. Pamela B. Freer, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $3,499.99. E. (9) $178.40.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $300. E. (9) $25.

A. George L. Frick, c/o Delaware Oil Men's Association, a Division of API, 437 North DuPont Highway, Dover, Del. 19901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Benjamin W. Fridge, 1900 South Eads Street, Arlington, Va. 22202.
B. National Border Patrol Council, c/o Richard Brannick, R.D. 2, Dexter, N.Y. 13634.
D. (6) $90.

A. Benjamin W. Fridge, 1900 South Eads Street, Arlington, Va. 22202.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $450. E. (9) $212.29.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $837.50 E. (9) $42.70.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Hualapai Tribe of Arizona, Peach Springs, Ariz.
D. (6) $78.25. E. (9) $7.75.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Metlakatla Indian Community, P.O. Box 8, Annette Islands Reserve, Alaska 9926.
E. (9) $30.75.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Navajo Tribe, Window Rock, Ariz.
E. (9) $28.75.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Nez Perce Tribe of Idaho, Lapwai, Idaho.
D. (6) $900. E. (9) $5.80.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak. 57770.
D. (6) $83.85. E. (9) $9.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Salt River Pima-Maricopa Indian Community, Route 1, Box 120, Scottsdale, Ariz.
D. (6) $377.25. E. (9) $20.99.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Seneca Nation of Indians, Box 231, Haley Building, Salamanca, N.Y. 14779.
D. (6) $3,745. E. (9) $17.25.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Vought Corp., 9314 West Jefferson, P.O. Box 5907, Dallas, Tex. 75211.
E. (9) $3,550.84.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.
National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C.
D. (6) $225.

A. Gay H. Friedmann, 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.
B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.
D. (6) $1,000. E. (9) $377.59.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $49,060. E. (9) $14,383.

A. Gary R. Frink, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. The Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Conn. 06115.
D. (6) $733.35.

A. Gary R. Frink, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. The National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $1,050. E. (9) $6.

A. Gary R. Frink, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. The Organization for the Management of Alaska's Resources, Inc., Box 516, Anchorage, Alaska 99510.
D. (6) $1,950. E. (9) $125.41.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, N.A., 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $756. E. (9) $3,382.61.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,500.

A. Charles H. Fritzel, 1625 I Street NW., No. 1001, Washington, D.C. 20006.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $1,500. E. (9) $110.

A. Paul K. Frost II, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. David F. Fullarton, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $225.

A. Ronald K. Fuller, 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric Co., 101 Ash Street, Post Office Box 1831, San Diego, Calif. 92112.
D. (6) $1,109. E. (9) $1,693.30.

A. Terry Gabrielson, 470 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Transcontinetnal Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77001.
D. (6) $450. E. (9) $39.

A. John Gabusi, 434 First Street SE., Washington, D.C. 20003.
B. Energy Action Committee, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $3,833.65. E. (9) $209.04.

A. James E. Gaffigan, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $296.17. E. (9) $77.70.

A. Gailor & Elias, 700 E Street SE., Washington, D.C. 20003.
B. Maryland Savings Share Insurance Corp., 901 North Howard Street, Baltimore Life Building, Baltimore, Md. 21201.
D. (6) $750. E. (9) $75.

A. Gailor & Elias, 700 E Street SE., Washington, D.C. 20003.
B. National Association of State Savings Insurers, 700 E Street SE., Washington, D.C. 20003.
D. (6) $200. E. (9) $15.

A. Gailor & Elias, 700 E Street SE., Washington, D.C. 20003.
B. National Association of State Savings & Loan Supervisors, 1001 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $400. E. (9) $30.

A. Norman S. Gaines, 1730 K Street NW., Suite 307, Washington, D.C. 20006.
B. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27101.
D. (6) $700. E. (9) $20.

A. Mark J. Gallagher, 1707 L Street NW., Washington. D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Washington, D.C. 20036.
D. (6) $5,881.62. E. (9) $503.11.

A. Peter N. Gammelgard, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Nicole Gara, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $4,750. E. (9) $3,030.

A. John W. Gardner, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,000.02 E. (9) $1,185.80.

A. Edward A. Garmatz, 2210 Lake Avenue, Baltimore, Md. 21213.
B. Baltimore Gas & Electric Co., Gas & Electric Building, Baltimore, Md. 21203.
D. (6) $250. E. (9) $40.75.

A. W. Bradford Gary, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $4,250. E. (9) $200.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $870.

A. Philip Gasteyer, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,875.

A. Gausewitz, Carr & Rothenberg, Suite 711, South Tower, Union Bank Square, Orange, Calif. 92668.
B. The Patent Law Association of Los Angeles, Suite 2400, Equitable Plaza, 3435 Wilshire Boulevard, Los Angeles, Calif. 90010.

A. Robert B. Geddie, Jr., c/o Alabama Petroleum Council, a division of API, 660 Adams Avenue, Suite 188, Montgomery, Ala. 36104.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $435. E. (9) $330.

A. Margaret L. Gehres, 1156 15th Street NW., Suite 731, Washington, D.C. 20005.
B. Associated Builders & Contractors, Inc., 1156 15th Street NW., Washington, D.C. 20005.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.
E. (9) $2,506.53.

A. Donald H. Gerrish, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Bakers Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. William T. Gibb III, American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Wayne Gibbens, Mid-Continent Oil & Gas Association, 1800 K Street NW., Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $1,716. E. (9) $60.

A. James M. Gibson, 956 North Monroe Street, Arlington, Va. 22201.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $2,183.75.

A. Joseph L. Gibson, Montgomery Ward & Co., Inc., 1101 15th Street NW., No. 205, Washington, D.C.
B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60680.
D. (6) $367. E. (9) $150.

A. William L. Gifford, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Fairfield, Conn. 06431.
D. (6) $100.

A. Arthur P. Gildea, Holiday Park East, Suite 428–432, 801–B West Eighth Street, Cincinnati, Ohio 45203.
B. National Conference of Brewery & Soft Drink Workers, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, Affiliate, 300 South Ashland Boulevard, Chicago, Ill. 60607.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio 43215.
B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.
E. (9) $313.41.

A. Mark W. Gillaspie, P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. James T. Gillice, 1776 F Street NW., Washington, D.C. 20006.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $930.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn. 37201.
B. Class I Railroads in Tennessee.

A. George L. Gleason, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $500. E. (9) $34.33.

A. Godfrey Associates, Inc., 918 16th Street NW., Suite 500, Washngton, D.C. 20006.
E. (9) $376.78.

A. Horace D. Godfrey, 918 16th Street NW., Suite 500, Washington, D.C. 20006.
B. Godfrey Associates, Inc., 918 16th Street NW., Suite 500, Washington, D.C. 20006.
D. (6) $625. E. (9) $376.78.

A. Howard S. Goldberg, 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale, 37 Boulevard de Montmorency, Paris, France).
D. (6) $66.37.

A. Abe A. Goldman, 2834 28th Street NW., Washington, D.C. 20008.
B. Coalition for Fair Copyright Protection, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. John Goldsum, P.O. Box 1148, Austin, Tex. 78767.
B. Texas Power & Light Co., Dallas, Tex.; Texas Electric Service Co., Ft. Worth, Tex.; Dallas Power & Light Co., Dallas. Tex.; Central Power & Light Co., Corpus Christi, Tex.; West Texas Utilities Co., Abilene, Tex.
E. (9) $1,116.82.

A. R. Kinan Golemon, 1300 American Bank Tower, Austin, Tex. 78701.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10005.
D. (6) $1,000. E. (9) $2.84.

A. Ruth Gonze, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,200.

A. Don A. Goodall, 1625 I Street NW., Suite 514, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $165. E. (9) $52.45.

A. Charles E. Goodell, 1225 19th Street, NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale, 37 Blvd de Montmorency, Paris, France).

D. (6) $750.

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.

B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.

D. (6) $7,999.98.

A. Frederick D. Goss, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

D. (6) $1,150.

A. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022.

B. Florists' Transworld Delivery Association, P.O. Box 2227, Southfield, Maine, 48076.

A. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022.

B. Hecon Corp., Flextime Division, 31 Park Road, Tinton Falls, N.J. 07724.

A. Gould, Reichert & Straus, 2613–20 Carew Tower, Cincinnati, Ohio 45202.

B. Francis J. Rorke, et al., Box 1336, Cristobel, C.Z.

A. Carolyn C. Graham, 1707 L Street NW., Suite 400, Washington, D.C. 20036.

B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Washington, D.C. 20036.

D. (6) $3,519.24. E. (9) $442.05.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $2,105. E. (9) $147.

A. Allan Grant, 225 Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $1,088.

A. John F. Grant, 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $1,753.92. E. (9) $240.

A. Wm. W. Grant, Utah International, Inc., 1150 Connecticut Avenue NW., Suite 710, Washington, D.C. 20036.

B. Utah International, Inc., 550 California Street, San Francisco, Calif. 94104.

E. (9) $121.56.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $942.50. E. (9) $25.

A. Robert K. Gray, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C. 20008.

B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $977.50. E. (9) $60.

A. Samuel A. Grayson, Union Pacific Railroad, 611 Idaho Building, Boise, Idaho 83702.

B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68179.

A. Donald R. Greeley, 1101 17th Street NW., Suite 603, Washington, D.C. 20036.

B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.

D. (6) $625. E. (9) $278.45.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash., 98104.

B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash. 98104.

E. (9) $644.12.

A. Claiborne D. Gregory, Virginia Petroleum Industries, a division of API, 1809 Staples Mill Road, Richmond, Va. 23230.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William G. Greif, 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $1,250.

A. Theodore R. Groom, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Ad Hoc Group on Life Insurance Company Taxation of Pension Funds, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $100.

A. Theodore R. Groom, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.

D. (6) $200.

A. Theodore R. Groom/Carl A. Nordberg, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48231.

A. Wesley E. Gross, 604 Portland Building, 200 West Broadway, Louisville, Ky. 40202.

B. Dairymen, Inc., 604 Portland Building, 200 West Broadway, Louisville, Ky. 40202.

D. (6) $150.

A. Frank N. Grossman, The Atchison, Topeka & Santa Fe Railway Co., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $2,000. E. (9) $300.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.

D. (6) $20,546.20. E. (9) $20,546.20.

A. Charles S. Gubser, 8905 Bradley Boulevard, Bethesda, Md. 20034.

B. Applied Technology, a division of Itek Corp., 645 Almanor Avenue, Sunnyvale, Calif. 94086.

D. (6) $500.

A. Charles S. Gubser, 8905 Bradley Boulevard, Bethesda, Md. 20034.

B. Morena Enterprises, Presidio of San Francisco, Calif. 94129.

D. (6) $500.

A. Charles S. Gubser, 8905 Bradley Boulevard, Bethesda, Md. 20034.

B. WEMA, 2600 El Camino Real, Palo Alto, Calif. 94306.

D. (6) $3,700. E. (9) $691.22.

A. James J. Gudinas, 8111 Gatehouse Road, Falls Church, Va. 22042.

B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

E. (9) $21.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $724.98.

A. Gun Owners of America Campaign Committee '76, 951 Arden Way, Sacramento, Calif. 95815.

D. (6) $411,025.07. E. (9) $424,481.47.

A. James L. Gundy, 164 South Main Street, NCNB Building, Room 408, High Point, N.C. 27260.

B. Appalachian Hardwood Manufacturers, Inc., 164 South Main Street, NCNB Building, Room 408, High Point, N.C. 27260.

D. (6) $7. E. (9) $20.

A. Samuel Gusman, Rohm & Haas Co., 1025 Connecticut Avenue NW., Suite 202, Washington, D.C. 20036.

B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

D. (6) $500. E. (9) $100.

A. C. James Hackett, 1119 A Street, Tacoma, Wash. 98401.

B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. Loyd Hackler, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $132.

A. Paul R. Haerle, Thelen, Marrin, Johnson & Bridges, Two Embarcadero Center, No. 2200, San Francisco, Calif. 94111.

B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.

E. (9) $1,034.56.

A. William S. Haga, Volunteer State Oil Committee, a division of API, 19th Floor, Third National Bank Building, Nashville, Tenn. 37219.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, Edward L. Weidenfeld, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Greenview Associates, Beaver Hill Apartments, 100 West Avenue, Jenkintown, Pa. 19046.

E. (9) $5.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, Harker Stanton & John Coffey, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Williams Cos., National Bank of Tulsa Building, Tulsa, Okla. 74103.

A. J. G. Hall, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $4,500. E. (9) $3,657.30.

A. Paul Hallisay, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union N.A., AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $4,050. E. (9) $559.15.

A. Morris G. Hallock, South Dakota Petroleum Council, Division of API, P.O. Box 669, Pierre, S.Dak. 57501.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jerald Vinson Halvorsen, Allied-General Nuclear Services, 7101 Wisconsin Avenue, Suite 901, Bethesda, Md. 20014.

B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.

A. Newman T. Halvorson, Jr., 888 16th Street NW., Washington, D.C. 20006.

B. Trustees of the Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.

E. (9) $80.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Belize Sugar Industries, Ltd., Belize City, Belize, Central America.

D. (6) $3,750. E. (9) 72.55.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. The Business Roundtable, 888 17th Street NW., Washington, D.C. 20006.

D. (6) $200. E. (9) $10.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Freda R. Caspersen, P.O. Box 595, Venice, Fla. 33595.

D. (6) $1,200.

A. Hamel Park, McCabe & Saunders, 1176 F Street NW., Washington, D.C. 20006.

B. Government of Republic of Panama, Compania Azucarara La Estrella, S.A., and Azucarera Nacional, S.A., Panama City, Panama.

D. (6) $3,000. **E. (9) $166.20.**

A. Hamel, Park, McCabe & Saunders, 1176 F Street NW., Washington, D.C. 20006.

B. National School Supply & Equipment Association, 1500 Wilson Boulevard, Arlington, Va. 22209.

A. Hamel, Park, McCabe & Saunders, 1176 F Street NW., Washington, D.C. 2006.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $7,500. E. (9) $898.98.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sociedad Agricola e Industrial San Carlos, S.A.; Compania Azucarera Valdez, S.A.; Azucarera Tropical Americana, S.A.; Tababuela Industrial Azucarera, C.A., Ecuador.

E. (9) $189.81.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Suite 400, Washington, D.C. 20006.

B. Standard Oil Co. (Indiana), 200 East Randolph Street, Chicago, Ill. 60601.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. Sugar Association of the Caribbean, Port of Spain, Trinidad.

D. (6) $8,750. E. (9) $683.24.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.

B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,439. E. (9) $56.

A. Patricia L. Hanahan, 1155 15th Street NW., Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $250.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $411. E. (9) $12.

A. Christopher G. Hankin, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $16.07.

A. Dave Harbour, Alaskan Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.

B. Alaskan Arctic Gas Study Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska, 99510.

D. (6) $500.

A. Robert B. Harding, 1801 K Street NW., 1041, Washington, D.C. 20006.

B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.

D. (6) $225. E. (9) $168.43.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.

B. National Tool, Die & Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Eugene J. Hardy, 1776 F Street NW., Washington, D.C. 20006.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $2,500. E. (9) $24.19.

A. William J. Hargett, 1100 17th Street NW., Washington, D.C. 20036.

B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) $741.23.

A. Bryce N. Harlow, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Proctor & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45203.

D. (6) $162.50. E. (9) $406.61.

A. Donald L. Harlow, Air Force Sergeants Association, Inc., 310 Riley Street, Falls Church, Va. 22046.

B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Marlow Heights, Md. 20031.

A. William B. Harman, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $110. E. (9) $80.90.

A. C. Wayne Harmon, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh Pa. 15230.

D. (6) $600. E. (9) $200.

A. A. J. Harris II, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

D. (6) $514.10. E. (9) $42.23.

A. Godfrey Harris, 9200 Sunset Boulevard, Los Angeles, Calif. 90069.

B. Embassy of the Republic of Panama, 2862 McGill Terrace NW., Washington, D.C. 20008.

D. (6) $10. E. (9) $8.25.

A. Saul J. Harris, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Eletcric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20035.

D. (6) $335. E. (9) $18.43.

A. Stephanie Harris, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Walter Harris, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. William C. Hart, 1625 I Street NW., Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $612.50. E. (9) $885.15.

A. Fred L. Hartley, 461 South Boylston Street, Los Angeles, Calif. 90017.

B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

E. (9) $879.

A. Rita M. Hartz, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $6,923.10. E. (9) $368.73.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P. Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 888 17th Street NW., No. 601, Washington, D.C. 20006.

B. Business Roundtable, 405 Lexington Avenue, New York, N.Y. 10017.

D. (6) $1,000. E. (9) $270.

A. Charles W. Havens III, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Reinsurance Association of America 1025 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $25.

A. Sidney G. Hawkes, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Mead Corp., 118 West First Street, Dayton, Ohio 45402.

D. (6) $990.

A. John H. Hawkins, Jr., 600 North 18th Street, Birmingham, Ala. 35291.

B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.

D. (6) $2,125. E. (9) $2,031.83.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $53. E. (9) $10.63.

A. Carl F. Hawver, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.

B. National Consumer Finance Association, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $240.

A. Robert T. Hayden, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $5,776.56. E. (9) $822.78.

A. Patrick J. Head, Container Corp. of America, 1101 15th Street NW., No. 205, Washington, D.C. 20005.

B. Container Corp. of America, 1 First National Plaza, Chicago, Ill. 60607.

D. (6) $21.50. E. (9) $150.

A. Patrick J. Head, Montgomery Ward & Co., Inc., 1101 15th Street NW., Washington, D.C. 20005.

B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60610.
D. (6) $344. E. (9) $150.

A. Health Insurance Association of America, Inc., 1701 K Street NW., Washington, D.C.
D. (6) $5,681.52. E. (9) $5,681.52.

A. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.
D. (6) $56.61. E. (9) $56.61.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $431.25.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y. 10017.
B. American Parents Committee, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. William H. Hecht, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $485.

A. Robt. E. Heggestad, 2230 California Street, Washington, D.C. 20008.
B. Manufactured Housing Institute, 14650 Lee Road, Chantilly, Va. 22021.
D. (6) $1,177.69. E. (9) $34.32.

A. William F. Heimlich, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44 Street, New York, N.Y. 10017.

A. Spencer H. Heine, Container Corp. of America, 1101 15th Street NW., No. 205, Washington, D.C. 20005.
B. Container Corp. of America, 1 First National Plaza, Chicago, Ill. 60607.
D. (6) $15. D. (9) $150.

A. Spencer H. Heine, Montgomery Ward & Co., Inc., 1101 15th Street NW., Washington, D.C.
B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60671.
D. (6) $120. E. (9) $150.

A. Ross E. Heller, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $225. E. (9) $250.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1701 K Street NW., Washington, D.C.
D. (6) $47.50. E. (9) $1.50.

A. Gordon D. Henderson, Barrett, Smith, Shapiro & Simon, 26 Broadway, New York, N.Y. 10004.
B. The Income Fund of America, Inc., and the Growth Fund of America, Inc., 611 West Sixth Street, Los Angeles, Calif. 90017.
D. (6) $50. E. (9) $7.

A. Richard Dean Henderson, No. 1008, 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

A. Robert C. Hendon, Consolidated Freightways, Inc., 6845 Elm Street, Suite 608, McLean, Va. 22101.
B. Consolidated Freightways, Inc., 601 California Street, San Francisco, Calif. 94108.
E. (9) $1,698.92.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $181.85.

A. George F. Hennrikus, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $2,959.

A. Hercules Inc., 910 Market Street, Wilmington, Del.
E. (9) $1,614.57.

A. Jack E. Herington, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. U.S. Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
E. (9) $1,124.81.

A. Esther Herst, 510 C Street NE., Washington, D.C. 20002.
B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $2,080. E. (9) $1,406.33.

A. Elena Hess, 3705 Porter Street NW., Washington, D.C. 20016.
B. Self-Determination for D.C., Suite 300, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,772. E. (9) $3,064.55.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.
D. (6) $12,275. E. (9) $814.39.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.
D. (6) $1,100. E. (9) $10.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,200.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.
D. (6) $125. E. (9) $58.07.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $2,100. E. (9) $58.06.

A. Paul T. Hicks, c/o Rhode Island Petroleum Association, a Division of A.P.I., 154 Francis Street, Providence, R.I. 02903.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. J. Thomas Higginbotham, Mellon Bank, N.A., Pittsburgh, Pa. 15230.
B. Mellon Bank, N.A. and Mellon National Corp., Mellon Square, Pittsburgh, Pa. 15230.
D. (6) $2,000. E. (9) $984.68.

A. Catherine J. Hill, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $2,025. E. (9) $645.

A. Hill, Christopher & Phillips, 2000 L Street NW., Washington, D.C. 20036.
B. California Housing Finance Agency, 1120 N Street, Sacramento, Calif.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C. 20004.
B. UBA, Inc., 720 Hotel Washington, Washington, D.C. 20004.
D. (6) $2,000. E. (9) $2,000.

A. Hill, Livingstone & Associates, 1220 Watergate South, 700 New Hampshire Avenue NW., Washington, D.C. 20037.
B. VIII Pan American Games Organizing Committee, GPO Box 70175, San Juan P.R. 00936.
D. (6) $1,500.

A. Kathryn Hilton, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $43.75. E. (9) $70.

A. James D. Hittle, 3137 South 14th Street, Arlington, Va. 22204.
B. Vought Corp., P.O. Box 5907, Dallas, Tex. 75211.
D. (6) $3000.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $573.66.

A. Howard E. Hoelter, c/o Illinois Petroleum Council, a Division of API, P.O. Box 5034, Springfield, Ill. 62705.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Glen D. Hofer, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $3,687. E. (9) $68.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.
D. (6) $1,465. E. (9) $136.20.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.

A. Izetta B. Hoge, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $400.

A. Thomas P. Holley, 1625 I Street NW., Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $218.

A. Holly Corp., 2001 Bryan Tower, Dallas, Tex. 75201.
E. (9) $2,020.

A. Thomas D. Holman, 1776 F Street NW., Washington, D.C. 20006.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.
E. $1,070.

A. Eric Holmes, Jr., c/o Petroleum Council of Georgia, a division of API, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Lee B. Holmes, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,968.75.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,750. E. (9) $12.50.

A. Wayne K. Horiuchi, Japanese American Citizens League, 1730 Rhode Island Avenue NW., Suite 204, Washington, D.C. 20036.
B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.
D. (6) $687.

A. The Hormel Foundation, Austin, Minn. 55912.
E. (9) $2,803.11.

A. Michael E. Horrell, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $411.25. E. (9) $9.13.

A. Charles A. Horsky, 888 16th Street NW., Washington, D.C. 20006.
B. Trustees of the Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.
E. (9) $85.

A. Douglass C. Horstman, 1612 K Street NW., Suite 1210, Washington, D.C. 20006.
B. Maytag Co.; Northern Textile Association.
D. (6) $3,300. E. (9) $400.

A. Craig Hosmer, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $1,732.50. E. (9) $66.15.

A. Houger, Garvey & Schubert, 1019 19th Street NW., Ninth Floor, Washington, D.C. 20036.
B. American Paper Institute, 1619 Massachusetts Avenue, NW., Washington, D.C.

A. Houger, Garvey & Schubert, 1019 19th Street NW., Eighth Floor, Washington D.C. 20036.
B. American Pyrotechnics Association, 407 Campus Avenue, Chestertown, Md. 21620.
D. (6) $1,000. E. (9) $1,176.39.

A. Houger, Garvey & Schubert, 1019 19th Street NW., Eighth Floor, Washington, D.C. 20036.
B. Committee for Protection of American Trade.
D. (6) $3,232. E. (9) $4,477.90.

A. Thomas B. House, 919 18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Mary Greer Houston, 2000 L Street NW., Suite 520, Washington, D.C. 20036.
B. Wilson E. Hamilton & Associates, Inc., 2000 L Street NW., Washington, D.C. (for Farm Labor Research Committee).
D. (6) $250.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
E. (9) $4,942.97.

A. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.
E. (9) $216.63.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill. 60062.

A. Paul N. Howell, 800 Houston Natural Gas Building, Houston, Tex. 77002.
B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. John B. Howerton, ASARCO Inc., 1730 Rhode Island Avenue NW., Suite 206, Washington, D.C. 20036.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10005.
D. (6) $1,200. E. (9) $858.52.

A. James C. Hughes, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Vester T. Hughes, Jr., 4300 First National Bank Building, Dallas, Tex. 75202.
B. American National Financial Corp., 300 Delaware Avenue, Wilmington, Del. 19801.
D. (6) $5,000.

A. Vester T. Hughes, Jr., 4300 First National Bank Building, Dallas, Tex. 75202.
B. Holly Corp., 2001 Bryan Tower, Dallas, Tex. 75201.
D. (6) $2,000.

A. Edward L. Huie, 4630 Montgomery Avenue, Suite 200, Washington, D.C. 20014.
B. National Association of Air Traffic Specialists, Inc., Suite 200, 4630 Montgomery Avenue, Bethesda, Md. 20014.
D. (6) $4,884.63. E. (9) $271.90.

A. Stanley W. Hulett, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. David C. Hull, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $660. E. (9) $2.15.

A. James Floyd Humphreys, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,333.

A. Richard M. Hunt, Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. NL Industries, Inc., 1221 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $1,125.

A. Milton F. Huntington, c/o Maine Petroleum Association, a Division of API, 283 Water Street, Augusta, Maine 04330.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $400. E. (9) $253.36.

A. James L. Huntley, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $7,333.87. E. (9) $1,276.44.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
E. (9) $375.

A. E. Hamilton Hurst, 2901 Butterfield Road, Oak Brook, Ill. 60521.
B. Nalco Chemical Co., 2901 Butterfield Road, Oak Brook, Ill. 60521.
D. (6) $500. E. (9) $895.69.

A. Philip A. Hutchinson, Jr., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, N.J. 07632.
D. (6) $300. E. (9) $20.

A. David C. Hyer, c/o Ohio Petroleum Council, Division of API, 88 East Broad Street, Columbus, Ohio 43215.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $250. E. (9) $385.10.

A. F. N. Ikard, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street, Washington, D.C. 20037.
D. (6) $2,875. E. (9) $671.

A. Bernard J. Imming, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $525. E. (9) $96.45.

A. Independent Insurance Agents of America, Inc. (formerly National Association of Insurance Agents, Inc.), 85 John Street, New York, N.Y. 10038.
E. (9) $9,369.10.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $9,368.70. E. (9) $9,368.70.

A. Intalco Aluminum Corp., P.O. Box 937, Ferndale, Wash. 98218.
E. (9) $485.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $11,739.10.

A. International Brotherhood of Painters & Allied Trades, 1750 New York Avenue NW., Washington, D.C. 20006.
E. (9) $1,261.04.

A. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson, Detroit, Mich. 48214.
D. (6) $169,909. E. (9) $169,909.

A. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $6,042.17.

A. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.
E. (9) $2,749.75.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building St. Paul, Minn. 55101.
D. (6) $20,440,69. E. (9) $7,159.66.

A. Robert C. Jackson, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street, NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., Suite 2124, 400 Tryon Street, Charlotte, N.C. 28285.

D. (6) $1,375. E. (9) $4.53.

A. Deborah Jacobs, 706 Seventh Street SE., Washington, D.C. 20003.

B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

D. (6) $235.

A. James Jaffe, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Bakers Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $91.02. E. (9) $1.20.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. Bank of America N.T. and S.A., Bank of America Plaza, San Francisco, Calif. 94137.

D. (6) $25. E. (9) $75.

A. Joseph A. Jeffrey, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $600. E. (9) $105.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C. 20045.

B. SmithKline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.

E. $530.

A. James Courtney Jennings, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. W. Pat Jennings, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.

B. Slurry Transport Association, 490 L'Enfant Plaza East SW., 3210, Washington, D.C. 20024.

D. (6) $1,500. E. (9) $1,050.

A. Chris L. Jensen, Florida Petroleum Council, a division of API, 111 North Gadsden Street, Tallahassee, Fla. 32301.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $533.68. E. (9) $722.47.

A. A. W. Jessup, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

A. Guy E. Jester, 2150 Kienlen Avenue, St. Louis, Mo. 63121.

B. Association for Improvement of Mississippi River, 10 Broadway, St. Louis, Mo. 63121.

A. Ronald P. Johnsen, 1625 I Street NW., Suite 302, Washington, D.C. 20006.

B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $175. E. (9) $101.51.

A. Anita Johnson, 2000 P Street NW., Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Washington, D.C. 20036.

D. (6) $40.

A. Bruce T. Johnson, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6). $2,969. E. (9) $6,517.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. John B. Johnson, c/o Alabama Petroleum Council, a division of API, 660 Adams Avenue, Suite 188, Montgomery, Ala. 36104.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $612.50. E. (9) $339.24.

A. John Paul Johnson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $8,125.02. E. (9) $1,061.43.

A. Rady A. Johnson, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

D. (6) $2,395.55. E. (9) $10.79.

A. Reuben L. Johnson.

B. The Farmers' Educational & Co-Operative Union of America, P.O. Box 39251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

D. (6) $6,404.64. E. (9) $245.72.

A. Spencer A. Johnson, National Home Furnishings Association, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

D. (6) $600. E. (9) $22.50.

A. Stanley L. Johnson, 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.

D. (6) $75.

A. Stuart H. Johnson, Jr., 910 17th Street NW., Washington, D.C. 20006.

B. N.Y. Dock Railway, 334 Furman Street, Brooklyn, N.Y.

E. (9) $11.

A. James D. Johnston, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,600. E. (9) $1,938.51.

A. Allan R. Jones, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $1,058.20.

A. Charlie W. Jones, 1150 17th Street NW., Suite 310, Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $200.

A. James E. Jones, Jr., 1776 F Street NW., Washington, D.C. 20006.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $720.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $19.80.

A. Neal R. Jones, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Daniel J. Edelman, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

(For American Safety Belt Council, 271 North Avenue, New Rochelle, N.Y. 10801).

D. (6) $500. E. (9) $8.60.

A. Neal R. Jones, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edelman International, 1730 Pennsylvanue Avenue NW., Washington, D.C. 20006.

(For Aerospatiale, c/o DGA International, 1225 19th Street NW., Washington, D.C.)

D. (6) $1,500. E. (9) $7.60.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $4,250. E. (9) $12,789.

A. Ronald K. Jones, 7841 Doane Court, Springfield, Va. 22152.

B. Manufactured Housing Institute, 14650 Lee Road, Chantilly, Va. 22021.

D. (6) $5,530. E. (9) $104.35.

A. Carl D. Jordan, 408 East Maple Street, Fremont, Mich. 49412.

B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.

A. Brenda Joyce, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

D. (6) $750. E. (9) $200.

A. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va. 22030.

B. National Congress of Parents & Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $97.55.

A. Charles W. Karcher, 1735 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (an Ohio corporation), Midland Building, Cleveland, Ohio 44115.

A. Gerald M. Katz, 1800 Merchantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $477.89.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

A. William J. Keating, 725 15th Street NW., Room 500, Washington, D.C. 20005.

B. National Grain & Feed Association, P.O. Box 28328, Washington, D.C. 20005.

A. Keck, Cushman, Mahin & Cate, 8300 Sears Tower, 233 South Wacker Drive, Chicago, Ill. 60606.

B. Schwinn Bicycle Co., 1856 North Kostner Avenue, Chicago, Ill. 60639.

D. (6) $3,418.75. E. (9) $1,636.26.

A. Howard B. Keck, 555 South Flower Street, Los Angeles, Calif. 90071.

B. The Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.

E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

E. (9) $275.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $245.87.

A. John B. Kelley, Suite 1200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.
D. (6) $1,300. E. (9) $457.

A. Paul J. Kelley, 2727 North Central Avenue, Phoenix, Ariz. 85004.
B. Amerco, Inc., 2727 North Central Avenue, Phoenix, Ariz. 85004.

A. Harold V. Kelly, 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th St. NW., Washington, D.C. 20005.

A. Robert F. Kelly, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

A. George Kelm, 1 First National Plaza, Suite 5200, Chicago, Ill. 60603.
B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.
D. (6) $450. E. (9) $200.25.

A. Thomas J. Kenan, George, Kenan, Robertson & Lindsey, 1000 Fidelity Plaza, Oklahoma City, Okla. 73102.
B. Coquina Oil Corp., 200 Building of the Southwest, Midland, Tex. 79701.
E. (9) $1,375.68.

A. R. G. Kendall, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. Jeremiah J. Kenney, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Jerry W. Kennedy, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Robert T. Kenney, 1050 17th Street NW., Washington, D.C.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.

A. William J. Kenny, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $220. E. (9) $150.

A. John V. Kenney, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $862.50. E. (9) $180.

A. Thomas P. Kerester, Coopers & Lybrand, 1800 M Street NW., Washington, D.C. 20036.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
D. (6) $635.

A. Thomas P. Kerester, Coopers & Lybrand, 1800 M Street NW., Washington, D.C. 20036.
B. The Balcor Co., 1 Concourse Plaza, 4711 Golf Road, Skokie, Ill. 60026.
D. (6) $150.

A. James L. Kimble, Suite 415, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500. D. (9) $250.

A. Charles L. King, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $66.

A. David S. King, Suite 800, 1620 I Street NW., Washington, D.C. 20006.
B. Semper/Moser & Associates, 13953 Panay Way, Marina del Ray, Calif. 20291.
D. (6) $1,500.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $3,390.25.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.
B. Automatic Phonograph Manufacturers, 1776 K Street NW., Washington, D.C. 20006.
D. (6) $750. E. (9) $41.

A. Kirkland, Ellis & Rowe, 1776 K Street N., Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Ralph W. Kittle, Room 700, 1620 I Street NW., Washington, D.C. 20006.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $530. E. (9) $140.

A. Richard P. Kleeman, 1707 L Street NW., Suite 480, Washington, D.C. 20036.
B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.

A. John J. Klocko III, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
E. (9) $332.

A. Andrew Kneier, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,200.01.

A. Gary D. Knight, 1615 H. Street NW., Washington, D.C.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $25.

A. Keith R. Knoblock, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

A. Ruth E. Kobell.
B. The Farmers' Educational & Co-Operative Union of America, P.O. Box 39251, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $2,833.39. E. (9) $82.65.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $31.65.

A. Robert M. Koch, Jr., 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $19.82.

A. Robert L. Koob, Koob Associates, 1155 15th Street NW., Suite 311, Washington, D.C. 20005.
B. Biscuit & Crackers Manufacturers' Association, 1660 L Street, Washington, D.C. 20036.
D. (6) $450. E. (9) $185.75.

A. Robert L. Koob, Koob Associates, 1155 15th Street NW., Suite 311, Washington, D.C. 20005.
B. Norwich Pharmacal Co., Norwich, N.Y. 13815.
D. (6) $1,500. E. (9) $328.

A. Horace R. Kornegay, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $150.

A. Paul A. Korody, Jr., 1725 I Street NW., Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
E. (9) $750.

A. John T. Korsmo, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arlington, Va.).
D. (6) $500.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $5,776.56. E. (9) $829.14.

A. Michael Kowalsky, 575 Madison Avenue, New York, N.Y.
B. Cigar Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,230.76. E. (9) $738.69.

A. Mylio S. Kraja, National Legislative Commission, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $6,695. E. (9) $1,020.15.

A. Amos Kramer, Kansas Petroleum Council, a division of API, Eighth and Jackson Streets, Suite 1414, Topeka, Kans. 66612.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Stephen W. Kraus, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Lawrence E. Kreider, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. Richard W. Kreutzen, Chevron Oil Co., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron Oil Co., subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $750. E. (9) $363.78.

A. Homer L. Krout, 1605 North Johnson Street, Arlington, Va. 22201.

B. National Association of Theatre Owners, Inc., 1500 Broadway, Suite 2002, New York, N.Y. 10036.

D. (6) $4,500. E. (9) $240.01.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $835. E. (9) $70.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $9,120. E. (9) $1,593.19.

A. Thomas R. Kuhn, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $425. E. (9) $80.31.

A. Daniel M. Kush, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

A. Labor Bureau of Middle West, 1200 15th Street NW., Washington, D.C. 20005; 11 South LaSalle Street, Chicago, Ill. 60603.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $20,355.22.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $12,012. E. (9) $11,929.

A. Edward J. Lachowicz, 4317 Brandywine Street NW., Washington, D.C. 20016.

B. International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.

A. Philip A. Lacovara, 1660 L Street NW., Washington, D.C. 20036.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $1,908. E. (9) $260.

A. Sarah M. Laird, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $569. E. (9) $3,532.

A. David P. Lambert, 1701 K Street NW., Washington, D.C. 20006.

B. Health Insurance Association of America, Inc., 1701 K Street NW., Washington, D.C.

D. (6) $97.50. E. (9) $199.89.

A. A. M. Lampley, 400 First Street, NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $160.

A. Land Improvement Contractors of America, 9515 Ogden Avenue, Brookfield, Ill. 60513.

D. (6) $3,000. E. (9) $3,115.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Geothermal Resources International Inc., 4676 Admiralty Way, Suite 503, Marina del Rey, Calif. 90291.

E. (9) $47.90.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.

B. Sportsmans Paradise Homeowners Association, P.O. Box 278, Blythe, Calif. 92225.

A. R. Josh Lanier, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $2,437.50. E. (9) $275.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C.

E. (9) $1151.94.

A. Glenn T. Lashley, D.C. Division, American Automobile Association, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. D.C. Division, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $3,825.

A. George H. Lawrence, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $1,000. E. (9) $350.

A. Delmar Dale Lawson, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,133. E. (6) 293.25.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Associaton of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Charles W. Lee, 148 Duddington Place SE., Washington, D.C. 20003.

B. Committee for Full Funding of Education Programs, 148 Duddington Place SE., Washington, D.C. 20003.

D. (6) $150. E.(9) 20.

A. Robert W. Lee, John Birch Society, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C. 20036.

B. The John Birch Society, 395 Concord Avenue, Belmont, Mass. 02178.

A. Michael L. Lehrman, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. (for Aerospatiale, 37 Blvd de Montmorency, Paris, France).

D. (6) $2,636.66. E. (9) $265.93.

A. Robert J. Leigh, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. Joseph L. Leitzinger, 400 Fourth Avenue, Seattle, Washington 98164.

B. Simpson Timber Co. 900 Fourth Avenue, Seattle, Washington 98164.

D. (6) $784. E. (9) $1,120.09.

A. Gilbert LeKander, 910 17th Street NW., Suite 501, Washington, D.C. 20006.

B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701, Washington Water Power Co., P.O. Box 3727, Spokane, Wash. 99220.

D. (6) $450.

A. Nils A. Lennartson, 801 North Fairfax Street, Alexandria, Va. 22314.

B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va., 22314.

D. (6) $792.08.

A. Earl T. Leonard, Jr., P.O. Drawer 1734, Atlanta, Ga. 30301.

B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

D. (6) $298. E. (9) $647.

A. Donald Lerch & Co., Inc., 1030 15th Street, NW., Washington, D.C. 20005.

B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20006.

A. Donald Lerch & Co., Inc., 1030 15th Street NW., Washington, D.C. 20005.

B. Shell Chemical Co., 2401 Crow Canyon Road, San Ramon, Calif.

A. Gilbert B. Lessenco, 2021 L Street NW., Washington, D.C. 20036.

B. General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minn. 55440.

D. (6) $4,900.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

D. (6) $800.

A. David Lewis, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Alvin Levin, 120 South Hanover Street, Carlisle, Pa. 17013.

D. (6) $224.90. E. (9) $270.91.

A. Fielding Lewis, 575 Madison Avenue, New York, N.Y.

B. Cigar Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.

D. (6) $7,173.07.

A. Robert G. Lewis.

B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 39251, Denver, Colo.; 1012–14th Street NW., Washington, D.C.

D. (6) $1,833.85. E. (9) $23.81.

A. Ronald L. Leymeister, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $465. E. (9) $35.50.

A. Leigh Lindjord, 1800 M Street NW., Washington, D.C. 20036.

B. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036 (for: American Gas Distributors).

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20006.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

D. (6) $500.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. County of Baltimore, 111 West Chesapeake Avenue, Towson, Md. 21204.

D. (6) $1,200. E. (9) $30.04.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.

D. (6) $8,440.32 E. (9) $1,283.01.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.

B. Wayne County Board of Commissioners, 706 City County Building, Detroit, Mich. 48226.

D. (6) $7,500. E. (9) $1,239.92.

A. Charles B. Lipsen, 6414 Earlham Drive, Bethesda, Md. 20034.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $7,500. E. (9) $410.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Rm. 1010, Washington, D.C. 20036.

B. National Association of Electric Co., 1140 Connecticut Avenue NW., Rm. 10010, Washington, D.C. 20036.

D. (6) $375. E. (9) $201.05.

A. E. F. Livaudais, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $200. E. (9) $450.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. Harold D. Loden, 1030 15th Street NW., Washington, D.C.

B. American Seed Trade Association, 1030 15th Street NW., Washington, D.C. 20005.

D. (6) $700.

A. Nils A. Lofgren, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. Nellie L. Longsworth, Suite 602, 1225 19th Street NW., Washington, D.C. 20036.

B. Preservation Action, 1225 19th Street NW., Suite 602, Washington, D.C. 20036.

D. (6) $2,542.14. E. (9) $2,385.04.

A. Edward J. Lord, National Legislative Commission, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $3,747. E. (9) $109.05.

A. Philip J. Loree, 17 Battery Place North, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $200. E. (9) $221.34.

A. Herschel C. Loveless, 918 16th Street NW., No. 501, Washington, D.C. 20006.

B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.

D. (6) $281.50. E. (9) $281.50.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $600. E. (9) $200.

A. James P. Low, 1101 16th Street NW., Washington, D.C. 20036.

B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.

A. James Rowland Lowe, Jr., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.

B. Alaskan Arctic Gas Pipeline Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska 99510.

D. (6) $5,000. E. (9) $150.

A. Gerald M. Lowrie, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $2,480.25.

A. Freddie H. Lucas, 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $200. E. (9) $199.82.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.

B. Catholic Press Association, 432 Park Avenue South, New York, N.Y. 10016.

D. (6) $250. E. (9) $10.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.

B. Massachusetts Cooperative Bank League, 225 Franklin Street, Boston, Mass. 02110.

D. (6) $50. E. (9) $5.

A. Lumbermen's Mutual Casualty Co., Long Grove, Ill. 60049.

E. (9) $2,275.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Christian J. Lund, 1125 15th Street N.W., Washington, D.C. 20005.

B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101; 1125 15th Street N.W., Washington, D.C. 20005.

D. (6) $7,500. E. (9) $873.62.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg. 97204.

D. (6) $875.25. E. (9) $4.60.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.

B. Pennsylvania Power & Light Co., 2 North Ninth Street, Allentown, Pa. 18101.

D. (6) $600. E. (9) $46.25.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C.

B. Shanghai Power Co., 100 West 10th Street, Wilmington, Del. 19801.

D. (6) $300.

A. Eugene H. Luntey, 195 Montague Street, Brooklyn, N.Y. 11201.

B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y.

D. (6) $25,000.

A. Lusk-Evans, Ltd., 1730 North Lynn Street, Suite 400, Arlington, Va. 22209.

A. James H. Lynch, Jr., 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $7,193.20. E. (9) $10,715.

A. Richard Lyng, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.

B. American Meat Institute, 1600 Wilson Boulevard, Arlington, Va.

D. (6) $500.

A. Timothy MacCarthy, 1909 K Street NW., Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the U.S., Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22101.

D. (6) $622.50. E. (9) $500.

A. Duncan H. Mackenzie, 3019 Goat Hill Road, Bel Air, Md. 21014.

D. (6) $251. E. (9) $402.09.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 810 National Press Building, Washington, D.C. 20045.

B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.

D. (6) $3,750. E. (9) $4,014.37.

A. J. Jerome Madden, Suite 1200, 1030 15th Street NW., Washington, D.C. 20005.

B. Eli Lilly & Co., 1030 15th Street NW., Washington, D.C. 20005.

D. (6) $6,500. E. (9) $651.31.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. John F. Mahoney, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,000. E. (9) $943.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Aluminum, & Chemical Corp., 900 17th Street NW., Washington, D.C.

D. (6) $500. E. (9) $35.

A. Andre Maisonpierre, 1776 F Street NW., Washington, D.C. 20006.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,165.

A. Thomas M. Malone, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $1,109.02.

A. Ben J. Man, 400 First Street NW., Suite 700, Washington, D.C. 20001.

B. District No. 1 Pacific Coast District, Marine Engineers' Beneficial Association, AFL-CIO, 17 Battery Place, New York, N.Y. 10004.

D. (6) $1,981.98. E. (9) $222.85.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.

D. (6) $7,875. E. (9) $106.10.

A. Mike Manatos, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Preston Mangum, 1025 Connecticut Avenue NW., No. 1206, Washington, D.C. 20036.

B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.
D. (6) $1,920. E. (9) $967.60.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite No. 310, Washington, D.C. 20036.
E. (9) $950.

A. Forbes Mann, 1155 15th Street NW., No. 1004, Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $2,500. E. (9) $550.

A. Michael Mann, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,615.38.

A. Manufactured Housing Institute, P.O. Box 201, 14650 Lee Road, Chantilly, Va. 22021.
D. (6) $1,638.67 E. (9) $1,638.67

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $5,000. E. (9) $3,000.

A. Dallace E. Marable, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,050. E. (9) $9.40.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C. 20003.
B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. March For Life Inc., Post Office Box 2950, Washington, D.C. 20013.
D. (6) $56,160.63. E. (9) $42,121.33.

A. Carl Marcy, 122 Maryland Avenue NE., Washington, D.C. 20002.
B. American Committee on U.S.-Soviet Relations, 122 Maryland Avenue NE., Washington, D.C. 20002.

A. Carl Marcy, 122 Maryland Avenue NE., Washington, D.C.
B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $3,000. E. (9) $351.14.

A. Carl M. Marcy, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. The United Nations University, 3932 Huntington Street NW., Washington, D.C. 20019.
E. (9) $259.30.

A. Marine Engineers' Beneficial Association, AFL–CIO, District No. 1 Pacific Coast District, 17 Battery Place, New York, N.Y. 10004.
E. (9) $8,679.71.

A. Rodney W. Markley, Jr., Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $9,000. E. (9) $602.

A. David J. Markey, 1771 N Street NW., Washington, D.C., 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $800. E. (9) $378.68.

A. Matthew J. Marks, Prather Seeger Doolittle Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.
B. Heterochemical Corp., 111 East Hawthorne Avenue, Valley Stream, Long Island, N.Y. 11580.
E. (9) $50.

A. Ralph J. Marlatt, 1511 K Street NW., Washington, D.C. 20005.
B. National Association of Mutual Insurance Agent, 1511 K Street NW., Washington, D.C. 20005.
E. (9) $1,500.

A. Dan V. Maroney, Jr., 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. C. Travis Marshall, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $175.

A. J. Paul Marshall, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $252.17. E. (9) $237.80.

A. Katherine E. Martin, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $370.50. E. (9) $125.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $500. E. (9) $200.

A. Steven A. Martindale, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y.

A. Maryland Savings—Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $35.40.

A. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $477.89.

A. Mike M. Masaoka, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. American Japanese Trade Committee, Suite 520, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
D. (6) $500.

A. Mike M. Masaoka, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. Nisei Lobby, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, Masaoka-Ishikawa & Associates, Inc., Suite 520, 900 17th Street NW., Washington, D.C. 20006.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. Paul J. Mason, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Cliff Massa III, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. David Masselli, 2030 M Street, NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Jon G. Massey, Oil Investment Institute, P.O. Box 8293, Washington, D.C. 20024.
B. Oil Investment Institute, P.O. Box 8293, Washington, D.C. 20024.

A. P. H. Mathews, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C., 20036.
D. (6) $579.60. E. (9) $428.69.

A. Robert A. Matthews, 801 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $396.04.

A. Charles E. Mattingly, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,043. E. (9) $240.59.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.
B. Joint Government Liaison Committee, 1111 E Street NW., Washington, D.C. 20004.

A. Anthony F. Mauriello, New York State Petroleum Council, A Division of API, 551 Fifth Avenue, New York, N.Y. 10017.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $494.25. E. (9) $225.02.

A. Thomas H. Maxedon, Kentucky Petroleum Council, a Division of the American Petroleum Institute, 4010 Dupont Circle, Suite 469, Louisville, Ky. 40207.
B. American Petroleum Institute, 2101 L Street, NW., Washington, D.C. 20037.

A. Albert E. May, 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $410. E. (9) $1.

A. Arnold Mayer, 100 Indiana Avenue, NW., No. 410, Washington, D.C. 20001.
B. Amalgamated Meat Cutters & Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill. 60657.
D. (6) $7,878. E. (9) $890.

A. Mayer, Brown & Platt, Attention: Frank P. Cihlar, 231 South LaSalle Street, Chicago, Ill.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $800.

A. Mayer, Brown & Platt, Attention: Frank P. Cihlar, 231 South LaSalle Street, Chicago, Ill. 60604.
B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,763.75.

A. Mayer, Brown & Platt, Attention: Frank P. Cihlar, 231 South LaSalle Street, Chicago, Ill. 60604.

B. Trustees of several trusts for the benefit of members of the L. M. Williams and Clayton Burch families, c/o Continental Illinois National Bank & Trust Co., 231 South LaSalle Street, Chicago, Ill. 60693.

D. (6) $3,000.

A. Mayer, Brown & Platt, Attention: Frank P. Cihlar, 231 South LaSalle Street, Chicago, Ill. 60604.

B. Santee River Cypress Lumber Co. & Beidler Owners, Suite 1354, 222 West Adams Street, Chicago, Ill. 60606.

D. (6) $75.

A. H. Wesley McAden, Cook Industries, Inc., 1707 L Street NW., Suite 650, Washington, D.C. 20036.

B. Cook Industries, Inc., 2185 Democrat Road, Memphis, Tenn. 38116.

D. (6) $1,500.

A. F. Stephen McArthur, 1341 G Street, No. 908, Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street, No. 908, Washington, D.C. 20005.

D. (6) $3,499.98.

A. William J. McAuliffe, Jr., 1828 L Street NW., Suite 303, Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C. 20036.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $102.87.

A. Michael J. McCabe, Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. John A. McCart, Public Employees Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Public Employee Department, AFL-CIO 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,019.24.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

E. (9) $39.38.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Cities Service Co., Box 300, Tulsa, Okla. 74102.

E. (9) $76.25.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., P.O. Box 1734 Atlanta, Ga. 30301.

E. (9) $17.36.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Gulf + Western Industries, Inc., 1 Gulf + Western Plaza, New York, N.Y. 10023.

E. (9) $107.53.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

E. (9) $269.25.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Montgomery Coca-Cola Bottling Co., Inc., North Perry Street & Jefferson Street, Montgomery, Ala. 35102.

E. (9) $1.02.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Quaker State Oil Refining Corp., Oil City, Pa. 16307.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Alfred P. Slaner, 640 Fifth Avenue, New York, N.Y. 10019.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue New Orleans, La. 70110.

E. (9) $4.62.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. United Artists Corp., 729 Seventh Avenue, New York, N.Y. 10019.

E. (9) $17.39.

A. Richard M. M. McConnell, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

D. (6) $300. E. (9) $19.50.

A. Wayne McCormack, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $200.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 819 Railway Labor Building, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. D. McCurrach, 1500 Wilson Boulevard, No. 609, Arlington, Va. 22209.

B. National School Supply & Equipment Association, 1500 Wilson Boulevard, Arlington, Va. 22209.

A. Albert L. McDermott, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $616.05. E. (9) $208.75.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

D. (6) $1,100. E. (9) $10.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.

E. (9) $529.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $2,200.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.

D. (6) $2,100. E. (9) $58.06.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

E. (9) $377.86.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.

B. Trustees Under Will of Warren Wright, c/o The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.

A. Michael D. McDonald, Maryland Petroleum Association, a division of API, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $20.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $36.45.

A. Michael B. McFarland, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $525. E. (9) $148.14.

A. Linda S. McFarlin, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $400.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $8,637.60.

A. Robert M. McGlotten, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $8,197.50. E. (9) $439.55.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $8,483.50.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $952.75.

A. C. A. (Mack) McKinney, 110 Maryland Avenue NE., Suite 511, Washington, D.C. 20002.

B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Suite 321, Arlington, Va. 22201.

E. (9) $13.

A. C. A. (Mack) McKinney, 110 Maryland Avenue NE., Suite 511, Washington, D.C. 20002.

B. Noncommissioned Officers Association of the USA (NCOA), P.O. Box 2268, San Antonio, Tex. 78298.

D. (6) $4,930.61. E. (9) $4,549.26.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

E. (9) $250.

A. William F. McManus, 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.

D. (6) $370. E. (9) $235.

A. Ralph J. McNair, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.

D. (6) $50.

A. Margaret E. McNamara, 100 Maryland Avenue NE., Washington, D.C.

B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $2,195.16. E. (9) $351.13.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.

B. American Dredging Co., et al., 12 South 12th Street, Philadelphia, Pa. 19107.

D. (6) $13,125. E. (9) $1,986.53.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.

B. Republic of Turkey, 1606 23d Street NW., Washington, D.C.

D. (6) $6,300. E. (9) $266.11.

A. Harry McPherson, Suite 1100, 1660 L Street NW., Washington, D.C. 20036.

B. Small Producers for Energy Independence, Suite 970, 4th Financial Center, Wichita, Kans. 67202.

D. (6) $3,525. E. (9) $150.

A. George G. Meade, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $1,114.51.

A. John Martin Meek, Edelman International, 1730 Pennsylvania Avenue NW., Washington, D.C.

B. Aerospatiale, c/o DGA International, 1225 19th Street NW., Washington, D.C.

D. (6) $1,500. E. (9) $1,614.10.

A. John Martin Meek, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edelman International Corp. (for: the Republic of Turkey), 1730 Pennsylvania Avenue NW., Washington, D.C. 20008.

E. (9) $84.25.

A. William H. Megonnell, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Co., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $90. E. (9) $10.98.

A. Richard A. Melher, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

D. (6) $1,335. E. (9) $1.20.

A. Louis L. Meier, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

D. (6) $300. E. (9) $450.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $8,483.50.

A. Robert L. Melbern, Route 3, Gatesville, Tex. 76528.

B. National Association of Farmer Elected Committeemen, c/o Robert L. Melbern, Route 3, Gatesville, Tex. 76528.

E. (9) $98.76.

A. R. Otto Meletzke, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $235. E. (9) $150.

A. Marilee Menard, 1155 15th Street NW., Washington, D.C. 20005.

B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $600.

A. Jeffrey M. Menick, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va. 22209.

B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

E. (9) $17.50.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

D. (6) $9,375. E. (9) $496.18.

A. Edward L. Merrigan, Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.

B. Riviana Foods, Inc., P.O. Box 2636, Houston, Tex. 77001.

D. (6) $6,250. E. (9) $171.63.

A. John A. Merrigan, Suite 1100, 1660 L Street NW., Washington, D.C. 20036.

B. Small Producers for Energy Independence, Suite 970, 4th Financial Center, Wichita, Kans. 67202.

D. (6) $2,337.50. E. (9) $50.

A. Lawrence C. Merthan, The Carpet and Rug Institute, 1015 18th Street NW., Washington, D.C. 20036.

B. The Carpet and Rug Institute, Dalton, Ga. 30720.

D. (6) $1,100. E. (9) $320.50.

A. Nancy S. Metler, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $87. E. (9) $13.71.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $533.

A. M. & I. Marshall & Ilsley Bank., 770 North Water Street, Milwaukee, Wis. 53202.

A. Bryan P. Michener, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,539.

A. Mid-Continent Oil and Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $4,623.39. E. (9) $2,169.94.

A. Roy H. Millenson, 1707 L Street NW., Room 480, Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.

D. (6) $1,450. E. (9) $120.

A. A. Stanley Miller, 910 16th Street NW., Room 302, Washington, D.C. 20006.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $100.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.

B. Alaska Federation of Natives, International, 133 Queen Anne Avenue North, Seattle, Wash. 98109.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.

B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807.

D. (6) $75. E. (9) $9.45.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Investors Diversified Services, Inc., IDS Tower, Minneapolis, Minn. 55402.

D. (6) $3,475. E. (9) $71.31.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Pacific Lighting Corp., Box 60043, Terminal Annex, Los Angeles, Calif. 90054.

D. (6) $2,250.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Sperry and Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

D. (6) $500. E. (9) $13.45.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Gulf Intracoastal Canal Association, Houston, Tex.

D. (6) $262.50. E. (9) $30.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Texasgulf, Inc., New York, N.Y.

D. (6) $375. E. (9) $366.07.

A. Edwin Reid Miller, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68179.

B. Nebraska Railroad Association, Union Pacific Building, 1416 Dodge Street, Omaha, Nebr. 68179.

D. (6) $7,755. E. (9) $47.33.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $875.

A. Luman G. Miller, 620 Southwest Fifth Avenue, Building Suite 912, Portland, Oreg. 97204.

B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

A. Maya Miller, 1310 New Hampshire Avenue NW., Washington, D.C.

B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

E. (9) $13.60.

A. Robert C. Miller, 3818 Congreve Avenue, Cincinnati, Ohio 45213.

D. (6) $70.22. E. (9) $55.22.

A. John F. Mills, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

D. (6) $2,520. E. (9) $240.

A. William E. Minshall, 1730 M Street NW., Suite 905, Washington, D.C. 20036.

B. Northrop Corp., Los Angeles, Calif.

A. William E. Minshall, 1730 M Street NW., Suite 905, Washington, D.C. 20036.

B. Werner G. Smith, Inc., 1730 Train Avenue, Cleveland, Ohio 44113.

A. Phillip W. Moery, 110 Marion Drive, Wynne, Ark. 72396.

B. Riviana Foods, Inc., 2777 Allen Parkway, Houston, Tex. 77019.

D. (6) $1,161. E. (9) $133.69.

A. Joseph E. Mohbat, 733 15th Street NW., Washington, D.C. 20005.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

D. (6) $306. E. (9) $5.

A. Graham T. T. Molitor, 1629 K Street NW., Suite 403, Washington, D.C. 20006.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

D. (6) $312. E. (9) $496.98.

A. John S. Monagan, Whitman & Ransom, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Chester Bank, Chester, Conn. 06412; The Chester Savings Bank, Chester, Conn. 06412.

D. (6) $5,000. E. (9) $135.45.

A. John S. Monagan, Whitman & Ransom, 1730 Pennsylvania Avenue NW., Suite 1010, Washington, D.C. 20006.

B. Connecticut Bankers Association, 100 Constitution Plaza, Hartford, Conn. 06103.

D. (6) $1,003.02. E. (9) $159.93.

A. Michael Monroney, TRW, Inc., 2030 M Street NW., Suite 800, Washington, D.C. 20036.

B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.

D. (6) $1,000.

A. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60680.

D. (6) $922. E. (9) $150.

A. G. Merrill Moody, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L. Street NW., Washington, D.C. 20036.

D. (6) $100.85. E. (9) 200.09.

A. O. William Moody, Jr., 815 16th Street NW., Room 510, Washington, D.C. 20006.

B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Room 510, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $1,221.49.

A. Alan J. Moore, The Atchison, Topeka, and Sante Fe Railway Co., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Atchison, Topeka, and Sante Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill., 60604.

D. (6) $1,500. E. (9) $300.

A. Moore-McCormack Resources, Inc., 1 Landmark Square, Stamford, Conn. 06901.

E. (9) $4,176.

A. Powell A. Moore, 1155 15th Street NW., Washington, D.C. 20005.

B. Associated Gas Distributors, 1800 M Street NW., Washington, D..C 20036.

D. (6) $37.50.

A. E. Joyce Morgan, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Earl J. Morgan, 1150 17th Street NW., Washington, D.C. 20036.

B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

D. (6) $825. E. (9) $237.50.

A. Morgan, Lewis & Bockius, 1800 M Street NW Washington, D.C. 20036.

B. Associated Gas Distributors, 1800 M Street NW., Washington, D.C. 20036.

E. (9) $7.50.

A. Frederick Moring, 1800 M Street NW., Washington, D.C. 20036.

B. Morgan, Lewis & Bockius (for Associated Gas Distributors), 1800 M Street NW., Washington, D.C. 20036.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Suite 900, Washington, D.C. 20006.

B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. Morris Associates, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.

D. (6) $12,501. E. (9) $14,954.36.

A. Alan B. Morrison, Public Citizen, Inc., Suite 700, 2000 P Street NW., Washington, D.C. 20036.

B. Public Citizen, Inc., Box 19404, Washington, D.C. 20036.

D. (6) $705. E. (9) $705.

A. James A. Morrissey, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Suite 2124, 400 Tryon Street, Charlotte, N.C. 28285.

D. (6) $1,000. E. (9) $63.

A. John W. Morton, 1660 L Street NW., Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

D. (6) $325.

A. Jack Moskowitz, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $8,100. E. (9) $168.42.

A. Lynn E. Mote, Northern Natural Gas Co., 1133 15th Street NW., Suite 503, Washington, D.C. 20005.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. John J. Motley, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $400.

A. Roger L. Mozingo, 4207 Sideburn Road, Fairfax, Va. 22030.

B. The Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.

D. (6) $110.

A. Karen Mulhauser, 706 Seventh Street SE., Washington, D.C. 20003.

B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

E. (9) $398.08.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20045.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20045.

E. (9) $215.91.

A. Robert M. Mulligan, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

E. (9) $266.25.

A. Mullin, Connor and Rhyne, 1000 Connecticut Avenue, Suite 1002, Washington, D.C. 20036.

B. Alberto de la Vega-Ripol, 804 Garching, Konigsbergerstr. 2, West Germany.

D. (6) $671.03. E. (9) $807.96.

A. Daniel J. Mundy, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

B. Building and Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

D. (6) $6,576.84. E. (9) $1,541.36.

A. Beverly J. Murphy, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $220.

A. Richard E. Murphy, 900 17th Street NW,. Washington, D.C. 20006.

B. Service Employees International Union, AFL–CIO, 900 17th Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) $100.

A. Richard W. Murphy, 1200 18th Street NW., Suite 1109, Washington, D.C. 20036.

B. Merck & Co., Inc., Rahway, N.J. 07065.

D. (6) $500.

A. William T. Murphy, Jr., 1515 Wilson Boulevard, Arlington, Va.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22200.

D. (6) $2,550. E. (9) $400.

A. D. Michael Murray, 1120 Connecticut Avenue No. 842, Washington, D.C. 20036.

B. Chicago, Milwaukee, St. Paul, and Pacific R.R. Co., 516 West Jackson Boulevard, Chicago, Ill. 60606.

D. (6) $200. E. (9) $100.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. The Cleveland Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.

D. (6) $100. E. (9) $62.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 11017.

D. (6) $100. E. (9) $41.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.

D. (6) $100.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. National Association of Industrial Parks, 1800 North Kent Street, Arlington, Va. 22209.

D. (6) $150. E. (9) $78.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. National Council of Coal Lessors, 1130 17th Street NW., Washington, D.C.

D. (6) $100. E. (9) $47.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 842, Washington, D.C. 20036.

B. United Service Organization, 237 East 52d Street, New York, N.Y. 10022.

D. (6) $100. E. (9) $41.

A. Rosemary G. Murray, 1800 K Street NW., No. 900, Washington, D.C. 20006.

B. Pan American World Airways, 1800 K Street NW., No. 900, Washington, D.C. 20006.

E. (9) $519.95.

A. Thomas H. Mutchler, 1620 I Street NW., Suite 700, Washington, D.C. 20006.

B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

D. (6) $300. E. (9) $24.

A. Lawrence P. Mutter, 6849 Old Dominion Drive, McLean, Va. 22101.

B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

D. (6) $360. E. (9) $15.

A. Fred J. Mutz, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $68.50.

A. Gary D. Myers, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $136.41.

A. J. Walter Myers, Jr., 4 Executive Park East NE., Atlanta, Ga. 30329.

B. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.

D. (6) $91. E. (9) $229.41.

A. William T. Nachbaur, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. BankAmerica Corp., Bank of America Center, San Francisco, Calif. 94104.

D. (6) $308. E. (9) $122.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $2,375. E. (9) $104.

A. Naman, Howell, Smith & Chase, Texas Center, Waco, Tex. 76701.

B. Our Land, Our Lives, a Coalition for Human Rights, P.O. Box 1000, Gatesville, Tex. 76528.

D. (6) $12,500. E. (9) $4,618.77.

A. John J. Nangle, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.

B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.

D. (6) $2,000. E. (9) $500.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.

B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.

D. (6) $90. E. (9) $23.40.

A. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.

D. (6) $62,505.61. E. (9) $12,783.10.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

A. National Association of Humane Legislation, Inc., 675 Pinellas Point Drive South, St. Petersburg, Fla. 33705.

D. (6) $4,763.90. E. (9) $492.97.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $45,210.34. E. (9) $11,964.64.

A. National Association of Air Traffic Specialists, Inc., Suite 200, 4630 Montgomery Avenue, Washington, D.C. 20014.

D. (6) $51,596.28. E. (9) $5,706.53.

A. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $58,147.63. E. (9) $12,484.39.

A. National Association of Farmer Elected Committeemen, c/o Robert L. Melbern, Route 3, Gatesville, Tex. 76528.

D. (6) $1,961.75. E. (9) $1,961.75.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

D. (6) $450. E. (9) $450.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

D. (6) $1,750. E. (9) $1,230.

A. National Association of Independent Lumbermen, 1050 17th Street NW., Washington, D.C. 20036.

D. (6) $100,776.74. E. (9) $30,888.90.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $1,121,254.42. E. (9) $63,789.94.

A. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $46,173.80. E. (9) $46,173.80.

A. National Association of Margarine Manufacturing, 1725 K Street, NW., Suite 1202, Washington, D.C. 20006.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $6,944.29. E. (9) $6,944.29.

A. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

D. (6) $5,656.20. E. (9) $5,656.20.

A. National Association of Realtors, 155 East Superior Street, Chicago, Ill., 925 15th Street NW., Washington, D.C.

E. (9) $17,498.

A. National Association of Recording Merchandising Inc, 1060 Kings Highway North, Suite 200, Cherry Hill, N.J. 08034.

A. National Association of State Lotteries, P.O. Box 26, Wethersfield, Conn. 06109.

D. (6) $1,944.88. E. (9) $1,944.88.

A. National Association of Theatre Owners, Inc., 1500 Broadway, New York, N.Y. 10036.

E. (9) $7,594.65.

A. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.

D. (6) $16,633.92. E. (9) $9,644.88.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.

D. (6) $260,890.19. E. (9) $5,769.11.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $1,650. E. (9) $1,650.

A. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $20,695. E. (9) $20,695.

A. National Coal Association, Coal Building, Washington, D.C. 20036.

D. (6) $812,639.92. E. (9) $3,842.34.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, No. 501, Los Angeles, Calif. 90017.

D. (6) $2,769.79. E. (9) $3,213.81.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Washington, D.C. 20036.

D. (6) $207,427.47. E. (9) $6,291.18.

A. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.

D. (6) $8,300. E. (9) $1,050.

A. National Committee for Research in Neurological and Communicative Disorders, 927 National Press Building, Washington, D.C. 20045.

D. (6) $17,500. E. (9) $13,701.55.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.

E. (9) $1,406.70.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $13,642.17. E. (9) $13,642.17.

A. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,383.21. E. (9) $525.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $65,160. E. (9) $73,297.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y.

D. (6) $10,000. E. (9) $548.08.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Cenco Instruments Corp., 2600 South Kostner Avenue, Chicago, Ill.

D. (6) $2,750. E. (9) $259.15.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Domestic Wildcatters Association, 900 First National Bank Building, Houston, Tex. 77002.

D. (6) $15,000. E. (9) $3,444.97.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Glass-Steagall Act Study Committee, 1000 Ring Building, Washington, D.C.

D. (6) $500. E. (9) $75.75.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. North American Telephone Association, 1725 DeSales NW., Washington, D.C. 20036.

D. (6) $5,500. E. (9) $5,539.69.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Zimmer, Egge & Sisk, Suite 220, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $5,250. E. (9) $359.36.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017.

D. (6) $216. E. (9) $216.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $415,697.80. E. (9) $19,859.75.

A. National Franchise Association Coalition, 242 North Wolf Road, P.O. Box 773E, Wheeling, Ill. 60090.

D. (6) $3,222.50. E. (9) $1,204.94.

A. National Grain & Feed Association, 725 15th Street, P.O. Box 28328, Washington, D.C. 20005.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.

D. (6) $10,180. E. (9) $1,793.66.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

E. (9) $622.50.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

D. (6) $8,648.33. E. (9) $8,648.33.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr. 68107.

D. (6) $9,535. E. (9) $9,535.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $5,458.32. E. (9) $5,458.32.

A. National Motorsports Committee of ACCUS, Suite 302, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $351.59.

A. National Oil Jobbers Council, 1750 New York Avenue NW., Washington, D.C. 20006.

D. (6) $127,427.52. E. (9) $21,349.06.

A. National Organization for the Reform of Marijuana Laws, 2317 M Street NW., Washington, D.C. 20037.

D. (6) $4,197. E. (9) $5,522.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

E. (9) $2,040.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $43,222.95. E. (9) $78,132.73.

A. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

D. (6) $212,481. E. (9) $1,935.

A. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.

E. (9) $1,500.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $12,500. E. (9) $11,900.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $1,539.81.

A. National Solid Wastes Management Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

E. (9) $220.

A. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

E. (9) $1,375.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.

D. (6) $2,500.45. E. (9) $1,981.03.

A. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.

D. (6) $257,810. E. (9) $66,193.52.

A. Alexander W. Neale, Jr., 1015 18th Street NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $4,562.

A. Alan M. Nedry, 1801 K Street NW., No. 1041, Washington, D.C. 20006.

B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.

D. (6) $275. E. (9) $189.80.

A. Allen Neece, Jr., 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.

D. (6) $1,500.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $2,069.

A. George Nelson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $4,000. E. (9) $273.12.

A. L. James Nelson, 801 Northland Towers-West, Southfield, Mich. 48075.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

D. (6) $988.30.

A. A. S. Nemir Associates, Suite 1230, Pennsylvania Building, Washington, D.C. 20004.

B. Brazilian Sugar & Alcohol Institute, Rio de Janeiro, Brazil.

D. (6) $3,000. E. (9) $711.

A. Network, 224 D Street SE., Washington, D.C. 20003.

D. (6) $15,657.80. E. (9) $4,663.92.

A. Robert B. Neville, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.

B. National Restaurant Association, 1 IBM Plaza, Suite 2600, Chicago, Ill.

D. (6) $2,020. E. (9) $4,987.71.

A. Louis H. Nevins, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $2,562.50. E. (9) $564.27.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.

B. National Clay Pipe Institute, P.O. Box 310, Crystal Lake, Ill. 60014.

D. (6) $150.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $7,000. E. (9) $20,384.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $750. E. (9) $390.50.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,625. E. (9) $650.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C. 20005.

B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.

D. (6) $10,258.36. E. (9) $1,397.86.

A. NL Industries, Inc., 1221 Avenue of the Americas, New York, N.Y. 10020.

E. (9) $1,125.

A. Carl A. Nordberg, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C., 20006.

B. Gulf Oil Corp., Gulf Building, Pittsburgh, Pa. 15230.

A. Carl A. Nordberg, Jr., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Natomas Co., International Building, San Francisco, Calif. 94108.

D. (6) $200.

A. Julia J. Norrell, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $1,277.

A. Robert B. Norris, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.

B. National Consumer Finance Association, 1000 16th Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $540.

A. North American Telephone Association, Inc., 1725 DeSales NW., Washington, D.C. 20033.

D. (6) $5,500. E. (9) $5,539.69.

A. Robert H. North, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

E. (9) $1,116.

A. Victor L. Nutt, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.

B. Gulf & Western Industries, Inc., 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.

D. (6) $200.

A. Seward P. Nyman, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.

D. (6) $650.

A. O'Brien Associates, 2700 Calvert Street NW., Suite L-517, Washington, D.C. 20008.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C.; American Business Press, Wyatt Building, Washington, D.C.; National Newspaper Association, National Press Building, Washington, D.C.

D. (6) $1,833.33.

A. Coleman C. O'Brien, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

D. (6) $1,500. E. (9) $58.30.

A. John F. O'Brien, c/o Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $400.

A. W. Brice O'Brien, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Alleghany Corp., New York, N.Y.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. American Clinical Laboratory Association, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

D. (6) $3,650. E. (9) $324.30.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $3,750. E. (9) $485.03.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. Association of Public Radio Stations, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Automotive Parts and Accessories Association, Inc., 1730 K Street NW., Washington, D.C. 20006.

D. (6) $200. E. (9) $8.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. Glass-Steagall Act Study Committee, 1200 18th Street NW., Washington, D.C. 20036.

D. (6) $3,333.33. D. (9) $342.98.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. Hospital Financing Study Group, New York, N.Y.

D. (6) $750. E. (9) $84.44.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Investors Diversified Services, Inc., Suite 2900, IDS Tower, Minneapolis, Minn. 55402.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Lehigh Coal & Navigation Co., Minneapolis, Minn. 55402.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. Minneapolis City Council, 307 City Hall, Minneapolis, Minn. 55415.

D. (6) $6,400. E. (9) $343.50.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. National Association of Church and Institutional Financing Organizations, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

D. (6) $100. E. (9) $41.31.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Association of Women's and Children's Apparel Salesmen (NAWCAS), 515 Peachtree-Palisades Building, Atlanta, Ga. 30309.

D. (6) $1,000. E. (9) $225.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Federation of Independent Business, 150 West 20th Avenue, San Mateo, Calif. 94403.

D. (6) $3,000. E. (9) $625.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., No. 600, Washington, D.C. 20006.

B. National Hockey League, 2 Pennsylvania Avenue, New York, N.Y. 10001.

D. (6) $2,000. E. (9) $50.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.

B. Upper Mississippi Waterway Association, 1200 Northstar Center, Minneapolis, Minn. 55402.

D. (6) $2,500. E. (9) $308.78.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. L. L. O'Connor, 20 North Wacker Drive, Chicago, Ill. 60606.

B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. T. J. Oden, 1523 L Street NW., Washington, D.C.

B. Independent Gasoline Marketers Council, No. 604, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $12,000.

A. James F. O'Donnell, 1119 A Street, Tacoma, Wash. 98401.

B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.

B. Philippine Sugar Institute.

D. (6) $3,000. E. (9) $250.

A. Patrick E. O'Donnell, 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., Fairfield, Conn. 06431.

D. (6) $186. E. (9) $38.60.

A. Jane O'Grady, Amalgamated Clothing Workers of America, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y. 10003.

D. (6) $6,323.44. E. (9) $339.66.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.

B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill. 60601.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

E. (9) $313.41.

A. Oil Investment Institute, P.O. Box 8293, Washington, D.C. 20024.

A. Robert Spencer O'Leary, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $2,000.01.

A. Alvin E. Oliver, 725 15th Street NW., Room 500, Washington, D.C. 20005.

B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. William P. Oliver, Jr., 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $870.

A. Nancy J. Olson, Johns-Manville Corp., 1025 Connecticut Avenue, Suite 214, Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.

D. (6) $100. E. (9) $100.

A. Ray E. Olson, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $10.80.

A. Dudley L. O'Neal, Jr., 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors.

D. (6) $6,500. E. (9) $505.92.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $225.50.

A. Joseph G. O'Neill, 1620 I Street NW., Washington, D.C. 20006.

B. The Association of Trial Lawyers of America, 20 Garden Street, Cambridge, Mass. 02138.

D. (6) $750.

A. The Organization of Plastics Processors, 1709 New York Avenue NW., Suite 312, Washington, D.C. 20006.

D. (6) $2,000. E. (9) $2,850.

A. Edward R. Osann, 1321 South Carolina Avenue SE., No. 3, Washington, D.C. 20003.

B. Save the Dunes Council, Inc., P.O. Box 863, Chesterton, Ind. 46304.

D. (6) $900. E. (9) $235.74.

A. John L. Oshinski, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.

B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $5,848.32. E. (9) $964.26.

A. Our Land, Our Lives, a Coalition for Human Rights, P.O. Box 1000, Gatesville, Tex. 76528.

D. (6) $14,721.83. E. (9) $16,390.89.

A. J. Allen Overton, Jr., 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $1,215.55. E. (9) $93.25.

A. David A. Oxford, 1016 North Carolina Avenue SE., Washington, D.C. 20003.

B. Manufactured Housing Institute, 14650 Lee Road, Chantilly, Va. 22021.

D. (6) $900.

A. Juris Padegs, 345 Park Avenue, New York, N.Y. 10022.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.

B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Edward J. Panarello, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $7,333.87. E. (9) $1,135.25.

A. Frederick Panzer, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K

Street NW., Suite 1200, Washington, D.C. 20006.
D. (6) $530. E. (9) $250.

A. G. Oliver Papps, New Jersey Petroleum Council, Division of API, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
E. (9) $15.27.

A. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,700. E. (9) $1,700.

A. Herschell E. Parent, c/o Arkansas Petroleum Council, a Division of API, Little Rock, Ark. 72201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Michael J. Parker, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $850. E. (9) $197.32.

A. Pasco, Inc., P.O. Box 1677, Englewood, Colo. 80110.
E. (9) $778.

A. Kenton Pattie, 3150 Spring Street, Fairfax, Va. 22030.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $1,846.16.

A. David J. Pattison, 1701 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1701 K Street NW., Washington, D.C. 20006.
D. (6) $123.50. E. (9) $133.07.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Alyeska Pipeline Service Corp., P.O. Box 576, Bellevue, Wash, 98004.
D. (6) $2,150. E. (9) $347.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Guild of Authors and Composers, 50 West 57th Street, New York, N.Y. 10019.
D. (6) $1,750. E. (9) $408.61.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $28.86.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.
D. (6) $812. E. (9) $508.59.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20006.
D. (6) $1,050.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Armco Steel Corp., General Offices, Middletown, Ohio 45042.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Association of Oil Pipelines, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $1,775.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Association of Trial Lawyers of America, 20 Garden Street, Cambridge, Mass.
D. (6) $3,250. E. (9) $797.84.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., P.O. Box 360, Anchorage, Alaska 99510.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Boating Industry Association, 401 North Michigan Avenue, Chicago, Ill. 60601; National Association of Engine and Boat Manufacturers, P.O. Box 5555, Grand Central Station, New York, N.Y. 10017.
D. (6) $1,735. E. (9) $103.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. BP Alaska, Inc., 100 Pine Street, San Francisco, Calif. 94111.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Central American Sugar Council, 1200 17th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Chicago Board Options Exchange, LaSalle at Jackson, Chicago, Ill. 60604.
D. (6) $1,135. E. (9) $67.15.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Committee for American Movie Production (AMP), c/o Marvin Korman, 711 Fifth Avenue, New York, N.Y. 10022.
D. (6) $930.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.
D. (6) $685. E. (9) $409.50.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex 77701.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Hobby Industry Association of America, 200 Fifth Avenue, New York, N.Y. 10010.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Institute of Scrap Iron and Steel, Inc., 1729 H Street NW., Washington, D.C. 20006.
D. (6) $375. E. (9) $12.20.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Landmark Services, Inc., 900 Ohio Drive SW., Washington, D.C. 20024.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Louisiana Educational Television Authority, P.O. Box 44064, Baton Rouge, La. 70804.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Mail Order Association of America, 1200 17th Street NW., Washington, D.C. 20036.
D. (6) $250.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. National Medical Care, Inc., 560 Sylvan Avenue, Englewood Cliffs, N.J. 07632.
D. (6) $75.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. New Process Co., 220 Hickory Street, Warren, Pa. 17365.
D. (6) $2,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Outboard Marine Corp., 1401 Cushman Drive, P.O. Box 82409, Lincoln, Nebr. 68501.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Pyrotechnic Signal Manufacturers Association, Inc., 1730 K Street, Suite 1300, Washington, D.C. 20006.
D. (6) $1,196. E. (9) $15.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $3,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Reading Co., Reading Terminal, 12th and Market Streets, Philadelphia, Pa. 19107.
D. (6) $2,060.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.
D. (6) $1,187. E. (9) $1,727.02.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Tax Corp., of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Uncle Ben's, Inc., 13000 Westheimer Boulevard, Houston, Tex. 77001.
D. (6) $2,500. E. (9) $578.58.

A. Roland A. Paul, 41 Oakland Beach Avenue, Rye, N.Y. 10580.

B. Delson & Gordon, 230 Park Avenue, New York, N.Y. 10017; (for All American citizens with Property expropriated by Czechoslovakia).

D. (6) $10,000.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10022.

B. Warner Bros. Inc., 4000 Warner Boulevard, Burbank, Calif. 91505.

D. (6) $4,975. E. (9) $112.44.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10022.

B. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.

D. (6) $19,718.05. E. (9) $947.88.

A. Diana R. Payne, 245 Second Street NE., Washington, D.C.

B. Friends Committees on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,020.

A. Jack Pearce, Pearce & Brand, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Committee on Modern Efficient Transportation (COMET), 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $8,500. E. (9) $1,879.06.

A. Jack Pearce, Pearce & Brand, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Computer Industry Association, 1911 North Fort Myer Drive, Rossyln, Va. 22209.

D. (6) $4,000. E. (9) $417.03.

A. Jack Pearce, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association for Milk Marketing Reform, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $9,000. E. (9) $903.87.

A. Charles Penman, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Pennsylvania Power & Light Co., 2 North Ninth Street, Allentown, Pa. 18101.

E. (9) $646.25.

A. Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.

E. (9) $8,125.

A. Dominic V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.

B. Chevron Oil Co., subsidiary of Standard Oil Co., of California, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $50. E. (9) $25.

A. Pepper, Hamilton & Scheetz, 1776 F Street NW., No. 200, Washington, D.C. 20006.

B. Coalition of Concerned Charities, c/o Barbara J. Washburn, 1776 F Street NW., No. 200, Washington, D.C. 20006.

D. (6) $1,000. E. (9) $1,000.

A. J. Carter Perkins, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $1,000.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $8,197.50. E. (9) $364.68.

A. Donald A. Petrie, 2029 Connecticut Avenue NW., Washington, D.C.

B. Dreyfus Corp., 767 Fifth Avenue, New York, N.Y. 10002.

D. (6) $12,500.

A. Paul F. Petrus, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobile Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1,200.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobile Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. $1,500.

A. Scott H. Phillips, 800 Houston Natural Gas Building, Houston, Tex. 77002.

B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

D. (6) $123.29. E. (9) $93.34.

A. Daphne Philos, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.

D. (6) $250.

A. Sam Pickard, 1101 17th Street NW., Washington, D.C. 20036.

B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

D. (6) $500. E. (9) $52.87.

A. Grant C. Pinney, 730 North Balsam Street, Ridgecrest, Calif. 93555.

B. Sierra Sands Unified School District, 730 North Balsam Street, Ridgecrest, Calif. 93555.

A. Plains Cotton Growers, Inc., P.O. Box 10425, Lubbock, Tex. 79408.

D. (6) $103,756.10. E. (9) $1,350.

A. Amos A. Plante, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $843.40.

A. E. Rogers Pleasants, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

A. Frances A. Pollak, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $800. E. (9) $600.

A. Anthony Mark Ponticelli, 6100 Westchester Park Drive, Riverdale, Md. 20748.

B. National Asphalt Pavement Association, 6811 Kenilworth Avenue, Riverdale, Md. 20840.

D. (6) $1,225.

A. Everett O. Post, 1511 K Street NW., Washington, D.C. 20005.

B. National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.

D. (6) $250. E. (9) $14.05.

A. John Post, 888 17th Street NW., No. 601, Washington, D.C. 20006.

B. Business Roundtable, 405 Lexington Avenue, New York, N.Y. 10017.

D. (6) $200. E. (9) $30.

A. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006.

E. (9) $1,110.

A. Edmond A. Potter, NCR Corp., 2301 Research Boulevard, Rockville, Md. 20850.

B. NCR Corp., Main and K Streets, Dayton, Ohio 45479.

D. (6) $8,150. E. (9) $2,110.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $5,625.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

D. (6) $2,737.50.

A. Richard M. Powell, 7315 Wisconsin Avenue, Washington, D.C. 20014.

B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $750. E. (9) $90.74.

A. John J. Power, 101 Constitution Avenue NW., Washington, D.C. 20001.

B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $3,118. E. (9) $90.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill. 60601.

B. United States League of Savings Association, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $650. E. (9) $415.97.

A. Brainard E. Prescott, 220 C Street SE., Apt. 309, Washington, D.C. 20003.

B. Coalition of Independent Ophthalmic Professionals, c/o Theo E. Obrig, Inc., 75 East 55th Street, New York, N.Y. 10022.

D. (6) $4,009.49. E. (9) $4,009.49.

A. Dan Prescott, Mid-Continent Oil & Gas Association, 1800 K Street NW., Washington, D.C. 20006.

B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $172.50. E. (9) $35.

A. Preservation Action, Suite 602, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $2,542.14. E. (9) $2,385.04.

A. Lloyd T. Preslar, 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Aerospatiale, 37 Boulevard de Montmorency, Paris, France), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $85.42. E. (9) $36.75.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, Suite 201, 1776 F Street NW., Washington, D.C. 20006.

B. INTALCO Aluminum Corp., P.O. Box 937, Ferndale, Wash. 98218.

D. (6) $485.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, Suite 201, 1776 F Street NW., Washington, D.C. 20006.

B. Kyokuyo Co., Ltd., Suite 604, Central Building, 810 Third Avenue, Seattle, Wash. 98104.

D. (6) $202.40.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, Suite 201, 1776 F Street NW., Washington, D.C. 20006.

B. Moore-McCormack Resources, Inc., One Landmark Square, Stamford, Conn. 06901.

D. (6) $4,176.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.

D. (6) $562.50. E. (9) $3.

A. Arnold J. Prima, Jr., 1735 New York Avenue NW., Washington, D.C. 20006.

B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

D. (6) $1,200. E. (9) $98.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $4,250. E. (9) $200.

A. Jerry Z. Pruzan, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

D. (6) $200. E. (9) $200.

A. Public Citizens Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.

D. (6) $1,791.62. E. (9) $1,791.62.

A. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $25,768.62. E. (9) $27,449.12.

A. David E. Pullen, Johns-Manville Corp., 1025 Connecticut Avenue, Suite 214, Washington, D.C. 20036.

B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.

D. (6) $200. E. (9) $200.

A. Donald E. Purcell, 1725 K Street NW., Suite 903, Washington, D.C. 20006.

B. Outdoor Power Equipment Institute, 1725 K Street NW., Suite 903, Washington, D.C. 20006.

D. (6) $175. E. (9) $175.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Howard Pyle, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $1,720.97. E. (9) $26.92.

A. Quintana Refinery Co., P.O. Box 3331, Houston, Tex.

E. (9) $1,460.37.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,602.55.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $413.60.

A. Railway Labor Executives' Association, 400 First Street NW. ,Washington, D.C. 20001.

D. (6) $32,241. E. (9) $32,241.

A. Railway Progress Institute, 801 North Fairfax Street, Alexandria, Va. 22314.

A. Clarence B. Randall, Jr., 1156 15th Street NW., Suite 731, Washington, D.C. 20005.

B. Associated Builders & Contractors, Inc., 1156 15th Street NW., Suite 731, Washington, D.C. 20005.

A. Donald A. Randall, Suite 1201, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Automotive Service Councils, Inc., Suite 112, 188 Industrial Drive, Elmhurst, Ill. 60126.

D. (6) $3,000. E. (9) $817.50.

A. Arthur G. Randol, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

D. (6) $337.50. E. (9) $32.65.

A. Jerry F. Rapp, 1155 15th Street NW., Suite 606, Washington, D.C. 20005.

B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

D. (6) $250.

A. G. J. Rauschenbach, 950 L'Enfant Plaza South SW., Washington, D.C. 20024.

B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.

D. (6) $1,500. E. (9) $820.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.

B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $337. E. (9) $197.47.

A. Timothy J. Redmon, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o Alvin Levin, 120 South Hanover Street, Carlisle, Pa. 17013.

D. (6) $689.62. E. (9) $521.08.

A. Dwight C. Reed, 1101 16th Street NW., Washington, D.C. 20036.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. David J. Ready, 3306 Sheffield Circle, Sarasota, Fla. 33580.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.

D. (6). $600.

A. Lawrence D. Reedy, 1730 M Street NW., Suite 805, Washington, D.C. 20036.

E. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.

D. (b) $1,250. E. (9) $600.

A. Jerry Rees, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.

B. National Association of Wheat Growers, Suite 1030, 1030 15th Street NW., Washington, D.C. 20005.

D. (6) $1,272.24. E. (9) $71.85.

A. J. Mitchell Reese, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $1,500. E. (9) $300.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Association Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000. E. (9) $918.98.

A. Thomas J. Reese, 1225 Otis Street NW., Washington, D.C. 20017.

B. Taxation With Representation, Suite 201, 732 17th Street NW., Washington, D.C. 20006.

D. (6) $1,016.98. E. (9) $37.82.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J. 07005.

A. Regional Stock Exchange Group, c/o Schiff, Hardin & Waite, 7200 Sears Tower, 233 South Wacker Drive, Chicago, Ill. 60606.

E. (9) $100.

A. W. W. Renfroe, 69 Fountain Place, Frankfort, Ky. 40601.

B. Kentucky Railroad Association, 69 Fountain Place, Capital Plaza, Frankfort, Ky. 40601.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.

D. (6) $950. E. (9) $483.33.

A. Reproductive Freedom League, P.O. Box 11921, Lexington, Ky. 40511.

D. (6) $181.30. E. (9) $144.81.

A. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $3,492.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $8,250. E. (9) $550.

A. William L. Reynolds, National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

B. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

D. (6) $1,700. E. (9) $235.

A. Rice Genocide Research, P.O. Box 7307, Washington, D.C. 20044.

E. (9) $476.96.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $625.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La. 70427.

B. Louisiana Railroads, 335 Austin Street, Bogalusa, La. 70427.

A. Peter S. Ridley, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $262.50. E. (9) $65.

A. S. F. Riepma, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

B. National Association of Margarine Manufacturers, Washington, D.C. 20006.

A. Judith Assmus Riggs, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Washington Research Project Action Council, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $706.52.

A. Morris A. Riley, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $1,750. E. (9) $336.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.

D. (6) $500. E. (9) $79.50.

A. Stark Richie, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Geo. W. Ritter, 3914 King Arthur Road, Annandale, Va. 22003.

B. Alton Box Board Co., Alton, Ill. 62002.

D. (6) $5,834. E. (9) $1,294.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.

B. International Association of Ice Cream Manufacture & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27101.

E. (9) $2,425.

A. William Neale Roach, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $6,000.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,500.

A. Roberts & Holland, 1301 Avenue of Americas, New York, N.Y. 10019.

B. The Estate of Bernice P. Bishop/Kamehameha Schools, 519 Halekauwila Street, Honolulu, Hawaii.

E. (9) $153.

A. Robert Robertson, 1050 17th Street NW., Washington, D.C. 20036.

B. National Association of Independent Lumbermen, 1050 17th Street NW., Washington, D.C.

D. (6) $7,692.30. E. (9) $2,214.61.

A. Jerome Robinson, Florida Restaurant Association, 500 Three Islands Boulevard, Hallandale, Fla. 33009.

B. Florida Restaurant Association, 1077 Northeast 125th Street, North Miami, Fla. 33161.

A. Juan Rocha, Jr., Montgomery Ward & Co., Inc., 1101 15th Street NW., No. 205, Washington, D.C.

B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60680.

D. (6) $91. E. (9) $150.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.

B. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

A. Ted V. Rodgers, Suite 304, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. Nationwide Insurance Co. & Affiliates, 246 North High Street, Columbus, Ohio 43216.

D. (6) $2,500. E. (9) $281.61.

A. Mitchell A. Rofsky, 133 C Street SE., Washington, D.C. 20003.

B. Public Citizen Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $2,000.

A. Byron G. Rogers, 666 Gaylord Street, Denver, Colo. 80206; 918 16th Street NW., Washington, D.C. 20006.

B. Denver Board of Water Commissioners, 144 West Colfax Avenue, Denver, Colo. 80202.

D. (6) $6,760. E. (9) $44.96.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.

B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.

D. (6) $1,062.50.

A. Frank W. Rogers, 2101 L Street NW., Suite 635, Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $690.

A. Frank W. Rogers, 313 Cambridge Road, Alexandria, Va. 22314.

B. Vetco Offshore Industries, Inc., 5808 Telephone Road, Suite 201, Ventura, Calif. 93003.

D. (6) $150.

A. Terrence L. Rogers, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $855.75. E. (9) $9.10.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $1,000.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. Air France, 1350 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $1,070.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.

B. National Customs Brokers & Forwarders Association of America, Inc., 1 World Trade Center, New York, N.Y. 10048.

D. (6) $270.

A. June A. Rogul, 1341 G Street, No. 908, Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street, No. 908, Washington, D.C. 20005.

D. (6) $5,500.02.

A. John F. Rolph III, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,000.

A. Kenneth S. Rolston, Jr., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Nicholas Roomy, Jr., 301 Virginia Street East, Charleston, W. Va. 25301.

B. Appalachian Power Co., 301 Virginia Street East, Charleston, W. Va. 25301, subsidiary of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.

D. (6) $150. E. (9) $164.50.

A. Albert B. Rosenbaum III, 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Larry M. Rosenstein, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $150. E. (9) $10.

A. William F. Ross, South Carolina Petroleum Council, 716 Palmetto State Life Building, Columbia, S.C. 29201.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William C. Rountree, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.

B. Standard Oil Co. (an Ohio corporation), Midland Building, Cleveland, Ohio 44115.

D. (6) $200. E. (9) $40.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo Avenue, Colorado Springs, Colo. 80903.

B. Union Nacional de Productores de Azucar, S.A. de C.V. Balderas 36, Mexico, D.F. Mexico.

D. (6) $2,400. E. (9) $3,410.43.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $100. E. (9) $83.69.

A. J. Patrick Rowland, 1800 K Street NW., Washington, D.C. 20006.

B. Glass Container Manufacturing Institute, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. John W. Rowland, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Ruckelshaus, Beveridge, Fairbanks & Diamond, 1 Farragut Square South, Third Floor, Washington, D.C. 20006.

B. The Society of the Plastics Industry, Inc., 1150 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. Ruckelshaus, Beveridge, Fairbanks & Diamond, 1 Farragut Square South, Third Floor, Washington, D.C. 20006.

B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

D. (6) $125. E. (9) $7.

A. Nicholas L. Ruggieri, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Leonard H. Ruppert, New Jersey Petroleum Council, a division of API, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $8.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $4,615.38. E. (9) $317.53

A. Christine A. Russell, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $400.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Association of Bioanalysts, 411 North Seventh Street, St. Louis, Mo. 63101.

D. (6) $350. E. (9) $341.92.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.

D. (6) $750. E. (9) $1,459.60.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. American Optometric Association, 1730 M Street NW., Washington, D.C.

D. (6) $1,000. E. (9) $1,523.38.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.

B. International Society of Clinical Technicians, 411 North Seventh Street, St. Louis, Mo. 63101.

D. (6) $350. E. (9) $341.92.

A. Millard H. Ruud, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Ella Marice Ryan, 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $125. E. (9) $3.

A. William H. Ryan, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,500. E. (9) $173.10.

A. Fred J. Sacco, New Jersey Petroleum Council, a division of API, 170 West State Street, Trenton, N.J. 08608.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $98.10. E. (9) $136.46.

A. Carl K. Sadler, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.

D. (6) $2,410.80. E. (9) $351.84.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.

B. Burmah Oil & Gas Co., P.O. Box 94193, Houston, Tex. 77018.

D. (6) $380.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.

B. The Signal Cos., Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.

D. (6) $620.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $1,000.

A. Peter G. Sandlund, Room 400, 919 18th Street, Washington, D.C. 20006.

B. Council of European & Japanese National Shipowners' Associations, 30–32 St. Mary Axe, London EC3A 8ET, England.

D. (6) $300.

A. Santarelli, Sandground & Good, 1025 Connecticut Avenue NW., Suite 911, Washington, D.C. 20036.

B. American Firearms Industry Association, 122 Lafayette Avenue, Laurel, Md. 20810.

D. (6) $250.

A. Santarelli, Sandground & Good, 1025 Connecticut Avenue NW., Suite 911, Washington, D.C. 20036.

B. Sturm, Ruger & Co., Inc., Southport, Conn. 06490.

D. (6) $500.

A. Thomas H. Saunders, 1825 K Street NW., Suite 501, Washington, D.C. 20006.

B. The Dow Chemical Co., Midland, Mich. 48640.

A. Ruth M. Saxe, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

D. (6) $3,500.01.

A. Harold B. Say, 916 Prince Street, Alexandria, Va., 22314.

B. Veterans of World War I of the U.S.A., Inc., 916 Prince Street, Alexandria, Va. 22314.

D. (6) $647.50.

A. Thomas T. Scambos, 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei AG, Krauss-Maffei-Strasse 2, Munich, West Germany).

D. (6) $293.02. E. (9) $33.58.

A. Michael B. Scanlon, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Daniel J. Edelman, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006 (for American Safety Belt Council, 271 North Avenue, New Rochelle, N.Y. 10801).

D. (6) $1,000. E. (9) $17.24.

A. Michael B. Scanlon, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Edelman International, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Aerospatiale, c/o DGA International, 1225 19th Street NW., Washington, D.C.).

D. (6) $1,500. E. (9) $17.50.

A. Henry Schacht, 3100 Ferry Building, San Francisco, Calif. 94106.

B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.

D. (6) $2,850. E. (9) $2,169.28.

A. Darryl Schaefermeyer, P.O. Box 1127, Seward, Alaska 99664.

B. Alaska Loggers Association, P.O. Box 425, Ketchikan, Alaska 99901.

D. (6) $4,000. E. (9) $1,221.32.

A. Schiff Hardin & Waite, 7200 Sears Tower, 233 South Wacker Drive, Chicago, Ill., 60606.

B. Regional Stock Exchange Group.

E. (9) $100.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.

E. (9) $35.40.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $477.89.

A. Stephen I. Schlossberg, 1125 15th Street NW., Suite 600, Washington, D.C. 20005.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $9,263.76. E. (9) $1,593.46.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Suite 700, Washington, D.C. 20036.

B. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.

D. (6) $500.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Suite 700, Washington, D.C. 20036.

B. Coalition for Fair Copyright Protection, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $2,000.

A. Robert L. Schmidt, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $200. E. (9) $940.

A. Mahon S. Schneider, Hazeltine Gates, Chaska, Minn. 55318.

B. Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.

D. (6) $250. E. (9) $392.95.

A. N. Donald Schroeder, Maryland Petroleum Association, a division of API, 60 West Street, Annapolis, Md. 21401.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Hilliard Schulberg, 4311 Sunflower Drive, Rockville, Md. 20853.

B. National Liquor Stores Association, Inc., 1025 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $250. E. (9) $140.

A. Donald H. Schwab, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the U.S.A., 200 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $3,125. E. (9) $125.96.

A. Bari L. Schwartz, 2030 M Street NW., Room 300, Washington, D.C. 20037.

B. Action for Legal Rights, 2030 M Street NW., Room 300, Washington, D.C. 20037.

A. Sydnee Schwartz, 900 15th Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,545. E. (9) $76.

A. William H. Schweitzer, 805 15th Street NW., Suite 500, Washington, D.C. 20005.

B. Baker, Hostetler, Frost & Towers, 805 15th Street NW., Suite 500, Washington, D.C. 20005 (for The Soap & Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016).

D. (6) $137.50.

A. Carl F. Schwensen, Suite 1030, 1030 15th Street NW., Washington, D.C. 20005.

B. National Association of Wheat Growers, Suite 1030, 1030 15th Street NW., Washington, D.C. 20005.

D. (6) $1,091.48. E. (9) $5.70.

A. Robert L. Schulz, c/o Iowa Petroleum Council, a division of API, 1012 Fleming Building, Des Moines, Iowa 50309.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $335. E. (9) $282.29.

A. Harold B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $8.80.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C. 20036.

B. Colonial Penn Group, Inc., and affiliated corporations, 5 Penn Center Plaza, Philadelphia, Pa. 19103.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C. 20036.

B. Occidental Life Insurance Co. of California, Occidental Center, Los Angeles, Calif. 90054.

D. (6) $5,000. E. (9) $50.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C. 20036.

B. Provident Life & Accident Insurance Co., Chattanooga, Tenn. 37402.

D. (6) $1,500.

A. Durward Seals, 1019 19th Street NW., Washington, D.C. 20036.

B. United Fresh Fruit & Vegetable Association, 1910 19th Street NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $43.75.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $400. E. (9) $13.77.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich. 84207.
B. Estate of Bert N. Adams, et al., 1461 West 16th Place, Yuma, Ariz. 85364.
E. (9) $164.68.

A. Donald E. Selby, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $176.92.

A. Self-Determination for District of Columbia, Room 300, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,125. E. (9) $50.55.

A. Roger D. Semerad, 1616 H Street NW., Washington, D.C.
B. American Retail Federation, 1616 H Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $80.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Robuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $400. E. (9) $22.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20045.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20045.
E. (9) $135.

A. J. Richard Sewell, 1701 K Street NW., Suite 503, Washington, D.C. 20006.
B. Florida Power & Light Co., P.O. Box 013100, Miami, Fla. 33101.
D. (6) $1,734. E. (9) $700.46.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $560. E. (9) $400.

A. James M. Shamberger, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $25.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $35.40.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair & Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $477.89.

A. John J. Sharkey, Room 204, 1629 K Street NW., Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $878.61. E. (9) $115.70.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Albright Title & Trust Co., et al., 100 North Mail Street, Newkirk, Okla. 74647.
D. (6) $1,400.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Detroit, Toledo & Ironton Railroad Co., 1 Park Lane Boulevard, Dearborn, Mich. 42816.
D. (6) $500. E. (9) $462.70.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Estate of Howard Allington, et al.
E. (9) $151.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Independent Grocers' Alliance, 5725 East River Road, Chicago, Ill. 60631.
D. (6) $160. E. (9) $70.05.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Mauritius Syndicate, Mauritius Chamber of Agriculture, Plantation House, Place d'Armes, Port Louis, Mauritius.
D. (6) $40,000.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Oklahoma Natural Gas Co., P.O. Box 871, Tulsa, Okla.
D. (6) $1,200. E. (9) $155.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Pennsylvania Co., 1616 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $4,850. E. (9) $1,261.45.

A. James R. Sharp, 1108 16th Street NW., Washington, D.C.
B. American Fur Merchants Association, 224 West 30th Street, New York N.Y.
D. (6) $500. E. (9) $42.75.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20006.
B. Association for Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.
D. (6) $888.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20056.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
D. (6) $655.50.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Institute of Foreign Bankers, 10 Pine Street, New York, N.Y.
D. (6) $3,000.

A. Shearman & Sterling, 53 Wall Street, New York, N.Y. 10005.
B. First National City Bank, 399 Park Avenue, New York, N.Y. 10022.
D. (6) $51,400. E. (9) $7,683.87.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $7,593.57. E. (9) $2,953.44.

A. Shaun Sheehan, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006 (for the Republic of Turkey).

A. Jowanda Shelton, 910 16th Street NW., Washington, D.C. 20006.
B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $3,900.

A. Laurence P. Sherfy, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Seymour Sheriff, 1126 Woodward Building, Washington, D.C. 20005.
B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Suite No. 310, Washington, D.C. 20036.
E. (9) $2.60.

A. Morris Shipley, Room 204, 1629 K Street NW., Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $695. E. (9) $40.90.

A. Harvey A. Shipman, Penn Central Transportation Co., 2021 K Street NW., Suite 700, Washington, D.C. 20006.
B. Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.
D. (6) $300. E. (9) $1,330.

A. Fred B. Shippee, 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. James K. Shiver, 1629 K Street NW., Suite 600, Washington, D.C. 20006.
B. Diamond Shamrock Corp., Cleveland, Ohio.
D. (6) $115. E. (9) $75.

A. W. Ray Shockley, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Suite 2124, 400 Tryon Street, Charlotte, N.C. 28285.
D. (6) $2,550. E. (9) $48.06.

A. Hannah Shore, 434 First Street SE., Washington, D.C. 20003.
B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $1,200.

A. L. J. Sichel, Abbott Laboratories, 1730 M Street NW., No. 808, Washington, D.C. 20036.
B. Abbott Laboratories, North Chicago, Ill. 60064.
E. (9) $274.37.

A. Richard H. Siemsen, 8100 Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $711.67.

A. Bernard H. Sieracki, Illinois Petroleum Council, a division of API, 200 East Randolph Street, Room 5106, Chicago, Ill. 60601.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $3,000. E. (9) $298.72.

A. Mark S. Sigurski, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $500. E. (9) $170.

A. Harry G. Silleck, Jr., 20 Broad Street, New York, N.Y. 10005.

B. Trustees of Erie Lackawanna Railway Co., Midland Building, Cleveland, Ohio.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $36.

A. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $4,572. E. (9) $2,615.34.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Association for Advanced Life Underwriting, 1922 F Street NW., Washington, D.C. 20006.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Bristols-Myers Co., 345 Park Avenue, New York, N.Y., 10002.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. General American Transportation Co., 120 South Riverside Plaza, Chicago, Ill. 60606.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Music Corp. of America, Inc., 100 Universal City Plaza, Universal City, Calif. 91608.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Association of Home Builders, 15th and M Streets NW., Washington, D.C.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Savings and Loan League, 1200 17th Street NW., Washington, D.C. 20036.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Venture Capital Association, 4300 Sigma Road, Dallas, Tex. 75240.

A. James E. Simmons, 1730 Pennsylvania Avenue NW., Suite 220, Washington, D.C. 20006.
B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
E. (9) $258.19.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,810. E. (9) $60.

A. Thomas K. Singer, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $562.50. E. (9) $50.

A. Jean Head Sisco, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $45.

A. Roma D. Skeen, Marathon Oil Co., 1625 I Street NW., Suite 420, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $41.45.

A. Edgar M. Skinner III, 1016 20th Street NW., Washington, D.C. 20036.
B. National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $1,003.62. E. (9) $1,003.62.

A. James A. Skinner, Jr., 1136 Second Avenue North, Nashville, Tenn. 37208.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va., 22101.

A. Barney J. Skladany, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. William L. Slayton, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. G. Bernard Siebos, United Airlines, 1825 K Street NW., No. 607, Washington, D.C.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $2,000. E. (9) $118.77.

A. Small Producers for Energy Independence, Suite 970, 4th Financial Center, Wichita, Kans.
D. (6) $174,784.50. E. (9) $11,162.50.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. American Horse Council, Inc., 1700 K Street NW., Washington, D.C.
D. (6) $5,500. E. (9) $3,276.85.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20006.
D. (6) $6,250. E. (9) $99.33.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. Bankers Joint Stock Land Bank of Milwaukee, Wis.
E. (9) $47.24.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. Florida East Coast Railway Co., One Malaga Street, St. Augustine, Fla. 32084.
D. (6) $2,500. E. (9) $168.23.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. National Hockey League, 2 Pennsylvania Plaza, New York, N.Y. 10001.
D. (6) $8,500. E. (9) $457.50.

A. Smathers, Merrigan & Herlong, 888 17th Street NW., Washington, D.C. 20006.
B. Oscar Dooley Associates, Room 2650, First Federal Building, Miami, Fla. 33131.

A. Smathers, Merrigan & Herring, 888 17th Stret NW., Washington, D.C. 20006.
B. Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $6,000. E. (9) $168.52.

A. Robert G. Smerko, G. D. Searle & Co., Suite 320, 1750 Pennslyvania Avenue, Washington, D.C. 20006.
B. G. D. Searle, Box 1045, Skokie, Ill. 60076.

A. Donald E. Smiley, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $967.49.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston Tex. 77001.
D. (6) $500.

A. Gordon L. Smith, 818 18th Street NW., Washington, D.C. 20006.
B. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022. (for Hecon Corp., Flextime Division).
E. (9) $17.55.

A. Gordon L. Smith, 818 18th Street NW., Washington, D.C. 20006.
B. Edward Gottlieb & Associates, 485 Madison Avenue, New York, N.Y. 10022 (for Florists Transworld Delivery Association.)
E. (9) $10.

A. J. Kenneth Smith, Sun Oil Co., Suite 820, 1800 K Street NW., Washington, D.C. 20006.
B. Sun Oil Co., 240 Radnor-Chester Road, St. Davids, Pa. 19087.
D. (6) $5,000. E. (9) $1,225.

A. James R. Smith, 1600 Wilson Boulevard, Suite 1101, Arlington, Va., 22209.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $500. E. (9) $7.

A. Robert Bland Smith, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $93.

A. Robert William Smith, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $675. E. (9) $329.

A. William H. Smith, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $2,542.50. E. (9) $894.75.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20008.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $3,000. E. (9) $101.70.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
D. (6) $696.24. E. (9) $6.

A. John M. Snow, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $2,235.

A. J. R. Snyder, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $200.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.

D. (6) $7,535.40. E. (9) $6,722.31.

A. Carl A. Soderblom, 1 East First Street, Suite 905, Reno, Nev. 89501.

B. Nevada Railroad Association, 1 East First Street, Suite 905, Reno, Nev. 89501.

A. Belle Solloway, 1207 East Capitol SE., Washington, D.C. 20003.

B. Women's Lobby, Inc., 201 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $800. E. (9) $37.12.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

B. Cooperative League of the U.S.A., 1828 L Street, NW., Suite 1100, Washington, D.C. 20036.

D. (6) $3,500. E. (9) $1,005.75.

A. Squibb Corp., 40 West 57th Street, New York, N.Y. 10019.

E. (9) $184.

A. Charles E. Spahr, 1750 Midland Building, Cleveland, Ohio 44115.

B. The Standard Oil Co. (an Ohio Corp.), Midland Building, Cleveland, Ohio 44115.

D. (6) $468.

A. William W. Spear, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

D. (6) $900.72. E. (9) $3.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

E. (9) $4.

A. Robert A. Spelman, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.

D. (6) $500. E. (9) $30.

A. William C. Spence, P.O. Box 683, Houston, Tex. 77001.

B. Columbia Gulf Transmission Co., P.O. Box 683, Houston, Tex. 77001.

E. (9) $7.89.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.

B American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $483. E. (9) $100.

A. J. Roy Spradley, Jr., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $337.50. E. (9) $7.62.

A. Harold L. Springer, 1225 19th Street NW., Washington, D.C. 20036.

B. DGA International, Inc. (for Krauss-Maffei AG, Krauss-Maffei-Strasse 2, Munich, West Germany), 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $262.45. (9) $3.

A. Lynn E. Stalbaum, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $1,718.25. E. (9) $637.37.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

E. (9) $1,687.

A. Eugene E. Stearns, American Petroleum Institute, 200 East Randolph Drive, Room 5106, Chicago, Ill. 60601.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,400.

A. Steinhart, Goldberg, Feigenbaum & Ladar, 1 Post Street, Suite 3400, San Francisco, Calif. 92082.

B. Valley Center Municipal Water District, Valley Center, Calif. 92082.

D. (6) $370. E. (9) $510.82.

A. Robert Stengel, 918 16th Street NW., Washington, D.C. 20006.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

D. (6) $325.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

E. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Travis P. Stewart, Hoffmann-La Roche, Inc., 1775 K Street NW., Washington, D.C. 20006.

B. Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, N.J. 07110.

D. (6) $500. E. (9) $200.

A. Edward V. Simpson, 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.

D. (6) $621.92.

A. B. R. Stokes, 1100 17th Street NW., Washington, D.C. 20036.

B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.

D. (6) $750. E. (9) $111.

A. Glenn C. Stophel, Stophel, Caldwell & Heggie, 722 Chestnut Street, Chattanooga, Tenn. 37402.

B. Legal Services Corp., Stophel, Caldwell & Heggie, 733 15th Street NW., Washington, D.C. 20005.

D. (6) $217.50 E. (9) $133.85.

A. William M. Stover, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $1,000. E. (9) $100.

A. John D. Stringer, 1776 F Street NW., Washington, D.C. 20006.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $2,660.

A. Roger J. Stroh, 1019 19th Street NW., Washington, D.C. 20036.

B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $262.50. E. (9) $3.12.

A. Michael E. Strother, 700 Seventh Street SW., Suite 613, Washington, D.C. 20024.

B. Land Improvement Contractors of America, 9515 Odgen Avenue, Brookfield, Ill. 60513.

D. (6) $3,000.

A. R. Keith Stroup, 2317 M Street NW., Washington, D.C. 20037.

B. National Organization for the Reform of Marijuana Laws, 2317 M Street NW., Washington, D.C. 20037.

D. (6) $780.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.

B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $3,125. E. (9) $1,209.28.

A. John H. Studebaker, 1019 19th Street NW., Washington, D.C. 20036.

B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

E. (9) $2,036.50.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.

D. (6) $2,400.

A. F. Patrick Sullivan, 1612 Commonwealth Avenue, Alexandria, Va. 22301.

B. Institute of Hobby Manufacturers and Suppliers, P.O. Box 55, Alexandria, Va. 22313.

D. (6) $3,000.

A. Roger H. Sullivan, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.

B. Hawaiian Sugar Planters Association, Honolulu, Hawaii.

E. (9) $22.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. World Airways, Inc., Oakland International Airport, Oakland, Calif., 94614.

E. (9) $10.

A. Glenn A. Swanson, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.

B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.

D. (6) $34,774.93. E. (9) $5,468.15.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Noble J. Swearingen, American Lung Association, 101 Second Street NE., Washington, D.C. 20002.

B. American Lung Association, 1740 Broadway, New York City, N.Y. 10019.

D. (6) $1,000.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.

B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

D. (6) $250. E. (9) $167.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.

B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.

D. (6) $294.51. E. (9) $221.05.

A. Norman Wilson Tanner, Jr., 1660 L Street NW., Suite 215–216, Washington, D.C. 20036.

B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., Suite 215–216, Washington, D.C. 20036.

D. (6) $112. E. (9) $240.

A. Task Force Against Nuclear Pollution, Inc., P.O. Box 1817, Washington, D.C. 20013.

D. (6) $9,814.67. E. (9) $10,950.56.

A. Sid Taylor, 625 East Capitol Street, Washington, D.C. 20003.

B. National Taxpayers Union, 625 East Capitol Street, Washington, D.C. 20003.

D. (6) $150. E. (9) $180.

A. William A. Taylor, c/o Mississippi Petroleum Council, a division of API, P.O. Box 42, Jackson, Miss. 39205.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William K. Tell, Jr., 1050 17th Street NW., Washington, D.C. 20036.

B. Texaco, Inc., 135 East 42d Street, New York, N.Y. 10017.

D. (6) $200.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. John T. Thielke, Economics Laboratory, Inc., 4 Corporate Park Drive, White Plains, N.Y. 10604.

B. Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102.

E. (9) $5,197.

A. Jerry P. Thompson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,432. E. (9) $360.88.

A. Kenneth W. Thompson, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. William D. Thompson, General Motors Corp., 1660 L Street NW., Suite 804, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $3,000. E. (9) $3,657.30.

A. Terence Hastings Thorn, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $1,270. E. (9) $500.

A. Robert D. Thornburg, Minnesota Petroleum Council, a division of API, 1020 Northern Federal Building, St. Paul, Minn. 55102.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Gil Thurm, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 155 East Superior Street, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $193.70.

A. Samuel Thurm, 1725 K Street NW., Washington, D.C. 20006.

B. Association of National Advertisers, 155 East 44th Street, New York, N.Y. 10017.

A. Samuel D. Thurman, University of Utah College of Law, Salt Lake City, Utah 84112.

B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005; University of Utah, College of Law, Salt Lake City, Utah.

A. Cyrus C. Tichenor III, 815 Connecticut Avenue NW., Suite 1007, Washington, D.C. 20006.

B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.

D. (6) $6,000. E. (9) $5,846.53.

A. Drew V. Tidwell, 1725 K Street NW., Washington, D.C. 20006.

B. Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $3,007.87.

A. Paul J. Tierney, 1100 17th Street NW., Washington, D.C. 20036.

B. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Alaskan Arctic Gas Pipeline Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $35.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $101.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. The Association of Trial Lawyers of America, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $374.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.

D. (6) $42.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Genesco, 111 Seventh Avenue North, Nashville, Tenn. 37202.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Middle South Services, Inc., Box 61000, New Orleans, La.

D. (6) $175.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $208.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Washington, D.C. 20006.

D. (6) $440.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Riviana Foods, Inc., P.O. Box 2636, Houston, Tex. 77001.

D. (6) $200.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Sea Oil & General Corp., 1316 16th Street NW., No. 712, Washington, D.C. 20036.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.

B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.

D. (6) $332.

A. Michael L. Tiner, Active Ballot Club Department, Retail Clerks International Association, AFL–CIO, 1775 K Street, NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $4,001.06. E. (9) $837.76.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

E. (9) $480.53.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C. 20036.

E. (9) $2,526.

A. Maurice B. Tobin, Potlatch Corp., 1010 16th Street NW., Washington, D.C. 20036.

B. Potlatch Corp., 1 Maritime Plaza, Box 3591, San Francisco, Calif. 94119.

D. (6) $25.

A. David R. Toll, 1140 Connecticut Avenue No. 1010, Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., No. 1010, Washington, D.C. 20036.

D. (6) $1,055. E. (9) $247.80.

A. William D. Toohey, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Discover America Travel Organizations, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,425. E. (9) $50.

A. John Tope, 1101 15th Street NW., Washington, D.C. 20005.

B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Howard A. Topel, 1000 Connecticut Avenue, Suite 1002, Washington, D.C. 20036.

B. Mullin, Connor & Rhyne, 1000 Connecticut Avenue, Washington, D.C. 20036 (for Alberto de la Vega-Ripol, 804 Garching, Konigsbergerstr. 2 West Germany).

D. (6) $479.36. E. (9) $7.05.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

B. U.S. Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.

E. (9) $1,000.

A. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.

B. U.S. League of Savings Associations, 11 East Wacker Drive, Chicago, Ill.

D. (6) $7,250. E. (9) $83.55.

A. Ronald R. Tullos, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $650. E. (9) $78.50.

A. Bruce H. Turnbull, National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

D. (6) $200 E. (9) $15.

A. John G. Turner, Jr., Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

B. Chevron Oil Co., a subsidiary of Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $150. E. (9) $45.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.

B. Courtney & McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. St. Clair J. Tweedie, 1800 K Street NW., Suite 600, Washington, D.C. 20006.

B. Paperboard Packaging Council, 1800 K Street NW., Suite 600 Washington, D.C. 20006.

D. (6) $50. E. (9) $10.

A. Wayne Underwood, 1030 15th Sreet NW., Washington, D.C.

B. American Seed Trade Association, Suite 964, 1030 15th Street NW., Washington, D.C.

D. (6) $375.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

E. (9) $14,753.05.

A. United Egg Producers, 3951 Snapfinger Parkway, Suite 580, Decatur, Ga. 30032.

E. (9) $1,375.

A. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $3,671.79. E. (9) $3,671.79.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

E. (9) $3,413.25.

A. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.

E. (9) $100,502.48.

A. U.S. Cane Sugar Refiners Association, 1001 Connecticut Avenue, Washington, D.C. 20036.

E. (9) $342.91.

A. J. Joseph Vacca, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $3,797.52.

A. John A. Vance, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.

B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

D. (6) $1,650. E. (9) $983.10.

A. Ted Van Dyk Associates, Inc., 1156 15th Street NW., No. 900, Washington, D.C. 20005.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22208.

E. (9) $50.27.

A. Ted Van Dyk Associates, Inc., 1156 15th Street NW.. Suite 900, Washington, D.C. 20005.

B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46206.

A. Ted Van Dyk Associates, Inc., 1156 15th Street NW., Suite 900, Washington, D.C. 20005.

B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.

A. Gerard J. Van Heuven. 100 Northeast Adams Street, Peoria, Ill. 61629.

B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

D. (6) $325. E. (9) $192.62.

A. H. Stewart Van Scoyoc, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.

B. E. I. du Pont de Memours & Co., 1007 Market Street, Wilmington, Del. 19898.

D. (6) $120. E. (9) $24.

A. Lois Van Valkenburgh, 3512 Halcyon Drive, Alexandria, Va. 22305.

B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $60.

A. Jerry T. Verkler, 1660 L Street NW., Suite 901, Washington, D.C. 20036.

B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

E. (9) $205.18.

A. Richard E. Vernor, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Council of Life Insurance, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Rudolph A. Vignone, 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Elizabeth Alderman Vinson, 1730 M Street NW., Washington, D.C. 20036.

B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $930.

A. Walter D. Vinyard, Jr., Suite 415, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.

D. (6) $1,500. E. (9) $250.

A. Andrew Vitali, Jr., 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $3,000. E. (9) $500.

A. David K. Voight, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $708.

A. Robert J. Wager.

B. American Bakers Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $812.49. E. (9) $8.75.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Alameda Naval Employees' Association, Alameda Naval Air Station, Alameda, Calif.

D. (6) $1,500. E. (9) $168.13.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. American Association of Independent News Distributors, 500 California Street, San Francisco, Calif. 94111.

D. (6) $2,400. E. (9) $240.55.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Friends of Earth, 529 Commercial, San Francisco, Calif.

D. (6) $624. E. (9) $115.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $8,739.88. E. (9) $309.90.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Franchise Association Coalition, 242 North Wolf Road, P.O. Box 773E, Wheeling, Ill. 60090.

D. (6) $1,600. E. (9) $577.55.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001

B. Recording Industry Association of America, One East 57th Street, New York, N.Y. 10022.

D. (6) $2,499.99. E. (9) $128.

A. Jerome R. Waldie, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Task Force One, Federal Employees Organization, Pt. Mugu, Calif.

D. (6) $750. E. (9) $60.

A. Robert E. Waldron, c/o Associated Petroleum Industries of Michigan, a Division of American Petroleum Institute. 930 Michigan National Tower, Lansing, Mich. 48933.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $391.25.

A. E. F. Waldrop, Jr., Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $399.50.

A. R. Duffy Wall, 1800 M Street NW., Washington, D.C. 20036.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Allen Products Co., Inc., P.O. Box 2187, R.D. No. 3, Allentown, Pa. 18001.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Allied Chemical Corp., P.O. Box 1057R, Morristown, N.J. 07960.

D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Aluminum Co. of America, Washington, D.C. 20006.

D. (6) $185.71.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Airlines, 633 Third Avenue, New York, N.Y. 10017.

D. (6) $200.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Business Roundtable, 888 17th Street NW., Suite 601, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cigar Association of America, Inc., 575 Madison Avenue, New York, N.Y. 10022.

D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Eastern Airlines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.

D. (6) $200.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. E. I. duPont de Nemours, Wilmington, Del. 19898.

D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $185.71.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., Washington, D.C. 20005.
D. (6) $221.43.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Motors Corp., General Motors Building, Detroit, Mich. 48202.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Geothermal Kinetics, Inc., 301 West Indian School Road, Phoenix, Ariz. 85013.
D. (6) $125.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Goodyear Tire and Rubber Co., 1800 K Street NW., Washington, D.C. 20006.
D. (6) $35.71.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street, Suite 700, Washington, D.C. 20006.
D. (6) $35.71.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Laredo National Bank, et al., Laredo, Tex. 78040.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Magma Power Co., 631 South Witmer Street, Los Angeles, Calif. 90017.
D. (6) $125.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. McCulloch Oil Corp., 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.
D. (6) $125.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Bankers Association, Suite 1192, South Building, 950 L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $250.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Steel Corp., 2800 Grant Building, Pittsburgh, Pa. 15219.
D. (6) $150.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois, Inc., Owens-Illinois Building, P.O. Box 1035, Toledo, Ohio 43666.
D. (6) $41.67.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.
D. (6) $200.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Procter and Gamble, Cincinnati, Ohio 45201.
D. (6) $35.71.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
D. (6) $200.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
D. (6) $185.71.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Oil Co. of California, 461 South Boylston, Los Angeles, Calif. 90017.
D. (6) $125.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $200.

A. Charls E. Walker Associates, Inc. 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 1625 K Street NW., Washington, D.C. 20006.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Wheelabrator-Frye, Inc., 299 Park Avenue, New York, N.Y. 10017.

A. Thomas C. Walker, Browning-Ferris Industries, Inc., P.O. Box 3151, Houston, Tex. 77001.
D. (6) $625. E. (9) $606.85.

A. Carl S. Wallace, 1800 K Street NW., Suite 614, Washington, D.C. 20006.
B. Bipartisan Committee on Absentee Voting, Inc., 1800 K Street NW., Suite 614, Washington, D.C. 20006.
E. (9) $611.01.

A. Carl S. Wallace, 1800 K Street NW., Suite 614, Washington, D.C. 20006.
B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.
D. (6) $104.49.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Jack A. Waller, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $7,298.28.

A. Charles S. Walsh, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $900. E. (9) $10.

A. J. W. Walsh, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.
D. (6) $350.

A. Alan S. Ward, 805 15th Street NW., Suite 500, Washington, D.C. 20005.
B. Baker, Hostetler, Frost & Towers, 805 15th Street NW., Suite 500, Washington, D.C. 20005 (for The Soap and Detergent Association, 475 Park Avenue South at 32d Street, New York, N.Y. 10016).
D. (6) $87.50.

A. Carol Ann Ward, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.
D. (6) $400.

A. Jack Ware, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $2,250. E. (9) $227.

A. Michael O. Ware, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $625. E. (9) $3.

A. Peter F. Warker, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $350. E. (9) $55.

A. Washington Board of Realtors, 1511 K Street NW., No. 439, Washington, D.C. 20005.

A. Washington Research Project Action Council, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $2,150. E. (9) $1,760.89.

A. Robert B. Washington, Jr., Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20006; Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $88.84. E. (9) $88.84.

A. J. Wesley Watkins III, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. George A. Watson, Suite 800, 1612 K Street NW., Washington, D.C.
B. The Ferroalloys Association, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $1,500.

A. Ralph J. Watson, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rockwell International Corp.
D. (6) $400. E. (9) $122.75.

A. George B. Watts, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $600.

A. Ray Wax, c/o Robert L. Melbern, Rt. 3, Gatesville, Tex. 76528.
B. National Association of Farmer Elected Committeemen, c/o Robert L. Melbern, Rt. 3, Gatesville, Tex. 76528.
E. (9) $87.26.

A. W. H. Weatherspoon, North Carolina Petroleum Council, a division of API, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $340.

A. Clyde M. Webber, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government

Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $15,087.10. E. (9) $1,982.06.

A. Theodore F. Weihe, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washintgon, D.C. 20036.
D. (6) $751.

A. David M. Weiman.
B. The Farmers' Educational & Co-Operative Union of America, P.O. Box 39251, Denver, Ohio; 1012 14th Street NW., Washington, D.C.
D. (6) $3,073.84. E. (9) $46.43.

A. Joan Weinstock, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Alvin Levin, 120 S. Hanover Street, Carlisle, Pa. 17013.
D. (6) $363.42. E. (9) $356.25.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.
B. National Football League Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., Suite 910, Washington, D.C. 20036.
B. P. S. Seymour-Heath, 3094–A Panorama Road, Riverside, Calif. 92509.
D. (6) $250.

A. Morton N. Weiss, 55 Broad Street, New York, N.Y. 10004.
B. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.
D. (6) $1,500.

A. Paul S. Weller, Jr., 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $6,040. E. (9) $188.

A. Carol Werner, 706 Seventh Street SE., Washington, D.C. 20003.
B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $3,461.52.

A. Fred M. Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $8,250. E. (9) $133.39.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Harry H. Westbay III, 1625 I Street NW., Suite 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $750. E. (9) $450.

A. Harvey J. Wexler, Continental Airlines, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Continental Airlines, Inc., International Airport, Los Angeles, Calif. 90009.
D. (6) $200. E. (9) $113.42.

A. Brian B. Whalen, 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,250. E. (9) $3,917.31.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Oil Co., 240 Radnor Chester Road, St. Davids, Pa. 19087.
D. (6) $10,000. E. (9) $2,125.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Wheeler, Van Sickle, Anderson, Norman & Harvey, 25 West Main Street, Madison, Wis. 53703.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. North American Car Corp., 222 South Riverside Plaza, Chicago, Ill. 60606.

A. Donald F. White, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $110.

A. John C. White, 1101 17th Street, NW., No. 1008, Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

A. John S. White, Marathon Oil Co., 1625 I Street NW., Suite 420, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $479.36.

A. Douglas Whitlock II, 1660 L Street NW., Suite 512, Washington, D.C. 20036.
B. Zale Corp., 1660 L Street NW., No. 512, Washington, D.C. 20036.
D. (6) $500. E. (9) $150.

A. Leonard M. Wickliffe, 1620 I Street NW., Suite 615, Washington, D.C. 20006.
B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.
D. (6) $9,625.03. E. (9) $1,580.73.

A. Richard J. Wiechmann, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $101.95.

A. Thomas D. Wilcox, 919 18th Street NW., Washington, D.C. 20006.
B. National Association of Stevedores, 919 18th Street NW., Washington, D.C. 20006.

A. Patricia B. Wild, Economics Laboratory, Inc., 4 Corporate Park Drive, White Plains, N.Y. 10604.
B. Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102.
D. (6) $1,000. E. (9) $426.90.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.
E. (9) $1,163.92.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.
E. (9) $100.26.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Association of Data Processing Service Organizations, Inc., 420 Lexington Avenue, New York, N.Y. 10017.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Bonneville International Corp., Suite 2100, 36 South State Street, Salt Lake City, Utah.
E. (9) $244.41.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Brigham Young University, Provo, Utah.
E. (9) $31.86.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. College Placement Council, Inc., 65 East Elizabeth Street, Bethlehem, Pa.
E. (9) $28.64.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Confederated Salish & Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $263.21.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Estate of Albert W. Small, c/o Mrs. Albert W. Small, 5803 Greentree Road, Bethesda, Md.
E. (9) $0.47.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.
E. (9) $48.24.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Data Communications Manufacturers Association, Inc. (IDCMA), 1735 New York Avenue NW., Washington, D.C. 20006.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Nana Regional Corp., Inc., Box 48, Kotzebue, Alaska 99752.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. National Association of Insurance Agents, Inc., 85 John Street, New York, N.Y. 10038.
E. (9) $379.65.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Quinaielt Tribe of Indians, Taholah, Wash.
E. (9) $113.10.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $63.94.

A. Williams, Connolly & Califano, 1000 Hill Building, Washington, D.C. 20006.
B. Benenson Realty Co., 380 Madison Avenue, New York, N.Y. 10017.
D. (6) $170. E. (9) $33.41.

A. Williams, Connolly & Califano, 1000 Hill Building, Washington, D.C. 20006.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. Williams, Connolly & Califano, 839 17th Street NW., Washington, D.C. 20006.
B. Howell Corp., 800 Houston Natural Gas Building, Houston, Tex. 77002.

A. Williams, Connolly & Califano, 829 17th Street NW., Washington, D.C. 20006.
B. Pasco, Inc., P.O. Box 1677, Englewood, Colo. 80110.
D. (6) $770. E. (9) $778.

A. Williams, Connolly & Califano, 1000 Hill Building, Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.

A. Williams, Connolly & Califano, 839 17th Street NW., Washington, D.C.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.

A. Harding deC. Williams, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

B. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Harry D. Williams, 1025 Connecticut Avenue NW., No. 507, Washington, D.C. 20036.

B. Ashland Oil Inc., P.O. Box 391, Ashland, Ky. 41101.

D. $500.

A. Lucinda L. Williams, 1600 South Eads, Arlington, Va. 22202.

B. FAIR, 3706 Washington Boulevard, Indianapolis, Ind.

D. (6) $1,500. E. (9) $100.

A. Robert E. Williams, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.

B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $1,250. E. (9) $327.

A. Samuel M. Williams, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $1,000. E. (9) $600.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Business Roundtable, 888 17th Street NW., Washington, D.C. 20006.

D. (6) $664.50.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Council for Responsible Nutrition, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Essential Oil Association, 60 East 42d Street, New York, N.Y. 10017.

E. (9) $1.50.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $4,626.50. E. (9) $48.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Marianas Political Status Commission, P.O. Box 9777, Saipan, Mariana Islands 96950.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Oil Investment Institute, 2500 Dunstan, Houston, Tex. 77005.

A. Dorothy Wilson, 4201 Cathedral Avenue NW., 1205 East, Washington, D.C.

B. Coalition of Concerned Charities, c/o Barbara J. Washburn, 1776 F Street NW., Washington, D.C. 20006.

A. R. J. Winchester, P.O. Box 2967, Houston, Tex. 77001.

B. Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.

D. (6) $6,400. E. (9) $1,725.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Gould, Inc., 8550 West Bryn Mawr Avenue, Chicago, Ill. 60631.

D. (6) $180.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. International Council of Shopping Centers, 445 Park Avenue, New York, N.Y. 10022.

D. (6) $900.

A. A. W. Winter, P.O. Box 1677, Englewood, Colo. 80110.

B. Pasco, Inc., P.O. Box 1677, Englewood, Colo. 80110.

A. Russell C. Wisor, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

D. (6) $624. E. (9) $189.28.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo. 80202.

B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.

D. (6) $1,400. E. (9) $3,200.

A. Glenn P. Witte, 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Frank R. Wolf, 1800 North Kent Street, Suite 1024, Arlington, Va. 22209.

B. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, P.C., 1701 Pennsylvania Avenue NW., Suite 404, Washington, D.C. 20006.

E. (9) $6.

A. James E. Wolf, The Trane Co., 2020 14th Street North, Arlington, Va. 22201.

B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.

D. (6) $600. E. (9) $18.10.

A. Sidney M. Wolfe, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Nathan T. Wolkomir, 1016 16th Street NW., Washington, D.C. 20036.

B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

D. (6) $9,230.76. E. (9) $489.35.

A. Kenneth D. Wollack, 1341 G Street, No. 908, Washington, D.C. 20005.

B. American Israel Public Affairs Committee, 1341 G Street, No. 908, Washington, D.C. 20005.

D. (6) $6,000.

A. Merle E. Wood, 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

B. Ewing M. Kauffman, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

D. (6) $400. E. (9) $494.28.

A. Merle E. Wood, 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

D. (6) $550. E. (9) $670.91.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20045.

B. National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $750. E. (9) $150.

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

D. (6) $3,000. E. (9) $203.05.

A. George M. Worden, Hill and Knowlton, Inc., 1425 K Street NW., No. 1000, Washington, D.C. 20005.

B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Edward E. Wright, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

D. (6) $6,000.

A. Wyatt & Saltzstein, 1300 Wyatt Building, Washington, D.C. 20005.

B. American Business Press, Inc., 205 East 42d Street, New York, N.Y. 10017.

D. (6) $2,250. E. (9) $100.

A. Frederick S. Wyle, 3 Greenwood Common, Berkeley, Calif. 94708.

B. Congress of Micronesia, Delegation to the U.N. Law of the Sea Conference, Capitol Hill, Saipan, Mariana Islands 96950.

D. (6) $500. E. (9) $580.

A. John H. Yingling, 1156 15th Street NW., Suite 701, Washington, D.C. 20005.

B. Citibank, 399 Park Avenue, New York, N.Y. 10022.

D. (6) $200. E. (9) $159.06.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $9,348.40 E. (9) $61.25.

A. Reynolds Young, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $375. E. (9) $47.50.

A. Robert J. Young, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

E. (9) $155.35.

A. Eugene A. Yourch, 17 Battery Place North, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.

D. (6) $100. E. (9) $103.73.

A. John Zapp, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,400. E. (9) $403.

A. Thomas K. Zaucha, 1725 I Street NW., Washington, D.C. 20006.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $750.

A. Donald P. Zeifang, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $410.73.

A. Roger H. Zion, Resources Development, Inc., 1155 15th Street NW., Suite 418, Washington, D.C. 20005.

B. Citizens Commission for the Right To Keep and Bear Arms, 1601 114th Street SE., Suite 151, Bellevue, Wash. 98004.

D. (6) $400. E. (9) $400.

A. John L. Zorack, Suite 900, 1800 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, 1800 K Street NW., No. 900, Washington, D.C. 20006.

E. (9) $267.58.

A. Charles O. Zuver, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $5,000. E. (9) $142.14.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1975 were received too late to be included in the published reports for that quarter:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

A. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $2,500.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $3,800. E. (9) $3,440.17.

A. Air Traffic Control Association, Suite 409, ARBA Building, 525 School Street SW., Washington, D.C. 20024.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $11,030.33. E. (9) $11,030.33.

A. Alaskan Arctic Gas Pipeline Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska 99510.
E. (9) $8,425.

A. Roger D. Allan, 1957 E Street NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20000.

A. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $180. E. (9) $21,231.81.

A. American Cancer Society, 777 Third Avenue, New York, N.Y. 10017.
E. (9) $13,764.02.

A. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.
D. (6) $40,887.28. E. (9) $40,887.28.

A. American Conservation Union, 422 First Street SE., Washington, D.C. 20C03.
D. (6) $33,303.36. E. (9) $20,282.50.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $7,458.38. E. (9) $7,458.38.

A. American Honey Producers Association, P.O. Box 368, Minco, Okla. 73059.
D. (6) $19,648.35. E. (9) $21,832.96

A. The American Humane Association, P.O Box 1266, Denver, Colo. 80201.
E. (9) $1,824.

A. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
E. (9) $2,811.55.

A. American International Group, Inc., 102 Maiden Lane, New York, N.Y. 10005.
E. (9) $1,973.

A. American Israel Public Affairs Committee, 1341 G Street NW., No. 908, Washington, D.C. 20005.
D. (6) $40,172.70. E. (9) $45,059.49.

A. American Optometric Association, c/o Alvin Levin, O.D., 120 South Hanover Street, Carlisle, Pa. 17013.
D. (6) $1,556.84. E. (9) $1,556.84.

A. American Paratransit Institute, 6822 Mindello Street, Coral Gables, Fla.
D. (6) $2,020. E. (9) $950.

A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $1,749.

A. Morris J. Amitay, 1341 G Street, No. 908, Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street, No. 908, Washington, D.C. 20005.
D. (6) $5,250.

A. Scott G. Anderson, 11800 Sunrise Valley Drive, Reston, Va. 22091.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $3,000. E. (9) $1,081.36.

A. William C. Anderson, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,688. E. (9) $113.

A. Robert E. Ansheles, Suite 906, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y. 10016.
D. (6) $200. E. (9) $23.

A. Apco Oil Corp. 1700 Houston Natural Gas Building, Houston, Tex. 77002.
E. (9) $157.41.

A. Roy A. Archibald, National Education Association, 1705 Murchison Drive, Burlingame, Calif. 94010.
B. National Education Association, 1201 16th Street NW., Washington. D.C. 20036.
D. (6) $3,086.20. E. (9) $100.

A. Fred Armstrong, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $7,500.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Commissioner of Baseball, 15 West 51st Street, New York, N.Y. 10019.
E. (9) $47.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $18,750. E. (9) $1,854.65.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. State Farm Mutual Automobile Insurance Co., 1 State Farm Plaza, Bloomington, Ill. 61701.
D. (6) $2,836. E. (9) $88.

A. Leonard Arrow, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,846.15.

A. Jean Arthurs, 4023 25th Road North, Arlington, Va., 22207.
B. Society of Military Widows, Box 254, Coronado, Calif. 92118.
D. (6) $600.

A. Joseph Ashooh, 1957 L Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $105. E. (9) $209.40.

A. Association for the Advancement of Invention and Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $257. E. (9) $1,562.11.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $510.

A. The Authors League of America, Inc., 234 West 44th Street, New York, N.Y. 10036.
D. (6) $458.14. E. (9) $458.14.

A. Richard E. Ayres, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $3,486.

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
D. (6) $196. E. (9) $424.59.

A. Markham Ball, Kenneth I. Schaner, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Leva, Hawes, Symington, Martin & Oppenheimer (For American Relief Everywhere, Inc.), 600 First Avenue, New York, N.Y.
D. (6) $1,490.17. E. (9) $50.

A. Tom Barlow, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Joseph Baroody, 1100 17th Street NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $150.

A. James C. Barr, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.
B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.
D. (6) $300. E. (9) $117.50.

A. Richard L. Barr, 620 Capital City Bank Building, Des Moines, Iowa 50309.
B. Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.
E. (9) $994.36.

A. Roger V. Barth, 1140 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. American Association of Clinical Chemists, 1725 K Street NW., Washington, D.C. 20006.

A. Kenneth C. Bass III, Reasoner, Davis & Vinson, 800 17th Street NW., Washington, D.C. 20006.
B. Alaska Federation of Natives, Inc., 670 West Fireweed Lane, Anchorage, Alaska 99503.
D. (6) $1,100.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $1,200.

A. Daniel S. Bedell, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Washington Office, 1125 15th Street NW., Suite 600, Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $6,360.71. E. (9) $876.86.

A. Winston Everett Bell, P.O. Box 1718, Las Vegas, Nev.

A. Larry Blanchard, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,142. E. (9) $207.10.

A. Boasberg, Hewes, Finkelstein & Klores, 1225 19th Street NW., Washington, D.C. 20036.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $12,944.83.

A. Mark Borinsky, 810 18th Street NW., Washington, D.C. 20006.
B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.

A. William W. Brackett, Alaskan Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.
B. Alaskan Arctic Gas Study Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska 99510.
D. (6) $4,500. E. (9) $100.

A. Gene M. Bradley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $650. E. (9) $833.

A. Robert M. Brandon, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizens Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,000.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
E. (9) $40.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Avis Rent-a-Car System, Inc., 900 Old Country Road, Garden City, N.Y. 11530.
D. (6) $1,200. E. (9) $150.

A. Bregman, Abell, Solter & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. The Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,500. E. (9) $70.

A. Helen Bremberg, 4515 South 31st Street, Arlington, Va. 22206.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $169.15.

A. Edward J. Brenner, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

A. Cyril F. Brickfield, Miller, Singer, Michaelson, Brickfield & Raives, 1909 K Street NW., Washington, D.C. 20006.
B. National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20006.
E. (9) $72.

A. Bill Brier, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $2,960. E. (9) $84.48.

A. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $25,649.88. E. (9) $25,649.88.

A. Howard C. Brown, Jr, 9618 Carriage Road, Kensington, Md. 20795.
B. Centar Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.
D. (6) $3,000. E. (9) $517.50.

A. Travis Taylor Brown, 2525 49th Street NW., Washington, D.C.

A. G. N. Buffington, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $950. E. (9) $20.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.
E. (9) $900.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.
E. (9) $900.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.
E. (9) $128.53.

A. John P. Buscher, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Brown & Root, Inc., 4100 Clinton Drive, Houston, Tex. 77001.
D. (6) $1,000. E. (9) $443.38.

A. Caplin & Drysdale, 1101 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Conn. 06115; et al.
D. (6) $31,085. E. (9) $739.

A. Chapin Carpenter, Jr., Magazine Publishers Association, Inc., 1629 K Street NW., No. 603, Washington, D.C. 20006.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $844.

A. Alfred Carr, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $4,629.30. E. (9) $345.75.

A. Richard M. Carrigan, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $4,899.90. E. (9) $309.71.

A. Henry A. Carrington, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Charles T. Carroll, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. David C. Carter, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Apco Oil Corp., 1700 Houston Natural Gas Building, Houston, Tex. 77002.
D. (6) $142.50. E. (9) $3.33.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C.
B. Arctic Gas Study Co., 1730 Pennsylvania Avenue, Washington, D.C.
D. (6) $5,152.50 E. (9) $93.27.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Gulf Interstate Co., P.O. Box 1916, Houston, Tex. 77001.
D. (6) $2,098.75. E. (9) $54.08.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Northeast Energy Co., P.O. Box 1526, Salt Lake City, Utah 84110.
D. (6) $3,736.25. E. (9) $66.88.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.
B. South African Sugar Association, P.O. Box 507, Durban, South Africa.
D. (6) $38,000. E. (9) $3,982.79.

A. Rita L. Castle, 1709 New York Avenue NW., Suite 312, Washington, D.C. 20006.
B. The Organization of Plastics Processors, 1709 New York Avenue NW., Suite 312, Washington, D.C. 20006.

A. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $4,132.19.

A. Ray B. Chambers, 708 G Street SE., Washington, D.C.
B. The Bangor & Aroostook Railroad, Northern Maine Junction, Bangor, Maine.
D. (6) $2,000. E. (9) $2,318.04.

A. Ray B. Chambers, 708 G Street SE., Washington, D.C.
B. The Boston & Maine Railroad, Iron Horse Station, North Billerica, Mass.
D. (6) $1,000. E. (9) $2,318.04.

A. Ray B. Chambers, 708 G Street SE., Washington, D.C.
B. The Rock Island Railroad, La Salle Street Station, Chicago, Ill.
D. (6) $3,000. E. (9) $2,318.04.

A. Linda Chavez, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $6,124.98. E. (9) $407.27.

A. Joseph M. Clapp, Roadway Express, Inc., 11833 Goya Drive, Potomac, Md. 20854.
B. Roadway Express Inc., P.O. Box 471, Akron, Ohio 44309.
D. (6) $78. E. (9) $5.

A. Ann Clark, 10564 Jason Lane, Columbia, Md. 21044.

B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $166.35.

A. Clark, West, Keller, Sanders & Butler, 2424 First National Bank Building, Dallas, Tex. 75202.
B. National Music Publishers' Association, Inc., 110 East 59th Street, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $300.

A. Clean Water Action Project, P.O. Box 19312, Washington, D.C. 20036.
D. (6) $4,250. E. (9) $3,479.96.

A. Charles M. Clusen, 324 C Street SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $4,375. E. (9) $215.50.

A. Coalition of Independent Ophthalmic Professionals, 75 East 55th Street, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $5,434.81.

A. Coalition of Private University Students, 1730 Rhode Island Avenue, Washington, D.C. 20036.
D. (6) $325. E. (9) $1,347.65.

A. Carl A. S. Coan, Jr., 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $8,681.24. E. (9) $664.30.

A. Robert E. Cole, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp.
D. (6) $2,500. E. (9) $1,191.84.

A. Lynn R. Coleman, Vinson, Elkins, Searls, Connally & Smith, Suite 1120, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Marvin K. Collie, 2201 First City National Bank Building, Houston, Tex. 77002.
B. Vinson, Elkins, Searls, Connally & Smith, 2201 First City National Bank Building, Houston, Tex. 77002 (For: Brown & Root, Inc., P.O. Box 3, Houston, Tex. 77001.)
E. (9) $15.

A. Committee for Do-It-Yourself Household Moving, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $1,481.31. E. (9) $1,481.31.

A. Committee for Humane Legislation, Inc., 910 16th Street NW., Washington, D.C. 20006.
D. (6) $22,550.76. E. (9) $14,854.79.

A. The Committee of Publicly Owned Companies, 22 Thames Street, New York, N.Y. 10006.
D. (6) $11,100. E. (9) $33,539.46.

A. Committee on Modern, Efficient Transportation (COMET), 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $10,500. E. (9) $11,443.08.

A. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

A. Consumer Action Now, Inc., 49 E. 53d Street, New York, N.Y. 10022.
D. (6). $1,380.80. E. (9) $1,255.37.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. David Cosson, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

A. Council for the Advancement of the Psychological Professions & Sciences, 1200 17th Street NW., No. 400, Washington, D.C. 20006.
D. (6) $6,426.68. E. (9) $3,260.63.

A. Council for the Preservation of Worldwide Meetings, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,600. E. (9) $916.26.

A. Council of AFL–CIO Unions for Professional Employees, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,250. E. (9) $1,250.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Can Co., Greenwich, Conn.
D. (6) $2,003.65. E. (9) $1,288.75.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Business Men's Assurance Co. of America, BMA Tower, 1 Penn Valley Park, Kansas City, Mo. 64141.
D. (6) $21,000. E. (9) $84.43.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. The National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.
D. (6) $1,287.50. E. (9) $0.80.

A. William J. Cox, 1707 L Street NW., Suite 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $7,134.61. E. (9) $626.84.

A. William D. Crawford, 400 First Street NW., No. 820, Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo. 64112.
D. (6) $1,470.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $9,637. E. (9) $1,326.52.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John T. Curran, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $9,979.23. E. (9) $2,127.28.

A. Robert J. Cushman, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $2,200. E. (9) $183.27.

A. Lee Daneker, P.O. Box 19312, Washington, D.C. 20036.
B. Clean Water Action Project, P.O. Box 19312, Washington, D.C. 20036.
D. (6) $2,693.36.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.
E. (9) $184.58.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. Committee for Protection of American Trade, Washington, D.C.
D. (6) $5,000. E. (9) $9.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. Computer System of America, Inc., 141 Milk Street, Boston, Mass. 02109.
D. (6) $10,000. E. (9) $382.99.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. Japan Lumber Importers Association, Tokyo, Japan.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $600. E. (9) $575.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $4,375. E. (9) $167.

A. P. M. Davison, Jr., 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines.
E. (9) $2,557.26.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Atlantic Time Products, et al., St. Croix, Virgin Islands.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20005.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington, D.C. 20005.
B. Association of Plaintiffs Trial Attorneys for Metropolitan Washington, D.C., Washington, D.C. 20005.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. Beneficial Finance Co., Beneficial Building, Morristown, N.J.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. CIT Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. Consumer Credit Insurance Association, 307 North Michigan Avenue, Chicago, Ill. 60601.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.

B. U.S. Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. Dealer Bank Association, P.O. Box 8796, St. Louis, Mo. 63102.

E. (9) $317.

A. Paul H. DeLaney, Jr., Suite 1111, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402.

D. (6) $17,799.59. E. (9) $1,000.

A. L. E. Dennis, Brotherhood of Railway Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway & Airline Clerks Freight Handlers, Express & Station Employees, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $900. E. (9) $289.29.

A. C. H. DeVaney, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,000. E. (9) $128.

A. Dickstein, Shapiro & Morin, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Committee for the Martin Report, Washington, D.C.

A. Dickstein, Shapiro & Morin, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Federated Investors, Inc., Pittsburgh, Pa.; Vance Sanders & Co., Boston, Mass.; Fidelity Management & Research Co., Boston, Mass.

A. Dickstein, Shapiro & Morin, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Integrated Resources, Inc., 295 Madison Avenue, New York, N.Y. 10017.

A. Dickstein, Shapiro & Morin, 1735 New York Avenue NW., Washington, D.C. 20006.

B. National Federation of Societies for Clinical Social Work, 698 West 2d Avenue, New York, N.Y. 10025.

D. (6) $200.

A. Dickstein, Shapiro & Morin, 1735 New York Avenue NW., Washington, D.C. 20006.

B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C. 20006.

E. (9) $3,698.55.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Buck and Doe Valley Farm's Co., Coatsville, Pa.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Clew, Inc., P.O. Box 9466, Memphis, Tenn. 38109.

D. (6) $267.33. E. (9) 267.33.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Giffen Industries, Inc., P.O. Box 10821, Dallas, Tex. 75207.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Guardsmark, Inc., 22 South Second Street, Memphis, Tenn.

D. (6) $38.03. (E. (9) $38.03.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Helena Vertac, 5100 Poplar Avenue, Memphis, Tenn. 38137.

D. (6) $2,285.47. E. (9) $2,285.47.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Longfellow Corp., P.O. Box 4605, Midland, Tex. 79701.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

B. Norton Manufacturing Co., P.O. Box 9067, Memphis, Tenn. 38109.

D. (6) $750. E. (9) $750.

A. DK Consultants, Inc., 918 16th Street NW., Washington, D.C. 20006.

B. Ross Kramer Hardwood Veneers, 1657 Lamar Avenue, Memphis, Tenn.

A. Cushing N. Dolbeare, 517 Westview Street, Philadelphia, Pa. 19119.

B. National Rural Housing Coalition, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jack Donahue, 1200 17th Street NW., Washington, D.C. 20036.

B. Council for the Advancement of the Psychological Profession and Sciences, 1200 17th Street NW., Washington, D.C. 20036.

D. (6) $1,500.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. David Dunning, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

E. (9) $571.77.

A. Bruce Dunton, 1126 16th Street NW., Washington, D.C. 20036.

B. Textile Workers Union of America, 99 University Place, New York, N.Y. 10003.

D. (6) $4,225. E. (9) $100.

A. Jean F. Dye, 2466 Stratford Road, Cleveland Heights, Ohio 44118.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $396.08.

A. Blakeman Early, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,846.15.

A. Hope Eastman, 410 First Street SE., Washington, D.C. 20003.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

D. (6) $2,500.02.

A. Donald R. Ebe, 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American Safety Belt Council, Inc., 271 North Avenue, New Rochelle, N.Y. 10801.

D. (6) $1,000. E. (9) $46.90.

A. Anne Edlund, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

A. Clifford E. Edwards, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $212. E. (9) $24.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.

B. Portland General Electric Co., 621 Southwest Alder Street, Portland, Oreg. 97205.

A. J. Burton Eller, Jr., 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,000.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. D. A. Ellsworth, Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express, and Station Employees, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $8,250. E. (9) $1,083.68.

A. Employee Relocation Council, 333 North Michigan Avenue, Chicago, Ill. 60601.

E. (9) $19,345.44.

A. Steven L. Engelberg, 1737 DeSales Street NW., Suite 400, Washington, D.C. 20036.

B. American Association of Marriage and Family Counselors, 225 Yale Avenue, Claremont, Calif. 91711.

D. (6) $8,299. E. (9) $142.80.

A. John R. Englehorn, P.O. Box 948, Stamford, Conn. 06904.

B. Texasgulf, Inc., 200 Park Avenue, New York, N.Y.

D. (6) $2,031.26. E. (9) $678.35.

A. Environmental Action, Inc., Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $11,777.95. E. (9) $11,777.95.

A. Glenn R. Erickson, 8224 Old Courthouse Road, Tysons Corner, Vienna, Va. 22180.

B. Sheet Metal and Air Conditioning Contractors' National Association, Inc., 8224 Old Courthouse Road, Tysons Corner, Vienna, Va. 22180.

D. (6) $900. E. (9) $550.

A. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C.

E. (9) $1,200.

A. Andrew A. Feinstein, 133 C Street SE., Washington, D.C. 20003.

B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

D. (6) $200.

A. Leon Felix, Jr., National Education Association, 1419 Joan Drive, Palatine, Ill. 60067.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,927.20. E. (9) $75.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,063. E. (9) $65.

A. Robert R. Fitzgerald, 13174 Putnam Circle, Woodbridge, Va. 22191.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $2,800.

A. Roger Fleming, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,175.

A. Carol Tucker Foreman, 1012 14th Street NW., Washington, D.C. 20005.
B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $612. E. (9) $125.

A. James F. Fort, 1101 15th Street NW., Suite 302, Washington, D.C. 20005.
B. United Parcel Service, 1101 15th Street NW., Suite 302, Washington, D.C.
D. (6) $645. E. (9) $1,198.94.

A. Alice Frandsen, 10311 Folk Street, Silver Spring, Md. 20902.
B. Women's Lobby Inc., 1345 G Street SE., Washington, D.C. 20003.
E. (9) $64.25.

A. Ronald C. Frankis, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,352. E. (9) $115.27.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.
B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $888.98. E. (9) $139.64.

A. Donald A. Frederick, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $590. E. (9) $45.39.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Navajo Tribe, Window Rock, Ariz.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Pueblo of Laguna, Box 194, Oaguna, N. Mex.
E. (9) $28.

A. Gary R. Frink, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Conn. 06115.
D. (6) $750.

A. Gary R. Frink, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. The National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $1,325.

A. Gary R. Frink, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
B. The Organization for the Management of Alaska's Resources, Inc., Box 516, Anchorage, Alaska 99510.
D. (6) $1,800. E. (9) $440.13.

A. David C. Fullarton, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
B. National Telephone Cooperative Associations, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
D. (6) $325.

A. Diane Gabay, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. James E. Gaffigan, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $230.78. E. (9) $51.01.

A. Gailor & Elias, 700 E Street SE., Washington, D.C. 20003.
B. Century Oil Corp., P.O. Box 4649, Anaheim, Calif. 92803.
D. (6) $500.

A. Mark J. Gallagher, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $6,219.22. E. (9) $436.53.

A. Mark T. Gates, Jr., Dietsch, Gates, Morris & Merrell, 800 Wilshire Boulevard, Penthouse, Los Angeles, Calif. 90017.
B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.
D. (6) $1,200.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James M. Gibson, 956 North Monroe Street, Arlington, Va. 22201.
B. Natonal Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $2,012.50.

A. Clarissa Gilbert, 2115 S Street NW., Washington, D.C. 20008.
B. U.S. National Student Association, 2115 S Street NW., Washington, D.C. 20008.

A. Vernie R. Glasson III, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,125. E. (9) $64.

A. The Glenmede Trust Co., 1529 Walnut Street, Philadelphia, Pa.
E. (9) $3,020.72.

A. Jack Golodner, 1990 M Street NW., Washington, D.C. 20036.
B. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $310.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.
B. Council of AFL–CIO Unions for Professional Employees, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Michael Goodman, 15th and M Street NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $3,984.59. E. (9) $313.63.

A. Frederick D. Goss, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
D. (6) $380.

A. Carolyn C. Graham, 1707 L Street NW., Suite 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $4,105.78. E. (9) $484.23.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $1,955. E. (9) $97.07.

A. James W. Green, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $5,045. E. (9) $373.08.

A. Jill L. Greenbaum, 2001 Plymouth Street NW., Washington, D.C. 20012.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $800. E. (9) $300.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash. 98104.
B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash. 98104.
E. (9) $1,309.01.

A. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

A. James Hacking, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
E. (9) $236.08.

A. Paul R. Haerle, Thelen, Marrin, Johnson & Bridges, Two Embarcadero Center, No. 2200, San Francisco, Calif. 94111.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.
E. (9) $285.05.

A. Isabelle A. Hallahan, 430 North Michigan, Chicago, Ill. 60611.
B. The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $100. E. (9) $105.

A. Thomas A. Hammer, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,625. E. (9) $54.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,361.25. E. (9) $22.85.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $387.80. E. (9) $20.71.

A. Robert E. Harman, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,600. E. (9) $75.

A. Godfrey Harris, 9200 Sunset Boulevard, Los Angeles, Calif. 90069.

B. Embassy of the Republic of Panama, 2862 McGill Terrace NW., Washington, D.C. 20008.

A. Ross E. Heller, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.

A. Richard A. Henneges, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,269. E. (9) $220.81.

A. Thomas M. Hennessy, 1701 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Hill, Christopher & Phillips, 2000 L Street NW., Washington, D.C. 20036.
B. Association of Closed-End Investment Co., c/o Malcom Smith, 330 Madison Avenue, New York, N.Y. 10017.
D. (6) $1,599.50. E. (9) $27.88.

A. E. Joseph Hillings, National Airlines, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Airlines, P.O. Box 592055 AMF, Miami, Fla. 33159.
D. (6) $1,100. E. (9) $50.

A. Arthur Hintze, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert Hitzhusen, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,250. E. (9) $83.

A. Glen D. Hofer, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $52.33.

A. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
E. (9) $1,437.

A. John F. Horty, 4614 Fifth Avenue, Pittsburgh, Pa. 15213.
B. Council of Community Hospitals, 4614 Fifth Avenue, Pittsburgh, Pa. 15213.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem, Bedford Park, Argo, Ill. 60501.
D. (6) $450.

A. Karl T. Hoyle, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
E. (9) $1,158.87.

A. Peter W. Hughes, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
E. (9) $136.62.

A. Edward L. Huie, 4630 Montgomery Avenue, Suite 200, Washington, D.C. 20014.
B. National Association of Air Traffic Specialists, Inc., 4630 Montgomery Avenue, Suite 200, Washington, D.C. 20014.
D. (6) $4,500. E. (9) $130.25.

A. Gregory A. Humphrey, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $7,125. E. (9) $399.01.

A. David J. Humphreys, Paulson & Humphreys, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Recreational Vehicle Industry Association, P.O. Box 203, 14650 Lee Road, Chantilly, Va. 22021.
D. (6) $15,000.

A. Deborah Imle, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Street NW., Washington, D.C. 20005.
D. (6) $1,125. E. (9) $12.23.

A. Bernard J. Imming, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $500.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Institute of Foreign Bankers, 10 Pine Street, New York, N.Y.
D. (6) $8,004.78. E. (9) $3,000.

A. Insurance Economics Society of America, 11 East Adams Street, Suite 604, Chicago, Ill. 60603.
D. (6) $12,881.04 E. (9) $540.

A. David L. Ivey, 1101 17th Street NW., Washington, D.C. 20036.
B. National Park Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $2,437.50. E. (9) $61.80.

A. Gary L. Jarmin, 422 First Street SE., Washington, D.C. 20003.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $2,503.06.

A. Stuart H. Johnson, Jr., 910 17th Street NW., Washington, D.C. 20006.
B. New York Dock Railway, 334 Furman Street, Brooklyn, N.Y.
D. (6) $1,612.50. E. (9) $78.90.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.
E. (9) $12.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James E. Jones, Jr., 1776 F Street NW., Washington, D.C. 20006.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,095.

A. Ronald K. Jones, 7841 Doane Court, Springfield, Va. 22152.
B. Manufactured Housing Institute, 14650 Lee Road, Chantilly, Va. 22021.
D. (6) $5,530. E. (9) $113.77.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C. 20036.
B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C. 20036.

A. Robert E. Juliano, 120 East Fourth Street, 13th floor, Cincinnati, Ohio 45202.
B. Hotel & Restaurant Employees & Bartenders International Union, 120 East Fourth Street, 13th Floor, Cincinnati, Ohio 45202.
D. (6) $7,500. E. (9) $3,960.99.

A. Gary Kampel, 2115 S Street NW., Washington, D.C. 20008.
B. U.S. National Student Association, 2115 S Street NW., Washington, D.C. 20008.

A. Everett E. Kavanaugh, Jr., 1133 15th Street NW., Washington, D.C. 20005.
B. Cosmetic, Toiletry & Fragrance Association, 1133 15th Street NW., No. 1200 Washington, D.C. 20005.
D. (6) $2,500. E. (9) $75.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.
E. (9) $275.

A. John T. Kelly, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association.

A. R. G. Kendall, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.
D. (6) $354. E. (9) $654.35.

A. Kennedy, Holland, DeLacy & Svoboda, 1900, 1 First National Center, Omaha, Neb. 68102.
B. Governors of the Knights of Ak-Sar-Ben, 63d and Shirley Streets, Omaha, Neb. 68106.
D. (6) $500. E. (9) $350.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $7,000. E. (9) $1,338.40.

A. Kenyon & Kenyon Reilly Carr & Chapin, 59 Maiden Lane, New York, N.Y. 10038.
B. Estate of Bert N. Adams, et al., 1461 West 16 Plaza, Yuma, Ariz. 85364.
E. (9) $10.

A. Carl F. Kettler, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,750. E. (9) $464.33.

A. Gibson Kingren, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Foundation Health Plan, Inc.
D. (6) $1,125. E. (9) $1,406.

A. Peter M. Kirby, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,031.25. E. (9) $459.81.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Ralph W. Kittle, Room 700, 1620 I Street NW., Washington, D.C. 20006.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $725. E. (9) $775.

A. George W. Koch, 1425 K Street NW., Suite 900, Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.
D. (6) $80.44.

A. Robert L. Koob, Koob Associates, 1155 15th Street NW., Suite 311, Washington, D.C. 20005.
B. Biscuit & Crackers Manufacturers' Association, 1660 L Street NW., Washington, D.C. 20036.
D. (6) $1,575. E. (9) $202.60.

A. Robert L. Koob, Koob Associates, 1155 15th Street NW., Suite 311, Washington, D.C. 20005.
B. Norwich Pharmacal Co., Norwich, N.Y.
D. (6) $1,500. E. (9) $332.

A. John T. Korsmo, 1722 Dogwood Drive, Alexandria, Va. 22302.
B. National Association for Milk Marketing Reform, Suite 1204, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,705.12. E. (9) $302.31.

A. Mylio S. Kraja, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $6,465. E. (9) $1.978.34.

A. Louis C. Kramp & Associates, Inc., 1819 H Street NW., Suite 420, Washington, D.C. 20006.
B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
D. (6) $1,437.

A. Jeanne W. Kruhm, 430 North Michigan Avenue, Chicago, Ill. 60611.
B. The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $65. E. (9) $70.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $71.46.

A. Norman G. Kurland, Kelso Bangert & Co., Inc., 2027 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Kelso Bangert & Co., Inc., 111 Pine Street, San Francisco, Calif. 94111.
D. (6) $4,500. E. (9) $6,183.64.

A. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $19,601.59.

A. Ralph D. B. Laime, National Education Association, 245 Northampton Drive, Willingboro, N.J. 08046.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,086.20. E. (9) $75.

A. Laurence F. Lane, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
E. (9) $702.90.

A. Clifford C. LaPlante, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $835. E. (9) $244.52.

A. Glenn T. Lashley, District of Columbia Division, American Automobile Association, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. District of Columbia Division, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $3,525.

A. George H. Lawrence, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $1,000. E. (9) $350.

A. Susannah C. Lawrence, 215 East 72d Street, New York, N.Y.
B. Consumer Action Now, Inc., 49 East 53d Street, New York, N.Y.
D. (6) $457.37. E. (9) $457.47.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Robert J. Leigh, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
D. (6) $200.

A. Joseph A. Letorney, National Education Association-Government Relations, 112 Union Street, South Weymouth, Mass. 02190.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,271.20 E. (9) $75.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016.
D. (6) $1,490.17. E. (9) $50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, Kenneth I. Schaner and John S. Hoff, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Council of Community Hospitals (CCH), 4614 Fifth Avenue, Pittsburgh, Pa. 15213.

A. S. R. Levering, 245 Second Street NE., Washington D.C. 20002.
B. U.S. Committee For the Oceans, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $1,086.80.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C. 20003.
D. (6) $31,356.19. E. (9) $26,871.65.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $730. E. (9) $341.

A. Lincoln National Corp., 1301 South Harrison Street, Fort Wayne, Ind. 46801.
E. (9) $734.

A. Jonathan Lindley, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $2,562. E. (9) $175.89.

A. Nils A. Lofgren, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.
D. (6) $400.

A. Edward J. Lord, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,480. E. (9) $116.63.

A. James Rowland Lowe, Jr., Alaskan Arctic Gas Study Co., 1730 Pennsylvania Avenue NW., Suite 230, Washington, D.C. 20006.
B. Alaskan Arctic Gas Study Co., P.O. Box 979, Alaska Mutual Bank Building, Anchorage, Alaska 99510.
D. (6) $2,500. E. (9) $115.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.
B. Catholic Press Association, 432 Park Avenue South, New York, N.Y. 10016.
D. (6) $125. E. (9) $10.

A. Charles Emmet Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.
B. Massachusetts Cooperative Bank League, 225 Franklin Street, Boston, Mass. 02110.
D. (6) $50. E. (9) $5.

A. C. Lance Lujan, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $4,105.65. E. (9) $210.05.

A. Lumbermen's Mutual Casualty Co., Long Grove, Ill. 60049.

A. Timothy MacCarthy, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.
D. (6) $400.

A. Michael Mann, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $538.46.

A. Manufactured Housing Institute, P.O. Box 201, 14650 Lee Road, Chantilly, Va. 22021.
D. (6) $1,625.77. E. (9) $1,625.77.

A. John V. Marany, 324 East Capitol Street, Washington, D.C. 20003.
B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Edwin E. Marsh, 336 Southern Building, 805 15th Street NW., Washington, D.C. 20005.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $4,885.26. E. (9) $652.29.

A. John B. Martin, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
E. (9) $4.

A. Daniel E. Matthews, 5109 Western Avenue NW., Washington, D.C. 20016.

B. National Public Employer Labor Relations Association, 5109 Western Avenue NW., Washington, D.C. 20016.

D. (6) $156.

A. Charles E. Mattingly, National Legislative Commission, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $4,683. E. (9) $107.09.

A. Charles H. Mauzy, National Education Association, 3951 Snapfinger Parkway, Decatur, Ga. 30032.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,086.20. E. (9) $75.

A. Albert E. May, 1625 K Street NW., Washington, D.C. 20006.

B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.

D. (6) $410. E. (9) $29.53.

A. Frank W. Mayo, 14144 Dickens, No. 124, Sherman Oaks, Calif. 91403.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C. 20036.

B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.

D. (6) $2,362.50. E. (9) $318.50.

A. Robert C. McCandless, 1707 H Street NW., Washington, D.C. 20006.

B. National Association of Real Estate Investment Trusts, 1101 17th Street NW., Suite 700, Washington, D.C. 20036.

D. (6) $892.50. E. (9) $12.25.

A. Robert C. McCandless, 1707 H Street NW., Washington, D.C. 20006.

B. Transamerica Insurance Corporation of California (Occidental Life), Occidental Center, Hill and Olive at 12th Street, Los Angeles, Calif. 90015.

D. (6) $375. E. (9) $58.23.

A. Ellen M. McCartney, 2401 Virginia Avenue NW., Washington, D.C. 20037.

B. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $5,342.40. E. (9) $314.90.

A. Richard M. M. McConnell, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 315, Washington, D.C. 20005.

D. (6) $300. E. (9) $116.

A. Albert L. McDermott, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $528.04. E. (9) $428.59.

A. Stanley J. McFarland, 1201 16th Street NW., Washington, D.C. 20036.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $5,850. E. (9) $622.90.

A. Peter E. McGuire, National Association of Retired & Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.

B. National Association of Retired & Veteran Railway Employees, Inc., P.O. Box 6060, Kansas City, Kans.; Hotel & Restaurant Employees & Bartenders International Union, 1666 K Street NW., Washington, D.C. 20006; International Conference of Police Associations, 1239 Pennsylvania Avenue SE., Washington, D.C.

D. (6) $800. E. (9) $800.

A. C. W. McMillan, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,500.

A. Medical Area Service Corp., 398 Brookline Avenue, Suite 7, Boston, Mass. 02215.

A. Carl J. Megel, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $7,000. E. (9) $225.

A. Louis L. Meier, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

D. (6) $300. E. (9) $220.

A. Faye Mench, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

A. Ronald Michieli, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.

B. American National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.

D. (6) $1,000.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. American International Group, Inc., 102 Maiden Lane, New York, N.Y. 10005.

D. (6) $1,973. E. (9) $493.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

D. (6) $4,335.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. The Havens Relief Fund Society, 289 Park Avenue South, New York, N.Y. 10010.

D. (6) $294. E. (9) $74.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lincoln National Corp., 1301 South Harrison, Fort Wayne, Ind. 46801.

D. (6) $734. E. (9) $184.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lockheed Aircraft Corp., Burbank, Calif. 91503.

D. (6) $7,540.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Medical Area Service Corp., Michael Brewer, Holyoke Center 1000, Cambridge, Mass. 02138.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Twentieth Century-Fox Film Corp., Box 900, Beverly Hills, Calif. 90213.

D. (6) $15,307.50. E. (9) $30.20.

A. Clinton R. Miller, 4620 Lee Highway, Room 240, Arlington, Va. 22207.

B. National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.

D. (6) 6,034.80. E. (9) $5,590.

A. Jay A. Miller, 410 First Street SE., Washington, D.C. 20003.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

D. (6) $6,000. E. (9) $713.69.

A. Joseph L. Miller, 1612 K Street NW., Washington, D.C. 20006.

B. The Maytag Co.; Northern Textile Association; George A. Hormel & Co.

D. (6) $1,000. E. (9) $100.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. MEBA Political Action Fund, 17 Battery Place, New York, N.Y. 10004.

D. (6) $3,000. E. (9) $1,325.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. O. & C. Counties Association, Douglas County Court House, Roseburg, Oreg.

E. (9) $262.86.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. Port of Portland, Box 3529, Portland, Oreg. 97208.

D. (6) $600.

A. Joseph S. Miller, 210 A Street NE., Washington, D.C. 20002.

B. Western Forest Industries Asociation, 1500 Southwest Taylor Street, Portland Oreg. 97205.

D. (6) $1,500. E. (9) $350.40.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $212. E. (9) $40.

A. Clarence Mitchell, 733 15th Street NW., Suite 410, Washington, D.C. 20005.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $4,000.

A. John Moller, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K. Street NW., Washington, D.C. 20006.

B. Motor Vehicle Manufacturers Association of the United States, Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $400.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Clarence W. Moore, 407 Lincoln Road, Miami Beach, Fla. 33139.

B. National Barrel and Drum Association, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,250.

A. Charles Morgan, Jr., 410 First Street SE., Washington, D.C. 20003.

B. American Civil Liberties Union, 22 East 40th Street, New York, N.Y. 10016.

D. (6) $7,000.02. E. (9) $236.50.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C. 20005.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,800. E. (9) $30.

A. John Morgan, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $588. E. (9) $19.80.

A. Motor and Equipment Manufacturers Association, 222 Cedar Lane, Teaneck, N.J. 07666.
D. (6) $1,050. E. (9) $1,050.

A. Christopher M. Mould, 1666 Connecticut Avenue NW., Washington, D.C.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $225.

A. William T. Murphy, Jr., 1515 Wilson Boulevard, Arlington, Va. 22200.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22200.
D. (6) $2,550. E. (9) $400.

A. Rosemary G. Murray, 1800 K Street NW., No. 900, Washington, D.C. 20006.
B. Pan American World Airways, 1800 K Street NW., No. 900, Washington, D.C. 20006.
E. (9) $573.50.

A. George E. Myers, 1730 Rhode Island Avenue, NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,153. E. (9) $86.60.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Naman, Howell, Smith & Chase, Texas Center, Waco, Tex. 76701.
B. Our Land, Our Lives, a coalition for human rights, P.O. Box 1000, Gatesville, Tex. 76528.
E. (9) $191.19.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $90. E. (9) $119.40.

A. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $44,043.44. E. (9) $6,405.30.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $21,190. E. (9) $19,714.34.

A. National Association for Milk Marketing Reform, 1000 Connecticut Avenue NW., Suite 1204, Washington, D.C. 20036.
D. (6) $24,192.65. E. (9) $22,127.07.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $38,570.84. E. (9) $15,786.74.

A. National Association of Air Traffic Specialists, Inc., Suite 200, 4630 Montgomery Avenue, Washington, D.C. 20014.
D. (6) $69,901.92. E. (9) $4,630.25.

A. National Association of Federally Licensed Firearms Dealers: American Press Media, 7001 North Clark Street, Chicago, Ill. 60626.
D. (6) $2,000. E. (9) $2,000.

A. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $61,082.69. E. (9) $45,709.44.

A. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $1,900. E. (9) $1,874.

A. National Association of Recording Merchandisers, Inc., 1060 Kings Highway North, Suite 200, Cherry Hill, N.J. 08034.
E. (9) $122.

A. National Association of Theatre Owners, Inc., 1500 Broadway, New York, N.Y. 10036.
E. (9) $381.32.

A. National Beer Wholesalers Association of America, Inc., 6310 North Cicero Avenue, Chicago, Ill. 60646.
D. (6) $45,905.50. E. (9) $593.64.

A. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $3,019.50. E. (9) $13,269.83.

A. National Clean Air Coalition, 620 C Street SE., Washington, D.C. 20003.
D. (6) $25,299. E. (9) $3,659.12.

A. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, No. 501, Los Angeles, Calif. 90017.
D. (6) $4,517.50. E. (9) $2,738.13.

A. National Committee for Effective No-Fault, 2535 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $5,300. E. (9) $1,325.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Washington, D.C. 20036.
D. (6) $111,559.74. E. (9) $7,005.97.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $84,974. E. (9) $89,518.

A. National Council of Technical Service Industries, 888 17th Street NW., Suite 214, Washington, D.C. 20006.
D. (6) $273. E. (9) $405.80.

A. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $18,121.46. E. (9) $15,847.46.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Cenco Instruments Corp., 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $916.67. E. (9) $54.85.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $500. E. (9) $155.86.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Encyclopaedia Britannica Educational Corp., 425 North Michigan Avenue, Chicago, Ill.
D. (6) $1,066.67. E. (9) $118.50.

A. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $56,486.25. E. (9) $10,654.49.

A. The National Federation of Business & Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $72,891.85. E. (9) $6,662.78.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $138,125.98. E. (9) $15,461.80.

A. National Housing Conference, Inc., 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $40,848.50. E. (9) $40,714.30.

A. The National Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $450. E. (9) $450.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr. 68107.
D. (6) $2,540.34. E. (6) $2,540.34.

A. National Organization for the Reform of Marijuana Laws, 2317 M Street NW., Washington, D.C. 20037.
D. (6) $2,722. E. (9) $2,167.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $3,886.05.

A. National Public Employer Labor Relations Association, 5109 Western Avenue NW., Washington, D.C. 20016.
D. (6) $186. E. (9) $554.

A. National Rehabilitation Association, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
D. (6) $33,900. E. (9) $2,659.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $140,805.53. E. (9) $199,121.04.

A. National Right to Life Committee, Inc., 529 14th Street NW., No. 557, Washington, D.C. 20045.
E. (9) $2,900.

A. National Rural Housing Coalition, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,604.06. E. (9) $2,447.26.

A. National Rural Letters Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $3,375. (9) $4,398.

A. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
D. (6) $401,161. E. (9) $2,175.

A. National Taxpayers Union, 625 East Capitol Street SE., Washington, D.C. 20003.
D. (6) $101,759. E. (9) $79,309.

A. National Telephone Cooperative Association, 2100 M Street NW., Suite 307, Washington, D.C. 20037.
E. (9) $905.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $16,642. E. (9) $7,916.57.

A. Ivan A. Nestingen, 1010 16th Street NW., Suite 700, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $900. E. (9) $225.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $42,000. E. (9) $18,409.

A. North American Telephone Association, Inc., 1725 DeSales NW., Washington, D.C. 20033.
D. (6) $5,333.33. E. (9) $500.94.

A. Northwest Energy Co., P.O. Box 1526, Salt Lake City, Utah 84110.
E. (9) $3,808.22.

A. Rebekah Norton, 422 First Street SE., Washington, D.C. 20003.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $2,783.04.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $562.50. E. (9) $177.97.

A. John B. O'Day, 11 East Adams Street, Suite 604, Chicago, Ill. 60603.
B. Insurance Economics Society of America, 11 East Adams Street, Suite 604, Chicago, Ill. 60603.
D. (6) $600.

A. James T. O'Hara, Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Stackpole Hall Foundation, St. Mary's, Pa.
D. (6) $312.50. E. (9) $318.50.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill. 60601.

A. Van R. Olsen, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. U.S. Beet Sugar Association, 1156 15th Street NW., Washington, D.C. 20005.

A. Charles E. Olson, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $4,629.30. E. (9) $258.20.

A. James J. O'Neill, 22 Thames Street, New York, N.Y. 10006.
B. The Committee of Publicly Owned Cos., 22 Thames Street, New York, N.Y. 10006.
D. (6) $13,248. E. (9) $249.09.

A. Charles J. Orasin, 810 18th Street NW., Washington, D.C. 20006.
B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $2,047.19.

A. The Organization of Plastics Processors, 1709 New York Avenue NW., Suite 312, Washington, D.C. 20006.

A. Paul M. Ostergard, 1 River Road, Building 41-219, Schenectady, N.Y. 12345.
B. General Electric Co., 1 River Road, Schenectady, N.Y. 12345.
D. (6) $125.

A. Otis Elevator Co., Transportation Technology Division, P.O. Box 7293, Denver, Colo. 80207.
E. (9) $2,433.17.

A. J. Denis O'Toole, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $4,687.51. E. (9) $292.11.

A. David A. Oxford, 1016 North Carolina Avenue SE., Washington, D.C. 20003.
B. Manufactured Housing Institute, 14650 Lee Road, Chantilly, Va. 22021.
D. (6) $6,625. E. (9) $12.

A. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. Jack Pearce, Pearce & Brand, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee on Modern Efficient Transportation (COMET), 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $9,500. E. (9) $1,825.49.

A. Jack Pearce, Pearce & Brand, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Computer Industry Association, 1911 North Fort Meyer Drive, Rosslyn, Va.
D. (6) $9,000. E. (9) $836.20.

A. Jack Pearce, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association for Milk Marketing Reform (NAMMR), 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $1,341.97.

A. Pepper, Hamilton & Scheetz, 123 South Broad Street, Philadelphia, Pa.
B. The Glenmede Trust Co., 1529 Walnut Street, Philadelphia, Pa.
D. (6) $3,000. E. (9) $25.14.

A. Richard W. Peterson, Independent Bankers Association of America, 1725 Massachusetts Avenue NW., No. 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
E. (9) $1,158.87.

A. Homer B. Pettit, Room 1014, Brawner Building, 888 17th Street NW., Washington, D.C. 20006.
B. Northern Virginia Transportation Commission, Arlington Executive Building, 2009 North 14th Street, Arlington, Va. 22201.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Grant C. Pinney, 730 North Balsam Street, Ridgecrest, Calif. 93555.
B. Sierra Sands Unified School District, 730 North Balsam Street, Ridgecrest, Calif. 93555.

A. J. Francis Pohlhaus, Washington Bureau, NAACP, Suite 410, 733 15th Street NW., Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $500.

A. Rafe Pomerance, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,875.

A. Frederick T. Poole, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $2,813. E. (9) $109.

A. Robert D. Powell, 734 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Business Aircraft Association, Inc., 425 13th Street NW., Suite 401, Washington, D.C. 20004.

A. Prather Seeger Doolittle Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.
B. Bankers Association for International Trade, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $200.

A. Prather Seeger Doolittle Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.
B. First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.
D. (6) $1,500. E. (9) $100.

A. Public Citizens Tax Reform Research Group, 133 C Street SE, Washington, D.C. 20003.
D. (6) $1,654.98. E. (9) $1,654.98.

A. Rial M. Rainwater, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $105. E. (9) $28.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150.

A. Recreation Vehicle Industry Association, P.O. Box 203, 14650 Lee Road, Chantilly, Va. 22021.
E. (9) $15,000.

A. Campbell L Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006

A. Lawrence D. Reedy, 1730 M Street NW., Suite 805, Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,250. E. (9) $600.

A. Thomas J. Reese, 3751 Jenifer Street NW., Washington, D.C. 20015.
B. Taxation with Representation, Suite 201, 732 17th Street NW., Washington, D.C. 20006.
D. (6) $1,273.62. E. (9) $59.20.

A. Regional Stock Exchange Group, c/o Schiff Hardin & Waite, 7200 Sears Tower, Chicago, Ill. 60606.
E. (9) $2,000.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y.
E. (9) $2,500.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
4. (6) $7,500. E (9) $1,747

A William L. Reynolds, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
D. (6) $2,040. E. (9) $135.

A. Warren S. Richardson, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,060.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10017.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. W. K. Kellogg Foundation, Battle Creek, Mich.

A. John Riley, 15th and M Street NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $622.86.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.

A. James C. Roberts, 422 First Street SE., Washington, D.C. 20003.
B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.
D. (6) $2,000.

A. Kenneth A. Roberts, 1730 M Street NW., Washington, D.C. 20006.
B. Sharman Associates, Inc., Suite 1000, 1100 17th Street NW., Washington, D.C. 20036. (For: Committee for Do-It-Yourself-Household Moving.)
D. (6) $2,246.

A. Ronn Robinson, National Education Association, P.O. Box 558, Mercer Island, Wash. 98040.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,927.20. E. (9) $100.

A. Ted V. Rodgers, Suite 304, Connecticut Avenue NW., Washington, D.C. 20036.
B. Nationwide Insurance Companies & Affiliates, 246 North High Street, Columbus, Ohio 43216.
D. (6) $2,500. E. (9) $202.

A. James A. Rogers, 1101 15th Street NW., Suite 302, Washington, D.C. 20005.
B. United Parcel Service, Greenwich Office Park 5, Greenwich, Conn. 06830.
D. (6) $500. E. (9) $1,207.69.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $1,000.

A. Nathaniel H. Rogg, 15th & M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th & M Streets NW., Washington, D.C. 20005.
D. (6) $2,707.50. E. (9) $82.58.

A. June A. Rogul, 1341 G Street, No. 908, Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street, No. 908, Washington, D.C. 20005.
D. (6) $5,500.02.

A. J. Patrick Rowland, Glass Container Manufacturing Institute, Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Glass Container Manufacturing Institute, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. Richard Royce, 2011 I Street NW., Washington, D.C. 20006.
B. Committee on Section 311, 200 I Street NW., Washington, D.C. 20006.
D. (6) $9,000. E. (9) $399.12.

A. Nicholas L. Ruggieri, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Sand Springs Home, c/o E. J. Doerner, 1200 Atlas Life Building, Tulsa, Okla.

A. Michael B. Scanlon, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Daniel J. Edelman, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006. (For American Safety Belt Council, 271 North Avenue, New Rochelle, N.Y. 10801.)
D. (6) $1,000. E. (9) $46.

A. Henry Schacht, California Canners & Growers.
B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
D. (6) $2,850. E. (9) $1,074.43.

A. Schiff Hardin & Waite, 7200 Sears Tower, 233 South Wacker Drive, Chicago, Ill. 60606.
B. Regional Stock Exchange Group.
E. (9) $856.

A. Richard B. Scudder, Garden State Paper Co., 950 River Drive, Garfield, N.J. 07026.

A. Durward Seals, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $350. E. (9) $53.90.

A. Leo Seybold, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $1,192.75. E. (9) $160.30.

A. Yvonne L. Shafer, National Education Association, c/o Classroom Teachers of Dallas, 3816 San Jacinto Street, Dallas, Tex. 75204.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,256.70. E. (9) $100.

A. Norman R. Sherlock, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association.
D. (6) $2,376.87. E. (9) $646.28.

A. Nelson T. Shields, National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
E. (9) $694.27.

A. Hannah Shore, 434 First Street SE., Washington, D.C. 20003.
B. Women's Lobby, Inc., 1345 G Street SE., Washington, D.C. 20003.
D. (6) $1,000.

A. A. Z. Shows, Suite 502, 2600 Virginia Avenue NW., Watergate Office Building, Washington, D.C. 20037.
D. (6) $5,081.95. E. (9) $3,138.36.

A. Barry M. Siegel, 22 Thames Street, New York, N.Y. 10006.
B. The Committee of Publicly Owned Co., 22 Thames Street, New York, N.Y. 10006.
D. (6) $9,252. E. (9) $517.66.

A. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $3,433. E. (9) $1,530.74.

A. Talmadge E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
E. (9) $621.04.

A. Talmadge E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,810. E. (9) $14.

A. Lana H. Sims, 400 Barringer Building, Columbia, S.C. 29201.
B. South Carolina Railroad Association, 400 Barringer Building, Columbia, S.C. 29201.
D. (6) $45.40. E. (9) $32.79.

A. Marcus W. Sisk, Jr., 1775 K Street NW., Suite 220, Washington, D.C. 20006.
B. The Oil Shale Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $4,300. E. (9) $373.05.

A. Jonathan W. Sloat, 1425 K Street NW., Suite 900, Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

A. James R. Smith, 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.

A. Leland R. Sorteberg, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $212. E. (9) $18.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150.

A. William C. Spence, P.O. Box 683, Houston, Tex.
B. Columbia Gulf Transmission Co., P.O. Box 683, Houston, Tex. 77001.
D. (6) $258. E. (9) $100.27

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E. Street NW., Washington, D.C. 20006.

A. John W. Sroka, 1957 E. Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. J. Gilbert Stallings, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Robert H. Starkey, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $212. E. (9) $14.

A. George E. Steele, Jr., Steele & Utz, 1225 19th Street NW., Suite 700, Washington, D.C. 20036.
B. Zoological Action Committee, Inc.
E. (9) $14,676.19.

A. Stockholders of America, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,665.20. E. (9) $4,993.61.

A. Roger J. Stroh, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $237.50. E. (9) $25.40.

A. R. Keith Stroup, 2317 M Street NW., Washington, D.C. 20037.
B. National Organization for the Reform of Marijuana Laws, 2317 M Street NW., Washington, D.C. 20037.
D. (6) $1,817.

A. John H. Studebaker, 1019 19th Street NW., Washington, D.C. 20036.

B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $225. E. (9) $225.25.

A. Margaret Cox Sullivan, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Stockholders of America, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

A. Sun Oil Co., 240 Radnor-Chester Road, St. Davids, Pa. 19087.

A. Surrey, Karasik & Morse, 1156 15th Street NW., Washington, D.C. 20005.

B. Recording for the Blind, Inc., 215 East 58th Street, New York, N.Y. 10022.

D. (6) $4,389. E. (9) $134.93.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Association of Art Museum Directors, P.O. Box 620, Philadelphia, Pa. 10021.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Carnegie Corp. of New York, 437 Madison Avenue, New York, N.Y. 10022.

D. (6) $1,500. E. (9) $75.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Central States Health & Life Co. of Omaha, Howard at 18th Street, Omaha, Neb. 68102.

D. (6) $500. E. (9) $50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Connecticut Mutual Life Insurance Co., 140 Garden Street, Hartford, Conn. 06115.

D. (6) $500. E. (9) $30.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $500. E. (9) $30.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Governors of the Knights of Ak-Sar-Ben, 63 and Shirley Streets, Omaha, Nebr. 68106.

D. (6) $325.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01101.

D. (6) $500. E. (9) $30.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. New England Mutual Life Insurance Co., 501 Boylston Street, Boston, Mass. 02117.

D. (6) $500. E. (9) $30.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. National Association of Life Cos., 1365 Peachtree Street NE., Atlanta, Ga. 30309.

D. (6) $500. E. (9) $50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.

D. (6) $500. E. (9) $30.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.

B. Retail Credit Co., P.O. Box 4081, Atlanta, Ga. 30302.

D. (6) $10,000. E. (9) $900.

A. Irving W. Swanson, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association.

A. Fred Tammen, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.

B. National Rehabilitation Association, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.

D. (6) $17,800. E. (9) $180.

A. Taxation With Representation, Suite 201, 732 17th Street, NW., Washington, D.C. 20006.

D. (6) $18,477.83. E. (9) $17,476.64.

A. Patricia Taylor, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

B. Environmental Action, Room 731, 1346 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,846.15.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. J. Woodrow Thomas Associates, Inc., 1701 K Street NW., Suite 1001. Washington, D.C. 20006.

B. Avis Rent-A-Car System, Inc., 900 Old Country Road, Garden City, N.Y. 11530.

D. (6) $1,000.

A. Fred D. Thompson, Thompson, Liebengood & Crawford, First American Center, Nashville, Tenn. 37238.

B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

D. (6) $390.07. E. (9) $466.63.

A. Kenneth W. Thompson, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. Patrick F. Tobin, 417 Fourth Street SE., Washington, D.C. 20003.

B. International Longshoremen's & Warehousemen's Union, 1188 Franklin Street, San Francisco, Calif. 94109.

D. (6) $4,647. E. (9) $12,225.20.

A. J. P. Trainor, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 815 16th Street NW., Washington, D.C. 20006.

B. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $5,250. E. (9) $1,088.51.

A. John P. Trimmer, 1156 15th Street NW., Suite 731, Washington, D.C. 20005.

B. Associated Builders and Contractors, Inc.

D. (6) $3,200. E. $3,287.54.

A. Francis J. Tucker, Penn Central Co., Haverford Towers, Haverford, Pa. 19041.

B. Penn Central Co., 3 Penn Center Plaza, Room 823, Philadelphia, Pa. 19102.

D. (6) $125. E. (9) $101.23.

A. Twentieth Century-Fox Film Corp., Box 900, Beverly Hills, Calif. 90213.

E. (9) $15,337.50.

A. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

D. (6) $3,420.32. E. (9) $3,420.32.

A. U.S. Committee for the Oceans, 245 Second Street NE., Washington, D.C. 20002.

D. (6) $2,295.10. E. (9) $1,784.43.

A. U.S. National Student Association, 2115 S Street NW., Washington, D.C. 20008.

A. Jack J. Valenti, 1600 I Street NW., Washington, D.C. 20006.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C.

A. R. Dick Vander Woude, National Education Association, 648–A Dauphine Court, Elk Grove Village, Ill. 60007.

B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

D. (6) $3,086.20. E. (9) $75.

A. Rudolph A. Vignone, 1800 K Street NW., Suite 800, Washington, D.C. 20006.

B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Wald, Harkrader & Ross, 1320 19th Street NW., Washington, D.C. 20036.

B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. DeMelt E. Walker, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $959. E. (9) $145.85.

A. Thomas C. Walker, Browning-Ferris Industries, Inc., P.O. Box 3151, Houston, Tex. 77001.

D. (6) $1,875. E. (9) $326.23.

A. Leonard Warner, P.O. Box 100, Ashburn, Va. 22011.

B. Len Warner, Inc., P.O. Box 100, Ashburn, Va. 22011.

D. (6) $1,000. E. (9) $1,630.

A. George A. Watson, Suite 800, 1612 K Street NW., Washington, D.C.

B. The Ferroalloys Association, 1612 K Street NW., Washington, D.C.

E. (9) $1,500.

A. Janet H. Wegner, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

E. (9) $30.85.

A. Paul S. Weller, Jr., National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmers Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $3,071.25. E. (9) $108.84.

A. Thomas E. Wheeler, 1425 K Street NW., Suite 900, Washington, D.C. 20005.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Suite 900, Washington, D.C. 20005.

D. (6) $264.33. E. (9) $445.44.

A Louise Wides, 208 Ninth Street SE., Washington, D.C. 20003.

B. Center for Public Financing of Elections, 201 Massachusetts Avenue NE., Washington, D.C. 20002.

D. (6) $1,730.75.

A. Thomas D. Wilcox, 919 18th Street NW., Washington, D.C. 20006.

B. National Association of Stevedores, 919 18th Street NW., Washington, D.C., 20006.

A. Harding deC. Williams, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

B. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. John C. Williamson, 1825 K Street NW., Suite 604, Washington, D.C.
B. Mortgage Insurance Co. of America, 1825 K Street NW., Suite 604, Washington, D.C. 20006.
D. (6) $6,000. E. (9) $126.40.

A. John C. Williamson, 1825 K Street NW., Suite 604, Washington, D.C. 20006.
B. National Apartment Association, 1825 K Street NW., Suite 604, Washington, D.C. 20006.
D. (6) $6,000.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Dealer Bank Association, P.O. Box 8796, St. Louis, Mo. 63102.
D. (6) 305. E. (9) $12.

A. Kenneth D. Wollack, 1341 G Street, No. 908, Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street, No. 908, Washington, D.C. 20005.
D. (6) $5,625.

A. Women's International League for Peace & Freedom, 1213 Race Street, Philadelphia, Pa. 19107.
D. (6) $3,246.88. E. (9) $1,527.08.

A. Burton C. Wood, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $6,374.99. E. (9) $458.73.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20045.
B. National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $750. E. (9) $150.

A. Wyatt & Saltzstein, 1300 Wyatt Building, Washington, D.C. 20005.
B. American Business Press, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $2,250. E. (9) $100.

A. Young, Kaplan & Edelstein, 277 Park Avenue, New York, N.Y. 10017.
B. Fallek Chemical Corp., 460 Park Avenue, New York, N.Y. 10022.

A. Young, Kaplan & Edelstein, 277 Park Avenue, New York, N.Y. 10017.
B. Glick Affiliates, 3000 Marcus Avenue, Lake Success, N.Y. 11040.

A. Young, Kaplan & Edelstein, 277 Park Avenue, New York, N.Y. 10017.
B. Madison Equities, 115 East 57th Street, New York, N.Y. 10022.

A. Robert Zacharias, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Confederated Tribes of the Colville Indian Reservation, P.O. Box 150, Nespelem, Wash. 99155.
D. (6) $1,275. E. (9) $265.02.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Lummi Tribe of Indians, P.O. Box 309, Marietta, Wash. 98268.
D. (6) $1,145. E. (9) $285.86.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 98357.
D. (6) $1,703. E. (9) $340.68.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Metlakatla Indian Community, P.O. Box 8, Annette Islands Reserve, Alaska 99926.
D. (6) $1,035. E. (9) $119.80.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Northern Cheyenne Indian Tribe, P.O. Box 128, Lame Deer, Mont. 59043.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Suquamish Indian Tribe, P.O. Box 556, Suquamish, Wash. 98392.

A. Zoological Action Committee, Inc., 1225 19th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $17,835. E. (9) $16,686.32.

A. John L. Zorack, Suite 900, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, 1800 K Street NW., No. 900, Washington, D.C. 20006.
E. (9) $329.95.

SENATE—*Wednesday, May 19, 1976*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Thy Word is a lamp unto my feet, and a light unto my pathway.—Psalms 119: 105.

I am the Light of the World; he that followeth Me shall not walk in darkness, but shall have the light of life.—John 8: 12.

O God of infinite wisdom and love, Thou knowest and we know that the words we speak and the actions we take here affects the life of the people and the destiny of the Nation for generations to come. Guide us by the light of Thy Word. Give us courage to make brave choices and wisdom to make right ones; and grant us faith, having made our choices in the fear of God, to dismiss all doubts and regrets.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 18, 1976, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet until 12 o'clock noon today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination will be stated.

THE JUDICIARY

The second assistant legislative clerk read the nomination of James C. Hill, of Georgia, to be U.S. circuit judge for the fifth circuit.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of John A. Field III, to be U.S. attorney for the southern district of West Virginia.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 788, 805, 811, 817, 819, 821, 824, and 855.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COURT LEAVE TO FEDERAL EMPLOYEES

The Senate proceeded to consider the bill (H.R. 11438) to amend title 5, United States Code, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes which had been reported from the Committee on Post Office and Civil Service with an amendment on page 2, in line 5, strike out "130(b)" and insert in lieu thereof "130b".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FEDERAL AGENCY RULES AND RECODIFICATION ACT OF 1976

The Senate proceeded to consider the bill (S. 3308) to improve the regulation of commerce by requiring certain Federal agencies to recodify the rules promulgated by such agencies which had been reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Interim Regulatory Reform Act of 1976".

Sec. 2. Findings.

The Congress finds that the public interest—

(1) requires the periodic review, updating, and systematic recodification of the rules promulgated by certain regulatory agencies which are required by law to be "independent";

(2) would be served by directing each such agency to prepare and submit to the Congress a proposed modernization, revision, and codification of the laws and other authorities administered by it;

(3) would be served by assuring that such agencies in fact consider, in a timely manner, certain petitions;

(4) requires that the Congress, in the execution of its constitutional responsibility, have access to certain materials and documents;

(5) would be advanced by authorizing such agencies to develop and apply, in cooperation with the Department of Justice, direct litigating capability in certain cases;

(6) would be furthered by extending Federal protection to officers of such agencies;

(7) requires that former Commissioners members of such agencies avoid the appearance of conflict of interest; and

(8) would be furthered by making such agencies more fully accountable for their actions and inactions.

The Congress further finds and declares that the authorities described in paragraphs (2) through (8) have already been granted or provided for, by statute, with respect to one or more of such agencies. Rights and duties of such character should apply equally with respect to each independent regulatory agency which is authorized and directed to regulate one or more facets of interstate and foreign commerce.

Sec. 3. Definition.

As used in this Act, the term "independent regulatory agency" means each of the following:

(1) The Interstate Commerce Commission.
(2) The Federal Trade Commission.
(3) The Federal Power Commission.
(4) The Federal Communications Commission.
(5) The Civil Aeronautics Board.
(6) The Federal Maritime Commission.
(7) The Consumer Product Safety Commission.

Sec. 4. Rules Recodification.

(a) Within 360 days after the date of enactment of this Act, the Chairman of each independent regulatory agency shall develop, prepare, and submit to the Congress and to the Administrative Conference of the United States an initial proposal setting forth a recodification of all of the rules which such agency has issued and which are in effect or proposed, as of the date of such submission. Each such recodification proposal shall, to the extent practicable—

(1) recommend the transfer, consolidation, modification, and/or deletion of particular rules and portions thereof, including reasons therefor;

(2) recommend changes and modifications in the organization of such rules and in the technical presentation and structure thereof;

(3) recommend the deletion or merger of unnecessary, redundant, overlapping, or conflicting provisions or requirements; and

(4) be designed to coordinate, to make more understandable, and to modernize such rules in order to facilitate effective and fair administration thereof.

Each such submission shall include the text of such rules, as proposed to be recodified, in their entirety; a comparative text of the proposed changes in existing rules; and explanatory and supporting statements and materials. The rules, as proposed to be recodified, shall not be at variance, in any substantive respect, with the text of the rules of the agency involved which are in effect or proposed as of the date of such submission.

(b) Within 480 days after the date of enactment of this Act, the Administrative Conference of the United States shall submit to the Congress, and to the independent regulatory agency involved, its comments on each initial proposal submitted under subsection (a), together with any recommendations and other material which it considers appropriate.

(c) Within 570 days after the date of enactment of this Act, the Chairman of each independent regulatory agency shall develop, prepare, and submit to the Congress, in accordance with the requirements described in subsection (a), a final proposal setting forth a recodification of all of the rules which such agency has issued and which are in effect or proposed, as of the date of such submission. Such submission shall reflect (1) evaluation of the recommendations and comments received under subsection (b) and from any other source; and (2) the results of additional study and review by such agency and its employees and consultants. Such rules shall take effect 90 days after the date of submission of such final proposal.

(d) Each duly authorized committee of the Congress shall, in the exercise of its oversight responsibility, examine, study, and take other appropriate action with respect to each initial and final proposal submitted to the Congress and referred to such committee.

(e) The text of each initial proposal submitted under subsection (a), and of each final proposal submitted under subsection (c), shall be published in the Federal Register pursuant to section 553 of title 5, United States Code, and written comments thereon shall be invited. Any rule issued by an independent regulatory agency which is not included in the recodified rules which take effect pursuant to subsection (c), by the time required, shall be of no force and effect after such date. The provisions of chapter 7 of title 5, United States Code, shall apply to rules repromulgated under this section.

(f) As used in this section, the term "rule" means the whole or a part of a statement of general or particular applicability which is issued or promulgated by an independent regulatory agency for future effect and which is designed to implement, interpret, or prescribe law or policy or which describes the organization, procedure, or practice requirements of any such agency, including, but not limited to, regulations, the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor, or valuations, costs, or accounting, any general statement of policy, and any determination, directive, authorization, requirement, designation, or similar such action. The term does not include any order, as such term is defined in section 551(6) of title 5, United States Code.

(g) There are authorized to be appropriated to the Administrative Conference of the United States, for purposes of carrying out the provisions of this section, not to exceed $100,000, such sum to remain available until expended.

Sec. 5. Law Revision

(a) Each independent regulatory agency shall make a full and complete review and study of the statutory and case law of the United States relating to such agency and its powers, duties, functions, and responsibilities, for the purpose of formulating and recommending to the Congress legislation which would better achieve the purposes for which such agency was established. It shall be the further duty of each independent regulatory agency to make recommendations for revision and codification of the statutes and other lawful authorities administered by, or applicable to, such agency, including the repeal of unnecessary or undesirable provisions and such changes in the authorities delegated, the functions prescribed, or the structure and procedures mandated, as such agency feels may better serve to enhance commerce and protect consumers.

(b) The Chairman of each independent regulatory agency, upon the approval of a majority of the members thereof, shall appoint and compensate a qualified individual to serve as the director of such agency's law revision activity under this section. Such person shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, classification, and general schedule pay rates, but at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. The director shall serve as the agency's reporter and shall, subject to the direction of the agency, supervise the preparation of reports and the activities of appropriate personnel. Within the limits of funds appropriated for such law revision activity, individuals may be employed by each independent regulatory agency for service on its law revision staff. The Chairman of each independent regulatory agency is authorized, for purposes of this section, to employ experts and consultants in accordance with section 3109 of title 5, United States Code.

(c) Each independent regulatory agency shall establish an Advisory Committee on Law Revision to advise and consult with the Chairman and members of such agency and with its law revision staff. The members of each such Advisory Committee shall be appointed by the Chairman of the applicable such agency, upon the approval of a majority of the members thereof. Each such Advisory Committee shall include individuals who by reason of knowledge, experience, or training are especially qualified to assist in such law revision.

(d) Each independent regulatory agency is authorized and encouraged to request any information, assistance, or recommendations which it deems necessary or appropriate to carry out its functions under this section. Each department, agency, and independent instrumentality of the Federal Government is authorized to cooperate with, assist, and make appropriate presentations to, each such agency.

(e) The Chairman of each independent regulatory agency shall submit to the Congress and the President—

(1) a preliminary report on law revision, not later than 1 year after the date of enactment of this Act;

(2) an interim report on law revision, not later than 2 years after the date of enactment of this Act; and

(3) a final report on law revision, not later than 3 years after the date of enactment of this Act.

Each such interim and final report shall include the text of the proposed revision and codification; an explanation of each significant provision proposed for inclusion therein; an analysis of the economic and other consequences of such revision and codification; a discussion of significant alternatives considered but not recommended; and such other information as may be useful to the Congress. Each such report shall be designed to facilitate congressional consideration of matters relating to regulatory reform, and each proposed revision and codification shall be designed to clarify, simplify, and improve the applicable law, both substantively and technically.

(f) Each duly authorized committee of the Congress shall, in the exercise of its oversight responsibliity, examine, study, and take other appropriate action wtih respect to each preliminary, interim, and final report which is submitted to the Congress under subsection (e) and referred to such committee.

Sec. 6. Timely Consideration of Petitions.

(a)(1) Section 18(b) of the Federal Trade Commission Act (15 U.S.C. 570(b)) is amended (1) by inserting "(1)" immediately after "(b)" and (2) by inserting at the end thereof the following new paragraph:

"(2)(A) Whenever, pursuant to section 553(e) of title 5, United States Code, an interested person (including a governmental entity) petitions the Commission for the commencement of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under any statute or other lawful authority administered by or applicable to the Commission, the Commission shall grant or deny such petition within 120 days after the date of receipt of such petition. If the Commission grants such a petition, it shall commence an appropriate proceeding as soon thereafter as practicable. If the Commission denies such a petition, it shall set forth, and publish in the Federal Register, its reasons for such denial.

"(B) If the Commission denies a petition under subparagraph (A) (or if it fails to act thereon within the 120-day period established by such subparagraph), the petitioner may commence a civil action in an appropriate district court of the United States for an order directing the Commission to initiate a proceeding to take the action requested in such petition. Such an action shall be commenced within 60 days after the date of such denial or, where appropriate, within 60 days after the date of expiration of such 120-day period.

"(C) If the petitioner, in a civil action commenced under subparagraph (B), demonstrates to the satisfaction of the court (by a preponderance of the evidence in the record before the Commission or, in an action based on a petition on which the Commission failed to act, in a new proceeding before such court) (i) that the failure of the Commission to grant a petition submitted under subparagraph (A) is arbitrary and capricious; (ii) that the action requested in such petition is necessary; and (iii) that the failure of the Commission to take such action will result in the continuation of practices which are not consistent with or in accordance with this Act or any other statute or lawful authority administered by or applicable to the Commission, such court shall order the Commission to initiate such action.

"(D) A court shall have no authority under this paragraph to compel the Commission to take any action other than the initiation of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under this Act or any other statute or lawful authority administered by or applicable to the Commission.

"(E) As used in this paragraph, the term 'Commission' includes any division, individual Commissioner, administrative law judge, employee board, or any other person authorized to act on behalf of the Commission in any part of any proceeding for the issuance, amendment, or repeal of an order, rule, or regulation.".

(b) Section 406 of the Communications Act of 1934 (47 U.S.C. 406 et seq.) is amended (1) by inserting "(a)" immediately before the first sentence thereof; and (2) by adding at the end thereof the following new subsection:

"(b)(1) Whenever, pursuant to section 553(e) of title 5, United States Code, an interested person (including a governmental entity) petitions the Commission for the commencement of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under any statute or other lawful authority administered by or applicable to the Commission, the Commission shall grant or deny such petition within 120 days after the date of receipt of such petition. If the Commission grants such a petition, it shall commence an appropriate proceeding as soon thereafter as practicable. If the Commission denies such a petition, it shall set forth, and publish in the Federal Register, its reasons for such denial.

"(2) If the Commission denies a petition under paragraph (1) (or if it fails to act thereon within the 120-day period established by such paragraph), the petitioner may commence a civil action in an appropriate district court of the United States for an order directing the Commission to initiate a proceeding to take the action requested in such petition. Such an action shall be commenced within 60 days after the date of such denial or, where appropriate, within 60 days after the date of expiration of such 120-day period.

"(3) If the petitioner, in a civil action commenced under paragraph (2), demonstrates to the satisfaction of the court (by a preponderance of the evidence in the record before the Commission or, in an action based on a petition on which the Commission failed to act, in a new proceeding before such court) (A) that the failure of the Commission to grant a petition submitted under paragraph (1) is arbitrary and capricious; (B) that the action requested in such petition is necessary; and (C) that the failure of the Commission to take such action will result in the continuation of practices which are not consistent with or in accordance with this Act or any other statute or lawful authority administered by or applicable to the Commission, such court shall order the Commission to initiate such action.

"(4) A court shall have no authority under this subsection to compel the Commission to take any action other than the initiation of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under this Act or any other statute or lawful authority administered by or applicable to the Commission.

"(5) As used in this subsection, the term 'Commission' includes any division, individual Commissioner, administrative law judge, employee board, or any other person authorized to act on behalf of the Commission in any part of any proceeding for the issuance, amendment, or repeal of an order, rule, or regulation.".

(c) Section 309 of the Federal Power Act (16 U.S.C. 825h) is amended (1) by inserting "(a)" immediately before the first sentence thereof; and (2) by adding at the end thereof the following new subsection:

"(b)(1) Whenever, pursuant to section 553(e) of title 5, United States Code, an interested person (including a governmental entity) petitions the Commission for the commencement of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under any statute or other lawful authority administered by or applicable to the Commission, the Commission shall grant or deny such petition within 120 days after the date of receipt of such petition. If the Commission grants such a petition, it shall commence an appropriate proceeding as soon thereafter as practicable. If the Commission denies such a petition, it shall set forth, and publish in the Federal Register, its reasons for such denial.

"(2) If the Commission denies a petition under paragraph (1) (or if it fails to act thereon within the 120-day period established by such paragraph), the petitioner may commence a civil action in an appropriate district court of the United States for an order directing the Commission to initiate a proceeding to take the action requested in such petition. Such an action shall be commenced within 60 days after the date of such denial or, where appropriate, within 60 days after the date of expiration of such 120-day period.

"(3) If the petitioner, in a civil action commenced under paragraph (2), demonstrates to the satisfaction of the court (by a preponderance of the evidence in the record before the Commission or, in an action based on a petition on which the Commission failed to act, in a new proceeding before such court) (A) that the failure of the Commission to grant a petition submitted under paragraph (1) is arbitrary and capricious; (B) that the action requested in such petition is necessary; and (C) that the failure of the Commission to take such action will result in the continuation of practices which are not consistent with or in accordance with this Act or any other statute or lawful authority administered by or applicable to the Commission, such court shall order the Commission to initiate such action.

"(4) A court shall have no authority under this subsection to compel the Commission to take any action other than the initiation of a proceeding for the issuance, amendment, or repeal or an order, rule, or regulation under this Act or any other statute or lawful authority administered by or applicable to the Commission.

"(5) As used in this subsection, the term 'Commission' includes any division, individual Commissioner, administrative law judge, employee board, or any other person authorized to act on behalf of the Commission in any part of any proceeding for the issuance, amendment, or repeal of an order, rule, or regulation.".

Sec. 7. Congressional Access to Information.

(a) Section 1 of the Federal Trade Commission Act (45 U.S.C. 1) is amended (1) by striking out "That a" in the first sentence thereof and inserting in lieu thereof "(a) A"; and (2) by adding at the end thereof the following new subsection:

"(b)(1) Whenever the Commission submits any budget estimate, request, or information to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such budget estimate, request, or information to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"(3) Whenever a duly authorized committee of the Congress which has the responsibility for the authorization of appropriations for the Commission makes a written request for documents in the possession or subject to the control of the Commission, the Commission shall, within 10 days after the date of receipt of such request, submit such documents (or copies thereof) to such committee. If the Commission does not have any such documents in its possession it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee. Whenever the Commission transfers any document in its possession or subject to its control to any person or any other governmental entity, it shall condition such transfer on the guaranteed return by the transferee of such document to the Commission so that the Commission can comply with the requirement of this paragraph. This paragraph shall not be deemed to restrict any other authority of either House of Congress, or any committee or subcommittee thereof, to obtain documents. For purposes of this paragraph, the term 'document' means any book, paper, correspondence, memorandum, or other record, including a copy of any of the foregoing.".

(b) Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended by inserting immediately after subsection (c) thereof the following new subsection:

"(d)(1) Whenever the Commission submits any budget estimate, request, or information to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such budget estimate, request, or information to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"(3) Whenever a duly authorized committee of the Congress which has responsibility for the authorization of appropriations for the Commission makes a written request for documents in the possession or subject to the control of the Commission, the Commission shall, within 10 days after the date of receipt of such request, submit such documents (or copies thereof) to such committee. If the Commission does not have any such documents in its possession, it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee. Whenever the Commission transfers any document in its possession or subject to its control to any person or any other governmental entity, it shall condition such transfer on the guaranteed return by the transferee of such document to the Commission so that the Commission can comply with the requirement of this paragraph. This paragraph shall not be deemed to restrict any other authority of either House of Congress, or any committee or subcommittee thereof, to obtain documents. For purposes of this paragraph, the term 'document' means any book, paper, correspondence, memorandum, or other record, including a copy of any of the foregoing.".

(c) Section 1 of the Federal Power Act (16 U.S.C. 792) is amended (1) by designating the four paragraphs thereof as subsections (a), (b), (c), and (d), respectively; (2) by striking out "That a" in subsection (a) as so designated and inserting in lieu thereof "A"; and (3) by adding at the end thereof the following new subsection:

"(e)(1) Whenever the Commission submits any budget estimate, request, or information to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such budget estimate, request, or information to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"(3) Whenever a duly authorized committee of the Congress which has responsibility for the authorization of appropriations for the Commission makes a written request for documents in the possession or subject to the control of the Commission, the Commission shall, within 10 days after the date of receipt of such request, submit such documents (or copies thereof) to such committee. If the Commission does not have any such documents in its posession, it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee. Whenever the Commission transfers any document in its possession or subject to its control to any person or any other governmental entity, it shall condition such transfer on the guaranteed return by the transfer of such document to the Commission so that the Commission can comply with the requirement of this paragraph. This paragraph shall not be deemed to restrict any other authority of either House of Congress, or any committee or subcommittee thereof, to obtain documents. For purposes of this paragraph, the term 'document' means any book, paper, correspondence, memorandum, or other record, incuding a copy of any of the foregoing.".

(d) Section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)) is amended by adding at the end thereof the following new paragraph:

"(3) Whenever a duly authorized committee of the Congress which has responsibility for the authorization of appropriations for the Commission makes a written request for documents in the possession or subject to the control of the Commission, the Commission shall, within 10 days after the date of receipt of such request, submit such documents (or copies thereof) to such committee. If the Commission does not have any such documents in its possession, it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee. Whenever the Commission transfers any document in its possession or subject to its control to any person or any other governmental entity, it shall condition such transfer on the guaranteed return by the transferee of such document to the Commission so that the Commission can comply with the requirement of this paragraph. This paragraph shall not be deemed to restrict any other authority of either House of Congress, or any committee or subcommittee thereof, to obtain documents. For purposes of this paragraph, the term 'document' means any book, paper, correspondence, memorandum, or other record, including a copy of any of the foregoing.".

SEC. 8. REPRESENTATION IN CIVIL ACTIONS.

(a) Section 401 of the Communications Act of 1934 (47 U.S.C. 401) is amended by adding at the end thereof the following new subsection:

"(e)(1) If—

"(A) before commencing, defending, or intervening in, any civil action involving any statute administered by the Commission (including an action for a forfeiture), which the Commission or the Attorney General on behalf of the Commission, is authorized to commence, defend, or intervene in, the Commission gives written notification and undertakes to consult with the Attorney General with respect to such action; and

"(B) the Attorney General fails, within 45 days after receipt of such notification, to commence, defend, or intervene in, such action;

the Commission shall have authority to commence, defend, or intervene in, and to supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose.

"(2) Notwithstanding paragraph (1), the Commission shall have authority (in its own name, by any of its own attorneys designated by it for such purpose) to seek temporary or preliminary injunctive relief in, or to initiate the defense of, any action in which the Commission has given written notification to the Attorney General under paragraph (1)(A). Such authority shall continue so long as the Attorney General fails, within the time specified in paragraph (1)(B), to assume the prosecution or defense of such action.

"(3) The Commission shall exercise the authority granted by this subsection for the purpose of promoting, and in a manner which will promote, the effective enforcement of any statute administered by the Commission. The Department of Justice shall, to the extent practicable provide the Commission with such assistance as will promote the successful and economical resolution of any civil action with respect to which the Commission exercises the authority granted by this subsection, and the Commission shall cooperate with such department in all other actions.

"(4) The provisions of this subsection shall not apply to any civil action commenced before the date of enactment of this subsection.".

(b) Section 314 of the Federal Power Act (16 U.S.C. 825m) is amended by adding at the end thereof the following new subsection:

"(d)(1) If—

"(A) before commencing, defending, or intervening in, any civil action involving any statute administered by the Commission (including an action for a forfeiture), which the Commission or the Attorney General on behalf of the Commission, is authorized to commence, defend, or intervene in, the Commission gives written notification and undertakes to consult with the Attorney General with respect to such action; and

"(B) the Attorney General fails, within 45 days after receipt of such notification, to commerce, defend, or intervene in, such action;

the Commission shall have authority to commence, defend, or intervene in, and to supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose.

"(2) Notwithstanding paragraph (1), the Commission shall have authority (in its own name, by any of its own attorneys designated by it for such purpose) to seek temporary or preliminary injunctive relief in, or to initiate the defense of, any action in which the Commission has given written notification to the Attorney General under paragraph (1)(A). Such authority shall continue so long as the Attorney General fails, within the time specified in paragraph (1)(B), to assume the prosecution or defense of such action.

"(3) The Commission shall exercise the authority granted by this subsection for the purpose of promoting, and in a manner which will promote, the effective enforcement of any statute administered by the Commission. The Department of Justice shall, to the extent practicable, provide the Commission with such assistance as will promote the successful and economical resolution of any civil action with respect to which the Commission exercises the authority granted by this subsection, and the Commission shall cooperate with such department in all other actions.

"(4) The provisions of this subsection shall not apply to any civil action commenced before the date of enactment of this subsection.".

Sec. 9. Protection of Officers.

Section 1114 of title 18, United States Code, is amended by inserting immediately after "Consumer Product Safety Commission," the following: "the Interstate Commerce Commission, the Federal Trade Commission, the Federal Power Commission, the Federal Communications Commission, the Civil Aeronautics Board, the Federal Maritime Commission,".

Sec. 10. Avoidance of Conflict of Interest.

(a) Section 1(a) of the Federal Trade Commission Act (15 U.S.C. 41(a)), as amended by this Act, is amended by striking out "No Commissioner shall engage in any other business, vocation, or employment." and inserting in lieu thereof "No Commissioner shall engage in any other business, vocation, profession, or employment while serving as a Commissioner, and no person who is, on or after May 11, 1976, a Commissioner shall, for a period of 2 years following the termination of service as a Commissioner, represent any person before the Commission in a professional capacity.".

(b) Section 4(b) of the Communications Act of 1934 (47 U.S.C. 154(b)) is amended by striking out "Such commissioners shall not" and all that follows through "term for which he was appointed." and inserting in lieu thereof the following: "No Commissioner shall engage in any other business, vocation, profession, or employment while serving as a commissioner, and no person who is, on or before May 11, 1976, a Commissioner shall, for a period of 2 years following the termination of service as a commissioner, represent any person before the Commission in a professional capacity.".

(c) Section 1(b) of the Federal Power Act (16 U.S.C. 792(b)) as amended by this Act, is further amended by striking out "Said commissioners shall not engage in any other business, vocation, or employment." and inserting in lieu thereof the following: "No Commissioner shall engage in any other business, vocation, profession, or employment while serving as a Commissioner, and no person who is, on or after May 11, 1976, a Commissioner shall, for a period of 2 years following the termination of service as a commissioner, represent any person before the Commission in a professional capacity.".

(d) Section 4(c) of the Consumer Product Safety Act (15 U.S.C. 2053(c)) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "No Commissioner shall engage in any other business, vocation, profession, or employment while serving as a Commissioner, and no person who is, on or after May 11, 1976, a Commissioner shall, for a period of 2 years following the termination of service as a Commissioner, represent any person before the Commission in a professional capacity.".

Sec. 11. Accountability.

(a)(1) Section 1 of the Federal Trade Commission Act (45 U.S.C. 1), as amended by this Act, is amended by adding at the end thereof the following new subsection:

"(c) Subsections (a) and (h) of section 2680 of title 28, United States Code, do not prohibit the bringing of a civil action on a claim against the United States which—

"(1) is based upon—

"(A) misrepresentation or deceit before January 1, 1979, on the part of the Commission or any employee thereof, or

"(B) any exercise or performance, or failure to exercise or perform, a discretionary function on the part of the Commission or any employee thereof before January 1, 1979, which exercise, performance, or failure was grossly negligent; and

"(2) is not made with respect to any agency action (as defined in section 551(13) of title 5, United States Code).

In the case of a civil action on a claim based upon the exercise or performance of, or failure to exercise or perform, a discretionary function, no judgment may be entered against the United States unless the court in which such action was brought determines (based upon consideration of all the relevant circumstances, including the statutory responsibility of the Commission and the public interest in encouraging rather than inhibiting the exercise of discretion) that such exercise, performance, or failure to exercise or perform was unreasonable.".

(2) Section 20 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended (1) by inserting "(a)" immediately before "There are" in the first sentence thereof; and (2) by adding at the end thereof the following new subsection:

"(b) No funds appropriated under subsection (a) may be used to pay any claim described in section 1(c) whether pursuant to a judgment of a court or under any award, compromise, or settlement of such claim made under section 2672 of title 28, United States Code, or under any other provision of law.".

(b) Section 2 of the Comunications Act of 1934 (47 U.S.C. 154) is amended by adding at the end thereof the following new subsection:

"(p) Subsections (a) and (h) of section 2680 of title 28, United States Code, do not prohibit the bringing of a civil action on a claim against the United States which—

"(1) is based upon—

"(A) misrepresentation or deceit before January 1, 1979, on the part of the Commission or any employee thereof, or

"(B) any exercise or performance, or failure to exercise or perform, a discretionary function on the part of the Commission or any employee thereof before January 1, 1979, which exercise, performance, or failure was grossly negligent; and

"(2) is not made with respect to any agency action (as defined in section 551(13) of title 5, United States Code).

In the case of a civil action on a claim based upon the exercise or performance of, or failure to exercise or perform, a discretionary function, no judgment may be entered against the United States unless the court in which such action was brought determines (based upon consideration of all the relevant circumstances, including the statutory responsibility of the Commission and the public interest in encouraging rather than inhibiting the exercise of discretion) that such exercise, performance, or failure to exercise or perform was unreasonable. No funds appropriated for salaries and expenses of the Commission may be used to pay any claim described in this subsection, whether pursuant to a judgment of a court or under any award, compromise, or settlement of such claim made under section 2672 of title 28, United States Code, or under any other provision of law.".

(c) Section 1 of the Federal Power Act (16 U.S.C. 792), as amended by this Act, is amended by adding at the end thereof the following new subsection:

"(f) Subsections (a) and (h) of section 2680 of title 28, United States Code, do not prohibit the bringing of a civil action on a claim against the United States which—

"(1) is based upon—

"(A) misrepresentation or deceit before January 1, 1979, on the part of the Commission or any employee thereof, or

"(B) any exercise or performance, or failure to exercise or perform, a discretionary function on the part of the Commission or any employee thereof before January 1, 1979, which exercise, performance, or failure was grossly negligent; and

"(2) is not made with respect to any agency action (as defined in section 551(13) of title 5, United States Code).

In the case of a civil action on a claim based upon the exercise or performance of, or failure to exercise or perform, a discretionary function, no judgment may be entered against the United States unless the court in which such action was brought determines (based upon consideration of all the relevant circumstances, including the statutory responsibility of the Commission and the public interest in encouraging rather than inhibiting the exercise of discretion) that such exercise, performance, or failure to exercise or perform was unreasonable. No funds appropriated for expenditures of the Commission may be used to pay any claim described in this subsection, whether pursuant to a judgment of a court or under any award, compromise, or settlement of such claim made under section 2672 of title 28, United States Code, or under any other provision of law.".

Sec. 12. Civil Aeronautics Board.

(a) Title II of the Federal Aviation Act of 1958 is amended by adding immediately after section 205 thereof (49 U.S.C. 1324) the following new section:

"Miscellaneous Provisions

"Sec. 206. (a) Petitions.—(1) Whenever, pursuant to section 553(e) of title 5, United States Code, an interested person (including a governmental entity) petitions the Board for the commencement of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under this Act, the Board shall grant or deny such petition within 120 days after the date of receipt of such petition. If the Board grants such a petition, it shall commence an appropriate proceeding as soon thereafter as practicable. If the Board denies such a petition, it shall set forth, and publish in the Federal Register, its reasons for such denial.

"(2) If the Board denies a petition under paragraph (1) (or it fails to act thereon within the 120-day period established by such paragraph), the petitioner may commence a civil action in an appropriate district court of the United States for an order directing the Board to initiate a proceeding to take the action requested in such petition. Such an action shall be commenced within 60 days after the date of such denial or, where appropriate, within 60 days after the date of expiration of such 120-day period.

"(3) If the petitioner, in a civil action commenced under paragraph (2), demonstrates to the satisfaction of the court (by a preponderance of the evidence in the record before the Board or, in an action based on a petition on which the Board failed to act, in a new proceeding before such court) (A) that the failure of the Commission to grant a petition submitted under paragraph (1) is arbitrary and capricious; (B) that the action requested in such petition is necessary; and (C) that the failure of the Board to take such action will result in the continuation of practices which are not consistent with or in accordance with this Act, such court shall order the Board to initiate such action.

"(4) A court shall have no authority under this subsection to compel the Board to take any action other than the initiation of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under this Act.

"(5) As used in this subsection, the term 'Board' includes any division, individual member, administrative law judge, or any other person authorized to act on behalf of the Board in any part of the proceeding for the issuance, amendment, or repeal of any order, rule, or regulation under this Act.

"(b) Congressional Access to Information.—(1) Whenever the Board submits any budget estimate, request, or information to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such budget estimate, request, or information to the Congress.

"(2) Whenever the Board submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Board to submit its legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congres.

"(3) Whenever a duly authorized committee of the Congress which has responsibility for the authorization of appropriations for the Board makes a written request for documents in the possession or subject to the control of the Board, the Board shall, within 10 days after the date of receipt of such request, submit such documents (or copies thereof) to such committee. If the Board does not have any such documents in its possession, it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee. Whenever the Board transfers any document in its possession or subject to its control to any person or any other governmental entity, it shall condition such transfer on the guaranteed return by the transferee of such document to the Board so that the Board can comply with the requirement of this paragraph. This paragraph shall not be deemed to restrict any other authority of either House of Congress, or any committee or subcommittee thereof, to obtain documents. For purposes of this paragraph, the term 'document' means any book, paper, correspondence, memorandum, or other record, including a copy of any of the foregoing.

"(c) Representation.—(1) If—

"(A) before commencing, defending, or intervening in, any civil action involving this Act (including an action to collect a civil penalty) which the Board or the Attorney General on behalf of the Board, is authorized to commence, defend, or intervene in, the Board gives written notification and undertakes to consult with the Attorney General with respect to such action; and

"(B) the Attorney General fails within 45 days after receipt of such notification to commence, defend, or intervene in, such action;

the Board shall have authority to commence, defend, or intervene in, and supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose.

"(2) Notwithstanding paragraph (1), the Board shall have authority (in its own name, by any of its own attorneys designated by it for such purpose) to seek temporary or preliminary injunctive relief in, or to initiate the defense of, any action in which the Board has given written notification to the Attorney General under paragraph (1)(A). Such authority shall continue so long as the Attorney General fails, within the time specified in paragraph (1)(B), to assume the prosecution or defense of such action.

"(3) The Board shall exercise the authority granted by this subsection for the purpose of promoting, and in a manner which will promote, the effective enforcement of this Act. The Department of Justice shall, to the extent practicable, provide the Board with such assistance as will promote the successful and economical resolution of any civil action with respect to which the Board exercises the authority granted by this subsection, and the Board shall cooperate with such department in all other actions.

"(4) The provisions of this subsection shall not apply to any civil action commenced before the date of enactment of this subsection.

"(d) Accountability.—Subsections (a) and (h) of section 2680 of title 28, United States Code, do not prohibit the bringing of a civil action on a claim against the United States which—

"(1) is based upon—

"(A) misrepresentation or deceit before January 1, 1979, on the part of the Board or any employee thereof, or

"(B) any exercise or performance, or failure to exercise or perform, a discretionary function on the part of the Board or any employee thereof before January 1, 1979, which exercise, performance, or failure was grossly negligent; and

"(2) is not made with respect to any agency action (as defined in section 551(13) of title 5, United States Code).

In the case of a civil action on a claim based upon the exercise or performance of, or failure to exercise or perform, a discretionary function, no judgment may be entered against the United States unless the court in which such action was brought determines (based upon consideration of all the relevant circumstances, including the statutory responsibility of the Board and the public interest in encouraging rather than inhibiting the exercise of discretion) that such exercise, performance, or failure to exercise or perform was unreasonable.".

(c) Section 203(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1323(a)) is amended by adding at the end thereof the following new sentence: "No funds appropriated under this subsection may be used to pay any claim described in section 206(a), whether pursuant to a judgment of a court or under any award, compromise, or settlement of such claim made under section 2672 of title 28, United States Code, or under any other provision of law.".

(d) Section 201(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1321(b)) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "No member of the Board shall engage in any other business, vocation, profession, or employment while serving as a member of the Board, and no person who is, on or after May 11, 1976, a member of the Board shall, for a period of 2 years following the termination of service as a member of the Board, represent any person before the Board in a professional capacity.".

Sec. 13. Interstate Commerce Commission.

(a) Section 312 of the Railroad Revitalization and Regulatory Reform Act of 1976 is repealed.

(b) Section 13(6) of the Interstate Commerce Act (49 U.S.C. 13(6)) is amended (1) in subdivision (a) thereof by striking out in the first sentence thereof "relating to common carriers by railroads"; and (2) in subdivision (e) thereof by striking out "relating to common carriers by railroad".

(c) Section 17(15) of the Interstate Commerce Act (49 U.S.C. 17(15)) is amended (1) by stirking out "the Committee on" and all that follows through "of the Senate" in the first sentence thereof and inserting in lieu thereof "a duly authorized committee of the Congress which has responsibility for the authorization of appropriations for the Commission"; (2) by striking out "and which relate" and all that follows through "common carrier by railroad subject to this part" in the first sentence thereof; (3) by striking out "to such committee," and all that follows through the end of the first sentence thereof, and inserting in lieu thereof "to such committee. If the Commission does not have any such documents in its possession, it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee."; (4) by striking out "the preceding sentence" in the second sentence thereof, and inserting in lieu thereof "this paragraph"; and (5) by striking out the third sentence thereof.

(c) Section 16 of the Interstate Commerce Act (49 U.S.C. 16) is amended by adding at the end thereof the following new paragraph:

"(14)(a) Except as otherwise provided in subdivision (b) or (c), if—

"(i) before commencing, defending, or intervening in, any civil action involving this Act (including an action to collect a civil penalty) which the Commision, or the Attorney General on behalf of the Commission, is authorized to commence, defend, or intervene in, the Commision gives written notification and undertakes to consult with the Attorney General with respect to such action; and

"(ii) the Attorney General fails within 45 days after receipt of such notification to commence, defend, or intervene in, such action;

the Commisison may commence, defend, or intervene in, and supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose.

"(b) Except as otherwise provided in subdivision (c), in any civil action (i) relating to injunctive relief; (ii) relating to any consumer redress; (iii) to obtain judicial review of a rule, regulation, or order issued by the Commission; (iv) relating to enforcement of a subpena pursuant to, or relating to compliance with, an order under this Act; or (v) brought pursuant to section 222(b)(1) of this Act; the Commission shall have exclusive authority to commence or defend, and to supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose, unless the Commission authorizes the Attorney General to do so. The Commission shall inform the Attorney General of the exercise of such authority. The exercise of such authority shall not preclude the Attorney General from intervening, to the extent authorized by other law, in such an action (or in any appeal of such an action) on behalf of the United States.

"(c) (i) If the Commission makes a written request to the Attorney General, within the 30-day period which begins on the date of the entry of the judgment in any civil action in which the Commission represented itself pursuant to subdivision (a) or (b), to represent itself before the Supreme Court in such action (through any of its attorneys designated by it for such purpose), it may do so, if—

"(I) the Attorney General concurs with such request; or

"(II) the Attorney General, within the 60-day period which begins on the date of the entry of such judgment, refuses to appeal or file a petition for a writ of certiorari, with respect to such civil action, or fails to take any action with respect to the Commission's request. If the Attorney General refuses so to appeal or file, he shall notify the Commission in writing of the refusal and of the reasons for such refused, within such 60-day period.

"(ii) Whenever the Attorney General represents the Commission before the Supreme Court in any civil action in which the Commission represented itself pursuant to subdivision (a) or (b), the Attorney General may not agree to any settlement, compromise, or dismissal of such action, or confess error in the Supreme Court with respect to such action, unless the Commission concurs.

"(iii) For purposes of this paragraph (with respect to representation before the Supreme Court), the term 'Attorney General' includes the Solicitor General.

"(d) If, prior to the expiration of the 45-day period specified in subdivision (a) or the 60-day period specified in subdivision (c), any applicable right of the Commission may be extinguished, due to any procedural requirement of any court with respect to the time within which any pleadings, notice of appeal, or other pertinent acts must be completed, the Attorney General shall have one-half of the time prescribed in such subdivisions to comply with any such procedural requirement of such court (including any extension of such time granted by such court) (i) for the purpose of commencing, defending, or intervening in a civil action, pursuant to subdivision (a), or (ii) for the purpose of refusing to appeal or file a petition for a writ of certiorari with written notification or of failing to take any action, pursuant to subdivision (c) (1) (II).

"(e) The provisions of this paragraph shall apply notwithstanding chapter 31 of title 28, United States Code, or any other provision of law.

"(f) Whenever the Commission has reason to believe that any person is liable for a criminal penalty under this Act, the Commission shall certify the facts to the Attorney General, whose duty it shall be to cause appropriate criminal proceedings to be brought.

"(g) The provisions of this paragraph shall not apply to any civil action commenced before the date of enactment of this paragraph.".

(e) (1) Section 2321 of title 28, United States Code, is amended in the first paragraph thereof by striking out the period at the end thereof and inserting in lieu thereof the following: ", except as otherwise provided in section 16(14) of the Interstate Commerce Act (49 U.S.C. 16 (14)).".

(2) Section 2323 of title 28, United States Code, is amended (1) by striking out, in the second paragraph thereof, "The Interstate Commerce Commission and any" and inserting in lieu thereof "Any"; (2) by inserting "Interstate Commerce" immediately before "Commission, in which" in the second paragraph thereof; and (3) by striking out the first and fourth paragraphs thereof and designating the remaining two paragraphs as subsections (a) and (b), respectively.

(f) Section 11 of the Interstate Commerce Act (49 U.S.C. 11) is amended by striking out "Said Commissioners shall not engage in any other business, vocation, or employment." and inserting in lieu thereof the following: "No Commissioner shall engage in any other business, vocation, profession, or employment while serving as a commissioner, and no person who is, on or after May 11, 1976, a commissioner shall, for a period of 2 years following the termination of service as a commissioner, represent any person before the Commission in a professional capacity.".

(g) Section 11 of the Interstate Commerce Act (49 U.S.C. 11) is further amended (1) by inserting "(1)" immediately before the first sentence thereof; and (2) by adding at the end thereof the following new paragraph:

"(2) Subsections (a) and (h) of section 2680 of title 28, United States Code, do not prohibit the bringing of a civil action on a claim against the United States which—

"(a) is based upon—

"(i) misrepresentation or deceit before January 1, 1979, on the part of the Commission or any employee thereof, or

"(ii) any exercise or performance, or failure to exercise or perform, a discretionary function on the part of the Commission or any employee thereof before January 1, 1979, which exercise, performance, or failure was grossly negligent; and

"(b) is not made with respect to any agency action (as defined in section 551(13) of title 5, United States Code).

In the case of a civil action on a claim based upon the exercise or performance of, or failure to exercise or perform, a discretionary function, no judgment may be entered against the United States unless the court in which such action was brought determines (based upon consideration of all the relevant circumstances, including the statutory responsibility of the Commission and the public interest in encouraging rather than inhibiting the exercise of discretion) that such exercise, performance, or failure to exercise or perform was unreasonable. No funds appropriated for the use of the Commission may be used to pay any claim described in this paragraph, whether pursuant to a judgment of a court or under any award, compromise, or settlement of such claim made under section 2672 of title 28, United States Code, or under any other provision of law.".

SEC. 14. FEDERAL MARITIME COMMISSION

(a) Reorganization Plan Numbered 7 of 1961 (75 Stat. 840) is amended by adding at the end of part I thereof the following new section:

"MISCELLANEOUS PROVISIONS

"SEC. 106. (a) PETITIONS.—(1) Whenever, pursuant to section 553(e) of title 5, United States Code, an interested person (including a governmental entity) petitions the Commission for the commencement of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under any lawful authority granted to the Commission, the Commission shall grant or deny such petition within 120 days after the date of receipt of such petition. If the Commission grants such a petition, it shall commence an appropriate proceeding as soon thereafter as practicable. If the Commission denies such a petition, it shall set forth, and publish in the Federal Register, its reasons for such denial.

"(2) If the Commission denies a petition under paragraph (1) (or if it fails to act thereon within the 120-day period established by such paragraph), the petitioner may commence a civil action in an appropriate district court of the United States for an order directing the Commission to initiate a proceeding to take the action requested in such petition. Such an action shall be commenced within 60 days after the date of such denial or, where appropriate, within 60 days after the date of expiration of such 120-day period.

"(3) If the petitioner, in a civil action commenced under paragraph (2), demonstrates to the satisfaction of the court (by a preponderance of the evidence in the record before the Commission or, in an action based on a petition on which the Commission failed to act, in a new proceeding before such court) (A) that the failure of the Commission to grant a petition submitted under paragraph (1) is arbitrary and capricious; (B) that the action requested in such petition is necessary; and (C) that the failure of the Commission to take such action will result in the continuation of practices which are not consistent with or in accordance with the responsibilities of the Commission, such court shall order the Commission to initiate such action.

"(4) A court shall have no authority under this subsection to compel the Commission to take any action other than the initiation of a proceeding for the issuance, amendment, or repeal of an order, rule, or regulation under any lawful authority granted to the Commission.

"(5) As used in this subsection, the term 'Commission' includes any division, individual Commissioner, administrative law judge, employee board, or any other person authorized to act on behalf of the Commission in any part of the proceeding for the issuance, amendment, or repeal of any order, rule, or regulation under any lawful authority granted to the Commission.

"(b) CONGRESSIONAL ACCESS TO INFORMATION.—(1) Whenever the Commission submits any budget estimate, request, or information to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such budget estimate, request, or information to the Congress.

"(2) Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

"(3) Whenever a duly authorized committee of the Congress which has responsibility for the authorization of appropriations for the Commission makes a written request for documents in the possession or subject to the control of the Commission, the Commission shall, within 10 days after the date of receipt of such request, submit such documents (or copies thereof) to such committee. If the Commission does not have any such documents in its possession, it shall so notify such committee within such 10-day period. Any such notice shall state the anticipated date by which such documents will be obtained and submitted to such committee. Whenever the Commission transfers any document in its possession or subject to its control to any person or any other governmental entity, it shall condition such transfer on the guaranteed return by the transferee of such document to the Commission so that the Commission can comply with the requirement of this paragraph. This paragraph shall not be deemed to restrict any other authority of either House of Congress or any committee or subcommittee thereof, to obtain documents. For purposes of this paragraph, the term 'document' means any book, paper, correspondence, memorandum, or other record, or any copy thereof.

"(c) REPRESENTATION.—(1) If—

"(A) before commencing, defending, or intervening in, any civil action involving any lawful authority granted to the Commission (including an action to collect a civil penalty) which the Commission or the Attorney General on behalf of the Commission, is authorized to commence, defend, or intervene in, the Commission gives written notification and undertakes to consult with the Attorney General with respect to such action; and

"(B) the Attorney General fails within 45 days after receipt of such notification to commence, defend, or intervene in, such action;

the Commission shall have authority to commence, defend, or intervene in, and supervise the litigation of, such action (and any appeal of such action) in its own name by any of its attorneys designated by it for such purpose.

"(2) Notwithstanding paragraph (1), the Commission shall have authority (in its own name, by any of its own attorneys designated by it for such purpose) to seek temporary or preliminary injunctive relief in, or to initiate the defense of, any action in which the Commission has given written notification to the Attorney General under paragraph (1)(A). Such authority shall continue so long as the Attorney General fails, within the time specified in paragraph (1)(B), to assume the prosecution or defense of such action.

"(3) The Commission shall exercise the authority granted by this subsection for the purpose of promoting, and in a manner which will promote, the effective enforcement of the authorities granted to the Commission. The Department of Justice shall, to the extent practicable, provide the Commission with such assistance as will promote the successful and economical resolution of any civil action with respect to which the Commission exercises the authority granted by this subsection, and the Commission shall cooperate with such department in all other actions.

"(4) The provisions of this subsection shall not apply to any civil action commenced before the date of enactment of this subsection.

"(d) Accountability.—Subsections (a) and (h) of section 2680 of title 28, United States Code, do not prohibit the bringing of a civil action on a claim against the United States which—

"(1) is based upon—

"(A) misrepresentation or deceit before January 1, 1979, on the part of the Commission or any employee thereof, or

"(B) any exercise or performance, or failure to exercise or perform, a discretionary function on the part of the Commission or any employee thereof before January 1, 1979, which exercise, performance, or failure was grossly negligent; and

"(2) is not made with respect to any agency action (as defined in section 551(13) of title 5, United States Code).

In the case of a civil action on a claim based upon the exercise or performance of, or failure to exercise or perform, a discretionary function, no judgment may be entered against the United States unless the court in which such action was brought determines (based upon consideration of all the relevant circumstances, including the responsibility of the Commission and the public interest in encouraging rather than inhibiting the exercise of discretion) that such exercise, performance, or failure to exercise or perform was unreasonable. No funds appropriated for the use of the Commission may be used to pay any claim described in this subsection, whether pursuant to a judgment of a court or under any award, compromise, or settlement of such claim made under section 2672 of title 28, United States Code, or under any other provision of law.".

(b) Section 102 of Reorganization Plan Numbered 7 of 1961 (75 Stat. 840) is amended by adding at the end thereof the following new subsection:

"(e) No Commissioner shall engage in any other business, vocation, profession, or employment while serving as a Commissioner, and no person who is, on or after May 11, 1976, a Commissioner shall, for a period of 2 years following the termination of service as a Commissioner, represent any person before the Commission in a professional capacity.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for interim regulatory reform as to certain independent regulatory agencies."

HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 2991) to amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes which had been reported from the Committee on Commerce, with amendments:

On page 2, beginning at the end of line 6, strike out "for the Materials Transportation Bureau, United States Department of Transportation," and insert "to the Secretary".

On page 2, in line 10, strike out "for the Secretary".

On page 2, in line 11, after "exceed", insert "$1,750,000 for the transition period of July 1, 1976, through September 30, 1976, not to exceed", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hazardous Materials Transportation Act Amendments of 1976".

Sec. 2. Section 106(c) of the Hazardous Materials Transportation Act (49 U.S.C. 1805 (c)) is amended by striking out "extremely" each time it appears.

Sec. 3. Section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806 (a)) is amended by striking out the phrase "transports or causes to be transported or shipped hazardous materials in a manner so as to achieve" and insert in lieu thereof "will provide for".

Sec. 4. The text of section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended to read as follows: "There are authorized to be appropriated to the Secretary to carry out programs relating to the transportation of hazardous materials and for other activities carried out pursuant to this Act not to exceed $1,700,000 for the transition period of July 1, 1976, through September 30, 1976, not to exceed $7,000,000 for the fiscal year year ending September 30, 1977, and not to exceed $7,000,000 for the fiscal year ending September 30, 1978.".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL WEATHER MODIFICATION POLICY ACT OF 1976

The Senate proceeded to consider the bill (S. 3383) to authorize and direct the Secretary of Commerce to develop a national policy on weather modification, and for other purposes which had been reported from the Committee on Commerce, with amendments as follows:

On page 2, in line 4, strike out "projects have" and insert in lieu thereof "technology has".

On page 2, at the end of line 19, strike out "experimentation" and insert in lieu thereof "development".

On page 4, in line 7, strike out "the degree of development of".

On page 5, in line 25, strike out "statement of".

On page 6, in line 1, strike out "description of a"

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Weather Modification Policy Act of 1976".

Sec. 2. Declaration of policy.

(a) Findings.—The Congress finds and declares the following:

(1) Weather-related disasters and hazards, including drought, hurricanes, tornadoes, hail, lightning, fog, floods, and frost, result in substantial human suffering and loss of life, billions of dollars of annual economic losses to owners of crops and other property, and substantial financial loss to the United States Treasury;

(2) Weather modification technology has significant potential for preventing, diverting, moderating, or ameliorating the adverse effects of such disasters and hazards and enhancing crop production and the availability of water; and

(3) The interstate nature of climatic and related phenomena, the severe economic hardships experienced as the result of occasional drought and other adverse meteorological conditions, and the existing role and responsibilities of the Federal Government with respect to disaster relief, require appropriate Federal action to prevent or alleviate such disasters and hazards.

(b) Purpose.—It is therefore declared to be the purpose of the Congress in this Act to develop a comprehensive and coordinated national weather modification policy and a national program of weather modification research and development—

(1) to determine the means by which deliberate weather modification can be used at the present time to decrease the adverse impact of weather on agriculture, economic growth, and the general public welfare, and to determine the potential for weather modification;

(2) to conduct research into those scientific areas considered most likely to lead to practical techniques for drought prevention or alleviation and other forms of deliberate weather modification;

(3) to develop practical methods and devices for weather modification;

(4) to make weather modification research findings available to interested parties; and

(5) to assess the economic, social, environmental, and legal impact of an operational weather modification program.

Sec. 3. Definitions.

As used in this Act:

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "State" means any State of the United States, the District of Columbia, or any Commonwealth, territory, or possession of the United States.

(3) The term "weather modification" means any activity performed with the intention and expectation of producing changes in precipitation, wind, fog, lightning, and other atmospheric phenomena.

Sec. 4. Study.

The Secretary shall conduct a comprehensive investigation and study of the state of scientific knowledge concerning weather modification, the present state of development of weather modification technology, the problems impeding effective implementation of weather modification technology, and other related matters. Such study shall include—

(1) a review and analysis of the present and past research efforts to establish practical weather modification technology, particularly as it relates to reducing loss of life and crop and property destruction;

(2) a review and analysis of research needs in weather modification to establish areas in which more research could be expected to yield the greatest return in terms of practical weather modification technology;

(3) a review and analysis of existing

studies to establish the probable economic importance to the United States in terms of agricultural production, energy, and related economic factors if the present weather modification technology were to be effectively implemented;

(4) an assessment of the legal, social, and ecological implications of expanded and effective research and operational weather modification projects;

(5) recommendations concerning legislation desirable at all levels of government to implement a national weather modification policy and program;

(6) a review of the international importance and implications of weather modification activities by the United States;

(7) a review and analysis of present and past funding for weather modification from all sources to determine the sources and adequacy of funding in the light of the need of the Nation; and

(8) a review and analysis of the purpose, policy, methods, and funding of the Federal departments and agencies involved in weather modification and of the existing interagency coordination of weather modification research efforts.

SEC. 5. REPORT.

(a) IN GENERAL.—The Secretary shall prepare and submit to the President and the Congress, within 1 year after the date of enactment of this Act, a final report on the findings, conclusions, and recommendations of the study conducted pursuant to section 4. Such report shall include:

(1) a summary of the findings made with respect to each of the areas of investigation specified in section 4;

(2) other findings which are pertinent to the determination and implementation of a national policy on weather modifications;

(3) a recommended national policy on weather modification and a recommended national weather modification research and development program which is consistent with, and likely to contribute to, achieving the objectives of such policy;

(4) recommendations for levels of Federal funding sufficient to support adequately a national weather modification research and development program;

(5) recommendations for any changes in the organization and involvement of Federal departments and agencies in weather modification which may be needed to implement effectively the recommended national policy on weather modification and the recommended research and development program; and

(6) recommendations for any legislation which may be required to implement such policy and program.

Each department, agency, and other instrumentality of the Federal Government is authorized and directed to furnish the Secretary any information which the Secretary deems necessary to carry out his functions under this Act.

(b) OPERATION AND CONSULTATION.—The Secretary shall solicit and consider the views of State agencies, private firms, institutions of higher learning, and other interested persons and governmental entities in the conduct of the study required by section 4, and in the preparation of the report required by subsection (a).

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS

There is authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act not to exceeed $1,000,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER VITIATING SENATE ACTION ON S. 3383

(Later in the day the following proceedings occurred:)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action taken earlier in the passage of Calendar No. 817, S. 3383, be vitiated, and that Calendar No. 817 be returned to the active calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVACY PROTECTION STUDY COMMISSION AUTHORIZATION

The bill (S. 3435) to increase an authorization of appropriations for the Privacy Protection Study Commission and to remove the fiscal year expenditure limitation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of law referred to in the note immediately preceding section 553 of title 5, United States Code, is amended to read as follows:

"SEC. 9. There is authorized to be appropriated, without fiscal year limitation only to such extent or in such amounts as are provided in appropriation Acts, the sum of $2,000,000 to carry out the provisions of section 5 of this Act for the period beginning July 1, 1975, and ending on September 30, 1977.".

FEDERAL FIRE PREVENTION AND CONTROL AUTHORIZATION

The Senate proceeded to consider the bill (S. 2862) to authorize appropriations for the Federal Fire Prevention and Control Act of 1974 which had been reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and insert:

That (a) section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 17. There are authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, not to exceed $3,750,000 for the transitional fiscal quarter of July 1, 1976, through September 30, 1976, not to exceed $15,000,000 for the fiscal year ending September 30, 1977, and not to exceed $20,000,000 for the fiscal year ending September 30, 1978.".

(b) Section 16(b) of the Act of March 3, 1901 (15 U.S.C. 278f(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, there are authorized to be appropriated not to exceed $1,275,000 for the transitional fiscal quarter of July 1, 1976, through September 30, 1976, not to exceed $5,500,000 for the fiscal year ending September 30, 1977, and not to exceed $6,000,000 for the fiscal year ending September 30, 1978.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BOAT SAFETY AUTHORIZATION

The Senate proceeded to consider the bill (H.R. 5630) to amend the Federal Boat Safety Act of 1971 in order to increase the Federal Government's share of the costs of State boat safety programs, and to increase the authorization for appropriations for such programs which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.) is amended as follows—

(1) Section 27 is amended by adding a new subsection (e) as follows:

"(e) The Secretary may expend funds appropriated for the program of financial assistance to the States under this Act for audit expenses incurred by him in the administration of that program. Expenditures made in any fiscal year under this subsection shall not exceed 1¼ per centum of the total funds appropriated for such fiscal year.".

(2) Section 28(a) is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following; ", the fiscal transition period of July 1, 1976, to September 30, 1976, and each of the two succeeding fiscal years.".

(3) Section 30 is amended by striking out "for the fiscal year ending June 30, 1972, and $7,500,000 for each of the four succeeding fiscal years," and inserting in lieu thereof the following: "for each of the fiscal years beginning with fiscal year 1972 through fiscal year 1976; $2,500,000 for the fiscal transition period of July 1, 1976, through September 30, 1976; and $10,000,000 for each of the fiscal years 1977 and 1978,".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FEDERAL MINE SAFETY INSPECTORS

The bill (S. 3070) a bill to amend section 1114, title 18, United States Code, so that Federal mine safety inspectors will be protected by criminal statutes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1114, title 18, United States Code, is amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section.

A VISIT BY A GOOD FRIEND—PRESIDENT VALERY GISCARD D'ESTAING OF FRANCE

Mr. MANSFIELD. Mr. President, on yesterday the Congress of the United States was honored to have the President of France, Valery Giscard d'Estaing, address a joint session. His address was most impressive. His delivery was superb, and the philosophy behind his thinking was, I think, excellent. I was impressed not only by what he said in substance but through the use of the phrase "détente and dialog." I agree with the interpretation of the President of France of just what those words mean and what they imply in the area of foreign policy, not only between his own country and other countries, but between this Nation and other nations.

Last night, Mrs. Mansfield and I were given the opportunity to attend a dinner given by the President of France in honor of the President of the United States. I think it might be well at this time to point out that as far as the relations between the two countries are concerned, they are excellent and while they may not be intimate, they are very good.

I think, also, we ought to recall that we have not forgotten what France did in our own War for Independence, and I think it should be reiterated—too many of us do not know this for a fact—that there were more French troops at Yorktown, 8,000 Frenchmen, than there were Continentals, who numbered 6,000.

Behind that Franco-American Army was the French Fleet under deGrasse, and behind that was the French Treasury, although Admiral deGrasse paid a large part of the funds needed for the French naval expeditionary force in that crucial year. But the battle which marked the end of the Revolution and the beginning of the real independence of this Nation was participated in by Frenchmen, both on land and sea, and again, I want to reiterate that there were more Frenchmen at Yorktown than there were Continentals. So we not only will not forget, but we will always remember.

Mr. President, I ask unanimous consent that the remarks of President Valery Giscard d'Estaing and our own President, Gerald Ford, made at the dinner given by the President of France last night, be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

[Diner a l'Ambassade de France, 18 Mai 1976]

REMARKS OF PRESIDENT VALERY GISCARD D'ESTAING

Mr. President, it is a great pleasure for Madame Giscard d'Estaing and me to welcome you and Mrs. Ford this evening here in the French Embassy and to offer you in return a little of the warm hospitality that you and the American people have extended to me since the start of my visit.

This is the fifth time we have met in eighteen months and during the past two days we have had useful and trusting talks together. We are getting to know each other rather well and I would like to take this opportunity to tell you how much I have enjoyed the contacts and, if I may say so, the friendship that has been established between us.

A few weeks ago, Mr. President, you said that French-American relations were better today than they had ever been. I share your view wholeheartedly. But I would like to add that we owe this state of affairs largely to you, to your personal conviction and your breadth of vision. I hope that I will not be accused of interfering in your country's domestic affairs if I testify to this here.

I agreed to make this visit for obvious reasons. Given the role France played two centuries ago, it was only fitting for France to be first in joining in the celebrations for the Bicentennial of the United States and sharing with special feeling the joy of the American people.

But something else has struck me. Although our two countries are linked by so many memories, share the same values, belong to the same alliance and are so often led by major world affairs to exchange views and pool their efforts, our countries' knowledge and understanding of each other is too often insufficient and superficial. Even their trade relations are not commensurate with the place each one holds in the world economy.

Such a situation is paradoxical. It is also detrimental and should be corrected.

For this reason I am pleased at the renewed interest on both sides that my visit has generated in our two countries. For the people of France, it has been an occasion to discover the realities of present-day America, as they have been presented, on this occasion, by our combined information services. I would like to think that it has also helped the American people become better acquainted with the France of today, the France that is changing by virtue of her younger outlook and own efforts.

For this reason I also set great value, as I know you do Mr. President, on the cooperation that we have decided to implement in an area that is limited but full of human implications: I am referring to the war on cancer. I shall follow its development personally.

For this reason, lastly, I hope that the contacts and meetings between our two countries will multiply. That, in fact, will be the aim of the two Foundations which have just been established, one in New York and the other in Paris, to promote relations between the United States and France. Under the guidance of well-known figures, they will work together closely to further exchanges and dialogue between our two countries.

One of the objectives of my visit to which I am most attached will thus be achieved and I know, Mr. President, that it meets your wishes too, that is, that France and the United States should know each other better in order to understand each other better.

Our two countries will be able to sail in company just as they did when the first French fleet came to fight by your side; and in fact the arrangement of the tables for this dinner is symbolic in that it reproduces the battle order.

The names of these ships that made up this fleet call to mind the diversity of the relations between our two countries. There is the *Sensible* and even the *Fantasque*. And by a strange intuition I also see the *Concorde*, But more to the point, I think you'll agree, is the fact that the *Victoire* is there.

I raise my glass in honor of the President of the United States and Mrs. Ford and all the distinguished Americans who did us the honor and pleasure of accepting our invitation, in honor of the great American people to whom I say on their birthday "Many Happy Returns of the day".

REMARKS BY PRESIDENT FORD

Mr. President, Madame Giscard d'Estaing, distinguished guests, ladies and gentlemen, thank you, Mr. President, for your very thoughtful remarks. Mrs. Ford and I are honored and very pleased to join you here tonight. Once again I have the welcome opportunity to enjoy firsthand the incomparable hospitality and cuisine of France.

France's reputation for its hospitality is just one dimension of French contributions to the world. Frequent mention has been made during your visit—and appropriately so—of France's role in our struggle for independence.

Yet the French influence in America long preceded 1776. Much of the new world was opened by French explorers such as Marquette and La Salle. Their influence is apparent in the names of American towns and cities north and south, from Detroit to Joliet to New Orleans. French influence is still vivid in Louisiana, which you, Mr. President will visit later this week.

Closer to home, we enjoy the superb artistry of L'Enfant in the design of this beautiful capital city. It was he who selected the sites for the Capitol building and for the White House, creating for the latter a beautiful President's Park where your helicopter landed yesterday, Mr. President.

French philosophers have profoundly influenced and inspired the nature of our democracy and the spirit of our laws. Thanks in large measure to the writings of Montesquieu and Rousseau our nations share a heritage of humane values. These values are today the very basis of our philosophy of freedom, justice and equality. America remains inspired by the wisdom and vision of France.

It is especially gratifying to celebrate the bicentennial of our independence with the distinguished President of our country's oldest friend and ally. Ours is a partnership and alliance unique in history, a relationship in which each has extended the hand of friendship and assistance in the other's hour of maximum peril.

As in the past, our security and our prosperity still depend on our willingness to work together, to cooperate in meeting common problems and challenges.

We meet tonight at a time of peace. Continued peace requires that every democracy remain strong and prepared to defend its liberty. As Washington said, "To be prepared for war is one of the most effectual means of preserving peace."

In a gesture symbolic of the commitment of both our Nations to safeguarding the security of our peoples, Madame Giscard D'Estaing will travel to Mississippi this Saturday to christen the United States Navy's newest destroyer—the *De Grasse*.

This ship, named for the French admiral whose fleet made possible the decisive victory at Yorktown, will contribute to the strength and capability of our Navy. The *De Grasse* will also contribute to the objectives and goals we share with France—to preserve the peace, protect our freedom and keep the sea lanes of the world fully open to the democratic nations.

Mr. President, for 200 years, France and the United States have shared dreams, challenges and victories in every sphere of human endeavor. The mutual esteem and inspiration which mark our relationship today flow from common ideals, determination and mutual reinforcement. I foresee a vital partnership for generations to come.

It is altogether fitting that the Nations which two centuries ago gave the world two fundamental charters of liberty—the Declaration of Independence and the Declaration of the Rights of Man—should still stand together for freedom and justice for all.

Let us toast that partnership on the eve of its third century to the health of the President of the French Republic and to the liberty, equality, and fraternity of the people of France and of the United States.

Mr. MANSFIELD. I yield the remainder of my time to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I should like first to commend our distinguished majority leader for the comments he has just made and to indicate my own great pleasure at the warm welcome that this country has extended to the President of France.

In his address yesterday to the joint session, President Giscard d'Estaing appealed to the United States on behalf of Western Europe to "show the same confidence in us that we have in you." I think the expression of confidence by the President of the Republic of France in the United States has come at an extraordinarily good time. He stated that the policy of detente and cooperation is a policy that must and should be followed, and is a policy that had actually been pioneered by France. I do believe, as I have said a number of times before, that there is truly no alternative to a policy of lessening tensions with our adversaries. None of us would wish to go back to the cold war and the hot war, and I think in this regard, France and the United States stand closely together.

The President of France pointed out:

> Diversity and change are our work and the consequences of our principles—they are the children of liberty.

Certainly those words could be used to exemplify what the U.S. policy now is on the continent of Africa, that we who gained our liberty 200 years ago will not be content until we see that all people have a chance, whatever their race, color or creed, to have their own independence and their own liberty. Again, I believe France and the United States will stand solidly together in this regard.

President Giscard d'Estaing said:

> You do not fear freedom for yourself, do not then fear it for your friends and allies.

An American President said many years ago:

> The only thing to fear is fear itself.

And we must not be fearful of doing the right thing, saying the right thing, and fighting for the right thing when we believe our cause is just and right.

Mr. President, I join with all of my colleagues in extending the warmest greetings of all of our fellow Americans to the President of the Republic of France. We have had differences through the years, but we still stand together as allies.

May the rest of his visit to the United States be as successful as his visit here in the Nation's Capital.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

THE B-1: A LOOK AT THE FACTS—PART VI

Mr. PROXMIRE. Mr. President, I have noticed that in his rebuttals to my prior five speeches on the B-1 bomber, my friend and colleague from Arizona (Mr. GOLDWATER) has expressed some perplexity as to my position. Today, therefore, I will summarize the conclusions I have reached during this debate and point out the facts that support those conclusions.

Let me be as clear as possible at the beginning. I am completely opposed to the B-1 bomber. I will vote for the McGovern amendment to delete all production funding for that aircraft.

Why? Because I have concluded that the $21 billion B-1 is a national disaster. It will rob funding from other essential defense programs and squander it on an obsolete military concept. Instead of the B-1, we should re-engine the B-52 fleet as an interim measure and proceed with plans for a stand-off bomber platform. Surely there can be no confusion about this position.

Now, what are the facts, the evidence that backs up this stance? I hope my worthy adversary from Arizona will examine the following six critical points of fact.

1. COST

The most dramatic issue is that of cost. The Selected Acquisition Reports from the Department of Defense place the cost of the B-1 program at $21.6 billion. As a matter of fact, it went up $200 million just in the last 3 years. That represents $88.6 million each for 244 airplanes. You can think of each plane as a flying Rayburn Office Building in terms of cost. And there is every indication that each plane eventually will cost $100 million each.

When Congress first was briefed on the B-1 bomber and its planning estimate was set forth in June of 1969, the total program costs were $8.8 billion. No provision was made for inflation or logistic support and additional procurement costs. The quantity was 246 for a program unit price of $35.8 million and a procurement unit price of $29 million.

By June of 1971, the development estimate for the B-1 program, including inflation, had risen to $12 billion with the quantity staying the same. This made for a procurement unit cost of $35.4 million and a program unit cost of $45.6 million. At the present time, the B-1 program is estimated to cost $21.6 billion for 244 aircraft and a program unit cost of $88.6 million.

Mr. President I ask unanimous consent that a table of B-1 costs be printed in the RECORD at this point.

There being no objection, the table of costs was ordered to be printed in the RECORD, as follows:

TABLE 1.—B-1 SAR COST ESTIMATES

[Dollar amounts in millions]

Description	Planning estimate, June 1969 [1]	Development estimate, June 1971 [2]	Current estimate [3]: September 1974	Current estimate [3]: September 1975	Current estimate [3]: Net change
Development	$1,800.0	$2,685.0	$3,615.6	$3,884.0	+$268.4
Procurement	7,000.0	8,533.8	15,017.0	17,312.0	+2,295.0
Subtotal	8,800.0	11,218.8	18,632.6	[3] 21,196.0	+2,563.4
Logistic support and additional procurement costs	(4)	829.5	388.7	(4)	−388.7
Total	8,800.0	12,048.3	19,021.3	21,196.0	+2,174.7
Escalation included above	0	1,499.9	6,422.8	10,172.4	+3,749.6

Description	Planning estimate, June 1969 [1]	Development estimate, June 1971 [2]	Current estimate [3]: September 1974	Current estimate [3]: September 1975	Current estimate [3]: Net change
Quantity:					
Development	5	5	5	4	−1
Production	241	241	239	240	+1
Total	246	246	244	244	0
Procurement unit cost	$29.0	$35.4	$62.8	$72.1	+$9.3
Procurement unit cost (development and procurement)	35.8	45.6	76.4	86.9	+10.5

[1] Stated in 1968 dollars.

[2] Estimates are in then year dollars.

[3] As of Dec. 31, 1975, program costs had increased to $21,419,000,000 and the Air Force advised us that it is expected to increase an additional $200,000,000. They stated these increases were due to reductions in requested funding.

[4] Not reported.

Mr. PROXMIRE. Of course this $21.6 billion does not include the full costs of the B-1 program. Additional costs such as weapons payloads, operation and maintenance, tankers, if necessary, and upgraded avionics. Examining the full life cycle costs of the B-1 results in a $91 billion total in current dollars by the Brookings Institution and a similar figure by the Center for Defense Analysis. The Air Force has not provided as its own life cycle costs in this debate although I have asked for it in two prior speeches. I think the Senate is entitled to know what we are buying when we move ahead with this program, and I think the Air Force has an obligation to provide it.

Mr. President, I ask unanimous consent that various tables from the Brookings Institution study called Modernizing the Strategic Bomber Force be printed in the RECORD at this point as tables II, III, and IV.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE II.—PROJECTED COSTS OF THE BOMBER AND TANKER PROGRAM, FISCAL YEARS 1976-85

Category	Fiscal year—										
	1976	197T [1]	1977	1978	1979	1980	1981	1982	1983	1984	1985
	Millions of constant 1976 dollars										
Major system acquisition:											
B-1	750	200	1,650	2,020	2,170	2,370	2,040	1,850	1,100	0	0
Advanced tanker	5	2	50	100	570	520	1,040	1,040	1,040	1,040	1,040
SRAM	3	2	35	210	210	210	210	420	420	420	420
ALCM	50	10	75	100	100	210	210	210	210	210	210
Other investment	1,260	320	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260
Direct operating	1,600	400	1,600	1,600	1,600	1,600	1,610	1,640	1,700	1,780	1,940
Indirect operating	1,790	450	1,790	1,790	1,790	1,790	1,800	1,820	1,840	1,890	1,980
Total	5,460	1,380	6,460	7,080	7,700	7,960	8,170	8,240	7,570	6,600	6,850
	Millions of current dollars										
Total [2]	5,460	1,380	6,910	7,950	9,100	9,740	10,360	10,840	10,330	9,340	10,050

[1] 197T is the designation for the 3-mo transition period from the end of fiscal 1976 on June 30, 1976, to the start of fiscal 1977 on Oct. 1, 1976.

[2] Figures are rounded.

Sources: Authors' estimates based on data in various Department of Defense publications, in "The Budget of the United States Government, Fiscal Year 1976" (1975), and in testimony from hearings on the fiscal 1975 Defense Department budget before the Senate Armed Services and Appropriations Committees. (See app. A for a description of the costing methods.)

TABLE III.—PROJECTED SYSTEMS AND COSTS, FORCE 2, FISCAL YEARS 1976-85

[Total obligational authority in millions of fiscal 1976 dollars]

Category	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	Average annual costs
Unit equipment:											
B-52 [1]	335	255	255	255	255	240	225	195	105	0	
FB-111	66	0	0	0	0	0	0	0	0	0	
B-1 [1]	0	0	0	0	0	15	30	90	150	200	
Tanker	610	255	255	255	255	255	255	255	255	200	
SRAM	1,140	1,140	1,140	1,540	1,940	2,340	2,740	3,140	3,200	3,200	
ALCM	0	0	0	0	400	800	1,200	1,600	1,600	1,600	
Costs:											
Major system acquisition	810	2,295	2,770	3,450	3,600	3,790	3,600	2,030	1,170	1,040	2,456
Other investment	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260
Direct operating	1,975	1,385	1,435	1,490	1,545	1,595	1,660	1,715	1,775	1,560	1,614
Indirect operating	2,015	1,660	1,690	1,720	1,760	1,790	1,830	1,860	1,900	1,750	1,798
Total	6,060	6,600	7,155	7,920	8,165	8,435	8,350	6,865	6,105	5,610	7,128

[1] Bombers are dispersed on 100 interior bases.

TABLE IV.—ESTIMATED PROCUREMENT COSTS FOR THE B-1 BOMBER, 1976-83

[Total obligational authority in millions of fiscal 1976 dollars]

Item	1976	1977	1978	1979	1980	1981	1982	1983
Number procured	0	8	22	31	48	48	48	34
Cost of procurement	150	1,200	1,800	2,000	2,250	1,980	1,850	1,100

Source: "Fiscal Year 1975 Authorization for Military Procurement, Research and Development, and Active Duty, Selected Reserve and Civilian Personnel Strengths," Hearings before the Senate Armed Services Committee, 93 Cong. 2d sess. (1974), pt. 7, p. 4000.

Mr. PROXMIRE. Consider what we could purchase with the same amount of money. For the $21 billion direct costs of the B-1 program, the Nation could fund 10 invulnerable Trident submarines which would carry about 2,000 warheads. It would also pay for reengining the B-52 fleet and pay for the annual costs of an Army armored division for 5 years.

Looking at the problem from the perspective of this year's request for the B-1 program of $1.5 billion, the same amount of money would build 1 Trident submarine with almost 200 warheads or over 100 F-15 fighters or 10 destroyers of the DD-963 class or 6 attack submarines of the SSN-688 class.

Or for the price of the B-1 this year alone the United States could pay the annual recurring costs of five Army armored divisions including procurement, military pay, and operation and maintenance.

At a time when there is a national debate about defense programs there should be a different method of judging relative need. Each program should be measured against competing programs from the other services. Only with this type of internal competition will the most efficient alternatives be selected.

2. PERFORMANCE

By any standard, the B-1 is not the plane the Air Force told Congress it wanted in 1969. In almost every major category of performance, B-1 characteristics have slipped.

In 1969, its takeoff distance was estimated to be 6,000 feet. By the development estimate in June 1970, it had slipped to 6,500 feet. And now, based on the September 1975 estimate, it is 7,500 feet. This means that the takeoff distance has degraded by 15 percent under the development estimate and 25 percent under the planning estimate.

The takeoff gross weight has increased 11 percent over the development estimate from 356,000 pounds to 395,000 pounds. The number of short range attack missiles carried by the B-1 was estimated to be 32 in the planning estimate. The development estimate dropped that number to 24, the current figure.

Supersonic penetration speed has been cut drastically even though the B-1 has been sold to Congress on its supersonic capability. The planning and development estimate for supersonic penetration speed was mach 2.2. Now the Air Force has reduced that capability to mach 1.6.

In my speeches I have challenged the Air Force to declassify the data about other performance characteristics. Their answers have strongly suggested that the B-1's subsonic range, supersonic range, and maximum speed at sea level also have been degraded. Mr. President, I ask unanimous consent that table V showing changes in the estimate of B-1 bomber performance be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE V.—CHANGES IN ESTIMATES FOR SELECTED B-1 PERFORMANCE OR TECHNICAL CHARACTERISTICS

	Nautical miles						
	Subsonic range	Supersonic range	Maximum speed, sea level (mach)	Supersonic penetration speed (mach)	Payload-internal SRAM'S (number)	Takeoff gross weight (pounds)	Takeoff distance (feet)
Planning estimate June 1969	Deleted			2.2	32	358,000	6,000
Development estimate June 1970				2.2	24	356,000	6,500
June 1971 estimate				2.2	24	360,000	6,500
June 1972 estimate				2.2	24	368,600	6,760
June 1973 estimate				2.1	24	389,772	6,950
June 1974 estimate				2.1	24	395,000	7,500
September 1975 estimate				1.6	24	395,080	7,500
Degradation—development estimate to September 1975 estimate				.6 (27%)	0 ------	39,000 (11%)	1,000 (15%)

3. DELIVERY SCHEDULES HAVE SLIPPED

Mr. PROXMIRE. In addition to the degredation in performance of the B-1, the entire program is behind schedule. Delivery of the first B-1 has been delayed 6 months until late 1979. The initial operational capability of the aircraft has been delayed 14 months until mid-1982. These delays are an economic impact in that generally they represent increased costs to the Government. Mr. President, I ask unanimous consent that table VI be printed in the RECORD at this point showing the B-1 schedule slippages.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE VI.—B-1 SCHEDULE, PLANNING ESTIMATE, DEVELOPMENT ESTIMATE, AND RECENT ESTIMATES

	Planning estimate, June 1969	Development estimate, June 1970	Current estimates		
			September 1974	September 1975	Delay (months)
Production decision	April 1972	September 1974	November 1976	November 1976	0
Complete product verification tests of engine [1]	February 1974	December 1974	do	do	0
Delivery of the first production aircraft	April 1974	February 1977	February 1979	August 1979	6
Initial operational capability (IOC) [2]	May 1976	March 1979	March 1981	May 1982	14

[1] The product verification test replaced the originally planned qualification test.

[2] The program schedule defines IOC as delivery of 65 aircraft to SAC.

4. FLY-BEFORE-YOU-BUY VIOLATED

Mr. PROXMIRE. The B-1 program is violating the fly-before-you-buy philosophy. The B-1 go ahead decision in November of 1976 will be made without testing of a number of critical capabilities of that aircraft including all weather capability, weapons delivery and defensive avionic. The Senator from Arizona (Mr. GOLDWATER) has indicated that he does not have full faith in the missile fleet because it has not been tested with a live warhead. It should be pointed out that the B-1 weapons delivery will not be tested before the approval decision is given to the Department of Defense.

The failure to have a rigid and thorough testing program before a production decision is made by the Congress encourages concurrency—the simultaneous production and testing of equipment. In the past this has led to cost overruns since production models have to be refitted or modified to adapt to changes required by the testing program.

The most important argument here is that Congress should not give its approval to a $21 billion program that has not been adequately tested first. We have been told that, Mr. President, over and over again and we should pay attention to it. For example the automatic terrain-following radar in the B-1 is its most critical navigational component. Without the ability to hug the ground while it penetrates Soviet airspace, the B-1 would be a sitting duck. The General Accounting Office has noted that the terrain-following radar has only been installed in aircraft No. 3 and that 400 feet is the lowest clearance altitude to be tested before the production decision. In other words, the B-1 will not have a test of this system at its operational altitude before November. Furthermore, the production decision will be made without testing of the automatic terrain-following radar at night, in bad weather, or in extremely mountainous terrain.

The GAO also points out that the entire airplane will not undergo electromagnetic pulse testing before the production decision. This type of testing is designed to see how well the aircraft survives in a nuclear blast environment. Although various components will be tested, if the entire aircraft is in any way deficient, there could be large redesign costs associated with any required fix. It would be much wiser to have the results of the full test before moving to production.

5. AIRCRAFT DEFICIENCIES

Testing to date has revealed a number of problems with the B-1. Power sources to start the engines have failed in cold weather. According to the GAO, there is a mechanical breakdown in the coupling of gearboxes and auxiliary power units at a rate of 25 percent. Furthermore starting the engines takes longer than estimated. This is a particularly crucial failure since it makes the B-1 more vulnerable on the ground. The GAO states that the Air Force and Rockwell agree that this problem will not be fixed before a production decision is made.

Reference also needs to be made to the unexpected buffering and vibration of the B-1 test aircraft. Severe buffeting could interfere with he operation of offensive avionics equipment. The severity of the current problem is difficult to assess at present.

6. THE SUPERSONIC SPEED ISSUE

Although it may be startling to most Americans who have heard about the supersonic capabilities of the B-1 bomber, this speed is not likely to be used on many missions. Although a supersonic capability has been built into the B-1 at a cost of $3 billion, there are very few situations where it can be used.

The B-1 flies to and from the U.S.S.R. at high altitudes and subsonic speeds to conserve fuel. Before it penetrates hostile airspace, it dips down close to the Earth to avoid identification by radar. However, since the B-1 cannot fly at supersonic speeds at low altitudes, again this capability will not be used.

Only immediately before or after bombing run would the plane use its supersonic speed to any extent and then it is severely limited for two reasons. First, using the afterburners on the B-1 will create an observable heat source that could bring destruction from heat seeking missiles. Second, supersonic speed consumes so much fuel that it cannot be used for long periods of time.

The lack of importance of supersonic speed is indicated by the Air Force decision to cut it in half from mach 2.2 to mach 1.6. This means that at the lower speed of mach 1.6, the B-1 could not outrun many of the Soviet Union's modern fighters.

If the Air Force had recognized the lack of value in supersonic capability earlier, they could have avoided building the B-1 around that requirement. The result would have been an aircraft designed with better range and payload capacity than the existing B-1.

The Air Force argues that the supersonic capability should be retained for the high altitude, high speed penetration option—exactly the same mission that was the death of the B-70 program. High-speed, high-altitude penetration of the U.S.S.R. would be a military catastrophe.

Mr. President, the irony in the B-1 debate this year is that we can safely afford to wait before committing the Nation to a $21 billion program. Alternatives are available at far less cost. For example:

Reengining the B-52 G and H fleet at a cost of $2.1 billion, which will give them longer life, improved range, takeoff distance, and payload capacity.

Equip the newly engined B–52's with long-range cruise missiles. This would allow the B–52 to stand off, away from the U.S.S.R. air defenses—the best in the world with 10,000 SAM sites, 2,600 interceptors and 5,500 radars—and launch thousands of cruise missiles toward Soviet targets.

Purchase new wide-bodied jets for use as stand-off bombers. This alternative could cost one-half to one-third the cost of the B–1. Carrying up to 60 cruise missiles each, these bomber platforms could circle above friendly or neutral territory and still be in range of most all Soviet targets. Cruise missiles offer accuracy, numbers, and low cost.

Since the B–1 bomber force will be an addition to rather than a replacement for the B–52 fleet, there is ample time to wait before making a major new bomber decision. The B–1 will overlap the B–52's by 10 to 15 years. In the meantime, there are promising new technologies that could be incorporated into a new bomber design later if necessary.

The age of the manned strategic penetrating bomber is over. Flying missions into the heart of the U.S.S.R. with gravity bombs is virtually a suicidal flight.

Think of it. The Soviet Union has devoted more resources for defensive purposes than any nation in the history of the world. Our B–1's would have to take off from U.S. bases, where they are observable to Soviet satellites; fly toward the U.S.S.R. where they could be picked up by Soviet over-the-horizon radar and long-range acquisition radar; then find a hole in the Soviet radar net consisting of 5,500 radar sites; fly around the 10,000 surface-to-air missiles deployed on the perimeter of the U.S.S.R. and clustered around specific targets; avoid being detected and shot down by the 2,600 Soviet interceptors; elude conventional ground-to-air munitions around terminally defended targets; blast entrance and escape paths with SRAM missiles without giving away its position; bomb the targets; escape the nuclear blast; and find a way home through the hundreds if not thousands of other nuclear blasts going off in the atmosphere. That is about as close to a suicide kamikaze mission as I can envision.

It may be a glamorous mission but it is an unnecessary one. Modern technology can supply us with enough cruise missiles to saturate any known Soviet targets on the bomber target list. And this can be accomplished without risking the lives of the pilots by dashing inside the U.S.S.R.

But just as the Navy could not give up its battleships, the Air Force refuses to recognize the end of the World War II bomber mission. It almost makes me think that if the Air Force had a ground force mission, we still would be breeding cavalry horses.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Arizona is recognized for 15 minutes.

THE B–1 BOMBER

Mr. GOLDWATER. Mr. President, five times previously my friend and colleague from Wisconsin has taken the floor to speak against the B–1. Each time he failed to bring out a single criticism that has not been thoroughly and adequately addressed before. Now this time, the sixth time, he has merely repeated those criticisms covered in the previous five speeches.

All we have learned from his speeches is that the distinguished Senator from Wisconsin still does not like the B–1. Neither he nor any of his associates who are anti-B–1, have come up with any factual, sensible, or workable alternatives. All have been thoroughly refuted by acknowledged experts. I am reminded of a poem written by Tom Brown that goes like this:

> I do not like thee Dr. Fell
> The reason why I cannot tell
> But this I know, I know darn well
> I do not like thee Dr. Fell.

Now everyone who has been seriously trying to make up his or her mind about the B–1 must be aware of the Joint Strategic Bomber Study and its conclusions. They should also be aware that the General Accounting Office in commenting on the study said the B–1 is the most cost-effective bomber. But more importantly the GAO did not say any of the other alternatives were a better choice than the B–1.

Mr. President, since the Senator continues to suggest that a reengined B–52 force is the way we should structure our future strategic bomber force, let me address that point. It is important to touch on this because I believe it demonstrates a serious flaw in the way the Senator from Wisconsin views the strategic problem and, in particular, it demonstrates his lack of understanding of what is required for a future strategic bomber force.

First, it is difficult to determine the Senator's fascination for reengining the B–52. There is no relationship between the estimated penetration problem of the mid-1980's and beyond, and how new engines would help the B–52 make that penetration. As I said in previous speeches, there would be no appreciable increase in the speed of the B–52, but even if it was possible to make the low level penetration speed equal to the B–1, the airplane, the B–52, would never stand the punishment of such a high speed and low level flight.

All a reengined B–52 gives is an old airplane with new engines. None of the requirements needed for the mid-1980's and beyond, that the Senator has been told about, will have been met with a reengined B–52. Most importantly, the airplane's penetration capability will not have been measurably improved. Second, the takeoff and escape capability will not meet requirements. Third, you still have a soft airplane in terms of being able to withstand a nuclear shockwave. Now all of these points have been made to my friend from Wisconsin before, but he seems to pay no attention.

These requirements are things that will be incorporated into the B–1 but they cannot be incorporated into the B–52. So, I wonder if the Senator from Wisconsin would ask our Strategic Air Command combat crews to attempt to strike those targets, now planned for the B–1, in an aircraft that has the shortcomings of the reengined B–52. If the Senator believes he has some special military expertise and insight, I suggest he publicly ask that each SAC B–52 combat crew member that believes the reengined version of the B–52 would be adequate for the strategic mission of the mid-1980's and beyond, write him and tell him so.

If the Senator will agree to do that, I will ask those same SAC B–52 combat crews that believe the B–1 is required and that a reengined B–52 will not be adequate to write to me. Obviously, I believe there would be overwhelming support for the B–1, but, more importantly, I think such a poll might give my friend from Wisconsin a better understanding of what SAC combat crews know is going to be required to guarantee mission success.

It is also disturbing to me that Senator Proxmire continues to want to equip the B–52 as a stand-off missile platform when it appears the B–52 would no longer be able to penetrate. The problem here is that the reason he has to equip the B–52 as a cruise missile carrier is the same reason the cruise missiles can no longer be assured of reaching their targets. The reason, of course, is the heavy Soviet air defense system which, with little effort, is liable to make mincemeat of incoming cruise missiles.

The Senator apparently fails to realize that this is what the B–1 is all about, the ability to penetrate through the toughest Soviet air defenses and destroy its assigned targets.

If we followed the strategic guidance of the good Senator from Wisconsin, we would subject the United States to a real national disaster—not from the B–1 expenditures—but from a weakened strategic capability that could invite a miscalculation by the Soviet Union leading to all-out nuclear war.

If we followed the strategic guidance of the good Senator from Wisconsin, we would also be disregarding the recommendations of the very military experts the Nation has charged with protecting our national security.

So much for my reply to the Senator's concept of strategic systems. Now, as I said earlier, all of these charges and assertions have been answered before but, there are a few that I garnered from his press release today that require further response.

The statement is made, in referring to performance, that penetration speed is 27 percent below that planned.

That is just not a correct statement. It is completely in error.

The planned primary penetration is at a high subsonic speed and at a very low altitude. The sustained maximum speed at sea level has not changed and is published in the Selected Acquisition Report—SAR—where the Senator will find the development estimate and the current estimate to be identical.

The high altitude supersonic speed,

originally established at mach 2.2 was consciously reduced to mach 1.6 and the Senator has had that point explained by me before. However, it is disturbing that he would imply in his press release that penetration speed is 27 percent below that planned. That is just not true.

Mr. President, the Senator also makes the statement that the B–1 will carry eight fewer missiles than planned for in 1969. Again, the Senator is in error and does not have his facts straight. The base year for the B–1 program is 1970, not 1969, so anything related to 1969 is not even relevant. However, the 1970 figure is in the SAR and I suggest he acquaint himself with the document. Referring to the SAR and the payload and internal air to ground missiles, which are the SRAM's, the development estimate in 1970 was 24 and the current estimate is still 24. The payloads in pounds for the subsonic and supersonic missions are classified but I can tell my friend from Wisconsin that they have not changed from the development estimate.

So, I do not know where the reduction of 8 missiles comes from but, it is not from the B–1 program.

Now again, the Senator is critical of the B–1 range. However, I have not heard the Senator complain about the range of the B–52. Yet, the range of the B–1, even reduced slightly from original specifications is greater than the B–52G, which represents two-thirds of the B–52 force. The B–52H goes only slightly further but it must be remembered it does so at a much slower speed and with much greater radar cross section.

These comparisons are based on refueling each aircraft once at comparable points with each aircraft carrying a normal mission load, which means the B–1 has more target destruction capability.

So, I ask the question, how can the range of the B–1 be a legitimate issue?

Mr. President, there is another point that requires a comment because it also indicates the Senator from Wisconsin's lack of understanding of aircraft dynamics. The Senator complains that the supersonic speed will not be needed and that this capability was built at a cost of $3 billion. I do not know where that figure came from or its validity but, I do not see how it can possibly be correct. The problem here is that the Senator fails to realize that by designing the B–1 to be able to achieve high subsonic speeds at very low altitude, the aircraft, almost as a bonus, gains the capability of supersonic flight above 10,000 feet.

I would like to repeat that the important part of this whole debate hinges on the B–1's ability to penetrate at low altitudes from 200 feet to 500 feet, and at well over 200 miles an hour above the present B–52.

Any expense comes from insuring that the aircraft is structurally sound enough to stand up to the tremendous stresses encountered at low level during high subsonic speeds and to insure that the engines will provide adequate thrust to overcome the high drag of low level flight.

Mr. President, time precludes my rehashing numerous other errors I believe the Senator has made in his remarks but, I am sure the Air Force will provide a detailed response.

In closing, I say to my good friend from Wisconsin that if this concludes his speeches on the B–1, at least prior to the Defense bill debate, I think they have served a very useful purpose. If the Senator plans more speeches on the B–1, I will be happy to continue replying as best I can.

I might note that our debate, so to speak, does not seem to have drawn a great deal of attention, either from our colleagues or the press. However, there was one exception, an article by James J. Kilpatrick, entitled "Two Senators and the B–1," which appeared in the Washington Star last night. I call that article to the attention of the Senator from Wisconsin and I ask unanimous consent that the article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO SENATORS AND THE B–1

(By James J. Kilpatrick)

It doesn't happen often but now and then the United States Senate provides a forum for debate in the grand manner. We have been hearing such a debate off and on for the past three weeks. The question is: Resolved, that further funding of the B–1 bomber should be suspended.

Two of the Senate's old warlords are locked in this debate. Both William Proxmire of Wisconsin and Barry Goldwater of Arizona have spent 19 years in the upper chamber. Proxmire is chairman of Senate Banking. Goldwater is ranking minority member of Senate Aeronautics. The gentlemanly foes are worthy of each other's steel.

Proxmire has the affirmative side. After reading a couple of his speeches against the B–1, I was ready to agree: Funding should stop. But it is a measure of the antagonists' skill in advocacy that after reading Goldwater's rebuttals, I thought he had the better arguments: Press on!

It is a pity that the two senators are debating in a virtual vacuum. This is the kind of story that TV cannot possibly cover. Even the largest newspapers can barely nibble at the edge of the senators' give-and-take. Proxmire and Goldwater are speaking to a handful of colleagues who show up for the morning hour, and they are making their cases in the Congressional Record. The matter is much too important to be left at that.

The argument goes back six years, to the time that Congress first authorized the Air Force to proceed with design and testing of a new bomber to replace the B–52. Pursuant to that authorization, one prototype plane has been tested extensively at Edwards Air Force Base in California. A second prototype has made three flights. A third plane will arrive for testing this summer.

The argument for replacement goes to this effect—that the existing B–52s are from 14 to 23 years old that while they performed excellently in Vietnam, they are too slow for the missions that can be imagined in the future; and that so long as the manned bomber figures significantly in our deterrent strategy, we should not settle for a second-best aircraft. We must have the best we can afford.

Proxmire contends that the price is too high for the benefits that would be gained. Largely by reason of inflation, the cost per bomber has soared from $35 to $40 million, as of 1970, to an estimated $84.3 million today. This puts the projected cost of a fleet of 243 bombers somewhere between $20 and $25 billion.

The price would be much higher, as Proxmire sees it, the Air Force had not kept reducing its design standards in an effort to keep the lid on. The prototypes now being tested will not fly as far, nor as fast, nor have the elaborate "avionics" first contemplated. Proxmire argues that these multiple billions will not buy much of a bomber. He urges that alternatives be considered—refitting the B–52s with more powerful engines, or putting our reliance in cruise missiles.

Goldwater disagrees totally. It is true, he concedes, that specifications for the B–1 have been somewhat reduced, but the new bomber still will perform every conceivable mission. Thus far, the plane's test performance has exceeded expectations. A few weeks ago, it reached a speed of 2.1 Mach, about 1,350 miles per hour. Goldwater argues that refitting the present fleet of B–52s would be a waste of money, even if new engines were available—and he says they are not. The B–1, in Goldwater's view, is a superlative aircraft, worth every penny of its cost.

Well, you pays your money and you takes your choice. A third participant in the debate, Senator Robert Byrd of West Virginia, says the $20-odd billion could be better spent on naval vessels, land forces, or other armaments. The immediate question is whether the first eight of the new fleet should be funded now.

My own feeling is that Goldwater has prevailed in this debate. If the basic premise is accepted, that a wise deterrent strategy demands a missile capability on land, sea, and in the air, the B–1 strikes me as a prudent investment. But Proxmire is performing an admirable service in raising questions and in forcing a fine, old-fashioned debate.

Mr. GOLDWATER. Again, I say to my good friend that I am always happy to repeat these various points about the B–1 as often as the Senator may desire. As I have said in my previous remarks, I hope he will find my arguments persuasive.

SENATE MAGNA CARTA DELEGATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a list of those who will comprise the Senate delegation going to London this Sunday, May 23, in connection with the loan of the Magna Carta to the Congress of the United States by the British Government. I wish to inform the Senate that all matters relative to Senate participation in the Magna Carta ceremonies under Senate Concurrent Resolution 98 will be entered into the RECORD by me as they develop.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SENATE MAGNA CARTA DELEGATION

Senator and Mrs. Mike Mansfield.
Senator and Mrs. Hugh Scott.
Senator and Mrs. James B. Pearson.
Senator and Mrs. George McGovern.
Senator Edward Brooke.
Senator and Mrs. Bob Packwood.
Senator and Mrs. Robert Morgan.

STAFF

Mr. Francis Valeo.
Mr. Stanley Kimmitt.
Mr. Darrell St. Claire.
Mr. Robert Barton.
Ms. Vivian Ronca.

AIDES

Mr. John Warner.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m., with statements therein limited to 5 minutes.

THE B-1 BOMBER

Mr. PROXMIRE. Mr. President, in response to my friend from Arizona, first, let me say that I welcome his coming to the Chamber six times to respond to my arguments on the B-1 and the good temper and good sense that he has demonstrated in the course of his remarks.

As is clear, we vigorously and strongly disagree on this matter. I think he is wrong and he thinks I am wrong.

Let me review briefly the points he made today.

The distinguished Senator from Arizona insisted over and over again that the great weight of judgment on this matter of defense expert judgment is on the side of going ahead with the B-1 bomber.

I strongly dispute that. He gets very strong support, as would be expected, from within the Air Force and from within the Defense Establishment. That is natural. They will defend their program with the unanimity of military discipline. But virtually every expert on the outside who has spoken out on this is opposed to the B-1.

Last night, the former distinguished Secretary of Defense, Clark Clifford, made a devastating attack against our going ahead and spending this money on the B-1. Nineteen former top Defense officials, representing every President from Truman through Nixon, have spoken out in detail, specifying why they think this is not only a bad investment for the country but would not provide a significant improvement in the defense of our country.

Mr. President, the distinguished Senator from Arizona talked about how the B-52 would not be able to penetrate the Soviet air space. Of course, I agree on that. I am proposing the B-52 as a standoff platform to launch cruise missiles.

The Senator talked about how the cruise missile would not be able to penetrate.

The fact is that the cruise missile, in the first place, has various improvements in it which would enable it to evade radar and evade hostile attacks; but in addition, the cruise missile is a relatively very cheap weapon system, that can saturate the area and on that basis be able to come in. Further, the cruise missile, of course, is not manned, as the B-1 bomber would be, so that when one is shot down you do not lose American lives.

The Senator from Arizona has argued that my facts were wrong. Virtually every fact he disputes was asserted on the basis of a report from the General Accounting Office, a report which the Senator from Arizona has praised. I call the attention of the Senator from Arizona to that report.

Also, I point out that, in challenging my $3 billion cost for developing a capability for the B-1 bomber, he asked, "Where did that come from?" I am happy to tell him where it came from. It came from the Air Force. We will be happy to put into the RECORD the Air Force admission that it would cost $3 billion.

This comes down, I think, to an exchange we had after the fourth speech, or rather a statement the Senator made after my fourth speech. He agreed with me that we can build a better bomber than the B-1 if we wait 5 years or 10 years from now, that we will be able to build a bomber that will be faster, that will be more economical, that will have greater range and penetration ability, and that would be a better weapons system in every way.

He says we cannot wait that long. I point out to him that during the 1980's we will continue to have superiority over the Soviet Union in long-range bombers. Today we have substantial superiority over the Soviet Union; some say four times as many. Whether it is four times or two times as many, we do have more.

It is true they are developing the so-called Backfire bomber, but there are many questions about that Backfire bomber, about its range and whether it would qualify as a long-range bomber, capable of attacking this country.

Therefore, I think the argument that we should postpone the B-1 makes sense from every standpoint. Ten years from now, if we feel the need for a better long-range bomber, we can build a better, more efficient one. In the meantime, we will continue to have superiority over the Soviet Union; if there is a gap, it will be on their side.

I congratulate the Senator from Arizona on his initiative. I took the initiative in making these speeches, and he took the initiative in making the debate. Although Mr. Kilpatrick said the Senator from Arizona had the better of the argument, and that that is one I lost, I have great respect for Mr. Kilpatrick; I believe this debate has been very constructive and helpful, as he pointed out in his article, and I hope it will be of help to the Senate in reaching a decision on the B-1 bomber when the vote comes up in a few days.

The PRESIDENT pro tempore. Is there morning business?

Mr. GOLDWATER. Mr. President, under morning business, just a few remarks in response to my friend from Wisconsin.

He talks about experts opposed to the B-1. Looking over that list of experts, they all appear to belong to what I call the McNamara School. I have known the attitude of those gentlemen for many years, not just on the B-1 bomber but on practically every advanced weapons system we have had. I would much rather take the views of military professionals who had spent 30 or 40 years of their lives in the study of the strategic problems of this country, relative to the strategic ability of our potential enemies, the Soviet and, yes, the growing strategic ability of the Red Chinese.

My friend talks about the cruise missile. I will agree with him that the cruise missile will be welcomed with open arms into the inventory of the Air Force and the Navy when that time comes. But we are not very close to reaching the point with the cruise missile that the Senator is talking about. Because the material I would like to speak about is highly classified, I will have to refrain from it, but I will say that when the cruise missile has reached the point that we can mount it in our inventory, and it certainly eventually will be there, it will be a very great and valued addition to the weapons we are presently carrying.

The Senator has mentioned the $3 billion needed, or which has been spent, to make this B-1 capable of flying at the speeds at which it flies. Again, we get into aerodynamics. It is one thing to design an airplane to cruise at subsonic speeds, regardless of altitudes. It is another thing to design an airplane that will fly supersonically. We have to deal, for example, with what is known as the "coke bottle" effect. Senators will notice that all supersonic airplanes are shaped something like a Coca-Cola bottle. Building an airplane like that costs money. We do not get those things for nothing.

The Senator mentions waiting 10 years. I wish we could wait 10 years, but I am afraid that 10 years from now an airplane which will meet the strategic needs of this country will cost, not $85 million, but as much as $200 million or $300 million. We are not showing any inclination in Congress to control inflation. The Metro system is costing four times the original estimate. The Kennedy Center is costing twice as much as we thought it would. A pair of shoes now costs me at least twice as much as it did when I was a younger man.

So I am afraid we cannot afford to wait. To people who say we are so superior to the Soviets that we need not worry, I say we are really not. Look at the Soviet bomber forces. We should count their midrange bombers. We put our midrange bombers in mothballs, or in retirement, out in Arizona, with the agreement that the Russians would do the same; but they never did. When you add their midrange fleet to their long-range fleet, they have about the same bomber strength we have. It is true that they will not get here and back, but they can get to Cuba, or land out in the ocean someplace and be picked up, or perhaps they do not even care.

Mr. President, I again compliment my friend from Wisconsin. I think he has done remarkable research; I think in the wrong fields, but he has presented his case well, and when we go into debate on the military authorization bill, which I understand might be tomorrow, I think the remarks that can be found in the RECORD will certainly cover the B-1 from its nose to its tail, and our colleagues will have the benefit of being able to read it instead of listening to it.

ORDER FOR ADJOURNMENT UNTIL 12 NOON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DESIGNATION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after orders for the recognition of any Senators have been completed on tomorrow, there be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate the nomination of Wade Choate, of Texas, to be a member of the National Credit Union Board, which was referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE NATIONAL HEART AND LUNG ADVISORY COUNCIL—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Enclosed is the "Third Report of the National Heart and Lung Advisory Council," prepared in accordance with the requirement of section 418(b)(2) of the Public Health Service Act.

The National Heart and Lung Advisory Council has again prepared a thoughtful Report that addresses a number of important research policy questions. With regard to the recommendations and conclusions in the Council's Report, some recommendations are in accord with the Administration's views (e.g., the need for evaluation of pilot programs) and other recommendations are at variance with Administration policy (e.g., the budget recommendation and recommendations dependent on the Council's recommended budget).

The Council recommended funding levels without full knowledge of the competing needs of other high priority programs. Therefore, it is not surprising that the budget recommendations of the Council considerably exceed those of the President's 1977 Budget, which must take fiscal constraints and competing national needs into consideration. It should be noted that the budget for the National Heart and Lung Institute has increased greatly in recent years: from $195 million in 1971 to a potential of $370 million in 1976.

In addition, these fiscal concerns were recognized in H.R. 7988, "Health Research and Health Services Amendments of 1976", which I recently signed into law. The Congress authorized appropriations at a considerably lower level for FY 1977 than was recommended by the Council.

The Administration recognizes the accomplishments of the National Program as outlined in the Council's Report, and continues to view the heart, blood vessel, lung, and blood program as an area of high priority. The Report of the Council is being carefully studied and evaluated. I am forwarding the Report so that it is available to the Congress for its deliberations.

GERALD R. FORD.

THE WHITE HOUSE, May 19, 1976.

MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13172) making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 16, 19, 20, 21, 22, 23, 27, 30, 35, 43, 50, 52, 67, 70, 61, 76, 90 through 115, inclusive, 116, 122, 123, 124, 128, 130, 140, 141, 158, 159, 176, 177, 179, 181, 182, 185, 194, 195, 206, 209 through 214 inclusive, 229 through 235 inclusive, 244, and 245 and concurs therein; that the House recedes from its disagreement to the amendments of the Senate numbered 29, 61, 75, 80, 81, 83, 87, 126, 127, 171, 178, 184, 187, 196, and 197 and concurs therein, each with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 217) to repeal the act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. MEEDS, Mr. MELCHER, Mr. STEPHENS, and Mr. YOUNG of Alaska were appointed managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 8089) to amend section 404(d) of title 37, United States Code, relating to per diem expenses of members of the uniformed services traveling on official business.

The message also announced that the House has passed the bill (S. 3161) to authorize the Secretary of the Interior, with the approval of the Architect of the Capitol, to locate flagpoles on the U.S. Capitol Grounds in order to fly the flag of each of the States of the United States, and its territories and possessions, with amendments in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 2679) to establish a Commission on Security and Cooperation in Europe, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the Speaker has appointed Mr. MOORE and Mr. VAN DEERLIN as managers on the part of the House in the conference on the disagreeing votes of the two Houses to the bill (S. 2554) to amend Public Law 93–107 with regard to the broadcasting of certain professional sports clubs' games; Mrs. Esther Mae Henke of Oklahoma City as a member from private life to fill the existing vacancy on the Advisory Committee of the White House Conference on Library and Information Services; and Representative RHODES as a member of the U.S group of the North Atlantic Assembly on the part of the House.

The message also announced that the House has passed without amendment the bill (S. 1494) for the relief of Paul W. Williams.

The message further announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 1386. An act for the relief of Smith College, Northampton, Mass.;

H.R. 2181. An act to amend the tariff schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation;

H.R. 2749. An act to name a portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, the "George Washington Square";

H.R. 4047. An act for the relief of Jack R. Misner;

H.R. 9153. An act granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact;

H.R. 9401. An act to continue to suspend for a temporary period the import duty on certain horses;

H.R. 11259. An act to lower the duty on levulose until the close of June 30, 1978;

H.R. 11321. An act to suspend until July 1, 1978, the duty on certain elbow prostheses if imported for charitable therapeutic use, or for free distribution, by certain public or private nonprofit institutions;

H.R. 11605. An act to suspend for a temporary period the rate of duty on mattress blanks of rubber latex;

H.R. 12033. An act to continue until the close of June 30, 1979, the existing suspension of duties on manganese ore (including ferruginous ore) and related products;

H.R. 12118. An act to amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes;

H.R. 12527. An act to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal years 1976 and 1977, and for other purposes;

H.R. 12545. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; and

H.R. 12851. An act to extend and amend the Higher Education Act of 1965, as amended, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the enrolled bill (H.R. 11619) to authorize further appropriations for the Council on Environmental Quality.

The enrolled bill was subsequently signed by the President pro tempore.

At 12:30 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the following bills with amendments in which it requests the concurrence of the Senate:

S. 223. An act for the relief of Angela Garza;

S. 2529. An act to amend chapter 37 of title 38, United States Code, to increase the maximum Veterans' Administration's guaranty for mobile home loans from 30 to 50 percent, to make permanent the direct loan revolving fund, to extend entitlement under chapter 37 to those veterans who served exclusively between World War II and the Korean conflict, and for other purposes; and

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 5682. An act to extend the boundary of the Tinicum National Environmental Center, and for other purposes;

H.R. 10192. An act to amend title 14, United States Code, to provide for the nondiscriminatory appointment of cadets to the U.S. Coast Guard Academy;

H.R. 12735. An act to amend title 38 of the United States Code in order to require the Administrator of Veterans' Affairs to pay a $150 allowance to any State of any agency or political subdivision of a State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State or agency or political subdivision of a State, if the cemetery or section thereof is used solely for the interment of veterans;

H.R. 13308. An act to amend the Federal Aviation Act of 1958 to extend the authority of the Secretary of Transportation with respect to war risk insurance; and

H.R. 13380. An act to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2279. An act for the relief of Mrs. Louise G. Whalen.

H.R. 8089. An act to amend section 404(d) of title 37, United States Code, relating to per diem expenses of members of the uniformed services traveling on official business.

S. 1494. An act for the relief of Paul W. Williams.

The enrolled bills were subsequently signed by the President pro tempore.

At 2:35 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 2984. An act to amend section 4941(d)(2)(G) of the Internal Revenue Code of 1954;

H.R. 7685. An act for the relief of Mildred N. Crumley;

H.R. 8471. An act to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone;

H.R. 11407. An act to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy;

H.R. 13272. An act to amend section 407 of the Social Security Act to eliminate the present prohibition against payment of aid in the case of a family with an unemployed father who receives unemployment compensation, and, where possible, to eliminate the necessity of more than one registration for employment by an unemployed person; and

H.R. 13549. An act to provide for additional income for the U.S. Soldiers' and Airmen's Home by requiring the Board of Commissioners of the Home to collect a fee from the members of the Home; by appropriating nonjudicial forfeitures for support of the Home; and by increasing the deductions from pay of enlisted men and warrant officers.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Deputy Director of the Office of Management and Budget reporting, pursuant to law, the necessity for a supplemental appropriation for the U.S. Information Agency; to the Committee on Appropriations.

PROPOSED LEGISLATION BY THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator of General Services transmitting a draft of proposed legislation to amend the Bank Holding Company Act Amendments of 1970 (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION BY THE MARINE MAMMAL COMMISSION

A letter from the Chairman of the Marine Mammal Commission transmitting a draft of proposed legislation to amend the Marine Mammal Protection Act (with accompanying papers); to the Committee on Commerce.

PROPOSED LEGISLATION BY THE SECRETARY OF COMMERCE

A letter from the Secretary of Commerce transmitting a draft of proposed legislation to amend the Merchant Marine Act (with accompanying papers); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General transmitting pursuant to law, a report entitled "Examination of Financial Statements of Federal Prison Industries, Inc., Fiscal Year 1975" (with an accompanying report); to the Committee on Government Operations.

EXPROPRIATION OF THE POTASH INDUSTRY

A letter from the Staff Economist of the Department of Agriculture commending the Senate on its adoption of Senate Resolution 403, relating to expropriation by Saskatchewan Province of the potash industry; ordered to lie on the table.

AMENDMENT TO APPROPRIATIONS REQUEST FOR THE NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS—(S. DOC. NO. 94–195) *

A communication from the President of the United States transmitting an amendment to the request for appropriations for the National Study Commission on Records and Documents of Federal Officials in the amount of $445,000 for the fiscal year 1977 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION—(S. DOC. NO. 94–196) *

A communication from the President of the United States transmitting a request for supplemental appropriations for the Department of Transportation for the fiscal year 1977 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the following petitions which were referred as indicated:

House Resolution No. 578 adopted by the House of Representatives of the State of Illinois; to the Committee on Armed Services:

"HOUSE RESOLUTION NO. 578

"Whereas, The United States Senate has voted to reject the House-Senate Conference Committee Report which would authorize the Department of Defense to update our Nation's defenses through weapons research and procurement and to establish new armed forces manpower levels; and

"Whereas, When this important House-Senate Conference Committee Report came before the Senate on August 1, 1975, there were only 90 members present and voting and the rejection was by a vote of 48 to 42; and

"Whereas, It is vital to the well-being of every citizen of this great Nation that our defensive strength not be allowed to deteriorate to a point below that of other nations but rather than our defense establishment be second to none; and

"Whereas, The strength of our Nation's defenses deserves the time and attention of our elected officials in Washington and must not be neglected because of apathy or political maneuvering; therefore, be it

"Resolved, By the House of Representatives of the Seventy-ninth General Assembly of the State of Illinois, That this House supports granting authority to the Department of Defense to update our Nation's defenses through weapons research and procurement and to establish new armed forces manpower levels; and, be it further

"Resolved, That this House urges all members of the United States Congress to give close attention to matters concerning our national defense and to support those proposals that will maintain a defense structure second to none."

Resolution No. 102—1976 adopted by the Legislature of the Northern Mariana Islands; ordered to lie on the table:

"RESOLUTION NO. 102—1976

"A resolution relative to expressing sincere appreciation and gratitude to the Honorable Gerald R. Ford, President of the United States of America and the Congress of the United States of America for acting favorably on the covenant to establish a Commonwealth of the Northern Mariana Islands

"Whereas, subsequent to the conclusion of negotiations between representatives of the government of the United States and the people of the Northern Mariana Islands, the signed agreement reached during the negotiation—A Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America—was transmitted to the Congress of the United States by President Gerald R. Ford and urged speedy action by the Congress in reviewing and approving the Covenant; and

"Whereas, on July 24, 1975, the United States House of Representatives after extensive hearings and ample opportunity for all concerned to make known their views relative to the Covenant to Establish the Commonwealth of the Northern Mariana Islands, passed by unanimous consent and without any objection House Joint Resolution 549; and

"Whereas, the Senate Interior Committee, as well as the Senate Foreign Relations Committee and the Senate Armed Services Committee held extensive hearings on the proposed Covenant to Establish the Commonwealth of the Northern Mariana Islands, and again giving full opportunity for all those individuals, groups and other interested persons to make known their views relative to the proposed Covenant; and

"Whereas, after extensive hearings and full debate, the Senate, on February 24, 1976, passed House Joint Resolution 549 that authorized the establishment of the Northern Mariana Islands in Political Union with the United States of America; and

"Whereas, minor amendments to House Joint Resolution 549 were concurred on by the United States House of Representatives on March 11, 1976; and

"Whereas, on March 24, 1976, President Gerald R. Ford, in a ceremony held at the White House, signed House Joint Resolution 549 which became P.L. 94–241, established the Commonwealth of the Northern Mariana Islands in Political Union with the United States of America; and

"Whereas, this final act culminates more than a quarter of a century of requests by the people of the Northern Mariana Islands to become a part of the American political family; and

"Whereas, on for and on behalf of all the people of the Northern Mariana Islands, we, the elected leaders, wish to go on record of expressing our deep and sincere appreciation and gratitude to the people of the United States of America through the President and their elected representatives for the privilege of being allowed to become a part of the American political family;

"Now, therefore, be it resolved by the Fourth Northern Mariana Islands Legislature, Eighth Regular Session, 1976, that sincere appreciation and gratitude of the people of the Northern Mariana Islands be and hereby are expressed to the people of the United States of America for the approval of the Convenant to Establish a Commonwealth of the Northern Mariana Islands;

"And be it further resolved that the Speaker certify to and the Legislative Secretary attest the adoption hereof and thereafter transmit copies of the same to the President of the United States, President Gerald R. Ford, Honorable Nelson A. Rockefeller, Vice-President of the United States and President of the Senate, Carl Albert, Speaker of the House of Representatives, Phillip Burton, Chairman, Subcommittee on Territorial and Insular Affairs, United States House of Representatives; Henry A. Jackson, Chairman, Senate Committee on Interior and Insular Affairs, John Sparkman, Chairman Foreign Relations; John C. Stennis, Chairman, Senate Committee on Armed Services and Ambassador Franklin Hadyn Williams, the President's Personal Representative for the Micronesian Status Negotiations."

A resolution adopted by the Republican County Committee of Hilo, Hawaii, regarding the Panama Canal; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 3091. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) and the act of June 4, 1897 (30 Stat. 35) (together with additional views) (Rept. No. 94–905).

By Mr. ABOUREZK, from the Committee on Interior and Insular Affairs, with amendments:

S. 1068. A bill to designate certain lands in the Badlands National Monument, South Dakota, as wilderness (Rept. No. 94–906).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 3422. A bill to regulate commerce to assure increased supplies of natural gas at reasonable prices for consumers, and for other purposes (together with minority views) (Rept. No. 94–907).

Mr. MAGNUSON. Mr. President, on behalf of the Committee on Commerce I submit S. 3422, a bill favorably ordered reported by the Senate Commerce Committee on Tuesday, May 18, 1976. I ask unanimous consent that the committee have until midnight May 21, 1976, to file the written report on S. 3422.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I also ask unanimous consent that the bill as reported and a summary description of the reported bill be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 3422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural Gas Act Amendments of 1976".

SEC. 2. The Natural Gas Act (15 U.S.C. 717 et seq.) is amended by (1) striking out section 24 thereof (15 U.S.C. 717w); and (2) amending section 1 thereof by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively, and inserting therein the following new subsection:

"(a) This Act may be cited as the 'Natural Gas Act'.".

SEC. 3. Section 1(c) of the Natural Gas Act, as redesignated by the Natural Gas Act Amendments of 1976 (hereinafter referred to as the 1976 Amendments) (15 U.S.C. 717 (b)), is amended (1) by deleting "The" at the beginning thereof and by inserting in lieu thereof immediately after "(c)" the following: "(1) Except as provided in paragraph (2) of this subsection, the"; and (2) by inserting at the end thereof the following new paragraph:

"(2) Subject only to the provisions of section 24 of this Act, after the date of enactment of the 1976 Amendments, the authority of the Commission to regulate the sale of natural gas to a natural-gas company for resale in interstate commerce pursuant to this Act shall cease to exist with respect to, and shall not apply to, new natural gas: *Provided,* That sales or purchases of new natural gas by any natural-gas company from other than offshore Federal lands during the period that begins on the date of enactment of the 1976 Amendments and ends 7 years from such date of enactment shall be subject to the onshore price limitation established in sections 4 and 5 of this Act and adjusted pursuant to section 31 of this Act: *Provided, however,* That such sales shall not be subject to the provisions of section 7 of this Act (15 U.S.C. 717f). Nothing contained in the 1976 Amendments shall modify or affect the authority of the Commission in effect prior to the date of enactment of such 1976 Amendments to (A) regulate the transportation in interstate commerce of natural gas or the sale in interstate commerce for resale of old natural gas except as provided in section 30 of this Act, or (B) regulate sales for resale of natural gas by any natural-gas company which transports natural gas in interstate commerce or by an affiliate thereof which transports natural gas in interstate commerce."

SEC. 4. (a) Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended by striking paragraph (5) thereof and by redesignating paragraph (6) through (9) as paragraphs (13) through (16), and by inserting the following new paragraphs:

"(5) 'Natural gas' means natural gas or synthetic natural gas unmixed, or any mixture of natural and synthetic natural gas.

"(6) 'Synthetic natural gas' means gas manufactured from coal or other hydrocarbon-containing materials which is sold or transported in interstate commerce.

"(7) 'New natural gas' means natural gas sold or delivered in interstate commerce (except synthetic natural gas or liquefied natural gas) (A) which is dedicated to interstate commerce for the first time on or after January 1, 1976: *Provided,* That natural gas so sold or delivered from offshore Federal lands shall be dedicated for the life of the reservoir and committted for an initial contract term of not less than 15 years or for the life of the reservoir if less than 15 years: *Provided further,* That any natural gas sold by a producer in interstate commerce prior to the date of enactment of the 1976 Amendments pursuant to limited term certificates (5 years or less) or temporary emergency contracts shall not be considered, for the purpose of this provision, as having been committed to interstate commerce, or (B) natural gas produced from a reservoir discovered on or after January 1, 1976, as determined by rule by the Commission, or produced from wells initiated and completed in an extension on or after January 1, 1976 of a previously discovered reservoir, as determined by rule by the Commission, regardless of whether or not the leases covering such newly discovered or extended reservoir were theretofore committed by contract or otherwise dedicated to the interstate market.

"(8) 'Old natural gas' means natural gas except (A) new natural gas or (B) synthetic natural gas sold or delivered on or after January 1, 1976.

"(9) 'Boiler fuel use of natural gas' means the use of natural gas as the source of fuel in a generating unit of more than 25 megawatts rated net generating capacity in the previous quarter, or in any unit which is part of an electric utilities system with a total net generating capacity of more than 150 megawatts in the previous quarter, for the purpose of generating electricity and the use of natural gas as the source of fuel for generating industrial steam and/or industrial space heat in an amount that exceeds 3,000 Mcf on any day per plant in the previous quarter as determined by rule by the Commission, following the date of enactment of the 1976 Amendments.

"(10) 'Affiliate' means any person directly or indirectly controlling, controlled by, or under common control or ownership with any other person, as determined by rule by the Commission.

"(11) 'Offshore Federal lands' means any land or subsurface area within the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

"(12) 'Mcf' means 1,000 cubic feet of natural gas containing one million British thermal units of energy at 60 degrees Fahrenheit and 14.73 pounds per square inch absolute pressure.".

SEC. 5. (a) Section 4(a) of the Natural Gas

Act (15 U.S.C. 717c(a)) is amended by adding at the end thereof the following new sentence: "The rates and charges made, demanded, or received by any natural-gas company for, or in connection with, a contract for the sale of new natural gas produced from offshore Federal lands shall be deemed to be just and reasonable, if such rates and charges do not exceed the applicable ceiling price, established by the Commission, pursuant to section 24 of this Act, in effect at the time when such new natural gas is either first sold or first transferred under such contract to a natural-gas company. The rates and charges made, demanded, or received by any natural-gas company for, or in connection with a contract for the sale of new natural gas produced from lands other than offshore Federal lands shall be deemed just and reasonable, if such rates and charges do not exceed, during the period that begins on the date of enactment of the 1976 Amendments and ends 7 years after such date of enactment, an amount (hereinafter referred to as the "onshore price") equal in any State to the lesser of either (A) $1.60 per Mcf as adjusted pursuant to subsections (a), (b), and (c) of section 31 of this Act; or (B) a rate established by any such State for first sales or purchases of natural gas produced in such State for consumption in such State, as determined by the Commission.

(b) Section 4(e) of the Natural Gas Act (15 U.S.C. 717c(e)) is amended by adding at the end thereof the following new sentence: "Notwithstanding the foregoing, the Commission shall have no power—

"(1) to deny, in whole or in part, any rate or charge made, demanded, or received by any natural-gas company for, or in connection with, the purchase or sale of new natural gas, or that portion of the rates and charges of such company which relates to such purchase or sale, except (A) to the extent that such rates or charges, or such portion thereof, for new natural gas produced from offshore Federal lands exceed the applicable ceiling price, established by the Commission pursuant to section 24 of this Act, or (B) to the extent that such rates or charges exceed, during the period that begins on the date of enactment of the 1976 Amendments and ends 7 years afer such date of enactment, an onshore price equal to the lesser of either (i) $1.60 per Mcf as adjusted pursuant to subsections (a), (b), and (c) of section 31 of this Act; or (ii) a ceiling rate established by any State for sales of natural gas produced in such State for consumption in such State, or (c) in any case where a natural-gas company purchases natural gas from an affiliate or produces natural gas from its own properties, to the extent that the Commission determines that the rates and charges therefor exceed the current rates and charges, or portion thereof, made, demanded, or received for comparable sales by any person who is not affiliated with any natural-gas company; or

"(2) to order a decrease in the rate or charge made, demanded, or received for the sale or transfer of old natural gas or new natural gas by a natural-gas company if such rate or charge shall have been previously determined or deemed to be just and reasonable pursuant to this Act by the Commission and finally affirmed by judicial review, if such review is sought by any party."

Sec. 6. Section 5(a) of the Natural Gas Act (15 U.S.C. 717d(a)) is amended by striking the period at the end thereof and by adding the following: ": *Provided further*, That the Commission shall have no power—

"(1) to deny, in whole or in part, any rate or charge made, demanded, or received by any natural-gas company for, or in connection with, the purchase or sale of new natural gas, or that portion of the rates and charges of such company which relates to such purchase or sale except (A) to the extent that such rates or charges, or such portion thereof, for new natural gas produced from offshore Federal lands exceed the ceiling price, established or modified by regulation of the Commission pursuant to section 24 of this Act, or (B) to the extent that such rates or charges exceed, during the period that begins on the date of enactment of the 1976 Amendments and ends 7 years after such date of enactment, an onshore price equal to the lesser of either (i) $1.60 per Mcf as adjusted pursuant to subsection (a), (b), and (c) of section 31 of this Act; or (ii) exceeds an amount established by any State for sales of natural gas produced in such State for consumption in such State; or (C) in any case where a natural-gas company purchases natural gas from an affiliate or produces natural gas from its own properties, to the extent that the Commission determines that the rates and charges therefor exceed the current rates and charges, or portion thereof, made, demanded, or received for comparable sales by any person who is not affiliated with any natural-gas company; or

"(2) to order a decrease in the rate or charge made, demanded, or received for the sale or transfer of old natural gas or new natural gas by a natural-gas company if such rate or charge shall have been previously determined or deemed to be just and reasonable by the Commission and finally affirmed by judicial review, if such review is sought by any party, pursuant to this Act.".

Sec. 7. Section 14 of the Natural Gas Act (15 U.S.C. 717m) is amended by adding at the end thereof the following two new subsections:

"(h) The Commission is further authorized and directed to conduct studies of the exploration, development, production, gathering, storage, transportation, distribution, consumption, and sale of natural gas, produced in the United States or in any State, whether or not otherwise subject to the jurisdiction of the Commission, including the exploration, development, production, gathering, storage, transportation, distribution, consumption and sale of natural gas by any agency or other instrumentality of the United States or of any State or political subdivision thereof and to make an annual independent estimate of proved and potential natural-gas reserves. It shall, insofar as practicable, obtain and keep current information regarding (1) the ownership, operation, management, and control of all facilities for such exploration, development, production, gathering, storage, transportation, distribution, consumption, and sale; (2) the Commission's independent estimate of total proved and potential natural-gas reserves in the United States by fields or reservoirs, the current utilization of natural gas, and the relationship between the two; (3) the rates, charges, and contracts for natural-gas service to residential, rural, commercial, and industrial consumers, and private and public agencies; and (4) the relationship of any and all such information to the requirements of conservation, industry, commerce, and the national defense. Notwithstanding the provisions of section 1 of this Act (15 U.S.C. 717), the provisions of sections 20, 21, and 22 (15 U.S.C. 717s, 717t, and 717u) shall be applicable to the enforcement of this section. The Commission shall annually report to the Congress and shall publish and make available the results of studies, investigations, and estimates made pursuant to this subsection.

"(i) In making studies, investigations, and reports pursuant to this section, the Commission shall utilize, insofar as practicable, the services, studies, reports, information, and programs of existing agencies and other instrumentalities of the United States, of the several States, and of the natural-gas industry. Such agencies or instrumentalities of the United States shall cooperate with the Commission to the maximum practical extent to carry out the purposes of this subsection. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigative and reporting activities, duties, powers, and functions of any other agency or instrumentality of the United States.".

Sec. 8. The Natural Gas Act (15 U.S.C. 717 et seq.), as amended by the 1976 Amendments, is further amended by adding at the end thereof the following eight new sections:

"CEILING PRICE FOR NEW NATURAL GAS PRODUCED FROM OFFSHORE FEDERAL LANDS

"Sec. 24. (a) Rates and charges for first sales of new natural gas produced from offshore Federal lands shall be deemed just and reasonable only if the aggregate of such rates and charges do not exceed a ceiling price equal to the sum of—

"(1) a base price as determined in accordance with subsection (b) of this section or a special price as determined in accordance with subsection (c) of this section;

"(2) any adjustment of the base price or special price in accordance with subsection (d) of this section (relating to inflation or deflation) applicable at the time of the initial dedication of such natural gas; and

"(3) any additional amounts authorized to be paid under subsection (e) of this section (relating to quality and other adjustments) and subsection (f) of this section (relating to contract escalations).

"(b) The base price—

"(1) from January 1, 1976 until a new base price is established pursuant to paragraph (2) of this subsection shall be equivalent on a British thermal unit (Btu) basis to the maximum weighted average first sale price for crude oil produced in the United States in effect on the date of enactment of the 1976 Amendments as determined by the Federal Energy Administration pursuant to title IV of the Energy Policy and Conservation Act (15 U.S.C. 753–757). The Commission shall express such base price in cents per Mcf by dividing such maximum weighted average first sale price for crude oil by a factor of 5.8.

"(2) on January 1, 1981 for the following 5 years shall be established by the Commission by rule and be effective on January 1, 1981, and such base price shall be revised thereafter by rule at 5-year intervals. In establishing such base price the Commission shall consider the following factors and only these factors:

"(A) the experience in the previous 5 years with respect to whether the prevailing prices have been at excessive or inadequate levels for attracting capital for the exploration, development and production of new natural gas from offshore Federal lands;

"(B) the prospective costs, without regard to prospective levels of general inflation or deflation, attributable to the exploration, development, production, gathering, and sale of the new natural gas from offshore Federal lands;

"(C) the base price necessary to encourage the optimum levels of (i) the exploration for natural gas produced from offshore Federal lands, (ii) the development, production and gathering of natural gas produced from offshore Federal lands, and (iii) the maintenance of proved reserves of natural gas in the offshore Federal lands; and

"(D) the base price that will protect consumers of natural gas from prices that, in the absence of such a base price, would be higher than necessary to satisfy the criteria of subparagraphs (A) through (C) of this paragraph.

"(c) The Commission may by rule establish one or more special prices or authorize a person to charge or receive for new natural gas an amount in excess of the base price authorized in subsection (b) of this section, in any high-cost production area or vertical drilling depth in any offshore Federal lands designated by the Commission. The Commission may designate high-cost production areas or vertical drilling depths, and, pursuant to the factors for revising the base rate in paragraph (2) of subsection (b) of this section, may establish such special prices if the Commission finds—

"(1) that the current and prospective costs, without regard to prospective levels of general inflation or deflation, of production in such high-cost production area or vertical drilling depth designated by the Commission are substantially above the adjusted base price authorized under subsection (a) of this section; and

"(2) the production of new natural gas in such designated high-cost production area or vertical drilling depth is required by the public convenience and necessity.

"(d) (1) The base price established or revised pursuant to subsection (b) (1) or (2) of this section or any special price established or revised pursuant to subsection (c) of this section shall, commencing with the quarter following the date of enactment of the 1976 Amendments, and at quarterly intervals thereafter, be adjusted by the Commission for any inflation or deflation by multiplying it by a number whose numerator is the latest available quarterly implicit price deflator for Gross National Product and whose denominator is the implicit price deflator for Gross National Product for the corresponding quarter of the base year 1976, as compiled by the Bureau of Economic Analysis as initially published by the Department of Commerce.

"(2) The Bureau of Economic Analysis or a successor agency shall continue to compile, and the Department of Commerce shall continue to publish, the implicit price deflator for Gross National Product, in accordance with procedures consistent with those in effect on January 1, 1976, in order to carry out the purposes of this Act.

"(e) The Commission shall, by rule, permit variations from the adjusted base price or any special price during the term of the contract for new natural gas sold pursuant to this section to reflect the Btu content of the natural gas, an allowance for gathering actually performed by the producer, the cost of removing impurities, changes in severence taxes or similar taxes, the value of any compensation advanced to the producer, and other such cost-oriented adjustments.

"(f) A producer may, at the time of dedication of new natural gas subject to this section, provide by contract for a specified annual increase in the price of such natural gas above the applicable adjusted base price in effect at the time the natural gas was initially dedicated to compensate for increased costs in the production of such natural gas, not in excess of an amount to be determined by the Commission by rule.

"(g) Upon the expiration of the minimum initial contract term of 15 years for the sale of new natural gas subject to this section, such natural gas shall continue to be sold or transferred at a price mutually acceptable to the seller and the purchaser, not in excess of the then applicable ceiling price. Any contract entered into upon the expiration of the initial contract or any sales or transfers upon the expiration of the initial contract shall be for a term equal to the remaining life of the dedicated reservoir.

"ADVANCE PAYMENTS

"Sec. 25. Notwithstanding the provisions of section 1 of this Act, if the Commission, pursuant to its authority to regulate natural-gas companies under sections 4, 5, and 7 of this Act (15 U.S.C. 717c, 717d and 717f), authorizes any such company to advance funds to any person prior to production of the natural gas, the contract covering such sale shall be filed with the Commission at least 60 days in advance of payments thereunder. The Commission thereafter may require, after notice and opportunity for hearing, that the sales rate be reduced or modified from an amount that equals the current rates and charges for comparable sales by other persons as necessary to repay in full to the advancing party the principal of the advance and any interest thereon, upon such terms and conditions as the Commission may determine proper in the public interest.

"NATURAL GAS FOR ESSENTIAL AGRICULTURAL AND OTHER PURPOSES

"Sec. 26. (a) Except to the extent that natural-gas supplies are required to maintain natural-gas service to residential users, small users, hospitals, and similar users vital to public health and safety, as defined by the Commission and notwithstanding any other provision of law or of any natural-gas allocation or curtailment plan in effect under existing law, the Commission shall, by rule, prohibit any interruption or curtailment of natural gas and take such other steps as are necessary to assure as soon as practicable the availability in interstate commerce of sufficient quantities of natural gas for use for any essential agricultural, food processing, and food packaging purposes for which natural gas is necessary, including but not limited to irrigation pumping, crop drying, use as a raw material feedstock, or process fuel in the production of fertilizer and essential agricultural chemicals in existing plants (for present or expanded capacity) and in new plants. The Secretary of Agriculture shall determine by rule the agricultural, food processing, and food packaging purposes for which natural gas is necessary. The Secretary of Agriculture shall assist the Commission in determining the amount of natural gas which is necessary for such essential uses to meet requirements for full food and fiber production.

"(b) Except to the extent that natural-gas supplies are required to maintain natural-gas service for purposes specified under subsection (a) of this section, the Commission shall assure, to the maximum extent feasible, the maintenance of natural-gas service to persons using natural gas for industrial purposes for which natural gas is essential for uses (other than boiler fuel) for which there is no practicable substitute.

"(c) The Commission shall decide applications for special relief from a curtailment plan as soon as practicable, but in no event later than 120 days after the date such applications are accepted for filing.

"COMMISSION JURISDICTION OVER SYNTHETIC NATURAL GAS

"Sec. 27. The provisions of this Act shall apply to any plant (except to any proposed plant that proposes to use, in whole or in part, crude oil, residual fuel oil, refined petroleum products, natural gas liquids or condensate, or natural gas liquid products as a feedstock) for the manufacture of synthetic natural gas, to any sales or transportation of such synthetic natural gas, and to any person owning or operating such plant: *Provided*, That such jurisdiction shall not, as a result of the operation of this section, include the feedstock of such plant: *Provided further*, That if any such person or predecessor in interest was bona fide engaged in the production, transportation or sale of synthetic natural gas, subject to the jurisdiction of the Commission on the date of enactment of the 1976 Amendments, the Commission shall issue a certificate required under section 7 of this Act without requiring further proof that the public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within 90 days after the date of enactment of the 1976 Amendments. Pending the determination of any such appplication, the continuance of such operation shall be lawful: *And provided further*, That such jurisdiction shall not preempt State laws, rules, and regulations regarding natural resource development, conservation, and environmental protection, or any other proper exercise of State police powers.

"NATURAL-GAS CONSERVATION

"Sec. 28. (a) Except as provided in subsections (c) and (e) of this section, the Commission shall by rule prohibit boiler fuel use of natural gas affecting commerce supplied pursuant to any delivery ararngement in effect or contract initially executed after May 12, 1976, unless, upon petition by the user, the Commission determines for the subsequent 12 month period that—

"(1) alternative fuels, other than propane, are not available to such user; or

"(2) it is not practicable or feasible to utilize such alternative fuels at the time of such Commission determination.

"(b) Except as provided in subsections (c) and (e) of this section, boiler fuel use of natural gas supplied pursuant to any delivery arrangement in effect or contract initially executed prior to May 12, 1976, for the purpose of generating electricity shall be terminated by the user of such natural gas at the expiration of such contract or 10 years after the date of enactment of the 1976 Amendments whichever is earlier, unless, upon petition of such user, the Commission determines for the subsequent 12 months period that—

(1) alternative fuels, other than propane (and, other than crude oil, residual fuel oil refined petroleum products until May 10, 1986), are not available to such user, or—

(2) it is not practicable or feasible to utilize such alternative fuels at the time of such Commission determination. The Commission shall modify or terminate certificates of public convenience and necessity relating to such contracts to the extent necessary to carry out the purpose of this subsection.

"(c) The Commission shall exempt from any rule under this section the boiler fuel use of natural gas by powerplants or industrial facilities for the purpose of operating pollution abatement systems to the extent natural gas is required for the efficient operation of such pollution abatement systems.

"(d) Nothing in this section shall impair any requirement in any State or Federal law pertaining to safety or environmental protection. The Commission, in determining practicability where required by this section, shall not assume that there will be any lessening in any safety or environmental requirement established pursuant to State or Federal law.

"(e) The Commission shall not prohibit the boiler fuel use of natural gas for the necessary processes of ignition, startup, testing, and flame stabilization by a facility, or for the purpose of alleviating short-term or seasonal air quality emergencies or any other significant risk to the public health or safety.

"(f) Except as expressly provided in subsection (b) of this section, the Commission under the authority of the Natural Gas Act, shall not (1) modify, amend, or abrogate contracts entered into prior to May 10, 1976, for the sale or transportation of natural gas for boiler fuel use, (2) modify, amend, or abrogate the supply terms of certificates of public convenience and necessity authorizing the sale or transportation of natural gas under such contracts, except upon application duly made by the holder of a certificate under section 7 of this Act; or (3) prevent, impair, or limit, either directly or indirectly, the deliveries under any such contract or certificate except upon application duly made by the holder of a certificate under section 7 of this Act: *Provided, however*, That the provisions of this subsection shall not modify or limit the authority of the Commission to effectuate curtailments of natural gas sold by a natural-gas company to its customers.

"(g) In implementing the provisions of this section, the Commission shall, to the extent necessary, apply the provisions of section 17 of this Act (15 U.S.C. 717p). Notwithstanding the provisions of section 1 of the Act (15 U.S.C. 717), the provisions of sections 20, 21, and 22 (15 U.S.C. 717s, 717t and 717u) shall be applicable for the enforcement of this section.

"INCREMENTAL PRICING FOR BOILER FUEL USERS

"SEC. 29. (a) Within 120 days after the date of enactment of the 1976 Amendments, the Commission shall by rule require all natural-gas companies which transport natural gas in interstate commerce making sales for the boiler fuel use of natural gas to charge all such users a rate the purchase gas component of which, as determined by rule by the Commission, is equal to—

(1) the average price of purchased natural gas of such company exclusive of any amounts paid in excess of the then applicable adjusted base price for new natural gas produced from offshore Federal lands, and

(2) a surcharge computed by dividing the total amount paid in excess of the applicable adjusted base price for new natural gas produced from offshore Federal lands at the time of computation by the total volume for all the boiler fuel use of natural gas in such company's system, including sales for resale to boiler fuel users.

(b) Notwithstanding the provisions of section 1 of this Act (15 U.S.C. 717). All natural-gas companies shall condition, pursuant to rules promulgated by the Commission within 120 days after the date of enactment of the 1976 Amendments, all sales for resale for the boiler fuel use of natural gas to require that such boiler fuel users are charged a rate for purchased natural gas that is not less than the rate computed pursuant to subsection (a) of this section.

(c) In conditioning such sales, the Commission shall by rule limit such charges so that the total purchased gas portion of the rate for the boiler fuel use of natural gas does not exceed an amount equal to 120 percent of the equivalent (on a Btu basis) of the national average cost of heating oil as reported by the Federal Energy Administration (or a successor agency) in the previous year.

(d) The Commission shall promulgate rules to govern sales, exchanges or transfers among natural-gas companies and sales, exchanges or transfers to natural-gas distributing companies or other customers served by multiple natural-gas companies the extent necessary to achieve the purpose of this section. Such rules shall supersede the law or regulations of any State that are inconsistent with such Commission rules unless such State laws or regulations are approved by the Commission.

(e) Notwithstanding the provisions of section 1 of this Act (15 U.S.C. 717(a) to 717(d)), the provisions of sections 20, 21, and 22 of this Act (15 U.S.C. 717s, 717t, and 717u) shall be applicable for the enforcement of this section.

"RATES AND CHARGES FOR OLD NATURAL GAS

"SEC. 30. The Commission shall, as soon as practicable after the date of enactment of the 1976 Amendments, pursuant to rulemaking procedures under section 553 of title 5, United States Code, establish, and every 2 years shall, modify a national ceiling for rates and charges for the sale in interstate commerce for resale of old natural gas, after the expiration of a contract by its own terms (and not through the exercise of any power to renegotiate contained therein or to terminate whether express or implied) for the continued sale or delivery of such natural gas. In establishing such national ceiling, the Commission shall consider the following factors and only these factors:

"(1) the cost attributable to the exploration, development, production, gathering, and sale of old natural gas;

"(2) the prospective costs of operation, reworking, installation of additional compression, and similar expenses, which costs are necessary to prevent abandonment in place of reserves of old natural gas otherwise recoverable;

"(3) the reimbursement to the seller of (a) any severance, production, or other tax payable by the seller and levied on the value of production at the wellhead; and (b) any royalty or royalties on natural gas which a producer is required to pay to a royalty owner under applicable State law;

"(4) the rate of return on seller's original capital investment which is sufficient to encourage the optimum level of investment in exploration, development and production of old natural gas; and

"(5) the rates and charges that will protect consumers of natural gas from price increases that would, in the absence of a national ceiling during periods of actual or anticipated shortages, exceed the rates and charges necessary to achieve the objectives of paragraph (4) of this subsection.

ADJUSTMENTS TO THE PRICE FOR NEW NATURAL GAS PRODUCED FROM LANDS OTHER THAN OFFSHORE FEDERAL LANDS

SEC. 31. (a) During the period that begins on the date of enactment of the 1976 Amendments and ends seven years from such date, the Commission may by rule establish one or more special prices or authorize a natural gas company which transports natural gas in interstate commerce to purchase new natural gas produced from lands other than offshore Federal lands at a special price in excess of the applicable onshore price under sections 4 and 5 of this Act (15 U.S.C. 717c, 717d) in any high cost production area or vertical drilling depth designated by the Commission. The Commission may designate high-cost production areas or vertical drilling depths, and may establish such special prices if the Commission finds—

"(1) that the current and prospective costs without regard to prospective levels of general inflation or deflation of production in such high-cost production area or vertical drilling depth designated by the Commission are substantially above the onshore price authorized under sections 4 and 5 of this Act; and

"(2) the production of new natural gas in such designated high-cost production area or vertical drilling depth required is by the public convenience and necessity.

"(b)(1) The onshore price established or revised pursuant to sections 4 and 5 of this Act or any special price established or revised pursuant to subsection (a) of this section shall, commencing with the quarter following the date of enactment of the 1976 Amendments, and at quarterly intervals thereafter, be adjusted by the Commission for any inflation or deflation by multiplying it by a number whose numerator is the latest available quarterly implicit price deflator for Gross National Product and whose denominator is the implicit price deflator for Gross National Product for the corresponding quarter of the base year 1976, as compiled by the Bureau of Economic Analysis as initially published by the Department of Commerce.

"(2) The Bureau of Economic Analysis or a successor agency shall continue to compile, and the Department of Commerce shall continue to publish, the implicit price deflator for Gross National Product, in accordance with procedures consistent with those in effect on January 1, 1976, in order to carry out the purposes of this Act.

"(c) The Commission shall, by rule, permit variations from the onshore price or any onshore special price established under sections 4 and 5 of this Act during the term of the contract for new natural gas sold pursuant to this section to reflect the Btu content of the natural gas, an allowance for gathering actually performed by the producer, the cost of removing impurities, severance taxes or similar taxes, the value of any compensation advanced to the producer, and other such cost-oriented adjustments.".

SUMMARY OF S. 3422 AS REPORTED BY THE COMMITTEE ON COMMERCE

The Natural Gas Act Amendments of 1976 (S. 3422) propose a fundamental restructuring of the Federal Power Commission (FPC) regulatory authority over natural gas production and sales, and seek to balance the consumer's interest in low-cost energy against the consumer's interest in adequate supplies of clean, efficient energy to meet his needs. S. 3422 resembles S. 2310 as passed by the Senate on October 22, 1975 by a rollcall vote of 58–32.

Following are the principal features of S. 3422:

I. NEW NATURAL GAS DEFINITION

"New natural gas" is defined as natural gas dedicated for the first time to interstate commerce on or after January 1, 1976; natural gas produced from newly discovered reservoirs or extensions of existing reservoirs; and natural gas available after the expiration of short term or emergency contracts is defined as "new natural gas." This definition is virtually the same as that contained in S. 2310 except under S. 2310 the effective date was January 1, 1975. (Under S. 2310, the effective date was January 1, 1975.)

II. ON-SHORE NATURAL GAS PRICING

Producer regulation under the Natural Gas Act is terminated for new natural gas sales. That is, the requirements for producer certification, dedication, rate filing and abandonment of new natural gas produced and sold from on-shore lands will no longer apply. Producers are, however, prohibited from charging directly or indirectly more for natural gas than the applicable ceiling prices. The 1976 Amendments' treatment of new onshore natural gas pricing is based upon S. 2310. However, the 1976 Amendments incorporate an "onshore price" concept which was not included in S. 2310.

During the period from the date of enactment of S. 3422 to seven years from such date of enactment, interstate pipelines are prohibited from paying more than the "onshore price" for new natural gas produced from onshore lands. Such purchases will be just and reasonable, under sections 4 and 5 of the Natural Gas Act, only if they do not exceed the "onshore price" which is statutorily established at $1.60, as adjusted quarterly for inflation or deflation, Btu content, and other specified customary and necessary adjustments. Authority is extended to the FPC to authorize special on-shore prices, during the seven year transition period, to accommodate special high cost of production conditions.

III. OFF-SHORE NATURAL GAS PRICING

Under S. 3422, a permanent system of FPC ceiling price authority is established for new natural gas produced from off-shore federal lands. Initially, the FPC would establish a "base price" for sales of new natural gas from off-shore federal lands equal to the average price of domestic oil, on an energy equivalent basis, in effect on the date of enactment.

This initial base price, to be effective for five years (January 1, 1976 through December 31, 1980), would be about $1.35 per Mcf (compared to 52c per Mcf under current law). On January 1, 1981, and thereafter at five year intervals, the FPC would be required to revise its base price to reflect certain criteria enumerated in the bill.

The total price, or "ceiling price" for new natural gas initially produced from off-shore federal lands would include the base price, plus an adjustment made quarterly for inflation (or deflation), plus other specified necessary, proper and customary adjustments.

Under S. 2310, new natural gas produced from off-shore federal lands would have been subject to FPC price ceilings only for five years (through December 31, 1980). S. 2310 contained criteria for the FPC to consider in establishing such ceiling prices which are similar to those in S. 3422.

In addition, initial contracts for the sale of new natural gas from off-shore federal lands would be for a minimum term of 15 years, as in S. 2310. Successor contracts would be for the life of the reservoir.

IV. OLD NATURAL GAS

S. 3422. continues cost-based regulation under the existing Natural Gas Act for all old gas, which is all the flowing and dedicated gas for the interstate market that is not eligible for treatment as new natural gas. However, old natural gas pricing would be subject to revised criteria, as in S. 2310, upon the expiration of contracts by their own terms (and not through any express or implied power to terminate or power of renegotiation contained in such contracts). The FPC would establish a national ceiling price for old natural gas available upon the expiration of contracts, and this ceiling price would be revised every two years.

V. ADVANCE PAYMENTS

The 1976 Amendments retain language contained in S. 2310 relating to the regulation of contracts, which provide for advance payments by purchasers to producers. The FPC is authorized to require full repayment of any advance payments, plus interest for the use of the purchaser's capital. (Current FPC practice is to prohibit advance payments.)

VI. CURTAILMENT PRIORITIES

The 1976 Amendments contain provisions for service priority during curtailments to residential users, small users, hospitals and other users providing services vital to the health and safety of the public, agricultural producers, food processors and food packagers (both for current and expanded capacity), and for priority industrial users. These provisions are virtually the same as those contained in S. 2310.

VII. SYNTHETIC NATURAL GAS

S. 3422 retains the provision of S. 2310, with technical redrafting, which establishes FPC jurisdiction over synthetic natural gas (SNG) production from coal, and interstate transportation and sales. Unlike S. 2310, the 1976 Amendments assure a certificate without hearing to existing SNG plants.

VIII. BOILER FUEL USE OF NATURAL GAS

The 1976 Amendments contain language from S. 2310 which requires electrical utilities (above a certain rated capacity) to convert to alternate fuels. The period for conversion, however, is shortened from 12 years to 10 years. Electrical utilities would be required to convert to available alternative fuels within the specified time period, or upon expiration of existing service contracts, whichever is sooner.

The term "boiler fuel use of natural gas" is expanded for future application to include not only large electrical utilities, but industrial facilities which use natural gas for space heating and/or steam generation in excess of 3000 Mcf per day. Both electrical utilities and large industrial boiler fuel users would be prohibited from using natural gas as a boiler fuel unless initially contracted for prior to May 12, 1976.

The 1976 Amendments retain those exceptions contained in S. 2310 that relate to protection of the environment, including the use of natural gas for pollution abatement equipment and, if necessary, to meet air quality standards.

Whether served by an interstate pipeline or an intra-state pipeline, all large, electrical utilities would be required to convert subject to the provisions of the 1976 Amendments. The prohibition on future boiler fuel use would also apply to interstate and intrastate consumption.

Under S. 3422, incremental pricing is limited to boiler fuel users, as defined. No boiler fuel user, however, could be required to pay *more* for natural gas service than 120 per cent of the average price of heating oil (as determined by FEA) in the preceeding calendar year, plus transporting and distribution costs.

Only that portion of a pipeline's cost for natural gas which exceeds the applicable offshore ceiling price could be assigned for incremental pricing, as a surcharge, to boiler fuel users.

IX. INCREMENTAL PRICING

Under S. 2310, *all* industrial users would have paid, on an incremental basis, for high cost natural gas supplies entering the interstate pipeline system. There was no distinction, under S. 2310, between essential and non-essential industrial uses. All users, whether or not they could convert, were subject to the incremental pricing scheme.

X. FPC INFORMATION COLLECTION

Under both S. 2310 and S. 3422, the FPC is granted new authority to gather information, conduct studies and report to Congress on matters relating to natural gas reserves, supplies, production, sales, transportation and consumption.

The FPC currently lacks a clear mandate to engage in comprehensive data collection. The bill so reported would grant such authority and require independent estimates of natural gas reserves by the FPC.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Rosemary L. Ginn, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

STATEMENT OF POLITICAL CONTRIBUTIONS

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Rosemary L. Ginn.

Contributions, amount, date, and donee:

1. Self: Misc. fund raising dinners total not to exceed $800.
2. Spouse: M. Stanley Ginn, $500, 1972, Gene Taylor, Congressman.
3. Children and spouses: Carl and Nancy Almond and Mike and Sally Hood, not more than $100.
4. Parents: Deceased.
5. Grandparents: Deceased.
6. Brothers and spouses: R. E. and Gwendolyn Lucas and William and Martha Lucas, not more than $500.
7. Sisters and spouses: None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

ROSEMARY L. GINN.

ENROLLED BILL PRESENTED

The Secretatry of the Senate reported that today, May 19, 1976, he presented to the President of the United States the enrolled bill (S. 1494) for the relief of Paul W. Williams.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 1386. An act for the relief of Smith College, Northampton, Mass.; to the Committee on Finance.

H.R. 2181. An act to amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation; to the Committee on Finance.

H.R. 2749. An act to name a portion of the site of the Anthony J. Celebrezze Federal Building in Cleveland, Ohio, the "George Washington Square"; to the Committee on Public Works.

H.R. 4047. An act for the relief of Jack R. Misner; to the Committee on Finance.

H.R. 9153. An act granting the consent of Congress to the New Hampshire-Vermont Interstate Sewage Waste Disposal Facilities Compact; to the Committee on the Judiciary.

H.R. 9401. An act to continue to suspend for a temporary period the import duty on certain horses; to the Committee on Finance.

H.R. 11259. An act to lower the duty on levulose until the close of June 30, 1978; to the Committee on Finance.

H.R. 11321. An act to suspend until July 1, 1978, the duty on certain elbow prostheses if imported for charitable therapeutic use, or for free distribution, by certain public or private nonprofit institutions; to the Committee on Finance.

H.R. 11605. An act to suspend for a temporary period the rate of duty on mattress blanks of rubber latex; to the Committee on Finance.

H.R. 12033. An act to continue until the close of June 30, 1979, the existing suspension of duties on manganese ore (including ferruginous ore) and related products; to the Committee on Finance.

H.R. 12118. An act to amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes; to the Committee on Commerce.

H.R. 12545. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; to the Committee on Public Works.

H.R. 12851. An act to extend and amend the Higher Education Act of 1965, as amended, and for other purposes; to the Committee on Labor and Public Welfare.

H.R. 5682. An act to extend the boundary of the Tinicum National Environmental Center, and for other purposes; to the Committee on Commerce.

H.R. 10192. An act to amend title 14, United States Code, to provide for the nondiscriminatory appointment of cadets to the U.S. Coast Guard Academy; to the Committee on Commerce.

H.R. 12735. An act to amend title 38 of the United States Code in order to require the Administrator of Veterans' Affairs to pay a $150 allowance to any State or any agency or political subdivision of a State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State or agency or political subdivision of a State, if the cemetery or section thereof is used solely for the interment of veterans; to the Committee on Veterans' Affairs.

H.R. 13308. An act to amend the Federal Aviation Act of 1958 to extend the authority of the Secretary of Transportation with respect to war risk insurance; to the Committee on Commerce.

H.R. 13380. An act to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes; to the Committee on Commerce.

H.R. 2984. An act to amend section 4941 (d) (2) (G) of the Internal Revenue Code of 1954; to the Committee on Finance.

H.R. 7685. An act for the relief of Mildred N. Crumley; to the Committee on the Judiciary.

H.R. 11407. An act to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy; to the Committee on Commerce.

H.R. 13272. An act to amend section 407 of the Social Security Act to eliminate the present prohibition against payment of aid in the case of a family with an unemployed father who receives unemployment compensation, and, where possible, to eliminate the necessity of more than one registration for employment by an unemployed person; to the Committee on Finance.

H.R. 13549. An act to provide for additional income for the U.S. Soldiers' and Airmen's Home by requiring the Board of Commissioners of the home to collect a fee from the members of the home; by appropriating nonjudicial forfeitures for support of the home; and by increasing the deductions from pay of enlisted men and warrant officers; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (by request):

S. 3450. A bill to provide emergency relief, rehabilitation, and humanitarian assistance to the people of Lebanon, to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.,

By Mr. MOSS (for himself, Mr. Muskie, Mr. Bellmon, Mr. Metcalf, and Mr. Bumpers):

S. 3451. A bill to amend the Internal Revenue Code of 1954 to require the Secretary of the Treasury to provide taxpayers with an annual accounting of Federal expenditures. Referred to the Committee on Finance.

By Mr. MONTOYA:

S. 3452. A bill to modify the project for the Cochiti Reservoir, New Mexico, in order to provide for a public access road to such reservoir. Referred to the Committee on Public Works.

By Mr. MAGNUSON (for himself and Mr. Pearson) (by request):

S. 3453. A bill to amend chapter 2, title 18, United States Code, and sections 101 and 902 of the Federal Aviation Act of 1958, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes. Referred to the Committee on Commerce.

By Mr. SPARKMAN (by request):

S. 3454. A bill to provide for amendment of the Breton Woods Agreement Act, and for other purposes. Referred, by unanimous consent, to the Committee on Foreign Relations; and, if and when reported, to the Committee on Banking, Housing and Urban Affairs for not to exceed 30 days.

By Mr. GOLDWATER:

S. 3455. A bill for the relief of Samuel S. H. Leung, his wife Carol O. K. Leung, and his sons Johnny C. Y. Leung and Jimmy C. M. Leung. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 3456. A bill to prescribe uniform criteria for formulating judicial remedies for the elimination of dual school systems. Referred to the Committee on the Judiciary.

By Mr. MONTOYA:

S.J. Res. 197. A joint resolution requesting the Secretary of the Interior to take certain action to honor and recognize the role played by James Larkin White in connection with the establishment of Carlsbad Caverns National Park, N. Mex. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (by request):

S. 3450. A bill to provide emergency relief, rehabilitation and humanitarian assistance to the people of Lebanon, to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to provide emergency relief, rehabilitation and humanitarian assistance to the people of Lebanon, to amend the Foreign Assistance Act of 1961, and for other purposes.

The bill has been requested by the Agency for International Development and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill and a section-by-section analysis be printed in the Record at this point, together with the letter from the Administrator of the Agency for International Development to the President of the Senate dated May 11, 1976.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Lebanon Relief Act."

Sec. 2. Lebanon Relief and Rehabilitation.—The Foreign Assistance Act of 1961, as amended, is further amended by adding at the end of Chapter 9 of Part I, relating to international disaster assistance, a new section as follows:

"Sec. 495C. Lebanon Relief and Rehabilitation.—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Lebanon and to restore the confidence of the people of Lebanon, hereby authorizes the President to furnish assistance, on such terms and conditions as he may determine including the issuance of housing guaranties in accordance with the authority and within the limitation of Section 221 of this Act, for the relief and rehabilitation of refugees and other needy people in Lebanon.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $20,000,000 which amount is authorized to remain available until expended.

Department of State,
Agency for International,
Development,
Washington, D.C., May 11, 1976.

Hon. Nelson A. Rockefeller,
President of the Senate,
U.S. Senate, Washington, D.C.

Dear Mr. President: The President has authorized transmittal of the enclosed proposal which would provide urgent and specific action for assistance to Lebanon.

For more than a year the people of Lebanon have been victims of tragic civil strife, which has left more than 15,000 dead and an ever-increasing number of injured and homeless. This situation has evoked expressions of sympathy and a desire to help from the Congress collectively, by individual members, and by the people of the United States.

The Agency for International Development has already extended immediate aid, including both medical supplies distributed through the American University Hospital in Beirut and financial support to the activities of the International Committee of Red Cross in Lebanon. Substantial additional funds are required, however, if the United States is to carry out adequately its traditional humanitarian role in this situation.

We believe the time has now come when additional, larger scale U.S. assistance is necessary. Although the primary purpose of this assistance is to alleviate the human suffering resulting from the civil strife, this proposed assistance can also help to restore confidence in Lebanon's future and encourage other interested governments to follow our example.

The proposed Special Lebanon Relief Act would authorize 20 million dollars to provide relief and rehabilitation assistance for the Lebanese people, tens of thousands of whom have been injured or have lost their homes, their possessions and in many cases their very means of survival.

These funds would be used in part to respond to the UN Secretary General's worldwide appeal for $50 million for immediate needs in Lebanon, as well as to support the International Committee of the Red Cross and other public and private institutions providing urgent relief and rehabilitation assistance. United States leadership in responding to the UN appeal, for which we would use $12.5 million of the proposed funds, representing 25% of the total appeal, will encourage other countries to be forthcoming. In any event, the passage of this legislation together with an appropriation, will be a tangible sign of our desire to respond positively to the people of Lebanon in their hour of need.

The Office of Management and Budget advises that enactment of this proposal would be in accord with the program of the President.

Sincerely,

Daniel Parker.

Section-by-Section Analysis of the Proposed Special Lebanon Relief Act

The major purpose of the proposed Special Lebanon Relief Act is to provide authorization for appropriations for disaster relief and rehabilitation activities necessitated by the civil strife in Lebanon. The bill would amend the Foreign Assistance Act of 1961 (the Act) for that purpose and would also authorize the issuance of housing guaranties in conjunction with rehabilitation efforts.

Section 2 would add a new Section 495B to Chapter 9 of Part I of the Act, relating to international disaster assistance. The provisions of that section would provide as follows:

Subsection (a) contains a finding by the Congress that United States assistance is necessary to alleviate human suffering arising from the civil strife in Lebanon and to restore the confidence of its people and to that end authorizes the President to furnish assistance for the relief and rehabilitation of refugees and other needy people in that country. The section explicitly authorizes the issuance of housing guaranties in conjunction with rehabilitation efforts. Such guaranties would be issued in accordance with the authority of and subject to the limitation contained in Section 221 of the Act. These include a worldwide ceiling on the face amount of guaranties outstanding at any one time and requirements as to eligible investors. It is not contemplated, however, that the guaranties would be subject to the requirement contained in subsection 223(j) which limits the issuance of guaranties to countries in which A.I.D. is conducting development assistance programs and which requires that the housing projects guaranteed be coordinated with development assistance programs. On the other hand, the issuance of guaranties would be subject to the policy provisions of section 491 which require that to the greatest extent possible U.S. aid reach those most in need of relief and rehabilitation as a result of natural or man-made disasters.

Subsection (b) authorizes the appropriation of $20 million to carry out the purposes of the section. Amounts made available would be authorized to remain available until expended.

Subsection (c) provides that assistance under the section must be provided in accordance with the policies and the general authority contained in section 491. As noted above, that section requires that to the greatest extent possible assistance reach those most in need. The authority also permits the furnishing of assistance without regard to other requirements of law, such as procurement and U.S. shipping requirements, which might impair the relief and rehabilitation efforts.

Subsection (d) provides that obligations previously incurred for the purposes of providing relief and rehabilitation assistance to the people of Lebanon as a result of the recent civil strife are authorized to be transferred to the appropriation account established by the section.

Subsection (e) requires that the President report to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives regarding the programming and obligation of funds authorized by the section. The first report would fall due 60 days after enactment of appropriations to carry out the section and subsequent reports would be required on a quarterly basis thereafter until the program has been completed.

By Mr. MOSS (for himself, Mr. MUSKIE, Mr. BELLMON, Mr. METCALF, and Mr. BUMPERS):

S. 3451. A bill to amend the Internal Revenue Code of 1954 to require the Secretary of the Treasury to provide taxpayers with an annual accounting of Federal expenditures. Referred to the Committee on Finance.

ANNUAL REPORT TO TAXPAYERS ON FEDERAL SPENDING

Mr. MOSS. Mr. President, today I am introducing on behalf of myself, Senators MUSKIE, BELLMON, METCALF, and BUMPERS, legislation to provide American taxpayers with a direct annual accounting of Federal expenditures.

Each January, as my colleagues know, the Internal Revenue Service mails to each taxpayer a substantial tax information packet. This packet includes the required forms and other materials needed to file the Federal income tax return. Included with each of these packets is a substantial instruction booklet—this past year's numbered some 40 pages—which contains the various tax tables and schedules.

The legislation I am introducing today will require that, beginning in 1977, these Federal tax instruction booklets also contain a brief additional table dealing with the other side of the Federal finance ledger: Government expenditures.

As prescribed in the legislation, this table would list Federal outlays for the most recent fiscal year by functional categories: national defense, agriculture, health, et cetera. For purposes of further illustration, it would provide a percentage allocation for each category as well as a listing of all subfunctional totals where outlays exceed 1 percent of the overall budget.

To provide my colleagues with an example of such a table, I have assembled the appropriate information for fiscal year 1975. This is the expenditures report taxpayers would have received in January had the proposed legislation been in effect this past year. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD at this point.

FISCAL YEAR BUDGET OUTLAYS BY FUNCTION—TOTAL $324.6 BILLION

[In billions]

National Defense: $86.6 billion (26.7%), (Military personnal $25.0; retired military personnel $6.2; Operation and maintenance $26.3; Procurement $16.0; Research and development $8.9).

International Affairs: $4.4 billion (1.4%), (Foreign economic and financial assistance $3.7).

General Science, Space and Technology: $4 billion (1.2%).

Natural Resources, Environment and Energy: $9.5 billion (2.9%).

Agriculture: $1.7 billion (0.5%).

Commerce and Transportation: $16 billion (4.9%), (Ground transportation $6.5).

Community and Regional Development: $4.4 billion (1.4%).

Education, Training, Employment and Social Service: $15.2 billion (4.7%), (Elementary, Secondary and Vocational education $4.6; Training and Employment $4.1; Social Services $3.3).

Health: $27.6 billion (8.5%), (Health care services $23.4).

Income Security: $108.6 billion (33.5%), (General retirement and disability insurance $69.4; Federal employment retirement and disability $7.0; Unemployment insurance $13.5; Public assistance and other income supplements $18.8).

Veterans Benefits and Services: $16.6 billion (5.1%), (Income security for veterans $7.9; Veterans education, training and rehabilitation $4.6; hospital and medical care for veterans $3.7).

Law Enforcement and Justice: $2.9 billion (0.9%).

General Government: $3.1 billion (1.0%).

Revenue Sharing and General Purpose Fiscal Assistance: $7 billion (2.2%), (General Revenue Sharing $6.1).

Interest: $31 billion (9.6%), (Interest on the public debt $32.7).*

Allowances: none.

Undistributed Offsetting Receipts: −$14.1 billion (−4.3%), (Employer share, employee retirement −$4.0; Interest received by trust funds −$7.7).

I would like to note in introducing this measure that this brief taxpayer report can be provided without the addition of new pages to the IRS instruction booklets. The legislation in fact contains a specific provision to that effect, by requiring that the additional table be included in the booklet through a layout adjustment in the material being currently provided. An examination of instruction booklets distributed in recent years demonstrates that such an adjustment can be undertaken quite easily.

I am pleased to have both the chairman and the ranking minority member of the Senate Budget Committee join me in sponsoring this measure. In a small but significant way I believe it will add to the improved public discussion of Federal budgetary issues which establishment of the committee during recent months has made possible.

By Mr. MONTOYA:

S. 3452. A bill to modify the project for the Cochiti Reservoir, New Mexico, in order to provide for a public access road to such reservoir. Referred to the Committee on Public works.

Mr. MONTOYA. Mr. President, today, I am introducing a bill to authorize the Army Corps of Engineers to construct an access road from U.S. highway No. 85 to the Cochiti Reservoir in New Mexico. The closing of the old access road, UP 90, makes this new access road necessary.

Mr. President, the construction of this access road would not only provide a better route for the Army Corps of Engineers, but would provide ready access to the Reservoir for the many New Mexicans who enjoy the lake and its recreational areas. Currently, those wishing to use the recreational facilities at Cochiti have to drive a considerable distance out of their way. With the construction of this new road, access to Cochiti Reservoir will be easier and more direct. As a spinoff, the construction of this useful route will provide jobs to an area that is suffering increased unemployment.

I am hopeful that this authorization will be inserted into the Omnibus Flood Control bill now under consideration by the Public Works Committee. The need for this new access road cannot be overemphasized, and hopefully, the Public Works Committee will take swift action on this authorization to insure those citizens using Cochiti's recreational facilities a direct route to the lake.

By Mr. MAGNUSON (for himself and Mr. PEARSON) (by request):

S. 3453. A bill to amend chapter 2, title 18, United States Code, and sections 101 and 902 of the Federal Aviation Act of 1958, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend chapter 2, title 18, United States Code, and sections 101 and 902 of the Federal Aviation Act of 1958, to implement the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD together with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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*Figure reflects interest on loans from the Federal Government.

S. 3453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AIRCRAFT SABOTAGE ACT OF 1975

That section 31 of title 18, United States Code, is amended by striking out the words "Civil Aeronautics Act of 1938" and inserting in lieu thereof the words "Federal Aviation Act of 1958" and by adding at the end thereof the following two paragraphs:

" 'In flight' means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property aboard.

" 'In service' means any time from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight."

SEC. 102. Section 32, Title 18, United States Code is amended to read as follows:

"Whoever willfully sets fire to, damages, destroys, disables, or interferes with the operation of, or makes unsuitable for use any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or willfully places a destructive substance in, upon, or in proximity to any such aircraft which is likely to damage, destroy, or disable any such aircraft, or any part or other material used, or intended to be used in connection with the operation of such aircraft; or willfully sets fire to, damages, destroys, or disables any air navigation facility or interferes with the operation of such air navigation facility, if any such act is likely to endanger the safety of any such aircraft in flight; or

"Whoever, with intent to damage, destroy, or disable any such aircraft, willfully sets fire to, damages, destroys, or disables or places a destructive substance in, upon, or in the proximity of any appliance or structure, ramp, landing area, property, machine, or apparatus, or any facility, or other material used, or intended to be used, in connection with the operation, maintenance, or loading or unloading or storage of any such aircraft or any cargo carried or intended to be carried on any such aircraft; or

"Whoever willfully performs an act of violence against or incapacitates any passenger or member of the crew of any such aircraft if such act of violence or incapacitation is likely to endanger the safety of such aircraft in service; or

"Whoever communicates information, which he knows to be false, thereby endangering the safety of any such aircraft while in flight; or

"Whoever willfully attempts to do any of the aforesaid acts—

shall be fined not more than $10,000 or imprisoned not more than twenty years, or both."

SEC. 103. Chapter 2, Title 18, United States Code, is amended by adding a new section to read as follows:

"§32A. Offenses in violation of the convention for the suppression of unlawful acts against the safety of civil aviation

"(a) Whoever commits an offense as defined in subsection (b) against or on board an aircraft registered in a state other than the United States and is afterward found in this country—

shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

"(b) For purposes of this section a person commits an 'offense' when he willfully—

"(1) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or

"(2) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or

"(3) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

"(4) attempts to commit, or is an accomplice of a person who commits or attempts to commit, an offense enumerated in this subsection.

"(c) The provisions of this section shall become effective one day after the publication in the Federal Register by or on behalf of the Secretary of State of a notice referring to this Act and stating that the Convention has entered into force for the United States on a date specified in that notice."

SEC. 104. Section 101(32) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(32)), relating to the definition of the term "special aircraft jurisdiction of the United States," is amended as follows:

(1) by deleting the word "or" at the end of subsection (d)(i);

(2) by deleting the word "and" at the end of subsection (d)(ii) and inserting in lieu thereof the word "or"; and

(3) by adding a new subsection (d)(iii) as follows:

"(iii) regarding which an offense as defined in subsections (d) and (e) of Article I, section I of the [Montreal] Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation is committed, provided the aircraft lands in the United States with an alleged offender still on board; and".

SEC. 105. Section 902(k) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(k)), is amended by adding subsection (3) to the end thereof, to read as follows:

"(k)(3) Whoever while aboard an aircraft in the special aircraft jurisdiction of the United States commits an act which would be an offense under Section 32 of title 18, United States Code, shall be punished as provided therein."

SEC. 106(a) Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Imparting or conveying threats

"(a) Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by section 32 and 33 of this chapter or section 1992 of chapter 97 or section 2275 of chapter 111 of this title with an apparent determination and will to carry the threat into execution, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(b) The analysis of chapter 2 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"36. Imparting or Conveying Threats."

TITLE II—AIRCRAFT PIRACY AMENDMENTS OF 1975

SEC. 201. Section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471) is amended by adding at the end thereof the following new subsections:

(a) FALSE INFORMATION.—

"(c) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of section 902 of this title, shall be subject to a civil penalty of not more than $1,000 which shall be recoverable in a civil action brought in the name of the United States."

(b) CARRYING WEAPONS ABOARD AIRCRAFT.—

"Except for law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required within their official capacities to carry arms, or other persons who may be so authorized, under regulations issued by the Administrator, whoever, while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight shall be subject to a civil penalty of not more than $1,000 which shall be recoverable in a civil action brought in the name of the United States."

SEC. 202. Subsection (a) of section 1395 of title 28, United States Code, is amended by striking the period at the end of such subsection and adding the following: ", and in any proceeding to recover a civil penalty under section 35(a) of title 18 of the United States Code or sections 901(c) or 901(d) of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C. 1471(c) and (d)), all process against any defendant or witness, otherwise not authorized under the Federal Rules of Civil Procedure, may be served in any judicial district of the United States upon an ex parte order for good cause shown."

SEC. 203. Section 902(m) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(m)) is amended to read as follows:

"(m) FALSE INFORMATION AND THREATS.—

"(1) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveys false information knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a felony prohibited by subsection (i), (j), or (l)(2) of this section, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

"(2) Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by subsection (i)(j), or (l)(2) of this section, with an apparent determination and will to carry the threat into execution, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(a) The table of contents of the Federal Aviation Act of 1958, in the matter of title II (subchapter IX, chapter 20 of title 49, United States Code, section 1472(m)), is amended by redesignating

"(m) False information."

to read

"(m) False information and threats.".

SEC. 204. Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking "Such" at the beginning of the second sentence of subsection (b)(1) of that section, and substituting therefor, "Except with respect to civil penalties under section 901(c) and (d) of this title, such".

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 23, 1976.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to implement the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, ratified by the United States on November 1, 1972, and entered into force for the United States on February 26, 1973, and to refine current legislation.

This proposal, containing two titles, would amend existing Federal legislation dealing with offenses related to air piracy and the destruction of aircraft and aircraft facilities in order to bring our law into conformity with the requirements of the Convention and to expand the protection of aircraft and related facilities afforded by current legislation.

The Convention requires, in Article 5, that each contracting state take such measures as may be necessary to establish jurisdiction over the offenses enumerated in Article 1 in specified instances. Article I proscribes certain acts, such as damaging or destroying aircraft or air navigation facilities, or committing violence against persons aboard aircraft, if the acts are likely to endanger the safety of the aircraft. In those cases where the signatories are required to establish jurisdiction, it is incumbent upon them to provide "severe penalties" for violations. (Article 3). Section 1(a) of Article 5 requires that each contracting state establish jurisdiction "where the offense is committed in the territory of that state". To a great extent, our existing law already makes unlawful the offenses of Article 1, and the penalties are appropriately severe in most cases. Because of certain significant gaps, however, it is necessary to amend our law to achieve complete conformity. Therefore, the relevant statute—18 U.S.C. § 32 "Destruction of aircraft or aircraft facilities"—has been rewritten in Title I, section 102 of the legislation to reflect the changes necessitated by the Convention. Section 102 would also broaden the scope of 18 U.S.C. § 32, as well as make the language of the current statute more concise and clear.

Section 1(b) of Article 5 requires that each contracting state establish jurisdiction over the offenses when they are "committed against or on board an aircraft registered in that State". This is accomplished by the present definition of "special aircraft jurisdiction of the United States" which includes "civil aircraft of the United States". (Section 101 (32)(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1301 (32)a).)

Each signatory is also obligated to establish jurisdiction "when the aircraft on board which the offense is committed lands in its territory with the alleged offender still on board". (Article 5, section 1(c).) This is accomplished in part in section 103 of the legislation which creates a new section 32A of Title 18, United States Code. The new section prohibits the commission of an offense "against or on board an aircraft registered in a State other than the United States and [the alleged offender] is afterwards found in this country". An amendment to the definition of "special aircraft jurisdiction of the United States" found in section 104 of the legislation, brings our law into complete compliance with this requirement when viewed in conjunction with the new section 32A.

Section 1(d) of Article 5 requires each contracting state to establish jurisdiction over the offenses when committed "against or on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State". Legislation implementing this requirement was enacted into law on August 5, 1974 (P.L. 93–366, Antihijacking Act of 1974).

Lastly, Article 5, section 2, requires that each signatory establish its jurisdiction when "the alleged offender is present in its territory and it does not extradite him . . .". The new section 32A, mentioned above, is also designed to cover this situation to the extent required by the Convention.

Title I also amends Chapter 2 of Title 18 by proscribing threats to destroy aircraft (section 106 of Title I).

The proposed legislation contained in Title I is necessary to fully implement the Montreal Convention, which is very important in the international community's efforts to curb air piracy and related offenses.

Title II of the proposed legislation would facilitate prosecutions for certain crimes and offenses committed aboard aircraft. A modified version of the legislation set forth in Title II was proposed by the Attorney General during the 93rd Congress and introduced as S. 872 by Senator Hruska. The legislation set forth in Title II is designed to accomplish the following purposes:

1. To provide civil penalties for certain aircraft hijack hoaxes and attempts to carry certain concealed weapons aboard an aircraft;
2. To establish special venue provisions in proceedings to enforce the civil penalties;
3. To proscribe threats to hijack aircraft;
4. To eliminate the misdemeanor offenses once applicable to aircraft hijack hoaxes.

As introduced during the 93rd Congress, S. 872 proposed a new felony offense for carrying weapons aboard aircraft. However, S. 39 which contained a similar felony offense for carrying weapons aboard aircraft was enacted into law during the 93rd Congress (Public Law 93–366). Therefore, a felony offense for carrying weapons aboard aircraft is not included under Title II of the present legislation.

Since S. 872 was introduced during the 93rd Congress, numerous misdemeanor offenses for carrying or attempting to carry weapons aboard aircraft have proven very difficult to successfully prosecute because of the extenuating circumstances surrounding the commission of those offenses. Due to the reluctance of prosecutors to prosecute these offenses and the reluctance of courts to convict for these offenses, Title II of the present legislation proposes an alternate violation of carrying, or attempting to carry, a weapon aboard an aircraft punishable by a civil penalty.

The Department of Justice believes that enactment of the Aircraft Piracy Amendments contained in Title II will substantially assist law enforcement authorities in dealing with offenses related to the air piracy and terrorism problems. The enactment of the civil penalty provisions included as section 201 of Title II will enhance prosecutive efforts in an area where criminal sanctions were not deemed appropriate.

In view of the above considerations, the Department of Justice urges the early passage of this proposed legislation. The increased problem of terrorism directed at aircraft and aircraft facilities throughout the world demands early action upon legislation implementing the Montreal Convention as proposed in Title I.

While an abatement of the aircraft hijacking threat in the United States has resulted from the preboarding security efforts at our nation's airports, we believe that the amendments to our air piracy statutes contained in Title II are necessary for our government to have all available tools at its disposal to counter any renewed efforts to interfere with aircraft safety. I therefore urge the early consideration and adoption of this proposed legislation.

The Office of Management and Budget has advised that enactment of this legislation is consistent with the Administration's objectives.

Sincerely,

———— ————,

Attorney General.

Section-by-Section Analysis

The first section of the proposed legislation adds to 18 U.S.C. § 31 the definitions of "in flight" and "in service." These definitions are necessary because the terms are used in 18 U.S.C. § 32 as amended herein.

Section 102 amends 18 U.S.C. § 32, "Destruction of aircraft or facilities", in order to fully comply with Article 5, section 1(a) of the Montreal Convention which requires that each signatory establish jurisdiction over the Article 1 offenses when they are committed in the territory of that state. To a large extent domestic law already covers the offenses of Article 1, but several significant gaps exist which require amendments to section 32. (It should also be noted that the opportunity was taken to make the section more clear and concise. In this regard, it was not intended in any way to limit or lessen the scope of the proposed statute as compared to that of the current law.)

The first paragraph of Section 102 of the proposed legislation essentially incorporates the first paragraph of the current 18 U.S.C. § 32 as well as portions of the third and fourth paragraphs of the current statute insofar as the latter two paragraphs relate respectively to willfully placing a destructive substance in, upon, or in the proximity of any aircraft, or willfully setting fire to, damaging, destroying, disabling or interfering with the operation of an air navigation facility. However, it should be noted that the provisions which are being substituted for portions of the third and fourth paragraphs of the current law do not contain the requirement that the proscribed acts be committed with the intent to damage or disable the aircraft. Rather, the substituted provisions only require that the placing of the destructive substance be likely to damage or destroy any such aircraft, or any part, etc., or that the setting fire to, damaging, destroying or disabling of any navigation facility be of such a nature that it is likely to endanger the safety of any such aircraft in flight. The omission of the above-mentioned element of proof in the substituted provisions was necessary to avoid a requirement of proof for those offenses which would be greater than that required by the Montreal Convention. The phrase "any part or other material used or intended to be used in connection with the operation of such aircraft" is meant to include the various parts of an aircraft and any material including liquids and lubricants which might be damaged by a destructive substance. These materials are individually listed in the current statute.

The second paragraph of Section 102 essentially incorporates the second, third and fourth paragraphs of the current section 32 except for the provisions mentioned in the first paragraph of Section 102. The phrase listing all of the various types of property including "other material used, or intended to be used in connection with the operation, maintenance or loading or unloading or storage of any such aircraft . . ." is meant to include all of the various types of property and material which are individually listed in the current statute.

The third paragraph of Section 102 replaces paragraph 2 of the current section 32 by adding passengers to the protected category of persons as required by Article 1, section 1(a) of the Montreal Convention. Since the conduct proscribed by this paragraph could likely endanger the safety of the aircraft at times prior to and after the time that such aircraft is in flight, the jurisdictional base has been extended to cover not only those times when the aircraft is in flight, but also the period of time while the aircraft is in service. Although paragraph 5 of the current 18 U.S.C. § 32 requires that the conduct be accompanied with an intent to damage, destroy, disable, or wreck any such aircraft, the substituted paragraph omits this element of proof because it would establish an offense requiring proof exceeding the requirements of the offense established by the Convention.

The fourth paragraph of proposed Section 102 of this bill has been added to meet the requirements of Article 1, section 1(e) of the Convention. Currently, the only statutory provisions covering false information are 18 U.S.C. § 35 (a) and (b) with regard to bomb hoaxes and 49 U.S.C. §1472(m) with regard to hijacking hoaxes. However, neither of these provisions has a requirement of endangering the safety of an aircraft while in flight as does Article 1, section 1(e) of the Convention. That is, our current statutory language is broader than that of the Convention and could stand on its own in meeting the Convention's requirements. However, it was felt that to fully implement the Convention this Government should establish more severe sanctions for imparting false information when such imparting endangers the safety of the aircraft. Currently, 18 U.S.C. § 35(b) and 49 U.S.C. § 1472(m)(2) carry maximum jail terms of five years and fines of $5000, but do not require a showing of endangering the safety of the aircraft. Where this additional element is present, we believe it necessary to make the penalty associated with the activity more severe, which has been done by increasing the sanctions for such activities to a maximum of twenty years' imprisonment and a $10,000 fine.

The fifth paragraph of Section 102 of this legislation is taken directly from the sixth paragraph of current 18 U.S.C. § 32. The penalties for violations of the amended statute are the same as those provided in the current law.

Section 103 of the proposed legislation adds a new section 32A to Title 18 of the United States Code, and is designed to implement Article 5, section 1(c), in part, and Article 5, section 2. Article 5, section 1(c) requires each contracting state to establish jurisdiction over the offenses of Article 1 "when the aircraft on board which the offense is committed lands in its territory with the alleged offender still on board." Article 5, section 2 requires each contracting state to establish jurisdiction over the offenses listed in Article 1, sections 1 (a), (b) and (c), and in Article 1, section 2 insofar as that section relates to offenses listed in sections 1 (a), (b) and (c), "where the alleged offender is present in [the State's] territory and [the State] does not extradite. . ." Normally, of course, the United States would lack jurisdiction to try such individuals.

Jurisdiction is established in subsection (a) of section 32A over anyone who commits one of the offenses listed in subsection (b) on or against an aircraft registered outside of the United States and is afterwards found in this country.

Subsections (b) (1), (2) and (3) of section 32A enumerate the offenses of Article 1, section 1 (a), (b) and (c) as required by Article 5, section 2. (It should be noted that Article 5, section 2 of the Convention does not require that the offense of sections 1(d) and 1(e) of Article 1 be covered, so the obligations of Article 5, section 1(c) are met in the new section only to the extent of covering the offenses of Article 1, section 1 (a), (b) and (c). The offenses of Article 1, sections 1 (d) and (e) are covered for the purposes of Article 5, section 1(c) in Section 104 of the bill, which amends the special aircraft jurisdiction of the United States. Subsection (b) (4) covering attempts to commit the proscribed acts, and also covering accomplices of those who attempt to commit these acts, is also required by Article 5, paragraph 2 of the Convention.

Section 104 of the legislation implements Article 5, section 1(c), to the extent that it is not implemented in the new section 32A discussed above. This is accomplished by an amendment to the definition of "special aircraft jurisdiction" as set forth in section 101 (32) of the Federal Aviation Act of 1958 by adding the new subsection (d)(iii).

Section 105 of the legislation adds a new subsection to section 902(k) of the Federal Aviation Act of 1958 49 U.S.C. § 1472(k). It makes punishable the offenses of 18 U.S.C. § 32 in situations where they are committed aboard an aircraft in the special aircraft jurisdiction of the United States.

Section 106 of Title I adds a new section to chapter 2 of Title 18, United States Code. This new addition to chapter 2 prohibits the conveyance of threats to destroy, damage, or disable aircraft or related facilities by creating a felony offense where the threatening words or actions are delivered with an apparent will and determination to perform any action condemned by § 32. Prior to this proposal, only the conveyance of false information regarding attempts violative of § 32 was proscribed. Thus, the amendment corrects a serious lapse in our present law by including within the prosecutorial sphere such conduct or words which lack the companion overt act to constitute a punishable attempt but nevertheless are menacing and disruptive. Because of the serious nature of such conduct, the maximum penalty is five years imprisonment and a $5,000 fine.

The first paragraph of Section 201, Title II amends 49 U.S.C. 1471 by adding a proscription enforceable by a civil penalty against the conveyance of false information when such information is known to be false regarding any attempt to commit a violation of 49 U.S.C. 1472 (i), (j), (k), or (l). This additional subsection (c) restates the language found currently in 49 U.S.C. 1472 (m)(1) and provides for a maximum fine of $1,000 to be recoverable in a civil action. Prior to the proposed new subsection only a misdemeanor offense existed for the hoax or conveyance in jest of false information regarding aircraft hijacking offenses. Past attempts at prosecution have encountered a reluctance either by prosecutors themselves or the courts to process those offenses for criminal penalties where such offenses are attributed to annoyance, fatigue or poor attempts at humor by a passenger. Nevertheless the disruption and suspicion engendered by such poor judgment remarks necessitates a deterrent effort. It is anticipated that the proposed civil penalty attuned to these fact situations will provide a considerably more appropriate vehicle to assure enforcement of violations in this area.

The second paragraph of Section 201 of Title II amends 49 U.S.C. 1471 by addition. The proposal authorizes a maximum fine of $1,000 recoverable in a civil action where any unauthorized person attempts to board or boards an aircraft while carrying a concealed deadly or dangerous weapon. However, this proposed proscription does not extend to the placement or attempted placement of explosive devices aboard aircraft as prohibited by its current misdemeanor counterpart 49 U.S.C. 1472(l). The new subsection allows for the sanction of conduct which, under certain extenuating circumstances, would not warrant criminal prosecution but should, nevertheless, warrant a civil action for civil penalty. The legislation particularly responds to unique problems arising from the boarding area discovery of weapons by providing an alternative to criminal prosecution. Both the prosecutor and the defendant are benefited by this expansion of the law which refines the penalty to suitably comprehend a broad range of disruptive conduct in its varying degrees of seriousness. As discussed in the preceding paragraph, where criminal prosecution is not deemed appropriate due to the otherwise excellent reputation of the defendant or the existence of extenuating facts, the application of a civil penalty still offers an effective measure to deter such conduct.

Section 202 of Title II would amend 28 U.S.C. 1395(a) by expanding the venue of proceedings brought to enforce the civil penalties contemplated in 18 U.S.C. 35(a), and sections 901 (c) and (d) of the Federal Aviation Act of 1958. The additional wording contained in the proposal would allow process against any defendant or witness to be served in any judicial district of the United States upon an ex parte order for good cause shown. Thus, civil proceedings may be instituted not only at the place of residence of the defendant—as presently authorized under existing law—but also at the place where the violation providing the basis for such proceedings occurred.

The first paragraph of Section 203 of Title II amends 49 U.S.C. 1472(m) by replacing the misdemeanor offense of conveyance of false information concerning air piracy and other related offenses with the offense of willful and malicious conveyance of false information concerning such offenses as presently set forth in 49 U.S.C. 1472(m)(2). This proposed amendment retains the felony hijack hoax offenses as described above while removing from the ambit of criminal prosecution the type of conduct once encompassed by the misdemeanor hijack hoax provision. In this regard, the conduct envisioned in the eliminated section would be subject to a civil penalty as discussed in the analysis of Section 201(a) of Title II.

The second paragraph of Section 203, Title II, amends 49 U.S.C. 1472(m) by additionally prohibiting the conveyance of threats to perform any action violative of the felony provisions of subsections (i), (j), or (l) of the section. The creation of a felony offense regarding threats expands the scope of 49 U.S.C. 1472 to encompass a type of criminal conduct which was previously omitted from the purview of current legislation. The nature of the proof necessary to show the offense is such which requires the existence of an apparent determination or will to carry the threat into execution where the words are not accompanied with the overt actions or circumstances necessary to constitute a punishable attempt.

The third paragraph of Section 203 amends the table of contents pertaining to chapter 20 of Title 49 U.S.C., section 1472(m) by redesignating "(m) False information" to read "False information and threats."

Section 204 of Title II amends 49 U.S.C. 1473(b)(1) by inserting certain exclusionary words to remove the collection of any civil penalties imposed under section 901 (c) and (d) of the Federal Aviation Act of 1958, from conformance with the procedures utilized in civil suits in admiralty. The proposed amendment allows a greater flexibility in the prosecution of these civil violations and the collection of judgments therefrom. In effect, the venue provision for collection proceedings is expanded in consonance with the broadened scope of enforcement of the legislation to ensure that all actions related to sections 901 (c) and (d) are swiftly processed at the location most conducive to the efficient and economical handling of the case.

By Mr. SPARKMAN (by request):

S. 3454. A bill to provide for amendment of the Bretton Woods Agreements Act, and for other purposes. Referred, by unanimous consent, to the Committee on Foreign Relations; and, if and when reported, to the Committee on Banking, Housing and Urban Affairs for not to exceed 30 days.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to provide for amendment of the Bretton Woods Agreements Act, and for other purposes.

The bill has been requested by the Department of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill, a sectional analysis and a comparative type showing changes which would be made be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury to the President of the Senate dated May 11, 1976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286–286K–2) is amended by adding at the end thereof the following new sections:

"Sec. 24. The United States Governor of the Fund is authorized to accept the amendments to the Articles of Agreement of the Fund approved in resolution No. 31–4 of the Board of Governors of the Fund.

"Sec. 25. The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 1,705 million Special Drawing Rights."

Sec. 2. The first sentence of section 5 of the Bretton Woods Agreements Act (22 U.S.C. 286c) is amended to read as follows:

"Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2(a), of the Articles of Agreement of the Fund; (b) propose a par value for the United States dollar under paragraph 2 or paragraph 10 of Schedule C of the Article of Agreement of the Fund; (c) propose any change in the par value of the United States dollar under paragraph 6 of Schedule C of the Articles of Agreement of the Fund, or approve any general change in par values under paragraph 11 of Schedule C; (d) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (e) accept any amendment under article XXVII of the Article of Agreement of the Fund or article VIII of the Articles of Agreement of the Bank; (f) make any loan to the Fund or the Bank."

Sec. 3. The Special Drawing Rights Act (22 U.S.C. 286n–r) is amended by:

(1) deleting "article XXIV" in section 3(a) and inserting in lieu thereof "article XVIII";

(2) deleting "article XXVI, article XXX, and article XXXI" in section 3(b), wherever it appears, and inserting in lieu thereof "article XX, article XXIV, and article XXV";

(3) deleting "article XXIV" in section 6 and inserting in lieu thereof "article XVIII";

(4) deleting "article XXVII(b)" in section 7 and inserting in lieu thereof "article XXI (b)".

Sec. 4. Section 2 of the Par Value Modification Act (31 U.S.C. 449) is hereby repealed.

Sec. 5. Section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b) is amended to read as follows:

"The Secretary of the Treasury is authorized to issue gold certificates in such form and in such denominations as he may determine, against any gold held by the United States Treasury. The amount of gold certificates issued and outstanding shall at no time exceed the value, at the legal standard provided in section 2 of the Par Value Modification Act (31 U.S.C. 449) on the date of enactment of this amendment, of the gold so held against gold certificates."

Sec. 6. The amendments made by sections 2, 3, and 4, of this Act shall become effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in resolution no. 31–4 of the Board of Governors of the Fund.

Secretary of the Treasury,
Washington, D.C., May 11, 1976.

Hon. Nelson A. Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft bill "To provide for amendment of the Bretton Woods Agreements Act, and for other purposes," together with a comparative type showing the changes that would be made in existing law by the bill.

The major provisions of the proposed legislation would authorize United States acceptance of fundamental changes in the Articles of Agreement of the International Monetary Fund as well as United States consent to an increase equivalent to 1,705 million special drawing rights (SDR) in the U.S. quota in the Fund. This legislation is necessary because Section 5 of the Bretton Woods Agreements Act provides that Congressional authorization must be obtained for any person on behalf of the United States to accept any amendment of the Articles of Agreement of the Fund and to consent to any change in the quota of the United States in the Fund.

The amendment of the Fund Articles of Agreement represents the first general revision of international monetary arrangements since the basic framework for the post-war economic system was established at the 1944 Bretton Woods Conference. The proposals combine longer term structural reforms with measures to increase the resources of the IMF and to modernize its operations.

The Fund Articles of Agreement constitute the formal rules of the international monetary system. The Fund has played a vital role in promoting a vibrant, open and cooperative international economy in the post-war period. The Fund's financial resources are available for loans to support members' efforts to correct temporary balance of payments problems without recourse to measures destructive of national or international prosperity.

Circumstances have changed greatly since the Bretton Woods agreement was concluded in 1944. In order for the Fund to continue to contribute to international economic growth, prosperity and stability, important changes are needed to bring its rules into line with contemporary needs and to provide a more adaptable framework for the future evolution of the international monetary system. In parallel, an increase in the Fund's resources is needed to enable it to perform its function as the central multilateral institution for the provision of temporary balance of payments financing to its members.

The proposed amendment to the IMF Articles of Agreement changes certain basic provisions relating to the operations of the monetary system—particularly those relating to exchange rates and gold. The present IMF Articles of Agreement prescribe a system of par values supported by convertibility of currencies into gold. Experience has demonstrated forcefully that the system of par values in effect until 1971 did not bring about the necessary adjustments in countries' balance of payments positions and that gold is an unsuitable basis for the international monetary system. Ultimately, accumulated payments imbalances and distortions in the world economy caused by the rigidities of the par value-gold convertibility system led to the collapse of that system.

With the dollar at the center of that system, the costs for the United States—in financial resources and in real terms—of maintaining the system became excessive and insupportable. In August 1971, the United States acted to re-order its international economic policies and to initiate the process of negotiating basic reforms of the international monetary system. The legislative proposals transmitted herewith represent the culmination of those negotiations and the achievement of basic policy objectives pursued by the United States throughout the negotiations.

Under the proposed amendment to the Articles of Agreement, the exchange rate provisions would focus on achieving the underlying economic stability that is the prerequisite for exchange rate stability, and not on action to manage or fix exchange rates. The United States would not be required or expected to maintain a rate for its currency which is out of line with competitive reality and which costs jobs and growth. Specifically, the United States would not be required at any time to establish and maintain a par value for the dollar. Accordingly, the proposed legislation would repeal the present par value of the dollar, and would retain that legal standard for the dollar solely with respect to the issuance of gold certificates. Prior Congressional approval would be required by the bill to authorize any future establishment of a par value for the dollar in the International Monetary Fund, and to authorize any change in a par value for the dollar if one were established.

The new provisions of the IMF Articles of Agreement also promote the process of phasing gold out of the system—by abolishing the official price of gold and gold's role as common denominator of the system, by eliminating all requirements to use gold in transactions with the Fund, and by providing specific authority for future disposal of the Fund's gold holdings. Gold will no longer have a position at the center of the international monetary system and will have no essential monetary function in the Fund. Concomitantly with the reduction in the monetary role of gold, steps are proposed to relax certain rules governing the use of the SDR, to make it a more usable asset.

Other important improvements in the operational aspects of the IMF are proposed, which—along with the fundamental changes and in conjunction with the increase in members' quotas—will assure the renewed vitality and effective functioning of the International Monetary Fund and will assure its ability to adapt to future needs.

These changes are in the interest of the United States and of the entire IMF membership. The proposed amendment and increase in the United States quota in the Fund have received the strong endorsement of the National Advisory Council on International Monetary and Financial Policies, which has issued a Special Report on these matters, transmitted to you and to the Speaker of the House of Representatives on April 9. I urge the Congress to consider these proposals promptly and favorably.

It will be appreciated if you will lay the enclosed draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget advises that there is no objection to the presentation of this legislation for the consideration of the Congress and that its enactment would be in accord with the President's program.

Sincerely yours,

William E. Simon.

Sectional Analysis

SEC. 1. AMENDMENT OF THE BRETTON WOODS AGREEMENTS ACT

Two basic purposes of the proposed bill are to authorize U.S. acceptance of a comprehensive set of amendments to the Articles of Agreement of the International Monetary Fund and to authorize U.S. consent to an increase in the United States quota in the Fund. The first section of the proposed bill provides for the necessary amendment of the Bretton Woods Agreements Act for these two purposes.

The proposed bill would add a new Section 24 to the Bretton Woods Agreements Act which would specifically authorize the U.S. Governor of the Fund to accept the amendments of the IMF Articles recently approved by the Board of Governors of the Fund in resolution No. 31–4. The amendments are the culmination of over four years of negotiations and generally concern: members' exchange arrangements; reduction in the role of gold in the international monetary system; changes in the characteristics and uses of the special drawing right; and simplification and modernization of the Fund's financial operations and transactions.

The proposed bill would also add a new Section 25 to the Bretton Woods Agreements Act, authorizing the U.S. Governor of the Fund to consent to an increase of SDR 1,705 million in the quota of the United States.

The quota increase for the U.S. is part of an overall increase in quotas in the IMF by 33.6 per cent, resulting from the Fund's sixth general review of quotas.

Appropriations were sought to meet payments to the IMF on increases in the U.S. subscription in earlier years. Prior to 1968, subscription payments to the IMF were treated as budget expenditures in the same manner as capital subscriptions to other international institutions, loans to private entities, and purchases of fixed assets. Consequently, payments to the IMF were subject to the regular appropriations process.

In 1968 this outlay treatment was changed based on recommendations by the President's Commission on Budget Concepts. The Commission viewed U.S. payments to the IMF not as investment outlays but as deposits with a bank. The IMF is a depositary in which Treasury funds are kept subject to withdrawal under the terms of the IMF Articles of Agreement. Therefore, a payment to the IMF of the proposed increase in the U.S. quota is not an outlay but an exchange of monetary assets—one monetary asset (dollars) decreases, and another (the U.S. account with the IMF) increases simultaneously.

Nor does payment by the United States on its maintenance of value obligations in the IMF result in a budgetary outlay. Accordingly, on the basis of this budgetary concept, no appropriation was provided to meet the U.S. maintenance of value obligations to the IMF which resulted from the reduction in the SDR value of the dollar during the IMF fiscal year ending April 30, 1975. Similarly maintenance of value payments by the IMF to the United States arising from an appreciation of the dollar as against the Special Drawing Right (SDR), in which members' quotas are denominated, also have been treated as an exchange of monetary assets.

Just as U.S. payments to meet its maintenance of value obligations to the IMF are treated as an exchange of monetary assets and do not require an appropriation, so the payment of the increase in the U.S. quota in the IMF will not require an appropriation, and none is authorized by the proposed bill.

SEC. 2. CONSEQUENTIAL AMENDMENT OF SEC. 5 OF THE BRETTON WOODS AGREEMENTS ACT

This section of the proposed bill would amend Section 5 of the Bretton Woods Agreements Act to take account of several proposed amendments to the IMF Articles of Agreement.

Section 5(a). The Fund Articles of Agreement, under the proposed amendments, as at present, authorize adjustments in the quotas of members either under a periodic general review of quotas or through selective increases in quotas. Under Section 5(a) of the Bretton Woods Agreements Act as it would be amended by section 2 of the proposed bill, Congressional authorization will continue to be required prior to U.S. consent to an increase in the United States quota in the IMF under a general review of quotas and prior to any proposal of or consent to a selective increase in the U.S. quota.

Article III, section 2(b), of the IMF Articles of Agreement as amended would provide an additional way in which members' quotas can be increased. The Fund could propose, at any time, an increase in the quotas of those members of the Fund that were members on August 31, 1975, in proportion to their quotas on that date, in an amount not to exceed amounts transferred from the proceeds of IMF gold sales to the general resources of the Fund. Unlike an increase in the U.S. quota under a general review of quotas or pursuant to a selective quota increase, no payment by the U.S. would be required to effect the increase in the U.S. quota resulting from this "capitalization" of proceeds of IMF gold sales. Consequently, the proposed bill does not require prior Congressional authorization for consent to an increase in the U.S. quota pursuant to article III, section 2(b).

Sections 5(b) and 5(c). Under the proposed amendment of article IV of the Fund's Articles of Agreement, no IMF member will be legally required to establish a par value for its currency. Thus the United States need not establish and maintain a par value for the U.S. dollar in order to fulfill its obligations in the IMF. Accordingly, Section 4 of the bill repeals Section 2 of the Par Value Modification Act that established the par value of the dollar at 0.828948 Special Drawing Right, or forty-two and two-ninths dollars per fine troy ounce of gold. Should the United States in the future choose to establish a par value for the dollar under a generalized system of par values, prior Congressional authorization for proposal of the par value to the IMF will be required under Section 5(b) of the Bretton Woods Agreements Act. Any subsequent change in the par value of the dollar would also require prior Congressional authorization under Section 5(c) of that Act.

Section 5(e). This section of the Bretton Woods Agreements Act is being amended to take account of the reordering of the IMF Articles of Agreement occasioned by the proposed amendments.

SEC. 3. CONSEQUENTIAL AMENDMENT OF THE SPECIAL DRAWING RIGHTS ACT

The Special Drawing Rights Act (22 U.S.C. 286n–r) is being amended solely to take account of the reordering of the IMF Articles occasioned by the proposed amendments.

SEC. 4. CONSEQUENTIAL AMENDMENT OF THE PAR VALUE MODIFICATION ACT

Under the proposed amendments to the IMF Articles of Agreement, the U.S. will have no legal obligation to establish and maintain a par value for the dollar. Section 4 of the proposed bill repeals the legal definition of the par value of the dollar in terms of the Special Drawing Right and gold established by the Par Value Modification Act.

SEC. 5. CONSEQUENTIAL AMENDMENT OF THE GOLD RESERVE ACT OF 1934

The only domestic purpose for which it is necessary to define a fixed relationship between the dollar and gold is the issuance of gold certificates. Section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b) provides that the amount of gold certificates issued and outstanding shall at no time exceed the value, at the legal standard, of the gold so held against gold certificates. The legal standard presently applicable to all gold certificates is the par value of the dollar as prescribed in Section 2 of the Par Value Modification Act. Section 5 of the proposed bill provides that this legal standard will continue to apply for purposes of Section 14(c) of the Gold Reserve Act.

Section 5 of the proposed bill also deletes the reference in Section 14(c) of the Gold Reserve Act to the "Treasurer of the United States" and substitutes therefor the "United States Treasury". This substitution reflects Reorganization Plan No. 26 of 1950 (31 U.S.C. 1001, note) and a reorganization within the Fiscal Service of the Treasury Department, effective February 1, 1974. All accounts of the "Treasurer of the United States", including accounts relating to gold held against outstanding gold certificates, now are accounts of the "United States Treasury". The Department of the Treasury proposes to amend or repeal other statutes, as and when appropriate, to make similar substitutions in the law.

SEC. 6. DATE OF EFFECTIVENESS

Section 6 of the proposed bill postpones the date upon which those provisions of the bill that are based upon or directly related to amendments of the IMF Articles of Agreement are to become effective. Those provisions—amendment of section 5 of the Bretton Woods Agreements Act, amendment of the Special Drawing Rights Act, and repeal of section 2 of the Par Value Modification Act—will take effect only upon the entry into force of the proposed amendments of the Articles of Agreement of the International Monetary Fund.

COMPARATIVE TYPE SHOWING CHANGES WHICH WOULD BE MADE IN EXISTING LAW BY PROPOSED BILL

(Matter proposed to be omitted enclosed in brackets; new matter set in italics)

BRETTON WOODS AGREEMENTS ACT

(59 Stat. 512, 22 U.S.C. 286 et seq. (1945))

* * * * *

SEC. 5. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under [article III, section 2,] *article III, section 2(a)*, of the Articles of Agreement of the Fund; (b) *propose a par value for the United States dollar under paragraph 2 or paragraph 10 of Schedule C of the Articles of Agreement of the Fund;* [(b)] *(c)* propose [or agree to] any change in the par value of the United States dollar under [article IV, section 5, or article XX, section 4,] *paragraph 6 of Schedule C* of the Articles of Agreement of the Fund, or approve any general change in par values under [article IV, section 7] *paragraph 11 of Schedule C;* [(c)] *(d)* subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; [(d)] *(e)* accept any amendment under article [XVII] *XXVIII* of the Articles of Agreement of the Fund or article VIII of the Articles of Agreement of the Bank; [(e)] *(f)* make any loan to the Fund or the Bank. Unless Congress by law authorizes such action, no governor or alternate appointed to represent the United States shall vote for an increase of capital stock of the Bank under article II, section 2, of the Articles of Agreement of the Bank, if such increase involves an increased subscription on the part of the United States.

* * * * *

Sec. 24. The United States Governor of the Fund is authorized to accept the amendments to the Articles of Agreement of the Fund approved in resolution no. 31–4 of the Board of Governors of the Fund.

Sec. 25. The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 1,705 million Special Drawing Rights.

SPECIAL DRAWING RIGHTS ACT

(82 Stat. 188, 22 U.S.C. 286n et seq. (1968))

* * * * *

SEC. 3. (a) Special Drawing Rights allocated to the United States pursuant to article [XXIV] *XVIII* of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to the account of, and administered as part of, the Exchange Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a).

(b) The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article [XXVI] *XX*, article [XXX] *XXIV*, and article [XXXI] *XXV* of the Articles of Agreement of the Fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United States in return for Special Drawing Rights, and payments of charges or assessments pursuant to article [XXVI] *XX*, article [XXX] *XXIV*, and article [XXXI] *XXV* of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund.

* * * * *

SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article [XXIV] *XVIII*, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act.

SEC. 7. The provisions of article [XXVII (b)] *XXI(b)* of the Articles of Agreement of the Fund shall have full force and effect in the United States and its territories and possessions when the United States becomes a participant in the special drawing account.

PAR VALUE MODIFICATION ACT (86 STAT. 116, 31 U.S.C. 449 ET SEQ. (1972))

* * * * *

[SEC. 2. The Secretary of the Treasury is hereby authorized and directed to take the steps necessary to establish a new par value of the dollar of $1 equals 0.828948 Special Drawing Right or, the equivalent in terms of gold, of forty-two and two-ninths dollars per fine troy ounce of gold. When established such par value shall be the legal standard for defining the relationship of the dollar to gold for the purpose of issuing gold certificates pursuant to section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b).]

* * * * *

GOLD RESERVE ACT OF 1934 (48 STAT. 344, 31 U.S.C. 405B (1934))

* * * * *

SEC. 14. * * *

(c) The Secretary of the Treasury is authorized to issue gold certificates in such form and in such denominations as he may determine, against any gold held by the [Treasurer of the] United States Treasury. The amount of gold certificates issued and outstanding shall at no time exceed the value, at the legal standard *provided in Section 2 of the Par Value Modification Act (31 U.S.C. 449) on the date of enactment of this amendment*, of the gold so held against gold certificates.

Mr. SPARKMAN. I also ask unanimous consent that if and when the bill is reported by the Committee on Foreign Relations, it be referred to the Committee on Banking, Housing and Urban Affairs for not to exceed 30 days with respect to section 4 relating to the Par Value Modification Act and section 5 relating to the Gold Reserve Act of 1934.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BROCK:

S. 3456. A bill to prescribe uniform criteria for formulating judicial remedies for the elimination of dual school systems. Referred to the Committee on the Judiciary.

Mr. BROCK. Mr. President, I am unequivocally opposed to forced busing. And, since busing is said to be the "law of the land," that law must be changed. It is ironic that a nation so committed to the rights of the disadvantaged, minority groups, defendants in criminal trials, or dissenting voices, ignores the rights of its sons and daughters by busing them out of their neighborhoods against their will in an effort to achieve numerical school quotas.

As a U.S. Senator, I have taken every opportunity to express opposition to busing by supporting many different measures to stop busing cold in its tracks. The legislation I am introducing today represents a new effort in the fight to stop once and for all the wasteful and foolish busing of our schoolchildren.

For 3 years we in Congress have fought this matter to a stalemate. No one has won—and only the Nation's children have lost. Are we really so incapable of decisions in the face of tragedy? Hopefully not, but perhaps a new path for debate must be chosen.

This bill may represent that new path. It is really an education bill—the toughest and most far-reaching legislation that can withstand constitutional scrutiny by the courts. It is suggested over other approaches—such as a constitutional amendment—because of the obvious improvement in possibility of passing this bill through the Houses of Congress.

This bill, of course, deals with compulsory transportation beyond traditional neighborhoods, but it does so in a fair and rational way. It does so in a fashion which will benefit the educational opportunity of every child, black or white, rich or poor.

However, a word of caution is in order so as not to overstate the case. No one bill can be a panacea for the panoply of ills besetting our American public schools. They need more financial support, and the funds received must be spent more wisely. This bill alone will not do that. Yet, if this bill passes, the people of this Nation are more likely to support other needed efforts. They would have some assurance the funds going to education would be used for that central purpose, educating children. People also need the intense community interest and participation which comes with local control. This bill alone does not achieve that objective, yet its passage would help restore the sense of community such support requires.

The turmoil, confusion, hatred, and social disruption caused by the forced busing of schoolchildren is totally fruitless. Rather than developing quality education, it has been accompanied by decreasing educational standards, increasing racial tensions, sporadic violence, and an overall loss in improvement of relations between different segments of our society. Busing has lowered public school attendance and lessened support for the entire educational system.

In a nutshell, the forced busing of schoolchildren is a classic example of a cure being worse than the disease.

We must provide quality education for all Americans. In too many areas that is not being done, from central cities to rural and mountain communities. This must become again a fundamental goal, it has been for these 200 years.

We need to provide our children with good schools in their own neighborhood where they can learn understanding and brotherhood, rather than hatred bred by coercion. We must recognize that each child in this country deserves the same treatment and the same opportunity without regard to his or her race, creed, or national origin. Today, with or without busing, our schools, and the hope they offer, simply are not equal.

Obviously, there is no perfect answer to this problem. However, it is our constitutional responsibility to do better. The courts have almost pled with the Congress to establish standards for guaranteeing equal access to educational opportunity for all children; that plea must not be ignored.

Quotas are wrong. There is no distinction between the enforced transportation of our separatist past and the governmental edicts to achieve racial balance we see today. In either instance, we find ourselves far afield from a colorblind application of the law. There are ways to safeguard the constitutional rights of our children, to guarantee them equality of opportunity, and equality of educational support. It must be the responsibility of Congress to achieve these goals.

The proposal that I have submitted to the Congress today will do three things as a first step: First. It will not allow forced transportation of schoolchildren beyond the second nearest school, suitable for that child, from that child's home or residence; Second. It will instruct the courts to use busing only in the last remedy situation; and, just as important, Third. The bill codifies and clearly sets forth the Congress commitment to support the neighborhood school policy.

Last fall, Mr. President, as school openings across the land started, we witnessed a new wave of needless and senseless violence and bloodshed. These difficulties were not created by the voluntary actions of school districts. Rather, these problems arose as the Federal Government imposed irrational and arbitrary quota requirements for our children.

Therefore, I am today introducing legislation, as strict as possible, to prevent this from occurring again. It is critical that the Congress reach a new solution to this problem before another school opening is upon us. I am confident that this legislation is the first step in solving this age-old dilemma, but it is only that. Of even more importance is a renewal of our fundamental commitment to afford our children a world unburdened of the blight of discord, hatred, and selective freedoms—a world full of opportunity for all.

Mr. President, I ask unanimous consent that this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Criteria Act of 1976".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all persons in the United States are entitled to freedom from coercion imposed in the exercise of limitless discretionary powers by any branch, agency, or officer of the United States Government;

(2) it is in the public interest to terminate at the earliest practical date by means consistent with the Constitution the involvement of United States courts in decisions

affecting the operation, management, and control of public schools.

(b) In order to carry out this policy it is the purpose of this Act to specify appropriate criteria for the formulation of remedies for the orderly elimination of the vestiges of dual school systems.

FINDINGS

SEC. 3. (a) The Congress finds that—

(1) dual school systems as defined by the courts have been effectively dismantled in the United States;

(2) in the process of eliminating dual school systems, many local educational agencies have been required to reorganize their school systems and undertake massive reassignments of students and to engage in the extensive transportation of such students;

(3) the guidelines provided by the courts for fashioning remedies to dismantle previously-maintained dual school systems and for the elimination of the vestiges of dual systems have been acknowledged by the Supreme Court of the United States to be "incomplete and imperfect," and the Congress finds that they are particularly inadequate from the standpoint of providing criteria for determining the extent to which an educational agency is required to reassign or transport students to eliminate the vestiges of the dual school system;

(4) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend a large amount of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(5) transportation of students is excessive when it creates serious risks to the health and safety of students, or disrupts the educational process carried out with respect to such students, or impinges significantly on their educational opportunity;

(6) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades;

(7) the neighborhood is the appropriate basis for determining public school assignments in the first six grades;

(8) the assignment of students to schools on the basis of geographic attendance areas drawn on a racially nondiscriminatory basis is educationally sound and is consistent with public policy long recognized by Congress;

(9) it is contrary to public policy to require an educational agency to attain or maintain a balance, on the basis of race, color, sex, national origin, or socioeconomic classes of students among its schools;

(10) it is contrary to the public interest to require an educational agency to make year-by-year school assignments to adjust the racial composition of student bodies after desegregation has been accomplished and racial discrimination through official action is eliminated from the separate school systems in the Nation;

(11) in the interest of orderly administration of public schools, it is urgent that school authorities be provided authoritative criteria by which to determine what is required by Congress and the courts to eliminate the vestiges of previously maintained dual school systems.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specifies appropriate remedies for the elimination of the vestiges of dual school systems.

TITLE I—ASSIGNMENT PROVISIONS

ASSIGNMENT ON NEIGHBORHOOD BASIS

SEC. 101. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal protection of the laws unless such assignment is made for the purpose of segregating students on the basis of race, color, sex, or national origin.

BALANCE NOT REQUIRED

SEC. 102. The failure of an educational agency to attain a balance, on the basis of race, color, sex, national origin, or socioeconomic status of students among its schools shall not constitute a denial of equal protection of the laws.

TITLE II—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

SEC. 201. In formulating a remedy for a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal protection of the laws.

SEC. 202. In formulating a remedy for a denial of the equal protection of the laws, which may involve the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof which would remedy such denial;

(a) assigning students to the schools closest to their place of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without requiring transportation beyond that described in section 203;

(e) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 203 and 204 of this Act.

TRANSPORTATION OF STUDENTS

SEC. 203. (a) No court, department, or agency of the United States shall, pursuant to section 202, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, departments, or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

(c) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, no educational agency shall because of such shifts be required by any court, department, or agency of the United States to formulate, or implement any new desegregation plan, or modify or implement any modification of the court approved desegregation plan to compensate wholly or in part for such shifts in school population.

DISTRICT LINES

SEC. 204. In the formulation of remedies under section 201 or 202 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose of segregating children among public schools on the basis of race, color, sex, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 205. Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

SEC. 206. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

TERMINATION OF ORDERS

SEC. 207. Any court order requiring the desegregation of a school system shall be terminated, if the court finds the schools of the defendant educational agency are a unitary school system, one within which no person is to be effectively excluded from any school because of race, color, or national origin, and this shall be so, whether or not such school system was in the past segregated de jure or de facto. No additional order shall be entered against such agency for such purpose unless the schools of such agency are no longer a unitary school system.

TITLE III—DEFINITIONS

SEC. 301. For the purposes of this Act—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

(c) A "dual school system" is one in which students are assigned to schools solely on the basis of race, color, sex, or national origin for the purpose of segregating such students in schools of the system.

(d) A "unitary school system" is one in which an educational agency is not effectively excluding any person from any school because of race, color, or national origin, whether or not such school system was in the past segregated de jure or de facto.

(e) The term "segregation" means the operation of a school system in which students are assigned to schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin.

(f) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. Section 709(a)(3) of the Emergency School Aid Act is hereby repealed.

SEPARABILITY OF PROVISIONS

SEC. 402. If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held invalid, the remainder of the provisions of this Act and of the amendments made by this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. MONTOYA:

S.J. Res. 197. A joint resolution requesting the Secretary of the Interior to take certain action to honor and recognize the role played by James Larkin White in connection with the establishment of Carlsbad Caverns National Park, N. Mex. Referred to the Committee on Interior and Insular Affairs.

Mr. MONTOYA. Mr. President, today, I am introducing a joint resolution requesting the Secretary of the Interior to erect a suitable monument in the Carlsbad Caverns National Park, N. Mex., in honor and recognition of the role played by James Larkin White in establishing the Carlsbad Caverns National Park.

James Larkin White was the first known man to explore any part of the Carlsbad Caverns, and through his continued efforts over the years, Mr. White was the man most responsible for bringing the significance of the caverns to the public's attention.

Mr. President, it is only fitting and proper that a monument to this late New Mexican explorer be erected so that those enjoying the wonders of these caverns be made aware of the contributions of James Larkin White in securing Carlsbad Caverns as a national park.

At this time, I ask unanimous consent that the text of this joint resolution along with a copy of the New Mexico State Legislature's resolution regarding this tribute to James Larkin White be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 197

Whereas, James Larkin White was the first known man to explore any part of Carlsbad Caverns;

Whereas, James Larkin White continued to explore such caverns for his entire life and became the foremost expert in the country on the caverns;

Whereas, James Larkin White began showing the caverns to the public in 1922 and, through his efforts was the man most responsible for bringing the significance of the caverns to the public's attention;

Whereas, James Larkin White dedicated his life toward the creation of Carlsbad Caverns National Park and later became the chief ranger at the park; and

Whereas, the name and memory of James Larkin White should continue to endure as long as people come to gaze in awe at the sights he first beheld in the flickering lantern light: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to cause to be erected, at an appropriate place or places, within the Carlsbad Caverns National Park, New Mexico, a suitable plaque, statue, or other monument, in honor and recognition of the role played by James Larkin White in connection with the establishment of the Carlsbad Caverns National Park.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this joint resolution.

SENATE MEMORIAL NO. 4

A memorial requesting the United States to erect a statue and plaque at the entrance to Carlsbad Caverns National Park to honor the memory of James Larkin White, the first known man to explore the caverns and the man most responsible for the creation of the national park

Whereas, James Larkin White was the first known man to explore any part of Carlsbad Caverns; and

Whereas, he continued to explore them for his entire life and became the foremost expert in the country on the caverns; and

Whereas, he began showing the caverns to the public in 1922 and, through his efforts, was the man most responsible for bringing the significance of the caverns to the public's attention; and

Whereas, he dedicated his life toward the creation of Carlsbad Caverns National Park and later became the chief ranger at the park; and

Whereas, his name and memory should continue to endure as long as people come to gaze in awe at the sights he first beheld in the flickering lantern light;

Now, therefore, be it resolved by the Senate of the State of New Mexico that the United States is requested to erect a statue and plaque at the entrance to Carlsbad Caverns National Park honoring the memory of James Larkin White; and

Be it further resolved that copies of this memorial be transmitted to the National Park Service, the Secretary of the Interior, and to the members of New Mexico's delegation to the Congress of the United States.

ADDITIONAL COSPONSORS

S. 2087

At the request of Mr. NELSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 2087, to amend the Small Business Act.

S. 3091

At the request of Mr. HUMPHREY, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 3091, to amend the Forest and Rangeland Renewable Resources Planning Act.

S. 3098

At the request of Mr. WEICKER, the Senator from Indiana (Mr. BAYH) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 3098, to amend the Community Services Act of 1974.

S. 3151

At his own request, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 3151, to establish a program for gathering and analyzing information with respect to multinational enterprises.

S. 3182

At the request of Mr. TAFT, the Senator from Nebraska (Mr. CURTIS) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 3182, to amend the Occupational Safety and Health Act.

S. 3192

At his own request, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 3192, the Consumer Communications Reform Act of 1976.

S. 3227

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 3227, to accelerate solar energy research and development.

S. 3378

At the request of Mr. TAFT, the Senator from South Carolina (Mr. THURMOND) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 3378, to amend the Internal Revenue Code of 1954.

S. 3414

At the request of Mr. CHILES, the Senator from Florida (Mr. STONE) was added as a cosponsor of S. 3414, to amend the Service Contract Act of 1965.

S. 3432

At the request of Mr. GRAVEL, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 3432, to authorize an increase in the monetary authorization for certain comprehensive river basin plans.

S. 3428

At the request of Mr. HUGH SCOTT, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 3428, entitled "Agenda for Government Reform Act."

S. 3433

At the request of Mr. PACKWOOD, the Senator from North Dakota (Mr. BURDICK), the Senator from New Mexico (Mr. DOMENICI), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Idaho (Mr. MCCLURE), and the Senator from Pennsylvania (Mr. HUGH SCOTT) were added as cosponsors of S. 3433, a bill to require that imported meat and meat food products made in whole or part of imported meat be labeled "imported," to provide for the inspection of imported dairy products, to require that imported dairy products comply with certain minimum standards of sanitation, and to require that imported dairy products be labeled "imported."

S. 3440

At the request of Mr. PELL, the Senator from New York (Mr. JAVITS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. EAGLETON), the Senator from Maine (Mr. HATHAWAY), the Senator from Ohio (Mr. TAFT), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 3440, the Arts, Humanities, and Cultural Affairs Act of 1976.

SENATE RESOLUTION 421

At the request of Mr. BROCK, the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of Senate Resolution 421, requiring limitation and disclosure of the use of Senate facilities for official business and reimbursement by Senators for unofficial use of Senate computer materials, and for other purposes.

AMENDMENT NO. 1644

At the request of Mr. HATFIELD, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of amendment No. 1644 intended to be proposed to S. 3219, the Clean Air Act Amendments of 1976.

AMENDMENT NO. 1654

At the request of Mr. HASKELL, the Senator from Oregon (Mr. HATFIELD), the Senator from New Jersey (Mr. CASE), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. GARY HART), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. LEAHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from California (Mr. TUNNEY) were added as cosponsors of amendment No. 1654, intended to be proposed to S. 3105, the Energy Research and Development Administration Authorization Act.

SENATE RESOLUTION 449—SUBMISSION OF A RESOLUTION DISAPPROVING ENERGY ACTION NUMBERED 2

(Referred to the Committee on Interior and Insular Affairs.)

Mr. METCALF (by request) submitted the following resolution:

S. RES. 449

Resolved, That the Senate does not favor the energy action numbered 2 transmitted to the Congress on May 12, 1976.

Mr. METCALF. Mr. President, today as acting chairman of the Senate Interior and Insular Affairs Committee I am submitting a resolution in accordance with procedures specified in section 551 of the Energy Policy and Conservation Act—Public Law 94-163—expressing the Senate's right of disapproval of the proposal by the Federal Energy Administration—Energy Action No. 2—to modify the crude oil entitlement purchase exemption for small refiners. This FEA proposal was transmitted to the Senate on May 12, 1976 and would become effective at the end of 15 calendar days of continuous session of Congress unless disapproved by either House of Congress. In the case of the Senate this period woud extend until midnight May 27 unless the Senate is not in session because of an adjournment sine die or an adjournment of more than 3 days to a date certain.

I am submitting this resolution of disapproval to preserve the opportunity for the Senate to make full use of the procedures contemplated in the Energy Policy and Conservation Act to consider this issue. The Senate Interior Committee will hold a hearing on the FEA proposal on Monday, May 24, to receive the testimony of the FEA and selected private witnesses on the impact of these modifications in the crude oil entitlements program.

I understand that this resolution will be referred to the Senate Interior Committtee. Under the provisions of section 551 of the Energy Policy and Conservation Act, should the Committee fail to favorably report the resolution it will be in order after Tuesday, May 24, for any Member to move to discharge the Committee of its responsibilities with respect to the resolution. If such a motion carries the Senate will then have an opportunity to consider and debate the merits of FEA's proposed modification in the context of the resolution of disapproval.

SENATE RESOLUTION 450—SUBMISSION OF A RESOLUTION DISAPPROVING ENERGY ACTION NUMBERED 2

(Referred to the Committee on Interior and Insular Affairs.)

Mr. MANSFIELD (for Mr. MCGEE) submitted the following resolution:

S. RES. 450

Resolved, That the Senate does not favor the energy action numbered 2 transmitted to Congress on May 12, 1972.

SENATE CONCURRENT RESOLUTION 118—SUBMISSION OF A CONCURRENT RESOLUTION URGING THE SOVIET UNION TO PERMIT RELIGIOUS FREEDOM

(Referred to the Committee on Foreign Relations.)

Mr. JACKSON (for himself, Mr. CASE, Mr. HUMPHREY, and Mr. STEVENS) submitted the following concurrent resolution:

S. CON RES. 118

Whereas Christians and other religious believers in the Soviet Union are being persecuted simply because they desire to worship God according to the dictates of their conscience and the precepts of their faith rather than according to the dictates of the state;

Whereas a symbol of the denial of basic human rights by the Soviet Union is the imprisonment for five years at hard labor of Georgi Vins, Secretary for the Council for the Evangelical Christians and Baptists for the alleged crime of administering to the congregation that elected him as their pastor, and the continuing persecution of the Vins family, which for three generations has suffered imprisonment and death in imprisonment for preaching the Baptist faith;

Whereas the continued denial of this fundamental human right in the Soviet Union could have adverse implications for the growth of amicable relations between our two countries; and

Whereas such Soviet policy contravenes the spirit, if not the letter of the Helsinki Agreement and by so doing raises serious doubts as to the commitment of the Soviet Union to that agreement: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Government of the Soviet Union should immediately release Georgi Vins from imprisonment and allow him and all other Christians and other religious believers within its borders to worship God freely according to their own conscience, as the Soviet Union is committed to do by the provisions of its constitution and by the provisions of the United Nations Covenant on Civil and Political Rights which the Soviet Union has ratified.

Mr. JACKSON. Mr. President, on behalf of myself and Senators CASE, HUMPHREY, and STEVENS I introduce a Senate concurrent resolution that it is the sense of the Congress that the Government of the Soviet Union should immediately release Georgi Vins from imprisonment and allow him and all other Christians and other religious believers within its borders to worship freely according to their own conscience.

This resolution was introduced in the House by Representative JOHN BUCHANAN and a bipartisan group of cosponsors. We are proud to add our voice to theirs on behalf of this Baptist leader who is near death in a Soviet prison for his brave defense of his faith and the inspiration he has provided to his persecuted brethren.

As I said in February, 1975 to the Research Center for Religion and Human Rights in Closed Societies, Georgi Vins' tragic yet far from solitary plight is a grim reminder that the atmosphere of détente has not inhibited the Soviet Government's campaign of repression against religious and intellectual dissidents and minorities.

In standing up for human rights, we Americans reflect the best in our democratic and humanitarian heritage. Furthermore, in the struggle for human rights, we have international law on our side. The Universal Declaration of Human Rights was reaffirmed in the International Covenant on Civil and Political Rights which the Soviet Union ratified in 1968. The Helsinki accords, which the Soviet Union joined in signing last August, pledge all participating states to uphold the universal declaration.

Georgi Vins' father, who trained as a Baptist minister in the United States, was arrested and imprisoned three times during the 1930's on various charges stemming from his religion and died during his third sentence from the rigors of a Far East labor camp. He died 5 years before the United Nations unanimously passed the Universal Declaration of Human Rights, with its great paragraph:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Georgi Vins was serving his first term in prison at hard labor when the Soviets ratified the International Covenant on Civil and Political Rights in 1968. The Covenant reaffirms the universal declaration on religious freedom and also declares:

> No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Georgi Vins was being tried on the charge of "harming the interests of Soviet citizens under a pretext of carrying out religious activity" while the Helsinki Conference on Security and Cooperation in Europe was deliberating on its "Third Basket" human rights provisions. He had been sent to a labor camp in the Yakutsk district of Siberia by the time the final act was signed in Helsinki on August 1, 1975. That act includes the provision:

> The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

We must express our concern for Georgi Vins and others in such compelling situations in the Soviet Union. And we must remain firm in our commitment to freedom of worship. It is most important and appropriate that the American people, who are so blessed in the freedoms that we take for granted, make clear to the Soviet Union that a genuine détente requires increasing respect for fundamental human rights.

Mr. President, I ask unanimous consent that the March 30 statement Mr. BUCHANAN made in the House about Georgi Vins be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

GEORGI VINS, SOVIET CHRISTIAN

Mr. BUCHANAN. Mr. Speaker, appeals have been pouring into the West in recent months from Soviet evangelical Christians, seeking relief from oppression by authorities in their country. Some of the appeals have been sent directly to the United Nations General Secretary, the World Council of Churches, the Baptist World Alliance, and Christian leaders in the West. Some are copies of appeals sent to Soviet authorities. In many cases, accompanying documents cite names, places, dates, and details of grievances.[1]

A significant case is that of Soviet church leader Georgi Vins, 48, of Kiev in the Ukraine. Before his imprisonment early in 1975, he was secretary of the Council of Churches of Evangelical Christians and Baptists—CCECB—the dissident Baptist movement that the government says is illegal.

Georgi Vins, a founder of the CCECB, was arrested first in 1966 after a Baptist demonstration outside the Communist Party headquarters in Moscow and sentenced to 3 years at hard labor in a prison. He came out of prison in 1969 broken in health. A new case against him was started in 1970, but he went into hiding and carried on the direction of the CCECB underground. Late in March of 1973, the authorities found him and jailed him in Kiev pending trial.[2]

News reached the Western World in February 1975 that Mr. Vins was convicted by a court in Kiev of "harming the interests of Soviet citizens under a pretext of carrying out religious activity." The sentence of 5 years in prison to be followed by 5 years in exile was believed to be the maximum possible under the charge.[3]

The date of the trial in Kiev was kept secret, but family members and other believers showed up nevertheless and maintained a watch outside. The trial was held almost a year after Vins' arrest. Only persons with special passes, apparently those hostile to evangelical Christianity, were to be admitted to the courtroom. Several family members managed to get inside, however, among them Lydia Vins, Georgi's mother, who like her son and her husband had spent time previously in Soviet jails for her faith. She tape recorded her comments on the 5-day trial, and the correspondent of a religious publication in touch with key Soviet believers sent the magazine a translated transcript.[4]

Mrs. Vins said a Norwegian Christian lawyer, Alf Haerem, was obtained to be Georgi Vins' defense lawyer. Authorities tried to persuade the family and his friends to take an atheist as a defender, she said, but they refused. They, in turn, refused to give Mr. Haerem an entry visa, and Mrs. Vins informed the court of that fact. At this, according to his mother's account, Georgi announced he was rejecting the composition of the court.

He said, according to his mother's account published in Christianity Today: "The first reason is that the court is one-sided, consisting of atheists, and they are not judging me, but they are judging the confession of faith of the Evangelical Christian Baptists, they are judging the Bible and the Gospel, and they are judging the whole movement of our Christianity.

"The second reason is that the entire investigation was conducted with much violence, with psychological and physical terrorism, and that the investigation was not conducted by the proper authority but by the Committee of Government Security (KGB). For two months an agent of the KGB threatened and menaced me, and now he is sitting here in this courtroom. . . ."[5]

Soviet authorities also rejected the offer of the World Council of Churches in Geneva to send a foreign lawyer to represent him at the trial. They also rejected applications by other Western observers to attend the trial.

Mr. Vins' confrontation with the Soviet authorities resulted from his prominence in the Initsiativniki, or Initiators, a group of reform Baptists who broke in September 1965, with the officially tolerated All-Union Council of Evangelical Christians and Baptists over the issue of submitting to the authority of the athiest Soviet State.[6]

The Initsiativniki, which Mr. Vins served as secretary, have rejected Moscow's right to oversee their religious affairs, thereby prompting official repression.

The Initsiativniki or Initiators, the "reformers," formed their own separate fellowship, the CCECB, now considered an outlaw organization in the eyes of Soviet officials.

In 1966, according to a report in Christianity Today, the AUCECB—the officially sanctioned religious organization composed of Baptists, Pentecostals, Mennonite and others—revised its constitution, apologized for the stringent 1960 regulations which prompted the start of the reform group, and asked the reformers to return. There was no effective response; at the time Vins and other leaders were in prison.[7]

One of those appealing on Vins' behalf through open letters is Soviet physicist Andrei Sakharov, who himself is in trouble with the government for his outspoken championship of human rights. In an interview published in a Stockholm daily before Vins' trial, Dr. Sakharov said Vins was charged with vagrancy—not holding a job and hiding from the police—using religion for crime against the rights of citizens—living on the means of others—and violating church-state separation laws.[8]

In theory, Soviet citizens enjoy religious freedom under article 124 of the Constitution:

"No one is forced to be a believer or an atheist, to observe religious rites or not to do so."

Said Vladimir Kuroyedov, chairman of the State Council of Religious Affairs, in a recent Izvestia interview.[9]

In fact, religious worship in the Soviet Union is circumscribed with restrictions. The State Council of Religious Affairs is the watchdog successor to two organizations set up by Stalin to control "religious cults." Communist Party membership, the key to advancement in Soviet society, is barred to religious believers. Scientific atheism is taught as a part of social studies in Soviet schools and as a special required course at higher university level. But any religious instruction for youth is banned.[10]

The New York Times this month reported:

"The Russian Orthodox Church and the All-Union Council of Baptists function obediently under state scrutiny. But unapproved sects . . . have been harassed for refusing to submit on issues like conscientious objection to military service. Last month, the official press in Byelorussia reported prison sentences for several Jehovah's Witnesses found guilty of copying articles from the Western publication Watchtower and maintaining secret chapels.[11]

The case of Georgi Vins is by no means unique. Writings by Christian authors smuggled into the West tell of dozens of cases of repression of religious people. But Vins' case is notable and it is dramatic. His father and mother were imprisoned for their faith, and it appears now that his children may be because they have decided that they are never going to give up their beliefs.

Pyotr Yekovlevich Vins, Georgi's father, of German origin, came from Samara—now Kuibyshev. As a young man, he went to America for theological education not available in Russia, and spent his time there first at Weston Memorial Baptist Church, Philadelphia, then at Colgate Divinity School, Rochester, N.Y., and from 1912–22 at the Southern Baptist Seminary at Louisville, Ky. On his return to the Soviet Union in the spring of 1922, he went to Siberia as a missionary. From that time on he was an active and wholehearted member of the Baptist Church in the Soviet Union.

He was first arrested in Moscow in 1930 after refusing the NKVD's suggestion that he support their candidates in the elections to the Assembly of the Union of Christians-Baptists. He was sentenced to 3 years in a labor camp, the first of several prison terms. His third arrest was in 1937, and there was no further news of him for many years. Then his wife learned he had been convicted by a closed court—the infamous troika—to 10 years in a labor camp without right of correspondence. He died on December 2, 1943, at the age of 45, in one of the Far East labor camps.[12]

Like his father, Georgi Vins, born in 1928, was an active member of the Baptist Church, and he also became a pastor. He received a higher education and holds two degrees, one in economics and one in engineering. He was actively involved from 1960–64 in the series of meetings and writing of documents to the State authorities, to the AUCECB and to believers throughout the Soviet Union.

Vins and other demonstrators were arrested when they openly walked into the offices of the Central Committee building in 1966. In November he and a co-defendant, Gennadii Kryuchkov, were tried and sentenced to 3 years in prison.

Vins and two other Baptists carried on an active Christian life of prayer and evangelism in the prison camp and aroused a great deal of interest among their fellow prisoners. He was transferred to another camp in an effort to stop this evangelism.

Vins' physical condition deteriorated in prison. He developed heart disease and had running sores on his arms and body. Despite his training as an electrical engineer, he was forced to drag logs at work.

Meanwhile, his family suffered because of his prisoner status. His wife, with a degree in foreign languages, was forced to take a job selling ice cream. His daughter was mistreated at school.

He was released in May 1969, and by the end of the year was once more taking an active part in the life of the CCECB.

Not long after Vins' activity as a pastor was curtailed once more. He was again arrested, sentenced to a year of forced labor—to be served at home—and 10 percent of his wages was deducted as a fine.

By June or July 1970, a new criminal case was being prepared. For more than 3 years, Vins lived in hiding, unable to return home and attempting to carry on his work as a pastor clandestinely. He appears not to have been arrested during this time, but in a list of prisoners put out in October 1970, he appears as "under investigation" presumably as a "parasite."

Vins wrote a letter in December 1970 to Russian officials to protest his mother's arrest on December 1, 1970. The letter contains information about prison sentences endured by other members of his family, including his father. His mother's cousin was arrested in 1938 and died in the camps. His uncle's

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Footnotes at end of article.

wife was arrested in 1939 and spent 17 years in a prison camp. Her father was given a 5-year sentence in 1939.

The police came to Vins' mother's home on December 1, 1970, where her sudden arrest caused great distress to her grandchildren, who were in her care during the absence of her daughter-in-law.

The Council of Prisoners' Relatives—CPR—reported that her arrest was a direct result of her activity as president of the CPR in compiling and distributing information about Christian prisoners.

Vins' mother, Lidiya Vins, was tried in Kiev on February 8–9, 1971, and appealed without success on February 18. She was sentenced to 3 years' imprisonment. A CPR bulletin gave details about her poor health: she was diabetic, had a stomach illness, and had to be taken to work on people's arms.

Another CPR bulletin said there was no hope for her surviving her 3-year sentence because of her illness, and still another bulletin added that she had been moved to a Civil hospital for a month after which she was taken back to camp. Her friends in the Kiev congregation once more appealed for her release and she was released in November 1973. At the time, Georgi apparently was still hiding.

At the end of March 1974, Georgi Vins was arrested again and was held virtually incommunicado. The Kiev congregation appealed for his release to Soviet officials and his family pleaded to be granted the opportunity to see and talk with him, to learn about his condition.[13]

Only a little information about Vins' present condition has reached the West. Earlier this year, it was reported that after the January 1975 trial Vins was sent to the Yakutsk district in Siberia to serve the first part of his sentence—5 years of strict labor camp. The climatic conditions are very hard in that area, with the average temperature in January being 50 degrees Celcius below zero. Vins is in the category of "dangerous prisoner," which implies among other things that he has to report every third hour and that he may be shot without warning in case of desertion. Despite his poor health, he is sent to hard labor 10 hours a day.

Left at home in Kiev were Vins' mother, his wife, Nadezda, and five children. On September 18, 1975, the police confiscated most of the furniture in their apartment. The family was left with a table, a chair for each, and a bed for each. It is strictly forbidden for their church to organize relief to help them.[14]

Mr. Speaker, a statement signed by Vins' four children asserts that Vins' wife was fired from her work in 1962 for her religious beliefs and it was years before someone would hire her. Daughter Natasha was fired in January 1973, from a hospital job allegedly because "religion and medicine are incompatible." Vins' son, Peter, has completed his education, but as of December 1974, had not been hired anywhere.

The statement from the Vins children, addressed to Soviet authorities, ends with a vow:

> "If our father is not released and if measures are taken in prison which threaten his life, then know you that our entire family is filled with resolve to die alongside him. This we make known to you and believers around the world."

Mr. Speaker, unless some action is taken on his behalf, Pastor Vins will surely die in a hard labor camp in Siberia.

FOOTNOTES

[1] "Carrying the Cross in the U.S.S.R.," *Christianity Today*, December 20, 1974, p. 26.

[2] Ibid.

[3] "Soviet Imprisons a Baptist Leader," The New York Times, February 3, 1975.

[4] "The Trial of Georgi Vins," Christianity Today, April 25, 1975, p. 43.

[5] *Ibid.*

[6] *New York Times, op, cit.*

[7] "Carrying the Cross in the U.S.S.R.," Christianity Today, *op. cit.*

[8] Ibid.

[9] "Soviet Subdues Religion, but Zeal for Atheism Lags," The New York Times, March 1, 1976.

[10] Ibid.

[11] *Ibid.*

[12] "The Vins Family," *Radio Liberty Dispatch* November 8, 1974.

[13] *Radio Liberty Dispatch, Ibid.*

[14] Information made available by *Friends in the West*, Blaine, Washington organization whose president is Ray Barnett.

AMENDMENTS SUBMITTED FOR PRINTING

CLEAN AIR ACT AMENDMENTS OF 1976—S. 3219

AMENDMENT NO. 1656

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE. Mr. President, there is apparently some doubt in some quarters as to my views on the pending clean air legislation. I introduced the committee bill. My name appears on the committee report. I support this legislation. I am prepared to take this bill to conference and I am prepared to work for equitable resolution of the differences between the House and the Senate.

As chairman of the Senate Subcommittee on Environmental Pollution, I consider this a responsibility and an obligation. As I said in my supplemental views on this legislation, however, there are aspects of this legislation which I opposed in committee and there are provisions which I offered in committee which were not adopted. I continue to hold that view. I would prefer a different bill, broader in some respects and narrow in others.

What apparently has not been understood, however, is that I think the Clean Air Act as it was enacted in 1970 is basically sound law. Throughout 1975 as the Subcommittee on Environmental Pollution held hearings, the evidence presented supported that judgment. As those hearings developed, as issues were discussed, as amendments were proposed, I inquired as to whether or not the law really needed amending, whether amendments were being proposed as a means of clarifying the intent of Congress in providing guidance to the Administrator. A number of witnesses supported amendments to the act. A number of people think certain amendments are desirable to improve implementation of the act.

However, this only suggests amendments may be desirable, not essential. In my opinion, with one exception, the judicial and the administrative processes are available to overcome any hurdles which may be presented by the act in its present form. In 1970 and repeatedly since 1970, I have indicated a willingness to review and, if necessary, revise any of the statutory automobile emission standards. I proposed an amendment this year to fulfill that commitment. I suggested in committee that scientific evidence, technical data supported a relaxation of the standard for oxides of nitrogen emissions from automobiles from .4 per mile to 1.0 grams per mile. I am convinced that a modification of the NO_x standard is the only necessary change in the Clean Air Act other than the addition of new funding authority.

I think the courts and the Administrator can resolve the nondegradation issue. I think the statutory base and the legislative history of the Clean Air Act adequately support the requirement that there be a national nondegradation policy. I think the courts will uphold the statutory requirement and the legislative history, and I think the Administrator will eventually develop a set of regulations which meet criteria established by the courts.

I think the courts have the capability to monitor changes in current policies relative to achieving primary standards in areas where auto emission standards alone are an inadequate control mechanism and to provide the necessary flexibility so that transportation control requirements are not unduly inflexible and restrictive.

I think that EPA and the courts are capable, through the use of injunctions and criminal penalties, to enforce the deadlines in the Clean Air Act for stationary sources. These things can happen without any amendments this year.

Therefore, in order to underscore my commitment and to indicate again the scope of amendments that I feel are necessary, I am today submitting an amendment to S. 3219, the effect of which would be to strike the committee bill in its entirety, substitute a 1.0 gram per mile NO_x standard as the statutory NO_x standard and establish authorizations for Clean Air Act programs for fiscal years 1977, 1978 and 1979.

I have not finally concluded as to whether or not I will offer this amendment. But we have an obligation to the auto industry to finalize the question of emission standards.

The committee tried to discharge its responsibility concerning the major policy questions of the Clean Air Act. Should the Senate deem that response inadequate, then I will propose my amendment as a means of resolving the issue.

LOBBYING DISCLOSURE ACT OF 1976—S. 2477

AMENDMENT NO. 1657

(Ordered to be printed and to lie on the table.)

Mr. METCALF. Mr. President, where it counts the most, in the determination of who will be taxed with the costs of registering as lobbyists, the Lobbying Disclosure Act of 1976 (S. 2477) does nothing but make a bad situation worse.

All of us are aware that the law it was designed to replace is a legal anomaly which promises much but cannot possibly deliver much of anything. The inoperative 1946 Federal Regulation of Lobbying Act is distinguished primarily by its hot and cold running loopholes, on tap for anyone who wants to wash his hands of public disclosure.

But S. 2477 as reported will not close the loopholes and insure coverage of all significant lobbying activities intended to influence Congress.

Quite the contrary, this measure will permit larger nationally based organizations to slip through the disclosure net while operating their lobbies much as they do today. And at the same time, it will establish unprecedented barriers to direct communications between smaller locally based groups and national policy leaders in Congress.

The purpose of the amendment that I am now introducing is to establish a fair threshold test, which clearly distinguishes between the efforts of grassroots groups, with only a few paid employees, and those corporations and trade associations, national in scope, which spend substantial amounts to employ or retain lobbyists.

Moreover, my amendment will eliminate an invidious but politically appealing gimmick—the home State and district exemption—which if, allowed to stand, will ultimately make a mockery of our role as U.S. Senators.

Mr. President, the single most damaging flaw in S. 2477 is section 3(a)(2), one of the threshold tests for determining when an organization must register as a lobbyist and, subsequently, when it must file quarterly reports on its lobbying activities.

Under this provision, any organization which has at least one paid director or employee receiving the equivalent of $100 weekly must register if its paid directors or employees speak on its behalf to Members of Congress or congressional aides on 12 separate occasions in any 3-month period. However, any organization can exclude from this lobbying countdown all conversations which occur with a Member, or his personal staff aide, representing the State or congressional district in which the organization's principal place of business is situated.

Certainly this test appears to be convenient. What could be simpler than counting direct contacts? And the home State and district exemption is obviously appealing.

Who among us wants to tell a group of our own constituents they will have to register as lobbyists if they drop in or call to talk about their problems four times a month, or more?

Appearances often are deceptive, however, and section 3(a)(2) will prove to be anything but simple—or fair—in its effect. It will catch a host of smaller locally based groups whose spending for lobbying activities is minuscule compared to that of the larger nationally based corporations and trade associations who will be able to slip through the disclosure net at will.

Here is why:

Washington-based lobbyists customarily rely for their heaviest persuasion, not on visits to congressional offices by their representatives here but on calls from residents of the home States and districts of strategically placed Senators and Representatives. Thus, the "home State and district" exemption becomes an open invitation for the larger nationally based organizations to conduct their lobbies essentially as they do now and still avoid registration and reporting. By way of illustrating this point, consider what any corporation or trade association able to afford decentralizing its lobby can do without becoming a lobbyist under any of the threshold tests contained in section 3(a). Such an organization can:

Maintain as many people in a Washington office as it wishes, including its own legal staff and other expert personnel, to analyze and track legislation, collect information on the positions of the various Members of Congress, and report back to the parent organization;

Communicate with all Members of Congress, their personal aides, and committee staff personnel in writing, by memorandums, and telegram, on an unlimited basis;

Speak directly, by telephone or in person, through its paid directors and employees, on an unlimited basis with Members of Congress from the State or district in which its "principal place of business" is situated;

Using a WATS line, telephone likeminded corporations or organizations which are association members with "principal" places of business in most or all States, and urge them to call or visit the Senators who represent their State and their district's Representative;

Spend up to $30,000 annually in "direct" expenses, not including staff time, for soliciting others to lobby on issues in which it is interested; and

Invite as many Congressmen and staff employees as it wishes for luncheon, dinner, or seminar meetings with its chief executive officer, governmental relations representative, or other employee on as many as three occasions each month, for presentations on whatever issues it wishes.

Now some lobbyists who have spoken with me about provisions of S. 2477 have asserted that no major corporation or trade association is likely to take advantage of the loopholes built into this measure. Perhaps so. Others, however, disagree. For example, in a memorandum to the committee staff, Alan B. Morrison, director of Public Citizen Litigation Group, and Joan C. Claybrook, director of Congress Watch, concluded that:

> The home State exemption for lobbying communications remains a gigantic loophole designed for corporate trade associations who even now routinely assign responsibility for contacting members of Congress to the company which resides in a member's backyard. The home State exemption merely authorizes continuation of this practice without registration—and very importantly—without requiring gift disclosure.

For my part, I can only point out that the threshold tests contained in S. 2477 not only determine who must register. They also determine whether an organization, although already registered as a lobbyist, reports on its activities during any particular calendar quarter. What is called for in such quarterly reports under this measure is both extensive and detailed, and willful misrepresentation of information furnished in them is punishable by fines of up to $10,000 and imprisonment of up to 5 years.

I cannot accept as an article of faith the notion that corporations and trade associations will be able to resist the temptation to avoid disclosure of their activities in instances where their interests conflict with those of the administration, or gore an ox sacred to an influential party leader or committee chairman in Congress, or are contrary to strong public feelings. Not when it will be perfectly legal to duck out and still maintain a powerful lobby.

At the other end of the scale, for the smaller locally based groups—which cannot afford to maintain Washington offices or to decentralize their lobbying efforts—section 3(a)(2) will have consequences that clearly have not been anticipated by sponsors of S. 2477.

For some such groups, of course, the "home State and district" exemption will be a boon, permitting an unfettered but most effective lobby. This will be the case, for instance, whenever a local group is happily situated in a State which has a large congressional delegation composed for the most part of relatively senior Members of the majority party who are sympathetic toward its interests and who are strategically placed in the various committees of Congress.

Where does this leave the group whose interests do not strike a responsive chord among their own Senators and Representatives? How will it affect those whose views are distinctly in the minority, perhaps even unpopular, in a particular State or district but are nonetheless a matter of great interest and concern elsewhere in the Nation? What about those whose interests cannot be well served because of the small size, political composition, or limited committee responsibilities of Members of their own State delegation?

To such less fortunately situated groups, section 3(a)(2) offers a most unappealing choice: Either speak only to your own Senators or Representatives—however unwilling they may be to listen and however incapable they are of advancing your interests—or pay the price of registering and reporting as lobbyists if you make as few as four telephone calls monthly for 3 months to "outside" congressional offices or committee staff personnel.

Consider for a moment the consequences of any such provision, not in ordinary circumstances but in instances where opinion in the country runs deep and strong. How many groups would have been swept into the net during the long night of Vietnam or the sustained agony of the Watergate scandals? Could this test have been applied to those throughout the Nation who wished to speak with Senator Ervin and members of the select committee, or its staff? Or with Representative RODINO and members of the House Judiciary Committee?

I submit that to have even attempted to do so would have been a travesty. And it is precisely at this point that the section 3(a)(2) threshold test becomes invidious, not just as a practical matter but in principle as well.

No Senator or Representative should be so constrained from hearing directly the diversity of viewpoints of citizens from outside his own State or district. Whether a newcomer or a senior Member, no Senator or Representative can contribute significantly in the making of national policy if his outlook is narrowly parochial. And accommodating the particular interests of any constituency requires an understanding of the full range of problems and interests in States and regions elsewhere.

Surely we ought not levy what is in effect a surcharge on the citizens of Wyoming or Ohio, for example, for making their views known directly to the Senator from Montana on strip mining legislation, requiring them to register and report as lobbyists for engaging in activities that are conducted in exactly the same manner as those that are "free" to Montanans.

How can we justify making out-of-staters pay the additional price of registering as lobbyists to talk to Senate Majority Leader MANSFIELD, who is no less a representative of a national constituency on many issues than he is of the three-quarter-million Montanans who elected him a U.S. Senator? Or to Minority Leader SCOTT? Or to any House or Senate committee or subcommittee chairman, who has special responsibility for national policymaking in his committee's area of jurisdiction? Or to any Senator or Representative who has become identified as particularly interested and competent in a given national policy area?

In short, we legislate on national problems and make national policy as U.S. Senators and U.S. Representatives. Certainly we should not begin the process—in a provision without precedent in any existing statute—of defining our role as something less.

Mr. President, we do not need to know what is bothering everyone who makes a dozen or so telephone calls or spends a half day on Capitol Hill. We do need to know who is spending large sums in active, continuing, and presumably powerful lobbies.

My amendment strikes out both the "12 conversation" test and the home State and district exemption contained in section 3(a) (2). Instead of this vague and capricious oral communications device as the means of making a crucial determination—who is and who is not a lobbyist—it establishes a precise dollar expenditure test for organizations which use their own paid employees to engage in lobbying comunications, written as well as oral.

Briefly stated, my amendment—which leaves intact the threshold tests in S. 2477 pertaining to use of legislative agents and lobbying solicitation—will operate as follows:

First, all smaller groups which have total annual operating costs of less than $100,000 will be entirely exempt from coverage. Annual operating costs are defined to include salaries, wages, retainers, payment for office space, office equipment and supplies, telephone, postage and addressing, travel and entertainment, advertising and publications, and services.

Second, all organizations with annual operating costs of $100,000 or more will be required to register whenever they spend $1,000 or more in any quarterly period for the time devoted by their own paid officers or employees to the making of lobbying communications. Excluded from the $1,000 threshold are personal travel expenses, and it should be emphasized that neither general expenses for lobbying activities nor gross salaries are to be included in determining whether this spending threshold has been passed. Only the cost of the actual time in which an organization's paid officers or employees are engaging in direct lobbying or otherwise making lobbying communications must be included.

And third, once they have passed this threshold and become lobbyists, only those organizations which have total annual operating costs of $250,000 or more will be required to fulfill the extensive—and costly—quarterly reporting requirements contained in S. 2477. Those organizations which have annual operating costs of between $100,000 and $250,000 will only have to amend their registration statements in the event any significant changes have taken place during each quarter, to provide basic but less detailed information about their current lobbying activities.

Mr. President, the case for this approach is compelling.

It will operate to screen out the vast majority of State and locally based interests we, as Senators, hear from. Exempting those whose annual operating budgets are less than $100,000 will insure that we do not sweep in the tiny ad hoc citizens group—which may have only one or two part-time employees. Establishing a relatively high dollar threshold—$1,000 for the cost of an employee's actual time engaged in lobbying—will insure that we do not require registration and reporting by those larger organizations which communicate with us infrequently and only on a limited scale.

My amendment recognizes that the accounting required for detailed reporting is costly, and limits this requirement to organizations which have budgetary and administrative structures capable of absorbing such costs without undue hardship.

Most importantly—by eliminating the need for the "home State and district exemption"—this approach closes the loopholes in S. 2477, insuring that all larger nationally based organizations which operate active and well financed lobbies will be required to disclose their activities.

Finally, to insure that this legislation covers only those who are paid to lobby, my amendment also strikes out section 6(c) (3). Under this provision, an organization which has become a lobbyist must identify even unpaid principal operating officers—whether its own or such an officer or any loosely affiliated organization—who make 25 or more oral lobbying communications on its behalf. Additionally, the lobbying organization must also describe the key issues on which such volunteers worked.

Not only does this provision place a wholly unnecessary burden on first amendment rights, Mr. President, it also is in conflict with the stated intent of S. 2477. As the report on this measure states, on page 8:

> The definition of a lobbyist in the Lobbying Disclosure Act of 1976 is keyed to an organization with one or more paid officers, paid directors, or paid employees. Individuals can never be lobbyists. Ad hoc, volunteer groups or other organizations which do not have any paid officers, directors or employees can never become lobbyists regardless of the extent of their lobbying activities.

If this is the intent, why should we require identification and reporting on the activities of unpaid volunteers? I cannot conceive of any justification for such a requirement and the chilling effect it will have on a multitude of volunteer groups which give their time and energy to assist other organizations in advancing the policies they believe in.

Mr. President, the time has come to overhaul the unworkable 1946 Federal Regulation of Lobbying Act. In doing so, however, we must recognize that lobbying disclosure legislation goes to the heart of the legislative function—which is to hear, understand, and respond to the wants and needs of citizens.

In S. 2477, we are establishing conditions under which citizens and their spokesmen can communicate with us. The kind of conditions we set, the price we require of those who wish to make their views known to us, who will be required to pay and who will not—all must be subject to the closest scrutiny.

We all know that registration and reporting entail costs which many groups in our society can ill afford, costs which go well beyond the dollars and manpower that must be diverted to operate accounting systems and fill out Government forms. Public relations values—unfortunately, there is a stigma attached to the designation of "lobbyist"—and the competitive disadvantages resulting from disclosure of detailed lobbying strategies must both be taken into account.

We cannot help but restrict the exchange of fact and opinion between citizens and the elective officials who must act in their behalf if we sweep in the small, locally based, and poorly funded groups—the church groups, the community action groups, the business firms, the private schools and colleges, to name but a few—and require them to pay such costs. Conversely, it will be a travesty if the only means such groups have of getting their messages to us directly are tightly covered, while the larger, well financed, nationally based corporations and trade organizations are permitted to slip through the disclosure net.

I only wish, Mr. President, that the report on S. 2477 could be taken to mean what it says regarding the operation of this measure. Let me quote from page 11, for example, which asserts that:

> The bill defines a lobbyist in a way that will cover any significant lobbying effort by organizations which expend money in an effort to influence Congress. At the same time, the bill contains a definition of lobbying which overcomes the difficulties inherent . . . in the current Act by imposing a standard which may be both easily and uniformly applied.

If disclosure legislation is to help restore public confidence in Government, it must deliver on its promises. Equity and commonsense demand modification of S. 2477's "twelve conversation" test—and elimination of the invidious "home State and district exemption"—to insure that "any significant lobbying by organizations which expend money" will actually be covered and that the act may in fact be "uniformly" applied.

Otherwise, if uncorrected, this measure will be seen as just another failed promise, with loopholes for the big operators and with the costs of disclosure simply another burden for those in our society who already are at such a disadvantage in making their voices heard.

I ask unanimous consent, Mr. President, that my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1657

On page 37, line 14, strike out all through page 38, line 2, and insert in lieu thereof the following:

"(2) an organization which expends $1,000 or more in any quarterly period, other than personal travel expenses, to employ any paid officer, paid director, or paid employee to engage in lobbying communications in any quarterly period. For purposes of determining whether any organization is a lobbyist under this paragraph, there shall be excluded from the computation of the expenditures under this paragraph any expense incurred in any communication initiated by Congress whereby the organization provides information or opinions to Congress solely at the request of Congress; or".

On page 41, strike out lines 10 through 13.

On page 41, line 15, after "organization" insert the following: "which has, or expects to have, annual operating costs of $100,000 or more".

On page 44, line 2, strike out "oral".

On page 44, line 25, strike out the comma and insert in lieu thereof the following: "or subsection (c),".

On page 46, line 6, after "organization" insert the following: "which has, or expects to have, annual operating costs of $250,000 or more".

On page 47, line 19, strike out "oral".

On page 47, line 23, strike out "oral".

On page 48, line 1, strike out "oral".

On page 48, line 6, insert "and" after the semicolon.

On page 48, beginning with line 7, strike out all through line 20.

On page 48, line 21, strike out "(4)" and insert in lieu thereof "(3)".

On page 68, line 17, strike out the period and insert in lieu thereof a semicolon and "and".

On page 68, between lines 17 and 18, insert the following new paragraph:

"(21) 'annual operating costs' includes salaries, wages, retainers, payment for office space, office equipment and supplies, telephone, postage and addressing, travel and entertainment, advertising and publications, and services.".

NOTICE OF HEARINGS

Mr. JOHNSTON. Mr. President, the Senate Committee on Interior and Insular Affairs has scheduled a hearing on Monday, May 24, on the Federal Energy Administration's proposal—Energy Action No. 2—to modify the present crude oil entitlement purchase exemption for small refiners. The hearing will commence at 10 a.m. in room 3110 of the Dirksen Senate Office Building. Frank G. Zarb, Administrator of the FEA will be the first witness. I understand that hearings on Energy Action No. 2 will also be held in the House Committee on Interstate and Foreign Commerce on Friday, May 21.

The FEA proposal has been submitted to the Congress under procedures specified in section 12(g) of the Emergency Petroleum Allocation Act and section 551 of the Energy Policy and Conservation Act. Unless one House of Congress adopts a resolution disapproving the proposal prior to midnight on May 27, 1976, the FEA modification will become effective.

Mr. President, Members of the Congress and the public should have access to the most complete set of views and information available on this FEA proposal. I hope that the Interior Committee hearing will facilitate the compilation of this record. In addition, I ask unanimous consent that the full text of Mr. Zarb's letter of transmittal to the Senate and the FEA proposal be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., May 12, 1976.

Re: Modification of Small Refiner Entitlement Purchase Exemption (Energy Action No. 2)

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On February 28, 1976, the Federal Energy Administration gave notice of a proposal which, among other things, would revoke Special Rule No. 6 to the Appendix of Subpart C, Part 211 of Title 10, Code of Federal Regulations (41 F.R. 1044, January 6, 1976) which implements the small refiner purchase exemption and increases the amount of entitlement benefits granted through the small refiners bias. Written comments from interested persons were invited through March 24, 1976, and a public hearing regarding the proposal was held on March 23 and 24, 1976.

FEA has now completed its consideration of all the information available in this proceeding and has determined that Special Rule No. 6 which implements the small refiner purchase exemption should be revoked and the small refiner bias increased for all small refiners. As required by section 455 of the Energy Policy and Conservation Act, Pub. L. 94–163 (EPCA), which added section 12 to the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), the amendment adopting these changes is herewith submitted to the Senate and is also being concurrently submitted to the House of Representatives for Congressional review pursuant to section 551 of the EPCA.

FEA's determination supporting the revocation of Special Rule No. 6 and the adjustment to the small refiners bias, which are required by section 455 of the EPCA, are set forth in the preamble to the enclosed amendment.

As Administrator of the Federal Energy Administration, I have been delegated by the President all authority granted to him by the EPAA (E.O. 11790, 39 F.R. 23185, June 27, 1974).

Unless disapproved by the Congress as provided by section 551 of the EPCA, this amendment will be effective upon expiration of the fifteen day review period under section 551.

Sincerely,

FRANK G. ZARB,
Administrator.

TITLE 10—ENERGY; CHAPTER II—FEDERAL ENERGY ADMINISTRATION; PART 221—MANDATORY PETROLEUM ALLOCATION REGULATIONS

(Revocation of Special Rule No. 6 and Adjustment to Small Refiner Bias Under Entitlements Program)

On February 28, 1976, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (41 FR 9391; March 4, 1976), to amend Title 10, Part 211, of the Code of Federal Regulations with respect to the domestic crude oil allocation or entitlements program (hereinafter referred to as the "entitlements program") set forth at 10 CFR 211.67. Comments on the proposed amendments were invited through March 24, 1976 and 96 written comments were received by FEA. Public hearings were held on March 23 and 24 at which 30 persons presented statements.

In this proposal, FEA specifically requested comments on the validity of its tentative determinations that the exemption from payments under the entitlements program for certain small refiners as provided in subsection 4(e) of the Emergency Petroleum Allocation Act of 1973 ("EPAA"), as amended by the Energy Policy and Conservation Act ("EPCA"), and as implemented by Special Rule No. 6 in the Appendix to Subpart C, Part 211 of Title 10, Code of Federal Regulations, seriously impairs FEA's ability to attain the objectives set forth in section 4(b)(1) of the EPAA, and results in an unfair economic or competitive advantage for certain small refiners with respect to other small refiners. FEA further invited comments on whether all small refiners including sellers and purchasers under the entitlements program should receive increased benefits by means of an adjustment to the small refiner bias and whether small refiners with a capacity of less than 10,000 barrels per day should be fully exempted. Finally, FEA solicited comments on the procedures for granting exception relief under the entitlements program and whether exception decisions should be made effective for longer periods.

FEA received numerous comments from all sectors of the petroleum industry including major and small and independent refiners, trade associations, branded and nonbranded independent jobbers and others concerning the proposed amendments. FEA is satisfied that the comments received fairly represent the broad range of interests which would be affected by any such changes in the benefits received by small refiners under the entitlements program.

The amendments adopted herein would eliminate the purchase exemption for certain small refiners by revoking Special Rule No. 6 and would increase the amount of additional entitlements issuable to all small refiners (whether entitlement purchasers or sellers) under the small refiner bias. These amendments will not be effective, however, if disapproved by either House of Congress under the procedures set forth in section 551 of the EPCA.

ADJUSTMENT TO THE SMALL REFINER BIAS

In conjunction with its modification of the small refiner entitlement purchase exemption discussed below by the revocation of Special Rule No. 6, FEA is hereby adopting an adjustment to the small refiner bias that increases the number of additional entitlements provided for all small refiners. In the proposal, FEA specifically invited comments as to whether the amendment adopted in this proceeding should simply increase the amount of the small refiner bias for all small refiners, which would place all small refiners on the same competitive basis under the entitlements program. At the public hearing and in the written comments on the proposal numerous small refiners, both entitlement purchasers and sellers, supported this approach and the overwhelming majority also supported an increase in the small refiner bias for both sellers and purchasers. The unanimous view expressed in this regard was that it was inequitable to favor one class of small refiners over another as far as benefits under the entitlements program are concerned.

FEA's analysis of this issue indicates that an increase in the small refiner bias in conjunction with the revocation of Special Rule No. 6 has greater merit than any other alternative course of action available to the Agency as to the overall status of small refiners under the entitlements program. This approach both eliminates any special treatment afforded to small refiner entitlement purchasers and comports more fully with the general concern as to the competitive viability of small refiners expressed throughout the EPAA and the EPCA.

FEA initially adopted the small refiner bias after a significant amount of analysis and public comment on the issue when the entitlements program was instituted in late 1974. At that time FEA determined that the historical preference granted to small refiners under the oil import program as in effect in 1972 was sufficient to preserve the competitive viability of this class. However, over the first year in which the program was in effect FEA received substantial evidence that the amount of the bias may in fact not be adequate for its intended purpose. For example, a large number of small refiners have been forced to seek exception relief since, for these firms, bias amounts were not sufficient to enable them to compete effectively or even in certain cases to maintain their financial viability. Due to the more restrictive exception standards for entitlement sellers as opposed to entitlement purchasers, FEA has received numerous indications that many small refiner entitlement sellers are also in need of additional bias amounts to remain competitive and financially viable.

Many operating and other costs for these firms have increased since 1972, and thus the bias amounts may not be representative of the current competitive disadvantages of this class and the industry may have generally become more competitive due to increased consumer sensitivity to the higher prices.

In addition, FEA is basing its determination to increase the small refiner bias to a significant extent on the congressional concern for small refiners expressed generally, both in sections 403 and 455 of the EPCA and in the legislative history connected with the passage of the EPCA.

Therefore, FEA is hereby adopting an increase to the small refiner bias on the following basis, in conjunction with the revocation of the small refiner exemption. The small refiner bias would be modified for firms with volumes of crude oil runs to stills of less than 100,000 barrels per day by increasing the benefits at the 10,000 barrel per day crude run level by an additional 2¢ per gallon and by a declining additional amount as the refiner's volume of crude oil runs increases. At the 100,000 and up barrel per day run level, no increase over the present bias amounts is provided for. These additional benefits are expressed in terms of incremental entitlements that would be issued to small refiners based on their crude run levels. For example, a 10,000 barrel per day refiner under the bias presently in effect receives 123.8 additional entitlements for each 1,000 barrels of its crude runs up to 10,000 barrels per day; under the revised bias set forth herein such a small refiner would receive an additional 228.8 entitlements for each such 1,000 barrel per day of his crude runs, or an increase of 105 entitlements. Under the revised bias, FEA estimates that a refiner running 10,000 barrels per day will receive total benefits approximating 4.4 cents per gallon; a refiner running 30,000 barrels per day, 2 cents per gallon; a refiner running 50,000 barrels per day, .8 cents per gallon; and a refiner running 100,000 barrels per day, .24 cents per gallon, which latter amount is the same amount receivable under the bias currently in effect.

REVOCATION OF SPECIAL RULE NO. 6

Authority for the small refiner purchase exemption implemented by Special Rule No. 6 and the revocation thereof adopted herein is granted to FEA pursuant to sections 403(a) and 455 of the EPCA. Section 455 of the EPCA amends the EPAA by adding a new section 12(g) which provides that:

> (g) Notwithstanding the provisions of subsection (e) of section 4, the President may, if he determines that the exemption from payments for certain small refiners required by such subsection—
>
> (1) results in unfair economic or competitive advantage with respect to other small refiners; or
>
> (2) otherwise has the effect of seriously impairing the President's ability to provide in the regulation under section 4(a) for the attainment of the objective specified in section 4(b)(1)(D) and for the attainment of those other objectives specified in section 4(b)(1);
>
> submit, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to modify the regulation under section 4(a) with respect to the provisions of such regulation as they relate to such exemption. Such amendment shall not take effect if disapproved by either House of Congress under the procedures specified in such section 551.

On the basis of its preliminary findings and analysis of the competitive benefits accruing to exempted small refiners, FEA indicated in the February 28 proposal its tentative conclusion that any crude cost advantage accruing to a small refiner entitlement purchaser exceeding one cent per gallon would constitute an unfair economic or competitive advantage within the meaning of section 12(g) of the EPAA. Thus, an increase in the small refiner's bias was proposed by FEA which would have limited permitted crude cost benefits flowing from that adjustment to one cent per gallon over and above the amounts received under the small refiner bias if the small refiner exemption were also revoked.

In the proposal, FEA set forth the range of benefits accruing to small refiners from the operation of the exemption for the months October through December 1975. The crude cost advantages received by small refiners under the exemption during that period ranged as high as 10 cents per gallon, and in some isolated cases higher and monthly benefits from the exemption were in excess of $4,000,000 in one instance. Benefits of this magnitude were also received by exempted firms for the months January and February 1976.

The following table shows for the months April through September 1975 during which Special Rule No. 6 was not in effect the number of small refiner entitlement purchasers that applied to FEA's Office of Exceptions and Appeals for relief from entitlement purchase requirements.

Entitlement exception relief for April through September 1975

	Totally exempted [1]	*Partially exempted* [1]
Number of applicants for relief for April-Sept. 1975	42	4
Number of firms receiving total relief	16	----
Number of firms receiving partial relief	10	----

[1] If a firm was partially exempted in any month it is counted in the partially exempted column.

Thus, it may be fairly assumed that of the total number of small refiner entitlement purchasers which have received benefits from the exemption, only 26 of these small refiners were found to be operating at below their historical level of return on sales as a result of the requirement to purchase entitlements, so as to warrant the grant of exception relief.

Impact on competition

Information currently available to FEA suggests that the exemption as implemented by Special Rule No. 6 is resulting in unfair competitive advantages in favor of exempted small refiners over other small refiners.

Comments from small refiner sellers of entitlements and marketers supplied by such refiners cited severe price disparities as against exempted small refiner entitlement purchasers with which they have been competing directly. They stated that under Special Rule No. 6, the market shares of exempted small refiners and marketers supplied by them were tending to increase as a result of benefits conferred by the exemption.

A large number of those commenting supported FEA's preliminary conclusions that competitive imbalances among competing small refiners are occurring and that the continuation of exemption benefits to the class of exempted small refiner entitlement purchasers will inevitably contribute to further competitive distortions among small refiners generally. Some small refiners benefiting from the exemption having access primarily to upper tier domestic supplies advocated limitation of the exemption because competitive disadvantages were being experienced when such firms compete with other exempted small refiners having access to primarily lower tier oil. Other small refiners argued that an exemption operating in favor of only some small refiners constitutes unwarranted preferential treatment among all small refiners and impacts unfavorably upon all other refiners. While a significant number of small refiners commenting advocated granting additional benefits to small refiner entitlement sellers, these refiners uniformly opposed any exemption which benefited any single group within the class of small refiners.

Many of the comments stated that the full exemption provided by Special Rule No. 6 is having effects in the marketplace which are inconsistent with the EPAA objective in section 4(b)(1)(D) of fostering an economically sound and competitive petroleum industry. In addition, FEA has determined that the current exemption constitutes a serious impediment to the attainment of the EPAA's objectives in that section for the preservation of the competitive viability of various sectors of the petroleum industry including small refiners, their marketers and branded independent marketers. Comments from branded independent marketers were generally to the effect that marketing outlets of exempted small refiners with which they compete were substantially undercutting retail gasoline and distillate prices and thereby are creating competitive distortions in the marketplace. They stated that the impact of an exemption is exaggerated in the context of a highly competitive retail market caused by increased consumer sensitivity to price and an abundance of supplies. Many branded retailers which compete directly with exempted small refiners marketing at the retail level alleged that they are unable to withstand the competitive pressures being exerted by such small refiners.

Branded independent marketers, and the national and regional association representing them, cited substantial competitive difficulties attributable to the exemption, and advocated its complete elimination. In this regard, branded marketers were uniformly supported by their major oil company suppliers. These firms voiced their concern that the market shares of independent branded marketers and major oil companies in general are being reduced. Their comments also recognized that increased price sensitivity of the consumer, the softness of the product market, the imposition of lower cost marketing techniques and the competitive impact of offering self-service rather than full service gasoline retail sales were also significant factors contributing to changes in market share. Many firms commenting cited the overall negative impacts being exerted on their marketing operations and indicated that the additional unfavorable impact of granting exemption benefits to competitors is unnecessary and a serious intervention in the operations of the market. Comments were submitted which suggested that the average price differential between major brand and independent brand gasoline varied on a regional basis and that an independent brand advantage was evidenced with such advantage being largest in the areas where small refiner entitlement purchasers in competition with major brands have been exempted by Special Rule No. 6.

Groups representing branded jobbers stated that, while many independent branded marketers do not compete directly with exempted small refiners, in those areas where a marketer has to compete with a small refiner, the marketer is faced with a significant competitive disadvantage and small refiners have in fact expanded their market share in these areas because of their ability to undercut substantially branded prices. Such groups suggested that the exemption be eliminated entirely and that relief where appropriate be given on an equitable basis to small refiners by means of FEA's exceptions procedures. Short of complete elimination of the exemption, these firms indicated support for FEA's one cent per gallon limitation as proposed.

Impact on market

FEA has also determined that continuation of the full exemption constitutes unnecessary interference with market mechanisms and seriously inhibits FEA's ability to provide for the minimization of economic distortion and inflexibilities in the petroleum market under section 4(b)(1)(I) of the EPAA. Many comments maintained that where the impact of the exemption is felt it seriously distorts the economics of the market affected by providing benefits in the form of substantial crude cost advantages to one marketing entity over another. Small refiners benefitting from the exemption rebutted this by arguing that that the full exemption provided by Special Rule No. 6 is not interfering with market mechanisms because of the insignificant market share of such firms.

Furthermore, they stated that they lack the flexibility to alter refining procedures or crude input to exploit any such competitive advantage. Such firms believe that their limited volume and type of products reduces the competitive influence that such small firms can have in the marketplace.

Numerous other small refiners, however, indicated in their comments that the exemption provides preferential benefits to small refiner purchasers to the detriment of small refiner sellers of entitlements. This is particularly evident in cases where such small refiners are in direct competition. Many argued for adjustments to the bias to provide additional benefits to all small refiners. Absent this type of adjustment, there was a substantial amount of support for FEA's proposed one cent per gallon crude cost differential limitation on the exemption to ease the substantial competitive imbalances that are occurring among small refiners.

Most major companies advocated a complete elimination of the exemption, stating that the class of small refiners as a whole is currently at a competitive advantage and that the granting to some small refiners additional benefits is excessive. While most of these firms opposed the exemption many agreed that the one cent per gallon differential proposed by FEA would limit to a substantial degree the market distortions arising from the full exemption.

FEA has determined that the substantial crude cost benefits granted to some firms by application of the full exemption contribute to disparities in prices among sectors of the industry thus impairing the Agency's ability to provide for equitable prices among sectors of the petroleum industry as contemplated by section 4(b)(1)(F). In addition, the substantial artificial crude cost advantages provided by the exemption may also tend to discourage economic efficiency in a general sense within certain sectors of the industry where the full benefits are in excess of the actual need, since uneconomic refineries would be enabled to continue in operation by virtue of the exemption. Thus, retention of the exemption would run counter to the objective provided for by section 4(b)(1)(H) of the EPAA.

Disincentives to maximize crude runs and to expand capacity

In the public comment and hearing procedures, a number of firms stated that the small refiner purchase exemption as implemented by Special Rule No. 6 provided a strong disincentive to expansion of a small refiner beneficiary's refining capacity over the 100,000 barrels per day limit. In addition, since the first 50,000 barrels per day of a refiner's crude runs are exempted from entitlement purchase obligations under Special Rule No. 6, a similar disincentive exists to maximize crude runs above the 50,000 barrel per day level. FEA believes that these disincentives are contrary to the objective of "economic efficiency" set forth in section 4(b)(1)(H) of the EPAA and also run counter to the objective provided for in section 4(b)(1)(I) of "minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms."

Agency's determinations as to small refiner entitlement purchase exemption

On the basis of the foregoing, FEA has determined pursuant to section 12(g) of the EPAA that the small refiner exemption from purchasing entitlements as currently implemented by Special Rule No. 6 under section 4(e) of the EPAA is resulting in unfair competitive advantages among small refiners and is seriously impairing FEA's ability to attain the objective set forth in section 4(b)(1)(D) of providing for "preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;" the objective set forth in section 4(b)(1)(F) of providing for "equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;" the objective set forth in section 4(b)(1)(H) of providing for "economic efficiency;" and the objective set forth in section 4(b)(1)(I) of providing for "minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms."

MODIFICATION OF EXCEPTION PROCEDURES

In the proposal FEA also requested comments as to the manner in which FEA's exceptions procedures with respect to the entitlements program should operate in the future. Specific comments were invited as to whether exception decisions should be made effective for longer periods than have normally been provided for by FEA and as to whether any other specific procedures relating to the filing of an exception application should be facilitated.

FEA received numerous comments on these issues and has determined in conjunction with the amendments adopted hereby to provide that, except in unusual and extenuating circumstances, exception decisions under the entitlements program would be effective for a six-month period. This contrasts with FEA's practice in the past of providing for exception relief for two and three month periods. In addition, FEA is continuing its review of the standards which will apply in its exception decisions and the types of information required to be submitted by applicants, with a view of requiring the minimum amount of information needed in order to properly evaluate exception applications. (Emergency Petroleum Allocation Act of 1973, as amended by Pub. L. 94–163; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing Part 211, Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective upon expiration of the fifteen day review period under section 551 of the EPCA, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the EPCA.

Issued in Washington, D.C., May 12, 1976.

Michael F. Butler,
General Counsel.

1. Section 211.67 is revised in paragraph (e) to read as follows:

§ 211.67. Allocation of Old Oil.

* * * * *

(e) Small refiner bias. (1) In addition to the number of entitlements issuable under paragraph (a) of this section, subject to the limitation set forth in subparagraph (2) below, each small refiner with a daily average volume of crude oil runs to stills of less than 175,000 barrels for a particular month shall be issued the following number of additional entitlements for each day of that month: (i) for each small refiner with a daily average volume of crude oil runs to stills of 100,000 to 175,000 barrels, 1,258 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 100 by 16.7733; (ii) for each small refiner with a daily average volume of crude oil runs to stills of 50,000 to 100,000 barrels, 2,079 entitlements less the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 50 by 16.42; (iii) for each small refiner with a daily average volume of crude oil runs to stills of 30,000 to 50,000, 3,123 entitlements less the number of entitlements obtained by multiplying the difference between that small refiners' daily average volume of crude oil runs to stills (in thousands of barrels) and 30 by 52.2; (iv) for each small refiner with a daily average volume of crude oil runs to stills of 10,000 to 30,000 barrels, 2,288 entitlements plus the number of entitlements obtained by multiplying the difference between that small refiner's daily average volume of crude oil runs to stills (in thousands of barrels) and 10 by 41.75; and (v) for each small refiner with a daily average volume of crude oil runs to stills of zero to 10,000 barrels, 228.8 entitlements for each 1,000 barrels of that small refiner's daily average volume of crude oil runs to stills.

(2) No entitlements shall be issuable under subparagraph (1) above with respect to any volume of a small refiner's crude oil runs to stills attributable to a processing agreement

for the account of that small refiner with another refiner where the crude oil processed pursuant to that processing agreement is purchased from and the refined products produced under that agreement are sold, directly or indirectly, to that other refiner.

(3) Each small refiner shall separately identify in its reports filed pursuant to § 211.66(h) of this subpart any volumes of its crude oil runs to stills not eligible (under the provisions of subparagraph (2) of this paragraph) for small refiner bias entitlements.

2. Special Rule No. 6 in the Appendix to Subpart C of Part 211 is revoked.

THE SOVIET DEFENSE BUDGET: THE RUSSIANS ARE SPENDING MORE AND GETTING LESS FOR THEIR RUBLES

Mr. PROXMIRE. Mr. President, the new CIA report entitled "Estimated Soviet Defense Spending in Rubles, 1970–1975" released yesterday, May 18, 1976, shows that the Russians are spending more rubles than we thought because they are more inefficient and wasteful than we thought.

The facts are that the Russians are getting less rubble for their ruble. Ivan is fatter than we imagined he was, not taller or stronger.

The new CIA analysis of Soviet defense spending finds that the Russians are spending nearly twice as much of their gross national product for defense—from 11 to 13 percent annually—than the intelligence experts formerly believed.

But the reasons for the revised intelligence estimate have little to do with the size or effectiveness of the Soviet defense program.

Our intelligence experts have not materially revised their estimates about Soviet weapons or numbers of troops.

COMMENT FROM CIA DIRECTOR GEORGE BUSH

CIA Director George Bush makes this clear in his letter transmitting the report, in which he states:

> I believe the study speaks for itself. I would only point out that the analysis does not indicate that the Soviets have any more weapons or manpower than previously estimated, but rather that the cost of these defense programs is greater than we originally had estimated.

HIGHER PRICES, NOT LARGER PROGRAMS

The report itself states that the analysis shows higher ruble prices being paid for military equipment, not larger programs.

According to the CIA report, the revised ruble estimate "does not affect our appraisal of the size or capabilities of Soviet military forces."

SOVIET DEFENSE INDUSTRIES INEFFICIENT

The CIA report goes on to state that the new estimates show that "the Soviet defense industries are far less efficient than formerly believed."

Soviet defense spending is now estimated to have grown from 40 to 45 billion rubles in 1970 to 50 to 55 billion rubles in 1975.

The CIA estimates that the average rate of growth during the 1970–1975 period was 4 to 5 percent.

The range of figures in the new estimates underlines the uncertainties that exist in any estimate of Soviet military spending.

UNCERTAINTIES AND MARGINS OF ERROR: R.D.T. & E. ESTIMATES LEAST RELIABLE

The CIA acknowledges the uncertainties and the fact that there are significant margins of error in its estimates.

The area of Soviet research and development is perhaps the greatest area of uncertainty.

The CIA states that estimates of Soviet outlays for R.D.T. & E. "is the least reliable of our estimates."

If the CIA is correct, some recent statements by Pentagon spokesmen about the relative costs of Soviet and U.S. military R. & D. programs may be equally unreliable.

Pentagon spokesmen have repeatedly warned about a Soviet military R. & D. gap. There seems to be little hard evidence on which to base such assertions.

HEARINGS BY SUBCOMMITTEE ON PRIORITIES AND ECONOMY IN GOVERNMENT

Questions about Soviet defense spending and its influences on the Soviet economy have been the subject of annual hearings by the Subcommittee on Priorities and Economy in Government over the past several years. This year's hearing on the same subject is scheduled to begin on May 24, 1976.

The hearings will be held in closed session but a sanitized record of the testimony will be released shortly thereafter.

NOTICE OF HEARINGS—ALCOHOLISM AND DRUG ABUSE AMONG THE ELDERLY

Mr. HATHAWAY. Mr. President, I wish to announce the commencement of hearings before the Subcommittee on Alcoholism and Narcotics and the Subcommittee on Aging, of the Committee on Labor and Public Welfare, into the subject of alcohol and drug use patterns among the elderly. In the course of these hearings, the subcommittees intend to explore the ways in which aging in America impacts on the individual's social and psychological relationships. Within this framework—a framework which is oriented around the aging process—the subcommittees intend to examine the potential abuses of alcohol and drugs among the senior citizens of our society.

Mr. President, I want to emphasize that our purpose in convening these hearings is to identify and investigate what we believe has become an increasingly serious problem for our senior citizens—a problem which only reinforces what many of us already know, that our society's treatment of the elderly has been, and continues to be, tragically shameful. For too long, our health care institutions—hospitals, clinics, nursing homes—have defined treatment for their elderly patients through medication. It is no surprise then, that the largest single personal health expense is drugs, constituting about 20 percent of the elderly is drugs, constituting about 20 percent of their out-of-pocket health expenditures.

Compounding the problem is the fragmentary care the elderly receive from different physicians and health care institutions, a condition which often encourages the elderly to "shop around" and get multiple prescriptions from a variety of sources. The tendency to hoard medication due to its expense, along with improper use, sets the stage for serious abuse problems.

Turning to alcohol, the subcommittees believe that abuses of this drug have been underestimated due to difficulties of its detection and denial of its abuse by the individual and his or her family. With respect to detection, there is the problem of mistaking symptoms of alcohol problems for the effects of old age. For example, the elderly often experience social isolation, malnutrition, falls, and overall physical deterioration, and these symptoms are often attributed to old age rather than alcoholism. In addition, what we have are two classes of elderly alcoholics: The long-standing excessible drinker, who has been able to survive despite many years of alcoholism, and the short-term or "reactive" alcoholic—the person whose excessive drinking and alcoholism was possibly precipitated by problems attached to the aging process; problems such as depression, retirement and social isolation.

Mr. President, it is time that we as a nation decide what our commitment will be toward the senior citizens of our country. If our goal is one where our citizens are to be treated with respect and dignity, and I certainly hope it is, then we must examine our policies, practices, and assumptions and determine if we are on the right track. It is with this in mind that I join the distinguished Senator from Missouri (Mr. EAGLETON) in holding these hearings.

The hearings will be held on Monday, June 7, at 9:30 a.m. in room 4232 in the Dirksen Senate Office Building. Any one desiring to submit testimony should contact the offices of the Alcoholism and Narcotics Subcommittee, room A–605 Senate Annex, 119 D Street, NE. Washington, D.C. 20510. Telephone 202–224–8386. Witnesses are required to submit no fewer than 50 copies of their testimony.

NOTICE OF HEARING

Mr. CANNON. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a hearing on Friday, May 21, 1976, commencing at 10 a.m., in room 301, Russell Senate Office Building, to hear testimony concerning the nomination of the Honorable William L. Springer to be a member of the Federal Election Commission. Those who wish to testify or submit a statement for inclusion in the hearing record should contact Peggy L. Parrish, assistant chief clerk of the committee (202-224-6352).

ADDITIONAL STATEMENTS

WOMEN IN BANKING

Mr. TOWER. Mr. President, for the historically astute, I have a riddle. For those who have traced the vagaries of public opinion and the evolution of social norms, I have a quotation to be dated. There are two substantial hints. The sex of the speaker will be immediately obvious, and it should be clear, too, that the source was a personage of some importance whose comments were considered worth recording. On the other hand, a certain haunting familiarity in the statement will serve to increase the challenge.

Who was it who said:

> I consider that women are domestic animals which ought to be kept locked up in captivity; they should be well fed and cared for and beaten regularly.

It gives one pause to think, does it not? It could have been Thucydides, who thought that the best type of woman was invisible. It might have been Aristotle, who considered woman merely an inferior man. Or perhaps John Knox said it, since he believed that a woman in power was an affront to God. Alexander Pope simply thought they had no character, and Nietzsche considered them God's second mistake. But even in more recent times, Grover Cleveland believed that any responsible woman would decline to vote if she had the opportunity.

And so we range through the ages, finding it frustratingly easy to attribute the point of view to any number of notables variously placed in time and geography. Was the outrageous comment made in jest or complete sobriety? One thing we can say with tentative confidence: If the speaker is a contemporary, he is a brave man. Still, it seems more likely that the words issued from the pursed lips of some truculent misogynist of a more hoary past.

How hoary is 100 years ago? The speaker was in fact a French poet who wrote during the middle 19th century. He was also a literary critic of great perception and an art critic who proposed landmark theories of aesthetics. His name is Charles-Pierre Baudelaire. I have not resurrected this comment to subject the gentleman to unrelieved reproach. To those of us who have reformed, it should be a matter of some comfort to know that certain prejudices have been held by men of great intellect as well as by their less distinguished fellows.

At any rate, it is difficult to know the cast of Baudelaire's sentiments at the time. Though his attitude is not yet exactly a social fossil, still he would find it awkward to vent his spleen in this manner today. His female peers did not have the right to vote and lacked even the most nominal prerogatives with property. He was relatively free from any prospect of retribution. He wrote before women "gave up crying and fainting and took to swearing and smoking," as George Bernard Shaw described the turning point.

Times have changed. There is pervasive evidence of a new feminine vitality throughout our society. And as a member of the Senate Committee on Banking, Housing and Urban Affairs, I have noted with interest a recent development within the financial community. The cases in question are so few that I hesitate to call them indicators of a trend. At the same time, I expect that the feminine presence they exemplify will soon become so extensive that it will cease to provoke curiosity or conjecture as a novelty. I refer to the formation of financial institutions specializing in services to women.

At the present time, there are only two women's banks open for business in the United States, and those are the First Women's Bank of New York and the Women's Bank of San Diego. Their immediate predecessor was the First Women's Bank in Clarksville, Tenn. That institution was founded in 1919 by Mrs. F. J. Runyon, who wanted to prove that "Women can develop into efficient businesswomen; we are no longer clinging vines." She must have made her point. The bank functioned successfully until 1926 when physical disability forced Mrs. Runyon to retire, and the institution was dissolved.

The idea that women could competently manage their own funds and desired certain services absent from the male-dominated financial community lay dormant as a justification for feminine financial institutions in the United States for 50 years. In Auckland, New Zealand, however, a ladies' branch of a larger bank opened 14 years ago, and 4 years later, the Royal Bank of Scotland continued the experiment in Edinburgh. Obviously, the need to explore a new market was felt elsewhere in the world as well.

There are three main reasons why women today are gathering their resources to found their own institutions. First, in spite of the passage of the Equal Credit Opportunity Act, which became effective on October 29, 1975, the memory of credit discrimination is still strong in the minds of women who are becoming steadily more independent and more covetous of equal status in society. As a matter of fact, the desire to fight discrimination was a primary reason for the founding of the New York bank. The effort there was begun in 1972, and the complications of securing a charter and raising capital have occupied 3 years.

Second, the institutions are a hard-headed business response to the obvious lure of untapped markets. Madeline McWhinney, president of the First Women's Bank of New York, has pointed out that bankers "still have the Victorian notion that women don't want to bother their pretty little heads about investing and financial management." The feminine presence in business schools around the country would seem to expose this misconception, and the new feminine financial institutions intend to cater to and stimulate the interest that is already there.

Women in the United States have money, a great deal of money, but they have seldom controlled it. The 1972 Internal Revenue Service "Statistics of Income," indicates that 39 percent of the top wealthholders in the United States are women. There were about 95,000 women worth $1 million or more. About 2.2 million held between $1 million and $100,000. It is unlikely that such women would reject the offer to play a greater role in the financial institutions that affect their lives.

As Madeline McWhinney pointed out—

> Times have changed; women are working and not depending on man-as-breadwinner. They're single, widowed, divorced, often supporting children, and critically in need of money-management information and personalized, specialized services. A woman's bank is obviously for them.

A woman who "feeds" herself, as opposed to Baudelaire's feminine dependent figure, is going to want to know how to make the most of her income just as any man would. Among the new services to be offered by the women's banks are consumer information programs, seminars on finance, and technical libraries.

The third major reason for founding a feminine financial institution is to provide women with career opportunities in executive banking positions. About 67 percent of all bank employees in the United States are women, but only 23 percent of them are bank officers or managers. As an example, only five of Bank of America's 805 senior executives were women at the end of 1974. The institution estimates that by 1979, 65 of its probable 1,268 senior executives will be women. That amounts to 5 percent of the total.

The route to an executive position is long and lightly traveled by women. For the new women's banks, this fact will create a practical chicken-and-egg problem. The institutions' success obviously depends on the management of experienced and astute officers. Such women are difficult to find because so few have been able to develop to this level. The search for qualified women was one of the major problems that the First Women's Bank of New York had to overcome before it opened its doors in October of 1975.

The three reasons for founding a women's financial institution do not alter the fact that this is first and foremost a business proposition. The new banks have no intention of abandoning prudence in favor of a crusade to right old wrongs, and of course they cannot turn around and discriminate against men. Their purpose is to capitalize in a neglected market, not a cause. They are determined to function in a competent and responsible fashion and to make money for their shareholders. Although the effort to capitalize has largely been a plea to women to invest in women, the general marketplace seems willing to support such ventures with confidence. Men have been heavy investors as well, and when New York's First Women's Bank opened, 40 major corporations were already among its depositors.

I have made a survey of this development among all the bank commissioners for the States and our territories and have also inquired about national institutions. The preliminary results are summarized in the accompanying table. As shown in the table, there are five commercial banks for women either in operation or with approved charters. In total, there are 5 State commercial banks, 13 feminist Federal credit unions, and 1 savings and loan association.

As mentioned earlier, the banks in New York and San Diego are the only State women's banks in operation. Applications for the authority to organize have been approved for institutions in two other California cities—Los Angeles and San Francisco. Connecticut has also approved one application, and the founding groups in all three cases are presently trying to raise their initial capitalization. There are applications pending in Florida, and Virginia and Colorado are also pursuing charters. Although they are not termed women's banks, there are three banks in Kentucky which have all women officers and staff, and Pennsylvania has one bank which was founded by a woman who is chairman and president.

The first women's national bank will probably open its doors here in Washington early in 1977. The office of the Comptroller of the Currency is presently reviewing the application, and its proposed capitalization is set at $2 million. The only savings and loan association organized by and for women is presently applying for insurance coverage. The 13 feminist Federal credit unions scattered around the United States have total assets in excess of $2 million.

I would like to emphasize the fact that I do not take his new development as an indictment of the present financial system. Instead, it seems to me to be a very encouraging sign of the responsiveness of the marketplace. Obviously there was a need for a different type of service and new opportunities for employment, and the system is sufficiently flexible to rise to those demands. Where objections are raised, they are the objections typical of an uneasy anticipation of new competition. However, whatever innovations are introduced by these pioneering efforts can always be duplicated by existing institutions. Perhaps the women will set some very constructive and profitable examples about the ways they would like to be treated both as customers and as employees.

In short, I am pleased to see that women are beginning to play an even more active role in a banking system that I hope will continue to countenance such innovation. Economically speaking, it is in the best interests of us all that the institutions should survive and prosper. Socially speaking, historians and philosophers have widely considered the status of women to be a measure of the civilization of a people, and, therefore, this development can only be to our credit.

The principles of this endeavor have my best wishes for a serene and successful future. For, if we are to believe Alfred Lord Tennyson,

> The woman's cause is man's: they rise or sink
> Together, dwarf'd or godlike, bond or free.

Mr. President, I ask unanimous consent to have printed in the Record the table I have referred to which is entitled "Financial Institutions Organized to Meet the Financial Needs of Women."

There being no objection, the table was ordered to be printed in the Record, as follows:

FINANCIAL INSTITUTIONS ORGANIZED TO MEET THE FINANCIAL NEEDS OF WOMEN

	Commercial banks		Credit unions		Savings and loans	
State	Name	Assets	Name	Assets	Name	Assets
California	First Women's Bank	$1,500,000	California Feminist Federal Credit Union (FFCU).	$96,000		
	The Women's Bank	1,500,000	Bay Area FFCU	36,000		
	Western Women's Bank	1,600,000	Los Angeles FFCU	33,000		
Connecticut	The First Women's Bank & Trust Co	3,000,000	Connecticut FFCU	152,000		
District of Columbia			Washington Area FFCU	104,000		
Illinois			Chicago FFCU	?		
Massachusetts			Massachusetts FFCU	329,000		
Michigan			Feminist FCU	589,000		
New York	First Women's Bank	3,000,000	New York FFCU	27,000		
Pennsylvania			Freedom FFCU	12,000		
South Carolina			South Carolina FFCU	20,000		
Texas			Feminist Southwest FCU	15,000		
			Houston Area FFCU	23,000		
Washington			Washington State FFCU	?	Sound Savings & Loan Association.	$1,000,000

Source: Staff survey of State bank commissioners and Federal regulatory agencies.

Note: The institutions listed above are either in operation or have been approved for operation. The figures for the commercial banks and the savings and loan association are their initial required capitalization figures. The amounts in the asset column for the Federal credit unions were derived from the most recent audit by the National Credit Union Administration. The Washington and Illinois credit unions are too new to have been audited yet.

REGULATORY REFORM ACT OF 1976

Mr. ROBERT C. BYRD. Mr. President, yesterday I appeared before the Senate Committee on Government Operations and testified in support of S. 2812, the regulatory reform bill sponsored by Senator Percy and myself. I ask unanimous consent that my statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Testimony of Senator Robert C. Byrd

Mr. Chairman, I am pleased to have this opportunity to testify before the Government Operations Committee on S. 2812, the Regulatory Reform Act of 1976.

I need not recite for you the litany of costs connected with government regulation. The economic waste, the inflationary impact, the lost jobs, the delays—these are all well known to anyone who has given even the most cursory attention to the federal regulatory system.

Nor do I need to tell you how the public feels on this issue. As I read the mail from my constituents in West Virginia, and as I travel across the nation and talk to businessmen, to consumers, to laborers, to people from all walks of life, time and again I hear complaints about burdensome government interference.

"Get the government off my back" is one of the most common requests I hear these days, and I am sure that your constituents are sending you the same message.

The need for reform is immediate and compelling, and the only question is how best to go about overhauling the complex mass of government regulation that we have imposed upon ourselves.

Thus far, what little reform has been accomplished has been mostly in the nature of piecemeal or ad hoc proposals providing for changes in specific agencies. While any such reform is better than none, clearly these minor adjustments at the margin of a huge regulatory system are not going to solve the real problems connected with government out of control.

What is needed is a comprehensive plan for the reform of the entire range of federal regulation. It must go beyond individual agencies or particular regulations to deal with the full scope of the problem. It is toward this end that my distinguished colleague, Senator Percy, and I have developed S. 2812, the Regulatory Reform Act of 1976.

From my experience as Assistant Majority Leader, I am convinced that the kind of discipline and action-forcing mechanism contained in S. 2812 are absolutely essential if comprehensive regulatory reform is ever going to get off the ground.

Briefly stated, this bill mandates the President to submit to the Congress, by March 31 of each year for a five-year period, a reform plan in a specified sector of the economy. The appropriate Congressional committees are then mandated to report a reform bill to become the pending business in both Houses by September 15. If Congress has not enacted a plan by December 31, the President's plan automatically becomes law unless specifically disapproved by either House. If there is such a resolution of disapproval, and no comprehensive reform has been adopted by June 30 of the next year, then those rules of the affected agencies the major purpose of which is not the preservation of the public health and safety, will be rescinded.

This kind of discipline is patterned after the Budget Reform Act of 1974. Its success there shows that it can work. In the absence of these kinds of action-forcing procedures, reform proposals are likely to fall victim to the potent opposition of special interest groups.

Since these provisions should make it clear that reform will be enacted, it is our hope that all groups will come forward and participate positively in the reform process. And the procedure embodied in S. 2812 provides ample opportunity for this kind of active participation. We would expect the Administration to solicit all relevant viewpoints in the development of its plan, and there would be the usual opportunity for interaction during Congressional consideration. The action-forcing procedures should ensure that this participation will be in good faith, and not merely a self-interested effort to stall reform.

I would like to make a final observation, intended to put this legislation into perspective with the many other regulatory reform proposals currently under consideration, some of which are quite good. What I think best recommends S. 2812 is that it will provide a procedural framework through which we can more effectively implement the best of these other substantive plans, as well as the recommendations of the current joint study being conducted by the Government Operations and the Commerce Committees. Each year, we can examine the situation in the scheduled area and then use the timetable in S. 2812 to carry out what we find to be the most effective solution for the problems with government regulation in that area. And the definite timetable will allow the maximum coordination of effort—within the Executive branch, the Congress, the academic community, the affected interest groups, and society as a whole.

Of course, we are ready to institute some reform ahead of the schedule set forth in S. 2812, there is nothing in the bill to prevent that. Rather, the bill gives a latest possible date for the reform of Federal regulation in each of various areas subject to regulation.

I would like to take a few more minutes to discuss the advantages of S. 2812 over the President's plan introduced on May 13th.

Senator Percy and I applaud the President's support for regulatory reform, and his proposal incorporates the underlying concept contained in the Percy-Byrd bill: that there is a need for a comprehensive approach in which government regulations in different areas or dealt with systematically each year over a period of several years. The administration bill also accepts the proposition set forth in S. 2812 that certain action-forcing measures are needed to ensure that reform plans are submitted by the President and acted on by the Congress.

Here, unfortunately, the Administration bill does not include the "sunset" provisions of the Percy-Byrd proposal which are vital to assure that regulatory reform actually will take place.

Under the provisions of S. 2812 there are four action-forcing mechanisms which guarantee regulatory reform.

First, the President must submit a reform plan to Congress by March 31, or the committees will develop their own plan.

Second, the Congressional committees must report reform legislation to become pending business in both Houses by September 15.

Third, if Congress has not enacted reform by December 31, the President's plan automatically becomes law, unless specifically disapproved by either House.

Fourth, if there is such a resolution of disapproval, Congress has until June 30 to enact comprehensive reform, or most of the rules of the affected agencies become null and void.

The Administration plan contains provisions similar to the first two of the Percy-Byrd bill's action-forcing mechanisms—the President must submit a reform plan to Congress by January 31 and if no reform is enacted by November 15, the President's plan becomes the pending business in both Houses and remains such until acted upon.

The failure of the Administration bill to include the "sunset" provisions of S. 2812's approach is the basic difference between the bills and the critical flaw in the President's approach.

The stronger approach of the Percy-Byrd bill contained in the final two action-forcing mechanisms, or "sunset" provisions, of S. 2812 are essential if regulatory reform is ever going to be effective. By taking the teeth out of the Percy-Byrd approach, the Administration plan invites the full-scale opposition of interest groups who would have nothing to lose and everything to gain if they were able to kill the reform plan. Under S. 2812, the interest groups would risk losing everything by opposing reform, for if no comprehensive measure is enacted by June 30, all rules conferring economic benefits to the affected industry would be rendered inoperative.

Again, let me say that Senator Percy and I are pleased that the President has submitted a plan for regulatory reform which accepts the underlying concepts of our bill—but, I hope this committee and the Congress will recognize that without the teeth given S. 2812 by its "sunset" provisions, effective regulatory reform will be very difficult to achieve.

In concluding, let me say that I am pleased that these hearings are underway and that such an outstanding group of witnesses has been scheduled. I think that S. 2812 is an important measure, and I look forward to some insightful testimony and constructive criticism. Speaking for myself, and I know for Senator Percy, our primary concern is to come out of these hearings with the very best regulatory reform agenda that we can. Only then can we hope for truly comprehensive and truly successful reform to be accomplished in this crucial area.

ENVIRONMENTAL CONTROLS

Mr. TAFT. Mr. President, as we consider the Clean Air Act amendments which will come to the Senate floor next month, we must not lose sight of the fact that business and industry have made some worthwhile contributions toward cleaning up our environment, even as they have added to its problems. The public has contributed to both, too, by promoting and purchasing industrial products, yet by urging controls on the processes which manufacture them. The people of industry are also members of "the public" who suffer or profit from environmental controls. These forces must work together, not against each other, if we hope to achieve measurable environmental success.

Philip B. Wisman, business and industry liaison officer of the Office of Public Affairs at the EPA has written an article on this situation. It does not reflect the policy of the Agency, but is his own view. I commend it to my colleagues for their interest, and I ask unanimous consent that this material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Perspective 1970–75

When the U.S. Environmental Protection Agency (EPA) was formed some five years ago, America had just awakened to the seriousness of the environmental pollution problem. Characteristically, some individuals and organizations overreacted, predicting imminent disaster. Looking for someone to blame, they concluded that business and industry were the bad guys whose greed and planless rape of nature had brought an innocent public to the brink of doom.

But who is the public? The simplistic concept of hero, villain, and victim overlooked the fact that the public is everybody, including 77 million people in industry—80% of our work force. The public, over the years, has democratically cast its votes (in the form of dollar purchases) for bargains made possible by mass production and achieved by manufacturing processes that involved pollution. Proclaiming private capitalism to be the culprit also ignored the fact, for instance, that once beautiful Lake Baikal in the USSR had become as polluted as our own Lake Erie.

The truth is that nobody here or elsewhere started out with the purpose of polluting; but for many years, pollution seemed not nearly so important as production.

As of today, the predictions of environmental demise have not come to pass and we can report some environmental improvement. The air in some locations is measurably purer, as is the water in many of our streams and lakes.

And this progress has resulted in large part because business and industry have made significant efforts to install improved, pollution-free processes, both on their own initiative and in order to comply with environmental regulations.

Industrial expenditures for pollution control have been impressive. According to the U.S. Department of Commerce, capital investment for this purpose was $4.9 billion in 1973; $5.2 billion in 1974; and approximately $5.9 billion in 1975. The Council on Environmental Quality has estimated that pollution control will take 2.5% of our Gross National Product over the next ten years, and that two-thirds of this burden will fall on the private sector. During 1974 four industries spent more than 10% of their total investment for pollution control.

Some companies have found that the new pollution-free methods have produced better products at lower costs; some have found it profitable to retrieve and reuse substances that were formerly considered pollutants.

These are good signs, although few would disagree that we still have a long way to go.

EPA has not found basic disagreement with business and industry on the desirability of reducing pollution. Differences of opinion do exist concerning milestones, timetables, percentages, and whether certain incremental benefits are in proper proportion to costs. But these are matters for rational analysis and evaluation. EPA is aware that although it may set the standards, it cannot by itself clean up one breath of air or drink of water. And no amount of rhetoric will do it. We are dependent on the people of industry to get the job done.

POLICY DECISIONS—CLEAN AIR ACT AMENDMENTS

Mr. MOSS. Mr. President, Congress continues to struggle with the related problems of the energy crisis and recovery from the unemployment generated by the recession. Most of the national Presidential candidates, major policymakers, writers, and local governmental leaders are convinced that these problems are the most pressing national issues presently before the country. Until we deal with these in a long-range and comprehensive fashion, much other current legislation is premature and can only lead to later retrenchment and reassessment. We simply must reach policy decisions in these critically important areas. Piecemeal legislation arising from one committee should not be enacted while we are struggling to resolve a greater national priority.

In this context, portions of the Clean Air Act amendments (S. 3219) proposed by the Public Works Committee, appear hopelessly out of step with more pervasive national concerns and needs. It is inconceivable to me that in a situation so potentially dangerous as that involving our current energy shortages, that the Members of Congress should be asked to impose upon their States a policy of substantial economic and industrial curtailment. It is impossible to increase productivity to cut back inflation and at the same time throttle new industry development.

Though the Public Works Committee has said that their amendments are responsive to the need for growth and State management thereof, most of the studies being done suggest the contrary.

I asked a number of concerned agencies to make an analysis of the bill and report their findings to me. Today I received a response from the Administrator of FEA. His findings mirror and enhance my own concern about the effect of the bill. I ask unanimous consent that Mr. Zarb's letter to me be printed in the Record.

There being no objection, the letter was ordered to be printed in the **Record**, as follows:

Federal Energy Administration,
Washington, D.C., May 17, 1976.

Hon. Frank E. Moss,
U.S. Senate,
Washington, D.C.

Dear Senator Moss: In your letter of April 15, 1976, you requested the Federal Energy Administration's (FEA) views regarding the significant deterioration (SD) including best available control technology (BACT) and non-attainment provisions of the proposed amendments to the Clean Air Act. Consultants retained by FEA have just completed two studies with respect to these provisions. An analysis of the overall impact of the SD provisions on energy and economic impacts was prepared by ICF, Inc., utilizing in part FEA's Project Independence Evaluation System (PIES). The implications of SD for surface mining of coal were analyzed by Environmental Research and Technology, Inc. (ERT). Summarized below are the major findings of the ERT and ICF studies and the principal areas of uncertainty with respect to the impact of the Clean Air Act Amendments pending in the Senate.

FINDINGS

1. Increased oil consumption

It is projected by the PIES model that the utility sector will increase its consumption of oil by about *1 million barrels per day* by 1990. Over the 1980–1990 period, this would mean that an additional 1.9 billion barrels of oil would be consumed, representing about $25 billion at $13 per barrel. One million barrels per day is equivalent to the total crude oil production from the Gulf of Mexico in 1975; it also represents an increase of 68 percent over 1974 utility oil consumption. By further comparison, the Trans-Alaska oil pipeline is scheduled to deliver 600,000 barrels per day in 1977 and 1.2 million barrels per day in 1978.

No authority currently exists to prevent the above projected increase in consumption of oil. The Energy Supply and Environmental Coordination Act of 1974, (ESECA) as amended, exempts combustion gas turbines and combined cycle units from its prohibition against new oil-fired utilities. FEA's authority to issue orders under ESECA expires on June 30, 1977.

If new ESECA legislation were extended and made applicable to all new base load and intermediate generation, (legislation of this type is hereinafter referred to as "New ESECA") the above mentioned energy penalties obviously would not be incurred. However, as indicated below, capital costs for additional sulfur dioxide pollution controls incurred by the utility sector would almost triple.

2. Increased capital costs

The utility sector would have to spend an additional $6 billion on sulfur dioxide control equipment in the period 1980–1990. Under New ESECA, these additional capital costs for pollution control equipment would increase to over $16 billion for the same period.

3. Reduced coal production

National coal production would be reduced by about *150 million tons* by 1980 from current projections of 1.3 billion tons per annum. This reduction represents about 25 percent of current coal production. Over the 1980–1990 period, 825 million tons of projected coal production would not be produced or consumed. Under New ESECA, coal production would approximate that projected for 1990. The regional impacts are important and are examined in the report.

4. Surface-mining

Production from new Western coal surface mines could be *severely constrained* by violation of applicable standards for suspended particulates if the SD increments were applied to such operations. About 90 percent of future Western coal production is expected to come from surface mines. The Senate Bill explicitly identifies a number of types of stationary sources exclusive of surface mining which would be subject to the SD increments, but also provides for "such other major emitting facilities as the [Environmental Protection Agency] Administrator determines to be significant potential sources of air pollutants."

5. Increased operating/consumer costs

Electricity bills would go up $4 to $6.5 billion over the period 1980–1990 depending on whether oil is allowed or not. This reflects an increase in electricity rates of 0.6 percent on a national average basis, and of 2.4 percent for the high percentage change geographic region, by the year 1990.

Uncertainties

1. Important uncertainties regarding the implementation of the proposed amendments, which could result in the understatement of their impacts, include:

how the Best Available Control Technology provisions would be interpreted,

which atmospheric dispersion models and meteorological assumptions would be employed,

what the effects of terrain and the location of other facilities would be on the emission reductions required of a single facility,

how many areas would be designated as Class I on a discretionary basis, in addition to those which would be mandatory Class I,

what percentage of the SD increments would be allocated by the states to each new facility.

For example, it is possible that emissions reductions below those achievable with scrubbers on high sulfur coal in the East could be required. This requirement, which would require scrubbers and low sulfur coal, could increase the impacts summarized above.

2. It is unclear whether the SD provisions would provide a substantial stimulus for urban development. Further, it appears that the non-attainment amendments would *not* substantially relieve the constraints of the current Clean Air Act on urban development.

3. The SD and non-attainment provisions could lead to substantial delays in siting new facilities.

4. Natural violations of National Ambient Air Quality Standards could inhibit industrial development.

We are enclosing for your reference a copy of the Executive Summary of the ICF report. We expect to deliver a copy of the full report to you when it is available. Also enclosed is a copy of the ERT report.

Finally, annexed to this letter for your information is a listing of additional on-going studies by Federal agencies related to the proposed amendments.

Transmittal of this letter has been approved by the Office of Management and Budget.

Sincerely,

Frank G. Zarb,
Administrator.

Ongoing Significant Deterioration and Non-Attainment Studies

A. FEA STUDIES

Growth Impacts in the Chemical and Petroleum Industries in Selected Areas where NAAQS are not Being Attained.

Interface of Significant Deterioration and Non-Attainment Requirements for Major U.S. Cities.

B. JOINT FEA/EPA STUDIES

Impact of Significant Deterioration on the Location/Size of Synthetic Fuel Facilities.

Impact of Significant Deterioration on the Copper Smelting Industry.

C. OTHER AGENCY STUDIES

Impact of Clean Air Act on Industrial Expansion [several major industries to be studied], including Impact of Non-Attainment Provisions on Expansion in Petro-Chemical, Petroleum Storage, and Petroleum-Refinery Industries (EPA).

Impact of Significant Deterioration on the Pulp and Paper Industry (EPA).

An Analysis of the Impact of Alternative Approaches to Significant Deterioration in the Non-Ferrous Metals Industry (DOC).

PROCTOR'S WASHINGTON

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that various articles written for the Washington Star—1928–48—entitled "Proctor's Washington," by John Claggett Proctor, LL.D., be printed in the Record.

There being no objection, the articles were ordered to be printed in the **Record**, as follows:

Congressional Cemetery. Its Cenotaphs and Notable Burials

It took Congress quite a while to wake up to its responsibility to care for its holdings in the Congressional Cemetery, which for so many years it has left to the committee managing the cemetery without making any appropriation to cover the necessary expense. Of course, the committee just had to cut the grass and, in a way, at least, to keep up the burial lots owned by the Government in order to keep the grounds from looking disgraceful and reflecting too harshly against the other parts of the property, but, naturally, it saw no special reason why it should keep up the Nation's cenotaphs any more than it would the monuments of other site or lot owners in this noted necropolis.

As to the wisdom of Congress in ever starting the custom of placing cenotaphs in this cemetery to the memory of deceased members of Congress there has always been a difference of opinion. They are there; and, in many cases, the particular member of Congress who died years ago is there, too, and it is now just as much a duty to keep up the respectable surroundings of their graves as it was in the first place to erect here the monuments to their memory.

No country with justice to itself can forget its honored dead, and no doubt all the people will be glad to know that the efforts of Representative Abernethy to have the Government care for and preserve "certain lands and monuments in the Congressional Cemetery" was not without avail, and it is hoped that future congresses will provide, if necessary, for keeping up the good work.

The Civil War changed conditions in many ways, and it was during this period that congressional appropriations for caring for Government-owned lots in Congressional Cemetery were stopped. However, every now and then an effort was made to renew national interest, but the movers in this good cause, becoming discouraged, were finally forced to give up the idea, and in this way the matter has rested until now.

A correspondent of an out-of-town newspaper, writing to his home town some 44 years ago, made some interesting statements which are well worth repeating today. He said:

"One of the largest cemeteries in this district is known as the Congressional Cemetery. The strange part of it is that it has no connection with Congress, and has not since 1864, when Lemuel L. Bowden, a Senator from Virginia, was buried there. This cemetery was established in 1807. Maj. Gen. Uriah Tracy of Connecticut being the first to be interred there. The cemetery was originally 10 acres in extent, but since then ground has been added from time to time until it now includes 30 acres. The original idea was to erect cenotaphs—empty tombs—in honor of deceased Congressmen who had been buried elsewhere. But 'the American Westminster Abbey,' as it was called for years, was forgotten during the war and no appropriations were made to keep it up. From 1807 until 1850 the appropriation bills regularly contained appropriations to build 'freestone cenotaphs at the Congressional Cemetery.' They cost about $150 each. There are now in the cemetery over 200 of them, one for each Senator or Representative who died during the interval. Under some of them, however, repose the remains of those they are intended to be a memorial of. George Clinton of New York, who was Vice President of the United States from 1805 to 1812, was buried there but later removed to New York. So was Elbridge Gerry, who also filled the office of Vice President. They were both buried there at their own request. Tobias Lear, the friend and private secretary of George Washington, was buried there, as was also Gen. Jacob Brown, who was commander-in-chief of the Army and died in 1828, and William Wirt of Virginia, who was Attorney General of the United States from 1817 to 1829. All the prominent Indians who died in this city for over a half century have been buried there. Gen. Rawlins, who was Grant's first Secretary of War, was buried there. The last cenotaph for a New York Representative was that of Silas M. Burroughs, who died in 1860. He was a member of the Thirty-fifth and Thirty-sixth Congresses. Some of these cenotaphs are already going to pieces in consequence of being constructed of a poor quality of sandstone.

"One of the gravediggers speaking on the subject said to your correspondent: 'The great majority of these stones will last for many, many years yet, but about 50 of them will waste entirely away inside of the next 10 years. They were most erected by contract, and as the contractors were not watched they made them of imperfect and often of condemned stone that could not be used for building purposes. Now and then some of the descendants of some of these Congressmen come to see these stones, and they say they will have them replaced with a better stone. But that is the last we hear of it. The stone in memory of John Quincy Adams over there is as good as it was the day it came here, just because some of the friends of Mr. Adams were particular in seeing that it was cut out of a good stone."

One of the many cemeteries which formerly existed within the lines of Washington as originally laid out, Congressional Cemetery is the only one today in which interments are made; all others having been removed. On April 4, 1807, a few persons, including Henry Ingle, George Blagden, Griffith Coombe, S. N. Smallwood, Dr. Frederick May, Peter Miller, John T. Frost and Capt. Thomas Tingey, purchased square No. 1115, between E and G, Eighteenth and Nineteenth streets southeast, for a cemetery. There seems to have been no desire upon the part of the purchasers to run the cemetery for a personal profit, for it was agreed by them that when the property became clear of debt it should be transferred to the vestry of Washington Parish. Accordingly it continued under its original management until March 30, 1812, when—the conditions of the agreement having been met—title to the land was transferred through Henry Engle to the parish as agreed upon.

The first Congressman to be interred in this cemetery was Senator Uriah Tracy of Connecticut, whose body is recorded as having been transferred from Rock Creek Cemetery on July 19, 1807, just a little over three months after its purchase by Henry Engle and those associated with him in this worthy undertaking.

Senator Tracy was born in Franklin, Conn., February 2, 1755. He was graduated from Yale College in 1773, following which he studied law, later being admitted to the bar. He became a member of the State House of Representatives, in which he served as Speaker in 1793. Subsequently he was elected as a Federalist to the Third and Fourth Congresses and served from March 4, 1793, to December 6, 1796, when he resigned, and entered the United States Senate as the successor to Jonathan Trumbull, and where he served for a while as president pro tempore of that body. The Biographical Congressional Directory gives the place and date of his death as "Washington, D.C., July 19, 1807," but it is evident that if his body was exhumed from Rock Creek Cemetery, his death must have taken place at an earlier date, since it would be unreasonable to suppose that they would bury such a distinguished man as he and remove his remains to some other cemetery the same day.

Besides being a United States Senator, Uriah Tracy had the distinction of having served in the American Revolution. In his article on "Patriots of the Revolutionary Period Who Are Interred in the District," Selden Marvin Ely tells us that the Senator's name is listed "in a company that marched from sundry places for the relief of Boston, etc., in the Lexington Alarm, April, 1775, and were formed into an independent company at Roxbury."

Though the first Congressman to be buried in Congressional Cemetery, Senator Tracy, was not the first member of Congress to die in Washington, for, on March 1, 1802—five years before the death of the Senator—Narsworthy Hunter, a Delegate from the then territory of Mississippi, passed away in one of the six buildings, still standing at 2107 to 2117 Pennsylvania avenue northwest. It was from his home in this block that the funeral took place, his body being escorted to the grave in the yard of the Presbyterian Church in Georgetown by members of the two houses of Congress, the heads of the several Government departments and others.

Following this was the death, on March 7, 1804, of Daniel Hiester, a Representative from Maryland, and who had served previously in a like capacity from the State of Pennsylvania. There seems to be some doubt as to his name. Bryan's History gives it as "Heister," and so does the Congressional Directory of February 15, just passed, while the Congressional Biographical Directory gives it as "Hiester."

Whatever may be the correct spelling of his name, he had a very interesting funeral. He died at Lovell's Hotel, on the north side of Pennsylvania avenue near Fifteenth street, and on the day of the interment, Congress adjourned to this hotel, where biscuits and wine were served. This expense, together with other incidental expenses was paid from the contingent fund of the House, which I believe is still customary in such cases—except as to the wine. Wilhelmus Bogart Bryan tells us: "On this occasion the members of the two houses walked in procession 'from Lovell's Hotel round the President's Square,' and from that point the body was taken on through Georgetown to Hagerstown, where the deceased had lived."

A year later, Mr. Bryan states—quoting Cutler's Life—"on a similar occasion, the members of the two houses instead of walking rode in carriages from the Capitol to the late residence and thence to the grave. At the house, wine, spirits and biscuit were provided as part of the cost of the funeral all of which was paid from the public funds."

In connection with the burial of Representative Hiester, another patent error presents itself. Cutler, as quoted above, gives his final resting place as Hagerstown, while the Congressional Record gives it as Congressional Cemetery. It looks as if the Angel Gabriel might have quite a time locating some folks when the great day comes.

Congress apparently did not pay very much for its burial lots in Congressional Cemetery, for we find the vestry of Christ Church at an early date assigning 100 sites in this cemetery for the interment of deceased members of Congress. It was not long before they were called upon for more ground, and 300 more sites were donated for the same purpose. Later Congress purchased other sites and began erecting the cenotaphs we see today.

Congress also made appropriations for improvements to the grounds designating the burial grounds as "Congressional Cemetery," by which name it is known today. Previous to this it was called "Washington Cemetery," which had taken the place of the earlier name of "The Washington Parish Burial Ground."

Christ Church was very glad to accept the burial ground presented by its vestryman, Henry Ingle, and others, since a lot purchased by it about this time had proved to be too low and damp, and was accordingly abandoned.

James Croggon, so well known for his reliable research work, in speaking of this cemetery some years ago in The Star, says:

"The Congressional Cemetery up to 1825 was, to all intents and purposes, in the county, for there was no settlement east of the Navy Yard, commons intervening between the plot set apart for burials and the town, although at long intervals there was some gardening and not a few squares of corn, oats, potatoes, etc. The square west, now included in the grounds, and some others south were so used, and it is related that the farmer thereof, with some of his family, repose on the ground he once cultivated—the spot on which a dance took place at the marriage of his daughter being now the family burial lot.

"But little improvement had been made to the avenues and streets, but the travel to the graveyard, the naval magazine and the naval hospital at Tenth Street had worn a passable road. Over this the funeral processions passed, for, owing to the few public conveyances obtainable, more people walked than rode, and when there was a military, naval or fraternal escort bands of music played 'Mary's Dream' and other marching tunes. It is needless to say that when the honors called for a salute by cannon there was ample room on the commons north."

In 1824 square 1102, to the northwest of the cemetery, was bought of Col. Elgar, the commissioner of public buildings. This block contained about the same amount of ground as the Congressional, and was located between Seventeenth and Eighteenth and D and E streets. The price paid for this entire square was $150, which, at that, might have been quite a large sum 105 years ago.

It is probable that this block is the one which was later called the Naval Cemetery and which was used for burial purposes until the Civil War, subsequent to which the bodies buried here were removed to the Congressional Cemetery.

In his description of this cemetery, Mr. Croggon further tells us that:

"Congressional Cemetery, on E street between Eighteenth and Nineteenth streets southeast, to which had been added the square south in 1849, was in like condition to the others, all the lots being taken and most of the sites occupied. The square south of Georgia avenue between Seventeenth and Eighteenth streets was added in 1855. During that decade an addition eastward was taken on the authority of Congress, a section 200 by 478 feet of reservation 13 being conveyed to the parish in 1858, as well as square 1105, between Seventeenth and Eighteenth streets and G and H streets. The following year square 1106, south of the latter, extending to the circle and Water street, was taken, as was also square 1117, extended to Water street, and square 1123, between G and H streets and Nineteenth and Twentieth, directly south of that part taken from the reservation."

Of the 60,000 burials made in this cemetery, probably the most notable of all is that of Elbridge Gerry, Vice President of the United States, a signer of the Declaration of Independence and distinguished in many other ways.

He was born in Marblehead, Mass., July 17, 1744, and died suddenly on his way to the Capitol, Washington, D.C., November 23, 1814. In 1810 and 1811 he was elected Governor of Massachusetts and it was his party which, in 1812, divided Essex County into a dragon-shaped district for political reasons, a course which resulted in coining a new word for the dictionary—"gerrymander." He was active in his efforts for American independence, and after serving as a member of the Colonial House of Representatives from 1772 to 1775, became a Delegate to the Continental Congress, where he served from 1776 to 1780 and from 1783 to 1785. He was also a delegate to the Constitutional Convention of the United States, held in New York in 1789, but refused to sign the instrument upon the grounds that he felt it gave the President too much power. He was a member of the first and second Congresses, serving from March 4, 1789, to March 3, 1793. In 1797 he was one of the envoys sent to France on a secret mission to establish relations with that country.

His election to the vice presidency, on the ticket with James Madison, occurred in 1812, and he served as such until his death on November 23, 1814. His grave is covered with a handsome monument which was erected by an act of Congress passed in 1823. An iron railing fence incloses the burial spot.

Another man of considerable historic prominence interred here is Tobias Lear, Washington's private secretary, and the tutor of his two adopted children, George Washington Parke Custis and Nellie Parke Custis, afterward Mrs. Lawrence Lewis. He was born in Portsmouth, N.H., on September 19, 1762, and graduated from Harvard in 1783. In 1786 he became Washington's private secretary, and later married, for his second wife, the widow of one of Washington's favorite nephews. At Mount Vernon he lived on an equal footing with other members of the household, as the following letter, written by Gen. Washington, will testify:

"MOUNT VERNON,
"*6 February, 1786*.

"My Dear Sir: Mr. Lear, or any other who may come into my family in the blended characters of preceptor to the children and clerk or private secretary to me, will sit at my table, will live as I live, will mix with the company who resort to the house and will be treated in every respect with civility and proper attention. He will have his washing done in the family, and may have his linen and stockings mended by the maids of it. The duties which will be required of him are generally such as appertain to the offices above mentioned. The first will be very trifling, till the children are a little more advanced, and the other will be equally so, as my correspondences decline (which I am endeavoring to effect) and after my accounts and other old matters are brought up. To descend more minutely into his duties I am unable, because occasional matters may call for particular services, but nothing derogatory will be asked or expected.

"After this explanation of my wants, I request that Mr. Lear will mention the annual sum he will expect for these services, and I will give him a decided answer by the return of the stages, which now carry the mail and travel quickly. A good hand, as well as proper diction, would be a recommendation on account of fair entries, and for the benefit of the children who will have to copy it."

For his services as secretary to the first President he received the sum of $200 a year. In the city's infancy he tried to help it along by writing a pamphlet entitled "Observations on the River Potomac," etc., in which he no doubt received the encouragement of Washington. It was issued anonymously in 1793, and is probably the earliest monograph relating to the District of Columbia and the Potomac River.

Washington thought a great deal of Tobias Lear and in his will left him a life interest in a 360-acre farm, and though he had resigned six years before the general passed away, yet he had the distinction of being present at Washington's bedside during his last illness and was intrusted with the arrangements for the funeral, which took place at Mt. Vernon on Dec. 18, 1799.

After resigning as Washington's secretary he engaged in business in this city, which however, resulted in failure. He was later sent as consul to Santo Domingo and subsequently as consul general at Algeria, and at the time of his death, which was brought on by his own hand, was accountant of the War Department.

PUSHMATAHA, FAMOUS INDIAN BURIED IN CONGRESSIONAL CEMETERY

A most unusual character who was buried in the Congressional Cemetery back in 1824 was the Choctaw Indian chief, Pushmataha. He was a distinguished warrior of the Choctaw Nation, which had its principal residence in that part of the country East of the Mississippi River, which now forms the State of Mississippi and which about the time of Pushmataha's death numbered 25,000 souls.

Pushmataha, who died in Washington about 12 o'clock midnight on December 23, 1824, had come to this city with several other chiefs to see the President for the purpose of obtaining a settlement of the debt due from the Government, originating in the treaty held at Doak's Stand in 1820, and known as the "Net proceeds claim."

As is usual in such matters, three of the four chiefs who came here—including Pushmataha—died waiting for a settlement. The fourth, seeing what must await him if he stayed here, beat it back to the tall timbers and at least had the satisfaction of passing away among those who loved him more and appreciated him better than did the white man at Washington.

Of course the Government paid the debt—it always does pay its just obligations—but not until 1888, 64 years after poor old "Push" had gone to the happy hunting grounds, where even United States coins will not pass as currency; however, with the unfortunate result that the more than $1,000,000 paid by the Government could then only be used by the grandchildren and great-grandchildren of Pushmataha.

In the early days when the American Indian was learning the ways of the white man, it came much easier to learn the bad things rather than the good things, just as we find it among ourselves even today. The result was that by the time this celebrated Indian came to Washington his chief source of entertainment was in imbibing fire water, otherwise he would have lived longer and undoubtedly have been more useful to himself and to his people. Big dinners, champagne and red liquor were found too much even for the ironclad constitution such as no doubt was his, and he soon began to fail and lose his vigorous and picturesque presence and bearing.

While in Washington he was frequently the guest of the President at the White House and was often dined and wined by other public officials, notably Gen. Andrew Jackson, who was then serving in the Senate and was always glad to see him, for it was he whom he had joined with a large number of his warriors in the Creek War of 1813–14, engaging with distinction in all the battles of that eventful period—Talladega, Holy Ground and Pensacola—and later accompanied Gen. Jackson to New Orleans, where he witnessed the battle of January 8, 1815, though not as a participant.

While Pushmataha was in Washington, Gen. Lafayette was a guest of the Nation, and the Indian chief had the pleasure of meeting the marquis, to whom he is said to have made a brief but very eloquent address, closing with the following prophecy which was fulfilled before the close of the year: "We heard your name in our distant wigwams. I longed to see one who had come a long way to assist our friends of the white race when they were a small people. I have seen and shaken your hand. This is our last meeting on earth. Soon the great ocean will divide us. We shall see each other no more till we meet in the happy hunting ground."

Another report of this interview represents Pushmataha as having said to Lafayette: "Nearly 50 snows have melted since you drew the sword as a companion of Washington. With him you fought the enemies of America. You mingled your blood with that of the enemy, and proved yourself a warrior. After you finished that war, you returned to your own country; and now you are come back to visit a land where you are honored by a numerous and powerful people. You see everywhere the children of those by whose side you went to battle, crowding around you and shaking your hand, as the hand of a father. We have heard these things told in our distant villages, and our hearts longed to see you. We have come. We have taken you by the hand, and are satisfied. This is the first time we have seen you; it will probably be the last. We have no more to say. The earth will part us forever."

He delivered this speech with an eloquence for which he was noted, his musical voice, his fine command of language, and his oratorical gestures contributing to the solemnity of the occasion, so soon to be followed by his death. Indeed, so dramatically were his remarks delivered that it was even said that he was the peer of Daniel Webster.

The principal speech made by Pushmataha upon his visit to Washington was addressed to John C. Calhoun, then Secretary of War.

As recorded by McKenney and Hall, the following is what he said:

"Father, I have been here some time. I have not talked—have been sick. You shall hear me talk today. I belong to another district. You have no doubt heard of me. I am Pushmataha.

"Father, when in my own country I often looked toward this council house and wanted to come here. I am in trouble. I will tell my distresses. I feel like a small child, not half as high as its father, who comes up to look in his father's face, hanging in the bend of his arm, to tell him his troubles. So, father, I hang in the bend of your arm and look up in your face, and now hear me speak.

"Father, when I was in my own country I heard there were men appointed to talk to us. I would not speak there. I chose to come here and speak in this beloved house. I can boast and say and tell the truth that none of my fathers or grandfathers, nor any Choctaw, ever drew bows against the United States. They have always been friendly. We have held the hands of the United States so long that our nails are long like birds' claws, and there is no danger of their slipping out.

"Father, I have come to speak. My nation has always listened to the applications of the white people. They have given to their country till it is very small. I repeat the same about the land east of the Tombigbee. I came here when a young man to see my Father Jefferson. He told me if ever we got in trouble we must run and tell him. I am come. This is a friendly talk. It's like a man who meets another and says, How do you do? Another will talk further."

Pushmataha was born in what is now the State of Mississippi about the year 1764 and before he had reached his twentieth year he had distinguished himself on the warpath. He early joined an expedition against the Osages on the western side of the Mississippi and, so it is said, "because of his youth and propensity for talking, he was a good deal laughed at by the more experienced men of the party. Every night, after making their campfires, some of the more fluent warriors were wont to deliver speeches touching their intended movements and the boy warrior did not hesitate to express his views and intentions. But the older men shook their heads in derision. In due time the war party reached the Osage country and a desperate fight soon occurred. It lasted nearly a whole day and when concluded by the defeat of the Osages, it was whispered around that the boy had disappeared early in the conflict and he was condemned as a coward. At midnight he rejoined his friends at their rendezvous and they jeered him to his face for running away. To this he made reply by saying: 'Let those laugh who can show more scalps than I can.' Whereupon he took from his pouch no less than five scalps and threw them upon the ground. They were the result of a flank movement which he had made single-handed on the rear of the enemy. From that night they looked upon the young warrior as a great man and gave him the name of the Eagle."

At the beginning of the second war with Great Britain, Pushmataha took sides with the United States. At the 10-day council, which decided the course of the Choctaws, it developed that all of the warriors and leading men, except John Pitchlynn, the interpreter, and Pushmataha, were for neutrality.

Up to the last day of the council the latter had not uttered a word, but he then expressed himself by saying:

"The Creeks were once our friends. They have joined the English, and we must now follow different trails. When our fathers took the hand of Washington, they told him the Choctaws would always be the friends of his Nation, and Pushmataha cannot be false to their promises. I am now ready to fight against both the English and the Creeks. I have 1,700 men, who are willing and ready for battle. You who may wish to do so, can stay at home and attend to the pots. I and my warriors are going to Tuscaloosa, and when you hear from us again the Creek fort will be in ashes."

It was shortly before this that Tecumseh's brother, a reputed great prophet of the Shawnees, sought an audience with the Choctaw chief, and in the course of a speech which he made stated that the earthquake, which had lately occurred was due to the Great Spirit stamping his foot upon the ground; "that it was a signal for all the Indians to begin war against the Americans, whose powder would not burn; and that after the victory they were sure to gain, the buffaloes would come back again into their country."

Pushmataha made this reply: "Every word you have uttered is a lie. You are a prophet, but there are other prophets beside yourself. The cause of the earthquake no prophet can tell. If it had any meaning, it was a signal for Pushmataha and all his warriors to rush at once upon the English and all the enemies of the United States. If you were not my guest, I would make you feel my tomahawk. I advise you to leave this country at once."

Lannan tells us that the Creeks and Seminoles allied themselves to the British, and that "Pushmataha made war upon them with such energy and success that the whites gave him the title of the Indian general, which he and his people considered a decided advance on his previous titles of warrior, hunter, maneater and ball player. It was while helping the American cause, and playing the part of a general, that he one day struck a white soldier with his sword. When brought up by the officer in command and questioned as to his reasons for such conduct, he replied that the soldier had insulted his wife, and he only struck the offender with the side of his sword to teach him his duty; but that if the act had been done by an officer instead of a common soldier, he should have used the sharp edge of his sword in defense of his wife, who had come from a great distance to visit him."

The celebrated John Randolph of Virginia, who served in Congress, off and on, from 1799 to 1827, upon one occasion alluded to the Indian chief in a speech upon the floor of the Senate, and to his grave in Congressional Cemetery. He said:

"Sir, in a late visit to the public graveyard, my attention was arrested by the simple monument of the Choctaw Chief Pushmataha. He was, I have been told by those who knew him, one of nature's nobility; a man who would have adorned any society. He lies quietly by the side of our statesman and his magistrates in the region—for there is one such—where the red man and the white man are on a level. On the sides of the plain shaft that marks his place of burial, I read these words: 'Pushmataha, a Choctaw Chief, lies here. This monument to his memory is erected by his brother chiefs, who were associated with him in a delegation from their nation, in the year 1824, to the Government of the United States. Pushmataha was a warrior of great distinction. He was wise in council, eloquent in an extraordinary degree, and on all occasions, and under all circumstances, the white man's friend. He died in Washington on the 24th of December, 1824, of the croup, in the sixtieth year of his age.' Among his last words were the following: 'When I am gone let the big guns be fired over me.' "

In McKenney and Hall's biography of this noted warrior are the following concluding paragraphs:

"This chief had five children. His oldest son died at the age of 21, after having completed an excellent English education. The others were young at the time of the decease of their father. A medal has been sent by the President to the oldest surviving son, as a testimony of respect for the memory of a warrior whose attachment to our Government was steady and unshaken, throughout his life.

"The day after the funeral of Pushmataha, the deputation visited the office in charge of the Bureau of Indian Affairs. The countenances of the chiefs wore a gloom, which such a loss was well calculated to create. Over the face of one of the deputation, however, was a cloud darker than the rest, and the expression of his face told a tale of deeper sorrow. Ask that young man, said the officer in charge of the bureau, what is the matter with him. The answer was, 'I am sorry.' Ask him what makes him sorry. The loss, the answer was expected to be, of our beloved chief. But no—it was, 'I am sorry it was not me.' Ask him to explain what he means by being sorry that it was not him. The ceremonies of the funeral, the reader will bear in mind, were very imposing. The old chief had said, 'When I am gone, let the big guns be fired over me'; and they were fired. Besides the discharge of minute guns on the Capitol Hill, and from the ground contiguous to the place of interment, there was an immense concourse of citizens, a long train of carriages, Cavalry, military, bands of music, the whole procession extending at least a mile in length, and there were thousands lining the ways and filling the doors and windows and then the military honors at the grave combined to produce in this young chief's mind a feeling of regret that he had not been, himself, the subject of these honors. Hence his reply, 'I am sorry it was not me'; and so he explained himself."

One of the handsomest monuments in Congressional Cemetery is the one erected to the memory of William Wirt, Attorney General of the United States in the cabinets of James Monroe and John Quincy Adams. The wording on this monument tells us that this distinguished gentleman served as Attorney General from 1817 until 1829, or throughout Monroe's two administrations and the term of John Quincy Adams. He was born in an inn, which his father kept in Bladensburg, the site of which is not satisfactorily determined.

He was a lawyer of marked ability and President Jefferson, in 1807, appointed him one of the counsel in the prosecution of Aaron Burr, arrested and tried for treason for attempting to form a republic in the Southwest of which he was to be the head, but was acquitted.

William Wirt was a candidate for the presidency in 1832 on the anti-Masonic ticket, his running mate being Amos Ellmaker of Pennsylvania. Jackson, the successful candidate, winning out with a large plurality.

OTHER FAMOUS INDIANS BURIED IN THE CONGRESSIONAL CEMETERY

1. Ute-Male-Sin-O-Cum. A Nez Perce Indian who died in May 1888 while a tribal delegate who was in Washington at Government expense.

2. Scarlet Crow (Kan-Ya-Tu-Duta). A Wahpeton Sioux Chief who served as a scout for the United States during the Minnesota Uprising. Buried March 13, 1867.

3. John Looney. A Cherokee Indian who had served as a Captain in George Fields company, 1813-14, died in Washington while serving as a tribal delegate. Buried May 16, 1846.

4. Oak-Caw-Bu-Wis. (Shawbowis) A Chippewa delegate who died in Washington of smallpox. Buried March 20, 1866.

5. St. Germain. A Chippewa delegate who died in Washington of the smallpox. Buried March 20, 1866.

6. Little Bee. (A-Moose or Au Mouse). Indian buried during April 1866.

7. White Fisher (Waub) Perog. Indian. Died in Washington during March 16, 1863.

8. Peter Perkins Pitchlynn. A Choctaw Chief. Colonel in the Army of the U.S. Died January 17, 1881 while a tribal delegate.

9. Tazak. Apache. Son of Cochise. Died September 26, 1876 of pneumonia.

REMAINS OF DECEASED SENATORS AND REPRESENTATIVES[1] IN CONGRESSIONAL CEMETERY, 1959

Sites	Name	State	Senator	Representative	Other[1]	Died
RANGE 24						
1–2	Uriah Tracy	Connecticut	×			May 4, 1800
3–4	Ezra Darby	New Jersey		×		Jan. 27, 1808
RANGE 25						
1–2	Francis Malbone	Rhode Island	×			June 4, 1809
7–8	Thomas Blount	North Carolina		×		Feb. 7, 1812
RANGE 29						
6	Tilman B. Parks	Arkansas		×		Feb. 12, 1950
9–11	Elbridge Gerry (also vice president).	Massachusetts		×		Nov. 23, 1814
12–13	Elijah Brigham	do		×		Feb. 22, 1816
14–15	Richard Stanford	North Carolina		×		Apr. 9, 1816
19–20	George Mumford	do		×		Dec. 31, 1818
21–22	David Walker	Kentucky		×		Mar. 1, 1820
28–29	Nathaniel Hazard	Rhode Island		×		Dec. 17, 1820
30–31	Jesse Slocumb	North Carolina		×		Dec. 20, 1820
32–33	James Burrill, Jr.	Rhode Island	×			Dec. 25, 1820
34–35	William A. Trimble	Ohio	×			Dec. 13, 1821
36–37	William Pinkney	Maryland	×			Feb. 25, 1822
38–39	William L. Ball	Virginia		×		Feb. 28, 1824
40–41	John Gaillard	South Carolina	×			Feb. 26, 1826
42–43	Christopher Rankin	Mississippi		×		Mar. 14, 1826
44–45	Alexander Smyth	Virginia		×		Apr. 17, 1830
46–47	James Noble	Indiana	×			Feb. 26, 1831
48–49	Charles C. Johnston	Virginia		×		June 17, 1832
54–55	George E. Mitchell	Maryland		×		June 28, 1832
56–58	James Jones	Georgia		×		Jan. 11, 1801
59–61	James Jackson	do	×			Mar. 19, 1806
62–64	Levi Casey	South Carolina		×		Feb. 3, 1807
65–67	Philip Doddridge	Virginia		×		Nov. 19, 1832
RANGE 30						
9–10	John Smilie	Pennsylvania		×		Dec. 30, 1812
11–12	John Dawson	Virginia		×		Mar. 31, 1814
13–14	Samuel A. Otis (Secretary of the Senate, 1789–1814).	Massachusetts			×[1]	Apr. 22, 1814
37–38	Thomas T. Tucker	South Carolina		×		May 2, 1828
51–53	Thomas D. Singleton	do		×		Nov. 25, 1833
54–56	Timothy J. Carter	Maine		×		Mar. 14, 1838
66–68	Warren R. Davis	South Carolina		×		Jan. 29, 1835
69–71	Littleton P. Dennis	Maryland		×		Apr. 14, 1834
72–73	James Blair	South Carolina		×		Apr. 1, 1834
RANGE 31						
43–44	Joseph Anderson	Tennessee	×			Apr. 17, 1837
47–49	Theodorick Bland	Virginia		×		June 1, 1790
50–52	George Holcombe	New Jersey		×		Jan. 14, 1828
53–55	Joab Lawler	Alabama		×		May 8, 1838
56–58	Narsworthy Hunter (delegate).	Mississippi			×[1]	Mar. 11, 1802
62–64	Jeremiah McLene	Ohio		×		Mar. 19, 1837
RANGE 50						
49–51	Mountjoy Bayly (Senate Sergeant at Arms).	Maryland			×[1]	
RANGE 54						
104–106	John W. Hornbeck	Pennsylvania		×		Jan. 16, 1848
116–118	Henry Frick	do		×		Mar. 1, 1844
119–121	William Taylor	Virginia		×		Jan. 17, 1846
131–133	Albert G. Harrison	Missouri		×		Sept. 7, 1839
153–155	Benjamin Thompson	Massachusetts		×		Sept. 24, 1952
RANGE 55						
101–103	Francis J. Harper	Pennsylvania		×		Mar. 18, 1837
107–109	Edward Bradley	Michigan		×		Aug. 5, 1847
113–115	Felix G. McConnell	Alabama		×		Sept. 10, 1846
140–142	Samuel L. Southard	New Jersey	×			June 26, 1942
162–164	William Upham	Vermont	×			Jan. 14, 1853
RANGE 56						
101–103	William A. Burwell	Virginia		×		Feb. 16, 1821
104–106	Daniel Hiester	Pennsylvania		×		Mar. 8, 1834
137–139	Joseph Lawrence	do		×		Apr. 17, 1942
RANGE 59						
82–83	John M. Thurston	Nebraska	×			Aug. 9, 1916
84–86	William N. Roach	Maryland	×			Sept. 7, 1902
87–89	Davidson (House page).				×[1]	
RANGE 60						
57–59	James Gillespie	North Carolina		×		Jan. 11, 1805
60–62	Lemuel J. Bowden	Virginia	×			Jan. 2, 1864
	Total		14	42	4	

[1] Includes 1 Secretary and 1 Sergeant-at-Arms of Senate and 1 Delegate and 1 page in House.

WHAT IS IN OUR FOOD?

Mr. McINTYRE. Mr. President, my friend and constituent, Beatrice Trum Hunter, has written a new book on her favorite subject, just what kind of food are we eating?

This new work by Mrs. Hunter, "The Mirage of Safety," is directed at the Food and Drug Administration. Mrs. Hunter does not believe the FDA is doing its job.

I do not suggest that everything Mrs. Hunter says must be taken as gospel, but I think it is important that we have a continuing review of our regulatory agents because that is the way we make sure they do their job. I believe her book is important in this review and maybe the end result of her work will be that we will all end up eating a little better.

I ask unanimous consent that a recent review of "The Mirage of Safety" which appeared in the Washington Post be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

HUNTER'S QUARRY: FDA

(By Marian Burros)

Beatrice Trum Hunter would easily be swallowed up in a crowd. With her brown hair pulled back in a bun, her pleasant, calm exterior gives no clue to the outrage that goes on inside.

But even the outrage is so quietly stated that it takes awhile before one realizes what shocking things Mrs. Hunter is saying and the frightening enormity of their implications.

She never raises her voice even when she says that the U.S. Food and Drug Administration (FDA) has followed a policy of "consumer be damned."

She simply states the facts as she sees them, but the conclusions to be drawn from her latest book, "The Mirage of Safety," all about food additives and federal policy seem inescapable.

According to Mrs. Hunter, there is no one watching the store because the FDA has "relinquished its mandated control of food-additive safety testing to the very industries that it was supposed to regulate.

"FDA's ignorance—or lack of control—of industry's use of additives" have produced a "chaotic situation."

In "Mirage of Safety," Mrs. Hunter has catalogued incidences of the federal government's laxity and ineffectiveness in testing and approving food additives. As she cites case after case, it isn't necessary for her to shout about the wrongdoing or ineffectual behavior. They speak for themselves.

The book is a primer on the demonstrated harmfulness of many food additives, the uselessness of many testing techniques in determining safety, the conflicts of interest that arise in the testing data and the procrastination and fumbling by the FDA even when a food additive is suspected of causing adverse reactions in humans.

As she reports it, the difference between what an eminent scientist, often an FDA official, is quoted as saying about the agency and food additives and what the situation is, cannot be lost on anyone.

She quotes former FDA Commissioner Dr. Herbert L. Ley: "The thing that really bugs me is that people think the FDA is protecting them—it isn't. What the FDA is doing and what the public think it's doing are as different as night and day."

Another former FDA Commissioner, Dr. Paul B. Dunbar, is quoted: ". . . no new chemical that is subject to any question as to safety should be employed until its possible injurious effect both on an acute and long-term chronic basis, has been shown to be nonexistent."

That the FDA does not follow this rule, she writes, is exemplified in the continued case of DES (diethylstilbestrol), a known carcinogen, to fatten cattle.

The testing system used by the FDA to determine the safety of food additives comes in for a great deal of criticism on a number of grounds. Additives, Mrs. Hunter says, should be tested not only singly but for the way they interact with other additives or drugs.

She cites food-drug combinations which can be harmful and are already recognized: cheese, wine, beer or liver with a group of tranquilizers; dairy products with the antibiotic, tetracycline . . . etc.

"Such findings," she writes, "further demonstrate the limitations of any safety-testing program that examines a single substance without considering the total environment."

This is particularly true of "co-carcinogens." "Cocarcinogens are not carcinogenic themselves, but may promote cancer by acting synergystically if they are present with one or more substances that are carcinogens. Findings indicate," Hunter says, "that saccharin, most probably, is a co-carcinogen."

Tests to determine teratogenic (birth defect) effects are also inadequate, she says. Thalidomide, which produced gross abnormalities in children whose mothers took it during pregnancy, and DES, are examples of chemicals which produce teratogenic effects.

"Present teratogenic studies with animals are limited," Mrs. Hunter writes. "Suitable techniques to recognize functional abnormalities in a fetus are not generally available."

In 1971, Sen. Abraham Ribicoff (D-Conn.) said: ". . . more than 1,000 chemicals regularly added to our foods have never been tested for their potential to cause . . . birth defects . . . Today there is only limited testing for birth defects."

The situation has not changed in the intervening five years.

Another necessary test for food additives, that for mutagenic effects, is voluntary, Mrs. Hunter continues. "Mutagens affect unborn generations. They damage the human gene pool. The magnitude of their effect is unknown.

"In recent years, three expert committees have unanimously recommended that mutagenic testing be made mandatory for food additives. To date, no regulatory action has been taken."

Dr. James Crow of the National Institutes of Health said, "Potentially irrevocable (genetic) damage might be done without immediate warning by some of the more than 10,000 natural and synthetic chemical agents now produced commercially . . . . Fewer than 200 of these suspected mutagens have been systematically assayed."

"While important testing is left undone," Mrs. Hunter writes, "the potential danger of many food additives is known. Yet these additives are not removed from the food supply." She lists sodium nitrite and the synthetic antioxidants such as BHA and BHT as just a few such chemicals.

Part of the problem, as Mrs. Hunter sees it, is that the FDA does not make more stringent demands on the food companies which submit safety data, or examine it more carefully. Recent testimony before Congress indicated that some of that data is manipulated so that a food additive appears to have passed all the safety tests, when in reality it has not, Mrs. Hunter says, "It's very easy to manipulate the results."

Then there are a whole host of additives which never really have been tested at all, for a number of technical reasons.

There is the well-known Generally Recognized As Safe (GRAS) list which contains about 700 chemical additives. No one, including the FDA, is quite sure of the number, or how rigorously the substances have been tested, if at all. A reevaluation of the GRAS list, begun in 1969, is underway, but no end is in sight. The taxpayer is footing the bill for it even though, Mrs. Hunter contends, it should be the responsibility of the food industry which profits from these additives.

In her book she also finds fault with the use of the National Academy of Science-National Research Council (NAC-NRC) for evaluation of additive safety data. Mrs. Hunter quotes cancer researcher Dr. Samuel Epstein that a close identification of NAS-NRC Food Protection Committee with industrial interests, "makes it singularly inappropriate as a major source of 'independent advice' to the FDA."

This same problem, as Mrs. Hunter sees it, influences the FDA's overall ability to police the food we eat.

"The FDA, by repeatedly pleading shortages of funds and personnel, has conducted far too few safety tests itself. Instead, it has relied heavily on summary assurances from food and chemical companies or from their contracted private laboratories."

It is Mrs. Hunter's contention that "if food additives had to be tested for efficacy, as well as safety, we might be down to ten. In the meantime, until testing can be done, all the unnecessary ones should be taken out of the food supply. True, a lot of food would disappear from the shelves but those are junk foods."

Mrs. Hunter has been speaking and writing about these problems for a long time. She says her reception gets better every year. She has written several books on natural foods, but the precursor to "The Mirage of Safety" was "Consumer Beware" written in 1971. In it she catalogued the dangerous substances being added to food about which the general public had little awareness.

On a recent trip to Washington, she said she had first become aware of environmental hazards in 1933 when she read "100 Million Guinea Pigs." It exposed the potential dangers of food additives, which numbered only 300 at the time.

"It was a shocker and an eye opener," she said, "but now we are 200 million guinea pigs, (the American population) and faced with thousands of additives."

"The problem of food additives," she said, "is part of a larger problem of the environment. We're just beginning to see you can't spew things into it."

She admitted that she occasionally is overwhelmed by the enormity of the problems, but never enough to become discouraged. She said the situation today is both better and worse than it was five years ago.

"More and more food on the market is junk. The coming problem is fabricated foods—substitutes, limitations," she said, "but there is more awareness. More people who are enlightened are reading labels."

Mrs. Hunter is also encouraged because she is speaking "a lot more now to home economists, extension agents and dentists. Dieticians," she said, "I haven't reached yet."

The press has changed its attitude too. "It used to be much more skeptical," toward reformers.

For the present, Mrs. Hunter said, people are going to have to protect themselves from dangerous food additives. She is not expecting an immediate revolution at the FDA, nor in the use of food additives. "When it becomes a political issue, then maybe it will get solved in favor of consumers."

So she suggests that people "buy things that would have been familiar to their grandmothers." She shops mainly in the supermarket in Hillsboro, N.H., where she lives with her husband, but she chooses "very carefully."

Her practical solution to these seemingly insurmountable problems is best expressed in the inscription she writes in copies of "Mirage of Safety": "Don't stop eating, but choose wisely. You have to keep reading the labels."

Here are some recipes from an earlier book, "The Natural Foods Cookbook," by Beatrice Trum Hunter.

CRAB MEAT SPREAD

About 3 cups

1 cup crab meat shredded fine
1 stalk celery and top, chopped
1 onion, grated
½ green pepper, minced fine
1 cup alfalfa sprouts
1 cup cottage cheese
1 spring of parsley, minced
Favorite salad dressing

Blend all ingredients together, adding only enough dressing to moisten the spread.

Variations: Lobster, shrimp, tuna, etc., may be substituted for the crab meat.

MOLASSES CUP CAKES

Makes 12

1 cake or 1 tablespoon dried yeast
⅞ cup sweet cider, lukewarm
⅔ cup molasses
2 cups wholewheat flour
⅓ cup oil
Rind of 1 lemon, grated
1 tablespoon brewer's yeast
1 egg, beaten

Soften cake or dried yeast in cider. Add 1 tablespoon molasses and 1 cup flour. Let yeast mixture stand until bubbly. Add remaining molasses, flour and other ingredients. Beat thoroughly.

Turn batter into oiled custard cups, filling them halfway. Place cups in cold oven. Turn heat to 150 degrees F. and let batter rise. Remove cups from oven, raise temperature to 350 degrees F. and return them to oven to bake for about 20 minutes.

SEVENTY THOUSAND IOWANS RESPOND TO QUESTIONNAIRE

Mr. CULVER. Mr. President, this year, as during my previous service in the House of Representatives, I sent a questionnaire on a number of issues of particular interest to my constituents in Iowa. I am pleased that over 70,000 Iowans responded to the questionnaire, many of whom took the time to add personal comments to their replies.

While no public official ought to be guided by the results of polls alone, information on constituents' views—whether obtained from letters, personal visits, or surveys—is a vital element in the daily decisionmaking process in Congress. The Iowans who responded to this questionnaire represent a diverse and broad cross-section of viewpoints and interests. Thus, the results are not only valuable to me but also should be of real interest to my colleagues in the Senate.

The questionnaire suggests how Iowans view a variety of critical issues now facing Congress and the Nation. In their response to several questions, these citizens have expressed their concern about the disturbing trend toward concentration of economic power in the hands of large corporations, especially the huge oil companies and those corporations which buy or control the operation of farms. They strongly favor modification of the tax laws to discourage large corporate farming operations which, in many cases, are swallowing up the small family farm that is so much a part of our Iowa heritage.

Most Iowans also think the Federal Government is needlessly complicating the Federal forms required to be completed by each citizen. As one would expect, the Federal income tax return is most often mentioned. As a member of the Small Business Committee, however, I was not surprised to see how often constituents cited the complex forms necessary for filing in order to operate or receive assistance for a small business.

As a member of the Senate Armed Service Committee, I was particularly interested in the fact that 79 percent of those polled favored holding the line on defense spending. In fact, nearly half of those who answered this question wanted to decrease our Federal expenditures in this area. They also favored increasing our spending on care for the elderly and law enforcement activities, while decreasing our foreign assistance spending.

The questionnaire results on several other isues are of individual interest. The key message, however, is clear. A majority of Iowans favor change in Government policies in several important areas. In our Nation where informed and articulate voters are vital to the success of democracy, the flow of such information to their representatives in Congress demonstrates once again the valuable function of a questionnaire. I am grateful to the citizens of Iowa who gave me the benefit of their views. I hope that the interest which they have demonstrated in public affairs will continue to increase the responsiveness of the Federal Government to their needs and concerns.

Mr. President, I ask unanimous consent that the tabulated results of my questionnaire be printed in the RECORD.

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

QUESTIONNAIRE

In the coming months, the Congress will be making decisions on many critical issues. This questionnaire is designed to help me assess the ideas and priorities of Iowans on some of these matters. I very much appreciate your willingness to take the time to consider these questions and to share your views with me. Please fill this out and mail to: 2327 Dirksen Senate Office Building, Washington, D.C. 20510.

	In percent		
	Yes	No	No answer
1. Should the Congress modify the tax laws to discourage large corporations from buying or controlling the operation of farms?	89.7	8.3	2.0
2. Do you feel that current efforts to exert more congressional control over the executive—especially in foreign policy—will increase public confidence in our government?	56.0	38.4	5.6
3. When the private sector of the economy cannot employ large numbers of people who are looking for work, should the Federal Government take action to employ them?	54.0	38.9	7.1
4. Should Government actively promote the preservation of historic buildings and neighborhoods?	55.5	37.8	6.7
5. Do you believe that the large oil companies should be broken up so that the companies that drill for oil, and those who refine it, and those who sell it become separate entities?	63.4	28.7	7.9
6. As a member of the Select Committee on Small Business, I have become concerned by the trend toward concentration of economic power in the hands of large corporations. Do you believe the Government should create additional programs to assist small businesses to offset this trend?	72.6	21.8	5.6
7. Do you believe the Federal Government is doing enough to promote the rights of women?	78.8	15.7	5.5
8. Do you think Federal Government forms are needlessly complex? (Income tax forms, social security, medicaid and medicare forms, agricultural census forms, business tax forms.) If yes, which specific forms?	69.5	13.9	16.6

	Increase	Decrease	Same	No answer
9. Often in Government, the question is not whether to fund a worthy program, but which of many goals ought to receive higher priority. With that in mind, should the following areas receive a budget increase, a decrease, or should they remain about the same funding level?				
(a) Agriculture	24.9	21.2	47.3	6.6
(b) Care for the elderly	51.1	6.0	37.0	5.9
(c) Conservation and environment	36.2	14.9	43.1	5.8
(d) Consumer protection	40.1	19.2	35.4	5.3
(e) Energy research	68.1	5.8	20.4	5.7
(f) Foreign assistance	3.4	74.0	18.7	3.9
(g) Health care	36.0	14.9	43.0	6.1
(h) Highways	14.8	24.0	54.9	6.3
(i) Law enforcement	52.8	6.0	36.3	4.9
(j) Military spending	15.5	45.6	33.4	5.5
(k) Railroad assistance	40.0	24.5	28.3	7.2
(l) Revenue sharing	20.7	23.9	46.0	9.4
(m) Rural development	19.9	22.3	50.0	7.8
(n) Veterans programs	18.5	21.9	53.8	5.8
10. In view of the changing global situation, do you feel the United States should increase or decrease its active responsibilities overseas or maintain them about the same?	8.3	44.4	42.3	5.0

A TRIBUTE TO SENATOR CLIFF HANSEN

Mr. THURMOND. Mr. President, our distinguished colleague from Wyoming, Senator CLIFF HANSEN, was recently the subject of an article in the May 9, 1976, Sunday Wyoming Tribune-Eagle concerning his work in the Senate.

In my 22 years in the Senate, I have known no finer, more considerate, or more outstanding individual than CLIFF HANSEN. He is a man of character, courage, and capacity, who always stands up for his convictions.

The article on Senator HANSEN outlines his philosophy of life and of government, and to those of us who already know of his dedication, it serves as a reminder of his outstanding contributions to the Nation by his work in the Senate.

Mr. President, in order to share this excellent article with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLIFF HANSEN: HORSES AT 4; A BATTLE WON; DISTINGUISHED CAREER

(By Ralph Partridge)

Cliff Hansen started riding a horse solo at about age 4.

By the time he was 10 he was working cattle on the family ranch in the Jackson Hole country. Today he's still lean and fit and has the carriage of a cowboy.

Since those early years, however, he's been Governor of Wyoming and now he's a U.S. Senator. He doesn't have time to ride much anymore but he does occasionally on visits home. He recalls he learned to ride as a child on a part-Morgan, well-broken horse named "Old Billy."

He still likes to hunt, when he can, in the Jackson Hole country as he did when he was a boy.

Hansen is 5 feet, nine inches tall and weighs 145 pounds. He stays fit by running in place 500 steps and doing 45 pushups almost every day.

He doesn't smoke and he drinks only very moderately.

He's also a man whose first grade teacher told his mother she couldn't educate him because he stuttered so badly. He was sent home and his mother took over the teaching while he stayed out of school that year.

Then he returned to school, he made it, and he recalls with affection a fourth grade teacher "who instilled confidence" in him.

When he was almost 15 he stayed out of school another year and attended a speech clinic at Indianapolis, Ind. The clinic and, his wife, Martha points out, his perseverance whipped the problem.

A brochure of Hansen once said "He has been a cowboy, a cattleman, a businessman and a public servant. He is a husband, father, grandfather, and hard-working member of the world's most exclusive governmental body—the United States Senate."

He has devoted some 35 years to public service. He served 21 years, including four years ex-officio membership as a member of the Board of Trustees of the University of Wyoming, and for more than six years was president of the board. In 1965 he received an honorary LLD degree from the university.

He was elected 26th Governor of Wyoming in 1962 and served four years.

Famed historian Dr. T. A. Larson of the University of Wyoming, in his book "A History of Wyoming," referred to Hansen as the most progressive Governor the state had seen in more than a half-century. Larson singled out increased educational assistance, governmental reorganization, upgrading of state institutions, and changes in the tax structure as examples of Hansen's forward-looking philosophy.

Hansen was elected to the United States Senate in 1966 and reelected to a second six-year term in 1972. He says he intends to run again in 1978.

One of Hansen's convictions after his years in office is that Washington must return "more decision making responsibility to the state and local levels because the answers are going to be more relevant than from any other place."

He lists the point among what he considers the most important issues of the day.

He has had a big share in local decisions during his career. During the years at the ranch, Cliff and Martha were active in projects and organizations affecting their way of life, their community and their state.

He is a former President of the Wyoming Stock Growers Association. He was President of the Board of Trustees of St. John's Hospital during the years when it was being built at Jackson. He is a charter member of the Teton County Farm Bureau. He helped organize the Jackson Hole Chamber of Commerce and was President of Rotary Club at the time. He has served on many kinds of committees and advisory groups.

And, governmentally, he was a member of the Teton County Board of Commissioners 1943–51. He also served on the local school board.

In Washington Senator Hansen serves on the Senate Finance Committee, Interior and Insular Affairs Committee, Veterans' Affairs Committee and the Senate Select Committee on the Aging. He is ranking Republican member of Veterans' Affairs.

He has moved up the Senate seniority ladder to the 48th ranking position among the 100 Senators. Of the 38 Republicans in the Senate, he ranks 13th in seniority.

He also is a member of the new Committee on Committees. He explained the committee was set up to "exam the organizational structure of the Senate to see what can be done to make better use of our time."

Along with his emphasis on more decision making at the local and state levels, Hansen, in an interview, cited several others of what he sees as the most vital issues of the day. He noted they were not necessarily stated in the order of their importance.

One is the halting of inflation, which he said "has got to come from more fiscal responsibility by the United States government. The organization of a Budget Committee was a step in the right direction but it will take time for it to become effective."

He said "Politicians try to cast around and point at all kinds of straw men, but they should point at themselves—Congress is primarily responsible when it spends more than the government takes in."

Another, he said, "is to move government out of business and to reduce the throttling effect government regulation has on business. I don't mean to say we don't need any regulation, but it has become excessive." He spoke of it as an "albatross."

Another issue, he said, is to maintain a strong national defense.

"The thing that concerns me," he said, "is that we have assumed that the horror and catastrophe that would follow a nuclear exchange with Russia would be such that no leader would unleash such a war."

He said "We've been told that each nation could kill off two-thirds of the population of the other," and no such war would be fought.

He said "what kills the validity of that theory is that the Russians apparently have done a far better job on civil defense than we have. Russia has pursued a conviction that it shouldn't rule out any type of exchange."

He said expert briefings indicate the Russians have contrived a vast network of shelters touching nearly every city and town and within walking distance of residents.

He said such briefings indicate a nuclear war might mean the loss of 100 million. Americans while seven to eight million died in Russia. And he noted 20 to 30 million Russians reportedly died in the purges there.

"We just can't afford to take the chance," Hansen declared.

He also said he is convinced we ought not to rely on a single weapon, and, secondly, if we are going to deter spreading Russian influence we've got to back up our strength with conventional weapons and manpower in such a way as to leave no doubt as to the outcome of any war.

"Whatever we spend is going to be cheap compared to another war."

Sen. Hansen touched also on another issue. Encouraging more jobs in the private sector as one remedy to unemployment and inflation.

Clifford P. Hansen was born at Zenith, Wyo. October 16, 1912. His father homesteaded in 1898 in the Jackson Hole country south of Yellowstone National Park and established a cattle ranch there.

The Homestead place today is a part of Resor Ranch. But the family still owns the ranch where he was born, embracing his mother's and sister's estate.

The present family ranch is in Spring Gulch in an area west of Jackson, the home located three miles from Jackson. The partially contiguous properties bring family holdings to about 5,000 acres, with Cliff and Martha owning about 3,500.

Hansen married the former Martha Close of Sheridan, whom he met in college, Sept. 24, 1934. There are two children, Peter Hansen and Mrs. Mary Mead, and five grandchildren. The Meads operate about 4,500 acres of the family ranch land. Pete Hansen is an accountant and businessman.

Cliff Hansen was educated in the public schools of Jackson and received a Bachelor of Science Degree in agriculture from the University of Wyoming. He is an Episcopalian and a 33rd degree Mason.

NAM ON BUSINESS ETHICS AND MORALITY

Mr. CHURCH. Mr. President, as chairman of the Senate Subcommittee on Multinational Corporations, I am aware that the subcommittee's investigations and revelations have not been well received in certain quarters. Some seem to argue, incredibly, that revelation is more damaging than the acts themselves. It was, therefore, most gratifying to read an open letter, "On Business Ethics and Morality," by Richard C. Kautz, chairman of the board of the National Association of Manufacturers, in the April 19 NAM Reports newsletter. The views that Mr. Kautz expresses are exactly in consonance with the objectives of the subcommittee's efforts in these areas:

> While bribery, kickbacks, illegal political contributions and similar practices are abhorrent to most businessmen, the business community generally has been stigmatized by public disclosures of violations of certain U.S. laws and other practices that may be acceptable abroad but which are morally unacceptable here at home . . . Business leaders, as the focal point of large numbers of employees, stockholders, suppliers and customers, as well as of the public generally, occupy a unique position of trust and responsibility in our society. They must, therefore, set exemplary, high standards throughout their business operations—and maintain vigilance in helping assure that their associates also live up to these principles.

Mr. Kautz adds:

> A determined and continuing effort to remove doubts about the moral commitment of American business is of paramount importance—and never more so than at this time in history. The task is up to you, me and other business leaders to implement, company by company.

He concludes:

> The American public looks to—and depends on—all business managements for guidance and leadership in setting the finest example we can attain within our own firms. We must not fail in this historic undertaking and opportunity.

I commend Mr. Kautz's views, in which I completely concur, and ask unanimous consent that his entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER FROM NAM'S CHAIRMAN—ON BUSINESS ETHICS AND MORALITY

(By Richard C. Kautz)

To NAM Member Company Executives:

The decline in public confidence that has affected virtually all American institutions in recent years has recently been intensified in regard to the business community through press disclosures of questionable practices here and abroad.

I address this message to you because I share your concern over the gravity of this problem and seek your help in dealing forthrightly and promptly with the issue in all aspects of your inidvidual business operations.

While bribery, kickbacks, illegal political contributions and similar practices are abhorrent to most businessmen, the business community generally has been stigmatized by public disclosures of violations of certain U.S. laws and other practices that may be acceptable in many places abroad but which are morally unacceptable here at home.

I realize that this latter problem is an especially difficult one to deal with because of the highly competitive international marketing environment—but perhaps this is all the more reason why businessmen must face up squarely to its challenges. Business leaders, as the focal point of large numbers of employees, stockholders, suppliers, and customers, as well as of the public generally, occupy a unique position of trust and responsibility in our society. They must, therefore, set exemplary, high standards throughout their business operations—and maintain vigilance in helping assure that their associates also live up to these principles.

The need for this renewed dedication is overriding not just to set a better tone in the society we live in but for many practical reasons. I believe that the declines we suffer in public confidence severely handicap business in making an effective contribution to public policies. Yet, we all know that if America is to resume solid, long term economic growth, effective business participation is critical. The views of knowledgeable business leaders must be respected and acted upon if the nation is to succeed in combating inflation, high unemployment and other economic ills.

We've all expended great effort in trying to persuade government to lighten the burden imposed on business operations by excessive regulations and outmoded tax policies. To get relief from such impediments and play our needed role in creating an improved climate for economic growth, we in business must demonstrate to the public that we are worthy of confidence and support.

A determined and continuing effort to remove doubts about the moral commitment of American business is of paramount importance—and never more so than at this time in history. The task is up to you, me and other business leaders to implement, company by company.

You will recall that the Board of Directors of the National Association of Manufacturers at our Feb. 18 meeting urged all members companies to adopt individual codes of conduct and to adhere to the highest standards of business practice. The board felt that adoption of individual codes of good business conduct by member companies represents by far the most practical and viable approach to effective enforcement. Individual company managements are in the best position to take the leadership in making commitments, defining derelictions and applying censure to those who may violate standards.

It is worthy of note that the preamble to our NAM Code of Business Practices has stated for many years, "While there can be no question as to the right of American citizens to engage in private business under our Constitution and form of government, this right like all rights has accompanying responsibilities. Business organizations must serve the public interest, as separate entities and in the overall sense, if this right is to be respected and maintained."

The code, to which all NAM members are urged to subscribe, goes on to include statements that "We will strive at all times to conduct the affairs of this company to merit public confidence in American business and industry" and that "We will compete vigorously to serve our customers and expand our business, but we will avoid unfair and unethical practices."

The NAM Code of Business Practices is as sound today as when it was written—and in today's environment is, I believe, more significant than ever. The American public looks to—and depends on—all business managements for guidance and leadership in setting the finest example we can attain within our own firms. We must not fail in this historic undertaking and opportunity.

WHO GOT FLEECED?

Mr. GOLDWATER. Mr. President, on April 15 the distinguished Senator from Wisconsin (Mr. PROXMIRE) issued, "My Tax Day 'Golden Fleece of the Month Award'" for the month. The claimed fleecing was a NASA request for $2.8 million to construct a curatorial facility for the rocks brought back from the moon by the Apollo astronauts.

In his press release, the Senator from Wisconsin claimed that NASA had spent $20,544,258 for lunar activities since the fiscal year 1965. I am uncertain as to what a tax day golden fleece award amounts to, but I do know when I see apples and oranges mixed together.

Mr. President, I ask unanimous consent to have the Senator's press release printed at this point in my remarks.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

PRESS RELEASE

Senator William Proxmire (D-Wis) in a statement from his Washington office Thursday announced, "My Tax Day 'Golden Fleece of the Month Award' for April goes to the National Aeronautics and Space Administration (NASA) for requesting $2.8 million to construct an addition to the existing Lunar Receiving Laboratory at the Johnson Space Center to house 100 pounds of Moon rocks. The fiscal irony of NASA's request is that it is not needed. In 1971 after spending $8.7 million to house the Moon rocks, NASA Curator, Dr. Michael Duke, indicated that the existing building would be '. . . the permanent facility for storage, handling and doing detailed studies of the rocks.'"

Proxmire is Chairman of the Senate Appropriations Subcommittee on NASA. The "Fleece of the Month Award" goes to the biggest, most ridiculous or ironic example of wasteful, unneeded, or low priority government spending. It culminates in a "Golden Fleece of the Year Award."

"It is appalling to think that the American taxpayer, who shelled out nearly $15 billion for the Lunar Exploration program, now is being asked to pay another $2.8 million to construct an addition to a perfectly adequate, $8.7 million concrete structure to house a wheelbarrowful of Moon rocks. In spite of Dr. Duke's statement NASA is back at Congress' doorstep, asking for the extra millions to add to a facility that only five years ago was considered to be the final resting place for the Moon rocks.

"What makes this budget request all the more shocking is that since 1965 the space agency has paid out $9,757,582 for the existing Lunar Receiving Laboratory plus $10,786,676 in research and development expenditures for lunar sample examination and study. The following table gives the history of NASA spending for lunar sample activities since FY 1965:

Fiscal year	Construction costs	R. & D.	Total costs
1965	$664,025	0	$664,025
1967	8,097,161	$10,001,255	18,762,441
1970	0	469,808	469,808
1971	0	145,375	145,375
1972	0	74,023	74,023
1974	57,896	96,215	154,111
1975	518,500	0	518,500
1976	420,000	0	420,000
Total	9,757,582	10,786,676	20,544,258

"What this table shows is that NASA already has over $9.7 million of existing lunar sample facilities stocked with expensive storage and research equipment, plus a $500,000 Remote Storage Facility at Brooks Air Force Base in San Antonio, Texas, to store a representative portion of the lunar sample collection. The taxpayer must surely be asking, 'how much is enough?'

"NASA argues that the new addition to the laboratory is needed 'to insure that the lunar samples are adequately protected against natural and man-made hazards for the foreseeable future.' This statement closely follows NASA's assessment that 'the present Curatorial Facility has operated successfully since 1971 to support an active lunar sample research program that involves several hundred scientists mostly from American universities.' At the same time, it is still unclear what 'hazards' NASA has in mind. The present building is a massive concrete structure. Most observers grant that almost nothing short of a bomb blast or massive earthquake could penetrate the maze of concrete buildings that make up the mammoth Johnson Space Center in Houston.

"If the space agency is so concerned about 'natural' or 'man-made' hazards, they might consider the use of several empty Titan I silos, lying dormant in the hills of Montana, that the Air Force has been trying to unload for years. These silos can withstand the force of an atomic bomb, as well as the possible disasters that might befall the Moon rocks in the quiet suburbs of Houston, Texas.

"The landing on the Moon was one of Man's greatest achievements, and we are all proud that American footprints were the first on the lunar surface. But NASA has a perfectly adequate facility in which to house and study the present supply of lunar samples. The space agency has already soaked the beleaguered taxpayer for $20 million for lunar sample research, and he shouldn't have to spend another dime on this wasteful, unnecessary addition to the space complex at Houston.

"Fortunately, the House of Representatives has voted to delete funds for this Lunar Curatorial Facility in FY77. Unfortunately, the Senate voted on April Fool's Day to keep the money in. As Chairman of the Senate Appropriations Subcommittee on NASA, I intend to fight hard over the next few months to assure that it will be 'many moons' before the American taxpayer has to put up another $2.8 million for NASA's latest whim—the House of Many Moon Rocks. NASA is a worthy recipient of the 'Golden Fleece of the Month Award' for April."

Mr. GOLDWATER. Mr. President, the Senator from Wisconsin has confused spending for the lunar receiving laboratory which essentially was a clean room facility to prevent contamination of the Earth by returning astronauts. It had nothing to do with providing a facility where the Nation's scientists can study moon rocks.

In the Senator's press release he states that the purpose of the lunar curatorial facility is to house 100 pounds of moon rocks. Actually, the amount returned from the Apollo mission is 832 pounds. Readily available in the offices of the Appropriations Committee are the NASA budget books for fiscal year 1977. If the Senator chooses to, he can check Volume II, Construction of Facilities, and on pages CF 3–2 through CF 3–7 there is a complete description and justification for the lunar curatorial facility. In addition there are drawings and diagrams that show precisely where this facility is to be located.

Here are the facts disregarded by the Senator from Wisconsin:

First. NASA's $2.8 million request for a lunar curatorial facility is not to construct an addition to the existing lunar receiving laboratory at the Johnson Space Center.

Second. The addition proposed is to the existing lunar sample curatorial facility which is presently in a building separate from the lunar receiving laboratory. The lunar sample curatorial facility did not cost $8.7 million. It was created in 1971 as a renovation of part of an office building which also housed the Earth and space science activities at the Johnson Space Center. The total cost was $376,000.

Third. The total weight of the material returned from the moon by the Apollo astronauts is 832 pounds. About 15 percent of this collection has been placed in safe remote storage at Brooks Air Force Base. The remainder, or more than 700 pounds will be stored and made available to scientists in the new lunar curatorial facility.

Fourth. The Senator's press release mistakenly quotes Dr. Duke of NASA. The quote appeared in a New York Times article dated September 7, 1971. In this article Dr. Duke was referring to the lunar curatorial facility which cost $376,000 and not to the lunar receiving laboratory which had a cost of $8.7 million. Dr. Duke's full quote is:

> We will have what we hope will be the permanent facility for storage, handling and doing detailed studies of the rocks.

Fifth. The lunar receiving laboratory was specifically designed and constructed for biological quarantine of the Apollo astronauts and returned samples. Its major function was biological containment, and it was neither suitable for nor designed for long-term curation and handling of lunar samples. This laboratory has not been used for lunar sample activities since the completion of the present lunar curatorial facility in 1971.

Sixth. The figures of almost $10 million for the construction costs for the lunar receiving laboratory plus almost $11 million for R. & D. expenditures in Senator PROXMIRE's press release are accurate regarding the lunar receiving laboratory. However, they are not accurate regarding their being spent for lunar sample examination and study. The great majority of this money has been spent for the quarantine activities outlined above. Only a very small portion of this money has been spent on lunar sample examination and study.

Seventh. The remote storage facility at Brooks AFB did not cost $500,000. A total of $19,000 was spent on design for this facility and a total of $220,405 was spent on construction cost for this facility. It should be noted that the samples in this facility are almost inaccessible for scientific research, as would be samples stored in such other places as unused missile silos.

Eighth. The present curatorial facility is of standard office building construction, with a steel frame, concrete panels, and gypsum board interior walls. Except for a few specialized structures such as the Centrifuge Building and the Mission Control Center, the majority of buildings at the Johnson Space Center are of similar standard construction.

Ninth. The major natural hazard recognized at JSC is massive flooding and high winds associated with a gulf coast hurricane. This hazard is combined with slow ground subsidence which is occurring over the entire Houston region. Earthquakes are not considered a significant hazard for the JSC area. The present curatorial facility is not adequate to protect against man-made hazards such as accidents or deliberate vandalism.

Tenth. The inadequacy of the present curatorial facility to insure long-term security for the lunar sample collection against natural hazards has been repeatedly stressed by NASA scientific advisory committees and by NASA officials in testimony to the Congress. The construction of the proposed addition to the lunar sample curatorial facility to provide the necessary protection for the collection has been endorsed by advisory committees and by hundreds of concerned lunar and planetary scientists.

Eleventh. Prior to asking the Congress for the funds to add to the present curatorial facility NASA investigated all other options for storage and handling of the lunar samples. In each case the cost associated with these options were found to be several times higher than the $2.8 million requested by NASA for addition to the present facility. In addition these other locations would not provide the critical support function required for lunar sample study and analysis such as photo labs; analytical labs; computer support; chemical labs; engineering design services; meteorology labs; and special maintenance.

Twelfth. The merit of this facility item is fully supported by its inclusion in the conference agreement between the House and the Senate on H.R. 12453, the NASA Authorization for fiscal year 1977, although at the slightly reduced amount of $2.2 million rather than the $2.8 million as originally requested.

It makes little sense to me to spend $20 billion on the Apollo program and then to refuse to spend less than $3 million for a facility to study the materials brought back from the moon.

The last paragraph of the Senator's press release states:

> Fortunately, the House of Representatives has voted to delete funds for this Lunar Curatorial Facility in FY77. Unfortunately, the Senate voted on April Fool's Day to keep the money in . . .

I will pass over the implication of the Senate having approved the NASA authorization on April Fool's Day. Knowing the Senator from Wisconsin to be an honorable man, I can only conclude that he has been fleeced by whoever provided him with the information for his press release.

COPYING FEES CHARGED BY FEDERAL AGENCIES

Mr. METCALF. Mr. President, last year I asked the General Accounting Office to survey the fees charged the public for copying information from public files. My query arose from complaints that have come to me from persons who have been charged what appear to be unreasonable amounts for copying services.

Some agencies appear to be unmindful of both Public Law 93–504, the Freedom of Information Act Amendments of 1974, and section 11(a) of the Federal Advisory Committee Act—Public Law 92–463. This section, in effect now for more than 3 years, provides that—

> Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts and agency proceedings or advisory committee meetings.

The GAO report shows that copy fees vary a thousand percent, from 3 cents to 30 cents a page.

I note that the highest fee is charged by the Federal Maritime Commission, which assigns 27 cents of each copy charge to "personnel." Having noted previously the general policy of that Commission against disclosure of the innocuous information in its files, I suspect that the Commission is charging the public for its lawyers' and administrators' preparation of negative responses to information requests.

The GAO study shows that copying machine charges are generally less than a nickel a page, down to as low as a little over a penny. It also shows that agencies have a good deal of leeway in waiving or reducing charges that do not require more than routine employee effort.

This GAO letter report should be helpful to persons who need to copy information from agency files. And it will also be helpful to agencies, which I encourage to follow both the Federal Advisory Committee Act and the Freedom of Information Act Amendments of 1974. I therefore ask unanimous consent to have the report printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 12, 1976.

Hon. LEE METCALF,
Chairman, Subcommittee on Reports, Accounting, and Management, Committee on Government Operations, U.S. Senate.

DEAR MR. CHAIRMAN: As you requested on June 2, 1975, we questioned certain Federal agencies about the fees charged to the public for fulfilling requests for information when searching and copying is required. All agencies questioned have established fee schedules which differentiate between costs for searching for information and costs for copying information. We have summarized in three enclosures the various agencies' searching and copying fees.

Search fees are expressed as hourly rates with most agencies having two sets of fees: one to cover searching by professional employees and a lower fee to cover searching by clerical personnel. Many agencies provide search time free of charge if it is less than stipulated minimum charges based on time consumed.

Copy fees range from $0.03 to $0.30 a page. The Department of Defense uniformly charges $0.05 a page for copying. About 70 percent of the civilian agencies charge $0.10 a page for copying. We questioned the responding agencies with the lowest and highest copy fees. The Commission on Civil Rights charges $0.03 a copy which, it said, is made up mostly of copier costs; however, it did not have a breakout of the personnel costs included. The Maritime Commission said that its $0.30 a copy fee was made up of $0.04 copier costs and $0.27 personnel costs, and the total is rounded to $0.30. Both agencies used lease arrangements for their copying equipment. Information obtained by our Office in 1974 showed that costs for 42 copiers in use in the Cincinnati Federal Office Building varied from $0.0116 to $0.3517 a copy. These costs did not include personnel costs. Machines with low usage had the highest copier costs. Twenty-six of these copiers had costs under $0.05 a copy.

Although departments have established fee schedules, certain organizations within the departments may not follow the schedule. For example, although the Department of Health, Education, and Welfare has established fee schedules for searching and copying, some of its constituent organizations do not charge for fulfilling information requests. Also, some agencies do not consistently apply their established fee schedule. For example, the Commission on Civil Rights has a fee schedule but seldom charges for its information because the information it distributes is gathered for the purpose of making it available to the public. Many agencies do not charge for fulfilling small requests if the total charge is under a certain amount. For example, the Energy Research and Development Administration, which charges $0.10 a page for copying but no charge if it is less than $10, will provide a 99-page document free of charge, if searching for the document is not required.

Many agencies questioned also have additional fee schedules for more complex types of searching and copying, such as searching a computerized file and copying microfilmed information. We did not attempt to summarize the fees for these techniques. Also the information summarized in the appendixes pertains only to copying standard sized paper.

You requested that we comment on the desirability for uniform duplicating fees throughout the Federal Government. Although a great deal of uniformity already exists for copying fees, in our opinion, a Government-wide uniform fee schedule would not be authorized under the present terms of the Freedom of Information Act, 5 U.S.C. 552, as amended. In amending the act in 1974, the Congress tried to overcome the use of excessive fees which may deter individuals from having access to records by requiring that each agency set fees that include only direct costs of searching and copying. Any Government-wide fee schedule could not meet this requirement unless the fees were set at the level of the direct costs for whatever agency had the lowest such costs. This situation would necessarily produce the result of underpricing or "subsidizing" the administration of the act in other agencies. We believe that the Congress did not intend that a general subsidizing of fees be usd to provide maximum access to records because an additional provision does exist in the statute for waiving or reducing fees in specific cases.

We shall be glad to meet with your staff to answer any further questions.

Sincerely yours,

ROBERT F. KELLER,
Deputy Comptroller General of the United States.

SEARCHING AND COPYING FEES CHARGED TO THE PUBLIC BY THE DEPARTMENT OF DEFENSE

	Search fees					
	Hourly rate		Minimum			
	Professional	Clerical	Professional	Clerical	Copy fees (per page)	Minimum copy fee
Air Force:						
General requests	(1)	$5.00	(1)	$3.00	$0.06	[2] $2
Freedom of Information Act and Privacy Act requests	$11	5.50	$5.00	2.75	.05	[2] 2
Army:						
General requests	(1)	8.00	(1)	5.00	.05	[2] 2
Freedom of Information Act and Privacy Act requests	11	5.50	5.50	2.75	.05	[2] 2
Defense Supply Agency:						
General requests	(1)	8.00	(1)	5.00	.05	[2] 2
Freedom of Information Act and Privacy Act requests	13	6.50	10.00	3.50	.05	[2] 2
Navy:						
General requests	(1)	8.00	(1)	5.00	.05	[2] 2
Freedom of Information Act and Privacy Act requests	13	6.50	10.00	3.50	.05	[2] 2
Office of the Secretary:						
General requests	(1)	8.00	(1)	5.00	.05	[2] 2
Freedom of Information Act and Privacy Act requests	11	5.50	5.50	2.75	.05	[2] 2

[1] Professional search fee is determined on each individual case. A minimum of ½-hr search time is charged.

[2] Minimum fee is applicable to 1st 6 copies only.

SEARCHING AND COPYING FEES CHARGED TO THE PUBLIC BY CIVILIAN DEPARTMENTS AND AGENCIES

	Search fees (hourly rate)			
Department or agency	Professional	Clerical	Any agency employee	Copy fees (per page)
Department of Agriculture	$9.00	$4.00		[1] $0.10
Department of Commerce			$10.00	.07
Energy Research and Development Administration	[2] 16.00	[2] 5.70		[3] [4] .10
Environmental Protection Agency			[5] 5.00	.20
Federal Energy Administration	[6] 15.00	[6] 5.00		[7] .10
General Services Administration [8]	[5] 8.00	[5] 4.00		.10
Department of Health, Education, and Welfare			[5] [9] 3.00	[9] [10] [11] .10
Department of Housing and Urban Development			[2] [12] 5.00	[13] .10
Department of the Interior	[2] 8.40	[2] 4.40		[14] .10
Department of Justice	[2] [15] 8.00	[2] [15] 4.00		[7] .10
Department of Labor			5.00	.10
National Aeronautics and Space Administration	10.00	4.00		[7] .10
U.S. Postal Service			[2] 2–2.75	.10
Department of State	[2] 11.00	[2] [5] 6.00		.10
Department of Transportation			[16] [17]	[1] .25
Department of the Treasury			[18] 3.50	.10

[1] All copies after the 1st copy are 5 cents a copy.

[2] Applies to Freedom of Information Act requests only.

[3] No charge if fee is less than $10.

[4] Copy fee 8 cents if done at Energy Research and Development Administration public document room.

[5] First ½ hr free.

[6] First ¼ hr free.

[7] No charge if fee is less than $3.

[8] Does not include National Archives and Records Service.

[9] No charge by certain Department of Health, Education, and Welfare organizations.

[10] Department of Health, Education, and Welfare Office of Planning and Evaluation charges for Freedom of Information Act requests only.

[11] No charge if fee is less than $5.

[12] 1st hr free.

[13] No charge if fee is less than $1.

[14] Freedom of Information Act requests and Privacy Act requests are 25 cents for the 1st copy and 5 cents for extra copies. Bureau of Land Management charges 10 cents for extra copies on Freedom of Information Act requests.

[15] 1st ¼ hr free on Freedom of Information Act requests.

[16] $2 search fee for reasonably described records. All other search fees determined on an individual case basis.

[17] Federal Railway Administration does not charge for searching on Privacy Act requests.

[18] Comptroller of Currency only—search fee $5 an hr. Minimum charge $5.

SEARCHING AND COPYING FEES CHARGED TO THE PUBLIC BY COMMISSIONS AND BOARDS

	Search fees (hourly rate)			
Commission or board	Professional	Clerical	Any agency employee	Copy fees (per page)
Civil Aeronautics Board	(1)			$0.15
Civil Service Commission			$5.00	.10
Commission on Civil Rights	[3] $17.76	[3] $4.09		[4] .03
Consumer Product Safety Commission			5.00	[5] .10
Federal Communications Commission			[6] [7] 8.00	[8] .08
Federal Deposit Insurance Corporation	10.00	4.50		[9] .10
Federal Maritime Commission		[3] 4.50		[10] .30
Federal Power Commission	(1)			[11] .10
Federal Reserve Board		10.00		.10
Federal Trade Commission	[6] 11.00	[6] [3] 4.20		[13] .10
International Trade Commission	[3] 11.65	[3] 5.35		[14] .10
Interstate Commerce Commission	[15] 12.00	[15] 4.00		[16] .25
Nuclear Regulatory Commission	[6] 12.00	[6] 5.00		[17] .10
Renegotiation Board	9.00	5.00		.15
Security Exchange Commission			[3] 5.00	[10] [18] .15

[1] No charge.

[2] 1st ½ hr free.

[3] 1st ¼ hr free.

[4] No charge if fee is less than $5.

[5] No charge if fee is less than $25.

[6] 1st hr free.

[7] Freedom of Information Act requests only are $5 an hour.

[8] No charge if fee is less than $4.

[9] No charge if fee is less than $2.

[10] Minimum charge of $2.

[11] Minimum charge of $3.

[12] Paraprofessional search fee—$5.20 an hour. 1st hr free.

[13] No charge if fee is less than $10.

[14] No charge if fee is less than 50 cents.

[15] Search charge for Freedom of Information Act requests only.

[16] No charge for 1st set of copies for Privacy Act, additional copies 10 cents. Freedom of Information Act requests are 10 cents a copy; all other requests 25 cents.

[17] Different fee schedule applies to requests presented at the Nuclear Regulatory Commission document room.

[18] Different fee schedule applies to self-service and priority service.

SOLAR ENERGY HEATS MOUNTAIN HOME BUSINESS

Mr. McCLURE. Mr. President, as a longtime advocate for solar energy, I am pleased to learn that former Air Force Capt. Jim Burchfield, of Mountain Home, Idaho, has successfully applied solar heat commercially. At a time when the development of domestic energy resources is crucial to our Nation's wellbeing, efforts such as these are most encouraging. Captain Burchfield's success in capturing the Sun's energy efficiently and economically deserves recognition and commendation—and I ask unanimous consent that an article, derived from the newsletter Idaho Image, describing his accomplishment be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Solar Energy Heats Mountain Home Business

Scrubby's Cafe in Mountain Home is the state's first commercial application of solar heat.

Its owner, former Air Force Captain Jim Burchfield, conceived the idea when he picked up a science book his son brought home from school.

At present, the system heats water and air in his 3,300 square foot building off the air base highway. The solar heating system cost about $5,500 above original construction costs, but it is estimated that the system saves approximately $175 in heating costs per month.

The building has three gables with roofs facing just west of south and tipped at an angle of 53 degrees.

The facing puts the most sunlight on the panels, summer or winter and the pitch of the roof has been determined the best for catching the flattest and most direct rays of the sun.

The system also works as an air conditioner to keep the place cool in the summer.

The roofing is sheets of corrugated aluminum with the furrows running up and down and painted flat black with the kind of paint used inside cameras to prevent glare and reflection.

The aluminum sheets are covered with "Tedlar" fiberglass panels, that are made with a "greenhouse film". The film traps light rays between aluminum sheets and the fiberglass.

Copper pipes run along the tops of the three sun-facing roofs and water pumped from the basement trickles from them down the furrows in the alumium sheets, picking up the heat and draining back to the basement at 150 degrees.

In the basement there is a concrete cell 10 feet wide, 24 feet long and 8 feet deep. In one corner is a 275 gallon steel tank with a 42 gallon water tank inside.

There is a 2,000 gallon steel tank in about the center of the cell. A layer of cinderblocks is on the bottom and the remaining space is filled with cantaloupe-size river rock to a depth of five feet.

The heated water coming from the roof panels goes into the 275 gallon tank, heating the water in the smaller enclosed tank to 110 degrees. At this temperature the water is pumped out and a booster heater puts it up to 140 degrees to meet health department regulations and it is used for washing utensils and dishes, as well as in the restrooms.

The balance of the 150 degree water from the roof goes into the 2,000 gallon tank where it takes a few days to heat the rocks to 90 to 100 degrees. Air circulation from the preheated rocks is then blown into the restaurant as a heating source.

SELECTING THE NATIONAL COLLEGIATE DEBATE TOPIC

Mr. NUNN. Mr. President, it has come to my attention that America's colleges and universities are considering adopting as their official 1976–77 debate topic the proposition: "Resolved: that members of NATO should adopt a common procurement policy for all weapons systems." Few topics could be more timely or more worthy of discussion. The absence of standardized and interoperable arms and equipment within NATO has conferred upon the Atlantic Alliance a major disadvantage vis-a-vis the Warsaw Pact. Indeed, Gen. Andrew J. Goodpastor, former Supreme Allied Commander, has stated that the combat potential of NATO's general purpose forces has been degraded by 30 percent as a result of failure to standardize. Moreover, the economic penalties to NATO members stemming from predominantly national approaches to weapons design and procurement total an estimated $10 billion per year.

The growing interest in standardization on both sides of the Atlantic is evident in a plethora of studies, conferences, and official pronouncements on the subject. Congressional interest is manifest in the Nunn amendment of 1974 and Culver-Nunn amendment of 1975 which:

First. Impose upon the Secretary of Defense the requirement to "initiate and carry out procurement procedures that provide for the acquisition of equipment which is standardized or interoperable with equipment of other members of the North Atlantic Treaty Organization whenever such equipment is designed primarily to be used by personnel of the Armed Forces of the United States stationed in Europe under the terms of the North Atlantic Treaty," and

Second. Require the Secretary of Defense to report annually to the Congress "on the specific assessments and evaluations made under the above provisions as well as the results achieved with the North Atlantic Treaty Organization allies."' This year, the Senate Armed Services Committee approved an amendment proposed by Senators Taft, Culver, and myself which, among other things, encourages the development within NATO of common procurement requirements and greater reliance upon licensing and coproduction agreements.

Obstacles to standardization—parochial economic interests, considerations of national prestige, varying perceptions of the threat, differences in doctrine and tactics—are formidable. Moreover, some of these considerations are legitimate and require thoughtful analysis before the feasibility of standardization can be determined. Thus the question of whether the members of NATO should adopt a common procurement policy for all weapons systems is eminently suited as a topic of debate. It is my strongest hope that it be selected.

STATE LEGISLATURES SUPPORT S. 3219 VERSION OF SIGNIFICANT DETERIORATION

Mr. BUCKLEY. Mr. President, our distinguished ranking minority member of the Committee on Public Works, Mr. Baker, recently received a letter from the National Conference of State Legislatures. That letter strongly supports the provision of S. 3219 relating to significant deterioration of air quality. Because the Senator from Tennessee is necessarily absent today, and because of the significance of this letter, I ask unanimous consent that a copy of his remarks and a copy of the letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by Senator Howard H. Baker, Jr.

Mr. President, in the near future the Senate will be considering S. 3219, the Clean Air Amendments of 1976. Much time and effort has been spent on these Amendments by the Committee on Public Works. Faced with many difficult decisions in the preparation of these amendments, our Committee worked hard to balance the concerns of all interested parties. And I believe that the Committee has been able to strike an equitable balance in the reported language of S. 3219.

Probably the most controversial of the issues in this bill is the one that defines "no significant deterioration" in clean-air areas. I am sure that each of my colleagues has been inundated with diverse and often conflicting information regarding this provision. I recently received a letter analyzing this provision that I think should prove helpful to my colleagues in their deliberations. The letter which is from the Intergovernmental Relations Committee of the National Conference of State Legislatives. It states most succinctly some of the problems and concerns of the states with regard to recent opposition to the Committee's proposal on no significant deterioration.

It should be noted, of course, that the thrust of our bill is to transfer the responsibility for implementing the significant deterioration provision from the Federal bureaucracy to the States.

In conclusion, I might also point out that my good friend Tom Jensen, Minority Leader of the Tennessee House of Representatives, is president of the National Conference. He has done a fine job in that post, as well as in his excellent work in the Tennessee House.

National Conference
of State Legislatures,
Washington, D.C., May 17, 1976.

Senator Howard H. Baker, Jr.,
U.S. Senate, Washington, D.C.

Dear Senator Baker: On behalf of the Intergovernmental Relations Committee of the National Conference of State Legislatures, I urge you to oppose the amendments offered by Senator Moss of Utah to S. 3219, the Public Works Committee bill amending the Clean Air.

The Senator's amendments would delete the existing section of the bill preventing significant air quality deterioration in areas cleaner than federal standards. Instead, the Senator proposes a one-year study by the National Commission on Air Quality to determine the effect of implementing any non-significant deterioration requirements. The Senator contends that there is not enough information to forge a balanced non-significant deterioration policy.

As the policy-formulating body for the full National Conference, the 650-member Intergovernmental Relations Committee opposes the Moss amendments for several reasons. First, and most important, the IRC believes that Congress should establish federal policy on this question—not the courts. Since the Environmental Protection Agency's existing regulations are under litigation, the effect of the Moss amendments would be to let the court decide the requirements to which states will be expected to conform. Given the inadequacy of existing Congressional guidance on this question, there is no assurance that resulting court-ordered policy will take account of the states' need to balance environmental with other concerns.

Depending on the court ruling—and a decision favoring EPA is considered unlikely—enactment of the Moss amendments could thus subject states to three different regulatory regimes in the next few years: the existing Agency regulations, a court-ordered revision of them, and whatever policy Congress eventually enacts after the Commission completes its study.

State governments cannot operate effectively under such discontinuity. Stable federal policy is essential for realistic long-range state planning for the infrastructure needs of industrial development and attendant commercial and residential growth.

The prospect of fitful tampering with such a delicate regulatory mechanism is doubly unfortunate because it is so unnecessary. There is already an adequate basis for responsible Congressional action, and the proposed Commission study would probably add little of significance to the information currently available. EPA has already spent eight months and $1 million evaluating the possible economic impacts of Senate and House proposals, and the Federal Energy Administration has spent about $150,000. The electric utility industry also commissioned a study by the National Economic Research Associates (NERA).

None of the studies projects anything near a crippling impact on the power industry, which by all accounts is expected to be mostly heavily impacted. NERA estimates that from 1975 to 1990, the industry would have to spend about 3 per cent more in capital investment to comply with the non-significant deterioration provisions now in S. 3219. Allowing for variations in terrain and meteorological conditions, EPA has concluded that a 1,000 megawatt power plant could locate as close as 5 miles, and no more than 60 miles, from a Class I area without violating its air quality increment. If the location of the plant would not violate air quality values over the federal lands, the plant could be sited even more closely.

To keep perspective on the likely impact of the Senate proposal on the expansion of electric utilities, one should also keep in mind that the federal lands earmarked for mandatory Class I designations in S. 3219 total only 1.3 per cent of all U.S. land area.

Nor would S. 3219 appreciably escalate consumer prices, the studies find. Assuming the most probable case, the industry-financed NERA study concludes that the average additional yearly cost to the average household in 1990 would be 3.7 per cent. Under worst-case assumptions, the average per household additional cost in 1990 is put at 4.26 per cent.

Cumulatively from 1975 to 1990, the non-significant deterioration proposals in S. 3219 would raise average household costs 1.85 per cent a year under the industry's study's most-probable-case assumptions, 2.16 per cent under its worst-case assumptions. Some of these assumptions have been challenged by EPA analysts, who estimate that the impacts would be slightly smaller nationwide, and much smaller in particular regions projected to be most affected in the NERA study. All studies include in their cost impact estimates not only the direct effect of the proposals on electricity bills, but the indirect effect of higher electricity costs on other products.

In sum, none of the findings in any of these studies confirm the assertion that the Senate proposal would "effectively curtail much of our general industrial output and most of our new energy development." There is however, a growing body of scientific evidence suggesting that industrial pollution at levels below existing federal standards may damage commercial crops. The U.S. Forest Service, concerned in 1973 about a substantial reduction in timber volume from sulfur dioxide and acid rain, urged a cautions approach to allowing any further deterioration in air quality. Damage to wheat, potatoes, spinach, apples, spruce trees, and white pine has been traced to sulfur dioxide pollution at levels below secondary standards. EPA has reported that this pollutant at concentrations below the 3-hour secondary standard may also damage alfalfa, broccoli, and radishes by reacting with other pollutants.

Finally, there is evidence that public health is adversely affected by chronic exposure to sulfur dioxide and particulates at levels below standards. The National Environmental Research Center, for example, has found aggravation of respiratory symptoms in asthmatics and the elderly.

Thus, to widen the margin of safety for our health and welfare, as well as to provide a reasonably stable set of rules for state and local economic planning, we need a Congressional policy on non-significant deterioration now. Given the existing evidence, the Intergovernmental Relations Committee believes that further study would produce more delay than useful data. While we would like more state flexibility than the bill now provides, we urge you to vote against the proposed amendments of the Senator from Utah.

Sincerely,

NANCIE FADELEY,
Oregon Chairman, Natural Resources Task Force, National Conference of State Legislatures.

MAY IS OLDER AMERICANS MONTH

Mr. CHURCH. Mr. President, our Nation has officially designated May as "Older Americans Month" for over a decade.

At this time, ceremonies are conducted throughout the 50 States to honor our elderly and pay tribute to their many contributions.

This year—the year of our Nation's Bicentennial—Older Americans Month takes on added meaning.

It provides an appropriate benchmark to take stock of the great progress in the field of aging during the past 200 years.

When our Nation declared its independence in 1776, there were only about 50,000 persons 65 or older in the United States, just 2 percent of our entire population. Life expectancy at birth then was probably 38 or 39 years.

By 1900, there were 3 million older Americans, representing nearly 4 percent of our total population. Today there are approximately 23 million elderly persons, or more than 10 percent of our population. Life expectancy has also increased to 72 years.

Our Nation can look back with pride upon these accomplishments. But we must also look ahead in responding to the problems and challenges facing the aged of today and tomorrow.

We must come to grips with the retirement income crisis that affects so many.

We must improve our health care system to make medicare more comprehensive.

We must be more innovative in providing job opportunities for elderly persons who want or need to work.

At many State capitals throughout the Nation, senior citizen groups and their representatives are grappling with these problems and other issues.

One such example is in Idaho, where Gov. Cecil Andrus proclaimed May as "Older Americans Month" and the week of May 9 as "Employ the Older Worker Week."

His message, it seems to me, has special meaning and application now.

Mr. President, I ask unanimous consent that the Governor's two proclamations on "Older Americans Month" and "Employ the Older Worker Week" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Governor Cecil D. Andrus has proclaimed the week of May 9, 1976, as "Employ The Older Worker Week," and the entire month of May as, "Older Americans Month."

Here is the language of the Proclamation:

"Whereas, this Bicentennial Year Americans have been reflecting upon the achievements of our ancestors; and

"Whereas, consideration should be given to a group of Americans and Idahoans who has a great record of achievement and who can continue to contribute to our heritage if they are just given the opportunity—our older citizens: and

"Whereas, during their years of work they have learned a great deal, gained invaluable experience, and have come to appreciate a good job and to be proud of accomplishing such; and

"Whereas, now the task of our older Idahoans is to clarify, deepen, and find use for what they have already attained in a lifetime of learning and adapting; and

"Whereas, in honor our our older Idahoans who have so ably contributed to the growth and development of the State of Idaho throughout the years, now in this Bicentennial Year, we are desirous to recognize them and put forth our efforts to be of service to them;

"Now, therefore, I, Cecil D. Andrus, Governor of the State of Idaho, do hereby proclaim the month of May 1976 to be Older Americans Month and the week of May 9, 1976, to be Employ the Older Worker Week in Idaho, and I call upon the people of the State of Idaho to recognize, reenforce, and encourage the strengths and potentials of our older citizens to insure that society as a whole will continue to benefit from the learning and experience of age. I further endorse all efforts on behalf of older workers and encourage all agencies who work with them in job placement, counseling, training and retraining services to intensify their efforts during the year."

The Proclamation coincides with the annual awards meetings of Mayor's Committees on behalf of the elderly throughout the state.

WILL THERE BE A TRICENTENNIAL?

Mr. McCLURE. Mr. President, there will be a lot of Bicentennial speeches this year, but none more appropriate than the one delivered by Mr. James D. McClary at the Awards Dinner of the Moles in New York City, January 28.

Mr. McClary is chairman of the board of the Morrison-Knudsen Co. and the title of his speech was "Will There Be a Tricentennial?" He answered that question by saying there will if everyone of us got involved in the political process.

Because of its pertinence to the Bicentennial celebration, I ask unanimous consent that Mr. McClary's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Will There be a Tricentennial?

(An address by James D. McClary, chairman Morrison-Knudsen Co., Inc., at the 1976 Award Dinner of the Moles New York Hilton Hotel, New York, N.Y., January 28, 1976)

Gentlemen, I trust all of you know that this year the United States of America is observing the Bicentennial of its founding—it has been in all of the papers! Preparations are in progress at all levels of society to make certain this milestone in our history doesn't slip by unheralded, unnoticed and uncelebrated. Any notable occasion, from a garage sale to the forthcoming political conventions, will be suitably festooned with red, white and blue bunting, enlivened with a plethora of patriotic rhetoric and emblazoned with the significant date, 1776 to 1976—200 years—just in case our ability in higher mathematics should fail to provide us with that number and in case, also, that we are not familiar with the word Bicentennial.

We are being subjected, and we will continue to be subjected for the rest of this year, at least, to vignettes from our past, reminders of earlier glories and intimate glimpses into the lives of the founders of this great Nation. Every politician, minister, entertainer, do-gooder, demogogue, editor, columnist, car salesman and random speaker will find some parallel from our embryonic days to bolster whatever cause he may be espousing.

If you aren't beginning to get a bit weary of it by now, I feel confident you will before it is over—and we still have five months to go before that all-important anniversary of the signing of our Declaration of Independence arrives.

To my notion, there is a distressing note in most of the outpourings in this carnival atmosphere, one topic with which we should be concerned probably will not be explored in much depth. That topic is this—OK, so we have come this far, we have weathered a lot of storms, but are we prepared to go on—will we celebrate a Tricentennial?

The first two hundred years of the existence of this Nation truly have been a miracle. But what about our role during the next one hundred years—or the next one thousand years?

Oh, sure, July 4, 2076, will dawn, and so will July Fourths in succeeding centuries. But will the world of those distant anniversaries know and be brightened by the continuing growth of the belief in the dignity and the freedom of man? The concepts of man's dignity, man's humanity to man, and the freedom of the individual are as old as man himself, but two incidents in history—the writing of the Declaration of Independence, followed by the adoption of our Constitution—gave man, for the first time, the guidelines and the machinery to make those concepts a reality.

The signers of the Declaration of Independence and the drafters of the Constitution believed in some rather basic precepts—precepts, which in some quarters today are held up to ridicule. They believed that government should be the servant of the people—that government which governs least governs best. They believed in equality of opportunity. They believed that diligence and work should be rewarded. They had respect for law and believed that transgressors should be punished. They held in high esteem the concepts of honor, loyalty, decency and morality. They put their trust in their belief in the existence of a Supreme Being. Their word was as good as their bond. They knew compassion, practiced courtesy, valued tradition and revered time-honored customs.

The Declaration of Independence was a one-time statement about conditions then existing and not subject to later modification. The Constitution, surprisingly, has been amended only twenty-six times since its adoption in 1787—and one of those deleted an earlier hysterical mistake dreamed up by the do-gooders of the time, leaving a net of twenty-four additions. The first ten amendments constitute the Bill of Rights and were passed by the First Congress to remedy what was considered a defect in the Constitution because it contained no code of fundamental civil rights.

It is interesting to note that one new amendment—the eleventh—was adopted before 1800. Four were added in the 1800's. The eleven remaining have been added in this century. It has proven to be an enduring document indeed, one that William Gladstone called ". . . . the most wonderful work ever struck off at a given time by the brain and purpose of man."

After the adjournment of the constitutional convention, Benjamin Franklin was asked by a lady, as he was leaving the Pennsylvania Statehouse, ". . . and what have you designed for us, Mr. Franklin?" Franklin reportedly replied, "A Republican, madam, if you can keep it." It is important to remember that this Nation of ours was founded as a *Republic* and not as a Democracy.

I have grave doubts that we are keeping Franklin's Republic. That is why I pose my question, "Will there be a Tricentennial?" Remember, the Founders of our Nation saw fit to amend the Constitution only once in the eighteenth century. It was amended only four times in the next one hundred fifteen years. Yet, it has been amended *eleven* times in this twentieth century and within the lifetime of many in this room. Two of these later amendments probably did more to endanger the survival of the Republic than all of the others—they are the sixteenth, which legalized the income tax, and the seventeenth, which provides for the direct election of U.S. Senators.

This trend itself should be a matter of concern. How many attempts to further change the Constitution will be made in the remaining years of this century or by the time of the Tricentennial?

We have created, through legislative action, executive fiat and judicial interpretation of the Constitution, a massive, horrendous, unmanageable governmental structure that goes far afield from the intent of the Founders as expressed in the Constitution and well beyond the wishes of a substantial majority of our people.

We have a government that not only threatens our individual freedoms—it is taking those freedoms away from us at a frightening pace. What is even more alarming, most of those individuals who are involved in government are *not* elected. Most of government today is composed of a faceless, appointed bureaucracy that is responsible only to itself. Congress passes legislation outlining a general intent to do something—something that sounds good, has the perfume of motherhood and looks like apple pie. The legislation contains language which provides for the establishment of a commission, an authority, an administration or a department and goes on to charge that ill-begotten agency with the task of developing its own rules, regulations, the manner of enforcement and the penalties for noncompliance. These become the law of the land by the simple device of publishing them in the Federal Register for all to see and obey. Interpretation of them is left to the various levels of the Judiciary, another appointed class of "lawmakers", who are not elected either, and who, unfortunately, have taken on the self-determined task of expanding and innovating new and far-reaching law by their own decisions.

Here are just a few examples:

Who can argue with the principle that employers should be required to provide a safe and healthful place for employees to work? Good intent, but is OSHA the solution?

Who can argue that providing for the health, education and general well-being of our people is not a proper concern for our government? Good intent, indeed, and prescribed in general terms in the Constitution. But are massive welfare rolls, social security, unemployment insurance, food stamps, child care, aid to unwed mothers, aid to unemployed strikers, aid to indigents, a college education for all regardless of academic ability, called for in that constitutional phrase "promote the general welfare"?

How about "provide for the common defense"? Does that mean expanding social programs at the expense of the defense budget year after year to the point where already we may be a second rate power? Does that mean "Detente," which means, at least to me, "keep talking, while they build up their strength and we decrease ours to the point where all we can do is talk"? And all of this in the face of poll after poll after poll that reports the public as desirous of being number one regardless of cost?

Do we "provide for the common defense" when we publicly parade our intelligence agencies across the world stage and systematically catigate and castrate them? How idealistic and unrealistic have we become when the chairman of a Senate sub-committee publicly declaims it is his intention to have his committee so restructure and regulate our intelligence agencies that they will never again be able to do anything that we wouldn't be proud of if it were exposed to public view? Can't you imagine how effective our intelligence gathering effort would be if all of the activities had to have the prior approval of a Congressional Committee and the results be fully reported to that committee, as has been approved? The members of that committee would trample each other to death trying to be first out of the committee room to "meet the press"!

Who can argue that we don't want clean air and clear water and a healthy environment and respect for the world's ecology? Good intent—motherhood and apple pie! But does that mean "Stop the world, I want to get off"? Does that mean no further advance in our standard of living—that we've gone about as far as we can go? Does that mean don't utilize the resources and technology we have to increase our electrical generating capacity by the use of our own fossil fuels and by fusion? Does that mean no more industrial development, no new products? Does that mean pure air everywhere and pasturized water in our streams and our lakes? If you can believe EPA it does!

Years ago a banker asked Harry Morrison, the 1947 recipient of your non-member award, "How on earth can a contractor go broke?" Harry's reply was short and sweet, "He simply runs out of money!" Gentlemen, a Nation goes broke the same way. No one—individual, company, state, or nation—can long support a champagne appetite on a beer income, and that is what we are trying to do today in these United States. Our Congress and our Executive Branch have pandered far too long to the demand of a noisy few just to stay in office. Let some vocal minority demand something and our elected officials fall all over themselves like a litter of puppies to be first to meet the demand. *They* are selling *our* birthright for *their* mess of pottage.

I am just as compassionate as most and probably more so than a lot of people. I believe I can see the ills of our Nation and of the World through sympathetic eyes. I know that social injustice and economic oppression prevail in many places—and I also know that they have existed in varying degrees since the dawn of time. I also know that we in the United States have done more in our short span to alleviate them than has any other people in history. Not only at home, but all over the World and all of it has been done with no thought of repayment, and hardly any respect for having done it.

But, I also know that no magic wand exists which, by a simple wave, will allow the correction of all the unpleasantness at once. And I'm very sure we won't help the situation by spending ourselves into insolvency and bankruptcy, leaving not only ourselves, but the rest of the World to the tender mercy of our "Brothers in Detente".

Without the achievement of fiscal responsibility in government—and soon—it won't be necessary to make preparation for a Tricentennial!

Now, what has all this been leading toward—what is the import of these remarks?

To put it simply, I want to encourage you to think about where we are, where it appears we may be going and what we—you and I—can do about it. You and I have been letting someone else attend to the business of our government. We have been content to contribute a few bucks to this political contender or that one—maybe shell out a little for the Party of our choice—buy tickets to a dinner and maybe go, or maybe we're too busy to go. Then we sit back and say, "Thank God, I don't worry about *that* again for two years" (or four as the case may be). In short, we have been content to let "George" do it. I have news for you, "George" has been doing a lousy job!

We have allowed the politicians and the bureaucrats to scare us away from fulfilling our obligations and exercising our right as citizens to become involved in the business of governing ourselves, which was one of the principal reasons for the Revolution in 1776. We have been too busy doing the business of business to realize that the American Dream is being eroded systematically.

I don't know if what is happening to our country has come about through accident, stupidity or design—I suspect it is some of all three. But I do know it has been allowed to happen through inattention on our part—yours and mine.

In recent years, laws have been passed which make it difficult—but not impossible nor illegal—for us to financially support candidates for Federal offices. The laws governing contributions for State and local candidates vary from State to State. Maybe, in one way, this restriction of contributions in a Federal election is a good thing, because, if anyone feels he has "bought" a senator or representative, he has received precious little for his money, based on recent performances of the Congress in general.

And let's be honest (even if our representatives aren't), labor has a stronger position under existing law than does business.

So, what can we contractors do? What can any American do?

Let's start by each of us getting to know our elected representative at all levels. Find out what makes him tick—find out where his support comes from—determine how he stands on the basic issues affecting what each of us believes. Go listen to him talk—check his voting record—determine whom he follows or leads among his peers.

If he stacks up in your judgement on all points, then do your utmost to get him reelected. If he doesn't then do your best to defeat him. Go find a better candidate.

See him at home during recesses or visit him in his office. Let him know how you feel on the issues of the day. Do this on a continuing basis, not just when you want something. If you can't see him, write him. Get to know the members of his staff—they are very important in passing on ideas or providing access to him.

Contribute to his campaign to the extent of the legal limits or to the limit of your own resources.

Work for him in his campaign—encourage your friends and your employees to do the same for the candidates of their choice.

Get to know and understand the issues so you can discuss them intelligently with him and with those you are trying to influence.

Join political action groups of your persuasion.

Get the members of your family working as hard among their friends as you should be among yours.

Discuss the issues of the day with your family so your children and grandchildren will learn.

If you feel so inclined, take a run at it yourself. You don't know if you could win unless you try. Try it—you might like it and you might bring a new outlook to the political arena.

And last, but certainly not least, vote—early and often!

Gentlemen, I am talking about involvement—total, personal involvement in the the political process. You are acknowledged as leaders in our industry and, presumably, in your communities. A leader's task is to lead, and to lead intelligently, one must be involved and informed.

Someone once said, "I am only one. But I am one. I can't do everything, but I can do something. What I can do, I ought to do. And what I ought to do, by the Grace of God, I will do."

If, in the years to come, we adopt that philosophy—all of us, maybe, just maybe—we can keep Mr. Franklin's Republic and there indeed will be something to celebrate during the Tricentennial year.

Thank you.

GENOCIDE: A CONVENTION, WHOSE TIME HAS COME

Mr. PROXMIRE. Mr. President, on April 29, the Committee on Foreign Relations favorably reported the Genocide Convention. This represents the fourth time that the committee has urged the Senate to act promptly to ratify this important human rights document.

This year I believe that the Senate has the best chance ever to provide that prompt ratification. There are a number of important developments in the past 6 months that make ratification inevitable, in my opinion.

First, the Senate has at long last begun to recognize the important human rights treaties that have been awaiting action. When this second session opened in January, the Senate promptly acted upon the treaties dealing with the political rights of women.

Second, the Genocide Convention has now received the strong backing of the American Bar Association, at their February Convention in Philadelphia. The bar association had been the only major organization that had serious reservations regarding the treaty over the past few years and the bar has now recognized that their concerns have simply not withstood the test of time.

Third, the Defense Department has now clearly established its position in support of the treaty. On March 16 I inserted in the Record letters from the General Counsel of the Defense Department and the three Judge Advocates General of the three services letters of strong endorsement.

Mr. President, the Genocide Convention has the wholehearted endorsement of numerous civic, religious, and civil liberties groups. It deserves our support as well this year.

BREAK DOWN THE BARRIERS

Mr. FANNIN. Mr. President, recently Discover America Travel Organizations, Inc.—DATO—held its national conference in Pittsburgh, Pa. At that conference, Mr. James L. Kerrigan, president of Greyhound Lines, which has its national headquarters in Phoenix, delivered an interesting and thought-provoking address on the importance of tourism to the American economy. I am certainly aware of the impact of tourism on Arizona's economy and the significant role played by private carriers like Greyhound.

Mr. President, I believe Mr. Kerrigan's remarks will be of interest to the Members of the Senate, and I ask unanimous consent that the complete text of his address "Break Down the Barriers" be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Break Down the Barriers

(By James L. Kerrigan)

Thank you very much. It's good to be here today. And I don't mean just here, in Pittsburgh. I mean here, in this great, glorious country of ours. America.

We're big. We're beautiful. We're glittering. We're golden. We've got it all. America is beautiful. And as bountiful as everyone of us wants to make it. We, in this room, have the greatest product in the world to sell. America. From sea to shining sea.

Gathered together here today is a cross-section of the leadership of one of America's greatest industries . . . tourism.

Let's take a look at what actually happened. Our business has grown—but . . .

Why do you see so many wide-bodied jets in mothballs? Where are all the passengers who were supposed to fill those seats?

Another gloomy picture is familiar to our hotel and motel friends. Empty Rooms. Especially on weekends.

The empty bed blues . . .

And remember all the grand talk about AMTRAK and a resurgence of rail travel in America?

I include my own business, too—no important growth in bus passenger miles.

The story is the same for automobiles, and gas and tires . . . and restaurants, and travel agents, and luggage manufacturers.

But there is a glimmer of light.

Looking at the booming cruise business.

Look what happened when a lot of production lines closed down last year.

People took their unemployment checks and went traveling.

People want to travel! The motivation is there! People have the desire, the time, the freedom to travel.

What went wrong?

It's just a couple of months until the Fourth of July, 'Seventy-Six. So let's hear some fireworks.

Let's hear the boom I've been talking about. The boom that bombed!

So why has it been so quiet?

Let me pause and spell out something we all know.

Tourism is a great and growing industry.

And when I say tourism, I mean you! And me. Everyone in this room.

We carriers, who say we are in the transportation business, are truly in the tourism business. We don't just transport people—we carry them to the places they want to go; to do the things they want to do.

You in the automobile business—or tire—or oil—are equally in tourism. Of course, our Travel Agents know what they are selling is tourism. You who are in the hotel or motel business are not selling rooms and services. You are selling tourism.

You who represent a City or a State or a Region or an Attraction, are also selling travel and hotels and everything else that makes up tourism.

And all the rest of us—we may think we are selling sightseeing or meals, or rent-a-cars, or luggage, or cameras, or credit cards, or magazine space. . . . But we are all selling tourism in America. So while I review the data about this dynamic business, I include all of us. Because each of us separately and all of us together have but one product. One on-going purpose. Tourism. Let me restate the facts. Most of us know them well, but they are so important that we must repeat them, underscore them, dramatize them.

It is a common prediction of our economists that America's greatest prospect for growth lies in our Service Industries. And the most viable of the Service Industries is tourism.

Let's quote a few facts: But, first, let's make clear what we mean by the word "tourism." How our data are calculated. To put it simply, tourism includes any trip, for any reason, over 100 miles.

18 million international travelers are expected to spend 6.6 billion dollars in the United States in 1976.

Private investment in hotels and motels during the '70s alone is estimated at $20 billion.

Combined investment and consumer spending for tourism is estimated at a trillion dollars in the 1970's.

Foreign governments spend over $20 million in each year—which adds up to $200 million in the '70s in U.S. advertising media to promote travel abroad. Total tourism media advertising in the U.S. is estimated at $250 million per year.

Tourism contributed about $60 billion to our Gross National Product in 1974. More than $70 billion in 1975.

That's more than agriculture.

Twice as much as the communications industry.

Three times as much as the mining industry.

And the National Tourism Resources Review Commission, perhaps optimistically, forecasted that figure would rise to about $127 billion by 1980.

But perhaps more important than any of these factors is that tourism creates employment. . . .

Jobs! More than four million jobs in 1975.

A lot more in the years to come.

And that's important. Important to you. Important to me. Important to our government. Important to America. Now let's ask ourselves a sober question. Or two. Why are we falling behind the glowing forecasts of a few years ago?

What must we do to make sure we achieve the greater growth we expected and must have?

We must identify what has slowed our path of progress. We must identify the barriers to our "bigger boom." Then we must break down those barriers.

Let me dramatize for you, as I see them, exactly what the barriers are, to these people traveling.

First, there are the emotional barriers: Fear, frustration, and lack of confidence.

Then there are the practical barriers: Peaks and valleys, no one voice in Government, unawareness, and parochialism.

Let's talk about the Emotional Barriers for a moment. Fear, for instance. Fear of the unknown. Hesitation to leave familiar surroundings. How many people never travel at all unless they can climb in their cars and drive to a relative's house?

How many Americans stay at home—right in their own back yards—because they are afraid to expose themselves to even the most simple and basic elements of travel? How much to tip? How to secure a hotel reservation? How to plan an itinerary? How to allocate available vacation funds for maximum value? How to make travel connections?

And then there is frustration. Frustration over the inadequacy of our front-line information service. The difficulty in planning a trip that involves more than one method of transportation. The frustration over surly or indifferent employees who confuse service with "Servitude"; with those who represent Labor, who sometimes forget that they can have no success unless the industry is successful.

Now, look at lack of public confidence. Whether we like it or not, our industry does not enjoy strong public confidence.

It's an unwarranted and unjustified public attitude, but nevertheless, very real and caused by our failures to more aggressively and sincerely attack and solve such problems as misinformation, missed connections, overbooking and effective quality control of the services we offer.

Now, what are some of the practical barriers?

We all have the problem of peaks and valleys. In all our businesses.

Airlines must maintain air craft and personnel to handle summer and holiday traffic surges, then watch their overcapacity eat up profits during slower periods.

Our intercity bus lines have the same problem, with minor variations.

Hotels and motels could increase their business tremendously if they could bring weekend room occupancy anywhere near the mid-week figures.

And how about our resorts, and regions, and attractions and Parks that are closed half the time?

Peaks and valleys. A serious barrier that affects us all. A Barrier that will always be with us—but about which we can do a lot more than we have been doing.

Our government has many Agencies, Commissions and Bureaus whose aims and desires are the same as ours.

That's the problem. There are too many. There are dozens. And Tourism has No Single Voice in Government. No single Agency to speak to us . . . or for us to speak to. No single government agency to speak for us.

Just about every Cabinet post is represented.

In the Department of the Interior we have the Bureau of Land Management and the Bureau of Outdoor Recreation.

The National Park Service . . .

In the Department of Agriculture we have the U.S. Forest Service.

Even the Department of Defense has its public lands, controlled by its Corps of Engineers.

Then, too, of course, there are the agencies that regulate the transportation aspect of Tourism. The DOT, the CAB, the FAA, the ICC. Not to mention the Federal Energy Administration and the Environmental Protection Agency . . .

In the Department of Commerce, we have the Bureau of the Census . . . and very importantly, the United States Travel Service, where Discover America Travel Organization works closely with Assistant Secretary of Commerce for Tourism, Creighton D. Holden.

Each of these bodies operates independently of the others—and independently of the overall interest. Each is capable, through lack of coordination and communication, of inadvertently causing serious problems for the others. And it happens. Often.

Look in your pocket or purse. Select a coin—any coin—nickel, dime, quarter even a penny. You'll find on every one the phrase, "E Pluribus Unum." It means "From Many, One." And that is exactly what the Tourism industry needs so desperately—a single Federal Voice within government which will speak loudly and clearly—and sensibly for all facets of our great industry.

The President's Review Commission recommended this in 1973, asking for a new Bureau to be headed by an Undersecretary.

Tourism has had enthusiastic support from (Some Members of Congress). Bill Toohey of DATO has testified before the House Appropriations Sub-Committee, advocating an increase in the level of funding for both foreign visitor and domestic tourism promotion.

In spite of their efforts, all that has happened is that our U.S. Travel Service has had Domestic Tourism added to its responsibilities. And I believe that, as of now, the Administration has not requested funding for Domestic Tourism after October of this year.

Fragmentation, divisiveness, lack of unity of purpose are the products of the current system . . . a system which has thrown up a major Barrier in the path of an industry which is vital to our country.

The next great BARRIER could be called "lack of information"—but I prefer the less pleasant but more graphic word—"Unawareness". . . Unawareness on the part of the Industry. Unawareness on the part of our Government, Unawareness on the part of our customers.

Some may disagree when I talk about Unawareness on the part of the Tourism Industry. There's far more Research done in this area than any of us have time to read. Especially in recent years, the Travel Data Center has done an outstanding job. And the Travel Research Association has been very effective in collecting and disseminating this information.

But the really basic study, conducted by the Bureau of the Census, was last carried out in 1972 . . . and did not include many areas of importance to us.

The next study is not scheduled until 1977.

What about unawareness on the part of our government? How else can we explain the decisions that have been made by these well-meaning and intelligent people?

The reluctance of our bureaus and agencies to communicate with each other . . .

Our delay in up-dating our antiquated, 50-year-old system of visas; and our all too frequent indifferent and inhospitable welcome to foreign visitors . . .

Our cliff-hanging crises with our Energy and Environmental agencies . . .

Our failure to provide adequate funding for the United States Travel Service for Tourism . . . especially Domestic Tourism.

Perhaps the Unawareness that hurts us most is that of our prospective customers.

I'm talking about Marketing. About Advertising and Public Relations. We are all doing our own promotion. It's hard to avoid seeing ads that tell us how much better one airline is than another . . .

How much more convenient one bus is than another . . .

How one hotel has a better location or nicer rooms than another . . .

How much more scenic or friendly one region is than another.

That's fine. That's the way it is . . . and always should be. But when did we last see an advertisement in newspapers or magazines that sold the basic idea of seeing America first?

When did we last see a television commercial which depicts America in all her splendor as the ultimate vacation objective, again, without an airline—or bus line—or hotel chain—or automobile manufacturer promoting their own interests?

Sure, we've seen the fine advertising material developed and produced by DATO. And the "Discover Bicentennial America" campaign carried out by DATO through a grant from the American Revolution Bicentennial Administration.

But our exposure has mostly been limited to tourism trade publications or internal meetings within the tourism industry.

Even though DATO has continuously emphasized its importance, there has never been a Tourism promotional program of sufficient magnitude to be effective.

Now don't misunderstand me. I'm not for a moment suggesting that the carriers, hotel and motel people, or the states and regions—or any element of the tourism industry—submerge their own identity and stop promoting their own competitive advantages. Such an idea would be ridiculous and totally inconsistent with what America is all about.

Not selling the whole pie but, rather, bits and pieces, has created another significant Barrier to Tourism growth in America.

I call that Barrier Parochialism.

Parochialism means narrowness. Narrowness of thought. Narrowness of scope. And I accuse all of us in this room of being guilty of Parochialism. Myself included.

Another way of saving it is that too many of us are wearing Blinders. We see it in the promotional activities of regions and hotels apparently caring only about dividing up the patronage of people, once they decide to take a trip.

We see it in the activities of our ancilliary business, such as banks and luggage companies, who don't seem to realize that they, too, are selling Tourism.

But we see it mostly in my own area . . . the carriers . . . airlines, railroads, bus lines. Carriers who are blinded to the fears and difficulties and frustrations of the traveler, except in their own narrow sphere.

How many trips require more than one mode of transportation? Yet, have you ever tried to get rail information in an airline office? Or airline information in a bus terminal? Or to coordinate a trip by all three modes with a travel agent?

Why do you have to visit as many as three separate ticket offices to buy a simple ticket?

Who helps the traveller to get his luggage from terminal to terminal to terminal?

The fundamental principle in selling anything is to make it easy to buy.

One of our greatest Barriers is the fact that we are not making it Easy to Travel.

. . . On the subject of Barriers, let me highlight some new ones which could be very serious.

For example, the environmental extremists are talking about eliminating the lodging and camping facilities in our National Parks and public lands. This would make them unavailable, in effect, to anyone but our backpacking hiking "athletes"—and not to all our children and older people, our handicapped people—unavailable, in fact, to most of our customers.

Then there is the attack on our Monday Holidays . . .

We've already lost Veterans' Day . . .

The "no growth," "stay away" policies being considered and adopted by many of our cities, states and regions . . .

The I.R.S. move to further restrict travel expense deductions on trips abroad, which would surely result in reciprocal action by foreign governments.

I have spent some time identifying the Barriers to the vital growth of Tourism.

Now I call upon the industry to destroy them—to Break Down These Barriers.

And here are the big guns that we can bring to bear to smash them: Research; Education; Cooperation among Ourselves, and Effective Partnership with Government.

Our first big gun to break down the barriers to Tourism is Research. The Bureau of the Census has scheduled a major travel study for 1977; one involving sufficient funds to do the job that's needed. This is what we have been waiting for.

Hearings on this study were held by the Senate Tourism Subcommittee for Foreign Commerce and Tourism.

DATO was able to submit our views at these hearings, and they were well received. We were able to underscore the fact that past plans for Tourism Research were grossly inadequate. That we need Tourism Research every year.

The most recent study will be five years old in 1977!

The content of these studies is also vital. Research may be a helpful answer to our problems of Peaks and Valleys. For example, we tend to think of Senior Citizens as our prime market for off-season travel. But do we really know? Let's identify this market. Who are they? Not just retired people. How about young people? Handicapped people? Teachers on Sabbatical? Who else? Male? Female? Age? Income? Reason for travel?

DATO was also able to impress on the Committee the need for accurate data on expenditures for Tourism . . . and on employment in the industry.

But perhaps our most important contribution to this Research is in the area of Methodology, the need for Uniformity. The ability to cross-reference our Research so that when any of us quote figures we are all talking the same language.

These are some important areas where Research can smash the Barriers!

Our next big gun is Education.

Education of our Employees. Education of American Industry. Education of our Children. Education of our Educators.

You've probably heard the expression: "The Front Line is the bottom line." It expresses so graphically the need for better training of our people who meet the public.

We must foster, promote and educate American Industry to include in their planning the changes that would do so much to solve our problem of Peaks and Valleys. For example:

Off-season vacations; vacations in the Fall and Winter; during school breaks, etc.

The four-day week, which so many companies have found to work so well.

The long weekend, with days off tied to Holidays. We must educate our children to travel . . .

With travel as a classroom subject . . . with class trips as part of the curriculum—not just a graduation treat.

We must educate our Educators . . .

With a much more organized system for travel credit. With promotion of the year-around school system.

There is nothing sacred about the traditional June, July or August vacation. People travel in summer for two reasons. Weather and school vacations. Neither reason should be a deterrent to travel.

Year 'round use of educational facilities would permit school vacations to be enjoyed throughout the year, levelling the Peaks and Valleys which are so costly to our industry. With any destination in America only several hours away, weather no longer should have the impact on vacation decisions that it once had.

But most of all, we must work toward a new degree of respect for the travel industry.

With Tourism recognized as a Profession.

With the establishment at many more of our colleges of a continuing program of Tourism as a Major course of study, such as those at Michigan State, the University of Hawaii, Florida International University and the Institute of Transportation, Travel and Tourism at Niagara University, culminating in a degree in Tourism.

The next big barrier-breaker is one we, in this room, can accomplish without help from anyone but ourselves. And that is:

COOPERATION AMONG OURSELVES

We can start right here to "make it easier to travel" . . . to break down the barriers of fear, ignorance and frustration. To do so through what I call the Intermodal Concept, which means: One Terminal, One Ticket, One Baggage Check . . . regardless of the length of the trip or number of transportation modes involved.

The tourism industry does not have an effective marketing program to stimulate domestic travel. We never have had such a program. We do have a marketing Barrier. The government is not about to do it for us. DATO cannot do it for us—alone. But we, you and I and every component in this great industry of ours can get it done.

Using DATO as our national forum and our catalyst, we can aggressively call upon government to work with industry on a well funded program to promote Tourism in America.

I propose that, under the auspices of DATO, we, the individual companies that comprise the U.S. Tourism Industry, develop a definite plan to accomplish this. I propose that we establish a budget for this program. I suggest that the amount of that budget be determined by careful study and that we, as individual companies, make a definite commitment to spend a specific share of our own advertising budgets to provide the required funds.

I propose that we authorize DATO to present our commitment—our pledge—to the proper governmental agency, with the proviso that its implementation depends on a similar commitment from the Congress and the Administration.

Together with government, we can create a promotional umbrella which basically would sell America—and under that umbrella permit us to continue to advertise the respective virtues of our own services and attractions.

I challenge the DATO Board of Directors to establish immediately—at this Conference—the mechanism to carry out these objectives.

Possibly the hardest to achieve, but the biggest gun in our arsenal is: "An Effective Partnership With Government."

For too long we have been bemoaning the multiplicity of governmental agencies and bureaus, the lack of government support for Tourism, the unnecessary governmental barriers to travel.

Now, if ever, is the time to do something about it.

Because right now . . . the Senate is conducting a study aimed toward the establishment of a National Tourism Policy.

This is what we have been looking for! One place, one forum to plead our cause with government. To make clear to the right eyes and ears and minds the facts about:

The importance of Tourism to the national economy, particularly in terms of jobs and employment.

The *need* for a single, high-level advocate for tourism in our government. We need a separate Department of Tourism. A Secretary, or Czar, of Tourism.

But we here in this room cannot just sit back and wait for these things to happen.

We have the situation we have been waiting for in the Senate's National Tourism Policy Study. The people who are making the study have asked for our input. Let's give it to them in a way that counts.

We have a perfect catalyst in the Discover America Travel Organization.

Now it's up to us in the Tourism Industry. We must unite right now, with a firm commitment to partnership with our government... through DATO.

Responsible people from key organizations represented here must join together to commit: Their time; Their money; Their resources; and Their talents—to be a strong and equally committed partner in an effective, unified program to break down the Barriers.

So that we will achieve our goals of growth in the prosperity of our businesses; in the economy of our country; in jobs for our people... in a new knowledge of America by all Americans. Let's put Americans in touch with America!

THE MIDDLE EAST

Mr. HASKELL. Mr. President, my colleague from Illinois, Senator STEVENSON, recently addressed the Anti-Defamation League of B'nai B'rith in Chicago about the present situation in the Middle East. In his remarks he asked the question to which none of us has an answer: Where do we go from here?

We must find an answer to that soon; the alternative is a war that will serve no one's interests.

As Senator STEVENSON said in his speech:

> Continued stalemate in the Middle East sooner or later will lead to another outbreak of war. It will be a war in which there will be no winners. Neither the U.S. nor the Soviet Union would win a nuclear confrontation. A war means, at the least, another oil embargo and a depression in the Western world. It means intense suffering and loss of life on all sides. And it might mean another war which decided nothing. The stalemate must be ended short of war.

Mr. President, I could not agree with Senator STEVENSON more. We must fashion a Middle East policy based on the realities of the situation and work toward a just settlement for all.

I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ADLAI E. STEVENSON OF ILLINOIS

REALITIES IN THE MIDDLE EAST

Remarks by Senator Stevenson at the Annual Dinner of the Anti-Defamation League of B'nai B'rith, Chicago, May 6, 1976:

I am not an outspoken admirer of Secretary Kissinger's style or policies. His step-by-step diplomacy in the Middle East delayed progress toward an overall settlement. It required tangible concessions by Israel which were not reciprocated by Egypt. I was one of a small minority in the Senate to vote against the Sinai Resolution. But when the Secretary of State says, as he did a month ago before a kindred gathering, that "the survival and security of Israel are unequivocal and permanent moral commitments of the United States," my response is a firm Amen.

Whatever else may be said about it, the step-by-step diplomacy of Secretary Kissinger has run its course. It is ended. The deadly impasse has resumed. In Jerusalem recently not one Israeli official among many could answer my question, "What next; where do we go from here?" Nor can American officials answer the same question—Where do we go from here? The U.S. has no policy in the Middle East.

The starting place for any sound policy is with reality. No sound policy can be based on anything else.

It is as a friend of Israel that I speak to you about realities in the Middle East. They are realities which we allow at Israel's peril and America's to be obscured by dangerous myths and wishful thinking. Unless there is movement toward peace, there is movement toward war.

The Sinai Accord represented no major departure for the U.S. in the Middle East. It was another expensive and impulsive effort to buy time. It bought another pause between battles in a long, continuing war. With each purchase of time, the lines hardened, the radicals gained influence. The Arabs in the main became more dependent on the Soviet Union—and the levels of violence for the next battle were raised. The nuclear threshold has now been reached in the Middle East.

American actions in the Middle East have not been founded on reality since the earliest days of Israel's secular existence. They have been dictated by expediencies in America and myths in Israel. All we did was buy time. And time was against everyone, except the most immoderate elements. The U.S. never had a policy in the Middle East; it hid from reality.

Now Israel is isolated in world councils; it has no other source of support, only the U.S. That is a reality.

Now the Arabs have virtually unlimited financial resources at their disposal. The burdens of war depress the economy and divide the people of Israel. That is another reality.

Now the moderate Sadat Government has little authority in the Arab world, except what it recovers by being immoderate. The Sinai Accord excited high expectations in Egypt which have been disappointed. So the Sadat Government's authority within Egypt may be diminishing. Without substantial aid, including military sales, Sadat could fall and Egypt be returned to the Russian orbit. With aid, Egypt, its strategic passes and oil in the Sinai recovered, could turn on Israel—again. Authority in the Arab world lost by Egypt was gained by Syria and the PLO. Their influence is large in Lebanon, which may be partitioned or join the ranks of Arab militants.

The support of oil-rich Arab states has given the PLO an unaccustomed measure of affluence. The Rabat summit in 1974 deprived King Hussein of his role as spokesman for the Palestinians and gave it to the PLO. Now Palestinians speak for Palestinians. And the PLO wins favor among those willing to forget, perhaps too quickly, the horrors of Munich and Lod airport.

The oil embargo of 1973 forced the Arab world upon Western consciousness as never before. So has the Arab boycott. The Yom Kippur war destroyed the myth of Israeli invincibility and Arab inferiority.

Americans are not about to sell Israel for a barrel of oil. But now it is easier to concede a legitimacy to Arab interests. An impulse, about as basic as the instinct for survival, seeks to accommodate forces upon which life depends.

The Arab image is improving. That is another reality.

I am not here tonight to say what I would like to say—and what you would like to hear. There has been too much of that.

Now American support for Israel depends on Israel. It is no longer automatic. America will not abandon Israel; but it will ask if Israel has abandoned itself.

The Israeli image is not improving.

Two months ago Israeli officials spoke to me with pride of the trusting relationship between Jew and Arab in Israel and the tranquil Arab acceptance of the military occupation of the West Bank. The municipal elections, scrupulously free of coercion, were an act of political courage and wisdom. A confident and trusting relationship with Arabs who are citizens of Israel and Arabs under Israeli administration was of inestimable worth.

Why has peace been put at risk by the continued establishment of Israeli settlements in the West Bank in violation of the Fourth Geneva Convention which states that "the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies"?

Why provide agitators with a tailor-made issue with which to incite riots in the streets of Nazareth by confiscating Arab-owned land?

Why permit the secret purchase of land from West Bank Arabs, in contravention of the Jordanian law which applies to them?

Why an ostentatious holiday march through the West Bank by thousands representing a militant Israeli minority? The predictable response was more rioting—and at a time when the Lebanese crisis had already heightened the possibility of another Middle Eastern war.

I ask these questions because some friend must. Israel has not been well served by those who hide from reality, nor by those who, perceiving the truth, have whispered their warnings. Now the hour is late.

I am grieved by an Israel isolated; an Israel protected on more than one occasion by only slender margin of an American veto from censure by the United Nations Security Council; an Israel, which a scant few years ago counted almost every Black African country a friend, welcoming to Jerusalem the leading apostle of apartheid.

Some of these actions are the free exercises of genuine democracy. Israel must respect minority opinion and minority rights, or Israel *will* have abandoned itself. Its ideals and its competence must measure up to standards we set for no other, or its claim to a special place in the conscience of the world and a special relationship with the U.S. will be compromised.

I am not casting bame on excusing others. The tendency to blame others—other officials, other countries, always someone else—is deeply disturbing. Analogies between Israel and South Vietnam have been made before—and they are not helpful to Israel now. It all signifies a new disorder in the ranks and an inability to accept responsibility.

There is little in what I say that is not obvious. Much of it is history already. My suggestion is to face the obvious. But who is prepared to do so?

Having sketched a cheerless picture of realities in the Middle East, I hasten to add that there are also rays of hope and promise. Some are prepared.

Many within the governing Israeli Labor Party recognize that the continued military administration of a million restless Arabs is not in Israel's strategic interest. Many in Israel believe it is time for the Israeli Government to recognize that the Palestinian people have a right to national self expression in the West Bank and in Gaza, either with a state of their own or with a semi-autonomous state within Jordan. The dangers of irredentism are real; but the dangers of continued stalemate, they realize, are greater. Of what avail, after all, are nuclear weapons and 'defensible" boundaries when the enemy is within? Demilitarized territories and internationally guaranteed boundaries offer Israel greater security.

Brave voices in Israel are raised in favor of accommodaing legitimate Palestinian interests. They do not suggest—nor do I—any move which would endanger Israel's future. They recognize that Arab hostility to Zionism has been an open sore for fifty years. It has been the root cause of five wars. It is a sore which cannot be healed by an agreement or by the passage of another generation. Any settlement must provide for security guarantees of undoubted valitdity.

I do not suggest unilateral concessions by the Israelis—nor do those in Israel who seek accommodation. Most Arabs do not require it—except in the heated rhetoric of Middle East war.

The common interests of Arabs and Israelis alike are often unperceived. Communication proceeds on separate public and private planes. It frequently has little to do with reality or the communication of truth. Public utterances by Arab leaders are distorted by the exaggeration and hyperbole which are a characteristic of Arab language and culture. The 1968 Palestinian National Charter calls for "the elimination of Zionism in Palestine," which can only mean the destruction of the State of Israel. In private most Arab governments accept, with a condition, the continued existence of the State of Israel. Arab leaders reaffirm their commitment to Security Council Resolution 242; compliance with that resolution is their condition for recognition of Israel. That resolution itself accepts the right of an Israeli state to exist. And no one, except the most extreme groups, like the Iraqis, rules out simultaneity—simultaneous recognition on the one side and withdrawal from occupied territories on the other.

For all the publicly expressed stubbornness and belligerance, most Israeli and Arab leaders want peace.

The Arab states, like Israel, set a high priority on internal development. They would like to use their new-found oil wealth to raise their people from centuries of malnutrition, inadequate housing and lack of education. Most Arabs—like Israelis—are weary of the burdens of an armed camp. All seek national independence and freedom from external influences. Arab nationalists seek independence of the Soviet Union as much, at least, as do Israeli loyalists independence of the U.S.

A way must be found to overcome the suspicions and provocations on all sides, and it could be. If a direct Arab-Israeli negotiation is not feasible—and some authorities say Arab culture requires settlement of disputes through middlemen—then outside powers with important stakes in the Middle Eastern peace must facilitate negotiation, at Geneva or in another forum. They cannot impose a settlement, but they could establish the principles to guide a settlement and initiate the process by which it is reached. Only outside powers can appeal to the common interests in peace and overcome the widening gulf of self-inflicted fear and suspicion which divides the warring parties.

In all of this the Soviet Union has a potential to foster peace—or to block it. Russia's purpose in the Middle East is not entirely clear. It may see a Middle East settlement as serving its interests. Recent statements from Moscow indicate as much. But the obsequious pursuit of detente by Secretary Kissinger and the Presidents who have served under him has produced the reverse of detente—tension. Russian imperialism is moving, as we have seen in Angola. It is pushing to the limits, and we are establishing no limits. If Russia views continued instability in the Middle East as best serving its interests, then it must be made to understand it cannot enjoy American imports, credits and access to American markets and other benefits of detente without accepting the responsibilities of detente. Russian participation in a common effort to bring about a settlement would be welcome proof that detente has some meaning to the Soviet leadership.

There are those who believe that it is too late for peace in the Middle East. Some respected authorities say the conflict must move to war and to the brink of a nuclear exchange. Then, so the theory goes, the superpowers will be forced to intervene; to impose a settlement and save themselves.

I disagree.

I do not believe it is too late; certainly it is not too late to try.

Continued stalemate in the Middle East sooner or later will lead to another outbreak of war. It will be a war in which there will be no winners. Neither the U.S. nor the Soviet Union would win a nuclear confrontation. A war means, at the least, another oil embargo and a depression in the Western world. It means intense suffering and loss of life on all sides. And it might mean another war which decided nothing. The stalemate must be ended short of war.

Let there be no misunderstanding. America's commitment to Israel is unequivocal. The day America abandons Israel will be its last day as a great power. But America's will is not now tested; Israel's is tested.

Peace requires Israel to act greatly. It requires the understanding and the humility of which the prophets spoke. It requires preparedness and firmness. It requires your continued support and mine. Peace requires leadership in America and Israel which acts from a recognition of moral obligations, true self-interest—and from a perception of reality.

The elements of a lasting settlement are there—waiting to be put together by men brave enough to make peace, instead of war.

So let us be brave—and then we will look back to this as the time when the process of peace was started; when the walls began to topple; when men learned again to esteem brotherhood and truth—and the honor of a generation was saved.

A FLEET TO MATCH OUR REAL NEEDS

Mr. TAFT. Mr. President, I would like to bring to the attention of my colleagues an article which appeared in the Sunday Washington Post, by Vice Adm. George P. Steele, entitled, "A Fleet To Match Our Real Needs."

Admiral Steele's article is one of the most perceptive analyses I have seen of the needs of our Navy and of the capabilities and limitations of certain types of warships. The views which the admiral presents in this article are, in a number of cases, parallel to my own. In particular, I agree with Admiral Steele about the strike cruiser, and about the capabilities of the modern nuclear powered attack submarine. As I noted in my additional views to the report of the Armed Services Committee on the Defense authorization bill, the nuclear submarine is not seriously threatened by antisubmarine warfare based on cruisers, destroyers, and frigates of traditional design.

I do feel there are some possible weaknesses in what Admiral Steele has suggested in his article. I concur with him that we cannot put our high-value forces into the high threat areas until hostilities have begun; our carrier task forces in particular are too vulnerable to a Soviet pre-emptive attack in such situations. However, if we withdraw the carrier task forces from these areas and assign their antiship duties to submarines, we have in effect handed the Soviets a tactical victory; while the submarine is a very effective antiship platform, it has no capability to project power ashore. For this reason, I proposed in my White Paper on Defense that this forward role be given primarily to low-mix carriers designed for VSTOL aircraft. These ships would have a projection capability. Supplemented with submarines and ships such as hydrofoils and surface effect ships, they would provide a flexible and multipurpose force in forward areas, while permitting the retention of the carrier task forces in safer rear areas.

This difference notwithstanding, I think Admiral Steele has, in this article, made a major contribution to the ongoing debate about what our Navy should look like. I urge my colleagues to read this article with attention, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FLEET TO MATCH OUR REAL NEDDS

(By George P. Steele)

Even Americans who follow the news of defense spending rarely glimpse the contrary views of professional military officers on costly programs. Military alternatives to weapons systems proposed to the Congress have been discussed earlier and discarded behind the secure doors of the Pentagon. Decisions involving huge sums are made, supported by highly technical, classified information and profession experience that cannot be made public. In the disciplined ranks of senior active duty personnel there can be no room for the maverick who publicly opposes an official stand on major procurement.

But U.S. naval officers are by no means of one mind on the need stated by the Navy for a $2 billion aircraft carrier or a $1.3 billion strike cruiser. Many officers hold that these great ships could not prevail at sea but would dominate the budgetary process, soaking up so much money that little of real consequence could be afforded. The very nature of the U.S. Navy's future role is involved in the controversy.

The World War II American fleets, in which the aircraft carrier forced out the battleship as the capital ship, emerged victorious to face no significant threat at sea for over 15 years. In that period of American naval supremacy, the Korean War marked the beginning of a preoccupation with the projection of naval power ashore that has continued to this day. The present generation of senior naval officers was schooled in that war, in the Cuban and other crises and in the long Vietnam conflict. Not in 30 years has an aircraft carrier group come under significant enemy naval attack. It is perhaps natural that this experience would exert strong influence on development of U.S. Navy doctrine and hardware, producing a fleet ideally suited to intervention in a land battle while operating from a privileged sanctuary at sea.

Knowing this, the Soviet Union has constructed a fleet heavy with submarines and guided-missile ships, backed by a highly effective, missile-equipped maritime air force. It is a fleet which can prevent American seapower from getting at its shore objectives. Instead of swinging around to confront the Soviet Navy with an effective counterforce able to defeat and push it out of the way, the U.S. Navy continues to program large and very expensive surface ships which are in great danger from both submarines and surprise missile attack.

For three decades the major U.S. Navy surface combatants have been subordinated to the defense of the aircraft carrier. This has shriveled the Navy's fighting ability on the surface until it is now incapable of standing up to Soviet cruisers armed with potent, long-range cruise missiles.

A comparison of the latest U.S. nuclear-powered cruiser alongside that of a new Soviet Kara class cruiser shows the remarkable lag in U.S. weaponry. This weakness takes on great significance in remote areas such as the Indian Ocean or the South Atlantic, where the United States no longer can be certain of representation by aircraft carriers—there are simply not enough carriers. And without air support, a U.S. Navy surface force can be defeated easily by a Soviet surface force of lesser tonnage.

Evidence of the pervading influence of American naval experience with projecting power ashore while unopposed at sea is easy to find. The F-14 Navy fighter, a magnificent aircraft with its Phoenix weapon system, is designed primarily not for defeating enemy sea forces, but for besting the most capable land-based aircraft. Underway replenishment ships have grown to great size while shrinking in number because of the efficiencies involved; the Camden-class combat support ship is capable of carrying prodigious quantities of fuel, ammunition and stores—but if one is sunk, it is a grievous loss indeed.

Newer surface fighting ships are not well constructed to trade blows with other ships. Armor for key systems and compartmentation have not been emphasized enough. Redundancy of vital equipment, such as power supplies, and shock-resistant qualities, so important for continuing in action after sustaining damage, too often have been economized out of design. Operational security has retreated steadily before the long-term trend to more and more powerful radars and sonars and continuous data and information exchange by radio, all of which disclose precise position and other intelligence to an alert enemy.

IF WAR COMES

Soviet naval authorities have capitalized wonderfully on U.S. Navy weaknesses in the construction of the modern Soviet Navy and maritime air force. Under the long-term leadership of the brilliant Soviet Navy commander-in-chief, Admiral of the Fleet S.G. Gorshkov, forces have been built to fit a concept of surprise attack during which many missiles would be launched from coordinated air, surface and subsurface platforms. The attack is designed to overwhelm U.S. aircraft carrier groups.

It would work like this: Coming from many directions with different flight profiles, supported by heavy electronic jamming of American radars, the variety of Soviet missiles appears with breathtaking suddenness. Corridors of chaff mask the missile-launching Soviet aircraft and surface ships from U.S. radars. A variety of Soviet defensive missiles and rapid-firing light weapons works to prevent successful counterattack. (Soviet submarines need no such protection, unless they are old and must surface briefly to shoot; even then their exposure to counterattack is brief.) The American formations may well destroy a number of the incoming missiles, but Soviet designers have a good appreciation of U.S. Navy capabilities, and they expect mass attack to achieve an early saturation and many assured hits.

The surprise-attack strategy was tested in 1970 during a worldwide Soviet Navy exercise, the largest naval exercise ever held. Soviet forces played the roles of both attackers and defenders, with the fascinated Western allied navies taking ringside seats. A crisis was simulated, during which Soviet units maneuvered in close proximity to others playing the enemy role. Suddenly, a radio command from Moscow simulated the triggering of scores of missiles aimed at enemy aircraft carriers and other ships. It looked like another Pearl Harbor attack—but against forces underway at sea instead of moored in port.

Once missiles are launched in such numbers, U.S. Navy aircraft carrier groups as now constituted have no adequate defense against them. Retaliation by aircraft already airborne undoubtedly would hurt the Soviet forces badly, but the critical denial of American ability to project power ashore already would be accomplished. The only way U.S. forces could win such an engagement at close quarters would be to strike first, perhaps motivated by certain knowledge of impending attack—a highly improbable circumstance.

In times of heightened tension in the Mediterranean, such as the 1973 October War, the U.S.S.R. has moved strong surface and submarine forces into position next to American aircraft carrier groups, in effect holding a pistol to each of their heads. The eastern Mediterranean is within comfortable land-based air range from the Soviet Union, and the 6th Fleet is easily outnumbered in a Mediterranean submarine buildup because of greater Soviet resources. Building another nuclear-powered aircraft carrier and a strike cruiser is no way to redress that imbalance. And yet a balance in the Mediterranean is critical to resolution of disagreements in the Middle East in a way not inimical to the interests of the United States.

Even when Soviet naval forces are not concentrated for a devastating first blow, there is acute danger to the aircraft carrier group and its logistic support ships from Soviet nuclear submarines. These powerful underwater craft are guided by various independent sensors whose locating information is furnished to the underseas craft by radio. In spite of almost frantic efforts and brave talk by the Navy over many years, the submarine threat to U.S. surface forces is grave.

Attempts to increase the power of the echo-ranging active sonars of American surface ships sufficiently to detect an enemy submarine in time to kill it beyond the range of its torpedoes have served, unfortunately, to identify U.S. warships better to enemy submarines and to provide an aiming point at a great range for listening submarines with guided missiles. The improved active sonars have not been adequate even to guard against torpedo attack in many areas of the oceans where unfavorable conditions inhibit the pulsing surface ship sonar far more than they do the submarine listening sonar.

Antisubmarine fixed-wing aircraft and helicopters employing sonobuoys and other devices have enjoyed some success in favorable sea areas. But reliable, all-direction, continuous air protection for surface forces, including aircraft carriers, is still not possible. Two or more nuclear-powered attacking submarines can saturate the defenses of an aircraft carrier group, and it is not difficult for the Soviet Navy to use several submarines in concert.

The effect of weather is very important. Flight operations must be curtailed or cancelled in heavy weather. Surface ships can proceed only at moderate or slow speed and, even then, with great difficulty in areas such as the North Atlantic and North Pacific during protracted periods of the winter months. Icing conditions and extreme cold add to the adversity. But the nuclear-powered submarine is not much affected by weather. It can continue to make top speed, and its periscope and antennae, should it elect to use them, are nearly invisible to the eye or radar in spray or waves. The submarine's guided missiles do not need a relatively steady flight deck. Nor do its launching tubes ice up. Its torpedoes are effective except in the mountainous waves of a big storm.

The question of fatigue of men and machines also must be considered. Around-the-clock flight operations required to stay in top defensive posture, or to keep a constant offensive punch airborne, can stretch into weeks during crisis or war. The strain was eased in the Vietnam war by using two aircraft carriers, each with a 12-hour flying cycle, with perhaps another carrier or so in the area to assist if need be. With fewer carriers now, it is likely that we have seen the end of such a practice, particularly in the presence of threatening Soviet forces at sea. Each carrier, because of the concentration against it, will probably have to keep its guard up at all times. As a crisis continues, time will work for the Soviet submarine, surface and air forces. The numbers of operationally ready aircraft on American carriers on continuous alert can be expected to decrease; spare parts will dwindle, maintenance men will be hard-pressed. By contrast, Soviet missiles in their launch tubes are not strained by any problem of accumulating flight hours.

A U.S. decision to make first use of nuclear weapons at sea would not significantly improve America's naval position. Nuclear weapons could not successfully ward off surprise attack, and the gain in kill capability against the enemy would be much more than offset by the vulnerability of large U.S. ships to nuclear counterattack. And the use of nuclear weapons at sea will intensify the conflict, increasing the possibility of escalation to full nuclear weapon exchange.

MEETING RESPONSIBILITIES

The pressing problem for American naval commanders is how to go to the aid of our treaty partners in the North Atlantic Alliance and the Pacific or to support our friends, with the present and projected forces available, in the teeth of the formidable new Soviet forces. The obvious areas where naval aid would be needed at the outset of a NATO war with the Warsaw Pact powers would be the waters off Norway, Denmark and the Mediterranean nations. U.S. treaty commitments are heavy in the Korean-Japanese area, and naval power is indispensable to successful defense there.

Where treaties do not exist there are still very real responsibilities that could bring the United States into direct confrontation with the Soviet Union at sea. Latin America and Africa may well be the scenes of future contest between the superpowers regardless of the present prevailing public mood against involvement anywhere.

The most recent behavior of the United States Navy in confrontation with the Soviet Union—in the October, 1973, crisis—is best described as force posturing. Soviet commanders must have been gratified by the positioning of major American aircraft carrier forces in the Mediterranean where they are easy marks for carefully orchestrated surprise missile attacks. However reassuring the posturing American fleet may have been to the Israelis, or threatening to the Arabs, the truth is that the 6th Fleet was staked out for sacrifice, deprived of enough sea room for defensive maneuver.

Given that example, it is not hard to imagine U.S. aircraft carrier groups ordered to move into the Norwegian Sea, and the Sea of Japan in some future crisis, while others maintain the desperately dangerous posture in the Mediterranean. The situation would bring to mind the movement of the United States fleet to Pearl Harbor just before World War II, over the objection of its commander-in-chief. The principle of civilian control of the armed forces, obviously, is both sound and essential, but civilians are not trained to make tactical decisions. To abuse the principle of civilian control by requiring force posturing in crisis—in defiance of sound military advice—can lead only to disaster.

It is fair to ask whether there is any alternative, both in the crisis handling of our presently structured sea forces and in the balance of types of ships and aircraft that should be purchased for the future. Must we conclude that our teeth are drawn, except when we take on a lesser power with the assent of the Soviet Union? Must we continue to buy the kinds of forces that continue currently exploitable weaknesses?

If the aircraft carrier groups of the U.S. Navy were not formidable, the U.S.S.R. would not have gone to so much trouble to develop a counter. There is no other way to keep potent airpower across the seas without dependence on foreign bases which are fixed in place, easier to attack than a carrier, and which can suddenly be denied to us for political reasons. The aircraft carrier has by no means outlived its usefulness, but it is no longer a "line-of-battle" ship that, protected by lesser vessels, can hold its own against all comers. It must be held back, hidden to the extent possible in the vastness of the ocean until the way is prepared for it to perform its unique service.

The "strike cruiser," as yet unbuilt, would not be a line-of-battle ship either because it is not capable of operating within range of hostile Soviet air concentrations or of defeating Soviet submarines. This vastly expensive weapon, too, would have to be held back to await employment against surface forces. But the irony is that those surface forces can be destroyed more easily by carrier-based aircraft or submarines.

BATTLE-WORTHY SUBS

Today, and for many years to come, the really battle-worthy capital ship is the nuclear-powered submarine. It has the unique ability to get close enough to destroy the enemy surface ship, using missiles or torpedoes, without great risk, regardless of how much air power is ranged against it. The only adversary that it really need fear is another and better submarine, down in the sea with it, using the same advantages of mobility and stealth.

Suppose that this thesis had been accepted and acted upon in the crisis of October, 1973, in the Mediterranean. We would have withdrawn our aircraft carrier groups as quickly as possible, while U.S. nuclear-powered attack submarines steamed into the area in strength. Each major Soviet warship, surface ship or submarine would have been tracked down by one of these American submarines. With sufficient strength in place, American submarines could show themselves in sequence to their adversaries and then break the contact to remain in the vicinity.

What a different outlook for the Soviet Mediterranean commander in these circumstances. The knife is at his throat, not the American commander's. The important Soviet ships are being dogged by submarines that can sink them in short order. Yet the Russian commander's capability to inhibit this attack or even to keep track of U.S. submarines is slight, given the qualitative superiority of the American undersea craft over Soviet counterparts and countermeasures. He cannot place his surface ships in contact with the vulnerable U.S. aircraft carriers and other surface units because they are well out in the Atlantic Ocean.

If hostilities begin, he can envision the destruction of most of his fleet, followed up by the reentry of the American aircraft carrier groups into a Mediterranean cleared of most surface and submarine opposition and blockaded by American submarines against new Soviet naval forces at the Atlantic and Black Sea entrances. Soviet maritime air power would remain a threat to the U.S. aircraft carirers, but one *they* are best capable of defeating.

In recent years the United States and the Soviet Union each have maintained a squadron in the Indian Ocean where the oil lifelines of Japan and Western Europe originate. Due to the great distances involved from U.S. bases and the lack of emergency landing fields for carrier aircraft, the Indian Ocean would seem, at first glance, to be an ideal operating area for the proposed strike cruiser. If, however, the strike cruiser is built for the purpose of being a surrogate aircraft carrier when and where our thinly spread carriers cannot be present, it faces a Mediterranean-like threat.

As with the aircraft carrier, Soviet surface and submarine forces have vulnerable targets for surprise attack in the strike cruiser, its escorting surface ships and the ubiquitous logistic support ships required by surface forces. The best American tactic to guard against surprise attack is to withdraw from the area, but the difficulty of locating Soviet submarines is such that a very considerable withdrawal would be required. Even then, there would be no certainty that the submarine missile threat had been shaken off unless U.S. submarines stay protectively close to American surface forces; but it would be better to put our subs near the opposition.

U.S. submarines stationed near a Soviet surface squadron in the Indian Ocean would not need to hightail it away to avoid surprise attack. Remaining hidden until commencement of hostilities, they could sink their surface adversaries without fear of the enemy's guided missiles. Only the Soviet submarines would be dangerous; so far, however, U.S. submarines are markedly superior. Should Soviet forces be on the point of some intervention in another nation, the presence of a number of nuclear-powered U.S. submarines would let them know that the U.S. Navy had the power present to destroy the Soviet units without significant risk to itself.

This is not to say that the presence of surface warships in such remote areas is undesirable. There are times when the flag must be shown. And the submarine, powerful though it is at sea, is not the symbol which the apparently formidable surface warship provides to the peoples of unsophisticated nations; an unreasonable fear of nuclear propulsion also can inhibit port visits by nuclear-powered subs. Force posturing does have its uses, so long as we do not delude ourselves as to the fighting capability of the ships involved. We certainly will not delude the Kremlin.

The Chief of Naval Operations, Adm. James L. Holloway III, recently wrote, "We need ships *in proper balance* among types: carriers, surface combatants, submarines, amphibious and support ships. And, within a constrained budget, we need a *careful balance* between high-performance, general-purpose forces and less expensive limited-mission ships we can procure and deploy in greater numbers. It is these two kinds of balance that go into the careful development of our shipbuilding programs. These programs will enable the Navy to maintain a modern fleet, sized to the needs of our future security requirements." (Italics added for emphasis.)

That statement is sound. The quarrel can only be over just what constitutes a "balance" and, perhaps, just what constitute our "future security requirements." There can be no doubt about the reality of constrained budgets and, if we err in striking the balance by building great, expensive, vulnerable surface ships, there surely will not be enough money left to build an adequate number of "line-of-battle" submarines, the only type of ship that alone can stand up to the Soviet air-sea threat.

Our future naval security requirements can be boiled down to a first-priority need to be able to control the seas. If that requirement is not fulfilled, then all of our allies and friends, all of our overseas interests and all of our vital imports are subject to Soviet control. If the Soviet government successfully denies us the use of the sea, expensive but vulnerable forces for power projection ashore would be useless, if not already sunk. Our only recourse would be a self-defeating nuclear exchange—there would be no other way to get at the U.S.S.R.

Even without building the $2 billion aircraft carrier, we have a substantial number of aircraft carriers on hand. These ships and their embarked aircraft are individually much more potent and sophisticated in projecting power ashore than the older ships and planes that were recently retired. Considering the size of the threat to NATO, it may be advisable to concentrate the greater number of the carriers in the Atlantic Fleet, placing only those with nuclear power in the Pacific Fleet to be able to go to the aid of the Republic of Korea and Japan.

But we would first have to use our submarines to sweep away Soviet surface and submarine forces in NATO waters and the Pacific. The rub is that for years the rate of U.S. submarine building has been so low that we do not now have enough in being or programmed for effective action. These are the warships that count the most today and, without enough of them, the U.S. Navy does not and will not control the seas.

A NAVAL FORMULA

To regain control at sea, first emphasis in U.S. Navy shipbuilding should be placed on building a powerful force of nuclear-powered attack submarines. It is not necessary that they all be high-performance submarines; less expensive, limited-mission submarines are suitable for many tasks, but nuclear power is essential for all. Submarines alone cannot provide the flexibility required to exercise the control of the seas, and they cannot be allowed so much of the construction budget that other types of modest-sized ships are crowded out. But surface ships that cost enormous sums, such as the large aircraft carrier and the proposed strike cruiser, should be eliminated.

We must redouble our efforts to regain supremacy for our surface forces in electronic warfare and in variety and sophistication of missiles. New surface ships should be designed to absorb punishment and still be able to fight. Since the present and projected Soviet sea forces are the clear danger, every decision about the fleet and aircraft we build should be tested for effectiveness in sea combat before capability in a land battle is considered.

Adm. Gorshkov has demonstrated the power of a tactical concept when implemented in the construction of sea forces. We must revise our tactics and modes of operation to meet the realities we now face at sea, taking particular care to free ourselves from the burden of our successful past naval actions against shore targets which has the U.S. Navy in a dangerous rut.

There is no reason why American innovation and technology cannot master the Soviet challenge at sea—if we have the brains, the vision and the will to use our money wisely.

Mr. TAFT. Mr. President, I especially commend Vice Admiral Steele's comments on the necessity of increasing our submarine building capacity even to the extent of eliminating "surface ships that cost enormous sums, such as the large aircraft carrier and the proposed strike cruiser."

A NEW CLIMATE OF COOPERATION NEEDED

Mr. HUMPHREY. Mr. President, there is scarcely an American who is not affected in his or her daily life by one or another of a host of Federal regulations. Time and time again we have all received complaints from businessmen swamped with unnecessary paperwork requirements from Federal regulatory agencies. The underlying problem is not with the concept of regulation, but with its execution. And too often that is the result of outmoded Federal personnel policies that give insufficient incentives for employees to perform responsively.

The job of reforming the operation of the Federal bureaucracy to encourage greater responsiveness and accountability is clearly a big one. It cannot be done by government alone, but requires the support and input from all segments of society. There is definitely a need for help from the business community in the effort to reform the procedures of government. Too often in the past we have failed to take advantage of the incentive systems and other management techniques developed in industry to see if some of them can be applied to government.

Mr. President, the distinguished junior Senator from Vermont has for some time been in the forefront of those seeking remedies to make the Federal bureaucracy more responsive to the needs of the people. He recently wrote an article which appeared in the Burlington Free Press on April 26, 1976, detailing the need for a better working relationship between the public and private sectors in that effort. The article points out some concrete ways in which this can be accomplished, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW CLIMATE OF COOPERATION NEEDED

(By U.S. Senator PATRICK J. LEAHY)

Inevitable enemies.—Many would agree that this is an apt description of the relationship between business and government. It is easy to understand why.

The Federal Government has fallen into the habit of regulating business by fiat. Business is often weighted down by a host of federal restrictions they played little role in devising. Congress, I must admit, has made matters worse by falling into the habit of blaming business for every public problem from the energy crisis to pollution to high unemployment to inflation.

Business has been characterized by equally inflexible attitudes. It has become a standard litany for executives to attack every new environmental regulation as misguided and likely to aggravate unemployment. The oil companies clearly encouraged polarization with their "damn public interest" attitudes during the energy crisis. A more immediate example is provided by Allied Chemical's failure to take adequate precautions to prevent Kepone poisoning at their Hopewell, Virginia, plant. As a Senator who participated in the recent Kepone hearings, I'll admit that it was sometimes hard to maintain an evenhanded attitude toward business after some of the testimony.

When they are not at loggerheads, business and government have tended to take an ostrich-like stance towards each other's problems. From the failure of the Penn Central to the Lockheed Loan, many in Congress have taken the attitude that the problems of giant businesses are only of concern to the private sector. Similarly, few on Capitol Hill have given serious consideration to the future capital needs of American business.

Business has taken an equally passive role in response to governmental crisis. The financial difficulties of New York City are a prime example. Our leading banks continued to lend New York City money, long after it became obvious that the public interest required that they should blow the whistle and try to urge the city to mend its fiscal ways before it was too late.

I strongly believe that this continual hostility between business and government is not the result of any inevitable dialectic. As we stumble from one national problem to another in the mid-seventies, it is easy to hunt for scapegoats. But I strongly believe that little is served by trying to make either business or government the "fall-guy" for our current dilemmas.

This continued polarization between business and government has had serious national consequences. It may be heresy for a Democratic Senator to say this, but I strongly believe that there are many areas where the public can benefit from close collaboration between government and business.

Let me give two examples. Despite a federal budget of about $400 billion, less than $150 million annually is spent to assess the effectiveness of government programs. Put another way—$1 is spent on evaluation for every $2,667 the government spends on programs. What makes matters worse is that many of the evaluations are never even seriously looked at. Often a government agency is asked to assess its own programs—not the best way to get an impartial evaluation. As the old catch-phrase goes, "This is one hell of a way to run a business."

Obviously, quality control at General Motors or IBM is different from quality at HEW But many of the techniques employed by business to effectively manage far-flung operations are also applicable to government. In recent years some progress has been made. Government executives now read Peter Drucker and have heard of management-by-objectives. But often this is about as far as things go. The growing friction between business and government has worked to prevent any further cross-fertilizations in the area of management.

Another major example is provided by the Civil Service. Once they enter government service dedicated workers are instantly transformed into the hated bureaucracy. Part of the problem is that the government is without an effective incentive system to encourage superior performance. A small example—the last time the Presidential Award for Distinguished Federal Service was given out was in 1970.

Hiring presents equally serious problems. Despite the existence of an elaborate civil service system to encourage hiring based on merit, the system rarely works with total equity. It is common knowledge in Washington that a good way to get a middle-level job in government is to have a friend tailor the job description to fit your resume.

In contrast, business has always had a reputation for being able to recognize and promote dedicated officials. It has also been able to instill in its workers far more company loyalty than is common in the corridors of the federal government.

No one would seriously argue that the personnel problems of government are identical to those of private industry. Nor would I contend that the solution is to run "government like a business." But one doesn't have to sound like a character out of Sinclair Lewis' "Babbit" to argue that government could learn many valuable lessons from studying the personnel policies of many leading corporations.

I have cited just two examples. But I hope they illustrate the larger point that government has much to learn from business. Similarly, I recognize that business executives often feel frustrated by their inability to take advantage of the unique expertise of the federal government. Clearly, the answer is not an expensive new federal program to spur cooperation. Rather, the solution may be childishly simple. Isn't it time we began trusting each other again?

CONSUMER COMMUNICATIONS REFORM ACT OF 1976

Mr. HUGH SCOTT. Mr. President, I have today decided to join Senator HARTKE and Senator SCHWEIKER as cosponsor of S. 3192, the Consumer Communications Reform Act of 1976. I have long advocated the cause of competition in the U.S. economy. The marketplace mechanism has served this country well, and vigorous competition results in high quality service, lower prices, and innovative products. Without such competition, the Government must step in with its heavy regulatory hand to prevent the inevitable abuses.

The telephone industry has been the most successful of the Government-sanctioned monopolies. Its success, of course does not suggest that increased competition will not improve service to telephone users. To the contrary, an increase in competition in the equipment market may well increase the diversity of products and services available to the consumer.

However, several current practices of the Federal Communications Commission, which were designed to promote competition in the telephone industry, have come under attack. It is alleged that these practices allow certain competitors to skim the cream from the Bell System's highly profitable markets. Since these high profit markets, it is argued, subsidize the low rate paid by the homeowner and rural user, it follows that these rates will have to be raised to make up the revenue lost in the high profit market.

At this point, disagreement exists as to whether or not these policies if continued will result in rate increases. As a matter of fact, the President's communications experts in the Office of Telecommunications Policy have informed President Ford that home and rural rates need not rise. Presumably these experts are disinterested observers who have at heart the best interests of the country as a whole.

Notwithstanding these assurances, I believe that all parties to the controversy should be provided a congressional forum before which they can present their views. I can best promote the cause of full and frank discussions by joining as cosponsor. We have every reason to be proud of the achievements of our telephone industry, and want to do nothing that would imperil it.

It is my earnest hope that hearings will be scheduled at the earliest possible time. S. 3192 raises basic issues of profound import to the telephone industry—issues that impinge on our philosophical commitment to vigorous competition in a free market economy. Let all views be heard.

SENATOR WILLIAMS' REMARKS BEFORE NATIONAL COUNCIL ON ALCOHOLISM AND AMERICAN MEDICAL SOCIETY ON ALCOHOLISM

Mr. HATHAWAY. Mr. President, as chairman of the Subcommittee on Alcoholism and Narcotics, I have come to appreciate the great contribution to the cause of helping stem the tide of alcoholism made by the chairman of the parent Committee on Labor and Public Welfare, the distinguished Senator from New Jersey (Mr. WILLIAMS).

In 1970, he coauthored the landmark Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act and helped guide it through the Senate. He has been a strong advocate of adequate funds for the treatment and prevention of alcoholism. His continued efforts to bring relief to the more than 10 million Americans who suffer from this disease have been an inspiration to us all.

On Tuesday, May 11, Senator WILLIAMS addressed the National Council on Alcoholism and the American Medical Society on Alcoholism at the Shoreham-Americana Hotel. I ask unanimous consent that Senator WILLIAMS' sensitive and compassionate remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE
HARRISON A. WILLIAMS, JR.

I am enormously pleased at this opportunity to address this large gathering of persons dedicated to the simple principle that alcoholism is a disease and that alcoholics are sick people to be healed—not punished.

A Century ago an English Author, Samuel Butler, wrote a book about an imaginary Utopian society called "Erewhon."

Erewhon is an anagram for "nowhere."

And in this mythical society, when people got sick, the authorities put them in jail.

We don't have to look far to find modern-day Erewhons.

More than 20 States in this Union still put alcoholic people in jail for the sole reason that they get sick in public.

But this is our Bicentennial Year.

What an appropriate time to rededicate ourselves to freeing our citizens from the bondage of alcoholism—bringing them from nowhere to someplace; a place where they can be treated for what they are—real, live human beings who have a health problem and want to be helped.

First, I want to thank all of you who have worked so hard and accomplished so much, in a cause that means a great deal to me and to the wellbeing of the nation.

And second, I want to comment on where we have come in the last half-dozen years and to make some candid observations as to where we are and where we should be headed.

Last week, the National Institute on Alcohol Abuse and Alcoholism celebrated its 5th Anniversary.

The Institute was created by the comprehensive alcoholism legislation which I was privileged to co-author with Senator Harold Hughes in 1970.

For the 30 years prior to the passage of the 1970 Act, Congress had enacted an enormous number of statutes designed to establish, maintain, and improve federal health, rehabilitation, and social welfare programs.

But before 1966, none of these statutes specifically mentioned alcoholism.

None of the programs Congress had established had been sufficiently utilized to mount a coordinated and effective Federal attack upon the problems related to alcohol.

Nor had the issue been given the stature, visibility, and funding within the Federal Government which was so vital in light of its importance to the health and well-being of our citizens.

Yet alcoholism was—even then—recognized as the third largest killer of our citizens.

Doctor Roger Egeberg, then the top health official of the United States government, testified before a Senate Subcommittee in 1969 that alcoholism was our number one health problem.

It is my opinion that if you consider the deaths from suicides, accidents, and other health problems—many of which are really caused by alcoholism—it is far and away the largest cause of death in America.

By 1969, the public began to admit its concern about alcoholism.

Medical authorities were nearly unanimous in their recognition of alcoholism as a disease.

Two U.S. Courts of Appeal had held that alcoholism could no longer be handled by the criminal process.

The U.S. Crime Commission had recommended elimination of drunkenness as a criminal offense.

A report by a special advisory committee to the Secretary of Health, Education, and Welfare, had concluded that traditional punitive measures could be expected to have little effect on behavior that arises from illness.

And that report recommended a massive Federal program concentrating on the disease of alcoholism.

With the passage of the 1970 Act, the people's representatives in Washington unanimously declared that alcoholism would be treated as a disease—not a crime.

We unanimously declared our determination to bring this disease under control.

The organizational structure was created to begin what we knew would be only the first small step in the necessary massive effort.

From that beginning has grown a concerted national effort, built on the foundation of largely private endeavors of many years standing.

Many of you helped to build the foundation, and you know how difficult has been the task.

But the progress we have made has been inspiring.

In 1970, only a handful of States had viable alcoholism treatment programs.

Now, there are 55—in all of the States and Territories.

At least 27 states have adopted important elements of the uniform state law for treating alcoholism as an illness and not a crime.

Over 150 major hospitals have been accredited to deliver a full range of treatment and rehabilitation services to alcoholics.

Insurance companies have begun to include alcoholism as a covered illness in their health policies.

Hundreds of corporations have established occupational alcoholism programs for their employees.

But most important—we have shown that alcoholism can be treated—that insanity or death need not be the inevitable result.

But make no mistake—our work has only begun.

Most professionals and service agencies still do not treat alcoholism.

The Federal law prohibiting hospitals from discriminating against alcoholics has yet to be enforced.

Fifty percent of the felonies committed in this country, including homicides, directly involve the abuse of alcohol.

The toll of human suffering cannot be measured, but alcoholism leads to the deterioration of literally millions of families through job losses, broken marriages, and death.

Yes, the tragic fact is that alcoholism is on the increase in every age group and on every economic, cultural, and educational rung of the social ladder!

So, I pledge to you today to intensify my efforts as a member of the United States Senate to see that this work is carried forward.

Let me fill you in on some recent developments:

On March 29, The United States Senate passed by unanimous vote, S. 3184, to extend the grant authorities and expand the programs begun by the 1970 Act.

I was happy to join with Senator William Hathaway of Maine in drafting this legislation and in urging the Senate to pass it.

Similar legislation is expected to pass the House of Representatives in the next few days.

The bill, if it becomes law, will not only increase the amounts of grants authorized for alcoholism treatment, but also—of great importance—will double the incentive money to those states which have decriminalized public drunkenness.

Another significant provision of the proposed revisions in the Federal program would provide for increased emphasis on Federal research into the causes and consequences of alcohol abuse.

Compared to other health areas, including drug abuse, there has been only token research in this field.

And yet we know that more than one-third of the patients in our general hospitals today are there for illnesses directly related to the abuse of alcohol.

There is still much to learn about this disease.

We don't know the causes of alcoholism—but we do know that the risk of developing certain types of cancer and various other diseases is directly related to the consumption of alcohol.

And we know that alcoholism in pregnant women can cause physical deformities in their offspring.

If we are going to learn some of the answers—answers which may eventually lead to effective prevention of alcoholism—we must attract the brightest and the best young scientists to this field.

Unless we provide an environment in which these scientists can do quality work, alcoholism research will continue to be the step-child of the scientific community.

So I am pleased at this increased emphasis on research.

And I am also pleased that the new legislation calls for increased attention to alcoholism among women and children.

I consider it of the utmost urgency that we make a major effort to reach and help women alcoholics.

I am increasingly alarmed by our failure to identify the so-called "hidden alcoholic" and get her into treatment.

Women are reputed to comprise the largest increase in the problem drinking population in recent years.

It is now estimated that fully one-third of the Nation's 10 million alcoholics are women.

But I think that statistic is also wrong.

It is my belief that there are as many alcoholic women as men.

But few of them receive treatment.

A degree of stigma is still attached to the term "alcoholic"—and for women it is a double stigma.

So the women still hide in their bedrooms—ashamed to ask for help.

And their well-meaning families and doctors join them in this conspiracy of silence.

The longer the community tries, as it always has, to quarantine it with silence or whispers, the surer the disease will spread to other frightened victims and their bewildered families.

And if we allow this secret illness to run its course unchecked, we will sentence these women to insanity or death.

Some have blamed the women's movement for the apparent increase in alcoholism among women.

I think that is very short-sighted.

If anything—with increased numbers of women moving out of the home and into the marketplace, and with women increasingly free to admit their problems and seek help—the women's movement has helped to identify more of the women alcoholics who have been there in the shadows all the while.

And we must remember that in helping women to recover we will—at the same time—help prevent alcoholism and other emotional problems in their children.

It has long been recognized that children of alcoholics are a high risk group for developing this disease.

The increase in alcoholism among our children is a tragedy which we cannot afford to ignore.

And so the valiant effort that has been made has only been one small step in the journey we must travel.

In this period of economic stress, alcoholism programs may be the first to go.

You all know the battle currently being waged in the Congress to keep alcoholism from being folded into the block grant proposals of the Administration—at a greatly reduced level.

And yet we have always known—especially those of you who have been involved in employee programs designed to reach the alcoholic—that it makes good economic sense to identify and treat this population.

The National Institute reported to the National Advisory Council last week on the first benefit/cost study conducted on a broad national scale.

The study showed that a minimum of three dollars will be returned to the economy for every dollar spent on treatment.

This study was based on follow-up studies of patients which showed decreased health care costs, decreased motor vehicle accident costs, and increased earnings of over 35 percent.

The fight for adequate funding has always been an up-hill battle—but this year the fight will be tougher than ever.

And we need your help.

And policy decisions must be made with respect to the place of alcoholism treatment in other health planning.

Ultimately, of course, decisions must be made concerning the place of alcohol treatment in a national health insurance program.

These are decisions which will be made by the Congress.

But, again, we need your help!

Most importantly—if we are going to win this war on alcoholism—we must put behind us the petty politics, the infighting and the struggle for turf that has dominated the alcoholism field for the past year or more.

There are far too few of us dedicated to this mission—surely there is enough work for all of us to do, without jeopardizing the effort by childish jealousies.

Let us help, not hinder one another in this effort.

The task before us is formidable, but together we can achieve our goals.

The results will be well worth the effort.

There need be no aura of hopelessness about treatment of alcoholism.

We know treatment works!

We know we can help an alcoholic get well!

There is simply no need for people to die of alcoholism in a civilized society.

WHAT AMERICA MUST DO IN THE NEXT 10 YEARS

Mr. PERCY. Mr. President, I would like to bring to the attention of the Senate an article by Mr. John Gardner, chairman of Common Cause. In comments prepared for the Christian Science Monitor, Mr. Gardner approaches the ambitious subject, "What America Must Do in the Next 10 Years," and helps to clarify our thinking by outlining six major problem areas with which the world must deal in the decade ahead.

As Mr. Gardner so ably points out, these are areas of international challenge. As we seek to redefine our national goals during this Bicentennial Year, we must recognize that those goals will be reached only in the context of our cooperation in solving truly major problems for all the peoples of the world.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, May 7, 1976]

WHAT AMERICA MUST DO IN THE NEXT 10 YEARS

(By John Gardner)

(NOTE.—As the U.S. celebrates its bicentennial, leaders in various fields reflect on what should be the nation's goals in the decade ahead. The following is the first of a weekly series of guest columns.)

We can't talk of America's future apart from that of the planet. With that proviso, I'm going to suggest that in the years ahead we must focus on six clusters of problems.

CONFLICT

There is no future for the species unless we come to grips with the problem of human conflict. The threat of nuclear war once rested chiefly in bipolar competition between the United States and the Soviet Union. Now it's a multipolar world—infinitely more unpredictable and dangerous. Proliferation is here. Every day the possibility increases that accident or miscalculation will shatter the delicate balance of fear and readiness among the nuclear powers. Unexampled destructive power will soon be available not only to terrorist groups but to warped or lunatic individuals. The next nuclear bomb detonated in anger will very likely be set off by a terrorist representing no nation. We must cope not just with conflict between nations but with all human conflict, including racial and religious prejudice.

In any free and lawful society the existence of conflict is accepted as a necessary and even desirable condition of social health. It is not always an expression of the human impulse to violence. Sometimes it is a consequence of normal competition, sometimes the result of smoldering injustices that cry out for remedy. But a free and lawful society attempts to resolve it peaceably within a framework of order.

If we do not blow ourselves up, we shall construct a peaceful world in much the same fashion—by painstakingly putting together the institutional arrangements which permit the ebb and flow of conflict and tension within an international framework of order. The goal seems unreachable. Yet every modern nation is a composite of earlier tribalisms and regional loyalties, most of which have given way to national identity. With the new consciousness of our shared responsibility for our small planet, it is not inconceivable that the same process might occur worldwide.

POPULATION

World population is increasing at the rate of 200,000 more births than deaths a day, and we will have to endure heavy population growth for decades to come, with devastating consequences in human suffering and ecological overload.

There has been fruitless debate as to whether our concern over world fertility rates should express itself in family planning programs or programs of education, health, nutrition and agricultural development. The only sensible answer is "both." We don't know as much as we should about reducing fertility rates, but there is a good deal of evidence that they come down when the lowest income groups are lifted off the floor of absolute poverty and brought out of the utter darkness of malnutrition, ignorance and despair.

ECOLOGY

We are acutely conscious of the problems of the biosphere and the hazards to our life-support systems—the quality of our air, water and soil, the dangers to the upper atmosphere and to the climate. Some say the developed nations want pollution control at whatever cost to economic growth and the developing nations want the reverse: economic growth at whatever cost. But that is an oversimplification. Sensible people in all nations are addressing themselves to solutions that will permit ecologically sound economic activity.

Today the waste of energy and nonrenewable resources in the advanced countries, certainly in the United States, is phenomenal and inexcusable. Clearly the industrial nations are going to have to develop an ethic of conservation.

THE INDIVIDUAL AND SOCIETY

Today the totally programmed society is an easily imagined possibility. If the claims of society are taken to justify the snuffing out of freedom and individuality, then the society's chief source of creativity and capacity for renewal will be stifled. If, at the other extreme, individualism becomes anarchism or each-for-himself atomism, the society will disintegrate. In terms of practical social action, the individual's relationship to society comes to a couple of basic questions. The first is whether the society has created a system of governance built on the principles of accountability and the rule of law. Only if the governed can call power to account will they survive as a creative and vital force in the society.

The second question is how individuality can survive in a world that is moving toward ever larger and more complex organizational patterns. How spare the individual a sense of impotence and anonymity? How preserve the idea of community?

EQUAL ACCESS TO SOCIETY'S BENEFITS

The debate over equality will never end. There is no likelihood that we can make all humans equally intelligent, equally tall, equally good or equally happy. But we have come to believe that we can, if we work hard at it, make them equal before the law, give them equal opportunity, and—with considerably greater effort—give them something approaching equal access to some of the crucial benefits of society such as education, health care, shelter and enough to eat.

We have a long way to go. We could speak of the prison of ignorance, of racial injustice, of the oppression of women, but one example—poverty—will suffice. We know the poverty that exists in our own country. Of two billion people in the roughly 100 developing nations, about 40 percent or 800 million are barely surviving. Many aren't surviving. It is exceedingly difficult, even for people who live in very modest circumstances, to understand the brutal realities of "absolute poverty": starvation, mental and physical handicaps stemming from malnutrition and lack of medical care, death at an early age. Under such conditions, a phrase such as "equality of opportunity" becomes meaningless.

VALUES AND FAITH

Animals react to their physical environment, and so do humans. But humans go a giant step further. They spin vast webs of symbol, myth, imagination, dreams, visions, and world views to which they react just as strongly as they do to the physical environment.

For most of the 20th century, the majority of the world's most highly educated minds believed (or *acted* as though they believed) that this was not an important feature of human behavior. But as the century moves toward its close, values and faith have again become a serious topic of interest. But what values? What faith?

Must we invent wholly new values and faiths? The answer is "no." Must we return to the old faiths? Again, the answer is "no." New values and faiths flow out of old values and faiths. The transformations may be spectacular, but they have a past. We cannot break with the past—nor can we return to it. Life flows on. The Latin proverb "Natura non facit saltus" says that nature does not proceed by leaps. Still less does it leap backward. Out of its heritage of old values and faiths, a vital society is always fashioning something new that speaks to the conditions of the day. If not, then the society dies at the core.

OVERSIGHT OF THE INTERNAL REVENUE SERVICE

Mr. MONTOYA. Mr. President, recently I was privileged to testify to the Senate Committee on Finance concerning legislation which I have introduced or supported and which was being considered for incorporation into the tax reform bill which is being marked up by the committee.

I have held oversight hearings into the procedures and practices of the Internal Revenue Service for several years, as most Members of the Senate are aware. This year we have held hearings in four major cities of the United States, taking testimony in the field from concerned taxpayers and from officials of both local and State governments as well as from agents and regional directors of the IRS itself. We have heard both sides, and have spent many hours examining the problems which taxpayers have encountered in paying taxes, or in tax disputes.

I am hopeful that the legislation which I have proposed to correct some of the problem areas uncovered in our hearings will be incorporated in the Finance Committee bill. I ask unanimous consent that my testimony before the committee be printed in the Record so that the background for my legislative suggestion will be clear.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Statement of Senator Joseph M. Montoya

Mr. Chairman:

I would like to express my gratitude to the Committee for permitting me to testify concerning legislation which I have proposed to amend the Internal Revenue Code.

The need for reform of our tax laws is not a controversial subject—not anymore. Everyone—taxpayers, tax experts, members of Congress, businessmen, lawyers—everyone has at least one pet "reform" which he would like to see become law. However, the decisions about exactly which reform should be passed, or exactly how that reform should be accomplished are not so easy. That is the very difficult job which this Committee has tackled, and I commend both the Chairman and the members for the thorough and excellent work you are doing.

The bill which has come to the Senate from the House, H.R. 10612, is the end product of many months of difficult work by our colleagues in the other Chamber. I am appreciative of the time required to adequately review that bill, and to consider additions or changes which Senate members would like to make. I hope that my proposals will be included in your serious consideration, along with the many other excellent proposals which have been made.

Briefly, the tax law changes I am proposing are of two kinds: changes in the amount of tax to be paid in certain instances, and changes in the administrative practices and procedures of the Internal Revenue Service in collecting taxes.

I will submit for the record a more detailed statement of each of the amendments to the Code which I have proposed.

I would like to address the general thrust of my legislative proposals, however.

As you know, the Appropriations Subcommittee on Treasury, Postal Service and General Government, of which I am Chairman, has held hearings for several years to examine taxpayer services provided by IRS, procedures used for tax collection and audit, and to provide a forum for taxpayers who were critical and had found it impossible to make their complaints through other channels. I first announced that I would hold these hearings late in 1972. I was amazed at the immediate and overwhelming response from citizens.

It became clear to the Subcommittee that many citizens were angry and frustrated. They were losing confidence in the tax system itself. Our first hearings uncovered many serious problem areas, and subsequent work by the Subcommittee—including the second set of hearings in 1974—confirmed the need for us to prepare corrective legislation.

We heard testimony from IRS officials, tax assistance professionals, tax assistance volunteers, tax lawyers, CPA's, tax reform organizations, and from taxpayers themselves. In all of this material, the most distressing element was the increasing evidence of bitterness and frustration which is expressed by a large percentage of the public.

On Thursday of this week I will hold the first of four field hearings in New York. We will hold hearings in the next few weeks in Oklahoma City, San Francisco, and Chicago. We will have a full day of public hearings in each city. Once again, we have received many requests from taxpayers who wish to testify on specific grievances, and from tax professionals who wish to testify on recurrent problems. I will make a report to the Congress on our hearings, of course, and I will make the hearing testimony available as quickly as possible to this Committee.

American taxpayers have always paid their taxes voluntarily, and we Americans have always had a high degree of faith in the fairness, integrity, and capability of those who administer our tax law. I am afraid, however, that the public's faith is growing weaker every day.

Most serious among the many problems uncovered in our Hearings were complaints about the process of audit selection, the lack of protection for privacy of information furnished on tax forms, the difficulty in obtaining information on appeal rights, the inequities and arbitrary procedures used in the collection process, the suggestion of misuse of IRS powers for political or personal attacks, and the feeling of taxpayers that IRS agents were working under a "quota" system in which they were required to return a certain number of dollars to the Treasury.

Several months ago, "The Report To The Administrative Conference Of The United States On Administrative Procedures of The Internal Revenue Service" was published. The conclusions of this impartial report largely bear out the reports of our Subcommittee. The legislation I have proposed addresses the problem areas in accordance with the recommendations of this report.

In January and April of last year I introduced five bills to make the following administrative changes in our tax code:

S-136, a bill which requires IRS to inform taxpayers who are being audited specifically how their returns were selected for audit, how the audit system works, and how they may appeal an adverse decision. The procedural changes made by this legislation would bring openness and candor back into the relationship between taxpayer and tax collector, and would restore confidence in the fairness of the system to many disillusioned citizens.

S–137, a bill which would provide for judicial confirmation of the amount and need for jeopardy assessment. The law now allows IRS to seize any amount of a taxpayer's assets if the IRS officials "believe" that collection of a deficiency is in jeopardy. I have proposed that when jeopardy assessment seems necessary IRS be allowed to proceed, but that within five days IRS must seek confirmation from the district court with an opportunity for the taxpayer to be heard in the proceedings. The right to judicial review seems to me to be the most ordinary and proper protection for the rights of taxpayers.

S-138, a bill which will adjust the schedule of income which is exempt from levy by the IRS Currently the code exempts specific dollar value personal effects and necessary tools of a trade. Inflation has made most of these exemptions meaningless, and I believe the exempt income should be based on the number of dependents in a taxpayer's household, and should be tied to the consumer price index. Families should not be left with no income while a tax dispute is decided or a delinquent tax paid.

S-139, a bill which would establish a five year term for the Commissioner of Internal Revenue, thus removing him from political pressure Ample evidence of the need for this legislation is to be found in our hearings and in the report of the Select Committee on Presidential Campaign Activities.

S–1511, a bill which will insure the confidentiality of income tax returns and provide safeguards governing access to information on those returns. The tax records, under my proposal, would be declared to be 'confidential' rather than 'public' records, and stiffer penalties would be mandated for unauthorized disclosure or misuse of tax information. Penalties would apply to those who receive as well as those who release information illegally.

Mr. Chairman, I wish to add that I am a cosponsor of Senator Magnuson's omnibus Taxpayer Rights bill, which addresses many of the same problems I have already discussed, and which provides, in addition, legal assistance for taxpayers and a taxpayer service and complaint assistance office within IRS.

In addition to the legislation discussed so far, I want to bring to the attention of the Committee a serious problem which has come up in testimony before my Subcommittee. I believe that the Chairman of this Committee is already preparing legislation in response to this concern, and I wish to make my support of his efforts clear.

In 1969, the Internal Revenue Code Sections 7463 and 7456(c) were amended to provide that the Tax Court would appoint Tax Commissioners to hear small tax cases. This was an attempt to provide a more equitable and fair hearing for the small taxpayer who is the backbone of our tax system, who files over 80 percent of all individual returns, reports over 65 percent of taxable net income, and pays about 60 percent of all taxes collected. This very important taxpayer, however, usually does not have legal assistance in a dispute over his taxes, and clearly needs better legal service.

The system devised in 1974 is not working well, or as the Congress intended it to work. The Commissioners appointed are not empowered to act as judicial officers; they are soon to be asked to take on additional tasks as the Tax Court jurisdiction expands into other areas, and yet they have no tenure, no status, and do not even render a final decision. The Small Taxpayer Court should have equity jurisdiction, it seems to me, in order to provide better assistance to the public.

I hope this Committee will prepare and present legislation to establish a Small Taxpayer Court. There are thousands of small claims courts which work well for the average citizen, and I believe the Small Taxpayer Court would accomplish what I believe to have been the intent of the Congress originally.

In addition to the administrative changes I have proposed, I would like to briefly review the legislation I have introduced to make substantive tax law change. This Committee has received testimony concerning many major changes in tax structure. I endorse and support those which are going to provide a more equitable tax assessment for the middle income taxpayer who now carries too heavy a load.

The changes I am proposing are embodied in three bills to protect or provide relief to senior citizens, and in one bill I introduced last year to provide more effective encouragement to home ownership and home building. Specifically, I propose:

S–2870, a bill to equalize tax treatment for retirees under federal retirement plans with the tax treatment provided for retirees under social security and railroad retirement. Social security and railroad retirement benefits are tax free, as I believe they should be. Federal retirees however, must use the Retirement Income Credit provision for tax relief.

The RIC was originally intended to conform to tax exemptions provided for social security beneficiaries. However the dollar amount allowed was last amended in 1962. Inflation has, of course, made that base rate ridiculous. My proposal is that federal retirees be allowed tax exemption on retirement income up to the amount of the maximum Social Security benefit for the current year. Changes in social security benefits would thus automatically correct the exemption for federal retirees to keep their benefits equitable. Retired civil servants, contrary to popular myth, receive comparatively low incomes, and every dollar which must be paid in taxes is a dollar which cannot be spent for essential needs. The importance of this simple change in our tax law can be demonstrated by the volume of mail I have received in support of this bill.

S–2695. A bill which would provide a taxpayer credit equal to $250 when the taxpayer houses a senior citizen within his home. This legislation is aimed at halting the segregation of the elderly and the warehousing of senior citizens in nursing homes and rooming houses, often substandard. The small tax credit given would encourage and assist middle and lower income families to provide elderly relatives a home, and would be much less expensive to the government than the construction and maintenance of senior citizen housing and nursing homes.

S–2346. A bill which would protect the elderly citizen from loss of his home or undue economic hardship resulting from increases in property taxes by providing a tax credit for the amount of property tax in excess of that paid before retirement age. The bill would also allow a similar credit for increases in rent caused by higher property taxes.

Finally, I wish to mention S–2082, a bill to provide a credit in lieu of a deduction for interest paid on a mortgage on the taxpayer's principal residence. Clearly, the construction industry is in serious trouble, with unemployment rates as high as fifty and sixty percent. The average home being constructed today is only available to families in the top income brackets. The deduction now given for interest paid on a mortgage was intended to encourage home ownership, but in effect it is regressive. Inflation has now changed the base figures so that we must find a way to make this particular tax expenditure work to better advantage for the average American family. I believe that goal will be reached by changing the law so that those families with incomes below $20,000 will be assisted. That can be done if we provide a tax credit rather than a tax deduction. Library of Congress estimates that 100,000 new single family homes would be built and sold this year if my proposal were in effect, because families would be able to qualify with the small boost in take home pay this bill would provide.

I also wish to mention my full support of one other legislative effort: changes in the estate tax law which would allow family farms to remain within a family after the death of the owner.

Mr. Chairman, I deeply appreciate the time the Committee has given to me to speak on the tax reform matters which concern legislation I have proposed. I am deeply disturbed that taxpayers are losing faith in our tax system, and believe that it is applied unfairly in some cases. Taxes should be clear, equitable, and fair. They should not be applied in such a way as to be injurious to any one group, and they should be collected with courtesy and consideration for the rights of the taxpayers.

I believe that the tax reform legislation this Committee is preparing can and will be the most important and far-reaching legislation which comes out of the Congress this year. There is no reason why American taxpayers should be in revolt—and I believe that sensible corrections in our tax law will insure that confidence and approval are once again the essence of citizen response to the Internal Revenue Service and government itself.

REGULATORY REFORM: CONFLICTS OF INTEREST AND EX PARTE CONTACTS

Mr. PERCY. Mr. President, I would like to share with my colleagues two excellent yet disturbing articles concerning Federal regulatory agencies. The articles were written and researched by David Burnham, of the New York Times, and appeared in the May 8 and May 10 editions of that newspaper.

In the first place, Mr. Burnham discusses the undue influence wielded by special interest groups in many agency rulemaking deliberations. These groups make numerous informal, off-the-record contacts with agency commissioners and staff. Such contacts may cause the agency officials to place unwarranted importance on the views of these groups and to gloss over the true public interest.

The second article concerns possible conflicts of interest which arise when former agency personnel represent regulated industries in actions before the agency where they had previously worked. Mr. Burnham discusses a recent House Commerce Subcommittee study which revealed that—

> Thirty-two of 83 commissioners and top officials who left their agencies in the last 15 years "have at some time during the immediate subsequent five years been employed in the regulated industry."

Both problems—the undue influence of special interest groups, and possible conflicts of interest, presently lawful, involving former agency personnel—are very serious concerns. Any effective reform of Government regulation is going to have to deal with such tough questions as these. The current joint study being undertaken by the Government Operations and Commcrce Committees pursuant to Senate Resolution 71, should provide some possible answers to these problems.

Mr. President, I ask unanimous consent that the two New York Times articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

EX-U.S. AIDE, NOW ON OTHER SIDE, STIRS CONFLICTS ISSUE

(By David Burnham)

WASHINGTON, May 9.—While G. Richard Dunnells was working as a high official in the Department of Housing and Urban Development, he helped negotiate a Government contract with a St. Louis builder.

Shortly after he left his $36,000-a-year job with H.U.D., according to three Federal officials, he appealed before the agency representing the other side—the builder of the Mansion House project of St. Louis. He urged a former subordinate to modify the very contract he had worked on while in government.

As a result, Robert R. Elliott, the general counsel for H.U.D., asked the Justice Department to decide whether Mr. Dunnells had violated part of the Federal conflict-of-interest law—a provision intended to keep former Government officials from improperly profiting from the special knowledge they gained while on the public payroll.

Several months ago, the Justice Department informed Mr. Dunnells that he would not be prosecuted. That decision was consistent with the agency's record. According to a department study, 40 such cases were referred to it for possible prosecution from 1965 to 1975. In that period, six indictments resulted.

Some experts attribute this record to ambiguities in the Federal law. Others cite what they see as a lawyerly reluctance to prosecute lawyers.

Officials who leave high Government positions and remain in Washington very often end up working for clients who have problems with the agencies the officials were formerly associated with. A House Commerce subcommittee on Oversight and Investigations found in a study that 32 of the 83 commissioners and top officials who left their agencies in the last 15 years "have at some time during the immediate subsequent five years been employed in the regulated industry."

Because of the belief that too stringent a conflict-of-interest law would deter qualified persons from entering government, Congress has written a statute and the American Bar Association has developed a code of ethics whose provisions mean that many of the moves from public to private life do not violate the existing standards.

Among the former Federal officials who have switched to jobs in private industry are the following:

William D. Ruckelshaus, the first head of the Environmental Protection Agency, who began a law firm that has many clients who are involved in legal battles with the E.P.A.

Dean Burch, the former chairman of the Federal Communications Commission, is a member of a law firm that is representing a company involved in a legal dispute on which he voted several years ago while heading the F.C.C.

William O. Doub, from 1971 to 1974 a commissioner in the Atomic Energy Commission, and Manning Muntzing, the former director of regulation at the commission, are with Lebeeuf, Lamb, Leiby and Macrae, a New York-based law firm that does considerable nuclear business.

Mortimer Caplin, Commissoner of Internal Revenue from 1961 to 1964, is a partner in a law firm specializing in tax work. So is Sheldon Cohen, I.R.S. Commissioner from 1963 to 1969.

ST. LOUIS CASE

In the case of Mr. Dunnells, several high officials in H.U.D. reported that while he was serving as acting Assistant Secretary, he became actively involved in negotiations with Maurice B. Frank, the manager of the Mansion House complex in St. Louis.

In the Dunnell's case, Federal officials assert that Mr. Dunnells, shortly after having left office on Feb. 16, 1973, returned to the department where he held a meeting with Fred W. Pfaender, director of loan management, during which he asked for a modification of the Mansion House contract on which he had worked in his H.U.D. job.

In response to an inquiry, Richard L. Thornburgh, the Assistant Attorney General in charge of the Justice Department's Criminal Division, and Donald J. Stohr, the United States attorney for the Eastern District of Missouri, said that Mr. Dunnells would not be prosecuted.

Mr. Dunnells, now in private law practice in Washington, confirmed having been told he would not be prosecuted. After saying that the matter had caused him "considerable personal pain," he declined to make further comment.

Finding a former top official who chose to remain in Washington after leaving government and who is not using his special skills and contacts is almost impossible.

Lee C. White, chairman of the Federal Power Commission from 1966 to 1969, is one exception. For the first five years after leaving government Mr. White's firm represented no client before the F.P.C. and only recently has agreed to represent such organizations as the American Hospital Association, which is not part of the power industry.

A recent study by Victor H. Kramer, a professor of law at the Georgetown University Law Center, found that more than half of the officials appointed to nine Federal regulatory agencies in the last five years came to it from the industry they were to regulate.

FEAR LOSS OF TALENT

The subject of considerable private conversations in the offices of many Washington law firms and the cause of Mr. Dunnell's ultimately resolved conflict with the Justice Department is Section 207, Title 18, United States Code, a five-paragraph section of the Federal conflict-of-interest law that tries to detail those actions that Congress feels would be improper for former Government officials to undertake before their former agencies.

The question of what can be considered proper is a complex one. On the one hand, almost all parties agree it is improper for an official to earn money because of the knowledge he gained about a particular case while an official or to unduly influence an agency decision because of his continuing connections in a given agency.

On the other hand, many experts argue that if the restrictions on employment after holding a Federal job are too strict, talented individuals will be discouraged from accepting such jobs.

Section 207 of the conflict-of-interest law has two key provisions to control side-switching. The first makes it a Federal crime for a Government employee upon leaving office ever to represent as an agent or attorney any party on the other side of a matter in which he was "personally and subsantially' involved while in Government.

The second provision makes it a crime for a Government employee, during the first year after leaving office to represent as agent or attorney, any party on the other side of a matter that was under his general responsibility but not his personal or substantial control.

Though the theoretical intent of the law is clear, it contains a number of undefined terms, which give a former Government official leeway to argue, that he is not guilty of violating it.

What exactly does personal and substantial involvement entail? What does the phrase "under his official responsibility" actually mean?

Another limitation of the law is that it does not apply if the potential conflict centers on general policies that the former official promulgated while in office. This is because the conflict law refers to only a judicial proceeding, claim, contract or "other specific matter."

FEW INDICTMENTS

The results of these many legal ambiguites is the Justice Department's indictment of only a handful of former officials. The department's record was disclosed in a recent letter to Senator William Proxmire, Democrat of Wisconsin, from the current head of the Criminal Division, Mr. Thornburgh.

From a study of caseload statistics, Mr. Thornburgh wrote, "it appears that for the calendar year 1965 through 1975 (September), there have been approximately 40 Section 207 matters referred variously to the Federal Bureau of Investigation, United States attorneys and/or the Criminal Division for consideration."

With most of the recommendations for prosecution coming from the heads of Executive branch agencies and departments, Mr. Thornburgh said "our materials indicate that during this period, Section 207 referrals resulted in six prosecutions."

Mr. Thornburgh informed Senator Proxmire that "decisions against prosecution were made for various reasons: reasonable doubt of guilt, disproportion of the authorized punishment in relationship to the offense or offender; availability and likelihood of prosecution in another jurisdiction; other similar reasons."

FEW CHARGES STICK

Justice Department records indicate that the charges are not easy to make stick. One official won a dismissal on appeal, a second was acquitted by the trial judge on the motion of the defense, a third was acquitted by a jury, another did not contest the charges, a fifth official pleaded guilty and the last case is still pending.

In a subsequent interview. the Justice Department official said he felt that the conflict-of-interest law provided a "fairly clear warning" as to what was not permitted but that its use of a number of general phrases made prosecution difficult.

"It is hard to prove matters beyond a shadow of doubt when you have these shadowy phrases," Mr. Thornburgh said.

The prosecutor, however, does not believe that the law requires clarification. "These are the sanctions that have been proscribed by Congress, and they make good sense to me," he said.

Whether Congress, 53 percent of whom are lawyers, will reconsider the ambiguities of the present law, is unknown.

"An awful lot of Federal officials look upon their time in government as an investment," said Allan Morrison, director of the Public Citizens Litigation Group, a key arm of Ralph Nader's Washington operation.

"It probably would be a lot cheaper and better for the public if these guys were provided a public stipend for a while rather than permitting them to start working over their old agencies," Mr. Morrison added.

Interest Groups Active Before FCC Decision

(By David Burnham)

WASHINGTON, May 7.—The Federal Communications Commission adopted a rule sharply limiting the growth of cable television after the agency's members and officials had 350 private contacts with representatives of the various industries whose fortunes would be directly affected, according to an F.C.C. compilation.

During the same period of time, commission members and staff recorded only 20 private contacts with Government agencies or public interest groups that did not have a direct financial stake in the cable industry.

At issue is a set of complex rules proposed by the F.C.C. that limit the number of films and sports events that can be shown on cable television.

BASIS OF DISPUTE

The rules have been criticized by the House Communications Subcommittee staff as illegal and unconstitutional, designed to maintain the high profits earned by most television broadcasters. They have been defended by the broadcasters as essential if they are to continue to provide entertainment and news programming without a direct charge to the viewer.

The private contacts, which included meetings, lunches, dinners and telephone conversations, do not appear to violate F.C.C. regulations of those of most other Federal agencies because the matter involved a general rule with an industrywide impact rather than the granting of a special license to contending parties.

Such contacts, the bread and butter of many Washington lawyers, have long been accepted as a normal and legal part of how government operates. But now the hundreds of contacts with the F.C.C. on the cable proposal have been challenged as improper in legal actions brought in the Federal Court of Appeals for the District of Columbia.

LIST ORDERED

It was in response to this legal challenge that the Court of Appeals ordered the seven members of the F.C.C. and 11 staff officials to supply the court "a list of all the ex parte presentations together with the details of each" made to them between July 19, 1972. when the cable rule was proposed, and March 21, 1975, when the rule was adopted.

The challengers were Henry Geller, a former general counsel of the F.C.C., and Frank W. Lloyd, on behalf of the National Citizens Committee for Broadcasting.

In their petitions, both cited the alleged procedural errors involved in the private off-the-record contacts as one reason the Court of Appeals should throw out the commission's proposed cable rule and order the F.C.C. to start all over again in developing a rule to replace it.

In his argument, Mr. Lloyd cited a 1974 Federal decision where the court stressed the importance of public involvement and the impropriety of an agency hammering out a course of "compromise between the interests of different broadcasting groups and gloss-[ing] over the more fundamental public interest."

Both Mr. Lloyd and Mr. Geller argued that large numbers of private contacts where arguments can be made but not challenged tended to make the F.C.C.'s public hearings something of a sham.

SHAM ALLEGED

The commission records of both the hearings and the private sessions show that more than 40 different organizations came from all over the United States to express opinions about the rules during the public sessions. But virtually none made any private contacts.

One group that took part only in the public debate was the National Citizens Committee for Broadcasting. "I just felt the oral argument during the scheduled hearings was the final act," said the committee's lawyer, Mr. Lloyd.

"In my view, the rule making is a merger between the policy making and judicial process and you just don't talk to the judge after argument," he said.

Mr. Lloyd also pointed out that the commission's notice of the cable hearing specifically said its record would "remain open for the receipt of any supplemental written material in reply to arguments made during oral arguments" for a week after the public hearing but said nothing about the appropriateness of private approaches.

The F.C.C., in its replies to the challenge of Mr. Lloyd and Mr. Geller, has argued that private contacts with industry are lawful, in accordance with its procedures and irrelevant to the substantive challenge of the cable rules.

Richard E. Wiley, chairman of the F.C.C., in a speech given two years ago to the Federal Communications Bar Association, opposed the long delays between public hearing and final decision during which "oral argument continues informally in the privacy of individual commissioner and staff offices. I simply do not think this is good practice," Mr. Wiley said.

Because off-the-record meetings are an accepted part of Washington life in informal rule making proceedings, few of the commission members and staff ordered by the Appeals Court to provide lists had complete records of such contacts.

ACCEPTED PART

But the records that were provided showed that representatives of the National Cable Television Association, the Motion Picture Association of America, the National Association of Broadcasters and the professional baseball and hockey groups were repeatedly making their arguments privately with commission members and staff.

So were representatives from the Columbia Broadcasting System, the National Broadcasting Company, the American Broadcasting and the major cable companies such as Home Box Office, Teleprompter, Sterling Cable and Viacom. Other commercial interests making private contacts included Warner Bros., 20th Century-Fox and a number of individual television stations.

Contacts by those without a direct financial interest included the Justice Department, the National Black Media Caucus, the White House Office of Telecommunications Policy and the Stanford Research Institute.

The most complete and carefully documented record appeared to be provided by Commissioner Glen O. Robinson and his legal assistant, Daniel D. Polsby. The two men indicated they had held a total of 49 private meetings, luncheons and dinners on the cable question, one or two of them with persons without a direct economic stake. Various persons representing the National Cable Television Association met with the two officials on nine separate occasions, the National Association of Broadcasters had four meetings and the Motion Picture Association of America had four meetings.

HUGH O'BRIAN YOUTH FOUNDATION LEADERSHIP SEMINAR ON AMERICA'S BICENTENNIAL

Mr. HUMPHREY. Mr. President, on April 4, I had the honor of participating in a seminar entitled, "To Form a More Perfect Union: The National Character," which was part of the Hugh O'Brian Youth Foundation Leadership Seminar on America's Bicentennial, held here in Washington, April 3 through 10.

The Youth Foundation has been operating on a national basis since 1968. Its purpose is to bring together high school sophomores from all 50 States, the District of Columbia, and many foreign nations to improve their capacity for leadership through an in-depth examination of the issues that confront us. The students bring to the seminars a multitude of diverse social, economic, and cultural backgrounds and experience. They leave with a better understanding of the issues they have probed, but more importantly, a better understanding of themselves and their capabilities.

The goal of the foundation's efforts is to inspire these young people to more fully express their citizenship through personal leadership. They take back to their communities a better understanding of the way our Nation works and where it is heading. They learn to utilize their newfound capabilities for leadership by sharing with their friends and neighbors their knowledge, but more significantly, their enthusiasm and youthful energy.

Past participants have taken part in leadership seminars on a wide range of topics such as oceanography, space, the economy, government, and the democratic process. This year's theme was the Bicentennial, and throughout the week they met with dozens of our Nation's most distinguished public servants and private citizens. Representatives of all three branches of Government and executives of some of our leading corporations met and shared ideas with the 79 young leaders. Next year the seminar will deal with the free enterprise system.

Every September, high school sophomores are chosen to represent their States at the seminars. A number of organizations assist in the process of selection, including the U.S. Jaycees and the National Association of Secondary School Principals. Sophomores are chosen because it is felt that they will have 2 more years to apply their skills and share their experiences with their peers. It is interesting to note that those students who are not chosen to attend the seminar, but who are nominated by their schools, are asked to serve as student body representatives for a number of charitable organizations operating in their communities.

My friend, Hugh O'Brian, is the driving force and inspiration behind the leadership seminars, and it is his foundation that organizes and funds the annual event. He personally supervises every aspect of the seminars and it is his energy and dedication that makes them work. Every young person who goes through the experience is in some way affected by the personal commitment of Mr. O'Brian. It is a measure of the unique spirit of this organization that every participant is encouraged to write to Mr. O'Brian on his or her birthday every year until he or she is 30, in order to give a progress report on his or her activity and personal growth. Mr. O'Brian, likewise, writes to each of them on his birthday.

These are times when it is easy to be cynical and pessimistic. We all must recognize, however, that our future, good or bad, rests in the hands of our young people, and success depends on strong and compassionate leadership that only they will be able to provide. The Hugh O'Brian Youth Foundation is making an attempt to teach our youth to lead, by showing them not only how to make America grow, but how to make themselves grow.

It was an honor for me to be able to take part in this process and to be able to join in the exchange of ideas that is the essence of the leadership seminars, and to have had some small part in fostering the understanding and tolerance that inevitably result.

The future is still up for grabs, but after participating in this inspired program I am more certain than ever it is in good hands.

HARRY V. "SKINNY" TAYLOR—UNSUNG HERO OF DECATUR

Mr. PERCY. Mr. President, everyone in Congress can probably point to one or two unsung heroes in their districts or State who are deserving of praise for their participation in the political processes of our country but who seldom receive such attention.

The Chicago Tribune, however, has recently printed a profile column about Harry V. "Skinny" Taylor, for 28 years Republican chairman of Macon County and for many years president of the Republican County Chairmen's Association of Illinois.

Skinny Taylor's influence in my own life has been very great indeed. He was the first county chairman out of 102 in the State of Illinois to endorse my entry into politics when I announced my campaign for Governor in 1963. Considering my political weakness at the time and the strong opposition I had in the primary, Skinny Taylor's decision was a "profile in courage" that shook up the other 102 county chairmen, and even astounded me at the time. Throughout the course of our close friendship and political affiliation, he has never asked for or wanted a political position of any kind. His purpose has been to build the Republican Party so that it can be a more viable part of the two-party system, and contribute to the growth and development of his own city of Decatur, his county of Macon, the State of Illinois and our Nation. Equal billing should be given to his devoted wife, Marion Taylor, who, like so many spouses and family members of political leaders, must make her own individual sacrifices because of the time away from family life that politics requires.

I ask unanimous consent that the Chicago Tribune article of May 9 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROFILE—DOWNSTATERS HAVE A BOSS OF THEIR OWN

(By John Elmer)

SPRINGFIELD.—Mayor Daley seldom takes a back seat to anyone, but he's still running second in political longevity after 25 years as Cook County Democratic Chairman.

Meet H. V. "Skinny" Taylor of Decatur, who has seen them all come and go after 28 years as Republican chairman of Macon County.

Taylor, 68, got the nickname "Skinny" in 1927 when he was a 129-pound weakling just graduated from Miliken University.

Since then, Taylor has put on about 70 pounds and lots of political mileage in his role as a Downstate GOP party leader.

In all his years as a chairman, including eight as president of the Republican County Chairmen's Association, Taylor has yet to take a patronage job.

"I find it softens the blow when you tell someone you can't give them a political job if you don't have one yourself," he remarked.

Recently retired, Taylor's long-time ownership of a Decatur trucking company made it possible for him to avoid many of the political pitfalls which face most county chairmen.

Their task—an unpaid one incidentally—is to get the party faithful out ringing doorbells and collecting votes. If their candidate wins, it also is the chairman's job to handle political rewards in the form of government positions.

According to Taylor, most Republican state officials cooperated with the GOP chairmen and channeled patronage jobs through them, but some had other ideas.

The late Secretary of State Charles Carpentier, then the only GOP state officer, didn't much like county chairmen, and refused to even listen to Taylor's views on Republican candidates for the 1964 election campaign.

Taylor said OK, then proceeded to defeat Carpentier's ticket, headed by now Atty. Gen. William Scott, with a rump slate led by Charles Percy, now U.S. senator from Illinois.

Taylor, always viewed as a party maverick, concedes that Illinois GOP chairmen have been in political disarray for decades. But now, they are beginning to get their act back together, Skinny thinks.

A delegate to the GOP National Convention pledged to Ford, Taylor is confident that the incumbent President will be nominated despite the strong challenge by former California Gov. Ronald Reagan.

He also believes that James Thompson, his party's choice for governor, will swamp Democrat Michael Howlett in Macon next November, even though his county is a Democratic stronghold.

IMPACT OF MEDIA ON ALCOHOL ABUSE AND ALCOHOLISM

Mr. HATHAWAY. Mr. President, in early March, the Subcommittee on Alcoholism and Narcotics, of which I am chairman, held hearings on the impact of the media on the prevention of alcohol abuse and alcoholism. We explored many aspects of this subject in those hearings, including the possible effects of broadcast and print advertising of alcohol, the effects of alcohol-consuming role models portrayed in television programing, the incidence of alcohol use on television and more.

We were especially concerned about the effects of the media on impressionable children in this area, since recent studies have shown that alcohol use and abuse among young persons is increasing at an alarming rate.

We heard suggestions that ranged from outright bans on alcohol advertising, to the positive roles the media might play in alcohol abuse prevention.

I have been extremely gratified by the public and private response to these hearings, and by the national coverage this topic has received. Segments of the hearing were prominently aired on CBS evening news, bringing our concerns to over 25 million viewers. Thoughtful, comprehensive articles were written in the national media, including an article in the National Observer, by Mark R. Arnold, and a recent article in the Washington Post, by Colman McCarthy. In addition, articles not related to the hearings, but highlighting concerns in this area have been given prominent play, such as the piece that appeared in this morning's Wall Street Journal about the British concern about alcohol advertising.

I call these articles to the attention of my colleagues and the public. I also express my continuing interest in this subject and my intention to pursue both governmental and nongovernmental solutions. I also take this opportunity to commend the various representatives of the television industry and the program production industry who have agreed to meet with me in the next few weeks. Our purpose will be to discuss positive action that can be taken to stem, and perhaps turn back, our rising epidemic of alcoholism and alcohol abuse.

I ask unanimous consent that the articles referred to above be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 19, 1976]

MOVE IS UNDER WAY IN BRITAIN TO DILUTE STRONG LIQUOR ADS—MAYBE FOLKS DO DRINK TO GET DRUNK, BUT SHOULD THE ADS SAY THAT QUITE SO BADLY?

(By Richard F. Janssen)

LONDON—XQQQ ME RU B4 ME, 4A DD? That's the complete text of a billboard advertising a brand of beer here, and it takes a bit of translating to get the message. It's something a Londoner might say when crowding up to a bar: "Excuse me, are you before me for a Double Diamond?"

Such less-than-explicit advertising is becoming more common as Britain rather belatedly attempts to put more straitlaced limits on advertising the attributes of alcoholic beverages.

In the U.S., such appeals have long been primly limited by the Treasury Department's Bureau of Alcohol, Tobacco and Firearms. Here, the British reputation for understatement had been counted on to make precise strictures unnecessary.

But by February of last year, many ads had become so blunt that the Advertising Standards Authority, a voluntary, industry-supported watchdog, felt compelled to be more explicit itself. It adopted an alcoholic-drinks code to be phased in as new ad campaigns began. The code, says Ian Lyon, deputy director of the authority, is "more precise" than previous guidelines.

CENTRAL HEATING

The code is only a 57-line statement. A key point says that ads shouldn't "give the general impression that a drink is being recommended mainly for its intoxicating effect." That reflects the fact that much British beverage advertising hasn't bothered with such secondary attributes of booze as taste or smoothness; it has proceeded on the premise that people buy booze to get bombed.

So, typically straight-to-the-point posters in London subway stations show a small bottle of beerlike brew called Gold Label against a plain white background. The message: "It may be small, but it's strong." A wintertime White & Mackays Scotch whisky ad was only a touch subtler—a picture of a whisky bottle with the words "Central Heating" superimposed across it.

Potency is an appeal that is too appropriate to ignore, contends Tim Ambler, British marketing manager for Gilbey Vintners Ltd., the Grand Metropolitan Ltd., subsidiary that imports Smirnoff vodka here. One of the main reasons people drink vodka, he says, is that "they see it as a potent drink. Not just potent in the alcoholic sense, or in the sexual sense, but in the broader sense—it makes life more interesting."

One Smirnoff campaign declared that when you drink Smirnoff, "the effect is shattering"—shattering, the ad suggests, in the sense of breaking away from staid old styles of living. "I used to be an accountant until I discovered Smirnoff," a handsome man says in one of the series' most noted (and most parodied) ads. The scene is a tropical bar; the man is flashily dressed in white and wears dark glasses; the tacit suggestion is that he has turned to something more lucrative, perhaps currency smuggling in Singapore.

The series caught some heat from the advertising authority and other critics, and is continuing now without the "shattering" caption. (It is being supplemented by another series, stressing the theme that vodka "mixes well with all sorts of things.")

ANOTHER COMPLAINT

Some ads draw complaints for other reasons. A typical Canadian Club magazine ad features a grumpy looking couple identified as "Mr. and Mrs. E. Higgins, age 57 and 55." Mrs. Higgins, holding a teacup, says, "My Ernie thinks that pop concerts are plain evil. And as for those sex films, my Ernie thinks they should be put down (killed off). And my Ernie's got no time for those foreign drinks like Canadian Club, have you Ernie?"

The same ad carries the reply of "Mr. and Mrs. D. Palmer, age 23 and 21," an attractive, cuddling couple holding large glasses of whisky. Their quote: "We think Ernie should stop thinking." To the Scottish Council on Alcoholism, the series' "depiction of older people as stuffy and out of date was likely to encourage a socially undesirable polarization between the young and the old."

Similar complaints came from individuals, who didn't disclose their ages, but the advertising authority didn't share their outrage. The rules don't prevent makers of a product from "claiming a particular sector of the market," observes Mr. Lyon, who adds that the authority "felt it was humorous." The code, he notes, specifically accepts "humor, fantasy, symbolism and allusion."

[From the National Observer, Mar. 20, 1976]

BOOZE ON THE TUBE—DOES TV TIPPLING BREED ALCOHOLICS?

(By Mark R. Arnold)

The next time your favorite television show features a scene in which someone asks for a drink, ask yourself: Why couldn't it be water?

That question bothers Nicholas Johnson, former member of the Federal Communications Commission, who observes that Americans consume 50 times more water a year than they do alcohol—but you wouldn't know it by watching TV.

Johnson, a veteran broadcast-industry gadfly, and other critics of the mass media's portrayal of alcohol clashed with Government and industry witnesses last week at hearings called to explore the impact of radio and television on alcohol abuse.

Maine Democrat William Hathaway, chairman of the Senate Labor Subcommittee on Alcoholism and Narcotics, calls alcohol "the nation's most ubiquitous drug": More than 100 million Americans rate themselves as social drinkers, and about 10 million are alcoholics. But no one is sure what impact the mass media have on drinking habits and what, if anything Congress should do to discourage excess drinking.

SPENDING FOR PROMOTION

Last week's testimony provided several arguments for some kind of crackdown—Government or industry—on broadcasting's use of alcohol in ads and programs. Witnesses also pointed out that drunkenness appears to be a growing problem among young teenagers and that the liquor industry, including beer and wine makers, spends more than twice as much to promote its products as the Federal Government spends to combat alcoholism.

Moreover, though hard-liquor ads have been banned from broadcasting since 1948, commercials for beer and wine are proliferating. The Christian Science Monitor recently reported that 80 per cent of the 249 shows it examined involved some use of alcohol either in ads or in references to drinking in program scripts.

One interpretation of these facts involves a call for more study. "We do not know the effects of beverage-alcohol advertising on the millions of people that advertising reaches each day," Dr. Ernest Noble, director of the National Institute on Alcohol Abuse and Alcoholism, told the panel. He added there is "a very real possibility" that current advertising practices contribute to alcohol abuses.

Former Brooklyn Dodgers pitcher Don Newcombe doesn't share Noble's caution. A reformed alcoholic, Newcombe argued that television's use of "glamorous and sophisticated people" to promote drinking "reinforces the notion that alcohol can help" young people achieve success. He criticized singer Dean Martin, who has built his career image around drinking, and former baseball stars Mickey Mantle and Whitey Ford, who boast in a TV commercial of their membership in a "Beer Drinkers' Hall of Fame."

"UNFAIRLY BLAMED"

Challenging this line of reasoning, CBS Vice President Thomas J. Swafford contended that television is being unfairly blamed for problems that reflect the pressures and values of contemporary society. "Drinking is very much a part of living in this country," said Swafford, a former alcoholic himself. "If would be unreal [for television] to portray a society without alcohol."

Representing the only network to send a spokesman to the hearings (others said they would submit written statements), Swafford said that CBS rejected as inappropriate 20 percent of the beer and wine commercials submitted for airing last year. He also cited changes in program scripts to illustrate how the industry's voluntary code of self-regulation deemphasizes drinking. For example, an editor wrote the producers of a *Barnaby Jones* episode last September: "Please have Kathy say, 'I'd like a drink' instead of 'I need a drink' to avoid encouraging stress drinking."

PORTRAYAL OF LIFE?

Hathaway doesn't think that self-regulation is tough enough. And he dismisses the argument that the emphasis on liquor in programs is justified in the name of portraying reality. "Your typical television show doesn't portray what life is really like anyway," he says, swigging a soft drink in his Senate office. "But it sure makes drinking look appealing. They could just as easily order up a cup of coffee."

Hathaway's staff is exploring such options as a ban on broadcast beer and wine commercials, a requirement that ads carry a hazard warning modeled on the one required for cigaret ads, and changes in the tax law to disallow deductions for liquor advertising.

The prospect of an outright ban on these commercials is remote. For one thing, the Government doesn't contend that all drinking is bad, only drinking to excess. This differentiates alcohol from cigarets, which were linked to lung cancer and a variety of pulmonary and heart diseases in the Surgeon General's report of 1964. The report led to the hazard-warning requirement in cigaret ads and on cigaret packages.

Moreover, some officials think that Congress' broadcast ban on cigaret ads in 1971 has backfired because it also removed the counter-cigaret commercials that the Federal Communications Commission had encouraged in a 1968 ruling. Since the 1971 action, per capita cigaret consumption has increased, reversing the decline that followed the Surgeon General's report.

MANY UNPROVENS

Stations now routinely run public-service ads warning of the dangers of excessive drinking. "If they went out with beer and wine [banned those ads], the net effect could be bad," reasons a Government expert.

Hathaway's hearings probably won't bring Federal action against liquor commercials and programing. There are still too many unprovens—perhaps unprovables—in the relationship between alcohol advertising and alcohol abuse. But the hearings may result in some strengthening in broadcast-industry self-regulation.

[From the Washington Post, May 17, 1976]

ADVERTISING: A CONTRIBUTOR TO ALCOHOL ABUSE?

(By Colman McCarthy)

Among the 1,500 people now in Washington for the annual conference of the National Council on Alcoholism, one of the nagging questions involves the effects of media advertising on alcohol abuse. Those at the conference, whether the physician who treats the upper class alcoholic at a private hospital or the social worker who runs the flophouse for skid row victims, know graphically the raw results of alcohol abuse among the nation's ten million alcoholics and the four of five people in their immediate family.

Alcoholism or alcohol abuse figures one way or another in 50 per cent of all first admissions to mental hospitals, 50 per cent of all arrests in the United States, 50 per cent of the nation's highway deaths and 40 per cent of all problems before family courts. Though alcohol abuse is seldom the subject of the "crackdown" that one politician or another regularly calls for in speeches on drugs, it remains unchallenged as the nation's number one hard drug. The 375,000 addicts hooked on heroin are a small percentage of the ten million alcohol addicts. While the drinking goes on, the beer industry spent (in 1974) more than $100 million in advertising, the distilled spirits industry spent $160 million and the wine makers $50 million. The pitches range from Mickey Mantle and Whitey Ford bragging in TV commercials that they "belong to the beer drinkers hall of fame" to newspaper ads listing prices. Sen. William D. Hathaway, chairman of the Senate Subcommittee on Alcoholism and Narcotics, wondered at hearings in March: "Is all this effort devoted, as some advertisers claim, only to inducing people who already drink to shift from one brand to another? How much of it is actually designed to encourage non-drinkers to start? To encourage moderate drinkers to drink more? In other words, to create an overwhelming cultural atmosphere in which drinking is second nature to everyone over the age of 12?"

The questions are general, but that someone in power is discussing them at all has to be seen an advance. It is true that no one can argue factually that a ban on alcohol commercials and ads want to lower the disease rate, if only because the specific causes of alcoholism are a mystery; nor has anyone ever tried to document what percentage of alcoholics first drifted into their addiction because of a persuasive ad campaign. Alcoholism was a problem before television and long before Madison Avenue was paved over with jingles and slogans. Granted all of that, a large number of health authorities are convinced that the advertising of beer, wine and liquor has some linkage to what is clearly a devastating disease and not from the Temperance League.

The exact nature of that linkage isn't known, nor is the degree to which controls ought to be exerted. But proposals are being made. Last year, in HEW's "Forward Plan for Health," one of the options presented was to "restrict ads for alcoholic beverages or exclude such advertising as a deductible business expense for tax purposes." That is one idea. At the hearings of the subcommittee, others were offered that ranged from a defense of industry self-regulation to a ban on all alcoholic advertising except for price information.

The latter position was argued by Dr. Sidney Wolfe, of the Health Research Group. "The one aspect of alcohol which clearly distinguishes it from anything else that is advertised, with the possible exception of cigarettes, where the evidence for physical addiction is less complete, is that it is an addicting substance; there is no other addicting substance which is advertised in this country. . . . The advertising of any addicting substance . . . is really against the health and interests of this country."

Among the other strategies offered were a campaign of equal-time "counter-advertising," and calls for the Federal Trade Commission—rather than the Bureau of Alcohol, Tobacco and Firearms—to be given more strength to judge deception or unfairness in alcohol advertising. An FTC official said that "we would be prepared to consider an investigation of an ad where a strong argument could be made that from the face of the ad itself it would be of special appeal to the abuser." But the official said the commission lacked "a broad base of data," and therefore "we are not in a position to break entirely new ground on whether there is a widespread problem growing out of a relationship between advertising and alcohol abuse."

Spokesmen for the television industry defended the self-regulation of the Television Code Review Board and the National Association of Broadcasters Code Authority. Referring to the nation's 100 million drinkers, and the 10 per cent alcoholics among them, Thomas Swafford of CBS said that "these are the facts of life, and since television reflects the standards and mores of society, it would be unreal to try to portray a society without alcohol." He spoke of his industry's "endeavor to deemphasize the use of alcohol."

The strength of this deemphasis was questioned by Nicholas Johnson of the National Citizens Committee on Broadcasting. He referred to "the gross disproportion in the showing of the use of alcohol on television and the actual liquid consumption patterns of the American people." Of the 182 gallons of liquid the average American consumes a year, liquor is in eighth place, with about two gallons. But on television programs, liquor is used 24 times as much as coffee, of which Americans consume 32 gallons a year. It is used 120 times more than milk, even though citizens drink 12 times more milk then liquor in real life.

One conclusion from all these views is that the discussion is only beginning. Specialists in the field of alcoholism are grateful for the attention, because they have long been dismayed at the way politicians take tough stands against heroin or cocaine but say or do comparatively little about the greater devastation of alcohol abuse. Sen. Hathaway noted that most of the $160 million the federal government spends on alcoholism is for persons who already have the disease, with only $10 million devoted to prevention. Much of this prevention involves education. Yet if liquor is the most common drink on television and several hundred million dollars are spent on media advertising, Sen. Hathaway hit on a major issue when he asked "how this massive barrage of information about alcohol affects our nation's health."

As for the senator's questions on what the liquor industry and its advertisers are seeking, an answer appears in the current issue of Business Week. John E. Bierwirth, who, as the non-drinking chairman of National Distillers and Chemical Corporation, spent 25 years turning his firm away from liquor production in favor of chemicals, said: "I didn't think the liquor business should expand and grow. You shouldn't encourage more people to drink or people to drink more." Bierwith, now 80, no longer runs the company. Its new head, Drummond C. Bell, has other ideas and is emphatic about increasing National's liquor earnings: "Liquor is a great cash generator. There is little or no capital investment, and all the profits are cash."

ELITIST ASSAULT ON THE AMERICAN SOCIETY

Mr. HRUSKA. Mr. President, soon the Committee on the Judiciary will act on S. 2387, a bill to require extensive divestiture by certain large oil companies.

The bill prohibits any such company from engaging in more than one of the four aspects of the petroleum industry: first, production; second, transportation; third, refining; and fourth, marketing.

Last month this theme was discussed at Pace University in New York, when an honorary degree of doctor of commercial science was conferred upon Rawleigh Warner, Jr., chairman of the Mobil Oil Corp.

Mr. Warner spoke in a clear, effective fashion.

He pointed to the lack of facts or knowledge on the subject by many advocates of the divestitive measure. He argued that there is competition among oil companies; big oil companies are not swallowing up independent oil businesses; profits are not unduly high; the present system allows and results in large companies adding to production of oil resources, and so on. He said:

> What is Congress doing to facilitate domestic exploration for oil? Some of its members are spending their time misinforming people and working to break up and weaken the very companies that are needed in this essential effort.

The point was made that much more than the oil industry could be involved here. Similar divestiture is likely to be demanded in other segments of industry, such as steel, automobiles, aluminum, computers, and commercial television.

According to Mr. Warner:

> I am convinced that those who are striving to dismember it (the petroleum industry) are taking aim at the entire private sector. . . .

Mr. Warner describes the proposed change as fundamental and far reaching. Yet no one has shown this action is necessary or desirable. "Divestiture is a nostrum for an ailment that does not exist," he said.

Nor has any showing been made to assure or even reasonably indicate that the new arrangement will or can work.

It is elementary that prudent people do not adopt changes in personal or business affairs unless the benefits of the new will outweigh the disadvantages done by destroying the old. The proposed bill, S. 2387, fails this test completely.

Mr. President, I ask unanimous consent that the text of Mr. Warner's paper, "The Elitist Assault on American Society," be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

THE ELITIST ASSAULT ON AMERICAN SOCIETY

(By Rawleigh Warner, Jr.)

Since this is a business award, I intend to devote my remarks on this occasion to a business subject—specifically, to efforts under way to dismantle or "divest" the U.S. oil industry. I propose to discuss the rationale for these efforts; to identify some of the individuals involved and to comment on their arguments and their qualifications; and to say what I think the consequences of divestiture would be for the American people and for American industry as a whole.

Lest this topic strike you as a parochial concern on my part, let me say that in my opinion what I intend to depict amounts to an ideological assault against all American industry and, in fact, the entire private sector. This attack has proved singularly immune to rational responses and factual information. The United States seems to have entered a period in its political development when ill-grounded conclusions of the most fundamental nature are increasingly reached with no examination of the facts or knowledge of the subject, and thereafter stubbornly clung to even as the arguments advanced to support such conclusions are demolished one by one.

Specifically, some inside and out of the Congress are demanding that the 18 largest American oil companies be functionally dismembered. A company that produces oil would not be able to transport it or to refine or market it. By the same token, no refiner or marketer could assist in the urgently needed exploration to increase U.S. oil reserves.

Those who favor this course of action claim it would benefit the consumer, but they cannot produce any credible evidence to this effect and hence have fallen back on rhetoric.

They say there is no competition in oil. If there is no competition, then how is it that no oil company accounts for over 8% of U.S. crude oil production, or over 8.3% of domestic refining capacity, or over 8.2% of gasoline sales? If there is no competition, then how is it that in three-quarters of the states there are at least 50 brands of gasoline competing, and at least 180 brands in the country as a whole? If there is no competition, why are the wholesale prices of gasoline and other refined products below the levels permissible under federal price controls? Oil is at least as competitive as any industry and one of the least-concentrated of all industries.

They say the big oil companies are swallowing up the so-called independent refiners and marketers. How do they explain the fact that independent refiners account for about 30% of domestic refining capacity and for the lion's share of additions to capacity in the past two years? Or that the largest U.S. refinery ever built from scratch is now being constructed jointly by two independents? Or that independent marketers have grown from less than a quarter of U.S. gasoline sales in 1968 to a third today?

They say oil is unduly profitable. Well, Mobil last year averaged a profit of a cent-and-a-half per gallon of refined product sold, and that modest sum had to cover everything we did, including transportation. Our rate of return on average total assets last year was the lowest for any year since 1960.

They say oil is just too big. Well, the U.S. economy is the largest in the world, and oil and natural gas furnish three-quarters of the energy that this economy uses. Worldwide, oil moves in the largest volumes of any commodity in international trade. The disparity between the location of reserves and consuming centers makes oil a truly international business.

This, in turn, means that many companies in this industry are international in scope, and it should not be surprising that some of them are very large. If you understand how large this industry is, you can grasp how a single company can be very large indeed in absolute terms while still constituting only a small part of the whole.

Also, oil is one of the most capital-intensive of all industries, which a very high ratio of assets to employees and a high ratio of assets to earnings. And a large part of the assets of the international oil companies is located overseas and devoted almost entirely to serving foreign markets.

Those who would break up the big, efficient oil companies duck the fact that if these privately owned companies are broken up and rendered unable to make the necessary large investments—big, inefficient government will have to make them. This would make our already big government even bigger—which the people have repeatedly told the poll-takers they oppose,

Our critics say many oil companies are "vertically integrated." To anyone familiar with the term, this is about as damagaing as saying those companies have organization charts and jobs descriptions. "Vertical integration" just means engaging in two or more successive stages of a business. It is widespread in industry, because it helps increase efficiency by reducing costs and spreading risks over a wider spectrum. The ultimate beneficiary is the consumer.

I believe you will find that many newspapers have financial interests in companies that produce newspaper, or own the trucks that deliver their papers to newsstands, or both. That is vertical integration. Television networks that produce many or even most of the programs they broadcast, and which also own one or more TV stations among their other interests, likewise are vertically integrated. It hardly seems represensible.

I should like to give you a few samples of the rhetoric on divestiture:

Senator Henry Jackson: "The only real competition among the huge oil companies is to see which of them can raise prices fastest."

The Senator omits the relevant facts, which are these: The oil industry is the only U.S. industry under price controls. It has been under price controls for more than four-and-a-half years. Senator Jackson himself played a prominent part in drafting the legislation under which oil prices have been controlled for most of the time. And the earnings of most oil companies dropped sharply last year, which would indicate a serious lack of success in raising prices.

Senator Birch Bayh: "Only a major step—such as requiring vertical divestiture—can bring competition to the industry." As I think I have already made clear, this statement bears no relation to the facts.

Senator Gary Hart: "There are 15 to 20 major, vertically integrated petroleum companies in the country that control anywhere from 75 to 80 percent of the market."

Can any of you name any other industry in which there are 15 to 20 majors? Or any other industry in which you have to get up to as many as 20 companies before you account for 75% of the market?

Senator John Tunney: "One reason the OPEC cartel has been so effective is the cooperation it receives from the giant international oil companies in raising prices—because the companies themselves benefit from the price increases."

Mr. Tunney seems unaware that companies that were making an average profit of 35 cents a barrel on Saudi Arabian crude when it was priced at around $2.50 a barrel three years ago, are making about 20 cents a barrel on that crude today, when it is priced at $11.50 a barrel. The OPEC governments' average "take" has risen six-fold or more in this period while the large international oil companies' profit per barrel has fallen by more than 40%. So much for Senator Tunney's grasp of the facts.

I am under no illusion that the oil industry is perfect. I know of no human endeavor that is. Every institution fashioned by the hand of man can benefit from constructive criticism. But the fact is that divestiture is a nostrum for an ailment that doesn't exist.

What are the objective realities in the situation?

Two-and-a-half years after the Arab oil embargo began, the Congress still has not formulated a national energy policy. Domestic production of crude oil and natural gas is dropping yearly. Crude oil production is now a million barrels a day below what it was just three years ago. This is because the onshore U.S. has been explored extensively for over a century, and most of the oil in easy places has already been found and produced. Large new discoveries of oil and gas are needed just to maintain present production. This calls for the costliest, largest scale exploration effort in American history.

As a result of declining domestic production of both oil and natural gas, oil imports have risen to record levels. Our dependence on the OPEC countries is greater than it has ever been, and our vulnerability to an embargo is correspondingly greater than ever before.

And what is the Congress doing, at this critical juncture, to facilitate domestic exploration for oil? Some of its members are spending their time misinforming people and working to break up and weaken the very companies that are needed in this essential effort.

Just last Thursday the Senate Antitrust Subcommitee voted 4 to 3, along straight party lines, in favor of a bill to dismember the 18 largest U.S. oil companies. The vote was taken without deliberation or discussion. Not a single one of the four Democratic Senators who voted for this bill had attended the hearing at which the president of Mobil testified on divestiture for nearly two hours last January. Not one. Two of the four did not attend a single one of the subcommittee's hearings on this held over the past five months. Not one.

This is the sort of legislative travesty I had in mind when I said earlier that the attack on the oil industry has proved singularly immune to rational responses and factual information. I find it ironic in this situation that other countries are moving actively to integrate and strengthen their oil companies, which will probably become even larger and stronger if the U.S. oil industry is broken up.

I would guess that the American people, with the good sense they always eventually show when they find what the facts are, will apply an appropriate discount to rhetoric coming from politicians, particularly in a Presidential-election year. What may prove more critical in the long term is how the people perceive, and react to, some of the others who have joined the drive to dismember the oil industry.

In a free society, everyone has a right to his own views and the right to criticize ideas and institutions of whatever sort. But before we accept such criticism at face value, we have both the right and the obligation to ascertain just what credentials that person has in the area of endeavor under discussion. So that we can all understand just who these additional critics of the oil industry are, let me tell you a little about a few of them.

One of the best-known of them is a first-rate actor, Paul Newman. I have enjoyed his work in motion-picture houses and on television, but I know of nothing that would qualify him as an expert on energy. Here is some of Mr. Newman's oratory:

"I'm simply troubled by all this power residing in multinational oil companies that are devoid of patriotism."

That is simply balderdash, of course, and a very cheap shot. I will refrain from quoting Dr. Johnson's remark that patriotism is the last refuge of a scoundrel and will simply say that oil companies are composed of people, and our people are every bit as patriotic as Mr. Newman.

Mr. Newman again, still referring to our industry: "The rumblings that I get from Congressmen Dingell and Moss indicate that a scandal is brewing that may make Watergate look like kid stuff."

Those remarks are good headline-makers, but it seems to me that reliance on demagogic innuendo to the exclusion of demonstrable facts or logic should concern everyone with an interest in the democratic process.

Another of our better-known critics is Robert Redford, who is also a good actor but also appears not to have adequate credentials to speak with any authority on energy policy.

Mr. Newman and Mr. Redford are members of a so-called public-interest group in Washington that calls itself the Energy Action Committee. On the basis of the positions that the activist leaders of this group have taken in the recent past, one has to wonder whether their real objective isn't simply to place great political power—no matter how undemocratically—in their own hands, even though they hold no federal elective office nor any appointive policy-making positions in the government.

At least some of these critics of the oil industry are apparently disenchanted with American society and eager to impose their own value patterns, and thus their own life styles, on the American people. They are articulate, they are adept at exploiting and manipulating the mass media, and they are determined.

This is not a monolithic group, of course, but as a whole they seem bent on compelling our society to fit their vision of the good life, and only their vision. That vision seems to require a central government strong enough to dominate every aspect of American life and to impose new value patterns on the American people—value patterns that, when they are finally perceived, may prove unwelcome to the majority.

Government cannot be made that strong without weakening the private sector correspondingly. The oil industry is obviously a bulwark of the private sector and a barrier to an authoritarian central government.

I do not want to sound self-serving or to wrap the flag around the oil industry, but I am convinced that those who are striving to dismember it are taking aim at the entire private sector.

If the oil industry is so concentrated that it must be broken up, what about those profit-making industries that are far more concentrated—commercial television, automobiles, computers, aluminum? How long before they would be broken up?

If oil is so profitable that it must be broken up, what about the manufacturing industries that showed a higher average return on invested capital over the 10 years through 1973—drugs, instruments and related products, motor vehicles and equipment, tobacco manufacturers, transportation equipment, chemicals and allied products, and printing and publishing? How long before they would be broken up?

If oil must be broken up because it is vertically integrated, then what about all the other vertically integrated, profit-making industries—commercial television and many newspapers among them? How long before they would be broken up?

In fact, Senator Hart, of Colorado, whom I mentioned earlier as a proponent of divestiture, says that many in the U.S. Senate believe other industries also need to be dismantled. He adds that the U.S. economy is at a crossroads and may be headed for a form of state capitalism.

Those of us in oil are taking the political heat for industry as a whole right now, but none of you in other industries should for a moment miss the significance or the motivation of the attack being made on us. If oil is dismembered, the bell will soon be tolling for other industries, in my opinion. The problem is thus as much yours as it is ours, and nobody should deceive himself that it will go away. It won't.

Think about it for a moment. In a time when the American people as a whole have concluded that big government has failed, those bold and tenacious few who are attacking oil are working to extend big government. If they can dismember the oil industry by capitalizing on the public confusion and frustration that they have done so much to create, there will be almost nothing they cannot do.

The proponents of divestiture are relying heavily on emotion. One of their battle cries is "Get mad." It seems to me that sheer emotion is a poor guide to public policy. I suggest that before we pass the point of no return . . . before we undertake any such radical surgery as the dismemberment of oil . . . before we discard an economic system that has served so many people so well for so long . . . before we do any of this, the American people should demand that the proponents of divestiture give some straightforward answers to some straightforward questions, such as:

Exactly how would the American consumer benefit?

How would breaking up the oil industry, which I think most reasonable people would consider a national asset of some importance, improve U.S. energy security or otherwise help our country?

How would dismantling the U.S. oil industry increase America's supplies of secure domestic oil and natural gas?

Put another way, how great a setback would divestiture cause in the urgently needed effort to develop additional reserves of domestic energy?

What effect would divestiture have on the American economy, on the energy costs of American industry, on American jobs, and on unemployment?

How would dismantling large oil companies, with worldwide access to oil supplies and with the ability to move that oil, strengthen our national defense?

How would it benefit Americans to have to rely on the large, strong, foreign oil companies that Congress would not be able to dismember?

If the oil industry is broken up, what industry will be dismembered next?

If the strength of the private sector is sapped, will this not lead to an even more powerful central government?

It seems to me that if enough people put enough questions of this sort to their elected representatives in Washington, the resulting dialogue can defeat the present efforts to shatter the U.S. economy as the first stage in recasting American society in an elitist image.

JOSEPH A. BICKETT, SOUTH CAROLINA SMALL BUSINESSMAN OF THE YEAR

Mr. HOLLINGS. Mr. President, I have a refreshing—and purely American—story to relate to the Senate today. It concerns a fellow South Carolinian, Mr. Joseph A. Bickett of Florence, and I am glad to be able to tell it in our Nation's Bicentennial Year because I think it proves that the qualities that made our country great still survive.

Back in 1959, Mr. Bickett was working full time in a manufacturing plant near his home and became interested in the wholesale frozen food business. Like most of us, Mr. Bickett had a family to support. He did not have a lot of money to spare. He did not have any facilities to speak of. But he figured there was a future in this business, so he began operating a frozen food distributorship on a part-time basis out of his house. He had one truck at the time to make his deliveries.

It was a long, slow process, and I am sure there were rough times and setbacks through the years, but eventually Mr. Bickett quit his job with the manufacturing plant and went into the frozen food business full time. And today, his business, the Bickett Distributing Co., in Florence, is housed in a 14,000 square foot plant and employs 14 persons. His trucks cover a 17-county area in South Carolina and North Carolina, offering a complete line of frozen foods to the restaurant operations there. Last year, the company grossed about $2.5 million, and projected gross sales for this year total around $3 million.

Because of his success and his example to other small businessmen in South Carolina. Mr. Bickett has been named South Carolina Small Businessman of the Year. He was in Washington last week, together with similar winners from the other 49 States, to observe Small Business Week.

I take this opportunity to congratulate Mr. Bickett and the other State representatives and to wish them every continued success in the future. At a time, it seems, when Government and industry conspire to throttle individual initiative and success, their courage and ingenuity serve to remind us again of the strengths inherent in our free enterprise system and our need to safeguard them.

IN OPPOSITION TO S. 3151, THE MULTINATIONAL BUSINESS INFORMATION ACT

Mr. PERCY. Mr. President, on Thursday, May 13, the Subcommittee on Multinational Corporations of the Foreign Relations Committee held a hearing on S. 3151, the Multinational Business Information Act of 1976. The objective of the bill is to obtain information on parent and affiliate operations of multinational business enterprises incorporated in the United States. Because I was the minority floor manager of Senate Resolution 400, I was not able to attend these hearings. I would like at this time to proclaim publicly, in the strongest terms, my objections to this legislation. These objections rest not on the need to collect business data, a practice that has been in place for decades, but the means and methodology suggested in this bill.

S. 3151 has struck a deep discordant note in me. It violates too many of the values that I believe in. The parts of the bill that I find particularly onerous are section 5 and section 6 which provide relatively open access to the business data collected, section 3(b) which expands significantly the specificity of the product data to be collected, section 4(a) (2) which in essence asks for trade accounts—firm by firm, section 4(b) which mandates a complete study every 2 years covering the previous 2 years and section 7 which authorizes a blank check to carry out the provisions of the act.

In general terms, I object to the bill because it provides no guarantee of confidentiality for the information collected. Nothing in the bill prevents the Secretary of Commerce or any Government employee from releasing or using for personal gain the private information collected. Furthermore, the bill provides public access to the data through the Freedom of Information Act. Congress made a specific exemption in the Freedom of Information collection of business data. That was a sound decision.

The Government needs economic data in aggregates for economic policy formation. Clearly, individual statistics must be used to assemble this data. However, the power of Government must not be allowed untrammeled rights to invade privacy. Government is obliged to protect privacy where only Government can do so. Business information is privileged and can be critical to survival. With the explicit lack of protection of confidentiality that exists in this bill I believe it risks the destruction, or crippling, of multinational corporations rather than the collection of information for public policy purposes which is what we should legislate.

Second, the bill is not well-drafted. Some of the items specified in the bill are already collected on a regular basis. The legislation is unyielding. It leaves no discretion to the Department of Commerce to discontinue items that are found not to be relevant to policy considerations, delete items that are statistically unchanging or allow additions in cases where other data is soon as relevant.

The demands in the bill for complete and massive data collection every 2 years exhibit a total lack of understanding of sampling techniques and statistical collection. As politicians, we know you do not have to poll every voter to establish accurately voting trends. Furthermore, the bill is repetitive of other legislation in requiring the reporting of foreign agents' fees. The Church/Percy amendment adopted in S. 2662 requires such reporting on military sales. Similar data is requested in S. 3379 dealing with questionable payments aboard. While certainly justified in some instances, I do not believe the insertion of such a clause in every piece of legislation is a necessity.

Third, the bill places a staggering new reporting requirement on corporations to include finite trading data by product line where possible. There is an implicit assumption that this proposed new requirement is free of cost to the American taxpayer but we know this is not true. Fifty percent of the company costs will be borne by the U.S. Government in a tax writeoff. The consumer picks up the other costs in the product price and 100 percent of the data processing in Washington will be paid for by the American people. I believe that the U.S. Government is not in need of more information about how much hair oil, or shaving cream or nuts and bolts are shipped to Zambia, Mali or Caledonia.

Nor do I think the American people want to pay for it. Before any Senator decides on this bill an economic impact statement should be rendered so we can see what the new costs to consumers would be. With this information the costs of the bill could be weighed against the benefits to be received from it.

Fourth, there seems to have been little thought given to other bills presently in the legislative process. S. 2839, the proposed "International Investment Survey Act of 1976," is a surprisingly similar bill but lacking the shortcomings of S. 3151. The Investment Survey Act is a good piece of legislation having the support, except for minor points, of the Department of Commerce, business and labor. Only labor has voiced support for S. 3151. A comparison of the two bills was presented in hearings by a First National City Bank witness who testified under the auspices of the Emergency Committee for American Trade. The table follows my statement.

In my opinion, S. 3151 is a piece of legislation that seeks to ride a public wave of concern over multinationals. It reflects a simplistic view that all that needs to be done to solve a problem is to collect information and disclose it. While I believe in public disclosure, there must be limits. S. 3151 is not in the public interest. It runs against a society that is demanding less government. It should not become law.

Mr. President, I ask unanimous consent that the table entitled "Comparison of Data Multinational Enterprises Would Report Under Pending Senate Legislation" be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

COMPARISON OF DATA MULTINATIONAL ENTERPRISES WOULD REPORT UNDER PENDING SENATE LEGISLATION

Item No. and description of data required by S. 3151	Applicable section of S. 3151	Applicable section of S. 2839
1. Amount of total direct investment of parent in each of its foreign affiliates and branches	4(a)(1)	4(b)(1)(A)
2. Financial transactions between parent and each of its foreign affiliates and branches	4(a)(1)	4(b)(1)(A)
3. Amount of consolidated net income o each of parent's foreign affiliates and branches, reported separately	4(a)(1)	4(b)(1)(B)
4. Amount of taxes paid by parent and by each of its foreign affili-		

COMPARISON OF DATA MULTINATIONAL ENTERPRISES WOULD REPORT UNDER PENDING SENATE LEGISLATION—Continued

Item No. and description of data required by S. 3151	Applicable section of S. 3151	Applicable section of S. 2839
ates with respect to foreign affiliate and branch operations, reported separately	4(a)(1)	4(b)(1)(D)
5. Information about all mergers, net book value of acquisitions, liquidations, and investments in foreign countries involving parent	4(a)(1)	4(b)(1)(A)
6. Gross sales of parent and each of its foreign affiliates in each foreign country in which the affiliate is doing business, reported separately	[1] 4(a)(2)	[2] 4(b)(1)(B)
7. The dollar amount of parent's imports from each foreign country	[1] 4(a)(2)	4(b)(1)(B)
8. The dollar amount of parent's exports to each foreign country	[1] 4(a)(2)	4(b)(1)(B)
9. The dollar amount of trade which the parent carries on with each of its foreign affiliates, reported separately	[1] 4(a)(2)	4(b)(1)(B)
10. The trade of each of its foreign affiliates, reported separately	[1] 4(a)(2)	4(b)(1)(B)
11. Number of American and foreign employees of parent and of each of its foreign affiliates by country	4(a)(3)	4(b)(1)(C)
12. Level of compensation of American and foreign employees of parent and of each of its foreign affiliates by country	4(a)(3)	4(b)(1)(C)
13. The total dollar amount of research and development expenditures by parent and by each of its foreign affiliates, by country, and by activity.	4(a)(4)	[3] 4(b)(1)(E)
14. Name and location of each foreign affiliate and of each foreign branch of parent	4(a)(5)	[4] 4(b)(1)(A)
15. Total assets and income of each such foreign affiliate and foreign branch	4(a)(5)	4(b)(1)(B)
16. Description of the commodities produced by each foreign affiliate and branch	4(a)(5)	(5)
17. Dollar amount of all expenditures made in the U.S. or in foreign countries, by foreign country, directly or indirectly through any agent or pursuant to any contractual arrangement	4(a)(6)	(6)

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[1] Requires reporting by commodity grouping, defined as "products of 5, and never less than 4 digits according to present standard industrial classification as prepared by the Office of Management and Budget," (and, whenever possible, by product line).

[2] Requires reporting by "primary line of business and with as much significant product-line detail as is feasible" and by foreign country "in which such affiliate has significant operations."

[3] Also requires payments between parents and affiliates for the transfer of technology and payments received from the transfer of technology to unrelated foreign firms or state enterprises.

[4] Does not specifically require reporting of the name of each foreign affiliate.

[5] Not specifically required.

[6] Not required.

CHARTING A FULL EMPLOYMENT ECONOMY

Mr. HUMPHREY. Mr. President, the Democratic leadership of the House of Representatives has charted a clear legislative course to guide the Nation out of the Nixon-Ford administration economic morass and achieve full employment during the next 4 years.

The 271-page document produced by the House leadership is a legislative activities map designed to produce 12 million new jobs, provide a $10 billion tax reduction aimed for the most part at low- and moderate-income workers, eliminate tax loopholes, and move the Federal budget from a deficit to a $75 billion surplus position by 1980.

In my judgment, the proposals catalogued by the House leadership will constitute the main elements of the Democratic Party's 1976 campaign platform and its commitment to the American people during the next 4 years.

The party and indeed the American people are indebted to the majority leadership of the House for its accomplishment.

The program drawn by the House leadership is particularly gratifying to me and to Representative AUGUSTUS HAWKINS because H.R. 50 and S. 50, an extended and revised version of the Humphrey-Hawkins Full Employment and Balanced Growth Act of 1976, has been made a keystone of this legislative package.

That bill sets a goal of reducing adult unemployment to no more than 3 percent by 1980. It directs the administration and the Congress to launch and sustain a maximum, coordinated effort to achieve a full employment economy while checking inflation and maintaining price stability.

The legislation establishes the framework on which the administration and the Congress must bend every effort to attain the economic climate necessary to allow business and industry to expand and increase productivity in order to provide maximum job opportunities. It requires that any shortfall in the employment goal be eliminated through job training programs and a wide variety of possible publicly assisted job opportunities, largely in the private sector.

Mr. President, the House leadership proposals for the Democratic Party platform map the direction which can and must be followed by the Federal Government working in close cooperation with State and local governments and the private sector in the immediate years ahead to realize the full potential of the Nation's people and their resources.

I am fully aware that there are those who will say that the proposals presented by the House leaders to the Democratic Party Platform Committee are nothing more than pie-in-the-sky political declarations in a Presidential election year.

To them I say there is nothing in these proposals which is not achievable in the 4-year time frame specified if the will and the determination to do so exist.

Let there be no question about their existence. They exist in a Democratic Congress that has been repeatedly stymied by one Republican Presidential veto of emergency economic measures after another while the unemployment level climbed to staggering heights. They exist in a Democratic Party which knows that it must win this Presidential election if the Nation is to have an administration capable of giving the country the opportunity to realize its full capacity to provide jobs at decent wages for all who want to work.

I have never nor do I ever intend to engage in cynical exercises which say in effect that in this Bicentennial Year America cannot live up to the promise upon which it was founded.

That promise is freedom for all, sustained and perpetuated by a people who have the chance and the capacity to attain the goals they set for themselves.

Mr. President, I ask unanimous consent that an article in the May 16 issue of the New York Times, further detailing the economic proposals of the House leadership, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSE DEMOCRATS SEEK MORE JOBS AND CUT IN TAXES

(By Richard D. Lyons)

WASHINGTON.—The Democratic majority in the House of Representatives has proposed a massive realignment of legislative priorities for the next five years aimed at restoring national economic prosperity by creating 12 million new jobs and cutting taxes by $10 billion.

The program envisions a Democratic President and a Democratic Congress working together starting next year to bring about a revitalized economy that would produce Federal budget surpluses by 1980 that in turn would be invested in health, educational, energy and environmental programs.

The 271-page proposal, prepared over the last nine months at the direction of the House leadership, will be offered to the meeting starting here Monday of the Democratic Platform Committee, which is expected to incorporate large sections as Presidential platform planks.

In addition to containing the views of the Democratic leadership, the proposal includes specific areas from all the Democratic chairmen of House Committees and marks the first time that such a coordinated effort will have been presented to the Democratic Platform Committee.

The plan is expected to be the keystone of the Democrat's legislative program starting next year and was drawn up, in part, as a result of their frustration in dealing with two successive Republican Presidents who have in the last eight years vetoed 86 pieces of legislation drafted by Democratic Congresses.

BACKED BY ECONOMISTS

The proposal has a decidedly New Deal flavor, emphasizing that only through the creation of new jobs will budget deficits be reduced, the economy restored and the quality of life improved.

"Attainment of full employment is our primary objective," according to the proposal, a copy of which was obtained by The New York Times.

While large parts of the proposal are political, several economists familiar with its content have stated that they believe that it does make fiscal sense and is not, as one put it, "merely pie in the sky."

Its drafters urge on what they foresee as the future Democratic Administration a detailed list of domestic proposals including:

Passing and implementing the Hawkins-Humphrey full employment bill now before Congress to reduce unemployment to 3 per cent of adults by 1981.

Enacting a $10 billion tax kit effective in July 1978 that would be structured to give the most relief to low-income and middle-income workers.

Stepping up antitrust action by the Justice Department as part of an effort to curb price increases and constrain inflation.

Redrafting the tax code to simplify returns and increase Federal revenues by plugging the loopholes whose costs are expected to rise to $135 billion a year by 1981.

Improving the efficiency of local governments by encouraging through legislation the consolidation of jurisdictions, even across state lines.

Offering low interest loans and tax incentives to small businesses in an effort to make them more competitive with the major corporations.

Assisting consumers through the Federal testing of products and ending price-fixing in, for example, the drug industry.

Enacting standby wage and price controls that could be used in the event of a sharp increase in the inflation rate.

GUN CONTROL PROPOSED

Some proposals, such as one calling for the passage of "workable handgun control legislation," are bound to run into opposition and could either be left out of the platform or ignored later.

The proposal urges "reform in the public sector" through selective overhauls of the Federal bureaucracy to improve its performance, curtail its cost and make it more responsive to the needs of the people.

"We must eliminate deadweight, outmoded, inoperative, wasteful and inefficient programs," the document states, but nowhere does it specify which programs would be ended and who among the Federal Government's 2.89 million workers would be discharged.

The recommendations run to 124 pages, of which 115 are devoted to domestic problems. A section on foreign and defense policy calls for increasing efforts to control both nuclear and conventional arms, seeking the reduction in Europe of both American and Soviet armed forces and attempting to smooth out the on-again, off-again nature of détente.

Included with the proposal are three appendices that together form a partisan critique of the Nixon and Ford Administrations, which are accused of gross inefficiency, corruption and abuse of power.

'MALFEASANCE IN OFFICE'

These appendices contain scores of examples of what the Democrats consider to be Republican wrongdong and, in the language of the proposal, are "a veritable catalogue of malfeasance in office, bad policies, poor administration, improper and illegal actions, bad judgment and downright criminality."

The proposals were drafted by the Speaker's Task Force on the Democratic Platform, which was assembled by Speaker Carl Albert of Oklahoma and placed under the direction of John E. Barriere, the executive director of the Democratic Steering and Policy Committee.

Yet the package will be formally presented to the platform committee on Tuesday by the majority leader, Thomas P. O'Neill Jr. of Massachusetts rather than Mr. Albert, another indication that Mr. Albert intends to retire at the end of this year. Mr. O'Neill is regarded as his probable successor.

The four-day meeting of the platform committee that starts Monday will hear some of the major candidates for the Democratic Presidential nomination including Jimmy Carter of Georgia and Gov. George C. Wallace of Alabama; the leaders of the largest union groups in the nation, including George Meany and Leonard Woodcock; Ralph Nader, the consumer advocate, and other Democratic notables including Senators Hubert H. Humphrey of Minnesota and Edward M. Kennedy of Massachusetts.

The aim of the committee is to present a cohesive party platform to the Democratic National Convention, which will open in New York's Madison Square Garden on July 12.

The point of departure for those who drafted the proposal was the 1977 budget resolution passed by Congress on Thursday. Its targets for the next fiscal year are Federal outlays of $412 billion, with a deficit of $50 billion and an unemployment rate of 7 percent.

Reducing unemployment by 1 percent a year until it gets down to 3 percent in 1981 is easily the most ambitious of all the Democratic goals and the one that receives the most stress.

"For each 1 percent cut in the unemployment rate the budget deficit will be reduced by about $16 billion, approximately $14 billion in added taxes and about $2 billion in lower costs of unemployment compensation," the employment proposal states. "The budget will never be balanced unless employment is provided for the unemployed and the new workers entering into the labor force."

"Toward the end," it continues, "we set the goal of more than 12 million additional useful jobs at fair rates of compensation between now and 1981. Restoration of full employment by 1981 would add, measured in 1975 dollars, close to a trillion dollars more to total national production of goods and services than current projections of Republican policies and programs.

"It would provide, at existing tax rates, between $300 and $400 billion more public revenue at all levels. This increment should be used to balance public budgets, and also to bring the output of goods and services into line with the potential of the economy and the needs of the people. Finally, it would add about $250 billion for useful investment of business profits than the projection of current Republican policies and programs would yield," it adds.

Terming full employment and balanced growth "the centerpiece of the Democratic Party platform," the proposal champions the Hawkins-Humphrey bill, named after its authors, Representative Augustus F. Hawkins, Democrat of California, and Senator Humphrey. The bill is itself a package of legislative changes that would mandate that the President, Congress and the Federal Reserve Board work in unison to set national economic priorities.

Many economists believe that the Hawkins-Humphrey bill would lead to serious inflation, although some contend that this would be lessened by wage and price controls, which are not sought in the bill but are in the proposal on a standby basis.

The Hawkins-Humphrey bill would make it Federal policy to guarantee a job to every American who wanted one. Most Republicans have depicted the bill as impractical and unrealistic.

According to the proposal, with unemployment reduced to 3 percent by 1981 the increase in Federal revenues—despite the tax cut in 1978—would generate a "surplus" of $75 billion in a Federal budget of $475 billion.

Under the five-year proposal, priorities would be shifted so that "spending for health, education, income security, energy and veterans programs would be substantially higher than" have been proposed by President Ford.

As part of the program to reduce unemployment, the Democrats would pass legislation to create one million additional public service jobs, and establish a "youth conservation corps" that would be intended to "substitute work for welfare wherever possible."

In other areas, the proposals would raise minimum wages and tie them to the Consumer Price Index, bringing public service and agricultural workers under wages and hours laws, more rigorously enforce health and safety legislation already enacted, broaden the regulatory power of such agencies as the Federal Trade Commission as well as increasing their budgets, and bar increases in Social Security taxes.

FDA HEARING AID PROPOSAL FOR MEDICAL CLEARANCE STILL DEFICIENT

Mr. PERCY. Mr. President, 2 years ago, the then-Secretary of Health, Education, and Welfare, Caspar Weinberger, created an interdisciplinary task force to study problems in the hearing aid industry. A year ago, that task force completed its work and reported that the single most vexing problem in the hearing aid delivery system was the inability of certain hearing aid dealers to make accurate determinations of the need for a hearing aid or to know when to refer a client to a physician.

On April 21, the Food and Drug Administration published in the Federal Register proposed regulations, based in part on the findings of the task force, which would help correct many of the problems presently affecting the hearing aid delivery system.

It has taken the FDA a needlessly long time to prepare these regulations. More important, I have reservations about some of these proposals and the manner in which they were arrived at.

My underlying concern has been that too many of the more than 14.5 million Americans with hearing handicaps do not obtain the proper treatment for their disabilities.

Testimony before the permanent Subcommittee on Investigations on April 1 and 2 of this year, by prominent members of the medical community as well as by persons who had been victimized by hearing aid dealers, confirmed what I had long suspected; namely, that many persons are sold hearing aids that they do not need or cannot use by dealers who have made obvious errors in the prescribing of aids.

Unfortunately, this evidence did not appear to have much weight with the FDA, which has proposed that there be medical clearance for hearing aid purchasers which can be waived by persons over 18 years of age.

The proposed rule also presumes that a hearing aid dealer can detect a medical pathology and will, when such a problem is noted, immediately refer the client to a physician. This proposal flies in the face of the pattern of evidence presented to the subcommittee showing that medical referrals very often are not made by hearing aid dealers when they clearly should be made.

In his letter to me of April 15, 1976, outlining the FDA proposal, Commissioner Schmidt nowhere makes reference to the body of evidence presented to the subcommittee, although I have invited him in my letter of April 8, to review that material for guidance, as to problems about which the FDA may not have been previously aware.

The waiver proposal also now is in disagreement with a new recommendation from the board of directors of the American Council of Otolaryngology, to which I referred in a previous statement before this body on May 6.

The council, which had previously supported the waiver provision and joined the FDA in assuming that hearing aid dealers could determine medical pathologies, has turned completely around on this issue. And, unlike the previous position, which was not endorsed by the full membership of the council's board of directors, the new position has the wholehearted backing of all the members of the board of directors. It brooks no exceptions. It says in one sentence what the medical ear specialists believe to be the proper manner of delivering hearing aids:

The American Council of Otolaryngology maintains that good health care practice requires that a person with a hearing loss have a medical evaluation by an otolaryngologist prior to hearing aid provision.

I trust that the FDA will give serious thought to this changed position. I note with approval that Commissioner Schmidt has asked specifically for comment on the wisdom of the waiver in the proposed FDA regulation, as well as whether hearing aid salesmen are capable of determining the existence of medical pathologies.

These are crucial questions and it is my hope that experts in the hearing health care field contribute their knowledge to the FDA so that a loophole-free medical clearance regulation, which takes into account legitimate considerations of religious freedom, can be promptly implemented for the hearing aid delivery system.

Mr. President, I ask unanimous consent to have printed in the Record copies of my April 8 letter to Commissioner Schmidt, his April 15 reply, and the testimony of Dr. Michael Glasscock, a Nashville medical ear specialist, and Dr. Darrel E. Rose, director of audiology at the Mayo Clinic, two expert witnesses who appeared before the subcommittee on April 2.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senate Permanent Subcommittee
on Investigations,
Washington, D.C., April 8, 1976.

Hon. Alexander M. Schmidt,
Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C.

Dear Commissioner Schmidt: The Senate Permanent Subcommittee on Investigations has just completed two days of hearings into problems in the hearing aid industry which focused primarily on the medical clearance procedure presently being contemplated by the Food and Drug Administration.

Testimony from three of the most reputable otolaryngologists in the country, all members of the American Council of Otolaryngology, conclusively demonstrates that none of them agree with the medical clearance procedure spelled out in the final report of the Intradepartmental H.E.W. Task Force on Hearing Aids.

As you have indicated to me in your letter of January 2, 1976, this proposal is based primarily on the testimony of the American Council of Otolaryngology. Indeed, from discussions our staff has had with otolaryngologists around the country, serious doubt is cast on the means by which the Council arrived at its original position and just how representative that position was of the views of individual members.

Entered into the record during our hearings was a telegram from Dr. Jack R. Anderson, President of the American Council of Otolaryngology, stating that the previous position of the Council with regard to medical clearance is now being re-evaluated in the interest of the hearing-handicapped. Copies of relevant testimony at these hearings is attached to this letter for your immediate attention.

As you know, I have been extremely disappointed in the FDA's protracted delay in promulgating its hearing aid rules. You informed me on January 2, 1976 that the Task Force Report was sent by H.E.W. Secretary David Mathews to the Assistant Secretary for Health on September 26, 1975, for implementation. To date, I have seen nothing issue from F.D.A. or any other office in H.E.W. on this matter.

The evidence presented April 1 and 2 before the Subcommitte gives new urgency to the need for immediate action by F.D.A.

These rules are now many months overdue. Each additional day that passes without action by the F.D.A. means more persons sold more hearing aids they may not need. Your own officials have pointed out these persons may have underlying medical problems which, left untreated, can involve serious risk to their health and safety.

Last week's hearings demonstrated that the flawed medical clearance policy of the National Hearing Aid Society will only tend to perpetuate the kinds of abuses that were documented in testimony. This industry policy, incorporated by the Task Force, contains an open-ended, loophole-ridden waiver provision that could entirely vitiate the intent and scope of the medical clearance policy.

The Task Force/industry's position also wrongly assumes that hearing aid dealers are competent to determine when hearing-impaired persons should be referred to a physician. I am enclosing copies of the testimony from audiological and medical professionals which convincingly refutes the assumption that a hearing aid dealer is competent to make medical referrals. I urge you personally to review this material at your earliest convenience. In addition, I would be happy to make available to you the full transcripts of these hearings.

While I am aware that the F.D.A. has many high priority items on its agenda that take up substantial amounts of your time, I think you will agree that this matter has not been given the attention it deserves. It has been put aside or shelved too often. It is time now to place the issue of medical clearance for hearing aid purchasers atop F.D.A.'s list of "things to do."

Please provide this Subcommittee by April 15 with a timetable for action by F.D.A. with respect to an effective medical clearance procedure. Your answer will help me determine what further action this Subcommittee and I personally must take to make sure that the aim you have expressed to me is now carried out, without any further delay, in the interest of some 20 million hearing-impaired Americans.

Sincerely,

Charles H. Percy,
Ranking Minority Member.

Food and Drug Administration,
Rockville, Md., April 15, 1976.

Hon. Charles H. Percy,
Ranking Minority Member, Senate Permanent Subcommittee on Investigations, Committee on Government Operations, U.S. Senate, Washington, D.C.

Dear Senator Percy: I want to thank you for your letter of April 8, 1976, describing testimony presented at the recent Hearing Aid Industry Hearings before your Senate Subcommittee.

On January 2, 1976, I wrote to you that the Food and Drug Administration (FDA) was in the process of developing a proposal for professional and patient labeling for hearing aid devices. The Agency has recently completed that work and will publish proposed regulations in the Federal Register within the next two weeks. I am enclosing an advance copy of the proposal for your review. While we anticipate that many comments will be received on this proposal, we are hopeful that the final order will be issued in approximately four months. As you may know, the proposal calls for an effective date of the regulation 180 days after the date of the final order. Of course any part of the proposal, including the effectiveness date, may be changed depending upon the comments received.

The proposed regulations would:

Prescribe the types of information that must be included in the labeling of all hearing aids to provide hearing health professionals and patients with adequate directions for their safe and effective use;

Specify the technical performance data that must be included in the labeling to assure that hearing health professionals have adequate information to correctly select and fit a hearing aid; and

Restrict the sale of hearing aids to those patients who have undergone medical evaluation within the past six months, with the provision that fully informed adult patients may waive the medical evaluation if none of seven designated ear conditions is present at the time of purchase.

I realize that you have expressed serious doubts about the provision that would permit a waiver of the mandatory medical evaluation. I would call to your attention, however, the differences between the limited provision for waiver in our proposed regulation and that recommended by the National Hearing Aid Society. A close reading of the waiver provision in proposed section 801.421 will reveal that we are requiring medical evaluation requirements that are much stricter than those proposed by the National Hearing Aid Society. The differences are as follows:

The FDA proposal would require medical evaluation for every sale of a hearing aid to any prospective user. The National Hearing Aid Society proposal would only apply to the first sale of a hearing aid.

The FDA proposal would require a medical evaluation within the preceding six months. The National Hearing Aid Society proposal would require a medical evaluation within the preceding 18 months.

The FDA proposal does not allow an individual under 18 years of age or younger, or the parent or guardian of such an individual, to waive the medical evaluation. The National Hearing Aid Society would permit a parent or guardian to waive the medical evaluation for an individual under 18.

In addition, our proposal would:

Require that the seller inform the prospective user that the FDA has determined that a medical evaluation by a physician, preferably by one who specializes in diseases of the ear, would be in the user's best health interest;

Prohibit the seller from actively encouraging the prospective user to waive such a medical evaluation;

Require the seller to read and explain to the prospective user the caution statements required by the proposed regulation;

Require the seller to provide the prospective user a copy of the "User Instructional Brochure" for the hearing aid that has been, or may be, selected for the prospective user; and,

Require that the seller afford the prospective user an opportunity to read the "User Instructional Brochure."

These requirements are intended to impress upon the prospective user the importance of obtaining a medical evaluation prior to purchasing a hearing aid. As you are aware, the American Council of Otolaryngology, as well as the Hearing Aid Industry Conference, the National Hearing Aid Society, the Retired Professional Action Group, and the Greater Philadelphia Hearing Aid Guild, has recommended that a patient be permitted to waive the mandatory medical evaluation provided not one of seven designated otologic conditions is evident at the time of sale. The DHEW Intradepartmental Task Force adopted such a suggestion and explained in its Final Report that the provision for waiver of the medical evaluation requirement was intended to take into consideration such factors as the inconvenience of securing medical assistance in rural locations and the religious beliefs of some individuals which preclude consultation with a physician.

Our proposed regulation is based on extensive deliberations of the Task Force, which provided all interested parties ample opportunity to submit views on what steps should be taken to protect the health interests of the hearing impaired. I recognize that there remain disagreements over what steps should be taken to protect the health interests of the hearing impaired. For this reason, you will note that the preamble to the proposed regulation requests specific comment on the following questions:

Whether a waiver should be permitted;

Whether conditions that should preclude waiver are adequate;

Whether hearing air specialists or clinical audiologists are capable of identifying the existence of the seven designated otologic conditions; and,

Whether it is appropriate to require that the medical evaluation shall have occurred within six months prior to hearing aid sale or whether a shorter period should be prescribed.

As you can see from these questions, the Food and Drug Administration has not adopted a position with respect to the appropriateness or need for the waiver of the medical evaluation requirement. The Agency intends to review sympathetically all comments on the proposal, including, of course, any new information filed in behalf of the American Council of Otolaryngology.

I believe that your recent hearings once again demonstrated that the competency and training of hearing health professionals, whether physicians, audiologists, or hearing aid dealers, are important in the delivery of quality hearing aid health services. As you review the proposed hearing aid regulations, you should recognize that our proposed restrictions on the sale of hearing aids are only a partial solution to the problems present in the hearing aid delivery system. The statutes of the Federal Food, Drug, and Cosmetic Act are directed at assuring the safety and efficacy of the hearing aid device itself. State and local governments are responsible for establishing minimum competency levels for hearing aid dealers and other hearing health professionals. A review of present and proposed hearing aid licensing bills clearly reveals little uniformity from State to State in the requirements for training in measuring hearing loss and selecting and fitting a hearing aid. Many States are now actively seeking to adopt stricter licensing requirements for those individuals who dispense hearing aids. The effort, however, is fragmented and on a State-by-State basis. I think that this is an area in which your Subcommittee may be of assistance in developing a model State licensing bill which establishes nationwide competency requirements for those who engage in the dispensing of hearing aids.

I look forward to receiving your comments on the proposed hearing aid regulation. We appreciate the interest, concern, and support you have shown for our efforts to correct abuses in the hearing health care delivery system. I hope this information will be useful to you, and I welcome your further inquiries. To repeat a point made earlier, we will not hesitate to alter our proposal in light of persuasive comments received within the next few weeks.

With cordial best regards,

Sincerely,

Alexander M. Schmidt, M.D.,
Commissioner of Food and Drugs.

STATEMENT

(By Michael Glasscock, M.D.)

Mr. Chairman, I am Michael Glasscock, M.D. I am a board-certified otolaryngologist practicing at 1811 State Street in Nashville, Tennessee. In addition, I am an Assistant Clinical Professor of Otolaryngology at Vanderbilt University in Nashville. I am a member of the American Otologic and American Triologic Societies, as well as the American Council of Otolaryngology. I have produced a number of training films in the otology field and have published more than 60 articles on my field in numerous medical journals.

The health care delivery system of hearing aids as it exists today does not function in the best interest of the almost 20 million Americans who are unfortunate enough to have a hearing impairment. The purpose of this communication is to examine this system critically, to evaluate some of the new proposals for its revision and to offer a new approach to the dispensing of hearing aids to the hard-of-hearing individual.

THE PRESENT SYSTEM

At the present time, hearing aids are available to the general public by a number of routes.

I. Solicitation

a. A hearing aid dealer places an advertisement in the local newspaper stating the fact that he has hearing aids available to hard-of-hearing individuals.

b. The hearing aid dealer goes from door-to-door in a neighborhood seeking out hard-of-hearing individuals.

c. The hearing aid dealer works through client referral to find other individuals with hearing loss. The hearing aid dealer may or may not seek medical clearance.

II. The patient seeks help

a. A hard-of-hearing individual seeks out the hearing aid dealer and asks for a hearing aid.

b. A hard-of-hearing individual seeks out a physician, who in turn may or may not recommend a hearing aid, depending upon his knowledge of the subject. The doctor then sends the patient to a clinical audiologist or directly to a hearing aid dealer.

c. The patient goes directly to a speech and hearing center and has a hearing test by a clinical audiologist, who may or may not seek medical clearance. The clinical audiologist prescribes a hearing aid and sends the patient to a hearing aid dealer.

GUIDELINES SET FORTH BY TASK FORCE ON HEARING AID DELIVERY SYSTEM FOB DHEW

In 1974, a DHEW Task Force was organized to study the problem of hearing aid dispensing in this country. The Task Force is to be commended on the thoroughness with which they approach this problem. Many of the conclusions they reached were valid and meaningful. Their overall grasp of the situation was good. There are some glaring discrepencies in this report, however, and some guidelines have been set forth that are not realistic and are not in the best interest of the hearing-impaired individual.

Their statement on false advertising and misrepresentation by the hearing aid industry is well-taken, as is the call for standardization of the industry's products. The proposal for a mass educational campaign is excellent and long overdue. The high cost of hearing aids themselves was well-covered and brings to light a whole area for special investigation. The Task Force expressed the need for further research in hearing aid production and application.

While these and other aspects of the report are to be commended, I feel the following guidelines are ill-conceived:

The report states that an individual under 18 years of age must have a medical clearance by a physician specializing in diseases of the ear (or from a duly licensed physician if no such ear specialist is in the community). An individual 18 years or older could sign a waiver from this requirement.

In addition, there are proposed seven conditions under which an aid could not be sold without a medical clearance. These are:

1. Visible congenital or traumatic deformity of the ear.
2. History of active drainage from the ear within the previous 90 days.
3. History of sudden or rapidly progressive hearing loss within the previous 90 days.
4. Acute or chronic dizziness.
5. Unilateral hearing loss of sudden or recent onset within the previous 90 days.
6. Audiometric air-bone gap equal to or greater than 15dB (ANSI) at 500 Hz and 2,000 Hz.
7. Visible evidence of cerumen accumulation or foreign body in the ear canal.

Let's examine these guidelines carefully and critically. First, if a medical clearance is required for those under 18, then why not everyone? How can the average lay person, regardless of age, be in a position to waive his right to a medical examination? Assume for the sake of argument that the individual is dealing with a dishonest dealer and that he really does not need a hearing aid. By signing the waiver he has given up his right to a second opinion and has placed himself in a position of diagnosing his own hearing impairment. If a medical clearance is essential for those under 18, it must surely be so for those over 18 as well.

The medical clearance itself must be given by an otolaryngologist. A duly licensed physician unfortunately is not a satisfactory substitute. As medical schools are structured today, it is possible for many physicians to graduate with absolutely no training in diseases of the ear. In many schools, otolaryngology is an elective subject and a medical student may decide upon another course. An example in point is Vanderbilt University's Medical School. It has no Department of Otorhinolaryngology and the students receive absolutely no training in the diagnosis or treatment of diseases of the ear. Consequently, physicians with such a background are not capable of rendering a diagnosis in an individual with a hearing impairment.

There are those individuals who say it is not practical to have all hearing aid candidates seen by an otolaryngologist because each community does not have one available to them. This argument is not a valid one. The system of transportation in the country is excellent. There are very few hearing-handicapped individuals who are not within an hour's drive of a community in which there is at least one otolaryngologist.

Now let's examine the seven conditions under which no hearing aid could be sold without a medical clearance. First, this statement of conditions assumes that the hearing aid dealer is going to take a careful medical history and that he is going to complete a thorough physical examination of the individual's external ear, external auditory canal, and ear drum. To expect a lay person (hearing aid dealer) to assume these medical duties is unreasonable and unwise.

Therefore, assuming that the seven conditions themselves are valid, it is not within the capability of a hearing aid dealer to make these medical decisions. It must be remembered that a hearing loss is merely a symptom of a medical problem involving the ear and/or central pathways and not a disease in and of itself. To assume that one can confine the total ramifications of auditory systems dysfunction to seven danger signals is not reasonable.

Unfortunately, auditory symptoms are at times the only symptoms of serious central nervous system disease. An example is an acoustic neuroma, which is a tumor arising on the hearing and balance nerve and is considered a brain tumor. These central nervous system lesions occur in the cerebellopontine angle and produce a unilateral sensorineural hearing loss. The loss is progressive and very insidious in onset. The unilateral provision in these seven conditions states that the loss must be of recent onset or within the previous 90 days. Using this guidelines, an aid might be placed on an individual with such a tumor. The lack of a definitive diagnosis in this type of case would endanger the patient's life. An early diagnosis is of extreme importance.

Let's examine the case of drainage from the ear. Again, the 90-day provision is of no value because many ears with chronic disease will only drain periodically and may go as long as six months to a year between infections. An ear that has a perforation and is dry will almost always start to drain when the ear canal is closed by a hearing aid mold. Is the hearing aid dealer expected to diagnose a performation of the ear drum? Is the general physician expected to diagnose the same condition when he has never been taught how to examine a normal ear drum? There are certain forms of sensorineural hearing loss that are now amenable to medical or surgical correction. Three instances of this are cochlear otosclerosis, cochlear hydrops and luetic hearing loss. These are medical diagnoses requiring sophisticated X-ray and blood studies. The seven conditions set forth by the Task Force could in no way establish the presence of any of these conditions.

Each and every one of these seven conditions can be discredited and shown to be an invalid method of determining the need for a medical clearance. It is sheer folly to put a lay person in the position of making critical medical judgments.

HEARING AID DEALERS

According to the DHEW Task Force report, there are an estimated 15,000 hearing aid dealers in this country. Of this number, only about 2,200 have received certification by their association, the National Hearing Aid Society.

Their training is inconsistent and varies from state to state, depending upon current licensing laws. They are in no way prepared to make medical decisions.

It is apparent that a small nucleus of dealers have received a minimum of training and supervision. To completely ignore the competent hearing aid dealer would be a gross injustice. Many of these individuals have been fitting hearing aids successfully for years and have amassed a tremendous amount of practicing knowledge. There is convincing evidence that the NHAS is attempting to upgrade the general knowledge and professionalism of their members. These individuals must not be ignored in any scheme to deliver hearing aids to the general public.

THE CLINICAL AUDIOLOGIST

The Task Force has established that:

"The American Speech and Hearing Association (ASHA) has established minimum professional standards for audiologists which include: (a) earning a Master's degree, or its equivalent, in audiology including 300 hours of supervised clinical experience and 60 hours of related course work; (b) completing an additional year of full-time supervised clinical internship in audiology; (c) passing a national examination in audiology which is administered by the Education Testing Service, Princeton, New Jersey. Both the academic and clinical experience required for the recommendation, selection and use of hearing aids are integral parts of the audiology training program. Clearly, the professional standards for audiologists exceed those required for hearing aid dealers."

Certainly, one could not argue with the statement that the clinical audiologist is better-equipped to measure the amount and character of a given hearing loss than is the average hearing aid dealer. The clinical audiologist, however, is in no better position to make medical judgments than is the hearing aid dealer.

There is some question in the minds of many professionals as to the validity of the current method of hearing aid selection as practiced by the clinical audiologists. To assume that there is only one method of selecting an aid would be presumptious. There is no convincing evidence that just because an individual holds a degree in audiology he is an expert in the fitting of hearing aids.

THE OTOLARYNGOLOGIST

The specialty of otolaryngology is a broad one, encompassing the entire head and neck region. The otolaryngologist has five years of training after leaving medical school. One aspect of this specialty is the study of the diseases of the ear. While any otolaryngologist is capable of making decisions in regard to medical clearance for a hearing aid, he may not be capable of determining who is best suited for an aid or which particular aid is best to use. The reason for this is that there is no uniform training available to the resident in otolaryngology on the subject of hearing aids. Therefore, the decision of what type of aid should be used in a given situation should not be in the hands of the otolaryngologist.

A PLAN FOR THE FUTURE

I believe that the federal government should sponsor a program to certify otolaryngologists, audiologists, and hearing aid dealers. This program would be administered with the cooperation of the American Council of Otolaryngology, the NHAS and the ASHA.

The purpose of the program would be to standardize the method of hearing aid selection, taking into account the knowledge of the NHAS and ASHA members. The method of hearing aid selection would have to be worked out by a board consisting of NHAS and ASHA members. The method or methods would be endorsed by both groups and would become the standard manner in which aids are to be selected. Otolaryngologists would become more familiar with hearing aids and their use. The graduates of this program would have a number certifying that they had met the requirements necessary to become a part of the Hearing Aid Delivery Team. This number would be similar to a narcotics number assigned to physicians who dispense certain controlled drugs.

The logical place to start with this team approach would be with MediCare patients, branching out to all individuals with a hearing impairment with the initiation of national health insurance.

The otolaryngologist would be the entry point for all hearing-impaired individuals. Working with the audiologist, the otolaryngologist would determine the type and extent of hearing loss. He would establish a medical diagnosis based upon the hearing tests, his physical examination and any laboratory studies that might be necessary. Once the diagnosis was made the otolaryngologist would decide whether the individual had a medically or surgically correctable hearing loss. If not, he would refer the individual to an audiologist who would counsel the patient concerning his hearing loss and whether it was amenable to amplification. The audiologist would supply the dealer with a complete audiometric study and recommendations for a specific aid. The dealer would be responsible for supplying that aid but would have the privilege of changing the aid with the cooperation of the audiologist if the aid were not satisfactory for the patient. In this manner, the hearing aid dealer and the audiologist can work together to select the best aid and adjustment for the hard-of-hearing individual. The dealer would be responsible for servicing the aid and for repairs that might become necessary. The audiologist would work with the patient to supervise his rehabilitation. A hearing aid would not be considered sold until the patient had been able to accept the aid and wear it with success. A trial period of 30 days should be sufficient for this purpose.

SUMMARY

A hearing aid is a medical prosthesis and can be of great value to some individuals with a hearing handicap. Neither the hearing aid dealer nor the audiologist should be the entry point for the hard-of-hearing individual into the hearing aid delivery system. An aid should never be placed on an individual without a prior medical diagnosis established by an otolaryngologist.

The audiologist and hearing aid dealer should work together for the benefit of the hearing aid user. Only those otolaryngologists, audiologists and hearing aid dealers who have been certified as to competency in the knowledge of hearing aids should be allowed to become a part of this Hearing Aid Delivery Team. From a practical standpoint, the logical place to start is with MediCare patients. As the system grows and becomes practical, it could be easily integrated into a national health system.

STATEMENT

(By Dr. Darrell E. Rose, director, Audiology Section, Mayo Clinic, Rochester, Minn.)

Mr. Chairman, I am the director of Audiology at the Mayo Clinic in Rochester, Minnesota. I hold a B.S. Degree from Brigham Young University, an M.S. Degree from Southern Illinois University and a Ph.D. Degree from the University of Oklahoma Medical Center. I am a member of the American Speech and Hearing Association, American Association for the Advancement of Science, Acoustical Society of America, and the American Institute of Physics. I formerly served on the Professional Services Board of the American Speech and Hearing Association.

I am concerned about the present delivery systems with regard to hearing aids. It has been my experience that many of the systems presently in use in this country do not benefit the hearing impaired. In the past 5½ years we have tested over 100,000 people in the Section of Audiology. We have encountered people who have been fit with hearing aids which have been of no benefit to them. Some of these people have subsequently been helped medically and have had no further use for a hearing aid. It is not entirely uncommon for us to see people who were sold two hearing aids when only one aid would have been sufficient. We also have a number of documented cases in which a hearing aid has been fit to an ear in which there is no hearing. We have encountered people with normal hearing who have been sold hearing aids which were of no benefit to them.

This problem is not peculiar to Minnesota. Our data is obtained on people from all 50 states as well as from some foreign countries. We are presently using a delivery system which we believe gives the patient the maximum opportunity for determining the medical cause and treatment as well as the potential benefit of amplification when deemed necessary. We function under the assumption that any hearing loss is a medical problem and should be diagnosed by an otolaryngologist. At the Mayo Clinic, any patient with a hearing loss is given an audiological as well as a complete otological examination. Only when the patient has had a complete examination in which medical and surgical possibilities are discussed do we discuss amplification. Our procedure is to recommend amplification on a trial basis whenever a patient has a hearing loss that causes a communication problem.

Our procedure is to recommend a rental for 30 days prior to the purchase of an instrument. This allows the patient the opportunity to determine if the instrument is helping the patient sufficiently to warrant the purchase. It has been our policy in the past to refer patients only to dealers who will rent hearing aids. Even with our procedure, patients often obtain an aid and pay for it prior to the 30-day period. However, they are cautioned to do this only if they have a money-back guarantee at the end of 30 days.

With local patients, that is patients in Minnesota as well as some other areas such as Chicago, we have no difficulty with the patients being able to obtain hearing aids on a rental basis. A number of dealers such as the Master Plan Service Company have a procedure under which the patient can obtain an aid on a 30-day rental basis. He pays for the ear mold as well as one month's rental. The rental fee is usually $1 a day. At the end of the rental period, the patient can either return the aid and forfeit his rental fee or he can apply the rental fee to the purchase price of the aid. It should be pointed out that the purchase price of the instrument from a number of local dealers as well as the Master Plan Service Company is considerably below the manufacturer's suggested retail price. Over the past few years, we have developed a fairly substantial list of dealers who follow this procedure. However, the list is primarily made up of dealers who have contacted us or from patients who have mentioned specific dealers to us. Not all dealers in the local area are willing to either rent or sell at prices which I personally consider reasonable.

The advantages in the rental system are that, one, it gives the patient an opportunity to try an instrument without expending a great deal of private funds while insuring that he will try the instrument because he has some money invested. Second, it protects the dealer from a significant loss if the aid is returned. It also assures the patient that he will receive adequate services and instruction from the dealer in the first 30 days.

In slightly over a year we have documented more than 35 cases in which patients at the Mayo Clinic have either been fit inappropriately or for medical reasons should not have been fit with a hearing aid or hearing aids. The majority of these patients do not live in Minnesota. The most tragic case that comes to mind, however, does involve a man in his 60's from Minnesota who is a cemetary custodian. From 1969 to 1974 he is able to document the purchase of 11 hearing aids for a total of $3,996. He indicates that he has purchased other instruments from which he was told he would be helped; however, he does not have cancelled checks or receipts for these additional aids. He also indicates that he once traded in his Model A or Model T Ford to obtain two hearing aids.

It is obvious that this gentleman is desperate for better hearing; however, with the type of hearing loss that he has he cannot benefit from surgical or medical treatment and additional hearing aids will be of no significant benefit to him.

There are many instances in our files of individuals who have been sold hearing aids for an ear in which they have no ability to discriminate speech and where the other ear is essentially normal.

We are seeing an increasing number of individuals who are sold all-in-the-ear hearing aids for which they will not receive the maximum possible benefit. At the present time, it appears to me that people are purchasing all-in-the-ear hearing aids because of the cosmetic and not because of their acoustic characteristics.

Ironically, even within the Mayo Clinic we have an individual who has been sold a hearing aid inappropriately. This gentleman was employed at the Mayo Clinic in a nonprofessional status. He had essentially normal hearing with a slight drop at 4,000 Hz and normal speech discrimination and speech reception threshold. He was sold a hearing aid. After wearing the aid for two weeks he returned it to the dealer and complained that the hearing aid did not help. The dealer sent the aid back to the factory for repair. After receiving the aid back he still could not tolerate amplification. He took the aid back and tried to get his money back. The dealer would not give the money back because the purchase occurred more than one month earlier. Subsequently, the man came to the Audiology Section of the Mayo Clinic and it was confirmed that he did in fact not need a hearing aid. Subsequently, in small claims court, he was awarded a full refund. The previous two cases are individuals from Minnesota. To give some indication of the national scope of the problem, I would like to briefly discuss patients from three other states.

First is a 61-year-old man from Kentucky who was sold an all-in-the-ear hearing aid for an ear that was essentially without hearing.

Second is a case of a man from Montana with essentially normal hearing who was sold binaural hearing aids. When asked if the hearing aids were of any benefit, he replied: "they are of no damn good to me."

Third we have three cases from Michigan in which the individuals had essentially no usable hearing in one ear and relatively good hearing in the other ear but were sold hearing aids for the poorer ear. They received no benefit from these aids. These are only a few of the cases that we have documented.

At the present time, in this country we are faced with a number of basic philosophical and ethical questions regarding the various hearing aid delivery systems. My point of view is not consistent with that of the American Speech and Hearing Association or with that of a number of hearing aid manufacturers. I am of the opinion that a hearing loss is a medical disease and must be diagnosed by an otolaryngologist with the aid of audiological tests. However, I do not believe it would be in the best interest of the patient for either an audiologist or an otolaryngologist to dispense hearing aids even under the guise of a non-profit system. The present practices being conducted by a number of audiologists and otologists under the guideline of the American Speech and Hearing Association's Code of Ethics allows the patient to be charged for "a hearing aid evaluation as well as follow-up rehabilitation." Prior to ASHA's Code of Ethics emphasis, it was not always common for the audiologists to conduct the hearing aid evaluation or the rehabilitation in the same manner that they presently charge for. Now, these additional charges bring the price of the complete package including a hearing aid up to nearly the same as the dealers' suggested retail price.

I am aware that a number of audiologists suggest that only with this hearing aid evaluation and rehabilitation procedure can the patient fully benefit from a hearing aid. It is my opinion that much of the hearing aid evaluation and rehabilitation conducted by audiologists dispensing hearing aids is of little value to the patient.

Our procedure is to refer patients who have an audiological and otological examination to the dealer who will rent and sell for a reasonable price. The average price of a hearing aid sold by some dealers that we refer to is about $225. This does not include the otologist's or audiologist's charge. These prices were established by the dealers without any suggestions from us. In view of the work done by the dealers and the cost of operating their facilities, these prices seem to me to be reasonable prices.

In Minnesota, the consumer protection law does not allow the audiologist to dispense hearing aids. Under this law it is also mandatory that anyone over the age of 60 and under the age of 18 receive a physician's or audiologist's recommendation before an aid can be purchased. People between the ages of 18 and 60 can purchase an aid without a medical or audiologic recommendation if they sign a waiver. Although it has been stated to the contrary, the number of people receiving quality hearing health care in the state of Minnesota has not decreased. Even with the law, we have seen a few instances in which hearing aid dealers have sold hearing aids to people over the age of 60 without medical recommendation. We have also seen a number of cases in which individuals between 18 and 60 have purchased hearing aids which were of no benefit to them. However, it is my opinion that the law has been beneficial to some hearing impaired individuals.

I also am concerned with present attempts which allow hearing aid dealers to test as a diagnostic procedure. They are not trained for such procedures nor can they carry out these procedures without a conflict of interest when fitting a hearing aid.

SRI LANKA INDEPENDENCE DAY, MAY 22, 1976

Mr. PERCY. Mr. President, it has been a number of years since I have had an opportunity to visit a highly important country in the subcontinent, Sri Lanka. On May 22, 1976, Sri Lanka observes the fourth anniversary of the inauguration of the Republic and the adoption of the present Constitution. The year ahead for Sri Lanka is as momentous and significant to that country as it is for the United States in her Bicentennial Year. Before the next Republic Day is celebrated in Sri Lanka in 1977, the country will have its seventh opportunity since regaining its independence in 1948 to hold free, democratic national elections. In this exercise of a fundamental democratic freedom, Sri Lanka stands as one of the few countries where democratic institutions continue to flourish. In August this year Sri Lanka, which has long been a leader in the group of nonalined nations, will host the Fifth Nonalined Summit Conference—the first time such a summit has been held in Asia. The meeting, which will be a focal event in the Third World, will be attended by the leaders of over 80 nations and will take place in the Conference Hall dedicated to the memory of the late Prime Minister, Mr. S. W. R. D. Bandaranaike—and will be chaired by his widow, the present Prime Minister, who has had the distinction of leading Sri Lanka's delegation at every nonalined Summit Meeting since 1961.

As a developing country, Sri Lanka has regretfully been buffeted by the worldwide inflation and the catastrophic consequence of the increases in import prices. Nevertheless, strong efforts are reportedly being made to achieve a viable economic structure and the recently concluded land reform appears to be a milestone in this direction.

A major achievement has been the inauguration of an extensive multipurpose river diversion project whereby the waters of Sri Lanka's longest river, the Mahaweli, will be diverted into the arid dry zone of the country to provide irrigation for farmers of the country. The first stage of this massive multimillion dollar project has been completed. The country has commenced the construction of an urea fertilizer plant, and Kellogg International Corp. has won the contract for this $92 million project, which will provide the full requirements of urea for the agricultural sector of Sri Lanka. Sri Lanka is also exploring for oil, and Pexamin Pacific, Inc.—a group of companies opment has been greatly enhanced by a and the Pacific regions—has been appointed as consultant.

Sri Lanka's social and economic development has geen greatly enhanced by a dramatic decrease in the rate of population growth. In 1974, the increase of population was as low as 1.6 percent which is something of a record for developing countries.

The Finance Minister in the budget which he presented in November, 1975, reasserted a role for the private sector and welcomed the infusion of foreign private capital into the economy of Sri Lanka. A foreign investment law and the creation of a foreign investment authority to give legal form to inducements for foreign private capital are being formulated. Sri Lanka is strenuously pursuing her objective of achieving economic development, together with greater equality in the distribution of income. The share of the income of the poorest 40 percent of inhabitants has risen since 1963 from 14 to 19 percent in 1973. Correspondingly, the share of income received by the top 10 percent has declined from 37 to 28 percent during the same period.

Sri Lanka-United States relations continue to be friendly, and the links forged by the common identity of the two countries as democracies are reinforced by economic, commercial, and cultural exchanges. The United States continues to be an important donor of developmental assistance to Sri Lanka. In 1976, an agreement was signed under Public Law 480 for the sale of 100,000 tons of wheat flour to Sri Lanka. Trade between the two countries in 1975 expanded with imports by the United States increasing by 15 percent and U.S. exports to Sri Lanka increasing by over 69 percent. Sri Lanka also continues to be a popular tourist resort by virtue of its unique beauty. In a recent birthday message to Mrs. Sirimavo Bandaranaike, the Prime Minister of Sri Lanka, President Ford said:

> Under your distinguished leadership Sri Lanka continues to play an important and constructive role within the family of nations—underscored by the fact that Sri Lanka will be host this summer to the Non-Aligned Summit Conference. Your birthday also provides a welcome occasion to reiterate my personal satisfaction and that of the American people with the friendship and cordial relations that exist between our two democracies. I have every confidence that this friendship will continue to prosper.

President Ford has nominated the Honorable John H. Reed, the former Governor of Maine, and former chairman of the National Transportation Safety Board, as the U.S. Ambassador to Sri Lanka. I have every confidence that, if confirmed, he will serve with distinction to carry out the hope and desire expressed recently by President Ford.

In conclusion, Mr. President, I express the hope that the Conference of Nonaligned Nations to be held in Sri Lanka in August of this year will not fall into the hands of radicals who have no interest in cooperation between the developed and the developing world. It is important that the guiding direction of the conference come from those who are dedicated to the principle of global interdependence.

BICENTENNIAL READING LIST

Mr. GARN. Mr. President, one of the benefits of a bicentennial year is that it prompts us to examine some of the philosophical bases on which our country was organized, and around which it continues to function. It also brings sharply to mind the strands of culture, diverse and shared, which have gone into the making of modern America.

In an effort to focus these thoughts, the American Issues Forum has been organized to promote group discussion of many of the aspects of American life. To provide background reading for these discussions, the American Library Association was commissioned by the National Endowment for the Humanities to compile a reading list from the vast literature that underlies our culture. The list has been compiled, and has been distributed by the ALA.

It is not my intention here to criticize the list drawn up by the ALA, though that has been done by competent critics. I would simply like to call the attention of the Senate to the fact that such a list does exist, and that because of the commission from the National Endowment, and the funding that came with that commission, the list does take on a quasi-official significance.

The editors of National Review have reviewed the ALA list, and have taken it upon themselves to draw up their own list, more closely reflecting their own biases and perceptions. In the interest of completeness, I thought that other Senators might like to examine their list, in case they receive inquiries about either one from their constituents.

Incidentally, Mr. President, neither list contains a section devoted to American humor. In my view, that is a serious oversight. I see no way that the American experience can be understood without a familiarity with Mark Twain's "Tom Sawyer," or "Roughing It," with "You Know Me, Al" by Ring Lardner, with James Thurber, and with Booth Tarkington's works, most notably "Penrod." No doubt others would have contributions to make to this part of any comprehensive list.

I therefore ask unanimous consent that the article from National Review about the two lists be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG BROTHER'S READING LIST: A DISSENT

The American Library Association recently compiled and published a reading list designed to aid in the discussion of a series of issues connected with the U.S. Bicentennial. The list was designed, in particular, to be used as an accessory to the American Issues Forum, a nationwide program for "group discussion of the fundamental issues and values of American life upon the occasion of the nation's Bicentennial." In its effort to compile a suitable list, the ALA had generous support from the Federal Government. The procedures it followed seem reasonable. In the words of the ALA: "Two broadly representative committees of librarians, appointed by the American Library Association, spent almost five months searching out books, films, tapes, and records, considering nominations from National Advisors and experts in many different fields, and making the final selections for the list." The principal criteria for selection were "quality," "readability," and "accessibility."

The ALA list has been widely disseminated, and is potentially influential.

As soon as it appeared, however, the ALA list came under thoroughly justified attack in the press. Columnists William Safire and Patrick Buchanan castigated it for its manifest political and cultural bias. Other shortcomings soon became apparent. A prominent American economist, for example, wrote as follows to the editors of *NR*: "In addition to their biases there is too much old stuff on their list which has little significance for our time—i.e., *The Robber Barons, The Octopus, The Wobblies, The Jungle,* etc. From their list, you would not expect that government was playing much of a role in our society. Unfortunately, it is, and not doing very well at it. Much of the best conservative writing consists of a critique of government programs rather than a defense of the market system. I think the focus of the list needs changing."

It thus develops that in the Bicentennial Reading List—drawn up by a private organization, but funded by a federal agency, the National Endowment for the Humanities—we confront several serious defects: 1) in overall quality it is highly uneven, mixing many excellent titles with a good deal of trash; 2) a substantial number of its titles are out of date (particularly in the areas of business and economics), show little awareness of the best work that has been done in recent years, and fail to deal with the most salient issues before us; 3) in its manifest tendency the ALA list is anti-business, and new Left revisionist in its attitude toward the cold war and toward America's role in the world; and 4) it is fashionably self-lacerating as regards the history of ethnic minorities in America.

The ALA list consists of ten sections, and they vary considerably in quality.

1. *Books for a General Introduction to the American Past.* Generally a satisfactory listing. The ALA list includes an excellent narrative history in Samuel Eliot Morison's *Oxford History of the American People;* the classic *Democracy in America* by Tocqueville; Daniel Boorstin's important three-volume study *The Americans;* Shelby Foote's epic three volumes of the Civil War; and some pleasant surprises: Mencken's *The American Language,* and Frederick Lewis Allen's useful and readable books on the Twenties and Thirties. Criticism of this section perhaps ought to take the form of qustions. Is Max Lerner's *America as a Civilization* quite good to appear in this company? Or Eric Goldman's *Rendezvous with Destiny?* Frederick Jackson Turner's *The Frontier in American History* urged an important thesis, but to include Turner without including any of his serious critics seems intellectually eccentric.

2. *A Nation of Nations.* This section deals

with the varied ethnic makeup of the United States and with the experiences of the different groups as they played a part in our history. Of the 32 titles listed by the ALA, at least half are of dubious intellectual quality. If you want to read about the Jewish ethnic experience, is Herman Wouk's *City Boy* the best that can be found? Irving Howe, Will Herberg, John Murray Cuddihy, Alfred Kazin, and Norman Podhoretz clearly offers much more. The ALA list includes the important *Beyond the Melting Pot* by Glazer and Moynihan, but do we really need *A Nation of Immigrants* by John F. Kennedy, that deep student of things ethnic? When the ALA list turns to the question of allegiance to the American Republic, the emphasis seems unduly negative. The eight titles start off with the pro-allegiance *Man without a Country* by Edward Everett Hale, but the remaining seven titles are variously negative: they comprise Arthur Miller's play *The Crucible*, a tendentious drama linking seventeenth century witch trials with modern investigations of Communism; Thoreau's *Civil Disobedience;* a record about the 1963 civil rights march on Washington; Richard Rovere's book on McCarthy; a book by W. E. B. Du Bois, who ended his life as a member of the Communist Party; Theodore Roszak on the counterculture; and a book on conscientious objection.

3. *The Land of Plenty*. This section deals with the general subject of development, i.e., the land and its resources and how they have been used. About two-thirds of the ALA-listed books suggest that the U.S. has used them very badly. The intellectual quality varies enormously. We find one title by Edward C. Banfield, but two by Stewart Udall, and, bless us, *Who Owns America?* by Walter J. Hickel. With few exceptions, the ALA list here is relentlessly middlebrow and breast-beating.

4. *Certain Unalienable Rights*. "Basic freedoms and rights are the stuff of America," asserts the ALA list, "but are they being eroded or diluted in today's society, or are they being extended and strengthened?" The ALA list gives the overwhelming impression that they are being eroded and diluted. But before turning to that issue, a prior one should be raised. In any Bicentennial discussion of "rights" in the American constitutional tradition, it would seem appropriate to undertake a discussion of just what those rights are, where they are located, and what their limits are, if any. The ALA list seems unaware that serious controversy exists about the meaning and scope of the First and Fourteenth Amendments, not to mention the debate over the meaning of unalienable rights in the Declaration. Entirely neglected by the ALA list is the fundamental question of whether the American system is an "unalienable rights" system, or a "deliberate sense of the people" system. The list is therefore in an important sense trivial.

In its overall tendency, moreover, the ALA list conveys a very bleak impression of the history and current status of individual rights in America. We have John Roche's judiciously optimistic *The Quest for the Dream*, but this listing is overwhelmed quantitatively by some twenty highly negative titles such as *The Devil in Massachusetts, Manual for Direct Action, Citizen Hearst, Fear in the Air, All the President's Men, Red Scare, The Assault on Privacy, The Naked Society, The Fire Next Time, Institutional Racism in America*, and *A Time to Die*.

5. *A More Perfect Union*. This section deals with the "fragile system" of democracy, and how it does and does not work. The ALA list here provides a curious mixture of high quality and low, including, as usual, much that is indifferent and mediocre. Some titles would find a place in any serious list: *The Federalist Papers*, Daniel P. Moynihan's *Maximum Feasible Misunderstanding*, perhaps such novels as *The Last Hurrah* and *All the King's Men*, which provide vivid accounts of the actual experience of politics in certain eras. But what are we to make of a ridiculous book like Merle Miller's *Plain Speaking*, in which a manifestly senile Harry Truman parodies himself to the accompaniment of Miller's naive oohs and ahs? Do we really need John Gardner's manifesto *In Common Cause*, or Dan Rather's inferior *The Palace Guard?* There is even included a record of the son of Sinclair Lewis reading passages from his 1935 novel *It Can't Happen Here*, about the coming of fascism in America, complete with presidential storm troopers. Listed also is a record of the Army-McCarthy hearings and, believe it or not, a tape cassette of John Lindsay instructing us on how to govern our cities—but no facsimiles of defaulted municipal bonds. The cup runneth over.

6. *Working in America*. The overall impression given by the ALA list is that working in America is a pretty bad deal. Furthermore, the list is curiously narrow in its focus and rather sentimental. Work for the ALA apparently means manual labor, for the most part. Such titles as *The Wobblies, Muscle and Blood, Toil and Trouble* give the prevailing flavor. Nor are the results of working anything to crow about: *The Grapes of Wrath, Poorhouse State, Still Hungry in America, Young till We Die, Down and Out in the U.S.A.* Even "success" is really pretty bad: *Babbitt, The Organization Man, Return the Innocent Earth, The Lonely Crowd, The Harried Leisure Class.* The ALA list does not come close to reflecting the experience of the vast majority of Americans and therefore fails to deal with the genuine issues in the area of "working in America."

7. *The Business of America*. Of the thirty titles in this list, 19 are strongly anti-business. Two are cautiously pro-business. The rest have other goals in mind. Much of the list is out of date, or otherwise irrelevant to our present concerns. Matthew Josephson's *The Robber Barons* has been influential, but as history it has also been found faulty in important ways. *The Little Foxes* and *Another Part of the Forest* by Lillian Hellman, whatever their merits as plays, shed little light on "the business of America." It is in this general area, however, that some of the most important analytical work has been done during the last fifteen or twenty years. Such work finds almost no representation in the ALA list.

8. *America in the World*. Any list of thirty titles in this area that includes two by William Appleman Williams is prima facie suspect. Williams, moreover, is backed up by a dozen or so works in the "revisionist" historical mode, i.e., the American "empire" (political and economic influence) is bad, America is largely responsible for what is wrong in the world today, America should not intervene abroad in defense of its interests or to oppose the spread of Soviet influence and/or Communism. The predictable names are heavily represented: Walter LaFeber, Gunnar Myrdal, Ronald Steel, David Halberstam, Frances FitzGerald, J. William Fulbright, et al. You would not guess from the ALA list that Robert James Maddox in *The New Left and the Origins of the Cold War* has provided a devastating critique of revisionist historical methods. Nor would you imagine that an array of writers from Hanson Baldwin and James Burnham to Aleksandr Solzhenitsyn and Sir Robert Thompson think that (a) the U.S. and the other free nations are in serious danger, and (b) the spread of Soviet power and influence is a part of that danger.

9. *Growing Up in America*. By this time, you ought to be able to anticipate the titles listed by the ALA. Jonathan Kozol, *Death at an Early Age*. Right. Dore Schary, *Sunrise at Campobello*. Richard Wright, *Black Boy* and *Native Son*. Vance Packard, *A Nation of Strangers*. Then there's *House Made of Dawn* by N. Scott Momoday, described as follows: "Abel, a young American Indian, seeks to integrate his past—now nothing more than a desperate, downtrodden reservation—with a hostile white world, an effort that results in violence, suffering, and despair." That just about says it all for the ALA on "growing up in America." The middle class is represented by a few items—Thornton Wilder, Barzun on the university, J. D. Salinger—but it is strictly a token appearance. For the ALA, the middle class appears to be just that, a token presence in any account of "growing up in America." You would never imagine that Hemingway's Nick Adams had "grown up in America" or that Fitzgerald's Amory Blaine had too. Not to mention Robert Frost or Edna Millay, Hunter Thompson or Joan Didion. The ALA list in this section is a fiasco.

10. *And the Pursuit of Happiness*. The ALA list is peculiarly thin and unfocused here, but it leaves the general impression that if you "pursue happiness" in America you are not likely to be rewarded with much of it. Some of the titles included are unexceptionable: *The Great Gatsby, An American Tragedy, Walden, The Old Man and the Sea.* Those books are all well worth talking about. But we also get the *schlock* to which we have now become so accustomed in dealing with the ALA list: *Future Shock, The Greening of America, The Art of Loving*. You would not gather that "happiness" in America had anything to do with style, humor, vitality, personal achievement, serious thought, or religious belief. As a matter of fact, the intellectual disaster in this final section tells us a good deal about the pervasive deficiencies in the rest of the list.

The ALA compiled its list with the aid of a substantial grant from the National Endowment for the Humanities, a federal agency. This fact raises some complex issues. It would scarcely seem appropriate for the National Endowment to have compiled its own list. Few would feel comfortable with the idea of a federal agency putting out reading lists for mass consumption. When the ALA labored and brought forth a lemon, should the National Endowment have gone along with the list, rejected it, or tried to improve it? The latter two options, while superficially attractive, again raise the issue of a direct federal influence on the reading list.

The editors of National Review decided, therefore, to compile and advertise the availability of an alternative Bicentennial Reading List, better balanced and much less condescending to its intended audience. The editors of *NR* believe that those who compiled the ALA list drastically underestimated the ability of Americans to read books of intellectual quality and balance. It need not be said that any such list will have omissions to which anyone could point. The following list will have them, but an effort has been made to achieve quality and balance. In a number of instances, and especially in the section "America in the World," the following list includes foreign writers to a greater degree than the ALA list, on the assumption that in order to know the world in which America strives to exist a knowledge of Orwell and Solzhenitsyn is necessary. The list will be revised and brought up to date from time to time. When deemed advisable, brief comments have been made on individual titles.

BOOKS FOR A GENERAL INTRODUCTION TO THE AMERICAN PAST

*Allen, Frederick Lewis—Only Yesterday (*Harper & Row paperback*); The Big Change (*Harper & Row paperback*). Vivid social history of the 1920s and 1930s.

*Boorstin, Daniel—The Americans, *3 vols.* (*Random House paperback*).

*Foote, Shelby—The Civil War: A Narrative, *3 vols.* (*Random House*).

Jefferson, Thomas—Notes on the State of

Virginia (*Norton paperback*). The tension between the pastoral ideal and the ideal of development has deep roots in American feeling.

Kenner, Hugh—The Pound Era (*University of California*). A profound examination of Ezra Pound's poetry and ideas in the context of the twentieth century modernist movement.

Manchester, William—The Glory and the Dream 1932–1972 (*Bantam*). America through depression, world war, and the strains of empire.

Miller, Perry—The American Puritans (*Anchor*).

*Morison, Samuel Eliot—The Oxford History of the American People (*Mentor*). The best concise history of America from the earliest days to the atomic age.

Niebuhr, Reinhold—The Irony of American History (*Scribner's paperback*). An anti-utopian meditation on the irony that shadows the plans and projects of men.

Pierson, George W.—The Frontier and American Institutions: A Criticism of the Turner Thesis, in Turner and the Sociology of the Frontier, *Richard Hofstadter and Seymour M. Lipset, eds.* (*Basic Books*).

Russell, Francis—The Shadow of Blooming Grove (*McGraw-Hill*). One of the best books on the American political process as it operated between the world wars, and a poignant portrait of Warren Harding. Tragedy in Dedham: The Story of the Sacco-Vanzetti Case (*McGraw-Hill*). Brilliant study of the famous case.

Scheer, George F., and Hugh F. Rankin—Rebels and Redcoats (*Mentor*). Eyewitness accounts of the American Revolution from letters, journals, and battlefield reports.

Shaw, Peter—The Character of John Adams (*University of North Carolina*).

Smith, Henry Nash—Virgin Land (*Harvard paperback*). The idea of the American West and its effect upon history and culture.

*Tocqueville, Alexis de—Democracy in America, *2 vols.* (*Random House paperback*).

*Turner, Frederick Jackson—The Frontier in American History (*Holt, Rinehart paperback*).

Whitman, Walt—Democratic Vistas, *in* The Viking Portable Walt Whitman (*Viking*). A locus classicus of American optimism.

Zuckerman, Michael—Peaceable Kingdoms: New England Towns in the Eighteenth Century (*Vintage.*)

A NATION OF NATIONS

Andrist, Ralph K.—The Long Death (*Collier*). The defeat of the Plains Indians.

Bailyn, Bernard—Education in the Forming of American Society (*Norton paperback*).

Bok, Edward—The Americanization of Edward Bok (*Scribner's*). Until quite recently, people knew what Americanization meant and actually used the word.

Boorstin, Daniel—The Lost World of Thomas Jefferson (*Beacon paperback*).

Boyer, Richard O.—The Legend of John Brown (*Knopf*). The fiery abolitionist in fact and myth.

Crevecoeur, J. Hector St. John De—Letters from an American Farmer and Sketches of Eighteenth Century America (*Signet*). Roots of American individualism.

Cuddihy, John M.—The Ordeal of Civility (*Basic Books*). An intellectually revolutionary study of the socialization of the Jewish ethnic minority.

Du Bois, W. E. B.—The Autobiography of W. E. B. Du Bois (*New World paperback*).

Faulkner, William—The Viking Portable Faulkner (*Viking*). Critic Malcolm Cowley arranges selections from Faulkner's novels and stories to form a narrative of the interlocking fates of whites, blacks, and Indians in the American South.

Fogel, Robert W., and Stanley L. Engerman—Time on the Cross (*Little, Brown paperback*). Using new methods of analysis, the authors arrive at revisionist conclusions about the life of the slaves.

*Franklin, Benjamin—The Autobiography of Benjamin Franklin (*New American Library*).

Gambino, Richard—Blood of My Blood (*Anchor*). The Italian-American experience.

*Glazer, Nathan, and Daniel P. Moynihan—Beyond the Melting Pot (*MIT paperback*). The melting pot failed to turn ethnic Americans into interchangeable parts, but did affect them profoundly.

*Handlin, Oscar—The Uprooted (*Atlantic—Little, Brown paperback*).

Hawthorne, Nathaniel—The Scarlet Letter (*Harper & Row*). A major expression of the Puritan sensibility.

*Herberg, Will—Protestant-Catholic-Jew (*Doubleday*).

Howe, Irving—World of Our Fathers (*Harcourt Brace*). Jewish immigrant experience.

Jaffa, Harry—The Crisis of the House Divided (*University of Washington*). The political and constitutional struggle over slavery.

Kazin, Alfred—A Walker in the City (*Harcourt Brace*).

*Malcolm X—The Autobiography of Malcolm X (*Ballantine*).

Marshall, S. L. A.—Crimsoned Prairie (*Scribner's*). One of America's foremost military historians deals with the Indian wars and provides an antidote to Dee Brown.

Morgan, Edmund S.—The Puritan Family: Domestic Relations in Seventeenth Century Virginia (*Harper Torchbook*).

*O'Connor, Edwin—The Last Hurrah (*Little, Brown*). Irish-American politics in Boston.

Pettengill, Samuel B.—The Yankee Pioneers: A Saga of Courage (*Charles E. Tuttle*). Surprisingly arduous conditions in New England and the people who surmounted them.

Podhoretz, Norman—Making It (*Random House*). A mid-century American Jew moves from humble background to literary and cultural success.

Puzo, Mario—The Godfather (*Putnam*).

Schoener, Allon, ed.—Portal to America: The Lower East Side 1870–1925 (*Holt, Rinehart paperback*).

Shannon, William V.—The American Irish (*Macmillan*).

Steffens, Lincoln—The Autobiography of Lincoln Steffens (*Harvest*).

Strickland, Rennard—Fire and the Spirits: Cherokee Law from Clan to Court (*University of Oklahoma*).

Wheeler, Thomas C., ed.—The Immigrant Experience (*Pelican*).

Wills, Garry—The Second Civil War: Arming for Armageddon (*New American Library*). An eloquent 1968 prediction of the imminent civil war in America—imminent defined as a matter of months, or a year at most—by the Last Kid, a well-known casualty of the ideological season.

THE LAND OF PLENTY

*Agee, James, and Walker Evans—Let us Now Praise Famous Men (*Ballanetine*). Evans' photographs and Agee's text on rural Southern poverty.

Alchian, Armen—No Time to Confuse (*Institute for Contemporary Studies*). A devastating critique of the Ford Foundation's report on energy.

*Banfield, Edward C.—The Unheavenly City Revisited (*Little, Brown paperback*). A revised edition of Banfield's classic, taking account of points made by critics of the original study.

Barzun, Jacques—God's Country and Mine (*Greenwood*). The definitive rejoinder to fashionable anti-Americanism.

Bauer, P. T.—Dissent on Development (*Harvard*). Sanity about relations between the developed and underdeveloped worlds.

Beckerman, Wilfred—Two Cheers for the Affluent: A Spirited Defense of Economic Growth (*St. Martin's*).

Boulding, Kenneth E., and Martin Pfaff, eds.—Redistribution to the Rich and the Poor (*Wadsworth*). Programs supposedly designed to aid the poor really buy the votes of the non-poor.

Burnham, James—The Managerial Revolution (*Indiana University*). A classic study of the concentration of power in modern society; it deeply influenced George Orwell.

Capote, Truman—In Cold Blood (*Random House*). The wretches hang.

Clarkson, Kenneth W.—Food Stamps and Nutrition (*American Enterprise Institute*).

*Dos Passos, John—U.S.A. (*Houghton Mifflin paperback*). A classic novel, highly critical of capitalism.

Friedman, Milton—There's No Such Thing as a Free Lunch (*Open Court*).

Furubotn, Eirik G., and Svetozar Pejovich—The Economics of Property Rights (*Ballinger*).

*Galbraith, John Kenneth—The Affluent Society (*New American Library*).

Ginzberg, Eli, and Robert M. Solow, eds.—The Great Society (*Basic Books*).

*Harrington, Michael—The Other America (*Macmillan*). Poverty and hunger rediscovered.

Hayek, F. A.—Capitalism and the Historians (*University of Chicago*).

Jacobs, Jane—The Death and Life of Great American Cities (*Vintage*).

Marx, Leo—The Machine in the Garden (*Oxford*). Ambivalence about machinery in American literature and culture written from an implicitly leftist point of view.

Miller, Roger Leroy—American Economic Life Yesterday and Today (*Canfield*).

*Mills, C. Wright—The Power Elite (*Oxford*). An influential study of interlocking economic power by the radical sociologist.

Mitchell, Edward J.—U.S. Energy Policy: A Primer (*American Enterprise Institute*). The best introduction to energy.

Pechman, Joseph A., Henry J. Aaron, and Michael Taussig—Social Security: Perspectives for Reform (*Brookings Institution*). Social Security now accounts for 25 per cent of federal expenditures. A careful study of the system.

Percy, Walker—Love in the Ruins (*Farrar, Straus*).

Riesman, David, et al.—Individualism Rediscovered (*Anchor*). A series of essays exploring the place of individualism in modern society.

Schumpeter, Joseph—Capitalism, Socialism, and Democracy (*Harper & Row*). Capitalism will fall because it has been so successful.

Smith, Adam—The Wealth of Nations (*Kelley*).

Stigler, George—The Intellectual and the Marketplace (*Transatlantic*).

Thompson, Hunter—Fear and Loathing: On the Campaign Trail (*Simon & Schuster*). Exacerbated sensibility and brilliant prose style; a footnote to Schumpeter.

Tullock, Gordon—Private Wants, Public Means (*Basic Books*).

Wolfe, Tom—Radcial Chic and Mau-Mauing the Flak-Catchers (*Bantam*). Playing at revolution as a relief from affluent ennui.

Worsthorne, Peregrine—The Socialist Myth (*Weybright and Talley*). An examination of the British experience with socialism, but of general application.

CERTAIN UNALIENABLE RIGHTS

Bailyn, Bernard—The Ideological Origins of the American Revolution (*Harvard paperback*).

Becker, Carl—The Declaration of Independence (*Vintage*).

Berns, Walter—Freedom, Virtue, and the First Amendment (*Greenwood paperback*).

Bickel, Alexander—Morality of Consent (*Yale*). Better to discover Burke late than never.

Boorstin, Daniel—The Genius of American Politics (*University of Chicago*).

Buckley, William F., Jr., and L. Brent Bozell—McCarthy and His Enemies (*Regnery*). One side of the great controversy; cf. Rovere below.

Burke, Edmund—Speech on Conciliation with the Colonies (*Gateway*).

Burnham, James—Congress and the American Tradition (*Regnery*). The attrition of congressional sovereignty and its complications for self-government.

Goldwin, Robert, ed.—A Nation of States (*Rand McNally*). Essays by Berns, Diamond, Kirk, et al.

Hacker, Andrew, ed.—The Federalist Papers (*Pocket Books*).

Harper, John Richard—The American Revolution (*Harper Torchbooks*).

*Hofstadter, Richard—The American Political Tradition (*Vintage*). An influential book from a generally liberal point of view.

Hook, Sidney—The Paradoxes of Freedom (*University of California paperback*).

Hyneman, Charles S., and George W. Carey, eds.—A Second Federalist: Congress Creates a Government (*University of South Carolina*).

Kendall, Willmoore, and George W. Carey—The Basic Symbols of the American Political Tradition (*Louisiana State University*). An original and profound study of the emergence of the American political tradition from the earliest documents through the Declaration and the Constitution.

Koch, Adrienne, ed.—The American Enlightenment (*Braziller*). Letters, papers, addresses by Franklin, Adams, Jefferson, Madison, et al.

Kristol, Irving—On the Democratic Idea in America (*Basic Books*). One of the most astute analysts of American politics considers the problems of capitalism, the role of the intellectuals, pornography and censorship, etc.

*Levy, Leonard W., ed.—Freedom of the Press from Zenger to Jefferson (*Bobbs-Merrill Heritage Series*).

Livy—The Early History of Rome (*Penguin*). The writings of classical historians and political theorists had at least as much influence on the Founders as the writings of John Locke.

Locke, John—Second Treatise of Government (*Bobbs-Merrill*).

Machiavelli, Niccolo—The Discourses (*Peter Smith*).

Murray, John Courtney—We Hold These Truths (*Sheed & Ward*). A natural-rights perspective on and affirmation of the American constitutional tradition.

Nisbet, Robert—The Twilight of Authority (*Oxford*). A pessimistic estimate of the present state of democratic culture by one of the leading contemporary sociologists and one of the few who can write.

Paine, Thomas—Common Sense and the Crisis, *annotated by Thomas Wendel* (*Barron's Educational Series*). The most influential pamphleteer of the American Revolution speaks for eighteenth century radicals.

Plutarch—The Fall of the Roman Republic (*Penguin*).

Roche, George—Balancing Act (*Open Court*). Use and abuse of racial quotas.

*Roche, John P.—The Quest for the Dream (*Quadrangle paperback*). The noted political scientist studies civil liberties in America and concludes that on the whole things are good.

Rossiter, Clinton—1787: The Grand Convention (*Macmillan*). The Political Thought of the American Revolution (*Harvest*).

*Rovere, Richard—Senator Joe McCarthy (*Harper & Row*). The best of the numerous anti-McCarthy books of the period.

U.S. Constitution with the Declaration of Independence (*Pathmark Books*).

Weaver, Richard M.—The Southern Tradition at Bay (*Arlington House*).

Wood, Gordon S.—Creation of the American Republic 1776–1787 (*Norton*). Confederation and Constitution, *ed.* (*Little, Brown*). Essays by Corwin, Diamond, Roche, Kenyon, et al.

A MORE PERFECT UNION: HOW THE SYSTEM DOES AND DOES NOT WORK

Anderson, Martin—The Federal Bulldozer (*McGraw-Hill*).

Berger, Raoul—Impeachment (*Harvard*).

Bozell, L. Brent—The Warren Revolution (*Arlington House*).

Buchanan, Patrick J.—Conservative Votes, Liberal Victories (*Quadrangle*).

Buckley, William F., Jr.—Four Reforms (*Putnam*). Practical reforms in the fields of welfare, education, taxation, and criminal justice.

The Unmaking of a Mayor (*Viking*). A paradigmatic political campaign seen from the inside.

Farrand, Max—The Framing of the Constitution (*Yale*).

Faulkner, William—The Hamlet (*Random House*). The United States remains a country of diverse regions; the South's greatest novelist here describes the rise of the demonic Snopes clan and provides an unforgettable interpretation of the rural South.

Flexner, James Thomas—Washington (*Little, Brown*).

*Genovese, Eugene—Roll, Jordan, Roll (*Pantheon*). Self-described as a Marxist, Genovese is also one of the leading historians of slavery in the United States. His book is rich and non-dogmatic.

Glazer, Nathan—Affirmative Discrimination (*Basic Books*). How we have abandoned racial discrimination and turned to racial discrimination.

The Social Basis of American Communism (*Harcourt Brace*). Who has joined the CPUSA?

Hayek, F. A.—The Constitution of Liberty (*University of Chicago*).

Kirk, Russell—The Roots of American Order (*Open Court*).

Leoni, Bruno—Freedom and the Law (*Nash*).

*MacNeil, Neil—Forge of Democracy (*McKay*).

Molnar, Thomas—The Counterrevolution (*Funk & Wagnalls*). The essence of the revolutionary and counterrevolutionary positions.

Morgan, Edmund S.—The American Revolution: Two Centuries of Interpretation, *ed.* (*Spectrum paperback*).

The Birth of the American Republic (*University of Chicago paperback*).

Moss, Robert—The Collapse of Democracy (*Arlington House*). Democracy has proved to be a fragile form of government; when it fails, the problem is to avoid the totalitarian alternative.

*Moynihan, Daniel P.—Maximum Feasible Misunderstanding (*Free Press paperback*).

Nash, George—The Conservative Intellectual Movement in America (*Basic Books*).

Neustadt, Richard—Presidential Power (*Wiley paperback*).

Nisbet, Robert—The Quest for Community (*Oxford*).

Phillips, Kevin—Mediacracy (*Doubleday*). The rise of a New Class based on knowledge, communications, and social engineering; and the political implications that follow.

*Publius—The Federalist Papers (*Pocket Books*).

Scammon, Richard, and Ben J. Wattenberg—The Real Majority (*Doubleday*).

Tuveson, Ernest Lee—Redeemer Nation (*University of Chicago*). The millennial impulse in American history.

Van Den Haag, Ernest—Punishing Criminals (*Basic Books*).

*Warren, Robert Penn—All the King's Men (*Random House*). The career of a Deep South demagogue.

Weaver, Richard M.—Ideas Have Consequences (*University of California paperback*).

White, Theodore—The Making of the President 1968 (*Atheneum*).

Wilson, Edmund—Patriotic Gore (*Scribner's*). The Civil War as reflected in American literature.

Wilson, James Q.—Thinking about Crime (*Basic Books*).

WORKING IN AMERICA

Bell, Daniel—The Coming of Post-Industrial Society (*Basic Books*). The profound changes in the work environment brought about by technological development.

Buchanan, James M., and Nicos E. Devletoglou—Academia in Anarchy (*Basic Books*). Academia is now big business and takes an increasing slice of the national income.

Davenport, John—The U.S. Economy (*Regnery*). One of the most lucid writers on economic subjects provides an overall perspective on the U.S. economic environment.

Ferkiss, Victor—Technological Man (*Braziller*). The author does not deplore technology, and is a profound student of its implications for the future; a good antidote to Charles Reich.

Fitzgerald, F. Scott—Babylon Revisited and Other Stories (*Scribner's paperback*). American life, working and otherwise; the meaning of money is complex, and involved with a variety of aspirations and values.

*Franklin, Benjamin—Poor Richard's Almanac (*McKay*).

Galloway, Lowell E.—Poverty in America (*Grid*). Examines numerous unchallenged assumptions.

Howells, William Dean—The Rise of Silas Lapham (*Harper & Row*). A nineteenth century businessman overreaches himself and comes a cropper. A good novel about the upper bourgeoisie of the period.

Kirzner, Israel—Competition and Entrepreneurship (*University of Chicago*).

*Lewis, Sinclair—Babbitt (*New American Library*). A novel that reflects the revolt against boosterism and provincialism in the 1920s.

*Miller, Arthur—Death of a Salesman (*Viking*).

*O'Neill, William, ed.—Women at Work (*Quadrangle*). A comparison of sweatshop work in the early part of the century and white-collar work in the late 1960s.

*Parkinson, C. Northcote—Parkinson's Law (*Ballantine*).

Rand, Ayn—Atlas Shrugged (*New American Library*).

Rothbard, Murray—America's Great Depression (*Nash*). Demolishes myths about the Depression that are still widely believed.

*Steinbeck, John—The Grapes of Wrath (*Scribner's paperback*).

Stigler, George—The Organization of Industry (*Irwin*).

*Terkel, Studs—Working (*Avon*). The experience of working, presented through interviews and case studies.

Tullock, Gordon—The Politics of Bureaucracy (*Public Affairs*). An outstanding study of this increasingly prominent area of employment.

Vernon, Raymond—Sovereignty at Bar (*Basic Books*). A careful discussion of the multinational corporations.

Watson, James—The Double Helix (*Atheneum*). A revealing glimpse of discovery and rivalry in high-level science.

THE BUSINESS OF AMERICA

Alchian, Armen, and William R. Allen—University Economics (*Wadsworth*). Considered by many to be the best economics text available.

Brooks, John, ed.—The Autobiography of American Business (*Anchor*). The careers of Alfred P. Sloan, Andrew Carnegie, Henry Ford, etc. in their own words.

Brown, Susan Love, et al.—The Incredible

Bread Machine (*World Research, 11722 Sorrento Valley Rd., San Diego, Calif.*). Lucid, informed summary of the issues, at an elementary level.

Cagan, Phillip—The Hydra-Headed Monster (*American Enterprise Institute*). An excellent explanation of the recent inflation.

Chamberlain, John—Enterprising Americans: A Business History of the United States (*Harper & Row*).

Defoe, Daniel—Robinson Crusoe (*Dutton*). The ethos of early capitalism presented in the form of an adventure story.

Freeman, Rober A.—The Growth of American Government (*Hoover Institution*).

*Friedman, Milton—Capitalism and Freedom (*University of Chicago*). A modern classic, full of breathtaking innovations now taken for granted.

Haberler, Gottfried—Economic Growth and Stability (*Nash*). Unemployment, inflation, unions, money explained cogently.

Harriss, C. Lowell—Innovations in Tax Policy and Other Essays (*John C. Lincoln Institute of Land Policy, Hartford, Conn.*). The clearest thinker on "tax reform."

Hayek, F. A.—The Road to Serfdom (*University of Chicago*). The classic that rattled the shaky edifice of socialism.

Meigs, A. James—Money Matters: Economics, Markets, Politics (*Harper & Row*). An account of the Federal Government's attempt to use fiscal and monetary policy to control the economy.

Miller, Roger Leroy, and Raburn M. Williams—Unemployment and Inflation (*West*).

Moore, Thomas Gale—U.S. Incomes Policy: Its Rationale and Development (*American Enterprise Institute*). A critique of wage and price control.

North, Douglass C., and Roger Leroy Miller—The Economics of Public Issues (*Harper & Row*). The tools of economics applied to everything from clamming to the Pernambuco Tramway. Highly entertaining.

Stigler, George J.—The Citizen and the State: Essays on Regulation (*University of Chicago*).

Weidenbaum, Hurray L.—Government Mandated Price Increases (*American Enterprise Institute*).

AMERICA IN THE WORLD

Baldwin, Hanson—Strategy for Tomorrow (*Harper & Row*). The noted military analyst examines the likely tactical and strategic issues of the next decade.

Bartlett, Richard A.—The New Country: A Social History of the American Frontier 1776–1890 (*Oxford*).

Bolin, Luis—The Vital Years (*Lippincott*). The Spanish Civil War and its meaning for the West through the eyes of a leading figure on the Nationalist side.

Buckley, William F., Jr.—United Nations Journal: A Delegate's Odyssey (*Putnam*).

Burnham, James—Suicide of the West (*Arlington House*).

Chambers, Whittaker—Witness (*Regnery*).

Fanon, Frantz—The Wretched of the Earth (*Grove*). A leading ideologue of Third World resentment.

*Fitzgerald, Frances—Fire in the Lake (*Random House*). One of the major works written from a position opposing U.S. involvement in Vietnam.

Flexner, James Thomas—The Traitor and the Spy: Benedict Arnold and John André (*Little, Brown*).

Gironella, Jose Maria—The Cypresses Believe in God (*Knopf*). A great novel about the social and political pressures leading up to the Spanish Civil War; illuminating for subsequent Left-Right civil wars.

Greene, Graham—The Quiet American (*Bantam*). Astute novel on the theme of American political innocence.

*Halberstam, David—The Best and the Brightest (*Random House*). The New Frontiersmen blunder in Vietnam, viewed from the Left.

*James, Henry—The Ambassadors (*Washington Square paperback*). A great novel about American and European cultural differences.

*Kennan, George—American Diplomacy 1900–1950 (*University of Chicago paperback*).

Lukacs, John—The Last European War: September 1939–December 1941 (*Doubleday*). The last act in an old drama: the stage being set for the Soviet-American confrontation.

Maddox, Robert James—The New Left and the Origins of the Cold War (*Princeton paperback*). The author shows how principal leftist historians have been guilty of evidence-faking, plagiarism, and other delightful practices.

Middleton, Drew—Can America Win the Next War? (*Scribner's*). The answer given to that question by the military analyst of the *New York Times* will not make you sleep any better.

Morris, James—Pax Britannica (*Harcourt Brace*). The British empire described at its apogee, as a principal shaper of international relations prior to the twentieth century fragmentation.

Oberdorfer, Don—Tet! (*Doubleday*). A careful account of the battle the Communists lost on the ground but won on your TV screen.

Orwell, George—1984 (*New American Library*).

Raspail, Jean—The Camp of the Saints (*Scribner's*). This brilliant novel about Western culture and the Third World has become something of an underground classic.

Rostow, W. W.—The United States in the World Arena (*Harper & Row*).

Solzhenitsyn, Aleksandor—First Circle (*Harper & Row*); Letter to the Soviet Leaders (*Harper & Row*).

*Steel, Ronald—Pax Americana (*Viking*). A revisionist view of the cold war: the U.S. started it.

Strausz-Hupe, Robert, et al.—Protracted Conflict (*Harper & Row*). A penetrating analysis of the new kinds of political and military warfare being waged by the Communists.

Thompson, Sir Robert—No Exit from Vietnam (*McKay*). An informed statement of the case for winning the Vietnam War.

Trotsky, Leon—The Russian Revolution (*Archor*).

Waugh, Evelyn—Scoop (*Penguin*). Prophetically satiric novel about wars of liberation.

Weigley, Russell F.—The American Way of War (*Macmillan*). A history of United States military strategy and policy from the Revolution to the atomic age.

GROWING UP IN AMERICA

Adams, Henry—The Education of Henry Adams (*Modern Library*).

*Agee, James—A Death in the Family (*Bantam*).

*Ahlstrom, Sydney—A Religious History of the American People (*Yale paperback*). The variety and power of religious faiths in American culture.

Aldridge, John W.—In the Country of the Young (*Harper's Magazine Press*).

Baldwin, James—Go Tell It on the Mountain (*Noble*).

*Barzun, Jacques—The American University (*Harper & Row paperback*).

Bugliosi, Vincent—Helter-Skelter (*Bantam*).

Didon, Joan—Slouching toward Bethlehem (*Dell*). Autobiographical essays by one of America's finest prose stylists.

Fitzgerald, F. Scott—The Basil and Josephine Stories (*Scribner's*). This Side of Paradise (*Scribner's paperback*).

Frost, Robert—A Boy's Will, *in* The Poetry of Robert Frost (*Holt, Rinehart*). Frost's first published volume of poems deals with the moods of an emerging personality.

Hemingway, Ernest—In Our Time (*Scribner's paperback*). Nick Adams seeks experience and finds terror.

*Howe, Louise K., ed.—The Future of the Family (*Simon & Schuster paperback*). Changes in the American family under the impact of social and economic forces.

Jencks, Christopher, et al.—Inequality: A Reassessment of the Effects of Family and Schooling in America (*Basic Books*).

*Koerner, James D.—Who Controls American Education? (*Beacon paperback*).

Love, Robert—How to Start Your Own School (*Macmillan*).

Magruder, Jeb Stuart—An American Life (*Atheneum*).

Milford, Nancy—Zelda (*Avon paperback*).

Millay, Edna—Renascence and Other Poems (*Harper & Row*). A young American poet liberates herself at the threshold of the 1920s.

Nock, Albert Jay—The Theory of Education in the United States (*Arno*).

Rickenbacker, William F.—The Twelve-Year Sentence (*Open Court*).

*Roszak, Theodore—The Making of a Counterculture (*Anchor*). A sympathetic view of a rebellious minority.

Russell, Francis—The Great Interlude (*McGraw-Hill*). Autobiographical and other essays about the author's boyhood during the Harding-Coolidge era.

*Salinger, J. D.—The Catcher in the Rye (*Bantam*).

Sayre, Nora—Sixties Going on Seventies (*Arbor House*). Shrewd essays by a youngish radical dealing with her experience of American culture.

Thompson, Hunter—Fear and Loathing in Las Vegas (*Random House*). Through the darkest drug culture with wit and prose style.

*Wilder, Thornton—Our Town (*Harper & Row paperback*.)

Wolfe, Thomas—Look Homeward, Angel (*Scribner's paperback*).

AND THE PURSUIT OF HAPPINESS

Arlen, Michael—Exiles (*Farrar, Straus*). Son of a famous novelist comes to terms with his Armenian heritage and with America.

Berger, Peter—A Rumor of Angels (*Doubleday*). A distinguished American sociologist and intellectual argues from empirical evidence that the supernatural claims of religion may be true.

Chesterton, G. K.—Orthodoxy (*Double day*). Chesterton also bases his defense of Christian orthodoxy on experience.

Colson, Charles W.—Born Again (*Chosen Books*). Nixon's alleged hatchet-man provides a moving account of his religious conversion.

*Dreiser, Theodore—An American Tragedy (*New American Library*).

*Fitzgerald, F. Scott—The Great Gatsby (*Scribner's paperback*).

Freud, Sigmund—Civilization and Its Discontents (*Norton*).

Germino, Dane—Beyond Idealogy: The Revival of Political Theory (*Harper & Row*).

*Hemingway, Ernest—The Old Man and the Sea (*Scribner's paperback*).

Holtzman, Jerome—No Cheering in the Press Box (*Holt, Rinehart*). Old-time sports writers reminisce.

Jarrell, Randall—Pictures from an Institution: A Comedy (*Farrar, Straus*).

Kahn, Roger—The Boys of Summer, *New American Library*). An intellectually profound memoir of the Dodgers when they were in Brooklyn.

Lewis, C. S.—Mere Christianity (*Macmillan*). A brief, lucid, and powerful exposition of the arguments for Christianity.

Mano, D. Keith—The Death and Life of Harry Goth (*Knopf*). One of America's best younger novelists explores the meaning of life.

Ross, Walter S.—The Last Hero: Charles A. Lindbergh (*Harper & Row*).

*Thoreau, Henry David—Walden (*Airmont*).

Tompkins, Calvin—Living Well Is the Best Revenge (*New American Library*). Elegance and tragedy in the life of an American family that spent much time on the Riveria in the 1920s.

Trilling, Lionel—Sincerity and Authenticity (*Harvard*). The profound implications of changing moral styles.

*Wolfe, Tom—The Kandy-Colored Tangerine-Flake Streamline Baby (*Pocket Books*). The pop culture of the 1960s.

FOOTNOTE

*Indicates a book also selected by the ALA.

SEVEN YEARS OF WIRETAPS: FEW RIGHT NUMBERS

Mr. ABOUREZK. Mr. President, the St. Louis Post Dispatch of May 9, 1976, published a thoughtful and well-reasoned anaylsis of the Government's experience with court-ordered electronic surveillance since the passage of title III of the Omnibus Crime Control and Safe Streets Act of 1968. Written by Curt Matthews, this analysis draws on both the report of the National Wiretap Commission, on which I served and the annual report for 1975 on electronic surveillance orders issued by the Administrative Office of the U.S. Courts.

Mr. Matthews has carefully weighed and digested the information contained in these two reports and has produced a clear and thought-provoking appraisal of his findings. As the chief author of the Wiretap Commission's "minority report," I believe that his analysis rightfully points up the generally dismal record of wiretapping as an effective tool for law enforcement and the rather substantial invasions of privacy which electronic surveillance necessitates even under a court-ordered system.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

7 Years of Wire Taps: Few Right Numbers

(By Curt Matthews)

Washington.—If the police arrest a professional gambler, the odds are good that electronic surveillance—a telephone wire tap—led to the arrest. The odds are even better that the gambler won't go to jail.

However, the best bet is that the police who conducted the covert surveillance overheard the private conversations of a great many persons not involved in crime and that this frequently futile exercise in "law enforcement" was carried out at considerable cost to the taxpayers.

Such has been the performance of wiretapping over the last six years, according to recent reports from two authoritative and independent sources—the National Wiretap Commission and the Administrative Office of the United States Courts.

The members of the Wiretap Commission analyzed the law enforcement use of wire taps to determine the effectiveness of the Omnibus Crime Control and Safe Streets Act passed by Congress in 1968.

A majority among the commission's 15 members urged broadening the 1968 law to permit wider use of wire taps, but they conceded that so far the controversial law enforcement technique had been used mostly to temporarily disrupt "low-level gambling activity."

What was called a substantial minority in the commission expressed the view that it was time for Congress to rethink what it did in 1968.

"WHEN CONGRESS passed . . . the Omnibus Crime Control and Safe Streets Act of 1968, it did so in the belief that . . . electronic surveillance would be an indispensable aid to law enforcement and the administration of justice," the commission's minority said. "Seven years of experience with the statute, however, have cast serious doubts on the validity of that presumption."

Although all members of the Wiretap Commission agree that the wire-tapping authority granted police in 1968 was intended to help them combat organized crime, the commissioners disagree as to the importance of what has been accomplished so far with wire taps on the phones of suspected criminals.

The majority cites the successes of the New Jersey attorney general's office where widespread use of wire taps has led to the arrest and conviction of gamblers and a few narcotics dealers. New Jersey, which depends heavily on revenues from state-run lotteries, is the only state that regularly imposes jail sentences, rather than fines, on convicted gamblers.

The minority of the Wiretap Commission, including Senator James Abourezk (Dem.), South Dakota, and Representatives Robert W. Kastenmeier (Dem.), Wisconsin, and John F. Seiberling (Dem.), Ohio, believes the cost of wire taps and the unavoidable and unwarranted invasions of privacy greatly outweigh the law enforcement benefits.

"Wire-tapping has been used, in a limited number of instances, to make major cases and has resulted in the conviction of a very small number of upper echelon organized crime figures," the minority states. "More frequently, however, the use of electronic surveillance has proven to be extremely costly, both in dollars and manpower, and generally unproductive."

The minority added, "Moreover, even under carefully supervised conditions . . . electronic surveillance frequently results in substantial invasions of individual privacy."

Statistics gathered by the Administrative Office of the United States Courts, some of which were analyzed and presented in the report of the Wiretap Commission, support the view of the commission's minority.

Because a judge or magistrate must approve a wire tap before the police can install it, the Administrative Office of the Courts has become a clearing house for data on the use and effectiveness of wire taps, and it issues an annual report on wire-tap activity.

Drawing on this data, the Wiretap Commission examined 1309 gambling-related wire tape installed between 1969 and 1974 and found that in 107 cases not a single incriminating conversation was overheard. On the average, of the thousands of individual conversations secretly listened to by police, only about 63 per cent could be considered incriminating—that is, pertinent to the investigation being conducted by the police.

In narcotics or theft cases, when police are attempting to apprehend drug dealers or persons trying to "fence" stolen property, the number of nonincriminating calls monitored by police goes way up. Only 25 percent of the conversations overheard by police investigating narcotics cases were considered incriminating; only 16 percent of what the police heard in theft-related wire taps were said to be crime related.

The minority view within the Wiretap Commission's report notes: "These figures . . . suggest that even under a court-ordered system electronic surveillance has a substantial and adverse impact on individual privacy within our society. Wholly innocent persons are overheard, and great numbers of nonincriminating conversations are monitored by government agents."

The most recent report from the Administrative Office of the Courts suggests that the police have a tendency to persist in the costly operation of a wire tap even when they are not getting the kind of information they expected.

For example, two wire taps were installed by Georgia law officers last year in cases relating to gambling and a murder. The police listened secretly to 133 conversations involving 31 different persons and heard nothing relating to their investigations.

In Orlando, Fla., last year, a wire tap was installed to break up a suspected gambling operation. Police listened to 420 conversations involving 40 different persons, but no one said anything about gambling.

The state and federal courts authorized a total of 701 wire taps in 1975. The Administrative Office of the Courts gathered data on 676 of these and found that about 71 persons were overheard by police each time a wire tap was begun. An average number of 654 conversations were overheard each time the courts granted a police request for electronic surveillance.

Based on the figures provided by the Administrative Office of the Courts, it is estimated that about 50,000 citizens—most of them never involved in criminal activity—were secretly monitored by the police last year.

The figures for 1975 were not a great deal different from those of the previous five years. From 1969 through 1975, the number of wire taps installed by state and federal authorities has ranged from a low of 270 in 1969 to a high of 841 in 1972.

Both the Administrative Office of the Courts and the National Wiretap Commission point out that analysis of wiretap statistics can lead to faulty conclusions because prosecutors do not maintain standard data. However, it is estimated that about half of the 15,000 persons arrested between 1969 and 1974 as the result of wire-tap investigations actually were convicted. The bulk of these were gamblers.

But nearly 70 per cent of the gamblers convicted on federal charges got off with a fine and probation. Almost 25 per cent convicted on state gambling charges got probation—and if the New Jersey cases are excluded, the gamblers found guilty of state charges did as well in avoiding jail as those convicted under federal charges.

The cost of conducting time-consuming and questionably effective wire-tap investigations is a matter of conjecture. The Administrative Office of the Courts asks the individual police jurisdictions to provide cost data, but no two jurisdictions necessarily use the same inputs in calculating such costs. For example, some include the salaries of those who listen to and record the conversations; others include only the cost of the equipment involved.

Still, under almost any reasonable method of cost evaluation, it is clear that electronic surveillance is an expensive way to enforce laws—with the possible exception of high level narcotics dealing. The Administrative Office of the Courts reported that the average wire-tap operations cost $6970 in 1975, down from the average $8087 in 1974, but more than the $5632 in 1973.

The high cost of wire-tapping, the use of it predominantly against gamblers who never go to jail, and the vulnerability of the technique to abuse by law officers led the minority within the National Wiretap Commission to conclude that gambling should be removed from the list of suspected offenses that the police can combat with electronic surveillance.

"Despite seven years of . . . electronic surveillance, illegal gambling continues to flourish in every major city in the country and in many rural areas as well," the minority stated. "The commission heard extensive testimony on the fact that gambling operations are rarely, if ever, eradicated by electronic surveillance."

The commission's majority, led by the two congressional war horses of "law and order," Senators John McClellan (Dem.), Arkansas, and Roman Hruska (Rep.), Nebraska, took a different view, holding that a more selective choice of suspects could lead to more effective results when police put wire taps on illicit gamblers.

In the view of the commission's majority—most of whom were appointed in late 1973 by President Richard M. Nixon—the law enforcement weaknesses of wire-tapping results from the tight restraints Congress wrote into the 1968 law. The majority favors expanding the list of possible crimes that can be investigated with the help of wire taps—such as those involving the interstate shipment of firearms, customs violations and the interstate trade in stolen goods.

Senators McClellan and Hruska, the prime sponsors of the 1968 Omnibus Crime Control and Safe Streets Act, were joined by at least nine other members of the commission in also calling for the courts to sanction, if requested by police, the "surreptitious entry" of private premises to plant bugs and similar secret listening devices.

There is slight chance that Congress will approve such a proposal against the background of Watergate and the long chronicle of wire-tap abuses by the Federal Bureau of Investigation and the Central Intelligence Agency.

CAGING THE ELEPHANT

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that an editorial from this morning's New York Times entitled "Caging the Elephant" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Caging the Elephant

In trying to approach the reform of the regulatory agencies, Congress in the past has been rather like the group of blind men in the fable, each of whom gave a different description of the elephant. There are many different committees and subcommittees, each of them concerned about a particular regulatory agency and a particular set of problems. "Reform" in general means something different to each of them, while reform in particular sets alarm bells ringing and awakens a covey of lobbyists.

President Ford has now proposed a simple way to look at the problem comprehensively. In effect, he suggests that the first task is to cage the elephant and then go over all of it systematically. His proposal is that Congress adopt a mandatory four-year schedule by which the President would be required to recommend and Congress to accept or reject proposals for reform of the Federal regulations covering most of the economy.

Beginning in 1977, the White House would submit proposals covering transportation and agriculture, followed in successive years by recommendations on mining, energy and heavy manufacturing; then on construction, light manufacturing, and occupational health and safety; and finally on white-collar areas such as finance, insurance and communications. It is an ambitious yet orderly and attainable schedule.

There is already considerable support for this approach in Congress. Senators Percy, Illinois Republican, and Byrd, West Virginia Democrat, and a bloc of ten other Senators from both parties introduced last year a bill providing for a complete overhaul on a five-year cycle. Under their plan, if any deadline were missed—depending on who missed it—either a given agency would lose its authority or the President's proposed changes would automatically become law.

Forty Senators are backing a parallel bill sponsored by Senator Muskie, Maine Democrat, that would establish a shutoff date for virtually every Federal program, agency and commission. Unless specifically re-authorized by Congress, each would go out of existence after five years. The objective of this so-called "sunset bill" is to do away with the natural Congressional and bureaucratic inertia that permits programs and agencies to continue simply because they are there.

Congress and the White House sooner or later will have to make some hard choices and some unpopular decisions. Regulatory reform is never going to become automatic. But if President Ford's proposal or something like it is put into effect, there will at least be a timetable forcing both branches of Government to debate those issues and face up to those decisions.

MCPL DEFENSE POSTURE STATEMENT

Mr. CLARK. Mr. President, the Senate is about to consider the defense procurement authorization bill for fiscal year 1977. The $30 billion called for in this bill, coupled with later funding, will bring the proposed defense budget to over $114 billion. This is an enormous share of the overall U.S. Government spending for this year, and as a result deserves the very closest analysis and scrutiny.

As part of the materials for this debate, the Members of Congress for Peace through Law, for which I have the honor to serve as chairman, assigned a task force the responsibility for making a thorough analysis of the defense budget request in the areas of strategic and general purpose forces. This task force, after months of work, and in cooperation with many defense experts, has this week published its study.

In its summary, the report concludes:

> The United States can save $8.5 billion in the FY 1977 Defense Budget Request without damaging U.S. national security. It has the option of reducing the defense expenditures by that amount or of buying a more effective defense force with the $8.5 billion identified as softspots in the present budget request.

The report's analysis of the interaction of foreign policy and defense policy, and how the force necessary changes depending upon the foreign policy goals, is especially useful:

> The size and cost of defense forces needed to support foreign policies of Tax Americana, Present Policy, Pacific Pullback/Europe First, or a policy of General Retrenchment are identified in this report.

The report puts a price tag on each of these options, while emphasizing that defense policy should track foreign policy and not the reverse.

I commend the report's conclusion that a strong U.S. armed force is necessary to deter potential adversaries. But just as important is the emphasis that the United States should "purchase no more military might with our scarce resources than are called for by our foreign policy commitments and interests."

Mr. President, obviously in a discussion of a spending program of over a hundred billion dollars there will be differences of opinion among honest men. I do not want to imply that I support all the suggestions in this report. But in my judgment it provides a comprehensive and reasonably argued alternative to some of the current proposals, and as such, although it is long, I think it is worthy of serious consideration in this debate, and ask unanimous consent that it be inserted in the Record.

There being no objection, the policy statement was ordered to be printed in the Record, as follows:

Defending America: As Alternative U.S. Foreign Policy and Defense Policy Posture Statement

(By the MCPL Task Force on Defense Policy)

INTRODUCTION

One strong sword keeps another in its sheath. A strong U.S. armed force is necessary to deter potential adversaries from attacks upon the United States and its allies. There is no quarrel with the conclusion that a strong but lean U.S. military force is necessary in an international arena that is composed of sovereign states that have conflicting ideologies and large military capabilities that could be used against us.

Just as we are for a strong military presence for the United States we are against a fat and slothful military force. And we wish to purchase no more military might with our scarce resources than are called for by our foreign policy commitments and interests. We are for a defense policy that is economical, one that adequately supports our foreign policy, but which does not lavish superfluous tax dollars into unnecessary systems. We are for a defense policy that is efficient, that squeezes the most military capability out of the defense dollars invested. Finally, we are for a defense policy that follows our foreign policy rather than one that determines our foreign policy commitments.

While we agree with much of what the Department of Defense officials have proposed in their FY1977 Defense Budget and Posture Statement, we feel that Members of Congress should independently assess out defense needs before allocating the more than $114 billion asked by the Pentagon for FY 1977. This we have done in this study. We have addressed ourselves to these issues:

(1) Without changing our foreign policy, how can we secure the same military capability for fewer tax dollars?

(2) Without changing our foreign policy, how could we secure an even more potent military capability for the same amount of tax dollars requested by the Department of Defense?

(3) If we changed our foreign policy to one of "Pax Americana" what kind of military forces would we need and how much would we have to spend on defense? What if we adopted a foreign policy emphasizing a Pacific Pullback/Europe-First philosophy? What if we had a general retrenchment in both Europe and Asia. What kind of forces would we need then and what would they cost?

Finally, what are we to conclude from such a study? Aside from having a detailed analysis of the kind of strategic and general purpose forces that would be most efficient, economical, and appropriate for a given U.S. foreign policy, this study leaves the final conclusion up to the reader? There are obviously two ways to go. The considerable savings in defense expenditures possible if the U.S. maintains either a more efficient status quo foreign policy, or a policy of Pacific pullback or General Standdown could be passed on to the U.S. taxpayer. This would mean smaller defense expenditures and more financial resources available for other private or social expenditures.

A second option is to reallocate the money saved by plowing it back into other defense programs that make more sense than the programs entailed. Either would be preferable to the present course of action where large misallocations of defense funds waste our resources.

The purpose of this report is to make clear that the United States has numerous options in foreign and defense policy. Present defense policy and programs can be made efficient in the support of present U.S. foreign policy. And changes in U.S. foreign policy are possible and perhaps necessary. Such changes will require changes in defense programs.

The next section of this paper deals with four major foreign policy stances that the U.S. might adopt in the near or immediate future.

ALTERNATIVE U.S. FOREIGN POLICIES

U.S. foreign policy must be directed to achieving the United States national interest. Increasingly, the United States interests cannot be separated from the interests of all of mankind. Many of the real problems of the rest of the 20th Century will be solved by international cooperation or not at all-problems such as food, energy, natural resources, population pressures, environmental pollution, and nuclear proliferation are beyond the ken of one nation to solve unilaterally. These problems are global and economic in character and cannot be resolved through the use or threats of military force. They must be resolved by international cooperation or they will not be resolved.

Thus, new emergies and resources must be devoted to the solution of these problems. For too long the chief U.S. foreign policymakers have concentrated on a foreign policy focused too narrowly upon military solutions to problems in a world where military power is too often ineffectual in solving the existing problems and where military expenditures drain needed resources from programs that could meet other world and U.S. needs.

This is not to imply, however, that a strong U.S. defense program is unnecessary. Such a program is needed in world that has seen two world wars in this century and in which a third world war might well put an end to civilization as we know it. The foreign policymaker must concern himself with the military threats posed by other countries and especially those that have been traditionally hostile to the United States. One question that must be answered in this context then, is where should the United States draws the line in defending itself against such hostile powers? In what states should the U.S. commit its forces? What countries should we defend?

A second national security question must also be answered. To what extent does the United States need to add the strength of others via alliances to directly defend itself? And to what extent can it directly defend itself and its interests via its forces and weaponry "made in the U.S.A."?

In this study we examine four different foreign policy alternatives of the United States as they relate to these national security questions. These alternative stances in world affairs relate to the kind of "defense perimeters" that the U.S. might adopt for the next several decades in pursuit of U.S. military security.

These four distinct foreign policies are described in shorthand form as follows:

(1) Pax American Policy.
(2) Present U.S. Policy.
(3) Pacific Pullback/Europe-First Policy.
(4) General Retrenchment Policy.

What could be the main tenets of four such foreign policy alternatives are outlined below.

FOUR ALTERNATIVE U.S. FOREIGN POLICIES
GENERAL PREMISIS

Pax Americana

U.S. seen as chief agent of stability in the world.

Détente seen as having very limited possibilities.

Conflict expected to dominate U.S./U.S.S.R. relations.

U.S. seen as filler of world power vacuums.

Extensive military presence abroad seen as necessary.

Military forces abroad should be expanded and military presence and forces seen as having high utility even in peacetime. "Power grows from barrel of a gun."

U.S. defense perceived to depend upon defense of all non-communist states everywhere.

All present alliances to be strengthened and expanded.

Extensive U.S. covert operations capability used in dealings with other states.

Very large military needed to maintain the policy.

Present policy

U.S. seen as chief agent of stability in world.

Détente seen as having some chance for success.

U.S./Soviet relations seen as mixture of conflict and cooperation.

Present commitments to allies and other states are being honored with some changes in SEATO and in the Pacific area. (See list of present commitments).

Military will maintain 500,000 troops abroad and a Navy of 500 ships with 2.1 million in uniform. DoD Budget will remain close to $114 billion in constant dollars. Military power in peacetime deemed very useful.

SALT negotiations with marginal agreements possible.

Forces to remain in S. Korea, Japan, Taiwan, Thailand, and in NATO areas. Israel supported without alliance.

Current defense arrangements with allies

Rio Pact (1947)

Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad, Tobago, Uruguay, Venezuela.

North Atlantic Treaty (1949)

Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugual, United Kingdom, Greece (1952), Turkey (1952), Federal Republic of Germany (1955).

Anzus Pact (1951)

Australia, France, New Zealand, Pakistan, Philippines, Thailand, United Kingdom.

Bilateral Treaties

Philippines (1951), South Korea (1953), Taiwan (1954), Japan (1960), Spain (1976).

Executive Agreements

Denmark (1951), Iceland (1951), Spain (1953), Canada (1958), Liberia (1959), Iran (1959), Turkey (1959), Pakistan (1959), Philippines (1959, 1965).

Pacific Pullback/Europe First

U.S. not seen as principle agent of stability in Western Pacific area. Seen as one of 4 great powers in the region (U.S., Japan, China, U.S.S.R.).

U.S. maintains and strengthens NATO ties and defenses.

Defense forces abroad shifted from Asia to Europe with some demobilization.

Phased withdrawal of U.S. forces from South Korea with nuclear weapons removed from Korean soil. The defense of Japan will not change and will remain a top priority. Thailand forces withdrawn.

U.S. less prone to intervene in Asia and Africa, but will remain very active in the Middle East to maintain peace or military balance. Fewer overseas commitments.

Military power is seen as of limited utility in solving international economic problems or diplomatic problems.

Greater emphasis on arms control as means of improving national security in SALT, MBFR, CCD, and other forums.

Greater relative emphasis on foreign economic policy, and world problems of development, population, and energy.

Covert operations sharply downgraded abroad.

General Retrenchment Foreign Policy

U.S. is not seen as the major agent for stability in the world. World Policeman role discarded.

Cooperation with the Communist World seen as possible, if grudging and done with care, in many areas—trade, arms control, cultural exchange, and other accommodations on both sides.

U.S. military alliances abroad seen as marginally useful as opposed to central to a defense of the United States.

European, Asian, and other allies seen as being able to successfully shoulder their own defenses with treaties still binding U.S. to their aid.

All but U.S. "trip-wire" forces withdrawn from the "rimlands" of Eurasia. 50,000 to 100,000 U.S. troops remain abroad.

Military power in peacetime seen as useful mainly for the direct defense of the U.S. and not of much utility in international problem solving in peacetime.

Greater emphasis placed on arms control and disarmament as a route to greater national security for great powers.

Far greater emphasis on problems of foreign economic policy, energy, population, food, and development.

Greater emphasis on solving problems through international organizations such as the U.N., the World Bank, and others.

Decision to abstain from "Third World" intervention and from covert operations.

Strong ties remain with Europe, Japan, and Israel along with the traditional alignment with countries of Western Hemisphere.

No attempt in this report is made to sell one foreign policy to the reader over any other. These are merely four alternative U.S. foreign policies that have enough of a following that each is worth exploring for its underlying assumptions and implications for our defense policy. In each of the following sections on strategic weapons, tactical airpower, defense manpower, and naval forces the relationship between the kind of foreign policy the U.S. policy-makers choose and the kind of military forces needed to support that policy is explored.

What kind of Navy is needed to maintain a foreign policy of Pax Americana? Of present foreign policy? Of a policy of Pacific Pullback? Of a policy of major foreign policy retrenchment? That is the subject of the next section.

Alternative U.S. Foreign and Defense Policy Posture Statement: Part 1, U.S. General Purpose Forces: Seapower

I. INTRODUCTION

The United States Navy is the strongest in the world. It fulfills the missions of (1) sea control, and (2) power projection abroad. U.S. naval forces are now facing their first challenge from another fleet for the first time since World War II. The Soviets have built a formidable Navy which is now capable of operating on the high seas outside the umbrella afforded by its land-based airforce. While still defensively oriented, the Soviet fleet is growing in its capability to interdict the sea lanes with its attack submarine forces where it has the greatest capability. Despite its growing capability, the Soviet fleet ranks a distant second when compared to the U.S. fleet. When the NATO navies and the Japanese navies are added to the naval power equation, the U.S. and allied navies clearly have an overwhelming naval superiority over Soviet, Chinese, and/or Warsaw Pact navies. This is likely to continue in the forseeable future.

Huge investments are now being made in the U.S. Navy. The Navy commands 38% of the U.S. Defense budget, the largest share of any of the services. For such large investments, it is important for the Congress to understand whether or not the present force is well matched to support current U.S. foreign policy. Defense policy in all areas should track foreign policy, and not vice versa. Moreover, it is important to determine what kind of Navy we might need if we changed our foreign policy. The U.S. seems to be assuming a more modest stance in Asia and the Pacific area and is likely to continue this trend in the future. We must understand the implications this foreign policy trend has for future U.S. Navy programs and decisions. In the report that follows, several alternative U.S. foreign policies are examined and for each the question is asked, "What kind of Navy does the U.S. need for this kind of foreign policy?" Examined in depth are the Navies required for four foreign policies: (1) Pax America, (2) the President U.S. foreign policy, (3) a Pacific Pullback/Europe First Policy, and (4) a general U.S. retrenchment in both Europe and Asia.

A summary of the results of this study indicate that each of these foreign policies would require different size Navy forces and budgets:

Pax Americana

An estimated 650 ships would be required for this foreign policy at an estimated cost of $9.2 billion per year in shipbuilding costs for FY 1977 through FY 1987.[1] Such a fleet might well have 25 aircraft carriers and an equivalent expansion of escort cruisers and destroyers as well as perhaps eight of the new nuclear strike cruisers (CSGNs).

Pax Americana would also require perhaps 800,000 Navy on the payroll and 250,000 Marines. If nuclear power were used to fuel the fleet, ship building costs would soar to $10.2 billion or beyond, and payroll costs together with other Navy costs could come to an estimated $47.0 billion in FY 1970 dollars.

Present policy

The present policy is to maintain a 500 ship Navy with a shipbuilding budget of $4.4 billion in FY 1977. In addition the Navy employs 544,000 people in uniform and the Marines employ 196,000 for their missions. The total Navy budget to carry out the present foreign policy is $37.4 billion in FY 1977 dollars.

Pacific pullback

This policy would see the U.S. maintain a 400 ship Navy and a reduced naval presence in the Pacific area where only three carriers would be assigned to the Pacific fleet. Priority would be assigned to the fleet in the Atlantic and Mediterranean where six of the nine carriers would be deployed.

Ship-building costs would run to $2.2 billion per year or $3.2 billion if all escorts were nuclear powered. A Pacific Pullback policy would result in a 20% reduction in Navy and Marine forces—435,000 Navy and 157,000 Marines to be maintained. The Navy-Marine budget would be $30.0 billion in FY 1977 dollars.

General retrenchment

This policy would also maintain a 400 ship Navy with an annual shipbuilding cost of $2.2 billion (or $3.2 billion with nuclear escorts). This would include a mix of six Nimitz or midi-class attack aircraft carriers and three mini-carriers of the Harrier class.

A general retrenchment policy would need a Navy 40% smaller in people with 342,000 in the Navy and 126,000 Marines requiring an overall budget of approximately $28.5 billion in FY 1977 dollars.

It should be noted that these cost figures are conservative estimates based on estimates of the Congressional Budget Office. CBO estimates that a 600 ship navy could be built and would cost $7.6 to $8.6 billion per year between 1977–1981, a total cost estimated at between $38.0 and $43.0 billion in five years. The Library of Congress has released a study that would indicate a cost of $80.2 billion to bring the current fleet up to 600 ships by 1990—twice the cost at three times slower a rate, a far less optimistic prediction.[2]

Not only should we try to understand the implications of a change of foreign policy upon U.S. Navy costs, but we should try to understand the implications of changes in the composition of the ship and submarine force upon Navy costs. One kind of decision that the U.S. Government and Congress ought to explore is whether or not it makes sense to require nuclear power aboard all U.S. ships An affirmative decision would drive the U.S. Navy budget sharply upward or result in a shrinkage of numbers of U.S. Navy combatants. Another kind of decision must be made on whether Navy money might be more profitably spent on increased ship maintenance and readiness rather on so many new ships at high production costs. It seems evident that increase channeling of funds to O&M and decreased funding of new programs like the nuclear strike cruiser will buy us more combat power in the present and near future than buying the CSGN in FY77 and beyond.

Still another kind of decision involves a decision as to what kind of Navy force to buy. Much of this centers around the kinds of missions that we want the U.S. Navy to perform and the kinds of forces we think can best perform them. It is the conclusion of much analysis that U.S. surface combatants are becoming increasingly vulnerable to submarine forces and cruise missiles if war were to break out. Yet, it seems equally obvious, that we shall want to reinforce our allies and our overseas forces in such a contingency. These can only be carried in large numbers of ship convoys. Thus, future sea forces must have a significant ASW capability and this must come from more platforms conventionally powered to insure adequate numbers. This also means that cheaper carrier platforms such as the VSS ASW carrier force ought to be seriously considered as the best force over the present course of building a small very high-value carrier force of 12 attack carriers with their nuclear power and nuclear powered escorts.

II. SEAPOWER AND FOREIGN POLICY

Pax Americana

Although it is not always clear how foreign policy translates into defense structure, it is clear that the kind of foreign policy U.S. leaders choose will have an impact upon the kind of Navy they need to support it. If the U.S. decided to implement a Pax Americana policy of world policeman it would need a much larger Navy. Particularly if the U.S. tried to fill "power vacuums" in areas like the Indian Ocean and if it tried to project power anywhere it would require more than the current "surge" capabilities of the U.S. Navy. Perhaps 650 ships would be required for such a task rather than the 477 ships now in the U.S. active force.

Pax Americana would also call for emphasis upon nuclear propulsion for steaming and endurance in all locales in order to present an unchallenged position of superiority to the Soviet Navy in all areas. Nuclear power and supply ships would also be used in support of our strike forces so that the U.S. could retain the capability to wage general wars around the globe.

A foreign policy of Pax Americana would be based on the assumption that overwhelming U.S. military superiority is necessary to keep possible aggressors in line. The logical extension of that would be programs by the Navy to guarantee air, surface and subsurface naval superiority over the Soviet fleet, which is deployed in essentially a defensive mode. This superiority would likely be sought in all possible naval theaters where the two navies could meet.

The costs of building such a naval capability would be exorbitant. A Pax Americana Navy would be likely to maintain 15 very large aircraft carriers plus additional sea-lane control medium carriers. Additional escorts would have to be purchased for carrier protection. Anywhere from 100 to 120 such escorts would be needed for the large carrier task forces alone. In addition, this Pax Americana Navy would possibly require a number of strike cruisers to provide naval presence where carriers were not available. Moreover, a larger and new amphibious operations force would need to be created. To protect this gargantuan Navy, a growing number of attack submarines would be required beyond even the 90 already currently planned. A Pax Americana Navy would also seek new overseas naval bases and would build up substantial deployments in the Atlantic, Pacific, Mediterranean, and Indian Oceans.

Present U.S. Foreign Policy

While the present U.S. foreign policy is still in flux and no national consensus has yet emerged behind a set of assumptions, it is still fair to say that some U.S. leaders have drawn the lessons from the Vietnam War and the recent oil embargo that U.S. military power is limited and that economic threats to our security may lack military solutions that would not backfire.

The present Navy numbers 477 ships and submarines and attempts to carry out both the missions of sea control and of power projection. Whether it is capable of performing both roles in a major war is an open question. Clearly, the Navy has some capability in the latter two missions can be somewhat effective in those missions within limits.

Recently the Navy effected a reduction in the Pacific fleet by placing two instead of three carrier task forces on station in the Pacific. This is a start toward a de-emphasis on military force in the Pacific region and Asia but a token one so far. After all, the Pacific fleet is as powerful still as the Atlantic despite the vastly greater emphasis placed on our Atlantic and European responsibilities. This maldeployment of U.S. naval strength should be corrected by redeploying some portion of the Pacific fleet to the Atlantic. It is obvious that carrier forces are less needed in the Pacific since the U.S. has moved in the direction of declaring it will not try to project power ashore on mainland Asia except in Korea. Two carriers can be transferred from the Pacific force without harm to present policy.

The Navy also maintains two carrier task forces in the Mediterranean Sea. One is often deployed on maneuvers into the Atlantic Ocean. This periodic removal of the second carrier from the Med is perhaps a tacit rec-

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Footnotes at end of article.

ognition that carriers are extremely vulnerable to the Soviet fleet in the Mediterranean and to Soviet land-based air forces, especially in the Eastern end of the 2000 mile long sea, as well as the Navy's belief that more carriers are needed for the Atlantic.

Overall, a 477 ship Navy is not unrealistic for the current U.S. foreign policy. A level close to this number, perhaps a 500 ship Navy, is all that is needed to carry out the missions of sea control and power projection. But there are a number of ways to carry out these missions; some are extremely costly while others promise significant costs savings. These alternatives are discussed later in this paper.

Pacific Pullback/Europe First

A further pullback of naval forces in the Pacific is possible. If only one carrier task force were kept on station in the Pacific backed by two others, the Navy might shift an additional carrier force to the North Atlantic as insurance to strengthen its sea lanes control forces in that vital area of the world. Or, such a foreign policy shift might allow the U.S. to go to a nine carrier navy with the three being dropped by the Navy from the fleet when they reached the end of their useful lifespans. One course would increase military capacity; the other would save money, possibly for allocation to higher defense priorities.

The present fleet in the Pacific is primarily justified for its role in the defense of the Republic of Korea and Japan. The U.S. Pacific fleet is equal in size and strength to the Atlantic fleet, but does not have the far more formidable job of supporting NATO forces during a conflict with the Warsaw Pact and its navies. Were the United States to decrease its commitment to defend South Korea a sizeable reduction in U.S. Pacific naval strength could be effected. One carrier on station in either the Sea of Japan or the South China Sea, with additional carriers in reserve, would be able to support these reduced responsibilities.

Three full carriers and their task forces could then be removed from the Pacific. The remaining U.S. force could rely on attack submarines and VSS carriers to protect our remaining responsibilities—defense of Japan and U.S. shipping in the Pacific region. Our force of naval combatants in the Pacific could be reduced by half its present size.

Under a foreign policy of Pacific pullback and Europe first, the U.S. Atlantic and Mediterranean naval forces would remain substantial with missions focusing on sea control and NATO reinforcement. It would also seem necessary to maintain an Eastern Mediterranean naval presence for political, if not military reasons. No routine naval presence would be maintained in the Indian Ocean although a limited surge capability would be possible.

The overall naval forces level required to support this foreign policy option is debatable. However, perhaps as few as 400 ships focusing on our highest priorities might be sufficient. Perhaps nine carriers and their escorts would suffice. No strike cruisers would be necessary to carry out individual actions and amphibious assault ships and vessels for intervention support would be needed under such a foreign policy. Our stance would have changed from power projection to sea defense. A more cost-effective naval force could be deployed in the Pacific region if it were composed of helocarriers such as the VSS mini-carriers rather than the more expensive and less numerous attack carriers now deployed and planned for future production.

The size of the surface fleet would undoubtedly vary a great deal wth the kind of risks the leadership and people were willing to run. A fleet considerably larger than 400 ships might be necessary if the U.S. Navy were assigned the task of guarding the sea lanes from the third world to the U.S. in order to guarantee the continued shipments of oil and other raw materials to the United States in times of conflict and confrontation. Virtually all of these imports are transported by ship today.

Retrenchment in both Europe and Asia

If the U.S. followed a policy of pullback in a military sense from both Europe and Asia, this would have major implications for the size and force structure of the U.S. Navy. Essentially, such a policy would say to our European and Asian allies that we expect them to shoulder the major share of their own defense.

U.S. Defense of its own territory and possessions could be accomplished directly without the help of allied forces. Thus, U.S. ties to NATO would be marginal and formal and would not require direct overseas stationing of U.S. forces.

U.S. Navy forces in such a foreign policy would serve as Mid-Atlantic and Mid-Pacific buffers and forces to protect the sea lanes for convoys carrying essential goods to the United States.

In an environment where Soviet naval capabilities remained defensive in nature, the U.S. could safely deploy fewer naval forces in the Mediterranean. This would also add flexibility to naval deployments. Maintaining a strong naval shield in the Atlantic would remain a highest priority. The U.S. fleet in the Atlantic would have the job of protecting the sea lanes for U.S. commerce between America and the rest of the world. This naval force might require as few as 350 ships if sea lanes between the U.S. and Europe and Latin America remainded its most vital links. VSS carriers and SSNs might shoulder the burden of protecting convoys. Strategic ballistic missile submarines, under this foreign policy, would be deployed in numbers equal to the SLBMs currently deployed since a strong nuclear deterrent force would be necessary under any of the four policy alternatives.

Impact of Foreign Policy

Obviously, the correlation between foreign policy and Navy forces is not exact. A Pax Americana stance obviously requires a super Navy of large scale proportions and many billions of new investments in the Navy. A European and Asian standdown requires a far smaller Navy. However, there are many variables to consider which determine the size of the Navy which have little to do with foreign policy. First, what degree of risk are you willing to assume and what degree of risk do you perceive both politically and from the standpoint of Soviet capabilities? Second, do you invest heavily in nuclear powered ships? Third, how much can you count on allies taking up the burden the U.S. has laid down? Fourth, what kind of naval forces will actually get the missions accomplished in the current environment? Fifth, to what degree will changes in U.S. foreign policy encourage similar or other changes in the foreign policies of others rivals and potential rivals?

Only at the ends of the spectrum of foreign policy alternatives does the outline of the correct composition of U.S. naval forces become clearer, if not certain.

III. THE SOVIET NAVAL THREAT

In 1976 there is little doubt that the U.S. Navy is a far more capable multipurpose force than the Soviet Navy. Nevertheless, if one assumes that the Soviet Navy has adopted the primary mission of sea denial to unfriendly naval forces, then it must be accorded great respect for its capability relative to that mission.

No Navy in the world can match the U.S. Navy's ability to project power onto unfriendly shores, to defeat another surface fleet in head-to-head combat on the high seas, or to control the air above a sea battle area. However, the main mission of the U.S. Navy in a war with the Soviet Union will be to keep the NATO sea lanes open for reinforcements by ship and to prevent the projection of power by Soviet ships against U.S. coasts. The large Soviet attack submarine and ballistic missile submarine forces, as well as the formidable Soviet anti-ship cruise missile capability, make the success of this kind of U.S. mission highly doubtful.

Sea lane shipping can probably be protected from rival airpower by the vastly superior naval air wings employed by the U.S. and NATO navies. But no remedy is currently available to offset the very substantial Soviet capability in attack submarines. This is particularly serious when it is realized that Europe and the U.S. are separated by 3,000 miles of ocean over which supplies and reinforcements must travel and that the economies of both are far more dependent on overseas raw materials than are those within the Warsaw Pact region. The fact that the U.S. and NATO can interdict sea borne supplies flowing to the Pact countries is not significant because they are not dependent upon such supplies.[3] The fact that U.S. and NATO navies are dependent upon the sea lanes being open makes Soviet Naval capabilities important, if less potent in other mission areas when compared to the Western fleets.

An unpleasant fact of life in the current military environment is that supplies carried by surface ships are needed to reinforce NATO in any European conflict to allow NATO to match Warsaw Pact buildups. The NATO and the U.S. navies can rule the air above the sea lanes but in danger of losing their supply convoys to submarine attack.

While friendly navies can control the air and surface, they are as yet overmatched in atempting to control the subsurface from which lethal attacks on their convoys may come.[4]

On the other hand, the U.S. Navy stacks up very well indeed if less than an all-out war were to commence with the Soviets and indeed would probably eventually predominate against the Soviet Navy in any head-to-head encounter.

U.S. advantages are many. The U.S. has 14 attack aircraft carriers; The Soviet Navy has none. U.S. aircraft carriers can dominate the skies above a naval battle and can project power ashore. The United States maintains no ASW carriers with helicopters and catapult aircraft aboard. The Soviet Union maintains one such carrier. The United States Navy maintains seven other ships that launch helicopters whereas the Soviet Navy maintains two. Altogether, the U.S. Navy has 1,508 sophisticated and advanced carrier-based aircraft, and in addition, 468 Marine fighter-attack aircraft. The Soviet Navy has only 53 carrier-based helicopters and has no marine air force whatsoever.

Beyond 600 miles from the Soviet or Warsaw Pact shorelines, air superiority is conceded to the U.S. Navy making the Soviet fleets extremely vulnerable to air attack on the high seas. Except for 53 helicopters the Soviet naval air is land-based and the fleet must stay underneath the protective umbrella of its land-based airforce. Without its protective land-based umbrella the Soviet fleet is vulnerable to air attack and far inferior to the U.S. fleet which carries its air umbrella with it. For this reason, the Soviet surface fleet is far more vulnerable than the U.S. fleet on the high seas to air attack. The Soviet Navy is essentially two-dimensional, surface and sub-surface. The U.S. Navy is three-dimensional, air, surface, and subsurface.

Although the Soviet surface fleet is more numerous that the U.S. Navy, it has significant drawbacks. Fourty-two percent of the Soviet ships are small torpedo boats that

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Footnotes at end of article.

have a "one-shot" (no reload) capability and which would be totally dominated on the high seas by a Navy such as the one possessed by the United States. U.S. ships are more modern in design and more capable in combat.

If one looks at the major surface combatants over 3,000 tons displacement, the United States naval advantage looks especially favorable. For example, "since 1960, the United States has built 122 ships over 3,000 tons, while the Soviet Union has built only 57. Between 1961 and 1965, we built 48 to their 14; between 1966 and 1970 we built 38 to their 19; and between 1971 and 1975 we built 36 to their 24." [5] Clearly the United States is maintaining its edge in construction of large ocean-going naval vessels.

In addition, the United States has a very capable coast guard that is not usually included in the comparisons of naval strengths while the Soviet coastal Navy is included. "Since 1967 the (U.S.) Coast Guard has built 12 high endurance cutters which are about the same size as destroyer escorts, 3,000 tons. . . . Almost half of the Soviet major surface combatants are 1,200 tons, considerably smaller than these cutters. These Coast Guard vessels are highly capable anti-submarine warfare platforms and must be included in any comparison of the two navies."[6]

The U.S. Navy is capable of projecting power ashore through its carrier aircraft and large marine corps. The Soviet Navy has none of this capacity. The U.S. Navy with its high quality mix of air superiority and nuclear attack submarines is far more likely to dominate a rival surface fleet possessed by the Soviets, especially on the high seas away from Soviet land-based air forces. U.S. attack aircraft carriers can also better perform the mission of naval presence since carrier forces can offer a more credible intervention threat than can other ships or submarines.

Only in the area of sea denial does the Soviet Union Navy pose a serious challenge to the U.S. Navy. The Soviet Navy does maintain a quantitatively superior attack submarine force to that of the United States, outnumbering the U.S. 253 to 73. Yet even this is somewhat deceptive, since most of the Soviet attack submarines (178 of 253) are diesel fueled and not nearly as capable as the nuclear powered submarines. Soviet submarines would attempt to deny use of sea lanes to U.S. supply and combat ships.

These Soviet submarines pose a threat to convoys and surface combatants of the U.S. and NATO countries and represent the biggest challenge facing the U.S. Navy, especially in the attempt to reinforce NATO or any overseas ally in a general war aboard where the two superpowers were engaged.

In attempting to maintain sea control in a general war the U.S. Navy would be aided by its superior overseas base structure, its ability to count on the large allied Navies for support, and the greater combat experience and readiness of the U.S. and allied navies. In addition to the formidable U.S. Navy, it is likely that the following NATO Navy would be available to confront the Soviet Navy:

NATO Navy of European allies and Canada [7]

(U.S. Navy not included/French included)

NATO ballistic missile submarines	8
NATO destroyers and destroyer escorts	244
NATO cruisers and other escorts	5
NATO attack aircraft carriers	5
NATO helicopter carriers	1
NATO attack submarines	135
Total not including supply ships	398

This NATO Navy far outmatches the Warsaw Pact navies of the allies of the Soviet Union. Together with the U.S. Navy the NATO Navy clearly gives the edge in naval supremacy to the United States and its allies over any combination of Navies that the Soviets and their allies could put to sea. This does not even include the 43 destroyers and escorts and 13 submarines that the Japanese Navy adds to the allied force.

In additon to the ships, aircraft, and submarines of allied navies, the U.S. Navy enjoys significant advantages in overseas bases for its forces. Although the Soviet Navy has recently become an all-oceans force, it has less than a half dozen foreign bases from which to operate. The U.S. Navy, on the other hand has many foreign naval bases and hundreds of open ports where its ships drop anchor. The Soviets have no counterparts to the large U.S. naval bases at Subic Bay, Pearl Harbor, Guam, Holy Loch, Keflavik, Diego Garcia, Guantanamo, and Sasebo to name a few. U.S. based ASW aircraft operate from these overseas bases in large nunbers. Overall the U.S. maintains an edge in ASW aircraft of 450 to 360 for the Soviet Union and U.S. aircraft are several times more capable than Soviet aircraft.

Although gross manpower figures have marginal significance, the United States also has numerical advantages in Navy manpower, leading the Soviet forces 515,400 uniformed people to 386,000. This is compounded by the U.S. lead in Marine strengths where the U.S. Marines outnumber their Soviet counterparts 196,000 men to only 14,000.

This, plus the fact the U.S. maintains 14 aircraft carriers to the Soviet Union's none, indicates the absoultely clear superiority of the U.S. Navy in power projection upon any hostile shore. The Soviet Navy has virtually no sea-based capability to project power ashore.

The U.S. Navy advantages cited here are further increased when one counts the combat experiences of the U.S. Navy in the Vietnam War where Navy ships continually bombarded shore targets with their naval aircraft and guns. The Soviet Navy has not ever been battle-tested. Moreover, the U.S. Navy maintains a higher state of readiness and undergoes more continuous naval training and exercises than does its Soviet counterpart. As CNO Admiral James L. Holloway has testified, "one of our greatest assets is . . . that our people are better. They are more imaginative, have greater resourcefulness, and we have veterans. We have pilots who have flown over 200 missions in combat. We have destroyer skippers who have spent four and five years on the gunline in Vietnam exercising their equipment. We have an awful lot of combat veterans in the U.S. Navy." [8]

In summary, the U.S. Navy is far superior to the Soviet Navy in ship quality, naval manpower, naval aviation, ASW capability, tonnage, firepower, nuclear propulsion, power projection capacity, overseas bases, and allied naval capacity as well as in training, readiness and combat experience. The Soviets have greater numbers of surface ships and of attack submarines but most of their ships and submarines are of inferior quality to the U.S. Navy. Overall, counting only the U.S. Navy against the Soviet Navy, the American advantage is pronounced. When the NATO navies and Japanese Navy are added to the power equation, the U.S.-allied naval superiority is overwhelming. This fact, however, cannot and should not obscure the very impressive Soviet sea lane denial capability.

III. TODAY'S NAVY AND TODAY'S CHOICES: THE ROLE OF THE CARRIER

What kind of ships should this nation build? How many should we build? The answers to these questions relate directly to the kind of foreign policy we wish this nation to pursue. But, regardless of which option we believe is correct, we must review the role of the aircraft carrier. It plays a central role in our naval force structure; all of the naval options we have listed employ the carrier in some fashion. It should be obvious that the purchase of even a small number of nuclear-powered supercarriers—estimated at $2 billion a piece—will consume ship construction funds that could otherwise be spent on a large number of ships. Thus, the expenditure of funds for carriers must be weighed against two overriding questions:

(1) How vulnerable is the carrier? and

(2) Are the carriers needed to perform the Navy's roles and missions?

Vulnerability

Despite the unquestioned improvements in aircraft carriers since World War II, in every absolute sense, there are still those who believe that the carrier is far more vulnerable today, pitted against today's offensive technology, than the World War II carrier was when pitted against the World War II technology of the Germans and the Japanese.

The past thirty years have seen immense improvements in anti-ship missiles, in offensive aircraft and aircraft ordnance, in attack submarines and in explosive yields of shells and missiles. Accuracies have increased, yields of warheads have increased, and speeds and capabilities of the submarines and aircraft pitted against carriers have increased. Also, for the first time since the Second World War another rival navy has been built to challenge the United States for supremacy of the seas. All of this bodes ill for future survivability of the U.S. aircraft carriers and surface ships in wartime.

Perhaps the most dramatic difference in naval armament has been in nuclear technology. Soviet ships and submarines carry nuclear-tipped armaments (including some nuclear capable ship-to-ship missiles), and nuclear torpedoes. Soviet land-based aircraft are capable of dropping nuclear bombs and missiles on U.S. surface ships. It is generally conceded that a nuclear war at sea would annihilate the surface fleets of both the United States and the Soviet Union. No ship could survive a nuclear explosion if it received a direct hit.

Nuclear technology has also made nuclear-powered attack submarines an anti-ship menace of unprecedented proportions. These submarines are capable of wreaking havoc on the combat and merchant fleets of both the U.S. and the Soviet Union. As Admiral Hyman Rickover has stated before the House Armed Services Committee:

"If this country or Russia ever turned their forces of submarines loose, they would devastate the seas. That does not mean that we should not build other kinds of ships. But nuclear submarines have never been tried out under actual conditions of war. It is beyond the comprehension of most naval officers to comprehend the difference between a submarine that can make 9 knots for one half hour and stay submerged for two days at most and a submarine that can make over 20 knots and stay submerged indefinitely. They cannot grasp the significance of this military capacity. It is beyond their comprehension because they are too loyal to their previous concepts and to the regime and environment in which they have been bought up."

Chief of Naval Operations, Admiral James Holloway III, has testified that "The principle threats to the carrier in order of severity are: (1) submarines—particularly nuclear submarines with cruise missiles; (2) long-range bombers with cruise missiles, and (3) cruise missile-equipped surface ships."

His predecessor, Admiral Moorer, also emphasized that "submarines capable of launching anti-ship cruise missiles do constitute the primary threat to any surface ship."

Carriers do not have an effective defense against tactical cruise missiles and will not until the early 1980s. The only effective carrier defense is a good defense directed at the cruise missile ships of the Soviet Navy. Carrier anti-aircraft and anti-missile systems are

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Footnotes at end of article.

notably imperfect defenses against such attacks. Anti-submarine warfare capabilities have also been running a poor second in comparison to the increasing capabilities of nuclear attack submarines. ASW technology has lagged far behind the anti-carrier technology and anti-surface ship technology.

Navy officials claim that no modern U.S. carrier has ever been sunk in combat. This ignores the four U.S. carriers that were sunk in 1942 and one in 1944. The Japanese also had eight modern carriers sunk at the battles of Midway and Leyte. Thus, even pitted against the now antique ordnance of WW II, some 13 major carriers were sunk in actions at sea.

Navy officials also make much of the fact that of 2314 kamikaze planes launched at U.S. naval targets, not one carrier was sunk by a kamikaze. This ignores the fact that on nine separate occasions U.S. carriers were very badly damaged by such attacks—including the Saratoga, Ticonderoga, Bunker Hill, Intrepid (twice), Enterprise (CV–6), Franklin Wasp, and Hancock.

Navy officials also make much of the fact that no carriers have been sunk since World War II. This, however, ignores the obvious: No war at sea has occurred since 1945. It is, therefore, not surprising that no carriers were sunk. Indeed, the Navy is the only service that has not tested its major equipment (ships) under fire since the Second World War. Army units, Air Force units, and Naval wings have engaged in direct firefights with the enemy; but the carrier force and surface Navy (nor for that matter have the submarine forces) have not been challenged at sea. Once challenged, they might have a very rude awakening about the vulnerability of the surface Navy which they have so carefully drafted in the image of the force which fought so well in World War II. The Navy is geared to refight WW II with the same formations and same structure, but in a far different technological environment.

The opening scenario of the war at sea might prove especially important in determining the survivability of a carrier task force in the U.S. Navy. At most times, such carrier task forces in peacetime are trailed and even interspersed by Soviet submarines and ships. Such ships and submarines at close range would be nearly impossible to destroy before opening a surprise salvo upon the task force. The first few minutes of such a war at sea would likely see the death of the surface boats in the force including the carrier.[9]

One of the main defenses of the carrier force is that it can outrange an attacking force. Its planes can be destroying the attacker before he can get within range to launch the attack. However, if the conflict begins with the attacking force at close range, the surface fleet and the carrier lose this vital advantage.

Submarines really have the advantage of closing in on the carrier force, often without being detected, and of launching similar surprise attacks. Thus, the element of surprise combined with pre-positioning of forces could place the carrier forces in a precarious position at the outset of any planned war between the U.S. and Soviet Union.

Admiral Holloway made this point when he testified before the House Armed Services Seapower Subcommitte concerning any general war between NATO and the Warsaw Pact:

"And should this war occur, I think it is going to be a very brutal one, a very bloody one on all fronts, and certainly the battle of the Atlantic where the principle conflict would take place, I believe, between us and the Soviets, either in the U.S.–U.S.S.R. or the Warsaw Pact–NATO context, I think would be in doubt until certainly after several months.

I liken it in my own mind to the situation that existed in the war between the U.S. and Germany when, although we won the battle of the Atlantic, we didn't win it until after an awful lot of the U.S. ships were sunk. But once we got it under control, the victory was ours.

Much has been made of the fact that a carrier can receive a blow such as the 1969 explosion aboard the Enterprise when nine major caliber bombs detonated on her flight deck. Navy spokesmen argue that since the carrier was able to fly airplanes within hours after the explosion, the hardiness of the carrier was proven.

What this argument overlooks is that in a short time after being struck by an attacker, the aircraft carrier is deprived of its major defense against attack for a matter of hours. Without aircraft, the carrier is doubly vulnerable to repeated attacks which could finish her before the decks could be repaired and the interceptors and attack planes could get aloft again. Moreover, a wounded carrier with its screws destroyed or with its deck torn up by ordnance cannot land or launch aircraft and will be ineffective in combat.

The extreme nature of the Soviet threat directed against our carrier force is magnified by the small number of carriers that the U.S. can field. Since it is unlikely that the U.S. can have more than 13 carriers at sea, Soviet forces can concentrate on an extremely small number of high-value targets.

At current ship-building rates the Soviet Union can build over 200 carrier-disabling submarines and surface ships in the time it would take this country to build another Nimitz-class supercarrier and an air defense system to protect it. There is no way that we can build carriers and air defense escorts in sufficient numbers to match the forces arrayed against them. For example, in the U.S. it costs twelve times as much to build a Nimitz class carrier and its aircraft than to build a 688 attack submarine.

Surveillence technology has improved immensely since World War II. Now submarines, surface ships, aircraft carriers, and land-based aircraft can acquire target information, radars, sonars, helicopters, aircraft, and satellites. Such reconnaisance systems can pinpoint the location of surface ships and targets and relay this message back to offensive platforms. In the future, ships at sea will target more exactly other surface points by getting more exact fixes on their own locations via satellite (eg. Navstar). All of this makes surface targets more vulnerable—including aircraft carriers.

Precision-guided munitions, smart bombs, and infrared and television-guided homing devices also make the kill probabilities greater for forces attacking a surface fleet group like a carrier task force. The revolution in accuracy has been matched by a like revolution in explosive yield to weight ratios. The increases in accuracy and yield have exceeded the improvements in surface ship armor. The result is greater surface strip vulnerability. This is a trend likely to continue with the vulnerabilities increasing while costs of carriers continue to escalate. The carrier may give new meaning to the term "sunk costs" in a future major war at sea.

Naval Missions and the Carrier

A joint Senate-House Armed Services Committee was formed in 1970 to investigate the Navy's costly proposal to build a third Nimitz-class carrier, then designated CVAN–70.

In his 1970 presentation, Admiral Holloway was asked why the Navy wanted a super-carrier and how it would perform its roles and missions with it. But a close examination of the Navy's roles and missions does not present a compelling case for the super-carrier.

As Admiral Holloway states, the primary mission of the U.S. Navy is sea control. This mission is spelled out in Department of Defense Directive 5100.1, issued on December 31, 1958. It continues to be the Navy's primary mission to this day:

To organize, train and equip Navy and Marine Corps forces for the conduct of prompt and sustained combat operations at sea, including operations of sea-based aircraft and land-based Naval Air components—specifically, forces to seek out and destroy enemy naval forces and to suppress enemy sea commerce, to gain and maintain general naval supremacy, to control vital sea areas and to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign.

The Navy's collateral mission, as spelled out by the Department of Defense's directive 5100.1, is:

a. To interdict enemy land and air power and communications through operations at sea.

b. To conduct close air and naval support for land operations.

c. To furnish aerial photography for cartographic purposes.

d. To be prepared to participate in the overall air effort as directed.

Thus, nothing could be clearer: the Navy's primary mission is sea control; its collateral mission is projection of power ashore. But if we look at today's Navy, we see a force which is structured primarily around the mission of power projection. We also see a force which is dangerously ill-prepared to carry out the mission of sea control.

The reason for this state of affairs relates primarily to the aircraft carrier and its role in today's Navy. The carrier and its related activities reportedly consume 50 percent of the Navy's budget. And today's carrier is used primarily as a power projection ship, and only collaterally as a sea control ship.

To see the perversion of the Navy's missions at first hand, one need only review the Navy's "CVNX Characteristics Study Group Report". This document was prepared at the direction of Admiral Holloway to study the Navy's future carrier requirements. Not surprisingly, a majority of the aircraft are used primarily for power projection. Thus, if the Navy continues on its present course, our ships at sea will be even more heavily weighted toward projection of power and even less capable of sea control.

If the carrier were reasonably assured of carrying out its power projection mission, then perhaps the situation would be less bleak. But it is now reasonable to assume that with the recent Soviet naval developments, the carriers forward deployed would be unable to project power. Thus, it is entirely possible that today's Navy provided precious little in the way of national defense. We may indeed, have the worst of both possible worlds—a naval force which is unable to adequately perform either sea control or power projection.

Power Projection

The Navy insists that its aircraft carriers are the most invulnerable ships at sea against conventional attack. Foes of the carrier insist that the carrier is indeed vulnerable, as evidenced by our World War II experience. (Of the 12 Essex class carriers that received one hit during the War, five had to return to port; all three carriers that received two hits were forced to return to port.) The Navy argues correctly that Nimitz class carriers are stronger than those of the Essex class; critics of the carrier likewise argue that today's conventional munitions are more lethal. In any event, today's conventional munitions need not sink the carrier; all they have to do to be effective is to prevent the ship from launching its aircraft.

In tactical nuclear exchanges, no one argues that carriers can continue to operate.

Footnotes at end of article.

In scenarios against third world countries, the carrier becomes a much more formidable force, either because our adversary lacks the means or the will to knock out our floating airfields.

According to the Navy the most probable and crucial scenario for the carrier—and the one against which the need for the carrier must be weighed—is against the Soviet Union and her allies. The typical carrier of the 1980's will have on board: 24 fighter aircraft; 36 attack alcraft; 4 tankers; 4 airborne early warning aircraft; 4 jammers escorts; 3 reconnaisance aircraft; 10 antisubmarine aircraft; 8 antisubmarine helicopters.

As can be seen from this breakdown, most of the aircraft on board are designed to project power ashore, and to do so in "high threat" environments. This means in areas close to the periphery of the Soviet Union; it means to be within range of many different threats from Soviet surface ships, land based aircraft, and submarines; it means to be operating within range of Soviet cruise missiles. Taking a closer look at the 85 aircraft on board the super-carrier, only 36 are designed for the attack role. The 24 fighter attack aircraft on board can be armed for attack missions against poorly defended countries, but if the projection of power is to take place against the Warsaw Pact, these aircraft will be needed to help protect and escort our attack planes. Likewise, the four jammers on board the carrier (designated EA–6Bs) will be needed to help the attack aircraft reach their targets. Here is the basic dilemma of the carrier; all of the resources on board the super carrier are needed only in the highest threat areas, yet these are the areas where the carrier will devote most of its assets to self-protection rather than power projection; and these are the areas where the carrier is least likely to be able to carry out its primary mission.

Should the United States risk its $2 billion aircraft carrier, its eight escorts, and its $1.5 to $2.0 billion air wing to project power ashore in high threat environments? Can it be done? Many people—including some with the Navy—believe that it cannot be done. Others believe it can be done, but only with many aircraft carriers working together. Because of the low probability of success, many argue that it would be wiser to project power ashore by other means in high threat environments. If we do become involved in a shooting war with the Soviet Union, the U.S. can have sufficient land-based airpower available, based far enough behind the forward edge of the battle in Western Europe. If the shooting war escalates to nuclear warfare, our land based and sea based ballistic missiles, as well as our manned bombers can project United States power.

Sea Control

The Navy's ship construction budget is constrained by competing needs both within and outside the Department of Defense. The Navy wants to build up the force to 600 ships; it wants a "balance fleet" consisting of many different classes of ships. Even with sharp increases in SCN funding, the Navy's goal appears to be a distant longshot. While it is unfair to state that for every dollar that goes into power projection, a dollar is lost for sea control (the carrier is, after all, a multipurpose ship, even though it is configured primarily for power projection), it is far to state that the Navy's sea control ship construction programs have taken a back seat to the carrier and carrier escort construction programs.

A review of the Navy's five year ship construction program will confirm this view. Looking at the Navy's major surface combatant construction programs, the current five year plan is to build two Nimitz class carriers, eight conventionally powered air defense escorts for our carriers, two nuclear powered air defense for our carriers, one helicopter carrier suitable for sea control and 40 escorts. The escort program (known as Patrol Frigates or FFG's) is in deep trouble due to cost growth—its future is as marginal as its capabilities. Its sonar is far too ineffective to be of much use in true sea control operations. What then do we have left? Twelve platforms which are primarily associated with power projection and one that is associated primarily with sea control.

Carrier proponents will say that carriers can be readily reconfigured for sea control operations. This is true—but carriers and their escorts can only be in one part of the ocean at the same time. And, if we want sea control ships, why build such expensive ones? Why not build many more at lower cost which can then cover far more of the ocean?

In discussing sea control, numbers are all important. The cost of the carrier cuts deeply into the possibility of fielding sufficient numbers of capable sea control-oriented ships. The possible vulnerability of the carrier places us in jeopardy. If the carriers proponents are wrong—and the carrier is indeed invulnerable, even in low threat environments, then we are in a particularly poor position to exercise sea control. Our eggs are in precious few, highly expensive baskets.

Other Missions

So far, we have talked exclusively about sea control and power projection. There are additional Naval missions as well. One key mission related to power projection is that of deterrence—but this is maintained almost exclusively through our ballistic missile submarine force. As such, it does not impact directly on the carrier issue, except in terms of cost: Our nuclear attack and ballistic missile submarines are fixed costs in our ship construction budgets. This will be the case far into the foreseeable future. This places a large burden on decision-makers to allocate remaining ship construction funds wisely and not to funnel them into a small number of high value targets.

The carrier is often justified in terms of carrying out the mission of "prescence". The carrier stands for resolve as it stands for the instrument of the U.S. will. Can other hulls perform this same mission? The answer is clearly in the affirmative, but only up to a point. Alternative hulls have their shortcomings when it comes to the use of force as a demonstration of U.S. resolve. But as seen from the above, the carrier can reasonably be expected to perform this mission only against those countries that are unable or unwilling to strike back at our floating air bases. Thus the carrier has become one of the more outstanding symbols of American "imperialism" in third world eyes.

Regardless of how one sees the utility of the carrier in carrying out this mission, no new carriers are needed to perform it. Given our current and projected assets, no additional Nimitz class carrier can be justified on this ground.

Finally there is the mission of supporting amphibious operations. Can such operations be performed in high threat areas? As noted above, carriers are extremely vulnerable in such circumstances. The only amphibious operations we can expect carriers to support with a reasonable degree of success are against third world countries. This is true for another reason as well: As currently structured, our Marine Corps is ill-equipped to fight against anyone but third world countries. The Warsaw Pact ground forces strongly emphasize the use of mechanized vehicles and tanks. Our Marines are lightly equipped, as they are infantry units. In order to stand up against the Warsaw Pact threat, our Marines will have to move in the same direction as our Army divisions, by transforming "light" units into "heavy" ones. Once again, the carrier mission of supporting amphibious operations is best suited to brushfire wars. But we already have enough carriers on hand and for the foreseeable future to assist U.S. policy objectives against third world countries, should our national leadership decide that this is a wise course of action, and should public opinion support such action.

Conclusion

The U.S. Navy is now embarked on a course which reflects the balance of power within the Navy but may well reverse the world-wide balance of power. There are those within the Navy whose desire is to buy at least eight more Nimitz class carriers. In terms of useable capability this investment will prove most useful against third world nations, and is extremely questionable if applied directly against the Soviet Union. But the stand against the super carrier does not have to be made in terms of third world solidarity. Real threats to the security of this nation do not come from the third world; they come from the Soviet Union. The ships of the United States Navy should reflect this assumption.

IV. B.—FIVE WAYS TO GO IN U.S. NAVY SURFACE COMBATANTS

Optional: The Nimitz Class Super-Carrier (CVNX). The United States Navy has presented voluminous material in support of the Nimitz class super carrier. What are the benefits that flow from the purchase of these $2 billion platforms?

First, the super-carrier is truly a multimission ship. It can perform power projection missions as well as sea control missions. It is particularly fitted to demonstrate U.S. resolve in crisis situations, as the carrier is an inherently flexible military tool. If any surface ship can operate in a high threat environment close to the periphery of the Soviet Union, it is the super-carrier.

Because of its nuclear power, the super-carrier has outstanding endurance. It need not be deployed on-station to have an impact, as the carrier and its air group can move at high speeds for long distances. The air group itself is extremely large and can project power ashore where there are no land bases to support U.S. aircraft. The amount of power that can be projected ashore depends on the level of effort that will be placed against it.*

The Nimitz class carrier is most effective against the third world nations that are unable or unwilling to challenge the floating U.S. airfield. The success of any country wishing to neutralize the carriers effectiveness will depend on that country's ability to penetrate the carrier's defensive screen to orchestrate a mass attack against the carrier itself.

Few third world nations possess these capabilities; those that do may be unwilling to try to knock out the carrier for fear of reprisals. The Soviet Union, however, does have the capability to knock our carriers out of action. The debate over the usefulness of the carrier hinges on one's perception of the carrier's ability to perform its stated roles and missions when challenged by Soviet forces. And it is the judgment here that at present, the carrier can be incapacitated fairly easily in high threat environments.

As we discussed earlier, the Soviet Navy can incapacitate carriers by mounting a saturation attack by and, sea and air. In war, all of the U.S. carriers that are forward deployed in the Mediterranean and the Western Pacific would face an immediate threat from Soviet attack submarines, surface vessels and Soviet land-based airforces.

The extreme nature of the Soviet threat

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* (See roles and missions section.)

directed against our carrier forces is magnified by the small number of carriers that the U.S. can field. Because it is unlikely that the U.S. can have more than 13 carriers at sea, Soviet forces can concentrate on an extremely small number of high-value targets.

Given the presumption of the vulnerability of the Nimitz class carrier, any cost/benefit analysis reaches negative conclusions about this carrier's real worth. The Nimitz class carrier becomes most useful in scenarios against second rate powers.

It is unquestionably a devastating weapons platform against those who cannot disable it; but is it worth the cost?

First, is this the kind of war that the American public and their leadership believe in fighting?

Second, are current carrier assets with their 35 year useful life cycle sufficient to wage this type of war in the future should the U.S. become involved?

Third, what are the opportunity costs of continuing to invest $5 billion in Nimitz class carrier task forces?

As can be seen in the Roles and Missions section of this report, the opportunity costs to the U.S. Navy and to the national defense are staggering. While the U.S. has superior numbers of major combatants those numbers have dwindled as a result of the block obsolescence of World War II ships. Our surface combatant forces must be built up in many separate classes of highly capable ships. We will not be able to accomplish this given any realistic estimate of ship construction budgets, if we continue to build super-carriers. The United States Navy needs more ships, and highly capable ships to meet realistic mission requirements. The super-carrier, rather than solving the Navy's problem of contracting power, only exacerbates it.

Impacts of New Technology

There are a number of programs now in research and development which work both to the advantage and disadvantage of the Nimitz carrier.

First, the AEGIS air-defense system if it can be made to work, could be instrumental in absorbing a Soviet mass attack against our carrier forces. AEGIS will be put to sea no sooner than FY1982. Every carrier task force will have two AEGIS—equipped ships as escorts but it will be well into the 1980's before all of our carriers at sea are escorted by AEGIS systems.

It remains to be seen if AEGIS can perform as hoped. But assuming this is the case, there is always the truism in R&D that for every advance, there is a counter. For its part, the Soviet Union has been working on an antiship missile with ballistic trajectory and speed. If the Soviets can work the problems out of this weapons system, and if they can develop proper guidance for it, then AEGIS will not be able to protect our carriers. But these are two vary large "ifs". Another possibility that is more in line with Soviet practice is to try to overwhelm the AEGIS defensive system by sheer numbers. Between now and the time our carrier task forces are protected by AEGIS, the USSR can build over 200 carrier disabling surface ships and submarines. It will be difficult for any defensive system, no matter how sophisticated, to keep up against these odds.

Option 2: Cost-benefit analysis: The midi-carrier (CVNX).

Another proposal that has been suggested by some is the nuclear powered Midi-carrier—a smaller version of the Nimitz, approximately two-thirds the size of the Nimitz, with a proportionally smaller air group. From the perspective of bureaucratic politics, the Midi may make some sense: It offers a way to wean the carrier admirals away from the costly Nimitz class, while still awarding them with additional carriers.

What are the positive aspects of choosing a nuclear-powered Midi instead of a Nimitz? First, it will save precious resources that can be applied to other urgent naval construction needs. The Nimitz advocates have argued that there will be little cost savings by going to a smaller carrier, once design and R&D costs are factored in. They are correct up to a point, but they pointedly do not include the cost of the different sized airwings in their analysis. While the Navy has not yet publically released detailed life cycle cost studies of the Nimitz vs. Midi including the costs of the air group, it is reasonable to assume that there would be at least a cost savings of $4.0 billion over the estimated 30 year lifecycle of the carrier by going to the Midi-carrier based on its smaller air wing.

Because of its smaller size, the Midi would be hard pressed to project power ashore; because of this, the Navy would hopefully fit the ship in primarily a sea-control configuration. This would greatly increase our capabilities in this mission area, but all of this is conjectural as the Navy is clearly wedded at the present time to power projecting power ashore against third world nations.

What are the drawbacks of the nuclear-powered Midi compared to a Nimitz? The Midi will not and cannot house the airpower that is on board the Nimitz. Therefore, when it is called upon to project power ashore there will be less power to project. To some extent, this can be countered by the theater use of precision guided munitions. But in scenarios calling for massive air strikes against inland targets where the U.S. has no access to land bases, the Midi will be at a disadvantage.

The Midi will be at a clear disadvantage in projecting power ashore in high threat areas. Against the Soviet Union and the Warsaw Pact, the Midi would be even more vulnerable than the highly vulnerable Nimitz class carrier. It is hoped that for this reason the Navy would configure a Midi to perform sea control rather than power projection.

So far, we have only talked in terms of the drawbacks of the Midi compared to the Nimitz. To a far greater extent, the drawbacks of the Midi and the Nimitz are the same, the only difference being one of degree. A class of Midi's will create many of the same problems for the Navy as the Nimitz class, only to a lesser degree.

The Navy will still be vulnerable to the "too many eggs in one basket" situation with nuclear-powered Midi carriers; the Navy will still suffer a great shortfall in ship construction investment, which will be exacerbated by the Navy's insistence on a relatively few, very expensive platforms; the Navy will still be purchasing relatively few high value targets which are extremely vulnerable to attack; the Navy will still have a great degree of difficulty in supporting amphibious operations with Midi's in high threat environments.

In a summary, the nuclear powered Midi is a better choice than the Nimitz, mainly because it can free up ship construction resources to more useful programs, and because it may help wean the carrier admirals away from their luxurious habits.

Option 3: The conventional Midi-Carrier (CVX).

The choice becomes more clearcut between a conventionally powered Midi and a nuclear powered Nimitz class carrier. By going with conventional power, the Navy could build a much larger fleet of carriers, which would alleviate the problem of putting "too many eggs in one basket." Further cost savings could result from a decision to minimize design costs by emulating the design for the Midway classes. The Navy should be able to build between two and three conventionally powered Midi-carriers for the price of one Nimitz; additional savings would accrue from reduced aircraft procurement and operation and maintenance costs. The cost of the conventionally powered Midi may still be too high, if we consider its primary mission as sea control. But this Midi would still be a multimission capable ship.

The greater number of conventionally powered Midi's that could be purchased makes possible the use of these platforms for power projection, as a number of carriers could be used together if needed. The two or three conventionally powered Midi's that could be purchased for the price of one Nimitz could pool their airpower, which would be greater than that of one Nimitz. In this manner, the Midi could still operate in high threat areas if called upon to do so. At other times, the two or three smaller carriers could patrol separate areas of the ocean.

But if the U.S. Navy is to perform sea control in the most cost effective manner possible, then it makes sense to buy a less expensive platform still.

Optional 4: The Mini-Carrier or VSS—the optional carrier.

A far better solution to the carrier problem would be to build a large number of highly capable vessels that are able to control the seas, project power in low threat environments, control the airspace, and show presence.

The Mini or VSTOL Support Ship (VSS) is the affordable way of achieving all of these objectives. The VSS is essentially a helicopter carrier, although it can carry vertical and short take-off and landing aircraft (VSTOL). VSS designs vary, but the ship may displace slightly more than 20,000 tons (compared to a Midi's 60,000 tons and a Nimitz's 90,000 tons). In carrying up to 35 helos or VSTOL aircraft, VSS platforms can house as many if not more antisubmarine warfare aircraft than are presently on board the Nimitz. The VSTOL aircraft can carry stand-off, precision guided munitions to provide either an offensive or defensive capability.

One of the problems with VSTOL aircraft has been its limited range, performance, and payload. An improved VSTOL aircraft (the AV-16) is currently in the final phases of research and development which would double the Harrier's range and payload. Two other VSTOL aircraft are in the R&D process and may present even more exciting possibilities.

There are additional mission possibilities for a VSS ship. The ship appears to be heavy enough to accommodate the AEGIS system, which would provide it with a significant air defense capability, as well as its ASW capability. The costs of adding AEGIS would be high, but certainly well below current plans to place AEGIS on the strikecruiser (CSGN), which will place the cost of the CSGN at $1 billion per copy.

The low cost of the VSS is the best thing about the ship; the Navy estimated in 1975 that the follow-on ship costs for this class of ships to be $300M per copy. This means that we could build at a rough estimate, at least eight VSS class ships with associated air support for every Nimitz carrier task force. Taking away the Nimitz mission of projecting power ashore in high threat areas, which is a dubious capability at best, the Nimitz and the VSS would be performing the same tasks; but the VSS would be doing them at a fraction of the cost. For an equal capital investment, eight VSS ships can be performing these tasks in many parts of the ocean; the Nimitz and its task force can only be in one part of the ocean at the same time. Of course, the numbers of VSS's that can be purchased will necessarily be lower if the AEGIS capability is added.

What additional benefits could accrue with a large fleet of VSS ships? First of all, it would cut down considerably on the Navy's expensive aircraft procurement programs, thus freeing up even more money for additional highly capable ships. Likewise, operation and maintenance costs would be curtailed or shifted to other programs, particularly the ship maintenance accounts. For an equal capital investment, eight VSS would provided three times the number of aircraft at sea than would a Nimitz task force. This posture will provide the U.S. with a sea control sorely lacking at the present time, while still maintaining an offensive capability.

Because so many more highly capable ships would be at sea with a VSS fleet, the Soviet sea denial mission would be tremendously complicated; it would be extremely difficult to mount a saturation attack against so many targets operating in so many areas.

The largest drawback of the VSS approach to sea control and power projection is that it totally goes against the ethos and power structure of the U.S. Navy. Perhaps this is why the program has been downgraded at the expense of luxury platforms like the Nimitz and strike cruiser. In late 1975, the Navy actually planned to fund the first VSS in 1977, and two ships each year thereafter for the next three years. The Navy's newest five year SCN program funds only one VSS, and that in FY 1980.

Option 5: The Strike Cruiser (CSGN).

The Department of the Navy is proposing procurement of a class of nuclear-powered surface combatants known as Strike Cruisers. The Strike Cruiser will be equipped with the AEGIS air defense system, surface to surface missiles, and two VSTOL aircraft or helicopters. Construction of the leadership will begin in FY78; current plans call for it to be ready for delivery by December 1983. Cost for the leadship is estimated at $1.37 billion; following ships are estimated at $1 billion per copy.

The strike cruiser will indeed be a highly capable ship. The Navy expects it to perform alongside the carrier in high threat areas, trying to fend off saturation attacks. The CSGN can also operate independently of the carrier, as the head of its own task force. Nuclear power will give the CSGN amazing endurance.

But is the strike cruiser worth its cost? Can the roles and missions of the strike cruiser be performed by other less expensive platforms?

First, lets look at the air defense role. There is no doubt whatsoever, as the Navy has testified, that "strike cruisers will increase markedly the difficulty of mounting saturation-level missile attacks on U.S. carriers or cruiser task groups by Soviet submarines, aircraft, or surface ships."

But isn't there a cheaper way to help absorb mass cruise missile attacks? The Navy intends to use a $1 billion investment to protect the carrier investment. If AEGIS works as advertised, and if the Soviet threat does not become more severe, the Navy Strike Cruiser may prove its worth. But if it fails, then there will be precious few ships in reserve; at $1 billion and $2 billion per ship, we will not be building too many of these nuclear powered platforms, and what if AEGIS is moderately successful? Does this mean that the Strike Cruiser and the carrier will receive only too hits apiece instead of four? What it the Soviet threat increases, as can be expected? The USSR can build 110 carrier-killing surface and submarine platforms before even the first Strike Cruiser is deployed. The Soviet response would, however, be more limited than this due to cost and shipyard limitations.

What about the Strike Cruiser's capability to operate independently? First, is it reasonable to expect independent operations until we have enough AEGIS-equipped ships at sea to protect our forward deployed carriers? We are looking well into the 1980's before AEGIS Strike Cruisers can be expected to operate independently. Second, the CSGN's nuclear power bonus will only be useful if all its escorts are likewise nuclear powered. This seems highly unlikely in view of fiscal constraints.

A much cheaper and more practical alternative is available—and that is to place AEGIS on conventionally powered platforms. One possibility is to build a greater number of AEGIS Destroyers, designated as DDG–47's. Another candidate that should be carefully reviewed is the VSS, or helicopter carrier. As discussed earlier, an AEGIS VSS would be far superior to a strike cruiser in terms of its ASW because each VSS houses 35 aircraft compared to the Strike Cruiser's two aircraft and missile capabilities. Most importantly, it would also be much less expensive.[10] At least twice the number of AEGIS platforms could be provided to the fleet utilizing the conventionally powered VSS approach than the nuclear powered strike cruiser. The greatest drawback here is that AEGIS VSS platforms cannot keep up without nuclear powered carriers. AEGIS DDG–47 destroyers, however, do have enough speed to keep pace with nuclear-powered carrier operations.

The strike cruiser is the perfect companion for the Nimitz class carrier. Both are true blue chip properties; both are mutli-mission ships. Both are the logical extension of the Navy's understandable desire to counter the growing Soviet threat on the seas with "bigger and better" ships. The problem with this approach is that (1) these ships may still be extremely vulnerable and (2) they will certainly eat up construction funds for additional ships. If our "first Line" of naval defense does not work as advertised, then we will have precious little to fall back on.

IV. C.—NUCLEAR VERSUS CONVENTIONAL SHIPS

Few would question the desirability of nuclear power for our submarine forces. Nuclear power provided a technological breakthrough that permitted submarines to operate indefinitely while submerged, making them an almost invulnerable strategic delivery vehicle and a worthwhile tactical investment. But the case for nuclear powered surface ships is more complex, and certainly questionable.

What has brought this issue into sharp focus is congressional passage of Title VIII of the Military Authorization Act, enacted August 5, 1974. Title VIII provided that "New construction major combatant vessels for the strike forces of the U.S. Navy authorized subsequent to the date of the enactment of this Act becomes law shall be nuclear powered . . ." The provisions of this law apply to aircraft carriers, cruisers, frigates and destroyers. However, conventionally powered ships in these categories may be proposed by the President if he advises Congress that construction of nuclear powered vessels for such purposes "is not in the national interest."

The five year ship construction program provided by the Secretary of Defense in his Annual Statement indicates that four nuclear powered ships will be sought by FY 1981 (including two nuclear-powered carriers and two nuclear-powered strike cruisers). Elements of the Department of Navy and some members of Congress favor an expanded program, including an effort to make all of the AEGIS ships nuclear powered instead of the conventional nuclear mix that DOD has proposed.

The critical question facing Congress is whether the investment in nuclear power for surface ships is worthwhile. To answer this question, one must have some estimate of the costs and benefits of one sort of platform as opposed to another.

The Cost of Nuclear Power

Attempting to quantify the disparity in nuclear versus conventional ship costs is no simple task. Nevertheless, a meaningful range of estimates can be derived. This range is based on the following representative data:

(1) A comparison of the costs of nuclear as opposed to conventional platform for the AEGIS weapon system.[11] Estimates show that the nuclear powered leadship is 42 percent greater than its conventional counterpart ($1.185 billion versus $835 billion in FY 1977 dollars); the disparity rises to 65 percent for followships ($760 million versus $460 million in FY 77).

(2) An estimate of the construction and 30-year fuel costs of aircraft carriers with conventional and nuclear propulsion, showing the nuclear version costing 54 percent more.[12] The same is true for cruisrs.[13]

(3) Life-cycle comparisons on a single ship basis reported by the Secretary of the Navy indicating that the nuclear ship costs about one-third more than a conventional ship.[14]

(4) An estimate by Admiral Rickover that the lifetime cost for a complete nuclear test group (CVN plus four escorts) is 6 percent greater than a conventional carrier with four conventional escorts.[15] While the 6 percent would still be a sizeable amount (over $1 billion), it appears to be an overly optimistic figure. Studies conducted in the Office of the Secretary of Defense have cited figures showing that six conventionally-powered escorts have full life-cycle costs (investment, operating, and support and escort ship costs) that are almost identical to comparable costs for four nuclear-powered escorts. At the opposite extreme from Admiral Rickover is Admiral Zumwalt, who stated that five conventional ships are lost for every single nuclear ship built.[16]

Based on the above and other evidence, it appears that the full life cycle costs (including an allotment for support vessels) of a nuclear powered ship is one-third to one-half greater than the cost of a conventional ship. In other words, the outlays required to build and fully maintain six nuclear powered surface ships could construct and support eight to nine conventional vessels.

The Benefits of Nuclear Power

The first and most important advantage of nuclear power is the added endurance, especially at high speeds, that it provides. The claim is frequently made that nuclear vessels have "unlimited" endurance. This is quite misleading. Even a complete nuclear task group will be constrained in range because of its requirement for (a) aviation fuel, (b) ordinance, (c) food. More room is available for these supplies on a nuclear vessel (e.g., 50 percent more capacity for ordinance), but not that much more.

The real question, however, is how much endurance is enough. A conventional escort can steam for several thousand miles at 20 knots. How much extra steaming capacity does it need? The Navy's answers to this question are not satisfactory. For example, a key Department study of conventional as opposed to nuclear task forces pointed to a nuclear task force's capability to go from the West Coast to the North Atlantic. Such a marginal capability hardly seems worth the extra cost.

A second advantage of nuclear power is reliability. While claims along these lines are no doubt true, significant differentials have not been demonstrated.

Nuclear ships also have the decided advantage of not being dependent upon conventional power. Modern nuclear carriers are designed to run for fifteen years without needing their energy cores replaced. The recent oil crisis makes it important that the Navy not be solely dependent on oil or upon good relations with the oil-producing countries. Oil, it is argued, could be our Achilles heel in future conflicts. This fear can be exaggerated, however, since the U.S. Navy consumes only 1% of the U.S. oil consumption and this amount would no doubt always be available to it.

Nuclear engineers have consistently increased the life of reactor cores to the fifteen year mark and can be expected to progress

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Footnotes at end of article.

even further as the state of the art is improved. The goal is to eventually provide a power plant to a ship equivalent to the total life-span of the ship which is approximately 30 years. This could save millions of barrels of oil since "the energy equivalent of the core of a nuclear carrier is 11 million barrels of oil, or a chain of tank cars that reaches from Washington to Boston." [17]

As of mid-1975, the U.S. has 112 nuclear ships in operation. One-hundred and five are submarines and 41 of these are Polaris or Poseidon ballistic missile submarines (SSBNs). The remaining 64 are attack submarines (SSNs). The U.S. also has seven nuclear powered frigates and a nuclear cruiser. Thus, there are enough nuclear powered ships to compose one and a fraction all-nuclear carrier task forces at present. Thirty-six additional nuclear-powered ships have been authorized at present.[18]

Advocates of the nuclear boats stress that these submarines and ships are more expensive to build than conventional ships, but they give you significant additional military power and less vulnerability than conventional ships. Nuclear powered submarines with ballistic missiles can, for example, hide under the polar icecap and launch their missiles through holes in the ice pack. This frustrates antisubmarine warfare against them. Conventional submarines could not do so.

Nuclear powered carriers would be free of the need for oilers and can carry 50% more ordinance and significantly more aircraft fuel. Moreover, their size will allow them twice the aircraft launch rate and the longer platforms are safer for aircraft, saving lives and expensive aircraft. The nuclear carrier is also faster than its conventional counterpart and can run at top speed for an indefinite period of time.

Of course, expensive nuclear powered escorts are needed to keep up with such a nuclear supercarrier in order to maximize its capabilities. As one advocate of nuclear power describes it:

"In a real combat situation a sophisticated enemy would make a determined effort with nuclear submarines to interrupt our supply lines and sink our replenishment ships. Under such circumstances, the ability of nuclear warships to retire at high speeds from the areas of highest threat in order to replenish combat consumables in areas of lower threat and then return to the strike area at high speed could mean the difference between victory and defeat in the strike area." [19]

Nuclear carriers can travel approximately as fast as the attack submarines they are pitted against. Their speed can aid their survival. Moreover, since they can carry food to last for 75 days they can stay at sea for the entire duration of any short war. No longer at the mercy of their slow and easily-targeted oilers and supply ships, the CVANs can operate with great combat flexibility, assuming they can survive against threats directed against them.

Advocates of a nuclear Navy argue further that if the Navy is restricted to "only" twelve carriers, it would make sense to make these carriers as capable as possible to cover as many of the sea tasks that were formerly assigned to fifteen carriers. This is based on the assumption that fifteen was a number required to carry out the foreign and defense policy of the U.S.

Admiral Rickover, in arguing for a nuclear powered fleet summarizes the case for nuclear ships and submarines. He states that:

"These studies have brought out time and again that a nuclear surface warship has a higher initial investment coat than its conventional counterpart, but that when overall costs are taken into consideration, the nuclear ships are not much more expensive and provide greatly increased military capabilities." [20]

Disadvantages of Nuclear Power

A decided disadvantage of nuclear powered ships is that because of their enormous expense, they reduce fleet sizes. This can have an adverse effect upon the ocean area that the Navy can cover at any point in time. As the Navy likes to point out over 70% of the earth's surface is ocean and numbers of ships do matter because the areas under the combat radius of the fleet vary as the numbers of ships vary.

The reduction of fleet sizes also increases the vulnerability of the Navy to surprise attack. While one nuclear ship may be superior to one conventionally-powered ship, there are likely to be fewer nuclear ships at a given deployment. These provide a small number of high value targets to a Soviet Navy that has "first strike" capabilities. Thus having three conventional as opposed to two nuclear ships can provide a far more survivable force even though on a one-for-one basis the nuclear ship is better, especially if surrounded by nuclear-powered escorts.

Clearly, the Navy goal of 600 ships is out of reach if the Navy opts for a surface force of nuclear-powered ships. Fiscal restraints are too great to permit the kind of national investment that would create a 600 ship nuclear-powered navy. Indeed it is difficult to see how the Navy could build a 600 ship Navy in any case, since the 600 ship navy would assume unlimited Navy budgets in the years ahead, more skilled Navy Yard workers than are likely to be available, more shipyard capacity available than is now likely to be available, faster ship production than has been the norm, and a great deal more political support than is now evidenced by Congress for an expanded fleet size in an era of reduced confrontation with the Soviet Union.[21]

Nor is a much larger nuclear Navy feasible without heavy investments in an expanded nuclear shipyard capacity. There is only one yard, Newport News, that is currently performing work on nuclear powered surface combatants. As one analyst observes, "The ability of Newport News to build such vessels at the levels the Navy desires must be met with considerable skepticism in light of its past ship construction problems as well as its additional defense and commercial workload." [22]

Nuclear ships may also not be necessary for operations and missions directed against opposition other than the Soviet Navy. Aside from the Soviet fleets, the U.S. Navy is virtually unchallenged on the world's oceans. If the carriers most likely mission is to provide tactical air support in limited wars in third world countries such as Korea and Vietnam and if the likely opponents cannot deal even with conventionally-powered ships, then the case for a nuclear powered Navy for those missions is moot indeed. It should be noted that the Soviet Union has yet to build any nuclear-powered surface warships.

Options: A High-Low Mix or Many More Conventional Ships

There are three primary choices facing defense anlysts with regard to nuclear power: (1) go along with the directions of Title VIII and build all nuclear-powered ships. This is an unrealistic option given the great price of such vessels. Much to the concern of Congressional sponsors of Title VIII, the Navy rejected this option in their testimony on the FY 77 budget already this year; (2) develop a mix of very expensive nuclear-powered surface ships and submarines with a greater number of conventionally-powered ships; (3) abandon nuclear powered surface ships and build far higher numbers of conventionally-powered ships.

Whether one favors option (2) or option (3) depends basically upon one's evaluation of nuclear carrier capabilities and vulnerabilities. If such expensive vessels provide only marginal offensive capabilities and yet are still extremely vulnerable to attack submarine or airplane or cruise missile attacks, then, the Navy would do better to invest in lower-cost platforms to preserve the fleet through numbers rather than through mobility and added firepower. Since the nucleus of seven surface combatant are already built it would seem wise to flesh out the current two nuclear attack carriers with nuclear-powered escorts; The two nuclear-powered carriers now under construction can be accompanied by high speed conventionally-powered escorts. A large force of conventional VSSs and conventional escorts would seem a wiser idea in view of the continued vulnerability of surface combatants. Safety and survival of the Navy seems to lie in numbers. This is the lesson of the new military technologies represented by precision-guided missiles and the nuclear powered attack submarine. Dispersion and numbers are likely to insure the Navy's survival more effectively than massing all Navy resources in a small number of blue-chip platforms. Dispersion and numbers are the key to the Navy's ability to effectively carry out its roles and missions. Current Navy leadership may well understand this fact of life, but it is unable to give up its most cherished blue chips. Until it is forced to do so, our Navy will continue to be overly expensive and vulnerable.

IV. D.—SHOULD WE INVEST IN GREATER READINESS AND FEWER NEW SHIPS?

In a speech delivered August 30, 1974, Admiral Hyman Rickover stated:

"What is the condition of the ships in our fleet? In my opinion there has been no period in the past 50 years where the fleet has been in as poor condition as it is today."

This opinion voiced two years ago is still valid for little has changed to improve the maintenance and readiness of the fleet in the past one and a half years. Official inspection reports of the U.S. Navy indicate that only 5 of 82 ships inspected during 1973 and 1974 met navy standards for combat readiness. If these samples were representative, and there is no reason to think they are not, this would mean that only about 30 of the present 477 ships in the U.S. Navy meet the Navy's standards for full combat readiness.[23]

These deficiencies in readiness and maintenance can degrade the Navy's combat capability as readily as lack of ships, aircraft, or missiles. The conditions are caused by a combination of several factors including (1) shortages of skilled manpower aboard ships, (2) underfunding of Operation and Maintenance (O&M) activities, (3) problems with the shipyards, and (4) problems with new construction. What is important to bear in mind is that the Navy operates with a relatively fixed budget from year to year. If all available money is sunk into new ships and O&M funding is held down, the fleet may be in far worse shape than if the same funds were invested in O&M and funding of shipyard personnel. Also, shipyard capacity is somewhat fixed and perhaps a better investment of time and skills might be made if ships were repaired in larger numbers and built in fewer with the same available resources.

A vivid example of the tradeoffs between investing in new ships versus investing in increased maintenance is provided by the fact that for the price of one nuclear-powered strike cruiser ($1.2 billion), the Navy could pay for repairs and modernization for all 74 ships in the current overhaul backlog (priced at $1.0 billion).[24] Clearly such investments in readiness ought to come first since more added combat power can be

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produced per dollar in O&M than through new construction.

SUMMARY AND CONCLUSIONS: SEAPOWER

Several conclusions flow from the foregoing analysis:

First, the United States remains the foremost naval power in the world today, stronger than any rival Navy including the Soviet Navy. The addition of naval strength of the U.S. allies including Canada, Japan, France, Italy, and the United Kingdom dramatically increases the naval capabilities of the U.S. vis-a-vis any combination of naval rivals.

Second, this is not to imply that the Soviet Navy does not provide a formidable challenge to that of the U.S. in fulfilling our missions of sea control and reinforcement of NATO by sea. It is easier to deny the sea lanes to another power than to protect them.

Third, the studies to date of what kind of attack aircraft carriers to build for the future have been incomplete. U.S. Navy force planning has not been coherent and new studies should be initiated to examine the mini-carrier option as well as the conventional midi-carrier as compared to the nuclear powered midi-carrier or the mini-class nuclear-powered super-carrier. A far clearer picture of costs, performance tradeoffs, and congruence with specified missions must be made. Such a study should be honestly conducted, perhaps by the Office of the Secretary of Defense and the Joint Chiefs of Staff, and made available to the Congress before major investment decisions are approved. While the picture is still not completely clear, the very high-cost Nimitz would appear to be an inappropriate choice for fleshing out the entire 12 carriers projected for the future.

Fourth, more Navy funds should be reprogrammed for ship maintenance and repair and extensive efforts should be made to improve the dismal readiness record of Navy Ships, submarines, and aircraft. The fleet is in a state of disrepair which, if corrected, would do more to improve combat effectiveness than any similar investment of Navy funds in any other program.

Fifth, the Navy should eliminate its own official requirement for aircraft carriers to operate in extreme high-threat areas like the Eastern Med. Other U.S. ships should be assigned the power projection role in such contingencies.

Finally, until the new Carrier Alternatives study is done in great detail including a cost-effectiveness comparison of the mini-carrier, the conventional midi, the nuclear midi, or the Nimitz carrier class, no further funding of new aircraft carriers should be funded by Congress. The $350 million in funding for an additional Nimitz-class carrier requested in a supplemental to the FY 1977 Navy budget should be disallowed until it is clear from such a study that building an all-Nimitz carrier force is the way to go. This study should be available for hearings on the FY 1978 budget and any appropriations should wait until then.

FOOTNOTES

[1] This estimate and others are based on figures supplied by the Congressional Budget Office. CBO, FY1977 Report, March 15, 1976, p. 85. Maintaining 600 ships would cost $3.2 billion more than 500 ships. 650 ships would cost $1.6 B beyond 600 ships at $3.2 B per 100 new ships.

[2] Alva M. Bowan, "U.S. Naval Expansion Program; An Analysis of the Cost of Expanding the Navy from 500 to 600 ships", Library of Congress Report UV–10D4, Washington, D.C., April 7, 1976. Released by Rep. Aspin on April 20, 1976.

[3] Sea lane control depends upon dominance in the air, on the surface, and under the surface. The USSR may someday also need overseas re-supply capabilities as it increases its own use of third world metals and food production.

[4] This has led one observer to comment "since current trends favor the submarine over the surface ship, smaller, faster, less vulnerable surface units with enhanced striking power will be needed, and in greater numbers. Serious doubts arise about the ability of any navy at any cost to keep open lengthy or numerous sea lanes, and of most oil-dependent economies to operate for long without seaborne supplies." See John H. Morse, "New Weapons Technologies: Implications for NATO," *Orbis*, Summer 1975, No. 2, Vol. 19.

[5] Remarks of Senator Patrick Leahy on floor of the Senate, April 13, 1976. These were based on information provided Senator Leahy by the Joint Chiefs of Staff.

[6] *Ibid.*

[7] Hearings, Senate Armed Service Comm., Defense Procurement, FY76 and FY7T, p. 820.

[8] Quoted from Holloway's first press conference at Pentagon after he was made CNO. October 30, 1974.

[9] Secretary of the Navy Middendorf recently said, "It is going to be so hostile out there, the survival life of a ship will be measured in minutes in some cases in high threat areas. See: House Armed Service Committee Hearings, FY1977 DoD Budget, Part 1, pp. 851–852.

[10] The addition of AEGIS plus SAMs will drive costs of VSS.

[11] Alya M. Bowen, "Aegis Weapon System Ship Selection," (Washington, D.C.: Congressional Research Service, 1975), p. 18.

[12] Barry Blechman, Edward Gramlich, and Robert Harman, *Setting National Priorities*, the 1976 Budget, (Washington, D.C.: The Brookings Institution, 1975), p. 108.

[13] FY76 HASC, pt 1, pg. 167, FY76 ADA pt 1, pg. 343.

[14] Secretary of the Navy William Middendorf, answer to prepared question from Senator Stennis, *FY1976 and Transition Period Authorization for Military Procurement* . . ., Hearings before the Senate Committee on Armed Services, 94 Cong. 1 Sess., (1975), p. 783, part 2.

[15] See Rickover's Testimony in *DOD Appropriations for 1975*, Hearings before the House Appropriations Subcommittee on Defense, 93 Cong., 2 sess., (1974) pt. 8, p. 19.

[16] "Zumwalt Describes Nuclear Theology, *Science Magazine*, Oct. 10, 1975.

[17] Admiral Hyman Rickover, testimony before House Comm. on Armed Services, Hearings on Military Posture, Dept. of Defense Authorization, FY77 and FY7T, Seapower Subcommittee Hearing on the Procurement of Naval Vessels, March 17, 1975, 94th Congress, 1st Session, Part 3, p. 3661.

[18] *Ibid*, p. 347.

[19] *Ibid*, p. 3670.

[20] *Ibid*, p. 3674.

[21] See "The Feasibility of A 600 Ship Fleet" by Representative Les Aspin, Report to the Military Affairs Committee of Members of Congress for Peace through Law, Fall 1975. Aspin argues that a 600 ship Navy is not at all feasible given the Navy's own assumptions and the conditions of the shipyards and labor market. He projects a force of 550 using the Navy's own planning assumptions, a force of 514 ships using even the assumption of unlimited budgets, a force of 490 ships assuming limited budgets, and a force of 425 ships as a "pessimistic" fleet projection.

[22] *Ibid*, p. 10.

[23] See "The State of the Fleet", Report by Representatives Les Aspin, September 22, 1975, p. 8.

[24] Estimate of Secretary Middendorf, *Fiscal Year 1796 and Transition Period Procurement Authorization*, Part 2, p. 780. See also, Aspin, "The State of the Fleet", p. 11.

U.S. FOREIGN AND DEFENSE POLICY ALTERNATIVE POSTURE STATEMENT: PART 2, U.S. DEFENSE MANPOWER ISSUES

I. INTRODUCTION: OVERVIEW OF DOD MANPOWER

By far the largest costs in the Department of Defense FY77 budget go to defense manpower in the form of pay, fringe benefits, and operations and maintenance costs. Overall 51.7% of the FY77 budget is allocated to manpower costs. A total of $51.8 billion will be spent in FY77 if the DoD budget is fully approved, an increase of $2.4 billion over FY76.

Altogether, 5,622,300 persons were paid by the Pentagon in FY76. This breaks down into the following categories:

People paid by DoD

[End of fiscal year 1976]

MILITARY	
Active duty military	2,101,000
Drill paid reserves	885,100
Retired military	1,100,000
CIVILIAN	
Direct hire civilian	1,017,000
Indirect hire civilian (foreign)	95,500
Contracted out work	100,000
Student programs	23,700
Military morale and welfare	300,000
Total: Both military and civilian	5,622,300

Further, DoD supplies the administrative support for several other categories of reserves that are not directly or indirectly paid except through increased retirement points if they choose to volunteer for extra training. These include:

Individual ready reserves	738,000
Standby reserves (active)	386,000
Standby reserves (inactive)	81,000
Total unpaid reserves	1,205,000

The IRR force can be activated if the President declares a state of emergency. The standby reserves require an act of Congress to mobilize them. Thus, the universe of defense manpower, short of resurrecting the draft, is 5.6 million paid military and civilians and 1.2 million unpaid reserves. In addition, there are 483,000 people in the Army and Air Force National Guards maintained by the states.

Defense manpower is the largest area of investment in the Defense budget. If large savings are to be realized in Defense spending, it is here. If the Defense budget were to be justified from the ground up, one would ask such questions as:

(1) What kind of foreign policy should we have and what defense manpower force is needed to maintain it? How do changes in foreign translate into changes in defense manpower?

(2) If one assumes the present foreign policy is correct, how can you do the same job more efficiently or economically? How can you either increase combat power through changes in defense manpower or decrease costs while maintaining the same level of military capability?

(3) Finally, what kinds of changes in compensation for Military manpower make sense both from the criterion of equity and of costs?

The following analysis is an attempt to deal with these issues. First, let us look at the relationship between defense manpower levels and alternative foreign policies.

II. DEFENSE MANPOWER AND FOREIGN POLICY ALTERNATIVES

A. Current policy and deployments

The U.S. now deploys 467,200 troops abroad in support of its current foreign policy and defense commitments to 42 countries. Of these forces approximately 140,000 are located abroad in Korea, Japan, the Phillipines, Taiwan, Thailand, or are afloat in the Western Pacific. The forward deployments of U.S. forces abroad is as follows: [1]

Unit, location, and mission:

1st Armored Division, 3d Armored Division, 3d Infantry Division (M), 8th Infantry Division (M), Bde, 1st Infantry Division (M), Bde, 2d Armored Division, Bde, 4th Infantry Division (M), W. Germany, Force presence. In concert with allied and other U.S. forces, deter Warsaw Pact aggression. Failing that, stop any Warsaw Pact ground attack and stabilize the military situation without major loss of NATO territory.

2d Infantry Division, S. Korea, Force presence. Provides ground combat and security forces for South Korea.

Army separate brigades

Berlin Brigade, W. Germany, Force presence.

193d Infantry Brigade, Panama, Defense of Canal Zone.

172d Infantry Brigade, Alaska, Defense of Alaska.

Navy ships and aircraft

Sixth Fleet *, 2 Attack/Multi-purpose Carriers, 16 Surface Combatants, 19 Attack Submarines, Patrol Ships and Auxiliaries, 1 Amphibious Ready Group *, 1+ASW Patrol Squadrons (12 aircraft), Mediterranean, Provide peacetime naval presence throughout Mediterranean. Maintain Mediterranean sea lanes in NATO conflict. Provide tactical air and amphibious "protection" forces in support of NATO land war, particularly any Warsaw Pact initiatives against the NATO southern flank. Provide crisis management or contingency force in Mediterranean.

Middle East Force *, 1 Flagship, 2 Surface Combatants, Persian Gulf, Arabian Sea and Indian Ocean, Provide peacetime naval presence in Persian Gulf, Arabian Sea and Indian Ocean. Provide limited contingency force in the area.

Seventh Fleet & Western Pacific*, 2 Attack/Multi-Purpose Carriers, 18 Surface Combatants, 20 Attack Submarines and Auxiliaries, 2 Amphibious Ready Groups,** 4 ASW Patrol Squadrons, Western Pacific, Maintain Western Pacific sea lanes in NATO or Asian conflict. Provide tactical air and amphibious "projection" forces in support of Asian conflict. Provide crisis management of contingency force in Western Pacific. Provide peacetime naval presence throughout Western Pacific.

Marine Corps Forces

Marine Amphibious Unit (afloat), Mediterranean, Provide forward afloat force presence in the Eastern Atlantic/Mediterranean.

Battalion Landing Team (afloat), Caribbean Deployed afloat intermittently, Provide forward afloat force presence in the Caribbean.

Special Mission Force, Guantanamo Bay, Cuba, Defense of Guantanamo Naval Base.

3d Marine Division (—), Okinawa, Provide forward deployed ground/air combat forces with amphibious forcible entry capability.

1st Marine Aircraft Wing (—), Japan and Okinawa.

Marine Amphibious Unit (afloat), Western Pacific, Provide forward afloat force presence in the Western Pacific.

Battalion Landing Team (afloat), Western Pacific.

Air Force Tactical Fighter Aircraft

26 Squadrons ***, 9 U.K., 8 W. Germany, 1 Netherlands, 3 Spain, 1 Iceland, 4 Dual-based, Provide force presence in forward areas. Provide close air support, gain air superiority, and provide interdiction for a NATO conflict.

9 Squadrons, 2 Philippines, 4 Okinawa, 3 Korea, Provide force presence. Provide close air support, gain air superiority, and provide interdiction for an Asian conflict.

Approximately $23 billion a year is spent on maintaining these Asian forces and the CONUS forces directed to an Asian Contingency.[2] Apparently there is now some tension between what we say our foreign policy priorities are and our military force deployments. Current policy is to maintain a defense line in such forward Asian states as the Republic of Korea, Thailand, and Taiwan while emphasizing verbally and with the bulk of our forces that Europe and the Middle East are considerably more important to our well-being. In Asia, Japan is considered of the most considerable direct interest to the defense and well-being of the U.S. and protection of Japan remains the cornerstone of our Asian policy.

Specific forces contributing to the Asian total are the 2nd, 7th, 9th, and 25th Army infantry divisions; the 2nd and 3rd Marine amphibious forces; the 3rd and 7th fleets; and the nine U.S. Air Force tactical squadrons based in the Philippines, Japan, and Korea.

A larger current share of the defense budget goes to maintain the forces we have in Europe and aimed at European contingencies. According to calculations done at the Brookings Institution, there was approximately $36 billion invested in such European forces by the U.S. in 1976. This breaks down as follows: [3]

[TOA in billions of fiscal year 1976 dollars]

Type of force	Europe	Asia	Unallocated
Ground combat forces:			
Army	$16.8	$6.5	$2.6
Marine Corps	.9	1.9	
Tactical air forces:			
Air Force	4.9	2.1	8.8
Navy/Marine Corps	4.0	4.0	
Naval general purpose forces	9.5	8.7	1.6
Strategic nuclear forces			17.9
Mobility forces			3.8
Total	36.1	23.2	34.8

PAX AMERICANA

The size of U.S. combat and support forces needed is very sensitive to the kind of foreign policy that the U.S. pursues and the level of risk that the country and its leadership are willing to live with. Obviously if the United States adopted a still more ambitious foreign policy than present, iln which it attempted to maintain stability and order in every corner of the globe through military presence or applied military force, it would need significantly larger forces than it now maintains.

Adopting Pax Americana would imply that the United States should maintain what the military now defines as "minimal risk forces" for current foreign and military policy implementation. Such forces would obviously carry a higher risk in implementing Pax Americana. Such "minimal risk forces," for example, would nearly double the present U.S. Army divisions from the present 16 to 30.[4] Senator Goldwater placed this minimal risk force at 24 divisions set by the Joint Chiefs of Staff on a purely military basis, for present purposes.[5] JCS views and planning tend to be based on assumptions that the U.S. needs to prepare to fight in every locale in the world and to maintain presence everywhere and they tend to reflect the force levels needed if we had such a stated foreign policy.

Such Pax Americana forces would resemble the "minimal risk forces" described by Assistant Secretary of Defense, Leonard Sullivan. Note his chart below: [6]

"REQUIRED" CONVENTIONAL FORCE LEVELS

	Minimal risk	Prudent risk	Fiscally constrained
General purpose forces (Active/Reserve):			
Army divisions	30/0	[1] 16/8	[2] 16/8
Marine divisions	5/0	[1] 3/1	[2] 3/1
Air Force tac fighter wings	45/0	24/10	24/10
Navy carrier wings	25/0	16/2	12/2
Marine Corps air wings	5/0	3/1	3/1
Carriers	25	16	13
Patrol A/C squadrons	60	30/12	24/13
Surface combatant ships	590	215/51	181/30
Submarines	225	95	92
Mobility forces	NA		
C-5/C-141		70/234	70/234
Tactical airlift (Active/Reserve)		266/410	234/368
Sealift (MIL/CIV cargo ships)		285	285
Amphibious force lift (divisions)	3	2	1⅓

[1] Fully manned.
[2] Not fully manned.

Clearly Pax Americana would be extremely expensive. Even assuming that such a policy did not draw the U.S. into further costly limited wars, the defense budget could be twice as large as it presently is if the force structure to maintain it were to resemble the JCS projection of a "Minimal risk" force level. Such a policy could cost twice as muh as our current defense forces in FY 1976 dollars.

Option 3: Pacific Pullback/Europe First. For those who would not embrace a U.S. foreign policy of Pax Americana or the Status Quo, a third option may appear more attractive, namely a policy of Europe-First with a pullback of U.S. military forces and its defensive perimeter in the Western Pacific. Such a policy would include pulling U.S. troops out of Korea, Thailand, and perhaps Taiwan as well as demobilizing some of the amphibious forces in the Western Pacific area. At the same time this policy would keep the present strong commitment and forces in Europe in support of NATO defenses and Middle Eastern contingencies.

What would a Pacific Pullback/Europe First Foreign Policy require in the way of military forces in Europe and Asia? There are two basic alternatives. First, present European forces could be maintained at their current level of 314,000 U.S. troops. In addition, U.S. forces in the Western Pacific region could be reduced by all the U.S. Forces in South Korea (42,000). In addition, two of the U.S. light infantry divisions now earmarked for Asian contingencies in the U.S. (CONUS) could be demobilized. U.S. Marine divisions would then abandon their amphibious role and training and would "heavy up" with armor or anti-tank weapons and would be assigned to European contingencies. All of this would allow the U.S. to demobilize over a period of five years some 72,000 troops with a conservative five year cost savings of $720 million in 1976 dollars if these were phased out in 20% increments over that half-decade.

Those who would argue for a pullback to offshore Asia are especially concerned that U.S. combat forces will be committed to a second Korean War. Many believe that this would be a catastrophe for the United States, and would quite possibly become nuclear. Critics of the U.S. presence in South Korea point out the parallels with Vietnam. A second Korean War would quite likely not have the support of the American people or the U.S. Congress. Such a conflict could have tragic domestic and international consequences. It could strain the belief of the U.S. people and even members of the armed forces that they were participating in the direct defense of the United States. Many would see the defense of the dictatorial South Korean regime as a government not worth the spilling of American blood or the spending of American resources. Many would see no strong relationship between the defense of South Korea and the defense of Japan, much less the defense of the United States.

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* Figures shown are approximate averages. Most ships are rotated to distant assignments from U.S. homeports. Mediterranean and Western Pacific forces, however, contain a few units selectively homeported overseas, including one CV homeported in Japan.

** An Amphibious Ready Group (ARG) is one-ninth of an Amphibious Task Force (ATF). It consists of 3 to 5 amphibious ships with a Marine Battalion Landing Team or a Marine Amphibious Unit embarked.

Footnotes at end of article.

*** Includes four squadrons dual-based in CONUS.

It is also argued that the forward deployment and presence of U.S. nuclear weapons in South Korea could make any future Korean conflict a nuclear war. There are several hundred U.S. nuclear weapons in South Korea. Some are deployed close to the DMZ. They might well be overrun or used in a clash of forces in Korea. If overrun by North Koreans they might be used against U.S. troops. If seized by South Koreans they might be used against the North. Their use against North Koreans by U.S. troops could well invite Soviet or Chinese retaliation in kind against South Korea. Even unanswered first use of U.S. nuclear weapons could be a catastrophe for U.S. diplomacy worldwide as denunciations and possible retaliations took place against such actions. Moreover, such useage of nuclear weapons would break the 30 year moratorium on nuclear weapons use in combat. It would be a very dangerous precedent to set.

A second option would be to make the same kinds of cuts in the U.S. military structure in the Western Pacific region and to transfer these same military units to Europe or to CONUS assigned to NATO contingencies. Exercising this second option would beef up the conventional forces available to the U.S. in a European war and would narrow the gap between NATO and the Warsaw Pact in conventional forces. Whether the U.S. exercises options one or two depends on the degree of risk that policy-makers see of a conventional attack in Europe and the degree of risk such policy-makers decide to live with both in Europe and in Asia.

Risks and opportunities of an Asian pullback policy

Critics of our present stance in Asia argue that we might improve that stance by removing ourselves from situations in Korea where there is danger of bogging down in another Asian land war. Rather, they suggest that U.S. ground combat forces and bases be removed from the Asian mainland. First, they argue that the defense of these regions are not of direct significance in defending the United States. Second, they argue that even if a forward U.S. defense perimeter is desirable, it can best be maintained where the United States is strongest and has a clear advantage in technology and geography.

Those critics of the current posture point out the significant advantages of a defense perimeter that relies upon the superior U.S. Naval forces standing between mainland Asia and off-shore Asia, and the superior U.S. air forces that can be deployed from carriers and from bases in the Pacific. These forces plus the barrier created by the sea, they argue, form a more natural and reliable defensive perimeter than one in which U.S. troops are committed to the Asian mainland.

For those that would like to see the United States take a lower profile in South Korea several options present themselves. First, the U.S. might decide to immediately remove all 42,000 U.S. troops in South Korea including the tactical nuclear weapons and military weaponry they now maintain in Korea. Second, the U.S. might simply de-nuclearize the forces in South Korea to remove the possibility of nuclear war there. Third, the U.S. might move its forces further south of the MZ, perhaps south of the Hahn River of 37th Parallel. Fourth, the U.S. might move its troops south for the present and then begin to gradually move them out of Korea altogether over the next several years. Fifth, the U.S. might move its ground troops and tactical nuclear weapons out of Korea immediately or within a year while leaving the U.S. Air Force units inside Korea until the South Korean Air Force is sufficiently modernized to maintain a favorable air balance with the North Korean air forces. This is likely to be the case by 1980 or before.

Those who would support a minimal U.S. involvement in Korea, argue that the forward deployment of U.S. combat ground troops is unnecessary and takes away from the flexibility that should be available to the President and Congress in the event of another war in Korea. The forward deployment of U.S. troops near the main invasion routes south of the DMZ make it inevitable that they would be involved at the outset of hostilities. This may add a bit to deterrence of such an attack, but leaves U.S. leaders no option but to fight.

Some argue that the United States ought to begin by removing all tactical nuclear weapons from South Korea. These could be returned in the event of war but ought not to be on location where they may be introduced too soon into combat. And it can be argued that they ought never to be used in a purely Korean war.

Other critics of our current stance have suggested moving our forces further south from the Korean DMZ so that the President and Congress would have the option of not entering the conflict with our ground troops if they so decided, yet would have them close by if their use were approved. This would improve the flexibility of the U.S. but would cost about $500 million more in military construction.

Still another option would be to remove the U.S. ground troops completely, but retain the U.S. Air Force units in South Korea for a time until the ROK Air Force reaches parity or superiority with the North Koreans. South Korean ground and naval forces are already considered superior by military analysts. This option would preserve the conventional balance of power in the peninsula while phasing out the American presence and removing the danger of nuclear first use in Korea. While immediate savings would be moderate, an estimated $2 billion between 1976 and 1981, the long term gains would be substantial.

Apart from the effects on the attitudes and policies of the Japanese, it is not at all clear that the U.S. withdrawal from Korea poses dangers to U.S. national security if done in a gradual and sensible manner. A gradual withdrawal should also give the Japanese time to digest the change and may prevent any major shift in their own relationship with the U.S.

Option 4: Retrenchment: Lower Profiles in Europe and Asia.

Still another foreign policy option available to the United States is a pullback not only in Asia (as described in Option 3: Pacific Pullback) but in Europe as well. This kind of foreign policy would permit the United States to maintain far fewer combat forces abroad than at present. The arguments for an Asian pullback remain the same as discussed. Those favoring a European pullback often do not agree on the kind or level of reduction or the reasons for them.

There are any number of possible U.S. NATO options. These might include:

(1) Super NATO—this would be suitable with a Pax Americana foreign policy.

(2) Status Quo Nato—this would be suitable with either the present foreign policy or with a Pacific Pullback/European First Foreign Policy.

Or if there were a general standdown in both the Western Pacific and Europe, the U.S. might adopt the following kinds of NATO military policies:

(3) Status Quo NATO with Europeanization of NATO Forces—This would maintain present NATO troop levels while substituting European troops for U.S. troops on a one-for-one basis with perhaps 190,000 U.S. troops remaining after five years of "Europeanization."

(4) Mutual and Balanced Force Reductions—This would allow NATO and Warsaw Pact forces to conduct a parallel mutual phasedown of forces in Europe.

(5) Substantial Unilateral U.S. Phasedown (40%)—this would involve a cut of 124,000 troops from the U.S. forces in Europe with 190,000 remaining. No initial Allied replacement would occur nor Pact phasedown negotiated.

Some critics of the current posture in Europe argue that a fairer policy would result if U.S. troops pulled out of Europe in significant numbers the gaps in the lines were filled by our NATO allies. Our European allies have a population greater than that of the Soviet Union yet maintain far fewer soldiers under arms. Note below the population of the NATO European allies (Minus the U.S.) compared to the Soviet Union and the Pact. Note also the NATO European advantages in GNP.

NATO Europe versus Soviet Union[7]

Population, GNP, defense spending, and armed forces.

NATO Europe: 312 million; $1121 B; $57.2 billion; 2,962,000.

Soviet Union: 250 million; $624 B; $67 billion; 3,525,000.

NATO versus Warsaw Pact *

Population, GNP, defense spending, and armed forces.

NATO (+U.S.): 545 million; $2534 B; $121.8 billion; 5,092,000.

Warsaw Pact: 355 million; $854 B; $74.8 billion; 4,639,000.

It is obvious that NATO Europe has the resources to offset the Soviet Union in both people and wealth. These assets could be turned into equivalent military forces. What NATO Europe lacks is political cohesion and will. The U.S. provides the "glue" but whether it should provide so much of the muscle of NATO is a legitimate question.

Something of a consensus exists within the U.S. Government that the preferred means of phasing down our defense presence in Europe would be through mutual and balanced force reductions made jointly by both the Warsaw Pact and NATO. The MBFR negotiations so far have not succeeded in promoting any arms reduction in Central Europe and show no immediate promise of significant progress to date. Such a mutual drawdown of forces would reduce the threat of attack somewhat in proportion to the reduction in forces. Clearly this would be desirable; for these agreements to result in cost savings, however, would require de-mobilization of the forces involved, not just withdrawal.

Reduction through MBFR would preserve a rough military balance in Europe and still allow savings to both sides at no increased military risk. It would also be a means of phasing down that would not threaten the unity of NATO or be seen as an American withdrawal from commitment to NATO. It might also preclude the necessity of relying so exclusively on nuclear weapons to maintain the balance. This might be required if the U.S. unilaterally removed large numbers of general purpose forces from Europe.

Unilateral U.S. phasedowns of general purpose forces from NATO might, however, be the only means of galvanizing the Europeans to take on a greater share of their own defense. Many critics of the MBFR talks indicate their dissatisfaction with the non-progress and feel very pessimistic about the talks. Indeed MBFR has served more as a barrier to the removal of troops than as a means of facilitating removal. Those who wish to keep the present level of U.S. troop commitment have used the "bargaining chip" argument to refute arguments for unilateral withdrawals. To unilaterally withdraw forces while trying to secure Soviet concessions at the MBFR negotiating table, it is argued, will undercut the U.S. bargaining position and give the Soviets no incentive to make concessions.

What kind of cost savings would result from phasing down our ground force presence in NATO? A cut of 40% in forces might mean a cost savings of $1.55 billion per year in payroll savings alone if these troops were demobilized. Perhaps demobilization costs would be offset even in the first year by savings in housing, energy use, and other troop expenses. 124,000 more people would be released for civilian work in the U.S. economy.

Unilateral cuts of this magnitude might or might not produce greater European willingness to fill holes left by U.S. pullback. Some believe that European NATO has too little political cohesiveness to replace the departed U.S. combat forces and, as a result, they believe that NATO forces would be weakened inviting instability into the region and possibly war. This, of course, depends upon the intentions of the Soviet leadership.

It can be argued also that large unilateral cuts such as a 40% pullback might have the residual effect of influencing the Soviets to follow the U.S. example. Perhaps given the opportunity, the Soviets might effect military savings of their own. This line of thought assumes that the tripwire nuclear force left behind can deter a rational Soviet leadership from attack on NATO soil. Perhaps an arms race in reverse would be encouraged by such unilateral acts followed by Soviet imitation. Of course, others feel that this would be seen as weakness causing the Soviets to apply more pressure, not less.

The degree of risk taken is in dispute although most would agree that phasedowns through mutual and balanced force reductions offers the most risk-proof means of phasing down U.S. forces in Europe. This kind of policy would enable everyone to share in the savings and might generate a desire for further burden reduction.

From a U.S. point of view, Europeanization of the NATO force is good but it increases the burdens borne by the NATO allies. This perhaps is just, but nevertheless difficult. Sharp unilateral U.S. cuts take a greater risk than either the MBFR or Europeanization routes. The costs of such large unilateral reductions are potentially very great. It can be argued that they would undermine the peace and stability of Europe. Such a policy would make the NATO reliance on nuclear weapons all the more likely. A small U.S. force in NATO might also incur cost to U.S. credibility and lead to a loosening of ties with several NATO allies. Some would argue that the "Finlandization" of Europe might not be far behind a unilateral U.S. troop withdrawal, although there is no evidence that the U.S. tripwire force would not remain an effective if more risky deterrent to Soviet aggression.

Compared to the present U.S. policy, a foreign policy of a general retrenchment in both Europe and Asia would return and demobilize 172,000 troops from overseas. Total cost savings in FY 77 would be minimal but cost savings of at least $2.0 billion can be realized over the next five years.

III. DEFENSE MANPOWER AND EFFICIENCY QUESTIONS

Obviously if U.S. foreign policy is changed, it would be logical to expand or contract the defense manpower required accordingly. However, even if the current foreign policy is assumed to be correct a second question remains. "How can we support the present policy more economically or efficiently?" Can fewer people do the job required? Can the same number of people generate a more effective combat force by restructuring the force and by better management of manpower resources?

There is obviously room for improvement in the management of U.S. defense manpower resources. Any bureaucracy that has 5.6 million persons on the payroll can safely be assumed to possess areas of inefficiency and areas where economies may be realized. Analysts and critics of the Pentagon's use of defense manpower have made a series of efficiency and economy suggestions. These include:

(1) Redressing the balance between officers and enlisted personnel. The current ratio of officers to enlisted is far too low and a "top heavy" military force is not an efficient force. There are currently too many chiefs and not enough Indians in the U.S. armed services. "Grade Creep" must be stopped and the ratios improved.

(2) Cutting back on the support tail where possible to increase combat effectiveness of U.S. forces between M and M+60.

(3) Reform the U.S. reserves so as to include more within active divisions and to bring more of them up to a point where they would be ready for service by M+60.

(4) Increase service tours of duty and enlistment time. Keep military personnel in one location longer and keep them in the service for longer tours. Increase the enlistments and re-enlistments to four years for each service. Decrease transfers and turnover.

(5) *Go to an all-salary system* where pay is substituted for fringe benefits and "extra" fringe benefits can be secured only on a pay-as-you-go basis. Military pay, except for combat pay and benefits, should be equal to civilian pay for similar levels of skills. Differences should be reconciled over a 3 year period.

(6) *Revise the Military Retirement System.* Reforms of the military fringe benefits like the retirement system are long overdue. Military persons have a comparable salary to their civilian counterparts and like them should now adopt equivalent retirement systems. This means that military retirement systems that were contributory, that were "capped", that were not "recomputed", and which did not offer such rich rewards after only 20 years of service at early ages would save the taxpayers billions without being unfair to the retired military.

(7) *Adopt a revised Defense Officer Personnel Management Act (DOPMA).* This will provide a much needed overhaul of the officer management system in the Pentagon.

(8) *Adopt a 15,000 person (1.5%) efficiency cut in civilian defense manpower over and above recommendations No. 1–No. 7.* This will encourage housecleaning of excess civilians.

(9) *Initiate a 5% Pay Cap on Military Pay Increases.* This can be used to bring pay costs into line with civilian payroll of the federal government and to hold the line on the most expensive item in the Defense budget.

All together in FY 77 these reforms in defense manpower will save $4,687 millions if instituted at the beginning of the year. This would go a long way toward a more lean and efficient defense manpower force.

Please note the following analysis in support of each of these nine defense manpower recommendations.

Correcting a Top-Heavy Military

In the U.S. Air Force there is approximately one officer for every five enlisted men. USAF officers are paid approximately one dollar out of every three paid by the Air Force. In the U.S. Navy and U.S. Army there is approximately one officer for every seven enlisted men and women. Army and Navy officers account for one quarter of the payroll costs of their services. The U.S. Marines have the best ratio with one officer for every nine enlisted and with officers taking approximately one-fifth of the pay.

These totals far exceed the officer-to-enlisted ratios of World War II. During the Second World War there was one general or admiral for every 600,000 troops. By the Korean War this had gone to one for every 145,000 troops. Now there is one for every 20,000 troops.

This swelling of the officer corps is a direct result of the promotions that have come from U.S. participation in three wars in 35 years. It is also a result of increased skills needed to run a technically more complex military machine. It is also due to the poor manpower management of the Department of Defense. This is obvious when you consider that there were only 15,000 colonels and Navy captains in a force of 12.1 million military men in June, 1945. This is the same as in 1976 when this same size officer corps commands but 2.1 million troops, one sixth as many as in WWII. In looking over the entire defense manpower picture for 1976, William Brehm, Assistant Secretary of Defense for Manpower and Reserves, admitted that "there is no discernable improvement in the grade enrichment problem in terms of the overall picture.[8]"

Note the FY 1976 ratios of officers to enlisted personnel.

OFFICERS TO ENLISTED RATIOS,[1] FISCAL YEAR 1977

	People	Pay (millions)	Ratio
USAF (approximately 1 to 5):			
Officers	99,481	$2,156.3	½
Enlisted	486,285	4,163.5	------
USN (approximately 1 to 7):			
Officers	64,380	341.3	⅓
Enlisted	460,028	942.2	------
USMC (approximately 1 to 9):			
Officers	18,545	.342	¼
Enlisted	177,953	1.246	------
USA (approximately 1 to 7):			
Officers	98,125	482.5	⅓
Enlisted	683,825	1,307.3	------

[1] Compiled from tables furnished in HAC, "Department of Defense Appropriations for fiscal year 1976", pt. 3.

Recommended budget cut:

It would make sense to reduce the officer corps altogether by 30,000 which would bring the officer to enlisted ratio down to peak Vietnam war levels. This would save $750 million in 1976 dollars every year after demobilization. FY77 savings for a cut of 6,000 unreplaced officers would be roughly $150 millions.

Improving the combat to support ratio

In Central Europe Soviet forces with combat-to-support ratios of 2.4 to 1 face U.S. forces with combat-to-support ratios of 1 to 2.7. While some considerable progress has been made in improving the U.S. "tooth-to-tail" ratios in the last two years it is noteworthy that the Department of Defense was informing the Congress just three years ago that its "baseline" forces were as lean and trim as possible.

Since that time headquarters staff have been reduced 13% with no apparent loss of

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Footnotes at end of article.

effectiveness and the Army has been able to create three new combat divisions solely out of existing assets by converting support "fat" into combat unit "swords". There is further to go down this road of converting manpower support "fat into swords" if the U.S. is to be ready for the intense "short war" scenarios that would be most likely to occur in a major NATO/Warsaw Pact war.

Recommended budget cut:

Last year former Secretary of Defense Schlesinger promised that the cuts in support units within the military in FY 76 represented "the beginning of the process of improvement. We have more to do." Yet this promise was not kept in FY 77 by the Pentagon for only 1,000 personnel slots were purged from almost 2.1 million military in the proposed FY 77 DoD budget. This is tokenism. Within the 2.1 million military worldwide another 15,000 slots can be found and retired by years end FY 77 or they should be removed from the military ranks by setting a lower ceiling less 15,000 troops in FY 78. The result will be either one additional combat division (fat into swords) or an additional savings to the taxpayers of an estimated $188 million beginning in FY78 (fat into savings).

Reform the Reserves

Perhaps the most inefficient use of defense manpower has been in the reserve forces. The Department of Defense is beginning to move in the right direction by increasing the integration of active and reserve forces which gives far more realistic training to the reserves and will simplify the transition from normal peacetime operations to operations of a single force after mobilization.

One savings that could be immediately realized is the elimination of "double dippers", persons who work in the federal civil service who are also members of the reserves and who draw dual compensation when they are excused from their federal jobs to train with the reserves. Such "double dippers" ought to be converted into "single dippers" who receive only their higher salary and perhaps transportation expenses. This, if implemented throughout FY77 would save an estimated $60 million, a savings that would be realized annually thereafter. 150,000 federal civilians are "double dippers."

Further, DoD should be required to eliminate dual-slotted reservists who would be of more value to the total war effort in their civilian jobs. These should be eliminated from the reserves since there is no use to continue paying and training persons who would never be called to active duty. In FY77 this should be subject to a Department study with recommendations for legislation beginning in FY78. The Secretary of Defense would be encouraged to implement this within the Department on an ad hoc basis consistent with the current law.

The Department of Defense is moving in the right direction in suggesting that 50,000 drill paid naval reservists be transferred to the non-paid Individual Ready Reserves and Congress should back legislation permitting this. Estimated annual savings of $36 million would result from this move.

There is further improvement to be made in the reserve use of manpower. These suggestions are but a start. More and more reserve units should train with active units to the extent possible, they should be organized increasingly to carry out their mission by M+60 days or before since a short intense war is the most likely scenario for any future general war. Major new initiatives by DoD in the reorganization of the reserves should be encouraged.

Initiate a military salary system

The present military salary system is a compilation of many visible as well as hidden forms of compensation. The regular military compensation (RMC) of a service person includes his basic pay, quarters, subsistence allowance and the tax advantage of allowances. Added to this figure is the retirement actuarial for those who obtain retirement (it is not a contributory retirement system), health care, commissary and exchange facilities, and government contribution to social security. RMC also does not include military servants for officers, re-enlistment bonuses, and separation payments.

It is time to go to a visible salary system for the military system for the military. Now that the military is an all-volunteer force, it is important that the pay scale be visible for all to see. This should help recruitment and eliminate the inequities and misunderstandings on both sides as to what the military person is actually being paid.

Recent studies done outside the Department of Defense show that the average military person is paid better than his civilian counterpart at a similar grade level in the civil service,[9] although DOD disputes this. Bringing the pay scale into the open is the only means to dispel the misconceptions.

A salary system would then eliminate most fringe benefits except on a contributory "pay-as-you-go" system that civilians have. Military pay, except for combat pay and benefits tied to combat injuries, should be equal to civilian pay for similar levels of skills.

No one pretends that initiating a salary system will be uncomplicated. It is cutting into a complex thicket of problems. Yet it can be the means of better fiscal management of our defense payroll, providing equity as well.

Legislative Recommendation for FY77: have an independent task force separate from the Pentagon draw up model legislation for converting to a salary system by end of FY77.

Increased Service Tours of Duty and Fewer Transfers/Less Training Time.

Approximately one in every seven U.S. military people is in training or transit at any given time. This is an extremely high and wasteful number. Extended tours and extended enlistment times are perhaps the major answer to this problem. Less turbulence in personnel would result if the average tour of duty in one location were increased, from 14 months to 18 months. The major impediment to this reform is the mid-tour retirement, or people leaving the military when they have completed their obligation, regardless of the impact on readiness. This would be retarded if they were in for longer periods. Hence, it is recommended that enlistments for all services be extended from three to four years. This is already the case in the Air Force. Increasing the average tour of duty from 14 to 18 months in one place is also recommended.[10] This would save 20,000 man years of time spent in transit valued at $250 million in FY77. This amount of "dead time" would be eliminated.

Also recommended is an increase in the student/teacher load in military training from 1.5 to 2.0 students per instructor. This would save $520 million in FY77. Military ratios of students to instructors are obviously far lower than ratios found in colleges, vocational schools, and high schools. Some of this is accounted for by the necessity to protect expensive equipment from mishap by inexperienced students, part by the necessity to make sure that troops are thoroughly trained in use of combat arms, part by the large support base provided on Army, Navy, Marine, and Air Force posts which house, feed, and shelter the students unlike the high school or college or vocational school which lets the society provide those services. Nevertheless, anyone who has carefully inspected the numerous training schools of the military will conclude that manpower inefficiencies exist and the increase from 1.5 to 2.0 students to instructor can be done by cutting into administrative "fat" without harming manpower readiness.

Also recommended is the shortening of the average training course period from 67 days to 60 days. Knocking one week off the instruction period would save 8,000 manyears of time spent in training. This would force elimination of less important courses and material and would force efficiencies in coursework and presentations. The savings in FY77 would be one milion dollars and, more importantly, would free defense manpower for more combat roles if needed. Today almost 10% of military manpower is in some kind of training, a good part not directly related to combat skills.

Retirement benefits for defense manpower

Retirement costs for defense manpower are getting out of control. In FY76 DoD is spending $7.4 bilion or 8% of all outlays on military retirement costs. CBO estimates that cost will increase to $12.8 million by FY 1981 and will continue to increase with time as more and more military retire toward the end of the century. Without reform, the retirement costs will be astronomical by that time.

Contributions to Retirement

There are several places where reform is needed to bring these costs under control. First, the military should be put under a contributory retirement system similar to that of the civilian civil service. While no noticeable changes would occur in FY77 such a system would save tens of billions of dollars by the end of the century and should be initiated in FY77 on a sliding scale of smaller to larger payments up to five years when full contributions would be required up to civilian levels.

Capping Retirement Annuities—Keeping Retirement consistent with Cost of Living Index

Capping retirement annuities would be a reasonable companion to the 5% "pay cap" and could save an additional $200 million in FY77 with increasing savings in out years. Military retirement costs can also be substantially reduced by eliminating the "one-percent kicker" which allows military retirements to grow at 1% greater than the rate of inflation.

DoD can save $90 million in FY77 by removal of the one-percent kicker. Dropping this plan can avoid also retired pay "inversions" where the retired military force receives a larger pay raise than the active forces while literally contributing nothing in that time period to added defense capability. This breeds resentment in the active force and is unfair.

Recomputation Costly

Pending before Congress is legislation to recomputate retired pay to keep up with the increase in active duty military pay since 1958. The difference is that active duty military have been given "catch up" pay raises in the last five years which have allowed active duty pay increases of 430% since 1958 while the retired military make 280% more than they earned if retired in 1958. Recomputation legislation was designed to pass the difference on to retired military as well.

Legislation pending before Congress would add billions of dollars of added spending on the retired military with no military capability added to our defense efforts. Some recomputation plans are more limited than others. One limited recomputation plan that would allow recomputation based on pay scales in effect January 1972 for all those who reach age 60 would cost the Defense Department an added $550 million in FY1977 increasing to $1.0 billion in FY1980. Other recomputation plans would cost more.

Considering that no legal obligation is owed to retired military to recompute their benefits and also considering the liberal retirement benefits of the military compared to the civilian population, and the fact that

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Footnotes at end of article.

retirees after 20 years often go on to lucrative second careers while drawing good military retirement benefits, there is no strong equity reason for recomputation. Passage of a recomputation measure would entail enormous additional defense manpower costs that would add nothing to U.S. national security. It is therefore a reasonable recommendation that recomputation be dropped as a goodhearted, but too-expensive idea.

Retirement Plan Stretchout Reform

The current military retirement system pays 50% of basic military pay after as few as 20 years of service. This rises to 75% after 30 years of service. Military people do not contribute directly to this retirement system. This makes retirement costs very expensive. The Retirement Modernization Act before Congress would reform this system which produces many 20 year careerists or early dropouts from military service.

It would remove the "either-or" pattern from military service by stretching the time of service when full present benefits could be realized and by providing some benefits for those who stay in the service as short a time as 10 years. RMA would reduce the present 50% retirement pay of 20 year careerists to 35% for the first 10 years of retirement. This is estimated to save $800 million by the year 2000.

The federal Interagency Committee proposed an even more far-reaching and less costly retirement plan recommendation in 1971. The Federal IAC plan would reduce the 20 year careerists retirement income to 30% of basic pay restoring the full 50% only at age 60. This plan would reduce substantially those retiring at the 20 year mark and would save significantly more than the RMA plan both in retirement benefit payments and in retraining costs of new personnel.

Either the Retirement Modernization Act or the Federal Interagency Committee plans merit close attention and one of them ought to find their way into legislation in FY 1977 to head off spiraling retirement costs. Savings in FY 1977 would be small but this would change with the passage of time as billions of dollars would be saved under the Federal IAC plan by the year 2000, and nearly a billion dollars under the Retirement Modernization Act by that time.

While RMA or the Federal IAC plan would be marginal steps in the right direction, neither is drastic enough to substantially change the direction, sharply upward, of retirement costs for the military. A more serious proposal would be the deferment of all retirement costs and benefits until the retiree had reached age 55 or 60 depending upon service length. Adoption of this proposal would produce significant savings of perhaps $1.5 billion by FY 1981 and tens of billions by the end of the century. One study indicated that the savings could run as great as $110 billions in the next quarter century. (See Chart below).

The deferred retirement payments plan could be softened by giving the early retiree a substantially smaller one-time bonus in a lump sum at the time of retirement as an alternative to the larger amount he or she would get after age 55 or 60.

In view of the spiraling costs of military retirement to the country it is clear that trimming back these programs should be a first order of business for the United States Government.

EXPECTED SAVINGS RESULTING FROM CHANGING CURRENT MILITARY PENSIONS TO A DEFERRED BENEFIT BASIS*

[In millions of dollars]

Fiscal year	Present	Proposed	Savings
1977	164.5	155.0	9.5
1978	508.1	425.7	82.4
1979	875.6	635.2	240.4
1980	1,272.1	819.2	452.9
1981	1,693.0	983.3	709.7
1982	2,151.5	1,147.2	1,004.3
1983	2,645.6	1,315.2	1,330.4
1984	3,151.2	1,470.7	1,680.5
1985	3,671.0	1,616.8	2,054.2
1986	4,228.2	1,771.7	2,456.5
1987	4,828.3	1,925.3	2,903.0
1988	5,466.4	2,032.7	3,433.7
1989	6,166.1	2,102.3	4,063.8
1990	6,942.6	2,207.4	4,735.2
1991	7,773.4	2,316.0	5,457.4
1992	8,636.0	2,431.8	6,204.2
1993	9,534.0	2,549.2	6,984.8
1994	10,456.9	2,705.5	7,751.4
1995	11,385.6	3,037.0	8,348.6
1996	12,339.6	3,385.2	8,954.4
1997	13,367.1	3,756.3	9,610.8
1998	14,477.5	4,128.1	10,349.4
1999	15,657.7	4,850.5	10,807.2
2000	16,919.8	5,595.5	11,344.3
Total	164,311.8	53,362.8	110,949.0

ASSUMPTIONS

1. Basic pay is assumed to increase 6 percent annually and the Consumer Price Index (CPI) adjustments to retired pay are 4 percent annually.

2. Implementation of proposed system is assumed Oct. 1, 1976. All personnel with greater than 20 yr. of service, on current retired payroll considered not affected by the change.

*3. It is assumed that the change will affect only future retirees and not those currently on the rolls.

4. Those retiring with 21–29 yr. of service are assumed to receive annuities deferred to age 60, unless they are already over 60.

5. Those retiring with 30 or more years of service are granted benefits deferred to age 55, unless they are already over age 60.

6. Only nondisability retirements were considered since the question was addressed to those with 20 or more years of service.

DEFENSE OFFICER PERSONNEL MANAGEMENT ACT (DOPMA)

The Department of Defense has proposed to the Congress the Defense Officer Personnel Management Act. This proposal represents an attempt at a much-needed overhaul of the officer-management system in the Department of Defense.

While many features of this proposal are laudable, several major revisions should be made before it is adopted. Outlined below are areas of DOPMA that would bear further examination.

First and foremost, DOPMA should be considered simultaneously with the retirement modernization act; neither should be passed without the other.

DOPMA suggests but does accomplish the elimination of distinction between regular and reserve officers on active duty. This desirable goal can be acomplished by eliminating the granting of regular commissions to officers entering active duty, and requiring that all officers serving more than five years be regular officers.

20-year retirement should be abandoned in favor of the traditional 30-year career. Such action would reap the following benefits:

1. The career force would increase while the proportion of non-career officers as well as new accessions would decrease.

2. Reduction of new accessions also reduces the number of required accession and initial training related PCS moves, school spaces, instructors, etc.

3. An increasing number of personnel would be retained beyond 20 years, thus decreasing the number of non-disability retirements and increasing force stability.

4. Annual promotions would decrease.

It has been alleged, though not substantiated, that such a proposal would be more costly than the existing system. While this allegation appears unlikely on its face, it should certainly be explored to determine precise cost-benefit ratios.

The "sliding scale" principle of senior officer manning embodied in DOPMA is highly suspect. The principle has as its premise that the savings of a smaller force ought not to extend to a proportionally smaller senior officer corps. This thesis requires the assumption that a Colonel's job is a Colonel's job, whether it involves a platoon or a division. Additionally, reserve forces are currently more officer-rich than the active force. Since future augmentations will take place by calling up the resrves en toto, officers and all, there is no necessity for maintaining senior officers on active duty to administer a larger military.

The "selection-in" feature of DOPMA places an artificial limit on the number of O–5's and O–6's who can be separated for non-selection to the next higher grade. This limit to management flexibilty is uncalled for and should be eliminated.

DOPMA confers upon the President many powers in the event of emergency. While no one would challenge the assumption that the President must have the necessary authority to direct the military in time of need, the determination of an emergency should require Congressional approval.

The grade tables for senior officers will at least bear further examination on the subject of whether they are too rich in senior officers. While modest reductions in the levels of O–5's and O–6's are evident, the tables mandate an increase in O–4's, and all tables show more senior officers than has been found to be necessary in other years.

Reduce civilian manpower levels by 15,000

While military personnel levels have dipped 22% since 1964 as a result of force efficiencies, the all-volunteer army, and the expense of military manpower, civilian totals have dropped only 5%. It is a reasonable recommendation to suggest that the civilian manpower totals be readjusted to reflect a decline similar to that of the military manpower total. Contrary to the spirit of the recent Nunn Amendment giving the military the alternative to turn fat into taxpayer savings, many military jobs have been "civilianized." These policies merely transfer the burden from one account to another without reflecting a true economy in overall defense manpower expenditures.

The Defense Department has begun moving belatedly to cut their civilian manpower totals and promise a FY 1977 cut of 26,000 from the 1,017,000 on the payroll at the end of 1975. This is a first step in the right direction but a token one for such a swollen bureaucracy. A better step might be taken by adding 15,000 additional civilian jobs eliminated, or a total of 41,000 removed from the Pentagon payroll in FY 1977. Since about 130,000 civilians will retire in FY 1977 no individual currently holding a DoD job need lose it. Reductions could be taken by attrition. A reduction in force (RIF) of 41,000 would save $580 million annually in current dollars. This would still leave civilian defense manpower at about the one million level. Setting such ceilings would encourage the Pentagon to bring its civilian manpower house into better order.

Initiate a 5 percent on defense pay increases

Perhaps the largest defense manpower savings can result from reducing or "capping" the annual salary increase given to the military and Defense Department civilians annually. Without such a "pay cap" the expected wage increases for defense manpower in FY1977 would be about 12%.

The Congressional Budget Office estimates that capping the increases at 5% annually would save $2.2 billion in FY1977. Savings of $3.7 billion annually would begin in FY1978 if the 5% increase limit were passed. This step can be strongly recommended as a means of gaining control of the soaring costs of defense manpower which is eating up nearly 60% of the military budget. In the interests of equity, any cap on Defense pay increases presumably would be part of an overall pay cap on all other federal employees as well. The effects of such a pay cap on military recruitment will have to be evaluated over a two-year period, and perhaps revised if it proves very detrimental later.

Defense manpower: Summary and conclusions

Altogether, these suggested changes would result in a savings of $4.687 billion in FY1977 if implemented at the beginning of the fiscal year. This would represent an "economy cut", one which would eliminate wasteful practices while not sacrificing U.S. defense programs. In short, you can buy the same amount of defense with $4.687 less funding. A summary of recommended changes in the defense manpower area is found below.

Recommended defense manpower changes

[In millions]

	Savings
a. Redress the balance between officers and enlisted personnel by not replacing 6,000 officer slots	$150
b. Improving the Combat-to-Support Ratios	188
c. Transfer 50,000 naval reservists to the Individual Ready Reserves	36
d. Eliminate "double dippers" who draw 2 salaries	60
e. Increase average tour of duty from 14 to 18 mos	250
f. Increase student/teacher ratio from 1.5 to 1 to 2 to 1	250
g. Decrease average training period by one week from 67 days to 60 days	1
h. Cap Retirement Annuities at 5% increase per year	200
i. Remove the 1% Kicker for retirees	90
j. Do not approve recomputation for retirees—this would add some $550 million in FY77	----
k. Reduce civilian manpower by 1.5% in an efficiency incentive cut of 41,000 spaces (15,000 more than projected by the DoD)	580
l. Institute a 5% pay cap on all payroll increases for all DoD people in FY77	2200
Total manpower savings	4687

All of these changes require the action of Congress and some like the 5% pay cap have been recommended by the administration. Most of these changes could begin in FY1977 but some would not result in savings until FY1978 due to the time needed to implement them.

FOOTNOTES

[1] Information is taken from the *Manpower Requirements Report for FY 1977*, Department of Defense, February 1976, pp. V–21 to V–23.

[2] Barry Blechman, testimony before the House Armed Services Committee, Dec. 18, 1975. Hearings on *Overall National Security Programs and Related Budget Requirements*, p. 558.

[3] H.A.S.C. Hearings, *Overall National Security Programs and Related Budget Requirements*, Dec. 18, 1975, p. 558. See also Blechman, Gramlich, and Hartman, *Setting National Priorities, The 1976 Budget* (Washington, D.C.; Brookings Institution, 1975) p. 140–152.

[4] An estimate by planners in the Dept. of Defense. Cited in *Setting National Priorities: the 1976 Budget*, Chapter 5, "Alternative Defense Budgets," by Barry Blechman (Wash., D.C.: The Brookings Institution, 1975), p. 133.

[5] Senator Goldwater discussed this during the Senate "great debate" on foreign and defense policy in June, 1975.

[6] Testimony of Leonard Sullivan, Jr. Assistant Secretary for Program Analysis and Evaluation, Department of Defense, Dec. 10, 1975, hearings by the House Armed Services Committee on *Overall National Security Programs and Related Budget Requirements*, p. 182. Where numbers of divisions or other forces are described like 30/0 or 215/51 the first number means active forces and the second means reserve forces.

[7] 1974 statistics. 1975 figures for numbers in the armed forces. See "The Military Balance" in *Air Force Magazine*, Dec. 1975, p. 94. See also, Ruth Sivard, *World Military and Social Expenditures, 1976*, (Leesburg, Va: WMSE Publications, 1976) p. 21.

[8] HAC, Dept. of Defense Appropriations for FY 76, Pt. 3, p. 363.

[9] Data released by the Defense Manpower Commission in their report to the President in April 1976 indicated the following breakdown of military vs. non-military income at comparable levels of advancement. (See also, Kip Cooper, "Military Pay Found To Top Civilians," *San Diego Union*, March 5, 1976, p. 1.)

COMPARISON OF MILITARY AND CIVILIAN COMPENSATION AND BENEFITS (OCT. 1, 1975, PAY SCALES)

Military grade	Comparable civilian grade	Military compensation and benefits	Civilian compensation and benefits	Military ad) vantage (+- or disadvantage (—)
Rear admiral, upper	GS–18	$54, 815	$41, 350	+$13, 465
Rear admiral, lower	GS–17/GS–16	48, 886	41, 350	+7, 536
Captain	GS–15	43, 305	38, 849	+4, 456
Commander	GS–14/GS–13	35, 101	31, 131	+3, 970
Lieutenant commander	GS–12	28, 188	24, 485	+3, 703
Lieutenant	GS–11/GS–10	24, 044	19, 749	+4, 255

Military grade	Comparable civilian grade	Military compensation and benefits	Civilian compensation and benefits	Military advantage (+) or disadvantage (—)
Lieutenant (junior grade)	GS–9/GS–8	$21, 729	$16, 403	+5, 326
Ensign	GS–7	16, 914	14, 710	+2, 744
Chief petty officer	GS–6	20, 964	12, 813	+8, 151
Petty officer 1C/Petty officer 2C	GS–5	14, 711	11, 551	+3, 160
Petty officer 3C	GS–4	9, 915	10, 375	—465
Nonrated	GS–3/GS–2/GS–1	7, 821	8, 326	—500

Note: Where more than 1 civilian or military grade is shown, the amount for compensation and benefits is the average of the values shown for those grades.

[10] Based on calculations supplied by Martin Binkin of the Brookings Institution to the House Budget Committeeon Sept. 24, 1975. See HBC National Security Task Force Hearings, *Force Structure and Long-Range Projections*, Part 2, p. 150.

U.S. FOREIGN AND DEFENSE POLICY ALTERNATIVE POSTURE STATEMENT: PART 3, GENERAL PURPOSE FORCES—TACTICAL AIRPOWER

One of the largest components of the FY 1977 defense budget is for tactical airforces. At least one quarter of all defense dollars go to tactical airpower expenditures. A responsible look at U.S. tactical airpower posture requires that several key questions be asked and answered, namely:

(1) How much tactical airpower does the United States need and how do U.S. tactical airpower forces compare to those of the Soviet Union?

(2) How much tactical airpower is needed to support current U.S. foreign policy commitments? How much would be needed if a U.S. foreign policy of Pax Americana, Pacific Pullback, or of a general retrenchment in both Europe and Asia were adopted.

(3) If the current policy is taken as a given, what steps could be taken to make expenditures on tactical airpower more efficient or could be taken to purchase the same TACAIR capability with less of an investment?

(4) What tactical airforces can best perform the roles and missions of TACAIR? For example. close ground support, battlefield interdiction, deep interdiction, or air superiority?

(5) Lastly, what changes should occur in the U.S. tactical airpower posture based on the answers to the preceding questions?

Each of these questions will be dealt with in the following discussion.

TACTICAL AIR FORCES: NATO AND WARSAW PACT

NATO tactical air forces are considerably stronger than their Warsaw Pact counterparts at present. The Pact enjoys a numerical advantage in aircraft but this is offset by NATO qualitative superiority. The Warsaw Pact can put 6500 planes in the air to 4500 for NATO at the start of hostilities. This numerical advantage is offset by a more numerous NATO reinforcement capability—with aircraft of superior military capability as well. NATO and U.S. Pilots have far better and more extensive training, and more combat experience. Their aircraft have more firepower, greater range and performance, more sophisticated avionics, and as a Brookings Institution monograph recently stated:

"On balance, NATO's qualitative advantages appear to more than outweigh its inferiority in number of aircraft. While NATO may have the stronger tactical air forces overall, it seems equally clear that the Warsaw Pact countries have a formidable capability as well, especially for counterair operations. The danger is that the Pact members' air strength might, in cooperation with the extensive anti-air weapons in the hands of their ground forces, suffice to neutralize the advantage of NATO's air forces in an offensive capacity. Certainly NATO's present superiority in the air is not so overwhelming that it can be relied upon to redress any serious imbalance that might develop between opposing surface forces."

All such evaluations of the tactical air balance are static. War is dynamic and the outcome of any European air battle would be highly scenario-dependent.

Comparing the two forces is difficult because the Soviets have constructed a different type of tactical air force. First, it relies on older and more numerous aircraft that do not have the same capability for air superiority or deep interdiction. Second, they have more aircraft concentrated in the European theater but fewer in reserve and fewer overall. Third, some of their Medium Range Ballistic Missiles (MRBMs) and Intermediate Range Ballistics Missiles (IRBMs) targeted on Western Europe are the functional equivalent of NATO tactical air fighter bombers. Finally, Soviet air defenses are much denser than NATO air defenses and they possess a far higher mix of interceptors to attack aircraft. The Soviet SAMs used during the 1973 Yom Kippur War showed that their forces have a very significant anti-air capability. Nevertheless, U.S. and NATO airforces are considered still markedly superior overall.

TACTICAL AIRPOWER AND FOREIGN POLICY OPTIONS

Tactical airpower strength requirements should be sensitive to changes in foreign policy. The size and quality of the forces ought to be roughly equivalent to the number and kind of security commitments made to other states. The TACAIR forces should also reflect the kind of risks the country is willing to live with.

In an age when general war is predicted to be a very short intensive affair, tactical airforces are the single most reliable reinforcement asset that may be shifted from one theater to another in time to make a difference. In a matter of days, these mobile tactical airforces can make their presence felt across the globe. TACAIR in the Pacific can be shifted to Europe and vice versa far more easily than can naval or land forces, and in time to make an immediate difference. Thus, the size of regional deployments of tactical airforces is less important than the availability of airfields near the conflict area. Given available airfields; given one conflict occurring at a time; limited tactical air assets can be shifted from place to place to cover numerous contingencies. Only in a condition of worldwide war would the practice of shifting assets to the hottest global spot become impractical.

What kind of tactical airforces are needed to maintain the current foreign policy? And what kind is needed to support alternative foreign policies such as (1) Pax Americana, (2) a Pacific Pullback Europe-First policy, or (3) a policy of a general Standdown in Europe and Asia?

CURRENT POLICY AND PAX AMERICANA

Officials in the Department of Defense have testified that given the current constellation of forces they would require no fewer than 45 Air Force Wings, 25 Navy carrier wings, and 5 Marine air wings—a total of 75 tactical airways to insure a so-called "Minimal Risk" defense policy. This kind of force, twice the size of current U.S. TACAIR forces, would be a "go everywhere-do everything" tactical air force capable of maintaining a foreign policy of Pax Americana. The estimated cost of such an expanded tactical air force would be close to $50 billion per year in 1976 dollars. This is approximately twice as much as the cost of the present 42 U.S. tactical wings (3 Marine, 26 Air Force, and 13 Navy). These 42 air wings are deemed by the present administration as essential in maintaining current policy, and for deterring Soviet thrusts.

Given the high mobility of tactical airforces, it is possible that the U.S. can support its present policy with fewer than the 26 Air Force wings which it has on paper. During the Vietnam War the Air Force maintained but 22 wings. It is difficult to fathom why peace costs more than war, especially when the current TACAIR force is adequately supporting U.S. Policy with an inventory of aircraft equivalent to just 22 wings, although it has created 26 tactical airforce headquarters. Moreover, the U.S. has adopted a less ambitious security commitment to mainland Asia due to decisions and events of the past year. No longer are we committed to the defense of Indochina.

Thailand has ordered reductions in U.S. forces. SEATO is being disbanded and many U.S. policymakers have repeatedly warned about involving ourselves in mainland Asian conflicts. Moreover, there is a reluctance by the U.S. people to be involved in other Vietnam-types of wars. This combination of changes would seemingly argue for less U S. tactical air power needed, rather than more. Asian assets could be shifted to higher-priority European missions. This has not happened. Instead, the Air Force has asked for permission to expand its TACAIR forces. While this has now been accomplished on paper, it remains to be done in substance and it is not too late for the U.S. Government to reconsider the wisdom of such a move.

Pacific pullback, Europe-first policy requirements

Another possible U.S. Foreign policy would be that of a Pacific Pullback where U.S. Forces were pulled back from mainland Asia and its forces were placed as a barrier between mainland Asian threats and offshore Asian allies like the Japanese. U.S. tactical airforces aboard carriers would be useful for maintaining superiority or the sea lanes. Such a policy would entail only six carriers in that area of the world with two on station. These, combined with Marine aviation, could represent the entire tactical airforce in the Pacific region in support of a Europe-First, Pacific Pullback policy for the United States. The Marine could be replacements for Army units all over the Pacific and half of the 25 Marine squadrons could be phased out if the Marines were saved for only non-European Asian contingencies. This could save up to $1 billion annually.

Retrenchment: Lower U.S. profile worldwide

Finally, if the U.S. were to follow a policy of generally lower profiles in both Europe and Asia, it could substantially reduce its tactical air wings. First, it could reduce its air wings proportional to its withdrawal of ground troops if it wished only for tripwire forces abroad and wished to define the battle area as the rimland and oceans adjacent to itself. A cut of 20 of the present 42 air wings would be possible with such a policy, although at some increased risk of a European and Asian war. Tactical air would cost about 12 billion dollars (in 1975 dollars) each year.

OVERLAP AND DUPLICATION

There appears to be considerable overlap and duplication in U.S. tactical airforces. Altogether the U.S. maintains four separate tactical airforces that together maintain 26,800 tactical aircraft in both the active and reserve units. These are broken down in the following fashion:

*Four U.S. air forces**

Service:	*Aircraft*
Army	11,000
Air Force	9,400
Navy	5,100
Marine Corps	1,300
Total	26,800

*See Col. Robert Whitaker, "Four U. S. Tactical Air Forces", The Defense Monitor, October 1975, p. 3. These late 1975 figures are approximately correct for 1976.

While the missions of the tactical airforces of the U.S. general purpose forces are extremely important, there is little doubt that there is significant duplication of effort between the four services. Congress has belatedly recognized the fact that each service has developed separate tactical air forces for independent rather than mutually supporting missions. Duplication of the tactical air investment into different aircraft systems, chosen by different service planners, often for the same missions have recently led the House Armed Services Committee to form a new subcommittee on tactical airpower and close air support missions. It is already clear, even before hearings, that there is costly overlap in assignments and a wasteful duplication of effort. Such competing systems cause bureaucratic duplication and ignore the savings that might be secured from long production runs of aircraft chosen to fulfill common missions.

The tactical air mission of close ground support might better be lifted from the Marines and Army and put under the Navy and the Air Force. The Navy and Air Force should work to integrate their efforts and separate out who does what, when, and how. The JCS must be required either by law or by the Secretary of Defense to create an acceptable command and control system. Such a system is now sorely lacking and is the key to the successful reform of TACAIR assets and their good management. Service duplication stemming from service rivalry and desire for service autonomy and service empirebuilding ought to be reduced by a reorganization.

SOARING AIRCRAFT COST AND GOLDPLATING

In terms of the investment costs, tactical airforces are the most expensive components of the general purpose forces. The cost per aircraft is steadily rising in both inflated and constant dollars. Due to an open-ended design philosophy of adding all the new avionics and ordinance that is possible to new aircraft, costs of tactical aircraft continue to soar. For example, the F–15 now in the U.S. Air Force Inventory is being procured for $13.8 million an aircraft. This comes to 72 times the cost of the WWII P–51 fighter.[1] Indeed some of the missiles carried by todays attack aircraft on each wing are twice as expensive as that WWII fighter plane.

The current soaring costs of tactical fighter aircraft have led to the charges that many such aircraft have been "goldplated" with capacities exceeding their predominate mission requirements. Costly extras are not always cost-effective. More aircraft of simpler design will actually do the job now being done by high cost aircraft with significant savings in investment and operating costs. Unfortunately, the competing services have each invested heavily in aircraft programs which push performance regardless of costs, rather than in programs where there was extensive designing-to-cost. Despite much talk of the necessity of a high-low mix in aircraft inventories so that adequtae numbers of aircraft can be purchased within relatively limited budgets, the services still are overinvesting in high-cost aircraft. Even the so-called low-cost aircraft, such as the Navy F–18 and Air Force F–16, are extraordinarily expensive. A renewed effort needs to be made to develop truly cost-effective military aircraft.

MISSION PRIORITIES AND IMPACT OF NEW TECHNOLOGIES

What is the mission of the tactical airforce? The services stress three traditional missions. One mission is to win the air battle and achieve local and theater air superiority. A second mission is to carry out deep interdiction strikes against enemy surface supply lines, production centers, surface shipping, and air bases. A third mission is to provide close air support to ground forces in combat to directly aid in winning the land battle.

An independent evaluation of these missions leads to the conclusion that the U.S. tactical Air Forces are too heavily structured for air superiority and interdiction roles and too lightly structured for completing the close ground support mission.

What leads to such a conclusion? Obviously, the planner must know the character and duration of the war to be fought before he can assess the correct mix of air superiority, deep interdiction, or close ground support aircraft to buy. Many military analysts today believe that the next war in Europe would be a short, ultra-intensive war with extreme attrition of forces and equipment within the first days or weeks. A war of over eight weeks would seem unlikely. In such a war, fighting at the front is likely to be decisive and mobilization of forces that cannot reach the front in the first weeks are unlikely to change the ultimate result. TACAIR can influence the result most importantly by effective close support of the ground forces. Deep interdiction and interception will play less of a role.

A major weakness in U.S. tactical air force doctrine and structure may well be the bias toward "winning the air battle first", achieving overall long-range theater air superiority, and emphasizing the deep interdiction of enemy supply lines. It is highly probable that any meaningful interdiction campaign would take too much time in a short war, and would not have any real effect on the

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Footnotes at end of article.

outcome of a ground battle. It would take an extended period for the NATO tactical air force to destroy a decisive number of the Pact's 5000 combat aircraft in North Central and South Central Europe prior to an interdiction campaign against enemy support units and facilities. Air strikes deep into the interior of Warsaw Pact lines would run into the best and most massive air defenses in the world. Thousands of Soviet interceptors plus massed anti-air defenses on the ground around high-value targets would inflict extremely heavy losses upon U.S. tactical airforces, making deep interdiction a long costly affair[2] that would not be resolved perhaps before the ground combat was concluded or had crossed the nuclear threshold. Moreover, it is not clear that deep interdiction would be very effective in preventing a massive leakage of tonnage to the forward edge of the battle.

A recent air commander in Europe sees the air situation near the battle line "pretty much determining the outcome of what's happening on the ground." This means that the most important missions are of close ground support, battlefield interdiction, and local air superiority. Unfortunately, the U.S. tactical airforces are oriented now toward missions of the more questionable priority since two-thirds of the new fighters—the F–14, the F–18, and the A–18 in the Navy and the F–15 in the Air Force are designed to fly mainly deep-penetration or interception missions. Their use in battlefield scenarios would be successful but they represent more expensive and more sophisticated aircraft than would be cost-effective over a very lethal battleground where these multi-million dollar aircraft could be brought down by increasingly effective and cheap anti-air SAMs and rockets. Increased use of the A–10 type of aircraft rather than the more expensive multi-purpose aircraft seems in order and the Air Force seems on the right track with this new emphasis on a fixed wing aircraft that carries a heavy payload, has a long-loiter time, great tank-killing capability, good maneuverability, steep rate of climb, and heavy armor against ground fire.

There is some question whether any current aircraft can be designed to match such a profile for performance in the close ground support role in an extremely hostile anti-air environment. One of the lessons of the 1973 Yom Kippur War is that small, very accurate anti-air weapons now can limit air access to the battlefield and the approaches to the battlefield for both combatants. Recent developments in high accuracy weapons can create a lethal "Bubble" over the battlefield that aircraft enter only at extreme peril. Moreover, the lethality can come from friendly fire as well as from hostile fire. A recent military exercise showed that half of the simulated TACAIR losses came from friendly fire misdirected at our own aircraft.

The 1973 Middle East War indicated that the next war will be a voracious one, consuming forces and equipment at extreme rates of attrition. Virtually everything that can be seen either by the eye or the radar can be taken under increasingly heavy and precise (but indiscriminate) fire. An evaluation of the 1973 war tends to chill previous enthusiasts for helicopter use for close ground support in high threat environments. It was generally agreed that helicopters could not have survived over the Sinai battleground or over the Golan Heights.[3]

Nor is it likely that they could long survive against the better trained U.S. and Soviet Armies. The faster fixed wing A–10 is far more lethal a tank-killer than the AAH helicopter and its chances of survival are considerably higher against the new precision anti-air weapons.

Despite the unfavorable prospects of helicopters in the close ground support role in a highthreat environment, the Army is currently planning to invest $3.1 billion for 481 Advanced Attack Helicopters (AAHs) equipped with the tank-killing TOW weapon. Two thousand, two hundred, eighty-two (2282) helicopters were lost in the low-threat battlefield of Vietnam during the U.S. role in that war. Fixed-wing aircraft did much better. They are likely to remain a better buy for a European War contingency. This is also driven home by the fact that the 16 TOW missiles carried by the AAH will cost six times as much as the average A–10 payload, but will provide only 1/60 the firepower.[4]

The extreme lethality of the anti-air weaponry at the battlefront is also an argument for greater reliance upon long range artillery, on surface-to-surface missiles, and upon remotely piloted vehicles (RPVs) for providing close ground support. Airpower cannot be relied upon to do the job of artillery. Its focus is too fleeting and its launcher is too vulnerable to the new precision-guided anti-air weapons. Smart bombs launched by aircraft will be matched by smart-anti-air munitions which will take a frightful toll of TACAIR over the battlefield. Whether this lesson will be reflected in new U.S. TACAIR force structure is moot given the propensity of our services to propagate weapons in the mold of the past. Nevertheless, intelligent choices would structure the tactical air forces to primarily achieve battlefield interdiction and to gain local air support for the kinds of close ground support that seems increasingly difficult over the battlefield of the future.

PROPER FORCE MIXES FOR GROUND SUPPORT AND BATTLEFIELD INTERDICTION

Defense officials have given significant lip service to the need for a high-low mix of tactical aircraft. This is the idea that the U.S. needs to supplement very expensive high technology systems such as the F–15 and F–14 aircraft with the cheaper F–16, F–18, and A–10 if it is going to be able to procure enough aircraft to meet its needs. The principle is a good one, but far more emphasis should be placed on the so-called "low" end of the mix for achieving significant savings and sufficient numbers of aircraft to maintain an adequate tactical airforce. Greater commonality between services and elimination of excessive or cost-ineffective systems propagated by the services mainly because they are individual to that service would create a more rational tactical air force.

For the ground support role, the F–16 and F–15 would be effective but not the most combat-effective or cost-effective aircraft for the mission. The prime requirements call for an aircraft that can be procured in large amounts to offset the inevitable heavy attrition and to counterbalance the tank superiority of the Warsaw Pact. Desirable requirements for the aircraft include: (1) heavy payload, (2) high survivability against ground fire, (3) heavy tank killing capability, and (4) good hang-time combined with high maneuverability and high rate of climb at low altitude.

The clear choice for the close ground support role is the A–10. It is designed to meet all the criteria above with the possible important exception of vulnerability to ground fire, even though it is the least vulnerable close ground support aircraft yet designed. It is unlikely that any aircraft can now achieve high survivability by past standards. Although the A–10 is currently undergoing development problems with the airframe and cost overruns and production-rate slowdowns, it looks superior to its competitors. For example, the A–10 is clearly superior to the Harrier AV–8A purchased in small numbers by the Marine Corps. The Harrier AV–8A owes its presence in the U.S. tactical aircraft inventory mainly to interservice rivalry. While its cost is comparable to that of the A–10, it carries less than one-third the external weapons load and has far less endurance, even when operated from a prepared runway. When operated in the VTOL mode its payload and endurance is degraded much further. Under all conditions, it lacks the A–10's armor and the 30m rapid-fire gun. The AV–8A Harrier exists, despite these deficiencies, for the purpose of providing the Marine Corps with an aircraft it can call its own.[5] Its sole advantage over the A–10 lies in its ability to operate, (with very small payload and loiter) from an unprepared clearing where neither an airstrip nor an aircraft carrier is available within hundreds of miles—a situation which seldom if ever occurred in Vietnam and is unlikely to occur anywhere else.

There is no reason why the Marines cannot use Air Force and Navy air wings for the close ground support mission, or alternately, use a conventional takeoff aircraft capable of acceptable performance, possibly including a carrier-based A–10 or A–9. No funds have been requested for Harrier procurement in FY 1977. There is, however, a research and development request for an "advanced Harrier", the AV–16 which is hoped to have twice the AV–8 payload and twice the range but at substantially greater cost. Research should continue on this and on other VSTOL designs as long as they appear to be fruitful.

If a cost-effective "advanced Harrier" can be built it should be assigned to the U.S. Navy for sea control purposes and not to the U.S. Marines for close ground support in amphibious missions. A–10s and other horizontal takeoff planes are better for the latter mission.

The successful development of advanced VSTOL Harriers would open the way for the building of cost-effective mini-carriers as opposed to midi-carriers or Nimitz class supercarriers. A failure to develop a cost-effective advanced VSTOL aircraft would foreclose the option of using mini-carriers in place of larger carriers for sea control.

The Advanced Attack Helicopter, or AAH, likewise owes its existence to interservice rivalry—in this case, to the Army's desire to have its own close support system. While the AAH is, by helicopter standards, very fast and heavily armed, it is still a low capability, low survivability system in comparison with the A–10, and does not offer lower unit cost. Since the AAH does have better ability than the A–10 to operate in mountainous terrain, there are conceivable situations in which it would serve a useful purpose against hostile ground troops or isolated tanks. The AAH can pop up from behind a hill, locate an enemy tank, and fire its missile. But while the AAH crew is acquiring the tank, the tank crew is also acquiring the AAH as a target. The AAH's TOW anti-tank missile is not a shoot-and-leave system; the helicopter must hover in plain view while guiding the TOW missile to its target. Conceivably the tank kill will be successful, but given the fragility of the AAH, its survival against a multiple tank force appears poor, perhaps to the point of suicide.

AAH prototypes built by Hughes and Bell are presently in a flyoff competition. In light of the marginal utility of this system, the program should be terminated. This would save $112.1 million in FY 1977. The Army should rely on the Navy and Air Force for close air support; or alternatively, should be given permission to operate its own fixed wing aircraft. It is worth noting that the entire AAH-Harrier problem would never have arisen if the Fitzhugh Commission's recommendations had been followed and all Army, Navy, Air Force, and Marine tactical airforces had been integrated into a single

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Footnotes at end of article.

tactical air force command housed in one of the services.

Other close air support aircraft alternatives include the Enforcer. The Enforcer is a privately developed close support aircraft, based on a highly modified P–51 Mustang airframe with a turboprop engine. It has approximately half the capability of the A–10; for example, A–10 officials estimate that against a force of 10,000 tanks, 504 A–10s would be equal to 984 Enforcers. It appears that the Enforcer would be produced at one quarter to one third the unit cost of the A–10.

The Air Force has consistently rejected the Enforcer, primarily because it was generated on the outside and because it lacks the glamor of a jet.

Nevertheless, the Enforcer appears to offer potential as: (1) a complement to the A-10 in low-threat areas or where proliferation is desired, although the A-10 would be more cost-effective in most situations, and (2) as an export aircraft for arms clients and allies. The latter, however, is unlikely since clients and allies want the kind of aircraft we use rather than buy less capable aircraft, even when those are more suited to their needs and budgets. Unless the A-10 program fails completely, there appears to be little need for the Enforcer.

The other aircraft that might be considered for the close ground support mission is the A-7 Corsair II which was used in such roles in Vietnam, in both land-based and carrier-based versions. The A-7, however, is less capable than the A-10 will be. The A-10 will have superior armor, superior turnaround time, and greater "hang-time" over the battlefield. Because the A-7 is less capable, it too should be used less for close ground support in high threat environments than the A-10 which should be the predominant weapon in such battle conditions. It is reasonable to conclude that no new A-7s are required for FY1977 and the $235.4 million requested by the Air Force for that purpose could be better spent on other defense programs or could be saved.

Similarly, the older and less capable A-4 Skyhawk and over-capable and expensive A-6 Intruder are not as cost-effective for the close ground support mission of the Navy. It is not clear that the $102.4 million programed for purchases of the obsolete A-4 in FY 1977 is required. The A-4s do not seem well suited to their missions or are not competitive with other more cost-effective systems where missions overlap.

Possible future directions for U.S. tactical air forces

The U.S. is now committed to a number of new TACAIR programs simultaneously: The projected 749 F-15s, 650 F-16s, 733 A-10, 390 F-142, 800 F-18, and A-18s, and 481 AAHs. The combined cost of these aircraft will cost $39.3 billion in procurement costs alone in the next decade. If the 34 E-3A (AWACS) aircraft are also built and bought this will drive the total TACAIR procurement budget for these airplanes and helicopters to $43.4 billion. If Defense Department plans are fulfilled, the U.S. will spend close to $300 billion on tactical air power between now and 1985.

For such massive investments, the Congress and the Administration should take pains to ensure both efficiency and economy in force planning aircraft choices. Although the U.S. is early into its buys of the new aircraft, a year or two into each program, it is clear that hard choices will soon have to be made between competing missions. Several options seem to make sense for future force planning and revisions.

First, there are too many high-cost aircraft programmed for the inventory and too few lower-cost aircraft. The low end of the high-low mix needs bolstering by transferring funds from the F-14 to the F-18, from the F-15s to the F-16s and the A-10s.

Second, some tactical aircraft are obviously not as effective in the close air support role as others and should be avoided or phased out. This would seem to apply to the Marines' AV–8A Harrier which is far more vulnerable than other competing aircraft. It would also apply to the Advanced Attack Helicopter (AAH) program requested by the Army which will cost an estimated $3.1 billion, including $112.1 million in fiscal year 1977. The obsolete A–4 Skyhawk also should not be bought saving an additional $102.4 million in fiscal year 1977.

Questionable tactical airpower programs
(Fiscal year 1977 Procurement Request)

[In millions]

	Fiscal year 1977 savings
a. Advanced attack helicopters (AAH)	$112.1
b. A–7 Corsairs	235.4
c. A–4 Skyhawks	102.4
Total of questionable TACAIR programs	449.9

Third, care must be taken in buying F–14 Tomcats that the buy does not exceed the number of medium-sized or larger carriers that have been approved into the future for the Navy by the Congress. F–14s will not operate off mini-carriers and can operate only off retrofitted midi-carriers, a very expensive ship conversion. The F–14 aircraft buy should not pre-judge the type of carrier decisions the U.S. will be making in the future. Navy enthusiasts for the Nimitz-sized carriers might well wish the F–14 inventory to swell to such a size that Nimitz class carriers are later seen as necessary rather than as just one option among many, including the option to move to smaller conventionally powered carriers with advanced VSTOL aircraft providing the tactical airpower. A movement away from procuring Nimitz-class carriers would force the Navy away from the F–14, probably to the F–18. Fleet defense would then shift over to shipborne missiles.

Fourth, the readiness of U.S. tactical air forces leaves much to be desired. While the U.S. is estimated to be ahead in TACAIR readiness, it is far from satisfactory. In one military exercise in the NATO area over half of the losses inflicted on NATO tactical air forces came from so-called friendly fire. The lack of commonality in NATO communications and the diversity of commands and units account for such confusion and lack of coordination. The Navy has a particularly unfortunate record in regard to TACAIR readiness. According to Defense Department figures in fiscal year 1975, an average of 46% of the Navy's aircraft were not fully prepared for combat at any given time. Forty-five percent of those were wholly incapable of performing any of their primary missions.

This readiness problem has recently become apparent in the F–14 Tomcat fighter program. The F–14, billed as the Navy's superfighter may turn out to be a major disappointment. 45% of the Navy's F–14s were out of commission on an average day last December because they lacked sufficient spare parts. Another 28.5% were not ready for operations because of maintenance problems. That left only 26.5% ready for operation on any particular day. Last January when the aircraft carrier, The John F. Kennedy returned to Norfolk, Virginia from six months in the Mediterranean, only 5 of the 24 F–14 Tomcats could fly. The other 19 had to be hoisted off the carrier by dockside cranes. Part of the Navy's current problems can be traced to an overeagerness to put the F–14 into full production before all the bugs were worked out. The Navy's aviation test center at Patuxent River, Maryland has discovered some 900 initial discrepancies in the F–14, during tests, from the original standards set. They recommended that the Navy not give service acceptance to the F–14 until the plane was improved. This recommendation was ignored and the Navy is now reaping the harvest of a hasty decision. F–14 accident rates are high, parts breakdowns are far too frequent, fuel consumption is 30% higher than expected, and the F–14 has had continuing engine problems which have yet to be solved. Unless the F–14 is made more reliable and the fighter is maintained in a greater state of readiness, the F–14 should be replaced with a more cost-effective aircraft, perhaps the F–18 if that fighter is thoroughly tested beforehand in a way the F–14 was not. It is very evident that within the very large relatively fixed tactical airpower budget that more funds should go into maintaining readiness and less into goldplating modernization and duplication of forces. A correction of the reliability and readiness problems is a better defense investment than buying more aircraft that later develop major flaws due to inadequate testing and maintenance.

Finally, the United States has been talented in building new tactical aircraft when cost is no object, but the armed services have a long way to go in improving TACAIR management and decision-making in securing cost-effective aircraft. A similar long road to reform awaits in achieving a coherent command and control system for tactical air forces based on an integrated system for managing, procuring, and directing TACAIR assets of the United States.

FOOTNOTES

[1] Computed in fiscal year 1975 dollars which would make the aircraft cost $190,000 as of last year.

[2] A mission that is expensive in pilot lives, pilot capabilities, and in aircraft.

[3] The fear of destroying one's own tactical airforces over the battle area will cause some limitation of the use of anti-air firepower. This will make it possible for some TACAIR to survive over even the most lethal zones and makes some use of helicopters and close ground support aircraft useful despite the "precision revolution" in anti-air weapons.

[4] An AAH can carry a maximum of 16 TOW missiles having a payload of 1450 lbs. of high explosives. An A–10 can carry a maximum load of 16,000 lbs. of high explosives.

[5] These deficiencies may be overcome in the AV–16, "Advanced Harrier" which is under development and not yet in production.

U.S. FOREIGN POLICY AND DEFENSE POLICY: AN ALTERNATIVE POSTURE STATEMENT—PART 4, STRATEGIC FORCES

SPENDING FOR STRATEGIC FORCES, FISCAL YEAR 1977

The Department of Defense is asking for a 29% increase in spending for strategic weapons from $7.3 billion in FY 76 to $9.4 billion in FY 77. 95% of this increase results from recommendations for procurement of the B–1 bomber, Trident submarine, and Trident missiles. The remainder is accounted for by Research and Development increases in the area of "counterforce" technology and cruise missile development. These expanded programs seem neither aimed at furthering the objectives of our own stated strategic policy nor justified by the estimates of the Soviet threat.

A study of our strategic forces and needs indicates that the following cuts ought to be made in the strategic budget:

(1) Delete all funds for the B–1 bomber production. This would yield a savings of $1,049 million in FY77.

(2) Stop all funding of the MX Missile Program in R&D ($84 million), High-accuracy NS–20 Guidance systems ($38.3 million), and bigger MK12A Warheads ($93 mil-

lion) All of this will save $215.3 million in FY77.

(3) Delete all funds for further Trident submarines. This would save $1114.5 million in production funds and $75.3 million on Trident submarine development funds. The total savings in FY77 would be $1189.80 millions.

(4) Delete all funds for the Sea-Launched Cruise Missile (SLCM) including funds for testing. This will save $369.2 million in FY77.

(5) Delete all funding of the Minuteman III add-ons. This would save $261 million in FY 1977.

Altogether, with no loss of security, the U.S. strategic force budget can be cut by $3,089.3 millions in FY77. There are good reasons for this as an examination of some key questions concerning strategic forces will show.

The foremost responsibility of the U.S. armed forces and the Department of Defense is the deterrence of nuclear war. Our strategic forces must be kept strong enough that no rational adversary could launch a surprise attack upon the United States and hope to escape overwhelming devastation in return from U.S. strategic forces. These forces must have the capability of absorbing a nuclear first strike from either the Soviet Union or some other antagonist and still retain the capability of inflicting unacceptable damage in retaliation upon the cities, factories, transportation centers, and military bases and units of the aggressor country.

For three decades, the United States has had a secure strategic deterrent force. It still does. As of mid-1976, the United States will have at least 8900 separate strategic nuclear weapons capable each of devastating targets in any aggressor country. These 8900 strategic nuclear weapons (bombs and missile warheads) are carried by a so-called TRIAD of nuclear delivery vehicles. These include 1054 intercontinental ballistic missiles, 656 sea-launched ballistic missiles in 41 ballistic missile submarines, and nearly 500 intercontinental strategic bombers. Beyond this awesome force exists a fourth nuclear force which contains many "tactical" fighter bombers capable of attacking the Soviet Union, Eastern Europe, and the People's Republic of China, should an attack come from those sources.

In the debate over the kind of strategic forces to develop and maintain, there has been controversy over several key issues. These issues and some of the differing answers are outlined below: Let us review each of these questions in turn. The first is:

1. How can changes in U.S. foreign policy effect changes in U.S. strategic forces?

The need for a strategic deterrent is not particularly sensitive to changes in the foreign policy of the United States. If the U.S. adopted the role of a world policeman extending its nuclear umbrella to even more countries than is now the case, it is possible, but by no means probable, that it would decide to build and deploy a larger nuclear force. The one already in place is so awesome that it ought to protect any ally from attack if potential aggressors were reasonably sure the U.S. would indeed come to the aid of the additional allies taken in under the umbrella. If the U.S. adopted a more modest stance in the world such as moving to implement a pullback from mainland Asia and a continued emphasis on defense and deterrence in Europe, it would still need a strong deterrent similar in scope to the present one. And if it decided to play but a marginal role or no military role at all in Europe and Asia, it might still—in a hostile world—adopt a strong nuclear strategic deterrent force similar to the present one, although with its forward based systems (FBS) removed.

Only if it were perceived that there were no hostile powers at all capable of devastating or coercing the United States with nuclear or other weapons of mass destruction would it appear feasible to abandon the strong deterrent force capable of inflicting unacceptable damage on rival states.

Such a condition would be likely to exist only if a scheme of mutual and general disarmament were to be negotiated and implemented. Clearly this is a goal which our nation's leadership should be seeking. In the interim, and consistent with such an effort, it would be possible to scale down the overall size of U.S. deterrent forces if comparable reductions were made by rival nuclear powers. The amount of nuclear overkill possessed by both the United States and the Soviet Union is so huge, and the economic savings from such a reduction is so great, that the negotiation of such a reduction should be a prime goal of our foreign policy. Indeed, it seems unlikely that any other policy can arrest widespread nuclear proliferation which could lead to the ultimate breakdown of the nuclear deterrence strategy.

In the meantime, however, strategic deterrence policy decisions, and therefore related budget decisions, must revolve around the question of how to maintain an effective deterrence at a reasonable cost and without undermining efforts to bring the strategic arms race under control. The rest of this report deals with various aspects of this question.

2. Do we want and need forces to maintain minimal deterrence or do we want and need open-ended counterforce strategic forces?

There has been a continued controversy over "how much is enough?" In the realm of strategic nuclear forces. Many believe that if the U.S. could destroy a dozen or so major cities in the homeland of a potential aggressor government, it ought to be able to deter an attack upon American soil. Thus, the argument goes, if the Soviet leadership knew it would lose Moscow, Leningrad, Kiev, Vladivostok, Kharkov, Odessa, Minsk, Donetsk, Riga, Warsaw, Prague, Budapest, Kuybychev, Volgograd, Sevastopol, Tashkent, and Baku if it attacked the United States, it would never take the risk.

Similarly it might be argued that the U.S. would never launch such an attack on the Soviets (even if we were inclined to take on an aggressive role, which we are not) if we would lose New York, Chicago, Los Angeles, Dallas, St. Louis, Washington, D.C., Atlanta, Philadelphia, Baltimore, San Francisco, Cincinnati, and Miami in the process.

The United States and Soviet forces have long since amassed strategic weapons beyond what is needed for minimal deterrence. Calculations done in the Pentagon in the 1960s indicated that as few as 400 one-megaton nuclear weapons exploded on targets in the Soviet Union could inflict 60 million deaths and would destroy at least 75% of all Soviet industry.[1] Today, the United States maintains some 40 strategic nuclear weapons per Soviet city of over 100,000 persons and the Soviet forces number 17 strategic nuclear weapons per American city of over 100,000 people.[2] Clearly, both forces have moved far beyond minimal deterrent capabilities into an incredible surplus of nuclear overkill capacity. Clearly, both sides can destroy the other with but a fraction of their strategic forces.

Pentagon planners have long targeted more than Soviet cities when they put together the contingency plans for a nuclear war with the Soviet Union. In the Single Integrated Operation Plan (SIOP) they have targeted most cities, factories, transportation systems, military bases, and military units of the Soviet Union. Most major targets have multiple weapons directed against them. Thus, American and presumably Soviet military plans contemplate launching strategic nuclear weapons against both the civilian society and military forces of the other side in a general war. It is clear that the U.S. strategic force already is poised to fight both against Soviet military and socio-economic targets.

Despite the fact that counterforce targeting is nothing new, it has been given a new emphasis by Defense Secretaries Schlesinger and Rumsfeld. They argue that the U.S. needs still more counterforce weapons and that U.S. use of the nuclear weapons in wartime will first emphasize hitting selected military targets with an attempt to minimize destruction of population and industrial centers in the Soviet Union at the outset of a conflict.

Adopting such a posture, Pentagon leaders assert, will enhance the deterrent effect of our strategic forces by making them more believeable. They will be more believeable, it is argued, because the President will have the option of destroying only part of the Soviet Union and may thus be able to terminate hostilities and through threat of more of the same, rather than forcing the Soviets into all-out war to the finish. Such incremental doses of nuclear killing power are more likely to be used, the other side knows this, and—the argument goes—they will thus be less likely to initiate an attack than if they knew that the President had only the options of all-out nuclear holocaust or surrender. Such selective dose of nuclear seige also, it is argued, avoids the barbarism inherent in a decision to destroy millions of persons living in Soviet cities who would be the innocent victims of their leader's aggression and of American retaliation.

Most strategists who believe that a nuclear deterrent force is a necesary evil in a hostile world where others also possess such forces will agree that the President should have the option of not pushing all the buttons in such a wartime situation. What many in the debate over counterforce weapons have long ignored is the fact that the U.S. President has long had the capability to send off small groups of bombers and/or missiles against isolated military targets in the Soviet Union, Eastern Europe, or China. Such selective counterforce capabilities have long been part of the U.S. strategic forces and would be available in a war or a crisis.

Where Mr. Schlesinger and Mr. Rumsfeld part with the critics of the new counterforce doctrine and weapons proposals is in how extensively we should rely on counterforce doctrine, and how this should influence the kind of strategic forces we build and deploy. The Pentagon has argued that this new selective counterforce strategy will require: (1) a whole new class of highly accurate ICBMs, (2) extensive retraining of U.S. strategic nuclear forces in selective nuclear strike options, (3) more numerous strategic nuclear weapons to blanket all possible military targets in the Soviet Bloc, (4) an announced nuclear strategy that the U.S. stands ready to use nuclear weapons in a selected strike very early on in a confrontation and war with the Soviets.

This, Pentagon leaders argue, will enhance deterrence of war with the Soviets by making our strategic forces even more credible.

The critics of the New Counterforce Program, however, argue that these new high-accuracy ICBMs and SLBMs will be destabilizing to the nuclear balance by making the Soviet ICBMs more and more vulnerable to destruction by surprise attack. This might force the Soviet leaders to put their force into a "launch-on-warning" posture that could easily result in accidental nuclear war. WWI began as an accident of fate, the assassination of one man, and resulted in the death of millions. A similar and even more catastrophic war could be unleashed if the Soviets felt compelled to counter U.S. counterforce weaponry with a "launch-on-warn-

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Footnotes at end of article.

ing" posture to guarantee their own deterrent capability. One mistake could trigger the nuclear storm.

As critics of the new Pentagon Counterforce Program point out, the new weaponry is more likely to cause pre-emptive attacks. If Soviet leaders know high-accuracy counterforce U.S. weapons can destroy their ICBM silos with pinpoint accuracy, they would be more likely to launch pre-emptive strikes during wartime or crises.

Also by setting loose within the U.S. armed forces the notion that nuclear weapons are useable and by initiating tens of new selected strike training routines, the new doctrine accustoms U.S. military leaders to think in permissive terms about the useability of nuclear force in crisis and early war encounters. These routines make the military and their civilian leaders think in terms of the "useability" rather than the "unthinkableness" of these weapons. This may give rise to the illusion that nuclear warfare is likely to remain under control if administered in finite doses. It fosters the notion that nuclear war, once initiated, can be kept from escalating. This is a dangerous notion that critics of the new counterforce emphasis oppose.

Finally, the new posture inevitably will lead to further Soviet strategic force countermeasures beyond launch-on-warning status. If their ICBM force becomes vlunerable to highly accurate U.S. missiles they may launch a new round of weapons building, creating perhaps mobile ICBMs or a larger number of sea-launched missiles, or ABM defense around the more vulnerable ICBMs. This would have disastrous consequences for SALT and would incite another round of strategic arms building in both camps. The ultimate result would be more billions of dollars for strategic weapons with no perceptible gain in it for the Pentagon such as the terminal MARV weapons, the MX missiles system, the higher-yield MK12A warhead, and the high-accuracy long range cruise missile may all be counterproductive to the United States if developed. Billions of dollars may buy more insecurity than security if invested in such systems.

Further, if the U.S. builds counterforce weapons the Soviets are very likely to follow. This will put our ICBM's at further risk and require expensive countermeasures by the U.S. Development of such counterforce weapons will also preclude meaningful SALT limitations on their development, another missed opportunity for arms control efforts to head off expensive new systems that give no further physical security to the superpowers.

3. Do we need to match or exceed Soviet strategic forces?

Since decision-makers act on perceptions of reality as well as the ultimate reality itself, some Pentagon leaders, such as former Defense Secretary James Schlesinger, have argued that the U.S. must be perceived as equal or superior to the Soviet Union in strategic force in the Kremlin leaders' eyes. A perception of American inferiority, it has been argued, might cause Soviet leaders to commit aggression in a crisis which could escalate into war. Thus, Pentagon leaders have argued that in all major indices of strategic power (numbers of nuclear weapons, accuracy, delivery vehicles, throw-weight, reliability, availability, and megatonnage) the U.S. should maintain rough parity or real superiority. The Pentagon catch phrase for this is maintaining "essential equivalence."

Critics of this new concept of "essential equivalence" argue that matching the Soviet in all phases of strategic forces is not necessary to deter attack by the U.S.S.R. Asymmetries in the two forces, it is argued, do not mean that either is insufficient to do the job it was designed to do, namely to guarantee that the other side will suffer unacceptable social, economic, human, and military damage if it launches an aggressive attack. The Soviet force with its advantages in throw-weight, in megatonnage, and in numbers of delivery vehicles can deter or destroy the United States. The U.S. strategic forces with their advantages in numbers of nuclear weapons, missile accuracy, reliability, weapons availability, and MIRV technology can deter or destroy the Soviet Union. Neither side has to be symmetrical to the other in order to carry out its strategic function.

Thus, "essential equivalence" opens the door for ever more numerous deployment of nuclear weapons with no end point in sight. Whatever the Soviets do, our hardliners argue, we must match them to maintain a perception of equivalence. What is overlooked is that the targets remain finite while the number of new weapons required under such a doctrine may stretch out into an infinity of new weapons produced in order to match every new Soviet strategic weapons move. A more sensible approach than "essential equivalence" is to conclude that nuclear sufficiency and "assured destruction" doctrines make more sense than an endless matching of Soviet capabilities. Once you can destroy the other society and much of its military force one time over, you need add no further strategic arms. The size of the forces on both sides make it wildly implausible that the leadership on either side can perceive any useable strategic advantages out of the fact that the two forces are not mirror images of each other.

They both contain such formidable destructive power that they cannot be ignored. Different as they are, both forces will deter. The attempt to match the Soviets in every category of strategic strength also has another unfortunate result. It causes Pentagon planners to develop weapons not only to match present but also projected future Soviet strategic weapons. This creates a self-fulfilling prophecy whereby we build added weapons to offset weapons they are projected to be planning to build. This funding of U.S. weapons then provides further arguments for hardliners in the Kremlin to argue for the very weapons we predicted they might build. Thus, our actions based on fear of their future arms development help create that very Soviet armament. It is this kind of dynamic that helps drive the strategic arms development on both sides.

4. Do we need a Triad and, if so, must we continually modernize it?

As mentioned at the onset, the U.S. maintains three acknowledged strategic forces and a fourth force, composed of many forward-based nuclear-loaded fighter bombers, which can be used strategically against the Soviet homeland. Within the strategic "Triad" the U.S. maintains ICBMs, SLBMs, and strategic bombers. While each system has different capabilities and vulnerabilities, together they provide an assured ability to destroy any aggressor in a retaliatory strike. While the Triad is a useful mix of strategic systems to insure survivability of the deterrent force, there is no necessity to goldplate all legs of the Triad. Continuous modernization of the bomber and ICBM and SLBM forces is not necessary at the rapid rate that we are currently turning out new and improved models. This leads to several questions about our ICBM, bomber, and submarine forces. For example:

5. Should we downgrade our emphasis on the increasingly vulnerable ICBM force? If so, what should take its place, if anything?

The 1000 U.S. Minuteman intercontinental ballistic missiles (ICBMs) are the most accurate strategic systems in the U.S. arsenal and the most likely to be able to penetrate and destroy fixed military targets of an aggressor. Within the next year, some 550 of those ICBMs will have a MIRV capability. 450 will be retained with their single warheads. 54 older Titan missiles still remain from the early sixties. All intercontinental ballistic missiles are under secure command and control and are buried in hardened concrete silos in remote areas of the U.S. ICBM command and control is considered superior to that for SLBMs and even for bombers. Any adversary seeking to destroy the entire ICBM force in a disarming attack would need to strike all of them within several minutes of the first explosion, would need to hit each with pinpoint accuracy from hundreds and even thousands of miles away, and would have to somehow hope that "fratricide effects" would not prevent secondary missiles from destroying silos where first missiles shots had failed. The probability of destroying all U.S. ICBMs in such a surprise attack is not high although a significant portion may be destroyed as accuracies of Soviet missiles increase. The most obvious U.S. and Soviet counter to such increases in accuracy might be to put more ICBMs on "launch-on-warning" status, not a desirable situation due to the possibility of accidental war.

The increasing accuracies and reliabilities of missiles on both sides make a target kill probability close to 1.0 a likely possibility for U.S. missiles in the next decade. The Soviets are thought to lag in this technology but should also master it in time.

This has led to the speculation that fixed-silo ICBMs may become more and more vulnerable to disarming attacks. This has led further to the speculation that ICBMs will then have to be made mobile, or would have to be protected with anti-ballistic missile (ABM) defenses. Or, some conclude, ICBMs must be abandoned and the strategic forces will have to rely upon sea-launched missiles and bombers to provide the deterrent. Others argue that ICBMs could retain their value if put on "launch-on-warning" status.

Such developments as these can be forestalled, if U.S. and Soviet leaders recognize clearly the fact that an attack on one element of the Triad, namely the ICBM force, would still bring a devastating attack from the bomber and submarine forces. Moreover, the presence of ICBMs would still draw resources away that otherwise might be pitted by an adversary against our bombers and submarines. Hence, the ICBM is likely to remain useful as a deterrent for some time to come, especially when it is realized that "fratricide effects" and the difficulty of achieving a high-confidence high-accuracy simultaneous attack on 1054 separate targets make it likely that U.S. ICBMs will get off the pad in some numbers even if attacked.

6. Do we need manned bombers? If so, do we need a new one now?

The bomber force is the most vulnerable to attack if caught on the ground. However, it is likely that any war would be preceded by a crisis that would give ample time for the Strategic Air Command to disperse its bomber fleet of B–52s and FB–111s. During the Cuban Missile Crisis, SAC Bombers were dispersed to over 40 civilian airfields as well as being kept at regular SAC airbases. Aided by missile depression of Soviet or Chinese air defenses, it is likely that many of the manned bombers would be able to deliver their nuclear megatonnage upon aggressor targets as ordered.

Bombers can be used in selective strikes and have the advantage of being capable of recall if the leadership changes its mind in the midst of a crisis. They can also be moved to forward areas and dispersed as signals of serious intentions during crises.

Despite these points in favor of retaining a manned bomber capability in the U.S. strategic deterrent force, there is a serious question about how important the manned bomber remains in an age of misslies. Bombers are not only the most vulnerable part of the strategic triad, but they are also the slowest. ICBMs can traverse thousands of miles to Soviet targets in 30 to 40 minutes. SLBMs can hit coastal targets with but minutes warning time. Yet bombers will take several hours to reach their targets. Moreover, they, unlike the ICBMs and SLBMs, are vulnerable to the heavy shield of Soviet interceptors and SAMs deployed in the U.S.S.R. They are the least likely part of the triad to (1) survive and (2) pierce the active and passive defenses around Soviet targets.

Some argue that the very slowness of bombers allows negotiation even during the flight of the bomber toward the target. Others argue that the slowness allows more time for recall. Nearly all analysts will agree that bombers give the U.S. the ability to acquire new targets of opportunity in the midst of a conflict, targets that were not pre-planned. Nearly all will agree too that the addition of a bomber force makes it more likely that a considerable number of additional SLBMs and ICBMs can be launched in a retaliatory strike against an aggressor. This adds to the overall deterrent capability of the strategic forces.

Nevertheless, there is no need to goldplate all legs of the strategic "triad", especially the bomber force. Bombers are the least useful and most expensive part of the strategic forces. For example, they require highly skilled personnel and extensive operations and maintenance investments. There is considerable doubt whether they are cost effective when compared to ICBMs and SLBMs either from the standpoint of mission effectiveness or financial investment.

Ironically, manned bombers may be saved from being categorized as anachronisms by coupling them with missiles. As a standoff platform for air-launched cruise missiles or SRAMs the manned bomber may still retain a vital strategic capability. The improvements in cruise missiles and SRAMs offer the bomber a new life and renewed usefulness where it will not be required to test itself close in against the increased interceptor and concentrated SAMs surrounding many of its targets.

One of the key questions facing the U.S. in the near future is whether it needs to modernize its current manned bomber fleet of nearly 500 B52s and FB111s by producing 241 B–1 bombers or a bomber equipped with long-range-air-launched cruise missiles. Even the Air Force which has indicated an eagerness for the B–1 admits that the B–52s and FB–111s will provide an adequate bomber force into the 1990's. This being so, it is difficult to see why either the B–1 or the air-launched cruise missile should be produced at this time, except for purposes of further research and development.

Critics of the B–1 make the point that the aircraft is the most expensive ever proposed for mass production. The cost is now projected at $88 million per plane and has risen every year. They also reiterate that it is not needed since present SAC forces can do the job until the mid-1980's or later. They argue that this is the age of the missile and that the bomber is of declining importance and rising cost. Moreover, they find the extra bomb and missile capacity of the B–1 to be superfluous in an age of massive nuclear overkill. The costs of the entire B–1 fleet, some assert, would rather be spent on conventional forces where the military need is greatest or should be left out of the defense budget altogether since an expenditure of that magnitude has serious inflationary repercussions.

From an economic standpoint the B–1 is especially questionable. It is highly probable that the skyrocketing price of the B–1 could cause its early terminations after a buy of perhaps 40 or 50 aircraft. This would have a serious dislocating effect in the aerospace industry and could cause large layoffs of aircraft workers who looked to the B–1 contract to supply jobs. Indeed, critics of the B–1 argue that rather than creating numerous jobs, the B–1 will cause a net job loss in the U.S. economy. Studies done by public interest research groups and the U.S. Department of Commerce indicate that more jobs would be created if the B–1 money were invested in other sectors of the economy.[3]

Budget cut suggested

Dropping the B–1 will save $1,049 million in FY1977 and perhaps additional $90 billion over the lifecycle of 244 B–1s.

7. Should we move more of our strategic forces out to sea? Is Trident the most cost-effective strategic submarine option?

Undoubtedly, the most invulnerable part of the strategic triad resides at sea with the 41 U.S. ballistic missile submarines, half of which are on station at a given time. The ten Polaris and 31 Poseidon boats will soon be joined by the first of the Trident submarines in the late 1970s. This undersea force has about 5000 strategic nuclear weapons targetable upon adversary cities and fixed sites. With the retrofitting of ten Poseidon submarines with the new Trident I missile, these boats and new Tridents will have a missile range of 4000 miles. This will increase SLBM ranges in the U.S. force by approximately 1500 miles and will give the ballistic missile submarine fleet 15 times more ocean to maneuver within so as to avoid Soviet and other ASW forces.[4] Strategic submarine forces already were considered highly invulnerable to current ASW technology and this added range increases that degree of invulnerability immeasurably.

The Polaris A–3 and the Poseidon C–3 missiles are considered less accurate than the Minuteman III or New MX missiles being designed or deployed on U.S. ICBMs. Sea-launched ballistic missiles are considered primarily to be counter-value or counter-city weapons. ICBMs are considered to be increasingly capable of counterforce targeting and have superior command and control systems. However, if the Navy applies terminal guidance to SLBMs, particularly the Trident II missile, they will clearly have a counterforce missile system.

While decisions on the Trident II missile and terminal guidance are several years away, the necessity for such counterforce SLBMs is dubious, especially in view of the high cost of development and the possible destabilizing effect of high accuracy counterforce missiles.

In fact, the continued high cost of Trident submarines makes their continued deployment a questionable investment. Some scientific and strategic experts argue that retrofitting Poseidon submarines with Trident I missiles and then deploying the same system on a Narwhal submarine would be more cost-effective than investing billions more in the huge Trident submarines. Others have suggested building many conventionally-powered submarines armed with the Trident I missile. The Navy seems quite eager to continue deployment of the Trident system and so far no urging by critics has succeeded in getting them to *carefully* consider the alternatives of the SSBX (driven by fuel cells, not diesel engines) or SSBNX to Trident. Such a study is obviously in order and might well reduce the requirements of costs projected for a large Trident force.

Of all of the legs of the Triad, the submarine system seems the most valuable and the least vulnerable. Moreover, no significant ASW threat looms on the horizon. The increases in range that will be secured by the Trident I missile will make the force even less vulnerable to any ASW developments. As bombers remain a marginal strategic force and as ICBMs become increasingly vulnerable, it is likely that the U.S. will depend more and more upon the sea-based deterrent for protection. This force when equipped with Trident I missiles should remain adequate even without further introductions of the Trident force in large numbers through the next decade or more. Even if the other legs of the U.S. strategic Triad disappeared over night, the sea-based deterrent would suffice.

Budget cut suggested

Recommended: Deleting all funds for the Trident Submarine in FY77. This will save $1189.8 millions in FY77.

8. What is the likely arms control impact of new U.S. strategic programs?

New U.S. Strategic systems on the horizon include the MX ICBM program, the Air-Launched Cruise Missile (ALCM), the Sea-Launched Cruise Missile (SLCM), the B–1 Bomber, the terminal and evader MaRV missile systems and the Trident I missile system. Of these from an arms control point of view, the MX, ALCM, SLCM, and MaRV systems are damaging to attempts to cap and stop the strategic armaments race through a SALT agreement. In the case of each, they will make it harder to stop new rounds of arms building once tested and into engineering development.

The MX program contains at least three elements. It includes work on a more accurate missile system. It includes funds for development of missiles with a greater explosive yield and throw-weight than the Minuteman III. And, finally, it contains funds for development of a mobile land-based ICBM. This latter part of the program could have very serious and damaging impacts on SALT negotiations. Mobile ICBMs would be extremely difficult to verify by "national technical means" (i.e. by spy satellite) and would be next to impossible to count accurately without on site inspection. These mobile ICBMs might be deployed underground on tracks which run beneath multiple silo holes. Such a shell game would confuse adversary military planners since they would not know which silo opening to target. At the same time, it would make verification of the number of ICBMs next to impossible unless each silo counted as an ICBM in an arms control treaty.

Mobile ICBMs loaded on trucks or railway cars might be easily camouflaged or stored in garages and moved at night. All of this would create nightmares for the arms control community trying to negotiate meaningful and verifiable limits on the number of strategic weapons.

In similar fashion the development of cruise missiles, especially the sea-launched variety, might make SALT verification impossible. Once tested any industrialized state could mass produce and hide large quantities of cruise missiles, the numbers of which would not be verifiable by "national technical means of inspection."

Since cruise missiles are now expected to be one-fifth to one-tenth as costly as the equivalent ballistic missile, cruise missiles could lead to a quantum leap in the number of strategic warheads in the U.S. and Soviet inventories. U.S. officials have predicted that as many as 21,000 SLCMs and ALCMs might be deployed in future years. The U.S. today has "only" 8900 strategic nuclear weapons and the U.S.S.R., 3500.

Once developed, cruise missile technology may spread and allow the near nuclear countries to "go nuclear" on the cheap. Overall, cruise missiles have the potential to thwart any chance for a verifiable ceiling on U.S. and Soviet strategic nuclear weapons. At a minimum, steps should be taken to ban strategic sea-launched cruise missile tests and development so as to preserve the option of achieving a SALT limit which can be verified adequately. This can also spare the United States the necessity of eventually erecting a thick air defense system against Soviet long-range cruise missiles.

Footnotes at end of article.

SLCM budget cut recommended

This leads us to the conclusion that the Congress should delete all funds for the Sea-launched cruise missile in the FY77 budget. This will save $369.2 million in FY77.

New counterforce weaponry destabilizing

The counterforce accuracies that reside in the new MX, terminal MaRV, and Trident II missiles ought also to be foregone in the interest of preserving some stability in the current strategic balance with the Soviet Union. MX, terminal MaRV, and Trident II will merely force the Soviets to build new systems that will doubtless incite U.S. strategic countermeasures as well. It is better to leave the U.S.S.R. ICBM force relatively invulnerable to prevent another cycle of frantic arms building without achieving additional security. The movement to mobile ICBMs, to new ABMs, or even to more sea-based strategic forces would be unfortunate from the standpoint of getting meaningful ceilings set at SALT for all major strategic forces. A quantitative and qualitative freeze and cutback will be possible only when the invulnerability of the respective deterrent forces is guaranteed. MX, MaRV, and Trident II all tend to increase the vulnerability on the Soviets side and are counterproductive from an arms control and disarmament perspective.

Counterforce weaponry cut recommended

Since these new counterforce weapons will be destabilizing and will incite new rounds in strategic arms building, it is recommended that Congress delete all funding in FY77 for the MX, MK12A Warheads, and NS–20 guidance system. This will save $159.2 million in FY77.

9. How can we improve our national security through SALT and halt the ever more expensive strategic arms race?

SALT to date has failed to stop the strategic arms race. At best it has led to a better understanding of the U.S. and Soviet positions by each side. It has begun a process, but it has yet to halt any important aspect of the arms race except ABM deployments. It has been convincingly argued that the negotiations have not stopped the deployment of record numbers of nuclear weapons and that at most the negotiations and agreements to date have rechanneled the strategic arms race but not stopped the flow of new arms. Indeed, the high and permissive limits set on launchers and MIRVs at Vladivostok in late 1974 has acted to set higher force limits than the military had then requested. These ceilings thus became high planning targets rather than firm ceilings. The talks also produced the unfortunate "bargaining chip" argument whereby new weapons were granted the military under the misguided assumption that this would pressure the other side into agreements at a faster rate and on more favorable terms.[5] This was found to be untrue since all agreements to date have permitted the bargaining chip systems and left loopholes for new "chips" to be created to exploit. The negotiation of a threshold test ban in 1974 led to a race to increase testing before the testing cutoff. SALT I was purchased at the price of promising Trident to the Navy among other things. Expanded military hardware has been the price of getting the military behind SALT agreements so as to make the SALT agreements politically safe for politicians.

A meaningful SALT agreement, one that served as a basis for arms reductions rather than as platform for new arms production would include:

(1) a ceiling on all delivery vehicles and MIRVed launchers.

(2) a ceiling on all nuclear bombs and warheads (force loadings).

(3) a comprehensive test ban that included bans on peaceful as well as military tests of all kinds.

(4) a stringent limit on the development of qualitative strategic improvements such as MX, Trident II, ALCM, and SLCMs, and the Russian equivalents.

(5) an agreement not to develop systems that cannot be verified by national means of verification such as mobile missiles, long range cruise missiles, and terminal MaRV. This agreement would probably have to include a formal or tacit agreement not even to test such systems to avoid the problem of the "clandestine cache" of weapons.

(6) some limits on theater nuclear forces, especially those that have significant ranges capable of hitting the homeland of U.S. or U.S.S.R.

(7) prohibitions against testing and development of terminal MaRV.

This kind of agreement would then serve as the baseline for further arms reductions.

FOOTNOTES

[1] Alain Enthoven and Wayne K. Smith, *How Much is Enough?*, (New York: Harper & Row, 1974), pp. 207–210.

[2] Calculations are based on U.S. force loadings of 8,900 strategic nuclear weapons and U.S.S.R. force loading of 3,500. There are 200 U.S. cities of 100,000 and 219 Soviet cities of that magnitude. See Donald Rumsfeld, Secretary of Defense, *Annual Report of the Department of Defense*, FY 1977, Washington, D.C., Jan. 27, 1976, p. 54. This gives 1976 force loadings.

[3] See Marion Anderson, *The Empty Porkbarrel*, PIRGIM, East Lansing, Michigan, April 1975. See also study by Roger Bezdek, "The 1980 Economic Impact—Regional and Occupational—of Compensated Shifts in Defense Spending," Journal of Regional Science, Vol. 15, N. 42, 1975. Bezdak is the Chief, Industrial GNP Branch, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C.

[4] Testimony of Adm. Hyman Rickover, Hearing on Military Posture, Seapower Subcommittee, House Armed Services Committee, March 17, 1975, p. 3657, Part 3 of 4 parts.

[5] One such "bargaining chip" requested as a supplemental to the FY 1977 Defense Budget is $266 million in Minuteman III procurement over and above the 550 already in place. Another bargaining chip is the extra $56 million requested for strategic re-entry vehicles. Both "chips" are likely to be kept rather than traded away in future SALT pacts.

Defending America: An Alternative Foreign Policy and Defense Policy Posture for the United States

Abstract: "The United States can save $8.5 billion in the FY 1977 Defense Budget Request without damaging U.S. national security. It has the option of reducing the defense expenditures by that amount or of buying a more effective defense force with the $8.5 billion identified as softspots in the present budget request. If the U.S. changed its foreign policy, the defense force needed to support it would change. The size and cost of defense forces needed to support foreign policies of Pax Americana, Present Policy, Pacific Pullback/Europe First, or a policy of General Retrenchment are identified in this report."

SUMMARY AND CONCLUSIONS

The Department of Defense has submitted its FY 1977 budget request for $101.6 billion in outlays and $114.2 billion in total obligatory authority (T.O.A.).[1] Recommended in the Administration request is a 5% pay raise for DoD personnel instead of the usual cost-of-living pay raise that is normally appropriated in September for federal employees. Failure to vote this 5% "pay cap" would result in an additional $2.2 billion in defense expenditures with defense outlays totaling $103.8 billion and total obligatory authority reaching $116.4 billion.

The magnitude of such expenditures is difficult to comprehend. For example, the FY 1977 request by the Pentagon exceeds the entire combined GNP of the 43 countries that make up the continent of Africa.[2] Indeed, only eight of the more than 150 states in the world today have individual GNPs that exceed the resources allocated to the U.S. Defense budget.

Given the magnitude of the U.S. Defense budget requests it is important that the programs of the Pentagon be given a close and critical look to insure that the money is being spent both efficiently and economically. To do less in the Congress would be to abdicate our responsibility to the taxpayer and the citizen who wants his tax dollars to buy the leanest and the toughest defense force possible for the investment made. This is the reason for this Alternative U.S. Foreign Policy and Defense Policy Statement.

Unfortunately, we have found that the current defense budget request presented for FY 1977 shortchanges the U.S. in both cost-effectiveness and economy. This study indicates how $8,537.9 million can either be saved without weakening the U.S. defense force in any significant way or can be reinvested in other defense programs that make more sense and provide more useful military capability.

This study addresses 3 basic questions:

(1) If the present U.S. foreign policy were taken as given, how can the United States more economically provide an effective defense program to support it? How can the U.S. provide the same amount of defense and deterrence for less expenditure of resources?

(2) If the U.S. foreign policy were taken as given how can the U.S. provide a more efficient allocation of defense funds? How could the U.S. provide a better program of defense and deterrence with the same investment of funds as requested by the Department of Defense?

(3) What kind of defense programs at what costs would be needed if the U.S. adopted a different foreign policy from the present one? Specifically, what kinds of forces and costs would be necessary for policies of:

a. Pax Americana Policy?
b. Present U.S. Policy?
c. Pacific Pullback/Europe-First Policy?
d. General Retrenchment Policy?

OPTION I. ECONOMY DEFENSE BUDGET: SUFFICIENT DEFENSE FOR $8.5 BILLION LESS

This study concludes that some $8,537.9 million can be saved from the FY 1977 Defense Budget, an "economy budget", without changing the essential defense capability of current programs needed to backstop our present foreign policy. We conclude that a FY 1977 Defense budget of $105.662 billion including defense manpower cost curbs would provide an adequate defense for the United States. Note where the $8.537 billion would be saved:

ECONOMY DEFENSE BUDGET ESSENTIALLY THE SAME DEFENSE CAPABILITY FOR $8537.9 MILLION LESS

Approve: $107.862 billion in Department of Defense funding (TOA) for Fiscal Year 1977. This includes funding of most major strategic and general purpose forces requests as well as most defense manpower funding requests by DoD.

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[1] This includes the January 1976 request and supplemental requests for naval and strategic forces.

[2] See Ruth Sivard, *World Military and Social Expenditures 1976*, WSME Publications, Box 1003, Leesburg, Virginia 22075.

Recommended: The following changes from current defense programs or requests.

1. Strategic forces: Suggested cuts in questionable programs

[In millions]

	Savings
a. B-1 bomber program	$1,049
b. MX missile program	84
c. MK-12A warhead program	93
d. Trident submarine funding (suspension awaiting study)	1,114
e. Sea-Launched cruise missile (SLCM)	369
f. Minuteman III missile add-ons	261
	3,051

2. Seapower: General purpose force suggested cuts in programs

[In millions]

a. New Nimitz carrier procurement funds (Long Lead-time items in FY 1977)	$350

3. Defense manpower: Suggested cuts in questionable programs

[In millions]

	Savings
a. Redress the balance between officers and enlisted personnel by not replacing 6,000 officer slots	$150
b. Improving the combat-to-support ratios	188
c. Transfer 50,000 naval reservists to the Individual Ready Reserves	36
d. Eliminate "double dippers" who draw two salaries	60
e. Increase average tour of duty from 14 to 18 mos	250
f. Increase student/teacher ratio from 1.5 to 1 to 2 to 1	520
g. Decrease average training period by 1 week from 67 days to 60 days	1
h. Cap retirement annuities at 5 percent increase per year	200
i. Remove the 1 percent kicker for retirees	90
j. Do not approve recomputation for retirees—this would add some $550 million in fiscal year 1977	--
k. Reduce civilian manpower by 1.5 percent in an efficiency incentive cut of 41,000 spaces (15,000 more than projected by the DoD)	580
l. Institute a 5 percent pay cap on all payroll increases for all DoD people in fiscal year 1977	2,200
Total manpower savings	4,687

4. Tactical airpower: Suggested cuts in questionable programs

[In millions]

a. Advanced attack helicopter program (AAH)	$112.1
b. A-7 Corsair program	235.4
c. A-4 Skyhawk program	102.4
	449.9
Total fiscal year 1977 savings	8,537.9

ECONOMY BUDGET: IA SEAPOWER

In a period when U.S. warships now number fewer than 500, the lowest total since 1939, it is poor judgment to place so much investment in nuclear powered and very high cost ships such as the Nuclear Strike Cruiser and the Nimitz supercarriers. The Navy budget should be allocated to more conventionally powered platforms which cost less. Nimitz class carriers would be vulnerable in high-threat areas in war with the Soviet Union because of the likelihood of nuclear weapons use at sea. On the other hand, Nimitz class carriers are not needed to perform missions against second and third rank military powers. Conventionally powered carriers and other ships can do the limited war missions that these would entail in low threat areas.

This careful study of the Navy indicates that the seapower budget should be reallocated to buy cheaper platforms in greater numbers. This would increase the survivability of U.S. naval forces should a major war occur since U.S. naval assets would be located on more platforms dispersed over a wider area. Moreover, 70% of the globe is covered by water, and numbers of ships and submarines do matter in maintaining sea control. The high-cost ships like the Nimitz canot be in two places at the same time and their purchase in large numbers will insure an inadequately sized U.S. Navy, unless large numbers and huge ships are built at the same time, at prohibitive costs.

Also like the TACAIR budget, the Seapower budget inadequately funds maintenance of the force. Navy readiness is in sad disrepair. As Admiral Rickover has stated "there has been no period in the past 50 years where the fleet has been in as poor condition as it is today." A vivid example of the tradeoffs between investing in increased maintenance versus investing in new nuclear powered ships is provided by the fact that for the price of one nuclear strike cruiser ($1.2 billion), the Navy could pay for the repairs and modernization for all ships (some 74 at last count) in the current overhaul backlog (priced at $1.0 billion). Investments in readines will yield more combat capability sooner than investment in dubious new construction of Nimitz class carriers and nuclear strike cruisers.

Strongly recommended is a new carrier study which looks at the cost-effectiveness of several different kinds of carriers. This study should look into the very real advantages offered by mini-carriers with VSTOL aircraft as compared with a purely nuclear-powered carrier of the Nimitz class. Investment in the goldplated high-cost surface ships now proposed by the Navy puts in doubt not only the feasibility of reaching 600 ships by 1985, but of maintaining 500 ships. Clearly, a new look needs to be taken at the Navy planning for the next decade and this MCPL report suggests several alternative routes to explore.

In the meantime, while the carrier study is being made the outcome should not be prejudged. No funds should be allocated in FY 1977 for a new Nimitz class carrier until it is clearly shown to be the way to go. All $350 million requested for a new Nimitz class carrier should be deleted from the defense appropriation in FY 1977.

Questionable seapower programs

[In millions]

	Fiscal year 1977 savings
a. Long leadtime items—Nimitz class aircraft carrier	$350

ECONOMY BUDGET: IB DEFENSE MANPOWER

The rationales for these deletions and program cuts are found in the body of the report. In the areas of the General Purpose Forces most of the reasons for the Defense Manpower changes are straight-forward and obvious.

The first reform would redress the current imbalance of officers to enlisted personnel in uniform. The second would improve the so-called teeth-to-tail ratio by turning more support people into combat personnel. These reforms will create a less top-heavy, tail-heavy military force. The other reforms are "efficiency" changes that would save money or better utilize resources and speak for themselves. Reserve reforms, retirement pay reforms, eliminating "double dippers", increasing tours of duty, improving manpower useage in training, holding the line on pay and retirement pay increases will all save billions. Overall, some $4,687 million can be saved in FY 1977 by these measures.

Recommended defense manpower changes

[In millions]

	Savings
a. Redress the balance between officers and enlisted personnel by not replacing 6,000 officer slots	$150
b. Improving the combat-to-support ratios	188
c. Transfer 50,000 naval reservists to the Individual Ready Reserves	36
d. Eliminate "double dippers" who draw two salaries	60
e. Increase average tour of duty from 14 to 18 mos	250
f. Increase student/teacher ratio from 1.5 to 1 to 2 to 1	520
g. Decrease average training period by 1 week from 67 days to 60 days	1
h. Cap retirement annuities at 5 percent increase per year	200
i. Remove the 1-percent kicker for retirees	90
j. Do not approve recomputation for retirees—this would add some $550 million in fiscal year 77	------
k. Reduce civilian manpower by 1.5 percent in an efficiency incentive cut of 41,000 spaces (15,000 more than projected by the DOD)	580
l. Institute a 5 percent pay cap on all payroll increases for all DOD people in fiscal year 1977	2,200
Total manpower savings	4,687

All of these changes require the action of Congress and some like the 5% pay cap have been recommended by the administration. Most of these changes could begin in FY1977 but some would not result in savings until FY1978 due to the time needed to implement them.

ECONOMY BUDGET: IC TACTICAL AIRPOWER

Perhaps the most disturbing aspect of the U.S. tactical airforces is that there are so many of them. Each service maintains its own. These duplicate each other in many cases. Programs of the U.S. Army (the Advanced Attack Helicopter) and the Marines (the AV-8A Harrier) appear to be particularly ill-suited to the kinds of missions they will be called upon to perform. It is recommended that Army and Marine TACAIR be taken over by the Air Force and Navy with a more integrated command and control system introduced as well. This will result in only modest savings in FY1977 with only the Advanced Army Helicopter expenditures deferred until a study can be made to determine the cost-effectiveness of this program versus the A-10 aircraft for close ground support. This suspension of AAH development will save $128.9 million in FY 1977 if implemented.

Other questionable aircraft buys, such as the A-4 and A-6 aircraft, should also be suspended. This would save an additional $108 million in FY 1977. Again, alternative aircraft should prove to be more cost-effective than the A-4s and A-6s in performing their missions.

Current Pentagon plans now call for the expenditure of close to $300 billion on tactical airpower between now and 1985. This will include $43.4 billion on projected aircraft and helicopter procurement. Far too much of this large investment is programmed for "gold-plated" aircraft which are at the high cost end of the "high-low" mix. Greater emphasis should be placed upon getting more cost-effective aircraft at the lower end of the cost spectrum. It is strongly recommended that funds for the costly F-14s be transferred increasingly to less costly F-18s, and from the costly F-15s to the less costly F-16s and A-10s.

Not only should lower cost aircraft be purchased where feasible, but greater maintenance standards should be met. Nearly a fifth of all Navy planes are incapable of performing their combat missions at any given time and 46% are not fully prepared. The resources now sunk into goldplated aircraft and redundant tactical airforces can be better put into TACAIR maintenance. Dollars allocated to O&M rather than procurement of the AAH helicopter program would seem a logical tradeoff. The size of the current TACAIR budget is not unreasonable given the value of tactical airforces, but much of the funding needs to be reallocated along the lines indicated here.

Questionable tactical airpower programs
Fiscal year 1977 savings

[In millions]

	Fiscal year 1977 savings
a. Advanced attack helicopter program	$112.1
b. A–7 Corsair program	235.4
c. A–4 Skyhawk program	102.4
Total questionable TACAIR programs	449.9

ECONOMY BUDGET ID STRATEGIC FORCES

The FY 1977 Pentagon budget requests for strategic forces includes numerous programs of questionable wisdom amounting to $3,051 million in unnecessary programs. These include:

Questionable strategic forces programs

[In millions]

	Savings
a. B–1 bomber program	$1,049
b. MX missile program	84
c. MK–12A warhead program	93
d. Trident submarine funding (suspended for study)	1,114
e. Sea-launched cruise missile (SLCM)	369
f. Minuteman III add-ons	261
Total questionable strategic spending	3,051

This critique of U.S. strategic forces programs is based on the fundamental assumption that the United States with its present strategic nuclear forces has a sufficiency of retaliatory power to deter any rational enemy into the foreseeable future.* There is no convincing justification for "goldplating" each leg of an already adequate strategic "triad" with such systems as the B–1 Bomber, the long-range sea-launched cruise missile, or additional Minuteman III missiles (beyond 550), or its follow-on, the MX missile. Moreover, the development of even more capable counterforce missile systems as represented by terminal MARV, the MX Missile program, and the MK12A warhead cause more problems than they solve. Building such U.S. weapons spurs Soviet reactions that could either lead to a greater chance of accidental war or costly new rounds in the strategic arms race. Counterforce weapons can put a hair trigger on nuclear war by forcing the Soviets to go to "launch-on-warning" status and/or by forcing them to go to more sea-launched missiles, mobile missiles, or to a renewed ABM program to counter U.S. counterforce threats. It is unlikely that such new Soviet programs would not spur still further U.S. strategic arms building efforts.

Moreover, the extensive testing of either MARV or of the strategic sea-launched cruise missile will likely lead to a multiplication of the number of nuclear weapons deployed in both the United States and the Soviet Union and to an inability to limit such new technologies through arms control agreements that can be verified with some certainty.

There is another questionable item in the FY 1977 Pentagon request for strategic forces. In a supplemental request $322.4 million dollars has been asked for 60 extra Minuteman III MIRVed warheads and for an early beginning for Mark 12A warhead production.

The $260.7 million for Minuteman IIIs and $56.3 million for MK12As are rationalized as "bargaining chips" at the SALT negotiations which are now deadlocked. But as one wise arms controller once noted, "finding a suitable "bargaining chip" is a fundamental problem. It is hard to think of an arms program that simultaneously is good enough to worry an opponent and bad enough for the military to be willing to give it up in negotiations."* Adding 60 more Minuteman IIIs may eventually require a raising of the MIRV limit tentatively agreed upon at Vladivostok.

Finally, the continued introduction of strategic weapons such as the B–1 bomber will cost enormous sums that could be better spent on the U.S. general purpose forces or could save the U.S. taxpayer money without decreasing U.S. national security.

Even the programs that make good sense, such as the deployment of the U.S. strategic deterrent aboard ballistic missile submarines can be done in a more expeditious manner. Trident is a good example. Trident I missiles deployed aboard many smaller submarines than the present Tridents would seem to make more sense. The long range Trident I missile will add some 15 times more ocean for strategic submarines to hide within and frustrate ASW efforts of aggressor states. Yet, these SLBMs ought to be deployed in as many submarines as possible within the limits of the Navy budget to make them even less vulnerable. For this reason it is logical to defer further spending on Trident submarines while going full ahead on Trident I missile development and the redesign of a smaller cheaper alternative to Trident submarines.

The longer range Trident I missile would allow U.S. submarines to operate closer to friendly shores and further from hostile ones. These areas can offer more defensive protection to our strategic submarines. High speed will be less needed in such submarines. Also, many of these submarines could utilize the less expensive conventional engines. Several might even be put into inland waters to guarantee their invulnerability from rival submarines. As much as half the cost of the Trident investment could be saved per ship by deploying Trident I missiles on slower conventionally powered strategic submarines. This option is particularly significant and should be considered since some in the Navy are asking for 30 Trident submarines rather than the original 10 that were first planned. Finding a cheaper alternative to Trident is a major requirement of a sound defense posture and the program should be temporarily suspended until the Navy produces such as an alternative.

All of this leads us to the conclusion that U.S. strategic forces spending in FY 1977 could be cut $3.051 billion with the savings either going into savings to the taxpayer or into stronger conventional forces for the United States.

OPTION 2: REINVESTMENT IN A MORE EFFICIENT FORCE

If U.S. decision-makers did not choose to save the taxpayers $8537.9 million while investing in a lean but adequate defense force for FY 1977, they might still delete programs of that magnitude that have been identified in this study and invest the savings back into more meaningful defense programs.

If a "fat into swords" approach were adopted (An "Efficiency" Budget), rather than a "fat into taxpayer savings" plan (An "Economy" Budget), then $8537.9 million could be diverted into such worthwhile programs as the following which make more military sense:

VSS mini-aircraft carriers, VSTOL aircraft R&D, attack submarines, TOW Anti-tank weapons, advanced surface effect ships, armored personnel carriers, NATO standardization costs, A–10s, more cargo aircraft, prepositioned supplies in NATO, new carrier alternatives study, improved ship maintenance, improved ship readiness, improved anti-tank weapons.

Satellite verification systems, command and control programs, precision-guided munitions, laser research, remotely-piloted vehicles, tank forces if cost-effective, F–18s, nuclear weapons security, NAVSTAR satellite R&D, Captor mines, new SSBN alternatives study, improved TACAIR maintenance, improved TACAIR readiness, improved anti-air weapons.

These kinds of investments make far more sense than the systems and programs marked out by this study as inadequate and questionable. They would be more cost effective and would yield more military clout for the defense dollar invested.

Care must be taken in all new defense investments that the new forces and weapons purchased are not going to be doomed to technological obsolescence in the "next war." Manned bombers such as the B–1 in an age of precision-guided anti-air weapons could well be a very poor investment.

The main battle tank in an era of cheap and accurate anti-tank weapons such as the TOW weapons now in the U.S. inventory may make huge investments in tank forces questionable. A $4000 rocket can destroy a half million dollar tank. $2 billion dollar aircraft carriers in an age of possible nuclear war at sea where every surface ship is totally vulnerable may well be questionable investments. Service traditions which emphasize the importance of the manned bomber, the battle tank, and the aircraft carrier as the major air, land, and sea weapons may be inappropriate in an age where new military technology makes each increasingly vulnerable. The revolution in precision guided high accuracy weapons makes force planning take new directions if the U.S. forces of the future are to keep pace with the implications of technological changes.

In addition to the problem of avoiding "doctrinal lag" in weapons purchases, the U.S. Department of Defense should avoid the excessive "goldplating" of weapons systems. There is a great need for DoD procurement policies that emphasize buying adequate numbers of new ships and aircraft and that de-emphasize the buying of goldplated systems. Exotic weapons such as the Nimitz class carrier, the Army Advanced Helicopter, the nuclear strike cruiser, and the very highest price aircraft take too great a share of the defense budget. The United States seems to be engaged in its own form of unilateral disarmament. Insistence on the most complex and expensive weapons irreversibly leads to lower force levels. The Pentagon has engaged in a replacement policy that has led to a harmful shrinkage in the U.S. general purpose forces.

Finally, the U.S. Department of Defense would come up with a far more efficient use of its defense dollars if relatively more money was invested in improved U.S. ship and aircraft maintenance and readiness programs, and relatively less to new ship-building and aircraft-building, especially at the more expensive end of the high-low mix of ships and aircraft.

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*The United States has 2400 strategic delivery vehicles capable of delivering nuclear strikes on 8900 separate targets with an explosive yield of over 300,000 Hiroshima-Equivalents. This does not count 22,000 tactical nuclear weapons in the U.S. arsenal, some in the Hiroshima range. 5000 of these strategic nuclear weapons are aboard relatively invulnerable ballistic missile submarines. The U.S. strategic strike-back force is considered capable of surviving any surprise attack and retaliating with totally unacceptable damage against any aggressor.

*Jack Ruina of MIT.

An "Efficiency" Defense Budget the same size of that currently requested, but designed with these principles in mind, would yield a far more potent and suitable U.S. defense force.

OPTION 3: MATCHING DEFENSE FORCES TO FOREIGN POLICIES

Adopting the EFFICENCY Defense Budget outlined in this study will not save money but will add additional defense muscle where it is needed most. Adopting the ECONOMY defense Budget outlined here would save $8,537.9 million and still provide an adequate and strong defense force.

Adopting a different foreign policy generates different kinds of defense forces to support it. We have examined the different kinds of TACAIR, seapower, and defense manpower forces needed for each of four foreign policy options:

(1) A Pax Americana Foreign Policy

(2) The Present Foreign Policy of the U.S.

(3) A Pacific Pullback/Europe-First Foreign Policy

(4) A General Retrenchment U.S. Foreign Policy

How much should be spent on defense to implement each of these? What kind of forces are needed for each?

PAX AMERICANA

This foreign policy would require a very strong and larger defense force. The U.S. Navy would be built to a level of 650 ships with as many as 25 aircraft carriers and matching escorts. The Navy would swell to 800,000 people and the Marines to 250,000. Naval forces would be assigned in strength to every ocean in the world. A Pax Americana military force would also maintain 30 active Army divisions, 5 active Marine divisions, 45 tactical Air Force wings, 25 Navy carrier wings, and 5 Marine aircorps wings. U.S. strategic force levels need not be changed significantly to support a foreign policy of Pax Americana since a massive U.S. strategic force to deter aggression is already in place. A Pax America military force would cost as much as twice what the U.S. now allocates to the Defense budget, an estimated dollar cost of roughly $220 billion per year with nearly 4 million persons in uniform and 2 million defense civilians working full time for DoD.

PRESENT POLICY: STATUS QUO

Present U.S. foreign policy commitments could be supported by a budget similar in dollar size to the U.S. Defense budget simply by adopting the administration program. Or a somewhat smaller defense budget with the suggested cuts laid out would give an economical but still impressive defense program to the country.

Present policy could be supported by an "economical" defense program costing $8,537.9 million less than the original FY 1977 Defense Department request. Still another legitimate defense posture used to support the present policy might be what would be termed an "efficient", if not economical, defense posture. In the efficient posture the $8,537.9 million saved from the "soft" programs would be plowed back into more reasonable defense programs such as PGMs, anti-tank weaponry, improved TACAIR programs, and greater readiness and maintenance programs.

PACIFIC PULLBACK/EUROPE FIRST

This kind of foreign policy would require a defense establishment consisting of a 400 ship Navy, an overseas force reduced in size by 72,000 consisting of withdrawals from Korea and scaledowns elsewhere over five years. Pacific bases would be withdrawn from Korea and a naval scaledown in the Far East would occur. Once completed such a policy would save $720 million annually in manpower costs and $7,400 million in Navy-Marine costs yearly. U.S. Naval forces would be centered around nine attack carriers at their core. Scaledowns in naval tactical airforces and tactical air units in the Western Pacific region would also allow annual cost savings of roughly $1,000 million per year once accomplished. European forces under this policy would remain similar to the present deployments. Overall this policy in fiscal terms would mean defense expenditures cuts of $9,120 million based on foreign policy changes alone. This, of course, could be combined with the "economy" cuts of $8,537.9 million described under the present foreign policy to produce an annual total savings of $17,657 million dollars in defense expenditures. Conversely, these resources could be diverted to building a stronger European force should that be necessary to maintain the military balance there under such a policy of "Europe First."

GENERAL RETRENCHMENT

A policy of general retrenchment would involve a major pullback of U.S. forces from both Europe and the Western Pacific. This policy would require far fewer forces than Pax Americana, the Status Quo, or Pacific Pullback Policies and would also require less of a defense budget investment. Under a general retrenchment policy the U.S. Navy would still retain 400 ships, nine attack aircraft carriers, and 342,000 Navy people as well as 126,000 Marines. This would represent 82 fewer ships than we now maintain and 40% fewer people. The Navy budget would thus be in the neighborhood of $28.5 billion in current dollars, down $8,900 million from the current Navy budget. Tactical airforces could also be confined to the United States or in token deployments abroad with 20 of the 42 TACAIR wings withdrawn and demobilized for a savings estimated at $12 billion in current dollars each year after such action was taken. Such a general retrenhcement policy would also permit a return and demobilization of 172,000 land-based troops from Europe and Asia at a cost savings of at least $2.0 billion per year once the transition costs have been paid. Strategic forces would remain at present levels for the purpose of deterrence of direct attacks on the United States.

Changing to a foreign policy of general retrenchment would thus require a significantly smaller defense establishment abroad. It would signal far less dependence on the military power and other advantages secured by tight alliances. The defense expenditures for such a policy would be $22.9 billion less than that needed to maintain the present foreign policy—this based solely on foreign policy changes. If the "economies" also identified in the present defense budget were taken an additional $8,537.9 million might be saved. Thus, a foreign policy of general retrenchment might lead to savings in excess of 31 billion dollars in defense expenditures.

SUMMARY

Overall, U.S. defense costs would vary in the following ways depending upon the foreign policy option elected and whether one adpoted an "Efficiency" or an "Economy" budget for the Department of Defense.

Fiscal year 1977 defense expenditures

Foreign policy adopted

1. Present U.S. Policy.
2. Pax American Policy.
3. Pacific Pullback/Europe-First Policy.
4. General Retrenchment Policy.

Efficiency budget

1. $116.4 Billion ($114.2 + 2.2B in payroll added).

2. $220.0 Billion (rough estimate) (extra cost: $104 Billion).

3. $107.3 Billion (foreign policy cuts alone) (savings: $9.1 Billion).

4. $93.5 Billion (foreign policy cuts alone) (savings: $22.9 Billion).

Economy budget

1. $107.86 Billion ($8,537.9 million saved).

2. Not applicable (all kinds of forces purchased with hedges built into budget).

3. $98.8 Billion (foreign policy + economy cuts) (savings: $17.6 Billion).

4. $85.0 Billion (foreign policy + economy cuts) (savings: $31.4 Billion).

In conclusion, we allow the reader to draw his own conclusion as to the correct foreign policy for the United States and whether to elect the economy or efficiency versions of the Defense budget. It is also our firm conclusion that there should be no rubberstamping of the FY 1977 defense budget or of any automatic cost-of-living raise in military and DoD civilian pay for FY 1977. We conclude that even if the current U.S. foreign policy is adopted, either $8,537.9 million should be reinvested in programs that make more sense such as those identified in option 2 or $8,537.9 million should be saved the taxpayer or invested in other more useful government programs. Both the economy and the efficiency budget options make more sense than the proposed FY 1977 budget now before the Congress.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The PRESIDENT pro tempore. Under the previous unanimous-consent agreement, 11 a.m. having arrived, the Senate will now resume consideration of the unfinished business, Senate Resolution 400, which will be stated by title.

The second assistant legislative clerk read as follows:

> A resolution (S. Res. 400) to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

The Senate resumed the consideration of the resolution.

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the amendment offered by the Senator from Texas (Mr. Tower) and the Senator from Mississippi (Mr. Stennis), with a time limitation of 3 hours thereon, and with a vote thereon to occur at 2 p.m.

The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Texas (Mr. Tower), for himself, Mr. Stennis, Mr. Goldwater, and Mr. Thurmond, proposes an amendment numbered 1649.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TOWER. Who has control of the time in favor of the amendment, and who has control of the time in opposition?

The PRESIDENT pro tempore. Senators Ribicoff and Stennis are in control of the time.

The amendment is as follows:

On page 5 strike out paragraphs (2) and (3) of section 3(a) of the amendment and insert in lieu thereof the following:

"(2) Intelligence activities of all other departments and agencies of the Government except the Defense Intelligence Agency, the National Security Agency, and other agencies and subdivisions of the Department of Defense.

"(3) The organization or reorganization of any department or agency of the Government, other than the Department of Defense, to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

Strike out clauses (B), (C), and (D) of paragraph (4) of section 3(a) of the amendment and redesignate clauses (E) and (F) as clauses (B) and (C), respectively.

Strike out clause (G) of paragraph (4) of section 3(a) of the amendment and insert in lieu thereof the following:

"(D) Any department, agency, or subdivision which is the successor to the agency named in clause (A); and the activities of any department, agency, or subdivision which is the successor to any department or bureau named in clause (B) or (C), to the extent the activities of such successor department, agency, or subdivision are described in clause (B) or (C).".

Strike out the period in section 4(c) and insert in lieu thereof "as specified in section 3(a).".

Strike out clauses (2), (3), and (4) of section 12 and redesignate clauses (5) and (6) as clauses (2) and (3), respectively.

Mr. TOWER. Mr. President, I ask unanimous consent that I may have control of the time, in the absence of Mr. Stennis.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER. I yield myself such time as I may require.

Mr. President, as a result of the investigation conducted by the Senate Select Committee on Intelligence Activities, there is one inescapable lesson that we in the Senate should have learned about the intelligence community—that is, that the entire community is a complex, fragile, and essential asset to the security of the United States.

While the committee's investigation revealed many abuses that occurred over the years, it also showed that such abuses were the exception rather than the rule in our intelligence agencies, and that more often than not the abuses that did occur were initiated by politicians who had authority over the agencies rather than by the agencies themselves. While the results of the select committee's investigation makes it clear that changes should be made in the manner in which Congress monitors the activities of the intelligence agencies, I feel that creation of a select committee on intelligence with legislative and authorization authority is the wrong way to do this.

Yesterday, my distinguished colleague, the Senator from Illinois (Mr. PERCY), stated that he felt that the Department of Defense and all of the intelligence agencies should be subjected to oversight by one group of Senators who have the entire intelligence picture. While I do not totally agree that unified and centralized oversight is essential, I am certain that to give such an oversight committee the legislative and authorization authority for appropriations would be a serious mistake. This is true, especially of the Department of Defense, where intelligence and the defense, generally, is so inextricably bound together.

Also, in the Department of Defense, tactical and national intelligence are impossible of separation; for what, in peacetime, is apparently purely tactical information, may certainly, in times of crisis or high tension, be of great national importance. In testimony before the select committee, as well as the Senate Armed Services Committee, it was revealed that the DCI, who is responsible for the national intelligence budget, as well as Defense officials, found it almost impossible and inconceivable to separate these two areas.

For the Senate to attempt in haste to separate a major part of the Defense intelligence budget from the committee with principal intelligence responsibility for the defense generally, will, in my opinion, create grave risk to the national security. This position is supported by the recent testimony of Deputy Secretary of Defense for Intelligence, Ellsworth, who, before the Armed Services Committee, on Thursday last, stated:

> We operate our intelligence responsibility in a somewhat different world from the CIA or the FBI. We operate in an extremely highly technological world, which with our facilities is very sensitive and very delicate. And that is the basis for our first concern—from the standpoint of maintaining the overall confidentiality of our sensitive and expensive military and defense intelligence sources and methods and—you know what I mean, particularly our most modern collection systems. The visibility that is created by separate budget process would entail, as we see it, grave risk. That is our first concern about the creation of a committee with the authorization for appropriations jurisdiction over these matters.

Mr. President, I think that few Members of the Senate realize that section 12 of Senate Resolution 400 would, in its present form, require a separate bill or joint resolution to authorize appropriations for the various agencies and departments involved in intelligence activities. I am concerned that this section would create unworkable problems regarding public disclosure of the intelligence budgets of the intelligence agencies and departments. For instance, the highly classified activities of the National Security Agency, if revealed in such fashion to enemy intelligence forces could be disastrous to one of our most important national intelligence assets.

For these and other very important reasons, which will be discussed more fully by the distinguished chairman of the Committee on Armed Services and the distinguished ranking member of that committee, we urge the Senate to support this amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CULVER). The Senator will state it.

Mr. STENNIS. Who has control of time on the bill?

The PRESIDING OFFICER. Under the previous order, 3 hours are allotted for debate, and the time is to be equally divided between the Senator from Mississippi and the Senator from Texas and the opponents of the amendment.

Mr. STENNIS. Three hours for the so-called Tower-Stennis amendment?

The PRESIDING OFFICER. That is correct—equally divided, and the vote to occur at 2 p.m.

Mr. STENNIS. Mr. President, if I am in control of the time, I yield 10 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I support this amendment, but I shall speak in general about the proposed legislation.

While I believe we need more responsible oversight of all of our intelligence agencies, I just cannot support this Senate bill, which would set up a committee of this size, with an almost unlimited staff.

This new committee would have oversight jurisdiction of all our intelligence agencies, including the Federal Bureau of Investigation, FBI; Central Intelligence Agency, CIA; National Security Agency, NSA; the Defense Intelligence Agency, DIA; and other minor intelligence organizations.

My major reason for opposing this bill is the excessive number of members of the committee and the size of its staff.

The bill would establish a committee of 15 members, with practically no limit on the number of staff members.

Mr. President, as one who has long dealt with intelligence matters, as a member of the Senate Appropriations Subcommittee on Intelligence Operations, I have always felt there was no possible way to prevent leaks of the most sensitive and top secret information if you have a large committee and a big staff.

While our Appropriations Subcommittee does not have oversight responsibility, we do have the responsibility of getting all the information possible regarding CIA, DIA, NSA, and other intelligence operations, to justify the money being requested.

This Appropriations Subcommittee for years has been composed of only five Senators, and we have two staff members.

I think it is fair to say that almost every Senator who has served on this subcommittee felt that, because of the very sensitive information we must deal with, it should be a small committee. Most Members would be very reluctant or would even decline to serve on a committee with a much larger membership and an unlimited staff.

It is my understanding that on this new committee, the staff would have access to the most sensitive information. Mr. President, human nature is such that when too many people have access to this sensitive, interesting information, someone is bound to leak parts or all of it to an ambitious and inquisitive press.

The press people who concentrate on the business of intelligence are uncanny in their ability to piece together bits of information here and there and come up with a pretty accurate story.

The Senate Select Intelligence Committee, which has been holding hearings for nearly a year and a half, has done a considerable amount of good. They have uncovered some things that need to be exposed. I cannot help but feel, however, that far too much information has been publicized, especially as to how our intelligence agencies such as the CIA operate in foreign countries.

These disclosures have very adversely affected the operation of our intelligence system. They have seriously damaged our intelligence agencies in foreign countries. The best example is the disclosure that Richard Welch was our top CIA agent in Greece. Shortly after he was identified as a CIA agent, he was murdered.

Examples such as this cannot help but demoralize the spirit and dedication of other CIA agents, especially those operating in hostile foreign countries.

If the Soviet Union conducted similar investigations into their KGB operations and made public all the inside operations of their spy agencies, such information would be most valuable to us. To acquire this kind of information, we would have to spend hundreds of millions of dollars.

Mr. President, intelligence plays a tremendously important role not only in the security of this Nation, but it makes possible a very large saving in military expenditures.

The more we know about what the Soviet Union or any other potential enemy is doing militarily, especially in the development of new weapons, the better we are able to determine what countermeasures we should take.

Constant surveillance by our intelligence satellites gives us accurate information as to almost every phase of foreign military activities, including troop movements and the deployment of missiles.

The present Senate Select Intelligence Committee, during its year and a half of operation, composed of 11 members, did its utmost to do a good job and try to prevent leaks of highly classified information.

The very size of this committee, however, along with its more than 70 staff members, made it just impossible to prevent very damaging leaks.

Mr. President, let me give one example of how important it is to keep some sensitive information top secret.

During World War II, when we developed the atomic bomb—as far as I am able to ascertain—not more than five Members of Congress were aware of the nearly $4 billion we secretly diverted into the development of the atomic bomb. This was one of the best kept secrets in our history. Had Hitler's Germany known early what we were doing, they might well have produced an atomic bomb before we did. They had the know-how.

Thus, world history, as we know it today, would have been changed.

With a 15-member Intelligence Committee and a staff of 60 or more having access to our top secrets of Government, no such projects involving our national security, such as the development of the atomic bomb, could ever again be realized.

Mr. President, I would favor a joint Senate-House intelligence oversight committee dealing with all intelligence matters, but I would want it to be a relatively small committee with a very limited staff. This is the kind of legislation I would support.

Mr. President, I cannot vote for this bill but I hope and pray that history will be wrong.

Mr. WEICKER. Will the distinguished Senator from North Dakota yield for a question, and I shall be glad to have it on our time.

Mr. STENNIS. Yes.

Mr. YOUNG. Yes, I yield.

Mr. WEICKER. I wonder if the distinguished Senator would tell me and my colleagues who divulged the information on Richard Welch? I ask the question since this has become a focal point as to whether or not Congress can be trusted with this type of oversight function. I would like to have the question answered: Who divulged that information? Did anybody in the Congress or any congressional committee divulge it?

Mr. YOUNG. I think it was directly associated with the investigation at that time.

Mr. WEICKER. No, I am afraid I am not going to let that point go unanswered, because it was used, as I say, as a focal point to turn around this whole investigation. It was not as the result of any information coming from the Congress of the United States. It was divulged by a foreign periodical. That is the very simple fact of the matter.

Mr. YOUNG. That he was a member of the CIA was published at the time of the CIA hearing and I do not think the Senator would deny that through the investigations, most people know how these intelligence agencies operate now.

Mr. MONDALE. Will the Senator yield just on that one point which the Senator from Connecticut raises?

Mr. WEICKER. Yes.

Mr. MONDALE. We never had Mr. Welch's name because we never wanted it. We never asked for any names of any foreign operatives, because it was not necessary to our investigation and we did not want it. In fact, the record discloses, as we looked into it later, that the CIA had urged Welch not to move into that house, because it had been known in the community that that house had been the residence of the previous head of the CIA in Greece. So when we look into the record, our committee and the House committee had absolutely nothing to do with the tragedy concerning Mr. Welch.

Mr. YOUNG. Did not the members of that committee and more than 70 staff members have access to all of this kind of information?

Mr. MONDALE. No, because we were very careful never to ask that kind of information, because we had anticipated that kind of problem.

For example, we often let CIA officials come in and testify under pseudonyms. We did not want to know their names. It was not important to our work. What we wanted to know were issues that went to the question of accountability and control.

Mr. HUDDLESTON. Will the Senator yield at that point?

Mr. YOUNG. I yield to the Senator from Mississippi first.

Mr. STENNIS. Mr. President, a parliamentary inquiry, if the Senator will yield.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. I understand that this comes on the time, now, of the other side?

The PRESIDING OFFICER. That is correct.

Mr. RIBICOFF. I yield some on our side.

Mr. HUDDLESTON. As a Member of the Senate committee that investigated our intelligence operations, I want to confirm what the distinguished Senator from Minnesota and the Senator from Connecticut have indicated regarding the tragic death of Richard Welch. I do this only because this matter has been brought up several times and has been used to try to denigrate the activity of the committee and the need for the oversight committee.

As Senator Mondale said, the investigating committee did not seek and did not have the identity of Mr. Welch. One further point that should be made is that it has never been established that the revelation of his identity had anything at all to do with that unfortunate occurrence. I think this matter should be put in proper perspective and that Members of the Senate should realize that that unfortunate occurrence really had no relationship to what we are discussing here today. As a matter of fact, proper oversight may very well help to eliminate or at least diminish prospects that situations similar to that of Richard Welch will occur again.

Mr. YOUNG. I am pleased to know that the committee feels there was no such leak. But the point I am trying to make is that there is no possible way to have a large intelligence committee with a staff of 60 or 70 and not have very damaging leaks such as this.

Mr. STENNIS. Mr. President, I yield myself 12 minutes. I agree to the alternating of speakers side to side, as far as that is concerned, but I do want to make these few remarks now.

Mr. President, I want to make clear that I have nothing except compliments for the select committee, the members of the special intelligence committee who have been investigating these matters. I not only assume, but I believe they acted in good faith. There are no charges to be made, by inference or otherwise.

Mr. President, we are dealing today with a problem that is not one of individuals; we are dealing with a major part of our foreign policy. We can simplify all of this greatly by just withdrawing and surrendering our position in international affairs. But if we are going to continue in the role of a world power, which I do not think we can abandon, we are going to have to have intelligence and we are going to have to adopt special rules and make concessions to handle it. That is what was done with the passage of the original CIA Act.

It was put into operation by the respective congressional committees on a kind of general understanding. The Senator from North Dakota has been a part of that for some years, as have the

Chairman of the Committees on Appropriations, Armed Services, and Foreign Relations, and others. It has been a special setup.

It was not perfect by any means. We cannot legislate an arrangement here today, or any day, that is perfect. But we did, by common consent, realize this had to be handled in a special way.

Now, this amendment, Mr. President, which we propose does not touch the CIA. It does not change the Cannon resolution as to what you are going to do about the CIA. It does not undertake anything of that kind to limit the new committee in its investigative oversight power, including power with respect to what I should call strictly military intelligence.

Having tried to state what it does not do, I want to refer now to what this amendment does do. But at the very threshold of this whole problem I want to say I do not think we can ever have a system that will work unles it jibes with and coordinates with the system of the House of Representatives. We are talking about legislation, dealing with legislative affairs, authorizations, appropriations, debates and sessions, and reports and staff work. All of those things we cannot possibly operate independently of the other body. Somewhere along the line this plan, however well motivated, will fail, I think, because it lacks that essential threshold requirement.

I have said before that a joint committee of the House and the Senate, a special joint committee, was, I thought, the route to go if we were going to have a special committee, and I believe we will have to come back to that.

What does this amendment do? It passes up all these matters that I have mentioned and merely takes out of the Cannon resolution as written now the matter of legislation and funds for the DIA and the NSA and other groups in the Department of Defense and within the services. Those items, under this amendment, would not have to go through this budget process. They would not have to be authorized as we use that term in legislation. I am one who favors authorizations, generally. But under this amendment funds for those strictly military operations would be excepted. They would not have to go through the process of authorization where the amount of money and the amount of manpower become involved. Now, these are the key points, gentlemen: An authorization, the amount of money, the amount of manpower, not only in totality but for some of these major divisions would have to be set forth and be binding on this body once the authorization process has been met as required by the resolution. It would be binding on this body in open or secret session, and then be binding on the Appropriations Committee and binding on this body when the appropriations bill came back for passage.

I am talking about the Department of Defense appropriation bill. The authorization will not be binding on the House of Representatives, not binding on their committees, not binding on their representatives at the conference that it has always had on the Defense appropriation bill. Now, that is the basic condition that this resolution, whatever its virtues may be, does not solve. It creates this additional fatal defect, I respectfully say, that will keep this system, as proposed, from working.

Our amendment merely undertakes to take out of that process this authorization.

Now, just a word on this. By and large over the years the real foreign intelligence has been highly valuable to our Nation. The military intelligence has been highly valuable, and in all the things the select committee found—and I am ashamed of a lot of those facts—there was not much, Mr. President, that was attributable to the military services.

I do not come here to defend them. I just say it is a fact that, according to your record a very small percent of the wrongdoing, the evil things that were uncovered, were attributable to the services. There you have that military chain of command, there you have the military discipline, and I pray God we will always have that discipline; there you have their pride of service and responsibility.

Anyway, the part of this operation this amendment covers is limited solely to the armed services, and there are certainly not a great deal, a great number of things evil, in all of this proof that can be attributed to them. There are no dirty tricks that they pulled. They just were not in on these matters, except in a slight degree, and that was under some special orders more or less from the Presidents of the United States during unrest and turmoil and high uncertainty.

If I may just relate this incident, talking about uncertainty, I was on my way to Capitol Hill one morning, driving my own car. Down there, very near the White House I was literally stopped, bodily stopped, and these organized groups threw a blanket over my windshield so that it was impossible to move forward.

Well, I had the presence of mind enough to know that I had better stay in the car rather than get out, but they had effectively stopped the operation of the Government so far as one Member of this body was concerned, and that is what their purpose was. I think maybe it was some of that group, the then President had had some of the military looking in on, trying to find out their motives. I know the group was successful, and this body could not have convened that day had all Senators suffered the fate that I had suffered.

I was finally released. By whom? By one of their own, one of their own group, one of the group which was stopping the operations of the government, who came up there and pushed the others out of the way and said, "This is a damned shame." He pulled that blanket away and told me to drive forward. Well, I persuaded them to let me drive backward. But I got out.

That is just a little of the atmosphere prevailing here when some of these activities might have been carried on where some part of the army got a little over the line. But of the evil about which we are also concerned, not much of it is attributable to this group.

If we have to make up a budget and any committee has to go through the process, the ordinary budget process, and bring an authorization in here and argue it, debate it, and then another committee, Appropriations, has to take it and operate under it and come back, and then if the Appropriations Committee goes over the line items subject to a point of order, all the debate back and forth could be day after day and time after time, and that is where some information will get out. I do not accuse anyone of intentionally leaking or telling anything, but it will get out. It is inevitable. It has before and it will now.

Then when we would go to the conference on the proposed authorization bill the other side is not bound by it anyway.

What kind of disclosure am I talking about?

Our friend here has already mentioned the Manhattan project that brought us the atomic bomb. I was not here then.

I refer to the U-2 which was the aircraft which became known as "the spy in the sky."

I can say on my responsibility that the activities of that group saved us billions of dollars by giving us information that caused us not to make mistakes as to the kind of weaponry we would build; I suggest that literally saved us billions of dollars.

I pass on to another. Take the efforts to raise the Soviet submarine. That went on over a period of 4 years.

By the way, I do not want to be a member of any new committee, whatever form it will be. I have been through, I believe, my share of sleepless hours about these projects.

For over 4 years we were on the verge there of getting from that sunken submarine a regular mine of information, to learn about codes and many, many other things. If there had ever been suspicion—no one had to tell it to kill it, if there had ever been suspicion—that we were carrying on that activity, that would have been the end of it because they would, naturally, have come in, and we would have had to go away.

It finally fell through for other reasons, as we know.

These are not imaginations, these are actual facts of life.

I do not support the resolution as a whole because of the defect I described in the beginning. I beg, beg even, because it is so important, that Senators reconsider the matter. Let us put in this amendment so as to have a special category.

The PRESIDING OFFICER (Mr. NUNN). The Senator's 3 minutes have expired.

Mr. STENNIS. One minute.

Put in a special category on these highly important, necessary, unusually sensitive items, and just say as a fact of life that they cannot go through the ordinary process. We will find another way to be effective, because the budget process, the authorization, the debates, and the point of order just cannot apply.

Mr. President, how much time is there on this amendment?

The PRESIDING OFFICER. Fifty-nine minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield the floor.

Mr. RIBICOFF. Mr. President, I yield myself 10 minutes.

Mr. President, this amendment would deny the new committee any legislative, authorization, or oversight jurisdiction over the intelligence activities of the Department of Defense.

It would fundamentally alter the compromise language offered by Senator CANNON last Wednesday.

I must strongly oppose this proposed amendment.

The new committee must have concurrent legislative and authorization jurisdiction over the national intelligence activities of the Department of Defense for the following reasons:

The Department of Defense is the Nation's primary collector of intelligence information. It controls 80–90 percent of the Nation's spending on national intelligence programs, and most technical collection systems are developed, targeted, or operated by Department of Defense personnel. The Department also supplies a great deal of information to nonmilitary intelligence agencies. It provides critical information of national security policymakers on a multitude of issues including strategic arms limitations and peace in the Middle East.

Accordingly, the executive branch treats the DOD intelligence activities as an integral part of the entire national intelligence community. For example, in February, the President charged a new committee on Foreign Intelligence, chaired by the Director of Central Intelligence, with responsibility for overseeing and coordinating the Government's entire national foreign intelligence program, including DOD's intelligence program.

If the new committee did not have jurisdiction over the defense intelligence agencies, it would be denied jurisdiction over most of the intelligence community.

It is very important to achieve the proper relationship between the civilian intelligence agencies and the military intelligence agencies. The two different types of agencies must work closely together to assure as accurate and unbiased intelligence as possible for use by all military and civilian decisionmakers. It would be difficult to achieve this goal if responsibility in Congress for the intelligence community was split up so that one committee was responsible for the civilian intelligence agencies and one the military intelligence agencies.

The Department of Defense has an enormous technological capability that could be used to violate the rights of American citizens. Past disclosures of wrongdoing have included the DOD as well as the FBI, CIA, and other agencies. For example, the select committee has pointed to the following abuses:

First. Millions of private telegrams sent from, to, or through the United States were obtained by the National Security Agency from 1947 to 1975 under a secret arrangement with three U.S. telegraph companies.

Second. An estimated 100,000 Americans were the subjects of U.S. Army intelligence files created between the mid-1960's and 1971.

Third. Army intelligence maintained files on Congressmen because of their participation in peaceful political meetings under surveillance by army agents.

Fourth. As part of their effort to collect information which related even remotely to people or groups in communities which had the potential for civil disorder, army intelligence agencies took such steps as: sending agents to a Halloween party for elementary school children in Washington, D.C. because they suspected a local dissident might be present; monitoring protest of welfare mothers' organizations in Milwaukee; infiltrating a coalition of church youth groups in Colorado, and sending agents to a priests' conference in Washington, D.C. held to discuss birth control measures.

Fifth. Army intelligence officers opened the private mail of American civilians in West Berlin and West Germany.

Sixth. The military joined other intelligence agencies in drafting the so-called Huston plan in 1970, and later participated in the Intelligence Evaluation Committee, an interdepartmental committee established by the Justice Department to analyze domestic intelligence information.

Just this past weekend the select committee released a 49-page report describing in detail abuses by the Defense Department intelligence activities. It describes how the DOD collected information about the political activities of private citizens and private organizations, monitored radio transmissions in the United States, investigated civilian groups considered threats to the military, and assisted law enforcement agencies in surveillance of private citizens and organizations.

The same expertise gained by the new committee through oversight of the CIA and FBI could and should be used to oversee the DOD's intelligence activities so that civil liberties are protected.

A committee with the necessary resources must closely examine the DOD intelligence agencies to avoid duplication and inefficiency and assure the best intelligence possible. The Defense Department spends billions on intelligence. Yet the Deputy Secretary of Defense, Mr. Ellsworth, testified before the Government Operations Committee in January that—

> The problem that we have had with the Defense Intelligence Agency, as I see, is the same problem that we have generally with all intelligence in this Nation. That is, there are weaknesses in the quality of analysis and estimates that our intelligence community provides to us.
>
> I do not think that there is anyone in the intelligence community that would take issue with that.
>
> Our objective is, as far as the DIA is concerned, to very substantially improve the quality of the analysis and estimates that the DIA produces for the Secretary of Defense and the Joint Chiefs of Staff.
>
> If we cannot achieve that objective, then we have got to think of some other way of structuring defense intelligence activity so that we can improve the quality of the finished intelligence product.

Problems with DIA exist despite the fact that DIA's problems have been recognized for a number of years. In 1970, the Fitzhugh report, containing the conclusions of a blue ribbon defense panel organized by the executive branch, criticized DIA's performance, concluding that "the principal problems of the DIA can be summarized as too many jobs and too many masters."

In order to avoid waste and duplication, and improve the quality of intelligence generally, the intelligence committee must have an overview of all national intelligence activities. It must be able to make choices between programs within and outside of DOD and to make changes in the way all the agencies operate and are organized. Without authority over DOD's national intelligence activities, the new intelligence committee's jurisdiction would be incomplete in a crucial respect.

The pending substitute to Senate Resolution 400 recognizes that, to be effective, the new committee must have legislative and authorization authority over the intelligence activities of the Defense Department. At the same time, it is written in such a way to protect fully the interest of the Armed Services Committee in intelligence matters.

Under section 3(b) the Armed Services Committee will share with the new committee legislative and authorization authority over bills involving DOD intelligence. Any legislation, including authorizations, reported by the new committee and involving DOD intelligence activities will be sequentially referred to the Armed Services Committee upon request of its chairman.

Section 3(c) of the resolution assures the Armed Services Committee the right to continue to investigate the national intelligence functions of DOD in order to make sure that the intelligence agencies are providing DOD the intelligence it must have to operate effectively.

Section 3(d) provides that the Armed Services Committee will continue to receive directly from all intelligence agencies the intelligence it must have to continue to carry out its other responsibilities. One of the responsibilities of the new committee will be in fact to make sure that the intelligence agencies are promptly providing the other committees of Congress the information they should have.

Section 4(a) requires the new committee to promptly call to the attention of other committees, such as the Armed Services Committee, any matters deemed by the select committee to require the immediate attention of such other committees. Section 8(c) provides the new select committee with the authority and responsibility to adopt regulations that will permit it to share sensitive information with other committees in a way that will protect the confidentiality of the information.

To assure that there is close cooperation between the new committee and the Armed Services Committee, the substitute reserves two seats on the committee for members of the Armed Services Committee.

The substitute does not give the new committee any legislative, authorization, or oversight responsibility for tactical intelligence. Responsibility for this type of intelligence will remain solely within the jurisdiction of the Armed Services Committee.

The new committee will only have jurisdiction over that portion of DOD's intelligence activities which provides national intelligence that DOD, the State Department, the President, and others in the executive branch need to make broad national policy decisions. The definition of intelligence in section 14(a) of the substitute to Senate Resolution 400 specifically excludes from the committee's jurisdiction tactical foreign military intelligence. The new committee will not have jurisdiction over tactical intelligence which seeks to meet the more specific technical interests of the weapons developers and field commanders.

As a practical matter, the national intelligence portion of the DOD budget may be authorized by the new committee, in conjunction with the Armed Services Committee, apart from the rest of the DOD budget.

The distinction between national and tactical intelligence is an accepted one in the executive branch.

The Defense Department already prepares a consolidated defense intelligence program which includes expenditures for intelligence of the type covered by this resolution, but excludes "intelligence related activities which belong in the combat force and other major programs which they are designed to support." The Director of Central Intelligence already prepares a national intelligence budget. Indeed, President Ford's recent executive order gives the executive branch's Committee on Foreign Intelligence—CFI—headed by the Director of Central Intelligence, responsibility to control "budget preparation and resource allocation" for the national foreign intelligence program. The President's directive provides, however, that the Committee on Foreign Intelligence will not have responsibility for tactical intelligence.

The final report of the Church Committee on Foreign Military Intelligence similarly indicates that it also was able to separate national from tactical intelligence and to arrive at separate figures for each.

Distinction between the different types of intelligence are in fact already being made for Congress by the Department of Defense as part of the budgetary process.

In September 1975 the chairman of the House Appropriations Committee wrote the Secretary of Defense as follows:

> The committee is concerned about apparent attempts to lessen the visibility of intelligence funding. Therefore, the committee directs that the 1977 budget presentations include manpower and dollar amounts for intelligence, direct support, and intelligence-related activities.
>
> The committee insists that the total cost of intelligence be presented to the Congress, and by requiring submission of justifications for these programs the committee hopes to assure the accomplishment of this goal.

Mr. Ellsworth testified before the Government Operations Committee concerning this letter that,

> The Defense Department and agencies are following this directive and are supplying to the committee a thorough justification of intelligence and intelligence-related activities in the fiscal year 1977 budget.

Mr. Ellsworth indicated that in the material being prepared for the House Appropriations Committee, the Defense Department was in fact attempting to distinguished between tactical and national intelligence despite, his testimony that the distinctions were difficult to make precisely.

In discussing Senate Resolution 400 before the Armed Services Committee last Thursday, Mr. Ellsworth did not argue that it was impossible to authorize separately the type of national intelligence activities covered by Senate Resolution 400.

There may be gray areas where it is difficult to decide whether a particular activity belongs to tactical or national intelligence. It may take the new committee several years to finally settle, in consultation with other interested committees and the executive branch, the precise dimensions of the budget.

But these technical budgetary issues can be removed. The Comptroller General wrote the House select committee November 10, that—

> Once the Congress has outlined the activities which it wants identified and reported in the intelligence budget, it will be possible to establish guidelines for the executive branch to follow in developing and submitting the budget.

The responsible committees of Congress have every right to know as exactly as possible how much DOD spends on intelligence. To the extent that this information is not available now, it should be one of the first jobs of the new committee to work with the executive branch to make sure it is available in the future.

The fact that it may take some study and work to settle all the questions is no reason to deny the new committee the crucial authorization power it must have to exercise effective oversight.

In summary, the proposed substitute to Senate Resolution 400 will assure the Armed Services the ability to have access to intelligence information, and the ability to consider legislation, including authorization legislation, involving DOD intelligence. The resolution creates a new committee that can work with the Armed Services Committee in this area so that the time-consuming and difficult work necessary to oversee the intelligence committee will not have to fall on the Armed Services Committee alone.

Mr. TOWER. Will the Senator yield for a question?

Mr. RIBICOFF. I am pleased to yield.

Mr. TOWER. I would like to suggest to the Senator from Connecticut that the Stennis-Tower amendment does not touch the question of oversight, only the question of legislation. It is addressed only to the legislative section of the resolution and not on the question of oversight.

It does not take away the authority for oversight on the part of the new select committee.

Mr. RIBICOFF. That may be true.

Mr. TOWER. The power to subpena or what have you.

Mr. RIBICOFF. But in order to do this job, and do it properly, we do believe that it is important that the new committee share with the Armed Services Committee the legislative functions involved, and I believe that this can be done. It should be kept in mind that we have provided for sequential review in such cases by both committees.

What puzzles the Senator from Connecticut is the hesitancy by the Armed Services Committees to really trust the remainder of the Senate in this way.

It has been provided in the Cannon substitute that 8 members of this committee will be taken from Armed Services, Foreign Relations, Appropriations, and Judiciary.

These are four committees that in the past have had jurisdiction—legislative jurisdiction, oversight jurisdiction, of the intelligence community.

What we are doing is adding seven more members to the committee, four from the majority and three from the minority. These seven men will be chosen by the majority and minority leaders. I, for one, have complete confidence and trust in the majority and minority leaders. My feeling is that these seven men will represent a cross section of the Senate, especially the younger men of the Senate, who have just as much of a stake, and whose integrity I have just as much confidence in, as I do the eight members from the other committees.

I have high respect for the distinguished Senator from Mississippi. There is not another Member of this 100, may I say to the Senator from Mississippi, for whom I have a higher respect and higher regard. I think the Senator from Mississippi appreciates that from the past experiences we both have had. I have complete faith in him.

On the other hand, I think the Senator from Mississippi and the Senator from Texas should realize that there are other Members who have arrived in recent years, some of the most able Members this body has ever had, and who are as deeply concerned and as deeply committed as the senior Members of this body.

Consequently, I think it is absolutely necessary, in order to have the complete support and complete confidence of the Senate in basic decisions that will be made in the future, that the committee have 15 members, with 7 members chosen from the Senate at large and 8 from Appropriations, Judiciary, Foreign Relations, and Armed Services.

Mr. President, at this time, on my time, I would like to accord the distinguished Senator from Georgia a colloquy on some problems that are bothering him as a member of the Armed Services Committee. I think the colloquy will clarify some of the questions that other members of the Armed Services Committee do have.

Mr. NUNN. I thank the Senator from Connecticut. I express my gratitude and appreciation as a Member of the Senate to the Senator from Connecticut and the Senator from Illinois, on the Government Operations Committee, and to the

Senator from Nevada and the Senator from West Virgina, on the Rules Committee, for all the diligent work which has gone into this.

I really have three separate lines of questioning, but I will start with the question of whether or not there is anything in the pending substitute to Senate Resolution 400 which would require public disclosure in any form of the amount spent on intelligence.

Mr. RIBICOFF. No. Senate Resoluiton 400 creates a new committee and defines its jurisdiction. It does not try to decide the important issue whether the intelligence budget should be disclosed publicly, and, if so, in what form. The new committee is encouraged by section 13(a) (8) to study this issue. I would expect the full Senate to give this difficult issue full consideration after the new committee submits any recommendations it may have on the matter no later than next July 1.

Section 12 establishes a procedure which assures that, for the first time, the intelligence activities subject to the select committee's jurisdiction will be authorized on an annual basis. The section constitutes a commitment, on behalf of the Senate, that funds will not be appropriated for these agencies before such an authorization. Approval of an authorization, however, may be given in a way that keeps the figures secret, just as now the Senate appropriates funds for intelligence in a way that maintains the secrecy of the figures.

Mr. NUNN. I thank the Senator from Connecticut.

Another question along that line:

When the select committee reports an authorization bill for intelligence funds, how will the full Senate then consider the matter, assuming that the Senate has decided to continue to keep these figures secret?

Mr. RIBICOFF. If the Senate decided to continue to keep the overall figures secret, the process could work this way:

In the case of authorizations for defense-related intelligence activities, any bill reported by the new committee would be sequentially referred to the Armed Services Committee. As in the case of sequential referral of other legislation, there would be no need for full Senate debate prior to this sequential referral. The authorization figure would then be disguised in the DOD authorization bill approved by the Armed Services Committee, as is the case now.

In the case of an annual authorization for the CIA, after the select committee approves an authorization, I would expect that the figure would be disguised in some other authorization measure.

Mr. NUNN. I thank the Senator. I think that is extremely important, and clarifies a point that has been of considerable concern to the Senator from Georgia and I think many other Senators.

Another question along the same line: How would the new committee bring a matter involving the intelligence authorization figure to the attention of the full Senate, assuming the figures are still secret?

Mr. RIBICOFF. In that event, the Senate could invoke the same procedure for a secret session now available to the Senate. Under rule XXXV, the Senate could go into closed session and debate the matter in secrecy, just as they could debate the intelligence budget now in secret session.

Mr. NUNN. A further question: Will the requirement in section 12 for an annual authorization of the intelligence budget interfere with the ability of the Appropriations Committee to appropriate funds for intelligence in a timely fashion?

Mr. RIBICOFF. The committee authorizing expenditures for intelligence activities would be subject, like other committees, to the requirements of the Budget Act. The committees will have until May 15 to complete action on authorizations for intelligence. At the same time, the Budget Act contemplates that the Senate will not act on appropriation measures until after May 15. This would apply to appropriations for the intelligence community. Assuming that all the committees adhere to the Budget Act, the requirements in section 12 will not affect the schedule the Appropriations Committee would follow for the appropriation of intelligence funds.

Mr. NUNN. One clarifying question on that latter point: I understand the timetable and that we may have to revise that timetable as the budgeting process is reviewed; but suppose, for instance, in terms of the overall intelligence activities, that there is a sequential referral of the annual authorization from the Intelligence Committee to the Armed Services Committee. I understand that under the provisions of Senate Resolution 400, in the case of such a referral the Armed Services Committee would be allowed to have that bill for 30 days. Suppose the Intelligence Committee gives them the bill on, say, May 14. Then the Armed Service Committee would be right up against the May 15 deadline. I suppose the committees would just have to work together under those circumstances.

Mr. RIBICOFF. I would say so. I would assume that the Intelligence Committee would, on a basis of comity, adopt a schedule that would assure that the Armed Services Committee had the full 30 days to do its job.

It should be remembered that on the Intelligence Committee there will be two members of the Armed Services Committee, and I personally would be very disappointed in the Intelligence Committee if they did not make sure that any committee entitled sequentially to 30 days would have the full 30 days before May 15 to comply with the Budget Act.

Mr. NUNN. I thank the Senator. I have another line of questioning on this point: Under present law, the Committee on Armed Services has authorizing jurisdiction over all of the military personnel and all of the civilian personnel in the Department of Defense. The manpower requirements report indicates that there are 42,000 military personnel, 9,500 civilians, and 5,300 reservists in the overall manpower authorization for fiscal year 1976 for the intelligence and security category.

My question is, With the new Intelligence Committee having authorizing jurisdiction over Defense Department intelligence, how would the two committees handle the manpower authorization which relates to Defense Department personnel in general, but also includes intelligence personnel?

Mr. RIBICOFF. Let me respond to the distinguished Senator from Georgia and the distinguished Senators from Mississippi and North Dakota, who are so deeply involved in such matters: This is the type of situation where, in my opinion, it would first go to the Armed Services Committee and then, sequentially, to the Intelligence Committee. You would come first, in my opinion, where the bill is a general Defense Department manpower bill.

The Armed Services Committee would continue to have exclusive jurisdiction over all aspects of the legislation except for the portion affecting national intelligence. The portion of the legislation affecting national intelligence would be reviewed by both the Committee on Armed Services and the new committee, under section 3. It would be up to the new committee and the Armed Services Committee to work out the details on the procedure for actual consideration by both committees of the intelligence portion of this bill.

Mr. STENNIS. Mr. President, will the Senator yield to me and let me intervene on that same point?

If the Senator will yield, I appreciate the suggestion of the Senator from Connecticut, but the bill, as I understand it, provides to the contrary, that it would go to the Intelligence Committee first. Senators will understand that our hearings on manpower start in the fall of the year, before the budget even comes in.

Mr. RIBICOFF. Well, basically it is up to the Parliamentarian, in a sequential referral, on the basis of what is in the bill. If it is basically armed services, it goes to the Committee on Armed Services first. If it is basically intelligence, it goes to Intelligence first. It is my personal interpretation that if it provided for overall manpower, covering the entire Department of Defense, commonsense would dictate—and, of course, the Parliamentarian is the final judge—that that would go to Armed Services first.

The PRESIDING OFFICER (Mr. ALLEN). The allotted time has expired.

Mr. RIBICOFF. I yield myself 2 more minutes.

It would go to Armed Services first, because intelligence would be only a part of the overall Department of Defense manpower authorization.

Then out of that would be carved out only the intelligence portion, which would then be referred sequentially to the Intelligence Committee.

May I say for the benefit of the Senate that it is my feeling that there are a lot of gray areas in this legislation. It is impossible to answer all the questions. We are going to have to work it out between all the committees and the Intelligence Committee. All the interested committees will have to exercise a great deal of commonsense.

I would say much will depend upon the quality of that 15-member committee. Also, I think it should be pointed out that the reason why we have a resolution, and the advantage of the resolution, is that a resolution does not bind the executive branch. If this is to work, we will have to have comity between the executive branch and the Senate of the United States. I personally believe that the greatest problem America has today in the matter of foreign policy is not our problem with foreign governments or our prospective opponents, but the divisions between the executive branch and the legislative branch. I think the greatest problem we suffer as a nation in the field of foreign policy is the conflict, we have gone through in the last few years between the executive and legislative branches of the Government in the whole field of foreign policy.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. RIBICOFF. I yield myself 2 more minutes.

Here is an opportunity for the Senate and the executive branch to work closely together with the Intelligence Committee, to work out the problems of broad policy, for the executive branch to gain a sense of what the Senate is going to do, and what the sentiment of the Senate is. I can think of no greater blow to the executive branch in our foreign policy than to find our Nation embarrassed over a matter like Angola. If the executive branch had gone before a committee like the Intelligence Committee and had obtained the sense of this 15-member committee that it just would not fly, it would never have developed into such a matter of conflict, to the embarrassment of our Nation.

I have confidence in the majority and minority leaders, that the men they will choose will make this committee work in a way that benefits the Senate and the United States.

Mr. NUNN. Mr. President, may I ask one further question on that manpower matter?

Mr. RIBICOFF. I yield.

Mr. NUNN. It is my interpretation, from what the Senator from Connecticut has said, that the overall manpower authorization, as it is now, would be submitted to the Armed Services Committee, the Armed Services Committee would act on that manpower request, just as it acts on other requests, and then the portion of the manpower proposal dealing with intelligence would be referred to the intelligence committee for their review. Is that correct?

Mr. RIBICOFF. That is the way I interpret it.

Mr. NUNN. If there were a difference between, say, what the Committee on Armed Services authorized in terms of manpower and what the intelligence community authorized in terms of manpower how would that difference be brought to the Chamber?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NUNN. I know the Senate would resolve it. But how would it be brought to the Chamber?

Mr. RIBICOFF. Mr. President, I yield myself 1 additional minute.

I suppose the Senate would have to resolve this as they resolve all other conflicts. There is no difference. The Senate eventually is going to decide, and they will have to make that decision. But again, looking at the makeup of the committee, with eight members coming from basic committees and seven from the remainder of the Senate, and the Committee on Armed Services being well represented by two members, personally I do not think we are going to have any problems. I do not think we are going to be that jealous or that shortsighted in this body.

Mr. NUNN. I thank the Senator from Connecticut.

Several Senators addressed the Chair.

Mr. RIBICOFF. I yield to the distinguished Senator from Nevada, after which I yield to the Senator from Illinois.

The PRESIDING OFFICER. How much time is yielded?

Mr. CANNON. Will the Senator yield me 1 minute?

Mr. RIBICOFF. I yield the Senator 1 minute.

Mr. CANNON. Mr. President, on May 17, 1976, the hearings on Senate Resolution 400, having been concluded, the director of the National Legislative Commission of the American Legion, desiring to express its attitude toward Senate Resolution 400, sent me a letter setting forth a resolution adopted by the National Executive Committee of the American Legion on reaffirming "the American Legion support for a viable intelligence community." In light of the colloquy, just preceded, between Senator Nunn and Senator Ribicoff, I think it appropriate at this point, and I, therefore, ask unanimous consent that the letter and resolution be printed in the Record.

There being no objection, the letter and resolution were ordered to be printed in the Record, as follows:

The American Legion,
Washington, D.C., May 17, 1976.

Hon. Howard W. Cannon,
Chairman, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, D.C.

Dear Chairman Cannon: It is my understanding that a floor vote to invoke cloture on S. Res. 400, to establish a Standing Committee of the Senate Intelligence Activities, will occur later this week.

The National Executive Committee of The American Legion recently met in Indianapolis, Indiana and adopted the enclosed resolution (Foreign Relations Res. No. 23) reaffirming our strong support for a viable intelligence community.

Mr. Chairman, the Legion hopes that you will keep our views and recommendations in mind when the measure is considered by the full Senate.

Your attention to this request is appreciated.

Sincerely,

Mylio S. Kraja,
Director, National Legislative Commission.

Resolution No. 23.
Committee: Foreign Relations.
Subject: Reaffirm American Legion support for a viable intelligence community.

Whereas, credible intelligence operations are indispensible to any nation's security and deterrence; and

Whereas, there is presently a massive and sustained attack on the American intelligence community which has the effect of discrediting all intelligence operations; and

Whereas, these continuing attacks have already seriously impaired the functioning of the CIA, hampering the collection of worthwhile intelligence by the Central Intelligence Agency, and the CIA is also experiencing great difficulty in gaining cooperation from some foreign intelligence agencies; and

Whereas, without credible intelligence operations, the United States becomes a blinded warrior incapable of insuring even its own survival; and

Whereas, at a time when America's intelligence community has been seriously impaired, the KGB has expanded to an estimated 300,000 agents, domestic and abroad, with close cooperation from intelligence services which it has trained in Romania, Hungary, Cuba and other nations; and

Whereas, leaks of legitimately classified information with profound impact on our national security have become commonplace; and

Whereas, no Congressional oversight of the intelligence community will be effective in the absence of specific statutes concerning the leakage of classified information which affects our national security; and

Whereas, the British Official Secrets Act of 1911, as amended by the Official Secrets Act of 1920, has effectively safeguarded classified information without infringement on civil rights in a free and democratic society; and

Whereas, the U.S. Supreme Court recognized the need for safeguarding classified information in the New York Times publication case when Justices Stewart and White concurred that "it is clear . . . that it is the constitutional duty of the executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense;" and

Whereas, it is obvious that executive orders and regulations alone can no longer control the unauthorized release of classified information; and

Whereas, the U.S. Congress faced and responded to similar situations, namely the enactment of 50 U.S.C. 783(b), 18 U.S.C. 798 and the Atomic Energy Act; and

Whereas, in the Scarbeck case, the Court of Appeals of the District of Columbia pointed out that the Congress fully intended to permit a prosecution without violating the same national security that 50 U.S.C. 783(b) was designed to protect; now, therefore, be it

Resolved, by the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 5–6, 1976, that we reaffirm our support for a viable intelligence community which adequately advises the U.S. Congress of its major activities and one which operates within the current statutes and safeguards; and, be it further

Resolved, that we support enactment of federal legislation which would clarify and strengthen the safeguarding of classified information, and would provide formidable penalties for violation of its provisions; and, be it further

> Resolved, that this legislation must recognize fully the spirit of the Scarbeck case, namely that prosecution under the act should not violate the same national security that the statute was designed to protect; and, be it further
>
> Resolved, that this legislation should clearly prohibit the classification of information which does not affect the national security of the United States.

Mr. LEAHY. Mr. President, will the Senator yield for a unanimous-consent-request?

Mr. RIBICOFF. I had yielded to the Senator from Illinois.

Mr. PERCY. Mr. President, I am happy to yield.

Mr. LEAHY. Mr. President, I ask unanimous consent that Douglas Racine and Herbert Jolovitz of my office staff be accorded privilege of the floor during consideration and votes on Senate Resolution 400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, the Senator from Connecticut wishes to have a 3-minute colloquy and ask a few questions at this point. The Senator from Illinois wishes about 10 minutes sometime before 1 p.m. I think we have held the floor, and the proponents of the amendment may wish to have time now.

I am happy to defer my comments until afterwards, depending on the wishes of the Senator from Mississippi.

Mr. RIBICOFF. Mr. President, I yield to the distinguished ranking minority member as much time as he wishes.

Mr. MUSKIE. Mr. President, will the Senator yield me 3 minutes?

Mr. RIBICOFF. I yield 3 minutes to the Senator from Maine.

Mr. MUSKIE. Mr. President, I have a more complete statement covering my support of the compromise resolution, but in light of the colloquy which has taken place between the distinguished Senator from Georgia (Mr. Nunn) and the distinguished floor manager of the bill, part of which related to the budget process, I shall make some brief observations on it from that point of view.

Mr. President, I rise and support the establishment of a new Senate committee with legislative jurisdiction over the national intelligence community.

Senate Resolution 400, as favorably reported by the Committee on Government Operations, would have created such a permanent committee. The substitute reported by the Committee on Rules and Administration would not have established the kind of committee that the times demand. The compromise amendment (No. 1643), proposed by the two committees, would set up a new select committee with sufficient authority to exercise those responsible uses of power that are required.

As the American people now know so well, Congress 40-year informal method of overseeing the activities of the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, and other agencies involved in domestic and foreign intelligence has been careless and ineffective. Their host of intelligence agency abuses, violations of the law, covert operations, and infringements on civil liberties—without the knowledge of Congress—has been revealed by the Rockefeller Commission and the Senate Select Committee on Intelligence Activities.

The Senate must take the lead to start anew in fulfilling the constitutional role of controlling the Nation's purse strings and formulating national policy. Vigilant legislative oversight over the intelligence activities of the United States is very much in order to assure that such activities are in conformity with the Constitution and the laws of the land.

From the Budget Committee's viewpoint, a new select committee with jurisdiction over the national intelligence budget on an annual basis fits right into the congressional process of analyzing and controlling the budget.

The aggregate outlay of the various intelligence agencies is significant. At this time, Senate committees deal with parts rather than the whole. Intelligence spending is not looked at in terms of national priorities or priorities within our foreign-defense policies. "Neither the Armed Services Committee nor any other committee has the time, because of its other duties, or the necessary overall jurisdiction to attend to the Nation's intelligence system," Senator Church testified before the Committee on Rules and Administration. He added that—

> The executive budgets for, and organizes and directs the national intelligence effort in a way that draws together the various components, and unless the Congress establishes a committee that can do the same, it will continue to fail in its oversight responsibilities.

Section 3 of Senate Resolution 400, as amended, would provide for periodic authorization of appropriations for the CIA and other intelligence agencies. Each March 15 that committee would submit a report on intelligence spending for the forthcoming fiscal year to the Senate Budget Committee. This is what every authorizing committee does now, in accordance with section 301(c) of the Congressional Budget Act of 1974. Section 4(c) of the compromise resolution reads:

> On or before March 15 of each year, the select committee shall submit to the Committee on the Budget the Senate views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

Reports to the Committee on the Budget would be received and handled in a manner consistent with the protection of national security.

It seems to me that the colloquy between Senator Ribicoff and Senator Nunn covers this point very well, from my point of view.

Another aspect of the legislative process involved here is helping to restore Congress role as a coequal branch of Government. I agree with the "Minority Views" statement set forth by Senators Pell, Williams, Clark, and Hatfield in the Rules Committee report:

> In failing to adequately control the activities of the intelligence agencies abroad, Congress, in effect, has appropriated funds without knowing how they would be spent by the executive to carry out foreign policy objectives. Without the knowledge or approval of the full Congress, the CIA has received funds to carry out paramilitary operations in Chile and Laos and assassination attempts against a number of foreign leaders. At the same time, Congress has refrained from demanding access to vital intelligence information concerning matters of foreign policy upon which it is called to act.
>
> By establishing an effective oversight mechanism, Congress can assert its right to essential information and begin to define the proper limits of secrecy in a democratic society.

A Select Intelligence Committee in the Senate with authorizing powers is essential. This committee must have primary authority to consider and act on the annual budgets for the intelligence agencies within its jurisdiction. By controlling the purse strings, the select committee and Congress will have restored its rightful role in directing America's future intelligence activities—and America's future.

I thank my good friend from Connecticut for yielding me this time to support him in his efforts and to compliment him on the effective way in which he has handled this issue and the problems connected with it.

The PRESIDING OFFICER (Mr. Leahy). Who yields time?

Mr. WEICKER. Mr. President, I have a question which I intend to direct to the amendment.

Mr. RIBICOFF. Mr. President, I yield 2 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I address myself to the amendment of the distinguished Senators from Texas and Mississippi.

In the "Dear Colleague" letter they sent out, they said:

> The amendment would provide:
>
> 1. It would remove from the proposed new select committee legislative jurisdiction over Department of Defense intelligence. The rationale is twofold. First, it would minimize the possible disclosure through the long and debated process of authorization of sensitive intelligence figures. Rather than being separately "authorized by a bill or joint resolution passed by the Senate", as required by the Substitute, Defense intelligence figures would continue to be included in various parts of the Military Authorization and Appropriation Acts. I cannot overstress the damage to defense intelligence that could flow from budget clues which would enable foreign powers to determine information and trends on our highly sophisticated electronic and satellite activities.

The difference I have with the Stennis-Tower amendment is that I think it is absolutely unconstitutional.

I bring to the attention of the distinguished Senators article I, section 9 and that clause which reads:

> No money shall be drawn from the Treasury, but in consequence of Appropriations made by Law; and a regular Statement of Account of the Receipts and Expenditures of all public Money shall be published from time to time.

What seems rather unsettling to me is that as men sworn to uphold the Constitution of the United States apparently we have some system or some procedure that de facto supersedes the very specific requirements of the Constitution. It does not say in the Constitution an account of the receipts and expenditures of all public money except those allotted to intelligence activities. It says all public money, all money.

And as much as I appreciate the thrust of the comments in the Chamber, which is to try to keep these moneys from public view, it seems to me that, if that is what they desire to have accomplished, then I suggest a constitutional amendment. But to me the duty placed on us in this body, in the legislative branch, and the executive branch, is very clear, as mandated by the Constitution of the United States, regardless of what the process has been in the past, and the process has been a direct violation of the Constitution of the United States.

I ask either the Senator from Texas or the Senator from Mississippi as to whether or not they feel that the way matters have been handled in the past, in fact, is an exception to this requirement of article I, section 9?

Mr. TOWER. Mr. President, I shall respond to the Senator from Connecticut. Can he cite any decision of the Supreme Court of the United States that has held that our previous procedures in the matter of budgeting our intelligence activities are unconstitutional?

Mr. WEICKER. No, for the simple reason that everyone is perfectly willing to go along with the old system, and that is exactly what is under attack today and has been for many weeks. The old system did not work, it broke down. And that is exactly why the legislation is before the Senate now, and to go back to the old system——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. Mr. President, will the Senator yield me 2 additional minutes?

Mr. RIBICOFF. I yield the Senator 2 additional minutes.

Mr. WEICKER. To go back to the old system invites the disasters that have been revealed during the course of the past year.

But I repeat, I do not care what was done; I am insisting, as I think others are, that the Constitution be explicitly followed, and to me it is not whether we want to obey it or do not want to obey it, the language is very specific:

> . . . a regular Statement of Account of the Receipts and Expenditures of all public Money. . . .

Is the Senator from Texas telling me: Yes; there should be an exception insofar as this public money is concerned? That is all I ask.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 3 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, as I read this provision of the Constitution, I see nothing that requires a line item disclosure of every expenditure of the Government of the United States. It is not done in other departments. In fact, we do publish these figures by generic category. We do not publish everything in a line item way. If we did, we would have to list the salaries of every individual hired by the Government of the United States and the Congress of the United States.

Mr. President, I think it is significant that there never has been a court case on this. Apparently, the people of the United States are prepared to accept the fact that if this country is going to have an intelligence-gathering capability, some things must be kept secret.

The fact is that there is no public outcry for this oversight committee. There is not such an outcry outside of a 50-mile radius of Washington, D.C. We become so inundated when we read the Washington Post and the New York Times, and by what we hear from the network commentators, that we must have the impression that the American people are out there shivering in fear of the vast abuses of the intelligence-gathering community of the United States. Bunk.

There is an anti-Washington sentiment abroad in this land, but it is not focused on the FBI, the CIA, the DIA, or the NSA. It is focused on the fact that we have failed to exercise proper oversight over all agencies, departments, bureaus, boards, and what have you, that intrude themselves on the daily lives of our citizens. If there is a fear of a police state in this country, it is generated by the fact that every American's life is touched by the arbitrary acts of some bureaucrat operating under what he conceives to be or perhaps does not conceive to be a mandate from the Congress of the United States, which has delegated away its legislative authority.

Mr. WEICKER. If that is the response to the question I asked the Senator from Texas, it is a very effective presentation of his case, but it does not respond to the constitutional issues that I raise.

Nobody has asked for a line item budget, but I think the Senator from Texas is well aware that the total intelligence figure never has been released to the American people until the latest hearings came along; and even then, there is a tremendous disparity. The House thinks $9.7 billion; the Senate committee thinks $10 billion. But nobody in the Armed Services Committee has given to the American people the total—never mind line item—of moneys spent on intelligence. Have they or not?

Mr. TOWER. Mr. President, to begin with, there would be great difficulty in separating that which is purely intelligence and that which is not, because there are many agencies of Government that gather intelligence just as an ancillary function to what their line responsibility is. It cannot be separated. You cannot say that this Government employee has spent 1¾ hours in a 40-hour week on gathering intelligence; therefore, we must figure out what percentage of his salary goes into the intelligence budget.

The fact is that there never has been a test of the constitutionality of this. The fact that there is no precedent for holding this to be unconstitutional, in my view, means that what we have done in the past is constitutional, until there is such a test. Again, I think it is significant that there never has been such a test, because no citizen has ever questioned what we have done.

Mr. NUNN. Mr. President, will the Senator from Texas yield?

Mr. STENNIS. Mr. President, I yield myself 1 minute.

I know that the Senator from Connecticut is a mighty good lawyer; but under a strict interpretation of the Constitution as he has advocated, we would have to publish everything every day, and we would not need all these precautions. That would kill the entire resolution, I say respectfully. All the unbroken custom is to the contrary. There are records of every appropriation. It is accounted for. But the law does not require it for the CIA.

Mr. NUNN. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. I yield to the Senator from Georgia. The Senator from Connecticut has the floor. I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, will the Senator yield me 30 seconds?

Mr. STENNIS. I yield 1 minute.

Mr. NUNN. We just went through a colloquy, a minute ago, on the question of revealing the overall budget. It is very plain in the committe bill and in the colloquy I just had with the Senator from Connecticut (Mr. RIBICOFF) that nothing in this bill requires the overall budget to be revealed.

One of the mandates for study by the new committee is to determine how to handle that very question. So under either the Tower amendment or the Cannon substitute, the same question, the constitutional question, that the Senator from Connecticut has raised applies, and it has no bearing, as I see it, on whether the Tower amendment should or should not be agreed to. It is a question that would apply to the Cannon substitute unamended or the Tower amendment if it is agreed to.

Mr. WEICKER. I think the answer is very clear that under the Cannon substitute, the question can be studied, and all our options are available to us; but under the Stennis-Tower amendment, that automatically, by virtue of what we are doing here, cuts us off from ever being able to get those figures and publishing them. So there is a definite difference between the two.

Mr. CANNON. Mr. President, will the Senator yield me 30 seconds?

Mr. WEICKER. I yield.

Mr. CANNON. I think we have to read article 1, section 9, clause 7, together with article 1, section 5, clause 3, which reads:

> Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy . . .

So the two have to be read together.

It is obvious that either House can require secrecy as to this part of the budget or other items that may require secrecy. We have to read both those provisions of the Constitution together, I believe.

I thank the Senator for yielding.

Mr. PERCY. Mr. President, will the floor manager of the bill yield me 10 minutes?

Mr. RIBICOFF. I yield.

Mr. PERCY. Mr. President, first, I

shall comment on the colloquy that the distinguished Senator from Connecticut (Mr. Ribicoff) had with the Senator from Georgia. I found that colloquy extraordinarily reassuring.

The Senator from Illinois has been deeply concerned about unauthorized public disclosure. Certainly, we have no intention or desire—and it is not in the national interest in any way—to have methods that we may use for intelligence gathering on various projects that are undertaken to be revealed publicly simply by someone being able to trace authorized amounts that have been made public.

On the basis of the colloquy that has been carried on, I have come to the conclusion that it is possible to authorize intelligence activities without public disclosure; that you can authorize such sums and explain it in a classified report; that differences can be debated in a closed Senate session and notes taken on a sense of the Senate resolution which can remain secret. The specifics will not have the force of law but will have the same impact as the Senate will be making its decision.

The Senator from Texas (Mr. Tower) has indicated in his previous comments this morning—if my notes are correct—that the new committee still would have oversight authority even if stripped of legislative authority under the amendment. The point of the Senator from Illinois, in response to that, is simply this: A committee without legislative authority but only with oversight responsibility means that a committee's only recourse is public disclosure. It really has no legislative remedy.

In response to the comment of the distinguished Senator from Texas (Mr. Tower) that no one outside a 50-mile radius of Washington cares about this matter, that no one cares about it other than those who read the New York Times and the Washington Post, I respond by saying that is not true in the State of Illinois. It is not true in the State of Indiana, where the Senator from Illinois has been recently. It is not true in a number of areas that can be testified to by the editorials that are available. The entire country is looking to Congress now to find a way to have effective oversight. They are counting on us.

Mr. President, I ask unanimous consent to have printed in the Record, as quickly as I can obtain it, an editorial from the Chicago Tribune, and the San Francisco Chronicle that evidences that deep concern with respect to the practices of the past and the expectation that the U.S. Senate is going to deal with this issue.

There being no objection, the material was ordered to be printed in the Record, as follows:

Harnessing the CIA

The essence of President Ford's reorganization of the foreign intelligence services lies in the focusing of responsibility on the President and on a three-member oversight board which will receive continuing reports on all intelligence activities and will report directly to the President.

The other changes and restrictions, sound though they may be, will be only as effective as the President and the oversight board make them. It is impossible, after all, to foresee all of the methods an intelligence agency might use. Mr. Ford's restrictions cover only a few of the more common or shocking tricks of the spy trade that surfaced during last year's hearings; planned assassination of foreign leaders, illegal opening of the U.S. mail, infiltration of domestic groups, and so on. Next time it could be something entirely unforeseen.

The past time of the CIA were committed under a system of supervision so loose as to be nonexistent. Vague suggestions from the White House were translated into sinister plans and activities which, in many instances, the President didn't want to know about and would never have specifically approved. The new system will work only if the President and the oversight board use their judgment as well as the rules in determining what activities are justified and what are not.

The highly controversial question that remains is how deeply Congress will become involved. It is quite proper and indeed essential that Congress be represented in the mechanism for overseeing intelligence operations. It always has been, through the agency of certain committee chairmen. That things got out of hand under the old system was as much the fault of these congressmen as it was of the executive branch.

Mr. Ford's proposal is that Congress create a joint intelligence committee to be kept fully informed of all intelligence activities. This would be better than the old system in that it would provide a more formal and systematic means of supervision. The question is whether the committee members would have the necessary maturity and proved discretion, and whether the committee's activities could be kept totally free of politics, which would be essential if the haggling and leaks of the recent House Intelligence Committee are to be avoided.

These are big questions. Already some Democrats are referring to Mr. Ford's changes and proposals as a "first step" in the "reform" of our intelligence operations. What are the next steps? When some of them say "reform," we're afraid they really mean "emasculation" by indiscriminately publicizing every activity that they happen to disapprove.

A good illustration is the decision of the House to consider holding CBS correspondent Daniel Schorr in contempt for the recent publication of the intelligence committee's report. We don't defend Mr. Schorr's behavior for a minute, as we've already made clear. But the duty to protect the secret information was not Mr. Schorr's; it belonged to the members and staff of the intelligence committee. It was they who violated their trust. It is they who should be identified and punished. Yet, so far, the House seems more interested in looking elsewhere for its villains.

Obviously Mr. Ford is right in wanting Congress to patch up its own leaks before it is made privy to any more secrets.

Most members and employes of Congress, we're sure, can be trusted. The trouble is that it takes only one leak to do the damage. So before scrambling for a place in the line to receive further CIA secrets, we suggest that congressmen move slowly—first by demonstrating a willingness to impose the same restraints on themselves that they want imposed on the CIA and that the President wants imposed on employes of the executive branch, and then by setting up a committee like the one Mr. Ford has proposed and making certain that its members and staff are of the highest caliber available.

New Oversight for the CIA

A permanent new committee with authority to oversee U.S. intelligence activities seems likely to come into being thanks to a compromise worked out in the U.S. Senate. The committee will have 17 members with a nine-year limit on length of tenure. Most importantly, it will have purse-string control over the CIA.

The whole question of placing a legislative rein on intelligence work is a touchy and debatable one due to the nature of covert activities. Spreading authority too widely and allowing too many persons to be "in on the know" removes the essential element of secrecy, as has been shown by widespread leaks from congressional panels investigating our intelligence structure.

This power to limit the CIA's budget and thus its activities was a key element of the compromise worked out between the Senate's old guard and more reform-minded members. At one point Nevada Senator Howard W. Cannon's rules committee had voted to give the new committee no law-making or budgetary authority. Its present posture, however, gives it most of the policing powers originally recommended by the now-defunct Church committee that looked into illegal activities by our spies.

Everything will depend, of course, on the selection of Senators for the committee who can keep their eyes open for intelligence abuses but their mouths shut while they're being dealt with.

Mr. PERCY. Mr. President, the question comes up as to whether or not a consolidated committee is desirable and whether or not defense intelligence should be included. My point simply is that because of the interlocking character of intelligence, the President's Executive order puts the DCI over all intelligence, including national intelligence, but excluding tactical intelligence.

The compromise substitute offered by the distinguished Senator from Nevada (Mr. Cannon) does exactly the same thing. The administration, as I understand the testimony that witnesses gave, supports the concept of placing all intelligence in one committee. The administration made it clear that to avoid the proliferation of testimony which Mr. Colby said consumed, in 3 years, 60 percent of his time, leaving him only 40 percent of his time to administer the Central Intelligence Agency, it would prefer a joint committee. But they have made it clear that if it is the wisdom of the Senate and the House to decide on separate committees, that is our decision. And it is the decision of the Committee on Government Operations, the Committee on Rules, and the compromise group that have worked together that the Senate of the United States should establish its own committee.

I wish to read to my distinguished colleagues the words of Mr. George Bush, Director of the Central Intelligence Agency. Mr. Bush said:

> The Central Intelligence Agency welcomes strong and effective congressional oversight. We have a great deal to gain from it. We gain the advice and counsel of knowledgeable Members. Through it, we can maintain the trust and support of the American people. We will retain the support only so long as the people remain confident that the political structure provides clear accountability of our intelligence services, through effective executive and congressional oversight.
>
> Good oversight will insure that the intelligence agencies operate as the government—and the Nation—wish them to. But in establishing this accountability; I believe the Congress must also insure that oversight enhances, rather than hinders, the vital operations of our intelligence agencies.

Certainly, the Senator from Illinois has been deeply concerned about this. I have been satisfied that the compromise resolution takes that into account.

I close the quotation from Mr. George Bush by quoting this sentence:

> And so I urge concentrated oversight.

What he does not want is fractionalized oversight. The Director of Central Intelligence would like to have effective, meaningful oversight, but concentrated oversight.

I turn to the testimony given before the Committee on Government Operations. I wish to point out several prominent people who have testified, first from the Senate itself. Senator MANSFIELD emphatically believes in the creation of a new committee that would provide consolidated oversight. Senator CHURCH said:

> We need a new committee. The work cannot be done on a piecemeal basis or by a subcommittee of another standing committee which is primarily engaged in a different preoccupation. It will require a well-staffed committee directing all of its attention to the intelligence community.

Senator BAKER favors a new committee. He said:

> The greater good would be the prompt creation of a new standing Senate committee on intelligence oversight, even if this leaves to another day resolving the questions of prior notification of sensitive operations and the authority of the Senate to disclose classified information.

In all fairness, I would like to point out that our distinguished colleague from Texas (Mr. TOWER) did come in and testify. He opposed the creation of a new committee. Senator TOWER made it clear that he wants to leave reforms to the existing standing committees. But certainly, the Committee on Rules and Administration and the Committee on Government Operations overwhelmingly decided that that course was not one that we would recommend that the Senate follow.

Secretary Rusk testified. He testified that he was shocked to find, as Secretary of State, how many things were being done by intelligence agencies, not under his direct, day-by-day jurisdiction, but that involved foreign policy. He was shocked later, when he left office, to find how much had been carried on. He also stated very clearly to us that he would like to see a committee as quickly as possible.

Former Attorney General Katzenbach favors a new committee.

David Phillips, the president of the Association of Retired Intelligence Officers, stated that 98 percent of his membership favors some form of a new committee.

Mr. Colby, the past Director of CIA, said that he is in favor of "'a new committee with exclusive jurisdiction for the oversight of foreign intelligence."

McGeorge Bundy, former Assistant to the President for National Security, favors a new committee.

Mr. John McCone strongly urged a new committee.

Mr. Clark Clifford, former Secretary of Defense, favored a new committee.

Mr. Richard Helms said, "It is up to the Congress whether or not to have a new comimttee," but he thinks a committee would be an improvement.

So, overwhelmingly, it seemed to the Senator from Illinois, and unanimously to the members of the Committee on Government Operations, a new committee was needed and is necessary. On whether defense intelligence should be included or not, we came to the unanimous judgment in the Committee on Government Operations, on a vote of 16 to 0, that it should be included. DIA plays a role in covert actions—for example, the Schneider killing during the Chile Track II operation. Army counterintelligence was found spying on innocent Americans, bugging, taping, and opening mail.

As I pointed out before, the 5th Army was discovered performing intelligence operations—following the activities and keeping dossiers on such distinguished Illinois citizens as my distinguished colleague, Mr. ADLAI STEVENSON, who I presume was just as shocked as anybody else to learn that he and many prominent people were being followed by the 5th Army and dossiers were being kept on them. Obviously, it has been revealed by our own intelligence committee how much spying on innocent Americans was engaged in without proper oversight.

Military clandestine intelligence activities were supervised by the CIA. When we consider that only half of what the CIA spends comes from its own appropriations—the other half comes out of Defense appropriations through transfers or advances—certainly, it is desirable and necessary, I think mandatory, to include defense intelligence.

The question can be raised, what would the compromise substitute do to the jurisdiction of the Committee on Armed Services? The compromise would give the new select committee concurrent jurisdiction over major intelligence agencies of national importance, NSA and DIA. It would also have concurrent jurisdiction over joint defense-CIA programs and over clandestine military intelligence activities now supervised by the CIA.

The Committee on Armed Services would continue to have jurisdiction in this area and would continue exclusive jurisdiction over the bulk of tactical military intelligence. It is not impossible, as has been pointed out, to sort out these national intelligence elements from the defense budget. We have identified the relevant program elements.

The new Committee on Foreign Intelligence is charged with this task and with the responsibility for a national intelligence budget.

Certainly, the members of the Committee on Armed Services have a perfect right to ask this question: Will they, in the grave responsibilities that they have assumed and undertaken and have so ably carried out for so many years for the defense and security of the United States of America, be able to fulfill that function if they do not have the legislative authority over defense intelligence?

Certainly, the bill that is before us, the compromise version before us, in every conceivable way guarantees and insures that the end product of intelligence shall always be available to the Committee on Armed Services. There are not any ifs, ands, or buts about that assertion. Everybody in this body will know and recognize that they must have that, and the concurrent responsibility that they have over the defense budget seems to have been worked out in the compromise in such a way that I hope the majority of our colleagues today would defeat the pending amendment.

Mr. STENNIS. Mr. President, will the Senator yield briefly on this point?

Mr. PERCY. Would it be possible for this Senator to yield the floor to the distinguished Senator from Mississippi so he can speak on his own time?

Mr. STENNIS. I want to ask a question on my own time, if I may have 1 minute, Mr. President, on my time.

The Senator from Illinois used the term, "concurrent jurisdiction," and referred to the Armed Services Committee having concurrent jurisdiction. I do not believe the language will support saying that this resolution gives the Committee on Armed Services concurrent jurisdiction.

That means concurrent as to time, reference, and so forth. It permits the Armed Services Committee, as I see it, to obtain this matter, whatever the pending matter would be.

Mr. PERCY. I would like to have my distinguished colleague from Connecticut answer it, and then I would like to follow it with my own interpretation.

Mr. RIBICOFF. May I say to my distinguished colleague the word used is not entirely correct. It is not the intention by this resolution to put concurrent jurisdiction in the Intelligence Committee and the Armed Services Committee. We specifically call it sequential jurisdiction, not concurrent.

Mr. STENNIS. Mr. President, will the Senator define sequential as compared to concurrent.

Mr. RIBICOFF. Well, concurrent means both committees have jurisdiction at the same time. My understanding is depending on where the thrust is that one committee handles the matter first, as I discussed in my colloquy with the distinguished Senator from Georgia, and after the first committee completes action, it then goes to the other committee sequentially for a period of 30 days, to give them an opportunity to act on the matter that cuts across the jurisdiction of both committees.

Mr. STENNIS. Mr. President, if the Senator will yield 1 minute further on my time, the Senator's interpretation though would be to say the Parliamentarian would refer this matter first to the intelligence committee——

Mr. RIBICOFF. No, it depends—not necessarily.

Mr. STENNIS. No sequential reference.

Mr. RIBICOFF. If the matter is purely an intelligence matter it would go to the intelligence committee first. But if the matter is not predominantly an intelligence matter it would go to the Armed Services Committee, the Judiciary Committee or the Foreign Relations Committee, and it then would be sequentially referred to the intelligence oversight committee to consider only that portion that involved intelligence.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield to the Senator from Illinois. The Senator from Connecticut thinks concurrent jurisdiction is not the term that applies.

Mr. RIBICOFF. That is correct.

Mr. PERCY. The interpretation of the Senator from Illinois is exactly the same.

I would only like to add this comment: The Senator from Mississippi and the members of the Armed Services Committee are among the most overworked Senators in the Senate.

What the Senator from Illinois would hope would happen is that a tremendous burden of responsibility for a lot of follow-through on details in intelligence would now be taken over and assumed by the Select Committee on Intelligence Activities, providing to the members of the Armed Services Committee an assurance that the details of those programs have been looked to.

Thirty days would be available for another sequential look at it by the Armed Services Committee. But they have the assurance that 15 of their colleagues have spent months looking at these programs, and they can concentrate on their main job, which is providing for the national security of the United States, having available to them all the product of intelligence but not the necessity of overseeing all details of these programs, the ramifications of which are now apparent for all of us to see.

Mr. PASTORE. Mr. President, if the Senator will yield 5 minutes to me on this bill——

Mr. RIBICOFF. I would be pleased to.

Mr. President, how much time remains on each side?

The PRESIDING OFFICER. There are 34 minutes remaining on the side of the Senator from Connecticut, and 52 minutes remaining on the side of the Senator from Mississippi.

Mr. RIBICOFF. I would hope that after the time taken by my distinguished colleague from Rhode Island, the Senator from Mississippi will use some time. I am very anxious to give some time to the Senator from Kentucky, but my time is running out fast.

Mr. PASTORE. Mr. President, first of all, I congratulate the chairman and the members of the committee for the expeditious way in which they have handled this very important legislation. My regret at the moment is that apparently we have drifted into the sensitive question of committee jurisdiction.

We must remember, Mr. President, that what we are dealing with here now is not the composition of the committees today or the sensitivities of the various Members. What we are dealing with here today is the matter of how do we resolve this very important question that now confronts the Congress of the United States in a way that is for the public benefit.

I realize that in an open society it is always difficult to justify secrecy, living in the kind of a world we live in today. Realizing that we do have strong adversaries who would take us over in a moment if they have a chance, who conduct themselves in a secret way that goes far beyond what we have ever exercised in this country, we had better beware of what we do.

Now, Mr. President, this question came up in 1945 when the first atomic weapon was exploded, and the serious question was: What are you going to do about it? What are you going to do about it? Are you going to put it under civilian control or are you going to leave this destructive weapon under the sole control of the military?

The Congress of the United States went on record creating a joint committee.

It is regrettable that we cannot create a joint committee in this area, but maybe in time that will be accomplished. For the time being, something needs to be done, and there is not the concurrence at the moment between the Senate and the House that could bring about a joint committee, although ultimately that is the prime and the ultimate answer to this problem.

Now, what are we confronted with here? Under the Joint Committee on Atomic Energy it is written in the law that that committee must be fully and concurrently informed of all activities. If the decision of what the actions of the CIA should be will be left up to the Congress I would be against it. I would absolutely be against it because CIA comes under the jurisdiction of the National Security Council. But if all this amounts to is the fact that, like the Joint Committee on Atomic Energy, where we have not had one single leak from the time it was created, where we have been continuously, completely and currently informed by the military, by the civilians and by everybody else, if you are accomplishing this, I am all for it in this legislation, and that is the question I am going to direct to the chairman of the committee. If this legislation means that before the CIA can do anything they have to come up here and get permission of 5, 6, 10 or 15 Members of the Senate, I will be against it. But if it means that whatever they do from the moment they begin to do it they have to come up here and tell the committee, then I am all for it, and that is the question I would like to ask at this moment.

Is this putting the approval of the activities of the CIA in the control of Congress or is it merely giving Congress the authority, and mandatory upon the agency, to report everything that they do the minute they do it?

Mr. RIBICOFF. May I say that in devising this legislation we relied extensively and heavily on the experience of the Joint Committee on Atomic Energy. Under no circumstances is it the intention that this committee is going to tell the CIA or any other intelligence agency how to conduct its business on a day-by-day basis.

Section 11 says:

> It is the sense of the Senate that the head of each department and agency of the United States should keep the Select Committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities which are the responsibility of or engaged in by such department or agency; provided, that this does not constitute a condition precedent to the implementation of any such anticipated intelligence activities.

Mr. PASTORE. That is taken out of section 211 of the Atomic Energy Act.

Mr. RIBICOFF. That is right. May I say we relied completely on the joint committee's experience.

Mr. PASTORE. Under that provision I cannot see how anybody can object to it because even in atomic energy or atomic matters the Armed Services Committee has a right to inquire. Actually they have a right to inquire and they do inquire. But, after all, there has to be a committee constituted by Congress to which these people are responsible, that the minute they undertake something they have to come up and tell the Congress.

Mr. PERCY. Mr. President, will the Senator from Rhode Island yield for a comment on his remarks?

Mr. PASTORE. I do not know how much time I have. I wish they had given me time to yield.

The PRESIDING OFFICER. The Senator has 1 more minute.

Mr. PERCY. One minute, if the Senator from Rhode Island will yield. The question he put was an extraordinarily good one, and one that perplexed the members of the Government Operations Committee throughout the course of the hearings. There was a body of feeling that this committee, if it were to be effective, should have prior approval, authority, and responsibility.

The Senator from Illinois from the outset was adamant that the Senator from Illinois would work against the creation of a new committee, and would fight it right down the line, if we started to move in and take over the responsibility of the executive branch of Government.

Mr. PASTORE. I am glad to hear that.

Mr. PERCY. We lose our oversight then.

Certainly, in discussing this with the President of the United States, he has agreed that the options, the problem and the various approaches would be committed to writing. It would be signed by a top officer. The President said, "by myself in extraordinary cases."

It would be available for oversight and for a study by the oversight committee, but we cannot become a part and parcel of the day-to-day decisions.

The PRESIDING OFFICER. The time has expired.

Mr. PERCY. And the judgment and experience of the Joint Atomic Energy Committee has been extraordinarily helpful.

Mr. PASTORE. I am glad to hear it.

Mr. STENNIS. Mr. President, I am glad to yield 15 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of amendment 1649, authored by the distinguished Senator from Texas, Mr. TOWER, and cosponsored by the chairman of the Senate Armed Services Committee, Mr. STENNIS, and myself, the ranking minority member of Armed Services.

This amendment would, in effect, remove from the proposed Select Committee on Intelligence the joint jurisdiction over the Department of Defense Intelligence Agencies. These would include the intelligence programs of the three separate services and the Defense Intelligence Agency and the National Security Agency.

It might be well to offer an initial and brief explanation of the activities of the agencies addressed in this amendment.

1. DEFENSE INTELLIGENCE AGENCY

The Defense Intelligence Agency is directly responsible to the Secretary of Defense and is the focal point of the military intelligence community. It maintains a balance in assimilating and analyzing the intelligence gathered by the separate military departments as well as its own efforts, all designed to enables the Secretary of Defense to act wisely on requests and programs of the military intelligence community.

2. NATIONAL SECURITY AGENCY

The National Security Agency deals with national or strategic intelligence and its collection and production apparatus serves not only the military, but other agencies of the Government such as the State Department and Treasury Department. The NSA is also the principal source for the National Security Council and ultimately the President because its work goes beyond strictly military applications. It is charged primarily with much of the electronic apparatus used in intelligence gathering.

3. SERVICE INTELLIGENCE

In addition, each of the three military departments has a limited intelligence apparatus which is directed primarily in those areas of concern to the particular department.

For instance, the intelligence service of the Air Force is targeted on foreign military aircraft and foreign activities related to the air power while the Navy's intelligence apparatus is concerned with intelligence gathering submarines and estimates of capability of the Soviet and other foreign navies.

Mr. President, the definition of the work of these military agencies shows this amendment is not a capricious effort to dilute the strength of the proposed select committee. It represents a well thought out proposal upon which I feel there is a solid basis for support. This amendment deals strictly with military intelligence by military or DOD agencies. It does not involve the Central Intelligence Agency. Therefore, I would like to list some points which I feel in support of adoption of amendment 1649.

1. OVERLAP WITH SERVICE BUDGETS

It will be extremely difficult to separate the expenses of the separate military departments from the defense budget and present it as a separate request to the select committee. It is now more an estimate, but if dealt with exclusively by a single committee, the problem of cost identification becomes most complex.

Practically all of the intelligence activities of the military departments are performed by military personnel. In any one fiscal year, an individual may be on an intelligence assignment for only a portion of that year. He may be in a school in which only a portion of that period of training involves his intelligence duties. How does one decide how much of his salary should go in the intelligence budget? How much of his training should be charged to the intelligence budget? How much of the support he receives in the way of vehicle use, air transportation, secretarial support would go into the intelligence budget?

These examples illustrate the difficulty in separating military intelligence activities from the defense budget.

Furthermore, there are certain intelligence support activities which do not require authorization, but are dealt with only as to appropriations. Here again we have the problem of separating these activities and in so doing, we come back to the often-stated problem of more disclosure and ultimately more danger to our intelligence people and the effectiveness of their missions. Before closing on that point, I would like to cite a few examples.

NAVY EXAMPLE

For instance, when a submarine goes out on a mission, a part of its work may involve intelligence gathering. However, it will have other missions and how DOD can separate the costs and expenses in such a situation is beyond my comprehension.

AIR FORCE EXAMPLE

As another example, one might take the case of a pilot flying an intelligence mission in a military aircraft. How much of the cost of the aircraft, his salary, or support costs would be charged to intelligence? This plane may be used once or twice a year on intelligence missions.

Also, our committee will still have authorization over research and development programs involving intelligence. Do we have to clear our actions with the select committee? The bill language is not clear on this point.

These are but some of the problems in separating such budgets. Others will reveal themselves if this separation is required by the Senate.

2. DISCLOSURE

Mr. President, there is no doubt in my mind that to support this new committee of 15 members and a staff whose size is not defined in this bill, will require much more disclosure on the simple basis the information is being spread among a greater number of people.

Here again we are putting another layer on top of the four responsible Defense committees and the very separation of the intelligence operations from defense operations is going to lead to much, much greater disclosure.

3. IMPROVING MILITARY INTELLIGENCE

Mr. President, this step, in my judgment, in no way improves military intelligence. It may well have just the opposite effect by making intelligence work less attractive for our more qualified people because of the threat of disclosure which results by proliferation of data.

There is nothing apparent to me in this bill which improves military intelligence. It merely inserts another layer of authority. The Senate must realize that those abuses in the past would be better corrected by passage of new laws rather than new layers of legislative oversight and authorization. I certainly favor strengthening the oversight of the past, but when a President tells the Army to augment the Secret Service at a political convention, the Army can hardly be blamed for obeying that order. Oddly enough, these orders were never revealed, even to the Joint Chiefs nor to the Congress so it would appear to me that a law to control the Chief Executive would answer this issue if such is the will of Congress.

4. ADDITIONAL EXPENSES

Also, it seems every time some problem arises in Government the solution is to reorganize, insert another layer of supervision, add 50 more GS-18's in the executive branch, set up a new committee in Congress with a large staff, and in general, throw money at the problem.

The fact is that allowing the select committee authorization and legislative jurisdiction over the Defense intelligence activities will mean that these agencies will have to add to their personnel strength in order to respond to the requests for information and data which will be forthcoming from these new layers of supervision.

The Senate appears to ignore the point that the abuses and problems of the past few years in military intelligence agencies represent only possibly 2 or 3 percent of the entire intelligence effort. Yet we are restructuring the entire authorization program in an attempt to deal with a problem representing only 2 or 3 percent of the total effort. These problems could be dealt with by laws to prevent such abuses rather than an attempt to manage military defense intelligence agencies. Military intelligence will no longer be an arm of the executive branch, but rather an arm of the Congress.

5. COORDINATION WITH HOUSE

Mr. President, another point favoring this amendment is that the best information available to me indicates the House of Representatives plans to demand from the Executive that the intelligence budget be submitted as in the past. This raises another problem in establishing a select committee in the Senate, especially when DIA, NSA and other military intelligence activities are involved. The CIA, being a civilian agency not answerable to DOD, could possibly be separated from the defense budget, but I fail to see how the military agencies could be realistically separated.

In summary, Mr. President, this amendment should be approved by the Senate for any one of the reasons I have mentioned: First, there is the overlap of service budgets in the Defense request. Second, the problem of disclosure through proliferation. Third, the fact that this offers no improvement of military intelligence, but rather weakens it. Fourth, additional expenses will result with little promise of improved intelligence production. Fifth, the problem of coordination with the House is highly aggravated.

Mr. President, these are but a few of the reasons I am cosponsoring the proposed amendment. This amendment makes a great deal of sense and I urge my colleagues to give it their most careful consideration before casting their vote.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. I thank the Senator

very much for his very timely remarks and very convincing argument.

Mr. President, the Senator did yield back such time as he did not use, as I understand.

The PRESIDING OFFICER. The Senator is correct. Who yields time?

If neither side is yielding time, the time runs equally.

Mr. RIBICOFF. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Connecticut has 27 minutes and the Senator from Mississippi has 39 minutes.

Mr. STENNIS. Mr. President, the Senator from Arkansas (Mr. McCLELLAN) is to arrive later.There is such a slight attendance present, Mr. President, I ask unanimous consent that we have a quorum call for not over 4 minutes, to be equally divided, or 3 minutes.

Mr. RIBICOFF. I am also reluctant to have Senator HUDDLESTON or Senator Church talk to an empty Chamber. Senator CRANSTON has a colloquy. I would rather use 2 minutes in that fashion.

Mr. STENNIS. I withdraw my request.

Mr. CRANSTON. Mr. President, I am speaking primarily for purposes of legislative history, so I will be concise on this particular point.

Yesterday I suggested that certain language be added on page 12, line 7, of the pending substitute to clarify the standard which the President must apply in objecting to a committee determination to publicly disclose appropriately classified national security information submitted to the committee by the executive branch. Prior to raising this issue, I had discussed this clarification with the distinguished floor managers of the bill and the Senator from Connecticut (Mr. WEICKER). They were prepared to accept the clarifying language that I was prepared to offer. However, when it developed that my clarification raised some questions with other Senators, I decided not to pursue the matter.

Yesterday, the Senator from Michigan (Mr. GRIFFIN) stated on page S 7414 that the Senate had "rejected" that clarification. I think the record will show that this was not the case at all. Indeed, the record will show that I did not formally offer an amendment but only raised a suggested clarification. There was no action of any sort taken by the Senate.

Mr. RIBICOFF. If the Senator will allow me to respond, that is correct. There was no formal amendment offered. There was a general discussion, and the Senator from California, if I recall, talked about his language. But, after considerable discussion, the language was not adopted. Changes were made after a discussion between the Senator from Michigan, Senator WEICKER, and myself, and I believe the Senator from California was in on that discussion.

Mr. CRANSTON. I thank the Senator. As the Senator knows, and as all Senators know, one reason that some of us are reluctant to offer amendments when there is not an agreement is that we have been working together in the spirit of compromise on a compromise proposal introduced by the Senator from Nevada. I am one who has worked on this compromise and, therefore, I have restrained myself from proceeding where we have not had general agreement. I know other Senators have done the same thing.

In regard to the matter that I brought up yesterday, it must be understood that neither this resolution nor rule XXXV nor XXXVI in any way establish the standard which the committee or the full Senate is to use in deciding in a vote if particular classified national security information should be publicly disclosed. That is a determination which each Senator must make for himself in deciding how he would vote in such a matter, using the standard and balance of competing considerations which he deems appropriate.

I would like to ask the Senator from Connecticut, the distinguished floor manager of this bill, who has performed so magnificently in this effort, for his understanding of the restraints that would be upon a President in the light of all this in deciding when to seek to persuade the Senate not to release information publicly.

Mr. RIBICOFF. The Senator may recall that the distinguished minority whip, the Senator from Michigan, had raised a question on page 12, line 8, concerning the use of the word "vital."

After discussion with the Senator from Michigan, I suggested alternative language so it would read:

> * * * and personally certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

So it is obviously our intention that the President would not act capriciously, but only act if it were a matter of gravity. Of course, none of us could tell the President of the United States what he considers to be a grave matter. I would assume, on the basis of comity, that the President certainly is not going to abuse his discretion. It is my feeling that the President will act responsibly, as I would expect the intelligent oversight committee would act responsibly, in determining whether a matter should be publicly disclosed.

I would imagine that the President would seldom issue a certification under this procedure, so as not to wear out his standing with the Senate. Yet I would not want to put into the definition what the President must consider a matter of gravity. I am confident the President will not act capriciously and that he will only act to certify that the matter should not be disclosed if he thinks that the threat to the national interest posed by such disclosure is of such gravity that it outweighs any public interest in disclosure.

Mr. CRANSTON. I thank the Senator. That clarifies this matter fully and adequately. Obviously, the Senate will always be able to make its own decision in its own way as to whether a matter is of such gravity or not.

I would like to ask the Senator just one other question.

Let us assume that the new committee on Intelligence receives information which is not classified under established security procedures. Let us also assume that the committee additionally has determined that the release of such classified information would not damage the national security of the United States. Is it the intent of this compromise version that the new committee would be able to release such information without referring it to the full Senate for review?

Mr. RIBICOFF. Well, if it is the type of information the Senator mentions, yes, the committee could release such information without referring it to the full Senate, since the compromise version anticipates that the process of Presidential certification will only be operative when the information is the kind described by section 8(b)(1) of this resolution.

The compromise version permits this new committee to hold hearings and otherwise function like any other Senate committee, if the information is unclassified, and the committee has concluded its release would not damage national security.

Mr. CRANSTON. I thank the Senator very much.

Mr. ALLEN. Mr. President, will the distinguished Senator yield me 3 minutes for a unanimous-consent request and explanation?

Mr. RIBICOFF. I yield.

AMENDMENT OF THE ADMINISTRATIVE PROCEDURES ACT—REREFERRAL OF S. 2715

Mr. ALLEN. Mr. President, I ask unanimous consent, with respect to Calendar Order No. 820, S. 2715, that that bill be rereferred to the Committee on Government Operations for a period of 30 days.

This bill was originally introduced and assigned to the Committee on the Judiciary and the Committee on Government Operations. The Judiciary Committee approved the bill, and while it was still before the Committee on Government Operations, the distinguished chairman of that committee (Mr. RIBICOFF) and the distinguished minority member of the committee, in order to permit the bill to come in before the May 15 budget deadline, waived the jurisdiction of the Committee on Government Operations in order that the bill might be reported prior to May 15.

I now request—and this has been cleared with the distinguished chairman of the committee (Mr. RIBICOFF) and the distinguished ranking minority member of the committee—that the bill be rereferred to the Committee on Government Operations for a period of 30 days.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROPOSED STANDING COMMITTEE ON INTELLIGENCE ACTIVITIES

The Senate continued with the consideration of the resolution (S. Res. 400) to establish a Standing Committee of the Senate on Intelligence Activities, and for other purposes.

The PRESIDING OFFICER (Mr. STONE). Who yields time?

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

I ask unanimous consent that Mr. Braswell, Mr. McFadden, Mr. Sullivan, and Mr. Kenney of the staff of the Committee on Armed Services be permitted to be in the Chamber during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I want to make clear, since some other Senators have come in, that there has been no reference here to any Senator not being trustworthy, or any suggestion that any Senator would go out and leak a matter of consequence. No one charges that, and never has. This matter is related to trying to reduce to a minimum the opportunities for exposure in one way or another, with reference to some of these item which are so sensitive and so material.

I have been hounded for years—in a good way, and I do not blame anyone—because I just would not say how much, so far as I knew, was included in what we have called the budget for intelligence. As I say, I do not blame anyone.

Mr. President, may we have order? I can hear people talking there at the desk.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. So this is an effort not dealing with individuals, not a matter of who has what to do. We are talking about a system here.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. STENNIS. I yield myself 3 additional minutes.

We are dealing with a system here that will afford the most protection.

I notice, according to the press reports—and the committee has done a lot of fine work—that when the motion was made that the Intelligence Committee publish the total amount of the intelligence budget this year, there was disagreement, and the committee voted 5 to 4 not to make that disclosure, but rather to refer it to the Senate.

I do not think there could possibly be a better illustration of the sensitiveness of this matter, and also of the differences of opinion about it. We all recognize there must be some protection, something less than total disclosure, and it shows that the more you get into it, the more you realize that that disclosure ought to be reduced to the very minimum.

Every time that the Senate has ever voted on this budget matter directly, it has refused to make this disclosure, whether in open session or in closed session. This conclusively proves, to my mind, the point that I have tried to make—the point that is reflected in the effort of the Senator from Texas, the Senator from South Carolina, and myself as the third author of this proposed amendment. It is just to make it more certain that we give these sensitive matters the maximum security.

When we kick a matter around through this Chamber and the various committees, with more staff, there are more opportunities for things to get out; not the substance, maybe, but matters from which inferences can be drawn. That is what Mr. Ellsworth says in his testimony, that the foreign countries which are not allied with us, our adversaries, have the most adept and most penetrating intelligence agents, and that from a mere morsel of information, or just an inference, they can piece things together as they study our processes from year to year and from time to time; and that increases or decreases in budgetary items can put them on the right track.

In this subject matter that we are trying to protect in this amendment, there are included not only the satellite programs, what they find and what they transmit, but all kinds of activities with reference to codes and working on codes, our own as well as others, as an illustration. It includes electronics of all kinds; some of it is very sensitive, some not. Some of it stays in the research and development area for years and years, and maybe never does emerge into an instrument of some kind. Then some of it does break through in the most valuable kind of instrument, weapons system, or part of a system.

Many of those projects prove to be worthless, it is true; but at the same time some of them have proven to be of immeasurable value and of far-reaching consequences; and should some inference get out or some basis for discovery get out in the beginning, in the middle, or at the end of all this long laborious effort, the entire venture would be killed.

Mr. President, so it is as to matters of that nature.

Another point has been mentioned. No one has charged anything. This does not raise the issue about civilian control and military control. Not one iota of that issue is here.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

I personally always favored the two top officers of CIA, for instance, being nonmilitary so far as that point goes. But this is not an issue about civilian control or military control. This is in the field of intelligence that we regularly charge to the military. It is those funds to which we are trying to give the highest degree of protection and subject to the least amount of chance for exposure.

Mr. President, I say with emphasis that our amendment does not alter in any way the existing language of the Cannon substitute, so far as oversight of U.S. intelligence activities, including defense intelligence is concerned. This new committee, if the amended resolution is agreed to, will have full, unlimited oversight powers, with powers of subpena, and power for investigations of all kinds and over all kinds of intelligence.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The select committee will have access, as I repeat for emphasis, to all intelligence it makes and full investigatory and subpena power over all intelligence activities.

I repeat for emphasis. Let us remember what we are trying to protect here are the very matters that have divided the committee and divided the Senate. It has always been in favor of nondisclosure as to these total amounts. There must be some basis for that position or the Senate would not have maintained that position all these years.

I yield the floor.

Mr. WEICKER. Mr. President, on the time of the distinguished Senator from Connecticut, I wish to ask a question of the distinguished Senator from Mississippi.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. Mr. President, I yield the Senator 1 minute.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 minute.

Mr. WEICKER. If the amendment of the distinguished Senator from Mississippi is agreed to, what will it do to this committee? The Senator has stated, in other words, what it will not do. What will it do?

Mr. STENNIS. I covered that when someone had distracted the attention of the Senator in some way. There are positive things, and I spelled them out in a brief memorandum, but I have it written out in more formal language.

It would remove from the proposed new select committee legislative jurisdiction over the Department of Defense. The rationale is, first, it would minimize the possible disclosures through the long and debated process of authorization of sensitive intelligence figures. Rather than being simply authorized by a bill or a joint resolution, passed by the Senate alone, as required by this substitute, defense intelligence figures would continue to be included in various parts of the military authorization and appropriations acts. I cannot overstress that. And so forth.

But that is the point the Senator very well raised.

Mr. WEICKER. It takes the power of the purse away from the committee, does it not?

Mr. STENNIS. Not entirely, but it gives defense intelligence matters back to the Committee on Armed Services rather than stripping the committee of that.

The PRESIDING OFFICER. The 2 minutes have expired.

Mr. WEICKER. Mr. President, will the Senator yield me 2 additional minutes?

Mr. RIBICOFF. I yield the Senator 2 additional minutes.

Mr. WEICKER. I suggest to the Senator from Mississippi that the whole purpose of the committee is to give it not only oversight but also the necessary powers to go ahead and act on its oversight. We have had unfortunately an ineffective system. This is not laying this fault at the door of the Senator from Mississippi. The system itself obviously has not adequately handled the intelligence community.

Why should this committee have any less power than any other committee of the U.S. Senate?

Mr. STENNIS. This would retain in the Committee on Armed Services legislative jurisdiction, as I have described. It leaves with the other committee the oversight and access to everything included and the power to make recommendations also. We would simply give the Committee on Armed Services primary responsibility for dealing with these kind of matters only, and they could recommend what they wished.

I thank the Senator from Connecticut who has made some good recommendations.

Mr. RIBICOFF. Mr. President, will the Chair please inform us concerning the amount of time remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 17 minutes remaining, and the Senator from Mississippi has 28 minutes remaining.

Mr. RIBICOFF. Mr. President, because of the disparity of time remaining, I hope the Senator from Mississippi would use some more of his time.

Mr. STENNIS. Mr. President, I think the point is well taken. I will ascertain if I can.

Let us have a 2-minute quorum call on the time of the Senator from Mississippi.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum call for 2 minutes be charged to our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Under the previous order, the quorum call is rescinded.

Who yields time?

Mr. STENNIS. Mr. President, will the Chair indulge me for a minute?

Mr. President, I am glad to yield to the Senator from Georgia (Mr. NUNN) 5 minutes. He has a relevant matter to present. It is not on this amendment.

Mr. NUNN. Mr. President, is the Senator from Connecticut (Mr. RIBICOFF) in the Chamber? I see that he is present. He and I discussed this amendment.

Mr. President, section 8 of Senate Resolution 400, in the nature of a substitute, deals with a very important subject, and that is the right of Congress, in this case more particularly the Senate, to declassify information that the executive branch has classified.

Section 8, subsection (a), is very clear in its wording. Subsection (b) is also clear.

Section 2 of subsection (b) beginning on page 12, is also clear, and then we get down to section 3 of subsection 3 under (b) of section 8. This section reads:

> If the President notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote refer the question of the disclosure of such information to the Senate for consideration. Such information shall not thereafter be publicly disclosed without leave of the Senate.

I have discussed this section with both Senator BYRD and Senator RIBICOFF, as well as Senator CANNON, and it is clear from my conversations with them that the last sentence makes reference to and is premised on the President notifying the select committee of his objections.

It is very clear in the conversations that the intent of the committee was that, once the President notified the committee that he objected to the release of this information, the information would not then be released until the full Senate was consulted and gave approval.

However, that last sentence is in a position which follows number 2 on line 12, page 12, which says that "such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration," and then that clause is followed by the word "thereafter" in the last sentence. One could interpret this section as meaning that after the committee, by majority vote, referred it to the Senate, there would be no disclosure without consultation with the full Senate.

The structure of this section could lead to an interpretation that I do not think the committee intends. The unintended interpretation would be, in effect, that the select committee could declassify intelligence information over the President's objections, if it did not, by majority vote refer the question of disclosure to the Senate. I do not think that is what the committee intends, and I am going to submit an amendment, which I will call to the attention of the Senator from Connecticut. I believe my amendment will clarify and make very clear that once the President objects, the committee, if they recommend the release of classified information, in effect declassifying that information, would have to refer it to the full Senate, and the full Senate would have to give leave.

The Senator from Connecticut may wish to respond.

Mr. RIBICOFF. I think the Senator should present his amendment.

Mr. NUNN. Mr. President, I send the amendment to the desk. I do not know whether it is in order. I ask unanimous consent that it may be in order to take up this amendment at this time.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and I shall not object on the merits of it—but the agreement is to vote at 2 p.m.; so we will be cut off in our debate if the amendment is not adopted in a short period of time.

Mr. NUNN. It is my understanding that the minority and the majority have agreed to this amendment.

Mr. STENNIS. All right. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 12, beginning with the word "such" on line 14 strike all through the word "Senate" on line 15 and insert in lieu thereof the following:
>
> "The committee shall not publicly disclose such information without leave of the U.S. Senate.".

Mr. RIBICOFF. Mr. President, as the manager of the bill, I am pleased to accept the amendment.

The PRESIDING OFFICER. The 5 minutes allotted to the Senator have expired.

The question is on agreeing to the amendment of the Senator from Georgia.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. I yield 5 minutes to the distinguished Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished floor manager of the bill.

Mr. President, first, I want to reiterate my very strong support for the substitute version of Senate Resolution 400, creating a permanent oversight committee on the intelligence activities of this country. That support is predicated upon my experience during the past 15 months as a member of the Senate select committee investigating our intelligence activities.

It is based upon my firm belief that it is absolutely essential that this Nation have the strongest most effective, and most efficient intelligence organizations, both from the standpoint of collecting intelligence and the standpoint of processing and using that intelligence once it has been collected.

Second, it is based on my strong belief that it is essential that certain information be kept secret; that there is a necessity for this Nation to have secrets.

It is also my firm belief that the approach taken by the suggested compromise is the best way to insure that we have adequate intelligence, and adequate oversight.

I will have a further statement to make, or to place in the RECORD, as we approach final passage, regarding my support of the substitute amendment to Senate Resolution 400.

At this time, however, I offer my opposition to the amendment now pending. I oppose the amendment because it is contrary to the concept of national intelligence, a concept that has been embraced by the President of the United States in his own directive which establishes the Director of the Central Intelligence Agency as the supervisor and coordinator of all our intelligence operations. It is contrary to the recommendations of the select committee of the Senate that investigated intelligence, which makes a similar recommendation. More important, in fact, it is contrary to the facts of life as they apply to the intelligence community.

The amendment would take from the new oversight committee the legislative and authorization jurisdiction over Defense Department intelligence. That means that some 80 to 90 percent of both the collection and production of intelligence and the consumption of that intelligence would be outside the effective oversight responsibility of the new committee. I use the word "effective" because it already has been pointed out that to take legislative authority from an oversight committee would diminish tremendously its effectiveness so far as exercising the proper oversight responsibility is concerned. Oversight without legislative participation is toothless oversight, as all of us in this body know.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. HUDDLESTON. Mr. President, will

the Senator yield me 2 additional minutes?

Mr. STENNIS. I yield.

Mr. HUDDLESTON. But, not only do the defense intelligence operations comprise some 80 to 90 percent of our collection, production, and use of intelligence, they are also entities which have had their share of the abuses that have occurred, and for that reason alone should be within the effective oversight and responsibility of the new committee.

Mr. President, I think that the compromise as written—although, as has been pointed out, there are areas in which accommodations will have to be made among various committees—can be put into effect, can provide the effective kind of oversight for which there has been a crying need for a long time in the operation of the intelligence organizations of this Nation.

The pending amendment should be rejected, so that this new committee can have the full authority, together with the full responsibility, to provide the kind of oversight that is necessary throughout the intelligence community.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I support the amendment.

I believe we have to divide intelligence, as we are discussing it here today, into many, many facets. The resolution that established the select committee, in my opinion, was a wise one. Our job, supposedly, was that of ferreting out wrongdoings so far as intelligence gathering was concerned with respect to the American citizen. That is one form of intelligence. We have intelligence gathered from embassies by tapping. We have intelligence gathered by mail.

Mr. President, I am anxious to support this amendment, and I call attention to the fact that the amendment would remove from the proposed new select committee legislative jurisdiction over the Department of Defense intelligence. Why is this important?

Last week, I read several books, with which hindsight always can provide us, as to what we actually knew about the intent of the Japanese before Pearl Harbor. It was amazing. Had we had a properly working intelligence agency at that time, with the information we had gathered from a number of sources, none related to the other, we almost could have predicted the attack on Pearl Harbor to the hour. We could have resisted it and defeated the Japanese without any trouble at all. But because we did not have an intelligence agency such as the CIA at that time, we depended upon the warring factions in the services and the civilians in the War Department and the President, himself. We got ourselves into a very costly war.

That is why I support this amendment—not to prevent the establishment of a committee to have so-called oversight, but to allow the Committee on Armed Services to have that sole jurisdiction because, Mr. President, I do not care if you have a committee of one, it is almost impossible to stop leaks. As hard as our special committee tried, we could not bottle them all up, and, of course, the House was a sieve. It leaked, leaked, and leaked.

Under the Committee on Armed Services, we would handle just that intelligence that applies to the military, nothing else—no interest in the FBI, no interest in anything except the intelligence that the military has to gather.

Mr. President, I remind my colleagues in this body who have had experience in war or experience with the military that the estimate of the situation is a little formula that we are taught almost before we know what the rest of the service is about. The primary part of the estimate of the situation is intelligence: What does the enemy have, what does the enemy intend to do with what he has, what does he know about what we have, and what does he know about what we intend to do with our intelligence; Then, by working the two against each other, we come up with some possible lines of action. But if this information is made public, as we watched it be made public from the other body and from leaks downtown, then the estimate of the situation gets to be pretty much of a joke.

I know Members of this body are concerned about covert action. I know that Members feel that we should disclose, among the oversight function, any covert action. Well, Mr. President, this is dangerous. Those of us on the Committee on Armed Services, in spite of what our colleagues might think, know of many, many covert actions that were practiced during the years, many of which prevented wars between other countries, many of which prevented ourselves from getting into trouble. So, military intelligence, to me, is a most sacred item and we should look on it as such; create a full committee to take care of the abuses upon the American people, but allow military intelligence to go as it has in the past. We have developed a very fine intelligence-gathering system. In fact, I just read on the ticker tape this morning that our old friend, Averell Harriman, has recommended to the Democratic Platform Committee that covert action not be stopped, that it be encouraged because, by covert action, properly done, we prevent wars; we do not get into them.

I am afraid if a 15-member committee is ever created and given the handle on military intelligence, covert action will become something that will be very overt and we will be fighting the battles on the floor of the Senate instead of doing it in a round-about, backward, sneaky way. Call it what you want, but by doing it that way, we will prevent American men and, now, American women from being called into battle.

I hope my colleagues will support this amendment. It is not an Earth-shaking amendment. It is not going to destroy the concept of the substitute Senate Resolution 400. It will, in my opinion, protect the best interests of our country.

Mr. RIBICOFF. Mr. President, I yield 1 minute to the distinguished Senator from North Carolina.

Mr. MORGAN. Mr. President, as I understand the amendment offered by Senators STENNIS and TOWER, it eliminates from the jurisdiction of the new select committee any jurisdiction over defense intelligence, which would include the Defense Intelligence Agency, the National Security Agency, and the intelligence activities of the three military departments.

Under the Cannon substitute, the new select committee would have jurisdiction over defense intelligence, except for "tactical foreign military intelligence serving no national policymaking function."

Those Senators supporting the Stennis/Tower amendment argue that it is impossible, as a practical matter, to separate, for purposes of oversight, tactical intelligence activities from national intelligence activities. They therefore would opt for the Armed Services Committee to retain sole jurisdiction over all defense intelligence activities.

While I have great respect and admiration for the distinguished chairman of the Armed Services Committee, the findings of the Select Committee on Intelligence lead me to disagree with him on this point. I think that it is possible to separate those intelligence programs carried out by the Department of Defense which contribute to the national intelligence picture from those carried out to support tactical military units. The Department of Defense already distinguishes between tactical intelligence programs and national intelligence programs for purposes of its annual budget submissions to the Congress.

Furthermore, we have seen that the President's Executive order of February 17, 1976, places within the Director of Central Intelligence managerial responsibility for all national intelligence activities, including those of the Department of Defense. We have here, then, the executive branch distinguishing between "tactical" and "national" intelligence activities carried out by the Department of Defense, for purposes of managing the intelligence community. Should Congress not do the same?

I know this is a cloudy issue for a lot of Senators who are unfamiliar with how DOD conducts its intelligence activities, but I think that insofar as oversight is concerned, the dividing line would be quite clear. The new select committee, as I see it, would have concurrent jurisdiction over all DOD agencies and programs which were created primarily to collect and produce intelligence for our national intelligence estimates. The Armed Services Committee would retain sole jurisdiction over those agencies and programs of the Department of Defense designed primarily to produce intelligence for use by military commanders in the field. To be sure, there may be national intelligence activities which produce information useful to the military commander in the field, and, by the same token, tactical intelligence activities may produce information useful to the national intelligence picture. But insofar as oversight of these activities is concerned, the select committee would have concurrent jurisdiction over those activities designed to provide national intelligence, and the Armed Services Committee would have sole jurisdiction over those activities designed to produce tactical intelligence.

Unless the proposed intelligence committee does share jurisdiction over the national intelligence activities of the Department of Defense, I think its effectiveness will be seriously jeopardized. I say this for several reasons.

First, as several Senators have pointed out already, between 80 and 90 percent of the intelligence budget goes to the Department of Defense. To eliminate such a sizable amount of intelligence expenditures from the scrutiny of the new intelligence committee would be to make a mockery of it.

Second, I think it will be impossible for the new committee to study the performance of the intelligence community as a whole without looking at DOD. How, for instance, can we make a judgment about the performance of the intelligence community during a Mideast war or an Angolan crisis, unless we have military intelligence in to explain its role? And how will we have their cooperation in these studies unless we have some type of oversight authority?

Third, I fear that if, in the future, the Committee on Armed Services proves to be more favorable than the proposed select committee to intelligence activities or intelligence expenditures, we will see the intelligence community decide to have military undertake more and more of its activities in order to avoid facing the tougher committee. In short, I think that the Stennis/Tower amendment will not result in even-handed oversight of the intelligence community.

Finally, I am concerned that leaving military intelligence in the exclusive hands of the Committee on Armed Services will not result in the type of oversight we need to protect the rights and privacy of our citizens. I remind my colleagues of the Church committee findings which showed that numerous activities of the Department of Defense resulted in violations of individual rights, none of which were ever investigated by the Committee on Armed Services. I point to the existence of the NSA's Watch List and Project Shamrock, and the domestic surveillance activities of the Army during the late 1960's. In this latter case, the investigation of Army surveillance was undertaken not by the Committee on Armed Services but by a Judiciary subcommittee.

The Church committee report also found that there are approximately 5,000 military investigators still in the United States. Can we be satisfied that these 5,000 investigators are staying within legitimate bounds by depending on the Committee on Armed Services?

In short, Mr. President, I do not think we will have an effective committee or effective oversight if Defense intelligence is left out of the committee's jurisdiction. I urge my colleagues to vote against the amendment offered by Senators STENNIS and TOWER.

Mr. RIBICOFF. Will the Presiding Officer please inform us concerning the remainder of the time?

The PRESIDING OFFICER. The Senator from Connecticut has 10 minutes; the Senator from Mississippi has 14 minutes.

Mr. RIBICOFF. I wonder if the Senator from Mississippi would take 4 minutes and give 10 minutes to the distinguished Senator from Idaho (Mr. CHURCH) from the last 10 minutes of the distinguished Senator from Mississippi?

Mr. STENNIS. Mr. President, I do not care just to repeat things that I have already said. I want to refer to what the Senator from Arizona said.

The major part of military intelligence is so sensitive, so far-reaching, that, should error be made, in my humble opinion, we could hardly do a worse thing than to subject all of it to the ordinary legislative process of this congressional body. That is just a matter of commonsense when we consider the subject matter with reasonable caution and not overcaution. I speak with great deference to all these men who have worked on it so much. This resolution is a unilateral thing. No one in the House is going to be bound by it in the legislative circle even if this process is adopted. Where we would have a budget, it would finally be debated here and finally agreed on and then carried to the Committee on Appropriations to let them do the best they could to live with it. The Lord only knows how they would be able to live with it. But we will say they will do their best, which I believe they will, and bring it back here on the floor, where it is subject to a point of order under the terms here and can be knocked out, debated and redebated, and finally a bill is passed.

Then what happens to the appropriations bill? It goes over to the House of Representatives, and there is no one at home, no special subcommittee over there, no special Select Committee on Intelligence over there—I am talking about legislation now—no one to deal with. If you have ever been on a real appropriations conference committee with those gentlemen from the House, you know they are experts and they are not going to be compelled or bound by anything in the way of a ceiling that they had no part in fixing.

They are not going to be bound by anything that does not pertain to them, or at least that they had a part in making and legislating on—I mean in the House. It would be, I say with great deference, a great mistake. This unilateral committee will have to be redone and abandoned, or something happen to it before it has a chance to be effective in a legislative way. Unless the House comes to something in the neighborhood of the same pattern. I just can not see where it would have a chance.

Maybe I am not fair to the House. Maybe they should have gone on and gone into this thing. But they did not; they did not. All we are asking in this amendment—we are not touching the CIA, we are not touching all the others. All we are asking is just for the military intelligence to be given this routing through the Committee on Armed Services, which has the jurisdiction over all the rest of the military program, for their analysis, for their recommendation at the same time, so that the select committee can pass it, taking all the testimony they want in the whole intelligence field, subpena power undiminished and everything else.

So I hope, Mr. President, that on second thought the majority of this body will say we must call a halt, we must take another look, at least we will carve this out for the time being until we see what can be done with the House of Representatives.

I yield back the remainder of my time.

The PRESIDING OFFICER. Ten minutes remain per side.

Mr. RIBICOFF. Mr. President, I yield 10 minutes to the distinguished Senator from Idaho.

Mr. CHURCH. Mr. President, I am happy to yield 2 minutes to the distinguished senior Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, as everyone knows, I have great respect for the distinguished chairman of the Armed Services Committee, but I just cannot agree with this proposed amendment. In my opinion, it will drown the CIA, the only civilian agency which in itself is a brake against the Defense Department having the exclusive right to describe the threat.

I am already worried about the executive branch reorganization of the Agency and I have so told Director Bush for whom I have the greatest respect.

I believe if this intelligence is assigned, the way it is planned under this amendment, to the Pentagon Building it would end any true civilian supervision of intelligence activities, 90 percent of which is a matter for the Foreign Relations Committee even though it is called military intelligence, unless we are at war with the country in question.

I thank my friend for yielding the time to me.

Mr. CHURCH. Mr. President, I thank the Senator very much for his remarks.

Mr. President, the Stennis amendment would strip the oversight committee of all legislative authority over strategic intelligence agencies which operate under the aegis of the Pentagon.

The resolution, the substitute resolution, does not take anything away from the Armed Services Committee. It does not in any way intrude upon the legislative authority that that committee possesses.

All this resolution does is to establish concurrent legislative authority so that the oversight committee might have adequate power to do its job.

But the Armed Services Committee, speaking through its distinguished chairman, opposed sharing any legislative authority with respect to those agencies that operate under the Defense Department.

It ought to be made clear, Mr. President, that we are speaking here only of those agencies within the Defense Department that are primarily concerned with strategic or sometimes what is called national intelligence. We are not at all concerned with, and we are not even reaching for, the Army intelligence, the Air Force intelligence, or the Naval intelligence, which is purely military and purely technical.

We are talking about those agencies within the Defense Department that deal with the collection, the dissemination, and the assessment of political and economic intelligence under the direction of the DCI, strategic intelligence, and that we must have if the oversight committee is to do its job.

Mr. President, I suggest that if this amendment is adopted it will deny the oversight committee the leverage it needs to deal effectively with those intelligence agencies which account for the great bulk of the spending. It has already been mentioned if this amendment is adopted what it means is that between 80 and 90 percent of the spending for intelligence is excluded from the legislative reach of the oversight committee, and I think that is no minor matter. In fact, instead of a club, the adoption of this amendment would leave the oversight committee with nothing more than a small stick, and would gut the committee.

Now, the substitute resolution, on the other hand, gives the oversight committee sufficient legislative reach to embrace the whole intelligence community. Thus, the oversight committee would be the congressional counterpart to the way the executive branch itself organizes and administers national intelligence.

This is a seamless web, Mr. President. If you look at the way the executive branch pulls it all together, you will see the so-called military agencies actually operate under the direction of the DCI; they operate under the direction of an overall intelligence board. This is all of a piece, and it has to be left of a piece, and if you do not give the oversight committee jurisdiction to handle as a piece then you, of course, deny the committee effective oversight authority.

Everyone who has served in the Senate knows that the power of the purse is the ultimate test. To deny the oversight committee the power of the purse where the intelligence community is concerned would be to effectively undermine its role.

Furthermore, Mr. President, if this amendment is adopted it gets us right back to the problem we are trying to solve. For years the problem has been there has been no committee in Congress that could reach out and embrace the entire intelligence community. Now we have one if this substitute resolution is adopted. But if the Stennis amendment is approved, we are right back to where we started from. The net, that seemless web, has been broken, and we are back to piecemeal jurisdiction distributed among several committees of Congress no one of which can do the job.

So, Mr. President, I do hope that in consideration of the need that has been demonstrated during the past 15 months of investigation, and the abuse we found, some of which occurred within the Defense Department—the National Security Agency was one of those that, contrary to the laws of the land, intercepted hundreds of thousands of cables and read them in a massive fishing expedition for intelligence information, all contrary to the statutes of this country.

So these agencies need to be supervised, and the oversight committee needs to have such reach so it may deal with the overall national strategic intelligence community the same way that the executive branch deals with it. Only then will you have effective senatorial oversight. Only then will you be assured that the abuses that we found in the course of this investigation can be prevented from reoccurring in the future.

So I do hope that the Senate, in its wisdom, will reject the amendment.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CHURCH. Yes.

Mr. MONDALE. The argument was made today that not much of the scope of the abuses that were uncovered occurred in this area of defense intelligence. So I asked the staff to bring over just the copies of the reports that deal in detail with abuses occurring exclusively in the defense intelligence areas: One dealing with surveillance of private citizens, one dealing with the National Security Agency, and each of these going into detail showing over many years in a broad and deep scope the abuse of human rights and legal rights by these agencies.

If we proceed as this amendment proposes, to exempt these agencies, not only do we exempt 80 percent of the intelligence budget but we will be creating a situation where if they wanted to repeat what has happened in the past they would simply shift these activities over into the defense intelligence agencies because these agencies can do and have done, as this record shows, precisely the things that we seek to prevent.

Mr. CHURCH. I agree wholeheartedly with the Senator. He is correct in everything he said.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired. The time the Senator from Mississippi has left is 10 minutes.

Mr. STENNIS. Mr. President, I yield 6 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, the issue here is not whether or not we should have oversight. I think everybody agrees that we should have oversight. The question is whether or not we are proceeding on the presumption that a committee set up specifically for that purpose can do a more perfect job than the other committees having jurisdiction over various elements of the intelligence-gathering communities.

I submit that it cannot.

Now, inherent in the proposal of this resolution is the suggestion that the Armed Services Committee has been derelict in its duties for lo these 25-plus years since the Central Intelligence Agency has been in existence.

I reject that notion. If there has been any dereliction, then the entire U.S. Senate and the House of Representatives must bear the responsibility because this was the accepted way of doing business for so many years. Then when abuses were brought to our attention, we reacted, and quite properly, in mandating a special investigation.

That brings up a point, the Senator from Idaho says that without legislative jurisdiction the oversight committee would not have sufficient authority and power to deal with the business of oversight.

I reject that notion because the select committee which he so ably chaired actually got everything it wanted and it had absolutely no legislative authority. All it could do was make recommendations.

I submit that a better way to maintain oversight would be to allow the jurisdiction in terms of oversight of our various intelligence-gathering activities to continue to lodge in the committees that now exercise that jurisdiction.

I think that the process could be perfected by the creation of, in the case of the Armed Services Committee, a permanent subcommittee with a permanent professional staff required to report to the Senate on a regular basis.

The thing I fear about this oversight committee that is supposed to resolve all of our problems regarding the intelligence community is that it is going to create more problems than it solves. Certainly, it is going to create problems in terms of the effectiveness of our clandestine activities.

Now, already, the debate on this resolution preceding that investigation, the Senate-House committee, has undermined foreign confidence in the ability of the United States to carry on intelligence-related activities in a confidential way.

We have damaged our credibility with the intelligence services of allied nations and they feel less disposed to cooperate with us now, feeling that much might be disclosed about their own operations if they do cooperate with us.

So what we are doing here is engaging in an exercise that, in my view, has the potential for seriously undermining the intelligence-gathering capability of the United States.

I cannot see that the need for the creation of such a committee, whatever the merits in the proposal are, outweigh the potential dangers to the security of the United States in terms of the proliferation of disclosure of confidential, classified and sensitive information.

The fact of the matter is that in the creation of this new committee we do not solve the problem of the proliferation, we exacerbate that problem.

Now, we have a brand new committee of 15 members, we also have a staff, for every member plus the regular permanent staff, and this is an enormous undertaking, particularly when we consider all the security precautions this committee will have to take.

This means that the potential for disclosure of sensitive information increases geometrically rather than arithmetically and the potential is very much there.

Yes, the select committee had a pretty good record of not leaking that which it chose not to disclose. I think the committee chose to disclose more than it should have.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator a minute.

Mr. TOWER. But we can always expect this to be the case.

The experience in the House is that the

House committee, investigating intelligence committee, did not leak; it poured.

There is a vast potential for mischief here. This is not a committee that is being established on the basis of popular demand. The popular fear in this country, by citizens generally, is not that the CIA and the FBI are going to invade their rights, because most people being law-abiding, have no such fears. Their concern is that other agencies of the government have intruded much too much in their lives.

The preponderance of the American people believe, I feel, that we have disclosed too much, not too little, and the dangerous potential is here, that we shall disclose much more and that we will impact adversely against the security of the United States through such action.

Mr. STENNIS. Mr. President, I just have one point.

This effort about holding disclosure to a minimum, everyone understands that we are not trying to keep the information away from the Senators or from the American people. This means disclosures to our adversaries, those that are pitted against us, that are planning against us.

I am sorry that there has not been more said about better ways of getting intelligence. Everything here directed about disclosures, demand, everybody have access. Let us have some better ways of getting better intelligence, more accurate intelligence, better system, better method, better arrangement, better protection for our men and those we hire, better alternative methods, will bring better and more valuable results.

I hope that this little amendment—and it is small—for the protection of this part of the intelligence program will be passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order, with one show of hands, to order the yeas and nays on the pending Stennis-Tower amendment, the Cannon substitute, and Senate Resolution 400, as amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the pending matter now before the Senate?

The PRESIDING OFFICER. The amendment No. 1649 to amendment No. 1643 to Senate Resolution 400.

Mr. STENNIS. Is that the amendment that has been referred to here as the Tower-Stennis-Thurmond amendment?

The PRESIDING OFFICER. The Senator is correct, the Tower-Stennis amendment.

Mr. STENNIS. Mr. President, I intend to speak in support of the amendment by Senator TOWER, myself, and others to the pending substitute proposed by Senator CANNON. Before discussing the amendment in detail, I shall address the substitute as a whole.

PRINCIPAL EFFECT OF THE PENDING SUBSTITUTE

I realize the pending substitute, which reverses the version reported by the Rules Committee, represents a good faith effort and hard-bargaining on the part of all those involved. For a number of basic reasons, however, I cannot support the substitute.

Although there are many provisions in the substitute on which I have reservations, I will limit my comments to the principal thrusts of the substitute.

The substitute would create a separate intelligence committee with legislative, oversight jurisdiction over all intelligence activities in the Federal Government. Defense intelligence activities would be broken out from the Defense budget. At the same time, any cognizant standing committee could request on a secondary and limited basis the referral of intelligence legislation except as to the CIA.

Of equal significance is the provision that no funds will be appropriated for U.S. intelligence activities after September 30, 1976 "unless such funds have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activities for such fiscal year". If intelligence funds have not been specifically authorized, appropriations for intelligence activities could be subject to a point of order.

OBJECTIONS TO THE PENDING SUBSTITUTE

Mr. President, any Senate arrangement for legislation and budget authority such as the pending substitute that does not include the House of Representatives is bound to fail in the Congress. Moreover, by creating a new and second budgetary process for intelligence, the substitute would increase the potential for disclosures. Whatever reform that is needed to improve U.S. intelligence should be undertaken through a unified approach between the House of Representatives and the Senate.

The pending substitute would also result in a proliferation of involvement by Senate committees in intelligence matters and would inevitably lead to greater disclosures on the nature and scope of U.S. intelligence activities.

Finally, the pending substitute would do nothing to improve U.S. intelligence; on the contrary, its effect could well be to weaken present U.S. intelligence-gathering capabilities.

ADVANTAGES OF THE TOWER AMENDMENT

I have joined Senator TOWER in sponsoring an amendment which would protect military intelligence from these two main hazards of the pending substitute—the requirement for a separate authorization and the breakout of military intelligence from the defense budget. The Tower amendment would do three things:

Keep the legislative jurisdiction over military intelligence with the Armed Services Committee while leaving the select committee with oversight jurisdiction for all military intelligence.

Avoid a report by the select committee of its views and estimates on military intelligence to the Budget Committee.

Eliminate the requirement for a separate authorization for military intelligence funds.

The effect of this amendment would be to reduce the risk of serious intelligence disclosures and preserve the integration and strength of military intelligence within the overall U.S. defense posture.

I fully support a strengthening of congressional oversight for intelligence and have endorsed the concept of a new "watchdog" committee for intelligence. The Tower amendment would in no way reduce the power of a select committee created by the pending substitute to guard against possible abuses in the U.S. intelligence community. The select committee would have undiminished oversight authority over all intelligence activities including CIA and military intelligence. It would have access to all military intelligence information, budgetary and otherwise. It would also have full investigatory powers, including subpena power. Thus, the Tower amendment has neither the aim nor effect of restricting congressional vigilance over any U.S. intelligence activities.

Rather, the Tower amendment would preserve the regular authorization process for defense intelligence resources. In other words, the Armed Services Committee would continue to examine the merits of complex research and development, procurement, and construction associated with high technology intelligence equipment. The Armed Services Committee would continue to scrutinize military intelligence manpower through the authorization of overall military end strengths. These authorizations are studied initially by the various subcommittees of the Armed Services Committee such as the Research and Development Subcomittee, headed by Senator MCINTYRE, the Military Construction Subcommittee, headed by Senator SYMINGTON, and the Manpower and Personnel Subcommittee, headed by Senator NUNN, and so forth. Military intelligence matters would then be passed on by the full Armed Services Committee in conjunction with annual authorization for the budget of the Defense Department. It is this process that has served this Nation well over the years and has been responsible in large part for creating the most effective intelligence service in the world.

WHAT THE TOWER AMENDMENT WOULD NOT DO

There have been abuses of activities in the intelligence community, some quite serious and inexcusable. They have been spread out over the 30-year period which has recently been under review, but they cannot be justified, and I have been ashamed of the abuses which have been reported.

For the purposes of the amendment, I want to point out that most of the abuses have not been associated with defense intelligence. The uniformed military by and large has not engaged in covert operations and the so-called "dirty tricks." While certain surveillance operations, ordered by higher authority, have provoked criticism, the military agencies have engaged, for the most part, in collecting and analyzing intelligence information. I believe they have done so skillfully and in the Nation's best interest.

In the exuberance to prevent abuses within the intelligence community, the Congress must not fail in its responsibility to give intelligence its proper emphasis and security for the defense of this country.

HOW THE PRESENT SYSTEM WORKS

At the present time there are no laws requiring that intelligence funds in the Federal Government be authorized annually as a condition for the appropriations of intelligence activities. There is a sound reason for not requiring a separate annual authorization law. The reason is to prevent disclosure of the amounts of these funds and the annual changes which would surely be revealed if a separate law were utilized.

Let me also emphasize that the appropriations for the various defense intelligence funds are now contained in 23 different defense accounts and are authorized in part by the annual military authorization bill. In addition, there presently is no separate budget for defense intelligence activities in the sense that there are separate accounts that can be audited for the Congress by the General Accounting Office. In other words, the military intelligence budget is composed of merely estimates of intelligence spending rather than strict budget accounts. For example, an Air Force mechanic may work part-time on fighter aircraft and part-time on intelligence-gathering aircraft. He is paid out of a general defense operation and maintenance account rather than any account for defense intelligence.

Thus, this substitute would force the creation of a completely new and unwieldy budget system for intelligence in the Senate while the Houseof Representatives would continue under the existing budget system.

SEPARATE AUTHORIZATION REQUIREMENT WOULD LEAD TO GREATER INTELLIGENCE DISCLOSURES

A requirement for separate authorization of military intelligence funds will inevitably result in serious disclosures on the nature and scope of U.S. intelligence activities. To meet the separate authorization, as contemplated by the pending substitute, would result in identifying crucial aggregates and components of military intelligence.

Such disclosures would not have to come from outright leaks. Instead, separate authorizing legislation and debate in the Senate would provide the basis for drawing inferences and reaching conclusions. These inferences could be enormously valuable to our adversaries. They could also shatter the confidence of allied nations and friendly individuals who might otherwise cooperate with U.S. intelligence efforts.

SEPARATE AUTHORIZATION WOULD PRECLUDE THE CONDUCT OF CERTAIN SENSITIVE PROJECTS

A brief historical review will show that several projects crucial to the national security could not have been accomplished under a congressional requirement for separate authorization. It would have been impossible for example to develop the atomic bomb in secrecy if the funds for the Manhattan project had to have been annually authorized by the Senate as whole.

The development and use of the U-2 reconnaissance aircraft prior to the development of satellites would have been impossible had it been necessary to annually authorize funds for this purpose.

A more recent example was the so-called *Glomar Explorer* project. This was a highly secret effort to recover a sunken Soviet nuclear submarine with all its advanced technology and weaponry. It was a multimillion-dollar project that spanned several years. If the Senate had followed the separate authorization procedures for intelligence funds as set forth in the pending compromise, there would have been sufficient budgetary information made public from which clear inferences could have been drawn that the United States was engaged in an extraordinary intelligence project. From their suspicions—and all they needed were suspicions—the Soviets could have been right on the recovery spot in the Pacific Ocean, thereby foiling the entire project.

There are many other examples involving satellites, decoding systems, and other electronic technology, which would further underscore the importance of avoiding a separate authorization requirement for intelligence funds.

OTHER DRAWBACKS TO A SEPARATE AUTHORIZATION FOR DEFENSE INTELLIGENCE

An authorization requirement for defense intelligence activities would pose additional problems. There is no meaningful distinction between tactical or local intelligence and strategic or national intelligence.

A single intelligence collector such as an aircraft or satellite can provide simultaneously information that will be useful to force planners, weapons developers, and the national command headquarters.

The facilities, maintenance, logistics, and operations associated with an intelligence-gathering system cannot be separated in a budget sense from the general facilities, maintenance, logistics, and operations of the Defense Department. For example, a KC-135 intelligence aircraft uses a military airport, supplies and fuel from military stocks, military aircraft maintenance personnel and military pilots.

To segregate defense intelligence activities into a single budget would be administratively costly, requiring additional expenses, staff, and automation equipment. Furthermore, the mere compilation of such a new intelligence budget would substantially increase the risk of intelligence disclosures.

To the extent that defense intelligence activities must be separately authorized, the Defense Department would lose the flexibility to adjust quickly the level and type of defense intelligence activity. This would be especially damaging in a crisis situation.

DEFENSE INTELLIGENCE SHOULD NOT BE ISOLATED FROM THE OVERALL U.S. DEFENSE PROGRAM

In addition to using the product of the defense intelligence community, the Congress has a fundamental role in the production of defense intelligence. All of the various elements of the defense program—such as intelligence, tactical air power, and strategic submarine forces—must be evaluated and balanced together in order to provide the most effective overall national defense. Valuable defense resources must go to the areas where they will make the maximum contribution to national defense. This requires that all of these elements be reviewed together in one place by a single committee.

Given its responsibility for the "common defense generally" the Armed Services Committee should be the one to weigh needs and priorities across the spectrum of defense activities so as to best channel resources into intelligence activities. Only the Armed Services Committee can review research and development, procurement, and manpower for intelligence activities in relation in airlift capabilities, command-and-control facilities, and so forth.

Defense intelligence must not become an end in itself. It must be designed to support and enhance U.S. defense efforts. Separating it from the Armed Services Committee will facilitate the development of intelligence as a separate activity operating independently of the Defense Department and U.S. national defense efforts.

Giving the select committee jurisdiction over defense intelligence would be like giving the Commerce Committee authority over military airlift or the Space Committee authority over strategic missile development. The result must inevitably be to fractionate and dilute U.S. national defense efforts.

CONCLUSION

For the reasons I have stated the Tower-Stennis amendment should be adopted. In that way we can avoid the long and cumbersome process of preparing, debating, and passing an authorization measure to cover military intelligence.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I sent to Senators on this matter dated today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 19, 1976.

DEAR COLLEAGUE: As you know, Amendment No. 1649 (the Tower-Stennis Amendment) to the pending Substitute to S. Res. 400 will be considered at 11:00 this morning. First, I would like to call your attention to what said Amendment No. 1649 does *not* do.

1. The amendment will not alter in any respect the Substitute as it relates to the Central Intelligence Agency.

2. The amendment in no way alters the existing language of the Substitute as it relates to oversight of U.S. intelligence activities including defense intelligence. The select committee will have access to all intelligence information as well as full investigatory and subpoena powers over all intelligence activities.

The amendment would provide:

1. It would remove from the proposed new select committee legislative jurisdiction over Department of Defense intelligence. The

rationale is two-fold. First, it would minimize the possible disclosure through the long and debated process of authorization of sensitive intelligence figures. Rather than being separately "authorized by a bill or joint resolution passed by the Senate", as required by the Substitute, Defense intelligence figures would continue to be included in various parts of the Military Authorization and Appropriation Acts. I cannot overstress the damage to defense intelligence that could flow from budget clues which would enable foreign powers to determine information and trends on our highly sophisticated electronic and satellite activities.

2. Intelligence activities, as carried on within the Department of Defense, are as much a part of national defense as the Strategic Air Command, Polaris submarine fleet, or any other vital defense element. The Senate should not fractionalize national defense by having a separate authorization for intelligence manpower, intelligence research and development, and intelligence procurement involving such matters as cryptology, satellites and other electronics. Intelligence is an inseparable element of national defense.

The new select committee, by retaining complete oversight, would be empowered to investigate and prevent any abuses. At the same time the necessary secrecy and strength of defense intelligence would be preserved.

One final comment. With the Senate acting alone, the entire proposal will ultimately fail. With the House continuing under the present system, with the basic differences in Congressional management of the intelligence program, legislative reconciliation becomes unmanagable and impossible to attain. The fate of national intelligence should not be left to chance.

I hope you will see fit to vote for the proposed Amendment No. 1649.

Most sincerely,

John C. Stennis.

ADDITIONAL STATEMENTS ON TOWER-STENNIS AMENDMENT

Mr. TAFT. Mr. President, I rise in support of the amendment offered by Senator Tower and others which would avoid a very serious problem created by the substitute—the requirement for a separate authorization and the breakout of military intelligence from the defense budget. This is one of the points I addressed in my testimony before the Rules Committee which unfortunately has not been resolved in the final compromise version of the resolution.

Furthermore, as I understand it, the Tower amendment would add constructively to the resolution by establishing the following things:

First, it would maintain the legislative jurisdiction over military intelligence within the Armed Services Committee, while preserving the select committee's oversight jurisdiction over military intelligence.

Second, it would obviate the requirement that the select committee report its estimates on military intelligence to the Senate Budget Committee.

Third, it would avoid the requirement that a separate authorization for military intelligence funding be employed.

The intendment of the amendment is to alleviate the risk of disclosure of military intelligence and to provide for the continued coordination of military intelligence with our entire U.S. defense position.

Mr. President, in my opinion it is virtually impossible to separate the budgeting process for the intelligence function from the process of authorizing and appropriating funds for our national defense. It is clear to me from my work on the Armed Services Committee that intelligence is an integral part of the national defense. It can be analogized to a complex network that could not be unraveled without destroying its entire structure. For example, Navy ships and military bases carry intelligence gathering equipment, for both tactical and national defense purposes. My question is, how can these funds for these systems be separately authorized and appropriated? In practice, it is impossible to draw a distinction between national and tactical intelligence, much less say that one system gathers only national, and another only tactical intelligence. These differences exist only on paper, in Senate Resolution 400, and not in point of fact. Moreover, I believe Senator Stennis has made a good point here when he said that Congress has a vital role in the production of defense intelligence. He stressed that all of the elements of our defense program, such as sealift capability, defense intelligence, air power, must be evaluated together in order to provide the most effective overall national defense capability. He urged that valuable defense resources must go to those areas where they will have a maximum contribution to national defense. I could not agree more. It is my conclusion that this requires all of the component elements to be reviewed together in one place by a single committee having the expertise to make such evaluations. I submit that this is properly an Armed Services Committee function.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the Record a statement by the Senator from Delaware (Mr. Roth) in connection with this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR ROTH

I regret that due to a long-standing speaking engagement in Delaware, I am unable to be present for the final votes on S. Res. 400, including the vote on the Tower amendment and on the Cannon substitute.

If present, I would vote against the Tower amendment and for the Cannon substitute.

The Tower amendment would exclude from the jurisdiction of the new Intelligence Committee all Defense Department intelligence programs, including the National Security Agency (NSA) and the Defense Intelligence Agency (DIA). Since these agencies are involved in preparing national intelligence information that is the basis for general foreign policy and defense policy decisions, I believe that it is essential that the new Intelligence Committee have jurisdiction over these programs along with the Armed Services Committee. This is necessary for the new committee to have a coherent and complete understanding of our national intelligence effort, to review the various programs to eliminate any unnecessary duplication and maximize efficiency as required by one of my amendments to S. Res. 400, and to perform basic oversight responsibilities. Under the Cannon substitute, the Armed Services Committee will have sequential jurisdiction, and, of course, that committee will also properly retain exclusive jurisdiction over tactical military intelligence, the kind of intelligence commanders in the field need in a battlefield situation.

The Cannon substitute to S. Res. 400 is the compromise worked out by members of the Government Operations and Rules Committees to establish a new permanent Intelligence Committee. I joined in introducing this substitute because I believe a new committee with legislative jurisdiction is needed to help restore public confidence in our intelligence services while providing effective oversight. Finally, the substitute incorporates the essential provisions of the amendments I introduced to protect national intelligence secrets and examine a number of problems, including the morale of intelligence personnel, the analytical quality of our foreign intelligence information, and the desirability of charters for each intelligence agency, which I believe have not yet been adequately addressed.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), and the Senator from Wyoming (Mr. McGee), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from North Carolina (Mr. Helms), and the Senator from Delaware (Mr. Roth), are necessarily absent.

On this vote, the Senator from North Carolina (Mr. Helms) is paired with the Senator from Tennessee (Mr. Baker). If present and voting, the Senator from North Carolina would vote "yea" and the Senator from Tennessee would vote "nay."

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—31

Allen
Bartlett
Bellmon
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Curtis
Eastland
Fannin
Fong
Garn
Goldwater
Hansen
Hruska
Johnston
Laxalt
Long
McClellan
McClure
Nunn
Scott, Hugh
Scott,
  William L.
Sparkman
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Young

NAYS—63

Abourezk
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Durkin
Eagleton
Ford
Glenn
Gravel
Griffin
Hart, Gary
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Stafford
Stevenson
Stone
Symington
Tunney
Weicker
Williams

NOT VOTING—6

Baker
Hart, Philip A.
Hartke
Helms
McGee
Roth

So the Tower-Stennis amendment (No. 1649) was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDITIONAL STATEMENTS ON THE CANNON SUBSTITUTE AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, as a member of the Committee on Rules, I have worked closely with other Senators in writing the substitute amendment offered by Mr. Cannon to Senate Resolution 400. I am keenly aware of the compelling need for effective oversight of the intelligence community, and I also recognize that the best interests of the United States demand that the intelligence community must be able to function effectively and that there are matters which, in the national interest, the Government must be able to keep from public disclosure.

I believe that the compromise substitute offered by Senator Cannon and myself and other Senators to Senate Resolution 400 will provide the best legislative response to these legitimate competing interests.

The membership of the new committee would be drawn from the entire Senate, while at the same time drawing from the substantive committees which have expertise in intelligence-gathering matters—recognizing that members from these committees not only must continue to work closely with intelligence matters to enable their committees to fulfill their responsibilities properly; but, also that these members bring a special understanding and knowledge of intelligence activity matters to the new select committee.

The new committee, in exercising exclusive jurisdiction over the CIA, will be able to deal with the complexities of intelligence activities, without the burden of responsibility over other large areas of legislation which the substantive committees now shoulder. Centralization of responsibility for the CIA in one committee, while providing for closer oversight, also decreases the risks of inadvertent publication of highly sensitive material on the part of the Senate. Conversely, responsibility to only one Senate committee demands and will allow full cooperation and candor with that committee on the part of the CIA.

At the same time, the compromise proposal offered as a substitute for Senate Resolution 400, recognizes that in other areas of the intelligence community, the working relationship of the intelligence arm of the respective departments and agencies are so closely intertwined with the other activities of the departments that isolated oversight of these intelligence activities by one Senate committee would be detrimental to the proper functioning of both the affected department and the Senate in carrying out its constitutional oversight responsibilities.

The compromise also provides adequate protection against unwarranted disclosure of sensitive material, I believe, thus correcting a serious deficiency in the original bill.

Mr. President, it is a most difficult task to shift jurisdiction in the Senate to allow for the changing priorities which the national interest demands. It is not that our present committee structure did not want, or try, to prevent abuses in the intelligence community—the fact is that the intelligence activities of our Government have grown so large and so complex that the substantive committees, with all of their other heavy responsibilities, could not hope to give the necessary time and develop the specialized expertise needed to constantly monitor and effectively control the intelligence community.

Recognizing the reality that an effective intelligence community is an absolute necessity for our country's security, but also realizing that past abuses by some segments of the intelligence community require the Senate to act to restructure itself in such a way as to be able to exert the necessary legislative oversight to prevent future abuses, I urge the Senate to adopt the Cannon substitute proposal and pass Senate Resolution 400 as so amended.

Mr. TAFT. Mr. President, after a thorough study of the issues involved, and after actively participating in the debate on Senate Resolution 400 as well as offering several amendments thereto, I am constrained to vote against the so-called Cannon compromise. This is not to say that I do not favor a central committee of the Senate which would have legislative and even perhaps appropriations jurisdiction over our intelligence activities. I believe we all agree on the objectives for creating such a body—more adequate and continuing control on the part of the Congress over our various intelligence functions. But I differ with the Cannon compromise with respect to the means employed to achieve these objectives.

I believe that the compromise in several ways is premature and hastily drawn. The compromise calls for the creation of a select committee of the Senate which in effect has the powers and authority of a standing committee of the Senate. The substitute establishes a wholly new intelligence committee with legislative, budgetary, and oversight jurisdiction wrapped up in one committee. It is my view that this is an extremely serious undertaking and should not be approved until all of the implications of creating a committee like this have been thoroughly developed over an extended period of time.

I believe it is also proper to have an informed input from the select committee to study the Senate committee system prior to our adoption of the compromise resolution. It would certainly seem logical that any proposal to establish in effect a standing committee of the Senate should receive study by the committee which the Senate has authorized for that purpose in conjunction with its overall study of committee jurisdictions. I believe we are depriving our Select Study Committee of jurisdiction over a matter which the Senate has previously agreed is eminently within the jurisdiction of this body.

I have additional problems with the compromise resolution as it presently stands. I successfully offered two amendments during the debate on this measure which I feel will strengthen the resolution. However, one of my amendments dealing with the Senators' committee assignments was defeated yesterday and I believe that this was a crushing blow to the establishment of a new Select Committee on Intelligence. Without going into detail into this issue, which is a matter of record, I believe that we have not given this committee a realistic chance to succeed because there is no accommodation made for a Senators' work on this select committee with his normal activities in the conduct of other senatorial committee assignments.

I am also concerned that the pending substitute will cause a proliferation of committee involvement in intelligence matters and will unavoidably lead to greater disclosures of our intelligence activities. While I recognize that the bill does provide for controls over unauthorized disclosure of classified information and while there is a provision for the Senate to investigate unauthorized disclosures, I am still not satisfied that we have tightened this area sufficiently so as to fully protect our intelligence secrets. I will continue to monitor this area assuming the select committee comes into being and if there are violations and abuses, I am prepared to offer legislation to impose criminal sanctions on the violators in addition to the disciplinary rules contained in the Standing Rules of the Senate.

For all of these reasons, I would prefer the approach taken by the Rules Committee which would establish a Senate Select Committee on Intelligence with oversight jurisdiction over the intelligence community, but would leave within the various standing committees the legislative jurisdiction in respect to intelligence activities.

I believe that a separate oversight committee, fully and currently informed and having a subpena power, can provide effective oversight for the intelligence community without a grant of legislative jurisdiction. This statement is borne out by virtue of the experience of the Select Senate and House Intelligence Committees which have very successfully exposed the abuses while not having legislative authority.

Mr. President, it seems to me that in order for the Senate to succeed in this area, it must work with the House of Representatives in fashioning a joint committee of Congress acceptable to both bodies. Legislative activity as broad as what we are providing for in this select committee has got to be done in conjunction with the House of Representatives if we are to gain control over our intelligence area. The beauty of adopting the Rules Committee approach is that it would furnish us with sufficient time to further study this prospect while at the same time not diminish our inquiry into the status of our intelligence functions. I note that Congressman Cederberg has for himself and the minority leader of the House, introduced a joint resolution to provide for the establishment of a Joint Committee on Intelligence which I believe shows a willingness on the part of the House to engage in a constructive dialog on creating a committee of this kind.

I would like to have the opportunity and time to develop this aspect further and it appears to me that we are going to foreclose this possibility by approving this Senate Select Intelligence Committee today.

Mr. KENNEDY. Mr. President, I strongly support the compromise amendment to Senate Resolution 400, offered by Senator CANNON and others, which I am pleased to cosponsor. This proposed substitute, as amended, would establish a permanent Select Committee on Intelligence Activities composed of 15 Members of the Senate, appointed on a rotating basis.

The committee will have full oversight, legislative, and budgetary authority over the Government's national intelligence activities. Its jurisdiction will not only cover the Central Intelligence Agency, but also the Defense Intelligence Agency, the National Security Agency, and the intelligence activities of other agencies—including the Federal Bureau of Investigation.

Although we are considering this resolution in the wake of the reports recently issued by the Senate Select Committee on Intelligence Activities and the President's Commission on CIA activities, the need for such a permanent intelligence oversight committee was recognized by the Hoover Commission over 20 years ago. In 1956 the Senate Rules Committee recommended the creation of a new congressional unit "to gather information and make independent checks and appraisals of CIA activities." Numerous other studies and reports since that time have reemphasized the need for closer more continuous, and more sophisticated oversight of intelligence activities of the Federal Government.

Under the able leadership of Senator CHURCH, the Select Committee on Intelligence Activities explored for over a year the various intelligence programs, agencies, expenditures, and activities of the Federal Government. Whatever doubts may have existed before, the over 1,000 pages of final report recently issued by that committee make it imperative that we proceed with dispatch to set up a permanent committee with broad jurisdiction and adequate powers to keep a watch over and maintain a check on the activities of all the agencies of the Federal Government dealing with intelligence.

It has taken the Intelligence Committee seven volumes of hearings and two volumes of reports to uncover, document, and analyze the intelligence activities of various Federal agencies. It would be impossible to describe in any brief floor remarks the scope of the abuses of power contained in that record.

It is replete with descriptions of bugging, wiretapping, mail opening, surreptitious entry, infiltration, assassination plots, drug experimentation, clandestine military operations, character assassinations, and more, all carried out under the banner of intelligence gathering and the protection of our national security. And all were carried out secretly, without public or congressional knowledge, without adequate controls or checks from within or without.

The establishment of a permanent Senate committee to keep tabs on the Governments' intelligence community is only the first step. Congress must proceed to develop comprehensive charters for the intelligence agencies, and guidelines for their activities. We must reorganize portions of those agencies, establish firm chains of command within and constant reporting and approval mechanisms without.

We must establish a statutory classification system and enact laws governing national security electronic surveillance. The list goes on and on. But at its head is the need to put in place a committee to oversee and study the intelligence activities and programs of our Government, to develop and review legislation concerning them, and to insure that they are in conformity with the Constitution and laws of our land.

Senate Resolution 400 has been before various committees of the Senate for over 2 months. It has been studied and debated, revised and revised again. But until the introduction of the Cannon substitute last week, what had emerged from these studies and debates and revisions was a division of this body into two basic groups—those who would put in place a permanent strong committee, equipped with the authority and jurisdiction to do the immense and difficult job of overseeing Government intelligence operations, and those who would construct a committee of paper maché, having the appearance of solidity but remaining thin on the outside and hollow on the inside. The Stennis amendment, which would strip the new committee of its jurisdiction over Defense Department intelligence functions—including DIA and NSA—reflects this second choice.

If we choose the latter course, then we are saying that the Senate tradition of ignoring the use and abuse of immense power and perhaps billions of dollars in the intelligence field is to be continued. We are choosing to put our heads back in the sand, knowing nonetheless that what we do not know and will not know could hurt us, thousands of other Americans, and our democratic society.

The evidence we have makes the former course the only responsible one. The proposed substitute to Senate Resolution 400, as it stands now, would arm the Senate with the tools to fulfill our constitutional duty to provide the controls and guidance over executive branch intelligence activities. In taking this road we are not acting as if intelligence is unimportant to our Nation. We are not saying that we should drop our guard against genuine foreign challenges to our national security. But we are asserting that Congress intends to play a direct role, a firm role, in guiding the conduct of intelligence activities and in protecting the rights and liberties of all American citizens.

I would like to turn my attention for a moment to the matter of the jurisdiction of the new committee proposed to be established by the substitute to Senate Resolution 400, which I am joining in proposing. As a member of the Senate Committee on the Judiciary, I had the occasion to hear testimony and join debate over whether any new permanent Senate Intelligence Oversight Committee should have jurisdiction to oversee the intelligence activities of the Federal Bureau of Investigation. I came away convinced that while the Judiciary Committee must maintain its historic jurisdiction over every aspect of the Bureau's operations, the new committee should nonetheless be vested with authority over the FBI's intelligence activities.

There are two reasons for this conclusion: First, there have been a myriad of abuses by the FBI, under the guise of domestic intelligence and counterintelligence, which have basically gone unchecked and undisclosed, despite the Judiciary Committee's interest in and involvement with the Bureau. And second, setting aside the issue of abuses, there is a legitimate role which the FBI has—as a full member of the intelligence community—which takes it into realms that can often best be understood and guided by a committee with broader jurisdiction over foreign intelligence activities of other agencies of Government as well.

The abuses of authority by the Federal Bureau of Investigation in the intelligence area are by now all too well known. They are not limited to narrow time frames or circumscribed geographic areas. Nor, more importantly, do they reflect the isolated acts of zealous agents out on a frolic of their own. Instead, those abuses were embodied in on-going bureaucratic programs, ordered and approved at the highest levels, spanning the country and continuing for years.

The Bureau's counterintelligence programs were, in its own words, designed to "expose, disrupt and otherwise neutralize" political groups in the United States. The Cointelpro program, targeted against five groups, extended over 15 years and was found by the Department of Justice itself to have involved practices "abhorrent to a free society." Attorney General Levi stated that many of the Bureau's activities in this field were not only "foolish," but were also "illegal."

The FBI's bag of intelligence tricks included wiretapping, burglaries, surveillance, and abusive disruptive practices. And it also included efforts to discredit and harass American citizens whose only offense was to provide leadership in the antiwar and civil rights movements.

But I do not want to dwell solely on the misuse and abuse of FBI power so thoroughly documented by the Church committee. Because, Mr. President, it is clear that even without straying from its lawful and legitimate course, the FBI retains responsibilities that are not directed primarily toward law enforcement, but which are aimed at collecting intelligence information for our Government and at blocking attempts by foreign governments from collecting information from us.

On February 18 of this year President

Ford issued an Executive order governing U.S. foreign intelligence activities. In that order, the FBI was listed alongside the Central Intelligence Agency, the National Security Agency, and the Department of Defense as a full-fledged member of the "foreign intelligence community."

In fact, while the CIA was charged with carrying out "foreign counterintelligence activities," the FBI was charged with conducting "foreign counterintelligence activities within the United States." I stress, Mr. President, that the only difference in the characterization of the responsibilities between the CIA and the FBI is the use of the geographic limitation which sets the CIA's duties outside our country, the FBI's inside. Incidentally, the Executive order spells out the Bureau's responsibilities in some detail, but not once in that order is law enforcement or prosecution for violating Federal laws mentioned.

In short, the FBI, while fundamentally a law-enforcement agency, is also an intelligence-gathering agency. In its report on Senate Resolution 400, the Rules Committee observed that "the intelligence activity of the FBI is a means by which it detects and investigates violations of Federal criminal laws." In fact, as the President's Executive order, the Bureau's own guidelines and organization chart, and testimony before the Judiciary Committee make clear, this is simply not the case. The Intelligence Division of the Bureau performs activities in the United States similar in nature to what the CIA does abroad. No direct law-enforcement nexus is necessary in the conduct of the Bureau's intelligence and counterintelligence programs.

Finally, it is difficult, and often impossible, to draw clear lines between the law enforcement and the intelligence functions of the FBI. Nor is there any clear line dividing domestic-oriented from foreign-oriented activities.

Mr. President, I would also like to point out for the record that while the Rules Committee report on Senate Resolution 400 contains what are called "recommendations of the Committee on the Judiciary," 7 of the 15 members of that committee dissented from those recommendations. Those 7 members joined in a letter to the Rules Committee, which was not reflected in its report, urging that the new Intelligence Committee retain concurrent legislative jurisdiction over FBI intelligence activities.

It seems plain to me, Mr. President, that if there are two committees in the Senate—one predominately concerned with law enforcement and the protection of constitutional rights, as is the Judiciary Committee, and the other predominately concerned with foreign intelligence, as will be the new Intelligence Committee—then both must have continuing, full, and active oversight and legislative jurisdiction over the intelligence activities of the Federal Bureau of Investigation.

As strong as I believe the case is for providing the Select Intelligence Committee with jurisdiction over FBI intelligence activities, that case is even stronger regarding the Defense Intelligence Agency, the National Security Agency, and other units of the Department of Defense. The Defense Department must be kept in check as to its activities both at home and abroad.

The Subcommittee on Constitutional Rights of the Judiciary Committee has documented the extensive nature of military surveillance of American citizens in the United States. Likewise the Church committee found that the Army Chief of Staff in 1967 approved a recommendation for "continuous counterintelligence investigations" to obtain information on "subversive personalities, groups or organizations." As later revised, the Army extended its intelligence gathering program beyond "subversion" and "dissident groups" to prominent persons who were friendly with or sympathetic to leaders of domestic civil disturbances. And even in the face of a Defense Department directive prohibiting military spying on civilians in the United States—as narrow as that directive is—that is evidence that the military has continued domestic surveillance.

One notable example of the Army's domestic activities was the pervasive Army presence in 1973 at Wounded Knee, S. Dak., where the Directorate of Military Support in the Pentagon coordinated the Army's participation in what was clearly a domestic disturbance. And my own subcommittees turned up widespread military drug testing programs which were geared to intelligence gathering and frankly showed little respect for the human subjects of the tests.

DOD's domestic intelligence-related activities, however, are but the tiniest tip of the iceberg. In fact, it has been estimated that of the total national intelligence budget, the Defense Department controls or is allocated upward of 80 percent. Much of what goes on with that money is still not in the public domain. And if the Stennis amendment is adopted by this body, much of what goes on with it will never be brought under any coordinated, effective, broad-based legislative oversight.

To place the CIA under the jurisdiction of the new intelligence committee, and at the same time to leave the Defense Department outside its purview, is worse than telling a boxer that he cannot hit below his opponent's waist with his left fist only. Because as much as we scrutinize the CIA, we cannot adequately control, chart, guide, or check abuses in Federal intelligence programs if the Select Intelligence Committee is not given authority over Defense Department intelligence activities. We may well wake up one day to find that many CIA activities have in fact been transferred over to Defense to escape congressional control.

We cannot delude ourselves. We know full well that the standing committees have not always performed their oversight tasks with vigilance or vigor. That is why we set up the Church committee to begin with. And that is why we are going to set up a permanent Select Committee on Intelligence Activities.

The Judiciary Committee had not uncovered, much less put a stop to, the wide range of FBI activities which violated the law but which have only recently come to light. Likewise, the Armed Services Committee has hardly done better in keeping an eye on the CIA and other intelligence agencies. We must establish a committee whose full-time job it is to look at Federal intelligence activities. And we must give that committee full authority over each and every Federal agency engaged in such activities.

The new committee must be empowered to obtain all relevant information it needs to do its job.

Further, by vesting in this new committee the shared jurisdiction over authorizing appropriations for all those intelligence activities, we will be giving that committee the clout and the control it will need.

I believe that one of the first tasks of this new committee should be to develop comprehensive charters for the carrying out of intelligence activities by the intelligence agencies. This will surely take an extraordinary investment of time and energy—one which is hardly likely to be undertaken by any of the present standing committees of the Senate. But if we are going to learn any lessons from the disclosures of the past, we cannot afford to lose any time in first making the hard decisions necessary and then installing firm limitations and guidelines to govern intelligence activities in the future.

As I stated earlier in these remarks, Mr. President, the Senate is confronted with a critical choice in this debate. We can elevate the traditions of the Senate—not only the tradition of zealously guarding committee jurisdictions against even slight encroachment, but also the tradition of ignoring what our intelligence agencies are doing—above the real needs of this Nation for legislative leadership in the intelligence field. Or we can dispense with petty institutional jealousies and put in place a committee which embodies our best efforts to fashion the broadest jurisdiction, the most sophisticated safeguards, and the strongest authority.

We cannot fool ourselves, and we should not try to fool the public: Any committee equipped with less jurisdiction or authority than provided in this substitute will not be capable of obtaining information from and exercising checks over those agencies which exercise such extreme power themselves and which have for so long eluded control by either the Congress or the Executive. And any committee without full jurisdiction across the range of all Federal agencies would stand as a monument to this body's willingness to cave in and cop out in the face of real challenge.

That is why I oppose the Stennis amendment and urge my colleagues to adopt the Cannon substitute as it now stands.

The PRESIDING OFFICER (Mr. SCHWEIKER). Under the previous order, the Senate will now proceed to vote on the amendment in the nature of a substitute, as amended, of the Senator from Nevada. (Mr. CANNON). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. Philip A. Hart), the Senator from Indiana (Mr. Hartke), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from North Carolina (Mr. Helms), and the Senator from Delaware (Mr. Roth) are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee (Mr. Baker), and the Senator from North Carolina (Mr. Helms) would each vote "yea."

The result was announced—yeas 87, nays 7, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—87

Abourezk
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Durkin
Eagleton
Eastland
Fong
Ford
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—7

Allen
Curtis
Fannin
Hruska
McClure
Taft
Thurmond

NOT VOTING—6

Baker
Hart, Philip A.
Hartke
Helms
McGee
Roth

So Mr. Cannon's amendment (No. 1643), as amended, was agreed to.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADDITIONAL STATEMENTS ON SENATE RESOLUTION 400, AS AMENDED

Mr. HOLLINGS. Mr. President, in the zeal to organize, we sometimes disorganize, and there is clear and present danger that we are heading down that road with these particular intelligence oversight proposals. The fact of the matter is that the measure before us creates confusion where there should be authority, and dilutes the kind of responsibility which could provide for adequate accountability and oversight. Before we know it, we could be right back to the same slipshod oversight, the same diminution of public credibility, and right back 3 or 4 or 5 years from now to another round of spectacular hearings and revelations, simply because we failed to do a better job. The public would not stand for that. The Senate should not have to endure it. And our intelligence agencies will not be able to survive it.

My objection is that here we are creating this large supercommittee, yet it lacks jurisdiction over the majority of intelligence activities and instead focuses on the Central Intelligence Agency. Its jurisdiction over the FBI would not be exclusive, and the same applies to the intelligence operations of the military branches. In these instances, we bring in other standing committees. The limitations here should be obvious: First, there is no focal point of responsibility; and second, by including these other committees, we will not have 15 Senators involved, but closer to 40. And if the House follows our example, it can add another 175 or 200, and we will have one big, happy family to oversee the vital operations of our intelligence community. The inadequate oversight guaranteed to result from that kind of arrangement should be obvious.

Mr. President, I had the opportunity of testifying before the Government Operations Committee during its deliberations on this matter. I made some sugestions at that time. They were not acted upon, and I do not wish to belabor them or to repeat my testimony today. But, briefly put, I proposed the establishment of a watchdog commission small enough to get the job done, tight enough to provide the necessary responsibility and authority, wide enough in diversity of membership to insure public credibility, and efficient enough to do its job without impairing the work of the agencies it is supposed to be helping.

The genesis of my proposal is in the Task Force on Intelligence Activities of the Commission on Organization of the Executive Branch of the Government—the Hoover Commission. It was my privilege to serve on this task force 21 years ago. At that time we looked into every facet of our intelligence operations, and I believe the basic thrust of our report has withstood the test of time.

We recommended a small, permanent, bipartisan commission—not a committee—composed of Members of both Houses of Congress, to make periodic and ongoing surveys of every segment of our intelligence operations. Its findings and recommendations, with adequate security safeguards, would go to both the Congress and the President.

I suggested before the Government Operations Committee that such a commission would have just five leaders from each House, and five prominent citizens not involved in Federal Government, appointed by the President and approved by the Congress. That sum total of 15 must be compared with the 40 some Senators who will be involved under the present proposals, plus whatever number the House establishes, plus the executive branch personnel. The specific five Members from the Senate I would like to see on a commission are the majority and minority leaders, and the chairmen of the Senate Committees on Appropriations, Armed Services, and Foreign Relations. I include the leadership and the chairmen for the main and simple reason that they are the ones who have to know and who, in any event, will know. Let us also face the fact that this is an unglamorous job. I do not look for much enthusiasm to get on such a committee, when other assignments offer so much more visibility and excitement.

This is not to say that we junior Members should be cut off from information. But there is a lot of water over the dam, and we can now get the briefings we need, whether it be Angola, Diego Garcia, Israel, or any other such matter, and we are not ruled out by lack of seniority. That is not the problem here. The problem is the effectiveness and the necessary secrecy of an intelligence agency being maintained while at the same time those responsible for oversight get the facts and the knowledge they need. The leadership and these particular chairmen are the logical choices here.

I would envision such a commission meeting three or four times a year for comprehensive reviews of the entire intelligence community, in order to determine if the various intelligence activities were in the national interest, whether there was duplication of effort and/or cost, whether appropriations were being adequately accounted for, and in general to insure that the various agencies and offices were focusing rather than proliferating their efforts. The commission would have all the authority it needed to acquire the information and to carry out its mandate.

Mr. President, within the context of maintaining some secrecy about our intelligence operations, we must establish confidence—confidence both within the intelligence agencies, and confidence in the public mind. I think the establishment of this kind of ommission would do just that. The kind of proposal being considered today is without the essential focus, responsibility, and authority to get the job done as well as it should be done.

The commission proposal that I presented to the Government Operations Committee received no committee support. Consequently, I am not going to pursue them further today. I will vote for the proposal before us, because obviously we need to put something in place, and this seems to be the solution the Senate is going to agree to. But I want the record to show the objections I have and the proposals I favored.

Mr. BEALL. Mr. President, I support the passage of Senate Resolution 400 which will establish a committee of the Senate on intelligence activities. Creation of this committee is an important step in our efforts to establish a positive congressional oversight role in the operation of our Nation's intelligence agencies. Even though the final reports of the Select Committee To Study Governmental Operations With Respect to Intelligence Activities found the extent and magnitude of CIA abuses to be somewhat less serious than earlier reported, the existence of such abuses simply can not be allowed to continue.

I am the last person who would defend the abuses and illegal conduct of our overseas intelligence community. Philosophically I deeply believe in the concept of limited government. Our Nation must always be governed within the constraints of our Constitution and our laws. We are a nation of laws, not of men and our freedoms are only safe as long as we adhere to that principle.

Thus, I do not condone the misconduct of the Central Intelligence Agency, nor do I believe that it should be allowed to operate beyond the limits of its legal mandate. Part of the problem stems from the dangerous international environment of the cold war. Part of the problem stems from the failure of the Central Intelligence Agency Oversight Committees in both the House and the Senate to play their watchdog roles in a diligent and consistent manner.

Mr. President, I would note that, even before the Select Intelligence Committee was established to investigate the ramifications of the current controversy, I was actively supporting legislation to correct this situation. I joined with our distinguished colleagues from Connecticut (Mr. Weicker) and Tennessee (Mr. Baker) in sponsoring S. 317 which would have established a single joint committee with oversight responsibilities for both domestic and foreign intelligence. During the past 16 months since S. 317 was introduced, I have come to the conclusion that a separate Senate committee is a better approach to meeting this need. Perhaps at some future date a subsequent Congress may consider the possibility of broadening the Senate committee into a joint committee.

Mr. President, as we prepare to vote on Senate Resolution 400, the Senate is taking upon itself greater authority over the conduct of intelligence operations. With this enhanced power comes grave responsibilities. In the conduct of foreign intelligence operations, there is a very great need for confidentiality. Disclosing confidential information about foreign intelligence operations and agents can place in jeopardy the security of our Nation and its 215 million people. The overriding interests of all Americans demand protection under these circumstances. This new committee, which we are about to form, and its staff must be able to conduct its business in a manner consistent with our overall national security needs.

We live in a far too dangerous era for us to dismantle or cripple our foreign intelligence apparatus. We must instead correct its faults as quickly as possible so that it can once again devote all of its attention to gathering the type of information our decisionmakers need to shape our foreign and military policies.

Mr. President, on April 5, 1976, I introduced S. 3242, a bill to provide for the personal safety of our foreign intelligence personnel. This legislation would make it unlawful to disclose classified information that would identify or tend to identify any individual or entity who is or has been associated with U.S. foreign intelligence operations. Violations would carry a maximum penalty of $15,000 or 15 years imprisonment or both. S. 3242 is currently pending before the Senate Judiciary Committee and it has now been cosponsored by the distinguished senior Senator from North Dakota (Mr. Young) and the distinguished senior Senator from Arizona (Mr. Fannin). I would hope that the Judiciary Committee will bring this vital legislation before the full Senate before the conclusion of the 94th Congress.

Mr. PEARSON. Mr. President, I wish to commend the managers of Senate Resolution 400 and all of my colleagues who have worked so intensively to create the new Intelligence Oversight Committee. Their labor has produced a compromise that I believe represents a responsible combination of increased oversight and legislative restraint that reflects well on this body. I hope that it also represents a reversal of a long history of congressional inactivity in the intelligence field.

It has become, over the past 2 years, painfully clear that some new oversight panel was essential. The Rockefeller Commission and investigations conducted by select committees in both Houses of Congress have disclosed domestic abuses and foreign debacles perpetrated by our intelligence community. During the nearly 30 years in which these abuses were all too frequent, Congress neglected its constitutional responsibility to keep a vigilant watch over its administrative creations. Congress abysmally failed to assure that legislative appropriations were properly expended.

To the extent that this neglect and failure was institutionalized by fragmented committee responsibility this resolution begins to eliminate the inadequacy. Effective oversight of the CIA, NSA, DIA, the national intelligence components of the Department of Defense, and the intelligence activities of the FBI will hopefully become a reality under the new panel.

Congressional overseers have, in the past, tended to identify their interests with those of the agencies under their jurisdictions. This can be predicted as a natural result of years of contact. While familiarity is necessary to understanding, it sometimes blinds those who oversee. Rotation of the members who serve on the new panel should serve to prevent this occurrence in the future. Each member of the new panel should be on guard against inadvertent cooption to avoid succumbing to the friendly "cult of intelligence." John Stewart Mills contended, in his papers on representative government, that legislation control of administration is essential to liberty. Effective legislative oversight is wholly consistent with American legal traditions and precedents. While there is no need for Congress to put its fingers in the day to day operation of administrative agencies, there is a real need to interpose a continuing congressional presence into intelligence activities.

But I hope that no Member of this body considers our actions today anything more than the beginning. Intelligence oversight has been long in coming, but it is merely one step on the road to correcting abuses. The new committee will have to work quickly and will need all of our support to formulate and enact additional legislation: Legislation to prefect the FBI's intelligence charter, legislation to assure that analytical intelligence is legitimately used in policy determinations. New law will be required regarding the conduct of covert and clandestine activities. We have a long way to go before we have comprehensively addressed the various problems and to bring the intelligence function within the bounds of our Constitution and moral commitment.

Mr. JACKSON. Mr. President, in connection with today's passage of intelligence oversight legislation, I would like to make several observations.

I have long felt that effective oversight over the intelligence agencies of our Government is absolutely essential: Essential not only to curb possible abuses but also to provide clear-cut guidance to the intelligence community, so that the absolutely vital and necessary intelligence function could be performed within well-established and workable guidelines.

In 1956 I joined with the distinguished majority leader, Senator Mansfield, in cosponsoring the first intelligence oversight legislation presented to the U.S. Senate. Certain features of that legislation I found attractive at the time—and I still do. That proposal provided for the creation of a joint House-Senate committee for intelligence oversight. I believe a joint committee of the Congress is the best and wisest approach to fulfilling the responsibility of Congress for intelligence oversight. It would reduce the hazards of working at cross-purposes, and it would deter the possible development of an unhealthy competitive situation which could result in disclosures damaging to our national security.

I recognize sincere and vigorous efforts have been made by leaders of this body to create such a structure, without success. I sincerely hope in the future this type of arrangement will become possible.

I also believe the Congress is neither constitutionally nor philosophically equipped to duplicate the day-to-day operations of the executive branch of Government. I, therefore, hope the authority provided this committee will be used judiciously and constructively in performing the constitutionally mandated responsibility for oversight. Its members and staff will bear a heavy burden of responsibility because of the broad scope of intelligence information they will obtain.

The real requirement for successful congressional oversight is full knowledge of what is going on in the intelligence community; not to substitute a different set of daily decisionmakers for those in the Executive already charged with this responsibility.

Experience with the arrangements we are voting on today should provide us the lessons needed for future constructive development in this vital area.

Mr. HUDDLESTON. Mr. President, I am pleased to support Senate Resolution 400 to create a permanent Intelligence Oversight Committee.

The legislation before us represents the time, energy, and efforts of numerous Members of this body and staff. It reflects what I believe to be one of the greatest strengths of our democratic system and the legislative process—the ability to mediate among various interests and views and to develop a common understanding as to what will best serve our Nation and each of us as its citizens. Certainly there have been differences among us in this Chamber as to what Senate Resolution 400 should include, but I believe we have proceeded to debate and consider those differences in a most appropriate manner and that we have come to reasonable and realistic conclusions.

It is impossible to name all those who have contributed to this legislation but those who deserve particular commendation would certainly include the able floor managers, Senators RIBICOFF, CANNON, and PERCY, and Senators MANSFIELD, ROBERT C. BYRD, MONDALE, JAVITS, and CRANSTON. Senators BAKER, SCHWEIKER, MORGAN, GARY HART, MATHIAS, and CHURCH—all members of the select committee which investigated the intelligence operations of the Government—played important roles in developing the original proposal that has now gone through the legislative process and is ready for a final vote.

There can be no question as to the need for a strong, effective intelligence community. As we on the Select Committee on Intelligence Activities noted in our final report on foreign and military intelligence:

> We must have an early warning system to monitor potential military threats by counties hostile to United States interests. We need a strong intelligence system to verify that treaties concerning arms limitation are being honored. Information derived from the intelligence agencies is a necessary ingredient in making national defense and foreign policy decisions. Such information is also necessary in countering the efforts of hostile intelligence services, and in halting terrorists, international drug traffickers and other international criminal activities.

But that need can never justify illegal, unprincipled, or unacceptable actions—and it does not have to. We are completely capable of conducting intelligence operations within acceptable bounds, and we should do so. To follow any other practices not only undermines the support which such agencies must have among the American people, but also undermines the morale and effectiveness of the agencies themselves.

There can be no question that there has been too much secrecy in our Government, not just in the intelligence agencies, but throughout. It is well known that the classification system is abused. As former Attorney General Nicholas Katzenbach noted in a 1973 Foreign Affairs article:

> Classifiers have mixed the desire to keep information confidential and "closely held" for whatever reason, good or bad, with information actually affecting the "national defense". Perhaps worse, it is a perversion of the processes of government, because it does not force officials to consider honesty the reasons for confidentiality or the relevant time frame.

But an exaggerated emphasis on secrecy, either past or present, cannot be used to justify the abolition of all secrecy or controls. The nature of intelligence requires that many of its activities be closely held. Detailed discussions of sources and methods not only set the stage for rendering those sources and methods ineffective but in some cases impose dangers upon persons involved with them.

There can be no question that greater direction and oversight is needed in the intelligence sphere. Many of the abuses which our investigating committee discovered, many of the inefficiencies which the select committee's report discussed, might have been avoided with tighter controls both within the executive branch and in the Congress.

But, the need for such controls does not mean that we can either abolish our intelligence activities or overly restrict them.

There can be no question that public emphasis is on the dramatic, the unusual, the cloak and dagger, James Bond-type operations. Perhaps that is how both romantics and opponents of intelligence activities like to view them.

But, we must constantly be aware that there is much more to intelligence than that. Covert operations which receive so much attention—or notoriety as the case may be—are a miniscule portion of U.S. intelligence operations. The Central Intelligence Agency, which perhaps too often bears the brunt of attacks, is only one of a number of entities engaged in intelligence work. The spy, the counterspy, the mercenary is the exception, not the rule. In truth, a large portion of the intelligence community consists of researchers, analysts, and technicians, who work entirely outside the areas of controversy.

Furthermore, as McGeorge Bundy, former special assistant to the President for National Security Affairs noted in testimony before the Senate Government Operations Committee—

> It really is true that in the nature of things, the achievements of the intelligence community are less known than its failures. Its general good discipline is less noticed than its occasional irresponsibility and its usually cool and careful estimates of international reality are less noticed than the wild opinions of its occasional zealots.

These are some of the paradoxes; these are some of the conflicting interests which must be balanced—and they are the aspects which will, I believe, be balanced through the creation of the proposed permanent oversight committee.

As I noted in remarks earlier in this debate, three principal reasons mandate the creation of an oversight committee: the need to prevent any recurrence of illegal and unwise activities which have brought disfavor upon the agencies and ourselves; the fact that a number of activities, including covert operations, must be kept secret and controlled principally through an increased system of accountability; and the fact that the investigating committee's report indicated improvements could be made in the management and administration of the agencies.

For almost 30 years, Congress has allowed the oversight function to be exercised as an adjunct to other more pressing and demanding functions. It has failed to recognize and understand the realities and scope of an intelligence community which, especially in the years after World War II, was forced to operate in clandestine and secret ways or to confront the issue of massive technological developments which offer us greater protection and security but also hold the potential for greater abuse.

I believe the investigation which we in the Senate have conducted over the past 15 months has demonstrated that we cannot again stick our heads in the sand and hope things will all work out. Time, technology, and world events have forced upon us new duties, new responsibilities. The world does not stand still. Changed times, changed conditions, changed factors require that we have changed priorities, changed structures. The creation of a new committee will offer us the opportunity to deal with this.

But, that will not alter the fact that we have a number of committees in the Senate which must rely heavily upon the information which the intelligence community develops. I do not believe anyone would argue that the Armed Services or Foreign Relations Committees, for example, could adequately pursue their responsibilities without easy and constant access to the various intelligence agencies and the information which they possess. I do not believe that any of us in this body would want those committees to make recommendations to us on issues of war and peace, security and survival without fully considering all the pertinent data which our intelligence agencies have gathered and the best analysis which they are capable of making of that data. As I understand Senate Resolution 400, that access and availability is fully protected, and I would not support the legislation if I thought otherwise.

Furthermore, in an effort to insure that there is coordination between the new committee and the committees with jurisdiction over matters demanding intelligence information, Senate Resolution 400 provides that there will be a certain amount of membership overlap between the committees most affected and the new select committee.

I know that there has been concern over the possibility that an authorization process will lead to harmful disclosures regarding our intelligence spending. I understand these fears, but I would point out that Senate Resolution 400 does not require public disclosure of budget figures and I am confident that the new committee can manage the budgetary authority without undermining our intelligence activities.

Finally, I would like to focus briefly on two provisions with which I have been particularly involved. One relates to the reporting requirements. Section 4 of the resolution requires periodic reports to the Congress regarding intelligence activities. As a member of the Select Committee to Study Government Operations With Respect to Intelligence Activities, I proposed this section when our committee was drafting legislation to create a permanent oversight committee.

I testified before the Government Operations and Rules Committees regarding this provision and was pleased that it was included both in Senate Resolution 400 as reported from the Government Operations Committee and in the compromise version which was developed.

I believe this provision is important for three reasons: First, the secrecy surrounding intelligence operations has bred much suspicion. If more information can be made available, perhaps some of the cloud can be driven away. Second, as I have noted before, there is a widespread misunderstanding as to the nature of a large portion of our intelligence activities. If more can be understood about the routine but important functions, perhaps there can be greater understanding and support for such activities. Third, I think Members of the Senate are entitled to have more general knowledge about the activities of the intelligence agencies.

It is, I believe, important to note that the reports required by the section are to be made in a manner consistent with national security and that any report will be subject to the requirements in the resolution regarding disclosure of sensitive information. Finally, as the Government Operations report indicates, a minimum of at least one report per year would be expected from the new committee.

A second matter which I would like to discuss briefly, is the so-called Roth-Huddleston amendment regarding sanctions. Senator ROTH and I presented our proposal to the Government Operations Committee on which he serves; we have discussed this provision with numerous Senators; and we both testified before the Rules Committee regarding it.

Basically, the Roth-Huddleston amendment is designed to provide a practical, workable system of sanctions which could be utilized should we have the unfortunate experience of an unauthorized disclosure of intelligence information which either the new Intelligence Committee or the full Senate has determined should be kept secret pursuant to procedures recognized in Senate Resolution 400. Under our amendment, any sensitive information which the committee or the Senate had determined should be kept secret would have to be kept secret. It could not be publicly disclosed. Should there be an unauthorized disclosure, either by a Member or by a staff aide, that person would be subject to sanctions. The responsibility to investigate alleged unauthorized disclosures and recommend sanctions would be placed in the Senate Select Committee on Standards and Conduct. The Committee on Standards and Conduct would, of course, be free to recommend a range of sanctions—or even no sanctions—depending upon what its investigation indicated was appropriate. In order for sanctions to be imposed, they would have to be approved by the full Senate.

Certainly our jobs as legislators and policymakers in a number of areas would be easier if we had access to the tremendous amount of information which our intelligence agencies collect from a variety of sources about a wide scope of subjects. There is no doubt in my mind that more of the information—more of the material which informs, evaluates and assesses—can be made available to Members of Congress and to the public.

But, it also seems obvious that it is not only counterproductive but irresponsible to release information which could endanger the lives of those who collect and assemble our intelligence information, which could alert unfriendly nations to our methods of collecting information so that they could render those methods ineffective, which could reveal certain technological capabilities which we have, or which could seriously harm our society. To determine when such information would have these results is not an easy task. A cursory reading of material may not reveal the implications which one with expertise in the field could glean. The way material is presented or the perspective can often give hints as to where the information was obtained. The proposed committee will have to deal with this matter. Indeed, along with oversight, the distinguishing between what information should be released and what should be closely held will certainly be one of its prime concerns.

Thus, if we in Congress are to prove that we are capable of handling this information in a responsible manner, if we are to demonstrate that we can release that which should be released and protect that which must be protected, we must have viable and effective processes.

The Roth-Huddleston amendment seeks to provide such a process with regard to sanctions.

Our amendment is based on the constitutional right of each body of Congress to discipline its own Members. It does nothing to infringe upon the speech and debate clause of the Constitution which specifies that Members shall not be held accountable for their speeches, debates or deliberations "in any other place" than the Chamber in which they serve. This provision of the Constitution was designed to protect against intimidation by the executive branch or a hostile judiciary, not to prohibit Congress from disciplining its own membership. It has its precedence in the long-standing rule 36 which provides similar sanctions for the disclosure of "the secret or confidential business of the Senate."

In summary, Mr. President, our responsibility during consideration of this legislation has, at its most basic, been to balance the legitimate and unquestioned need to secure and protect that intelligence information upon which our Nation's well-being depends against the need of legislators for information necessary to perform their tasks and the need of the people in a free and open society to know and understand the policies which their government takes in their name.

Mr. President, I think Senate Resolution 400 does that in such a way as to provide us with an effective oversight committee and a strong intelligence community. I urge its adoption.

Mr. DOLE. Mr. President, I wish to indicate my support for Senate Resolution 400 which will establish a Select Committee on Intelligence. This legislation is responsive to the findings and recommendations of the Select Committee To Study Government Operations With Respect to Intelligence Activities. The new select committee which this legislation will establish will have sufficient authority and power to resolve the multifaceted problems which have plagued our Nation's intelligence operations.

By combining the authority for legislative oversight and budget authorization and placing that authority with the new select committee, the pending resolution gives the committee the capability to review and correct the inappropriate and illegal activities which have recently come to the attention of Congress and the American people. The committee will have full subpena and investigative powers and the authority to disclose abuses where disclosure is in the public interest. Of course, serving the interests of Americans by both preserving privacy and protecting the national interest sometimes creates conflicts and problems. I trust that this legislation will make for improved handling of these important, although sometimes conflicting, interests.

In addition, the select committee will greatly assist Congress in performing its legislative duties in areas where Congress must rely on intelligence information. The select committee is specifically instructed, under the pending resolution, to make every effort to assure that the appropriate departments and agencies of the United States provide the informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of our Nation.

I am also confident that the select committee will effectively strengthen our intelligence position within the international community. The widely publicized leaks and abuses of the last 5 years have shackled and disrupted our intelligence effort to a point where its effectiveness has been greatly diminished.

The activities of the select committee can restore public confidence in our intelligence techniques and programs, halt the publication of confidential information, and restore the strength of our intelligence effort. This is of vital importance and should be a primary concern of the new select committee.

In this regard, I wish to express my strong support for sections 7 and 8 of the resolution and the process it establishes for the disclosure of classified information. By distributing the responsibility for the disclosure of such information between the President and the Senate, I feel we have established safeguards which will permit proper disclosure but also assure the security needed to maintain a top rate intelligence operation. Section 7 of the resolution would require the committee to formulate and carry out rules and procedures to prevent the disclosure of information which unnecessarily infringes upon any individual's privacy. As the ranking member of the Senate Finance Subcommittee on the Administration of the Internal Revenue Code, I intend to work for prompt passage of legislation to provide similar protection for information filed on an individual's tax return.

I look with great hope toward the operation of the new select committee and trust that it will operate as an effective brake on the abuses which prompted the investigation by the Select Committee To Study Government Operations With Respect to Intelligence Activities.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the next rollcall vote be limited to 10 minutes, with the warning bells to be sounded after the first 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the committee substitute, as amended, is considered as having been adopted, and the Senate will now proceed to vote on the question of agreeing to Senate Resolution 400, as amended.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from North Carolina (Mr. HELMS), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from North Carolina (Mr. HELMS). If present and voting, the Senator from Tennessee would vote "yea" and the Senator from North Carolina would vote "nay."

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—72

Abourezk
Bayh
Beall
Bellmon
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Durkin
Eagleton
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hart, Gary
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevens
Stevenson
Stone
Symington
Tunney
Weicker
Williams

NAYS—22

Allen
Bartlett
Brock
Buckley
Curtis
Eastland
Fannin
Goldwater
Hansen
Hruska
Johnston
Laxalt
Long
McClure
Scott, William L.
Sparkman
Stennis
Taft
Talmadge
Thurmond
Tower
Young

NOT VOTING—6

Baker
Hart, Philip A.
Hartke
Helms
McGee
Roth

So the resolution (S. Res. 400) was agreed to, as follows:

S. RES. 400

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a) (1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 6(f) of rule XXV of the Standing Rules of the Senate.

(d) For the purposes of paragraph 6(a) of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the select committee shall not be taken into account.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

Sec. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various dpartments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such reports, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interests. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301 (c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

Sec. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman, or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpena.

Sec. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

Sec. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

Sec. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select commtitee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall, not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with section 133(f) of the Legislative Reorganization Act of 1946, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with section 133(f) of the Legislative Reorganization Act of 1946 (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closd meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. For the period from the date this resolution is agreed to through February 28, 1977, the expenses of the select committee under this resolution shall not exceed $275,000, of which amount not to exceed $30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

The title was amended so as to read: "A resolution establishing a Select Committee on Intelligence."

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPARKMAN. Mr. President, will the Senator yield for a unanimous-consent agreement?

Mr. RIBICOFF. May I take just 2 minutes to finish?

Mr. SPARKMAN. Surely.

Mr. RIBICOFF. Mr. President, I thank the Senate as a whole for its overwhelming vote. The Senate saw its duty and it did it. But there are some people in this body who should be singled out for special appreciation.

Our majority leader (Mr. MANSFIELD), some 20 years ago, suggested to Congress that there should be an oversight committee on intelligence. As is usual with the majority leader, he was foresighted and farsighted. If we had accepted his recommendation, the problems that have developed over the years would have been eliminated and the intelligence agency and this body would have been better off for it.

Special appreciation should be given to the distinguished Senator from Idaho. He was given an unwelcome task. It was his obligation to try to straighten out a mess that we had been confronted with. It was a great responsibility to conduct the hearings of the select committee in a way that would not do harm to the intelligence community and, at the same time, lay the foundation to correct the abuses of the past, to assure that the intelligence community would survive and would be able to do its job in the future, while preserving the personal and civil liberties of our people.

Senator CANNON of Nevada, chairman of the Committee on Rules, was faced with the responsibility of reviewing the resolution after the Committee on Government Operations. The Committee on Rules came up with a different proposal, but I want to pay great tribute to Senator Cannon for working out the Cannon substitute, which formed the basis for the resolution adopted today.

Senator PERCY, the ranking minority member of the Committee on Government Operations, has been and is a joy for me to work with. Looking back at my chairmanship of this committee and the role of the ranking minority Member from Illinois, practically every proposal coming out of the Government Operations Committee has been treated on a bipartisan basis. We were able to work out carefully and closely constructive legislation which has the support of the Senate as a whole.

Senator CRANSTON, Senator WEICKER, Senator MONDALE, Senator CLARK, Senator HATFIELD, Senator HUDDLESTON, Senator MORGAN, and Senator JAVITS made significant contributions.

Above all, Mr. President, I pay special tribute to the majority whip (Mr. ROBERT C. BYRD). During the markup in the Committee on Rules, he insisted on, first, perfecting Senate Resolution 400. I felt, and the committee felt, that we had reported out a good resolution, but Senator Byrd, with his sharp eye and his knowledge of the Senate and its rules and procedures, did spot a number of weaknesses. He went to work, carefully and thoughtfully, perfecting Senate Resolution 400.

When the Committee on Rules voted out its own substitute, the Senate was headed for a real battle. There were strong feelings on both sides, and it was my conclusion that if we reached this confrontation, the Senate as a whole would have been the loser. This bill would have taken weeks instead of days. Then Senator BYRD was a strong force behind Senator CANNON and myself and other representatives of the Committee on Government Operations, the Church Committee, and the Committee on Rules getting together with Senator BYRD to work out the compromise known as the Cannon substitute. My personal feeling is that, were it not for Senator BYRD's intervention and his wise counsel in how to perfect the Cannon resolution, we would not have been able to pass this outstanding and intelligent bill that is now the law of the Senate, Senate Resolution 400.

Finally, high praise to Mr. Dick Wegman, Paul Hoff, Paul Rosenthal, John Childers, Claudia Ingram, Jim Davidson, Brian Conboy, Andrew Loewi and other members of our staff who backed us up so ably and completely. Without an able staff such as represented by these ladies and gentlemen, we would not have been able to bring forth the type of legislation that we have today passed.

I take this opportunity to pay tribute to all these gentlemen.

Mr. PERCY. Mr. President, I shall be very brief, and I appreciate the courtesy of my colleague from Utah.

Mr. President, I should like to respond to the chairman of the Government Operations Committee, Senator RIBICOFF, in first expressing to him my very deep appreciation for the very thoughtful comments that he made about the Senator from Illinois.

It is with a great sense of respect and affection that the Senator from Illinois has worked on any number of matters involving the Government Operations Committee with the Senator from Connecticut. He has found him one of the fairest, most competent, determined and dedicated men with whom the Senator from Illinois has ever worked in industry or in Government.

It is a tremendous pleasure to work with him, and I pay great tribute to him for not only this piece of legislation but many, many other landmark pieces of legislation we have been privileged to work on together.

I join with him in expressing our deep appreciation to Senator MANSFIELD, the majority leader, for the inspiration that he provided 20 years ago for the resolution that has just been adopted by the Senate.

I also join in paying great tribute to our assistant majority leader, Senator ROBERT C. BYRD, without whose brilliance in this matter we would not have been able to have moved ahead as rapidly and as effectively. And certainly to Senator CANNON, who has also been a major force in moving us ahead.

I pay great tribute to Senator WEICKER particularly who, on a number of occasions, took over the minority side of floor management of this bill when the Senator from Illinois was unable to be on the floor. I express my deep appreciation not only for that work that he did here but also for the work that he did on the resolution as it was guided through the Government Operations Committee, and for the work that he did previously on the Watergate Committee that prepared him so well for this.

I would like to pay tribute to Senators BROCK, ROTH, JAVITS, MATHIAS and SCHWEIKER; to Senators CHURCH, BAKER, CRANSTON, and MONDALE, and to all members of their staffs and the staff of the Government Operations Committee, and the staff of the Committee on Rules and Administration, with my deep appreciation for the fine work that has resulted in this virtually unanimous vote that we had on a very, very complex matter.

Particularly I pay tribute to the staff of the Government Operations Committee—Dick Wegman, Paul Hoff, Paul Rosenthal, Claudia Ingram, Brian Conboy and especially to John Childers minority counsel, and Ted van Gilder whose help was invaluable and without whom passage of Senate Resolution 400 would not have been possible.

Mr. MANSFIELD. Mr. President, this is an historic occasion, and I want to pay tribute to the many Members of the Senate whose tireless and dedicated work has made possible the establishment of the new Select Committee.

The passage of Senate Resolution 400 marks the beginning of a new era of responsibility and accountability in the conduct of intelligence activities by the Federal Government.

Many Members of this body have served responsibly and with distinction to achieve that result. They deserve the gratitude of all of us and the American people.

The adoption of Senate Resolution 400 is the culmination of more than a year's exacting work by the members of the Select Committee on Intelligence Activities. The Senator from Idaho Mr. CHURCH was given a difficult assignment, and he has led his committee in a sensitive and responsible manner. He and the 11 members of that committee have devoted countless hours to the exposure of unlawful and unethical practices by the CIA, the FBI and the military intelligence agencies. They have published exhaustive and detailed findings and recommendations which are a credit to the Congress and the Nation.

Senate Resolution 400 was referred to two Senate committees, the Committee on Government Operations and the Committee on Rules and Administration. Under the able leadership of the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. PERCY), the Senator from Nevada (Mr. CANNON), and the Senator from Oregon (Mr. HATFIELD), those committees handled difficult, sensitive, and controversial questions of committee jurisdiction. While they took different approaches to these questions, under their leadership and under the leadership of the able assistant majority leader the Senator from West Virginia (Mr. BYRD), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. WEICKER), and the Senator from Illinois (Mr. PERCY) the resolution we have just passed is a compromise measure in the best traditions of the Senate.

I want to pay special tribute to these Senators and to all others who have worked so long and responsibly to achieve that compromise.

Mr. KENNEDY. Mr. President, I rise as a Member of the Senate who was neither a member of the Rules Committee nor the Intelligence Committee to commend those Members who have performed such a noble service for the Senate in bringing about the new action we have taken in establishing the Intelligence Committee.

Their names are well known to the

Members of the Senate, but they are not as well known, perhaps, to the American people. But any review of the history of this achievement would have to recognize the very special work that was done by the chairman of the Select Committee, the Senator from Idaho (Mr. CHURCH), the chairman of the Government Operations Committee (Mr. RIBICOFF), the chairman of the Rules Committee (Mr. CANNON), majority whip (Mr. ROBERT C. BYRD), Senator PERCY, and Senator CRANSTON.

I acknowledge the very extraordinary accomplishment they achieved. I want to mention just a special commendation for them. But I also, Mr. President, want to join my colleagues in singling out what I consider to be the most important force in the Senate over the period of recent weeks, months, and, yes, years: the spirit and energy of our majority leader. He has played really the central role in fashioning this particular resolution which has recently been passed overwhelmingly by this body.

Mr. President, if we think back over the period of years, the majority leader was the first Member of Congress to offer to the Senate of the United States the suggestion that a separate intelligence committee be established, we can see his foresightedness in this particular matter.

I think many of us remember the caucuses which took place over a year ago where this issue was debated, and with a great deal of heat and with a great deal of passion, and not without mistakes on many sides. But nonetheless, I think the persistence of the majority leader in forming the Intelligence Committee, the Church committee, and giving that the kind of support without which I do not think that committee could have performed the great public service that it did perform. And finally, in fashioning this compromise, the majority leader was showing us the exercise leadership at its best in the Senate. This will stand as one more monument to his firm and effective guiding hand.

As a Member who observed and watched and supported this particular proposal, I mention what I think has been an additional signal leadership of the leader in this important area, and any evaluation of the history of this proposal has to put the contribution of the leader right at the top.

Mr. CANNON. Mr. President, I would like to offer a few comments concerning the intelligence oversight legislation we have passed today.

During the course of our deliberations I have had foremost in my mind one overriding consideration. That is the absolute necessity of maintaining a viable and effective intelligence service for the protection of our country. In today's uncertain world there is no substitute for accurate, timely intelligence. I have fought hard to resist actions which I felt would damage our capability, to provide our country's leadership with the information they need.

I have also recognized that the Congress has a clear cut responsibility to exercise its constitutional mandate for oversight in this sensitive area, not only to insure that intelligence operations are conducted in accordance with our Constitution, but also to assist our intelligence services by providing clear guidelines for their activities.

The need for improved intelligence oversight has been recognized by virtually every witness who has appeared before the concerned committees. However, a wide range of views have been presented as to how to best accomplish that goal.

Our deliberations on this legislation have clearly shown us it is impossible to develop a perfect mechanism for intelligence oversight without an opportunity to observe it in action. I, therefore, view this legislation as a first step in dealing with this complicated problem. Experience will provide us valuable information for future actions to improve on what we have created.

I have expressed my reservations concerning some aspects of the proposals presented to us. I believe a joint committee of the Congress for intelligence oversight would be a far more workable structure than a separate Senate committee. I am concerned that the organization we have created might involve itself in the operation of our intelligence services beyond the proper constitutional role of the Congress.

I am also concerned about the unauthorized disclosure of classified information. Any reasonable person must recognize that some information must be kept secret for our own protection. I believe great care must be exercised by the committee to insure no unauthorized disclosures emanate from its operations.

I share the view of many that it is virtually impossible to separate military intelligence from the total military picture. Military intelligence is integral to the responsibilities of our Armed Forces as an essential element of military planning and operations. I believe we would be in a far sounder position to leave authorization authority for that function within the committee of the Senate charged with overall responsibility for our Armed Forces.

However, in the interest of taking this vital first step for congressional oversight of intelligence activities we have developed what appears to be the most workable approach. Lessons we learn in the future will help us refine it.

Mr. CRANSTON. Mr. President, now that we have finally established a permanent committee of the Senate to oversee the intelligence agencies, to be fully and currently informed as to their activities, and to authorize budgets for them, I want to pay a special tribute to the decades-long effort by our leader toward this end.

One of the most important goals of Senator MANSFIELD'S public life has been to make these agencies—a dark corner of government to the public and to most Members of the Senate—accountable to Congress for their activities and their expenditures. Most recently, he was intimately involved in establishing the Church committee and supporting its work. Now, in these final days, he has given his energy and good spirit to working out the compromise that enabled the new Intelligence Committee to come into being. So I salute Senator MANSFIELD for leading us the whole mile.

I would also, once again, draw attention to the work of the principal architects of the compromise. In addition to Senator MANSFIELD, they were the Majority Whip, Senator BYRD of West Virginia, the chairman of the Government Operations Committee, Senator RIBICOFF—who floor managed the bill so magnificently, with his infinite concern for detail as well as for the broad policy matters involved—and the chairman of the Rules Committee, Senator CANNON, who also was involved in steering this bill through so effectively. The work of Senator CHURCH was also invaluable and indispensable, as was the work of so many members of his committee. On the other side of the aisle, special mention should be made of the fine work of Senator PERCY and Senator WEICKER.

EFFECTIVE OVERSIGHT OF U.S. INTELLIGENCE: LONG OVERDUE

Mr. BIDEN. Mr. President, our action today in creating a mechanism for effective senatorial oversight of U.S. intelligence is a tribute to Senator MANSFIELD'S vision in having seen the need for such a step, two decades ago, and having campaigned for it since that time. It is only a pity that it has taken us 20 years to accomplish this.

There is no question but that existing congressional oversight procedures have been inadequate. For all these years we have been voting intelligence appropriations pretty much in the dark: unknown sums for unknown services. And in addition to the legitimate services rendered, we now know that there have been numerous transgressions of the law and numerous infringements of our constitutional rights. Republican and Democratic administrations, alike, have been infatuated with covert operations abroad, even though the results of many of them have been self-defeating to America's interest; the Congress has meanwhile acquiesced in these operations even though they undercut Congress constitutional prerogatives concerning the conduct of foreign relations. More than one President has used U.S. intelligence as a political instrument, and has politicized objective intelligence analysis. Year by year, there has been more and more intelligence bureaucracy, more and more intelligence overkill, and more and more bureaucratic feudalism.

We now have the realistic opportunity to help the executive to reform these practices and to give the American taxpayer a better political and economic accounting concerning our vast intelligence community. Our thanks are due to the splendid and responsible job which the Senate Select Committee on Intelligence has done in examining these questions—and in demonstrating in the process that senatorial security can be kept, and leaks discouraged.

We should nonetheless recognize as well that our country's many problems with intelligence have not resulted just from past CIA, FBI, or NSA overenthusiasms, or from the unaccountability—in real terms—of present and past administrations, but from our own, congressional, derelictions. We have collectively been too casual and inattentive, and at times too easily gulled, in not demanding genuine executive accountability. We have too easily settled instead for a buddy system which in practice has often assured the last possible communication of intelligence reality to the Congress.

Thus we should congratulate not only the select committee, but the Government Operations and Rules Committees for the imaginative and responsible way in which they formed a constructive compromise solution for the new Senate Select Committee on Intelligence which I sincerely hope we will vote into being.

Now our real challenge and work begin: to insure that the Senate continues to monitor U.S. intelligence alertly, so that the country's legitimate intelligence processes may be maintained and strengthened, the appropriate offices of the executive branch be kept meaningfully accountable, and the tax moneys of the American people wisely spent. The Senate has done a fine and needed piece of business. Let us hope that it will continue to show the vigilance necessary to help give the country the finest and most responsible intelligence establishment possible, and to help restore the country's confidence in those processes.

Mr. NELSON. Mr. President, by its action today, the Senate can take an important step toward insuring that the abuses committed by the intelligence agencies will not recur. The Senate's willingness to alter its institutional arrangements to create a new committee with legislative jurisdiction would reflect some recognition that the present system of overseeing the intelligence agencies has been a dismal failure; that the extraordinary revelations of the Church committee require an extraordinary response; that "business as usual" cannot be the order of the day when constitutional rights have been imperiled on a large scale.

Action in this area is long overdue. The tip of the iceberg uncovered by Watergate and the Church and Pike committees has been evident for years. In 1971, a year before the Watergate breakin, I introduced legislation to create a commission composed of both public and congressional members charged with the responsibility to "investigate the entire range of domestic surveillance" and recommend oversight legislation. Three times since June 1973, I have introduced legislation calling for a committee to conduct oversight of domestic surveillance. No action was taken on these bills. As the disclosures in the aftermath of Watergate illuminated more clearly the need for such a committee, I introduced Senate Resolution 231 last summer, which the Senate adopted, committing itself to a timetable requiring action on oversight legislation by June 1, 1976.

Although the deliberateness of the Senate's response to the disclosed abuses of the intelligence agencies has been frustrating, it may have served a useful purpose. Perhaps in this area, it was not enough to glimpse the tip of the iceberg. We needed to know that the abuses were not simply the excesses of one man or one administration. We needed to see that the techniques of a police state were employed, not sporadically, but systematically. We needed to realize that the covert actions conceived and implemented in secrecy by a handful of men in the executive branch have become a major thread of our foreign policy, and that the consequences have often been disastrous. Certainly after learning all this the Senate must take action signalling our awareness that intelligence activities can no longer be the sole province of the President; that they must be carried on in conformity with the Constitution—that indeed, in our society, "national security" can ultimately be safeguarded only by deep respect for law and democratic principles.

At least it is my sincere hope that our action today reflects an understanding of these fundamental lessons, for there is no magic to creating a new committee, and without this understanding, this committee can fail in its oversight as surely as its predecessors did.

The debate on this measure has not been altogether reassuring. Obviously, the version of Senate Resolution 400 on which we are voting is very much a compromise between the resolutions reported by the Government Operations Committee and the Rules Committee. In large part, it is a successful compromise which manages to grant the new committee necessary legislative jurisdiction while protecting the legitimate interests of the standing committees by providing for concurrent jurisdiction and sequential referral of legislative proposals.

However, during the compromise, the controversial section governing the procedure for disclosing classified information was changed. In the Government Operations version, if the Intelligence Committee voted to disclose classified information, and the President, after being notified, interposed an objection, the committee's decision would stand unless one-third of the committee voted to bring the matter to the full Senate for a decision. Under the compromise version, once the President objects, the information could be disclosed only by a vote of the full Senate, even if the committee was unanimously in favor of disclosure. When Senator ABOUREZK offered an amendment last week to return to the approach of the Government Operations draft, it was tabled by a vote of 77 to 13.

In reaching this decision, the Senate undercuts its new committee. We set the stage for a possible replay of the controversy in the House over release of the Pike committee report. In that case, the committee decided to publicly release its report containing some classified information. The committee members were fully familiar with the information and made the judgment that its release would not jeopardize national security. The committee was overridden by the full House, responding to public and Presidential pressure, despite the fact that few of the members were in the position to seriously consider whether any of the material would injure national security.

If the Senate had left the responsibility for deciding whether classified information should be released with the committee, it would have provided the maximum guarantee that the decision would be based on whether the release of the material would actually impair national security. By opting for this compromise section, the Senate makes it likely that decisions on classified information will reflect undue deference to the executive's classification system. This system has no basis in law or reason. Senator MUSKIE's Subcommittee on Integovernmental Relations has made it clear that overclassification is routine, and that perhaps as much as 75 percent of material classified should not be.

The classification system has been a major pillar in the edifice which has become known as the "imperial presidency." By accepting the presumptive validity of a classification system which is obviously flawed and which the Congress had no part in creating, we undermine our claim to be a coequal branch of the Government, the premise on which this resolution is based. To the extent that this decision was prompted by the change in public opinion following the "leaking" of the Pike report, it is most unfortunate. Despite what the executive branch would have us believe, the paramount issue before us is how to curb the abuses of the intelligence agencies and the executive branch, and not how to maintain secrecy.

Only time will tell how effective this committee will be. At present, we can safely say that while the creation of this committee is a necessary step, it will not be sufficient. The reform of the intelligence agencies to prevent the continuation and recurrence of abuses can be seen as at least a three-stage process. After the abuses are exposed and the committee is created, significant legislation must be considered and enacted. The Church committee has transmitted a formidable legislative agenda. Its recommendations included the tasks of rewriting the 1947 National Security Act, and setting forth charters for the various intelligence agencies. Without attempting to explore the merits of any specific proposals, the basic need for legislative action seems clear.

Although the failure of Congress to perform its oversight responsibilities has been discussed at length, the failure to write legislation telling the intelligence community and the public what surveillance techniques are legal and which are not and defining the jurisdictional limits of each agency represents an equally serious abdication of congressional responsibility. If practices like warrantless wiretapping, politically motivated tax audits, or attempted assassinations of foreign leaders abroad are as repugnant to the majority of Americans as they are to me, they should be outlawed as a matter of Federal law. It is dangerous to leave various intelligence practices in a gray area where they are generally disapproved by public opinion but not clearly outlawed.

Judicial decisions in cases brought by victims of Government surveillance may help develop the law concerning what is prohibited by the first and fourth amendments, but final decisions in these cases can take years, vary from court to court and case to case or ultimately turn on some technical point rather than the merits. In the interest of public confidence and for the benefit of the intelligence agencies themselves, there is no substitute for carefully drawn legislative guidelines and statutory prohibitions on certain practices.

The tasks remaining for the new committee, then, and the Congress as a whole, are formidable. It is my hope that the committee will discharge its responsibilities as effectively as the Church committee did. In its 15-month tenure, the committee conducted the first exhaustive study of our intelligence apparatus since 1947. The committee deliberations were conducted in a bipartisan, thorough, deliberate manner in which the foremost commitment was to obtaining the truth. Despite the delicate nature of the task and the constant possibility of clashes with the Executive over sensitive materials, the committee avoided confrontation on the one hand and "leaks" on the other, while managing to present a comprehensive report, documenting a stunning array of abuses. The committee's efforts were a credit to its members, its staff and the Senate, and its legislative recommendations deserve careful study by the new select committee.

AMENDMENT OF THE FEDERAL TRADE COMMISSION ACT

Mr. MOSS. Mr. President, I ask that the Senate proceed to the consideration of a message from the House of Representatives on H.R. 12527, and I ask that the Chair lay that message before the Senate.

The PRESIDING OFFICER (Mr. LAXALT) laid before the Senate H.R. 12527, an act to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal years 1976 and 1977, and for other purposes, which was read twice by its title.

The Senate proceeded to consider the bill.

Mr. MOSS. Mr. President, this matter has been cleared with both sides of the Commerce Committee, with the leadership of the minority side as well as the majority side.

On Monday, the House of Representatives passed H.R. 12527 which contains three provisions. These are:

First. An increase in the fiscal 1976 authorization which the Commission needs in order to make it through until June 30, 1976.

Second. An increase in the existing fiscal 1977 authorization, and

Third. Extension of time for the filing of certain reports required pursuant to the Magnuson-Moss Act.

Earlier this year, the Senate passed an FTC authorization for fiscal 1976, 1977, and 1978, S. 2935. Coupled with the increased authorization were numerous substantive amendments to the FTC Act and other acts which the Commission administers. The House Committee on Interstate and Foreign Commerce has held hearings on these substantive amendments, but by the time of the May 15 deadline was only able to report the authorizations and the extension of time for the required reports. It is my understanding that the House committee will continue with its consideration of the substantive amendments, but at this time, we believe that it is imperative that the Commission be authorized the increased funds which it needs through June 30, 1976, and the extension of time that is needed for submission of the report required under the Magnuson-Moss Act.

Therefore, I send to the desk an amendment which has been cleared on both sides. This amendment would delete the fiscal 1977 authorization from the bill, and amend the title to reflect this deletion. By moving ahead now with the needed fiscal 1976 supplemental authorization, we will not delay the Commission from its important work while we consider the fiscal 1977 authorization and substantive amendments to the FTC Act.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 1, beginning on line 5 strike out "; and by striking out '$50,000,000' and inserting in lieu thereof '$57,233,000' ".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

So the bill (H.R. 12527) was passed.

The title was amended so as to read: "An Act to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal year 1976, and for other purposes."

EDWARD GORIN AND FAMILY REUNITED IN BALTIMORE

Mr. MATHIAS. Mr. President, all of us in America can rejoice that Edward Gorin and his family, formerly unwilling residents of the Soviet Union, were reunited in Baltimore last week after a separation of almost 4 years.

For Edward Gorin, a violinist with the Baltimore Symphony Orchestra, those 4 years were marked by delays and disappointments, and by discouragement verging often on despair.

For his wife, Sophia Belotserkovskaya left in Moscow with their two little daughters, it was far worse. There were repeated visa applications and repeated refusals. There were threats, harrassments and hostile interrogation. There was isolation. But there was tremendous courage as well. Sophia never gave up.

The Gorins' problems with Soviet authorities began in July 1972 when Mr. Gorin, then first violinist with the Symphony Orchestra of All Union Radio and Television of the U.S.S.R., refused to join in denunciations of fellow musicians who had emigrated to Israel. For this honorable conduct, he was dismissed from the orchestra and barred from further employment in the U.S.S.R.

The Gorins then decided to emigrate themselves, but their effort was frustrated when they received sponsorship for three people to resettle in Israel several weeks after Julia's birth had made them a family of four. Reluctantly, the family decided that Gorin should leave by himself—that his chances for arranging for them to follow him would be better from the outside than from within the Soviet Union. This hope proved bitterly disappointing.

Gorin left Moscow on November 5, 1972. He did not see his wife and children again until last Tuesday night—May 11, 1976—when they arrived at LaGuardia Airport en route to Baltimore. His daughter, Inna, is now 6 years old. Julia, the newborn baby he left in Moscow is 4.

The tireless struggle of the intervening years followed the pattern which has become all too tragically familiar. Soviet authorities refused to issue an emigration visa to Mrs. Gorin, a mathematician, claiming she had had access to state secrets. Her denials and protests were unavailing.

Finally, pushed to desperation, Mrs. Gorin staged a public demonstration in Moscow in June 1975 and went on a hunger strike to dramatize her plight. She was almost immediately picked up and interrogated by the KGB.

Meanwhile, Mr. Gorin, working with Sol Goldstein, Chairman of the Baltimore Committee on Soviet Jewry and with various city and state officials, was exploring every avenue to secure his family's release from the Soviet Union. As part of this effort, I met with Russian "Refusniks" when I was in Moscow last summer and the Senate Delegation of which I was a member also raised the question of her emigration with Secretary Brezhnev when we met with him then.

Last week all those efforts finally paid off. And today I am happy to be welcoming the Gorin family to Washington. I am proud to show them the capital of a country that believes people have a right to freedom. I am proud to show them the capital of their new homeland.

At this time, in addition to paying tribute to the faith and courage of Edward Gorin, his wife and children, I would like to salute the tireless humanitarianism of the Baltimore Committee for Soviet Jewry in the person of Sol Goldstein, and Eileen Yaffee, and Rabbi David Goldstein, all of whom are here today with the Gorins.

Together, we have overcome in what often seemed a hopeless situation. And once again, the Soviet Union has been obliged by the intensity of international protest to do something that in common decency they should have done 4 years ago.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I hope that the schedule which has been distributed on the Democratic side has also been distributed on the Republican side, and if not, I will request the pages to do so. I understand it has been distributed on the Republican side.

The schedule illustrates what confronts the Senate in the remaining weeks of this session.

It is the intention of the leadership at an appropriate time to ask the Senate to turn to the consideration of the antitrust bill, Calendar No. 781, H.R. 8532, which I understand will be in some difficulty, but I shall not do that at the moment so, I can enunciate to the Senate what the program may well be for the period between now and the Memorial Day recess.

First, it is my intention to ask unanimous consent and then if that is objected to, to move to take up Calendar No. 781, H.R. 8532, an act to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes.

The bill from the Judiciary Committee has been on the calendar since May 6 and I am calling it up at this time at the special request of the chairman of the subcommittee, the distinguished Senator from Michigan (Mr. PHILIP A. HART), who is unable to be here today for reasons well understood by his colleagues in this body.

Then I would like to turn to the consideration of Calendar No. 814, S. 3434, the military construction authorization bill, which was reported on the 13th of this month and placed on the calendar that day.

Third, Calendar No. 832, S. 3439, Foreign Military Arms Sales Act, which was reported and placed on the calendar on May 14. This is a somewhat toned-down version of the bill which the President vetoed.

Then, following that, Calendar No. 834, H.R. 12438, the Defense Authorization Act which, likewise, was reported and placed on the calendar on the 14th.

Whether or not we can finish with these measures before we go out, and others in addition to that, such as conference reports and bills which have little in the way of opposition, remains to be seen.

It is hoped that after we return from the Memorial Day recess, which is only, I believe, for 2 days, that the Senate at that time will be able to take up Calendar No. 685, S. 3219, the Clean Air Act, which was reported out of committee and placed on the calendar on March 29 of this year.

CERTAIN ANTITRUST ACTIONS BROUGHT BY STATE ATTORNEYS GENERAL

Mr. MANSFIELD. So with that brief explanation of what confronts us and what my intentions are, I ask unanimous consent, Mr. President, that the Senate at this time turn to the consideration of Calendar No. 781, H.R. 8532. This is the so-called Antitrust Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 8532) to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. HRUSKA. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HRUSKA. May I ask the majority leader is that the House-approved bill, what we know as the parens patriae bill?

Mr. MANSFIELD. That is correct, H.R. 8532, which was placed on the calendar on the 13th of this month, but which I have been asked to take up in place of S. 1284, which was reported out of the Judiciary Committee, on which the distinguished Senator from Nebraska is a member, on May 6, 1976.

Mr. HRUSKA. Further reserving the right to object, Mr. President, may I ask the majortiy leader if he is aware, as I am sure he is, that the substance and content of that bill have been considered for an extended period of time in the Judiciary Committee of the Senate; that there is in process now the preparation, printing, delivery, and laying before the Senate of a report on one part of that bill, which is the bill for which there is a unanimous-consent request to be taken up? Is the Senator aware of that?

Mr. MANSFIELD. Yes. If the Senator would allow me, I would like to read a brief statement in connection therewith.

Mr. HRUSKA. Very well, without my losing the right to the floor.

Mr. MANSFIELD. Mr. President, let me recount the facts as to the processing of S. 1284 so my colleagues can reach their own conclusion.

On March 21, 1975—March 21, 1975—Antitrust and Monopoly Subcommittee Chairman PHILIP A. HART and Minority Leader HUGH SCOTT introduced S. 1284. The legislation was referred to the Committee on the Judiciary. The Antitrust and Monopoly Subcommittee held hearings on May 7 and 8, and June 3, 4, and 12, 1975, at which more than 30 witnesses testified. All persons suggested as witnesses by opponents of the bill and every person requesting to testify were granted that right, with two exceptions. The two who did not testify requested to testify after the witness list for the last day of hearings was released. Senator HRUSKA requested and agreed to chair an additional day of hearings for those witnesses, which was scheduled. At Senator HRUSKA's request, that hearing was twice postponed. Thereafter, at Senator HRUSKA's request and with the concurrence of the two witnesses, the hearing record was closed and their statements were received for the record.

On July 28, 1975—July 28, 1975—the Antitrust and Monopoly Subcommittee met in open executive session at which time the bill was reported without recommendation to the full Committee on the Judiciary with amendments.

At the direction of the Committee on the Judiciary, additional hearings on S. 1284, as reported by the Antitrust and Monopoly Subcommittee, were held on February 3 and March 2 and 3, 1976, for the purpose of taking additional testimony from persons opposing the bill. Of the nine witnesses heard, all were designated by Senators ROMAN HRUSKA and STROM THURMOND.

In sum, more than 40 witnesses were heard during 8 days of hearings; and scores of additional statements were accepted for the record.

At the insistence of the minority, full committee markup of the bill was conditioned on additional hearings, and 16 hours of markup was ordered to extend over a 30-day period. The Judiciary Committee markup commenced 7 months after the bill was reported by the Antitrust Subcommittee.

On March 4, 9, 10, 17, 18, 23, and 24, and April 6, 1976, the Committee on the Judiciary met in open executive session and marked up the bill; and on April 6, 1976, S. 1284 was ordered favorably reported to the full Senate with amendments.

On a motion to report the bill to the full Senate:

Yeas: PHILIP A. HART, KENNEDY, BAYH, BURDICK, ROBERT C. BYRD, TUNNEY, ABOUREZK, FONG, HUGH SCOTT, MATHIAS.

Nays: EASTLAND, MCCLELLAN, HRUSKA, THURMOND, WILLIAM L. SCOTT.

The majority report was circulated to the minority on April 23—April 23—and an agreement was reached that the majority and minortiy reports would be filed April 30. What is today? May 19. Upon request of the minority, the filing was delayed until May 6—a full month after the bill was ordered reported. On May 6, the minority advised that they still were not ready and authorized majority to file the report without their views although a typed draft of minority views was circulated to the majority on May 4. The committee reviewed the galleys of the minority report on May 11. It was not until May 18 that the minority authorized the return of corrected galleys to the Printing Office for final copy. That was just yesterday.

In candor, I ask the Senators to judge for themselves whether we are taking hasty and precipitous action. I ask Senators to judge whether the facts bear out those assertions or the assertions of our consumer friends that we have been too charitable and accommodating to the distinguished minority.

I submit that S. 1284 has been subject to the most painstaking scrutiny over a protracted period of time. In fact, I cannot recall another piece of legislation that has been put through such an exhaustive review process.

I thank the distinguished Senator from Nebraska for allowing me to make this statement at this time.

Mr. HRUSKA. Mr. President, I thank the majority leader for his narrative on the timetable on the legislative doing on this bill. I think the very fact of the lengthy description of it testifies to one of the principal propositions I will in due time make. That is that this is such a complex, difficult, massive, and fundamental bill consisting of five titles, Mr. President, any one of which would warrant full debate and discussion and consideration in the Chamber, and justly so, pursuant to the rules, Mr. President, that ample time would be given for the filing of a report, and that under the rules at least 3 days would intervene between the filing of a report and the measure being taken up by the Senate.

The greater part of the activity with reference to the timing of the filing of the reports, the printing of the reports, and so on, was on the basis and under the outline of a Senate Judiciary Committee agreement, unanimously agreed to, Mr. President. If there is magnanimity that is claimed for the majority on this bill as opposed to any other bill, let me suggest that the minority was very magnanimous with the majority in waiving some of the dates that had been decided upon by the entire committee, extending the date of the filing of the majority report and without any relative difference on the filing of the minority report on the bill.

The chronology of this is quite simple. It is said only yesterday did the minority report go to the printer, and that is true. But let me call attention, Mr. President, to this fact: It is not the minority that is in charge of the submission of the material to the Government Printing Office; it is not the diligence of the minority that is called upon in that regard. It is the diligence, the assignment, and the duty of the majority staff to see that the material that is submitted to the Government Printing Office and then reported back in the form of proofs, galley proofs, page proofs, or whatever, should be done in due time. The chronology on that is quite simple.

The original date for the filing of the majority report was April 13. Out of the goodness of our hearts, we on our side extended that to April 23. That is a big concession, Mr. President, in view of the type of schedule that has been related to us by the majority leader.

It was filed on April 23, and in due time there was a submission of the tentative majority report, and later the final report came to us from the Government Printing Office, before the filing of the minority report and submission of the proof thereof to the Government Printing Office.

Mr. President, we have some rules of courtesy and some rules of ordinary procedure. The normal procedure is there will be a printing simultaneously of the majority report, which document will include the minority report. I will not make a point of that, but I certainly do not want the filing of the printed majority report to determine the time of consideration here, when it was due to the courtesy and to the extensions granted and agreed upon by the majority and the minority that this delayed schedule be abided by.

The matter of fact is that on May 13 the minority report copy in galley form was returned to the minority. It was returned on Friday. It just happened that this Senator and other Senators of our committee representing some of the minority views were not on duty on Saturday and Sunday. Some of us returned during the day on Monday.

I know of no rule of the Senate that requires our staff or Members of the Senate to stay on duty 25 hours a day in order to facilitate something which, notwithstanding all of it, was filled in due time and processed in good fashion.

Now, then, on May 6 the tentative report of the minority was served upon the majority staff and on the majority, subject to final editing, footnotes, page references, and so on. On May 6 it was filed with the Printing Office, and on May 13 it was returned by the Printing Office. Yesterday, on May 18, it was sent back there again—again, Mr. President, with further notations and reconciliation of footnotes, of page references, the arrangement of excerpts and appendixes, and things of that kind.

Here we have a situation, with all of that complexity of chronology, where the minority has tried its best to execute and to perform the terms of the agreement which was made unanimously in the Senate Judiciary Committee. I think it would be mighty difficult to fault the minority, notwithstanding the long and apparently tortuous procedure by which the present state of this legislation has been reached. Five titles, Mr. President, each one of them dealing with fundamental, long-established precedents, decades ago established in statute form, with years and years of judicial adjudication, interpretation, and application, and they are torn asunder and some of them destroyed altogether, and there is sought to be replaced and put in their place new texts, new concepts, some of them strange and alien to our ideas of jurisprudence, of court procedure, and of some consideration for the calendaring and the priorities, including, of course, the rulemaking power.

That is how serious, how complex, how far reaching this present legislation is. It is regrettable that it is found in one omnibus bill, because the fact is that it will be most difficult to follow the debate and the discussion on five titles, when there will be one title discussed one day, perhaps for a series of days, with amendments, and then the next day or in the afternoon of the same day a discussion of a different title, with different amendments. It will be most difficult for the Members of the Senate, even if there were a complete understanding of the bill, to follow.

With due deference to justifying the rules of the Senate—the rule, for example, that a report should be filed at least 3 days before the measure will be taken up by the Senate; and I do not understand that that rule has been waived by the majority and the minority leadership—rules of that kind have a purpose. The situation is compounded in this case, Mr. President, by these five titles. Five of them. And we have the situation of being asked to take up the consideration of one of those titles in an independence bill, which has been in the course of consideration all of these months.

Mr. President, it was only 2 days ago, or was it 3, that the final volume of hearings was presented. And let me suggest that those hearings were held in January and in February. Again I say, Mr. President, it is not the minority that is in charge of printing; it is the majority staff that, by rule, is in charge of printing.

The material was made available. In due time it was sent over to the Printing Office. The staffs of the several Senators here did not have a chance even to get the volumes until the beginning of this week. It was either Thursday or Friday that they were delivered to the committee room.

With that state of affairs, Mr. President, I think it would come with poor grace for the Senate to take up the consideration of this bill today, for all of these reasons.

The Senate should have been given a chance to familiarize itself with the texts and the substance of these bills. I would have no objection to the taking up of S. 1284 in due time, after we have had a chance to read the report on it, the minority part of the report on S. 1284, and have the staffs of the several Senators read, consider, analyze, summarize, and be able to make recommendations one way or the other, including the consideration of several amendments which will be proposed as we go along. But that opportunity will be denied us, Mr. President, and I do not think that is fair. I do think it is the kind of procedure in which we are able to engage. It is not fair to the minority, it is not fair to the Members of the Senate, and it certainly is not fair to the general public, that will be deeply and radically affected by the enactment of any one of these titles.

It would seem that it would be undue and unseemly haste. Is it because there is no other material upon which to work? Not at all, Mr. President. There are 18 bills that were reported to the calendar before S. 1284 got on the calendar. I do not recall when H.R. 8352 was reported, but there are some 60 or 70 bills, maybe 80, on the calendar right now, and many of them in a much more advantageous position and place for consideration than the bill at hand.

But beyond that, Mr. President, May 15 is a magic date under the Budget Control Act, and we must enact the authorization bills before that time, unless we want to pay a heavy penalty by way of procedures of waiver and reinstatement of those authorization bills if we do not act by May 15. The list was enumerated here by the majority leader.

So I say again, it is not for want of other material upon which the Senate would be called upon to act if it were so disposed.

The bill is of such a nature, Mr. President, that it would be my idea, and I think it would be agreed by anyone who wants to go into the history of this bill, that if S. 1284 would be called up there should be at least a week—2 weeks would be preferable—for the study of the five titles embraced in the majority and minority reports and some reference made to the hearings and to the exhibits that are very vital in the consideration of this bill.

If we have only one of these segments with which to deal certainly the minimum should be the 3 days for which rule 341.6 calls after the filing of the report and its being made available to the Members of this body.

It would indeed be strange and unusual procedure in the light of all this reasoning and the condition of this bill that we would be considered to acquiesce in a unanimous-consent agreement that it be taken up. I do not know——

Mr. MANSFIELD. What did the Senator say just then?

Mr. HRUSKA. Pardon me?

Mr. MANSFIELD. What did the Senator say about a consent agreement just then?

Mr. HRUSKA. I say it would be strange indeed that we would be expected on our side to acquiesce in a unanimous-consent agreement to take up this bill now under the condition of the record or the House-passed bill, because it is a bill that was considered. The very text of it, the substance of it, Mr. President, is to be found in title IV of S. 1284 upon which all this legislative history is being made.

The other body chose to take this bill we have before us, S. 1284, in five-title fashion. They chose to take it up in the more sensible way. They have passed parens patriae. That is the bill H.R. 8352. They have passed that and sent it over to this body. Their Judiciary Committee has reported out of its committee the Civil Process Act, the Civil Investigative Demand Act which composes title 2 of S. 1284. In due time, there will be separate action taken on title 5 of S. 1284, which is the premerger notification bill, and that is a more reasonable, logical, and rational basis upon which to proceed.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. MANSFIELD. Mr. President, it is my belief that what the distinguished Senator from Nebraska intends to do is to object to the unanimous-consent request, but I referred in passing to the 18 bills on the calendar prior to the placing of S. 1284. He is correct, but let me read why some of these bills are not being considered.

As to Calendar No. 72, the Senators want to be notified; Calendar No. 431, no time limit, three Senators have amendments; Calendar No. 445, a Senator has a hold; Calendar No. 470, OK on your side but not on ours; Calendar No. 472, no time limit, notify two Senators; Calendar No. 497, no time limit, two Senators have amendments, notify another Senator; Calendar No. 511, hold, notify a Senator; Calendar No. 514, hold, two Senators; Calendar No. 526, two Senators have amendments; Calendar No. 550, notify a Senator, a Senator has an amendment; Calendar No. 662, a Senator has a hold; Calendar No. 685, June 2, five Senators have holds, that is the Clean Air Act; Calendar No. 707, notify three Senators; Calendar No. 722, well, let us see, notify a Senator; Calendar No. 728, pending business, passed; Calendar No. 737, OK; Calendar No. 738, notify a Senator; Calendar No. 751, hold, two Senators; Calendar No. 759 is held by a Senator. And then we come to S. 1284, Calendar No. 763.

So I think the Senator from Nebraska understands why it is almost an impossibility for the leadership to call up these 16 measures which precede Calendar No. 763 on the calendar.

But I make a proposition to the Senator which will take care of the minority report being returned in plenty of time which will serve notice on the Senate as to what the intention of the leadership is, and the proposal is as follows:

TIME LIMITATION REQUEST

I ask unanimous consent that, when H.R. 8532 is brought before the Senate, debate be limited as follows: 8 hours on the bill, 2 hours on any amendment, 1 hour on any amendment to the amendment or covering motions, appeals, and the like; that this will be offered under the regular procedure, and that H.R. 8532 will not be called before the Senate prior to June 3, 1976. Will the Senator and the Senate give that consideration?

Mr. HRUSKA. Mr. President, reserving the right to object, this is a new proposal for the first time that is being made.

Mr. MANSFIELD. That is right.

Mr. HRUSKA. I think it might be considered seemly if we had a little chance to consider it and after maybe some of my colleagues have had a chance to express themselves on the major question which is before us. After that has been done, may we have a quorum call and have a little discussion of the matter, an informal session, to determine what, if anything, might be the attitude toward such a request and what modification might be made by way of a counterproposal.

Mr. MANSFIELD. I am glad to.

Mr. KENNEDY. Mr. President, will the Senator withhold the quorum call?

Mr. MANSFIELD. Yes, it is being withheld.

Mr. HRUSKA. Mr. President, I yield to the Senator without losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I think the majority leader has stated very well the circumstances under which a full range of hearings were held on this important piece of legislation and the fullest deliberations were given it within the Committee on the Judiciary.

I could not let this exchange go by without making just some rather brief comments about how the various different views were considered during the course of both the hearings and the markup, and about the time that was necessary for the filing of separate views.

There is no question in anyone's mind of the very serious reservations and general opposition to this legislation by the Senator from Nebraska. No one should be under any illusion: he is opposed to this legislation and, as stated both during the course of the hearings and the markup, that he is going to try and see that this legislation is effectively emasculated or defeated. So we should understand that at the very beginning.

But I point out, Mr. President, that the chairman of that antitrust subcommittee, the distinguished Senator from Michigan, I think, bent over backwards during the development of the hearings themselves in consideration of those with differing views and differing attitudes about the legislation. The fact is that the hearings were completed 7 months prior to the time that the full committee actually went into a markup session. We are hearing statements or comments in the Chamber that the hearings have not been printed up. The first series of hearings was printed up 7 months ago—with the exception of the last few days of hearings that were called at a special request by Senator HRUSKA and some Members of the minority. Those are the hearings that have not been printed up.

The fact of the matter is Mr. President, we never would have gotten a markup on the legislation unless there was further agreement by the majority to be able to call additional witnesses.

I found very little reluctance on the part of the Senator from Michigan to schedule those hearings, because he is a fair man and was prepared to insure that any differing views were going to be considered.

But the fact remains, Mr. President, that at some time the American people and the Senate of the United States are entitled to the roll being called on this issue.

As one who sat through every one of those markup sessions in the full committee and who is cognizant of the various delays that have taken place in the approval of the minority views by the minority, I believe that we have to draw attention to the fact that these delays in procedures are resulting in delay on the consideration of the merits of the proposed legislation. They should not be tolerated.

Mr. President, I simply indicate, as a member of that committee, that I believe deeply that those with opposing views have been treated extremely fair and have been able to have their views heard during the course of the hearings and in the markup.

There is no attempt by those of us who support this measure to take any unfair advantage of others or to violate any of the existing rules of this body. But there comes a time, on an issue which is of such basic and fundamental importance to the country, that those who support this legislation—and an overwhelming majority of the members of that committee do—have some right as well. The majority has a right to have these issues debated and discussed. The majority has some right, also, to expect that the roll will be called on these issues.

So I express my appreciation to the leadership—I know that I speak for a number of members of the committee—for calling up this matter before the Senate. I will not object to the proposal that has been made by the majority leader with respect to a time agreement, although I daresay that the leader really has been bending over backward to take into consideration the position of the five members of the committee who voted "nay." Ten members of the Committee on the Judiciary voted in the affirmative; five in the negative. Obviously, those who voted in the minority are entitled to the protection of their rights, but we in the majority are entitled to protection as well, and for full Senate consideration of this bill.

Mr. President, I thank the Senator from Nebraska for yielding, and I appreciate the opportunity to make these brief comments.

Mr. HRUSKA. Mr. President, I find the remarks of the Senator from Massachusetts very enlightening and very interesting. He recites some history upon the matter in extenso, as it were, on the general opposition indicated by this Senator as well as others in the hearings, in the markup, and even now. I find some points of difference with him, and I shall make some observations on that.

That is all very good by way of history, but it does not go back far enough. This measure, S. 1284, upon which we still do not have the complete report printed and delivered and available to the Members of the Senate, consists of a compilation of rejects at the hands of Congress for several times in the last 20 years.

One of the first measures I recall working on when I became a member of the Committee on the Judiciary was the premerger legislation of 1957. Another was the civil investigative demand, which finally ripened into law in 1962, after a 3-year fight in the House and in the Senate because the objectionable part of the bill consisted of the very things which are found in S. 1284. The civil investigative demand finally was enacted, and it is a good bill. It was one which we favored because it was limited to corporations, demands upon companies and business entities, and so forth, not to natural persons. It had to do with the production of documentary, written, printed, and chart form materials and exhibits.

That was considered about as far as Congress wanted to go at that time. When one goes into the field, as S. 1284 does, of extending civil investigative demand from corporations and business entities to natural persons, extending it from production of documents to oral testimony under oath and in secret session, and answers to written interrogatories, and having the extended procedure and the material for it become possessed of the powers of a grand jury, without any of the safeguards, without any of the background and the environment that is found in grand jury proceedings, then we reach a horse of another color.

We resisted that, and we were successful not only one time but several times as well. We have it here again.

So I say that whenever we consider this bill, let us consider its full history. In each of those instances, the bill was taken up in due time, with the reports before us, with the hearings, and ample opportunity to study, and one at a time.

In addition, here we have the restriction in the 1962 act on civil investigative demand. Only target companies were embraced in it—those companies against which there were charges or there would be charges, and they were specific in nature. That is not true in the bill we eventually will have before us here.

So I say that we should consider the longer history of this matter and the real nature of the proposed legislation. Certainly, even with that long history, it does not warrant the present generation of membership in this body being faced with the situation in which they do not even have a report on this type of matter, which is far-reaching and which reaches into the other branch of Government, the judicial branch, with heavy and deadly hand, uprooting and throwing away the court rules developed upon the class actions which are the thrust of title IV, which is the parens patriae doctrine.

So I say that we should take it in full context and consider this in orderly fashion, not in a fashion which is summary and highly undesirable as a legislative process. I do not believe we should be that unfair to the staffs, to our colleagues, or to the people they represent.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield, without losing my right to the floor.

Mr. THURMOND. Mr. President, I support Senator HRUSKA's objection to the piecemeal consideration of S. 1284 the Antitrust Improvements Act of 1976. The proponents of this bill advocate the most sweeping changes in the antitrust field in well over half a century. Those who oppose this bill, as I do, should be permitted the opportunity to have our views before the Members of the Senate. This should be done before they are asked to vote on this most complex legislation. The report of the Judiciary Committee was filed on May 6, 1976. I should add that the majority report was filed after some delay because of the failure of the majority to meet the agreed upon date. Now, the minority views of five Senators together with my additional views are being printed. Our report will be in excess of 70 pages and it, of course, covers the opposite side of the issue. Basic fairness, as well as prudence and courtesy, require that the minority be given an opportunity to have our point of view considered. I think that the Members of the Senate would certainly want to examine both sides of this issue prior to casting their votes. In fact, being a Member of this body for over 20 years, I am certain that that is the case. It is not difficult to make a case that the minority position in opposition to S. 1284 should be studied carefully. I would like at this time, by way of illustration of that case, to read editorials from some of the large papers in the State of South Carolina. All oppose S. 1284, I should like, for instance, to read several editorials from South Carolina papers. We have them from all over the country, but these editorials are from my home State. I want to illustrate how the people in my State are opposed to this bill. From the editorials we have from other States, the same thing seems to be true.

For instance, here is an editorial from the Spartanburg Herald. It is dated March 17, 1976. It is entitled "A 'Consumer' Bill That's Dangerous":

A "CONSUMER" BILL THAT IS DANGEROUS

> There is no shortage of self-anointed protectors of the American consumer—but hardly ever is there any consultation with that almost mythical clientele.
>
> Among the chief practitioners of the political art of consumer "advocacy" are U.S. Senators and Representatives. Often what they propose, and sometimes what they enact, is to the disservice of the people generally.
>
> A particularly pernicious example is a piece of legislation now before both houses of Congress.
>
> It is a bill called the "Hart-Scott Antitrust Improvements Act." The measure was sponsored by Sens. Philip Hart of Michigan and Hugh Scott of Pennsylvania.
>
> Especially dangerous is a section which in effect authorizes state attorney generals to launch "witch-hunt" attacks against business in the name of consumers.
>
> Suits may be filed against nationwide distributors within any state—for triple whatever damages may be awarded by the courts.
>
> The court may award the state, in addition, the costs of litigation and "reasonable" attorney fees.
>
> State attorney generals even would be authorized to appoint private lawyers to pursue cases on a "contingency fee" basis.
>
> Fees for lawyers could be astronomical.
>
> If damages were awarded, which could be in the millions, "consumers" presumably would be entitled to refunds. Even if there were a mechanism to accomplish that, individuals would receive pittances while lawyers would receive large fees.
>
> Consumers, in the final analysis, would be paying the whole cost through higher prices for products.
>
> Ample protection and legal redress already exist. This is a potential boondoggle of massive proportions which contains little of benefit to the public.

Mr. President, the Spartanburg Herald is published in Spartanburg, S.C., in the Piedmont section, a very populous section of the State, in which there is a great deal of industry and a lot of working people. That clearly shows the thinking of the people in that part of the State.

Now we shall go down to Charleston, S.C., to see how the people feel there. Here is an editorial from the Charleston Evening Post. This article is dated March 16, 1976. It is called "Boon to Lawyers":

BOON TO LAWYERS

> Under the guise of "consumer protection" legislation, the Congress apparently is preparing to enact what might more accurately be described as a welfare program for trial lawyers.
>
> The "parens patriae" (father of the country) features of bills now pending in the House and Senate would empower the attorney general in all 50 states to bring class action, treble damage suits in the federal courts on behalf of state residents who claim from violation of antitrust laws. Further, state attorneys general would be permitted to delegate their authority in this area to trial lawyers willing to undertake the suits on a contingency fee basis.

This amounts to issuing lawyers a hunting license. When one considers the effect a contingency fee system has had on the costs of medical malpractice insurance, the predictable effects of such a system on the costs of doing business, and on prices ultimately paid by the consumer, are frightening.

The proposed legislation would eliminate the need to establish in court that any individual injury had occurred. Lawyers handling parens patriae suits would be allowed to prove damages by statistical samplings and estimated losses. Such suits would have the potential for bringing in damages of $100 million or more. Lucky lawyers could command astronomical contingency fees.

Where violations of antitrust laws occur, offending parties should be prosecuted and punished. The machinery to do this already exists. The obvious avenues for abuse the proposed legislation would open are not matched by any perceivable benefits to the American consumer. We hope that Congress has the good sense to reject it.

Now, another editorial from the largest paper in South Carolina, the name of which is "The State." It is published in Columbia, S.C. It carried this editorial on the subject on March 22, 1976. It is entitled, "Consumer Bill Disguises Bonanza for Attorneys":

CONSUMER BILL DISGUISES BONANZA FOR ATTORNEYS

Imbedded in pending proposals in Congress to overhaul the Sherman (anti-trust) Act for the first time in 86 years is a lawyers bonanza and financial nightmare for American business.

While the Anti-Trust Improvements Act of 1975, authorized by Sens. Philip Hart and Hugh Scott, ostensibly would promote consumer relief against business price-fixing, one section of the bill opens up an entirely new range of costly litigation.

The bill would give state attorneys general power to sue on behalf of individual residents—or in behalf of the "general economy" of the state—for treble damages. Furthermore, the attorneys general would be permitted to assign the litigation to private attorneys on a contingent fee basis.

A procedural monstrosity, the bill would eliminate the requirement for proof of any actual injury to plaintiffs and would allow "damages" to be determined by computers, statistical sampling, and estimations.

The amendments travel under the term *parens patriae,* which literally translates into "father of the country," and are approaching debate in the House of Representatives and the U.S. Senate.

In the forefront of opposition is the Grocery Manufacturers of America, Inc., who rightly warns that if the bill is enacted it will be the consumer who gets nicked in the long run rather than being protected. Any business which loses or settles a $300 million law suit, is going to seek to recoup the loss in upping the price of its product. So who wins?

The lawyers win. U.S. Rep. Charles E. Wiggins, a California Republican, put it this way:

"Any corporate defendant faced with a $300 million exposure filed by an official of the state in which that corporation is doing business is going to talk settlement as a matter of survival. . . . And who has the interest in that law suit? Is it the consumer who suffered a $4 loss, or is it the attorney, which may get, if we do not prohibit contingent fee arrangements . . . 10 percent of the $300 million, that is, the attorney's interest is $30 million and his client is $4. . . .?"

Under present law, attorneys general may now bring *parens patriae* actions for injunctive relief. There is no demonstrated need for the proposed new procedures, which have been opposed by the American Bar Association.

South Carolina businessmen, large and small, would be well advised to look into the impact of S. 1284 and H.R. 8532.

Now, Mr. President, we will go to the next largest newspaper in South Carolina. This is the Greensville Piedmont which is published by the same company as the Greenville News. This is the afternoon paper, the Greenville Piedmont, and this is dated March 17, 1976.

Mr. President, the distinguished Senator from Arkansas (Mr. McClellan) wants to call up a conference report, and I am willing to yield to him without losing my right to the floor, if there is no objection, and I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1976—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on H.R. 13172 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13172) making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the Record of May 13, 1976, beginning at page 13805.)

Mr. McCLELLAN. Mr. President, the conference agreement on the second supplemental appropriation bill provides for total new budget obligational authority for fiscal year 1976 and for the transition period of $12,040,849,150, of which $9.4 billion is for fiscal year 1976 and $2.6 billion is for the transition period. The conference compromise for fiscal year 1976 is $526.9 million below the budget estimates, $1.3 billion over the House and $322.7 million below the Senate. For the transition period, the agreement is $254.6 million over the budget estimates, $314.3 million over the House and $298.7 million below the Senate. In this connection, it should be remembered that the Senate considered budget requests of the administration in the amount of $1.9 billion for fiscal year 1976 and $67.5 million for the transition period that were not considered by the House.

Mr. President, the House of Representatives adopted this conference report yesterday by a vote of 286 to 100 and cleared the amendments in disagreement as reported by the conferees. As Members recall, the supplemental bill passed the Senate last Wednesday, May 12. The conference was held the following day and the conference report appeared in the Congressional Record of Thursday, May 13. With the fiscal year rapidly coming to an end, it is necessary to take expeditious action in clearing the conference report in order that these needed funds can be made available as quickly as possible. I want to take this opportunity to thank all of the members of the conference in achieving a resolution of the differences between the two Houses.

Mr. President, this is a massive supplemental appropriation bill carrying funds for almost every Federal department and agency. It is the last major appropriation bill for fiscal year 1976 to come before this body this year. The bulk of the funds provided in the bill are for mandatory items over which we have little control under present law. These include increased pay and retirement cost, public assistance payments, veterans' benefits, fire fighting costs and payment to the postal service fund. A summary of the conference action on this bill was printed in the Congressional Record of May 18 on page H4511, and I would refer Members to that summary rather than asking consent to include a summary tabulation which would be a duplication of the summary already printed in the Record of yesterday.

Mr. President, the subcommittee chairmen and the ranking minority members and others on the committee are knowledgeable about the various items and details of the conference agreement and will be able to respond to any questions which may be propounded. At this time I yield to the distinguished ranking minority member, the Senator from North Dakota.

Mr. YOUNG. Mr. President, I would like to add just a few brief comments concerning this second supplemental appropriations bill for fiscal year 1976 to those of the distinguished chairman of the Appropriations Committee, Mr. McClellan.

The conferees have agreed to a total funding of $12.0 billion for fiscal year 1976 and the transition period. This is $272 million below the budget estimate for this supplemental appropriations bill. This reduction below the budget estimate was accomplished by the conferees agreeing to a reduction of $526.8 million in fiscal year 1976 and an increase of $254.6 million in the transition period.

Mr. President, this is a large supplemental appropriations bill. However, as I have just indicated, it is below the budget estimate and should be within the target ceiling established by the Budget Committee. As I indicated when we passed the bill on the Senate floor, this bill is concerned with cost-of-living pay increases; public assistance payments; compensation, pensions, readjustment benefits, and medical care for veterans; liquidation of obligations of the Federal highway program; child nutrition; housing loans for the elderly and handicapped; basic educational grants; and older Americans.

Mr. President, I support the adoption of the conference report. I do not think there are any questions about the conference report, at least I have not heard any.

Mr. BROOKE. Mr. President, I am pleased to recommend adoption of the conference report on chapter VI, the Labor-HEW chapter, of the second supplemental appropriations bill.

Our chapter includes funding for a variety of important programs for the balance of fiscal year 1976 and for the transition quarter. Among the programs for which we provide funding are health services, alcoholism and drug treatment, health planning, bilingual education, reading improvement, emergency school aid, education for the handicapped, grants for college students and assistance for older Americans.

In all for chapter VI the conferees appropriate $3,586,367,000. This is $849,519,000 more than the budget estimates and $326,558,000 more than the House bill, but $78,515,000 less than the amount provided in the Senate's bill. For the transition quarter, the conferees provide $577,788,000. This is $66,547,000 more than the budget requests, but $2,336,000 less than the House allowance and $11 million less than the amount in the Senate bill.

Let me cite two particularly important conference actions:

First. The conferees provided $30 million for emergency school aid, a program essential to the effort to desegregate public schools in Boston and other areas of the Nation. The House originally had nothing in its bill for this purpose in fiscal year 1976 while the Senate approved the $50 million I had recommended in an amendment. The conference allowance gives the Senate 60 percent of its request. We really need the $50 million, but I believe we have done well under the circumstances.

Also, I point out that the Senate report recommends that the funds for ESA "be targeted on areas—such as Boston, Louisville, and Detroit—which encounter special problems." And in the conference report on this supplemental, the conferees state they "expect that the entire amount will be distributed to emergency impact areas." I think the language of both documents makes it unmistakably clear to HEW the cities to which Congress is giving priority for ESA funding. Boston certainly is one such city.

Second. The conferees provided $12.5 million for health systems agencies—HSA's—under an amendment Chairman Magnuson and I sponsored. Here again the House had no funds for HSA's—but the Senate put in $20 million at our request. We did not get all we requested, but emerged with slightly more than 60 percent. I think we did well in such a situation. The additional funds certainly will be of help to the HSA's as they begin operation and undertake preliminary planning duties in the health field.

One other matter: I am glad both the House and Senate agreed to provide $750,000 to continue the so-called CLEO program which provides assistance for members of disadvantaged minorities to earn law degrees. Our Labor-HEW Subcommittee thoroughly examined this program and concluded that it fills a vital need and deserves to be continued.

I believe the Labor-HEW chapter of the supplemental provides adequately for the needs of many programs. I hope the President will sign the bill containing these funds.

Mr. McCLELLAN. Mr. President, I want to especially thank Senator Magnuson, the distinguished senior Senator from Washington, and other subcommittee chairmen for their special work and cooperation in connection with this bill and also the conference report. Personally, I was unable because of illness to attend the conference, but I commend the Members of the Senate who were the conferees for the splendid job they did in getting this conference report agreement.

At this point, Mr. President, I ask unanimous consent that a comparative statement be printed in the record that explains the Labor-HEW chapter of the second supplemental as agreed to by the conferees.

There being no objection, the comparative statement was ordered to be printed in the Record, as follows:

COMPARATIVE STATEMENT OF ITEMS CONTAINED IN CHAPTER VI OF THE SECOND SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 13172)

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES

Department and activity	Budget estimates	House bill	Senate bill	Conference agreement	Conference agreement compared with—		
					Budget estimates	House bill	Senate bill
DEPARTMENT OF LABOR							
Employment Standards Administration							
Salaries and expenses	$435,000	$100,000	$260,000	$260,000	−$175,000	+$160,000	
Transition period	321,000	281,000	445,000	445,000	+124,000	+164,000	
Departmental Management							
Salaries and expenses	174,000	60,000	10,060,000	5,060,000	+4,886,000	+5,000,000	−$5,000,000
Transition period	589,000	589,000	589,000	589,000			
Total, Department of Labor	609,000	160,000	10,320,000	5,320,000	+4,711,000	+5,160,000	−5,000,000
Transition period	910,000	870,000	1,034,000	1,034,000	+124,000	+164,000	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services Administration							
Health services, transition period		18,300,000	18,300,000	18,300,000	+18,300,000		
Center for Disease Control							
Preventive health services			25,900,000				−25,900,000
National Institutes of Health							
National Institute of Environmental Health Sciences, transition period		1,000,000	1,000,000	1,000,000	+1,000,000		
Alcohol, Drug Abuse, and Mental Health Administration							
Alcohol, drug abuse, and mental health:							
1. Project grants and contracts	126,126,000	126,126,000	126,126,000	126,126,000			
2. Grants to States	35,000,000	35,000,000	35,000,000	35,000,000			
Total	161,126,000	161,126,000	161,126,000	161,126,000			
Transition period	12,090,000	29,190,000	32,690,000	32,690,000	+20,600,000	+3,500,000	
Saint Elizabeths Hospital	375,000	125,000	125,000	125,000	−250,000		
Transition period	375,000	1,007,000	1,007,000	1,007,000	+632,000		
Buildings and facilities	5,200,000	5,200,000	5,200,000	5,200,000			
Health Resources Administration							
Health resources			8,000,000	4,000,000	+4,000,000	+4,000,000	−4,000,000
Office of Education							
Elementary and secondary education:							
1. Bilingual education			3,650,000	1,200,000	+1,200,000	+1,200,000	−2,450,000
2. Right to read:							
(a) State administration			5,300,000	4,800,000	+4,800,000	+4,800,000	−500,000
(b) Inexpensive book distribution			4,000,000	2,000,000	+2,000,000	+2,000,000	−2,000,000
Total			12,950,000	8,000,000	+8,000,000	+8,000,000	−4,950,000
Transition period		3,000,000	3,000,000	3,000,009	+3,000,000		

COMPARATIVE STATEMENT OF ITEMS CONTAINED IN CHAPTER VI OF THE SECOND SUPPLEMENTAL APPROPRIATIONS BILL (H.R. 13172)—Continued

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES

Department and activity	Budget estimates	House bill	Senate bill	Conference agreement	Conference agreement compared with—		
					Budget estimates	House bill	Senate bill
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued							
School assistance in federally affected areas			$40,000,000	$24,000,000	+$24,000,000	+$24,000,000	—$16,000,000
Emergency school aid			50,000,000	30,000,000	+30,000,000	+30,000,000	—20,000,000
Transition period		$3,000,000	3,000,000	3,000,000	+3,000,000		
Education for the handicapped		90,000,000	90,000,000	90,000,000	+90,000,000		
Higher education:							
1. Basic educational opportunity grants	$404,200,000	791,000,000	791,000,000	791,000,000	+386,800,000		
2. Fellowships for the disadvantaged		750,000	750,000	750,000	+750,000		
Total	404,200,000	791,750,000	791,750,000	791,750,000	+387,550,000		
Transition period		1,000,000	1,000,000	1,000,000	+1,000,000		
Library resources, transition period	12,937,000	12,937,000	12,937,000	12,937,000			
Salaries and expenses		1,575,000	1,575,000	1,575,000	+1,575,000		
Transition period		635,000	635,000	635,000	+635,000		
Social and Rehabilitation Service							
Public assistance:							
1. Maintenance assistance	731,104,000	731,104,000	731,104,000	731,104,000			
2. Medical assistance	495,993,000	495,993,000	744,026,000	744,026,000	+248,033,000	+248,033,000	
3. Social services	750,898,000	750,898,000	750,898,000	750,898,000			
4. State and local training	10,972,000	10,972,000	10,972,000	10,972,000			
Total	1,988,967,000	1,988,967,000	2,237,000,000	2,237,000,000	+248,033,000	+248,033,000	
Transition period	440,500,000	440,500,000	440,500,000	440,500,000			
Special Institutions							
Gallaudet College	396,000	396,000	396,000	396,000			
Transition period	135,000	135,000	135,000	135,000			
Howard University	2,400,000	2,400,000	2,400,000	2,400,000			
Transition period	900,000	900,000	900,000	900,000			
Assistant Secretary for Human Development							
Human development:							
1. Rehabilitation service projects			4,465,000	3,565,000	+3,565,000	+3,565,000	−900,000
2. Programs for the aging:							
(a) Community services	97,235,000	120,035,000	125,600,000	123,835,000	+26,600,000	+3,800,000	−1,765,000
(b) Research, demonstrations, and manpower	5,765,000	19,000,000	19,000,000	19,000,000	+13,235,000		
(c) Federal Council on Aging	575,000	575,000	575,000	575,000			
Total	103,575,000	139,610,000	149,640,000	146,975,000	+43,400,000	+7,365,000	−2,665,000
Transition period	25,894,000	50,150,000	55,150,000	50,150,000	+24,256,000		−5,000,000
Total, HEW	2,666,239,000	3,181,149,000	3,576,062,000	3,502,547,000	+836,308,000	+321,398,000	−73,515,000
Transition period	492,831,000	561,754,000	570,254,000	559,254,000	+66,423,000	−2,500,000	−11,000,000
RELATED AGENCIES							
Public broadcasting fund	70,000,000	78,500,000	78,500,000	78,500,000	+8,500,000		
Transition period	17,500,000	17,500,000	17,500,000	17,500,000			
Total, Chapter VI	2,736,848,000	3,259,809,000	3,664,882,000	3,586,367,000	+849,519,000	+326,558,000	−78,515,000
Transition period	511,241,000	580,124,000	588,788,000	577,788,000	+66,547,000	−2,336,000	−11,000,000

Mr. MAGNUSON. Mr. President, the conference agreement reached last week retained most of the recommendations of the Senate on the Labor-HEW chapter of the fiscal year 1976 second supplemental. The chapter VI Labor-HEW total of $3.5 billion is much closer to the $3.6 billion Senate-passed version than the $3.2 billion House-passed version of the bill. These funds are urgently needed to cover the unmet needs in vital Federal health and education programs.

The final bill retains the Senate recommendation of $248 million to meet rising hospital costs under the medicaid program. The House has agreed that now is a better time to provide this.

We have also provided $161 million for the newly authorized drug abuse community programs; $12.5 million for the new health systems agencies; and $10 million for regional medical programs.

I just want to take a moment here to clarify and reinforce the conference report language relating to regional medical projects. That language is as follows:

> The conferees agree that the additional $10,000,000 which has been allowed for Regional Medical projects is for the transition of these programs into the new Health System Agencies. It is the understanding of the conferees that these funds will be sufficient to continue exemplary Regional Medical projects which are to be assimilated into the Health System Agencies.

What the Congress very clearly and simply is doing here is providing $10 million for outstanding RMP projects which must be funded or else they will not survive. Many of these are health service programs and are vitally needed in the communities they serve.

This amount of money will keep the projects going. To allow them to just stop would be a disaster to many citizens and a wasteful approach to better health care as we move toward newly authorized programs.

In the area of education, we have added $791 million to prevent cuts in aid to more than 1.5 million students attending colleges and trade schools. This money will prevent many students from having to drop out of school, since it goes to students whose families just cannot afford a 50-percent cut in Federal aid. The $90 million provided for education of the handicapped will improve schooling for 752,000 of our handicapped children who are presently getting a poor education or no education at all.

The conference bill includes $147 million for programs for the elderly, including vocational rehabilitation and manpower training services.

The conferees agreed that a statewide aging demonstration project in Washington State is funded with $3,800,000, and $1,100,000 is included for vocational training services projects such as the Seattle Handicapped Center. Construction of a recreational complex for the handicapped in West Virginia is funded with $2,465,000.

The bill also includes $78.5 million for the Corporation for Public Broadcasting to help finance public television and radio stations.

Finally, I am pleased we were able to provide $5,000,000 to continue the mountain-plains family education and employment program located near Glasgow, Mont. This has been one of the most highly successful training programs in the Nation for the unemployed; it should serve as a model for the rest of the country.

In summary, Mr. President, this bill will provide valuable assistance to people who are now in need of improved health services and education and training programs.

I urge the Senate to adopt this conference report.

ADDITIONAL STATEMENTS SUBMITTED ON H.R. 13172

Mr. EAGLETON. Mr. President, as a member of the Committee on Appropriations, I rise in support of the conference report to accompany H.R. 13172, the second supplemental appropriations bill. I would like to draw your attention to the fact that the conference committee has decided against using this bill as the vehicle for funding the transition quarter needs of the nutrition supplement program for pregnant and lactating women and their young children, WIC. In so doing, the conferees have decided to treat WIC in the same manner as we did in the Appropriations Committee. Thus, it has refused to accept the Senate's floor amendment which provided $62.5 million for the WIC program out of regular appropriations.

I would like to clarify my position with regard to this important antihunger effort. I support WIC. I think that, probably more than any other child nutrition program, it attacks the root—not only the symptom—of the problem. It provides nutrition assistance at that stage of life when it can do the most good.

Therefore, I want to see the Agriculture Department spend the moneys that we have mandated. For that reason, I have supported legislation that requires that the Agriculture Secretary make available and spend $250,000,000 in both fiscal years 1976 and 1977, and one-quarter of that amount for the 3-month transition quarter, in addition to any and all carryover funds which the Department has not expended.

The Appropriations Committee decision not to use regular appropriations to fund WIC during the transition quarter does not contradict that intent. Indeed, it simply requires that the $62,500,000 for the program come from moneys authorized for transition quarter expenditure in the Child Nutrition Act, and not from this supplemental. That act specifically mandates that if regular appropriations are insufficient to reach the authorization levels for either fiscal years 1976, 1977, or the transition quarter, then an additional amount of money must be made available, and spent, out of section 32 funds.

Therefore, this supplemental appropriations bill does not affect WIC program expenditure in the transition quarter, much less in fiscal year 1977. This summer's $62,500,000 will come from section 32 funds and be available until expended in addition to any fiscal years 1975 or 1976 carryover moneys.

Mr. FONG. Mr. President, I want to assure my colleagues that the conferees on the part of the Senate made a determined effort to sustain the Senate position on the WIC provisions in the supplemental bill. The Senator from Wyoming, (Mr. McGEE) who is the chairman of the subcommittee that handles this matter, was present throughout the conference and did his best to defend the Senate position.

He was met, however, with data which showed clearly that the funds included in the Senate bill were not needed by the Department to carry out this program through the transition period and, in fact, would not be spent in that period. It was on that basis that the Senate provision did not prevail. The House conferees were most adamant that they would approve funds in a supplemental appropriations bill that were in excess of current program needs and that would not be utilized until the next fiscal year.

The principal proponents of the Senate amendment have contended that the Department has failed to properly and fully administer this program and that this failure is the reason that existing funds are sufficient to meet program needs through the transition period. This might be the case. But, even if it is, it does not alter the situation as far as funding program through September 30, 1976.

Mr. President, there can be no disagreement or misunderstanding as to the position of the Congress in reference to the Department's administering this program as provided by law. The Senate Appropriations Committee, and the Senate itself, made this clear by their respective actions. The House conferees also expressed strong support for the program and expressed their opinion that the law must be carried out.

I would point out too, Mr. President, that of the five members of the Senate Appropriations Committee who prepared and signed the "Additional Views" to the Senate Committee report on this bill, four of them served on the conference committee. As I pointed out earlier, Senator McGEE—who did not sign the additional views—carried the burden in attempting to sustain the Senate's position. But neither he nor the other Senate conferees could sustain that position in view of the funding situation of the program at the present time.

FOOD AND DRUG ADMINISTRATION

Mr. President, the appropriation for the Food and Drug Administration is another item on which the Senate conferees were compelled to yield in conference, following a lengthy and detailed discussion.

The House conferees, of course, had the same information and data as the Senate conferees. The Food and Drug Administration submitted an amendment to the budget estimates for fiscal year 1977 in the amount of $16,388,000 for the clinical and pre-clinical testing programs so eagerly sought by the proponents of this amendment. During Senate action on the bill, this amount was increased to $19,953,000 and that is the amount that was taken to conference.

The Food and Drug Administration, the Department, and the administration have all agreed that this is a badly needed program, one which should be undertaken as soon as possible. They are gearing up now to implement this program.

We were advised, however, that with only a few weeks remaining in fiscal year 1976, they could not obligate any funds during the remainder of the current fiscal year. They further advised that they could only obligate a maximum of $1,200,000 during the transition quarter. This is the amount included in the second supplemental of 1976, as reported by the conference committee. In other words, by the action of the conference committee, the Agency has been given all of the money it can obligate through September 30, 1976.

The regular, or annual, appropriations bill for fiscal year 1977 will be considered within the next few weeks, well before the beginning of the new fiscal year on October 1. The amended budget estimate and all other aspects of this matter will be considered fully in connection with that bill. The House conferees were not agreeable to including in this 1976 supplemental appropriations bill funds that would not be required, and could not be obligated, prior to fiscal year 1977.

Mr. HOLLINGS. Mr. President, I rise during today's consideration of the conference report to accompany H.R. 13172 to reemphasize a point about the WIC program's funding needs. I initially made this point, along with many of my colleagues, in the Appropriation Committee report on this bill.

The issue of WIC funding is again relevant, Mr. President, since in conference we decided against accepting a Senate amendment which would have appropriated $62.5 million from regular appropriations for WIC during the transition quarter.

In making this decision, we were aware that Public Law 94–105 provided for a separate $62.5 million in the transition quarter. As we indicated in the conference report, $62.5 million is authorized for the transition quarter and since authorized funding levels through fiscal year 1977 must be taken out of section 32 if not appropriated through the regular appropriations process, there was no need to provide money in the bill. In order to guarantee a separate amount of funds for WIC this summer, to supplement the carryover funds available from fiscal years 1975 and 1976, funds will be taken from section 32.

In other words, an additional $62.5 million—or a prorata share of the $250 million which Congress has mandated be spent in fiscal years 1976 and 1977, and which is authorized for fiscal year 1978—must be made available from section 32 and expended by the Agriculture Secretary during the transition quarter, or carried over to fiscal year 1977. Similarly, if there are no regular appropriations for WIC program operation in the fiscal year 1977 appropriations bill, section 32 funds must be expended to reach the $250 million mandate in the enabling legislation, in addition to any funds unspent in the transition quarter. Thus, this provision assures the funding for the smooth operation of the program, when we are dealing with food assistance so essential to nutritionally disadvantaged mothers and infants.

Mr. MATHIAS. Mr. President, I would

like to take this opportunity to express my appreciation to the distinguished chairman of the Transportation Appropriations Subcommittee, Senator BAYH, for his continued strong support of the Washington Metro system. The opening of the first segment of Metro this March has signaled the beginning of a new era in efficient public transportation in the National Capital region. Provisions for $287 million of interstate substitutions for the Metro system in this second supplemental appropriations bill help to reaffirm the committee's commitment to completion of the entire Metro system.

Mr. BAYH. Although the long-range financing of the Washington Metro still faces some problems, I am hopeful that we will be able to see the entire system completed as originally envisioned by Congress.

Mr. MATHIAS. The explanatory statement of the committee of conference includes some references to the analysis of alternatives for selected unbuilt segments of the Metro system. I assume that the intent of this language was not in any way to delay Metro's current construction schedule.

Mr. BAYH. That is correct. We do not intend to disrupt the current construction program with unnecessary studies. The primary concern of the managers on the part of the Senate is to assure that the Metro construction program continues in an orderly, logical, and efficient sequence.

Mr. MATHIAS. Then it would be reasonable to assume that any analysis of alternatives would be limited primarily to those segments that are not already in the final design phase.

Mr. BAYH. That is correct. I would anticipate that unnecessary study of segments already in the final design phase could only serve to delay progress and increase costs. Our hope is that UMTA and Metro will work together to identify those segments, if any, which should be subjected to further analysis.

Mr. MATHIAS. As you recall, the Washington Metro system was carefully planned, and approved by Congress, after a very thorough review of alternative methods of meeting the transportation needs of the Nation's Capital. Local jurisdictions have made their contributions to WMATA based on the plans for a complete rapid transit system.

Mr. BAYH. I certainly agree that the planning for the Metro system has been based on a careful analysis of alternatives. In attempting to resolve differences in House and Senate report language on the second supplemental, we have attempted to indicate an expectation that UMTA and WMATA should consider if any further analyses are appropriate at this time.

Mr. MATHIAS. I appreciate the Senator from Indiana's indulgence in providing this explanation, and the interest of the other members of the Transportation Appropriations Subcommittee, especially Senator CASE, the ranking minority member, in the future of the Metro system.

Mr. DOLE. Mr. President, today, I am confident this body will enact another appropriations bill. Money will be appropriated and programs will continue. The funding for so many of these programs seems to flow so smoothly, sometimes too smoothly. But there is one worthwhile program whose funding does not flow. In fact, it barely trickles. Indeed, it seems to have nearly dried up.

It is the WIC program, by far one of the most productive and effective programs the Senate Agriculture Committee has ever written into law. As the ranking minority member of that committee, I am proud to have supported this effort which saves lives and improves the quality of life for many needy Americans at nutritional risk. The WIC program is there to guarantee that no pregnant woman should ever have to risk her life and the life she carries, because of inadequate nutrition. It is there to make sure the life of a newly born infant is not irreparably damaged because he or she suffered from poor nutrition in those most important early months and years of life. It is a couple of dollars' worth of food which can safeguard the future health of an otherwise lost generation of our citizens.

Simply stated. WIC works.

But clearly, the benefits provided through WIC do absolutely no good to a woman or child who doesn't happen to live in an area served by a WIC clinic. Our compassion—and good commonsense, I may add—in enacting this program only goes as far as the geographical borders of a particular WIC project area.

Right now, the Department of Agriculture, which runs the WIC program, is sitting on 235 local health agency applications which would provide virtually life-giving nutrition assistance to over 500,000 women and children. Half a million highly vulnerable, poor, and likely undernourished people are separated from that all-important food assistance because USDA has not seen fit to fund these programs.

In my own State of Kansas, only 3,092 persons are receiving WIC benefits. Yet the USDA has delayed meaningful action of applications to increase the Kansas caseload to 9,069. In Wyandotte County, the project area designated by the State bureau of maternal and child health as having the highest nutritional risk, a meager 593 caseload has been funded even though the county health department has justified its application for a 2,921 caseload. What possible justification can there be for this inaction? What reason? It is a sobering thought to consider that lives may have been lost or relegated to future ill-health because some administrative decision got between statutorily provided WIC funds and local applicant agencies.

Is it that we have failed to provide authorization for the use of WIC moneys? Have we failed to appropriate the funds for WIC expansion? It is a small comfort to this Senator that we have done all in our power to help WIC work.

Sadly, it is a problem of USDA not doing its job. They have the money; indeed, they will have $125 million left over out of the funds we have provided this fiscal year. What can the Senator from Kansas tell the health agencies in his State who are waiting for the money to feed over 6,500 people in need of WIC assistance?

In the Agriculture Committee we have labored to make our intent clear. In 1972, we enacted legislation which started the WIC program, but it took 2 years and numerous court decisions for it to be of any assistance to a mother or child who needed it. And last year we worked hard to report to this body a bill that expanded WIC to $250,000,000 a year so that more people could be served. In fact, in order to make our intention absolutely clear, we provided a means of guaranteeing smooth sailing for WIC by requiring section 32 funds to be used for this year, the transition quarter, and next year if regular appropriations were late or not available. And we made sure that any unspent moneys were to be available for use in WIC until they were expended.

Our legislation has funded a program that only reaches a small percentage of the people who can benefit from its high-protein food. That the Agriculture Department should arbitrarily erode even the limited potential of our legislation is intolerable.

So I say to the administrators hiding behind the piles of unanswered applications: "Enough delay. Stop the stalling. Process those applications and fund those needed clinics. We don't pass laws here just so that our friends in the Press Gallery can tell the folks at home how compassionate we are. It is no longer a question of compassion. The laws are there. It is just a matter of following them."

Mr. McCLELLAN. Mr. President, if there are no further questions and there is no other discussion, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

International Development Assistance

Multilateral assistance

Payment to International Fund for Agricultural Development

For payment to the International Fund for Agricultural Development, as authorized by section 103(e) of the Foreign Assistance Act of 1961, as amended, $200,000,000, to remain available until expended: Provided, That the funds made available in this paragraph shall not be obligated or expended until proper justification of the obligation or expenditure of such funds is provided to the Committees on Appropriations of the Senate and the House of Representatives.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 61 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$7,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Provided, That $5,000,000 shall remain available until September 30, 1977 to carry out activities of the Mountain-Plains Family Education and Employment Program authorized by title III of the Comprehensive Employment and Training Act of 1973:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 80 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

For an additional amount for "Health resources" $4,000,000 to remain available until expended for the construction of a medical facility under section 305(b) (3) of the Public Health Service Act without regard to the requirements of section 308.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 81 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

For carrying out titles IX and XV of the Public Health Service Act, $22,500,000, to be derived by transfer from funds appropriated under this head in Public Law 94–206 for carrying out title XVI of the Public Health Service Act: Provided, That $10,000,000 for carrying out title IX shall remain available until expended, notwithstanding the limitations of section 5(a) (2) of Public Law 93–641: Provided further, That the appropriation under this head in Public Law 94–206 for fiscal year 1976 is hereby amended by repealing the second proviso and by striking out "$100,000,000 for Title XVI" and inserting in lieu thereof "$51,760,000 for Title XVI."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

For an additional amount for "School assistance in Federally affected areas", $24,000,000, to remain available until expended only for payments under subparagraphs (A), (B), (C), and (D) of section 305 of the Education Amendments of 1974.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 87 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

and the Rehabilitation Act of 1973, $146,975,000 of which $2,465,000 under section 304 (b) (3) of the Rehabilitation Act shall remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 126 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

For an additional amount for "Capitol Guide Service", $37,100, to be disbursed by the Secretary of the Senate: Provided, That notwithstanding the provisions of Public Law 94–59, the Sergeant at Arms and Doorkeeper of the Senate and the Sergeant at Arms of the House each, subject to approval of the Capitol Guide Board, may appoint not to exceed ten additional temporary guides at an annual rate of compensation not to exceed $11,130 during the period May 1, 1976, through September 30, 1976.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 127 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

For an additional amount for "Capitol Guide Service" for the period July 1, 1976, through September 30, 1976, $55,650, to be disbursed by the Secretary of the Senate.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 171 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Operations, Research, and Facilities

For an additional amount for "Operations, research, and facilities", for the period July 1, 1976 through September 30, 1976, $2,000,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 178 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$10,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 184 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

; together with $13,800,000 for rail service assistance programs authorized by section 803 of Public Law 94–210 and section 402 of Public Law 93–236, as amended, and for necessary administrative expenses in connection with Federal assistance not otherwise provided for; together with $1,250,000 for the necessary expenses of the minority resource center as authorized by section 906 of Public Law 94–210.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 187 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

Projects Substituted for Interstate System Projects for necessary expenses to carry out the provisions of title 23, U.S.C. 103(e) (4), $188,000,000, to remain available until expended: Provided, That such amounts as are necessary to carry out highway projects substituted for Interstate System segments shall be transferred to the Federal Highway Administration.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 196 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$9,600,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 197 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$3,800,000.*

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate as stated by the legislative clerk.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. McCLELLAN. I thank the Chair.

CERTAIN ANTITRUST ACTIONS BROUGHT BY STATE ATTORNEYS GENERAL

The PRESIDING OFFICER. The question now recurs on the unanimous-consent request to proceed to consider H.R. 8532, which is not debatable.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Will the Senator withhold that request?

Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the unanimous-consent request on H.R. 8532, to proceed to its consideration.

Mr. HRUSKA. We believe it was the Senator from South Carolina who had the floor when the two intervening items of business, consisting of the conference report, were called up.

Mr. MANSFIELD. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. If that is true, I have not been pressing the matter too closely, but, as the Chair indicated, I did make a unanimous-consent request, which is the pending business, and there has been a reservation of the right to protest. The distinguished Senator from Nebraska has been farming out time, which is all right with me, but I hope that we could, within a reasonable time, see if it is possible to find a solution. So, with that statement, I will ask the Chair to recognize the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I ask unanimous consent to yield to the distinguished Senator from Alaska (Mr. STEVENS) on a matter he wishes to take up.

Mr. STEVENS. Mr. President, I ask unanimous consent that staff member Steven Perles be admitted to the floor for the remainder of this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Sneeden, of my staff, be allowed the privilege of the floor during the consideration of S. 1284 and H.R. 8532.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. MANSFIELD. Mr. President, will the Senator yield? May I express the hope that the distinguished Senator or any other Senator will not spend the rest of the afternoon just reading editorials or news stories because we are trying in good faith to see if it is possible to arrive at a solution, and if we are going to have a filibuster, I would like to know about it so that the Senate can be informed accordingly, and those who might be involved will be allowed to go home, have dinner with their wives, visit with their children, and listen to the news on TV this evening. [Laughter.]

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. MANSFIELD. Mr. President, I

suggest the absence of a quorum without the Senator from South Carolina losing his right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I have just read three editorials from different parts of South Carolina on this particular subject.

I now wish to present to the Senate an editorial from the Greenville-Piedmont on this subject, published in Greenville, S.C., and dated March 17, 1976:

> Just for the record, the threat is known as "parens patriae" in House bill 8532 and Senate bill 1284.
>
> The House measure is scheduled to come up before this week's recess, and the Senate's action is scheduled in early April.
>
> In simple lay terms which might better be understood than "parens patriae," the bills would empower all state attorneys general to sue for treble damages in cases of real or imagined consumer grievances against any firm doing business in whatever state the suit is initiated.
>
> So much and so highly complicated legislation is coming before Congress these days that it is virtually impossible for the news media to keep the public informed sufficiently about the various bills' good and/or bad points.
>
> Fortunately, we have run across truly frightening aspects of a seemingly harmless measure which on the surface would appear to benefit consumers.
>
> This could translate into a 50-state nightmare for larger companies heavily involved in interstate business, and could hurt even worse the many smaller firms not equipped financially or otherwise to combat every potential suit coming from 50 states or, for that matter, even one state.
>
> Worse, the suits can be begun either on consumer complaints (with help of very costly lawyers) or can be started by the state attorney general's office itself.
>
> Fullest ramifications of the latter are staggering from the standpoint of politically motivated state officials trying to make them selves appear to be champions of consumers by sticking Big Business with a hot poker at every opportunity. Also a boondoggle, the official can hire outside lawyers to handle the suits.
>
> The bills are so bad, are such a threat to the whole system of justice, that even the American Bar Association's contentions include so many violations of established court principles that they cannot possibly be listed in this short space, but take our word that the bills contain a horrifying——

I wish the Senate would catch that adjective, horrifying.

> . . . number of abridgements of long-established Constitutional and other rights both criminal and civil.
>
> One strange feature of the bills is that Big Labor is included under the anti-trust provisions for the first time.
>
> Unions can be expected to slip out of the noose, of course, but it is interesting that labor is included in this sneaky piece of leglislation whereas it was not in the so-called Consumer Agency bills that have failed several times in Congress, in large measure due to this glaring omission.
>
> This type legislation is a wide open license for state and nationwide political chicanery, ridiculous lawyer enrichment, blackmail of business and industry, and so on down an untold line of rotten undermining of virtually every human right.
>
> We do not believe that if the bills passed, South Carolina's present and similar attorneys general would take advantage of the situation.
>
> Neither can we readily see present South Carolina lawyers leaping in to bring too many cases.
>
> But it is possible the future would present considerable temptations for wealth and political glory, particularly if those of other states began the march to disaster.
>
> One really frightening aspect for South Carolinians to consider is that any of the other 49 States where Palmetto-based commerce and industries do business could literally put them into bankruptcy and closings.
>
> Similarly, commerce severely treated in South Carolina would have no choice except to quit trying to do business in this state, and would withdraw completely into more "friendly" states.
>
> In any event, consumers will as usual pay the final bills, and many of these costs could be caused by other states though South Carolinians have no interest or complaints.
>
> They can use plenty of encouragement from their constituencies, and time is indeed short to register opinions concerning this tragedy being pushed through in the guise of consumer protection.

Mr. President, I now wish to present to the Senate an editorial from my home county paper, the name om which is the Aiken Standard, Aiken, S.C. This editorial is dated March 25, 1974. It is entitled "'Sleeper' Needs Watching":

> Within a matter of days, Congress will be making vital decisions concerning two bills that are "sleepers" in the worst sense of the word.
>
> The two bills are H.R. 8532 and S. 1284 (the House and Senate versions respectively). South Carolinians who are interested in government and its effect upon everyone would do well to take a close look at the fine print in these two bills.
>
> Ironically the two bills seem to us to have a close resemblance to the wolf in sheep's clothing. They are costumed as "consumer redress" measures, which instead of protecting the interest of consumers, would in fact serve the special interest of lawyers at vast cost to the economy, the consuming public and the sprawling judicial system which taxpayers are supporting.
>
> In some quarters the two bills have been heralded as consumer panacea against business "price-fixing." The bills are known as Parens Patriae (which, literally translated means "father of the country"), but Congressman James Delaney, New York Democrat, says that it would instead be "a Roman holiday for lawyers."
>
> All 50 state attorneys general would be authorized to use federal courts to bring treble-damage "class action" suits against any and all firms for alleged "price-fixing" under the Sherman Anti-Trust Act. States' attorneys general further would be empowered to farm out litigation to lawyer friends. The procedure suggests that the potential for making business political scapegoats under such circumstances is virtually unlimited. And while state attorneys general reap huge rewards for their role as anti-corporate "fathers of the country," plaintiffs' lawyers would be permitted under the proposed law to handle class actions on a contingency fee basis.
>
> The proposed legislation as now written will eliminate any need to establish that any individual even had been injured.
>
> Congressman Delaney added this comment: "I can see that this is the worst tub of worms that I've ever heard of . . ."
>
> Other remarks thus far on record:
>
> Rep. John Seiberling, Ohio Democrat: "They have a bill with some real chambers of horrors in it, with all kinds of problems . . ."
>
> Rep. John B. Anderson, Illinois Republican: ". . . there would be very few, if any corporate enterprises in the country that could every really afford to let one of these suits even go to trial because they would be totally unable to pay damages in that amount . . ."
>
> Rep. B. F. Sisk, California Democrat: "I think this contingent-based business is what is literally destroying us in connection with malpractice insurance and a lot of other things . . ."
>
> Rep. Charles E. Wiggins, California Republican: "Any corporate defendent faced with a $30,000,000 exposure filed by an official of the state in which that corporation is doing business is going to talk settlement as a matter of survival . . .
>
> "This becomes an enormous, indeed almost unconscionable, economic political club to extract settlements out of corporations in cases which may never go to trial."
>
> Protecting consumer interests is one thing. Enacting laws which legalize an enormous rip-off throughout the country is quite another.

Mr. President, those are just five editorials that appeared in my State, from the upper part of the State, the middle part of the State, and the lower part of the State.

I think they illustrate clearly the dangers of this bill that is desired now to be brought up.

Mr. President, the American Bar Association has gone on record. We have the resolution here. They testified on the bill and they feel very strongly about this bill. They are very bitterly opposed to it, but I will not go into that at this time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROCK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 8471 AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 8471, an act to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone, be held at the desk until further disposition.

The PRESIDING OFFICER. Without objection——

Mr. ALLEN. Reserving the right to object, what is that measure, if I may be permitted to inquire?

Mr. MANSFIELD. Did the Chair agree to my request?

The PRESIDING OFFICER. Without objection——

Mr. ALLEN. I withdraw my objection.

Mr. GRIFFIN. Reserving the right to object, I want to say most respectfully to the distinguished majority leader, although I do not know that I have any objection in terms of having it cleared on this side, I cannot find anyone it has been cleared with.

Mr. MANSFIELD. Will the Chair rule?

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. I am advised that the minority on the Commerce Committee has cleared it. I will state that for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CERTAIN ANTITRUST ACTIONS BROUGHT BY STATE ATTORNEYS GENERAL

Mr. ABOUREZK. Mr. President, I ask unanimous consent for the privilege of the floor during consideration of the pending legislation for the following staff members of the Committee on the Judiciary:

The PRESIDING OFFICER. There is no pending legislation.

Mr. ABOUREZK. There is not?

All right. For the legislation, S. 1284 and H.R. 8532, if and when these measures are considered. Tom Susman, Bernie Nash, Buck O'Leary, Pat Springer, Chuck Ludlum, Philip Shipman, Harrison Welfad, Peter F. Gold, and Mike Klipper.

Mr. HRUSKA. Peter N. Chumbris and J. C. Argetsinger.

Mr. ALLEN. Mr. President, reserving the right to object, how many staff members?

Mr. HRUSKA. Two on our side.

Mr. ABOUREZK. There are 12, unless that last name is 2 names.

Mr. HRUSKA. Two initials and one name.

That is two on our side.

Mr. ALLEN. That seems to be an adequate number if other Senators make similar requests.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, may I ask interested Senators what has been the result of the conference in the smoke-filled backroom?

Mr. HRUSKA. Mr. President, in reply to that, the Senator from Nebraska states that the bulk of the conference occurred in the sacred precincts of the Senate Chamber, and there was no tobacco smoke there.

We have discussed the matter, and there are some facets of it that we would like to pursue further with the majority leader by way of informal discussion.

Mr. MANSFIELD. Fine.

Mr. HRUSKA. With that thought in mind, may I renew a quorum call?

Mr. MANSFIELD. Surely.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENT SUBMITTED ON H.R. 8532

Mr. TUNNEY. Mr. President, I speak today in support of the Hart-Scott Antitrust Improvements Act of 1976, one of the most significant procedural reforms in the history of Federal antitrust laws.

Its five major titles have been the subject of extensive investigation over the past 17 years.

In our most recent consideration of these provisions, we have heard from over 40 witnesses, including numerous opponent, and have spent over 16 hours of markup time in committee.

The intense effort that has gone into formulating this measure is reflected by its extensive bipartisan support: From the AFL/CIO to the National Farmers Union to the FTC, and across major party lines as well.

What most people have come to recognize is that the Judiciary Committee has carefully forged an act to improve and modernize antitrust investigative and enforcement mechanisms, to stimulate competitive forces in our society, and to undercut monopoly and oligopoly power in our economy in general. In general, its provisions dramatically improve the effectiveness of antitrust enforcement.

For example, title IV seeks to represent adequately the consumer interest in antitrust enforcement by providing for parens patriae suits by State attorneys general. It does not change substantive law, but simply offers an effective mechanism whereby thousands of particularized consumer complaints can be represented in a single suit.

This measure is a reasoned response to the virtual foreclosure of the rule 23 class action option by the Supreme Court. For in requiring actual notice to all members of a class, the Court has eliminated an effective tool for vindicating the consumer interests.

By allowing State attorneys general to sue on behalf of many private individuals, we assure that consumers' interests will be represented. Size of one's injury will no longer be a barrier to the protection of the antitrust laws.

Furthermore, coalescing these consumer interests into one parens patriae suit helps our judicial processes. For instead of flooding our courts with thousands of individual complaints stemming from antitrust violations, now there would be a single suit by the Attorney General.

Thus, in addition to representing consumers' interests adequately, this measure serves to reduce the congestion that currently plagues our courts.

Title IV's treble damage remedy also is a beneficial provision, and is consistent with antitrust remedies dating back to 1890. In fact, section 4 of the Clayton Act—under which the parens patriae suits would be brought, requires that the remedy in private antitrust suits be treble damages.

For those who may think that this remedy is too harsh, I ask you to look at the damage to our free enterprise system that is caused by an antitrust violation. The free interplay of market forces is hurt. Consumers are hurt. Indeed, all of us suffer.

That is why the trebled damages are appropriate. And that is why this remedy must apply regardless of actual intent. As the Supreme Court has said:

> We reject the notion that naked restraints of trade are to be tolerated because they are well-intended or because they are allegedly developed to increase competition.

Another title, title V, pumps new vitality into the enforcement of section 7 of the Clayton Act. Section 7, of course, was intended to arrest the anticompetitive effects of a merger in its incipiency. Justice Douglas has said that "the section can deal only with probabilities not certainties" and, therefore, "there is certainly no requirement that the anticompetitive power manifests itself in anticompetitive action before section 7 can be called into play." Thus, the very purpose of blocking an incipient merger is to prevent harmful anticompetitive effects from ever materializing.

Yet, under present law, companies do not have to notify authorities prior to merger and it is almost impossible for authorities to stay a merger in its incipiency. As a result, all of us must suffer from the effects of an illegal merger pending the completion of a lengthy antitrust suit.

By requiring 30 days' notice to authorities prior to merger, and offering the option of a 60-day temporary stay of the merger, we are providing antitrust officials with a precious 90 days in which to investigate and gather information. After that period, if a merger still is thought to be anticompetitive, authorities must demonstrate this to a reasonable probability in order to procure a preliminary injunction. Such a reasonable probability is perfectly consistent with the premise of section 7, which, as we have seen, is based on probabilities, not certainties.

This carefully tailored provision, then, permits authorities to establish the probability of a violation—to suspend the merger if necessary—within a limited time period. As a result, consumers in America do not have to suffer for years from the lessening of competition caused by an illegal merger.

I am convinced that the Antitrust Improvements Act gives us a major opportunity to modernize our antitrust laws, to instill them with new vigor, and to increase their effectiveness.

We should not take this task lightly, for in the end, no less than our economic freedom is at stake. As the Supreme Court said in 1972:

> (The) antitrust laws . . . are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental personal freedoms. (For) the freedom guaranteed each and every business, no matter how small, is the freedom to compete—to assert with vigor, imagination, devotion, and ingenuity whatever economic muscle it can muster.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in adjournment until the hour of 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO MEET DURING THE SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may meet until 12 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE CONSIDERATION OF H.R. 8532 ON TUESDAY, MAY 25, 1976

Mr. MANSFIELD. Mr. President, it is evident that we cannot get very far tonight in the consideration of the unanimous-consent request which I made some hours ago. Therefore, Mr. President, I ask unanimous consent that on Tuesday next the joint leadership have the authority to proceed to the consideration of Calendar No. 781, H.R. 8532, at their discretion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And that it is to be decided without debate when the leadership calls it up, and it will be laid down and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And the discretion will be up to the joint leadership to make that request on Tuesday next, which will be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORTS CONTROL ACT OF 1976–77

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 832, S. 3439.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

The Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, there will be no further consideration of the pending business tonight. But for the information of the Senate it is hoped that we will be able to dispose of this legislation, which will be under the managership of the Senator from Minnesota (Mr. Humphrey) and the Senator from New Jersey (Mr. Case), I believe.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. On the disposition of S. 3439, it would then be the intention of the leadership to turn to Calendar No. 814, S. 3434, a bill to authorize certain construction at military installations, and for other purposes, which would be under the control of Senator Symington and Senator Tower, and on which I would hope there would not be too much time spent.

Then in view of the agreement reached, it would be the leadership's intention to turn to the consideration of Calendar No. 834, H.R. 12438, an act to authorize appropriations during the fiscal year 1977 for procurement of aircraft, missiles, naval vessels, and so forth, and so on. This would be the defense production bill.

Then we will see what happens when we go through this schedule.

Mr. GOLDWATER. When did the leader say we would reach H.R. 12438, the authorization bill?

Mr. MANSFIELD. Depending on how long it takes on the military construction authorization bill and the foreign military arms sales, both of which would be taken up tomorrow. It could be possible, if we do not spend too much time on those two bills, to get started on the defense procurement bill tomorrow. Certainly, we ought to be able to start on Friday and, hopefully, finish it by Monday with some luck—I would not bet on it—and then be in a position Tuesday to take up the antitrust bill which we have been discussing this afternoon.

ORDER FOR MORNING BUSINESS TO BE CONCLUDED AT 12 NOON TOMORROW

Mr. MANSFIELD. Mr. President, in view of the change in the schedule for tomorrow, I ask unanimous consent that morning business be concluded at 12 noon. Otherwise, under the usual procedure, it would last until 1 o'clock.

The PRESIDING OFFICER (Mr. Ford). Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when Calendar No. 775, S. 1776, is called up, that there be 1 hour on the bill and 1 hour on the McClure amendment, the time to be equally divided in the first instance between Senator Johnston and Hansen as far as the bill is concerned and, in the second instance, between Senator Johnston, the manager of the bill, and Senator McClure, the sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. And to carry it through, I ask unanimous consent that there be a 10-minute limitation on amendments to amendments, motions and appeals, and that the unanimous-consent request be considered in the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Hopefully, it will be possible to take this up some time this week, at least we will do our best.

Mr. TOWER. Will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. TOWER. Was there any discussion of the military construction bill?

Mr. MANSFIELD. Yes, we hope to take that up tomorrow, but it will be preceded by the foreign military arms sales legislation.

Mr. TOWER. I might say to the distinguished majority leader, we would be prepared to agree to a time limitation on that bill, as soon as we know what amendments are going to be offered to it.

Mr. MANSFIELD. I am delighted to hear that statement. We will discuss that tomorrow after we make some inquiries.

Mr. TOWER. Fine.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 11 o'clock tomorrow.

The motion was agreed to; and at 5:30 p.m., the Senate adjourned until tomorrow, Thursday, May 20, 1976, at 11 a.m.

NOMINATION

Executive nominations confirmed by Senate May 19, 1976:

National Credit Union Board

Wade Choate, of Texas, to be a member of the National Credit Union Board for a term expiring December 31, 1981, vice James W. Dodd, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 19, 1976:

Department of Justice

John A. Field III, of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The Judiciary

James C. Hill, of Georgia, to be U.S. circuit judge for the fifth circuit.

EXTENSIONS OF REMARKS

INDEPENDENT ORDER OF ODD FELLOW'S ANNUAL PILGRIMAGE TO THE TOMB OF THE UNKNOWN SOLDIER

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 19, 1976

Mr. HUMPHREY. Mr. President, on Sunday, May 2, 1976, some 3,500 members of the Independent Order of Odd Fellows, held their 43d annual pilgrimage to the Tomb of the Unknown Soldier.

The purpose of this pilgrimage is not only to honor the Unknown Soldier and the Nation's war dead, but also the members of the Independent Order of Odd Fellows who made the supreme sacrifice for our country.

This annual pilgrimage of members of the order from all over the United States is marked by distinctive fraternal and patriotic features.

The ceremony of remembrance of those who have given their lives to preserve the "American way of life" enshrines the principles of Odd Fellowship—friendship, love, and truth.

Three of the order's most prized jewels in honor of the Unknown Soldier of World War I, World War II, and the Korean conflict have been placed in the trophy room at Arlington Cemetery.

In this Bicentennial Year, Odd Fellows placed 73 wreaths at the Tomb of the Unknown Soldier and a wreath also was placed at the Canadian monument in Arlington Cemetery by the four international heads of the order: J. Douglas Moore of Perth, New Brunswick, Canada, sovereign grand master; Mrs. Hazel Lou Wallace of Shreveport, La., president of the International Association of Rebekah Assemblies; General Elmer Teft, General Commanding, of Sarnia, Ontario, Canada, of the General Military Council, Patriarchs Militant; and Lady Emma Wolfert of Buffalo, N.Y., president of the International Association of Ladies Auxiliaries, Patriarchs Militant.

The annual banquet, held in the city of Washington on the evening preceding the pilgrimage features addresses by distinguished leaders of the order and prominent statesmen.

Mr. President, I insert at this point the pilgrimage address for 1976 by J. Douglas Moore, sovereign grand master of the Independent Order of Odd Fellows.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PILGRIMAGE ADDRESS, 1976, WASHINGTON, D.C.—ARLINGTON NATIONAL CEMETERY

Mr. Chairman, Distinguished Guests, Fellow Officers, My Brothers and Sisters, Ladies and Gentlemen: As I stand upon this Hallowed ground and gaze out at row after row of graveposts, each marking the last resting place of an American patriot; I am aware of an overpowering sense of humility that it has fallen to me to deliver the address of this occasion in the Bicentennial year of this great nation.

Being a Canadian citizen, I feel incapable of appropriate expression of the appreciation I feel for this privilege; and to adequately state my acknowledgment of this high honor you have bestowed upon me. I trust that such words as I have to offer will be a fitting tribute to the Unknown Soldier, and to all those who share this reverent and respected resting place.

I am aware that there are those resting here of my own country, who fought and died in the cause of Freedom alongside your fathers, sons and daughters, and because of them I can sense that feeling of belonging, of kinship, with those of your nation who rest here. Because of them, I can envision that greater and deeper feeling you must experience in this place. To define such a feeling, one must possess more eloquence than I, to convey the awe, the loss and desolation, the wonderment at it all, and surely, most surely, that solemn pride of which Lincoln wrote in his letter to a grieving mother who had lost five sons in battle, when he said: "The solemn pride that must be yours to have laid so costly a sacrifice upon the altar of Freedom."

Yes, my brothers, sisters, and friends, truly yours must be a solemn pride as you look upon this grim fulfillment of that prophetic statement by a former President of this great nation. But, even more solemn, must be the realization of the great responsibilities that rest upon you, to protect and preserve that freedom; for which these whom we honor today made their sacrifice. Think of the great task that is yours to uphold those ideals of this nation in our world and our time. Consider for a moment all that is implied in your obligation to persevere against all foes in the defence of liberty; the pursuit of happiness; the right of free choice of the individual, truly an avocation of monumental proportions. It was for these ideals, that the Unknown Soldier laid down his life; for these ideals that all these hundreds of thousands down through the years willingly and voluntarily made their supreme sacrifice. Certainly there can be no greater eloquence than that expressed in the words of Patrick Henry and Nathan Hale: "Give Me Liberty or Give Me Death" and "I Regret I Have Only One Life To Give For My Country." Such dedication, such devotion can only be expressed by great men. But these were ordinary men, men of this land, who chose to die, rather than yield to the oppressive hand of tyranny, the humiliating yoke of slavery. With such a heritage, and tradition rising virtually from the moment of birth of this great nation, you, it's contemporary citizens must indeed be proud, and rightly so. Think also of the silent eloquence emanating forth from this view before us. So many, too many, to have been sacrificed in the cause of Freedom; and the defence of this Nation's ideals. Certainly their sacrifice was costly, vastly so; but not more than the duty devolved upon you to honor their sacrifice in defending those ideals for which they died.

In preparation for this occasion, I considered speaking on the virtues and attributes of the "Unknown Soldier" and what he would say to us today, if such were possible. Yet, I became possessed by the thought that, in this historic year, certainly every American must feel a great pride in the accomplishments of this country . . . accomplishments too often bought at terrible cost; the evidence of which lies all around us. Then, the words of Lincoln came back to me with vivid clarity and profound meaning. My friends, as you recall and re-enact the rich history of this great nation; as you observe and celebrate its bicentennial as you search for a self-rededication to the noble ideals upon which this country was founded and continues its existence; you must certainly stand a bit taller, walk a bit prouder, in the knowledge that you are an American and America is you. Surely, as you came to this place to participate in this tribute; you, each of you, must have sensed an awakening; a new awareness, of your duties and responsibilities to maintain these ideals at their highest level.

To do less would be to break faith with those whom we honor this day. To do less is to commit a grave injustice to the heritage of this nation. To do less is to deny the duties and allegiances you owe to yourself, your family, your fellow citizens, and to the world of Man. In expressing this tribute to the unknown soldier, may I offer the words of Ralph Waldo Emerson:

> Not Gold, but only man can make
> A people great and strong;
> Men who, for truth and honor's sake
> Stand fast and suffer long.
>
> Brave men who work while others sleep,
> Who dare while others fly
> They build a nation's pillars deep
> And lift them to the sky.

Let this then, be our tribute to the "Unknown Soldier"; our tribute to the Bicentennial; our tribute to America. May their costly sacrifice become the pillars of greatness that we will lift.

"The solemn pride that must be Ours!" Are we worthy of it's cost?

TRIBUTE TO OTTO KERNER, JR., FORMER GOVERNOR, STATE OF ILLINOIS

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. FARY. Mr. Speaker, I would like to call to the attention of the House the recent passing of a great American, Otto Kerner, Jr. of Chicago, a veteran of almost 30 years of public life, and a man I not only saw fit to admire politically, but personally as well.

I would have it here recorded that Otto Kerner was my friend, and that I shall always cherish the memory of that friendship.

As a member of the Illinois State Legislature in the 1960's, I had the honor of serving under the executive authority of Governor Kerner and, in so doing, came to recognize him as a man of the most enormous abilities.

Graduating law school in the 1930's, he established his own law practice in Chicago which he surrendered to serve the Country in World War II, in the 6-year period 1941–1946. Entering the Army as a private, he rose to brigadier general during World War II and was a member of the prosecution's legal team at Nuremburg. He was highly decorated, receiving both the Bronze Star and the Soldier's Medal.

Upon receiving his discharge from service, Otto Kerner entered politics as a candidate for State attorney for the Northern District of Illinois. He was elected, and proceeded over the next 7 years to distinguish himself in that capacity. In 1954 he was chosen judge of the Cook County Court to which post he was reelected in 1958. He became Governor in 1960, defeating the Republican incumbent by 481,000 votes. Four years later he defeated the Honorable CHARLES H. PERCY, now the State's junior Senator, by 179,000 votes.

As Governor, Otto Kerner established a reputation for impartiality and fairness rarely achieved by State executive authority in recent times, coupled with a record for innovation, boldness, and directness of the highest order.

He was indeed a remarkable administrator. Under the influence of Governor Kerner, employment soared and welfare rolls were dramatically reduced in size. Both capital and labor prospered. When racial troubles struck the country during his administration, Governor Kerner received a Presidential appointment as chairman of a special commission established to investigate the causes of violence and racial unrest. The report subsequently returned by the so-called Kerner Commission has been adjudged of the greatest importance in reducing racial tensions over the past decade.

In 1968, Otto Kerner received an appointment to the bench of the U.S. Court of Appeals, Seventh Circuit, on which he served with zeal and high ability. At the close of a magnificent career, Judge Kerner was accused of improper conduct in office by certain of his political opponents and, ultimately, because something in the nature of a political prisoner, a fate he clearly did not deserve.

History alone shall be the true judge of this disturbing conclusion to an otherwise exemplary career. But, as a friend of Otto Kerner, I am not required to wait for history. I know the man for what he was—a true and upright citizen—and I take this occasion to declare my belief to that effect.

STEEL TUBULAR PRODUCTS

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. GREEN. Mr. Speaker, I have today introduced legislation to revise the Tariff Schedules of the United States Annotated (1975) for steel tubular products. The part covered is included in Schedule 6—metals and metal products—part 2—metals, their alloys, and their basic shapes and forms. The changes requested include revisions in the annotation and terminology and in so doing it is necessary ot make some adjustments in the rates of duty.

This section of the current TSUSA does not reflect the way industry measures shipments of its product mix; neither does it reflect the way the Department of Commerce measures exports of the product line; and, it is at variance with the basic nomenclature or product mix outlined in the BTN system used by most of the international trading nations.

Section 608 of the Trade Act of 1974 directs appropriate agencies to collect and publish uniform statistics on imports, exports and production. It also refers to similar actions on an international scope. The August 1, 1975 joint report of the Secretary of Commerce and Chairman of the U.S. International Trade Commission—"Principles and Concepts Which Should Guide the Organization and Development of an Enumeration of Articles Which Would Result in Comparability of U.S. Import, Production and Export Data." Part V, section C recommends the framework of the TSUS be adopted as the basis for the enumeration of the exports schedule. If this would be adopted, it is only logical that production would also be so measured in due time. If the base for the data—TSUS—happens to be inadequate, all these factors—imports, exports, production data—would end up as inadequate. This bill will change the TSUS to make such a suggestion a logical approach to the situation as it applies to steel tubular products.

In calendar 1975, U.S. international trade—exports plus imports—exceeded $2 billion which makes pipe and tubing one of the most widely traded of all the mill forms of steel.

This product line plays an extremely vital role in many of the current and near future problem areas of the United States—energy, food production and processing, construction, transportation, materials handling and the general metalworking industry.

The industry measures its product mix by method of manufacture—seamless, welded—by class of steel—carbon, alloy, heat-resisting, stainless—and by general end use—standard pipe, line pipe, oil country goods, pressure tubing, mechanical tubing, structural pipe or tubing, piling. There are over 200 plants scattered over 36 States engaged in the manufacture of one or more of these segments of the product mix. Total employment is around 200,000. The plants vary in size from some with less than 50 employees to some with employment of several thousand. No single company makes the complete line of tubular products and no one company can be said to dominate the steel tubular products industry of the United States.

Because steel pipe and tubing is one of the highest valued—per ton—of all the mill forms of steel it is "import sensitive." In calendar 1975, imports of all mill forms of steel were equivalent to 15 percent of shipments of domestic producers. In the case of all tubular products, imports were 20.5 percent of shipments of domestic producers. During the period 1964 through 1974, imports of steel tubular products increased from 789,697 tons to 1,894,524 tons and in dollar value by 559 percent. The peculiarities of the current tariff schedule camouflages the types of tubular products being imported and is known to result in misclassification of imported items.

A good example of this misclassification problem came to my attention a few days ago. It involves stainless, heat-resisting intermediate chromium alloy, and other alloy tubing—all highly specialized items. In 1975, there was a gross misclassification of imported materials in these product lines—determined by review of import documents by Census.

The Trade Act of 1974 offers domestic industries a number of "procedures" for relief from "disruptions of markets by imports." But, in a diverse product mix type of industry, such as steel tubular products, many of the avenues for relief are blocked by the inability to measure the imports by the product mix due to the setup of the annotations of U.S. Tariff Schedules. The annotations, as outlined in this bill will help to rectify this situation.

This bill leaves the duty rates blank. This is deliberate. There are a number of idiosyncrasies in the current duty rates. Some rates, currently, are ad valorem, some are cents per pound, some are combinations of the two. Some rates are lower than the duties currently charged to starting stock from which the tube or pipe can be made. Some rates are much lower than those charged by industralized nations exporting the product to the United States. The rate problem can be solved best by committee action with input sought from concerned government agencies, the industry and the consuming industries.

INTRODUCTION OF JOINT RESOLUTION TO ESTABLISH OFFICES OF HISPANIC AFFAIRS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. BADILLO. Mr. Speaker, today I am introducing a joint resolution which will create an office of Hispanic Affairs in each Federal agency. Joining me in the introduction of this legislation are 21 cosponsors. In the drafting of this measure I have worked closely with the National Congress of Hispanic American Citizens—El Congreso—a national, nonpartisan citizens lobby for legislation for the Spanish speaking. The organization has a national board of trustees and 125 participating national, State, and local Spanish-speaking organizations. Included on the board of trustees is representation from IMAGE, the national organization of Federal employees that has as its primary goal the hiring of Hispanics by the Federal Government. This joint resolution has the full support of El Congreso and the organization will be lobbying for its passage.

The Hispanic population of the United States is a complex mixture of races and cultures that are frequently separated from the mainstream culture by a language barrier. The Mexican-Americans of the Southwest are a mixture of Indian and Spanish heritage. The Puerto Ricans, Cuban-Americans, Dominicans, and other Carribbean groups are African, European, or a blend of both. Other Latinos are usually a mixture of South American Indian cultures and European Latin ancestry. We frequently share many cultural attitudes and almost always speak a variation of Spanish. As a group we probably number 20 million persons, that is if you include the nearly 12 million accounted for by the U.S. Census Bureau estimates, the 3.1 million living in the Commonwealth of Puerto Rico, the 20 percent census undercount of urban dwelling Spanish origin persons estimated by the U.S. Commission on Civil Rights, and the several million living in the country as illegal immigrants.

The 1970 census social indicators show that as a group we are far behind the mainstream educationally and economically. In New York we have the lowest educational attainment levels, the lowest family incomes, the largest families, terrible housing conditions, and little hope for the future. A study done at my request and available from the Bureau of Labor Statistics Department of Labor, Middle Atlantic Regional Office, entitled A Socio-Economic Profile of Puerto Rican New Yorkers, documents the facts I have stated. I believe this study can be duplicated in various barrios throughout the country because we share similar problems and conditions.

Another study by the U.S. Commission on Civil Rights documents the severe educational handicaps experienced by Mexican-Americans in the Southwest. The Mexican-American Education Study which lasted 5 years, from 1969 to 1974, found that Mexican-American parents may expect as their children enter public schools in the Southwest: First, their children will be isolated from Anglo children; second, their language and culture will be excluded; third, schools to which their children are assigned will be underfinanced; fourth, teachers will treat their children less favorably than Anglo pupils; and fifth, 40 percent of their children will drop out of school before graduation and those who remain will achieve less well than their Anglo classmates.

We are the most disadvantaged community primarily because of the language barrier, and we are losing ground. There are several other reasons why we are falling further behind economically, but one of the major obstacles is that the language and cultural barriers between provider and client are too great, and well-intended Government services and programs are not reaching us. There are not enough Hispanics giving input into the decisionmaking levels of the Federal bureaucracy. For example, as we know, there are only seven Hispanic Members of Congress. And there is no Hispanic interest lobbying organization to monitor the agencies.

This joint resolution we introduce today will end the lack of Hispanic input in Federal agencies. This measure is not meant to give favored treatment to any group or eliminate input from various other disadvantaged groups. We propose that this program will work with the other affirmative action programs, like the Women's Bureau and EEO efforts. Hispanics need this program because the gap between our community and the mainstream is continuing to widen.

This new program will require that each executive department and agency establish and maintain an office of Hispanic affairs. This office will assist in the development and review of all rules, regulations, guidelines, and other management directives, to assure that the laws, policies, and practices of the Federal Government are providing equal opportunities for Hispanics in all areas, including education, health, housing and community development, economic development, grant and contract procurement, and employment.

This joint resolution will also require that the President establish regional offices of Hispanic affairs in each of the 10 Federal regional councils.

Finally, a special assistant to the President for Hispanic affairs shall provide the leadership and guidance to all departments and agencies of the executive branch to implement this joint resolution.

The cosponsors of this legislation are Representatives: Bella S. Abzug, Alphonzo Bell, Jaime Benitez, George E. Brown, Jr., Bob Carr, Shirley Chisholm, Ron Dellums, Don Edwards, Jim Lloyd, Norman Mineta, George Miller, Richard Ottinger, Edward (Ned) Pattison, Patricia Schroeder, Fortney (Pete) Stark, Alan Steelman, Charles B. Rangel, Frederick W. Richmond, Benjamin S. Rosenthal, Antonio Borja Won Pat, and Andrew Young.

If our Government does not move ahead with a firm commitment, the Hispanic population may fall so far behind economically in the next decade that the trend may never be reversed. This resolution is a matter of survival for all American Hispanics. I hope that you will join us by supporting this joint resolution. The text follows:

H.J. Res. 959

Joint resolution to pay tribute to the contributions of Hispanics, to establish an Office of Hispanic Affairs in the various executive agencies, and for other purposes

Whereas Hispanics, people of Mexican-American, Puerto Rican, Cuban-American, and other Spanish-origin Americans, have been involved in the development of the Western Hemisphere, and our country's Hispanic heritage reaches back more than four centuries; and

Whereas Hispanics have served the cause of democracy since before the Revolutionary War and have Congressional Medal of Honor recipients far in excess of their representation in the population; and

Whereas the Hispanic contribution has been a consistent and vital influence in our country's cultural growth; and

Whereas almost 20 million Americans of Hispanic ancestry, today add meaningfully to our national diversity, enriching the quality of our daily lives; and

Whereas, despite their early arrival to these shores, Hispanics continue to be the most disadvantaged in the areas of education, health, housing, employment, and economic development; and

Whereas the Government of the United States for years has recognized that Hispanics have not received the full benefit of its programs neither as participants nor as employees: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall within 120 days of the date of the enactment of this joint resolution take such measures as may be necessary to insure that the head of each Executive department and agency will establish and maintain an Office of Hispanic Affairs. The Director of this Office, who shall be appointed by the head of such department or agency, shall also serve as Special Assistant for Hispanic Affairs to the head of such department or agency.

(b) The Office of Hispanic Affairs shall participate in all policy planning and development for all programs within each of the Executive departments and agencies to insure the consideration of factors impacting on the various Hispanic communities. The Office of Hispanic Affairs shall assist in the development and review of all rules, regulations, guidelines and other management directives, to assure that the laws, policies and practices of the Federal Government are providing equal opportunities for Hispanics in all areas, including education, health, housing, and community development, economic development, grant and contract procurement, and employment. The Office shall also seek out and develop new programs and resources that may be necessary to handle problems and address the needs that are unique to Hispanics, and shall advise and assist Hispanic groups and individuals in receiving assistance available by law.

Sec. 2. (a) The President shall also take such measures as may be necessary to ensure that the Chairpersons of the ten Federal Regional Councils (established pursuant to Executive Order Number 11647 of February 10, 1972) shall each establish and maintain a Regional Office of Hispanic Affairs. The directors of such Offices shall serve as Special Assistants for Hispanic Affairs to the Chairperson of the Federal Regional Council. The Regional Offices of Hispanic Affairs shall advise all executive departments and agencies regarding the needs of Hispanics in the region. The Regional Offices shall advise and assist Hispanic groups and individuals in receiving assistance and benefits available by law.

Sec. 3. The Secretary of Commerce shall establish and maintain a Hispanic Information Clearinghouse which shall collect, analyze and disseminate information concerning the social, economic, employment, health and housing needs and conditions of Hispanics.

Sec. 4. The Special Assistant to the President for Hispanic Affairs shall provide leadership and guidance to all departments and agencies of the Executive Branch in implementing this joint resolution. Each department and agency shall issue appropriate guidelines to further the purposes of this joint resolution. The head of each Executive department and agency is directed to cooperate fully in assuring equal opportunity to Hispanic Americans.

TOM IORIO—WINNER OF McCORMACK AWARD OF EXCELLENCE—HAS OUTSTANDING RECORD OF PUBLIC SERVICE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1976

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of paying a brief but sincere tribute to my friend—Tom Iorio—a member of the House staff for 31 years and who recently received the John W. McCormack Award of Excellence.

Tom, as we all know, is the able, genial, personable, and helpful pair clerk to the majority office of the Sergeant at Arms. He has always been most helpful and cooperative in his service to the Members.

Tom is knowledgeable, informed, and is constantly abreast of legislation and events transpiring in the House.

However, his importance to the House

transcends his official duties related directly to his position—Tom is known for his dedication, his loyalty to friends, and for the strong relationships he enjoys on both sides of the aisle.

Tom has received many tributes and I predict that many more honors will be accorded him—he is truly an outstanding public servant—he helps make the wheels of Government go around in the House.

I am pleased to commend and congratulate Tom most highly and wish him the very best of good luck and continued success.

A TRIBUTE TO MORDECAI WYATT JOHNSON

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. YOUNG of Georgia. Mr. Speaker, this year represents a special anniversary in the history of Howard University—the 50th anniversary of the appointment of Mordecai Wyatt Johnson as its president. From 1926 until his retirement in 1960, Dr. Johnson served as Howard's dynamic, often controversial leader, developing the school from a small, poorly financed, largely unaccredited institution into an academically renowned university.

As a student at Howard during Dr. Johnson's tenure, I benefited from his courage and wisdom. His outspokenness and his ability to conceive and consider new ideas were models for us all.

On May 6 the Washington Star published an excellent article on Dr. Johnson's remarkable career and his contributions to Howard, to the District of Columbia, and to minority group members and the poor throughout the Nation. I am pleased to bring this article to the attention of my colleagues.

The article follows:

WHAT AN IMPACT ONE MAN MADE IN 50 YEARS

(By John Mathews)

There was an imperious quality about him: erect posture, rimless glasses, stylized gestures, a booming voice, and what amounted to semi-formal attire—dark jacket, striped pants and tie, always a vest, and a homburg when outdoors.

Critics called him despot and dictator; when they really got desperate, communist sympathizer.

But, from 1926 to 1960—34 years—Mordecai Wyatt Johnson prevailed. He was Howard University's first black president and its great developer, enricher and preserver.

When the 36-year old pastor of the First Baptist Church in Charleston, W. Va., was named president a half century ago, Howard was little more than a group of unaccredited academic departments surrounding a dental, medical and law school. Its finances depended on the whim of Congress, some of whose members were frankly hostile to Howard's purpose.

In 1867 Gen. Oliver O. Howard (who was devoted to improving the education of blacks and poor whites, but relentlessly fought Indians, including Chief Joseph and the Nez Perce) founded the institution with an open admissions policy. Allowing both blacks and whites of both sexes to go to school together was a novel concept in the 19th century, as well as more than half a century later.

When Johnson left in 1960, Howard had grown from 1,700 to about 6,000 students; its budget from $700,000 to $8 million; the worth of its physical plant, from $3 million to $34 million with the addition of 18 major buildings. All departments were fully accredited, some were granting doctorates, and federal funding for Howard had become guaranteed under law.

To mark the 50th anniversary of Dr. Johnson's "election" as president of Howard, some long-time colleagues and friends, as well as some younger members of the community interested in maintaining its traditions, got together yesterday in Rankin Memorial Chapel.

Dr. Benjamin Mays, 82, retired president of Morehouse College—Johnson's alma mater when it was known as Atlanta Baptist College—was there, and Dr. James M. Nabrit, Johnson's immediate successor, and Dr. James Cheek, the current Howard president. Mordecai Johnson was there too, to hear himself praised, at 86 his speech impaired and his brilliant mind clouded by age.

In the last decade, Johnson has faded from the local scene, but for a few years after his retirement from Howard he was a controversial figure, a gadfly on the District school board, which at the time was appointed by the judges of the U.S. District court who maintained on it a five white, four black ratio. Johnson and Dr. Euphemia L. Haynes, also in her 70s, became the two radicals on the board.

They kept up a drumbeat of criticism, charging that the track system of student grouping was prejudicial to blacks, that schools in black neighborhoods get less money, that politics played a big part in teacher appointments and that blacks were not represented adequately in administrative positions.

After four years of this, the judges summarily dropped Johnson in 1965, refusing to name him to a second term despite wide community support. Within two years, Johnson had the satisfaction of seeing many of his points supported in the decision of U.S. Appeals Court Judge J. Skelly Wright, resulting from the suit brought against the system by Julius W. Hobson, now a city council member. Wright barred the track system and found that predominantly white schools had been favored, black schools shortchanged.

Throughout his career at Howard, Johnson was a prominent local and national figure, in the habit of making waves. As Richard Kluger wrote in his monumental book, "Simple Justice," which chronicles the legal effort—much of it centered at the Howard University Law School (the "West Point of the Civil Rights Movement")—to overturn school segregation laws, Johnson was a black man who was unaccustomed to "eating humble pie before Congressmen and other white warhorses. In fact, he seemed to make a point of delivering at least one pugnacious speech a year noting how little America was doing to improve the lot of its deprived masses—words that generally brought one more Dixiecrat or conservative congressman howling to his feet to demand the ouster of Mordecai Johnson."

Early in his tenure, Johnson was under strong attack from factions inside Howard that resented the outsider and his tactics. It was in the early 1930s, when Johnson was reorganizing university departments, buying up land and getting New Deal money to build badly needed facilities.

A 1931 article in The Evening Star, detailing a campaign to oust Johnson, said particular acts were not the issue, but rather his "outspoken opinions which have been considered radical," his reputed effort to terminate military reserve training on campus, and his writings, which some say "indicate Dr. Johnson has communistic leanings."

Like many liberals in the 1930s, Johnson was impressed by the Soviet experiment to deal with poverty and other social problems and often spoke favorably of it, said Dr. Michael R. Winston, director of the Moorland Spingarn Research Center, which sponsored yesterday's tribute. Many of the attacks on Johnson, however, were manufactured by his enemies within the university, or were the reaction of conservative Members of Congress who felt the blacks on the Howard campus did not know their place.

In 1933, for example, the communism charges coincided with protests on the campus inspired by the trials of the Scottsboro Boys, nine black teenagers sentenced to death in Alabama for the alleged rape of two white women of questionable reputation. In addition, several hundred Howard students demonstrated against war and fascism and the university held a colloquium on the economic condition of blacks.

The Congressional attacks brought a swift response from Mordecai Johnson. In "Simple Justice," Kluger writes: "If obtaining annual funds from Congress meant that his university had to give up any degree of its academic freedom, declared the Baptist minister-turned-educator, why, then Howard University would not accept any appropriation at all and the students and the faculty might as well all pack up and 'go back to the cornfield.' Finally, black America had an educator who not only did not need to bow and scrape before white benefactors but quite plainly would not have dreamed of doing so."

In 1938, in his baccalaureate address, Johnson clearly focused on what is now known as the "Third World" nations: "More than six hundred million people of China, India and Africa for ages have been pawns of the economically industrialized nations of the world. We must seek a world in which the security shared by a small percentage of the people will be shared by all."

During World War II, Winston noted, there was intense pressure for a moratorium on any criticism of American social injustice or the issue of colonialism in order to aid the allied effort. But Johnson's voice could not be stilled. In a speech in November, 1942, he said Nazi Germany had stated the doctrine of a "superior race in its boldest and most repulsive form," but "we must not forget that the outstandingly overt exemplifications of that doctrine in the actual organization of mankind are on our side, in the British, French, Dutch, Belgian and South African subordination of colonial peoples."

In the 1950s, the era of Cold War fervor and McCarthy paranoia on college campuses, as Howard University-trained lawyers were leading the civil rights battle in the courts, Johnson spoke out for what is now called "detente." In 1951, he wrote "if we persist in believing that there is no good in Russia and in communism, then by our very thought we have closed all pathways of peace except by the defeat of our enemy in war, and we are moving toward that war with relentless force which cannot be avoided."

In a particularly prophetic 1952 speech, Johnson anticipated America's impending problems in Southeast Asia.

"Suppose you were Indo-Chinese. Wouldn't you be amazed at us? For more than 100 years the French have been in Indo-China, dominating the Indo-Chinese people politically, strangling them economically, and humiliating them in the land of their fathers.

"We have never sat down with the French and demanded that they change that system. And in this defect in our leadership, Indo-Chinese have turned to the Communists, and the Communists have given them leaders, trained their troops, and given them money. Now that it looks as though they can win, we rush up to the scene and say, 'Dear brothers, what on earth are you all getting ready to do? Are you going to throw yourselves into the hands of this diabolical conspiracy under the false notion they can bring you freedom? Why, they aren't free; we are the free people of the world, we have democratic institutions, we are your friends, we will send you leaders, we will send you ammunition, we will send you bread."

"And they look at us in amazement and they say, 'Brother, where have you been all these years.'"

Dr. Winston, a Howard graduate (doctorate from University of California) has dug up a chapter on Johnson from a 1944 book on leading black figures, written by Edwin R. Embree, a white man who headed the Julius Rosenwald Fund, a foundation.

The sketch recalls that Johnson, who always referred to the South as the "former slave states," had a living connection with slavery. His father, Wyatt Johnson, had been a slave. The elder Johnson was a stern, exacting preacher and also the operator of a stationary engine in a mill in Paris, Tenn.

By contrast, his mother, 30 years younger, lavished love and affection on their only child and imbued him with a love of books and education. Embree writes:

"She read him poems and Bible stories: of David, the shepherd boy who killed a giant with a sling shot, became king of all Israel and loved the beauteous Bathsheba; of Daniel, whose faith stood off all dangers . . . Most often she told him the story of Mordecai (for whom he was named), member of a race despised and enslaved by the Medes and the Persians (as Negroes had been in America), who by his cleverness and the charm of his beautiful niece, Queen Esther, slew his enemies and raised his own people to leadership in this mighty kingdom . . ."

ARMY RESPONSIVENESS

HON. EDWARD MEZVINSKY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MEZVINSKY. Mr. Speaker, for the past months, I have been working to unravel fact from allegation in the blocked promotion of an Army Reserve lieutenant colonel. I enclose for the RECORD two recent letters on the matter that illustrate the difficulty in eliciting timely responses from DOD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 29, 1976.
Hon. DONALD RUMSFELD,
Secretary of Defense, Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: A series of news reports have called into question the actions of former Secretary of the Army Howard Callaway regarding the promotion of LTC Wilfred L. Ebel.

As you may know, it is alleged that, subsequent to President Ford's endorsement of LTC Ebel's nomination for promotion to colonel on January 14, 1975, former Secretary Callaway illegally ordered his name deleted from that document. Allegations abound that this came as the result of an internal political struggle between Maj. Gen. Milnor Roberts and LTC Ebel, following closely on the heels of Ebel's critical evaluation of Roberts' management abilities and a heated struggle for the position of executive director of the Reserve Officers' Association.

I am concerned about the charges that the former Secretary tampered with nominations that only the President could withdraw or the Congress disapprove. If this is the case, it would be an abuse of the power of the office of Secretary of the Army.

Reports on DOD's explanation of the situation are contradictory and disturbing. I am asking the House Government Operations Committee to pursue this matter, but wish to give you the opportunity to furnish a satisfactory explanation and take the immediate appropriate action.

I would appreciate your earliest possible reply.

Best regards

EDWARD MEZVINSKY.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1976.
Hon. DONALD RUMSFELD,
Secretary of Defense, Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: On March 29th, I directed a letter to you concerning former Army Secretary Callaway's intervention in the promotion of LTC Wilfred L. Ebel. No response or acknowledgement has been received.

It is my understanding that your General Counsel, Richard Wiley, is still awaiting an Army decision on the matter. Personally, I find this delay inexcusable. Furthermore, it only serves to underscore an issue central to this case—how much longer will DOD permit these allegations to go unanswered?

I would expect that you will give your immediate attention to this matter.

Sincerely,

EDWARD MEZVINSKY.

NATIONAL HANDICAPPED WEEK

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Ms. ABZUG. Mr. Speaker, this week is National Handicapped Week. We should all take this opportunity to familiarize ourselves with the problems that our Nation's handicapped face and to apply ourselves to the alleviation and elimination of these problems.

I have worked in the past, and will continue to work, to assist handicapped persons in overcoming these problems. I was proud to cosponsor in the Committee on Public Works and Transportation, House Concurrent Resolution 385, to promote and encourage the removal of architectural barriers to the access of handicapped persons to public facilities and buildings.

In 1974 I sponsored an amendment to the Federal Mass Urban Transportation Act of 1972. This bill established a program for the building of mobile systems for the disabled in areas where public transportation was insufficient or inappropriate to the special needs of handicapped persons. I took great pride in obtaining $20 million for this program in 1975, and the program will be allocated a similar amount in 1976. This will continue to enable handicapped persons to get to their doctors and to activities which will enrich their lives and the lives of those around them.

Many persons are unaware of the abilities of disabled persons. This has made it very difficult for handicapped persons to obtain employment in positions which they are qualified to fulfill. I have cosponsored H.R. 7754, a bill to amend the Civil Rights Act of 1964, making it an unlawful employment practice to discriminate against individuals who are physically disabled, because of such disabilities.

The theme for National Handicapped Week, "Independence Through Awareness," is particularly appropriate, considering the damage resulting from the lack of awareness, on the part of the American public, of the abilities and accomplishments of disabled persons. Diverse and valuable contributions have been made by handicapped persons in all areas of our society. It is my hope that, through greater awareness, an increasing number of disabled persons will be able to enrich their lives further, for their own benefit and for the benefit of all Americans.

VIVIAN TYRA—OUR SUPER MOM

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mrs. SPELLMAN. Mr. Speaker, I rise to give special recognition to Mrs. Vivian Tyra of Bowie, Maryland, for her 12 years of service and outstanding dedication to the sons and daughters of countless of her friends and neighbors.

There are few who have given more to the children of the community than Vivian Tyra. She has actively helped the pom pom girls in Bowie High School, though she has no daughter of her own. She has supported with dedicated enthusiasm the various teen clubs and has been a dependable chauffeur and spirited fan for the athletic events sponsored by the Boys and Girls Club. But most memorably, Mrs. Tyra has given willingly and lovingly of her time and energy to Cub Scout Pack 1281. She has been the coordinating force for this group. Even after the graduation of her three sons, ages 15 to 21, Mrs. Tyra stayed on to insure that others would have the same opportunities that had been available to her own children. As the cubs graduated from the pack, taking with them their parents who had served as den mothers and cub masters, Vivian Tyra remained, recruiting replacements when none were readily available. She filled in as den mother and, on occasion, acted as the pack's cub master.

For the past 8 years, she has personally enrolled each new boy to extend to all a feeling of welcome and importance. She offers assurance that each of them will be accepted into the pack and that the necessary adult participants will be secured to assure this. She vows that no boy will be deprived of membership nor deprived of the character-building boyhood experiences scouting offers. Mrs. Tyra has given much love to the boys of Bowie and is well-loved by them in return.

Mr. Speaker, I have been asked to extend the heartfelt appreciation of the other adult participants, all of whom have benefited from their association with Mrs. Tyra. To them she was "always there," ready with advice, support, encouragement and enthusiasm, assisting them in their often difficult jobs.

And also, Mr. Speaker, I extend to Mrs. Tyra on behalf of all the boys and girls who have known and loved her, their own special and unique tribute: "We love you and will always remember our 'Super Mom'."

The Tyras are leaving Bowie to live in New Jersey. They will be missed!

STATE OF MARYLAND SUPPORTS BREAUX AMENDMENT

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. BAUMAN. Mr. Speaker, thousands of Americans recently involved themselves in projects and celebrations to commemorate National Wildlife Week, March 14–20. The main theme of this year's activities has been that of one of my most prominent causes, "Save Our Wetlands." Last year I introduced legislation, the substance of which is identical to an amendment to the Federal Water Pollution Control Act which has just been reported by the House Public Works and Transportation Committee.

Introduced by our friend and colleague, JOHN BREAUX of Louisiana, this amendment would reverse a decision by a Federal District Court which ruled that the U.S. Army Corps of Engineers has jurisdiction not only over "navigable waters" as traditionally defined but well beyond, including farmers' ditching, drainage and conservation projects. The regulations issued by the Corps pursuant to this new power are scheduled to take effect over the next few years.

We have been working for over a year to cut back this wide power, and the Breaux amendment is an excellent way to do just that. It restores the power of the Corps to its traditional level—over navigable waterways used for the transportation of interstate and foreign commerce.

What the Breaux amendment will not do, as some critics charge, is to destroy our wetlands. Their removal from the jurisdiction of the Corps does not leave them without protection, for there is already an ample body of both Federal and State legislation to preserve wetlands, and the wildlife which depends on them.

This assurance is backed up by many conservation-minded agencies and groups, not the least of which is the Department of Natural Resources of my own State of Maryland. I recently received a letter from the Honorable James B. Coulter, Secretary of the Department of Natural Resources, to this effect. As a lucid analysis and statement of policy, I thought it would be worthwhile to bring it to the attention of my colleagues, and I hereby submit it for the RECORD. I also hope that it will help to see the Breaux amendment on to a swift and final passage.

The article follows:

DEPARTMENT OF NATURAL RESOURCES, STATE OF MARYLAND

DEAR CONGRESSMAN BAUMAN: We are taking this opportunity to indicate the State of Maryland's support for the amendment offered by Congressman Breaux to the captioned bill. This amendment would limit the scope of Section 404 of the 1972 Federal Water Pollution Control Act Amendments to its original intended meaning.

The history of Section 404 clearly indicates that it was designed to control the unconfined deposition of dredged spoil into traditional navigable waters. The passage of this section was not an attempt to promulgate a wetlands program under the Army Corps of Engineers jurisdiction. For this reason we strongly support the language in the Breaux amendment which returns the definition of navigable waters to the traditional standards imposed by the U.S. Supreme Court since 1940.

Our support, however, should not be interpreted as an anti-wetland or anti-conservationist action, for since 1970, Maryland has recognized the need to identify and regulate activities affecting these vital components of the marine ecosystem. The Corps of Engineers program, instead of acting to supplement what Maryland and other states have accomplished through the expenditure of millions of dollars, sets out on its own and imposes broad unenforceable prohibitions which may or may not accomplish the safeguards of our wetland areas. For these reasons we would support new Federal legislation which would create a program protecting wetlands areas, while at the same time recognizing effective existing, state efforts which handle these problems.

Certification of state programs which meet a uniform standard is an essential element in a wetlands protection program. In addition, the law should require an adequate identification of property classified as wetlands to provide adequate public notice. Due process requirements also necessitate adequate public disclosure, hearings, penalties and enforcement mechanisms, and the ability to appeal the decision-making process.

The Army Corps of Engineers 404 regulations do not evolve from a comprehensive wetland or marshland protection statute, but have been generated by a misinterpretation of a section of 92–500 which was designed to deal solely with the deposition of dredge spoil into interstate waterways. There is essentially no enforcement mechanism contained within the Army Corps of Engineers regulations.

The absurdity of the Corps' effort has recently reached the point that there is some evidence that the Corps seeks to require a Section 404 permit for clamming and oystering activities. It is imperative under these circumstances that the Breaux amendment be supported as a threshold step in bringing the obvious intent of Section 404 back to its intended purpose.

We thank you for your anticipated cooperation.

Sincerely yours,

JAMES B. COULTER.

MINIMAL HEALTH CARE FOR SENIOR CITIZENS

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Ms. KEYS. Mr. Speaker, I question many of the priorities included in this conference budget resolution. One glaring change for the worse in the conference report is the slashing of $450 million from the medicare budget of the House budget resolution.

This cut leaves us with the assumption that $250 million will be eliminated from the present outlays for older Americans' health benefits—at a time when health costs are escalating at a much faster pace than any other consumer expenditure.

This leaves us, in the Health Subcommittee of the Ways and Means Committee, with our hands tied in the attempt to improve even the most urgent areas of need within medicare. One of these is the problem of long-term hospitalization for those with acute terminal illnesses. There is no possible way that this, or any of the other immediate problems, can be resolved within these budget restrictions. In fact, current benefits would actually have to be reduced in order to meet the imposition of this cut.

With all the possibilities that exist to cut waste from our budget, I find it hard to believe that the Budget Committee members can actually consider minimal health care for senior citizens as one of them.

HUMAN RIGHTS IN SOUTH KOREA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. FRASER. Mr. Speaker, the House is about to consider H.R. 13680, the International Security Assistance and Arms Export Control Act of 1976.

On April 8, 1976, I testified before the Senate Foreign Relations Subcommittee on Foreign Assistance. In my testimony I outlined briefly the background of human rights problems in South Korea and gave my views concerning our involvement in Korea.

My conclusion that both in words and deeds the executive branch has shown little evidence of concern for human rights in South Korea remains valid. That is why it is important to accept the aid "caps" voted by the International Relations Committee and contained in H.R. 13680. These limit security assistance in fiscal years 1976 and 1977 to the 1975 level and also continue the title I, Public Law 480 ceiling at the 1975 level.

My statement follows:

STATEMENT OF DONALD M. FRASER BEFORE THE HUMPHREY SUBCOMMITTEE ON FOREIGN ASSISTANCE OF THE SENATE FOREIGN RELATIONS COMMITTEE, APRIL 8, 1976

Mr. Chairman, I appreciate having the opportunity of appearing before the Subcommittee on Foreign Assistance to discuss a subject of vital importance—the future direction of US foreign policy towards the Republic of Korea. Both this subcommittee and the House Committee on International Relations are in the process of considering the fiscal 1977 Security Assistance request by the Executive Branch. It is timely, therefore, to consider whether the existing relationship between the United States and the Republic of Korea is in our best interest.

In 1974, the Subcommittee on International Organizations, which I chair, became interested in the Korean situation through a general concern with raising the priority given to human rights in US foreign policy. It is my belief that how a government treats its own people should be a principal factor in determining the nature of the relationship which the United States maintains with that government. Normal diplomatic relations should be maintained with all governments. However, the United States should not maintain a supportive relationship with a government which oppresses its own people. Military assistance should not be provided to such governments unless there are extraordinary circumstances necessitating such assistance.

The above views are not simply my own. Congress has expressed these views and written them into the Foreign Assistance Act. I am referring to Section 502B of that act which has been significantly strengthened in the Fiscal 1976 Security Assistance Bill.

HUMAN RIGHTS IN SOUTH KOREA

I would like to begin by describing some of the legal measures President Park has taken to suppress all forms of opposition. In 1972 the Constitution was amended by a referendum carried out under martial law with debate on the amendments barred. The effect of the amendments is to place all effective power in the office of the President. One-third of the membership of the National Assembly is nominated by the President and elected by the National Conference for Unification which is, itself, popularly elected; consequently, the President's control of the Assembly is virtually ensured. Under the new Constitution the President is granted wide authority to enact emergency measures for national security, public safety or other reasons. These measures are not subject to judicial review.

In 1974 the President issued a series of emergency measures: up to 15 years imprisonment for advocating amendment of the Constitution; creation of courts martial to try political offenses; punishment by death, life imprisonment or no less than 5 years imprisonment for any student who engages in political activity, any person who defames actions by the Education Minister, refuses to attend classes or examinations, or communicates with a member of the National Federation of Democratic Youth. In 1974 the Department of State concluded that "For the past two years the trend in Korea has been toward an authoritarian government. Institutional means of dissent have been rendered powerless and efforts to express opposition have been suppressed through a series of severe emergency decrees.[1]

Under the 1974 emergency decrees more than 1,000 people were detained for investigation; 203 persons were tried and convicted. By February 1975 the President had pardoned all but 35 persons who were exempted because they had violated other laws. On April 9, 1975 eight of the remaining prisoners were executed; serious doubts have been raised regarding their guilt.

In March 1975 the Assembly adopted an anti-slander law restricting freedom of speech for Koreans while abroad or in dealings with foreigners while in Korea. Persons convicted of violating the decree may receive up to 7 years imprisonment. In May President Park issued emergency decree No. 9 which prohibits "fabricating or disseminating false facts" and the advocacy of any change in the Constitution. This decree also applies to the press which has been severely suppressed in South Korea. Under this decree persons may be detained indefinitely and receive no less than 1 year imprisonment. It is under this decree that Kim Dae Jung and 17 other persons have been indicted.

In short, freedom is virtually dead in South Korea. The Korean Central Intelligence Agency (KCIA) intimidates anyone suspected of dissident views. Many of the persons detained by the KCIA have been tortured or otherwise mistreated. The press has been stifled; trade unions are denied the right to strike; the opposition party is decimated through harassment and indictments; and religious leaders are arrested for their advocacy of human rights.

Moreover, testimony before my subcommittee has indicated that the KOIA has been using some of its strong-arm tactics within the United States. We understand that such tactics have included harassment of Korean-Americans who are critical of President Park; covert funding of pro-Park communications media; manipulation of activities and elections of Korean residents associations; and offers of money to candidates for public office in the United States.

American military support for the Republic of Korea has three forms. The United States provides significant amounts of military assistance to Korea: for 1977 the Administration has requested $275,000,000 in foreign military credit sales; $8,300,000 in grant military assistance; and $2,700,000 in military education and training. There are presently stationed in South Korea approximately 42,000 troops. Finally, we have a mutual defense treaty with South Korea which obliges us to come to their defense in accordance with our Constitutional processes.

HUMAN RIGHTS AND U.S. POLICY

I would suggest that we look at our relationship with South Korea from two points of view. First in terms of the U.S. impact upon the human rights situation in South Korea; secondly, in terms of our own national security interest.

The Nixon-Ford Administration has done little with respect to the increasingly repressive nature of the Park regime. The Administration has limited itself to making private diplomatic representations to the Government of South Korea expressing concern about the deprivation of human rights. Occasionally, mild public statements have also been expressed. Most of these expressions of concern, however, are not given as concerns of the Executive Branch, but rather as concerns of Congress or the American public. It is said that if the situation is not improved upon, the Congress may act negatively towards Korea. The implication behind such expressions of concern is that the Executive Branch, itself, will not initiate any action to reduce the U.S. commitment to South Korea because of its human rights performance.

The failure of the Administration to speak more forcefully is especially disturbing because at the outset of U.S. aid policy to South Korea many years ago Secretary of State Dean Acheson said ". . . that U.S. aid, both military and economic, to the Republic of Korea has been predicated upon the existence and growth of democratic institutions within the Republic". The desire of many Members of Congress for a more forthright Administration policy was clearly expressed last week by 119 Members of Congress who called upon the President to publicly disassociate the United States from President Park's oppressive tactics. I would like to request that their letter be made part of the record.

The human rights situation in South Korea appears to have little effect on the Executive Branch's request for security assistance. For Fiscal 1977, military sales credit is more than doubled. It is proposed to increase the sum of $126 million for fiscal year 1976 to $275 million for Fiscal year 1977. Grant military assistance would be decreased from $74 million in Fiscal 1976 to $8,300,000 for Fiscal 1977. However, the reduction in grant assistance cannot be interpreted as a response to the human rights situation in South Korea, but rather as implementing the Congressional mandate that grant military assistance to all countries be discontinued within the next year. The various forms of security assistance combined is increasing from $202.7 million, in Fiscal 1976 to $286 million in Fiscal 1977, an increase of about $83 million.

One must regretfully conclude, therefore, that in both words and deeds the Executive Branch has shown little evidence of concern for human rights.

KOREA AND U.S. NATIONAL SECURITY

I would like to turn now to the second consideration which is important in evaluating the effectiveness of our relationship with South Korea—namely, to what extent is our relationship helpful to advancing U.S. national security. In this regard, I would like to discuss in particular the presence of our troops in South Korea. Leaving aside the human rights dimension, one must ask whether these troops are necessary for the defense of South Korea against a North Korean attack?

To answer this question requires a comparison of the relative military strengths of North and South Korea. In ground troops the South has about 625,000 while the North has only 467,000. South Korea has 3,128,000 in reserve forces and civilian militia; North Korea has only 1,600,000. It should be noted that South Korea's population is more than twice that of North Korea.

In terms of aircraft the North has 597 planes while the South has only 210 aircraft. However, many of the North Korean aircraft are old model MIG's which are no match for the F-4 and F-5-E's. Moreover, in October of 1975 the Department of Defense announced plans to sell $383 million worth of aircraft to South Korea. During the period of fiscal years 1975 through 1977, South Korea will be purchasing 19 F4E's, 13 F5B's, 54 F5E's and 6 F5F's. Consequently, South Korea will soon have an airforce at least equal to that of North Korea.

The Executive Branch no longer argues that US ground forces are required in South Korea for military purposes. In the spring of 1975 Secretary Schlesinger stated that "we are no longer offering a military rationale for the presence of the 2nd Division . . . our forces are there to contribute to stability on the Korean peninsula and in the area . . ."

Even President Park has indicated that our troops could be withdrawn by 1980. He said that if the Soviet Union or China were not engaged in the conflict, South Korea would not need US ground, air, naval or even logistic support. Under the present circumstances, neither the Soviet Union or China favor the outbreak of war on the Korean peninsula.

Thus, in strictly military terms the presence of our troops in South Korea are unnecessary. Moreover, their presence poses a serious risk for US national security.

Should a conflict break out on the peninsula, our military forces would immediately be engaged in the conflict regardless of the wishes of the Congress or the American public. What would be the response of the American public? Unless in the unlikely event China or the Soviet Union was providing military forces in support of North Korea, it is unlikely that the American public would favor another Vietnam-type commitment by US forces. The repressive nature of the Park regime would receive considerable public notice analogous to the attention given to the political prisoners under the Thieu government of Vietnam. Given that presumption, what would be the fate of our forces in Korea? There might be no other course but for them to withdraw under fire which would seriously undermine the South Koreans' defense capability at the most critical hour. Our credibility with Japan and other friendly countries in Asia would be dangerously weakened.

My conclusion with respect to our military presence in South Korea, is that these troops should be gradually withdrawn so that complete withdrawal would be effected within the next several years. By virtually all estimates, the ROK would by that time have the capability to defend itself. Should the North Koreans undertake some action which would upset the balance of power, the withdrawal plan could be altered.

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[1] Fiscal Year 1975 Foreign Assistance Request, Hearings before the Committee on Foreign Affairs, House of Representatives, 93rd Congress, 2d Session. (June–July, 1974), pp. 287–289.

For the reasons given above, such a withdrawal plan would not adversely affect South Korea's security, and it would improve our own security: our troops would no longer be hostage to possible aggressive acts by either Kim il-sung or Park Chung-hee. On the other hand, under the terms of the Mutual Security Treaty we would be obliged to provide support to Korea should it be attacked.

Removing the troops might give us more leverage over Park on human rights matters. The presence of our troops in South Korea restricts the flexibility of our commitment to Park and hence our leverage to dampen his respressive tendencies. I would like to submit for the record a statement I received from our former ambassador to Japan, Edwin Reischauer, who persuasively argues in favor of gradual withdrawal of our troops.

Once the withdrawal of our troops has begun, the level of our security assistance to Korea can be directly related to the human rights situation. If the deteriorating human rights siutation continues, South Korea should be made to rely more and more heavily on FNS cash and commercial sales.

SUMMARY

To sum up, I would propose to the subcommittee the following recommendations regarding Korea:

1. gradual withdrawal of US troops to be completed as soon as the Republic of Korea attains the ability to defend itself;

2. regarding security assistance—

a. for fiscal year 1977: elimination of all grant assistance and reduction of FMS credit to the level of all forms of security assistance for fiscal year 1976;

b. for future years, future reduction or elimination of FMS credit unless improvement in human rights is forthcoming.

3. More forceful private and public representations by and on behalf of the Executive Branch regarding human rights with notice given of the adverse consequences which deprivations of human rights will have on security assistance and other bilateral programs. President Ford should publicly denounce President Park's recent wave of political arrests.

CAMEROONIANS CELEBRATE NATIONAL HOLIDAY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mrs. COLLINS of Illinois. Mr. Speaker, I call the attention of my colleagues to an important date for the United Republic of Cameroon. Tomorrow, May 20 marks the fourth celebration of that country's constitution. Located on the "hinge" of Africa, Cameroon is in the western part of the continent on the Gulf of Guinea. Primarily an agricultural country, it has well over 80 percent of the labor force employed on the land with cash crops accounting for about 75 percent of the country's export earnings.

The Cameroonian Government has displayed continuing interest in improving ties with the U.S. Government by actively participating in cultural exchange programs and by undertaking efforts to attract U.S. private investment in Cameroonian development. Each year the U.S. Government invites educators, scholars, prominent government officials, and media representatives to visit here to become better acquainted and to exchange ideas.

Under the cultural exchange program, U.S. students, researchers, and professionals also work there in the university and in various institutes.

Thus we take this opportunity to extend our best wishes to the Cameroonian people as they celebrate this important national event.

THE MENANCE OF COMMUNIST SEAPOWER AS IT AFFECTS OUR MARITIME STATUS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. HÉBERT. Mr. Speaker, Capt. J. W. Clark, president of Delta Steamship Lines, Inc., New Orleans made an enlightening presentation before the 27th annual Institute on Foreign Transportation and Port Operations held at Tulane University on May 7 about how the intrusion of Communist-flag shipping is threatening the existence of all free-world shipping.

I think Captain Clark's views are most noteworthy and informative, and I insert them at this point in the RECORD so all of my colleagues will have the benefit of his knowledgeable observations:

THE MENACE OF COMMUNIST SEAPOWER AS IT AFFECTS OUR MARITIME STATUS—TODAY AND TOMORROW

(By Capt. J. W. Clark)

It has been my privilege to participate several times on this program during the years that Tulane University has sponsored the institute on foreign transportation and port operations. It is particularly appropriate that this final session should deal with the subject of "Our Maritime Status—Today and Tomorrow." My distinguished friends appearing with me on this panel have spent their lifetimes in dealing with the U.S. maritime industry. Their collective knowledge and competence assures a good balance, permitting me to concentrate on one subject which I consider to be of the utmost importance to our maritime industry—the growing menace of communist seapower.

In this Bicentennial Year it is well to recall that the right to trade freely with all nations was one of the principal causes of the American Revolution. Foreign trade is not only an American tradition, it is now an American necessity—as we are largely dependent on overseas sources of supply for many of our critical raw materials. Our exports are vital to our national economy, and last year we exported more than 100 billion dollars to foreign countries. Each one billion dollars in exports is estimated to provide approximately forty thousand jobs for Americans. Thus, our exports are directly responsible for at least three million jobs.

We are now importing close to 50% of our oil—with the cost running to more than 25 billion dollars a year paid to foreign countries. Further, we are dependent on foreign sources for 100% of our tin and chrome, 90% of our platinum, magnesium, nickel and cobalt, and over 80% for aluminum, bauxite and asbestos. We also depend to a great extent on foreign sources for our iron ore, manganese, lead, zinc, tungsten and potassium. All of these essential imports must be balanced by our exports.

The sinister intrusion of Communist flag shipping threatens the very existence of all free world shipping. In addition to the public testimony and frequent articles concerning the subject which have been reported in U.S. publications, many international maritime journals express increasing concern about the rapidly expanding communist fleet and its ruthless rate-cutting practices, which average about 20% below prevailing commercial practices, and in some cases as much as 50% below international conference tariffs. Communist flag shipping is primarily being used in the liner cross trades, invading the traditional routes of the western nations, offering reduced rates for the more attractive cargoes, "skimming the cream" and leaving the lower rated cargoes for others. Bear in mind that here we are talking about liner type shipping, with the soviets concentrating today on the construction of containerships, roll on-roll off, bargeship, etc. Within a short time we can expect to find COMECON shipping on virtually every essential trade route of the U.S.A. unless this destructive drive is checked. Anyone who really thinks we can do business with the communists is simply naive—they will use you when they need you, then divide and destroy. Even during World War II, when we were delivering vital war supplies to the Russians at Murmansk, I recall that the "commissars" were constantly standing between us and the Russian fighting men, sowing the seeds of distrust. In my opinion, east-west trade is "quicksand" and the celebrated grain deals only a useful expedience in the fiction of détente. Just as soon as our economy adjusts to long-term, regular grain sales to the Communists, they can easily divert purchases to other sources of supply at their whim—with conequent further divisiveness among the western nations. Let us not forget the cold, calculated threat enunciated by Khruschev when he stated that it was the objective of the USSR to "bury" the capitalist countries through economic warfare. We have also the dramatic warning by Russian Nobel prize winner Alexander Solzhenitsyn, when he stated:

"Something which is almost incomprehensible to the human mind is the West's fantastic greed for profit and gain, which goes beyond all reason, all limitations, all conscience. I have to admit that Lenin foretold this whole process. Lenin, who spent most of his life in the West and knew it much better than Russia, always said that the Western capitalists would do anything to supply the Soviet economy—'they will fight with each other to sell us goods cheaper and sell them quicker so that we'll buy from one rather than the other.'"

The FBI is very much concerned about the rising number of foreign agents in this country, and FBI Director, Clarence M. Kelley, recently testified before the congress that "the intensity of the operations against us may be gauged by the steady increase of intelligence officers assigned to the United States." (U.S. News & World Report, Feb. 23, 1976)

It is reported that the number of spies from Communist countries operating in the U.S. has increased by about 75% during the past five years. These spies pose as diplomats, scientists, members of trade missions, cultural groups, visiting seamen and shipping officials, etc. About 40% of these Communist officials are spies—trained, hard-core intelligence agents (source: U.S. News & World Report, February 23, 1976). In this respect, it should be remembered that in 1972 the United States opened thirty deep water ports to Soviet ships. This immediately gave Communist spies easy access to this country. In 1974, some 14,000 Soviet crewmen came ashore at U.S. ports. This does not include the seamen from Eastern European ships that dock in the United States such as Poland and other COMECON countries.

Soviet bloc ships now call at U.S. ports at an average of once every other day. From my office in the International Trade Mart I often watch the ships plying the Mississippi River, and I note with considerable concern the increasing numbers of Communist bloc ships arriving and sailing here in New Orleans. Your Tulane program included a tour of our New Orleans waterfront, and you must have observed many ships in the river flying the flags of Comecon nations.

The Soviet establish agencies abroad which respond to their controls and directives, freely soliciting cargoes in Western countries, while U.S. flag lines serving Communist ports must of necessity deal with government-controlled agencies, such as Sovinflot. Agency services outside the Soviet Union are provided by companies which are in many cases joint ventures between Sovinflot and some foreign interest. In addition to the work which Sovinflot does for the Soviet fleet, it also services foreign flag vessels in Soviet ports. (Seatrade, February, 1976)

Communist cruise ships are becoming increasingly active in operating out of United States ports, attracting American tourists in large numbers by reason of low fares, the mystique of the Balalaika, the ballet, etc. Many Americans seem to be hypnotized by such ships, witness the apparent success of the Russian cruise ship, *Odessa*, sailing regularly out of New Orleans. Some of our leading citizens have taken these cruises—apparently justifying the use of such ships on the basis of curiosity. It should be realized that, in addition to the low wage scales paid by the Communists, these ships can be used for political purposes. It should also be recalled that Russian naval and merchant marine officers are reported to be regularly exchanged, with the Russian navy heavily involved in the operation of Soviet merchant ships. The Soviet merchant marine is obviously considered more of a naval auxiliary than a pure merchant marine.

The general council of British shipping has recently published an excellent brochure on this subject, entitled "Red Ensign vs. Red Flag", which says in part:

". . . the coupling of economic and strategic considerations is obvious and has been recently restated in an East German shipping publication, 'Okonomie des Seetransports', which says that socialist shipping has a military-strategic objective demanding a large and suitably structured ocean-going merchant fleet."

In February of this year the British publication, Seatrade, published a comprehensive study dealing with Soviet shipping, which I commend to your attention. It provides specific information related to Soviet maritime objectives and operations. This study was done in cooperation with CENSA, the European and Japanese shipowner group. CENSA has its "own axe to grind", and often is in opposition to the interests of U.S. flag shipping, but here we apparently have common ground. Typical of the hard-hitting statements included in this study is the following:

"Soviet lines, CENSA says, are heavily subsidized and even their 'profits' are based on completely different costing. According to CENSA, a Soviet line is relieved of the capital cost of building ships, servicing loans, provision for replacement or allowance for depreciation since the Trade Ministry buys its ships. For a western line, these costs are spread to form a continuing commitment which accounts for about 30–35% of running cost. The Soviet line does not have to pay its own insurance costs—a major factor in western shipping; it bunkers as much as possible in home ports, where fuel is only a third of world prices, and it pays much lower wages—a seaman getting about $60.00 a week, including social benefits."

Another cogent statement by the seatrade study is:

"Revenues, already hit by a fall-off in business, are further squeezed when the Soviets go for the more lucrative higher-rated cargoes, leaving the Western lines to carry lower-paying traffic. The multiplier effect of the Soviets grabbing more and higher-paying containers is devastating."

The Soviets rationalize their intrusion into the cross-trade liner trades as being based on the need to gather foreign exchange to pay for imports. The awesome size of the modern Communist fleet—and the ships on order—seem to contradict this statement and, besides, the Soviet Union, and its satellites, possessors of limitless quantities of essential raw materials, hordes of gold, great supplies of oil, etc., should easily be able to earn offsetting trade balances by relying on direct exports. Why don't they do it? The answer seems to be obvious—it does not serve their sinister purposes! Soviet imports and exports are subject to state trading policies which insist upon f.o.b. sales and c.i.f. purchases, which results in most of the Soviet direct trade being carried in Soviet-owned or dominated shipping.

In the International Transport Journal of April 9, 1976, there is a very pertinent reference to the tactics employed by the Russians with relation to their shipping policies. In the Western European trade, in addition to Soviet shipping competition, a million tons are being handled per annum on the trans-Siberian container bridge. This low cost competition is sorely hurting Japanese and Western European containership operators. A Japanese suggestion to raise rates on the grounds of increased costs was rejected by the Russians, who claim that "inflation is a capitalist phenomenon that cannot be imported into the Soviet Union!" This has prompted the Japanese shipping industry to raise the question, "is freedom of shipping the freedom to starve?"

The Russians have indicated interest in another large purchase of U.S. grains. Soviet grain shipments to India and Cuba provoke the thought that perhaps U.S. purchases are being redistributed. Communist trade with the developing countries in recent years has shown a substantial increase, obviously intended in substantial part for political reasons. The recent conquest of Angola through the intervention of Communist troops and supplies provides an alarming example of what can happen in countries where the vital interests of the United States are at stake, by reason of critical raw materials in such areas. Secretary Rumsfeld is reported (U.S. News & World Report—March 15, 1976) to have stated that Soviet intervention in Angola is a forerunner of similar moves into other areas.

Our U.S. foreign policy related to maritime affairs has been weak and outdated, and has had the effect of allowing the communists to make their own rules as to rates and practices, while U.S. flag lines must attempt to compete under burdensome restrictions which impose substantial handicaps. In this respect, I would commend to your reading the editorial by Marc Felice which appeared in the trade-oriented magazine, "Transport 2000."

It is incomprehensible to me that the administration, through the State Department, continues to openly invite communist flag shipping to share in the traffic on our vital trade routes. Such a policy has a dangerously low fuse and will inevitably result in the destruction of our shipping industry unless this Nation can promptly devise some means to protect its shipping from "politically-minded" comecon shipping. The State Department is finally awakening, apparently, as a result of the growing concern of the European nations over the grave threat to commercial shipping posed by communist fleets. Most Europeans have détente and trade problems with the USSR and are anxious for leadership on this subject from the United States.

In the March 15, 1976 issue of U.S. News & World Report, it is reported that Secretary of Defense Donald H. Rumsfeld stated:

"It is 'dead wrong' to assume that détente means that the Russians are our friends and we can trust them . . . that they will not continue to support 'just wars of national liberation.' That is not what Soviet policy is all about."

In the April 1976 issue of Harvard magazine, Daniel Patrick Moynihan, in his fine article entitled "Understanding Détente," stated:

"A new era of ideological confrontation lies ahead. We can defend ourselves successfully, but first we must understand that we are under attack. . . . when nations lose wars, there are almost always consequences not so much political in nature as social. A class, or even a caste, is defeated in the process. Something of this sort has happened in the United States."

Mr. Moynihan was referring to the Vietnam war, and he went on to say: "Guilt is a weapon our adversaries can try to have us use against ourselves."

What this really adds up to is the American people must be aroused to meet new challenges and, above all, halt the masochistic frenzy that has so adversely affected the national security and basic economic interests of our country.

How do we face up to the menace of Communist seapower? There is now proposed a new version of the "third flag" bill, which has been developed by the Federal Maritime Commission and is now under consideration by no less than nineteen Government agencies. This act, an amendment to the Shipping Act of 1916, has been proposed as the "Ocean Shipping Act of 1976", and will specifically provide for the regulation of rates or charges by certain state-owned "controlled carriers" in the foreign commerce of the United States. The act would provide for tariffs filed with the FMC which are just and reasonable, with the burden of proof to be on the "controlled" carrier. Basically, this bill is aimed as a rifle shot at the predatory Communist rate-cutting practices, and it would not apply to state-controlled carriers engaged in bilateral trade with the United States, or carriers owned by any government whose vessels by treaty are accorded most-favored-nation treatment or national treatment by the United States. This bill seems to have the endorsement of the entire U.S. maritime industry, as well as the Western European nations and Japan. The new chairman of the Federal Maritime Commission, the Honorable Karl E. Bakke, has frequently expressed his support for a strong and effective conference system as the best means of stabilizing ocean cargo rates.

Let us hope that this proposal becomes law and a really effective instrument for the defense of all U.S. foreign trade interests.

I think the most effective answer lies in the direction of bi-lateral trading agreements on each trade route, encompassing the basic cargo-sharing principle. Many condemn this as being anti-competitive, anti-free enterprise, etc., but this is simply because they do not really understand how cargo sharing works under competitive conditions. Pooling can be competitive and is in most cases. Adoption of a bi-lateral trade policy would thus have the effect of restricting the destructive force of Communist shipping to a narrow area of trade. Of course, in trades between the

Western nations and the Comecon countries, the Communists would enjoy equal benefits with the other trading partner. They already have,—and more!

U.S. flag liner cargo carriage overall increased from 23% in 1970 to about 30% in 1975, representing a 3.5 million ton increase in volume moved. On certain trade routes, U.S. liner vessels are transporting over half of the available containerized cargo. The new U.S. flag vessels employ the most modern technology—such as the containerships, barge carriers, roll on-roll off ships, etc., but we have no monopoly on such technology. Our foreign flag competitors are placing more and more such vessels in service.

As of March 1, 1976, the active privately-owned ocean fleet of the U.S. Merchant Marine consisted of 518 vessels, comprising about 13.3 million deadweight tons, according to the Maritime Administration, U.S. Department of Commerce. Under construction were 77 merchant ships, totalling more than 7.6 million deadweight tons. The shipbuilding order book included 60 tankers, 6 intermodal carriers, 9 dry bulk carriers, and 2 special-type vessels. The same reports state that the number of shipboard jobs was 22,996; total longshoremen, including clerks and allied crafts, numbered 60,516; shipyard workers 75,100; and Great Lakes shipboard jobs were 288. Current trade projections indicate that there should be at least a 50% increase in new U.S. fleet vessels by 1985, almost tripling by the year 2000. The total U.S. foreign trade is expected to increase by approximately 70% by 1985 (in tons), and to triple by the year 2000. It therefore follows that it is essential for the U.S.A. to substantially increase its merchant fleet to assure access to world markets and supplies at reasonable rates and conditions. Should we rely solely upon foreign flag ships, it is highly unlikely that they will be available to us when needed—especially the communists!

In response to specific questions related to shipping matters, the Russians sometimes quote an old Russian proverb: "Maybe yes, maybe no. Maybe Rain, maybe snow."

In the final analysis, the name of the game is profit if we are to maintain a privately owned, free enterprise maritime industry. Our ships must obtain a substantial portion of the water-borne export and import foreign commerce of the United States on each trade route in order to justify heavy capital investment in new ships—which in turn will provide more jobs for Americans and multiplying benefits for the entire U.S. economy and national security.

FIRST CONCURRENT RESOLUTION ON THE BUDGET

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MAZZOLI. Mr. Speaker, Chairman BROCK ADAMS—and his House Budget Committee—worked diligently for months in preparing the first concurrent resolution on the budget. They did a masterful job in the limited time available to them, in handling the complex and controversial matter of setting national budget priorities.

During House consideration of the first budget resolution, Chairman ADAMS supported an amendment adding $1.2 billion to the budget for veterans' cost-of-living benefit increases. I followed Chairman ADAMS' lead and voted for the amendment.

Chairman ADAMS did not, however, support other floor amendments which proposed to add funds to the budget for various kind of veterans' services. Among such amendments opposed by the Budget Committee was the so-called Edgar amendment which added $610 to the budget to fund the costs of extending the cut-off date for utilizing Vietnam-era GI educational benefits.

Again, I followed Chairman ADAMS' lead and voted against the Edgar amendment. However, it was approved by the House.

My vote was one of the most difficult I have cast since coming to Congress.

Because my vote may be misconstrued, I want to emphasize that I am a cosponsor of legislation to extend the delimiting date for Vietnam-era GI educational benefits. I support granting the Vietnam-era veterans a further period during which to utilize their GI educational benefits.

THE AMERICAN JEWISH COMMITTEE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. BURKE of Florida. Mr. Speaker, the American Jewish Committee was formed in 1906, because the Jewish community in America was shocked at the rise of violent antisemitism in Czarist Russia. Mayor Sulzberger, Louis Marshall, and Dr. Cyrus Adler were the founding fathers of this organization, which over the last 70 years has built a magnificent record in its fight for human rights. The committee's reputation for the support of human dignity would be a credit to any organization.

The American Jewish Committee had hardly been formed when it took on the task of raising funds for the rebuilding of Jewish institutions after the great earthquakes in San Francisco and Sicily. Through the years, the committee has crusaded successfully to end discrimination in public accommodations, businesses, and academic institutions. It established the American Jewish Yearbook and Commentary Magazine to record the progress of the Jewish community in the United States, and supported an array of research projects on human rights.

The achievements of the American Jewish Committee have reached beyond our own shores as well. Following the start of World War I, the committee inaugurated relief projects for Jewish refugees in Europe and Palestine. In the interwar period, it publicized Nazi antisemitism, and after the war, it established overseas headquarters in Paris and Buenos Aires to look after the welfare of Jewish people in Europe, North Africa, and Latin America. As early as 1951, the American Jewish Committee was calling attention to the reappearance of antisemitism in Soviet Russia, and in recent years it has been active in exposing anti-Jewish propaganda when it appears in the United States.

The American Jewish Committee was originally formed to combat the persecution of Jews, but the committee has acted on the presumption that discrimination against any person will ultimately hurt all. Its members are committed to the indivisibility of human rights, and believe that all men should be judged purely on their own merits, not on a preconceived notion based on their religion, race, or national origin. The committee has put these beliefs into practice. In the 1920's, it distinguished itself in the fight against Ku Klux Klan-sponsored legislation which discriminated against Catholics. At the United Nations founding conference in San Francisco, the committee's delegation, led by Judge Joseph Proskauer and Jacob Blaustein, helped to insure the inclusion of human rights clauses in the Charter of the United Nations. In the 1960's, the committee was equally energetic in its support of the Kerner report on the causes of urban rioting, and in its advocacy of projects to reduce urban tensions.

The American Jewish Committee has always advocated acting within the context of the American system, seeking justice under the law, rather than by extremism and violence. It has shown how Americans, organizing for the protection of their own rights and for the defense of the weak, can have a positive impact in their own country and throughout the world. In all respects, the American Jewish Committee is an outstanding example of the American principle of citizen voluntary organization for the pursuit of justice.

A TRIBUTE TO MALCOLM X ON HIS BIRTHDAY

HON. CHARLES B. RANGEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. RANGEL. Mr. Speaker, today is the birthday of a great black man, the Honorable Malcolm X, who arduously labored to obtain freedom and equality for blacks in America. Malcolm X struggled long and hard to achieve recognition of what was then an anomaly—that the black race were members of the human race.

Born Malcolm Little in Omaha on May 19, 1925, Malcolm X was a revolutionary in his own time. He traveled the road of a dope addict, pusher, prisoner, conformed Muslim in the nation of Islam and eventually an individual in his own right preaching world brotherhood and human justice. Symbolic of Malcolm is his pointed and "piercing finger of accusation at racist dominated institutions eroding the foundations of the Nation's existence."

Today, more than a decade following Malcolm's assassination, the black man has achieved many of the dreams that Malcolm perceived although the road continues to be a long one. His own predictions were unpopular but they served as an impetus for future black leaders. In retrospect, those who found Malcolm's conformed views incompatible with their own ideology can now be labeled as part of an anachronism for America is now beginning to accept the true worth of blacks not only as human beings but as Americans who have made substantial contributions to our Nation's 200 years of growth.

In commemoration of this great black leader's birthday, it is my hope that all Americans can retain one of Malcolm's last dreams:

> I dream that one day history will look upon me as having been one of the voices that perhaps helped to save America from a grave, even possibly fatal catastrophe.

THE MILITARY BALANCE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. **HAMILTON.** Mr. Speaker, I include my Washington Report entitled "The Military Balance":

THE MILITARY BALANCE

The argument over whether the United States is the number one or number two military power in the world has suddenly become a major concern during this Presidential campaign.

A recent study by the Library of Congress concludes that, in quantitative terms, the military balance since 1965 has shifted and is continuing to shift substantially in favor of the Soviet Union. Qualitatively, the United States has the advantage, according to the report, but in certain respects this qualitative superiority is slipping away.

The Library of Congress report compares the United States and Soviet strength in six categories:

Strategic Nuclear: The United States has lost its numerical superiority in nuclear missiles and lags in every category except for launchers with multiple-independently-targetable-reentry-vehicles (MIRV's) and total warheads. The U.S. also leads in quantities of heavy bombers and air launched cruise missiles. But a meaningful comparison of strategic nuclear power considers explosive power, number of warheads, accuracy and reliability. All things considered, the U.S. strategic nuclear force is in excellent shape and is probably more than twice as effective as the Soviet force against hard targets.

Tactical Nuclear: Air power gives the United States a global edge, but in Central Europe the Soviets have substantial quantitative superiority. But the U.S. with 7,000 nuclear weapons in Europe, has ample nuclear weapons for any conceivable purpose.

Ground Forces: Soviet personnel stretch is 2½ times that of the United States. The Soviets, however, use military manpower for many functions which we assign to civilians and their requirements are all together different from ours. The United States has clear quantitative advantages in helicopters, but is far behind in tanks and personnel carriers.

Naval Forces: The Soviets have more naval combatants in every category except aircraft carriers, where we have a distinct advantage. The United States has seven nuclear powered combatants and the Soviet Navy has none. The U.S. Navy also has twice the tonnage of the Soviet Navy.

Tactical Air Force: In land and carrier based combat aircraft the United States is far ahead. Although the Soviet Air Force has more fighter/attack, medium bombers and tactical air support aircraft than the U.S., the U.S., because of the superiority of its planes, has a large lead in attack aircraft capability and an increasing lead in fighter capability. In addition, nothing in the Soviet inventory can match the performance of the U.S. C–130 fleet in tactical air transport.

Strategic Mobility Forces: The Soviets surpass us in military sea lift, but the United States has kept its lead in strategic air lift.

In assessing the military balance between the United States and the Soviet Union, the first step is to determine our real military requirements on the basis of the United States' interests and objectives. The next step is to shape the United States' military force structure to correspond to these real military requirements. This approach means we should not try blindly to match the Soviets, weapon system for weapon system, or force level for force level.

The United States and the Soviet Union have differing military requirements that lead to differing military forces. The United States Army is structured to defend the European front while much of the Soviet Army is directed to protect against Chinese attack. The Soviet Navy is designed to protect the Soviet Union against attack by American aircraft carriers and to interdict the sea lanes, while the American Navy is designed not only to attack the Soviet Union, but also to maintain control of the seas on a global basis.

The Russian military may be expanding steadily, but much of the increase is motivated by the Sino-Soviet split. Russian military manpower vastly outnumbers United States military manpower, but they use servicemen where we use civilians. Our intelligence estimates, for example, show that nearly half the Soviet Union's military forces are engaged in essentially civilian work or are assigned to military missions not directly threatening to the United States. The Russians out-spend us when we measure spending by dollars, but using other comparisons, like spending in rubles, the United States has outspent the Soviets. Our allies also add considerably more in equipment, men, reliability and strength to our military capability than Russia's allies do to hers.

Raw numbers in military comparisons do not mean everything. The quantitative balance is conditioned by intangible and qualitative considerations, which are equally important. These considerations include leadership, discipline, motivation, training, combat experience, and technology. Besides, the overall comparative strength of the United States and the U.S.S.R. is measured not in military terms alone, but in terms of all the elements of national power, including political stability, the strength of the economy, the fiber of the people, geography, and the leadership of the nation.

The basic issue that needs to be debated and resolved is not whether the United States is superior or inferior militarily, but rather what role the United States wants to play in the world and thus what military forces we should maintain in order to carry out that role. In any event, the question of who is superior cannot be answered easily and simply.

TAX DEDUCTIONS FOR TENANTS

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. **FISHER.** Mr. Speaker, today I have introduced a bill to provide a tax credit for renters, who under current law are not permitted to deduct on their Federal income tax the local real estate taxes they pay as part of their rent.

My bill would provide a credit against Federal income tax of 5 percent of annual rent, up to $75 for a married couple filing jointly—$37.50 each if they file separately—and $50 for single taxpayers. This would apply to persons who rent their principal residence for 8 months out of any year under a genuine rental agreement.

A large and growing segment of our population rents its residence. In 1970, 37 percent of all Americans rented their residences, 42 percent in the Northeast. In Arlington County in my district more than 65 percent of all occupied residential units are rental dwellings.

Under present law a homeowner may deduct on his Federal income tax the amount of real estate taxes paid to his county or city of residence. No such tax deduction is available to the renter even though the taxes are paid as a part of the monthly rent check. My bill seeks to correct this inequity.

The way it would operate is simple. Once the total amount of Federal income tax has been computed, the amount owed would be reduced by up to $75 for a married couple who file jointly or $50 for a single taxpayer—$37.50 for married taxpayers filing separately—providing a direct savings to the renter. The proposal is intended to be simple and understandable to insure its wide use. It does not require the calculation of actual real estate taxes paid as a part of the rent but establishes a uniform dollar figure and gives the taxpayer a direct credit. A plan similar in form is now in effect in the State of California. The use of the device of a tax credit rather than the more customary tax deduction insures that those renters who take the standard deduction on their Federal tax returns rather than itemizing their deductions will still benefit under my bill. For example, a renter earning $15,000 per year and filing as a single taxpayer would remain eligible for the full $2,300 standard deduction and would be eligible for the $50 tax credit as well. This combination of tax credit and standard deduction is an effort to place renters in roughly the same position as homeowners under our Federal tax laws. The use of a tax credit rather than a tax deduction has the further advantage of providing a larger relative tax benefit to lower-income families and individuals.

I recognize the fact that this proposal is a major change in Federal tax laws which have historically put renters at a disadvantage. A measure of the impact of this change is that the staff of the Joint Committee on Internal Revenue Taxation estimates the revenue loss from my proposal to be $1.7 billion. With increasing numbers of Americans choosing the efficiency and relative convenience of apartment living I believe we must reexamine the policies of our tax laws. I hope my bill will serve as a basis for that reexamination.

I shall make every effort to urge the Ways and Means Committee, on which I serve, to begin deliberations as soon as possible.

STARCH-TARGETED PESTICIDES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MICHEL. Mr. Speaker, a new development by Agricultural Research Service scientists in my hometown, Peoria, Ill., uses a farm product, starch, to keep farm chemicals on target. Encapsulating chemicals, especially pesticides, in a starch compound makes the chemicals safer and more effective to use and protects the environment.

Since many pesticides are made from petrochemicals and fuel is used in applying them on the farm, making them more effective conserves petroleum. Using starch instead of a petrochemical to encapsulate them also conserves this limited resource. Our starch supply is renewed every year, of course, in annual crops of corn, wheat, sorghum, and other cereal grains.

This is just one more development from research on farm products that will benefit the general public, ecologists, and consumers, as well as farmers and chemical manufacturers.

The Peoria Journal Star reported the research May 7 in a bylined news story by Mr. William Prater of the Associated Press, and I insert the article to be printed in the RECORD:

SAFER, MORE EFFECTIVE AG CHEMICAL APPLICATION TEST SET

(By William Prater)

A new method of applying farm chemicals was disclosed here yesterday which may be safer, more effective and less polluting than conventional ways of controlling weeds and insects.

The development could "cut the amount of chemical a farmer must use in half," said Dr. William M. Doane, a research chemist with the U.S. Department of Agriculture in Peoria.

The process, which involves wrapping the toxic chemical in a nonsoluble starch compound, has been turned over to 10 agricultural chemical companies for testing.

Chemicals that can break down or dissolve in sunlight or water are trapped by the starch compound and held in particles that dissolve in soil more slowly than the chemicals.

In the field, the insoluble, water-permeable starch holds the pesticide in place for slow release, Doane said.

"You don't want to kill a bird; you don't want to kill a fish," he said. "Almost every manufacturer is working on some method now of controlling the release rate."

Doane said chemists at the USDA Agricultural Research Service laboratory in Peoria worked more than a year and a half on the encapsulating process and had been working for two years before that on ways to slow the rate of pesticide release.

Every chemical manufacturer "is trying to develop its own way to do the same thing," Doane said. ". . . The whole concept of controlled release is fairly new. It's come a long way in the last two or three years."

The USDA process involves encapsulating the toxic chemical in starch xanthate, a compound of starch and sulfur developed originally in the Peoria lab as a paper-strengthening agent.

Dr. Baruch S. Shasha prepared a total of 50 types of herbicides, insecticides and nematodes for the 10 manufacturers cooperating with the USDA. He said one volatile herbicide he encapsulated showed no loss in effectiveness after 40 days of storage.

Only 7 per cent of the chemical evaporated in five hours under a heat lamp, while almost 90 per cent of the same herbicide left unprotected evaporated in two hours under the same conditions, he said.

One manufacturer, Pennwalt Corp. of Philadelphia, already markets a pesticide, Penncap, in which methyl parathion is held in a little nylon purse which slowly disintegrates.

Doane said the starch process uses "the cheapest and purest polymer that could be bought." It also "biodegrades after it releases the pesticide," he said.

Because of the cost of the encapsulation process, even if a farmer cuts the amount of pesticide he applies in half, his total cost might be the same, Doane said. "Of course, mass production might bring that down," he said.

JACK ANDERSON'S PECULIAR SOURCE—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. McDONALD of Georgia. Mr. Speaker, William F. Haddad has been a Jack Anderson source for many years. Anderson's own peculiar history, which I have discussed in the CONGRESSIONAL RECORD many times, certainly has a parallel when we examine the history of Haddad.

I would like to share with my colleagues an excellent article on Haddad written by Nora Ephron in New York magazine, November 25, 1968. Miss Ephron pointed out that—

> Last year Bill Haddad earned well over $100,000—which is not bad for a boy in the poverty business.

Miss Ephron's article entitled "Oh Haddad, Poor Haddad" follows:

OH HADDAD, POOR HADDAD

It has been more than two months since Bill Haddad said what he had to say on the subject of this city's public schools, and the mail is still coming in. It has been more than two months since Haddad, newly appointed to the Board of Education, appeared on television one Sunday afternoon and said, "I wouldn't put my kids in the public school system. I'd hock my suit, my car and my shoes to get them into a decent school." Two months, and Bill Haddad still hasn't quite figured out how to answer all those angry letters. Letters from parents who are outraged because Haddad, who runs a $5 million business and is married to the adopted daughter of millionaire John Hay Whitney, does not have to hock anything—including that old Mercedes Benz his father-in-law gave him for a wedding present—to keep his kids in decent schools. Outraged because it is not bloody likely Haddad ever even considered sending his children to public school. Outraged because, as a New York Times editorial put it some days later, "For the parents of a million New York youngsters, there is no alternative to the public schools—not even the pawnshop Mr. Haddad demagogically suggests."

One of these days Bill Haddad will get around to finishing his draft letter of reply. He has been meaning to for weeks. But you know how things have been. The strike never ends. His newspaper, the West Side News, is about to come out reincarnated as the Manhattan Tribune. The business—which has made Haddad one of the country's leading poverticians*—is booming, so much so in fact that Haddad is in a quandary over whether to buy a company jet or merely a company Turboprop.

And in the meantime, the mail comes in and Bill Haddad rolls with it. He can take the criticism. Yes, sir. It's all because of this new calm he has developed. You might not know about this new calm if Haddad didn't talk about it so much. As he sits in his office on the 61st floor of the Chrysler Building, he pulls pieces of Scotch tape off a dispenser and sticks them together. He smacks a ruler against his thigh. He bites at his glasses. He doodles arrows and squares on a scratch pad. He stands, hitches up his pants, tucks in his shirt, tugs at his socks, loosens his tie, unbuttons his collar, rolls up his cuffs, and sits down to tell you about his new claim. "It's on the inside, not the outside," he says, and proceeds to explain how it works.

In the old days, he says, he would have been troubled to hear that a couple of the Mayor's assistants had argued against his appointment. In the old days, he would have gotten upset at being attacked in a *New York Times* editorial. Not any more. In the old days, it would have bothered him to be accused of using his position on the Board as a stepping-stone to the Mayoralty. Not any more. It's all because of this new calm. He knows he is going to be controversial; for the first time in his life, he is able to live with it.

"I'm a provocateur," said Haddad. "I can't seem to let one go by. I learned that from Estes Kefauver. I used to ask him, 'Why do you get into all these battles?' and he would say, 'Never let one go by.' I wish I could. I wish I could learn to keep my mouth shut. But I can't."

And the thing is, Bill Haddad must be doing something right—even if his mouth is wide open—because people don't say nasty things about him as often as they used to. He is still abrasive, they say, but less abrasive. Still ambitious, but less obvious. Perhaps it's because he's 40—men always seem less brash at 40. Perhaps it's because he finally has a legitimate platform to speak from—two platforms, in fact, if you count the newspaper. Whatever it is, all that business you used to hear about his being just like Sammy Glick, about his being a hustling operator—"You hear all that a lot less than you used to," says Bill Haddad. He smiles and relaxes. He seems thoroughly ingenuous. And for a moment, just for a moment, you understand what he means about this new calm. But then he stands, scratches his scalp, starts pacing the room, and the impression passes.

Ever since—well, probably ever since the beginning, but certainly ever since he came to New York—Bill Haddad has fascinated those he has come in contact with. His friends talk about him incessantly; he plays a far larger role in their conversations than he does in their lives. At the *New York Post*, where he was a first-rate investigative reporter, everyone knew he would be the first Arab president. Or the first Arab governor. Or at least the first Arab something-or-other. In those days, his name would come up over cocktails, linger through dinner, then brandy, until finally someone would say, "Why are we spending so much time on him? He's only a reporter." Not for long. In 1961, after working in the Kennedy campaign, he joined the Peace Corps as associate director, and his name began to come up at and linger through Washington dinner parties. In 1964 he took a brief job at his father-in-law's *Herald Tribune*; he was discussed into the small hours by the boys at Bleeck's. Then he ran for Congress in a messy 19th C.D. primary against Rep. Leonard Farbstein, where he finally admitted—to the public and to his old friends at the *Post*—that he was 100 per cent Jewish; to this day, his behavior over his religious background tantalizes his friends. And now, as a financially secure businessman with somewhat mysterious political aspirations, he continues to fascinate. Why?

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*Povertician, n. 1. one who deals in the politics of poverty. 2. one who profits thereby.

"Bill Haddad is a type," says one man who has known him since college. There are people who have some quality that we ourselves possess but are unwilling to accept. They may be social climbers, or sexual philanderers, or, as in Bill's case, wildly ambitious. The difference between them and us is that *they're* transparent. We talk about them as much as we do to reassure ourselves that *we're* not transparent, that *we* haven't been found out. Talking about someone who has been found out is a way of relieving our own anxieties."

One of Bill Haddad's former colleagues has a simpler theory: "Like Zsa Zsa Gabor, Bill has a great talent for publicity. He has an extra gland that produces publicity instead of sweat."

It is generally assumed that people who know Bill Haddad either like him enormously or hate him. This is not quite accurate. It would be truer to say that people who like him seem to dwell on his shortcomings, and people who hate him dwell on his virtues. Thus, you will speak with Dave Gelman, who likes him and works for him, and he will say, "I always thought of Bill as a juggler. He would throw up twelve dishes into the air, keep them all up somehow, and if something came along that interested him, he would walk out from under them and let them all go smash."

Or talk to William vanden Heuvel, a Kennedy man who is reliably reported to be less than admiring, and you hear: "I admire Bill's spirit and energy and capacity to make things happen. He's willing to put things together that others don't think are possible."

Or listen to a Manhattan district leader who was close to Robert Kennedy and is a friend of Haddad's. "I know all his weaknesses," he said. "I know all the things that drive everyone crazy, but I really am fond of Bill. You know, his behavior during the Kennedy vigil was sort of a joke. At five o'clock the day Bob died, we realized we wanted some of his friends to stand vigil, so we began to frantically round them up. We called Bill. He got there, and suddenly, he became a big cheese. He welcomed everyone, shook hands at the door—he stayed all night, in fact. Then afterwards, he told people he was *in charge* of the vigil." He laughed. "But everybody operates that way. He's no worse than anyone else. And I think anyone who doesn't like him can't do things as well as he can."

There are two things everyone who knows Bill Haddad agrees on. First, the energy. (More on that later.) Second, that he takes on too much. Once, in fact, Haddad had to find a ghostwriter to ghostwrite a book which he'd promised to ghostwrite himself. "He just can't say no to anything," says his secretary Denise Morrissey. Because Haddad overcommits himself, he occasionally lacks something in follow-through. Usually, he fails to do the small things—political favors he promises to perform, phone calls he promises to make, speeches he promises to deliver—but occasionally he takes on larger responsibilities and ultimately . . . well, ultimately lets them all go smash. Like his Citizens Committee for Metropolitan Affairs. Formed following Mayor Lindsay's election, the committee was to be an informal citizens investigative force; its members, excited by Haddad's enthusiasm, came up with provocative information on overtime payment for city employes and practices in the auto repair field. But then Haddad's involvement petered out, and the enthusiasm he had generated dried up.

For some, Haddad's lack of follow-through is inexcusable. They chalk it off to his inability to wear less than ten hats at once and claim that he wears none of them well. "He just doesn't know what he wants to do," said a Mayoral assistant, "so he does everything." For others, the fault is redeemed by his energy. Fantastic, incredible energy. Bill Haddad works a 16-hour day and takes Gelusil, and so does just about everyone who works for him. "It's like constantly being involved in a political campaign," said Bonnie Lefkowitz, who, along with her husband Gary, worked for Haddad until a year ago. "You have the same hours, the same pressure of a political campaign, but without the definite goal at the end."

Does Bill Haddad overwork his staff?

"I'm like Sargent Shriver," said Haddad. "I expect others to do what I do."

Even if they're earning less than you are?

"I used to give that to Shriver," Haddad replied, "and you know what he used to say? 'Nobody asked you to work here.' We're not the best-paying place, but we're not the worst. And this is a rather exciting company."

The United States Research and Development Corporation (USRD) was started three years ago by Haddad and his partner Robert Campitt. They began it without a penny of help from Jock Whitney; today USRD takes up an entire floor of the Chrysler Building and spills onto several others.

Last year Haddad earned well over $100,000—which is not bad for a boy in the poverty business. For although USRD makes its big money from developing computer systems for private industry, its reputation derives from its work in the poverty field. Just as burgeoning Defense Dept. activity created the need for companies like Litton Industries, the rapid expansion of the poverty program has meant there was room for companies like USRD.

Essentially, USRD's work in the poverty field falls into two areas: consultation and administration. Haddad hires out his men to evaluate the effectiveness of poverty programs; also, USRD will take over the planning and administration of such programs for both government and private industry. In return for its services as administrator, USRD is paid 10 per cent of the administration costs of the project—off the top—a figure Haddad insists works out to a bare one per cent profit after expenses. "The private accounts carry the company," says Haddad. "We don't make money from poverty." Among USRD's involvements: setting up the first industrial education centers for training hard-core unemployed ghetto adults; running a public school in California; operating the California Employment Bureau; consulting and evaluating poverty-related government programs. It also hires out its employes to political campaigns. Haddad worked as head Hessian in the primary campaigns of Jerome Cavanagh, Detroit mayor who won the Senate nomination (and later lost the election), and Robert King High, former Miami mayor who failed to get the gubernatorial nomination. And then there is the *Manhattan Tribune*.

Last spring, USRD bought 90 per cent of the *West Side News*. "For fun," says Haddad. Certainly not for profit. The *West Side News* is an almost legendary financial calamity. As its new publisher, Haddad announced that he planned to turn the paper into an investigative publication serving both the West Side and Harlem. He gave an interest in the operation to CORE and named its director, Roy Innis, co-publisher. The result of this alliance will be called the *Manhattan Tribune* and will have a black editor and a white editor and a black editorial (by Innis, a separatist) and a white editorial (by Haddad, an integrationalist). Hadded expects the *Tribune* to make its formal appearance this month. Its informal debut, and an unimpressive one it was, took place at the Republican and Democratic conventions, where it appeared with bylined articles by Jack Newfield and Dick Tuck and pseudonymous ones by Andrew Kopkind and David Halberstam.

In addition to working together on the paper, Haddad and Innis are also opening a journalism school to train young blacks and Puerto Ricans. Its operating budget of approximately $100,000 will be supplied by the Ford Foundation. Plans for the school were drawn up by journalist Pete Hamill, who reportedly got out of the operation when he discovered that Innis insisted on having a one-week indoctrination course in black power for the students, and that Haddad planned to use what the trainees wrote in school in the *Manhattan Tribune*. "Pete really got up tight about that," said one insider. "Apparently Haddad had never told him the school was connected with the paper, and Pete was furious. He thought he'd been lied to—or at least that he hadn't been told the whole truth—and he felt the arrangement was unsavory. It got very tense. Pete said to Haddad, 'You mean to tell me that the Ford Foundation is going to underwrite your commercial enterprise by giving you free reporters? Incredible. That's not running a newspaper—that's running a plantation.'" The journalism school will have a black director, a white director, a black assistant, a white assistant, a black secretary and a white secretary. According to Haddad, it will not be a plantation: he has decided, he says, to sell what the trainees write to publications like the *Village Voice*, as Hamill originally suggested.

Roy Innis, huge, handsome, bearded, sits in his West End Avenue apartment wearing only a pair of slacks. "Both Haddad and I had a coincidence of needs," he explained. "Both of us were passing through the same position in time and space. He had a need for a journal on the West Side. I had a need for a journal in Harlem. We complemented each other's needs."

"Are you using him or is he using you?" Innis was asked.

"We're both using each other," Innis replied. "We have a symbiotic pragmatic relationship. That's quite different from a parasitic relationship. Haddad and I have a lot in common. We're both pragmatists. Of course, he prefers to think of himself as a do-gooder. He has a lack of distinction between what he wants for himself and for the general good. He couldn't be a bank robber unless he was going to play Robin Hood." Innis paused. "What did you say this article was going to be about?"

"Haddad," came the reply. "Who he is, what he wants."

"Well," said Innis, "when you find out let me know."

William Frederick Haddad was born in Charlotte, N.C. He grew up moderately poor in New York and New Hampshire. When his parents separated, his sister stayed with his Russian-born mother in New Haven and Haddad and his two brother moved to Miami to grow up extremely poor with their Egyptian father. At fifteen, he enlisted in the Merchant Marine and spent the better part of five years at sea, returning home each year to help his family run a small Arab restaurant. After two years of St. Petersburg J.C., where he led a couple of civil rights scuffles, he enrolled in the class of 1954 at Columbia, worked his way through nights as a radioman, graduated, and moved to Washington to work for Kefauver. In 1957 he came back to New York to work at the *Post*, and in three years there, he won every journalism award except for the Pulitzer.

Haddad married Kate Roosevelt (her father is Congressman James; her mother's second marriage was to Whitney) in the Church of St. Matthew's and St. Timothy's in 1959. The Rev. James Gusweller, a cleric well known for his involvement in social issues, performed the ceremony in his West 84th Street church. No one who has met Kate Haddad believes her husband married for money. "She's a fantastic girl," said one friend. "Bill would have married her even if her name had been Slotkin." Kate Haddad—"She's fabulous," says her husband, and everyone agrees—is now the mother of "Tweaky" (Laura), 6; "Bebo" (Andrea), 3; and "Scrumpy" (Camilla), 1.

In 1960, following the Democratic convention, where he worked for Stevenson, Haddad returned to the *Post* and began to write a series of stories on the Wagner administration. Bobby Kennedy, who at the time was trying to hold the New York Democratic Party together until the election, became concerned that the articles might prove a source of embarrassment. He called William Walton—then Kennedy liaison with the New York Democrats—and told him to get Haddad off their backs. Walton inquired around about Haddad, found out that he was bright, young and ambitious, and invited him up for a chat. They spent an afternoon talking, then another afternoon. Shortly thereafter, Kennedy called Walton.

"Did you get Haddad off our backs?" he asked.

"I think we've got him under control," Walton replied.

"What do you mean?"

"Well, I don't think he's going to write any more nasty stories for the *New York Post*," said Walton.

"What *is* he going to do?" Kennedy asked.

"He's going to come down to Washington Monday," said Walton. "I gave him a job as your assistant."

After two years in the Peace Corps, Haddad left. For one thing, Sargent Shriver had resigned, to be replaced by Bill Moyers; for another, Haddad explained, "It was just time to get out." ("You know Bill Moyers is smart," Murray Kempton is reported to have said at the time, "because he's the only guy who ever beat out Bill Haddad and kept Bill smiling.") Haddad spent several months heading an investigative team at the *Trib* and then announced that he was entering the primary campaign against Rep. Farbstein. His campaign was run with all the slickness of a Kennedy President blitz, with glossy literature, much talk of the man fresh from the New Frontier, and national publicity. But Haddad had two big problems, according to his campaign manager, Assemblyman Al Blumenthal. "First of all, he spent so much time as his own public relations man he didn't have enough time on the streets," said Blumenthal. "Second, the question of his religion caused him great injury, particularly as it was misused by the opposition on the Lower East Side."

The confusion over Haddad's antecedents apparently began with the candidate himself. Though both Haddad's parents were Jewish, said Haddad, "culturally we were Arabic, and we were raised in the Middle East culture. My father felt one religion was as good as another." Today Haddad claims he always identified himself as a Jewish Arab, but friends from the *Post* remember distinctly that he admitted to being only half-Jewish. In any case, when it began to be whispered through the predominantly Jewish 19th C.D. that Haddad might be an Arab—or worse, a *meshumad*, or backslider from his religion—Haddad issued two biographical flyers. One said his parents were both from Jewish backgrounds; the other, slightly vaguer, said his father was "born into the small Jewish community of Cairo." Then, Haddad announced that he had filed a complaint before the Fair Campaign Practices Committee charging that Farbstein was raising the religious issue.

In fact, of course, it was Haddad himself who had raised it. And in so doing, he brought the whole unpleasant business out into the open, thus giving the whispered rumors a legitimate place in the campaign. "If the issue was to have been raised at all," said a politician who advised Haddad against it, "it should have been raised by the opposition. Then it could have been condemned. Haddad would have done better to keep his mouth shut."

"I never did figure out what to do about the Jewish thing," Haddad recently admitted. And if some of his best friends were surprised to discover that he was Jewish, Haddad's own mother, now Mrs. Esther Dubin, was flabbergasted that it should have come up at all. During the closing days of the campaign, she bumped into a downtown district leader and blurted out, "I don't understand this. Could my boy not be Jewish?"

What everyone comes back to is the energy. Especially the short-term energy. In political campaigns, he can be counted on to get things moving, to get out the literature. In the Peace Corps and the Poverty Program, his enthusiasm and abhorrence of red tape were essential to programs just beginning. He infuriated the bureaucrats. He would appear for senior staff meetings in his shirt sleeves, his tie carefully undone, uttering a stream of obscenities; he wanted the fact as well as the appearance of being anti-bureaucratic.

In the Kennedy administration, Haddad was a Shriver man. In Kennedy elections, he worked for Steve Smith. Robert Kennedy never quite grew to like him, but he respected his ability to get things done. In Kennedy's Senatorial campaign, Haddad laid out and distributed the famous flyers on the myth of Keating's liberalism. He played a critical part in the surrogate's campaign and leaked information on the court to New York reporters. His mark on campaign literature is clear: he always lays it out in exactly the same way, and it usually begins, "Six Reasons Why You Should Vote For . . ." whomever he is working for.

Within days of his going to work in the Lindsay campaign, anyone familiar with Haddad's style knew he was there. The literature showed it, even before he produced the famous flyers on the myth of Beame's liberalism. But Haddad denied he had anything to do with the Mayoral campaign. Why he did is not clear. He claims it was because he didn't want the fact that he was a Kennedy-man-working-for-Lindsay used in the campaign; others suspect it had more to do with his unceasing desire to cloak his exploits in mystery. Whatever it was, Haddad was working in an office at Lindsay Headquarters in the Hotel Roosevelt one afternoon when Steve Smith telephoned.

"I was going to offer you a job in the Beame campaign," said Smith, "but I gather you're working for Lindsay."

"Who told you?" asked Haddad.

"Justin Feldman," said Smith.

The next day, Feldman's telephone rang. It was Haddad. "Why did you tell Steve Smith I was working for Lindsay?" he asked.

"Because you are," said Feldman.

"No, I'm not," said Haddad. "Why would I do that? With my father-in-law, why would I have to work for Lindsay to get a job in his administration?"

"Look, Bill," said Feldman, "I know you're there because Wynn Kramarsky is working down the hall from you, and he told me you were there."

A couple of days later, Lindsay's campaign manager Bob Price called Feldman. "I know you're not for Lindsay," said Price, "but why are you making me spend money?"

"What are you talking about?" Feldman asked.

"Because of you, we've had to move Haddad up to the eighth floor and run telephone lines up to his office so no one will know he's here."

Father-in-law notwithstanding, Bill Haddad did not get the job he wanted in the Lindsay Administration. Instead, he started USRD; to keep from going into total political eclipse, he formed his Citizens Committee and headed the fight against state aid for parochial schools. This year, when the vacancies on the Board of Education came due, Haddad saw his chance. He was genuinely interested in the problems of education—which helped; he was white, Jewish, in favor of decentralization, and had ties to the black community—which helped more. "I lobbied for that job," said Haddad. "I really did. I went after it. I used my political know-how. I'm not ashamed of that. I wanted the job." And now do you regret having taken it? "Sometimes I do, but when it boils down to it, I'm not."

He continued: "I've really aged in this job. I'm sure people are saying I took it because I'm ambitious, but let me tell you, if you have political ambitions, the best advice is don't get involved in anything that involves education. Hide until it blows over. If you're smart, get out." Haddad's first few months on the Board have not been easy. Saying he would hock his coat didn't help. But, he says, "I want to say what I want to say when I want to say it. I don't want to think twice about it." His ties to the black community have not worked out as well as the Lindsay administration had hoped. He has also made an enemy of Rose Shapiro, whose re-election as president of the Board of Education he blocked. "What Rose is angriest about," he said, "is that I put my feet up on her table." Somewhat sheepishly, he added: "I don't put my feet up any more." And because Haddad was not on the five-man negotiating team in the strike, he has been in the papers somewhat less than in the beginning of his term.

But he'll be back. That gland that generates publicity will start working again. The juggler will throw another ball into the air. Why, just the other day, at a City Hall meeting where the Mayor was present, the rumor circulated that Haddad was planning to run for Governor. True? "Look," said Haddad, "I don't know if I have the temperament for public office."

And when he says it, he believes it. This week, anyway. "He's not a liar," says Roy Innis. "At one time I thought he was. But the only person he may be lying to is Bill Haddad."

JENSENISM—IV

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mrs. CHISHOLM. Mr. Speaker, I would like to enter into the RECORD a continuation of "Jensenism: The Bankruptcy of Science Without Scholarship" by Prof. Jerry Hirsch. It is, I believe, a most important document analyzing the astounding conclusions of Arthur Jensen:

Jensen's report of one nutritional supplement study provides a shameful example of scholarly incompetence: ". . . there is at least one study which shows that some undetermined proportion of the urban population in the United States might benefit substantially with respect to intellectual development by improved nutrition. *In New York City,* women of low socioeconomic status were given vitamin and mineral supplements during pregnancy. These women gave birth to children who, at four years of age, averaged 8 points higher in IQ than a control group of children whose mothers had been given placebos during pregnancy (Harrell, Woodyard, & Gates 1955)." [73] (p. 74) The information actually in Jensen's reference is almost unrelated to his discussion: ". . . gathering . . . data *in* . . . two maternity clinics . . . about 800 miles apart. One was the Frontier Nursing Service centered at Wendover, Leslie County, *Kentucky,* and the other was the King's Daughters Maternity Clinic of Norfolk, *Virginia.*" [74] (Italics added)

Not only is the geographic location entirely *un*related to what he *mis*represents it to be but the sample composition is complicated:

"The people of this Cumberland mountain district are almost entirely descended from the early migrants to America and are of English, Welsh, Scotch, and Irish ancestry. There has been little infiltration of Southern European, Asiatic, African, Mexican, Indian or Oriental blood. Probably nowhere in the United States is there a more homogeneous group nor one of more rigid, unbending folkways. [75] (p. 15)

"Radically these, [Norfolk, Virginia] maternity patients were approximately 80 percent Negro, the remainder being white patients of varied and mixed nationality. Among their number were Mexicans, Filipinos, Germans, Laskers, Italians, Greeks, Hebrews, and those of French, Irish, and English ancestry." [76] (p. 17)

Also the samples are subdivided according to kind of diet supplement and separate intelligence scores are presented for different groups. Furthermore some children were tested at age 3, some at age 4, and some at both 3 and 4 years. Since the I.Q. results vary with the conditions, no single average score is meaningful.

Unfortunately even my previous example fails to plumb the nadir of incompetence exhibited by both Jensen *and* his discussants, because on his page 58 we are told: ". . . I received a personal communication from Professor Lloyd G. Humphreys who pointed out some arguments that indicate I may have under-estimated the heritability of scholastic achievement . . . . [Here I have omitted approximately 150 words.] Rank in high school graduating class, which is an overall index of scholastic performance and is little affected by age yields heritability coefficients below 0.40 in a nationwide sample (Nichols and Bilbro, 1966)."

That 1966 paper by Nichols and Bilbro,[77] as its title in Jensen's bibliography blatantly proclaims, concerns "The Diagnosis of Twin Zygosity" and is completely unrelated to the topic for which it is adduced as reference!

Jensen refers readers to another of his publications in an unsuccessful attempt to justify his misuse of heritability, [78] [79] because the question "is too complex to be considered here." (p. 109) That other discussion reveals a very old misconception shared by Jensen with too many of his sympathizers. There he claims: "The inventors and developers of intelligence tests—men such as . . . Binet . . . —clearly intended that their tests assess . . . the individual's innate brightness or mental capacity." [80] But Binet's ideas were, in fact, quite different from what Jensen misrepresents them to be. As Healy pointed out back in 1915 and as has since repeatdly been recognized, e.g., by Haller (1963, p. 112),[81] Osborn (1966, Vol. 8, p. 816),[82] Tuddenham (1962, p. 487),[83] and so on: "Those who think this scale measures general ability apart from schooling and other advantages should read Binet himself on the subject." [84] And here is what Binet actually says: ". . . l'intelligence de quelqu' un est susceptible de développement; avec de l'exercice et de l'entrainement, et surtout de la méthode, on arrive à augmenter son attention, sa mémoire, son jugement, et à devenir littéralement plus intelligent qu' on ne l'était auparavant. . . . ce qui importe pour se conduire de maniére intelligent, ce n'est pas tant la force des facultés que la maniére dont on s'en sert, c'est-à-dire l'art de l'intelligence, et que cet art doit nécessairement s'affiner avec l'exercice." [85] [86]

On page 74 Jensen reports Rimland's discussion of birth-order effects: "Order of birth contributes a significant proportion of the variance in mental ability. On the average, first-born children are superior in almost every way, mentally and physically. . . . (Rimland [1964, pp. 140–143] has put forth some interesting hypotheses to explain the *superiority of the first-born.*)" Once again, consulting Jensen's reference directly will do nothing to restore anyone's confidence in Jensen's integrity or competence as scientist-scholar, because on page 140, Rimland (1964) states: "The readiness with which psychogenic explanations may be generated to explain the successes and *failures* of the first-born . . ." and again on page 141, Rimland states: "The bulk of research on birth order and intelligence . . . reports *no consistent diferences in the mean* IQ of children in sibling rank (Schoonover, 1959). Yet the findings are incontrovertible that the first-born are highly overrepresented at *both* tips of the distribution, as we noted in Chapter 7." [87] (Italics added throughout discussion of Rimland material.)

Following his discussion of environmental deprivation and immediately after describing the "extreme case of Isabel . . . who was confined . . . in an attic up to the age of six by a deaf-mute mother, and who had an IQ of about 30 . . ." but whose "IQ became normal by age 8" after being "put into a good environment," Jensen (p. 61) again cites animal work: "These observations are consistent with studies of the effects of extreme sensory deprivation on primates. Monkeys raised from birth under conditions of total social isolation for example, show no indication when compared with normally raised controls, of any impairment of ability for complex discrimination learning, delayed response learning, or learning set formation, although isolated monkeys show severe social impairment in their relationships to normally reared monkeys (Harlow & Griffin, 1965)." Once again we are misled by a Jensen distortion, because in the very paragraph Jensen is abstracting, Harlow and Griffin carefully warn their readers: "It should be noted that these isolated monkeys had some learning experience while under total social deprivation (Rowland, 1964)." [88]

IV. A BRITISH ECHO

In the Preface to the 1972 reprinting of HER, once again Jensen exposes his own shoddy standards by recommending "for students and nonprofessionals who lack the technical background in statistics, measurement theory and quantitative genetics," [89] required for reading Jensen, that they read H. J. Eysenck's (1971) *Race, Intelligence and Education: The I.Q. Argument*—a suggestion endorsed by Cattell (1971): "A book that no open-minded person interested in the issues of our times should fail to read." [90]

I have followed the "authoritative" recommendations of Professors Jensen and Cattell and here is what I have found on reading Eysenck: [91] ". . . the reader will have to rely on the general watchfulness of my colleagues to make sure that I have not tried to *slip anything over on him*" (p. 15; italics added); and: "In preparing this book for publication I was very much aided by Professor A. R. Jensen. . . . Thanks are due to Professor I. I. Gottesman . . . for taking part in an 'At Home' with Jensen and other experts . . . ." (p. 16)

In the opening lines of the fine paper on "Race and Intelligence," quoted earlier, Lewontin likens today's Jensenism to the heresy of Jansenism: "In the Spring of 1653 Pope Innocent X condemned a pernicious heresy which espoused the doctrines of 'total depravity, irresistible grace, lack of free will, predestination and limited atonement.' That heresy was Jansenism and its author was Cornelius Jansen, Bishop of Ypres. In the winter of 1968 [92] the same doctrine appeared in the 'Harvard Educational Review.' That doctrine is now called 'jensenism' by the 'New York Times Magazine' and its author is Arthur R. Jensen, professor of educational psychology at the University of California at Berkeley." [93]

In the opening lines of his first chapter, entitled "The Jensenist Heresy," Eysenck tells the same Jensenism-Jansenism story as Lewontin: "In 1953 Pope Innocent X condemned the heresy of Jansenism, proposed by Cornelius Jansen, Bishop of Ypres, as espousing doctrines of 'total depravity, irresistible grace, lack of free will, predestination and limited atonement.' More recently social scientists, educationalists and others have condemned a novel heresy, called Jensenism by the 'New York Times Magazine,' after Arthur Jensen, Professor of Educational Psychology at the University of California, Berkeley, and author of a widely discussed review of methods of boosting intelligence which appeared in the Harvard Educational Review in 1969" [94]—without ever acknowledging Lewontin's paper as the source.

Four pages later Eysenck introduces a long quotation from Jensen by the statement: "This is what he has to say, in an article published in March 1970, in the Bulletin of the Atomic Scientists." (p. 21)

Eysenck goes to almost diabolical extremes to omit Lewontin's name and to exclude Lewontin's valuable paper from his "Acknowledgements" and recommended "Further reading." The reader who actually consults Eysenck's reference in the March 1970 *Bulletin of the Atomic Scientists,* however, will be suprised. He will not find there any of the many lines and paragraphs (five pages of them) quoted from Jensen or any words at all written by Jensen, because that issue, the only one cited directly by Eysenck, contains the valuable Lewontin paper Eysenck has tried so hard to conceal. The long Jensen quotation comes from Jensen's response to Lewontin in the May, not the March, issue and carries in its title the words, also expunged by Eysenck: "A Reply to Lewontin." [95] Furthermore, the Jensen material appears deceptively to be one long continuous, i.e., *un*interrupted, quotation. The deception is revealed when one compares the second paragraph with Jensen's original, as shown in my Fig 8.

In Eysenck's quotation from Jensen, the second paragraph reads: "These assumptions, theories and practices . . ." and begins without any ellipsis points to indicate that words have been deleted or suppressed: whereas in the original the word "these" is not capitalized because it is the sixth, not the first, word of the opening sentence, which in fact reads: "I agree with Lewontin that these assumptions, theories and practices. . . ." And it is this text that Jensen now (p. 59) calls ". . . an admirably lucid and readable discussion. . . . suited for students and nonprofessionals who lack the technical background. . . . For being accurate while avoiding the technical, Eysenck's book is in the best tradition. . . ." [96] Certainly, it is an old tradition.

V. IS JENSEN HONEST?

Having examined the quality of the scholarship of Jensen and his allies, it becomes of interest to compare what we have seen so far with the criteria Jensen applies to others (enemies?). The remarks quoted earlier from Moynihan were prompted by an exchange between Jensen and Elizabeth Alfert, wherein he charges: "Alfert's article begins with a *falsehood.* It is a *fatuous falsehood* which I conclusively now question

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Footnotes at end of article.

the assumptions, theories and practices on which they were based.

These assumptions, theories and practices—espoused over the past decade by the majority of educators, social and behavioural scientists—are bankrupt. I do not blame the children who fail to now question the assumptions, theories and practices on which they were based.

I agree with Lewontin that these assumptions, theories and practices—espoused over the past decade by the majority of educators, social and behavioral scientists—are bankrupt. I refuted many month ago." "*Assuming* that Alfert has *read* the *references* cited in her *own article,* she must have known that this statement was untrue before she wrote the article for this journal. . . . Yet she continues to perpetuate a falsehood." [97] (p. 212) He later continued: "Dr. Alfert is grasping at straws. Her *careless research methods* are displayed first in the fact that even after I had refuted her claim . . . she still did not take the trouble to seek out the truth on this matter." [98] (p. 219)

(Fig. 8. First quotation unchanged from H. J. Eysenck, *Race, Intelligence and Education* (London: Temple Smith, 1971), p. 22. Second quotation unchanged from A. R. Jensen. "Race and the Genetics of Intelligence; A Reply to Lewontin," *Bulletin of the Atomic Scientists* 1. 25, No. 5 (1970), p. 18.)

It is unmistakably clear that Jensen believes writers will deliberately *misrepresent* in order to hoodwink their readers. Therefore, let us now examine one of the issues in the Jensen-Alfert dispute because in the very publication abusing Alfert with "fatuous falsehood," etc., Jensen provides evidence which can now be evaluated in the light of further unambiguous evidence Jensen himself provides on that same issue three years later in the 67-page self-serving Preface to the 1972 reprinting of HER. And let us apply to Jensen the very criteria Jensen so readily applies to others. Exhibit 1: Jenesn's Rejoinder to Alfert: ". . . *U. S. News and World Report* interviewed me . . . *after* learning about the [HER] article . . . they requested a prepublication copy which I . . . provided." (p. 214) Exhibit 2: Jensen in 1972 book: " . . . I was visited . . . by a . . . writer from the *U.S. News and World Report.* . . . He *knew nothing* of the HER article . . . I *told* my visitor about the HER article." [99] (p. 13)

Exhibit 3: Alfert's original Comment: ". . . Jensen released the text of his article to *U.S. News and World Report* . . . before [it] . . . was to be published." [100] (p. 207)

The last is a quotation from a statement by Her editors appearing in the Alfert article, against which Jensen levels the charges of "fatuous falsehood," etc.

Do Jensen's own published words—Exhibit 1—give the lie to Jensen's own published words—Exhibit 2? When he is impugning Alfert, the magazine (I give more context here) "interviewed me on the topic *after* learning about the article." (p. 214) Then, three years later (again, I give more context) he reveals on page 13 that their "staff writer . . . . knew nothing of Her article, *but* was on the Berkeley campus to interview . . . faculty concerning a story he was preparing on 'campus unrest' . . . . In the course of the interview, I told my visitor about the Her article and I gave him a Xerox copy of my typescript." (Italics added for emphasis in all of the above, except for magazine title.)

Since the published text occupies 123 printed pages, how many hundreds of typescript pages had to be Xeroxed for the advance publicity and propaganda purposes? It can be asked of Jensen and his fans: which one of the two contradictory accounts, by self-serving Jensen of the same event, is his "fatuous falsehood" and is now to be considered (in appropriate Watergate jargon) "inoperative"?

FOOTNOTES

[73] Jensen, HER.

[74] R. F. Harrell, E. Woodyard, and A. I. Gates, *The effect of Mothers' Diets on the Intelligence of Offspring* (New York: Bureau of Publications, Teachers College, Columbia University, 1955), pp. 13–14.

[75] *Ibid.*

[76] *Ibid.*

[77] R. C. Nichols and W. C. Bilbo, "The Diagnosis of Twin Zygosity," *Acta Genetica et Statistics Medica,* Vol. 16 (1966), pp. 265–275.

[78] Hirsch, "Biosocial Consequences."

[79] P. A. P. Moran, "A Note on Heritability and the Correlation Between Relatives," *Annals of Human Genetics,* Vol. 37 (1973), p. 217.

[80] A. R. Jensen, "Another Look at Culture-Fair Testing," in T. A. Shellhammer, chairman, *Measurement for Educational Planning* (Princeton: The Seventeenth Annual Western Regional Conference on Testing Problems, Educational Testing Service, 1968), p. 94.

[81] M. H. Haller, *Eugenics: Hereditarian Attitudes in American Thought* (New Brunswick: Rutgers University Press, 1963), p. 112.

[82] F. H. Osborn, *Encyclopedia Britannica* (Chicago: Wm. Benton, Vol. 8, 1966), p. 816.

[83] R. D. Tuddenham, in L. Postman (ed.), *Psychology in the Making* (New York: Knopf, 1962), p. 487.

[84] W. Healy, *The Individual Delinquent* (Boston: Little, Brown, 1915), p. 80.

[85] A. Binet, *Les Idees Modernes sur les Enfants* (Paris: Flammarion, 1909), p. 143.

[86] " . . . the intelligence of anyone is capable of development; with exercise, with training and especially methodically, one can succeed in improving one's attention, memory, judgment, and in becoming literally more intelligent than before . . . what counts in intelligent behavior is not so much the strength of the abilities as the way in which they are used, that is to say the art of intelligence, and that art must necessarily improve with practice." (My translation.)

[87] B. Rimland, *Infantile Autism* (New York: Appleton-Century-Crofts, 1964), pp. 140 and 141.

[88] H. F. Harlow and G. Griffin, "Induced Mental and Social Deficits in Rhesus Monkeys," in S. F. Osler and R. E. Cooke (eds.), *The Biosocial Basis of Mental Retardation* (Baltimore: The Johns Hopkins Press, 1965), pp. 87–106.

[89] Jensen, *Genetics and Education.*

[90] R. B. Cattell, Advertisement for *The I.Q. Argument* (American title of Fn. 91) by H. J. Eysenck, *The New York Review of Books* (October 21, 1971), p. 39.

[91] H. J. Eysenck, *Race, Intelligence and Education* (London: Temple Smith, 1971).

[92] Actually February, 1969, but 1968 is in Lewontin's text.

[93] Lewontin, *op. cit.*

[94] Eysenck, *Race.*

[95] A. R. Jensen, "1. Race and the Genetics of Intelligence: A Reply to Lewontin," *Bulletin of the Atomic Scientists,* Vol. 25, (May 1970), pp. 17–23.

[96] Jensen, *Genetics and Education*

[97] A. R. Jensen, "Rejoinder: The Promotion of Dogmatism," *Journal of Social Issues,* Vol. XXV, No. 4 (1969), pp. 212–217.

[98] *Ibid.,* pp. 219–222.

[99] Jensen, *Genetics and Education.*

[100] E. Alfert, "Comment on: The Promotion of Prejudice," *Journal of Social Issues,* Vol. XXV, No. 4 (1969), pp. 206–211. "Response to Jensen's Rejoinder," pp. 217–219.

CONGRESSIONAL PAY RAISE LAWSUIT

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. PRESSLER. Mr. Speaker, on Friday, May 7, 1976, I filed suit in the U.S. district court challenging the constitutionality of the "automatic annual" pay raises for Members of Congress. Because of the interest in this case, I am today inserting into the Record copies of the complaint and application for a three-judge court to hear and determine the constitutionality questions raised by the suit. On May 10, 1976, Judge Gerhard Gesell issued a notice requesting a three-judge district court. On May 14, Judge Bazelon issued an order for a three-judge court to hear this case in the near future.

[In the U.S. District Court for the District of Columbia, Civil Action]

Application for Three-Judge Court

Larry Pressler, U.S. House of Representatives, Washington, D.C., Plaintiff, v. William E. Simon, Secretary of the Treasury, Department of the Treasury, Washington, D.C.; Francis R. Valeo, Secretary of the U.S. Senate, U.S. Senate, Washington, D.C.; Kenneth R. Harding, Sergeant-at-Arms of the U.S. House of Representatives, U.S. House of Representatives, Washington, D.C., Defendants.

Plaintiff hereby makes application for the convening of a three-judge court pursuant to 28 U.S.C. § 2282 to hear and determine the above-captioned action. In accordance with Local Rule 1–11, plaintiff submits herewith a Memorandum of Points and Authorities in support of this application.

Larry Pressler, *Pro se.*

Dated: April , 1976.

[In the U.S. District Court for the District of Columbia, Civil Action]

Complaint for Declaratory and Injunctive Relief

Larry Pressler, U.S. House of Representatives, Washington, D.C., Plaintiff, v. William E. Simon, Secretary of the Treasury, Department of the Treasury, Washington, D.C.; Francis R. Valeo, Secretary of the U.S. Senate, U.S. Senate, Washington, D.C.; Kenneth R. Harding, Sergeant-at-Arms of the U.S. House of Representatives, U.S. House of Representatives, Washington, D.C., Defendants.

JURISDICTION

1. This action seeks a declaratory judgment that provisions of the Federal Salary Act of 1967 and of the Executive Salary Cost-of-Living Adjustment Act which set forth procedures to establish new rates of compensation for Members of Congress are void in that they are violative of Article I, Section 1, and Article I, Section 6, Clause 1 of the Constitution of the United States. This action also seeks a permanent injunction to prohibit defendants, who are Secretary of the Treasury, Secretary of the United States Senate and Sergeant-at-Arms of the United States House of Representatives, from requisitioning, authorizing payment of or disbursing increases in congressional salaries effected pursuant to the Federal Salary Act of 1967 or the Executive Salary Cost-of-Living Adjustment Act.

2. This action arises under Article I, Section 1, and Article I, Section 6, Clause 1 of the Constitution of the United States, under Section 225(f) (A) of the Federal Salary Act

of 1967, 2 U.S.C. § 356(A) (Pub. L. 90-206, Title II, 81 Stat. 642) and under Section 204(a) of the Executive Salary Cost-of-Living Adjustment Act, 2 U.S.C. § 31, as amended (Pub. L. 94-82, Title II; 89 Stat. 419), as hereinafter more fully appears. Jurisdiction is conferred on this court by 28 U.S.C. § 1331, 28 U.S.C. §§ 2201-2202. Venue is properly laid in this Court pursuant to 28 U.S.C. § 1391 (e). There exists between the parties an actual controversy, justifiable in character, in respect of which plaintiff requests a declaration of his rights by this Court. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars ($10,000).

PARTIES

3. Plaintiff Larry Pressler is a citizen of the United States and a taxpayer of the United States. Plaintiff is also a Member of the House of Representatives from the First Congressional District of the State of South Dakota.

4. Defendant William E. Simon is an officer of the United States. He is sued in his official capacity as Secretary of the Treasury of the United States, with official residence in Washington, D.C. It is his duty, pursuant to 31 U.S.C. § 1002, to issue warrants authorizing the payment of monies out of the Treasury of the United States.

5. Defendant Francisco R. Valeo is an officer or employee of the United States. He is sued in his official capacity as Secretary of the United States Senate, with official residence in Washington, D.C. It is his duty, pursuant to 2 U.S.C. § 64, to requisition monies for the payment of congressional salaries and to disburse such salaries to the Members of the United States Senate.

6. Defendant Kenneth R. Harding is an officer or employee of the United States. He is sued in his official capacity as Sergeant-at-Arms of the United States House of Representatives, with official residence in Washington, D.C. It is his duty, pursuant to 2 U.S.C. §§ 78 and 80, to requisition monies for the payment of congressional salaries and to disburse such salaries to the Members of the United States House of Representatives.

THREE-JUDGE COURT

7. As appears more fully in the Application for Three-Judge Court and the supporting Memorandum of Points and Authorities submitted herewith pursuant to Local Rule 1-11, this is a proper case for determination by a three-judge court pursuant to 28 U.S.C. §§ 2282 inasmuch as plaintiff seeks an injunction to restrain the enforcement, operation and execution of 2 U.S.C. § 356(A) and 2 U.S.C. § 31, as amended, on the ground that such statutory provisions are violative of Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States.

COUNT I

8. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 7 above.

9. The Federal Salary Act of 1967 became law December 16, 1967 (the "1967 Act"). Pub. L. 90-206, Title II; 2 U.S.C. §§ 351-361. The 1967 Act established a Commission on Executive, Legislative and Judicial Salaries (the "Commission"). The Commission is required to make recommendations to the President, at four-year intervals, on the rates of pay for Senators, Representatives, Federal judges, cabinet officers and other agency heads, and certain other officials in the executive, legislative and judicial branches. The law requires that the President, in the budget next submitted by him after receipt of a report of the Commission, set forth his recommendations with respect to the exact rates of pay he deems advisable for those offices and positions covered by the 1967 Act. The President's recommendations become effective 30 following transmittal of the budget, unless in the meantime other rates have been enacted by law or at least one House of Congress has enacted legislation which specifically disapproves of all or part of the recommendations. A copy of the 1967 Act is attached hereto as Exhibit A.

10. The first Commission was appointed in July, 1968 and made its recommendations to the President in December, 1968. The President's pay recommendations took effect in March, 1969, and congressional salaries were increased from $30,000 to $42,500 per annum. The United States, through the Secretary of the Treasury, the Secretary of the United States Senate, and the Sergeant-at-Arms of the House of Representatives authorized the payment of increases in congressional compensation and disbursed said increases to Members of Congress.

11. The second Commission was appointed in December, 1972, too late to report to the President by January 1, 1973. As a result, the President's pay recommendations based on the second Commission's report were submitted to Congress on Febraury 4, 1974. The Committee on Post Office and Civil Service reported a resolution (S. Res. 293) on February 28, 1974, which would have permitted all provisions of the President's proposal to take effect, except those providing adjustments in the pay of Members of Congress. The Senate, however, amended the Resolution to disapprove all of the President's recommendations and rejected the entire proposal on March 6, 1974.

12. According to the statutory scheme, the next Commission is scheduled to be appointed in 1976 and to report its recommendations to the President no later than January 1, 1977.

13. Insofar as they provide a mechanism for adjusting salaries of Members of Congress, the foregoing procedures authorized by the 1967 Act are repugnant to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States. Article I, Section 1 provides that "[a]ll Legislative Powers herein granted shall be vested in a Congress of the United States." Article, I, Section 6, Clause 1 provides that "[t]he Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." Properly interpreted in light of the intentions of the draftsmen of the Constitution, those constitutional provisions require that congressional salaries be determined by the legislative branch by specific enactment in each instance. Under the 1967 Act, however, congressional salaries are ascertained by Presidential recommendation.

14. The acts of defendants in disbursing the increased salary to Members of Congress have injured and will continue to injure the plaintiff as a United States citizen in that they deprive him of his right as a citizen to have Members of Congress accountable for increases authorized in their compensation.

15. The acts of the defendants have injured and will continue to injure the plaintiff as a United States taxpayer in that they deprive him of his right as a taxpayer to have tax monies received by the Federal Government expended pursuant to laws enacted in accordance with the Constitution of the United States.

16. The acts of the defendants have injured and will continue to injure the plaintiff as a Member of the United States House of Representatives by interfering with the performance of his constitutional responsibilities and congressional duties and by depriving him of his constitutional right to vote on each adjustment proposed in congressional salaries.

17. Unless defendants are enjoined by this Court from requisitioning, authorizing the payment of increases, and disbursing the increases in congressional salaries, defendants will disburse increased congressional salaries adjusted in contravention of constitutional requirements, violating the rights of plaintiff described herein and working upon plaintiff an unusual hardship or an irreparable injury and damage for which there exists no adequate remedy at law.

COUNT II

18. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 7 above.

19. The Executive Salary-Cost-of-Living Adjustment Act became law August 9, 1975 (the "1975 Act"). Pub. L. 94-82. The 1975 Act provides for an automatic annual cost-of-living adjustment in the salaries of certain executive legislative and judicial officers and employees of the United States, including Members of Congress. Section 204(a) of the 195 Act amended 2 U.S.C. § 31, the statutory provision relating to compensation for Members of Congress, to provide that the annual rate of pay for Members of Congress would be the rate established pursuant to Presidential recommendation under the 1967 Act, as annually and automatically increased by a cost-of-living adjustment. Such automatic annual cost-of-living adjustment in all of the salaries covered by the 1975 Act, including the salaries of Members of Congress, is equal in amount to the overall percentage of increase made in the rates of pay of federal employees covered by the General Schedule, which increase is made pursuant to Presidential recommendation authorized by 5 U.S.C. § 5305. The adjustment in salaries covered by the 1975 Act becomes effective at the beginning of the first pay period starting on or after the first day of the month in which the adjustment in General Schedule salaries under 5 U.S.C. § 5305 takes place. A copy of the 1975 Act is attached hereto as Exhibit B.

20. On October 6, 1975, Executive Order No. 11883, 40 F.R. 47091, ordered that the General Schedule salaries be adjusted and that the salaries covered by the 1975 Act be adjusted accordingly. As a result, salaries of Members of Congress were increased from $42,500 to $44,600 per annum. A copy of Executive Order No. 11883 is attached hereto as Exhibit C.

21. Pursuant to the provisions of said Executive Order, the United States, through the Secretary of the Treasury, the Secretary of the United States Senate, and the Sergeant-at-Arms of the House of Representatives authorized the payment of increases in the congressional compensation and disbursed said increases to the Members of Congress.

22. Insofar as they provide a mechanism for adjusting the salaries of Members of Congress, the foregoing procedures authorized by the 1975 Act are repugnant to Article I Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States. Article I, Section 1 provides that "[a]ll legislative Powers herein granted shall be vested in a Congress of the United States." Article I, Section 6, Clause 1 provides that "[t]he Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." Properly interpreted in light of the intentions of the draftsmen of the Constitution, those constitutional provisions require that congressional salaries be determined by the legislative branch by specific enactment in each instance. Under the 1975 Act, however, Congressional salaries are automatically increased in an amount based upon Presidential recommendations with respect to General Schedule salaries.

23. The acts of defendants in disbursing the increased salary to Members of Congress

have injured and will continue to injure plaintiff as a United States citizen in that they deprive him of his right as a citizen to have Members of Congress accountable for increases authorized in their compensation.

24. The acts of the defendants have injured and will continue to injure the plaintiff as a United States taxpayer in that they deprive him of his right as a taxpayer to have tax monies received by the Federal Government expended pursuant to laws enacted in accordance with the Constitution of the United States.

25. The acts of the defendants have injured and will continue to injure the plaintiff as a Member of the United States House of Representatives by interfering with the performance of his constitutional responsibilities and congressional duties and by depriving him of his constitutional right to vote on each adjustment proposed in congressional salaries.

26. Unless defendants are enjoined by this Court from requisitioning, authorizing the payment of increases, and disbursing the increases in congressional salaries, defendants will disburse increased congressional salaries adjusted in contravention of constitutional requirements, violating the rights of plaintiff described herein and working upon plaintiff an unusual hardship or an irreparable injury and damage for which there exists no adequate remedy at law.

WHEREFORE, plaintiff prays:

1. That plaintiff have a judgment and decree of this Court declaring his rights and status, and more particularly adjudicating:

(a) That the 1967 Act is void and unconstitutional insofar as it establishes procedures for adjusting congressional rates of pay and salaries; and

(b) That the 1975 Act is void and unconstitutional insofar as it establishes procedures for adjusting congressional rates of pay and salaries.

2. That this Court issue a permanent injunction restraining defendants, and each of them and their agents, servants, employees and attorneys, and all persons in active concert or participation with them, from requisitioning, authorizing the payment of, or disbursing any future increases in congressional salaries effected pursuant to the 1967 Act or the 1975 Act.

3. That this Court accord *de facto* validity to the past acts of defendants, their agents, servants, employees and attorneys, and all persons in active concert or participation with them, in requisitioning, authorizing the payment of, and disbursing past increases in congressional salaries effected pursuant to the 1967 Act and the 1975 Act.

4. That this Court stay, for such period as the Court believes reasonably adequate for Congress, if it so desires, to further ascertain congressional salaries "by Law", the Court's judgment insofar as it affects the authority of defendants to requisition, authorize the payment of, and disburse congressional salaries at the current rate of pay, in order to afford Congress an opportunity to ascertain congressional salaries "by Law", in accord with the requirements of the Constitution of the United States.

5. That this Court grant plaintiff such other and further relief as may be just and proper.

LARRY PRESSLER, *Pro se.*

Dated: May 7, 1976.

[In the U.S. District Court for the District of Columbia, Civil Action No. 76-782]

NOTICE

Larry Pressler, Plaintiff, v. William E. Simon, et al., Defendants.

An application for a Three-Judge District Court has been made in this case. Plaintiff seeks to enjoin the enforcement, operation and execution of provisions of the Federal Salary Act of 1967 (2 U.S.C. §§ 351-361) and of the Executive Salary Cost-of-Living Adjustment Act (2 U.S.C. § 31, as amended) on the ground of their repugnance to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States. The complaint does not raise frivolous issues. Therefore the undersigned District Court Judge requests the Chief Judge of the Circuit to convene a Three-Judge District Court under 28 U.S.C. § 2284.

GERHARD A. GESELL,
United States District Judge.

May 10, 1976.

THE FAILURE OF OUR CRIMINAL JUSTICE SYSTEM TO DEAL WITH CRIMINALS

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. CONLAN. Mr. Speaker, there is a strong and deep feeling among the majority of my people in Arizona that further gun controls will do nothing to curb crime. We have ample evidence—based on practical experience—that gun control as a deterrent to criminals and criminal violence is not even cosmetic. More and more of our citizens, and more and more of my colleagues have come to agree that what we need in crime control is a concept of law that deals with those who commit crime. And they have come to agree that mandatory sentencing laws—carefully drafted—do work. And they work well.

In Arizona, for example, the law now provides a mandatory sentence for anyone who commits armed robbery. With that law there is growing proof that the concept is good. According to the survey done by the Phoenix Police Department, armed robberies decreased 24.3 percent in the first year-and-a-half of the new law while crimes not covered by the mandatory sentencing law increased and now the Arizona House of Representatives has passed some of the toughest anticrime legislation possible. Instead of disarming the law-abiding citizen, the law would set mandatory prison sentences for anyone who commits a crime of violence with a firearm. For those convicted it means prison for at least five years. No probation. No pardon. No parole. No commutation or suspension of sentences. No plea-bargaining. That's the right kind of anticrime law. It deals with the right element, the criminal.

Although mandatory sentencing, in practice, is a relatively new approach to the problem of crime, elsewhere early statistics are proving that it does deter crime.

In Florida, the results of a tough new mandatory sentencing law is lending considerable weight to arguments by those of us who maintain that the most effective way to reduce gun crimes is to control criminals, not planning how to eliminate the constitutional right to keep and bear arms.

Using television, radio and the distribution of thousands of pamphlets, the State of Florida has put criminals on notice that the days of easy living were gone—no longer will they be on the street the day after committing a crime. Florida's law promised criminals who commit serious crimes at least a 3-year mandatory sentence, and possible life imprisonment.

Sheriff Walt Pellicer, chairman of the board of the Florida Sheriff's Association says that in the 6 months the new law has been in effect, armed robberies in his area around Palatka, Fla., have numbered only two, where prior to the law, were running two or three a week.

With Americans growing weary of crime and of the failure of our criminal justice system to deal with criminals, it is hoped that other States will follow suit and pass tough mandatory sentencing laws that go after criminals who commit violent crimes. Proof continues to mount showing that mandatory sentencing laws, when carefully drafted, do work without infringing on the rights of law-abiding citizens.

REFORM OF THE RAPE LAWS AT THE FEDERAL LEVEL

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MOAKLEY. Mr. Speaker, today I would like to submit another in a series of letters which I have received in response to H.R. 13237, a bill to revise the rape provisions in title 18 of the United States Code.

Organizations as well as individuals have taken the time to supply me with their remarks concerning the bill.

One such letter was received from Ms. Laurie Robinson, assistant staff director for the American Bar Association's Section of Criminal Justice, in Washington, D.C.

It follows:

DEAR CONGRESSMAN MOAKLEY: In answer to your March 31 letter to ABA Criminal Justice Section Staff Director H. Lynn Edwards regarding H.R. 11603, we are pleased to enclose a copy of the ABA policy regarding rape. This was adopted by the Association's House of Delegates in February 1975. From our analysis it appears that your bill is consistent with the ABA recommendations.

The Criminal Justice Section Committee on Women and Criminal Justice, chaired by Judge Sylvia Bacon of Washington, D.C., helped to draft the ABA policy in this area, and is extremely interested in legislative proposals to implement such reforms. The committee is most interested in following this issue, and, subject to necessary Association approval, would be interested in testifying at any hearings held on this legislation.

Thank you for having contacted our Section regarding this bill.

Sincerely,

LAURIE ROBINSON,
Assistant Staff Director.

PREMERGER NOTIFICATION, WAITING, AND STAY LEGISLATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. RODINO. Mr. Speaker, the bill that I have introduced, H.R. 13131, will stengthen enforcement of the Federal antimerger law by amending section 7 of the Clayton Act. Like other antitrust bills already favorably considered by the House Judiciary Subcommittee on Monopolies—the parens patriae bill and the Antitrust Civil Process Act amendments—this bill does not change the existing substantive standards of the law in any way.

At present, mergers and acquisitions violate Clayton section 7 if they "may tend to substantially lessen competition, or tend to create a monopoly." Most violations of this legal standard occur when corporations merge with, buy out, or otherwise acquire their competitors. These mergers are illegal because they eliminate competition from small or medium-size independent firms, while helping the buyer achieve uncontested monopoly power in national, regional, or local markets.

Indeed, this was how John D. Rockefeller built up the first illegal monopoly, the Standard Oil of New Jersey empire—he simply bought up most of his competitors, until finally only Standard Oil remained. Though the Supreme Court broke up the Standard Oil monopoly in 1911, Congress remained concerned over the dangerous economic, social, and political effects that result when control of an entire industry is concentrated in a few hands. These concerns, coupled with other dismaying decords of turn-of-the-century monopolistic excesses, directly led to the enactment of Clayton section 7 in 1914.

As the Supreme Court has repeatedly pointed out, the best and most effective way the Government can achieve the goal of this antimerger law—to stop monopolies before they are created—is by stopping an illegal merger before it takes place. The only way the Government can do this is by going into court, and winning a preliminary injunction that halts the proposed merger before it is consummated.

At present, both the Federal Trade Commission and the Antitrust Division have the right to do this. But unfortunately, it often is only an empty and theoretical right. This is because both these antitrust enforcement agencies can win the court battle only by showing that the merger is probably illegal, and will clearly cause irreparable injury to the public. To prove that, the Government must first analyze and then present a great mass of economic evidence about the merging firms, their control over the market, and the history of the industry.

Plainly, the Government needs advance information about the merger, and time to analyze this data and prepare a case, if there is one. Without information and time, the antitrust agencies have no real chance to win a court injunction against the merger. This is often the case right now: Merging companies presently have no legal obligation to notify the Government before a merger goes through, nor any obligation to furnish information relevant to the merger's legality, nor any obligation to wait for even a few weeks while the Government analyzes this information and hurriedly tries to prepare its case.

H.R. 13131 will change this current state of affairs:

First. Parties to large mergers—the ones most likely to violate Clayton section 7—will have to notify DOJ and FTC about the merger 30 days before it takes place.

Second. They will also have to supply these two merger enforcement agencies with relevant information about the competitive effects of the proposed merger.

Third. Finally, they will have to wait—they may not complete their merger until the Government has had 30 or more days to analyze the data and, if the merger appears to be illegal, at least a few weeks to prepare the Government's case.

Thus, if this bill's premerger notification and waiting requirements are enacted into law, the Government will have a fair and realistic chance to challenge illegal mergers before they occur.

No longer could the merging parties wait to notify the Government until the day before the merger. No longer could they sit back, ignore Government requests for relevant data, and watch DOJ and FTC frantically and futilely attempt to prepare a complex case in a few short days.

These illegal "midnight mergers" have occurred again and again in past years. The harm they cause is awesome, and often irreparable. That is because once the merger is completed, the assets and management of formerly independent firms are inextricably combined. Moreover, even if the merger is ultimately held to be illegal, untangling the merger by divesting the illegally acquired firm is about as easy as unscrambling the eggs in an omelette.

Thus, divestiture cases are notoriously protracted and often futile proceedings. The El Paso Natural Gas case took 17 years, and went to the Supreme Court six different times. This judicial horror, commonly known as "the unnatural gas case," is just one illustration of the vast and long-enduring anticompetitive harm, astonishing judicial burdens, and incalculable costs that result from clearly illegal "midnight mergers." Another example is the FTC's Pillsbury divestiture fiasco, which went on for 14 fruitless years, after which the FTC simply gave up in despair.

Finally, I emphasize that this bill is not new or hastily drawn legislation. In fact, similar premerger notification and waiting bills were sponsored by this committee's former Chairman Emanuel Celler, and passed by a unanimous vote in the House of Representatives during the 84th Congress. Similar bills were also passed by the Senate Judiciary Committee during the 84th Congress; by the House Judiciary Committee during the 85th Congress; and by the Senate Antitrust and Monopiy Subcommittee on three prior occasions. In five successive messages to Congress, President Eisenhower urged adoption of such legislation. I myself wrote the committee's report on the 1961 premerger notification and waiting bill, which was strongly backed by Attorney General Robert F. Kennedy.

Though none of these bills were ever enacted, continuing support for them led the FTC to institute its own merger notification program in 1969. However, as FTC Chairman Paul Rand Dixon then conceded, this program is voluntary, not mandatory. No one is required to notify the FTC before the merger occurs—and many notifications are thus not received until after the merger has been completed, and "the eggs are scrambled." Nor does the FTC program impose any premerger waiting period. Waiting, like advance notification, is in the discretion of the merging parties.

Soon, the full Senate will begin considering on a bill almost identical to this one. President Ford and Attorney General Levi support its two major provisions—the premerger notification and waiting requirements. However, the administration does not support the bill's additional provisions on antimerger preliminary injunctions. These would shift the burden of proof from the Government's shoulders—where it presently rests—and place it upon the merging parties. This is only a change in procedure, not substance, but it is a significant one, and is also opposed by the American Bar Association and some members of the investment banking community. It is the only truly controversial provision in the bill, and my subcommittee will give it careful study.

SUSAN LUKER: OUTSTANDING 4-H AMBASSADOR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. STEIGER of Wisconsin. Mr. Speaker, I am exceedingly pleased to report that the young person named as the Outstanding Senior 4-H'er at the National 4-H Conference held here in Washington 3 weeks ago was Miss Susan Luker, daughter of Mr. and Mrs. Leon Luker of Oshkosh. A number of my colleagues will remember meeting Miss Luker when she delivered the closing prayer at the 4-H Congressional breakfast on Tuesday morning, April 27.

I want to commend Miss Luker not only on her record of achievement in 4-H activities but also for the many goodwill appearances she made here in the Nation's Capital during the last week in April. She proved to be a first-class ambassador for Wisconsin's Sixth District, and her hometown can be justly proud.

EVALUATION OF FOOD STAMP PROGRAM

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. GRASSLEY. Mr. Speaker, recently, Mrs. Edna Gudzus, a social services homemaker in Iowa, was kind enough to submit to me a report regarding her evaluation of the food stamp program. She has had years of experience dealing with the needy, and food stamp recipients, and clearly is well informed on the subject.

This morning, the House Agriculture Committee spent a good deal of time debating whether or not food stamps should be restricted to use for nutritious foods only. Unfortunately, the committee saw fit not to include such a restriction in the bill it is considering. It is my hope that each and every member of that committee will review the findings of Mrs. Gudzus, printed below, so that before a final measure is passed, we can incorporate some of her suggestions.

The material follows:

New Relationships With Older Adults Class Summary

STATEMENT OF THE PROBLEM

This is a Food Stamp study to find out what is happening to the elderly and low-income people on the Food Stamp program.

The study of 42 households involving 128 persons; including 12 elderly singles and one elderly couple. The study was made by sending a form out with Homemakers and Extension Service Food Aides. I plan to send this study to Congressman Chuck Grassley.

Why do some people run out of food, and others have plenty? Is it possible to cut costs of the program? Is it possible to motivate elderly, low-income, and SSI persons to eat better?

BACKGROUND AND/OR REVIEW OF LITERATURE FOR THE PROGRAM

As a Homemaker, my experience with a family on Food Stamps over more than 2 years are: Twice they came near running out of stamps; the family eats well. Yes, there is waste here too. The Food Stamps have bought Christmas gifts. Wedding gifts and church donations, of course, were given in Food, not Stamps. The family of 4 (3 boys, 1 adult) since January 1st have managed well on only half their Food Stamp allowance each month.

Mr. Denise Daly, Representative of Food & Nutrition Service, reminded me that the Food Stamp program is for food only. Nonie England, Iowa State Extension Service, informed me that cooking schools for low-income people are poorly attended.

The class consultants and handouts were most helpful in preparing this summary.

DESCRIPTION OF THE PROGRAM

Each Food Stamp recipient should carry their own number, and they should sign their name and number at the grocery store each time they shop. Homemakers and people who may assist the client should also have a number. This should curb thievery, misuse of Food Stamps, and protect the elderly.

Junk food and pop should be struck from the Food Stamp program's purchasing power. Special consideration of food needs for the elderly should be given; such as diets advised by doctors. I believe it would be wise to add laundry, dish, and toilet soap; for cleanliness sake. Have you ever tried to wash dishes without soap?

I believe the Food Stamp allowance is more than adequate. It can be cut down by Extension Service pamphlets on budgeting, food storage and preparation, nutrition, and low-cost recipes.

Classroom teaching can be done by retired elderly persons, and persons who are out of work. The classroom experience would bring young, middle-age, and elderly together for social and mental enrichment; and maybe independence.

NEW RELATIONSHIPS WITH OLDER ADULTS CLASS SUMMARY

Meeting places could be churches, schools, or other public buildings.

DISCUSSION AND/OR EVALUATION OF THE PROGRAM

Having to manage on less food stamps will require careful shopping and planning with extra study on nutrition. The class work will be a guide on how to manage the food needs for the family, single person, and elderly.

Talking and meeting people of different ages with some of the same problems may very well stimulate self-improvement and pride.

CALIFORNIA LEGISLATURE PROPOSES METHOD TO REASSESS NUCLEAR ENERGY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. BROWN of California. Mr. Speaker, there has been considerable national attention on the California nuclear initiative, which is on the ballot on June 8 as proposition 15. Less attention has been paid to the fact that members of the California Legislature have been diligently investigating this subject since 1971. In fact, the fate of proposition 15 may be decided by a vote of the legislature on several bills which address the same subject, although in a different manner.

Assemblyman Charles Warren, who is chairman of the assembly committee on resources, land use, and energy, has especially attempted to focus the debate to allow voters an opportunity to understand the fundamental issues. To this end, the California Legislature has published "A Policy Analysis of Proposition 15 and Its Alternatives."

I do not intend to insert all, or even most of this material in the RECORD, but I do wish to present today and in the future, that material which I believe will help Members in assessing, or reassessing nuclear power during the course of their own duties.

It is appropriate to highlight one point from this analysis of the nuclear energy debate. "After listening to 120 learned witnesses who could not agree on the merits of the initiative or the safety of the nuclear power it is clear that no objective conclusions can be drawn. The questions involved require value judgments, and the voter is no less equipped to make such judgments than the most brilliant Nobel laureate."

The excerpts follow:

EXCERPTS

FOREWORD

This analysis, the transcripts of the 15 days of hearings on which it is based, and a summary voters guide were prepared by the Committee on Resources, Land Use, and Energy as a service to the citizens of California who face a monumental decision on nuclear power. While we believe these documents will aid those who are confused observers of the nuclear debate as it is now focused on Proposition 15 (The Nuclear Power Plants Initiative), we hope their usefulness will transcend the immediate decision to be made on June 8. In preparing these documents the committee has adopted a neutral stance. Because of the emotional pitch of the debate, this has been a stance difficult to maintain. However, we believe we have been successful.

CHARLES WARREN,
Chairman.

CHAPTER 1. INTRODUCTION

The Assembly Committee on Resources, Land Use, and Energy and its predecessors have been observing and debating nuclear safety issues since 1971. In June Proposition 15 will also make voters direct participants in this debate. Bcause of the complexity of the issue and the gravity of the decision to be made, the committee conducted 15 days of hearings primarily to provide information to the public, as an alternative to the emotionalism and sloganeering that accompanies initiative campaigns. While the complete record of these hearings is now available, the committee realizes few will have the time or the energy to absorb the entire 4,000 pages. This analysis has been produced for those who want a deeper understanding of the debate in a condensed format where both sides are presented. This report does not recommend how to vote on Proposition 15. But it does present what the committee believes to be a sound logical framework to aid in the decision. It provides some well considered reasons for either supporting or rejecting the Nuclear Initiative.

Proposition 15 does not ask the voter to decide whether nuclear power is in fact safe. It asks the voter to decide, given recent evidence and disputes in scientific ranks, if there is sufficient doubt about the claimed safety to warrant an independent reassessment of the entire U.S. nuclear power program by the State of California. The utilities in this state are increasing the stakes of this decision by their plan for heavy dependence on nuclear power in the next twenty years.

This analysis presents a step-by-step method which takes the often confusing set of information available and helps one come to an informed judgment on the merits of Proposition 15.

Step 1. Is there a need for a reassessment?

The fundamental task is to examine the underpinnings of the questions and concerns on the implications of a growing commitment to nuclear power which have been expressed, and determine if they are real, if they have been resolved, or if they remain unanswered. This guide in examining those concerns notes that some of the problems are widely acknowledged within the nuclear industry and the federal government:

1. No method for the disposal of nuclear wastes has been adopted.

2. Fuel reprocessing capacity is inadequate to handle the spent fuel from reactors soon to be in operation.

3. Fuel enrichment capacity will soon be exceeded.

4. Fuel cycle and construction costs have been increasing very rapidly for nuclear plants.

For these "stipulated" problems, the question becomes one of whether they are serious enough to justify a slowdown in our nuclear power program pending further studies. Other problems involve more controversial issues and the nuclear industry contests both the seriousness and existence of these problems:

1. Risks of catastrophic reactor accidents.

2. A shortage of uranium and the implicit necessity of the breeder reactor.

3. The breakdown rate of nuclear power plants.

4. Risks of spent fuel transportation accidents.

5. Protecting bomb-grade fuels from theft.

6. Storing highly radioactive wastes safely for hundreds of years.

7. Limits on the liability of utilities and reactor manufacturers for a nuclear accident.

For these "alleged" problems, one must determine both whether the issues are real and, if they are, whether the problem is serious.

Step 2. How could the reassessment be done?

If the voter has sufficient doubt about the implications of the increased use of nuclear power and believes a reassessment is necessary, he needs to know if the Initiative is an adequate and/or probable mechanism for conducting that reassessment. In order to do that one must first examine some general reassessment approaches to put Proposition 15 into perspective. A fundamental point: Should a reassessment of necessity contain the potential to halt further use of nuclear power or can a reassessment be adequately conducted with continued operational experience and expanded nuclear power use?

Step 3. How does proposition 15 measure up as a reassessment mechanism?

Much of the controversy over the Initiative stems from alleged legal and policy problems with its provisions and environmental, social, and economic side effects it may create. The voter must decide whether Proposition 15 is workable and whether any reassessment it achieves is worth the annoyance and costs it may impose.

Step 4. What other viable reassessment alternatives are there?

The state could involve itself in an independent reassessment of nuclear power in a number of ways other than through Proposition 15. The other methods may be more preferable to the voter than the Initiative but may also be less likely to occur. The voter must weight any shortcomings perceived in the Initiative against the chances that some other mechanism would be established.

This analysis does not attempt to draw conclusions. After listening to 120 learned witnesses who could not agree on the merits of the Initiative or the safety of nuclear power it is clear that no objective conclusions *can* be drawn. The questions involved require value judgments, and the voter is no less equipped to make such judgments than the most brilliant Nobel laureate.

After a brief look at the future the utilities now envision for California, the analysis turns to a closer examination of the four principal questions.

WINS SCHOLARSHIP AWARD

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. QUILLEN. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding achievement of a young man from my district, Mr. Michael Andrew Montgomery.

Mr. Montgomery, an 18-year-old student at Elizabethtown High School in Elizabethtown, Tenn., has been awarded a $3,000 a year college scholarship for 4 years from the Elks National Foundation. This was the first place award in the national competition for 1976.

This year, the Elks National Foundation of the Benevolent and Protective Order of Elks of the U.S.A. is awarding 998 scholarships worth $740,000, the largest amount in its 48-year history. Major criteria considered in the judging were scholastic achievement, financial need, leadership, citizenship, resourcefulness, personality, perseverance, patriotism, and general worthiness. Competition is open to high school seniors only, with no regard for race, religion, national origin, or relationship to any member of the Order of Elks. Judging is done by a panel of distinguished Americans, not necessarily members of Elks.

I feel that this scholarship program of the Order of Elks is a very worthwhile and commendable way of serving our country, by helping many of our young people to continue their education.

Mr. Mike Montgomery has many wonderful qualities which were evidenced in the winning of this award, and I want to highly commend him for his wonderful achievement.

CONGRESSMAN JOE L. EVINS RECEIVES AWARD OF THE PHOENIX—HIGHEST ALUMNI AWARD OF CUMBERLAND COLLEGE OF TENNESSEE

HON. CLIFFORD ALLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. ALLEN. Mr. Speaker, recently our colleague from Tennessee, Representative Joe L. Evins, who will be concluding his congressional service at the end of this term, received a high honor from his alma mater, Cumberland College of Tennessee.

Congressman Evins received the Award of the Phoenix, the highest award Cumberland College can bestow on an alumnus. He received the award at a luncheon meeting on May 7, last, attended by members of the board of trustees of Cumberland College at Lebanon, Tenn., and their wives, officials of the college, and friends. He previously received a law degree from his alma mater.

Congressman Evins is a member of the board of trustees of Cumberland and has been a longtime leader and supporter of this private institution.

The Award of the Phoenix emphasized Congressman Evins' accomplishments and achievements during his 15 terms—30 years of service—in the Congress. The award praised the Congressman for his leadership in building America, in providing the leadership for growth and progress through public works.

As we all know, Joe has rendered truly outstanding service as chairman of the Subcommittee on Public Works Appropriations which funds the vast public works projects of the Corps of Engineers, as well as programs and projects of the Bureau of Reclamation, the Appalachian Regional Commission, the Tennessee Valley Authority, the Energy Research and Development Administration and the various power agencies of the Federal Government.

The resolution also points out that Congressman Evins—the Dean of the Tennessee House Delegation—has served longer in terms of continuous service than any other Member of Congress from Tennessee.

The Award of the Phoenix derives its name from the rebirth of Cumberland College following a disastrous fire during the War Between the States. Cumberland College—and the Cumberland Law School—have been known as "the cradle of the Congress." Many Members of Congress during the past century were graduated from Cumberland. Present Cumberland graduates in the House, in addition to Joe L. Evins, are Representatives Omar Burleson of Texas, Abraham Kazen of Texas, and myself. The late Dean Wright Patman of Texas, was a distinguished alumnus of Cumberland.

Because of the interest of my colleagues and because of the high regard and esteem in which we all hold Joe L. Evins, I place in the Record herewith a copy of a resolution in connection with the Award of the Phoenix of Cumberland College of Tennessee.

The award and resolution follow:

Award of the Phoenix

Presented to the Honorable Joe L. Evins, U.S. Representative for the Fourth Congressional District of Tennessee, by Dr. Ernest L. Stockton on May 7, 1976, at a meeting of the Board of Trustees for Cumberland College in Lebanon, Tennessee

The Award:

In grateful recognition of distinguished contributions to the ideals and traditions of this institution.

The Citation:

Whereas, the Honorable Joe L. Evins, 1934 distinguished alumnus of the School of Law, Cumberland University; and,

Whereas, he was admitted to the Tennessee Bar in 1934 and engaged in the practice of general law in Smithville, Tennessee; and,

Whereas, he has been instrumental in funding public works projects throughout the Region to provide needed services for our expanding population; and,

Whereas, he interrupted his civic endeavors to defend his country through World War II after which he emerged with the rank of Major; and,

Whereas, in 1946, he surged toward becoming a truly outstanding Representative of the Fourth Congressional District of Tennessee by being elected to the 80th Congress; and,

Whereas, he is the only Congressman elected by secret ballot by his Colleagues as Chairman of two Committees—Small Business and the Subcommittee on Public Works Appropriations; and,

Whereas, he demonstrated his national perspective and concern about channeling our nation's natural resources and development by initiating the projects involving the Tennessee Valley Authority, the Truman Dam in Missouri, the advancing of the St. Lawrence Seaway, the Central Valley in California, the Central Arizona, and the Tennessee-Tombigbee Waterway which will bear an economic impact for twenty-three states; and,

Whereas, he has served longer in continuous service than any other Tennessee Congressman and is recognized as Dean of the Tennessee Congressional Delegation; and,

Whereas, he is a dedicated and outstanding citizen who has brought dignity to Cumberland, his Alma Mater, and has sponsored and supported legislation and appropriations for the growth and progress of both private and public institutions of higher learning;

Now, therefore, the Board of Trustees proudly acknowledges the example and influence of the Honorable Joe L. Evins and his devoted wife, Ann, in making Tennessee and the United States a better place in which to live and work; and present to him the Award of the Phoenix, the highest honor that Cumberland can bestow upon one of her graduates.

SENATE—*Thursday, May 20, 1976*

The Senate met at 11 a.m. and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, for this still moment when all other sounds are hushed save the divine knocking and the entreating voice breaking the barriers of self-will, and echoing across the centuries, "If any man will open the door, I will come in." Then come to us, O Spirit of Love and Purity, cleansing, renewing, strengthening us for the days ahead. Make us to know that above all men and all nations Thou standest in majesty, holiness, and judgment. Deliver us from partial dedications, from false piety, from hypocrisy, from pretending to be better or worse than we are. Keep our humanity under Thy grace.

Spare us from substituting cunning for conviction, cupidity for consecration, deftness for dedication. Keep us true to our high calling as servants of the common good, that radiant joy may transfigure every duty and the tasks of this and every day may be met with purity and power and grace, to the honor of Thy name and for the welfare of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 20, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 19, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the calendar under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Rosemary L. Ginn, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I request the President be notified.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished minority leader.

Mr. HUGH SCOTT. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes.

RECESS UNTIL 11:35 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 11:35 a.m. today.

There being no objection, the Senate, at 11:04 a.m., recessed until 11:35 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. NUNN).

The PRESIDING OFFICER. Is there further morning business?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SUBCOMMITTEE ON JUVENILE DELINQUENCY TO MEET UNTIL 2 P.M.

Mr. MANSFIELD. Mr. President, in view of the difficult circumstances surrounding the Subcommittee on Juvenile Delinquency, I ask unanimous consent that it be allowed to meet until 2 p.m. today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ARTS, HUMANITIES, AND CULTURAL AFFAIRS ACT OF 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 836.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3440) to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to provide for cultural challenge programs, an arts education program and an American Bicentennial Photography and Film Project, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MANSFIELD) proposes an amendment on page 1, line 6, strike "Progress" and insert "program."

Page 18, line 18, strike "Definition" and insert "Definitions."

Page 19, line 4, before the period insert "organized on a permanent basis for essentially educational or esthetic purposes, which, utilizing a professional staff, owns and utilizes tangible objects, cares for them, and exhibits them to the public on a regular basis".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I am very pleased to support a very excellent bill to extend the National Foundation on the Arts and the Humanities Act of 1965. This bill breaks new ground in the cultural area by creating a new program for the support and improvement of museum services, creating a program to generate non-Federal support for arts programs, called the arts challenge program, creating a Bicentennial photograph and film project, creating a humanities challenge program, and providing for greater State involvement in State humanities programs.

In is particularly exciting that this bill includes a new program for the support of museums. This legislation has been considered by the Subcommittee on Arts and Humanities over the last 4 years. During this period, the testimony presented has demonstrated a very strong case for the vital role of museums in this country and the importance of these institutions as an educational medium, a cultural preservatory, and a place for the stimulation of creative minds. In the past, both the arts and the humanities endowments have assisted museums through special projects, exhibitions, training grants for personnel, the renovation of buildings for security purposes, and the purchase of important objects and artifacts.

However, testimony has clearly documented the increased services and costs of these services provided by museums, and the limited ability of these institutions to meet increased costs. This new program will provide operating assistance to bolster the ability of these institutions to continue to provide stimulating experiences for those who come to them. I think this program, providing an authorization of $15 million for fiscal year 1977 and $25 million for fiscal year 1978 and such sums as may be necessary for the following 2 years, is responsive to the public need, and I am pleased to see it included in this bill.

Both challenge programs which have been adopted also respond to the need of the arts and the humanities in a way which will strengthen their base of support, encourage new participation, and improve their financial and administrative operations. I consider these programs a great investment in the future, and am pleased that they have been included in the committee bill.

And I believe that it is very important that we have included authorization for a Bicentennial photography and film project. Reminiscent of the program of the 1930's, this program will allow us to stimulate a new body of work which will document for posterity this Bicentennial era.

S. 3440 authorizes a total for both Endowments and for the new Institute of $250 million. This authorization is $2 million less than the current authorization, but provides sufficient room for growth from existing appropriations levels, and for funding of the new programs authorized. The bill is in line with the committee submission to the Budget Committee, and I would hope that we will be able to obtain full funding or close to it from the Committee on Appropriations in order to assure the continued vibrancy of the arts and the humanities in this country.

The Arts, Humanities, and Cultural Affairs Act of 1976 is important legislation which will help us continue and expand on the work being done by the National Endowment on the Arts and the National Endowment on the Humanities and I commend it to my colleagues.

Mr. PELL. Mr. President, as chairman of the Special Committee on Arts and Humanities, I am very pleased indeed by the action taken by the Senate today in passing the important and necessary legislation to reauthorize the arts and humanities program for the next 4 fiscal years.

In the CONGRESSIONAL RECORD of May 19, the cosponsors of this legislation are listed. I am very happy that Senator WILLIAMS, the chairman of the Committee on Labor and Public Welfare, is a cosponsor of this legislation and that the other distinguished Members listed in the RECORD—including Senators JAVITS, KENNEDY, NELSON, MONDALE, EAGLETON, HATHAWAY, TAFT, and STAFFORD—joined in this expression of support for the bill.

Particularly, I am delighted that Senator JAVITS is once again joined with me in this endeavor. In the past I have emphasized his pioneering work with respect to the development of the arts and humanities program and its legislative mandate. He and I worked together on the initial legislation which, after several years of preparation, was passed by the Senate in 1965 and became Public Law 89–209. He was also the cosponsor of the legislation which I introduced in the Senate almost a year ago and which formed the basis for our future deliberations.

These deliberations included comprehensive hearings held jointly with the House of Representatives as has become our tradition with regard to the arts and humanities program, and I would like especially to mention the major contributions made to this legislation over the years by my distinguished colleague and counterpart in the House of Representatives, the chairman of the Select Subcommittee on Education, Representative JOHN BRADEMAS. In its action the Senate has amended the House bill, H.R. 12838, which was passed by the House on April 26 of this year.

At this time I would like to present a few highlights of the new legislation we have approved.

First. In title I we have made legislative provision for a State humanities program so that it can more closely relate in format to the highly successful State arts program, included in beginning legislation enacted in 1965. The Humanities Endowment has at present State committees functioning in all the States, but the leadership of these committees has emanated from Washington.

I believe the States should have the opportunity to develop their own programs in accord with their own desires and needs—just as they do in the arts State program.

Let me outline, very briefly, how successful I believe this program has been.

In 10 years State appropriated funding for the arts has increased 15-fold—from approximately $4 million to over $60 million annually.

Municipal governments are increasingly supporting the arts. I attribute this to the grassroots impact of the State programs.

As State programs have grown in significance, so have community arts councils—a dramatic growth rate here as well, from 100 to more than 1,000 in 10 years.

There are no real parallels on the humanities side. I am convinced that the provisions of title I can enhance grassroots support for the humanities—and can enhance the impact of this program so that, in time, it can be equal to the arts. We discussed this thoroughly in subcommittee and in committee. The relevant provisions represent a modification of my original proposal, and gives the States a variety of options among which to choose what seems best to each.

Second. We have added a museum services program under title II. We have considered this legislation in two previous Congresses. Its time has come. Under an imaginative proposal of Senator JAVITS, this program to aid our Nation's museums of art, history, and science is placed within the umbrella of the Arts and Humanities Foundation.

Third. We have added a challenge grant program for the arts, to generate up to $3 non-Federal for the arts for every $1 Federal invested—and to concentrate on long-range planning—rather than on ongoing needs which the present Endowment program addresses. That is title III.

Fourth. There is an arts education program under title IV to allow the Arts Endowment, with all its resources and special experience, to conduct pilot-type programs and demonstration projects on how the arts and creative expression can add a new dimension to future education.

Fifth. In title V we have focused on a special challenge program for the Humanities Endowment, focusing attention on proposals that were made to us by John D. Rockefeller III and other leading citizens to establish a Bicentennial era program, extending until the 200th anniversary of the U.S. Constitution. This special program is concerned with our goals and priorities as a Nation, and it emphasizes citizen involvement and participation, relevant subjects for the humanities.

Also, in title V we have included modest funding for a Bicentennial photography and film survey of the United States, to be conducted primarily through State arts agencies. This would be the first time we undertook such a project since the highly praised survey of the country done by the Government 40 years ago.

I want to stress that this bill contains for fiscal 1977 no more money—and actually $2 million less—than is presently authorized in total for the Arts and Humanities.

In sum, Mr. President, I believe these figures reflect emphasis on the maximum use and benefit of the Federal investment. In arriving at these figures we were most careful not to jeopardize in any way present appropriation expectations. We have provided incentives for increase. But, most of all, we have—I believe—provided the Arts and Humanities program with the opportunity for new dimensions and new initiatives within existing authorized funding levels.

Mr. JAVITS. Mr. President, today I note my great satisfaction that the Senate will pass the Arts, Humanities, and Cultural Affairs Act of 1976, S. 3440. As the ranking minority member of both the full Labor and Public Welfare Committee and the Special Subcommittee on Arts and Humanities Committee, I am pleased that once again my committee colleagues have successfully collaborated and unanimously reported to the Senate a bill finding broad acceptance to advance the cultural interests of all Americans.

S. 3440 will reauthorize the activities of the National Endowment for the Arts and the National Endowment for the Humanities for 4 years.

In 1949, as a Member of the House of Representatives, I introduced the first bill to authorize a National Arts establishment. Although 16 years passed before the Congress accepted this proposal, a number of our present and former Senate colleagues such as Senators HUMPHREY and PELL, and former Senator Joseph Clark of Pennsylvania, and others, were successful in creating the necessary legislative environment to establish the principal of Federal support for the arts.

Likewise, House Members such as FRANK THOMPSON, JOHN BRADEMAS, and ALBERT QUIE were simultaneously successful in creating necessary House support for this measure.

In 1965, with the energetic support of President Johnson, the principle of Federal support for cultural activities was finally enacted by the Congress and signed into law. Slightly more than a decade later, many of these same colleagues, with the same bipartisan support, have again cooperated to extend and improve the authorizing legislation for the two National Endowments. I am hopeful that President Ford, who has shown his real support for cultural activities by requesting an increase in funding for the endowments' programs in the most recent fiscal year, will look favorably upon this legislation.

I understand that Senator PELL in his remarks today has outlined the key provisions of S. 3440. I would like to touch on highlights of the bill which I feel deserve particular emphasis. The center piece of this legislation is the authorization of 4 more years of activities for the National Endowment for the Arts and the National Endowment for the Humanities. Under the leadership, and with the creative efforts, of Chairman Nancy Hanks of the Arts Endowment and of Chairman Ronald Berman of the Humanities Endowment, both agencies have flourished, each in their own way. It is a mark of their success that the Congress has continued its sound and well reasoned policy of gradually increasing the funds available for their activities. This bill continues the principle of authorizing a gradual expansion of funds so that we may annually judge the national need for Federal support of cultural activities.

Provisions of the bill continue the creative governance mechanism of a National Council for each Endowment, made up of the leading cultural experts and participants in this country. The advice and guidance provided by these Councils to their respective Endowments has been a key to the success, through their ability to provide Federal support for cultural activities without unwise intervention into the determination and selection of grantees of the highest merit. In order to expand the future congressional oversight of each Council, the committee bill has determined that the Senate should advise and consent on future appointments to these Councils. This will allow the Congress to assure that the same high quality of Council participation which has marked the first decade of the Endowment will continue in the future.

While remaining within existing authorized funding levels for the coming fiscal year, S. 3440 creates several new vehicles to advance cultural activity. Both the Arts Endowment and the Humanities Endowment will have a new Challenge Grant authority to further introduce nongovernmental participation in cultural activities. These authorities will give a new opportunity for cultural institutions and activities to meet the expanded demand placed on them through increased participation by our citizens. While the arts face a troubling financial horizon, their financial shortcomings are primarily the result of their inability to maintain a rate of expansion consistent with their growing constituencies. These two challenge authorities, each tailored to the needs of their respective Endowment, will provide a new vehicle to meet that demand through catalytic action by the Federal Government.

In a similar vein, title II of the bill creates a new museum services program to fulfill a need of these institutional treasure chests of our culture previously unmet by Federal funding. Existing activities by each Endowment have aided museums. However, the new authority contained in title II will for the first time provide undergirding financial support for these cultural institutions which have experienced an unprecedented growth in attendance in recent years. Such cultural treasures cannot have their support contingent upon short-term economic and philanthropic trends. Rather, the Nation must be diligent in assuring that these museums are sustained on a permanent basis. The new provisions to aid museums authorize a modest Federal participation in this national effort.

I am particularly pleased that my colleagues on the Labor and Public Welfare Committee unanimously accepted a proposal which I put forward regarding the Bicentennial challenge grants. As I noted previously, the committee sought to tailor the new challenge grants authorities to the respective need of the two Endowments. Within the Humanities Endowment, the Bicentennial challenge grant will for the first time specifically authorize support of programs and projects to maintain our democratic processes through encouraging citizen participation, to encourage new approaches to resolving complex national problems in an integrated manner, and to make participation of citizens in the democratic system compatible with their everyday life. I wish to commend John D. Rockefeller III, who, as chairman of the National Committee for the Bicentennial Era, provided myself and my Senate colleagues with the central concept embodied in one of the new Bicentennial challenge grants.

Mr. President, I believe the bill we consider today represents an excellent piece of legislation to maintain and enhance the necessary Federal commitment to helping to forward cultural activities to enrich the lives of our citizens, the cultural heritage of the United States.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 837, H.R. 12838.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 12838) an act to extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. MANSFIELD. Mr. President, I move to strike all after the enacting clause of H.R. 12838 and to substitute therefore the text of S. 3440, as reported and as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 12838), as amended, was passed, as follows:

That this Act may be cited as the "Arts, Humanities, and Cultural Affairs Act of 1976".

TITLE I—ARTS AND HUMANITIES

SCOPE OF PROGRAM CARRIED OUT BY CHAIRMAN OF NATIONAL ENDOWMENT FOR THE ARTS

SEC. 101. Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting immediately after the words "United States" the following: "(except that grants and contracts may be made to include international activities provided that the primary purpose of such grants and contracts is to support the arts in the United States)".

ALLOTMENTS FOR PROJECTS AND PRODUCTION RELATING TO THE ARTS

SEC. 102. Section 5(g)(4)(A) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting immediately after "(4)(A)" the following new sentence: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State, which has a plan approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1).".

APPOINTMENT OF MEMBERS OF NATIONAL COUNCIL ON ARTS AND NATIONAL COUNCIL ON HUMANITIES

SEC. 103. (a) The first sentence of section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting ", by and with the advice and consent of the Senate," immediately after "President."

(b) The first sentence of section 8(b) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting ", by and with the advice and consent of the Senate," immediately after "President".

STATE HUMANITIES PROGRAM

SEC. 104. (a) Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by adding at the end thereof the following new subsection:

"(f)(1) The Chairman, with the advice of the National Council on the Humanities, is authorized to establish and carry out a program of grants-in-aid to assist the several States in supporting not more than 50 per centum of the costs of existing activities which meet the standards enumerated in subsection (c), and in developing projects in the humanities in such a manner as will furnish adequate programs in the humanities in each of the several States.

"(2) In order to receive assistance under this subsection in any fiscal year, a State, in accordance with the laws of that State, shall submit an application for such grants at such time as the Chairman shall specify. Each such application shall be accompanied by an annual plan in which the Chairman finds that the State—

"(A) designates an existing state agency having responsibility for the arts and the humanities to be the sole agency for administering the State plan; or

"(B) designates a State committee on the humanities or some other appropriate entity to be the sole agency for administering the State plan if the plan—

"(i) is submitted for the approval of the Governor of the State or his designee, prior to submitting it to the Chairman;

"(ii) establishes procedures under which the Governor will appoint a majority of the members of the committee within three years after the date of enactment of the Arts, Humanities, and Cultural Affairs Act of 1976;

"(iii) establishes a membership policy designed to assure broad public representation on the committee;

"(iv) provides a nomination process which assures opportunities for nomination to membership on the committee from a variety of segments of the population of the State;

"(v) provides for the rotation of committee membership and committee officers on a regular basis;

"(vi) establishes adequate reporting procedures designed to inform the Governor of the State and other appropriate State agencies of the activities of the committee; and

"(vii) establishes procedures for public access to information about the activities of the committee; or

"(C) designates as the sole administrator of the State plan the State humanities committee in existence on the date of enactment of the Arts, Humanities, and Cultural Affairs Act of 1976, which has submitted assurances that—

"(i) the State has established independent procedures under which an individual may file with the Governor, his designee, a legitimate grievance regarding the activities or plans of the State humanities committee, for review, and if deemed appropriate by the Governor, or his designee, a hearing to resolve such grievance; and

"(ii) the provisions set forth in subclauses (iii) through (vii) of clause (B) of this paragraph are met; and

"(D) provides that funds paid to the State under this subsection will be expended solely on programs, approved by the State agency in the case of States designating under clause (A) of this paragraph or by the State committee in the case of States designating under clause (B) or clause (C) of this paragraph, which carry out one or more of the objectives of subsection (c); and

"(E) provides that the State agency, in the case of a State designating under clause (A) of this paragraph, or the State committee in the case of a State designating under clause (B) or clause (C) of this paragraph, will make such reports, in such form, and containing such information, as the Chairman may require.

"(3) Of the sums available to carry out this subsection for any fiscal year, each State which has a plan approved by the Chairman shall be allotted at least $200,000. If the sums appropriated are insufficient to make the allotments under the preceding sentence in full such sums shall be allotted among such States in equal amounts. In any case where the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under the first sentence of this paragraph—

"(A) the amount of such excess which is no greater than 25 per centum of the sums available to carry out this subsection for any fiscal year shall be available to the Chairman for making grants under this subsection to States and regional groups; and

"(B) the amount of such excess, if any, which remains after reserving in full for the Chairman the amount required under clause (A) shall be allotted among the States which have plans approved by the Chairman in equal amounts, but in no event shall any State be allotted less than $200,000.

"(4)(A) That part of any allotment made under paragraph (3) for any fiscal year—

"(i) which exceeds $125,000, but

"(ii) which does not exceed 20 per centum of such allotment,

shall be available, at the discretion of the Chairman, to pay up to 100 per centum of the cost of programs under this subsection if such programs would otherwise be unavailable to the residents of that State.

"(B) Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not obligated by the State prior to sixty days prior to the end of the fiscal year for which sums are appropriated shall be available to the Chairman for making grants to regional groups.

"(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.

"(D) For the purposes of paragraph (3) and this paragraph, the term 'regional group' means any multi-State group, whether or not representative of contiguous States.

"(5) All amounts allotted or made available under paragraph (3) for a fiscal year which are not granted to a State during such year shall be available to the National Endowment for the Humanities for the purpose of carrying out section 7(c).

"(6) Whenever the Chairman, after reasonable notice and opportunity for hearing, finds that—

"(A) a group is not complying substantially with the provisions of this section;

"(B) a State agency or a State committee, as the case may be, is not complying substantially with terms and conditions of its State plan approved under this section; or

"(C) any funds granted to a group, State agency, or State committee under this section have been diverted from the purposes for which they are allotted or paid,

the Chairman shall immediately notify the Secretary of the Treasury and the group, State agency, or State committee with respect to which such finding was made that no further grants will be made under this section to such group, agency, or committee, until there is no longer a default or failure to comply or the diversion has been corrected, or, if the compliance or correction is impossible, until such group, or agency, or committee repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.".

(b) The amendment made by subsection (a) shall be effective with respect to fiscal year 1977 and succeeding fiscal years.

PAYMENT OF PERFORMERS AND SUPPORTING PERSONNEL

SEC. 105. Section 7 of the National Foundation on the Arts and the Humanities Act of 1965, as amended by section 104(a), is further amended by adding at the end thereof the following new subsection:

"(g) It shall be a condition of the receipt of any grant under this section that the group or individual or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional performers and related or supporting professional personnel employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have the authority to prescribe standards, regulations, and procedures as he may deem necessary or appropriate to carry out the provisions of this subsection.".

ADMINISTRATIVE PROVISION WITH RESPECT TO SURPLUS PROPERTY

SEC. 106. Section 10(a) of the National Foundation on the Arts and Humanities Act of 1965 is amended by redesignating clauses (6), (7), and (8) of such section as clauses (7), (8), and (9), respectively, and by inserting after clause (5) the following new clause:

"(6) to receive and dispose of by grant or loan excess and surplus Federal personal property of all kinds without regard to the Federal Property and Administrative Services Act of 1949 for the purpose of carrying out sections 5(c) and 7(c);".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 107. (a)(1)(A) Section 11(a)(1)(A) of the National Foundation on the Arts and Humanities Act of 1965 is amended to read as follows:

"SEC. 11. (a)(1)(A) For the purpose of carrying out section 5, there are authorized to be appropriated $92,500,000 for fiscal year 1977, and $105,000,000 for fiscal year 1978, and such sums as may be necessary for the fiscal years 1979 and 1980. Of the sums so appropriated for any fiscal year, not less than 20 per centum shall be for carrying out section 5(g).".

(B) Section 11(a)(1)(B) of such Act is amended by striking out all that follows "Humanities" and inserting in lieu thereof the following: "$82,500,000 for fiscal year 1977, and $95,000,000 for fiscal year 1978, and such sums as may be necessary for the fiscal years 1979 and 1980. Of the sums so appropriated for any fical year, not less than 20 per centum shall be for carrying out section 7(f).".

(2) Section 11(a)(2) of such Act is amended (A) by striking out "July 1, 1976" and inserting in lieu thereof "October 1, 1981"; and (B) by striking out all that follows "not exceed" and inserting in lieu thereof "$15,000,000 for the fiscal year ending September 30, 1977, $20,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for the fiscal years ending September 30, 1979, and September 30, 1980.".

(3) Section 11(c) of such Act is amended by inserting before the period a comma and the following: "or any other program for which the Chairman of the National Endowment for the Arts or the Chairman of the National Endowment for the Humanities is responsible".

(b) The amendments made by subsection (a) shall be effective with respect to fiscal year 1977 and succeeding fiscal years.

TITLE II—MUSEUM SERVICES PROGRAM

SHORT TITLE

SEC. 201. This title may be cited as the "Museum Services Act".

PURPOSE

SEC. 202. It is the purpose of this title to encourage and assist museums in their educational role so that they may better serve the communities in which they are located; to assist museums in modernizing their methods and facilities so that they may better be able to conserve our cultural, historic, and scientific heritage; and to ease the financial burden borne by museums as a result of their increasing use by the public.

INSTITUTE FOR THE IMPROVEMENT OF MUSEUM SERVICES

SEC. 203. There is established, within the National Foundation on the Arts and the Humanities, an Institute for the Improvement of Museum Services. The Institute shall consist of a National Museum Services Board and a Director of the Institute.

NATIONAL MUSEUM SERVICES BOARD

SEC. 204. (a) The Board shall consist of nine members as follows:

(1) The Chairman of the National Council on the Arts, and two members of the National Council on the Arts selected by the Chairman.

(2) The Chairman of the National Council of the Humanities, and two members of the National Council of the Humanities selected by the Chairman.

(3) Three members who are not members of the National Council on the Arts or the National Council of the Humanities appointed by the President, by and with the advice and consent of the Senate.

The appointed members of the Board shall be broadly representative of curatorial, education, and cultural resources of the United States and of the general public.

(b) The term of office of appointed members of the Board shall be five years, except that—

(1) any such member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment; and

(2) in the case of initial members, one shall serve for a term of five years, one shall serve for a term of three years, and one shall serve for a term of one year.

Any appointed member who has been a member of the Board for more than seven consecutive years shall thereafter be ineligible for reappointment to the Board during the three-year period following the expiration of the last such consecutive year.

(c) The Chairman of the Board shall be designated by the President from among the members of the Board who are not also members of the National Council on the Arts or the National Council on the Humanities. Five members of the Board shall constitute a quorum.

(d) The Board shall meet at the call of the Chairman except that—

(1) the Board shall meet not less than four times each year;

(2) whenever the Director determines that a meeting of the Board is necessary, and whenever one-third of the total number of members request a meeting in writing, the Board shall meet, in which event one-half of the total number of members shall constitute a quorum; and

(3) whenever five of the members request a meeting in writing, it shall meet, in which event five of the members shall constitute a quorum.

(e) Members of the Board who are not in the regular full-time employ of the United States shall receive, while engaged in the business of the Board, compensation for service at a rate to be fixed by the President, except that such rate shall not exceed the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed in Government service.

(f) The Board shall have the responsibility for the general policies with respect to the power, duties, and authorities vested in the Institute under this title. The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

(g) The Board shall, with the advice of the Director, take steps to assure that the policies and purposes of the Institute are well coordinated with other activities of the Federal Government.

DIRECTOR OF THE INSTITUTE

SEC. 205. (a) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V, United States Code, and shall perform such duties and exercise such powers as the Board may prescribe.

(b) The Director shall advise the Board regarding policies of the Institute to assure coordination of the Institute's activities with other agencies and organizations of the Federal Government having interest in and responsibilities for the improvement of museums. Such Government agencies shall include but are not limited to the National Endowment for the Arts, National Endowment for the Humanities, National Science Foundation, the Department of Health, Education, and Welfare, Library of Congress, and the Smithsonian Institution and related organizations.

ACTIVITIES OF THE INSTITUTE

SEC. 206. (a) The Director, subject to the management of the Board, is authorized to make grants to museums to increase and improve museum service, through such activities as—

(1) projects to enable museums to construct or install displays, interpretations, and exhibitions in order to improve their services to the public;

(2) assisting them in developing and maintaining professionally trained or otherwise experienced staff to meet their needs;

(3) assisting them to meet their administrative costs in preserving and maintaining their collections, exhibiting them to the public, and providing educational programs to the public through the use of their collections;

(4) assisting museums in cooperation with each other in the development of traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

(5) assisting them in conservation of artifacts and art objects; and

(6) developing and carrying out specialized programs for specific segments of the public such as programs for urban neighborhoods, rural areas, Indian reservations, penal and other State institutions.

(b) Grants under this section for any fiscal year may not exceed 50 per centum of the cost of the program for which the grant is made.

CONTRIBUTIONS

SEC. 207. The Institute shall have authority to accept in the name of the United States, grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Institute. Such grants, gifts, or bequests, after acceptance by the Institute, shall be paid by the donor or his representative to the Treasurer of the United States whose receipt shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Institute for the purposes in each case specified.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. (a) For the purpose of making grants under section 206(a), there are authorized to be appropriated $15,000,000 for the fiscal year 1977, $25,000,000 for the fiscal year 1978, and such sums as may be necessary for each of the fiscal years 1979 and 1980.

(b) There are authorized to be appropriated such sums as may be necessary to administer the provisions of this title.

(c) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

(d) For the purpose of enabling the Institute to carry out its functions under this title, during the period beginning on the date of enactment of this Act and ending October 1, 1980, there is authorized to be appropriated an amount equal to the amount contributed during such period to the Institute under section 207.

DEFINITIONS

SEC. 209. For the purpose of this title, the term—

(1) "Board" means the National Museum Services Board established under section 203;

(2) "Director" means the Director of the Institute established under section 203;

(3) "Institute" means the Institute for the Improvement of Museum Services established under section 203; and

(4) "museum" means a public or private nonprofit agency or institution organized on

a permanent basis for essentially educational or esthetic purposes, which, utilizing a professional staff, owns and utilizes tangible objects, cares for them, and exhibits them to the public on a regular basis.

SEC. 210. Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209) is amended to read as follows:

"SEC. 4. (a) There is established a National Foundation on the Arts and the Humanities (hereinafter referred to as the 'Foundation'), which shall be composed of a National Endowment for the Arts, a National Endowment for the Humanities, a Federal Council on the Arts and the Humanities (hereinafter established), and the Institute for the Improvement of Museum Sciences as established by the Arts, Humanities and Cultural Affairs Act of 1976.".

TITLE III—CULTURAL CHALLENGE PROGRAM

PROGRAM AUTHORIZED

SEC. 301. (a) The Chairman of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized, in accordance with the provisions of this title, to establish and carry out a program of contracts with, or grants-in-aid to, public agencies and nonprofit organizations for the purpose of—

(1) enabling cultural organizations and institutions to increase the levels of continuing support and to increase the range of contributors to the program of such organizations or institutions;

(2) providing administrative and management improvements for cultural organizations and institutions particularly in the field of long-range financial planning;

(3) enabling cultural organizations and institutions to increase audience participation in and appreciation of programs sponsored by the organizations and institutions;

(4) simulating greater collaboration and cooperation among cultural organizations and institutions especially designed to serve better the communities in which such organizations or institutions are located; and

(5) fostering greater citizen involvement in planning the cultural development of a community.

(b)(1) Except as provided in paragraph (2), the total amount of any payment made under this section for a program or project may not exceed 50 per centum of the cost of such program or project.

(2) The Chairman, with the advice of the Council may, for not to exceed 20 per centum of the amount appropriated in any fiscal year, waive the requirement of non-Federal matching funds provided in paragraph (1) of this subsection, whenever he determines that highly meritorious proposals for grants and contracts under this title could not otherwise be supported from non-Federal sources or from Federal sources other than funds authorized by this title, unless such matching requirement is waived.

(c) In carrying out the program authorized by this title the Chairman of the National Endowment for the Arts shall have the same authority as is prescribed in section 10 of the National Foundation on the Arts and the Humanities Act of 1965.

(d) The provisions of sections 5 (i) and (j) of the National Foundation on the Arts and the Humanities Act of 1965 shall apply to the program authorized by this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. (a) There are authorized to be appropriated for each fiscal year ending prior to October 1, 1981, to the National Endowment for the Arts an amount equal to the total amounts received by the Endowment for the purposes set forth in section 301(a) pursuant to the authority of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (relating to the receipt of money and property donated, bequeathed, or devised to the Endowment), except that the amount so appropriated for any fiscal year shall not exceed the following limitations:

(1) For the fiscal year 1977, $15,000,000.

(2) For the fiscal year 1978, $20,000,000.

(3) For the fiscal year 1979, such sums as may be necessary.

(4) For the fiscal year 1980, such sums as may be necessary.

(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

TITLE IV—ARTS EDUCATION PROGRAM

STATEMENT OF PURPOSE

SEC. 401. It is the purpose of this title to improve the quality and availability of arts education for all students by providing financial assistance for inservice training and retraining programs, demonstration projects of exemplary achievements in arts education and the development of the dissemination of information and materials on arts education.

AUTHORIZATION OF APPROPRIATIONS

SEC. 402. (a) There are authorized to be appropriated to carry out the provisions of this title $10,000,000 for the fiscal year 1977, $10,000,000 for the fiscal year 1978, and such sums as may be necessary for each of the fiscal years 1979 and 1980.

(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

ARTS AND EDUCATION PROGRAM AUTHORIZED

SEC. 403. (a) The Chairman of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, State arts agencies, institutions of higher education, or other appropriate public agencies or nonprofit organizations for the purpose of—

(1) developing short-term and long-term inservice training and retraining programs for art teachers, teaching artists, and administrators and other educational personnel involved in arts education;

(2) conducting workshops, seminars, festivals, and other appropriate activities on a national, regional, State, or local basis designed to develop and demonstrate outstanding arts education programs, including materials and techniques involving the arts as defined in section 3(b) of the Arts and the Humanities Act of 1965;

(3) collecting, analyzing, developing, and disseminating information and materials on arts education programs and resources.

(b) In making grants or entering into contract under the provisions of this section for inservice training and retraining of arts teachers, the Chairman, to the extent practicable, shall give preference to proposals in which artists and art resources of the community (including museums, performing arts groups, and other similar groups) will be used in carrying out the proposal.

(c) In making grants or entering into contracts under the provisions of this section, the Chairman shall, whenever the proposal is made by an institution of higher education, by a public agency (other than the State or local educational agency) or by a nonpofit organization require that the proposal contain adequate provision for consultation with, and whenever practicable, participation by the appropriate State or local educational agency, or both.

(d) In carrying out the program authorized by this title the Chairman shall have the same authority as is prescribed in section 10 of the National Foundation on the Arts and the Humanities Act of 1965.

CONSULTATION; COOPERATIVE PROGRAMS

SEC. 404. (a) In the development and review of grants and contracts made under this title, the Chairman shall consult with the Commissioner of Education and with the John F. Kennedy Center for the Performing Arts through the Alliance for Arts Education to insure improved coordination in the arts education program assisted under this title.

(b) Whenever appropriate, the Chairman, with the advice of the National Council on the Arts, is authorized to enter into cooperative programs for arts education with the National Endowment for the Humanities, the John F. Kennedy Center for the Performing Arts, and the Office of Education.

TITLE V

PART A—BICENTENNIAL CHALLENGE GRANTS

FINDINGS AND PURPOSE

SEC. 501. (a) The Congress finds that—

(1) the continued vitality of our representative democracy is dependent upon a renewed commitment to, and understanding and strengthening of, the principles underlying the Constitution;

(2) the period between the two hundredth anniversary of the signing of the Declaration of Independence and the two hundredth anniversary of the ratification of the Constitution is an appropriate time to take measures to insure the future of such vitality by assessing where our society and Government stand in relation to founding principles and seeking to determine the most effective methods to pursue goals appropriate to America and its citizens in the third century; and

(3) while the commemorative efforts regarding the Bicentennial of the Declaration of Independence have, until the present, been largely celebratory in nature, the observance of the Bicentennial of the Constitution should be primarily focused on projects which will bring together the public and private sectors in an effort to find new processes for solving problems facing our Nation in its third century.

(b) It is the purpose of this part to establish a Bicentennial Challenge Grant program designed to—

(1) maintain and strengthen democratic processes and institutions through encouraging citizen participation in such processes and institutions;

(2) develop new and innovative insights and approaches to resolving, in an integrated manner, problems of a social, political, and economic nature, which confront America in its third century; and

(3) develop new approaches for citizen involvement in the democratic system which attempt to make participation in the decisionmaking processes compatible with the daily lives of all Americans who desire and who seek to participate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. (a) There are authorized to be appropriated for each fiscal year ending prior to October 1, 1981, to the National Endowment for the Humanities an amount equal to the total amounts received by the Endowment for the purposes set forth in section 502 pursuant to the authority of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (relating to the receipt of money and property donated, bequeathed, or devised to the Endowment), except that the amount so appropriated for any fiscal year shall not exceed the following limitations:

(1) For the fiscal year 1977, $15,000,000.

(2) For the fiscal year 1978, $20,000,000.

(3) For the fiscal year 1979, such sums as may be necessary.

(4) For the fiscal year 1980, such sums as may be necessary.

(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

PROGRAM AUTHORIZED

SEC. 503. (a) The Chairman of the National Endowment for the Humanities, with the advice of the National Council on the Humanities, is authorized in accordance with provisions of this part, to establish and carry out a program of contracts with, or grants-in-aid, to public agencies and nonprofit organizations for the purposes of this part.

(b) The total amount of any payment made under this part for a program or project may not exceed 50 per centum of the cost of such program or project, except as provided by section 504.

(c) In carrying out the program authorized by this title, the Chairman shall have the same authority as is prescribed in section 10 of the National Foundation on the Arts and the Humanities Act of 1965. The Chairman, with the advice of the Council, shall take such steps as he deems necessary to coordinate the program authorized by this part with the other activities of the Endowment.

(d) The provisions of section 7(g) of the National Foundation on the Arts and Humanities Act of 1965 shall apply to the program authorized by this part.

WAIVER OF MATCHING REQUIREMENTS

SEC. 504. The Chairman, with the advice of the Council, shall waive the requirement of non-Federal matching of funds provided by section 501(b) of this part, whenever he determines that highly meritorious proposals for grants and contracts under this part could not otherwise be supported from non-Federal sources or from Federal sources other than Funds authorized by this part, unless such matching requirement is waived.

DEFINITIONS

SEC. 505. For purposes of this part—

(a) "Chairman" shall mean the Chairman of the National Endowment for the Humanities;

(b) "Endowment" shall mean the National Endowment for the Humanities; and

(c) "Council" shall mean the National Council on the Humanities.

PART B—AMERICAN BICENTENNIAL PHOTOGRAPHY AND FILM PROJECT

FINDINGS AND STATEMENT OF PURPOSES

SEC. 521. (a) The Congress finds (1) that the federally supported photographic projects conducted during the 1930's created a lasting national historic and artistic resource of priceless value and (2) that the American Revolution Bicentennial presents the opportunity to create a similar portrait, through photographs and film, of the people and communities of the United States.

(b) It is the purpose of this part to establish the American Bicentennial Photography and Film Project, by providing assistance to State arts agencies to support qualified photography and film projects within their States, and by establishing the National Endowment for the Arts as national coordinator for the national Bicentennial photography and film project.

AUTHORIZATION OF APPROPRIATIONS

SEC. 522. (a)(1) There are authorized to be appropriated to the National Endowment for the Arts for the purpose of this part not to exceed $5,000,000 for each of the fiscal years 1977 and 1978 and such sums as may be necessary for each of the fiscal years 1979 and 1980.

(2) Sums appropriated pursuant to this subsection shall remain available until expended

(b) Of the amounts appropriated pursuant to subsection (a) of this section, not to exceed one-fifth shall be reserved by the National Endowment for the Arts for purposes of section 524, and the remainder shall be apportioned among the States on the following basis: The first $3,000,000 shall be allocated among the States in equal amounts, and the remainder shall be apportioned among the States on the basis of population.

STATE PROJECTS

SEC. 523. (a) From funds appropriated and apportioned to each State pursuant to section 522, the Endowment is authorized to provide, by grant or contract, financial assistance to the State arts agency of each State, pursuant to such regulations and guidelines as the Endowment shall establish, to permit such State agency to support one or more photography or film projects meeting the purposes of this part. Such assistance shall also be available for acquiring essential equipment and supplies, and for administrative or supervisory personnel, and for processing and cataloging, and for the display (and related activities) of the photographs and films produced with assistance under this part.

(b)(1) No financial assistance may be made under this part unless an application is made at such time, in such manner and containing or accompanied by such information, as the Endowment determines is reasonably necessary.

(2) In providing financial assistance under this part, the Endowment shall give priority to proposals which involve promising photographers or film makers who are unemployed or underemployed.

NATIONAL PROJECT

SEC. 524. From funds allotted to the Endowment pursuant to section 522(b), the Endowment shall pay the costs of administration, provide for collection and dissemination of photographs and films produced pursuant to this section, and provide direct assistance to applicants for photography or film projects of special merit which meet the purposes of this part. The Endowment shall assure that representative photographs and films (including, where appropriate, negatives) produced with assistance furnished under this part are made available for the permanent collection of the Library of Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 3440 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. CLARK) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator of National Aeronautics and Space transmitting, pursuant to law, a report on a proposed transfer of funds from "Construction of Facilities" (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy transmitting a draft of proposed legislation to provide for the use of margarine as part of the Navy ration (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE ASSISTANT SECRETARY OF DEFENSE

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report on procurement from small and other business firms for July 1975–February 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE EXPORT-IMPORT BANK

A letter from the Chairman of the Export-Import Bank transmitting, pursuant to law, a report on the actions taken by the Bank during the quarter ended March 31, 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

A letter from the Chairman of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance transmitting, pursuant to law, a report entitled "Electronic Surveillance" (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General: one transmitting, pursuant to law, a list of reports of the General Accounting Office for the month of April 1976; and the second transmitting pursuant to law, a report entitled "Policies and Programs Being Developed To Expand Procurement of Products Containing Recycled Materials" (with accompanying papers and report); to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Under Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend and extend the program authorized by the Child

Abuse Prevention and Treatment Act (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Legislation by the National Science Foundation

A letter from the Director of the National Science Foundation transmitting a draft of proposed legislation for authorizations for the fiscal year 1978 (with accompanying papers); to the Committee on Labor and Public Welfare.

Notice of Certain Meetings Relating to Energy

A letter from the Assistant General Counsel of the Federal Energy Administration transmitting notice, pursuant to law, of certain meetings related to the international energy program (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Contracts for Research Projects

Six letters from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, six proposed contracts for research projects (with accompanying papers); to the Committee on Interior and Insular Affairs.

Sale of Agricultural Commodities to Syria

A letter from the Assistant Secretary of State transmitting, pursuant to law, a Determination with Statement of Reasons permitting the sale of up to $4.3 million of agricultural commodities to Syria (with accompanying papers); to the Committee on Agriculture and Forestry.

Agricultural Sales to Bangladesh

A letter from the Assistant Secretary of State transmitting, pursuant to law, a Determination waiving the exclusion of the Government to Bangladesh from the definition of "friendly country" for the purpose of agricultural commodity sales to it (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of the Federal Power Commission

A letter from the Chairman of the Federal Power Commission transmitting, pursuant to law, its annual report for the fiscal year ending June 30, 1975 (with an accompanying report); to the Committee on Commerce.

Proposed Legislation by the Attorney General

A letter from the Attorney General transmitting a draft of proposed legislation to amend the Comprehensive Drug Abuse Prevention and Control Act (with accompanying papers); to the Committee on the Judiciary.

Published Regulations of the Department of Health, Education, and Welfare

A letter from the Acting Director of the Office of Reglatory Review of the Department of Health, Education, and Welfare, transmitting, pursuant to law, a copy of published regulations relating to educational programs (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

S. Res. 448. A resolution urging United States policy with respect to Lebanon (Rept. No. 94–908).

By Mr. LONG, from the Committee on Finance, with amendments; and an amendment to the title:

H.R. 8948. An act to amend the Accounting and Auditing Act of 1950 to provide for the audit, by the Comptroller General of the Internal Revenue Service and of the Bureau of Alcohol, Tobacco, and Firearms (Rept. No. 94–909).

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 2849. A bill to amend the Investment Advisers Act of 1940 to authorize the Securities and Exchange Commission to prescribe standards of qualification and financial responsibility for investment advisers, and for other purposes (together with minority views) (Rept. No. 94–910).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

S. Res. 451. An original resolution authorizing additional expenditures for the Committee on Interior and Insular Affairs. Referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. PEARSON, from the Committee on Commerce:

S. John Byington, of Virginia, to be a Commissioner of the Consumer Product Safety Commission (together with minority views) (Exec. Rept. No. 94–24).

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Ronald G. Coleman, of Virginia, to be an Assistant Secretary of the Interior.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SPARKMAN, from the Committee on Foreign Relations, with a declaration:

Exec. E, 94th Congress 2d session. Treaty of Friendship and Cooperation between the United States of America and Spain, signed at Madrid on January 24, 1976, together with its seven Supplementary Agreements and its eight related exchanges of notes (Exec. Rept. No. 94–25).

JOINT REFERRAL OF A BILL—S. 2510

Mr. GRAVEL. Mr. President, I ask unanimous consent that S. 2510, a bill relating to the construction of the Alaska gas pipeline, which has been referred to the Committee on Commerce also be referred to the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUDDLESTON:

S. 3457. A bill to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. BUCKLEY:

S. 3458. A bill to amend the Housing and Community Development Act of 1974 with regard to the definition of the term "city" as it is used in that Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (by request):

S. 3459. A bill to provide for increased participation by the United States in the Asian Development Bank. Referred to the Committee on Foreign Relations.

S. 3460. A bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, and for other purposes. Referred to the Committee on Foreign Relations.

S. 3461. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

S. 3462. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. Referred to the Committee on Foreign Relations.

S. 3463. A bill to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for Overseas Private Investment Corporation for fiscal year 1978. Referred to the Committee on Foreign Relations.

S. 3464. A bill to provide for increased participation by the United States in the Asian Development Fund. Referred to the Committee on Foreign Relations.

S. 3465. A bill to provide for increased participation by the United States in the International Development Association. Referred to the Committee on Foreign Relations.

S. 3466. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations for the buildings program for fiscal years 1978 and 1979. Referred to the Committee on Foreign Relations.

By Mr. BURDICK:

S. 3467. A bill to include unpledged deposits in the Bank of North Dakota, maintained by any financial institution which is a member of a Federal Home Loan Bank, or is an insured institution as defined in section 401(a) of the National Housing Act, as assets for purposes of meeting the liquidity requirements under section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)). Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. GARY HART (for himself and Mr. Haskell):

S. 3468. A bill to provide for certain payments to be made by the Secretary of the Interior to local governments based on the amount of certain public lands within their boundaries, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. PEARSON:

S. 3469. A bill to provide for affording equal educational opportunities for students in the Nation's elementary and secondary schools. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE:

S. 3470. A bill to amend titles XVIII and XIX of the Social Security Act to provide for the coverage of certain social work services under the supplementary medical insurance benefits program and the medicaid program. Referred to the Committee on Finance.

By Mr. BROOKE:

S. 3471. A bill to amend the Securities Exchange Act of 1934; and

S. 3472. A bill to amend the Securities Exchange Act of 1934. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. WILLIAMS:

S. 3473. A bill for the relief of Tomiko Kukuda Eure. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 3474. A bill to amend title II of the Social Security Act to make more equitable the provisions relating to deductions from benefits on account of noncovered remunerative activity outside the United States. Referred to the Committee on Finance.

By Mr. CANNON:

S. 3475. A bill relating to the display of certain historical documents within the U.S. Capitol Building during the calendar year 1976. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUDDLESTON:

S. 3457. A bill to amend title 5, United States Code, to extend certain benefits to former employees of county committees establish pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. HUDDLESTON. Mr. President, the Agricultural Stabilization and Conservation Service is the agency of the U.S. Department of Agriculture that administers specified commodity and related programs designed for production adjustment, resource protection, and price, market, and farm income stabilization. County ASCS employees are employed by county ASC committees established pursuant to section 8(b) of the Soil and Domestic Allotment Act as amended. Although county ASCS employees help administer Federal programs assigned to the committees by the Congress, Secretary of Agriculture, Executive order, et cetera, they are not included under the civil service system because the act specifies that these programs shall be administered at the county level by farmer-elected committeemen.

The Congress has extended to county ASCS employees the same retirement, leave, insurance, and other benefits provided civil service employees, as well as the opportunity to transfer to other agencies within the USDA. The legislation which I am introducing today, if enacted, would permit county office employees of the Agricultural Stabilization and Conservation Service to carry their leave balances, leave earning capacities, years of service, et cetera, to governmental departments other than USDA.

Mr. President, county ASC employees help administer Federal programs. In my judgment, they are qualified, skilled, and competent and should be afforded the same transfer opportunities available to other Federal employees. This bill, if enacted, would not permit county ASC employees to bypass any eligibility requirements or give them any privilege to "bump up."

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5334(f) of title 5, United States Code, is amended by striking out "under the Department of Agriculture".

(b) The first sentence of section 6312 of title 5, United States Code, is amended by striking out "in the case of any officer or employee in or under the Department of Agriculture".

(c) 'Section 3502(a)(C) of title 5, United States Code, is amended by striking out "who is an employee in or under the Department of Agriculture".

Sec. 2. The amendments made by the first section of this Act shall take effect on the date of the enactment of this Act.

By Mr. BUCKLEY:

S. 3458. A bill to amend the Housing and Community Development Act of 1974 with regard to the definition of the term "city" as it is used in that act. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BUCKLEY. Mr. President, students of local government in New York State have long been aware of the fact that its development has proceeded in a random and less than logical pattern. The original existence of the town as a largely rural unit of local government and the city as a thickly populated urban unit, a pattern which is still characteristic of many other States, has, in New York State, yielded to a later pattern which displays a combination of large urban towns, exercising virtually all of the functions normally associated with city government; heavily urbanized villages which originated as outgrowths of towns but which in many cases now function as de facto cites, although still designated officially as villages, and cities which in many cases are far smaller in population, and less complex, than many existing towns and villages.

The extent of the diversity which characterizes New York's local government is easily appreciated by glancing at a few statistics. New York's towns range in population from a low of approximately 50 inhabitants to a high of over 800,000; the State's villages cover a range from approximately 25 inhabitants to approximately 40,000; while our cities vary from approximately 3,000 to the 7 million-plus of New York City.

The point I wish to make today is that a system of local government which is characterized by several different forms of municipal organization—town, village, city—is ill served by the type of Federal law which fails to recognize the diversity that exists from State to State. Specifically, I suggest that the Housing and Community Development Act of 1974 is deficient in that it defines "city" in such a way as to rule out the large urban towns of New York State. This discrepancy might not be a problem for many other States, which have other, simpler patterns of local government; it is a serious problem for New York. To take an extreme example, it is unrealistic for the town of Hempstead, whose population exceeds 800,000 and which provides all of the municipal services of any large metropolitan city, to be excluded from certain features of this act because of the historical accident which made it a "town" and not a "city."

Therefore, I am today introducing legislation to correct this shortcoming of the Housing and Community Development Act of 1974 by redefining the term "city." I request that this bill be referred to the proper committee so that this issue might receive the serious study it deserves. I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(a)(5)(B) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "and" immediately before "(ii)"; and

(2) by striking out ", and (iii)" and all that follows through "the Census".

By Mr. SPARKMAN (by request):

S. 3459. A bill to provide for increased participation by the United States in the Asian Development Bank. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to provide for increased participation by the United States in the Asian Development Bank.

The bill has been requested by the Department of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Secretary of the Treasury to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new section:

"Sec. 22.(a). The United States Governor of the Bank is hereby authorized to subscribe to the additional shares of the capital stock of the Bank allocated to the United States under the second replenishment of the ordinary capital resources of the Bank.

(b) In order to pay for the increase in the United States subscription provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation such sums as may be necessary for payment by the Secretary of the Treasury.

The Secretary of the Treasury,
Washington, D.C., May 14, 1976.
Hon. Nelson A. Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft bill, "To provide for increased participation by the United States in the Asian Development Bank."

The draft bill would authorize the Govenor of the Asian Development Bank (ADB) to agree to subscribe to additional shares of the capital stock of the Bank under the second replenishment of the ordinary capital resources of the Bank and to pay to the Bank such sums as may be necessary for the increase in the United States subscription. The bill would also authorize the appropriation without fiscal year limitation of such sums as may be necessary for payment by the Secretary of the Treasury.

This legislation is necessary because section 5 of the Asian Development Bank Act (Public Law 89–369, as amended) provides that Congressional authorization must be obtained for the United States Governor to subscribe to additional shares of stock of the Bank. Moreover, legislation is required in order to authorize the appropriation of the necessary amounts to enable the United States to contribute to the ADB.

The Administration is currently involved in international negotiations which have not yet reached a stage where a specific figure regarding the size of the U.S. share can be included in the proposed legislation. As soon as a specific figure is available, we will submit it to the Congress for its consideration.

The proposed legislation is being transmitted at this time in compliance with the Congressional Budget Act of 1974 because the Administration may request an appropriation for FY 1978 as the first installment of the United States subscription to the Second Replenishment of the ordinary capital resources of the ADB.

The Asian Development Bank was established in 1966 for the purpose of lending funds, promoting investment, and providing technical assistance to developing countries in the Asian region. Of the 42 members of the Bank, 28 are regional countries and 14 are non-regional members including Canada, and the United States and 12 European nations.

The ADB's resources consist of ordinary capital resources and special funds resources. The ordinary operations of the ADB are financed from its ordinary capital resources which consist of the ADB's subscribed capital stock, the proceeds of borrowings (which are backed by the ADB's callable capital), the sale of participations in its loans, and profits derived from ordinary operations. In its nine years of operation, the ADB has approved loans at near market rates totaling nearly $1.9 billion from its ordinary capital resources.

In 1975 it became clear that an increase in subscribed ordinary capital would become necessary if the ADB was to continue lending operations through the end of the decade. In November 1975 ADB Management submitted, for the consideration of the Board of Directors, the outlines of a replenishment proposal to finance ADB ordinary capital operations from mid-1977 through 1981. Under this proposal there would be a 135% increase in the ADB ordinary capital stock amounting to about $4.96 billion. A 135 percent increase for the U.S. would total about $814 million.

Several countries, including the United States, have raised questions about the Management's proposal and discussions are continuing. The Administration, in principle, supports U.S. participation in an ADB replenishment but has made no decisions on the size of any U.S. participation. Before the Administration makes such a decision, we will consult with the Congress. Assuming international agreement is reached, an appropriation of a first installment may be sought in FY 1978.

I believe that strong Congressional support for the ADB is essential to the foreign assistance policy of the United States. I hope we can achieve agreement on the general principles of the replenishment in order that the U.S. can continue to play its key role in the ADB.

It would be appreciated if you would lay the proposed bill before the Senate. A similar proposal has been sent to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection to the presentation of this legislation for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,
George H. Dixon,
Acting Secretary.

By Mr. SPARKMAN (by request):

S. 3460. A bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, and for other purposes.

The bill has been requested by the Department of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Secretary of the Treasury to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286–286K–2) is amended by adding at the end thereof the following new section:

"Sec. 24. (a) The United States Governor of the Bank is authorized (1) to vote for an increase of $8,444,450,000 in the authorized capital stock of the Bank and (2) if such increase becomes effective, to subscribe on behalf of the United States to thirteen thousand five additional shares of the capital stock of the Bank; *Provided, however,* That any subscription to additional shares shall be made only after the amount required to pay for the paid-in portion of such subscription has been appropriated.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $1,568,858,175 to remain available until expended."

The Secretary of the Treasury,
Washington, May 14, 1976.
Hon. Nelson A. Rockefeller,
President of the Senate
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft bill, "To provide for increased participation by the United States in the International Bank for Reconstruction and Development, and for other purposes."

The bill would authorize the Secretary of the Treasury as the United States Governor of the International Bank for Reconstruction and Development (IBRD) to vote for an increase of $8.4 billion in the authorized capital stock of the Bank and to subscribe on behalf of the United States to 13,005 additional shares of capital stock. However, any subscription to additional shares could be made only after the amount required to pay for the paid-in portion of such subscription has been appropriated. The bill would also authorize the appropriation of $1,568,858,175 for the increase in the United States subscription.

This legislation is necessary because Section 5 of the Bretton Woods Agreements Act provides that Congressional authorization must be obtained for the United States Governor to agree to an increase in the capital stock of the Bank and in the United States subscription. Moreover, legislation is required in order to authorize the appropriation of the necessary amounts to enable the United States to make payments for the additional shares.

The proposed legislation is being transmitted at this time in compliance with the Congressional Budget Act of 1974 because the Administration plans to request a FY 1978 appropriation for the first installment of the United States subscription to the IBRD Selective Capital Increase.

We consider the World Bank, now lending at an annual rate of five billion dollars, to be an indispensable source of capital for the developing countries. Bank loans can only be productive when extended to countries following sound economic policies conducive to achieving rapid rates of growth and the efficient use of domestic resources. The Bank has the technical expertise to provide the policy advice to these countries to maximize the effectiveness of its credits.

Additional capital is now required for the Bank to continue to play its key role in development finance, to maintain its lending program into the 1980s, and to retain the confidence of the private capital markets from which the Bank derives most of its resources. After several months of discussions, the Bank's Board of Directors has reached agreement on an increase in the authorized capital stock and on additional subscriptions by member countries. The proposal has been submitted to the Board of Governors for its approval. Under the proposal, the authorized capital stock would be increased by $8.4 billion and present members would subscribe to an additional $8.3 billion, of which 10 percent would be paid-in and the remainder callable.

As in the past, the Bank expects to derive the great bulk of its ordinary capital resources from capital markets. As a consequence, it must itself lend at near market rates. In contrast, the International Development Association, which is a member of the World Bank Group, derives its highly concessional funds from the national budgets of its donor members.

The full U.S. subscription is $1.57 billion. Because subscriptions to callable capital represent highly contingent obligations, it is our present intention to restrict our appropriations request to the $157 million which is required to be paid-in. The purpose of callable capital is essentially to guarantee owners of IBRD bonds against a situation in which widespread defaults on Bank loans would prevent the Bank from servicing its obligations. It is consistent with budget practice not to appropriate for guarantees in advance of the need for funds. Moreover, the Bank has never had a borrower default. In the event a default actually occurred, its net income which is $200–$300 million per year and reserves of $1.9 billion would be the first line of defense.

Appropriations will be sought in three annual installments of $52 million, beginning with the FY 1978 budget with anticipated outlays in similar amounts over the same three year period. No U.S. subscriptions would be made until appropriations are obtained. Once the paid-in portion is appropriated, a subscription to the callable and paid-in portions of that installment would be made.

The sizes and country shares of the proposed capital increase are related to the recent International Monetary Fund (IMF) quota increases. The policy of having increases in IBRD subscriptions parallel to special increases in IMF quotas is based, fundamentally, on the view that members whose relative economic strength has increased, as reflected by their receiving a larger share in IMF quotas, can appropriately be expected to take a corresponding increase in their subscriptions to the capital of the IBRD. In order to achieve this result the percentage increase in the current capital increase of different countries varies widely, ranging from 270 percent for Saudi Arabia and Iran through 19 percent for the United States to nothing for the United Kingdom. The overall increase is 27 percent.

Because most countries have larger increases in percentage terms than the United States, our share of the capital increase is about 19 percent as compared to our 25 percent share of IBRD capital. The U.S. voting power will, as a consequence, drop from 22.6 percent to 21.9 percent of the total.

The increase in the authorized capital stock requires a 75 percent majority of the total voting power and the United States has the largest single share of votes, almost 23 percent. Therefore, U.S. approval will almost certainly be necessary in order to allow the increase in authorized capital stock to take place and enable other countries to subscribe to additional capital stock.

A Special Report of the National Advisory Council on International Monetary and Financial Policies on this increase in the resources of the Bank will be transmitted separately to you and to the Speaker of the House of Representatives.

I urge prompt and favorable consideration from the Congress of this legislation.

It will be appreciated if you would lay the proposed bill before the Senate. A similar proposed bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection to the presentation of this legislation for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

GEORGE H. DIXON,
Acting Secretary.

By Mr. SPARKMAN (by request):

S. 3461. A bill to amend the Foreign Assistance Act of 1961, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to authorize foreign assistance development programs for the fiscal years 1978 and 1979.

The bill has been requested by the Agency for International Development and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD at this point, together with the letter from the Administrator of the Agency for International Development to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Development Assistance Act of 1977".

DEVELOPMENT ASSISTANCE

SEC. 2. (a) Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) Section 102 is amended by:

(A) Adding after subsection (c) a new subsection (d) as follows:

"(d) For the purpose of promoting economic growth in the poorest countries, the President is authorized, notwithstanding any other provision of law, to make available to the relatively least developed countries assistance under this chapter on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives", and

(B) Redesignating subsection "(d)", subsection "(e)".

(2) In subsection 103(a), immediately after "purposes," by deleting "$291,000,000" and all that follows through "1976 and" and inserting "and such sums as may be necessary for the fiscal years 1978 and 1979," immediately after "1977".

(3) Section 104, relating to population planning and health, is amended to read as follows:

"Section 104. Population Planning.—(a) In order to increase the opportunities and motivation for family planning, and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for population planning. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, such sums as may be necessary for the fiscal years 1978 and 1979, which amounts are authorized to remain available until expended.

"(b) Assistance under this section shall be planned, programed and carried out in close coordination and to the extent possible integrated with programs under sections 103, 105, 106 and 107 in order to maximize the availability of information on responsible parenthood, motivational programs and the effective delivery of family planning commodities and services to the poor."

(4) Immediately after new section 104, add the following new section and renumber the following seven sections accordingly:

"Section 105. Health.—(a) In order to prevent and combat disease, and to help provide health services for the great majority, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health, disease prevention and environmental sanitation. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, such sums as may be necessary for the fiscal years 1978 and 1979, which amounts are authorized to remain available until expended.

(b) Assistance provided under this section shall be used primarily for health sector planning which stresses the relation of nutrition, family planning, education and agriculture to health; for extension of low cost integrated delivery systems to rural areas and the poorest economic sectors as one means of providing better nutrition to pregnant women and infants and reducing the infant mortality rate; and for disease prevention, environmental sanitation, and health education. Emphasis shall be placed on the use of paramedical and auxiliary medical personnel, intermediate and other appropriate technology, clinics and health posts, and other modes of community outreach."

(5) In new subsection 106(a), immediately after "purposes", by deleting "$90,000,000" and all that follows through "1976 and" and inserting "and such sums as may be necessary for the fiscal years 1978 and 1979," immediately after "1977".

(6) In section 107(b), immediately after "purposes", by deleting "$99,550,000" and all that follows through "1976 and" and inserting "and such sums as may be necessary for the fiscal years 1978 and 1979" immediately after "1977".

(7) Add the following new section at the end of the chapter:

"SEC. 117. EXAMINATION OF POPULATION GROWTH IMPACT.—(a) Assistance under this part shall be administered so as to give particular attention to the impact of all programs, projects, and activities on population growth. All activities proposed for financing under this part shall be reviewed to identify their possible impact on human fertility. Particular attention shall be given to opportunities to build motivation for family planning into programs in other fields such as education in and out of school, nutrition, disease control, maternal and child health services, agricultural production, rural development, and assistance to the urban poor. Care should be taken to consider indirect as well as direct influences on fertility.

"(b) The President is authorized to study the complex factors affecting population growth in developing countries and to identify the factors which might motivate people to plan family size or space their children. To the maximum extent consistent with the principles set forth in section 102, projects in other development fields should be designed to reduce population growth and to maximize recognition of the benefits of planned family size.

(b) The authorization of appropriations for the fiscal year 1977 contained in section 104 of the Foreign Assistance Act of 1961 prior to the enactment of this Act shall remain in effect through September 30, 1977.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 3. Section 214 of the Foreign Assistance Act of 1961, relating to American schools and hospitals abroad, is amended as follows:

(a) In subsection (c), by deleting "1974" and all that follows through "years" and inserting "and such sums as may be necessary for fiscal years 1978 and 1979," immediately after "$25,000,000".

(b) In subsection (d), by deleting "1974" and all that follows through "years" and inserting "and such sums as may be necessary for fiscal years 1978 and 1979," "immediately after "$7,000,000".

HOUSING GUARANTIES

SEC. 4. Title III of Chapter 2 of Part I of the Foreign Assistance Act of 1961 is amended as follows:

(a) In section 221, by striking out "$430,000,000" and inserting in lieu thereof "such sums as may be necessary"; and

(b) In section 222(c) by striking out "$600,000,000" and inserting in lieu thereof "such sums as may be necessary"; and

(c) In section 222A(h) by striking out "1977" and inserting in lieu thereof "1978"; and

(d) In section 223(b) by striking "section 221 and section 222" and inserting in lieu thereof "sections 221, 222, and 222A", and by striking "section 221 or section 222" and inserting in lieu thereof "sections 221, 222 or 222A";.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 5. Section 302 of the Foreign Assistance Act of 1961 is amended by deleting in subsection (a)(1) "1974" and all that follows through "Institute" and inserting in lieu thereof "such sums as may be necessary for fiscal years 1978 and 1979".

INTERNATIONAL DISASTER ASSISTANCE

SEC. 6. Chapter 9 of Part I of the Foreign Assistance Act of 1961 is amended in section 492, relating to international disaster assistance, by adding a comma after "1977" and inserting "and such sums as may be necessary for fiscal years 1978 and 1979."

AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, May 14, 1976.

Hon. NELSON A. ROCKEFELLER,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Executive Branch, I have the honor of transmitting the enclosed bill to authorize Foreign Assistance development programs for the fiscal years 1978 and 1979. The Office of Management and Budget advises that there is no objection to the presentation of this proposal to Congress and that its enactment would be in accord with the program of the President.

Submission of this authorization bill for development assistance programs represents a significant departure from past practice of the Executive Branch. It recognizes the desire of the Congress, as evidenced by the enactment of the International Development and Food Assistance Act of 1975, which contains authorization for development assistance for fiscal years 1976 and 1977, and of the Executive Branch, that separate authorizing legislation be enacted for development and security assistance.

The enclosed bill is transmitted at this time pursuant to section 607 of the Congressional Budget and Impoundment Control Act of 1974, which requires that authorizing legislation affecting budget levels for fiscal year 1978 be submitted to the Congress by May 15, 1976. However, because the Executive Branch is still in the process of reviewing overall budget levels for fiscal year 1978, it is impossible to include specific requests for assistance at this time. We have, therefore, requested authorizations of such sums as may be necessary for most programs.

Among the principal substantive provisions of this bill are the following. A provision recently discussed by Secretary of State Kissinger at the United Nations Conference on Trade and Development in Nairobi that aid donor nations, to the extent possible, provide economic assistance to the relatively least developed countries on a grant basis. It also contains an amendment creating separate authorizations for population planning and health programs, and a requirement that all development assistance programs be reviewed to assure that proper attention is paid to the relationship of development assistance programs and worldwide population growth.

I believe that this bill will permit us to continue to move in the direction mandated by the Congress in recent years. On behalf of the Executive Branch, I urge that the Congress consider and enact this legislation.

Sincerely,

DANIEL PARKER.

Enclosure.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED INTERNATIONAL DEVELOPMENT ASSISTANCE ACT OF 1977

I. INTRODUCTION

The proposed International Development Assistance Act of 1977 (hereinafter referred to as the "Bill") is an amendment to the Foreign Assistance Act of 1961, as amended (hereinafter referred to as the "Act"). The major purpose of the Bill is to provide authorization for appropriations for activities under the Act for the fiscal years 1978 and 1979. The Bill contains authorizations for appropriations for development assistance activities only.

The fiscal year 1978 authorization levels requested for programs under Part I of the Act will be those set forth in the President's fiscal year 1978 budget. Specific levels are not included in this Bill because of ongoing reviews within the Executive Branch with respect to the overall budget for fiscal year 1978. Requests in this Bill are therefore for "such sums as may be necessary". The Bill complies with the requirement of the Budget Reform Act of 1974 that authorization legislation for fiscal year 1978 be submitted to the Congress no later than May 15, 1976.

The principal substantive amendments to Part I of the Act are a provision that development assistance be made available to the relatively least developed countries on a grant basis to the maximum extent consistent with U.S. development objectives, the creation of separate authorizations for population planning and health activities, and the addition of a requirement that all development programs be reviewed to determine their impact on worldwide population growth.

II. PROVISIONS OF THE BILL

Section 2(a). Development assistance authorizations

This subsection, consisting of seven paragraphs, provides development assistance authorizations which will permit the Executive Branch to conduct an effective bilateral development assistance program in fiscal years 1978 and 1979. The specific authorizations provided are as follows:

(1) This paragraph (A) adds a new subsection (c) to section 102 to provide that development assistance under Chapter 1 of Part I may be made available to the relatively least developed countries on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives. This provision is consistent with the United States position at the recent UNCTAD IV conference in Nairobi where the United States urged the aid donor nations to provide the relatively least developed countries on the UNCTAD list with assistance on a grant rather than a loan basis. Paragraph (B) Redesignates existing subsection 102(d) as 102(e).

(2) This paragraph amends section 102(a) of the Act, which authorizes funds to alleviate starvation, hunger and malnutrition and to provide basic services to poor people by increasing their capacity for self-help, by authorizing such sums as may be necessary to carry out section 103 programs in fiscal years 1978 and 1979. Food and nutrition programs will continue to receive primary emphasis under this authorization.

(3) This paragraph amends section 104 of the act by creating a separate authorization for population planning programs. In the existing Act, section 104 contains authorizations for both population planning and health programs. This amendment is intended to permit consideration of each of these important areas in separate authorization and appropriation categories.

Section 104(a) contains an authorization of appropriations of sums as may be necessary for population planning in fiscal years 1978 and 1979.

Section 104(b) requires that population planning programs be carried out in close coordination and to the extent possible integrated with development programs carried out under sections 103, 105, 106, and 107 of the Bill.

(4) This paragraph adds a new section 105 relating to health programs, and renumbers the remaining sections in Chapter 1 of the Act accordingly. Subsection 105(a) contains an authorization of appropriations of such sums as may be necessary in fiscal years 1978 and 1979 to prevent and combat disease and improve environmental sanitation. Subsection 105(b) contains a policy statement relating to the types of health programs that will be authorized by this new section. The primary emphasis is on the relation of nutrition, family planning, education and agriculture to health. It also stresses the extension of low cost integrated health delivery systems to rural areas and the poorest economic sectors to provide better nutrition to pregnant women and infants thereby reducing infant mortality and disease and improving environmental sanitation and health education. This new authority also stresses the use of paramedical and auxiliary medical personnel, intermediate and other appropriate technology and other means of community outreach.

(5) This paragraph authorizes appropriations of such amounts as may be necessary for renumbered subsection 106(a), which relates to education and human resources, for fiscal years 1978 and 1979.

(6) This paragraph, which relates to the programs of technical assistance, energy, research, reconstruction, and selected development problems authorized by renumbered subsection 107(b) contains authorization of appropriations of such sums as may be necessary for fiscal years 1978 and 1979.

(7) This paragraph adds a new section 117 to part I of the Act, relating to the examination of the impact of development assistance authorized under chapter 1 of part I on population growth. Subsection 117(a) requires that all programs administered under part I of the Act be reviewed to identify their possible impact, both direct and indirect, on human fertility. It also provides that particular attention be given when developing programs under sections 103, 105 and 106 of the Act to including opportunities to build motivation for family planning.

Subsection 117(b) authorizes the President to conduct studies into the factors affecting population growth in developing countries and to identify factors which might motivate people to adopt population planning methods. It also directs that consistent with the principles contained in section 102 of the Act, projects in other development fields should be designed to encourage population planning.

Section 2(b)

This subsection contains a technical provision assuring that funds authorized for the fiscal year 1977 for section 104 programs prior to the enactment of this Bill will remain available for such purposes through September 30, 1977.

Section 3. American schools and hospitals abroad

This section, consisting of two paragraphs, amends section 214 of the Act, which authorizes assistance to institutions located outside the United States that are sponsored or founded by U.S. citizens, as follows:

(a) This paragraph amends section 214 (c) by authorizing such sums as may be necessary for fiscal years 1978 and 1979.

(b) This paragraph amends section 214

(d) by providing foreign currency authorizations of such sums as may be necessary for fiscal years 1978 and 1979.

Section 4. Housing investment guaranty program

This section, consisting of four paragraphs, amends Title III of Chapter 2 of Part I of the Act as follows:

(a) This paragraph amends section 221 relating to the worldwide housing investment guaranty ceiling to authorize such sums as may be necessary through September 30, 1978.

(b) This paragraph amends section 222(c) relating to the Latin America housing investment guaranty ceiling to authorize such sums as may be necessary through September 30, 1978.

(c) This paragraph amends section 222A (h) by extending the authorization for the Agricultural and Productive Credit and Self-Help Community Development Programs from December 31, 1977 until December 31, 1978.

(d) This paragraph amends section 223(b) to permit fee income generated by programs administered under section 222A to be used to pay certain administrative and operating costs of section 222A guaranty programs.

Section 5. International organizations and programs

This section extends the authorization for International Organizations and Programs through fiscal year 1979, and authorizes appropriations of such sums as may be necessary for each of fiscal years 1978 and 1979. This authorization will enable the Executive Branch to make its voluntary contributions to international organizations whose programs are focused on the developing world.

Section 6. International disaster assistance

This section extends the authorization for International Disaster Assistance through fiscal year 1979, and authorizes appropriations of such sums as may be necessary for each of the fiscal years 1978 and 1979.

By Mr. SPARKMAN (by request):

S. 3462. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

The bill has been requested by the U.S. Arms Control and Disarmament Agency and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Director of the U.S. Arms Control and Disarmament Agency to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Arms Control and Disarmament Act, as amended, is further amended as follows:

Section 49(a) (22 U.S.C. 2589(a)) is amended by inserting in the second sentence thereof immediately after "nondiscretionary costs)," the following: "and for fiscal year 1978 such sums as may be necessary to carry out the purposes of this Act,".

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, D.C., May 14, 1976.

Hon. NELSON ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to section 607 of the Congressional Budget Act of 1974 (31 U.S.C. 11c), I transmit herewith for consideration of the Congress proposed legislation authorizing the enactment of new budget authority to continue the program and activities of the Arms Control and Disarmament Agency for fiscal year 1978. The Agency's current authorization and appropriations expire September 30, 1977.

As you know, the Arms Control and Disarmament Agency has the principal support responsibility for the Strategic Arms Limitations Talks. The Agency also plays an active role in the negotiations relating to mutual and balanced force reductions in Europe, and at the Conference of the Committee on Disarmament in Geneva. In addition, international efforts in support of the Treaty on the Non-Proliferation of Nuclear Weapons, as well as supporting research for all of these activities, will also be funded under this authorization.

The Office of Management and Budget adadvises that there is no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the President's program.

Sincerely,

FRED C. IKLE.

By Mr. SPARKMAN (by request):

S. 3463. A bill to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for Overseas Private Investment Corporation for fiscal year 1978. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for Overseas Private Investment Corporation for fiscal year 1978.

The bill has been requested by the Overseas Private Investment Corporation and I am introducing it in order that there may be a specific bill to which members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the president of the Overseas Private Investment Corporation to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Overseas Private Investment Corporation Amendments Act, 1977."

SEC. 2. Title IV of Chapter 2 of Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191–2200a) is amended as follows:

(1) In section 232, strike out "and" in the first sentence following "$20,000,000" and insert a comma in lieu thereof, and strike out the period at the end of the first sentence, and insert thereafter the following: "and for the fiscal year 1978 such sums as may be necessary to carry out the programs and activities provided for in subsection 234(c)."

(2) In subsection (f) of section 235, strike out "$25,000,000" in the second sentence and insert in lieu thereof "$100,000,000", in the fourth sentence, strike out "$100,000,000" and insert in lieu thereof "$250,000,000", and in the fifth sentence, strike out "one" and insert in lieu thereof "two".

OVERSEAS PRIVATE INVESTMENT CORP.,
Washington, D.C., May 14, 1976.

Hon. NELSON A. ROCKEFELLER,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Overseas Private Investment Corporation ("OPIC") hereby submits for your consideration and appropriate reference the enclosed draft bill, entitled "To Amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for Overseas Private Investment Corporation for Fiscal Year 1978."

In authorizing OPIC in 1974 to carry out its present 3 year experiment in the formation of private associations to underwrite investment insurance in conjunction with OPIC, Congress recognized the need for actual experience from which to judge the possibility of ultimately transferring these activities to the private sector. However, as indicated in OPIC's March 1976 report to the Congress entitled "On the Possibilities of Transferring OPIC Activities to the Private Sector," OPIC's experience to date with the operations of these associations has been too brief to provide comprehensive legislative recommendations.

Consistent with the foregoing, we anticipate that OPIC will submit proposed legislation early in 1977 providing for an extension of OPIC's insurance, reinsurance and guaranty authorities, which will expire on December 31, 1977 under present legislation, and including any additional amendments that may be suggested by our experience in the sharing of insurance risks with the private sector. Nevertheless, OPIC is required under section 607 of the Congressional Budget Act of 1974 to submit any request for new budget authority for Fiscal Year 1978 by May 15 of this year. The draft bill complies with this requirement.

The provisions of the draft bill and a brief explanation of them follows.

1. Increase in Capital.—The draft bill provides authorization of such sums as may be necessary for additional paid in capital for fiscal year 1978. These funds would be used to augment OPIC's Direct Investment Fund ("DIF").

An increase in the DIF would be necessary to permit OPIC to continue making direct loans beyond the end of fiscal year 1977. OPIC recently took steps to increase the DIF from $40 million to $50 million by reallocating retained earnings of OPIC, but loan applications presently being considered should result in the balance of the DIF being committed within eighteen months. The DIF is used to meet Congressional directives that OPIC give special consideration to projects sponsored by smaller firms and those in the least developed countries.

2. Increasing OPIC's Ability to Make Prompt Cash Payments in the Event of Catastrophic Losses.—The draft bill modifies the provision of section 235(f) that prevents OPIC from seeking appropriations to augment the Insurance Reserve until that Reserve is less than $25 million so as to permit such appropriations whenever the Insurance Reserve is less than $100 million. The draft bill also increases OPIC's authority under section 235(f) to borrow from the Treasury to discharge insurance and reinsurance liabilities from $100 million to $250 million and extends the length of time for repayment of any such loan from one year to two years.

These amendments would materially improve the marketability of OPIC's reinsurance by increasing OPIC's ability to make prompt payments in the event of catastrophic losses. Part of the reluctance of private insurers to assume large underwriting obligations, even if reinsured against excess losses by OPIC, is their concern that unpredictable catastrophic losses could exhaust OPIC's Insurance Reserve, forcing the private insurers to bear the cost of discharging OPIC's liabilities while appropriation legislation was pending. The recommended amount of these increases reflects the heavy concentration of OPIC's exposure in a few countries as a result of the AID insurance portfolio transferred to OPIC in 1971.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill to the Congress and its enactment would be consistent with the program of the President.

Sincerely yours,
MARSHALL T. MAYS.

By Mr. SPARKMAN (by request):

S. 3464. A bill to provide for increased participation by the United States in the Asian Development Fund. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to provide for increased participation by the United States in the Asian Development Fund.

The bill has been requested by the Department of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Secretary of the Treasury to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act (22 U.S.C. 285–285h) is amended by adding at the end thereof the following new section:

"SEC. 22. (a) The United States Governor of the Bank is hereby authorized to contribute on behalf of the United States such sums as may be necessary, subject to appropriation thereof, for the second and third installments of the United States contribution to the First Replenishment of the Resources of the Asian Development Fund, a special fund of the Bank, in accordance with and subject to the terms and conditions of Resolution Numbered 92 adopted by the Bank's Board of Governors on December 3, 1975.

(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation such sums as may be necessary for payment by the Secretary of the Treasury."

THE SECRETARY OF THE TREASURY,
Washington, D.C., May 14, 1976.

Hon. NELSON A. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To provide for increased participation by the United States in the Asian Development Fund".

The draft bill would authorize the United States Governor of the Asian Development Bank (ADB) to contribute on behalf of the United States such sums as may be necessary to the Asian Development Fund (ADF), which is administered by the ADB. It would also authorize the appropriation of these sums for payment by the Secretary of the Treasury.

The funds for which authorization is being requested would be part of the U.S. contribution to a new replenishment of ADF resources. The U.S. contribution would be made in three installments over fiscal years 1977–1979. A request for the authorization of a first installment of $50 million was transmitted to the Congress on February 25, 1976. The present request is for funds which would constitute the second and third installments of the United States contribution.

This legislation is necessary because Section 5 of the Asian Development Bank Act (Public Law 89–369, as amended) provides that Congressional authorization must be obtained for the United States Governor to provide financing for the Bank. Moreover, legislation is required in order to authorize the appropriation of the necessary amounts to enable the United States to contribute to the ADF.

The proposed legislation is being transmitted at this time in compliance with the Congressional Budget Act of 1974 because the Administration plans to request a FY 1978 appropriation for the second installment of the United States contribution to the ADF Replenishment.

Multilateral discussions were held during 1975 with a view to replenishing the resources of the ADF which were almost fully committed at the end of 1975. The ADB Board of Governors, on December 3, 1975, adopted a resolution providing for an ADF resource replenishment of $830 million for the 1976–78 period. The United States abstained from voting and reserved its position on the suggested U.S. contribution of $231 million, which was based on the generally accepted formula of country contributions equal to approximately 150 percent of initial contributions to the ADF.

At U.S. insistence the resolution permitted donor countries to change their proposed contribution levels, subject to the approval of the Board of Governors, prior to the ADB's 9th annual meeting on April 22–24, 1976. At the annual meeting this deadline was postponed to June 30, 1976 in order to accommodate those countries which had not yet taken formal decisions on their replenishment contribution.

The Administration has consulted with the Congress, but no final decision on the amount of the U.S. contribution has yet been made, although we expect to request a level substantially less than the $231 million suggested. We will promptly inform the Congress when a final decision is made.

The Asian Development Bank was established in 1966 for the purpose of lending funds, promoting investment, and providing technical assistance to developing countries in the Asian region. Membership is open to all members of the Economic and Social Commission for Asia and the Pacific (ESCAP) and other regional countries which are members of the United Nations or of any of its specialized agencies as well as to nonregional developed nations. The Bank now has 42 members, of which 28 are regional countries including the three developed countries of Japan, Australia, and New Zealand. Nonregional members include 12 European nations, Canada, and the United States.

The ADB's resources consist of ordinary capital resources and special funds resources. Ordinary capital resources are used to make loans at near market rates and consist of the ADB's subscribed capital stock, the proceeds of borrowings (which are backed by the Bank's callable capital), the sale of participations in its loans, and profits derived from ordinary operations. In its nine years of operation, the ADB has approved loans totaling over $1.9 billion from its ordinary capital resources.

The highly concessional operations of the Bank are financed from its special funds resources which consist of contributions made by members, income from special funds loans, income earned by investment of undisbursed special funds resources, and amounts set aside to special funds by the Board of Governors from ordinary capital resources. The special funds resources are used to provide concessional loans to members such as Afghanistan, Burma, Bangladesh, Sri Lanka, Western Samoa, and Pakistan because their financial position requires that they receive loans with lower interest and longer maturities. As a matter of practice, India does not borrow from the ADB. In the years that it has been making special funds loans, the ADB has approved $658 million of such loans, including $166 million in 1975.

Prior to 1973, the ADB's special funds were a collection of contributions each of which was made pursuant to different terms and conditions as to its use. In 1973, the ADB's Board of Governors, with U.S. support, adopted a resolution creating a new multilateral special fund, the Asian Development Fund, to which all contributions would be made and used on the same terms and conditions. Subsequently, agreement was reached among the Bank's developed country members on an initial resource mobilization for the new ADF of $525 million for the three-year period ending December 31, 1975. In FY 1972 and FY 1975 the Congress authorized U.S. special funds contributions totaling $150 million, of which $100 million has been appropriated and contributed to the ADF. The final U.S. contribution of $50 million to the initial mobilization was included in the FY 1976 appropriation request. The Conference Committee on the 1976 Foreign Assistance appropriation bill has recommended an appropriation of $25 million.

I believe that strong Congressional support for the ADF is essential to the foreign assistance policy of the United States. As the soft loan window of the Asian Development Bank, the Fund is a primary source of assistance for the very poorest countries of Asia.

It would be appreciated if you would lay the proposed bill before the Senate. A similar proposal has been sent to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection to the presentation of this legislation for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,
GEORGE H. DIXON,
Acting Secretary.

By Mr. SPARKMAN (by request):

S. 3465. A bill to provide for increased participation by the United States in the International Development Association. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to provide for increased participation by the United States in the International Development Association.

The bill has been requested by the Department of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Acting Secretary of the Treasury to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 16. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association such sums as may be necessary for the United States contribution to the Fifth Replenishment of the Resources of the Association.

(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation such sums as may be necessary for payment by the Secretary of the Treasury."

The Secretary of the Treasury,
Washington, D.C., May 14, 1976.

Hon. Nelson Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft bill, "To provide for increased participation by the United States in the International Development Association."

The draft bill would authorize the United States Governor of the International Development Association (IDA) to agree to pay to the Association such sums as may be necessary for the United States contribution to the Fifth Replenishment of the resources of the Association. It would also authorize the appropriation without fiscal year limitation of such sums for payment by the Secretary of the Treasury.

This legislation is necessary because Section 5 of the International Development Association Act (Public Law 86-565, as amended) provides that Congressional authorization must be obtained for the United States Governor to agree to provide financing for the Association. Moreover, legislation is required in order to authorize the appropriation of the necessary amounts to enable the United States to contribute to IDA.

The proposed legislation is being transmitted at this time in compliance with the Congressional Budget Act of 1974 to indicate the possibility that the Administration may request an appropriation for FY 1978 for the first installment of the United States contribution to the Fifth Replenishment of IDA (IDA V).

The International Development Association was established in 1960 at the initiative of the United States to provide the same kind of development finance and expertise as the International Bank for Reconstruction and Development, but on highly concessional terms to meet the needs of the World Bank's poorer members. More than 90 percent of IDA loans go to countries with less than $200 per capita income in Asia, Africa and Latin America. As of December 31, 1975, IDA had made $9.1 billion in total commitments to current borrowers; 95% of these commitments were made in Asia and Africa where the lowest income countries are. Approximately 51% of these commitments were in agriculture and transportation, with the remainder widely dispersed in other sectors.

The Association initiated discussions on IDA V in November, 1975 because existing resources from the Fourth Replenishment (IDA IV) will be fully committed by June 1977. However, international negotiations are at a very preliminary stage. In the discussions that have been held with potential donor countries, neither the total size of the Replenishment nor individual country shares have yet been determined. The U.S. representative has stated that the support of IDA is a high priority of U.S. foreign assistance policy. He has indicated that the U.S. could consider making a substantial contribution, jointly with other donors, provided that the OPEC countries participated in a significant fashion. He has also stated that he could give no indication of the size and timing of a U.S. contribution because the United States has not yet made its first contribution to IDA IV and the Administration has not yet held consultations with the Congress concerning a Fifth Replenishment. Other donors have thus far taken an affirmative position without committing themselves to precise amounts.

The total contribution to IDA IV was $4.5 billion, of which the U.S. has agreed to provide $1.5 billion. The Association is seeking a replenishment which, after adjustment for inflation, will be larger than the total contribution to IDA IV. Such an increase, if agreed to, would require, larger contributions from the traditional donors, in addition to contributions from new donors drawn from among OPEC countries.

Due to delays in the passage of appropriations, the U.S. is currently behind in its contributions to IDA IV. At least one half of our total IDA IV contribution will be awaiting appropriation in FY 1978 and FY 1979—possibly overlapping with the IDA V contributions. An outstanding issue to be resolved is the timing and nature of the U.S. commitment for contributions to IDA V. Our commitment needs to be firm enough to ensure the participation of other countries while taking into account U.S. internal legislative procedures.

Because the poorest countries of the world see IDA as their principal source of external assistance, the Administration feels strongly that the United States should continue to support IDA and its much-needed activities. I hope we can achieve agreement on the general principles of this Replenishment so that the United States can continue to play its key role in IDA.

It would be appreciated if you would lay the proposed bill before the Senate. A similar proposal has been sent to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection to the presentation of this legislation for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

George H. Dixon,
Acting Secretary.

By Mr. SPARKMAN (by request):

S. 3466. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations for the Buildings Program for fiscal years 1978 and 1979. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to amend the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-301), to provide authorization for appropriations for the buildings program for fiscal years 1978 and 1979.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the Record at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated May 14, 1976.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295), is amended—

(1) by redesignating subsection (i) as subsection (k) and by inserting immediately after subsection (h) the following new subsection:

"(i) In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

"(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

"(A) for use in Africa, not to exceed $16,-435,000 may be appropriated for the fiscal year 1979;

"(B) for use in the American Republics, not to exceed $5,480,000 may be appropriated for the fiscal year 1979;

"(C) for use in Europe, not to exceed $2,858,000 may be appropriated for the fiscal year 1979;

"(D) for use in East Asia, not to exceed $8,992,000, of which not to exceed $1,220,000 may be appropriated for the fiscal year 1978;

"(E) for use in the Near East and South Asia, not to exceed $12,295,000, of which not to exceed $4,120,000 may be appropriated for the fiscal year 1978;

"(F) for facilities for the United States Information Agency, not to exceed $315,000 may be appropriated for the fiscal year 1979;

"(G) for facilities for agricultural and defense attaché housing, not to exceed $655,000 may be appropriated for the fiscal year 1979; and

"(2) for use to carry out the other purposes of this Act for fiscal years 1978 and 1979, $99,300,000, of which not to exceed $46,200,000, may be appropriated for fiscal year 1978," and

(2) by changing subsection (j) of paragraph 1 to remove the comma and words after $30,000,000 and adding "for fiscal year 1977, $45,000,000 for fiscal year 1978, and such

sums as may be necessary thereafter, to remain available until expended.", and

(2) by striking out paragraph (2) of subsection (k) as so redesignated by paragraph (1), of this Act, and inserting in lieu thereof the following new paragraph:

"(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), (h), and (i) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraphs (1)."

Department of State,
May 14, 1976.

Hon. Nelson A. Rockefeller,
President of the Senate.

Dear Mr. President: As required by Section 607 of Public Law 93–344, the Department of State encloses and recommends for your consideration proposed legislation to amend the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–301), to provide authorization for appropriations for the Buildings Program for fiscal years 1978 and 1979.

The authorized levels sought by this bill are $47,030,000 for the general capital program and $99,300,000 for the operating expenses of the program for fiscal years 1978 and 1979 under the combined Regular Dollar Appropriation (Acquisition, Operation and Maintenance of Buildings Abroad) and the Special Foreign Currency Program. Additionally, the Department requests for the Moscow Embassy Complex, under a separate subsection of its legislation, $45,000,000 in fiscal 1978 and such sums as may be necessary thereafter.

The Department of State has been advised by the Office of Management and Budget that there is no objection to the presentation of this proposal to the Congress.

Sincerely,

Robert J. McCloskey,
Assistant Secretary for Congressional Relations.

By Mr. BURDICK:

S. 3467. A bill to include unpledged deposits in the Bank of North Dakota, maintained by any financial institution which is a member of a Federal home loan bank, or is an insured institution as defined in section 401(a) of the National Housing Act, as assets for purposes of meeting the liquidity requirements under section 5A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)). Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BURDICK. Mr. President, as many of my colleagues know, North Dakota has been engaged in a long and very successful experiment with State-owned banking. Since 1919, the State of North Dakota has run the Bank of North Dakota, whose deposits have been safeguarded and insured by the unquestioned solvency of the State of North Dakota.

In this age of tight credit and mass credit exporting, the Bank of North Dakota has been the subject of increasing interest. The legislatures in many States, including New York, Illinois, Massachusetts, and Washington, have in recent years given very serious consideration to proposals which would set up similar banks in those States. This attention has been directed to the Bank of North Dakota because it is performing essential services for the State of North Dakota and the upper Midwest.

While the Bank of North Dakota has been successful in providing many needed services to North Dakota consumers and other area financial institutions, the bank has encountered a major obstacle to serving the best interests of institutions which are members of a Federal home loan bank or are insured institutions as defined by the National Housing Act—section 401(a).

Mr. President, the Federal Home Loan Board—FHLBB—has repeatedly rejected the reasoned requests of Bank of North Dakota President Herb Thorndahl to qualify the Bank of North Dakota as a repository for savings and loan deposits. Such a declaration by the FHLBB is necessary if cash or demand deposits with the bank, belonging to the institutions just referred to, would qualify to meet mandated liquidity requirements of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)).

Mr. President, I am reluctant to introduce legislation whose purposes could be accomplished without legislative action. However, the Federal Home Loan Bank Board has had an opportunity to review this idea, one which I feel has great merit, and has done nothing.

I am encouraged, however, by the initiative of the 91st Congress which provided just this type of relief for the bank for savings and loans in Chicago. Public Law 91–609 included provisions to include assets in that bank as assets for purposes of meeting liquidity requirements. The reasoning behind this proposal is just as strong, if not stronger than, that of the special provision for the Chicago Bank for Savings and Loan. The Bank of North Dakota is the strongest, safest bank in the United States today. Its deposits are insured by the State of North Dakota—section 6–09–10, North Dakota Century Code—not by the Federal Deposit Insurance Corporation. Therefore, deposits in the Bank of North Dakota by savings and loan associations do not qualify to meet liquidity requirements. They are just nonearning dead assets.

Hence, Mr. President, I ask that the Senate Committee on Banking, Housing and Urban Affairs take favorable action on this legislation. This is an important bill for all consumers and credit users in the upper Midwest.

By Mr. GARY HART (for himself and Mr. Haskell);

S. 3468. A bill to provide for certain payments to be made by the Secretary of the Interior to local governments based on the amount of certain public lands within their boundaries, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. GARY HART. Mr. President, today my Colorado colleague and I are introducing a bill that provides a workable solution to a problem that has faced many of our Nation's counties which have large holdings of Federal land.

The Federal Government is, of course, the Nation's largest landowner, with title to 2.2 billion acres. But unlike other landowners, however, the Federal Government does not pay property taxes—the critical source of tax revenue to units of local government.

This tax immunity of the Federal Government can be and is a large burden to counties with large holdings of Federal lands and there are numerous such counties in Colorado.

The bill we are introducing today provides for payments to units of local government in lieu of property taxes for 10 categories of Federal lands. Included under the bill would be national parks, the National Forest System, wilderness areas, and land under the administration of Interior Department's Bureau of Land Management.

Let me acknowledge my debt to my Colorado colleague, Representative Frank Evans, who introduced and helped through committee a similar bill which formed the basis of this measure.

It provides for an annual payment to units of local government of 75 cents per acre of qualified Federal land. This 75-cent-an-acre payment, however, is subject to two other limitations. Existing payments under other public lands revenue sharing programs would be deducted from the total payment.

A second limit sets a ceiling on payments based on the county's population to avoid windfalls to a few counties with enormous acreage of Federal lands but a tiny population. Units of local government would, nevertheless, receive at least 10 cents an acre. A second major provision of the bill calls for the Federal Government to pay for a period of 5 years the equivalent of 1 percent of the value of any new lands acquired for the National Park System or wilderness areas. This payment, however, cannot exceed the property taxes on the land at the time it is acquired by the Federal Government. The purpose of this provision is to cushion the shock to the local tax base when the Federal Government acquires the land.

The main recipients of the in lieu tax payments will be county governments, because they are the units of local government whose boundaries enclose the tax-exempt Federal lands. There will be cases, however, where cities or townships will qualify for the payments.

This bill follows closely the approach of H.R. 9719 introduced by Representative Evans but does contain several differences. First, we have added an expiration date of September 30, 1981, as a sunset provision. Since this is the first attempt to provide payments in lieu of property taxes, I strongly believe that Congress should review how this bill works out in practice to determine that the payments meet the burdens brought by Federal public lands holdings.

This bill will also save approximately $8 million over the House version by eliminating additional payments for all national parks and wilderness areas acquired from 1970 to 1975. Furthermore, it does not provide for payments for Corps of Engineers water projects because these lands are largely in asset to the communities, not a burden. The total annual cost will be approximately $109 million annually.

I retain an open mind about other approaches and additional suggestions toward more effective ways to meet the burden on local government caused by Federal tax immunity.

This problem, however, has been under study for years without any action whatsoever. This bill contains a fair and workable approach. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 3468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective for fiscal years beginning on and after October 1, 1976, the Secretary is authorized and directed to make payments on a fiscal year basis to each unit of local government in which entitlement lands (as defined in section 6) are located. Such payments may be used by such unit for any governmental purpose. The amount of such payments shall be computed as provided in section 2.

SEC. 2. (a) The amount of any payment made for any fiscal year to a unit of local government under the first section shall be equal to the greater of the following amounts—

(1) 75 cents for each acre of entitlement land located within the boundaries of such unit of local government (but not in excess of the population limitation determined under subsection (b)), reduced (but not below 0) by the aggregate amount of payments, if any, received by such unit of local government during the preceding fiscal year under all of the provisions specified in section 4, or

(2) 10 cents for each acre of entitlement land located within the boundaries of such unit of local government (but not in excess of the population limitation determined under subsection (b)).

In the case of any payment under a provision specified in section 4 which is received by a State, the Governor (or his delegate) shall submit to the Secretary a statement respecting the amount of such payment which is transferred to each unit of local government within the State.

(b)(1) In the case of any unit of local government having a population of less than five thousand, the population limitation applicable to such unit of local government shall not exceed an amount equal to $50 multiplied by the population within the jurisdiction of such unit of local government.

(2) In the case of any unit of local government having a population of five thousand or more, the population limitation applicable to such unit of local government shall not exceed the amount computed under the following table (using a population figure rounded off to the nearest thousand):

If population equals—	Payment shall not exceed the amounts computed by multiplying such population by—
5,000	$50.00
6,000	47.00
7,000	44.00
8,000	41.00
9,000	38.00
10,000	35.00
11,000	34.00
12,000	33.00
13,000	32.00
14,000	31.00
15,000	30.00
16,000	29.50
17,000	29.00
18,000	28.50
19,000	28.00
20,000	27.50
21,000	27.20
22,000	26.90
23,000	26.60
24,000	26.30
25,000	26.00
26,000	25.80
27,000	25.60
28,000	25.40
29,000	25.20
30,000	25.00
31,000	24.75
32,000	24.50
33,000	24.25
34,000	24.00
35,000	23.75
36,000	23.50
37,000	23.25
38,000	23.00
39,000	22.75
40,000	22.50
41,000	22.25
42,000	22.00
43,000	21.75
44,000	21.50
45,000	21.25
46,000	21.00
47,000	20.75
48,000	20.50
49,000	20.25
50,000	20.00

For the purpose of this computation no unit of local government shall be credited with a population greater than fifty thousand.

(c) For purposes of this section, population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(d) In the case of a smaller unit of local government all or part of which is located within another unit of local government, entitlement lands which are within the boundaries of both such units shall be treated for purposes of this section as only within the boundaries of such smaller unit.

SEC. 3. (a) In the case of any land or interest therein, acquired by the United States for addition to the National Park System or National Wilderness Preservation System after the date of the enactment of this Act which was subject to local real property taxes within one year preceding such acquisition, the Secretary is authorized and directed to make payments to counties within the jurisdiction of which such lands or interests therein are located, in addition to payments under the first section. The counties, under guidelines established by the Secretary, shall distribute the payments on a proportional basis to those units of local government which have incurred losses of real property taxes due to the acquisition of lands or interests therein for addition to either such system. In those cases in which another unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments shall be made to such unit of local government, which shall distribute such payments as provided in this subsection. The Secretary may prescribe regulations under which payments may be made to units of local government in any case in which the preceding provisions will not carry out the purposes of this subsection.

(b) Payments authorized under this section shall be made on a fiscal year basis beginning with the later of—

(1) the fiscal year beginning October 1, 1976, or

(2) the first full fiscal year beginning after the fiscal year in which such lands or interests therein are acquired by the United States.

Such payments may be used by the unit or other affected local governmental unit for any governmental purposes.

(c)(1) The amount of any payment made for any fiscal year to any unit of local government under subsection (a) shall be an amount equal to 1 per centum of the fair market value of such lands and interests therein on the date on which acquired by the United States. If, after the authorization of any unit of either system under subsection (a), rezoning increases the value of the land or any interest therein, the fair market value for the purpose of such payments shall be computed as if such land had not been rezoned.

(2) Notwithstanding paragraph (1), the payment made for any fiscal year to a unit of local government under subsection (a), when added to the payment to such unit under the first section, shall not exceed the amount of real property taxes assessed and levied on such property during the last full fiscal year before the fiscal year in which such land or interest was acquired for addition to the National Park System or National Wilderness Preservation System.

(d) No payment shall be made under this section with respect to any land or interest therein after the fifth full fiscal year beginning after the first fiscal year in which such a payment was made with respect to such land or interest therein.

SEC. 4. The provisions of law referred to in section 2 are as follows:

(1) the Act of May 23, 1908, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine" (35 Stat. 251; 16 U.S.C. 500);

(2) the Act of June 20, 1910, entitled "An Act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States" (36 Stat. 557);

(3) section 35 of the Act of February 25, 1920, entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", commonly known as the "Mineral Lands Leasing Act" (41 Stat. 450; 30 U.S.C. 191);

(4) section 17 of the Federal Power Act (41 Stat. 1072; 16 U.S.C. 810);

(5) section 10 of the Taylor Grazing Act (48 Stat. 1273; 43 U.S.C. 315l);

(6) section 33 of the Bankhead-Jones Farm Tenant Act (50 Stat. 526; 7 U.S.C. 1012);

(7) section 5 of the Act entitled "To safeguard and consolidate certain areas of exceptional public value within the Superior National Forest, State of Minnesota, and for other purposes", approved June 22, 1948 (62 Stat. 570; 16 U.S.C. 577g);

(8) section 5 of the Act entitled "An Act to amend the Act of June 22, 1948 (62 Stat. 568) and for other purposes" approved June 22, 1956 (70 Stat. 366; 16 U.S.C. 577g–1);

(9) section 6 of the Mineral Leasing Act for Acquired Lands (61 Stat. 915; 30 U.S.C. 355); and

(10) section 3 of the Materials Disposal Act (61 Stat. 681; 30 U.S.C. 603).

SEC. 5. (a) No unit of local government which receives any payment with respect to any land under the Act of August 28, 1937 (50 Stat. 875); or the Act of May 24, 1939 (53 Stat. 753), during any fiscal year shall be eligible to receive any payment under this Act for such fiscal year with respect to such land. Nothing in this Act shall be construed to apply to the Act of August 28, 1937 (50 Stat. 875), or the Act of May 24, 1939 (53 Stat. 753).

(b) If the total payment by the Secretary to any county or unit of local government under this Act would be less than $100, such payment shall not be made.

SEC. 6. As used in this Act, the terms—

(a) "entitlement lands" means lands owned by the United States that are—

(1) within the National Park System, the National Wilderness Preservation System, or

the National Forest System, or any combination thereof, including, but not limited to, lands described in section 2 of the Act referred to in paragraph (7) of section 4 of this Act (16 U.S.C. 577d) and the first section of the Act referred to in paragraph (8) of this Act (16 U.S.C. 577d–1); or

(2) administered by the Secretary of the Interior through the Bureau of Land Management;

(b) "Secretary" means the Secretary of the Interior; and

(c) "unit of local government" means a county, parish, township, municipality, borough existing in the State of Alaska on the date of enactment of this Act, or other unit of government below the State which is a unit of general government as determined by the Secretary (on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes).

SEC. 7. (a) To carry out the provisions of this Act, there are authorized to be appropriated for each of the fiscal years beginning on October 1 of 1976, 1977, 1978, 1979, and 1980 such sums as may be necessary.

(b) In the event the sums appropriated for any fiscal year to make payments under this Act are less than the amounts to which all units of local government are entitled under this Act, then the payment or payments to each unit of local government shall be proportionally reduced.

Mr. HASKELL. Mr. President, on February 25, 1976, the Senate considered and passed by a vote of 78 to 11, my bill S. 507, the National Resource Lands Management Act, to provide for the management, protection, and development of the lands under the jurisdiction of the Bureau of Land Management. Contained in section 3 of that act is a declaration of policy that—

> The national interest will be best served by retaining the national resource lands in federal ownership.

Implementation of this policy would mean that virtually all of this vast area—20 percent of America's land base and 60 percent of all federally owned property—will forever remain public. As the approximately 187.3 million acres set aside in the national forest system and approximately 24.7 million acres incorporated in the National Park Service are already protected from conveyance by the Organic Act of 1897 and the 1916 National Park Service Act, should S. 507 be enacted, one single policy of retention of the Federal interest in land will attach to approximately 761 million acres. This policy means that Federal lands will continue to comprise a high percentage of the land base in many Western States and counties, for example, up to 95.6 percent of land in Alaska and 95 percent of land in Hinsdale County, southwestern Colorado.

S. 507 declares retention to be in the public interest and the public was perceived to be the beneficiary of the 1897 Organic Act, 1916 National Park Service Act, and other laws calling for the maintenance of land in Federal ownership. Accordingly, any cost resulting from such retention should be shared by the public generally. Unfortunately this is not the case. Were these lands in private ownership they would be subject to ad valorem taxation and would contribute to the revenues of local government. These lands, however, are tax exempt.

That the Federal Government's retention of public lands would impact negatively on the revenues of State and local governments was recognized at an early date. The first attempt to provide State and local governments with some revenue for these tax exempt lands occurred in 1907 when the Congress authorized the return of 25 percent of stumpage sale receipts from timber cutting on the forest lands to the counties for public education and roads.

In subsequent years, the Congress has required a percentage of fees and revenues payable to the Federal Government from virtually every major use of the public lands—grazing, mining, mineral leasing, and commercial outdoor recreation activities—be shared with State and local governments. These many provisions of law, however, suffer from numerous inadequacies. For example, a number of the laws require that the shares of Federal revenue be paid to the States and leave to the States the discretion of whether to distribute the funds to the affected local governments. In addition most of these shared funds can be used for very limited purposes—usually for construction of roads and schools only. Third, the shares provided State and local governments are increasingly insufficient to cover the public service costs generated by activities on public lands.

During this Congress and last, I have attempted through the writing of individual bills and amendments to other legislation to remedy these three problems. Presently three Senate passed bills bear provisions I have authored to distribute a greater share of revenues from mining and mineral leasing to States and local governments to assure the impacted local governments receive the lion's share of the funds and to remove limitations on the funds' use. In addition, yesterday, I introduced a major amendment to S. 2125, my bill to reform the policies and procedures employed by the Forest Service in issuing and administering ski area and other commercial outdoor recreation permits, which would achieve the same results in the case of permit fee moneys. It is my firm belief that, with the greater amount of funds and increased flexibility in use of those funds which these provisions, if enacted, would provide, local governments will be better able to meet and mitigate social, environmental, and economic impacts from development activities on Federal lands.

There is, however, one serious inequity which cannot be resolved by amendments to the many statutes providing for distribution of shares of Federal fees and revenues from Federal lands to State and local governments. Large portions of Federal lands do not support revenue generating activities, either because they have been set aside for a single-purpose use, such as national parks, wilderness areas, or wild and scenic rivers, or because they do not possess resources—such as timber, minerals, or forage—sufficient to warrant development or use.

These same lands, however, are placing severe pressures on State and local government as, in our increasingly mobile society, they become destinations for the American public seeking recreational opportunities. Whether Americans drive to or live near these undeveloped public lands, they are increasingly using or enjoying them as if they were extensions of their own back yards. The resulting sewage, water, police, and fire protection, and other public service demands are not covered by the taxation of, or revenue sharing from, those lands.

These inequities can be resolved only by offering an alternative system of payments to local governments not based on receipts from development activities on the Federal lands. The need for such an alternative payment system has long been recognized. Most notably, the Public Land Law Review Commission, which recommended the retention of Federal lands as basic national policy, recognized the concomitant obligation of the United States "to make payments to compensate State and local governments for the tax immunity of Federal lands." The idea is not novel. Various alternative payment schemes have been studied and restudied, argued and reargued, over many decades. The principal alternative payment system so studied and discussed was termed "in lieu tax payments" in recognition that the payments were considered to be full or partial reimbursement for revenues which otherwise would be collected if the lands were in private ownership and subject to taxation.

Mr. President, this concept of in lieu tax payments was the fundamental roadblcok to a more equitable system of payments to State and local governments to defray public service impacts of activities on Federal lands. Despite the many studies, particularly those of the National Advisory Commission on Intergovernmental Relations and the Public Land Law Review Commission, no firm price tag on an in lieu tax payment scheme could be established. We simply did not have an appraisal of the Federal lands which would be required to implement an in lieu tax payments program. Nor would any such appraisal come cheaply and without controversy. Few legislators were willing to enact a measure no matter how appropriate when even the grossest estimates of cost were challenged.

It is my firm belief that the bill which Senator HART and I introduce today is the most workable approach to an alternative payment system yet devised. It is not an in lieu tax bill in the sense that it does not purport to substitute Federal funds dollar for dollar for tax revenues which would otherwise be raised through ad valorem taxation. It does not require the heavy expenditures which would be required to determine the appraised value of Federal lands were they on the tax rolls. It avoids the expensive, lengthy process of assessing the public lands and innumerable disputes and unnecessary bureaucracies which would result from such an assessment program. Instead, it establishes an alternative payment formula which provides a clear floor and a clear ceiling for payments to local governments based on the population and number of acres of Federal lands.

Mr. President, the credit for the development of this innovative, workable approach to the resolution of an old and difficult problem should go to a Congressman from my home State, Representative Frank Evans. He has pursued with an admirable and effective tenacity his goal of providing public land-locked local governments—governments which are wholly dependent on ad valorem taxation of the remaining private land to pay for public services which are often required by activities on the Federal lands—with a better means of meeting the impacts of those activities. Congressman Evans' bill, H.R. 9719, has been reported by the Committee on Interior and Insular Affairs of the House of Representatives and may soon receive floor action. I assure Congressman Evans and my colleagues in the Senate that if that bill receives a favorable vote in the House, I, in my capacity as chairman of the Subcommittee on the Environment and Land Resources of the Senate Interior Committee, will schedule prompt hearings on his proposal and the bill we introduce today.

Senator Hart and I recognize there are still numerous issues concerning the alternative payment system which are not fully resolved and there is still opposition which must yet be won over. Quite frankly, I have questions and concerns about H.R. 9719 which I hope to have answered in the hearing process. Although the bill introduced today by Senator Hart and me is patterned after H.R. 9719 as reported in the House, we have made certain changes to reflect our concerns. Remaining questions I am sure can be answered when the advocates of this legislation explain its provisions in the hearing process, and hopefully any lingering problems can be resolved through amendments in the committee markup.

Mr. President, I believe that at a time when the Federal Government is placing increasing demands on the public lands for production of oil shale, coal, and many other basic resources, it is incumbent on the Congress to consider any and all means to mitigate the impacts of these demands on local government. I believe the bill Senator Hart and I introduce today provides an approach worthy of such consideration.

By Mr. PEARSON:

S. 3469. A bill to provide for affording equal educational opportunities for students in the Nation's elementary and secondary schools. Referred to the Committee on Labor and Public Welfare.

Mr. PEARSON. Mr. President, busing is once again in our newspapers and television news reports. This renewed flood of public attention points up my chief objection to involuntary busing. It diverts attention from the very problem it was designed to solve. Busing should not be the issue, rather we should concentrate on equal access to quality education for all children.

I have supported most proposals identified as probusing, in the belief that the transportation of students would rectify unjust policies of racial isolation without unnecessary additional injury to the public welfare. In some situations, it may be that busing has a solely palliative effect. But many of our cities have demonstrated the painful evidence that such is not always the case. Assessing this evidence at its worst, it indicates that busing stimulates the flight of white students to private schools or to public schools in suburbs outside the economic reach of most blacks. So, in fact, busing may militate against integration. The evidence shows no measurable improvement in the quality of the education available to blacks and some indicators suggest it has lowered the standards of education available to all children. Our busing experience shows little contribution to racial harmony, and, in fact, has produced strains and divisions within our communities.

Though I do not believe that decades of injustice can be remedied without significant and painful readjustment, this evidence alone might be sufficient cause for abandoning involuntary busing. But what is more troubling is that busing, as an issue, has obscured its objectives.

Busing has come to represent the end it was intended to serve. Racial isolation, opportunity for educational improvement, and even deliberate segregation have been overshadowed by the legislative battles over busing. The focus in Congress has been on the sentiments surrounding busing in and of itself. We have just not been addressing the continuing problems busing was initially designed to solve.

To me desegregation is not merely required by law, it is a moral and social imperative. The chosen means for obtaining that end blinds us. Debate over busing must give way so desegregation may be readdressed. In this Chamber, I have heard the search for an "alternative to busing" treated as if there were some magical tool long awaiting invention. This is merely another example of the folly that has led us to our present condition. There is no single alternative other than to confront the underlying reality to which the courts have been reacting in their resort to the busing remedy.

Mr. President, Alexander Bickel, an esteemed constitutional legal scholar recognized the congressional dilemma and offered sound advice:

> Congress and the President should address themselves not to the courts but to the problems of primary and secondary education. These problems—affecting many private as well as public schools—include poor educational results as well as racial isolation. Busing and racial balance won't solve them in most places. And there is no panacea that will solve them everywhere. Hence no categorical national policy is possible. What is possible is Federal help for coherent, well-planned local efforts to improve primary and secondary education.

Professor Bickel backed that advice up with a concrete legislative proposal. His proposal became the skeleton of a bill introduced by Mr. Preyer of North Carolina. Representative Preyer has worked with this legislation for some time, improving and updating its provisions. The bill I offer today is a companion to Mr. Preyer's proposal. I am convinced that the bill directly addresses the obstacles to equality and quality in education. I am confident a majority of the Members of both Houses will be similarly persuaded.

The principal advantage of this legislation is found in its recognition of local solutions to local problems. Each State would be required to submit a plan to the Secretary of Health, Education, and Welfare within 1 year. The plan would be developed in consultation with a State advisory council and with local educational agencies. These councils would be appointed by the Governor and be constructed so that the parents of public school children make up a majority of its members, with a proportionate representation by minority-group parents. Each State plan would have to assure that substantial progress is made each year and that the defined goals for equal educational opportunity are met within 5 years. Should the Secretary of HEW find that there is a failure to comply substantially with the requirements of State plans, the Secretary would be required to end Federal financial assistance under the act.

The bill specifies three components, at least two of which would have to be included in a State plan. A State which places primary and substantial emphasis on the second component listed would be eligible for supplemental funds.

First. A majority/minority transfer plan on both an intradistrict and interdistrict basis. This provision would offer a student the opportunity to enroll in a school outside the district in which he resides. The school district to which he is transferred would be compensated for added expenditures of local funds.

Second. A school district reorganization plan. This could include, on the one hand, redrawing zone boundaries within districts, pairing and clustering schools, and establishing magnet schools; and on the other, cooperative arrangements between school districts for common use of existing school facilities and for construction of new joint facilities.

Third. An approved, concentrated compensatory education program. Expenditures under this program would be made only in schools with at least 25 percent low-income enrollment. The State would have to insure that average per pupil expenditures in schools or school districts participating in such a program would increase with the proportion of low-income students in these schools or school districts.

Additionally, the act would define the desegregated unitary system, in conformity with court decisions, and repeat the requirement that all States maintain unitary systems.

Also, the act would grant any student the right to transfer voluntarily from a school in which his race is a majority to one in which it is the minority within his school district. Such a right is enforceable through a civil action, and a denial of that right would also constitute a violation of the Civil Rights Act.

The bill would further require equalization of resources among schools within a district in eight very specific ways, such as pupil-teacher ratio, class size, school building and materials, teacher quality, and textbooks.

To assist States in developing and implementing State plans, the bill would authorize $200 million in fiscal year 1977, and $500 million in each of the following 4 fiscal years. In fiscal year 1977, 85 percent would go to States according to the proportion of the Nation's minority group children each State contains. In the succeeding years, 65 percent of any appropriations would be similarly apportioned to qualifying States as basic grants, 30 percent as supplemental funds, and 5 percent to public and private agencies to assist the States in implementing and evaluating the plans.

Mr. President, we have divided ourselves bitterly over the busing of children to achieve racial balance when we should address ourselves to the real question: How to provide each child equal access to a quality education. The bill I introduce addresses just that problem. It makes available resources to provide quality education to those who are in the best position to judge whether or not their children do, in fact, have access to quality educational resources. Those persons are parents, local and State school officials. And I state unequivocally that local control of public schools does not mean that the Constitution of the United States can be ignored. Local control of schools under this bill will no longer be a code word for local discrimination against any group of American citizens.

This is not an antibusing measure. Even under its provisions, some involuntary transportation may be required to meet the requirements of the act's provisions and the Constitution. This bill does not supplant busing, but it does, I believe, begin to correct the underlying problems so that a new and more compatible design for racial integration might emerge.

By Mr. INOUYE:

S. 3470. A bill to amend titles XVIII and XIX of the Social Security Act to provide for the coverage of certain social work services under the supplementary medical insurance benefits program and the medicaid program. Referred to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the Social Security Act by authorizing payment for therapeutic services provided by clinical social workers.

We have traditionally viewed health as being primarily determined by physical factors. As a result, the health care system has evolved into one which focuses on the repair of the human machinery. Increasingly, however, it appears that the social environment cannot be separated from the physical state of health. Our system of health care will continue to be less than adequate until it recognizes this vital social component of illness. An arthritic woman who is unable to keep her job because of cosmetic deterioration is not just a medical patient. Similarly, the family disruption caused by the disability of its wage earner demands more than our present system of health care can offer. In cases such as these, health "care" which solely attends to the physical aspects of illness, is a tragic misnomer.

Not only do we need to treat the social consequences of disease, but we must also realize that physical ailments are often symptoms of underlying social problems. Mental illness now ranks fourth among reasons for bed disability in the United States. Theoretical and empirical evidence indicates that health status is determined more by socioenvironmental factors than by health care delivery services. It is doubtful then, that health indices for the poor and aged will improve much under medicare and medicaid as presently restricted. Though the physician may treat the physical symptoms of illness, the patient must eventually return to his home environment. For the urban poor or the lonely aged, this means a return to the original causes of poor physical condition. Because the physician lacks the knowledge to cope with these external factors, the person will in all likelihood be stricken again.

The social worker is expertly qualified to fill this missing component of health care. Social work has moved rapidly over the past 20 years to take its place among the learned health professions. According to figures from the National Institute of Mental Health, social workers comprise more than 40 percent of full-time staff positions in mental health facilities in the United States. Social workers have been recognized by various States as qualified to serve as directors of State mental health programs, administrators of hospitals, and as faculty members on most of the medical schools across the country. The Public Health Service has long recognized the key function of professional social workers and directly commissions them as senior assistant surgeons, the same grade as physicians are generally commissioned. Similarly, the U.S. Army has social workers commissioned on parity basis with doctors and dentists. The services of qualified clinical social workers have been covered in insurance policies under the Federal Employees Health Benefits Act.

Despite this record of widespread recognition of social work services, medicare and most medicaid patients who are treated by clinical social workers cannot receive reimbursement unless the treatment is rendered in one of a few limited institutional settings. The legislation I am proposing today would enable these patients to receive the full range of services offered by the estimated 20,000 to 25,000 clinical social workers across the Nation. My bill would place clinical social workers on a par with other nonphysician health service providers whose services are eligible for direct reimbursement without regard to the setting in which the services are rendered. At the same time, specifically limiting coverage to clinical social workers—those having a Masters or Doctorate of Social Work degree with 2 years of supervised postdegree clinical experience—will insure the delivery of competent social work services.

This legislation will increase the accessibility to clinical social workers by that group in the greatest need of their services. The impact of expensive care and scarce personnel falls especially hard on our elderly. Although this category comprises about 10 percent of the population, senior citizens are the recipients of but 2 percent of total outpatient services. They constitute a third of the residents of mental health facilities. The degree to which the noninstitutionalized elderly suffer mental disabilities is substantial and far exceeds that for the population as a whole. Estimates of significant mental impairment range up to 50 percent. Frequently, the difference between the ability of an aged person to continue to function independently is a matter of timely psychotherapeutic help. Often the key factor in preventing the need for institutionalization and in maintaining older persons in the community is the availability of counseling and related supportive services. The intervention of professionally skilled clinical social workers can be the crucial determinant in enabling mentally impaired elderly persons to function in the home and community.

As demand for health services continues to grow, we must realize that adequate health care depends on the availability of qualified personnel at a cost which the patient can afford. The restrictions on the delivery of social work services not only makes it difficult, and at times impossible, for people to get the kind of help they need, but also tend to drive health care costs even higher by narrowly limiting the supply of qualified providers. The full inclusion of clinical social workers on a parity basis with other nonphysicians will ease this shortage of mental health personnel while also promoting the availability of these valuable services. Accordingly, I strongly urge your careful consideration of this important legislation.

Mr. President, I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 1861(r) of the Social Security Act is amended by inserting, immediately before the period at the end thereof, the following: ", or (6) except for the purposes of section 1814(a), section 1835, and subsections (j), (k), (m), and (o) of this section, a clinical social worker".

(b) Section 1861(r) of such Act is further amended by adding at the end thereof the following new sentence: "For the purposes of clause (6) of the first sentence, the term 'clinical social worker' means an individual who (i) possesses a master's or doctor's degree in social work, (ii) (after obtaining such degree) has performed at least two years of supervised clinical social work, (iii) is licensed as such in the State in which such worker performs such function (or if such State does not license clinical social workers as such, is legally authorized to perform the services of a clinical social worker in the jurisdiction in which he or she performs them, and (iv) agrees to meet (and actually complies with the agreement to meet) such requirements, with respect to enrollment in appropriate programs of continuing professional education, as may be prescribed by the Secretary, after consultation with one or more appropriate nationally recognized clinical social workers' organizations."

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (16),

(2) by redesignating paragraph (17) as paragraph (18), and

(3) by inserting immediately after paragraph (16) the following new paragraph:

"(17) services of clinical social workers (as defined in the last sentence of section 1861(r) (1)); and".

(b) 1902(a)(13)(C)(ii) of such Act is amended by striking out "numbered (1) through (16)" and inserting in lieu thereof "numbered (1) through (17)".

SEC. 3. The amendments made by this Act shall apply to services performed on and after the first day of the first calendar month which begins more than 60 days after the date of the enactment of this Act.

By Mr. BROOKE:

S. 3471. A bill to amend the Securities Exchange Act of 1934; and

S. 3472. A bill to amend the Securities Exchange Act of 1934. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BROOKE. Mr. President, I introduce for appropriate reference two bills which amend the Securities and Exchange Act of 1934. I ask unanimous consent that the text of the bills and the text of the statements of the Securities and Exchange Commission explaining the bills appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 12(m) of the Securities Exchange Act of 1934, 15 U.S.C. 78*l*(m), is amended by striking all that follows the words "its final conclusions and recommendations" and inserting in lieu of the material so stricken the words "within eighteen months of such date."

S. 3472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 11A(e) of the Securities Exchange Act of 1934, 15 U.S.C. 78K–1(e), is hereby amended by striking out "December 31, 1976," and inserting in lieu thereof "June 30, 1977,".

STATEMENT OF THE SECURITIES AND EXCHANGE COMMISSION

APRIL 9, 1976.

Section 11A(e) of the Securities Exchange Act of 1934 (the "Act")[1] authorizes and directs the Commission to study the extent to which persons excluded from the definitions of "broker" and "dealer" maintain accounts on behalf of public customers for buying and selling securities registered under Section 12 of the Act and whether such exclusions are consistent with the protection of investors and the other purposes of the Act. The Commission is to report the results of this study, together with such recommendations for legislation as it deems advisable, to Congress on or before December 31, 1976. The Commission has proposed an amendment to Section 11A(e) which would extend from December 31, 1976 until June 30, 1977 the date by which the Commission's report must be transmitted to Congress, and this statement is submitted in support thereof.

The Conference Report accompanying the Securities Act Amendments of 1975 indicates that the purpose of Section 11A(e) is to require the Commission to study the securities-related activities of banks. Although the Commission conducted its own inquiry[2] regarding certain bank securities services in 1974, that inquiry did not consider all bank securities activities or address all of the regulatory and economic issues presented by those services. While many helpful public comments were received in response to the Commission's inquiry, they did not provide sufficient information regarding the extent or operation of those services to serve as a basis for the report mandated by Section 11A(e). Thus, extensive research and analysis has been required in order to identify with greater precision the bank securities services which the Commission should consider and the information that is available regarding those services. Because of the substantial responsibilities vested in the Commission by other sections of the federal securities laws, the number of staff members available to work on the study mandated by Section 11A(e) has been limited. The staff has, however, made significant progress in formulating specific courses of action to collect and evaluate data as promptly as feasible.

Since public information regarding the nature and extent of many bank securities services is extremely limited, it will be necessary to collect primary data regarding those services through questionnaires and extensive interviews. Questionnaires are currently being drafted to collect as much information as is reasonable to request and process. When completed and approved by the Commission, these questionnaires will be reviewed by the Comptroller General prior to their dissemination. It is anticipated that initial questionnaires will be available for distribution during the summer of 1976. At the same time, extensive interviews will be conducted in order to obtain data which it is not practicable to collect in questionnaire form.

Because of the time required to allow questionnaire recipients to report the requested information and to conduct the necessary interviews, it is unlikely that all required information will be available until the end of 1976. Although information will be analyzed as received where practicable, it is doubtful that the study staff will be in a position to complete a comprehensive analysis of all such information before the end of the first quarter of 1977. It is anticipated that such analysis will be available to the Commission at that time in order to submit a full report to Congress by June 30, 1977.

FOOTNOTES

[1] 15 U.S.C. 78k–1(e).

[2] Securities Act Release No. 5491, 3 *SEC Docket* 224 (May 14, 1974).

STATEMENT OF THE SECURITIES AND EXCHANGE COMMISSION

APRIL 9, 1976.

Section 12(m) of the Securities Exchange Act of 1934 (the "Act")[1] authorizes and directs the Commission to make a study and investigation of the practice of recording the ownership of securities in other than the name of the beneficial owner. Section 12 (m) requires the Commission to report to the Congress its preliminary findings within six months after the date of enactment of the Securities Acts Amendments of 1975 and its final conclusions and rcommendations within one year of such date. Accordingly, on December 4, 1975, the Commission submitted to Congress its preliminary report,[2] and the Commission's final report is due by June 4, 1976. The Commission has proposed an amendment to Section 12(m) which would extend from June 4, 1976, to December 4, 1976, the date by which the Commission's final report must be transmitted to Congress,[3] and this statement is submitted in support thereof.

The Congress acknowledged the advantages and possible disadvantages of this practice—commonly referred to as "nominee" and "street name" registration—in directing the Commission in Section 12(m) to determine (1) whether the practice is consistent with the purposes of the Act, with particular reference to Sections 12(g), 13, 14, 15(d), 16 and 17A of the Act, and (2) whether steps can be takn to facilitate communications between issuers and the beneficial owners of their securities while at the same time retaining the benefits of such practice. In its preliminary report, the Commission noted that the street name registration facilitates the transfer of securities and is essential to the operation of the current systems for the clearance and settlement of securities transactions. However, because it causes issuers' shareholder lists to reflect the names of intermediaries rather than beneficial owners, the practice may make issuer-shareholder communication more difficult.

One of the primary purposes of the Study is to determine whether, and in what ways, the current issuer-shareholder communication process may be deficient. Specifically, the Commission must determine whether, and in what ways, nominee and street name registration hampers issuers and others in their efforts to communicate with the beneficial owners of securities. The Commission believes that the only efficacious method of gathering sufficient data to enable the Commission to make reliable findings is a survey of the 1976 proxy season. The Commission has prepared questionnaires directed to the four primary participants in the issuer-shareowner communication process—issuers, brokers, banks, and shareowners. The issuer questionnaire will be distributed to a representative sample of issuers. Separate financial intermediary questionnaires will be distributed to a representative sample of brokers and banks. Distribution of shareholder questionnaires has been effetced by their inclusion in the proxy materials mailed by issuers selected to receive the issuer questionnaire. Shareowners have received the questionnaires either directly from the issuers or through brokers and banks, some of which will receive financial intermediary questionnaires.

These questionnaires constitute the foundation of the Commission's proposed treatment of the issue of the efficacy of the communication process. The questionnaires are designed to elicit specific data which would enable the Commission to construct an empirical model of the current system of transmiting issuer-shareholder communications and to evaluate the timeliness, efficiency, shortcomings, cost, and cost distribution of the system. In addition to questions regarding the various sequential steps in the proxy transmittal process, other questions inquire as to specific issuer, broker and bank policies and practices with regard to issuer-shareholder communications and the voting of securities.

The Commission has concluded that it is

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[1] 15 U.S.C. 781(m)

[2] Preliminary Report of the Securities and Exchange Commission on the Practice of Recording the Ownership of Securities in the Records of the Issuer in other than the Name of the Beneficial Owner of such Securities.

[3] Section 12(m) would be amended by striking all that follows the words "its final conclusions and recommendations" in the second sentence of Section 12(m), and inserting in lieu of the material so stricken the words: "within eighteen months of such date."

essential that the survey focus upon the participants' performance during the course of a proxy season—typically March, April, May and June. It is during this period that the communication process appears to be strained. The majority of shareholders' meetings of publicly-owned companies occur during proxy season. As a result, intermediaries process the major portion of any year's materials during this four month period. Both intermediaries and issuers have advised the Commission that measurements taken other than during proxy season would not adequately reflect performance by any of the parties. Substantially all complaints received by the Commission regarding the existing communications transmittal system have alleged inadequacies in that system's performance during proxy season. Accordingly, the Commission believes that a survey directed at any period other than proxy season may not reveal and deficiencies extant in the communication process.

The Commission has considered conducting a survey which would focus upon one or more past proxy seasons. Such a survey would elicit data regarding prior seasons from records of participants. Numerous interviews have led the Commission to conclude, however, that much of the information regarding timeliness would not be available on an historical basis. Other information such as cost data is available, but only in permanent files which would necessitate significant manual effort for the reconstruction of the data. Accordingly, the Commission has concluded that it is necesary to survey the 1976 proxy season if the Commission is to gather reliable and thorough data which could serve as a basis for Commission findings regarding the efficacy of the communications process.

This approach would necessitate an extension of the Congressionally mandated deadline for submission of the Commission's final report to Congress. The Commission anticipates that the issuer, broker and bank questionnaires would not be returned until more than a month after the end of the proxy season. The questionnaires would then have to be processed, the data analyzed, proposed conclusions and recommendations developed, and a report prepared embodying the Commission's final conclusions and recommendations. Accordingly, the Commission respectfully requests that Section 12(m) of the Act be amended to grant the Commission a six-month extension of the date by which the Commission's final report must be submitted to the Congress. Without such an extension, the Commission believes that it will not have sufficient data to make thorough and decisive determinations regarding the efficacy of the existing communications process and the manner in which the process may be modified or improved. The Commission believes that a survey of the 1976 proxy season would prove most fruitful and, accordingly, urges the passage of the requested extension.

By Mr. WILLIAMS:

S. 3474. A bill to amend title II of the Social Security Act to make more equitable the provisions relating to deductions from benefits on account of noncovered remunerative activity outside the United States. Referred to the Committee on Finance.

SOCIAL SECURITY FOREIGN WORK TEST

Mr. WILLIAMS. Mr. President, it has come to my attention that there is one important, but often overlooked, part of the social security retirement test that has not changed since 1954 resulting in a serious injustice to many retirees. That is the test which applies to an estimated 279,000 beneficiaries living outside the United States, who are not in the labor market for jobs covered by social security. For these retirees, any amount of money earned on any part of 7 or more calendar days in a month, results in total loss of benefits for that month. Clearly, there is a need for changes in application of the foreign work test.

I recognize the complexity of setting up the number of different variations that would be necessary to make the foreign work test comparable to the domestic earnings limitation, taking into account the widely varying economies in the countries where beneficiaries live. And I understand the problems with enforcement and currency exchange. However, an improvement must be made.

Since 1954 Congress has changed the social security retirement test numerous times to keep it up to date with changes in our economy. For example, a beneficiary under age 72 may now earn $2,760 a year without a reduction in benefits. For earnings above $2,760, $1 in benefits is withheld for every $2 in earnings. And in any month a beneficiary earns less than $230 regardless of total yearly earnings, he or she will receive full benefits for that month.

However, the dollar amounts I mentioned do not apply to beneficiaries outside the United States, nor does the reduction in benefits reform for excess earnings. They are subject to an unfair and outmoded test. Under present law, a beneficiary who is forced to accept only very casual, intermittent work—such as babysitting or tutoring—can lose a whole month's benefits for just a few hours of total work, if the work is spread out over 7 or more days. This rule works a hardship for those beneficiaries who must supplement their benefits through employment, but are only able to obtain part-time jobs.

If a beneficiary happened to babysit 1 hour a day for 7 days, he or she would lose all social security benefits for the entire month no matter how little money was earned. However, if the same retiree worked 12 hours a day for 6 days, he or she would still collect benefits regardless of how much was earned. It is not widely realized that the present foreign work test can cause the loss of a month's benefits for far less work than most of us would think as 6 days worth. Most people probably think the present test works on a full-days work basis already. Unfortunately, it does not.

Therefore, I am introducing today legislation to improve the social security foreign work test. Under my proposal, no social security benefits would be withheld for the first 48 hours of work in noncovered employment by a beneficiary outside the United States. Work in excess of 48 hours would result in a withholding of benefits for that month. It would apply to calendar years ending after 1976. This corresponds to the test in present law based on an 8-hour work day.

In 1972, I was proud to support legislation that now ties the dollar amounts in the social security retirement test to increases in average covered wages. This provision helps to keep the retirement test current with rising earnings. In addition, I am cosponsor of legislation which would increase the earnings limitation even higher. While we are making efforts to improve these aspects of the program, we should not overlook the need to remove other glaring inequities which we discover as well.

Mr. President, in light of the social security financing questions which Congress must face, it is encouraging to report that the Social Security Administration estimates that the first year cost of this change would be negligible. Furthermore, the administration indicates that the long-range cost would be negligible as well. Therefore, I am hopeful that my colleagues will join me in correcting this anomaly. I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 203(c) of the Social Security Act is amended by striking out "Deductions" and inserting in lieu thereof "Subject to subsection (d)(3), deductions".

(b) Section 203(d) of such Act is amended—

(1) in paragraphs (1) and (2) thereof, by striking out "Deductions" and inserting in lieu thereof "Subject to paragraph (3), deductions", and

(2) by adding at the end thereof the following new paragraph:

"(3) No deduction shall be made from any individual's benefit under subsection (c) because of the application of paragraph (1) thereof or paragraph (1) or (2) of this subsection on account of any person having engaged in noncovered remunerative activity outside the United States for any month, if such activity consists solely of the performance of personal services by such person for which he was compensated on an hourly (or equivalent) basis and if such individual did not perform such services for more than 48 hours during such month."

(c) The amendments made by this Act shall be applicable only with respect to taxable years ending after December 31, 1976.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. HUMPHREY, the Senator from Washington (Mr. Jackson), the Senator from South Dakota (Mr. Abourezk), and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of S. 50, the Full Employment and Balanced Growth Act of 1976.

S. 123

At the request of Mr. INOUYE, the Senator from Iowa (Mr. Clark) and the Senator from Montana (Mr. Metcalf) were added as cosponsors of S. 123, to amend the Social Security Act.

S. 153

At the request of Mr. HANSEN, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 153, to amend part B of title XI of the Social Security Act.

S. 2020

At the request of Mr. RIBICOFF, the Senator from Louisiana (Mr. Johnston) was added as a cosponsor of S. 2020, to provide optometric coverage under Part B medicare payments.

S. 2332

At the request of Mr. STAFFORD, the Senator from South Dakota (Mr. Abourezk) was added as a cosponsor of S. 2332, to amend the Rehabilitation Act of 1973.

S. 2795

At the request of Mr. Bartlett, the Senator from Arkansas (Mr. McClellan) was added as a cosponsor of S. 2795, to amend the Hobbs Act.

S. 2910

At the request of Mr. Schweiker, the Senator from Alaska (Mr. Gravel), the Senator from Tennessee (Mr. Baker), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 2910, to establish the National Diabetes Advisory Board.

S. 2925

At the request of Mr. Muskie, the Senator from Alabama (Mr. Allen), the Senator from Mississippi (Mr. Eastland), the Senator from New Hampshire (Mr. McIntyre), the Senator from Wyoming (Mr. McGee), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 2925, the Government Economy and Spending Reform Act of 1976.

S. 3098

At the request of Mr. Weicker, the Senator from Kentucky (Mr. Huddleston) and the Senator from New Hampshire (Mr. McIntyre) were added as cosponsors of S. 3098, to amend the Community Services Act of 1974.

S. 3145

At the request of Mr. Metcalf, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of S. 3145, the Energy Conservation Research and Development Act of 1976.

S. 3216

At the request of Mr. Bartlett, the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 3216, relating to unemployment compensation.

S. 3354, S. 3355, AND S. 3356

As the request of Mr. Bellmon, the Senator from Oklahoma (Mr. Bartlett) was added as a cosponsor of S. 3354, S. 3355, and S. 3356, to provide for certain construction projects.

SENATE RESOLUTION 319

At the request of Mr. Curtis, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of Senate Resolution 319, relating to the occupation of certain Baltic nations by the Soviet Union.

SENATE RESOLUTION 434

At the request of Mr. Clark, the Senator from Minnesota (Mr. Mondale), the Senator from Delaware (Mr. Biden), and the Senator from New Mexico (Mr. Montoya) were added as cosponsors of Senate Resolution 434, relating to the treaty powers of the Senate.

SENATE RESOLUTION 439

At the request of Mr. Huddleston, the Senator from Wisconsin (Mr. Nelson), the Senator from Minnesota (Mr. Humphrey), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of Senate Resolution 439, relating to the oversupply of whey.

SENATE JOINT RESOLUTION 45

At the request of Mr. Inouye), the Senator from Idaho (Mr. McClure) was added as a cosponsor of Senate Joint Resolution 45, designating Municipal Clerks Week.

SENATE RESOLUTION 451—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution:

Senate Resolution 451

Resolved, That the Committee on Interior and Insular Affairs is authorized to expend from the contingent fund of the Senate, during the Ninety-fourth Congress, $45,000 in addition to the amount and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946 and in Senate Resolution 169, agreed to June 6, 1975.

AMENDMENTS SUBMITTED FOR PRINTING

LOBBYING DISCLOSURE ACT OF 1976—S. 2477

AMENDMENT NO. 1659

(Ordered to be printed and to lie on the table.)

Mr. METCALF. Mr. President, as we all know, the lion's share of activities designed to influence who gets what benefits from the Federal Government occur in the executive branch.

Thus, throughout consideration of the Lobbying Disclosure Act of 1976 (S. 2477) in committee, I urged that a serious effort be made to provide for disclosure of lobbying in this direction. Unfortunately, however, instead of resolving the problems associated with full executive coverage, S. 2477 sets up a double standard which—

First, will only present a distorted picture of the paths taken by those who seek to influence decisions within the executive; and

Second, will have profound implications for the oversight responsibilities of Congress.

Let me explain, briefly, how this double standard will operate:

Under provisions of S. 2477 as reported, only lobbying directed toward executive officials and intended to influence them, in turn, to influence specified actions in Congress is covered.

This means that any organization can lobby any executive branch official directly on rulemaking and regulations, on hearings and investigations, on licenses, grants or contracts—all without registering or reporting anything. Thus, entertainment for executive branch employees—such as goose hunting trips—will not have to be disclosed and, if recent experience is any indication, will not become a matter of public record under any other statutes or regulations.

But if an organization goes to Members of the House and Senate and asks for their assistance in making its interests known to the appropriate executive officials, the organization does become subject to the measure's registration and reporting requirements.

Created by the definition of "issue before the Congress" in section 15(12), this double standard will produce extraordinary results.

For instance, suppose a private research firm or university believes it has something to contribute in the way of contract information support to the Federal Government, perhaps in the area of program evaluation. It would be free to offer such support to an unlimited number of top officials in the appropriate executive agencies. But by making the same offer in calls to half a dozen congressional committees in each House—which were authorized to contract for research in the 1970 Legislative Reorganization Act—it could become subject to registration and reporting.

How will this provision affect Congress oversight function?

I submit that its net result will be to isolate us from administrative abuse and failure. How will a business firm or other group—which has a continuing stake in benefits conferred by a wide variety of executive decisions—react when its directors know that any request for congressional help with their problems may, some weeks later, become an item in the President's morning reading? To such groups, who perhaps have access to information concerning an improper contract award, the better course of wisdom may well be to stop short of bringing their concerns to congressional attention—and to avoid future problems with administration officials.

Mr. President, Congress is far more open in its deliberations than the executive branch and is made up of Members who are directly and frequently accountable to the people. To cover every aspect of this institution's operations, while permitting the lobbies free access—without disclosure—to influence critically important executive decisions, is indefensible.

I recognize, of course, the difficulties involved in providing for coverage of executive branch officials over the full range of decisions they are empowered to make. Not only is the executive branch much larger than the legislative branch, its agencies—unlike those of the Congress—are situated throughout the regions of this country and, indeed, the world.

Nevertheless, I believe the problem of executive coverage could have been resolved—and should have been resolved—in a sensible manner within the framework of a single, coherent disclosure bill, not in a separate bill handled in another committee. To accommodate such coverage in S. 2477 as reported, however, would require major changes in the basic structure of this legislation.

Therefore, the amendment that I am introducing today is intended solely to eliminate the double standard which is so clearly inconsistent with Congress responsibility for monitoring the actions of the Federal bureaucracy.

What I am proposing is to limit the definition of "issue before the Congress" to those matters, both substantive and procedural, relating to any pending or proposed bill, resolution, report, nomination, treaty, hearing, investigation, or other similar matter in Congress.

The effect of this change will be to preserve Congress oversight function and our role as intermediaries between the citizen and the Federal bureaucracy.

I ask unanimous consent that my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1659

On page 66, beginning with line 9, strike out all through line 13 and insert in lieu thereof: "matter in Congress;".

FEDERAL ENERGY ADMINISTRATION EXTENSION ACT—S. 2872

AMENDMENT NO. 1660

(Ordered to be printed and to lie on the table.)

Mr. PEARSON. Mr. President, I submit today an amendment in the nature of a substitute for S. 2872, a bill reported by the Committee on Government Operations which would extend to September 30, 1977, the life of the Federal Energy Administration. Under my proposed substitute, the agency would be terminated 1 year earlier—on September 30, 1976.

Mr. President, I ask that my amendment be ordered to lie on the table and to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, I ask unanimous consent that the text of my substitute amendment be printed in the Record immediately following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, the Federal Energy Administration is an agency that the Committee on Government Operations has determined should be abolished on September 30, 1977, the committee bill recommends a 15-month extension for the agency which, under existing law, would be terminated on June 30 of this year. In my judgment, there is no rational reason for a 15-month extension of the FEA. The 1976 transitional quarter should be adequate time for an orderly transfer of functions and activities from FEA to those successor agencies designated in S. 2872 by the Committee on Government Operations.

Mr. President, today America is at peace. Today there is no general warfare in the Middle East. Today there is no embargo on shipments of petroleum products by any exporting nation to the United States. Today there is no shortage of crude oil or refined petroleum products either in the world or in the United States. In short, Mr. President, the transitional quarter from July 1, 1976 until September 30, 1976, is an ideal time to transfer the functions and activities of the Federal Energy Administration to the designated successor agencies and departments.

There is no way of predicting the state of the world economy, or the availability of energy supplies to U.S. consumers, in September 1977. Although everyone hopes that it will not happen, the United States could be in crisis a year from now. It would be more prudent to effect the orderly transfer of FEA functions at this time, when conditions are known, than at some future time when conditions can only be anticipated.

Mr. President, the Nation is impatient with Washington, D.C. The Nation is impatient with empire-building in Government at taxpayer expense. In approving my substitute amendment to S. 2872, the Senate can take one affirmative action to reverse the trend of ever-bigger Government. This amendment provides an opportunity to save some $31 million of the taxpayer's money in fiscal year 1977 by eliminating the authorization for the "Executive Direction and Administration of the Federal Energy Administration" for that year. This substitute amendment provides an opportunity for the Senate to initiate the phase out of one agency 1 year ahead of the schedule anticipated by the Committee on Government Operations.

Mr. President, let me review the status of appropriations for the FEA. There have been appropriated for the functions and activities of FEA for fiscal year 1976 some $142,992,000 and some $25,283,000 for the transitional quarter, contingent upon an authorization. In addition to these sums, the second supplemental which cleared Congress on May 19 contained an additional appropriation of $10,085,000 for FEA for fiscal year 1976 and an additional $7 million for FEA for the transitional quarter.

My substitute amendment contains all those authorizations necessary to continue the FEA in full force until the end of the transitional quarter on September 30, 1976. However, those authorizations in S. 2872 slated for FEA in fiscal year 1977 have been shifted to the successor agencies, as designated in S. 2872. Therefore, Mr. President, my substitute amendment provides not only full authorization for FEA for the transitional quarter, for which appropriations have already cleared the Congress, but it also contains those authorizations which will be needed in fiscal year 1977 by the successor agencies.

The Wall Street Journal on March 9, 1976, carried an article about the Office of Communications and Public Affairs of FEA. The article reported that FEA had 112 employees in that office, that its director cited it as the "best oiled press shop in town." More than 1,000 press releases were credited to the "press shop," representing an agency of some 3,400 employees. Mr. President, I recognize that FEA has cut its "press shop" staff in response to this article. And I recognize that the pending authorization contains a limitation on expenditures for public relations by FEA. But the Journal article reflected a certain wantonness in the expenditure of public funds that has caused the American people to become disenchanted, to say the least, with the bureaucracy. Perhaps the effect would be felt if Congress, in its wisdom, were to determine that its opportunities lie not only in expanding the functions and bureaus of Government, but in reducing those functions and bureaus as well.

Mr. President, my substitute amendment contains the language of title I of S. 2872, but not the language of title II. The Committee on Commerce, upon which I serve as ranking minority member, has under consideration at this time legislation comparable to title II of S. 2872. Therefore, it appears that title II of S. 2872 is unnecessary to the objectives of that bill.

Mr. President, I will ask my colleagues, at the appropriate time, to approve my substitute amendment in order to provide for an orderly, 4 month transition of functions and activities from the FEA to its successor agencies.

Amendment No. 1660

Strike all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'Federal Energy Administration Reversion Act'.

"Sec. 2. Section 7(c)(2) of the Federal Energy Administration Act of 1974 is amended—

"(1) by striking out 'five' and inserting in lieu thereof 'fifteen'; and

"(2) by adding at the end of the second paragraph the following new sentence: 'Notice of any such waiver of review shall be immediately published in the Federal Register on the same day as any such action is first authorized or undertaken, whichever is earlier in time, and shall include a full and complete explanation, together with supporting data and narrative explanation thereof, of the factual situation which, in the judgment of the Administrator, requires the invocation of such waiver and a detailed presentation of the decision of the Administrator to utilize such waiver provision.'

"Sec. 3. The second and third sentences of section 7(i)(1)(D) of the Federal Energy Administration Act of 1974 are amended to read as follows: 'If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the agency and may obtain judicial review in accordance with paragraph (2) of this subsection when such a denial becomes final. The agency shall, by rule, establish appropriate procedures, including a hearing, when requested, for review of a denial and, where deemed advisable by the agency, for considering other requests for action under this paragraph, except that no review of such a denial under this subparagraph shall be controlled by the same officer denying the adjustment pursuant to this subparagraph.'

"Sec. 4. (a) Section 13(b) of the Federal Energy Administration Act of 1974 is amended by inserting after, 'who are engaged in any phase of energy supply or major energy consumption' the following: 'including, but not limited (1) to United

States firms and their foreign affiliates and (2) foreign firms, but only with respect to any such supply or consumption activities in the United States.'

"(b) Section 13 of the Federal Energy Administration Act of 1974 is amended by redesignating subsection (f) as subsection (h) and inserting after subsection (e) the following:

" '(f) It shall be unlawful for any person to violate any provision of this section or to violate any rule, regulation, or order issued pursuant to any such provision.'

" '(g) (1) Whoever willfully violates subsection (f) shall be subject to a criminal fine of not more than $10,000 for each violation.'

" '(2) Whenever it appears to the Administrator that any individual or organization is engaged in or is about to engage in acts or practices constituting a violation of subsection (f), the Administrator may request the Attorney General to bring a civil action to enjoin such acts or practices, and upon a proper showing, a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. In such action, the court may also issue mandatory injunctions commanding any person to comply with any provision, the violation of which is prohibited by subsection (f).'

"SEC. 5. (a) Section 15 of the Federal Energy Administration Act of 1974 is amended—

"(1) by striking out subsection (a); and

"(2) by redesignating subsections (b), (c), (d), and (e), as subsections (a), (b), (c), and (d), respectively.

"(b) Section 15(a) of the Federal Energy Administration Act of 1974 is hereby repealed.

"SEC. 6. Section 18(d) of the Federal Energy Administration Act of 1974 is amended by striking out 'a report every six months' and inserting in lieu thereof 'an annual report'

"SEC. 7. Section 25(a) of the Federal Enenergy Administration Act of 1974 is amended—

"(1) by striking out 'and directed';

"(2) by striking out 'shall contain' and inserting in lieu thereof 'may contain';

"(3) by striking out 'shall include,' and inserting in lieu thereof 'may include,';

"(4) by striking out 'but shall not' and inserting in lieu thereof 'but need not'; and

"(5) by adding at the end thereof the following new sentence: 'The Administrator may also obtain representative samples of any such shipment.'

"SEC. 8. Section 28 of the Federal Energy Administration Act of 1974 is amended to read as follows:

" 'REVERSION

" 'SEC. 28. (a) Notwithstanding section 527 of the Energy Policy and Conservation Act, upon termination of this Act, any functions or personnel transferred by this Act shall revert to the department, agency, or office from which they were transferred.

" '(b) Upon termination of this Act the following functions or activities of the Administration which have been created by the authority of this Act or by any other provision of law and the personnel associated with such functions or activities shall be transferred as follows:

" '(1) mandatory allocation of crude oil, residual fuel oil, and refined petroleum products—to the Department of the Interior;

" '(2) price controls on crude oil, residual fuel oil, and refined petroleum products—to the Federal Power Commission;

" '(3) advice to the President and the Congress on energy policy development of programs and plans for energy conservation in time of shortage—to the Energy Resources Council;

" '(4) collection, analysis, and reporting of energy data and information—to the Department of Commerce;

" '(5) development and implementation of voluntary and mandatory conservation programs—to the Energy Research and Development Administration;

" '(6) coal conversion program—to the Environmental Protection Agency;

" '(7) loan guarantees for new coal mines—to the Department of the Interior;

" '(8) materials allocation—to the Department of the Interior;

" '(9) strategic reserves—to the Department of the Interior;

" '(10) international energy programs—to the Department of State;

" '(11) appliance efficiency, labeling programs, State energy conservation plans, Federal energy conservation programs, and public education programs—to the Department of Commerce;

" '(12) analysis of economic impact of energy actions—to the Energy Resources Council; and

" '(13) coordination of Federal energy programs with State governments—to the Department of Commerce.

The administrative and procedural provisions of this Act shall, to the extent practicable, continue to apply to the implementation of said functions and activities. An officer or employee of the Federal Government who is appointed, without break in service of one or more workdays, to any position for carrying out functions under this Act is entitled, upon separation from such position other than for cause, to reemployment in the position occupied at the time of appointment, or in a position of comparable grade and salary.'

"SEC. 9. The text of section 29 of the Federal Energy Administration Act of 1974 is amended to read as follows:

" 'SEC. 29. (a) There are authorized to be appropriated to the Federal Energy Administration, and to those agencies designated to carry out the functions transferred pursuant to section 28 of this Act, as amended by the Federal Energy Administration Reversion Act, the following sums:

" '(1) Subject to the restrictions specified in subsection (b), to carry out the functions identified as assigned to Executive Direction and Administration of the Federal Energy Administration as of January 1, 1976, for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $8,596,000.

" '(2) To carry out the functions identified as assigned to the Office of Energy Policy and Analysis as of January 1, 1976—

" '(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $8,000,000; and

" '(B) for the fiscal year ending September 30, 1977, not to exceed $34,472,000.

" '(3) To carry out the functions identified as assigned to the Office of Regulatory Programs as of January 1, 1976—

" '(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $11,600,000; and

" '(B) for the fiscal year ending September 30, 1977, not to exceed $47,800,000.

" '(4) To carry out the functions identified as assigned to the Office of Conservation and the Environment as of January 1, 1976—

" '(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $7,004,000; and

" '(B) for the fiscal year ending September 30, 1977, not to exceed $40,596,000.

" '(5) To carry out the functions identified as assigned to the Office of Energy Resource Development as of January 1, 1976—

" '(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $2,800,000; and

" '(B) for the fiscal year ending September 30, 1977, not to exceed $14,914,000.

" '(6) To carry out the functions identified as assigned to the Office of International Energy Affairs as of January 1, 1976—

" '(A) for the period beginning July 1, 1976, and ending September 30, 1976, not to exceed $300,000; and

" '(B) for the fiscal year ending September 30, 1977, not to exceed $1,921,000.

" '(b) The following restrictions shall apply to the authorization of appropriations specified in paragraph (1) of subsection (a):

" '(1) amounts to carry out the functions identified as assigned to the Office of Communications and Public Affairs as of January 1, 1976, shall not exceed $607,000 for the period beginning July 1, 1976, and ending September 30, 1976; and

" '(2) no amounts authorized to be appropriated in such paragraph may be used to carry out the functions identified as assigned to the Office of Nuclear Affairs as of January 1, 1976.'

"SEC. 10. Section 30 of the Federal Energy Administration Act of 1974 is amended by striking out 'June 30, 1976.' and inserting in lieu thereof 'September 30, 1976.'

"SEC. 11. (a) Section 108(b) of the Energy Reorganization Act of 1974 is amended—

"(1) by striking out 'and' at the end of paragraph (2);

"(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

"(3) by adding at the end thereof the following new paragraphs:

" '(4) coordinate the preparation of the reports required by section 15(c) of the Federal Energy Administration Act of 1974 and section 307 of the Energy Reorganization Act of 1974 and, to the maximum extent feasible, combine the two reports into a single report to the President and Congress on national energy policy and programs;

" '(5) prepare a report on national energy conservation activities which shall be submitted to the President and the Congress annually, beginning on July 1, 1977, and which shall include—

" '(A) a review of all Federal energy conservation expenditures and activities, the purpose of each such activity, the relation of the activity to national conservation targets and plans, and the success of the activity and the plans for the activity in future years;

" '(B) an analysis of all conservation targets established for industry, residential, transportation, and public sectors of the economy, whether the targets can be achieved or whether they can be further improved, and the progress toward their achievement in the past year;

" '(C) a review of the progress made pursuant to the State energy conservation plans under sections 361 through 366 of the Energy Policy and Conservation Act and other similar efforts at the State and local level, and whether further conservation can be carried on by the States or by local governments, and whether further Federal assistance is required;

" '(D) a review of the principal conservation efforts in the private sector, the potential for more widespread implementation of such efforts and the Federal Government's efforts to promote more widespread use of private energy conservation initiatives; and

" '(E) an assessment of whether existing conservation targets and goals are sufficient to bridge the gap between domestic energy production capacity and domestic energy needs, whether additional incentives or programs are necessary or useful to close that gap further, and a discussion of what mandatory measures might be useful to further bring domestic demand into harmony with domestic supply.

The Chairman of the Energy Resources Council shall carry out the coordination required under paragraph (4) and shall coordinate the preparation of the report required under paragraph (5).'

"(b) Section 108 of the Energy Reorganization Act of 1974 is amended—

"(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

"(2) by adding after subsection (b) the following new subsection:

"'(c) The President, through the Energy Resources Council, shall—

"'(1) prepare a plan for the reorganization of the Federal Government's activities in energy and natural resources, including, but not limited to, a study of—

"'(A) the principal laws and directives that constitute the energy and natural resource policy of the United States;

"'(B) prospects of developing a consolidated national energy policy;

"'(C) the major problems and issues of existing energy and natural resource organizations;

"'(D) the options for Federal energy and natural resource organizations;

"'(E) an overview of available resources pertinent to energy and natural resource organization;

"'(F) recent proposals for a national energy and natural resource policy for the United States; and

"'(G) the relationship between energy policy goals and other national objectives;

"'(2) submit to Congress—

"'(A) no later than December 31, 1976, the plan prepared pursuant to subsection (c) (1) and a report containing his recommendations for the reorganization of the Federal Government's responsibility for energy and natural resource matters together with such proposed legislation as he deems necessary or appropriate for the implementation of such plans or recommendations; and

"'(B) not later than March 1, 1977, such revised information or policy recommendations shall be submitted according to paragraph (A); and

"'(3) provide interim and transitional policy planning for energy and natural resource matters in the Federal Government.'

"Sec. 12. (a) The Secretary of the Treasury shall study and report to the Congress no later than November 30, 1976, on the use of a tax on energy, including a tax applied to the use of each British thermal unit (hereinafter referred to in this section as 'Btu') of energy consumed, to insure the attainment of an acceptable low level of energy imports by 1985.

"(b) The study authorized by subsection (a) shall include an analysis and evaluation of—

"(1) energy taxes based on (A) an across-the-board tax of at least $1 per million Btu on the use of non-renewable forms of energy, to be levied at the mine-mouth, wellhead, or port of entry; and (B) taxes designed to correct existing departures of prices for energy from the full marginal social costs of energy production, transportation, conversion, distribution, and use arising from uninternalized social costs, including, for example, cost of reliance upon insecure foreign sources of supply, cost of adverse environmental impacts, and distortions arising from regulation of prices;

"(2) refund of taxes on the basis of uniform payments to each adult; and

"(3) the impacts of such taxes on—

"(A) the economy, including the general price level and energy prices, employment, Government revenue, and distribution of income and relative purchasing power;

"(B) the supply of and demand for energy;

"(C) the degree or reliance on insecure foreign sources of supply;

"(D) reduction of adverse social costs, including environmental, health and safety costs; and

"(E) the degree to which the need for energy regulatory programs would be diminished or eliminated.".

Amend the title so as to read: "A bill to amend the Federal Energy Administration Act of 1974 to extend the expiration date of such law until September 30, 1976, to provide for the orderly transfer of functions and activities of the Federal Energy Administration to other agencies, and for other purposes.".

TAX REFORM ACT OF 1976—H.R. 10612

Amendment No. 1661

(Ordered to be printed and to lie on the table.)

BARRIERS

Mr. DOLE. Mr. President, last month I introduced S. 3316, a bill to allow taxpayers to count as a deduction expenses incurred in the removal of architectural and transportation barriers from their facilities and vehicles. Today, I am submitting this proposal as an amendment to H.R. 10612.

The amendment covers those facilities owned or leased by the taxpayer for use in connection with his trade or business. It is aimed at private businesses not covered by the Architectural Barriers Act of 1968 or the Rehabilitation Act of 1973.

The purpose of my amendment is to confront the problem of eliminating architectural and transportation barriers through yet another avenue. Rather than additional Federal mandates which prove difficult to enforce, I propose, through the incentive of a deduction, to encourage businessmen to remove barriers by making renovation less prohibitive financially.

I am convinced that this is a viable approach to making handicapped and elderly citizens an integral part of our society. Already, this bill has 13 cosponsors, and I have received letters from 17 handicapped interest groups who support this concept. I believe this indicates not only their hope, but also their belief that this measure would result in progress for the much-discriminated-against disabled segment of our population.

I ask unanimous consent that the amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1661

On page 5, after the last line, insert the following:

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Treatment of expenses to remove architectural and transportational barriers to the handicapped and elderly.

On page 661, after line 16, insert the following:

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Treatment of expenses to remove architectural and transportational barriers to the handicapped and elderly.

(a) In General.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"Sec. 189. Expenditures to remove architectural and transportational barriers to the handicapped and elderly.

"(a) Treatment as Expense.—

"(1) In general.—A taxpayer may elect to treat qualified architectural and transportational barrier removal expenses which are paid or incurred by him during the taxable year as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

"(2) Election.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations.

"(b) Definitions.—For purposes of this section—

"(1) Architectural and transportational barrier removal expense.—The term 'architectural and transportational barrier removal expense' means an expenditure for the purpose of making any facility or public transportation vehicle owned or leased by the taxpayer for use in connection with his trade or business more accessible to, and usable by, handicapped and elderly individuals.

"(2) Qualified architectural and transportational barrier removal expense.—The term 'qualified architectural and transportational barrier removal expense' with respect to any such facility or public transportation vehicle means an architectural or transportational barrier removal expense with respect to which the taxpayer establishes, to the satisfaction of the Secretary or his delegate, that the resulting removal of any such barrier meets the standards promulgated by the Secretary or his delegate with the concurrence of the Architectural and Transportation Barriers Compliance Board and set forth in regulations prescribed by the Secretary or his delegate.

"(3) Handicapped individual.—The term 'handicapped individual' means any individual who has a physical or mental disability which for such individual constitutes or results in a functional limitation to employment, or who has any physical or mental impairment which substantially limits one or more major life activities of such individual.

"(c) The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section.".

(b) Technical and Conforming Amendments.—

(1) The table of sections for such part VI is amended by adding at the end thereof the following new item:

"Sec. 189. Expenditures to remove architectural and transportational barriers to the handicapped and elderly.".

(2) Section 263(a)(1) (relating to capital expenditures) is amended—

(A) by striking out "or" at the end of subparagraph (D) thereof,

(B) by striking out the period at the end of subsection (E) thereof and inserting in lieu thereof a comma and the word "or", and

(C) by adding at the end thereof the following new subparagraph:

"(F) expenditures for removal of architectural and transportational barriers to the handicapped and elderly which the taxpayer elects to deduct under section 189.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1976, and before January 1, 1980.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT—H.R. 12438

Amendment No. 1662

(Ordered to be printed and to lie on the table.)

Mr. GARY HART submitted an amendment intended to be proposed by him to the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

AMENDMENT NO. 1664

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENT NO. 1665

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

FOREIGN MILITARY SALES—S. 3439

AMENDMENT NO. 1666

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

BILLS AFFECTING JURY SIZE, UNANIMITY OF JURY VERDICTS OF FEDERAL COURTS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery, I wish to announce the commencement of hearings on a series of bills dealing with the size of juries used in the trial of both civil and criminal cases in the Federal courts, as well as upon a proposal to amend the requirement that a jury verdict be unanimous in civil cases. The bills in question are S. 237, a bill to provide for the use of juries of six persons in civil cases only, S. 430, a bill to provide for the use of six person juries in both civil and criminal cases, except a criminal case involving an offense punishable by death, and S. 2779, a bill to provide for nonunanimous jury verdicts in civil cases.

The first day of hearings will be held on June 17, 1976, in room 2228 of the Dirksen Senate Office Building, commencing at 10 a.m.

Because a number of persons and organizations have requested an opportunity to appear as witnesses at hearings held on these three bills, this first day of hearings will be limited to a consideration of S. 2779, the bill to provide for nonunanimous jury verdicts in civil cases in the Federal courts. As time and circumstance permit, the subcommittee will hold additional hearings on these three bills on dates to be announced later.

Persons who wish to testify or submit a statement for inclusion in the RECORD on S. 2779, should communicate, as soon as possible, with the subcommittee office 6303 Dirksen Senate Office Building, telephone 224-3618.

NOTICE OF HEARING

Mr. WILLIAMS. Mr. President, on behalf of the Labor Subcommittee, I would like to announce that the Joint Senate-House hearings on the Scotia Mine Disaster and mine safety are to be continued on Thursday, May 27, 1976, commencing at 9:30 a.m., in room 4232 of the Dirksen Senate Office Building.

Those wishing additional information concerning these hearings are invited to contact Michael L. Goldberg, of the Subcommittee staff, room G-237, Dirksen Senate Office Building; telephone 224-3674.

ADDITIONAL STATEMENTS

SRI LANKA INDEPENDENCE DAY

Mr. MANSFIELD. Mr. President, day after tomorrow the Republic of Sri Lanka observes the fourth anniversary of the adoption of its present Constitution. As in our own celebration in this Bicentennial Year, the next year for Sri Lanka will be a historical one, for Sri Lanka stands as one of the few countries where democratic institutions continue to flourish.

Sri Lanka has long been a leader in the group of nonalined nations, and this August it will host the Fifth Nonalined Summit Conference to be attended by the leaders of over 80 nations. It is the first time such a summit has been held on the continent of Asia.

Sri Lanka has achieved much since the inauguration of the Republic. Though that country has been buffeted by worldwide inflation and its economy jeopardized by increases in import prices, it has made heroic efforts and sucessfully asserted its economic independence. Sri Lanka is developing economically and at the same time achieving greater equality in the distribution of income. Helped by a dramatic decrease in the rate of population growth, the share of income of the poorest 40 percent of Sri Lanka's citizens has risen since 1963 from 14 to 19 percent in 1973. At the same time, the share of income of the top 10 percent of Sri Lanka's citizens has declined from 37 to 28 percent.

As Sri Lanka and the United States celebrate their respective birthdays, we have a common identity, for we are both democracies, reinforced by economic, commercial, and cultural exchanges. The United States continues to donate important development assistance to Sri Lanka, and trade between the two countries continues to expand.

Mr. President, I am sure that the friendship which has existed in the past between our two countries will continue and I congratulate this uniquely beautiful country on the fourth anniversary of the adoption of its Constitution.

WILDLIFE MAKES A COMEBACK ON WATER BANK FARMS

Mr. YOUNG. Mr. President, the April issue of Soil Conservation, the official magazine of the Soil Conservation Service, contained an article entitled "Wildlife Makes a Comeback on Water Bank Farms."

The water bank program is a relatively new program. It is one that has been very popular and has wide support.

The article refers to a North Dakota farmer, and one from my home county, Otto Rath, who is one of the participants in the water bank program. This article appropriately discusses Otto Rath's water bank program agreement and other conservation practices on his farm to encourage wildlife production.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Soil Conservation, April 1976]

WILDLIFE MAKES A COMEBACK ON WATER BANK FARMS

(By Charles Phillips)

A North Dakota farmer today observes a growing number of ducks, pheasants, and deer on his farm in the Central Flyway.

That farmer—Otto Rath of LaMoure County—has one of the 900 Water Bank Program (WBP) agreements in North Dakota and one of more than 2,900 in the nation to preserve and improve wetlands in the migratory waterfowl nesting and breeding areas.

Rath had observed a gradual decline in all kinds of wildlife, both upland and waterfowl, on his farm during the 1960's. In 1972, he developed a Water Bank Program agreement on 76 acres of his farm. This covered 17 acres of wetland and 59 acres of former cropland that was revegetated to provide cover for wildlife and protection from erosion.

Since then, wildlife has been returning to Rath's farm. Migratory waterfowl nest in the tall dense cover provided in the former cropland, now seeded to alfalfa, sweet clover, and wheatgrass. Upland wildlife, such as pheasants, also find food and cover in these fields. Rath has observed 50 pheasants using the slough area and finds deer use the area more now than when it was in crops. Previously, this cropland was harvested each fall and a minimum of crop residue was left over the winter.

When one of the most severe blizzards experienced in LaMoure County hit on January 10, 1975, Rath found no visible loss of wildlife. The tall dense vegetation left in the former cropland had protected the area from snow drift, and strong winds had had little effect.

North Dakota had nearly 900 contracts under the Water Bank Program as of January 30, 1975. These agreements cover more than 91,000 acres. Nationally, the more than 2,900 Water Bank Program agreements cover nearly 250,000 acres being improved and protected for wildlife habitat.

The average agreement contains 29 acres of wetlands and 55 acres of adjacent lands. The average annual payment is about $9 per acre or more than $725 per program participant each year for a 10-year period.

The Water Bank Program is available in 72 counties in the states of Arkansas, California, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, Oregon, South Dakota, Vermont, Washington, and Wisconsin. Fifty-two of the 72 counties are in Minnesota, North Dakota, and South Dakota, concentrated primarily in the Mississippi and Central Flyways. California, Oregon, and Washington are in the Pacific Flyway while Maine and Vermont are in the Atlantic Flyway.

The Water Bank Program was authorized by the Water Bank Act, Public Law 91-559, on December 19, 1970, to prevent serious loss of wetlands, preserve present wetlands, and restore and improve wetlands in the migratory waterfowl nesting and breeding areas. The Act directed the Secretary of Agriculture to effectuate the program by entering into long-term agreements with landowners and operators in important waterfowl areas.

The WPB agreement is based on a conservation plan for the entire operating unit developed with assistance from the Soil Conservation Service in cooperation with the local conservation district. The Agricultural Stabilization and Conservation Service (ASCS) administers the program by accepting requests, developing agreements, and making annual payments.

SCS provides technical assistance in developing a conservation plan covering the participant's entire operating unit. SCS provides related technical assistance involving:

Identifying Type 3, 4, and 5 wetlands and adjacent lands to be developed or preserved for wildlife on the plan map and identifying the area in the field by corner markers.

Applying needed conservation practices to protect and improve wetlands and designated adjacent lands.

Providing followthrough assistance to insure appropriate protection of wetlands and adjacent lands and needed maintenance of conservation practices applied.

The conservation plan developed by the Water Bank Program participant with SCS assistance in cooperation with the local conservation district provides for:

All land use and conservation treatment decisions, including the scheduling of practices, on the wetlands and designated adjacent areas covered by the WBP agreement.

Either decisions or recommended conservation alternatives on the remainder of the operating unit.

Installation and maintenance of planned conservation practices.

All conservation practices required to protect or improve the designated area in the WBP agreement must be installed and maintained to avoid termination of the agreement for noncompliance. Such terminations require the participant to refund all payments.

The conservation plan provides the basis for scheduling onsite technical assistance needed for the installation and maintenance of planned conservation practices in accordance with acceptable technical standards and specifications.

Limited grazing of the designated acreage as a management practice to improve the waterfowl habitat can be approved. The State Development Group must unanimously approve limited grazing before it can be used within the state. Limited grazing must be carefully controlled and practiced in accordance with the specifications stated in the conservation plan.

Wetlands are generally referred to as marshes, swamps, bogs, wet meadows, potholes, sloughs, and river-overflow lands. Shallow lakes and ponds with emergent vegetation are included.

Many wetlands can be drained or filled to create land suitable for agricultural, industrial, residential, and other uses. Inland wetlands can be changed to deep water lakes by constructing an earthen fill.

As man tampers with natural wetlands, the food and cover plants required by waterfowl and other wetland wildlife may not survive. Just as the early settler changed the land he found on this continent, man continues to destroy nature's wetlands, feeling that such "waste land" must be put to productive uses.

However, environmental awareness on the part of many segments of the general pubic within the past decade has helped to reverse this trend to exploit our resources, including wetlands.

Approximately 22 million acres of wetlands in the United States have moderate to high value for waterfowl, according to the U.S. Fish and Wildlife Service Circular 39. Of these 22 million acres, 9 million are Type 3, 4, or 5 wetlands.

Type 3 wetland is defined as inland shallow fresh marshes that are usually waterlogged during the growing season.

Type 3 and Type 4—inland deep fresh marshes—constitute the principal production areas for waterfowl.

Type 5—inland open freshwater—is made up of shallow ponds and reservoirs. Water is usually less than 10 feet deep and is fringed by a border of emergent vegetation. Type 5 wetland is often surrounded by or adjacent to Type 3 and Type 4 wetlands.

It is the policy of the Soil Conservation Service that technical assistance will not be furnished for draining Types 3 through 20 wetlands. Also, under the Agricultural Conservation Program, cost sharing is not available for draining Types 3 through 20 wetlands.

Many wildlife agencies and organizations have cooperated in the Water Bank Program. The U.S. Fish and Wildlife Service and the state wildlife agencies have contributed hundreds of man-hours, especially at the local level, in onsite reviews of proposed wetland areas.

FAA WINS MAY "GOLDEN FLEECE" AWARD

Mr. PROXMIRE. Mr. President, my "Golden Fleece" Award winner for May is the Federal Aviation Administration (FAA) which, according to its own Public Affairs Office newsletter, spent over $417,000 for 95 new meteorological instruments so that its employees can make rain predictions while remaining indoors despite the fact that existing instruments perform the same function but must be read outdoors.

No longer will FAA employees have to sing "Raindrops Keep Fallin' on My Head" as they make their forecasts. No longer need they fear precipitation during prognostication. But meanwhile the American taxpayer is being soaked to the tune of over $417,000 for this needless extravagance.

Mr. President, as you know, I make monthly "Golden Fleece" Awards for the biggest or most blatant example of wasting Federal tax funds. Monthly awards are followed by a Fleece of the Year Winner in late December.

In explaining why I tapped the FAA for this month's Golden Fleece Award, I cannot improve upon the words of that agency's own Public Affairs Office, which contributed the following statement to a recent FAA newsletter:

> Raindrops Won't Be Falling On Your Heads. . . . A $361,150 (later increased to $417,150) contract for 79 (later increased to 95) Remote Readout Hygrothermometers will permit FAA personnel making weather observations to tell if it's likely to rain without running the risk of getting caught in it. The Hygrothermometers measure the likelihood of rain by comparing the temperature within a bulb of completely dry air with the temperature of the moisture-laden air around it. When the two temperatures get within three degrees, rain is likely. Existing hygrothermometers do this now, but the FAA employees have to go outside to read them. The new ones, which will be made by the Airflo Instrument Company of Glastonbury, Conn., will relay the temperature readings to inside monitors where they can be read in indoors comfort.

FAA, I should note, now contends that these new instruments are needed "in the interest of better observations and more efficient manpower utilization." But this attempted justification came only after my inquiry about the hygrothermometer contract. It has at least the appearance of a "quickie rationale" for what is, in fact, an inexcusable luxury.

This expenditure by the FAA leaves the American taxpayer out in the rain while the agency's employees, safe and dry, eyeball their new toy in the comfortable indoors. For this the FAA is surely worthy of my Golden Fleece Award for May.

THE ALTERNATIVES TO DÉTENTE

Mr. PEARSON. Mr. President, last month Senator MATHIAS delivered a thoughtful speech at Kansas State University exploring with great insight the complexities of United States-Soviet relations.

Senator MATHIAS' presentation, as a part of the Alfred M. Landon Lecture Series on Public Issues, provided Kansans and their distinguished guests with a unique and comprehensive examination of alternatives to détente. So that this body may have the benefit of Senator MATHIAS' insight. I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follow:

THE SEARCH FOR AN ALTERNATIVE TO DETENTE

(BY SENATOR CHARLES McC. MATHIAS, JR.)

There are few concerns more vital to the people of the United States than the necessity to reduce the tensions that might lead to nuclear conflict.

Until the 1976 presidential primaries, the process of seeking a reduction of such tensions was called "detente." We may find synonyms for the word, but there is no alternative to the process. We can call a potato a "spud," or beer "suds," but it will not change the way they taste and smell and feel. More importantly, it will not change how they affect us—and I think the same can be said of detente.

We must not now permit parochial political maneuvering to jeopardize an effort to arrive at a relationship with the Soviet Union, and with the other nuclear powers, based on a reasoned understanding of the common dangers of failing to come to an agreement to live in peace with one another. The only alternative to achieving some workable, peaceful relationship with the Soviet Union is to live with the omnipresent threat that a devastating nuclear war will put an end to civilization as we know it.

It is vital that all Americans see through the emotional, ideological smokescreen that has been spewed forth by men of small vision and that the American people understand that the alternative to detente is the continuation of the arms race. They should know that the stockpiling of more and more weapons of destruction in nuclear arsenals around the world simply raises the mathematical possibility that these nuclear weapons will be used.

There has been, in my lifetime of public service, no issue that more clearly demands solution. Nor has there been any issue which better identifies those who possess the qualities of leadership and national purpose that are so urgently needed today. For what can be more vital to the national interest than finding a rational way to bring the nuclear arms race under control, to end the growing danger of nuclear weapons being used by a government, a group or even an individual?

The alternative to making this effort is to move inexorably closer to nuclear devastation. And I think this grim reality has to be faced. This reality must not be distorted by ideological speculation or political rhetoric. The dangers must not be minimized. We must seek and find leaders who will dedicate their effort to achieving a mutually acceptable understanding that will enable us and our descendants to live in peace.

Why do I come here today and use this occasion to speak so starkly? Simply because I think time is short and the opportunities to prevent predicted nuclear catastrophe from becoming reality are relatively few. Important forums such as this must be used to set the record straight. For, it is my view, that if the people of our nation know the facts, they will act with wisdom and common sense to take the steps necessary to prevent disaster.

The facts are precise—almost elegantly mathematical in their certainty.

In 1945, the bomb dropped on Hiroshima had the lethal power of 13 kilotons—that is, a destructive force equivalent to 13,000 tons of TNT. That single bomb killed 85,000 human beings in one apocalyptic instant. It brought incalculable suffering to tens of thousands of others.

A few weeks after the bomb blasts at Hiroshima and Nagasaki, I visited both cities. I saw what those small primitive atom bombs could do. A vivid memory of that blasted landscape of death and total destruction still haunts me. It animates my own conviction that the alternatives to detente, that is, either or remaining in a state of perpetual hostility or of taking that final step toward war, must both be rejected as a form of madness.

The Hiroshima and Nagasaki statistics of death are insignificant compared with the statistical possibilities of today's monster bombs. Scientists say that one one-megaton weapon can completely destroy a city the size of Boston. In addition, its lethal fallout would cast a pall over 1,000 square-miles. That is a one-megaton weapon. But, predictions are that a nuclear first-strike exchange would involve around 1,000 megatons. Such a blast would cause lethal fallout over 5 billion square-miles—which is roughly the size of the United States.

Now, you can even make instant calculations of the devastating effects of nuclear weapons by a very simple device called the Nuclear Bomb Effects Computer sold by the Government Printing Office for about $2.50. I think that's a commentary on our times, that the G.P.O. would sell such a device. For example: You can find out that the blast effects of a one-megaton weapon would be sufficient to knock down buildings in a 20- to 30-mile radius of the blast. You can learn that even in a relatively small blast glass fragments become lethal missiles. In fact, you can learn much more than you want to know. But the details it provides become mere curiosities when counterposed to the most telling statistics of all: we now have a nuclear capability of killing every man, woman and child on earth 15 times over.

The present United States nuclear arsenal contains well over 4,000 deliverable intercontinental warheads, each of which can destroy a city. We have thousands of smaller tactical warheads. Our standard warhead dwarfs the Hiroshima bomb. It is ten times more powerful and has a destructive force equivalent to a million pounds of TNT.

The Soviet Union possesses at least half as many deliverable warheads as we of an equivalent or even greater megatonage.

At last count, the United States, if it unleashed its arsenal, could destroy the Soviet Union 44 times over, and the Soviet Union could destroy the United States at least 22 times over. A former Polaris officer told me not long ago that we are actually running out of targets in the Soviet Union.

Despite the differences in the nature and quality of each nation's nuclear arsenal (we have concentrated on accuracy and the Soviet Union has concentrated on size), despite differences in the size of warheads and the sophistication of delivery systems, both we and the Soviet Union have reached a measurable technological plateau. We can destroy each other no matter which of us strikes first.

Another indisputable fact is that, given our present technology, defense against the use of these weapons is impossible. The United States can be destroyed within 18 to 30 minutes after a launch. So can the Soviet Union. Eighteen minutes does not leave much time for defense—or for reflection—or for prayer.

It is a powerful irony, and one whose point must not be missed, that the scientists who invented nuclear weapons both in the United States and in the Soviet Union, who are in a unique position to evaluate the full destructive potential of the weapons they have created, warn us that unless the arms race is stopped, the human race will be annihilated.

Soviet citizens do not hear these warnings from dissident physicist Andre Sakharov, alone. Both Professor Peter Kapitza, Director of the Institute of Physical Research in Moscow, and the late Professor Lev Artsimovich, former director of Kurchatov Institute for Thermonuclear Research, have been equally insistent in their warnings.

In the United States among the scientists associated with the Manhattan Project, I think of Columbia University's Nobel laureate in physics, I. I. Rabi, and of the late Leo Szilard of the University of Chicago. Warnings have come to us from France as well—from Professor Francois Perrin, the former head of the French atomic energy commission.

How many warnings must we hear before we listen?

It is important that we keep the fundamental purpose of detente firmly in mind. It is a very simple one: to live in peace and to assure the survival of the United States and, the survival of our civilization.

The American people must not be deflected from the pursuit of this primary objective by any secondary consideration. We must distinguish clearly the central thrust of our policy from the disputes raised over whether secret agreemnts have been concluded which might place our nation at some disadvantage.

My own feeling is that secret negotiations should be shunned. They foster uncertainty and fear that the United States, through some secret process, may somehow be placed at a disadvantage or that it may lose its position of strength.

I am convinced that, at this time, such a fear is unwarranted. We still maintain the military primacy we bought so dearly in World War II and which we have paid for many times over in the succeeding years. Clearly, we should guarantee the American people that no nation will surpass us in defensive capacity while the greatest issue between nations—the issue of how to insure world peace—remains unresolved.

We must also be prepared, as Mr. Brezhnev himself has candidly warned us, to cope with wars of national liberation supported by the Soviet Union. We must hold our own in global economic competition. We must not be deterred.

But almost all Americans would certainly agree that the United States must continue the effort to forestall nuclear war. How to achieve this goal and the costs required—these are the things that lie at the heart of the controversy over detente.

In so basic a matter as national—even human—survival, I think more straight forward and open discussion of the issue by our leaders would be the sensible course.

We have made efforts over the past decade to get rid of the cold war, to strengthen normal ties with the Soviet Union and with its peoples. (More recently we have begun an attempt to normalize relations with China.)

We have done this in a variety of ways. We have promoted the exchange of athletes, artists, scientists and businessmen. We have encouraged travel and study. We have increased the contacts between our governments at all levels. Encouraging mutually beneficial trade, cultural exchange and international relations can, in fact, and should be a means of strengthening peace.

We have done these things and we should continue to do these things. But, we must always insist on reciprocity in effort and mutuality in the benefits of exchanges.

The obstacles to this sensible, straightforward approach derive from basic philosophical differences which separate the governments of the United States and the Soviet Union. These differences must not be minimized—I think they should be faced. We should have no illusions about finding common ground between our very different beliefs on how society should be organized, or how nations should be governed. There are very great differences between the economies of the United States and the Soviet Union. These differences, very candidly, create enormous difficulty in our relations.

We have very different aspirations and beliefs about how the world as a whole should be governed. The Soviets see their system as a model for the entire globe. While we too believe our system to be the best the world has yet seen, we think the people of the world should have the right to choose their own system. We are prepared to live in peace with people of all nations no matter what their system.

I have to say I am encouraged by the developments of the past few years. Many of us remember how dark the future looked in the early 1950's, when the specter of the bomb hung over all of our heads and war between the United States and the Soviet Union seemed inevitable. We have survived and emerged from that dark time.

But we are now at an even more critical moment—perhaps it's not too much to say, the most critical moment in the history of the world. The decisions that we make now concerning our relationships with the other great nuclear powers will surely determine the ultimate fate of our people and all nations.

It is a time of great hope and it is a time of great danger. Even as we debate the life and death issues of the arms race, the destructive capabilities of the United States and the Soviet Union grow incrementally greater every minute.

I do not believe the controversy that threatens to halt the search for detente concerns the validity of the search itself. It lies, instead, in a fear that the urgency of the need for finding a rational way to live in peace may dictate concessions or agreements that would not be considered if the stakes were not so high.

What is at issue, then, is not detente itself, but the means for arriving at detente—the means for lessening tension. It is clear that secrecy has fostered an erosion of confidence in the purposes of the detente policy. In recent years, we have all witnessed the damaging effects of secrecy in government. Now, the consequences of secrecy have become manifest in the rhetoric of an election campaign.

I urge—and I am confident Governor Landon would join me in urging—that the American people be given every possible detail of the negotiations that have taken place in the name of detente in order to reinforce the basic support that exists for this effort.

In a democracy the people must know the truth if they are to vote responsibly and intelligently. A badly informed or wrongly informed electorate is a dangerous thing in a democracy. Such an electorate is the natural prey of demagogues.

Most criticism of detente seems to come from those who advocate a get-tough policy—a policy of putting pressure on the Soviet Union to modify its behavior. Let me suggest what some of the results of such a policy might be:

We would lose the degree of control over the strategic arms race that we have achieved so far. Defense expenditures in the nuclear area would spiral upwards; the stability attained in the SALT process would be lost, thereby increasing the risk of war.

The people-to-people contacts that have flourished under detente would wither and we would lose any ability to ameliorate the conditions under which Russians and Western Europeans live.

We would lose what gains we have made in understanding more about how the Soviet system functions and how we can influence it. In place of communication there would be only guesswork and speculation as to Soviet capabilities and intentions.

Opportunities for mutually beneficial trade and cooperation in dealing with common and global problems would disappear.

A period of tensions in which our economic resources would be diverted to armaments and away from assistance would be damaging to the rest of the world.

Our own society would suffer from the diversion of resources that ultimately would keep us from addressing our pressing domestic problems.

I think the American people should know all this and, when they have all the facts, I believe they will support detente wholeheartedly.

For 200 years now the people of the United States, acting through their elected representatives, have decided how their lives were to be governed. I don't think the people will relinquish their rights now when the question of their very survival is at stake.

The American people must press for leadership in the Congress and in the Executive Branch which will keep them fully informed of the crucial actions being taken in their behalf.

And if the day comes when all hearts are open, all desires known and when no secrets are hid, then I think our choice will be obvious and our course clear. A world with the capacity for the ultimate fatal course. For the sober, the prudent, the wise, and courageous all know, there is no alternative to detente.

KATE WILSON FRENCH OF IOWA

Mr. CLARK. Mr. President, during this Bicentennial Year, we will honor many people, places and events that are a part of the history of this great Nation. For the youngsters among our citizenry—and I like to count myself in that group—this is a good opportunity to refresh and expand our knowledge about our history. Much of our learning will come from senior citizens—the people who participated in the development of new frontiers and witnessed the tremendous changes technology has brought to this country and the world.

One such person is Kate Wilson French, who grew up in Buchanan County, Iowa. She was born in 1875 in Independence, Iowa, and last October 11, she celebrated her 100 birthday.

Her father emigrated to Iowa from Ohio to set up farming. As a youngster, Kate developed an interest in music, and she later studied at the conservatory of music in Oberlin, Ohio. She was also an artist, painting in oils and on china.

She and her husband, the late Remington Fred French, continued the family tradition of farming. Their Belgian horses were perennial prize winners at the Iowa State Fair.

They were the parents of two daughters, Marguerite French Springer and Ruth French Couch.

Kate Wilson French is a remarkable woman, and by looking at her ancestry, it is easy to see where she got her spirit. Her great grandfather, her great uncle and her grandfather all served in the Ohio Senate. Another great grandfather, Thomas Wilson, was a great uncle to President Woodrow Wilson. She is a descendant of James Wilson of Pennsylvania, one of the signers of the Declaration of Independence and a former Supreme Court Justice. Two of her uncles fought and died in the Civil War.

In this Bicentennial Year, we pay tribute to Kate Wilson French and others like her whose contributions to this country have been immeasurable and whose spirit and determination we hope to carry on for another 200 years.

INTELLIGENCE OVERSIGHT

Mr. DURKIN. Mr. President, 20 years ago, in the spring of 1956, a first-term U.S. Senator from Montana asked the Congress to consider the establishment of an intelligence oversight agency—a panel which would oversee the legislative, budgetary, and operational functions of the Nation's various information-gathering intelligence agencies. The Senator was MIKE MANSFIELD, and the idea of establishing such an oversight committee was indicative of his thoughtful, balanced, constructive approach in preserving our personal freedoms while defending our Nation's sovereignty.

It is an outstanding credit to Majority Leader MANSFIELD that the Senate has approved a Select Committee on Intelligence this week. Senator MANSFIELD's foresight in proposing such a watchdog committee has been more than proven by the revelations we have since heard about the widespread and frequent abuse by segments of the intelligence community.

I hope the establishment of the select committee will improve the intended purpose of our intelligence agencies. The country certainly needs an effective information gathering force, but one which honors our Constitution by following its precepts. It is necessary to protect and defend the United States. But we also need careful oversight of the various intelligence agencies. Had MIKE MANSFIELD's original suggestion in 1956 been adopted by the Senate, this country might have been spared the agony of the last few years.

The creation of this committee is a tribute to the foresight and perseverance of the majority leader.

SECTION 404 PROGRAM IN CALIFORNIA

Mr. CRANSTON. Mr. President, under section 404 of the Federal Water Pollution Control Act Amendments of 1972 the Army Corps of Engineers was delegated the responsibility and authority to regulate fill and dredge material disposal in the waters of the United States. Last year the court ruled that the waters of the United States included more than physically navigable waters and the corps revised its regulations accordingly.

Through its permit program, the Corps of Engineers has been a major factor in guaranteeing public review of development proposals in valuable wetland areas throughout the country. If the Corps' jurisdiction were limited to navigable waters subject to tidal action, about 80 percent of the ecologically important wetlands and marshes in the United States would not be subject to regulation by any Government agency. Thus, these areas could immediately be used as dredge disposal sites or landfill areas.

In California, and particularly in the San Francisco Bay Area, the Corps has provided important protection for critical wetland areas. Over 60,000 acres of salt ponds and managed wetlands in San Francisco Bay not only provide wildlife habitats of national and international significance, but they also add to the water surface of the bay which is essential to maintaining the moderate climate of the area.

The State of California has expressed its great concern about changes in the section 404 permit program which are now being proposed in Congress. I would like to share with my colleagues a lettter from the Resources Agency of California which describes the impact on my State.

Mr. President, I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE RESOURCES AGENCY OF CALIFORNIA,
Sacramento, Calif., April 23, 1976.

Hon. ALAN CRANSTON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: The House Public Works Committee recently reported out H.R. 9560, amending the Federal Water Pollution Control Act. As reported, the bill included an amendment proposed by Congressman Breaux of Louisiana. We strongly oppose this amendment which would severely undercut the authority of the U.S. Army Corps of Engineers to protect the nation's wetlands under Section 404 of the Federal Water Pollution Control Act.

Section 404 requires a Corps permit for the disposal of dredged or fill material in the waters of the United States. This section has been construed to apply broadly to the nation's wetlands, not just to the waterways where the Corps is concerned strictly with navigation. Salt marshes, estuarine areas, and freshwater wetlands provide significant habitat for wildlife, and they play critical roles in the food chain of aquatic life which is essential to our sport and commercial fisheries. California's wetlands have dwindled from about 3½ million acres to less than 445,000 acres today.

The Resources Agency has consistently taken the position that Section 404 provides valuable environmental protection. During the past year, as the Corps of Engineers was developing its regulations under Section 404, we supported a program of broad jurisdiction with the Corps giving due regard to decisions of state environmental regulatory agencies. We also supported inclusion of safeguards to assure that minor activities are not unnecessarily brought within the scope of the full permit procedures. The regulations adopted by the Corps on July 25, 1975, reflect many of the State's comments and suggestions. These regulations give recognition to and complement state programs which protect the environment. They provide an effective, coordinated program which will assure significant consideration of environmental values in authorization of any dredge and fill activities in the state's wetland areas.

Passages of H.R. 9560 with the amendment by Congressman Breaux would add significantly to the risk of additional wetland areas being irretrievably lost in California and throughout the nation. I respectfully request your assistance in removing from H.R. 9560 the amendment which would drastically weaken Section 404.

Sincerely,

Gary D. Weatherford,
Deputy Secretary for Resources.

SENATOR HRUSKA SPEAKS AT DEDICATION OF NEW FEDERAL CORRECTIONAL FACILITY AT BUTNER, N.C.

Mr. HELMS. Mr. President, on Thursday of last week, the new Federal Correctional Institution at Butner, N.C., was dedicated to James V. Bennett who served as Director of the Federal Bureau of Prisons from 1937 to 1976, or for more than half of the Bureau's 46-year history.

The principal speakers at the dedication of this important new facility were our colleague, Senator Hruska, and the Deputy Attorney General of the United States, the Honorable Harold R. Tyler, Jr.

Judge Tyler said of Jim Bennett:

> More than any other single man, he tore down the barriers that separated the prison inmates from the normal ebb and flow of life in the outside community.

Senator **Hruska** said:

> Under his leadership, our Federal prisons have entered a new age with stress on enlightened programs, human incarceration and respect for the individual.

We in North Carolina welcome the new institution and the opportunity to work with its staff under the able leadership of Warden Donald A. Deppe. Already cooperative programs have been arranged through the staff and facilities of the University of North Carolina, Duke University, North Carolina State University, Central Carolina University, East Carolina University and the University of Chicago.

Mr. President, I ask unanimous consent that the remarks of both Senator Hruska and Judge Tyler be printed in the Record.

There being no objection, the addresses were ordered to be printed in the Record, as follows:

SPEECH BY SENATOR ROMAN L. HRUSKA

Mr. Bennet, Mr. Alexander, Mr. Carlson, Mr. Tyler, Warden Deppe, Ladies and Gentlemen:

To borrow a phrase from my longtime friend, Norman Carlson, we are here today to dedicate the Federal Correctional Institution at Butner—at long last.

The original dedication date was May 14. The schedule had to be moved up one day because of a clerical error.

This dedication therefore represents the first event connected with Butner that has ever occurred ahead of schedule.

We have been planning, appropriating money for, and working on Butner for most of the 21 years that I have served in the U.S. Senate.

The original idea for this institution came from James V. Bennett, Director of the Federal Bureau of Prisons, in the 1950's. He made a convincing case before our Appropriations Committee.

The Congress first made funds available in September, 1961. The money was for planning purposes. Every year after that for the next four years, we appropriated more funds until the Bureau of Prisons thought it had enough to build this institution.

Unhappily, they were wrong. The low bid received in October, 1965, was more than $4.5 million beyond the funds available. As a result, the money scheduled to go for Butner was reprogrammed to cover other needed improvements in existing federal institutions.

Neither the Bureau nor I was discouraged—at least not permanently. In 1970 and 1971 at the Bureau's request, new money came from the Congress, and construction finally began in June, 1972. The projected completion date was February, 1974. Needless to say, the deadline was not met.

PERSONAL INTEREST IN BUTNER

During my years in the Congress, I have personally visited nearly every federal prison—I am sorry to have missed the new Federal Correctional Institution for youths in Miami, which recently opened. So you see, I have more than a passing interest in Butner and am particularly gratified that my Senate career was long enough to permit me to come down and see it dedicated to my friend, Jim Bennett.

My opportunity to see Butner germinate, take root and grow was unique. As a member of both the Judiciary and Appropriations Committees in the Senate, I have had more than a passing interest in this matter.

I was very surprised then, at the charges of a few years ago that this institution was preparing to violate the constitutional rights of prison inmates by the use of all kinds of exotic mind-altering techniques.

The Congress authorized, and the Bureau of Prisons built, Butner for two reasons only. The first was for the diagnosis and treatment of offenders with acute mental disorders and the second was to test and evaluate programs to improve correctional effectiveness.

Butner was conceived, built and organized under Jim Bennett, Myrl E. Alexander and Norman A. Carlson. It has been my privilege to work with these men for more than two decades. As I had occasion to say in the Senate on April 5, 1976, "these three outstanding penologists have provided able, dedicated and compassionate leadership to the nation's federal correctional system." I reaffirm that judgment here today.

The entire Federal Prison System reflects the belief of these three men that deprivation of freedom is punishment enough, that people are sent to prison as punishment and not for punishment.

Because of these three men, prison inmates and correctional officers work in an atmosphere that is safe and humane. The corrosive elements of incarceration have been eliminated or greatly reduced. There is a marked trend away from unnecessary institutionalized routines and toward more normal living conditions. Inmates have education, counselling and training services available to help prepare them for their return to the outside community.

I have seen these three men year after year come to Capitol Hill and make thoughtful, informative presentations to the Congress. One of their main concerns has been to improve the living conditions and the programs available to prison inmates as well as to better the working conditions and safety of both staff and inmates.

They have helped obtain appropriations from the Congress to build 20 new penal institutions. These new facilities were designed for more modern correctional programs and more humane incarceration for offenders sentenced to prison by the Courts.

I cannot imagine three more unlikely candidates to be accused of violating the constitutional rights of anyone. Jim Bennett, Myrl Alexander and Norman Carlson have continually expressed their concern for the rights of inmates.

During their years at the head of the Federal Prison System, these three administrators have provided a model of leadership for state and local corrections systems. They have shown awareness that Corrections is only part of the criminal justice system of this nation, along with the Police and the Courts.

STRONG LINKS NEEDED

All three of these components must be equally strong if we are to have an effective criminal justice system. When one link is weak, the entire system is in danger. The Federal Prison System has consistently worked toward improving coordination between the three links.

The Federal Prison System, however, has no control over the clients it receives. The Police and the Courts decide who shall be prosecuted and incarcerated. The best risks are returned to the community through probation and other programs. The more serious offenders and the repeat offenders are sent to prison.

A high proportion of these people are school dropouts. They are poor and unskilled and untrained. Their family ties are weak. Many have drug addiction and alcoholism problems. They represent a distillation of society's failures.

The Prison System is expected to find a cure for these failures. There is much pressure on this link of the criminal justice system. Prisons are called upon to accomplish what the family, the school, the job market and the church have not been able to carry out successfully.

This is a difficult assignment under the best of circumstances. The causes of crime are largely unknown and no sure cures have been developed.

The task is doubly difficult today because of the population explosion now taking place in prisons. Prison population went up by 11 percent last year and the number of people in Federal prisons has increased by about 8 percent since the beginning of this year.

These offenders are coming into jails and prisons that are already, to a large degree, out of date and overcrowded.

New institutions are needed to accommodate the increase in offender population. Additional correctional personnel must be hired and trained. Correctional programs must be expanded. New ways must be found to reduce crime and to help offenders reintegrate themselves successfully into the community.

BUTNER IS RIGHT STEP

This new institution, the fruit of Jim Bennett's imagination, is a big step toward reaching these objectives. Butner will help relieve overcrowding in the Federal Prison System. Better care and treatment will be offered to inmates with mental health problems. New correctional programs, stressing voluntary participation by inmates, will be tried.

The new National Institute of Corrections, which was established by congressional approval of a bill I sponsored in 1974, will also make its contribution. The Institute now is a part of the federal prison system and will help improve the nation's corrections systems through research, education, training, information exchange and development of correctional standards and goals. The Institute will serve as a funding mechanism by which Congress can provide resources to improve corrections at the local, state and federal levels and to do research into the causes of criminal behavior.

Corrections also must reaffirm its role in the maintenance of a swift and effective criminal justice system by providing useful deterrents to crime. It must continue to work in harmony with the other elements of the system operating as an integrated and coordinated response to crime.

Jim Bennett said it well in 1944, some 32 years ago:

"Instead of regarding the prison as the beginning and the end of the process of dealing with criminals, it is clear that (prison) is only one link in a long correctional chain. . . . Failure to recognize this means that a prison institution assumes a burden which it cannot carry. . . . The degree to which the philosophy behind a prison recognizes these limitations and emphasizes those functions which the prison can perform adequately, leaving it to other social agencies to supplement the work within prison walls, is an important measure of the soundness of the philosophy behind the prison program.

If the challenges ahead seem formidable, we can take inspiration from the progress we have made in the past.

MUCH PROGRESS MADE

When Jim Bennett was first introduced to the Prison System more than 46 years ago, Federal prisons had virtually no meaningful correctional programs. They were filled with idle inmates unprepared for community life. The institutions were staffed by untrained guards without Civil Service status.

Today, Federal Prisons are equipped with schools, work shops, hospitals and indoor and outdoor recreational facilities. Furloughs, halfway houses and other community programs have been introduced. The staffs are trained and educated. Psychologists, therapists and counselors have been added to the system.

Under his leadership, our Federal Prisons have entered a new age with new stress on enlightened programs, human incarceration, and respect for the individual.

His achievements will inspire us to meet and master the problems that lie ahead. Butner will be of great assistance in overcoming this challenge.

As Norm Carlson has so well stated:

"Butner is yet another milestone on the long pathway we are traveling in this nation to create a more effective and more humane system of criminal justice."

Thank you very much.

SPEECH BY HAROLD R. TYLER, JR.

We are gathered here to celebrate the opening of a new Federal correctional institution and to dedicate it to James V. Bennett whose vision and imagination made it possible. Butner represents what is most modern and imaginative about corrections and the man to whom it is dedicated has always stood as the symbol of all that is progressive and humane in the Nation's system of corrections.

Butner was Jim Bennett's idea. He conceived it as a place where Federal prison inmates with severe emotional problems could be sent for diagnosis, study and intensive care and treatment.

He wanted it located near major universities whose resources could be used to carry out correctional programs. The fact that it is now open, despite 15 years of setbacks and disappointments, is a testimony to the strength of his vision and the urgency of the need.

Much credit is also due to his successors, Myrl E. Alexander, who made so many contributions to the cause of corrections during his six years as head of the Federal prison system, and to Norman A. Carlson, the present director, under whom the building of Butner was carried out.

Butner will serve two important purposes in the Federal prison system. It will, first of all, fulfill Mr. Bennett's dream of a modern mental health center for Federal offenders.

Another—and a separate part—of Butner will address itself to another great concern of Mr. Bennett's—to develop programs to help groups of inmates who traditionally have had a poor record of success outside of prison.

Jim Bennett was director of the Federal Bureau of Prisons from 1937 to 1964 or 27 of the Bureau's 46 years. He is truly the architect of the Federal prison system and a pivotal figure in the history of corrections, both in this country and throughout the Western World.

As a staff member of the old U.S. Bureau of Efficiency, he studied Federal prisons and wrote the first draft of the 1930 legislation that established the Federal Bureau of Prisons.

More than any other single man, he tore down the barriers that separated the prison inmates from the normal ebb and flow of life in the outside community.

The Nation today has more than 500 halfway houses operated by private, State, and Federal agencies, because Jim Bennett established the first Federal community treatment centers in 1961. He entrusted this program, incidentally, to a youthful executive fresh from the field by the name of Norm Carlson.

Even before he became director of the Bureau, Mr. Bennett helped establish open federal institutions, in the form of prison camps, and in 1946, he supervised the construction of the first prison without bars in Seagoville, Texas.

He was one of the driving forces behind the establishment of furlough and work release and study release programs. He spearheaded the successful effort to authorize the use of prison industries profits for training inmates in various trades.

As a matter of fact, he proposed the formation of a government corporation to manage federal prison industries and won the cooperation of President Roosevelt and the labor unions. After the necessary legislation was passed and signed into law by the President, Jim Bennett became the first commissioner of prison industries and held that job until he succeeded the original director of the Bureau of Prisons, Sanford Bates.

During his career, he supported such critically important programs as removing civil service barriers to the employment of ex-inmates by the Federal Government and establishing sentencing institutes for members of the Federal Judiciary to reduce sentence disparities. When a Federal Judge, I participated in these institutes, and I can report from firsthand knowledge the respect members of the Federal Judiciary feel for Mr. Bennett and the universal respect in which he is held.

Among his most notable contributions to a more effective American criminal justice system was the improvement of the system of sentencing. Mr. Bennett is a distinguished lawyer as well as a fine administrator. Thus, it is no surprise that he helped write the Federal Juvenile Delinquency Act of 1938, the Federal Youth Corrections Act of 1950, and the 1948 laws covering the treatment of mentally ill people charged with crime. Eight years later, he helped develop the legislation authorizing judicial seminars on sentencing problems.

At the same time, he never lost the human touch. The old files of past inmates in Federal prisons are filled with personal letters written to them by Jim Bennett. As he said in his celebrated book, "I chose prison":

"I believe there is a treasure in the heart of every man if we can help him find it."

Senator Hruska, who is with us today, had this to say in a Senate speech in January 1962:

"I have come to regard and respect Mr. Bennett as one of our foremost public servants. . . . I should like to pay tribute to his humane philosophy and to the enlightened efforts by which he has succeeded in making the Federal prison system a standard for the world."

It is a strange irony that this new institution at Butner, which was the brainchild of one of our most respected public servants, has been so widely misunderstood and has been the target of so much abuse over the past years. Jim Bennett wanted to build a facility to help the mentally ill, for whom he had a special compassion. This simple, humanitarian goal has been distorted by some groups and individuals into a sinister plot to destroy the minds and bodies of Federal prison inmates. As a partial result, this institution has sustained many delays, vituperation and other forms of resistance. In a sense, this may be understood in terms of society's frustrations in dealing with offenders, especially disturbed and irrational offenders, in an effective but civilized manner. Further, I dare say, not even Mr. Bennett and other experts are certain of what results this imaginative new facility may bring us. But, surely we can all agree that it is a noble experiment, the cost of which, no matter how large in terms of today's dollars, may with luck and skilled research turn out to be negligible in terms of new methods and knowledge.

The outstanding universities in this triangle will permit us to draw on their departments of psychiatry to establish and conduct sound programs for the treatment of acutely psychotic Federal prison inmates. Teams of psychiatrists, psychologist, psychiatric nurses, correctional counselors and officers, with the help of occupational and recreational therapists, will pool their skills to help inmates whose problems are too acute to be resolved anywhere else. We also plan to supplement their efforts by using students in training programs in the universities in this region. Moreover, as a practical matter of importance to our courts, the mental health unit will take some of the population pressure off the medical center at Springfield, by accommodating inmates from the eastern sector of the country.

The other section, correctional programs, will comport with, inter alia, the ideas of one of our distinguished visitors, Norval Morris, dean of the University of Chicago Law School.

Norval Morris believes, as many of us do, that the behavioral change of prison inmates, if it comes, must come willingly and voluntarily from the inmates themselves. He believes that rehabilitation, if it is to be achieved at all within an institutional setting, cannot be decreed or coerced. Butner may help us achieve breakthroughs in this direction.

Within limits, then, inmates will participate in programs here on a voluntary basis. We hope to scotch the notions that the Bureau of Prisons is attempting to alter the minds of men or even to compel selected rehabilitative models. But recognizing the hardiness of old tales, it may be wise to repeat the statement made by Director Carlson at the February 27, 1975, oversight hearing before a subcommittee of the House Judiciary Committee:

". . . The Federal Bureau of Prisons is not contemplating and has never contemplated the use of psychosurgery, sensory deprivation or aversive treatment of any kind at the Butner Institution. The Institution will include a small hospital without surgical facilities because of the availability of excellent medical care in nearby university hospitals."

As I have already implied, today most of us understand that the rehabilitative effect of prison programs is limited. An offender can be regarded as rehabilitated when he or she is back in the community, engaged in productive work and living a law-abiding life. We know that two of the most crucial elements in rehabilitation are that a person leaving prison have a family to return to and be placed in a good job that suits his or her abilities.

We can and do endeavor to help motivate an inmate to change himself. We can provide job training, work experience, and education. We can try, through community program officers, to help inmates find jobs. But still in 1976 we cannot guarantee meaningful jobs, and of course we cannot assure that the inmate will return to an accepting family.

We cannot even predict what use a person will make of the skills he learns in prison. Many of you have heard the story of the moonshiner who learned metal work in Federal prison, and when he got out, was caught and convicted again of illegal distilling. He sent Jim Bennett a letter that said:

"I write to tell you how much your training has meant to me. When my new case just came up in Tennessee court, they all showed off my new still. The judge and jury all looked it over most carefully and admitted to a man that it was the finest piece of coppersmithing they had seen in these parts, barring none. I just wanted you to know I owe it to your sheet metal course in vocational training."

Rehabilitation takes place in the community and it is precisely in the community where we have almost no power to influence the outcome of an ex-offender's behavior.

We believe today, however, that meaningful correctional programs cannot and should not be carried out in the large, old fortress-like institutions of the past. New facilities like Butner offer us hope for the future in better carrying out our job of protecting society. We must build new institutions and replace the old ones. As Jim Bennett told the first United Nations Congress on the Prevention of Crime and Treatment of Offenders in Geneva in 1955:

"After all, the prison, like other institutions, is the creation of human intelligence and ideals, and it reflects man's accumulation of knowledge about himself and his environment. There comes a time when our knowledge outstrips these physical monuments to an older generaton and must be replaced with something more relevant to our times if advances are to be achieved. Happily, even if tardily, that time seems to be here."

SECOND SUPPLEMENTAL APPROPRIATIONS BILL—CONFERENCE REPORT

Mr. McGOVERN. Mr. President, I would like to make two brief but important points about the conference report on H.R. 13172, the second supplemental appropriations bill, passed yesterday by the Senate.

Additional funds are being provided for this fiscal year and the transition quarter in order to assist State educational agencies in carrying out broader responsibilities resulting from amendments to the School Lunch and Child Nutrition Acts approved last fall. Because of the time lag involved in recruiting and hiring needed additional personnel, it is intended that these funds remain available for State agencies' administrative costs until expended. State administrative funds must be carried over, if unspent, specifically for administrative purposes. If they are put into general nutrition funds, the States will be unable to carry out their new administrative responsibilities. Congress clearly intended these funds to remain specifically available to support the administration nutrition programs to the State and local levels.

In addition, the committee has decided not to provide any funding out of regular appropriations for the WIC program during the transition quarter.

However, substantial amounts of funds have been left unspent from the $250 million—plus carry-over funds—made available for fiscal year 1976. Moreover, Public Law 94-105 mandates the expenditure of a separate $62.5 million in section 32 funds for WIC program operations during the transition quarter. I am sure the committee, therefore, felt that it was unnecessary to provide additional funding out of regular appropriations for the WIC program during the 3-month transition period. The money is already available, in section 32, and both law and legislative history make it clear that a pro rata amount of $62.5 million must be spent on WIC during the transition quarter.

NATIONAL MUSIC AWARDS

Mr. PERCY. Mr. President, in the fifth month of our Bicentennial, I note that many of the great contributions that Americans have made to society and culture have been in the field of music. In this connection, I am pleased that the American Music Conference has established the National Music Awards to be given for the first time this year.

The National Music Awards will honor American composers, lyricists and performers who have made a significant contribution to the development of our Nation's music. The honorees will be drawn from the areas of classical and concert music, jazz and blues as well as all types of popular music. They will include both native-born Americans and immigrants who spent a major part of their lives in the United States, who reached their musical maturity in this country and made their musical contributions prior to 1956. Contemporary composers, lyricists and performers will be eligible for consideration in future years.

I commend the work of the American Music Conference, which is headquartered in Chicago, for establishing this awards program to honor the men and women who have enhanced our musical heritage.

FEDERAL DISASTER LOAN AUTHORITIES

Mr. BURDICK. Mr. President, I am pleased to note that the conferees on S. 2498 have retained a provision authorizing a comprehensive Presidential study of all Federal disaster loan authorities. This provision, which was offered by Senator DOMENICI, Senator EAGLETON, and myself, was accepted by the Senate on December 12, 1975. At that time it was hoped that the study could be completed early this year. However, because several circumstances delayed conference consideration of the bill, the conferees have chosen to put a December 1, 1976, deadline on the President's report and recommendations to Congress. This will give the President and Federal agencies 6 months to make the necessary studies of Federal disaster loan programs. I believe that the time is sufficient, and I look forward to having the opportunity to review the results of the Presidential inquiry later this year.

As chairman of the Subcommittee on Disaster Relief of the Senate Public Works Committee, I have concern that loan programs designed to aid disaster victims may not be structured in the most efficient manner. Senator DOMENICI, the ranking Republican member of the subcommittee, I believe shares my concern. The study provision contained in S. 2498 will go a long way toward uncovering obstacles to the most effective delivery of disaster benefits and should provide a solid basis of information upon which Congress can act to improve the loan programs.

BREAKING UP LARGEST U.S. OIL COMPANIES

Mr. HANSEN. Mr. President, Members of this body could soon be faced with another major energy issue, the question of breaking up the largest U.S. oil companies.

In view of what this Congress has already done in the way of oil tax legislation, price rollbacks and continued price controls and regulations over both oil and gas, I hope each Senator will carefully consider the consequences of oil company divestiture and the effects on the already critical U.S. energy situation.

Editorial comment around the country has been almost solidly against breaking up the oil companies and I cannot help but believe these editors know more about our energy problems than many Senators who have indicated a willingness to pass such a bill.

I hope that some of these Senators will heed the advice and warnings of this very impressive array of newspapers around the country.

One of them, the Louisville Courier-Journal said:

> The idea, of breaking the big oil companies into smaller and theoretically more competitive, units has great appeal, political and otherwise, to many Americans. But, its merits need more examination than the advocates of this proposal so far have been willing to give it.

The Hartford Times called the effort "so laughable that the initial inclination is to ignore the rantings as petty demagoguery. Unfortunately," the Times continued, "history has proven that petty demogoguery when ignored, all too often can succeed in achieving incredibly destructive ends."

Mr. President, if anything needs breaking up because of bigness and monopoly it is the Federal Government and not the 18 largest oil companies. The very fact that there are 18 of them and twice that many smaller integrated oil companies is proof enough that competition does exist in the oil industry.

Mr. President, I believe Senators who may be confronted with this issue could benefit from the editorial comment of newspapers both large and small in all sections of the country and, I ask unanimous consent that some of these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Salt Lake City (Utah) Desert News, Oct. 23, 1975]

BIG OIL FIRMS NOT ALWAYS BAD OIL FIRMS

So the large oil companies should be broken up into small pieces in the name of increased efficiency, should they?

Fortunately, that advice seems to be falling on deaf ears so far in the U.S. Senate, where two attemtps to break up big oil firms and narrow their holdings to one major form of energy were thwarted Wednesday.

But don't count on this issue getting swept under the rug quite just yet. Opposition to big business for no other reason than its size is a hardy perennial. Besides, there's no telling what the sentaors found more persuasive—what economists call the economies of scale, or the argument that they should consider forced divestiture in the oil industry later instead of making it part of the debate on natural gas legislation that can't wait.

The divestiture movement centers on two bills, one sponsored by Sen. Edward Kennedy of Massachusetts and the other by Sen. Philip Hart of Michigan. Though both measures were defeated Wednesday in the Senate, the principles they reflect could easily reappear—and soon.

Under the Hart bill, the top 15 oil companies would have been forced to get rid of all their distribution, pipeline, refining, and marketing holdings.

Under the Kennedy bill, the 20 biggest oil firms would have been forced to rid themselves of holdings in other forms of energy such as geothermal fields, coal mines, or uranium reserves.

Through both measures ran the common notion that smaller oil companies would be more efficient and do a better job of developing energy resources because making them less centralized would make them more competitive.

That advice about getting more effective by getting smaller and less centralized would have seemed strange coming from part of the biggest and most centralized organization of them all—the federal government.

Such advice would be even stranger coming from a bunch of liberals whose discovery of the merits of private enterprise and the free market is certainly late in coming—if, indeed, they really have managed to stumble upon that discovery.

If the oil industry really needed to be broken up, that could be accomplished by anti-trust legislation already on the books. Yet only this week a Federal Trade Commission judge recommended that the agency forget about pursuing that course.

Keep in mind that until the Arab embargo that began in late 1973, there had not been any peacetime shortage of petroleum products in this country. Indeed, massive industries such as petrochemicals were founded on the basis of adequate supplies of low-cost petroleum hydrocarbons.

Keep in mind, too, that the oil and natural gas industries remain the only ones in this country still under price controls. This despite the fact that such controls in other industries actually stimulated higher prices by helping to create shortages of the very commodities under control.

Finding new oil supplies is an expensive undertaking. Oil companies can't do that job unless they remain strong financially.

So instead of trying to break up oil companies, the government should get on with the job of formulating a rational and comprehensive national energy policy. That task involves setting goals and providing incentives to attract the vast sums of capital needed to meet them.

[From the Miami Herald, Oct. 24, 1975]

NATION'S IN ANTI-TRUST MOOD AND BIG OIL'S IN THE SPOTLIGHT

To Teddy Roosevelt, said Mr. Dooley, the trusts were "heejous monsters." On the one hand, he would stamp them "under fuht." On the other, "not so fast."

And so it is in the Senate. In votes this week the upper house refused to break up "big oil" either in its vertical or its horizontal patterns of organization. The votes, however, were closer than might have been expected. That, we think, is their significance.

Members of the so-called oil trust are said to be vertically integrated when they control all phases of oil production, transportation, refining and marketing. A proposal to break up this system was defeated, 50 to 40.

The same companies, or many of them, are said to be horizontally integrated when they control other forms of energy production such as coal (25 percent) and uranium (50 per cent.) A proposal to bust this one, too, was defeated 54 to 45.

We have never believed that bigness in and of itself is socially sinful where there is competition and if no laws are violated. A seeming handful of oil companies, however, seemed to administer prices and appeared to be helpless in the hands of the oil exporting countries.

But what is bigness in this case?

In 1973, according to the authors of Highway Robbery, a hardly friendly critique of the oil industry, the Federal Trade Commission reported that no marketer had as much as 10 per cent of the market. At the refining level, there were 150 refining companies. There were 7,000 producers of crude. And in the major oil-producing Gulf States the so-called big eight produced only 52 per cent of domestic crude.

Even so, the Senate votes indicate a healthy public suspicion of the industry, which in fact in nowhere near as concentrated as was Standard Oil of New Jersey when it was cut up into 33 little companies, all of which have grown, by Congress in 1911. That indeed was a "heejous monster."

Public frustration with the whole situation, whether or not it is based on public knowledge of the facts, is nevertheless a fact. The industry did not help the matter by failing to build enough refineries before 1973 and then spending more time on excuses from public relations retreads than on seeking new oil. It is vulnerable, too, at the pipeline, where competition is less evident.

To stamp the big eight or the big twenty-five under fuht, however, would not solve the energy problem and it might well increase costs to the consumer from new layers of corporate structure. The proper tribunal in this case is the selfsame Federal Trade Commission, which yesterday refused, 3–1, to drop an action against the big eight based on alleged refinery monopoly.

What is evident, then, in the Senate votes is the public's sense of rip-off and its desire to punish someone or other. Any time proposals such as these pick up 40 and 45 votes in the Senate the energy industry had better take a fresh look at itself.

[From the Washington Star, Oct. 24, 1975]

TRUSTBUSTING AND OIL

When it came to the crunch Wednesday, the U.S. Senate prudently sheathed the butcher's knife it has been brandishing at the nation's major oil companies. It rejected two amendments which, in the unlikely event they'd become law, would have carved the majors into little pieces. Down went Sen. Philip Hart's amendment (to an important natural gas deregulation bill) that would have removed 15 of the largest domestic producers of crude oil from refining and marketing. And down by a slightly larger vote went Sen. Edward Kennedy's bid to get 20 large oil companies out of alternative energy sources.

It would no doubt tax the ingenuity of Mr. Pinkerton to say what interplay of forces accounts for this gratifying result. It was a victory for economic rationality.

To call it such a victory is not to say that the U.S. oil industry is now ideally structured. It is to say that the pastoral vision of competition and lower prices that the Senate's scourges of Big Oil advertise seems entirely too wonderful to be brought about by antitrust legislation of the sort proposed.

How many of those who push trustbusting solutions of this primitive sort to the baffling issue of oil industry competition really believe in them? How many are just swept along on the tide of public hostility to the oil companies and all their works?

It is an old American economic superstition that monopoly (or more precisely, what the economists call "monopolistic competition") is at best a tolerable evil. So deeply implanted is the text book version that competition is natural in all cases that the practical questions tend to be forgotten. Are there significant economies of scale in the structure of the oil industry? And do the larger companies alone generate the accumulations of new capital essential to the development of new technologies? Such questions are waved aside when they clash with the theory of perfect competition.

The pastoral attitude has been best summed up, perhaps, in the recent effusion of Sen. James Abourezk—that "divestiture (in the oil industry) is a clear issue" and an opportunity to "do something" about energy without the risk of shortages.

At one level Senator Abourezk's statement is disarmingly candid. For anti-monopoly dogmatists, willing to set aside all the bothersome practical questions, the issue is indeed "clear"—as clear as public impatience with oil company profits and rising fuel prices.

And of course, the urge to atomize big oil is intimately bound up with the decontrol issue. The "independents," the relative small fry of oil and gas, fear that if oil pricing is decontrolled the big oil companies will charge so much for crude oil as to drive them from the market. That is a plausible possibility, and Congress should guard against it. But the independents can be protected without breaking up the majors.

The entire issue of the structure of the American oil industry—an issue since the days of the Standard Oil monopoly—remains very much open to diligent inquiry. Forced divestiture might be wise in some cases, and stupidly uneconomic in others. But diligent inquiry is what the issue is not getting.

It is at least one small sign of the difficulty of the matter that, as the Senate was voting Wednesday, Judge Alvin L. Berman called on the Federal Trade Commission to suspend antitrust proceedings against the major oil companies (proceedings which in a milder form parallel those of the Hart Amendment) until the issue can be thoroughly investigated.

Judge Berman, who has no infuriated constituents to placate, called the issue of oil-industry structure "one of the most crucial . . . this nation has ever faced."

We doubt that the judge is less well informed than some of the U.S. Senators now bristling with simplistic trustbusting answers to the puzzle of energy pricing. Yet he is plainly baffled, and so are many of the rest of us who are not blinded by the oil company iniquities that are widely alleged but so far only sketchily documented.

[From the Denver (Colo.) Post, Oct. 28, 1975]

"Break Up the Oil Companies" Simply Bad Legislation

The "break up the oil companies" campaign sponsored by liberals in Congress, among them Colorado Sens. Gary Hart and Floyd Haskell, D-Colo., received another setback last week. Coloradans can applaud the fact that the move keeps losing by larger margins.

This is bad legislation. It was put together hastily when liberals sensed that tying it to the vitally-needed natural gas bill might give them national exposure.

But does the country need it? That's the question to which the liberal bloc gave no convincing answer. They could not guarantee that—even allowing for inflation—the measure would reduce prices at the gasoline pump.

And let us not be put off by Colorado Senator Hart's claim that he's participating in this campaign in the name of "free enterprise." He finds that 16 of the large oil firms have 70 per cent of production, refining capacity and retail gasoline sales. Therefore, they should be divested of whatever vertical integration they have achieved.

How they achieved such integration may be worth study. Almost certainly the firms expanded vertically in order to compete. Maybe in the public's present mood a broader, more diverse industry might be having better public relations.

But have we the sort of circumstance where the large firms "control the entire industry" as charged?

Hear the words of a respected Denver independent oilman: "In 30 years I've never known a time when I couldn't do business with somebody. If one major oil company turned me down I could always sell to the next one."

And what is the evidence of evil? The U.S. oil industry has fueled the most productive industrial society in the history of the world. Is that a prior evidence of guilt?

No, this plan was too hastily-drawn to constitute a serious economic alternative to a system that functions effectively and still delivers gasoline and heating fuel more cheaply than the state-run oil companies of Europe.

And advantages of scale are among the main reasons. As the customer at the supermarket can figure out for himself the company that can buy and deliver in bulk is going to have advantages over the corner grocer.

Maybe, too, it would make more Americans happier if oil firms did not step outside the energy field. Maybe an oil company should not buy, Marcor, the holding company for Montgomery Ward, as one large firm did some months ago. But the reality may, just possibly, be that the purchase strengthened both enterprises.

So these are not matters to throw out for quick action, followed by months of confusion and adjustment later—particularly when the effort is so covered with the fingerprints of political exploiters as was this liberal bloc campaign.

Fortunately, more than 50 senators had the statesmanship last week to realize that this was not something to tack onto a major bill—the natural gas deregulation bill which the country needs as soon as possible. The measure passed by the Senate authorizes the deregulation, by stages, of natural gas prices. The 20-year-old federal gas regulation effort has only reduced the resources going into drilling for more gas. The price fix must come off if we are to have enough gas and most senators know it.

And that sort of deregulation of prices comes closer to being what is needed on the front lines of the nation's struggle to increase oil production rather than attempts to "break up" the oil companies.

There is a challenge in all this for the oil industry. It needs to free itself of its past stereotypes or it will be saddled with restrictive legislation. But where it is guilty of being efficient it should say so, loudly and emphatically. That is a sin the American public will forgive quickly. Unfortunately, it is this efficiency which the congressional liberals have confused with an objectionable bigness as such. Being big doesn't automatically make a company bad. But bigness gives a firm problems, not the least of which is liberal congressmen ready to pull New Deal ideas about business off the shelf without updating them.

[From the Houston Chronicle, Jan. 26, 1976]

No Facts, Just Emotion

If reason and common sense can still prevail, the present U.S. Senate committee hearings on breaking up the major integrated oil companies should dispose of that question.

The hearings are making abundantly clear what Richard B. Mancke, a law professor at Tufts University, told the antitrust subcommittee, that "there is neither economic nor legal justification for forcing the oil companies to divest one or more of their major operations."

The entire basis of this attack on the oil industry is political and emotional. There are no facts.

No one has been able to demonstrate any exercise of monopoly by the numerous major companies with their efficient organization from exploration and production through refining, transportation and marketing. No one has been able to demonstrate how there will be any savings to the public, more efficient operation or better solutions to the nation's energy problems. The arguments are vague, general and demagogic.

Indeed, the telling facts being brought out are to the contrary, that there is less concentration within the oil industry than in other major industries.

No one has been able to refute with any facts what the senators are being patiently told: Breaking up the major companies would certainly lessen the technical efficiency of the industry; a lessening of efficiency would lead to higher prices and less oil; the inevitable confusion, delays and uncertainties of divestiture would only postpone for years the major job of finding and producing energy.

The sum of this is that it would be the public and the public interest which would suffer.

If a demonstrably factual case cannot be made of benefits from breaking up the oil companies, then why is such an effort being mounted if not to satisfy the political adventurism of its proponents?

The hearings are exposing the factual shallowness of the cries to break up the oil industry.

[From the Daily Oklahoman, Oklahoma City, Okla., Feb. 6, 1976]

Running Against Big Oil

The chances of Fred Harris winning the Democratic presidential nomination are between slim and none, but that doesn't mean that the former Oklahoma senator's more extreme populist utterances should go unanswered.

There are many young voters and otherwise gullible folk in the land, even in Oklahoma where they should know better, who might buy some of the Harris snake oil if they hear it peddled often enough without any refutation. And in flailing away at one of his favorite targets, Harris is rivaling Adolph Hitler in the use of the Big Lie technique.

To hear Harris tell it, the 20 or so major integrated oil companies are the biggest villains in a robber-baron conspiracy to plunder the pocketbooks of consumers and they should be broken up into small, one-dimensional companies. Then everybody could have plenty of cheap gasoline again, he implies.

The fact that the U.S. Senate came within six votes of passing such a divestiture bill last year is an alarming indication of how many Americans have already succumbed to the alien brand of economic and political nonsense that Harris and his radical ilk have been spreading throughout the country.

One Oklahoman who knows more about the petroleum industry than Harris will ever learn is Duke Ligon, former number two man at the Federal Energy Administration. In a recent speech Ligon pointed out there are only two basic reasons for higher oil prices—the political pricing policies of the Organization of Oil Exporting Countries and rapidly depleting domestic reserves.

Breaking up the big American oil companies and barring any of them from engaging in more than one phase of the business—production, transportation, refining or marketing—would have no effect on OPEC, except to increase our dependency on the cartel.

As a matter of fact, the majors' share of refining and marketing has actually dropped since 1954. And it is the majors who are in the process of losing most, if not all, of their proprietary interests in foreign oil properties.

From a practical standpoint, implementing the Harris breakup plan would make it virtually impossible to exploit our offshore oil potential. Small companies restricted to one phase of the business could not possibly acquire or borrow the $350 million which one major company spent recently for a single ocean drilling and production platform.

Those "little people" for whom Harris professes such affection, the working men and women who have to drive to work and back every day, are the ones who would be victimized by this apostate Oklahoman whose ambition apparently knows no bounds.

[From the Arizona Republic, Feb. 9, 1976]

Break Up Big Oil?

Americans have a traditional aversion to bigness in anything—Big Business, Big Labor, Big Government.

It, therefore, was inevitable that, sooner or later, Democratic liberals would seize on Big Oil as a target.

Last October, they came within a hair's breadth of slipping through a proposal in the Senate that would have limited every oil company to just one phase of the business—production, transportation, refining and marketing.

Sen. Philip Hart, D-Mich., says they will make it a top priority this year. Going beyond that, they will attempt to prevent oil companies from owning a non-oil business—chemicals, uranium and coal.

With the exception of George Wallace, all the Democratic candidates for the presidency are in favor of breaking up Big Oil. The staff of the Federal Trade Commission has recommended it, and, according to Forbes magazine, the Ford administration is not firmly against it.

Forbes quotes John Hill, deputy administrator of the Federal Energy Administration, as saying: "Forces have been unleashed . . . that cannot be stopped."

Breaking up the oil companies would be a national disaster.

It would halt the search for new domestic sources of energy for years and years, while oil company executives were engrossed in figuring out how to divest themselves of properties.

It would put the U.S. oil industry at a fatal disadvantage in competing with foreign producers like British Petroleum and Royal Dutch/Shell, which are beyond the reach of Congress.

It would make the United States even more dependent on foreign oil, for all oil investments naturally would go overseas, where there are no restrictions on integration.

Those who argue in favor of breaking up the oil companies say that it would lead to greater competition and lower prices, because the oil companies are a trust.

This is demonstrably false.

There are 50 fully integrated oil companies in the United States, with 20 generally classified as "majors." In addition, there are 130 refiners, 15,000 wholesale oil distributors, 18,000 fuel-oil suppliers, 10,000 crude-oil producers and 200,000 gasoline retailers.

The majors are big, true, but even the biggest of them, Exxon, with assets of $25.9 billion, does not account for as much as 10 per cent of U.S. production, refining capacity or gasoline sales.

The four largest account for only 26 per cent.

In contrast, the four largest aluminum manufacturers account for 96 per cent of production, the four largest automobile companies for 91 per cent, the four largest copper companies for 75 per cent.

The profits of the majors are not inordinately high. They have averaged only 10.2 percent of stockholders' equity since 1954, slightly below the average for the rest of U.S. industry. Smaller firms engaged only in production had a bigger return.

The attack on Big Oil overlooks a simple fact: The industry demands bigness.

The Alaska pipeline, for example, is going to cost at least $7 billion. Even Exxon couldn't build it alone. Seven companies had to join to scrape up the required capital.

If the integrated companies were forced to break up, could it ever be possible for the U.S. oil industry to undertake a project like the pipeline again? Obviously not.

The American aversion to bigness goes all the way back to Thomas Jefferson, but, in the case of the oil industry, bigness is absolutely essential. And the record shows that it has not led to less competition, higher prices and bigger profits but to exactly the reverse.

[From the Chattanooga News-Free Press, Feb. 17, 1976]

Oil Demagoguery

The American people have been greatly inconvenienced, to put it mildly, as a foreign oil embargo, shortages and prices have terribly upset our normal expectations of plenty at reasonable cost.

One of the most peculiar reactions to a problem created in large part by Arab cutoff and inflation, however, has been an attack on American oil companies.

If we are going to escape stranglehold dependence upon foreign oil, we are going to have to encourage domestic energy production. Instead, many have chosen to discourage domestic producers, with the result that we are more dependent upon the Arabs now than we were when they cut off shipments to us.

Now Sen. Gary Hart, a McGovern-type Democrat from Colorado, wants to break up the oil companies by treating them as though they were monopolistic enemies of the American people. He supports a bill he described this way in a copyrighted interview in U.S. News & World Report:

"It would require that, within one year, the top 15 oil companies in this country propose to the Federal Trade Commission a plan of reorganization and divestiture, to be carried out within the following four years.

"These companies would divide themselves along functional lines. First, exploration and production. Second, transportation. Third, refining and marketing. Presumably, the course selected would be a fairly classic spin-off arrangement, with assets and shareholder interests divided in proportion to the value of the subsidiaries."

What's wrong with this? In the first place, it is unjust to the companies. But even more important, it would be destructive to the interests of the American people, the consumers.

In a parallel interview, H. J. Haynes, chairman of Standard Oil Company of California, provided this pertinent information:

"There are more than 40,000 oil companies in the United States. Ten thousand are engaged in exploration and production, but the largest accounts for less than 8 per cent of the crude-oil output in this country. There are a total of 131 companies that operate 270 refineries, but the largest refiner has less than 9 per cent of total U.S. refining capacity.

"There are approximately 200,000 service stations in the United States, but the largest share of the gasoline market held by a single company is only 8.2 per cent.

"The top eight firms in our industry control about 57 per cent of the business. Compare that with the concentration in other industries. To give a few examples: The top eight firms in steel have 65 per cent; copper, 98 per cent; motor vehicles, 98 per cent; aircraft, 87 per cent."

Clearly, what Sen. Hart is attacking is not "monopoly" but free enterprise that serves well and should be encouraged to produce more—not less.

Even Sen. Hart doesn't claim his plan would bring prices down. The oil industry in the first nine months of 1975 earned only 11 per cent return on its net worth.

Free enterprise domestic energy development encouraged by our incentive system is the best answer.

Don't you think the high-pricing, boycotting Arabs are laughing as American producers, our only alternative to them, are placed under attack by Sen. Hart & Co., and our reliance on foreign oil increases?

[From the Wall Street Journal, Mar. 15, 1976]

Divestiture Is Dead

A few months back a major oil company president was circulating the idea that because this is an election year it would be nice if the debate on whether or not to break up the oil companies could be suspended for a year, when passions are cooler and demagoguery less likely to take a toll on reasoned discussion.

We thought the idea unwise, counter to the interests of the petroleum industry, whose position on this particular issue we have vigorously championed since the debate began. A presidential election year is the very best time to resolve important public issues. If the oil industry is as right as we think it is that the public interest would be harmed by breaking it up into little pieces, the voters will agree and punish those candidates who think differently. What else are elections about?

The politicians and oilmen have been reading the same public opinion polls, many of which show up to half of the respondents in favor of a break-up. These results have now been subject to further testing at the ballot box, and on the basis of early returns our computer at election central can now certify a winner.

Divestiture is dead. Those candidates who still believe otherwise are advised to push ahead at their own peril. The liberal Democrats who have used divestiture as a cutting edge in their campaigns have not merely been punished by the voters. They've been tortured. Senator Bayh of Indiana, who attacked American oil in terms reminiscent of Churchill's attacks on Adolf Hitler, has bit the dust. Messrs. Shriver and Harris can count their support on their fingers and toes. Mr. Udall, a soft-spoken foe of Big-Oil, got 2% of the Florida vote.

Senator Jackson has demonstrated that he can get 23% of the vote, as he did in Massachusetts and in Florida, even though he still insists on blasting the oil industry. One of his TV spots commercials in Florida asked: "Why do the big oil companies have it in for Scoop Jackson? Because I led the fight to put a limit on their obscene profits and they haven't forgiven me." The Senator refuses to believe he loses votes with every such spot.

Governor Wallace who is absolutely opposed to breaking up the oil companies, isn't doing quite as well as he'd thought, but he's still picking up bunches of votes and delegates and will be a factor.

Where does Jimmy Carter stand on divestiture? Remember the Iowa caucuses, where Mr. Carter cleaned up, the very first sign that he was a genuine contender? Prior to the caucuses, the Energy Action Committee financed by movie actors Paul Newman and Robert Redford asked all the candidates what to do about Big Oil. "Break it up," the liberals answered. But Mr. Carter, who refused to answer the query, took out an ad to explain he didn't like the way the questionnaire was worded. He said he supported some restraints on the industry, but said he didn't want to do anything to limit production or increase consumer prices.

The congressional Democrats, who do not seem to have gotten the message, are still busily putting together a divestiture bill with the sole intent and purpose of embarrassing the President just prior to Election Day. He'll have to veto the bill, see, and the angry electorate will stomp to the polls and cast furious ballots against him.

So goes the theory. But based on our computer at election central, the only politicians who are going to carry the burden of this issue on Election Day are those who vote for such a bill. Half of all Americans may tell pollsters they think the big oil companies should be broken up, but they are the half who don't really care whether they're broken up or not. To the others, the willingness to smash Exxon, Mobil, Texaco et al presents the frightening prospect of smashing American industry and with it any chance of reviving the American Dream.

Besides, Paul Newman and Robert Redford monopolize a larger percentage of female movie fans than any oil company shares in total petroleum sales. We don't want to break them up either.

[From the Hartford (Conn.) Times, Mar. 20, 1976]

The Oil Divestiture Issue Just Reeks of McCarthyism

The effort by some liberal congressmen to force divestiture by the nation's major petroleum companies is so laughable that the initial inclination is to ignore the rantings as petty demagoguery. Unfortunately, history has proven that petty demagoguery, when ignored, all too often can succeed in achieving incredibly destructive ends.

There are two central charges made by those congressmen, including some from Connecticut, who claim the nation's largest petroleum companies should be broken up to heighten competition within the industry: The first charge is that the petroleum companies are monopolistic, and the second is that they have artifically increased prices in order to gain excessive profits.

Those charges reek of McCarthyism.

There is no factual foundation for either contention, and, in fact, the facts clearly dispute both contentions.

This nation's consumers today pay less for gasoline at the pump than the consumers of any other major nation, and this has been true for many years. Between 1958 and 1974, according to the Economic Report of the President, 1975, food prices increased 82.7 percent, medical care costs increased by 105.6 percent and the price of gasoline increased only 75 percent—with virtually all of the increase in the price of gasoline directly attributable to the higher cost of imported oil resulting from the Arab oil boycott and subsequent price hikes beginning in late 1973.

A study published in The Public Interest, furthermore, shows that gasoline prices would have to reach 80 cents a gallon before they consume the same proportion of family income on a median basis as they did in 1955—more than two decades ago.

So much for the contention that gasoline and other petroleum prices have been artificially inflated by a monopolistic industry intent on earning excessive profits, an industry whose profits, during the past decade, have averaged 13.1 percent of new worth, compared to an average for all American industry of 13.0 percent.

The charge that the petroleum industry is monopolistic is even more ridiculous—and twice as easily refuted, providing one is willing to consider the facts.

Webster's Dictionary defines monopoly as "the exclusive control of the supply of any commodity or service in a given market . . . (to) . . . enable the one having control to raise the price . . . above the price fixed by free competition." The Arab oil cartel, upon which the United States is dependent for foreign oil since government policy in regulating petroleum and natural gas companies has hampered development of identifiable domestic petroleum and natural gas supplies, does in fact meet the definition of monopoly. The nation's petroleum companies, however, clearly do not.

No single American petroleum company is large enough to dominate or monopolize either the production, refining or retail distribution of petroleum and petroleum products.

There are more than 40,000 oil and gas companies in the United States; 10,000 are engaged in exploration for and production of crude oil or natural gas. But the largest producer accounts for less than eight percent of domestic crude oil output.

A total of 131 companies operate 270 refineries in the United States. The largest refiner has less than nine per cent of the total United States refining capacity.

There are approximately 200,000 service stations in the United States and 95 per cent of those stations are operated by independent businessmen. The largest share of the gasoline market held by a single company is 8.2 per cent.

Official Government statistics show that the largest eight firms in petroleum refining have a concentration of only 57 per cent of the industry total. The largest eight primary aluminum firms control 100 per cent of their industry; the largest eight automobile companies control 98 per cent of their industry; the largest eight primary copper companies control 98 per cent of their market; the largest eight tire and inner tube producers control 83 per cent; the largest eight aircraft manufacturers control 89 per cent; the largest eight primary zinc producers control 90 per cent of the market. The list goes on.

In fact, if the federal government acts on the contention that 57 per cent control is monopolistic, in addition to the firms already mentioned, it will have to launch legislative attacks on producers of flat glass, industrial chemical bases, alkalines and chlorine, synthetic rubber, industrial trucks and tractors, semi-conductors, weaving mills (synthetic), ship building and repairing, fertilizers, explosives, greeting cards, beet sugar, transformers, thread mills, X-ray apparatus and tubes, storage batteries, glass containers, knitting mills, distilled liquor, radio and television sets, printing ink, pulpmills and a score of other American businesses and industries.

The effort would totally destroy the American economy.

Size is essential in the petroleum industry. Consider only two examples of the importance, the absolute need, for the size of petroleum companies: It can cost as much as $100 million for a single offshore drilling platform and it will cost in excess of $5 billion to complete construction of the trans-Alaska pipeline. Could a small company, or even a dozen small companies working together, generate that kind of capital?

The American petrolum industry is one of the most efficient industries in the world. It has held prices far below the increases that have marked every other sphere of American life. Freed from unrealistic and irresponsible government controls, it would insure exploration for and development of all the petroleum and natural gas the United States needs to meet current and future demands.

The arguments in favor of divestiture are critically dangerous to the future of the nation's economy. They must be exposed for what they are. The nation cannot afford a new version of McCarthyism capable of doing far greater damage to the nation's future than the original version.

[From the Fort Worth (Tex.) Star-Telegram, Mar. 22, 1976]

Divestiture Uncalled For

It is difficult to think of anything more idiotic than a proposal for dismemberment of the nation's largest oil companies as a means of solving consumer energy woes.

Divestiture, unfortunately is a very real threat considering the mood of many congressmen to whip somebody, even the innocent, for the hurt.

Wayne A. Blankenship Jr. president of the American Association of Petroleum Landmen, based in Fort Worth, has called on union workers to consider the chaos that would result in breakup of the large integrated oil companies.

"Union people are very interested in preserving our private enterprise system," Blankenship said. "They realize that any action which inhibits capital generation has to lead to the loss of jobs."

Let us hope that a majority of Americans realize the potential for disaster.

One oil company has estimated, assuming a 50 per cent cutback in industry expenditures resulting from dismembering oil companies, that some 470,000 jobs would be lost in the first year among companies which either buy from or sell to the oil industry.

Over 1 million jobs would be lost in the second year of dismemberment.

The U.S. Treasury Department, in analyzing the effect of dismemberment on financing new energy ventures, said:

"It will be expensive in terms of less efficient energy production . . . . and ultimately higher costs to the consumers."

A far cry, that is, from the charges of "rip-off" that brought it all on in the first place. On the flip side is another picture:

An American industry which is the envy of the rest of the world. One which finds and produces oil in the deserts of the Mideast, in the jungles of South America, in the icy Arctic. And, after finding and producing it, transports it through the most hostile environments in the world.

And all at lower cost to consumers than in any other major nation.

If that is illness, it's certainly not a type that calls for amputation.

[From the El Dorado Times, Apr. 3, 1976]

Push Big Oil Break-up

A brazen-faced assault to kill free enterprise in America is contained in a bill just passed by a Senate sub-committee to force the break-up within five years of the nation's 18 biggest oil companies.

The measure would require the major oil companies to confine their operations to one of four principal segments of the industry—production, marketing, refining or transportation.

Sen. Birch Bayh, the Indiana Democrat who got out of the presidential race because he couldn't raise enough money, apparently had much to do with the framing of this bill. He orates to the effect that the enforced splintering of the industry giants would increase competition and "result in enormous benefit to the consuming public."

We wouldn't take Bayh's judgment on a dog fight. More likely the opinion of William Tavoulareas, president of the Mobil Oil Corp., is more to the point when he says that the subcommittee's approval of the bill was "a first step toward higher energy prices and a serious weakening of the nation's ability to become self-sufficient in energy."

The following 18 companies would be affected:

Exxon, Texaco, Shell, Standard Oil (Indiana), Gulf, Mobil, Standard Oil of California, Atlantic-Richfield, Getty, Union, Sun, Phillips, Continental, Cities Service, Marathon, BOSohio, Amerada Hess and Ashland.

Many of the accusations against the oil industry stem from misinformation, despite the fact that the industry supplies government with all sorts of facts. If the knowledge thus gained were utilized in dealing with the oil industry, a much more satisfactory relationship with it would be gained.

The purpose of Brother Bayh, who introduced the measure, is self-glorification. Any man familiar with oil matters knows that such a breakup of these companies would reduce efficiency, increase costs and hamper production, all of which would mean higher prices for consumers.

The fellows who are pushing legislation of this sort are in the fight of their lives. The oil men of the country are in no mood to be pushed around any longer by members of Congress who like to be known as Friends of the Peepul!

[From the Rapid City (S. Dak.) Journal Apr. 5, 1976]

Rhetoric Should Not Take Place of Reason

An ill wind that blows nobody good is an apt description of the revived congressional proposal to dismember the 18 largest oil companies.

The first step was taken last week when the anti-trust subcommittee of the Senate Judiciary Committee approved a measure to require the companies to confine their operations to one of four principal segments of the industry. The approval came on a 4 to 3 vote with Sen. James Abourezk voting in favor.

Proponents of divestiture see their effort as benefitting consumers since breaking up the big companies would increase competition and lower prices.

That contention is based on the premise that the industry is not competitive now. But figures indicate otherwise. In addition to the 20 major firms, the industry has 130 refiners, 15,000 wholesale distributors, 18,000 fuel oil suppliers, 10,000 crude oil producers and about 200,000 gasoline retailers.

The pattern of vertical integration in the petroleum industry was developed because it proved to be the most efficient and economical way to produce, process and market oil. Vertical integration is common in most industries and in some is more widely practiced than in oil.

Dismemberment would not increase competition but would reduce it by creating small, weak companies and the cost of resultant inefficiency and wasted effort would be reflected in higher prices.

Smaller companies would have a limited ability to attract capital necessary to expand domestic production which would increase our dependence on foreign energy. They also would be unable to continue development of alternate energy sources so critical to this nation and the world.

Before government steps in to restructure an entire industry, we must be sure that the basis for the legislation is founded on more than a "big is bad" syndrome.

Dismemberment of the oil, or other key industries, will undermine the American business system and can lead to a planned economy with government doing the planning. We would note that industries already heavy with government involvement are those which often require bailouts or special assistance from taxpayers.

We are not convinced that dismemberment of the major oil companies will mean more energy at less cost.

"Break up Big Oil" may be a good slogan in a political year but we must look further down the road than November. Demagoguery must not be allowed to take its toll on reasoned discussion.

[From the Birmingham News, Apr. 5, 1976]

OIL BREAKUP BILL

Once again Democrats in Congress are attempting to write economic legislation, without an impact study, which probably will have the opposite effect sought and will result in scarcity of oil and gasoline at considerably higher prices.

Though attempts have been made recently to break up the major oil companies, for the first time a Senate subcommittee has approved a bill.

Sponsored by Sens. Birch Bayh, D-Ind., and Philip A. Hart, D-Mich., chairman of the subcommittee on antitrust and monopoly, the bill would apply to any company which produces 36.5 million barrels of oil a year, refines 110 million barrels a year or markets 110 million barrels a year. Affected would be 18 of the top 20 oil companies operating in the United States.

The bill would prohibit companies from both producing crude oil and refining or marketing it. Refiners would also be prohibited from directly operating any service stations they didn't already operate as of Jan. 1, 1976.

In other words, the present vertical integration would be forbidden. The top 18 oil companies will be required to separate their crude oil producing operations into one firm and their refining, and marketing operations into another firm, each independent of the other.

The bill flies in the face of all the facts regarding a continuing and worsening energy crunch.

Americans should understand that no amount of angry and punitive legislation can discover or produce more oil, bring down the cost of gasoline and fuel oil for the consumer or lessen the nation's reliance upon insecure and capricious oil policies of the Organization of Petroleum Exporting Countries.

Both the long range and short range effect of the bill will be to reduce the capability of the oil industry to explore for and develop new sources in the United States. As oil consumption in the nation inevitably rises, we will become increasingly dependent on OPEC oil. The increased costs of operating separated oil producing and oil refining systems will inevitably result in increased costs for the consumer. Lastly, there will be even less competition between the oil firms since 130 or so refining companies now operating in the United States would not be increased one whit. Without the stability that vertical integration provides, some of the refining companies undoubtedly will fold.

Congressional hostility toward the oil companies—especially from the Democrats—is difficult to understand. If the Congress were truly concerned about monopoly, there are far more glaring examples than the oil industry. The national television networks, ABC, CBS and NBC, are the most obvious examples in terms of both competition and abusive use of power.

Perhaps equally as obvious is the labor conglomerate AFL–CIO. Its monopolistic effects contribute to inflation, affect bidding for suppliers in almost every field and dampen productivity.

If the oil divestiture bill becomes law, it is sure to become a model for the breakup of other vertically integrated industries. Facing breakups would be the automobile industry, aluminum, aerospace, computers, processed foods and, perhaps most important of all, steel.

Americans should realize that vertical integration of basic industries has been one of the large factors in raising the standard of living to historic levels. It has permitted mass production and mass distribution for American transportation, housing and food in an unprecedented measure. It has also helped to benefit the consumer in terms of both quality and variety at low costs.

On average, oil profits have been lower than for industry as a whole in the nation. Over the past 25 years, prices for gasoline have increased only an average of 3 per cent per year, far below other price increases. While pump prices for gasoline have gone up in the past five years, they would have to jump to 80 cents per gallon for gasoline to consume the same share of family income it consumed in 1955.

It is certainly hoped that Congress will become aware of these facts before it radically alters one of the nation's basic industries. Once scrambled, it can never be unscrambled any more than an egg can be unscrambled.

[From the Kansas City (Mo.) Star, Apr. 5, 1976]

SOCKING IT TO BIG, BAD OIL THROUGH ANTITRUST

The Senate antitrust subcommittee has approved a bill to force the breakup within five years of the nation's 18 biggest oil companies. This is dangerous business that should go no further because the motivation is all wrong. The true intent is to punish the oil companies for the sin of bigness and for supposedly being responsible, in some vague way, for the looming energy shortage.

When the Arab oil embargo of late 1973 suddenly—and finally—brought this country up against the hard fact of potential energy crisis; when the O.P.E.C. cartel flexed its muscles and tripled the world price of oil—a typical human reaction ensued: Somebody had to be blamed for all this, there had to be a fall guy.

And when the O.P.E.C. price boosts brought huge, 1-time inventory profits to the global oil companies which process most of those countries' oil, a scapegoat had been found. After all the companies, with their vertical integration ranging from production to refining to marketing to transportation, aptly fitted the concept of big business which cartoonists used to depict by drawing an octopus. Few bothered to note that in the next year, 1975, the profits of 25 of the leading companies took a 23.6 per cent nose dive.

So abruptly divestiture—the companies use the more horrendous term "dismemberment"—became an issue in Congress and an amendment to this effect by Sen. James Abourezk (D-S.D.) failed last year by the surprisingly narrow margin of only 45 to 54.

If the oil companies by their size were able to collectively control and restrain the market it would be another matter. Indeed they are under constant surveillance—as they should be—to insure that they do not do so. But competition is an effective fact in the petroleum industry. If it were not so we would not be seeing the current phenomenon of gasoline prices falling back after their long rise because of a temporary world oil glut brought on by recession and price resistance.

If the present integrated structure of these companies were to be arbitrarily fragmented, the result could only be less efficient competition, production and delivery of this vital resource. The people pushing divestiture are not doing anything to ease the energy shortage or bring down prices; they are just playing to the political galleries by trying to sock it to Big, Bad Oil.

[From the Little Rock (Ark) Arkansas Democrat, Apr. 7, 1976]

BAD OIL NEWS

Forty four out of every 100 barrels of oil used in the U.S. daily is foreign, sold to us at unpredictable prices by the international oil cartel. That's twice the amount of foreign oil that we used in 1970. Energy independence? Some weeks we import more than we pump. Meanwhile, our reserves are shrinking.

What's wrong? Nothing private enterprise couldn't cure. But Congress has the domestic industry so worried with price controls and threats of takeovers that oilmen are seriously worried about their own independence and they're not hunting too hard for unprofitable new oil sources.

There's no fear as yet of bureaucrats taking over American oil production. Those who talk nationalization are mercifully still a minority. But Congress has made a devil figure out of "big oil" and is rolling the word "divestiture" around in its mouth this political year. The Senate Judiciary Committee now has before it the decade-old but never-voted-on proposal to break up or "divest" American oil companies on the score of bigness. That's bad news.

"Divestiture" would result in even less oil and even higher prices for the consumer. It stands to reason that a company can retail oil products more cheaply and competitively if its operations stretch in a straight line from the wellhead to the garage pump. Chopping up the overall operation into its separate parts of production, pipelining, refining and marketing would leave the industry a pile of disjointed pipes.

Producers couldn't go into the pipeline business and vice versa. Neither of them could go into refining or marketing. The refiners might be allowed to hang onto marketing, but those two links would be all that was left of a chain of efficiency built up over many decades to bring Americans the cheapest oil products in the world.

Certainly these companies are big, but it isn't as though they were one giant combine. More than 50 of them compete at the pumps and also compete right on back down the delivery line to the oil hunts themselves. They can do so because (in spite of federal controls) they can attract investors looking for the dividends that come from efficient overall operations.

Chop up these operations, and oil would have to flow to the consumer through a costly maze of middlemen, the price rising at every juncture. Investors would drop off. It might all be very "unmonopolistic", but the consumer would pay dearly for it—not just in dollars but in the coin of dependence on unpredicable foreigners as imports increased.

That isn't to say that divestiture is coming; only that after 11 years the drive for it is at a stage where, even if it is beaten, it can come back again and again. The oil industry is slipping steadily into federal bondage and toward the point where the U.S. oil supply may well be caught between rapacious foreigners and bumbling bureaucrats.

[From the Louisville Courier-Journal, Apr. 7, 1976]

THE UNPROVEN CASE AGAINST "BIG OIL"

The idea of breaking the big oil companies into smaller, and theoretically more competitive, units has great appeal, political and otherwise, to many Americans. But its merits need more examination than the advocates of this proposal so far have been willing to give it.

There's hardly a nastier pejorative in politics than "Big Oil." The phrase conjures up bloated billionaires screened from taxation and unrestrained by competition, working out new deals with Mideast potentates and plotting how to wring ever-increasing tribute from the motorist at the gas pump.

The image got its firmest initial boost from John D. Rockefeller, whose strong-arm tactics in the late 19th and early 20th centuries eventually led a conservative Supreme Court to break his Standard Oil empire into separate companies. It was maintained over the years by Texas-based campaign contributors who worked their will with Congress while the separate parts of Rockefeller's empire, and other companies, grew to dimensions of which the oil pioneer scarcely could have dreamed.

This shield of corporate power took an occasional hammering on Capitol Hill, most notably on the depletion allowance. But it wasn't seriously dented until the Arab oil embargo of 1973 and the resultant surge in gasoline prices—something that didn't have much to do with monopoly or corporate giantism, but did inflame millions of voters.

PRESSURE FOR DIVESTITURE

The first strong signal that the industry was in serious political trouble came last October, when the Senate voted down, by a margin of only 54 to 45, an amendment to a natural-gas deregulation bill that would have required 16 big oil companies to split themselves up. The shock waves still were reverberating when, two weeks later, 39 senators voted to ban the "horizontal" spread of oil companies into coal and other energy fields.

There was a belief that the pro-divestiture vote was deceptively large—that many senators couldn't resist taking a poke at the nasty old oil companies by voting for an amendment they didn't expect to pass. But the oil companies noted that floor amendments don't usually get the support given bills that have been through the normal route of committee approval.

INDUSTRY NOT CONCENTRATED

The divestiture effort is now headed for that stage. A Senate subcommittee last week voted 4 to 3 to force the 16 biggest companies to split, separating the functions of crude oil production, pipeline refining and marketing. A single company could operate in only one of the three areas.

The trouble with all of this is that no one really knows what the practical result would be. The oil companies, predictably but with some logic on their side, say the main result would be lessened efficiency and higher gasoline prices. The sponsors say, without providing much evidence, that the eventual result of eliminating the power of the giants would be genuine competition and, thus, lower prices in the long run.

On the face of it, the divestiture forces have a weak case. The oil industry is not one of the nation's more concentrated ones. The largest company accounts for less than 8 per cent of the crude oil output in this country. There are 131 U.S. companies operating a total of 270 refineries, and the largest refiner has less than 9 per cent of the total refining capacity. The largest oil-products marketer has about 11 per cent of the business.

Compared with the motor vehicle industry, for example, this isn't great concentration. According to a U.S. Department of Commerce survey, the four top U.S. motor vehicle manufacturers make 91 per cent of the cars, trucks and buses, while the top eight make 97 per cent. More than 25 other U.S. industries have higher concentration ratios than petroleum.

Nor is there convincing evidence that the oil giants have shut off competition. One of several striking facts supporting this contention is that the number of refining companies with a capacity of over 50,000 barrels a day more than doubled—from 20 to 42—between 1951 and late 1975.

Profits in the oil industry have been assailed as "obscene"—a charge that was given credence by a profit surge in 1974. But that rate has slackened substantially. Over the past 10 years, oil company profits have not been significantly above the average for American business.

The real case for divestiture, if there is one, lies not in the size and structure of the oil industry, but in charges like that of Senator James Abourezk of South Dakota, one of the leading advocates of dismembering the larger companies. He notes that the major companies "operate through a complex web of crisscrossing business deals that tie them together at dozens of points."

This is a valid charge, but it has not been supported by a convincing case that the results are anti-competitive. Several studies, in fact, have given contrary indications.

"Joint ventures" in oil are in common. They come about because of high demands for capital that fostered the development of the giant companies in the first place. Such ventures as the $7 billion Alaskan pipeline and large-scale develoment of off-shore oil demand massive and risky investments that even such giants as Exxon are reluctant or unable to tackle alone. Smaller companies would be even less able to undertake such activities, and the potential evil would be the same if they combined in such ventures. The alternative, of course, would be governmental action.

The costs of divestiture would be great and would be paid in the long run by the oil companies' customers. Breaking up the companies would be a complex job, accompanied by many years of expensive litigation. Capital costs for the smaller companies could be expected to increase. It seems clear that the operating costs of the new companies would be higher if some of the present economies of scale were sacrificed. And there would be vast hesitation and uncertainly at the very moment when we are urging the industry to help find sufficient new sources to make America more nearly self-sufficient in energy.

BETTER ANTITRUST LAWS

There are genuine grounds for concern about the size and power of the oil companies. But the burden of proof that divestiture is the best solution is on the proponents. That proof has not yet been provided, nor have the consequences been measured adequately.

The popularity of divestiture stems in large part from the failure of the nation's antitrust laws to deal promptly and effectively with charges of monopolistic practices.

The Federal Trade Commission, nearly three years ago, charged eight major oil companies with maintaining a non-competitive market structure. The case has not even reached the hearing stage, and if it pursues its present course will drag into the 1980s. Even then, there is no promise of a definitive result.

Congress, in wielding a sword on the corporate dragons, would be taking the easy way out. Far more difficult, but more beneficial in the long run, would be to devise antitrust laws that promptly and effectively check monopolistic and anti-competitive practices throughout American industry.

[From the Indianapolis Star, Apr. 8, 1976]

BEWARE BILL TO DRY UP OIL

A Socialist-inspired bill to split up the nation's major oil companies is making its relentless way through Congress. Approved recently by the Senate antitrust subcommittee, the bill now goes to the Senate Judiciary Committee.

Primarily affected by the measure would be 18 "big" oil companies. That's a sizable number. How many other heavy industries can count so many comparatively large companies strenuously competing with one another—plus numbers of smaller concerns also competing in the same industry?

Few, if any. And it's a fact that not a few of the top 18 companies under competitive pressure have quit various regional markets and been forced to restrict their operations to areas where competition is less severe.

So the contention of proponents of the split-up bill that the measure would increase competition and lower prices should be taken with a huge pinch of salt. Rather, based on current conditions in the oil industry, it would seem more realistic to conclude that the real motive has nothing to do with promoting competition but is concerned with splintering and deliberately emasculating the industry to the point where a complete takeover by government—on the model of the British coal industry—could as a "last resort" be foisted on the nation.

The last thing the United States needs is a nationalized oil industry analogous to Britain's nationalized coal industry which has swallowed up billions in taxpayers' money, yet delivers Britons less and less coal at higher and higher prices.

Americans are fortunate enough to be served by an oil industry still sufficiently free from government meddling to deliver them petroleum products of all kinds at prices far lower than are found in any other industrial country.

Those who want to hold onto that advantage would be wise to inform their representatives and senators promptly that they want no part of the oil-company split-up bill.

[From the Chicago Tribune, Apr. 11, 1976]

Breaking Up Big Oil

A Senate subcommittee has taken a first step toward breaking up the big oil companies. On the basis of what we've heard so far, the best thing the Congress can do is nothing.

By a 4–3 vote the antitrust subcommittee sent to the Judiciary Committee a plan to cause each of 18 major oil companies to get rid of one or more of its parts. The divestiture proposal, sponsored by Sen. Birch Bayh (D., Ind.), is not likely to become law this year, but stranger things have happened in Washington. An amendment to a nautral gas bill which would have forced a breakup of the oil industry was defeated by only a 54–45 margin in the Senate last fall.

Before Congress tampers with the structure of the oil industry as it now stands, it should very carefully weigh the likely results of such action. It should not act unless it becomes absolutely convinced that the country would be better off if the oil companies were confined to one phase of the business—production, transportation, refining, or marketing—or at least restricted from operating in all of those areas.

So far the evidence is pretty sketchy. Divestiture proponents argue it would mean lower prices to consumers, but that claim seems to be based only on the possibly mistaken notion that there would be more competition in the industry.

Here are some specific questions Congress should ask itself:

If the companies were broken up, would the industry be able to generate enough capital to carry on the expensive offshore exploration necessary to minimize reliance on imports? Or would our dependence on foreign oil only increase?

Would a breakup create higher prices to the consumer by creating a duplication of capital needs and management functions of the separate companies, each of which would have to price its products to produce a return to investors?

Would it weaken the United States in its dealings with the OPEC cartel?

Antagonism toward the oil industry among liberal groups in Congress seems to be partly historical, dating to the breakup of the Rockefeller oil interests early in this century, and partly emotional, based on frustration resulting from the sharp price increases since the Arab oil boycott in 1973.

Some critics are willing to believe that the major oil companies are in league with OPEC to force a shortage to keep prices—and profits—high. Somehow they believe energy problems will be alleviated if the oil industry can be slapped hard enough.

We saw this last year in the bill which reduces the price of domestic crude oil. We grant that it is politically popular to snipe at the oil industry. The attitude seems to be "how can we break up the oil companies" rather than "should we break up oil companies." Our energy needs are too important to be toyed with in that way. Congressmen are supposed to think, not just follow the mob.

Like the price issues, divestiture would be a different matter if the United States lived in an economic vacuum, producing all its resource requirements right at home. But we don't. Last year imports accounted for 30 per cent of our petroleum requirements, and two weeks ago, for the first time, the U.S. imported more oil than it produced.

It is because of the international nature of petroleum that Congress should go extremely slowly in forcing vertical oil companies to divest operations merely for the sake of experimentation.

There may be good reasons for doing so, but so far we have heard none. If the proponents of divestiture have hard evidence that we'd be better off in the world they would create, let them present it. But until they do, we've prepared to stick with the world we've got.

[From the Cincinnati Enquirer, Apr. 11, 1976]

Are Oil Companies Too Big?

The Congress should be asking itself whether breaking up the major petroleum companies in the United States would increase competition in the industry and thereby bring the American people lower-priced petroleum products.

Most attention focuses on the bill of Sen. Birch Bayh (D-Ind.). It would, among other things, require the major petroleum companies to divest themselves of their Mideast producing and transportatiaon divisions and joint ventures such as Aramco in Saudi Arabia.

The principal argument of the proponents of the bill in the Senate Antitrust and Monopoly Subcommittee is that the Bayh bill would by breaking up the intimate ties between companies and the oil-exporting nations lead to the rupture of the cartel of the member-nations of the Organization of Petroleum Exporting Countries (OPEC). The breakup would, in truth, through a new competition in the oil industry for crude oil, lower the price of crude oil and, therefore, of the refined products, such as gasoline and home-heating oil, used by Americans.

It is hard to see how increased competition among purchasers would necessarily lead to increased supplies and lower prices from sellers. In effect, the proposed horizontal divestiture seems more likely to produce an increased demand for OPEC oil, as the new producing and transporting companies scramble to buy crude in order to stay in business. An increased demand seems likely to raise the price of crude, since the cartel nations have control of almost all the exportable crude in the world.

So far, however, the subcommittee has not released to the public whatever economic studies it has done. There may be an argument for horizontal divestiture which makes economic sense, It is a fact, for example, that Exxon, Mobil, Texaco and Standard Oil of California did in the past control production in the principal Mideast oil-exporting nations so that supply was equal to their conservative estimates of demand. In short, the major petroleum companies restrained competition by limiting supply and were able to keep prices higher than they might have been in a freely competitive market.

But now the oil-exporting nations have not only formed a potent cartel to control supply themselves, but have taken over ownership of most of the producing companies, making them subordinate arms of their own governments. The major petroleum companies are beginning to compete, consequently, for supply.

There are political arguments for breaking up the major petroleum companies. These have as much to do with their influence on the government of the United States as they do with the companies' too cozy relations with the OPEC governments.

These are not, however, economic arguments. Which means that divestiture might have no bearing at all upon the price of petroleum. Which, in turn, is the only compelling argument any elected representative of character should have to make.

[From the San Francisco Chronicle, Apr. 18, 1976]

Break Up the Majors?

In Washington, as April opened and the cherry trees began blooming, a brutal blow was delivered to the domestic American oil industry when the Senate Judiciary subcommittee on antitrust and monopoly moved along a bill requiring the breakup of the 18 largest domestic American oil companies.

This action came on a 4 to 3 vote, and it rang bells in boardrooms from New York to Houston to San Francisco. According to the impartial Congressional Quarterly, the approval of "divestiture", as it is called, was a personal victory for subcommittee chairman Philip A. Hart (Dem-Mich.), a much-respected, soon-to-retire liberal Senator who had been nursing the bill along for 11 years of hearings, hitherto always avoiding the finality of bringing it to vote for lack of support to carry it.

Hart's April 1 success was earned with the votes of Senators Birch Bayh, James Abourezk and Edward M. Kennedy, all Democrats. While divestiture may fail to be voted out by the full Judiciary committee, it has chances of getting onto the Senate floor by a side door, and this prospect has shocked the industry into mounting a massive campaign to inform the public why the dismemberment of 18 big oil companies would be bad for the companies, bad for the consumer and bad for the country. We believe that the industry is right in this warning and that, far from increasing competition and lowering fuel costs, the breakup of major oil companies like Standard of California, Exxon, Texaco, etc. into separate, independent functional components would in fact lead to increased prices by penalizing the efficiency of integrated operation.

The big American oil companies, it is true, have fallen in public favor and esteem since the OPEC nations took command of the international oil market away from them at the time of the October 1973 war in Israel. The Arab embargo on oil shipments to the United States brought about an almost immediate scarcity of gasoline at the pump and consequent public suspicion and dissatisfaction. We have never felt that the oil men of this country were to blame for highbinding price decisions made by the Shah of Iran, the sheikhs and kings of the Middle East and the oil-nationalizers of Venezuela, but in the minds of many American consumers that is where the blame falls.

The politicians have not been slow to play up to this widespread public dissatisfaction over the sudden changes that have arisen in the cost and availability of energy supplies that heretofore had always been taken for granted. Politics made a target of the oil internationals, notably last October when, by only nine votes, 45–54, the Senate rejected a divestiture measure tacked on as an amendment to a gas deregulation bill.

But what could be gained by this contemplated breakup of the majors? Divestiture means separating them into (a) exploration and producing companies, (b) transportation companies (tankers and pipelines), (c) refining companies and (d) marketing companies. Such efficiencies as are inherent in large-sized, integrated operations would be lost and destroyed. Added costs of management and administration would be piled onto consumers—where else? Government would take an appetizingly enlarged part in the oil business.

And there is this to think about with some concern: Once big oil is broken up, who's next? It is logical to expect that the line will form on the left, of course, to bust up the automobile industry, steel, aluminum, the computer industry, and anything else big and inviting. A vast change in the organization of the American economy is menacingly implicit in Hart's divestiture bill.

TEXAS NURSING HOME WEEK OBSERVED

Mr. TOWER. Mr. President, the long-term care profession in my State of Texas observed last week as Nursing Home Week. In order to help celebrate this occasion, the public was invited to make personal visits to nursing homes in their respective communities.

The Governor of Texas, the Honorable Dolph Briscoe, last week issued a memorandum commemorating Nursing Home Week and urging public attention and participation in this event. I ask unanimous consent that the Governor's memorandum be printed at this point in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum

The importance of nursing homes in the health care delivery system grows steadily.

Today our 984 licensed nursing homes offer special care including rehabilitation, reccreation, and physical, speech and occupational therapies, as well as social and spiritual services for a fuller life to accommodate over 93,000 residents.

Among that number are many of our stalwart pioneer citizens, some of whom have reached ages that span more than half our history as a nation.

How fitting it is that, in this Bicentennial year, we have the privilege and opportunity to visit with them as neighbors in our respective communities.

The Texas Nursing Home Association, through its member facilities, has arranged for observance of Nursing Home Week beginning Sunday, Mother's Day, May 9th.

Honorary Hostess for that occasion this year is Texas' own Heloise, the ever-popular columnist whose latest "Hint" for happiness is to "Visit a nursing home."

Therefore, I, as Governor of Texas, hereby designate the week of May 9-15, 1976, as "Texas Nursing Home Week," and join in urging our citizens to visit a nursing home and acquaint themselves with all the residents, the staff, the activities, and the special care, services, and attention being administered in these modern licensed facilities.

Mr. TOWER. Mr. President, I join Governor Briscoe and Hostess Heloise in commending the nursing homes of Texas and offering my congratulations for the fine efforts of those facilities in my State. I would like to extend my warmest wishes to all the residents of Texas nursing homes.

DR. ROBERT BUTLER: NEW NIA DIRECTOR

Mr. WILLIAMS. Mr. President, the National Institute on Aging was authorized under the Research on Aging Act, which was signed into law on May 31, 1974. It was formally established on October 7, 1974.

This new institute—the newest of all the institutes at the National Institutes of Health—is responsible for conducting and supporting biomedical, social, and behavioral research and training relating to the aging process.

Unfortunately, the administration delayed in naming a Director for NIA. But NIA Director Donald Frederickson's long-awaited choice, I am pleased to say, is an excellent one—Dr. Robert Butler, a renowned gerontologist, a well respected psychiatrist in the District of Columbia, and now a Pulitzer prize winning author for his book, "Why Survive? Being Old in America."

On May 1, Dr. Butler officially began his duties as the first NIA Director. He started on a favorable note with a stirring speech at the NIA open house, drawing upon his wealth of knowledge about many aspects of aging.

He discussed NIA's legislative charter, as well as possible future directions for the new agency.

Quite clearly, NIA is in good hands with someone of Dr. Butler's caliber at the helm.

I wish him well in his new post. As chairman of the Senate Labor and Public Welfare Committee and as former chairman and now ranking member of the Senate Committee on Aging, I pledge the committee's cooperation in working with NIA in performing its important functions.

Mr. President, I commend Dr. Butler's presentation at the NIA open house to my colleagues, and ask unanimous consent that it be printed in the Record.

There being no objection, the presentation was ordered to be printed in the Record, as follows:

NIA Open House Speakers Forum

(By Dr. Robert N. Butler, Director, National Institute on Aging, National Institutes of Health)

PROCEEDINGS

Introduction: Dr. Robert N. Butler is the first Director of our newest institute, the National Institute on Aging. In fact, this is Dr. Butler's first day as Director.

Before becoming Director of the Institute, Dr. Butler was in private practice here in Washington as a psychiatrist and psychoanalyst. He is an internationally known gerontologist—that means that he is a specialist on aging. Many of you are probably already familiar with him as he has been active in community affairs in Washington for quite some time. He has worked with and for the elderly for more than 20 years. He is the author and co-author of several books on aging, including a new and currently very popular book titled, "Why Survive? Being old in America," [*] a very piquant title I think. It has several connotations.

Just recently Dr. Butler was named as one of the Washingtonians of the year by the Washingtonian magazine. I would like to introduce Dr. Butler.

Dr. Butler: Thank you very much. There is an old greek saying that when the Gods are angry at you they give you what you want. I very much want to see a marvelous new institute come to fruition, and now I am faced with the fact of having to try to work constructively toward that end. This is my first day at work, and they put me to work right away.

You all know there has been a wishfulness on the part of hunmankind for centuries to find the fountain of youth and to find ways to live longer. And, again as the Greeks have said, "When the Gods are angry with you, they give you what you want." They gave us what we thought we wanted. Because now we do have an increased life expectancy or more precisely a greater survivorship into old age. With this we also have a great many problems, and I want to begin now by talking about some of those problems from the point of view of the older person in the United States. The biggest, single, major issue we have to face is that of looking realistically at aging and not trying to pretend that it does not occur. Clearly, unless we understand it, research it, do everything we can to control it, we open ourselves up to problems ourselves when we grow older.

Remember that each and every one of us grows older. There are 22 million Americans now who are over 65 years of age. That age, 65, has quite arbitrarily since the era of Chancellor Bismark been designated as "old age." At present, 10 percent of us, but ultimately, potentially it is each and every one of us. The fastest growing age group in the United States is the age group over 85 years of age. If you belong to this group you have some very special problems, and they are made all the more bleak if you happen to be a member of a minority group—black, Spanish heritage, or Asian American. Many people don't recognize that Asian Americans have very special problems. It is often thought that the family structure, particularly in the Chinese family is such that it would be very unlikely for old Chinese to have problems. Not true. We must remember that unfortunately our immigration policies in this country allowed only Chinese men, not Chinese women to come to this country. So, there are many lonely, very lonely, Chinese men in many of our cities. In fact, this is the only ethnic or racial group in which there are more men than women. It may surprise some few of you to know that in the United States the average woman lives an average of eight years longer than the average man. And, since this woman tends to marry someone about three years older than herself, she is destined, on the average, to 10 to 11 years of being alone. And of those women who are alone, 60 percent are impoverished with serious economic destitution.

So, you see we have very genuine problems with respect to the variety of ethnic and racial minority groups and with respect to older women. Many people feel that the poverty among older people has been eradicated as a consequence of Social Security. Would that were the case. Unfortunately, approximately one-third of older Americans are either below or hover at the poverty line. In monetary terms, that means that the average single, older person has approximately $75 a week on which to live in the United States. Clearly, this is not very much money. It is important to know that the poverty among older people is a poverty that came as a consequence of growing old. Poor older people are older people that grew poor, as well as poor people who have grown older.

With the inflation which has mounted so steadily and so astronomically since 1965 those in a fixed income group have had their purchasing power eroded and have been put in an even more difficult situation than was true before. On top of that, we have mandatory retirement. As a result of a very fine poll conducted by the Lou Harris Organization for the National Council on the Aging, we know that the majority, some 70 percent of Americans, oppose or are not in favor of mandatory retirement.

One-third of all the income that older people bring in they bring in through their own work, despite the prejudice and the bias that exists against them for work and for employment opportunities. They often work under very humiliating circumstances, doing work which they often are forced not to report on their income tax in order to survive. A very, I am afraid, most unhappy and humiliating experience rather than a dignified experience for older Americans. Seventy percent of older people live in their own housing. We must, however, carefully and scientifically evaluate just what that means, in view of the fact that it is housing that may have been purchased 40 or 50 years ago, may be in various states of disrepair, and may need to have maintenance and services which now the older person cannot afford to keep up.

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[*] Three days after the open house Dr. Butler received a Pulitzer Prize for Why Survive.

The availability of service is another vital issue which is at the base, root of many of the problems of older people. Transportation is extremely difficult for them. They may no longer drive a car and we don't have the kind of effective rapid, public transportation systems which we need for them to get to a doctor, to obtain recreation, or to get social services.

Malnutrition is also quite common among older people, not only as a result of penury, but also because of loneliness. I have mentioned the fact that women outlive men. That means that we have approximately 12 to 13 million older women to about eight or so million older men who are living alone. These people may become less interested in preparing food, either out of their grief or out of their discomfort. They may then wind up with toast, tea, or maybe a little milk. Thus, we often find ourselves admitting such a person to a hospital with what gets referred to very easily as "senility," but is simply a function of inadequate food supply to the brain. It is quite obvious, of course, that if you do not have adequate—oxygen, blood flow, sugar,—nutrition to the brain it will not function as accurately, as clearly as it would if it is well nourished.

Presumably, medicare has gone a long way in aiding our older population. As a concept it is indeed extremely important and is a very vital contribution to the 22 million older Americans, but it has its limits. It was set up as though older people are younger people. It does not have any provisions for what old people need such as for checkups, for foot care, for teeth, for hearing aids, for glasses, for eye checks, or for long-term care. That it is set up as though older people were young people is part of that mysterious denial of the realities of old age that so many of us in this country, and I think elsewhere, too, have had. We need some basic conceptual reforms in what Medicare provides, and that, in turn, also means we need drastic changes in medical education.

We spent in this country, last year, some $117 billion in health care. A substantial amount of that, perhaps as much as one-half was in the area of chronic disease. Two-thirds of every dollar that the Federal Government spent in health was spent in the population over 65 years of age, and yet we do not have a medical school in the United States where medical students are required on a routine, regular basis to have training in a nursing home. This is true even though at the moment we now have more patients in nursing homes than we do in American hospitals. In our 23,000 nursing homes we have 1.2 million people. Furthermore there is virtually no research going on in these homes; there is no training; and there are even some genuine questions as to the quality of services which are delivered within these homes. One-half, at least, of those 23,000 nursing homes cannot even pass basic fire safety inspection. One-half cannot pass basic sanitation inspection. Facts that are all well documented in the reports which have come from the U.S. Senate Special Committee on Aging beginning last December.

In the field of mental health we have many grave problems as well. It is often striking for people to learn for the first time that for a variety of reasons 25 percent of all of the suicides which are committed in the United States are committed by people over 65 years of age. And, among those reasons is the absence of an adequate effective network of mental health services with people to sit and listen, to be attentive, and to help other people resolve their many difficulties, fear, and concerns which they may have. We also fail, all too frequently, to recognize a reversible brain syndrone which is in ordinary language so frequently called senility, confusion, forgetfulness, or problems with attention and concentration. We now know that there are approximately 100, if not more, causes of so-called "senility." They range from malnutrition, to excessive medication, to unrecognized congestive heart failure, to walking pneumonia, to anemia which affects as many as one-fourth of older people who have been studied in terms of their red blood cell count.

So many older people who are locked in are locked in not only by financial difficulties but also by an inadequate transportation system and by fear of crime in both rural areas and cities.

Old people are a very vulnerable group. It is easy to take a physically frail person and knock them down and steal their pocketbook as they return from the store with some change or as they are on their way to the bank with a Social Security check. Not only do we have older people victimized by brutal types of crimes but there are also very subtle ones. There is the hearing aid salesman, smiling and friendly, who knocks at the door and convinces the older person who has some hearing loss that the best place to have their hearing tested is right in their own home. After all, he says, isn't that where you talk and communicate and listen to other people? Well, the answer is, in fact, that that is not the place to have your hearing tested. It should be tested in a soundproof room, under very special conditions, by a highly skilled clinical audiologist and not by a salesman knocking at the door.

So, old people are subjected to a great deal of consumer fraud and manipulation by people taking advantage of their loneliness, of their grief, or their concern about the lingering malignancy of a spouse, of their worries about their heart, of their angina, and of their natural and understandable searching for relief from anguish and discomfort.

Well, perhaps I have painted a grim picture, but there are also many positive aspects of aging as well. I should immediately tell you that while 5 percent of older people are in the nursing homes, about 1.2 million people ,or 95 percent of older people live at home. Only about 7 percent of older people need or require any kind of financial public assistance. Eighty-one percent of older people are physically ambulatory. And, one-third continue to work in some important way. Of course, the younger the older age group the more that is the case.

More and more we are recognizing two kinds of older populations. One is a group that is increasingly healthier, with an extended middle age, as it were. Perhaps they should be thought of as the young old. They are between 65 and 75 or 80 years of age. Then there is the eighty-plus or old-old age group who do, of course, have more disabilities and more likely more illnesses.

Twenty or so years ago when I had my first tour of duty here at NIH, I was in the Public Health Service and looked into nursing homes in Montgomery County. This was 1958. I was struck by the fact that a nursing home was very frequently a facility that had no nurses and could hardly qualify under that fine term "home." I think things have improved somewhat, but what was also striking at that time was that the average age of admission was about 70 years of age. It is now nationally about 80 years of age. So, people are able to remain in their homes, out of institutions longer than was true just 20 years ago.

What else can we do? Let us look at some of the positive things and get to some areas of potentially exciting and interesting research. One thing we can try to do is to learn something more about how we change our culture's attitudes to become more sensitive, more conscious, and more aware of the fact that like it or not we all grow old; we all proceed through a kind of life cycle; and that there are many valuable, positive, and interesting aspects of the change we go through. Another thing we can do is to become more thoughtful and that goes all through society to say, bus drivers. Now I am not just trying to pick on bus drivers, but they may by not thinking, proceed very speedily after picking up an older person. By not waiting for them to get a seat, or hollering, "Hurry up, lady," and proceeding jerkily down the city street they hurt or humiliate the older person.

Another major area where we can turn our national habits is in the area of prevention. We know that we have got to be more effective in prevention and that that will do a great deal to enhance the quality of life. Our current habits are not altogether rewarding and pleasurable to have to discuss. For example: some 10 million Americans have serious problems with alcoholism; a significant number of Americans are overweight; despite well-documented evidence all too many Americans still continue to smoke; and, finally physical fitness is not a major interest of most Americans. Some 55 percent of the 45 and over population in the United States remain indolent, that is without any kind of regularized fitness program. This is in the face of evidence that with 25–30 minutes of reasonable exercise three days a week we could go a long way, if not in preventing heart attacks and other disabilities, in enhancing the likelihood of recovery therefrom and in maintaining a much more general sense of well-being.

In our dietary habits we continue to move towards convenience foods, which are often high in calories and low in basic nutriment. It is very hard to go into any restaurant, even a family restaurant, and ask for skimmed milk. We continue to eat heavy animal fat and high cholesterol diets.

Today, we spend only four cents out of every health dollar on prevention. We wait until the horse gets out of the barn rather than doing those kinds of things which could go such a long way in enhancing the quality of our life by preventing disability.

Research is perhaps the number one cost containment step that we could take insofar as the later years are concerned. When you think back on the discovery of penicillin by Alexander Fleming in the 1920's, you can recognize the billions of dollars that were saved as a result of this important step in the conquest of infectious disases. We know that we have yet to have a Fleming of chronic diseases, but maybe there can be. Certainly we need basic and significant research in the area of chronic illness and in the area of vulnerabilities to various illnesses that come about as a result of age. More precisely, we need to look at certain time-dependent processes that occur in humankind. Immunocompetence is a very good example. We know that the protective defense capacity of the organism in the face of infections is compromised with age. The degree to which our immune system effectively responds is reduced, as are the various other body signalling, defending and protecting reactions such as our white cell response or our feeling of pain. For instance, one sees an older man who has had a massive heart attack and yet reports no chest pain, one may see a person with pneumonia who does not have an elevated white cell count; a symptom ordinarily associated with an infection, or one may see a person with appendicities who does not have the usual telltale signs upon examination.

We have excellent scientists, immunologists, and immunochemists who are working to try to understand some of the basic principles of the immune mechanism.

It is not only important insofar as the

overcoming of infections is concerned, but also there are even some promising research ideas regarding that devastating condition called *senile dementia,* a condition which staggers human beings through the destruction of memory and of personality. There is some evidence that we can become allergic to parts of our own body, that is to our own body proteins. These are referred to as autoimmune responses or diseases. Now, I don't mean to say that we are on the threshold of a discovery. It would be misleading to imply that we have some answer to senility right around the corner. There are, however, some promising avenues of work in the area of immunology, insofar as autoimmune diseases are concerned and insofar as broad efforts to enhance the immune capacity of the organism are concerned. These areas are already being examined by scientists within the National Institute on Aging and by scientists who are supported through the National Institute on Aging.

Another area at which we need to look is drug-drug interactions and drug-age interactions. It is amazing how many drugs people take. Over the years I often had had older people bring their medicine chest in to me and dump it right on my floor, if need be. I ask them where they got the drugs from. You know it may have been from their next door neighbor. Some people started taking a particular medicine as much as five years ago, and it seemed to do them some good at that time, but now it may not have any real application a fact of which they may be quite unaware. What is more important is the fact that their own physician may be quite unaware of the possible drug-drug adverse interactions age-drug interactions that can and do occur.

For example: an older woman, for some reason not an older man, receiving the anticoagulant, Heparin, has a greater likelihood of untoward bleeding reactions. We are not sure why.

Some of the tranquillizers which in a younger person may have a calming effect may create a dangerous drowsiness in an older person.

The barbiturates which we think of as being sedatives or hypnotics to help people sleep at night may create paradoxical excitatory reactions in older people, particularly if there is brain damage.

Certain tranquilizers given to old people can even create a terrifying condition called tardive dyskinesia. The horror of this can be best demonstrated by your imagining yourself as having no control over your own mouth area and of your tongue reaching out as though it were trying to catch a fly. This condition is extremely hard to treat and is much more common with old age and in women, who have been on phenothiazines for a longer period of time. Phenothiazines are a major class of tranquilizing medications.

I am not here to try to frighten you. Obviously drugs have a very important place but we do tend to over use them, to misuse them, and to not be properly knowledgeable about their relationship to age. Our major textbooks in pharmacology and in psychopharmacology very frequently do not ever have age in their index. So, it will be very important for our new Institute to work to develop a better understanding of the absorption and distribution of the many chemicals which we place in our bodies. We also need to better understand the way in which the liver handles these drugs and also the way they are excreted by the kidney.

We also have to examine the mystery of the differential life expectancy between the sexes to which I referred earlier. Why do women live longer than men? Some people have suggested it is genetic. Others have thought that it might be related to the endocrine system—to the hormones or to the differences between the estrogens and the androgens. Still others have thought that it might relate to stress. Perhaps it is all of those and perhaps it is none of those. Regardless, we have to investigate and try to ascertain more clearly the many events, physiological, personal, or psychological that occur in men and women as they go through life to better understand differential life expectancy.

We can learn a great deal from each other in this country by studying different ethnic and racial groups. Family life styles vary among different population groups. People relate each to the other differently. For example, in this country we are very harsh about in-laws. There are many in-laws, jokes and there is much ridicule. Yet there is also a failure to see that just as we can grow older, we also might even become an in-law. Our sense of family is very much distorted and very unclear.

Now you ask why is the family so important? Because in fact, it is the main health and social care delivery system for older people. It is number one. Seventy-five percent of older people have a family, thus making it the first line of care and defense. We can use this better if we learn, for example, how Italian families relate to each other, how black families, Spanish-speaking families and Japanese families relate.

I have to quickly note that 25 percent of older people do not have a family. Of course, these people have very great needs for very special social and medical attention. Of the 75 percent who do have families some also need assistance and their families need assistance. More and more these days the wife as well as the husband is at work. Who is to take care of grandmother back home? How is she to get a hot meal? Who is to provide passive and active exercises for the stroke victim? How is disabling, crippling arthritis to be attended to? Clearly we need home delivered family assistant type services, and clearly we do not have them.

Sweden, with 8 million people, has about 30,000 samaritans. A samaritan in Sweden is what we in this country call a home health aide or a homemaker. In Sweden there are eight million people and 30,000 samaritans. In the United States, we have 217 million people and about 45,000 home health aides or homemakers, a big difference. Yet, so often, there has been blame heaped upon American families for not taking more adequate care of their older family members.

It is quite unjustified. Sociological studies have shown that families often go to great lengths to try to provide for an older family member and to prevent their having to be admitted to a nursing home or a home for the aging. Unfortunately families don't have the kind of assistance, chore services, escort services, home health services that could make it possible for them to do what they would most like to do.

Now let me tell you ever so briefly a few things then about the new Institute. It was established by Congress in 1974 because the study on the aging process, the one biological condition common to all, had not received research support commensurate with its effects on the lives of every individual; (2) this in Congress' words, "That in addition to the physical infirmities resulting from advanced age, the economic, social and psychological factors associated with aging operate to exclude millions of older Americans from the full life and the place in our society to which their years of service and experience entitle them; (3) that research efforts point the way toward alleviation of the problems of old age by extending the healthy middle years of life; (4) that there was no American institution that had undertaken comprehensive, systematic, and intensive studies of the biomedical and behavioral aspects of aging and the related training of necessary personnel; and (5) that the establishment of a National Institute on Aging within the National Institutes of Health would meet the need for such an institution.

We at the National Institute on Aging inherited a number of pre-existing programs, all excellent, fortunately. One, which up to now has been called the Gerontology Research Center, is located in Baltimore. It is under the direction of Dr. Nathan Shock and Dr. Rebin Andres, and includes among other things, a major longitudinal study. This is a study over time. Every 18 months a group which originally began with 1,000 and is now approximately 650 people, are evaluated. It is an opportunity to see what happens to people's behavior and body's over time. The Gerontology Research Center also has basic research laboratories studying things like molecular biology and the life cycle of red cells. When scientists study how white cells of the blood know when red blood cells are old and should be the end of their cycle they are looking for answers that may lead to broader generalizations about the length of other tissues, organs, or even the body.

I have just tried, this afternoon, to briefly sketch for you some of the major problems that older Americans, 10 percent of us, face in the United Staes. I also want to emphasize for you the very great step forward, I think, the creation of the National Institute on Aging within the National Institutes of Health represents. By being here we have a tradition of excellence commended to us. NIH provides an important shelter for a continuing enterprise such as a research program in the field of aging. As an NIH Institute, we will not only be conducting studies within the intramural program of the National Institute on Aging, but also supporting grantees throughout the United Staes in a variety of research centers and universities as they conduct a range of biological, physiological, medical, social, and psychological studies.

I hope that all of you have some new interest in aging. If you have any questions about our new Institute and its mission, I would be very happy to discuss them with you.

Thank you very much for your attention.

(Applause.)

Question. Are the parts of the body that don't replenish? Do they wear away? and are these major factors in aging? I am thinking of brain cells——

Dr. BUTLER. Yes.

Question. And how much reserve does the body have?

Dr. BUTLER. For example, the cells of the central nervous system and the brain, do not divide. Our skin does continue to accumulate and to rub off. Our red cells, as I mentioned, go through 120-day cycle, but many of our tissues and tissue cells do not, and thus once damaged we have a serious problem.

Sometimes that damage may be recoverable. We may be able to find some techniques for recoverability, but if the necrosis or death of brain cells is complete, the likelihood, at least in the foreseeable future of finding some solution to that is not at hand.

Question. I am not speaking of massive things but just the eroding away with time. Do we have a continual loss of brain cells?

Dr. BUTLER. Yes, we do. Fortunately though we have so many to begin with that insofar as the natural dying away of brain cells is concerned it is very questionable as to just how much impact that has in the absence of disease.

Question. I briefly saw a picture indicating diabetes can be incorrectly diagnosed in older people because they are judged by the same standards as diabetes in younger people.

Dr. BUTLER. Yes. That is quite a debatable issue. There have been a number of scientists who have reported, including our own Dr. Rebin Andres that the so-called "glucose tolerance test" is not always an adequate definition of diabetes and what the decrease in glucose tolerance with age is related to are yet to be fully clarified. For instance, many places in the United States use an age adjusted value in measuring and interpreting the glucose tolerance test and there are even physicians who do not regard the test any longer valid for the older age group.

I should tell you what the glucose tolerance test is. You come in the doctors office in the morning after having fasted and you are given a challenge dose of sugar. It is very much like drinking a Coca-Cola, but a rather sweet and sickening Coca-Cola. The doctor has had blood withdrawn from you before the test and then one-half hour after, an hour after, and then two hours after. A graphic representation can be traced, indicating the disappearance of sugar from the blood. The sugar reaches a peak level one-half hour after the challenge dose of sugar given by mouth, and then it should decrease in a particular fashion and with age. In the case of a patient with diabetes it does not disappear with the same speed with which it presumably should and that is where the issue has come up.

Question: What programs do they have now to bring about longer life? That is a difficult question in the sense that I think we have two schools of thought in gerontology. One, there are those people who wish to extend life. Then, I think there are those that are really much more concerned with the quality of life rather than the quantity of life. Much of their research may relate not so much to extending life beyond what may be the natural life span but seeing that more people achieve that natural life span. For example, there is some evidence that the eye has about a 120-year life. Clearly, on the average, humankind has not caught up with what would appear to be the age life span of the eye.

There are those, every several years, who come up with what promises to be breakthrough in the extension of life. In Russia, Dr. Ana Aslan has promoted a particular compound of procaine, buffered in a particular way. The evidence has not really been very compelling. Vitamin E is still another "cure for aging." That, too, I am afraid, has more of the promise in it than the reality. I guess there are a great many people who feel deeply about extending the life span with this.

For instance, there have been efforts to show that by lowering temperature through hypothermia, you can extend life. There is also the so-called McKay effect which really goes back to the 1930's when a Cornell professor found that by dietary restrictions of certain animals you could increase life in sheep . . . by years.

Narrator. You know, I am afraid our day is almost over. The buses are almost ready to stop running. Perhaps if some of you would like to come down and talk to Dr. Butler for a minutes longer, I am sure he would welcome that. I am sorry to say that at this time I must interrupt and thank you so much for coming, and thank you, Dr. Butler.

(Thereupon, the meeting was concluded.)

SENATOR BROOKE ON NEW YORK CITY

Mr. PROXMIRE. Mr. President, throughout the Banking Committee's deliberations on the New York City Seasonal Financing Act of 1975, the distinguished Senator from Massachusetts (Mr. Brooke) played an active role, and his thinking had a major influence in shaping the final form which that legislation took.

Last week, Senator Brooke addressed the Fourth Annual Fiorello H. LaGuardia Awards Dinner of the New School for Social Research in New York City. His remarks are, I think, particularly apt and timely, and I urge my colleagues to read them. I ask unanimous consent that Senator Brooke's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

NEW YORK: A RECONSIDERATION OF CITY, STATE, AND FEDERAL RESPONSIBILITIES

It is an honor and a privilege to be with you at the 4th annual Fiorello H. LaGuardia Awards Dinner. The recipients of this year's awards—William Ellinghaus, Felix Rohatyn, and Richard Ravitch—have rendered important services to the City and State of New York over the last year, and it fitting that their contributions be recognized this evening.

But even as we pause to honor these men, we know that the public spirit which inspired them to offer their services is still needed. For many of the questions which New York's fiscal crisis raises for the City, the State, and the Federal government remain unanswered.

It was just seven months ago today that Felix Rohatyn appeared with Governor Hugh Carey before the Senate Banking Committee, on which I serve. On that Friday morning, last October, the Banking Committee was just beginning to consider what, if anything, should be done by the Federal government to help avert a default by New York City. And, in the weeks that followed, we on the Committee wrestled with a number of proposals for dealing with the City's fiscal crisis.

For my part, I opposed the long-term, debt guarantee bill reported by the Committee because I believed it would have hopelessly entwined the Federal Government in the City's finances for years to come—to the detriment of both. As an alternative, I offered a proposal to provide short-term, seasonal loans to the City to meet its intra-year borrowing requirements. Although my proposal was defeated in the Banking Committee by a vote of 7 to 6, a similar approach was later proposed by the City and State as a part of their plan to break the deadlock which had developed in Congress over the issue of financial assistance for New York. And I worked for and helped floor manage the New York City Seasonal Financing Act of 1975 which was passed and signed into law by the President on December 9 of last year.

Now the immediate fiscal crisis has passed, but, as you well know, the question of whether New York City will be financially healthy on a long-term basis remains to be answered. Last month our Banking Committee held oversight hearings on the implementation of the Seasonal Financing Act. And there are some encouraging signs that the City, under Mayor Beame's able leadership, is coming to grips with its problems:

The City has hired a new top financial management team—two new deputy mayors and a new budget director.

The City has committed itself to have a new accounting and controls system in place by July 1, 1977, and an interim system will be in operation by July of this year.

The City payroll has been cut by 15% over the last year. I know this represents 45,000 layoffs and great hardships, but it was necessary and it was done. And under difficult circumstances the City's municipal unions acted responsibly to avoid chaos.

The City's caiptal budget is being put on a sound basis by the gradual removal of operating expense items.

And, perhaps most importantly, the City has submitted a detailed financial plan to reduce its budget deficit substantially in fiscal year 1977 and to eliminate it in fiscal year 1978.

When the Secretary of the Treasury appeared at our recent oversight hearings. I asked him for an assessment of New York's performance under its credit agreement with the Treasury. On a scale of 1 to 10, he gave the City a 9, because most of what New York has agreed to do is in process or has been done already.

This is a good beginning. But, of course, it is only a beginning. Some of the hardest tests are still ahead for both New York City and New York State. And there are some politically tough issues which both the City and the State must face if fiscal integrity is to be restored and the City is to return to the credit markets in 1978.

Under the City's Financial Plan for Fiscal Year 1977, $54 million in budget cuts, or 14% of the projected cuts, depend on the State or Federal government assuming responsibility for functions now performed at the City's expense. And for Fiscal Year 1978, this percentage jumps to 61% of the budget cuts planned for that year. Most of these proposed cuts would result from a transfer of responsibility for courts, probation, corrections, and the City University System to the State, at a phased-in cost of $24 million in Fiscal Year 1977 and $216 million more in Fiscal Year 1978. However, the State has not yet made a commitment to assume responsibility for the programs which the City proposes to transfer.

The plan also calls for the transfer of a major portion of the public housing located in New York City to the U.S. Department of Housing and Urban Development's Section 8 Leasing Program, with projected savings of $15 million in Fiscal Year 1977 and $40 million in Fiscal Year 1978. However, last week's rejection of this proposal by HUD emphasizes the fact that important parts of the City's Financial Plan are hypothetical at this point. We all hope that the most favorable assumptions will become realities, but prudence would dictate that plans be made to deal with the contingency that some assumptions may not materialize and Mayor Beame has outlined some alternative budget cuts.

But even if the assumptions contained in the current Financial Plan prove correct, the long-term financial health of New York City demands some fundamental changes in its operations. No one who has studied the City's budget can fail to be astonished at the high level of employee fringe benefits.

In the current fiscal year, the bill for fringe-benefits—pensions, health, insurance, vacations, and so forth—will exceed $2 billion, or half of the total payroll of the City. The cost of these benefits averages out to more than $8,600 per year per employee, a figure which alone exceeds the total wages of a good many workers in this county. And compared to other workers in both the public and private sectors, New York City's employees enjoy incredible fringe benefits. A married City employee who retires at age 65 after 25 years of work, receives a pension equal to 125% of his disposable income in his last year of work. Comparable figures for other large cities are much lower.

While the New York State Constitution has been interpreted as prohibiting reductions in the level of pensions already vested, the City can take steps to reduce its future pension burden. These include restoring the requirement of employee contributions, a step already taken in part, and changing the method of computing pension entitlement, by eliminating overtime for instance.

The point is not that these and other benefits are wrong, but that the City simply can no longer afford to pay for them, and I can assure you that the Congress is not going to place this burden on the already overburdened Federal taxpayer. There is a new realism taking hold in this country, and its force is being felt in Washington. It demands that the Federal government, and our cities and states as well, like individual families, take steps to balance their budgets and live within their means.

I know it is easy to tell you reforms are needed. In *Poor Richard's Almanac,* Ben Franklin observed that "to bear other people's afflictions, everyone has courage and enough to spare." But let me assure you that I do not comment on New York's fiscal crisis without sympathy. As you well know, my own State of Massachusetts has similar problems—high unemployment, high taxes, and a budget which is hard to balance. I do not preach a different sermon here than I would in my own parish. We all must recognize, as your Governor has said, that "the days of wine and roses are over."

There has been some speculation that after the November elections, there will be a new attitude in Washington toward New York City's fiscal plight, and that the City will be able to get the Federal loan program extended and thus "stretch out" its budget cuts. But I don't think that is going to happen. As a member of the Appropriations Committee, as well as the Banking Committee, I can tell you that my colleagues expect the City to meet the requirement for a three year Financial Plan to balance the City's budget. I personally think it would be unwise for anyone to expect further extensions of Federal loans to New York City beyond Fiscal Year 1978.

If the City has not taken the steps necessary to balance its budget and re-enter the credit markets by Fiscal Year 1979, it will have to look to New York State for further assistance. So when your State Legislature considers bills which will make the goal of a balanced budget more difficult to achieve, it would do well also to consider companion legislation to amend the New York State Constitution so that the State may extend credit to the City after Fiscal Year 1978.

While budget balancing and improved municipal management are important, they are only part of a larger picture. The long-range economic viability of your great City, as you well know, will depend to a large extent upon the City's ability to attract and retain as residents business firms and individuals who have the choice of locating here or moving elsewhere.

With all of your problems, you still have a lot going for you—a magnificient harbor, a good transportation system, cultural opportunities which are unparalleled—except in Boston, of course—and a creative and energetic population.

Over the years, New York has offered private industry a large pool of both skilled and unskilled labor, and this labor market has absorbed millions of immigrants from around the world. But today, a large fraction of the City's labor pool remains untapped. The reasons for this are partly related to the national economy, but are also local in origin. As the price of labor has risen in New York, business firms have moved away to seek less expensive labor elsewhere. The City's tax structure has not been designed to encourage such firms to stay in the City. And, of course, new construction costs in New York are among the highest in the country.

The City's business leaders, its labor leaders, and its political leaders must all face these facts. If the City is to revive economically, it must attract and retain the kinds of industry which can provide jobs for the City's work force. Barriers to entry into the work force must be removed. And we all must recognize that wages depend upon relative productivity; we just cannot legislate the good life.

In the months ahead, the fate of this City will be decided. It can be decided rationally or irrationally. The City can plan its future of just drift along. The City's politicians, labor leaders and businessmen can lead the City, or they can preside over its decline.

To assist in seeking rational alternatives for the City, the New School's Center for New York City Affairs is instituting an Urban Strategies Program which will conduct year-round research on municipal finance, economic development, and other issues affecting the economic life of New York. This program can serve as a great resource for the City in its effort to plan for a better future, and the New School is to be congratulated for undertaking this effort.

I would venture to suggest that there is a wide range of questions which the Urban Strategies Program could profitably consider. For example,

How are demographic trends likely to affect this City? Should the City be planning for a declining population? What is the likely growth rate in the City's elderly population? What level of family formations can be expected? What are the implications of these demographic trends for housing construction, for school construction, for the City's tax base?

Are there any actions which can be taken to reduce measurably the level of crime in the City in the near future? What steps can be taken to assure swift and certain justice without infringing Constitutional rights? Is mandatory sentencing an effective deterrent? What should be the relative responsibility of the City and the State in administering the criminal justice system?

Can the quality of the City's schools be improved? Can the business community give the school system more guidance regarding the type of vocational training which is needed by the jobs market?

What can be done to reduce construction costs? Should building codes be revised? Should the City or State write down land costs to promote new residential or commercial construction? What level of rehabilitation is needed to preserve the City's housing stock? Should the City seek to aggregate large tracts of land for development?

While the nature of the Urban Strategies Program requires that it consider long-term trends, the urgency of the City's plight puts a premium on the development of programs which can have an immediate effect on the quality of life in the City. More than anything, this City needs perceptible results, not grand designs for the future.

Any consideration of strategies for resolving New York's financial problems requires a definition of what role, if any, should be played by the Federal government. Indeed, the New York fiscal crisis has brought into sharp focus the question of the proper division of responsibilities among the cities, states, and national government under our Federal system.

I am convinced that the proper role for the Federal government is not to serve as New York City's banker or the guarantor of the City's debt. That would not only deprive New York of the discipline of the market place, but over time it would inexorably require the Federal government to dictate what could and could not be done by New York City. The local autonomy which has characterized our Federal system would be lost, and with it a part of our freedom. I think it bad enough that New York State has had to take over the management of New York City's financial affairs on a temporary basis through the Emergency Financial Control Board.

For most of the last 30 years, Federal assistance to the cities and states has been in the form of categorical grants for specific purposes—slum clearance, code enforcement, education, and so forth. More recently, we have turned to general revenue sharing and block grants to funnel money from the Federal government to the local level. But I sometimes wonder whether these programs are really the best way for the Federal government to deal with the problems of our nation's cities and states.

The rationale for both categorical grants and revenue sharing has been that these funds help financially strapped local government address problems which they cannot address with their own resources. But categorical grant programs have often been snarled in red tape, and revenue sharing legislation, while it avoids red tape, lacks specificity in defining the needs which Federal funds should be used to meet. It is this lack of specificity of purpose which sometimes gives both liberals and conservatives the uneasy feeling that revenue sharing could turn into an exercise in the redistribution of funds for redistribution's sake. It is hard to say what overriding national interest is served when Federal funds are used to build tennis courts in suburbia,

I do not by any means suggest that pending revenue sharing legislation should not be passed by the Congress. I strongly support it, and I have and will continue to work for its passage. These funds are urgently needed by local governments. But given a finite limit to Federal resources, I wonder whether there is not a better way to distribute Federal funds to meet the real needs at the local level. If we are going to share revenue, should we share it with local governments or with the needy themselves? Our basic Federal revenue raising tool is the income tax, and perhaps the most efficient and effective redistribution mechanism would be a negative income tax structured to provide work incentives as well as a minimum standard of living. I suggested this in 1964 in a book which I wrote, and nobody read, entitled *The Challenge of Change: Crisis in our Two Party System*. You can still get it at your book store for $5.95. As a result, I was practically read out of my party. But times have changed, and now even some distinguished economists and some conservatives are embracing this concept.

Over the last two decades, we have witnessed a major migration of poor persons from the South and other parts of our country to our urban centers, a movement of the middle class to the suburbs, and an aging of the existing population ni our cities. The population of our central cities has decreased, while the number of poor central city residents on welfare has increased. And, the unavailability of jobs for these people has increased the welfare burden on our cities.

Ironically, those cities and states which have tried to provide a decent standard of living for their welfare population have been forced to bear a disproportionate share of the national welfare burden.

So many of the problems of our cities—high crime rates, deteriorating housing, a shrinking tax base—are directly related to the problem of poverty. Only when we treat the problem of poverty directly will these other problems begin to be solved. Thus, I conclude that our primary objective must be to resolve the problem of poverty. And, given limited Federal resources, I must ask whether we should promote categorical grant programs and revenue sharing in an attempt to make an ancillary attack on the problems of our cities. Wouldn't these funds be better used in a direct assault on the problem of poverty itself, as part of a comprehensive welfare reform package, including opportunities for those who are able to work?

The Johnson Administration's war on poverty got bogged down somewhere in Southeast Asia, and the ravages of poverty can still be seen in our cities. The challenge remains unmet. And until America deals effectively with the problem of poverty we will not be at peace with ourselves.

The trauma of New York's fiscal crisis has been painful—painful for New Yorkers and painful for those of us who love this City. But this trauma need not have been in vain. If the time provided by the Seasonal Financing Act is used by New York to get its finances under control, and if what has happened here causes the Federal government to reconsider its responsibility for the poor who live in our cities, then New York and every city in this country will become a better place to live. With you, I hope and pray that your City and our country will be equal to the challenge.

TREATMENT OF ALCOHOLISM MAKES GOOD ECONOMIC SENSE

Mr. WILLIAMS. Mr. President, the administration has proposed to consolidate alcoholism programs with 15 other health programs, including medicaid, into one $10 billion bloc grant to the States. This is a direct and immediate threat to the continued viability of Federal, State, and local alcoholism programs.

This represents one more attempt by the administration to undermine the implementation of the Federal responsibility as mandated by Congress for alcoholism prevention, treatment and rehabilitation.

And yet we know that alcoholism is highly treatable and that programs for the treatment and rehabilitation of alcoholics have high success rates. Client outcome data reported by treatment programs supported by the National Institute on Alcohol Abuse and Alcoholism show significant improvement rates of 70 percent for patients who have received treatment in alcohol treatment centers. By significant improvement I mean that they have reduced their alcohol consumption to a point where they can function normally in society. Fifty-four percent of those treated were reported as abstaining from alcohol altogether.

Earlier this month the National Institute reported to the National Advisory Council on the first benefit/cost study conducted on a broad national scale. I have sent a copy of this study to the chairman of the Senate Subcommittee on Labor/HEW Appropriations, the distinguished Senator from Washington (Mr. MAGNUSON).

I ask unanimous consent that my letter to Senator MAGNUSON together with the Executive Summary of the study be printed in the RECORD. The entire study is available to all interested parties in the office of the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, which I chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 10, 1976.

Senator WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor/HEW Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We have known for a long time that alcoholism is highly treatable and that the funding of treatment programs is a very cost beneficial and worthwhile social endeavor for the Nation.

Now, for the first time, we have some hard, documented data from a cost/benefit study which has just been completed on 41 Alcoholism Treatment Centers (ATCs) funded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) since 1971. This is the first study of its kind that has been conducted on a broad National scale utilizing cost and benefit data from the NIAAA evaluation system.

The study shows that, for every dollar of expenditures made for the ATC Program during the last half of 1974, there would be approximately three dollars in benefits returned to the Nation as a whole during the next ten years (i.e., the benefit/cost ratio was determined to be about 3:1).

To put it another way, from the $11 million cost of operating this program during the last half of 1974, over $33 million worth of benefits will be realized over the next ten years. I would also note that, of the $11 million for operating costs, only one-half of that amount was provided by the Federal Government.

As determined by this study, the benefits realized from the operation of this program were primarily a result of the reduction in health care costs, reduction in motor vehicle accident costs, and increases in productivity (i.e., taxable earnings) attributed to the patients who were treated in these programs. The positive cost/benefit ratio attributed to this program parallel the findings of the NIAAA evaluation system that approximately 70 percent of ATC clients show significant reduction in alcohol consumption rates, unemployment and impairment due to alcohol use.

The detailed results of this study will be available shortly in the final printed report. However, I wanted to share these early results with you right away. I think you will agree that the expected benefits not only justify continuance and expansion of Federal appropriations in support of alcohol abuse and alcoholism but, clearly, should be one of the highestt priorities in our National budget since the total economic costs of alcohol abuse and alcoholism exceeded $25 billion in 1971.

It is clear to me that these treatment programs funded by the National Institute on Alcohol Abuse and Alcoholism have fully demonstrated that they are highly successful, both from the viewpoint of society as a whole and the alcohol individual.

Sincerely,
HARRISON A. WILLIAMS, JR.,
Chairman.

BENEFIT/COST ANALYSIS OF ALCOHOLISM TREATMENT CENTERS

EXECUTIVE SUMMARY; VOLUME I

A. Summary of findings

From an economic viewpoint, the NIAAA Alcoholism Treatment Center Program is a very "profitable" social program for the nation, for participating communities, and for clients.

National viewpoint

The national economy will realize ten years of benefits, estimated to have a net present value of $21.9 million, resulting from the operations of 41 Alcoholism Treatment Centers during the last half of 1974.

Each $1.00 of total program expenditures is expected to return $2.96 of benefits.

Twenty-five centers produced estimated benefits exceeding the costs of their programs.

Community viewpoint

Communities will gain ten years of benefits estimated to exceed $30 million.

Each $1.00 of community investment, including local government support, is expected to yield $11.46 of benefits.

Thirty centers generated estimated benefits greater than the investments of their communities.

Individual viewpoint

For the overall program, clients will experience nearly $6 million of benefits during a ten-year period.

Fewer hospitalizations of 4,777 clients indicated a health care cost reduction of $5,169,120 per year.

For reduced consumption of alcoholic beverages, 1,361 clients are expected to save $572,200 per year.

Increased earnings, reported by 374 clients, totaled $130,185 per year.

Reduced alcohol consumption by 1,116 driver-clients is expected to reduce the risk of motor vehicle accidents for an estimated annual cost reduction of $96,585.

B. Study objectives

This study, a Benefit/Cost Analysis of Alcoholism Treatment Centers, was conducted by JWK International Corporation for the National Institute on Alcohol Abuse and Alcoholism under Contract No. ADM-281-75-0031. The purpose of the study was to compare economic costs and benefits associated with Alcoholism Treatment Centers (ATCs) at 41 locations in the United States.

The emphasis of the study was to assess the impact of alcoholism treatment projects from the point of view of the national economy, the community economy, and the individual client. The results of the study are intended for use in decision-making regarding projects at both the local and federal levels of government.

The study effort included development of a methodology for assessing costs and benefits associated with treatment. The ATC monitoring system was used as the principal data source for the analysis. Additional information on community impact of the ATCs was collected from ATCs at four locations. The methodology was developed, the data were assembled and analyzed, and the findings are documented in this final report.

C. Study results

In the course of the ATC Benefit-Cost Study, potentially significant areas of benefit were identified as follows:

Reduced hospitalization costs;
Increased Earnings;
Decreased motor vehicle accidents;
Reduced costs of alcohol consumption; and
Reduced criminal activity and legal system costs.

In addition, it was necessary to estimate the costs of ATC program operations. These included the operating costs as incurred by the federal and local governments, private community agencies, and individual clients.

The study effort began with an assessment of the relative importance of each of the benefit areas, and the development of a methodology for assessing the magnitude of each benefit component. The areas identified as accounting for most of the benefit of center treatment were health care costs, motor vehicle accident costs, and productivity (earnings) increases. No satisfactory method was determined for measuring the impact of crime reduction.

For each of the three principal benefit areas, benefits and costs were determined from three points of view: the national economy, the community economy, and the individual. The benefit-cost statistics, computed for each ATC and the total of 41 ATCs were: the net present value of benefits associated with treatment and the benefit/cost ratio.[1]

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[1] The net present value of benefits is the present value of benefits minus the present value of costs. The benefit/cost ratio is the present value of benefits divided by the present value of costs. "Present value" denotes an estimate of today's money value of a future (or past) stream of benefits or costs through a span of time. Present value is computed by discounting a stream of benefits or costs with an appropriate discount rate (10% was used in this study) to approximate "present value" dollars.

The net present values and benefit/cost ratios differ for each viewpoint, since the benefits realized from each viewpoint and the related expenditures are different. For example, the community and the individual do not realize benefits associated with increased federal income tax revenue that are part of increased earnings after treatment.

Table 1 summarizes the results of the study. It indicates the totals of estimated benefits that will accrue during ten years, based on six months of operations of the ATCs. The estimated costs represent the costs of operating 41 ATCs during the last half of 1974. Hence, the net present values and benefit/cost ratios describe a ten year stream of benefits expected to result from six months of operations of the ATC program.

TABLE 1.—SUMMARY OF BENEFIT/COST MEASURES

[Dollar amounts in millions]

Benefit/cost measures	Viewpoint: National economy	Community economy	Individual client (at age 40)
Estimated benefits (during 10 yr)	$33.1	$33.0	$6.0
Estimated costs (for 6 mo)	11.2	2.9	1.0
Net present value	21.9	30.1	5.0
Benefit/cost ratio	2.96	11.46	6.21

The results are impressive. The national economy will realize a ten year stream of benefits, estimated at $21.9 million, resulting from operation of the 41 ATCs during the last half of 1974. The dominant portion of this benefit stream is attributable to decreases in health care costs. The benefit/cost ratio of 2.96 indicates that, for every dollar expended in the program, the national economy realizes a return of $2.96.

From the community economy viewpoint, participating communities will gain about $30 million of benefits during the next ten years, from the six months of ATC operations. They will realize an eleven-fold return on their investment, including local government support. The benefit/cost ratios are larger for the community economy than for the national economy because the federal government paid a major proportion of the program costs. The value of the national economy B/C ratio does not depend on how the costs are shared.

Individuals also will realize significant returns on the portion of program cost that they paid. Clients, who received treatment in the last half of 1974, will receive benefits (during ten years) estimated to have a present value of nearly $6.0 million. Each dollar of their investment in treatment fees will yield about $6 in benefits for the representative client at age 40. Based on the economic return per dollar invested, the overall ATC program represents a very "profitable" social program.

The benefit/cost measures (net present value and benefit-cost ratios) were computed for each of the 41 ATCs. Table 2 presents these results for a representative selection of the ATCs. It can be seen from Table 2 that there is considerable variability in the net present value and benefit/cost ratios among the different centers. This variability can be attributed to many factors, such as differences of the sharing of program costs among the federal government, community agencies, local government, and individuals.

TABLE 2.—BENEFIT/COST MEASURES FOR SELECTED COMMUNITIES

ATC code, Benefit/cost measure	Viewpoint: National economy	Community economy	Individual client, age 40
AG:			
PV	1,638,894	1,636,940	114,561
BC	6.28	22.49	1.57
AZ:			
PV	824,801	824,801	10,675
BC	2.70	13.68	12.96
BH:			
PV	4,876,136	4,874,115	907,464
BC	5.16	9.25	1.98
BI:			
PV	1,427,896	1,427,896	316,642
BC	1.07	2.65	5.82
BO:			
PV	6,008,617	5,971,778	799,402
BC	5.59	10.56	6.48
NIAAA system:			
PV	33,152,939	32,994,154	6,049,295
BC	2.96	11.46	6.21

D. Limitations

Although the objectives of the study were accomplished, data limitations and study resource constraints limited the comprehensiveness and precision of the analysis. The principal limitations of the study resulted from the following factors:

1. Some deficiencies were encountered in th ATC client data.
2. No completely satisfactory measure of the earnings impact of ATC treatment was available.
3. No satisfactory measure was developed for the economic impact of the reduction of alcohol-related crime and legal system costs.

Limitations associated with each of these factors are described below:

First, some problems were encountered in the use of the ATC client data for this analysis. The ATC Monitoring System was developed to provide system users with periodic client, treatment services, and management information. The system provides for standardization definitions and procedures in data collection activities. It was intended also to be used for program evalaution but it was not designed for the specific analytical approach of this study. When the Monitoring System data were applied to this benefit/cost model, some deficiencies and limitations were encountered. Modifications and estimates, necessary to overcome these difficulties, are described in the Main Report.

The second problem area is related to the measurement of earnings change attributed to ATC treatment. Ideally, an estimate of this quantity should be based on a control or comparison group of individuals similar to the ATC clients in all respects for having received treatment. Lacking this, the difference (corrected for inflation) between the clients' earnings six months and eighteen months after treatment was used as a measure of earnings change associated with treatment. It is acknowledged that this measure is not completely satisfactory.

Third, no reasonable means was developed for assessing the economic impact of alcoholism-related criminal activity or legal system costs. No credible means was found for translating the ATC Monitoring System arrest data into economic costs on a comparable basis from community to community.

Overall, while a workable methodology was developed for assessing the economic benefits and costs associated with alcoholism treatment, there is much room for improvement. More comprehensive analysis would be possible after some modifications of data collection instruments and procedures. To compensate partially for the data deficiencies, a very conservative measurement approach was adopted. For example, the ten-year projection of benefits is less than half of the expected remaining lifetime of the ATC client.

It should be noted that the present study is concerned with estimation of the economic benefits associate with ATC treatment, based on data in the ATC Monitoring System. There are, of course, additional benefits to be realized from successful treatment, such as improved mental and physical health, and family cohesion. In addition, there are economic benefits that may accrue from ATC activities, such as consultation, outreach and information programs; these benefits are not reflected in the monitoring system data and were hence not measured in the present study.

Finally, it is noted that the exact numerical values computed for the net present value and benefit cost ratios depend on numerous technical assumptions, such as a 10% discount rate, a 10-year benefit horizon, and a full-employment economy with no job displacement effects. These assumptions, discussed in dept in the Main Report, should be considered in interpreting and applying the numerical values of the cost-benefit measures.

E. Recommendations

Based on the study findings, the evidence is strong that the economic benefits of the ATC program substantially exceed the program's costs, from all three viewpoints considered—the national economy, the community economy, and the individual client. During the course of the study, however, a number of situations were identified that deserve additional study or consideration. These items include the following:

1. *Examined individual ATCs.* The wide variability in net present value and benefit/cost ratio observed in the study suggests a need for examining those projects at the extremes—i.e., those projects whose benefits are much greater than or much less than costs. These differences may result from differences in ATC effectiveness, or they may be the result of data collection and reporting differences. In either case, they should be examined.

2. *Modify the ATC Monitoring System.* The Monitoring System should be modified to facilitate and enhance future benefit/cost or evaluation studies. Some suggestions are:

a. Examine the feasibility of collecting more precise cost and benefit data through the Monitoring System. For example, data on the costs of hospitalization to the client would enable more precise benefit estimates than the number of hospitalizations as currently recorded. A similar situation holds for the costs of motor vehicle accidents and legal system costs.

b. Emphasize the critical importance of data to treatment center managers. Their leadership and awareness of data needs are important to program evaluation.

c. Develop additional training programs for treatment center staff who do the interviewing. Promote the principles of interviewing and standard procedures for the generation of comparable data which can minimize missing data and unwillingness to respond.

d. Develop a NIAAA auditing team to analyze each Monitoring System report received from the treatment center. This team should be mobile and make unannounced visits to treatment centers to check on the accuracy of Monitoring System reports.

3. *Recommendations for Further Research.*

1. Benefit/cost models may be used to provide a continuous economic evaluation program of the NIAAA treatment center system. Using the benefit/cost ratio as the criterion, statistical quality control procedures

can be used to evaluate the quarterly Monitoring System reports. A control chart for each treatment center can be maintained, based on past benefit/cost measurements for the center or on system norms. Such a program should enable policy makers to recognize performance changes at a treatment center early and to suggest corrective measures before irreversible deterioration takes place.

2. The Stanford Research Institute's 18-month follow-up study found no significant difference in outcome of various treatment approaches. But different approaches doubtlessly vary substantially in cost. These costs should be estimated and used as a basis for allocating government funds to the most effective approaches.

F. Structure of the final report

The final report of the ATC benefit/cost study is presented in three separate volumes:

I. This volume, the **Executive Summary;**
II. The Main Report; and
III. Appendices.

The Main Report describes the methodology, the analysis, the conclusions, the limitations, the recomendations. The Appendices present additional details, mostly of a coputational nature, that support the discussion of the main text. The main text consists of:

Chapter I—Introduction.
Chapter II—Methodology.
Chapter III—Economic Contribution of NIAAA Treatment Centers to the National Economy, Community Economies and Individual Clients.
Chapter IV—Benefits Beyond Present Measurement.
Chapter V—Conclusions and Recommendations.
Chapter VI—References.

Chapter I describes the ATC system, indicates the study objectives, outlines the study approach, and summarizes the findings. Chapter II presents a detailed description of the procedure used to estimate ATC benefits and costs. This chapter includes discussion of measurement weaknesses. Chapter III summarizes the results of applying the methodology to data from the 41 ATCs. It includes details on the estimated benefits and costs associated with each treatment center. Chapter IV describes significant benefits not measured by the present methodology with reasons for their not being measured. Chapter V presents a summary of the study findings with conclusions and recommendations.

The Appendices to the report are as follows:

Appendix A.—A Money Estimate of Motor Vehicle Accident Cost of Alcohol Abuse.
Appendix B.—Measurement Critique of Increased Productivity Benefits (As Measured By Increased Worker Earnings).
Appendix C.—Health Care System Cost Reduction—Numerical Example.
Appendix D.—Cost Effectiveness Model for ATC.
Appendix E.—ATC Baseline Data.
Appendix F.—Benefit Cost Analysis.

Appendix A describes the procedure used to estimate the economic costs of motor vehicle accidents associated with alcohol abuse. Appendix B provides a detailed critique of the approach adopted to measure changes in worker earnings associated with ATC treatment. Appendix C presents a numerical example to illustrate the computation of economic benefits associated with decreases in hospitalization associated with ATC treatment.

Appendix E provides a series of tables that display the center-by-center benefit/cost computations. Finally, Appendix F contains data summaries for each ATC and for the NIAAA system.

IMPLEMENTING LEGISLATION BY CONGRESS REQUIRED FOR GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a number of critics of the Genocide Convention have alleged that it would automatically supersede and invalidate existing U.S. law. This is not the case. Article V of the Convention makes it clear that implementing legislation is necessary before the convention would become effective in this country. That article provides:

> The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

Indeed, the Senate Committee on Foreign Relations, which has within the last several weeks recommended Senate ratification of the treaty, views such Senate approval as the first in a two-step procedure. Of equal importance will be the second step, that is, the enactment of the implementing legislation. To emphasize this the committee has incorporated into the proposed resolution of ratification the following recommendation of the Department of State:

> That the United States Government declares that it will not deposit its instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

The ratification process is not complete until after the instrument is deposited with the United Nations. Therefore, this declaration will insure that the treaty's effect will be in total accord with the congressional will. The alleged threat of the convention bypassing our constitutional legislative processes is nonexistent. The convention itself explicitly requires the implementing legislation to be enacted in accordance with our Nation's Constitution.

Let us not permit bogus claims of unconstitutionality to subvert our active support of basic constitutional principles. Once again I urge the support of all Members of the Senate to ratify this most important human rights treaty.

RULES OF TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

Mr. STEVENSON. Mr. President, in accordance with the Legislative Reorganization Act of 1970, I submit for publication in the RECORD the rules for the Temporary Select Committee To Study the Senate Committee System On April 29, 1976, the members of the temporary select committee adopted these rules. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM, ADOPTED APRIL 29, 1976

1. Rules of the Senate

Applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. Meetings

a. The regular meeting day of the Committee shall be the first Thursday of each month while the Congress is in session.

b. Special meetings may be held at the call of the Chair, provided at least 48 hours notice is furnished to all Members.

c. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet at that date and hour. The clerk shall notify all members of the Select Committee of the date and hour of the special meeting.

3. Quorum

a. A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business.

b. Notwithstanding the provisions of section (a) above, two members of the Committee, one majority and one minority, shall constitute a quorum for the purpose of receiving testimony.

4. Chairman and Membership

a. The Committee shall select a Chairman from among its Majority Party members, and a Co-Chairman from among its Minority Party members.

b. The Co-Chairman shall act in the absence of the Chairman, and in the absence of both, the duties of the Chair shall be filled by a Committee member designated by the Chairman.

5. Order of Business—Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman, subject always to an appeal to the Committee membership.

6. Hearings Procedure

a. The Chairman of the Committee or any member thereof may administer oaths to witnesses.

b. The Committee shall make public announcement of the date, place and subject matter of any hearings to be conducted by it at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

c. The Committee shall require each witness who is to appear before it to file with the clerk of the committee, at least 48 hours in advance of the witness's appearance, a written copy of the proposed statement. The Chairman and Co-Chairman may excuse a witness from such requirement upon good cause.

d. Minority Party Members of the Select Committee shall be afforded reasonable time to summon witnesses chosen by them.

7. Television and Radio Coverage

a. Any meeting or hearing of the Committee which is open to the public may be covered in whole, or in part, by television broadcast, radio broadchast, or motion picture or still photography. Photographers and reporters using mechanical recording, filming or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff on the dais, or with the orderly process of the meeting or hearing.

b. No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be included in radio or television coverage, all equipment used for coverage shall be turned off.

8. Committee Records and Transcripts.

a. Accurate stenographic records shall be kept of the testimony of all witnesses in executive and public hearings.

b. Transcripts of all public hearings and meetings of the Committee will be open for inspection by the public at the offices of the Committee during business hours.

9. Subpoenas—Subpoenas authorized for the Select Committee may be issued over the signature of the Chairman, or any other member designated by the Chairman, and may be served by any person designated by the Chairman or member signing the subpoena.

10. Proxies.

a. Proxy voting shall not be allowed when the question before the Committee is the issuance of a report or recommendation. In such cases an absent member's vote may be announced solely for the purposes of recording the member's position and such announced votes shall not affect the passage or defeat of the motion to issue the report or recommendation. On other matters before the Committee, proxy votes shall be permitted if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of another Committee member that he be so recorded.

b. All proxies shall be in writing.

c. Proxies shall not be considered for the purpose of establishing a quorum.

11. Travel.

a. Travel by members of the Committee or staff for the purpose of conducting field hearings, meetings, or similar activities related to the mandate of the Committee shall be authorized in advance of such travel. Such authorization shall be in the form of travel vouchers signed by the chairman of the Committee.

12. Staff

a. The appointment or dismissal of the staff director-counsel and the counsel to the co-chairman to the Select Committee shall be approved by a majority vote of the Select Committee, a quorum being present, upon the recommendation of the chairman and co-chairman, respectively. All other full time staff assistants shall be appointed by the chairman and co-chairman, acting jointly.

b. The Select Committee may procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner, and under the same conditions as a standing committee of the Senate may procure such services under subsection (i) of section 202 of the Legislative Reorganization Act of 1946, as amended: provided, that not more than $30,000 shall be expended for salaries and expenses of such consultants.

c. All staff employed by the Committee or housed in Committee offices shall work for the Select Committee as a whole, under the general direction of the Chairman and Co-Chairman, and the immediate direction of the staff director-counsel.

d. Members of the staff must not accept public speaking engagements or write for publication in the field of the Senate Committee system without specific advance permission from the staff director-counsel. The staff director-counsel and the counsel to the co-chairman shall secure advance permission for such activities on their part from the Chairman and Co-Chairman, respectively. In any event, such public statements should avoid the expression of personal recommendations or predictions of future, or interpretation of past, Commitee or member actions.

13. Rules Changes

a. The rules of the Select Committee may be changed, modified, amended or suspended at any time; provided, however, that not less than a majority of the entire membership so determine at a meeting called with due notice.

b. Any amendments adopted in the rules of the Select Committee shall be published in the *Congressional Record* not later than thirty days after adoption.

ABRAHAM LINCOLN: UNFORGETTABLE AMERICAN

Mr. HUDDLESTON. Mr. President, Miss Mabel Kunkel, a distinguished Kentuckian, educator, and scholar has recently completed one of the most comprehensive works ever written on our 16th President. It is entitled, "Abraham Lincoln: Unforgettable American."

I commend Miss Kunkel for the contributions she has made to our State during the half century she spent in the classroom and congratulate her upon the completion of 16 years of research that resulted in this book.

Miss Kunkel has a deep sense of pride for the history of America and the people who shaped it, and this patriotism is displayed throughout this documented story of Kentucky's native son, Abraham Lincoln.

The book is one of Kentucky's major contributions to our Nation's Bicentennial, and again, I commend Miss Kunkel for releasing it in this special year for all Americans to read and enjoy.

THREE MORE DEFENSE OFFICIALS PUBLICLY OPPOSE THE B-1

Mr. PROXMIRE. Mr. President, I have recently received letters from three individuals who have had an enormous amount of personal experience in national security affairs.

Roswell L. Gilpatric has been both the Deputy Secretary of Defense and the Under Secretary of the Air Force. He has particular familiarity with the B–1 arguments since he participated in the B–70 decision.

Wolfgang K. H. Panofsky is currently the head of the Stanford Linear Accelerator Center and formerly was the Chairman of the Strategic Weapons Panel of the President's Science Advisory Committee.

Sidney D. Drell currently is professor and deputy director of the Standford Linear Accelerator Center and also was a Chairman of the Strategic Weapons Panel of the President's Science Advisory Committee.

Mr. President, here are three of the most respected military experts in the country. Each concludes that to move ahead with the B–1 bomber at this time would be unwise for military and economic reasons. I urge my colleagues to read these letters and contact these experts if they have any further questions.

Mr. President, I ask unanimous consent that the three letters be printed in the RECORD at this point.

Mr. President, I also ask unanimous consent that a recent editorial by Neil Mehler of the Chicago Tribune be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRAVATH, SWAINE & MOORE,
New York, N.Y., May 12, 1976.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Dirksen Office Building, Washington, D.C.

DEAR SENATOR PROXMIRE: Responding to your letter of May 6, I am opposed to the B–1 bomber project and am willing to say so publicly.

Fifteen years ago, I participated in the decision to cancel the B–70 bomber project because the costs involved would not have provided a comparable benefit to our national security. I feel the same way about the B–1.

Sincerely,

ROSWELL L. GILPATRIC.

STANFORD UNIVERSITY,
STANFORD LINEAR ACCELERATOR CENTER,
Stanford, Calif., May 17, 1976.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Committee on Appropriations,
Washington, D.C.

DEAR SENATOR PROXMIRE: Please accept my apologies for a belated response to your letter of May 6, 1976 requesting my comments on the FY 1977 Military Authorization Procurement Bill containing $1.5 billion in funding for the B–1 bomber.

I have very little to add to the excellent three papers which you have attached to your letter. All the technical points taken in those analyses are extremely well taken. In particular I concur with the conclusion that the supersonic capability of the B–1 adds essentially nothing to its military value, while at the same time greatly contributing to its cost. Moreover those of us interested in military matters have been dismayed by the all-too-familiar pattern of growing costs and eroding performance as is reflected in the B–1 program.

Possibly most disturbing to those of us interested in the maintenance of a U.S. strategic deterrent in the most cost-effective manner has been the distortion of the Air Force program by the very existence of the B–1. In order to avoid unfavorable comparisons with the B–1 program the Air Force has retarded development and procurement relating to adaption of stand-off measures for the B–52 force. It is abundantly clear that medium-range cruise missiles, or even ballistic missiles adapted to the B–52, offer a much more secure penetration capability for the B–52 through Soviet defense—be they AWACS or ground-to-air missiles—than the B–1 possibly could; moreover such improved performance is provided at lower cost. I hope very much that through your efforts it will be possible to reorient the Air Force's strategic bomber program away from the B–1 towards more effective utilization of the B–52 force.

It was a pleasure to testify before your Joint Committee on Defense Production during the recent hearings on Civil Defense.

With best personal regards,

WOLFGANG K. H. PANOFSKY.

STANFORD, CALIF., *May 5, 1976.*

DR. JEREMY J. STONE,
Director,
Federation of American Scientists
Washington, D.C.

DEAR JEREMY: I am writing concerning the upcoming Senate vote on the B–1 bomber. It is my view that our national policy, especially in an arms control environment, should maintain the role of the SAC bombers in our strategic deterrent force. Among the important features of the manned strategic bomber are the following: It is survivable, capable of airborne alert, recallable, flexible as a threat with stand-off armaments for penetrating onto target, a vertifiable mobile launcher, and unambiguously a second strike force since it takes many hours to span the distance from launch to target and not a mere 30 minutes as do the ICBM's.

I recognize the impending need to replace the aging B–52 force starting sometime during the next decade. Unfortunately, however, I believe we are moving in the wrong direction with the current B–1 program. In particular, we are developing an exorbitantly and unnecessarily expensive "Cadillac of the sky" with the current B–1 design of a penetrating supersonic bomber. I believe there is time during the lifetime of the present B–52 force to reorient the manned bomber program in search of a less expensive aircraft which will be suitable for launching standoff air to surface cruise missiles (ALCM's). Moreover, there is no need to continue the current reliance on aerial refueling as presently required for the B–52's and as being designed into the B–1 force. Greater economy of operation, greater flexibility, and reduced vulnerabilities should be possible without the need for maintaining the aerial tanker craft.

I hope that in the upcoming Senate vote it will be recognized that this country still has an opportunity to redirect the B–1 bomber program toward a more effective and economical design for maintaining the important manned bomber component of our deterrent forces.

Sincerely yours,

SIDNEY D. DRELL.

[From the Chicago Tribune, May 15, 1976]

PROXMIRE SETS HIS SIGHTS ON B–1

(By Neil Mehler)

The debate between President Ford and Ronald Reagan over whether the United States is still the top banana, militarily, has had a chilling effect on the country.

Even liberal Democrats have, by and large, stopped talking about defense-budget cuts.

Both the President and his challenger have endorsed the B–1 bomber program. Reagan goes even further, calling for the B–1, the Trident submarine, and the cruise missile programs all to be undertaken or expanded.

Almost unnoticed is the less passionate and less superficial examination of the defense issue going on in the Senate. Sen. William Proxmire [D., Wis.] has led the attack and the Air Force and other branches of the establishment have rebutted using Sen. Barry Goldwater [R., Ariz.] and others as their spokesmen.

Proxmire's thoughtful argument against the building of the B–1 rests on several premises:

The B–1 would have certain liabilities, in addition to its staggering cost, because it is to fly at supersonic speeds. Such flight requires engineering and structural specifications that lead to reduced missile-carrying capacity and that make the aircraft easier to shoot down and defend against.

"The B–1 is denied longer range, greater target flexibility, heavier pay load, greater evasive maneuver capability, shorter takeoff distance, and thus overall survivability" because of its supersonic flight capacity, a quality of dubious military value.

"At Mach 1.6 [the top speed for the craft] the B–1 could not begin to outrun anything but the oldest current Soviet interceptors."

The relatively inexpensive cruise missile "is practically invisible to radar," whereas the B–1 is highly visible and trackable.

The [existing subsonic B–52 bomber] can carry 24 weapons, the same as the B–1 and, with modifications including four modern turbofan jet engines and related work would prove, "at a small fraction of the cost, superior to the B–1 in several important respects."

Proxmire, who has been delivering his attack on the B–1 in a series of speeches on the Senate floor, says, "It must be emphasized that the 'modified B–52 is not a long-run alternative to a new bomber. Rather, it provides adequate strategic bomber capability for 15 years at very low cost [and gives time for a follow-on bomber or a cruise missile platform to be developed. . . . In the meantime, the $20 billion to $40 billion that the B–1 would have required can be applied to the other pressing defense needs.' "

Proxmire's argument cannot be fully explored, much less analyzed, in limited space. It is to be hoped that those who will have to decide the fate of the B–1 are listening and thinking about his views on the program.

FULL EMPLOYMENT AND BALANCED GROWTH

Mr. TOWER. Mr. President, the Senate Committee on Banking, Housing and Urban Affairs began hearings today on S. 50, the "Full Employment and Balanced Growth Act of 1976." A more apt title would be "An Act to Substitute Government Planning for the Free Market, to Slow Economic Growth, to Swell Government Payrolls, to Rekindle Rampant Inflation and to Insure High Future Levels of Unemployment."

As a first step toward substituting government planning for the free market, the bill would establish an institutional structure for national economic planning. The initial grand plan would be required to provide for driving the unemployment rate for "adults" down to 3 percent or less within 4 years. If adult unemployment is defined as the rate for persons 18 years old and older seeking work, the last time "adult" unemployment was as low as 3 percent was during the Korean war. Not even the inflationary government spending and credit-creation policies of the Vietnam era were able to drive the unemployment rate down to 3 percent. Those policies were sufficient, however, to ignite an inflation that threw this country into its worst recession in 40 years. How bad of a recession do you suppose we could cause by adopting spending and credit-creation policies designed to artificially drive the unemployment rate down to 3 percent?

Under S. 50, the Federal Government would be the employer of last resort. Depending on the type of public-service job created, the wages paid would be the highest of the following: The Federal minimum wage, the State or local minimum wage, the prevailing wage in State or local government, or the prevailing wage in construction as specified by the Davis-Bacon Act. This would remove much, if not all, of the incentive for these employees to continue seeking employment in the private sector and would, thereby, create a huge new pool of permanent Government employees.

In testimony yesterday before the Banking Committee, Federal Reserve Governor Charles Partee outlined how such an employer-of-last-resort program also would lead to cost-push inflation:

> Private labor markets would be tightened, and this would cause private employers to bid up wage rates in order to obtain and retain workers. Also, by making public jobs available at attractive wages as a matter of right, the program would encourage workers now employed in the private sector to press for even larger wage gains, or to transfer to governmental jobs. As an example, any construction project under this bill would pay the going union rate; but since a large proportion of building in the U.S. is nonunion, this wage would be higher than many construction workers now receive and would provide an alternative preferable to their existing jobs.

In his testimony yesterday before the Banking Committee, Alan Greenspan, Chairman of the Council of Economic Advisers, outlined how such an employer-of-last-resort program would, in addition, slow economic growth:

> Such large scale public employment programs would entail a major increase in the number of workers committed to relatively low productivity jobs in the public sector. This would certainly slow the rise in overall productivity and hence in our standards of living. The programs would not contribute to the capital investment required to create the productive jobs needed to regain a sustainable high employment economy. Indeed, the heavy budget costs of funding the program would result in higher taxes on the productive private sector or greater budget deficits. This is likely to interfere with private savings and capital investment, and the badly needed increases in job supporting facilities. In short, we would be creating the types of problems which confront other countries where bloated public sector employment has become a serious impediment to growth, progress and stability. This approach has proven to be shortsighted and counterproductive.

S. 50 would not stop with cost-push inflationary pressures from a new pool of Government workers paid at wages designed to drive up private-sector wages and demand-pull inflationary pressures from much more inflationary fiscal and monetary policies. S. 50 would build an additional inflationary bias into the economy by reducing the independence of the Federal Reserve in setting monetary policy. How many times do we have to be told that increasing political pressure on the Federal Reserve will increase pressure for short-run policies with an inflationary bias at the expense of long-run policies oriented to growth, price stability, and sustainable full employment?

Finally, recent history should convince even the doubting Thomases that rapid inflation, while sometimes leading to short periods of high employment, in the long run leads to recession and high unemployment. By guaranteeing an accelerating inflation, S. 50 would insure high future levels of unemployment.

To further alert the American people to the dangers posed by S. 50, I ask unanimous consent that the statements of Chairman Greenspan and Governor Partee before the Banking Committee be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TESTIMONY BY ALAN GREENSPAN, CHAIRMAN, COUNCIL OF ECONOMIC ADVISERS, BEFORE THE SEATE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, MAY 20, 1976

I am grateful for the opportunity to appear before this Committee to discuss the views of the Council of Economic Advisers on the proposals embodied in S. 50, The Full Employment and Balanced Growth Act of 1976. This is a set of proposals which goes far beyond the Employment Act of 1946 and which, if adopted, would have major effects upon economic policy, the policymaking processes of the federal government, and the economy itself. These proposals therefore deserve our closest examination.

The bill has several major provisions which

I would like to address this morning. It would establish a single numerical goal for full employment and commit the Federal government to the achievement of that goal within four years. The numerical goal is specified as "a rate of unemployment not in excess of 3 percent of the adult Americans in the civilian labor force." The bill also specifies programs and policies to be used in attaining the unemployment rate goal. If the unemployment goal cannot be achieved through the use of standard fiscal and monetary policy measures, it is to be achieved by assigning an employer of last resort role to the Federal government and "through reservoirs of federally-operated public employment projects and private non-profit employment projects." And, the bill requires an elaborate formal system of reporting and consultation.

Implicit in this legislation, and indeed, in any meaningful economic definition of full employment is the presumption that employment means productive jobs, that is jobs supported by productive facilities which enable the high levels of productivity and hence the high wages which are the hallmark of the American worker. When we speak of full employment our goal is not a statistic, but a labor market characterized by high employment and productivity.

There are only two ways to pay a high wage for a particular job. Either there is sufficiently high output per manhour in that employment to generate the real income implicit in the wage, or the difference is paid by someone else in the economy through a transfer or a subsidy. Putting people on a public payroll in an unproductive job is not much different from unemployment insurance since the activity that is taking place contributes relatively little to the total national product. We may call it a job but in an economic sense that doesn't make it one. Hence I think it is important to recognize that *productive* employment should be implicit both in the concept of full employment and in any number we might use to designate the unemployment rate associated with full employment.

There are great difficulties involved in specifying the appropriate minimum unemployment rate, that is, the rate consistent with maximum employment, production and purchasing power, the goals specified in the Employment Act of 1946. Our goal should be to produce the highest level of productive employment which is sustainable over the longer run. What that level is at any particular time is far easier to specify when the economy is already operating near it. Under those conditions one is better situated to judge the balance or the tradeoffs between employment, capacity and a number of other factors whose interaction is vital to achieving and maintaining a high employment stability. Our policy should focus on expanding economic activity as rapidly as feasible until we achieve that qualitative state.

Specifying an unemployment number in advance does not, in my judgment, add much information to the economic policy decision-making process. Our economic system is dynamic and an unemployment rate that was consistent with full employment in one period may be too high or too low in some subsequent period. Suppose, for example, we were to choose a 4 percent unemployment rate goal but when we got into the vicinity of 4 percent we found that we could in fact achieve and sustain an even lower unemployment rate.

Under these conditions we would clearly attempt to reach the lower rate. In that instance the 4 percent objective would not have served a particularly useful purpose. On the other hand, suppose we discovered significant pressure with respect to the utilization of resources when we reached 5 percent, just to choose a number. It would be clear at that point that an effort to reach a 4 percent unemployment rate would create destabilizing economy into a recession and send the unemployment rate back up. However, if we were committed at that point to achieve a 4 percent unemployment rate it would be more difficult to resist the pressures to do so. It, therefore, seems far preferable to strive to achieve the qualitative condition of full employment as quickly as we are able to do so. Having a specific numerical objective in advance does not seem to me to be especially helpful and when we are again in the neighborhood of full employment it might make the achievement of *stable* full employment more difficult.

The approach incorporated in S. 50 relies heavily on the ability of the economics profession to plan or to outline fairly precisely the path that must be followed to achieve and then maintain full employment. I find the thrust of this argument troublesome. It presumes a detailed forecasting capability which is far beyond any realistic assessment of the present or immediately foreseeable capability of the economics profession. Nor would an infusion of additional funds significantly improve forecasting reliability.

A modern industrial economic system based even partly on market phenomena is so complex that any model or statistical abstraction, no matter how complex, is still a gross oversimplification of the dynamics of the system. Models can never expect to achieve more than very rough approximations of the dynamics of the real world. These approximations are most useful but they fall significantly short of the analytic and forecasting requirements of the approach envisioned in S. 50.

Moreover, try as we might, it will be difficult to separate political considerations from the planning process. The Federal government would sanction certain growth paths for total demand which would presumably be consistent with the unemployment targets. This goal related projection, however, is almost certain to go wrong. For clearly, whatever comes out of the straight-forward projection based on average historical relationships will surely be considered inadequate by the political process setting the goals. Instead of basing the targets on the average expectation cranked out by the analytical process there will be a tendency to adopt more optimistic and, by definition, less probable sets of projections as targets or as standards of performance. This would place the goals in the outer range, if not at the absolute extremes, of real growth, employment and inflation possibilities.

Consequently, as real events unfold, the economy will have been found to have fallen short of the unrealistic politically-determined goals for the levels of production, employment, income, inflation, etc. This in turn could mean that either the goals would be abandoned or the government would intervene further in the system to correct the "fault." Historic experience suggests that intervention is far more likely than the abandonment of unrealistic goals.

Implicit in S. 50's specification that the Federal Government set not only economic goals but the particular policies that will get us there, is the presumption that our theoretical underpinnings enable us to construct and successfully follow such programs.

Since such a view is unrealistic what would S. 50 mean in practice? If the detailed policies fail to achieve the specified goals, as a practical matter public service jobs become the means to achieve the 3 percent unemployment goal. For this reason I believe we must examine the impact of expanded public service employment as a means of achieving our goal of full employment.

On the basis of experience with moderate size public employment programs, numerous studies have concluded that public jobs programs do not ultimately create significantly more jobs than any other type of current policy, whether it be in the form of tax cuts or increased government spending for other purposes. In fact, the evidence suggests that after two years as much as 90 percent of those public sector jobs that were funded would have been created anyway through ongoing state and local efforts. What happens is that state and local governments substitute federal funds for their own funds as they expand. The additional federal money enables state and local governments to lower taxes or raise them less than they otherwise would have. In this sense, a good deal of public employment funds indirectly becomes a form of general grants to state and local governments. Also, studies indicate that it is not the hard core unemployed who tend to be placed in federally funded public service employment job slots, but rather the jobs tend to go to persons with good prospects for a job in the private sector of the economy where wages are more likely to reflect productivity.

We do not have experience with the large scale public employment projects contemplated in S. 50. Millions of jobs would have to be funded under these programs in order to reduce the adult unemployment rate as measured statistically to 3 percent.

Such large scale public employment programs would entail a major increase in the number of workers committed to relatively low productivity jobs in the public sector. This would cerainly slow the rise in overall productivity and hence in our standards of living. The programs would not contribute to the capital investment required to create the productive jobs needed to regain a sustainable high employment economy.

Indeed, the heavy budget costs of funding the program would result in higher taxes on the productive private sector or greater budget deficits. This is likely to interfere with private savings and capital investment, and the badly needed increases in job supporting facilities. In short, we would be creating the types of problems which confront other countries where bloated public sector employment has become a serious impediment to growth, progress and stability. This approach has proven to be shortsighted and counterproductive.

There is no question that extremely high unemployment and the hardships associated with it is one of the most serious problems currently confronting this country. It is important, however, in devising policies to examine the nature of the problem carefully so that the remedies are applicable and do not focus on something other than the real problems. There is, for example, an implicit notion in many unemployment reducing programs that unemployment is a stable and unchanging condition for those who are unemployed. In reality, our labor markets are characterized by an extraordinary amount of churning, involving entry and exit from the labor force and moves between jobs, occupations and geographic areas. The statistics suggest that unemployment is more generally of relatively short duration and experienced by a significant proportion of the labor force.

There were close to 8 million unemployed on average every week during 1975 and there are likely to be perhaps 7 million this year. But it is not the same people who are out of work month after month for periods of years. If that were the case very specific economic policy remedies would have to be directed towards that problem. But the problem is quite different. On average, based on past experience, we can estimate that approximately 25 million different people experienced one or more spells of unemployment in 1975, and perhaps one-third or more of these experienced at least two spells. On average, each spell of unemployment approximated two months and a large proportion of the spells was of very short duration. Because of the significant amount of turnover within the unemployment rolls the approximately 400 million total weeks of unemployment experienced in 1975 was spread very broadly across our average 93 million work force.

Clearly if we are to confront appropriately the problem of severe unemployment it is important to recognize it for what it actually is. Public service jobs are not a sensible solution for short duration unemployment. In fact, this approach may actually inhibit the normal processes of job search and productive reemployment, and thereby unnecessarily shunt workers onto public payrolls.

Although most unemployment is characterized by high turnover and spells of short duration some is of a severe and prolonged nature. When an individual who has been specifically trained to do a particular job loses that job it is often difficult to find another job that uses those skills. When skills are not readily transferable there is a structural problem that can be very painful to the worker caught in that position. It is sometimes said that programs targeted to the long-term unemployed might be used to eliminate some of this type of unemployment. However, there is no reason to believe that public jobs can be easily matched to the precise skills of these displaced workers. In fact, a public employment job that does not utilize these skills simply delays the readjustment process—the job training or relocation that must take place for the worker to become productive again. Taking all of these factors into account unemployment insurance, coupled with job training programs for the long-term unemployed, would appear to be the most appropriate response to our problem of excessive unemployment. It cushions the financial hardships associated with unemployment, allows time for job search, relocation and retraining.

Our goal should be to achieve the reestablishment of a stable economy, the generation of productive job opportunities and a rising standard of living. Under normal circumstances this problem is difficult enough. There are some compelling reasons, however, for believing that it may be more than normally difficult in the next several years. The employment of our labor force in productive jobs in the private sector of the economy will require a very large increase in capital investment. Not only must we provide the tools, the plant and the equipment, we must also provide the investment required by our energy objectives and by the environmental and the safety legislation which is already on the books.

Without the investment required to produce the jobs and the productivity growth we will not achieve the increasing standard of living to which we have become accustomed. Indeed, short of fundamental and improbable changes in our institutions or in our patterns of behavior, inadequate investment could prevent the attainment of high-employment conditions and price stability even if we were to accept the lower rates of productivity increases.

STATEMENT BY J. CHARLES PARTEE, MEMBER OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM BEFORE THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, U.S. SENATE, MAY 20, 1976

I appreciate the opportunity to present the views of the Federal Reserve Board on S. 50, the "Full Employment and Balanced Growth Act of 1976." This bill would amend the Employment Act of 1946, which requires the Federal government to utilize all of its resources in order to foster conditions that "promote maximum employment, production and purchasing power." The Federal Reserve Board fully recognizes its responsibility under the 1946 Act and has reported regularly to Congress on its efforts to further the objectives of the law. The central question facing Congress as it considers S. 50 is whether or not the proposed amendments will help advance the goals of the original Act. I am sorry to say that we do not believe they will. The bill is both too rigid and too inflationary and, on balance, would likely prove to be inconsistent with the long-term economic well-being of the nation.

Unemployment has been a very serious problem recently in the United States, as in many other countries. But this condition is mainly a product of the recession, which in turn was caused by the excesses and imbalances that had developed earlier in the economy. With economic recovery, good progress is being made in restoring jobs, and the unemployment rate has dropped 1½ percentage points over the past year.

Substantial further progress is necessary in creating new job opportunities, thereby reducing unemployment and providing for the absorption of a steadily growing labor force. This must be a primary objective of governmental economic policy. It is also of crucial importance, however, that we avoid recreating the conditions that led to the past recession, and could do so again. This means that continued attention must be directed to questions of economic structure and balance, including avoidance of the extremely injurious effects of rapid inflation.

We at the Board are gravely concerned that the net effect of S. 50 would be to add substantially to the inflationary bias already evident in the performance of the nation's economy, without generating a lasting increase in productive employment opportunities. The events of recent years have demonstrated again that rapid inflation can undermine prosperity and exacerbate unemployment. The inflation of 1973 and 1974, with its adverse effects on real incomes, attitudes and the quality of economic decision-making, was a major force contributing to the subsequent deep economic recession. It should be clear from this experience that such conditions exact their toll in terms of economic inequity and social discontent. The American people have become painfully aware of the costs of inflation and of the need to control it.

It is of critical importance, we believe, that the containment of inflation be recognized explicitly as a national objective inseparable from the goals of maximum employment and production. Indeed, a principal flaw in the 1946 Act is its failure to identify clearly price stability as a long-run economic goal. S. 50 shares and extends this shortcoming. In the Board's judgment, the anti-inflation provisions of the bill are too weak and too vague to be satisfactory. Nowhere are there workable safeguards against inflation. Instead, the bill has many provisions that would contribute further to conditions and practices that would likely result in an intensification of upward price pressures.

Certainly one inflationary feature is the bill's objective of 3 per cent adult unemployment to be reached, and sustained, within four years following enactment. This is a most arbitrary target. Historically, a 3 per cent adult unemployment rate is very low. Over the past 30 years, the jobless rate for those 18 and over has been in the neighborhood of 3 per cent only during 1952–53 and 1968–69, years in which the number of men in the armed forces was over 3½ million—half again as high as the present level. Moreover, both of these periods of heightened economic activity were characterized by demand-pull inflationary pressures and were followed eventually by major recessions. Thus, our postwar experience has been that achievement of 3 per cent unemployment is likely to be accompanied by substantial upward price pressures and followed by economic decline, rather than by sustained full employment.

In addition, the setting of a rigid unemployment goal ignores the dynamic character of the American labor force. The jobless rate of a decade or so ago does not have the same meaning as the current rate, principally because of the shifting composition of the labor force and the more liberal nature of our Federal income-support programs. Today's labor force has relatively more new entrants and reentrants—chiefly the young, and married women—than it did then. These groups typically have higher rates of joblessness as they search—often intermittently and through trial and error—for a satisfactory job. It is reasonable to think that this has biased the official jobless rate in an upward direction.

Indeed, the fact that the bill sets forth an unemployment target while making no mention of a comparable specific objective with regard to inflation is illustrative of its uneven treatment of these two economic problems. I would not urge that any fixed target for short-run price behavior be set; the meaning of an inflation rate, in its own way, can be as changeable as the meaning of a jobless rate. My purpose simply is to point out the bias of S. 50 in favor of one important national goal at the expense of another.

Some of the countercyclical and structural programs of S. 50 are likely to introduce important new elements of inflationary bias into our economic system. A significant problem of many past stabilization programs has been timing. Although the bill calls for the establishment of triggers and allocation formulas, I believe it still unlikely that we would avoid the pitfall of applying the aid too late in an economic downturn and continuing it too far into a recovery, when the effect on price pressures can be most pronounced. Experience has shown that such defects in timing have been particularly marked in programs of accelerated public works—one of the bill's recommended options. The inflationary implications of some of the other suggested programs—including those to stabilize State and local government budgets over the cycle and to extend unemployment insurance—also require careful evaluation.

The major inflationary thrust from the countercyclical programs, however, would come from the specific provisions of this bill that make the Federal government the employer of last resort. While worthy in principle, the program as specified in S. 50 has a critical flaw. It requires the payment of prevailing wages, defined where applicable as the highest of the following: the Federal minimum wage, the State or local minimum wage, the prevailing wage in State or local government, or the prevailing wage in construction as specified by the Davis-Bacon Act.

This program—and these wages—would have profound inflationary consequences for several reasons. First, the program would result in substantial cost-push pressures. Private labor markets would be tightened, and this would cause private employers to bid up wage rates in order to obtain and retain workers. Also, by making public jobs available at attractive wages as a matter of right, the program would encourage workers now employed in the private sector to press for even larger wage gains, or to transfer to governmental jobs. As an example, any construction project under this bill would pay the going union rate; but since a large proportion of building in the U.S. is nonunion, this wage would be higher than many construction workers now receive and would provide an alternative preferable to their existing jobs.

Second, the employer of last resort program, as specified, would very likely come to generate significant demand-pull pressures on prices. Given our national reluctance to raise taxes sufficiently to cover increases in government spending, the financing of the program would tend to add to the Federal deficit—very substantially so, at some points in time. In this fiscal year, for example, the Federal government is spending close to $3 billion to support some 320,000 public service employment jobs in State and local government. The program proposed by S. 50 has the potential of being many times larger than this. Its attractive wage provisions would draw not only from the unemployed but also from those working part-time or at less desirable jobs, and from those not presently in the labor force, including retired persons, housewives and students. The upper bound of potential participation cannot be estimated with any degree of accuracy. But it seems quite possible that several million jobs might come to be needed to employ all of those seeking these positions at the relatively attractive rates of pay that would be offered. Such a program might therefore involve $30 billion or more in outlays at current average pay scales. I might note also that we have learned from the existing public service employment programs that cost offsets in terms of reduced transfer payments under other programs may not be as large as is often thought. Only about one-fourth of public service program enrollees in 1975 had been receiving unemployment insurance or public assistance prior to participation in the program.

Far and away the most significant defect of the bill as far as inflation is concerned, however, results from the limitations it places on the exercise of monetary and fiscal policy. If I interpret S. 50 correctly, such policies are to be directed solely to the achievement of the 3 per cent unemployment goal until this target is reached.

Only when that rate is below 3 percent can macro-economic tools be directed in any degree to the problems of inflation and economic instability. Instead, these fundamental techniques of demand management—used throughout the world in governmental efforts to combat inflation as well as unemployment—are to be supplanted in the bill by a series of specific program initiatives. The list of these substitute measures includes the following: a comprehensive information system to monitor inflationary trends; programs to encourage greater supplies of goods, services and factors of production; export licensing; establishment of stockpile reserves of food and critical materials; encouragement to labor and management to raise productivity through voluntary action; and proposals to increase competition.

Whatever the individual merits of these programs—and some are worthy of careful consideration—one fact is abundantly clear. They do not constitute an effective policy of inflation control. We believe that it would be a most serious mistake to discard the use of monetary and fiscal policy for stabilization purposes without first finding some effective alternative means of constraining inflation on an enduring basis.

Moreover, the bill's adoption of a trigger point with regard to economic goals simply does not provide a workable basis for employing accumulated knowledge about the behavior of the economy. It would not be practicable, in my view, to focus macro-economic policies exclusively toward a full employment goal and then, at a given point, abruptly shift attention to the containment of inflation. That is analogous to approaching a stoplight at top speed, and then applying the brakes with equal vigor; the momentum would be sure to carry one into the intersection, or the deceleration to send one through the car's windshield, or more probably both. There needs to be the latitude to modulate and balance policy objectives to changing economic circumstances if we are to have any hope of achieving a lasting economic prosperity.

The changes required by the bill would go considerably beyond narrowing the options for modulating macro-policy objectives in accord with perceived needs of the economy. They would also alter dramatically the features of the existing process for review and oversight of the monetary policy function. In this regard, I would like to direct my comments to two specific provisions. First, the President is required to recommend a particular plan for monetary policy and to submit it annually to the Congress along with his numerical goals for employment, production and purchasing power. Second, within 15 days of the President's report, the Federal Reserve Board is required to submit its intended policies for the coming year to the Congress, indicating the extent to which its plans support the goals of S. 50 and providing justification for any variation from the President's recommendations. The Federal Reserve Board strongly objects to these proposed new procedures on two grounds: (1) they would alter the traditional relationship between the Congress, the Federal Reserve and the Executive Branch in a way that could well prove detrimental to the economic well-being of the nation, and (2) the procedures specified would seriously impair the current operational flexibility needed in the formulation and conduct of monetary policy.

The Federal Reserve Act was carefully drawn to specify a relationship between the Congress and the Federal Reserve System that would serve to insulate the monetary authority from short-run political pressures. This feature of the Act stemmed from a well founded concern that excessive government spending could be aided and abetted if the executive were granted the authority to control a nation's money supply. It is a fact of economic history that governments everywhere have come under great pressure to engage in massive deficit spending, at one time or another, even though this patently jeopardized the longer-run health of the economy. History also is replete with the inflationary consequences that have followed when governments have given in to such temptations, and have then simply run the printing presses in order to supply the money needed to finance their deficits.

The need to turn to private financial markets in order to finance deficit public spending performs an important function. The process of financing shifts purchasing power from private savers to the government, thus neutralizing much of the potential inflationary effect of deficit financing, while the necessity of finding willing investors imposes a market discipline on the scale of such deficits. But even in the United States, where this discipline has largely prevailed, the Federal budget has been in deficit every year but one since 1960. There is nothing in this record that suggests that we can relent in the battle to avoid excessive deficit financing. But instead S. 50 proposes to weaken one key safeguard against inflationary public finance by introducing the Executive Branch explicitly and publicly into the making of monetary policy. And were the Congress to mandate these new procedures, it also would significantly dilute its preeminent role in the oversight of the monetary policy process.

Moreover, the proposed procedures for the planning and evaluation of monetary policy are, for operational reasons, inferior to those now in place. Under House Concurrent Resolution 133, the Federal Reserve Board reports on economic and financial developments, and specifies its current expectations for a variety of monetary aggregates on a quarterly schedule, alternately before the Banking Committees of the House and Senate. The great advantage of this reporting procedure is that it permits the Federal Reserve the flexibility necessary to adapt monetary policy to changing economic conditions. The procedures proposed in S. 50 would curtail such flexibility.

There are two major changes in the existing process required by S. 50: (1) policy planning is moved from a quarterly to what would effectively be a 12 to 15-month reference period, and (2) there would appear to be a fixed commitment to longer-term plans for monetary policy in support of specified numerical national economic goals. On the basis of experience, the Board is convinced that these changes would make the proposed planning and evaluation process too rigid to be workable. As this Committee is aware, the ability of economists to forecast economic events for a year or more into the future with any high degree of reliability simply does not exist. Two rather notable recent illustrations of forecasting imprecision come quickly to mind: the extraordinarily high rates of inflation that developed in 1973 and 1974 that virtually no one foresaw, and the severity of the 1974–75 recession, which was also quite unexpected. In either case, it would have been a serious error to adhere to outdated plans based upon economic forecasts that proved to be wide of the mark.

In addition, the current state of knowledge about the relationship between movements in the monetary aggregates and real economic activity is not nearly so precise as the comments of some economists would have you believe. In recent quarters, for example, there appears to have been a dramatic reduction in the amount of money needed to accommodate the expansion in GNP. Under these circumstances, holding to a course of monetary growth that might have been suggested by historical money/GNP relationships could have been quite damaging. Speculative activities would have been encouraged, thus sowing the seeds for future economic instability, and the foundation might well have been laid for a renewal of intensified inflationary pressures.

Technical and financial innovations, accompanied by regulatory changes, undoubtedly have accounted in part for the slower growth in the narrowly-defined money stock. For example, the spread of overdraft checking account credit privileges, increased use of credit cards to facilitate transactions, and the introduction of savings accounts at commercial banks for business firms all have tended to encourage greater economizing in the use of currency and checking account balances. These effects could not have been estimated with any accuracy in advance, however, and in any event, I do not think that they provide a complete explanation. The fact is that there is a potential for short-run volatility in monetary relationships that can make economic forecasts based on monetary inputs quite treacherous.

These uncertainties about monetary and economic relationships require exceptional vigilance and flexibility by the Federal Reserve, and serve to point out the need for flexibility as an attribute of the monetary policy process. Ours is a complex and dynamic economy; its linkages and responses are still imperfectly understood and probably always will be. Thus, in order to accomplish the objectives of economic stabilization, the formulation and conduct of monetary policy need to retain their flexibility to adapt to unforeseen developments in our economic and financial system. For these reasons we believe the provisions of S. 50 with respect to the monetary policy planning process would serve to impair the contribution the Federal Reserve can make in helping to achieve our national economic goals.

Let me turn now to what this bill has to offer by way of improving the trade-off between unemployment and inflation.

We have all painfully learned that the unemployment-inflation trade-off—which is generally thought to be shaped by our human and material resources, our economic institutions and processes, and our social practices and aspirations—has grown distinctly more unfavorable in recent years. A simple but useful illustration of this deterioration is the so-called discomfort index, which adds together the unemployment rate and the rate of increase in consumer prices. Last year, that index was 15.6, while a decade ago it was 6.4 and two decades ago 4.8.

High unemployment side by side with high rates of inflation presents the most difficult problem facing economic policymakers, not only in the United States but throughout the world. The sources of this problem are far from fully understood, but an important part appears to be structural in nature and, therefore, relatively immune to monetary and fiscal policy. A look at the composition of unemployment figures illustrate some of the structural impediments in labor markets. Groups experiencing the greatest barriers—discrimination, marginal skills, location in depressed areas—have jobless rates well above the national average, even when the economy is not in a recession. For example, in the pre-recession year of 1973, when the national average unemployment rate was 4.9 per cent, black joblessness was 8.9 per cent, while 14.5 per cent of all teenagers in the labor force were unemployed.

The bill properly recognizes the importance of structural problems and suggests a variety of programs to alleviate them. There are many such programs that might prove beneficial, but I believe that two broad areas deserve special emphasis. First are programs that would help increase competition in product and factor markets. There is need to reassess the effectiveness of our antitrust legislation—with regard to both business and labor practices—and the anti-competitive effects of Federal regulation of all kinds. We need also to reexamine the costs and benefits of such Federally mandated programs as the Davis-Bacon Act, the minimum wage for teenagers and extended unemployment insurance. Second are programs that would serve to increase over time the employability of the jobless. We need better and more imaginative training programs and an improved labor market information system that would match job vacancies with available people, perhaps on a national basis.

Other programs are worthy of consideration. We should find effective ways to encourage more investment in productive plant and equipment, through stronger incentives and perhaps some revisions in the tax laws. We should stress programs to improve efficiency in both the private and public sectors. In this regard, the Board would endorse the principle of zero-base budgeting, which appears to be contemplated by the feature of S. 50 requiring the review of one-fifth (by dollar value) of all Federal government programs annually.

A new emphasis on structural programs such as these, together with prudent monetary and fiscal policies, will provide our best hope for achieving the goals of the Employment Act of 1946. But the Board believes that S. 50, while reasserting these goals, would in the end be counterproductive in the effort to achieve them. The bill would release a powerful combination of demand-pull and cost-push pressures on prices. As has been demonstrated by the experience of many other countries—and, to a degree, by our own experience of recent years—rapid inflation can breed economic instability and ultimately retard—not promote—the growth of productive jobs. If we are truly to commit ourselves to the broad goals of the 1946 Act, we need programs and policies that achieve a greater balance among our economic objectives than is recognized in S. 50.

TRUE INDUSTRIAL DEMOCRACY THROUGH COLLECTIVE BARGAINING

Mr. JAVITS. Mr. President, I have long been concerned about the need for enhancing true "industrial democracy" for the collective benefit of organized labor, management, and the entire domestic economy. Last week marked a signficant, positive event which can hasten the development of industrial democracy through our American collective bargaining system.

On Wednesday, May 12, Leonard Woodcock, president of the United Auto Workers Union, announced in Germany that the UAW would seek a seat on the board of directors of the Chrysler Corp. during collective bargaining negotiations that are scheduled to begin this July.

What makes this announcement so significant is that heretofore American labor unions have generally refrained from seeking or even endorsing any of the innovative steps toward industrial democracy and "codetermination" that have been so successful in Western Europe. German and Swedish labor unions, as well as those in France, Denmark, Austria, and other countries, have sought and achieved participation with employers through mandated board representation, centralized financial participation plans, and workers councils. American labor unions, however, have been circumspect about these innovations.

The recent recession has taken an incredible toll in terms of unemployment and reduced hours of work. The accompanying double-digit inflation further has eroded the real buying power of American workers. For this reason, organized labor has considered its first priority to be "catching up" with prerecession levels of purchasing power and employment.

Beyond these concerns, some labor unions have believed that their traditional roles in the American collective bargaining process would be undermined by such innovations as board representation.

Finally, there are some segments of organized labor who are suspicious that behind the rhetoric of industrial democracy emanating from Western Europe are managerial "speedup" tactics.

Each of these objections is, I believe, made in good faith, but they fail to take adequate account of the fact that, in our private enterprise system, the individual collective bargaining agreement would determine the timing and extent of adoption of any of these innovations. Obviously, there can be nor should be no legislation in the United States mandating, as it does in Western Europe, that workers be represented on the boards of directors of all corporations. Nor can there be or should there be legislation requiring labor unions to accept or implement any of the other innovations that have been adopted in Western Europe.

But I believe that individual labor unions can determine, in each instance, the appropriateness of including in collective bargaining negotiations for any of these innovative employee benefits.

This is precisely what Leonard Woodcock has just announced—that the UAW will seek representation on the Chrysler board through the collective bargaining process. There is no attempt to seek legislation or to in any way usurp the rights of American labor or business. Likewise, the UAW seems to realize that so long as board representation is an outgrowth of the collective bargaining process, there is no subversion of labor's legitimate prerogatives or traditional role.

I have always believed that what makes labor-management relations in the United States so unique is the collective bargaining process, with the full and complete input of each and every member through open, public union meetings. Collective bargaining makes it possible for labor unions to voice their grievances, demands, and concerns to management on an equal footing and in open dialog.

But much more can and should be done to make workers full partners in the American economic system, as long as established procedures are utilized and implemented, not abrogated or circumvented. This is why Senator Humphrey and I have introduced the Employee Stock Ownership Fund Act of 1976. Our bill allows trade union representatives to sit as trustees on the trust funds that receive and invest employer and/or employee contributions to stock ownership funds. The Javits-Humphrey plan represents our fundamental belief that employee stock ownership can be brought into and become a part of the traditional collective bargaining process. This can only be accomplished if organized labor is given the opportunity to initiate activation of such plans. Rather than vitiate labor's traditional role, therefore, as other stock ownership plans would do, our plan would depend on the collective bargaining process.

This is why I am so pleased by the thrust of Leonard Woodcock's announcement. If the UAW ultimately sits on the Chrysler board of directors, it will attest to the efficacy and vitality of the American system of free collective bargaining. It is my sincere hope that other trade unions will consider adopting similar positions so that the social, economic, and philosophical implications of "peoples capitalism" can be openly and intelligently discussed.

The United Auto Workers have continued the tradition of progressive leadership in economic policy initiated under the leadership of the late Walter Reuther. Most recently, the UAW has been a strong advocate of indicative national economic planning. Under Leonard Woodcock's distinguished leadership, the UAW has maintained Walter Reuther's progressive traditions. The decision to bargain for a board seat is consistent with that spirit of progressive leadership and I applaud it today.

Mr. President, I ask unanimous consent to have printed in the Record an excellent article on this question written by A. H. Raskin of the New York Times.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Labor Scene—Is "Worker Participation" Coming to the U.S.?

(By A. H. Raskin)

The United Automobile Workers, a union which through three postwar decades has often put a "made in Detroit" label on American industrial relations, is making quiet headway toward greater worker participation in areas of corporate decision-making that were once the jealously guarded domain of management.

The most remarkable aspect of this progress is that it is being made in a nonconfrontation spirit and, especially in the case of the General Motors Corporation, with the enthusiastic cooperation of the auto manufacturers. The joint effort is focused on experiments to improve the quality of working life by giving workers a bigger voice in problem solving at the job and plant level.

This bottom-up move for increased employee involvement is at the opposite pole from the pressure the U.A.W. plans to bring on the Chrysler Corporation in contract negotiations this fall to put union representatives on the company's board of directors. Leonard Woodcock, the U.A.W.'s president, said while he was in Munich this week that the union planned such a move.

The decision to ask for worker directors, the longest leap yet projected by any American union toward shared corporate power, is based on a proposal Chrysler itself made a year ago to the 54 unions at its beleaguered British subsidiary. The British unions never accepted the two proferred board seats, but joint committees made up of supervisors and workers are in virtually total command of job assignment, work scheduling and most other aspects of manpower planning in the British plants.

Douglas A. Fraser, the U.A.W. vice president in charge of the union's Chrysler department, insists that having one or two unionists on the board of the parent company could help save it from repeating the kind of blunders that almost sank it in 1974 and 1975.

Chrysler is not commenting publicly, but the union bid for directorships is getting intense top-level study. Whatever the ultimate decision, it is already predictable that one result of this year's bargaining at Chrysler will be a substantial expansion in programs already under way for greater worker responsibility in "humanizing" assemblyline jobs and easing sources of in-plant discontent.

Joint efforts along this line, begun three years ago, sagged under the impact of mass recession layoffs and the company's own struggle to stay out of bankruptcy. In recent months Chrysler's newly installed officers—John J. Riccardo, chairman, and Eugene A. Cafiero, president—have put great emphasis on seeking to re-establish rapport by making personal visits to plants and maintaining an open-door policy toward the rank and file.

This is especially marked in the newest of Chrysler plants, an assembly plant for Dodge compact wagons that is being dedicated today at Windsor, Ontario. The new work force is being given much greater autonomy than usual in setting up job teams, rotating assignments and taking over many functions normally performed by inspectors and foremen.

With a view to making such experiments companywide, Chrysler is about to name a staff director to help spread the concept in all its divisions. Mr. Fraser, the U.A.W. Chrysler chief, has an even more ambitious notion.

"Why not take a couple of departments and see if we can't get rid of 90 per cent of the foremen?" he asks. "One way would be let the workers elect a leader as group coordinator."

The real pioneer in this direction has been the biggest of the corporations with which the U.A.W. deals, General Motors. Irving Bluestone, the union vice president in charge of the G.M. department, ranks first among this country's labor leaders in advocacy of labor-management cooperation to improve the quality of working life through increased employee involvement.

The company has become just as ardent a champion of the notion that decision-making about jobs and how they should be performed ought to be pushed down to the lowest possible level.

"We're trying to provide an adult life for every man and woman in G.M.," says Al Warren, a former plant manager, who now serves as the company's director of personnel development. "We always treated workers as children. Now our whole emphasis is on trying to move responsibility down the ladder."

So imbued with the new spirit is Mr. Warren that he shies away from discussing productivity gains as a dividend of increased job satisfaction. He feels that turns the spotlight to the wrong issue, but he is quick to add that in plants where experiments are under way the quality of product has improved along with the quality of working life.

Both sides have had to do missionary work with hardbacks in their own ranks to foster the changed attitudes required for effective cooperation.

"We thought we had to be mean to one another," the G.M. official notes, "but when the focus is on the quality of working life it gets us away from the confrontation spirit."

Mr. Bluestone describes the response from U.A.W. locals involved in the experiments as "excellent." He says the union intends to push for broader joint efforts in the 1976 contract talks and anticipates no company resistance.

The prominence of Mr. Bluestone and Mr. Fraser in extending the boundaries of union participation in areas traditionally reserved to management is of particular significance because one or the other is likely to become president of the U.A.W. next year. The present head of the 1.4-million-member auto union, Leonard Woodcock, passed his 65th birthday last February and must quit at the U.A.W. convention in Los Angeles in June 1977.

Though internal politicking will be submerged until after the Big Three contract talks this fall, most analysts expect that Mr. Fraser and Mr. Bluestone, both now 59 and always close personal allies within the organization, will come to the convention with delegate blocs big enough to control the outcome—provided one steps aside in favor of the other.

The choice of either would insure continuation of the philosophical heritage of Mr. Woodcock's predecessor, Walter P. Reuther, who died in a plane crash six years ago. "They see eye to eye on 90 per cent of things," said one intimate of the two vice presidents. "It wouldn't change the course of the union, whichever one wins."

NEW YORK SCHOOL LUNCHES GIVEN POOR MARKS

Mr. HUMPHREY. Mr. President, I wish to bring to your attention a May 19 article in the New York Times by Mimi Sheraton entitled "Lunches for Pupils Given Poor Marks."

This article indicates some of the reasons why our school lunches are unattractive to students and why there is a high incidence of plate waste. Many of the meals served to our students are unattractive and unappetizing. The article also indicates that they very often are of poor nutritional quality.

The conditions under which these meals are served and eaten also are such as to discourage eating the full portions and enjoying them.

The article further describes some examples of tasteless and unappetizing fare as well as some few examples which have been fairly successful.

Mr. President, I ask unanimous consent that this article be printed in the Record along with a letter which I sent to the General Accounting Office in relation to a study they are carrying out on the school lunch program.

There being no objection, the material was ordered to be printed in the Record, as follows:

Washington, D.C.,
May 20, 1976.

Hon. Elmer B. Staats,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

Dear Elmer: I am writing to you to bring to your attention an article in the May 19 issue of the *New York Times* entitled "Lunches For Pupils Given Poor Marks."

This is by way of a follow-up to my December 15, 1975 letter in which I asked the General Accounting Office to undertake a study regarding the issue of plate waste in the school lunch program.

This article describes in some detail why the school lunches in the New York City program are unappetizing and often below the minimum standards of sound nutrition. In looking at the issue of plate waste, the GAO should also consider ways of making these meals more attractive.

You may wish to have your staff contact the State Comptroller regarding a report which they prepared on this subject.

Please let me know if I can be of any further assistance. I look forward to receiving your study recommendations when completed.

Sincerely,

Hubert H. Humphrey.

Lunches for Pupils Given Poor Marks

(By Mimi Sheraton)

New York City.—Children are being fed school lunches that are both unappetizing and often far below minimum standards of sound nutrition.

Faced with food that is all too frequently soggy, salty, cold or burned, a large number of children toss the lunches, uneaten, into garbage pails.

These conclusions are based on this writer's three-year study of 150 public, private and parochial schools, and the findings on low nutrition and waste were corroborated recently in a report released by State Comptroller Arthur Levitt.

Mr. Levitt's auditors, in a study made two years ago, found that 22 of 66 lunches (containing 40,000 servings) did not meet the minimum nutrient requirements set down by the United States Department of Agriculture.

The meals eaten in New York City schools often are served in crowded, drab feeding halls to rushed children in hats and coats who have only 20 minutes to line up for food, eat it and then line up again to dispose of the trays.

To eat the food, they frequently are crammed on benches at narrow tables as they try to cut meat, scoop up soup or wind up spaghetti with a spork, a diabolical utensil that is a sort of papery plastic ice-cream scoop with blunt tines at the tip.

Only a few schools offer spoons for soup, and no children are given knives, for reasons that are depressing and obvious.

In New York City, 556,225 lunches are served on an average day to youngsters in public and nonprofit parochial schools at the elementary and junior and senior high levels. Of the total, 92 percent of the meals are given without cost to the youngsters who qualify because they come from low-income homes.

In order to obtain Federal and state subsidies that make it possible for the schools to provide free lunches, schools must serve what the United States Department of Agriculture has designated as Type A lunches, which represent one-third of the recommended daily requirements of all nutrients for 10-to-12-year-olds.

Each lunch must include a two-ounce edible portion of protein in the form of meat, fish or cheese, or one egg or half a cup of dried beans or four tablespoons of peanut butter, or an equivalent combination of any of these.

It must also include half a pint of fluid whole milk, three-quarters of a cup of vegetables or fruit, one slice of bread or a roll or muffin made of enriched flour, and one teaspoon of butter or fortified margarine.

These requirements are met in New York City with four lunch systems—the basic lunch, the cooking cafeteria, the use of bulk frozen convenience foods, and the use of so-called meal packs.

The simplest of these is the basic lunch which is served in only 162 elementary schools. Because these schools have virtually no cooking facilities, the lunches consist of soup and sandwiches or of entrees heated from cans, plus a fruit dessert and milk.

Cooking cafeterias are used in 528 elementary and junior and senior high schools. They use fully equipped kitchens where hot meals are cooked from fresh ingredients, sometimes supplemented with convenience items.

Bulk frozen convenience foods are served in 119 junior and senior high schools. In these places, the food is prepared in kitchens that have only convection ovens to heat fully prepared and portioned foods. Sometimes fresh fruit is added.

LIKE TV DINNERS

Meal packs make up the fourth system. and they are a three-year-old program presently used in 434 elementary schools. They consist of fully prepared frozen entrees in fitted foil trays that are much like TV dinners. Unfrozen items, such as bread, fruit and dessert, are served separately.

Comptroller Levitt's report listed estimated costs for food alone in the various systems. Using a hamburger lunch as an example, the findings were these: 78 cents in a cooking cafeteria, 69 cents for bulk convenience and 75 cents for the meal pack.

The basic lunch cost for the hamburger was not calculated, but Julius J. Jacobs, director of the Board of Education's bureau of school lunches, estimates that they average 30 percent less than meal packs.

Although prices have risen since the audit two years ago, they have maintained the same relationship.

It is significant that the quality of school lunches did not depend on the age or condition of the school, nor on the income level of the neighborhood, but on the type of food system used, with smelly, tasteless and tepid meals predominating when the lunches were made from convenience foods, either frozen or canned.

I had a wonderful turkey dinner with mashed potatoes in the dilapidated cooking kitchen of Charles Evans Hughes High School in the Chelsea section of Manhattan, but I had a dreary, scorched lunch from a meal pack in Public School 6, which is in a wealthy neighborhood on upper Madison Avenue.

The fried chicken at the new John F. Kennedy High School in the Bronx was of the bulk convenience type, and it was steamy and musty. But the mildly spiced but savory chili made from scratch in the fairly modern P.S. 41 in Greenwich Village was satisfying and delicious.

The same range of features from bad to good, described in detail below, holds true for the same systems when observed in other cities that I studied—Chicago, Newark, New Orleans and Milwaukee.

THE BASIC LUNCH

The nutritional requirements are met with canned soup and sandwiches, prepared at the schools, which fulfill the bread and butter needs and the protein needs with such fillings as cheese, sliced meat, peanut butter and tuna fish. Soups such as vegetable, chicken or beef noodle, tomato and split pea are products of standard commercial packers, with the Heinz brand most in evidence.

Vegetable or fruit requirements are met with vegetables in the soup or with fresh or canned fruit desserts. Milk is included and, on special days, ice cream or cookies are added.

While one might wish for a better choice of breads than the standard American white or the hamburger, hot dog or hero rolls, whenever rye or whole wheat alternatives have been tried, most children have balked at eating them.

In order to upgrade the soup-and-sandwich format, and to satisfy the demands of parents for hot food (even though most children prefer it cold), most schools with these basic lunches serve heated canned entrees once or twice a week.

These entrees include ravioli, spaghetti with meatballs or sauce, sloppy joes, beef stew and canned cooked hamburgers in tomato sauce or gravy. Because sauces make it hard to be sure that two ounces of protein have been picked up in the serving ladle, a slice of American cheese is usually added to such entrees.

The canned pasta products are the starchy, slippery, overcooked and oversweetened types found on supermarket shelves, and are made by Chef Boy-ar-dee, Prince and an institutional packer, Venice Maid. The worst entrees are the sodden canned hamburgers, mealy with textured vegetable protein and tasting every bit as sour as they smell.

It is unfortunate that the soup and sandwich formula is in such bad repute, because of all the lunches observed this was the one that consistently led to the least waste because it was most preferred by the children.

Since this is also the least expensive lunch, it is too bad that it is not used at least in combination with one of the other systems. Instead, soup-and-sandwich kitchens are being systematically replaced with meal pack systems.

COOKING CAFETERIAS

This is by far the best system in operation, with fresh food prepared in fully equipped kitchens. Among the more memorable entrees eaten in such kitchens were crisp oven-baked chicken, roasted fresh ham, chili, sloppy joes, meat loaves, Italian-style meat sauces, and corned beef and cabbage on St. Patrick's Day.

Some fresh vegetables are used, although most are canned, but even those are especially well handled by cooks who take pride in the meal they turn out. The vegetables are usually well drained and tossed with butter or margarine. They are altogether superior to their frozen counterparts in bulk convenience kitchens.

SOME FLEXIBILITY

Rice and potatoes are freshly cooked, but most of the potatoes are frozen or dehydrated, and convenience items such as breaded fish portions are, again, carefully handled.

With this system, it is possible to give larger portions or seconds of individual items to older children. Best of all, perhaps, is the appetizing smell of food in these kitchens when the children come in to lunch and the warmth and friendliness of staff members who encourage them to eat.

In three dozen cooking cafeterias visited, only four turned out genuinely poor cooking.

While the waste observed in cooking cafeterias was far less than in meal-pack lunches, there was still far too much, mostly because of vegetables that were thrown away and one still has to work around the unpredictability of children's tastes. One group of junior high school students in District 1 on the Lower East side ate almost every shred of the excellent freshly made cole slaw. Another group, in a Newark high school, left every shred of equally good and equally fresh cole slaw.

BULK FROZEN CONVENIENCE

This system, followed only in junior and senior high schools, uses precooked frozen foods. The kitchens have convection ovens for heating, conveyor belts for arranging trays and no conventional ranges or ovens.

Fried chicken that is at once dry but greasy; curled-up, dry hamburgers; gray soggy fish portions, and metallic-tasting meatballs are among the standard hot entrees. A cold sandwich is almost always available as a alternative.

At the handsome new Martin Luther King Jr. High School at 66th Street and Amsterdam Avenue, a luncheon entree billed as a meatball hero was a thin, gray, oval slice of meat loaf, about as appetizing as the worn out sole of a shoe, which it resembled.

MEAL PACKS

As far as this observer is concerned, this system is the worst in operation, allowing for even less flexibility than bulk convenience. Foil trays hold fully cooked and frozen protein and vegetable entrees that are heated in convection ovens especially fitted for the trays. The result is a serving that looks like the dreariest, tiniest of airline meals.

The standard items are tough, sodden hamburgers that are pasty with vegetable protein and usually bitingly salty; limply breaded fried chicken; gray, pulpy fish; damp grilled cheese sandwiches; sour, sticky pizza, usually on thick soda cracker bases, and salty hot dogs, often tinged with a gray-green pallor.

Fruit, dessert, bread and milk supplied by the bureau are often the only part of the lunch the children eat.

Even more important than taste, perhaps, is the question of nutrition. At the time the Levitt audit was being made, the bureau of school lunches was purchasing meal packs from National Portion Control, Interncontinental Foods Industries, Mass Feeding and Morton's.

All concerned at the bureau swore by these suppliers in interviews, but since many of the protein portions seemed much below the two-ounce-recommended minimum requirement, I sent some of the meal packs to an independent laboratory to be weighed.

The Morton's samples' protein portions weighed 1.6, 2.0, 2.1 and 2.3 ounces, while Mass Feedings were 0.7, 1.6, 2.0 and 2.3 ounces (the 0.7-ounce one being a tiny fried chicken wing).

The Intercontinental packs had protein portions that weighed 1.2, 1.8, 2.0 and 2.3 ounces.

National Portion Control and Intercontinental were later dropped as suppliers, but Mr. Jacobs of the lunch bureau said, "They were dropped strictly on a bidding basis. Their prices were higher than those we selected."

Mass Feeding and Morton's remained as suppliers, and in the last school year, Larry's Inc., was added, and upon seeing a few of its meals, I sent one seemingly inadequate sample to the same laboratory. Tests found that it contained only 1.7 ounces of protein.

This year Larry's has been dropped. Also this year, I saw some Mass Feeding packs that looked inadequate in protein, but I was unable to have them tested: District supervisors said that it was against regulations to take them off the premises.

The Levitt study examined the nutritive values of the food and reported failures of many lunches to contain the recommended daily requirement of one-third of the youngsters' needs. National Portion Control and Intercontinental did not meet the basic requirements for 6 out of the 12 nutrients in

17 out of 47 meals, the Levitt audit said, and Morton's at times lacked sufficient iron or phosphorus. Reports were not included on Mass Feeding.

FINDINGS CORROBORATED

If these packs often are short in nutrients and in protein weight, they are almost always unappetizing. The instant mashed potatoes are caked into the compartments like library paste, carrots are waterlogged, shriveled peas are often burned black, the corn kernels are almost empty, the string beans are brownish and the baked beans are mushy.

All of this corroborates the Levitt audit's contention that the lunch bureau's inspection methods leave much to be desired, and when the report was released last week, the Board of Education said it agreed with the findings.

However, during the three years that I have been doing this research, everyone questioned in the lunch bureau insisted that inspection was adequate. It must be noted that inspection of meal packs is especially difficult, because each pack is sealed with foil for proper heating.

Only inspection of every pack as it is opened by the children would assure adequate portions. Never did I see a lunchroom attendant return a meal pack because of small portions or because the food was burned or cold.

Meal packs accounted for the greatest waste, and at one elementary school in the Williamsburg section of Brooklyn, I counted 40 children in a row who dropped unopened packs into the garbage can even though they contained hamburgers, a normally popular item.

LUNCH FROM HOME

Reasons this occurred must include the possibility that some children brought lunch from home even though they took the free lunch, that they had had bad experiences with meal packs in the past and assumed they were all alike, and that they were just shy, frightened and rushed and needed encouragement to taste the food and give it a chance.

It has been found in interviews with children, parents, supervisors and lunchroom attendants that meal packs meet with great acceptance within the first eight weeks of their introduction, but that they then begin to decline in favor. This is perhaps due to the sameness in menu and flavor that they present.

Another drawback to the meal-pack system is that the same size lunch is served to children of every age, from the tiniest first-grader to the biggest fifth-grader.

INFLEXIBLE FORMAT

And the meal packs and the bulk convenience kitchens share this shortcoming: Once the kitchens are stripped of all conventional equipment to accommodate the heating of prepared frozen foods, an inflexible format takes hold and the schools cannot take advantage of lower prices for fresh foods and seasonal bargains. They are at the mercy of the convenience-food processors.

There are opponents to this within the school establishment. Richard Reed, chief of the New York State Education Department's bureau of school foods, said of meal packs:

"They may make good stopgaps until complete kitchens are installed, but they are certainly no permanent satisfactory answer."

Others concur with Mr. Reed, including one of Mr. Jacobs's most valuable deputies in the school lunch bureau, who said, asking to remain anonymous:

"There is no room for profit-making companies in a public school lunch system. We could give the kids more and better food if we cooked it ourselves."

But Mr. Jacobs remains the meal pack's greatest booster, swearing by it and the bulk convenience method, and new schools in New York City are being equipped only for these systems and in older schools as old-style equipment wears out it is replaced with convenience facilities.

"Frankly and honestly," Mr. Jacobs said last week, "this bureau is committed to convenience food lunches, both in the form of meal packs for elementary schools and bulk frozen for high schools. We feel it is less expensive than food prepared at local labor costs, the food is more sanitary, and we can get the processors to adjust their products to our specifications.

And so, the more than half of the city's more than one million schoolchildren who get their lunches in this program will be eating more and more frozen convenience foods. Those in the remaining half-million or so will do as they have done before: go home for lunch or bring it with them to school.

Observations of the latter group yield results as discouraging as those cited above. Instead of finding the nutritious, high-protein selections that one might expect, 8 out every 18 brown-bag lunches that I have seen appear to be even more deficient than the school lunch. They feature jelly sandwiches, cookies, candy, pretzels, potato chips and, instead of milk, soda.

U.S. AFRICA POLICY

Mr. KENNEDY. Mr. President, I would like to enter in the RECORD a statement by Representative ANDREW YOUNG on "The Promise of U.S. Africa Policy" as it appeared in the Washington Post on Monday, May 17.

Representative YOUNG fully explains the intricate details of the current strife in southern Africa and he presents a compelling case for a renewed approach by the U.S. Government in its policy on southern Africa.

Mr. President, I ask unanimous consent that Representative YOUNG's statement on U.S. Africa policy be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE PROMISE OF U.S. AFRICA POLICY

(By ANDREW YOUNG)

Secretary Kissinger's trip to the African continent has generated tremendous impact. The conservatives of the President's party try to blame Ford's losses and Reagan's triumphs on Kissinger's Lusaka message; former diplomat George Kennan has reached into his cold-warrior bag of ready explanations to doomsay the Kissinger expedition; and liberals of both parties view the visit with suspicion and doubt.

There is now an image of southern Africa in flames, a holocaust of genocide against white lives and civilized values. Undoubtedly others from every corner—professors, politicians and media commentators—will soon jump on the southern African bandwagon to have their say.

But what did the Kissinger safari promise in its re-orienting of U.S. foreign policy toward Africa? We should not forget that just three months ago this country was bogged down in an African misadventure, Angola. Intervening on the wrong side, which had South African assistance, cost us a lot of black African friends and the consequences have not all been felt yet. The Cubans remain in Angola while the South Africans have left.

Angola is so haunting to our national psyche that we have yet to recognize the MPLA government. Against that background, Kissinger's efforts, however small, did begin a new era of at least minimal recognition of the importance of the Third World in U.S. policy. But what was really committed and how do the promises affect our nation's self-interest?

To me, the national self-interest is quite evident. Africa has immense mineral and other wealth upon which we will increasingly depend. Our economic future and Africa's growth will revolve on access to expanding markets as well as the availability of U.S. technology. Already our trade balance and investment volume on the African continent has shifted in favor of the black developing states as opposed to South Africa. According to the Department of Commerce, U.S. trade with Africa in the first half of 1975 increased at a much more rapid pace than our trade with the rest of the world. Nigeria, as one example, sells us her oil products and ranks sixth as a source of U.S. imports. Economics has always helped to determine politics in this country.

What seems apparent, therefore, is that the United States has agreed that whites in southern Africa cannot maintain privileged, elitist rule. This is a significant admission when one considers the Nixon-Kissinger "tilt" initiated in 1969.

There is no joy in this policy shift, only a confrontation with political realities. Angola was the hammer that struck this proper chord into place. The United States finally has deduced that there are no realistic alternatives to armed struggle, given our past refusal to be involved in diplomatic and economic approaches to pressure a political capitulation from Ian Smith. While Kissinger smiled on the Callaghan proposal, it was a throwaway. The British have never been able to do anything against Smith, but guerrilla warfare may drive him to the London constitutional table in a few months. The United States, Kissinger asserts, will remain pure in this period of struggle unlike the Angola attempt. No arms to the liberation movements; whites will not be killed by American guns.

In addition, a commitment by the United States to South Africa has been publicly made. The already existing dialogue between Prime Minister Vorster and State Department policy-makers is now above board and clear-cut. Angola predicted this relationship; Kissinger confirmed it.

South Africa may be saved from massive turmoil and bloodshed if it does three things: force Smith to step down; set a timetable for Namibian self-rule; and abolish the cruder realities of internal aparthied. What is not said, of course, is what else South Africa then perhaps could count on from the United States: a lifting of the arms embargo; softer monetary policies in World Bank and IMF decision-making; extension of direct loans from the Eximbank; possibly recognition of the Transkei, South Africa's first Bantustan, for instance.

In the short run, armed struggle within Rhodesia's borders will increase. A few thousand whites will pack up and leave out of racial arrogance rather than actual danger. Political pressure on Ian Smith will escalate to set up real talks that lead to majority rule. Zimbabwe will be born, and it will be born quickly if Botswana can get the money to cut off Rhodesia's other rail link.

Namibia also will win liberation within a short time. SWAPO is poised to enter constitutional talks the moment South Africa agrees to majority rule, In reality, the 5 to 1 ratio makes this fact so. Until then, the next few months will bring increased guerrilla struggle with the threat of Cuban-Angolan intervention hanging overhead. African states, including Nigeria, welcome the Cuban threat, but privately prefer to see the liberation of Rhodesia and Namibia without their involvement. Assistance of advisers from Tanzania and Mozambique is an obvious attempt to say to Cuba and Russia, "We want to try it on our own. Arms, yes; troops, no."

So, I, for one, think Kissinger's African Safari was both necessary and instructive. If the Kissinger visit had not taken place now, then Ford's tendency toward Republican isolationism would have allowed a drift in events whereby further dependence on Soviet and Cuban intervention in southern Africa would become almost certain.

I am personally sorry that African affairs have to become a political football since problems there are of great magnitude and require sustained rather than expedient analysis. But the signals Secretary Kissinger set off are better than any I have seen from American policy managers since the Kennedy administration.

Whether they are too little and too late remains to be seen. A new administration in November, however, will build on them and avert unnecessary destruction and costs in human lives in the southern Africa of the future.

DESEGREGATION AND THE CITIES

PART VII.—HOUSING SEGREGATION TRENDS

Mr. BROOKE. Mr. President, opponents of court-ordered school desegregation plans frequently express their preference for achieving "natural" school desegregation through the development of integrated neighborhoods. Supporters of the courts usually share this as a long-range objective, but defend the right of the courts to correct de jure segregation in the schools in the interim. Some observers claim that the passage of the federal fair housing provisions of the 1968 Civil Rights Act should desegregate neighborhoods. Others criticize HUD and argue that fair housing has made no significant impact on housing market practices.

A good beginning point for analyzing these issues is the data on urban residential segregation provided by the 1970 Census. Though the Federal law had been in effect only briefly at that time, most housing units in the country had been covered by State or local laws some time earlier.

The census data showed very little change in the patterns of high urban segregation. It showed continued rapid departure of white middle class families from the central cities, continued low representation of blacks in the suburbs, continued ghetto expansion, and a tendency for those black families who did reach the suburbs to be channeled into patterns of segregated housing. Unless there is a very dramatic change in these statistics and the trends that they represent, there is no chance in the foreseeable future that we will achieve natural school integration in our large urban communities. Positive policies will be needed to speed integration.

The data presented today includes three tables summarizing 1970 segregation levels and articles interpreting the data by two leading experts in racial demographics. The first table, taken from Municipal Performance Report's November 1973 issue on city housing uses indices calculated by Annemette Sorensen, Karl Taeuber, and Leslie Hollingsworth, Jr., to show changes in the level of segregation since 1940. The statistics represent the percentage of non-whites living in a number of leading cities who would have to move to achieve a random non-racial pattern of residence. In most of the cities, the data shows, almost nine-tenths of the black families would have had to move. The statistics really understate the level of minority group segregation for two reasons. They show transitional neighborhoods as integrated and they show neighborhoods with black and Latino minorities as desegregated communities.

The following tables are simpler, showing merely the percentage of black residents who live in predominantly black and virtually all-black neighborhoods in various cities.

Readers troubled by the statistics will find lucid explanations of the trends and their meaning in articles by Prof. Karl Taeuber of the University of Wisconsin and Prof. Reynolds Farley of the University of Michigan's population studies center. Farley directly examines the relationship between housing segregation and school segregation. Finally, a new report on New York City trends to 1975 shows that the pattern of spreading segregation remains strong in this decade.

Mr. President, I ask unanimous consent that the above-mentioned materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE I.—HOUSING SEGREGATION

City	How many nonwhites would have to move? [1]						How many blacks would have to move? [2]		Change in percent of nonwhites that would have to move [3]			
	1940 (percent)	Rank	1950 (percent)	1960 (percent)	1970 (percent)	Rank	1970	Rank	1940–50	1950–60	1960–70	Rank
Atlanta	87.4	14	91.5	93.6	91.5	28	91.9	25	4.1	2.1	−2.1	23
Baltimore	90.1	21	91.3	89.6	88.3	21	89.4	19	1.2	−1.7	−1.3	26
Boston	86.3	12	86.5	83.9	79.9	12	84.3	10	.2	−2.6	−4.0	12
Buffalo	87.9	15	89.5	86.5	84.2	19	87.3	16	1.6	−3.0	−2.3	22
Chicago	95.0	27	92.1	92.6	88.8	24	93.0	28	−2.9	.5	−3.6	15
Cincinnati	90.6	23	91.2	89.0	83.1	14	84.2	9	.6	−2.2	−5.9	10
Cleveland	92.0	24	91.5	91.3	89.0	23	90.1	21	−.5	−.2	−2.5	21
Dallas	80.2	2	88.4	94.6	92.7	29	95.9	29	8.2	6.2	−1.9	25
Denver	87.9	15	88.9	85.5	77.6	9	88.9	18	1.0	−3.4	−7.9	7
Detroit	89.9	20	88.8	84.5	80.9	13	82.1	6	−1.1	−4.3	−3.6	18
Houston	84.5	11	91.5	93.7	90.0	27	92.1	27	7.0	2.2	−3.7	15
Indianapolis	90.4	22	91.4	91.6	88.3	21	89.6	20	1.0	.2	−3.3	10
Kansas City	88.0	17	91.3	90.8	87.9	20	90.5	23	3.3	−.5	−2.9	24
Los Angeles	84.2	9	84.6	81.8	78.6	11	90.6	24	.4	−2.8	−3.2	17
Miami	97.9	28	97.8	97.9	89.4	26	92.0	26	−.1	.1	−8.5	1
Milwaukee	92.9	26	91.6	88.1	83.7	17	88.0	17	−1.3	−3.5	−4.4	16
Minneapolis	88.0	17	86.0	79.3	67.9	2	80.4	5	−2.0	−6.7	−11.4	8
Newark	77.4	1	76.9	71.6	74.9	8	76.3	2	−.5	−5.3	3.3	26
New Orleans	81.0	3	84.9	86.3	83.1	14	83.9	8	3.9	1.4	−3.2	13
New York	86.8	13	87.3	79.3	73.0	7	77.3	3	.5	−8.0	−6.3	9
Philadelphia	88.0	17	89.0	87.1	83.2	16	84.4	1	1.0	−1.9	−3.9	13
Phoenix			86.1	85.6	72.8	6	86.7	15		−.5	−12.8	2
Pittsburgh	82.0	5	84.0	84.6	83.9	18	85.9	13	2.0	.6	−.7	28
Portland	83.8	8	84.3	76.7	69.0	3	86.2	14	.5	−7.6	−7.7	8
St. Louis	92.6	25	92.9	90.5	89.3	25	90.1	21	.3	−2.4	−1.2	27
San Diego	84.4	10	83.6	81.3	71.6	5	85.6	12	−.8	−2.3	−9.7	5
San Francisco	82.9	7	79.8	69.3	55.5	1	75.0	1	−3.1	−10.5	−13.8	1
San Jose			79.4	60.4						−19.0		
Seattle	82.2	6	83.3	79.7	69.2	4	82.2	7	1.1	−3.6	−10.5	4
Washington	81.0	3	80.1	79.7	77.7	10	78.8	4	−.9	−.4	−2.0	24

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[1] How many nonwhites would have to move? This measures the difference between the actual distribution of households by race and a random distribution. It shows the percentage of nonwhite households which would have to move in order to achieve a random distribution of whites and nonwhites throughout the city. Data are not available from the source for Phoenix in 1940 and 1970 and for San Jose in 1970. Source: Taeuber and Taeuber (1965) for 1940, 1950, and 1960 data. Karl Taeuber, correspondence, September and October 1973, for 1970 data.

[2] How many blacks would have to move? This measures the proportion of blacks in a city who would have to move to achieve a random distribution. Data are not available from the source for San Jose in 1970. Source: Karl Taeuber, correspondence, September and October 1973.

[3] Change in percent of nonwhites that would have to move. This measure shows the amount of desegregation that occurred for each city in the 1960's. It shows much more desegregation in this decade than in either of the previous 2 decades. Source: Calculated from the previous columns on nonwhite segregation levels in 1960 and 1970.

TABLE II.—*Indicators of racial separation in cities with populations over 100,000 and black populations over 50,000, 1970*

A. PROPORTION OF BLACK POPULATION LIVING IN CENSUS TRACTS 50 PERCENT OR MORE BLACK

Rank:	*Percent*
1. Washington, D.C.	96.2
2. Chicago	93.9
3. Cleveland	93.7
4. Richmond, Va	93.6
5. Jackson, Miss	93.3
6. Dallas	92.8
7. Baltimore	91.5
8. Oklahoma City	91.3
9. Atlanta	91.0
10. Dayton	90.9
11. Savannah	90.6
12. Detroit	90.4
13. Gary	90.0
14. Newark	89.7
15. Charlotte, N.C	89.5
16. Memphis	89.0
17. Shreveport	88.9
18. Miami	88.5
19. Kansas City	88.5
20. St. Louis	88.2
21. Norfolk	87.4
22. Los Angeles	86.9
23. Birmingham	86.0
24. Milwaukee	86.0
25. Louisville	85.8
26. New Orleans	85.3
27. Mobile	85.1
28. Houston	83.3
29. Buffalo	83.2
30. Jacksonville	82.6
31. Philadelphia	81.9
32. Tampa	81.3
33. Ft. Worth	81.0
34. Pittsburgh	80.5
35. Flint	80.3
36. Boston	76.1
37. Cincinnati	76.1
38. Indianapolis	76.0
39. Nashville	75.6
40. Columbus	73.9
41. Toledo	69.3
42. Oakland	66.6
43. New York	64.0
44. San Diego	58.3
45. San Francisco	55.5
46. Jersey City	53.5
47. San Antonio	51.8

SOURCE—Special census tabulations prepared for the Office of Equal Opportunity, Department of Housing and Urban Development, by the Census Data Corp.

TABLE III

B. PROPORTION OF BLACK POPULATION LIVING IN CENSUS TRACTS 90 PERCENT OR MORE BLACK

Rank	*Percent*
1. Chicago	77.7
2. Shreveport	76.3
3. Atlanta	74.9
4. Mobile	72.2
5. Norfolk	71.8
6. Jackson, Miss	71.6
7. St. Louis	71.2
8. Baltimore	70.8
9. Gary	68.8
10. Richmond	67.6
11. Cleveland	67.4
12. Washington, D.C	66.5
13. Dallas	66.0
14. Dayton	65.1
15. Miami	64.9
16. Memphis	61.2
17. Savannah	60.0
18. Oklahoma City	59.6
19. Jacksonville	56.9
20. Louisville	53.9
21. Nashville	51.3
22. Charlotte	50.1
23. Kansas City, Mo	49.3
24. Ft. Worth	49.0
25. Detroit	48.9
26. Birmingham	46.9
27. Philadelphia	44.7
28. Newark	43.2
29. Buffalo	42.9
30. Milwaukee	41.7
31. New Orleans	41.0
32. Indianapolis	39.2
33. Houston	38.8
34. Pittsburgh	38.2
35. Tampa	37.3
36. Cincinnati	36.6
37. Flint	34.7
38. Boston	31.3
39. Los Angeles	30.0
40. Toledo	29.7
41. New York	28.4
42. San Antonio	25.7
43. Oakland	15.2
44. Columbus	15.2
45. Jersey City	9.8
46. San Francisco	0
47. San Diego	0

SOURCE.—Special census tabulations prepared for the Office of Equal Opportunity, Department of Housing and Urban Development, by Census Data Corp.

KARL E. TAEUBER, "RACIAL SEGREGATION: THE PERSISTING DILEMMA"

ANNALS OF THE AMERICAN ACADEMY, NOVEMBER 1975

ABSTRACT: Although moderate to high social and economic heterogeneity are typical of suburbs as well as central cities, the black population has become highly segregated residentially. This segregation has little economic base, but is based primarily on racial discrimination. The military images used to describe black "invasion" of neighborhoods and white "flight" from central cities express racial conflict and distort our perception of metropolitan trends. As a one-in-eight minority nationally, blacks are not numerous enough to "take over" many central cities. The high concentration of blacks in a couple dozen cities ensures that blacks will remain a small minority in 200 other metropolitan areas. Demographic data since 1970 indicate a reversal of the centuries-long process of increasing metropolitan concentration and a sharp diminution in the flow of black migrants to large cities. To date, there is no evidence of sharp shifts in the residential isolation of blacks. Black suburbanization in some metropolitan areas has followed the central city pattern of segregation. The altered demographic circumstances of the 1970s and 1980s hold out prospects for change, but those prospects depend on the nation's efforts to reduce continuing discrimination in the sale and rental of housing.

The National Advisory Commission on Civil Disorders, appointed by President Johnson in response to the ghetto riots of the mid-1960s, reported in early 1968 its basic conclusion: "Our nation is moving toward two societies, one black, one white—separate and unequal." The image of "two societies" took root in people's minds in a way that the commission's recommendations for action never could. Translated into geographic terms, this image now dominates the nation's perception of central city and suburbs: a black core surrounded by a white noose.

For decades scholars and the public have used battlefield imagery to describe residential patterns of blacks and whites. Early in this century, as black populations grew in the cities, the so-called colored were said to be threatening and invading white neighborhoods. During my childhood in World War II, a "blockbuster" was a bomb of awesome destructive power; in college in the 1950s I learned that a "block-buster" was an unscrupulous character who dared to sell or rent to Negroes in white areas. In the years since the Kerner Commission report, the imagery has become that of defeat and panic, of white flight to the suburbs in fear of blackening central cities.

This racial battlefield imagery of cities and suburbs is, like the other city-suburban imagery, a gross exaggeration that nevertheless blinds the national perception to reality. Racial conflict is a prominent aspect of the American metropolitan scene, but the two-society image is too narrow a perspective. A survey of certain census data on population distribution and migration can broaden the perspective and provide a glimpse of both the uniformities of racial residential patterns throughout the nation and of the diversities in scale and character of the problems posed by these patterns in individual metropolitan areas.

THE BLACKENING OF CENTRAL CITIES

What did the 1970 census reveal about the so-called blackening of central cities? In the 243 metropolitan areas, blacks composed a majority of the population in only three central cities. These three cities—Washington, Newark and Atlanta—are each severely underbounded with respect to the spread of urbanization around them. (Washington had 26 percent of the metropolitan area's population; Newark, 21 percent; and Atlanta, 36 percent.) In the total metropolitan population of these three places, blacks were outnumbered three or four to one.

In only 12 other metropolitan areas did blacks in 1970 compose between 40 and 50 percent of the central city population. Four of these 12 were Southern cities in which the black percentage either declined or increased only slightly during the 1960s: Birmingham, Alabama; Charleston, South Carolina; Pine Bluff, Arkansas; and Richmond, Virginia. The other eight cities experienced rapid increases in percentage of blacks during the 1960s, and most will probably have black majorities by the time of the 1980 census. These eight, in declining order of city size, are Detroit, Baltimore, St. Louis and New Orleans, among the nation's large cities, and Savannah, Wilmington, Augusta and Atlantic City among the medium-size cities.

A few central cities other than these eight may experience such rapid white out-movement and black increase during the 1970s that they, too, will have black majorities by 1980. But in 211 of the 243 central cities, whites outnumbered blacks more than two to one in 1970. Many of the 32 cities in which blacks composed more than one-third of the 1970 population were medium-size Southern cities from which blacks were fleeing as fast as whites in the 1960s. In other medium-size cities whites were moving in, not out, and at a faster rate than blacks.

About one of every eight persons in the United States is Negro (according to census classification). A minority group, outnumbered seven to one, cannot "take over" all of the nation's central cities. Indeed, more than half of the nation's black population already lives in central cities of metropoitan areas. Black urbanization in the future cannot continue at the former pace. There are not enough blacks left in the rural South to provide a continuing large flow into the cities.

Although 198 of the 243 metropolitan areas experienced an increase during the 1960s in the percentage of blacks in the central city, there is no typical metropolitan area. Black population in New York City increased by more than half a million. In Provo-Orem, Utah, the black central city population increased from 18 to 28 persons. There are prevailing patterns of racial population change, but the specific pattern in each metropolitan area takes on a unique size and shape.

BLACK SUBURBANIZATION

Variety is the prominent feature of patterns of black suburbanization among the nation's metropolitan areas. In 1970 there were 70 million whites living in the suburbs (census definition) and 3.4 million blacks. Blacks composed about five percent of all suburban residents; but this aggregate figure of five percent is a misleading indication of the general pattern. In most of the old South, blacks lived in town and villages and throughout the countryside. As metropolitan areas grew, they incorporated within their domain the pre-existing pattern of racial enclaves. Despite the exclusion of blacks from most of the new suburban housing of the past 50 years, in many of the South's metropolitan areas blacks compose from 10 to 40 percent of the suburban population. In every Northern metropolitan area and in some Southern areas, blacks compose less than 10 percent of the suburban population and often only a miniscule proportion.

During the 1950s and 1960s more blacks moved out of many Southern metropolitan areas than moved in; this was true of suburbs as well as central cities. The huge flow of black population to Northern central cities drew heavily from Southern urban blacks as well as from blacks in the rural hinterlands. With rapid white suburbanization in these Southern metropolitan areas, the percentage that blacks composed of the suburban population often fell.

In the Northern metropolitan areas, racial patterns of suburbanization varied. In many areas with rapid suburbanization of whites, the number of blacks has shown a sharp percentage increase. Some observers have seen in these demographic figures the harbinger of new era of extensive black suburbanization. Caution is warranted, however, whenever one looks at percentage change data from a small base population. Between 1960 and 1970 the white suburban population in the Boston metropolitan area increased only 11 percent, while the black suburban population increased 53 percent. Numerically, however, the white suburbanization greatly outweighed the black: the white suburban population increased by 200,000, from 1.9 million to 2.1 million; the black suburban increase was less than 8,000, from 15,000 to 22,000. The rate of black suburbanization was greater, to be sure, and the percentage that blacks composed of Boston's suburban population did increase—from less than one percent to just over one percent. If this is the harbinger of a new era of black suburbanization, it is obvious that the old era will be with us for a long time before being ushered out.

Another kind of evidence shows that the black suburbanization currently occurring in a number of large metropolitan areas, whatever its numerical scale, is following the essential dynamics of the old era rather than ushering in a new era of race relations. This evidence pertains to the location of black suburbanites and the character of their new communities. Consider Chicago, for example, where the quantity of black suburbanization has been rather large. In the two decades from 1950 to 1970, the black suburban population in the Chicago area increased by 85,000 persons (from a 1950 base of 44,000). Nearly two-thirds of this increase occurred in nine old industrial suburbs (such as Joliet, Waukegan and Chicago Heights), each of which was experiencing the same kind of blacks-replacing-whites in segregated neighborhoods that occurs in central cities. Another one-fourth of the black suburban increase occurred in five "black suburbs" (such as Robbins and East Chicago Heights), small communities or neighborhoods in which new housing developments had been marketed directly to black families. The Chicago suburban territory, aside from these 14 communities, was home to more than 3 million whites in 1970, but it made room for a black increase of fewer than 10,000 persons during the 20-year period.

ECONOMICS OR DISCRIMINATION?

The residential segregation of blacks from whites within central cities and the exclusion of blacks from suburbs are often assumed to be a reflection of the relatively poorer economic circumstances of blacks. In fact, although metropolitan areas have both wealthier and poorer neighborhoods, most residential neighborhoods throughout the metropolis have housing that rents or sells for a wide range of prices. Thus, the first premise of the poverty interpretation of racial residential patterns is only a half-truth. The residential distribution of persons among neighborhoods in the metropolis is only in small part a function of housing costs, family income or other economic factors.

The second premise of the poverty interpretation of housing segregation is that blacks are poorer than whites. This is again only a partial truth. If the entire distribution of families by income is considered, rather than just average incomes, a considerable overlap is seen among races. Many wealthy and middle income black families have greater economic resources than do millions of poor white families.

The conclusion from the two premises of the poverty interpretation of residential segregation is that the residential locations of blacks and whites differ because of economic differences. The reality, alas, is not so simple. Sociologists and economists have devised various statistical techniques for assessing the influence of economic factors on the differential residential location of black and white households, but they have not reached any consensus beyond agreement that other factors are important. I have contributed to the esoteric literature on this topic, but I am more impressed by the results of common sense and simple statistics. Common sense and open eyes reveal that rich blacks do not live interspersed with rich whites. Poor whites do not live interspersed with poor blacks. Racial residential segregation exists to far too high a degree in all American cities for economic factors to be the primary cause. Simple statistics offer surprising confirmation. In Chicago in 1960, the average rent paid by white tenants was $88 a month; the average rent paid by black tenants was $88 a month. Black renters were highly segregated from white renters despite their obvious ability to pay as much.

But suburbanization is different, is it not? Granted that patterns of housing segregation in the central city are not primarily economic in origin, is it not true that economic factors play a more important role in suburban locations? Consider data for 29 of the Nation's largest metropolitan areas. Among white families with incomes of $5,000 to $6,999 (not a very good income even by 1969 standards), the proportion who lived in the suburbs was greater in every case than the suburban proportion among black families with incomes of $15,000 to $24,900. Consider also a specific metropolis. In Detroit in 1970, more than half of the white families in each income level, from very poor to very rich, lived in the suburbs. Among blacks, only one-tenth of the families at each income level (including very rich) lived in the suburbs.

I have concluded from my own research and a review of the work of others that the prime cause of residential segregation by race has been discrimination, both public and private. Racial discrimination was influential in developing the racially segregated pattern of American cities. In recent years, despite court rulings and legislation clearly outlawing virtually all types of racial discrimination in housing, past patterns persist, and every investigation uncovers evidence that old impediments to free choice of residence by blacks continue. I refer specifically to practices such as:

1. racially motivated site selection and tenant assignment policies in public housing;
2. racially motivated site selection, financing, sales, and rental policies of other types of government subsidized housing, such as Federal Housing Administration and Veterans Administration insurance programs;
3. racially motivated site selection, relocation policies and practices, and redevelopment policies in urban renewal programs;
4. zoning and annexation policies that foster racial segregation;
5. restrictive covenants attached to housing deeds;
6. policies of financial institutions that discourage prospective developers of racially integrated private housing;
7. policies of financial institutions that allocate mortgage funds and rehabilitation loans to blacks only if they live in predominantly black areas;
8. practices of the real estate industry such as (a) limiting the access of black brokers to realty associations and multiple listing services; (b) refusals by white realtors to cobroke on transactions that would foster racial integration; (c) block-busting, panic selling, and racial steering; (d) racially identifying vacancies, either overtly or by nominally benign codes (advertising housing according to racially identifiable schools or other neighborhood identifiers); (e) refusing to show houses or apartments or refusing to encourage blacks to consider housing in white neighborhoods; (f) reprimanding or penalizing brokers and salesmen who act to facilitate racial integration; and
9. racially discriminatory practices by individual homeowners and landlords.

MASS MIGRATION TO METROPOLIS

A century ago the black population in the United States was predominantly a rural agricultural one because the South of which blacks were a part was itself a rural agricultural region. As the South slowly urbanized, blacks participated. Southern cities, together with their outlying suburbs, grew with a pattern of separate housing for blacks. A slow northward movement of black population that had been occurring in the first half-century after the emancipation of slaves accelerated during the 1910–20 decade. Continuing for the next half-century and a few years beyond, the flow of blacks to Northern cities was truly a mass migration. Between 1920 and 1930 in Georgia and between 1940 and 1950 in Mississippi, nearly half of the young black males reaching adulthood left their states. In 1920, 1930 and 1950, in Michigan, Illinois and New York, from one-third to more than one-half of the young adult blacks enumerated in the census had moved to those states within the preceding 10 years.

The mass migration northward drew blacks from all over the South, from cities as well as villages and tenant farms. The Northern destinations, by contrast, were few in number. Of all Northern blacks in 1970, two-thirds lives in seven metropolitan areas containing more than 300,000 blacks each (New York, Chicago, Philadelphia, Detroit, St. Louis, Newark and Cleveland). In the West, two-thirds of the blacks lived in Los Angeles or San Francisco. In the South, only five metropolitan areas contained more than 300,000 blacks each, and the 16 containing more than 100,000 blacks included only one-third of the region's total black population.

END OF AN ERA?

Any mass migration carries within itself the seeds of its own destruction. As youth move from one region to another, they transfer future natural increase from the place of origin to the place of destination. This demographic fact of life ensures that new generations will be born and raised in the destination places and that the supply of future migrants from the place of origin will be depleted. In addition, any mass migration is cause and effect of massive social and economic transformations at origin and destination.

During the half-century of massive black migration, the character of the migration was continually changing. By the time national attention was focused on the so-called urban crisis following the Watts riot of

1965, Northern black populations were increasingly Northern-born and Northern-raised. Northern blacks who migrated from the South were increasingly from the urban South. For blacks, as for whites, long distance migration was a feature of a metropolitan industrial economy in which those persons with greater education and marketable skills moved for economic benefit and for a better life. The poor and poorly educated rural blacks who were still being displaced from agriculture were far more likely to move a few miles to a Southern town or city than to take off directly for a Northern metropolis.

The steady aggregation of Americans, white and black, into metropolitan areas is a mass migration that must come to an end sometime. This migration has ebbed and flowed with economic circumstances—as in the slowdown during the depression of the 1930s—but at least until 1970 it was a continuing feature of American demographic history. No one foresaw the sudden cessation of this steady population concentration, but cessation is what appears to have happened since 1970. From 1970 to 1974, metropolitan areas lost migrants to nonmetropolitan territories. Analysts first thought that the results might simply reflect a spilling over of metropolitan expansion beyond the current boundaries of metropolitan areas. Further investigation revealed, however, that the population in counties adjacent to metropolitan areas was growing less rapidly than the population in nonmetropolitan counties not adjacent to any metropolitan area.

The national shift away from an ever-greater piling up of population in metropolitan areas has been matched by an extraordinarily sharp decline in black metropolitan movement. During the early 1970s there was still a slow rate of net in-movement of blacks to metropolitan areas, but it hardly compared to the rapid pace of the 1950s and 1960s. It is the nation's largest metropolitan areas that have experienced the sharpest shift in total migration rates, and it is these areas that in the past were most attractive to black migrants. As the black population has become increasingly urban, and as young blacks have become increasingly well educated, the character of black migration has increasingly resembled that of white migration. During recent decades white migration to central cities declined and then reversed, first in the largest cities and more recently in many of the medium-size centers. Already in the 1960s, blacks displayed a net out-movement from some central cities, and it should not have surprised us so much that this trend would gain momentum in the 1970s.

PERSISTING SEGREGATION

Recent information on population redistribution of both whites and blacks during the 1970s has surprised demographers and other social scientists. The sharp changes in fundamental long term trends were not anticipated and have not yet been investigated. It is difficult to change long-accustomed perceptions, and many observers suspect (or hope) that the latest demographic shifts are a temporary response to the unusual economic circumstances of the early 1970s. Taking cognizance of the fact that no trend continues forever, I am much less skeptical of the new information. We may well be entering a new era in American population distribution.

The identification of eras is an analytical distinction imposed on a continuous reality. The trends of population concentration in metropolitan places and dispersal within metropolitan areas have not suddenly been obliterated; rather, the magnitude of the former has declined, and we do not yet know how the pace of suburbanization has been and will be affected. Thus it is extraordinarily difficult to assess the future of black suburbanization.

In the early decades of the twentieth century, as the so-called Great Migration of blacks to Northern cities accelerated, the black newcomers to the cities behaved much like other newcomers of those times. Negro migrants repeated the behavior of Italian and Polish migrants and other ethnic groups in settling initially in certain downtown areas of inexpensive housing accessible to public transportation. As numbers grew, ethnic colonies spread. With time, increasing numbers of the group became familiar with the ways of the city, with how to get along economically, and with other residential choices that might be more pleasant than crowded central neighborhoods. From the beginning of mass concentration of each successive European ethnic group in New York, Chicago, Detroit and other great cities, some members of the group were moving elsewhere in the city, sometimes establishing secondary colonies, sometimes settling into ethnically heterogeneous neighborhoods. Many of the children and grandchildren, natives of America and of the city, exercised even wider ranges of choice of residence. Statistical measures of the degree of segregation of each major European ethnic group document declining segregation as time passed.

For blacks, however, residential patterns took a different twist. The mechanism of racial discrimination identified above were deliberately devised and elaborated to control the dispersal of blacks and to produce a more "orderly" channeling of rapidly growing black populations. Statistical measures document increasing segregation of blacks. The residential segregation between blacks and whites increased well beyond the levels characteristic of turn-of-the-century ethnic group segregation in Northern cities. Some Southern cities that grew to prominence after the Civil War also experienced their first large influx of black population during this period, and their residential patterns developed similarly to those in the North. In some older Southern cities, where a large black population was present ever since the days of slavery, a more dispersed racial residential pattern survived for many decades. But even in those cities, such as Charleston, South Carolina, with its traditional pattern of backyard and alley dwellings for blacks, the modern national style of separate residential areas eventually took over. Urban renewal in the 1950s largely completed the task of racially modernizing these cities.

During the 1950s in the North, and during the 1960s in both Northern and Southern cities, the intensity of residential segregation of blacks and whites diminished somewhat from its peak levels. These declines were too small to reflect or presage a new liberalism in race relations. Rather they arose, I believe, from the large scale of the white out-movement from central cities and from the simultaneous rapid increase in the numbers of black families (native Americans all and many second or third generation urbanites) who did not like the ghettos and who pursued as best they could—within the confines of a discriminatory housing market—the standard American dream of a decent home and a decent neighborhood in which to raise one's children.

The slight diminution in the degree of racial residential segregation within the central cities occurred during a period of rapid increase in white suburban populations. The 1970 census was the first to provide data for individual city blocks throughout the urbanized area, and hence for 1970 it is possible to calculate area-wide segregation indexes of the same sort described above for central cities. Among 40 of 44 Northern metropolitan areas, the segregation index for the total urbanized area is greater than that for the central city alone. Among Southern metropolitan areas, with their historical pattern of suburban black enclaves, the area index is higher in 27 of 44 cases.

These statistical data document the severity of the two-society pattern of increasingly black central cities and white suburbs. Until there is a much more even distribution of blacks and whites among central cities and suburbs, segregation indexes for metropolitan areas cannot fall. The evidence presented above indicates that black suburbanization to date, while numerically greater than ever before, remains a minor pattern in black population redistribution. Suburbia shows no signs of quickly becoming for blacks, as for whites, the primary destination of migrants. The evidence further shows that the suburbanization to date has occurred with the same racially discriminatory channeling of black residents into selected localities that characterizes central cities.

The lowered birth rate in the United States and the lowered rate at which whites and blacks are moving into metropolitan areas should sharply reduce population pressure on urban and suburban housing. Older and less desirable housing seems increasingly likely to be abandoned, as happened in the 1950s and 1960s even with growing populations. Reduction of central city densities should occur, and a potential exists for greatly increased black suburbanization. With black populations growing more slowly, and with blacks interested in the full spectrum of metropolitan residential neighborhoods, there could be rapid residential desegregation without the population pressures that in the past led so often to immediate resegregation. This pattern could develop, but there is no evidence yet that it will. Racial segregation persists in suburban housing because racial discrimination persists in suburbia.

Whether these patterns change depends not only on whether we develop the will and devise the means to enforce existing nationwide laws against all types of housing discrimination; change in the racial patterns of housing also depends on what happens to segregation in schooling and employment. It has become somewhat fashionable to recognize these linkages only to use them as an excuse. Segregated schools are said to depend on segregated housing, which depends on black poverty, which depends on occupational discrimination, which depends on earlier discrimination in Southern schooling, which depends on antebellum social institutions. This kind of logic rests on a specious reading of social science evidence. There is indeed a certain "unity of the Negro problem," as Gunnar Myrdal noted more than 30 years ago, but that unity may be expressed in the present tense, not only as a historical residue of slavery:

> "Behind the barrier of common discrimination, there is unity and close interrelation between the Negro's political power; his civil rights; his employment opportunities; his standards of housing, nutrition and clothing; his health, manners, and law observance; his ideals and ideologies. The unity is largely the result of cumulative causation binding them all together in a system and tying them to white discrimination."

REYNOLDS FARLEY, "RESIDENTIAL SEGREGATION AND ITS IMPLICATIONS FOR SCHOOL INTEGRATION"

LAW AND CONTEMPORARY PROBLEMS, WINTER 1975

Introduction

If parents desire that their children attend neighborhood schools and if the nation's Constitution requires racially integrated schools, then neighborhoods must be integrated. Residential areas, however, are highly segregated by race; thus public schools are also segregated except in those school districts operating under court orders or under a voluntarily adopted desegregation plan. Because of the segregated character of most neighborhoods, such desegregation plans rely heavily on busing substantial numbers of students to schools outside their neighborhoods.

This article examines the relationship between school segregation and residential segregation. The first section describes the extent of racial residential segregation. The second section examines racial segregation in public schools and its linkage with residential segregation. The impact of school desegregation litigation upon school integration in large school districts is assessed. Finally, the implications of demographic trends for the future are summarized in the concluding pages.

I. Racial residential segregation

In this article the "index of dissimilarity" will be used as a measure of the extent of residential segregation.[1] The numerical value of the index represents the proportion of either whites or blacks who would have to shift from one area to another to effect complete integration of the residential areas of a city. If a city were completely integrated so that all neighborhoods or subareas had an identical racial composition, the value of the index would be zero. If, on the other hand, residential segregation were so pervasive that all blacks lived in exclusively black areas and all whites in exclusively white neighborhoods, the index would assume its maximum value, 100. Thus low values indicate that there is little residential segregation while high values indicate extensive residential segregation. An analysis of the racial composition of residential areas of the nation's largest cities in 1970, shown in Figure 1,[2] indicates that levels of racial residential segregation were quite high. For example, in Dallas, 97 per cent of either the white or the black population would have had to shift their places of residence to produce a completely integrated city; that is, a city in which every block had the same racial composition. Of the fifteen largest cities, San Francisco has the lowest racial residential segregation—75 per cent of either the white or the black population would have to shift their places of residence to bring about complete integration.

When a larger sample of cities, classified by region, was examined, residential segregation was found to be greatest in the South—where the average value of the "index of dissimilarity" was 91.4, somewhat less in the border states (87.3), and lowest in the North (81.4) and West (81.1).[3] None of the 109 cities in the sample had a segregation score under 60 in 1970. Indeed, only 3 cities had scores of less than 70.[4] The racial residential segregation indices used in Figure 1 are based on data from central cities. There is evidence, however, that if the indices were calculated for the entire metropolitan area there would be no significant difference in their values. Blacks appear to be as residentially segregated from whites in the suburbs as in the central cities.[5]

The pervasiveness and magnitude of racial residential segregation is made apparent by comparing it to the extent of residential segregation by income, occupation, or ethnicity. One might expect that families would be segregated by income. In the Chicago urbanized area in 1970, the index of dissimilarity comparing the residential distribution of white families with incomes over $25,000 to that of white families with incomes of $3,000 to $4,000 was 55.[6] Yet the index comparing the residential distribution of all white families with that of all black families was 93. A comparison of the residential distribution of white families with incomes exceeding $25,000 with that of black families in the same income group in the Chicago urbanized area provides an index of 94.[7] Thus well-to-do whites are much more segregated from affluent black families than they are from poor white families.

Segregation scores for white ethnic groups have also been compared.[8] The index of dissimilarity based on the residential distribution of native whites and of people of Polish stock in the New York area for 1960 was 43.[9] By contrast, the index of dissimilarity based on the distribution of native whites and blacks was 80.[10] Thus racial residential segregation is significantly greater than the residential segregation of socioeconomic or ethnic group.

An analysis of changes in the extent of residential segregation during the period since 1970 cannot be undertaken because of the unavailability of data. Nevertheless, the presumption is that levels of residential segregation have changed little since the 1970 Census. Between 1950 and 1960, only modest declines in racial residential segregation were recorded.[11] Preliminary data for 1970 indicate that this trend toward only slightly lower levels of segregation has continued.[12] Thus, the nation's neighborhoods are almost as segregated now as they were thirty years ago. If present trends persist, schools organized on a neighborhood basis will remain racially segregated indefinitely.

II. The changing racial composition of urbanized areas

A. Trends in Residential Patterns

As recently as 1940, four-fifths of the black population lived in the South, and almost two-thirds of those resided in rural areas.[13] However, World War II and the prosperous postwar years saw the movement of blacks away from the rural South and into cities. By 1970, the percentage of all blacks who lived in urbanized areas, 81 per cent, exceeded that for whites, the comparable figure being 72 per cent.[14] At present, the black population outside the South is approximately as large as the black population within the South.[15]

Within urbanized areas, there has been a differential rate of growth of black and white populations. Overall, the share of the nation's white population living within central cities has declined while the proportion of blacks in central cities has risen. The trends for the nation's fifteen largest urbanized areas are shown in Figure 2.[16] In each of the central cities of the fifteen urbanized areas, the black population grew faster than the white. The percentage of blacks in Detroit, for example, increased from 29 to 44 per cent between 1960 and 1970. In Washington, the increase in the percentage of blacks in the same period was from 54 per cent to 71 per cent. In the suburbs, on the other hand, the changes in the percentage of the population that was black were generally small. In eleven of the suburban areas shown in Figure 2, the growth rate of the black population exceeds that of whites, but in four areas—Baltimore, Dallas, Detroit, and Houston—the percentage of blacks in the suburbs actually declined because the growth rate of the white suburban population exceeded that of the black.

It is extraordinarily difficult to generalize about demographic trends in urbanized areas, since there is substantial variety in urban growth patterns.[17] Thus there are significant exceptions to the generalization that white out-migration and black in-migration characterize the nation's large cities and that suburban rings contain few blacks. Nevertheless, the white population of the largest cities reached a peak around 1960 and since then, the increase in the white population has been concentrated in the suburbs. The black population has grown both within cities and the suburban rings, although the numerical growth in the black population is much greater in cities.[18]

During the 1960's two new trends in the distribution of the black population in the urbanized areas became evident. First, the black population in suburban areas increased more rapidly. Indeed, during that decade, the rate of growth of the black population in the suburbs was generally greater than that of the white population, although the numerical increase for whites was much greater than for blacks.[19] The suburban rings surrounding New York, Los Angeles, Philadelphia, and Washington now contain large and rapidly expanding black populations. This growth does not necessarily portend residential integration in the suburbs. Many of the suburban areas with substantial black populations are extensions of central city ghettos, while others are black suburban enclaves.[20] Second, the growth rate of the black population in central cities declined during the 1960's. Several large cities which had attracted many blacks in the period of the 1950's experienced a net outmigration of both blacks and whites between 1960 and 1970.[21]

In summary, the patterns of population change in many urbanized areas suggest that opportunities for school integration are minimal. In many cities there has been a substantial out-migration of whites with a concomitant growth of the black population. Even those cities which are experiencing a net out-migration of blacks appear to be losing whites at a higher rate, thus increasing the percentage of the total population that is black. Although the suburban populations of both blacks and whites are now growing, this does not seem likely to result in racially integrated suburbs; rather the patterns of residential segregation typical in central cities appear to be duplicated in the suburban rings.

B. Black Enrollment in Public Schools

Total population figures underrepresent the black pupil population in public schools. The number of black students as a percentage of the total public elementary school enrollment in the fifteen largest cities for the census years 1960 and 1970, as shown in Figure 3, is considerably higher than the black population as a percentage of the total city population. For example, blacks comprised 33 per cent of the total population of Chicago in 1970,[22] in the same year, black pupils comprised 55 per cent of the total public elementary school population.[23]

There are several reasons for this difference. First, black birth rates have traditionally exceeded those of whites. While blacks comprise 11 per cent of this nation's population, 14 per cent of the elementary school age population is black.[24] Second, the high rate of out-migration of white families of childbearing age results in a considerably lower proportion of white school age children remaining in the central cities. In the city of Detroit, for example, the median age of blacks is 23, while for whites, the median age is 36. Whites account for 77 per cent of that city's population aged 65 and over, but only 46 percent of the school-age population.[25] Third, private and parochial schools enroll about 10 percent of the nation's elementary school students. In many central cities, non-public schools constitute an even higher percentage of the total elementary school enrollment. Black students are significantly underrepresented in these non-public schools compared to the proportion they comprise of the public elementary school population.[26] In northern cities, where private and parochial school enrollments are quite high, this has the consequence of increasing the proportion of black students in the public schools. In Philadelphia, for example, private elementary schools in 1970 enrolled almost three-fifths as many pupils as the public

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Footnotes at end of article.

schools, yet only 11 per cent of the nonpublic elementary school students were black, while 61 per cent of the public elementary school students were black.[27]

C. Economic Factors and Residential Segregation

It is often argued that the high degree of racial residential segregation found in cities[28] and the near-absence of blacks from the suburban ring[29] are attributable to income differences between the races. Such contentions are not valid. Most neighborhoods in the United States are economically heterogeneous. If people were residentially distributed according to the value of the housing they can afford, instead of according to skin color, levels of residential segregation would be low. Figure 4 indicates the percentage of black families and of white families in an urbanized area that actually lived in the suburban ring in 1970, and the percentage of black families that *would* live in the suburbs if the only factor affecting their residential location were their income. We assume, for instance, that if 40 per cent of white families in the urbanized area with incomes of $8,000 to $10,000 lived in the suburbs, then the same proportion of blacks at that income level would be living in the suburbs. We are assuming that blacks retain their actual incomes but are as well represented in the suburbs as whites at each income level.

In most urbanized areas, the racial composition of the suburbs would be greatly altered if blacks occupied housing according to their ability to pay. In 1970, 73 per cent of the Detroit area's white families, but only 12 per cent of the area's black families, actually lived in the suburban ring. If blacks were as well represented in the suburbs at each income level as whites, 67 per cent of the black families—rather than 12 per cent—would be suburban residents.

Other studies which have analyzed the role that economic variables play in the residential segregation of blacks from whites within central cities[30] or in suburban areas[31] also demonstrate that economic factors explain only a small proportion of the residential segregation found in American metropolises.

III. Racial segregation in public elementary schools

Southern schools were completely segregated by race in 1954. Many northern city schools were also highly segregated because of school board practices and because neighborhoods were segregated by race.[32] For approximately a decade after the Supreme Court's ruling in *Brown* v. *Board of Education*,[33] private lawsuits on behalf of students in southern districts brought about limited advances in racial integration, particularly in schools in border states.[34]

The Civil Rights Act of 1964[35] gave the Justice Department power to bring school desegregation suits[36] and provided that the Department of Health, Education, and Welfare (HEW) could terminate funds in districts which maintained segregated facilities.[37] The latter provision gained further importance with the passage of the Elementary and Secondary Education Act of 1965,[38] which channeled large amounts of federal funds to southern districts.[39]

Governmental pressures for school desegregation increased after 1965 as HEW issued guidelines[40] and negotiated with many southern districts about discriminatory practices.[41] Federal courts enunciated new and encompassing integration principles. For example, the 1968 Supreme Court decision in *Green v. County School Board of New Kent County*[42] held that freedom-of-choice integration plans were acceptable only if they actually desegregated schools. In *Alexander v. Holmes County Board of Education*[43] the Supreme Court demanded that school districts terminate dual systems at once and begin immediately to operate unitary systems. The Denver decision, *Keyes v. School District No. 1*[44] called for school integration in a northern city which did not have the history of state-prescribed de jure segregation common to the southern school districts. The Supreme Court's unanimous decision in the Charlotte, North Carolina case, *Swann v. Charlotte-Mecklenburg Board of Education*,[45] legitimized large-scale busing as an integration device and permitted the use of a "mathematical racial balance reflecting the pupil constituency of the system" as "a starting point in the process of shaping a remedy."[46]

The Civil Rights Act of 1964 also provided for the collection of data concerning the racial composition of students and staff in public schools.[47] These data permit the measurement of trends over time in school segregation. An analysis of large city school districts, 85 in the North and 58 in the South,[48] enrolling 20 per cent of the nation's white public elementary school students in the fall of 1972 and 65 per cent of the black students, was undertaken to determine the extent of intradistrict school segregation.[49]

The index of dissimilarity,[50] used in the first part of this article as a measure of residential segregation, can also be used to measure school segregation. Large values indicate a substantial degree of segregation while low values indicate that the school district is effectively integrated. In 1967, segregation indices for Montgomery, Alabama and Shreveport, Louisiana[51] exceeded 97, indicating the existence of a dual school system in each of those cities.

Several federal judges, having found that a school system is unconstitutionally segregated, have ordered as part of the judicial relief that the individual schools in an unconstitutionally dual system should have approximately the same racial composition as the entire district. In *Swann v. Charlotte-Mecklenburg Board of Education*,[52] the district court mandated that school authorities assign pupils such that each school would approximate the 71 per cent white, 29 per cent black ratio of the district.[53] The integration plan designed for the Louisville area, where about 20 per cent of the student population is black, specified that for the fall of 1974, the proportion of blacks in every school must be between 12 and 30 per cent.[54] If these remedial orders are implemented, the indices of dissimilarity will be low for these school districts.

Indices of dissimilarity measuring racial segregation in the public elementary schools in the fifteen largest cities in the South and Border States and the fifteen largest cities in the North and West[55] are given in Figure 5. In 1967, the southern and border districts had high segregation indices ranging from a low of 76 in Louisville to a high of 97 in Oklahoma City. Schools were somewhat less segregated by race in the North and West, but not significantly so. New York was the only northern district with an index below 60, while San Francisco and Seattle had indices under 70. The average student segregation indices for the two major regions are shown in Figure 5.

Changes over time in school segregation can be readily summarized. Prior to a major desegregation effort, schools in all these districts were extensively segregated by race. Before 1967 a few districts voluntarily adopted integration plans and consequently segregation levels were low that year in Evanston, Illinois,[56] Providence, Rhode Island,[57] and Riverside, California.[58]

After 1967, school segregation decreased dramatically in many districts, in large part because of federal court orders, Charlotte had a segregation index of 77 in 1967. In the fall of 1970 students were reassigned, pursuant to a federal desegregation decree which included busing of about 46,000 of the district's 80,000 students. Thus in 1970, the segregation index fell to 18. The San Francisco Unified School District effected an extensive integration plan pursuant to a 1971 federal district court order to devise a workable integration plan to normalize the ratio of blacks to whites within all the San Francisco school district's schools.[59] Thereafter, as shown in Figure 5, the segregation index for San Francisco dropped from 67 in 1967 to 20 in 1972. Plans requiring massive integration went also into operation in Oklahoma City, Oklahoma,[60] Jacksonville, Florida,[61] and Nashville, Tennessee,[62] between 1970 and 1972, resulting in a substantial decline in school segregation—from 97 in 1967 to 25 in Oklahoma City, from 92 to 22 in Jacksonville, and from 85 to 37 in Nashville. By contrast, there were no such orders affecting schools in St. Louis, Chicago, Cleveland, or Los Angeles, and, as indicated in Figure 5, the level of school segregation actually increased slightly between 1967 and 1972 in three out of four of these cities. The decrease in the fourth city, Los Angeles, was small—from 89 in 1967 to 87 in 1972.

Although federal courts and—in a few districts—state courts[63] played the dominant role in reducing school segregation, an analysis of data for these 143 districts indicates a general trend toward decreasing segregation in schools, even without court orders. After eliminating those districts involved in large-scale desegregation programs, a pattern of modest declines in segregation levels is evident, the declines being greater in the South than in the North. One study[64] suggests that the pattern in many cities during the 1960's was as follows: demands by black parents for improved or integrated schools, initial rejection of these demands by school boards, followed by stronger demands from blacks and action by courts no longer willing to tolerate delays in disestablishing dual school systems,[65] and finally school boards and administrators responding by improving some black schools, closing older and inadequate facilities, reorganizing school attendance zones, busing students, or devising open-enrollment plans.[66] These actions help to account for the decrease in student segregation.

The summary data provided in Figure 5 for all 143 school districts indicate that in 1967 southern districts were considerably more segregated, with an index value of 86, than those outside the South, where the index value in 1967 was 68. By 1972, however, the average segregation index was smaller in the South, 53, than in the North and West, where it was 58. In 1967 the standard deviation for segregation scores was low in the South since southern districts all had similar levels of segregation. By contrast, the standard deviation for the South in 1972 was high, 26, indicating wide variations among southern districts in their levels of segregation. Those southern districts operating under court orders had low segregation indices—frequently under 25—while those not under such court orders in 1972—including Dallas, Houston, and Louisville—had indices exceeding 80.

IV. School and residential segregation within districts

Outside the South, we would expect a correspondence between a city's racial residential segregation index and its school segregation index since school attendance zones are often drawn on a neighborhood basis. It is more difficult to anticipate the relationship in the South. In 1954, southern schools were segregated regardless of whether or not racial residential segregation was present.[67] By the late 1960's, some of the South's larger, urban school districts adopted the neighborhood schools concept[68] prevalent in the urban districts in the North. Others, however, retained dual systems with a slight sprinkling of blacks in the white schools resulting from

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Footnotes at end of article.

the use of pupil placement plans[69] or freedom-of-choice plans.[70]

To determine the linkage between school segregation and residential segregation, school segregation indices of 94 cities (the 61 northern and 33 southern cities for which residential information was available) for 1972 were compared to the residential segregation indices for 1970 of the same cities. This analysis, shown in Figure 6,[71] indicates that there is no relationship between the extent of school segregation and residential segregation in the South—cities with high residential segregation scores were no more likely to have large school segregation scores than cities whose neighborhoods were relatively integrated. The slight relationship between school and residential segregation in the South that existed in 1967 has disappeared, undoubtedly because of the activity of federal courts, which have ordered school integration in many cities where blacks and whites are highly segregated by residence. These districts include Asheville, North Carolina,[72] Norfolk[73] and Richmond,[74] Virginia, and Oklahoma City, Oklahoma.[75] At the other extreme, public schools in Baltimore, Dallas, and St. Louis were highly segregated, reflecting their high degree of residential segregation, since these districts were not operating in 1972 under federal court orders requiring massive integration.[76]

The northern city districts, however, do show a moderate relationship between residential and school segregation. Where neighborhoods are highly segregated, schools tend also to be highly segregated; and the variance in residential segregation accounts for one-sixth of the variance in school segregation. Those school districts where the degree of school segregation is much less than was predicted on the basis of their level of residential segregation are districts which put massive integration plans into operation, curtailing the extent to which the neighborhood school concept of pupil assignment was used. These districts include Berkeley,[77] Evanston,[78] Evansville,[79] Harrisburg,[80] Pasadena,[81] Providence,[82] and San Francisco.[83] Northern districts whose levels of school segregation greatly exceeded what would be predicted from their residential segregation scores include Chicago—a city in which both federal courts and HEW have failed to integrate schools[84]—and Cleveland.

V. Causes of Residential Segregation

At the beginning of this article, it was noted that if parents desired neighborhood schools and if the Constitution requires integrated schools, then neighborhoods must be integrated. It is therefore appropriate to examine the causes of residential segregation and possibilities for change. In his concurring opinion in *Milliken v. Bradley*, Justice Stewart noted that there was a " 'growing core of Negro schools surrounded by a receding ring of white schools in Detroit' " and that this "predominantly Negro school population in Detroit" was "caused by unknown and perhaps unknowable factors such as in-migration, birth rates, economic changes, or cumulative acts of private racial fears. . . ."[85]

Many aspects of the trend toward residential segregation are known, however. For example, it is known that blacks made sizable economic gains during the 1960's and that by 1970 racial differences in occupation, income, and educational attainment were generally smaller than they were in previous decades.[86] It is also known that, despite economic gains, levels of residential segregation did not decline significantly.[87] Moreover, urban blacks report considerable dissatisfaction with their housing,[88] and few blacks report a preference for all black residential areas.[89] At the same time, a growing proportion of whites report a willingness to accept a black in their neighborhood;[90] in 1972, four-fifths of a national sample of whites said that it would make no difference if a Negro of similar education and income moved into their block.[91]

A committee appointed by the National Academy of Sciences to investigate residential patterns in the United States, observed that there were few stable interracial areas.[92] The committee concluded:[93]

"Today, in many metropolitan areas there are in fact two housing markets, not one. A web of institutional discrimination exists that reduces the "effective" supply, especially for nonwhite minorities. The institutional web, comprised of many interrelated components, ranges from the services of realtors, mortgage lenders, appraisers, and developers; to the laws, government regulations, and administrative and political behavior of government officials; to patterns and practices related to employment, schools, transportation, and community services."

The implications of this institutional web of discrimination have also been apparent to several judges in school integration cases outside of the South.[94] Courts have not, however, solved the problem of how to cut through this web.

CONCLUSION

The analyses undertaken in this article have indicated first, that neighborhoods in the United States are extensively segregated by race and there is no compelling evidence that residential segregation is significantly decreasing. Second, within many—but not all—metropolitan areas, the out-migration of a substantial proportion of white families of childbearing age is responsible in large part for the existence of central cities with large black populations and surrounding suburban rings with primarily white populations. Third, pressures from the federal government for school integration greatly increased during the last decade, significantly reducing the degree to which central city school districts are segregated. Analysis of 143 school districts has indicated that, on the average, the proportion of either black or white students that a district would have to shift to bring about the same racial composition in each of the schools in that district fell from 75 per cent in 1967 to 56 per cent in 1972. Those districts operating under court order, or which have voluntarily implemented integration plans, have segregation levels which are now dramatically lower than they were a decade ago. Intradistrict integration has proceeded most rapidly in the South, and today, on average, schools in that region are less racially segregated than schools in the North and West.

This article has attempted to address the relationship between residential segregation and school segregation. As the indices of school segregation given in Figures 5 and 6 have shown, schools can be integrated despite the existence of very high levels of residential segregation. However, residential segregation makes school integration more difficult to accomplish, and as the proportion of black students in large school districts increases, it will become necessary to bus more and more children longer distances to achieve integration of the schools.

Furthermore, the growing concentration of blacks in central cities, and the almost exclusively white school populations in the suburban rings, means that further court orders directed only to the central city will have limited impact. Public school enrollments in many of the largest cities are predominantly black and thus complete intradistrict integration in Chicago, Cleveland, Detroit, and Philadelphia would result in integrated schools which would be about three-fifths black; in Atlanta and New Orleans, such desegregated schools would be four-fifths black. The general trend toward out-migration of both whites and blacks and the decline in birth rates mean that both black and white enrollments in central city public schools will decline. The decline, however, will be greater among whites than blacks, meaning that integrated central city schools will enroll fewer and fewer white students.

When cities and their suburban rings are consolidated into single school districts—as is the case with the Miami-Dade County (Florida) school district, the Nashville-Davidson County (Tennessee) school district, and the Charlotte-Mecklenburg (North Carolina) school district—intradistrict integration will not lead to predominately black central city schools. The recent Supreme Court decision in the case of Detroit and its suburbs suggests, however, that courts may have no power to *compel* such consolidations.[95] Thus the opportunity for achieving integrated schools by combining central city and suburban areas may only occur in the case of voluntary consolidations.

As the data have indicated, court-ordered or voluntary desegregation plans confined to the central city initially have a substantial impact on the degree of school integration, even though residential segregation remains firmly entrenched. However, as long as present demographic trends continue with the pupil population of the many cities becoming increasingly black, implementation of such plans will have limited impact on the extent of school segregation. On the other hand, even if courts were willing to order integration on a metropolitan-wide basis, because of the extensive residential segregation both within the central city and between the city and the suburban ring—for what seem to be all too "knowable" factors of "institutional discrimination"—such integration of the schools could be accomplished only by sacrificing the neighborhood school concept.

FOOTNOTES

[1] The definitive work was written by Karl and Alma Taeuber based on data from the Census of 1960. K. TAEUBER & TAEUBER, NEROES IN CITIES (1965). After reviewing a variety of proposed measures, the Taeubers selected an index which they identified as *delta* or the index of dissimilarity. It takes as its standard the racial composition of a city or metropolitan area, and then compares the racial composition of subareas—usually city blocks or census tracts—to the racial composition of the entire city or metropolitan area.

In each subarea, i, suppose there are w_i whites and n_i blacks. The entire city or metropolitan area contains W whites and N blacks. The index of dissimilarity is calculated as follows:

$$\frac{1}{2}\Sigma_i\left|\frac{n_i}{N}-\frac{w_i}{W}\right|$$

See id. at 236, app. A.

[2] The indexes in Figure 1 were computed from 1970 Census data.

[3] The small values of the standard deviations of the indices given in Figure 1 indicate that the residential segregation scores are clustered around the high values.

[4] The three cities were Cambridge, Massachusetts, and Camden and East Orange, New Jersey.

[5] *See* N. KANTROWITZ, ETHNIC AND RACIAL SEGREGATION IN THE NEW YORK METROPOLIS 19, Table 2.2. (1973); K. TAEUBER & A. TAEUBER, *supra* note 1, at 55–62; Hermalin & Farley, *The Potential for Residential Integration in Cities and Suburbs: Implications for the Busing Controversy*, 38 AM. SOCIOLOGICAL REV. 595, 607, Table 7 (1973).

[6] These indexes of dissimilarity were calculated from census tract data.

[7] These indexes were computed using census data for 1970 from the Indiana and Illinois portions of the Chicago urbanized area. This area includes 3.4 million residents of Chicago and 2.8 million who lived in the suburban ring. 1 U.S. BUREAU OF THE CENSUS,

Dep't of Commerce, 1970 Census of Population: Characteristics of the Population, pt. 15, at 60, Table 12 (1973).

[8] N. Kantrowitz, *supra* note 5.

[9] *Id.*

[10] *Id.*

[11] K. Taeuber & A. Taeuber, *supra* note 1, at 44, Table 5.

[12] A. Sorensen, K. Taeuber, & J. Hollingsworth, Indexes of Racial Residential Segregation for 109 Cities in the United States, 1940–1970, at 7 (Studies in Racial Segregation No. 1, 1974). Changing values of indexes of dissimilarity must be interpreted with caution. With the rapid growth of the black population in central cities, many neighborhoods experience a relatively slow transition from all white to all black. Thus these will be reported as "integrated neighborhoods" for a few years during the transition, and an increase in the number of such transitional neighborhoods will produce a lower index value during these years despite the fact that at the end of the transition residential segregation may be as great as before.

[13] D. Price, Changing Characteristics of the Negro Population 9, 11, Tables I–1 & I–3 (1969).

[14] 1 U.S. Bureau of the Census, Dep't of Commerce, 1970 Census of Population: Characteristics of the Population, pt. 1, at 279–80, Table 54 (1973). The Census Bureau uses the term "urbanized area" to refer to a large central city and its contiguous densely settled suburban fringe. *See* 1 H. Shryock & J. Siegel, The Methods and Materials of Demography 1960–61 (1973). In most areas of the country, municipal, county, and school district boundaries are not coterminous with the boundaries of an urbanized area.

[15] 1 U.S. Bureau of the Census, *supra* note 14, at 281, Table 55; U.S. Dep't of Commerce, Current Population Reports: Special Studies 11, Table 2 (Bureau of the Census Series P–23, No. 48, 1974).

[16] Figure 2 shows the percentage of the total central city and suburban population for 1960 and 1970 that is black. In the New York, Los Angeles, Chicago, San Francisco, and Minneapolis urbanized areas, the Bureau of the Census designated more than one central city. The data in Figure 2, and in subsequent figures, are derived from the sum of all central cities in an urbanized area.

[17] *See* L. Schnore, Class and Race in Cities and Suburbs (1972); Schnore, *Urban Structure and Suburban Selectivity*, 1 Demography 164 (1964); Schnore, *The Socio-Economic Status of Cities and Suburbs*, 28 Am. Sociological Rev. 76 (1963).

[18] U.S. Dep't of Commerce, Current Population Reports: Special Studies 11, Table 4 (Bureau of the Census Series P–23, No. 48, 1974).

[19] *Id.;* André, Schnore, & Sharp, *Black suburbanization, 1930–70,* 80 Am. J. Sociology (forthcoming 1975); Taeuber, *The Changing Distribution of the Population of the United States in the Twentieth Century,* in 5 Commission on Population Growth and the American Future, Population Distribution and Policy 83 (S. Mazie ed. 1972).

[20] Rose, *The All-Negro Town: Its Evolution and Function,* 55 Geographical Rev. 362 (1965); S. Sutker & S. S. Sutker, Racial Transition in the Inner Suburbs (1974); Farley, *The Changing Distribution of Negroes Within Metropolitan Areas; the Emergence of Black Suburbs,* 75 Am. J. Sociology 512 (1970).

[21] U.S. Bureau of the Census, Dep't of Commerce, 1970 Census of Population and Housing: General Demographic Trends for Metropolitan Areas, 1960 to 1970—United States Summary 62–68, Table 12 (1971). The term "net migration" refers to the total increase or decrease in the population of an area, less the number of persons projected to be added to the area from the natural increase of the population.

[22] Figure 2, at pp. 170–71 *supra.*

[23] Figure 3, at pp. 172–73 *supra.*

[24] U.S. Dept. of Commerce, Current Population Reports: Population Estimates and Projections 2, Table 1 (Bureau of the Census Series P–25, No. 511, 1974).

[25] 1 U.S. Bureau of the Census, Dep't of Commerce, 1970 Census of Population: Characteristics of the Population, pt. 24, at 100, Table 24 (1973).

[26] U.S. Dep't of Commerce, Current Population Reports: Population Characteristics 3, Table 1 (Bureau of the Census Series P–20, No. 261, 1974).

[27] 1 U.S. Bureau of the Census, Dep't of Commerce, 1970 Census of Population: Characteristics of the Population, pt. 40, at 371–72, 435–36, Tables 83 and 91 (1973).

[28] *See* Figure 1, at p. 166 *supra.*

[29] *See* Figures 2 and 3, at pp. 170–73 *supra.*

[30] K. Taeuber and A. Taeuber, *supra* note 1, at 78–95.

[31] Hermalin & Farley, *supra* note 5, at 605–08.

[32] For evidence concerning school segregation prior to 1967, see 2 U.S. Commission on Civil Rights, Racial Isolation in the Public Schools 12–19, Table A–3 (1967).

[33] 347 U.S. 483 (1954).

[34] *See* G. Orfield, The Reconstruction of Southern Education 15–32 (1969); J. Peltason, Fifty-Eight Lonely Men 114–15 (1961); U.S. Bureau of the Census, Dep't of Commerce, 1972 Statistical Abstract of the United States, 118 (1972).

[35] 42 U.S.C. § 2000 (1970).

[36] *Id.* §2000c–6.

[37] *Id.* §2000d–1.

[38] 20 U.S.C. § 241a *et seq* (1970). *See also* 42 U.S.C. § 2000d–5 (1970).

[39] *See* G. Orfield, *supra* note 34, at 94.

[40] U.S. Office of Education, Dep't of Health, Education, & Welfare, General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools (1965). The Fifth Circuit Court of Appeals in effect adopted the HEW guidelines as minimum standards in Singleton v. Jackson Municipal Separate School Dist., 348 F.2d 729, 730–31 (5th Cir. 1965) (Singleton I), and Singleton v. Jackson Municipal Separate School Dist., 355 F.2d 865, 869 (5th Cir. 1966) (Singleton II). *See also* Read, *Judicial Evolution of the Law of School Integration Since* Brown v. Board of Education, 39 Law & Contemp. Prob. no. 1, at 7, 20 (1975).

[41] *See* U.S. Office of Education, *supra* note 40, at 87–102, 142–50, 338–39. *See also* Read, *supra* note 40, at 20–22.

[42] 391 U.S. 430 (1968).

[43] 396 U.S. 19 (1969).

[44] 413 U.S. 189 (1973).

[45] 402 U.S. 1 (1971).

[46] *Id.* at 25, 29.

[47] 42 U.S.C. § 2000c–1 (1970); Pub. L. No. 88–352, § 402, 78 Stat. 247 (1964).

[48] The 85 northern districts and the 58 southern districts selected for this analysis met the following criteria: (1) The city associated with the school district had a total population of 100,000 or more in 1970. Seventeen cities under 100,000 for which residential segregation scores were available were also included. In most states, city school district boundaries are coterminous with the boundaries of the municipality. In some southern states, however, the city school district is coterminous with the entire county. The Charlotte-Mecklenburg school district, for example, includes both the city of Charlotte and Mecklenburg County, North Carolina. (2) Data concerning school segregation were available for the years 1967, 1970, and 1972. The district of Detroit provided 1966 data rather than 1967 and eight other districts provided 1968 data rather than 1967. (3) At least 3 per cent of the district's public school enrollment was black.

[49] *See* U.S. Dep't of Commerce, Current Population Reports: Special Studies (Bureau of the Census Series P–23, No. 48, 1974).

[50] This index, used for measuring racial residential segregation, is discussed in note 1 *supra.* When used to measure school segregation, the index of dissimilarity compares the racial composition of individual schools to the racial composition of the entire school district. The numerical value of the index represents the proportion of either white students or black students who would have to be shifted from one school to another to effect complete integration of the schools in the district. If a school district were completely integrated so that all schools had the same racial composition, the value of the index would be zero. If, on the other hand, school segregation were so pervasive that all students attend racially homogeneous schools, the index would assume its maximum value, 100. Thus low values indicate that there is little school segregation while high values indicate extensive school segregation.

[51] The Shreveport index is derived from data for Caddo Parish rather than being limited to the city itself.

[52] 311 F. Supp. 265 (W.D.N.C.), *aff'd in part and vacated and remanded in part,* 431 F.2d 138 (4th Cir.), *dist. ct. order reinstated pending further proceedings,* 399 U.S. 926, *aff'd as to part aff'd by ct. of app. and aff'd dist. ct. order stemming from remand,* 402 U.S. 1 1970).

[53] 311 F. Supp. at 267–68. On appeal, the United States Supreme Court approved the use of such racial quotas as "a starting point in the process of shaping a remedy, rather than an inflexible requirement." 402 U.S. at 25. However, the Court went on to say:

> "If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."

402 U.S. at 24.

[54] 12 Integrated Education 13 (September-October, 1974).

[55] For results of similar studies see Farley & Taeuber, *Racial Segregation in the Public Schools,* 79 Am. J. Sociology 888 (1974); Rossell, *Measuring School Desegregation,* in Political Strategies in Northern School Desegregation 171–182 (D. Kirby, T. Harris, R. Crain, & C. Rossell eds. 1973); Farley, *Racial Integration in the Public Schools, 1967 to 1972: Assessing the Effect of Governmental Policies,* 8 Sociological Focus 1 (1975).

[56] *See* U.S. Commission on Civil Rights, The Diminishing Barrier: A Report on School Desegregation in Nine Communities 16–22 (1972).

[57] *See* H. Pfautz, Providence, R.I.: The Politics of School Desegregation (1968) (unpublished manuscript on file with the Dep't of Sociology, Brown University).

[58] *See* Hickerson, *Integrated vs. Compensatory Education in Riverside-San Bernardino Schools,* in School Desegregation in the North 116, 123-25 (T. Edwards & F. Wirt eds. 1967).

[59] *See* Johnson v. San Francisco Unified School Dist., 339 F. Supp. 1315 (N.D. Cal. 1971). *See also* 3 Race Relations Law Survey 141 (1971).

[60] *See* Dowell v. Board of Educ., 465 F.2d 1012 (10th Cir.), *cert. denied,* 409 U.S. 1041 (1972).

[61] *See* Mims v. Duval County School Bd., 447 F.2d 1330 (5th Cir. 1971).

[62] *See* Kelley v. Metropolitan County Bd. of Educ., 463 F.2d 732 (6th Cir.), *cert. denied,* 409 U.S. 1001 (1972).

[63] *See* U.S. COMMISSION ON CIVIL RIGHTS, *supra* note 56, at 23-28 (Harrisburg, Pa.); Fort, *Decision Making in the Sacramento De Facto Segregation Crisis,* in SCHOOL DESEGREGATION IN THE NORTH, *supra* note 58, 77-115 (Sacramento, Cal.).

[64] *See* Rossell, *supra* note 55.

[65] For an excellent analysis of the reaction of the Fifth Circuit Court of Appeals to foot-dragging by school districts and lower federal courts, see Read, *Judicial Evolution of the Law of School Integration Since* Brown v. Board of Education, *supra* note 40, at 18–20.

[66] *See* J. BOLNER & R. SHANLEY, BUSING: THE POLITICAL AND JUDICIAL PROCESS 193–95 (1974); C. WILLIE, RACE MIXING IN THE PUBLIC SCHOOLS ch. 2 (1973); Coleman, *Foreword: Three Phases of School Integration,* in AFFIRMATIVE SCHOOL INTERGATION 5–6 (R. Hill & M. Feeley eds. 1967).

[67] Green v. County School Bd. of New Kent County, 391 U.S. 430, 432 (1968), represents a situation where there is *no* residential segregation (New Kent County being a rural county in Eastern Virginia), but where there was *total* school segregation through 1965.

[68] Charlotte, for instance, adopted a neighborhood system in the mid 1960's but freely permited parents to transfer their children. U.S. COMMISSION ON CIVIL RIGHTS, FIVE COMMUNITIES; THEIR SEARCH FOR EQUAL EDUCATION 34 (1972). *Cf.* Swann v. Charlotte-Mecklenburg Bd. of Educ., 306 F. Supp. 1299, (W.D. N.C. 1967).

[69] Pupil placement plans allowed school authorities initially to assign students to the schools maintained for their race. Each application for reassignment to schools of the opposite race was considered in light of various nonracial factors, *e.g.,* availability of staff or transportation, curricula suitable for the individual pupil's abilities and academic preparation, the psychological effect the assignment would have on the pupil, and his morals, conduct, home environment and health. Such plans were declared constitutionally permissible in Shuttlesworth v. Birmingham Bd. of Educ., 358 U.S. 101 (1958), *aff'g* 162 F. Supp. 372 (N.D. Ala. 1958). However, even Circuit Judge Rives, the author of the lower court opinion in *Shuttlesworth* (heard by a three-judge district court), recognized that the law easily could be applied unconstitutionally and that in that event it would be struck down. 162 F. Supp. at 381–82. Later, when it finally became clear that the sole purpose of such plans was to frustrate desegregation, they were enjoined. *See* Read, *supra* note 40, at 19.

[70] Freedom-of-choice plans were designed, thereoretically, to desegregate by allowing each student to attend the school he personally chose, limited only by the dimensions of the school district, the nature of the school, and the physical capacity of the school. *See* Read, *supra* note 40, at 19. Generally, however, they achieved no sizeable integration, as illustrated by the New Kent County, Virginia school system where a freedom-of-choice plan in effect between 1965 and 1968 resulted in no whites attending the formerly black high school and only 15 per cent of the county's black students enrolling in the formerly all-white high school. This result caused the Supreme Court to strike down freedom-of-choice plans which failed to achieve integration in Green v. County School Bd. of New Kent County, 391 U.S. 430 (1968). *See* Read, *supra* note 40, at 28–29.

[71] Farley, *supra* note 55, at Table 4.

[72] *See* Allen v. Asheville City Bd. of Educ., 434 F. 2d 902 (4th Cir. 1970).

[73] *See* Brewer v. School Bd., 397 F. 2d 37 (4th Cir. 1968).

[74] *See* Bradley v. School Bd. of City of Richmond, 317 F. Supp. 555 (E.D. Va. 1970).

[75] *See* Dowell v. Board of Educ., 338 F. Supp. 1256 (W.D. Okla.) *aff'd,* 465 F. 2d 1012 (10th Cir.), *cert. denied,* 409 U.S. 1041 (1972).

[76] The residential and school segregation scores for these cities, given in Figures 1 and 5, at p. 166 & pp. 180–83 *supra,* are as follows:

	Residential (1970)	*School* (1972)
Baltimore	89	89
Dallas	96	89
St. Louis	90	92

[77] *See* Freudenthal, *Berkeley High Schools Integrate,* in SCHOOL DESEGREGATION IN THE NORTH, *supra* note 58, at 49–64; Hayman, *Berkeley,* in AFFIRMATIVE SCHOOL INTEGRATION 21–31 (R. Hill & M. Feeley eds. 1967).

[78] *See* U.S. COMMISSION ON CIVIL RIGHTS, *supra* note 56, at 16–22; Coons, *Evanston,* in AFFIRMATIVE SCHOOL INTEGRATION, *supra* note 77, at 14–20.

[79] *See* CENTER FOR NATIONAL POLICY REVIEW, JUSTICE DELAYED & DENIED 99–101 (1974).

[80] *See* U.S. COMMISSION ON CIVIL RIGHTS, *supra* note 56, at 23–28.

[81] *Cf.* Spangler v. Pasadena City Bd. of Educ., 427 F.2d 1352 (9th Cir. 1970), *cert. denied,* 402 U.S. 943 (1972); Spangler v. Pasadena City Bd. of Educ., 311 F. Supp. 501 (C.D. Cal. 1970).

[82] *See* H. Pfautz, *supra* note 57.

[83] *See* Johnson v. San Francisco Unified School Dist., 339 F. Supp. 1315 (N.D. Cal. 1971).

[84] *See* CENTER FOR NATIONAL POLICY REVIEW, *supra* note 79, at 7–10; G. ORFIELD, *supra* note 34. at ch. 4.

[85] Milliken v. Bradley, 418 U.S. 717, 756 n.2. (1974). Judge Craven, speaking for the majority in the Richmond metropolitan area case, had earlier used almost these identical words. Bradley v. School Bd. of City of Richmond, 462 F.2d 1058, 1064 (4th Cir. 1972) *aff'd by an equally divided Court,* 412 U.S. 92 (1973). *See also* Craven, *The Impact of Social Science Evidence on the Judge: A Personal Comment,* 39 LAW & CONTEMPT. PROB. no. 1, at 150, 155 (1975).

Interestingly, however, the Supreme Court, in two major school desegregation cases preceding *Milliken v. Bradley,* has implied that various school board policies which have the effect of maintaining racially segregated schools may have an impact on residential patterns. The "earmarking" of schools as black or white may have a "reciprocal effect":

> "People gravitate toward school facilities, just as schools are located in response to the needs of people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner-city neighborhoods."

Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 20–21 (1971). *See also* Keyes v. School Dist. No. 1, 413 U.S. 189, 200 (1973).

[86] Farley & Hermalin, *The 1960s: A Decade of Progress for Blacks?,* 9 DEMOGRAPHY 353, 354–65 (1972). *See* U.S. BUREAU OF LABOR STATISTICS, DEP'T OF LABOR, BULL. No. 1699, BLACK AMERICANS: A CHARTBOOK 39 (1971). As Figure 4, at pp. 75–76 *supra,* indicates, the economic status of blacks does not account for their residential segregation from whites.

[87] A. SORENSEN, K. TAEUBER & J. HOLLINGSWORTH, *supra* note 12.

[88] *See* Campbell & Schuman, *Racial Attitudes in Fifteen American Cities,* in THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, SUPPLEMENTAL STUDIES FOR THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS 23, Table II–m (1968); 3 G. Gallup, THE GALLUP POLL 2037, 2195 (1972).

[89] O. DUNCAN, H. SCHUMAN, & B. DUNCAN, SOCIAL CHANGE IN A METROPOLITAN COMMUNITY 108, Table 48 (1973); Pettigrew, *Attitudes on Race and Housing: A Social-Psychological View,* in SEGREGATION IN RESIDENTIAL AREAS 21, 44–45, Table (A. Hawley & V. Rock eds. 1973). *See also* Campbell & Schuman, *supra* note 88, at 16, Table II–6.

[90] O. DUNCAN, H. SCHUMAN, & B. DUNCAN, *supra* note 89, at 99, Table 41.

[91] NATIONAL OPINION RESEARCH CENTER, NATIONAL DATA PROGRAM FOR THE SOCIAL SCIENCES 36 (1972).

[92] SOCIAL SCIENCE PANEL, NATIONAL ACADEMY OF SCIENCES, FREEDOM OF CHOICE IN HOUSING (1972).

[93] *Id.* at 20.

[94] In *Bradley v. Milliken,* Judge Roth pointed out that residential segregation within the city of Detroit and throughout the metropolitan area is "substantial, pervasive and of long standing." 338 F. Supp. 582, 586 (E.D. Mich. 1971), *aff'd,* 484 F.2d 215 (6th Cir. 1973), *rev'd,* 418 U.S. 717 (1974). In attempting to explain this phenomenon, Judge Roth continued:

> "While the racially unrestricted choice of black persons and economic factors may have played some part in the development of this pattern of residential segregation, it is, in the main, the result of past and present practices and customs of racial discrimination, both public and private, which have and do restrict the housing opportunities of black people. . . .
>
> "Governmental actions and inaction at all levels, federal, state and local, have combined, with those of private organizations, such as loaning institutions and real estate associations and brokerage firms, to establish and to maintain the pattern of residential segregation throughout the Detroit metropolitan area."

338 F. Supp. at 586–87.

Judge Keith, whose order integrated the schools in Pontiac, Michigan, in considering the role of the school board when confronted with the development of a residentially segregated pattern in that city, also touched on these factors:

> A Board of Education simply cannot permit a residential segregated situation to come about and then blithely announce that for a Negro student to gain attendance at a given school all he must do is live within the school's attendance area. To rationalize thusly is to be blinded to the realities of adult life with its prejudices and opposition to integrated housing.

Davis v. School Dist., 309 F. Supp. 734, 742 (E.D. Mich. 1970), *aff'd,* 443 F.2d 573 (6th Cir.), *cert. denied,* 404 U.S. 913 (1971).

[95] Milliken v. Bradley, 418 U.S. 717 (1974). *See also* Bradley v. School Bd. of City of Richmond, 462 F.2d 1058 (4th Cir. 1972), *aff'd by an equally divided Court,* 412 U.S. 92 (1973). *But see* Newburg Area Council v. Board of Educ. of Jefferson County, 510 F.2d 1358 (6th Cir. 1974) (consolidated with Haycraft v. Board of Educ. of Louisville).

[New York Times, Apr. 19, 1976]

BLACKS AND PUERTO RICANS A BRONX MAJORITY

(By Charles Kaiser)

New York City's white population declined by more than 600,000 between 1970 and 1975, according to an analysis of United States Census figures. During that period the Bronx became the first borough in the city's history with a majority black and Puerto Rican population, the figures showed.

At the same time, the city's black population increased by only 30,000. According to population experts, this means that the number of blacks leaving New York now exceeds the number of blacks moving into the city. The increase is attributable to more black births than deaths in the last five years.

These were among dozens of findings of an analysis by The New York Times of a 1975

United States Census Bureau survey that was conducted on behalf of the city's Housing and Development Administration. Based on data from 17,000 "housing units," the survey indicated that the city's total population had declined by more than 400,000 to about 7.5 million.

We're losing the white middle class, but we're getting a larger black middle class all the time," said Dr. Frank S. Kristof, director oi economics and housing finance for the New York State Urban Development Corporation. "That makes losing the white middle class not quite as noticeable as it otherwise would be."

However, Dr. Kristof added that the increase in the size of the black middle class had been temporarily interrupted by the recession.

Louis Winnick, director of urban and metropolitan development at the Ford Foundation, predicted that in the next 10 years the city would "keep breaking up into a network of strong pockets," with whites remaining in areas like Greenwich Village, the Upper West Side, and Brooklyn Heights.

"Virtually every other borough (except Manhattan) will become more Spanish, but enclaves will remain," Mr. Winnick said.

CAUSES LISTED

The loss of more than 600,000 whites between 1970 and 1975 was nearly as large as the decline in white population in the previous 10 years, indicating a sharply increased rate of "white flight" during the most recent period. Dr. Kristof and others cited the following principal causes:

Young families moving to the suburbs, partly because of the city's deteriorating schools. This trend has been apparent since World War II, and now appears to be declining in intensity, because of the rising costs of suburban homes.

Young people moving out of the region. The trend has accelerated in the entire Northeast because of the loss of job opportunities.

Elderly people, of whom a much larger proportion are now able to retire, moving to the suburbs and out of the region.

62 PCT WHITE

The 1975 survey was broken down by borough into four different categories: white non-Puerto Rican, Negro non-Puerto Rican, Puerto Rican, and "other races," such as Orientals and American Indians.

The Puerto Rican and "other races" categories were the only ones to show substantial increases, each of about 100,000 people. Nevertheless, the Puerto Rican rate of increase is sharply reduced in comparison with the 1960's.

The city as a whole is now approximately 62 percent white, 22 percent black, 12 percent Puerto Rican and 4 percent other races. The comparable figures in 1970 were 67 percent, 21 percent, 10 percent and 2 percent.

NEW YORK CITY—POPULATION GAINS AND LOSSES

Whites, 1970	5,304,383
Whites, 1975	4,641,056
	–663,327
Blacks, 1970	1,615,348
Blacks, 1975	1,644,494
	+29,146
Puerto Ricans, 1970	811,843
Puerto Ricans, 1975	912,824
	+100,981
Other, 1970	177,906
Other, 1975	279,340
	+101,434

"It's what you would expect in the case of the blacks, because we do know that black migration from the South has been decreasing fairly rapidly," said Larry Long, who is chief of the population-analysis staff of the Census Bureau.

"For the South as a whole—from Maryland to Texas—there are about as many black moving to the region as moving from the region," Mr. Long said. "That's been the case only since 1970."

He added that the reduction in the rate of increase in the city's Puerto Rican population was consistent with the Census Bureau's finding last year that more Puerto Ricans were now moving back to Puerto Rico than were leaving the island.

Representative Herman Badillo, Democrat of the Bronx, attacked the 1975 figures as the latest example of what he said he believed was a consistent undercount of Puerto Ricans and other Spanish-speaking people in New York.

"It's way too low," Mr. Badillo said of estimates for Puerto Ricans. He said there were 1.5 million Spanish-speaking residents in New York, including illegal aliens, compared with the 912,000 Puerto Ricans estimated by the Census Bureau. The Congressman cited a City University study saying that the official 1970 figures might have undercounted Puerto Ricans by as much as 25 percent.

QUEENS AREAS CITED

Several population experts were skeptical about the latest figures for Queens, which indicated an increase of only 20,000 Puerto Ricans in the borough, or a total of 16 percent of its population.

Dr. Krist said there had been a rapid increase in the number of Puerto Ricans and other Hispanic residents in the last five years in the Jackson Heights, Corona and Flushing sections of the borough.

While the Bronx experienced a net decline of more than 170,000 whites in the last five years, leaving it with a 44 percent white population, Brooklyn experienced the single largest decline in whites, nearly 240,000.

Mr. Winnick said there was no longer any questions that Brooklyn, which is currently 58 percent white, would eventually become predominantly black and Spanish-speaking. "But will it become middleclass black and Spanish?" he asked. The city can live "very well" with a middle-class minority-group population, Mr. Winnick said.

SIMILAR PATTERN

City officials pointed out that even as Brooklyn was losing a large number of whites, the opposite trend was still discernible in the brownstone neighborhoods of Fort Greene, Park Slope, Cobble Hill and Boerum Hill, where the white populations were increasing.

"The same thing is happening in other cities in a 'row-house' stock," said one housing official. "People have been looking at all of the negative things going on, but very few people have been looking at some of the positive things."

While Manhattan lost 125,000 whites between 1970 and 1975, it was the only borough to experience a net decline in black population—nearly 90,000. As a result, there were only small changes in the proportions of different races living in Manhattan, which now stand at 58 percent white, 21 percent black, 14 percent Puerto Rican and 7 percent other races.

NONURBAN MANPOWER PLANNING: BARRIERS TO RURAL IMPLEMENTATION OF CETA

Mr. HUMPHREY. Mr. President, last week the Joint Economic Committee held a day of hearings on how well the job training and employment programs under the Comprehensive Employment and Training Act have worked. For the most part, these programs have done an excellent job of providing disadvantaged and unskilled workers with the work experience and new job skills they need to compete effectively in the job market.

But there is one aspect of CETA which has not been very well explored, and that is the problems we are having with implementing CETA programs in rural areas.

Right now, CETA is primarily an urban program geared to bring disadvantaged urban workers into the mainstream of the American economy. But there is widespread rural poverty in this Nation, and disadvantaged rural residents also need economic help.

According to Dr. John L. Mori, assistant administrator of the Manpower Department in La Salle County, Ill., rural communities are having a difficult time implementing CETA programs.

Dr. Mori recently published an article on "Nonurban Manpower Planning: Barriers to Rural Implementation of CETA" in the August 1975 issue of Adherent, A Journal of Comprehensive Employment Training and Monpower Development, pointing out some of these problems. Here are some of his observations:

First. Difficulties are created by the tendency of CETA directives and guidelines to be geared to the manpower needs of metropolitan areas rather than to those of rural areas or small towns;

Second. With the disadvantaged being neither vocal or visible in rural areas, relatively few nondisadvantaged persons within the rural community are likely to be much aware of a structural lower class in need of job training or employment assistance;

Third. Many small towns are deeply rooted in the past; tradition is strong; and resistance to change is greater than in metropolitan areas. CETA, as with any new program, is apt to be regarded with doubt and distrust;

Fourth. CETA prime sponsors often find themselves caught between performance standards for programs set nationally, involving target populations, et cetera, and the needs of their own localities;

Fifth. The problems faced by prime sponsors in small towns and rural areas are not miniatures of those confronting urban prime sponsors. They are qualitatively very different, because the demographic, social and economic patterns in urban and nonurban areas are vastly different.

We cannot solve rural poverty with urban programs; CETA must become more responsive to the needs of our small towns and rural communities.

Mr. President, I ask unanimous consent that Dr. Mori's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nonurban Manpower Planning: Barriers to Rural Implementation of CETA

(By John L. Mori)

The Comprehensive Employment and Training Act (CETA) is being talked about in many circles today; but CETA programs serving small towns and rural areas have drawn scant discussion. Such programs include those operated by prime sponsors in minimum-sized jurisdictions and "balance-of-State" programs through which States provide CETA services to remote rural areas.

Perhaps such programs are receiving relatively little attention because they will receive a relatively small proportion of total CETA funds. Yet, the ultimate nationwide success of the CETA concept will depend partly on the ability of CETA program administrators to deliver effective manpower services to needy residents of nonmetropolitan areas.

Several problems appear to be endemic to nonurban CETA operations because of the scale of the programs and the structures of the communities in which they operate. Other difficulties are created by the tendency of CETA directives and guidelines to be geared to the manpower needs of metropolitan areas rather than to those of rural areas or small towns. Together, such problems create a unique network of obstacles for the administrators of nonurban programs.

Two major problems facing nonmetropolitan CETA programs are the extensiveness of the jurisdictions they serve and the population distribution within those jurisdictions. In nonurban areas, a relatively small population is dispersed over a wide geographic area. The prime sponsor jurisdiction encompassing La Salle County, Ill., for example, contains six major communities, each of 20,000 or less, separated by a minimum distance of 15 miles. Travel from the central office to the farthest towns is a 35-mile drive.

Such distances pose major logistics problems for outreach and screening operations, as well as for disadvantaged clients who must travel many miles for training, jobs, or supportive services not available in their own areas. Potential clients may be unable to travel such distances because they lack cars or driver's licenses or because of the time and expense involved. Thus, distance hampers efforts to attract potential clients and may contribute to high turnover or dropout rates.

Moreover, manpower program developers in jurisdictions that serve several communities must develop programs tailored to the needs and labor market demands of each community within the jurisdiction. A program that succeeds in one or two towns may fail in a third. Program development and administration are therefore complicated by the need for multiple efforts.

Another difficulty in nonurban areas is that the problems of the disadvantaged are often hard to see. The poor and minority groups are less concentrated—and therefore less visible—than in metropolitan areas, where the poor are clustered in ghetto areas or specific districts. Demographic patterns in nonurban areas also tend to prevent disadvantaged individuals from joining together to form vested-interest groups through which they could bring their problems to public attention and speak out on such specific difficulties as inadequate housing or lack of skills training.

With the disadvantaged being neither vocal nor visible, relatively few nondisadvantaged persons within the community are likely to be aware of a structural lower class. In fact, only professional workers at local social service agencies—provided such agencies exist—are likely to know how many disadvantaged persons live within the area and what their needs are. And even these professionals may not be aware of the extent or the precise nature of the problems faced by the poor because many small towns and rural areas do not have sound statistics about the employment status, income, and educational levels of local residents.

Lacking factual information about the the problems of the disadvantaged, the nondisadvantaged residents of small towns and rural areas are likely to hold points of view which conflict with those of manpower program administrators. For example, the prevailing sentiment in many communities is that people who want to work can find work. Conversely, the view is that people are poor because the lack the ambition and determination to earn decent incomes.

Of course, such opinion ignores structural poverty, class systems, and other barriers to self-improvement—barriers which manpower program administrators must bring to public attention if CETA is to gain community acceptance. Similarly, the majority of citizens in nonurban communities may fail to see that problems such as high crime and school dropout rates are at least partly a product of poverty. Instead, such problems are lumped together under the blanket assumption that the poor are "bad apples" with a tendency to be lazy, shiftless, and criminal.

The notion that the poor have only themselves to blame for their situation prompts many persons to look askance at programs dedicated to serving "disadvantaged, unemployed, and poor" individuals. Not surprisingly, disadvantaged persons themselves may be somewhat reluctant to be associated with such programs and may fear the possible stigma attached to participating in CETA efforts. Such attitudes post further challenges to efforts to reach those in need of help.

The social structure of small communities creates other difficulties for manpower program administrators. Many small towns are deeply rooted in the past; tradition is strong, and resistance to change is greater than in metropolitan areas. In this climate, CETA, already suspect because it runs counter to community opinion about the causes of poverty, is apt to be regarded with doubt and distrust.

The majority of persons in many less populated areas were born in those communities or nearby, as were their parents. Within this relatively closed social structure, family stereotyping is frequent. Many citizens in small towns and rural areas can easily name a few "problem families" whose members have received welfare assistance, committed crimes, suffered unemployment, demonstrated job irresponsibility, or violated other community standards.

CETA personnel often have a difficult time persuading employers to hire or train members of such families. In La Salle County, for example, supervisors approached by CETA job developers have asked whether clients who would be placed in such slots are members of specific families. The prospects for placement are slim for clients who are members of these families, or close relatives. Even local government officials have refused to hire specific individuals because of their family backgrounds and histories.

The result is that the small segment of the population that requires the most sustained and intensive assistance does not get support or encouragement from the community. Whole families are written off as a "lost cause," and the stereotypes become self-fulfilling prophecies.

Job development in small towns and rural areas also may be impeded by labor market conditions. Many sparsely populated areas are losing their most talented young people to larger population centers and are unable to attract new industries or to offer a wide range of occupational opportunities. CETA program administrators thus face the task of trying to place clients in a labor market characterized by lack of growth and limited occupational choices.

The economic and social structures of small towns and rural areas sometimes create another barrier to manpower programs—government conservatism. Many smaller towns and villages harbor general suspicion of the federal dollar. In one such community, CETA job developers were told by government officials that the town did not need any federal help. The same officials refused even to take part in a CETA summer jobs program.

In some cases, local government officials' reluctance to participate in manpower programs stems partly from staff and budget considerations. Many local governments possess a full work staff, enjoy very low turnover rates, and consider staff expansion unnecessary. Moreover, local government budgets are often modest and are unlikely to expand. Only a few clients, at best, can be placed in locally funded public service jobs in these communities.

Value patterns complicate placement of clients in public service jobs funded under Title II of CETA. Many local officials do not understand the potential benefits of employing disadvantaged persons for civic works. When manpower planners suggest this idea, local officials tend to show hesitancy and doubt, common reactions to activities viewed as disruptive to the stability and habits of local government operations.

Unfortunate experiences with the Emergency Employment Act also prompt some local officials to resist CETA. At the termination of the emergency jobs program, many local government units "inherited" individuals who had been hired with federal funds but who were not covered by local budget allocations. Some officials who faced this situation suspect that governmental units may similary be "struck" with persons placed in public service jobs under Title II of CETA.

In response to common community beliefs about the nature of the disadvantaged and reactions toward manpower programs, CETA administrators must expend a great deal of time, energy, and sensitive effort to convince local government officials, employers, the general community, and potential clients of the worth of CETA programs. This task is especially difficult in the many nonurban areas where CETA is the first major manpower effort ever to be undertaken.

Small towns and rural areas without a history of manpower programs generally have few program resources. La Salle County has never had an Opportunities Industrialization Center, a Jobs for Progress organization, a chapter of the National Alliance of Businessmen, a Work Incentive Program, a Concentrated Employment Program, or a Neighborhood Youth Corps. Only one major subcontractor—a community college offering traditional vocational courses on a semester basis—is available to provide skill training.

CETA administrators must therefore work from the ground up. Lacking program resources and good data about the local community, the disadvantaged, and both current and projected local manpower needs, nonurban prime sponsors must conduct new and complex manpower planning with imprecise knowledge of the areas they must serve and with no history of local manpower programs to look back upon.

In all likelihood, such handicaps will cause nonurban prime sponsors to be slower than their urban counterparts in designing and implementing effective local programs. This time lag worries many shall prime sponsors who feel they are doing as much as they can under the circumstances but fear that federal evaluations of CETA programs will find their efforts inadequate.

This fear stems from the fact that CETA, while overtly a nationwide, decentralized program, seems biased toward the specialized problems of larger urban areas. For example, recent guidelines issued under Title II required prime sponsors to address the problems of innercity youth. Prime sponsors in nonurban areas are essentially in the position of having to justify lack of attention to a problem which does not exist.

Moreover, forms and regulations for prime sponsors tend to presume that every jurisdiction has had prior experience with categorical programs, a situation which simply is not true in some less populated areas. For example, the forms for quarterly reports and proposals are set up to reflect previous types of program activities such as work experience and the Neighborhood Youth Corps. Besides creating reporting difficulties for jurisdictions where no such programs have existed, such forms may inhibit the development of innovative programs by prompting prime sponsors to keep thinking along the lines of programs mentioned in the forms.

The Regional Automated System (RAS) and regional assessment teams recently set up by the Federal Government to evaluate—and in the case of RAS to rank—prime sponsors are likely to create other structural problems for rural areas. Both assessment systems reflect an understandable and worthwhile effort to insure that CETA funds are effectively and efficiently used. Such assessment, however, will be based on performance standards established outside the rural prime sponsor's jurisdiction. Given CETA's bias toward urban areas, it seems likely that the standards used in these assessment programs will be better geared to urban prime sponsors than to those in nonurban areas. Should prime sponsors then abandon the performance standards set in their own localities in favor of national criteria? Do they risk losing CETA contracts by adhering to local standards? Such questions give nonurban program administrators additional headaches.

It is clear that the problems faced by prime sponsors in small towns and rural areas are not miniatures of those confronting urban prime sponsors; they are *qualitatively* different because the demographic, social and economic patterns in urban and nonurban areas are vastly different. Any attempt to overcome the obstacles unique to less populated areas will require imagination, ingenuity, dedication, and the clear understanding that manpower programs in minimum-sized jurisdictions cannot be planned, operated, implemented, or evaluated like those in metropolitan areas. This realization, as well as new support from the national CETA staff, is essential if nonurban CETA programs are to deliver effective manpower services to the millions of Americans living in rural and small town poverty.

SUPPLEMENTAL APPROPRIATIONS BILL, H.R. 13172

Mr. KENNEDY. Mr. President, the passage yesterday of the second supplemental appropriations bill, H.R. 13172, presents me with an opportunity to comment upon a program that many of my constituents are concerned about and which appears to be facing some funding difficulties. These money problems, as I am led to believe from local heatlh agencies in my State, are due to problems caused by the Department of Agriculture's reluctance to part with funds authorized by the Congress.

The special supplemental food program for women, infants, and children, commonly called the WIC program, is one of the child-nutrition efforts I have supported because it provides high-nutrient, supplemental foods for pregnant and nursing women and young children who are in need of such nutrition assistance to protect their health. Local health agencies usually run this program in conjunction with a pre- and postnatal health clinic.

Applications are pending to serve over 30,000 low-income women and children from several health agencies in Massachusetts. These applications have been on file for several months, despite the fact that money is available. In fact, I understand that close to half of the money which was supposed to be spent this year by the Agriculture Department has yet to be assigned to WIC programs.

I would like to find out what the problem is with these unspent funds, and make sure that our spending dictates are respected. Since there are no funds in this supplemental appropriations bill for WIC program operations, new funds must be made available during the transition quarter for WIC. These new funds must be used from the pool of moneys set aside in the Child Nutrition Act of use when no regular appropriations are available.

This spending requirement is clear. The last time we considered the authorizing legislation for WIC, we wrote into the law the requirement that section 32 funds, from the act of August 24, 1935, must be used to fund WIC in fiscal 1976, the transition quarter, and fiscal 1977 in the amount of $250 million a year plus carryover if we did not fund WIC sufficiently out of regular appropriations.

As an example, since H.R. 13172 holds no funds for WIC in the transition quarter, section 32 must be used to provide a 3-month share of our yearly authorization for WIC to supplement the funds unspent in this fiscal year. Thus, for July, August, and September the Department of Agriculture must make available a new $62,500,000—one-fourth of the $250 million authorization level—plus the approximately $125 million which has been unspent so far this year in order to fund new WIC clinics or allow current programs to expand. If, as another example, we were to appropriate $100 million for WIC in fiscal 1977, then $150 million would be made available from section 32 for expenditure in that year, in addition to any unused funds from the transition quarter. This section 32 requirement, however, is not in effect for fiscal 1978, in which regular appropriations would be the only source of WIC operating moneys.

These requirements which we wrote into Public Law 94–105 last year were necessitated by both the need to assure continued funding so WIC could responsibly expand to meet the need, and to make sure the Agriculture Department knew at all times that WIC money would be forthcoming. I hope, therefore, that the applications of the clinics in my State, as well as those in all the States, soon receive the favorable action to which they are entitled.

THE DEATH OF LUKE HOPKINS

Mr BEALL. Mr. President, last Sunday one of Maryland's leading citizens, D. Luke Hopkins, died at the age of 77. Luke Hopkins was a successful businessman, a dedicated sportsman, an active churchman, and a public servant. During his long career he served as an Assistant Secretary General of NATO, as a member of the board of trustees of the Johns Hopkins University, chairman of the board of trustees of Baltimore's Walters Art Gallery, and a driving force in many charitable organizations.

Mr. President, I believe the true measure of a man is his ability and willingness to make sacrifices so that other less fortunate individuals can enjoy a better life. Luke Hopkins had that special sensitivity, that extra dimension of humanity that will be badly missed by all Marylanders. While those of us who knew him have suffered a deep personal lose, we are inspired by his record of service.

I ask unanimous consent, Mr. President, that an article entitled "D. Luke Hopkins, Civic Leader, Dies," from the Baltimore Sun of May 17, 1976, and an editorial tribute to "Luke Hopkins," which recently appeared in the Baltimore Sun be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, May 17, 1976]

D. LUKE HOPKINS, CIVIC LEADER, DIES

D. Luke Hopkins, retired chairman of the board of the Maryland National Bank, who had been active in civic and educational affairs, died yesterday afternoon at Greater Baltimore Medical Center following an apparent heart attack Saturday evening.

Mr. Hopkins, who was 77 and lived at Tyrconnell on Woodbrook lane, had been chairman of the bank board from 1964 until 1966 but had remained a member of the board until last year.

He also had served as chairman of the finance and trust committees of the bank.

He became a trustee of the Johns Hopkins University in 1933. His work with the university's Applied Physics Laboratory during World War II won him the Presidential Medal for Merit in 1946. A building bearing his name was dedicated at the laboratory last month.

Mr. Hopkins served in 1952 and 1953 as an assistant secretary general of the North Atlantic Treaty Organization.

A member of the Maryland Port Authority from 1956 until 1964, he served as its vice chairman for a time and was named to the Permanent International Association of Navigational Congresses.

Dr. Steven Muller, president of the Hopkins, described Mr. Hopkins as one of the institution's "most loyal and fervent supporters" who had served as a trustee longer than any present members of the board. "I personally will miss his friendship and wise counsel tremendously," he said.

Dr. George Finney, Sr., a college classmate and old friend, described him as "utterly respected" by every one who knew him and as a person who was "thinking of others all the time."

Mr. Hopkin's son, C. A. Porter Hopkins, is a Republican member of the Maryland Senate representing Baltimore county's Fifth district.

A man who played tennis throughout his life until the day before he died, the elder Mr. Hopkins was fond of duck hunting and salmon fishing as well.

A native of Baltimore, he was educated at the Jefferson and Marston schools and graduated from Princeton University in 1921, beginning his banking career in Baltimore with the Drovers and Mechanics National Bank the same year.

He had become a vice president and director of that bank by 1930 when it became part of the Maryland Trust Company and later held similar posts at the Mercantile Safe Deposit and Trust Company before joining the Fidelity Baltimore National Bank and Trust

Company, now Maryland National, where he became chairman of the finance committee in 1955.

Mr. Hopkins had served as a director and member of the executive committees of the Chesapeake and Potomac Telephone Company of Maryland, the Fidelity and Deposit Company of Maryland, the Savings Bank of Baltimore, the West Virginia Pulp and Paper Company—which was started after the Civil War by his mother's family—and the Loudon Park and Druid Ridge cemeteries.

He was also a member of the boards of the Baltimore Equitable Society and the Northeast Harbor Water Company, in the Maine community of Northeast Harbor, where he also maintained a home.

At the Hopkins, he had served as vice president of the board and had headed the Johns Hopkins Fund, as well as the committee on the Applied Physics Laboratory.

He had also served on the boards of the Johns Hopkins Hospital, the Harriet Lane Home for Invalid Children and the Evergreen House Foundation.

Chairman of the board of the Walters Art Gallery from 1963 until 1971, he was also a member of the board and chairman of the executive committee of the Greater Baltimore Medical Center. He was a trustee of the Gilman School and held an honorary doctorate from Goucher College.

Mr. Hopkins served as a member of the Atomic Energy Commission Security Survey Panel from 1950 until 1952.

He had been a director and vice president of the Family Welfare Association and was chairman of the Baltimore Emergency Relief Commission from 1933 until 1935.

In 1929, he also became a member of the executive committee of the Community Chest of Baltimore, serving as chairman in 1941 and as president from 1949 until 1952.

He served on the vestries of the Church of the Redeemer in Baltimore and St. Mary's Church by the Sea in Northeast Harbor and was a member of the chapter of the National Cathedral in Washington. He also served as a regional chairman for an American group raising funds for the restoration of St. Paul's Cathedral in London.

He was a member of the Bachelors Cotillion, the Elkridge Club, the Maryland Club and other clubs in New York and Washington.

Funeral services for Mr. Hopkins will be held at noon Wednesday at the Church of the Redeemer, at 5603 North Charles Street.

In addition to Senator Hopkins, he is survived by his wife, the former Katherine Disston Porter, another son, David L. Hopkins, Jr., of Mount Kisco, N.Y.; two daughters, Mrs. Charles A. Borda 3d, of Wayne, Pa., and Mrs. Charles H. Mellon 3d, of Far Hills, N.J.; a sister, Mrs. F. Barton Harvey, of Ruxton, and 16 grandchildren.

[From the Baltimore Sun]

Luke Hopkins

When he died suddenly Sunday Luke Hopkins was 77 years old, an age at which men's minds tend to narrow, to harden and to shrink. Luke Hopkin's mind did none of these things. He had his convictions and, under pressure, could defend them valiantly: the point is, here was a good mind to start with which, as it aged, turned mature and not closed. Luke Hopkins always kept an ear for a new idea, welcome or not. Only last week he was caught up personally in a vigorous discussion of national defense—whether, as he believed, it ought to be raised to the levels the Pentagon prefers or, as two anti-armaments experts argued, the Pentagon is already over-armed. Luke Hopkins listened intently, absorbing a fresh point of view he had not encountered before. To him, vitality of thought and a variety of interests gave life its savor.

It was this evergreen curiosity, and accompanying action, which made Luke Hopkins extraordinary as a Baltimore businessman. Essentially a banker, he rose to the chairmanship of the state's largest bank; he declined, however, to allow his activities to be hemmed in by the banking community. He drew immense satisfaction from his work and gifts at Johns Hopkins university, especially its breath-taking laboratory for applied physics. His concern for NATO, which he served as an official, was deep and prolonged. So with his attachment to the Maryland Port Authority, notably its navigational problems. Financially, Luke Hopkins could have settled for idle comfort and coupon-clipping. That he chose the broader, more challenging world, and that he applied himself to it so variously and so effectively, was the mark of this uncommonly creative man.

HUMANITARIAN NEEDS OF EARTHQUAKE VICTIMS IN ITALY

Mr. KENNEDY. Mr. President, yesterday the Subcommittee on Refugees, which I serve as chairman, heard a report, on the massive humanitarian problems resulting from the recent earthquake in Italy, from the Honorable Daniel A. Parker, the President's Special Coordinator for International Disaster Assistance and the Administrator of the Agency for International Development.

Mr. Parker returned from the field early this week and provided the subcommittee with a very useful assessment of conditions in the field and the various relief and rehabilitation efforts currently underway. He also discussed the allocation of $25,000,000 appropriated by Congress for relief purposes in Italy, and the additional efforts being made by America's voluntary agencies and other organizations in the private sector. In this connection, I want to pay a special tribute to the agencies and organizations in the private sector. Their efforts and concern for the earthquake victims in Italy deserves the full support of our Government and the American people.

Mr. President, in light of the widespread interest in the serious humanitarian problems confronting the people of Italy, I ask unanimous consent to have printed in the Record the text of my opening statement at yesterday's hearing, Mr. Parker's report to the President, and some current information on the agencies and organizations providing relief assistance to the distressed people in the Friuli region of northern Italy.

There being no objection, the material was ordered to be printed in the Record, as follows:

Opening Statement of Senator Edward M. Kennedy on Humanitarian Problems of Earthquake Victims in Italy, May 19, 1976

Nearly two weeks ago, one of the most destructive earthquakes to hit Central Europe struck the Friuli region of Northern Italy—leaving behind it an awesome trail of destruction and human misery, and great personal tragedy for thousands of Italian families.

Over 900 people lost their lives. At least 2,000 more were injured. And close to 100,000 persons are homeless.

Many towns and villages were leveled. Schools and churches and medical facilities were damaged and destroyed. And the important agricultural sector of the area's economy was severely disrupted, with a heavy loss of livestock and farm buildings.

Over the past several days the sturdy and spirited survivors of the earthquake have been assessing their plight, and taking their first steps on the long road of normalizing their lives. Emergency relief needs are generally being met, and the time for rehabilitation and reconstruction has begun.

A few days ago, the government of Italy approved a decree which will provide some $450,000,000 for relief and rehabilitation purposes in the Friuli region. Among other things, the decree will provide cash benefits to earthquake victims, and additional funds for the reconstruction of private housing and public buildings, such as schools and medical facilities.

The United States and at least a dozen other countries, as well as the European Economic Community and several private voluntary agencies, have been providing emergency relief assistance to the earthquake victims—and hopefully, this international humanitarian concern and support will continue in the weeks and months ahead.

As in the case of the Guatemalan earthquake earlier this year, our government responded immediately to human need in Italy. And last week Congress passed an emergency appropriation for $25,000,000 to assist the rehabilitation program of the Italian Government.

We will learn more today about the kinds of projects these funds will support. And if more is needed, I am confident that our country's response will fully reflect our strong friendship with Italy, and our traditional concern for people in need.

Special Report to the President on the Earthquake in Italy

(By Daniel Parker)

Mr. President: In response to your instructions, Vice President Rockefeller and I have completed our assessment of the tragic impact of the earthquake in northeastern Italy on May 6th. Based on our observation of the disaster area and our discussions with officials of the Government of Italy, this report will describe the magnitude of the disaster, the current situation and the general needs.

It is important to point out that the information collected to-date is far from definitive or complete. Thus, we are not in a position to fully describe projects of assistance at this time. To do so, we must quickly refine the statistical information base and together with the Italian Government, assertively design specific programs to meet the needs for relief and rehabilitation. To do this, I plan to send a team of experts to the field to assist in the project development process.

GENERAL SITUATION

The initial shock occurred at approximately 9:00 p.m. local time in northeast Italy, Thursday, May 6th. It registered 6.5 on the Richter Scale and 9 to 10 on the Mercalli Index, a magnitude sufficient for extensive damage. There have been more than 50 aftershocks since then, including a relatively severe one on May 9th. The quake also caused some damage in southwest Yugoslavia and minor damage in southern Austria.

The Provinces of Udine and Pordenone in the Friuli region, within which is the area affected, have a population of approximately 800,000. About 180,000 were in the most severely stricken zone. The official death toll is 903 and 1,742 are hospitalized. There are 80,000 to 100,000 homeless who are being sheltered in tents provided by Italy, the United States and other donor governments and organizations. Adequate food and medical care is being provided by the Italian Red Cross and military units. No contagious disease outbreaks have been reported. The numerous aftershocks caused further damage to many structures. Geologic changes to the terrain have caused numerous landslides and have increased the likelihood of future slides unless engineering actions are taken. Heavy rains on May 13th hampered relief efforts and added to the misery of the homeless, and four towns had to be evacuated because of landslides caused by the rains.

The most severely stricken areas of Udine and Pordenone comprise about 200 square miles. The area consists of an alluvial plain with rugged foot hills and low mountains on the north, gradually ascending to the Carnic Alps.

The people are known for their "tough fiber," independent spirit and capacity for hard work. They have a traditional life style in which family solidarity and religious traditions are firmly rooted.

Primarily an agricultural area with vineyards, farming and livestock, there is some light industry and handicrafts, consisting of woodworking, metalworking and thread spinning. Although the full impact of the quake on what industry exists is not assessed fully, we saw efforts to rebuild a severely damaged kitchen cabinet factory.

Newly planted crops were virtually unaffected, although displacement of small landholders and agricultural workers could cause some disruption in the proper care of the crops and livestock.

I. ASSESSMENT OF DAMAGE

Damage assessment efforts are at best partial and at worst highly impressionistic, and are colored by the psychological impact of the earthquake. Data collection problems are handicapped by a lack of comparability stemming from the use of different statistical bases and the fact that reconstruction planning is just beginning.

Apart from problems with the reliability of the statistics, understanding the narrow focus of the earthquake is essential for interpreting the data. The most seriously affected area includes some 50 towns with 180,000 people. The destruction in this area was virtually total. A larger area characterized as having major damage includes an additional 100 towns with an additional population of 350,000 people. The Friuli-Venezia-Giulia region has a population of 1,300,000. There are no major cities located in the most seriously affected area, so an honest appreciation of the degree of suffering experienced by those in the area cannot be captured by this statistical summary.

A. Physical Damage—1. Housing and other building damage:

a. Housing patterns in the most affected area are predominantly single family dwellings of masonry with tile roof construction. Initial data indicate that approximately 11,000 dwellings were destroyed, and an additional 13,000 damaged (of which 8,000 were heavily damaged). Homeless number approximately 90,000, perhaps 23,000 family units. Damage patterns, of course, vary widely by community. The total number of homes which are uninhabitable may grow as a more definitive assessment is completed.

b. Twenty public buildings (except schools and medically-related facilities which will be discussed separately) were destroyed and an additional 25 severely damaged. (Fifteen more received some damage.) Normally, these buildings would house essential civic functions such as police and fire services, distribution of welfare benefits, registration of vital statistics, etc. Since these buildings were designed to house services for the existing population, reconstruction should be simultaneous with dwelling reconstruction. Some 60 churches were destroyed and another 70 were severely damaged. An additional 30 received some damage. The loss in this area is much more significant than the figure would indicate. Not only is the local church a center of religious life, but a focus of community activities and a civic symbol.

B. Agricultural Sector Disruption—

Most seriously affected is the local dairy industry, which accounts for approximately 60% of all agricultural production in the two affected provinces, partly due to loss of stock but more seriously, according to local authorities, through loss of and damage to farm buildings and other farm-related infrastructure. Dairy herds in the area numbered 20,000 head before the earthquake; thus, the reduction is on the order of 10% (see table below). The affected area suffered a major loss of hay and other feed storage facilities, and thus delays in reconstruction will be detrimental to the dairy industry.

Losses in the food processing sector were relatively light. Some wine storage and aging facilities were reportedly damaged, but wine production is not an important product of the immediate area (only 3% of the arable acreage is planted in grapes). In the important dairy product and cheese-making sector, some 60 small firms were reportedly destroyed or damaged severely.

Livestock damage:
Destroyed, 600.
Not producing, 1,500–2,000.
Farm buildings:
Destroyed, 8,000.
Damaged, 7,000.

C. Regional and Rural Services and Administration—

Despite the widespread destruction of public buildings in the areas most seriously affected, essential local services were restored almost immediately. Variations exist, of course, but police functions were not seriously disrupted (and were in any case immediately reinforced). Disruption of secondary administrative and public services was heavy in the seriously affected areas. Services aimed at maintaining a flow of welfare benefits to those affected have been restored and are reaching relocated people. Some measures enacted by the GOI have worked to reduce the burden on local and regional administrative services; for instance, extending the filing date on tax returns and suspending the bankruptcy provisions of the law.

Particular importance has been given to restoring postal and telegraph facilities.

D. Social Services—

Since emergency health services were provided to the earthquake victims, a complete assessment of damages or disruption in the provision of such services has not been made. Out of a total 9,000 hospital beds available in the affected Provinces of Udine and Pordenone, facilities containing 1,500 beds were moderately or severely damaged, and a 400-bed hospital under construction was also damaged. In the most affected rural areas, medical services are provided by doctors who have offices in their homes, and to a certain extent by pharmacies also located in homes. Disruption of these services is undoubtedly extreme in the areas most seriously affected since it is assumed that such homes were also destroyed.

Classroom destruction in the area is estimated at 500 to 600 units, affecting some 12,000 students which represents about 15% of the Udine provincial school population. The major damage is at the elementary school level since these schools are found in the small towns in the most devastated zone. The Ministry of Public Instruction in Rome has ended the school year and because of the disaster, the educational staff has been made available to the local communities to be used, as necessary, for emergency purposes. The GOI is considering providing pre-fabricated classrooms by October when the next school year begins. There is a three-month lead-time for provision of such prefabs.

E. Disruption to Industrial Base, Consequent Unemployment, etc.—

Principal industries (those employing more than 3,000 workers in all) are furniture manufacturers, textiles, construction, food processing and metalworking. Of approximately 14,000 firms employing some 70,000 persons in the affected area, the majority employ less than 25 persons and at least 50% employ less than 10 persons. Most of the buildings that house these small firms also serve as dwellings. Many retail outlets, hotels and restaurants also serve as residences for immediate or extended family members.

1. Estimated number of jobs lost due to the earthquake (not including employees in cottage industries):

a. Furniture/woodworking	1,600
b. Textiles	700
c. Construction	1,200
d. Metalworking	2,100
e. Food processing	500
f. Paper	1,200
g. Other	1,000
Total	8,300

2. Estimated number of firms destroyed or damaged:

Type, damaged or destroyed/Total in area

Industries: (over 10 employees), 240/-total unknown.

Commercial activities: (wholesale/retail), 2,200/3,500.

Cottage industry: (less than 10 employees), 2,800/4,900.

F. Economic Impact—

With an upturn in the fourth quarter of 1975, the Italian economy was beginning to recover from the 1973–75 recession. Unemployment and inflation are still serious. However, there are plans for long-term industrial development to reduce economic imbalance, which is an important factor in Italy's high rate of inflation.

The two provinces most heavily damaged, Pordenone and Udine, together contribute only slightly more than one percent to the overall national income. The disruption caused by the earthquake should have an imperceptible impact on Italy's balance of payments. There should be little effect on national prices since the region is not a major supplier of any high-demand product. The building industry in the region has considerable unutilized productive capacity available for reconstruction.

The work force of the two devastated provinces is approximately 300,000 out of a total population of 800,000. The Government's assistance program for the two provinces should blunt the national effects of increased unemployment while reconstruction of productive enterprises takes place.

Lost revenue plus the emergency relief expenditures would increase the national budget deficit by $588 million to $1.8 billion. The U.S. Embassy in Rome, therefore, feels that the impact of the disaster at the national level is manageable even under the present economic circumstances.

II. DISASTER RELIEF

A. Immediate Relief Efforts—

1. The Government of Italy deployed 5,000 troops immediately following first reports of the quake, and Italian Red Cross authorities in the northern provinces mobilized all available resources, including medical personnel and supplies. Forty-four helicopters and 7 C-130's from the Italian military forces were deployed for rescue, reconnaissance, and delivery of supplies. They have evacuated more than 600 victims. Eight engineer battalions and six separate engineer companies have been used to search for victims and to clear debris, with the assistance of local units of the Fire-Fighting Service. Elements of the Italian military forces are operating field kitchens, providing temporary shelter and helping victims with other problems such as potable water and sanitation facilities. The Italian Red Cross is supervising all medi-

cal and sanitation requirements, and the Italian police (Carabinieri) are directing all traffic.

2. The United States, through Ambassador Volpe, immediately provided six helicopters for medical evacuations, for aerial reconnaissance and for carrying supplies. They were deployed from the U.S. Air Force Base at Aviano, about 25 miles southwest of the earthquake area. Ambassador Volpe also ordered the U.S. Consul in Trieste into the area to make a more accurate assessment of deaths, injuries, and destruction, and to recommend U.S. assistance in response to requests from Italian officials.

3. Since the most urgent need was temporary shelter, 100 tents were supplied by the 40th Tactical Group at the U.S. Air Force Base in Aviano on May 7th. In addition, they provided a generator and temporary lighting system, a large quantity of ready-to-eat field rations, blankets and medicine. AID authorized the release of 120 six-person family tents the same day from its regional disaster relief stockpile at Camp Darby in Leghorn, Italy. On May 8th, an additional 500 family tents were dispatched by AID to the disaster area from Leghorn. These family tents were designed by AID disaster relief specialists and industry specifically for disaster situations and are stockpiled at various locations throughout the world.

4. Other donor responses to requests for assistance included a complete field hospital and 200 personnel from Canada, 90 four-man tents and the services of a reconnaissance plane from the United Kingdom and 150 tents from the Netherlands. The Federal Republic of Germany dispatched 250 tents and 25 personnel to erect them. Austria sent in 100 army trucks and men to aid in the relief escorts and the Danish Red Cross airlifted 26 tons of blankets, baby food, and dried milk to the area. Most of the above assistance was coordinated through NATO facilities using existing NATO communications links.

B. Post-Immediate Relief Phase—

1. Italian Efforts:

Following the immediate response to the disaster by Italian and United States agencies, as well as neighboring countries, the magnitude of the devastation and the needs of the victims became clearer. The Government of Italy appointed the Under Secretary of the Ministry of the Interior to coordinate all Italian and international efforts in the zone. He is now headquartered in Udine. Other nations and international organizations continue to offer additional assistance and contributions to the Italian Government.

On May 12th, the GOI Council of Ministers approved a Disaster Relief Decree which will provide approximately $450 million to be distributed in the following manner:

Approximately $236 million—Regional relief funds.

Approximately $118 million—Industrial reconstruction to be administered by Provinces of Udine and Pordenone.

Approximately $50 million—Central government.

Approximately $46 million—Ministry of Interior for direct relief assistance to quake victims.

Total—$450 million.

Italian press reports describe a broad range of reconstruction and relief activities announced in the Decree. These are the major points:

a. Cash benefits for wage supplements, increased unemployment payments, cash payments to pensioners, self-employed workers, and families who have members killed or injured and credits for grants for industrial reconstruction.

b. Funds will be provided later for reconstruction of private housing.

c. All public buildings such as schools and hospitals will be rebuilt.

d. Tax declarations have been postponed and military draft can be fulfilled by draftees who volunteer for civil service in Udine and Pordenone.

2. U.S. Efforts:

On the morning of May 9th, a U.S. Air Force convoy departed Aviano Air Base for Forgaria with 89 military personnel and heavy equipment from the 40th Tactical Group to assist in clearing debris and with the demolition of dangerous structures. They are continuing operations. The Engineer Platoon of the U.S. Army's 509th Infantry from the NATO Base at Vicenza has been operating since the morning of May 12th in the Osoppo area. Tents provided by the U.S. Government through AID and the U.S. military are currently housing about one-half the victims of Osoppo whose homes are destroyed or severely damaged. Total U.S. assistance to date is valued at $627,071 (See TAB A).

3. Other Donor Efforts:

Virtually all of the assistance from member countries of NATO was coordinated through NATO facilities, and most of the personnel and material was sent from their units stationed nearby. France, Canada, West Germany, Denmark and Greece all responded to requests from the Government of Italy with search teams, helicopters, water purification units, blankets, tents, heavy equipment and other urgently needed requirements (See TAB B).

Eighteen sister societies of the Italian Red Cross have donated almost $900,000 in cash and in-kind through the League of Red Cross Societies (LICROSS) and the European Economic Community has donated 150 metric tons of skimmed milk powder. Catholic Relief Services has contributed over $80,000 in supplies and cash. We are unaware of any UN relief efforts through the UN Disaster Relief Office or otherwise.

III. REHABILITATION AND CONSTRUCTION

A. Italian Efforts and Programs—

The Government of Italy perceives Rehabilitation and Reconstruction as being the last two phases of a three-phase program.

Phase I entails the provision of emergency relief. Tents, medical supplies and food are the prime elements of this phase.

Phase II amounts to relocating the homeless from tents into intermediate shelter. During this phase, which must be completed by Fall, the GOI intends to complete all planning for Phase III.

Phase III is the reconstruction effort which embraces the restoration and reconstruction of dwellings and returning destroyed communities to their pre-earthquake status.

The GOI expects all three phases to run over a two- to three-year period with costs ranging from $1.5 billion to $3 billion. This should provide permanent dwellings, schools, and health facilities to some 90,000 people whose lives have been adversely affected in varying degrees by the earthquake.

Phase III also includes repairing and reconstructing industrial and agricultural facilities which were affected by the earthquake. All in all, the GOI has two overriding objectives:

To quickly restore the communities to pre-quake normalcy.

To ensure that the affected population either returns to restored homes or is provided new dwellings in the communities in which they have lived. Relocation of the population to other, perhaps less earthquake-prone areas, is not being contemplated as the local populace has made it very clear that relocation is totally unacceptable.

B. Assistance from the United States—the $25 million—

Our overall strategy is to devise a package of programs which are both qualitative and quantitative in nature and which serve to catalyze certain aspects of the Italian and other donor assistance efforts. We see definite promise in the following areas:

Technical assistance to assess structural damage to determine which houses, factories, public buildings and cultural and historic structures can be saved for renovation and which must be razed.

Technical assistance in structural engineering, especially for building footings and foundations.

Provide small-scale technology concrete block production units to assist local populations to begin on-site reconstruction of dwellings.

Provide suitable roofing and structural support materials for the reconstruction of dwellings in a more earthquake-resistant manner.

Provide small tractors and wagons to community governments to be used for community efforts in removal of debris and in transportation of building materials and livestock feed.

Provide communications equipment for community use, to permit community leaders to exchange instructions and information with outlying smaller communities.

The use of a field computer terminal, hooked up to Washington and perhaps the capitals of other major donors, to accelerate the planning/logistical process.

The use of high altitude photography combined with LANDSAT imagery to develop a complete picture of the relationship of the communities to their environment. There is in the area a shortage of certain building materials and we may be able to identify both mineral and building resources which the local areas may not be aware of.

Extremely sophisticated geologic assessment to identify faults, major areas of sliding, areas prone to subsidence and slippage. Our goal is to prevent the construction of houses in those locales which might be extremely prone to damage resulting from the quake.

C. Coordination of U.S. Efforts—

In order to carry out this strategy, we plan to send in a small, highly specialized AID team to work with the Italians in the development of projects. With the help of this team, which can tap other U.S. Government agencies' capabilities, we plan to concentrate on the following areas:

1. Technology Resources:

In my meetings with Italian officials, I repeatedly made the point that the United States and Italy have a unique opportunity to combine their technological resources for the benefit of the earthquake victims. The United States is an earthquake-prone country which has had its own share of suffering in such disasters as the San Francisco earthquake and more recently the "Good Friday" Alaska earthquake. In responding to earthquakes affecting our country and other countries, such as Guatemala and Nicaragua, the United States has had the opportunity to develop highly specialized expertise—but we are also aware of shortcomings in the overall field of disaster prediction, preparedness and relief. With the earthquake in Italy, we have an opportunity to combine resources with an ally which can be of benefit not only to our countries, but also to NATO and the rest of the world.

In the fields of geology and structural engineering, the GOI has considerable expertise on-hand. Our hope is to be able to identify U.S. experts who have worked in applying geology, structural engineering, high resolution aerial photography, and satellite imagery to small areas. The challenge is to transfer high technology to meet fundamental needs. A member of the AID team which will soon arrive in-country will be experienced in science and technology. We have not yet identified all the technological resources which the GOI has on-hand. We should be able to complement Italian scientific and technological expertise with U.S. experts to meet the needs of the effected population.

2. Social and Public Infrastructure Assistance and Planning Capability:

We should propose to offer planning resources and positive courses of action for the restoration of social/community services and their infrastructure, we can be of great assistance to not only the people of Italy, but to their government. At this point, our course of action is to:

Offer computer modeling services in the field of earthquake relief, rehabilitation and reconstruction.

Determine forms of shelter which might be acceptable to the affected population.

Identify a variety of transportation and construction equipment which can be used on a small scale to assist the people in their efforts to rebuild their homes and with their own hands. From my meetings, I am left with the definite impression that the people will not move away and definitely do want to erect structures similar to the ones they previously habitated. The challenge is thus not only to identify equipment to assist them in their self efforts, but also ensure that they are following sound structural practices—such as the use of pre-stressed and reinforced concrete. As much of the industry in the area is cottage industry, hopefully this equipment can be used in a variety of applications which might improve their own small-scale industrial base.

Mr. President, the Government and the people of Italy, especially those of the Friuli area, have responded to this calamity in a rapid and commendable fashion. We admire the public at large and as well, the private citizens and the victims themselves who all joined in relieving the suffering of their neighbors and countrymen. As in any disaster situation, there were initial problems of communication and coordination, but these were quickly overcome. We also wish to commend the units and personnel of NATO which provided invaluable support in coordinating and delivering relief personnel and supplies.

Officials of the Government of Italy and the Friuli area asked that we convey to you the thanks of their people and many of the citizens with whom we spoke expressed gratitude to the people of the United States.

The Decree which the Government passed on an emergency basis for the relief of the victims should alleviate the short-term economic problems of the affected populace and their long-term plans should expedite a return to normalcy in the area.

We wish to express our gratitude for the assistance of Ambassador Volpe and the U.S. Country Team, as well as the elements of the U.S. Armed Forces which provided us with necessary services. The people of the United States should be proud of the expeditious and professional response which was provided. As outlined above, we shall continue to provide assistance to the Government of Italy in concert with their wishes.

TABLE A. U.S. disaster relief assistance

Helicopter support and initial relief costs	$25,000
283 tents (U.S. Army and Air Force)	180,000
1,050 tents (AID stockpile—Camp Darby)	243,316
Foodstuffs (military field rations)	50,000
U.S. military earthmoving equipment—rubble removal and cleanup	70,000
Blankets, sheets, stretchers, medical supplies	13,000
TDY of U.S. foreign disaster relief specialists	13,755
Communications support	4,000
U.S. Army Engineer Unit (68 men)	25,000
Estimated total	627,071

TABLE B. *Other country donor assistance*

Austria: 131 man relief detachment, 54 trucks, 1,420 tents, 2,000 mattresses, 10,000 sheets, other supplies. Cash assistance of $240,000.

Australia: Cash donation of $45,000.

*Canada: Field hospital with medical support unit, 200 man engineer detachment, 3 helicopters, water purification units, other supplies.

*Denmark: 26 tons of baby food, blankets, 2 generators, 8 ambulances, 60 firemen.

*Federal Republic of Germany: 264 tents, 750 beds, 5,250 blankets, 1,500 air mattresses, laundry facilities, 26 technicians, one self-supporting battalion of engineers.

*France: 120 man search team, 29 vehicles, 2 generators, 8 ambulances, 60 firemen.

*Greece: 130 tents, foodstuffs other supplies.

*Luxembourg: Tents.

*The Netherlands: 1,900 beds, 145 tents.

Sweden: Cash donation of $240,000.

Switezrland: Helicopter support, surgical teams, search dogs, medicines, milk, and tents. Cash donations of $200,000. 100 tents, 100 beds, 2,000 blankets, plasma and foodstuffs.

*Turkey: 100 tents, 100 beds, 2,000 blankets, powdered milk, plasma and food.

*United Kingdom: 90 tents, 360 camp beds, 360 sheets, 720 blankets, 90 water purification units, RAF photo-reconnaissance plane, vaccines and other supplies.

Yugoslavia: Cash donation of $57,000.

League of Red Cross Societies (LICROSS) Geneva: Cash donation $886,000.

European Economic Community Financial Assistance: $112,000.

TABLE C.—*Voluntary agency assistance*

[As of May 15, 1976]

American National Red Cross	$25,000
Baptist World Alliance	2,000
Catholic Relief Services—Cash donation of $25,000 plus 10,000 blankets and other relief supplies valued at $55,000	80,000
The Salvation Army	10,000
Save the Children Federation	10,000
Seventh-day Adventist World Services relief supplies valued at	13,000
Total	140,000

[From the American Council of Voluntary Agencies for Foreign Service, Inc., New York City]

EARTHQUAKE IN ITALY—SITUATION REPORT No. 1—MAY 14, 1976

Disaster Response Efforts by U.S. Voluntary Agencies.

Information on U.S. voluntary agency activities has been received as follows:

American National Red Cross; Dorothy B. Taaffe, National Headquarters, Washington, D.C. 20006 (202/727-8300). The organization has donated $25,000 in cash for relief needs.

**Assemblies of God Foreign Service Committee;* Rev. Robert T. McGlasson, 1445 Boonville Avenue, Springfield, MO 65802 (417/862-2781). The agency has requested more information on relief needs from its Italian affiliate in Udine and from its U.S. representative in Rome. Assistance activities will then be considered.

**Baptist World Alliance;* Dr. Carl W. Tiller, 1628 16th Street, N.W., Washington, D.C. 20009 (202/265-5027). BWA has been in contact with a Baptist affiliate in Florence and has sent a token donation of $2000 for disaster aid. BWA has offered to supply more cash and supplies as soon as needs can be assessed by local Baptist organizations.

**Catholic Relief Services—United States Catholic Conference;* Mr. Anthony M. Foddai, 1011 First Avenue, New York, NY 10022 (212/838-4700). A special Italian Earthquake Victims' Fund has been established to channel aid coming from individuals, and from Catholic dioceses and other organizations. CRS has transmitted $25,000 to its Rome office to buy relief supplies locally and has sent 10,000 blankets valued at $35,000 in cooperation with Alitalia. The agency has consulted with its Trieste office to assess what action is needed.

* *Church World Service;* Mr. Richard Butler, 475 Riverside Drive, New York, NY 10027 (212/870-2200). CWS has informed the World Council of Churches/CICARWS Emergencies Officer that the agency is prepared to send material aid or funds if needed. Aid has not been requested for the present. CWS will probably be involved in reconstruction assistance later.

* *Mennonite Central Committee;* Mr. Paul Longacre, 21 South 12th Street, Akron, PA 17501 (717/859-1151). MCC has offered to provide material aid and personnel, as needed, through its European counterpart Mennonite organizations. The agency is waiting to receive requests from these groups.

* *The Salvation Army;* Col. George Nelting, 120 West 14th Street, New York, NY 10011 (212/243-8700). The Salvation Army's International Headquarters in London has sent relief personnel to the earthquake area, and the U.S. Salvation Army organization has dispatched $10,000 to support emergency operations.

* *Save the Children Federation;* Mr. David L. Guyer, 48 Wilton Road, Westport, CT 06880 (203/226-7272). SCF has begun an Italian Earthquake Emergency Fund for disaster victims. The agency will send aid through an SCF affiliate in Italy, Federazion Americana per la Protezione Dell' Infanzia. Assistance will be in the form of cash gifts, estimated at $5000 for the present, for the purchase of supplies for immediate relief and for rehabilitation projects.

* *Seventh-Day Adventist World Service;* Mr. Howard Burbank, 6840 Eastern Avenue, N.W., Washington, D.C. 20012 (202/723-0800). SAWS has sent $13,000 worth of relief supplies to Italy in response to a request from European officials. The aid is being channeled through the Italian Red Cross. SAWS representatives in Switzerland and Austria have played a role in coordinating agency assistance to Italy.

A number of other voluntary agencies have indicated they are prepared to respond to requests for assistance that may come in the near future.

[From the New York Times, May 16, 1976]

As relief operations went on in northern Italy for victims of the recent earthquake that killed more than 900 people, American organizations continued to accept donations for the relief effort. Among those organizations are:

Italian Charities of America, Inc., 83-20 Queens Boulevard, Elmhurst, Queens, 11373. Make check payable to "Italian Charities Emergency Earthquake Relief."

Italian Historical Society of America. Make check payable to the "American Relief Committee for Italy." Address it to the Brooklyn Savings Bank, 211 Montague Street, Brooklyn, N.Y. 11201.

Il Progresso Disaster Fund, Washington Bridge Post Office, New York, N.Y. 10033.

Friuli Earthquake Relief Fund, Famee Furlane, 73-16 Roosevelt Avenue, Jackson Heights, New York, N.Y. 11372.

Unico National, 72 Burroughs Place, Bloomfield, N.J. 07003. Make check payable to "Unico Earthquake Relief Fund."

Order of the Sons of Italy of America. Designate on bottom of check "Italian Disaster." P.O. Box 1748, F.D.R. Station, New York, N.Y. 10022.

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*NATO Member.

* Member of ACVAFS.

Columbus Citizens Committee, Inc., 8 East 69th Street, New York, N.Y. 10021. Designate on check "For Italian Earthquake relief."

SILAS PEARMAN APPRECIATION DAY

Mr. HOLLINGS. Mr. President, a close friend of mine and one of South Carolina's truly distinguished public servants, Chief Highway Commissioner Silas N. Pearman, was honored recently on his approaching retirement after 50 years' service with the South Carolina Highway Department.

A news release relating the events of "Silas Pearman Appreciation Day," which took place May 6 in Anderson, S.C., was prepared for nationwide distribution, and I ask unanimous consent that the contents of this release be printed in the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

"SILAS PEARMAN APPERCIATION DAY

Messages of appreciation and good wishes poured into Anderson Thursday, honoring South Carolina's Chief Highway Commissioner Silas N. Pearman, native of Starr, in Anderson County, who is retiring soon, after rounding out fifty years with the South Carolina Highway Department.

Thursday was designated a "Pearman Appreciation Day" in Anderson by Mayor Darwin Wright in a proclamation. He presented a key to the City and the City Council's resolution and tributes to Chief Pearman.

High officials of the government, including Senators Fritz Hollings, Strom Thurmond, and Herman Talmadge, Governor Edwards and Representative Butler Derrick were joined by an avalanche of greetings and letters, which were part of a golden lettered "Book of Memories" for Chief Pearman.

"Si" Pearman, as he is affectionately called by thousands of South Carolinans, is a son of the late Honorable Ben Pearman and Mrs. Pearman. His sister, Mrs. Douglas McDougald and Ben Pearman, Jr., a brother, reside in Anderson. Mrs. Redding Hicks, a sister, lives in Elberton, Georgia.

David Wakefield was general chairman of the big event that drew a packed banquet hall at the Country Club. Committee members serving with him were David Simpson, W. L. Watkins, Jim Barton and John Sullivan. Jack Rogers, executive vice-president of the Chamber of Commerce, and his capable staff gave all-out cooperation to the project, which Mr. Rogers termed "One of the finest" occasions on the Chamber's agenda for the year.

The National D.A.R. honored the guest of honor with a special presentation made by Mrs. Marjorie Young, Andreson author, journalist and travel editor of WAIM–TV and Radio. This was in recognition of his great help in securing and erecting markers on the Cateechee Trail from Ninety Six, Northward. A beautiful engraved set of fishing rods were presented by the Chamber.

In a response to this great outpouring of honor, respect and love for the "Star" from Starr, Chief Pearman, was deeply touched by the tribute. He thanked all who were assembled or had sent messages, and also public officials at all levels of the state and federal government, city officials, the Anderson Chamber of Commerce, legislators, past and present Commissioners, and his co-workers from top to bottom of the tremendous highway department.

He sent flowers to Honorable J. H. (Doc) Saylors, a former district commissioner, and for two terms an outstanding chairman of the South Carolina Highway Commission, for his noteworthy leadership and achievements. Mr. Saylors was seriously injured in an automobile accident and has been in a nursing home for more than eight years. Kenneth Saylors, his son, also served as district commissioner for two years.

Chief Pearman expressed appreciation to Wilton E. Hall for the support he provided for 48 years as publisher of the Anderson Independent and Daily Mail, in highway programs of the state and area, including consistent work for highway safety by means of his newspapers and Radio Station WAIM for 41 years.

THE UNITED CHURCH OF CHRIST UPHOLDS THE U.N.

Mr. STEVENSON. Mr. President, the role of the United Nations is a matter of continued concern in the world. There are those who have criticized the U.N., and I, too, have been concerned about the growing tendency in the U.N. to pass resolutions which fly in the face of political realism and justice.

However, there is no other organization with the same potential for the solution of the world's most serious problems. As worldwide attention continues to focus on humankind's environmental problems, the U.N. is a promising area for cooperative efforts to preserve the air and water on which we all depend. Most important, the United Nations has provided a forum in which nations can talk about their differences, instead of fighting over them. Not all U.N. efforts at peaceful settlement of disputes have succeded, but surely the effort is worth making. We must increase our efforts to make the U.N. an effective instrument of world peace.

The United Church of Christ Executive Council has addressed to Ambassador Scranton materials which contribute to the debate over the U.N. The United Church seeks a renewed and strengthened U.N. Its resolution calls for a clear demonstration of U.S. respect for the United Nations, full observance of human rights in all nations, a just and humane world economic order, U.S. initiative in reducing armaments and a reorganization of the U.N. itself in order to increase its effectiveness. Mr. President, I ask unanimous consent that a resolution and a statement of the United Church of Christ on the U.N. be printed in the Record with the hope of contributing to the discussion of the U.N.

There being no objection, the material was ordered to be printed in the Record, as follows:

RESOLUTION: "THE U. S. AND THE UNITED NATIONS"

(The Executive Council of the United Church of Christ adopted the following Resolution on the U.S. and the United Nations on March 14, 1976, commending for study and appropriate action the accompanying Statement on "The United Nations We Seek.")

1. The U.S. Government should demonstrate clearly its serious respect for the United Nations by the way it prepares for discussion of the U. N. agenda, by the kind of delegates it sends, by the financial support it provides, and by entrusting to the U.N. more significant issues that require programs of joint action.

2. The U. S. Government should encourage the U. N. General Assembly and its Economic and Social Council to press for full observance of human rights in all countries and not, as at the present, in limited areas only.

3. The U. S. Government should further, by its full cooperation, the effort begun by the Seventh Special Session of the U. N. General Assembly to develop a just and humane world economic order.

4. The U. S. Government should take the initiative in reducing its nuclear strategic weapons to a minimum deterrent, and should support the convening of a world disarmament conference. Since disarmament requires the substitution of world security for national security, the U. S. should stimulate the establishment of a permanent U. N. peace-keeping force.

5. The U. S. Government should press for activation of the U. N. "Special Committee on the Charter" with the objective of reorganizing the complex system of U. N. organs so as to make its many parts effective centers for the negotiation of consensus decisions about action and for implementing those decisions.

THE UNITED NATIONS WE SEEK

(A statement by the United Church of Christ)

I

The United Nations has been prominent in the life of the world for a full generation. But today, public opinion looks upon this world organization with an uneasy mixture of admiration and disaffection, gratitude and resentment, trust and distrust, hope and despair. The United Church of Christ in the U.S.A. has a varied constituency which has a deep concern about this widespread ambivalence and which seeks a renewed and strengthened United Nations.

Throughout the bicentennial history of our Republic, prophetic elements in our church, as in all churches, have borne witness to the belief that worldwide community is the will of God for humanity. Already, in the American colonial period, one of our great theologians articulated our hope:

"There shall then be universal peace and a good understanding among the nations of the world instead of such confusion, wars and bloodshed as have hitherto been from one age to another . . . Then shall all the world be united in one amiable society. All nations, in all parts of the world, on every side of the globe, shall then be knit together in sweet harmony."[1]

In the 20th century, many Christian citizens and organizations are convinced that the growth of worldwide community requires both the protection and the stimulus of effective world political structures if it is to survive the threat of modern war and overcome the dangerous divisions of race and nation, bloc and class, sect and religion. Members of several faith traditions helped build the League of Nations two generations ago, and then, learning much from its failure, contributed to the construction in 1945 of a United Nations, a universal political organization rather than a mere extension of a victorious military alliance.

II

The broad goals of the United Nations as set forth in the Charter are today as imperative for the safety and progress of humanity as when they were formulated. This is equally true of the objectives defined for the specialized United Nations agencies—political, economic, social and technical—that have been established to help the nations move toward the Charter vision. But our present re-dedication to those goals must be linked to a realistic appraisal of the record of the United Nations as an instrument for their achievement:

1. "To maintain international peace and

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[1] Jonathan Edwards, *A History of the Work of Redemption,* 1739.

security . . . and to bring about by peaceful means . . . settlement of international disputes. . . ."

No World War has broken out during the life of the United Nations, but a hundred limited wars have been fought, and have claimed millions of victims in sixty countries. The arms race now involves more countries and more weapons than ever before in history. Earth and sea have been seeded with enough thermonuclear charges to annihilate the human race.

2. "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of people . . ."

The United Nations has become a forum in which 144 countries now regularly meet, almost all of the sovereign nation-states of the present era, some third of which were new-born in the vast decolonization that followed World War II. But many countries, old, new, great and small, have used this forum for propaganda and confrontation rather than genuine interchange and negotiated accommodation. Big Powers have refused to let their gravest conflicts be subjected to collective international examination but insisted that smaller countries accept the judgment of the Security Council in which the Big Powers have control. National sovereignty has often been invoked to prevent investigation of claims of unequal rights within nations.

3. "To achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting . . . respect for human rights and fundamental freedoms . . ."

The United Nations system of economic institutions has facilitated the unprecedented economic growth of many countries since World War II. United Nations cultural institutions have increased mutual knowledge and appreciation, United Nations technical and welfare institutions have improved communication and brought much relief. United Nations socio-ethical institutions have set high standards for human solidarity without discrimination as to race, sex, language or religion. But the gap between the rich and the poor—among and within nations—has widened, political conflict has warped important organizational decisions, and some of the most sensitive divisions between the nations have not been honestly faced but sorely aggravated through the loud sounding-board of General Assembly debates.

4. "To be a center for harmonizing the actions of nations in the attainment of these common ends."

During the first half of its life to date, the United Nations was prevented by the Cold War from effectively coordinating many weighty actions of the Great Powers. Postwar economic recovery, arms limitation, nation-building, and the implementation of human rights standards could not be harmonized by the United Nations because of deep division between East and West. During the second half of its existence, the United Nations has frequently been reduced to rhetoric without adequate action-programs by the fanning of conflict between the industrial and the less developed countries, between North and South.

We are grateful to God that, in spite of thirty years of crisis and ordeal, the United Nations survives, and is still *potentially* the organizing center indispensable to our human survival and to the nurture of a genuine and humane worldwide community.

III

We therefore call upon the churches to work, beginning in this year of the bicentennial and of a presidential election, for five essential reforms related to the whole United Nations complex, and especially the role played therein by our own United States Government.

1. The present distribution of power and responsibility in the whole web of United Nations institutions should be restructured so as to insure that the policies and programs adopted have at least the minimum level of member-state support that is essential for their implementation. The status of United States and international religious bodies as recognized Non-Governmental Organizations should be utilized to press for the activation of the United Nations' "Special Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization." Likewise, religious groups should offer their testimony to the Secretary-General's "High Level Group of Experts" charged to develop "A New United Nations Structure for Global Economic Cooperation," in replacement of the current array of overlapping and unrelated organs working on various facets of the same problems. This religious witness should be based on the twin principles of national independence and international interdependence, not on any doctrinaire notion of a single world government or any imperial notion of capitalist or socialist or "Third World" hegemony. The objective should be so to reorganize the United Nations system as to make its many organs and agencies centers for the negotiation of "consensus decisions about action rather than voting about words."[2]

2. The increasingly dangerous stalemate in United Nations work on arms control, arms reduction, and general disarmament should be broken. Although the rim of the matter has been addressed in treaties on Outer Space, the Seabed, the Antarctic, and a Partial Test Ban, one or another of the Great Powers has over the years resisted successfully the preparation of any agreement limiting nuclear weapons, rolling back the arms race, or convening a world disarmament conference. The world is now spending annually more than $300 billion on armaments. With a deadlock in the SALT II negotiations, the United States must take the initiative in reducing its nuclear strategic weapons to a minimum deterrent. The United States should cease its opposition to the convening of a world disarmament conference by the United Nations. This would focus world opinion on disarmament and also establish a new negotiating forum in which France and China for the first time might participate. Since disarmament requires the substitution of world security for national security, the United States must stimulate the United Nations to establish peace-keeping machinery in the form of a permanent United Nations force. The religious community in the United States, in concert with the international ecumenical community, should inaugurate a campaign to press both national governments and the United Nations toward binding, controllable agreements that damp down the current multiple dangers of general war.

3. The rising demand for a "new" international economic order," expressed everywhere in the less developed countries and heard by many people of conscience in the richer nations, must be met head on. The United Nations is the only place where *all* parties to the required changes in worldwide capital transfer, productivity, income distribution, price and tax policies can express their concerns and contribute their ideas. The future allocation of food, of energy, of all raw materials, but also the defense and enhancement of our planetary environment, cannot possibly be determined fairly and will never be accepted universally unless the representatives of all of humanity participate in the great decisions that must be made. The religious groups of the United States should urge the United States Government and private United States corporations, whether transnational or engaged in the import export business, to participate creatively, rather than defensively, in the construction of that more just and humane world network of economic activity whose time has now come. The Seventh Special Session of the United Nations General Assembly in 1975 began the indispensable process of joint action, by the rich and the poor, to develop a pluralist world economic order in which the special values of free market and planning are united, and other notions about viable economic patterns are tested. Religious groups must vigilantly and vigorously labor to see that there is delivery on the promises made in the historic United Nations session.

4. The United Nations General Assembly and its Economic and Social Council, with strong support from the United States Government, must develop the courage to press for full respect for human rights in all parts of the world. The United Nations has thus far selectively pointed to violations of human rights in such countries as South Africa, Rhodesia, Chile, and the occupied Arab territories. But the United Nations has not been able, politically, to send missions to investigate, or to cite; violations in such countries as Korea, the Philippines, Indonesia, Iran, Syria, Uganda, Czechoslovakia, and the Soviet Union. While the United Nations has adopted the historic Universal Declaration of Human Rights and drafted a series of individual declarations and conventions in many specific areas, the machinery has been lacking to enforce these rights. New United Nations structures are needed and the United States must work for such initiatives.

5. The United States Government must lay much greater weight of the United Nations and its recommendations in the shaping of American foreign policy. While every country's foreign policy must be essentially determined by its vital national interests, the United States Government should provide a consistent example of a country that does not presume to know what its ultimate national interests really are without factoring into their formulation the best judgment of the United Nations. To enable the United Nations institutions and agencies to contribute to human survival, the United States must clearly demonstrate its respect for the opinion of the United Nations and all its member-states. By the way it prepares for discussion of the United Nations agenda, it must communicate its will to join in the negotiation of a consensus rather than convey the impression that it regards United Nations debates as a threat or a nuisance. By the kind of delegates it sends and financial contributions it votes, a Great Power reveals whether the United Nations organs are central or peripheral to its own policy decisions. The American Administration should make excellent, compassion and openness the standards for all forms of United States participation in the work of the world body. The United States Government should join other member governments in seeking to make the United Nations more operational by entrusting to it more significant areas of joint action, thereby achieving increasing functional integration on a world scale. United Nations membership must be all-embracing, whatever the political ideologies of the diverse lands. This struggling world body can indeed be improved, through the diligent labors of all who believe that worldwide community, not self-destruction, is the destiny of the human race.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

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[2] Cleveland, Harlan—"The Peace of Mutation," *The Inter-Dependence*, July–August, 1975.

RECESS UNTIL 12:20 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12:20 p.m.

There being no objection, the Senate, at 12:01 p.m., recessed until 12:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CURTIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the leadership has been recognized tomorrow morning, the distinguished Senator from Nebraska (Mr. CURTIS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976–77

Mr. ALLEN. Mr. President, the pending business and the unfinished business is S. 3439, a bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

The PRESIDING OFFICER (Mr. CULVER). If the Senator from Alabama will yield, the Chair wishes to advise the Senator that there is no business pending at the moment. The unfinished business will not be laid before the Senate until 1 o'clock, in the absence of a unanimous consent agreement to the contrary.

Mr. MANSFIELD. Mr. President, just to clear the record, and I do not intend to pursue the matter, I ask unanimous consent that the unfinished business be laid before the Senate at this time, because I intend to move to lay it aside temporarily in a short while.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

> A bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. ALLEN. Mr. President, as I say, S. 3439, the bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act is the unfinished business and at present the pending business. The majority leader has stated that in a short time, possibly at 1 o'clock, he is going to lay the pending business aside to take up the military construction bill.

This bill or a similar bill has already passed the House of Representatives and the Senate and was vetoed by the President. The present bill is supposed to be a composition of the differences that may have existed as to the propriety, the necessity, and the advisability of some of the appropriation authorizations made by the bill. As I understand it, it was to cut down on the amount of the authorization, to make it more compatible with the President's wishes.

Whatever the shape the bill ends up in, the Senator from Alabama will vote against it, because he objects to spending multiple billions of dollars overseas to bolster the economies and the military capacity of nations many of which are not the friends of the United States and the people of the United States.

But in addition, this bill injects an entirely new area of appropriation, and an area pronouncing a new foreign policy on the part of the United States. It would authorize the appropriation of $25 million in support of Secretary Kissinger's so-called new African policy.

Reading from the committee report which accompanied the pending bill, reading from page 58 of the report, as to title V:

> Subsection (b) authorizes the appropriation of $25,000,000 for fiscal year 1977 for supporting assistance and economic assistance for countries in southern Africa other than Zaire and Zambia, affected by the crisis in that region, to carry out the proposals made by the Secretary of State in Lusaka, Zambia, on April 27, 1976.

Mr. President, this is something entirely new that has never been discussed here in the Senate. It was made the subject of a resolution by the distinguished Senator from Illinois (Mr. PERCY), which calls on the Senate to approve Secretary Kissinger's pronouncements in this speech. For some reason, that resolution has not been called up in the Senate. If it were, it would give rise, I am sure, to a debate, not necessarily an extended debate, as that term is sometimes used, but a high level debate on the advisability of the implementation of a new African policy.

The Senate saw fit to turn back the request of the President for funds to aid factions in Angola that were believed to be friendly to the United States. But here provision is sought to be made to provide $25 million—and that would just be the start of it—for implementing Secretary Kissinger's new African policy.

Now, what is that policy? It is a policy to grant economic aid to all those countries in South Africa that will join against the Government of Rhodesia, and in effect, Mr. President, seeks to topple that regime as it now exists.

It would seem to the Senator from Alabama that that is a most revolutionary concept. Why would we aid countries in opposition to a stable regime? And when I speak of a stable regime, that is contradistinction to most of the regimes in Africa—a stable regime in Rhodesia. For the Senate to be called on to approve such a revolutionary policy and a change of policy on the part of the U.S. Government is a departure that I do not feel that we should resort to when it is just stuck in, in a few lines in a tremendous bill authorizing the appropriation of multiple billions of dollars.

I understand, too, that the distinguished chairman of the Budget Committee (Mr. MUSKIE) has misgivings about this authorization. I do not know how he feels about the philosophical question involved and the propriety of that action, but on a budgetary concept, he objects, as I understand it, to the inclusion of a new $25 million that was not contemplated by any of the budget proposals.

Mr. MORGAN. Mr. President, will the Senator yield?

Mr. ALLEN. Yes, I yield to the distinguished Senator.

Mr. MORGAN. I wonder if the Senator is willing to yield to me about 5 minutes to call up and consider a conference report.

Mr. ALLEN. Will it take that long?

Mr. MORGAN. I do not believe it will.

Mr. ALLEN. I will yield not to exceed 5 minutes, with the understanding that I do not lose my right to the floor

SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT—CONFERENCE REPORT

Mr. MORGAN. Mr. President, I submit a report of the committee of conference on S. 2498 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CULVER). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2498) to amend the Small Business Act to transfer certain disaster relief functions of the Small Business Administration to other Federal agencies, to establish a National Commission on Small Business in America, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of May 10, 1976, beginning at page 13153.)

Mr. MORGAN. Mr. President, last December 12 the Senate passed S. 2498 by a vote of 69 to 5.

S. 2498, as adopted by the Senate, has three main focal points. First, S. 2498 would provide an alternative and more economical means of helping small business enterprises to obtain the equipment needed to meet Government pollution control standards. Second, the bill would establish a National Comission on Small Business. The Commission would have the charge of making a comprehensive and coordinated study of all factors affecting small business, and to make a report to the President and Congress on its findings and legislative recommendations. And, third, S. 2498 would amend and perfect several provisions of the Small Business and Small Business Investment Acts to make these acts more useful and viable into today's economy and marketplace.

Last October the House passed H.R. 9056. S. 2498 and H.R. 9056 contain similar provisions on the new pollution control financing program and the eligibility of small farmers and ranchers for loans under the Small Business Act. In addition, H.R. 9056 includes a provision to establish a uniform interest rate on the Small Business Administration's share of any disaster loan.

On December 17 of last year, the House struck all after the enacting clause of S. 2498 and inserted the provisions of H.R. 9056.

The Senate disagreed to the amendments of the House and requested a conference.

After three meetings, the conferees resolved the remaining differences in S. 2498 on May 6.

Mr. President, I ask unanimous consent that the joint explanatory statement of the House and Senate conferees on S. 2498 be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2498) to amend the Small Business Act and the Small Business Investment Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, and the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. STUDY OF DISASTER RELIEF AUTHORITY

The Senate bill provides for the President to undertake a comprehensive review of all Federal disaster loan authorities and make a report to Congress, not later than April 30, 1976. The report is to contain such recommendation and legislative proposals, including possible consolidation of Federal disaster loan authorities, as may be demonstrated as necessary and appropriate to assure the most effective and efficient delivery of disaster relief.

The study shall give particular emphasis to alleviating any extraordinary burden the management of Federal disaster loan programs may impose on an agency.

The House bill does not contain any comparable provision.

The Conference substitute adopts the Senate provision but extends the date by which the report shall be submitted to December 1, 1976.

2. FINANCING OF POLLUTION CONTROL FACILITIES

The Senate bill expands SBA's existing lease guarantee program to make it possible for small business to finance the leasing of pollution control equipment through the use of tax exempt industrial revenue bonds as authorized by the Internal Revenue Code. The bill authorizes an additional $15 million as capital for the program which would be self-sustaining through the collection of a lease guarantee fee.

The House amendment establishes a similar new financing method but does so by setting up a separate program which would not be a part of SBA's existing real estate lease guarantee program. The House amendment also authorizes the guarantee of other qualified contracts, such as a conditional sales contract, and expressly provides that the guarantee may be issued when the property is acquired through proceeds from the sale of industrial revenue bonds which provide the holders interest which is exempt from federal income tax. The House amendment also limits the guarantee fee to a maximum of 3.5% of the annual rental or payments on the equipment and establishes a new fund in the Treasury, with $15 million initial capital, and provides additional restrictions on the operation of the program which corresponds with the restrictions on SBA's existing real estate lease guarantee program.

The conference substitute adopts the House amendment but includes a Senate provision which authorizes the SBA guarantee only if the small business would not be able to obtain financing through the use of industrial revenue bonds unless such an SBA guarantee of the lease on the property was given.

3. SMALL BUSINESS INVESTMENT COMPANY LEVERAGE

The Senate bill increases the amount of financial assistance small business investment companies (SBIC's) may obtain from the Government from 200 to 300 percent of the SBIC's private capital It also increases the amount of financial assistance which venture capital SBIC's (i.e., those SBIC's which provide at least 65 percent of the financing which they make available to small businesses in the form of venture caiptal rather than loans) may obtain from the Government from 300 to 400 percent of the SBIC's private capital. It also extends these leverage increases to Minority Enterprise Small Business Investment Companies (i.e., those SBIC's which provide assistance solely to small business concerns which are owned by persons who are hampered because of social or economic disadvantages) and eliminates the maximum leverage ceilings for all SBIC's.

The House bill does not contain any comparable provision.

The Conference substitute adopts the Senate provision but establishes a maximum leverage ceiling for an SBIC of $35 million.

4. SMALL BUSINESS INVESTMENT COMPANY GUARANTEES

The Senate bill increases an SBIC's ability to guarantee a small business' monetary obligations from 90 percent of the total obligation to 100 percent.

The House amendment does not contain any comparable provision.

The Conference substitute adopts the Senate provision.

5. LICENSING OF NONCORPORATE SMALL BUSINESS INVESTMENT COMPANIES

The Senate bill authorizes unincorporated entities to be licensed by SBA as small business investment companies.

The House amendment does not contain any comparable provision.

The Conference substitute authorizes limited partnerships with a corporate general partner to be licensd by SBA as small business investment companies.

6. REPEAL OF PERCENTAGE LIMITATION ON BANK INVESTMENT IN SBIC'S

The Senate bill increases the amount of SBIC voting common stock that a bank may own from 49 percent to 100 percent.

The House amendment does not contain any comparable provision.

The conference substitute adopts the Senate provision.

7. LOANS FOR PLANT ACQUISITION

The Senate bill authorizes SBA to make loans to state and local development companies for the acquisition of existing plant facilities. It also extends the term of maturity of a regular business loan which is used for acquisition or construction from 15 to 20 years, plus such additional time as is necessary for construction.

The House amendment does not contain any comparable provision.

The Conference substitute adopts the Senate provision.

8. ECONOMIC OPPORTUNITY LOAN LIMIT

The Senate bill increases the maximum amount of an economic opportunity loan from $50,000 to $100,000 per borrower.

The House amendment does not contain any comparable provision.

The Conference substitute adopts the Senate provision but also requires an equitable distribution of such loans between the urban and rural areas.

9. DEVELOPMENT COMPANY LOAN LIMIT

The Senate bill increases the maximum amount of financial assistance to a state or local development company from $350,000 to $500,000.

The House amendment does not contain any comparable provision.

The conference substitute adopts the Senate provision.

In raising the maximum amount of local development company loans from $350,000 to $500,000 the Conferees are recognizing the impact of inflation upon loans since the original figure was adopted. However, it is the primary purpose of SBA loan programs to supply financing to small businesses which could not otherwise obtain financing, and the Conferees intend that SBA shall continue to primarily make loans below $100,000 and that although statutory provision should be made for those few situations where an applicant needs up to $500,000, loans of that size should be regarded as an exceptional situation and not a general practice.

10. REGULAR BUSINESS LOAN LIMIT

The Senate bill increases the maximum amount of regular business loans from $350,000 to $500,000 per borrower.

The House amendment does not contain any comparable provision.

The conference substitute increases the maximum amount of a regular business loan which is made by a financial institution and guaranteed by SBA from $350,000 to $500,000 per borrower but retains the present limit of $350,000 for direct loans and immediate participation loans (i.e., those loans made partly by a financial institution and partly by SBA).

In raising the maximum amount of regular business loans from $350,000 to $500,000, the Conferees are recognizing the impact of inflation upon loans since the original figure was adopted. However, it is the primary purpose of SBA loan programs to supply financing to small businesses which could not otherwise obtain financing. The Conferees intend that SBA shall continue to primarily make loans below $100,000 and that although statutory provision should be made for those few situations where an applicant needs up to $500,000, loans of that size should be regarded as an exceptional situation and not a general practice.

11. FARMING AND AGRICULTURE RELATED INDUSTRIES

The Senate bill makes it clear that it is the policy of Congress that the Small Business Administration shall provide management and financial assistance to agricultural enterprises which are small business concerns, providing financial assistance is not otherwise available on reasonable terms from non-federal sources. It also excludes agricultural enterprises from a provision in the Small Business Act which states that SBA shall not duplicate the work or activity of any other agency of the United States.

The House amendment contains an identical provision which was accepted by the Conference substitute.

At the present time, SBA does not consider applications for financial assistance made by farmers. This position is taken by the Agency on the basis of the statutory prohibition against duplication by SBA of other federal programs. While Section 112(b) of the bill establishes that this is no longer to be the case, the Conference Committee wishes to make clear the intent of this provision.

Under no circumstances is the bill to be construed so as to permit the Department of Agriculture to diminish its efforts to meet the needs of small farmers for credit or other assistance. In fact, the Committee is hopeful that USDA will more aggressively pursue programs that serve small farmers. By doing so, the Department could eliminate much of the need for assistance from SBA.

Individuals who are applicants for the amounts within the maximum provided by Farmers Home Administration and who would be eligible to use FmHA should do so; however, if satisfactory financial assistance is not available due to lack of FmHA funding or for any other reason, such small businesses shall not be excluded from assistance by SBA on the excuse that they are agricultural enterprises.

12. SURETY BOND PROVISIONS

The Senate bill expresses the intent that in the event a surety company defaults on its payment to an obligee due to insolvency or any other reason, the Small Business Administration shall pay to the obligee whatever sum would otherwise have been payable to the surety. It also authorizes an additional $21.5 million to be appropriated for the Surety Bond Guarantees Fund.

The House amendment does not contain any comparable provision.

The conference substitute adopts that part of the Senate provision which authorizes an additional $21.5 million to be appropriated for the Surety Bond Guarantees Fund.

13. STUDY OF SMALL BUSINESS

The Senate bill creates a National Commission on Small Business in America, to be composed of 11 members appointed by the President. It is directed to submit a report and legislative recommendations to the President and Congress no later than two years after the enactment of the title. The bill authorizes the appropriation of such sums as would be necessary. The Commission's study is to include legislative and nonlegislative proposals on the following subjects:

1) The past, present, and potential contributions of small business to the well-being of the economy;

2) The effectiveness and desirability of existing federal subsidy and assistance programs for small business;

3) The costs and other effects of government regulation on small business;

4) The impact of the tax structure on small business;

5) The ability of financial markets and institutions to meet small business credit needs and the impact of government demands for credit on small business;

6) The qualities necessary in an environment in which small business can compete and expand to full potential; and

7) The desirability of developing a set of criteria to define small businesses.

The House bill does not contain any comparable provision.

The conference substitute adopts the Senate provision but gives the responsibility for the small business study to the Chief Counsel for Advocacy of the Small Business Administration instead of to a commission. In consequence, section 5(e) of the Small Business Act defining the Advocate's duties is revised to make the advocate role initially secondary to that of director of the small business study. According to the new language, the Advocate is to be appointed from civilian life by the President, by and with the advice and consent of the Senate.

Upon enactment of the legislation, the Advocate's primary responsibility is to complete the small business study. Upon completion of that study, his concentration is to shift to the role of small business advocate as defined in the original section 5(e) language.

In addition to the requirements in the Senate bill, the Advocate is also directed to study the role of minority business in the economy and to offer proposals and legislative recommendations for its betterment. Under the amendment, the Advocate is also directed to use the services of the National Advisory Council established pursuant to the provisions of section 8(b)(13) of the Small Business Act.

The conferees shortened the amount of time allowed for the study to one year and limited the appropriation to one million dollars. The conference substitute also directs the Advocate to deliver the final study to the Congress, the President and the Administration at the same time. The study is not to be submitted to the Office of Management and Budget or any other body prior to its transmittal to the Congress and the President.

14. NATURAL DISASTER LOAN INTEREST RATES

The House amendment establishes in the Small Business Act, with a narrow exception, a uniform interest rate on the Small Business Administration's share of any disaster loan. The exception permits disaster loans covering physical damage caused by natural disasters, economic injury caused by natural disasters, and product disasters to be made at an interest rate which does not exceed the rate of interest, according to the standard cost of money formula, in effect at the time of the occurrence of the disaster.

The Senate bill does not contain any comparable provision.

The Conference substitute adopts the House provision.

Mr. MORGAN. Mr. President, last Thursday, the House agreed to the conference report on S. 2498 by a vote of 392 to 0. Mr. President, I believe this is a very good indication that this issue has bipartisan support and is noncontroversial.

I urge our colleagues to adopt the conference report on S. 2498.

Mr. GARN. Mr. President, I wish to comment before the conference report is agreed to. I find myself in a peculiar position, having been an original cosponsor of this bill with Senator MORGAN, as the chairman and ranking minority member of the Small Business Subcommittee. Amendments were made in the Chamber which I agreed with primarily, including farmers under the loan program. I do not object to what was attempted to be done for the farmers, by including them in the small business program.

However, the appropriations have not been increased, and I think we are doing a disservice to the small businessmen who are currently under the SBA, by diluting the amount of funds available. We just have a one sized pie. Now we have divided it into a lot more pieces, and I am not sure we are going to help either the farmer or the small businessman.

I had originally intended to call for a rollcall vote to express my opposition; however, in the interest of time of the Senate and the fact the conference report will be overwhelmingly agreed to, I express my opposition to this bill. I am sorry it was amended and more consideration was not given to the appropriation process, the amount of money available for these loans. Although we are going to agree to the report by voice vote or unanimous consent, I wish to be shown that had we had a rollcall, I would have voted against this conference report.

Mr. MORGAN. Mr. President, I add that I concur with the thoughts of the distinguished Senator from Utah. This is a bill that he and I jointly introduced but the House of Representatives would not recede from its position, and we felt there were too many other provisions to lose.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

HOUSE CONCURRENT RESOLUTION 635—CORRECTION IN THE ENROLLMENT OF S. 2498

Mr. MORGAN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 635.

The PRESIDING OFFICER (Mr. CULVER). The House concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 635) directing the Secretary of the Senate to make a correction in the enrollment of S. 2498.

The PRESIDING OFFICER. Is there objection to the consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MORGAN. Mr. President, I call up an amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. MORGAN) proposes an amendment.

Mr. MORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Before the colon, strike out "correction" and insert in lieu thereof "corrections".

At the end of the resolution, add the following:

In the fifth sentence of proposed section 405 of the Small Business Investment Act of 1958 (in section 102 of the bill), insert "the" before "Treasury as miscellaneous receipts".

At the end of section 104(b) of the bill, strike out "; and" and insert in lieu thereof a period.

At the end of section 104(c) (1) of the bill, insert "and".

In section 106(a) of the bill, strike out "clause 7" and insert in lieu thereof "clause (7)".

In section 106(f) (1) of the bill, immediately after "shareholders" insert close quote.

In section 206 of the bill, strike "section 204" and insert in lieu thereof "section 202".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (H. Con. Res. 635), as amended, was agreed to.

Mr. MORGAN. Mr. President, I thank our distinguished colleague from Utah and distinguished colleague from Alabama for yielding the time.

Mr. ALLEN. I was delighted to accommodate the Senator from North Carolina.

INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORTS CONTROL ACT OF 1976–77

The Senate continued with the consideration of the bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

Mr. ALLEN. Mr. President, as I say, this bill, or a similar bill, passed both Houses of Congress, was vetoed by the President, and comes back for trimming down to accommodate the President's views on budgetary accommodation. When it goes through the committee, it comes out with a brand new concept in the area of giving support to a new policy of the United States in Africa, a policy which has not been debated in the U.S. Senate. So far as I know it was not recommended to the Secretary by the President. As far as I know it was not recommended to the Secretary by the Committee on Foreign Relations of the Senate. But yet a new policy is announced that would give support to African nations that join in the battle or conflict with the existing government in Rhodesia, and I assume that part of Africa which would become South Africa. They exclude Zaire and Zambia from the countries that receive this assistance. That would leave Mozambique which is certainly Communist controlled.

So here we would be giving economic assistance to nations in Africa, particularly, I assume, Mozambique, to persuade them to join in the battle against the stable government in Rhodesia.

Already there are guerrillas attacking the armies and forces of that government. And what does this mean? Does this mean that we are going to outfit an expedition? What does it mean? No one knows. But this authorization is here.

Mr. President, I serve notice that I disapprove of bringing in a novel concept of this sort at this late date when the proposals under the budget law require that they be out of committee by the 15th of May. I do not know when this new concept came in. It was May 14. It probably came right under the deadline, but the trouble is that it was not in the budget resolution setting the suggested ceiling on expenditures.

And I feel sure that the chairman of the Budget Committee, Mr. MUSKIE, will raise a question about this. So if this provision remains in the bill, the bill is going to be subjected to extended debate. It will pass eventually, I assume, but not before full debate has taken place with respect to this change suggested by Mr. Kissinger in the policy of the United States with regard to South Africa, or the continent of South Africa. I do not have reference to the country of South Africa. I refer to the southern portion of the African continent.

It is something that should not be in this authorization. The entire matter should be discussed on the floor of the Senate with respect to the policy, up and down, and whether one man has the right to change the foreign policy of the United States. If he can change this policy, perhaps he can have a realinement of allies. I do not know. What are the limits that are placed upon one person announcing what the foreign policy of the United States is?

We refused to send economic or military assistance to a faction supporting the United States in Angola. Yet, we are giving assistance to anybody who will take a stand against Rhodesia and who will join in the battle against Rhodesia. It is something that requires full discussion, not by tossing four or five lines in a complex bill.

The distinguished Senator from Illinois (Mr. PERCY) has a resolution that has been on the Calendar for some 2 weeks. I feel that before an appropriation of this sort is made. that resolution should be brought out and there should be a full discussion on that.

Mr. President, I merely wish to state that I oppose the inclusion of an authorization of $25 million for all nations that will line up against Rhodesia. This particular phase of the bill will be discussed at length when this matter comes up for consideration in the Senate. It is the pending bill at this time; it is the unfinished business at this time; but I understand that the majority leader is going to ask that this matter be laid aside in order that the military construction bill can be brought up.

However, when the appropriation bill comes up again, if this provision is still in the bill, it is going to be discussed at length. I serve notice to that effect, and I serve notice that I object to the setting of any time limitation on discussion of this bill. It must be subjected to full and searching debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 658

Mr. ALLLEN. Mr. President, I call up my amendment and ask that it be stated and that it become the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an amendment. On page 81—Strike all of Section (b)—that is all of lines 3 through 10.

Mr. ALLEN. Mr. President, I shall not press this to a vote at this time, because I understand that the entire bill is to be laid aside in order that the military construction bill may come up. This amendment does strike from the bill the $25 million authorization for the assistance to those nations in the southern part of Africa that rallied to the opposition of the government in Rhodesia. Specifically, it speaks of using this money to implement the proposals of Secretary Kissinger in his speech in Lusaka, Zambia, on April 27, 1976. This amendment would knock that $25 million provision from the bill, but I do not press it for a vote at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 834, H.R. 12438, and that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 12438) to authorize appropriations during fiscal year 1977 for the procurement of aircraft, missiles, naval vessels, and so forth, and for other purposes.

The Senate proceeded to consider the bill, H.R. 12438, to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes. which had been reported from the Committee on Armed Services, with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1977 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $547,200,000; for the Navy and Marine Corps, $2,995,800,000; for the Air Force, $6,196,300,000.

MISSILES

For missiles: for the Army, $477,400,000; for the Navy, $1,902,200,000; for the Marine Corps, $71,900,000; for the Air Force, $1,883,100,000, of which $317,000,000 shall be used only for the procurement of Minuteman III missiles.

NAVAL VESSELS

For naval vessels: for the Navy, $5,976,900,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $1,030,700,000; for the Marine Corps, $29,700,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $228,600,000.

OTHER WEAPONS

For other weapons: for the Army, $57,300,000; for the Navy, $73,000,000; for the Marine Corps, $3,500,000; for the Air Force, $400,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1977 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army $2,284,948,000, except that none of the funds authorized by this or any other Act may be used to initiate engineering development on the 30 millimeter gun for the Advance Attack Helicopter until (1) the Secretary of the Army has selected the ammunition for such gun and notified the Committees on Armed Services of the Senate and the House of Representatives of such selection, and (2) 60 days have expired following the day on which such committees received such notification.

For the Navy (including the Marine Corps), $3,718,790,000;

For the Air Force, $3,773,430,000; and

For the Defense Agencies, $700,180,000, of which $30,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

Sec. 301. For the fiscal year beginning October 1, 1976, and ending September 30, 1977, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 787,100;
(2) The Navy, 533,700;
(3) The Marine Corps, 190,000;
(4) The Air Force, 570,000.

Sec. 302. Paragraph (3) of section 138(c) of title 10, United States Code, is amended by adding at the end thereof a new sentence as follows: "Such report shall also identify, define, and group by mission and by region the types of military bases, installations, and facilities, and shall provide an explanation and justification of the relationship between this base structure and the proposed military force structure.".

Sec. 303. (a) Clause (3) of section 1009 (b) of title 37, United States Code, is amended by inserting "subject to the provisions of subsection (c)," after "(3)".

(b) Section 1009 of such title is further amended by adding at the end thereof the following new subsections:

"(c) Whenever the President determines such action to be in the best interest of the Government, he is authorized to allocate the overall average percentage of any increase described in subsection (b) (3) among the elements of compensation specified in subsection (a) on a percentage basis other than an equal percentage basis; however, the percentage allocated to the element of monthly basic pay may not be less than 75 per centum of the amount that would have been allocated to the element of basic pay under subsection (b) (3).

"(d) Whenever the President plans to exercise his authority under subsection (c) with respect to any anticipated increase in the compensation of members of the uniformed services, he shall advise the Congress, at the earliest practicable time prior to the effective date of such increase, regarding the proposed allocation of such increase among the different elements of compensation.

"(e) The allocations of increases made under this section among the three elements of compensation shall be assessed in conjunction with the quadrennial review of military compensation required by section 1008 (b), and a full report made to the Congress summarizing the objectives and results of those allocations.".

Sec. 304. (a) Subsection (a) of section 501 of title 37, United States Code, is amended by (1) striking out "In subsections (b)–(f) of this section—

"(1) 'discharge' means—"

and inserting in lieu thereof "In this section 'discharge' means—"; (2) redesignating subclauses (A), (B), and (C) of clause (1) as subclauses (1), (2), and (3), respectively; and (3) striking out the semicolon at the end of clause (3), as redesignated, and inserting in lieu thereof a period.

(b) Subsection (a) of such section is further amended by striking out clauses (2), (3), and (4).

(c) Subsection (b) of such section is amended to read as follows:

"(b) (1) A member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration, who has accrued leave to his credit at the time of his discharge, is entitled to be paid in cash or by a check on the Treasurer of the United States for such leave on the basis of the basic pay to which he was entitled on the date of discharge.

"(2) Payment may not be made under this subsection to a member who is discharged for the purpose of accepting an appointment or a warrant, or entering into an enlistment, in any uniformed service.

"(3) Payment may not be made to a member for any leave he elects to have carried over to a new enlistment in any uniformed service on the day after the date of his discharge; but payment may be made to a member for any leave he elects not to carry over to a new enlistment. However, the number of days of leave for which payment is made may not exceed sixty, less the number of days for which payment was previously made under this section after the first day of the second calendar month following the month in which the Department of Defense Appropriation Authorization Act, 1977, was enacted.

"(4) A member to whom a payment may not be made under this subsection, or a member who reverts from officer to enlisted status, carries the accrued leave standing to his credit from the one status to the other within any uniformed service.".

(d) The last sentence of subsection (d) of such section is amended to read as follows: "However, the number of days upon which payment is based is subject to subsection (f).".

(e) Subsection (e) of such section is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(f) Subsection (f) is amended to read as follows:

"(f) The number of days upon which payment under subsection (b), (d), or (g) is based may not exceed sixty, less the number of days for which payment has been previously made under such subsections after the first day of the second calendar month following the month in which the Department of Defense Appropriation Authorization Act, 1977, was enacted. For the purposes of this subsection, the number of days upon which payment may be based shall be determined without regard to any break in service or change in status in the uniformed services.".

(g) The second sentence of subsection (g) is amended to read as follows: "However, the number of days upon which the lump-sum payment is based is subject to subsection (f).".

(h) Notwithstanding the provisions of section 501(b)(1) of title 37, United States Code, as amended by subsection (c) of this section, and subject to the limitations prescribed in section 501(b) (3) of such section, as amended by subsection (c) of this section, any leave accrued to any member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration prior to the first day of the second calendar month following the month in which this section is enacted shall, at the option of such member, be paid for on the same basis such leave would have been paid for under the provisions of section 501 (b) of title 37, United States Code, on the day prior to the first day of the second calendar month following the month in which this section is enacted.

Sec. 305. (a) Except as provided in subsection (c), none of the funds authorized to be appropriated by this or any other Act may be used on and after October 1, 1978, to meet in whole or in part—

(1) the cost of purchasing or maintaining equipment or supplies for the operation of any commissary store under the Department of Defense.

(2) the cost of any utilities furnished by the United States in connection with the operation of any such store,

(3) any loss incurred by any such store as the result of shrinkage, spoilage, or pilferage of merchandise under the control of any such store, or

(4) any other direct cost incurred in the operation of any such store other than transportation costs outside the United States.

(b) (1) Except as provided in subsection (c) and paragraph (2) of this subsection, none of the funds authorized to be appropriated by this or any other Act may be used by any military department to meet in whole or in part any cost or loss referred to in subsection (a) in any amount in excess of 66⅔ per centum of any such cost or loss incurred by the commissary stores of such military department in the fiscal year beginning October 1, 1976, or in any amount in excess of 33⅓ per centum of any such cost or loss incurred in the fiscal year beginning October 1, 1977.

(2) Any utilities furnished by the United States to commissary stores outside the continental United States shall be furnished to such stores during the fiscal year beginning October 1, 1976, at not less than 33⅓ per centum of the cost of such utilities to the United States, and during the fiscal year beginning Otcober 1, 1977, at not less than 66⅔ per centum of the cost of such utilities to the United States.

(c) Notwithstanding any other provision

of law, the Secretary of any military department is authorized, in accordance with such regulations as the Secretary of Defense may prescribe, to utilize appropriated funds to aid in financing the operations of commissary stores in any fiscal year, but any amounts utilized for such purpose shall be repaid the United States by such commissary stores and the sales price of merchandise sold in such stores shall be adjusted to the extent necessary to permit repayment of such amount to the United States. The amount required to be repaid for any such assistance during the fiscal year beginning October 1, 1976, or the fiscal year beginning October 1, 1977, shall be the amount in excess of the amount referred to in subsection (b). Any amount repaid the United States under this subsection shall be credited to the appropriate account of the military department concerned.

SEC. 306. The second sentence of section 2 of Public Law 93–274 (88 Stat. 94) is amended by striking out that portion preceding "authority for" and inserting in lieu thereof "The".

TITLE IV—RESERVE FORCES

SEC. 401. (a) For the fiscal year beginning October 1, 1976, and ending September 30, 1977, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 390,000;

(2) The Army Reserve, 212,400;

(3) The Naval Reserve, 79,500;

(4) The Marine Corps Reserve, 33,500;

(5) The Air National Guard of the United States, 93,300;

(6) The Air Force Reserve, 52,000;

(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 402. (a) Section 309 of title 37, United States Code, is repealed.

(b) The table of sections at the beginning of chapter 5 of such title is amended by striking out

"309. Reserves; members of National Guard: additional pay for performance of administrative duty.".

(c) The amendments made by this section shall become effective on the first day of the first month following the month in which this section is enacted.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For the fiscal year beginning October 1, 1976, and ending September 30, 1977, the Department of Defense is authorized an end strength for civilian personnel as follows:

(1) The Department of the Army, 373,500;

(2) The Department of the Navy, including the Marine Corps, 318,400;

(3) The Department of the Air Force, 256,600;

(4) Activities and agencies of the Department of Defense (other than the military departments), 79,200.

(b) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from a department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(c) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a) of this section, but such additional number may not exceed one-half of one per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. (a) For the fiscal year beginning October 1, 1976, and ending September 30, 1977, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 81,429;

(2) The Navy, 66,914;

(3) The Marine Corps, 25,501;

(4) The Air Force, 49,610.

(5) The Army National Guard of the United States, 12,804;

(6) The Army Reserve, 7,023;

(7) The Naval Reserve, 1,257;

(8) The Marine Corps Reserve, 3,562;

(9) The Air National Guard of the United States, 2,232; and

(10) The Air Force Reserve, 1,107.

(b) The average military training student loads for the Army, the Navy, the Marines Corps, and the Air Force and the Reserve components prescribed in subsection (a) of this section for the fiscal year ending September 30, 1977, shall be adjusted consistent with the manpower strengths provided in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

SEC. 602. Chapter 901 of title 10, United States Code, is amended by adding the following new section and inserting a corresponding item in the analysis:

"§ 9315. Community College of the Air Force: associate degrees

"(a) There is in the Air Force a Community College of the Air Force. It shall be the function of such college, in cooperation with civilian colleges and universities, to—

"(1) prescribe programs of higher education for enlisted members of the armed forces designed to improve the technical managerial, and related skills of such members and prepare such members for military jobs which require the utilization of such skills; and

"(2) monitor on a continuing basis the progress of members pursuing such programs.

"(b) Subject to subsection (c), the commander of the Air Training Command of the Air Force may confer an academic degree at the level of associate upon any enlisted member who has completed the program prescribed by the Community College of the Air Force.

"(c) No degree may be conferred upon any enlisted member under this section unless (1) the Air Force Community College of the Air Force certifies to the commander of the Air Force Training Command that such member has satisfied all the requirements prescribed for the degree, and (2) the Commissioner of Education of the Department of Health, Education, and Welfare determines that the standards for the award of academic degrees in agencies of the United States have been met.".

TITLE VII—SUPPLEMENTAL AUTHORIZATION OF FUNDS FOR THE NAVY FOR FISCAL YEAR 1976

SEC. 701. In addition to the funds authorized to be appropriated by the Department of Defense Appropriation Authorization Act, 1976, there is authorized to be appropriated to the Navy during the fiscal year 1976 (1) for the procurement of naval vessels, the sum of $213,000,000; and (2) for research, development, test, and evaluation, the sum of $8,000,000.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. (a) The second sentence of section 1401a(b) of title 10 United States Code, is amended by striking out "the per centum obtained by adding 1 per centum and".

(b) The second sentence of paragraph (2) of section 291(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended by striking out "1 per centum plus".

(c) The amendment made by subsections (a) and (b) shall not become effective unless legislation is enacted repealing the so-called 1 per centum add-on provision applicable to annuities paid under chapter 83 of title 5, United States Code. In the event such legislation is enacted, the amendments made by subsections (a) and (b) of this section shall become effective with respect to the retired and retainer pay of members and former members of the Armed Forces and to persons receiving annuities under the Central Intelligence Agency Act of 1964 for Certain Employees at the same time the repeal of such 1 per centum add-on provision becomes effective with respect to persons entitled to annuities under such chapter 83.

SEC. 802. Section 814(a) of the Department of Defense Appropriation Authorization Act, 1976 (89 Stat. 544), is amended to read as follows:

"(a) (1) It is the policy of the United States that equipment procured for the use of personnel of the Armed Forces of the United States stationed in Europe under the terms of the North Atlantic Treaty should be standardized or at least interoperable with equipment of other members of the North Atlantic Treaty Organization. In carrying out such policy the Secretary of Defense shall, to the maximum feasible extent, initiate and carry out procurement procedures that provide for the acquisition of equipment which is standardized or interoperable with equipment of other members of the North Atlantic Treaty Organization whenever such equipment is to be used by personnel of the Armed Forces of the United States stationed in Europe under the terms of the North Atlantic Treaty.

"(2) Whenever the Secretary of Defense

determines that it is necessary, in order to carry out the policy expressed in paragraph (1) of this subsection, to procure equipment manufactured outside the United States, he is authorized to determine, for the purposes of section 2 of title III of the Act of March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10a), that the acquisition of such equipment manufactured in the United States is inconsistent with the public interest.

"(3) In any case in which the Secretary of Defense proposes not to carry out the policy expressed in subsection (a) of this section regarding the procurement of standardized or interoperable equipment, he shall report that fact to the Congress coincident with submission of the annual budget and include in his report a description of the equipment to be procured and the reasons for noncompliance with such policy.".

Sec. 803. (a) It is the sense of Congress that weapons systems being developed wholly or primarily for employment in the North Atlantic Treaty Organization theater shall conform to a common North Atlantic Treaty Organization requirement in order to proceed toward joint doctrine and planning and to facilitate maximum feasible standardization and interoperability of equipment. A common North Atlantic Treaty Organization requirement shall be understood to include a common definition of the military threat to the North Atlantic Treaty Organization countries. The Secretary of Defense shall, in the reports required by section 302(c) of Public Law 93–365, as amended, identify those programs in research and development for United States forces in Europe and the common North Atlantic Treaty Organization requirements which such programs support. In the absence of such common requirement, the Secretary shall include a discussion of the actions taken within the North Atlantic Alliance in pursuit of a common requirement and the justification for continuing a program for which there is no common requirement. The Secretary of Defense shall also report on efforts to establish a regular procedure and mechanism within North Atlantic Treaty Organization for determining common military requirements.

(b) It is the sense of the Congress that progress toward the realization of the objectives of standardization and interoperability would be enhanced by expanded inter-Allied procurement of arms and equipment within the North Atlantic Treaty Organization. It is further the sense of the Congress that expanded inter-Allied procurement would be facilitated by greater reliance on licensing and coproduction agreements among the signatories of the North Atlantic Treaty. It is the Congress' considered judgment that such agreements, if properly constructed so as to preserve the efficiencies associated with economies of scale, could not only minimize potential economic hardship to parties to such agreements but also increase the survivability, in time of war, of the Alliance's armaments production base by dispersing manufacturing facilities. Accordingly, the Secretary of Defense, in conjunction with appropriate representatives of other members of the Alliance, shall attempt to the maximum extent feasible (1) to identify areas for such cooperative arrangements and (2) to negotiate such agreements pursuant to these ends. The Secretary of Defense shall include in the report to the Congress required by section 302(c) of Public Law 93–365, as amended, a discussion of the specific assessments made under the above provisions and the results achieved with the North Atlantic Treaty Organization allies.

(c) It is the sense of the Congress that standardization of weapons and equipment within the North Atlantic Alliance on the basis of a "two-way street" concept of cooperation in defense procurement between Europe and North America could only work in a realistic sense if the European nations operated on a united and collective basis. Accordingly, the Congress encourages the governments of Europe to accelerate their present efforts to achieve European armaments collaboration among all European members of the Alliance.

Sec. 804. No funds authorized by this or any other Act may be expended for the purpose of paying any taxes to the national government of any country which is a member of the North Atlantic Treaty Organization in which any military unit of Armed Forces of the United States is regularly stationed if such taxes are imposed, directly or indirectly, on such unit, the members thereof, or on the property or equipment used by such unit; and no such funds may be expended for the purpose of paying any taxes to any regional or local subdivision government of any such country, if such taxes are imposed, directly or indirectly, on such unit, the members thereof, or on the property or equipment used by such unit, unless the United States is to be fully reimbursed for the payment of such taxes by the national government of such country.

Sec. 805. (a) Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended by inserting after the third sentence thereof a new sentence as follows: "The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized, without adversely affecting the basic civil defense objectives of this Act, to provide relief and assistance to people in areas of the United States struck by other than enemy-caused disasters; it is, therefore, further declared to be the policy and intent of the Congress that the needs of the States and their political subdivisions with respect to preparations for other than enemy-caused disasters be taken into account in providing Federal assistance under this Act.".

(b) The first sentence of section 408 of such Act (50 U.S.C. App. 2260) is amended to read as follows: "No funds may be appropriated for any fiscal year beginning after September 30, 1977, for carrying out the purpose of this Act, unless such funds have been authorized for such purpose by legislation enacted after the date of enactment of the Department of Defense Appropriations Authorization Act, 1977.".

(c) Section 201 of such Act (50 U.S.C. App. 2281) is amended—

(1) by striking out in subsection (e) "*Provided further*, That the authority to pay travel and per diem expenses of students as authorized by this subsection shall terminate on June 30, 1976."; and

(2) by striking out in the fourth proviso of subsection (h) "until June 30, 1976,".

(d) Subsection (h) of section 205 of such Act (50 U.S.C. App. 2286(h)) is amended to read as follows:

"(h) Funds made available to the States under this Act may be used, to the extent and under such terms and conditions as shall be prescribed by the Administrator, for providing emergency assistance in any area of the United States which suffers a disaster other than an enemy-caused disaster.".

Sec. 806. Title VIII of the Department of Defense Appropriations Authorization Act, 1975 (88 Stat. 408) is repealed.

Sec. 807. The Secretary of Defense is authorized and directed to request from retiring military officers personnel and civilian personnel, of a grade GS–13 or above, who are employed in military procurement, suggestions for methods to improve procurement policies, including ideas for improving competitive bidding and eliminating any inequities that may exist. The result shall be made of personnel during their last month of employment and they shall be allowed reasonable time during working hours during the last month to complete their voluntary report to be submitted upon retirement. The Secretary or his designate shall quarterly furnish the Armed Services Committees of the House of Representatives and Senate a copy of all such recommendations and the response of the Department of Defense.

Sec. 808. (a) Prior to March 1, 1977, the Committees on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces. This investigation shall include consideration of possible alternatives to attack aircraft carriers and their escorts. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of additional attack aircraft carriers.

(b) In carrying out such study and investigation, the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary.

Sec. 809. That this Act may be cited as the "Department of Defense Appropriations Authorization Act, 1977".

Mr. CULVER. Mr. President, will the Senator yield for a point of order?

Mr. MANSFIELD. Yes.

Mr. CULVER. I wonder whether or not there has been a time agreement arrived at on this particular bill and amendments thereto?

Mr. MANSFIELD. None, and none seems to be in sight.

Mr. CULVER. It is the concern of the Senator from Iowa that there be, if at all possible, some understanding, particularly with regard to the amendments on the B–1 bomber.

It seems, given the importance of that measure, that maximum attendance be possible, and I wondered if the chairman of the committee could possibly give me any indications of the timetable he foresaw in consideration of this bill.

Mr. STENNIS. Well, Mr. President, I will defer to the leader if he would like to answer first.

Mr. MANSFIELD. The question was raised if there was a time limitation, and the answer was in the negative; and, furthermore, that at the moment there was no prospect in sight for a time agreement, because of various objections which have been brought to my attention. But as to how long this would take, I am sure that both the Senator from Iowa and the Senator from Mississippi, the manager of the bill, can answer it far better than I.

Mr. STENNIS. Mr. President, if I may answer further, the leader, of course, is correct, there has been no attempt to get a time agreement yet. In fact, the bill is being called up a little ahead of what was expected because of something that happened to another bill.

So far as the chairman can see, we could have some debate this afternoon, get started on it. I am very glad for the bill to get its place on the calendar and to be the pending matter with all dispatch possible.

It is understood that the military construction authorization bill will have an interlude this afternoon for it. Presumptively it will pass rather readily. Tomorrow, of course, there would be further time for debate. I do not know what the leader's plans are for tomorrow exactly, but I think the Senator from Iowa and I could recommend a time agreement without any difficulty after we have talked it over. I want him to have all the time he needs and all to have time. I consider it a very important amendment. But I am particularly anxious for the Senate to get a chance to pass this bill next week, and I think the Senator from Iowa wishes so to do.

Mr. CULVER. Yes, sir. The Senator from Iowa has no intention of attempting to delay this bill although I am concerned that the time circumstances here do require us to take it up in the absence of all the Senators even being currently in possession of a committee report, so certainly it seems to me objection would be appropriate along those lines.

If there is any possibility that the amendment on the B-1 bomber would be called in order or scheduled for tomorrow or Monday, given the anticipated absence of Members who have a direct interest and concern in this particular amendment, I would be constrained to request that the vote occur today on that amendment, if necessary.

Could I have the assurance from the chairman that a vote on that B-1 amendment would not occur until next Tuesday?

Mr. STENNIS. Well, my only hesitancy is, of course, we have to make a start, and I consider that an important amendment. We can get some other things out of the way that would suit the Chairman better. I mean the general presentation of the bill. We have three or four subcommittee chairmen, and we have the ranking members of that group, and I hope they will take the floor. I do not know just what other amendments there will be. But may I ask the leader, is there something else to come on Tuesday under the present plan, some other matter to be up on Tuesday next?

Mr. MANSFIELD. at the moment the answer is in the negative—oh, yes, there is, the antitrust bill, which has been agreed to by the Senate to be taken up some time Tuesday next. I had forgotten that.

Mr. STENNIS. Is there controlled time on that yet?

Mr. MANSFIELD. No.

Mr. STENNIS. You see that takes care of Tuesday, and there are many things we can be doing tomorrow and Monday.

My firm request is though that we get back on this bill and pass it, if at all possible, next week before we go out.

Mr. CULVER. Mr. President, I think I have made clear my concern, and in the absence of any assurance that there will be no votes occurring with regard to the B-1 amendments prior to Tuesday—the votes could occur on that day—but in the absence of such assurance, I would be constrained to object to the consideration of the legislation today or I would offer that the B-1 amendments be voted on today, but in the absence of such assurance, I think there are many reasons why the bill should not be taken up at all now.

Mr. MANSFIELD. Mr. President, if the Senator will yield there, the leadership made a commitment that if at all possible this bill would be taken up today, and the leadership does not give its word lightly. Because of a situation over which we had no control relative to the military arms sales, we find ourselves in a box whereby we have to take up this bill, and while the taking up is debatable—Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

H.R. 12438, a bill to authorize appropriations during the fiscal year 1977, and for other purposes.

Mr. CULVER. Excuse me, Mr. President, point of inquiry. Has that motion been ruled on by the Chair? Because I was reserving the right to object while I posed my point of order or my inquiry to the Chair with regard to what, if any, agreements were understood.

The PRESIDING OFFICER. The bill is before the Senate.

Mr. MANSFIELD. What was the ruling of the Chair?

The PRESIDING OFFICER. The bill is before the Senate.

Mr. STENNIS. Mr. President, will the Senator yield to me? I think it will serve the purpose of all if we can have an agreed time on the B-1 amendments for Wednesday.

Mr. CULVER. For Wednesday?

Mr. STENNIS. Yes.

Mr. CULVER. I thank the chairman.

Mr. STENNIS. There are two amendments, as I understand, on the B-1. The Senator has an amendment himself, and I anticipate the Senator from South Dakota's amendment will be to strike it all out. Maybe we could get together and have an agreement as to both of those amendments at the same time on a time limitation.

Mr. CULVER. I would certainly like the opportunity to confer with the chairman on it.

Mr. STENNIS. And that we proceed with all other parts of the bill, Mr. Leader, the best we can on time agreements, but we would work out a time agreement this afternoon on the B-1 bomber. Is that satisfactory?

Mr. CULVER. I appreciate the consideration of the chairman.

Mr. STENNIS. The Senator from Arizona is here and I would like for him to take the floor.

Mr. GOLDWATER. Mr. President, if the Senator will yield, the minority leader has indicated that yesterday he obtained unanimous consent tc take up the antitrust bill on Tuesday. I think the majority leader knows that bill is not going to be finished in 1 day.

Mr. MANSFIELD. That is correct.

Mr. GOLDWATER. In all probability it will take a lot of discussion.

The chairman of my committee indicates that voting on the B-1 on Wednesday would be all right with him. It would also be all right with me. But are we going to be certain we can vote on it on Wednesday or are we going to be faced with a filibuster type situation where we will be precluded from deciding what to me is the only major amendment that will be offered against this bill, the amendment of the Senator from Iowa?

Mr. MANSFIELD. If the Senator will yield, I would be prepared to make a unanimous-consent request that the pending business on Wednesday, which will be the antitrust proposal, be laid aside temporarily, and that at that time there be an hour on the McGovern amendment, an hour on the Culver amendment if the McGovern amendment fails, and that at the conclusion of that period of time, if the Senate finds it satisfactory, there would be votes at the end of that time period on each amendment.

Mr. GOLDWATER. Could we consider a time certain?

Mr. MANSFIELD. Yes.

Mr. GOLDWATER. I say that because putting this vote off until Wednesday does raise problems with a number of Senators on our side, probably involving cancellation of many graduation speeches out in the Far West, which we are happy to do, but if we could have a time certain where we could consider the amendment—do we not have another amendment coming up, I say to my friend from Iowa?

Mr. CULVER. I am sorry?

Mr. GOLDWATER. The McGovern amendment, is Senator HART going to offer an amendment on the B-1?

Mr. CULVER. I just do not know.

Mr. GOLDWATER. I thank the Senator.

Mr. CULVER. I am not aware of any others than those two.

Mr. GOLDWATER. The McGovern amendment would strike all consideration of the B-1. The Senator's amendment would merely be the one to postpone the decision.

Mr. CULVER. That is correct.

Mr. GOLDWATER. I have no objection to voting then, providing we are certain that—and I want to have the majority leader hear this—so that we are certain some time Wednesday we know we are going to vote on the B-1 amendments, whatever they might be.

We can argue about them in between. For example, I do not care to say any more about the B-1, except possibly a little dialog with my friend. I discussed it with Senator PROXMIRE at great, great length, not that anybody is going to read it.

I think I speak for the Tactical Air Subcommittee. We have had no differences on the Tactical Air Subcommittee.

So I do not think there is going to be a lot said about this bill after the Senator from Mississippi has made the introduction. I think the bill could pass very quickly.

Mr. MANSFIELD. If my colleagues will allow me, I would like to suggest the absence of a quorum to see if we can reach an agreement, but before I do so, I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I ask

unanimous consent that Douglas Racine of my staff be granted privilege of the floor during all debate and votes today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUARD AND RESERVES FORCES FACILITIES AUTHORIZATION ACT, 1977

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside for the time being and that the Senate turn to the consideration of Calendar No. 814 (S. 3434).

The PRESIDING OFFICER. The bill will be stated by title. The assistant legislative clerk read as follows:

A bill (S. 3434) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, the Senate will proceed to its immediate consideration.

Mr. MANSFIELD. Mr. President, the purpose of bringing this up at this time, which was anticipated at a somewhat later period, is to see if some agreements can be worked out between the contending groups vis-a-vis the B-1 bomber.

Mr. SYMINGTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. SYMINGTON. Mr. President, the bill before the Senate provides for construction and other related authority for the military departments and defense agencies within and outside the United States, including authority for all costs of military family housing and the construction of facilities for the Reserve forces.

The administration's request this year was conservative—$3,368,215,000—down nearly one-half billion dollars from the $3,853,705,000 authorized last year.

After careful consideration, the Armed Services Committee reduced the administration's request by $78,430,000. The bill before you provides $3,289,785,000 in new authority. During its deliberations the committee denied or deferred projects of questionable validity or low priority and the bill before you contains those projects that the committee considers necessary to provide for the most essential construction needs of the Department of Defense.

A major portion of the bill provides authority to operate and maintain the military family housing inventory. Over one-third of the total authority in the bill is required to pay military family housing utility bills and to perform essential maintenance to keep the housing inventory from deteriorating. The requirement for new family housing has been drastically reduced, as the Department of Defense and the Department of Housing and Urban Development have cooperated to encourage the private housing industry to provide off-base quarters for the military. This bill authorizes just over 1,000 new units of family housing, primarily for locations experiencing a buildup of forces which the local community cannot accommodate.

Mr. President, I would like to take just a few moments to highlight major projects that are included in this bill.

The largest facility ever authorized in a single military construction bill is contained in this bill—the aeropropulsion systems test facility. This facility, at a cost of $437,000,000, is designed to be able to test the next generation of jet engines which will operate at speeds and altitudes that exceed the capabilities of our current test facilities. The Arnold Engineering Development Center, Tullahoma, Tenn., which is the current center of jet engine technology in this country, will be the site of the proposed facility. The committee examined this request in great depth and found complete support for the proposal from the Department of Defense, NASA, the National Science Foundation, and the aircraft industry. I might comment that both our allies, the French, and our adversaries, the Soviets, have jet engine test facilities that far exceed the capabilities of the current United States facilities. The committee endorses this project without qualification.

For the second year, the Department of Defense has requested authority to upgrade the physical security of our nuclear weapons storage sites. The committee remains concerned with this effort because of the incomprehensible consequences of some dissident element getting their hands on a nuclear device. This year's bill contains nearly $120 million in authority for this purpose and the committee, in its report on the bill, has again included strong language to cause the Department of Defense to give this effort top priority.

Finally, Mr. President, a brief comment on the committee's base realinement provision, section 612. It is extremely important that the record be clear on what this provision is and what it will do. Essentially, the provision puts into law the procedures now followed by the Department of Defense in effecting base closures and significant reductions. The committee feels strongly that decisions regarding base closures and reductions are properly made by the Department of Defense, and that each such decision should not be contingent on approval or disapproval by Congress.

On the other hand, the tremendous impact of these decisions on the lives of the people affected make it incumbent on the Congress to insure that the decisionmaking process is open and thorough, and, above all, that the decision, when rendered, is justified. I am well aware that in 1965 President Johnson vetoed a military construction bill because it contained a very restrictive base closure provision. This section 612 does not usurp the prerogatives of the executive branch of our Government; it merely formalizes a procedure and a schedule into law. I ask unanimous consent that a list of recently announced candidate base closures and reductions that would be affected by this provision be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, if this provision is enacted for the first time the Department of Defense, the Congress, and the people affected will know exactly where they stand regarding potential base realinements.

Mr. President, I believe I have covered the salient features of the bill before you. The committee feels that this bill provides for the highest priority construction needs of the Department of Defense.

EXHIBIT 1

Recently announced candidate actions that would be affected by S. 3434, section 612

Post	*Civilians reduced*
Army:	
Ft. Ord, Cal	506
Rock Island Arsenal, Ill	320
Savanna Army Depot, Ill	413
Jefferson Proving Ground, Ind	438
Aberdeen Proving Ground, Md	741
Fort Devens, Mass	846
Picatinny Arsenal, N.J	280
Forts Hamilton and Totten, N.Y	604
Fort Indiantown Gap, Pa	819
New Cumberland Army Depot, Pa	1,418
Fort Buchanan, Puerto Rico	466
Arlington Hall Station, Va	588
Vint Hill Farms, Va	448
Hary Diamond Development Center, Adelphi, Md	775
Troop Support Command and Aviation Systems Command, St. Louis	414
Navy:	
Naval Electronics Center	370
Key West Naval Air Station, Fla	638
Naval Ship Repair Facility, Guam	330
Naval Weapons Support Center, Crane, Ind	445
Navy Logistics Control Office, Bayonne, N.J	370
Navy Resale Systems Office, Brooklyn, N.Y	734
Naval Air Station, Corpus Christi, Tex	877
Safeguard, Grand Forks, N.D	290
Bolling Headquarters Command	250
Selfridge Air Force Base, Mich	235
Air Force:	
Craig Air Force Base, Ala	550
Loring Air Force Base, Maine	465
Kincheloe Air Force Base, Mich	467
Richards-Gebaur Air Force Base, Mo	1,677
Webb Air Force Base, Tex	700
Defense:	
Defense Clothing Plant, Philadelphia, Pa	1,600

The PRESIDING OFFICER. Who seeks recognition?

Mr. JAVITS. Mr. President, if I may, I would like to have a word with the manager of the bill, if he is through with his presentation. Has the Senator completed?

Mr. SYMINGTON. May I say to my able friend from New York, there has been a little juggling around today between three different bills. I am trying to cooperate with the leadership on the least controversial of these bills.

I am glad to see the able Senator from South Carolina in the Chamber. To the best of our knowledge, there is no problem incident to the bill and, therefore, we took it up at this time because the leadership wanted to expedite the various matters of the Senate.

Mr. JAVITS. I thank my colleague. I have a question I would like to put to him.

Mr. SYMINGTON. I would be very glad to attempt to answer it.

Mr. JAVITS. We have a big problem in New York with Fort Drum, where some 80,000 Army active and Reserves train each year. I have been there and the facilities are terribly run down. The House has provided an estimated $8.4 million to deal primarily with new medical and barracks facilities. The Senate has omitted it from the bill. I wrote to Senator Stennis under date of May 10 and asked if he would be kind enough to look into the matter, but it has been omitted.

Mr. President, I ask unanimous consent to have printed in the Record at this point the letter to which I referred, dated May 10, 1976, addressed to the Honorable John C. Stennis, chairman, Senate Armed Services Committee, and included therein are the attachments which are referred to in the letter.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., May 10, 1976.

Hon. John C. Stennis,
Chairman, Armed Service Committee, U.S. Senate, Russell Building, Washington, D.C.

Dear John: On March 11 I wrote to you concerning the proposed expenditure of sums, now estimated at $8.4 million, for new medical and barracks facilities at Fort Drum, New York where as many as 80,000 Army active and reserve soldiers train each year. As you may know, the House Armed Services Committee has included this amount in its version of the Military Construction Authorization bill.

The upgrading of the Army facilities at Fort Drum has attracted considerable attention throughout the Northeast as units from states throughout the area train there. To provide you with documentation of this widely felt concern, I enclose letters from five governors and seven adjutant generals, all expressing their support for the improvement of some of the facilities at Fort Drum.

I very much hope that in its consideration of the Military Construction Authorization, the Senate Armed Services Committee will look very closely at this matter and give the proposed new medical and barracks facilities at Fort Drum its favorable consideration.

Thank you for your consideration.

With best regards,

Sincerely,

Jacob K. Javits.

September 9, 1975.

Hon. Martin R. Hoffman,
Secretary of the Army, Department of the Army, The Pentagon, Washington, D.C.

Dear Mr. Secretary: On August 7th, eighty-two members of the House of Representatives co-signed a letter to you, in which they recommended the following: That Fort Drum be properly funded and maintained for year-round training of Reserve Components; that concurrent with upgrading of facilities, at least on Active Army armored or mechanized brigade, and an engineer construction unit be permanently assigned at Fort Drum; and that Fort Dix continue to be used for the conduct of basic combat and advanced individual training.

I support this Congressional request and urge you to implement the proposals expressed in their letter.

The imbalance in the number of Department of Army installations located in the Northeast compared with other sections of the country continues to grow. The implementation of these proposals will not only reverse this trend but will enhance National Guard and Reserve training.

Sincerely,

Hugh L. Carey.

State of Vermont,
Montpelier, Vt., September 19, 1975.

Hon. Hugh L. Carey,
Governor of New York,
Executive Chamber,
Albany, N.Y.

Dear Governor: On August 29, 1975, I wrote to the Honorable Martin R. Hoffman, Secretary of the Army, in Washington, D.C., personally endorsing the improvement of facilities in Fort Drum, New York.

I fully support your initiatives in this respect, since Fort Drum is the main training facility for the Vermont National Guard.

Yours very truly,

Thomas P. Salmon.

State of New Hampshire,
Concord, N.H.

Hon. Hugh L. Carey,
The Governor of New York, State Capitol, Albany, N.Y.

Dear Governor Carey: You will recall that last month I wrote to the Department of the Army at your suggestion concerning their plans for Fort Drum and Fort Dix. I have received the enclosed reply from them which may be of interest to you or your staff.

If there is anything else you feel I should do in this matter, please let me know.

Warm personal regards,

Sincerely,

Meldrim Thomson.

Enclosure.

Concord, N.H.
September 29, 1975.

Hon. James R. Schlesinger,
Secretary of Defense, The Pentagon, Washington, D.C.

Dear Mr. Secretary: I would strongly urge you to take demonstrable action regarding the rehabilitation of Fort Drum, the stationing of significant combat units of the Active Army in the Northeast, and the retention of Fort Dix as a Combat and Advanced Individual Training Center.

Like other Governors, I am deeply concerned over the lack of major Active Army Combat Troop Units in the Northeast and the deteriorating conditions of training facilities for our Army National Guard and the United States Army Reserve Units at Fort Drum, and the contemplated deactivation of Fort Dix as the United States Army Basic Combat and Advanced Individual Training Center.

As Governor, I have visited our National Guard Units, at Fort Drum on several occasions and am cognizant of the imbalance in the number of defense installations located in the Northeastern part of the United States compared with other sections of the country.

I hope you will reassess your position on this matter.

Sincerely,

Meldrim Thomson, Jr.

Providence, R.I.,
September 18, 1975.

Hon. Hugh L. Carey,
Governor of New York, Executive Chamber, Albany, N.Y.

Dear Governor Carey: This is in reply to your letter of September 12, 1975 in which you expressed your concern over the contemplated deactivation of Fort Dix and the deteriorating training facilities at Fort Drum.

Enclosed is a copy of a letter which I have forwarded to the Secretary of Defense expressing my concern with regard to the affect that these contemplated actions could have on our state.

I wish to thank you for bringing this to my attention and I trust that a favorable response will be received from the Secretary of Defense.

Sincerely,

Philip W. Noel,
Governor.

The Commonwealth of Massachusetts,
Boston, Mass., October 7, 1975.

Hon. Hugh L. Carey,
Governor of the State of New York, Executive Chamber, Albany, N.Y.

Dear Governor Carey: I appreciate your letter requesting my support for the rehabilitation of Fort Drum, the location for training of significant units of the Active Army and National Guard in the Northeast, and the retention of Fort Dix as an active training center.

Recently, the Boston Globe carried a release indicating that the Secretary of the Army had ruled that Fort Dix will remain open at its present level of operation. This action is most welcome and significant. I strongly support the efforts to rehabilitate Fort Drum and to locate major active Army units in the Northeast.

As you may know, the Massachusetts Army National Guard annually sends the major portion of its unit to Fort Drum. Although we are increasing our utilization of Camp Edwards on Cape Cod, I have not as yet visited Fort Drum. However, I have been advised that considerable upgrading of its facilities must be made to increase its training, housing, and recreational facilities.

Additionally, I strongly support the location of major active Army units in the Northeast, particularly in Fort Devens. Such action would provide direct association with counterpart National Guard units and would provide significant impact on the economic situation of our region.

I have forwarded a copy of this letter to the Secretary of Defense and the Secretary of the Army.

Sincerely,

Michael S. Dukakis.

Office of the Assistant Secretary,
Washington, D.C., October 9, 1975.

Hon. Hugh L. Carey,
Governor of New York,
Albany, N.Y.

Dear Governor Carey: This responds to your letters of 9 September 1975 to the Secretary of Defense and the Secretary of the Army concerning stationing of Active Army units in the Northeastern United States, particularly at Fort Drum, New York; funding, rehabilitation and maintenance of facilities at Fort Drum; and the retention of Fort Dix, New Jersey as a major US Army Training Center.

The problem of upgrading facilities at Fort Drum is equally true of many other Army installations. The Army National Guard initiated a program in FY 1969 to rehabilitate facilities at Fort Drum. The program in past years has ranged from $1.0–$2.5 million annually for upgrading troop facilities and training areas there. The projected funding for FY 1976 is approximately $2.8 million. The expenditures for maintenance and repair work to the existing facilities at Fort Drum increased approximately 25 percent from FY 1974 to FY 1975 and we would expect further increases in FY 1976.

The Army recognizes that the field training facilities at Fort Drum could support increased utilization. There was a substantial increase at Fort Drum in both Active Army and Reserve Component training from the period 1974 to 1975. Active Army battalion level training there increased from one to five battalions. Reserve training at Fort Drum increased from 56,000 to 76,000 personnel from 1974 to 1975. The 1976 Army training program is yet to be published, but it is tentatively planned to program the same level of activity at Fort Drum as in 1975. The Army is also studying the possibility of stationing various types of Active Army units at Fort Drum on a permanent basis in terms of benefits to the Army and costs associated with construction of permanent facilities.

Fort Dix has been built up over the years to accommodate a training mission. The total investment there is approximately $200 million. However, as the Army completes its drawdown from the Vietnam era peak of 1.57 million to a strength of 785,000 military personnel with the necessary new programs to produce better soldiers faster through One Station Training, adjustments to the training base must be made.

The Army is currently conducting a study to determine the future mission of Fort Dix, with the goal of minimizing personnel turbulence and the economic impact on the surrounding area. The Army recognizes the value of keeping and continuing to make use of facilities already available at Fort Dix.

I can assure you that the Army is maintaining an open mind on Fort Dix and Fort Drum. The Army understands and fully appreciates your concern for the future of these installations and for the future of an Army presence in the Northeastern United States.

Sincerely,

Harold L. Brownman,
Assistant Secretary of the Army, (Installations and Logistics).

Department of Military Affairs,
Annville, Pa., March 26, 1976.
Hon. Robert C. McEwen,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. McEwen: Major General Greenlief has indicated to me that you have taken action to improve the facilities at Fort Drum, New York for use by National Guard and Reserve Troops. Since the Pennsylvania National Guard sends a large contingent of troops each year to Fort Drum, I commend you on the initiative you have taken to upgrade the facilities at that training site.

To be very frank with you, I must tell you that I am even more concerned with the deteriorating conditions of our facilities here at Fort Indiantown Gap, Pennsylvania. I solicit your support in our effort to move the Department of Defense to invest more of their budget in this very excellent National Guard and Reserve training site. Further, since Pennsylvania sends a large number of troops into New York each year to train, I suggest that New York reciprocate by sending troops to Fort Indiantown Gap in Pennsylvania. Your considerable influence in this area would be very helpful.

Again, thanks for the strong support you have given to the construction program at Fort Drum.

Sincerely,

Harry J. Mier, Jr.,
Major General,
The Adjutant General.

Camp Keyes,
Augusta, Maine, March 26, 1976.
Hon. Robert C. McEwen,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. McEwen: I have recently learned of your very much appreciated stand for improvement of funding and utilization of Fort Drum, New York.

From what I have heard of the hearing on March 11 by the military construction Subcommittee of the House Appropriations Committee, your presentation should be most helpful in a reevaluation of the rightful part Fort Drum should play in the Army training program.

The Maine Army National Guard has trained many years at Fort Drum and we have first hand knowledge of the potential offered by Fort Drum if given its appropriate share of the Army training site support dollar.

Thank you for your help.

Sincerely,

Paul R. Day,
Major General, MeNG,
The Adjutant General.

State of New Jersey,
Department of Defense,
Trenton, N.J., March 25, 1976.
Hon. Robert C. McEwen,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. McEwen: I have been advised of your recent representations to the Military Construction Subcommittee about construction programs at Fort Drum. My advice is that you strongly supported the improvement of facilities at Fort Drum for the use of the National Guard and Army Reserve. Our Armored Division in New Jersey stands to gain a great deal to any improvement of facilities at Fort Drum and we are deeply indebted to you for your strong support of such a program.

Sincerely,

Wilfred C. Menard, Jr.,
Major General, NJARNG,
The Chief of Staff.

State of New York,
Division of Military Affairs,
Albany, N.Y., March 24, 1976.
Hon. Robert C. McEwen, *U.S. House of Representatives, Washington, D.C.*

Dear Mr. McEwen: Thank you for your continued presonal support for the construction program at Fort Drum. I was informed of your extensive participation during the military construction Subcommittee hearing of the House Appropriations Committee on March 11.

In my former role as Acting Commissioner of Commerce and now as the Chief of Staff to the Governor I concur that Fort Drum must continue as a viable training site for both active and reserve forces.

For your information, I have had numerous discussions with my counterparts in Washington to insure that Fort Drum does, in fact, get its proper share of Active Army, National Guard and Reserve appropriations.

I look forward to meeting with you at your convenience to discuss ways to accomplish our mutual objective; that is the enhancement of the entire Fort Drum facility.

Sincerely,

Vito J. Castellano,
Major General,
Chief of Staff to the Governor,

The Commonwealth of Massachusetts, Military Division,
Boston, Mass., March 22, 1976.
Hon. Robert C. McEwen,
U.S. House of Representatives,
Washington, D.C.

Dear Representative McEwen: I have been advised of your keen interest in the improvement of facilities at Fort Drum particularly during the recent hearings of the military construction subcommittee of the House Appropriations Committee.

As you know, a majority of the Massachusetts Army National Guard conducts its annual training at Fort Drum and on its behalf I would like to extend my thanks for your interest and concern in this matter.

The improvement of Fort Drum facilities is of utmost importance to the National Guard and Army Reserve particularly if the Reserve Components are to continue improving their readiness.

Again, thank you for your support.

Sincerely,

Vahan Vartanian,
Major General, MassARNG,
The Adjutant General.

The State of New Hampshire,
Concord, N.H., March 19, 1976.
Hon. Robert C. McEwen,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman McEwen: I have recently been apprised of your efforts in support of Fort Drum and of your strong support for developing and improving this facility.

New Hampshire has been sending National Guard troops to Fort Drum since 1951 and we wholeheartedly support and appreciate your desire to upgrade this installation.

As the only sizeable training area in the northeast suitable for division level training, I feel it extremely important to our National Defense needs to maintain and develop Fort Drum for year round use.

Again, thank you for your support.

Sincerely,

John Blatsos,
Major General, AGC, NHNG,
The Adjutant General.

State of Rhode Island and Providence Plantations,
Providence, R.I., March 18, 1976.
Hon. Robert C. McEwen,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. McEwen: I have learned from Major General (Ret.) Francis S. Greenlief, Executive Vice President of the National Guard Association of the United States, that you voiced your strong support for the improvement of facilities at Fort Drum, New York, at a House Appropriations Committee hearing held on 11 March 1976.

As you probably know, Rhode Island Army National Guard units have used Fort Drum for many years, and it has been particularly vital for our Artillery units. We have in Rhode Island an Artillery Group and two artillery battalions comprising nearly 1000 officers and enlisted men. Because of the severe restrictions imposed on our artillery units at Camp Edwards, Massachusetts, the nearest suitable facility available for artillery training is Fort Drum.

I wish to thank you for your support and should you desire any additional information, please do not hesitate to contact me.

Sincerely,

Leonard Holland,
Major General,
Commanding.

Testimony of the Honorable Robert C. McEwen Before the Subcommittee on Military Construction Authorization of the Senate Committee on Armed Services

Mr. Chairman, I appreciate the opportunity to appear before this Committee on two items which I consider to be of extreme urgency. Both pertain to Fort Drum, New York, where upwards of 80,000 Reserve Component citizen soldiers (including four of the U.S. Army's total of eight National Guard Divisions) conduct Annual Training; where Reserve Component units from the Northeast conduct weekend drills throughout the fall, winter and spring months; and where active duty units of all services conduct winter training.

First, I will discuss the desperate need for a new medical dispensary. This project is essential to replace an outmoded, 35 year old, temporary medical facility and to restore the X-ray and surgery capability lost as a result of a fire in March, 1972. At present, there is no surgery capability and the only X-ray capability comes from a portable machine set up in an over-crowded physical examination room. Of the sprawling mass of 46 one-story old wooden buildings, only six are heated—including one area where a potbelly stove is the only source of heat. It is a fire hazard, as was demonstrated by the fire in 1972. It is a maintenance burden. The emergency room can accommodate only two persons at a time. I could go on and on, but these pictures, which I am leaving for your examination, show the problem better than I can describe it. After seeing these, I am certain that you will agree that this is a deplorable facility for providing medical care to any human being, and is totally inadequate to serve the medical and dental needs of a military community whose population often exceeds 10,000. I think you will also agree that it would be a waste of money to attempt to restore this facility to a barely acceptable standard.

This medical facility serves a full-time patient population of over 5,000 active military, retired military and dependents. From May through September, there is an average of 10,000 Reserve Component and Active duty military personnel at Fort Drum. During peak periods there are as many as 15,000 present at one time. Active Army units come to Fort Drum from other Posts for winter training. During February alone, there was an average of 1,164 Army, Marine Corps and Navy Construction (Seabee) units in training there. While the facility is inadequate to handle routine care for this large number of troops, it would be disastrous should a mass casualty situation ever occur—easily resulting in untold loss of life and limb. Ironically, some of the finest doctors—specialists and surgeons—in the Nation are assigned to Reserve Component units which train at Fort Drum. Their abilities would be restricted to First Aid and field expedients should such a situation occur. Two local civilian hospitals in Watertown, 10 miles away, are seriously overcrowded. The nearest military installation with modern medical facilities is Griffiss Air Force Base, 80 miles away.

Further, this facility is inadequate in meeting training requirements of Reserve Component medical units which come to train there. It would be completely unsatisfactory in meeting Fort Drum's mobilization responsibility for a 50-bed hospital.

I am not asking that this hospital be replaced by a new hospital. But, to meet minimum medical needs, I am asking that this Committee authorize the construction of a permanent health complex, to include a 10 chair dental clinic and a 20 bed (expandable to 50 beds) dispensary with emergency room, out-patient clinic, pharmacy, laboratory and other necessities. This would replace what is presently being used in this totally inadequate facility and would restore the surgery and full X-ray capability. The estimated cost is $3.3 million. Certainly, this is a modest sum when we consider that the health and welfare—and even the very lives—of so many Reserve Component, active military, retired military and dependents are at stake. The Army has recognized that the existing health clinic is in need of replacement and has programmed this for FY 79. I do not believe we can afford to wait that long when the need is so apparent and immediate.

Next, I would like to discuss the need for an improved barracks facility to accommodate active military and Reserve Component troops of all services which train at Fort Drum during the winter and for active Army troops which are on temporary duty there for long periods during the summer. The 10th Special Forces conducted winter training at Fort Drum for one month this winter. 1,200 Marines spent almost a month in winter training there. A battalion of the 82nd Airborne Division was flown up there for training. Two Naval Construction (Seabees) battalions trained there this winter. While admittedly these troops are there for winter training, their training periods are of such duration that they spend time in garrison and they deserve to live in suitable quarters. Additionally, from April through September each year, about 500–600 active Army troops are sent to Fort Drum to support Reserve Component training.

These men on TDY, who leave modern permanent facilities at other Posts, deserve to live in decent accommodations while performing this important mission. In fact, the Secretary of the Army announced recently that an engineer company would be sent TDY to Fort Drum from March until November. These men, who will be there during this extended period, deserve decent living conditions, and the Reserve Component units which come to Fort Drum on weekends during cold winter months could use these better facilities. Certainly, then, an improved set of buildings would be well utilized and are fully justified.

The National Guard has been engaged in a cantonment renovation project at Fort Drum for several years and are still at it, but this should not be confused with what I am proposing. They are putting on steel siding and providing for automatic hot water, but not renovating the interior of the buildings. Here is a picture of the exterior before renovation. Here is a picture of the renovated exterior. After renovation, they are colorful and quite attractive from the outside. But here are pictures of the interior of these same buildings, which are unfinished, have holes in the walls, outmoded latrines and lighting, etc. While this preserves these structures and enhances their outside appearance, it in no way changes the deplorable and unlivable interiors which presently exist. Further, they are still heated by coal fired furnaces. Supply rooms have pot belly stoves. Firing these furnaces and stoves takes away valuable training time during winter exercises.

In recognition of this dire need, I had proposed that a set of wooden buildings be rehabilitated. Senators Javits and Buckley have supported me on this. However, the Army has indicated that it would prefer construction of a permanent type building which would be more economical. The permanent barracks would accommodate 300 personnel. The cost would include a 600 man mess hall which would be utilized by other support personnel as well as barracks occupants. More importantly, it would provide a more economical single mess hall (rather than the construction and operation of 2 mess halls) should another barracks be constructed at a later date. This will cost $5.1 million. They have programmed this for FY 78. While I defer to their judgment that a permanent facility be constructed rather than rehabilitating the World War II wooden buildings, I believe that the need is of such urgency that it should be included in the FY 77 budget. With this the Army now agrees.

Again, I thank you for the opportunity of appearing before this Committee. I would appreciate thoughtful consideration and approval of these worthwhile and necessary projects.

U.S. SENATE,
Washington, D.C.

Hon. JAMES R. SCHLESINGER,
Secretary of Defense.

DEAR MR. SECRETARY: We are writing to you in conjunction with the letters of August 7 sent to you and Secretary of the Army Designate Hoffman signed by 82 members of the House of Representatives regarding the underuse of Department of Defense facilities in the nine Northeastern states. We share fully the concerns expressed in those letters.

We have witnessed with increasing concern the ever growing list of Department of Defense facilities in the Northeast that have either been closed or substantially reduced in their activities with a commensurate economic loss to the area. While it is understandable that closings and reductions must be made in the interests of efficiency and consolidation to meet the needs of a cost effective national defense, we are quite disturbed by the apparent pattern of base reorganizations that brings closings and reductions in the Northeast and consolidations and expanded or new facilities in other areas of the country.

A most compelling example in this regard is that in the fiscal year 1976 Department of Defense Military Construction Authorization request, the Department sought $800 million for twelve Southern states and $448 million for three Pacific states but only $54 million for the nine Northeastern states. In view of the availability of defense facilities in the Northeast that are now not used to their full potential, this disproportionate allocation of Military Construction funds seems incomprehensible. As pointed out to you in the correspondence that you have received from the 82 members of the House of Representatives, Fort Drum, New York and Fort Dix, New Jersey are two excellent examples of facilities in the Northeast that are much underused and which, given the proper support from the Department of Defense, would help to provide the Northeast with its "fair share" of defense oriented facilities.

We look forward to working with you in a spirit of cooperation in an effort to redress this imbalance that deeply concerns us, and we would be most interested to hear what proposals the Department of Defense would be willing to make in this regard.

Sincerely,
Signed by Senators Javits, Buckley, Case, Williams, H. Scott, Schweiker, Ribicoff, Kennedy, Brooke, Leahy, Stafford, McIntyre, Durkin, Muskie, Hathaway, Pell, and Pastore.

Mr. JAVITS. My point is this: I understand that there may well be support for this particular matter from the Department. I am sorry that apparently is not available today when the matter is being debated, but it is not. What I wanted to do, if I may, rather than jeopardize the whole thing by an amendment which the committee would probably be compelled to oppose in the absence of any advice actually in hand from the Department, is to spread off record our need and express the feeling that the committee might give it prayerful consideration in conference.

Mr. SYMINGTON. May I say to the able Senator, this matter is included in the House bill.

Mr. JAVITS. That is right.

Mr. SYMINGTON. One of the reasons it was left out of this bill is that it was not requested by the administration, by OMB. I will assure the Senator that we will recognize his interest in conference, and perhaps we can leave it that way at this time.

Mr. JAVITS. I understand perfectly. I was just going to add the additional fact I understand a communication is coming forward from the Department which will support our request.

Mr. SYMINGTON. May I ask the Senator if he would be good enough to see that we get that information before we go into conference with the House, if he would like to have us know about it and prevent it.

Mr. JAVITS. I thank my colleague very much.

Mr. SYMINGTON. I thank the Senator.

Mr. MUSKIE. Mr. President, I speak today in support of the military construction authorization bill that the Committee on Armed Services has reported.

First, I want to extend my appreciation to my friend, the distinguished Senator from Missouri (Mr. SYMINGTON), for the effort he has devoted to this important legislative measure. He has brought his last construction bill before the Senate; it is a good bill; it is below the administration's request.

S. 3434 proposes an authorization level of $3.29 billion in budget authority, a figure $84 million less than the amended budget request of $3.37 billion. Outlays resulting from the Senate Committee proposal are roughly $3.19 billion including outlays for this authorization bill and prior year budget authority. This outlay total is only $3 to $4 million less than the original estimate because of the slow spendout rate associated with military construction starts.

The effect of this bill, when combined with the military procurement authorization bill, is to place the national defense total potentially within the functional target set by Congress in the first budget resolution.

Mr. CASE. Mr. President, I strongly support Senator JAVITS in his effort to obtain improved facilities for Fort Drum, N.Y. where 80,000 Army National Guard and Reserve component citizen soldiers from Pennsylvania, New York, the six New England States, and the 50th Armored Division from my own State of New Jersey conduct annual training each summer and weekend drills during the winter. Our New Jersey adjutant general, Maj. Gen. Wilfred C. Menard, Jr., has long urged improved facilities at Fort Drum.

While I can appreciate the priority given to active Army needs, our Reserve component troops, which form the backbone of our national defense, deserve to live and train in adequate facilities, too. They have backed this Nation in every war, but have too often been neglected in peacetime. Approval of even this small request would show our concern and enhance the morale and welfare of these important members of our national defense team.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMINGTON. Mr. President, I yield to the able Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Thank you, Mr. President.

Mr. President, for several years the security of our tactical nuclear weapons developed throughout the world against a terrorist threat has been of great concern to all Americans. Senator SYMINGTON, chairman of the Military Construction Subcommittee of the Armed Services Committee, has over the years made every effort to assure the Department of Defense of adequate funding to upgrade security at our numerous nuclear weapons storage sites. In 1973 Senator PASTORE, chairman of the Joint Committee on Atomic Energy, and Senator BAKER visited several nuclear storage sites in Europe. In large part because of their observations, efforts to upgrade the security of those sites were made.

However, the Armed Services Committee concluded last year that the process of upgrading the security of our nuclear weapons storage sites had not been proceeding as rapidly as possible. Consequently, the following language was added in the report on the military construction authorization bill for the fiscal year 1976:

> The Committee's main concern is that the Department is not moving fast enough in this area. The Committee feels that it has taken too long to develop plans and criteria and that definitive action is long overdue. . . . The Committee will watch this program closely and insists that it be given top priority in execution.

Mr. President, I recently visited a number of our nuclear weapons storage sites in Europe and held lengthy discussions with our NATO commanders on our ability to withstand terrorist attacks on those installations. Last month, I chaired a special executive session of the Military Construction Subcommittee to further investigate the progress being made. While it is very clear that security has been improved substantially in the past few years—largely through the efforts of Senators SYMINGTON, BAKER and PASTORE—there is still a great deal that must be done.

Last year the Congress approved the full amount requested by the Department of Defense for site improvements. This year the Armed Services Committee has again approved the full amount requested, and had added $7.4 million to accelerate the Navy's nuclear weapons security program. I urge my colleagues to support the committee's recommendation.

Because there are indications that the entire upgrading program has not gone as fast as Congress has intended, the following language has been added in this year's report which will enable the committee to closely monitor the program:

> In order to permit the Congress to stay abreast of the progress of this program, beginning immediately, the Department of Defense is directed to report to the Armed Services Committee of the Senate and House of Representatives on a bi-monthly basis for the next two years the following information, as a minimum, on each site in the nuclear weapons storage site upgrade program:
>
> 1. Estimated cost (current working estimate)
> 2. Design start date (actual or estimated)
> 3. Construction contract award date (actual or estimated)
> 4. Completion date (actual or estimated)
> 5. Remarks (Include the reason for any changes from the previous report and other comments as appropriate.)

Mr. President, the committee has also found that there is a need to improve the security at storage sites for our chemical warfare agents. The reporting requirements in the committee report will allow the committee to closely monitor the progress of this new program and to assure that no delays will occur in the efforts to protect these sites from terrorist attack.

I thank the distinguished Senator from Missouri and yield the floor back to him.

Mr. SYMINGTON. Mr. President, may I respectfully congratulate the able Senator from Vermont on his interest in what is clearly a serious problem which, unless we do something about it, will become steadily more serious. I would hope it is just one of many efforts to recognize the tremendous changes in our entire defense posture incident to the development, location and the possible utilization of nuclear weapons. I congratulate him for his work on this which has been an outstanding effort in this particular aspect of our national defense. I appreciate his comments today.

Mr. LEAHY. I thank my distinguished chairman.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GOLDWATER. Will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my able colleague.

Mr. GOLDWATER. I rise to commend the Senator from Missouri for his usual very fine job in a field that is not easy. He has gotten through this with a minimum of trouble. The bill is easily understood; the report is well done. As one who serves with him but never actually does him any good as helper, I want to thank him for a very fine job. I know I express the opinion of my colleagues.

Mr. SYMINGTON. Mr. President, I deeply appreciate the comments of my friend, the able Senator from Arizona. He and I came to the Senate on the same day a great many years ago and we have seen many changes and watched many developments in our national defense posture.

Much of our success in the military field has been due to his constant efforts in this area. I deeply appreciate his remarks.

The PRESIDING OFFICER. Who seeks recognition?

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I yield to the able and distinguished junior Senator from Alabama.

Mr. ALLEN. I thank the distinguished floor manager of the bill, the Senator from Missouri (Mr. SYMINGTON) for yielding to me at this time.

Mr. President, I am very much interested in the respective provisions in the House bill and in the Senate bill with regard to the procedure that is required for the closing of military bases in the various States, whether arbitrary closings should be made or to prevent arbitrary closing. Both the House and the

Senate have inserted constructive provisions making provision for the procedure to be followed in such cases.

I ask unanimous consent that the language of the House amendment, appearing starting on page 12971 of the RECORD of May 7, 1976, an amendment by Mr. O'NEILL, be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment offered by Mr. O'NEILL: Page 40 after line 24 insert the following:

SEC. 612. (a) None of the funds authorized to be appropriated by this Act may be used in any manner to effect, or implement—

(1) any closure of any military installation;

(2) any reduction in the level of civilian personnel at any military installation, if such reduction would reduce by more than 50 percent the level of such personnel employed as of March 1, 1976, at such installation; or

(3) any construction, conversion, or rehabilitation at any other military installation (whether or not such installation is a military installation as defined in subsection (b) of this section) which will, or may be, incurred as a result of the relocation of civilian personnel to such other installation by reason of any closure or reduction to which this section applies; before—

(A) The close of a one-year period beginning on the date on which the Secretary of the military department notifies the Congress in writing that such military installation is a candidate for such closure or reduction;

(B) The Secretary concerned submits to the Committees on Armed Services of the House of Representatives and the Senate the detailed justification of the proposed closure or reduction together with the estimated fiscal, economic, budgetary, environmental, and operational effects of the proposed closure or reduction, including, but not limited to, estimates of—

(I) the amount of unemployment compensation which will be paid to persons who are unemployed as a result of such closure or reduction;

(II) the amount of manpower retraining and relocation expenses which will be expended for persons so unemployed; and

(III) the military construction and rehabilitation costs (including housing) which will be incurred at other military installations in order to accommodate personnel transferred thereto as a result of such closure or reduction; and

(C) Each such Committee has had at least three months from the date on which the report referred to in subparagraph (B) is submitted to the Committees to assess the proposed closure or reduction and report to its respective body any disagreement with the proposed closure or reduction prior to expiration of the one-year period specified in subparagraph (A).

(b) For purposes of this section, the term "military installation" means any camp, post, station, base, yard, or other activity under the authority of the Department of Defense—

(1) which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam; and

(2) at which is employed not less than 500 civilian personnel.

(c) This section shall not apply to any closure or reduction if the President certifies to the Congress that such closure or reduction must be implemented for reasons of any military emergency or national security or if such notification referred to in subparagraph (A) occurred prior to January 1, 1976.

Mr. ALLEN. I also ask unanimous consent that a quotation from the report of the Senate Committee on Armed Services on this measure, starting on page 5 of the report with the heading "Base Realinements," and ending at the top of page 7, be printed in the RECORD at this point.

There being no objection, the excerpt from the report (No. 94–856) was ordered to be printed in the RECORD, as follows:

BASE REALINEMENTS

The committee is concerned that current procedures used by the Department of Defense to effect base closures or significant reductions are not adequately defined. Nearly every base closure announcement made in recent years has been the subject of litigation that is costly and time consuming. The committee, in adding Section 612 to the bill, is seeking, not to unnecessarily limit the flexibility of the Department to realign its base structure, but to put into law the base realignment procedures essentially as they are now accomplished by the Department of Defense. The committee feels that Section 612 will have the following beneficial effects: (1) it sets a specific time table so that everyone affected by a potential action can plan accordingly, (2) it insures that all parties concerned with such a proposed action will have the opportunity to be heard and to contribute to the decisionmaking process, and (3) it affords the opportunity for the Congress to influence the decision if there is inadequate justification. The committee emphasizes that Section 612 is not a means for the Congress to approve or disapprove of every base closure or significant reduction; to the contrary, the committee feels strongly that decisions on base realignments are properly made by the Department of Defense. Section 612 simply formalizes the decision-making process insuring that the Congress has the opportunity to exercise its Constitutional obligation with regard to "raising and supporting" the armed forces.

The provision first places a prohibition on (1) any base closure, (2) any significant reduction, defined as a reduction of more than 250 civilian employees or 50 percent of the civilian force employed as of the end of the fiscal year preceding the year in which Congress is notified that such action is a "candidate", and (3) any construction in support of such a closure or significant reduction, until certain actions are taken.

There are four sequential actions required. First, the Secretary of the military department concerned must notify the Congress of a "candidate" action. Notification to Congress includes public notice, notice to the Armed Services Committees, and notice to affected Congressional delegations, as well as formal notification to the Speaker of the House and the President Pro Tem of the Senate. The notification should include the rationale for the action being selected as a "candidate", and the estimated personnel and economic impacts to the extent that they can be determined without detailed study.

A period of at least nine months must then expire during which time the decision-making process is pursued. During this period the Department is to cooperate fully with affected parties. The committee recognizes that "full cooperation" is not a readily definable term and that the test of "reasonableness" will have to be applied. The committee expects the Department of Defense to respond to every reasonable request for information that can be accommodated within the time frame specified. The requirement for "full cooperation" must not delay the base realignment process. The provisions of the National Environmental Policy Act will pertain during this period and the committee expects each potential action to be assessed in accordance with the Act and that Environmental Impact Statements will be prepared, when required. The committee considers that the candidate base closure and reduction actions announced in late March and early April of 1976 are now in the nine-month study period and that preliminary notification has been accomplished.

The decision of the Secretary of the military department concerned will follow the aforementioned study period. The decision, together with supporting documentation and estimates of the consequences of the decision will be furnished to the same parties that received notice of the candidate action.

Finally, a 90-day period must expire before the decision may be implemented. This waiting period is to give the Congress the opportunity to remedy the decision, if warranted; and, more importantly, to permit those people affected by the decision to make provisions to accommodate the decision.

The committee recognized that such a deliberate process, while appropriate during time of peace, was not tolerable in time of national emergency and has given the President the authority to override the provisions, if he deems it necessary.

Mr. ALLEN. There are differences between these two procedures. I ask the floor manager of the bill, the distinguished senior Senator from Missouri (Mr. SYMINGTON), if he will explain and comment on the differences between the provisions of the two bills.

Mr. SYMINGTON. Mr. President, I am glad to respond to the request of my able friend from Alabama.

There are three important differences between section 612 of the Senate bill and section 612 of the House bill pertaining to base closures.

First, the House version is a 1-year embargo on the use of funds authorized to be appropriated in the fiscal year 1977 military construction bill. As such, I am not sure it has any meaning because the military construction bill does not authorize funds that are used to close bases or effect reductions. The Senate version is permanent legislation.

Second, the thresholds of applicability are different. The House version applies to closures or reductions in excess of 50 percent at installations of 500 civilians or more. Under the House version an installation of 10,000 civilians could be reduced by 4,500 people and the provision would not apply. The Senate version applies to closures or reductions in excess of 250 people or reductions in excess of 50 percent at installations of 250 civilians or more. Applying the different thresholds to the announcements made by the Department of Defense so far in 1976, the House version affects 12 candidate actions and the Senate version affects 31 candidate actions.

Finally, and most importantly, the House version requires that the Department of Defense submit justification for any proposed action and implies that decisions on base closures or reductions will be made by the Congress. Serious reservations have been expresed that this may be interpreted as preempting the power of the executive branch and cause the bill to be subject to veto. The Senate version recognizes that decisions on base closures and reductions should rightfully be made by the executive branch but establishes a schedule for the decisionmaking process with a 90-day waiting period following the decision during which time the Congress can remedy any decision that is not adequately justified.

Mr. ALLEN. I thank the distinguished Senator for the explanation. In other words, as I understand, the Senate version is permanent legislation, whereas the House version would apply only to the current fiscal year?

Mr. SYMINGTON. That is correct.

Mr. ALLEN. And the House version may really not be applicable attached to this bill in this fashion; is that correct?

Mr. SYMINGTON. That is correct.

Mr. ALLEN. But it would seem also that the Senate bill would give protection to more bases; some 31 candidate actions would be covered by this Senate provision, whereas only 12 would be covered by the House provision.

Mr. SYMINGTON. That is correct.

Mr. ALLEN. Both versions will be in conference, and I feel sure that the conference committee, the conferees on the part of the House and of the Senate both, would be interested in seeing that bases were not closed in an indiscriminate fashion, and that an opportunity be given for interested citizens to offer their reasons why the bases should not be closed, to protect the communities involved.

Mr. SYMINGTON. Let me say to the able Senator that in his usual prescient manner he has gotten to the core of what this problem is.

It is very easy to shut bases by signing a piece paper in a building around this town, but it has a very serious effect on the people, the citizens, and representatives of the Government, who are the taxpayers who support the military establishment, on their lives, their future—I will not say on their honor—but certainly on their lives and their future.

The Senator has put his finger on exactly why we thought this legislation was merited.

And may I say that when we go to conference, my distinguished colleague from Missouri, Congressman ICHORD, is the chairman of the subcommittee in the House of Representatives on military construction, and I am confident that we will reach an agreement which will satisfy the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

Mr. THURMOND. I ask unanimous consent that Miss Marie Dickinson and Mr. Edward Kenney of the staff of the Committee on Armed Services be accorded the privilege of the floor during consideration of the military construction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I rise in support of S. 3434, the fiscal year 1977 military construction authorization bill, as reported from the Committee on Armed Services. This bill provides $3.3 billion for construction of facilities for the Active and Reserve military services.

The total amount approved is $78.4 million less than that requested by the administration.

Mr. President, there are several key items in the bill which deserve attention.

NAVAL SHIPYARD CONSTRUCTION

In recognition of the need to improve maintenance and overhaul of our current ships, the committee approved and strongly endorsed the $55.5 million requested by Navy for shipyard modernization. This is one of our most important programs and the building of these ships needs to be continued at a rapid rate, in view of the fact the Soviets have deployed over 10 DELTA submarines in the last 2 years.

NUCLEAR WEAPONS SECURITY

The subcommittee should be commended for giving special consideration to upgrading the security for nuclear weapons. Extensive hearings were held to examine the complexity and problems associated with the development and implementation of new methods of security storage sites for these weapons.

The committee authorized $120 million toward this effort, which included an added funding authorization of $7.4 million to accelerate the Navy's nuclear weapons security program. Also, strong language was written into the bill and the report to encourage the Department of Defense to use every reasonable resource to expedite this program.

MILITARY FAMILY HOUSING

Over one-third of the total authority in this bill is provided for the operation and maintenance of family housing. It is essential that funds be budgeted to insure adequate housing for our military personnel if we are to maintain a high quality military force.

BASE CLOSURES

This bill also contains a provision relative to prior notice of base closures. The committee felt that the communities affected by a potential base realinement should have an opportunity to be heard and participate in the decisionmaking process.

The committee, however, stressed that the final authority in such matters must rest with the Department of Defense and the Chief Executive, although consultation with the effected communities should help ease any resultant economic problems.

Mr. President, in closing let me say that this is an important bill and deserves careful consideration by this body. The Military Construction Subcommittee, chaired by the distinguished Senior Senator from Missouri (Mr. SYMINGTON), conducted extensive hearings on all elements of this bill. In this committee effort he was ably assisted by the distinguished Senior Senator from Texas (Mr. TOWER) who is the ranking minority member of the Military Construction Subcommittee.

Mr. President, the chairman of this subcommittee, the distinguished Senator from Missouri (Mr. SYMINGTON), went thoroughly into these matters and extra consideration has been given to the various questions raised, and Senator SYMINGTON was always courteous and assisted in every way the members of the subcommittee to obtain information to arrive at sound conclusions. I commend the able Senator from Missouri for his fine service on this subcommittee as chairman and also for the excellent service he rendered in this particular matter.

Also, I think we should recognize our able staff, and Mr. James C. Smith, who held overall responsibility for the military construction authorization bill and his very competent secretary, Mrs. Jeanie Killgore, have worked hard in bringing this bill in a proper form to the Senate Floor.

Mr. President, I urge the Senate give this legislation prompt attention and approval.

Mr. McINTYRE. Mr. President, I call the attention of our colleagues to a small but significant part of this year's military construction bill. $12,173,000 is included for modernization of the Portsmouth Naval Shipyard at Portsmouth, N.H., and Kittery, Maine.

After nearly 10 years of uncertainty as to whether it would remain open, the Portsmouth Shipyard has been firmly established as a needed, functioning, efficient, and competitive shipyard. Since the Department of Defense decided 4 years ago that the Portsmouth Shipyard would become the Navy's chief overhaul and conversion facility in the North Atlantic region for the new SSN–688 class submarine, we have worked for a much-needed program of modernization to maintain and improve the quality of this facility.

In the past 3 years, some improvements have been made in the crane rail system and in the steam plant. The funds included in this year's bill would permit the shipyard to undertake a carefully planned, step-by-step modernization program. The last increment of this program would be completed in fiscal year 1981.

This has been possible only with the strong support and encouragement of my Senate colleague, JOHN DURKIN, from Congressman D'AMOURS, the Appropriations Committee, and the Armed Services Committee, especially from the distinguished senior Senator from Missouri, the chairman of the Armed Services Subcommittee on Military Construction.

We are all confident that with the help of these funds the Portsmouth Naval Shipyard will be the most modern and efficient Navy shipyard in the United States. New Hampshire is proud to have this shipyard play such an important role in the defense of our country.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I anticipate that very shortly we will finish with the pending business.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. The pending business, as I understand it, is the military construction bill.

Mr. MANSFIELD. That is correct.

Mr. TOWER. Which was laid aside temporarily.

Mr. MANSFIELD. The military procurement bill was laid aside temporarily.

Mr. TOWER. I mean the procurement bill. The agreement addresses itself to the procurement bill. Is that correct?

Mr. MANSFIELD. Exactly.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I think this has been cleared all around with the parties most interested on the Committee on Armed Services and the leadership on both sides.

I ask unanimous consent that with the disposition of the pending business, the Senate then return to the consideration of Calendar No. 834, H.R. 12438. I ask unanimous consent that at that time there be an hour limitation on the McGovern amendment, having to do with the B-1 bomber, the time to be equally divided between the manager of the bill and the sponsor of the amendment; that following the disposition of the McGovern amendment, the Senate then proceed to the consideration of the Culver amendment; that there be a like time limitation, under the same circumstances, and that it be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. CULVER. Reserving the right to object, I do believe that the procedural step will involve a vote on the Culver amendment first and the McGovern amendment by way of a substitute.

Mr. MANSFIELD. I change the order.

Mr. GOLDWATER. Reserving the right to object, I think it should be the way the leader suggested, because if the McGovern amendment passes, there is nothing left of the B-1.

Mr. CULVER. If the Senator will yield, the vote would still occur first on the substitute.

Mr. TOWER. The McGovern amendment is in the form of a substitute of the Culver amendment.

Mr. MANSFIELD. I change my unanimous-consent request accordingly.

The PRESIDING OFFICER (Mr. Garn). Without objection, it is so ordered.

Mr. MANSFIELD. I thank the distinguished Senator from Texas.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1977

The Senate continued with the consideration of the bill (S. 3434) to authorize certain construction at military installations, and for other purposes.

Mr. STENNIS. I believe the majority leader said we contemplate just a very short time on the military construction bill.

Mr. MANSFIELD. Yes.

Mr. STENNIS. I thought the notices should go out to that effect.

Mr. TOWER. I intend to offer an amendment on the military construction bill, on which I intend to ask for a rollcall vote. I serve notice to Senators that they can expect a rollcall vote twice on military construction, one on my amendment and one on passage, before we get back on the procurement bill.

Mr. MANSFIELD. The Senator is correct. It would appear that somewhere between 3 and 3:30 p.m., probably close to 3:30, we shall be able to dispose of this bill and then immediately go to the military procurement bill.

Mr. TOWER. I think the distinguished leader is correct and I am prepared to agree to a controlled time on military construction, but I should like to consult with the Senator from Missouri, the chairman of the Military Construction Subcommittee. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, before proceeding with this bill, I want to thank very much the able senior Senator from South Carolina and the able senior Senator from Texas, as well as my chairman, the Senator from Mississippi, for all their help and cooperation and understanding with respect to the amendments that are characteristic of the bill and the bill itself.

I say to my able friend from Florida that on the amendment which he has incident to prohibition and consolidation of helicopter flying training programs, it is our understanding that it is in the House bill. We shall be glad to take it to conference if that meets with his approval. I think it would be the better way to handle it, because one of the excellent subcommittees of our committee in the Senate was involved with this.

Mr. STONE. Will the Senator yield?

Mr. SYMINGTON. I am glad to yield.

Mr. STONE. Mr. President, I should like to call up the amendment briefly in behalf of the senior Senator from Florida and myself and describe it and discuss it for the benefit of the other Senators and of the conferees to be, if that will meet with his approval. I shall be brief.

Mr. TOWER. Will the Senator yield?

Mr. SYMINGTON. Yes.

Mr. TOWER. I wonder if we might have a quorum call and discuss this for a moment and work out a time agreement.

Mr. STONE. The Senator from Florida is talking about 10 minutes.

Mr. TOWER. I am sorry, but the quorum call was rescinded while I was off the floor. Therefore, I had no opportunity to converse with the Senator from Missouri. Therefore, if the Senator will indulge me——

Mr. SYMINGTON. Inasmuch as the distinguished Senator from Texas is the ranking member of the committee, I shall deeply appreciate it if the Senator from Florida will yield time at this point.

Mr. STONE. I yield.

Mr. TOWER. Mr. President, I suggest the absence of a quuorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I yield to my able colleague from Missouri (Mr. Eagleton).

Mr. EAGLETON. Mr. President, I thank my distinguished colleague. I have a couple of questions I would like to ask him pertaining to a military matter in our own State of Missouri.

I ask the distinguished manager of this bill, my colleague (Mr. Symington), about the provision on base realinement adopted in the House version of the bill. This provision, which was authored by the majority leader of the House, Mr. O'Neill, states that Congress must be notified at least 1 year in advance of any reduction greater than 50 percent in the level of civilian personnel of any military installation employing 500 civilians.

As my colleague knows, the Air Force has proposed massive reductions at the Richards-Gebaur Base in Missouri, just east of Kansas City. The civilian employee population of Richards-Gebaur is 1,714, and the proposed reduction which was announced by the Air Force on March 10, 1976, is 1,680.

Based on these facts, I would like to ask the distinguished manager of the bill if it is his view that were the House provision to become law, it would apply to the proposed Richards-Gebaur reduction?

Mr. SYMINGTON. Yes, it would apply. We checked it out.

Mr. EAGLETON. That is my understanding as well, but I wanted to get the answer from the manager of the bill.

Mr. SYMINGTON. May I say I have the same interest in this particular problem.

Mr. EAGLETON. If I may, I have one other question along the same line. I would like to ask the distinguished manager of the bill with respect to the modification to this provision that is in the Senate version of the bill—Would the Senator please describe the impact of section 612 on the proposed Richards-Gebaur reduction.

Mr. SYMINGTON. Well, in reply to my colleague I would say that this Richards-Gebaur action is in a 9-month study period. There can be no decision before December 1976, and after any decision is made, before any implementation of said decision is carried out, there is a 90-day waiting period in which Congress can review the justification of the decision with respect to the withdrawal or removal of the base or reduction of the base.

Mr. EAGLETON. So I take it that section 612 in the Senate bill further strengthens the position that was adopted at the suggestion of the majority leader in the House, and it, too, is specifically applicable to the Richards-Gebaur situation?

Mr. SYMINGTON. That is exactly correct.

Mr. EAGLETON. I thank my distinguished colleague.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from North Dakota.

Mr. YOUNG. I thank my friend, the distinguished Senator from Missouri (Mr. SYMINGTON), for a very important provision in the bill that affects North Dakota. This will not involve a large amount of money, but it is very important to assist these cooperatives, because of the very costly investments they had to make to serve the ABM system.

I will not be here to vote on final passage, but, if I were here, I would vote for the bill.

Mr. SYMINGTON. Mr. President, I appreciate those words from the distinguished senior Senator from North Dakota.

May I say that we examined carefully his request incident to the base in North Dakota and we agree with him without reservation.

Mr. STONE and Mr. TOWER addressed the Chair.

Mr. SYMINGTON. Mr. President, I believe the able Senator from Florida has the floor and has been yielding to me, and I yield back.

Mr. TOWER. Mr. President, will the Senator from Florida yield? I think, if we can get a time agreement on all the amendments and the bill, we can expedite the business here, and it will then give us an idea as to when we can vote on procurement and return to the B-1 situation. Therefore, I would like to propose to my good friend from Missouri, the chairman of the subcommittee, that we have an hour on the bill and 30 minutes on every amendment thereto, equally divided.

Mr. STENNIS. Mr. President, if that is a request—is that a request?

Mr. TOWER. It is simply a suggestion.

Mr. SYMINGTON. I was just hoping we could reduce those times. The Senator from Florida says he needs 10 minutes.

Mr. TOWER. I would anticipate the time would be yielded back and we would not require that much time.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, will the Senator yield further? There seems to be great anxiety to get to a vote on the procurement bill, and I wonder if it would not be proper to set aside the military construction bill and proceed to vote on that. I did have an amendment that I conceive to be important to the military construction bill, and I keep getting hurry up signals here and, therefore, I wonder if it would not be wiser to pull this bill out——

Mr. SYMINGTON. Mr. President, let me assure my able colleague from Texas, who is the ranking member of the Military Construction Subcommittee, that I want to do it exactly the way he would like to have it done because he is well within his rights to not only put in an amendment but spend all the time he needs to discuss it. So I would yield to the Senator for his amendment.

Mr. TOWER. I do not think it will require a great deal of time. I was trying to fix the outer parameters of time so that we would know that it would not go at least beyond that.

Mr. SYMINGTON. The Senator from Florida has stated roughly the time he would need. As a matter of fact, he was specific that he wanted about 10 minutes, so I would ask unanimous consent that the Senator for Florida agree to yield to the Senator from Texas at this time.

Mr. STONE. The Senator from Florida yields to the Senator from Texas.

Mr. TOWER. Perhaps no time agreement is necessary. Let us yield to the Senator from Florida and then let us see what happens.

Mr. STONE. I thank the Senators.

I call up my amendment to this bill.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida (Mr. STONE) for himself and Mr. CHILES proposes an amendment:

On page 44, between lines 2 and 3, insert the following:

PROHIBITION ON CONSOLIDATION OF HELICOPTER FLYING TRAINING PROGRAMS

SEC. 614. None of the funds authorized for appropriations in this Act shall be available for the planning or implementation of any consolidation of helicopter flying training programs of the Navy or Marine Corps with flying training programs of any other military service.

On page 44, line 4, strike out "SEC. 613" and insert in lieu thereof "SEC. 614".

Mr. STONE. Mr. President, the senior Senator from Florida (Mr. CHILES) and I are submitting an amendment to S. 3434 which will insert into this bill a new section 613 which is identical to section 611 of the House-passed military construction authorization bill—H.R. 12384.

This section prohibits any funds authorized in this bill to be available for the planning or implementation of any consolidation of helicopter flying-training programs of the Navy or Marines with flying training programs of any other military service.

This language is necessary to prevent the proposed consolidation of Navy and Marine helicopter training into Army helicopter training. The reason given for this proposed move is based largely on alleged cost savings. However, the senior Senator from Florida and myself have serious reservations as to whether there has been a proper conclusion made as to whether or not the Army helicopter training proposed for student naval helicopter pilots satisfies the Navy's mission. Quite properly, the Army trains its helicopter pilots to perform flights applicable to the mission of the Army.

For example, the new student arriving for Army helicopter training is exposed from his first day in ground school to the recognition of Soviet tanks, self-propelled vehicles, artillery, and the like. The Army can also and does place less emphasis on instrument flight than does the Navy. The Navy's flight syllabus is more heavily oriented toward bad-weather flights, open-water navigation, nighttime operations, ship-to-shore and ship-to-ship operations which necessarily involve instrument flights.

Another outstanding difference of Army helicopter training is that it does not satisfy naval officer training requirements. The young student arriving in Pensacola presently begins his naval officer training concurrent with his flight training, and in the process of learning to fly and winning his wings over a 13-month period, he is also inculcated into the service of his choice, namely the U.S. Navy, and learns of its heritage, traditions, customs, and esprit de corps. Under the proposed transfer, the student helicopter pilot will not receive his Navy officer training until several months have passed.

The U.S. Marine Corps has concrete evidence that the training of 492 Marine Corps pilots by the U.S. Army—which was done during the last 3 years of the Vietnam war—was an expensive method of training U.S. Marine aviators. Not only were the Marine Corps missions not satisfied, but the corps discovered that its pilots needed much additional training. Since the Marines have always utilized Navy training for their helicopter pilots, and since the Navy training includes fixed wing as well as helicopter training, a Navy-trained Marine Corps pilot could later be assigned into fixed-wing flight activities after his initial helicopter tour. During the Vietnam war the 492 Marine Corps pilots who received Army training found themselves out of the mainstream of career competition with their contemporaries, because they had received only helicopter training.

Mr. President, this situation becomes crucial when we consider that the Soviets are greatly increasing their naval capabilities and have expanded their conventional defense systems. The proposed consolidation of helicopter flying training programs would constitute a contraction of our capabilities and would be a very inappropriate action.

I add only one incident. Last year, the subject came up shortly before the end of our Vietnamese participation and the Senator from Florida appeared before the appropriate subcommittee of the Senate Armed Services Committee and set up a hypothetical. He said:

> Just suppose that in a matter of a few weeks from now we would have to evacuate Americans and dependents from the land to ships. What would happen if the helicopter pilots called on for that mission had not received naval helicopter training?

Within just a few weeks after that, that situation exactly took place. Everybody who watched television in this country was exposed to two vivid examples.

No. 1, that the naval helicopter-trained pilots successfully accomplished the mission of the evacuation from the embassy and from other land points to ships; and No. 2, we saw army-trained helicopter pilots falling into the sea in difficult weather conditions, difficult sea conditions, because they had not been trained to perform that mission.

In the name of the mission, in the name of the safety of the helicopter pilots and those who are required to perform, the Senator from Florida urges the adoption of this amendment.

The Senator from Florida yields to the senior Senator from Florida.

Mr. CHILES. Mr. President, I thank the distinguished Senator from Florida for yielding to me and I will try not to go over the ground he has covered. I think he has made a very sound argument on this.

I think that the services have agreed, and we certainly do not take issue with the agreement they have made, that there should be consolidation of training and that it does make sense where it will meet the individual service requirement, where it can show it meets that, where it can show that the quality of instruction could be improved, and where it can show cost could be reduced.

So we have sort of the three tests we need to meet. It is our feeling that that test has been met in some instances.

In fact, now we see a consolidation of some of the air navigation training, a phase in which the Navy and Air Force are consolidating some of the training. It seems to be working out very well. They seem to be getting better training.

I have talked to some of our Navy personnel in Florida and they say that is true. But they do point out, and I think they have a good argument, that here we are talking about a different type mission.

We are talking about, really, sort of a different career mission that the Army has and the Navy has.

The Army is training warrant officers for a very single specific mission of operating the helicopter service that they want to operate at that time, and that is battlefield observance and some evacuation. It is all land training, but it is a very narrow sort of career pattern.

On the other hand, as the distinguished Senator from Florida has pointed out, the Navy is talking about career training.

The Navy pilots are not warrant officers, to start with. They are graduates, or they are going through flight training. Some are Academy graduates. They are being trained for what could be a career in helicopter service. All the way through this can be a career pattern for them.

So, in addition to that, of course, is the fact that their missions can be so different.

With those two things in mind, we really get to the third: Are we going to save any cost?

I think that has to be answered "No," because whatever they go through in that joint training, then the Navy is going to have to go out and retrain and additionally train, and when we add that factor to it, and that is a factor that has been added into the quotient or the equation to date, that is not going to save us some funds.

So we are really talking about what should be the overall criteria and whether it meets these three things.

Mr. TOWER. Will the Senator yield?

Mr. CHILES. I yield to the Senator.

Mr. TOWER. I think the points have been extremely well made by the two Senators from Florida.

I might note that Admiral Houser, the immediate former deputy CNO for air combat, has testified that, in his personal opinion, the Army helicopter training was unsuited and inadequate for Navy purposes. Really, this business of the different missions is something we could go into for hours and hours to point up the sharp contrast, very often, in the missions of the two.

For example, one thing that has not been touched on here is the fact that the Navy has to train its pilots for hover capability, for air-sea rescue, and the Navy has to train its pilots for ASW work.

There is a lot of difference between ground support activity on the part of the Army and antisubmarine warfare on the other. There is a chasm of difference.

The Navy helicopter pilot has to drop a sonar rig into the water trying to spot an enemy sub and be able to evacuate, and have the ability to bring about destruction of that sub. These are things the Army does not even deal with.

The fact of the matter is that some bureaucrat over at DOD dreamed this up, and I do not think the cost analysis figure would bear up under scrutiny.

Mr. CHILES. As the Senator points out, they have not included these missions. I think he has pointed out very graphically that there is such a vast difference in the mission that this does not seem to fit the parameters on that training. We cannot consolidate where we are going to be able to give the same problem training to each, that they are even going to be able to give it better, where we can consolidate some ways of training at a lower cost. It just would not pan out.

I thank the Senator from Texas.

Mr. STONE. Will the Senator yield to me?

Mr. CHILES. Yes.

Mr. STONE. Mr. President, out of respect for the committee system and in deference not only to the difficulties of legislating a technical question like this on the floor and in view of the assurances that the distinguished Senator from Missouri and the distinguished ranking Republican Member from Texas have given the Senators from Florida, and particularly evidencing their awareness of the difference of mission, the Senator from Florida would withdraw his amendment at this time, hoping that on the House side, since this language is present in the bill, the conferees will really give it some serious consideration.

Mr. GOLDWATER. Will the Senator withhold his request?

Mr. STONE. The Senator from Florida will withhold his request.

Mr. GOLDWATER. For a few comments on this.

Mr. President, I realize fully well what the three Senators have said in defense of Navy training. I think, though, we are overlooking one important point.

I have been interested in this joint training procedure for many, many years.

I have not seen any sense in having naval training—fixed-wing aircraft now—Navy, Army and Marine training. I also feel that the instruction between the Army and Air Force helicopter pilots has been cost saving and it has produced a better grade of pilot than the Air Force could have produced on its own.

My argument stops at the learning-to-fly level. The fixed-wing pilot who learned how to take an airplane off and take it down, fly on instruments, and became a qualified pilot, would then, if he is assigned to the Navy, receive a special type training the Navy gives for carrier landing. Being a land-based pilot, I will say that I would be the last one to ever try to land on a flattop unless it was about 2 miles long and half a mile wide.

But I do not see anything wrong with conducting combined helicopter training at the level that I am talking about. In other words, teaching the men how to get the helicopter up and get it down and to qualify him as a man who can fly a helicopter. I think that can be done in the present Army school at Fort Rucker. Then when he has graduated, he goes to some naval specialized school, as the fixed-wing pilot does, to learn carrier landings. There he is instructed in the difference between landing on shipboard, which is very different, with all the constant high wind, and the precariousness of the angle of the deck.

I think what we are talking about here basically is merely what we call today the primary training. It used to be primary, basic and advanced. Now we create an airman capable of flying a helicopter. I am convinced, though I was not for a long time, that the three services could do it cheaper than one. I am convinced now that the Army can train the helicopter pilot up to a point.

When the Air Force gets a helicopter pilot trained by the Army, we have to teach him the tricks of our trade, which is mostly carrying material and personnel. The Army itself has to go into maneuvers that they are not necessarily taught at Rucker, though most of them are.

I am very glad the Senator has decided to withdraw this amendment. I would hate to oppose it.

I understand the Navy's determination on this. They fight a pretty hard fight. I have been arguing with them for about 18 or 20 years on letting us put the whole thing in one ball of wax. We are the only country in the world that enjoys four different grades of pilot training. The others do it from one source and then spread out.

Mr. STONE. The Senator from Florida will, in about 1 minute, withdraw the amendment. But in answer to the arguments of the distinguished Senator from Arizona, it is not simply a question of primary training; it is a question of the entire training that starts from the moment the training begins. The Navy trains instrument pilots. It trains fixed-wing and helicopter pilots.

Every example given from the primary training through the advanced training has to do with the types of inclement weather, fogs, sea conditions, ship-to-ship conditions, ship-to-land conditions, land-to-ship conditions, and it is not strictly a question of learning to take a helicopter off and landing it. It is an entirely different philosophy based on the mission. It starts the first day. To separate it into primary training of one sort and then advanced training of another sort would require not merely advanced training costs, which have not been figured into the alleged cost-saving equation, but would mean unlearning some things that are relevant in the process.

The Senator from Florida took enough time to go through this situation in great detail at the Whiting Field area, not once but twice. It really is not a question of some primary training and then some advanced training. It is the question of the kinds of pilot you turn out for the kind of mission you have. Respectfully, if this is not done, it will cost the taxpayers more, turn out an inferior product, and not be productive of the kind of readiness and capability that I know the Senator from Arizona is the champion of.

Mr. GOLDWATER. The Senator makes a very good case, and I would agree with his case past a point. I do not care whether one is learning to fly a fixed-wing airplane, a helicopter or a balloon. One has to be taught how to get it up and get it down. Before that Navy-trained pilot ever sees weather or ever sees the ocean he learns to fly from land.

I would say if he is the kind of capable man I assume, he would have a program of about 100 hours at least behind him. Then the Navy would start training him about the hazards of flying over open water, hovering over open water, dropping or controlling the devices he has to. I am talking about the fundamentals of teaching every man who flies. They are all the same, believe me. I think I have flown everything that has ever been in the air. If you can get it up and get it down, then you can go into the intricate problems of how to fly from carriers, how to fly from land over sea, how to return, so forth and so on.

I have watched Navy helicopter pilots. I have flown with them. I think they are exceedingly good and they have an exceedingly hazardous task. I am merely arguing that at the ground level we can save money. At Fort Rucker now I believe the first 20 hours are given in simulators where one can actually come close to flying before he is taken out to the field.

Mr. TOWER. Will the Senator from Florida yield?

Mr. STONE. I yield.

Mr. TOWER. As much as I respect the distinguished Senator from Arizona, and he knows I respect him on his announcements on virtually every field of human endeavor, I must note that he is a retired major general in the Air Force and may be reflecting some rather simplistic thinking on the part of the Air Force. The basic thing you learn is how you get it up and how you get it down. The Navy is very much concerned with what you do with it after you get it up and before you get it down, and what roles and missions you must perform while you are in the air. These are vastly different.

Mr. GOLDWATER. I might say, Mr. President, that my good friend from Texas, and I thank him for his compliments, is also a chief bosun mate in the Navy Reserve, and I suspect he speaks from a little prejudice, too. Bosuns spend most of their time under deck and have little opportunity to observe the operation of aircraft.

Mr. TOWER. On the deck.

Mr. NUNN. Will the Senator yield for 2 minutes?

Mr. STONE. I yield.

Mr. NUNN. I have a great deal of respect both for General GOLDWATER and Bosun Mate TOWER and their comments on this subject. I might add that the Senator from Arizona, I am sure, would be gratified to know, based on his great admiration of the General Accounting Office and their superb and capabilities to analyze intricate military matters, that GAO initiated this very consolidation back in 1974 by a report. That was where the actual action started, rather than from some bureaucrat in the Pentagon. I knew the Senator from Arizona would be delighted to hear that he was on the same side as the General Accounting Office on this issue.

Mr. GOLDWATER. I might say to my friend that report was made at the request of Senator PROXMIRE and Senator GOLDWATER, and that is a "helluva" combination.

Mr. NUNN. The Senator from Georgia agrees.

Mr. STONE. The Senator from Florida withdraws the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SYMINGTON. Mr. President, first I would like to thank the able Senator from Florida for withdrawing his amendment so we could move on. I might say with great respect to both my good friends from that great State that perhaps training in helicopters should be on a procurement bill as against a construction bill. I merely mention that in case we run into any problems about it in conference.

Mr. President, as I understand it, the able Senator from Texas will now introduce my amendment. Am I correct?

Mr. TOWER. That is correct. I have an amendment which will take not too long. I am pleased for anyone to participate. I do intend to ask for the yeas and nays on the amendment. Senators should be advised there will be a rollcall vote.

Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an amendment.

At the appropriate place in the bill insert a new section as follows:

SEC. 614. The provisions of the Davis-Bacon Act (40 U.S.C. 276a–276a–5) shall not apply to the wages paid to laborers and mechanics for any work or service performed under any contract for the construction of any project authorized by this or any other military construction authorization Act if such contract is entered into on or after the date of enactment of this Act.

Mr. TOWER. Mr. President, this amendment would waive the provisions of the Davis-Bacon Act on U.S. military construction projects. The bill before us today would authorize over $3.3 billion in military construction for fiscal year 1977. It is my view that a considerable portion of this large sum of the taxpayer's money could be saved were the Department of Defense not required to meet the artificial wage rates which the Davis-Bacon Act requires.

Davis-Bacon was enacted on March 3, 1931. for the purpose of protecting local wage rates on Federal construction from the competition of lower wage, nonlocal labor. Specifically, the act requires payment of "prevailing" wages and fringe benefits to workers on Federal Government contracts for the construction of public buildings or public works. The required wage rates are those determined by the Secretary of Labor.

There can be no question but that Davis-Bacon generally serves to spread artificially high wages to various geographic areas, irrespective of the local, prevailing wage rates. This serves only to contribute to inflation and unemployment and sustain construction costs at a considerably higher level than actual market conditions would warrant. In 1971, 5 years ago, GAO concluded that Davis-Bacon wage determinations increased the cost of Federal construction projects up to 15 percent. I would observe for the benefit of my colleagues that 15 percent of the $3.3 billion in this bill amounts to over $490 million. At my request, GAO is preparing a new report relative to the cost of Davis-Bacon which is not yet completed.

Within the broad range of federally assisted construction projects for highways, airports, housing, hospitals, schools, and Government buildings, I believe that waiving Davis-Bacon for military construction would offer an ideal opportunity to show our taxpaying constituents how much can be saved in this single area alone.

The Senate is currently to take up a defense bill reported by the Committee on Armed Services which will recommend procurement, research and development, and manpower programs for each of the services for the coming fiscal year. I understand that some of our colleagues will be proposing amendments to reduce spending levels in certain programs. While I may not agree with the specific nature of these proposals, I certainly share the interests held, I believe, by all Members of this body to allocate our limited defense dollar in the most efficient and productive manner possible.

Mr. President, the pressing need cited so often on this floor to reduce, wherever possible, questionable or unjustified defense expenditures is precisely the reason why I feel that my amendment should be adopted by this body. I earnestly solicit the support of my colleagues for this proposal. I cannot perceive why the Senate would not gladly accept a provision offering significant savings in our defense budget without causing one iota's degradation in our military strength. To those Senators who are of the persuasion that proposed defense spending levels are too high, I say, "Here is an opportunity to cut out needless fat in the defense budget." To those Senators who believe that today's defense dollar is too constrained, I say, "here is an opportunity to eliminate an unnecessary expense that serves no military purpose whatsoever."

Mr. President, having given this matter considerable thought, I cannot help but wonder why such an obviously beneficial provision as this amendment, offering great potential savings to the American taxpayer, should not receive the virtually unanimous support of the Senate on both sides of the aisle. I strongly urge its approval.

Let me reemphasize, Mr. President; This is one way to save money on defense without cutting the return we get from our dollar. It merely cuts out unnecessary expenditures by knocking out the provision that requires that we pay the highest rates going in any area for military construction—higher, usually, than is the average in the private sector.

This does not reduce construction by one grid or one board. It does not reduce it at all. It simply reduces the cost of construction.

There are people who would come in here and move to reduce cost by cutting out weapons systems. What a foolish waste, when we could reduce it simply by cutting our expenses and getting more for our money.

I urge Senators to support this proposal, and I intend to ask for the yeas and nays when there are enough Senators on the floor.

Mr. THURMOND. Mr. President, I rise in support of the amendment of the able and distinguished Senator from Texas (Mr. TOWER).

We have in the Senate today an opportunity to save, as the distinguished Senator from Texas says, more than $490 million in this one piece of legislation, $490 million—almost half a billion dollars.

Mr. President, people back home are asking how we can cut expenses or what we can do to stop some of the big spending. Here is an opportunity we have on this occasion, right on this very bill, where we can save nearly $.5 billion. I hope the amendment of the Senator from Texas will be agreed to.

Mr. SYMINGTON. Mr. President, I am somewhat surprised, to be frank, about this amendment coming up at this time, as it is my recollection that after offering this amendment in committee, the able Senator from Texas withdrew it, and I did not know until this afternoon that he planned to introduce it on the floor at this time.

But inasmuch as he has done so, it will be simply a question of whether you are for or against the Davis-Bacon Act.

By way of reply, Senator JACKSON brought out the fact that in his opinion it would increase costs in his State at this time.

I think the best thing to do now is to ask for the yeas and nays, if necessary have a quorum call, and dispose of the matter one way or the other.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I rise in support of the amendment of the Senator from Texas. I think we have to recognize that at the time of passage of the Davis-Bacon Act, there was a real need for it. This country was in a depression. People needed work, and at that time in our history labor was the underdog at the bargaining table. Management held nearly all the cards, and labor held practically none.

With the passage of the Wagner Act in 1934, though, this situation began to change, until today the situation is about the opposite. The working man, with his right to strike—and we defined that—organized into unions, and now has the dominant position at the bargaining table. They have the power to get done what the Davis-Bacon Act has built automatically into any legislation referring to construction at military bases.

Mr. President, let us look at what could happen under this measure. In my State, there is one of the larger Army bases called Fort Huachuca—this may have changed in the last year, though I do not believe it has—where labor can be paid as high as $100 an hour, because the nearest union is at Tucson, over 70 miles away.

The same situation existed up at West Point for many years and still does to some extent, where the Davis-Bacon Act applies and the worker has to come from union sources in New York City, over 60 miles away.

The answer to this, in my estimation, is to do away with the Davis-Bacon Act protection and insist that the unions, the craft unions mostly, allow locals to be opened in or near the building sites that employ labor constantly.

For example, in my State military spending every year entails five different military sites. Three of them are adjacent to available labor. One is not. And the other one, the Yuma Marine Grounds, is nearer labor to some extent.

I would like to see Davis-Bacon Act protection dropped, Mr. President, because as the Senator from Texas has indicated, it probably adds $2 billion to the cost figures that we spend every year to update, upgrade, and modernize the military bases of this country. I think it has grown to be a very unfair burden on the American taxpayer, and I do not believe that it is any longer high on the list of demands that would be made by organized labor because I believe organized labor has the power and the organizing ability to put their people together into locals adjacent to the building sites and eliminate the need for paying these overly high wages where we can build for a lesser amount at no harm to the worker.

I thank my friend.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. SYMINGTON. What would my friend from Arizona consider an overly high hourly wage,

Mr. GOLDWATER. $100 an hour.

Mr. SYMINGTON. How much?

Mr. GOLDWATER. $100, $25, $20.

Mr. SYMINGTON. Does he say that under the Davis-Bacon Act that we have people who are earning $100 an hour because of that act?

Mr. GOLDWATER. Not necessarily.

Mr. SYMINGTON. Not necessarily is not quite the answer. Is there any case of which he knows where anyone, because of the Davis-Bacon Act, is making $100 an hour?

Mr. GOLDWATER. The Senator is well aware of the situation we put up with at West Point for many years. It only lessened when we got the cooperation of labor leaders to see that we could get labor up there at a price that we could afford to pay.

Mr. SYMINGTON. Was anyone paid $100 an hour at West Point?

Mr. GOLDWATER. Not that high, but I know at Fort Huachuca that high a wage has been paid portal to portal which is part of it, and that is the trouble.

I would solve the thing by putting a local near West Point, a local near Huachuca, and a local near any base where there is constant building. In almost every case, looking through the report, the Senator will see that we supply money year after year to the same old bases.

Mr. SYMINGTON. Mr. President, I yield back the remainder of my time on this side of the aisle. I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. There is no time limit. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from California (Mr. TUNNEY), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Tennessee (Mr.

BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The result was announced—yeas 17, nays 66, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—17

Bartlett
Curtis
Dole
Eastland
Fannin
Garn
Goldwater
Griffin
Hansen
Helms
Hruska
Laxalt
McClellan
McClure
Scott, William L.
Thurmond
Tower

NAYS—66

Abourezk
Allen
Bayh
Beall
Bellmon
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Culver
Domenici
Durkin
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Morgan
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Weicker
Williams

NOT VOTING—17

Baker
Bentsen
Brock
Buckley
Church
Hart, Philip A.
Hartke
Johnston
Long
McGee
Montoya
Moss
Pastore
Stevens
Taft
Tunney
Young

So Mr. TOWER's amendment was rejected.

Mr. MUSKIE. Mr. President, I would like to express my appreciation to the distinguished Senator from Missouri for his fine cooperation and assistance in the Armed Services Committee approval of a provision in the military construction authorization bill to establish a more rational and open process for the military departments to follow when proposing base closures or reductions. My colleagues are aware that the House of Representatives approved recently the so-called O'Neill amendment on its version of this bill, which would seek to accomplish the same purposes as our amendment.

The current process by which bases are proposed to be closed or reduced has proved unsatisfactory. The localities involved feel victims of some mysterious process which they neither understand nor fully participate in. The National Environmental Policy Act has brought some openness to the process but the military's performance under NEPA has been the subject of many court actions. These actions have refined the accountability of the military departments in closures and reductions, but much is left to be desired. The military's reluctant compliance with NEPA has created additional personal, social, and economic uncertainty in the areas affected by proposed realinements.

Section 612 of this bill addresses that uncertainty by structuring a specific time frame for review and decisionmaking and by requiring full cooperation and disclosure of the factors in the decision. All concerned parties will have an opportunity to air their views and to contribute to the decisionmaking process; and those affected will have leadtime to react to the proposed closing by planning a response to it. Now there is simply not sufficient time for affected and concerned parties to develop comprehensive responses to proposed realinement actions. Section 612 of this bill would establish a time frame for this and for business planning and orderly economic adjustment. Finally, the provision includes the opportunity for Congress to influence the decision if the justification is inadequate.

Mr. President, this committee provision, section 612, to the military construction authorization bill is necessary and will be helpful in assuring better cooperation, participation and understanding of the proposed reduction of Loring Air Force Base in Limestone, Maine.

The Air Force has announced that Loring is a candidate for an 83-percent reduction. This action, if fully implemented will have a devastating impact on the fragile economy of Aroostook County, Maine.

Early this month, the Economic Development Subcommittee of the Public Works Committee held a hearing in Limestone, Maine, to evaluate the economic impact of the proposed cutback at Loring. Although illness prevented my participation in that hearing, my good friend and colleague BILL HATHAWAY conducted an excellent hearing with the assistance of both Maine Congressmen, and of community and business leaders concerned with the Air Force proposal. I have had an opportunity to review the transcript of that hearing. From that record, and from my own exchanges with the people of the Limestone area, I can state that the Air Force proposal will indeed have a devastating impact on the social and economic fiber of the central Aroostook area which it will require months to fully evaluate and far longer to prepare for. My experience with the Air Force planning, evaluation, and information process since the proposed reduction was announced in March, has been disappointing in the extreme. Their refusal or inability to explain the details or rationale of this proposal suggests either evasion or very poor planning. The provision we are dealing with here today is a step toward assuring cooperation and sound planning that will at least mitigate some of the more disruptive effects of such announcements.

Mr. President, I now yield to my distinguished colleague, Senator HATHAWAY, who chaired that hearing in Limestone.

Mr. HATHAWAY. I thank my distinguished colleague for yielding to me at this time and I fully endorse his remarks. Everything he has just stated was borne out in testimony at our day-long hearing in Limestone, Maine, on May 10.

I would like to stress that many people in Maine do not believe that the Air Force has been as reasonable and forthcoming with the answers to people's questions as it should be. The Air Force announced its intentions for Loring AFB on March 11, but aside from that broad statement it has turned away all other queries with the bland assurance that all shall be known and revealed this summer. That may suit the Air Force's convenience, but it hampers my efforts to answer the legitimate questions of thousands of people in Maine who quite rightly have a high degree of curiosity about a decision which has the capability of causing major changes in their lives.

So I support with enthusiasm section 612 of the bill, because it does require the Air Force's reasonable cooperation in matters bearing upon the futures of families in areas impacted by major base realignments.

In other ways, this section articulates what the Air Force already strives to do in reduction or closure situations; namely, to assess the impact of such action upon the surrounding community. At the hearing on May 10, however, I heard testimony that while the Air Force might at some point save money in its proposed reduction at Loring AFB, the local economy and thousands of jobs would suffer greatly, and in response to those dire needs there could easily be an even greater drain on the Treasury than the amount of money now spent to operate Loring.

But I am confident that with the authority we are now clarifying for the Air Force, these and other economic and human concerns will be treated with far more understanding and cooperation than has so far been the case.

Mr. MUSKIE. We have described the difficulty we have encountered in our efforts to secure information on the rationale for the proposal to reduce Loring. Even details as to what operations and facilities will remain at Loring if the proposed reduction is implemented have not been made available to us. I would expect that under the requirement for full cooperation contained in this legislation, a military department would have to provide available materials and information fully explaining the rationale and discriminators leading to proposed action and detailing the consequences of a proposed reduction.

Finally, I would like to have your assurance that section 612 applies to the proposed reduction at Loring Air Force Base?

Mr. SYMINGTON. Yes, that is my understanding.

Mr. MUSKIE. I thank my colleague.

AUTHORIZATION FOR CONSTRUCTION PROJECTS AT PORTSMOUTH-KITTERY NAVAL SHIPYARD

Mr. President, I am pleased to note that the military construction authorization bill which is now before us continues the commitment of the Congress and the Department of the Navy to the modernization of facilities at Portsmouth Naval Shipyard in Kittery, Maine. This legislation provides $12,789,000 for modernization projects at Kittery, including $4.6 million for additional work on crane rail modernization, $6.447 million for machine tool shop modernization, $1.77 million for a test steam facility for the nuclear attack submarine, SSN—688 Class—and $.565 million for energy conservation measures related to the condensate return system.

Continued modernization in these areas will directly enhance the capability of the Kittery Yard to perform its mission effectively and with maximum economy. The $4,058,000 provided for construction of the naval regional medical clinic at Brunswick represents a major improvement in the medical facilities available for personnel at Brunswick Naval Air Station.

Increasing attention has been focused on the role of our naval shipyards in recent months as we evaluate the capability of our naval forces to perform their global missions. Our ability to maintain and improve our fleet readiness is directly related to our shipbuilding and overhaul capabilities in both private and Government shipyards. The necessity for maintaining capabilities in both sectors has been recognized both in the Navy and in Congress. The modernization efforts at Kittery reflect our commitment to that principle and is particularly heartening for those of us who fought earlier efforts to deny the role of our public shipyards.

The Portsmouth-Kittery Shipyard represents an investment of major proportions in material and human resources for the support, repair, overhaul and conversion of the ships of our nuclear submarine fleet. Portsmouth-Kittery is unique among naval shipyards in that it is the greatest single source of submarine skills and crafts within the naval shipyard complex. Nearly 100 percent of its productive output is devoted to submarine work. In an age of specialists, it is a specialists' yard. The expertise assembled there represents technical competence in more than 60 trades and skills. It is one of only three naval shipyards on the Atlantic coast designated by the Department of Defense and the Atomic Energy Commission as qualified to perform work on nuclear-powered ships. All the evidence before us today points to a continuing and growing need for the facilities and skills available at Kittery. This action today will help assure that these facilities are available to effectively and efficiently meet those needs.

Mr. KENNEDY. Mr. President, I want to express my appreciation to Senator SYMINGTON and members of the Armed Services Committee for inclusion of base realinement provisions in the military construction authorization legislation.

The committee shared my concern that current procedures used by the Department of Defense in base closures or significant reductions were not adequately defined.

It is important, Mr. President, to put base realinement procedures into law. The Commonwealth of Massachusetts has experienced firsthand the drastic consequences of ill defined and erratic procedures in implementing base realinements. The Commonwealth of Massachusetts has borne the drastic economic consequences of inadequate lead time and cooperation in preparing local communities to adjust to the economic impact of drastic realinements and base closures.

Recently, almost every base closure announcement has been the subject of expensive and time consuming court action. This fact, in itself is indicative of presently inadequate base realinement procedures.

This legislation provides for: First, full public disclosure regarding base realinements; second, period of economic adjustment for the local community; third, congressional oversight of base realinement decisions.

The legislation we act on today does not limit the flexibility of the Department of Defense in realining base structures. However it does provide Congress with the opportunity to have an impact on base realinement decisions if there is adequate justification.

I feel that it is essential that citizens and communiities whose lives are affected by Government decisions have the assurance that those decisions which so drastically affect their futures have been made with equity and reason.

The procedures outlined in this legislation lend credibility to decisions on base realinements. We need this type of credibility.

In recent years in Massachusetts, the Boston Naval Shipyard, the Boston Naval Station, the Chelsea Naval Hospital, Otis Air Force Base, and Westover Air Force Base were closed. These were principal Department of Defense installations. As a result of these actions over 15,000 persons in Massachusetts were unemployed.

Recently, the Department of the Army announced that Fort Devens, the last major military installation in the commonwealth, had been placed on a candidate list for action. This latest announcement could result in the loss of thousands of jobs.

Since 1970, Massachusetts has lost more than 50 percent of Department of Defense personnel employed in the State. This is an overpowering economic burden.

Reason and equity require an adequate period of economic adjustment for the communities involved in base realinements. The Defense Manpower Commission has recommended quite convincingly that adequate time should be allowed for the economic adjustment of employees and communities.

Their report to the President and the Congress strongly recommended that "closures of bases or major activities should be announced at least 3 years in advance."

While this legislation does not require 3 years for economic adjustment, it does require that a period of at least 9 months expire during which the community will be involved with the military in the decisionmaking process. During this period the Department of Defense will be required to cooperate fully with all affected parties. The least we can do is guarantee citizens whose lives will be altered by a decision that the provisions of the National Environmental Policy Act will apply to the study and that an environmental impact statement will be prepared.

When the military announces that they plan to effect cost savings through base realinements we must guarantee that all costs to the Federal Government and economic impact figures are considered.

After the initial study period, a decision will be announced. The decision with supporting documentation for the action and estimates of the consequences of the decision will be provided to all affected parties.

This type of full disclosure is essential. Since so many defense installations are integrally tied to the communities in which they are located. These communities will now be allowed and encouraged to participate in the decisionmaking process.

Before the decision may be implemented a period of 90 days must expire. This waiting period gives Congress the opportunity to take action regarding the decision. This procedure also allows for full disclosure of all factors leading to a decision on a base realinement.

These procedures provide for just and equitable treatment of citizens of this Nation affected by base realinements. These procedures are not designed to hamper the military, but to create a more open environment for decisions to be made.

These procedures are not designed to cost the Federal Government money, but to adopt an approach to base realinements would better serve the Nation. As the Defense Manpower Commission states we need a more realistic, long-range approach to the economic problems involved in base realinements.

These procedures are not designed to be restrictive, but to formalize a procedure which can only lead to more responsible and responsive decisionmaking.

For Massachusetts, a State with an unemployment rate of 10 percent; and the communities around the Fort Devens area with an unemployment rate of about 13 percent, these provisions represent an honest attempt to govern equitably.

Mr. SYMINGTON. Mr. President, if there are no further amendments, I ask for third reading.

The PRESIDING OFFICER (Mr. HANSEN). If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 12384, Calendar No. 861.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 12384) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. SYMINGTON. Mr. President, I move to strike all after the enacting clause of H.R. 12384 and to substitute the text of S. 3434, as reported and as amended.

The PRESIDING OFFICER. The

question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

Mr. SYMINGTON. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WILLIAM L. SCOTT. Mr. President, I want to pose some questions before third reading, if I may, to the distinguished floor manager of the bill.

It has just been brought to my attention that there are four items regarding my State that are in the House bill that are not in the Senate bill. I do not propose at this time to offer an amendment, but I wondered, with regard to Fort Belvoir in Virginia, there is a matter of a reduction of $2,925,000; with regard to Cameron Station, two reductions of $8,000,000 and $1,265,000, respectively; and with regard to Woodbridge research facilities in Virginia, $2,130,000. I wonder if the distinguished floor leader would indicate whether these matters could be considered in the conference committee because, of course, they are of interest to me and my senior colleague from Virginia.

Mr. SYMINGTON. I say to my able friend from Virginia that the Army has asked for a major reorganization which would involve the Harry Diamond Laboratories. Therefore, we have asked that this matter be considered in toto, although we are glad to take it to conference and hear the other side with respect to Fort Belvoir.

On the other two matters, the distinguished senior Senator (Mr. HARRY F. BYRD, Jr.) has already spoken to us about it. We have told him, and are very glad to present to you, the fact that we will give it full consideration in conference.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's comments.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. TOWER. I ask unanimous consent that consideration of S. 3434 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho, (Mr. CHURCH), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 80, nays 3, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—80

Allen
Bartlett
Bayh
Beall
Bellmon
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Culver
Curtis
Dole
Domenici
Durkin
Eagleton
Eastland
Fannin
Fong
Ford
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Hart, Gary
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Laxalt
Leahy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGovern
McIntyre
Mondale
Morgan
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Weicker
Williams

NAYS—3

Abourezk
Hatfield
Proxmire

NOT VOTING—17

Baker
Bentsen
Brock
Buckley
Church
Hart, Philip A.
Hartke
Johnston
McGee
Metcalf
Montoya
Moss
Pastore
Stevens
Taft
Tunney
Young

So the bill (H.R. 12384), as amended, was passed as follows:

H.R. 12384

TITLE I—ARMY

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

Inside the United States

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $32,022,000.

Fort Campbell, Kentucky, $68,987,000.

Fort Carson, Colorado, $10,589,000.

Fort Greely, Alaska, $2,854,000.

Fort Hood, Texas, $20,033,000.

Fort Lewis, Washington, $4,073,000.

Fort George G. Meade, Maryland, $1,142,000.

Fort Ord, California, $14,453,000.

Fort Polk, Louisiana, $46,003,000.

Fort Riley, Kansas, $5,694,000.

Fort Stewart/Hunter Army Air Field, Georgia, $38,423,000.

Fort Wainwright, Alaska, $17,163,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Belvoir, Virginia, $6,052,000.

Fort Benning, Georgia, $6,627,000.

Fort Eustis, Virginia, $3,016,000.

Fort Gordon, Georgia, $2,224,000.

Fort Benjamin Harrison, Indiana, $987,000.

Fort Knox, Kentucky, $10,379,000.

Fort Leavenworth, Kansas, $190,000.

Fort Lee, Virginia, $1,115,000.

Fort Rucker, Alabama, $1,841,000.

Fort Sill, Oklahoma, $1,181,000.

Fort Leonard Wood, Missouri, $15,249,000.

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

Fort McNair, District of Columbia, $722,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $726,000.

Detroit Arsenal, Michigan, $340,000.

Holston Army Ammunition Plant, Tennessee, $22,684,000.

Kansas Army Ammunition Plant, Kansas, $493,000.

Letterkenny Army Depot, Pennsylvania, $8,357,000.

Natick Laboratories, Massachusetts, $118,000.

Picatinny Arsenal, New Jersey, $560,000.

Pine Bluff Arsenal, Arkansas, $6,934,000.

Radford Army Ammunition Plant, Virginia, $25,663,000.

Redstone Arsenal, Alabama, $1,126,000.

Scranton Army Ammunition Plant, Pennsylvania, $162,000.

Seneca Army Depot, New York, $321,000.

Sharpe Army Depot, California, $551,000.

Sierra Army Depot, California, $1,489,000.

Tooele Army Depot, Utah, $2,572,000.

USA Fuel Lubrication Research Laboratory, Texas, $469,000.

Watervliet Arsenal, New York, $3,383,000.

White Sands Missile Range, New Mexico, $349,000.

Yuma Proving Ground, Arizona, $6,978,000.

AMMUNITION FACILITIES

Holston Army Ammunition Plant, Tennessee, $1,118,000.

Indiana Army Ammunition Plant, Indiana, $6,758,000.

Lone Star Army Ammunition Plant, Texas, $116,000.

Longhorn Army Ammunition Plant, Texas, $86,000.

Milan Army Ammunition Plant, Tennessee, $512,000.

Radford Army Ammunition Plant, Virginia, $387,000.

Sunflower Army Ammunition Plant, Kansas, $15,238,000.

Volunteer Army Ammunition Plant, Tennessee, $285,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $2,857,000.

UNITED STATES ARMY MILITARY SERVICES COMMAND

Fitzsimons Army Medical Center, Colorado, $244,000.

UNITED STATES ARMY MILITARY TRAFFIC COMMAND

Sunny Point Army Terminal, North Carolina, $531,000.

NUCLEAR WEAPONS SECURITY

Various locations, $2,575,000.

Outside the United States

EIGHTH UNITED STATES ARMY, KOREA

Various locations, $13,669,000.

UNITED STATES ARMY, JAPAN

Okinawa, $124,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $2,631,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $15,907,000.

Italy, various locations, $1,088,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000. Within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

NUCLEAR WEAPONS SECURITY

Various locations, $49,393,000.

EMERGENCY CONSTRUCTION

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, covert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $10,000,000. The Secretary of the Army, or his designees, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the subsequent fiscal year Military Construction Authorization Act except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section, prior to that date.

TITLE II—NAVY

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

Inside the United States

TRIDENT FACILITIES

Various locations, $95,472,000.

MARINE CORPS

Marine Corps Supply Center, Albany, Georgia, $1,965,000.

Marine Corps Base, Camp Lejuene, North Carolina, $22,238,000.

Marine Corps Base, Camp Pendleton, California, $12,831,000.

Marine Corps Air Station, Cherry Point, North Carolina, $526,000.

Marine Corps Air Station, Kanoehe Bay, Hawaii, $1,900,000.

Fleet Marine Force Atlantic, Norfolk, Virginia, $799,000.

Headquarters, Fleet Marine Force Pacific, Camp Smith, Oahu, Hawaii, $1,046,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $4,499,000.

Marine Corps Development and Education Command, Quantico, Virginia, $532,000.

Marine Corps Air Station, Yuma, Arizona, $940,000.

CHIEF OF NAVAL OPERATIONS

Naval Supply Activity, Brooklyn, New York, $491,000.

Naval Support Activity, New Orleans, Louisiana, $1,400,000.

Commander in Chief Pacific, Pearl Harbor, Hawaii, $4,300,000.

Naval Support Activity, Philadelphia, Pennsylvania, $201,000.

Naval Support Activity, Vallejo, California, $2,543,000.

Naval Support Activity, Seattle, Washington, $667,000.

Headquarters Naval District Washington, Washington, District of Columbia, $1,300,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Cecil Field, Florida, $272,000.

Oceanographic System Atlantic, Dam Neck, Virginia, $8,048,000.

Naval Air Station, Jacksonville, Florida, $6,101,000.

Naval Station, Mayport, Florida, $1,674,000.

Naval Submarine Base, New London, Connecticut, $3,468,000.

Flag Administrative Unit, Atlantic, Norfolk, Virginia, $223,000.

Naval Station, Norfolk, Virginia, $24,246,000.

Naval Air Station, Oceana, Virginia, $14,457,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Station, Adak, Alaska, $1,418,000.

Naval Air Station, Barbers Point, Hawaii, $12,836,000.

Naval Air Station, Fallon, Nevada, $2,376,000.

Naval Air Station, Miramar, California, $4,958,000.

Naval Air Station, Moffett Field, California, $896,000.

Naval Air Station, North Island, California, $11,720,000.

Naval Station, Pearl Harbor, Hawaii, $4,051,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $975,000.

Naval Facility, Point Sur, California, $160,000.

Naval Station, San Diego, California, $8,386,000.

Naval Air Station, Whidbey Island, Washington, $1,055,000.

NAVAL EDUCATION AND TRAINING

Naval Academy, Annapolis, Maryland, $1,639,000.

Naval Supply Corps School, Athens, Georgia, $670,000.

Navy Fleet Ballistic Missile Submarine Training Center, Charleston, South Carolina, $2,504,000.

Naval Submarine School, New London, Connecticut, $672,000.

Naval Education and Training Center, Newport, Rhode Island, $490,000.

Naval School of Diving and Salvage, Panama City, Florida, $10,800,000.

Naval Air Station, Pensacola, Florida, $1,546,000.

Naval Submarine Training Center, San Diego, California, $3,520,000.

BUREAU OF MEDICINE AND SURGERY

Naval Regional Medical Center, Jacksonville, Florida, $7,393,000.

Portsmouth Naval Regional Medical Clinic, Kittery, Maine, $4,058,000.

Naval Regional Dental Center, Newport, Rhode Island, $1,975,000.

Naval Hospital, Orlando, Florida, $23,850,000.

Navy Environmental and Preventive Medicine Unit No. 6, Pearl Harbor, Hawaii, $283,000.

Naval Regional Dental Center, San Diego, California, $2,501,000.

Navy Environmental and Preventive Medicine Unit No. 5, San Diego, California, $1,270,000.

CHIEF OF NAVAL MATERIAL

Naval Air Rework Facility, Alameda, California, $1,191,000.

Puget Sound Naval Shipyard, Bremerton, Washington, $10,876,000.

Charleston Naval Shipyard, Charleston, South Carolina, $11,256,000.

Naval Weapons Station, Charleston, South Carolina, $8,796,000.

Polaris Missile Facility, Atlantic, Charleston, South Carolina, $2,315,000.

Naval Weapons Center, China Lake, California, $950,000.

Naval Weapons Support Center, Crane, Indiana, $988,000.

Naval Weapons Station, Earle, New Jersey, $2,895,000.

National Parachute Test Range, El Centro, California, $732,000.

Naval Air Facility, El Centro, California, $3,500,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $4,551,000.

Naval Ordnance Station, Indian Head, Maryland, $383,000.

Naval Torpedo Station, Keyport, Washington, $2,145,000.

Portsmouth Naval Shipyard, Kittery, Maine, $12,789,000.

Naval Air Station, Lakehurst, New Jersey, $117,000.

Long Beach Naval Shipyard, Long Beach, California, $3,981,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $135,000.

Navy Public Works Center, Norfolk, Virginia, $454,000.

Naval Air Test Center, Patuxent River, Maryland, $2,701,000.

Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $11,985,000.

Naval Air Rework Facility, Pensacola, Florida, $7,784,000.

Navy Public Works Center, Pensacola, Florida, $95,000.

Navy Aviation Supply Office, Philadelphia, Pennsylvania, $629,000.

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, $4,607,000.

Pacific Missile Test Center, Point Mugu, California, $3,087,000.

Naval Construction Battalion Center, Port Hueneme, California, $183,000.

Norfolk Naval Shipyard, Portsmouth, Virginia, $5,909,000.

Naval Undersea Center, San Diego, California, $811,000.

Navy Public Works Center, San Francisco, California, $190,000.

Mare Island Naval Shipyard, Vallejo, California, $9,302,000.

OCEANOGRAPHER OF THE NAVY

Naval Oceanographic Center, Bay Saint Louis, Mississippi, $7,400,000.

NUCLEAR WEAPONS SECURITY

Various locations, $34,581,000.

Outside the United States

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Keflavik, Iceland, $6,009,000.

Naval Station, Roosevelt Roads, Puerto Rico, $4,160,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Naval Magazine, Guam, Mariana Islands, $1,861,000.

NAVAL TELECOMMUNICATIONS COMMAND

Classified location, $1,832,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Keflavik, Iceland, $3,000,000.

NUCLEAR WEAPONS SECURITY

Various locations, $2,494,000.

EMERGENCY CONSTRUCTION

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000. The Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the subsequent fiscal year Military Construction Authorization Act except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

DEFICIENCY AUTHORIZATIONS

SEC. 203. Public Law 93-166, as amended, is amended by striking out in clause (2) of section 602 "$548,849,000" and "$608,682,000" and inserting in place thereof "$560,849,000" and "$619,682,000", respectively.

TITLE III—AIR FORCE

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Tyndall Air Force Base, Florida, $1,720,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $24,330,000.

Kelly Air Force Base, Texas, $2,374,000.

McClellan Air Force Base, California, $1,194,000.

Newark Air Force Station, Ohio, $266,000.

Robins Air Force Base, Georgia, $10,051,000.

Tinker Air Force Base, Oklahoma, $5,348,000.

Wright-Patterson Air Force Base, Ohio, $35,804,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $439,010,000.

Eglin Air Force Base, Florida, $354,000.

Laurence G. Hanscom Air Force Base, Massachusetts, $671,000.

Northwest United States, $6,065,000.

Patrick Air Force Base, Florida, $198,000.

Pillar Point Air Force Station, California, $450,000.

Various locations, $10,250,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Mississippi, $6,804,000.

Keesler Air Force Base, Mississippi, $1,942,000.

Mather Air Force Base, California, $3,883,000.

Randolph Air Force Base, Texas, $4,927,000.

Reese Air Force Base, Texas, $250,000.

Williams Air Force Base, Arizona, $825,000.

AIR UNIVERSITY

Maxwell Air Force Base, Alabama, $123,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Alaska, $210,000.

Shemya Air Force Base, Alaska, $3,110,000.

Fort Yukon Air Force Station, Alaska, $48,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Maryland, $2,880,000.

Bolling Air Force Base, District of Columbia, $1,415,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $11,377,000.

Dover Air Force Base, Delaware, $900,000.

Little Rock Air Force Base, Arkansas, $2,305,000.

McChord Air Force Base, Washington, $1,189,000.

Norton Air Force Base, California, $900,000.

Pope Air Force Base, North Carolina, $200,000.

Scott Air Force Base, Illinois, $90,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $4,145,000.

STATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $3,628,000.

Beale Air Force Base, California, $1,760,000.

Blytheville Air Force, Arkansas, $2,200,000.

Carswell Air Force Base, Texas, $732,000.

Castle Air Force Base, California, $1,270,000.

Davis-Monthan Air Force Base, Arizona, $2,192,000.

Fairchild Air Force Base, Washington, $100,000.

Grand Forks Air Force Base, North Dakota, $2,441,000.

Griffiss Air Force Base, New York, $699,000.

K. I. Sawyer Air Force Base, Michigan, $270,000.

Malmstrom Air Force Base, Montana, $3,150,000.

McConnell Air Force Base, Kansas, $2,948,000.

Minot Air Force Base, North Dakota, $980,000.

Offutt Air Force Base, Nebraska, $38,060,000.

Plattsburgh Air Force Base, New York, $588,000.

Rickenbacker Air Force Base, Ohio, $704,000.

Vandenberg Air Force Base, California, $1,454,000.

Whiteman Air Force Base, Missouri, $133,000.

Wurtsmith Air Force Base, Michigan, $1,607,000.

TACTICAL AIR COMMAND

England Air Force Base, Louisiana, $198,000.

Holloman Air Force Base, New Mexico, $500,000.

Luke Air Force Base, Arizona, $987,000.

MacDill Air Force Base, Florida, $1,022,000.

Moody Air Force Base, Georgia, $5,796,000.

Myrtle Beach Air Force Base, South Carolina, $1,570,000.

Nellis Air Force Base, Nevada, $245,000.

Seymour-Johnson Air Force Base, North Carolina, $1,030,000.

East Coast Range, $7,500,00.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $354,000.

NUCLEAR WEAPONS SECURITY

Various locations, $15,523,000.

AIR INSTALLATION COMPATIBLE USE ZONES

Various locations, $2,217,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Classified location, $1,300,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $4,170,000.

UNITED STATES AIR FORCES IN EUROPE

Various locations, $38,000,000.

NUCLEAR WEAPONS SECURITY

Various locations, $13,180,000.

EMERGENCY CONSTRUCTION

SEC. 302. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000. The Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire upon enactment of the subsequent fiscal year Military Construction Authorization Act except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

TITLE IV—DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE MAPPING AGENCY

Defense Mapping Agency Aerospace Center, Saint Louis, Missouri, $1,023,000.

Defense Mapping Agency Topographic Center, Bethesda, Maryland, $455,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $855,000.

Defense Electronics Supply Center, Dayton, Ohio, $130,000.

Defense Fuel Support Point, Cincinnati, Ohio, $191,000.

Defense Fuel Support Point, Lynn Haven, Florida, $1,393,000.

Defense Fuel Support Point, Melville, Newport, Rhode Island, $225,000.

Defense General Supply Center, Richmond, Virginia, $1,624,000.

Defense Logistics Service Center, Battle Creek, Michigan, $1,862,000.

Defense Property Disposal Office, Ayer, Fort Devens, Massachusetts, $500,000.

Defense Property Disposal Office, Duluth Air Force Base, Minnesota, $135,000.

Defense Property Disposal Office, Groton, Connecticut, $231,000.

Defense Property Disposal Office, Gunter Air Force Base, Alabama, $150,000.

Defense Property Disposal Office, Fort Riley, Kansas, $772,000.

Defense Property Disposal Office, Wurtsmith, Michigan, $162,000.

TERMINAL PROCUREMENT

Harrisville, Michigan, $700,000.

Verona, New York, $200,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $2,247,000.

Outside the United States

DEFENSE SUPPLY AGENCY

Defense Property Disposal Office, Kaiserslautern, Germany, $575,000.

Defense Property Disposal Office, Nuremberg, Germany, $649,000.

Defense Property Disposal Office, Seckenheim, Germany, $867,000.

EMERGENCY CONSTRUCTION

Sec. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connecion therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000. The Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V—MILITARY FAMILY HOUSING

AUTHORIZATION TO CONSTRUCT OR ACQUIRE HOUSING

Sec. 501. (a) The Secretary of Defense, or his designee, is authorized to construct or acquire sole interest in existing family housing units in the numbers and at the locations hereinafter named, but no family housing construction shall be commenced at any such locations in the United States until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development as to the availability of suitable private housing at such locations. If agreement cannot be reached with respect to the availability of suitable private housing at any location, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(b) With respect to the family housing units authorized to be constructed by this section, the Secretary of Defense is authorized to acquire sole interest in privately owned or Department of Housing and Urban Development held family housing units in lieu of constructing all or a portion of the family housing authorized by this section, if he, or his designee, determines such action to be in the best interests of the United States; but any family housing units acquired under authority of this subsection shall not exceed the cost limitations specified in this section for the project nor the limitations on size specified in section 2684 of title 10, United States Code. In no case may family housing units be acquired under this subsection through the exercise of eminent domain authority; and in no case may family housing units other than those authorized by this section be acquired in lieu of construction unless the acquisition of such units is hereafter specifically authorized by law.

(c) Family housing units:

Fort Polk, Louisiana, six hundred fifty-two units, $25,510,000.

Naval Complex, Bangor, Washington, two hundred forty-two units, $9,375,000.

Naval Station Keflavik, Iceland, one hundred sixty units, $17,200,000.

Gila Bend Air Force Auxiliary Field, Arizona, forty units, $1,676,000.

(d) Any of the amounts specified in this section may, at the discretion of the Secretary of Defense, or his designee, be increased by 10 per centum, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. The amounts authorized include the costs of shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family housing unit, design, supervision, inspection, overhead, land acquisition, site preparation, and installation of utilities.

ALTERATIONS TO EXISTING QUARTERS

Sec. 502. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions, not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $12,000,000 for energy conservation projects;

(2) for the Department of the Navy, $7,000,000 for energy conservation projects; and

(3) for the Department of the Air Force, $6,890,000 for energy conservation projects.

RENTAL QUARTERS

Sec. 503. (a) Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is further amended by revising the third sentence to read as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: For the United States (other than Alaska, Hawaii, and Guam) and Puerto Rico, an average of $265 per month for each military department, or the amount of $450 per month for any one unit; and for Alaska, Hawaii, and Guam, an average of $335 per month for each military department, or the amount of $450 per month for any one unit.".

(b) Section 507(b) of Public Law 93-166 (87 Stat. 661, 676), is amended by striking out "$380" and "$670" in the first sentence, and inserting in lieu thereof "$405" and "$700", respectively.

SETTLEMENT OF CLAIMS

Sec. 504. Notwithstanding the provisions of any other law:

(1) The Secretary of the Navy is authorized to settle claims regarding construction of public quarters at the Naval Air Station, Charleston, South Carolina, in the amount of $1,675,000.

(2) The Secretary of the Air Force is authorized to settle claims regarding construction of mobile home facilities at MacDill Air Force Base, Florida, in the amount of $88,000, plus interest at 8⅞ per centum from April 23, 1975, the date of settlement.

HOUSING APPROPRIATIONS LIMITATIONS

Sec. 505. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) For construction or acquisition of sole interest in family housing, including demolition, authorized improvements to public quarters, minor construction, relocation of family houing, rental guarantee payments, and planning an amount not to exceed $80,576,000.

(2) For support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interests on mortgage debts incurred payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $1,223,947,000.

TITLE VI—GENERAL PROVISIONS

WAIVER OF RESTRICTIONS

Sec. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

APPROPRIATIONS LIMITATIONS

Sec. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $425,101,000; outside the United States, $162,812,000; or a total of $587,913,000.

(2) for title II: Inside the United States, $481,459,000; outside the United States, $19,356,000; or a total of $500,815,000.

(3) for title III: Inside the United States, $687,866,000; outside the United States, $56,650,000; or a total of $744,516,000.

(4) for title IV: A total of $24,946,000.

(5) for title V: Military Family Housing, $1,304,523,000.

COST VARIATIONS

Sec. 603. (a) Except as provided in subsections (b) and (c), any of the amounts specified in titles I, II, III, and IV of this Act, may, at the discretion of the Secretary of the military department or Director of the defense agency concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of the military department or Director of the defense agency concerned determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), he may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) When the Secretary of Defense determines that any amount named in title I, II, III, or IV of this Act must be exceeded by more than the percentages permitted in subsections (a) and (b) to accomplish authorized construction or acquisition, the Secretary of the military department or Director of the defense agency concerned may proceed with such construction or acquisition after a written report of the facts relating to the increase of such amount, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (1) thirty days have elapsed from date of submission of such report, or (2) both committees have indicated approval of such construction or acquisition. Notwithstanding the provisions in prior military construction authorizations Acts, the provisions of this subsection shall apply to such prior Acts.

(d) Notwithstanding the foregoing provisions of this section, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(e) No individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation for which the current working estimate is $400,000 or more may be placed under contract if—

(1) the approved scope of the project is reduced in excess of 25 per centum; or

(2) the current working estimate, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until a written report of the facts relating to the reduced scope or increased cost of such project, including a statement of the reasons for such reduction in scope or increase in cost has been submitted to the Committees on Armed Services of the Senate and House of Representatives and either (A) thirty days have elapsed from date of submission of such report, or (B) both committees have indicated approval of such reduction in scope or increase in cost as the case may be.

(f) The Secretary of Defense shall submit an annual report of the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced by more than 25 per centum in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

CONSTRUCTION SUPERVISION

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army; or the Naval Facilities Engineering Command, Department of the Navy; or such other Department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder. Such reports shall also show, in the case of the ten architect-engineering firms which, in terms of total dollars, were awarded the most business; the names of such firms; the total number of separate contracts awarded each such firm; and the total amount paid or to be paid in the case of each such action under all such contracts awarded such firm.

REPEAL OF PRIOR AUTHORIZATIONS; EXCEPTIONS

SEC. 605. (a) As of January 1, 1978, all authorizations for military public works, including family housing to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations, therefor, that are contained in titles I, II, III, IV, and V of the Act of October 7, 1975, Public Law 94–107 (89 Stat. 546), and all such authorizations contained in Acts approved before October 7, 1975, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part before January 1, 1978, and authorizations for appropriations therefor.

(b) Notwithstanding the repeal provisions of section 605 of the Act of October 7, 1975, Public Law 94–107 (89 Stat. 546, 565), authorizations for the following items shall remain in effect until January 1, 1979:

(1) Defense Satellite Communications System construction in the amount of $1,054,000 at Stuttgart, Germany, that is contained in title I, section 101 of the Act of December 27, 1974 (88 Stat. 1747), as amended.

(2) Cold storage warehouse construction in the amount of $1,215,000 at Fort Dix, New Jersey, that is contained in title I, section 101 of the Act of October 25, 1972 (86 Stat. 1135), as amended and extended in section 605(3)(B) of the Act of December 27, 1974 (88 Stat. 1762), as amended.

(3) Land acquisition, Murphy Canyon in the amount of $3,843,000 at Naval Regional Medical Center, San Diego, California, that is contained in title II, section 201 of the Act of December 27, 1974 (88 Stat. 1750), as amended.

(4) Land acquisition in the amount of $800,000 at Naval Security Group Activity, Sabana Seca, Puerto Rico, that is contained in title II, section 201 of the Act of December 27, 1974 (88 Stat. 1750), as amended.

UNIT COST LIMITATIONS

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $39 per square foot for permanent barracks;

(2) $42 per square foot for bachelor officer quarters;

unless the Secretary of Defense, or his designee, determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

INCREASES FOR SOLAR HEATING AND SOLAR COOLING EQUIPMENT

SEC. 607. In addition to all other authorized variations of cost limitations or floor area limitations contained in this Act or prior Military Construction Authorization Acts, the Secretary of Defense, or his designee, may permit increases in the cost limitations or floor area limitations by such amounts as may be necessary to equip any projects with solar heating and/or solar cooling equipment.

NAVAL MUSEUM, CHARLESTON, SOUTH CAROLINA

SEC. 608. The Congress hereby expresses its approval and encouragement with respect to the establishment, by the State of South Carolina, of the naval and maritime museum in the city of Charleston, South Carolina, and recognizes the historical importance of such museum and the patriotic purpose it is intended to serve.

LAND CONVEYANCE, NEW JERSEY

SEC. 609. (a) The Secretary of the Navy is authorized to convey, without consideration, to the Airship Association, a nonprofit organization incorporated under the laws of the State of New Jersey, without monetary consideration, all right, title, and interest of the United States in and to that portion of the lands comprising the Naval Air Station, Lakehurst, New Jersey, described in subsection (b), for use as a permanent site for the museum, described in subsection (c) of this section subject to condtions of use set forth in such subsection.

(b) The land authorized to be conveyed by subsection (a) is a certain parcel of land containing 13.98 acres, more or less, situated in Ocean County, New Jersey, being a part of the Naval Air Station, Lakehurst, New Jersey, and more particularly described as follows:

"Beginning at a point on the westerly side of Ocean County Route Numbered 547, 205.40 feet northerly from the intersection of the center line of new road and the westerly side of Route Numbered 547 thence (1) north 10 degrees 14 minutes 19 seconds east, 770.25 feet along the westerly edge of road to a point thence (2) north 66 degrees 35 minutes 41 seconds west, 724.55 feet to a point thence (3) south 23 degrees 24 minutes 19 seconds west; 750 feet to a point thence (4) south 66 degrees 35 minutes 41 seconds east, 900 feet to the point and place of beginning.

(c) The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) that the lands so conveyed shall be used primarily for the construction and operation of an airship museum to collect, preserve, and display to the public, materials, memorabilia, and other items of historical significance and interest relative to the development and use of the airship, and for purposes incidental thereto;

(2) that all right, title, and interest in and to such lands, and any improvements constructed thereon, shall revert to the United States, which shall have an immediate right of entry thereon, if the construction of the airship museum is not undertaken within five years from the date of such conveyance, or if the lands conveyed shall cease to be used for the purposes specified in paragraph (1);

(3) that the Airship Association comply with such other terms and conditions as the Secretary of the Navy, or his designee, shall determine necessary to protect the interests of the United States; and

(4) that all expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this section shall be borne by the Airship Association.

STUDIES OF REUSE OF MILITARY BASES

SEC. 610. (a) Whenever a final decision has been made to close any military installation located in the United States, Guam, or Puerto Rico and, because of the location, facilities, and other particular characteristics of such installation, the Secretary of Defense determines that such installation may be suitable for some specific Federal or State use potentially beneficial to the Nation, the Secretary of Defense is authorized to conduct such studies, including, but not limited to, the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969, in connection with such installation and such potential use as may be necessary to provide information sufficient to make sound conclusions and recommendations regarding the possible use of such installation.

(b) Any study conducted under authority of this section shall be submitted to the President and the Congress together with such comments and recommendations as the Secretary of Defense may deem appropriate. Such studies shall also be available to the public.

(c) As used in this section, the term "military installation" includes any camp, post, station, base, yard, or other intsallation under the jurisdiction of any military department.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

IMPACT ASSISTANCE, GRAND FORKS, NORTH DAKOTA

SEC. 611. Notwithstanding the provisions section 7 of the Act of August 22, 1912 (Ch. 350, as amended (31 U.S.C. 679), the Secretary of Defense is authorized to use any funds appropriated to carry out the provisions of section 610 of the Military Construction Act, 1971 (84 Stat. 1224) to reimburse nonprofit, mutual aid telephone cooperatives incorporated under the laws of North Dakota, operating under the jurisdiction of the North Dakota Public Service Commission and serving the area located near Grand Forks Air Force Base, Grand Forks, North Dakota, for their capital expenditures for the purchase and installation of nontactical communications equipment and related facilities, to the extent the Secretary determines that (1) such expenditures are not otherwise recoverable by such cooperatives; (2) such expenditures were incurred as the direct result of the construction, installation, testing, and operation of the SAFEGUARD Antiballistic Missile System near Grand Forks Air Force Base, Grand Forks, North Dakota; and (3) such cooperatives, as a result of the deactivation and termination of such system, would sustain an unfair and excessive financial burden in the absence of the financial assistance authorized by this section.

BASE REALINEMENTS

SEC. 612. (a) Notwithstanding any other provision of law, no action to effect or implement—

(1) the closure of any military installation;

(2) any reduction in the level of civilian personnel at any military installation by more than two hundred fifty civilian personnel or 50 per centum of the level of such personnel employed as of the end of the fiscal year immediately preceding the fiscal year in which the Secretary of a military department notifies the Congress that such installation is a candidate for closure or significant reduction; and

(3) any construction, conversion, or rehabilitation at any other military installation (whether or not such installation is a military installation as defined in subsection (b) of this section) which will, or may be, required as a result of the relocation of civilian personnel to such other installation by reason of any closure or reduction to which this section applies;

may be taken until—

(A) the Secretary of the military department concerned notifies the Congress in writing that such military installation is a candidate for closure or significant reduction, and then

(B) a period of at least nine months expires following the date on which such notice was given, during which period the military department concerned has cooperated fully with all parties concerned with, and affected by, the proposed closure or reduction for the purpose of identifying, as required by the National Environmental Policy Act, the full range of impacts that may result from the proposed closure or reduction, and then

(C) the Secretary of the military department concerned submits to the Committees on Armed Services of the House of Representatives and the Senate his final decision to close or significantly reduce such installation and a detailed justification for his decision, together with the estimated fiscal, economic, budgetary, environmental, strategic, and operational consequences of the proposed closure or reduction, and then

(D) a period of at least ninety days expires following the date on which the justification referred to in clause (C) has been submitted to such committees.

(b) For purposes of this section, the term "military installation" means any camp, post, station, base, yard, or other activity under the authority of the Department of Defense—

(1) which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam; and

(2) at which is employed not less than two hundred and fifty civilian personnel.

(c) This section shall not apply to any closure or reduction if the President certifies to the Congress that such closure or reduction must be implemented for reasons of any military emergency or national security or if such closure or reduction was publicly announced prior to January 1, 1976.

SHORT TITLE

SEC. 613. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1977".

TTLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Army National Guard of the United States, $40,817,000.

(b) Army Reserve, $37,655,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $15,300,000.

(3) For the Department of the Air Force:

(a) Air National Guard of the United States, $24,300,000.

(b) Air Force Reserve, $9,000,000.

WAIVER OF CERTAIN RESTRICTIONS

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SHORT TITLE

SEC. 703. This title may be cited as the "Guard and Reserves Forces Facilities Authorization Act, 1977".

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SYMINGTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMINGTON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HANSEN) appointed Mr. SYMINGTON, Mr. STENNIS, Mr. JACKSON, Mr. CANNON, Mr. HARRY F. BYRD, JR., Mr. LEAHY, Mr. TOWER, Mr. THURMOND and Mr. GOLDWATER.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 12384.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I express my appreciation to the staff of the Committee on Armed Services for all their constructive work in this matter, and especially to Mr. Jim Smith, who has been the primary staff member working on the bill.

Mr. TOWER. Will the Senator yield?

Mr. SYMINGTON. I am glad to yield.

Mr. TOWER. I join with the distinguished Senator from Missouri in proffering thanks to the staff for their splendid work, and especially Jim Smith who has done yeoman's duty that only a few people would know about, including field hearings and other matters.

I think the staff has done a spendid job.

Mr. JACKSON. Will the Senator yield?

Mr. SYMINGTON. I appreciate the remarks of the able Senator, my ranking member on the subcommittee. I express my deep gratitude to him for his constructive work on this bill.

I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I associate myself with the remarks of the distinguished chairman of the subcommittee and the ranking minority member. Jim Smith has done an outstanding job. This is a highly technical bill, complicated in many ways, and those of us who serve on the subcommittee are in his debt, as well as to the other members of the staff.

PRIVILEGE OF THE FLOOR—H.R. 12438

Mr. JACKSON. Mr. President, I ask unanimous consent that Dr. Dorothy Fosdick be granted privilege of the floor in connection with the pending consideration of the military procurement bill, which I believe is the next item on the agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the parliamentary situation?

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 12438, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

Mr. STENNIS. Mr. President, I will yield to the majority leader if he wishes. Otherwise, I will announce it.

Mr. MANSFIELD. The Senator may proceed.

Mr. STENNIS. For the information of the Members, there has been an agreed time on two amendments regarding the B-1 bomber, authorization for which is in the bill for procurement purposes. One amendment is to be offered by the Senator from Iowa and the other by the Senator from South Dakota, 1 hour divided equally, 1 hour to each amendment.

Mr. President, I waive the opportunity to make the usual opening statement on the bill.

I am merely making the statement that I am backing the B-1 bomber. I hope the Senator from Arizona, a longtime member of our subcommittee, which handled all the research and development on the B-1 bomber with this being the first appropriation for procurement, will seek the floor to make our explanation, after the proponent of the amendment, of course.

Mr. THURMOND. Mr. President, I rise in support of H.R. 12438, as amended, the fiscal year 1977 military procurement bill which authorizes expenditures of $31.9 billion, a reduction of $776 million or 2.4 percent from the initial request.

This bill authorizes expenditures for two major elements of military needs, weapons procurement, and research and development. The procurement account totals $21.4 billion and the research account, $10.4 billion.

The combination of these two major accounts represents less than one-third of the total defense category of about $113 billion. However, by authorizing manpower levels for Active and Reserve Forces, this bill impacts across the broad spectrum of the defense budget.

Mr. President, the Senate's attention should be drawn to several aspects of this legislation. First, we are operating under the control of the congressional budget ceiling and not just going through the motion as was the case last year. Second, each year the high cost of weapons reduces by a substantial percent the quantities of weapon systems we are able to buy. Third, expansion of the Soviet military machine continues at an accelerated rate.

BUDGET CEILING

This year, for the first time, we are bound by the laws of the Congressional Budget Act. We were required by law to report this bill by May 15, yet we often had to act without the guidance of the final budget ceiling until the last few days of the markup. Furthermore, this is still no satisfactory way to evaluate the relationship of this particular bill to the budget ceiling. Our committee feels H.R. 12438, as amended, meets the budget targets. It may be wise to discuss the relationship of the procurement bill to the defense category during debate on this bill.

DIMINISHING WEAPONS BUY

The dramatic increases in civilian and military pay, up 168 percent and 121 percent, respectively, since 1964, plus inflation have left us with less funds to buy weapons. As a percent of the military budget, investment expenditures amounted to 40 percent in 1964 and have now declined to 29 percent. Furthermore, our investment funds are buying much smaller quantities of equipment. This is understandable when one realizes aircraft carriers cost over $1 billion each, Air Force planes range from $8 million to $90 million, and the Army's SAM-D air defense system is expected to cost about $40 million per section.

Oddly enough, the Army's tank is one of the few major weapon systems holding the price line somewhere near what it was estimated to cost 5 to 10 years ago.

SOVIET ARMS BUILDUP

All of our weapons requirements are generated in response to the continuing Soviet buildup of its military machine. The Soviets are pressing forward in strategic systems, missile defense, naval expansion, and upgrading equipment for their massive ground conventional forces. While our manpower and weapons numbers drop, theirs increase. Based on current trends, it is no longer safe to predict we will be the predominant military power in the 1980's.

Mr. President, our committee is to be commended for many actions represented in this bill. While reductions of 5.2 percent in research and 7.3 percent in procurement may seem high, those percentages apply to the amended budget request, some of which reached the committee about 1 week prior to our reporting deadline.

I commend the committee for approving initial procurement of the B-1 manned strategic bomber, adding 24 A-7D aircraft for the National Guard and approving a wide range of research and procurement program requests too numerous to mention.

CIVIL DEFENSE

Also, my amendment bringing civil defense authorization powers to this committee beginning next year, and providing authority for the Administrator to allow civil defense personnel and systems to help in natural disasters, was adopted unanimously.

However, once again the committee has insisted on cutting back in the manpower requests and thereby denying the services the personnel stability they have been attempting to achieve since the end of the Vietnam war.

Also, cuts were made in three general areas which, in my judgment, amounted to significant errors by the committee. For purposes of highlighting these three areas, I wish to comment in some length relative to my objections. However, it is my hope some of these programs will be restored in the Senate-House conference.

SHIPBUILDING ACCOUNT

The committee action on the request of the Navy Department in the ship account resulted in the deletion of funding for three important types of vessels requested by the Defense Department.

NUCLEAR STRIKE CRUISER

First, the Navy was denied initial long lead funds for the first of a new class of nuclear strike cruisers which will be equipped with the Aegis system.

The Navy testified that the Aegis system is essential if we are to counter the Soviet air threat projected for the 1980's. These ships will be needed in the area of highest air threat. In these high threat areas, oilers needed to support conventional ships will be extremely vulnerable.

This action was taken despite strong testimony from Secretary Rumsfeld, Admiral Holloway, and Admiral Rickover in favor of this new class of ship. Furthermore, former Chief of Naval Operations Admiral Zumwalt, took the unusual step of writing the committee in support of this request as well as even more nuclear ships than sought by the Defense Department. There was absolutely no testimony in opposition to the nuclear strike cruiser from any civilian or military witness.

SSN-688 CLASS ATTACK SUBMARINE

The committee also struck from the bill one of the three SSN-688 class attack submarines requested by the Defense Department.

The committee action turned to a degree on concern relative to the capacity of private shipyards to handle construction of these submarines.

This reduction was made despite assurances from the Navy and Defense Departments that the two shipyards now building nuclear submarines could handle the three new SSN-688's. The witnesses further assured the committee that another shipyard and possibly a naval shipyard could be brought into the nuclear submarine construction program, if necessary. Secretary Clements testified construction in a Navy shipyard was desirable to strengthen our shipbuilding potential. Such a step would seem wise in that the low authorization and construction rate for nuclear submarines is one of the main reasons we have a modest shipbuilding capacity.

The Senate must recognize that at present, the Soviet submarine force consists of 330 boats compared to only 116 boats in the U.S. Navy. These Soviet submarines constitute a serious threat to U.S. sea lanes upon which we depend for transport of critical natural resources, particularly oil.

It is my view we should be building submarines at a minimum rate of five or six yearly, if we are to even begin addressing the great disparity in numbers between the Soviet and U.S. submarine forces.

FOURTH "NIMITZ" CLASS AIRCRAFT CARRIER

The aircraft carrier is the principal surface combatant in the U.S. Navy. Long lead funds for a new carrier were denied by the committee.

With the declining number of overseas land airbases, worldwide shortages of energy sources—particularly oil—and the threat to our sea lanes posed by the tremendous Soviet submarine fleet, it will be necessary to have a modern carrier force. Such a force is the principal Navy strike element for any military confrontation short of all-out nuclear war.

It takes 8 years from initial funding to build a modern nuclear carrier. Under the normal sequence of aircraft carrier programs, there has already been a delay in the rate of construction. If long lead funds are not provided this year, manpower resources at our single carrier construction yard will further diminish and make acquisition of critical ship construction workers more difficult and costly.

TITLE 8 STRICKEN FROM LAW

The committee also struck from the law title 8 which requires that all major Navy combatant ships built for strike forces be nuclear powered unless the President certifies otherwise.

This action takes us away from nuclear power for our firstline fighting ships, a grave mistake if upheld by the Senate and the conference between the Houses.

The only argument ever offered against nuclear power is that it costs more. While nuclear ships are more expensive in initial outlays, the General Accounting Office has recently reported that lifetime costs of a nuclear task force with reduced replenishment costs were about equal to a conventional task force.

This finding reaffirms my long-held view that when all factors were weighed, nuclear ships are not that much more expensive. Furthermore, the increased capability of nuclear ships to carry more weapons and weapon loads, plus the almost unlimited steaming power, make nuclear-powered major fighting ships even more necessary for deployment in high-threat area.

The Senate must remember that of about 477 ships in the Navy, around 364 are oil fired. Thus, about three-fourths of our naval forces are not major combatants and not suitable for nuclear power. Therefore, the Navy will always have a high-low mix since the bulk of its ships are dependent on oil.

A realistic recognition of how oil shortages relate to the nuclear-conventional ship issue was made in the fiscal year 1977 House Armed Services Committee report which declared:

> The major ships which the Congress authorizes this year will not enter the fleet until 1984 or 1985. If these ships were to be oil fired, they would only be at their midlives in the year 2000. If they were to operate at all in that time period they would do so in an oil-short world.

FUNDING OF CRUISE MISSILES

The Research and Development Subcommittee recommended a reduction in the Navy's cruise missile program of $63 million. While this cut still permits a high level of research funding for various cruise missiles, it nevertheless slows our progress in this vital area.

Cruise missile technology has resulted in significant breakthroughs, which indicate these vehicles may be the weapons of the future. It is possible that the Nation which possesses a viable capability in this area may hold the balance of strategic power.

The importance of the cruise missile is readily apparent as indicated by the importance the Soviets have attached to it during current Strategic Arms Limitation Talks—SALT. In fact, it is my understanding the cruise missile is the single most discussed item in the talks.

Both the Navy and the Air Force have development programs underway in the area of cruise missiles, but the Navy's program is more advanced and more applicable to various means of deployment.

During the full committee's consideration of the subcommittee's recommendation on the cruise missile, I offered an amendment to restore the $63 million in order that the full Navy program might continue. This amendment failed on a tie vote of 8 to 8, thus the subcommittee action was upheld.

One aspect of this whole matter that I believe warrants very clear understanding is that the Navy Tomahawk, unlike any other version of the cruise missile, has an extremely long range and has a launch versatility that extends throughout the full spectrum of possible basing and use. It can be launched from aircraft, submarines, virtually any surface ship—military or other—and land. It has no limitations whatsoever in this respect. This is then a formidable system and one with a potential far beyond that of any other system planned for our inventory or the inventory of either our friends or our enemies.

The Tomahawk could be used across the spectrum of nuclear war—not just for massive strategic exchange. It might even be used for a single-weapon demonstration of nuclear power against a deep inland target. Thus, it can be used discreetly, with deliberation, to show resolve, and with a reliability and high accuracy which makes its selective use feasible. Today the Soviets have over 800 ready, long-range nuclear warhead cruise missiles on surface ships, submarines, and land-based aircraft. We have none. These Soviet cruise missiles vary from 300 to 700 miles in range and the warheads are several hundreds of kilotons for each weapon. Many of these missiles could be targeted against a high percentage of U.S. cities. Most of these weapons are deployed on their 65 cruise missile submarines which operate daily off both U.S. coasts. Our Navy has no cruise missile submarines, so U.S. parity in submarine nuclear weapon capability through the development of our own cruise missile, would greatly strengthen our ability to deter nuclear war.

Contrary to the opinion of some individuals, the impact on the primary sea control mission of nuclear attack submarines by adding cruise missiles is relatively minor. SSN weapon loads of torpedoes and missiles may be varied to fit a particular mission, geographical area assignment, or readiness condition. Statistical studies by the Navy provide assurance that present weapon loading plans will provide sufficient torpedoes to defeat the expected number of encounters with enemy submarines and major combatants, even if cruise missiles are mixed into the weapon load. Further, there is no reason submarines dedicated to cruise missiles could not be built. This would result in a cost effective boost for both our tactical and strategic sea-based forces.

In light of the foregoing, it is my firm belief that it is essential that we continue full funding of the Tomahawk, since it is inevitable that this kind of system could well be the determining factor in the balance of power in future years.

STRATEGIC FORCE DISTRIBUTION

As each member of the Senate knows, our strategic forces are formed into what is known as the Triad—land-based ICBM's, sea-based ICBM's, and the strategic bomber.

This year the Congress will be approving production funding for the B–1 bomber, a necessary manned strategic system which will eventually replace the aging B–52 bomber force. I support the B–1 initial procurement this year.

My concern in the strategic area turns on the relatively little time the committee gave to those requests which bear on the mix between our land-based and sea-based missile forces. Of equal concern was denial by the committee of some funds for development of future ICBM systems.

The MX research request, a follow-on development program to Minuteman III, was reduced because vital decisions have not yet been made on how best to deploy this force. While present agreements prohibit development of ICBM's in other than identified silos, we must press forward in research on other deployment methods in order to meet any future eventualities.

Of greatest concern were committee reductions in research and development of sea-based missiles for the late 1980's. Testimony indicates submarine launched intercontinental missiles are more survivable than land-based missiles. Therefore, a full-scale and fully funded research program in this area is essential to our survival as a world power in the latter part of this century.

Reductions in the Navy's fleet ballistic missile system development program, especially in the improved accuracy area, are ill-advised to say the least. Also, denial of concept funds of only $3 million for the follow-on Trident II missile for the second straight year could lead to our sea-based missile capability lagging behind the land-based program planned for the mid and late 1980's.

The Department of Defense and the Congress need to give more attention to weighing the survivability and effectiveness of these two elements of our Triad. Interservice rivalries cannot be allowed to impact on any phase of our defense structure, especially such critical programs as our strategic systems.

SUMMARY OF VIEWS

Issues now before us, such as the use of nuclear power versus conventional power for our major fighting ships, and delays in construction of nuclear submarines and aircraft carriers go to the heart of our naval power. The action of the committee, if upheld, turns us toward a second-rate Navy at the very time we should meet a recognized challenge from the Soviet Union.

Additionally, we are making decisions today on the distribution of resources in our strategic forces of tomorrow? Will our Triad tilt toward land-based or sea-based strategic forces? Will we press forward with development of cruise missiles as our military and civilian experts propose?

These are issues of far-reaching consequences. The decision we make today will determine the balance of power in the 1980's and beyond.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized to develop his amendment.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. CULVER) on behalf of himself and the Senator from Colorado (Mr. GARY HART) offers the following amendment:

At the appropriate point in Title I, insert a new sentence as follows: "None of the funds authorized to be appropriated in this Act may be used prior to February 1, 1977 for procurement of the first three production aircraft of the B-1 bomber; and funds may be obligated after such date only if the President certifies to the Congress, after January 31, 1977, that he has reviewed, as of such date, the test and evaluation data relating to the B-1 bomber aircraft program and regards the procurement authorized in this Act for such program to be in the national interest.

The PRESIDING OFFICER. Under a previous order, there is a time limitation on this amendment to be equally devided between the Senator from Iowa and the Senator from Mississippi, 30 minutes each. Who yields time?

Mr. CULVER. Mr. President, I ask unanimous consent that 5 minutes be allotted to the various members who are now seeking recognition to obtain or request permission to have members of their staff present in the Chamber, and that the 5 minutes not be taken out of the time on the amendment being presented.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. And the Senator from West Virginia, to whom I promised 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Mr. Bob Brown of my staff be granted the privilege of the floor during the consideration of the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that Bill Ball be granted the privilege of the floor during the consideration of the debate and votes on the military procurement bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that Miss Kay Casstevens be granted the privilege of the floor during the deliberations both in the amendment offered by the Senator from Iowa and also the amendment which I will propose.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOISE CONTROL ACT AUTHORIZATION

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Presiding Officer lay before the Senate a message from the House of Representatives on H.R. 5272.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 5272) entitled "An Act to amend the Noise Control Act of 1972 to authorize additional appropriations."

Mr. RANDOLPH. Mr. President, the Senate and House passed bills last year containing new authorizations for the Noise Control Act. The House acted first with a 2-year authorization bill and the Senate passed its 1-year version in December. Last week the House did not concur in Senate amendment—1-year bill—and returned the measure to the Senate.

It has been a year since the bill was first considered, and it is recommended that the Senate accept the House version with a 2-year authorization. This approach has been checked with the majority and minority leaders and other members of the committee, and is agreeable. A 2-year authorization for fiscal years 1976 and 1977 will give us opportunity to look at the program in detail. The authorizations are: Fiscal year 1976, $13 million; fiscal year 1977, $14 million. A 1-year authorization would mean we would have to act again either late this year or early next year.

Mr. President, I move that the Senate recede from its amendments to the House bill (H.R. 5272) to amend the Noise Control Act of 1972 to authorize additional appropriations.

The motion was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The Senate continued with the consideration of the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. CULVER. Mr. President, I ask unanimous consent that Alan Chvotkin, of the staff of Senator ABOUREZK, and David Doerge, and Charles Stevenson of my staff be granted the privileges of the floor during the consideration of the military procurement bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CULVER. Mr. President, I ask for the yeas and nays on the Culver amendment and the McGovern amendment when it is offered.

The PRESIDING OFFICER. Will the Senator ask unanimous consent that it be in order to ask for the yeas and nays?

Mr. CULVER. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the Culver amendment and the McGovern amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CULVER. Mr. President, I ask for the yeas and nays on the Culver amendment and the McGovern amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CULVER. Mr. President, did the clerk state the amendment?

The PRESIDING OFFICER. Yes.

Mr. CULVER. Mr. President, this amendment would provide that procurement funds for the B-1 bomber program not be obligated prior to February 1, 1977, and that they may be spent after that time only if the President certifies to the Congress after January 31 that he has reviewed the test and evaluation data on the B-1 and that he regards procurement to be in the national interest.

Mr. President, this is much too important a program, too costly a program, for us to act hastily or on the basis of incomplete information. It is also not in the national interest for a decision to be made in the heat of an election year when calm and sober reassessment might be better made when all the facts are in and when the world situation next January is known.

For nearly 3 years now we have been advised that the production decision regarding the B-1 procurement would be made in November 1976. But early this year, with evidence of widespread and growing opposition to this program, the Deputy Secretary of Defense informed the Armed Services Committee that the Defense Department was already committed to this decision and in the words of General Jones, "In the broad context we have made the decision."

Mr. President, when we considered this matter before the Armed Services Committee on a vote of 9-6-1, our amendment was narrowly defeated. But I was very pleased on that occasion to have the support for this amendment from the Senator from Missouri (Mr. SYMINGTON), the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. NUNN), the Senator from Colorado (Mr. HART), and the Senator from Vermont (Mr. LEAHY).

Mr. President, since the term "production decision" has been banished from Air Force vocabulary, the new phrase apparently is "contract award."

Mr. President, I believe that the date for the contract award involving the immediate obligation of $860 million should be deferred until at least February 1, 1977, 2 months or 62 days later than now planned.

Mr. President, we are not ready to decide on this $21.6 billion program at the present time.

As of May 12 we will have had only 172 hours 34 minutes of flight testing of the B–1 bomber. Mr. President, this constitutes only 50 percent of the planned 350 hours prior to the so-called production decision. If we have learned anything, I hope the Congress has learned that we must fly before we buy. Congress is asked, in effect, Mr. President, to buy a pig in a poke. Congress is asked here, Mr. President, to authorize a procurement decision before the Department of Defense has either completed testing or has made an independent judgment itself that it is necessary to buy this weapon.

By Air Force testimony, the plane will be tested at maximum speed for only "several minutes" before next November.

One of the most crucial aspects of the bomber, of course, is its low-level subsonic penetration capability. If the plane cannot fly under Soviet radar, we might as well not buy it; and as of now, we have had only 5 hours of flight tests at 500 feet or below, and only 5 more hours are planned before November.

In other words, a production decision on this crucial aspect will depend upon less than 3 percent of total flight test hours. In fact, the penetration altitude is closer to 200 feet, and we have had only 5 minutes of testing at that altitude, where maximum loads and buffeting occur.

Mr. President, one of the strongest arguments for a temporary delay in the production decision is that routine flights at this 200-foot altitude will not even begin until November 1976. There are other aspects of the testing program which argue for delay so that more data can be obtained. Only two typical mission flight profiles will be flown before November. Problems have been found in opening the bomb bay doors which require fabrication of new equipment. And remember, we are talking about prototype aircraft. Each of the current three planes is different from the others. The fourth will be still different. Only with the fifth aircraft will we have the production design which is being determined at this time.

Mr. President, we have already had discussion of the degradation in the planned capability of this aircraft; and although the cost is billions more than originally projected, the plane is not as good.

What is perhaps most disturbing is that the Air Force is so intent on getting this manned bomber that it will tolerate even more degradation if tests reveal it. The Air Force will accept it even if the takeoff weight is 26 percent above design, the subsonic range drops by 29 percent, the supersonic range drops by 14 percent, and the takeoff distance increases by 15 percent.

Mr. President, only if we have additional time for testing and a chance to review these results calmly will we be sure of getting the kind of plane which even supporters of this program would clearly prefer.

If my amendment is adopted, we will have at least 2 months of additional testing, and according to contractor estimates, these 2 months will permit some 16 to 20 percent additional flight test hours.

Mr. President, there are obviously some costs in such a delay, but I do not have an official Air Force estimate of the impact of my statement. Although I have been trying unsuccessfully for more than 1 month to pry the figures out of the Air Force, that information is as yet not available to this Senator.

What we can say is this: Unless this amendment is adopted, the Air Force on November 30, 1976, will obligate some $860 million. Some of those funds will be spent, and there will be contract termination costs of over $100 million if there is a subsequent decision to in fact cancel this program.

I am aware of estimates being circulated by the contractor to the effect that this 2-month slippage will in fact be a 5-month slippage, and will cost a billion dollars.

That is absurd. It contradicts Air Force testimony that even a full year delay in the program would cost only "about $1 billion," and clearly 62 days does not justify any such massive figures as quoted by the contractors.

Mr. President, I do believe we have an obligation to the people that we represent to demand sufficient evidence to sustain a decision on this costly new program. A 2-month delay would provide us with additional test data and will remove this controversial program from the current supercharged atmosphere.

Mr. President, I ask unanimous consent to have printed in the Record with my statement certain extraneous materials on this subject.

There being no objection, the materials were ordered to be printed in the Record, as follows:

Independent Observers in the Defense Community Oppose the B–1 Bomber

The Federation of American Scientists released today a statement of opposition to the B–1 bomber endorsed by a broad and distinguished selection of formerly high-ranking officials from the American defense community. They included such former officials as: a Secretary of Defense and two Deputy Secretaries of Defense; a President's National Security Adviser and a Deputy National Security Adviser; a Presidential Science Adviser and the Chairmen of two relevant panels of the President's Science Advisory Committee; a Director of Defense Research and Engineering in the Defense Department and an Assistant Secretary for International Security Affairs; an Undersecretary of the Air Force and a Three Star Admiral; a former Special Counsel to the President and other long time observers of the military scene.

The statement these officials endorsed simply observed that the B–1 bomber was not worth the cost, viz.:

"The tens of billions of dollars required to build and operate the B–1 bomber are not warranted by any contribution to our security which it might make." (List of signatories is at the bottom of press release).

The Federation of American Scientists has itself long opposed the B–1 bomber and has called it the "least cost-effective" of all the multibillion dollar expenditures of the entire Cold War. Suspecting that the bomber had unprecedentedly little support in the defense community more broadly, the Federation wrote to senior members of the community in both parties. The response confirmed the suspicion that the bomber had a very broad base of opposition and few adherents. Indeed, no FAS position in recent years has drawn such wide support throughout the defense community. Significantly, some who declined to endorse the FAS statement admitted that they did not support the bomber. We doubt that B–1 supporters can amass an equally impressive list of senior members of the defense community not now under military-industrial complex discipline.

FAS charged that B–1 bomber adherents were trying to commit the government to the B–1 bomber before a possible change of Administrations could stop the program. In this connection, it observed that the leading Democratic Candidate, Governor James Earl Carter, had spoken critically of the bomber and talked of cutting the defense budget.

FAS officials questioned whether the B–1 bomber could ever survive a national referendum. Its costs were likely to be $100 for every man, woman, and child in the nation, and a further $400 per person for operation and maintenance. No defense official had, or could, assert that the bomber was critical to our security. In such a case, would the public vote such large out-of-pocket expenditures for a bomber in a missile age—especially in light of the fact that the United States continues to have an entirely adequate bomber force of B–52's?

Inasmuch as the Democratic candidate for President seems likely to be among B–1 opponents and both possible Republican candidates are B–1 supporters, the election will be, in part, a referendum on the B–1. This was considered by FAS to highlight the desirability of not approving procurement funds for the B–1 at least until after the election.

In releasing this statement, FAS thanked and commended the signatories below for expressing their opposition view on a project so firmly supported by the Defense Department. It urged all members of the defense community, for or against the B–1, to be no less candid. And it expressed the hope that this extraordinarily exepnsive project would become an issue not only in the defense community but in the public at large in the course of the impending election.

SIGNATORIES

Names and some former positions held by the signatories follow; in a few cases, they added short comments to the one sentence statement quoted earlier which they endorsed*:

Clark Clifford—Secretary of Defense and former Special Counsel to the President.

McGeorge Bundy—Special Assistant to the President for National Security Affairs.

Roswell Gilpatric—Deputy Secretary of Defense; Undersecretary of the Air Force.

William C. Foster—Deputy Secretary of Defense; Director, Arms Control and Disarmament Agency.

George B. Kistiakowsky—Special Assistant to the President for Science and Technology. Dr. Kistiakowsky adds: "In my judgment, the B–1's contribution to our security will be virtually nil in the realistically foreseeable future."

Herbert F. York—Director, Defense Research and Engineering, DoD; Chief Scientist,

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*Some, but by no means all, of the officials listed are members of the Federation of American Scientists.

Advanced Projects Research Agency (ARPA); Director, Lawrence Radiation Laboratory.

Paul C. Warnke—Assistant Secretary for International Security Affairs, DoD; General Counsel, Department of Defense.

Adrian Fisher—Deputy Director, Arms Control and Disarmament Agency; General Counsel, Atomic Energy Commission; Legal Adviser, Department of State.

Herbert Scoville, Jr.—Deputy Director for Science and Technology, Central Intelligence Agency; Assistant Director for Science and Technology, Arms Control and Disarmament Agency.

Carl Kaysen—Deputy Special Assistant for National Security Affairs.

Townsend Hoopes—Undersecretary of the Air Force; Principal Deputy Assistant Secretary of Defense for National Security Affairs. Mr. Hoopes adds: "This is manifestly the wrong plane at the wrong time; moreover, there is no need to face a decision on a new strategic bomber for at least ten years. Congress must not allow itself to be stampeded into a $91 billion boondoggle."

Vice-Admiral John M. Lee—Commander of the Eastern Sea Frontier; Vice-Director, International military staff, NATO Military Committee.

Marvin L. Goldberger—Chairman, Strategic Weapons Panel, President's Science Advisory Committee.

Richard Garwin—Chairman, Panel on Military Aircraft, President's Science Advisory Committee. Dr. Garwin adds: "Defense Department and Administration emphasis on such unnecessary programs distorts the decision-making process. It makes it impossible fairly to assess our real defense needs and to evaluate current dangers and opportunities."

George W. Rathjens—Director, Weapons Systems Evaluation Division, Institute for Defense Analyses; Deputy Assistant Director for Science and Technology (and Special Assistant to the Director) Arms Control and Disarmament Agency; Deputy Director, Advanced Research Projects Agency, DoD.

Adam Yarmolinsky—The Special Assistant to the Secretary of Defense.

Harry C. McPherson—Special Counsel to the President; Deputy Undersecretary International Affairs, Department of the Army.

Franklin A. Long—Assistant Director for Science and Technology, Arms Control and Disarmament Agency.

Harvey Brooks—Member, President's Science Advisory Committee; Dean, Harvard School of Engineering and Applied Physics.

Mr. CULVER. Mr. President, there is, as Senators are well aware, a great amount of opposition to terminating this program entirely. Recently the Federation of American Scientists issued a statement that was endorsed by 19 former high-ranking members of the American defense community, including a Secretary of Defense and a top Air Force official. Just this morning, Mr. President, I received a letter from one of America's most distinguished military experts. Gen. Maxwell Taylor, now retired. I ask unanimous consent that the text of his letter be printed in the Record following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CULVER. General Taylor writes to me in part as follows:

> It appears to me that in the foreseeable future we shall have ample means for delivery of nuclear weapons to destroy all likely Soviet target systems several times over without going to the exorbitant expense of adding a new penetration bomber. . . .
>
> In summary I am unable to support the B–1 program because of its cost and the absence of convincing evidence of its essentiality. I hope that your Committee will examine all facets of the matter before giving it final approval. Although, from past experience and present conviction, I am an unregenerate "hawk" in most matters affecting national security, in this case I have serious doubts that the B–1 program represents a justified expenditure of national resources.

Mr. President, the former distinguished Secretary of Defense, Clark Clifford, commenting on this program, said on May 18, concerning the whole B–1 bomber program:

> It is going to cost about $90 billion. I consider it the most inexcusably wasteful program that our Government is now contemplating. This is a very nearly perfect illustration of the old adage, "Act in haste and repent at leisure."

Finally, Mr. President, may I say it is my understanding that there will be an amendment offered by the Senator from South Dakota (Mr. McGovern) to strike all procurement funds from the current bill. I wish to emphasize that that is not the effect of this amendment.

This amendment, for the reasons of testing that I have noted and for the reasons of policy that I have suggested, will only defer the decision until February 1, to afford the next President of the United States the opportunity to soberly make that judgment without the necessity to return this matter to Congress once again. With his certification, we can go forward on this program; but if we do so, in my judgment, Mr. President, on that occasion and under those circumstances we will be doing so in a responsible manner, exercising adequately the congressional obligation.

We will do so in full possession of all the facts and relevant testing data upon which to make this crucial decision, involving the most costly weapon system America has ever undertaken, and we will do so in an environment that is free of election politics, where an appropriate assessment can be made by the then President of what constitutes the best maximum allocation of our money within the defense budget, as well as meeting some of the other requirements of this society and in terms of the most effective position for this country to assume in subsequent international strategic arms limitation discussions.

Mr. President, I reserve the remainder of my time.

Exhibit 1

Washington, D.C., *May 18, 1976.*

Senator John C. Culver,
Committee on Armed Services,
U.S. Senate, Washington, D.C.

Dear Senator Culver: With regard to your letter of 10 May asking for my views on the B–1 bomber, I can only say that, with my incomplete knowledge of all the facts, I am far from convinced of its necessity. [It appears to me that in the foreseeable future we shall have ample means for delivery of nuclear weapons to destroy all likely Soviet target systems several times over without going to the exorbitant expense of adding a new penetration bomber.]

That is not to say that we may not need some replacement for the B–52 after its long years of service. We will continue to need a few versatile strategic bombers capable of supplementing strikes by missile systems, carrying out long-range reconnaissance, and executing conventional bombing attacks on targets in countries unprotected by defenses such as those of the USSR. It is also worth something to have a bomber force which will oblige the Soviets to continue their expenditures on bomber defenses and which, by its valuable recall capability, can be used in a crisis to demonstrate national determination as SAC B–52's did in the Cuba missile crisis.

If there is need for a means to reinforce the destructive power of our strategic missiles, the role does not require a penetration bomber like the B–1. It can be performed by stand-off bombing techniques, to include use of the promising cruise-missiles presently under development. If the latter fulfill expectations, they offer a wide range of new possibilities for diversification of means for attacking both strategic and tactical targets—possibilities which should be explored more fully before making a final decision on the B–1.

In summary, I am unable to support the B–1 program because of its cost and the absence of convincing evidence of its essentiality. I hope that your Committee will examine all facets of the matter before giving it final approval. Although, from past experience and present conviction, I am an unregenerate "hawk" in most matters affecting national security, in this case I have serious doubts that the B–1 program represents a justified expenditure of natural resources.

Sincerely yours,

Maxwell D. Taylor,
General, U.S. Army (ret.).

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. How much time does the chairman of the committee have?

The PRESIDING OFFICER. Thirty minutes.

Mr. GOLDWATER. I shall use whatever time I need. It will not be the full amount.

Mr. President, there is nothing new about this amendment. It was offered in the House of Representatives and beaten. It was offered in the Armed Services Committee and beaten.

Mr. President, I wish to direct my remarks, as much as I can, to the need for the B–1, and to our lack of need for anything which will cause hesitation in its purchase.

Mr. President, the strategic manned bomber is one of the three essential elements of the U.S. triad which forms our strategic deterrent, and this is something we overlook. We forget that without a manned bomber the submarine and the land-based missile are of no value at all. We have built our strategic deterrent upon what we call the triad, and without the B–1 and the B–1 coming into the inventory in the 1980's this triad will become a much less effective deterrent than it is now.

Mr. President, my friend from Iowa refers to a number of distinguished Americans. I am going to refer to distinguished Americans who have been involved in the strategic air field all of their adult lives and not just exposed to it, as Mr. Clifford was for a short time, never exposed to it as General Taylor was—he was a ground officer and one of the finest we ever had—not the Brookings Institution that is probably very fine in economics but knows nothing about aeronautics or astronautics.

Mr. President, I shall read from a letter that I received in reply to questions from Gen. Russell Dougherty, who is presently Commander of the Strategic Air Command. He says in what I think to be the best statement of his letter:

> Simply stated, I view the B-1 as the best candidate vehicle reasonably available to satisfy the future requirement for a modern manned penetrating bomber—and to provide the U.S. with the diversified characteristics that are and will be needed in our complementary mix of strategic delivery systems. Not only do I view it as the best, I do not see any other comparable system that can reasonably be expected to do this job as I think it must be done for assurance—or for long-term economics.

Mr. President, because this is probably one of the finest papers I have ever read on the subject of strategic air, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

HEADQUARTERS
STRATEGIC AIR COMMAND,
OFFUTT AIR FORCE BASE, NEBR.,
February 23, 1976.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: In your letter of 31 January 1976 you outlined the nature of the principal issues you foresee in Congressional consideration of the FY77 Defense budget, with focus on those associated with the B-1 procurement request in the President's budget. You indicated that it would be helpful in your deliberations within the Armed Services Committee and the Senate to have my views, as Commander in Chief, Strategic Air Command, on: (1) the requirement for the B-1; (2) why Strategic Air Command does not support the various alternatives to the B-1 that have been suggested; (3) the value of keeping a manned system as part of the strategic equation; and (4) any other matters that I consider relevant to your deliberations.

I appreciate the opportunity to be heard on these important issues and am pleased to provide my views as requested—views that you should feel free to use as you and your colleagues in the Senate see fit.

If you would indulge me in a reordering of the questions you have posed, I would first like to address the "value of keeping a manned system as part of the strategic equation"—for I consider the "requirement for the B-1" as subordinate to (and flowing from) a more generic and fundamental U.S. Strategic Requirement for a fully modern manned penetrating bomber:

If deterrence of attempted coercion, intimidation, or direct attack on the sovereignty of the United States (and those allies we choose to associate with our vital national interests) is to remain the basic tenet of our national security policy, U.S. authorities must continue to have the assurance of a panoply of relevant and diversified military capabilities that can support them in any and all actions necessary to preserve that sovereignty ... no matter what the circumstances of confrontation.

A hardened, long-range, manned penetrating bomber offers a uniquely capable and dependable strategic delivery system that spreads itself reliably and capably across the broadest possible spectrum of those required military capabilities. When completely modernized and manned with skilled, ingenious military crews, such a penetrating bomber offers the United States an overall flexibility of choice and application that is unmatched by an other weapons system. It can:

Carry a larger number of weapons (conventional or nuclear) than any other strategic delivery system—to any fixed targets, anywhere, under a wide variety of circumstances.

Achieve unequalled accuracies in long-range capability against mobile or imprecisely located targets.

Provide a highly visible deterrent force, one that can be used as a recognizeable expression of national determination and resolve in either preplanned or ad hoc contingency situations.

Accommodate (or readily be adapted to) the delivery of multiple types of conventional and nuclear weapons—highly accurate gravity delivered, standoff-launched cruise, ballistic, semi-ballistic or defensive weapons—in large quantities, for multiple or selective delivery.

Through design growth characteristics, adapt rapidly in tactics and/or avionics to negate or avoid unanticipated defenses and other threats.

Drive an enemy resquirement for extensive diversion of his resources to defensive (vice offensive) systems—but still can be designed with the flexibility to penetrate those defenses if penetration is required for assurance.

Provide us the most effective and economical way to redress the already serious (and worsening) imbalance in deliverable megatonage vis-a-vis the Soviet Union.

Provide a simultaneous capability for long-range, real (or near real) time strike assessment deep within enemy territory with the flexibility of striking alternate planned targets or withholding unnecesary attacks and retaining weapons.

Be launched as a visible expression of active deterrence, yet be recalled without expenditure of ordnance, even after launch, should the deterrent objectives be achieved.

Provide our nation an assured capability to extract severe penalties on an enemy society, regardless of any unexpected degradation of blunting of our SLBM or ICBM force; thus providing insurance against unexpected defenses or failure of any aspect of our strategic ballistic missile systems.

Be used repeatedly. Depending on the nature of conflict, substantial recovery can be anticipated—thus enabling rearming and reuse for any required strategic purpose in subsequent warfighting or war terminating activities.

Exploit superior U.S. technology and capability; for we can build, maintain and operate a flexible, modern delivery system of this type better than any potential adversary.

Be applied across the spectrum of military capabilities—and is uniquely useful for an infinite number of lesser contingency missions; without loss of ultimate capability as a major delivery system for large nuclear payloads.

Survive blunting attacks and reliably be protected from destruction on the ground through tried, proven launch procedures of Strategic Air Command, adapted to reasonable expectations of our modern detection and warning systems.

We know what we can do with a manned delivery system. With a modernized manned penetrating delivery system in our mix of major strategic weapons systems, we are confident of our ability to continue to provide our National Authorities assurance of a viable deterrent posture, *under all circumstances of threat or attack*. Without it, we are not confident that we can provide such assurances in the future.

Turning now to my views on the requirement for the B-1 (and I will not repeat the statistics and details of program characteristics, costs, etc. which are matters of record with the Congress):

Simply stated, I view the B-1 as the best candidate vehicle reasonably available to satisfy the future requirement for a modern manned penetrating bomber—and to provide the U.S. with the diversified characteristics that are and will be needed in our complementary mix of strategic delivery systems. Not only do I view it as the best, I do not see any other comparable system that can reasonably be expected to do this job as I think it must be done for assurance—or for long-term economics!

We are satisfied that the B-1, as it has evolved, will provide our nation with the most efficient and effective manned pentrating weapons system ever conceived. It will accomplish the varied missions that could be required of it with an assurance we do not believe possible in other alternatives that have been proposed and considered.

Strategic weapons planning is dynamic, complex, and demanding. In the thirty year experience of Strategic Air Command with such planning and with the analyses of the plans for efficiency and completeness, SAC achieved a measure of expertise in applying strategic weapons systems to the jobs to be done that is unparalleled. When that expertise is applied to the future problems of maintaining a credible strategic deterrent force, the performance characteristics of such a force containing the B-1 clearly exceed those of a force mix of other, alternative weapons systems. These expert analyses support our individual judgments that no other system reasonably available to us will do the job as well, as efficiently, or as long into the future as will the B-1.

As we now have it, the B-1 development represents a careful blend of operational requirements, modern technological feasibility, fiscal constraints and life-cycle support considerations. It is a real thing—a modern manned penetrating bomber that has been conceived, developed and tested to the point that we are confident that it will perform the future requirements for such a delivery system and give us a viable weapon system mix. It is not a paper study or a theoretical analysis of what *might be* or what might satisfy future requirements. The B-1 is here, it is timely, and it is competent—postulated alternatives meet none of those criteria.

Your third question is "Why Strategic Air Command does not support the various alternatives to the B-1 that have been suggested?" You are correct, we have not supported those alternatives for the overall reason that none of them has stood the tests of long-term sufficiency, cost effectiveness, or supportability over the years ahead. They may have superficial or analytical appeal to some, but they don't measure up with those of us who must maintain and operate our deterrent forces.

To some degree, all the alternatives suggested are either an upgrading of existing equipment that offers expensive short-term improvement without long-term sufficiency, or inadequate performance to remain viable under anticipated high threat situations.

The various models of the B-52 have provided us a magnificent penetrating bomber; its design has given us the inherent growth potential to adapt to changed penetration tactics, offensive and defensive avionics enhancement, and to accommodate to improved types of air-launched missiles and bombs. But the operational B-52 has carried a primary deterrent load for over 20 years, and its ability to adapt to change and modification is not infinite—regardless of its sterling performance throughout those two decades. The basic B-52 technology is that of the 1950s. The aircraft is soft to blast effects; its launch and escape time is relatively long;

its radar reflectivity is great; it has no supersonic capability; it cannot penetrate at extremely low alttitudes; it is expensive to man and maintain; its design characteristics preclude flexibility in dispersal and deployment. Importantly, even though modified and upgraded, it would be perceived as "nothing new" in the dynamics of deterrence.

Our serious study of the major B–52 modifications proposed as an alternative to the B–1 procurement (e.g., larger engines, redesigned wing, fuselage extension, etc.) leads us to the reasoned conclusion that these improvements will not provide the modern characteristics needed for the future and are, in sum, expensive stopgap measures that would provide neither an adequate nor a cost effective, long-term vehicle to do what we see as required. While I could support these B–52 modifications as desirable to upgrade its viability during the remaining time it is part of our strategic force, they do not offset or obviate the requirement for the B–1. Also, such an extensive modification program cause a protracted reduction in our operational bomber inventory when the need for these delivery systems is increasing.

One of the principal alternatives that has been advanced is an improved and enlarged version of the FB–111. This alternative has the initial appeal of offering a more modern and higher performance penetrator since the FB–111 is basically a hard and fast aircraft with low radar reflectivity. However, our continuing analysis of the various proposals for FB–111 upgrade has led to the conclusion that the extensive modification required to make the FB–111 comparable to the B–1 would be, in effect, an entirely new aircraft with all the expense, time, and testing required. The basic FB–111 design is already an adaptation of a fighter/bomber aircraft; and it does not have the growth potential to compete, efficiently, with the B–1 without such a major redesign that, in effect, it is a new aircraft.

In our view, the redesign suggestions that have been advanced leave us with an aircraft that lacks growth potential, does not have the desired low-level range and payload characteristics; and, in order to do the job required, would have to be procured, manned, and supported in such large numbers that it is neither an economic nor efficient long-term alternative to the proposed B–1 force.

As respected as the FB–111 is within Strategic Air Command's manned penetrating bomber force, we have a pragmatic recognition of its limitations in size and range, neither of which can adequately be overcome by modification. In fact, and in perception, such an alternative is considered inadequate for the future requirements of our manned bomber force.

The other alternative that seems to have attracted the attention and support of some analysts is a large, "stand-off" aircraft armed with air launched cruise missiles. Standing alone as an alternative for the B–1, I think this approach to solving our complex future problems of deterrence would be extremely dangerous, if not ineffective and grossly deficient. The concept of an air launched cruise missile does have appeal to us, however, as a secondary and lesser included mode of attack for use within our overall strategic force mix. This weapons development offers the possibility in the future for compensating an inability to attack an expanding enemy target system with a limited number of delivery vehicles through the extended use of obsolescing penetrating bombers (e.g., the early models of the B–52) that in future years may no longer have a high probability of being able successfully to penetrate in depth. Such weapons could be useful in low threat areas and contingency situations to degrade peripheral defenses and attack shallow targets, provide interdiction support in land or sea areas, thereby augmenting the potential firepower of our primary manned penetrating forces.

As an alternative for the B–1, the concept suffers from serious inflexibility since the stand-off aircraft are, by design, unable to penetrate under any circumstances; the result is a serious erosion of flexibility and overall capability in our manned bomber force. A penetrating bomber can always be adapted to utilize and exploit any advantages of a stand-off air launched cruise missile, while still retaining the important advantage of not being limited to a stand-off role and being able to extract high levels of damage against deep targets, including those requiring a high order of accuracy and yield to achieve reasonable damage levels.

The question of vulnerability of a large stand-off missile launching aircraft is, in itself, sufficient for us to discount this as a primary weapons delivery mode for our strategic forces. Its patent lack of credibility in future years would seriously (if not totally) degrade its deterrent value.

The air launched cruise missile is viewed by us as a potentially valuable adjunct to our total force flexibility to handle a constantly expanding threat and target system and, possibly, as an economical, efficient way to challenge an enemy to maintain expensive area and terminal defenses—thus diverting resource allocation from his offensive capabilities against us. It is not yet tested; its operational utility, accuracy, cost and efficiency stand as important unknowns.

I would advise those in positions of responsibility for our overall deterrent and defensive capabilities not to pursue this alternative except as an additive capability for possible use in future years—it is not adequate as a primary weapons system for deterrence.

You have courteously offered me an opportunity to present "any other comments" that I consider relevant to your and your colleagues' determinations on the B–1 issue. I would like to accept this invitation to address the issue of relative cost of the B–1; for I, as any responsible American, recognize the impact of such an expensive weapons system on our national budget and our nation's fiscal resources.

At the outset, I am reminded that much of the cost of this long-term production program will be returned to our nation's economy (and our Treasury) in the form of wages, goods, services and tax receipts generated through classic economic multiplier effects. Notwithstanding these economic realities, however, I think the overall cost of the program, which is the rallying cry of many opponents, must be placed in perspective in order to be understood; i.e.,

In describing the critical role of our nation's strategic forces, Secretary Rumsfeld said (in his 1977 Defense Report): "Without the foundation of adequate strategic nuclear forces, the United States and its Allies cannot hope to deter aggression and contribute to some semblance of international stability. . . ." Within the context of that critical, central role for our strategic forces, the cost of those forces (Air Force, Navy, Army—offensive and defensive—procurement, O&M, personnel, RDT&E, and military construction) is seen in perspective as but a small fraction of our present and projected total obligational authority (in constant FY77 dollars) in the DOD budgets for 1977–1980 (i.e., 1977—9.1%; 1978—9.5%; 1979—9.5%; 1980—10.5%). These projections include the anticipated B–1 procurement requests.

In my view, there is no weapons delivery system program that is more important, more critical, or offers more deterrent utility within the total mix of our strategic forces than the B–1. Without such a capable, flexible, and visible strategic weapons delivery system, our deterrent forces would be seriously deficient across the potential spectrum of confrontation and/or conflict. Yet, the widely publicized "20 billion dollar" B–1 program appears in far better perspective if it is viewed as a percentage of the DOD budget requests in those years: i.e., 1977—1.4%; 1978—1.7%; 1979—2.1%; 1980—2.6%.

In the context of its central importance to our nation's future security—and as an average of 1.95% of our expected DOD budget requests during these years—the "20 billion dollar B–1 program" appears far more understandable to me . . . and, I hope, to the Congress and the nation.

In sum, I see no real alternative to the B–1 from among the suggestions that have been advanced. If we are denied timely production of this aircraft and rapid introduction of the B–1 into our operational inventory, it is my opinion that the nation's deterrent force mix soon will be seriously deficient in its ability to maintain an essential balance—real or perceived—with the strategic forces of the Soviet Union.

Respectfully,
Russell E. Dougherty,
General, USAF,
Commander in Chief.

Mr. GOLDWATER. Mr. President, the amendment offered by the Senator from Iowa again, as I say, is nothing new. The amendment would defer production funding of the B–1 until after the next election.

I could make a political statement here about the next election, but I will refrain from it.

The decision has been made. I will admit that at one time the Air Force decided that the decision would be made in November, but we pointed out to the Air Force that we would be making our decision in the Chamber sometime in May or June, or sometime this summer. We knew that they were ready for the airplane. So they moved their decision date up by 3 or 4 months and so notified the committee, and it was quite prominently displayed in the press. So there is nothing new about this.

It would also require that the next President certify to Congress that the B–1 is in the national interest. Again, Mr. President, if we had a new President who happens to be from the other party, I have yet to hear one of the Presidential candidates express himself in any way knowledgeable about military needs. I know of no one running on the other ticket, and only one on our ticket, who has ever had any experience with decisions in the field of the defense of our country and in the field of strategic needs in the future.

So it becomes to me pretty much a political matter, although I will buy, as the Senator has indicated, it is nonpolitical.

Mr. CULVER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I only have so much time.

As the Senator has indicated it is a nonpolitical matter. I will buy that, but it is hard for me to do, I have to say. It supposedly allows more for testing and for the next President to evaluate the program again. It actually means, however, a costly increase in the B–1 program with no return on the expenditure.

For instance, it disrupts the orderly pace of the program, and I cannot emphasize this too much. We have hundreds of people employed out in Palmdale, Calif., putting this airplane together. I might say that this airplane is manufactured in nearly every State in the Union. If any indication at all comes down from Washington that we may not buy this airplane or we are going to cause a delay in decision of 4, 5, or 6 months, then these people will begin to quit their jobs, and we will find ourselves with a disrupted program that could terminate production activities and result in layoffs and suspensions, and this we went through with the B-70. We went through that at one time—I am going back to the B-17 when that most valuable weapon of World War II took some six different decisions by this body and the Pentagon to decide to buy the B-17 which, along with the B-24, was the backbone of our Strategic Air Command in World War II.

It would result in the waste of millions of dollars, and the question was raised by the Senator from Iowa about this. I have the figures here. Mr. President, I ask unanimous consent that a breakdown of the total cost of this delay, which would amount to almost $500 million, be printed in the RECORD.

There being no objection, the breakdown of cost was ordered to be printed in the RECORD, as follows:

IMPACT OF CULVER AMENDMENT

Assumptions:

Assumes termination of all production funded activities on 30 November 1975, restart on 1 February 1976

Assumes personnel involved in production funded activities will be laid off for period, subcontractors' and vendors' contracts will be cancelled

Only two aircraft can be purchased within FY 77 Budget total

FY 78 buy limited to six aircraft vice eight in order to introduce manufacturing and assembly personnel into program as efficiently as possible and in view of the FY 77 aircraft quantity reduction from three to two aircraft. Labor and overhead rates increase.

The resulting buy schedule causes a five month delay of the final delivery (June versus January 1986)

Schedule:

Current buy schedule:

Fiscal year 1977	3
Fiscal year 1978	8
Fiscal year 1979	19
Fiscal year 1980	32
Fiscal year 1981	45
Fiscal year 1982	48
Fiscal year 1983	48
Fiscal year 1984	37
Fiscal year 1985	—
Total	240

Revised schedule:

Fiscal year 1977	2
Fiscal year 1978	6
Fiscal year 1979	12
Fiscal year 1980	25
Fiscal year 1981	43
Fiscal year 1982	48
Fiscal year 1983	48
Fiscal year 1984	48
Fiscal year 1985	8
Total	240

Total program cost impact:	Million
240 aircraft	$17,473.2
Direct labor & overhead rate impact (5 months)	+158.0
Small lot diseconomies (fiscal year 1977)	+18.0
Interruption of long lead activities (fiscal year 1977)	+8.0
Gap costs	+130.0
Economic escalation impact/schedule stretch (5 months)	+305.0
Fiscal year 1977 (3 to 2 A/C)	−101.0
Long lead reduction fiscal year 1978	−26.0
Total	17,965.2

Increase $492.0 million.

Mr. GOLDWATER. It overlooks the fact that no new significant test information will become available.

Mr. President, I followed this airplane literally since the time it was first laid out on the drafting board over 12 years ago. I visited the plant almost monthly. I have watched its construction. I have been active in observing the tests. I have flown the aircraft. I have flown along side the aircraft. I have listened to the telemetry about it, and I do not know of an aircraft during my 46 years of flying that has ever received the total testing that this one already has, with much testing yet to come, and the Air Force admits this. We have, for example, our No. 1 airplane which is flying literally with no avionics and the No. 2 airplane that is flying is completely avionic, up to the point that it can be and the No. 3 airplane will be absolutely complete.

In reality, I think this is taking a major defense issue and turning it, as I say, into a political one in that it will require some President to make a decision that has already been made by the people who are supposed to make it; namely, the Air Force, the Senate, and the House of Representatives.

It takes responsibility away from Congress and places it again into the hands of the President, which is something we have been trying to stay away from. It attempts to convolute the intent of the Impoundment Control Act, which is something that Congress is opposed to. The amendment gives the President veto power over the program without congressional oversight, which is something we certainly do not want to see happen, but that is the result of it. In effect, the 94th Congress will deny the 95th Congress the right to support or overrule the President because this amendment gives veto power to the next President.

The Culver amendment is predicated on the belief that the next President will not support the B-1. The next President already has the power to cancel the B-1 contract if he so desires, and let me emphasize that. We are not the sole arbiters on this point. The President can at any time cancel these contracts. True, he would have a fight with Congress, but he has this right.

Straight cancellation of the program in February after congressional approval now would cost about $100 million and provide congressional oversight. The Culver amendment would waste almost four times as much taxpayers' money as would simple program cancellation, and I have said this time and time again to my good friend from Iowa, my friend from the Dakotas, and the people who are opposed to the B-1: Let us have an amendment that strikes the whole program and either get along with it or forget all about it. We have spent $2.8 billion on it.

To me it is the finest strategic weapon that has ever been developed by any country and to those who say, "Well, let us wait until the 1980's, when we have technological background and we can build a better bomber," we need the bomber in the 1980's. If we decide to build one in the 1980's, we will not get it until after the year 2000.

This program now stands on its merits. It is the most thoroughly tested aircraft we have ever tested, even though it is a long way from being completed. More than 9,000 hours of engine tests have been conducted. It will have more than 250 hours of actual flight time by November. Finally, it can still perform the design mission envisioned when the contract was first signed in 1970. I pay particular emphasis to that, because it was not 1969, which are the figures to which the opponents of the B-1 keep referring.

Anyone who is acquainted with the design and building of an aircraft knows that the whole affair is nothing but a compromise. We laid out much more stringent requirements for the B-1 when we first sat down to talk about it. We laid out much more stringent requirements for the B-52. But as you go along and find this cannot be done and this can be done, we make those adjustments as we have to.

There has been a great deal of criticism about this airplane. I have had the great pleasure of standing on the floor of the Senate six times in the last 2 or 3 years and debating with my friend the Senator from Wisconsin (Mr. PROXMIRE) over all these points. I have to say, in all respect to Senator PROXMIRE, in all respect to every Senator who has opposed this aircraft on the floor of the Senate, that in 5 years of constant debate they have not raised a single new point. They still say, "re-engine the B-52." Fine. There is no new engine for the B-52. It will not get the speed if they develop the thrust power, and we do not have engines to do the job. To rebuild the B-52 would require as much money as we are going to pay now for the B-1.

Criticism has been made about its failure to fly capably at low level and high speed. I have flown it at Mach .85. It will go faster than that, but I cannot reveal the actual figure, at 200 feet above the ground. It withstands turbulence beautifully, whereas a B-52 would literally fall to pieces if it experienced the turbulence I experienced over the deserts of southern California and southern Nevada.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum of answers to the criticisms of the B-1.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

B-1: ANSWERS TO CRITICISMS

Title—Need for TRIAD.

Criticism—The manned bomber is unnecessary in our total strategic force. Two legs, the ICBMs and SLBMs, are adequate as a nuclear deterrent.

Response—The manned bomber force carries over 50% of the nuclear megatonnage in the TRIAD. It is the only leg that offers flexibility of response in times of national crisis. The B-1 can be launched on warning to demonstrate national resolve, withheld if not needed, or sent to penetrate deep targets in the enemy territory. The B-1 does not allow the Soviets to concentrate their defenses in one area and requires them to commit significant resources to the air defense of their homeland.

Title—B-52.

Criticism—The current B-52 force is adequate to provide the manned bomber leg of the TRIAD. Therefore, the B-1 is not needed.

Response—The B-1 is being developed to defeat the evolving Soviet threat in the mid-1980s. The B-52 is aged and will be unable to successfully penetrate the heavily defended vital targets deep in the Soivet heartland at that time. We are lead time away from the mid-1980s now and therefore must start production of the B-1 this year.

Title—B-52.

Criticism—The current B-52 force is forecast to be adequate through 1990. Therefore, production of the B-1 could be delayed.

Response—It takes about ten years to begin fielding a new aircraft such as the B-1. The B-52 will be inadequate to perform the strategic mission against the evolving threat postulated for the mid-1980s and beyond. The B-1 is designed to defeat the Soviet threat plus have good growth potential for the uncertainties of the future. Therefore, production of the B-1 should start this year.

Title—B-1 obsolete.

Criticism—Won't the B-1 be obsolete when deployed.

Response—The B-52 illustrates how a well designed strategic bomber can maintain effectiveness over a long life. With a life span in excess of 30 years, the investment in the B-1 can be amortized over many years of effective use as a deterrent. The B-1 represents the most cost-effective design of a strategic bomber. It incorporates those advanced technologies which assure its effectiveness. Equally important, the B-1 has growth potential (cooling, power, space) designed into it, as did the B-52, to accommodate the uncertainties of the future.

Title—Bombers obsolete.

Criticism—Aren't bombers obsolete in the missile age.

Response—The combination of missiles and bombers precludes a disarming surprise attack (bombers can be launched on warning and recalled if appropriate). The U.S. bomber force balances the SALT numerical disparities in missiles and missile throw-weight. Bombers are the only part of the TRIAD proven in combat. Soviets recognize effectiveness of U.S. bombers and expend the equivalent of $5-6 billion a year to defend against them.

Title—Stand-off missiles.

Criticism—Stand-off missiles on the B-52 can do the B-1 bomber job.

Response—Arming the B-52 with stand-off missiles ignores the primary objectives of the manned bomber force—that is high pre-launch survivability, safe escape in the event of nuclear attack, and successful penetration of enemy defenses to destroy valuable targets. The B-1, armed with the SRAM, will be clearly superior to any B-52 modification including stand-off missiles.

Title—Stand-off Missile.

Criticism—The stand-off missile is better able to penetrate and less costly than penetrating B-1 bomber.

Response—The stand-off force armed with long range cruise missiles can only be effective as a complement to the penetrating bomber. Whereas the B-1 alone is effective, a cruise missile force is not. The cruise missile force cannot attack successfully the high value terminally defended targets; it cannot reach deep enough into the Soviet heartland; its carriers are too vulnerable to long range fighters; and it has no flexibility to exercise judgment during an attack.

Title—Stretched FB-111.

Criticism—A stretched, modified FB-111 could be a more cost-effective alternative than the B-1.

Response—The stretched, modified FB-111 has been shown in all analysis to be clearly non-competitive with the E-1 due to deficiencies in range, payload, and ECM capability.

Title—Re-engined, modified B-52.

Criticism—A re-engined, modified B-52 is more cost effective alternative than B-1.

Response—Re-engining and modifying the B-52 only addresses a single facet of the strategic mission—range. The B-52 would remain a structurally aged airframe with no significant performance improvements other than range. It would be too slow, have a large radar cross-section, and incapable of penetrating the heavy defenses after the mid-1980's.

Title—Takeoff distance.

Criticism—Takeoff distance increased to 7500 feet.

Response—No impact to deployment or dispersal. Still can operate from more runways than the number of B-1's planned to be built.

Title—Takeoff weight.

Criticism—Takeoff weight has increased from 360,000 to 395,000 pounds.

Response—True. As design progressed from drawing board to hardware fabrication; the Air Force improved its understanding of structural loading, added fracture mechanics to insure a structurally sounder airframe and refined design acoustic levels. Use of less costly off the shelf offensive avionics added somewhat. Very minimal impact to strategic deployment.

Title—Payload.

Criticism—If range is down somewhat, can it carry the same payload.

Response—B-1 will carry the same payload, over the same distances, at the same high subsonic speeds as originally envisioned, through minor operational trades. The B-1 can still carry 24 internal short range attack missiles or gravity weapons, or it can carry 75,000 pounds of munitions.

Title—Range.

Criticism—Mission is down from predicted and will affect the ability to perform.

Response—As reported to Congress we will be 7% below 1970 estimates for range, due mainly to the heavier aircraft weight. With current predicted range, the B-1 through its inherent operational flexibility can accomplish all of its intended strategic mission requirements. The current range estimate is more than adequate to effectively perform its envisioned assignment. The B-1 completely blankets the target structure of the future.

Title—Performance/Range.

Criticism—B-1 has increasing reliance on tankers.

Response—The B-1 can deliver its payload on most critical targets without refueling. Refueling does provide better tactics and deeper low level penetration. Tankers are important but their loss doesn't make the B-1 ineffective. The B-1 can strike more of the targets without refueling. Analysis shows tanker survivability increases with the B-1 because the B-1 gets away from its base faster.

Title—Supersonic speed.

Criticism—Supersonic speed on a bomber is not necessary.

Response—The future bomber of the late 80s and into the 21st century requires speed and altitude versatility to provide a broad range of operational tactics, counter future threat uncertainties, hedge against degradations in penetration aids effectiveness, and have the tactical flexibility to be capable of all possible bomber tasks. Subsonic only would never allow supersonic later, no matter how desirable it becomes. Supersonic complicates defensive problems and increases defense costs to enemy that could be diverted to offensive systems.

Title—Supersonic speed.

Criticism—Top speed of the aircraft has been reduced to Mach 1.6.

Response—The reduction in supersonic speed was based on a very detailed analysis of the difference in capability against the projected threat at Mach 1.6 versus Mach 2.2. Results indicated that the added capability was not worth the additional cost. The development test aircraft will demonstrate the Mach 2.2 capability and should the threat of the future dictate higher speed, it can be added. Savings of about $1M per aircraft and 1000 pounds are realized by this change.

Title—Capabilities.

Criticism—B-1 operational performance offers no advantages.

Response—The B-1 is hard to nuclear weapon effects (over three times as hard as B-52), has rapid acceleration and high speed flyout (50% faster in escaping), and requires less takeoff roll (25% less) combining to higher pre-launch survivability. B-1 has a small radar cross section (95% less), advanced electronic countermeasures, ability to fly at lower altitudes (50-100% lower) and higher speeds (50% faster penetrating) to ensure high penetrativity. B-1 can carry twice the internal nuclear payload, deliver them with greater precision.

Title—B-1 Cost.

Criticism—B-1 Costs have risen 117% in six years.

Response—The real cost of the B-1 is under control. In terms of 1970 dollars, the cost has risen only 12%, an average of 2% per year. The remainder of the cost increase is due to the inflation which we have already experienced and the inflation we are projected to experience from now until 1988, when the last dollar will be spent for B-1 acquisition.

To use any baseline other than constant 1970 dollars to measure B-1 cost growth would attribute the effects of inflation, over which the Air Force has no control, to program management. The development program and the procurement program were originally estimated in 1970 dollars, and adherence to that estimate should be the measure of merit.

Title—B-1 Cost Control.

Criticism—B-1 Costs are out of control.

Response—By any rational measure, the B-1 program has successfully controlled cost growth. In terms of real growth, the program cost has increased only 2% per year. The cost of the program expressed in 1970 dollars is the same now as it was in December 1973. This is a result of ruthless cost control efforts by Air Force program management. The perception of cost growth is given by the effects of inflation over which the Air Force has no control.

Title—FY 1977 Procurement Request.

Criticism—Over $1 billion is required to purchase new aircraft.

Response—Most of the funding required in FY 1977 ($606M) will be used for tooling that will be used to produce not only these three aircraft but also the remainder of the production run. $315 million will be used to purchase the aircraft. Of the remainder, $89 million will be used for long lead funding for the FY 1978 buy of eight aircraft, $27 million will be used for purchase of peculiar support equipment, and $12.5 million for initial spares.

Title—B-1 Life Cycle Costs.

Criticism—The advertised cost of the B-1 does not include funds to operate and maintain the system.

Response—This is in accordance with the Department of Defense System for cost accounting. Operating and support costs are justified to and appropriated by the Congress under procedures separate from the Research and Development and Procurement Accounts with make up acquisition costs. In fact, the Air Force is proud of its accomplishments in keeping the B-1 operating and support costs to a minimum. In 1975 dollars, we estimate the 15-year operating and support costs for the entire B-1 force to be $6.7 billion.

Title—Overall Cost of the B-1 Program.

Criticism—The B-1 will cost the taxpayers $92-100 billion.

Response—The cost estimate used by critics is grossly overstated. In 1975 dollars, the cost to develop and acquire the B-1, acquire SRAMs, and operate and maintain the B-1 and SRAM's for 15 years is $24.5 billion. Other costs attributed by critics are not germain since they will be incurred whether there is a B-1 or not. SAC tankers, command and control systems, and tactical warning systems fall in this category.

Title—B-1 Weapons Cost.

Criticism—B-1 Program Cost does not include the cost of weapons.

Response—The Department of Defense Program, Planning and Budgeting System does not aggregate the cost of acquisition of weapons with the cost of the aircraft used to deliver them. Often, one weapon can be delivered by a number of vehicles already in the inventory. If the system allocated the cost of weapons to a number of programs, visibility into the cost of the weapon acquisition might be lost. The weapons for the B-1 are therefore carried in their own acquisition line.

The Air Force plans to acquire sufficient Short Range Attack Missiles to equip the B-1. Then year dollar costs for these weapons are $1.3 billion. Other weapons, already in the inventory, will also be carried on the B-1.

Title—B-1 Benefits to Economy.

Criticism—The B-1 does not provide benefits to the U.S. economy. Other spending programs provide more jobs.

Response—Charges that the B-1 will contribute no more to the GNP than a tax cut or would provide fewer jobs than a public works program are irrelevant. Although the program will provide thousands of jobs nationwide for a number of years, defense programs are not concerned to create jobs or sustain contractors, but to contribute to the security of the country.

Title—B-1 Tax Contributions.

Criticism—The B-1 does not provide funding to states in accordance with this proportional share of the federal tax burden.

Response—Individual defense programs are not structured to provide funding in proportion to their tax contributions to the national economy. This is true for almost all government programs due to the structure of the United States economy. Aerospace programs primarily benefit states with a heavy industrial base and agricultural programs primarily benefit states with a farming base. We should note that industrial workers also consume the output of other states and so the indirect effect of B-1 spending may be closer to being proportional than it appears on the surface. All citizens benefit equally from the security aspects of the B-1.

Title—B-1 Tanker Costs.

Criticism—A new Air Force tanker is required for the B-1 and its cost should be attributed to the program.

Response—The Air Force does not require a new tanker for the B-1. The aircraft is designed to be compatible with the KC-135 and has demonstrated this compatibility through numerous aerial refuelings during the test program. KC-135 tanker support will be provided by tankers released from B-52 requirements, since their mission will be shorter and will require less tanker support.

Title—B-1 Engine.

Criticism—B-1 engine exceeds the design goal weight.

Response—The engine exceeds the original goal by about 100 pounds, 2½%, for an approximately 4000 pound engine. The engine contractor could have met the weight goal, but cost-effectiveness studies showed this to be needless expenditure of funds, and weight reduction could be attained elsewhere in the aircraft at lesser cost. The impact on an intercontinental mission would be about 12 miles if an offsetting weight reduction could not be realized.

Title—B-1 Engine.

Criticism—B-1 engine will not meet bird ingestion requirements.

Response—B-1 engine provides a balanced design, balanced between performance, weight, maintainability, life and cost. The design goals were high and substantially met.

The engine has demonstrated and met the capability to ingest a large number (80) small birds without power loss.

An initial design goal was to ingest six 1½ pound birds (frying chicken size) without power loss, and contain damage within the engine for very large 4 pound birds. Testing showed it was impractical to expect no damage from 1½ pound birds passing through the engine, so the requirement was changed to containment of damage within the engine. Tests have demonstrated the engine will meet the requirement for the larger 4 pound as well as 1½ pound birds.

Title—Engines.

Criticism—B-1 engine fuel consumption is too high.

Response—The B-1 goals for specific fuel consumption were set unusually high and fuel consumption under some conditions are higher than specified. Cost-effectiveness trades indicated that chasing the last ounce of performance in this area would increase cost considerable and likely incur a weight penalty. Even so, the engines are within 5% of the 1970 goals.

Title—Engine degradation.

Criticism—Fuel consumption is higher than predicted and engine weight is up.

Response—Fuel consumption is up in some flight regimes and the weight of engine is heavier by one hundred pounds. The combined affects could result in a mission range loss of about one hundred miles. This degradation will not intrefere with successful mission accomplishment. Because of operational trades available and the flexibility of the aircraft, the B-1 will be able to carry the same payload at the same speeds and over the same distance as originally planned.

Title—B-1 Test Schedule.

Criticism—The B-1 test program is behind schedule and will not be completed before November 1976.

Response—The B-1 test program is currently on schedule and all required testing will be accomplished by November 1976.

Title—B-1 Wing Carry Through Structural Testing.

Criticism—The B-1 Wing Carry Through static test article failed during testing.

Response—The failure occurred at 141% of design limit load at the 395,000 pound test spectrum at a wing outer panel. It failed at exactly the place predicted and at slightly higher than predicted loads. The test was designed to fail the component. Some redesign of the structure has been accomplished to achieve the 150% desired design strength but it should be noted that even the failed structure had a 41% safety factor.

Title—B-1 Structural Testing is inadequate.

Criticism—The structural test assemblies were only tested to the 360,000 pound aircraft load criteria rather than the actual 395,000 pound aircraft loads that will actually be experienced.

Response—The increase in aircraft gross weight from 360,000 to 395,000 pounds occurred subsequent to release of engineering drawings, purchase orders and manufacturing of structured components for the first three RDT&E aircraft and test articles. Analysis showed that the impact of the increased weight was generally within the structural capability of the components so a complete redesign of the aircraft structure was not required. After all structural assemblies were subjected to the 360,000 pound static loads spectrum, the tests would be continued to 395,000 pounds for all articles but the aft fuselage. Based on projected flight conditions, the loads did not change appreciably on this part of the aircraft. Testing on all other components was successfully completed at the 395,000 pound criteria and at 150% of the 395,000 pound criteria on all but the wing carry through structure.

Title—B-1 Fatigue Test.

Criticism—A full scale aircraft will not be fatigue tested prior to the production contract award.

Response—More fatigue test data will be available on the B-1 prior to the production contract award than was usual on previous programs. For example, neither the DC-10 or the Boeing 747 had even one lifetime of fatigue testing prior to first aircraft delivery to the airlines.

Experience has shown that deficiencies in design of the basic structure of the aircraft are disclosed through fatigue tests of critical major assemblies and the Air Force is currently conducting such testing on the B-1. Other failures which occur in the sheet metal structure are easily remedied and this testing is best conducted on a fully mature design. The B-1 program will conduct such testing later in the acquisition process.

Title—B-1 Vibration.

Critcism—Test aircraft have encountered severe vibration problems during tests.

Response—Engineering analysis showed the possibility of vibration levels which could exceed the allowable specifications under certain conditions. B-1 flight testing confirmed this and the vibration is twofold. Some of the avionics equipment exceeded vibration levels and the solution is movement of some equipment and shock mounting others. The other problem is acoustic in nature and occurs when the weapon bay doors are fully opened. One of the easiest fixes involves mounting a small spoiler to disrupt air flow patterns when the weapons bay doors are opened. Even if nothing is done, the minor vibration encountered would not affect the ability of the production aircraft to perform its mission.

Title—B-1 Low Level Testing.

Criticism—Not enough low level testing is being accomplished.

Response—Enough low level testing will be accomplished prior to November 1976 to properly evaluate the aircraft in that flight region. Over six hours of high subsonic speed testing at 500 feet or below has already been accomplished and more is of course planned. The Air Force is pleased with the aircraft's performance in this area.

Title—B-1 Supersonic Testing.

Criticism—Not enough supersonic testing will be accomplished prior to November 1976.

Response—Enough supersonic testing will be accomplished prior to November 1976 to properly evaluate the aircraft. Over six hours of supersonic testing has already been accomplished including testing at Mach 2.1+.

Title—B-1 Offensive Avionics Testing.

Criticism—B-1 Offensive Avionics Testing is not adequate.

Response—Most of the offensive avionics equipment for the B-1 has previously been used on other aircraft. Accordingly, detailed test information on the specific components is already available. The B-1 offensive avionics test program is designed to prove that the equipment will operate together as a unit and with the aircraft. To this end extensive testing has already been accomplished on the ground and the navigation equipment has been flight tested in a C-141 aircraft to assure compatibility among elements of the avionics equipment and flight testing is now being accomplished to assure compatibility with the aircraft. This testing will be adequate to assure that the B-1 will be able to accurately deliver its weapons.

Title—B-1 Testing Inadequate.

Criticism—The B-1 will not have enough testing by November 1976 to make a production decision.

Response—The B-1 will have more preproduction testing than any aircraft, military or civilian, produced by the United States. The Air Force has already accomplished extensive structural testing to assure aircraft integrity, detailed engine testing to assure proper performance, and aerodynamic testing to prove that the aircraft will perform, in flight, as was predicted on the ground. The results of all this testing are overwhelmingly favorable.

Some testing, notably completion of two lifetimes of fatigue on selected test articles, flight of the airloads test aircraft, and continued avionics/aircraft testing, still needs to be accomplished before the production contract is awarded, however, all indications are that the testing can be comfortably accommodating.

Title—Weapons delivery.

Criticism—Weapons delivery capability will not be tested.

Response—B-1 compatibility testing between the Short Range Attack Missile (SRAM) and the B-1 offensive avionics has been ongoing since 1972. Full compatibility has been demonstrated in a laboratory environment, inert weapons have been carried on a rotary launcher in the B-1, weapon bay doors have been operated with a load of inert weapons in the air, a SRAM has been released from the B-1 on the ground, and an actual airborne release is scheduled in the next few months. Since aircraft #3 has flown, simulated weapon releases are being accomplished on each flight.

Title—Defensive avionics.

Criticism—Defensive avionics won't be tested in flight until early 1979.

Response—Recognizing the dynamic nature of electronic countermeasures and years of experience in upgrading strategic aircraft against defensive threats, the defensive task was consciously and intentionally planned to begin after the airframe, engine and offensive avionics. This allows time to be most responsive to and effective against the latest threat intelligence data. The more deliberate pace has reduced associated technical, cost and schedule risks. Defensive equipment will be installed by the B-1 initial operational capability date.

Title—Avionics.

Criticism—Off-the-self avionics equipment compromise the mission.

Response—No compromise in the B-1 mission has been made. B-1 offensive avionics provide the most accurate navigation and precise weapons delivery of any system available, including any other leg of the TRIAD. B-1 digitally controlled defensive avionics incorporates the latest state of the art technology that is flexible to change with the ever changing enemy threat, through software changes.

Title—B-1 Auxiliary Power Units (APU).

Criticism—The (APU) does not meet base safe escape requirements.

Response—The B-1 does reach a safe escape point faster than the B-52 due to the B-1's short takeoff roll, high flyout speed and resistance to nuclear effects. Under some extreme conditions of very high and very low temperatures at runways at high altitudes, the APU is slower than normal starting the engine. Even under these extreme conditions, the B-1 will still reach safe escape point faster than the B-52, due to the B-1's short takeoff roll, fast acceleration, high flyout speed, and resistance to nuclear effects. The Air Force is pursuing alternatives that pose no technical problems or major funding impacts. Among these are a change in operational procedures wherein under extreme conditions two engines would be started initially and the other two while taxiing, a new APU with more power, and a change in APU-to-engine gear ratios.

Title—Environment.

Criticism—B-1 will damage the ozone layer and add to pollution problem.

Response—B-1 training is not anticipated in the ozone layer, and accordingly there will be a negligible effect on the stratosphere. B-1 engine emissions have been almost totally eliminated and are low compared to current commercial and military power plants. Turbofan engines, such as the B-1 engine, reduce external noise by removing more energy from hot gases to drive the fan and thus decrease hot jet exhaust velocity. B-1 will spend less time in air training, due to heavy dependence on ground based simulators.

Title—Environment.

Criticism—How much fuel will be consumed by the B-1 than the B-52.

Response—B-1 engines incorporate the most recent advancements in technology which provides for far more efficient use of fuel. On a typical training mission, the B-1 will use about 25% less fuel per hour than the B-52, even though the B-1 will train at faster penetration speeds. In addition, the B-1 will fly less in training, thereby placing heavy emphasis on the use of ground-based simulators, resulting in a lesser number of actual flying hours required.

Mr. GOLDWATER. Mr. President, the production contract already has been agreed to by both Houses. The vote is available. But we have approved the production of eight aircraft. None of these will begin to come into the inventory until the very early 1980's. I think it would be a terrible mistake for us to decide to wait for the next President to be inaugurated in order to have a decision as to whether or not our triad of strategic deterrents is going to stand or whether we are going to allow it to fall.

Mr. President, I think this is a very poor amendment, offered at a very poor time. I would much rather see the vote come strongly, one way or the other, on the McGovern amendment, which has the courage to say, "I don't like this bomber. Let's not buy it." With this business we have been engaged in time and again of saying, "Well, I don't like it, but let's hold it up a month or two," we are actually throttling the American taxpayers by continued spending on research and development—research and development that already has been decided.

This is a superb aircraft. I have asked this particular question of every man gathered in a room not 3 weeks ago—pilots, civilians, Air Force, the maintenance people of SAC, the maintenance people who are civilians: "Is this airplane ready for the inventory?" These are men who had to fly aircraft in combat, and just because they wear the blue, they do not go around foolishly and say, "Yes, we have to have it."

This airplane has been tested to the point that it can go into combat tomorrow.

Mr. President, some time ago, Mr. Jack Anderson made some criticisms of this airplane, and I think we should answer those criticisms because they used some strange figures—figures that cannot be backed up. I ask unanimous consent that comments on Jack Anderson's column of April 11 be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

COMMENTS ON JACK ANDERSON'S COLUMN OF APRIL 11, 1976

Anderson: "The controversial bomber has developed difficulties, which have caused some Pentagon planners to wonder if it will be worth the staggering cost. Its secret flight performance has dismayed some of its most hopeful supporters."

Comment: Dismay was not evident among the principals of the Defense Systems Acquisition Review Council who met to review the B-1 program on February 25, 1976. On the contrary, they concluded that ". . . the program is proceeding very well. Our consensus is that in the crucial areas of mission accomplishment, aircraft structural integrity, flying qualities, and engine development, the B-1 is demonstrating its readiness for production. We are highly confident that the milestones which remain, such as engine endurance tests, demonstration of offensive avionics, demonstration of operational mission profiles, completion of production planning, and definitization of production contracts will be completed by the scheduled date for the release of funds in November 1976.

The DSARC principals were impressed with the solid accomplishments of the B-1 program.

Anderson: "Pentagon officials have a highly developed proclivity for treating their mistakes as secrets. They have hidden under the security label most of the evidence of misspending and mismanagement in the Pentagon. The General Accounting Office sent its auditors, however, into the backrooms of the Pentagon. Last month, they completed a closely guarded, 55-page staff report on the B-1 program. The cover, trimmed in orange, is emblazoned with a big, black "Secret stamp."

Comment: The Department of Defense has a long-standing policy reaffirmed by Secretary Rumsfeld and fully supported by the Air Force, that no mistakes or problems will be hidden behind security labels or any other barrier to candor. The classification assigned to the original GAO staff study was assigned solely to protect the aircraft performance data it contained. The Department willingly cooperated in the release of an unclassified version of the report to news media representatives which deleted classified performance parameters.

Although the GAO report was issued in March 1976, much of the information contained in the report was based on flight test information available in October 1975. Therefore, it was five months out of date when published.

Anderson: "It is essential for any bomber to escape its base quickly after a warning is received of an impending attack. The secret GAO report claims that the B–1 still cannot get away in time. According to the government auditors, no schedule has been established to solve the problem."

Comment: We foresee no problems in meeting the safe escape requirements for the B–1. In the test aircraft, we found that one step in the "get away" process—engine start—took a few seconds longer than we had anticipated. The Air Force is considering a number of technical and procedural alternatives which will assure safe escape. We see no need to make a firm decision at this time on corrective or compensatory measures. We will continue an orderly examination of the problem and take appropriate and timely action.

Anderson: "The B–1 experimental planes have encountered severe vibrations during tests. Yet neither the cause nor cost of the buffeting have been determined 'In addition,' states the report 'it is uncertain whether buffet and vibration at the present levels would affect the ability of the B–1 to carry out a typical mission'."

Comment: The degree of vibration encountered during tests was neither severe nor unexpected. In accordance with normal engineering practice, no corrective action was taken on predicted virbration levels for the B–1 pending confirmation by flight test. The minor virbration actually encountered lends itself to a variety of technically easy fixes. The Air Force plans to conduct further testing before the most effective option is selected. Even if *nothing* were done, the vibration encountered to date would not affect the ability of the production aircraft to perform its mission.

Anderson: "The Air Force wants to go ahead with production without testing the B–1's all weather capability, weapons delivery and defensive avionics."

Comment: Weapon release and simulated weapons delivery tactics will be conducted prior to contract award. By design, and in accordance with the normal method of operation, we are delaying the defensive avionics to as late in the program as is feasible in order to incorporate countermeasures against the latest enemy threat.

Anderson: "An airframe strength test was also deleted from the B–1 program in 1970, despite military specifications requiring it, for cost reasons. The GAO believes the Air Force should reconsider this decision."

Comment: The B–1 structural test program is the most extensive ever conducted on a military or civilian aircraft prior to delivery of the first production aircraft. The Air Force has already completed over 6200 structural element tests of small pieces of the aircraft, over 680 tests of larger components, 84 static tests on eight major structural components of the aircraft, and a proof load test of an assembled aircraft. Fatigue tests of six major structural components are currently in work or completed. The Air Force has had the structural test program reviewed by the Structures Panel of the USAF Scientific Advisory Board, and they have advised the Air Force that they concur with the structures program.

Anderson: "The B–1 is supposed to carry Short Range Attack Missiles, known inside the Pentagon simply as SRAMs. According to the secret findings, it is 'questionable' whether SRAMs will be available as fast as the B–1s are scheduled to come off the production line. If the decision is made to go ahead with the B–1, therefore, its weapons system may have to be changed."

Comment: The current Five Year Defense Program will provide the necessary weapons for the B–1 force as they are needed.

Anderson: "The F–101 engines, which are supposed to be installed in the new bomber, don't meet the contract specifications for weight, fuel consumption and bird ingestion. According to the auditors, excessive weight will increase the fuel consumption and reduce the bomber's range. The overweight engine could also ingest a medium sized bird in flight, with dangerous consequences."

Comment: The B–1 engines are expected to be slightly overweight and will use slightly more fuel in some operational modes than called for in the specifications. The B–1 can still perform its operational mission perfectly well and the Air Force sees no need for any redesign. The engines will ingest small birds with no sustained power loss. In the event medium sized or large birds are ingested, damage will be contained within the engine.

Anderson: "The auditors called attention to anticipated cost overruns of $323.2 million from three of the four contractors—Rockwell, General Electric and Cutler-Hammer, Inc."

Comment: Anticipated contractor and Air Force cost estimates for the work on contract and the contract target cost for each contract are reported to the Congress quarterly. The cost estimates used for budgetary requests are based on the Air Force estimates which include any over target contractor costs anticipated. Since 1970, the cost of the program, expressed in 1970 dollars to eliminate the effects of inflation and allow a proper evaluation of Air Force management, has grown an average of 2% per year. This growth occurred in the early part of the program as the design evolved. The current cost estimate in 1970 dollars is the same as that reported in December 1973. Air Force program management has achieved an enviable record of zero cost growth over this period. The cost of the B–1 is under control.

Anderson: "The prestigious Brookings Institution, meanwhile, has conducted its own study and has concluded cautiously that the B–1 program is not needed."

Comment: The Department of Defense and the Air Force conducted an exhaustive comparative study of the B–1 and likely alternatives. This Joint Strategic Bomber Study, which was made available to Congress, confirmed that the B–1 was the most cost-effective and mission capable bomber modernization option. The GAO reviewed the study and concluded, "We are of the opinion that the study results now provide a basis for a more informed consideration of the strategic bomber question by the Congress."

The entire Brookings Institution study referred to by Mr. Anderson was based on a fundamental and, we believe, undesirable alteration in the strategic options and combat role for the bomber force. According to the authors of the study, ". . . the bomber force should be designed and sized to attack fixed industrial and urban targets." We believe such a narrow "people killing and city busting" role is neither militarily sound nor morally appropriate for a nation with our professed value system.

Based on their changed strategic premise, the authors' analysis would save money by buying a smaller number of a different weapons system. However, the unit cost of the system they recommended was higher than the unit cost of the B–1.

For these and other reasons, we consider that their conclusions regarding the B–1 program do not properly serve the security interests of the nation.

Mr. GOLDWATER. Mr. President, that concludes the remarks I have in opposition to the Culver amendment. I will have further comments to make on the McGovern amendment.

Mr. STENNIS. Mr. President, I thank the Senator from Arizona. I yield myself 2 minutes. I will use 1 minute to speak and 1 minute to ask questions.

The Senator from Arizona is not only a pilot but he is a renowned pilot as well, and I am not flattering him one bit. The Senator from Arizona has been following this matter through all its stages, development and so forth. Is that not true?

Mr. GOLDWATER. Yes.

Mr. STENNIS. Is there any real defect or anything that he has found or can find that is the matter with this plane which calls for a deferral?

Mr. GOLDWATER. In the testing of any airplane, the testing is not done alone on the airframe that is flying. They take parts of the aircraft, such as the tail section, the empennage, the landing gear, the nose section. Every section of that airplane is given different tests.

The other day, a crack appeared in a piece of metal involved in the left side of the landing gear assemblage that had no bearing on the gear itself. This piece of metal had gone through four lifetimes of testing at "G" forces far, far above any "G" force that ever will have to be on the B–1.

It is the most throughly tested airplane with which I have ever had any association, and I have been associated with this one for a long, long time—its whole life, in fact.

Mr. STENNIS. I thank the Senator. I know that he is highly qualified, and from year to year he has kept up with this and reported repeatedly to our committee. I think the Air Force has listened to his counsel, too.

Mr. President, I have been going along here, as a committee member, in considering this matter to some degree every year. I am not happy about what it will cost. However, as a layman, I think we will have to have a newer plane to replace the winged part of the triad. We have gone along with successful research and development to the point of $2.8 billion. Now we have to have this $1 billion-plus for procurement.

I believe there will be one certain result of deferring this project, even for this short time, and that is that it will cost more money in the long run. Successive Presidents and successive Congresses—committees and Congress—have passed on this matter already, and I hope this amendment is not agreed to.

Mr. CULVER. Mr. President, does the chairman yield?

Mr. STENNIS. I would like the Senator from Nevada to seek recognition, if he wishes to say a word. He is quite a student of this project.

Mr. CANNON. Mr. President, suggestion has been made that we might yield the time back on this matter and proceed then to the McGovern amendment, which is perfectly satisfactory with me, to talk on the McGovern amendment.

Mr. CULVER. With that understanding, Mr. President——

Mr. STENNIS. With that understanding, the debate will continue, and the Senator from South Carolina will be here in a moment.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

Do I correctly understand that Senator McGovern will offer his amendment as a perfecting amendment to Senator Culver's amendment and there will be one vote instead of two?

The PRESIDING OFFICER (Mr. Dole). The Chair advises that there will be two votes.

Mr. GOLDWATER. The first vote will be on the Culver amendment?

The PRESIDING OFFICER. The first vote will be on the McGovern amendment.

Mr. STENNIS. All right, Mr. President. So far as the manager of the bill knows, subject only to the Senator from South Carolina, I will be ready to yield back the time on this amendment.

I yield 3 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I favor going forward with the B-1 bomber. I realize that two arguments are made against the B-1 bomber. One is that it costs too much, and it does cost a great deal of money. But the question is, Can we afford not to build this bomber when our national security could be at stake?

I am convinced that we have to have this Triad strong on all three legs—land-based missiles, sea-based missiles, and bombers.

The other argument here, in addition to costing too much, is that missiles have advantages over bombers. That is true; they do have some advantages over bombers. But bombers have some advantages over missiles, too. They are reuseable. Once a missile is fired, it is gone. A bomber can be used and used and used for years.

Another advantage is if there should be a mistake, once a missile is fired, there is no way to recall it. A bomber is piloted by a man, a human being. And it can be recalled. It might be very vital in some cases that this be done.

Another thing is that a missile in a silo is a fixed target. The Soviets know where our silos are and they have zeroed in on them. A bomber will be moving from place to place, just like a submarine. It is not a fixed target. Therefore, it is essential that we have these bombers.

Then, too, the B-1 bomber is a supersonic bomber. The B-52 is a subsonic bomber. The B-1 will fly faster than sound. It is about two-thirds the size of the B-52, but it will carry more weapons than the B-52. This bomber is undoubtedly the finest bomber that the Air Force has ever come up with.

Again I say, it costs a lot of money, and I regret that. I regret that the taxpayers will have to pay such a big amount for these bombers. But after all, what is the price of freedom? What is the price of protecting the people of this country? What is the price of saving this Nation?

I think we cannot afford not to go forward. It is my judgment that we should, we must go forward with the B-1 bomber, and I think the sooner the better, because the longer we delay it, the more it will cost.

ADDITIONAL STATEMENTS SUBMITTED ON CULVER AMENDMENT

Mr. BUMPERS. Mr. President, I would first like to compliment my distinguished colleagues, Senators Proxmire, Culver, and Goldwater, for their most impressive and informative debate on the B-1 issue. These gentlemen deserve the praise and thanks of the entire Senate for increasing our awareness of all of the problems involved in the B-1 controversy. I hope this will not be the last time that we in the Senate are privy to such a high-level discussion of the issues.

Last year I voiced my objections to procurement of long lead items for the B-1 as part of the fiscal year 1976 defense authorization bill. I have not changed my opinion. With all deference to my distinguished colleague from Arizona, too many questions still remain in my own mind about, first, the ability of the B-1 to perform its primary mission; second, the possibility of obsolescence due to our own technological development and the Soviet Union's vaunted air defense system, and third, the availability of a more effective alternative weapons system in the form of the stand-off bomber armed with air-launched cruise missiles.

Arguments have abounded in recent weeks over what the actual cost of the program will be. The Air Force estimates a total cost of $21.6 billion in "then dollars," which means including the inflation factor over the approximate term of production, while other assessors are not so sanguine. The Brookings Institution, for example, estimates the total cost of the program when personnel costs, missile costs, a new tanker fleet, and other direct and indirect costs are included as in excess of $90 billion.

The Brookings figure may be too high, but in any case the B-1 program will most probably be our most expensive weapon procurement for the next decade—outspending even our Trident program, which in everyone's view constitutes our first line of defense.

Moreover, there are simply too many reports that the B-1 has not lived up to its original contract specifications. We hear that:

It is behind in its flight test schedule;

Its secondary power system for faster takeoffs is faulty;

It has experienced buffeting and vibration at high speeds;

Its wing flaps and slats have failed to extend properly in all tests;

Its engine access doors have popped off on occasion;

Its turbo-prop engines have experienced cracked blades under extreme heat;

It now is over 30,000 pounds heavier than originally specified, and, consequently, its fuel consumption is up;

It has a bird ingestion problem with its engines; and

Finally, as late as this month a small crack was found in the tail section of one of the plane's test models.

Further, we hear that the plane has not been flight-tested at night, at its maximum low altitude, in bad weather, or in extremely mountainous terrain.

Most of this information comes from the March 5 GAO study, and has already been made public by Jack Anderson and other columnists. The study, while classified in some respects, marks the pages unclassified containing the information I have just cited.

What does this all tell me? As we say in Arkansas, you don't have to be "broke out with brilliance" to know that this plane is not yet ready to fly. Or at least we are not ready to commit $21 billion plus to its procurement. I will not say that all of these problems still exist. Some undoubtedly have been corrected since March 5. But if only one-half of them, or one-third, or one-tenth still do, the program should continue in its R. & D. phase until they are remedied. A November production decision, quite simply, is premature. It does not comport with good sense to commit to such a massive production program, when doubts still linger about the essential competence of the item to meet its objectives.

The Air Force argues that the plane continues to look good on paper and once these relatively minor problems are worked out, it will again be the superior aircraft we have all been promised. That may be, but it occurs to me the Air Force is asking us to assume a great deal on faith. These problems are hurdles in development, to my way of thinking, that must be crossed before the production decision is made. For the Air Force to assert that the plane will be perfect once the kinks are worked out is the same twisted logic that the British high command invoked during the Crimean War when they argued that the scarce medical supplies would be sufficient once their casualties were reduced. British casualties in the Crimea continued to exceed available medicine, and I am fearful that we today will rush precipitously into a production program that will continue to be fraught with problems.

Now let me turn to the obsolescence question. I worry about obsolescence in two forms. First, since our B-52 fleet will continue to be operational for the next decade and a half, there is no pressing urgency and we have time to put our technology to work. By the time the full 244 aircraft are operational in 1985 or 1986, they may well be technologically obsolete. The bitter example of the $6 billion ABM fiasco is only the most recent reminder that obsolescence can indeed overtake a weapons system between the date a production decision is made and the date of completion.

Kenneth Boulding, distinguished economist and imaginative social thinker, characterized the overwhelming technological change of our century in a very personal way. He said:

> The world of today is as different from the world in which I was born as that world was from Julius Caesar's. I was born in the middle of human history. Almost as much has happened since I was born as happened before.

His assessment is particularly appropriate for rapid transportation. It took us thousands of years to evolve from small caravans to chariots to a locomotive engine, but only a century to evolve from the locomotive to rocket planes and a missile capability.

One of Senator Proxmire's most persuasive arguments concerned the obsolescence inherent in the program if we proceed with it now. The supercritical wing to improve range, the increased use of composite materials to reduce weight, and NASA fuel efficiency programs are all budding technological improvements that could well be incorporated into the B–1 unit at a later time. Senator GOLDWATER admits that these developments hold great promise, although he fears that they are presently in such an embryonic stage that incorporation into the B–1 is not realistic. I disagree with the Senator on this point. If the B–52 can perform its mission for 15 more years, and if the cruise missile and the standoff bomber can be made operational, I strongly urge that we keep the B–1 in research and development in hopes that we might be able to take advantage of this improved technology. A 1-year delay could not be that devastating to our bomber proficiency but might well reap untold benefits in the form of B–1 improvements.

Senator GOLDWATER admits that it can be argued the B–1 is coming into inventory several years too soon. He follows this up, however, with the point that we really do not know the life expectancy of the B–52. I think the Senator, however, would agree with me that we can at least afford a 1-year delay to finalize our flight testing, work out the problems, and perhaps take advantage of some of these technological advances.

The Soviet Union has put into operation an air defense system that knows no equal. There are 12,000 surface-to-air missiles, 4,000 radar installations, and 2,600 manned interceptors forming part of this network, and, what is more sobering, they are constantly improving it.

Why should we develop a weapons system at a cost of billions, when it is the exact same system that the Soviets are most adept at stopping? No one seriously doubts that in the years ahead the Soviet Union will develop an AWACS competence with a look-down-shoot-down ability. They do not have it now, but they soon will have. What does this auger for our B–1? We, of course, can include in the B–1 unit, and in fact have included in the prototypes, jammers and short-range attack missiles. But rather than tailoring our weapons systems to suit the Soviets, it seems eminently sensible to me that we use our talent and our resources to develop weapons that are not so susceptible to existing Soviet defenses.

All I am saying is let us be more certain before we move ahead. Let us not make the same, tired mistakes of the past. Let us be calm and judicious in our major procurement decisions, especially those with the far-reaching ramifications of the B–1.

Boiled down to its essence, the B–1 issue has severe foreign policy implications and will directly impact on the SALT II talks. No doubt the Soviets are watching closely what this body does today. Indeed, the B–1 has become more than it really is—it has become a symbol for increased American commitment to defense and to arms race. Perhaps that is the best argument in favor of the program. Its procurement will show the strength of our resolve and commitment to a strong defense program, second to none. In Pentagon parlance, it represents a substantial bargaining chip.

Yet, we can send the same message but with a different emphasis—an emphasis on commonsense and good judgment. We can wait and improve our B–1 prototypes. Meanwhile, we can move ahead in our cruise missile development, our Trident program, the rebuilding of our Navy, and our missile improvements. Instead of authority approximating $113 billion, we can eliminate B–1 procurement funds and send to the President a defense bill totaling $1 billion less. No one could seriously contend that such a budget was weak. Its strength would be manifest. Our resolve would be clear.

Delay would have another salutary feature. It would give the next administration, whether Republican or Democrat, the opportunity to reassess the B–1 program and its value. Quite clearly, there is not unanimity of thought on the B–1 by objective defense analysts, or even by past Secretaries of Defense. McGeorge Bundy, in a recent Washington Post column, made the point that both Robert McNamara and Clark Clifford in their defense capacities opposed its development. Mr. Bundy makes another critical point. The decision to rush ahead with the B–1 bomber should not be made in the pressure cooker atmosphere of election year politics.

Ordinarily, I am a fierce opponent of delay. This body has a well-noted propensity to study and restudy an issue as a device for sandbagging and ultimately destroying innovative thought and change. I abhor that. But I am convinced that delay in this context is the better part of valor and even suggests mature wisdom as opposed to ill-considered judgment.

We in the Senate suffer from a marked disadvantage in defense matters. Our forced reliance on the Pentagon for statistics and information on weapons systems is almost total. To be sure, the Brookings Institution, GAO, and the Armed Services Committee render valuable analyses and in-depth review and comment which are exceedingly helpful. But even then, Pentagon data forms the basis upon which their opinions and conclusions are made. That leaves the Members of this body with only their commonsense to rely on. And my commonsense says to me, that we should defer production of this system.

Wait for additional test flights so that if the production decision is made, it is made at least for a technically perfect plane. "Fly before buy" is our procurement motto. Let us make sure we put it into practice.

Wait to correct existing and any future structural problems in the prototype.

Wait to see if we can and should take advantage of recent technological advances.

Wait to see if we in fact need the full fleet of 244 planes. I am convinced we do not.

And wait until the pressures of a Presidential election year are off. Attitudes toward the B–1 may change considerably.

We run the risk of extravagance in this program. Extravagance is a serious charge at a time of unprecedented inflation and dangerously high deficit spending.

We owe it to our constituents, and to ourselves, to be right on this matter.

Mr. GARY HART. Mr. President, the amendment offered by the Senator from Iowa (Mr. CULVER) makes good sense because it will force the Air Force to live up to a sensible method of weapon procurement, fly-before-buy. This is a simple concept which means the taxpayers of this Nation should not be asked to take on an enormous financial burden until it can be conclusively shown that a weapon system is fully capable of performing the mission for which it is designed.

In the case of the B–1, the situation is even more serious than the fact that the aircraft has not get completed tests and has even failed some critical ones. It is more serious because, contrary to Department of Defense directives, the Air Force has not even established the operational thresholds for the aircraft. This fact is documented by a recent GAO study which points out that "the same may be said about the cost and schedule thresholds which are also required by the DOD instruction."

The amendment does not address the question of whether we need the B–1 or whether some other system in development, such as the air-launched cruise missile, might not do the intended strategic job better and considerably cheaper. It leaves time for this subject to be further explored; but that is not its intended purpose. It merely requires that production money not be obligated and spent until such time as the aircraft meets the minimum flying test standards originally agreed to by the Air Force. It is an attempt not to make another C–5A mistake.

The management of that program so complicated research and development with production that enormously costly mistakes were made, mistakes so serious that the C–5A has not yet met a significant part of its design performance.

The example is not casually drawn because, even though the test aircraft have only flown half of their planned test hours, major structural defects in the wing have already shown up. The choice is now forced upon the taxpayer to pay for a costly redesign of the wing structure or to accept degraded performance standards to keep costs down.

Yet this new potential degradation of performance—and consequently mission performance—is only the latest of many which have been discovered in the tests so far. For example, supersonic speed has been reduced 37 percent, there has been a marked reduction—the exact figures are classified—of both supersonic and subsonic range, takeoff gross weight has increased 11 percent and takeoff distance has increased 15 percent. Furthermore, the Air Force has abandoned some crew safety and survivability features just to keep costs estimates from skyrocketing further but they may be added later. Examples of these are cancellation of the crew-escape pod in favor of less satisfactory although cheaper ejection seats and cancellation of engine-masking devices which would protect the aircraft from infrared missiles.

It has been said that the few months' possible delay which this amendment calls for will do grave damage to our national security, but we have testimony by the Secretary of Defense that the present B–52 force, which has been extensively modified to keep up with the state of the art of Soviet defenses, will last until the 1990s. It is also alleged that even a short delay will mean that the contractor will lose its skilled personnel. In respect to that point, the GAO tells us that the factory workers on this project are already at a low level due to the program delays and that new contractor personnel could not be introduced fast enough to meet the existing schedule. Therefore, this amendment will not force the breaking up of the team at the factory.

This amendment does not ask for much. It asks that we not make a decision on the advisability of production of the B–1 before the Air Force, the technical expert, are able to make it. The Air Force admits it does not have the data to make a production decision since tests are not completed and operational capabilities to perform the strategic mission not proved. The Senate should not take the first, perhaps irrevocable, steps to produce an airplane which will cost the taxpayer $92 billion over the next 30 years since testing is far from complete. That is reason enough to support this amendment.

Mr. WEICKER. Mr. President, I rise to oppose the Culver amendment which delays authorization of funds for the B–1 bomber.

Unfortunately, many times in the past our examination of a military procurement bill has focused on ideological rather than technological considerations. Instead of carefully examining the function, practicality, and cost of a particular piece of military hardware, we debate it in terms of its symbolic importance to the general issue of defense spending. In that way, supporting or opposing a particular weapon system has sometimes become a test of one's feelings about détente, or the war in Vietnam, or even world hunger.

I believe the times demand something more. I believe the realities of today's world requires us to dissect each weapons system in careful, analytical, nonideological terms. Throw out party considerations, throw out your feelings toward the current administration, and throw out the ideological posturing. That is what I have tried to do during my 8 years in Washington.

In particular, I have tried to oppose defense spending which is wasteful, inefficient, or redundant, while supporting defense spending which is efficient, necessary and minimally expensive. And it is on that basis that I have opposed the ABM missile system, opposed the Lockheed loan, opposed the F–18 fighter plane, and opposed the continued support of the corrupt Thieu regime in Vietnam. I think history has borne me out on all those choices.

But that does not mean that I will oppose defense spending which is necessary to protect the security of the United States in the years and decades ahead. And that is exactly why I support the development of the B–1 bomber system.

Mr. President, the last B–52 bomber was produced in 1962. Some of the B–52's currently in service are already almost 20 years old. When you consider the long leadtime necessary to develop a new bomber, it becomes obvious that if we do not move ahead with the B–1 program, we may someday be sending American pilots into combat with 30-year-old equipment. Even Senator Goldwater with his record of courage in the air would have to think twice about such an assignment.

If we proceed with development of the B–1, and decide next spring to abandon the project, it would cost an additional $110 million. But if we delay the project now, and start again in 5 months, it will cost over $490 million.

For 5 years Congress has funded the development of the B–1. If anything, the reasons for continued development are even more compelling now. I believe in the need to reduce our overall level of defense spending. But the B–1 is not the place to begin the cutting. I believe it is one weapons system that makes sense.

Mr. President, I ask unanimous consent to place in the Record the remarks of the Honorable Secretary of the Air Force, Thomas C. Reed, on the need for the B–1 bomber in America's defense system.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Secretary of the Air Force

For the last 30 years we have avoided nuclear war and coercion because we have maintained our strength. Since the early Sixties that strength has had, as its foundation, a Triad of strategic nuclear forces: land based ICBMs, submarine launched ballistic missiles, and manned bombers.

The diversity of that Triad poses an insoluble targeting problem to any potential aggressor. Any attack that might seriously cripple one leg of the Triad constitutes a clear and unambiguous warning to the other two. There is no known way to attack all three simultaneously. At the same time this Triad provides options as well as a hedge against technological breakthroughs that could temporarily endanger any one system.

Today I would like to give you my views on why the manned bomber makes a unique contribution to the Triad. Obviously, the manned bomber provides the most flexibility, controllability, and mobility. In times of crisis, the manned bomber can be launched under positive control, dispersed from its main bases, or even placed on airborne alert. Its controllability provides time for assessment and decision on both sides. It reduces the potential for rapid, irreversible escalation during a crisis.

The manned bomber involves human judgment throughout its mission, from launch to final weapons delivery. It has been tested and proven in combat. During the 1972 Linebacker attacks on Hanoi, against the most concentrated ground defense environment ever assembled, B–52 attrition rates were only two percent.

The bomber force acts as a counter-balance to the Soviet four-fold advantage in missile throw weight. Today, over half of America's nuclear power—measured in megatons—is allocated to the bomber force.

But our current bombers are aging. In 1962 the same issue of Time Magazine that reported on the Cuban Missile crisis also noted, in an obscure six-line item, that the Air Force had accepted delivery of the last production B–52. Today, those aircraft are 14 years old. By the time we have any significant inventory of B–1s the newest B–52 will be 20, and some 25 years old.

At the same time, Soviet air defense systems are increasing in sophistication. We saw a first-hand demonstration in the Mid-East War of 1973—and they have progressed since then.

As a result of this projected threat and the aging of our bomber force, we have conducted extensive studies seeking the best, most cost-effective aircraft to maintain the Triad of strategic deterrence through this century.

Several necessary characteristics emerged: better range and payload, with an ability to carry a variety of armaments; a small radar cross section; enhanced electronic countermeasures; and a fast low-altitude penetration capability to fly under and mislead enemy defenses. Studies also showed a need for better pre-launch survivability through a combination of rapid takeoff, fast escape speed, as well as structural and electromagnetic hardness. All these characteristics have been incorporated into the B–1 bomber. It will be an aircraft capable of adapting to changing times and defenses, with a significantly greater weapons payload then the B–52, and it should have a long and useful life.

Full scale development work on the B–1 began in 1970, and in December, 1974, the first aircraft was flown. A second aircraft entered the flight test program on April 1. As of today, these two B–1 test airplanes have logged over 147 hours in the air.

Throughout its development, the Congress has watched the B–1 program closely. At their request, the Department of Defense last year completed another comprehensive analysis of the future of the manned bomber. That extensive study reconfirmed that the B–1 is the right solution.

The Joint Strategic Bomber Study was based on realistic and highly detailed modeling of strategic bomber launch and penetration against a comprehensive target structure. A study of this kind is no small task—it required over 6,000 hours of computer time and consumed 40 man-years of effort.

This extensive study looked at six force alternatives, composed of appropriate mixes of B–52s, FB–111s, and B–1s. Several of the force mixes also included conceptual aircraft, such as a "stretched" FB–111, a modernized B–52 with new engines, and a Boeing 747-type standoff cruise missile carrier.

In the study, each of the forces was designed to be of equal cost; effectiveness was assessed against several measures including the number of weapons that were delivered to target. Of the various forces examined, those consisting principally of B–1s were—by a wide margin—more cost effective.

We believe that a mix of B–1s and B–52s is what we need to insure a viable bomber capability into the next century. I say a mix because we are well aware of the tremendous cost of any new aircraft. We are currently planning to buy only 244 B–1s, as compared to the 742 B–52s built during the life of that program.

We envision over 300 B–52s remaining in the active inventory for the rest of this century. We expect to target the B–1s against the heavily defended, high value targets. The B–52, with the addition of air launched cruise missiles, would be used to attack the less heavily defended areas. We think this combination, with the penetrating bomber as the central feature, is the right solution for the future bomber force.

Not everyone in this country agrees with us. Others reach different conclusions, based on different perceptions.

A case in point is the recent study of modernizing the bomber force published by the Brookings Institution. The authors concluded that the B–1 program should be terminated and that we should begin development of an aircraft that would be able to launch long range cruise missiles while standing far off from enemy territory. They viewed such an approach as a more cost-effective alternative.

But their conclusion was based, in part, upon a significant difference in assumptions about the bomber's role. The Brookings authors viewed the bomber force only as "insurance" for our ballistic missiles, and as such saw a need for it to perform only a minimum "1960s-type" mission—destruction of 50 of the largest cities in the Soviet Union.

But the world is not like it was in the 1960s. By no stretch of the imagination will it be so in the 1980s. The required tasks are much more complex.

Flexible response has replaced mutual assured destruction as our strategic doctrine. A bomber force that could only destroy major cities would be an airborne dinosaur, contributing little to our deterrent posture.

Even more, however, the Brookings authors were overly optimistic about the ability of cruise missiles, fired from a large aircraft outside the Soviet Union, to penetrate 1985 Soviet surface-to-air missile defenses. Those defenses will be very dynamic, and cruise missiles may not be very effective against the high value, heavily defended urban targets. Cruise missiles lack human judgment. Initially they will have no significant electronic countermeasures. They cannot maneuver to avoid unforeseen defenses.

Next is the matter of costs. To modernize the strategic bomber force will require a substantial financial commitment from the nation. The authors of the Brookings Study think the force could be modernized more cheaply, and with equal effectiveness, by a standoff 747-type cruise missile, rather than the B–1.

The B–1 program through 1985 is expected to cost 21.4 billion dollars, including expected inflation between now and then. By dividing that total cost by the number of airplanes we expect to buy over a ten year period, the average cost of each airplane is 87 million dollars in what are known as "then-year" dollars.

To look at it another way, let's look at "flyaway" costs, that's the cost of manufacturing a B–1 airplane. It doesn't include a proration of the development costs. You might think of it as the cost of adding, or replacing, one aircraft to the fleet. The B–1 flyaway cost, in fixed 1976 dollars, is $47 million.

To put these costs in perspective, consider the cost of a 747, about $40 million each. Those commercial transports must be hardened and upgraded to operate in the military environment: in-flight refueling and other endurance features, increased power supplies, structural and electromagnetic hardening, rapid start and fast escape features, and so forth must be added.

We have had experience in doing just that. We bought four 747s to use as airborne command posts. To simply "militarize" one costs an additional $25 million. That does not include any modifications for cruise missile carriage and launching. Thus, a military 737 starts at $65 million and could end up closer to the $100 million that our airborne command posts are costing. That's not exactly a "cheap and easy" alternative to the B–1.

None of this is to minimize a $21 billion investment. But let's put it in context. At the height of World War II, defense consumed almost 40% of our gross national product. During Korea that figure was about 13%. By the time of Vietnam, the figure was about 9%. Today it's under 6%. Development and acquisition of the B–1 will account for less than 2% of that total defense commitment over the next 10 years. To say that we cannot afford the B–1 does not make sense to me. The logical questions are whether it is needed and will work.

Recently the Government Accounting Office (GAO) performed a study of the cost, schedule, and performance aspects of the program, including flight testing, ground testing, and subsystems development. The GAO Report is a factual look at the current status of the B1 program and should prove useful to anyone assessing its merits.

The Report identifies some problem areas in the B–1 program, and there are some honest differences of opinion between the GAO and the Air Force about the significance of these problems. But I would like to point out that the B–1 has had more pre-production testing than any military aircraft yet produced. We have encountered some technical problems; that's why we have test programs. Any development, be it a new lawnmower or a new airplane, involves putting the pieces together to see how they work. The problems we have encountered are routine, typical of all developmental test programs, and corrective steps have been taken.

Nevertheless, some opponents of the B–1 program have been quick to take portions of the GAO report out of context and give them wide dissemination as evidence that the program has "run into technical problems."

One example: It was reported that a "crucial part of the wing . . . broke during a test." What was not said was that the test objective was to determine how much load the structure could take before it failed. We intended to make it break—and it did, exactly where we predicted it would, although it took a greater load than we thought it would. We made a public announcement prior to the test of what we intended to do so there would be no misunderstandings.

There have been no substantive technical problems that will interfere with successful completion of the test program nor that would preclude entering production.

Another proposal concerning the B–1 is dangerous because it assumes we live in a friendly, benign world. It is argued that we should wait awhile, see some more test results, let another Congress review the matter, and so forth.

This year we have asked the Congress for over a billion dollars to commence production of the B–1. By the time those funds are voted and we are ready to place them on contract, three aircraft will have logged over 250 hours of flight time. Key structures will have experienced two lifetimes of fatigue testing. By any measure of merit, it will be time to proceed. Even if we place these production funds on contract this fall, it will be 1980 before an operational aircraft appears at a SAC wing. It will take almost a decade until we have a full B–1 force in operation.

In sum, I believe that the strategic Triad of forces offers the best hope for maintaining a viable deterrent posture for the foreseeable future. A capable manned bomber force is essential to that posture. Agreement that it is essential is growing throughout the country, and is reflected in a vote taken in the House of Representatives on the 8th of this month. At that time, the House voted 210 to 177 not to defer B–1 production until February 1977. That vote reflects not only the awareness of the *need* for the B–1, but also shows a sense of *urgency*.

Just prior to that key vote, the House Armed Services Committee released a report that states, in part:

"The Committee has investigated all the alternatives presented by the various studies and concludes that the B–1 bomber . . . is required, is essential . . . , is complementary to the other legs of the Triad, is cost-effective . . . , and is meeting its major milestones."

The B–1 is the right solution—in terms of cost, in terms of effectiveness against sophisticated defenses, and in terms of flexibility. The B–1, with the other modernized elements of the Triad, will help us face the rset of this century with confidence.

Mr. STENNIS. I thank the Senator very much.

Mr. President, is there anyone who wishes to use time at this point in opposition to this amendment? If not, I shall be glad to yield back my time.

Mr. CULVER. I am glad to yield back the remainder of my time, too, Mr. President.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I call up my amendment in the nature of a substitute to the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. McGovern) proposes the following amendment:

On page 15, line 4, strike out "$6.196,-300,000" and insert in lieu thereof "$5,146,800,000".

On page 37, after line 19, insert as follows:

"TITLE VIII—GENERAL

"Sec. 810. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of procurement in connection with the B–1 bomber aircraft program.

"(b) The Secretary of the Defense is directed to conduct a study of reasonable and effective national defense alternatives to the B–1 bomber aircraft program and to submit the results of such study to the Congress together with such recommendations as he deems appropriate."

Mr. McGOVERN. Mr. President, this amendment is offered as a substitute to the amendment that has just been described by the Senator from Iowa. There is approximately $1.5 billion in the committee bill for the B–1 bomber for the coming fiscal year. Of that $1.5 billion, approximately $1 billion is for procurement costs and approximately $.5 billion is for research and development. My amendment does not touch the research and development portion of the bill, $482 million, to be exact.

The amendment does two things: First of all, it would prevent the expenditure of any additional funds for procurement of the B–1 bomber. Second, it would require the Secretary of Defense to conduct studies on alternatives, the whole range of alternatives to the B–1 bomber, and report back its findings to Congress.

Mr. President, first of all, I agree with the Senator from Arizona (Mr. Goldwater), who is a recognized expert on the B–1 bomber. I agree with him on three points that he has made.

First of all, I think my substitute amendment is a more direct way of getting at the problem of whether or not we ought to proceed on this system. Second, I agree with him that the approach that I am suggesting here places the responsibility on Congress, where it belongs. It is our obligation to authorize and appropriate funds and we should not pass that obligation on to the President of the United States, no matter who he is. So, while I think there is a commendable purpose behind the amendment offered by the Senator from Iowa, I think it is much superior for us to face up to our responsibility ourselves.

We complain all the time about the encroachment of the executive on the powers of Congress. We complain about the growing concentration of executive power in the White House. If we are sincere about that, we ought to confront this problem here, in the Senate of the United States. On that point, the Senator from Arizona and I are in full agreement.

There is a third point on which I not only agree with the Senator from Arizona, but I agree with the chairman of the committee (Mr. Cannon) and others, that the B–1 is a beautiful bomber. There is no question in my mind that this is probably the best bomber that has ever been put on the drawing boards. I am willing to concede that it will do everything that its advocates say that it will. I think it will be just as destructive and just as devastating as they claim. There is nothing that I have heard claimed for the B–1 that I want to dispute here this afternoon. I am willing to concede all of these points.

If it carries any weight with anyone here, I would even point out that I used to be a bomber pilot, although that was a good many years ago, when bombers only cost about $200,000 apiece. The one we are talking about here this afternoon will cost about $100 million apiece.

The question that I should like us to focus on is not whether or not the B–1 is a good bomber. It seems to me that we can concede that it is the best of its kind. The question is whether we have any need for this additional destructive capability in the American arsenal.

At the present time, if we do not build another warhead for the bombers we now have or for the submarines or the land-based missiles that we now have, we have the capacity, this afternoon, to launch 40 nuclear warheads against every single city in the Soviet Union above 100,000 population. They have the capacity to launch 17 warheads against every American city above 100,000. What this adds up to, Mr. President, is the blunt and uncomfortable fact that either side has the capacity to utterly pulverize the other if nuclear war comes.

I do not think that any Senator, regardless of how he feels about the B–1, would seriously argue that there is going to be very much left, if nuclear war comes, in either country, to say nothing of the rest of the world.

What is our nuclear capability in brief, Mr. President? We have 5,000 nuclear warheads now in place on the 41 Polaris-Poseidon submarines that are already in operation. We are preparing another 4,000 warheads that we can launch from 10 Trident submarines. Each one of those submarines carries 408 weapons. But we shall not count that. Let us eliminate that from consideration, since they are not presently in place.

We have 420 B–52's and FB–111's that are capable of carrying some 1,600 warheads. The thing we need to keep in mind, Mr. President, is that no one denies that those B–52's and FB–111's, which are superior to the bombers the Soviets have in their bomber force, are going to be operational until well into the 1990's.

So I am not suggesting here that we abandon any leg of the triad. We have the best bomber fleet of any country in the world and that bomber fleet will continue to be operational until well into the 1990's.

The third area of nuclear warhead capability is the 2,300 warheads that we have on our Minuteman missiles.

The Secretary of Defense, in his most recent report, has told us that we have 8,900 nuclear warheads on these three legs of the triad, and that the Soviets might reach as many as 3,500 by this summer. In other words, we have them outnumbered by approximately 3 to 1. And yet what is being proposed here is on top of all this superiority that we add another system at an eventual cost over the life of that system of nearly $90 billion.

What I would plead for Senators to consider, Mr. President, is whether at a time when we are already faced with the inflationary pressures that now confront the country, at a time when the President has found it necessary to veto legislation in the last couple of weeks, including the child care bill which is estimated to cost about $125 million, a bill that he vetoed on the ground that it was inflationary and would strain the budget, that we think seriously before we move ahead on the procurement of a system that is going to cost almost as much for a single bomber as it would have cost for this entire child care bill that the President saw fit to veto.

Keep in mind, Mr. President, that in this bill that is now before us there is about a 29-percent increase in strategic spending in the face of these overwhelming figures that I have already cited.

I suppose it is possible for people on both sides to cite distinguished authorities in support of their position, but I would call the attention of the Senate to the fact that the Federation of American Scientists has come our foursquare against the B–1 bomber. Mr. McGeorge Bundy, whom no one has ever described as a dove, has come out strongly against it, has said it would be outrageous for us to proceed with this unnecessary overkill.

The former Secretary of Defense, Mr. Clark Clifford, has taken the same position, and so on down the line.

So, Mr. President, without burdening the Senate with arguments that everyone has heard over and over again, I hope that in the light of the circumstances the Senate would agree to prevent any further expenditure on procurement of the B–1 bomber in this current fiscal budget, and that we move ahead with a reasonable study on alternatives to it, and I hope this amendment will be adopted.

To save the time of the Senate, Mr. President, I ask unanimous consent that several supporting documents going into the arguments more in detail be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Testimony Submitted by Senator George McGovern to the Senate Armed Services Committee

Mr. Chairman and members of the Committee, I would like to emphasize two portions of the fy 1977 Department of Defense authorization request which I believe have, for different reasons, the most serious implications for our strategic posture in the years ahead. They are the B–1 strategic bomber and the strategic cruise missile.

As members of the Committee know, my reservations about the B–1 bomber go back to the days when it was still called the Advanced Manned Strategic Aircraft. My concern is not that this is an unnecessarily provocative system—indeed, I suspect even the Russians would like to see us build it, on the grounds that if we do not, the funds might well go into something that poses a more significant threat. On the contrary, my objection to the B–1 program is simply that it calls, needlessly, for more expenditures than can possibly be justified for the limited roles strategic bombers can be relied upon to perform.

The cruise missile is a different matter. Again, it is a subject I have raised before, in an amendmnet to the defense appropriations bill last year. That was an attempt to postpone flight tests of modern cruise missiles until we had a chance to examine thoroughly the arms control consequences of these systems.

As I will argue in more detail later on, I think the cruise missile is a prime example of technology outrunning good sense. Either the sea launched or the air launched version has the capacity to destroy our remaining opportunities for comprehensive, verifiable limits on strategic arms. Beyond that, if we can bring ourselves to look beyond the satisfaction of a temporary technical lead, I think we will find that we are touching off a competition that will, a few years hence put us at a relative disadvantage in the overall strategic balance with the Soviet Union.

Let me make one other preliminary observation. I do not propose to make a technical challenge to either of these systems. The members of this Committee are as well equipped as any member of Congress can be to discriminate between promise and performance, and to separate hopes from expectations, on whether these systems will work. To some extent our conclusions in that regard must come down to a reliance on the military and civilian managers of these programs. We have neither the time nor the expertise to make the necessary scientific evaluations. Even so, the hearings and the inquiries undertaken by the Committee and by the Research and Development Subcommittee—and I have been following the printed records—have generated an abundance of information upon which disinterested technical judgments can be based. I certainly need not repeat for the Committee what has already been said.

But as we have no special competence in the technical areas, there is an area where every member of this Committee has more skill than even the loftiest official in the Department of Defense. And they know it too. If they are best equipped to tell us what a specific system will do, we have the ability—and the responsibility—to decide whether it is something this country needs to be able to do. The Congress has an obligation to think beyond the performance of this or that weapon, and to consider how it squares with the rest of the Pentagon program, with the rest of the national government's responsibilities, and with an appropriate American role in the world.

These are not military or technical questions. They are political questions, and they are beyond the competence of the military. Indeed, I think we have gone too far in the direction of vilifying the Armed Services for what should be regarded as civilian mistakes. That does not mean the military tends more often to be right. On the contrary, I think some of the requests in this budget are wholly unreasonable. The problem is that civilian managers both in the Executive Branch and in the Congress have relied on the military for judgments they should not be expected to provide. We have expected too much of them, and too little of ourselves.

The B–1 Bomber

The B–1 bomber is the most prominent current example of my point.

There have been some technical and management problems over the life of the program. We now know that it will weigh more, require more distance to take off, have a shorter unrefueled range, and fly slower than originally planned. At the same time the costs have jumped from a little over $12 billion in June of 1971 to nearly $22 billion now, due in substantial part to a ridiculously low inflation factor in the 1971 projection.

Thanks to a recent study published by the Brookings Institution, we also have what we have needed for a number of years—an authoritative estimate of what the entire manned bomber program will cost, not just to buy the B–1 but to carry out the entire bomber program planned by the Air Force. According to Alton H. Quanbeck and Archie L. Wood, authors of the Brookings study, *Modernizing the Strategic Bomber Force*, the bomber force now envisioned will cost the American taxpayer a little under $92 billion over the next ten years.

Now those matters are on the table. I find little reason to doubt either the procurement cost estimates supplied now by the Pentagon or the operational program costs projected by Brookings. And I do not doubt that the B–1 will perform roughly up to the standards described by the Air Force, especially since the first prototype has been flying for a number of months.

But that is hardly the end of the issue. On the contrary, it is just the beginning. Granted the B–1 will do what they say, do we need it? Is it worth it?

That obviously requires some examination of the bomber's role in our overall strategic posture.

Much of the argument starts with a given—that we must maintain a triad of strategic systems, implying three legs of equal importance. I recall hearing the principle described once as similar to the three-legged milking stool; it is axiomatic that one leg cannot be shorter or longer than the other two, lest the stool be unstable and the milkman fall off.

That is the premise which requires constant modernization of all three legs of the deterrent. The managers of each of the three legs—ICBMs, SLBMs and bombers—operate on the assumption that if there is even a brief gap in the ability of their one system to deliver its warheads on target, then the whole strategic purpose will fail.

Yet, all of these systems have an identical purpose—to deter nuclear conflict. There are arguments over variations in the scope of the disaster we must prepare to prevent. But there is no dispute over the fact that the job of all three strategic offensive systems is to prevent, by guaranteeing an appropriate response, any nuclear attack upon the United States, whether it is a surprise all-out attack on our cities or, say, the distruction of a single U.S. military target.

So I suggest that since they are all designed for the same job, the first point at which Congress must take a broader view is in setting aside parochial concepts and in considering the Triad as a whole.

Once that is done it becomes clear that by the very nature of the systems, the bomber leg is, in fact, shorter than the other two.

As members of the Committee know, we now maintain 1054 operational ICBMs—84 heavy Titans, 450 Minuteman IIs, and 550 Minuteman IIIs with multiple independently targetable reentry vehicles. ICBMs are our most accurate missiles. They can strike a variety of targets, from "soft" urban and industrial centers to military bases or, possibly, missile sites. They will hit those targets in 30 minutes or less after launch. Under the new Command Data Buffer System and silo upgrade program, we will be able to retarget individual Minuteman III missiles within 36 minutes after such a decision is made.

Deterrence is a mental, rather than physical, condition. It cannot be precisely quantified, since there is no way to measure how much assured destruction it takes—one city, ten, one hundred, or more—to convince Soviet decisionmakers that an attack would be a foolish, no win, suicidal proposition.

But there is plainly a point of diminishing deterrent returns. If the Kremlin is not deterred by the guarantee that we can strike 1,000 cities, it will not be the more deterred by our ability to strike a few more villages and towns.

So it seems to me that just our ICBM force, with a capacity to strike more than 2,000 separate targets, constitutes an ample deterrent alone. And it, alone, can be a deterrent against both large and small wars. Because of its accuracy, we can threaten to respond with a few missiles or many, against cities or military targets, depending on the nature of the attack. I frankly have grave doubts about this thesis that there may be a gentlemanly nuclear war in which each side singly shot at a few of the other side's missiles or bases. But if it is our doctrine to have a flexible response to deter smaller wars, the ICBM still fills the bill.

There is, of course, one matter of concern. Both we and the Soviet Union have agreed, in SALT I, that neither side will deploy active defenses against incoming ballistic missile warheads. But we do have to consider the possibility that large Soviet SS–17, SS–18, and SS–19 missiles, with MIRVs, could conceivably strike fixed-base ICBMs before they are launched.

I am frankly not as alarmed as some by that development, because I doubt whether it has much effect on the deterrent impact of Minuteman. First of all, it has no significant impact on the ability of Minuteman to deter an attack by a few missiles—even if, as seems most improbable, the attack were on a portion of the Minuteman force. Any commander contemplating such an attack would certainly know that we could still respond, in measured fashion, with those Minutemen which had not been struck.

Beyond that, even if ICBMs were all we had, consider the logical obstacles a Soviet leader would have to leap in order to contemplate a full scale counterforce attack upon Minuteman.

At the outset he would have to have absolute confidence in the reliability and accuracy of his missiles—in complex systems which have never been tested in numbers or in anger. For he would be certain that if even a small portion failed, his society would be wiped out. Would we have such faith in our systems?

In that process he would also have to discount the fratricidal effects of his own missiles—a condition which many experts believe consigns the concept of a comprehensive counterforce strike to the realm of the absurd. Our Minuteman fields are clusters of silos. If one Soviet ICBM struck one Minuteman, the explosion would at the same time destroy other incoming Soviet ICBMs, or at least blow them off course. So if these were an attempt to destroy all Minutemen at once, most would probably be spared. If, on the other hand, the attack were staggered to avoid fratricidal effects, we would have ample warning, from the time the first Soviet missiles struck, to launch the remainder.

Further, perhaps still more decisively, the Soviet leader would have to be thoroughly confident that we would not launch our missiles from under attack; that we would not respond until *after* his missiles had struck. We do not want to establish a "launch on warning" posture. Our surveillance systems could be wrong, after all; it is safer to wait, and be sure. But the point here is different. It is not our *intentions*, but the Soviet leader's *perceptions*, that control. He knows that physically we can launch on warning; hence there is no way he can be certain that we will not. A leader who would launch a first strike under those conditions would have to be mad. And madness is something we cannot deter no matter how large or varied our force.

Finally, this analysis leaves out steps we are preparing to take to protect our ICBMs from counterforce attack, without even considering the other legs of the Triad. Secretary Rumsfeld points out in his posture statement, for example, that,

"To ensure that there will be an option to deploy a modernized and survivable ICBM force in the future . . . the Department proposes to move forward in an orderly and deliberate manner with the key components of air- and land-moveable ICBM systems."

So if we are still concerned about the ICBM leg of our deterrent, we have this further assurance that a Soviet ability to attack our ICBMs will remain beyond the Soviet's reach.

And, we must remind ourselves, our ICBMs are not alone—far from it.

We also operate a combination of 41 Polaris and Poseidon submarines, with 656 sea-launched ballistic missiles. Twenty-seven of those submarines, out of a planned 31, have now been equipped with Poseidon MIRVed missiles. Though less accurate than ICBMs and therefore not as well suited for responding against military sites, those SLBMs make up another independent deterrent force, capable of striking thousands of targets. Because they are stationed closer to Soviet territory, their flight times are even shorter than those of ICBMs.

Although there is no fear that the submarine force is vulnerable to counterforce attack, we are already moving, nonetheless, to expand it and make it more secure. The Trident construction program will add ten larger and quieter submarines, with longer range missiles, giving the system millions more square miles of ocean to hide in.

So our Soviet leader planning a first strike would have to make yet another senseless assumption—that if he did attack our ICBMs, we would, for some reason, withhold our SLBMs. It is an assumption no rational being would make.

Hence, between our ICBMs and our SLBMs we are maintaining and modernizing two independent forces for maximum deterrence of nuclear war. Between them they have sufficient flexibility to attack a full range of targets, and sufficient explosive capacity to destroy any adversary many times over. Between them, I suggest they can perform virtually everything we can expect of our nuclear arsenal. Further, since deterrence is as much a mental process as a physical one, I also suggest that the greatest threat to our deterrent of late has been the constant litany of comparative weakness we keep hearing from the Department of Defense. Our deterrent is secure. I only hope Soviet leaders do not start believing what we keep telling ourselves.

I stress, again, that conclusions are based far less on technical matters than on a perception of how rational beings benave. At bottom this is a political question—an evaluation of what we must have, to avert a *political* decision by any adversary to launch a nuclear war.

What role remains, then, for manned bombers?

They begin as the shorter leg of the Triad for a fairly straightforward reasons. ICBMs and SLBMs have flight times measured in minutes, and—because of SALT and technical limitations—we postulate no defense against them. Manned bombers take hours to reach their targets—upwards of eight hours even for the supersonic B–1. And while there is little doubt about the ability of even the existing B–52/FB111 force to penetrate, there is no negotiated bar to bomber defenses, and it is conceivable that an effective system could be built. So long as we place missiles, then, they form the front line of defense. If nuclear war were to happen, it would most likely be over before the bombers arrived.

Nonetheless, Secretary of Defense Rumsfeld explains in his FY1977 Defense Department report that bombers,

". . . provide for a measured warning in crisis, offer an essential hedge against failure in our missile forces, and complicate Soviet attack and defense planning. They also provide a visible show of resolve and constitute a flexible, multipurpose system."

I do not dismiss all of that. But I do question how important it is, and how much it should cost.

It may be useful, for example, to put bombers in the air in a tense situation, as a show of resolve. It has been argued the manned bomber is the only system with which we can take visible steps toward war and then stop short, by recalling the bombers.

That is true. But the proponents of this argument must admit that it assumes a rather primitive level of intelligence in the Kremlin—that they can be deterred by the bombers because they can see them, but that they will not be deterred by the missiles because they are immobile until they are launched.

It may also be useful to use bombers to "complicate Soviet attack and defense planning." On the defense side, however the issue has been substantially resolved by the SALT I treaty, in which both sides have agreed to remain vulnerable to missile attack. It is true that an ABM system would not work against low-flying bombers. But they have agreed not to build an ABM. And if they should violate the treaty, we can still forecast one of two options—either that our best and least costly choice would be to flood the defense by deploying more MIRVs, or else that the new defense will be in a realm, such as lasers, which would be equally effective against missiles *and* bombers. In either case the investment in bombers does not seem worthwhile.

There is more, however, to the argument that manned bombers further complicate the situation for a Soviet leader who is thinking about launching a counterforce strike. For accuracy, he would have to use ICBMs against our ICBMs. But the alert bomber force could be launched from underneath the attack. Soviet SLBMs might be able to strike our bombers on the ground, but that certainly gives sufficient notice that an attack was underway to cause us to launch our ICBMs. Given the warnings and flight times involved, it would be impossible to attack both at once.

But I have just reviewed a series of fatal complications any Soviet first-striker must weigh before he even starts worrying about bombers. He must have absolute confidence in his systems; he must worry about fratricidal effects; he must be—and cannot be—certain that we will not launch our ICBMs on warning; he must count on our being so cooperative as to not thwart his strategy by deploying land mobile or air mobile missiles; he must—and cannot—discount thousands of SLBM warheads which he cannot strike before launch and cannot intercept. On top of all of that, the bomber is a sixth level of complication. How much complication is enough? And how much is it worth, compared to programs that would directly reinforce the first five.

We are told that manned bombers are "flexible." Again, it is a small incremental value. In response to a limited attack, a few bombers can be sent to strike a variety of targets. But it is also possible to send a few ICBMs with greater assurance, against the same kinds of targets, as a measured response. Or in the midst of nuclear war, it is conceived under some scenarios that bombers have a unique damage limiting role—that they could observe and strike any Soviet ICBMs which had not yet been fired. Frankly, I have always wondered how we can presume that the Soviets would be so solicitous as to wthhold those missiles until our bombers could get there to knock them out. And if the mission is to destroy empty silos to assure that they cannot be reloaded, I wonder how much value that will be to a society which has already absorbed thousands of warheads from submarines and ICBMs. Any damage the bombers could prevent would have already been done.

Next, consider the bomber as a "hedge against the failure of our missile forces." The warheads have been tested. The missiles have been tested at full operational ranges. We have the fullest confidence that they will work. More importantly, regardless of our level of confidence, any adversary planning an attack must assume that they will perform. And if nuclear war comes nevertheless, they will have failed before they are fired.

Finally, it is said that the strategic bomber is a "multi-purpose" weapon. I assume that is another way of saying that it has roles beyond that of participating in the deterrence of nuclear war. There is one such case: If we are engaged in another Vietnam-type war, it might make some military sense to send strategic bombers against undefended targets, as we did in Vietnam. But it would be foolish to use them against defended targets, as we also did briefly in Vietnam with B–52s. Strategic bombers are cost-effective in nuclear war because of the enormity of their payload and the fact that only one mission is involved. In conventional war, even a three percent attrition rate would wipe out the entire bomber force assigned in about 90 days time. It makes far more sense to do what we are doing—to build tactical aircraft at lower cost, to increase the number of targets for the defense.

It should be apparent from this that the strategic bomber itself is a marginal case. I do not say that the risks at which it is aimed can be wholly discounted. But I do say that they are so remote as to be beyond the range of practical vision. And that is the context in which we must examine the B–1.

If I have been reading the reports properly, this Committee has been concerned for a number of years over the escalating costs of modern weapons—over the tendency to build every capability we can into every program, with the end result that for a given amount of money we get less and less defense. That is a serious military matter, especially when you consider that the Soviet Union seems to be spending its defense rubles better than we are spending our dollars.

I submit that the B–1 bomber is today's extreme example of that problem.

We hear a great deal about its ability to carry more payload in fewer planes. Where is the military sense in that? If anything, it seems to me that we should be seeking to carry the payload in more planes, at less cost, to flood the defenses.

The B–1 is a supersonic aircraft, and that increases its cost. But it is supersonic only at high altitudes, and it cannot penetrate at high altitudes because it will be vulnerable to detection and destruction by SAMs. Why is it supersonic? I think it is because no one can bear to think of building a subsonic aircraft in the 1970's. And that is no reason at all.

The B–1 is deemed cost effective by virture of a competition—the Joint Strategic Bomber Survey—which opened with the premise, according to last year's hearings, that our manned strategic aircraft must be able to guarantee delivery of 2,000 nuclear weapons and on hardened Soviet targets. Granted that the B–1 can do that; why *need* we do it? Why not count our ICBMs and MIRVs, and design a bomber force to deliver 500 weapons on soft targets, as a hedge against the incalculably remote risk that the other systems will somehow dissolve?

These and other assumed and almost entirely untested requirements account for the fact that we are asked to spend $22 billion to modernize the hind leg of the Triad. They explain why it is proposed that over the next ten years we lay out $92 billion—over $9 billion a year—to buy, arm, operate, and maintain the one strategic system that has the least to do with deterring nuclear war and that will be the least likely to participate if nuclear war ever comes.

We cannot blame the Air Force for asking. But this, of all times, must certainly be the time to say, "no." It is time to point out that the national budget is only so big; that there are other priorities, in and out of the military budget, which demand our attention; that if a strategic bomber is to be had, it must be one that bears some reasonable relationship—in capabilities and costs—to the limited roles bombers can play.

To that end, Mr. Chairman, I have introduced an amendment to terminate further work on the B–1, and to inspire and support the development of a more realistic alternative program. A copy is attached to my statement.

CRUISE MISSILES

My concern about modern cruise missiles rests on different grounds. The B–1 is an inflated, wasteful program, but it poses no particular risk. Highly accurate, advanced cruise missiles are a different matter. I believe they threaten to discredit and then dismantle the mutual American-Soviet hope for negotiated limits on nuclear arms.

Again, it is primarily a political question. We have to decide whether it makes more political sense to exploit a temporary technical advantage, or to try to avoid, on both sides, a new system which could literally transform the Triad into a centipede, all for no gain in the end.

The cruise missile is not a new concept. Indeed, the V–1 rocket used by the Germans in World War I was essentially a cruise missile. We have deployed them in the past, and so have the Soviets.

What is new is the technology which can make the cruise missile a highly formidable strategic weapon. We have just begun testing systems through which cruise missiles can travel thousands of miles, following the terrain to penetrate beneath radar surveillance, correcting their own courses through on-board computers, and striking predetermined targets with accuracies in the low hundreds of feet, and with 200 kiloton weapons.

Cruise missiles could be fired from submarines, from surface ships, from aircraft, or even from land. And therein lies the problem.

To verify strategic arms limitation agreements we rely on good faith to police the agreements. We can see for ourselves.

But once advanced cruise missiles have been developed and deployed, there will be no way to count them. Further, there will be no unilateral way to discriminate between nuclear and conventional versions. One will look just like the other. Indeed, one can become the other, by substituting a nuclear warhead for a conventional one and using the space and weight saved for fuel.

We are well ahead in the technology. But there is no reason to believe that condition will last. So it may be most instructive to turn the issue around. Assume that the Soviet Union follows our lead and begins a few years hence to test both land and sea based cruise missile systems. It is my understanding that if they conducted a test and we would almost certainly detect it. But there is nothing to stop them, and we can expect that it will be no simple task to persuade them to forego the system if we have gone ahead on our own.

Then, if we know they have the ability to deploy cruise missiles, the question is, will we simply accept their word on what they have done.

We might argue that it would make little sense for them to deploy cruise missiles—and especially sea-launched versions—in large numbers, because they maintain their Navy for other purposes, just as we do. As far as I have been able to detect our own Navy has yet to come up with any compelling case for diverting ships and attack submarines into more legs of the deterrent.

But, for arms control purposes, the question is not whether they would but whether they could, without being caught. Once they have completed the tests, we will lose our ability to count and verify, with any confidence, the size and location of their strategic forces.

If we are to prevent that result, the time to do it is in the testing stage. Considering the implications for arms control, and the lack of any clear military need, I think the prudent course would be to suspend our own test program at least until we determine, through SALT, if we can avoid these systems entirely, on both sides.

This proposal is similar to one that was made some seven years ago on another system—multiple independently targetable reentry vehicles—by Senator Brooke and Senator Case. They argued that it would be better to prevent MIRVs than to build them, and they urged a postponement in our tests until a SALT ban had been tried.

Of course they lost. We operated instead on this strange thesis that the best way to prevent something is to build it, as a "bargaining chip." Now we hear that the Soviets are building MIRVs, that there is a throw-weight gap, that their MIRVs are bigger than ours, and that they may post a counterforce threat.

Meanwhile both sides are in the process of jumping from a few thousand warheads to ten thousand or more, for not the slightest gain in our safety. I suspect Senators Brooke and Case have a hard time being sympathetic toward these belated fears over Soviet MIRVs.

I submit that with cruise missiles we are buying exactly the same sort of problem. Only this time it is worse.

At least with MIRVs we can count submarines and silos and calculate the maximum force. Cruise missiles will be beyond counting.

Further, once again the potential strategic balance is not in our favor. Surface-to-air missiles can afford some protection against cruise missiles. The Soviet Union has a large number of SAMs, and they are continuing to build low altitude SA–3 sites; our air defenses have been reduced to little more than a surveillance system. Therefore, to maintain an essentially equivalent ability to either inflict or avoid damage in the cruise missile realm, we would have to invest far more than the Soviets in cruise missiles, defenses, or both. And if we cannot avert these systems, I would almost be willing to guarantee that we will hear such requests just a few years from now.

Again, it falls to the Congress to take a broader perspective. I do not expect to hear sound recommendations from arms control from the Department of Defense. That is not their job. After seeing the outline of a SALT II agreement, I do not even expect to hear sound arms control concepts from the Secretary of State, and it is his job.

But, especially after we have learned from bitter experience, I do think the American people have a right to expect that the Congress will apply a more sensible view—one that guards our safety not only by paying for adequate arms, but by preventing superfluous arms which can only increase our peril.

B–1 BOMBER FACT SHEET

1. *The B–1 is the most expensive weapons program in history*—This year it will cost $1.5 billion. For the years to come, it will cost $21 billion to build and then over $70 billion to arm and maintain. This represents a total cost of $91 billion or $88 million *per unit* and does not include cost overruns and additional design changes that will probably be necessary. (The new FBI building cost the taxpayer $101 million). Child care bill vetoed—cost $125 million.

2. *The cost of this weapon will result in a serious drain on other areas of the defense budget*—Defense budget money is not unlimited, so the billions of dollars spent on the project will cut into other programs and seriously reduce our ability to procure other, and possible more cost-effective, weapons.

3. *The design of the B–1 has been compromised so that it cannot function as originally designed*—To hold down the possibility of high cost overruns, the designed speed of the B–1 has been reduced from 2.2 mach to 1.6 mach, thus cutting its supersonic capability by 50%. Simultaneously, the weight of the airplane has been increased by 30,000 pounds, which decreases its carrying load. The vital crew-escape-capsule has been totally eliminated.—While all this has occurred, the per unit cost has risen from $25 million to $88 million, with the possibility of even further increases in the future.

4. *The supersonic function of the B–1 accounts for one-third of the total B–1 cost.* Furthermore, under the present planning for the B–1's strategic use, the supersonic ability will *never* be used.

5. *The unrefueled flight range of the B–1 is half that of the B–52.* The B–1 can go 6,100 miles without refueling. By contrast the unrefueled flight range of the still-useful B–52 is 12,000 miles. The shorter the range of an airplane, the greater the vulnerability to enemy attack.

6. *Better, cheaper, and more effective options to the B–1 are readily available*—The B–52 bombers can be refitted to have performance characteristics similar to those of the B–1, and at a fraction of the slated cost.

7. *The Pentagon is seeking funds before enough information is known*—According to the GAO, the development, testing, and evaluation program for the B–1 bomber will not be completed until early 1977; almost a full year *after* the Congress authorizes money for the production of this airplane.

8. *Performance standards for the B–1 bomber have been lowered*—Again, according to the GAO, certain criteria such as airframe and engine performance requirements, which are crucial to the effectiveness of this plane, have been altered and weakened.

9. *The B–1 will have a negative economic impact.* Forty-four states will pay out more in taxes than they will receive in subcontracts for the B–1. This has been demonstrated by the production of the research and development models. More jobs can be created through nonmilitary contracts, and defense spending contributes to the national inflation by producing goods which do not, in turn, contribute to the economy.

10. *The B–1 could destroy the atmosphere's delicate ozone layer, generate unacceptable noise levels and waste scarce natural resources.*

11. *B–1 deployment will not increase security*—The current over-kill ratio is so high, that the addition of the B–1 will serve to increase the number of nuclear warheads in the arsenal *without* enhancing our national security.

12. *The B–1, if ever needed, is not needed now or in the immediate future.* The present B–52 and FB–111 bombers will be good into the 1990's by the Defense Department's own admission. Rushing ahead with a new bomber program when the old one is adequate is poor judgment.

The Joint Strategic Bomber Study

A Stacked Deck For the B–1

For more than a year the Office of the Secretary of Defense has been conducting a cost-effectiveness analysis of the B–1 bomber and other possible strategic air options. In response to an amendment by Senators McGovern and Brooke to the military procurement bill last year, Chairman Stennis of the Senate Armed Services Committee wrote on June 10, 1974, to the Secretary of Defense and to the Comptroller General of the United States, setting forth specific alternatives to be included in the study and calling for a review by the General Accounting Office.

The original McGovern-Brooke amendment would have required that the study include an analysis not only of the various strategic bomber options, but of the underlying strategic assumptions and missions. That recommendation was not followed. As a result the Joint Strategic Bomber Study ignores completely the most critical issue Congress must address: Assuming the B–1 can do all of the things defined in the Study, the question is, do we need those capabilities? Are they worth $20.6 billion more to arm, operate and maintain an extensive bomber fleet over the first ten years?

Both the Joint Strategic Bomber Study and the GAO analysis are classified. Therefore, the following discussion is drawn entirely from unclassified descriptions which appear in the Armed Services Committee hearings and other public sources.

APPROACH OF THE JOINT STRATEGIC BOMBER STUDY

Far from analyzing roles and missions, the Study actually begins with the assumption that the United States wants to spend the full $20.6 billion development and procurement cost of the B–1, and that we have an unquestioned need to be able to carry out the missions and hit the targets assigned to it. It then measures equal cost forces—$20.6 billion forces—against those predetermined missions and forces.

Senator McIntyre described the grave deficiencies of this approach in a letter to Secretary Schlesinger on March 14 of this year:

"The Joint Strategic Bomber Study's most fundamental bias was its design and evaluation of alternative bomber forces on the basis of the cost of the B–1 rather than designing a precise military mission and comparing each alternative bomber force's capability to fulfill that mission.

"The Study assumed at its center that as a nation we wished to spend the cost of the B–1 force and that indeed we needed the full range of its military capability. If the Study had defined the mission which our bombers should be expected to perform, and measured the efficiency of various alternatives in accomplishing that mission, such an evaluation may have led you to conclude that we may not have needed a follow-on to the present bomber force at all.

"This flawed logic is particularly apparent when the Study compares the various bomber forces in terms of the number of military targets that each can destroy. It did not demonstrate that we need such a capability. Bombers are inherently ill suited to attack well-defended, hardened missile silos, the most difficult military targets. Obviously, the long flight times of any bomber force would make it unlikely that Soviet missiles would remain in such silos. The destruction of political economic targets is the appropriate task of our bomber force and if that is defined in detail, your Study may well have been forced to conclude that the sophisticated capability of the B–1 with its high cost was a capability that our national security did not require."—Page 5564, Part 10 Armed Services Committee hearings on S. 920.

Considering that this is the central point of the entire debate, the Pentagon response—forwarded by Deputy Secretary W. P. Clements—was startling indeed. He said in part:

"This criticism addresses a real problem associated with the methodology of any detailed study of force effectiveness . . . However, it is really only practical to enter the analysis with a postulated force and then determine its effectiveness, rather than work backwards from a desired effectiveness to a desired force level. Let me explain: To obtain a force capable of particular effectiveness requires an iterative procedure whereby a series of forces are developed and their effectiveness determined until convergence is reached on a desired effectiveness. Because of the massive computational workload required by this procedure, it was decided at the beginning of the study to compare forces on the basis of equal cost, rather than on the basis of equal effectiveness."—Page 5568, Part 10, hearings on S. 920.

The statement goes on to say that the study gave them some "approximate" techniques for covering a range of effectiveness, which they then used to analyze "pure" forces (i.e., no mix of different aircraft), at various levels of target coverage, including "two substantially lower than in the basic study."

In other words, the study failed to consider at all the most critical question—how many of what kind of targets we need to be able to hit—simply because it required too much computation. On a $20.6 billion program, they didn't want to spend too much on computer time!

Comptroller General Elmer Staats wrote in his March 4 cover letter on the GAO analysis of the Joint Bomber Study that,

"Two important considerations influencing the results of analyses conducted by the OSD study team are the assumptions of the postulated threat confronting bombers and the desired level of destruction to inflict in a retaliatory strike."

In fact the Joint Bomber Study makes clear that the cost-effectiveness case for the B–1 rests entirely on three assumptions:

(1) A presumed American need, notwithstanding all other strategic systems, to kill some 2,000 Soviet hard targets with manned bombers,

(2) A very severe pre-launch threat from Russian SLBM's, which would require rapid take-off and flyout and a hardened aircraft,

(3) A very ambitious Soviet defense against bombers, including an Airborne Warning and Control System and look-down, shoot-down fighter interceptors.

The assumptions used in all three of those areas are implausible.

TARGET COVERAGE

The B–1 force would carry an extremely large payload—a total of some 38 million pounds in 244 aircraft, compared to about 21 million pounds in the 463 B–52 D, F, G and H models and FB–111s that were in the force in mid-1974. Through 1990, since it would be an addition rather than a replacement for the later model B–52s and FB–111s, it would represent a dramatic expansion of from 21 million pounds to nearly 52 million pounds in the total payload of the U.S. strategic bomber force.

Like other strategic bombers the B–1 could carry a mix of gravity bombs and stand-off missiles. Each one could, for example, carry 24 nuclear-tipped SRAM missiles internally, plus—with fuel tradeoffs—another 8 outside. That comes to between 5,856 and 7,808 separately targetable weapons.

Some of those weapons would be used for defense suppression. But in a discussion of supplements to the Joint Bomber Study, Brigadier General John Toomay, military assistant to the Deputy Director in the Office of DOD Research and Engineering, told the Research and Development Subcommittee April 10 that—

". . . since we don't know what we will require to achieve deterrence in 1988, the time at which these exercises were projected, we did a set—1,000 weapons, 1,500 weapons, and 2,000 weapons on target."—Page 5167 and 5168, Part 10, hearings on S. 920.

Deputy Secretary Clements' response to Senator McIntyre cited earlier pointed out:

"Accordingly, these techniques were incorporated into the supplemental analyses, which were then able to display for three different levels of effectiveness (*including two substantially lower than the basic study*), the relative cost effectiveness of various pure forces as a function of the postulated threat." (emphasis added)—Page 5569, Part 10, hearings on S. 920.

It follows that the Joint Strategic Bomber Study began with a requirement to penetrate the much more hostile airspace which the Pentagon believes could prevail in the 1980's, to make massive investments of weapons in defense suppression, and to still deliver at least 2,000 weapons on target.

On what kind of targets? Major General Robert P. Lukeman, Air Force Assistant Chief of Staff for Studies and Analysis, explained to the Armed Services Committee on Research and Development that,

". . . the kind of accuracy built into the avionics system of the B–1, which gives it a CEP of about (deleted) is very important to us for the attack of these very hard targets."

As Senator McIntyre's letter of March 14 suggested, the destruction of targets assigned for deterrence—soft political and economic targets such as population and industrial centers—is the only practical role for a bomber force. Bombers serve in a back-up capacity, to cover the exceedingly remote risk that the Soviet Union might find ways to counter both ICBMs and SLBMs, and to do so with such great confidence that they would be tempted to launch a first strike.

The limited "insurance" nature of the bomber role is obvious from the fact that while SLBMs have flight times of some 15 minutes, and ICBMs take only 30 minutes, even an advanced bomber like the B–1 would take some eight hours to fly to the Soviet Union. If it were used in conjunction with those systems, the war would be over before it arrived. Any war fighting role for the B–1, as opposed to deterrence, is patently ludicrous.

But by no stretch of the imagination does back-up deterrence require an ability to strike some 2,000 targets. Most Soviet population and industry is concentrated in some 160 major towns and cities. And none of those targets are hardened, requiring a close-in highly-accurate launch of gravity bombs or SRAMs.

Target coverages and missions obviously have a decisive bearing on what kind of a manned strategic aircraft the United States should buy. Under a more realistic definition of what bombers should be expected to do, there would be no need for such high accuracy or large numbers. Such options as a stretched FB–111, a stand-off cruise missile carrier, or an updated B–52 would become far more practical. But those options have been ruled out by the Joint Strategic Bomber Study because, as Pentagon managers have admitted, it began with target coverages and mission profiles and costs designed precisely to fit the B–1.

It also requires mention that the bomber is supposed to have a role in Secretary Schlesinger's so called "flexible response" doctrine, which would involve an ability to strike selected military targets. The Secretary's thesis is that in order to make a point or get our attention, the Soviet Union might launch a small nuclear strike against some remote point in the United States, or perhaps against our ICBMs or other military targets. He argues that the United States must be able to respond in kind. And he claims that if we cannot do that, we have no credible deterrent to small scale nuclear war, for the Soviet Union cannot be expected to believe that we would respond with a society-destroying blow to such a limited provocation.

Since the Soviet Union has no significant strategic bomber force, a response "in kind" would more likely involve a very small ICBM retaliation, with appropriate communication to the Soviet Union of the limited nature of our retaliation. But in these circumstances the relatively slow flight of the manned bomber is seen as a virtue, since a bomber response would be more easily seen by the Soviet Union as a measured response.

But 2,000 weapons on hardened targets is no measured response. Existing bomber forces, including the FB–111, would be fully adequate for such purposes. In fact, no strategic bomber at all would be required. In last year's military procurement hearings, on April 25, 1974, Major General James R. Allen, Special Assistant to the Chief of Staff for B–1 matters, admitted that even tactical aircraft stationed in Europe could accomplish that purpose:

Senator **McIntyre**. "General, can't our European based tactical fighter bombers, with nuclear missiles, provide the same strategic bomber capability for 'high reliability, accuracy, low-yield, minimum collateral damage and a mode of attack which will allow the enemy to discern unmistakeably that he is indeed facing only a limited response from the United States?"

General **Allen**. "Yes sir; in a peripheral sense against targets within range of the theater forces, that is certainly true . . ."

Mr. **Fine**. "Adequate to convey a message of intent?"

General **Allen**. "Depending on the message that you are attempting to convey, yes sir."

This discussion ignores, of course, the question whether Secretary Schlesinger's limited nuclear war scenarios should be regarded with any seriousness. The understanding on both sides of the overwhelming force of nuclear weapons and the deadly danger of nuclear adventurism is likely to keep the nuclear threshold high regardless of the Secretary's attempt to lower it. But even if his thesis were accepted, it would not rescue the case for the B–1.

PRELAUNCH THREAT TO BOMBERS

The Soviet Union could not attack our bombers on the ground with ICBMs because the bombers would have ample warning for escape. They would have to use submarine launched missiles, which are less accurate (too inaccurate to strike hardened Minuteman silos) but which could be launched from fairly close in to U.S. shores, so they would have shorter flight times.

Of course the Soviet Union already has SLBMs and they are not considered a serious pre-launch threat to our existing bombers. What would be required is a flat trajectory SLBM which would have a shorter flight time.

Major General Robert P. Lukeman, Assistant Chief of Staff for Studies and Analysis, discussed the problem before the Research and Development Subcommittee on April 17:

". . . Instead of the minimum energy trajectory with a higher apogee, they would use a lower apogee using the energy to drive the missile through the air, through a denser atmosphere for a lower apogee, and more rapid time to target . . ."—Page 5522, Part 10, hearings on S. 920.

In his prepared statement to the Committee on March 7, Dr. Malcom D. Currie, Director of Defense Research and Engineering, described how the bomber is supposed to defeat such a threat:

"For all (bomber) forces, survivability against an SLBM patterned attack depends most upon reaction time. Dispersed basing, threat levels, air vehicle hardness and speed are substantial but secondary considerations . . .

"Warning of submarine launched ballistic missiles (SLBMs) is provided by dual satellite coverage of most of the close in threat areas and backed up by short-range coastal radars. Complete and continuous coverage of probable Soviet launch areas continues to be our goal . . .

"Present SLBM-detecting coastal radars are obsolescent and have a low availability. These radars will be replaced by two phased array radars approved in last year's budget. The phased array radars, referred to as PAVE PAWS, will increase radar coverage of advanced threats and be capable of providing better attack characterization information."—Pages 2697, 2703 Part 6, hearings on S. 920

There are several problems with the assumption of a Soviet scheme to hit our bombers on the ground.

One is that we already have aircraft that can defeat it—the FB–111. The Air Force doesn't think the FB–111 has enough range, even with stretched versions that have been proposed, the FB–111B and the FB–111H. That issue depends on the question of what target coverage policy and missions Congress approves. But on escaping from SLBM attack, Air Force Secretary John McLucas testified on April 17:

"Well, this airplane (the FB–111G) looked very good in terms of its survival during the prelaunch phase and the launch phase. The airplane is hard. The airplane can get off the ground quickly, and is small enough so that you can get a number of them off on a given base rather quickly."—Page 5529, Part 10, Armed Services Committee hearings on S. 920

Another problem that has been raised is with the tankers upon which the B–1 would have to rely in order to complete its mission. The B–1 can get off in something like four minutes. But what if the Soviet Union decided to attack the tankers, which take roughly the same amount of time as the B–52? The Air Force responds that since we have some 600 tankers, we could afford to lose some, and that they can be located at dispersed bases to minimize the risk.

A related problem is the likelihood that the Soviet Union may well not bother to build a flat trajectory SLBM. The Bomber Study assumes that they will simply because it is feasible. But it is a dubious assumption. First, it is not all that simple a technology—it would require extensive testing. High accuracy with flat-trajectories would be extremely difficult to attain. Further, if they placed any significant priority on attacking U.S. bombers on the ground, it seems likely that they would have at least begun a program of this kind by now—particularly since it is theoretically possible to strike B–52s. But on February 25, the following exchange took place between Senator McIntyre and Lt. Col. John C. Pettyjohn, chief of the Strategic Arms Limitations/Strategic Force Branch of the Defense Intelligence Agency:

Senator McIntyre. "Are there any tests of SLBM's in a depressed trajectory? Have you seen any signs of that?"

(Colloquy deleted.)

Colonel Pettyjohn. "No, sir."—Page 1742, Part 4, Armed Services Committee hearings on S. 920

In the same context, Mr. T. J. King, Director of the Strategic Forces Division, Office of the Assistant Secretary of Defense for Program Analysis and Evaluation, responded to questions about the alert status of existing bombers. None are on either airborne alert (in the air) or strip alert (ready to go at the ends of the runways):

Senator Leahy. "How long are you talking about getting the bombers off the ground, from the time they see the rockets with their present capabilities?"

Mr. King. "(Deleted) minutes in an advanced alert posture. We don't stand that alert today because the threat isn't there."—Page 1743, Part 4, Armed Services Committee hearings on S. 920.

Even if this advanced SLBM capability were developed by the Soviet Union, it is, of course, extremely unlikely that we would be presented with an "out of the blue" attack on bombers. It would, of course, be preposterous for them to consider such an attack if they did not also have ways to neutralize the other two legs of the U.S. TRIAD, the ICBMs and SLBMs. Beyond that, a period of high tension which could lead to attack would develop slowly enough to allow whatever bomber was in the force to be placed on airborne alert, a practice not followed on a day to day basis because of the high costs involved. And there is even some evidence that we could detect Soviet submarines positioning themselves for an attack, as suggested by the following exchange:

Senator McIntyre. "Would not the B–52 fleet survive an SLBM attack considering that we would have ample warning if the Soviets began the relatively slow deployment of their SLBM submarines to launch sites and ranges?"

Dr. Currie. "That is an argument that has been made, and it is somewhat speculative, and I just cannot speculate."

Senator McIntyre. "Do you agree or disagree with this statement: We have the ability to track Soviet submarines; they do not have the ability to track our submarines?"

Dr. Currie. "'(Deleted)."

Senator McIntyre. "Who do we get in touch with, then?"

Mr. Fine. "Last year when the Navy presented their ASW (anti-submarine warfare) briefing to us they went into great detail as to their capabilities, (deleted). Now is what you have said in disagreement with that?"

Dr. Currie. "No, I think that is true. And everything is a matter of degree. The reason why I answered that question (deleted) is that it is not absolutely true."

* * * * *

Mr. Smith. "Dr. Currie, DIA testified before this subcommittee (deleted). If they began that, would that not be another signal to us (deleted)."

Dr. Currie. "Yes, I think so, (deleted)."—Pages 2819 and 2820, Part 6, hearings on S. 920

Finally, and most decisively, all of the concern about a Soviet SLBM neglects the significant impact of the SALT I treaty on this question. The agreement against ABMs amounts to an agreement that the Soviet Union will remain vulnerable to ICBMs, at least after they are airborne. That had two implications for bombers. First, as discussed later, it eliminated the requirement for a third force, i.e., bombers, which would not be vulnerable to an ABM. Second, and of direct relevance here, it narrows the prelaunch survivability issue. It is obvious that, short of total madness, the Soviet Union will not contemplate a first strike against the United States unless it can neutralize all three legs of the TRIAD. Assume for a moment that they found a way to neutralize our SLBMs, forcing us to rely on the insurance bomber and ICBM forces. But under those circumstances to assure that at least one of the remaining forces would get through, all that would be necessary would be a bomber that could launch within the 20 to 30 minute warning time provided by Soviet ICBMs. We do not want to go to a destabilizing launch on warning policy with our missiles. But an SLBM attack on the bomber force would give ample notice that an attack was underway and that we should launch our ICBMs. And all that is required for that warning purpose is an assurance that a Soviet ICBM attack could not knock out both our bombers and our missiles—which means bombers that can take off within 20 to 30 minutes, well within the capability of B–52s or any one of a number of other options.

For these reasons the SLBM threat to bombers which the Joint Bomber Study postulates—and the corresponding requirement for a bomber like the B–1 that could launch in four minutes—is not an important consideration.

SOVIET DEFENSES

The second major assumption of the Joint Strategic Bomber Study is a very ambitious Soviet defense against penetrating bombers.

It has been clear for many years that a manned bomber must pentrate at low altitudes to escape detection if it is to have much hope of reaching its targets. Both the FB–111 and the late model B–52s—the G and H models—have that capability. The need for it is the fundamental reason why the B–70 was scrapped, since it was designed to penetrate at very high altitudes where it would have been vulnerable to surface to air missiles. It is axiomatic that, once it is detected and a missile has locked on, no manned bomber can fly fast enough to outrun a SAM.

The Joint Bomber Study postulates a heavy Soviet defense against bombers, involving an airborne warning and control system which would detect the bombers from above instead of relying on ground-based radars. It would also include fighter-interceptors with the capability to look down and shoot down.

Dr. Malcolm Currie, director of Defense Research and Engineering, described the nature of the problem and the solution in his March 7 statement:

"Bomber penetrativity against advanced fighters (having look-down, shoot-down capability) depends most on ECM effectiveness. Yet, because of the low altitude supersonic SRAM which can penetrate terminal SAMs and suppress fixed barrier SAMs and because of warning receivers which permit evading mobile SAMs, bomber effectiveness is not significantly affected by SAMs . . ."—Page 2697, Part 6, hearings on S. 920.

But what this suggests is that advanced capabilities of the B–1 over those of the B–52 really have no major bearing on the question of penetration. The B–1 is not supersonic at low altitudes, so it could not outrun supersonic interceptors. It has a smaller radar cross section and infra-red signature, but it is obviously far short of disappearing in those categories so the size of the signal probably makes no real difference. As Dr. Currie points out, what is really important is the nature of the electronic countermeasures available to the bomber. And in that category the same basic tools are available to both the B–1 and the B–52. There is no significant difference in their ability to avoid detection and fool defenses.

Further, if it cannot accomplish those tasks, no manned bomber will likely be able to penetrate—a point Dr. Currie also acknowledged in his March 7 testimony:

"The ECM suites for both the B–52 and the B–1 were shown to be effective, but the extreme sensitivity of the performance of the penetrating bomber to the quality of its ECM was manifest. This sensitivity is so crucial that continuous reevaluation of the ECM interactions are required over the long term. Furthermore, we believe viable alternatives to the penetrating bomber must be pursued. Our cruise missile programs . . . constitute such an alternative, and we are searching for others . . ."—Page 2697, Part 6, hearings on S. 920.

So if the full postulated threat were to develop, the B–52 would likely have serious problems penetrating with target range. But the B–1 would have precisely the same problems. Again, the elaborate performance characteristics of the B–1 make no real difference.

There are alternatives, such as an air launched cruise missile—or air mobile ballistic missiles—which could be fired from beyond Soviet defenses. In theory low-flying cruise missiles could be intercepted by surface to air missiles. But, considering their relatively low cost and small size, they could also saturate defenses. Large jets built for this purpose could carry as many as 100 missiles if necessary.

But there is also the very real possibility that this assumption of the Joint Strategic Bomber Study is wrong.

Major General Robert P. Lukeman elaborated on the status of Soviet bomber defenses in his April 17 testimony:

"They have from (deleted) of these MOSS airborne warning and control aircraft, a converted CLEAT aircraft, which we call SUAWACS, or Soviet Union airborne warning and control system. That, of course, is far less capable than the U.S. AWACS. It cannot detect low-flying aircraft over land. If the Soviets pursue this technology on a priority basis, it is the judgment of the intelligence community that they would have an advanced AWACS with (deleted) . . .

"The Soviets as you know, are currently (deleted). The introduction of an AWACS similar to ours would, of course, correct those deficiencies, and we show here illustrative orbits for those kind of AWACS which could (deleted).

"The Soviet strategic defense fighter interceptor force is expected, of course, to decline in numbers. However, there is a significant trend away from austere day fighters avionics and weaponry.

"Most importantly, the Soviets could develop and deploy an interceptor equipped and armed to detect and attack low-flying aircraft. This so-called look-down shootdown capability is, of course, possessed by our F–14 and F–15 fighters."—Page 5524, Part 10, hearings on S. 920

So the Soviet Union has no air defense system that would be effective against low flying bombers, whether it is the FB–111, the B–52, or the B–1. The threat postulated in the Joint Strategic Bomber Study is based entirely on our own technology, which suggests that they could build a heavy bomber defense if they wanted to.

But it would be an exceedingly foolish investment for precisely the same reasons that it has been deemed a foolish investment on the part of the United States. As then Air Force Chief of Staff General George Brown testified to the Armed Services Committee on February 7, 1974:

"The U.S. agreed in the AMB treaty not to deploy a total defense against ICBMs. Thus, as has been testified by the Secretary of Defense, it was concluded that it was not logical to maintain a vast air defense system against a bomber attack when we remain vulnerable to ICBM attack."

That point is so compelling that the Pentagon U.S. bomber defenses have been steadily declining and our own proposed Airborne Warning and Control System has been shifted entirely out of the strategic context, in an attempt to find some conventional war rationale.

When we must project far into the future to design strategic systems, there is some merit in projecting the threat on the basis of presumed technical capabilities rather than on changeable intentions. But there must be some limit to that approach. Surely it can be modified when, as in the case of the Soviet bomber defense assumed in the Joint Strategic Bomber Study, it requires an assumption of illogic and a taste for expensive futility on the part of the Soviet Union.

Mr. McGOVERN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GOLDWATER). Who yields time?

Mr. STENNIS. Mr. President, I think we have an odd situation here about control of the time. I think the Senator from Iowa is entitled to some of the time, whether under strict rule or not, and if he wants it, I will yield it.

Mr. CULVER. Mr. President, we are going to yield back our time.

Mr. CANNON. Mr. President, will the Senator yield 5 minutes to me?

Mr. STENNIS. Yes, I yield 5 minutes and more, if he wishes, to the Senator from Nevada.

Mr. CANNON. Mr. President, I did not speak earlier on the Culver amendment when it was before the Senate, expecting that I would speak some at this time.

I must say I agree with the distinguished Senator from Arizona that we are better off to face this issue squarely, either to kill the B–1 or to go ahead with the program.

The proposal offered by the Senator from Iowa would simply be another deferral, a very costly deferral, I might add, to a system that is already too costly. I wish there were some way we could bring the cost down with relation to this particular program, but it is a fact of life.

We have had heavy inflationary rises in the country that affect these weapons systems. The cost of everything has gone up, and this system is too much, but it is a question of whether it is something we need or whether it is something we do not need.

The Senator from South Dakota has put it very squarely in focus by saying he wants to take the money out for the procurement of this program. I do not know why he makes the point that he would not touch the R. & D. money, because we either need it or we do not need it. We have gone through the R. & D. program up to the present time, and it is true there is R. & D. money in this year, but if he favors killing the program we ought to kill it,we ought to cuts its head off completely and not just cut it off a piece at a time, a leg and a tail, and so on.

So I think that is something this Congress has to determine: Do we want this airplane, this system, this weapons system?

I wish we could say here on the floor of the Senate today we have no need for it, that we have complete assurance on the systems we have at the present time, and that we do no need his triad.

The only time we will know whether or not we need it is when we find out is too late, and the whole object of the triad system is to deter any possible aggression by a foreign power against us in the nature of a surprise attack.

If that surprise attack were to take place, and we had one leg less of the Triad, obviously we have a lesser chance to survive, and we have only one possibility of retaliation then, and that is basically only one because I am thinking now in terms of when the B–1 would come into the program, far on downstream. The B–52's, many of them, have outlived practically their usefulness at the present time and, as the Senator from Arizona pointed out, you could do any kind of modifications to those B–52's that you wanted, and you still have not modified the basic aircraft. You cannot make it any faster, you cannot make it much more durable to fly at low altitudes, you cannot make it fly any higher, you cannot give it any more bomb-carrying capacity without your going and build a whole new weapons system out of it, and if you are going to do that you are going to be up against costs that I think are greater than a B–1.

Here you have an aircraft, as the Senator from South Carolina pointed out, that is only about two-thirds the size of the B–52; it carries a much, much greater load than the B–52; it is much faster, it has more equipment on it, electronic devices and equipment, to give it survivability to get in and do its job and get out, if we need it, and I, for one, certainly hope we never see the day we will need it. But I would feel much more comfortable, Mr. President, if we have this as part of our Triad system, often the time frame in the future at a time it would come into the inventory, to assure us, and help assure us, at least that no other country tried to attack us.

In summary, Mr. President, I just simply say that if we are going to talk about studying alternatives, the alternatives have been studied; they have been studied up one side and down the other, because everyone would like to find alternatives that were less expensive, that were more effective. This has been the decision, and I support the decision. I hope that my colleagues will vote down the McGovern amendment just as they did back on June 5, 1975, when this same approach was made at that time.

Mr. McGOVERN. Mr. President, will the Senator yield very briefly?

Mr. CANNON. Yes.

Mr. McGOVERN. I just wanted to remind the Senator that in my remarks I did not suggest we abandon the Triad at all. I tried to point out to the Senator, if he will recall, that we have a far better bomber fleet right now.

Does not the Senator agree with that, that the American bomber fleet is infinitely superior to the Soviet bombers, without our building any additional bombers?

Mr. CANNON. No question but what the American bomber fleet is superior to the Soviet fleet at the present time. There is a question as to whether or not the American bomber fleet could penetrate into the Soviet Union. We could penetrate to a degree by sheer force of numbers, that is true, at the present time. But we do not have the capability for penetration in the B-52 that you have in the B-1 program.

The Senator made the point that we have the triad. We do have the triad now, and he said we will have that off into the 1990's. I am not sure exactly what the timeframe is, but I am sure that the B-52 fleet starts to go down certainly very markedly before you get to the 1990 time period.

Mr. McGOVERN. I agree with the Senator. It is not going to last forever. But if he is conceding the point, we have a bomber fleet now in operation that is clearly superior to the Soviets, and I know the Senator would concede that——

Mr. CANNON. Yes, I do not think that is a concession. I would certainly agree it is a fact. No question but what our B-52 fleet is better than any Soviet bomber fleet.

That is not a valid comparison as to whether we do or do not need the B-1 bomber in that particular reference.

Mr. McGOVERN. Does it not make the point that those of us urging us not to proceed with yet a new bomber are not arguing against the triad?

I hope the Senator will not leave the impression that I am trying to knock off one leg of the triad when he himself recognizes the bombers we already have are better than anything the Soviets have.

The PRESIDING OFFICER. Time has expired. Who yields time?

Mr. STENNIS. I yield 1 minute.

Mr. CANNON. I see no rationale in that comparison whatever.

The B-1 is not here now. It is not prepared to replace the B-52 today. I think we will have the B-52 off into the seventies and I hope into the mid-eighties. But that is the period of time when the B-1 would be coming into the inventory in sufficient numbers to do the job and replace the B-52, which is the whole point.

I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator for his remarks and fine statement.

I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I will be very brief in my remarks.

I just want to point out some things that we do not think of in this body enough.

Our costs are going up. We talk about not building the B-1 now, putting it off until the eighties or nineties.

Let me just recite a few figures.

I know my good friend from South Dakota is an experienced and very fine pilot of the B-24. That airplane he flew cost $224,000 and was the most expensive airplane we had in World War II.

All of the aircraft and aircraft engines built in World War I cost about $400 million. The P-51, which was in my opinion, one of the best piston fighters we ever built cost $37,500. Today, the F-14 and F-15, our fine fighters for the Navy and the Air Force, cost about $14 million apiece.

When we get into tanks, we used to pay around $50,000 in World War II for a main battle tank. We do not have a new one yet and we are talking about over $1 million a copy.

In the weapons systems, for example, when we launch an F-14, the Navy fighter with its array of—I have to say it—Phoenix missiles—of course, I love that name—they cost a total of $1 million.

We could have flown a B-24 for 2 or 3 months before we dropped a million dollars worth of bombs.

I am trying to say, in other words, we have got a tiger by the tail when we talk about weapons systems. Everything has increased.

Metro, the underground system in Washington, has gone over three times its original cost. The cost of sustaining the Kennedy Center has gone up almost three times.

All of us who spend money on anything, including our wives, know inflation has come and there is not much we can do about it.

So, Mr. President, the argument that we might do better if we wait just does not hold water.

In closing, I will point out the question the Senator has been addressing himself to about the Soviet bomber fleet, and we overlooked this when we agreed to destroy or mothball our B-47 medium bomber and the Russians agreed to destroy their Badger, they did not destroy theirs. So they still have a fleet of Badgers which, if added to their heavy bombers, gives them about the same number of bombers as we have in our strategic air fleet.

It is true, their medium bomber is not coming over to bomb the United States and go home—but they have got Cuba, or they can land it some place, they do not care about getting back.

Mr. President, I hope this amendment is defeated.

I ask unanimous consent that two fact sheets I have prepared, one on the "Survivable Penetrating Manned Bomber Is Necessary for the Triad"; second, "The Need for the B-1"; and the third, "Common Questions Concerning the B-1 With Answers" be printed in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET ON A SURVIVABLE PENETRATING MANNED BOMBER IS NECESSARY FOR THE TRIAD

THE PRIMARY ROLE OF STRATEGIC FORCES

The primary role of strategic forces is:

To deter direct attack against the United States.

To assist in deterrence against coercion and intimidation by the threat of such an attack.

Strategic forces consist of three primary elements, land-launched intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and manned bombers—the Triad.

THE ROLE OF THE TRIAD

These three elements—ICBMs, SLBMs, and bombers—possess delivery accuracy, diversified basing modes, and responsiveness which:

Prevent the enemy from structuring a force that could successfully perform a disarming first strike.

Prevent the enemy from concentrating his resources, including research and development, against a single leg of the Triad.

Ensure that a technological breakthrough against any single system will not render the whole force ineffective or vulnerable to attack.

The Triad of forces, operating in concert, provides a total deterrent value which exceeds the sum of the contributions of each element operating separately.

THE CONTRIBUTION OF THE MANNED BOMBER

The manned bomber contributes a unique capability to the Triad—the manned bomber can launch on warning under positive control and then be recalled or redirected before penetrating enemy airspace.

Manned systems may be used to demonstrate resolve by maintaining an advanced state of readiness.

Furthermore, bombers retain residual value after initial weapons expenditure.

Bombers offer an important means of balancing the asymmetry in the throw weights of U.S.S.R. and U.S. missile forces and thereby maintain essential equivalence with the U.S.S.R.

Today, bombers constitute less than one-fourth of our strategic delivery systems.

Yet, bombers carry over one-half of our total strategic megatonnage.

The long range, heavy payload capacity, and precision delivery capability of bombers not only allow effective employment in nuclear contingencies, but also offer utility in limited nuclear options, utility in conventional warfare, and capability to perform mine-laying, reconnaissance, and strike assessment missions.

The bomber's inherent capability to adapt to changing situations forestalls obsolescence in an extremely dynamic technological age.

THE INADEQUACY OF A STANDOFF CRUISE MISSILE FORCE

Although the concept of a stand-off cruise missile carrier is intuitively attractive, the use of cruise missiles can only complement, not replace, the penetrating bomber force.

The performance characteristics of cruise missiles render them vulnerable to mobile SAM defenses.

Cruise missile flight path is predictable.

Lack of electronic countermeasures makes cruise missiles unable to avoid or surprise mobile surface to air missile defenses.

A stand-off force is potentially susceptible to a reactive defense comprised of airborne warning and control systems and long-range interceptors which could attack the missile carriers before the cruise missiles are launched.

The cruise missile carrier is slower in fly-out speeds and less resistant to nuclear effects than is the manned stategic bomber.

A force of stand-off cruise missile carriers would place approximately one-half as many weapons on target as would an equal cost force consisting primarily of penetrating B-1s.

CONCLUSIONS

There is no currently envisioned substitute for the manned bomber in the strategic Triad.

FACTSHEET ON THE NEED FOR THE B-1

THE STRATEGIC BALANCE

The strategic superiority of the United States has been replaced by the doctrine of essential equivalence.

Strategic parity appropriately reflects the national policy toward détente and SALT.

Soviet military expansion is unprecedented in both magnitude and scope. In the last decade:

The Soviet military establishment increased by over one million men.

Continued emphasis on ICBMs.

Force size increased sevenfold.

Three new ICBMs already fielded with a fourth in the making.

The continued emphasis on submarine-launched ballistic missiles is evidenced by the deployed force of over 700 missiles.

The Soviets have fielded the most advanced operational bomber in the world today, the Backfire.

WHY A BOMBER?

The foundation of deterrent capability rests upon a Triad of forces.

Manned bombers, far from being obsolete, possess unique characteristics not possessed by either land- or sea-based missiles.

Only bombers can be launched on warning and recalled or redirected in flight.

Bombers are capable of greater delivery accuracies with more diverse weapon loads than are missiles.

Human intelligence provides discriminate weapons delivery based on real time damage assessment.

Bombers can perform a variety of collateral missions due to range and payload capabilities.

In conventional conflicts.

In sea lane surveillance.

In attacking surface ships.

The design of an advanced bomber to modernize the bomber force in the 1980s was therefore initiated in the 1960s.

WHY THE B–1?

An exhaustive series of studies, culminating in the Joint Strategic Bomber Study, has demonstrated clearly that the B–1 is the most cost-effective means of modernizing the bomber force.

WHERE ARE WE TODAY?

Ten years of design, study, and ground tests, as well as over 100 hours of flight tests, put us at the threshold of full-scale production.

By the time of program review and fund commitment in November, the B–1 will be among the most thoroughly tested aircraft in history.

The B–1 represents an impressive advancement in technology; it is essential to the continued credibility of our strategic deterrent and is therefore essential to this nation's security.

COMMON QUESTIONS CONCERNING THE B–1 WITH ANSWERS

1(a) Question: The Brookings study begins from a base of comparison predicated upon equal capabilities to hit and destroy a certain number of targets—i.e. a "capabilities" oriented procurement. Comparisons are then made of the costs of relevant systems needed to deliver 400 megaton equivalents on Soviet targets. The JSBS proceeds from an "equal cost" basis and compares capabilities of the system. With the emphasis in debate placed on cost, why is the JSBS approach better than the Brookings approach?

Answer: In a cost-effectiveness analysis, it makes no difference which side of the equation is held constant—either cost or effectiveness—as long as both elements are based on valid data. The Quanbeck-Wood analysis is invalid for both the cost and force effectiveness sides of the equation for the following reasons:

(a) Cost:

1. The Quanbeck-Wood report under costed the stand-off cruise missile force. In addition, it failed to provide cost for adequate maintenance and combat crew personnel to sustain their concept of airborne alert.

2. It assumed procurement of unnecessary numbers of SRAM and decoy missiles, and new tankers not required for B–1.

(b) Force Effectiveness:

1. The threat selection (highly effective airborne interceptors) was biased against the B–1 force in the Quanbeck-Wood analysis, and failed to allow for the most effective threat against the cruise missile force (mobile SAMs).

2. The Quanbeck-Wood model, stressing quantity over quality, made small penetrating forces (B–1) appear inferior and large penetrating forces (cruise missiles) appear superior. Further, though the emphasis in debate may be on cost, the important point centers on how much the U.S. gets in force effectiveness for each dollar spent.

1(b) Question: Is the Brookings study correct when it asserts (p. 20) that "We could have specified a larger task without affecting the broad trade-offs among alternative bomber forces?"

Answer: It is likely that such an increase in the target base would affect the trade-off among these forces. For example, an increase in the target base could result in a corresponding increase in the number of terminal defenses that would have to be suppressed for effective cruise missile employment. A concomitant increase in the wide-body missile carrier/ALBM force would have to be made to suppress the defenses around this expanded target base to support the effective employment of standoff cruise missiles. On the other hand, the penetrating bomber force they used already had adequate SRAMs to engage these additional terminal defenses and would not require additional funding to support the defense suppression mission for such an expanded target base.

As an aside, the task specified was much larger than the authors thought; the task of eliminating one-third of the Soviet population and three-fourths of Soviet industry would require seven times the target base used in the Quanbeck-Wood study.

2. Question: What is the projected mission profile for the Backfire bomber—refueled? Unrefueled? What percentage targets could it reach refueled? Unrefueled? Low level penetration capability? Any evidence of air-to-air refueling development?

Answer: The Backfire bomber is a versatile aircraft. All Backfires are capable of aerial refueling and are compatible with the Bison tanker. It can perform intercontinental and peripheral missions against land and naval targets as well as accomplish reconnaissance and electronic warfare tasks. With inflight refueling, Backfire can cover virtually all of the U.S. on two-way missions staged from Arctic bases. On one-way missions, recovering in friendly or neutral territory Backfire is capable of carrying out missions from most home bases against targets anywhere in the U.S. even if unrefueled.

The principal purpose of low altitude tactics is to avoid detection and interception by SAMs and interceptors. While it is likely that the Backfire could fly a low level penetration profile, the number of Conus based high altitude SAMs which the Backfire must avoid is minimal. Further, current Conus radar detection systems have limited capability against low flying aircraft. In this regard, the addition of the AWACS to the Conus air defense system will increase the effectiveness of our interceptor force greatly. Nevertheless, the state of our air defense is nowhere near that of the Soviets and, thus, the demands for an effective penetrating bomber such as the Backfire flying towards the United States are less.

3. Question: Could we get an effective cost breakout listed in both FY 1975 dollars and then-year dollars for:

R&D.

Procurement.

Additional Weapons.

O&M:

Direct.

Indirect.

Life Cycle Cost Per Unit.

Total Life Cycle Costs.

It would be helpful if we could get rough estimates of these for all the alternatives listed in JSBS.

Answer: In constant FY 1975 dollars the total Life Cycle Cost (LCC) of the B–1 fleet is $22.7 billion (see attached chart). This includes a nominal 15 years of full fleet operations, roughly FY 1986–FY 2000. Most of the research and development funding has been appropriated. Therefore, the unsunk LCC is $19.5 billion or about $80 million per unit.

The then-year dollar LCC of the B–1 fleet has not been derived since we do not have means to predict economic escalation through the year 2000. Moreover it is our view that inflation compounded over three decades—which would be applied to GNP, to revenues, and to all purchases—not just defense purchases—would obscure the real cost of manpower and material required.

The then-year dollar cost of B–1 acquisition is estimated at $21.6 billion, of which $18.8 billion has yet to be appropriated.

B–1 life cycle cost—LCC

[In billions]

	Fiscal year 1975 dollars	Then year dollars
R&D	4.2	4.1
Procurement	11.8	17.5
15-year full O&S	6.7	----
B–1 LCC	22.7	----
B–1 LCC/Unit	.093	----
SRAM acquisition	.9	1.3
SRAM 15-year full O&S	.9	----
B–1 & SRAM LCC	24.5	----
B–1 & SRAM LCC/B–1	.100	----

4. Question: "While costs on the B–1 have gone up, 9 out of ten original performance standards have been relaxed." Is this statement true? If so, why have performance standards been relaxed?

Answer: This statement is not true. With some minor changes in operational employment, the B–1 aircraft, as currently designed, can perform the same strategic mission as the B–1 envisioned in 1970. With no changes in operational tactics, the current B–1 can carry the same payload at the same speed and altitude with the same navigational accuracy as the 1970 B–1.

The three performance standards that have been relaxed—low level mission range, supersonic mission range, and takeoff distance—are directly attributable to the aircraft weight increase and slightly greater fuel consumption of the engines. The weight increase resulted from many factors. As the aircraft design progressed from the drawing board to hardware fabrication, the Air Force improved its understanding of the aircraft structural loads, added fracture mechanics requirements to insure a structurally sounder airframe and refined design acoustic levels. Additionally, the Air Force decided to use off-the-shelf offensive avionics equipment rather than to initiate a new development. This decision was a cost effective means of providing the required avionics but resulted in a heavier system.

The reduction in supersonic speed was based on a detailed analysis of the difference in capability against the projected threat provided by a speed of Mach 1.6 vice Mach 2.2. The Air Force determined that this additional capability was not worth the additional cost. The development aircraft will demonstrate the Mach 2.2 capability and, should threat circumstances change such that the higher speed is required, it can be added to the production aircraft. It should be noted that the supersonic mission is a secondary employment mode for the B–1.

The reduction in crew escape capability at high speed was also based on a cost benefit analysis. Development problems occurred in the crew capsule and, at that time, high technology ejection seats became available which could provide approximately the same escape capability as the capsule. The cost to complete development of the capsule was estimated to be high and the ejection seats provided a lower operation and support cost than the capsule. Therefore, the decision was made to accept the slight degradation in capability provided by the ejection seats.

In real terms, the cost of the B–1 is under control. In 1970 dollars, the development estimate was $9.9 billion. The current estimate, in the same 1970 dollars, is $11.1 billion, a cost increase of 12%. The current estimate is, however, within 1% of that made in December 1973 showing that the Air Force has achieved a significant degree of cost control since that time.

In "then year dollars" i.e., dollars adjusted for economic escalation, the cost of the B–1 has grown to a current estimate of $21.6 billion. Almost half the total cost of the program is attributable to inflation, a national economic problem over which the Air Force has little control.

In terms of capability, the current B–1 can perform the same strategic mission as the aircraft proposed in 1970 with minor changes in operational employment. In terms of real cost the program has grown a modest 12%.

5. Question: The Brookings study estimates the cost of the B–1 at $71 billion over 10 years. The Scoville article in the Sunday Star for April 11 puts that figure at 91 billion dollars. Are these figures wrong? By how much? What accounts for the difference between JSBS costing and Brookings? What makes the assumptions of Brookings wrong if they are?

Answer: Neither cost estimate was intended to represent the cost of the B–1. Specifically, the $71 billion figure in Brookings represents their cost estimate for one of the five strategic forces presented in their study. This figure includes $8 billion for new tankers, extra SRAMs, and SCADs which are not programmed to support the B–1. It also includes substantial operating and support (O&S) costs for B–52s, which they phase out beginning in 1980, and a portion of the current tanker fleet which is used by general purpose as well as strategic forces. It also includes indirect overhead costs for the entire strategic force which in the Brookings study constitute about one half of the total operating costs. The Air Force estimate of direct and indirect costs of a comparable force mix of B–52s, FB–111s, B–1s, KC–135s, and SRAMs for the same 10 years is about $45 billion. The cost of the B–1 alone over the same period is estimated to be about $20.4 billion. All of the above costs are in constant FY 1976 dollars.

Brookings also estimated the Air Force "projected program" of bombers and tankers for 10 years at $73 billion in FY 1976 dollars. Our 10 year estimate of the direct and indirect cost of the forces they show is about $55 billion. The Brookings then-year dollar estimate for this force—again, a mix of B–52s, FE–111s, B–1s, tankers and air-to-surface missiles—is the $91.5 billion referred to by Scoville.

Thus, neither cost estimate was intended to represent the cost of the B–1, and does not do so. A detailed analysis of the Brookings study is attached. Part VII addresses the cost issues in general.

6. Question: One of the biggest arguments that is being made is that bombers are an "after the fact" weapons system—the "it will just make the rubble bounce" argument. What task can the bombers perform 6 hours after initiation of hostilities that warrant the expenditure of x billions of dollars that could not be performed by other systems?

Answer: The utility of the bomber force must first be measured in terms of its primary mission—deterrence—and second, in terms of its warfighting capability given that deterrence has failed. The knowledge that a target complex *will* be destroyed conveys as important a perception as does the timing (whether three, six, nine or more hours delay) of such destruction. To discuss "rubble bouncing" alone is to ignore the integral and irreplaceable contribution made by bombers to the deterrent value of the Triad.

In the event that deterrence is unsuccessful, then the bomber force would perform strikes against hard target complexes as well as against softer urban/industrial targets. The flexibility of the bomber force equates to several unique capabilities: bomber payloads are not fixed, and can be either conventional or nuclear; bomber weapons and delivery accuracy can be matched effectively to the intended damage; bombers can be retargeted after launch; bombers can attack unused or reloadable silos and strategic reserves; bombers can perform real-time damage assessment of targets struck previously and restrike if necessary, or withhold weapons for possible later use; bombers can be recovered and reused after the initial mission. The additional time required for bomber-delivered weapons may prove to be a distinct advantage if the hostilities have resulted in stalemate.

7. Question: The argument is made that the B–52 force will last into the 1980s and 1990s under the Air Force's own plan. If this is so, and even if penetrativity is severely degraded, then why are not the B–52s armed with long range missiles equal to the task and why can't the B–1 then be postponed until the 1980s to enable us to get a more realistic threat assessment?

Answer: In the JSBS the standoff cruise missile force was found to be only half as cost-effective as the B–1 force. The cruise missile cannot penetrate areas defended by good quality, low altitude SAMs; however, they are useful as an adjunct to the penetrating bomber force against less well defended targets.

Postponement of B–1 production would cause us to fall behind Soviet developments. Deployment of new Soviet systems takes only three to five years. As much as ten years could elapse from production go-ahead to a fully operational B–1 force if the decision is delayed. The reasons for such a delay are time for production set-up, retooling, and personnel skill development. A large increase in program cancellation and restart costs would be incurred if the production decision is delayed.

8. Question: The Soviet development of a look-down, shootdown capability coupled with SUAWACS threat will render the bombers vulnerable to Soviet interceptor interdiction whereas cruise missiles would be relatively invulnerable?

Answer: Exclusive reliance on cruise missiles would simplify enemy missiles. The SAM is the primary threat to cruise missiles. Cruise missiles have moderate penetration speeds and low radar cross sections in their favor against the look-down, shoot-down interceptor. The cruise missiles' low penetration altitude and avoidance of known SAMs would provide reasonable penetration capability against SAMs with known locations. However, mobile SAMs which are effective against cruise missiles would extract high attrition.

The B–1 is specifically designed to counter the look-down, shoot-down interceptors. The B–1 because of its speed, low altitude performance, small radar cross section, and its advanced avionics and penetration aids, will be able to avoid, degrade, or destroy Soviet SAMS and fighter interceptors. For example, low altitude flight by the B–1 at high subsonic speeds essentially precludes a co-altitude tail chase intercept by current Soviet interceptors.

9. Question: Could Soviet deployment of a laser intercept capability in the 1980s significantly alter JSBS penetration assessments?

Answer: Because of inherent problems with weather and other propagation phenomenon, and technical problems, a Soviet strategic antiaircraft air defense weapon does not appear practical in the next decade. Without more definitive development of a weapon grade air defense laser, it is not possible to evaluate how such a system would affect bomber penetration.

10. Question: The Brookings study shows little if any differece in survivability betwen the B–1 and other systems—both could survive with strategic warning and neither with only tactical warning plus use of depressed trajectory SLBMs. Why do their figures diverge so much from JSBS?

Answer: The Quanbeck-Wood study acknowledges that a hard, fast aircraft (their label for B–1) is clearly superior in surviving a surprise enemy attack. The study then dismissed this fact by labeling as implausible the response postures which SAC has already demonstrated. Incorrect facts in the study were:

Crew response times.

Aircraft nuclear vulnerability.

Aircraft flyout speed.

The JSBS thoroughly addressed the three items above and revealed B–1 survival to be entirely satisfactory in the expected nuclear environment. However, significant attrition occurred in the case of the slower, softer, wide-body transport carrying cruise missiles.

11. Question: The supersonic capability of the B–1 is a waste. There is no need for it under any conceivable mission profile. It only adds significantly to the cost of the bomber?

Answer: A supersonic penetration is a viable B–1 option, especially for an attack on perimeter defenses and perimeter high value targets. This speed range will provide a broad range of operational tactics to counter future threat uncertainties. The thrust-to-weight ratio and variable geometry wings which provide a supersonic capability are essential elements for successful base escape and high subsonic low altitude penetration. The very low altitude subsonic capability and supersonic high altitude penetration capabilities of the B–1 force the Soviets to contend with an expanded array of attack options, thus further complicating their air defense problems.

13. Question: Since the B–1 is so superior to the Backfire and since the Backfire is so capability limited, we do not need the B–1 to maintain essential equivalence?

Answer: The term "essential equivalence" refers to the equivalence of the overall strategic balance, not to the equivalence of strategic weapon systems on an item for item basis. The B–1 is an integral element of the Triad and its importance to the question of essential equivalence derives therefrom rather than from a comparison with the Soviet Backfire bomber.

The bomber leg of the Triad carries over 50% of the striking power of the United States as measured in megatons. The interactions among the elements of the Triad retain credible deterrent value only so long as each element remains strong and credible in its own right.

Critics who cite such specious B–1/Backfire comparisons rarely note that the B–1 would not oppose the Backfire. Should deterrence fail, the B–1 would be forced to penetrate Soviet air defenses and the Backfire would oppose the far less extensive U.S. air defenses.

14. Question: Brookings concluded: "air launched cruise missiles provide the most economic means of coping with sophisticated area defenses." If the Soviets employ a heavy low altitude in-place or mobile SAM system for the 1980s and 1990s is the cruise missile vulnerable? Is the B–1 vulnerable? How do they compare?

Answer: Both cruise missiles and B–1s are vulnerable to SAM area defenses; however, the B–1 is markedly less vulnerable. Separate excursions during the JSBS examined the potential effects of mobile SAMs against both cruise missiles and penetrating bombers. Cruise missiles were found to be relatively ineffective at even modest mobile SAM employment levels while bombers were affected far less at even the highest SAM levels.

15. Question: How vulnerable would a cruise missile carrier be to fighter interdiction before launch? Are the Soviets moving toward development or procurement of a LRAWI and what impact would this have on the cruise missile carrier? What about OTH radars in the Soviet threat scenario as it would affect B–1 and cruise missile carriers?

Answer: The cruise missile carriers (CMC) are very vulnerable to interceptors. If we were to rely on CMC, longer range interceptors already possessed by the Soviets could be employed. In conjunction with AWACS or OTH radar, long range interceptors could degrade the penetration and attack capabilities of CMC by forcing them to adopt evasive tactics before releasing their weapons or to launch farther from the border.

CMCs lack design characteristics and countermeasures to defeat airborne interceptors. Their primary advantage is relatively cheap transportation of weapons. The cost of modifying a CMC to provide any substantive defensive capability would be prohibitive.

The CMC has a severe limitation in that it is tied to the range of the cruise missiles that it carries. As the range performance of future interceptors increases, the CMC would have to launch the cruise missiles farther from the border. With this retreat comes a reduction in target coverage until ultimately the cruise missile target coverage and concept is negated entirely when the combat radius of interceptors equals the range of the cruise missile.

Contrasted to that, the B–1 is designed to operate in an air defense environment. Thus, if long range interceptors and OTHB radar were employed, the B–1 would still be able to effectively penetrate although attrition could be expected to increase somewhat. Since OTHB radars are soft targets, a likely tactic would be attack them using early arriving ballistic missiles thus substantially reducing their potential effect.

18(a). Question: I am convinced there are 3 basic questions which are plaguing everyone. They are: Why do we need a manned bomber in this day and age?

Answer: The bomber is an essential part of a Triad of United States strategic forces. These forces are mutually supporting to produce an integrated, effective deterrent force. With the other elements of the Triad—ICBMs and SLBMs—bombers add a degree of diversity that precludes a successful disarming first strike. The important consideration is that each of these elements of the Triad contributes its own unique and essential capabilities. In that regard, bombers provide unmatched flexibility. They compound the offensive and defensive problems of anyone attempting to attack or defend against our forces; they provide a hedge against many uncertainties of the future; and they ensure that a temporary weakness or vulnerability in any single strategic force element will not negate the effectiveness of the entire force.

18(b). Question: What is the most cost-effective system and how much more is the B–1 going to cost than the others?

Answer: The Air Force believes that there are no alternatives which would be as cost-effective as the B–1. The express purpose of the Joint Strategic Bomber Study, which has ben provided to the Congress, was to examine on an equal cost basis the most feasible alternatives for maintaining the viability of the bomber leg of the Triad. The study examined such alternatives as a "stretched" version of the FB–111, a wide-bodied cruise missile carrier system, and a re-engined B–52. Six different equal-cost bomber forces were examined which were composed of various mixes of existing or postulated weapon systems. These forces were then employed against a constant target base and defensive threat. The results show that those forces composed principally of B–1s were clearly more cost-effective in all of the measures of bomber force effectiveness used in the analysis. The least effective forces, and by a wide margin, were those composed primarily of FB–111s and wide-body standoff aircraft carrying cruise missiles. The study concluded that a force consisting principally of B–1s was significantly more cost-effective than the alternative forces.

Regarding costs, remaining costs on the B–1 are $53.5 million per aircraft in current dollars, while a wide-body cruise missile carrier would be about $65 million per carrier in current dollars. Stretched FB–111s would cost about $23 million each, but twice as many would be required as B–1s. A modernized B–52 would cost about $26 million just to modify a 25 year old airframe.

18(c) Question: What operational advantages does the B–1 have over the B–52 and cruise missile alternatives?

Answer: The Air Force needs the B–1 because the B–52 will not be able to maintain the degree of effectiveness required of our primary strategic bomber against the threat that is now evolving for the future. The B–1, on the other hand, was specifically designed to be effective against the projected threat. Its hardness to nuclear weapon effects, its rapid acceleration and high speed flyout capability, and its relatively short runway take-off requirements combine to produce an aircraft with extremely high prelaunch survivability. Its small radar cross section, its advanced electronic countermeasures, and its ability to fly at lower altitudes and significantly higher speeds than the B–52 ensure a high degree of success in penetrating even the most advanced Soviet defenses projected for the future. Moreover, the B–1 can carry twice the nuclear payload of the B–52, and it can deliver those weapons with greater precision—in fact, far more accurately than any other leg of the Triad.

The cruise missile will be a useful adjunct to a penetrating bomber force. However, cruise missile performance characteristics make them vulnerable to mobile SAM defenses because they lack electronic countermeasures. For this reason, the ALCM would be used primarily against targets that are not defended by low-altitude capable SAMs.

The ALCM could enhance the effectiveness of the bomber by diluting enemy air defenses, allowing for more economical bomber route planning and effectively extending the range of targets the bomber could attack without extending its penetration.

18(d) Question: What difference will different crew ratios and alert rates if any have on cost comparisons?

Answer: The Air Force assigns bomber and tanker crews based on a requirement to be capable of fully generating the force. This level of manning results in an inherent ability to sustain approximately a 30 percent ground alert rate. As the requirement for a sustained alert rate rises above the 30 percent level, there is a fairly direct cost relationship between the aircraft alert rate and the ratio of crews assigned.

Excursions performed in the JSBS which increased the B–52 and FB–111 alert rates so as to be equal to the B–1 and cruise missile carriers had no effect on the relative cost-effectiveness of the force alternatives. The B–1 was still a clear choice.

Mr. STENNIS. I thank the Senator for his remarks.

Mr. President, I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BARTLETT. I thank the distinguished Senator from Mississippi.

Mr. President, this amendment reminds the Senator from Oklahoma of the saying, "He who hesitates is lost."

I think this Nation has been hesitating in a lot of very important areas. We hesitated in the Indian Ocean as far as our decision to go ahead with the Diego Garcia and, as a result of that, I think we have seen the littoral nations look to the Soviet Union for leadership, whereas they would be looking to us to effect events.

In Angola, we hesitated, and we decided not to continue the support for the UNITA FNLA forces.

As a result of that, the world has known we have not had a military foreign policy as far as Africa is concerned, and we do not have it today. No one knows what would happen if another Angola came along. I think we know what the administration would do, but no one knows what the Congress would do.

So here is another proposal for hesitating and I think that this would seriously disrupt the orderly pace of the program.

By October, there will be three aircraft flying and two lifetimes of fatigue testing that will have been accomplished. I think we can see that there would be an increase in cost.

I asked for an estimate of this and it came out to the estimate of $490 million, or 2 million per aircraft.

Perhaps the most important thing that I see is in hesitating further, that we are going to send messages to the rest of the world that we are not sure about our plans for strategic preparedness.

But I think if we proceed with our plans to support the B–1 bomber program, we will signal very clearly to the Soviets that the United States resolve about remaining No. 1 in military preparedness still is in existence. This would endorse the triad concept for our strategic nuclear forces.

I urge my colleagues, Mr. President, to defeat the amendment that has been offered and to show support for the triad concept, to show support for strategic preparedness of this Nation.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Kansas (Mr. Dole).

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I ask unanimous consent that a letter to the Secretary, Department of the Air Force, dated April 14, 1976, and his response thereto to all questions except question No. 6 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,
Washington, D.C., April 14, 1976.
Hon. THOMAS C. REED,
Secretary, Department of the Air Force, the Pentagon, Washington, D.C.

DEAR MR. SECRETARY: In the near future, Congress must decide on further development and procurement of the B–1 bomber. Since this decision involves billions of dollars of federal expenditures, I feel that we are entitled to all the facts—pro and con—with respect to this new intercontinental strategic bomber.

Recently, an article by Herbert Scoville, Jr., a former official at the Central Intelligence Agency and the Arms Control and Disarmament Agency, was brought to my attention. Mr. Scoville outlines many alleged deficiencies of the B–1, and, I must say, some of his arguments are persuasive. Before deciding which way to vote on B–1 procurement, I would appreciate having a detailed response from the Air Force to several questions raised by Mr. Scoville's article, a copy of which is enclosed.

Please respond, number by number, to the following questions. If you have additional comments on other points not covered by the questions, please feel free to include this information separately in your response.

(1) With the procurement decision officially scheduled for November, 1976, why is Congress being asked to authorize in advance $1 billion to start production? Since development of a new bomber is admittedly not an urgent priority, why should not a decision of further authorizations be delayed until completion of development and evaluation tests?

(2) If the full complement of B–1 bombers is procured, what is the estimated additional cost for the armament, such as missiles and tankers which would be required to make the B–1 fully operational?

(3) How certain is the Air Force that the B–1, and accompanying tanker aircraft, can fly through the debris clouds which would follow a nuclear explosion?

(4) What is the estimated life of the B–1 force? Is it correct that the B–1 will have a much shorter useful life than the present generation B–52?

(5) As I understand it, because of Soviet radar capabilities, it will be necessary for bombers to fly close to the ground to avoid being detected. Since the B–1 must fly subsonically at low altitudes, what is the advantage of its supersonic capabilities?

(6) What is the range of the B–1 at supersonic speeds? What is the range of the B–1 at subsonic speeds? How does the B–52 compare in terms of subsonic range?

(7) Is it possible to design engines for the B–1 with supersonic capability which also operate optimally at subsonic speeds?

(8) What evidence do you have to counter reports that when the B–1 flies in the stratosphere at supersonic speeds it will release large quantities of pollutants, thus posing a threat to the ozone layer? I refer specifically to the report entitled, "Boom and Bust: The B–1 Bomber and the Environment," a study by the Environmental Action Foundation.

(9) On average, how much more fuel will be consumed by the B–1 than the B–52?

(10) Since it appears likely that the Soviet Union will develop and deploy intercepting missiles with a capability to destroy low-flying aircraft, would it be wiser to optimize our new generation bomber for stand-off missions rather than for penetrating Soviet air space? Is it true that a bomber with stand-off optimization could loiter and stay airborne for longer periods of time than a penetrating bomber?

(11) Does the Air Force support for development of the B–1 bomber reflect, in any way, an attitude that an intercontinental strategic bomber is a more important line of defense than submarine or land-based intercontinental ballistic missile systems?

Since Congress will be asked to act on funding B–1 production in the near future, I would appreciate a prompt response to this inquiry.

Sincerely yours,
BOB DOLE,
U.S. Senator.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., May 11, 1976.
Hon. ROBERT DOLE,
U.S. Senate.

DEAR SENATOR BOB DOLE: I welcome the chance to provide the information you requested in your recent letter. A detailed discussion of the questions which you posed is included as an attachment to this letter.

These are some important facts concerning the B–1 which I would like to stress:

a. The manned strategic bomber is vital in maintaining strategic sufficiency with the Soviet Union. Without the bomber, the imbalance which we currently have in megatonnage would become larger and the deterrent capability of the United States would be in question. The B–52 will not be able to effectively penetrate the sophisticated defenses which we postulate for the 1980's.

b. The Department of Defense and the Air Force have accomplished detailed studies of alternatives to perform the bomber mission. These studies included stand-off cruise missile carriers, as well as penetrating aircraft. In all cases, the B–1 proved to be the most cost effective alternative.

c. The test program is proceeding well. Since the inception of the development program in 1970, thousands of tests have been performed to prove the aircraft's design. In the crucial areas of aircraft performance, structural integrity, flying qualities and engine operation, these tests are showing that the B–1 is ready for production.

d. The Air Force has structured an efficient program to transition from development to production. It started with the long lead funds provided by the Congress in the FY 76/TQ budget and will continue with production contract award in November of this year. A delay in this schedule will result in an inefficient use of personnel and an unnecessary cost increase.

e. The Department of Defense has made an explicit commitment to procure the B–1. This position was clarified in a letter from Secretary Clements to Senator Stennis on March 9, 1976.

I hope that these facts and the detailed answers will allay any concerns you might have about the B–1. I believe that production of this aircraft is vital to the future security of the United States and I solicit your support in the upcoming Congressional actions.

Sincerely,
THOMAS C. REED,
Secretary of the Air Force.

Attachment.

QUESTIONS AND ANSWERS

Question No. 1. With the procurement decision officially scheduled for November, 1976, why is Congress being asked to authorize in advance $1 billion to start production? Since development of a new bomber is admittedly not an urgent priority, why should not a decision of further authorizations be delayed until completion of development and evaluation tests?

Answer. The Congress is asked to authorize B–1 production at this time because the benefits to the production program which accrue from spending on development efforts have reached their optimum point. In the early years of development, technical risk was reduced at a fairly high rate per dollar of expenditure. As the program proceeded, however, the rate of risk reduction declined to the point where any further production program delay results in costs which are higher than savings from risk reduction. We have reached that point in the B–1 program—production should begin.

The Department of Defense has made an explicit commitment to produce the B–1. We have extensive test data which shows that there are no substantive problems. We are confident the B–1 will perform its mission. We have provided the Congress with a review of the testing to date and are asking it to confirm our decision to produce the B–1. While we will not commit procurement funds for the first three production aircraft until we have thoroughly reviewed the contractor's planning, negotiated contracts and reviewed some tests which will be accomplished between now and November, it is essential that the funds be available at that time to proceed with an orderly program.

Other factors also affect the time phasing of the beginning of production. One of the major assets produced by the expenditure of developments funds is a team of skilled personnel who have manufactured and assembled the development aircraft. Should production be delayed after the completion of the development aircraft, these personnel would be lost, and a new team would subsequently have to be trained. Even if the team could be kept together, the familiarity with individual manufacturing operations would be dulled. Either of these situations would result in program cost increases.

The development and procurement of a new bomber is an urgent matter. It is the most urgent strategic program of the Department of Defense. From the inception of development until final deployment to the operational forces requires from 12 to 16 years for an aircraft like the B–1. Since the B–1 is required to defeat the threat postulated for the 1985 time period, production must start now to assure aircraft availability.

Question No. 2. If the full complement of B–1 bombers is procured, what is the estimated additional cost for the armament, such as missiles and tankers which would be required to make the B–1 fully operational?

Answer. SRAM missiles will be required for the B–1. About $900 million in 1975 dollars will be required to provide the planned unit equippage. This equates to $1.3 billion in then year dollars.

No additional tankers are required to make the B–1 operational. The B–1 was designed to be compatible with the current KC–135 tankers and has demonstrated this compatibility through numerous refuelings during the course of the flight test program.

Question No. 3. How certain is the Air Force that the B–1, and accompanying tanker aircraft, can fly through the debris clouds which would follow a nuclear explosion?

Answer. Each bomber sortie is planned in considerable detail, mindful of the host of factors which could influence mission success. One critical phase of the mission, which is common to both the penetrating bomber and its supporting tanker, is routing of these aircraft as they are outbound from launch bases. Special care is taken to insure that all outbound aircraft avoid overflight of likely target areas. In this way, the Air Force attempts to eliminate bombers and tankers from having to fly through any nuclear clouds caused by incoming ICBM/SLBMs. Using radar, aircrews can also circumnavigate a nuclear cloud in the same manner thunderstorms are avoided. Thus, both the routing of these aircraft toward their refueling rendezvous and the actual refueling should occur over areas where nuclear detonations would be unlikely. The hazard posed to incoming bombers in hostile territory from the weapons delivered earlier by U.S. ICBM/SLBMs and other penetrating bombers has been considered by coordinating all arrivals on target to provide a sufficient time interval or physical distance for "safe escape" from previous weapon effects.

Question No. 4. What is the estimated life of the B–1 Force? Is it correct that the B–1 will have a much shorter useful life than the present generation B-52?

Answer. No, we estimate that the useful life of the B-1 will be on the order of 30 years. The B-52 is an extraordinarily long lived aircraft and we fully expect the B-1 to have a comparable period of operational effectiveness. The B-1 has been developed with long life in mind. The structure was designed using fracture mechanics techniques which retard crack propagation and contribute to structural integrity. An avionics growth capability, which has allowed the B-52 to remain a viable weapon system for so many years, has been designed for in the B-1. The flexibility provided by the B-1's supersonic capability will preclude a sudden change in available operational tactics from making the aircraft obsolete. Finally, the aircraft incorporates a structural mode control system which reduces the high stresses placed on the aircraft in low level speed operation.

Question No. 5. As I understand it, because of Soviet radar capabilities, it will be necessary for bombers to fly close to the ground to avoid being detected. Since the B-1 must fly subsonically at low altitudes, what is the advantage of its supersonic capabilities?

Answer. The supersonic capability of the B-1 is inherent in the requirement for successful base escape and high subsonic low altitude penetration. These operational characteristics are essential to the B-1's survivability during flyout from under an ICBM/SLBM attack and provide the high assurance of penetration capability in the face of technologically advanced Soviet defenses.

Nevertheless, the supersonic capability is useful for other reasons. The very low altitude subsonic capability and supersonic high altitude penetration capabilities of the B-1 force the Soviets to contend with an expanded array of attack options, thus further complicating their air defense problems. B-1 high speed penetration through perimeter radars in coordination with low altitude attacks could seriously degrade the enemy's defensive effectiveness.

Question No. 7. Is it possible to design engines for the B-1 with supersonic capability which also operate optimally at subsonic speeds?

Answer. The B-1 engines were optimized for performance at three points, (1) subsonic low altitude penetration, (2) takeoff, and (3) aerial refueling speed and altitude. The design limiting factors occur at subsonic low altitude penetration. If the requirement for supersonic capability were deleted, the change in engine performance at low level subsonic mission conditions would be insignificant. The low level speed and altitude characteristics were finalized in 1970 and are being met.

Question No. 8. What evidence do you have to counter reports that when the B-1 flies in the stratosphere at supersonic speeds it will release large quantities of pollutants, thus posing a threat to the ozone layer? I refer specifically to the report entitled, "Bomb and Bust: the B-1 Bomber and the Environment," a study by the Environmental Action Foundation.

Answer. Since the primary mission of the B-1 is low level penetration of enemy airspace much of the training will also be accomplished low level and in the lower atmosphere. It will not be necessary to fly the aircraft in the stratosphere on a routine or frequent basis. Under current plans, the entire B-1 force will accumulate only about 245 hours per year in the stratosphere which is infinitesimal compared to projections for commercial activity. B-1 flying in the stratosphere will result in an ozone reduction of about 0.0032 percent. The natural ozone concentration varies continually by four orders of magnitude, thus, the net effect of ozone reduction due to B-1 operations will be unmeasurable in view of natural perturbations.

Question No. 9. On average, how much more fuel will be consumed by the B-1 than the B-52?

Answer. The B-1 engines incorporate significant advancements in technology which provides for far more efficient use of fuel. On a typical training mission, the B-1 will use about 25 percent less fuel per hour than the B-52. In addition, B-1 training will place heavy emphasis on the use of simulators, so a lesser number of actual flying hours will be required.

Question No. 10. Since it appears likely that the Soviet Union will develop and deploy intercepting missiles with a capability to destroy low-flying aircraft, would it be wiser to optimize our new generation bomber for stand-off missions rather than for penetrating Soviet air space? Is it true that a bomber with stand-off optimization could loiter and stay airborne for longer periods of time than a penetrating bomber?

Answer. A bomber flying at high altitude can stay airborne longer than it can at low altitude, regardless of whether or not the aircraft penetrates enemy territory. Unfortunately, aircraft optimized for high altitude, subsonic flight and for the delivery of large numbers of cruise missiles are, by themselves, incapable of performing the mission required for the bomber leg of the strategic Triad. High flying, loitering aircraft are easily detected. Soviet development of an AWACS capability, along with its existing advanced interceptors, could pose an unacceptable threat to such vulnerable attackers. The length of time such an aircraft can remain airborne depends on its fuel capacity, its rate of fuel consumption, and the amount of refueling support available.

Question No. 11. Does the Air Force support for development of the B-1 bomber reflect, in any way, an attitude that an intercontinental strategic bomber is a more important line of defense than submarine or land-based intercontinental ballistic missile systems?

Answer. The Air Force, as well as the JCS and Department of Defense, supports development and deployment of the B-1 to maintain the bomber force's vital and irreplaceable contributions to deterrence in the 1980s and beyond. The aging of our existing bomber force and projected trends of the Soviet threat and strategic posture make modernization of this essential element of the Triad imperative. The Air Force fully supports the Triad concept in which ICBMs, SLBMs and strategic bombers provide a highly effective, viable deterrent to nuclear war and intimidation or coercion by other nuclear powers. Both the real and perceived capability of our nuclear deterrent is maintained by the diversified—but mutually supporting—elements of the Triad. This force mix of systems, each with unique qualities, provides the flexibility to deter all levels of nuclear conflict, presents an enemy with an insurmountable attack problem, severely compounds his defensive problems and provides a valuable hedge against an enemy technological breakthrough or an unexpected weakness in any element of the Triad.

Mr. DOLE. Mr. President, after giving this matter long consideration. I have concluded that continued development and procurement of the B-1 bomber is justified. Thus, I must oppose the amendment of the Senator from South Dakota (Mr. McGOVERN) to delete B-1 bomber production funds.

I do not cast this vote lightly. For we are embarking on a project with direct costs of nearly $25 billion and associated costs which could push total expenditures associated with the B-1 to over $90 billion. In short, we are being asked to proceed with the most expensive weapon system ever built by the United States.

Because of the substantial cost of the project and because legitimate questions were raised about the efficacy of the B-1, I raised many questions before deciding to vote for continued funding. On April 14, 1976, I wrote a letter to the Secretary of the Air Force, in which I propounded several serious questions about the B-1 project. In addition, I have examined the very useful series of colloquies between the Senator from Arizona (Mr. GOLDWATER) and the Senator from Wisconsin (Mr. PROXMIRE) on the merits of the B-1 bomber. After careful consideration of the Air Force's response to my letter and other valuable information, I have concluded that the B-1 is a necessary element of our strategic deterrent. In combination with the other two elements of the U.S. Triad I believe the B-1 will insure that we are able to maintain the essential second strike capability in the event an enemy nation attacks the United States with nuclear force.

Although a final review of the B-1 project will not be made for a few months, I am satisfied with the Armed Services Committee conclusion that there are no serious deficiencies in the B-1 program to date that are of sufficient significance to further delay further development and procurement of the initial B-1 aircraft.

I am especially pleased that my home State of Kansas is likely to play a significant role in development of the B-1 bomber.

I am convinced that deployment of the B-1 will further our national policy of modernizing and strengthening our strategic deterrent. For all these reasons, I must oppose the amendment of the Senator from South Dakota and support continued development and procurement of a new generation of strategic bombers—the B-1 force.

Mr. STENNIS. Mr. President, I do not propose to detain the Senate. I will use only 1 minute and then yield back the remainder of my time.

Mr. President, we tell everyone, we tell our constituents, we tell each other that we are in favor of the triad. What does that mean? First, we want a modern triad, a first-class triad, the ultimate that we can have in a triad.

This amendment says to take out one leg, take out the B-1.

I am like the Senator from Nevada. I have been hoping and hoping from year to year that something would happen we would not have to go into this one. But we are here and we have to go into it, as I see it.

"Take out that leg."

Tomorrow or sometime soon there will be another amendment, as I understand, to take out part of the ICBM, take out the second leg, or do not add anything to it.

We have to face the issue here, as I see it, to stand up and be counted on whether or not we want a modern, forwardlooking, representing our best technology in every way, triad.

If so, vote no against the McGovern amendment.

ADDITIONAL STATEMENTS ON M'GOVERN AMENDMENT

Mr. MONDALE. Mr. President, last year I voted to continue research and development on the B–1 bomber. I did so in the context of other new Pentagon research and development programs which I regarded as dangerous and destabilizing. These programs which included a new counterforce ICBM would not, in my opinion, add to our security; instead they would only undermine the situation of deterrence on which our security has rested for several decades.

My vote for the B–1 research program was aimed at supporting the maintenance of a secure yet nonthreatening American deterrence. I believe that instead of undermining the security of our enemies' deterrence forces, we should be giving first priority to preserving our own.

Nonetheless, there are serious questions as to whether the B–1 bomber ought now go into full production. Full testing has not been completed. The performance of the aircraft, despite the publicity flights by the Secretary of Defense and others, does not merit the multi-billion dollar investment required for full production.

There are also unanswered questions as to whether America might not be better off if it pursued alternative means of maintaining the survivability of our bomber forces and assuring that capacity to reach their targets if necessary.

Mr. President, approving production of the B–1 is a fateful decision for this country. This bomber will be in America's strategic forces for decades to come; indeed, perhaps until the year 2000. Is it good enough for the year 2000? Based on the record so far, I do not think so.

I see no reason why we are rushing into this decision. Not only are there serious questions about the weapon system itself, its performance, and its costs, but it is likely that any new President would want to make a basic reappraisal of our startegic posture. A decision now to produce the B–1 would tie a future President's hands.

For these reasons, I will continue favoring the completion of the research and development phase of the B–1. But I will oppose giving the go-ahead on production. With the completion of testing we will have a better basis for making the fateful decisions about America's future bomber force.

QUANBECK AND WOOD RESPOND TO AIR FORCE CRITIQUE OF BROOKINGS INSTITUTION STUDY ON THE B–1

Mr. PROXMIRE. Mr. President, it was with great interest that I noted the Air Force rebuttal to the excellent study of the B–1 bomber and its alternatives produced by Alton H. Quanbeck and Archie L. Wood, formerly of the Brookings Institution.

This Air Force rebuttal was placed in the Record on May 6, 1976 and can be found on page 12747.

Mr. President, it is only fair that the authors of this book be entitled to examine the Air Force remarks and provide a public statement as to their thoughts. Therefore, today I will place in the Record the preliminary comments of Quanbeck and Wood.

I note with dismay the tendency to criticize any opponents of the B–1 as ill informed or as not being military experts. Of course, this assertion is completely false. The list of defense experts who have opposed the B–1 has grown to over 20—all men of national reputations and countless years of detailed experience in the most complicated weapon decisions in the history of the country. Further, it is clear to any objective observer that the credentials of Mr. Quanbeck and Mr. Wood are extraordinary in terms of depth of experience and level of decisionmaking. There are few in the Nation with this combination of background.

Mr. President, I ask unanimous consent that this rebuttal be printed in the Record.

There being no objection, the rebuttal was ordered to be printed in the Record, as follows:

Authors' Preliminary Comments on the Air Force Critique of "Modernizing the Strategic Bomber Force, Why and How"

(By Alton H. Quanbeck and Archie L. Wood)

These comments are the work of the authors of "Modernizing the Strategic Bomber Force," hereafter referred to as MSBF or simply, "the book." They should not be attributed to the Brookings Institution or to the current employers of the authors. The Air Force critique was inserted in the Congressional Record by Senator Goldwater on May 6, 1976, p. S6618 and following; the authors use these pages as their source.

In introducing the Air Force reaction to the book, Senator Goldwater said "I have yet to detect any expertise any place in the organization (the Brookings Institution) relative to weapons systems;" because of this statement and because of the implications in the Air Force critique that the authors are biased, they believe more information about their qualifications to analyze and their material interests in the bomber force is of some importance.

The authors are both retired regular Air Force officers; both reached the rank of full colonel; both are graduates of West Point; both hold advanced engineering degrees—Quanbeck a PhD from Stanford University in aeronautics and astronautics; Wood, a masters degree from MIT resulting from successful completion of what was in 1953–1955 called the weapon systems engineering course. Wood also holds a masters degree in management from the Sloan School of Management, MIT. Both are graduates of senior service schools—Quanbeck, the Industrial College of the Armed Forces; Wood, the National War College.

Both participated during combat phases of the Korean War—Quanbeck as a fighter pilot; Wood as an armament systems officer. Quanbeck taught engineering at West Point and at the Air Force Academy. He also held senior positions in the Air Staff and in OSD. His last position on active duty was Director, Strategic Retaliatory Division, Office of Systems Analysis, OSD. Wood was an Air Force research and development officer with almost six years of duty in the Minuteman System Program Office. His last Air Force assignment was as Systems Program Director of the Subsonic Cruise Armed Decoy (SCAD). Wood also served about six years in the Office of Systems Analysis, OSD, rising to the position of Deputy Assistant Secretary of Defense for Strategic Programs.

Both Quanbeck and Wood hold several military decorations awarded for meritorious service; Quanbeck also holds decorations for combat in the Korean war; in addition Wood also holds the Department of Defense Distinguished Civilian Service Medal, awarded in January 1973. The citation read in part "Through his exceptional knowledge of United States Strategic interests and weapon systems, his astute assessment of the threat . . . he has identified essential issues and directed innovative analyses to illuminate policy alternatives regarding the strategic and nuclear posture . . . of the United States . . . He has provided great initiative and strong leadership in clarifying and reformulating the basic nuclear policies of the United States . . . By virtue of his intellect and demonstrated ability he has earned the respect and confidence of senior national security officials throughout the United States Government."

Neither Quanbeck nor Wood have any material interest in the outcome of decisions about modernizing the strategic bomber force. Their purpose in writing MSBF was to provide a factual, analytical and strategic basis for the debate on an important national security issue. This they did under the sponsorship of the Brookings Institution and the Ford Foundation. Neither individual nor these institutions has any financial or bureaucratic interest in the B–1 program as such. (In contrast, critics of the book have virtually without exception been groups or individuals representing the interests of the Air Force or major contractors of the B–1 program.) While the manuscript was in draft form, the authors invited comments from senior people both inside and outside of government. Thus, an early draft of the text was subjected to widespread review by acknowledged experts in the field of strategic analysis.

The authors in their analysis developed alternatives that in their judgment would maintain the military effectiveness of the strategic bomber force against threats which were at least as severe as (and in some cases more severe than) any suggested by Air Force officials. However, in their analysis, they sought the most efficient or economical method of sustaining this constant level of effectiveness. Their cost analysis showed that some alternatives would result in savings of between 10 and 15 billion dollars over a ten year period in comparison to forces which relied on the B–1 bomber. Savings of this magnitude could be translated into increased military capability for strategic or general purpose forces. As a rough guide, the U.S. could acquire and operate for a comparable period 10 Trident submarines, or two Army divisions, or two aircraft carriers, or two tactical fighter wings with the savings resulting from the alternatives developed by the authors. Another example: the $10 billion savings could be used to buy 600 F–15s. A measure of the burden of proof imposed on advocates of the B–1 is that with the money a B–1 force would cost the U.S. could buy both a standoff force of equal effectiveness and about ten Trident ships. These ships could alone deliver to the USSR in the event of a surprise attack over 1200 weapons. The Tridents would be unopposed by defenses or pre-launch threats. Given strategic warning, the Tridents could deliver over 1600 weapons, a number substantially in excess of the number calculated for the B–1 against severe threats in MSBF.

The Air Force highlights the fact that the book and the DoD Joint Strategic Bomber Study (JSBS), carried out in DoD in 1973 and 1974 and summarized in DoD testimony in early 1975, arrived at diametrically opposed conclusions. DoD reached the conclusion that the B-1 is the most cost effective weapon system with which to modernize the strategic bomber force.

The authors concluded that standoff bombers using long range cruise and possibly ballistic missiles would be most cost effective, and they further recommended that the B-1 program be terminated as soon as practical. The authors of the book were, of course, aware of these opposing conclusions at the time their manuscript was completed.

The JSBS is in the main still classified, but, in the author's view, enough about it has been publicly revealed to permit identification of the most important reasons for the differing conclusions:

1. The pre-launch survivability analyses in the two studies seem to be in rather good agreement for short crew reaction times. The Air Force evidently claims that short (but unspecified) reaction times can be maintained indefinitely; the authors believe short reaction times can be maintained during crises lasting days or weeks or even months, but that maintaining such a high state of alert, day-in, day-out for years in the absence of a crisis, is probably not practical (see pp. 46, 47 and 62, MSBF). The authors believe that differing judgments about reaction times during non-crisis periods explains most of the differences in the two survivability analyses.

2. The authors argued that ECM should not be relied on when deciding how big or what type of a bomber force to buy. DoD in the JSBS did rely on ECM, at least for penetrating bombers like the B-1, even though senior DoD officials cited in their testimony on the JSBS the "extreme sensitivity" of their results to the quality of ECM (see p. 70 of MSBF).

3. Both studies assumed that very high performance SAMs might someday be deployed by the USSR that could severely attrit long range cruise missiles. The authors included in their standoff forces air-launched ballistic missiles (ALBMs) to destroy or overfly such SAMs. DoD in the JSBS evidently made no such adjustment, and consequently standoff forces equipped only with cruise missiles suffered severe attrition from these high performance SAMs in DoD calculations.

4. The authors assumed that any new bomber force which relies on tanker support must eventually be equipped with a new tank to replace the KC-135s. The May 10, 1976, Aviation Week and Space Technology, devoted almost exclusively to SAC and obviously prepared with extensive SAC cooperation, reports that these aircraft currently have an average age of about 15 years. Thus by 1990 when a new fleet of bombers will be only about five years old, the KC-135 tankers will be about 30. The Air Force claims the KC-135s will suffice even though efforts are currently underway to develop a new tanker based on such aircraft as the Boeing 747. (See pp. 22 and 23 of the May 10, 1976, AW&ST, for a two page photograph, in the lead article of a special report, "SAC in Transition," of a prototype Boeing 747 advanced tanker refueling a B-52G.)

5. DoD believes that mobile high performance SAMs could severely attrite long range cruise missiles, but not penetrating aircraft such as the B-1. The authors argued that such SAMs are likely to face formidable practical problems, are vulnerable to up-to-date intelligence, and in any event could be overflown by air-launched ballistic missiles (pp 80, 81, MSBF).

6. The authors believe that Soviet long range cruise missiles could someday be a serious threat to the U.S. bomber force and that such a threat could impose the need for expensive new warning systems to flush the bombers on warning of such an attack (pp. 57, 58, MSBF). The Air Force dismisses this threat with an assertion that "U.S. warning systems would be capable of providing adequate detection and warning for strategic aircraft." The Air Force does not identify which of existing or planned U.S. warning systems could detect such an attack; no current deployed systems are known to have this capability.

The Air Force is very critical of the book on other counts—too many for a one-to-one response. Moreover, much of the critique contrasts MSBF, which is unclassified and open to public scrutiny, to the JSBS which is classified and not available for a similar critique. However, the JSBS was severely criticized by Senator McIntyre. In the following numbered paragraphs the authors discuss a number of Air Force comments on MSBF.

(1) Perhaps the most mystifying error in the Air Force critique is the assertion that we utilized only the largest fifty cities in our target base. It is common knowledge among strategic analysts that several hundred cities must be attacked to destroy one third of the population and three fourths of the industry in the USSR with the equivalent of 400 one megaton weapons. It is also not uncommon when dealing with as yet undefined terminal defenses to assume that the 25 or 50 largest cities will be defended with such systems. The authors encountered no one else either during the review of the manuscript or after the book was published who made the mistake made by the Air Staff. All calculations and comments in the Air Force critique which rest on the assumption that the authors used only 50 cities in their target base, e.g., those backing up the zeros in column 2, Table 2, p. S6622, are wrong.

(2) The Air Force misstates the conclusions of MSBF when it says that the authors concluded that cruise missile forces are more cost effective than the B-1 force. Their conclusion was that standoff forces utilizing both cruise and air launched ballistic missiles (ALBMs) are more cost effective. Moreover, all standoff forces were costed with ALBMs included; Air Force comments to the general effect that ALBMs will be expensive and that their costs will be in addition to the costs of cruise missiles are therefore of no consequence to the conclusions of MSBF. While the distinction between "standoff" and "cruise missile" forces may seem unimportant, it is likely, as pointed out earlier, that it is one of the reasons the conclusions of MSBF differ so significantly from those of the JSBS.

(3) The Air Force asserts that the utility of ALBMs "can be easily circumvented by an effective low altitude mobile SAM defense." This assertion is wrong since the ballistic missiles could attack the targets directly, overflying such SAMs; this possibility and its implications to the standoff forces are discussed on pp. 79-80 of MSBF."

(4) The Air Force strongly objected to the treatment of ECM in MSBF, citing it and the use of a "subtractive" penetration model as a major source of bias—"Their penetration model was chosen to bias the outcome in favor of forces containing large numbers of penetrators, i.e., standoff cruise missiles." The Air Force also asserted that the authors did not justify their assumptions about ECM or do sensitivity calculations. These assertions are wrong, and they ignore material on pages 69 through 72 of the book specifically addressing the confidence that can be placed in ECM and presenting on page 71 the numerical implications of relying on ECM in a B-1 force. Though the Air Force does not like to face it, if high performance Soviet area defenses are eventually deployed, the B-1 must rely on ECM or SCADs to generate mass in the attack, or ALCMs.

Impressive testimony from Dr. Currie, DDR&E, is on the record about the danger of relying on ECM and the need for backup such as cruise missiles. But the Air Force has been exceedingly reluctant to give ALCMs prominence in its force planning. The authors believe their judgment about relying on ECM, explained on pp. 69-72 of the book is fully justified by DOD testimony, DOD plans to procure a B-1 force of a size that can be justified only if ECM won't work and the authors' estimate of the consequences of being wrong about the efficacy of ECM. The authors' choice of a penetration model flows directly from the judgment about ECM. Finally, with respect to the Air Force defense of its detailed simulation of bomber penetration of Soviet air defenses, the authors are unimpressed. The problem is clearly dominated by the vast uncertainties necessarily present in projections ten and more years in the future. When the Air Force utilizes tens of man months and hundreds of hours of computer time doing bomber penetration calculations, it is, figuratively speaking, trying to put a micrometer on a smoke ring. Such analyses tend to obscure the real issues; they are just as vulnerable to error and perhaps more vulnerable to purposeful manipulation than simple models of the sort used by the authors.

(5) The Air Force implies by seizing on the reference to DOD testimony that a 2,000 pound cruise missile will be able to fly 1,500 miles at low altitude and high subsonic speed that no satisfactory cruise missile is feasible. The authors, too, found this testimony optimistic, so they assumed that such missiles would weigh about 2,500 pounds and they treated the missile carriers conservatively—loading them with only 35 to 50 cruise missiles. The authors did not specify the details of the cruise missile in the book simply because they did not feel the need to justify the feasibility of such a weapon, given Air Force and DOD testimony and the fact that DOD had itself analyzed such a system in the JSBS.

It is worth pointing out, too, that DoD loaded wide bodied aircraft in the JSBS with 60 cruise missiles 10 to 25 more than were used in MSBF. Each of these ALCMs must have been of sufficient range to reach targets of interest to DoD. The authors know of no responsible estimates of cruise missile performance that would lead to a 4,000 pound or larger missile as set forth in the Air Force critique. In any event, development of Navy and Air Force cruise missiles has progressed to the point that the size and performance of such missiles should be well defined. Such data are probably classified, but it need not be controversial.

(6) The Air Force claims the authors "loaded the B-1 force cost" by including $6 billion for a new tanker. The Air Force asserts that a new tanker will not be needed by the B-1. The authors do not believe this assertion. Just such a new tanker is now being developed. Moreover, the B-1 will last 30 years or until about 2010. The KC-135s were procured in the late 50s and early 60; thus, by the late 80s they will be approaching 25-30 years of age. It seems highly likely that if the United States then has a new bomber force requiring substantial tanker support that new tankers, if not already procured, will be bought to replace the KC-135s. This would probably occur sometime in the 1980s, perhaps toward the end of that decade. The options considered in the book included options that require no tankers; thus, the authors judged that all forces (not just the B-1 force) needing tankers should be charged for a new tanker force. The authors remain convinced that new tankers will be needed, that this was the correct treatment of this question, and that this is the proper way for Congress to think about the cost of the B-1 force.

(7) The survivability analyses of the JSBS and "Modernizing the Strategic Bomber Force" come remarkably close together. Where the authors calculated 87% B-1 survivability for quick reaction time, DoD cal-

culated "more than 95%." The differences between these numbers no doubt come from differences in details as suggested by the Air Force. The big differences come in judgments about reaction time in a day-to-day alert posture. The authors remain unconvinced that SAC, as a practical matter, can maintain reaction times of the order of two minutes, from SLBM lift off to brake release, day in day out, for years, in the absence of international crises. The Air Force carefully hedged its comments in its critique on this point, saying, "The major factor that drove the Quanbeck-Wood analysis was a failure to accept combat crew reaction times that have been *proven sustainable when necessary* (italics added). The SAC force does not operate that way today because SSBNs are not patrolling off U.S. beaches." The Air Force leaves open the possibility that SAC will find it necessary to operate at such high states of alert only when Soviet subs are known to be patrolling close in. The authors grant the feasibility of this providing it does not go on indefinitely. The more interesting case occurs when the U.S. can no longer be sure whether or not Soviet subs are close to our beaches. Can the U.S. then maintain the very high alert status indefinitely? The problem is not technical, but human raising questions of crew morale, crew retention, etc. The authors believe a common sense answer to this question is "no."

(8) The Air Force critique asserts that the authors should have utilized armed decoys launched from the B–1s to attack targets after SRAMs were used to suppress terminal defenses; the Air Force presents calculations which they claim show that the B–1 force outperforms the standoff force by at least "116%." This figure is wrong since even the Air Force data in their Table 2 shows the B–1 to be at least only 16% better (1800 weapons for the B–1 compared to 1550 for the standoff force). Moreover, Force 3, to which the Air Force compares the retargeted B–1 force, costs more than $15 billion less than the B–1 force and has an average unit weapon delivery cost of about $36,000,000. Therefore, to deliver the same number of weapons it would be almost $6.0 billion less expensive to buy a larger version of Force 3 than to buy the B–1 force and use it as suggested by the Air Force. Aside from the fact that the Air Force analysis contains at least two serious errors, it also fails to demonstrate for this case the point the Air Force is arguing—that the B–1 is more cost effective.

In addition, the Air Force seems to have used only 100 SRAMs to suppress 140 SAMs; this can be determined by comparing the first line first column of Table 2 with the fifth line first column. A more reasonable number would have been 280 (2 for each site to overcome the possibility of unreliable SRAMs). If 280 had been used, Force 3 would have been more cost effective by about $5.0 billion than Force 2 delivering 1520 (1700–180) weapons on targets (the fifth case considered by the Air Force). The authors have already pointed out that the zeros in Table 2, column 2, are caused by a serious error in the Air Force critique relative to the target system. In addition, the Air Force cites only one way the ALBMs might fail (preferential attack before launch on the missile carriers loaded with ALBMs). This possibility requires as a minimum that (1) a surprise attack occur and that it consist of depressed trajectory SLBMs, (2) it is successful and (3) the Soviets have prior knowledge of which airplanes carry ALBMs. The Air Force gives no arguments to induce the reader to suspend his disbelief long enough to accept this necessary sequence of events.

(9) The use of SCADs to attack targets as suggested by the Air Force was not considered by the authors primarily because the Air Force has held rather consistently to the line that manned bombers must deliver weapons at close range to the targets. The authors, therefore, thought of SCADs only as penetration aids and in a backup mode to mitigate the consequence of decoy failure. Moreover, using SCADs as suggested by the Air Force effectively converts the B–1 force into a standoff force since the "killing" weapons—SCADs—would be little more than long range cruise missiles. Force 5 in our study was in essence just a force. The main difference between it and the B–1 force with the suggested Air Force targeting (aside from the difference in the sizes and costs of the two forces) is only that the B–1s would have to fight their way through area defenses to destroy the SAMS while the aircraft in Force 5 would launch ballistic missiles over these defenses thus avoiding this source of attrition. The authors are of course delighted to find an official Air Force paper which departs so substantially from previous somewhat dogmatic Air Force positions. Air Force calculations for Table 2, even though riddled with errors, demonstrate the greater cost effectiveness of bombers used in a standoff mode.

MARTHA ROUNDTREE REBUTS NEW YORK TIMES ARTICLE ON THE B–1

Mr. HELMS. Mr. President, on April 14, 1976, the New York Times published an article, "The B–1: A Dissent," written by Gordon Adams. This article, needless to say, has been used—no doubt as intended—to support the argument that production of the B–1 should be delayed until February 1977.

Today, however, I received a very informative rebuttal to the Adams article, written by Martha Rountree, the eminent president of the Leadership Foundation. Martha Rountree for many years was comoderator of the "Meet the Press" program on NBC, along with Lawrence Spivak. She is a distinguished, articulate and well-informed citizen. She is a lady whom I have admired greatly for a long, long time.

Mr. President, in order to share this persuasive rebuttal with my colleagues, I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

REBUTTAL BY MARTHA ROUNTREE

We believe the public is entitled to information on both sides of an issue. This is especially important when something as critical as national defense is at stake. We also believe that if and when facts are not substantiated or can be proved wrong the public should have the benefit of a rebuttal. Therefore, we would like to respond to Gordon Adams' article, "The B–1: A Dissent".

WHAT PRICE FREEDOM?

Mr. Adams opens his argument saying: "Congress is considering the largest peacetime military budget in American history, $113 billion, for the coming fiscal year." It is true that the budget now under consideration comes to $113 billion; however, it is not true that this is the largest budget in peacetime history if we consider the impact of inflation and convert all previous defense budgets to 1977 dollars.

Just about eveything we buy today costs more than it did in the past. For example, in 1970 a pound of margarine cost 35¢. Today, that same pound of margarine costs over 80¢. In 1984 it is projected to cost $1.17, an increase of 234%!

This is what we call inflation, and every housewife understands what this means. She only has to compare the price of groceries with the prices she paid five, ten, or fifteen years ago. This same inflation is reflected in the defense budget. Like everything else labor costs are higher, raw materials are more costly, utility bills are up, and so on.

In 1963, which is considered peace-time, our defense budget was $53 billion (in 1963 dollars). That same budget today would be $125 billion, thanks to inflation. Taking inflation into account, the defense budget for 1963 was actually greater than today's. $53 billion bought more in 1963 than $113 billion can buy today.

In effect, Mr. Adams is questioning the need to spend so much money today on defense. Senator Herman Talmadge (D-Ga.) commented in his April newsletter to his constituents: "Critics of the defense budget contend that peace is costing us more than war."

Observes the Georgia Senator: "It ought to. Peace is worth more than war. However, facts do not support the claim that the U.S. is on a military binge."

The big issue today is: With the Soviet military build-up, can we afford to allow our defenses to become weaker than theirs? A credible deterrent against war requires strength.

Mr. Adams goes on to say, "At an officially projected cost of $21.4 billion for 244 of the bombers, the B–1 is the costliest weapons system ever . . ." Mr. Adams' figure of $21.4 billion is correct; however, he does not mention the following: This $21.4 billion is in then-year dollars, with the anticipated inflation included. This $21.4 billion also includes research, development, testing, evaluation, tooling up, and production.

Mr. Adams comments that "the B–1 bomber is a successor to the B–52 as a manned strategic bomber, complementing the Minuteman (land-based) and Poseidon (sea-based) missiles as means for delivering nuclear weapons on the Soviet Union and deterring attack." He then asks: "Does the United States need all three systems?"

The experts, those whose job it is to keep us free and out of war, and those who have access to up-to-the-minute sensitive defense intelligence, believe we do. In fact, our entire strategic defense is based on a three-prong system known as Triad (land-based missiles, submarine-launched missiles, and manned bombers). Each element of Triad backs up the others, guarding against failure of one of the others, protecting against technological breakthroughs by the enemy, and greatly complicating the enemy's defensive job. If you eliminate one part of Triad, you dramatically weaken our total defense posture. Triad is our defense team—everyone has a special assignment. The total teamwork can mean the difference between victory and defeat. America, like other great nations, has maintained flexibility through strong, diversified forces. Early in our history we relied on an Army and Navy. As technology advanced, we motorized our forces, we developed submarine capabilities, we added the Air Force. Continuing advancements in technology present serious challenges to our capabilities.

The bomber element of TRIAD is the only element which can carry conventional weapons, as well as nuclear weapons. It is also the only element of TRIAD that can be sent out on alert and then recalled before it completes its mission. The bomber alone is manned. These factors combine to give the strategic bomber tremendous potential as an active deterrent that can demonstrate our strength and our willingness to use that strength when necessary, but avoid war if at all possible.

Mr. Adams charges: "In a nuclear war, a subsonic bomber like the B–1 would arrive in enemy territory after as many as six exchanges of nuclear missiles." Correction, please. First, the B–1 is a supersonic bomber. Second, Mr. Adams seems to have the impression that the B–1 bomber force would be parked in aircraft hangars here in the United

States. To the contrary, much of the B–1 force would be strategically located in striking distance of the potential enemy. In fact, many would be airborne.

In case of an attack, here is what would happen: The B–1 bomber on alert and in striking distance would head for enemy territory. Long before reaching its destination, the B–1 would fire short-range attack missiles which would neutralize the enemy's defenses. This would clear the way for the B–1 to move in for attack on hand-picked targets.

The B–1 can jam enemy radar, evade detection, and withstand the effects of nuclear blast. It can also take off on shorter, narrower runways, get airborne faster, and carry two times the payload of the B–52.

Mr. Adams further contends that "The Soviet Union has not had a strategic bomber for years, and relies on ballistic missiles for its deterrent." This is not true. The Soviet's latest strategic bomber is called the Backfire. It is supersonic and has about the same range as the B–1, although intelligence experts say that the B–1 could carry about six times as much payload as the Backfire. There are over 25 Backfires now in service in the Soviet Air Force. More are coming off the production line. Operating from bases under Soviet control, the Backfire can attack the entire U.S. without refueling.

Mr. Adams complains that the B–1's weight "has increased over the five years of research and development to the point where it is little faster than a rocket-assisted B–52 would be at taking off and getting out from under an enemy attack." Technologists say that the extra weight is more than compensated for by the B–1's speed.

Mr. Adams claims that "the improved Soviet air defenses, however, could seriously limit the effectiveness of any bomber." Mr. Adams misses the point. The B–1 forces the Soviets to reallocate funds from offensive and aggressive weapons to the upgrading of their air defenses. Air defenses cannot hurt the United States. In addition, in the entire history of air warfare, no bomber attack has ever been stopped by a defensive force. The reason. A bomber force can attack from any and several directions and at any or several altitudes. Simple geometry prevents the defender from being impregnable everywhere on its whole boundary. This is especially true of the Soviet Union with its very large borders.

Mr. Adams points to a recent monograph on the B–1 written by two young men for the Brookings Institution, funded primarily by the Ford Foundation and Rockefeller Foundation, to the effect that: "The Brookings Institution has challenged the Air Force assertion that the B–1 adds to the U.S. deterrent or war fighting capabilities."

Two points can be made in response to this. First, as stated in the preface of the bomber study, "interpretations or conclusions in Brookings publications should be understood to be solely those of the authors and should not be attributed to the Institution, to its trustees, officers, or other staff members, or the organizations that support its research." Second, these writers, who are no longer with Brookings, admit that they used only unclassified material. Current defense intelligence would provide the background information on the world situation, our defense capabilities, and the enemy's, which is necessary to an understanding of the Department of Defense's rationale for the B–1. Furthermore, the authors were both heavily involved in the Cruise Missile program while working for the Department of Defense. Is it any wonder they favor this program?

Mr. Adams goes on to assert that: "Overruns of more than 60% have already occurred in the research and development program." We have already explained the impact inflation has had on everything. This holds true for the B–1, too. The Department of Defense estimates that at least 80% of the over-runs experienced thus far in the B–1 program are due to inflation.

Mr. Adams says: "Although the Pentagon and Rockwell International, the B–1's prime contractor, attribute most of this to inflation, they have never given Congress or the public detailed cost information that would allow an intelligent evaluation of their assertion." This is not true. The Department of Defense has testified before all appropriate committees and subcommittees in the House and Senate providing detailed information regarding the funding of the B–1. Access to this information is totally open to the Congress. The General Accounting Office (GAO), which is an investigative arm of Congress, completed an in-depth analysis of the B–1, which is updated this year. According to a spokesman in GAO's Procurement and Systems Acquisition Division, which performed the study, they had no trouble whatsoever with any detail of the report, including cost information. In addition, the Brookings B–1 study evaluates the cost factor, apparently using readily accessible data. These findings have received relatively wide circulation among the public. Indeed, the B–1 may be one of the most thoroughly reviewed and publicized Federal government programs, in terms of expenditures, in American history.

Mr. Adams elaborates on this point: "Moreover, the projected cost is not the cost of the full system. It does not include the B–1's weapons, or the cost of operation and maintaining the fleet." This is begging the question. When you buy an automobile, the sticker price does not include the gasoline or the cost of repairs over the years. All precision machines must be maintained, including the B–52s. More to the point, the B–1s would be less expensive to operate and maintain than the current B–52 fleet and would be the least expensive member of TRIAD to operate and maintain.

Mr. Adams tells us that "the Air Force is also asking for a new tanker whose primary task would be to refuel the B–1." Not so, according to the Air Force. The B–1 is compatible with the tankers currently in use with the B–52 fleet and has no special requirement for a new tanker.

Mr. Adams bemoans the fact that Rockwell International "created an internal planning board, "Operation Common Sense", which spent the early 1970s arranging local programs to support the B–1 and targeting key members of Congress for political pressure." What Mr. Adams fails to point out is that there are over 30 nationwide groups, including the National Council of Churches and Common Cause, which have organized together to pressure the Congress against the B–1. In fact, they held a meeting earlier this year at which they distributed strategy instructions and a list of Congressmen and Senators who should receive special pressure. Details on the meeting and the groups cooperating in the "National Campaign to Stop the B–1" are contained on page 9186 of the *Congressional Record* dated April 1, 1976.

Mr. Adams completes his argument by saying that the Congress in the upcoming votes "will be making a choice among priorities: real economic benefits for the public versus the most expensive weapons system in the history of man simply to replace an aging, but upgradable, strategic bomber fleet." At best, this is a misrepresentation of choices. Real economic benefit? The Chase Econometric Associates study, to which Mr. Adams alludes, showed that the difference in the impact of the B–1 and other areas of public expenditure on our gross national product would not be significant. In short: the B–1 would be approximately as beneficial to the economy as the programs he might prefer—housing, public works, mass transit.

Aside from this, the real issue is national security. The defense experts on whom we rely to keep the peace and protect us in war say that even with an expenditure of over $40 million per plane, the B–52 will be no match for the B–1. The technology of the B–52s dates back to the late 1940s and there are limites to what upgrading can do. When liberty is at stake, can we afford anything less than the best? The millions who live in the Captive Nations were weak in the face of a powerful foe—they have their answer. I agree with Senator Talmadge—Peace is worth more than war. Ultimately, the question is: What price Freedom?

Mr. ROBERT C. BYRD. Mr. President, ever since the B–1 began being considered as an alternative and follow-on bomber to replace the B–52 as our main manned bomber, the feature which has united most of its critics has been its high cost. Advanced weapon systems have suffered greatly with this country's inflation spiral and the B–1 is no exception. The latest Air Force statistics show the B–1 project would cost more than $21 billion up to 1989 when the last of the 244 bombers would roll off the assembly line.

This estimate, made in December 1975, represents a 100-percent increase over the $10 billion originally forecast, using base year 1970. One of the reasons for this 100-percent increase in estimates was due to the Air Force's artificially low inflation factors used in earlier estimates. As an example, the Air Force computed unrealistic inflation rates of 2.6 percent up to fiscal year 1975 and 1.9 percent during the production phase. The current estimate utilizes more realistic inflation factors, although they are relatively low toward the end of the project, for example, 4 percent for fiscal year 1989.

Funds for the B–1 already appropriated through fiscal year 197T total $2.8 billion. Requested funds for fiscal year 1977 include $483 for continued research and development and $1.049 billion for advanced procurement of the first three production aircraft.

The fiscal year 1978 authorization request contains funding for procurement of the next eight aircraft. The Air Force plan is to build up over the fiscal year 1977–82 period to a production rate of four B–1's per month. In the Secretary of Defense's annual report for fiscal year 1977, he said that the additional money is needed for advanced procurement because the resulting delay in a production program would increase the cost substantially, owing to the necessity of reconstituting the work force and the cost escalation that occurs from the delay.

This advanced procurement stems from the fact that it is not until November 1976 that the Air Force will officially convene their DSARC panel to decide whether or not the project merits the production decision. By asking for the advance procurement before this panel even meets and judges the evidence is sufficient indication of what that decision will be in November.

The House Armed Services Committee has authorized the DOD request for the $1.5 billion, and the House Appropriations Subcommittee on Defense has also approved the request.

One important factor that must be kept in mind is that the funds for the

B-1 program are for the aircraft alone. The estimated $21 billion will buy only 240 production bombers and four test models and nothing else. All weaponry—a considerable expense—and other important costs such as maintenance, training, personnel, testing, and tanker support must also be considered. These full life cycle costs will certainly add several billions to the B-1 program if it is approved. The Air Force conservatively places a figure of $8 billion on these costs but critics have pointed out that full life cycle costs could go as high as $40 billion when all support and ancillary costs are figured.

The Air Force has long maintained that the B-1 program has been very cost effective. It is also said that the cost of ownership of the B-1 force during its lifetime will be substantially less than for the B-52 force which they say is recognized for its outstanding cost-effectiveness. What they do not point out is that the B-1 program calls for only 244 bombers, much fewer than the several hundred B-52's which have been flying since the 1950's. The present inventory is between 450 and 500 B-52's, of which the majority are the G and H advanced models.

Several features of the B-1 have been eliminated during the development and testing stages in order to keep costs down. Of particular significance has been the deletion of the capsule escape module for the crew, the titanium skin, and the variable intakes on the engines. Critics of the program say that some of the cost-saving decisions the Air Force has made have been to keep the program costs at a low level until after the Congress gives the official go-ahead decision on the program.

MISSION FEATURES OF THE B-1

In testimony before the Congress, the Air Force and Department of Defense officials expressed their unequivocal support for the B-1 as the logical follow-on bomber to the B-52. In general, they say that the TRIAD system needs a reliable and sophisticated penetration bomber to provide for the most effective balance between land-based, sea-based, and manned bombers. This balance, they say, will present a credible nuclear deterrent against the threat of an enemy first strike attempt.

Officials have conceded that missiles are much faster and more effective in penetrating enemy air defense networks but they say that ballistic missiles do not have other features which might be necessary in a hostile situation. They say that bombers are highly visible weapons that can be launched in an international crisis and be recalled when tensions ease. Ballistic missiles cannot be used in a similar scenario.

The commander of the Strategic Air Command, General Dougherty, is on record as saying—

> A hardened, long-range, supersonic manned bomber offers a uniquely capable and dependable strategic delivery system that spreads itself reliably and capably across the broadest possible spectrum of required military capabilities. When modernized and manned with skilled, ingenious military crews, such a penetrating bomber offers the U.S. an overall flexibility of choice and application that is unmatched by any other weapon system.

More specifically, General Dougherty said that the B-1 is needed for the following reasons:

First. It can carry a large number of conventional or nuclear weapons;

Second. It will achieve unequalled accuracies in long range delivery;

Third. It provides a highly visible deterrent force;

Fourth. It can adapt readily in tactics and/or avionics to negate or avoid unanticipated defenses or selective delivery;

Fifth. It will force an enemy to build up his air defense system which requires an extensive diversion of military resources;

Sixth. It will provide the most effective and economical way to redress the already serious imbalance in deliverable megatonnage vis-a-vis the Soviet Union; and

Seventh. It can be recalled after alert and be used again.

The major features of the B-1 which make it preferable to the existing B-52 are: supersonic capability; great hardness against thermal overpressure from nuclear effects; improved takeoff capabilities; higher penetration speeds; lower radar cross-section; and larger payload. The key design features cited by the Air Force are its maximum launch survivability and its penetration capability.

However, even the most important features of the B-1 have been subjected to scrutiny by technical and analytical experts and been found to be questionable. The statement has been made that no major weapon system has ever had such feeble support from defense and technical experts. An impressive list of these experts have spoken out against the B-1. The list includes a former Secretary of Defense, two Deputy Secretaries of Defense, a President's National Security Adviser and a Director of Defense and Engineering, an Under Secretary of the Air Force, a three-star admiral, a Special Counsel to the President, various chairmen of high level science committees, and others.

In a statement released by these former officials, they said that they objected to the program because—

> The tens of billions of dollars required to build and operate the B-1 bomber are not warranted by any contribution to our security which it might make.

Former Secretary of Defense James Schlesinger did not press for the B-1 while in office although he believed that at some time in the future another bomber should replace the B-52. He felt that a higher budgetary priority should go to conventional needs.

Of the technical features which receive the most criticism, the B-1's supersonic capability is probably the most questionable. Originally designed to fly at high altitudes at a supersonic speed as well as to attack at low level at high subsonic speed, the B-1's flexibility is being questioned as unnecessary and expensive. Soviet air defense at high altitudes is very good so it would seem that this alternative would not be considered. And at low levels, supersonic speed is taking on the plane and its crew and is very vulnerable to SAM's.

Designing the B-1 to fly at supersonic speeds has been one of the main contributors to the plane's high cost. And by flying at supersonic speed the B-1 will be denied a longer range, will have a higher infrared signature, have less target flexibility, heavier payload, less evasive maneuverability, and a much higher fuel consumption rate.

From original specifications, the Air Force has reduced the supersonic capability from Mach 2.2 to 1.6. And even at this speed the B-1 would not be able to out-run Soviet tactical fighters.

It has been charged that the supersonic capability for the B-1 is strategically useless and degrades the vital subsonic capability which would be necessary in a low-level attack. This very expensive supersonic capability for the B-1 appears to be both over-rated and misleading.

Of some of the other features which the Air Force says makes the B-1 an improvement over the B-52, several also appear to be less than convincing. Its nuclear hardness, which would protect the bomber from first strike attack, would not apply to the tankers which would probably be incapable of taking off to refuel the bomber. Thus, the bomber would be airborne and protected but could not refuel and fly to its targets.

The superior take-off capability is not much more improved than the existing B-52's which could be reengined for quicker response and escape. Mr. President, in view of the many conflicting viewpoints among recognized experts, I believe we should await further study before providing funds for the procurement of the B-1 production aircraft.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I believe this has been cleared all around. I ask unanimous consent on the amendment which will follow on the vote on these two amendments, that on the Dole amendment, which has to do with a restoration of the strength of the Naval Reserve, there be a time limitation of not to exceed 15 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Will the second vote be 10 minutes?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the second vote take 10 minutes.

Mr. GOLDWATER. Will the Senator yield?

Mr. MANSFIELD. Yes.

Mr. GOLDWATER. Does this mean that the votes we have anticipated on the Culver and McGovern amendments will be vacated for the time being?

Mr. MANSFIELD. No, this will follow, tonight.

The PRESIDING OFFICER. Without objection, both unanimous-consent requests of the Senator from Montana are agreed to.

Is all time yielded back?

Mr. McGOVERN. I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Will the Chair state the parliamentary question? May we have quiet, please?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota (Mr. McGOVERN), a substitute to the amendment offered by Mr. CULVER.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. FORD). Will the Senators please take their seats?

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. TUNNEY), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "yea."

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from California (Mr. TUNNEY). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from California would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from New York (Mr. BUCKLEY). If present and voting, the Senator from Oregon would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 33, nays 48, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—33

Abourezk
Bayh
Biden
Brooke
Byrd, Robert C.
Case
Clark
Culver
Durkin
Ford
Hart, Gary
Hartke
Haskell
Hathaway
Huddleston
Humphrey
Javits
Kennedy
Leahy
Long
Mansfield
Mathias
McGovern
Mondale
Muskie
Nelson
Packwood
Pell
Proxmire
Ribicoff
Schweiker
Stevenson
Williams

NAYS—48

Allen
Bartlett
Beall
Bellmon
Bumpers
Burdick
Byrd,
Harry F., Jr.
Cannon
Chiles
Cranston
Curtis
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Helms
Hollings
Hruska
Inouye
Jackson
Laxalt
Magnuson
McClellan
McClure
McIntyre
Metcalf
Morgan
Nunn
Pearson
Randolph
Scott, Hugh
Scott,
William L.
Stafford
Stennis
Stone
Symington
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—19

Baker
Bentsen
Brock
Buckley
Church
Hart, Philip A.
Hatfield
Johnston
McGee
Montoya
Moss
Pastore
Percy
Roth
Sparkman
Stevens
Taft
Tunney
Young

So the McGovern amendment, in the nature of a substitute to the Culver amendment, was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question on agreeing to the amendment of the Senator from Iowa. The yeas and nays have been ordered.

Mr. STENNIS. Mr. President, will the Chair state the parliamentary situation immediately before the rollcall?

The PRESIDING OFFICER. Senators will take their seats and give the Chair attention.

The question is on agreeing to the amendment of the Senator from Iowa. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CULVER. Regular order, Mr. President. Regular order.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Idaho (Mr. CHURCH), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "yea."

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from California (Mr. TUNNEY). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from California would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. BUCKLEY) would vote "nay."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 44, nays 37, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—44

Abourezk
Bayh
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Case
Clark
Culver
Durkin
Eagleton
Ford
Hart, Gary
Hartke
Haskell
Hathaway
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Mondale
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Williams

NAYS—37

Allen
Bartlett
Beall
Bellmon
Byrd,
Harry F., Jr.
Cannon
Chiles
Cranston
Curtis
Dole
Domenici
Eastland
Fannin
Fong
Garn
Glenn
Goldwater
Gravel
Griffin
Hansen
Helms
Hollings
Hruska
Laxalt
Long
McClellan
McClure
Morgan
Scott, Hugh
Scott,
William L.
Stafford
Stennis
Stone
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—19

Baker
Bentsen
Brock
Buckley
Church
Hart, Philip A.
Hatfield
Johnston
McGee
Montoya
Moss
Pastore
Percy
Roth
Sparkman
Stevens
Taft
Tunney
Young

So Mr. CULVER's amendment was agreed to.

Mr. CULVER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment.

The amendment is as follows:

On page 17, line 4, strike out "533,700" and insert in lieu thereof "534,604".

On page 24, line 6, strike out "79,500" and insert in lieu thereof "102,000".

On page 25, line 18, strike out "318,400" and insert in lieu thereof "318,581".

The PRESIDING OFFICER. On this amendment there are 15 minutes, to be equally divided.

Who yields time?

Mr. MANSFIELD. Mr. President, if the Senator will yield, I ask unanimous consent that there be a 10-minute limitation on the rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ABOUREZK. Mr. President, will the Senator from Kansas yield?

The PRESIDING OFFICER. The Chair requests that the Senate come to order. Senators will take their seats.

The Chair recognizes the Senator from Kansas.

Mr. DOLE. I yield 2 minutes to the Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The Chair informs the Senator that the amendment is not in order until this amendment is disposed of.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that it be in order to consider the Abourezk amendment out of order.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, reserving the right to object, there is a time limitation on this amendment. I do not know what the Senator from Kansas thinks.

Mr. STENNIS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. ABOUREZK. I withdraw my amendment.

Mr. DOLE. Mr. President, the Senator from Kansas is trying to save time, and I was willing to yield 2 minutes of my time to the Senator from South Dakota for a noncontroversial amendment. I will take about 2 minutes of the 7½ minutes.

The amendment of the Senator from Kansas simply raises the Reserve drilling strength to 102,000. The Committee on Armed Services approved 79,500. The defense budget request was 52,000. The House approved 102,000. The defense authorization bill and the House Appropriation Committee funded 102,000.

Mr. President, last year I offered an amendment to the defense authorization bill, increasing the Naval Reserve drilling strength to 112,000.

Mr. STENNIS. Mr. President, this is a matter of concern to many, and there is no way in the world for the membership to hear unless we have some quiet.

The PRESIDING OFFICER. The Chair agrees with the distinguished Senator from Mississippi. The Chair has been asking for order. The Chair will be glad to call names and States after this, if the Senator so desires.

Mr. DOLE. I thank the distinguished Senator from Mississippi. It is an important amendment. It affects a great many in the Naval Reserve.

This amendment increases the drilling strength to 102,000. Last year, the Senator from Kansas offered an amendment to increase it from 92,112. This amendment was defeated on a voice vote.

It is my feeling that the reservists are important to the Nation, to our civil emergencies as well as national defense, and we can cause additional problems by the reduction. We will have inadequate naval manpower in case of national emergency.

It is difficult to increase Reserve strength once the reduction is made. We have a lower readiness of Reserve units. In addition, we have difficulty attracting new personnel once we have cut back. The cost would be approximately $38 million additional to raise the strength to 102,000 from 79,500.

Mr. President, as I said before, the committee approved 79,500. But the committee did not have the benefit of the Defense Manpower Commission report.

Since the committee considered the Naval Reserve strength, the report has been issued stating:

> . . . the Fiscal Year 1976 funded level of 102,000 appears to be reasonable . . . and that to cut the drilling Reserve by 50,000 . . . would save drill pay but . . . would seem to be of questionable practicability. . . .

The Commission further stated that—

> There is a need for the Navy to make better use of its Selected Reserve. . . . To assign and clarify Reserve Missions . . . to *stabilize its Reserve programs* and to improve top-level management and support of Naval Reserve Units." (Emphasis added.)

Mr. President, this amendment authorizes an increase in the Naval Reserve drilling strength from 79,500 to 102,000, the latter figure being the same as the House authorized.

Last year, I offered an amendment to the defense authorization bill to increase the Naval Reserve drilling strength from 92,000 to 112,000. It was defeated, because at that time the Navy was unable to tell us what they would do with the larger number. Although the Navy was reviewing an analyzing the Reserve Force requirements at the time, they were unable to give us a definitive figure at the time. Consequently, even those of us who supported the increased emphasis on the Guard in the total force, were unable to justify the increase on other than a philosophical basis.

CAREFUL EVALUATION

This year, however, we have the completed study, the first indepth study of its kind by the Navy, which establishes a minimum, I emphasize minimum, drilling Naval Reserve of 102,000. This study, called the OP-605 study, was ordered and personally supervised by, the present Chief of Operations, Adm. James L. Holloway III. I emphasize this because it is the first time in recent years that the Chief of Operations has taken a personal interest in his Reserve Force. This interest has directly involved all of the fleet commanders. I believe it is important that we keep that interest up so that it permeates the whole Navy structure.

The Navy has evidenced a long history of neglect and apathy concerning its Reserve Force except when they were needed in an emergency. In all cases, when they were called, the Naval Reserve performed admirably, within the capability of its equipment. In recent history, they did this in World War II, Korea, Berlin, Cuba, and Vietnam.

Now that the Navy has joined wholeheartedly into the total force planning and has conducted the OP-605 indepth study of the Reserve Force requirements, I believe we should respect and support the Navy effort which the analysts from OSD and OMB chose to ignore when they decimated the Naval Reserve by cutting it in half. Although OSD has had the OP-605 study since last October, they have not completed the review of that study. For that matter, they apparently will not complete the review during this budget cycle, since to admit to a higher figure than 52,000 would be in conflict with the defense budget request.

COMMITTEE DECISION

The Armed Service Committee has done a remarkable job reviewing the defense authorization bill for fiscal year 1977 in the short time they have had that very complex document. I believe Senator NUNN and his subcommittee have earnestly tried to produce the best strength authorization based on their evaluation of the Navy's study. However, I think the Senate needs to go one step further to support the Navy and provide them with their minimum Naval Reserve requirements. Let me briefly review the salient findings of the OP-605 study.

The Navy needs 304,000 additional people to augment the Active Force in case of a full mobilization within the first 90 days.

They can obtain 54,000 of those directly from civilian status.

The remaining 250,000 require previous military experience.

Of that 250,000 experienced personnel, Navy plans to call 148,000 from the Individual Ready Reserve, the Standby Reserve, the Retired Reserve, USN Retireds, and Fleet Reservists. This is in consonance with OSD and congressional direction.

The remaining 102,000 are required to gain or maintain their skills through a minimum of 48 drills and 2 weeks active duty for training each year.

In other words, the Navy is planning to drill only one out of three reservists needed for augmentation of the Active Forces in an emergency—OSD/OMB analysts proposed to cut that to where one out of six would be drilling. The bill, as it is presented now, calls for 79,500 drillers or one out of four of the required augmentees would be authorized to drill. This is nowhere near enough.

HOUSE ACTION

Mr. President, my proposal would put the Senate in conformity with the action already taken by the House to provide the Naval Reserve with a drilling strength of 102,000, the minimum stated in the Navy's OP-605 study. The House Armed Services Committee report on this bill reads:

> NAVAL RESERVE
>
> The Administration requested an average strength of 52,000 Selected Reservists for the

Naval Reserve in fiscal year 1977. The average strength authorized for fiscal year 1976 and the transition quarter was 106,000. There are approximately 102,000 in the Naval Reserve currently.

The Administration's rationale for this reduction was that approximately 10,000 of these personnel—primarily 8 construction battalions (Seabees)—were not required at all and could be eliminated from the structure. The remaining 40,000 personnel earmarked for reduction were in non-hardware-oriented units programed to augment the shore establishment which it was assumed could maintain their skills by receiving 2 weeks of active duty a year without monthly drills.

The committee examined this rationale in some detail and found it faulty. The Navy Reserve has recently undergone a major restructuring and even more recently completed a careful examination of its manpower requirements on a billet by billet basis. The results of this study show that there are 102,000 positions in existence which require continuous training throughout the year in addition to the two weeks annually on active duty. The study concludes that the shore augmentation units are required to receive this continuous training in order that they can be capable of accomplishing their missions when called upon. The tasks of these personnel are to augment the operation of shore facilities such as air stations. These facilities are currently not manned by sufficient active personnel to allow them to operate at the increased level a wartime situation would demand. Reserve personnel can provide this capability and thus need to be trained and available on an immediate basis as are the reservists who will augment the crews of ships or aircraft units. There was no evidence in contradiction to the findings of this study.

COST EFFECTIVENESS

Mr. President, we are taking our most economical defense resource and in the name of fiscal restraint, false economy, we are going to destroy the readiness of a sizeable portion of the Naval Reserve, thereby making it an uneconomical entity.

The OSD/OMB analysts and officials have blithely stated that they are not cutting the Naval Reserve but are merely changing their drill status. That, after all, these are only shore establishment people, "paper pushers", who do not need but 2 weeks of training a year to be proficient.

VITAL MISSION

That is a myth, Mr. President. First of all, the people transferred out a drill status are not going to participate in the program. Statistics bear out the fact that a mere 3 to 5 percent of the enlisted personnel eligible to perform only 2 weeks training each year actually show up for that training. In other words, we are not only depriving the reservist from the training he needs to fill an active duty slot immediately upon mobilization, we are in effect abolishing that program.

Senator Bartlett asked a very pertinent question during the subcommittee hearings. Since the testimony of defense witnesses indicated that the Naval Reserve cut was made purely for fiscal reasons, Senator Bartlett wanted to know why defense, based on that logic, did not eliminate all of the Naval Reserve and double the savings of $50 to $60 million.

These reservists being cut are not "paper pushers". They are, in many cases combat forces, some are combat support forces, and others for logistics and other support. In all cases, they are believed needed by the Navy to help "fight the war." The shore establishment in the Navy is an integral support arm for the fleet. Obviously, even the most dedicated and efficient fleet in the world, the U.S. Navy, cannot fight very long without replenishment of fuel, ammunition, supplies, and people.

PEACETIME BENEFIT

The cut also eliminates eight naval reserve construction battalions from the force. These battalions were retained last year by the Congress when we rejected OSD's proposal to replace these combat construction battalions with civilian personnel. When did we start using civilians to fight our wars? I believe the Senate should again overturn defense's proposal to eliminate these eight reserve Seabee battalions.

TRAINING ESSENTIAL

However, even if the risk of not providing these units adequate time for training could be accepted, the testimony before the committee persuasively indicated that if these personnel are removed from a paid drill status, only a fraction will remain in the Naval Reserve program. Thus, the cost savings resulting from the reduction would be offset by the additional requirement to train new personnel.

In this connection, it is useful to note that had not this reserve program received such inattention, with the resulting criticism, in the past, it could not have been so prone to the current display of uncertainty. It is not unfair to suggest that the active Navy is well behind the other services in its effort to identify and assign relevant missions to its Reserves.

Senator Nunn in the April 13, 1976, Congressional Record stated in part:

> I believe it is time for Navy and the Naval Reserve to aggressively work together to find ways to more effectively assign missions, to restructure and use the Naval Reserve Manpower. . . . The Naval Reserve has many trained and dedicated people who represent a substantial capability to augment the active forces if properly managed and utilized. I believe there are several new missions that could be assigned the reserves, with more total force effectiveness . . . In fairness the record should show that current Navy leadership is working hard to overcome the effects of policies and practices adopted by their predecessors. . . . The current Navy leaders have recognized the problems resulting from past policies and are making changes. I commend them and support them in their efforts. . . .

I agree wholeheartedly with Senator Nunn's assertions but I would go further and say that it is time to stop the turmoil in the Naval Reserve community, provide it with some stability, and give it a chance to provide the readiness we expect of our Reserve Force at a bargain.

I ask unanimous consent that a list of facts regarding this amendment be printed in the Record at this point.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

FACTS ON NAVAL RESERVE AMENDMENT

PURPOSE

Provide for Naval Reserve Drilling Strength of 102,000.

REASONS

1. Navy has established a minimum drill strength requirement of 102,000 in order to meet the needs of an emergency mobilization. This level resulted from in-depth OP 605 Study, personally supervised by CNO.

2. Defense Manpower Commission supports 102,000 minimum strength.

3. Chief of Naval Operations and top Navy leaders are personally committed to full utilization of 102,000 Reservists in Navy's mission.

4. Personnel intended to be cut are necessary for infusion of trained manpower into active forces to provide essential services during first 180 days of mobilization. Sustained operations of Navy in crisis depend on availability of Reservists to run support facilities on full-time basis.

BACKGROUND

Senate Armed Services Committee approved 79,500. Defense Budget Request asked for 52,000. House approved 102,000 in Defense Authorization Bill. House Appropriation Committee funded 102,000.

Senate Armed Services Committee decision was made without benefit of Defense Manpower Commission Report, and without benefit of completed evaluation of OP 605 Study by Office of the Secretary of Defense.

BENEFITS

Cost-effective way for Navy to maintain manpower strength. Cost per reservist about 1/5 to 1/6 of active duty personnel—especially important when 52% of Defense Budget is for manpower costs.

Reservists provide important service even in peacetime as supplement to active Navy. Examples: intelligence projects, telecommunications.

Authorization by Congress of minimum strength requested by Navy will support and reinforce first-time ever commitment by Navy leadership to fully utilize Reserves—will improve response capability in national emergency.

Reservists are important to nation in civil emergencies as well as in national defense. Examples: Seabees, medical units.

PROBLEMS CAUSED BY REDUCTION

1. Inadequate Naval manpower in case of national emergency.

2. Difficult to increase Reserve strength once reduction is made.

3. Morale and training problems increase due to instability in Reserve strength.

4. Lowered readiness of Reserve units and of active forces, as indicated above, due to reductions.

5. Difficulties of attracting new personnel are increased by cutbacks, especially among junor officer and enlisted ranks.

COST

$38 million additional to raise strength authorization to 102,000 from 79,500—equivalent to 1/10 of 1% of Navy Budget.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I will try to be very brief.

The Dole amendment proposes that we go back to 102,000 people in the Naval Reserve. The President's budget proposed 52,000 people in the Naval Reserve.

The Subcommittee on Manpower and Personnel went into this matter in probably more detail than we did any other individual personnel request. It does affect a great many people.

The Naval Reserve is a vital part of our defense. Our subcommittee recommended and the full committee adopted the proposal that we add back from the administration request to the point of

79,500, which is an add-back of 27,500. We did not do this lightly. We went through every unit that the administration was proposing for a cut. We tried to sort out the units we felt were essential for our national security.

We added back the mine harbor, the riverine sealift units, we added back the ship and aircraft maintenance units, we added back the technical and professional skill units, and we added back an additional 7,800 people who we felt could be used because of the cut in active manpower that we made from the administration request.

So the Dole amendment would cost $38 million that is not in this bill. It would have the effect of adding back beyond the committee recommendation, and these are the units that would add back. It would add back what the Navy designates as low-priority units, what they designate as headquarters and staff units and various soft skill units. This means very low training in skills.

It also would add back Marine Corps support units that are used for the 4th Marine Division.

So I oppose this amendment. We did go into it in considerable detail. I would be the first to join the Senator from Kansas if I felt that these units were essential for our national security.

We have mandated in the committee report that the Navy go into considerable study about how it can better utilize the Naval Reserve. I do not think the Naval Reserve is being utilized adequately now, but it does not help the situation to add back units that are not needed and that are not wanted by the administration or by the Navy and that the committee designates, after considerable study low-priority units.

I reserve the remainder of the time allotted to the chairman.

Mr. THURMOND. Will the Senator yield for a question?

Mr. NUNN. I yield.

Mr. THURMOND. Will the Senator state just what Seabee battalions will be eliminated?

Mr. NUNN. The ones that the administration requested be eliminated. I do not know what the particular battalion numbers are. The Seabees are a source of controversy and have been for some time over the last 2 years, and we did not add back the Seabee units. We did not do it after a considerable amount of investigation as to how long it would take the Seabees to be deployed to the European theater. Most of the units that have been cut would take an awfully long time to be deployed. We have had considerable changes in the Seabees in terms of their deployability and what is needed in the European scenario. We did not add back the Seabee units. The Dole amendment would do that.

Mr. DOLE. Mr. President, I shall take just 30 seconds to summarize. The maintenance of the existing level of 102,000 brings it up to the House bill. The Defense Manpower Commission, the Chief of Naval Operations, and top naval officers are fully committed to utilization of the 102,000 reservists in the Navy mission.

I yield back the remainder of my time.

Mr. THURMOND. Will the Senator yield 2 minutes?

Mr. DOLE. Do I have 2 minutes?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. DOLE. I yield 2 minutes.

Mr. THURMOND. Mr. President, I rise in support of the Dole amendment. The reason I do is that a study was conducted by the Chief of Naval Operations, completed in October 1975, which was a very broad, comprehensive study to determine the needs of the Naval Reserve. They came up with a figure that the distinguished Senator from Kansas is now recommending, 102,000. The administration recommended only 52,000 because they felt that Congress would raise it. The Committee on Armed Services raised it to 79,000. But this leaves out a lot of Seabee units. These are very important units and if they are not kept intact, then if an emergency comes and we need them quickly, we do not have them. I think the Office of Program Analysis in the Department of Defense is responsible for this reduction in the budget and I think it is a shortsighted program.

This year, Congress approved 102,000 in the appropriations bill, the very figure that the Senator from Kansas is asking. That is a figure that the studies have recommended, that they have found to be needed. In my judgment, we are going to make a mistake if we cut these Reserves down and cut out these Seabee battalions. I hope the amendment of the Senator from Kansas will be adopted.

Mr. STENNIS. Mr. President, I yield myself just 3 minutes.

I have been a supporter of the Reserves, too. I am not going to let anyone outclaim me in loyalty to any of the Reserves. But we are spending now close to $6 billion a year—$6 billion a year, total cost—for manpower and equipment for our Reserves and National Guard. Some of those units are just splendid, fine, excellent. For years, in my way, I have advocated that we give them more responsibilities, give them more assignments, give them more equipment, and really blend them better into the regular services. I think we shall finally have to do that in meeting manpower needs. But just to give more men, more men, and more men, I do not think that meets our situation.

On this question the budget proposed 52,000 men, and after careful scrutiny of the entire problem by the Senator from Georgia and his fine fellow subcommittee members, they recommended 79,500. In the House bill, there is this 102,000 people. So it is going to be in conference. We shall do our best to go through it again with the House, so I think we ought to let it rest now on this figure that our committee, by rollcall vote, approved, after hearing all of the evidence, 11 to 4 in favor of the figure in the bill.

Mr. MORGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi wish to yield some time to the Senator from North Carolina?

Mr. DOLE. I yield whatever time I have remaining.

Mr. STENNIS. I yield 2 minutes.

Mr. MORGAN. I believe the Senator from Kansas said he had yielded.

Mr. President, I have no firm opinion on this particular matter. I am going to vote for it, but I want to express my concern about the Reserves and the military service. I believe that the Reserve is an effective way to eliminate the need for so many full-time military personnel. I was in the Reserves and 1 month from the time I was called back in the Korean war, I was serving battle watches on an aircraft carrier in Korea. I think they can be effective, but I found through my long service in the Reserves that, many times, the military services have provided inadequate training and have shown little concern for them. I am not sure that they are really interested in the Reserves. But I do not believe that this country can long maintain the full standing Army and Navy and Air Force that we now have with an all-volunteer service.

Think what the retirement benefits are going to be 15 years from now, when all these people that we keep inducing to reenlist are retiring. The Reserves do not retire and they draw no retirement pay until they get to be 60 years old.

I quite frankly think if the service would devote a little more time and attention to developing the Reserves, we could develop them at a lot less cost than maintaining a full service. I am going to vote for this one, relatively uninformed, but I hope the Committee on Armed Services will take a closer look at how much attention is being given to them and whether or not this country can afford an all-volunteer service and whether or not we will be able to afford the budget that will be required when these people start retiring a few years from now.

Mr. NUNN addressed the chair.

Mr. STENNIS. I yield such time as the Senator needs.

The PRESIDING OFFICER. All time has been used. The Senator from Mississippi has no time left.

Mr. NUNN. I ask unanimous consent that I may have 1 minute.

The PRESIDING OFFICER. Without objection, the Senator from Georgia has 1 minute.

Mr. NUNN. I want to respond briefly to the Senator from North Carolina, because he made some key points, and I agree with everything he said except his conclusion to vote for the Dole amendment. The Committee on Armed Services and our subcommittee, a year and a half ago, cut 10,000 people out of the Air Force and instructed them to make better use of the Air Reserve and Air National Guard. That has been done at a cost saving of $100 million a year, and they are carrying out the mission.

We could get into a long discussion on this, because it is very important. But to summarize it, the committee, this year, cut 10,000 people, approximately, out of the active duty Navy and we added back 7,800 reservists that the administration did not request in the Navy, with the specific mandate for the Navy to make better use of their Reserves.

So what the Senator is advocating we are not only doing, we are doing vigorously. This is reflected in the committee report. It is reflected in everything we have done in the last 2½ years.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

Mr. STENNIS. Will the Chair state the amendment?

The PRESIDING OFFICER. The question before the Senate is the amendment of the Senator from Kansas (Mr. Dole). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURKIN (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Michigan (Mr. Hart), the Senator from Maine (Mr. Hathaway), the Senator from Louisiana (Mr. Johnston), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), the Senator from Iowa (Mr. Culver), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Missouri (Mr. Symington) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Roth), the Senator from Alaska (Mr. Stevens), the Senator from Ohio (Mr. Taft), and the Senator from N. Dakota (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

The result was announced—yeas 36, nays 39, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—36

Allen
Bartlett
Beall
Bumpers
Case
Chiles
Curtis
Dole
Domenici
Fannin
Fong
Ford
Garn
Goldwater
Hansen
Hartke
Helms
Hollings
Hruska
Inouye
Jackson
Long
Magnuson
Mathias
McClure
Morgan
Pearson
Pell
Scott, Hugh
Scott, William L.
Stafford
Stone
Thurmond
Tower
Weicker
Williams

NAYS—39

Abourezk
Bayh
Bellmon
Biden
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Clark
Cranston
Eagleton
Eastland
Glenn
Gravel
Griffin
Hart, Gary
Haskell
Huddleston
Humphrey
Javits
Kennedy
Laxalt
Leahy
Mansfield
McClellan
McGovern
Metcalf
Mondale
Muskie
Nelson
Nunn
Packwood
Proxmire
Randolph
Ribicoff
Schweiker
Stennis
Stevenson
Talmadge

ANSWERED "PRESENT"—1

Durkin

NOT VOTING—24

Baker
Bentsen
Brock
Buckley
Burdick
Church
Culver
Hart, Philip A.
Hatfield
Hathaway
Johnston
McGee
McIntyre
Montoya
Moss
Pastore
Percy
Roth
Sparkman
Stevens
Symington
Taft
Tunney
Young

So Mr. Dole's amendment was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. Will the Senator suspend?

Give the Senator from Montana attention. Senators take their seats.

The Senator may proceed.

APPOINTMENTS TO SELECT COMMITTEE ON INTELLIGENCE

Mr. MANSFIELD. Mr. President, in accordance with Senate Resolution 400, 94th Congress, I submit recommendations for appointment to the Select Committee on Intelligence.

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, makes the following appointments, which the clerk will state.

The legislative clerk read as follows:

Daniel Inouye (Appropriations)—for term expiring at the end of the 98th Congress

Birch Bayh (Judiciary)—for term expiring at the end of the 98th Congress

Adlai Stevenson (At-large)—for term expiring at the end of the 97th Congress

William Hathaway (At-large)—for term expiring at the end of the 97th Congress

Walter Huddleston (At-large)—for term expiring at the end of the 96th Congress

Joseph Biden (Foreign Relations)—for term expiring at the end of the 96th Congress

Robert Morgan (At-large)—for term expiring at the end of the 95th Congress

Gary Hart (Armed Services)—for term expiring at the end of the 95th Congress

Mr. HUGH SCOTT. Mr. President, in accordance with Senate Resolution 400, I hereby submit recommendations to the Select Committee on Intelligence.

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, makes the following appointments, which the clerk will state.

The assistant legislative clerk read as follows:

Senator Clifford P. Case, Senator Strom Thurmond, Senator Howard H. Baker, Jr., Senator Mark O. Hatfield, Senator Barry Goldwater, Senator Robert T. Stafford, and Senator Jake Garn.

ORDER OF PROCEDURE—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, there will be no further votes on the pending business, the Defense Procurement Act. That will go over until Monday.

Between now and Saturday, we will try and clear up eligible bits of legislation on the calendar which have been cleared by the Budget Committee, which is in accord with the law.

I would like at this time to lay the pending business aside temporarily and turn to the consideration of Calendar No. 815, H.R. 12455, and in that respect I would like to make a unanimous-consent request that there be——

Mr. CURTIS. Reserving the right to object, what bill is the Senator calling up?

Mr. MANSFIELD. The Child Care Act which we have discussed before.

Mr. CURTIS. Very well.

Mr. MANSFIELD. Does the Senator have a suggestion which he might make as to how much time he would want on his amendment?

Mr. CURTIS. The junior Senator from Nebraska has an amendment. If we can arrive at a limitation on consideration of the bill that would get us out of here in a little while, I would be willing to accept 10 minutes on my amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent there be a 10-minute limitation on the amendment to be offered by the Senator from Nebraska (Mr. Curtis) and that there be 20 minutes on the bill.

Mr. ALLEN. Reserving the right to object, and I shall not object, before we leave the military procurement bill, I wonder if the majority leader would indulge me to the extent of allowing me not to exceed 10 minutes.

Mr. MANSFIELD. I would be delighted to, if we could get the agreement before that.

Mr. ALLEN. I have no objection to the agreement.

The PRESIDING OFFICER. Is there objection?

Mr. ABOUREZK. Reserving the right to object.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. If the Senator will yield to me.

Mr. MANSFIELD. Yes.

Mr. STENNIS. I did not understand. The military procurement bill was laid aside?

Mr. MANSFIELD. Until Monday.

Mr. STENNIS. I did not understand that. The Senator from South Dakota has been waiting here patiently for an amendment. I feel we ought to give him a chance.

Mr. MANSFIELD. Mr. President, I withdraw my request and I ask there be a time limitation of 5 minutes on the Abourezk amendment, not to exceed 5 minutes, equally divided, in the usual form; and then I would ask unanimous consent that the distinguished Senator from Alabama be recognized for—after disposition of the amendment—not to exceed 10 minutes, the distinguished Senator from New York not to exceed 5 minutes, and then the unanimous-consent request would go into effect.

Mr. FONG. Reserving the right to object. Mr. President, I have an amendment, the manager of the bill will be willing to accept it, I ask that I be given sufficient time to present that amendment.

Mr. MANSFIELD. How much time?

Mr. FONG. Two minutes.

Mr. STENNIS. One minute.

Mr. MANSFIELD. Not to exceed 5 minutes.

Mr. KENNEDY. Reserving the right to object, and I will not.

Mr. President, I hope as part of the unanimous-consent request that we can lay down my amendment.

Mr. MANSFIELD. Absolutely.

Mr. KENNEDY. So it would be defending the measure.

Mr. MANSFIELD. That was understood.

Mr. KENNEDY. For Monday?

Mr. MANSFIELD. That the Kennedy amendment would be laid down and be the pending business on Monday.

Mr. STENNIS. No agreement on time?

Mr. MANSFIELD. No.

Mr. KENNEDY. Could I just submit it then?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the disposition of the Fong and Abourezk amendment, the Kennedy amendment be considered as the pending business, it will not be taken up until Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Everything else?

The PRESIDING OFFICER. Everything else is agreed to.

The Senator from South Dakota.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The Senate continued with the consideration of the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

Mr. ABOUREZK. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add a new section as follows:

"Sec.   . (a) Section 3732 of the Revised Statutes (41 U.S.C. 11) is amended by—

(1) striking out in subsection (a) the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which however, shall not exceed the necessities of the current year";

(2) striking out the subsection designation "(a)" at the beginning of such subsection; and

(3) striking out subsection (b) of such section.

"(b) The first proviso contained in the paragraph entitled "Medical and Hospital Department", under the heading "MEDICAL DEPARTMENT", in the Act entitled "An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seven" approved June 12, 1907 (34 Stat. 240), is amended by striking out the following: ", except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which however, shall not exceed the necessities of the current year"."

Mr. ABOUREZK. Mr. President, I am again today submitting an amendment to the annual defense procurement bill that would terminate the authority for the Department of Defense to transfer funds pursuant to the Feed and Forage Act. This law has been on the books for more than a century. It is a law that is almost completely unknown to the public or Members of Congress, but fully known to the Department of Defense.

With the authority of this law, the Department of Defense has been able to skirt the normal appropriations process and obligate hundreds of millions of dollars. They make the decision; we pay for it.

Under the authority given to the Defense Department by the Feed and Forage Act, the Pentagon is allowed to obligate the money first, without any participation by Congress for an appropriation to liquidate the obligation. But the obligation is a legal and binding commitment on the funds of the United States, and the Congress has no choice but to appropriate the money. In fact, the Pentagon need not always come to Congress. Because of its ability to transfer funds, it often liquidates these obligations through transfers.

The Feed and Forage Act—also known as Revised Statute 3732, or 41 U.S.C. 11—allows the Departments of the Army, Navy, and Air Force to make contracts and purchases—in advance of appropriations—for certain enumerated supplies. This is permanent authority, available each year.

Basically, the authority is open ended, with the only restriction being that the contracts "not exceed the necessities of the current year."

I believe a brief review of the legislative history of this amendment is in order. I first offered the amendment in 1974. At that time, the distinguished chairman of the Armed Services Committee indicated that he had not had an opportunity to review the amendment, and its impact, and requested that the amendment be referred to his committee. I, therefore, withdraw my amendment.

Last year, I introduced the identical amendment. Despite the fact that no hearings were held by the Armed Services Committee on the substance of the amendment, the committee had done its work and agreed to the amendment. Unfortunately, when the issue got to conference, the House Armed Services Committee could not accept the amendment because they had not had an opportunity to study the matter.

In February, I wrote to the distinguished chairman of the House Armed Services Committee, Mr. Price, urging his committee to review the ramifications of the Feed and Forage Act during their hearings on this proposed budget.

In my letter to Chairman Price, I included several attachments which I believe would be beneficial to my colleagues in this year's debate.

I ask unanimous consent to have the following documents printed in the Record.

First, a copy of my letter to Chairman Price;

Second, a memorandum on the Feed and Forage Act I prepared last year for Senator Stennis and the Senate Conferees, and;

Third, a 1972 letter from the ASD—Comptroller—detailing the use of the feed and forage law to that point. To my knowledge, the authority has not been used since then.

There being no objection, the material was ordered to be printed in the Record, as follows:

February 16, 1976.

Hon. Melvin Price,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Last year, during the Senate debate on the military procurement bill, I offered an amendment to repeal 41 U.S.C. 11, the so-called "Feed and Forage" Act. As you know, this act provides authority for the military departments to contract for certain items during the "current year" without regard to prior authorization or appropriation.

As noted in the conference report on the 1976 bill, the Senate agreed to that amendment because the provisions of the act were designed to allow for emergency needs of the military departments at a time when rapid response from the Congress may not have been available in emergencies. The Senate conferees maintained that the provisions are no longer required by law.

The House, however, had not had an opportunity to study the uses of the law and the ramifications of repeal. The Senate withdrew from its amendment.

I would respectfully urge your committee to investigate the uses of the Feed and Forage law, and the possible ramifications if it is repealed while Defense witnesses are testifying on the proposed FY 1977 budget. Hopefully, the Senate Armed Services Committee will again agree to this amendment, and this antiquated law can be repealed.

For your information, I am enclosing several documents which may be of assistance to you and your committee in assessing the use and vitality of this law. The first is a brief memorandum on the law prepared by me at the request of Chairman Stennis.

The second item is a 1972 letter from the ASD (Comptroller) detailing the use of the Feed and Forage law to that point. The final document is a xerox of my remarks upon the introduction of an identical amendment in 1974. Of course, I would be happy to provide you with any additional information you may deem desirable.

I appreciate your attention and cooperation on this matter.

With best regards, I am

Sincerely,

JAMES ABOUREZK,
U.S. Senate.

FEED AND FORAGE

NATURE OF AMENDMENT

The amendment adopted by the Senate would delete the "Feed and Forage" sections of Revised Statute 3732 (41 USC 11) that exempt "clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies" from the statute's general requirement that "No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment." The language deleted largely dates from an 1861 law and the substantive exemption dates back still further to 1820.

USE OF THE EXEMPTION IN RECENT YEARS

The Department of Defense Directive governing use of the R.S. 3732 authority (Number 7220.8, dated 8/16/56) states that DoD policy is "to limit the use of the authority . . . to emergency circumstances." However, DoD does not consider it "practicable to define in specific terms the conditions and circumstances which conceivably could constitute an emergency." DoD offers no indication of which situations, if any, might require the use of the Feed and Forage authority. Other authorities for transferring funds, reprogramming funds, using contingency funding, or incurring emergency deficiencies pursuant to such other statutes as the Antideficiency Act (31 USC 665(e)) are readily available to meet contingencies allowable under the exemption.

DoD emphasizes that the " 'Feed and Forage' exemption has been used in only five years since World War II." It should be noted, though, that four of those years occurred in the latter half of that period, and that they represented roughly half of the years in which the U.S. was engaged in military operations in Southeast Asia.

During the last decade, DoD has approved at least 38 applications to use the Feed and Forage authority, with the total amount authorized being at least $5 billion. Expenditures were only made in 13 accounts totalling $1.6 billion. The largest usage was in FY 1968 when there was a delay in enactment of the Second Supplemental Appropriations Act. The Feed and Forage authority was last used in FY 1972 in connection with "increased operations in Southeast Asia." (Deficiencies of up to $311 million in five accounts were approved; a total of $223 million in obligations were incurred, $58 million of that latter amount was subsequently covered by transfers from other funds, and the remaining $163 million is requested in the President's budget for FY 1976 for liquidation).

ARGUMENTS FOR ENDING THE EXEMPTION

1) The "Feed and Forage" exemption is an anachronism. It was necessary in the nineteenth century due to slower transportation and communications and a Congress in session only part of each year. It is no longer relevant in a time of instant communication and a Congress in session virtually year-round.

2) The exemption is inconsistent with Congressional budget control. It is not only a "back-door" spending authority, it is virtually open-ended, being limited in amounts only to "the necessities of the current year," as determined by DoD rather than Congress. Section 401 of the Congressional Budget Act of 1974 was intended to restrict "back-door" spending by limiting the enactment of new or increased spending authority that does not require prior appropriations. The "Feed and Forage" exemption is plainly inconsistent with the spirit of Sec. 401 of the Budget Act.

3) The exemption is unnecessary. DoD is generally provided with a specific Contingency Fund to meet "emergencies and extraordinary expenses"; the Antideficiency Act authorizes deficiencies in "emergencies involving the safety of human life, the protection of property"; and DoD has wide power to transfer and reprogram funds within its appropriations. Since Congress normally provides lump-sum amounts for the personnel and operations and maintenance accounts in which the Feed and Forage authority has been used, DoD appears to have fully adequate flexibility under the regular appropriations process.

4) The exemption contains the potential for frustration of Congressional intent. By DoD's own admission more than $500 million in obligations for military actions in Southeast Asia were incurred outside of the Congressional approval process. Moreover, in 1972 Secretary Laird told the Senate Appropriations Committee that the Feed and Forage authority would "permit us to operate" even if Congress failed to provide funding for the Vietnam War. In 1973 Secretary Richardson told the same Committee that if Congress denied funds to continue bombing in Cambodia, "We will consider that we have the authority to do it anyway . . . We could invoke section 3732 authority."

RELEVANCE OF THE AMENDMENT TO H.R. 6674

The "Feed and Forage" exemption authorizes purchases and contracts in advance of an appropriation. It is an authorizing matter, as Chairman McClellan of the Appropriations Committee pointed out in last year's discussion. Since H.R. 6674 provides authorization for DoD spending and for manpower levels, it is the proper legislation with which to deal with the authorization represented by the "Feed and Forage" exemption. In fact, no other legislation would be more appropriate for this amendment.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 21, 1972.

Dr. LOUIS FISHER,
Government and General Research Division, Congressional Research Service, The Library of Congress, Washington, D.C.

DEAR DR. FISHER: The enclosed report is furnished in response to your request for information concerning Department of Defense use of the authority of Section 3732, Revised Statutes (41 USC 11).

Records of these data are not available prior to the years annotated on the enclosure.

Sincerely,

ROBERT C. MOOT,
Assistant Secretary of Defense.

USE OF THE AUTHORITY OF SECTION 3732, REVISED STATUTES (41 U.S.C. 11)

[In thousands of dollars]

Fiscal year	*Appropriation*	*Amount authorized*	*Amount used*	*Ultimate method of financing*	*Programs in which the deficiencies were incurred and reason for use*
				DEPARTMENT OF THE ARMY	
	(Data prior to 1960 are not available)				
1962	Operation and maintenance, Army	54,044	54,044	DoD Appropriation Act, 1966 Public Law 98–213	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, clothing, and maintenance.
1966	Military personnel, Army	28,000	0		
1966	Operation and maintenance, Army	139,600	138,602	142,165 restoration authorized (Public Law 91–171)	Funds were required to cover deficiencies in transportation, fuel medical and hospital supplies, and maintenance.
1967	Operation and maintenance, Army	7,433	0		
1968	Military personnel, Army	93,400	0		
1968	Operation and maintenance, Army	1,269,100	1,134,834	Transfer from emergency fund, Public Law 90–392 (2nd Suppl, 1968)	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, clothing, and maintenance of aircraft.
1968	Operation and maintenance, Army National Guard	1,800	1,828	Transfer from emergency fund, Public Law 90–392 (2nd Suppl, 1968)	Funds were required to cover deficiencies in transportation, fuel, medical and hospital supplies, clothing, and maintenance of aircraft.
1969	Military personnel, Army	410,000	0		
1969	National Guard personnel, Army	16,400	0		
1969	Operation and maintenance, Army	13,000	0		
1969	Operation and maintenance, Army National Guard	181,300	0		
1972	Operation and maintenance, Army	75,800	75,800	Undetermined. (Preliminary 30 June 72)	To cover transportation in connection with increased activities in Southeast Asia.

USE OF THE AUTHORITY OF SECTION 3732, REVISED STATUTES (41 U.S.C. 11)—Continued

[In thousands of dollars]

Fiscal year	*Appropriation*	*Amount authorized*	*Amount used*	*Ultimate method of financing*	*Programs in which the deficiencies were incurred and the reason for use*
(Data prior to 1966 are not available)			DEPARTMENT OF THE NAVY		
1966	Military personnel, Navy	28,400	23,600	Recoveries of prior year obligations.	Funds were required to cover deficiencies in subsistence of enlisted personnel, PCS travel costs, and clothing allowance for enlisted personnel.
1966	Military personnel, Marine Corps	19,000	1,700	Recoveries of prior year obligations.	Funds were required to cover deficiencies in subsistence, PCS travel costs, and clothing.
1966	Operation and maintenance, Navy	83,700	66,000	DoD Appropriation Act, 1970 Public Law 91–171 and U.S.C. 701–708 (Transfer of $65,963,088.16 from O&M, N "M" account to O&M, N Fiscal Year 1966 account).	Funds were required to cover deficiencies in ship activities and overhaul, fuel, and transportation of things.
1966	Operation and maintenance, Marine Corps	7,900	6,800	Recovery of prior year obligations.	Funds were required to cover deficiencies in depot supply maintenance, training and operation, and transportation of things.
1968	Operation and maintenance, Navy	338,700	0		
1968	Operation and maintenance, Marine Corps	46,600	0		
1968	Military personnel, Navy	142,800	0		
1968	Military personnel, Marine Corps	31,900	0		
1968	Reserve personnel, Navy	5,900	0		
1969	Military personnel, Navy	220,200	0		
1969	Military personnel, Marine Corps	61,500	0		
1969	Reserve personnel, Marine Corps	6,400	0		
1969	Operation and maintenance, Navy	20,000	0		
1969	Operation and maintenance, Marine Corps	28,900	3,600	Recovery of prior year obligations	Funds were required to cover deficiencies in the cost of transportation of things.
1972	Military personnel, Navy	2,800	0		
1972	Operation and maintenance, Navy	91,100	78,300	Undetermined. (Preliminary 30 June 72)	
			DEPARTMENT OF THE AIR FORCE		
			(Data prior to 1954 are not available)		
1966	Military personnel, Air Force	45,100	40,323	Administrative cancellation	Funds were required to cover deficiency in subsistence of enlisted personnel and PCS Travel Costs.
1968	Military personnel, Air Force	72,700	0		
1968	Operation and maintenance, Air Force	528,100	0		
1969	Military personnel, Air Force	413,600	0		
1969	Operation and maintenance, Air Force	398,500	0		
1969	Operation and maintenance, Air National Guard	15,700	0		
1972	Operation and maintenance, Air Force	85,000	70,155	Undetermined. (Preliminary 30 June 72)	To cover minimum essential costs for increased operations in Southeast Asia for fuel, supplies, maintenance, transportation, special air missions, temporary duty travel and other personnel support.
			DEFENSE SUPPLY AGENCY		
1968	Operation and maintenance, Defense Agencies	15,900	0		

Mr. ABOUREZK. Mr. President, this amendment was accepted by the committee last year, taken to conference, and dropped.

I have discussed it with the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) and he has agreed to accept it on this bill.

Mr. President, I would hope that the distinguished chairman of the Armed Services Committee is again prepared to agree to this amendment, and to work for its adoption in conference.

I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I think the Senator has a good amendment. It certainly should be adopted in some form. We will try to do that in conference. I approve of the amendment. I hope it will be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I have an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. FONG. Mr. President. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Sec. —. The Secretary of Defense shall conduct a study of all industrially funded activities, including the naval shipyards. This study shall examine: 1) the feasibility of removing detailed manpower ceilings at the various industrially funded activities including shipyards; 2) the specific criteria for using industrial funding for various activities; 3) the effectiveness of industrial funding in motivating management to be effective and efficient; 4) the feasibility of modifying Defense Department directives so as to make industrial funding mandatory for the day to day operation of similar activities.
>
> The Secretary of Defense shall report the results of this study to Congress by Dec. 31, 1976.

Mr. FONG. Mr. President, this is a request for the Secretary of Defense to take a study on the manpower ceilings. I understand the manager of the bill is willing to accept it.

Mr. STENNIS. Mr. President, I wish the Senator from Georgia would say a word. I yield to the Senator.

Mr. NUNN. Mr. President, I have discussed this with the Senator from Hawaii both last year and this year. I have read the amendment. I think it is good. It requires a study on the subject, particularly in the area of shipbuilding.

I am pleased to recommend that our committee and the Senate accept the amendment.

Mr. FONG. Mr. President, is the name of the distinguished Senator from Florida (Mr. Stone) entered as a cosponsor?

The PRESIDING OFFICER. The Senator is correct.

Has all time been yielded back?

Mr. FONG. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the amendment of the Senator from Massachusetts will be stated.

The legislative clerk read as follows:

> The Senator from Massachusetts (Mr. Kennedy) proposes an amendment:
>
> On page 15, line 8, strike out "$1,883,100,000" and insert in lieu thereof "$1,566,100,000".

Mr. KENNEDY. Mr. President, I am submitting this amendment for myself, Mr. Cranston, Mr. Hatfield, Mr. Bayh, Mr. Clark to reject the last-minute request for an additional $322 million for Minuteman III missiles, a request which originally was rejected by the administration itself as not necessary for the national security. These missiles, which are beyond the 550 Minuteman III missiles already deployed, are likely to be used as test vehicles in the years after 1988.

Secretary Rumsfeld in his posture statement this year explained the decision to end Minuteman production. He said:

> This decision was based on three considerations:
>
> Any additional deployments beyond the current level of 550 would not add significantly to the U.S. military capability, but would increase the strategic budget by more than $300 million for each further year of production;
>
> Under the provisions of the Vladivostok understanding, additional deployments of Minuteman III would require offsetting reductions in Poseidon launchers in the 1980's;
>
> Since Minuteman will become more vulnerable in the future, any additional resources should be invested in the deliberate development of a new, larger, and more survivable ICBM.

And yet, 4 days prior to the Texan primary, a decision was made to request a $322 million addition to the strategic budget for 60 more Minuteman III missiles.

It should be noted that neither the Senate nor House Defense Budget Committees included this sum in their recommendations. It also should be noted that the initial statement of Secretary Rumsfeld in his posture statement explaining the decision not to add $300 million to the budget was that "any additional deployments beyond the current level of 550 would not add significantly to the U.S. military capability." Thus, even if a subsequent SALT agreement permitted additional deployments, they would not add significantly to our military capability.

And under any SALT agreement which maintains even the high limits of SALT I, additional land-based ICBM's—which "will become more vulnerable in the future"—would have to be traded against further substantially less vulnerable submarine launched missiles.

Finally, the so-called bargaining chip argument which has been foisted on the Congress for the past 3 years already has seen the expenditures of $800 million unnecessarily. Had we stopped production of the Minuteman III in fiscal year 1974, at the completion of the 550 missile buy—we would have saved $800 million of taxpayer money already.

Thus, on February 18, 1972, the following testimony was given before the Senate Appropriations Committee:

> Chairman Ellender. The request includes $11.3 million for advance procurement to support the planned buy of this missile in fiscal year 1974. As I read the data sheet, the fiscal year 1974 buy will complete this missile production program. Am I correct about this?"
>
> General Glasser. Yes, sir: that is correct.

But then came fiscal year 1974 and Secretary Richardson submitted the following statement:

> There has been much uncertainty generated over Soviet intentions by their several new missile programs. We hope this uncertainty will be reduced during the coming year. *Even if it is not, we must decide this year whether or not to continue the MIRVing of Minuteman, since the cost of maintaining the option through FY 1975 would be very high.*" (*emphasis added*)

And it was high. By last year, $593 million had been expended in sums beyond those needed to deploy 550 missiles. Then last year, another $203 million was sought even though it violated the previous year's understanding.

In testimony, Lt. Gen. William J. Evans, Deputy Chief of Staff, Research and Development, USAF, was asked:

> You stated that the current number that you have approved would provide test assets through 1984?
>
> General Evans. That is correct.
>
> Mr. Lynch. Last year, in our congressional data sheet, there was no intention to buy more Minuteman III missiles for any reason, test or otherwise.
>
> Mr. Lynch. Is fiscal year 1976 the last year that you intended to buy the Minuteman III missiles?
>
> General Evans. As you know, we have no long lead money in the 1976 request, and therefore, there are no plans at the present time to continue the production of the Minuteman beyond 1976 . . .

And so once again, we are told that there would be no more money wasted on a production line that is producing missiles to be tested a dozen years from now, to be tested when it is possible that the missiles will be vulnerable, to be tested at the same time we are going full speed ahead on a follow-on land-based missile system.

We believe that the supplemental Minuteman III missile request should be rejected because it is a waste of $322 million. We believe it should be rejected because, if deployed, it would be trading missiles that may be vulnerable for those that will not be. We believe that it should be rejected because it is clear that in the absence of congressional action, each year there will be a new hedge, a new bargaining session, a new reason why the Defense Department will want to keep spending more and buying more.

Last year, it was a $600 million hedge that we were trying to stop from becoming an $800 million hedge. This year, it is an $800 million hedge that we are trying to stop from becoming a $1 billion hedge.

The waste of money is not the only factor this year. In addition to the 60 new missiles being procured, the Defense Department has piggy-backed a request for mark 12A warheads, which raises an even more serious issue. Should the United States deploy a warhead whose very nature—three H-bombs of some 350 kilotons each—is perceived by every strategic observer as designed to destroy Soviet missiles in their silos? From the Soviet viewpoint, that means a warhead which carries a "first strike" label with it.

What it does immediately is give pause to Soviet planners regarding the vulnerability of their own land-based missiles. In that event, one possible reaction would be for them to adopt a hair trigger "launch on warning" strategy, a strategy which brings the world far closer to nuclear destruction.

Nor does any event justify our taking this enormous risk. Our deterrent capability is unquestioned, its destructive capacity many times over that needed to effectively destroy the Soviet Union.

We believe the additional procurement of $322 million for the Minuteman III program is unjustified.

ORDER FOR CONSIDERATION OF CHILD DAY CARE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the appropriate time the pending business be laid aside temporarily and that we turn to the Child Day Care Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The Senate continued with the consideration of the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 10 minutes.

Mr. ALLEN. Mr. President, I thank the distinguished majority leader for obtaining the time for me to discuss the nonnuclear Lance program.

Since 1973, the Army has had the Lance missile system deployed in Europe. It was sent there to replace the aging Honest John and sergeant missile systems. In so doing, the Army was able to replace two systems with one—a significant savings. One serious step in that replacement, however, remains incomplete. When the Honest John was replaced, it had the capability of delivering both nuclear and nonnuclear fires, in support of our forces. As they presently sit in Germany, our six Lance battalions do not have the capability of supporting with nonnuclear fires, even though we could provide them with that capability today.

The PRESIDING OFFICER (Mr. Stone). The Senate is not in order. Will the Senate please come to order? Will Senators who wish to converse kindly withdraw to the cloakroom?

Mr. ALLEN. I thank the Chair for maintaining order in the Senate.

There have been several objections within our committees to allowing the Army to field this capability. I shall address each of these, not for the purpose of amending the bill, but simply to insure that each of us is fully aware of the facts, and not just the emotions which have surrounded these issues.

First, there have been claims that Lance has questionable accuracy and lethality. These claims have been dramatically disproven by actual live firing tests in which the nonnuclear warhead exceeded every Army requirement. There have even been questions concerning the validity of these tests, which I understand were very thoroughly investigated by the surveys and investigations staff of the House Appropriations Committee, and quite positively put to rest.

There have been claims that giving a nonnuclear capability to a nuclear capable unit degrades our nuclear readiness. I would point out first that tests and analyses have shown that employment of Lance in a nonnuclear role does not significantly degrade our nuclear readiness. In fact, because of the quick reaction, superior accuracy and high mobility of Lance, the nonnuclear warhead is capable of defeating those Soviet units which might be used against our nuclear forces, actually enchancing their survivability. I would also point out that our cannon artillery and the Honest John which Lance replaced have dual capability—and the alternative, to deploy a separate system at considerable expense in both manpower and dollars to fire only nonnuclear munitions, does not make sense when the system already there can do the job.

There have been arguments that the Army cannot find targets at the ranges that Lance will be firing. To that I say nonsense. While target acquisition at long ranges is an area into which the Army is placing great effort—and is, by the way, experiencing very promising success. The more important point is that Lance will not be used exclusively at long ranges. We all know how the Soviets outnumber us in Europe, and we all know that should a war start, our forces, both on the ground and in the air, will be faced with far more enemy and targets than they are going to have the ability to strike. Here is where Lance is most sorely needed—in support of our badly outnumbered cannon during periods of intense Soviet surge. During that first battle in Europe, when so much depends on our ability to win the first battle, our six Lance battalions are going to be sitting around doing absolutely nothing to contribute to winning that battle. That is absurb: over 2,500 men and 6 battalions of equipment, sitting around doing nothing, when for less than a 10 percent increase in total program costs, they can be given an already existing capability to significantly influence the outcome of that first battle.

There have been aguments that the Army is infringing upon the Air Force mission of air defense suppression. Again, I say nonsense to this assertion, air defense suppression is simply a capability of this weapon—it is not a primary mission. The Air Force has recognized this, and I have a letter in hand from the Office of the Secretary of the Air Force that fully supports the Army's intended employment of the nonnuclear warhead, and further welcomes the collateral contributions which would be made to Air Force missions. The Air Force, and you and I, need only to look to the lessons of the 1973 Mideast conflict to see how our Air Force is going to welcome that support, and how drastically needed that support is to our ground forces.

Finally, the cost effectiveness of nonnuclear Lance has been questioned, and numerous studies have been cited in reference. I do not know how many of you have read these studies in detail, and objectively, but I heartily recommend it. Senators will find, without exception, that those studies have been overtaken by significant Army work. Yes, nonnuclear Lance costs money, yet it provides a significantly cost effective increase in the capabilities of our forces to win that first battle in Europe. There will be nothing else available to the Army to do the job within the next decade. The nonnuclear Lance warhead has already been developed and proven. It is in production for our allies, and can be put into our own battalions with no increase in force structure—another significant savings.

If we are at all serious about our defense of Europe, and providing our fighting forces with the ability to stop that first Soviet push, I ask Senators to support this capability.

Mr. President, I ask unanimous consent to have printed in the Record supporting information for the position I am advocating.

There being no objection, the information was ordered to be printed in the Record, as follows:

[From the Department of the Air Force, Washington, D.C., June 19, 1975]

Memorandum

Memorandum for Assistant Secretary of Defense (installations and logistics).

Subject: Revision of DCP 72—Nonnuclear LANCE (NNL).

This memorandum is in response to Action Item 1 of the NNL DSARC held on May 8, 1975. The Army, after preliminary discussions with representatives of the Air Staff, has prepared a revised DCP 72 which more accurately reflects the Army's views as described at the DSARC. After incorporating certain changes subsequently suggested by the Air Staff, the draft DCP, as it now stands, is acceptable to both Services.

The Air Force recognizes the need to augment fire rates and ranges of tube artillery for high priority targets or for general use in short intense "surge" periods of combat as a major concern. The added utility of NNL to Allied Forces considering purchase of NNL is also recognized; it provides incentives to Allies to reduce their deficiencies in artillery fire-delivery capabilities.

In view of artillery deficiencies facing U.S. and Allied ground forces and the NNL contribution (as documented in DCP 72) to countering such deficiencies, the Air Force would support the introduction of NNL for the primary purpose of augmenting the fire rates and ranges of tube artillery. The Air Force welcomes the collateral contributions which would be made by NNL to Air Force missions.

John J. Martin,
Principal Deputy Assistant Secretary, Research and Development.

Non-nuclear Lance (NNL)

The Army needs a responsive all-weather, day/night conventional fire support system to augment cannon artillery and to strike high priority targets beyond cannon range. Though this capability is needed at all stages of combat, it will be a necessity during the early stages of a war and periods of intense combat when all means of fire delivery are stretched beyond capacity. Non-nuclear Lance has been developed, tested, and proven as the single system which fufills the cannon reinforcing and deep requirements and it is immediately available for procurement.

Non-nuclear Lance:

Fills capability gap left by inactivation of the Honest John Rocket system (nuclear and non-nuclear).

Provides a badly needed increase in fire power to the conventional batlefield. (The six Lance units presently deployed with only a nuclear capability will sit uselessly during the conventional battle.)

Extends Lance system use for limited war (non-nuclear) throughout the world, yet allows this full utilization of all Lance Bn's for less than a 10% increase in the overall Lance program costs.

Has met or exceeded every Army performance requirement.

The range capability of NNL provides additional needed flexibility to the fighting ground commander. He can reinforce fires of other friendly units by firing across

Corps and Division boundaries with NNL, and thus influence ground action at the key point.

Our commanders on the ground and our own studies show that there are many more targets in the enemy assaulting echelons and vital parts of the enemy rear than we can now strike. The acquisition of NNL will enable our ground commander to target against many additional threat elements.

Nonnuclear Lance uses existing nuclear Lance units and ground support equipment with no increase in force structure or manning level.

Foreign Countries Desire for NNL—

Other countries want the Non-nuclear Lance.

The present non-nuclear production (of 278 non-nuclear warheads and missiles for approximately $100M) is for foreign military sales customers (Belgium, Netherlands, Italy, Israel) who are so sold on the non-nuclear warhead for the Lance that they are willing to carry the start-up and production costs in spite of present non-participation by the U.S. Israel has nothing but praise, particularly as the result of their recent test firings.

Employment of Non-nuclear Lance involves less cost risk.

$200 thousand per missile fired compared with potential loss of a $15 milllon aircraft going after same target.

For $150M the Army obtains 720 rounds which is a minor investment to make in order to add a whole new dimension to our fire power array.

Warsaw Pact and certain Arab countries are armed with NNL-like systems—the Scud and the Frog. NNL is the only Army system that exists now that has the range and capability to provide the answer to these systems.

Mr. GARN. Mr. President, on May 17, Senators KENNEDY and CRANSTON circulated a Dear Colleague letter asking for support for their amendment to delete from the Military Procurement bill funds for continued production of the Minuteman III, intercontinental ballistics missiles, ICBM.

There are always, of course, serious differences among Senators over defense philosophy, and over perceptions of foreign nations who might be possible adversaries. The statements in the Kennedy-Cranston letter, however, seem to me to go beyond matters of philosophy, and reach questions of fact, and I feel that I must take a few moments to respond to them.

As near as I can tell, my colleagues raise six points against continuation of Minuteman III production. I will try to answer each of them .

First. Additional deployments beyond the present level of 550 would not add significantly to U.S. military capability.

As I have pointed out before, the Minuteman III has the following advantages over the Minuteman II: It is hardened against dust and debris on fly-out; it has a vastly improved and more accurate guidance system; it can be remotely retargeted by computer in 36 minutes, as compared to the 24 hours now required to retarget the Minuteman II, by hand; it is hardened against electromagnetic pulse; and its life in the silo will be considerably longer than the life of the Minuteman II. These facts add up to a significant improvement in defensive and deterrent capability.

Second. Additional deployments of Minuteman III would require offsetting reductions in Poseidon launchers.

This argument presupposes that the MIRV ceilings arrived at in Vladivostok are binding on the United States. That is simply not the case. The limit of 1,320 MIRV's was a goal toward which the SALT II negotiations were to work. The Vladivostok agreement has never been submitted to the Congress; Congress has not given its advice on Vladivostok; no hearings have been held; it has not been consented to by the Senate; Mr. President, we have not even seen the administration's own analysis of the Vladivostok agreement. The United States is not bound by Vladivostok, and should not act as if it were.

Recently, I put to the Defense Department as clearly as I could the question of MIRV limits under Vladivostok. I ask unanimous consent to have printed in the RECORD at this point their response.

There being no objection, the response was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., May 6, 1976.

Hon. JAKE GARN,
U.S. Senate.

DEAR SENATOR GARN: This is in reply to your recent letter, to the Secretary of the Air Force, regarding the 1320 MIRVed ballistic missile ceiling emanating from the Vladivostok Understanding and its impact on our force planning.

While it is true that we have considered the 1320 level in our deliberations on future force structure, we have been careful to maintain the distinction, which you have correctly pointed out, that the ceilings agreed to at the Vladivostok Summit are guidelines for the negotiations and not firm limitations. During the deliberations which led to the formulation of the Fiscal Year 1977 budget request, there was considerable optimism that an agreement which embodied these guidelines would be achieved soon. We therefore felt it prudent to plan for a mix of MIRVed ICBMs and SLBMs which would accommodate US negotiating objectives while maintaining a balanced deterrent force. It was thought that to ignore the terms of the Understanding would undermine the credibility of our desire to negotiate such limits.

Since then, there has been time to note the continued Soviet ICBM deployments and to assess the consequence of the slow pace of negotiations. As a consequence, we have recently requested approval of funding that will provide us with the necessary options to continue Minuteman III production.

Your continued interest in areas of mutual concern such as this is appreciated. Please do not hesitate to contact us if we may be of further assistance.

Sincerely,

RALPH J. MAGLIONE,
Major General, USAF,
Director, Legislative Liaison.

Mr. GARN. Mr. President, this statement should lay to rest the argument that we are limited to 1,320 MIRV's.

However, as I have pointed out before, even if we were bound by this agreement, or if SALT II were to produce a roughly similar limit, deployment of more Minuteman III's would not impact the Poseidon program until 1982 or 1983 at the earliest, assuming no more slippage in the Trident program. I will have more to say about the trade-off between land- and sea-based missiles in a moment, but it is clear to me that this is not a significant problem.

Third. Since Minuteman will become more vulnerable in the future, any additional resources should be devoted to development of a new, larger, and more survivable ICBM.

I would be the last one to argue against development of the MX, or some other follow-on missile. Certainly we need one, and I invite Senators CRANSTON and KENNEDY to join me in supporting it. It will be good to have them aboard. But future vulnerability cannot be used as an argument against present deployment. All weapons systems become vulnerable. The point is that the Minuteman III is significantly more survivable than the Minuteman II. Actually, in my view it makes perfect sense to keep up production in order to keep in place the finest technical team of missile production ever known.

The fact is that the Minuteman III could be made less vulnerable at present by making it mobile. We do not need the next generation of missiles to go in that direction. A hardened Minuteman III is already a good start.

Fourth. My colleagues then say "It should be noted that neither the Senate nor House Defense Budget Committees included this sum in their recommendations."

I am not certain what a "Defense Budget Committee" is, but it is clear that the budget resolution adopted by the Congress contains adequate authority for continuation of Minuteman production. Beyond that, the House Appropriations Committee, in its submission to the House Budget Committee specifically mentions the Minuteman III program, and makes provision for its funding. The Budget Committee did not change that recommendation.

Fifth. Land-based ICBM's are vulnerable, and sea-based ICBM's are not.

The vulnerability of the Minuteman system is not what we have been led to believe.

For projected Soviet accuracy improvements, Minuteman will, in its upgraded configuration, have adequate survivability to at least the mid-1980's. Even then, it would require two R/V's per site to give a major damage expectancy. Operational uncertainties—accuracies not as good as test launches and multiple warhead timing is critical—make prediction of a successful attack on Minuteman a highly risky adventure.

In addition to the problems of the relatively simplistic attack on fixed sites, the Soviet planner has two other major timing problems to contend with. He cannot attack both the bombers and ICBM's simultaneously because of differences in flight times of the required weapons. Thus, an attack on one warns the other.

Second, he cannot assume that the United States would not launch out the Minuteman force on warning. An attack massive enough to do major damage to Minuteman would give unmistakable warning. Thus, the Soviets might be attacking empty holes and their own strategic and military forces would be under attack.

There is a general tendency to overemphasize the vulnerability of fixed hard sites and underemphasize the vulnerability of the SLBM forces. One-third of the submarine force is in port at all times and completely vulnerable. Its survivability at sea is really an unknown; for example, the Soviets have enough attack submarines to assign two of them to trail each U.S. LSBM submarine.

Putting too much faith in submarine survivability and too much of our strategic forces into one leg of the Triad is a dangerous U.S. posture. This places a large premium on the Soviets gaining an ASW capability which results in a two-fold disadvantage to the United States: Incentive to Soviets to emphasize ASW development; and the attendant danger of an unknown breakthrough in Soviet ASW technology.

Communications reliability to submarines is marginal and only one-way. Thus, there is no direct confirmation of receipt of an emergency-action-message. The national command authority does not know if the submarines are available to carry out an assigned mission—or even if they received the order.

By contrast, Minuteman has a constant, two-way communication system; is deployed in our sovereign territory; has excellent reliability, accuracy, range and payload and the highest availability of our strategic forces.

Another point, Mr. President, is that sea-launched missiles are relatively inaccurate. They are called "city killers," because they are aimed at population centers, as part of the mutual assured destruction strategy—MAD. By contrast, the land-based missiles are highly accurate, and are largely aimed at hard targets, at hardened missile silos.

It should be noted that "city killers" only act a a deterrent if you care about population losses, or if you have made no civil defense provisions. However, as I pointed out on the floor of the Senate recently, the Soviets are indeed investing huge sums in civil defense. Their capacity to move their population out of cities and into the countryside is far ahead of ours. Furthermore, their industrial capacity is far more spread out than ours, and designedly so. These facts make "city killers" less of a threat, and less of a deterrent. Total reliance on them would be MAD.

Sixth. The last argument is that the administration has asked for Minuteman piecemeal, a bit at a time over the last 3 years.

There is a sense in which this argument is accurate, but it misses an obvious point. The Defense Department and the administration have always asked for Minuteman to counter the serious Soviet threat of four lines of ICBM production. Production and development of such weapons was supposed to be slowed or halted by strategic arms limitation talks. Had it done so, there would have been no need to continue Minuteman production. It has been the lack of progress toward meaningful arms limitation that has made the change in signals necessary.

Even today, the administration hopes that the summer or fall will bring agreements which will make the expenditure of the $322 million in this request unnecessary. If such agreements come, the money reverts to the Treasury. It cannot be reprogramed. All this bill does is preserve us an option, a greatly needed one. I urge all Senators to join me in defeating the Kennedy-Cranston amendment.

AMENDMENT OF TITLE XX OF THE SOCIAL SECURITY ACT

The PRESIDING OFFICER. Under the previous order, the clerk will state the pending business.

The legislative clerk read as follows:

A bill (H.R. 12455) to extend from April 1 to October 1, 1976, the maximum period during which recipients of services on September 30, 1975, under titles IV–A and VI of the Social Security Act, may continue to receive services under title XX of that act without individual determinations.

The Senate proceeded to consider the bill which had been reported from the Committee on Finance, with an amendment to strike out all after the enacting clause and insert:

That (a)(1) section 2002(a) of the Social Security Act is amended by striking out paragraphs (4), (5), and (6) thereof.

(2) The amendments made by paragraph (1) shall be effective on and after October 1, 1975.

b) Section 2007 of such Act is amended to read as follows:

"SEC. 2007. For purposes of this title, the term 'State' means the fifty States and the District of Columbia.".

SEC. 2. Section 7(a)(3) of Public Law 93–647 is amended by striking out "February 1, 1976" and inserting in lieu thereof "October 1, 1977".

SEC. 3. (a) For purposes of title XX of the Social Security Act, the amount of the limitation (imposed by section 2002(a)(2) of such Act) which is applicable to any State for the fiscal year ending June 30, 1976, which is applicable to any State for the fiscal period beginning July 1, 1976, and ending September 30, 1976, or which is applicable to any State for the fiscal year ending September 30, 1977, shall be deemed to be equal to whichever of the following is the lesser:

(1) an amount equal to—

(A) 102.5 per centum of the amount of the limitation so imposed (as determined without regard to this section) in the case of such fiscal year ending June 30, 1976,

(B) 110 per centum of the amount of the limitation so imposed (as determined without regard to this section) in the case of such fiscal period, or

(C) 110 per centum of the mount of the limitation so imposed (as determined without regard to this section) in the case of such fiscal year ending September 30, 1977, or

(2) an amount equal to (A) 100 per centum of such limitation for such fiscal year or period (as determined without regard to this section), plus (B) an amount equal to the sum of (i) 80 per centum of the total amount of expenditures (I) which are made during such fiscal year or period in connection with the provision of any child day care service, and (II) with respect to which payment is authorized to be made to the State under such title for such fiscal year or period, and (ii) the aggregate of the amounts of the grants, made by the State during such fiscal year or period, to which the provisions of subsection (c)(1) are applicable.

(b) The additional Federal funds which become payable to any State for a fiscal year or fiscal period specified in subsection (a) by reason of the provisions of such subsection shall, to the maximum extent that the State determines to be feasible, be employed in such a way as to increase the employment of welfare recipients and other low-income persons in jobs related to the provision of child day care services.

(c)(1) Subject to paragraph (2), sums granted by a State to a qualified provider of child day services (as defined in paragraph (3)(A)) during the last quarter of the fiscal year ending June 30, 1976, during the fiscal year ending September 30, 1977, or during the fiscal period specified in subsection (a), to assist such provider in meeting its Federal welfare recipient employment incentive expenses (as defined in paragraph (3)(B)) with respect to individuals employed in jobs related to the provision of child day care services in one or more child day care facilities of such provider, shall be deemed, for purposes of title XX of the Social Security Act, to constitute expenditures made by the State, in accordance with the requirements and conditions imposed by such Act, for the provision of services directed at one or more of the goals set forth in clauses (A) through (E) of the first sentence of section 2002(a)(1) of such Act. With respect to sums to which the preceding sentence is applicable (after application of the provisions of paragraph (2)), the figure "75", as contained in the first sentence of section 2002(a)(1) of such Act, shall be deemed to read "100".

(2) The provisions of paragraph (1) shall not be applicable—

(A) to the amount, if any, by which the aggregate of the sums (as described in such paragraph) granted by any State during a fiscal year or fiscal period specified in subsection (a) exceeds the amount by which such State's limitation (as referred to in subsection (a)) is increased pursuant to such subsection for such fiscal year or period, or

(B) with respect to any grant made to a particular qualified provider of child day care services to the extent that (as determined by the Secretary) such grant is or will be used—

(i) to pay wages to any employee at an annual rate in excess of $5,000, in the case of a public or nonprofit private provider, or

(ii) to pay wages to any employee at an anual rate in excess of $4,000, or to pay more than 80 per centum of the wages of any employee, in the case of any other provider.

(3) For purposes of this subsection—

(A) the term "qualified provider of child day care services", when used in reference to a recipient of a grant by a State, includes a provider of such services only if, of the total number of children receiving such services from such provider in the facility with respect to which the grant is made, at least 20 per centum thereof have some or all of the costs for the child day care services so furnished to them by such provider paid for under the State's services program conducted pursuant to title XX of the Social Security Act; and

(B) the term "Federal welfare recipient employment expenses" means expenses of a qualified provider of child day care services which constitute Federal welfare recipient employment incentive expenses as defined in section 50B(a)(2) of the Internal Revenue Code of 1954, or which would constitute Federal welfare recipient employment incentive expenses as so defined if the provider were a taxpayer entitled to a credit (with respect to the wages involved) under section 40 of such Code.

(d)(1) In the administration of title XX of the Social Security Act, the figure "75", as contained in the first sentence of section 2002(a)(1) of such Act, shall, subject to paragraph (2), be deemed to read "80" for purposes of applying such sentence to expenditures made by a State for the provision of child day care services during a fiscal year or fiscal period specified in subsection (a).

(2) The total amount of Federal payments which may be paid to any State for any such fiscal year or such fiscal period under title XX of the Social Security Act at the rate specified in paragraph (1), shall not exceed an amount equal to the excess (if any) of—

(A) the amount by which such State's limitation (as referred to in subsection (a)) is increased pursuant to such subsection for such year or period, over

(B) the aggregate of the amounts of the grants, made by the State during such year or period, to which the provisions of subsection (c) (1) are applicable.

SEC. 4. (a) Section 50A(a) of the Internal Revenue Code of 1954 (relating to amount of credit for work incentive program expenses) is amended—

(1) by adding at the end of paragraph (2) the following new sentence: "The preceding sentence shall not apply to so much of the credit allowed by section 40 as is attributable to Federal welfare recipient employment incentive expenses described in subsection (a) (6) (B).", and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) LIMITATION WITH RESPECT TO CERTAIN ELIGIBLE EMPLOYEES.—

"(A) NONBUSINESS ELIGIBLE EMPLOYEES.—Notwithstanding paragraph (1), the credit allowed by section 40 with respect to Federal welfare recipient employment incentive expenses paid or incurred by the taxpayer during the taxable year to an eligible employee whose services are not performed in connection with a trade or business of the taxpayer shall not exceed $1,000.

"(B) CHILD DAY CARE SERVICES ELIGIBLE EMPLOYEES.—Notwithstanding paragraph (1), the credit allowed by section 40 with respect to Federal welfare recipient employment incentive expenses paid or incurred by the taxpayer during the taxable year to an eligible employee whose services are performed in connection with a child day care services program, conducted by the taxpayer, shall not exceed $1,000.".

(b) Section 50B(a) (2) of such Code (relating to definitions; special rules) is amended to read as follows:

"(2) DEFINITIONS.—For purposes of this section, the term 'Federal welfare recipient employment incentive expenses' means the amount of wages paid or incurred by the taxpayer for services rendered to the taxpayer by an eligible employee—

"(A) before July 1, 1976, or

"(B) in the case of an eligible employee whose services are performed in connection with a child day care services program of the taxpayer, before October 1, 1977.".

(c) The amendments made by this section with respect to Federal welfare recipient employment incentive expenses paid or incurred by the taxpayer to an eligible employee whose services are performed in connection with a child day care services program of the taxpayer shall apply to such expenses paid or incurred by a taxpayer to an eligible employee whom such taxpayer hires after the date of the enactment of this Act.

SEC. 5. (a) Section 2002(a) (9) (A) (ii) of the Social Security Act is amended—

(1) by striking out "and" at the end of clause (II), and

(2) by adding after the comma at the end of clause (III) the following: "(IV) the State agency may waive the staffing standards otherwise applicable in the case of a day care center or group day care home in which not more than 20 per centum of the children in the facility (or, in the case of a day care center, not more than 5 children in the center) are children whose care is being paid for (wholly or in part) from funds made available to the State under this title, if such agency finds that it is not feasible to furnish day care for the children, whose care is so paid for, in a day care facility which complies with such staffing standards, and if the day care facility providing care for such children complies with applicable State standards, and (V) in determining whether applicable staffing standards are met in the case of day care provided in a family day care home, the number of children being cared for in such home shall include a child of the mother who is operating the home only if such child is under age 6,".

(b) The amendments made by subsection (a) shall, insofar as such amendments add a new clause (V) to section 2002(a) (9) (A) (ii) of the Social Security Act, be effective for the period beginning October 1, 1975, and ending September 30, 1977; and on and after October 1, 1977, section 2002(a) (9) (A) (ii) of the Social Security Act shall read as it would if such amendments had not been made.

SEC. 6. Section 4(c) of Public Law 94–120 is amended to read as follows:

"(c) The amendments made by this section shall be effective on and after October 1, 1975.".

Mr. MONDALE. Mr. President, I rise in support of H.R. 12455. This bill contains a compromise on the question of day care standards and funding which was initially developed by the Senator from Oregon (Mr. PACKWOOD) and myself, and subsequently adopted by the Finance Committee under the able leadership of the distinguished Senator from Louisiana (Mr. LONG).

Following the President's veto of the emergency day care bill (H.R. 9803) and our inability to override that veto in the Senate, we face a truly untenable choice.

If no action is taken, the Federal day care requirements must be enforced, effective as of last February 1. Yet, because of the President's veto, no additional funds will be available to meet the additional cost of compliance with the standards, estimated at more than $200 million per year. This means that compliance with the standards—which I believe are important to insure that federally supported centers are not damaging young children—may force closure of hundreds of day care centers, and a withdrawal of services from an estimated 200,000 children.

Families would then be faced either with returning to the welfare rolls, or with depositing these children in too-often damaging forms of care.

I very deeply regret the need to retreat from standards for preschool children receiving federally sponsored care. But the circumstances require compromise.

The pending bill does compromise the day care controversy. It suspends the most controversial staffing standards—for children 6 weeks to 6 years—until October 7, 1977. In the interim, the Secretary of HEW will conduct the "appropriateness study" of day care standards already provided under current law—and will have the power under present law to modify the standards before the new effective date of October 1, 1977.

In the meantime, the compromise in the pending bill would continue the key provisions of the vetoed day care bill, H.R. 9803, until October 1, 1977. This would include funding at the annual rate of $250 million; incentives for employment of welfare recipients in day care centers; and modifications in standards for family day care and for centers with few federally assisted children.

Health and safety requirements, staffing standards for infants and school age children, and other provisions of the Federal interagency day care requirements will remain in effect.

The funding provided will help States and localities meet the costs of health and safety standards and the remaining Federal requirements. A 1974 GAO study of 607 centers in nine States found 425 failing to meet State health and safety requirements—nearly twice the number failing to meet child-staff ratios. In addition, this funding will permit States to move to upgrade and enforce their own standards on a voluntary basis.

Under the compromise, Congress must review the whole question of compliance with day care standards in the summer of 1977, since the authorization will require extension by October 1 of that year—at the same time that standards for children 6 weeks to 6 years will be reimposed. The voluntary performance of States in the interim will weigh heavily in the debate over the nature of the new standards.

Mr. President, under the circumstances, I believe that H.R. 12455 represents a workable approach to the day care controversy. I wish once again to thank the chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. LONG), and the Senator from Oregon (Mr. PACKWOOD) for their efforts in this matter.

Quickly described, this proposal is the compromise which follows after the Congress failed to override the President's veto of the previous measure. We think it is a good compromise. One of those who fought the original proposal, the Senator from Oregon (Mr. PACKWOOD), is a cosponsor of this proposal and helped shape it; and we hope the Senate will adopt it.

It goes far toward leaving the States with broad discretion in the area of day care standards, but provides the funds that will assist them in a good faith effort to assure that if there is day care, it will be safe from the standpoint of sanitation, fire, health, and minimum safety conditions, and also provides funds to help pay for good faith efforts by the States to meet minimum staffing requirements.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from Oregon.

Mr. PACKWOOD. I am a cosponsor with the Senator from Minnesota (Mr. MONDALE) of this measure. The Senator and I were on opposite sides on the question of overriding the President's veto. I was in favor of sustaining, and the Senator from Minnesota was not.

The principal issue of disagreement at that time was whether or not we are going to federally impose day care staffing standards on the States, as to how many adults per child they would have to have in a day care center.

Mr. President, that issue is over; it is out of this bill. We will debate the merits of those standards another day, when the Department of HEW reports its recommendations on the subject. I think the administration still has some problems with this proposal. I hope they will not veto it, because I think this is a fair compromise. It does not have everything in it I would like, and does not have everything the Senator from Minnesota likes, but it is a fair compromise, and I think one that most parties can accept and live with, and I hope the Senate will overwhelmingly pass it.

Mr. CURTIS. Mr. President, I yield myself 1 minute on the bill.

A very objectionable part of this bill relates to an additional funding of $375 million. In effect, it goes over the ceiling on social services of $2.5 billion to that extent. I hope that every member of the Committee on the Budget will support my amendment to remove that funding.

Mr. President, as the ranking minority member of the Committee on Finance, I rise to supplement the remarks of our distinguished chairman with respect to this bill.

As passed by the House, this bill contained only a simple extension of an administrative postponement of certain eligibility requirements for selected social services programs. Specifically, the bill would have permitted to States to continue to use so-called "group eligibility" determinations for these programs. The Finance Committee rejected the House approach and substituted an amendment making a permanent change in the law to give States complete flexibility in determining eligibility for social services.

The committee also added a series of amendments to this bill to resolve the problems arising in the aftermath of the Senate's sustaining of the President's veto of H.R. 9803, the day care center staffing bill. Under the committee amendment to this bill, the staffing ratios are suspended until October 1, 1977. Additionally, $375 million in child care funding is provided for the period ending October 1, 1977. The committee bill also contains incentives to hire welfare recipients in day care centers and continues certain amendments to the alcohol and drug abuse programs to which the Senate has previously agreed.

With the exception of the additional Federal funding for day care centers, which I shall discuss shortly, I support the committee bill for several reasons. First, it is essential that we either repeal or suspend the day care staffing ratios so that States will not face a retroactive loss of Federal social services funds. The committee bill suspends these standards. Second, we must begin to turn control of social services programs back to the States. This process is begun in this bill.

This bill differs somewhat from the administration's specific approach to the question of eligibility for social services. However, the committee's bill deserves support and, in my view, is consistent with the President's basic desire to move toward a "block grant" approach to social services. So long as we maintain a cap on the total amount of Federal funds to be made available to the States for social services, I am willing to permit the States to resolve eligibility questions in the way they determine to be appropriate.

As I indicated earlier Mr. President, I am troubled by one feature of this bill which provides additional day care funds. I shall shortly offer an amendment to strike out the additional funds made available by the committee. At this time, however, I did want to make it clear that I support the general thrust of the bill.

I ask unanimous consent to have printed in the RECORD a letter from HEW to the minority leader of the Senate dated May 19, 1976, expressing the Department's objection to this measure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 19, 1976.

Hon. HUGH SCOTT,
Minority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: This letter is to express to you the Department's strong objection to H.R. 12455, as reported by the Committee on Finance, and to ask you to bring our concerns to the attention of other Members of the Senate.

The bill was reported by the Committee ostensibly as a "compromise" proposal designed to meet the objections raised by President Ford in his April 6 veto message to the House on H.R. 9803, the child day care staffing standards bill. That veto, as you know, was sustained by the Senate on May 5, with many of those Members voting to sustain the President's action doing so on precisely the issues this new bill fails to address adequately.

Moreover, the Committee bill, in its present form, would go far beyond the question of the Federal role in day care services to alter radically the very nature of the $2.5 billion social services program. It would do so by eliminating those provisions of P.L. 93–647, enacted only last year, under which services funded under title XX are targeted to those who are most in need.

As you know, present law mandates that an amount equal to 50 percent of Federal funds available under title XX be devoted to services for those receiving, or eligible for, welfare, Medicaid and Supplemental Security Income (SSI) benefits. The balance of the Federal funds—and State matching funds—can be used, depending upon State policy, to provide free services for those with incomes up to 80 percent of the State's median income, and services on an income-related fee basis for those with incomes up to 115 percent of the State's median level. The Committee bill would eliminate these provisions altogether, leaving the possibility that the funds could be used for hgher income persons rather than for reducing the intolerably high welfare burden.

We strongly object to this feature of the Committee proposal. The most appropriate Federal role in distribution of these funds is to ensure that the bulk of services they help underwrite reach those who would have to go on, or stay on welfare, if services are not provided to them. Under the President's title XX block grant proposal, now before the Congress as S. 3061 and H.R. 12175, this would be achieved by targeting 75 percent of Federal services funds to those receiving, or eligible for, welfare, Medicaid and SSI benefits and those with family incomes below the poverty level. The balance of these funds, along with any State services funds, could, at the States' option, be used for the same populaton or for any other group.

Following is an outline of the Department's views on those provisions of the Committee-reported H.R. 12455 which ostensibly address the issues underlying the Pre sident's veto of H.R. 9803.

First, the issue of whether or not there should be Federal staffing standards for day care services supported in whole or in part under title XX of the Social Security Act. The President urged in his veto message that the Congress move to reinstate until October 1, 1976, the moratorium on imposition of the costly and controversial Federal staffing standards that was enacted last October by P.L. 94–120, thereby giving the Congress time to consider the Administration's title XX block grant proposal. Under that proposal, as you know, States would set and enforce their own day care staffing standards just as they now set and enforce teacher-pupil ratios in public schools.

Rather than follow this straightforward approach to the issue, the Finance Committee bill would instead reinstate the moratorium until October 1, 1977, after which the States would once again be forced to accept federally-established day care staffing standards if they wished to continue to receive Federal funding. We find this approach totally unacceptable for it presupposes that this critical issue will ultimately be resolved in favor of Federal, rather than State, rights and responsibilities over staffing ratios.

Second, the issue of day care funding. The vetoed bill authorized $125 million for the balance of this fiscal year and the transition quarter—and presupposed $250 million annually thereafter—with all of these funds expressly intended to help States meet the Federal day care staffing standards which would have, under that bill, been imposed effective July 1 of this year. The new committee bill would authorize a full $375 million for the 17 months ending September 30, 1977, at the same time that it would suspend the Federal standards at issue for that same period. Needless to say, this provision fails on its own logic. This bill would both delay the potential problem inherent in imposition of rigid Federal day care standards, thereby apparently obviating the need for additional Federal funding, but would then authorize more than a third of a billion dollars in new Federal spending during the suspension period.

Proponents of this provision may argue that the funds are intended to help States gear up to meet the Federal standards when they would be reimposed on October 1, 1977, should this bill be enacted. Yet the standards may well be greatly amended before that date as a result of the findings of a Department study of their appropriateness (which was mandated under P.L. 93–647), a study due to be completed early in 1977. Even if the States do not ultimately win the right to set their own day care staffing standards, it makes no sense whatsoever to invest $375 million of Federal taxpayer funds at this point to lead States toward implementation of standards which have not even been written.

Third, the issue of State flexibility in the administration of the title XX program. The Committee's "compromise" bill, like the vetoed H.R. 9803, would introduce the concept of categorical funding into the title XX program by earmarking the $375 million in new funds it would provide for a narrow purpose and establishing a special matching rate for that purpose. This provision is directly counter to the fundamental nature of the title XX program. As the President noted in his H.R. 9803 veto message, such a provision would undermine the hard-won freedom of the States and the voluntary sector to determine both the form and content of the services they wish to provide according to their own sense of priorities.

Once again, we strongly urge that the Congress not seek to push the Federal Government and the States in the direction that either the vetoed H.R. 9803, or this so-called "compromise" bill, would take the title XX services program. I urge the Congress to simply extend the moratorium on enforcement of Federal day care standards until October 1, 1976, and to enact the President's title XX block grant proposal, S. 3061.

Should H.R. 12455 emerge from the Congress in a form which fails to address adequately the major issues I have outlined here, I would have no choice but to recommend that it be vetoed.

We are advised by the Office of Management and Budget that there is no objection to the presentaion of this letter, and that enactment of H.R. 12455 would not be in accord with the President's program.

Sincerely,

MARJORIE LYNCH,
Under Secretary.

Mr. CURTIS. We are faced with some unusual, arbitrary, and unnecessary regulations being imposed on the day care centers, that will go into effect unless the centers are postponed. This bill does that.

Where I part company with the bill is that the States are given $375 million more for day care. Originally the bill was supposed to give them that money to comply with Federal regulations.

This bill suspends the Federal regulations, so that argument is no good. Then the argument was advanced, "Let us give away $375 million to improve the standards of day care."

The social services program got out of hand once before. Congress put a ceiling on it of $2.5 billion. This would exceed that ceiling by $375 million.

Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. CURTIS), for himself, Mr. BARTLETT, and Mr. BELLMON, proposes an amendment as follows:

On page 2, strike out line 13 and all that follows down through line 8 on page 7.

Mr. CURTIS. Mr. President, I yield myself 2 minutes on the amendment.

This amendment would strike out the $375 million for day care centers, the $375 million which would go over the $2.5 billion now provided for social services. It cannot be justified; it is done in the face of a tremendous deficit; and it breaks the ceiling on social services. Up to now we have had a ceiling of $2.5 billion.

Considerable latitude is given to the States to allocate that money. If this proposal passes, there will be other requests to break that ceiling for other social service programs.

Mr. President, this is very serious. It is going to be interesting to see the reactions of the Committee on the Budget. Here is something new: a proposal to exceed a ceiling, and do it with borrowed money.

Mr. President, I yield the remaining 3 minutes on my amendment to the distinguished Senator from Oklahoma (Mr. BARTLETT), a coauthor of the amendment together with Senator BELLMON and now Senator HELMS.

Mr. BARTLETT. Mr. President, I thank the distinguished Senator from Nebraska, and compliment him on this amendment.

The question of day care center staffing standards is again before the Senate. This problem of simple regulatory reform has been one of the more difficult matters that has faced the Senate this session. A majority of the Members have made statements concerning the control of big government and the interference by Government regulatory agencies in the everyday lives of citizens of this country; but when we have been confronted with the opportunity to eliminate a group of totally unnecessary and unsupported day care staffing standards, we have been woefully inadequate.

We are here again today for the third time in 4 months, trying to resolve this situation; but again, we lack logic in our methods. H.R. 12455, in part, seeks to postpone the title XX staffing standards to October 1, 1977, which is a viable alternative, and one that I have supported both through legislation that I earlier introduced, and through an amendment that I later offered to H.R. 9803 when it was being considered on January 29, 1976.

The preferable solution would be to eliminate completely the standards because there is no proven need for their existence, in that, the States each have regulations under which day care centers have been operating for a number of years. By again delaying the standards, the Senate may well be faced with this question a fifth, sixth, or seventh time; and this waste of precious time can be ill-afforded.

However, I have supported this solution as one alternative. The postponement will at least allow a full, complete and adequate analysis of staffing standards to be made. This is the analysis that was missing when the regulations were first promulgated. The various specialists, organizations, and private citizens will have an opportunity to assist in developing satisfactory guidelines during the delay period; and hopefully, a satisfactory result will be obtained.

The matter which does concern me about H.R. 12455 is the $375 million authorized by the committee to be spent during this delayed period. This is to be used by the States to accelerate their progress toward some unknown goal. It is as if we are to ignore the fact that the intention of the deferral is to provide the time to develop practical alternatives. We are asked to be totally fiscally irresponsible, another practice which has been decried not only in this Chamber but by the public at large, the public that must pay the taxes and suffer the effect of increased Federal borrowing to support the expanding debt.

We fall into the same practice that initiated the original argument over title XX staffing standards, acting before all of the facts are before us. HEW promulgated the standards without quantifiable data, and now we purpose to spend blindly precious dollars toward an unknown objective. We do not have the need to justify the expenditure of $375 million. There is absolutely no reason for any appropriation in this bill. This bill authorizes an appropriation for nothing.

A simple solution again presents itself. The Senate can adopt the deferred date and, at the same time, delete the $375 million.

Viable solutions have been previously offered by Senator PACKWOOD and myself, but they were not accepted. This bill, with a corrective amendment, can be a sign to the people of each of our States that we are serious about our public utterances to decrease the effect of the Federal Government on individual private lives. I, therefore, encourage my colleagues to support this amendment offered by Senator CURTIS to delete the nonessential funding during the 17-month delay.

Mr. President, this proposal tends to keep in the bill the funding, which is really funding for nothing. It is funding for a proposal that has been postponed until September 30, 1977. The staffing standards would not go into effect until after that date, and yet the funding for the staffing standards, which at one time were proposed to go into effect right away and otherwise would be in effect now, would need the money. But now we are willing to spend this amount of money for nothing.

I do compliment the committee for deciding to at least postpone the requirements for staffing until September 30 of next year. I am sorry that they did not just delete the Federal requirements from the bill, so that Congress could consider what requirements would be essential after the study is completed at some period in 1977.

I think it is most important that we do not break the ceiling of $2.5 billion, that we do not exceed that limit, but I do think that we look sort of silly as a deliberative body to keep in this bill the funding for a program that has been postponed until after September 30, 1977. At a time when our deficits have been breaking records every year, at a time when we can see inflation really causing great trouble to this Nation, we decide to postpone a program, and yet fund it anyway. I would say with the distinguished Senator from Virginia, that does not make much sense to this Senator, and I do not believe it is going to make much sense to the citizens of this country.

Mr. PACKWOOD. Mr. President, when we had the bill with the original Federal staffing standards in it, no one was arguing there was not a need for money for day care at the local level. The argument was whether or not we should impose the Federal standards on the local level. By and large, a study made by the Senate Finance Committee proved that they needed the money for day care. All we did was say, "Here is the money, we will get rid of the Federal standards. If you want to make day care centers, you decide whether you want two centers with lower staffing ratios, or one with higher ratios. If you need two in an urban area and one in a rural area, you decide. Here is the money."

There are about a dozen different social service functions the money can be spent for. If the State does not want it for day care, they can use it for some other social service function.

The cap of $2.5 billion for social services was placed some 3 years ago. We have had almost 35 percent inflation since that time.

There is no magic in that number. There is no reason why social services should be frozen at that level when all other Government expenditures have risen, sometimes higher than the inflationary rate and sometimes in keeping with it.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. PACKWOOD. Mr. President, will the Senator yield me 1 additional minute?

Mr. CURTIS. I yield the Senator 1 additional minute.

Mr. PACKWOOD. All I am saying is that the same money that was in the previous bill is in this bill. The same need for day care that existed before the previous bill was vetoed and the veto sustained is in this bill.

All we are doing now is saying we are not going to impose the Federal mandatory standards on the States, "Use the money instead, Mr. State and Mrs. State, as you want for your day care needs."

Mr. CURTIS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

Mr. CURTIS. Mr. President, I am willing to yield back the remainder of by time on the amendment.

Mr. MONDALE. I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from Nebraska. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Michigan (Mr. Philip A. Hart), the Senator from Maine (Mr. Hathaway), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), the Senator from Utah, Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), the Senator from Indiana (Mr. Bayh), the Senator from Kentucky (Mr. Huddleston), the Senator from Louisiana (Mr. Johnston), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from North Carolina (Mr. Morgan), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore), and the Senator from Connecticut (Mr. Ribicoff) would each vote "nay".

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Roth), the Senator from Alaska (Mr. Stevens), the Senator from Ohio (Mr. Taft), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The result was announced—yeas 20, nays 50, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—20

Allen
Bartlett
Byrd,
  Harry F., Jr.
Curtis
Domenici
Eastland
Fannin
Garn
Goldwater
Griffin
Hansen
Helms
Hruska
Laxalt
McClure
Proxmire
Scott,
  William L.
Stennis
Thurmond
Tower

NAYS—50

Abourezk
Biden
Brooke
Bumpers
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Culver
Dole
Durkin
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary
Hartke
Haskell
Hollings
Humphrey
Jackson
Javits
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McGovern
Metcalf
Mondale
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Randolph
Schweiker
Scott, Hugh
Stafford
Stevenson
Stone
Symington
Talmadge
Weicker
Williams

NOT VOTING—30

Baker
Bayh
Beall
Bellmon
Bentsen
Brock
Buckley
Burdick
Church
Hart, Philip A.
Hatfield
Hathaway
Huddleston
Inouye
Johnston
McClellan
McGee
McIntyre
Montoya
Morgan
Moss
Pastore
Percy
Ribicoff
Roth
Sparkman
Stevens
Taft
Tunney
Young

So Mr. Curtis' amendment was rejected.

Mr. MONDALE. Mr. President, I think we are ready for third reading.

Mr. JAVITS and Mr. CURTIS addressed the Chair.

Mr. MONDALE. Mr. President, I will yield after third reading.

Mr. JAVITS. Mr. President, I have 5 minutes.

Mr. MONDALE. May we have third reading?

Mr. JAVITS. Are we going to have a rollcall vote on passage?

Mr. WEICKER. No.

Mr. JAVITS. Then, I do not mind.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MONDALE. Mr. President, I yield briefly at this point to the distinguished chairman of the Budget Committee.

Mr. MUSKIE. Mr. President, I have a complete statement on the budgetary implications of this bill, most of which I discussed earlier this year when the bill first passed and at the time of the attempted override.

Mr. BUMPERS. Mr. President, it is extremely important that this body hear the chairman of the Budget Committee on the proposed legislation.

The PRESIDING OFFICER. The Senator's point is well taken. Senators will kindly clear the aisles and resume their seats. The Senate will be in order.

Mr. MUSKIE. I thank the Chair, and I thank the Senator from Arkansas.

I will not repeat at this time the statements I made earlier this year twice, except to remind the Senate that this program deliberately was included in the second concurrent resolution by the Senate Budget Committee and considered in the conference on the second concurrent resolution. So there is no question that it was covered by the second concurrent resolution, which applies to the remainder of this fiscal year.

The next point I shall make has to do with the 1977 concurrent resolution. As I think most of my colleagues are aware or are becoming aware, the Senate Budget Committee has requested that a hold be placed on all new entitlement legislation, as provided under the Budget Act that has been reported to the Senate, until the appropriate standing committees report to the Senate on their suballocations of new budget authority and outlays which are part of the crosswalk by which the Senate can enforce the first concurrent resolution on the budget for fiscal year 1977.

We did not have that kind of instrument available to us in fiscal 1976. It is available now, because we have ceilings on the 17 functions of the budget. It is an important one, one I would not want to see treated casually or bypassed. It is for that reason that I have delayed consideration of this bill until we could resolve the problem from the point of view of the Committee on Finance.

The Committee on Finance has not been able, because of its preoccupation with its tax bill, to file its crosswalk figures with the Senate. But it has offered to commit itself to a procedure which I think is acceptable from the point of view of the Committee on the Budget. I have discussed that with Senator Bellmon, who is the ranking Republican. The chairman of the Committee on Finance has agreed to deduct the amount of new budget authority in outlays contained in this bill from the allocation made by the budget conference report to the Committee on Finance. With that commitment, I am satisfied that the objective of the Budget Act with respect to this point is being served. I am persuaded that the Committee on Finance will file its crosswalk figures on the remainder of its function in due course, as will other committees.

Incidentally, I urge other committees to do so as rapidly as possible.

Mr. President, H.R. 12455 is a bill

which includes both changes in eligibility for social services funded under title XX of the Social Security Act and funding to provide improved child care under the same title. Only the child care provisions in the bill have direct budgetary impact, and it is to those provisions that I will address my remarks.

On January 29, 1976, the Senate passed H.R. 9803, a bill which provided sufficient funding to defray the costs of the new standards, promulgated by HEW in 1968 and enacted in the Social Services Amendments of 1974 to be effective October 1, 1975. The effective date had been postponed until February 1, 1976 and the purpose of H.R. 9803 was to allow day care providers to comply. On April 6, 1976, the President vetoed H.R. 9803 because he disagreed with the specific staffing ratios proposed.

The bill we are considering today further suspends compliance until October 1, 1977, in anticipation of an ongoing HEW study which, according to the administration, will determine more appropriate staffing standards. At the same time, however, this bill includes entitlements of up to $62 million in fiscal year 1976, $62 million in the transition quarter, and a full year entitlement of up to $250 million for fiscal year 1977 to support those States, including my own, where day care providers have attempted to move voluntarily toward the recommended staffing ratios, and to provide sufficient funds to allow day care providers in other States to do the same. While compliance with the more controversial staffing standards will be voluntary, the funds included in this bill are also intended to defray the costs of safety, sanitation, and facility standards that were also promulgated by HEW and mandated in the Social Services Amendments of 1974.

In view of the current economic situation, it is unreasonable to expect that the Federal Government can encourage the adoption of improved staffing, sanitation, safety, and facility standards without providing sufficient funds to cover its fair share of the added costs to current day care providers. It was with this view in mind that the Senate Budget Committee included sufficient amounts both in the second concurrent resolution for fiscal year 1976 and the first concurrent resolution for fiscal year 1977 to cover the costs of this bill.

There is another aspect of the budget process which I also wish to discuss in relation to this measure.

As my colleagues are aware, the Senate Budget Committee has requested that a "hold" be placed on all new entitlement legislation that has been reported to the Senate until the appropriate standing committees report to the Senate on their suballocations of new budget authority and outlays which are part of the "crosswalk" by which the Senate can enforce the first concurrent resolution on the budget for fiscal 1977, Senate Concurrent Resolution 109.

Specifically, section 302(a) of the Budget Act requires that the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget include an estimated allocation of the appropriate levels of total budget outlays and total new budget authority among each committee of the Senate which has jurisdiction over bills providing such new budget authority. These allocations to the standing committees were made in the joint explanatory statement accompanying the first concurrent resolution on the budget for fiscal 1977, passed by the Senate on May 12.

Section 302(b) of the Budget Act provides that each standing committee of the Senate with jurisdiction over spending legislation shall subdivide its allocation of new budget authority and outlays among its subcommittees or among programs over which it has jurisdiction and further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts. The Budget Act then requires that "each such committee shall promptly report to its House the subdivisions made by it pursuant to this subsection."

These reports by the standing committees to the Senate are absolutely crucial to the success of the congressional budget process. They are important for at least two purposes:

First, the reports will provide the information necessary to scorekeep accurately against the targets established in the first concurrent resolution and insure that we adhere to these targets; and

Second, these reports by the standing committees are necessary for the Senate to analyze the new entitlement programs reported by the standing committees to determine whether they are within the budget targets of the first concurrent resolution on the budget.

It is for these reasons that the Senate should hold up new entitlement legislation until the appropriate standing committees have submitted their reports subdividing the new budget authority and outlays allocated to them in the conference report on the first concurrent resolution on the budget.

The bill pending before the Senate, H.R. 12455, the child care and social services programs bill, creates a new entitlement for the States to receive additional Federal funds for the support of child day care centers. The Senate Finance Committee has not as yet made its report to the Senate subdividing its allocated new budget authority and outlays among its subcommittees or programs. However, the Senate in this case should make an exception in allowing this bill to come up for Senate consideration prior to receiving the crosswalk report of the Senate Finance Committee for three reasons, all of which are unique.

First, the Senate has already passed this bill in substantially the same form on January 29, 1976. The earlier bill, H.R. 9803, was vetoed by President Ford and Congress failed to override the veto. This bill thus arises as a modified version of a bill we have already passed.

Second, this bill is a fiscal 1976 bill which is now long overdue considering the limited time still remaining in this fiscal year. Since the Finance Committee is presently consumed by the markup of the tax bill, which is also an important priority in the first concurrent resolution for fiscal 1977, they have requested that we make an exception in allowing this bill to be considered since their markup on the tax bill will delay the submission of their report on the budget crosswalk and thereby result in further delay for an already overdue bill.

Finally, the chairman of the Finance Committee has agreed to deduct the amount of new budget authority and outlays contained in this bill from the allocation made by the conference report on the first concurrent resolution for fiscal 1977 to the Finance Committee. I would like to point out that this allocation to the Finance Committee totaled $30 billion in budget authority and $24.3 billion in outlays for entitlement programs that require appropriations action. The distinguished chairman of the Finance Committee, Senator LONG, has agreed that the cost of this bill, $250 million in budget authority and outlays for fiscal year 1977, will be deducted from these allocated sums when the Finance Committee makes its crosswalk report to the Senate subdividing its new budget authority and outlays from the first concurrent resolution.

Under these circumstances, the Senate should consider H.R. 12455 prior to the submission of the "crosswalk report" to the Senate by the Senate Finance Committee. There should be no other exceptions on this matter, and we must oppose any other efforts to consider new entitlements reported by standing committees until the standing committees have reported to the Senate on their suballocation of new budget authority and outlays provided in the joint explanatory statement accompanying the conference report on Senate Concurrent Resolution 109.

I have said that the Senator from Oklahoma agrees with me on the procedural points that are covered by my statement. He disagrees with me on the substance or the merits of the bill.

Mr. BELLMON. Mr. President, I intend to vote against H.R. 12455, the social services and child care bill I am against this bill for its budget implications and for policy reasons. This bill is a revision of H.R. 9803, which the President vetoed April 6, and the Senate sustained his veto May 5. One of the major reasons for the veto was the imposition of Federal staffing standards for day care centers upon all the States. This move has been a controversial issue and a major study is underway at HEW to shed some light on this issue. The bill before us today wisely postpones the imposition of these standards until October 1, 1977, and by that date, we should presumably have the benefit of the results of this HEW study. Thus, it is hoped that the standards will be determined when more facts are available than is the case today.

One of my problems with this bill has to do with the fact that although the date for imposing the standards has been postponed, the money originally included in the vetoed bill to help in the imposition of the standards has not been postponed. All of the money in the original bill is still in the revised bill despite the fact that the reason for the funds has been pushed out of fiscal year 1978. Why, then, do we still have $62 million in this bill for fiscal year 1976, another $62 million for the transition quarter, and $250 million for fiscal year 1977? This is $374 million which is not needed, but I can guarantee you that if we leave it in this bill, somebody will find a way to spend it.

It has been suggested that the money might be left in the bill to allow some States to institute voluntarily the proposed Federal standards, but that defeats the wise decision to postpone the standards until we have more facts; facts presumably generated in the HEW study. I see no justification for leaving the money in this bill when the purpose for the funds has been postponed. It takes some rather convoluted reasoning to justify retention of the funds.

Mr. President, I believe the issue of State flexibility in the administration of the title XX program of the Social Security Act should also be addressed. H.R. 12455 introduces the concept of categorical funding into the title XX program. By earmarking the $375 million in new funds, it would provide for a narrow purpose and establishes a special matching rate for that purpose. This provision is directly counter to the fundamental nature of the title XX program. As the President noted in the H.R. 9803 veto message, such a provision would undermine the hard-won freedom of the States and the voluntary sector to determine both the form and content of the services they wish to provide according to their own sense of priorities.

Mr. President, my home State of Oklahoma has had day care licensing standards for the past 22 years. Oklahoma's standards have been developed by experts in the field of child care, and there are presently being delivered quality child care services throughout the State. Oklahoma's standards provide for a child-staff ratio which provides for a high quality of child care, but does not impose a child-staff ratio which would make the availability of child care services financially unfeasible.

Much has been said about the study which HEW only now has underway to assess the appropriateness of the standards. This study is due to be completed in early 1977. I believe it is imperative that Congress delay the funding for day care staffing standards until we can determine exactly what standards HEW recommends.

Mr. President, I join in cosponsoring an amendment introduced by Senator Curtis to delete the provisions of H.R. 12455 providing additional Federal funding for child care services.

Mr. BARTLETT. Will the Senator yield?

Mr. MUSKIE. I am happy to yield.

Mr. BARTLETT. I ask the distinguished Senator from Maine if it is not correct that the Committee on the Budget, including the $375 million, did this for the purpose of funding the Federal standards that are postponed in this bill, and therefore the $375 million that was included by the Committee on the Budget will not be used for the purpose for which the Committee on the Budget included it, because the standards are postponed until after September 30, 1977?

Mr. MUSKIE. The Committee on the Budget assumes amounts; it does not mandate purposes. The amount that was assumed on an annual basis was $250 million. The amount of the bill, which is for 18 months, as I understand it, is $375 million. So the amount of the bill was assumed specifically.

Now, as I repeated over and over again in discussing budget resolutions in the legislature, we are not a line-item committee, so we cannot specify or mandate the details of legislation.

I do not know whether that answer gets to the point that the Senator is raising. If not, I wish the Senator would repeat it.

Mr. BARTLETT. It did not answer my question. My question was, Was not the Committee on the Budget advised that there would be Federal standards to be funded and that the $375 million that is in this bill was made available by the Committee on the Budget for the purpose of funding this program, the Federal standards for day care centers?

Mr. MUSKIE. Let me check with my own staff first.

I have checked my own recollection, I say to my good friend from Oklahoma, with my own staff's as well as checking with the recollection of Senator Mondale's staff, that what was provided was $250 million for social services, but not for any specific form of social services and not specifically for this bill. As the Senator will recall, last year, the only target we set was an overall ceiling. This year, we set functional ceilings, so to that extent, this year's ceilings are somewhat more specific. But as to last year, all we approved, all we assumed is $250 million for social services and we have, since the first of this year—well, indeed, since our consideration of the second concurrent resolution—applied it to this bill, because this bill was the bill that was coming before the Senate as a claim against that amount of money that had been made available for social services. If some other social services bill had come ahead of it, it might well have put its claim on that $250 million to the point where there would have been no money available for this bill.

The same sort of thing can happen in any of the functions.

Mr. BARTLETT. Will the Senator yield further?

Mr. MONDALE. Mr. President, my time is about gone, so I cannot yield further. The other side will have to yield.

Mr. BARTLETT. Will the Senator yield further?

Mr. MUSKIE. I have no time.

Mr. CURTIS. Mr. President, I yield myself 2 minutes. The hour is late, and I do not want to enter into a prolonged discussion.

I cannot find the explanation of the distinguished chairman of the Committee on the Budget very consoling. The item in this bill is for $375 million. We have a ceiling on social services of $2.5 billion. This goes over that. If, in the fine print of the budget resolution, it still passes muster, it does not stop the march of reckless spending, it does not stop the increased debt, it does not stop the enlargement of the welfare State. Forty-five cents out of every dollar spent in Washington goes for benefits directly to individuals and we are adding to that today $375 million.

I question no man on how he votes. I rise merely to point out that comforting statements coming from the Committee on the Budget do not necessarily mean that we are getting the budget under control or that we are reducing expenditures or we are resisting increasing expenditures.

Mr. MUSKIE. Will the Senator yield?

Mr. CURTIS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Nebraska still has 7 minutes remaining.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

Mr. MUSKIE. Will the Senator yield 30 seconds?

Mr. CURTIS. I yield 30 seconds to the distinguished Senator from Maine.

Mr. MUSKIE. I assure the Senator that the statements I make to the Senate are factual statements. They are not intended to be comforting or discomforting.

Mr. CURTIS. They are most discomforting.

Mr. MUSKIE. With respect to the $250 million of budget authority, my staff estimate that the outlay effect in this budget year will be no more than $62 million and that we are under—we are under—the second concurrent resolution targets on outlays. I know that the Senator thought those targets were too high. That is another question. By my function is to keep the Senate informed on whether or not we are approaching or exceeding the targets that we set. Those announcements may give discomfort or comfort to different Senators, but I hope that, so as far as I am concerned, they are as factual as I can make them.

Mr. CURTIS. A target is awfully hard to hit when it is a moving target.

I yield 5 minutes to the distinguished Senator from New York (Mr. Javits).

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Do I not have 5 minutes of my own reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. So the Senator from Nebraska may have more time if he wishes to use it.

Mr. President, I wish to lend my support to urge the passage of H.R. 12455, for increased funding for Child Care and Social Services programs.

The distinguished chairman of the Senate Finance Committee (Mr. Long), and the other members of that committee, especially Senator Mondale and Senator Packwood are to be congratulated for the expeditious manner in which they handled this much needed bill.

A feature of the bill with which I have serious reservations is the total elimination from the social service law of requirements that Federal funding under title XX be limited to individuals with incomes below specified amounts, and the requirement that 50 percent of Federal funding be used for welfare recipients. By allowing the States to determine for social services there remains the con- the income and eligibility requirements cern that those most in need of social services will be unable to obtain them. Certainly this change will make for less restrictions, paperwork, and administrative costs, leaving more funds for the actual delivery of services, but my concern is that the elimination of the safeguard that 50 percent of these funds must go to poor people will bring about a redirection of priorities.

On other hand, I recognize that some of these eligibility standards could have become an administrative nightmare, in which the costs would far outweigh the money spent for services.

S. 2157

Last July 22 I introduced S. 2157, a bill to abolish this unwise burden to senior citizens. S. 2157 is now cosponsored by 40 Senators. H.R. 12455 reflects our firm conviction that the means test requirement should be removed. However, my colleagues should be aware that the committee bill constitutes a much broader removal of eligibility requirements than that embodied in our bill, S. 2157.

Mr. President, the committee action includes the sweeping removal of Federal eligibility requirements for title XX services. I am pleased that the committee has recognized the extreme hardship in "means test" places upon older Americans seeking services under title XX.

However, while H.R. 12455 effectively abolishes the means test for senior citizens, it likewise removes eligibility restrictions for all other services under title XX. I do not believe such a sweeping change in title XX is necessary to accomplish improvement of services to senior citizens. The committee action has implications which have not been adequately examined. Will this permit shifting of services by individual States away from those most in need? Will such broad removal of eligibility requirements encourage some States to provide title XX services based upon considerations other than upon human need.

I do not intend to offer S. 2157 as a substitute for the committee provision, but I urge my colleagues on the committee of conference carefully to examine these issues. A more tempered approach to the eligibility problem may prove acceptable to both the House and the Senate, abolish the means test, and continue to assure that title XX services go to those most in need is found in S. 2157 I hope it may be considered accordingly in the conference.

I ask unanimous consent that a copy of the bill, together with a list of its sponsors, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2157

A bill to amend title XX of the Social Security Act to provide that no State shall be required to administer individual means tests for provision of education, nutrition, transportation, recreation, socialization, or associated services provided thereunder to groups of low-income individuals aged sixty or older

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2002 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this title, none of the limitations on payments to States which are contained in subsection (a), and which are based on or expressed in terms of an individual's or family's income, or an individual's or family's eligibility for aid, assistance, or benefits under another law or program, shall apply with respect to expenditures made by a State for the provision of education, nutrition, transportation, recreation, socialization, or associated services to groups of individuals, aged sixty or older, if such groups are determined by the State (pursuant to regulations promulgated by the Secretary) to be comprised predominantly of low-income individuals aged sixty or older otherwise eligible for services under this title. Determination of group eligibility pursuant to this subsection may be made by the States without the use of individual means tests or documentation of individual income.".

SEC. 2. The amendment made by the first section of this Act shall be effective with respect to payments for quarters commencing after September 30, 1975, as though it had been incorporated in title XX of the Social Security Act at the time of its original enactment.

S. 2157 COSPONSORS

Senators Javits, Beall, Schweiker, Buckley, Brooke, Case, Stafford, Percy, Thurmond, Laxalt, Scott (Hugh), Brock, Dole, Goldwater, Mathias, Taft.

Senators Williams, Ribicoff, Humphrey, Pell, Jackson, Eagleton, Randolph, Kennedy, Hathaway, Montoya, Hartke, Abourezk, Magnuson, Domenici, Hollings, Culver, Gravel, McGovern, Church, Hart (Philip), McIntyre, Clark, Durkin, Weicker.

FINANCE

Senators Dole, Brock, Ribicoff, Hathaway, Hartke, Gravel.

Mr. JAVITS. After negotiation with members of the Committee on Finance, that problem has been dealt with in this bill. It is very important that the Senate understand precisely what we are doing. What has happened is that instead of making a group test for these centers for the aged or making some other disposition of the problem, the Committee on Finance has simply lifted all such limitations and simply left it to each State to determine them on its own. I think, Mr. President, that that disposition has certain dangers which depend upon each State.

It was with deep regret that I was out of the country on official Senate Foreign Relations Committee assignment when the vote on H.R. 9803—the day care override—occurred, which I would have supported.

The debates on the previous legislation fully expounded on the need for additional funds for day care.

Compromise is a vital part of the legislative process. The changes contemplated in H.R. 12455 are also the result of this process. By earmarking $125 million for the remainder of fiscal year 1976 and the transitional quarter, and $250 million for fiscal year 1977 this legislation goes far in providing quality day care for the millions of children who need this service. It will enable more mothers who desire or find it necessary to work to be able to do so. I have been a supporter of the Federal interagency day care requirements, because I believe that there must be quality day care centers that meet proper standards of health and safety, and also that children receive adequate personal attention. I realize that the child-staff ratios were the most controversial of these standards. The resulting compromise of postponing these child-staff ratios for children 6 months to 6 years until October 1977 when the Department of Health, Education, and Welfare study on the appropriateness of these standards will be available is a reasonable response. It should be emphasized that the health and safety standards will remain in effect.

For example, the safeguard that 50 percent of the funds must go to poor people has been taken out. That may bring about in given States a redirection of priorities.

After considering the matter very carefully I came to the conclusion that the dangers and the advantages were just about evenly balanced. But the House has a different view from that of the Finance Committee, and so this matter will come up in conference.

Therefore, rather than to seek to amend the bill, because I would like to compliment the chairman and Senator MONDALE, Senator PACKWOOD, Senator RIBICOFF, and other colleagues on making some disposition—it may not be the way I would have done it—but, nonetheless, they made some disposition of a very trying issue to so many Senators, and I do think they ought to consider should they meet the problem as some hard rock in conference, the solution of S. 2157, which is to place qualification on a group basis rather than on an individual basis, gain at the option of the State.

It seems to me that would give, perhaps, a greater assurance than the blanket withdrawal of eligibility requirements insofar as State permissiveness is concerned in this bill. But again I would like to say to Senator LONG that, knowing the problems of arriving at compromises, he undoubtedly did the very best he could.

Mr. LONG. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. LONG. I thank the Senator for his kind words. His suggestion will certainly be considered in conference.

The bill H.R. 12455, as reported by the Committee on Finance, deals with two urgent problems which the States are currently facing in their attempts to run the social services program under the new legislation which became effective in October of last year. The new legislation was born out of the controversy over regulations issued in 1973 by the Department of Health, Education, and Welfare which were properly objected to as unduly limiting the flexibility of the States in the administration of their social service programs. It was believed and intended that the new law would give the States the flexibility they needed. In two areas, however, child care and eligibility for services, the new law has decreased rather than increased State flexibility.

In the case of eligibility for social services, the approach of the Senate in considering legislation in 1974 was to allow the States the widest possible latitude. The legislation adopted by the House and agreed to in conference, however, placed a number of Federal restrictions on the States in the matter of whom they could provide services to. These restrictions provided that Federal funding would be available only for services to persons who also get benefits under certain welfare programs or who have incomes below certain limits. Related provisions make it necessary for States to keep track of how much of their total social services funding is going to individuals in certain categories. States are required to make sure that fees for services are charged to people with incomes in certain ranges and that such fees are not charged—except under certain guidelines—to people with incomes in other ranges or to people who are welfare recipients. These requirements are now in the law, and a State that does not comply with them faces a very real threat of losing Federal funds.

Given the fact that Federal social services funding is subject to a statutory ceiling which has been reached in nearly all States, the Finance Committee felt that these statutory limitations served no useful purpose but rather simply limited the ability of the States to manage service programs and created unnecessary paper work and redtape. For example, a State may choose to use some of its social services funds to operate a senior citizen center where an older person can go to relieve his loneliness by playing a game of checkers. Why should the State have to find out exactly how much income he has in order to decide whether or not to charge him an admission fee—or whether to let him in the door at all? Of course, for certain types of services and in certain circumstances, States may wish to establish income limits or to provide services only to certain categories or to change certain fees. But this should be a State decision based on the funds they have available, the objectives they are trying to achieve with their social services program, and the realities of what is administratively feasible. The bill before us would give the States this flexibility by eliminating from the law the Federal restrictions on whom States can make eligible for services, on who can and cannot be charged fees, and on what categories of individuals must receive a specified percentage of the funding.

The second issue addressed by H.R. 12455 is the matter of child care standards and funding. The new social services law incorporated a number of Federal requirements for child care funded under that program. These requirements deal with staffing levels, health and safety standards, and a number of other matters. For States to comply with the standards without severely curtailing the amount of child care services they provide will involve substantial additional costs for the States, costs for which no additional Federal funding has been made available.

The issue of Federal child care standards is and has been a controversial one, with some people feeling that there should be no Federal requirements and others feeling that the Federal requirements now in law are too weak. Earlier this year, we have tried to resolve this problem by retaining the Federal standards while providing the necessary fiscal assistance and incentives to enable the States to meet those standards. That approach was vetoed by the President, and we were not able to override that veto in the Senate. The bill now before the Senate contains a compromise which will suspend the most controversial of the standards for the next 16 months in order to give the Department of Health, Education, and Welfare time to complete a study they now have in progress of the appropriateness of these standards. At the same time, this bill will for the same period provide the additional funding which will be needed by the States to comply with those standards which remain in force and which will make it possible for States to come into compliance on a voluntary basis with the suspended standards to the extent that they feel it is appropriate to do so. The bill provides $125 million in new funding through September 30, 1976, and $250 million for fiscal 1977.

I think it is important to emphasize that the additional funding provided by this bill is a necessary and entirely reasonable element of the compromise. In vetoing our earlier attempt to resolve this issue, the President indicated that his primary concern was the matter of State flexibility. He did not argue that States ought not to provide the kind of staffing called for in the Federal standards but only that they ought not be forced to do so unless they agreed that those standards were appropriate. Some States may agree with the Congress and with most major child welfare organizations, that these suspended Federal standards are appropriate or even on the weak side. But, without added funding, States will be no more able to comply on a voluntary basis than they would if we continued to make the standards mandatory. If the President is sincere in asking us to give the States flexibility, I do not see how he can object to our providing the added funding which will make that flexibility realistic.

Staffing requirements are only one element of the Federal standards. The health and safety standards which will be retained also involve substantial additional expenditures.

In addition to spending the preschool staffing standards through September 30, 1977, and providing additional funding, this bill retains certain other elements of the vetoed bill. It extends the tax credit for hiring welfare recipients as it applies to child care jobs and contains certain other incentives for States to increase employment opportunities for welfare mothers and fathers by placing them in child care occupations. It modifies the remaining Federal child care standards to permit waivers in centers serving relatively few children who have their care paid for with Federal funds and ease the application of the standards to family day care mothers. The bill also makes permanent a provision unrelated to child care which clarifies the status of treatment for addicts and alcoholics under the social services law.

I ask unanimous consent that a more detailed summary of the bill be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROVISIONS OF H.R. 12455

Eligibility for social services—The bill would eliminate from the social services law requirements that Federal funding under that program be limited to individuals with incomes below specified amounts, that fees for services be charged or not charged to persons in certain income categories, and that 50 percent of Federal funding be used for welfare recipients. The effect of the amendment would be to allow States to determine what income or other eligibility conditions they wish to establish for participation in social services programs and how those conditions are to be enforced. The Finance Committee amendment is a substitute for the House passed provision which would have continued until October 1, 1976 a Department of Health, Education and Welfare policy of not enforcing in certain cases the present statutory requirement that services be provided only to individuals whose incomes have been determined to be within specified limits.

Suspension of preschool child care standards.—The Social Services Amendments of 1974 established minimum Federal staffing standards for child care funded under the Social Security Act effective October 1, 1975. Subsequent legislation suspended the application of these Federal standards as they apply to children between 6 weeks and 6 years of age to February 1, 1976. H.R. 12455 reinstitutes that suspension effective retroactive to February 1 and continuing until October 1, 1977; by that time the Department of Health, Eductaion and Welfare is expected to have completed its ongoing study to determine what standards are most appropriate.

Additional funding for child care programs.—To assist States in the effort to upgrade child care standards, the bill also provides for new social services funding at a rate of $250 million per year until October 1, 1977. ($125 million is provided through September 30, 1976, and $250 million is provided for fiscal year 1977.)

Tax credit for employing welfare recipients in child care.—H.R. 12455 includes provisions designed to encourage States to improve their child care programs in ways which will also result in the employment of welfare recipients. Under current law a tax credit equal to 20 percent of wages paid is available until June 30, 1976 for employers who hire welfare recipients. The bill extends this tax credit (up to a maximum annual credit of $1,000 per employee) through September 30, 1977 for employers who hire welfare recipients for child care jobs. The bill also authorizes States to use a part of the additional social services funding provided by the bill to match the tax credit in such a way as to provide full Federal funding of the costs of hiring welfare recipients as child care employees up to a maximum salary of $5,000 per year. (The full $5,000 can be provided from social services funds in the case of public and non-profit child care facilities which, as non-taxpayers, do not qualify for the tax credit.)

Waiver of standards in certain cases.—(Effective through September 30, 1977.) In addition to suspending the mandatory Federal staffing standards as they apply to preschool children, H.R. 12455 permits State welfare agencies to waive Federal staffing requirements in the case of child care centers and group day care homes which meet State standards if the children receiving Federal funded care represent no more than 20 percent of the total number of children served (or, in the case of a center, there are no more than 5 such children), provided that it is infeasible to place the children in a facility which does meet the Federal requirements.

Modification of family day care home requirements.—The 1974 law incorporates a requirement that a family day care home serve no more than 6 children including the family day care mother's own children under age 14. Effective through September 30, 1977, H.R. 12455 modifies this requirement so that the family day care mother's own children would be counted only if they are under age 6.

Social services provisions related to addicts and alcoholics.—Public Law 94–120 included certain modifications of the social service statute governing funding of services for addicts and alcoholics. These changes were made effective only through January 31, 1976. H.R. 12455 would make these changes permanent.

One of these changes makes explicit certain confidentiality requirements in the case of services provided to addicts and alcoholics. Another change clarifies that the entire rehabilitative process must be considered in determining whether medical services provided to addicts and alcoholics can be funded as being an integral part of a social services program. A third change allows funding of a 7-day detoxification period even though social services funding is generally not available to institutionalized persons.

Mr. DOLE. Mr. President, with some reservations, I decided to support this "compromise" measure when it was considered in the Finance Committee last week, and will do so again on the floor today. I should point out, however, that it still does not meet all the objections I raised with respect to H.R. 9803—and may very likely fail a second time to gain the acceptance of the administration.

The one change which has been made to my satisfaction is that of delaying any enforcement of Federal child care staffing standards until October 1, 1977. Hopefully, when we review them at that time with the benefit of HEW's study of the matter, we will conclude that they are in fact better left to the discretion of the States on a permanent basis.

As a trade-off for that delay, I have agreed to the inclusion of the same direct funding level as stipulated in the vetoed bill for the upgrading of day care standards generally. The justification for this, as I see it, is that centers will have the opportunity they have been seeking to improve—during the next 16 months—both their staff ratio and health and safety conditions, but without being under heavy Federal pressure to do so.

I think those involved in day care programs should understand, in any event, that the money being authorized by H.R. 12455 for this limited time is by no means an indication of what will be done as of October next year. The results of the HEW study may very well show, for example, that lower Federal staffing guidelines—or perhaps none at all—are more appropriate, in which case this one-time "incentive grant" will not likely be renewed.

It would be my hope that by the expiration of the suspension date we are setting in this legislation, some sort of social services block grant proposal—including day care assistance—will have been enacted. By then also, centers receiving Federal support should be stabilized at a level of operation consistent with goals established and administered by the respective States—and no extra "categorical aid" of the sort contemplated now should be required to maintain them.

For those of us who are modifying our positions somewhat on this issue, Mr. President—and extending the benefit of the doubt to the day care people who say they need the help—I want to make it clear that we are not giving even tacit approval to any particular set of standards. The administration, in its letter of May 19, and Senator Muskie and Senator Curtis during this debate, have argued quite correctly that it is not logical to provide money for compliance with standards which do not exist, and with that I agree.

At the same time, I want to reiterate my personal interpretation that the $375 million in this bill is not for compliance with anything. Rather, it is to encourage day care centers to gradually enhance their own service capabilities in preparation for a more immediate transition to whatever standards may be decided upon by their States later on—and on that basis, it is reasonable.

Aside from this most basic area of concern and difference of opinion, Mr. President, the portion of H.R. 12455 dealing with the lifting of eligibility criteria for all title XX services should be mentioned with some caution. That is, in giving States the latitude to determine their own overall requirements, the expectation is implicit that they will act responsibly and consistent with the objective of aiding the low income.

Certainly, if these provisions do become law, they should serve as a real test of the States' willingness to assume a greater role in program decisionmaking of all kinds, without abrogating their duty to maintain a desirable level of services to the truly needy. In anticipation of their indeed fulfilling that obligation, I have chosen to support the challenge which this measure presents.

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back? The yeas and nays have been ordered. The question is, Shall the bill pass?

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Kentucky (Mr. Huddleston), the Senator from Texas (Mr. Bentsen), the Senator from North Dakota (Mr. Burdick), the Senator from Idaho (Mr. Church), the Senator from Michigan (Mr. Philip A. Hart), the Senator from Maine (Mr. Hathaway), the Senator from Hawaii (Mr. Inouye), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from North Carolina (Mr. Morgan), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), the Senator from Alabama (Mr. Sparkman), the Senator from California (Mr. Tunney), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Johnston), the Senator from Missouri (Mr. Symington) and the Senator from Florida (Mr. Chiles) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) and the Senator from Rhode Island (Mr. Pastore) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Maryland (Mr. Beall), the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Arizona (Mr. Fannin), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Kansas (Mr. Pearson), the Senator from Illinois (Mr. Percy), the Senator from Delaware (Mr. Roth), the Senator from Alaska (Mr. Stevens), the Senator from Ohio (Mr. Taft), and the Senator from North Dakota (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. Goldwater) would vote "nay."

The result was announced—yeas 48, nays 16, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—48

Abourezk
Biden
Brooke
Bumpers
Byrd, Robert C.
Cannon
Case
Clark
Cranston
Culver
Dole
Durkin
Eagleton
Fong
Ford
Glenn
Gravel
Hart, Gary
Hartke
Haskell
Hollings
Humphrey
Jackson
Javits
Kennedy
Leahy
Long
Magnuson
Mansfield
Mathias
McGovern
Metcalf
Mondale
Muskie
Nelson
Nunn
Packwood
Pell
Proxmire
Randolph
Schweiker
Scott, Hugh
Stafford
Stevenson
Stone
Talmadge
Weicker
Williams

NAYS—16

Allen
Bartlett
Byrd, Harry F., Jr.
Curtis
Domenici
Garn
Griffin
Hansen
Helms
Hruska
Laxalt
McClure
Scott, William L.
Stennis
Thurmond
Tower

NOT VOTING—36

Baker
Bayh
Beall
Bellmon
Bentsen
Brock
Buckley
Burdick
Chiles
Church
Eastland
Fannin
Goldwater
Hart, Philip A.
Hatfield
Hathaway
Huddleston
Inouye

Johnston
McClellan
McGee
McIntyre
Montoya
Morgan
Moss
Pastore
Pearson
Percy
Ribicoff
Roth
Sparkman
Stevens
Symington
Taft
Tunney
Young

So the bill (H.R. 12455), as amended, was passed.

The title was amended so as to read:

An act to amend title XX of the Social Security Act so as to permit greater latitude by the States in establishing criteria respecting eligibility for social services, to facilitate and encourage the implementation by States of child day care services programs conducted pursuant to such title, to promote the employment of welfare recipients in the provision of child day care services, and for other purposes.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOE D. SMITH, JR.

Mr. LONG. Mr. President, earlier this month a fellow Louisianian, Joe D. Smith, Jr., publisher of the Alexandria, La., Town Talk, became president of the American Newspaper Publishers Association in what is a fitting tribute to a "newsman's publisher."

I have known Mr. Smith during my entire Senate career and can attest to his dedication to his community, as well as improvement of central Louisiana and the entire State. He always has been active in affairs to help the State grow and prosper.

Joe Smith has been constantly alert to improving the Town Talk and always insisted on a strong news operation, when others might have been content to rock along in a city where the newspaper is the only daily publication. I would like to offer my sincere congratulations to Joe Smith in this latest honor in his long newspaper career. He certainly deserves it.

Mr. President, I ask unanimous consent that a profile of Mr. Smith from Editor and Publisher be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOE D. SMITH, JR.: "A NEWSMAN'S PUBLISHER"

(By Adras Laborde)

If the profile of the incoming president of the American Newspaper Publishers Association can be capsulized it will come out like this: "A newsman's publisher."

Joe D. Smith, Jr., 54-year-old publisher of the *Alexandria* (La.) *Daily Town Talk*, carries that image in spite of the fact that he has never been a journalist—unless a brief stint in his youth as a radio announcer qualifies.

He is a First Amendment purist concerned with court "gag" orders, one hundred percent objectivity, and a full report of the news in every edition of his newspaper.

"Without a strong news operation you have nothing," he said a few years back as The Town Talk sharply increased its budget for news-editorial operations.

On the perceived threat to the people's right to know resulting from gag orders, Smith's position was summarized on March 30 in a letter to William J. Keating, president of the *Cincinnati Enquirer:*

"We must be seriously concerned about the growing use of gag orders by the courts in their attempt to restrain the publication of news. More than 60 such orders have been issued in recent months. Their frequency has increased; their scope is growing.

"What is needed is a clear-cut decision by the Supreme Court of the United States. We hope to get that in the Nebraska case. But anything less than an overwhelming decision favorable to the free-press concept would create more problems than it resolves.

"Whatever the decision, newspapers must seek and find common ground with lawyers, bar associations, and our judiciary systems so that all constitutional rights and privileges may be assured and protected. Failing that, all will suffer.

SMITH BELIEVES IN CIVIC INVOLVEMENT

"Constitutional government is a fragile institution. Its key elements must be kept in balance in a constantly shifting environment. A free press is one of those key elements. For ANPA, I regard this problem as our foremost concern."

Smith's insistence on a strong news operation does not mean that he is not intensely interested in and fully conversant with all facets of newspapering.

He arrived at The Town Talk in 1946 fresh from a stint in the Air Force.

From the very beginning he manifested a determination to learn everything he could about newspapers. In pursuit of that knowledge he became involved in every organization which could help—not merely as a member, but as a working participant.

His first management assignment was that of business manager. In that position he was active in such organizations as the Louisiana Press Association, the Louisiana-Mississippi Associated Press Association, and the United Press International Association of Louisiana.

He progressed to regional and national groups and moved quickly up the organization ladder—to director and then president of the Southern Newspaper Publishers Association, and subsequently to chairman of the ANPA Foundation and director and vice chairman of the ANPA.

Smith believes that the publisher of a newspaper, particularly in smaller communities, should be involved in governmental and civic affairs.

His involvement has included active membership in such government entities as the Louisiana Coordinating Council for Higher Education, of which he was chairman; the Louisiana Board of Regents for Higher Education; the Louisiana Judicial Council, and the Louisiana Bi-Racial Commission.

POSITION EXPLAINED

He is a past president of the Public Affairs Research Council of Louisiana, the Council for a Better Louisiana, the Louisiana Civil Service League, and the Alexandria-Pineville Chamber of Commerce, and is a director of the Gulf South Research Institute.

Smith has been lay deputy to three general conventions of the Protestant Episcopal Church in the U.S. and is a former vestryman of St. James Episcopal Church, Alexandria.

He was one of four publishers contributing to a pro/con on involvement in government and community affairs in the March 1976 issue of the Bulletin of the American Society of Newspaper Editors. Naturally, he took the pro position.

Smith wrote:

"The potential for conflict of interests is present in every association, endeavor or business where two or more people are acting in consort.

"In a sense, it's present in each of us as we sometimes try to resolve what we should do versus what we want to do. But the nature of the newspaper business, with its peculiar responsibility to readers, to the people and institutions of the area it serves, to advertisers, to its owners, to the recognized morals and ethics of journalism, creates an infinite number of possibilities for conflict . . .

"There is a great need for community leadership in those (small and medium-sized) cities. There is a reasonable expectation that the community's publisher will help provide it.

"Why not? Are we simply to observe, comment, criticize—and be unwilling to help find real solutions?

"Certainly it is easier for an editor or publisher to not serve on a bank board, the board of a college or a community agency conceived and operated for the general welfare. The direct input of the best-informed citizens, including the town's newspaper executives, is needed. Are we to abdicate that responsibility and opportunity? . . .

"This is an individual decision of how each manages his affairs and his newspaper's. My choice is to participate—cautiously. Whatever your decision, more discussion and understanding of this increasingly important subject is healthy for us and all newspapers."

Smith sees no special significance in the ascendancy of a small-town publisher to the presidency of the ANPA.

"There are more newspapers in the circulation bracket of the Town Talk than there are in the over 50,000 bracket," he said. "But that is not significant."

"Newspapers have a common responsibility, and they have common problems, irrespective of size. The ANPA exists to serve them all, by providing a focal point for self-examination, research, exchange of ideas—the whole gamut."

Smith does not subscribe to the premise that newspapers—even those in metropolitan areas—should leave the chronicling of national and world news to television and radio.

DIVERSITY OF NEWS

He agrees that the emphasis should be elsewhere (local and state news, Action Lines, readers' forum, human interest features, etc.), but without abdicating the primary responsibility of newspapers to report all the important news.

In that direction, he thinks every newspaper ought to be served by a diversity of news organizations. The Town Talk, which now has a circulation of 35,000, was subscribing when it was only 25,000 to the Associated Press, United Press International, and the Los Angeles Times-Washington Post wires, the full NEA package, and the Congressional Quarterly.

Smith attributes his newspaper's success to a healthy and developing circulation area, and to the efforts of his predecessors and his associates. Ownership by his wife's family goes back to 1883.

"We've been fortunate to attract and hold capable people who have welcomed the challenge of growth and change," Smith said.

The Town Talk was one for the first daily newspapers in the nation to convert 100 percent to cold type, video display terminals, and full computerization.

Its innovations in all phases of production, as well as in the circulation department, have been studied by numerous publishers not only from other parts of this country but also from at least three European countries.

In summary, the "new technology" is not merely a topic of conversation with Smith.

MAN WITHOUT A HOBBY

But what else can you expect of a man who literally lives and breathes newspapering? He admits that he is a man without hobby or avocation (except for a rare game of tennis). When it was suggested that an informal picture be taken of him on a fishing boat he said: "Me fishing?"

Smith was born April 6, 1922, in the North

Central Louisiana sawmill town of Selma, which is no longer on the map thanks to the cut-out and get-out timber practices of the early 1900s.

He is married to the former Jane Wilson of Alexandria and they have a son, Capt. Lawrence D. Smith, U.S. Air Force.

He graduated from the public schools of Alexandria-Pineville, La., and Louisiana College, Pineville.

MESSAGE FROM THE HOUSE

A message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9721) to provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 2145) to provide Federal financial assistance to States in order to assist local educational agencies to provide public education to Vietnamese and Cambodian refugee children, and for other purposes, disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Perkins, Mr. Ford of Michigan, Mrs. Mink, Mr. Meeds, Mrs. Chisholm, Mr. Andrews of North Carolina, Mr. Lehman, Mr. Simon, Mr. Mottl, Mr. Hall, Mr. Blouin, Mr. O'Hara, Mr. Zeferetti, Mr. Miller of California, Mr. Quie, Mr. Bell, Mr. Eshleman, Mr. Buchanan, Mr. Pressler, Mr. Goodling, and Mr. Jeffords were appointed managers of the conference on the part of the House.

The message further announced that the Speaker has appointed Mr. Frenzel as a manager on the part of the House in the conference on the disagreeing votes of the two Houses to the bill (S. 3420) to authorize appropriations to the International Trade Commission.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 9721. An act to provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes.

H.R. 13172. An act making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. Clark).

EQUAL TREATMENT FOR INDIAN OFFENDERS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2129.

The PRESIDING OFFICER (Mr. Stone) laid before the Senate the amendment of the House of Representatives to the bill (S. 2129) to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders, as follows:

Page 3, after line 3, insert:

Sec. 4. Section 3242, title 18, United States Code, is amended to read as follows:

"§ 3242. Indians committing certain offenses; acts on reservations

"All Indians committing any offense listed in the first paragraph of and punishable under section 1153 (relating to offenses committed within Indian country) of this title shall be tried in the same courts and in the same manner as are all other persons committing such offense within the exclusive jurisdiction of the United States.".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

PRIVILEGE OF THE FLOOR—H.R. 12438

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent on behalf of Mr. Cranston that Mr. Bill Jackson be granted privilege of the floor during consideration of the military procurement bill and during rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW AND TO 10 A.M. ON MONDAY, MAY 24, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today and when it completes its business tomorrow it stand in adjournment respectively until the hours of 10 a.m. tomorrow and 10 a.m. on Monday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE MEETINGS DURING SESSION OF THE SENATE TOMORROW UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may be authorized to meet during the session of the Senate tomorrow until the hour of 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE MEETINGS DURING SESSION OF THE SENATE ON MONDAY UNTIL 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may be authorized to meet on Monday until the hour of 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the remarks of Mr. Curtis on tomorrow under the order previously entered, that Mr. Mansfield have 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the remarks of Mr. Mansfield on tomorrow, there be a period for the transaction of routine morning business, not to extend beyond the hour of 11 a.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 7:11 p.m. the Senate adjourned until tomorrow, Friday, May 21, 1976, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1976:

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Donel S. Bianchi
Michael L. Cook
Paul H. Gilliam
Heyward C. Hosch
Tandra L. Johnson
Bruce C. Looman
James F. McCaffrey
John C. Martin
Joyce L. Orner
Michael G. Sonleitner
Stephen P. Stone
Steven C. Strength
Nathaniel F. Warner
Stephen T. Witkowski

The following-named Chief Warrant Officers to be appointed permanent Chief Warrant Officers, W–2, in the U.S. Navy, in the classifications indicated, subject to the qualifications therefor as provided by law:

CWO2 Robert J. Boyle, USNR(T), Aviation Electronics Technician.

*CWO2 Wayne G. Chenoweth, USNR(T), Ship's Clerk.

CWO3 William T. Forsmark, USNR(T), Photographer.

CWO3 George T. Pratt, Jr., UNSR(T), Supply Corps Warrant.

CWO3 Robert L. Parker, USNR, Repair Technician (Surface).

CWO2 Earl Y. Miller, USN(T), Engineering Technician (Surface).

The following-named Chief Warrant Officers to be appointed permanent Chief Warrant Officer, W–3, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

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* Appointment sent out Ad Interim (During the recess of the Senate).

CWO4 James M. Gilbert, USNR, Civil Engineering Warrant.

CWO4 William C. Gutteridge, USNR, Civil Engineering Warrant.

The following-named enlisted candidate to be appointed a temporary Chief Warrant Officer, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

MMC George J. Turney, USN, Engineering Technician (Surface).

The following-named Chief Warrant Officers to be appointed temporary Chief Warrant Officers, W-3, in the U.S. Navy, in the classifications indicated, subject to the qualifications therefor as provided by law:

CWO3 William T. Forsmark, USNR(T), Photographer.

CWO3 George T. Pratt, Jr., USNR(T), Supply Corps Warrant.

CWO3 Robert L. Parker, USNR, Repair Technician (Surface).

The following-named Chief Warrant Officers to be appointed temporary Chief Warrant Officers, W-4, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

CWO4 James M. Gilbert, USNR, Civil Engineering Warrant.

CWO4 William C. Gutteridge, USNR, Civil Engineering Warrant.

The following-named Navy enlisted candidates to be appointed Ensigns in the U.S. Navy, for temporary service, for limited duty in the classifications indicated, subject to the qualifications therefor as provided by law:

Warren D. Polensky, Electronics (Surface).

William R. Ferguson, Jr., Nuclear Power (Submarine).

The following-named Chief Warrant Officer to be appointed a Lieutenant (junior grade) in the U.S. Navy, for temporary service, for limited duty in the classification indicated, subject to the qualifications therefor as provided by law:

CWO2 Earl Y. Miller, USN(T), Engineering/Repair (Surface).

The following-named officers to be appointed permanent Lieutenants in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. Comdr. Otis E. Engelman, Jr., USNR.

Lt. Comdr. Hayne D. McMeekin, Jr., USNR.

Lt. Comdr. Moussa Y. Menasha, USNR.

Lt. Robert A. Engler, USNR.

The following-named officers to be appointed permanent Commanders in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. Comdr. (T) John T. Collins, MC, USN (Corrected to Permanent).

Comdr. Jesus A. Plaza, USNR.

Comdr. Sandro R. Sandri, USNR.

Comdr. James W. Winebright, USNR.

The following-named officers to be appointed permanent Commanders in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Comdr. Rafael Correa-Coronas, USNR.

Comdr. Janet R. Hutcheson, USNR.

Comdr. Donald W. Marsh, USNR.

The following-named officers to be appointed temporary Lieutenant Commanders in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. Comdr. Otis E. Engleman, Jr., USNR.

Lt. Comdr. Hayne D. McMeekin, Jr., USNR.

Lt. Comdr. Moussa Y. Menasha, USNR.

The following-named officers to be appointed temporary commanders in the Medical Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Comdr. Jesus A. Plaza, USNR.

Comdr. Sandro R. Sandri, USNR.

Comdr. James W. Winebright, USNR.

The following-named officers to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Comdr. Harry A. Bigley, Jr., USN.

Comdr. Charles R. King, USN.

Comdr. Edgar G. McKee, USN.

Ex Comdr. Robert E. Chambers.

The following-named officers to be appointed permanent lieutenants (junior grade) in the Dental Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. (jg.) Thomas H. Dembinski II, USNR.

Lt. (jg.) George W. Freeman, USNR.

Lt. (jg.) Bruce W. Schindles, USNR.

The following-named officers to be appointed permanent lieutenants in the Dental Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. Gerard J. Barna, USNR.

Lt. Brent H. Craven, USNR.

Lt. Richard F. Dziurdzik, USNR.

Lt. Donald W. Hermann, USNR.

Lt. Bradford L. Keeney, USNR.

Lt. Raymond F. Kuhel, Jr., USNR.

Lt. George Quintero, USNR.

Lt. Douglas A. Root, USNR.

Lt. Kent J. Spillman, USNR.

Lt. Comdr. Stephen G. Davis, USNR.

Lt. Comdr. Fred W. Kamansky, USNR.

The following-named officers to be appointed temporary lieutenants in the Dental Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. Thomas H. Dembinski II, USNR.

Lt. George W. Freeman, USNR.

Lt. Bruce W. Schindles, USNR.

The following-named officers to be appointed temporary lieutenant commanders in the Dental Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

Lt. Comdr. Stephen G. Davis, USNR.

Lt. Comdr. Fred W. Kamansky, USNR.

CONFIRMATION

Executive nomination confirmed by the Senate, May 20, 1976:

Department of State

Rosemary L. Ginn, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Thursday, May 20, 1976*

The House met at 11 o'clock a.m.

Msgr. James P. Cassidy, director of health and hospitals, archdiocese of New York, offered the following prayer:

We ask Your blessings, O Lord, on all who guide us by their authority and power, that they may perform their duties with knowledgeable insight, good judgment, and righteousness.

Invoke them, dear Lord, with the strength to recognize our individual needs and be receptive to the changes being brought about by our ever-changing world, especially in the Cuban nation who is today celebrating Cuban Independence Day.

Allow that all men realize their responsibilities to every community and devote serious efforts to developing full potential with the help of our Lord.

Grant that when we reach our eternal reward, God will turn to us and say "Well done, my good and faithful servant."

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON HOSPITALS OF THE COMMITTEE ON VETERANS' AFFAIRS TO SIT DURING 5-MINUTE RULE TODAY

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Hospitals of the Committee on Veterans' Affairs be permitted to sit in public session today during the 5-minute rule for the purpose of hearing testimony.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TOMORROW, FRIDAY, MAY 21, 1976

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. on tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2145, INDOCHINA REFUGEE CHILDREN ASSISTANCE ACT OF 1975

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2145) to provide Federal financial assistance to States in order to assist local educational agencies to provide public education to Vietnamese and Cambodian refugee children, and for other purposes, with the House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. Perkins, Mr. Ford of Michigan, Mrs. Mink, Mr. Meeds, Mrs. Chisholm, and Messrs.

Andrews of North Carolina, Lehman, Simon, Mottl, Hall, Blouin, O'Hara, Zeferetti, Miller of California, Quie, Bell, Eshleman, Buchanan, Pressler, Goodling, and Jeffords.

PERMISSION FOR SUBCOMMITTEE ON COMMUNICATIONS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO MEET TODAY DURING 5-MINUTE RULE

Mr. FREY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce may be permitted to meet today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

AN UNCOMMON CAUSE FOR COMMON CAUSE

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, I received a letter from a constituent complaining about the IRS following up his tax return and asking that he again check the box for a $1 donation to the Presidential election campaign. I looked into this. I really did not believe it at first, but I found out much to my surprise, the IRS sent out over a million such forms, followup forms in 1975 asking for the $1 contribution.

It cost you and I—the taxpayer—over $300,000 last year, and this year it will cost us more. Now, I am not wild about the IRS, but when I inquired I found out that it was not the IRS's fault.

The IRS had settled a lawsuit with Common Cause out of court which apparently called for three things: One, to move the checkoff to the front page; two, in an audit, if the person had not checked off, to verbally remind them; and three, to send the form out where errors by taxpayers were made.

As I said the cost is over $600,000 and probably closer to $750,000.

IRS has written Common Cause and said, "The Government is losing money out of this." Common Cause has not had the decency to reply to the IRS.

Sometimes I agree with Common Cause, and sometimes I disagree with them. I am not so sure what cause this is, but I will tell the Members one thing: It is not common and it is not helping the taxpayers of this country.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. DELANEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 9721, INTER-AMERICAN DEVELOPMENT BANK

Mr. REUSS. Mr. Speaker, I call up the conference report on the bill, H.R. 9721, to provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of May 11, 1976.)

Mr. REUSS (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The gentleman from Wisconsin (Mr. Reuss) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Subcommittee on International Development Institutions and Finance, who has done such an able job in the guiding of this bill through this body, the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished chairman of the full committee for yielding to me.

Mr. Speaker, the bill H.R. 9721 passed the House on December 9, 1975. The Senate acted on this bill last March 30, and this conference report covers eight points of difference resulting from the action of the Senate.

I would like to emphasize that both the House and Senate agreed on the amount to be authorized for the Inter-American Development Bank and the African Development Fund. All the points of difference were minor, and the conference report does not change the substance of the action taken by the House on this bill.

Three amendments considered by the conference were of a technical nature. For example, the Senate made a technical change in the Harkin human rights amendment, changing the word "Governor" to the term "Executive Director." We agreed to this simple technical amendment.

We also agreed to a Senate amendment that declares swine influenza to be a serious international problem that requires the full cooperation of our Government with international agencies concerned with this problem. The amendment is a sense of Congress declaration, and has no tangible effect on the bill.

Finally, we agreed to add into the human rights amendment Senate language dealing with international terrorism. This language directs the U.S. Executive Director in the African Development Fund to oppose loans to countries that grant refuge to international terrorists such as aircraft hijackers.

The conferees rejected three Senate amendments. The conferees agreed to the House position regarding earmarking of funds in the Inter-American Development Bank—that is, rejecting the earmarking language. Subsequent to this, the Appropriations Committee also rejected the earmarking language, which was in a 1975 appropriation bill. We also rejected Senate language authorizing $1 million for the International Atomic Energy Agency. This was, of course, not germane to the bill.

In sum, and in short, the results of the conference in no way alter the authorization approved by the House, nor make any other than very minor changes in other sections of the bill. I urge adoption of the report.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join with the gentleman from Texas (Mr. Gonzalez) and the gentleman from Wisconsin (Mr. Reuss) in supporting this conference report. I think we have done pretty good on this bill. We debated it at length before the House before. I ask that the House also approve this report as something that is vitally necessary in the interest of our relations with Latin America and South America.

Mr. REUSS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. Grassley).

Mr. GRASSLEY. Mr. Speaker, I thank the committee chairman. I appreciate his yielding this time to me. I asked for this time for the purpose of having the gentleman from Texas (Mr. Gonzalez) engage with me in a discussion on the point of earmarking of funds. Let me direct this question to the gentleman from Texas (Mr. Gonzalez).

The conference report does away with any earmarking of funds from last year's appropriation bill. Was there any discussion in the conference committee or was there any assurance given to any of those members on the committee, particularly from the other body, who supported earmarking for cooperatives, credit unions, and savings and loans that the bank would make an effort to fund these agencies, with the thought in mind that only by working through these agencies in Latin America can we get money to the people who need it the most?

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. GRASSLEY. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, in answer to the very able member of the subcommittee, the gentleman from Iowa (Mr. Grassley), in consonance with his past concern, all during the time of the consideration of the bill, both last year and this year, the gentleman has expressed his concern about the necessity of earmarking in this type of legislation for the purposes, as he has so aptly described, of working through savings and loans, credit unions, and the like.

The earmarking language violates the substance of the charter of the bank, and the Committee on Appropriations of the House knocked this proviso out. I believe I explained this once before. The Senate had added it in its version, but the conferees agreed that it was nongermane, that a point of order would be made against it, and that in view of the fact that the Committee on Appropriations had taken the action that it did, at best it would be moot and, therefore, there would be no central point in difference.

Mr. Speaker, I might add this: I believe that no Member of the House that I know of—and certainly not I—would disagree with the gentleman from Iowa (Mr. GRASSLEY) in his view that the whole intent and purpose is that through this joinder of nations we would help one another, with the United States assisting our sister nations to the south in an attempt to improve the general conditions of the people as far as it is possible. Most, if not all of the loans made should go to the greatest interest of the greatest number in these countries.

The truth is that the earmarking provision by which we would stipulate specifically the inclusion of savings and loans and credit unions would be surpulsage. It would be superfluous because this is already being done by the bank. The bank's major share of loans in this area is already being processed through such entities as credit unions and savings and loans.

Mr. GRASSLEY. Mr. Speaker, the Treasury argues that earmarking would upset the operations of the IDB. But such earmarking already characterizes the contributions of certain other member nations. As a contributor of almost 70 percent of the money that makes up the fund for special operations, it is incumbent upon Congress that we assure the American people that their money is going to assist those Latin Americans who are truly in need. In a regular commercial bank, you can be sure that anyone whose deposits make up over a few percent of its cash assets will have an influence on how his money is used. So it is wrong for a contributor—in this case the U.S. Government—of nearly 70 percent to insist that at least a small portion of its contribution be used specifically for what is intended by the contributor?

In this country, co-ops and credit unions draw their membership from a defined community of individuals whose purpose it is to accumulate a pool of capital which can aid other members. Co-ops, in particular, are democratically controlled and thus help create a community of trust which facilitates the access to loan money at reasonable rates. That sort of setup has made farming and other sorts of endeavors in free enterprise work in this Nation. Similar sorts of institutions in Latin America, when given aid and assistance, have worked equally as well .

In areas of the world where there are vast differences in wealth among citizens of a single country, dissatisfaction among the poor citizens has often created an ideal breeding ground for communism. Frankly, I believe that if the United States does not insist that substantial sums be used to facilitate the growth of productively oriented lending institutions at the grassroots level, we will simply be inviting the seeds of Communist organization into this hemisphere. This is a risk Congress cannot take.

Mr. Speaker, the Inter-American Development Bank bureaucrats have kept telling us that this earmarking was not possible, and that it would not accomplish the good that we want it to accomplish. I think the point that the earmarking provision was included, even though the $50 million that was allocated a year ago was never made use of, did serve a beneficial purpose, because the records do show that as a result of this action by the Congress, particularly by some of the Members of the other body, that agency has made an effort to get money into cooperatives and credit unions.

I am going to look for this effort to be continued, and I hope other Members of this body, including the distinguished gentleman from Texas (Mr. GONZALEZ), will look for this effort to be continued as in the past. They have given us their assurances that it will be, and I hope they will keep their word.

Mr. REUSS. Mr. Speaker, I thank the gentleman for his contribution.

I yield 2 minutes to the distinguished gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I take this occasion to point out what a magnificent amount of work has been done by the chairman of our Committee on Banking, Currency and Housing, by the chairman of our subcommittee, the gentleman from Texas (Mr. GONZALEZ), and by the gentleman from Pennsylvania (Mr. JOHNSON) on the minority side.

This has been a very, very difficult piece of legislation to get through. We have had problems with it in the past couple of years, and I think that the success of it is due to the work that has been done especially by the gentleman from Texas (Mr. GONZALEZ), as the chairman of the subcommittee.

Mr. Speaker, this Inter-American Development Bank is one of the most worthwhile enterprises that I have seen our Congress enter into. I think it has accomplished what we have all wanted it to accomplish.

It has been an outstanding demonstration of friendship toward the Latin-American countries. Without our help in this bank, it would be impossible for them to raise nearly so much international financial assistance. In addition, it does not call on the United States to put up any money.

Mr. Speaker, I just believe that this cooperation by the United States must be continued as an integral part of the fine relationship between the Latin-American countries and our country.

Mr. ROUSSELOT. Mr. Speaker, the distinguished Member of the other body, Mr. HELMS, provided a catalogue of the outrages committed by Gen. Idi Amin, the notorious racist murderer who rules the African nation of Uganda, and I quote from his statement on the Senate Floor on March 30, 1976:

> First, it has been estimated that 25,000 to 250,000 Ugandans have been murdered since Amin seized power in 1971; second, he has called for the extinction of the State of Israel; third, he has stated that Zionists have infiltrated the CIA and turned it into a "murder squad"; fourth, he has express gratitude to the Soviet Union and Communist China for their involvement in the internal affairs of Africa; fifth, he has executed the Chief Justice of Uganda; murdered, beaten, and tormented many of his political opponents, and expelled some 60,000 Asians by racist decrees.

The good Senator also pointed out that the general had somehow found the means to finance a $45 million Ugandan mission building at the United Nations, a sum which represents 2.8 percent of the country's gross national product.

The record shows that the Helms amendment was, in fact, drafted on the floor of the Senate by Senator HELMS and Senator HUMPHREY, to insure that no funds appropriated under this act would inure to the benefit of Uganda. The amendment provides:

> SEC. 212. None of the funds authorized to be appropriated under this Act shall be granted to, loaned to, or otherwise used for the benefit of the nation of Uganda.
>
> The United States governor is directed promptly to notify the Senate Committee on Foreign Relations and the House Committee on International Affairs as to any application made by Uganda for loans or other financial assistance from the fund.

I firmly believe that the American people want Congress to stop contributing their tax dollars toward the maintenance in power of foreign despots who are opposed to all of the fundamental principles for which this nation stands, and in which our citizens believe. They would not want to see this House treat the Helms amendment as a throwaway measure, to be dropped in Conference and quietly forgotten.

This bill should be recommitted to the Committee of Conference, it is obvious that the managers of this bill do not want to give proper consideration to the Helms provision, therefore I must oppose this conference report.

Mr. REUSS. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McFALL). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRASSLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 257, nays 120, answered "present" 1, not voting 54, as follows:

[Roll No. 286]

YEAS—257

Abzug
Adams
Addabbo
Allen
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Brademas
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burke, Calif.
Burke, Fla
Burke, Mass.
Burton, John
Burton, Phillip
Carney
Carr
Cederberg
Chisholm
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Diggs
Dingell
Dodd
Drinan
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fisher
Flood
Florio
Foley
Ford, Tenn.
Forsythe
Fraser
Frenzel
Ginn
Goldwater
Gonzalez
Gradison
Green
Gude
Guyer
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holland
Holtzman
Horton
Howe
Hughes
Hyde
Jeffords
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Kastenmeier
Kazen
Keys
Koch
Krueger
LaFalce
Landrum
Leggett
Lehman
Lent
Lloyd, Calif.
Long, La.
Long, Md.
Lujan
Lundine
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mann
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Murphy, Ill.
Myers, Pa.
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Preyer
Price
Pritchard
Quie
Railsback
Randall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Rodino
Roe
Roncalio
Rooney
Rosenthal
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Scheuer
Schneebeli
Schroeder
Seiberling
Sharp
Shriver
Sikes
Simon
Sisk
Smith, Iowa
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waxman
Weaver
Whalen
White
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Yates
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—120

Abdnor
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bennett
Bevill
Bowen
Breaux
Brinkley
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Chappell
Clancy
Clausen, Don H.
Cochran
Collins, Tex.
Crane
Daniel, Dan
Daniel, R. W.
Dent
Devine
Dickinson
Downey, N.Y.
Downing, Va.
Duncan, Tenn.
Emery
English
Eshleman
Evans, Ind.
Fish
Fithian
Flowers
Frey
Fuqua
Gaydos
Gibbons
Gilman
Goodling
Grassley
Hagedorn
Haley
Hammerschmidt
Hansen
Harsha
Hefner
Henderson
Hightower
Holt
Hubbard
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Jenrette
Jones, N.C.
Jones, Tenn.
Kasten
Kelly
Kemp
Ketchum
Kindness
Krebs
Lagomarsino
Latta
Levitas
Lloyd, Tenn.
McCollister
McDonald
Mahon
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Mottl
Murtha
Myers, Ind.
Natcher
Passman
Paul
Pressler
Quillen
Roberts
Robinson
Rogers
Roush
Rousselot
Ruppe
Russo
Satterfield
Schulze
Sebelius
Shipley
Shuster
Skubitz
Slack
Smith, Nebr.
Snyder
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Waggonner
Walsh
Wampler
Whitehurst
Whitten
Wylie
Yatron
Young, Fla.

ANSWERED "PRESENT"—1

McCloskey

NOT VOTING—54

Alexander
Ambro
Andrews, N.C.
AuCoin
Bell
Bolling
Bonker
Brown, Mich.
Buchanan
Byron
Carter
Clawson, Del
Conlan
Duncan, Oreg.
Erlenborn
Esch
Flynt
Ford, Mich.
Fountain
Giaimo
Hébert
Hillis
Hinshaw
Howard
Karth
Litton
Lott
McClory
Macdonald
Martin
Milford
Mills
Mitchell, Md.
Mollohan
Moss
Murphy, N.Y.
Neal
Nichols
O'Hara
Pettis
Rees
Riegle
Rose
Rostenkowski
Runnels
Santini
Stanton, James V.
Steiger, Ariz.
Stuckey
Thompson
Tsongas
Udall
Wilson, C. H.
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Howard for, with Mr. Nichols against.

Mr. Murphy of New York for, with Mr. Fountain against.

Mr. Tsongas for, with Mr. Hébert against.

Mr. Mitchell of Maryland for, with Mr. Byron against.

Mr. Thompson for, with Mr. Runnels against.

Mr. Litton for, with Mr. Mollohan against.

Until further notice:

Mr. Giaimo with Mr. Santini.

Mr. Duncan of Oregon with Mr. Flynt.

Mr. Milford with Mr. Macdonald of Massachusetts.

Mr. Rose with Mr. Bell.

Mr. Ambro with Mr. Carter.

Mr. Ford of Michigan with Mr. Andrews of North Carolina.

Mr. Moss with Mr. Brown of Michigan.

Mr. Alexander with Mr. AuCoin.

Mr. Charles H. Wilson of California with Mr. Erlenborn.

Mr. Riegle with Mr. Young of Alaska.

Mr. O'Hara with Mr. Buchanan.

Mr. Neal with Mr. Hillis.

Mr. Bonker with Mr. Del Clawson.

Mr. Udall with Mr. Karth.

Mr. Mills with Mr. Esch.

Mr. Rostenkowski with Mr. Conlan.

Mr. Rees with Mr. Lott.

Mr. Stuckey with Mr. Steiger of Arizona.

Mr. James V. Stanton with Mr. McClory.

Mr. Martin with Mrs. Pettis.

Messrs. BOWEN, JENRETTE, YATRON, and DENT changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the conference report on H.R. 9721, just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13172) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes," and that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 29, 61, 75, 80, 81, 83, 87, 126, 127, 171, 178, 184, 189, 196, and 197 to the foregoing bill.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5630. An act to amend the Federal Boat Safety Act of 1971 in order to increase and extend the authorization for appropriations for financial assistance for State boating safety programs;

H.R. 11438. An act to amend title 5, United States Code, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes; and

H.R. 12527. An act to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal years 1976 and 1977, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2862. An act to authorize appropriations for the Federal Fire Prevention and Control Act of 1974;

S. 2991. An act to amend the Hazardous Materials Transportation Act to authorize appropriations, and for other purposes.

S. 3070. An act to amend section 1114, title 18, United States Code, so that Federal mine safety inspectors will be protected by criminal statutes;

S. 3435. An act to increase an authorization of appropriations for the Privacy Protection Study Commission, and to remove the fiscal year expenditure limitation; and

S. 3308. An act to provide for interim regulatory reform as to certain **independent** regulatory agencies.

PERMISSION FOR SUBCOMMITTEE ON COAST GUARD AND NAVIGATION OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO CONTINUE TO HOLD HEARING DURING 5-MINUTE RULE TODAY

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries be permitted to continue to hold hearings during the 5-minute rule today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION FOR FISCAL YEAR 1977

Mr. PRICE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13350) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. Price).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13350), with Mr. Roush in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, May 19, 1976, title II ending on line 18, page 5, had been considered as read and open to amendment at any point.

COMMITTEE AMENDMENT

The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 16, line 10, delete the figure "$3,370,876,000" and substitute therefor the figure "$3,371,076,000".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Anderson of Illinois: Page 16, line 11, after the period insert: "No funds authorized under this Act may be used to produce any nuclear fuel for export to supply a nuclear power reactor under an Agreement for Cooperation which has not been reviewed by the Congress of the United States under the procedures in Section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C., 2153(d)), as amended by Public Law 93–485, to a country which has not ratified the Treaty on Nonproliferation of Nuclear Weapons unless the first proposed license authorizing the export of either such reactor or such fuel after the date of this Act is first submitted to the Congress for review under the congressional review procedures provided for Agreements for Cooperation in the above-referenced Section 123 d. of the Atomic Energy Act of 1954, as amended."

Mr. ANDERSON of Illinois. Mr. Chairman, this is an amendment which I have worked out, together with the distinguished vice chairman of the Joint Committee on Atomic Energy, the gentleman from Illinois (Mr. Price), and which addresses itself—and we think in very precise fashion—to a legitimate concern that many Members of this House have already expressed, over the danger of proliferation of nuclear weapons through the export of American nuclear reactors and, more particularly, the fuel that is exported pursuant to agreements for cooperation and of the technology to fuel those reactors.

The simple effect of this amendment is to give the Congress the opportunity to review the export of fuel and technology to those countries which have not had their agreements for cooperation previously scrutinized by the Congress before they were signed. I should point out that included in that category are such countries as Japan, Spain, South Africa, Portugal, Israel, India, France, and Brazil. The United States had signed agreements for cooperation with those countries which I have just named, but those agreements have not lain before the Joint Committee on Atomic Energy for the 30-day period required under Public Law 93–485, because they were entered into prior to the amendment that was made to the law on October 14, 1974.

So, under the current system, without the amendment that I have just proposed, it would be possible to export nuclear technology to these countries without further congressional review. As I have indicated, this amendment, if adopted, would require the Nuclear Regulatory Commission to submit the first license to export technology following the enactment of this legislation. They would have to submit this license to the Joint Committee on Atomic Energy. That license then would be subject to the same type of congressional review as is now provided for in the law for agreements for cooperation.

I think many of us have received in recent days letters from my friend and colleague, the gentleman from Maryland (Mr. Long) expressing concern over the problem of proliferation and announcing his intention to offer an amendment that would simply ban the export of fuel to those countries which have not ratified the treaty on the nonproliferation of nuclear weapons.

The gentleman in his letter—and I quote from his letter of May 18, 1976—says:

> In order to slow down this proliferation, we are supporting an amendment to the ERDA authorization bill. This amendment, unfortunately, would not affect the pending sale of nuclear reactors to South Africa since the existing agreements already provide for such exports. However, it could restrain further exports to South Africa or further agreements with any other country.

I think that on examination the Members will find that the amendment the gentleman from Illinois (Mr. Price) and I have offered to the bill today meets the problem in much more satisfactory fashion by providing that, even though the agreement for cooperation with that country and the others that I named were entered into before the 1974 amendments to the Atomic Energy Act, that any license for the first reactor, any license for fuel, must come to the Joint Committee and the Congress for a 60-day period for review. During that 60 days, the Joint Committee is required under the law to issue a report to send to the House and to the Senate with an accompanying concurrent resolution which allows the Congress to express its will on these very important matters.

So, I would urge the adoption of the Price-Anderson amendment to this legislation as a significant step toward meeting this problem of proliferation.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman knows, my subcommittee held extensive hearings on the question of nuclear proliferation. I believe the gentleman's proposal is worthy of support and consideration.

Therefore, Mr. Chairman, I rise in support of the Anderson-Price amendment, and I do so with commendation for him and his colleagues who helped prepare it. Given the seriousness of the nuclear proliferation problem to which this amendment is addressed, it is particularly reassuring to have this concern expressed by the House members of the Joint Committee on Atomic Energy.

Indeed, the problem of nuclear proliferation is urgent; it becomes more so each passing day as nuclear technology and materials spread throughout the world. The need for Congress to act decisively in halting proliferation is long overdue. This amendment will contribute to that goal.

Earlier this month the House passed House Concurrent Resolution 570, legislation which I introduced dealing with nuclear proliferation. The amendment presently before the House achieves some of the same objectives sought in House Concurrent Resolution 570.

It should be noted that House Concurrent Resolution 570 was the result of the extensive hearings conducted in the fall of 1975 by the Subcommittee on International Security and Scientific Affairs which I chair published under the title "Nuclear Proliferation: Future U.S. Foreign Policy Implications."

Out of these hearings came irrefutable evidence pointing up the mounting danger of nuclear proliferation. While my own resolution and this amendment will help to offset that danger, more needs to be done. I am therefore hopeful that my subcommittee will resume consideration of this problem soon as a means of exploring other possible solutions.

I once again express my support for the amendment and urge the committee to adopt the amendment.

Mr. ANDERSON of Illinois. I thank the gentleman for his support.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I just want to make sure that I understand the thrust of the amendment, which seems on the face of it to be well drafted and an important amendment for the committee to accept.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 3 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, I yield further to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. As I understand it, there are some countries with which the United States has an agreement for cooperation, but those agreements were entered into before the amendment of several years ago requiring review by the Congress.

Mr. ANDERSON of Illinois. The gentleman is correct.

Mr. FRASER. The gentleman in the well listed some of those countries.

As I understand the effect of the amendment, it is that no nuclear fuel and no reactor may be exported to such a country unless the first license application submitted after this amendment is adopted is brought back to the Congress for the 60-day review which the gentleman has referred to in his remarks.

Mr. ANDERSON of Illinois. The gentleman has interpreted the effect of the amendment correctly.

Mr. FRASER. Mr. Chairman, I want to commend the gentleman for the amendment. It takes care of a very important problem. I hope the committee will accept it.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the gentleman for his amendment, and I rise in support of the amendment.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Michigan (Mr. CARR).

Mr. CARR. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the gentleman for offering the amendment.

Mr. ANDERSON of Illinois. I thank the gentleman for his support.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, my question is not directed to my colleague's amendment but the statement he made about the shipment or the exportation of nuclear fuel. I am wondering whether the gentleman can tell me whether or not the statement is true that we have a known reserve of only 10 years of uranium in this country.

Is this correct or not?

Mr. ANDERSON of Illinois. Mr. Chairman, in answer to the gentleman from Kansas, of course that is why we are supporting the liquid metal fast breeder reactor. With the reactors that are now in operation or planned for future operation, unless we have massive new discoveries of uranium, which are not anticipated, it is feared that we will run out of fuel for additional reactors that may be committed some time in the 1990's.

Mr. SKUBITZ. If the gentleman will yield further, what the gentleman is saying then is that if the fast breeder program is not a success, we will have to continue with the present nuclear plants that we have, that we could be in as bad a shape 10 years from now with respect to uranium as a fuel as we are with respect to oil today. Is that correct?

Mr. ANDERSON of Illinois. The gentleman makes an excellent point.

Mr. SKUBITZ. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ABZUG: Page 16, line 11, strike out "$3,371,676,000" and insert in lieu thereof "$2,294,570,000".

Page 18, strike out line 18 and all that follows through page 19, line 14.

And redesignate the following paragraphs accordingly.

Page 20, beginning on line 13, strike out "$74,610,000" and insert in lieu thereof "$54,110, 000".

Page 20, line 17, strike out "$276,368,000" and insert in lieu thereof "$203,268,000".

Ms. ABZUG. Mr. Chairman, I offer this amendment to eliminate a major contradiction in the bill. Mixed in with the authorization for making our country self-sufficient in fuel is over $1 billion for weapons which will fuel the arms race.

This amendment would strike the bill $1,240,106,000 for the research, development, testing, and production of atomic weapons. These funds do not belong here, nuclear weapons policy should not be mixed in a debate on the question of providing an energy program for the country.

I know that we discussed this issue on the floor of the House in the consideration of the previous authorization in this Congress. Just recently the ERDA transfer study entitled "Funding and Management Alternatives for ERDA Military Application and Restricted Data Functions" concluded that, although ERDA should continue to manage weapons within ERDA, the weapons and the energy programs should be separated.

This same argument took place on the floor of the House before the ERDA study was released. Some of the Members will recall that in the course of this discussion, it was suggested by a number of the important members of both the majority and the minority on the Joint Atomic Energy Committee, that the position that I took on separating the weapons program from the energy program in the authorization so that there could be adequate discussion in Congress of the weapons program separately was proper. This was agreed to by many Members. They said, however, that it was too late, but that we will do it the next time around.

Mr. Chairman, this is the "next time around." But again I see, a full year later, that we have the same situation we had before.

I am convinced that, under the current procedure of a combined energy and weapons authorization, it is not possible for the Congress to review responsibility our weapons program and our weapons policy. There is, I believe, a necessity for us to discuss such a large weapons authorization if over $1 billion separately from an authorization which deals primarily with the ways to provide the necessary fuel for this country.

I believe that we simply cannot afford to let changes in weapons policy—which is, I think, what these authorizations really lead to—occur incrementally and quietly without discussion.

This is a weapons program. It should have a separate authorization. It is important for us to know exactly what we are voting on, to know that we are voting to increase funds for testing and production. We have not had an adequate discussion as to why we need to have this increase. I think it is important for us to be able to discuss this on its own merits.

We have already increased weapons activities in our military procurement bill. It is important for us to know that there is a further increase here on which there has not been adequate congressional review, and that harmful changes in the weapons policy are going to be implemented without any real debate.

We may differ as to what we think is the most important nuclear weapons policy and what our strategy should be. Some of us believe that the long-standing policy of strategic deterrents is being supplanted by a counterforce or first-strike capability. There are funds in this bill to fund the MK12a warhead for that first-strike capability. The continued development of a new generation of so-called mini-Nukes is equally ominous because it makes nuclear weapons more compact, more accurate and less dirty in terms of radioactive fallout, thus making nuclear confrontation a more acceptable option for policymakers.

There are funds in this bill to research weapons which would be convertible to either a conventional or a nuclear capability, thus rubbing out the important demarcation line and, in my opinion, hastening doomsday.

In view of the debate on the floor of the House last year, and in view of the ERDA study which was released just last week by President Ford on the management of the nuclear weapons program which gave new support for the concept of segregating weapons and energy programs, I just cannot understand why we must again do this here today.

Mr. PRICE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am glad that the gentlewoman from New York (Ms. ABZUG) brought attention to the study that has been made on the subject in which she has been expressing interest—and I think rightfully so—for some time.

Mr. Chairman, I hold in my hand the "Funding and Management Alternatives for ERDA Military Application and Restricted Data Functions," which is the study to which the gentlewoman has referred.

This was submitted by ERDA to the President, who had an opportunity to study the findings in this report. The Secretary of Defense has studied and agreed with the report. The Administrator of ERDA approved the report. All of them have commented on the report.

The President made this comment, and I think it reflects the agreement also of the Secretary of Defense and the Administrator of ERDA. The President in his submittal letter accompanying the release of the report stated this:

> I agree with the recommendations of the Administrator and the Secretary that the Department of Defense should revise its nuclear weapons budget and cost reporting submissions to Congress to specify separately the ERDA costs associated with each new nuclear weapon or nuclear weapons system.
>
> This segregation of costs will make clear to the Congress and to the public the total requirements for national defense purposes. I also agree that it is desirable to review the funding and management arrangements for the ERDA defense-related programs after two or three years of experience to see whether additional changes should be considered.

Mr. Chairman, this matter has been under study not only recently. At various intervals we have made studies of this problem. We are constrained to agree with the findings of the Administrator of ERDA and the Secretary of Defense and the President of the United States, who do not overlook the fact that it is a problem that we should constantly follow and act on from time to time.

However, Mr. Chairman, the recommendation that I make to the House today is that we vote down the pending amendment and leave the provisions in this bill as they are before us this afternoon.

Mr. Chairman, I rise in opposition to the amendment by the Congresswoman from New York. As noted in the April 13, 1976, letter by the Joint Committee on Atomic Energy Chairman JOHN O. PASTORE to the Congresswoman, the matter she raises is one of great interest to the committee. It requires careful attention. She referred to the study of the nuclear weapons development and production complex required by the Energy Reorganization Act of 1974 as being important. The joint committee has been most concerned about the delay in the transmittal of that study from the President to the Congress. The committee welcomes the Congresswoman's effort to help get this study released as noted by her letter to the President of May 7, 1976. The committee has included the following words on page 36 of the committee report regarding the study:

> However, the study has not yet been forwarded to the Congress as was clearly intended. . . . In view of its long-range importance to our national security, the Joint Committee considers it important that the Executive Branch release that study to the Congress without further delay.

The executive branch released the study on May 12, 1976. It does, in fact, deal with the possible separation of the weapons budget from the energy budget within ERDA. However, it is also clear that this matter will require careful analysis by the Joint Committee in view of its long-range impact upon the weapons program. It is the intent of the Joint Committee on Atomic Energy to hold hearings on this study.

The point at issue here is not whether or not it is desirable to separate the weapons budget from the energy budget. It may very well be the correct thing to do, and the proper congressional committees now will be in the position to consider the matter. The question is whether that analysis and consideration will be completed in time to allow timely action on this fiscal year 1977 weapons budget in our crowded calendar this year. It cannot and should not be done in a few days. To delay this fiscal year 1977 budget authorization request pending the proper consideration of the study and its recommendations could well have a major adverse impact upon the quality of the weapons program. If we acceded to the Congresswoman's amendment, and considered the weapons budget separately, in a matter of weeks later, I cannot imagine that there would be major committee changes in the programmatic funding. The bill as you now have it clearly identifies the weapons money. It is not hidden. It never has been. Therefore, I hope that we will not impose this unnecessary delay in consideration of the weapons budget. The proper committees of the Congress will, in fact, during the course of this year be able to consider carefully the matter the Congresswoman raises.

Therefore, Mr. Chairman, in order to keep a key element of our national security posture on track, I recommend that the amendment be disapproved and that the weapons portion of the ERDA budget be approved.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, possibly the chairman or the ranking minority member could answer some of the questions that I have with respect to the weapons money in the ERDA budget.

Do we know, as the gentlewoman from New York (Ms. ABZUG) has suggested, for instance, that any of the money being used for weapons development might provide this country with a counterforce capability or mininukes? I do not think we have a really firm handle on exactly what type of work is being done.

Is it just the manufacture of bombs? Is it just the testing of bombs?

Could we get some input on that because I think that is where we would like to resolve the issue?

If it is just a question of solely manufacturing bombs without any new developments, I personally would not support the gentlewoman's amendment, although, in substance, it is a good idea to segregate this out.

I do not think that we got first-hand information the last time as to what the money was being used for. Is it just for the manufacture of nuclear weapons or are they doing some yield and accuracy improvements on it? Can I get any answers on that?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I direct the attention of the gentleman from New York (Mr. DOWNEY) to page 4, for example, of the committee report on this jointly referred bill that was prepared by the Joint Committee on Atomic Energy. I think that the gentleman can get a pretty good idea from that table, which authorizes operating expenses, of what the committee is trying to provide for in this authorization.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PRICE was allowed to proceed for 1 additional minute.)

Mr. PRICE. Mr. Chairman, I would also point out that in this very bill there is provision for the safeguard program, research and development and safety of weapons. This is a matter of constant concern and study.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield further, I was merely going to make the additional comment that the gentleman from New York (Mr. DOWNEY) if he will consult the report on title XII, which deals with national security and ERDA request, that category includes the weapons activities program and the weapons material production program and pages 34 through 36 of the report I think do make pretty clear and do give an accurate explanation of what these authorizing funds are intended to do.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from New York if I have sufficient time to do so.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman from Illinois for yielding and I thank the gentleman from Illinois (Mr. ANDERSON) for his comments.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the gentlewoman from New York (Ms. ABZUG) is quite correct that when she raised this matter on the floor a year ago, on the 20th of June, 1975, I indicated some sympathy for the position which she took and said I would give it great consideration and did entertain some thoughts in favor of her position. But the important thing is that it was not until the 12th of May, just a few days ago, that we received the report that has already been referred to. Further, I have been informed by the vice chairman of the committee that the committee does intend to hold hearings on that ERDA report.

I think that this is a sufficiently important question that it does deserve the kind of study and investigation that can be achieved only through congressional hearings. It is complicated, as my friend the gentleman from Illinois (Mr. PRICE) has said. Weapons research is something that is not, of course, distinct from energy research. Laser fusion had its beginning in the classified weapons program and the physicists working on that very quickly realized that in the research being done on laser fusion there existed very real possibilities of making a fusion reactor using the same principles applied to military purposes. Out of that grew the civilian laser fusion program. In fact, there is a constant relationship that does exist between the weapons program and energy and research and development activities that are devoted to the peaceful use of the atom and to the civilian sector. I for one want to study very carefully this detailed report before I come to a final conclusion. I would hope that the gentlewoman from New York would give the Joint Committee on Atomic Energy the time to make that study before she insists on her amendment.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as I indicated in my original remarks, the report considers several alternatives for the management of the weapons complex. The study contends that ERDA should continue to manage it, and the administrator proposes that it is desirable that there be a physical and administrative separation of the weapons and the energy programs within ERDA, and that it is desirable to insure that each can be managed in a manner which is best suited to meet its own needs.

Mr. ANDERSON of Illinois. Mr. Chairman, I might say to the gentlewoman from New York that I have not had time to read the report thoroughly, but I am informed that the same report also recommends that ERDA generally retain its current responsibilities over it regarding weapons and classified projects, in the production of nuclear material and control of restricted data. In view of the responsibility that they recommend be retained by ERDA, I believe that this should be studied thoroughly before we proceed to work out this physical and administrative separation which, it is true, the ERDA report does recommend. We have to give some detailed consideration on how we would do that, in view of the fact that some of our national laboratories do work on both military and civilian programs.

Ms. ABZUG. If the gentleman will yield further, the only problem is that we are now proceeding with this whole weapons program without really giving it any significant specific consideration in terms of the effect of its impact on our energy program. If indeed we want to study it further, then it seems to me that it would be the best thing to adopt this amendment, which merely takes it out of this particular authorization and then gives us the opportunity to study it and gives the Joint Committee on Atomic Energy time to make its recommendations in a separate authorization where there are the proper hearings and debate on this subject alone. This is what the ERDA study has really recommended.

Mr. ANDERSON of Illinois. Let me say in reply to the gentlewoman from New York, let us suppose the separation had occurred and we reported out of the Joint Committee an entirely separate piece of legislation authorizing the military activities of the Energy Research and Development Administration. How much more time would the gentlewoman have—maybe 1, possibly 2 hours—of general debate, and the bill would then be read for amendment under the 5-minute rule.

As far as I am concerned, I am not going to make any motion to limit debate on the floor here this aftenoon on this matter, and the gentlewoman, with the exception of the time that would be allowed for general debate, has her time. If she wants to challenge some item contained in the pages I have referred to in this report, she has the opportunity to do it. I do not think we are restricting in any way her right and her ability to deal with this matter simply because we have incorporated it in an authorization bill that carries funding for the civilian application of nuclear weapons.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the last word.

I would like to ask the gentleman from Illinois (Mr. ANDERSON) a question, and I thank him for pointing out the pages in the report. I refer specifically to under "Committee Action" and I quote on page 34:

> The Joint Committee also notes that a vigorous weapons laboratory research, development, and test program is an essential element in preserving any qualitative advantage the United States might have over the Soviet Union in our effort to assure a credible strategic nuclear deterrent force.

It is my opinion, and I dare say probably the gentleman's opinion, that the United States does have a credible strategic deterrent force. What I would like to know—and I asked the gentleman the last time—is, what are we talking about in terms of assuring a qualitative lead here? What are the laboratories doing with this money in terms of weapons development that will assure us of this lead or assure us of a greater lead than the one we have already? Is it just the manufacture and the production of nuclear weapons, or is it the manufacture and the increasing of the yield of these weapons? That is what I would like to find out, because it certainly does not give an answer to that question on page 34.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding in order that I may respond. These laboratories, as I understand it, do not do anything but answer the requirements that are given them by the Department of Defense. The gentleman is a distinguished member of the Committee on Armed Services of this body and, therefore, he has general oversight over the Department of Defense. I think his committee is probably a very good forum within which to investigate the question that seems to agitate the gentleman. But these laboratories do not simply go out and look for independently and dream up weapons that are not in response to a request that they have received from the Department of Defense. I think we have sufficient assurance that under the gentleman's capable leadership the necessary oversight will be exercised with respect to that Department.

Mr. DOWNEY of New York. I thank the gentleman from Illinois for his answer. The problem that we have in the Committee on Armed Services is that when I asked about this question in the past, I was told that this is in the ERDA authorization and to raise the issue at this point in time. So that is why I am, indeed, raising it. I am concerned about what this language means. Does it mean increasing the yield of the weapons? Does it mean increasing in some way the amount of collateral damage done by our warheads? That is all I am asking.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I will be happy to yield to the gentleman from Washington.

Mr. McCORMACK. I thank the gentleman for yielding.

I would say to the gentleman that there is a lot of basic research that goes into weapons development. We need weapons for all types of purposes; antiaircraft weapons, for instance; surface-to-surface missiles; submarine missiles; and this sort of thing.

Each one has its own characteristics, its own size, and its own capabilities. Also we are bringing some types of weapons back from the field that are out of date to see if they can be updated. This is all under research and development.

Mr. DOWNEY of New York. I thank the gentleman. I understand his expertise and I do not challenge that. My contention to the gentleman is we have the qualitative advantage and if we are seeking to increase it I would like to know how.

I presume on qualitative advantage that they want to increase the yield. If that is what the money is going to be used for, I would like to know that, because I think quite frankly before we engage in or enter into a program that would drastically increase weapon yields the House should know this.

That is what I am asking. We have not gotten that. The gentleman from Illinois tells me quite correctly that the Defense Deparment sets out the criteria on that. The difficult thing is to get information on this. The gentleman from the Armed Services Committee is aware we need to continue to do research, but my question is to what end and to what purpose in this particular authorization?

Mr. McCORMACK. If the gentleman will yield further I will respond.

Mr. DOWNEY of New York. I yield to the gentleman from New York.

Mr. McCORMACK. The policy of this Nation is to stay even with the Russians, this is the stated policy, and not to let them get that advantage.

Mr. DOWNEY of New York. Let me interject. It is not a question of our staying even. This is the problem that plagues this debate. This is not a grand football game where one side is No. 1 and one side is No. 2. It so happens we are No. 1 and I believe we must stay that way but that is not at issue.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. McCormack, and by unanimous consent, Mr. Downey of New York was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY of New York. I mean at the present time the United States maintains a 3-to-1 nuclear weapons capability in terms of nuclear warheads that we can deliver to the Soviet Union, so we are not saying we are keeping up here. That is not at issue. The issue is what we are doing according to this very vague language to maintain a qualitative lead. In terms of maintaining that lead, we may be maintaining it to our own detriment. That is what I want to know about.

Mr. McCORMACK. If the gentleman will yield further, I think what we are doing is providing the laboratory competence for carrying out our policies. The determination of our national policy is really not the subject of this debate today nor of this bill, but it is obvious that we do need research and development.

Let me just say this. There are a number of areas in which this must take place. In the first place there is the area of safeguards, of providing weapons so that if they are stolen at some place they cannot be fired. Another is to provide weapons to do a specific job. The Russians have undertaken a grand program of civil defense which is designed to make our weapons useless. I deplore with the gentleman the arms race, but until it can be resolved we have to do the job we must do and that is what this is designed to provide.

We cannot go very far with the gentleman in public in discussing this. We cannot hearsay very much. I hope the gentleman will recognize that this sort of research and development is required.

Mr. DOWNEY of New York. My esteem for the gentleman is unbounded and I trust his judgment. I do have some concern on this particular matter and firmly believe research must go on and that we need the money in this bill to do it. But we must know what we are voting for. That we do not know.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York. I think that she has proposed a very reasonable, necessary and timely amendment which should be adopted by the House.

Last year, when the first budget for the new Energy Research and Development Administration was presented to the House, many Members were concerned about the fact that it included funding for both energy programs and nuclear weapons development. In fact, during House consideration of the fiscal year 1976 ERDA authorization bill, objections were raised to the inclusion of funding for nuclear weapons activities in an energy research and development bill, and an amendment was offered by Representative Abzug to strike this funding from the measure.

During debate on this amendment, the argument was made that it was "too late" in the legislative process to make any major changes in the character of the fiscal year 1976 ERDA authorization bill, but that it might be possible to present separate legislation in the future, apart from the ERDA allocation for energy, to cover nuclear weapons development and testing. Many members indicated that they favored such an approach, including several members of the Joint Atomic Energy Committee and the House Science and Technology Committee, and it was suggested on the House floor that this change could possibly be made in the fiscal year 1977 ERDA authorization bill. The Abzug amendment was subsequently rejected.

Now, a year later, we are considering the fiscal year 1977 ERDA budget. The administration has once again included funds for nuclear weapons development and testing in its ERDA request, and the Joint Atomic Energy Committee has once again decided to consider energy and military programs together. As reported, H.R. 13350 would authorize $6.98 billion for the Energy Research and Development Administration—over $1 billion of which is earmarked for nuclear weapons activities. It is clear that if we are to get separate consideration of these totally unrelated issues, we will have to make this procedural change on the House floor.

Today we have the opportunity to make that change. It is a change which I believe is sensible and necessary. It is also a change which, in principle, has been endorsed by ERDA itself.

Last week, President Ford released the results of a study conducted by the Energy Research and Development Administration on the management of its nuclear weapons component to the Congress. While emphasizing the view that ERDA should retain control of its weapons activities programs instead of transferring them to another Federal agency, the report states that:

> The Administrator (of ERDA) concludes that fiscal and administrative separation of weapon and energy programs within ERDA . . . is desirable to ensure that each can be managed in a manner best suited to meet its own needs.

The Abzug amendment is certainly consistent with this objective.

The issue before us is simple and straightforward. It is whether we should consider energy and weapons development together or separately, and nothing more. In considering the Abzug amendment, it is important to understand that we are not necessarily trying to reduce ERDA's ultimate nuclear weapons authorization. Nor are we judging the premises, direction or scope of our nuclear weapons development effort. What we are questioning is the rationale which includes authorization for nuclear weapons activities in a comprehensive energy research and development bill.

In my judgment, the current practice of combining funding for both energy programs and for weapons activities in the same authorization bill makes no sense at all. It only serves to prevent a thorough and reasoned discussion of American nuclear weapons policy and to distort the true picture of our overall energy and defense efforts. Adoption of the Abzug amendment would enable the Congress to consider the unrelated issues of energy development and weapons development separately—on their own merits and in their proper perspective. I urge my colleagues to support this amendment.

Mr. Chairman, it seems to me the recent debate has pointed out the importance of our being able to debate this in a separate authorization where we can learn what is considered and what is to be done. It seems to me that the questions by the gentleman from New York are very legitimate questions which we are entitled to ask ourselves.

I happen to believe that it is the job of this group to determine our policy. I think if we are going to determine a policy, then we should know the facts upon which we try to determine that policy.

Now, we met here a year ago and we were told that there could not be a separate authorization at that time, but that we should wait and very likely it would be done a year later. We were told we should wait.

Will somebody tell me the reason why we could not have had this as a separate authorization, even if still kept under ERDA? Was there some reason it could not be under a separate authorization, so it could have been debated separately?

Many of us, including myself as a new Member, expected it would be in this new session.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, what the gentleman has said is correct. There had been full debate and open explanation in answer to the gentleman from New York (Mr. DOWNEY) question, I should have voted against the amendment, but I have not heard satisfactory debate giving me the information necessary to permit me to make a decision at this time. I may still hear it, but I have not heard it yet.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I think in fairness to the committee, and I believe they have been fair, there are questions of national security that preclude us from discussing in detail what the money is being used for; but I think more importantly, whether or not that is the case, we have to know in general, for instance, whether or not this weapons research is going to increase the yield and the accuracy of weapons. I think we have discussed this in the armed services bill. That has a very fundamental impact on our own national security, our strategic arms limitation and a whole spectrum of other considerations that deal with nuclear deterrents. Until we have those answers, I think we are proceeding blindly. I think the gentleman from Iowa is pointing that out and I think this is the time for discussion of these things.

Mr. BEDELL. Mr. Chairman, the gentleman from Illinois indicated it really would not matter for debate whether this was an amendment or whether this was a separate authorization.

I would say to the gentleman that for some of us the problem develops that if the amendment is not passed, then we have the choice of voting for or against a bill which includes not just research for energy, but which includes over a billion dollars for weapons research, which some of us may question. At least among my constituents back home, they would prefer that we have an opportunity to vote separately on the issues involved, so that they can challenge us when we have not voted according to the way they think we should vote.

It seems to me the method of bringing this forth as a part of an energy bill precludes me from doing so if this amendment is not passed. Is there something wrong with my thinking?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, at the risk of becoming somewhat repetitious, I have already assured the House and the committee that the Joint Committee is going to review the ERDA report which apparently recommends an administrative and fiscal separation of the weapons portion of the budget from the civilian portion.

Mr. Chairman, we are going to try to hold hearings on that and iron out some of these difficult and complicated problems in separating the military and civilian work that is done within the national laboratories. Until that hearing has been held, and until we have been able to resolve some of those problems I just would plead with the gentleman from Iowa, whom I know is a responsible and restrained legislator, to give this Committee this confidence this year, so that we can examine this and report back to the House, as we certainly will do, on what our best judgment is.

Mr. BEDELL. Mr. Chairman, the problem I have as a new Member, I am constantly told to have the confidence to wait another year, have the confidence to wait.

Now, if we can specify the amount involved for the nuclear weapons research, it is very difficult for me as a new Member to understand, and if we can vote on it as an amendment, I cannot understand why we cannot vote on it as a separate authorization. Is there something here that I do not understand why we cannot vote on it as a separate authorization, the same as a separate amendment?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By uanimous consent, Mr. BEDELL was allowed to proceed for an additional 1 minute.)

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield further, the point I was making a moment ago is that it is not always that crystal clear when we look at the authorization contained in the legislation, for the reason that in the national laboratories it is not always clear whether or not it is allocated for something strictly military or something strictly civilian. Sometimes civilian programs proceed from the beginning of research done in the weapons programs.

I want to assure the gentleman, the problem is far more complex than just saying we are going to strike out of this bill any authorization dealing with the weapons program.

Mr. BEDELL. So the listing for the weapons program in the bill is not necessarily accurate; is that what the gentleman is telling me?

Mr. ANDERSON of Illinois. I do not want the gentleman to put words in my mouth.

Mr. BEDELL. Well, the gentleman can tell me then.

Mr. ANDERSON of Illinois. As to what is accurate, I would prefer to use the term this is a complex authorization bill; it partakes of both civilian and military ingredients.

Mr. BEDELL. Is the part listed in the bill for weapons testing, is that accurate?

Mr. ANDERSON of Illinois. Yes.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we can see by the minority views of the committee which considered the energy research and development authorization bill and we can see by a proliferation of proposed amendments to the bill that this Congress is deeply concerned on the subject of nuclear energy.

Mr. Chairman, I feel that the rest of the country is even more concerned than we are. There is a growing feeling that we have rushed headlong into some very deep waters, and that it might be wise of us to spend some time and some money in exploring other energy options besides nuclear. My own misgivings about our relentless rush to the development of nuclear energy led me last December to vote against the Price-Anderson bill and to state that I would not support one more dime for nuclear energy unless was completely satisfied that every possible precaution had been taken and the most stringent requirements had been established to safeguard the safety of our citizens and of future generations.

Now the awareness is spreading that a safe nuclear technology has not yet arrived—indeed, that it may never arrive. Mr. Chairman, I refuse to be stampeded into a game of Russian roulette in the energy race, gambling with the health and safety and the lives of millions of human beings.

Mr. Chairman, I am prepared to support further amendments which will lessen our present imbalance on the side of nuclear energy development and which will support research in other alternate forms of energy, particularly in the development of solar energy. Mr. Barry Commoner has stated that we already have available solar technology which would supply some 80 percent of our needs for such things as space and water heating and that with adequate funding, solar technologies for industrial use could be developed within the relatively near future before the exhaustion of our fossil fuels. We should support and encourage these developments and we should put into the enterprise whatever funds we can.

As to nuclear energy, we are already finding again the pattern which has become so familiar to us in the production of military hardware and in space exploration, the pattern of Government contracts with huge cost overruns picked up by the overburdened taxpayers. Industry and utilities seem to show little enthusiasm for engaging in nuclear research or in adequate insurance against the risk of nuclear accident unless the Congress makes it clear that the Federal Government is not going to pay 100 percent of these enormous cost overruns any more than it is going to be a 100-percent indemnifier against some very high risks. We must take a stand against this profiteering.

Mr. Chairman, I will support those amendments to this bill which would prohibit the issuance of a construction license for the Clinch River breeder reactor until such time as the ongoing safety tests have been satisfactorily completed. Once a construction license has been issued and the breeder has been built, history plainly shows that it will be used, safe or not safe. I will not be a party to this stampede psychology. The time to insure safety is before construction starts.

Mr. Chairman, I hope that this Congress will be responsible and prudent for the welfare of our Nation and posterity.

In order that this may be properly considered, I think the amendment offered by the gentlewoman from New York (Ms. Abzug) should be supported so that the matters can be considered separately.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentlewoman from New York

Ms. ABZUG. Mr. Chairman, I wonder if the gentleman from Illinois would answer some questions for me.

Mr. Chairman, I appreciate the fact that the gentleman recognizes the problem that this amendment raises, just as he did when I raised this issue last year. I also appreciate the fact that the gentleman from New York, who is a member of the Committee on Armed Services and is more erudite than I on the questions of the actual weapons development that are taking place on a day-to-day basis, has raised some important questions about what the extent of the weapons program really is in this ERDA bill.

Mr. Chairman, in my original remarks I indicated that I was concerned that we come to agreements of policy before we vote on weapons development in this bill and, therefore, separate authorizations would give us a chance to talk about the policy and, therefore, the kind of weapons production and development we should be engaging in.

The gentleman has indicated that he sees the problem, and agrees with the problem. Obviously, we are not asking for discussion on this floor on issues which affect national security which should not be discussed in public. But the gentleman raises some interesting questions. He says we will hold hearings and consider this objective separation. But the question we are confronted with is: Is there a time or will there ever be a time for this body, acting on issues which may well affect life and death matters in the development of the defense program in this country and internationally, to have an opportunity, perhaps in executive session as a body, to discuss these issues?

I think what the gentleman has said here in debate, and the significant contributions of the debate of the gentleman from New York, makes it more necessary, it seems to me, that we should at this time accept this amendment, that we should strike it from this particular authorization. We should proceed in an orderly way to take steps to provide an opportunity to see if we agree as a matter of policy on what should happen with respect to the weapons development. We should not put it in an energy bill, where most of the Members of this House think they are voting for energy and more energy production, which is so necessary for continued life on this Earth, and they are not even aware of the fact that they may be inadvertently and without information voting on weapons production and a policy with which they do not agree.

Mr. Chairman, I would make a special appeal that both the majority and the minority of this committee agree to this amendment so that we can proceed in a more cool and calm manner to consider the question of weapons production.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. I thank the gentleman from Connecticut for yielding.

Mr. Chairman, we can say the same thing over and over again, and it still comes out the same; that it was only on the 12th of May 1976, that the joint committee received this document from ERDA which suggested that possibly fiscal and administrative separation would be feasible. Certainly the committee deserves the time necessary to conduct some hearings, in view of some of the matters I referred to.

I did not mention earlier, but I should have, that one of the concerns we have is that if we separate completely the two authorizations, it could lead to reduced flexibility of reprograming authority, which could be harmful to either the energy program or the weapons program, and it could consume some very valuable time of the congressional committees and their staffs on small supplementals that could be needed to cover emergencies and unanticipated shifts in program needs. These are rather esoteric and difficult legislative problems. They deserve the decency of hearing and some studied consideration by the competent committee of jurisdiction, in this case the Joint Committee on Atomic Energy.

I would certainly appeal to the Members of this House not to act prematurely by voting for the amendment offered by the gentlewoman from New York .

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from New York (Mr. Downey).

Mr. DOWNEY of New York. I thank the gentleman from Connecticut for yielding.

Mr. Chairman, I think we have discussed the issue, and I think it has been joined. I would like some commitment from the gentleman from Illinois that during the next hearing that the Congress, and more specifically the gentlewoman from New York, the gentleman from Connecticut and myself, get some advance notice so that we can discuss with the committee our concerns.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. Moffett) has expired.

(On request of Mr. Downey of New York and by unanimous consent, Mr. Moffett was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield further?

Mr. MOFFETT. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I think the gentlewoman from New York (Ms. Abzug) has pointed out appropriately that we do not want to, by inadequate oversight, change the course of this Nation's national security, and that we should not proceed without the proper oversight and the proper examination of exactly where this money is going.

Are we increasing the yields? Are we increasing accuracy? Are we diminishing the size? All three of these items deal most directly with our nuclear capabilities, with our strategic deterrents, and, on the bottom line, of course, with national security.

Mr. MOFFETT. Mr. Chairman, I urge support of the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. Abzug).

The question was taken; and on a division (demanded by Ms. Abzug) there were—ayes 10, noes 34.

Ms. ABZUG. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-nine Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentlewoman from New York (Ms. Abzug) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 286, not voting 49, as follows:

[Roll No. 287]

AYES—97

Abzug
Addabbo
Allen
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Bingham
Blouin
Brodhead
Burke, Calif.
Burton, John
Burton, Phillip
Carr
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Cornell
Dellums
Diggs
Dodd
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Fascell
Florio
Ford, Tenn.
Fraser
Green
Gude
Harkin
Harrington
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holtzman
Jacobs
Jeffords
Jordan
Kastenmeier
Keys
Koch
Krebs
Leggett
Lehman
Long, Md.
McKinney
Maguire
Matsunaga

Metcalfe
Mezvinsky
Miller, Calif.
Mineta
Mink
Mitchell, Md.
Moakley
Moffett
Mottl
Myers, Pa.
Nolan
Nowak
Oberstar
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Rangel
Reuss
Richmond
Rodino
Rosenthal
Roybal
Russo
Scheuer
Schroeder
Seiberling
Simon
Solarz
Spellman
Stark
Stokes
Studds
Vanik
Waxman
Weaver
Wirth
Wolff
Yates
Young, Ga.

NOES—286

Abdnor
Adams
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Bauman
Beard, Tenn.
Bennett
Bevill
Biaggi
Biester
Blanchard
Boggs
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Cederberg
Chappell
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Conte
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
English
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Flowers
Foley
Forsythe
Fountain
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hefner
Heinz
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
Lundine
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McKay
Madden
Madigan
Mahon
Mann
Mathis
Mazzoli
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Passman
Paul
Pepper
Perkins
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Regula
Rinaldo
Risenhoover
Roberts
Robinson
Roe
Rogers
Roncalio
Rooney
Roush
Rousselot
Ruppe
Ryan
Santini
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steelman
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Traxler
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Wydler
Wylie
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—49

AuCoin
Bell
Bolling
Bonker
Brown, Mich.
Buchanan
Carter
Clawson, Del
Duncan, Oreg.
Erlenborn
Flynt
Ford, Mich.
Giaimo
Hébert
Hinshaw
Howard
Jones, N.C.
Karth
Litton
McClory
McHugh
Macdonald
Martin
Meyner
Milford
Mills
Mollohan
Mosher
Moss
Murphy, N.Y.
Nichols
Pettis
Peyser
Rees
Rhodes
Riegle
Rose
Rostenkowski
Runnels
St Germain
Sarbanes
Sikes
Stanton, James V.
Steiger, Ariz.
Thompson
Thornton
Tsongas
Udall
Young, Alaska

The clerk announced the following pairs:

On this vote:

Mr. St Germain for, with Mr. Milford against.

Mr. Riegle for, with Mr. Rhodes against.

Mr. Udall for, with Mr. Thompson against.

Mrs. Meyner for, with Mr. Hébert against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 24, line 22, strike all after the word "whenever" through "(2)" on line 24; and on page 25, line 2, strike the period and insert the following: "in order to meet the needs of national defense or protection of life and property or health and safety."

Mr. DINGELL. Mr. Chairman, this is an amendment which I have cleared with both my good friends, the gentleman from Illinois (Mr. PRICE) and the gentleman from Illinois (Mr. ANDERSON).

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, this general authority has been included in atomic energy appropriation acts since fiscal year 1966 to permit advanced architect-engineer services to be initiated for urgent construction projects that are essential to meet the needs of national defense or the protection of life and property or health and safety, after the submission of the legislative request for congressional authorization but prior to the enactment of such authorization. The work involved would be engineering and design work, commonly referred to as title I and II, to assure feasibility, define the scope and provide cost estimates so that the construction could proceed when authorized. Use of this advanced authority is subject to the review and approval of both the authorizing and Appropriations Committees. In essence, the authority provides the means for helping to assure the expeditious completion of an urgent project in a timely and economic manner.

This authority has been used sparingly. Since fiscal year 1970, only three projects have met the criteria to utilize the authority provided by this general provision.

ERDA considers this to be an important statutory provision providing the flexibility to meet future emergency situations resulting from occurrences such as fires or natural disasters by accelerating the architect-engineering work.

The amendment would not have any adverse effect on ERDA's nuclear programs in view of the fact that the section, as it would be amended, would still permit ERDA to accelerate the architect-engineering work in future emergency situations.

I see nothing in this that would hamper in any way the program and I am constrained to accept the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, we have no objection to the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE: Section 210, page 25, line 12, insert: "Funds may be obligated for purposes stated in this section only to the extend provided in appropriations acts."

Mr. PRICE. Mr. Chairman, this amendment is a technical one for the purpose of including in the law the requirement that any revenues which the Energy Research and Development Administration is authorized under section 210 to use for operating expenses can only be used to the extent authorized in appropriation acts. The fact is that atomic energy appropriation acts themselves, since fiscal year 1957, have included language which is in substance identical to the language in section 210. The language was subsequently included in the authorizing legislation for atomic energy programs in order to meet the point of order which could be raised because of the absence of an authorization for the language which is in the appropriation acts. The language which would be added by this committee amendment would avoid any question regarding appropriations language being included in authorizing legislation.

This question was raised last year and again this year by Mr. DINGELL. Although the rule on H.R. 13350 waives any point of order which might be raised in view of the absence of such language, I believe that this technical point should be clarified since it is not the intent of anyone to bypass the normal appropriations process as far as section 210 is concerned.

Mr. Chairman, this is self-explanatory. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN: Page 24, immediately after line 13, insert the following:

"(5) in section 106(a), by adding at the end the following: 'No sums are authorized to be appropriated or otherwise made available for the purposes of the Clinch River Breeder Reactor to pay for more than that percent of any cost of such Reactor, after the total cost of such Reactor equals $2,000,000,000, which is determined as follows: 70 percent when the cumulative total cost equals or is less than $2,250,000,000; 60 percent when the cumulative total cost equals or is less than $2,500,000,000 but is greater than $2,250,000,000; and 50 percent when the cumulative total cost exceeds $2,500,000,000.'"

Redesignate the succeeding paragraph accordingly.

Mr. COUGHLIN. Mr. Chairman, this is the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD) and myself that would gradually increase the private financial participation in the Clinch River Breeder Reactor Plant for all costs of that facility above $2 billion. The present estimated cost of the Clinch River project is $1.95 billion. In effect, what we are providing is that there would be a public and private participation in the overrun only.

Clinch River, as the Members know, is a massive project. The LMFBR program is a massive project. The LMFBR project recommended expenditures over the next 5 years of $2.6 billion, equal to 63 percent of the total nuclear fusion research and development budget, and 26 percent of our total energy research and development budget. All of that goes into this one single project. Into this one single project goes twice the expenditure of our entire fusion research and development budget.

The project, moreover, has been plagued by cost overruns already. Originally estimated in 1969 to cost $3.9 billion, the overall price tag for the LMFBR is now $11.8 billion. The Clinch River facility has gone from the original figure of $699 million in 1972 to $1.7 billion a year ago, and $1.9 billion at the present time.

At the same time, private industry contribution has been declining from 30 percent in 1972 to 13 percent today.

Cost sharing, my colleagues, is not a new concept. The original Government-industry cost sharing that was in the authorizing legislation said that not in excess of 50 percent of the plant's total capital cost would be contributed by the Government. Now, we are asking to apply the 50-percent limitation not to the total capital cost, but the overruns over $2 billion only.

ERDA itself acknowledges and encourages cost sharing between private and public industry. ERDA stated, in response to questions from the House Committee on Science and Technology, "We believe cost sharing is a particularly effective means of implementing this philosophy of joint participation."

The President's energy message to Congress in 1971 stressed that industry should play the major role in the cost of demonstration plants. The present ERDA policy in fossil fuels requires a 50-percent non-Federal participation by private industry in the capital and operating costs of fossil fuel demonstration projects. If that is true in fossil fuel projects, why should it not be true for nuclear projects?

At the present time, 65 percent of the management of the liquid metal fast breeder reactor is in private hands. Why should not a larger percentage of the financial contribution be in private hands? They should share equally in these cost overruns with the Federal Government and with the taxpayer.

Two recent General Accounting Office reports criticized the Clinch River breeder reactor because of inefficient management. If we have private industry, cost conscious private industry, involved in the project, then they will be required to have good management, and if private industry is willing to contribute to a project, then the chances that it will be a cost effective project, in my judgment, are enhanced.

The increased private participation also would help us to retain funds in our research and development budget for other projects, so that this one project itself would not consume an undue portion of our whole Federal budget for energy research and development.

Recent studies by the American Enterprise Institute raise serious questions as to the long-term cost-effectiveness of the breeder reactor program.

Another independent study done for the Joint Economic Committee raised the same kind of questions.

So we are saying here that we need a commitment from the private sector, both to increase the efficiency and to indicate the cost-effectiveness of the project. This would help establish needed control over this project.

The amendment would require private utilities involved to create a more financially responsible and fiscally responsible program in exercising the spending restraints that private industries are accustomed to exercise.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. COUGHLIN was allowed to proceed for 1 additional minute.)

Mr. COUGHLIN. Mr. Chairman, this would give a clear indication of industry's commitment to the project and to its cost-effectiveness and it would prevent the program from devouring more than its fair share of our overall energy budget.

Mr. Chairman, I want to emphasize that the liquid metal fast breeder reactor project is taking almost two-thirds of our entire nuclear fission research and development budget and more than one-quarter of our total energy budget. Reason and logic dictate that such a project must stand the test of fiscal and management responsibility to assure every chance of success without permitting so open-ended a funnel to the U.S. Treasury. Its possible failure would deal a staggering blow to our entire national energy program which, I submit, can ill afford it.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, I would like to associate myself with the remarks of my colleague from Pennsylvania, and urge adoption of the amendment to H.R. 13350 to require that all costs for the Clinch River breeder reactor plant, in excess of $2 billion, be shared between the Federal Government and the private participants in the project.

Mr. Chairman, it should be made very clear at the outset that the purpose of this amendment is not to dispute whether a plutonium breeder demonstration project should be undertaken nor to debate the safety or desirability of this form of energy production.

This amendment is offered because of concern about the costs of the Clinch River demonstration breeder reactor project and the plutonium breeder reactor program as a whole. The costs of the Clinch River project have increased dramatically. Originally estimated in 1972 to be $699, the projected costs last year were increased to $1.7 billion. This year, ERDA Administrator, Robert C. Seamans, has stated that the total will not go above $1.95 billion.

Almost all Government projects have increased in cost during the last few years. Inflation, as well as many other factors, has taken its toll. However, only about half of the increase in the cost of the Clinch River project stems from inflation. The Clinch River project estimated costs have risen much faster than other major civilian Federal projects. In fact, a GAO review of major Federal civilian construction projects found that the present estimated costs are an average of 81 percent higher than their original estimates. The Clinch River, on the other hand, has increased 179 percent over the 1972 estimate. This makes it crucially important to control the costs of the project, because if the costs of the Clinch River breeder reactor continue to rise as they have, other promising sources of energy which should be developed simply will not get the funds.

Mr. Chairman, there is a substantial cost overrun potential at the Clinch River project because of project uncertainties and because of unclear management relationships. These factors make it clear that steps need to be taken to insure that the investors in the project have strong incentives to keep costs to a minimum. This amendment has the single purpose of providing just such strong fiscal incentives to keep the costs of the Clinch River project to a minimum.

It is important to point that this approach does not put a ceiling on the costs of the project. As long as the private participants in the project continue their commitment even if the costs should go above the $2 billion figure—the Federal Government could continue to make substantial contributions. I believe, however, that by requiring financial responsibility for cost overruns to be shared by private participants, we can bring to bear the "cost consciousness" of private industry, ERDA recognizes the value of this condition, and considers it to be one of the important benefits of financial participation by private industry in energy demonstration projects.

Mr. Chairman, the question might well be asked: Is requiring such cost sharing wise policy?

I believe that it is, and for several reasons.

First, cost sharing on energy projects is good national policy, and requiring cost sharing of cost overruns would be an important step in reversing the trend of diminishing private participation in the Clinch River project. Since 1973, the private sector's commitment for the project has declined from 39 percent to 13 percent—a reduction of 300 percent.

Second, it seems reasonable to require the private investors to eventually bear 50 percent of the cost overruns because this is standard ERDA policy on many of its projects. ERDA has told the Senate Interior Committee that present ERDA policy for fossil programs is to require 50 percent non-Federal funding in demonstration plants in the construction and operating phases. If it is fair to require 50 percent private funding of the capital and operating costs of fossil projects, it appears reasonable that the private participants be required to contribute 50 percent of the cost overruns of the Clinch River project.

Third, it is important to recall that the Joint Committee on Atomic Energy has concluded that cost sharing arrangements are fair and valuable as well. Before the changes in last year's ERDA authorization bill, private participants were required to contribute 50 percent of the capital costs of the project.

Fourth, it seems reasonable to require that private parties commit themselves to future financial contributions to the project because this is exactly what the private participants have required of ERDA. In negotiating the Clinch River contract, the private groups are able to obtain from ERDA a commitment that ERDA would seek from Congress any further necessary funds. By the same token, should not private participants make a reciprocal commitment, at least as far as a share of the cost overruns are concerned?

Finally, Mr. Chairman, it seems reasonable to require private investors to pay for part of the cost overruns for the project since they retain a significant share of managerial control over the entire project and will be in a position to affect its total costs.

Mr. Chairman, it is crucial that the costs of this project be controlled because of the burden it places on the taxpayer and the limits we must observe of the energy R. & D. budget. ERDA has recognized that cost sharing is an effective way to bring the cost consciousness of industry to bear upon project costs. Requiring such cost sharing would be fair to the private investors in view of the substantial degree of control they would continue to maintain over the project.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Pennsylvania (Mr. Coughlin) and supported by the gentleman from Pennsylvania (Mr. Moorhead) assumes that this Nation has control over private industry and utilities that simply does not exist. There is no contractual arrangement whatsoever by which the Federal Government could require or compel the utilities to contribute more to this project than they have already voluntarily contributed.

The basis of the entire argument that these gentlemen have made is that at one time there was a commitment—by the utilities and private industry that they would participate in this effort on a 50-percent basis. They said that this provision was in the law and that it was repealed last year.

What this amounts to is simply a faulty reading and misinterpretation of the law, because the 50-percent relationship described in their "Dear Colleague" letter had nothing at all to do with money from utilities. Instead, the 50-percent relationship that was put in the law in 1971 by Congressman Craig Hosmer had to do exclusively with two Federal accounts of the AEC, one for research and development and one for demonstration. This was deleted in last year's ERDA legislation, consistent with the advent of a new bookkeeping system. The sponsors of the amendment, in their confusion and lack of understanding of what they are talking about, have taken the 50-percent relationship that existed between two Federal accounts and assumed that there was some kind of requirement that utilities and private industry provide 50 percent of the funding.

This was never true, and this, as a matter of fact, is attested to by the remarks of the gentleman from Pennsylvania (Mr. Coughlin) just a few minutes ago on this floor when he pointed out that the original figure at the time this contribution program was undertaken was $699 million, and the utilities had volunteered at that time to collect about $250 million for the project.

We must understand that this is strictly a Federal project. It was never a private project supported by the Federal Government, as in the case of programs under the ERDA demands for matching funds. These projects come about when someone comes in and says, "We would like to do a solar energy project," and we will put up 50 percent of the money if ERDA will put up the rest.

The Clinch River breeder reactor demonstration plant is totally a Federal project, but President Nixon wanted to draw utilities into the transition period between research and development and demonstration, so he asked them not only to help manage the program, but also to help finance it. The utilities did so on a voluntary basis, but at no time was there any compulsion in the law or any provision in any contract or any understanding that there would be a 50-percent relationship between the Government and non-Government funding of this project.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I read now from the debate in the Congressional Record of July 15, 1971, at the time that the Hosmer amendment was inserted. This is quoting Mr. Hosmer. It says:

> It would provide that the research and development assistance which is undertaken by the Commission specifically for the demonstration plant shall in no event exceed 50 percent of the estimated capital cost of the plant.

Mr. Chairman, that means that the entire expenditure by the Atomic Energy Commission at that time was not to exceed 50 percent of the total capital cost of the plant, and I quoted that from the Record containing the statement of Mr. Hosmer.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman, but the point is that that is from the research and development fund.

Mr. COUGHLIN. It does not say the research and development fund. It says "Commission."

Mr. McCORMACK. Yes, it does. That is where the gentleman is misreading the law.

The law says, and this is the amendment by Mr. Hosmer:

> Such assistance which the Commission undertakes specifically for this demonstration plant shall not exceed 50 percent of the estimated capital costs of such plant.

The key words in that amendment are the words "such assistance."

If the gentleman will read above that and research the subject, he will find that this does not refer to any ratio for Federal utility spending, but only to the measure of Federal funds in an LMFBR base program.

The CHAIRMAN. The time of the gentleman from Washington (Mr. McCormack) has expired.

(By unanimous consent, Mr. McCormack was allowed to proceed for 5 additional minutes.)

Mr. McCORMACK. I continue, Mr. Chairman: This applied only to the measure of Federal funds in an account called the LMFBR base program which could be dedicated to research and development in support of the Clinch River project.

In other words, Mr. Chairman, this amendment amounted to nothing more than allocation of Federal funds between two Government accounts, both within the AEC, one for research and development and the other for demonstration. At no time did this amendment or any other amendment or regulation establish any ratio whatsoever between Government and non-Government funds for this project.

In the gentleman's own words on the floor, the project cost was estimated at $699 million originally. If there had been a 50-percent requirement, then $350 million would have been required from private industry and utilities. This was obviously not the case.

Mr. Chairman, I think we can understand this if we just recognize that each of us in our own office has separate funds. We cannot take stationery money and put it into our travel allowance.

The Hosmer amendment was doing nothing more than that with two accounts, both of them within the AEC, both of them 100 percent Federal money, with neither of them having anything whatsoever to do with any private or utility money.

I repeat, Mr. Chairman, the simple fact of the law is that there has never been at any time any requirement or any understanding or any contractual agreement which established that there should be any ratio, 50 percent or otherwise, between the private industry and the utilities and the Federal Government.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I want to express my great admiration for the work the gentleman has done.

However, referring back to the Congressional Record of 1971, when Mr. Hosmer offered his amendment, the Clerk read it, and then the first words Mr. Hosmer said, Mr. Chairman, were these:

> The Joint Committee has recently received reports that are not encouraging for arriving at Government-industry arrangements to construct a demonstration breeder reactor, even with the increase from $50 million to $10 million of the amount of monetary assistance which AEC would be authorized to provide.

Mr. Chairman, there was a ceiling on the amount that the AEC would provide. Thereafter he lifted that ceiling by the 50-percent arrangement.

Mr. McCORMACK. Let me say something on that point.

The gentleman is correct up until the last few words that he has spoken. The increases in Federal funding were simply increases in authorization at that time. Because the project was obviously just getting started, they authorized only $50 million and then later authorized $100 million.

At the same time, and in parallel with this, they were trying to collect voluntary contributions, but there is no legal connection.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, if the gentleman will yield further for a 10-second observation, the gentleman from Washington may be entirely right about the past, but, even if he is, I submit to the committee that for the future we should be thinking in terms of business cost consciousness control.

Mr. McCORMACK. I appreciate that position and I would like to speak to it. If we can assume that really the only thing that this amendment is talking about is whether or not we should somehow get more utility money into the Clinch River breeder, then the question gets down to how do we do it? Do we tax them? We cannot force industry and the utilities to put more money in, because there is no contractual basis to do this. Private industry and the utilities simply contributed some money and they are in fact paying what they pledged to put in, but there is no obligation upon them to do this. It is a totally voluntary contribution from over 740 utilities across the country. For us to assume we can, simply by passing an amendment to the bill on this floor, force them to pay more money, is nonsense.

I just want to make the point that, first of all, there is absolutely no precedent and, secondly, there is absolutely no authority to do this.

I want to make a couple of other points as well.

The GAO of course criticized the management corporation for the Clinch River plant. Subsequently the Energy Research and Development Administration completely rewrote that contract. They took responsibility for all management. All of the top management is now ERDA personnel, complying with the recommendations of the Government Accounting Office. In testimony before the Joint Committee on Atomic Energy, spokesmen for the GAO, speaking to this point, now approve the arrangement under the new contract for the management of the project.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. McCormack was allowed to proceed for 1 additional minute.)

Mr. McCORMACK. Mr. Chairman, finally there was a statement made that the Joint Economic Committee had conducted a study of the breeder; in fact, I have this study in my hand. I would like to note that this study was not done by the committee or even by the staff. The letter of transmittal points out it was done by an individual citizen, Mark Sharefkin, for the staff, not even for the committee. This is an extremely superficial study compared to the study that was conducted during the last year by my subcommittee on the breeder.

The subcommittee's report concludes that the Clinch River Breeder Demonstration Reactor "is an important and necessary element in the orderly progression of research, development, and demonstration for a responsible LMFBR program," and that continuation of the LMFBR development program "is essential to the energy future of this Nation."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WEAVER. I rise in support of the Coughlin amendment. Mr. Chairman, would the distinguished chairman of the subcommittee, the gentleman from Washington (Mr. McCormack) respond to a question?

Mr. McCORMACK. I would be glad to.

Mr WEAVER. Is the gentleman from Washington afraid that the Clinch River breeder reactor will cost more than $2 billion?

Mr. McCORMACK. I do not really know what it is going to cost. As the gentleman knows, or as the gentleman may know, a good deal of the cost of the Clinch River plant is projected on inflation and escalation of the cost of money. For instance, when we started out, it was costing us 5 percent. Whenever we pay any costs for a project, everything is charged to the project. If the cost of the money goes up to some 9 percent as it is today, then it is going to cost more.

Mr. WEAVER. How much of the present $1.9 billion is built in for inflation at this time?

Mr. McCORMACK. I cannot answer that question.

Mr. ANDERSON of Illinois. Mr. Chair'man, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

The most significant change that took place in the cost of this project was in June of 1974 when it went up $1,037,000,000. I do have a breakdown. That raised the cost of it to $1,736,000,000. I do have a breakdown for the gentleman as to what was built into that increase, and inflation and financing effects were $597 million, in other words, about 60 percent. I think this holds true for the increase that occurred after June of 1974. Roughly 60 percent of those increased costs can be attributed to inflation.

Mr. WEAVER. The gentleman says in the present authorization there is a built-in factor of almost $600 million to account for future inflation? Am I reading the gentleman correctly?

Mr. ANDERSON of Illinois. If the gentleman will yield, not quite. What I said was that $597 million was the total ascribed to inflation and financing effects at the time that the increase was reported to the committee in June of 1974. But I am assuming that that same inflation factor probably has to be built into the added cost of the reactor since that time.

Mr. WEAVER. Is it built in now? If we have a 6 percent inflation rate for the next 10 years, are we going to be able to pay for the fast breeder reactor with $1.9 billion?

Mr. ANDERSON of Illinois. If the gentleman will yield further, I think that would require looking into a crystal ball that I do not have. I am sure the gentleman and I both share the hope that we are not going to have a 6 percent inflation each year over the next few years.

Mr. WEAVER. If we do have a 6 percent inflation increase for every year from now on, is that covered in the $1.9 billion in the authorization bill?

Mr. ANDERSON of Illinois. If the gentleman will yield, yes, the inflation factor would be figured into the present $1.95 billion estimated cost of the demonstration plant.

Mr. WEAVER. Is the gentleman supporting the Couglin amendment? Does the gentleman from Illinois support the Coughlin amendment?

Mr. ANDERSON of Illinois. If the gentleman will yield, no. At an appropriate time I will indicate my opposition.

Mr. WEAVER. I ask the gentleman, what is he afraid of, because we have got an inflation factor built in? Is he saying that there is a very good chance that we are going to have over $2 billion in costs?

Mr. ANDERSON of Illinois. I would say to the gentleman from Oregon this is a demonstration plant. This, very frankly, is something that we have never tried to do before, and that is to build a 350 megawatt demonstration liquid metal fast breeder reactor. To some extent it would be dishonest for me or the gentleman from Washington (Mr. McCORMACK) or anyone, to stand on this floor and say flatly that we can promise the Members that it is going to be $1.9 billion.

Mr. WEAVER. We do not know if the fast breeder reactor will work; do we?

Mr. ANDERSON of Illinois. I am sorry; I did not hear the gentleman.

Mr. WEAVER. We do not know if the fast breeder reactor will work?

Mr. ANDERSON of Illinois. If the gentleman will yield further, let me point out that I was in France a year ago, and I watched at that time the 250 megawatt Phoenix reactor that had been operating at 85 percent of rated capacity for 1 year, and it has operated since that time. They are using a lot of the technology that has been developed in this country. I cannot believe that it is not working.

Mr. WEAVER. May I ask the gentleman if the French Phoenix reactor breeds?

Mr. ANDERSON of Illinois. Yes.

Mr. WEAVER. I am sorry; the gentleman is incorrect. Dr. Seamans appeared before the Energy and Environment Subcommittee of the Committee on Interior and Insular Affairs, and under questioning he said that the French Phoenix breeder reactor is not breeding; it is not working. I have the testimony here.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WEAVER was allowed to proceed for 2 additional minutes.)

Mr. WEAVER. I yield to the gentleman from Washington.

Mr. McCORMACK. I thank the gentleman for yielding.

I want to make this point very clear. We are working with demonstration programs. When the gentleman brings in the word "breeding," then we had better define it. If he means does it produce plutonium, the answer is that all nuclear powerplants, wherever they are, produce plutonium.

Mr. WEAVER. That is a very dangerous substance to produce, I might add.

Mr. McCORMACK. If the gentleman will yield further, it is one of the most valuable substances in the world. The goal of the breeder program ultimately in the 21st century, or late in the '80's or '90's for the French because they are 10 or 15 years ahead of us in this technology, will be producing more fuel than they will consume by the present Phoenix reactor.

Mr. WEAVER. Does the French Phoenix Reactor breed now?

Mr. McCORMACK. The gentleman must not understand the development process when he asks this loaded "Have you stopped beating your wife?" question, and he keeps the Members from understanding. The Phoenix is not intended at the present time to produce more fuel than it uses. This is a matter of fuel design. They started out with a more conservative fuel design, and then as they get more and more experienced they will modify the fuel design so that ultimately instead of getting 80 percent or 90 percent breeding they will get over 100 percent. They are completely content with this.

I asked the French this very question: "What is your breeding ratio?" They said:

> We are not even concerned with a breeding ratio at this time. It will come to us in 10 years.

The same thing is true in the United States. We are not concerned with having the Clinch River plant produce more fuel than it uses. We are concerned with developing and understanding this technology and equipment. Then as we get more plants on the line we will upgrade the fuel so we will be breeding more fuel than we are consuming.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, first of all let me say I certainly do not want to keep any of the Members in this House from understanding. I had not intended to speak on this amendment. I had offered a similar-type amendment last year which was much more harsh than this. The amendment I offered last year would have kept the private utilities and manufacturers at the 50-percent level. The Coughlin amendment this year says only if it goes above $2 billion that the private utilities and reactor manufacturers must then kick in at least 30 percent of that above the $2 billion mark with stepwise increments above $2.5 billion.

So this amendment is not as tough as the one I introduced last year, but I wanted to point out some of the history around this liquid metal fast breeder reactor and the questions involved in it.

I think the law was quite clear when the amendment came up in 1971 that restricted the Government to a limited cooperative arrangement with private companies in building this demonstration plant. I have a letter from Dr. Seamans to the senior Senator from Rhode Island (Senator PASTORE) dated March 10, 1975, from which I would like to read a few excerpts. It says:

> The second phase of the program contemplated the negotiation, with reactor manufacturers and utilities participating in Phase I, of one or more contracts to construct and operate on LMFBR demonstration plant.
>
> The criteria listed several types of limited financial assistance that the Government was prepared to consider providing to such demonstration project. In general, such types of assistance corresponded to that furnished under earlier cooperative projects where it was contemplated that the demonstration plant would be financed and owned by the utility; that governmental assistance would be strictly limited as to type and amount; and without any open-end financial commitment by the Government for overruns on the project.

Dr. Seamans goes on to say in this letter that:

> In June 1970 (Public Law 91–273), Congress authorized AEC to enter into a definitive cooperative arrangement for an LMFBR Cooperative Demonstration Plant and provide financial assistance totalling $50,000,000 less the costs of the PDP, plus $10,000,000 of waiver of fuel use charge.

There are various amounts for various parts of the program, but it is the last part of the paragraph which is very significant. It says:

> Thus, the authorization legislation continued to contemplate strictly defined and limited Government assistance to the project.

He goes on to say:

> Accordingly, in April of 1971, the AEC established a Senior Utility Steering Committee and Technical Advisory Panel to assist in developing mutually acceptable arrangements for a cooperative Demonstration Plant. This resulted, in the summer of 1971, in AEC's requesting and Congress amending the project authorization (Public Law 92–84) to increase the Government's total direct assistance to $100,000,000.

So now before this the Government was actually going to provide less than $100 million but because of this amendment in 1971, that was offered, I believe, by the gentleman from California (Mr. HOSMER), the Government direct assistance was increased to $100 million, but to sell that to the Members of the Congress there was another provision added which provides that such—

> indirect governmental assistance from base program funds up to 50% of the estimated capital cost of the Demonstration Plant subject to a general prohibition against use of such indirect assistance for end capital items for the plant.

I think that letter makes it quite clear that from the very beginning it was contemplated that the Government's involvement in this would be on a cooperative basis and that the Government's involvement would be of a limited nature, basically of $100 million of direct assistance, and that for the continued building and the indirect assistance for the demonstration plant that no more than 50 percent of such funds would come from the Government.

Now, things have shifted. We now still have a cooperative arrangement, but the shoe is on the other foot. Now the limited amount of assistance is being provided by the private companies and the unlimited amount by the Government. This is basically what I have objected to in the terms of the synthetic fuels program.

We get into this tar baby situation. We get in so deep with so much money that we cannot back out. That is what I am afraid of in the liquid metal fast breeder reactor. We have a tar baby. We put in $100 million, then $700 million and $1.2 billion and $2 billion finally. We put in so much that we cannot stop, regardless of the economics involved, and the safety factors that remain unanswered.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe that the two gentlemen who have offered this amendment are really quite sincere in their approach and, as a matter of fact, in most instances I would join them, if we could get the utilities to put up half the money and still come out with a liquid metal fast breeder reactor, I would certainly join them and applaud their efforts.

As a matter of fact, I might go a little further than they would, if we could depend on private enterprise going ahead and put a project like this together and carry it forth to its conclusion, I would be willing to go that far.

But, Mr. Chairman, we have got to be at least reasonable. What will the ultimate outcome be, if we approve this amendment.

Right now we have the utilities agreeing to put up $257 million. If this amendment is approved, then I would imagine that the utilities would then say, "We cannot afford it," and justifiably so. Then they would drop out and we would lose the entire $257 million participation by the utilities.

Now, no one has said today that we should not continue research on the liquid metal fast breeder reactor; so apparently we all agree that the program should continue; at least, that has been the expression of the Members in the Chamber today. If that is the case, if it is not an amendment simply to do away with the total program, then I would think that the best way to proceed and to really achieve the goal that we are seeking is to vote down the amendment, because what would eventually happen is that the Federal Government would be struck with the whole bill after the utilities pull out, because it simply became too expensive.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I want to compliment the gentleman on the statement the gentleman has just made and indicate my opposition to the amendment, because of the open-ended nature of a commitment that would be required from the utilities if this so-called cost-sharing amendment is adopted. It would be open-ended and it seems to me it is very likely that many of the public utilities, 740 of them in all that have contributed to date or are going to contribute $257 million would find it impossible from the standpoint of State utility commissions to get the kind of permission needed to continue to share in this project. We would lose the very valuable addition of private industry altogether; so for these and many other reasons that I will not take the time of the House to detail, I certainly hope that the amendment is defeated.

COUGHLIN AMENDMENT

Mr. Chairman, the amendment offered by my friend from Pennsylvania purports to restore some semblance of the original Government-industry cost sharing principle espoused in earlier public law and as a result demonstrate the private participants' commitment to the project.

After very carefully reviewing this amendment both from a fiscal standpoint and from its overall effect on the breeder program and the CRBR project itself, I can only conclude that the amendment is not what it claims to be and in fact represents a very subtle effort to throw a major monkey wrench into the project.

Let me explain why this is so. ERDA and the private participants have recently negotiated a new contract for managing the project. In response to the increased Government role in financing the project, ERDA has requested and has received the responsibility for managing the project. This revised contract has been drafted, has laid before the Joint Committee, has been reviewed by proper administrative and congressional agencies, including the GAO and finally was approved by the Joint Committee. It was signed by the two parties on May 5, 1976, and is now the contract of record.

This contract, as have all prior contracts, contemplates a fixed financial commitment on the part of the private sector. The private participants at the beginning of the program agreed to a contribution of about $250 million. To their credit they have maintained their end of the bargain. Their contributions have been made regularly and on schedule.

Revising the contract through congressional action, in the manner proposed by Messrs. Coughlin and Moorhead, would necessitate a complete reassessment by the private participants of their involvement in the project. Because of the major change contemplated here, the present contract would be of no effect and the contract negotiation would have to begin anew, further confusing and delaying the completion of CRBR and adding new and increased costs due to the further delays.

This review would be necessitated by:

First. The open-ended nature of the commitment required by the amendment. No specific level of support is mentioned and securing approval for such a commitment would be difficult if not impossible for the utilities, both from their stockholders' point of view as well as from the point of view of their ratepayers and rate commissions.

Second. The timetable and design are still not fixed, and until they are, no accurate cost run-out on the plant can be done by ERDA.

Third. The financial situation that most utilities find themselves in right now does not easily accommodate increased expenditures for future demonstration breeder reactors.

The effect of this amendment, Mr. Chairman, is not to bring the costs under control at all. The design of the plant has not been finalized or approved and thus no firm costs have either been incurred or definitively established. The net effect of this amendment would be to drastically alter the basic philosophy underlying the program—close government and industry cooperation—by putting impossible demands on the private participants and forcing them out of the project. To make the most efficient use of taxpayers' dollars, Government and industry need to work together to discover and solve engineering problems during design and construction, work through the licensing process and finally operate the reactor on the utility grid to see what characteristics it exhibits in commercial operation. This technique has worked in the past—it is how the light water reactor industry was developed—and there is absolutely no reason to expect that it will not work this time.

Moreover, if you tear apart that working team as this amendment would do, you have deliberately subverted the often stated will of this and past Congresses and the enthusiastic support of four administrations. I urge that the amendment be defeated.

Mr. LUJAN. Mr. Chairman, this amendment reminds me of a bill we had here 2 or 3 years ago, where anything over 6 percent interest in the District of Columbia was illegal, so those of us that were for increasing that percentage so that someone could charge more than 6 percent were looked on as ogres trying to gouge the people of the District of Columbia; but, in fact, all we were trying to do, at 6 percent no one would lend any money in the District, so people were much worse off by having this protection laid upon them by their benevolent government, but it was not doing them any good because they could not borrow any money.

Mr. Chairman, in this particular case, if we are trying to get a higher participation by the utilities and the utilities cannot afford it, they will simply drop out and we will be in a worse position than we are at the present time.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I would like to respond to a question raised by the gentleman from Illinois concerning the public utility commission viewpoint on this open-ended issue. We have checked with Paul Rogers, Chairman of the National Utilities Council, and the director of public utilities in Pennsylvania and the director of public utilities in Maine.

None of them see any problem in this, from a utility, commercial standpoint, that there would be anything that would prohibit public utilities from granting cost overruns or dealing with the commitment.

Mr. PRICE. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Pennsylvania (Mr. COUGHLIN) states that the original authorizing legislation for the Clinch River project in Public Law 91-273 stipulates that the Government assistance for the plant shall not exceed 50 percent of the estimated capital cost for the Clinch River project.

That statement is not correct.

In 1969 in Public Law 91–44 the Joint Committee recommended and the Congress provided statutory authorization requested by the administration to enable it to conduct the opening phase, called the Project Definition Phase, of the Liquid Metal Fast Breeder Reactor Demonstration program. The central purpose of the Project Definition Phase was to help define the scope of the demonstration project in sufficient detail to provide a realistic basis for assessing the extent of the required effort including the technical and economic risks. At that time the developmental project had already received the highest priority in the civilian nuclear reactor program.

In 1970 the Atomic Energy Commission proposed that it be authorized by the Congress to proceed from the Project Definition phase to a definitive cooperative arrangement for the development, design, construction and operation of the demonstration plant. The enabling statutory authorization was passed by the Congress in Public Law 91–273. Funding authorization in the amount of $50 million of direct governmental assistance, $20 million from the overall LMFBR base program, and $10 million waiver of fuel use charges was for the purpose of permitting Government-industry planning for the project.

The Joint Committee, in its report on the bill enacted as Public Law 91–273 (House Report No. 91–1035, at page 3), stated its concern that the amounts requested may well be insufficient to permit the consummation of a desirable arrangement in which the reactor manufacturer and its associates including the utility or utilities undertake to assume the major portion of the total cost entailed.

On June 30, 1971, the Joint Committee recommended to the Congress (House Report No. 92–325) that Congress approve the request for additional funding authorization. Congress passed the legislation which became Public Law 92–84. That legislation provided for an additional $50 million of direct governmental assistance and eliminated the $20 million ceiling on the use of base program funds. The elimination of the $20 million ceiling was accompanied by language which provided that assistance from the base program fund "shall not include the furnishing of end items of the demonstration plants including items which the Commission may deem necessary for research, development or testing in the light of its Liquid Metal Fast Breeder Reactor base program and provided further that such assistance which the Commission undertakes specifically for this demonstraton plant shall not exceed 50 percentum of the estimated capital cost of such plant."

After the enactment of Public Law 92–84 the Atomic Energy Commission submitted to the Joint Committee on Atomic Energy the basis for the proposed cooperative arrangement. Extensive hearings were held by the Joint Committee on that subject.

The committee decided that the basis for the proposed arrangement was in accord with requirements of the enabling legislation, section 106 of Public Law 91–273, as amended by Public Law 92–84. At that time the committee had hoped that the private contributions would be firmly committed to the cooperative arrangement in an amount to provide an assured and sufficient sum of resources necessary to accomplish the cooperative arrangement. The Joint Committee stated, however, that the arrangement would commence with somewhat less than a fully secured base of resources from the private participants.

The program justification data which the Joint Committee approved in 1972 stated that actual construction of the demonstration plant did not begin until the Government extended to the private participants its commitment to indemnify those parties against some possible cost or expenses arising out of the project activities and not covered by funds available for the project. Also before construction begins the Commission under the initial arrangements would have been obliged to agree that at the end of the term of the project, that is after the completion of a 5-year period of demonstration operation, the Commission would take custody of and title to the demonstration plant if the Tennessee Valley Authority did not elect to retain ownership. The Commission would also take custody in the event the project were terminated before the end of the performance. These two commitments by the Commission required legislative authorization. The legislative authorization was provided by Public Law 93–276 which added a paragraph c. to the enabling authorization.

In addition, before the construction begins under the initial arrangement the Commission was obligated to seek authorization for further funding of the project should the parties find that available resources are insufficient to enable successful completion. The Commission was also permitted to endeavor to secure authorization for further contributions if at any other time project resources are insufficient.

The Joint Committee then believed those features not to be unreasonable in light of the national priority which was given to this important development project.

Of course the administration's authorization request for fiscal year 1976 and the transition quarter disclosed the substantial increase in the estimated cost for the demonstration project without any increase in the contributions of financial participants. The authorization request was passed by the Congress and enacted into law as Public Law 94–187. As a result of the authorization, the Energy Research and Development Administration on May 5, 1976 amended the contractual arrangements for the reactor demonstration project to provide, among other things, that ERDA have sole responsibility for managing and controlling the project.

Paragraph 3(e), page 5 of Contract AT (49–18)–12 between ERDA and the private participants refers to the utility obligation to raise $250 million for the project and to ERDA's agreement to accept the open-end beyond the fixed contribution of the utilities. Each utility enters into an individual fixed-amount contribution agreement with BRC. Each contribution agreement contains a flat limitation limiting the obligation of the utility to the amount specified. BRC is obligated, then, under their contract with PMC and ERDA to limit all pledges from each utility to PMC. The BRC agreements are included in the four-party arrangement for reference pursuant to paragraph 3.1 of the contract on pages 13 and 14.

Paragraph 4.1.4 of the contract on p. 16 also specifically provides that ERDA will assume a continuing obligation to seek additional money and authorization as needed.

Paragraph 9.2 of the contract on pages 24 to 27 contains the indemnity agreement. In addition, there is a reference to the $250 million as funds contributed by the utilities. In addition, in paragraph 7.1.2, on pages 21 and 22 the utility funds are stated to be $250 million.

The program justification data also provides specifically under paragraph 3 (g) that the utility contributions will be limited to the amount specified in each utility contribution agreement. The total of all of those contribution agreements was intended originally to be about $250 million. It is now about $257 million.

CRBRP PROJECT COSTS

The first official cost estimate for the Clinch River breeder reactor plant—CRBRP—project was established by ERDA—then AEC—in August of 1972 at a level of $699 million. Since then, two official revisions to this estimate were made which have significantly increased the estimated cost of the project: One in June of 1974 and the other in January of 1976.

The most significant change in the estimated cost of the project took place in June 1974 when the estimated cost was increased by $1,037 million to a total of $1,736 million. This change was made to reflect a better definition of the project scope—including design changes—the project cost basis, the effects of inflation, the cost trends in the utility supply and manufacturing industry, the allowances for contingency and the increased environmental and licensing constraints. Cost increases associated with these factors were as follows—in millions of 1974 dollars:

Transfer of certain ERDA R&D programs into project costs	$70
Design changes	55
Licensing changes	165
Increase in basic process cost	70
Design features and efforts due to more stringent safety requirements	95
Increased contingency allocation	150
Inflation and financing effects	597
Escalation (change from 1972 to 1974 dollars; one year schedule delay and rate change from 5% to 8.5%)	513
Accounting changes	30
Increased material and fabrication cost	54
Total cost increase	1,037

In 1975, the amount of budget authority requested by ERDA for CRBRP in fiscal year 1976 was reduced from $181.5

million to about $131.1 million. This reduction in funding resulted in a schedule slippage of 15 months and a revised cost estimate of $1,950 million, up $214 million from the June 1974 estimate.

Of the latest estimated cost increase, $168 million is directly associated with the 15-month schedule delay—that is, escalation and carrying charge effects. The remaining $46 million increase is due to internal scope changes and hardening of the previous cost estimate as a result of having more complete data from firm equipment proposals or executed contracts.

Considering all changes made to date in the official estimate for the CRBRP project, $101 million can be attributed to changes in the plant design to improve performance. This, however, only constitutes about 8 percent of the total increase from the August 1972 estimate to the current estimate. The bulk of the changes—$1,150 million—primarily reflect charges associated with the assumption of risk, schedule delays, rate of inflation, and contingency factors which are to be applied to the project. None of these changes could have been foreseen by the project planners at the time the official estimates were made. Furthermore, all the factors which caused these changes lie completely outside the realm of project control. Should current trends continue, additional increases may be necessary. No increases are envisioned, however, due to decisions within the domain of the project.

CRBRP project cost estimate increases

(In millions of dollars)

INCREASES NOT INFLUENCED BY INDUSTRIAL PROJECT MANAGEMENT	
June 1974 increases:	
Transfer of Certain ERDA R&D Programs into Project Costs	$70
Licensing Changes	165
Increase in basic process cost	70
Design features and efforts due to more stringent safety requirements	95
Increased Contingency Allocation	150
Inflation and Financing Effects	597
Escalation (change from 1972 to 1974 dollars, one year schedule delay and rate change from 5% to 8.5%)	513
Accounting changes	30
Increased material and fabrication cost	54
January 1976 increases:	
Increased Escalation and Carrying Charges Due to 15-month Stretch-out Resulting From Licensing Delays and a $30 million (30%) Reduction in fiscal year 1976 ERDA Budget	168
Total increases	1,150
INCREASES INFLUENCED BY INDUSTRIAL PROJECT MANAGEMENT	
Design Changes	55
Scope Changes and Hardening of Previous Estimate	46
Total	101

The Coughlin-Moorhead amendment would require that private industry pay on a phased-in basis a share of the total cost increase in the Clinch River breeder project over $2 billion. The reason given for this amendment is that it would propel the Clinch River project ahead at a pace which could be implemented properly and which would put the industry people on notice of a need to be efficient, economical, and safety conscious. At the same time the sponsors allege that it would provide the programs' managers with increased fiscal responsibility.

I am in complete agreement with the objectives for the project stated by Mr. COUGHLIN. I am for fiscal responsibility, for efficiency, for an efficient economic and safety conscious management of the project. There should be no confusion on all of this and our common objectives in that regard.

Nevertheless the amendment is opposed by the committee for the following reasons: It would simply be unconscionable to impose on the private participants any increased share of the funding for the project for reasons over which they have no control. Under the amended arrangements, the Government is in complete control of the project and the majority of the funding will come from the Government. These facts were recognized by the Congress last year when it approved the amendments to the original authorization for the Clinch River breeder reactor project. The steps by which one can reach the conclusion that nevertheless as the project nears completion the private participants should be required by law to assume a greater share of the financial risks, represent a seriously flawed line of reasoning.

The fact is that such an open ended commitment would probably be contrary to the charters of many of the private participants—certainly this would be the case for publicly owned utilities and the cooperatives. The fact also is that the magnitude of such an open ended commitment could not be assessed with some finality until the project is substantially underway.

Moreover, it escapes me how imposing a ceiling and cost-sharing arrangement on a demonstration project which involves many technological challenges could make people more safety conscious. It would seem that this could have just the opposite effect—that people may be inclined to cut corners in the interest of saving money.

This project will only be allowed to operate if it is found by the NRC to be in compliance with the requirements of the Atomic Energy Act and of the Nuclear Regulatory Commission for safe operation.

As the project moves ahead, I believe that the efficiency and the economy of the project can best be handled by a vigorous management and control of the project which ERDA has only recently assumed and by the continued dedicated participation of the private participants. The efficiency and effectiveness of that operation will continue to be reviewed by the entire Congress as a part of the annual budgetary process, and I can assure you that the management of this project will continue to receive the oversight attention of the Joint Committee on Atomic Energy and the attention of the General Accounting Office. Simply providing cost-sharing arrangements at this time would in my judgment be an action which would solve nothing; could create substantial problems; and at best would only give the illusion that something was being accomplished. If the Congress decides that there should be a ceiling on this important project, that decision can be made on an annual basis when Congress has to decide on the level of Government funding for the project. The fact is that without substantial Government funding for the next 6 to 8 years of approximately $200 million annually, the project cannot move ahead to completion.

I would further like to emphasize that the increase in the cost of the project in recent years has not been due to cost overruns in the traditional sense that have been caused by managerial inefficiency. The major reason for the increase in cost has been delays over which the Government has no control and from changes in the initial design which have been made in the interest of demonstrating a safe and reliable plant.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, there is an article in a recent weekly magazine about solar power which quotes an official of ERDA as saying, "The worst thing we can do is oversell * * *" talking about solar energy * * * "When solar power becomes economic, it will sell itself."

I would make the same argument about the breeder reactor. When it becomes economic, it will sell itself to the utilities.

Mr. PRICE. I am not talking about solar power; I am for solar power as quickly as we can get it. I am for putting all the effort into it, all of the dollars we can. We have the appropriate committees supporting that program for proceeding on it, and I think they have given serious attention to all sources of energy because we all know the importance of finding some new source of energy that is going to sustain, not only our country, but the world, in future generations. One of the hopes for that is the fast breeder reactor.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, I would like to raise a question with regard to a concern I have about this amendment. It seems to me the amendment may be counterproductive in the area of providing a safer project. It would seem to me the amendment would place more emphasis on cost cutting than providing greater protection for a safe project on the breeder reactor. Is this a concern that should be expressed in putting a cap on expenditures?

Mr. PRICE. Yes, I think this would be a concern. If we have a cost ceiling, the program could be hampered in some way that might influence other programs and might, in the long run, cost more than it would if we proceeded in keeping with technology and improving upon that technology.

Mr. MYERS of Pennsylvania. If the gentleman will yield further, I would just like to state that most of the feeling I get from the general constituency is on the question of safety. I think, if we ignore the question of safety and build a marginally safe facility, we will, in fact, not be answering the real questions the general public has about the usefulness of nuclear energy over the next generation.

I thank the gentleman for yielding to me.

Mr. ALLEN. Mr. Chairman, will the distinguished chairman yield for a question?

Mr. PRICE. I yield to the gentleman from Tennessee (Mr. Allen).

Mr. ALLEN. Mr. Chairman, under this arrangement with ERDA, to what extent does private industry or private utilities participate in the profits or the yield from this breeder reactor?

Mr. PRICE. All that would be involved would be receipt of technology from the development program. That is the main benefit. That is what we all get out of it, the technology.

Mr. ALLEN. The breeder reactor, if it produces fuel, would be selling that fuel, would it not?

Mr. PRICE. This is a demonstration project to determine whether it produces fuel in accordance with what scientists have indicated to us will be possible, and is possible.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, it is difficult for me to understand why the Coughlin amendment is being so strongly opposed. ERDA estimates that the cost of the Clinch River reactor will be $1.95 billion, and that includes inflation and a 20 percent contingency fund. If the cost of the project is not expected to exceed $1.95 billion, why is there any objection to requiring the private parties to pick up a share of the costs above $2 billion?

The Coughlin amendment, by requiring the private participants in the project to pay 30 percent for the first $250 million over $2 billion, 40 percent for the second $250 million, and 50 percent of all costs above $2.5 billion will test the economic credibility of the plutonium breeder reactor program. We will then find out whether the project has any economic credibility in the eyes of the private utilities.

Mr. Chairman, it has been claimed here this afternoon that the breeder is the answer to energy independence. I want to point out to my colleagues that this plutonium breeder technology may turn out to be a white elephant because other technologies, such as solar energy and fusion, are developing so rapidly. If anyone has a choice between a plutonium breeder reactor and its risks, and solar energy or fusion, they would most likely pick solar or fusion.

Some of my colleagues will object that solar energy is exotic, that it is far in the future. I want to point out that according to ERDA, this is not the case.

ERDA's recent National Plan for Energy Research and Development estimated that solar energy could produce 10.1 quads (quadrillion Btu's) of energy by the year 2000, while the plutonium breeder reactor would only be producing 3.1 quads of energy by that time. ERDA is saying that solar energy will produce three times as much energy as the plutonium breeder reactor program in this century.

Mr. Chairman, fusion has also achieved several important technical breakthroughs this past year. In tests at Oak Ridge, MIT, and Lawrence Livermore, laboratory test results exceeded, or at the least equalled, expectations. These programs will enable the fusion program to build a demonstration plant in the late 1990's. Since plutonium breeder reactors will not be ready for commercial purchase until the 1990's, there simply may be no market for plutonium breeders when they are put up for sale.

I would like to address a question or two to the author of the amendment, the gentleman from Pennsylvania (Mr. Coughlin) if he will take the microphone.

If I understood the gentleman's opening remarks in support of his amendment, one of the purposes of cost sharing is to determine a project's credibility.

Mr. COUGHLIN. Absolutely.

Mr. FISH. Yet we have heard from the other side that if this cost is increased, it would be quite likely that the utilities would drop out. Maybe we have the answer already. The gentleman said also that 65 percent of the management personnel was for the private sector of the Clinch River project.

Mr. COUGHLIN. That is correct.

Mr. FISH. This would mean that while the contract may refer to ERDA as the final authority, actually management is by private industry on a day-to-day basis?

Mr. COUGHLIN. The final authority of ERDA is in fact unclear.

Mr. FISH. I would like to comment on another aspect. We were told there is no contractual arrangement by which the Federal Government could get the private sector to contribute more. But is it not the gentleman's position that the contractual arrangement would be a renegotiation of the contract?

Mr. COUGHLIN. There has been an existing contract negotiated, and we would negotiate additional contracts, that is quite correct.

Mr. FISH. Mr. Chairman, is it not true that the contract between Project Management and ERDA provides that if Congress says it will not appropriate all the moneys that may be necessary, there will be a renegotiation of the contract?

Mr. COUGHLIN. There would have to be a renegotiation, as has happened in the past.

Mr. FISH. By its very terms the contract provides the contingency they would follow from the adoption of the gentleman's amendment. It seems to me this is a very rational amendment.

It appears to me that what the gentleman is doing is saying that ERDA has certain obligations under the contract and he would like equal obligations placed on the private sector.

Mr. COUGHLIN. For the increase in cost over and above $2 billion, yes, when it reaches that point.

Mr. FISH. Mr. Chairman, I might point out one other thing, and this might not be known by all the Members:

Let us assume that after Clinch River is built the Government decides it is not working well and we do not want to continue to subsidize its operations; ERDA cannot refuse to spend more on that project and cannot refuse to ask the Congress for more money—and the gentleman can correct me on this if I am wrong—because the contract provides that ERDA must come back to the Congress and seek these additional appropriations.

Mr. COUGHLIN. The gentleman is correct.

Mr. FISH. And with that obligation on the part of ERDA, the gentleman is asking that the cost overruns should be shared by the private sector in order to crank in the cost consciousness and credibility of the private sector to insure the success of this project.

Mr. COUGHLIN. Mr. Chairman, I might say that the private sector is very enthusiastic about the project and seems glad to have the opportunity to contribute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Coughlin).

The question was taken; and on a division (demanded by Mr. Coughlin) there were—ayes 21, noes 31.

Mr. COUGHLIN. Mr. Chairman, on that I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The pending business is the demand of the gentleman from Pennsylvania (Mr. Coughlin) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 209, not voting 50, as follows:

[Roll No. 288]

AYES—173

Abzug
Adams
Addabbo
Anderson, Calif.
Aspin
Badillo
Baucus
Beard, R.I.
Bedell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Brademas
Brodhead
Burke, Calif.
Burton, John
Burton, Phillip
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conlan
Conte
Conyers

Corman
Cornell
Coughlin
D'Amours
Dellums
Derrick
Derwinski
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
English
Eshleman
Evans, Ind.
Fascell
Fish
Fisher
Fithian
Florio
Forsythe
Fraser
Frenzel
Frey
Gilman
Goodling
Grassley
Green
Gude
Hamilton
Hammerschmidt
Hannaford
Harkin
Harrington
Harris
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Holtzman
Hughes
Hungate
Hutchinson
Jacobs
Jeffords
Jones, Okla.
Jordan
Kasten
Kastenmeier
Keys
Koch
Krebs
LaFalce
Lagomarsino
Lent
Long, Md.
Lundine
McCloskey
McDade
McHugh
Madden
Madigan
Maguire
Mann
Mazzoli
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Mottl
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Patterson, Calif.
Pattison, N.Y.
Pike
Pritchard
Rangel
Reuss
Richmond
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Rosenthal
Roush
Roybal
Russo
Ryan
St Germain
Sarbanes
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shuster
Simon
Skubitz
Solarz
Spellman
Stark
Steelman
Steiger, Wis.
Stokes
Studds
Sullivan
Van Deerlin
Vander Veen
Vanik
Waxman
Weaver
Wirth
Wolff
Wydler
Wylie
Yates
Zeferetti

NOES—209

Abdnor
Alexander
Allen
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Bafalis
Baldus
Bauman
Beard, Tenn.
Bennett
Bevill
Boggs
Bowen
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Cederberg
Chappell
Clancy
Clausen, Don H.
Cleveland
Cochran
Collins, Tex.
Conable
Cotter
Crane
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Devine
Dickinson
Downing, Va.
Duncan, Tenn.
du Pont
Edwards, Ala.
Emery
Esch
Evans, Colo.
Evins, Tenn.
Fary
Fenwick
Findley
Flowers
Foley
Ford, Tenn.
Fountain
Fuqua
Gaydos
Gibbons
Ginn
Goldwater
Gonzalez
Gradison
Guyer
Hagedorn
Haley
Hall
Hanley
Hansen
Harsha
Hawkins
Hefner
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howe
Hubbard
Hyde
Ichord
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
Landrum
Latta
Leggett
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
McCollister
McCormack
McDonald
McEwen
McFall
McKay
Mahon
Mathis
Michel
Miller, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Morgan
Mosher
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Passman
Paul
Pepper
Perkins
Pickle
Poage
Pressler
Preyer
Price
Quie
Quillen
Railsback
Randall
Regula
Rhodes
Roberts
Robinson
Rooney
Rousselot
Ruppe
Santini
Sarasin
Satterfield
Schneebeli
Sebelius
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Stephens
Stratton
Stuckey
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Traxler
Treen
Ullman
Vander Jagt
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wright
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—50

AuCoin
Bell
Bolling
Bonker
Brown, Mich.
Buchanan
Carter
Clawson, Del
Duncan, Oreg.
Erlenborn
Flood
Flynt
Ford, Mich.
Giaimo
Hébert
Henderson
Hinshaw
Howard
Karth
Litton
McClory
McKinney
Macdonald
Martin
Matsunaga
Meeds
Milford
Mills
Moorhead, Calif.
Moss
Murphy, N.Y.
Nichols
Patten, N.J.
Pettis
Peyser
Rees
Riegle
Roncalio
Rose
Rostenkowski
Runnels
Shipley
Stanton, James V.
Steiger, Ariz.
Thompson
Thornton
Tsongas
Udall
Wilson, C. H.
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Riegle for, with Mr. Hébert against.

Mr. Udall for, with Mr. Milford against.

Mr. Litton for, with Mr. Rose against.

Mr. AuCoin for, with Mr. Runnels against.

Mr. Thompson for, with Mr. Nichols against.

Mr. Howard for, with Mr. Shipley against.

Mr. Macdonald of Massachusetts for, with Mr. Patten against.

Mr. Peyser for, with Mrs. Pettis against.

Mr. Moss for, with Mr. Rostenkowski against.

Mr. JOHN L. BURTON changed his vote from "no" to "aye."

Mr. ALLEN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MOORHEAD OF PENNSYLVANIA

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD of Pennsylvania: Page 16, line 10, strike out "$3,371,676,000" and insert in lieu thereof "$3,377,351,000".

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, this amendment is a very simple but important one. It makes certain that private sector efforts to advance laser fusion technology are adequately funded to achieve the maximum progress in the shortest period of time.

What I am talking about is simply this: We have a chance in this country to bring on the manufacture of gaseous fuels from water in late 1980, only 4 years away. The supply will be virtually inexhaustible if science can bring this about.

However, it will not be able to do so unless we provide the needed financial resources right now. Every time we hold back the modest sums needed, the schedule slips and we postpone once again America's date with its energy destiny.

The amount of this increase is $5,565,000. I believe the price is right and a bargain at that.

Over the last year, I have followed with great interest one program among several that may well offer the solutions we urgently seek on gaseous fuel shortages. This is the laser fusion-hydrogen effort being carried out by private industry, especially KMS Fusion in Ann Arbor, Mich.

Laser fusion involves shooting at tiny fuel pellets filled with fusion materials with very high-powered bursts of energy—a billionth of a second long. The laser beam heats the target to Sun-like temperatures, triggering a fusion reaction which releases tremendous amounts of energy. The energy released is then used to split the molecules of water into hydrogen and oxygen. Eventually laser fusion will be used to generate electricity. However, its first energy application will be in producing pipeline quality gas.

Abundant, inexpensive hydrogen gas stemming from this process could mean the beginning of energy independence for this country and the world. Hydrogen is not only a basic and key element of the hydrocarbon petroleum fuels currently fueling our transportation systems, heating our homes, and driving our industries, but it also is the primary key for synthesizing complete substitutes for these fuels. The more we look at the possibility of obtaining a virtually unlimited supply of hydrogen, the more we find what it can do for us.

If hydrogen has such a potential, why then has it not become a more common element in our thinking about energy solutions? Simply because no one has ever found an inexpensive way—in terms of energy use and dollars spent—of producing hydrogen. KMS may well have found just that using laser fusion as the energy source.

KMS scientists have found that the output of the laser fusion implosion is peculiarly suited for the disassociation of the hydrogen and oxygen molecules of water. This, to the best of my knowledge, is the first time that laser fusion has been put to work in a way that it can be converted directly into a gaseous fuel suitable for existing pipelines and energy systems.

Texas Gas Transmission Corp., which has already invested $4 million in the KMS hydrogen work, has announced it is prepared to finance the hydrogen portion of a pilot plant, about one-half or $40 million of its cost, at a point when it becomes clear that plant should be built.

Water is the most abundant and readily available compound on earth. It is the source of deuterium, the fuel for laser fusion, and hence it provides an unlimited fuel supply. Thus, laser fusion energy and a virtually inexhaustible water supply become a true source for synthetic substitutes of fossil fuels and chemical feedstocks in all of their liquid and gaseous forms.

The Conservation, Energy, and Natural Resources Subcommittee of the Committee on Government Operations held a hearing last year on the prospects of producing synthetic fuels using laser fusion technology. We were very encouraged by what we heard and convinced that laser fusion should indeed be pursued by private industry, as well as the military, as a source of energy.

Funds were eventually appropriated for this purpose and KMS Fusion was awarded a 1-year contract to continue work in which it has invested $25 million of private funds. It was our expectation that a decision had been made that this effort should be supported at a level providing for maximum progress commensurate with its potential as a residential, industrial, and commercial energy source.

I was surprised to find, when the ERDA budget for fiscal year 1977 was sent to Congress, that while the Government laboratory laser fusion programs were being given increases, the major private sector program was to be significantly reduced. I do not question the merit of expanding the military-oriented laser fusion program, which I am certain was justified by its military potential.

I am terribly troubled, however, by the fact that the only industrial program aimed entirely at commercial energy applications was reduced to a barebones survival level. Perhaps this anomaly results from the organization of ERDA, under which a private sector energy program was required to compete for funds with Government programs.

The Joint Committee on Atomic Energy recommends increases in funding for laser fusion over what the executive branch has proposed. I support these increases, but in the case of the private sector hydrogen program, I believe the increase falls far below what is needed to move this project ahead at the pace its potential demands. Let us not give the Government an exclusive domain on this. I recommend that the Congress authorize funds necessary to provide the support requested by this private sector effort for fiscal year 1977, a modest total of $20.2 million.

Therefore, the amendment I have introduced would add $5,565,000.00 to the authorization for appropriations for operating expenses for laser fusion research with the understanding that such funds would be used in support of private sector programs.

Mr. YOUNG of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Texas.

Mr. YOUNG of Texas. Mr. Chairman, for this side, I have looked over the amendment carefully. It is true that the technology in fusion has some very meaningful breakthroughs. For our part, we will accept the amendment.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, I rise in strong support of the Moorhead amendment and commend the gentleman for the diligent work that he and his Subcommittee on Conservation, Energy, and Natural Resources have been doing in this Congress on stimulating the executive bureaucracy to move ahead to encourage development of innovative programs to meet our long-term energy needs.

We all know that much attention has been focused, in recent months, on the tremendous potential of laser fusion technology in the development of gaseous fuels from water. Some experts have observed that the nation that develops this technology first will take a giant step ahead of all others in the world energy race toward self-sufficiency. As the distinguished gentleman from Pennsylvania (Mr. MOORHEAD) has already pointed out such a breakthrough is possible by late 1980 if private industrial efforts are properly funded and encouraged. The Moorhead amendment is a modest beginning in this direction, authorizing an increase of $5,565,000 for such purpose. Nevertheless, it is important that we move in this direction now.

Much of the innovative work in the laser fusion-hydrogen field is being done by the scientists of KMS Fusion of Ann Arbor, Mich. This company's efforts to utilize laser fusion technology to produce gaseous fuel suitable for use in existing pipelines and energy systems from an almost limitless supply of water. KMS has already invested some $25 million of private funds into its effort and has received a contract from the Government to continue its work. The Texas Gas Transmission Corp. has also invested some $4 million in the KMS development of hydrogen from water and will also invest upward of $40 million in additional funds to assist in construction of a pilot plant when it is feasible.

Mr. Chairman, the private sector development of energy that can be produced by laser fusion techniques should, in my judgment, be encouraged. I cannot understand why the administration's budgetmakers chose to increase laboratory laser fusion programs being carried out in Government facilities, but greatly reduced funds for the major private sector program now in existence. We hear much rhetoric from administration spokesmen about strengthening the private enterprise part of our economy, but when it comes to an opportunity to strengthen the private corporate development of a commercial energy source of exciting proportions, they cut back funds to a minimum. There is an important role for both governmental and private sector companies such as KMS in this vital field of laser fusion. I therefore urge our colleagues to support the Moorhead amendment to add this modest amount to the ERDA authorization bill so that the important work of KMS can go forward without delay.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, I am pleased to rise in support of the amendment of the gentleman from Pennsylvania.

Here in the Congress we have expended enormous amounts of energy in the form of hot air talking about the need for new sources of energy for the future. It undoubtedly would take a computer to figure out the number of references in congressional debate to promising new energy sources and the need for energy independence. This amendment gives us the opportunity to use that expensive colloquial phrase, "to put our money where our mouths are."

The Nation is spending a great deal of money to explore the future of such energy sources as solar energy, oil shale development, geothermal energy, et cetera. These energy sources are proper and promising areas for energy development and deserve our full research and attention. Unfortunately they alone are widely talked about and are therefore popular with the press and the voters.

There is another promising source of energy, however, which has not received much publicity—perhaps because its development is so technically and scientifically complex that it is nearly impossible for laymen to understand how it actually produces energy or comprehend the extent of its potential for the future. That source of energy is water—just plain water. More accurately, the energy resource is the hydrogen gas which makes up a part of water.

While the potential of hydrogen as a fuel has long been understood by our scientists, as an energy resource it has remained in the background because the methods of separating hydrogen gas from water have been extremely expensive. As my colleague Mr. MOORHEAD has already pointed out, KMS Industries, a private scientific research firm of Ann Arbor, Mich., is now confident of the development of a workable, relatively inexpensive means of separating the hydrogen gas from water. The separation is accomplished through the use of that favorite device of science fiction writers—the laser. But the potential for laser implosion in the production of energy is not science fiction—it is fact. KMS officials have testified that the system which they are developing could begin to produce gaseous fuels.

Unfortunately, the development of this extremely important resource may be jeopardized by the budget which has been proposed by ERDA. Its concentration on government-laboratory-development of the laser for solely military use, stands in the way of the laser's development for vital civilian purposes. The ERDA budget has cut the research and development budget for the KMS process to a barebones, survival level—a level which will keep the program alive but which will prohibit it from making substantial progress in the years ahead.

Mr. MOORHEAD has proposed an increase in the ERDA budget of $5.565 million. This amount is insignificant in relation to our total federal spending and to our total spending in the field of energy research. It is, however, vitally important to the development of one of America's most important resources.

Time after time America has turned to the technical genius of its scientists to solve major national problems. There is no question that it is the scientific genius of our industries which has led the United States to its present preeminent position in world affairs and international trade. This is no time to ignore the potential of science to solve our problems. Americans have treated the energy question calmly because they are confident that our scientists will find a solution. I share that confidence. But scientists do not work in a vacuum. They need adequate support to reach their goals. I strongly urge the House to vote these additional funds so that the genius of our scientists will be given a fair opportunity to solve our energy problems.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD of Pennsylvania. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, the minority has no objection to the gentleman's agreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FRASER: Page 24, immediately after line 13, insert the following:
>
> (5) adding at the end of section 106(a) the following: "Prior to the issuing of any permit authorizing the commencement of construction of the Clinch River breeder reactor demonstration plant, the Nuclear Regulatory Commission shall find that the operation of this facility will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public.";
>
> Redesignate the succeeding paragraph accordingly.

Mr FRASER. Mr. Chairman, this amendment sets forth a safety standard that the Nuclear Regulatory Commission would have to meet before issuing a construction permit for the Clinch River breeder reactor demonstration plant.

Mr. Chairman, the amendment is a very simple one. What it would say is that before the construction permit is granted it must first be found that the operation of the plant will provide adequate protection to the health and safety of the public. The language is taken directly from the Atomic Energy Act of 1954.

Now, under existing law that standard of safety does not have to be met until after the plant is built and awaiting an operating license. Because of the peculiar circumstances of the Clinch River breeder reactor, there are compelling reasons why the findings of safety ought to be made before we spend $2 billion in the construction of that reactor. The Clinch River breeder reactor plant is the only demonstration plant for the liquid metal fast breeder reactor development. It is the most expensive energy development program we have ever undertaken.

It is not our first demonstration breeder reactor, however. That distinction is held by the Enrico Fermi breeder reactor which was built in the early 1960's in southern Michigan, 40 miles from Detroit. In 1965, that reactor suffered the most serious accident to date in the history of nuclear power development in this country, a partial meltdown of the reactor core. A recent book entitled, "We Almost Lost Detroit," describes the accident. It took almost 8 years to repair the reactor, and shortly after the repair work was completed in 1973, the reactor was permanently decommissioned.

The United States has also built several small experimental breeder reactors: the EBR–1 and EBR–2. In 1955, the EBR–1 underwent a core meltdown.

Now, the NRC has submitted an environmental impact statement which has been reviewed by the Environmental Protection Agency, and here is what the EPA said just this month:

> Because of the resultant uncertainty in the safety design, the Nuclear Regulatory Commission was unable to conclude, in the draft statement, that the risks from reactor disruptive accidents will be acceptably low.

Then they say:

> We believe this situation must be resolved before a construction permit is issued on this project.

That is what we are asking for in our amendment. Dr. Stephen Hanauer, senior technical expert on the staff of the Nuclear Regulatory Commission, in a report to one of the members of the Commission, said as follows:

> The potential for auto-catalytic positive feedback leading to core nuclear explosion in liquid metal fast breeder reactors is creating great uncertainty regarding their design requirements.

Finally, Robert Pollard, who was a project manager for the Nuclear Regulatory Commission, has said that—

> One of the most needed reforms is to require a finding of adequate protection to the health and safety of the public prior to granting a construction permit.

This is what our amendment would do. It would require that in the design of the fast breeder reactor, that there be sufficient assurance of health and safety.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent Mr. FRASER was allowed to proceed for 1 additional minute.)

Mr. FRASER. The amendment simply says that when the proposal for the construction of the fast breeder reactor is presented for a permit, the design questions relating to the health and safety of the public must be ascertained at that time so that when we invest the $2 billion in the construction of this plant, we have reasonable assurance that it will work, that it can be operated safely, and that the public will get something back for the $2 billion which has been invested.

Mr. McCORMACK. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I am not going to take my full time on this amendment. First of all, I want to pay my respects to the gentleman from Minnesota for what he is trying to do. Unfortunately, the wording of his amendment would in effect, as we interpret it, to require that the Nuclear Regulatory Commission know every detail that might go into the plant during the next 10 years, including all improvements that might come along, before they issue a permit to start construction.

This is the problem: The gentleman's amendment seems to assume that the relationship between the Nuclear Regulatory Commission and ERDA on this thing is just a one-time-now, one-time-in-10-years relationship.

This is not true. It is a continuing relationship that goes on every day. We have just received a copy of a 7-page letter detailing recommendations that the Nuclear Regulatory Commission has made to ERDA for this project. This is a continuing thing.

Mr. Chairman, there is a nuclear powerplant in my district that has been under construction about 3 years, and the NRC has required 1,200 changes in the plant during that time.

So what we want to do here is assure the safety that we are talking about, but without freezing the design before we start. It is silly for us, in attempting to try to assure safety, to guarantee that no improvements will be allowed in the future.

The way the system works is that the Nuclear Regulatory Commission grants a license to construct, and it works on a daily basis with ERDA as the construction goes on. It then requires complete evaluation and testing of all of the components in the entire plant before issuing an operating license.

What the gentleman's amendment would do is to force the NRC to see in a crystal ball 10 years in the future what the reactor would be like even before it is built and even before recommendations for improvements made by the NRC itself are applied.

In addition to that, the way the amendment is written, it simply provides a welcome mat for litigation for every Tom, Dick, and Harry to come in and try to bring a lawsuit against NRC, to make them prove that they have positively established all of these points of safety for something that is going to exist 10 years in the future.

Mr. Chairman, there is going to be an amendment submitted by the gentleman from Illinois (Mr. ANDERSON) that will accomplish virtually the same thing but will not have these impediments in it. We can have our cake and eat it, too, on Mr. Anderson's amendment. If the Members will support the amendment of the gentleman from Illinois (Mr. ANDERSON) when the gentleman submits it, then we can have the safety requirements suggested by the gentleman from Minnesota without having the unrealistic provisions in the amendment as presented, and without having an invitation to endless harassing litigation.

Ms. ABZUG. Mr. Chairman, ERDA and the President have spoken in their energy protection reports of an increasing reliance upon nuclear power to fulfill America's energy needs. Yet, the opposition to the widespread use of nuclear power grows every day. This is particularly true in the use of the liquid metal breeder reactors the Ford administration intends to build in great numbers.

I am opposed to the liquid metal

breeder reactor. It is unsafe, as presently designed, and is as yet not fully tested for safety.

The liquid metal fast breeder reactor utilizes liquid sodium as a coolant medium. Liquid sodium is explosive upon reaction with air, and must be kept absolutely sealed from the atmosphere. Liquid sodium is opaque and does not permit a clear understanding of exactly what is going on inside the core. The core itself utilizes plutonium, a pollutant of unparalleled potency, and itself must be kept absolutely from the outside world. We have noted in recent years that accidents in nuclear plants have occurred. There have been near-catastrophes in Brown Ferry, Ala., and near Detroit, Mich. Plutonium pollution, in the form of radiation, can be spread over a wide radius by the explosion of the sodium coolant, and that can be precipitated by a wide variety of events, including ground tremor or earthquakes, human error, deliberate sabotage or terrorism, or even the accidental meltdown of the nuclear core. The liquid metal fast breeder reactor is a fragile entity in the laboratory. It may prove catastrophic if mass produced and sent abroad and installed here at home. One such catastrophe can kill millions. It will be too late after an accident to have a recall notice sent out to the public, the way the auto makers can do with their mass produced autos.

The breeder reactor does not represent the best use of available technology. A generation ago, nuclear power represented the best energy alternative to oil and gas. These fuels were understood to be limited, and would be exhausted within only one lifetime. At that time, it was believed that nuclear fuel would be limitless. We now see that uranium, the source of most water-cooled nuclear reactors, is itself limited in availability. The search for limitless fuel has centered upon the breeder reactor, which produces from readily available uranium 238 the plutonium needed for breeder reactor power. The breeder reactor itself produces more plutonium than it uses, thus creating fuel.

Yet, other sources of energy have become available in the past generation which make a more effective use of the power they generate. Solar energy, in all its forms, is limited only by the billions of years lifetime of our Sun. It is pollution free. Unlike plutonium, it does not present huge problems of waste management. Indeed, solar energy projects now conceive of utilizing as a raw material the very waste products we now burn or bury. Connecticut is now moving toward the creation of electricity from municipal garbage. Israel is deriving synthetic oil from algae grown in salt water on barren deserts free of all life save the rays of the Sun. Pilot projects now under way utilize tidal flow, wind flow, and the direct use of sunlight through solar heating plants and solar cells which directly convert sunlight into electric energy. By 1985, some solar cells in space will be beaming down to Earth electric power.

Next to the possibilities of solar energy, the liquid metal breeder reactor stands as the relic of a bygone era when insufficient care was paid to the effects of scientific experimentation upon the Earth. We have, I hope, moved from the era of emphasizing the technologically possible to implementing the technologically desirable.

The liquid metal breeder reactor is a potential threat to world peace, since it encourages the development of nuclear weapons.

The liquid metal breeder reactor utilizes and manufactures plutonium, which is the basis of the atomic bomb. It is easily possible for any nation possessing a breeder reactor to divert some or all of the plutonium produced by the reactor to weapons use. We know that India has done just this. There are reports that other nations have embarked upon a program to produce nuclear weapons, and anticipate obtaining the nuclear materials for their weapons production from the product of the breeder reactors the United States or other nations may sell to them.

The Clinch River reactor, which is now part of the Ford administration request for funding, is the pilot project for the massive development of the liquid metal breeder reactor. It is the wrong project at the wrong time, and at too high a price. I oppose its development, and I believe that at the very least it should be delayed until more data can be developed as to its safety and desirability. When we talk about a breeder reactor, we are not talking about energy for 1980. We are talking about the project which will have greatest emphasis for the year 2000 and beyond. We are now funding not the energy of the next decade, but of the next century. The decisions we take now will help to dig us further into the hole of power for the 21st century. This is not the best alternative we have.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS TO THE AMENDMENT OFFERED BY MR. FRASER

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Anderson of Illinois to the amendment offered by Mr. Fraser: Page 24 after line 13, strike out all after the first word of The Fraser Amendment, and add at the end of the text of section 106(a) the following: "Prior to issuing a Construction Permit for the Clinch River Breeder Reactor Demonstration Plant the Nuclear Regulatory Commission must first find that there is reasonable assurance that the plant can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that, in the opinion of the Commission, the issuance of a Construction Permit will not be inimical to the common defense and security."
>
> Redesignate the succeeding paragraph accordingly.

Mr. ANDERSON of Illinois. Mr. Chairman, I think the amendment that I have offered to the amendment submitted by the gentleman from Minnesota (Mr. Fraser) will serve to reassure the Members of this body that this program involving the liquid metal fast breeder reactor is already one of the most closely watched and carefully monitored demonstration research and development programs in the history of Government.

Not only is it being watched by the Nuclear Regulatory Commission and not only have hundreds of man-hours of hearings been held on this program by the Joint Committee on Atomic Energy, but a special ad hoc committee on which I was privileged to serve along with the distinguished gentleman from Washington (Mr. McCormack) has given intense scrutiny to the very problem that the gentleman from Minnesota (Mr. Fraser) has expressed concern about in his amendment.

Mr. Chairman, I think maybe at this point in the proceedings, before I say a word or two about the amendment itself, I ought to point out that in these hearings that I am talking about I have a statement, for example, that was given by the distinguished professor of physics at Cornell University, Hans A. Bethe, before the committee on June 4, 1975, in which he points out that there are many respects in which the liquid metal fast breeder reactor is even safer than the present generation of light water reactors. And, mind you, never has anyone been killed in the operation of one of those reactors, 57 of which are on line delivering electric power to this country at this very moment.

Professor Bethe points this out:

> The pressure in the reactor will be low, only a few atmospheres, this being the pressure necessary to circulate the sodium coolant.

He says that by like contrast, the light water reactor has pressures of the order of 150 atmospheres.

He went on to say:

> The sodium coolant is very much below its boiling point; the outlet temperature will be about 1,000° F. while the boiling point is 1,620° F.

He goes on to say:

> Sodium has very high heat conductivity.

And the significance of that statement, of course, is that sodium is the coolant used in the liquid metal fast breeder reactor. This makes emergency core cooling after an accident easier than in the case of water cooled nuclear powerplants.

Professor Bethe says this:

> When the fuel gets heated, the reactivity of the reactor decreases automatically, without any motion of the fuel.

Mr. Chairman, I could go on further, but I want to say this to allay the fears that have been expressed on the floor of this House today and on other occasions that somehow we are building some kind of a monster down there at Clinch River that is capable of destroying us. Actually we have plenty of proof to the contrary.

The American Physical Society met here in Washington a few weeks ago, and some very distinguished scientists offered testimony on this very subject, pointing out that the liquid metal fast breeder reactor is safer than the light water reactor.

But what the Fraser amendment would do would be to force the Nuclear Regulatory Commission to sign off on the

Clinch River breeder reactor at the plant's first and only licensing stage rather than at the time when all construction and testing had been completed and it had been inspected to the satisfaction of the NRC.

On the other hand, the amendment that I have offered to the amendment offered by the gentleman from Minnesota (Mr. FRASER) is, I believe, more acceptable. I think with my amendment the Members can go home to their constituents and tell them with every assurance that this Congress has insisted and will continue to insist that not only the NRC but the Joint Committee, and indeed ERDA itself, take every step necessary to guarantee that this plant is constructed in a proper and a safe manner.

Mr. Chairman, I have before me a letter which I will put into the RECORD at an appropriate time. The letter is signed by the Director of the Office of Nuclear Reactor Regulation, and it is dated May 19, 1976. It is directed to the staff director of the committee.

In that letter he says this: "We are continuing to evaluate the acceptability of the plant design relative to the probability and consequences of potential" accidents, "and are continuing to evaluate" both the processes and the phenomena.

And then he concludes with this: "These steps will assure that when a construction permit decision is reached for the CRBR, all design features necessary for the protection of public health and safety, including those considered to be necessary to prevent or accommodate" accidents "will have been identified and specified by the NRC staff."

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. Mr. Chairman, the amendment that I have offered—and let me read it again—simply says the following:

> Prior to issuing a construction permit for the Clinch River Breeder Reactor Demonstration Plant the Nuclear Regulatory Commission must first find that there is reasonable assurance that the plant can be constructed and operated at the proposed location without undue risk to the health and safety of the public . . .

Then after that construction permit is issued, they will continue to monitor the construction of that plant; and then a second time before the operating license is finally issued that plant is going to have to pass the most rigorous conceivable test before it is given a permit and a license to operate.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Minnesota.

Mr. FRASER. Is it the intention of the gentleman, through his amendment, to alter existing law and regulations?

Mr. ANDERSON of Illinois. I actually do not think that this amendment has the effect of doing that. I am simply offering it to indicate the sincerity of my position.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ANDERSON) has expired.

(On request of Mr. FRASER and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 3 additional minutes.)

Mr. ANDERSON of Illinois. To continue, Mr. Chairman, I am simply trying to offer this in behalf of the committee to show our sincerity for the fact that we are anxious to assure the Members who seem to think that there is something about this plant that is dangerous and that it is going to be licensed to operate before those problems have been solved that we are watching it and will continue to watch it. This language, I think, ought to serve that purpose.

Mr. FRASER. If the gentleman will yield further, what the gentleman is saying, as I understand it, is that his amendment, if it were adopted, would make no change in the present law and regulations that govern the issuance of a construction permit for the fast breeder reactor.

I think also that we might get on the record what the intent of the amendment is.

Mr. ANDERSON of Illinois. I do not think that it makes any change in the intent. It may make the language a little more specific. I have to go back to the language.

Mr. FRASER. However, this is the critical question. It was under present law and regulations that the Enrico Fermi plant was built.

Mr. ANDERSON of Illinois. No.

Mr. FRASER. Yes, it was, because I read the Supreme Court decision. This plant had a core meltdown.

Mr. ANDERSON of Illinois. Would the gentleman permit me to respond?

The Fermi plant in Detroit was never intended to be licensed for commercial operation.

The procedure we are setting up for the licensing of the Clinch River plant is to demonstrate the possible commercialization of this process. It is an entirely different purpose.

Mr. FRASER. The gentleman just made the point that initially it was not going to be commercially licensed.

The question is, Is this going to be a safe plant? The main point I need to get from the gentleman is that his amendment, if adopted, will not change present law.

Mr. ANDERSON of Illinois. I do not think that it does, but I am trying to furnish the gentleman from Minnesota (Mr. FRASER) with all the assurance he needs that we are going to require the most rigorous possible standards in the licensing of this Clinch River plant.

Mr. JOHN L. BURTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my admiration for the gentleman from Illinois (Mr. ANDERSON), which I thought could never exceed anything, even goes beyond that today when he can offer an amendment that, in effect, takes the place of the amendment of the gentleman from Minnesota (Mr. FRASER), and the amendment does not do anything about changing the present law.

Mr. Chairman, I basically do not know whether it makes me feel any better if I can go to my constituents and say, "We passed this amendment. Everything is safe. Don't worry about it."

Mr. Chairman, I want to talk about the money involved, about the $2 billion involved.

What the Fraser amendment says is that we will guarantee that it is going to be a safe plant before we are going to spend $2 billion. I do not know what is wrong with that. I would rather find out that it is safe before I spend $2 billion to find out that it is not safe.

Mr. Chairman, I am not an expert in too many areas. Nuclear physics is one of the areas I happen to be an expert in, and architecture is another area I happen to be an expert in.

Mr. Chairman, I will tell the Members, as a person who is an expert in those two fields, that it is cheaper and easier to make changes at the design plan level than it is to make changes after we spend $2 billion fixing it up.

Mr. Chairman, I think the Fraser amendment, if we want to change the present law, is the one that should be adopted.

If we want to keep the present law we can either adopt the Anderson amendment or defeat it, because it does not really make any difference. But I just feel with the $2 billion I would rather know it is going to be safe in cooking before we spend the money than I would after we spend it. But, again, I happen to be a fiscal conservative and do not believe in giving the people's money away. Those Members in this year of a big deficit and an election year who want to say, "We will give away $2 billion, and even if there is a cost overrun, the taxpayers will pick up that tab because we don't feel that we should charge the companies for that money, yet when the profits come in then the companies will get the big piece," can vote for the Anderson of Illinois amendment. But then we should vote down the Anderson of Illinois amendment and support the Fraser amendment because it will not cause that kind of a hardship and I think it is fiscally prudent to do so, as well as being very much on the side of safety.

Mr. YOUNG of Texas. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the Fraser amendment and in support of the amendment to the Fraser amendment offered by the gentlemen from Illinois (Mr. ANDERSON and Mr. PRICE).

Mr. Chairman, there has been a question raised about whether or not the Price-Anderson amendment to the Fraser amendment changes the law. Mr. Chairman, it does not change the law, as the gentleman from Illinois (Mr. ANDERSON) has so well pointed out. The emphasis and the impact of the law on the safety considerations in issuing licenses are continued, and it takes the NRC regulations that require a reasonable finding that the plant can be constructed and operated before a license for construction is issued, and, by amendment, writes that into the law. It is that simple, Mr. Chairman. It does not change anything that is applicable today, it just emphasizes, as the gentleman from Illinois has stated, that the committee wants to bend over backward to give these people the assurances they seek. Therefore we write it into the law by amendment.

I earnestly urge, Mr. Chairman and Members of the House, that the Anderson of Illinois amendment be adopted and that the Fraser amendment be rejected.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fraser amendment.

Mr. Chairman, I rise rather regretfully because I had hoped that my interceding behind the scenes would have resulted in resolving the difference, such as it is, between the amendment that has been offered by the gentleman from Illinois (Mr. ANDERSON), and the amendment which I happen to be a cosponsor of and which I share with the gentleman from Minnesota (Mr. FRASER).

I am doing this because I feel that the Joint Committee on Atomic Energy, on which I have had the honor to serve for nearly 5 years, must continue to have liaison and communication with all the people in this Nation, millions of whom are experiencing a growing concern regarding the safety of nuclear power generation and of seeing us continue down the road to a plutonium economy.

I feel that the need is profound for communication, more than ever before. All too often over the years many have come to JCAE meetings wanted nothing more than assurance that safety was getting top treatment. Often they were met with rather peremptory or rude treatment inferring they did not have intelligence or expertise, or enough faith in experts in this matter and were turned away. I think this is the reason people have turned to the moratoriums in order to have a response.

I will ask the Speaker when we are in the House for permission to add to my remarks a preparation by ERDA which is a direct answer to four questions regarding the so-called Fraser-Roncalio amendments:

What construction permits or initial permits are required and what is their timetable? Would the Fraser-Roncalio amendments set these back, and if so, how?

I want to have these inserted in the RECORD, Mr. Chairman, to show that even the Nuclear Regulatory Commission is reluctant to recognize new requirements of safety before committing billions of dollars in construction that goes into a nuclear plant.

I do not oppose going the nuclear route. I am in agreement with a majority of the JCAE on this matter, but I do oppose proceeding on any particular construction job where a finding has not been made that the route is safe before we embark upon it. Until we can do that, I do not think we are resting fears of the American people. When we do that, at least we prove to the rest of America that we recognize the need for unceasing and diligent safety procedure reforms.

Let me say again, I am not antinuclear. I have just this week appeared on television with Barry Commoner, defending nuclear power generation from his articulate attacks.

I believe we must continue with some nuclear power, with some fossil fuel power generation, with all sources simultaneously. This is the ultimate answer. But I believe we should stick with the Fraser amendment and insist we pressure ERDA and NRC to the fullest possible devotion to safety. We are not going to get this from an agency whose leaders are old AEC hands, and one that has a new leader every 6 months.

How long does it take a new man at NRC to learn the job?

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

The gentleman has suggested that there is turnover occasionally on the NRC and that, therefore, we should adopt this amendment to take care of that factor. I would remind the gentleman that the present chairman was General Counsel of the predecessor agency, the Atomic Energy Commission, for a number of years and a commissioner before he was elevated to the chairmanship when the chairman left, so I think there is some continuity in the work on the NRC.

Mr. RONCALIO. I appreciate that he is trained as a lawyer. In summary, I hope we can find a new rapport between the people and Congressmen on the Joint Committee. I think the Fraser amendment fills this need.

Mr. Chairman, the assertion has been made that it is impossible for the NRC to make a "definitive findings of safety" until the CRBR has been built and can be inspected. This assertion is based on a major misunderstanding of the proposed amendment.

First, the amendment obviously does not require the impossible. It does not require that the CRBR plant be inspected and then built. Rather, what the amendment does is to reinstate—for the CRBR only—the criteria for issuing a construction permit approved by the U.S. Court of Appeals in *Power Reactor Development Corp.* v. *Electrical Union*, 280 F. 2d 645 (19). Under the amendment the construction permit for the CRBR would not be issued until the CRBR promoters provide the NRC with all the technical and design information needed to complete the permit application and the safety analysis of the plant, and the NRC determines that there are no unresolved safety questions associated with the safety of the plant design.

The amendment seeks to avoid the possibility that CRBR construction will be permitted to begin while there are still unresolved safety questions. Current NRC regulations allow this to happen in some cases where the permit applicant claims that it has a research and development program that will solve the safety problem. One of our concerns here is that this approach might be used for the CRBR, where it would create unacceptable risks. Consider the consequences if this approach is used for the CRBR and it turns out some time later that the safety problems cannot be resolved satisfactorily.

If the NRC holds its ground and refuses to let the plant begin operating, billions of dollars that could have been spent developing other energy technologies would have been wasted. We may find ourselves then without an available alternative, and that would create a real energy crisis. On the other hand, the NRC might conceivably buckle under intense pressure to license the CRBR in spite of the safety defects. This, of course, would subject the people of Tennessee and North Carolina to completely unacceptable risks, would defeat the purpose of the LMFBR program and would set the stage for a protracted debate over LMFBR safety which could make today's nuclear safety debate look pale by comparison.

Finally, it should be observed that this amendment would still leave an important job to be done at the operating license stage. At that point the NRC would have to determine that the CRBR had been properly constructed according to the approved design.

Mr. Chairman, I include the following material for the further information of the Members:

Please provide answers to the following questions, as they may pertain to the implications of the Fraser-Roncalio Amendment:

1. What construction permits or initial permits are required and what is their timetable?

2. Is there a basic construction permit issued before actual onsite plant construction of the reactor itself begins and if so, when would such a permit be issued?

3. Can procurement and site studies and construction plans, etc., be done before issuance of this basic construction permit, and if not, what permits are necessary for these activities? Would these activities be affected by the Fraser-Roncalio Amendment and, if so, how?

4. Which of the construction or initial permits listed in the answer to question #1 would be affected by the Fraser-Roncalio Amendment? What would be the effects on each permit and the work schedule?

IMPACT OF THE FRASER-RONCALIO AMENDMENT (ACCORDING TO THE NRC)

1. The licenses and permits required for CRBRP are as follows:

License, date expected, and provisions

Limited work authorization (LWA) Nov. 1976, allows grading and site clearing to proceed.

Construction Permit (CP), July 1977, allows construction of CRBRP to commence.

Operating License (OL), April 1983, allows plant operation.

2. Two separate permits are required prior to construction of the CRBRP facility. One is a Limited Work Authorization (LWA) and the other is a Construction Permit (CP). The schedules for these permits are shown above.

To obtain the LWA requires the conduct of extensive studies of the potential environmental impact of building CRBRP. Any potential impact of plant construction or operation on the environment has been evaluated and was reported to NRC in 1975 in the CRBRP Environmental Report (ER) and Preliminary Safety Analysis Report (PSAR). Prior to start of site clearing, NRC also requires a review of the proposed plant design and the associated design criteria. NRC also will allow the public to express its views on the proposed CRBRP construction prior to issuing an LWA or any other license or permit.

Prior to the initiation of actual plant construction (pouring concrete, etc.) a CP must be obtained from NRC. Obtaining a CP requires extensive NRC review of CRBRP's detailed system and component designs to assure plant safety.

3. Plant design, long lead procurement, site studies, etc., may proceed while NRC is considering an application for a license or permit. While the proposed amendment would not directly prohibit these activities, they would undoubtedly be impacted by the overall project rescheduling required by the amendment. This rescheduling is explained further in the next answer.

4. If the proposed amendment were passed, the CRBRP Construction Permit (CP) would be delayed until NRC could make a determination of overall plant safety similar to that which is made in support of an Operating License (OL). The schedule delay would be at least four years due to the necessity to complete detailed plant design prior to obtaining a construction permit. The cost impact would be significant (on the order of hundreds of millions of dollars) due to escalation, increased overhead, rescheduling or equipment orders, etc. Furthermore, it is uncertain if CRBRP or any other plant could ever be licensed in this manner since data on as-built components, systems and structures are required by NRC to make the determination that a plant will operate safely. Lacking a Construction Permit, CRBRP would be unable to construct the plant and assemble the components and systems to provide this data.

To me the above reaction to the Fraser-Roncalio amendment by NRC is all the more reason the amendment should be adopted.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Fraser amendment. It makes an effort to guarantee the safety of these nuclear powerplants. I would like to advance several thoughts for the Members' consideration with respect to some of the potential dangers that are inherent in hasty construction and hasty utilization of nuclear powerplants, whether they are fast breeder reactors or not.

No. 1, the potential danger of a coolant system accident is extraordinary. In the event of a coolant system accident, dangerous radioactive particles can be emitted into the atmosphere covering thousands of square miles causing immediate death to people in the general area, death over a long period of time, serious illness for people extraordinary miles away.

No. 2, potential dangers: We in this country have not come up with a proposal that will guarantee the safe storage of dangerous radioactive particles with a half-life of tens of thousands of years. Can we guarantee that we can store these radioactive particles that will not endanger our children, our children's children, or their children's children? We cannot at this moment.

No. 3 is the political question: We live in a world where we understand the nuclear power is awesome and potentially dangerous to humankind.

I would hope that most of us are committed to a concept of nonproliferation of nuclear power. With the production of plutonium, with the use of plutonium we accelerate the potential for nuclear proliferation at a time when we should be disarming and defusing the world. We are talking about the shipping of plutonium in high quantities with all of its potential dangers.

Another potential problem is this: The experiments that have been made where we have projected the notion of safety to the American people have two basic flaws:

First, the experiments on nuclear plants have been conducted on a very, very small scale basis and scientists have indicated to me that we cannot, based upon experiments at that small a scale, anticipate all of the potential dangers inherent in the utilization of nuclear power.

Second, the overwhelming majority of tests that have been rendered have been computer runs and computer scientists have pointed out that we cannot program a computer to anticipate all the potential danger that could emanate from nuclear powerplants endangering the lives of tens of thousands of human beings.

For all of these reasons, Mr. Chairman, it is important that we the representatives of the people in our desire to develop an alternative source of energy be able to guarantee to ourselves and to our children that such an alternative is efficient but, much more importantly, that it is safe to humankind.

We now know that the combined explosive power of the Soviet Union and the United States equals between 10 and 12 tons of TNT for every man, woman, and child walking on the face of the Earth.

Nuclear power has extraordinary dangers. It behooves us to act on the side of safety for human beings. We have time to act in this area. We do not have to run at the behest of the special interests into nuclear power that may be ultimately our downfall.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding.

The gentleman has quoted scientists, I believe, who said it is impossible to anticipate all the difficulties that can occur. I think that is true. That being the case, how in the world can anybody, prior to construction, say that what we build will be safe?

Mr. DELLUMS. Using small-scale experiments we cannot anticipate all the accidents when we build full-scale powerplants. We cannot do it.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. ANDERSON, and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman allow me to complete my answer to the gentleman's question?

Mr. ANDERSON of Illinois. Yes.

Mr. DELLUMS. Because we cannot anticipate, based on small-scale models, all the dangers we would encounter with the large model, perhaps we must say to our scientists: "Let us take the time to develop the necessary scientific capability to prove beyond the shadow of a doubt that there will not be dangers to human life."

Second, most of the experiments have been accomplished on computers. The gentleman and I as simple human beings who are not computers do know one basic thing: We cannot put into computers what we do not know. We only get out of the computer what we put into it. If we cannot anticipate all the potential problems that can endanger human lives, this certainly is even more reason why we should guarantee beyond all reasonable doubt that there will be no danger to human life.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield, reference was made to the Fermi reactor at Detroit and in a case reaching the U.S. Supreme Court involving the licensing of that reactor in Power Reactor Development Company against International Union of Electrical Workers, the Court had this to say:

> The Commission was justified in deferring a definitive safety finding until operation is actually licensed.
>
> The Commission . . . had good reason to make this distinction [between the construction permit stage where a definitive safety finding is not needed and the operating license stage where such a finding is needed]. For nuclear reactors are fast-developing and fast-changing. What is up to date now may not, probably will not, be as acceptable tomorrow. Problems which seem insuperable now may be solved tomorrow, perhaps in the very process of construction itself.

What the gentleman is trying to have this House do is to have the Nuclear Regulatory Commission certify before construction what they are perfectly willing to certify to before they grant an operating license.

Many things can happen between the initial construction phase and the final decision on the operating phase, and as the Supreme Court made clear in the case just referred to, there is a very valid difference to be made between construction licensing and operating licensing. Let us not confuse the issue by adopting the Fraser amendment.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. Mr. Chairman, I would first only say in response to my distinguished colleague from Illinois that the gentleman and I know the extreme economic and political pressure on elected Representatives in this country to support construction of nuclear powerplants. All I am suggesting is that once they are constructed that same economic power and that same political pressure will be applied in operating them prior to the time we can guarantee safety.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my colleague, the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, well, it is a strange circumstance that the gentleman from Illinois would defend procedures that allow the construction of a plant near Detroit. The gentleman is defending procedures which produced a plant which went sour and it took 8 years to repair and then the whole thing shut down.

When our Mr. Pollard was with the NRC he said that once you get locked into a design process, it is very difficult to change it.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. ANDERSON of Illinois and by unanimous consent, Mr. DELLUMS was allowed to proceed for an additional 1 minute.)

Mr. FRASER. Mr. Chairman, will the gentleman yield further?

Mr. DELLUMS. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, Mr. Pollard says:

> I have seen firsthand the effects of economic pressures to accept "as built" designs that probably would not have been accepted if only design drawings rather than actual equipment had to be changed.

All we really want is what is in the last part of this letter the gentleman from Illinois read, that the design be adequate to give assurance there are not going to be any health and safety problems. That is all we want; but under the present procedures, we are permitted to defer those requirements.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield further, the Nuclear Regulatory Commission should not freeze the design construction plans at the construction stage. There are going to be improvements. There are going to be important advances during the 7 or 8 years the plant is going to be under construction. The limited work authorization will be issued this year; however, the plant will not be finished until 1983. The gentleman is saying we should make the final definitive guarantee of health, security, and all the rest at a time we are still doing everything we can to improve the safety features of this demonstration plant.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is nothing in our amendment that freezes design. Amendments may be filed from time to time under standard operating procedures so that as improvements come along there is nothing to prevent them from being incorporated. What this amendment would prevent is the start of construction under a design that is not safe. In other words, we do not start construction under a design that leaves important safety questions unanswered. If a design would protect the protection of health and safety and then something comes along that is better, there is nothing to prevent using that improvement.

So all we want before we spend $2 billion is to have a safe design before we start the construction of the breeder reactor.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, as I understand it, provided that the responsible agency has certified the design according to the best available safety standards of the day, there is no reason then that that design could not be changed if further and more refined techniques in safety were devised.

Mr. FRASER. Mr. Chairman, the gentlewoman is absolutely correct.

Mr. YOUNG of Texas. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Texas.

Mr. YOUNG of Texas. Mr. Chairman, I will say to the distinguished gentleman from Minnesota, and I appreciate the gentleman's sincerity in this matter, that the amendment offered by the gentleman from Illinois (Mr. ANDERSON) and concurred in by the gentleman from Illinois (Mr. PRICE) provides specifically that the Nuclear Regulatory Commission must first find that there is reasonable assurance that the plant can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that, in the opinion of the Commission, the issuance of a construction permit will not be inimical to the common defense and security, and so forth.

Mr. FRASER. Mr. Chairman, I appreciate the gentleman reading the exact language. That is why I asked the gentleman from Illinois if the gentleman's amendment changed existing law. If the gentleman had said "yes, that by this new language we mean to exclude the deferral of important design questions," then I think it might have been an improvement; but the gentleman said no, it confirms existing laws and under existing law certain design questions may be deferred, if the applicant claims that under an applicable research program they can answer the questions later.

Mr. YOUNG of Texas. Mr. Chairman, if the gentleman will yield further, I will say that actually it does both things. It emphasizes the applicability of the present safety regulations. The NRC regulations provide for the reasonable findings both as to construction and operation. The present law does not do that. This amendment would change the present law to that extent.

Mr. FRASER. Let us pursue this. Is the gentleman saying that if we adopt the Anderson amendment, we will change existing law?

Mr. YOUNG of Texas. We will change existing statutory law by implementing therein the NRC regulations that are in existence today.

Mr. FRASER. What the gentleman is saying is that we are simply putting into the statute the present regulations, and they permit the deferral of certain design questions.

Mr. YOUNG of Texas. The present regulations do not permit the deferral of anything that is not established within reason—within reason. May I read it again?

Mr. FRASER. I know what the amendment says, but I am now reading from section 50.35, title X of the Code of Federal Regulations. In that section they specifically provide that where the applicant has not supplied all of the technical information required to complete the application for the issuance of a construction permit, the Commission may, in general, issue a construction permit if, down the road, the applicant can come up with an answer. But, the problem is that we are being asked to put $2 billion into this project. The basic design questions relating to health and safety ought to be settled before we put that $2 billion into it.

Mr. YOUNG of Texas. I understand what the gentleman is seeking, like the computer problem mentioned before by the gentleman from California. This amendment specifically provides and enacts into law that the Nuclear Regulatory Commission must first find that there is reasonable assurance that the plant can be constructed and operated safely.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address two questions to the author of the principal amendment, the gentleman from Minnesota. Does his amendment, if adopted, eliminate the requirement of the preoperating license for safety determination?

Mr. FRASER. No. If our amendment is adopted, there would still have to be a further permit and license obtained before beginning actual operation of the plant.

Mr. LEVITAS. And the amendment the gentleman offers would, in effect, require a preconstruction approval of safety of the design before the plant construction is begun and after the design has been completed? Is that the thrust of the amendment?

Mr. FRASER. The gentleman is correct.

Mr. LEVITAS. Some of the opponents of this amendment offered by the gentleman from Minnesota have said that the amendment would severely compromise the present licensing process and the protection afforded the public by it, and would significantly and dangerously reduce the licensing process available to the NRC in their consideration of the Clinch River breeder application.

I would like to ask the gentleman from Minnesota if he could tell me, if he knows, in what ways it would compromise the licensing process as it is now provided.

Mr. FRASER. In my judgment, it would not compromise the licensing process. It would strengthen it by, in effect, saying, "You have got to have a complete design that deals with the fundamental safety and health issues before you start investing the taxpayers' money."

Mr. LEVITAS. I thank the gentleman for that explanation because, as one who is a proponent and advocate of the continued research and development of nuclear energy as a power alternative at least until we can get other means, such as solar, of power generation available, it seems to me that we would reinforce the public confidence in the nuclear program by having such an amendment as that offered by the gentleman from Minnesota. It would reassure the public that we are not going forward with a hazardous and unsafe project that will cost the taxpayers $2 billion. I think it will enhance rather than retard our continued nuclear energy research and development program. It is not too much to ask before we spend $2 billion to ascertain that the design is certified as being safe.

I commend the gentleman for offering his amendment, and I would urge that the amendment offered by the gentleman from Illinois be rejected and the amendment offered by the gentleman from Minnesota be approved.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I want to commend my colleague from Atlanta, Ga., for the excellent observations he has made. I think, in making safety the requirement, we have a show of confidence in the concern of the public of this Nation.

I do not think it is going to make a difference in 6 months or 1 year.

Mr. LEVITAS. There are many people on this committee who are very knowledgeable about nuclear energy and are assured in their own minds of its safety. But I can tell the Members that there are millions of Americans who are not so sure about it and who have reservations, and I think those reservations would be somewhat dispelled if the amendment offered by the gentleman from Minnesota (Mr. FRASER) were adopted.

Mr. YOUNG of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. I thank the gentleman for yielding.

The amendment offered by the gentleman from Illinois (Mr. ANDERSON), supported by the gentleman from Illinois (Mr. PRICE), says that the Nuclear Regulatory Commission must first find that there is reasonable assurance that the plant can be constructed and operated. And, in addition to that, there must be, as the gentleman said, another license issued before the operation is permitted.

Mr. LEVITAS. I thank the gentleman for that explanation.

Mr. Chairman, I was somewhat confused by the initial explanation of the amendment by the gentleman from Illinois, in answer to the question put to him by the gentleman from Minnesota. As I understood the response, the substantive law was not being changed, it was being spelled out with more clarity. If there is the substantive change as suggested by the gentleman from Texas that would assure design safety prior to construction, then I do not believe there would be that much difference between the two.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Of course, as the gentleman from Texas (Mr. YOUNG) pointed out, what it does is put into statutory form what are in fact existing regulations issued under the rulemaking authority of NRC.

Let me say one thing. I respect the gentleman very much in his desire to assure the American people that in the licensing process we guarantee to them the maximum amount of safety.

The problem with the Fraser amendment, and the reason why I offered the amendment to it that I did, is that what the Fraser amendment seeks to do is to make a decision on that very critical question of safety on the basis of plans only. We cannot do that. We have to have the hardware installed. It is only after the plans have become implemented and the hardware in place that the NRC can make the final determination before the license to operate is issued.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON) to the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and on a division (demanded by Mr. ANDERSON of Illinois) there were—ayes 44, noes 30.

Mr. FRASER. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and one Members are present, a quorum.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand for a recorded vote made by the gentleman from Minnesota (Mr. FRASER).

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 140, not voting 54, as follows:

[Roll No. 289]

AYES—238

Abdnor
Adams
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bevill
Biester
Boggs
Bowen
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Cederberg
Chappell
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Corman
Cotter
Crane
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Tenn.
Edwards, Ala.
Emery
English
Esch
Evans, Ind.
Evins, Tenn.
Fary
Findley
Fisher
Fithian
Flood
Florio
Flowers
Foley
Fountain
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Grassley
Guyer
Hagedorn
Haley
Hammerschmidt
Hanley
Hannaford
Hansen
Harsha
Hefner
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
Lagomarsino
Latta
Leggett
Lent
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
Lundine
McCollister
McDonald
McEwen
McFall
McKay
Madigan
Mahon
Mann
Mathis
Michel
Miller, Ohio
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
O'Brien
Passman
Patten, N.J.
Paul
Pepper
Perkins
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Randall
Rhodes
Risenhoover
Roberts
Robinson
Roe
Rogers
Rooney
Rousselot
Ruppe
St Germain
Santini
Sarasin
Satterfield
Scheuer
Schneebeli
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Steed
Steelman
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Traxler
Treen
Ullman
Vander Jagt
Vigorito
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wright
Wydler
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOES—140

Abzug
Allen
Ambro
Anderson, Calif.
Ashley
Aspin
Badillo
Baldus
Baucus
Bedell
Bergland
Biaggi
Bingham
Blanchard
Blouin
Boland
Brademas
Brodhead
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Conlan
Conte
Conyers
Cornell
Coughlin
D'Amours
Dellums
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Evans, Colo.
Fascell
Fenwick
Fish
Ford, Tenn.
Forsythe
Fraser
Gilman
Green
Hall
Hamilton
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Holtzman
Jacobs
Jordan
Kastenmeier
Keys
Koch
Krebs
LaFalce
Lehman
Levitas
Long, Md.
McCloskey
McDade
McHugh
McKinney
Maguire
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mottl
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patterson, Calif.
Pattison, N.Y.
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Rodino
Roncalio
Rosenthal
Roush
Roybal
Russo
Ryan
Sarbanes
Schroeder
Seiberling
Simon
Skubitz
Solarz
Stanton, J. William
Stark
Stokes
Studds
Van Deerlin
Vander Veen
Waxman
Weaver
Whalen
Wolff
Wylie
Yates
Young, Ga.

NOT VOTING—54

Addabbo
AuCoin
Bell
Bolling
Bonker
Brown, Mich.
Buchanan
Carter
Clawson, Del
Collins, Ill.
Daniels, N.J.
Duncan, Oreg.
du Pont
Erlenborn
Eshleman
Flynt
Ford, Mich.
Giaimo
Gradison
Gude
Hays, Ohio
Hébert
Hinshaw
Howard
Jones, Okla.
Karth
Landrum
Litton
McClory
McCormack
Macdonald
Madden
Martin
Matsunaga
Milford
Mills

Mosher
Moss
Murphy, N.Y.
Nichols
Pettis
Peyser
Railsback
Rose
Rostenkowski
Runnels
Stanton,
James V.
Steiger, Ariz.
Thompson
Thornton
Tsongas
Udall
Vanik
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Addabbo against.

Mr. Milford for, with Mr. Thompson against.

Mr. Rose for, with Mr. AuCoin against.

Mr. Runnels for, with Mr. Udall against.

Mr. Nichols for, with Mr. Dominick V. Daniels against.

Mr. McCormack for, with Mr. Litton against.

Mr. Rostenkowski for, with Mr. Howard against.

Messrs. BIAGGI, McDADE, and KREBS changed their votes from "aye" to "no."

Mr. BURKE of Florida changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. Fraser), as amended.

The amendment, as amended, was agreed to.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I can get the attention of the chairman of the Joint Committee on Atomic Energy, the gentleman from Illinois (Mr. Price).

I am interested in ascertaining whether there is anything in title II of the bill that would authorize any funding for offshore nuclear facilities.

Mr. PRICE. Mr. Chairman, if the gentleman will yield, I would say to the gentleman that there are no funds in the ERDA fiscal year 1977 budget that would provide directly for offshore nuclear facilities or any other reactor or utility plant or demonstration project.

The gentleman will notice I emphasize the word "direct" solely because there could be some indirect benefit that could develop from general research; but as far as funds directly for this purpose, no.

Mr. HUGHES. Can the gentleman tell me whether in the budget submitted by ERDA there were any indirect funds that related to the development of offshore nuclear facilities?

Mr. PRICE. I think that could be more properly answered by the gentleman from the other committee, although I do not recall any such funds.

Mr. HUGHES. Would the chairman be able to tell me, if in fact there were such a request, would they have to come to the gentleman's committee with that request?

Mr. PRICE. If it were strictly nuclear, it would have to come to our committee.

Mr. HUGHES. And as far as the gentelman knows they have not come to your committee for that funding?

Mr. PRICE. They have not.

Mr. HUGHES. I thank the gentleman for that information.

The CHAIRMAN. There being no further amendments to title II, the Clerk will read.

The Clerk read as follows:

TITLE III—FOR ENVIRONMENTAL RESEARCH AND SAFETY, BASIC ENERGY SCIENCES, PROGRAM SUPPORT, AND RELATED PROGRAMS

OPERATING EXPENSES

Sec. 301. For "Operating expenses", for the following programs, a sum of dollars equal to the total of the following amounts:

(1) Biomedical and environmental research, $204,306,000, of which $1,000,000 shall be made available to the Water Resources Council to carry out the provisions of section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912).

(2) Operational safety, $5,917,000.

(3) Environmental control technology, $22,877,000.

(4) Basic energy sciences for the following:

(A) Material sciences, $62,200,000.

(B) Molecular, mathematical, and geosciences, $57,700,000.

(5) Program support, $289,370,000: *Provided,* That $1,250,000 is authorized to be appropriated pursuant to this subparagraph (5) to reimburse the National Bureau of Standards for costs incurred in carrying out the provisions of section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5913).

(6) To carry out the provisions of section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910), $500,000 for the Council on Environmental Quality.

PLANT AND CAPITAL EQUIPMENT

Sec. 302. For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following amounts:

(1) Biomedical and Environmental Research:

Project 77–6–a, modifications and additions to biomedical and environmental research facilities, various locations, $4,200,000.

(2) Program Support:

Project 77–16–a, laboratory support complex, Los Alamos Scientific Laboratory, New Mexico, $6,000,000.

(3) Capital Equipment, not related to construction:

(A) Biomedical and environmental research, $11,918,000.

(B) Operational safety, $1,100,000.

(C) Environmental control technology, $960,000.

(D) Basic energy sciences for the following:

(i) Material sciences, $5,500,000.

(ii) Molecular, mathematical, and geosciences, $3,600,000.

(E) Program support, $5,100,000.

LIMITATIONS

Sec. 303. The Adminstration is authorized to start any project set forth in title III, subsection 302 (1) and (2) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

AMENDMENTS TO PRIOR YEAR ACTS

Sec. 304. (a) Section 101 of Public Law 92–314 is amended by striking from subsection (a) "Operating expenses" the figure "$2,110,480,000" and substituting therefor the figure "$2,113,480,000".

(b) Section 202 of Public Law 92–314 is amended by—

(1) striking from subsection (b) the words "four years" and substituting therefor the words "seven years", and

(2) adding the following subsections:

"(h) that payment may be made to those who undertook action of a remedial nature prior to the date of this amendment without the determination required in subsection (b) of this section and notwithstanding the requirement in subsection (c) of this section: *Provided, however,* That the determination whether and to what extent such payment shall be made shall be the decision of the Administration based on the recommendation of the State; that requests for such payments shall not be considered after one year from the date of this amendment: *And provided further,* That the United States shall be released from any mill tailings related liability or claim thereof upon such payment.

"(i) That the requirement in subsection (c) of this section that any remedial action shall be performed by the State of Colorado or its authorized contractor may be waived in advance in writing by the State with approval of the Administration: *Provided, however,* That the determination whether and to what extent payment shall be made shall be the decision of the Administration based on the recommendation of the State: *And provided further,* That the United States shall be released from any mill tailings related liability or claim thereof upon such payment.".

(c) Section 204 of Public Law 92–314 is amended by striking the figure "$5,000,000" and substituting therefor the figure "$8,000,000".

PROVISIONS RELATING TO SUPPORTING PROGRAMS

Sec. 305. The Administrator is authorized to perform construction design services for any Administration construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Administrator, and (2) the Administrator determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 306. Any moneys received by the Administration may be retained and used for operating expenses (except sums received from disposal of property under the Atomic Energy Community Act of 1955 and the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7)), notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended.

Sec. 307. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred.

Sec. 308. Sections 305, 306, and 307 of this Act shall not apply to any fossil energy programs of the Administration.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of title III be dispensed with, that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer a technical committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Price: Section 306, page 30, line 13, after the period, insert: "Funds may be obligated for purposes stated in this section only to the extent provided in appropriations Acts."

Mr. PRICE. Mr. Chairman, this amendment is a technical one for the purpose of including in the law the requirement that any revenues which the Energy Research and Development Administration is authorized under section 306 to use for operating expenses can only be used to the extent authorized in appropriation acts. The fact is that atomic energy appropriation acts themselves, since fiscal year 1957, have included language which is in substance identical to the language in section 306. The language was subsequently included in the authorizing legislation for atomic energy programs in order to meet the point of order which could be raised because of the absence of an authorization for the language which is in the appropriation acts. The language which would be added by this committee amendment would avoid any question regarding appropriations language being included in authorizing legislation.

This question was raised last year and again this year by Mr. Dingell. Although the rule on H.R. 13350 waives any point of order which might be raised in view of the absence of such language, I believe that this technical point should be clarified since it is not the intent of anyone to bypass the normal appropriations process as far as section 306 is concerned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Price).

The amendment was agreed to.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

I would like to have a colloquy with the gentleman from West Virginia (Mr. Hechler).

Mr. Chairman, I have an amendment to offer to the bill which would allow ERDA to proceed with a school in the 12th District of Pennsylvania, and after talking with the gentleman from West Virginia I thought it would be better to have this discussion here. This school would provide for training to promote increased production of coal and at the same time train new miners and retrain miners who want to reenter mining. In order for this country to become energy independent we must substantially increase the production of coal and do it safely—this school would handle from 2,000 to 4,000 new miners per year and could help to increase the production.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I would advise my friend, the gentleman from Pennsylvania, that the committee added $5 million for nonnuclear education training, of which a minimum of $1.9 million was provided in the fossil energy area. We feel perhaps this amount would be sufficient to cover additional training, and includes vocational training. The gentleman's amendment, I think, is a very useful one which does need some additional hearings in order to develop these specific types of simulated mines for coal miners so that both health and safety aspects and increased productivity can be considered.

I can assure the gentleman from Pennsylvania that the committee will have hearings that will consider both the gentleman's amendment and other aspects of training.

I would also advise the gentleman from Pennsylvania that the committee will examine the relationship between the ERDA and other Federal agencies which have responsibilities for the education and training of miners such as the Mining Enforcement and Safety Administration and the Bureau of Mines.

Mr. MURTHA. Mr. Chairman, I thank the gentleman from West Virginia.

AMENDMENT OFFERED BY MR. DODD

Mr. DODD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dodd: On page 30, between lines 22 and 23, insert a new section to read as follows:

"Sec. 309. (a) Each officer or employee of the Energy Research and Development Administration who—

"(1) performs any function or duty under this act or any other act amended by this act; and

"(2) has any known financial interest—

"(A) in any person engaged in the business, other than at the retail level, of developing, producing, refining, transporting by pipeline, or converting into synthetic fuel minerals, wastes, or renewable resources, or in the generation of energy from such minerals, wastes, or renewable resources, or in conducting research, development, and demonstration with financial assistance under this Act or any other Act amended by this Act, or

"(B) in property from which minerals are commercially produced,

shall, beginning of February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statements shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this section—

"(A) to define the term 'known financial interest' for purposes of paragraph (2) of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions within the Administration which are of a nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

Mr. DODD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DODD. Mr. Chairman, my amendment is a simple and straightforward one. It will help bring ERDA into line with the other Federal agencies that deal with energy by requiring public disclosure by ERDA policymaking officials of their known financial interests in companies that deal with ERDA.

The House has already recognized the need for this type of financial disclosure amendment. It overwhelmingly accepted a similar provision in H.R. 7014, the energy bill, which applies to the Federal Energy Administration and the Interior Department.

More recently, the Science and Technology Committee, of which I am a member, accepted a public disclosure provision to apply to ERDA officials who award and work with the loan guarantee program.

My amendment would extend the requirement to all ERDA officials that deal with energy policy.

These public disclosure reports which will be confined to known financial interests as defined by the Administrator, will be filed annually and subject to internal ERDA review as well as public scrutiny. The Administrator also will define policymaking positions, exempting those ERDA employees who are not in policymaking positions or in a position that has any potential conflict of interest.

This amendment, although requiring public disclosure of the known financial assets by ERDA policymaking officials, does not require these officials to divest themselves of such holdings.

I believe this amendment reflects the public's growing lack of confidence in its Government officials and in big business—particularly the energy industry.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. DODD. I yield to the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, the committee considered a similar amendment at length on another bill which has just been reported out. Is there any difference in this amendment than the amendment the committee adopted?

Mr. DODD. Mr. Chairman, this would apply to all the officials in that particular bill. We are only applying it to the people that work in that particular program.

Mr. TEAGUE. As I remember, the controversy in committee was over one sentence which said that such statements shall be available to the public. The committee did agree on retaining that sentence.

Mr. DODD. That is correct.

Mr. TEAGUE. But as far as the majority members of the committee are concerned, we accept the amendment to this bill. I have not had a chance to discuss it with the other side.

I want to commend my colleagues on both sides of the aisle for their past consideration of the financial disclosures by FEA officials and the Interior Department. I urge adoption of this amendment.

Mr. GOLDWATER. Mr. Chairman, I strongly oppose the Dodd amendment. While the object of the amendment—to avoid conflicts of interest between ERDA employees' private interests and their public responsibilities—is salutary, the amendment raises a number of problems and objections.

The Dodd amendment is a modified version of a proposed amendment which was rejected by the House when the first ERDA bill was considered. Arguments raised against its adoption were:

First, conflict-of-interest legislation is highly intricate and requires considerable care and consideration.

Second, such legislation should be considered—including holding of hearings—by House and Senate Judiciary Committees and reported out for deliberation by the entire House and Senate.

ERDA employees would have to file two statements, requiring different preparation: First, a statement required by the amendments; and second, a statement of employment and financial interests presently required under ERDA regulations pursuant to Presidential Executive order and Civil Service regulations.

It is difficult in many instances to accurately ascertain whether a particular holding is covered by the reporting requirement. Companies constantly change their business activities, taking on new types by acquisition or otherwise. Most of the Fortune 500 and the Fortune second 500 corporations and any mutual or trust funds with their shares would be covered by the Dodd amendment. Almost total disclosure, therefore, would be required. Similarly, any interest in property with commercially produced minerals must be reported. To avoid possible violation of the section, the employee would tend to report interests, even though not required. The result is a greater intrusion of privacy than contemplated or intended.

The additional filing requirement imposes burdens not only on the employee but administratively on the agency without commensurate benefits.

Public disclosure of employees' private financial interests seems contrary to the intent and spirit of the Privacy Act. Such publication could be counterproductive, leading to: First, public suspicion in circumstances where there is no warrant for such; and second, lower morale of employees by singling them out for special treatment. This could be interpreted as an act of congressional distrust of them. Any disclosure requirement should apply governmentwide.

Existing conflicts laws and ERDA procedures for filing and review of financial interest statements are adequate to prevent any real or serious appearance of conflicts situation from developing. The following comparison of existing ERDA practice and the Dodd requirements shows, in fact, that existing ERDA practice is more stringent.

Comparison with existing ERDA practice under 18 U.S.C. 208—conflict of interest criminal statute—Executive Order 11222, President Johnson, February 29, 1968, Civil Service Commission Regulations on Employee Conduct, Federal Personnel Manual 735, ERDA Conduct of Employee Regulations, ERDA Manual, chapter 4124, formerly AEC Regulations, 10 C.F.R. 0:

a. Who must report:

CURRENT ERDA PRACTICE

(1) Any ERDA employee who is a GS 13 and above in a decisionmaking position and designated by the Administrator pursuant to published criteria.

(2) Applies to consultants.

DODD AMENDMENT

(1) Any ERDA employee in policy making position who has known financial interest in any non-retail fuel or energy business or in property from which minerals are commercially produced.

(2) Does not apply to consultants.

b. What must be reported?

CURRENT ERDA PRACTICE

All financial interests with de minimis exceptions.

DODD AMENDMENT

Known financial interests in energy or fuel related corporations or commercially produced minerals, property, as defined by ERDA.

c. How often?

CURRENT ERDA PRACTICE

Annually.

DODD AMENDMENT

Annually.

d. Penalties:

CURRENT ERDA PRACTICE

(1) Disciplinary action including dismissal which may be in addition to any penalty prescribed by law.

(2) 18 U.S.C. 10001—Criminal penalty for false statements: Maximum $10,000 fine or five years imprisonment, or both.

DODD AMENDMENT

(1) 18 U.S.C. 1001—Criminal penalty for false statements: Maximum $10,000 fine or five years imprisonment, or both.

(2) Maximum $2,500 fine or one year imprisonment, or both, for any employee who knowingly violates this subsection.

e. Review:

CURRENT ERDA PRACTICE

(1) Management and General Counsel.

DODD AMENDMENT

(1) Issues regulations requiring review and monitoring of reports by ERDA.

f. Disclosure:

CURRENT ERDA PRACTICE

Confidential, except for internal reviews and where ERDA or Civil Service Commission determines for good cause shown (e.g., Justice Department action, Congressional inquiry, or GAO audit).

DODD AMENDMENT

Statements shall be available to the public.

As the above comparison shows, public disclosure is the only new or more stringent aspect of the Dodd amendment.

While I find the remainder of the amendment administratively duplicative and unjustified, I believe the public disclosure requirement is particularly objectionable. What does it buy us? There is no indication of a problem with existing procedures in ERDA. Why use the press and public interest groups to enforce the requirements when existing procedures do so without violating privacy? Both the Privacy Act and the Freedom of Information Act respect the privacy of such information.

If there is any merit at all in the public disclosure of these statements, the requirement should be Governmentwide, not piecemeal just for selected agencies. Our Judiciary Committee has considered various changes in the Governmentwide laws on conflict of interest during this Congress. The House should defer to that consideration by the committee with clear jurisdiction over the basic subject matter. We should not lightly violate the privacy of some of our Federal employees when we are not even sure that there is a problem, or even if there is a problem, that public disclosure is the solution.

The following letter from ERDA provides the ERDA position on the Dodd amendment:

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION,
Washington, D.C., May 18, 1976.
Mr. GEORGE MURPHY,
Executive Director, Joint Committee on Atomic Energy, Washington, D.C.

DEAR MR. MURPHY: You have requested our comments with respect to two amendments proposed to H.R. 13350, the House version of the current ERDA authorization bill. The proposals appear on page H. 4274 and H. 4275 of the Congressional Record for May 11, 1976.

ERDA opposes both of the proposed amendments for the reasons stated below.

The proposal by Mr. Dodd would insert a new Section 309 in H.R. 13350 requiring a written statement from every ERDA employee having any function under that act or any other act amended thereby regarding certain known financial interests. The interests would be all those in nonretail businesses engaged in developing, producing, refining, transporting by pipeline or converting into synthetic fuel minerals, wastes, or renewable resources, or in generating energy from such substances, or in conducting research, development, and demonstration with financial assistance under the act or as amended thereby. Also included would be known financial interests in property from which minerals are commercially produced.

The statements required above would have to be filed annually with the ERDA Administrator starting February 1, 1977. Such statements would be available to the public. Criminal penalties would be provided for knowing violations. The Administrator would publish regulations within 90 days of enactment for carrying out the section and would report to the Congress every year on June 1 regarding actions taken during the preceding calendar year under this provision of law. The Administrator could exempt employees engaged in work of a nonpolicy-making nature from the requirements of the section.

Proposed Section 309 would also duplicate existing reporting requirements established under Executive Order 11222 and ERDA regulations, which provide that employees must report financial interests of any kind in any company over a level deemed inconsequential. There is no reason to believe that this additional requirement would assure more adequate reporting than the present requirements. Furthermore, the provision is unnecessary, since existing law, 18 U.S.C. 208, provides criminal penalties for Federal employees who knowingly participate in governmental actions affecting private companies in which they have financial interests unless they have received in advance formal written exemption. In contrast, proposed Section 309 requires merely a report.

In this connection, making public an employee's financial interests appears to be contrary to the policy adopted by the Congress in the Privacy Act, which protects the legitimate rights of employees in their private affairs. It should be noted that the business activities covered by proposed Section 309 would include all of ERDA's energy activities. Thus, in many cases, the financial interests which would have to be made public have no relationship to the actual duties of the employee. Such a provision is not necessary to assure public confidence in the integrity of Government employees. Existing procedures do uncover such conflicts or potential conflicts of interest as may exist and deal with them appropriately.

Finally, proposed Section 309 enlarges upon existing law for dealing with conflicts of interest, 18 U.S.C. 201–209, but only for certain categories of Federal employees and only in certain areas. An almost identical requirement for the filing and release of financial statements was recently enacted by the Congress in the Energy Policy and Conservation Act, Title V, Section 522, Public Law 94–163. This requirement applied to FEA and Department of Interior employees performing regulatory functions under that Act. ERDA employees are, however, primarily involved in research, development and demonstration activities rather than regulatory functions. ERDA believes that if changes are necessary for some types of government activities, they should be made uniform as to all related Federal employees. No reason is known for singling out ERDA's energy R&D activities in this regard.

* * * * *

Time has not permitted obtaining the advice of the Office of Management and Budget with respect to this report. However, it is believed to be consistent with policies established by the Administration.

Sincerely,

James A. Wilderotter,
General Counsel.

AMENDMENT OFFERED BY MR. GOLDWATER TO THE AMENDMENT OFFERED BY MR. DODD

Mr. GOLDWATER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Goldwater to the amendment offered by Mr. Dodd: Strike "Such statement shall be available to the public" in subsection (a)(2)(B).

Mr. GOLDWATER. Mr. Chairman, the amendment which I have offered as an amendment to the amendment offered by the gentleman from Connecticut (Mr. Dodd) strikes the requirement for public disclosure. This amendment was offered in committee, to the synthetic loan guarantee bill.

I would suggest my amendment gives us an opportunity, to examine our own thinking; and certainly it gives us an opportunity to fully consider a new procedure in determining and handling conflicts of interest with employees of the Federal Government. This proposal by my friend from Connecticut (Mr. Dodd) is a departure from existing procedure wherein conflicts of interest are determined. It is a departure because it provides for public disclosure of proprietary information of a personal nature. It would be an invasion of privacy.

Now, the Congress, I think, has spoken loud and clear as it pertains to invasion of privacy. Now, we have a conflict. On the one hand we passed the Privacy Act of 1974, saying that people have a right to their privacy; they have a right to be left alone. But, on the other hand we are now saying that we feel it is in the best interests of Government to invade that privacy and expose to the public the EDRA employees' personal information. The balance of justice, is left in our hands.

We must decide whether it is in the public interest to invade privacy by public disclosure, or do we feel that privacy is of so paramount a concern that we can handle potential conflicts in a different way; by having within each agency of our Government prescribed methods to determine and handle conflict of interest. The latter calls for the Congress to exercise more diligent oversight, and I would suggest that is where we have strayed away in the past. We have not done our job. We have left it up to the agencies, and in some cases they have fallen down.

But, let us not take out their failings on the people of this country who wish or who are attracted to the Federal Government as a place of employment, to make a contribution.

We not only are invading their privacy, but at the same time we would discourage capable, qualified individuals from going to work for or attracted to, Government employment.

I would like to place in the Record, Mr. Chairman, the procedure which ERDA uses to determine this conflict of interest, which I would submit is probably the most stringent, the most thorough process that exists in any agency in the Federal Government in handling this question of conflict of interest.

All we need to do is exercise our oversight. We do not need to invade people's personal privacy to do so. Let us not take out our failings to exercise oversight by invading our public employees rights.

I urge the Members to support my amendment.

Mr. OTTINGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. Goldwater) and in support of the amendment offered by the gentleman from Connecticut (Mr. Dodd).

Mr. Chairman, the Dodd amendment is an amendment which was already adopted in our committee with respect to some of ERDA's activities. If indeed the bill for loan guarantees for synthetic fuels is to be passed, which I hope it is not, we would end up with inconsistent disclosure provisions within the same agency.

There is no invasion of privacy involved here at all except with respect to people who are employees of the agency and who have an interest in one of the firms with which the agency deals; with respect to that kind of an interest, it seems to me, there ought to be a disclosure. It is very important that disclosure should be made.

I would like to point out that in the Committee on Interstate and Foreign Commerce, on which I serve, we have imposed, and the House has endorsed, exactly the same provision as applied to the Federal Energy Administration and the Interior Department. So this is not breaking any new ground.

It seems to me that this is the kind of conflict of interest provision that ought to appear with respect to any Federal agency that deals with large sums of money and where there can be a substantial conflict of interest.

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Connecticut (Mr. Dodd).

Mr. DODD. I thank the gentleman for yielding, and I appreciate his support of my amendment.

Mr. Chairman, I would like to point out to the gentleman and the members of the committee that the issue of financial disclosure, as to whether or not that is an invasion of personal privacy, has been decided by the Supreme Court, the highest court in the land, in the case of Montgomery County, Md., against Welsh, and in the case of Illinois State Employees Association against Walker. In both of these cases the argument was rejected that financial privacy is an inherent right. In both cases the Sunshine laws were upheld. So it is not an invasion of one's rights to demand a public disclosure of energy related investments.

Another point that we should remember with respect to this amendment is that we are only asking public disclosure of known financial interests in the energy area. We are not asking ERDA policymakers to make a full financial disclosure. Nor are we saying it is a conflict of interest to have these personal investments and finally we are not asking these officials to divest themselves of these interests. We are merely letting the American public know what our policymakers are holding, in terms of energy investments.

Mr. GOLDWATER. Mr. Chairman, if I may correct the gentleman from Connecticut on one point: I believe that the cases cited by Mr. Dodd are not Supreme Court cases, but rather State supreme court decisions from the respective States in which the litigation occurred. My distinguished colleague has referred to the case of *Montgomery County, Md.*, v. *Welsh;* this is from the Maryland Court of Appeals (336 A2d 97). The second is the case of *Illinois States Employees Association* v. *Walker* (57 Ill. 2d 512), a decision handed down by the Supreme Court of Illinois. I hope my colleague will understand that I do not wish to contradict him; I just wanted to clarify this point for the record.

Mr. OTTINGER. Mr. Chairman, the committee has already adopted this amendment overwhelmingly, and I do hope the Goldwater amendment, which would delete the necessity of disclosure be defeated. I urge that the Members vote down the Goldwater amendment and approve the Dodd amendment.

Mr. TEAGUE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment was adopted after considerable debate in committee, and in the interest of time, I wonder if we could determine how many Members wish to speak on the amendments.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, I am sure that the chairman of the committee does not want to mislead the House. This amendment was adopted to another program that was under consideration by the committee.

Mr. TEAGUE. This amendment, the Dodd amendment, was added to a synthetic fuels bill, not this bill, but the committee did debate the issue at some length. Mr. Chairman, I wonder if we could agree on some time limitation, perhaps 5 minutes.

Mr. Chairman, I ask unanimous consent that all debate on this amendment end in 5 minutes.

The CHAIRMAN. Does the gentleman from Texas (Mr. TEAGUE) include this amendment and all amendments thereto in his unanimous-consent request?

Mr. TEAGUE. Mr. Chairman, I include the Dodd amendment and the Goldwater amendment thereto. That is all I have reference to.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will each be recognized for three-quarters of a minute.

(By unanimous consent, Mr. OTTINGER yielded his time to Mr. MYERS of Pennsylvania.)

The Chair recognizes the gentleman from Pennsylvania (Mr. MYERS.).

Mr. MYERS of Pennsylvania. Mr. Chairman, I point out the critical element in the Dodd amendment is simply the public disclosure, and I believe that is essentially the question that has to be resolved.

I would like to raise one particular point in regard to public disclosure that I think is often overlooked. We have industries and corporations coming in to work with ERDA, and I believe it is in their best interest to know whether or not they are dealing with somebody who has a conflict of interest regarding the program they are proposing. I believe disclosure supports them and strengthens their case. It lessens the possibility of them finding themselves in a compromising position 6 months or a year down the road.

I believe it is important that we place vendors and industry representatives who come in to deal with ERDA in a position where they know they are not going to be faced with a very compromising situation or an embarrassing situation for them if a disclosure is made 6 months or 12 months down the road after they have dealt effectively with ERDA and had a contract let out in their favor. Without this amendment, they are being placed in the position of receiving public criticism in cases where it develops they were dealing with somebody who had a conflict of interest.

Mr. Chairman, I believe this essentially strengthens the hands of industry and individual vendors who want to deal with ERDA. It does not encumber their position whatsoever, and, in fact, I am convinced it strengthens them and strengthens the integrity of the system.

The CHAIRMAN. The Chair recognizes the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I rise in support of the Dodd amendment.

The issue of privacy is extremely important, but if I understood the sponsor of the amendment correctly, this amounts to a limited disclosure of conflicting interests only, in the fuel or energy field.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the Dodd amendment which requires that ERDA's employees file financial statements which are available to the public and in opposition of the Goldwater amendment which would delete this disclosure requirement.

Mr. Chairman, the General Accounting Office has conducted a series of investigations over the past year and a half of several Federal agencies including ERDA concerning their compliance with agency regulations on conflict of interest. The ERDA report is not yet in; however, in the case of all the other agencies, the GAO has generally found that compliance has been inadequate, that some employees who had obvious conflict of interest did not file statements and that, most importantly, the Agency itself did not conduct any meaningful review of the statements that were filed. Part of the reason for failure of the Agency to police itself is that the regulations of the agencies are not backed up by a statute that has teeth in it. The Dodd amendment corrects this deficiency.

It requires that statements be filed by policymakers at ERDA that is not determined on the basis of what the person's salary is, but on the basis of what the position itself is. It provides for public disclosure which, in the long run, is probably the most effective mechanism for insuring that there will be no conflict of interest in carrying out the ERDA's responsibilities. Finally, it mandates agency review of the statements and provides for a criminal penalty for anyone knowingly violating the law. This sunshine amendment by Mr. DODD with its public disclosure provisions is needed at ERDA just as Congress determined last December that it is also needed at Interior and FEA.

I urge defeat of the Goldwater amendment and support for the Dodd amendment.

Mr. Chairman, I think the gentleman from Pennsylvania (Mr. MYERS) has very forcefully outlined in his argument why we should vote down the Goldwater amendment and accept the Dodd amendment.

The Dodd amendment is essentially a sunshine amendment, and the Goldwater amendment blocks out that sunshine behind clouds.

I therefore feel, Mr. Chairman, that we should vote down the Goldwater amendment and vote for the Dodd amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, my amendment does strike the public disclosure provisions. There is in place an existing procedure by which to determine conflicts of interest. Let the Congress and appropriate committees conduct oversight. Let us not take this apparently easy way out of exposing, and thus violating, the privacy of individuals.

Mr. Chairman, let us uphold the policies established and the concerns expressed by this Congress for allowing people the privilege of privacy. We can accomplish the same protection through the existing procedures without delving into and laying upon the public table personal financial data and personal privileged information.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. DODD).

Mr. DODD. Mr. Chairman, I want to compliment my colleague, the gentleman from Pennsylvania (Mr. MYERS) for his cogent argument with respect to industries that are going to be dealing in this area in terms of their having the right to know what financial interests the ERDA officials, with whom they are going to be dealing, own.

I think we have been through a dramatic enough time in our recent past so as to realize that it is far better for us to lift the shroud of secrecy that exists over the financial interests of ERDA policymakers particularly when dealing with an industry that is already plagued with public suspicion of its activities.

Therefore, Mr. Chairman, I would strongly urge the defeat of the Goldwater amendment. Let us lift this shroud of secrecy. Let us not be fearful of having our ERDA officials make known their financial holdings.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GOLDWATER) to the amendment offered by the gentleman from Connecticut (Mr. DODD).

The question was taken; and on a division (demanded by Mr. GOLDWATER), there were—ayes 13, noes 38.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. DODD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: Page 28, line 2, immediately after "Sec. 303." insert "(a)" and on the same page, immediately after line 6, insert the following:

"(b) Unless the President determines that the national security requires such action, and makes a report of such determination to the Congress, none of the sums authorized to be appropriated by this Act shall be used to negotiate, make, renew, or amend any non-military agreement between the United States and any other nation required to be arranged pursuant to or made in accordance with section 123 of the Atomic Energy Act, unless that other nation has formally agreed with the International Atomic Energy Agency to place all such nation's nuclear and related facilities under International Atomic Energy Agency safeguards, or unless such nation has ratified the Treaty on the Non-proliferation of Nuclear Weapons."

Mr. LONG of Maryland. Mr. Chairman, 30 years ago only the United States had a nuclear weapon. Today at least six nations have nuclear weapons and seven nations are close to having nuclear weapons capability.

Senator Ribicoff has pointed out, and it is widely echoed elsewhere, that by 1990, only 15 years from now, nuclear reactors in the developing countries—many of them ruled by unstable or unfriendly regimes—will be generating 30,000 pounds of plutonium each year, enough for 3,000 atomic bombs each year.

Every country that gets nuclear weapone increases geometrically the difficulty of keeping the situation under control because neighboring countries will be forced, by irresistible domestic political pressures, to go for nuclear weapons. A nuclear war between small countries could spread to the superpowers rallying to the defense of their allies or out of sheer panic.

The very fear of such a catastrophe will make it extremely difficult to avoid police states and the destruction of free speech, the right of free assembly, due process, and all the other attributes of a free society.

My amendment is intended to combat nuclear proliferation. At present, nuclear proliferation is a situation in which the horses are in the barn and are trying to get out. Because six nations now have nuclear weapons, we can say that some of the horses have already gotten out, and we are trying to keep the rest in, or most of them.

Under existing procedures, under the Anderson-Price amendment that was agreed to earlier that attempts to patch up present procedures and assure us that no proliferation will exist, we can be assured that nuclear weapons will proliferate and will escalate before the barn door can be locked, before we can stop nuclear agreements.

Before the barn door can be locked, and before we can stop a nuclear agreement, the Joint Atomic Energy Committee must offer, under present conditions and the Congress must approve, a concurrent resolution disapproving that nuclear agreement; that is, insisting that the barn door be locked, because the barn door stays unlocked until Congress votes to lock it

What does my amendment undertake to do? My amendment undertakes to lock the barn door now and keep it locked. That is, it would prohibit nuclear agreements with other countries except under three conditions.

First, that the country has ratified the Nuclear Nonproliferation Treaty. What is wrong with that?

Second, failing this, if the country, nevertheless, agrees to place all its nuclear facilities under international safeguards. What is wrong with that?

And, third, failing these, if the President certifies that the national security requires that we nevertheless provide nuclear technology to that country.

There are escape hatches in this barn door, but, nevertheless we are trying to close it much more than the existing legislation does.

If my amendment had been in effect in the past, here are some of the countries that would have been restrained in their nuclear activities—and there are 13, but I will list 5.

South Africa, which has gotten one research reactor, 100 pounds of weapons grade uranium, and may soon get power reactors from us.

Turkey, with 108 technicians trained by the United States.

India, having received two power reactors and 1,104 technicians trained by the United States.

Brazil, where the United States has sold one power reactor and two research reactors which 133 U.S.-trained technicians are operating.

Fifth, Argentina, the neighbor of Brazil, where the United States has trained 192 nuclear technicians.

All of these countries would, in the future, be restrained by my amendment as our nuclear agreements with them come up for renewal or liberalization.

Many other countries which have not ratified the Nonproliferation Treaty or agreed to comprehensive safeguards would be curbed by my amendment.

I have a list of 55 of which the most noticeable are Egypt, Pakistan, Saudi Arabia, and Bangladesh, all of these would be restrained by my amendment.

Some are concerned that Israel would be affected by my amendment.

However, Israel apparently has a long lead over Arab States in nuclear technology. My amendment would help prevent Egypt from getting nuclear reactors and thus nuclear weapons.

If Egypt ever does get nuclear weapons, the possibility of total war in the Middle East will be geometrically greater. Israel is much more vulnerable to such a total war because of its much smaller area and greater concentration of population.

Of course, my amendment does not offer a complete answer to nuclear proliferation. The rules of germaneness and the fact that ERDA is only a part of the nuclear export picture prevent me from offering the kind of legislation that could permanently and completely lock the barn door.

Nevertheless, my amendment is an important lock on the door. It tells the administration and the world that we are moving now to lock the barn door and stop the Four Horses of the Apocalypse from escaping.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. Long).

Mr. Chairman, the gentleman from Maryland has just conceded in his concluding remarks here in the well a moment ago that his amendment does not solve the problem, that under those agreements for cooperation that have already been negotiated his ban on the shipment of special nuclear materials or the sale of reactors would not apply.

I am not sure whether the gentleman from Maryland was on the floor when I offered my amendment early in these proceedings. If he was not, I would want to point out to him that the language of the amendment already adopted specifically provides that no funds authorized under this act may be used to produce any nuclear fuel for export to supply a nuclear power reactor under an agreement for cooperation which has not been reviewed by the Congress of the United States under the provisions of section 123(d) of the Atomic Energy Act of 1954, as amended.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

As I pointed out in my speech—and I think if the gentleman had been listening closely, he would have heard it—the difference between the gentleman's previous amendment and mine is that the gentleman lets the barn door stay open until Congress acts to close it, and it takes a recommendation and a resolution reported from committee to do that.

Mr. ANDERSON of Illinois. Mr. Chairman, I am going to reclaim my time. I heard the gentleman earlier, and he leaves the barn door completely open. I pointed out in my opening remarks that there are nine countries that have already concluded agreements for cooperation with this country prior to the amendments of 1974. India, Israel, Japan—those countries would not be barred from receiving exports from this country of nuclear fuel because they had not signed the Nonproliferation Treaty, and they have not.

The language that I have submitted, and that has been adopted already in the Committee of the Whole today, provides that the Joint Committee will review, in open hearings where the gentleman from Maryland and every other Member of this body will have a right to appear and testify, the licenses, including the licenses that might be granted to these nine countries for exchanges of nuclear technology if they have not signed the Nuclear Nonproliferation Treaty.

This commitee, the Joint Committee on Atomic Energy, must, under the language of the law—it is mandatory—within 30 days submit to the Congress a report on what their findings are, and then within 60 days we must act—this is mandatory language—on an accompanying concurrent resolution approving or disapproving.

I do not know how much more assurance the gentleman from Maryland would want. He has no monopoly in this area of concern about proliferation. Every single member of the Joint Commitee on Atomic Energy is worried about the uninhibited, unrestricted flow of nuclear technology.

We have had meetings for the last 18 months conducted by the Secretary of State and this administration with the other principal nuclear suppliers in an effort to work out some solutions to this very dfficult problem.

The gentleman is not suggesting a new concern. But what we would do with the language that is now by virtue of the action taken earlier this afternoon part of this act is assure that not just some of these agreements, not just some of these licenses, but all of them before the Joint Committee would be the subject of open and complete hearings and then, further, be the subject of action on the floor of both the House and the Senate.

And if the gentleman would only take the time to reconsider he would realize that his amendment is terribly defective in that it excludes from the purview of this type of hearing process the nine countries that I referred to. One of those countries is India which has already, as the gentleman knows, received a nuclear capability because of the exports from Canada. I think it is necessary that not only the countries with whom we entered into agreements prior to 1974 be included but also those after 1974 as well be subject to the provisions of the law.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr Chairman, does the gentleman feel that the committee has done a great job in preventing nuclear proliferation? I do not think this is the impression the rest of the world is getting. Can the gentleman hold that in good conscience?

Mr. ANDERSON of Illinois. Is the gentleman blaming this country for the fact that India has developed an atomic device?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. LONG of Maryland, and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 2 additional minutes.)

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield, the escalation has gone on absolutely unchecked. There has not been a single instance in which the gentleman's committee has come in with a resolution to disapprove of any nuclear agreement. I might point that out.

Mr. ANDERSON of Illinois. Would the gentleman give me any specific agreement that he wanted disapproved?

Mr. LONG of Maryland. Can the gentleman just name one he disapproved?

Mr. ANDERSON of Illinois. I am asking the gentleman what agreement approved by the joint committee would he have had this House disapprove? He cannot point to a single example.

The great vice of the gentleman's amendment, the great defect is that if we unilaterally cut off exports of special nuclear materials to those countries that have signed the Nonproliferation Treaty and do nothing more, what have we done? We would have said that this country has lost its bargaining power completely to try to get the other nuclear supplier in the world to join with us in a collective effort to try to arrive at a solution to this problem.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. LONG of Maryland, and by unanimous consent, the gentleman from Illinois was allowed to proceed for 1 additional minute.)

Mr. LONG of Maryland. If the gentleman will yield further, why should there be any objection to having countries sign the Nuclear Nonproliferation Treaty?

Mr. ANDERSON of Illinois. Of course, there is no objection. I wish every one of them would sign, but the fact is they have not. The fact is that India, for example, has not signed it, and Japan has not signed it, and Spain has not signed it.

Mr. OTTINGER. Mr. Chairman, I rise in support of the Long amendment.

Mr. Chairman, I think that this question of nonproliferation is the most crucial we face today in the entire world. The fact is that the NRC has had under consideration, and we have not heard a peep from the Joint Atomic Energy Committee, the licensing for export of 40,000 pounds of enriched uranium to India, a country which has exploded a nuclear device made with power reactor fuel from Canada and has not signed the Nonproliferation Treaty or subjected all its nuclear facilities to supervision by the International Atomic Energy Agency.

I think if effective restrictions are not placed on export of enriched nuclear materials, there will be grave danger to the world. I do not think this country has done what it could to exercise the tremendous power we have in this regard, because we still supply most of the enriched uranium to the rest of the world. We should require that there be no export of nuclear technology and enriched uranium to countries that have not agreed to submit all their nuclear facilities to International Atomic Energy Agency safeguards or have not signed the Nonproliferation Treaty. The chance is far too great that some terrorist group or some countries such as Pakistan and India, which have ancient rivalries, are going to produce nuclear weapons and start a nuclear war which would spell the destruction of our civilization; that risk is far too great. I do not think the Joint Atomic Energy Committee has done all it could.

Mr. ANDERSON of Illinois. Mr. Chairman, if the gentleman will yield, specifically on India, the committee has held hearings on this specific question as to whether we should export fuel for the nuclear reactor. The gentleman certainly cannot charge the Committee on Atomic Energy or its members with negligence if the NRC has already agreed to that or held hearings.

Mr. OTTINGER. It was only when a group of concerned citizens and Members of Congress, including the gentleman from Maryland (Mr. LONG) and I, petitioned that the NRC considered having hearings at all. We have the feeling that the Joint Atomic Energy Committee disposition is to push exports to help the U.S. manufacturers to export this equipment, without exercising enough muscle to get adequate controls. I do not say that the Joint Committee has failed to exhibit any concern, because that would not be accurate, but it has failed to exercise the muscle that is available to us to see to it that controls are imposed. It has not demonstrated that nonproliferation is one of the primary concerns of this country and that it is vital for the preservation of the entire world.

Mr. ANDERSON of Illinois. Is this what the gentleman wants with respect to Israel, would he be satisfied with this, because since Israel has not ratified Nonproliferation Treaty and apparently has no intention of doing so in the future, and furthermore because they have certain facilities which up until now they have been unwilling to put under international atomic energy authority, does he want the adoption of this amendment and barring of the shipment of any special nuclear materials to that country even for peaceful atomic purposes to fuel a peaceful electricity-producing reactor in that country? Is that what the gentleman wants to accomplish?

Mr. OTTINGER. That is absolutely what I want. I think the Middle East is one of the tinder boxes of the world. The idea that Israel may be developing an atomic weapons' capacity and that the Arab countries are now seeking nuclear power so that they can develop a nuclear capacity is absolutely frightening.

Mr. Chairman, while I am a strong supporter of Israel, I do not want to see nuclear warfare break out in the Middle East. If any of the countries in that area have that power, then that is one of the worst things we have to worry about.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, does not the gentleman realize we have a Presidential waiver in the bill to cover that situation? If the President wants to open the door for Israel, we have that waiver there; so it does not close the door, as the gentleman says.

Mr. OTTINGER. It is my understanding, unless the gentleman has changed the amendment, that this applies to either people who have signed a Nonproliferation Treaty or who have agreed to the International Atomic Energy Agency safeguards. Is that right?

Mr. LONG of Maryland. The gentleman is correct.

Mr. OTTINGER. So what the gentleman from Illinois is worried about, the countries the gentleman said would not be covered, are not excluded because if they are signatories to the Nonproliferation Treaty or if they have agreed to the International Atomic Energy Agency safeguards, then the limitation is not applicable. Also, as the gentleman points out, there is a Presidential waiver with respect to exports which he determines affect national security.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. ZABLOCKI and by unanimous consent, Mr. OTTINGER was allowed to proceed for an additional 2 minutes.)

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Wisconsin and acknowledge his great concern to such nuclear proliferation.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding. I have read and studied the amendment of the gentleman from Maryland. As the gentleman from New York (Mr. OTTINGER) because of his deep interest in this subject well knows, for days and weeks my subcommittee has considered the NPT problem. The gentleman was in attendance as a guest, at almost all the hearings. This is a very difficult subject matter that almost defies solution.

Now, in reading the amendment, and I would want the gentleman's studied assessment. As the gentleman knows the London Suppliers' Conference will again resume meetings very shortly. As I read the amendment, it could or would jeopardize the continued negotiations of the London Suppliers' Conference and also perhaps jeopardize our relations generally with some of our nuclear customers. This is something we do not want to happen. I would hope there would be cooperation. At the London Suppliers' Conference as they resume their deliberations and discussions it is my hope that we would have full cooperation on the part of all suppliers on this troublesome subject of nuclear proliferation.

I submit that this amendment could very well undermine this Conference.

Mr. OTTINGER. Mr. Chairman, I do not see how that could be the case, because it seems to me that all our friends and allies would want to be assured, just as much as we would, that any country which received enriched uranium would be a signatory to the Nonproliferation Treaty or agree to the IAEC safeguards. In fact, most of the agreements that have been concluded—sometimes after a little influence on our part—have met one criterion or the other. One real exception has been India, and I was pleased to read that Canada is refusing to ship more enriched nuclear material there, because of its diversion of power fuel to produce explosion of a nuclear device and its refusal to sign the Nonproliferation Treaty or agree to place all its nuclear facilities under IAEC safeguards. We should follow Canada's example.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. Mr. Chairman, I was saying that I was pleased to see that Canada has now refused to ship any enriched nuclear materials to India because of her unwillingness to sign the IAEC Safeguards Agreement or sign the Nuclear Nonproliferation Treaty.

Mr. Chairman, I think this is a step in the right direction and will help us reach international agreement, rather than hinder us.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, would not the gentleman admit that the provisions of this amendment could cause some problems at the London Suppliers' Conference?

Mr. OTTINGER. I would hope it would help us toward a better understanding worldwide that this kind of agreement be required.

Mr. PRICE. Mr. Chairman, I oppose the amendment of the gentleman from Maryland (Mr. LONG). I am sure there is no one in this body who does not share the gentleman from Maryland's concern for nuclear proliferation.

The Joint Committee on Atomic Energy has always been a firm supporter of measures to prevent nuclear proliferation. The Joint Committee has considered the effect of discontinuing U.S. export of nuclear materials in the interest of preventing further proliferation of nuclear weapons. The conclusion is that, in today's world, if we never export another item of nuclear material, this in and of itself would not prevent the proliferation of nuclear weapons. The United States is not the only nation which exports nuclear materials and technology. Other nations with fully developed nuclear industries who are actively exporting nuclear materials and technology include Russia, Great Britain, France, Canada, West Germany, Japan, and Sweden. Our refusal to supply materials unilaterally to a particular country on the grounds that it has neither ratified the treaty on the nonproliferation of nuclear weapons nor has not formally agreed with the International Atomic Energy Agency to place all of its nuclear and related facilities under IAEA safeguards, eliminates us from the competition for that particular market. Someone else may very well supply what we do not.

There is no assurance that another supplier will require the exacting conditions for cooperation that the United States requires under section 123 of the Atomic Energy Act. Therefore, the cause of nonproliferation will be served with better assurance if the United States is the supplier rather than some other nation. It is my understanding that there has not been a single violation in the case of any nuclear fuel provided under any of the agreements for cooperation for peaceful nuclear purposes entered into by the United States of America with various foreign governments of the world.

I oppose this proposed amendment because it will not further the cause of nonproliferation.

Mr. FISH. Mr. Chairman, I rise in strong support of the Long amendment which represents another important step in our efforts to combat nuclear proliferation.

At least six nations already have nuclear weapons—the United States, the Soviet Union, Great Britain, France, the People's Republic of China, and India—and there are reports to the effect that Israel can be included in this group as well. In addition, Brazil, Argentina, Pakistan, South Africa, Turkey, Egypt, and Indonesia will, in all likelihood, shortly join the ranks of nations with nuclear capabilities.

U.S. firms currently license other nuclear suppliers for nuclear technology. Several of these—particularly France and West Germany—while depending largely on the United States to fuel their own power reactors, are now exporting nuclear weapons potential.

By 1990, reactors in the developing nations will be generating 30,000 pounds of plutonium annually—the equivalent of 3,000 atomic bombs. Since unstable and antagonistic regimes are the norm in many of these countries, this is truly a frightening prospect.

I think that the United States, as the leading supplier of nuclear technology, has a responsibility to attempt to curb the spread of nuclear weapons. The Long amendment would require a country which receives nuclear technology from the United States to agree to place all of its nuclear facilities under nuclear safeguards administered by the International Atomic Energy Agency or agree to ratify the Nuclear Nonproliferation Treaty.

Our nuclear agreements with other countries do require that all nuclear facilities and material we export must be placed under international safeguards, even though that country has not ratified the Nuclear Nonproliferation Treaty. This proviso, however, has proved inadequate, and India is a case in point. That country developed a nuclear bomb from a Canadian reactor not under safeguards, even though all nuclear facilities that we had provided were under international safeguards. Further, it was the United States who supplied the heavy water needed for the operation of the Canadian reactor which, in turn, enabled India to produce the nuclear bomb.

This is only one illustration of the need for stronger safeguards. We must be realistic, and must recognize that providing nuclear technology and nuclear training to a country provides that country with the know-how needed to produce nuclear weapons, weapons which are not subject to international safeguards. There are now at least 20 nuclear facilities around the world that are not now under these safeguards.

Some of my colleagues argue that if we refuse to sell nuclear technology to countries who do not comply with the Long amendment, others will. I think that two points need to be stressed in this regard. First, we do have considerable leverage in this area. France and Germany, for example, depend on the United States for most of their uranium fuel to run their own nuclear power reactors. And while some European countries are developing nuclear fuel-making facilities, these will not be in operation until the 1980's. Therefore, France and Germany cannot continue to operate their own nuclear power reactors without U.S. nuclear fuel—and let us remember that these nuclear power reactors supply a large part of their industrial electric power.

Second, the Long amendment would allow the President to waive this restriction for national security reasons. The President would then have considerable leeway, and would not have to abide by its provisions if other nuclear supplier nations refused to cooperate. This waiver also, in my view, answers these critics who view this amendment as congressional interference in foreign policy decisions—with regard to any country, the President would only have to certify that supply of nuclear technology or material is important to U.S. national security, and the Long amendment's provisions would simply not apply.

On May 3 of this year, the House passed House Concurrent Resolution 570 on a voice vote. This resolution, in part, urges a halt to the transfers of nuclear fuel, technology, and equipment to any country which has not accepted International Atomic Energy Agency safeguards. The Long amendment would give this resolution the force of law, and would demonstrate that the Congress is alert to the dangers of nuclear proliferation and to the need for concrete action in this area.

Mrs. LLOYD of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Long amendment. Although I am most sympathetic to the intent of the gentleman from Maryland, I doubt that the amendment he proposes will, in its present form, have the effect which he intends.

Fortunately, or unfortunately, the United States is no longer the sole supplier of nuclear equipment and technology to consumer nations. Britain, West Germany, France, and Japan are either now selling, or developing the capacity to sell nuclear materials to other nations. This list is certain to grow as more nations achieve a level of technological competence.

Consequently, the Long amendment would not limit proliferation, since the United States does not have a monopoly on nuclear technology. Instead, it will seriously jeopardize the leadership position now enjoyed by the United States in nuclear technology. This may result in exactly the opposite of what the gentleman intends. With more nations competing to sell nuclear materials, it is inevitable that some one of them will seek to improve their competitive advantage by reducing safeguards or production quality.

In addition the adoption of this amendment will seriously threaten our relations with potential and actual customers such as Spain, Japan, Israel, Egypt, or Brazil, all of whom are important to both the economic and military interests of the United States. The impact on domestic industries and jobs associated with the development of nuclear materials and related products must also be weighed. So far this year there have been only a few reactors ordered by domestic customers. Our nuclear industry depends upon foreign sales to maintain equilibrium in the marketplace. If we impose an artificial restraint, such as this amendment anticipates, we will force many firms to close down and workers to be laid off.

Mr. Chairman, in addition to these potential problems, this amendment would abrogate the existing contracts negotiated by domestic firms with foreign buyers. The legality and fairness of this is certainly questionable.

There is no question as to the desirability of stringent nonproliferation policies, but the Long amendment in mandating unilateral restrictions will not accomplish this goal.

On May 3, 1976, the House passed House Concurrent Resolution 570 with the identical goal of the Long amendment. This measure instead of unilaterally freezing U.S. firms out of the market for nuclear materials, sensibly calls for restrictions on the sale or transfer of either materials or technology to go into effect simultaneously on all supplier nations. Such an agreement is now under consideration among the supplier nations. This approach supercedes the benefits envisioned by the Long amendment and still protects the legitimate interests of our domestic nuclear industry.

Mr. Chairman, I urge the defeat of the Long amendment, and the adoption of the ERDA Authorization Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

The question was taken; and on a division (demanded by Mr. LONG of Maryland) there were—ayes 9; noes 41.

Mr. LONG of Maryland. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Seventy-one Members are present, not a quorum.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Maryland (Mr. LONG) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ALEXANDER

Mr. ALEXANDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALEXANDER: Page 26, line 14, strike out "$293,570,000" and insert in lieu thereof "$293,670,000," and on line 15, strike out "$1,250,000" and insert in lieu thereof "$1,350,000."

Mr. ALEXANDER. Mr. Chairman, this amendment is designed to strengthen the ability of the Office of Energy-Related Inventions in the National Bureau of Standards to evaluate and move quickly energy inventions which promise to have great national impact.

At present that office is trying desperately to evaluate more than 2,000 energy-related inventions. Some of them are great, some near great, and some not so great. But they all require a close look. That takes time when we really have no time. It also takes technical and industrial expertise of the highest quality which, at present, is insufficient.

As a result, they need immediately a few more senior evaluators so that priority items with great national energy potential and impact can be expedited and brought to reality.

What I have just said recently was confirmed by staff investigators of the Conservation, Energy, and Natural Resources Subcommittee of the Committee on Government Operations. The Government has some very promising inventions in the evaluation process, but they are moving much too slowly.

Mr. Chairman, this amendment simply adds $100,000 to speed energy inventions in the United States. This is truly an investment which is going to pay off in new national energy advances and increased Government revenues in taxes and thousands of jobs from the many new industries which will be created.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, this amendment adds $100,000 to the authorization of the Bureau of Standards. As far as this side of the aisle is concerned, we will accept the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I am informed that the ranking Member on this side, the gentleman from California (Mr. GOLDWATER), has no objection to the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. ALEXANDER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subject to the applicable requirements and limitations of this Act, when so specified in appropriations Acts amounts appropriated for the Administration pursuant to this Act for "Operating expenses" or for "Plant and capital equipment" may be merged with any other amounts appropriated for like purposes pursuant to any other Act authorizing appropriations for the Administration.

SEC. 402. When so specified in an appropriation Act, amounts appropriated pursuant to this Act for "Operating expenses" or for "Plant and capital equipment" may remain available until expended.

SEC. 403. Amounts appropriated pursuant to title II of this Act for construction planning and design, and for general plant projects, are available for use, when necessary, in connection with all Administration programs.

SEC. 404. (a) Any Government-owned contractor operated laboratary, energy research center, or other laboratory performing functions under contract to the Administration may, with the approval of the Administrator, use up to one-half of 1 per centum of its operating budget for the funding of employee-suggested research projects up to the pilot stage of development. It shall be a condition of any such approval that the director of the laboratory or center involved form an internal review mechanism for determining which employee-suggested projects merit funding in a given fiscal year; and any such project may be funded in one or more succeeding years if the review process indicates that it merits such funding.

(b) Each director of a laboratory or center specified in subsection (a) of this section shall submit an annual report to the Administrator on projects being funded under this section; and on completion of each such project shall submit a report to the Technical Information Center of the Administration for inclusion in its data base.

Mr. TEAGUE (during the reading).

Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. GOLDWATER

Mr. GOLDWATER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GOLDWATER: On page 32, between lines 6 and 7, insert a new section to read as follows:
>
> "SEC. 405. Section 108(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5818 (d)) is amended by striking the words 'two years' and inserting therein 'four years', and at the end thereof adding the following:
>
> " 'Beginning February 1, 1977, the Council shall annually provide to Congress a detailed report of the actions it has taken or not taken in the preceding fiscal year to carry out the duties and functions referred to in subsection (b) of this section, together with such recommendations, including legislative recommendations, the Council may have concerning the development and implementation of energy policy and the management of energy resources. The report shall include such other information as may be helpful to the Congress and the public.' "

Mr. GOLDWATER. At this point, I would like to explain my amendment and offer the supporting arguments for its adoption.

This is the ERDA authorization bill for fiscal year 1977. The Energy Reorganization Act created both ERDA and the Eenergy Resources Council—ERC. Section 108 of the Energy Reorganization Act established the Energy Resources Council. The Council includes the Secretary or Administrator heading each of the major Federal agencies involved in energy R. & D. and energy policy, and it is headed by one of them designated by the President. Currently, Commerce Secretary Richardson is the Chairman of the Council and FEA Administrator Zarb is the Executive Director.

The duties and functions of the Council under section 108 include:

First, insure communication and coordination among the agencies of the Federal Government which have responsibilities for the development and implementation of every policy or for the management of energy resources;

Second, make recommendations to the President and to the Congress for measures to improve the implementation of Federal energy policies or the management of energy resources with particular emphasis upon policies and activities involving two or more department or independent agencies; and

Third, advise the President in the preparation of the reorganization recommendations required by section 110 of this act.

Importantly, section 108(c) states:

> The Chairman of the Council may not refuse to testify before the Congress or any duly authorized committee thereof regarding the duties of the Council or other matters concerning interagency coordination of energy policy and activities.

We recently exercised this provision by having Mr. Zarb appear before our subcommittee in his role of Executive Director of the Council during consideration of a bill involving the energy conservation activities of many Federal agencies.

Under subsection (d) of 108, the ERC is scheduled to terminate either 2 years after its effective date, October 11, 1974, or upon establishment of Department of Energy and Natural Resources, whichever is earlier. The Department is not a likely event in the foreseeable future, but the 2-year date, October 11 of this year, is. ERC will be terminated automatically on that date.

My amendment would extend the life of the ERC. I believe that we must have an organization such as ERC.

Section 108 created the ERC to insure the coordination of the several agencies, including ERDA, involved in energy, particularly where two or more agencies are involved in the same area of activity.

We have had continuing difficulty in keeping ERDA's activities coordinated effectively with other agencies over the last 18 months. As a new agency, that is expected and predictable—but that is also why there is crucial need for a formal, high-level coordinating body. Examples of some of the problems are:

First. ERDA and FEA in energy conservation—both this committee and the Appropriation Committee have voiced concerns in reports—Appropriations even conducted full-scale investigations of the two programs to determine the amount of overlap;

Second. ERDA, FEA, and Interior in the area of collection and analysis of energy data;

Third. ERDA and Interior in mining safety research;

Fourth. ERDA and EPA in energy-related environmental research; and

Fifth. ERDA, Interior, FEA, and Treasury in the area of geothermal institutional barriers.

ERC is the only statutory mechanism available to us in dealing with this problem. In fact, we have increasingly focused on it in recent subcommittee and committee activities. Again it is important that, per subsection (c) of section 108, ERC cannot refuse to testify concerning interagency coordination. We have recently exercised this requirement in calling Frank Zarb to testify before this subcommittee in his role as Executive Director of the ERC on the subject of coordination of the energy conservation and conservation research programs spread throughout many agencies, including among others, ERDA, FEA, Agriculture Department, Commerce Department, and so forth.

I strongly believe that our immediate and direct congressional interest in the ERC and its coordination responsibilities as they directly impact on our energy research program areas is sufficient to provide for the acceptance of the amendment and to continue the life of the ERC until such time as all these activities are folded into a single department.

I do want to point out that this is not a massive bureaucracy which we are considering.

The ERC is not an agency as such, but rather an interagency mechanism for coordination of U.S. energy policy at the Cabinet officer level. It is somewhat analogous to the National Security Council, except that the ERC has no permanent staff. Normal staff work and analysis is performed by the agency with primary responsibility in the particular subject area—for example, if ERC is addressing a coal mining/leasing issue, Department of the Interior will take the lead; if it is an oil pricing issue, FEA will do the analysis, et cetera. Also, since the ERC is a coordination mechanism, it does not have an official organization chart.

This flexible organization has accomplished a start on energy coordination in the Federal Government, which I do not feel we can afford to lose while we are out campaigning this fall. We would only have to start all over again.

Since its creation, the Energy Resources Council has established numerous task forces and committees to examine particular issues, formulate recommendations for Federal action, and insure that Federal energy programs are coordinated. Many of these committees are temporary and none have any independent authority. Some of those committees or task forces that do have an ongoing mission are: First, the Executive Committee; second, the Intergovernmental Coordinating Committee—ICC—which has, in turn, established Subcommittees on Conservation, Nuclear and Coal Programs; third, the Task Force on Thermal Standards; fourth, the Task Force on Motor Vehicle Goals beyond 1980; and fifth, the International Subgroup. Each of these committees or task forces has members from at least three different agencies and the Executive Committee has members representing 11. The Conservation Subcommittee of the Intergovernmental Coordinating Committee was established to coordinate the interactions of Federal agencies with the States under the State energy conservation program. The Task Force on Thermal Standards is focusing on the Federal effort to develop model building energy conservation standards.

To place this amendment clearly in perspective, let me relate what Governor Ray of Iowa told us in a recent statement. In commenting on the difficulty of dealing with the ever growing Federal energy establishment, he stated that there are now more than 120 Federal energy programs administered by 30 separate agencies. Our experience on the Science and Technology Committee has reflected those figures. There is a desperate need for coordination and this amendment would help us achieve that goal. Again, I repeat that this is not a bureaucracy, not another big staff. Rather, it is a statutory coordinating mechanism. We need that mechanism after October 11 of this year. I urge your support of this amendment.

POINT OF ORDER

Mr. BROOKS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BROOKS. Mr. Chairman, I make the point of order that the amendment is not germane to H.R. 13350.

The bill authorizes appropriations for

1 year for the programs administered by the Energy Research and Development Administration.

The amendment would have the effect of making permanent the Energy Resources Council, a body established within the Executive Office of the President. Such an amendment is clearly beyond the scope of a 1-year authorization bill and is, therefore, not germane.

Mr. Chairman, I would ask that the point of order be sustained, and I specifically refer to rule XVI, clause 7.

The CHAIRMAN. Does the gentleman from California (Mr. GOLDWATER) wish to be heard on the point of order?

Mr. GOLDWATER. I do, Mr. Chairman. I would like to be heard on the point of order.

SUBJECT MATTER AS TEST

Mr. Chairman, the amendment is directly related to subject matter of the bill—ERDA's programs and how they are carried out under the Energy Reorganization Act.

The Reorganization Act created ERDA and its programs and also the Energy Resources Council to insure the full and complete coordination of those programs and all other energy agencies and programs. ERDA's programs and the ERC go hand and glove in a programatic sense.

FUNDAMENTAL PURPOSE AS TEST

The fundamental purpose of the amendment is to continue our only statutory mechanism for coordinating our energy programs to insure they are effective and not duplicative.

Last year, section 309 of the Authorization Act stated:

> The Administrator shall coordinate nonnuclear programs of the Administration with the heads of relevant Federal agencies in order to minimize unnecessary duplication.

My amendment addresses that same goal—avoiding duplication and maximizing effectiveness.

COMMITTEE JURISDICTION

The Science Committee and JAEC have sole jurisdiction over energy R. & D. programs.

Once the ERC was established, it came under the jurisdiction of the energy committees who must have responsibility for legislating effective energy programs. If we do not have it, no one does.

The ERC does not have a separate staff. It uses agency personnel on assignment in the agency's area of responsibility. So ERDA personnel can and do staff ERC functions. This bill provides the funds in program support for those employees. Therefore, this bill actually will fund the extended activities of ERC in fiscal year 1977 under my amendment.

GENERAL VERSUS SPECIFIC

This is specific amendment to the general provisions. It is an ERDA programwide provision, that is to have a continued, stautory mechanism for coordination of all energy programs.

AMENDMENT TO EXISTING LAW

The amendment merely extends the ERC for 2 years by a minimal change in the Energy Reorganization Act. The thrust is basically programmatic in nature, not a substantive change.

The bill is under the Reorganization Act, and further the Reorganization Act requires in section 305 that there be an annual authorization for "appropriations made under this act."

The Reorganization Act, the ERDA program and the ERC—under section 108—of the act are all tied together.

KEY POINT

The amendment is germane, because this bill includes program support for the salaries of ERDA employees who staff parts of the Energy Resources Council.

The CHAIRMAN. The Chair is prepared to rule.

The Chair has examined the amendment and has listened to the argument in support of the point of order and to the argument presented by the gentleman from California (Mr. GOLDWATER) very carefully and it, indeed, is an argument which deserves the careful attention of the Chair.

The Chair would call attention to the fact that the amendment offered by the gentleman from California (Mr. GOLDWATER) seeks to amend the Energy Reorganization Act of 1974 by extending the life of the Energy Resources Council.

The point of order is made that the amendment is not germane and that the amendment goes beyond the scope of the bill before us.

The bill before the committee at this time is an annual authorization bill. It is a bill to authorize appropriations for the Energy Research and Development Administration and does not amend the basic organic statute which established ERDA.

The Chair is constrained to state that, in his opinion, the amendment offered by the gentleman from Calfornia (Mr. GOLDWATER) goes beyond the scope of the bill which is pending before the committee at this time in that that bill does not directly amended the Energy Reorganizaion Act of 1974 nor does it deal with the Council as a separate entity.

The Chair would refer to Deschler's Procedure, chapter 28, section 33, and the numerous precedents set out there concerning amendments changing existing law to bills not citing that law.

The Chair, therefore, sustains the point of order.

Are there further amendments to title IV?

AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. LAGOMARSINO: Page 32, immediately after line 6, insert the following new section:
>
> SEC. 405. (a) The Administrator shall, not later than 60 days after the date of the enactment of this Act, prescribe and implement rules to assure that any hearing in connection with any expenditure of any funds authorized to be appropriated under this Act, or any hearing the expenses of which are paid by any such funds, shall—
>
> (1) if such hearing concerns a single unit of local government or the residents thereof, be held within the boundaries of such unit;
>
> (2) if such hearing concerns a single geographic area within a State or the residents thereof, be held within the boundaries of such area; or
>
> (3) if such hearing concerns a single State or the residents thereof, be held within such State. (b) For purposes of subsection (a)—
>
> (1) the term "unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and
>
> (2) the term "geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government.

Mr. LAGOMARSINO (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Texas.

Mr. TEAGUE. I thank the gentleman for yielding.

Mr. Chairman, in the interest of time, this exact same amendment was adopted when we had the EPA authorization bill on the floor. The committee opposed it, but it was adopted by a considerable margin. Since that time we have gone to the gentleman from California (Mr. KETCHUM) and we have prepared a last section that we think, with some corrections that should be made, Mr. KETCHUM agrees to, and we have agreed to accept his amendment, and he has agreed to accept our amendment to his amendment.

Mr. LAGOMARSINO. That is correct. The gentleman from California (Mr. KETCHUM) and I accept the amendment offered by the gentleman from Texas to the amendment.

Mr. GOLDWATER. Mr. Chairman, we have examined these amendments and find no problem therewith.

AMENDMENT OFFERED BY MR. TEAGUE TO THE AMENDMENT OFFERED BY MR. LAGOMARSINO

Mr. TEAGUE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. TEAGUE to the amendment offered by Mr. LAGOMARSINO: At the end of the amendment offered by the gentleman from California (Mr. LAGOMARSINO) insert: (b) Such regulations shall provide for the consolidation of such hearings to the greatest extent possible in order to insure economy and efficiency consistent with the purposes of this section. Nothing in this section shall be construed as requiring a hearing where none is now required by law or where the Administrator determines such a hearing is not appropriate.

Mr. TEAGUE. Mr. Chairman, I ask for a vote on the amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. TEAGUE) to the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK: Page 32, immediately after line 6, insert the following:

SEC. 405. The Administrator shall not use any funds appropriated pursuant to this Act under any contract in effect on or after October 1, 1977 for research, services, or material conducted or supplied by the Lawrence Livermore Laboratory for the Energy Research and Development Administration unless that contract specifically provides that the employees of the Lawrence Livermore Laboratory will be guaranteed the establishment of an impartial grievance procedure and further guarantees employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities provided however that no employee rights or activities shall be guaranteed in such contract which would be in violation of California State Law.

Mr. STARK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Chairman, this amendment deals exclusively with the Lawrence Livermore Laboratory facility in Livermore, Calif., which has 5,700 employees living in the congressional district served by myself, and by the gentlemen from California, Messrs. MCFALL, EDWARDS, and MILLER. The site and the facility are owned by the Federal Government. The funding is entirely Federal, and it is one of the most prestigious and productive national laboratories in the country.

There have been some serious problems in labor-management negotiations with conflicting State laws, because the University of California is the contractor operator. It therefore subjects the employees to California State law. Of the 64 Government-owned, contractor-operated ERDA facilities, including the Stanford Linear Accelerator and the Princeton Plasma Physics Lab, only 6 lack clear-cut employee-employer relations.

Since the Livermore Lab receives its contract through a political subdivision known as the University of California Board of Regents, it is caught in a unique situation. It is covered by three sets of rules: those imposed by ERDA, by the State of California, and by the University of California under the Myers-Milius-Brown Act.

It is the intention of this amendment to cause 5,700 employees at Livermore to conform to normal labor practices and grievance structure available to over 80,000 other ERDA scientific employees.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, this amendment, as I understand it, is to assure that the Energy Research and Development Administration take every reasonable step in its contract with the University of California, the contractor which operates the Lawrence Livermore Laboratory to provide employees at that laboratory the bargaining rights which are permitted to employees of the State of California under the laws of the State of California.

I do not oppose the amendment in view of the unique situation and would not set a precedent for legislatively imposed changes in the labor relations policies of any other Energy Research and Development Administration contractor.

Mr. STARK. I accept the kind words of the gentleman from Illinois.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Texas, the chairman of the Committee on Science and Technology.

Mr. TEAGUE. Mr. Chairman, the committee on Science and Technology has no objection and will accept the amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, the gentleman, I realize, has changed the language of his amendment considerably from the amendment that he showed me originally, but my question at this point is: What does the gentleman intend by the language contained here in the proposed section 405? Does the gentleman intend to give employees of the Livermore Laboratory, who are in fact under the regulations of the board of regents of the University of California, the rights that generally apply to those workers in this country who are under the National Labor Relations Act?

Mr. STARK. Yes; I have drawn some of the same language from section 7 of the NLRA so that this amendment can be interpreted not to place these employees under the NLRA, but rather to give these words the same predictability as the language drawn from section 7 and used in this amendment.

Mr. ANDERSON of Illinois. However the gentleman confirms that it is the intent of his amendment that they will not engage in those activities which would be proscribed or forbidden by California law?

Mr. STARK. That is quite correct.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from California.

Mr. GOLDWATER. Does the gentleman feel that by his amendment he is establishing precedent in the area of labor relations?

Mr. STARK. I do not know whether I would say we are establishing precedent in the area of labor relations. I think we are defining for 5,700 employees, caught in a particular box, that they have certain standards by which they can negotiate and bargain and have grievance procedures.

Mr. GOLDWATER. In fact the gentleman is amending in essence the relationships of labor and management, particularly as they refer to the Federal Government and ERDA. Is that not right?

Mr. STARK. No. If I may put it another way, the ambiguities that exist now for the employees of the Lawrence Livermore Lab are due in part to conflicting California State laws. This would, by a contract, say that there have to be those rights which are generally accepted in this country for all employees and that is the right to bargain, the right to negotiate, and so on.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. STARK was allowed to proceed for 2 additional minutes.)

Mr. GOLDWATER. Mr. Chairman, if the gentleman will yield, it appears to me what we are doing is implementing labor-relations policy under authorization legislation. In other words, we might say the Taft-Hartley Act could in effect be amended by this process. Would the gentleman agree?

Mr. STARK. No. I do not think that Taft-Hartley in fact could be amended by this process, by an authorization process.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from California (Mr. MCFALL).

Mr. McFALL. As I understand the explanation of the gentleman from Illinois and the gentleman from California, this is a very unique situation and it does not exist any other place in the country.

Mr. STARK. This is correct.

Mr. McFALL. And this is an amendment which would facilitate the bargaining process there but would not establish a precedent for any other situation in the country or any other piece of legislation.

Mr. STARK. The gentleman is absolutely correct.

Mr. GOLDWATER. Mr. Chairman, if the gentleman will yield, the thing I am concerned about is it appears to me we are setting a precedent because there are some 60 laboratories in ERDA, not to mention the Departments of Defense and Agriculture.

Mr. STARK. I would like to point out, of all the laboratories under ERDA, only six, of which this is one, do not have clear-cut standards because this is a unique situation.

Mr. GOLDWATER. But we are amending or changing the labor relations in this authorization. It happens this is an ERDA bill.

It just happens to deal with ERDA. What is to stop any other authorization affecting labor relations in some other laboratory or facility? Every Congressman has laboratories in his district.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. STARK was allowed to proceed for 1 additional minute.)

Mr. STARK. Mr. Chairman, in response to the gentleman, the contract they issue has been in existence probably since Manhattan project days and that contract referred to various labor practices in the past. Also, we have had some legislative history where we have said Federal contracts must pay prevailing wages, so this is nothing that unique.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, I am somewhat bothered also by the precedents that may be set here.

I want to know if the gentleman can assure me if there are other agencies who have relations with State employees who will not, as a result of this, claim a similar response from the U.S. Congress?

Mr. STARK. I cannot assure the gentleman what other agencies may do, but this is one that four of the Members of the House find particularly troublesome because of the complaints coming to our district due to the lack of clear-cut grievance procedures. We hope thereby to reduce our problems.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. MYERS of Pennsylvania, and by unanimous consent, Mr. STARK was allowed to proceed for an additional 2 minutes.)

Mr. MYERS of Pennsylvania. Mr. Chairman, if the gentleman will yield further, it seems to me if I were a Representative of the State of California, I would be somewhat bothered by the fact that the gentleman is inviting more Federal control.

Mr. STARK. I would respond to the gentleman on that point that is why, at the suggestion of the counsel of the committee, language was inserted providing that none of the employees' rights shall be guaranteed in a contract which would be in violation of California State law; so they already deal with that.

Mr. MYERS of Pennsylvania. Would the gentleman from California not say this could be remedied by an internal resolution in the State of California?

Mr. STARK. It might be; many things are being done by the State of California which is moving ahead in public employee labor-management relations, but in some cases they need a nudge.

Mr. MYERS of Pennsylvania. Well, I only caution on the precedent we have set here. I would think the gentleman would be extremely interested in protecting the individuals and the individualism in the gentleman's own State.

Mr. Chairman, I do oppose the amendment.

Mr. STARK. Mr. Chairman, I ask my colleagues to support the amendment and urge its adoption.

Mr. GOLDWATER. I have deep-seated and strenuous objections to the procedure which is being followed in respect to Lawrence Livermore Laboratory labor relations problems. While it is true that most of the objections to the substance of the amendment have been overcome by Congressman STARK's retreats from his initial position, apparently taken in response to earlier objections as to its legality and feasibility, those retreats leave the basic problem behind. I do not believe that the precedent which would be established, of Congress intervening in a specific labor relations situation because of union or other pressure, is either sound or desirable. Let me explain the ERDA situation now as ERDA has explained it, and why the Stark amendment is such an objectionable departure from it.

ERDA owns industrial production and research facilities valued at over $9 billion. There are 60 such facilities, plants, and laboratories located in more than 30 States. These facilities are operated through cost-plus-fixed-fee contracts with major industrial companies such as Union Carbide, General Electric, Westinghouse, Monsanto, du Pont, and others, as well as by universities such as the University of California, Iowa State University, or consortia of universities such as Associated Universities, Inc., which runs Brookhaven National Laboratory, or University Research Associates, which runs Fermilab. In the case of industrial facilities, such as the gaseous diffusion and weapons plants, the operating contractor is chosen after exhaustive consideration of its management policies, including those which pertain to labor relations, wage and salary administration and personnel administration. In every instance these labor relations policies are the same as those which the contractor applies in running its facilities in the private sector.

ERDA does not participate in the formulation of those labor relations policies or other policies. It insists: First, that they conform to the requirements of NLRA, and second, that they work. To assure those objectives it relies upon a process of monitoring results. Its objective is to protect governmental interests by seeing to it that its plants are operated as though they were in the private sector. The alternative would have been to operate these plants as Federal Establishments with civil service employees. This is an option which the Congress rejected many years ago and which has never been subject to serious criticism.

There have been instances in which the labor relations policies of particular contractors have been deemed unsatisfactory by the Agency, in that they have produced excessive industrial strife which has impeded the work of the Agency. In these few cases ERDA has not sought to change the policies; it has instead changed the contractor and entered into a new contract with a concern whose labor relations policies appear to fit the needs of the situation better.

Since these plants are run on a basis under which all costs are reimbursed to the contractor, there has naturally been a level of Government approval of wage or benefit costs which have been negotiated through the collective bargaining process. In every instance, however, the settlements that have been produced have been negotiated by the contractors and have been consistent with contractor practices in the private establishments. Any effort by the Government to force one of its operating contractors to accept a settlement or a labor relations or personnel policy which would be adverse to that contractor's interests at its private facilities, where it is in the competitive market, would have been cause for the contractor to withdraw from the relationship with the Agency.

Contractor negotiations are not entirely free of outside scrutiny. For 30 years the Atomic Energy Labor-Management Relations Panel has been free to intervene in deadlocked negotiations at the request of either party, to bring its collective expertise to bear on the unresolved issues, and to recommend terms and conditions for settlement. There has never been a panel intervention which has not resulted in renewed negotiations and a settlement satisfactory to both parties to the controversy.

One of the main reasons for the success and acceptability of the Panel has been that its very existence has made it unnecessary for difficult disputes to be resolved through the political process. Most Members of the Congress who have ERDA plants within their districts or who have substantial numbers of constituents who may be affected by labor disputes in such plants recognize the value of keeping these disputes outside the political arena.

The Stark amendment, if successful, would change all that. The Stark amendment threatens a successful method of conducting labor relations in this large and essential production and research complex, which has worked for 30 years. It provides a precedent under which any disaffected local union or group of employees could invoke the political process in order to obtain a short-term objective.

One could give many illustrations of situations in which, if this precedent is established, political pressures could be brought to bear which would impede the operation of true collective bargaining. The consequences of passage of the Stark amendment may not be readily apparent to those who are not concerened with operating the ERDA system, but they could be far-reaching and catastrophic.

From the standpoint of the Federal Government as a whole, the Stark amendment could establish a precedent for implementing labor relations policy through authorization legislation. In other words the Taft-Hartley Act could in effect be amended by this process. This could lead to the establishment of numerous "Federal Procurement Labor Relations Standards and Policies" in contradiction to the overall Federal labor relations policy as established under the Taft-Hartley Act, the Labor Management Relations Act of 1947—IMRA—as amended.

The impact upon the private sector also could be enormous. For example, a contractor performing a Government contract could be required to apply different labor relations standards to its employees working on the Government contract and different labor standards and policies with respect to its private work. I believe this would be an intolerable situation for ERDA and for the Government and the Nation. For these philosophical reasons, I must oppose the Stark amendment.

Also, I must question the need for this legislative remedy and the effectiveness of the remedy in light of California Law.

In fairness, I believe the House should have the benefit of both sides of the story. We have heard our colleagues from California, Mr. STARK, and his side. Let me present the ERDA side of the story, as I understand it, at this point.

The amendment introduced by Congressman STARK would prohibit ERDA from spending funds to support the Lawrence Livermore Laboratory after October 1, 1977, unless the operating contract requires the Laboratory effectively to extend to its employees the same rights as are guaranteed in section 7 of the National Labor Relations Act.

This amendment is based upon an erroneous assumption as to the state of labor relations at the laboratory. It is also legally unsound and, if passed, could not accomplish its purpose.

In his letter of explanation of this amendment to Chairman PASTORE of the Joint Committee, Congressman, STARK asserts that labor relations at the Laboratory are chaotic, with hundreds of grievances, all resolved in favor of management, and large amounts of employee unrest.

The facts are these:

There are two formal grievance procedures available to laboratory employees. The first, applicable to employee concerns as to layoffs, discipline, promotions, and similar individual matters affecting employee rights, consists of two steps after informal discussion with the supervisor has not resolved the concern. The first step is to the department head, the second to a hearing panel or officer appointed by the laboratory director.

Before 1971 the chancellor of the Berkeley campus received appeals. In 1972 the procedure was supplemented by providing that the aggrieved employee could have his case heard at second step by an impartial arbitrator selected through the Amecrian Arbitration Association.

The third step of the procedure is a ruling by the laboratory director, who has the power to overturn a panel or arbitral decision. This power has never been exercised.

In the 10 years since 1966, a total of 81 cases have reached the first step of the formal grievance process. Of these, 51 were appealed to the second step, the others having been granted, compromised, or withdrawn. At the hearing stage, 5 of the 51 were granted—original decision reversed—9 were withdrawn, 2 were compromised, and 1 is still pending. In only 5 cases did the grievant request appointment of an outside arbitrator.

The second procedure, the administrative review procedure, was established in 1970. This procedure deals with such matters as classification and wage rates. Through 1975, 218 appeals were filed in this procedure. Two hundred of these cases involved only four issues, 18 involved separate issues. Thus, in 6 years, only 22 separate management decisions have been appealed. In all but one of these cases the administrative decision was upheld.

The most striking thing about this record is that there have been so few formal grievances. Just 81 grievances in 10 years, and 22 issues as to pay and classification in 6 years, in a large, sophisticated and complex industrial laboratory employing more than 5,000 workers of all types and classes, is not a poor record. It is not a record which supports the Congressman's allegation in his letter of March 23.

Even if this were to be considered a poor record, the proposed rider will not do the job. This effort to extend the private sector rights established by section 7 of NLRA would, in two major respects, run headlong into California law.

Section 7 gives private employees the right to "engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection." As is well known, striking is such a concerted activity except where specifically made unlawful by the act's section 8(b)(4) or a no-strike provision in an agreement.

Section 3536 of the California government code, read together with section 923 of the code, explicitly denies public employees of California the right to strike for any reason. Such strikes are illegal in California, and cannot be made legal by contract between ERDA and the university.

This proposed amendment would be ineffective for another reason. At the heart of the rights given by section 7 is the right of employees to select organizations which can claim exclusive bargaining rights in an appropriate unit. Exclusive representation of defined units of public employees simply does not exist under the California code. Section 3528, which gives employees the "right to represent their members in their employment relations," also preserves the right of nonmembers to have a different representative in their employment relations and grievances with the State.

It is worth noting that the California Legislature had the opportunity, in 1975, to create for university employees, substantially the rights which this amendment seeks to give. This opportunity lay in the "Moretti bill," which died in committee.

If these assertions by ERDA are materially and substantially correct, I can only conclude that the propriety of seeking to create such rights for some public employees in California by an amendment to the ERDA authorization bill is dubious, to say the least.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. STARK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MILLER of Ohio. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: Page 32 immediately after line 6 insert the following:

"SEC. 405. No moneys authorized to be appropriated by this Act shall be used for the purchase of equipment for or construction of the Clinch River Breeder Reactor until one year after the date on which the Fast Flux Test Facility (FFTF) at Hanford, Washington, begins operation at not less than 50% of the design power."

Mr. JACOBS. Mr. Chairman, I think the amendment pretty well speaks for itself. There is a test facility at Hanford. It does represent, as I understand it, considerable duplication of the Clinch River project.

I believe the earlier amendment that was offered to this bill concerned safety. I might say, it was a "look-before-you-leap."

This is a "look-before-you-heap."

The other was, "test-before-you-infest."

This is, "test-before-you-invest."

I just think we ought to know what the taxpayers are going to get in return for their investment before they do, in fact, invest by vote of this body.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to the amendment offered by my friend from Indiana (Mr. JACOBS).

Mr. Chairman, I am sure the gentleman is sincere in his belief that the adoption of his amendment would permit the experience and knowledge that will be gained from the fast flux test facility can be utilized in the Clinch River breeder reactor, but in fact that knowledge is already being attained in most efficient manner under the current difference in schedules that admittedly does exist between these two important projects, because there is a 4-year gap between the scheduled completion dates of the fast flux test facility and the Clinch River breeder reactor; the one being expectd to go into operation in 1979 and Clinch River in 1983.

But, of course, the test facility has been constructed for an entirely different purpose. It is to test fuels that can be used in the reactor, and there is no reason at all why we should have a 4-year delay. We are already behind every other major western industrialized country as far as the construction of a breeder is concerned, and we went into that very extensively earlier this afternoon.

So, I think the gentleman with very commendable motives, has nevertheless misconceived what the role of the fast flux facility really is in this total program that is designed to bring on by 1983 a breeder reactor.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. JACOBS. I thank my friend for yielding to me. Does the gentleman assert that no benefit from testing at Hanford can accrue other than in the area of fuel?

Mr. ANDERSON of Illinois. No. I do not contend that at all. My point is that we can obtain that benefit on the current time schedule, which calls for the completion of the one facility in 1975 and of the other in 1983. There is no need to suspend work on the breeder until we have finished the fast flux test facility. We can continue to draw from the experience both in the construction and in the operation of the fast flux test facility.

Mr. JACOBS. If the gentleman will yield once more, would it not be accurate to say, however, that if the test facility should develop serious objections for this kind of project, that the money that is voted today would nonetheless be committed and spent?

Mr. ANDERSON of Illinois. Maybe I could best answer the gentleman's question by reading a letter I have in my hand dated May 19, 1976, from Mr. Eric S. Beckjord, Director, Division of Reactor Development and Demonstration of ERDA:

> The FFTF is a test facility to provide a suitable environment for fuel development to improve the future economics of LMFBR's; it breaks little new technical ground with respect to the safety of operation of LMFBR systems. The CRBRP will demonstrate the licensability of existing LMFBR fuel and plant systems and will provide valuable experience in operating a LMFBR under the discipline required for operating on a utility grid. A decision to delay CRBRP in order to gain short term operating experience from FFTF in the belief that the CRBRP can be built with greater safety cannot be technically supported and confuses the clear cut missions of both these projects which can be built safely now.
>
> In summary, delaying CRBRP equipment and construction until FFTF is operational would provide no substantial benefit to CRBRP in terms of functional improvements or safety and would have the large negative impacts of substantially increased project costs and a delayed decision on LMFBR commercialization.

Mr. Chairman, I ask for defeat of the gentleman's amendment.

Mr. YOUNG of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Texas.

Mr. YOUNG of Texas. Mr. Chairman, I rise in opposition also to the amendment offered by the distinguished gentleman from Indiana (Mr. Jacobs). I would add to that that I also have a letter from the same gentleman, Mr. Beckjord, in which he states that adoption of the Jacobs amendment could increase the cost of those projects hundreds of millions of dollars.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask a question of the distinguished gentleman from Indiana (Mr. Jacobs).

I am a little bit confused by the gentleman's amendment here. I think I might support it, but I do not know. I would just like to know if the real purpose of this amendment is to find out whether or not the fast flux test facility can generate at least 50 percent of the designed power, or is the purpose of the amendment really to prolong this until such time as the Members of this distinguished body can learn to say "fast flux test facility" in 50 percent of the time that it now requires.

Mr. JACOBS. I can only say to the gentleman from Iowa that I can certify him as fast, speaking of the words "breeder reactor."

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words.

Mr. PRICE. Mr. Chairman, I rise in opposition to the amendment. The proponents of this amendment suggest that it would permit experience and knowledge gained on the fast flux test facility—FFTF—to be efficiently utilized in the Clinch River breeder reactor—CRBR. In fact, this worthy goal is already being obtained in the most efficient manner under the current difference in schedule between these two important projects.

There is a 4-year gap between the scheduled completion dates of FFTF and the CRBR, which are expected to go into operation in 1979 and 1983, respectively. This 4-year gap has yielded and continues to yield an optimum transfer of technology, personnel, and experience from one project to the other. For example, as the designs of components reach a certain stage of completion on FFTF, members of the design teams become available to work on similar components for CRBR. Similarly, component tests on FFTF, some underway and some completed, are yielding important information that is being factored into the ongoing CRBR design. The close cooperation between the industrial teams on these projects and the optimum difference in the projects' schedules has resulted in an effective and financially efficient transfer of knowledge between the two projects. This benefit is expected to continue as FFTF becomes operational, and as CRBR construction gets underway.

If continued work on the CRBR were delayed until FFTF goes into operation, as the amendment proposes, important benefits would be lost and substantial costs incurred. The design teams assembled could not be held together for another 4 years. Manufacturing skills and techniques would be lost between jobs. The Nation's commitment to developing the breeder option would be called into question. Substantial startup costs would be incurred when the time comes to reassemble the CRBR project, and the plant will cost more due to inflation. In short, a good deal of harm would have been done.

Further, it should be recognized that any delay in the CRBR project will result in an equivalent delay in the availability of the breeder reactor as a solution to this Nation's energy problems. That means several more years during which we will be dependent on foreign oil. The economic benefits projected from having the breeder available during this period, measured in the billions of dollars, will also be lost. Finally, if the breeder is not available when needed and foreign oil is denied to us, we may be faced with an energy crisis of overwhelming proportions.

For these reasons, I urge that the amendment be rejected.

The letter is as follows:

Washington, D.C.,
May 19, 1976.

Mr. George F. Murphy, Jr.,
Executive Director, Joint Committee on Atomic Energy, Congress of the United States.

Dear Mr. Murphy: It is my understanding that an amendment to the ERDA FY 1977 Authorization Bill may be proposed by Representative Jacobs of Indiana which would withhold funds for CRBRP equipment and construction until one year after FFTF operates at 50% of full power. This amendment would cause severe near term problems for the project and would have the overall effect of delaying criticality approximately three years with an accompanying cost increase which could reach hundreds of millions of dollars. More importantly, it would delay the date when commercial operation of LMFBR's could begin by three years.

Any potential benefits to be gained by delaying CRBRP until FFTF operates would be outweighed by the substantial increase in project costs and the delay in the ERDA Administrator's decision on LMFBR commercialization resulting from delaying CRBRP criticality. CRBRP Project costs would increase because it would be necessary to cancel and later renegotiate contracts for equipment and services, demobilize and remobilize design teams and extend the overal schedule. Remobilization of the design teams would be especially difficult since these teams have been carefully assembled over a period of time and at least two to three years would be required to reassemble the teams. Undoubtedly, many of the experienced people would be permanently lost to the project. With regard to delaying the 1986 LMFBR commercialization decision, ERDA has estimated that delaying the introduction date for the LMFBR reduces the potential benefits to the Nation by one to three billions of dollars for each year of delay.

Delaying CRBRP until FFTF is operational would be of little benefit from a technical or safety standpoint. Most of the information and experience which will be obtained from FFTF through the point of short term operation is already available for CRBRP design from development testing; designing, manufacturing and testing actual FFTF equipment; and construction. The most important additional operational experience to be obtained from FFTF will be to help establish availability and maintainability characteristics of LMFBR's based on long term operation.

From a safety standpoint, protection of the health and safety of the public from consequences of CRBRP operation is insured by developing a conservative design supported by thorough analysis; extensive testing of key components; experience from FFTF equipment design, manufacturing and testing; and many years of safe LMFBR operating experience including 13 years of EBR–II operation. The EBR–II plant operating experience has demonstrated LMFBR's to be predictable, stable and reliable reactor systems with a high degree of tolerance for off-normal operating conditions. Both FFTF and CRBRP will build on this experience.

The FFTF is a test facility to provide a suitable environment for fuel development to improve the future economics of LMFBR's; it breaks little new technical ground with respect to the safety of operation of LMFBR systems. The CRBRP will demonstrate the licensability of existing LMFBR fuel and plant systems and will provide valuable experience in operating a LMFBR under the discipline required for operating on a utility grid. A decision to delay CRBRP in order to gain short term operating experience from FFTF in the belief that the CRBRP can be built with greater safety cannot be technically supported and confuses the clear cut missions of both these projects which can be built safely now.

In summary, delaying CRBRP equipment and construction until FFTF is operational would provide no substantial benefit to CRBRP in terms of functional improvements or safety and would have the large negative impacts of substantially increased project costs and a delayed decision on LMFBR commercialization.

Sincerely,

Eric S. Beckjord,
Director, Division of Reactor Development and Demonstration.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the assertion that if this project is delayed there might be so-called cost overruns, inflation, and all of that. But is it not also logical to say that if the test facility at Hanford proves to be a boondoggle, about 2 billion 1976 dollars would be saved?

Mr. PRICE. That would be questionable because we would not be able to determine that. There is a 4-year differential between the two projects. I think we would be taking an extraordinary risk, and it would cost, in the long run, exorbitant amounts of money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Jacobs).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—BASIS FOR GOVERNMENT CHARGE FOR URANIUM ENRICHMENT SERVICES

Sec. 501. Subsection 161 v. of the Atomic Energy Act of 1954, as amended, is amended—

(1) by striking out the word "Commission" each time it appears in the subsection, and inserting in lieu thereof the words "Administrator of Energy Research and Development" in all instances except when the deleted word "Commission" is used in the context of ownership of uranium enrichment facilities, the words "Energy Research and Development Administration" shall be substituted therefor:

(2) by deleting in the first provision in this subsection the words after "(iii)" of the first proviso to the beginning of the second proviso and inserting in lieu thereof the following: "any prices established under this subsection shall be on such a basis as will recover not less than the Government's costs over a reasonable period of time, and in the opinion of the Administrator of Energy Research and Development will not discourage the development of domestic sources of supply independent of the Energy Research and Development Administration:" and

(3) by adding the following sentence at the end of this subsection: "The foregoing provision for Joint Committee review and approval shall also apply prior to any changes by the Administrator of Energy Research and Development in the basic approach used in arriving at the fair value charge for the Government's uranium enrichment services or any additions to that charge for the purpose of not discouraging the development of private uranium enrichment projects.".

Mr. HORTON (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 33, line 15, change the period following the word "projects" to a semicolon and insert the following immediately thereafter: "*Provided, however*, there be no change in the basic approach used in arriving at the fair value charge for Government uranium enrichment services or any additions to the charge that shall occur without full and complete hearings before the Joint Committee on Atomic Energy and approval of the proposed change by the Joint Committee on Atomic Energy."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HORTON: Page 32, beginning with line 7, strike out all down through page 33, line 20.

(By unanimous consent, Mr. Horton was allowed to proceed for 5 additional minutes.)

Mr. HORTON. Mr. Chairman, my amendment would strike title V of the bill in its entirety. This title authorizes a major change in the basis for Government pricing of uranium enrichment services—a change which would result in a very substantial increase in the costs paid by consumers and utilities for enriched uranium used in nuclear power generating plants.

For the benefit of those unfamiliar with the technical aspects of producing fuel for nuclear-electric reactors, I would offer the following thumbnail sketch of the process. First, electric utilities, whether public or private, obtain natural uranium. The Government, under contracts with utilities, processes the uranium by separating out that portion of the natural material which has the highest percentage of U–235. This enrichment process is priced on the basis of work units called SWU's, or separative work units. A SWU is a measure of the effort required to separate a given quantity of uranium into two streams, one having the higher percentage of U–235. The Government carries out this enrichment process at three plant locations—Portsmouth, Ohio; Paducah, Ky.; and Oak Ridge, Tenn. The Government has a total monopoly in the enrichment field insofar as American electric utilities are concerned. The Government plants enrich all uranium required for U.S. nuclear-electric plants, and provides a substantial amount of enrichment services for friendly foreign nations.

Once the uranium is enriched, the enriched material is used in the production of nuclear fuel assemblies, which in turn are used as the energy or fuel source in nuclear-electric reactors.

Thus, Mr. Chairman, the price of a SWU of enrichment services is a substantial portion of the overall cost of the nuclear fuel that is used to produce electricity for American consumers. It is not, of course, the whole cost of producing this fuel.

For many years, the Atomic Energy Act (section 161 v.) has required that the pricing of enrichment services be done on a basis of recovery of the Government's costs. The price is now arrived at by passing on the full costs to the customer in providing these services, plus a factor of 15 percent for contingencies. In other words, the Government currently receives more than its full costs from its uranium enrichment customers, including American utilities and their customers.

When ERDA first proposed the change in the pricing basis, which is authorized under title V, the established price per SWU was $53. This was in June, 1975. At that time, ERDA claimed that it was necessary to change the pricing basis in order not to "discourage the development of domestic sources of supply independent of ERDA." The theory of ERDA's proposal is that certain imaginary costs, which are not actually paid by the taxpayer, must be added to the formula for pricing enrichment services so that prospective private enrichers of uranium would not be priced out of the market by lower Government prices.

These noncosts, which would be added to enrichment prices under title V, include an estimate of what private enrichment plants would pay in income taxes, in State and local taxes, a profit factor for the Government, and other items.

If these non-Government cost factors were applied to the June 1975 SWU price, ERDA estimates that the price per SWU would have been $76 instead of $53. In other words, the proposed new formula, if applied a year ago, would, according to ERDA, have meant a 43-percent increase to utilities. American consumers and foreign customers in the price of enrichment services. Today, since costs under the existing pricing formula have risen, the price paid per SWU is $59. ERDA estimates that if its new formula were implemented today, the new SWU price would be $90, or a 52½-percent increase in the price to enrichment customers.

ERDA estimates that this whopping increase in SWU cost would result in a 3-percent increase in the electric bills of those customers dependent upon nuclear-generated electric power. My own estimates are that the increased cost to consumers of nuclear electric power would, at a minimum, fall somewhere between 3 and 6 percent. The proposed revision would substitute a concept for pricing that would be fuzzy enough to permit almost any number to play.

I oppose the change authorized by title V on several grounds:

First, and foremost, this is a very fundamental change in the theory and policy underlying the pricing of Government enrichment services. Despite this fact, no hearings have been held on this change by the Joint Committee on Atomic Energy. There has been no opportunity for consumers and utility spokesmen to testify or air their views on the impact or wisdom of the proposed change which would increase enrichment costs in the range of 50 to 100 percent.

They have rightly asked for this opportunity. Obviously, I do not fault ERDA for the lack of public hearings on this fundamental question. A hearing should have been held and, to the Joint Committee's credit, we did add a provision to title V requiring hearings. Now, however, the administration is saying that our amendment to require a hearing is unconstitutional.

Therefore, Mr. Chairman, I support striking title V from this bill and, if my amendment is successful, I would urge the Joint Committee to hold its hearing on this matter before the Senate acts on its companion authorization bill. This would give public witnesses a chance to be heard, and would give the committee a chance to explore the ramifications of this change—without precluding some new authorization language from being adopted in conference with the Senate.

My second ground for objection to title V is the theory it contains that enrichment pricing should be based on not discouraging private sources of enrichment services from entering the market that would be independent of ERDA. First, there is no prospect, with or without this change in pricing, that any private enterprise will enter this field independent of ERDA support. Even under the Nuclear Fuel Assurance Act, private sector participation in future enrichment activity is hinged on ERDA support in some form. So we are not talking about any real issue when ERDA proposes to base pricing on a "nondiscouragement" factor for potential independent private suppliers.

ERDA now acknowledges that nondiscouragement is not involved in their reasons for seeking this price change. Rather, they are saying that the change is needed to answer critics who charge that the Government is subsidizing nuclear power to the exclusion of nonnuclear sources of power. I strongly disagree that a subsidy is anywhere present in the uranium enrichment field. As I said earlier, the current SWU price is based on recovery of full Government costs; this includes a contingency factor of 15 percent. The taxpayer is doing very well, thank you, on his investment in enrichment plants.

It is silly to allege that we can only counter the subsidy argument by adding to the costs paid by American consumers, imaginary costs that the Government does not in fact pay. Charging for these items as though they are real costs does little except to raise revenue for ERDA at the expense of consumers of electricity. It does not eliminate any subsidy, because there is no subsidy to eliminate.

Third, I object to the change because it would impose so drastic a price increase in one fell swoop. An increase in the SWU price to $90 will result, in my area, for example, in an immediate 27.3 percent increase in the total cost of nuclear reactor fuel assemblies, and in a 14.7 percent increase in the total costs of nuclear-electric power production. These figures may vary slightly from utility to utility, and from reactor to reactor. The important point is that only the Government's position as a monopoly in the enrichment field would make such cost increases even thinkable. Imagine if a private monopoly were to decide to impose on its captive customers a 5½ percent increase in prices based on imaginary costs. In this case, at the very least, we should hold full and comprehensive hearings before adopting language in this bill which authorizes price increases of this size.

There are good and sound reasons, Mr. Chairman, why the U.S. Government is the purveyor of these services to the public—just as there are good and sound reasons why we operate a Postal Service. Imagine if we decided to increase postal rates, which unlike enrichment services are already subsidized, by including factors for the taxes the Postal Service would pay if it were not a Government entity.

Fourth, I object to title V for reasons impacting on the economics of the entire energy field. Changing the basis of pricing nuclear fuel could have a very significant cost effect across the board in the energy fuels area. At present, the price of only one fuel source is tied directly to actual costs. Nuclear fuel is the only energy fuel where the customer has a reference point in the evaluation of the prices per Btu of alternative fuels. Currently, nuclear fuel provides the most economical source of electric-generation energy. If we make sweeping and artificial increases in the costs of this fuel, which is lowest in the index of costs of alternative fuels, it could have an upward effect on the pricing of fuels which now must compete with nuclear on a cost-per-energy-unit basis. Again, and certainly, Mr. Chairman, no such change should be made without careful examination in public hearings.

To date, the only examination that Congress has conducted of this proposal was to request the GAO to test the reasonableness of ERDA's proposed pricing formula—assuming the policies underlying this formula are adopted. GAO found the formula elements to be reasonable, but made no judgments on the wisdom of the policies we are now asked to authorize here in title V. Most importantly, the broad language in the bill now before us was not reviewed by the GAO.

There is one other issue raised by this amendment, Mr. Chairman. That is ERDA's statement that to strike this language would deprive the Government of some $122.8 million in revenues which would result from the increased charges during fiscal 1977. Over $12 million of this amount would be recovered automatically by price increases that would occur under the current pricing formula without title V. Of the $122.8 million, ERDA states that over $80 million would come as increased revenues from foreign enrichment customers. In my mind, the question of how we price enrichment services to foreign customers may be separable from the charges we apply to domestic customers. Of course, any decision to differentiate between foreign and domestic customers would require thorough examination and again, public hearings.

I strongly urge my colleagues to support the deletion of title V from the bill. I would urge and hope that the Joint Committee could call for immediate hearings on this fundamental policy change, and that such hearings could be held in time to assist the Senate in its floor deliberations on the companion authorization bill. Thus, striking title V does not automatically deprive ERDA of all of the additional revenue it would receive under a new enrichment pricing philosophy and formula. On the other hand, adoption today of the language of title V would mean that sweeping new policies and vast price increases would be authorized practically sight unseen.

I urge the prudent course of striking the title now, so that the judgment of Congress on this question can be held in reserve until hearings are held prior to Senate action.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. HORTON) and to compliment the gentleman on offering the amendment.

I would like to take note of the fact that joined with the gentlemen in sponsoring this amendment was our distinguished colleague, the gentleman from California (Mr. MOSS) who is unable to be here. If that gentleman were here he would speak much more eloquently than I in support of this amendment.

I think one can take the position, without regard to ones knowledge of the rather complicated subject of the pricing of nuclear fuels, that this is an inappropriate vehicle, this authorization bill, to propose a major change in policy of the type that is proposed in title V.

Mr. Chairman, I strongly support the amendment of my colleague from New York (Mr. HORTON).

The issue before this House is one of grave concern to the Congress and consumers—energy prices.

The Joint Committee on Atomic Energy has inserted a provision in the ERDA authorization which would permit a substantial increase in the price of enriched uranium, the fuel which powers our growing number of nuclear power plants.

Present law provides that enrichment services are to be priced to recover "the Government's costs over a reasonable period of time" (42 U.S.C. § 2201 v.). In practice, the Government charges prices for these services which cover costs plus a 15-percent contingency. This pricing formula is analogous to the "just and reasonable" formulation employed to regulate prices of other essential services and fuels.

By contrast title V of H.R. 13350 would allow ERDA to set the price of uranium enrichment services at a level which "will not discourage the development of domestic supply independent of" ERDA. This language would allow potential private enrichers to set the price of Government services on the basis of some vague "discouragement index". The prices established by this formula would be a dramatic concession of the public interest to private power; and a drastic departure from traditional economic regulation designed to balance the achievement of adequate supply with just and reasonable prices.

The bottomline for consumers is increased energy prices. ERDA estimates that cumulative costs for the next 5 years would be $760 million. This estimate was based upon a projected charge of $76 per separative work unit or a 42-percent increase over the present price of $53.35 per SWU. Parenthetically let me note that a separative work unit or

SWU is a measure of the effort required to separate a given quantity of uranium feed into two streams, one having a higher percentage of U^{235}. However, ERDA itself now proposes that the price be set at $90 per SWU or a 62-percent increase over existing prices. Even this price, however, may be increased. GAO interviews with potential enrichers indicated that a charge of $100 per SWU would be required in order not to discourage their entry into the industry. Based on this figure, the economic impact on consumers would be double that originally estimated by ERDA.

Ironically, title V is not required to encourage private uranium enrichment. All of the Government's enrichment capacity is fully contracted for. Therefore, Government competition with private enrichers is not at issue.

For these reasons, Mr. HORTON and I have offered the pending motion to strike title V of H.R. 13350. For these same reasons, title V is opposed by the Edison Electric Institute—representing investor-owned utilities; the American Public Power Association; the National Rural Electric Cooperative Association; Consumer Federation of America; AFL–CIO; and the former chairman of the JCAE, Chet Holifield.

We hope you will join us in striking title V of H.R. 13350.

It would be quite simple, as the sponsor of the amendment suggests, to bring this back after adequate hearings as a separate piece of legislation, and it is my recommendation that that is what should be done and that we adopt he gentleman's amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman could inform us if his amendment striking title V would, as some people contend, result in a loss to the Treasury of $122 million and, if so, how we are going to make that up.

Mr. HORTON. Mr. Chairman, I pointed that out, and I spoke to that when I made the point that approximately $12 million of this amount would be recovered automatically by price increases under the present formula without title V. Of the $122.8 million, $80 million has to do with the amount that we get from foreign sources.

We could, perhaps, in hearings devise a different means or formula for charging for the SWU's we sell to foreign countries and make it up that way.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. HECHLER of West Virginia, and by unanimous consent, Mr. HORTON was allowed to proceed for 2 additional minutes.)

Mr. HORTON. It does not necessarily replace the balance, but the point I make is that we ought to have hearings, and the hearings should be held before they take it up in the Senate, and then they can put it in at that point, but for us to leave it in the bill here now, as vague as it is, seems to me to be very silly. For us to move forward without the benefit of hearings, when we change the whole formula is unwise. When we go up from $59 to $90 for a SWU, we ought to have some hearings before we do it.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

I am not really sure I understand what the committee did. It seems to me what the committee did was take nuclear materials out from under price controls and let the market determine the price, and the gentleman is suggesting that we seek to reestablish controls; is that correct?

Mr. HORTON. No. All title V does, if that is what the gentleman is talking about—if he will read the language at the bottom of page 32 and the top of page 33—is it leaves it in the opinion of the Administrator of ERDA. It says:

> . . . in the opinion of the Administrator of Energy Research and Development will not discourage the development of domestic sources of supply independent of the Energy Research and Development Administration . . . .

So it leaves it up to the ERDA Administrator as to what he would charge. In essence, they have said that their formula would bring it up to about $90 at the present time. It would have been $76 a year ago.

In essence what they want to do is add to these costs the noncost items I referred to. There is no reason to do that. What they are saying is that they want to make it possible for private sources to come in, but there are no private sources to come into this field. They have a monopoly.

Mr. OTTINGER. If the gentleman will yield further, so there would not be a free market price established?

Mr. HORTON. No, not at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRICE. Mr. Chairman, I rise to oppose the proposed amendment to eliminate title V from the bill.

Title V would amend the Atomic Energy Act to authorize the Energy Research and Development Administration to establish prices for uranium enriching services furnished by the Government on a basis which would enable the Government to obtain a fair value for enriching services sold to domestic and overseas customers.

Before getting to the specific reasons for my opposition, I would like to give you some brief background on this matter.

In June of last year, the Energy Research and Development Administration, ERDA, submitted proposed legislation to the Congress to amend the Atomic Energy Act with respect to the bases for establishing prices for uranium enrichment services. At the present time, the Government is authorized under the law to recover only its cost for providing such services and no more. Because these services are now provided by Government-owned enriching plants which were constructed many years ago and which have been substantially amortized over the years, the maximum price which ERDA can now charge both domestic and foreign customers is quite low. ERDA now seeks the authority to increase the price so as to obtain a "fair value" for the enriching services and also to eliminate or reduce the differential between the Government charge and the charges of potential private enrichers. According to ERDA, this differential represents a deterrent to uranium enriching services by domestic private enrichment projects.

At the request of the Joint Committee, the General Accounting Office, GAO, reviewed ERDA's legislative proposal. The GAO in its report—RED–76–30—concluded that ERDA's assumptions for arriving at a fair value charge were reasonable. However, the GAO recommended that the committee revise the proposed legislation to require that any changes in the basic approach used by ERDA in arriving at the charge for the Government uranium enrichment services and that any additions to the charge necessary for not discouraging development of private supply sources, be included in the uranium enrichment criteria and be submitted for prior approval by the Joint Committee.

The Joint Committee, in considering the ERDA authorization bill, acted to add a new title V to implement the repricing legislation. The title V was carefully drawn to call for continuing congressional control over this matter—completely consistent with the GAO report. Because of concern raised by electric utility industry representatives, the section was further strengthened at the committee's markup session of the authorization bill to positively assure that interested parties be given a full opportunity to testify before the committee on any price increase proposed by ERDA and that specific committee approval be required before any change under the amended criteria could be placed into effect.

Correspondence received by the committee subsequent to our markup meeting indicates that the industry is concerned about any authority which would authorize commercial pricing of enrichment services by ERDA. The industry position is that the recovery of Government costs under the existing legislation is sufficient and that no change is necessary to encourage private commercial alternatives. The industry's concern is that the proposed legislation would unnecessarily increase the cost of electricity.

The Energy Research and Development Administration has provided an inflationary impact statement which assesses the impact of an increase in enrichment charges on the cost of electricity to the consumer. According to that assessment, the change in the price of enrichment would result in only a 0.07 percent and 0.13 percent increase in the cost of electric power to the utlimate consumer in fiscal years 1978 and 1981, respectively. In dollar terms, this means that in 1978 the average residential customer using 1,000 kilowatt hours of electricity per month would pay 2.1 cents per month more as a result of this change.

In view of the benefits of the legislation which ERDA has testified to before the committee and the limited inflationary impact, the Joint Committee is opposed to the deletion of title V from the bill. The members should also be aware that if title V is removed from the bill and if the uranium enrichment services price continues to be subsidized by the Government both for our domestic and our foreign customers, there will be a budgetary impact for this year as well as for future years. For fiscal year 1977 alone an additional $123 million will have to be made up somehow for ERDA's programs which are now depending on the revenues from the increase in the price of uranium enrichment services which would be authorized under the procedures set forth under title V.

In summary, let me emphasize the following points. Title V, as recommended, provides adequate provision for congressional control; no changes in the present method for calculating enriching charges can be made without prior approval by the Joint Committee. If the committee does agree at some future date to permit ERDA to raise the enriching services prices, in accordance with title V, the impact on electric power costs would be minimal. Furthermore, if title V is not enacted, the Congress will have to increase ERDA's authorization by an additional $123 million to make up for the loss of the anticipated revenues. For these reasons, I urge my colleagues to defeat the proposed amendment to delete title V of H.R. 13350.

Energy Research and
Development Administration,
Washington, D.C., May 18, 1976.

Hon. Melvin Price,
Vice Chairman,
Joint Committee on Atomic Energy,
U.S. Congress.

Dear Mr. Price: I understand that an amendment will be offered to H.R. 13350, striking Title V, "Basis for Government Charge for Uranium Enrichment Services." I strongly oppose such an amendment for the reasons that follow.

As you know, uranium enrichment is the only step in the production of nuclear fuel that is not priced on a commercial basis. Current Government charges for enrichment services do not reflect the full range of costs associated with a commercial-industrial activity. Consequently, current charges in effect subsidize enrichment service customers. The implied subsidy amounts to $42 million per year for domestic customers and $81 million per year for foreign customers. Title V would enable the Government to eliminate the subsidy and to obtain a fair value for these services.

Further, the President's request for funding in the nuclear energy area and the Joint Committee's action on that request have assumed the enhanced revenue base which would accrue if Title V is enacted. Eliminating Title V would require additional authorization and appropriation either by Floor amendment or through supplemental action. Also, the recent Budget Resolution was predicated on receipt of additional revenues and consequently does not provide the required $123 million within the Resolution's budgetary ceiling.

One last point should also be emphasized. The increased costs associated with the revised charges for uranium enrichment services would, on the average, add less than four cents to a monthly electricity bill of $30.00. This figure assumes, of course, averaging the effect over all electrical generation, nuclear and nonnuclear.

In sum, Mr. Chairman, I hope that the above factors could be brought to the attention of the Congress and that the proposed amendment to strike Title V will be reconsidered.

Sincerely,

Robert C. Seamans, Jr.,
Administrator.

Energy Research and
Development Administration,
Washington, D.C., May 17, 1976.

Mr. George F. Murphy, Jr.,
Executive Director, Joint Committee on Atomic Energy, Congress of the United States.

Dear Mr. Murphy: You asked "What impact will the proposed increase in uranium enriching services pricing now being considered by the Congress have on the price of electricity to the average American homeowner?"

The average monthly residential electric utility bill in 1975 was about $22. The proposed increase in enriching services, when averaged over all electric generation, would add less than two cents to this monthly bill in FY 1977 and 1978. Even taking into account the expected increase in the amount of electric power generated by nuclear plants, the resultant increase in the average monthly bill would be less than three cents by 1981.

Details in support of this estimate are included in the "Certificate of Inflationary Impact of the Legislation" applicable to the revised price of $90 per SWU, which was transmitted to the JCAE on May 6, 1976.

I would be pleased to provide any additinal information you may require.

Sincerely,

M. C. Greer,
Controller.

Mr. HORTON. Will the gentleman yield?

Mr. PRICE. I yield to the gentleman from New York.

Mr. HORTON. As the gentleman knows, as a member of the committee I voted for and supported the so-called Anderson amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from New York who offered this amendment to entirely strike from the bill title V has said that this title would result in higher prices for consumers of electricity generated by nuclear powerplants, but he has not pointed out that at the present time given the SWU that are charged by the U.S. enrichment plant, that we are in effect granting a foreign subsidy, a subsidy to foreign customers of $81 million for the coming fiscal year, that over the next 5 fiscal years the subsidy would total $571 million.

He can stand here all day and say that this is not a subsidized price, but the price charged for those separate work units by the Richland plant makes no provision for taxes because Government plants do not pay taxes; and it makes no provision for insurance because Government plants do not pay insurance; and it makes no provision for any return on equity, because they do not have any return on equity to be accountable to stockholders for.

Why should we freeze the separate work unit price at $60 a SWU and thereby grant a subsidy of $571 million to foreign customers?

There are many people in this Chamber who do not approve of nucler power. If they do not I suppose the last thing they would want to do would be to operate enrichment plants at a subsidized price for foreign enrichment customers. The gentleman from Illinois (Mr. Price) has already pointed out if we average the increase in price proposed for the SWU for all electric power generated in this country it amounts to about 4 cents for a monthly $33 bill.

I am willing to pay an additional 4 cents a month if it is going to mean that the Treasury of the United States is going to recover $571 million over the next 5 years from foreign customers. Now, I know we all have local interests that we represent, and I do not condemn the gentleman for taking the stand that the gentleman has; but I think this whole problem ought to be laid out in proper perspective before the Members of the House.

Mr. HORTON. Mr. Chairman, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman from New York.

Mr. HORTON. First of all, I would like to indicate that I am not making this as it relates to my congressional district, but as it relates to the charge, domestic and foreign, with regard to the increased SWU costs.

Mr. ANDERSON of Illinois. I might point out to the gentleman that I have 35 percent of the power that is in my district coming from nuclear plants. At the same time, I am not going to stand before this House and say that those customers, because they get electricity from nuclear plants, ought to be subsidized by the taxpayers, that they ought to pay lower prices than those people who get fuel from fossil sources.

Mr. HORTON. Under the present formula is not the Government entitled to and do they not recover Government costs plus 15 percent contingency; is not that the formula?

Mr. ANDERSON of Illinois. All I can say in answer to the gentleman is that if the gentleman's amendment is adopted and if title V is removed from this bill and if we continue to subsidize foreign enrichment customers for the next 5 years, there is not only going to be a budgetary impact in fiscal year 1977, and the gentleman said that $12 million of that would be covered in higher prices. The fact is that $123 million is going to be lost in ERDA revenues that are going to have to be made up some place else.

I am not willing, even though I am an exponent of nuclear power, to tolerate that kind of subsidy.

Mr. HORTON. If the gentleman wants to make the customers of nuclear electric generating plants pay the costs, fine and dandy; but as I understand the present formula, it recovers costs plus 15 percent.

Now, is it not a fact that under the ERDA formula the price of this move will go up from $50 to $59?

Mr. ANDERSON of Illinois. The gentleman knows that I was the author of the amendment in the committee that said there cannot be a nickel increase in those SWU's before there is a hearing by the Joint Committee on Atomic Energy of which the gentleman is a member.

They cannot raise the price of those SWU's until we have held hearings and developed the proof.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HORTON).

The question was taken.

Mr. HORTON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. HORTON) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. SKUBITZ. Mr. Chairman, we have now reached the hour of 6 o'clock when Members become more interested in getting home to their evening meal than they are in mulling over the subsection that this authorization is $725 million over the President's budget.

There is no doubt in my mind that it will pass overwhelmingly. I cannot accept this sort of excuse in view of our national financial status. I shall vote "No."

Mr. MOFFETT. Mr. Chairman, one of the most critical aspects of our national energy program is the activity of the Energy Research and Development Administration in energy conservation. Technological progress in this area can contribute directly and immediately to a reduction in our dependence on foreign petroleum sources. The most frequent connotation given to "conservation" is the saving of fuel by doing without. However, there is another important element to it: Significant amounts of fuel can be saved by more effectively and efficiently converting fuel to useful energy forms without increasing the cost of energy or reducing its availability. The ERDA subprogram identified as improved conversion efficiency is directed to this objective. It includes research in existing conversion technologies, heat recovery processes and the evolution of new technologies for improved conversion efficiency such as fuel cells and advanced gas turbines. The fuel cell program illustrates what I believe to be a most constructive role for ERDA. It has been initiated by a firm in Connecticut, and I have toured the United Technologies facility.

The fuel cell is an electrochemical device for generating electricity without the thermodynamic limitations of conventional generators. Fuel cell efficiency is greater than a conventional generator, is virtually independent of powerplant rating, and remains high at part load. These characteristics, combined with a negligible environmental impact, permit modular construction and a high degree of siting flexibility. Leadtimes for factory-assembled fuel cell modules are much shorter than for conventional generating equipment. Efficient fuel cell generators can be added to a utility system in small increments to meet load growth demand and thereby conserve capital as well as fuel. They can be installed at the location where electric and thermal energy is needed and provide independence from utility service. The lower cost of service offered by the fuel cell can produce major near-term benefits. In short, fuel cells have the potential to solve many of the problems plaguing the energy user and, in the process, save significant amounts of fuel.

Both the onsite and electric utility applications of the fuel cell have been the subject of extensive privately supported research and development:

An organization of gas utilities is supporting the development fuel cells for the use at the location where energy is needed. By converting fuel—either natural or synthetic gas—to electrical energy at the using site, very significant conservation benefits can result because both electrical energy and heat can be provided. Employing a heat pump as part of such an integrated system could result in the use of less fuel to supply heat and electricity than is now being used to only supply heat.

A group of nine electric utilities plus the Electric Power Research Institute are supporting the development of multimegawatt fuel cell systems as an option to conventional power generation in utility systems. Fuel cells are envisioned in such service as supplementary generators to coal and nuclear base load systems that will conserve fuel, be capable of a high degree of flexibility, provide new capacity without extensive delays and be environmentally acceptable. For these reasons and because the characteristics of fuel cells apply to small as well as large sizes, there is considerable enthusiasm for expedited development by small municipal utilities represented by the American Public Power Association and the electric cooperatives of the NRECA, as well as the nine investor-owned utilities and the EPRI.

The fuel cell program is now at a critical stage. Fuel cell technology has advanced dramatically, but it is not yet to the point where fuel cells have adequate endurance and competitive costs. Completing the development cycle as a partnership between industry and government has been proposed.

Working as a partner to research and development activity that leads to a commercial product to be manufactured, sold, and used by private industry is a new role for the Federal Government, but a necessary one where the private resources are insufficient and the resulting product contributes to national goals. It is also important that industry's role be a major one during the development cycle, especially during the commercialization phase, in order that there be acceptance by the user and manufacturing capability when the cycle is complete.

I was pleased to learn of ERDA's decision to participate with industry in furthering fuel cell technology. They have requested funding to initiate a 4.8 megawatt demonstrator program which would be a forerunner to the electric utility application. Requests for additional funds for comparable demonstration activity of the smaller fuel cells that would be used at the site where electric and thermal energy is needed have also been submitted. This project is of particular importance to the individual building owner—whether it is his home or business—because the fuel savings and cost benefits would accrue directly to him. I strongly support funding these activities.

In addition, the ERDA fuel cell program funding should enable continuation and expansion of the more basic technology programs that are being initiated during fiscal year 1976. These look beyond the activities to demonstrate current technology and focus on greater efficiencies, lower-cost materials and compatability with a wider range of fuels—especially coal. These programs have the additional important feature of allowing a wider segment of the industrial and scientific community to participate with ERDA in working toward important national energy objectives.

Mr. MIKVA. Mr. Chairman, consideration of the fiscal 1977 authorization for the Energy Research and Development Administration represents an opportunity for the Members of Congress to debate the future direction of U.S. energy policy. Because the money authorized for specific programs is equivalent to commitments to specific policy directions, I think it is appropriate to remind my colleagues that any policy decision we reach today can be undermined by the "Energy Act." I am referring, of course, to the temporary Federal Energy Administration which is due to expire on June 30, 1976. As June 30 approaches, I urge all Members to remember the thoughtfulness of today's debate, and to remember how easily the results of today's debate can be undone if the FEA is permitted to continue. The choices for energy development are difficult enough without the machinations of an agency apparently committed to solving our energy problems by expanding its staff in geometric proportion to the Nation's energy needs.

However, my support for ERDA as the chief architect of the Nation's energy agenda is not equivalent to an unqualified endorsement of H.R. 13350. I do not think the bill best represents the priorities in energy research and development urgently needed by the United States. In particular, I am concerned about the expenditures for nuclear weapons research and for the Clinch River breeder reactor, CRBR, venture. Congress created ERDA to deal primarily with civilian energy issues, and while it may be appropriate for the agency to also deal with weapons research, the latter problem should be carefully considered by the Congress. The $1.36 billion authorized for weapons research would be far better spent in other civilian areas.

The Clinch River breeder reactor project is also troubling. The safety assurances which good sense demands are wholly inadequate. Under present law, the Nuclear Regulatory Commission is required to make its safety decision after construction of the reactor is completed. At that point, it will be virtually impossible for the NRC to deny issuance of the operating license. The safety decision must be made before construction begins.

The financing of the CRBR also represents a misguided sense of priorities. Although construction of the reactor is described as a joint ERDA-private utility project, the allocation of management and funding responsibility belies that description. The private utilities are contributing only 13 percent of the estimated cost of the reactor while selecting 65 percent of the management personnel. Moreover, the private utilities are not required to cover any cost overruns. This is nothing less than a give-away of tax dollars and a windfall for the private utilities who are empowered to make decisions with money which is not their own. Equally significant is the diminished availability of funds for other programs—like solar energy—after the Federal share of the CRBR is paid. As a result of the Federal financial commitment to CRBR, more than 40 percent of the funds requested for geothermal research and nuclear fission safeguards, and more than 50 percent of the funds requested for solar and conservation research by ERDA were cut by the Office of Management and Budget. I cannot agree with those priorities.

Of the many new technologies currently being examined, the one nearest to contributing meaningfully to our energy supply is the solar heating and cooling of buildings. In contrast to other complex technologies—photovoltaic conversion of sunlight to electricity and ocean thermal gradient conversion—solar heating and cooling is relatively simple.

The principal impediment is not technology but the cost of materials used in solar heating and cooling; other barriers are institutional, building code modifications and new financing methods, as well as willingness to buy solar homes or to retrofit existing ones. It would be particularly unfortunate if the breeder reactor with its numerous safety limitations dried up funds that could be used for the development of solar energy.

Also, money under this authorization would be more wisely spent on fusion power research and development. Recent technological breakthroughs have made fusion power a much more realistic energy source. It is important that enough money be authorized so that the scientific initiative can be encouraged.

Finally, H.R. 13350 contains an inadequate authorization for conservation—barely one-seventh the amount authorized for nuclear weapons research. Conservation is the single most important element in an effective energy policy. It has been conservatively estimated that each dollar invested in energy conservation will save twice as much energy as a comparable investment in new supplies will produce. Not only will energy conservation allow the earth's limited supply of high-quality fossil fuels to be "stretched" further, but it will permit more fossil fuels to be used for nonenergy purposes—like feedstocks—for which fossil fuels are essential. Energy conservation minimizes the environmental degradation associated with current energy production technologies, and will indirectly contribute to better health. But, funds are needed to translate the goals of energy conservation into concrete actions.

Today's decisions on the fiscal 1977 authorizations for ERDA are the signal for the direction of U.S. energy policy for decades to come. We can embark on a course which emphasizes energy conservation and safe energy sources, or we can continue to rely upon such questionable energy supply technologies as nuclear fission and breeder reactors. I think the American people are prepared to make some sacrifices in the name of conservation if it means avoiding the awesome destruction of a nuclear accident. I think the American people are willing to make some sacrifices in the name of a clean environment if it means avoiding the pollution of our country by nuclear plants. And, I think the American people are willing to make the commitment to adequately fund the development of the safe and clean technologies which will make the sacrifices worthwhile. I urge my colleagues to make the same sacrifices and commitments.

Mrs. LLOYD of Tennessee. Mr. Chairman, I would like to call my colleagues attention to the inscription above the dais, by Daniel Webster. Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our own day and generation may not perform something worthy to be remembered.

On the eve of our great Nation's 200th birthday, we should not only look back in reverence to our Founding Fathers for their great fortitude, strength of character and unlimited foresight which they exhibited, and to whom we all owe the pursuit of happiness we now enjoy, but let us also look forward.

What are we, as leaders of our country, contributing to the development of the resources of our land and to the promotion of its interests? Most of all, what are we doing here today that will be worthy of remembrance?

Just as our forefathers faced crucial decisions in the formation of our democracy, we are today at another strategic crossroad in the preservation of our American way of life. We are faced today with the awesome task of providing sources of energy that are crucial for our survival as the world's No. 1 power, militarily and economically.

The question is this: Do we have the fortitude and resolve to meet our responsibility as Members of this Congress to pass this vital legislation to assure that our children and our children's children will live in a world with the energy sources necessary to preserve our American way of life that we cherish?

Mr. Chairman, I urge the adoption of H.R. 13350.

Mr. PRITCHARD. Mr. Chairman, I strongly support title I, section 110, of the ERDA authorization bill, H.R. 13350. This provision would enable the establishment of a demonstration of existing technology to convert municipal waste into anhydrous ammonia. Ammonia is used as a fertilizer and in cattle feed. Presently most ammonia is made from natural gas. A single ammonia-from-solid waste plant, like the one being planned in Seattle, would save 5 billion cubic feet of natural gas per year and produce 10 percent of the entire Pacific Northwest's ammonia requirements.

Many people are talking about solving energy problems, but not much seems to get done. Supporting this measure is a good way for Congress to put its money where its mouth is. This country needs projects such as the proposed Seattle demonstration plant. Only by making a concerted effort to apply the technology that we now have toward solving our energy problems can we meet the demands of the future with an assurance of a sound economy and a strong nation.

I would refer anyone interested in this innovative concept to refer to my remarks in the Record of April 13 of this year.

Mr. ADAMS. Mr. Chairman, among the important aspects of the Energy Research and Development Authorization bill now before the House of Representatives is an innovative and potentially very valuable proposal to help deal with our energy problems while solving one of our major urban problems—solid waste disposal.

Section 110 of the ERDA authorization bill authorizes a limited demonstration program for the conversion of municipal solid wastes to fuels and energy intensive products including anhydrous ammonia. A municipality constructing a demonstration solid waste conversion plant would be able to qualify for receiving Federal assurances that it could sell the product of its demonstration plant at previously negotiated prices if the market for these products unexpectedly declined.

This approach will be particularly important to cities like Seattle, Wash., which has a solid waste conversion project that I feel will be effective and economically viable. Seattle has been exploring the possibility of building a solid waste conversion plant, but its plans have been stalled due to the instability of the municipal bond market and the fluctuations in price of the output that such a conversion plant would produce. These uncertainties have made the financing of such plants difficult to arrange.

Seattle has been the Nation's leader in developing a process to convert solid waste to ammonia, thus saving valuable natural gas that would, instead, have to be used to make the ammonia. By producing ammonia from waste products, Seattle could help save an amount of natural gas equivalent to that used annually to heat one-third of the homes in my area, King County. The ammonia produced can also be used as fertilizer in the eastern part of Washington State.

In the past, Seattle has been unable to finance a solid waste conversion project because long-term contracts for ammonia are historically for a 3- to 5-year period, while the city would need to have a 20-year contract assurance in order to sell the bonds to finance its portion of the project. It should be noted that according to cost calculations, the project would be economic since the ammonia would be produced at a cost much lower than its present price: $133 a ton in 1980 as compared to present wholesale prices of over $180 a ton.

I hope that the Energy Research and Development Administration will consider the anhydrous ammonia project as one worthy of its support. It is a rare day when we can save natural gas, help to dispose of solid wastes in an environmentally sound way, and ameliorate an agricultural problem—all at potentially no cost to the taxpayers. Seattle led the Nation in solving water quality problems in the 1950's. I hope that Seattle will also have the opportunity in the 1970's to lead the country in solving solid waste conservation problems.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know the hour is late and everybody is ready to vote and go home. I just want to say that I intend to oppose the bill because I think it reflects far too great a priority in the nuclear area and because it promotes our sailing ahead with a very speculative, potentially dangerous breeder reactor program.

I would like to sum it all up in the words that one of my staff members found in the notes of Ernest Newman on Wagner's opera "The Rhinegold." These words say:

> Erda suddenly becomes visible, rising from below the ground to half her height. She is the earth Goddess, the mother of the Norns who weave the threads of the world's destiny. Wagner symbolises her primal and eternal quality by a hardly perceptible but curiously significant mutation of the motive of primordial matter with which the opera had begun.
>
> The Gods stand awed and mute at the sight of this apparition. Erda stretches out her hand commandingly to Wotan and bids him relinquish the Ring and so evade the curse that lies on it; nothing but disaster will it bring him. "Who is the woman who brings me this warning?" he mutters. She tells him: "Whatever was, know I, whatever is, whatever shall be, I can see. The eternal world's Urwala, Erda, 'tis who warns thee."
>
> "Grave and mysterious are thy words," says Wotan thoughtfully: "tarry a while and tell me more that I would know." But already the bluish light has begun to fade, and Erda slowly disappears, with no further message for the tortured God than this: "I have warned thee; thou hast learned enough; brood now in care and fear."

Mr. Chairman, I yield back the balance of my time.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, after reviewing the actions of yesterday in regard to the Energy Research and Development Administration bill and particularly in regard to solar energy, I want to restate my strong support for an expanded solar energy development program.

Mr. Chairman, there is little doubt but that this Nation faces a potential energy crisis of serious dimension. One of our chances to move away from this crisis rests in the possibilities of solar energy development.

The ERDA bill which the Science and Technology Committee reported would provide some $229.2 million for solar research, an amount that is $66.7 million above the budget. Further, the Anderson amendment, which I supported yesterday would have added an additional $50 million to the $229 million. This is a very sizable increase over the present level and the budget request. It is an increase which I believe could be effectively used by ERDA.

However, the Jeffords amendment, which would have added $116 million and which I opposed, is too large an increase in my opinion. I believe that we should provide whatever sums for solar energy development that can effectively be used, but at the same time we must not abandon our fiscal caution and our prudence before proceeding on largely unproven and theoretical concepts.

The CHAIRMAN. Are there further amendments to title V? Are there furthere amendments to the bill?

If not, under rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROUSH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13350) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes, pursuant to House Resolution 1182, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker, in view of the size of it.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. MICHEL moves to recommit the bill H.R. 13350 to the Joint Committee on Atomic Energy and to the Committee on Science and Technology.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

The SPEAKER. For what purpose does the gentleman from Maryland (Mr. BAUMAN) rise?

Mr. BAUMAN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. For what purpose does the gentleman from New York (Mr. OTTINGER) rise?

Mr. OTTINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 316, nays 26, not voting 90, as follows:

[Roll No. 290]

YEAS—316

Abdnor
Adams
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bergland
Bevill
Biaggi
Bingham
Boggs
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Carney
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Early
Eckhardt
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Findley
Fish
Fisher
Fithian
Flood
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Frenzel
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howe
Hubbard
Hughes
Hutchinson
Hyde
Ichord
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Jordan
Kasten
Kazen
Kelly
Kemp
Kindness
Koch
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
McCloskey
McCollister
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madigan
Maguire
Mahon
Mann
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.

Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nix
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Rangel
Rees
Regula
Reuss
Richmond
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Roush
Rousselot
Roybal
Ruppe
Russo
St Germain
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schulze
Sharp
Shipley
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steed
Steiger, Wis.
Stephens
Stratton
Stuckey
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—26

Abzug
Allen
Bedell
Blouin
Burton, John
Carr
Conyers
Dellums
Duncan, Tenn.
Fenwick
Fraser
Harrington
Jacobs
Kastenmeier
Keys
Krebs
Mezvinsky
Michel
Miller, Calif.
Nolan
Ottinger
Paul
Schroeder
Seiberling
Skubitz
Yates

NOT VOTING—90

Addabbo
Andrews, N. Dak.
AuCoin
Bell
Biester
Blanchard
Bolling
Bonker
Brown, Calif.
Brown, Mich.
Buchanan
Burlison, Mo.
Burton, Phillip
Carter
Clawson, Del
Clay
Conlan
Crane
Daniels, N.J.
du Pont
Duncan, Oreg.
Edgar
Edwards, Ala.
Flowers
Flynt
Ford, Mich.
Frey
Giaimo
Gradison
Hays, Ohio
Hébert
Hinshaw
Holtzman
Howard
Hungate
Jarman
Jones, Ala.
Jones, Okla.
Karth
Ketchum
Litton
Long, Md.
Lundine
McClory
McCormack
Macdonald
Madden
Martin
Mathis
Matsunaga
Meyner
Milford
Mills
Mosher
Moss
Murphy, N.Y.
Neal
Nichols
Nowak
Pettis
Peyser
Randall
Rhodes
Riegle
Risenhoover
Rooney
Rose
Rosenthal
Rostenkowski
Runnels
Ryan
Santini
Sebelius
Shriver
Simon
Stanton, James V.
Steelman
Steiger, Ariz.
Stokes
Symington
Symms
Thompson
Traxler
Tsongas
Udall
Vanik
Waxman
Weaver
Wilson, Bob
Young, Alaska

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Ms. Holtzman against.

Until further notice:

Mr. Dominick V. Daniels with Mr. Hébert.
Mr. Milford with Mr. Karth.
Mr. Rose with Mr. Flynt.
Mr. Runnels with Mr. Peyser.
Mr. McCormack with Mr. Jones of Oklahoma.
Mr. Rostenkowski with Mr. Biester.
Mr. Thompson with Mr. Bell.
Mr. AuCoin with Mr. Macdonald of Massachusetts.
Mr. Udall with Mr. Hungate.
Mr. Howard with Mr. Moss.
Mr. Litton with Mr. Andrews of North Dakota.
Mr. Blanchard with Mr. Nichols.
Mr. Tsongas with Mr. Jarman.
Mr. Waxman with Mr. James V. Stanton.
Mr. Lundine with Mr. Jones of Alabama.
Mr. Rosenthal with Mr. Gradison.
Mr. Rooney with Mr. Brown of Michigan.
Mr. Murphy of New York with Mr. Long of Maryland.
Mr. Bonker with Mr. Carter.
Mr. Giaimo with Mr. Clay.
Mr. Ford of Michigan with Mr. Buchanan.
Mr. Traxler with Mr. Conlan.
Mr. Martin with Mr. Madden.
Mrs. Meyner with Mr. Crane.
Mr. Hays of Ohio with Mr. Matsunaga.
Mr. Mathis with Mr. Mills.
Mr. Phillip Burton with Mr. Stokes.
Mr. Young of Alaska with Mr. du Pont.
Mr. Duncan of Oregon with Mr. Bob Wilson.
Mr. Brown of California with Mr. Symms.
Mr. Santini with Mr. Edwards of Alabama.
Mr. Shriver with Mr. McClory.
Mr. Burlison of Missouri with Mr. Edgar.
Mr. Neal with Mr. Frey.
Mr. Nowak with Mr. Sebelius.
Mr. Flowers with Mr. Mosher.
Mrs. Pettis with Mr. Randall.
Mr. Riegle with Mr. Ryan.
Mr. Risenhoover with Mr. Steelman.
Mr. Simon with Mr. Steiger of Arizona.
Mr. Vanik with Mr. Weaver.

Mr. KASTENMEIER changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2498) entitled "An act to amend the Small Business Act to transfer certain disaster relief functions of the Small Business Administration to other Federal agencies, to establish a National Commission on Small Business in America, and for other purposes."

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. Con. Res. 635. Concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of S. 2498.

CONVEYING CERTAIN LAND IN CAMBRIDGE TO COMMONWEALTH OF MASSACHUSETTS

Mr. BROOKE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12339) to authorize the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHEL. Mr. Speaker, reserving the right to object, may I ask the gentleman from Texas to explain very briefly for the assurance of the Members what is taking place?

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, this bill would convey without compensation a certain tract of land back to the Commonwealth of Massachusetts. This land was donated to the United States by Massachusetts to be used as a site for the John F. Kennedy Library. I sponsored a resolution in the 89th Congress—Public Law 89–547—authorizing its acceptance.

This site later ran into environmental problems and the board of trustees of the library has voted not to use the site for the library. The library is now expected to be located at the Harbor Campus of the University of Massachusetts at Dorchester. This bill will return the Cambridge site to the donor in order to adhere to the implied condition of the original gift that the land be used for the library.

An identical bill, S. 3399, passed the Senate Tuesday.

Mr. MICHEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 12339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the Commonwealth of Massachusetts, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to that certain tract of land, situated in Cambridge, Massachusetts, which was conveyed to the United States, as a gift from the people of The Commonwealth of Massachusetts in order to provide a site for the Presidential archival depository of the John Fitzgerald Kennedy Library, by a deed dated January 24, 1968, and recorded with the Middlesex, Massachusetts, Southern District Registry of Deeds in book 11467 at page 668.

With the following committee amendment:

On page 1, line 8, after "United States," strike "as a gift from the people of The Commonwealth of Massachusetts" and insert "by the Commonwealth of Massachusetts as a gift on behalf of its people".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize and direct the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts."

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of the Senate bill (S. 3399) to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized and directed to convey to the Commonwealth of Massachusetts, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to that certain tract of land, situated in Cambridge, Massachusetts, which was conveyed to the United States, by the Commonwealth of Massachusetts, as a gift on behalf of its people in order to provide a site for the Presidential archival depository of the John Fitzgerald Kennedy Library, by a deed dated January 24, 1968, and recorded with the Middlesex, Massachusetts, Southern District Registry of Deeds in book 11467 at page 668.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 12339) was laid on the table.

DIRECTING SECRETARY OF SENATE TO MAKE CORRECTION IN ENROLLMENT OF S. 2498

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the concurrent resolution (H. Con. Res. 635) directing the Secretary of the Senate to make a correction in the enrollment of S. 2498, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, strike out "correction:" and insert: "corrections:".

Page 1, after line 12, insert:

In the fifth sentence of proposed section 405 of the Small Business Investment Act of 1958 (in section 102 of the bill), insert "the" before "Treasury as miscellaneous receipts".

At the end of section 104(b) of the bill, strike out "; and" and insert in lieu thereof a period.

At the end of section 104(c) (1) of the bill, insert "and".

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMUNICATION FROM THE SERGEANT AT ARMS—SUBPENA SERVED ON SERGEANT AT ARMS KENNETH R. HARDING IN CASE OF PRESSLER AGAINST SIMON, VALEO, AND HARDING

The SPEAKER laid before the House the following communication from the Sergeant at Arms:

Office of the Sergeant at Arms,
U.S. House of Representatives,
Washington, D.C., May 20, 1976.
Hon Carl Albert,
Speaker, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: I have in my official capacity as Sergeant at Arms of the House of Representatives been served in a civil action in the United States District Court for the District of Columbia (Civil Action File No. 76–0782). Having in mind that the privileges of the House of Representatives may be involved, I am bringing this matter to your attention.

Today I addressed a letter to the Honorable Earl J. Silbert, United States Attorney for the District of Columbia, requesting assignment of counsel to represent the Sergeant at Arms, as provided for in 2 United States Code 118. A copy of that letter is attached hereto.

Sincerely,
Kenneth R. Harding,
Sergeant at Arms.

[United States District Court for the District of Columbia]

Summons

Larry Pressler, Plaintiff v. William E. Simon, Secretary of the Treasury; Francis R. Valeo, Secretary of the U.S. Senate; Kenneth R Harding, Sergeant-at-Arms of the U.S. House of Representatives, Defendant.

To the above named Defendant: Kenneth R. Harding.

You are hereby summoned and required to serve upon Larry Pressler, bringing suit pro se, whose address is 1238 Longworth House Office Building, U.S. House of Representatives, Washington, D.C. 20515, an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

James F. Davey,
Clerk of Court.

May 7, 1976.

Office of the Sergeant at Arms,
U.S. House of Representatives,
Washington, D.C., May 20, 1976.
Hon. Earl J. Silbert,
U.S. Attorney for the District of Columbia,
U.S. Courthouse, Washington, D.C.

Dear Mr. Silbert: I respectfully request that you assign counsel to represent the Sergeant at Arms of the House of Representatives, Kenneth R. Harding, in a civil action in the United States District Court for the District of Columbia (Civil Action File Number 76–0782), pursuant to 2 United States Code 118. I was served in my official capacity on May 7, 1976, with instructions to answer the complaint within sixty days after service.

I am enclosing herewith a copy of the summons and complaint which was served on me. I may add that I will be available at any time to confer with any counsel that you may assign to this case.

Very truly yours,
Kenneth R. Harding,
Sergeant at Arms.

Office of the Sergeant at Arms,
U.S. House of Representatives,
Washington, D.C., May 7, 1976.
Hon. Edward H. Levi,
Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Levi: I am sending you a copy of summons and complaint, which I received by mail from the Department of Justice on May 6, 1976, in Civil Action No. 76–0782 in the United States District Court for the District of Columbia, filed against me in my official capacity as Sergeant at Arms of the House of Representatives.

In accordance with the provisions of 2 U.S.C. 118, I have sent a copy of the summons and complaint in this action to the United States Attorney for the District of Columbia, requesting that he take appropriate action under the supervision and direction of the Attorney General. A copy of my letter to the United States Attorney for the District of Columbia is enclosed.

With kind regards, I am
Sincerely yours,
Kenneth R. Harding.
Sergeant at Arms.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[In the U.S. District Court for the District of Columbia, Civil Action]

Memorandum of Points and Authorities in Support of Application for Three-Judge Court

Larry Pressler, U.S. House of Representatitves, Washington, D.C., Plaintiff, v. William E. Simon, Secretary of the Treasury, Department of the Treasury, Washington, D.C.; Francis R. Valeo, Secretary of The U.S. Senate, United States Senate, Washington, D.C.; Kenneth R. Harding, Sergeant-at-Arms of the U.S. House of Representatives, U.S. House of Representatives, Washington, D.C., Defendants.

This Memorandum is submitted in support of plaintiff's Application for Three-Judge Court pursuant to 28 U.S.C. § 2282. Section 2282 provides that

"[a]n interlocutory or permanent injunction restraining the enforcement, operation or execution of any Act of Congress for repugnance to the Constitution of the United States shall not be granted by any district court or judge thereof unless the application therefor is heard and determined by a district court of three judges under Section 2284 of this title."

Provided that a substantial constitutional question has been presented, a three-judge court must be empaneled for hearing and determining the question of the constitutionality of the statute which is attacked by the complaint. *California Water Service Co.* v. *City of Redding,* 304 U.S. 252 (1938); *Telephone News System, Inc.* v. *Ill. Bell. Tel. Co.,* 210 F. Supp. 471 (D.C. Ill. 1962), *aff'd* 376 U.S. 782.

The instant case falls squarely within the ambit of the foregoing rule. Plaintiff seeks to enjoin the enforcement, operation and execution of provisions of the Federal Salary Act of 1967 (2 U.S.C. §§ 351–361) and of the Executive Salary Cost-of-Living Adjustment Act (2 U.S.C. § 31, as amended) on the ground of their repugnance to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States. That the constitutional questions presented by the complaint are substantial is most convincingly established by the fact that a three-judge court which did not reach the merits of the case was convened pursuant to 28 U.S.C. § 2282 in 1970 to determine the very question presented by Count I of the instant complaint. *Richardson* v. *Kennedy,* 313 F.Supp. 1282 (W.D. Pa. 1970), *aff'd,* 401 U.S. 901 (1971).

The substantiality of the constitutional questions presented by the instant complaint is further demonstrated when those questions are tested against traditional standards for determining when a substantial constitutional question has *not* been presented Such standards were laid down by the Supreme Court in *California Water Service Co.* v. *City of Redding, supra:*

"The lack of substantiality in a federal question may appear either because it is obviously without merit or because its unsoundness so clearly results from the previous decisions of this court as to foreclose the subject." 304 U.S. at 255.

See also, e.g., Jasper v. *Sawyer,* 100 F. Supp. 421 (D.C.D.C. 1951); *Acret* v. *Harwood,* 41 F. Supp. 492 (D.C. Cal. 1942).

The constitutional questions presented by the instant complaint are neither "obviously without merit" nor have they been foreclosed by frequent decisions of the Supreme Court of the United States with respect to them. Indeed, the questions presented by the instant complaint have never been determined by any court, much less the Supreme Court of the United States. It is noteworthy in this regard that the challenged statutes are not of long standing, having been enacted in December, 1967 and August, 1975, respectively. Accordingly, they do not have a long history of construction by the courts.

For the foregoing reasons it is respectfully submitted that a three-judge court must be empaneled pursuant to 28 U.S.C. § 2282 to hear and determine the constitutional questions presented by the instant complaint.

Larry Pressler, *Pro se.*

Dated: May 7, 1976.

U.S. District Court
for the District of Columbia,
Washington, D.C., May 14, 1976.

Kenneth R. Harding,
Sergeant-At-Arms of the U.S. House of Representatives, U.S. House of Representatives, Washington, D.C.

Larry Pressler vs. William E. Simon, et al

Dear Mr. Harding: Attached hereto is a copy of the designation of judges to serve on a three-judge panel in the above-entitled case.

Kindly furnish this office with two copies of all papers filed by you to date and three copies of all papers filed in the future.

Very truly yours,
James F. Davey,
Clerk.
By Ethel B. Johnson,
Deputy Clerk.

[U.S. Court of Appeals for the District of Columbia Circuit, Civil Action No. 76-782]

Designation of Judges to Serve on Three-Judge District Court

Larry Pressler, Plaintiff v. William E. Simon, et al., Defendants.

The Honorable Gerhard A. Gesell, United States District Judge, having notified me that a complaint has been filed in the United States District Court for the District of Columbia seeking to enjoin the enforcement, operation and execution of provisions of the Federal Salary Act of 1967 (2 U.S.C. §§ 351-361) and of the Executive Salary Cost-of-Living Adjustment Act (2 U.S.C. § 31, as amended) on the ground of their repugnance to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States, it is

Ordered pursuant to Section 2284 of Title 28, United States Code, that The Honorable Carl McGowan, United States Circuit Judge, and The Honorable William B. Jones, Chief Judge, United States District Court, are hereby designated to serve with The Honorable Gerhard A. Gesell, United States District Judge, as members of the Court to hear and determine this action.

David L. Bazelon,
Chief Judge for the
District of Columbia Circuit.

Dated: May 13, 1976.

[In the U.S. District Court for the District of Columbia, Civil Action No. 76-0782]

Complaint for Declaratory and Injunctive Relief

Larry Pressler, United States House of Representatives, Washington, D.C., Plaintiff, v. William E. Simon, Secretary of the Treasury, Department of the Treasury, Washington, D.C.; Francis R. Valeo, Secretary of the United States Senate, United States Senate, Washington, D.C.; Kenneth R. Harding, Sergeant-at-Arms of the United States House of Representatives, United States House of Representatives, Washington, D.C., Defendants.

JURISDICTION

1. This action seeks a declaratory judgment that provisions of the Federal Salary Act of 1967 and of the Executive Salary Cost-of-Living Adjustment Act which set forth procedures to establish new rates of compensation for Members of Congress are void in that they are violative of Article I, Section 1, and Article I, Section 6, Clause 1 of the Constitution of the United States. This action also seeks a permanent injunction to prohibit defendants, who are Secretary of the Treasury, Secretary of the United States Senate and Sergeant-at-Arms of the United States House of Representatives, from requisitioning, authorizing payment of or disbursing increases in congressional salaries effected pursuant to the Federal Salary Act of 1967 or the Executive Salary Cost-of- Living Adjustment Act.

2. This action arises under Article I, Section 1, and Article I, Section 6, Clause 1 of the Constitution of the United States, under Section 225(f)(A) of the Federal Salary Act of 1967, 2 U.S.C. § 356(A) (Pub.L. 90-206, Title II; 81 Stat. 642) and under Section 204(a) of the Executive Salary Cost-of-Living Adjustment Act, 2 U.S.C. § 31, as amended (Pub. L. 94-82, Title II; 89 Stat. 419), as hereinafter more fully appears. Jurisdiction is conferred on this court by 28 U.S.C. § 1331, 28 U.S.C. §§ 2201-2202. Venue is properly laid in this Court pursuant to 28 U.S.C. § 1391(e). There exists between the parties an actual controversy, justiciable in character, in respect of which plaintiff requests a declaration of his rights by this Court. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars ($10,000).

PARTIES

3. Plaintiff Larry Pressler is a citizen of the United States and a taxpayer of the United States. Plaintiff is also a Member of the House of Representatives from the First Congressional District of the State of South Dakota.

4. Defendant William E. Simon is an officer of the United States. He is sued in his official capacity as Secretary of the Treasury of the United States, with official residence in Washington, D.C. It is his duty, pursuant to 31 U.S.C. § 1002, to issue warrants authorizing the payment of monies out of the Treasury of the United States.

5. Defendant Francis R. Valeo is an officer or employee of the United States. He is sued in his official capacity as Secretary of the United States Senate, with official residence in Washington, D.C. It is his duty, pursuant to 2 U.S.C. § 64, to requisition monies for the payment of congressional salaries and to disburse such salaries to the Members of the United States Senate.

6. Defendant Kenneth R. Harding is an officer or employee of the United States. He is sued in his official capacity as Sergeant-at-Arms of the United States House of Representatives, with official residence in Washington, D.C. It is his duty, pursuant to 2 U.S.C. §§ 78 and 80, to requisition monies for the payment of congressional salaries and to disburse such salaries to the Members of the United States House of Representatives.

THREE-JUDGE COURT

7. As appears more fully in the Application for Three-Judge Court and the supporting Memorandum of Points and Authorities submitted herewith pursuant to Local Rule 1-11, this is a proper case for determination by a three-judge court pursuant to 28 U.S.C. §§ 2282 inasmuch as plaintiff seeks an injunction to restrain the enforcement, operation and execution of 2 U.S.C. § 356(A) and 2 U.S.C. § 31, as amended, on the ground that such statutory provisions are violative of Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States.

COUNT I

8. Plaintiff repeats and realleges each of the allegations contained in paragraph 1 through 7 above.

9. The Federal Salary Act of 1967 became law December 16, 1967 (the "1967 Act"). Pub. L. 90-206, Title II; 2 U.S.C. §§ 351-361. The 1967 Act established a Commission on Executive, Legislative and Judicial Salaries (the "Commission"). The Commission is required to make recommendations to the President, at four-year intervals, on the rates of pay for Senators, Representatives, Federal judges, cabinet officers and other agency heads, and certain other officials in the executive, legislative and judicial branches. The law requires that the President, in the budget next submitted by him after receipt of a report of the Commission, set forth his recommendations with respect to the exact rates of pay he deems advisable for those offices and positions covered by the 1967 Act. The President's recommendations become effective 30 days following transmittal of the budget, unless in the meantime other rates have been enacted by law or at least one House of Congress has enacted legislation which specifically disapproves of all or part of the recommendations. A copy of the 1967 Act is attached hereto as Exhibit A.

10. The first Commission was appointed in July, 1968 and made its recommendations to the President in December, 1968. The President's pay recommendations took effect in March, 1969, and congressional salaries were increased from $30,000 to $42,500 per annum. The United States, through the Secretary of the Treasury, the Secretary of the United States Senate, and the Sergeant-at-Arms of the House of Representatives authorized the payment of increases in congressional compensation and disbursed said increases to Members of Congress.

11. The second Commission was appointed in December, 1972, too late to report to the President by January 1, 1973. As a result, the President's pay recommendations based on the second Commission's report were submitted to Congress on February 4, 1974. The Committee on Post Office and Civil Service reported a resolution (S. Res. 293) on February 28, 1974, which would have permitted all provisions of the President's proposal to take effect, except those providing adjustments in the pay of Members of Congress. The Senate, however, amended the Resolution to disapprove all of the President's recommendations and rejected the entire proposal on March 6, 1974.

12. According to the statutory scheme, the next Commission is scheduled to be appointed in 1976 and to report its recommendations to the President no later than January 1, 1977.

13. Insofar as they provide a mechanism for adjusting salaries of Members of Congress, the foregoing procedures authorized by the 1967 Act are repugnant to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States. Article I, Section 1 provides that "[a]ll Legislative Powers herein granted shall be vested in a Congress of the United States." Article I, Section 6, Clause 1 provides that "[t]he Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." Properly interpreted in light of the intentions of the draftsmen of the Constitution, those constitutional provisions require that congressional salaries be determined by the legislative branch by specific enactment in each instance. Under the 1967 Act, however, congressional salaries are ascertained by Presidential recommendation.

14. The acts of defendants in disbursing the increased salary to Members of Congress have injured and will continue to injure the plaintiff as a United States citizen in that they deprive him of his right as a citizen to have Members of Congress accountable for increases authorized in their compensation.

15. The acts of the defendants have injured and will continue to injure the plaintiff as a United States taxpayer in that they deprive him of his right as a taxpayer to have tax monies received by the Federal Government expended pursuant to laws enacted in accordance with the Constitution of the United States.

16. The acts of the defendants have injured and will continue to injure the plaintiff as a Member of the United States House of Representatives by interfering with the performance of his constitutional responsibilities and congressional duties and by depriving him of his constitutional right to vote on each adjustment proposed in congressional salaries.

17. Unless defendants are enjoined by this Court from requisitioning, authorizing the payment of increases, and disbursing the increases in congressional salaries, defendants will disburse increased congressional salaries adjusted in contravention of constitutional requirements, violating the rights of plaintiff described herein and working upon plaintiff an unusual hardship or an irreparable injury and damage for which there exists no adequate remedy at law.

COUNT II

18. Plaintiff repeats and realleges each of the allegations contained in paragraphs 1 through 7 above.

19. The Executive Salary-Cost-of-Living Adjustment Act became law August 9, 1975 (the "1975 Act"). Pub. L. 94–82. The 1975 Act provides for an automatic annual cost-of-living adjustment in the salaries of certain executive, legislative and judicial officers and employees of the United States, including Members of Congress. Section 204 (a) of the 1975 Act amended 2 U.S.C. §31, the statutory provision relating to compensation for Members of Congress, to provide that the annual rate of pay for Members of Congress would be the rate established pursuant to Presidential recommendation under the 1967 Act, as annually and automatically increased by a cost-of-living adjustment. Such automatic annual cost-of-living adjustment in all of the salaries covered by the 1975 Act, including the salaries of Members of Congress, is equal in amount to the overall percentage of increase made in the rates of pay of federal employees covered by the General Schedule, which increase is made pursuant to Presidential recommendation authorized by 5 U.S.C. §5305. The adjustment in salaries covered by the 1975 Act becomes effective at the beginning of the first pay period starting on or after the first day of the month in which the adjustment in General Schedule salaries under 5 U.S.C. §5305 takes place. A copy of the 1975 Act is attached hereto as Exhibit B.

20. On October 6, 1975, Executive Order No. 11883, 40 F.R. 47091, ordered that the General Schedule salaries be adjusted and that the salaries covered by the 1975 Act be adjusted accordingly. As a result, salaries of Members of Congress were increased from $42,500 to $44,600 per annum. A copy of Executive Order No. 11883 is attached hereto as Exhibit C.

21. Pursuant to the provisions of said Executive Order, the United States, through the Secretary of the Treasury, the Secretary of the United States Senate, and the Sergeant-at-Arms of the House of Representatives authorized the payment of increases in the congressional compensation and disbursed said increases to the Members of Congress.

22. Insofar as they provide a mechanism for adjusting the salaries of Members of Congress, the foregoing procedures authorized by the 1975 Act repugnant to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States. Article I, Section 1 provides that "[a]ll legislative Powers herein granted shall be vested in a Congress of the United States." Article I, Section 6, Clause 1 provides that "[t]he Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." Properly interpreted in light of the intentions of the draftsmen of the Constitution, those constitutional provisions require that congressional salaries be determined by the legislative branch by specific enactment in each instance. Under the 1975 Act, however, Congressional salaries are automatically increased in an amount based upon Presidential recommendations with respect to General Schedule salaries.

23. The acts of defendants in disbursing the increased salary to Members of Congress have injured and will continue to injure plaintiff as a United States citizen in that they deprive him of his right as a citizen to have Members of Congress accountable for increases authorized in their compensation.

24. The acts of the defendants have injured and will continue to injure the plaintiff as a United States taxpayer in that they deprive him of his right as a taxpayer to have tax monies received by the Federal Government expended pursuant to laws enacted in accordance with the Constitution of the United States.

25. The acts of the defendants have injured and will continue to injure the plaintiff as a Member of the United States House of Representatives by interfering with the performance of his constitutional responsibilities and congressional duties and by depriving him of his constitutional right to vote on each adjustment proposed in congressional salaries.

26. Unless defendants are enjoined by this Court from requisitioning, authorizing the payment of increases, and disbursing the increases in congressional salaries, defendants will disburse increased congressional salaries adjusted in contravention of constitutional requirements, violating the rights of plaintiff described herein and working upon plaintiff an unusual hardship or an irreparable injury and damage for which there exists no adequate remedy at law.

Wherefore, plaintiff prays:

1. That plaintiff have a judgment and decree of this Court declaring his rights and status, and more particularly adjudicating:

(a) That the 1967 Act is void and unconstitutional insofar as it establishes procedures for adjusting congressional rates of pay and salaries; and

(b) That the 1975 Act is void and unconstitutional insofar as it establishes procedures for adjusting congressional rates of pay and salaries.

2. That this Court issue a permanent injunction restraining defendants, and each of them and their agents, servants, employees and attorneys, and all persons in active concert or participation with them, from requisitioning, authorizing the payment of, or disbursing any future increases in congressional salaries effected pursuant to the 1967 Act or the 1975 Act.

3. That this Court accord *de facto* validity to the past acts of defendants, their agents, servants, employees and attorneys, and all persons in active concert or participation with them, in requisitioning, authorizing the payment of, and disbursing past increases in congressional salaries effected pursuant to the 1967 Act and the 1975 Act.

4. That this Court stay, for such period as the Court believes reasonably adequate for Congress, if it so desires, to further ascertain congressional salaries "by Law", the Court's judgment insofar as it affects the authority of defendants to requisition, authorize the payment of, and disburse congressional salaries at the current rate of pay, in order to afford Congress an opportunity to ascertain congressional salaries "by Law", in accord with the requirements of the Constitution of the United States.

5. That this Court grant plaintiff such other and further relief as may be just and proper.

LARRY PRESSLER, *Pro se.*

Dated: May 7, 1976.

EXHIBIT A

Chapter 11.—COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES [NEW]

Sec.

351. Establishment of Commission.
352. Membership of Commission; appointment; Chairman; term of office; vacancies; compensation; expenses; allowances.
353. Executive Director; additional personnel; detail of personnel of other agencies.
354. Use of United States mails by Commission.
355. Administrative support services.
356. Functions of Commission.
357. Report to the President.
358. Recommendations of the President to Congress.
359. Same; effective date.
360 Same; effect on existing law and prior recommendations.
361. Publication of recommendations.

§ 351. Establishment of Commission

There is hereby established a commission to be known as the Commission on Executive, Legislative, and Judicial Salaries (hereinafter referred to as the "Commission").

Pub.L. 90–206, Title II, § 225(a), Dec. 16, 1967, 81 Stat. 642.

Effective Date, Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub.L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

Legislative History: For legislative history and purpose of Pub.L. 90–206, see 1967 U.S. Code Cong. and Adm.News, p. 2258.

1. Generally

Taxpayer lacked standing to maintain action attacking congressional pay raise effected by this chapter, Richardson v. Kennedy, D.C.Pa. 1970, 313 F.Supp. 1282. Affirmed 91 S.Ct. 868, 401 U.S. 901, 27 L. Ed.2d 800.

§ 352. Membership of Commission; appointment; Chairman; term of office; vacancies; compensation; expenses; allowances

(1) The Commission shall be composed of nine members who shall be appointed from private life, as follows:

(A) three appointed by the President of the United States, one of whom shall be designated as Chairman by the President;

(B) two appointed by the President of the Senate;

(C) two appointed by the Speaker of the House of Representatives; and

(D) two appointed by the Chief Justice of the United States.

(2) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1969 fiscal year of the Federal Government, except that, if any appointment to membership on the Commission is made after the beginning and before the close of such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(3) After the close of the 1969 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1969 fiscal year. The terms of office

of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(4) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(5) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703(b) of Title 5, when engaged in the performance of services for the Commission.

Pub.L. 90–206, Title II, § 225(b), Dec. 16, 1967, 81 Stat. 642.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub.L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 353. Executive Director; additional personnel; detail of personnel of other agencies

(1) Without regard to the provisions of Title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in section 352(2) and (3) of this title—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of Title 5; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of Title 5) of such additional personnel as may be necessary to carry out the function of the Commission.

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in section 352(2) and (3) of this title, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

Pub. L. 90–206, Title II, § 225(c), Dec. 16, 1967, 81 Stat. 643.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 354. Use of United States Mails by Commission

The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

Pub. L. 90–206, Title II, § 225(d), Dec. 16, 1967, 81 Stat. 643.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206 set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 355. Administrative support services

The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

Pub. L. 90–206, Title II, §225(e), Dec. 16, 1967, 81 Stat. 643.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206 set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 356. Functions of Commission

(e) The Commission shall conduct in each of the respective fiscal years referred to in section 252(2) and (3) of this title, a review of the rates of pay of—

(A) The Vice President of the United States, Senators, Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives;

(B) offices and positions in the legislative branch referred to in sections 136a and 136 a–1 of this title, sections 42a and 51a of Title 31, sections 162a and 162b of Title 40, and section 39a of Title 44;

(C) justices, judges, and other personnel in the judicial branch referred to in sections 402(d) and 403 of the Federal Judicial Salary Act of 1964;

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of Title 5; and

(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of Title 39.

Such review by the Commission shall be made for the purpose of determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of Title 5, relating to classification and General Schedule pay rates.

Pub.L. 90–206, Title II, § 225(f), Dec. 16, 1967, 81 Stat. 643, amended Pub.L. 91–375, § 6(a), Aug. 12, 1970, 84 Stat. 775; Pub. L. 94–82, Title II, § 206(a), Aug. 9, 1975, 89 Stat. 423.

References in Text. Section 39a of Title 44, referred to in par. (B), was repealed in the revision of Title 44 and is now covered by section 303 of Title 44, Public Printing and Documents.

The Federal Judicial Salary Act of 1964, referred to in par. (C), is Pub. L. 88–426, Aug. 14, 1964, 78 Stat. 400. Sections 402(d) and 403 thereof are classified to section 867 of Title 10, section 68 of Title 11, section 7443 of Title 26, and sections 5, 44, 135, 173, 213, 252, 603, and 792 of Title 28.

1975 Amendment. Par. (A). Pub. L. 94–82 added "The Vice President of the United States" preceding "Senators", and "the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives" following "Puerto Rico".

1970 Amendment. Par. (E). Pub. L. 91–375 added par. (E).

Effective Date of 1970 Amendment. Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of Title 39, Postal Service.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

Effective Rates of Pay Pending Changes in Rates Pursuant to Federal Salary Act of 1967. Section 206(b) of Pub. L. 94–82 provided that: "Until such time as a change in the rate of pay of the offices referred to in the amendment made by subsection (a) of this section [amending par. (A) of this section] occurs under the provisions of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as amended by subsection (a) of this section [sections 351 to 361 of this title], such rates of pay shall be the rates of pay in effect immediately prior to the date of enactment of this Act [Aug. 9, 1975], as adjusted under sections 203 and 204 of this title [amending sections 31, 60a note, 136a and 136a–1 of this title, section 104 of Title 3, sections 42a and 51a of Title 31, sections 162a and 166b of Title 40, and section 303 of Title 44]."

Legislative History. For legislative history and purpose of Pub. L. 91–375, see 1970 U.S. Code Cong. and Adm. News, p. 3649 See, also, Pub. L. 94–82, 1975 U.S. Code Cong and Adm. News, p. —.

§ 357. Report to the President

The Commission shall submit to the President a report of the results of each review conducted by the Commission of the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than January 1 next following the close of the fiscal year in which the review is conducted by the Commission. Pub. L. 90–206, Title II, § 225(g), Dec. 16, 1967, 81 Stat. 644.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 358. Recommendations of the President to Congress

The President shall include, in the budget next transmitted by him to the Congress after the date of the submission of the report and recommendations of the Commission under section 357 of this title, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title. As used in this section, the term "budget" means the budget referred to in section 11 of Title 31.

Pub. L. 90–206, Title II, § 225(h), Dec. 16, 1967, 81 Stat. 644.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Governmental Organization and Employees.

Compensation and Emoluments of Attorney General. Pub. L. 94–2, Feb. 18, 1975, 89 Stat. 4, provided in part that the compensation and other emoluments attached to the Office of the Attorney General on and after Feb. 4, 1975, shall be those that on or after Feb. 18, 1975, attach to offices and positions at level I of the Executive Schedule (section 5312 of Title 5).

SALARY RECOMMENDATIONS FOR 1969 INCREASES

Transmitted to Congress Jan. 15, 1969, published in the Federal Register Feb. 15, 1969, 34 F.R. 2241.

Public Law 90–206, approved December 16, 1967 [this chapter], established the Commission on Executive, Legislative, and Judicial Salaries. The Commission is required to make recommendations to the President, at 4-year intervals, on the rates of pay for Senators, Representatives, Federal judges, Cabinet officers and other agency heads, and certain other officials in the executive, legislative, and judicial branches. The law requires that the President, in the budget next submitted by him after receipt of a report of the Commission, set forth his recommendations with respect to the exact rates of pay he deems advisable for those offices and positions covered by the law. The President's recommendations become effective 30 days following transmittal of the budget, unless in the meantime other rates have been enacted by law or at least one House of Congress has enacted legislation which specifically disapproves of all or part of the recommendations.

At the request of the President, the first report of the Commission was submitted to him in December 1968. The report has been considered by the President and, in accordance with section 225(h) of Public Law 90–206, approved December 16, 1967. 81 Stat. 644 [this section], the President recommends the following rates of pay for executive, legislative, and judicial offices and positions within the purview of subsection (f) of that section:

A. Senators, Members of the House of Representatives, and the Resident Commissioner from Puerto Rico	$42,500
B. For other offices and positions in the legislative branch, as follows:	
Comptroller General of the United States	$42,500
Assistant Comptroller General of the United States	$40,000
General Counsel of the United States General Accounting Office, Librarian of Congress, Public Printer, Architect of the Capitol	$38,000
Deputy Librarian of Congress, Deputy Public Printer, Assistant Architect of the Capitol	$36,000
C. For justices, judges, and other personnel in the judicial branch, as follows:	
Chief Justice of the United States	$62,500
Associate Justices of the Supreme Court	$60,000
Judges, Circuit Court of Appeals; judges, Court of Claims; judges, Court of Military Appeals; judges, Court of Customs and Patent Appeals	$42,500
Judges, District Courts; judges, Customs Court; judges, Tax Court of the United States; Director of the Administrative Office of the United States Courts	$40,000
Deputy Director of the Administrative Office of the United States Courts; commissioners, Court of Claims; referees in bankruptcy, full-time (maximum)	$36,000
Referees in bankruptcy, part-time (maximum)	$18,000
D. For offices and positions under the Executive Schedule in subchapter II of Chapter 53 of title 5, United States Code [sections 5311–5317 of Title 5, Government Organization and Employees]:	
Positions at level I	$60,000
Positions at level II	$42,500
Positions at level III	$40,000
Positions at level IV	$38,000
Positions at level V	$36,000

§ 359. Same; effective date

(1) Except as provided in paragraph (2) of this section all or part (as the case may be) of the recommendations of the President transmitted to the Congress in the budget under section 358 of this title shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations in the budget; but only to the extent that, between the date of transmittal of such recommendations in the budget and the beginning of such first pay period—

(A) there has not been enacted into law a statute which establishes rates of pay other than those proposed by all or part of such recommendations,

(B) neither House of the Congress has enacted legislation which specifically disapproves all or part of such recommendations, or

(C) both.

(2) Any part of the recommendations of the President may, in accordance with express provisions of such recommendations, be made operative on a date later than the date on which such recommendations otherwise are to take effect.

Pub.L. 90–206, Title II, § 225(i), Dec. 16, 1967, 81 Stat. 644.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub.L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 360. Same; effect on existing law and prior recommendations

The recommendations of the President transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in section 352(2) and (3) of this title shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted in the period specified in paragraph (1) of subsection (i) of this section with respect to such recommendations), and

(B) any prior recommendations of the President which take effect under this chapter.

Pub.L. 90–206, Title II, § 225(j), Dec. 16, 1967, 81 Stat. 644.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

1. Generally

Taxpayer lacked standing to maintain action attacking congressional pay raise effected by this chapter. Richardson v. Kennedy, D.C.Pa.1970, 313 F.Supp. 1282. Affirmed 91 S.Ct. 868, 401 U.S. 901, 27 L. Ed.2d 800.

§ 361. Publication of recommendations

The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

Pub.L. 90–206, Title II, § 225(k), Dec. 16, 1967, 81 Stat. 644.

Effective Date. Section effective on Dec. 16, 1967, see section 220(a) (1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

Chapter 12.—CONTESTED ELECTIONS [NEW]

Sec.
381. Definitions.
382. Notice of contest.
    (a) Filing of notice.
    (b) Contents and form of notice.
    (c) Service of notice; proof of service.
383. Response of contestee.
    (a) Answer.
    (b) Defenses by motion prior to answer.
    (c) Motion for more definite statement.
    (d) Time for serving answer after service of motion.
384. Service and filing of papers other than notice of contest.
    (a) Modes of service.
    (b) Filing of papers with clerk.
    (c) Proof of service.
385. Default of contestee.
386. Deposition.
    (a) Oral examination.
    (b) Scope of examination.
    (c) Order and time of taking testimony.
    (d) Officer before whom testimony may be taken.
    (e) Subpena.
    (f) Taking of testimony by party or his agent.
    (g) Conduct of examination; recordation of testimony; notation of objections; interrogatories.
    (h) Examination of deposition by witness; signature of witness or officer; use of deposition.
387. Notice of depositions.
    (a) Time for service; form.
    (b) Testimony by stipulation.
    (c) Testimony by affidavit; time for filing.
388. Subpena for attendance at deposition.
    (a) Issuance.
    (b) Time, method and proof of service.
    (c) Place of examination.
    (d) Form.
    (e) Production of documents.
389. Officer and witness fees.
390. Penalty for failure to appear, testify or produce documents.

EXHIBIT B

[Public Law 94–82, 94th Congress, H.R. 2559, August 9, 1975]

An act to amend title 39, United States Code, to apply to the United States Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, to provide for cost-of-living adjustments of Federal executive salaries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POSTAL SERVICE

SEC. 101. Section 410(b) of title 39, United States Code, is amended—

(1) by striking out the word "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding immediately below paragraph (6) the following paragraph:

"(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668).".

TITLE II—EXECUTIVE SALARIES

SEC. 201. This title may be cited as the "Executive Salary Cost-of-Living Adjustment Act".

SEC. 202. (a) Subchapter II of chapter 53 of title 5, United States Code, relating to Executive Schedule pay rates, is amended by adding at the end thereof the following new section:

"§ 5318. Adjustments in rates of pay

"Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of this title in the rates of pay under the General Schedule, the annual rate of pay for positions at each level of the Executive Schedule shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate of pay which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule.".

(b) (1) That part of section 5312 (relating to level I of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level I of the Executive Schedule applies to the following positions for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(2) That part of section 5313 (relating to level II of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(3) That part of section 5314 (relating to level III of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(4) That part of section 5315 (relating to level IV of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(5) That part of section 5316 (relating to level V of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(6) The analysis of subchapter II of chapter 53 of title 5, United States Code, is amended by adding the following new item at the end thereof:

"5318. Adjustments in rates of pay.".

(c)(1) Subsection (a) of section 5305 of title 5, United States Code, relating to annual pay reports, is amended by adding at the end thereof the following new sentence: "The report transmitted to the Congress under this subsection shall specify the overall percentage of the adjustment in the rates of pay under the General Schedule and of the adjustment in the rates of pay under the other statutory pay systems.".

(2) Subsection (c)(1) of section 5305 of title 5, United States Code, relating to annual pay reports, is amended by adding at the end thereof the following new sentence: "The report transmitted to the Congress under this subsection shall specify the overall percentage of the adjustment in the rates of pay under the General Schedule and of the adjustment in the rates of pay under the other statutory pay systems.".

SEC. 203. Section 104 of title 3, United States Code, relating to the rate of salary of the Vice President, is amended by striking out "$62,500, to be paid monthly." and inserting in lieu thereof "the rate determined for such position under chapter 11 of title 2, as adjusted under this section. Effective at the beginning of the first month in which an adjustment takes effect under section 5305 of title 5 in the rates of pay under the General Schedule, the salary of the Vice President shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the nearest higher multiple of $100), equal to the percentage of such per annum rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5) of the adjustment in such rates of pay. Such salary shall be paid on a monthly basis.".

SEC. 204. (a) Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended to read as follows:

"SEC. 601. (a)(1) The annual rate of pay for—

"(A) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

"(B) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

"(C) the Speaker of the House of Representatives,

shall be the rate determined for such positions under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by paragraph (2) of this subsection.

"(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, each annual rate referred to in paragraph (1) shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule.".

(b) Subsections (a) through (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415), relating to the annual rate of pay of certain legislative officials, are amended to read as follows:

"SEC. 203. (a) The compensation of the Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level II of the Executive Schedule of subchapter II of chapter 53 of title 5, United States Code.

"(b) The compensation of the Deputy Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level III of such Executive Schedule.

"(c) The compensation of the General Counsel of the United States General Accounting Office, the Librarian of Congress, and the Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level IV of such Executive Schedule.

"(d) The compensation of the Deputy Librarian of Congress and the Assistant Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level V of such Executive Schedule.".

(c)(1) Section 303 of title 44, United States Code, relating to the compensation of the Public Printer and Deputy Public Printer, is amended to read as follows:

"§ 303. Public Printer and Deputy Public Printer: pay

"The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level IV of the Executive Schedule of subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level V of such Executive Schedule.".

(2) The item relating to section 303 in the chapter analysis for chapter 3 of title 44, United States Code, is amended to read as follows:

"303. Public Printer and Deputy Public Printer: pay.".

(d) Section 4(d) of the Federal Pay Comparability Act of 1970 (84 Stat. 1952) is amended by striking out "level V" and "section 5316" and inserting in lieu thereof "level III" and "section 5314", respectively.

SEC. 205. (a)(1) Chapter 21 of title 28, United States Code, relating to general provisions applicable to courts and judges, is amended by adding at the end thereof the following new section:

"§ 461. Adjustments in certain salaries

"(a) Effective at the beginning of the first applicable pay period commencing on a after the first day of the month in which an adjustment takes effect under section 5305 of title 5 in the rates of pay under the General Schedule (except as provided in subsection (b)), each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100) equal to the percentage of such salary rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustments in the rates of pay under such Schedule.

"(b) Subsection (a) shall not apply to the extent it would reduce the salary of any individual whose compensation may not, under section 1 of article III of the Constitution of the United States, be diminished during such individual's continuance in office.".

(2) The analysis of chapter 21 of such title is amended by adding at the end thereof the following new item:

"461. Adjustments in certain salaries.".

(b)(1) Section 5 of title 28, United States Code, relating to salaries of justices of the Supreme Court, is amended to read as follows:

"§ 5. Salaries of justices

"The Chief Justice and each associate justice shall each receive a salary at annual rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(2) Section 44(d) of title 28, United States Code, relating to salaries of circuit judges, is amended to read as follows:

"(d) Each circuit judge shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(3) Section 135 of title 28, United States Code, relating to salaries of district judges, is amended to read as follows:

"§ 135. Salaries of district judges

"Each judge of a district court of the United States shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(4) The second sentence of section 173 of title 28, United States Code, relating to salaries of judges of the Court of Claims, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(5) The second sentence of section 213 of title 28, United States Code, relating to salaries of judges of the Court of Customs and Patent Appeals, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(6) The second sentence of section 252 of title 28, United States Code, relating to judges of the Customs Court, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(7) So much of the first sentence of section 792(b) (relating to salaries of Court of Claims commissioners) of title 28, United States Code, as precedes ", and also all necessary traveling expenses" is amended to read as follows: "Each commissioner shall receive pay at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title".

(8) The first sentence of section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), re-

lating to compensation of referees in bankruptcy, is amended to read as follows: "Referees shall receive as full compensation for their services salaries to be fixed by the conference, in the light of the recommendations of the councils, made after advising with the district judges of their respective circuits, and of the Director, at rates, in the case of full-time referees, not more than the rate determined for such referees under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted under section 461 of title 28, United States Code, and in the case of part-time referees, not more than one-half of such rate, as so adjusted.".

SEC. 206. (a) Section 225(f)(A) of the Federal Salary Act of 1967 (2 U.S.C. 356 (A)), is amended—

(1) by inserting "the Vice President of the United States," immediately before "Senators";

(2) by striking out "and" immediately after "Representatives,"; and

(3) by inserting immediately before the semicolon a comma and the following: "the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives".

(b) Until such time as a change in the rate of pay of the offices referred to in the amendment made by subsection (a) of this section occurs under the provisions of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as amended by subsection (a) of this section, such rates of pay shall be the rates of pay in effect immediately prior to the date of enactment of this Act, as adjusted under sections 203 and 204 of this title.

Approved August 9, 1975.

Legislative history:

House Report No. 94–271 (Comm. on Post Office and Civil Service).

Senate Report No. 94–333 (Comm. on Post Office and Civil Service).

Congressional Record, Vol. 121 (1975):

June 16, considered and passed House.

July 28, 29, considered and passed Senate, amended.

July 30, House concurred in Senate amendments.

EXHIBIT C

[Presidential Documents, Title 3—The President, Executive Order 11883, October 6, 1975]

ADJUSTMENTS OF CERTAIN RATES OF PAY AND ALLOWANCES

By virtue of the authority vested in me by the Constitution and the laws of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Statutory Pay Systems.* Pursuant to the provisions of subchapter I of chapter 53 of title 5 of the United States Code, the rates of basic pay and salaries are adjusted, as set forth at the schedules attached hereto and made a part hereof, for the following statutory pay systems:

(a) The General Schedule (5 U.S.C. 5332 (a)) at Schedule 1;

(b) the schedules for the Foreign Service (22 U.S.C. 867 and 870(a)) at Schedule 2; and

(c) the schedules for the Department of Medicine and Surgery, Veterans Administration (38 U.S.C. 4107) at Schedule 3.

SEC. 2. *Pay and Allowances For Members of the Uniformed Services.* Pursuant to the provisions of section 1009 of title 37 of the United States Code, the rates of monthly basic pay (37 U.S.C. 203(a)), the rates of basic allowances for subsistence (37 U.S.C. 402), and the rates of basic allowances for quarters (37 U.S.C. 403(a)) are adjusted, as set forth at Schedule 4 attached hereto and made a part hereof, for members of the uniformed services.

SEC. 3. *Executive Salaries.* The Executive Salary Cost-of-Living Adjustment Act (Pub. L. 94–82, 89 Stat. 419) provides for adjustments in the rates of pay and salaries, as set forth at the schedules attached hereto and made a part hereof, for the following:

(a) The Vice President (3 U.S.C. 104) and the Executive Schedule (5 U.S.C. 5312–5316) at Schedule 5;

(b) Congressional Salaries (2 U.S.C. 31) at Schedule 6; and

(c) Judicial Salaries (28 U.S.C. 5, 44(d), 135, 173, 213, 252, 792(b) and 11 U.S.C. 68 (a)), at Schedule 7.

SEC. 4. *Effective Date.* The adjustments in rates of monthly basic pay and basic allowances for subsistence and quarters for members of the uniformed services shall be effective on October 1, 1975. All other adjustments of salary or pay shall be effective on the first day of the first applicable pay period beginning on or after October 1, 1975.

SEC. 5. *Superseded Orders.* Executive Order No. 11811 of October 7, 1974, and Executive Order No. 11812 of October 7, 1974, are hereby superseded.

GERALD R. FORD.

THE WHITE HOUSE, *October 6, 1975.*

THE PRESIDENT

SCHEDULE 1.—THE GENERAL SCHEDULE

	1	2	3	4	5	6	7	8	9	10
GS-1	$5,559	$5,744	$5,929	$6,114	$6,299	$6,484	$6,669	$6,854	$7,039	$7,224
GS-2	6,296	6,506	6,716	6,926	7,136	7,345	7,556	7,766	7,976	8,186
GS-3	7,102	7,339	7,576	7,813	8,050	8,287	8,524	8,761	8,998	9,235
GS-4	7,976	8,242	8,508	8,774	9,040	9,306	9,572	9,833	10,104	10,370
GS-5	8,925	9,223	9,521	9,819	10,117	10,415	10,713	11,011	11,309	11,607
GS-6	9,946	10,278	10,610	10,942	11,274	11,606	11,938	12,270	12,602	12,934
GS-7	11,046	11,414	11,782	12,150	12,518	12,886	13,254	13,622	13,990	14,358
GS-8	12,222	12,629	13,036	13,443	13,850	14,257	14,664	15,071	15,478	15,885
GS-9	13,482	13,931	14,380	14,829	15,278	15,727	16,176	16,625	17,074	17,523
GS-10	14,824	15,318	15,812	16,306	16,800	17,294	17,788	18,282	18,776	19,270
GS-11	16,255	16,797	17,339	17,881	18,423	18,965	19,507	20,049	20,591	21,133
GS-12	19,386	20,032	20,678	21,324	21,970	22,616	23,262	23,908	24,554	25,200
GS-13	22,906	23,670	24,434	25,198	25,962	26,726	27,490	28,254	29,018	29,782
GS-14	26,861	27,756	28,651	29,546	30,441	31,336	32,231	33,126	34,021	34,916
GS-15	31,309	32,353	33,397	34,441	35,485	36,529	37,573	[1] 38,617	[1] 39,661	[1] 40,705
GS-16	36,338	37,549	[1] 38,760	[1] 39,971	[1] 41,182	[1] 42,393	[1] 43,604	[1] 44,815	[1] 46,026	
GS-17	[1] 42,066	[1] 43,468	[1] 44,870	[1] 46,272	[1] 47,674					
GS-18	[1] 48,654									

[1] The rate of basic pay for employees at these rates is limited by sec. 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this schedule; $37,800).

SCHEDULE 2.—FOREIGN SERVICE SCHEDULES

PT. I.—THE PER ANNUM SALARIES OF FOREIGN SERVICE OFFICERS

	1	2	3	4	5	6	7	8	9	10
SO-1	[1] $46,045	[1] $47,580	[1] $48,654							
SO-2	36,092	37,295	[1] 38,498	[1] $39,701	[1] $40,904	[1] $42,107	[1] $43,310			
SO-3	28,582	29,535	30,488	31,441	32,394	33,374	34,300			
SO-4	22,906	23,670	24,434	25,198	25,962	26,726	27,490			
SO-5	18,612	19,322	19,852	20,472	21,092	21,712	22,332			
SO-6	15,359	15,871	16,383	16,895	17,407	17,919	18,431			
SO-7	12,899	13,329	13,759	14,189	14,619	15,049	15,479			
SO-8	11,046	11,414	11,782	12,150	12,518	12,886	13,354			

PT. II.—THE PER ANNUM SALARIES OF FOREIGN SERVICE STAFF OFFICERS AND EMPLOYEES

	1	2	3	4	5	6	7	8	9	10
SS-1	$28,582	$29,535	$30,488	$31,441	$32,394	$33,347	$34,300	$35,253	$36,206	$37,159
SS-2	22,906	23,670	24,434	25,198	25,962	26,726	27,490	28,254	29,108	29,782
SS-3	18,612	19,232	19,852	20,472	21,092	21,712	22,332	22,952	23,572	24,192
SS-4	15,359	15,871	16,383	16,895	17,407	17,919	18,431	18,943	19,455	19,967
SS-5	13,770	14,229	14,688	15,147	15,606	16,065	16,524	16,983	17,442	17,901
SS-6	12,345	12,757	13,169	13,581	13,993	14,405	14,817	15,229	15,641	16,053
SS-7	11,068	11,437	11,806	12,175	12,544	12,913	13,282	13,651	14,020	14,389
SS-8	9,923	10,254	10,585	10,916	11,247	11,578	11,909	12,240	12,571	12,902
SS-9	8,896	9,193	9,490	9,787	10,064	10,381	10,678	10,975	11,272	11,569
SS-10	7,976	8,242	8,508	8,774	9,040	9,306	9,572	9,838	10,104	10,370

[1] The rate of basic pay for employees at these rates is limited by sec. 5306 of title 5 of the United States Code to the rate for level V of the Executive Schedule (as of the effective date of this schedule, $37,800).

SCHEDULE 3.—DEPARTMENT OF MEDICINE AND SURGERY, VETERANS' ADMINISTRATION

	Minimum	Maximum
Sec. 4103 schedule:		
Associate deputy chief medical director	(1)	[1] $37,800
Assistant chief medical director	(1)	[3] 48,654
Medical director	[3] $42,066	[3] 47,674
Director of nursing service	[3] 42,066	[3] 47,674
Director of chaplain service	36,338	[3] 46,026
Director of pharmacy service	36,338	[3] 46,026
Director of dietetic service	36,338	[3] 46,026
Director of optometry	36,338	[3] 46,026
Physician and dentist schedule:		
Director grade	36,338	[3] 46,026
Executive grade	33,736	[3] 43,861
Chief grade	31,309	[3] 40,705
Senior grade	26,861	34,916
Intermediate grade	22,906	29,782
Full grade	19,386	25,200
Associate grade	16,255	21,133
Nurse schedule:		
Director grade	31,309	[3] 40,705
Assistant Director grade	26,861	34,916
Chief grade	22,906	29,782
Senior grade	19,386	25,200
Intermediate grade	16,255	21,133
Full grade	13,482	17,523
Associate grade	11,623	15,106
Junior grade	9,946	12,934

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[1] Single rate.

[2] The rate of basic pay for this position is set by law at the annual rate provided for positions in evel V of the Executive schedule (as of the effective date of this schedule, $37,800).

[3] The rate of basic pay for employees at these rates is limited by sec. 5308 of title 5 of the United States Code to the rate for level V of the Executive schedule (as of the effective date of this schedule, $37,800).

SCHEDULE 4.—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

PT. I.—MONTHLY BASIC PAY

COMMISSIONED OFFICERS

Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$2,841.00	$2,940.90	$2,940.90	$2,940.90	$2,940.90	$3,053.70	$3,053.70	*$3,287.70	*$3,287.70	*$3,522.90	*$3,522.90	*$3,758.40	*$3,758.40	*$3,992.70	*$3,992.70
O-9	2,517.90	2,584.20	2,639.10	2,639.10	2,639.10	2,706.00	2,706.00	2,818.20	2,818.20	3,053.70	3,053.70	*3,287.70	*3,287.70	*3,522.90	*3,522.90
O-8	2,280.60	2,349.00	2,404.80	2,404.80	2,404.80	2,584.20	2,584.20	2,706.00	2,706.00	2,818.20	2,940.90	3,053.70	*3,176.10	*3,176.10	*3,176.10
O-7	1,894.80	2,024.10	2,024.10	2,024.10	2,114.40	2,114.40	2,237.40	2,237.40	2,349.00	2,584.20	2,761.80	2,761.80	2,761.80	2,761.80	2,761.80
O-6	1,404.60	1,543.50	1,644.00	1,644.00	1,644.00	1,644.00	1,644.00	1,644.00	1,699.80	1,968.90	2,069.70	2,114.40	2,237.40	2,426.10	2,426.10
O-5	1,123.20	1,319.40	1,410.30	1,410.30	1,410.30	1,410.30	1,453.50	1,530.90	1,633.20	1,755.90	1,856.70	1,912.50	1,979.70	1,979.70	1,979.70
O-4	947.10	1,152.60	1,230.30	1,230.30	1,252.50	1,308.30	1,397.10	1,476.00	1,543.50	1,610.70	1,655.40	1,655.40	1,655.40	1,655.40	1,655.40
O-3 [2]	880.20	983.70	1,051.50	1,163.70	1,219.20	1,263.30	1,330.80	1,397.10	1,431.30	1,431.30	1,431.30	1,431.30	1,431.30	1,431.30	1,431.30
O-2 [2]	767.10	838.20	1,006.80	1,040.40	1,062.30	1,062.30	1,062.30	1,062.30	1,062.30	1,062.30	1,062.30	1,062.30	1,062.30	1,062.30	1,062.30
O-1 [2]	666.00	693.30	838.20	838.20	838.20	838.20	838.20	838.20	838.20	838.20	838.20	838.20	838.20	838.20	838.20

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[1] While serving as chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $4,405,50 * regardless of cumulative years of service computed under section 205 of title 37 of the United States Code.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

* The rate of basic pay for military personnel at these rates is limited by sec. 5308 of title 5 of the United States Code, as added by the Federal Pay Comparability Act of 1970, to the rate for level V of the Executive Schedule or $3,150 per month.

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay grade	Years of service computed under sec. 205											
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$1,163.70	$1,219.20	$1,263.30	$1,330.80	$1,397.10	$1,453.50	$1,453.50	$1,453.50	$1,453.50	$1,453.50	$1,453.50	$1,453.50
O-2	1,040.40	1,062.30	1,095.90	1,152.60	1,197.30	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30	1,230.30
O-1	838.20	894.90	928.20	961.80	995.40	1,040.40	1,040.40	1,040.40	1,040.40	1,040.40	1,040.40	1,040.40

WARRANT OFFICERS

Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$896.40	$961.80	$961.80	$983.70	$1,028.70	$1,073.70	$1,118.70	$1,197.30	$1,252.50	$1,296.90	$1,330.80	$1,374.90	$1,420.80	$1,530.90	$1,530.90
W-3	815.10	884.10	884.10	894.90	905.70	972.00	1,028.70	1,062.30	1,095.90	1,128.60	1,163.70	1,208.40	1,252.50	1,296.90	1,296.90
W-2	713.70	771.90	771.90	794.40	838.20	884.10	917.40	950.70	983.70	1,018.20	1,051.50	1,084.80	1,128.60	1,128.60	1,128.60
W-1	594.60	681.90	681.90	738.60	771.90	805.50	838.20	872.70	905.70	939.30	972.00	1,006.80	1,006.80	1,006.80	1,006.80

ENLISTED MEMBERS

Pay grade	Years of service computed under sec. 205														
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]	0	0	0	0	0	0	$1,018.50	$1,041.60	$1,065.30	$1,089.90	$1,113.90	$1,135.80	$1,195.80	$1,311.60	$1,311.60
E-8	0	0	0	0	0	854.70	878.40	901.80	925.50	949.50	971.70	995.70	1,053.90	1,171.80	1,171.80
E-7	$596.70	$643.80	$667.80	$691.20	$715.20	737.40	760.80	784.80	820.20	843.30	867.00	878.40	937.50	1,053.90	1,053.9
E-6	515.40	561.90	535.30	609.60	632.70	656.10	679.80	715.20	737.40	760.80	772.80	772.80	772.80	772.80	772.8
E-5	452.40	492.60	516.30	538.80	573.90	597.30	621.30	643.80	656.10	656.10	656.10	656.10	656.10	656.10	656.1
E-4	435.00	459.30	486.00	524.10	544.50	544.50	544.50	544.50	544.50	544.50	544.50	544.50	544.50	544.50	544.50
E-3	418.20	441.30	459.00	477.00	477.00	477.00	477.00	477.00	477.00	477.00	477.00	477.00	477.00	477.00	477.00
E-2	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60	402.60
E-1	316.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20	361.20

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[1] While serving as sergeant major of the Army, master chief petty officer of the Navy or Coast Guard, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, basic pay for this grade is $1,594.50 regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code.

PART II—BASIC ALLOWANCE FOR SUBSISTENCE RATES

Officers: $53.05 per month.

Enlisted Members:

When on leave or authorized to mess separately: $2.53 per day.

When rations in-kind are not available: $2.85 per day.

When assigned to duty under emergency conditions where no messing facilities of the United States are available: $3.79 per day.

PART III.—MONTHLY BASIC ALLOWANCE FOR QUARTERS RATES

Pay grade	Without dependents	With dependents
Commissioned officers:		
0–10	$255.30	$319.20
0–9	255.30	319.20
0–8	255.30	319.20
0–7	255.30	319.20
0–6	234.60	286.20
0–5	219.60	264.60
0–4	198.00	238.80
0–3	175.50	216.60
0–2	153.60	194.70
0–1	120.60	156.90
Warrant officers:		
W–4	191.10	230.40
W–3	172.20	212.40
W–2	151.80	192.60
W–1	137.40	178.20
Enlisted members:		
E–9	144.90	204.00
E–8	135.00	190.80
E–7	115.80	178.80
E–6	106.20	116.20
E–5	102.60	153.60
E–4	90.30	134.40
E–3	80.10	116.10
E–2	70.80	116.10
E–1	66.60	116.10

SCHEDULE 5.—*Vice President and the Executive Schedules*

Vice President	$65,600
Level I	63,000
Level II	44,600
Level III	42,000
Level IV	39,900
Level V	37,800

SCHEDULE 6.—*Congressional salaries*

Senator	$44,600
Member of the House of Representatives	44,600
Delegate to the House of Representatives	44,600
Resident Commissioner from Puerto Rico	44,600
President pro tempore of the Senate	52,000
Majority leader and minority leader of Senate	52,000
Majority leader and minority leader of House of Representatives	52,000
Speaker of the House of Representatives	65,600

SCHEDULE 7.—*Judicial salaries*

Chief Justice of the Supreme Court	$65,600
Associate Justices of the Supreme Court	63,000
Circuit Judges	44,600
District Judges	42,000
Judges of the Court of Claims	44,600
Judges of the Court of Customs and Patent Appeals	44,600
Judges of the Customs Court	42,000
Commissioners of the Court of Claims	37,800
Referees in Bankruptcy (full-time)	37,800

BURDENS CREATED BY REGULATIONS OF FEDERAL AGENCIES TO BUSINESSES

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, in recent years, Congress has enacted legislation which often produced a greater regulatory burden than was intended.

A classic example was the Real Estate Settlement Procedure Act of 1974. The problems of this law were such that Congress had to undo in 1975 what it had done in 1974.

In an attempt to discourage land fraud schemes, Congress passed the Interstate Land Sales Full Disclosure Act. However, in order to comply with the regulations adopted by the Department of Housing and Urban Development, an individual developer must spend literally hundreds of hours completing forms and providing information.

In an effort to provide income security to employees, Congress enacted the Employees Retirement Income Security Act. However, small businessmen find themselves inundated with forms and paperwork in an effort to comply with the regulations promulgated under this act. As a result of this regulatory burden, small businessmen are electing not to continue their pension plans.

The following is only a partial list of regulations which directly affect small businesses with the end result being a higher product cost to the consumer:

REGULATIONS AND DEPARTMENT OR AGENCY

Miscellaneous Deceptive Advertising Rules, Federal Trade Commission.

Retail Food Store Advertising, Federal Trade Commission.

Care Labeling, Federal Trade Commission.

Cooling-off: Door-to-door Sales, Federal Trade Commission.

Negative Option Plans, Federal Trade Commission.

Preservaiton of Consumer Claims and Defense Regulations, Federal Trade Commission.

Holder in Due Course Regulations, Federal Trade Commission.

Indirect Source Regulations, Environmental Protection Agency.

Parking Management Regulations, Environmental Protection Agency.

I have received a letter from one of Georgia's outstanding businessmen, one who does not complain about his government but who supports it and offers constructive criticism wherever and whenever possible. Mr. Rawson Haverty's letter articulates to a very enlightening degree the problems confronting businessmen at all levels and especially small businessses about the burdens created by the regulations of Federal agencies.

I include Mr. Haverty's letter with my remarks at this point in the RECORD:

HAVERTY FURNITURE COMPANIES, INC.,
Atlanta, Ga., May 12, 1976.

Hon. PHIL H. LANDRUM,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR PHIL: I write this with mixed emotions.

First, to tell you how distressed I am that you will be leaving the Washington scene. You have, over the years, represented this State, its people, and the Country in an outstanding manner; and, while I am pleased for you in that you will have some respite from the enormous pressures of that arena, you will be greatly missed. I harbor serious concern in that you and some of your close associates are leaving.

Then, as a second thought, I would like to point out to you some of our current problems—namely, that the rules and regulations of the federal bureaucracy have expanded beyond the point of acceptance. They are more than just harassing—they are dangerous. They are counterproductive. The trend needs to be stopped and reversed—not slowly; not after long debate—but promptly, with strong action and with deliberate, intense follow-up to insure that such a course is indeed pursued.

Our companies have, for many, many years, been actively associated with our furniture association and with the national retail federation so that we are aware of the actions taken. We have, to the best of our ability, seeen that retailing's viewpoint is presented to the various agencies involved. We are doing the best that we can to see that those laws passed by Congress can be administered in a logical, acceptable way—but we are losing the fight.

The recent and continual flow of consumer protective legislation is overwhelming us.—I don't really mean that. We are a good organization; we are adaptable—we will live with it, if necessary. But, the legislation is, in concept, wrong, damaging, and improper. There is so much of it that I am not being specific on any point; but I will include with this just a few samples—and a very few of our problems.

Please note that Leonard Gay of our organization (and you know Leonard) is actively heading the retail flight in the instance of the FTC's excursion into creating a new body of law.

Please note, also, the April 28 bulletin from our Association, notifying us that immediately we must include on every one of our customer invoices a statement in 10 point bold face type which is to any normal customer totally meaningless.

Without being facetious, I point out that not but a few years back a sales ticket was made up primarily of blank spaces upon which the salesman would write the individual items ordered. Now that same sales ticket is almost totally covered with warnings, required notices—much of it in large type—most all of it meaningless to a customer and never read—all to the end that there are now on our sales contracts very few spaces on which to write the merchandise purchased.

There are not too many small merchants who have the knowledge, the legal talent, or the patience to put up with this. Any merchant that is going to serve the public for any length of time has got to be honest, or he won't survive. Those merchants who would be crooks would, I think, ignore most of these regulations anyway.

Please forgive this long letter; but I'm not sure our representatives are thoroughly posted on just what the Congress has wrought through its fuzzy laws having to do with consumer protection, equal right, safety, etc. Is there any course that we who are so involved can take to get rid of this plague? I see it closest in my own business; but I see it in the banking business, in my association with the University of Georgia, in the insurance business—and the hospital business is almost inundated.

I appreciate your patience in hearing me and would appreciate any advice and counsel that you might have.

Very best personal regards.

Sincerely,

RAWSON HAVERTY.

ORPHANS OF THE EXODUS

(Mr. HYDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HYDE. Mr. Speaker, all of the nations which signed the Helsinki Final Act, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries.

Because the Soviet Union is not living up to that promise, Members of Congress are conducting a vigil on behalf of the families which remain separated.

A case history of these families entitled "Orphans of the Exodus" dramatically details this tragic problem. Those who have originated the book "Orphans of the Exodus" deserve special mention. They include Jonathan Schenker and members of the South Florida Conference on Soviet Jewry: Margery Sanford, Tina and Morton Freiman, Myriam and Robert Wolf, and Prof. Irving Dalin.

At this time I would like to bring to the Members' attention the situation of the Lazaris family.

Vladimir Lazaris is a 29-year-old Soviet lawyer. He is presently unemployed, having worked formerly in the patents bureau of the Scientific Research Institute of New Building Materials in Moscow.

In 1973 Mr. Lazaris' wife, Esther, and their infant son, Raphael, received exit visas for Israel, but Vladimir was not permitted to leave with them. Although the prospect of separation was a painful one, the young couple decided that it was best for Esther and Raphael to leave while they had the opportunity to do so, and to hope that Vladimir would be able to follow in a short time.

That hope has not been realized. Vladimir's applications to emigrate continue to be rejected, purportedly on the ground that, as a result of his employment at the research institute, he is privy to secrets—the disclosure of which would be extremely detrimental to the national interest of the Soviet Union. The fact of the matter is that Vladimir's job was essentially ministerial and involved no exposure to sensitive security materials or information.

In what has become a characteristic tactic of harassment with respect to most applicants for exit visas, Vladimir has been summarily fired from his job, thus adding severe economic hardship to the serious emotional burden which confronts him.

And, as if these oppressive measures were not enough, Vladimir has been threatened with criminal prosecution for anti-Soviet activity—relating ostensibly to an appeal made by him to the International Association of Jurists concerning the celebrated case of Dr. Mikhail Shtern.

Apart from thwarting the natural desire of Vladimir to be reunited with his loved ones, his inability to leave the Soviet Union has caused particular anguish to the Lazarises because of the fact that there son is retarded.

Following are excerpts from a medical report prepared in November 1974, by an Israeli physician describing Raphael's condition:

> The above named child has been under our care since the age of 17 months. He had been referred to our center for assessment because of delayed development, a condition attributed to asphyxia at birth.
>
> The burden of home treatment and care for the child has fallen exclusively upon the mother. It seems to us imperative that the child's father be permitted to join his family in order to share the responsibility in caring for this handicapped child.

Raphael's medical problems have not abated, and, in recent months, he has been hospitalized due to frequent spells of unconsciousness.

Vladimir and Esther Lazaris are anxious that their plight be publicized as widely as possible outside the Soviet Union, in the hope that the steady pressure of world opinion may speed the family reunification which they so desperately need and desire.

SEVENTY-FOURTH CUBAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 60 minutes.

Mr. PEPPER. Mr. Speaker, on May 20, 1902, Gen. Leonard Wood turned over the authority of the government in Havana to the newly elected government of the Republic of Cuba and for the first time the Cuban flag of freedom was raised over that land which had been called the jewel of the Caribbean. The United States became associated with the effort of the Cubans for independence in 1892.

Along about that time there arose one of the great leaders of liberty, one of the great fighters for freedom recorded in human history, the great Jose Marti. He raised the banner of freedom; he began the fight for the liberty and independence of the Cuban people, and aroused their determination to throw off the shackles of Spanish tyranny and become a free and independent people.

But, on account of the persecution of the Spanish Government, Joe Marti had to flee his beloved country. He took up residence and supported his activity in New York City, in our own land. Thereafter, for many years he organized Cubans all over America. He contacted Cubans in other countries; he coordinated their efforts in the fight for freedom. He made available funds to aid the cause of those who were waging that battle, and came to be regarded as the great George Washington—as we would say—the great hero of the effort to obtain the freedom and liberty and independence of the great Cuban people.

Later on, this great man, landing in Cuba with a strong, determined force seeking to free the people of Cuba from the yoke of Spanish tyranny, was ambushed with his unit by Spanish military forces and killed. But, as has been said by a great Cuban historian, Jose Marti died but a free Cuba was born.

That freedom was enjoyed by the people of the Republic of Cuba with growing enhancement and satisfaction and prosperity, growing in closer friendship with the United States, greater recognition among the nations of the world, a more prosperous and satisfying life for the people of that great republic, until in 1959 communism, in the deceitful person of Fidel Castro, took over the reins of government in that great republic and fastened the chains of tyranny and the heinous practices and doctrines of communism upon that great people.

Gone were the rich rewards of their long struggle for freedom and independence and liberty; the kind of personal liberty that makes life meaningful and worthwhile. Gone were the sacrifices of all those who so gallantly and bravely fought in the Ten Years War to free the Cuban people from the shackles of Spanish tyranny. Gone were the sacrifices of those in an earlier war to gain that independence that was so fitting to the hearts and the aspirations of the Cuban people. Communism, with the tyranny of a dictator directing it, had fastened itself upon this beautiful isle, only 90 miles from the shore of our own beloved country.

Fidel Castro, as was characteristic of communism, came in deceitfully and falsely, claiming he was not a Communist; claiming he would give the people liberty and freedom; claiming he would allow the people of Cuba free elections; that their government would be a free government; that it would be a better government than that which was presided over by Batista and some of his predecessors.

I well remember, as I am sure many of my colleagues do, when Fidel Castro spoke to the American Society of Newspaper Editors here in Washington. He rebuked and upbraided the newspaper editors and the people of the United States for saying that he was a Communist; denying that he was a Communist; proclaiming that he was seeking to improve the lot and better the life of the people of Cuba, and that they had done him a grave injustice by calling him a Communist.

Later, he cynically admitted that all of those assertions were lies, that he had always been a Communist and that he was fostering communism upon the island of Cuba.

I do not know why we were not better informed, if we were ignorant of his being a Communist. He had participated in an uprising in the capital of Colombia, at Bogota. General Marshall, the Secretary of State, was there. Much blood was shed. Castro was one of the active leaders in that effort that was made by the Communists and the violence that ensued from that struggle. I do not know why we did not know more about his record and why we did not forbid the aid that went to his assistance from the United States, much of which went from my own State of Florida, and why we ever allowed him to take over power in the Republic of Cuba, which is so near to our shores and so meaningful to our security and our self-interests. But we did.

I think it is one of the great mistakes that our country has made, and that history will so record, but nevertheless Castro was in power. He asserted the usual authority of a Communist dictatorship. He immediately began to eradicate his enemies, killing them right and left, shooting them without the slightest justification, torturing others in his prisons, incarcerating thousands in his foul prisons where they were denied the decencies of life, leading in many instances to the death of those confined robbing them of their substance.

People of honor and repute and good character in his country suffered simply because they would not enbrace his foul doctrine of communism. He drove into exile those who did not become assimilated into his dastardly Communist regime he perpetrated every kind of violation of personal liberty and freedom.

He denied the freedom to the press or any of the media and otherwise imposed a cruel, tyrannical, foul, heartless dictatorship upon that brave and gallant people who had just not too long before fought so long and so bravely and made such sacrifices to gain the freedom that they so long cherished and so much loved.

When Castro came to power right away he in substance violated what we used to enforce—the Monroe Doctrine by bringing Russia, into the control of his country.

We are told that Russians give $1 million a day to support the economy of Castro's Communist Cuba.

We know that large numbers of Russian troops are quartered in Cuba. We know that many Russian ships are constantly there. We know that Russian ships are using that Cuban base to spy upon America's activities in order to determine what they can do to undermine our own freedom, our liberty, and our independence. We know that for the first time the Russians have found in Cuba a base in the Western Hemisphere where they can quarter their ships and their troops.

We know that President Kennedy on behalf of our country risked a nuclear war in order to get the missiles that were installed there out of Cuba, the missiles that could have reached our country and that were installed there by the Soviet Union for the purpose of intimidating America and upsetting the nuclear weapons balance then existing between the United States and the Soviet Union; and finally the brave and persistent efforts of President Kennedy on behalf of our country, with the support of our Congress and our people, required Russia to humiliate itself before the world and remove those nuclear weapons and take them back to Russia.

Whether today we could make them do the same thing I do not know. If we have allowed Soviet military power to become superior to our own in any meaningful respect, it is a tragic mistake on the part of our Government and our country, because Russia seeks today in my opinion nothing less than the military supremacy of the world and seeks to become the dominant military power on the face of the earth, with all the diplomatic and other incidents which derive from such superiority of military power.

Mr. Speaker, I want to save money and I want our people to be lightened of the tax burden that they have to bear, but all of us who love America do not want to save the taxpayer's money at the jeopardy of the taxpayer's freedom and jeopardizing the liberty and the independence of this beloved country of ours which has existed now for two centuries as the beacon light of freedom and liberty for all the nations and peoples of the world.

All that could be destroyed and lost if we allow communism and its power to become preeminent, just as that freedom that was so hard won by the Cuban people in 1902 was lost in 1959 because Fidel Castro and communism were able to dislodge a democratic regime and establish foreign communism and dictatorship in that beautiful isle.

There are some, Mr. Speaker, who say that we should adopt a policy of closer relations with Cuba. There are some who use the word, "'normalize," and say we should normalize our relations with Cuba. There are some who advocate our beginning to act in a more friendly way with Castro.

Mr. Speaker, I believe I express the sentiment of this House and of the American people when I say we will never grasp in friendship the bloody hand of Fidel Castro.

I have wondered why those who go down to Cuba to visit Castro, and to see what he has, never ask him on radio and television, where the coverage would be extensive, "Mr. Fidel Castro, how many people have you murdered? We would like our people back home to know. You are telling us about all of the things you have gained. Now tell us how many people you have destroyed by your own murderous activity. How many people, Fidel Castro, have you got today in your foul prison camps?

"How many do you have employed in forced labor? How many have you robbed of their substance, their lifetime earnings and accumulations? How many have you denied enjoyment of their political and personal rights? How many families have you broken up, destroying members of those respective families?

"What have you done to the media in your country? Can anyone dare to speak the truth in your Communist land about your foul government without running the risk of execution or imprisonment? What about your press? Is it free?

"Right near you, 90 miles away, is another country which has lived for 200 years now, and with God's help, it will survive millennia more. How much of the kind of liberty that the people of America enjoy exists in your regime, in your country?"

Yet, Mr. Speaker, too many of our people, I am afraid, unwittingly add to the propaganda of Castro by going down there and having their pictures taken with him, driving all around and all over Cuba, having him point out the things that he has done which he calls good, having themselves seen on television and heard on radio with Castro, apparently in a sort of friendly way, smoking, apparently enjoyably, the Cuban cigars that he has so generously given them apparently.

Mr. Speaker, I wonder whether those Americans who have visited Cuba in that way are fully aware that there is no criminal in the prisons of America, no criminal foul enough in the records of this land today, with whom they could possibly associate who has committed as many crimes, who has murdered as many people, who has wrongfully imprisoned as many people, who has robbed as many people, who has denied their liberties to so many people as Fidel Castro has. Yet, these fine visitors to Cuba would not like to be seen on television or heard on radio with arch gangsters, notorious criminals of America, who have not committed anything like the amount of crimes that Fidel Castro has committed.

Therefore, Mr. Speaker, I say that we ought to make it clear, and I hope that on this Cuban Independence Day the sentiment of this House is clear, not only to the exiles who have been robbed of their substance and forced from their homes, so many of whom are in my own area of greater Miami, some 200,000 who came with nothing from Cuba, seeking in exile nothing but the enjoyment of freedom and to have the opportunity that free men can enjoy.

Mr. Speaker, I hope, as I say, that those people feel they are supported in their determination to wrest the freedom and independence of Cuba again from a dastardly tyranny, a dictatorship, as their predecessors, their forebears, did so gallantly and so bravely from the tyranny of Spain.

I hope, Mr. Speaker, that not only will they know that those are our sentiments, but that Fidel Castro himself will know, as well, that as long as he, Fidel Castro, perpetrates the sort of crime associated with his regime; as long as he denies their religious, their political and civil liberties, as he has been doing since he has been in power; as long as he continues to propagating the disease of communism in the Western Hemisphere and now in the other nations of the world, particularly the developing nations, trying to convert them to communism, trying to deprive their people of the hope of freedom; as long as he is the symbol of everything that is the antithesis of freedom for the people of the world, the hand, yes, the fist of the United States of America and the people of America will be against him.

There will be no normalization of relations. There will be no lifting of embargoes. There will be no indulging in the kind of thing that you want us to do which suggests a normalization of our relations. We are your enemy because we are the friend of freedom, and you are the antithesis of liberty and freedom.

Mr. Speaker, those people who have so bravely suffered exile and have carried on the fight against Castro will take hope, I believe, from the people and from the sentiment of the Nation here that we are not abandoning them.

We have given almost $1 billion of our substance from this country to the care, the aid, and the assistance of Cubans who have come to this country fleeing from tyranny and Communist persecution by Fidel Castro. They have made a great contribution to the economy of our country wherever they are. They have added immeasurably to the richness of the culture of our own land by adding their own beautiful culture. They have added much in every way to the nobility of our life. We are proud that they have embraced, as they have, our sentiments of freedom, and love for freedom, in this land and that they have become basically in their sentiments Americans of proud Cuban ancestry and tradition.

So, Mr. Speaker, this 20th day of May, 1976, is a vivid and sentimental reminder of the day 74 years ago, nearly three-quarters of a century, May 20, 1902, when Cuba, after so long a struggle, gained its freedom from Spain. It is to many a day of tears for that freedom is now gone. But May 20, 1976, is also to those of faith and courage a day of hope that that freedom which came to birth in 1902 will be born again.

I hope that events will take such shape, that our aid will have such significance, that the efforts of the brave and patriotic Cubans will be so effective that it will be but a short time until, as on May 20, 1902, the flag of freedom shall rise again above that beautiful jewel of the Caribbean and it shall once more be proclaimed to the world that here in this land that God has bountifully blessed with all the material things of life, there is to be found the spiritual enjoyment of the greatest asset known to man, freeedom, liberty, independence, and personal dignity.

So I commend this day to all those who love freedom as a significant day in the hopes and in the aspirations of the people of Cuba.

Mr. ALBERT. Mr. Speaker, I am pleased to join my colleagues on this day, May 20, in commemorating the 74th anniversary of the independence of the Republic of Cuba. This tribute to the freedom and dignity of our southern neighbors is especially appropriate in this year when we in the United States are celebrating the Bicentennial anniversary of our own independence from foreign rule.

The United States was deeply involved in Cuba's long struggle for independence, both during the Ten Years War and the successful struggle which culminated in the victory of the Spanish-American War. After the final defeat of the Spanish, the United States, under the outstanding leadership of Gen. Leonard Wood, undertook the responsibility to rebuild that war-torn country. Roads were rebuilt, fields and sugar mills were put back into productive use, government was reorganized to be efficient and responsive to the people's needs, order was restored, schools and hospitals rebuilt, and yellow fever, which had long periled the island's inhabitants, was eradicated.

Thus it was that the United States helped Cuba win its independence from Spanish rule and helped set it on its course as a new country. For 57 years after Estrada Palma became independent Cuba's first President, Cuba and the United States enjoyed friendly relations based on our common ideals of freedom and democracy and a mutually beneficial trade. Cuba emerged during these years as one of the most stable and prosperous nations of Latin America.

Today Cuba suffers once again the tragedies of an oppressive dictatorship. Many thousands of Cubans have taken refuge in the United States and become enthusiastic and successful new American citizens. Many thousands were not so lucky, being unable to escape. To them, this anniversary is a bittersweet reminder of the freedom once fought for so valiantly, but denied them today.

On this anniversary of Cuban independence, it is fitting that all freedom loving Americans take time to remember the strong historical ties between Cuba and the United States, a history marked by the common pursuit for freedom and justice. We salute the brave patriots who fought so gallantly for a free Cuba, and express our hope that soon Cuba will once again enjoy the fruits of her independence won 74 years ago.

Mr. LEHMAN. Mr. Speaker, it gives me great pleasure to observe Cuban Independence Day today, during our American Bicentennial Year. It is a good time to recall that the Cuban and the American drives for freedom from colonial control were closely linked, and that each people responded generously to the other in times of great need. Indeed, it might be said that the Cuban people saved our Revolution, and we theirs.

During our struggle for independence, Cuban voluntary militia fought against the English in battles at such places as Pensacola and St. Augustine. Moreover, when our Continental Army needed funds to survive and mount the campaign that ended at Yorktown, over 1 million livres were raised in Cuba for the revolutionary effort. The principal donors were the ladies of Havana, some of whom offered their diamonds to help Washington's army. Without them, our revolution might have failed.

The success of the American independence effort was a major factor in encouraging Cuban efforts to win freedom from Spain, although Cuban independence would not come for over 100 years. Throughout the Cuban struggle, the American people sheltered Cuba's exiles and provided funds, supplies, and volunteers. Much of the independence movement was centered in the United States, and Jose Marti, the greatest hero of Cuban independence, founded the Cuban Revolutionary Party in exile in New York. The determined efforts of Marti and other Cuban patriots, and the brutal responses of the Spanish generated great sympathy in the United States, and funds, volunteers, and expeditions to Cuba continued through the last rebellion, begun in 1895.

The destruction of the U.S.S. *Maine*, the Spanish-American War, and the Treaty of Paris ended Spanish domination of Cuba, and, after a period of reconstruction of the shattered island under American trusteeship, Cuba became at last a free republic. On May 20, 1902, the Cuban flag was unfurled and a new nation was born.

Mr. Speaker, today, 74 years later, we should again remember Cuba's part in our independence and the close fellowship between our nations through so much of our history. And, in the spirit of the Bicentennial of our own independence, we should remember with honor and respect the Cuban people who struggled so long to win their freedom.

Mr. DERWINSKI. I am pleased to join my colleagues in commemorating the 74th anniversary of the attainment of Cuban independence from Spain. It was more than seven decades ago that the Cuban people fought and won their independence; yet it was just 17 years ago that many thousands fled their homeland when Castro imposed his Communist dictatorship.

To the Cubans in the free world the anniversary of their independence inspires them to continue their efforts so that freedom might once again be returned to Cuba. I am sure that the millions of Cubans suffering under the Castro dictatorship also retain their longing for freedom.

In 1902, the Cuban people secured their independence from 400 years of Spanish rule. During the Spanish-American War, the United States helped Cuba win this independence from colonial rule and assisted the Cuban people in their first years of self-rule, under the leadership of Thomas Estrada Palma.

We can be proud of the role we have played in support of an independent Cuba. We must, however, continue to press for the attainment of true freedom in Cuba and continue to recognize the heroism and courage which has kept the dream of freedom alive in the hearts of the Cuban people.

The same desire which led the Cuban patriots 74 years ago to fight for independence has not dimmed. Thousands of Cubans still continue to work for the precious freedom of their homeland. As we celebrate our own anniversary of independence, we must continue to share with all Cubans their desire to be truly free.

Mr. Speaker, we should continue to work for change in Cuba and toward the recognition of the basic human rights of all of her citizens and the return of control to their hands. On this anniversary, we express our admiration for the great Cuban people and pledge our support in their continuing struggle for liberty in order to end the Communist intrusion into the Western Hemisphere.

Mr. FASCELL. Mr. Speaker, today, May 20, marks the 74th anniversary of the independence of Cuba. I would like to pay tribute to these people who so valiantly struggled for the freedom of their small, yet important country and to express my hope that in the near future the Cuban people will be allowed to live again in the liberty for which they fought for so long.

The first day of independence, May 20, 1902, must have lifted high the spirits of the Cuban people, after struggling against strong Spanish opposition for so many centuries. Independence was the reward not only of the able leaders—Maximo Gomez, Antonio Maceo, and Jose Marti—but also for the citizens whose perseverance was a source of inspiration to people throughout the world.

The first day of independence was also a day for rejoicing, and despite the tyranny which paralyzes Cuba today, it is still a day of happiness; for today marks the anniversary of an attitude toward other persons that no amount of repression can crush.

At the end of last year there was much speculation that United States-Cuban relations would be "normalized." Since the autumn of 1975, the move toward a reconciliation has been seriously damaged by matters which have carried the two countries into heated confrontation. Cuban imperialism in Angola; Cuba activities for the independence of Puerto Rico; and Cuba's position in the United Nations concerning the passage of the resolution equating Zionism with racism have destroyed any immediate efforts toward improved relations.

Ironically, before these Cuban moves, the Organization of American States had ended its 11-year-old trade and diplomatic boycott of Cuba and the United States removed restrictions from U.S. firms doing business with Cuba.

At the same time, Cuban Prime Minister Fidel Castro was indicating his support for improved relations, welcoming Members of Congress, reporters, sports personalities and others. The moment for rapprochement seemed so close.

But now we learn that Castro is still Castro. There is evidence to support the claims of some Latin American governments that Cuba was involved in subversive affairs in their countries. This was the case in Chile, Uruguay, and Paraguay.

Furthermore, the Cuban government is holding anywhere from 20,000 to 50,000 political prisoners in its jails. In addition, the Cubans have not shown any signs of permitting free emigration.

Presently Castro's forces are functioning in Angola with Russians serving as technical and political advisers.

Castro has managed to stifle the economy of Cuba to the point where her gross national product has actually declined and she is totally reliant on Soviet hand-outs to prevent collapse.

Mr. Speaker, while I do not support any basic change in our policy towards Cuba, I find it disheartening to think of those innocent people who are captives in their own land, who must suffer the hardship and cruelty of their captors. Their ancestors fought for peace and independence, but now they see their land exploited by a regime which dictates hatred, bloodshed and terror. I hope we in this Chamber will be able to pause some May 20 and extend warm greetings to the people of a truly free and independent Cuban nation.

Mr. ROGERS. Mr. Speaker, today, thanks to the efforts of my distinguished colleague from Florida, Claude Pepper, we once again take time to honor the 74th anniversary of the independence of the Republic of Cuba. I want to commend the gentleman and join with him in his statement commemorating the 74th anniversary of Cuba's independence.

Mr. Speaker, May 20 is a very special day for Cubans and Americans. On that date in 1902, the flag of independence was first raised at the city hall in Havana and at El Moro Castle. On that date Cuba became a free country.

It is with a sense of sadness and irony that we commemorate this anniversary—sadness for the thousands of refugees who, although able to celebrate this Independence Day in this country, must leave behind fellow countrymen and families who remain captives in their own land.

And it is with a sense of irony that we commemorate the independence of a once proud country which is now ruled at the whim of the strictest of dictators and which has become economically and politically dependent on the most aggressive and powerful of totalitarian systems, the Soviet Union.

But I would submit, Mr. Speaker, that the proud spirit which enabled the achievement of independent rule in Cuba after decades of struggle, and which endured for 50 years before Castro, is still very much alive in the hearts of millions of Cubans. It is this spirit of fierce independence which drove the victims of Castro's rule to take to tiny boats and rafts in the middle of the night on the perilous 90 mile journey across the straits of Florida.

I salute these proud people for the courage they have shown in surmounting such difficulties to gain entrance into the United States and for the courage they have shown in building a new life in a new country. We acknowledge, too, the contributions they have made to their adopted land.

The commemoration of Cuban Independence Day serves to remind us all of the fragile character of freedom and of the necessity to be on constant guard to protect and defend the rights we hold to be sacred. I am hopeful that this administration and the State Department will give more attention to the problems of this hemisphere and that in the future Cuban Independence Day might have a real meaning once more for the more than 8 million Cuban people.

Thank you, Mr. Speaker, for this opportunity to add my voice to those celebrating Cuban Independence Day.

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask uanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record upon the subject of Cuban Independence Day.

The SPEAKER pro tempore (Mr. Richmond). Is there objection to the request of the gentleman from Florida?

There was no objection.

OUR "ELECTORAL SYSTEM" IS DESTROYING OUR REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Talcott) is recognized for 15 minutes.

Mr. TALCOTT. Mr. Speaker, we are on the eve of the restoration of the Federal Election Commission. It is "payoff time" for the Presidential candidates from the Federal Treasury. Turbulence boils in the various primary delegate selection conferences, State conventions, and elections. The news media are engaged in "free for all" reporting about the myriad candidates and their tribulations ad nauseum. We in the public must tolerate the exacerbation of our minds, the boredom of our interests, and insults to our intellect, the deadening of our sensibilities, and the degradation of our ideals.

Now is an appropriate time to consider the horrendous amounts of time, energy, talent, and money wasted on our primary elections. We ought to contemplate the chaos and turbulence the various delegate conventions and primaries have caused. We should weigh the untold confusion and disillusionment these preconvention activities have generated. We should insist on reform.

Beyond the waste, confusion, and disillusionment, we are degrading our electoral system and destroying our representative form of government.

Extended, protracted primary campaigns debilitate, stall, weaken, and distort most government functions.

Legislative, administrative, even judicial functions are postponed, skewed, or manipulated awaiting a more fortuitous political situation or time.

Senate confirmation proceedings have already begun to slow in order to better evaluate the "political potential" or exploit "trading" opportunities.

Legislation is forced to the floor in a form purposely designed to invite a veto for political consumption with little regard for the validity or beneficiality of the legislation for the people.

Nineteen, or so, Presidential candidates attack the President's positions and sound U.S. policy, often from several predesignated sides, often with preplanned collusion. The obvious purpose is to score political points in a particular primary with complete disdain for the harm or jeopardy such political tactics may cause our international reputation or our future foreign policy positions.

Some statements are actually so outrageous they could precipitate hostilities or cause other nations to initiate preemptive or premature action or do other irreparable harm to our Nation or allied nations.

Twice a week at least, during primary campaigns, devastating examples occur: from "Send troops to Panama" or "Withdraw our surveillance from the Sinai" to "discontinue SALT" or "abandon détente."

Candidates seem to be driven to make sweeping, profound, and comprehensive statements on every subject during political debate simply because they are a candidate. This compulsion is greatly expanded during primary elections while most candidates still have no sense of responsibility or accountability.

If the candidates do not make jingoistic statements on purpose, the public officials overreact or make statements which are misconstrued or which slip by misadventure. If none of these unfortunate situations occur, some enterprising reporter or interviewer will badger a candidate or office holder until he mistates a position, discloses a confidential agreement, embarrasses an ally or abets an enemy.

International relations, especially, and domestic functions slow perceptibly during political campaigns. Negotiations stagnate. Progress stalls. Improving relationships sour for lack of nurture. Contracts are postponed.

Past officials come out of the woodwork to be quoted or interviewed—usually to criticize in some way intended to be harmful. New aspiring candidates appear from everywhere, mostly with little knowledge, experience, training or background; but they receive "equal time" or "curious attention" or are used to fill in space or time slots.

All of this adds to the confusion, disillusion and degradation of our policies, systems and self-esteem much more than it instructs, informs or builds respect or confidence in ourselves or our Republic.

Americans unfortunately are politically perverse. Opponents specialize in tearing each other down. Supporters specialize in "dirty tricks." Candidates who excell in expressing discontent attract the largest headlines. Those who find fault, criticize, carp and condemn receive the most attention and space.

The political writers play to the instincts of self-flagellation and political, social, and personal machinism. Writers with no political or governmental background join the political "free for all" during primary campaigns. Political parties, and their supporters, too often accuse and condemn each other rather than emphasize their own strengths and positive positions. Politicians, during elections, simplify issues that are not simple and should not be simplified. During campaigns, politicians resort to cliches when cliches do not explain but more often distort and confuse.

Special interest and pressure groups roll out their heavy weapons during campaigns and actually distort and misrepresent—often intentionally. During these campaign periods when we hurl the unsubstantiated charges and countercharges we demean politics, we degrade our political system, we confuse and anger the electorate and we harm our Republic.

After many months of intense and continuous condemnation, criticism, fault finding, and cynical badgering—which is not representative of our real life or our honest beliefs—it is difficult and unnatural to resume decent relationships, to return to normal gentle behavior or restore an atmosphere of civility or love for one another. Oftentimes opponents never resume civil relationships after long and bitter campaigns.

Extended and protracted political campaigns expand these distortions and exaggerate these unfortunate and inaccurate characteristics.

All of this unreal behavior, and these distorted personal and political relationships, can be ameloriated by greatly shortening the protracted primary campaigns.

A new law should prohibit any primary for any public office prior to the first Tuesday after the first Monday in September before the general election in November.

If we shorten, or telescope, the duration of political campaigns we will greatly reduce the waste of time, energy, and money of the candidates as well as that of their supporters.

Furthermore, we will reduce the exacerbation and boredom of the public and voters. Corruption will be commensurately reduced. Disruption and degradation of the functions of government will be proportionately reduced also. The attacks and damage to public policy positions and the consternation of our friends and allies will be ameliorated. Our enemies will have fewer opportunities to misunderstand or misperceive us.

Most nations of the Earth conduct fair and successful elections in less than 45 days. We should be able to do even better in less time with our superior means of travel, communications, and electoral facilities.

Candidates outbidding each other in the "political promising sweepstakes" can lay the groundwork for new governmental programs and increased governmental spending that are certain to cause another New York City fiasco or bankrupt all future generations of working American citizens.

Most of the election reform to date has been phony. Most of the new regulations help one special interest group or another.

There is practically no control on political spending. There are so many loopholes in reporting that only the conscientious are constrained and the most innocent are likely to become ensnared and indicated.

The most serious and flagrant election abuses have not even been addressed, let alone corrected or restrained by sanctions.

Failure to disclose election contributions and expenditures are greater than compliance or disclosure. "In kind" contributions, if properly reported, would exceed money contributions, but practically no "in kind" contributions are reported in many campaigns.

A simple solution would require each candidate to have only one fund, into which all contributions are credited and all expenditures debited every Friday at 5 p.m. Every businessman must account every week. It would be no more difficult for every candidate and his committee to do so also. Such reports should be filed weekly so that the public can examine the reports in a timely manner. Otherwise why report long after the fact, or at all.

Full disclosure is more instructive and valuable than limitations. Timely disclosure and monitoring would be the least corruptive, the easiest to audit and enforce, and the most difficult to avoid compliance.

The most corruptive and distortive campaign practice permitted in our present system is allowing outside special interests, people, and money to influence our elections.

We are very scrupulous to prohibit any person from outside an electoral district—whether city, State, or Federal—from voting. Our undiluted vote is sacrosanct. Remember "one person, one vote"? Why should we permit any person from outside an electoral district from trying to influence that precious vote with money, workers, or "in-kind" contributions? Conceptually, politically, and practically we should not. Only long neglect, and the domination of our electoral system by powerful special interest groups, have permitted a perpetuation of this alien, malrepresentative, and nondemocratic practice of outside influence of our voting power.

If we want to permit representatives—local, State, or Federal—to be elected "at large" then we should require them to run "at large," solicit "at large," accept contributions and help "at large." If this is our purpose, we should enlarge the electoral boundaries to include all the outsiders who now swarm into certain electoral districts to overwhelm the local voters. I reject this objective.

The "at large" concept is the antithesis of representative government. We should elect our representatives of, by, for, and from the people they actually represent. The consensus of all the representatives, so elected, will reflect the necessary State, regional, or national views.

It is unfair and un-American for people, money, and other contributors to swarm into another electoral district at election time in an attempt to "buy" a seat, or dominate a political office. It is especially wrong, and corruptive, for special interests to "load up" to try to "buy" or influence a U.S. Senate election in a small State just because it is cheaper than buying a senatorial election in a larger State. Citizens of small States should especially resent this intrusion into their electoral affairs by purchase and special interest which may differ significantly from, and grossly distort, the true interests of that smaller State.

The same is true of every congressional district. All districts differ in some way. Some are quite diverse. None should be heavily controlled or influenced by powerful, wealthy, outside special forces.

Huge influxes of money, people and other contributions during elections do nothing but distort and dilute the political weight of the voters who live and work in that electoral district. This is unfair. This violates our representative system. This wastes money, time and effort. This invites and increases corruption and undue influence. This confuses our system. This makes election law enforcement difficult, if not impossible. This is un-American.

A law which prohibits any contributions from outside the electoral district would be simple to draw, understand, enact and to enforce.

Extended and protracted primary campaign periods compound the problems, the distortions, the confusion, the misrepresentations, the waste of time, energy and money, the bitterness, the cynicism, the boredom and the prolongation of our return to normal and necessary work and civil personal relationships.

We can accomplish the total objectives of our primary system and practices and do it even better, in much less time.

To improve our system, and to obviate the faults of our primary campaigns, I urge the Congress to enact a new election reform law which will:

First, telescope—shorten—the time of political campaigns so that no primary is permitted prior to mid-September.

Second, require all candidates to conduct all transactions from one political fund only.

Third, require a regular, complete weekly report of all contributions and expenditures.

Fourth, prohibit all contributions of all kinds from outside an electoral district.

Fifth, establish a single nonpartisan independent commission to monitor, audit, report and enforce all election laws.

With these five simple reforms, we could greatly simplify, improve, and obviate the need for all the other complicated and confusing rules and regulations which now overburden and discredit our electoral system.

A BILL TO ESTABLISH A COMMISSION ON HUMAN RESOURCES PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SHRIVER) is recognized for 10 minutes.

Mr. SHRIVER. Mr. Speaker, I am today introducing legislation to establish a Commission on Human Resources programs, an independent, 2-year body designed to provide a much-needed review of the fastest growing segment of the Federal budget. No later than 2 years after the creation of this Commission, it would be required to make concrete recommendations to the Congress and the executive branch for eliminating duplicative human resources services and activities, consolidating similar services, reducing the costs of such services, and filling the gaps those services are not now meeting.

I realize that this is the season for legislative responses to the anti-Government, anti-Washington feeling which seems to prevail in this country, and that responses have been proposed. I would support the concept of a sunset bill recently reported by a Senate subcommittee under which all Federal agencies would be subject to 5-year reviews. I also would have no serious objections to a process of "zero-base budgeting," which I understand has the same intent of eliminating any Federal agencies which have outlived their usefulness.

At the same time, I believe there is a need in the area of human resources spending by the Federal Government for a functional review which cuts across agency and departmental lines. As a member of both the human resources task force of the Budget Committee and the Labor-Health, Education, and Welfare Subcommittee of the Appropriations Committee, I am especially aware of the problems involved in trying to get a clear picture of what the Federal Government is doing in the fields of education, health, manpower training, social services, income security, veterans benefits and services, and the various programs originally authorized by the Economic Opportunity Act of 1964 and the Domestic Volunteer Service Act of 1973.

Take education for example. The President's budget for fiscal 1977 included more than $18 billion for education-related programs. I strongly support Federal assistance for education, just as I supported adequate State and local spending for education as a member of the legislature of my State. I do not object to the total amount, but I would like to know more accurately where it is going and what we are purchasing with it. I do not know that now. I do not know if anyone does.

Education programs are administered by the Office of Education, as we all know, and also by such diverse agencies and departments as the Department of Justice, Defense, the Veterans' Administration, the National Science Foundation, the various health agencies of HEW, the Social Security Administration, the Food and Nutrition Service, the Bureau of Indian Affairs, the National Institute of Education, the Smithsonian Institution, the Department of Agriculture, the Federal Aviation Administration, the Commerce Department, the Corporation for Public Broadcasting, the National Foundation on the Arts and Humanities, and many others, including the Library of Congress.

No single office within the Government is responsible for looking at all of these programs as a whole for the purpose of determining what we are accomplishing in terms of education. The best we do in this regard is a quick glance by the Office of Management and Budget and the Budget Committees of the Congress. And this is just one category of the human resources programs to which my bill is directed. Health programs, manpower training and income security efforts pose equally diffiuclt problems.

Most of us have supported the reorientation of our national priorities toward human resources programs in an effort to meet, or at least alleviate, obvious needs in this country. We have differed in the methods to be used to proceed toward that goal, but we have supported the general direction.

Therefore, it is now our responsibility to start untangling this web we have spun—this web which threatens to cause ever increasing spending without visable results. The proposed Commission on Human Resources programs could be of great help to the Congress and the executive branch in this endeavor.

THE COMMISSION

The bill calls for a Commission composed of 12 members appointed by the President, with Senate consent. The members shall be knowledgeable and experienced in the human resources fields, but none of them shall be employed by the Federal Government. My purpose in excluding Federal officials is to attain the greatest possible independence for the Commission in an effort which by its very nature will require unbiased judgment of existing Federal programs.

The President shall designate one member of the Commission as the chairman and one member as the vice chairman. The Commission would then appoint a staff director, who in turn would acquire the necessary staff to accomplish the responsibilities of the Commission in the authorized 2-year period. The staff would be excepted from the regulations governing Federal employment in the competitive service, again to insure the independence of the Commission.

HUMAN RESOURCES PROGRAMS

The Commission shall investigate existing Federal activities in the following areas:

Education, including elementary, secondary, and vocational education, higher education, education research, and general education aids;

Manpower training or other manpower services;

Social services, including services for older Americans, rehabilitation services for the handicapped, and services provided for under title XX of the Social Security Act;

Health, including health care services, health research and education, prevention and control of health problems, and health planning and construction;

Income security, including general retirement and disability insurance, Federalal employee retirement and disability, unemployment insurance, and public assistance and other income supplements;

Veterans' benefits and services;

Programs established by the Economic Opportunity Act of 1964;

Programs established by the Domestic Volunteer Service Act of 1973.

The general revenue-sharing program would not be included.

DUTIES OF THE COMMISSION

The Commission shall conduct a comprehensive study of all human resources programs in order to:

First, determine areas of duplication or overlapping of services, activities, or functions and the cost of any such duplication or overlapping;

Second, determine areas in which human resources programs are insufficient or lacking;

Third, identify problems incurred by State and local governments in learning about, obtaining, and using Federal assistance made available under human resources programs; and

Fourth, evaluate the efficiency of Federal agencies in administering human resources programs, particularly with respect to:

The dissemination of information concerning such programs to the intended beneficiaries of the programs; and

The complexity of the administrative requirements necessary to obtain assistance under such programs. The study shall include an examination of the overall dollar costs and social benefits of human resources programs.

RECOMMENDATIONS OF THE COMMISSION

After concluding studies in each of the human resources areas, the Commission is to make recommendations for any legislative or administrative actions deemed necessary to eliminate or consolidate any duplicative services, activities or functions, to create additional human resources programs if significant deficiencies exist, and to bring about more efficient administration, and thus lower costs of human resources programs.

The Commission is also to determine the dollar savings or costs to the Federal Government which would result from the implementation of its recommendations.

An interim report on the Commission's work shall be submitted to the President and the Congress after 1 year, and the final report shall be submitted after 2 years. The Commission shall then be abolished 90 days after submitting its final report.

Mr. Speaker, the task I am proposing for the Commission on Human Resources programs is awesome. But this task must be undertaken, and I am convinced that it cannot be done either by the agencies now administering human resources programs or by the congressional committees which created the programs.

After sitting through thousands of hours of hearings dealing with many of these programs, I continue to be impressed with the level of understanding, the wisdom and the dedication of many witnesses outside the Federal establishment in the human resources field. Those are the people I want to serve on this Commission and to serve on its staff. In many cases they have been in strategic positions to recognize the deficiencies which have accompanied the rapid growth of Federal efforts. They have had to deal with the paperwork and the endless regulations dictated by the Federal Government. Perhaps they alone can fully identify the areas of duplication of these Federal efforts and similar State and local programs.

In view of the burgeoning growth of Federal expenditures in each of these categories we cannot afford to delay this important study or to come up with reasonable improvements in these programs, whether they are administered by one or a dozen agencies. This Hoover-type Commission, if established, would have the responsibility of tracking down these functions wherever they are for purposes of evaluation. I am confident that worthwhile human resources programs can survive such an investigation. Those which cannot should be eliminated so that scarce funds can be more closely directed to real needs.

I urge my colleagues to carefully study this proposal. I welcome their comments and suggestions, and I will be requesting them to cosponsor the bill in the near future.

ROLLCALL OF HEROES, 1975–1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 10 minutes.

Mr. GOLDWATER. Mr. Speaker, and my fellow colleagues, please consider these lines from the pen of Thomas Carlyle:

> There is no heroic poem in the world but is at bottom a biography, the life of a man; also, it may be said, there is no life of a man, faithfully recorded, but is an heroic poem of its sort, rhymed or unrhymed.

This is National Police Week, and during this week each year, I believe it is imperative to reflect upon the cost in human life that our law enforcement agencies pay in protecting us.

As noted by Virgil Penn, the Fraternal Order of Police chaplain for the East:

> Many protests have been made on the leniency of our courts and the laxity of parole and probation systems, but still the problem remains. Day after day murderers and other felons are placed on bail or freed outright to continue their assaults on law officers and other good citizens of America . . . the time has arrived to take the shackles from law enforcement officers and place them where they belong, on the criminals.

Harsh words? No. True words. What follows is the highest price that can be paid to protect society from the criminal. Unrhymed, this list of slain police officers from the past year is indeed an "heroic poem":

ROLLCALL OF HEROES 1975–76

Department: State	Date	Rank	Deceased officer
Martinsville: Virginia	Mar. 18, 1975	Deputy	W. Herman Ferguson.
Blue River Lake City: Oregon	Apr. 12, 1975	Detective	Roy H. Dirks.
Puerto Rico: Puerto Rico	Apr. 25, 1975	Narco	Wilbur F. Villaneueva.
Do	do	do	Rafael M. Ortiz.
Jacksonville: Florida	Apr. 27, 1975	Patrolman	Michael D. Stewart.
Puerto Rico: Puerto Rico	May 1, 1975	do	Ismael Cruz Torres.
Do	May 4, 1975	do	Jose M. V. Hernandez.
Cordele: Georgia	do	Officer	Willis R. Haralson.
Georgia H.P.: Georgia	do	Trooper	James David Young.
Berkeley: South Carolina	May 11, 1975	Deputy	(Name not provided.)
Beckley: West Virginia	May 12, 1975	Sergeant	David Lilly.
Hato Rey: Puerto Rico	May 17, 1975	Patrolman	Rafael Hernandez Vasques.
Chicago: Illinois	May 20, 1975	do	Joseph Cali.
Montgomery County: Ohio	May 22, 1975	Deputy sheriff	Randal Kent Richter.
Hampton: Virginia	do	Officer	Mark C. DeCuypers.
Philadelphia: Pennsylvania	May 23, 1975	do	Ronald Trombette.
East St. Louis: Illinois	May 25, 1975	Detective	Manuel Farmer III.
Madison County: Alabama	May 27, 1975	Deputy	Kenneth McDonald.
Davie County: North Carolina	May 30, 1975	do	(Name not provided.)
Forsyth (Clemmons): North Carolina.	do	Captain	Do.
Kentucky State Police: Kentucky	June 4, 1975	Trooper	John W. Hutchinson.
Alorton: Illinois	June 5, 1975	Officer	Arthur Abrams.
Austin: Texas	June 6, 1975	Patrolman	(Name not provided.)
Salina: Kansas	June 13, 1975	do	Jerry R. Ivey.
Gatlinburg: Tennessee	June 14, 1975	Officer	Jerry Dean Huskey.
Phoenix: Arizona	June 16, 1975	do	Gilbert R. Chavez.
Muskegon Heights: Illinois	June 24, 1975	Patrolman	Johnny O. Harris.
Adrian: Michigan	June 25, 1975	Officer	
Oglala (FBI): South Dakota	June 27, 1975	FBI	Agent Jack R. Coler.
Do	do	FBI	Agent Ronald A. Williams.
Hugo, Oklahoma H.P.: Oklahoma	June 29, 1975	Trooper	(Name not provided).
San Antonio: Texas	July 1, 1975	Detective	Do.
Cleveland: Ohio	July 2, 1975	Officer	Edward W. Murray.
San Bernardino: California	July 6, 1975	do	Frank Pribble.
Hato Rey: Puerto Rico	do	Patrolman	Tomas Vega Vasques.
Wolfe City (Hunt county): Texas	July 8, 1975	Officer	Tom Ellis White.
Ypsilanti: Michigan	July 11, 1975	Patrolman	Douglas D. Downing.
Arlington: Texas	July 16, 1975	Officer	Gary Dwaine Harl.
Mohave County: Arizona	July 22, 1975	Deputy	James Michael Lewis.
Atlanta: Georgia	July 23, 1975	Patrolman	Cled Neal Wingo.
Dyersburg: Tennessee	July 25, 1975	Detective	Frank Thomas Maynard.
Maryland State Police: Maryland	Aug. 9, 1975	Sergeant	Wallace J. Mowbry.
Slidell: Louisiana	Aug. 13, 1975	do	Earl L. Alfred, Jr.
Bloomington: Illinois	Aug. 15, 1975	Captain	Donald Owens.
Madera County: California	Aug. 16, 1975	Patrolman	Steven D. Lindblom.
Milwaukee: Wisconsin	Aug. 17, 1975	Officer	Dennis Obradovich.
Firebaugh: California	Aug. 19, 1975	do	Sixto Maldonado.
Knoxville (McMinn County): Tennessee.	Aug. 20, 1975	Deputy	Dan Mull.
Dallas: Texas	Aug. 21, 1975	Officer	Alvin D. Hallum.
Akron: Ohio	Aug. 23, 1975	Patrolman	Gary A. Yost.
Sonoma County: California	do	Deputy	Merrit Wayne Deeds.
Cincinnati: Ohio	Aug. 26, 1975	Officer	William J. Loftin.
Jamesville N.C.H.P.: N. Carolina	Sept. 2, 1975	Trooper	Guy Thomas Davis, Jr.
Puerto Rico: Puerto Rico	Sept. 7, 1975	Officer	(Name not provided.)
Anchorage: Alaska	do	Patrolman	Jonathan Paul Flora.
New York City: New York	Sept. 16, 1975	Sergeant	Frederick Reddy.
Do	do	Officer	Andrew Glover.
Two Rivers: Wisconsin	Sept. 10, 1975	Patrolman	(Name not provided.)
Baltimore: Maryland	Sept. 13, 1975	Officer	Edward Sherman.
Burgaw-N.C.H.P.: North Carolina	Sept. 14, 1975	Trooper	Hugh Richard Griffin.
Long Beach: California	Sept. 15, 1975	Officer	Robert B. Birdsall.
Los Angeles: California	Sept. 22, 1975	do	Vincent L. Leusch.
Apache County: Arizona	Sept. 25, 1975	City marshall	Sam Jaramillo.
Fayette County: West Virginia	Oct. 8, 1975	Deputy	Roger Treadway.
Houston: Texas	Oct. 10, 1975	Patrolman	Richard H. Calhoun.
Round Hill (Nev. H. P.): Nevada	Oct. 14, 1975	Trooper	Gary Gifford.
Ontario: California	Oct. 15, 1975	Officer	Richard Mason Hyche.
Philadelphia: Pennsylvania	Oct. 20, 1975	do	Artimus Johnson.
Sacramento: California	Oct. 21, 1975	do	David Arthur Jack.
Exeter: California	Oct. 22, 1975	do	Thomas James Schroth.
Puerto Rico: Puerto Rico	Oct. 23, 1975	Agent	Felix A. Cruz Rivera.
Virgin Islands: U.S. Territory	Oct. 27, 1975	Patrolman	Patrick Emanuel Sweeney.
Baltimore: Maryland	do	Officer	Timothy B. Ridenour.
Tampa: Florida	Nov. 3, 1975	Patrolman	Anthony Williams.
Boston: Massachusetts	Nov. 6, 1975	Sergeant	Richard F. Halloran.
Puerto Rico: Puerto Rico	Nov. 7, 1975	Patrolman	(Name not provided.)
Bedford Heights: Ohio	Nov. 10, 1975	Sergeant	William Prochazka.
Riverside: California	Nov. 13, 1975	Patrolman	Larry Eugene Walters.
Rhea County: Tennessee	do	Deputy	Johnny A. Swafford.
Margate City: New Jersey	Nov. 16, 1975	Sergeant	Richard L. Himber.
Navajo P. D. (Tuba City): Arizona	Nov. 17, 1975	Patrolman	Burton Begay.
Alabama, Mobile County: Alabama.	Nov. 17, 1975	Deputy	Robert David Stolz.
Do	do	do	David Eugene Beck.
Fort Worth: Texas	Nov. 29, 1975	Officer	Henry Paul Mailloux.
Cincinnati: Ohio	Dec. 8, 1975	Sergeant	Robert A. Lally.
Denver: Colorado	Dec. 10, 1975	Detective	Donald L. DeBruno.
East Cleveland: Ohio	Dec. 11, 1975	Patrolman	Floyd Scott.
Long Beach: California	Dec. 13, 1975	Officer	Frank N. Lewis.
Hagerstown: Maryland	do	do	Donald R. Cline.
New York S.P.: New York	Dec. 14, 1975	Trooper	William V. McDonaugh.
California H.P.: California	Dec. 15, 1975	Officer	
Nassau County: New York	Dec. 16, 1975	Patrolman	Matthew F. Giglio.
Philadelphia: Pennsylvania	do	Officer	William Daniels.
Colorado S.P.: Colorado	Dec. 18, 1975	do	(Name not provided.)
Manitou Springs Sgt. Colorado Springs: Colorado.	do	Detective sergeant.	Do.
Indianapolis: Indiana	Dec. 20, 1975	Officer	Warren E. Greene.
Jourdantown (Atacosa County): Texas.	Dec. 21, 1975	Deputy	Aerl L. Jernigan.
Springdale: Arkansas	do	Officer	John Tillman Hussey.
McComb: Mississippi	Jan. 2, 1976	Patrolman	John Spears.
Alexander City: Alabama	Jan. 6, 1976	do	Clarence Oden Martin.
Winston County: Alabama	Jan. 11, 1976	Deputy	Dennis C. Rowe.
Montclair: New Jersey	Jan. 12, 1976	Sergeant	
Nashville: Tennessee	Jan. 13, 1976	Patrolman	Curtis Jordan.
Jersey City: New Jersey	Jan. 14, 1976	Officer	William G. McCarthy.
Hogdenville, Ky. S.P.: Kentucky	Jan. 21, 1976	Trooper	William F. Pickard.
Danville: Illinois	Jan. 22, 1976	Patrolman	David L. Farnsworth.
Houston: Texas	Jan. 27, 1976	do	George Rojas.
Mansfield: Ohio	Feb. 6, 1976	do	Michael R. Hutchison.
Little Rock: Arkansas	Feb. 9, 1976	A.B.C. agent	Billy Joe Holder.
Ray City: Georgia	Feb. 11, 1976	Chief	James "Ed" Giddens.
Honolulu: Hawaii	Feb. 12, 1976	Patrolman	Larry Stewart.
Los Angeles: California	do	Officer	Zlatko Siatic.
Florida H.P.: Florida	Feb. 20, 1976	Trooper	Phillip A. Black.
University City: Missouri	Feb. 22, 1976	Patrolman	Francis J. Graham.
Nashville: Tennessee	Feb. 23, 1976	do	George Howard Hall.
Philadelphia: Pennsylvania	Feb. 29, 1976	Officer	John Trettin.
Salem: Virginia	do	do	Russell McCurry.
Mason County: West Virginia	Mar. 2, 1976	Sheriff	Elvin "Pete" Wedge.
Do	do	Deputy	Kenneth W. Love.
Do	Mar. 4, 1976	do	Ernest R. Hesson.
Philadelphia: Pennsylvania	Mar. 5, 1976	Officer	James E. Griffin.
South Dakota H.P.: South Dakota	Mar. 9, 1976	Trooper	Verlyn L. Mettler.
Kansas City: Missouri	Mar. 10, 1976	Patrolman	Warren G. Jackson.
Charleston: South Carolina	Mar. 11, 9176	Detective	(Name not provided.)
Lee County: Florida	Mar. 13, 1976	Deputy	Michael D. Yahl.
Indianapolis: Indiana	Mar. 16, 1976	Detective	James Melvin Compton.
Illinois S.P.: Illinois	Mar. 18, 1976	Trooper	Layton Davis.
Chatham: Georgia	Mar. 20, 1976	Patrolman	Patrolman Hodgson.
Montgomery County: Maryland	Mar. 28, 1976	Captain	James R. Daly.
Do	Mar. 29, 1976	Corporal	John M. Frontczak.
Miami Beach (Dade County): Florida.	Apr. 2, 1976	Narco officer	Frank Dazevedo.
Do	do	do	Clarke Curlette.
Do	do	do	Tommy Hodges.
Department of Public Safety: Texas.	Apr. 4, 1976	Trooper	Mark Alan Frederick.
Huston: Texas	Apr. 8, 1976	Officer J	James F. Kilty.
Baltimore: Maryland	Apr. 16, 1976	Patrolman	Jimmy D. Halcomb.
Harlan County: Kentucky	Apr. 17, 1976	Deputy	Wilson McLain.
Columbus: Georgia	Apr. 21, 1976	Patrolman	(Name not provided.)
Marlborough County: South Carolina.	Apr. 25, 1976	Sergeant	Do.
Atlanta: Georgia	Apr. 27, 1976	Detective	Do.
Polk County: Arkansas	Apr. 29, 1976	Deputy	Do.
Durham: North Carolina	do	Patrolman	Do.

THE FEDERAL RESERVE MUST CONTROL INTEREST RATES—OR BUST THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 60 minutes.

Mr. ADAMS. Mr. Speaker, last week during floor debate on the conference report of the first budget resolution for fiscal year 1977, I told the Members that Arthur Burns could bust the budget if he arbitrarily tightened up on the Nation's money supply, thus raising interest rates.

Now, judging from several recent articles appearing in the newspapers, it appears that the Fed is moving to higher interest rates.

I am submitting for the record a number of these articles. One in particular, appearing in the Monday, May 17, editions of the Washington Star under the byline of Lee M. Cohn, explains how Mr. Burns is seeking to frustrate the will of Congress and substitute his judgment for that of the House and the Senate as expressed in the budget resolution we approved last week.

Mr. Cohn writes that Dr. Burns has:

> . . . devised a strategy to tighten credit without making big waves, politically or financially. The strategy is working so far. Credit policy is tightening and interest rates are rising, but financial markets still are functioning smoothly and nobody is denouncing the money managers.
>
> Caution and gradualism are the keys to the strategy. The Federal Reserve is tightening policy in small, barely perceptible steps. Each step is significant and in time will add up to a major policy change, but no single step offers a clear target to the critics.
>
> It is a subtle, probing strategy. If there is a sharp financial or political reaction at any stage, the money managers will back up and wait before moving ahead again.

I want to make it clear to Mr. Burns that these imperceptible changes in policy are not going unnoticed by the Congress. We are watching each of these little steps that he is taking. And we are very much aware of the change in policy that the Federal Reserve is undertaking.

By his own admission, Dr. Burns and the Federal Reserve moved more than once to frustrate the will of Congress by implementing independent monetary policies. Most recently this was done by tightening up monetary policy after the tax rebate and tax cut last spring. In so doing he offset some of the expansionary effect intended by the Congress to help this Nation recover from the recession.

The Members of both Houses of Congress, after full debate and deliberation, voted just last week to put into place a budget resolution which addresses itself with considerable specificity to the problem of maintaining the current recovery from recession.

The success or failure of our budget is contingent upon a number of factors. Chief among them is the question of the level of the interest rates and the maintenance of a controlled steady growth. The Federal Reserve has within its power to control those interest rates. The Congress, through the medium of its budget resolution, has provided Mr. Burns with a clear and unambiguous signal—do not drive up the interest rates, we need them kept low to maintain the recovery and prevent its disruption. We also do not want to pay additional billions in Federal interest changes caused by raising interest rates.

This congressional budget contains a responsible fiscal policy. That fiscal policy, if accompanied by a supportive monetary policy, is expected to produce a 6-percent increase in our total output, a rate of growth desperately needed to put our people back to work. Congress has never before handed the Federal Reserve Board such a clear declaration of the economic policy it wants followed.

I understand that the recent increase in short-term rates was in response to the abnormally large increase in the money supply during April of this year. The nearly 17 percent—at annual rates—increase in the money supply for the month of April is quite puzzling. Loans to commercial and industrial firms are declining. Loans to large corporations—technically called certificates of deposit—are also declining. The major sources of the normal increase in the money supply are going down, yet the total is going up. The Federal Reserve appears to be as puzzled about this phenomenon as I am, and yet they pushed upward on short-term interest rates. We should have learned that present monetary policy tools has very blunt instruments with many bad side effects.

The changes in the money supply on a week-to-week, month-to-month basis are quite erratic as table 1 in the materials I have attached to my statement show. After the 15-percent increase last June, the money supply increased by only 3.8 percent in July.

Raising interest rates does not get to the major sources of inflation in the current situation. The inflationary pressures are now coming primarily from the major wage settlements and rising agricultural prices, neither of which are greatly influenced by short-term interest rates.

A more accurate picture of the growth for the money supply can be obtained by considering the figures over a 12-month period. If we take the 12-month period ending in April 1976, we see that the increase in the money supply is 6.1 percent, well within the targets for such growth announced by the Fed. In fact, the abnormally large April increase may well represent a catchup from the slow increases recorded in the months of late 1975 and early 1976.

The level of short-term interest rates are still within the range assumed in the first concurrent resolution on the budget. However, the rates are rising. If the average of short-term interest rates exceeds the 5.3-percent average for calendar 1976 and 5.8-percent average for calendar 1977 assumed in the resolution, Dr. Burns, himself, will, as I said earlier be responsible for busting the budget.

Higher interest rates increase Federal expenditures by adding to the interest we must pay on the Federal debt. High interest rates can also reduce revenues by retarding the rate of growth in total output.

The short-term interest rates assumed in the first resolution are reasonable and appropriate in the current and foreseeable economic situation. Seven and a half percent of our labor force is still unemployed and only 72 percent of our industrial capacity is being utilized.

We want Dr. Burns to be on notice that Congress is watching monetary policy developments closely.

Those small steps that lead to a major policy change are going to be monitored. We simply cannot afford to let the Federal Reserve thwart the will of Congress.

We are in the early stages of recovery from the deepest and longest recession since World War II. The Federal Reserve must cooperate in fostering that recovery.

TABLE I.—MONEY SUPPLY

	Money supply total (billions)	Monthly change (at annual rate of growth in total money supply; percent)	Year over year change in total money supply (percent)
1975:			
January	$281.9	−5.0	3.9
February	281.9	0	3.4
March	284.1	9.8	3.6
April	284.9	3.4	3.4
May	287.6	12.0	4.1
June	291.0	15.1	4.8
July	291.9	3.8	4.7
August	293.2	5.5	4.9
September	293.6	1.6	4.9
October	293.4	−.8	4.4
November	295.7	9.8	4.7
December	295.0	−2.8	4.2
1976:			
January	295.3	1.2	4.8
February	296.9	6.7	5.3
March	298.4	6.2	5.0
April	302.3	16.9	6.1

TABLE II.—QUARTERLY CHANGE IN THE MONEY SUPPLY

	Money supply total (billions)	Annual rate of growth in total money supply (percent)
1975:		
1st quarter	$282.6	0.6
2d quarter	287.8	7.6
3d quarter	292.9	7.2
4th quarter	294.7	2.5
1976: 1st quarter	296.9	3.0

TABLE III.—COMPONENTS OF MONEY STOCK MEASURES AND RELATED ITEMS

[Not seasonally adjusted, in billions of dollars]

	Currency	Demand deposits	Certificates of deposit	Commercial and industrial loan outstanding	Consumer credit outstanding
1976:					
January	$73.7	$227.6	$78.5	$118.1	$159.8
February	74.0	219.2	73.0	116.7	161.0
March	75.1	220.5	71.7	115.7	162.5
April	76.3	227.7	69.2	113.9	----------

	Currency	Demand deposits	Certificates of deposit	Commercial and industrial loan outstanding	Consumer credit outstanding
Week ending:					
Mar. 10, 1976	75.6	220.8	71.1	115.919	NA
Mar. 17, 1976	75.3	221.7	71.6	115.768	NA
Mar. 24, 1976	75.0	218.0	72.0	115.056	NA
Mar. 31, 1976	74.7	220.9	72.4	114.612	NA

	Currency	Demand deposits	Certificates of deposit	Commercial and industrial loan outstanding	Consumer credit outstandin
1976;					
Apr. 7, 1976	76.3	226.3	71.5	113.938	NA
Apr. 14, 1976	76.6	230.3	69.9	113.559	NA
Week endieg:					
Apr. 21, 1976	76.5	230.9	68.6	113.573	NA
Apr. 28, 1976	75.6	224.1	67.5	113.365	NA
May 5, 1976	76.6	223.9	67.2	113.676	NA

Note: NA equals not available weekly.

TABLE IV.—SHORT-TERM INTEREST RATES

Week ending	Average market yield on U.S. Government 3-mo bills, percent (not seasonally adjusted)	Week ending	Effective rate on Federal funds, percent (not seasonally adjusted)
Jan. 3, 1976	5.19	Jan. 7, 1976	5.12
Jan. 10, 1976	5.07	Jan. 14, 1976	4.76
Jan. 17, 1976	4.84	Jan. 21, 1976	4.81
Jan. 24, 1976	4.78	Jan. 28, 1976	4.80
Jan. 31, 1976	4.72		
Feb. 7, 1976	4.90	Feb. 4, 1976	4.82
Feb. 14, 1976	4.85	Feb. 11, 1976	4.73
Feb. 21, 1976	4.87	Feb. 18, 1976	4.70
Feb. 28, 1976	4.90	Feb. 25, 1976	4.80
Mar. 6, 1976	5.20	Mar. 3, 1976	4.95
Mar. 13, 1976	4.99	Mar. 10, 1976	4.86
Mar. 20, 1976	4.98	Mar. 17, 1976	4.77
Mar. 27, 1976	4.87	Mar. 24, 1976	4.79
		Mar. 31, 1976	4.84
Apr. 3, 1976	4.97	Apr. 7, 1976	4.73
Apr. 10, 1976	4.91	Apr. 14, 1976	4.77
Apr. 17, 1976	4.80	Apr. 21, 1976	4.78
Apr. 24, 1976	4.78	Apr. 28, 1976	4.93
May 1, 1976	4.88	May 5, 1976	5.03
May 8, 1976	4.91	May 12, 1976	5.02
		May 14, 1976[1]	5.25

[1] Day only.

TABLE V

Fiscal years	Inflation[1] rate, percent (CPI)	Interest rate, percent (3-mo bill)	Unified deficit (billions)
1970	5.9	7.06	−$2.8
1971	4.6	4.94	−23.0
1972	2.9	4.11	−23.2
1973	5.9	5.35	−14.3
1974	11.0	7.90	−3.5
1975	9.4	6.67	−43.1
1976	[2] 6.1	[3] 5.97	[4] −74.1

[1] June over June of previous year.

[2] March 1976, over March 1975.

[3] Average: April 1975, to March 1976.

[4] Source: 2d concurrent resolution on fiscal 1976 budget.

WINNERS ANNOUNCED IN "KEEP CHICAGO CLEAN" ESSAY CONTEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I want to call to the attention of my colleagues the winners in the essay contest sponsored by Mayor Daley's Citizens Committee for a Cleaner Chicago, myself, and Illinois State Representative William J. Laurino.

The essay contest, in conjunction with a program called "Pitch In for Chicago," is part of a nationwide antilitter project which invites all Americans to join in the important task of ridding our country of litter, and I am delighted to contribute $25 savings bonds to five of the winners, along with Representative Laurino, who will contribute savings bonds to the other five. The 10 runners-up will receive a city of Chicago citation presented by Mayor Richard J. Daley.

The pupils in grades 5 through 8 from 10 schools in the 39th ward area of the 11th Congressional District of Illinois, which I am proud to represent, were asked by their principals and teachers to write an essay entitled "How I Can Help Keep Chicago Clean and Beautiful." The teachers selected the best entry from their room and the best of those were then judged by the principals and their staff, who selected the top two entries for their schools.

In order for our democracy to remain strong and viable, it is necessary for all our citizens to participate. A program such as this helps to prepare our youngsters to assume their obligations and responsibilities in a democratic society such as ours for they are not only future citizens but future officeholders.

On Saturday, May 22, Representative Laurino and I will present each first place winner with a $25 U.S. savings bond, and each runner-up with a special citation of recognition, and I wish to take this opportunity to extend to them my heartiest congratulations and warmest good wishes for their future.

Mr. Speaker, I proudly announce the winners in the "Keep Chicago Clean" essay contest: Bernadette McLaughlin, 4903 North Kilbourn Avenue, of St. Edwards School, Sister Mary Brian, principal; Kathleen Weiss, 5156 Belleplaine, of Belding School, Agenor E. Osuch, principal; Daniel Burkhard, 6327 North Karlow Avenue, of Queen of All Saints School, Sister Regina Crowley, principal; Jeff Jones, 4945 North Sawyer Avenue, of Von Steuben School, William Schertler, principal; Anna Suarez, 4443 North Sawyer Avenue, of Our Lady of Mercy School, Joseph LoCashio, principal; Francis Eugene Stawinski, 5025 North Hamlin Avenue, of Volta School, Norman Glick, principal; Chuck Small, 5839 North Cicero Avenue, of Sauganash School, George Richter, principal; Robert Kazel, 6131 North Harding Avenue, of Solomon School, Elizabeth G. LaPalermo, principal; Gregory Dial, 5953 North Kilbourn Avenue, of Palmer School, Theodore W. Wallschlaeger, principal; and Vivian Huska, 3737 West Agatite Avenue, of Haugan School, Ursula Blitzner, principal.

Mr. Speaker, I am also proud to announce the runners-up in the contest: Jerry Boyle, 4624 North Kenton Avenue; Dawn Spicer, 4042 North Kenneth Avenue; Kathie Haner, 4966 North Spaulding Avenue; Bridget Coyne, 5860 Forest Glen Avenue; Frank Ziokowski, 4507 North Mozart Street; Kyung Kim, 5045 North Ridgeway Avenue; Janice Kambara, 5925 North Landers Avenue; Jeffrey Chiprin, 6335 North Monticello Avenue; Linda Joseph, 5123 North Kostner Avenue; and Mike Smernoff, 7278 West Myrtle Avenue.

Mr. Speaker, I also wish to include in the RECORD a number of the winning essays:

CHUCK SMALL

If I was mayor, I would make Chicago clean by cleaning *all* kinds of pollution. First, I would set a standard for the noise of planes, police cars, ambulances, and fire engines. The sirens are supposed to warn people, but at times they can get very annoying.

Second, I would set up a state park in the suburbs, where people could go to swim and relax in the sun. At the same time I would *ban* swimming in Lake Michigan and have the beaches closed for 2 days a summer to have them cleaned up.

Third, I would make a plan for the sanitation workers to do more, but at the same time, give them more pay. This would lift peoples' spirits and help them "Pitch In" to clean Chicago's parks, nature centers and forest preserves.

Last, I would make a set-up board of rules for the factories to follow. I would appoint some politicians and some middle class workers, some poor people and some factory owners to form a "Clean Up The Air" board for Chicago.

Right now, though "I can do my part" by not polluting and picking up litter. I can also urge people to stop being litterbugs. This would make a cleaner and more beautiful Chicago.

ROBETT KAZEL

What better time is there than the Bicentennial to think of ways to improve Chicago?

There are many different aspects of this question. Public litter is a terrible problem of our society, and it's the most unnecessary problem. It's our city, and along with keeping it in order comes the responsibility of keeping it clean. Why should the city spend valuable tax money on "clean-up" crews, when we can just as easily pick up that empty soda can or throw away that paper bag?! The first step to total nonpollution is the acceptance of picking up after ourselves.

Chicago prides itself on being an important and tremendous industrial city. In short, we make just about everything. But in my opinion, no industry, factory, or plant is more necessary than our environment. There are several ways to produce items, but our surroundings are the only ones we have. No matter what the expense, we must keep our environment clean.

We can go about this by putting stricter, cleaner regulations into effect, limiting what manufacturers can do to our air, water, etc.

We cannot let city growth get out of hand. Yes, we are the "second city"; we do need to expand more and more, but in our constant hurry to build, extend, and let's not forget our city's appearance. Let's keep up the reputation Chicago's earned.

To sum up what I've said, along with saluting our Nation's history, people, and progress, let's include keeping Chicago clean and beautiful as an important part of our Nation's Bicentennial.

KATHLEEN WEISS

Chicago . . . A roaring metropolis . . . noise, pollution, congestion, how do people survive? A forest preserve . . . trees, flowers, chirping birds. A beautiful sight. Can the area surrounding the skyscrapers be beautiful, too? Sure it can. Here's all you have to do.

First; get some people who care about our city, and have them pick up all the litter. After a while, it will become a habit, and everyone will catch on. Isn't that easy?

Second; find others who are willing to plant flowers and shrubs to beautify their homes. They will also plant new trees where some were lost by disease.

Finally, mix these together and we will have Chicago, the city in a garden. It will be as beautiful as it was in 1837 when it all began. Why? Because we, the people of Chicago have the, "I will" spirit.

Bernadette McLaughlin

How I Can Help Keep Chicago Clean and Beautiful?

What can a thirteen year old really do to help keep Chicago clean? I think the most important answer to that question is "to care": to really care about your neighborhood and what goes on in it; to respect your neighbors' property, and in return expect them to respect yours. We should have a true feeling of pride in our own homes and neighborhood, and to remember that our schools and parks are also a part of us that reflect our attitudes. They should never be abused. Some people think it's funny to deface our schools and public facilities, but in reality they are only hurting themselves.

A neighborhood that is dirty and unkept is depressing for the people who live there. We should show a good example and encourage others to be neat and clean. One piece of litter is one too many. No matter how hard our city works to keep Chicago clean, it is a losing battle if the citizens don't cooperate. Chicago's Lake front and other places of interest are all beautiful, but both the city and citizens must never stop working, for keeping a city clean is a never-ending job.

Daniel Burkhard

Children can be a powerful force in helping to keep Chicago clean and beautiful. None would mind "kid-power" when it stands for doing good.

Many might ask, "But what can children do?" We can answer, "A lot!"

For instance, we can reduce litter greatly. We are the ones who usually snack outdoors. Candy and gum wrappers, potato chip bags, and pop cans leave an unsightly trail if we don't dispose of them properly. There could be more litter cans; but, when not available, we could stuff the wrappers into our pockets until we are able to dispose of them properly.

We can pick up pop bottles and return them to stores for reuse by the pop companies. Not only will this help reduce litter, but we can receive the deposit due on them.

Children like to write and draw on buildings and underpasses. We should be encouraged to paint acceptable murals under guidance where they would improve the appearance of a dingy area. This would help us to feel important and to know that the city belongs to us also. We would feel a responsibility in helping to keep it clean.

It takes a little effort and thought to make and keep Chicago beautiful. Since we usually have more free time than adults, we can not only help them plant, sprinkle, mow lawns, rake, sweep, etc.; but, we can do many of these things ourselves. We should especially try to assist elderly people who cannot do all these things themsleves.

We can talk the problems over with our family and friends and ask them to join us in our fight. When others see the results, they will be glad to help us keep our city clean and beautiful!

Frank Stawicki

I can keep Chicago clean by not throwing things in the streets. I can help by joining an ecology group, or cleanup group. I can also help by stopping others from littering. I can help by making petitions to help stop factories, and businesses from polluting air and water in Chicago. I can complain to the garbage men to be more neat and put the garbage can lids on top of the cans. I can pick up dog droppings after my dog. I can join a group that helps clean parks, rivers, lakes, city streets, and school yards. I can also help clean my school yard, and not to throw papers, and wrappers around. I can join a church group and clean up my church, and other places. I can also stop other people and myself from writing on buildings, sidewalks, and other things. I can also replant, rebuild, and seed places that used to be beautiful but are not any more. I can also help by cleaning my yard, and my neighborhood. By doing this we can make Chicago a beautiful city.

Jeff Jones

I can help keep our city clean most of all by being clean myself. By this, I mean that I can make sure I put all litter in the garbage cans where it belongs. When I take out the garbage for my mom, I could make sure it all would go in the garbage cans.

If I see any paper, bottles, or cans lying around, I could pick them up. I could also refuse to buy any items that are not recyclable or items that are not packed in reusable containers so that they could be returned.

I could also sweep and keep our sidewalk and yard clean and the litter picked up. I could report all signs of air pollution that I see.

I could also remind my father to keep our car in good condition. I'd also make sure he got the clean air-auto test made on it.

I could also form a group of people to erase and wash away all the signs and words that some kids paint on our schools and buildings.

I also suggest that there be awards given to the cleanest neighborhoods, so that the people would want to clean up.

I would also encourage other kids and adults to help in our pollution problem. I'd also sell buttons that say, "Please do not litter folks." I think that if everyone worked together, we would accomplish a great deal.

Vivian Huska

Sounds difficult? Not if you really think about it. There are many ways to "Pitch In For Chicago." Cleaning-up is the most obvious of course, but there are other important ways.

Take community living for instance. If people could learn to live together in harmony, not let race or social background enter into their judgments of people, and treat others a little bit nicer, our city would be a better place. Maybe if people tried to keep smiles on their faces all through the day and say hello or good-morning to strangers on the street, happiness would spread and make our city a much more friendly place.

PROTECTING FEDERAL EMPLOYEES AND THE PUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Holtzman) is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, it was with the greatest reluctance that I opposed the veto override on H.R. 8617.

This bill would have removed most of the limitations which the Hatch Act places on political campaigning by Federal employees. It would have done so, however, without providing adequate protection for the public against political influence within the civil service, and without safeguarding Federal employees against political pressures. As a result, I opposed the bill when it was first passed by the House and could not support the veto override.

At the outset I think it is important that we understand what activities are prohibited by the Hatch Act. Federal employees are not barred from voting, expressing their political opinions, contributing to candidates, attending meetings, wearing buttons, and the like. Nor are they prohibited from organizing, lobbying, and campaigning with regard to specific public issues. Indeed, I am sure most Members have found, as I have, that Federal employees are among the most active and knowedgeable participants in public debate on matters which affect their interests and the Nation at large. Their involvement is a healthy and valuable aspect of our political process, and it should not be restricted.

The only activities denied to Federal employees concern active participation in political campaigns. While I recognize that even these restrictions are onerous and I would support legislation to modify and clarify them, I believe that sound public policy—and 37 years of experience—justifies their existence. They should not be lifted, as this bill would have done, without adequate protection for the public and the Federal employees themselves.

One of my chief objections to H.R. 8617, as it passed the House, was the possibility it created of increased politicizing of Federal law enforcement and investigative agencies, such as the Justice Department, the FBI, the Internal Revenue Service, and the various intelligence agencies. I am pleased that the conference report tries to remedy this problem—which I pointed out in my initial views—by specifically continuing the ban on political activities by certain Justice Department, IRS, and CIA personnel. But unfortunately this action does not go far enough.

In the first place, only employees of these agencies who are in so-called sensitive positions are covered by the prohibition. The definition of sensitive is not made clear. The joint statement of the conference committee defines "sensitive positions" as those "which require fiduciary, public contact, or other duties that demand the highest degree of public trust"—pages 6–7. Executive Order No. 10450, however, which is specifically cited in the bill, defines a "sensitive position" as one which "could bring about, by virtue of the nature of the position, a material adverse effect on the national security." Executive Order No. 10450, section 3(b).

Because the language of the bill itself is unambiguous, the national security definition of "sensitive position" may well take precedence over the broader language in the joint statement. But national security is not the criterion that should be used to judge whether employees of the Justice Department, FBI, IRS, and CIA should be allowed to campaign. It makes no sense, for example, to say that an FBI agent working on an espionage case may not campaign while one working on organized crime may, or to bar CIA agents from soliciting political contributions while allowing IRS auditors to do so.

More importantly, since only a few Justice, FBI, and IRS employees work on defense, intelligence, and military matters, the overwhelming majority of Federal law enforcement and investigative personnel are not restricted at all in their political activities.

In addition, the bill does not even completely bar political activities by employees in sensitive positions. An agency head, such as politically motivated Attorney General for example, may lift the bar if, in his opinion, "it would not adversely affect the integrity of the Government, or the public's confidence in the integrity of the Government." We hardly need a reminder at this date that some agency heads have taken a very lax view in recent years of the Government's integrity.

Finally, these limited restrictions on campaigning by CIA, Justice, and IRS personnel, do not cover employees of other investigative agencies such as NSA and DIA.

Because the bill fails to provide any real bar at all to political activities by law enforcement and investigative personnel, the dangers of political influence in these areas remain great. In view of the lessons of Watergate and the recent revelations about illegal CIA and FBI activities, it seems to me foolish indeed to raise the possibility that law enforcement and investigative decisions will be made on the basis of politics, and to invite the spoils system into these agencies.

The problem goes beyond the possibility of actual political influence on law enforcement and investigative agencies. As Mr. Justice White pointed out, in the case of Civil Service Commission against National Association of Letter Carriers, it is not only important that the Government and its employees in fact avoid letting politics influence the administration of justice, "but it is also critical that they appear to the public to be avoiding it if confidence in the system of representative Government is not to be eroded to a disastrous extent."

As the opinion polls and our constituents remind us every day, confidence in the Federal Government, particularly in the law enforcement agencies, has already been severely eroded. We in the Congress should be seeking to rebuild public confidence in these agencies rather than weakening it by inviting further doubt about their motives and actions.

I was troubled, too, that this bill did not provide adequate protection for Federal employees who are pressured by their superiors to campaign for or contribute to a particular candidate. The minimum penalty of a 30-day suspension for a supervisor or other employee who misuses his or her official authority for political ends seems mild in view of the abuses of power we have seen in the past several years. In addition, it will require a brave employee to confront a superior through the enforcement mechanism provided. Few employees, it would seem, will be willing to risk making a complaint and testifying against a supervisor, who, if the complaint fails—or even if it succeeds—will retain substantial authority over them.

Even when a coerced employee does complain about political pressure from a superior, the fact of such pressure may be extremely difficult to prove. One's supervisor is chiefly responsible for job duties, promotional opportunities, and working conditions. Coercion or retaliation can be as subtle as a leave not granted, a mild rather than enthusiastic recommendation, or a series of unpleasant assignments. In view of the sublety with which coercion can be exercised, we would be naive to believe that the enforcement mechanism will detect or prevent all such violations.

It is not even necessary for a supervisor intentionally to pressure subordinates. Some employees may support or contribute to the candidate of a strongly partisan superior in order to make a favorable impression on him. There is no answer in this bill for that sort of improper official influence.

While the bill provides inadequate remedies for aggrieved employees, it provides no remedy at all for a candidate who suffers because of the misuse of official authority—or for the public which may vote for that candidate. A candidate who is a victim of acts which are improper under this bill needs a speedy, preelection remedy if damage to his or her campaign is to be prevented. The enforcement procedure in the bill, however, is lengthy and cumbersome, and at best would penalize offending employees after an election is over and the damage has been done.

Finally, the employer-employee relationship which exists between Federal elected officials, particularly the Congress, and civil servants would be subject to both the appearance and reality of conflict of interest under this bill. Senators and Members of Congress will, after perhaps having been elected with the contributions and active campaigning of Federal employees, have to vote on pay increases for those employees. Even if a particular member's vote is not, in fact, influenced by this assistance, it will create considerable suspicion in the minds of the public. As with the executive branch, it is essential that the credibility of the Congress be strengthened rather than eroded.

I would support legislation to ease the current restrictions on political activities by Federal employees, if it were drafted carefully so as to protect the public and civil servants. For the reasons outlined above, however, H.R. 8617 did not contain adequate protection, and I could not in good conscience support it.

HIGH UTILITY RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, at a time when the cost of government has reached almost intolerable levels and continues to climb, the Federal Government has imposed very sizable new expenses on States and local communities in the form of water and sewage treatment requirements. To be sure, Washington provides construction grants to support these federally mandated projects, but enormous burdens remain on the shoulders of smaller units of government faced with startup costs and operating expenses.

If Washington is going to require our hard-pressed State and local governments to undertake costly environmental projects, it is only fair that Washington provide more resources to accomplish them.

The particular plight of local communities in the First District of Iowa has been brought to my attention most compellingly by its mayors. I would hope that the Congress can move effectively in providing relief for such impacted communities and I urge other Members to support my request to our colleague, Mr. ROBERTS, for prompt subcommittee attention to their needs.

Hon. RAY ROBERTS,
Chairman, Water Resources Subcommittee, House Committee on Public Works and Transportation, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN ROBERTS: Recently, a situation was called to my attention by the Mayors of the First District of Iowa that I think is worthy of consideration by your subcommittee.

Environmental Protection Agency regulations have all but mandated new water and sewage secondary treatment facilities in many of our nation's communities. This great expense to the localities has been assisted, to a large extent, by EPA construction grants providing for a 75–25% federal match. Now, though, at a time when these localities face high start-up costs and increased operating expenses, there is no federal program specifically geared to assist them further. As a result, utility rates will skyrocket, hitting those on fixed incomes particularly hard.

I'm enclosing a resolution adopted by these mayors that addresses this problem. The situation is critical for these officials because their constituents must now absorb the full cost of compliance with federal law. I join them in urging your subcommittee to develop legislation in this area and will be glad to help in any way possible.

Unless Congress is willing to accept this responsibility, the cost of complying with EPA standards will fall primarily on the shoulders of those who can least afford to pay.

Sincerely,

——— ———.

—

Be it resolved by the duly elected mayors of the First District of Iowa, meeting at the Burlington, Iowa, Council Chambers, April 30, 1976.

Whereas, congress having passed laws creating the Environmental Protection Agency with rules and regulations on operation of secondary sewage treatment plants in the cities of the First District of Iowa, now in operation or to be operational in the future.

Whereas, we advise Senator Dick Clark, Senator John Culver and Representative Mezvinsky that after due deliberation, the undersigned Mayors agree that the laws passed by the Federal government creating EPA are inadequate, unjust and impose financial hardships and burdens on all of our citizens, businessmen and industry.

We urgently request that Federal legislation is now needed to correct the inadequacies of the law and urge you each to use your good offices and to cooperate and write legislation whereby Congress will fund all Federal required secondary sewage treatment plants as so required by EPA rules and regulations. Therefore, operation and maintenance will be funded on the same basis as construction cost, 75% federal funds, 25% city funds.

We urge immediate action, as time is of the utmost importance. With inflation, high cost of living, we must have relief for families with low income, social security, fixed income, etc.

Water and sewer rates, now required to meet the entire cost of operation and EPA requirements, have worked extreme hardships on our people as bills have doubled and in some cases more, and we agree our citizens can not bear this problem forever.

HIDDEN TRAPS FOR LABOR IN S. 1

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I have spoken out against S. 1, the Criminal Justice Reform Act of 1976, in the past but most of my statements, as well as those of other opponents of S. 1, have focused on the provisions which restrict the freedom of the press and citizens' expression of first amendment rights. The provisions of S. 1 which would particularly affect the labor movement have received little public attention.

For example, the original version of S. 1 made violence on a picket line or during a strike a Federal crime. It brings such activity within the ambit of the Hobbs Act by eliminating the word "wrongful" from the definition of extortion. The definition of blackmail has also been extended to be applicable to a labor dispute.

A detailed analysis of the effect of some of the provisions of S. 1 on the labor movement has been prepared for me by Mr. Daniel Crystal, and I would like to take this opportunity to insert it in the RECORD.

THE BOOBY TRAPS FOR LABOR

(By Daniel Crystal)

Labor is deeply threatened by S. 1. The bill contains a number of interlocking provisions that affect the entire labor movement. These are entirely separate and distinct from the innumerable provisions in S. 1 that are politically repressive.

Every official and member of a union in this country should become aware of the hidden booby-traps for labor contained in S. 1. Let's list them:

1. Making Violence on a Picket Line or During a Strike a Federal Crime:

One extremely serious danger for organized labor that is hidden in S. 1 is what it provides, by skillful draftsmanship, to make it a federal crime, punishable by a long prison sentence and a very heavy fine, to be involved in violence on a picket line or during a strike. A little background in labor history is essential to understand this massive threat to labor. In 1937, Congress passed the Hobbs Act (18 U.S. Code Section 1951) as a way of reaching so-called "labor racketeers." The Hobbs Act specifically prohibits "extortion," which is defined as "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear. . ." (18 U.S.C. Section 1951 (b) (2)). It was understood that this meant the "wrongful" use of force or threats to coerce an employer as part of a "shake down" or to make him pay for unnecessary, unwanted services.

But in 1971, this Hobbs Act which had been enacted to get at "labor racketeers" was applied directly against a union by the Nixon Administration. Several officials of the International Brotherhood of Electrical Workers in Louisiana were indicted on a federal charge that they had conspired to use violence, not for a shake-down, not to extort money, but instead to obtain higher wages.

The indictment ought to be carefully read by every member of a union. It resulted from a strike by employees of the Gulf States Utilities Company and was brought against members and officials of the Electrical Workers' Union who were seeking a new collective-bargaining agreement with that company. The indictment charges that they conspired to obstruct commerce, and that as part of that conspiracy, they

"Would obtain the property of the Gulf States Utilities Company in the form of wages and other things of value with the consent of the Gulf States Utilities Company . . . such consent to be induced by the wrongful use of actual force, violence and fear of economic injury by the named union defendants and co-conspirators, in that the defendants and the co-conspirators did commit acts of physical violence and destruction against property owned by the Gulf States Utilities Company in order to force said Company to agree to a contract with Local 2286 of the International Brotherhood of Electrical Workers calling for higher wages and other monetary benefits."

A year later, the Nixon Administration also indicted three leaders and four strikers of the Joint Board Fur, Leather & Machine Workers Union (FLM Joint Board) under the same Hobbs Act. In this case too, the indictment similarly charged that the defendants had engaged in a conspiracy to obtain higher wages by the use of violence.

Eventually, the Electrical Workers' case reached the Supreme Court in 1972. The FLM case was stayed by the judge until the Supreme Court acted. What was involved by the indictments in each of these enormously important cases for labor was whether the word "wrongful" used in the Hobbs Act was intended by Congress to apply to the purpose of the violence in the course of a labor dispute (was the strike or labor dispute part of a "shake-down" or was it instead part of a legitimate union purpose, such as higher wages or better working conditions?) or did it apply instead to the means that were used by the workers to attain that purpose?

By a bare 5–4 decision, the United States Supreme Court in *United States* v. *Enmons*, 410 U.S. 396 (1973) decided in the Electrical Workers' case that the legislative history of the Hobbs Act made it clear that the word "wrongful" was intended to apply to the purpose of the violence, and not to the means used to achieve that purpose. The five Justices in the majority in an opinion written by Mr. Justice Potter Stewart decided that if the purpose was lawful (such as higher wages, seniority rights, or better working conditions), any incidental violence would be punished by the States and not by the Federal government. They pointed out that, prior to the Electrical Workers' case, during the nearly three decades that had passed since the enactment of the Hobbs Act, no reported case had upheld the theory that the Hobbs Act "proscribes the use of force to achieve legitimate collective-bargaining demands."

The minority on the Supreme Court took the position that the crucial word "wrongful" applies to the means used, and not the purpose. As Justice Steward pointed out for the majority, this view of the Hobbs Act means that a striker who throws a punch on a picket line or punctures or deflates the tire of a scab would be guilty of a Hobbs Act violation and run the very real risk of up to 20 years in prison and a $10,000 fine.

This background in recent labor history makes clear the enormous danger to every worker and all of organized labor which is presented by S.1. What the Nixon Administration failed to do in its indictment of the Electrical Workers' and the FLM case will be achieved through S.1.

What S.1 does is to bury in its 753-pages two seemingly innocuous definition of "extortion" and "blackmail" which would make the Supreme Court's minority position the law of the land and make it possible to impose the very drastic Hobbs Act penalties against any worker or union official who can be charged with responsibility, direct or indirect, for violence during a strike or labor dispute. It does this by omitting the key word "wrongful" from the definitions of extortion and blackmail. And even worse, the definition of "blackmail" under the language of S.1 is extended to any threat to subject an employer to economic injury in his business!

"Extortion" is defined in Section 1722 of S. 1 to make a person guilty of a federal criminal offense (punishable by imprisonment up to 15 years and a fine up to $100,000) "if he obtains property of another by force or by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged."

The crime of "blackmail" is set forth in Section 1723. It makes a person guilty of a federal crime "if he obtains property of another by threatening or placing another person in fear that any person will," among other things, "procure the dismissal of any person from employment or refuse to employ or renew a contract of employment of any person", or "improperly subject any person to economic loss or injury to his business or profession." The crime of "blackmail" which can thus easily be made to apply to a labor dispute is punishable as a Class C felony (imprisonment up to 15 years; fine up to $100,000 for an individual, up to $500,000 for an organization; if the "property" has a value in excess of $500 but not more than $100,000, this so-called crime of "blackmail" is punishable as a Class D felony, i.e., imprisonment up to 7 years, a fine up to $100,000 for an individual, and up to $500,000 for an organization.)

S. 1 goes far beyond the Hobbs Act. It would extend the Hobbs Act provisions even where there is no violence or threat or fear of violence, but instead merely the fear of economic loss or injury to the employer in his business. This results from the statutory definition of "extortion" is Section 1722 of S. 1 to the obtaining of "property" of another by "placing another person in fear that any person will be subjected to bodily injury . . . or that any property will be damaged."

2. Federal Crimes Involving Aggravated Assault and Battery, Communicating a Threat, and Reckless Endangerment: The ever-present threat of violence in a labor dispute, including scuffling on a picket line, the jostling that may come about when scabs try to break through the picket line, and the violence that may result, particularly where management resorts to Pinkertons, labor spies, and provocateurs, makes union members and officials subject also to the threat of harsh prison sentences and heavy fines on a claim by federal prosecutors that there has been violation of federal law.

What until now has involved more than Disorderly Persons charges, which usually have been dismissed as part of the settlement of a strike, become serious federal crimes under greatly expanded federal jurisdiction, and become potent strikebreaking weapons and union-breaking legal devices.

These new weapons for anti-labor maneuvering by employers include the following:

a. Aggravated Battery (Section 1612) which makes a person "guilty of an offense if, by physical force, he causes serious bodily injury to another." It is a Class D felony (imprisoment up to 7 years, fine up to $100,000).

b. Terrorizing (Section 1615) which makes it a crime to communicate "a threat to commit, or to continue to commit, a crime of violence or unlawful conduct dangerous to human life." It is a very serious federal crime, punishable as a Class D felony, with possible imprisonment up to seven years and a possible fine for an individual of up to $100,000. If the labor organization can be found to have sponsored the "crime," there may be a fine imposed on the union or international of up to $500,000 (Section 2201 of S.1).

c. Communicating a Threat (Section 1616) which makes a person guilty of a federal crime if, "with intent to alarm or harass another person, he communicates" "a threat to commit or to continue to commit a crime of violence, or unlawful conduct dangerous to human life." This is punishable as a Class A misdemeanor.

d. Reckless Endangerment (Section 1617) making a person guilty of an offense if he engages in conduct that places or may place another person in danger of death or serious bodily injury." The newly established federal crime is offense "if he engages in conduct that places or may place another person in danger of death or serious bodily injury." The newly established federal crime is punishable as a Class D felony (7 years' imprisonment and/or $100,000 fine) "if the circumstances manifest extreme indifference to human life;" a Class E felony in any other case (up to 8 years' imprisonment; up to $100,000 fine).

3. Interfering with a Federal Benefit: Still another concealed threat to labor and to legitimate union objectives is found in Section 1503 of S. 1 which ostensibly relates to Interfering with a Federal Benefit. This section declares that "a person is guilty if by . . . threat of force he intentionally . . . intimidates or interferes with another person because such other person is or has been or in order to intimidate any person from . . . applying for or enjoying employment, or a prerequisite thereof, by a federal government agency." This on its face is basically a civil rights statute.

Clearly, however, the language is so broad that it could be applied to any threatening or even nasty statement made by picketers who are protesting the use of federally paid strikebreakers and scabs (for example, National Guardsmen during the Postal Strike of 1970 or CETA workers employing New York City municipal employees). It is punishable as a Class A misdemeanor which subjects an individual up to one year in prison and a fine of $10,000 and an organization to a fine up to $100,000.

4. Impairing Military Effectiveness: One of the most important provisions of S. 1 that conceals a hidden time bomb highly dangerous to labor is Section 1112 which deals with Impairing Military Effectiveness.

This sweeping addition to federal criminal law provides that "a person is guilty . . . if in reckless disregard of the risk that his conduct might impair, interfere with or obstruct the ability of the United States or an associate nation to prepare for or engage in war or defense activities he engages in conduct" that "damages, tampers with, contaminates, defectively makes or defectively repairs" any property under the jurisdiction of the United States or that of an associate nation (e.g., South Korea) or anything "particularly suited for national defense use" or any facility of the United States or an associate nation that furnishes defense materials, a service or raw materials needed for defense production or mobilization, or any public facility (e.g., Con Ed, public safety agencies, or the telephone company).

Section 1112(a)(2) purports to make an exemption from this for "conduct occurring in the usual course of lawful labor strike activity or other lawful concerted activity for the purpose of collective bargaining or other mutual aid and protection." (Emphasis supplied). This puts the question of when to apply these vague and menacing threats to labor into operation in the potentially unfriendly hands of government prosecutors and the Department of Justice under a future Attorney General having the same views as John Mitchell. Who is to decide what is the "usual course" or labor strike activity, or what is "lawful" in connection with a strike?

Those who have never shown that they are friendly to labor are given the power of deciding what is "unusual" strike activity.

It is certainly clear that a picket line to object to shipment of napalm to an associated country, such as South Korea, or possibly to one of the factions in Angola, would come within this harsh proscription, as would opposition by labor, or a wild-cat strike or even a general boycott by labor of shipment of arms to Chile, to South Africa, or to any of the other innumerable reactionary regimes with which this country is "associated."

The burden of proof is placed squarely on the worker to show that he did not believe that a job action could result in any damage to or contamination of anything related to national defense, public safety or health of the services to any armed force of the United States or its allies. If, for example, the police go on strike, they would have to prove that they did not believe that such a strike could impair public safety. A strike by postal employees could be claimed to interfere with, impair, or obstruct the ability of the United States or an associative nation "to prepare for or to engage in war or defense activities." And there need not even be proof that any conduct by any worker, group of workers, or union actually does do this. It is enough under this exceedingly broad language that his or their conduct "might" do it (Section 1112(a)).

And if the activity merely "delays, or obstructs production, manufacture, construction, repair, or delivery of" any of the above materials or services during a time "other than lawful labor strike activity" (e.g., a wildcat walkout) this also is "impairing military effectiveness."

Penalties range from 15 years imprisonment if it occurs during time of war or actually causes damage to a defense system, to 7 years if during a national defense emergency, to 3 years in other cases, and a fine of $100,000. An organization can be fined up to $500,000. The three-year imprisonment may be increased to seven during a "national defense emergency" which the President is given authority to declare at any time that he finds an "actual or threatened disturbance of the international relations of the United States." (Section 1112(b)(2)(D)). The provision for declaration of a "national defense emergency" is found in Section 111 of S.1, the general definition section, and provides:

"'National defense emergency' means an emergency that the President or the Congress declares to exist and declares to be a national defense emergency by reason of actual or threatened war, invasion, or disturbance of the International relations of the United States."

5. *Sabotage:* An even greater potential threat to unions and union members may be found in the far harsher provisions that deal with so-called "sabotage." This sweeping provision applies to conduct by the worker "with intent to impair, interfere with, or obstruct the ability of the United States or an associate nation to prepare for or to engage in war or defense activities." (Section 1111(a)). The broad, ambiguous, sweeping acts that are proscribed by S.1 as alleged "sabotage" include the claim that the worker has damaged, tampered with, contaminated, defectively made, or defectively (i.e., negligently) repaired:

"(A) any property that is owned by, or is under the care, custody, or control of, the United States or an associate nation, or that is being produced, manufactured, constructed, repaired, transported, or stored for the United States or an associate nation;

"(B) any other property that is particularly suited for national defense use;

"(C) any facility that is engaged in whole or in part, for the United States or an associate nation, in:

"(i) furnishing defense materials or services; or

"(ii) producing raw material necessary to the support of a national production or mobilization program; or

"(D) any public facility;".

Section 1111 also applies the sabotage penalties to delivery of any such property "that has been damaged, tampered with, contaminate, defectively made, or defectively repaired; or to the delay or obstruction of the production, manufacture, construction, repair, or delivery of any such property; or a service of a public facility."

These provisions could be used by the Department of Justice to curb dissent aimed at any "national defense" activity, or to charge that breakdowns on an assembly line or defectively made goods constitute "sabotage." Longshoremen who boycott shipment of goods to South Africa will make themselves subject to these over-broad and limitless provisions. So too will they put themselves in jeopardy.

Riots: The foregoing provisions include some of those which apply with particular emphasis to the labor movement. Those in labor must, of course, realize that the innumerable repressive features of S. 1 applicable to all citizens may be utilized by the federal government as curbs on strikes, labor disputes, and other aspects of collective bargaining.

Thus, the provision of S. 1 which deals with supposed "leading a riot" relates to any group effort that has a violent act occurring coincidentally with it, but may be used to punish or intimidate workers. Section 1831 of S. 1 redrafts the 1968 Anti-Riot law which was used as the basis for the Chicago Seven trial growing out of the "police riot" at the Democratic National Convention at Chicago in that year.

Section 1831 provides for up to three years in prison and for a fine of up to one hundred thousand dollars for an individual ($500,000 for an organization) for "movement of a person across a state line" in the course of execution or consummation of a so-caleld "riot." A "riot" as defined, could include as few as "ten" participants whose conduct "creates a grave danger of imminently causing" damage to property. Use of interstate telephone lines, or movement across state lines, by an organizer from an international union or from national or regional headquarters of a union, where there is scuffling on a picket line in the course of a strike or labor disturbance, could bring the anti-riot provisions of S. 1 into play. Federal jurisdiction is again made applicable to what until now has been a matter of local ordinances dealing at most with "disorderly persons" charges.

8. Demonstrations: Other provisions of S. 1 would sharply curtail every kind of protest action taking the form of a demonstration. This will apply to unions as well as to demonstrations in favor, for example, of civil rights or peace. Section 1302 of S. 1 broadly restricts demonstrations by declaring it "obstruction of a government function" if one "impairs or perverts" such a function by "physical interference or obstruction."

If mass arrests are made of picketers, there are restrictions in S. 1 on demonstrating in support for, and in solidarity with, those who have been arrested. The bill declares any building and the surrounding 200 feet housing a court or person involved in a court proceeding, to be off limits to one who "parades, pickets, displays a sign, uses a sound amplifying device or otherwise engages in a demonstration . . ." It also declares misbehavior that obstructs administration of justice outside a court as criminal contempt (Section 1351) and makes disorderly conduct a federal crime (section 1334).

9. Labor Spies and Provocateurs: Another general provision of S. 1 which is clearly repressive and a most serious weakening of constitutional protections turns on what labor spies and provocateurs sent into a union by a union-breaking employer or some under-cover government agency can testify to, and the limitations imposed on a defendant worker in proving his innocence of their charges and lies.

Section 551 of S. 1 strengthens government inducement to persuade and induce people to commit supposed crime through the artful use of agents provocateurs. A defendant may be convicted for committing a crime which he was improperly induced to commit by improper pressure of police or other secret agents. The burden is put on the accused person to prove that he was not "predisposed" to commit the crime and was subject to "unlawful entrapment." This invitation to governmental misconduct brazenly contained in S. 1 should be compared with what Mr. Justice Brandeis wrote in his famous dissent in *United States* v. *Olmstead*, 277 U.S. 438 (1928): "If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

MOVING TOWARD A MULTILATERAL MIDDLE EAST PEACE CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, there is a disturbing sense of drift in the Middle East today. The momentum toward a peace settlement engendered by the Interim Sinai Agreement concluded 9 months ago has dissipated.

On the West Bank and in Israel, Palestinian Arab populations are becoming increasingly restive and the Israeli Government is having difficulty dealing with the situation.

Further north in Lebanon, Syria and Egypt are now entering their sixth month of diplomatic backbiting and one-upmanship. Iraq, Libya, and others continue an unchecked flow of arms into the small state and events there are now out of the control of the warring local factions. The Lebanese carnage continues unabated. None of the Arab States have a quick formula for bringing peace and security to the Christian and Muslims of Lebanon. Perhaps an Arab League peacekeeping force, composed of forces from states like Morocco, Jordan, and Kuwait, will be needed to supplement or replace Syrian troops now in Lebanon.

What is, however, most disturbing in the present deteriorating situation is the apparent paralysis in U.S. diplomatic efforts. Everyone here recognizes that tensions are on the rise in the Middle East, but policymakers are unable, in this political season, to come forward with an approach or a plan to break the logjam in peace talk efforts.

The diplomacy that produced agreements between Israel and Egypt and significantly reduced tensions on that ceasefire line in the last several months is today unable to point to the next step.

Clearly, step-by-step diplomacy has reached a dead end. New approaches are essential if we are to be able to forestall hostilities in the coming months and end the current drift in the region.

The list of what is needed in the Middle East is long. Headlines of the next few weeks will tell us whether we and the parties to the conflict can weather the immediate problems: the need to renew the UNDOF peacekeeping force mandate on the Golan Heights the end of May, the need for a more lasting ceasefire and political reforms in Lebanon, and the need for reduced tensions in the territories occupied by Israel since 1967.

But what is needed most is a new impetus in peace talks, a revival of a spirit that political options will produce better results than military options, and less reliance on the hope that parties will continue to forego military options because, in the final analysis, they do not make sense.

To provide that new impetus, we need to focus on getting the parties talking, which will, in the present situation, necessitate some type of international, peace talks. Whether such talks occur within the existing Geneva framework, or some other formula, should be decided by the parties themselves.

We should not shy away from such a multilateral forum simply because the first item that might even, in preliminary stages, stall any talks in a discussion of the issue of Palestinian representation.

One might hope that we are now moving beyond the question of whether Palestinians should be involved in the next peace talks to a consideration of who should represent them. The realities of the situations in Lebanon and the occupied territories would suggest that we continue to avoid this issue at the peril of endangering the entire peace effort.

Nor should we shy away from multilateral peace talks because the Soviet Union might be involved. Soviet cooperation and commitment to reduced tensions throughout the area will be essential if peace efforts are to succeed. The more we try to keep the Soviets out of the peace talks, the more likely we are to encourage Soviet adventurism in the area. To be able to counsel Soviet restraint in arms deliveries to Libya, Syria, and Iraq, we have to try to avoid giving high and visible priority to undercutting further their substantial interests in the region.

Mr. Speaker, time is not on the side of peace in the Middle East. We cannot slide into the convenient, and perhaps politically wise, course of delaying all action until after our November elections. For, once our elections are over, there are important 1977 elections for the Knesset in Israel. There will always be good reasons for delay, but we have to resist the appeal of putting off until next year what is needed this year.

I urge the State Department to proceed in the immediate future to devise plans for the convening of a multilateral peace conference on the Middle East. We will be doing every party to the conflict and all the peoples of the region a significant favor.

The sense of drift in the Middle East must be replaced with a renewed conviction that peace talks soon are possible, direct talks can occur and that the world's peace urgently depends on substantial further progress toward a Middle East settlement.

ANNOUNCEMENT OF HEARINGS ON H.R. 12112

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 5 minutes.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the Subcommittee on Economic Stabilization of the Committee on Banking, Currency and Housing has scheduled hearings on H.R. 12112, a bill to provide additional assistance to the Energy Research and Development Administration for the advancement of nonnuclear energy research, development and demonstration, for May 24, 25, 26, and June 1 and 2, 1976.

The subcommittee is providing for time to receive testimony from Members of Congress on May 25. Members who wish to testify should contact Joseph J. Jasinski, of the subcommittee staff, telephone 225–7145.

ENERGY CONSERVATION—DO NOT LET IT SLIP AWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

Mr. WIRTH. Mr. Speaker, when I read news accounts of Governor Reagan's recent speech in Detroit, I could scarcely believe it. He skirted very close to advocating that all good Americans should go out and buy the biggest possible cars and drive them as fast as they possibly can. I know that "Engine Charlie" Wilson, President Eisenhower's Defense Secretary, used to say that "What's good for General Motors is good for the country," but I never imagined that that proposition would be stated in so irresponsible a form. Hasn't Governor Reagan ever heard of energy conservation? Or does he not care?

Indeed, it seems that nobody in high places cares about energy conservation any more. After a brief season of pious hopes and good intentions following the gasoline shortage of 1973 and the Arab oil boycott, it is business as usual on the highways and at the service station pumps. The comeback of the American love affair with the big car is but one depressing reminder of how quickly we forget.

But we forget only at our very great peril, Mr. Speaker, and at the peril of our children and their children after them. Some day the flow of oil will slow to a trickle. That is a fact. Some day the auto plants will have to produce vehicles that run on something other than fossil fuels. Either that or they will shut down, and present unemployment in Detroit will be dwarfed by comparison. That is a fact.

It is a dreary litany, and I have no wish to go on reciting it. Yet these are things that must be said, however discomforting they may be. Fortunately, several newspaper editorials and columnists have recently been sounding the same timely warning, and they have done so with considerable skill. I wish to insert in the Record these comments:

[From the Washington Post, May 15, 1976]

NON-CONSERVATION OF ENERGY

What ever happened to energy conservation? Spring is here, the flowers are in bloom, and conservation is evidently too gloomy a subject for this rambunctious nation to contemplate in such a pleasant season. The bicentennial is upon us, with its endless suggestions of places to go. The economy is reviving and employment is up—with a few small but interesting exceptions, as in the factories that make small cars. Conservation is, after all, merely the tiresome doctrine of self-denial, and the national inclination in these bright days runs all the other way.

This airy disregard for reality will, no doubt, get us all into serious trouble as time goes on. But when that happens, the country can blame its tribulations on the oil companies, or the Arabs, or whatever favorite villains the moment offers. For the present there is plenty of oil, there is more than enough electric power, and the birds are singing. It's the time of year for thinking about vacations, not economics.

Unfortunately, at risk of denting this ripe sense of well-being, Americans need to give a bit of thought to the trend of the current energy statistics. There are two things to remember about conservation. The first is that it has become necessary. The second is that, even if it is pursued seriously and rigorously, it can at best only slow down the growth of American energy consumption. To stop consumption from rising at all would require drastic rationing and taxation on a scale that would be intolerably disruptive and, in political terms, impossible. The real challenge is to keep the American appetite for energy from continuing to rise as fast as it has been rising in the past several months.

Throughout this spring the volume of oil burned every day has been running about 5 per cent higher than a year ago. Most of the increase is, of course, in gasoline. Because of the lingering effects of the recession, industrial fuel consumption is not climbing steeply and because of the warm weather last month the use of home heating oil was actually down. But demand for gasoline is now ascending as rapidly as it did in the halcyon days before OPEC quintupled the price.

The best hope for restraining the use of gasoline is, now as always, to get Americans into smaller and more efficient cars. But the bloom is clearly off the market for small cars. Last fall, to take one notable example, General Motors brought out its Chevette, a light car in the European style, designed to get 40 miles of highway to a gallon of gas. The Wilmington, Del., plant that manufactured it was on two shifts and the company intended to open another production line in California. But in February it cancelled the California plan and three weeks ago it laid off the second shift—1600 people—at Wilmington. GM's cars of standard size are selling very well but, with the blossoming of the new optimism, the little ones are not.

It isn't merely cars and drivers. The pattern is pervasive. Electric power production nationwide, from January through mid-April of this year, was almost 6 per cent higher than in the same period a year ago. A couple of years ago, during the country's first shocked reaction to the soaring utility rates, a good many utilities quietly predicted that customers would soon get used to the new prices and then power consumption would set off uphill again as briskly as ever. That view of the future seemed unspeakably cynical at the time. But present evidence suggests that it may be right. The utilities now have to decide how much they are willing to bet on it. To design, license and build a nuclear reactor typically takes a decade or more; building a coal-fired generator takes only comparatively less time. The utilities' decisions this year will determine the country's generating capacity in 1985. But the country has arrived at no decision on the amount of power that it will want, or ought to have. The present pattern of demand implies a need nearly to double the country's generating capacity over the next decade. Whether public policy will intervene to change that pattern is, at this point, utterly unpredictable.

Everybody is naturally in favor of conserving energy, in general, and everybody is against waste. But one person's idea of waste is the next person's job. Curtailing Sunday driving threatens economic disaster to the tourist industry and its employees. Heavy taxes on big cars are bad for auto sales and, consequently, bad for employment in Detroit. Insulating homes threatens no jobs, but it's expensive. We have now been through two winters since fuel prices shot up, and there is not much evidence of any very active response by homeowners. Two years ago, most economists assumed that rising prices would cut demand for fuel and power significantly. The actual effect is difficult to measure precisely because of the recession, but it seems apparent that the higher prices have had far less impact than most specialists expected.

Having discovered that conservation is neither simple nor quickly achieved, the country seems to have abandoned interest in the whole subject. The true measure of national resolution is not in the speeches or the bills, but in the quantities of energy actually consumed. By that unsentimental test, the country is now back on much the same track as it was following three years ago, before the Arab oil embargo, before the tremendous price rises, and before all those good resolutions to save energy.

[From the Washington Post, May 15, 1976]

A CASE FOR SAVING ENERGY

(By Tom Braden)

It is an indication of how seriously the Ford administration is taking energy conservation that two of its leading spokesmen for sound energy policies have departed in frustration.

John M. Teem, who recently quit the Energy Research and Development Administration where he was in charge of solar and advanced energy technology programs, and Roger W. Sant, who this month leaves the Federal Energy Administration where he was senior conservation expert, both criticized the White House for its reluctance to address energy problems.

Their testimony comes at the same time as recent figures on auto production prove that without some leadership from the Oval Office, Americans will continue to play hostages to the OPEC nations. Detroit persists in producing two-ton monsters with wasteful automatic transmissions, poorly streamlined bodies, rolling on wasteful, nonradial tires and capable of 100 mph. And Americans keep buying them. New car sales are marked by a consumer swing to the big models. Apparently the energy woes and gas lines of 1974 have been forgotten.

Last year the United States *wasted* more fuel than was *used* by two-thirds of the world's population. We continue to consume twice as much energy per person as highly industrialized nations like West Germany and Sweden, both of which enjoy standards of living comparable to ours.

If Gerald Ford's administration had been serious about energy conservation, consumer costs could have been cut up and down the line. For example, the resigning Sant estimates that if the nearly $1 trillion of capital that Mr. Ford wants the United States to pour into new energy sources by 1985 were invested instead in energy conservation, we could save twice the energy that the trillion dollars would produce in fossil fuel and nuclear power plants.

"Saving energy is synonymous with saving dollars," FEA head Frank Zarb explained to Congress late last winter. "It can be considered as one of the least expensive supplies this nation has." This advice has gone unheeded.

The homeowner is hurt most by the present nearsighted energy policy. He has seen his energy bill jump more than 50 per cent in the last two years. Utility rates have soared in order to underwrite power plant construction and finance exploration for more coal and oil. Environmentalists are quick to note that the national environment suffers from these plants and that their $2–5 billion price tag—paid by the consumer—spurs electrification and automation, which in turn puts people out of work. But this sound argument aside, the plain fact is that consumption costs more than conservation. For example: It costs only a few hundred dollars to insulate the home, and insulation cuts residential energy up to 40 per cent; a homeowner who insulates his house can cut his fuel bill in half.

An American Institute of Architects study estimates that a 15-year effort to make all the country's buildings energy-efficient—by insulating, installing solar heating panels and high-efficiency air conditioners—could save about 12.5 million barrels of oil a day, or roughly twice as much as our present daily import. And a study conducted under the auspices of ERDA concludes that use of more energy-efficient refrigerators in California alone would, by 1986, cut the need for 1,000 megawatts of electrical power—the amount generated by one new $1.5 billion nuclear reactor.

Since figures make the case for conservation from the living room to the steel mill, why don't Americans get serious about energy conservation? Because nobody at the top has ever asked them to get serious.

[From the New York Times, Apr. 24, 1976]

CONVERT TO CONSERVATION

Saving energy is cheaper than producing it—and the payoff comes far sooner. That conclusion has long been argued by environmentalists and conservation-minded energy experts; at least the Energy Research and Development Administration has accepted it as Government policy. A series of energy conservation programs is now to be assigned the same high priority in Administration planning that formerly went only to industry-backed measures to develop new energy supplies.

ERDA's revised comprehensive energy development plan, submitted to Congress Monday, goes part way toward meeting forceful criticism by the Congressional Office of Technology Assessment. That analysis charged last October that ERDA (successor agency to the Atomic Energy Commission) was still pursuing "a narrow, hardware-oriented approach" to energy problems, ignoring nontechnological issues such as incentives for individual energy-saving initiatives and public ignorance of—or even resistance to—new processes.

If there may still be room for doubt about how extensive ERDA's newfound interest in conservation will turn out to be, other arms of the Government are gradually starting to move in the right direction. Last year's comprehensive energy legislation authorized disbursal of a yearly $50 million to help the states on localized energy conservation programs; the funds will be available only to states which have already implemented first steps toward more efficient use of energy within their jurisdiction.

The Federal Energy Administration has set efficiency targets for the ten most energy-intensive industries and is requiring the fifty largest companies in each of those industries to file periodic reports of their progress toward meeting those targets. The Senate has passed a stiff measure, proposed by the Administration, to withhold Federal mortgage money from localities that fail to adopt an energy-efficient building code; unfortunately this bill is being blocked in the House of Representatives.

The next major step to promote energy conservation is likely to be a detailed program of tax rebates and credits as incentives to homeowners and small-businessmen who insulate or otherwise retrofit for the purpose of saving energy. Senator Kennedy and Representative Drinan, both of Massachusetts, have taken the lead on this legislation in Congress.

Effective conservation of energy is a slow and complicated process, but even more so is the development of new energy sources—as the latest ERDA report acknowledges. Both are essential in the coming decade to reduce this country's vulnerability to foreign oil supplies.

WARNING! THE MULTIBILLION-DOLLAR SYNFUEL LOAN GUARANTEE PROGRAM MAY BE DAMAGING TO YOUR HEALTH

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I would like today to bring to my colleagues' attention a further chapter in the synthetic fuel saga. Printed below is a portion of the excellent testimony of Katherine Fletcher before the Subcommittee on Energy R.D. & D. of the Science Technology Committee. It indicates the severe environmental and health hazards of production of synthetic fuels. Certainly, a multibillion-dollar subsidy program for commercial production of these fuels should not be undertaken before the Environmental Impact Statement has been completed in light of this evidence.

ENVIRONMENTAL DEFENSE FUND,
Denver, Colo., April 13, 1976.

TESTIMONY OF KATHERINE FLETCHER ON GUARANTEED LOANS FOR SYNTHETIC FUELS BEFORE THE HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY

INTRODUCTION

Chairman Teague, members of the Committee, thank you very much for inviting me here to testify today on proposed legislation to provide $2 billion for guaranteed loans to the energy industry to finance synthetic fuels development. My name is Katherine Fletcher, and I am staff scientist for the Environmental Defense Fund in our Denver regional office.

In opposing the synthetic fuels loan guarantee program provided in HR 12112, I am today representing the Colorado Open Space Council (a coalition of 32 citizen organizations), Citizens for Colorado Wildlife, Colorado Mountain Club, Protect Our Mountain Environment (Colorado), Sierra Club, Friends of the Earth, New Mexico Central Clearing House, Wilderness Study Project (New Mexico), Environmental Action of Colorado, Environmental Policy Center, Rocky Mountain Farmers Union, Greeley Audubon Society (Colorado), Greeley Committee on the Environment (Colorado), National Audubon Society, National Taxpayers Union (Colorado Chapter), League of Women Voters of Colorado, Colorado White Water Association, South Dakota Environmental Coalition, Environmental Action, Consumer Action Now, Council on Utah Resources (representing 21 citizen organizations), and PLAN Boulder (Colorado), as well as the Environmental Defense Fund.

In addition, the Northern Plains Resource Council (Montana) has asked me to submit for the record their statement in opposition to HR 12112, which is written on behalf of 14 citizen organizations in Montana, Wyoming and North Dakota.

ENVIRONMENTAL IMPACTS OF SYNFUELS DEVELOPMENT

The environmental effects of oil shale and coal gasification technologies are at this time well-known and predictable. The major adverse impacts involve land disturbance from mining and waste disposal, water consumption and degradation, including increasing the salinity of the Colorado River, air pollution, destruction of wildlife habitat, the production and dissemination of cancer-causing substances, and the many impacts associated with boom-town development, including overcrowding, substandard housing, and other services, mental illness, low worker productivity, etc.

These impacts have been observed repeatedly, in pilot stage developments in this country, full-scale developments in other countries, and in analogous resource development situations throughout the west.

Rather than go into exhaustive detail in this testimony today on the nature and magnitude of expected impacts, I have appended to my statement certain relevant information, including a complete analysis of the impacts of oil shale development, prepared by The Institute of Ecology as a critique of the Department of Interior's Environmental Impact Statement on the oil shale leasing program. We also feel that the Environmental Impact Statement prepared by ERDA in the proposed Synthetic Fuels Commercialization Program earlier this year does an adequate job of describing most of the impacts of synthetic fuels development.

A brief summary of impacts would include the following:

Air Pollution: The ERDA EIS on the synfuels program states:

"Degradation of local air quality would occur in all regions. Some damage to plants, animals and humans from air pollutants may be unavoidable. Adverse human health effects including cancer, might result from long-term exposure to polycyclic aromatic hydrocarbons and trace elements emitted from synthetic fuel plants in the form of or adsorbed on fine particulates. Some increase in sulfur dioxide, nitrogen oxides, trace elements, hydrocarbons and respirable particulates would occur even though emission controls were employed and air quality standards were enforced."

Water: There are anticipated problems both of quantity and quality. In the west, where water is in relatively short supply, any major new water use or user is a threat to existing users, including farmers, ranchers, municipalities, wildlife and recreation. In addition, oil shale development is anticipated to have a significant effect on salinity concentrations in the Colorado River, both by diminishing the dilution capacity of the River by using high quality upstream waters, and by disposal of salt-laden spent shale and saline ground water encountered in the mining process. The ERDA EIS also points out that aquifers will be disturbed by the mining operations. This will cause lowering of water tables, including the drying up of springs.

Land Disturbance: Coal gasification and oil shale development would both require massive mining operations. In fact, oil shale mines to support 50,000 barrel per day operations would each be larger than any mine in this country at the present time. Thus, an open pit operation would be of staggering proportions, and the land disturbance due to waste disposal even for an underground mine would be enormous. (Because of the small quantity of hydrocarbon in the oil shale ore, most of the mined material ends up as waste material.) In the west reclamation of any disturbed area is very problematic, because of the severe growing conditions, and the problems of reclaiming spent shale are even more difficult than mined land reclamation.

Wildlife: Impacts on fauna and the flora on which it depends will also be severe. For example, the prime oil shale area of Colorado is also the home of the largest migratory deer herd in the United States. In addition, all forms of wildlife will be jeopardized by the significant new intrusions of mining, pollution, noise, people, and depleted water supply.

Cancer: Carcinogenic substances associated with synthetic fuels production was brought to the attention of the Committee by the Council on Environmental Quality Chairman Russell Peterson. This danger has been documented in this country and elsewhere. Cancer was noted as early as 1876 in the Scottish oil shale industry.

Boom Towns: The phenomenon of boom towns is extremely well-known in the west—both historically and at the present. The many problems of rapid population growth in undeveloped areas have been documented thoroughly, and can be observed first-hand in such towns as Rock Springs, Wyoming, and Craig, Colorado. The federal government is well aware of boom town problems, and has described them in numerous reports, including the Project Independence report on oil shale.

In our view, synthetic fuels development need not be subsidized in order to create the anticipated environmental problems so that they can be identified and studied in even more detail. It is our opinion that the analysis work done to date predicts enough problems, with enough certainty and expected severity that it would be irresponsible to make a "laboratory" out of parts of the west, in order that the "experiments" can become even more detailed. We are not interested in serving as guinea pigs, knowing rather well what the problems will be, and knowing even better that "solutions" may not be possible or forthcoming. To justify the synfuels program as an experiment in documenting impacts is rather like dropping an atomic bomb on a city merely for the purpose of finding out exactly how many people would be killed. We would hope that the increased interest in and study of the environment in recent years has taught us to pay attention to the predictions we are able to make, however inexact they may be.

CONSTITUENT QUESTIONNAIRE, 24TH CONGRESSIONAL DISTRICT OF NEW YORK

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I am pleased to present for the information of my colleagues, the results of the constituent questionnaire I sent to every household in the 24th Congressional District of New York in March:

A. Rate the following issues in order of importance from 1 (most important) to 10 (least important):

1. Cost of living	1
2. Health care	4
3. Unemployment	2
4. Federal tax reform	5
5. Crime	3
6. Environmental protection	8
7. Mass transportation	10
8. Welfare reform	7
9. Defense	9
10. Energy Crisis	6

[In percent]

	Favor	Oppose	Undecided
B. Economy—Do you favor or oppose?			
1. Increased Federal spending for jobs to reduce unemployment, as well as unemployment compensation payments and welfare?	41.5	50.4	8.1
2. Decreased Federal spending for jobs to reduce deficit?	43.5	45.2	11.3
3. Creation of permanent CCC-WPA type job program to act as employer of last resort?	56.0	29.5	14.5
4. Eliminating Federal programs for health, education, and welfare, and turning program and tax responsibility over to State and local governments?	25.7	64.3	10.0
5. Decreasing business taxes to stimulate economic recovery and jobs?	50.0	35.3	14.7
6. Extending and improving antitrust laws to require competition in concentrated industries?	64.7	22.0	13.3
C. Energy—Do you favor or oppose?			
1. Rockefeller-proposed Energy Independence Authority granting $100 billion loan guarantees primarily for synthetic fuels development and utility power plant construction?	44.7	28.8	26.5
2. Requirement that utilities adopt "life line" (low base rates that increase with use) and "peak power time" (lower schedule for off-peak use) rate structures?	75.8	11.7	12.5
3. Mandatory conservation standards for autos, industry and appliances?	71.2	20.1	8.7
4. Moratorium on construction of new nuclear plants until plants and waste disposal are proven safe?	51.8	37.3	10.9
5. Giving higher priority to solar and geothermal energy research than to nuclear power research?	61.6	23.6	14.8
6. Legislation to require major oil companies to sell:			
(a) Gas stations and pipelines?	37.7	34.1	28.2
(b) Coal and uranium operations?	38.4	34.1	27.5
7. Price controls on:			
(a) Oil?	49.8	40.0	10.2
(b) Natural gas?	50.8	37.9	11.2
D. Environment—Do you favor or oppose?			
1. Delaying or weakening environmental regulations on grounds of economic need?	41.1	49.7	9.2
2. Permitting Con Ed to burn high sulphur coal to reduce rates?	42.8	46.0	11.2
3. Delaying auto emission standards on grounds of promoting fuel economy?	39.0	52.1	8.9
4. Granting United States landing rights to the Concorde super-sonic transport (SST)?	32.0	56.4	11.6
5. Toxic substances legislation to require pretesting of potentially dangerous chemicals before their introduction into public use?	91.1	4.8	4.2
E. Social security—Do you favor or oppose?			
1. Eliminating the $2,700 earnings limitation?	70.8	17.4	11.8
2. Permitting widows and widowers to collect thier own and spouse's benefit entitlements?	69.4	21.7	8.9
3. Permitting recipients to keep full veterans pension payments regardless of social security increases?	69.8	18.6	11.6
4. In regard to the supplemental security income program (SSI):			
(a) Eliminating program and placing recipients back on welfare?	16.7	55.9	27.3
(b) Keeping program, but adding cost-of-living escalator?	46.3	23.4	30.3
(c) Keeping program, but adding housing allowance for rent that exceeds 25 percent of income?	36.1	31.5	32.4
F. Welfare reform—Do you favor or oppose?			
1. Federal take-over of costs?	68.3	23.2	8.6
2. Requirement that potential recipients who are able (except mothers of young children) take jobs to be provided by the Federal Government for those who cannot get private employment?	85.3	7.9	6.8
3. Negative income tax to replace welfare?	42.3	29.4	28.3
4. Family assistance allowance to replace welfare?	41.7	24.6	33.7
G. Miscellaneous—Do you favor or oppose?			
1. Public financing for congressional campaigns from $1 voluntary check-off fo funds on tax returns?	57.9	34.7	7.4
2. Constitutional amendment abolishing legal abortions except to save the life of the mother?	19.3	75.2	5.5
3. The reestablishment of trade with Vietnam in return for an accounting of our missing in action?	52.3	33.0	14.7
4. Amnesty for Vietnam draft resisters?	49.4	42.4	8.2
5. National Health Insurance?			
(a) Operated by social security system?	43.0	45.0	12.0
(b) Operated by private insurance companies?	41.2	41.7	17.1
6. Increased defense spending?	32.4	54.2	13.4
7. Federal hand gun control legislation?	80.3	17.6	2.1
8. Elimination of secret, covert actions by the CIA to influence foreign countries, leaving it solely the authority to gather informational intelligence about potential enemies?	52.2	37.0	8.9
9. Continuation of Federal Revenue Sharing to municipalities?	75.6	12.9	11.5
10. Increased Federal aid to education?	61.0	27.4	11.5
11. Providing for regional primaries to select delegates to Presidential nominating conventions?	52.1	21.0	26.9
12. Elimination of criminal penalties for possession of small quantities of marihuana for personal use?	66.4	25.8	7.8
13. Renouncing the 1st use of nuclear weapons by the United States?	33.1	47.2	19.7
14. 4-yr terms for Members of the House of Representatives?	63.8	24.4	11.9

AN AGENDA FOR THE ELDERLY FOR THE LAST QUARTER OF THE 20TH CENTURY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, this morning, I was privileged to have the opportunity to testify before the Democratic National Convention 1976 Platform Committee. I offered to the Committee an "Agenda for the Elderly for the Last Quarter of the Twentieth Century", meeting the pressing needs of the elderly for better health care and nutrition, housing, transportation, personal security against crime victimization, employment, and retirement income.

The agenda follows:

AN AGENDA FOR THE ELDERLY FOR THE LAST QUARTER OF THE TWENTIETH CENTURY

[Testimony by Representative CLAUDE PEPPER, Chairman, House Subcommittee on Health and Long-Term Care before Democratic National Convention Platform Committee, May 20, 1976]

INTRODUCTION: PROBLEMS OF THE ELDERLY

Good morning. I would like to thank your Executive Director and your other members and staff for extending this very gracious invitation to me to participate in these critical sessions on the drafting of the 1976 Democratic National Platform.

Permit me to ask this question: What will it be like to retire in the year 2,000?

Can we look forward to being old, to remaining with our family and friends, to retaining our happiness, dignity, and security?

A great deal of the answer depends on what we begin here, in 1976.

The House Select Committee on Aging—on which I have the privilege to be the Ranking Democrat of the Full Committee and Chairman of the Subcommittee on Health and Long-Term Care—has studied the problems of the elderly extensively since its creation last year. My Subcommittee alone has heard over 200 witnesses, developed 3,000 pages of testimony, and been in touch with over 1,300 organizations and individuals with expertise in the needs of the elderly.

The problems we have uncovered—the pressing needs of better health and nutrition, housing, transportation, personal security against crime victimization, employment, and retirement income—are no surprise to the elderly themselves. (Incidentally, being 75 myself, I am a member of this not very exclusive club!)

But I will say that the Congress has been both educated and shocked by some of our findings:

Educated and shocked to find (from a study we requested by the General Accounting Office) that 2/10 of 1% of all Federal revenue sharing funds are used for the elderly who comprise 22 million, or 11%, of the population.

Educated and shocked that 71.6% of Medicaid's $3.2 billion for the elderly goes to nursing homes, and only .2% for home health alternatives.

Educated and shocked to find that the elderly are paying more for medical expenses now than at the creation of Medicare.

Educated and shocked that in the two-year-old section 8 housing program, which was advertised as the new, efficient answer to the housing needs of our elderly and poor, only 30 new units have been completed and are ready to be occupied.

Shocked and educated to learn that the urban elderly are being victimized not only by street muggings, but in large numbers by "confidence games" including the "pocketbook drop", the "bank examiner", and the "phony home repairman."

Shocked and educated that thousands of rural elderly lack nutrition and health because of isolation, lack of social services available to them, and a lack of transportation facilities.

Shocked and educated to find that 15.7% of the elderly—or over 3 million persons over 65—live below the poverty level (defined as $2,958 for a family of two by the Commerce Department).

* * * * *

As a result of these findings, we have developed an agenda for the elderly for the last quarter of the twentieth century, a series of critical goals which I am hopeful that the current Congress, the Congresses of the near future, and the next presidential administration and the ones that follow will work together to accomplish.

I. HEALTH AND NUTRITION

First, there is nothing more critical to the well being of an individual than his or her health. We must enact a national health security system recognizing that it is one's birthright to retain the best health that modern science will provide. The Kennedy-Corman bill moves toward this end, but even this extremely fine legislation should be strengthened for the elderly to include full home health alternatives to institutionalization wherever possible.

Pending national health insurance, the current institutional bias of federal policy must be changed, so that hundreds of thousands of elderly persons are not deprived of home health care by the present provisions emphasizing more expensive treatment in nursing homes. Experts testified that as many as 40% of nursing home residents in some areas could be treated at lower cost in their own homes—if the law allowed.

Federal funding of home health care, multi-purpose senior centers, day health care centers, and outpatient geriatric clinics should be expanded as cost-effective alternatives to often inappropriate and expensive institutionalization in hospitals and nursing homes.

The nation's current acute medical crisis orientation must be changed to a preventive health-social policy, allowing the elderly to function as independent, productive citizens in the community. Both in the Congress in the Department of Health, Education and Welfare, health and social services for the elderly should be integrated, so as to correct the current proliferation, fragmentation, and lack of information concerning availability of services.

Pending national health insurance, Medicare and Medicaid should provide coverage of annual checkups, professional and nutritional counseling, and diagnostic services. These preventive actions are vital to long term care and could be far cheaper for both the patient and the government in the long run.

Medicare and Medicaid should also cover the elderly's eyeglasses, hearing aids, and dentures, and other necessary medical appliances, with close scrutiny on the prices of these items where federal reimbursement is involved. These items are critical to the happiness and independence of the elderly. The Library of Congress has informed our Subcommittee that the cost of federal reimbursement of eyeglasses, hearing aids, and dentures would be approximately $1.7 billion—which would be well spent in my opinion. In addition, my Subcommittee is taking a close look at the price of these items in the hope of finding a way to reduce the cost both pending federal reimbursement and after.

Our Subcommittee has been conducting a major investigation of abuses in nursing homes. At hearings we held recently in Rhode Island, H.E.W. statistics showed that twenty states had not audited a single Medicaid nursing home, and others began audits only after scandals developed. Testimony also revealed that hundreds of thousands of dollars had been inappropriately spent in many of those homes that had been audited.

We have therefore recommended federally supervised, unannounced, on-site annual audits of nursing homes.

We also found that nursing homes in many states still require life care contracts, mandating for the rest of one's lifetime all his assets, including social security benefits, and supposedly guaranteeing his well-being for the remainder of his life. Such contracts leave patients no option to leave if they find the quality of care substandard.

Nursing home life care contracts must be altered to provide patients an opportunity to leave the home if they so choose. Furthermore, nursing homes should be prohibited from requiring, as some do now, any patient to turn over social security benefits after the patient provides reasonable advance notice that he intends to leave the facility.

The nursing home scandals last year in New York City, with the uncovering of over a million dollars illegally taken from the pockets of the elderly, rocked not only New York but the nation. The events of Rhode Island made the situation worse. Then California home health fraud appeared, and then back to New York for the big nationwide TV news boarding home scandal; and now non-profit home health fraud and abuse was uncovered, I am sad to report, in my own State of Florida, replete with overcharging, provision of unnecessary equipment under Medicare, and other abuses.

When we consider that the elderly have the lowest income in our society, that they have worked to make us what we are, and that they deserve better from us, this kind of rip-off against them makes us very sad, but extremely determined to act.

In addition to our Subcommittee's recommended legislation for nursing home auditing and the prohibition against indefinite social security turnovers, I have joined my colleague, Senator Frank Moss, Chairman of the Senate Subcommittee on Long-Term Care, in a package of nursing home reforms. Our agenda for the elderly should mandate adequate standards to guarantee the quality of care and the fiscal integrity of nursing homes, including:

Public accountability and disclosure by nursing homes;

Financial incentives for good patient care, including the development and rehabilitation of high standard fire-care facilities by loans and interest subsidies; and interest subsidies; and

Increased training in geriatrics and training for physicians, physicians' assistants, registered nurses or nurse practitioners, aids, orderlies, and others in the special needs of nursing home patients.

This last area of training is extremely important, both to guarantee quality patient care standards and to provide, when necessary, for speedy evacuation during fires, avoiding a recurrence of the recent tragedies in Chicago killing thirty patients in two fires earlier this year.

* * * * *

Allow me to turn to another critical health area in this agenda for the elderly.

Our Subcommittee found that good nutrition preserves long-term health and could save the taxpayer money by reducing the number of people requiring acute health services and more expensive institutionalization.

Current nutrition programs providing meals at nutrition sites in communities, and in private homes must be expanded.

Second, even if actual meals cannot be provided, nutritional guidance should be provided as an integral part of all federal health and social services programs.

II. TRANSPORTATION

Transportation is a key factor in guaranteeing the availability of health and social services. The lack of transportation has prevented the elderly from such important activities as shopping, medical visits, and needed social activity. In addition, it contributes to the rate of unemployment for the elderly, for transportation facilities are necessary to get to work. As there are vast numbers of elderly persons who no longer can drive or keep up the expense of an automobile, we need more public transportation in both rural and urban areas close to the places where our elderly live and near the services and facilities they frequent.

Second, federally funded elderly social and health care programs should include transportation.

Third, funding should be increased for both capital and operating expenses for vehicles designed for use by the elderly and and handicapped, and architectural barriers for the elderly and handicapped on mass transit systems should be removed. The way many buses are set up now, only the most agile members of our elderly population can easily enter and leave.

Fourth, vehicles unused during most of the day, such as school buses or vehicles considered "excess", including some military and federal vehicles, should be used in appropriate cases for the elderly.

Fifth, there should be federal incentives to encourage volunteers to assist the elderly, including amendments to the tax code to permit the same mileage deduction for volunteer activity as for business mileage.

Sixth, Congress should provide the authority for airlines to permit standby and other discount air fare and other interstate transportation for the elderly.

Seventh, specialized transportation should be provided for the institutionalized elderly at appropriate times for visits into the community.

Eighth, national no-fault automobile insurance should be enacted permitting high medical and rehabilitation compensation.

Many of these recommendations were drawn by the House Aging Committee's Subcommittee on Federal, State, and Community Services, chaired by my friend and colleague, Spark Matsunaga of Hawaii.

III. HOUSING

Just as health must be a guaranteed right, so must adequate housing.

Yet in 1976, our committee has calculated that "there will be about 8.3 million elderly people living in units which are dilapidated, deteriorating, or lacking some facilities."

The Harvard-MIT Joint Center for Urban Studies recently found that 13 million households of all ages are "living in housing deprivation", defined as a physically inadequate unit lacking sufficient plumbing, or an overcrowded household, or a high rent burden. The House Banking and Currency Committee's report on the Housing and Community Development Act of 1974 found that the highest proportional rent is paid by the elderly—the group with the highest percent of poverty that can least afford the rent.

Our agenda for the elderly must mandate a true commitment to meeting the housing needs of the elderly. Our committee has called for low interest financing by the federal government to nonprofit sponsors for the development of housing for the elderly. Furthermore, given the extremely high level of demand—for between $5 and $9 billion in aid when only $375 million was made available in FY 1976—the section 202 housing authorization should be increased from its present $800 million ceiling to a level that meets the need.

Furthermore, I call on the President and the Department of Housing and Urban Development to make section 8 housing work as well as they said it can. The tangling bureaucratic red tape of the application and approval procedure, and the stalling by the Department, must be ended so that we can build the needed housing units to serve our elderly and poor. In addition, the Congress should closely monitor the Department of HUD to assure that our elderly get the housing they so desperately need, and which is authorized by law.

Finally, the concept of congregate public housing fills a large and growing housing gap which exists between independent living and institutional living alternatives for the elderly. It provides a program that is residential in nature, provides social and community orientation for tenants, and also provides supportive services to enable the elderly who may be infirm, but do not need constant medical care, to avoid institutionalization. While limited statutory authority was provided for congregate public housing in 1970, there is still a great need to provide funding support at all levels of government, to assure support for the program and enable nationwide implementation.

IV. SECURITY AGAINST CRIME VICTIMIZATION AND CON GAMES

Crime victimization of the defenseless elderly is one of the most reprehensible acts imaginable—yet the FBI has found that the elderly are victimized well out of proportion for a number of crimes. A Lou Harris survey has revealed that the elderly reported the fear of crime as their major problem.

The Subcommittee on Housing and Consumer interests, chaired by my dear colleague, Ed Roybal of California, has reported that, of all the population groups, the elderly are the most ideal targets for crime. They are also the most vulnerable because of their physical limitations. They suffer more financial harm because of their low fixed incomes, and it takes endless amounts of time for them to recover, both mentally and physically.

However, many elderly do not report crimes committed against them for various reasons, one of which is the insensitivity of the police to the predicament of the older population. In a preliminary investigation, the Subcommittee on Housing and Consumer Interests found that "law enforcement agencies, especially police departments, are insensitive to the concerns and needs of the elderly. . . . Little or no specialized training has been afforded to police officers."

Our agenda for the elderly calls for (1) greater training of local law enforcement officials in coping with elderly crime victimization; (2) federal programs providing for retired police and others to educate the elderly in how to protect themselves against being victimized in con games; (3) stronger mandatory penalties for physically assaulting elderly persons; and (4) expansion of escorted transportation of the urban elderly especially at night in high crime districts.

V. EMPLOYMENT AND AGE DISCRIMINATION

National policy should include full employment for persons of both sexes and all ages.

While the Bureau of Labor Statistics reports that unemployment for persons from 5 to 64 and over 65 is lower than the national average, these statistics are extremely misleading because of the number of older "discouraged workers". These are men and women who are unemployed and gave up looking but who would take a job immediately if offered. According to the Bureau of Labor Statistics, one third of the nation's 1,200,000 discouraged workers are over 55, the highest proportion of any age.

Older Americans Act funding of jobs earmarked for the elderly should be increased pending the enactment of the Humphrey-Hawkins Full Employment Act. It is suffigeneral basis if not totally full employment general basis if not totally full empoyment for everyone. Funding a categorical program such as Title IX of the Older Americans Act can extend assistance to those who are otherwise the least likely to be recognized but who deserve a sense of fruition the most—our elderly.

Second, the current provision placing a maximum ceiling on outside earnings by social security beneficiaries is discriminatory and should be removed or the limit greatly increased over the current annual $2700. Under the current situation, an elderly person is forced not to work full time in order to rceive benefits to which he is entitled. The current law has restricted the use of one of our greatest resources—our elderly. We must recognize that working can give an elderly person a great sense of independence and self-esteem.

Third, the current inconsistent provision of the Age Discrimination in Employment Act, which prohibits employment discrimination until age 64 but not after, should be changed to prohibit discrimination regardless of age, with performance the only criteria for disqualification from a job. Taken together with full employment, the fears of some younger workers concerning competition in the job market would be needless. Research should be conducted on institutional causes leading to involuntary retirement.

Fourth, an Older Workers Department should be established within the Department of Labor. This was recommended, as was the research just referred to, in a recent report by the House Select Committee on Aging.

Fifth, the Age Discrimination in Employment Act should be extended to cover employers with fewer than 20 employees.

VI. RETIREMENT AND SUPPLEMENTAL SECURITY INCOME

The elderly should be guaranteed an adequate income in their retirement years. The society to which they have given so much owes them no less.

First, a national retirement income policy should be established to coordinate the multiplicity of existing retirement systems toward a common goal, including an adequate retirement income objective.

Second, early vesting of pension credits should be permitted, and the portability of pension benefits betwen jobs should be made easier.

Third, the Supplemental Security Income Program (SSI), created to assist the aged, blind, and disabled, has fallen far short of its goals. Many states are reducing their own supplementary income programs when federal SSI benefits are increased. As the intent of the federal increases is to provide funds to people who desperately need the money, states should be encouraged at least to maintain current benefits.

Fourth, in view of the disproportionate poverty among the elderly, SSI benefits should be increased.

Fifth, restrictions against home ownership should be lessened in determining eligibility for SSI. Also, the resource test and disability standard should be liberalized.

Sixth, SSI benefits should continue during periods of temporary institutionalization so that the elderly person will still be able to pay his home rent and will thereby have a home to return to. This will reduce the possibility of continued unnecessary institutionalization, as is sometimes now the case.

Seventh, the six month waiting period when separated couples cannot be eligible for individual SSI benefits should be altered to the time of official recognition of separation.

Eighth, as recommended in a report by the House Subcommittee on Retirement Income, chaired by our distinguished friend and colleague, Wm. J. Randall of Missouri, there should be provision for the training of homemakers displaced by death, separation or divorce. As the report states, "this is necessary to ease their transition into the labor force."

Ninth, under the Old Age, Survivors, and Disability Insurance System, the definition of disability should be revised to provide disability benefits for workers aged 55 or over who cannot qualify for benefits under the present law (so disabled as to be unable to engage in any substantial gainful activity), but who are so disabled that they can no longer perform jobs for which they have considerable regular experience.

Tenth, the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on her husband's wage record should be reduced from the 20 year requirement presently in the law.

Eleventh, the five-month waiting period that is presently a prerequisite for disability benefits should be repealed.

Twelfth, a full exemption from the employees' tax under OASDI, and an equivalent reduction in the self-employed tax, should be provided to individuals who have attained age 65.

Thirteenth, all social security provisions that are different for men and women should be the same for both (e.g.), dependents' and survivors' benefits should be provided for fathers and divorced men as they are for mothers and divorced women, and benefits for husbands and widowers should be provided without a support test as are benefits for wives and widows.

Fourteenth, the age at which deductions are no longer made from benefits on account of an individual's outside earnings should be lowered from the present age 72 requirement.

Fifteenth, it is imperative that cost-of-living indexes be measured more than once a year. Two years ago we saw incredible inflation that strapped us all, but it wreaked havoc on pensioners. We shouldn't let that happen again.

Sixteenth, a special Consumer Price Index (CPI) for the elderly should be developed to take into account the fact that the largest part of the senior citizen's income is spent on items that have recently had the highest rates of inflation. Such a special index should be used in lieu of the general CPI to determine social security cost-of-living increases.

Seventeenth and finally, a preretirement education plan should be developed to assist the elderly in adjusting to retirement status and to enjoy the rewards that should be theirs in their retirement years.

CONCLUSIONS: A TIME TO ACT

The lack of health care and nutrition, the poverty, and the inadequate housing of millions of our elderly should move us to act.

It is time that we, a nation still steeped in prosperity, develop policies to assist our most treasured group, our elderly, who, after all are our parents and grandparents.

It is time we stopped institutionalizing our elderly in nursing homes for their last years unless absolutely necessary; time we developed alternative types of care such as home health care, out-patient clinics, multipurpose senior centers, and day care; time we identified the transportation, housing, employment, retirement and safety needs of old elderly and the best way to solve them. Simply put, it is time to act to keep our older citizens healthy and independent as functioning citizens in the family and community they love and deserve to be with.

It is time that we place into action an agenda for the elderly—before the twentieth century runs out.

As Dostoevsky said, the test of a civilized society is how it treats its very young and its very old. We haven't done too badly for our youth, with CETA jobs and student loans and summer camp assistance and a host of other programs. But we have failed our elderly miserably. The Federal policy-makers are just now beginning to realize that older Americans can and do make a significant contribution to their community and the nation, and with your help, they will come to that realization even faster!

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Risenhoover (at the request of Mr. O'Neill), after 4:15 p.m. today and for Friday, May 21, 1976, on account of official business.

Mr. ADDABBO (at the request of Mr. O'NEILL), after 4 p.m. today, on account of official business.

Mr. FLYNT (at the request of Mr. O'NEILL), for May 20 and 21, 1976, on account of official business.

Mr. MILFORD (at the request of Mr. O'NEILL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MADIGAN) to revise and extend their remarks and include extraneous matter:)

Mr. HEINZ, for 5 minutes, today.
Mr. TALCOTT, for 15 minutes, today.
Mr. SHRIVER, for 10 minutes, today.
Mr. GOLDWATER, for 10 minutes, today.
Mr. KEMP, for 30 minutes, today.

(The following Members (at the request for Mr. FARY), to revise and extend their remarks, and to incude extraneous matter:)

Mr. ADAMS, for 60 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Ms. HOLTZMAN, for 15 minutes, today.
Mr. VANIK, for 10 minutes, today.
Mr. MEZVINSKY, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. HAMILTON, for 5 minutes, today.
Mr. MOORHEAD of Pennsylvania, for 5 minutes, today.
Mr. WIRTH, for 15 minutes, today.
Mr. EARLY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ROUSSELOT to revise and extend his remarks in the RECORD just prior to the vote on the conference report on H.R. 9721.

Ms. ABZUG to revise and extend her remarks during debate on Fraser amendment.

Mr. ALBERT (at the request of Mr. FARY) to extend his remarks in the body of the RECORD and include extraneous material.

Mr. FISH to revise and extend his remarks immediately prior to vote on Long of Maryland amendment on H.R. 13350.

(The following Members (at the request of Mr. MADIGAN) and to include extraneous matter:)

Mr. HYDE.
Mr. FINDLEY in two instances.
Mr. CRANE.
Mr. MCCOLLISTER.
Mr. WYLIE.
Mr. BELL.
Mr. YOUNG of Florida in five instances.
Mr. WYDLER.
Mr. CONLAN in six instances.
Mr. PRITCHARD.
Mr. BAUMAN in 10 instances.
Mr. PRESSLER.
Mr. SEBELIUS.
Mr. BOB WILSON.
Mrs. HOLT.
Mr. LAGOMARSINO.
Mr. RHODES.
Mr. PAUL.
Mr. EMERY.
Mr. KASTEN.
Mr. BROYHILL.

(The following Members (at the request of Mr. FARY) and to include extraneous matter:)

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ.
Mr. EILBERG.
Mr. DE LUGO.
Mr. ROYBAL in 10 instances.
Mr. BLANCHARD.
Mr. LEHMAN in 10 instances.
Mr. REUSS.
Mr. DE LA GARZA.
Mr. WOLFF.
Mr. MCDONALD of Georgia in four instances.
Mr. DELANEY.
Mr. TEAGUE.
Mr. EVINS of Tennessee in six instances.
Mr. FARY.
Mr. MOAKLEY.
Mr. HELSTOSKI.
Mr. PERKINS.
Ms. ABZUG.
Mr. REES.
Mr. BRECKINRIDGE.
Mr. BIAGGI in 10 instances.
Mr. PEPPER.
Mr. ALLEN.
Mr. ROSENTHAL.
Mrs. SCHROEDER.
Mr. AMBRO.
Mr. OTTINGER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3070. An act to amend section 1114, title 18, United States Code, so that Federal mine safety inspectors will be protected by criminal statutes; to the Committee on the Judiciary.

S. 3435. An act to increase an authorization of appropriations for the Privacy Protection Study Commission, and to remove the fiscal year expenditure limitation; to the Committee on Government Operations.

ENROLLED BILLS SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9721. An act to provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes; and

H.R. 13172. An act making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on May 10, 1976, present to the President, for his approval, bills of the House of the following title:

H.R. 2279. An act for the relief of Mrs. Louise G. Whalen;

H.R. 8089. An act to amend section 404(d) of title 37, United States Code, relating to per diem expenses of members of the uniformed services traveling on official business; and

H.R. 11619. An act to authorize further appropriations for the Council on Environmental Quality.

ADJOURNMENT

Mr. FARY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, May 21, 1976, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3330. A letter from the Deputy Administrator of General Services, transmitting a report on the strategic and critical materials stockpiling program for the 6 months ended December 31, 1975, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act [50 U.S.C. 98c]; to the Committee on Armed Services.

3331. A letter from the Under Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend and extend the program authorized by the Child Abuse Prevention and Treatment Act; to the Committee on Education and Labor.

3332. A letter from the Acting Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting notice of proposed final regulations for the Consumers' Education Program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3333. A letter from the Secretary of the Interior, transmitting a report on the settlement of claims and the consolidation of ownership of lands in the Cook Inlet area of Alaska, pursuant to section 12(1) of Public Law 94–204; to the Committee on Interior and Insular Affairs.

3334. A letter from the Secretary of the Interior, transmitting notice of a proposed refund of an excess royalty payment by the Standard Oil Co., of California on an Outer Continental Shelf lease, pursuant to section 10(a) of the Outer Continental Shelf Lands Act of 1953 [43 U.S.C. 1339(b)]; to the Committee on Interior and Insular Affairs.

3335. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Westinghouse Electric Corp., Pittsburgh, Pa., for a research project entitled "Development of a Shallow-Penetration Acoustic Reflection Technique for Mining Geology," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3336. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Westinghouse Electric Corp., Research and Development Center, Pittsburgh, Pa., for a research project entitled "Demonstration of New High Performance Batteries in Coal Mining Scoops," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3337. A letter from the Deputy Assistant Secretary of the Interior, transmittng a copy of a proposed contract wtih Fenix and Scisson, Inc., Tulsa, Okla., for a research project entitled "Development of Large Diameter Drilling Equipment (Phase I)," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3338. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Foster-Miller Associates, Inc., Waltham, Mass., for a research project entitled "Development of Large Diameter Drilling Equipment (Phase I)," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3339. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Southwest Research Institute, San Antonio, Tex., for a research project entitled "Highwall Mining Equipment," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3340. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Flow Research, Inc., Kent, Wash., for a research project entitled "Development of a System for High Speed Drilling of Small Diameter Roof Bolt Holes," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3341. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination No. 76–14, finding that it is a national interest of the United States to waive the exclusion of the Government of Bangladesh from the definition of "friendly country" for the purpose of agricultural commodity sales to it under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, pursuant to section 103(d)(3) of the act; to the Committee on International Relations.

3342. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination No. 76–15, finding that it is in the national interest of the United States to sell up to $4.3 million of agricultural commodities to Syria, pursuant to section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended, to the Committee on International Relations.

3343. A letter from the Attorney General, transmitting a draft of proposed legislation to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) to extend for three fiscal years the appropriation authorizations for the administration and enforcement of that act; to the Committee on Interstate and Foreign Commerce.

3344. A letter from the Chairman, Federal Power Commission, transmitting the Commission's annual report for fiscal year 1975; to the Committee on Interstate and Foreign Commerce.

3345. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the Auditors Building, Washington, D.C., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3346. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the Federal Building at 201 Varick Street, New York, N.Y., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3347. A letter from the Administrator, National Aeronautics and Space Administration transmitting notice of the proposed transfer of Construction of facilities funds authorized and appropriated for fiscal year 1976 for the project Construction of Shuttle/Carrier aircraft mating facilities, at various locations, to a new fiscal year 1976 project, Construction and Modifications for Overland Transport of the Space Shuttle Orbiter, pursuant to section 3 of Public Law 94–39; to the Committee on Science and Technology.

3348. A letter from the Secretary of the Interior, transmitting notice of a delay in the submission of the report on the feasibility and desirability of extending the prohibition on joint bidding for offshore energy resources, required by section 105(e) of Public Law 94–163; jointly, to the Committees on Interstate and Foreign Commerce, and Interior and Insular Affairs.

Received From the Comptroller General

3349. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness of the bilingual education program administered by the Office of Education, Department of Health, Education, and Welfare; jointly, to the Committees on Government Operations, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on near midair collisions between military and civilian aircraft (Rept. No. 94–1181). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 12339. A bill to authorize the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts; with amendment (Rept. No. 94–1182). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 1209. Resolution providing for the consideration of H.R. 10138. A bill to create the Young Adult Conservation Corps to complement the Youth Conservation Corps (Rept. No. 94–1183). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1210. Resolution providing for the consideration of 11909. A bill to authorize appropriations for the Indian Claims Commission for fiscal year 1977. (Rept. No. 94–1184). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 13908. A bill to repeal the provisions of law which grant automatic cost-of-living adjustments in the salaries of Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. BLANCHARD (for himself, Mr. Mineta, Mr. Mitchell of New York, Mr. Anderson of California, Mr. Traxler, Mr. Jones of Tennessee, Mr. Metcalfe, Mr. Pepper, Mr. Cohen, Mr. Simon, Mr. Mollohan, Mr. Gude, Mr. Litton, Mr. Koch, Mr. Roush, Mr. Duncan of Oregon, Mr. Seiberling, Mr. Mikva, Mr. Lehman, Mr. Broyhill, Mr. Waxman, Mr. Moorhead of Pennsylvania, Mr. Murphy of Illinois, and Mr. Cleveland):

H.R. 13909. A bill to provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every 4 years, to establish a procedure for zero-base review and evaluation of Government programs and activities every 4 years, and for other purposes; to the Committee on Rules.

By Mr. CORMAN (for himself, Ms. Abzug, Mr. Addabbo, Mr. Baldus, Mr. Blanchard, Mr. Carney, Mr. Downey of New York, Mr. Edwards of California, Mr. Fraser, Mr. Gilman, Mr. Hughes, Mr. Hungate, Mr. Jacobs, Ms. Keys, Mr. Koch, Mr. Lloyd of California, Mr. Mitchell of Maryland, Mr. Neal, Mr. Obey, Mr. Ottinger, Mr. Pepper, Mr. Roe, Mr. Rosenthal, Mr. Roybal, and Mr. Seiberling):

H.R. 13910. A bill to amend the Internal Revenue Code of 1954 to deny certain benefits to taxpayers who participate in or cooperate with the boycott of Israel; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Badillo, Mr. Patterson of California, Mr. Simon, Mr. Sisk, Mr. Van Deerlin, Mr. Waxman, Mr. Matsunaga, and Mr. Mezvinsky):

H.R. 13911. A bill to amend the Internal Revenue Code of 1954 to deny certain benefits to taxpayers who participate in or cooperate with the boycott of Israel; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 13912. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation amounts received under certain scholarship programs; to the Committee on Ways and Means.

By Mrs. FENWICK (for herself, Mr. Fish, Mr. Howard, Mr. Mineta, and Mr. Rosenthal):

H.R. 13913. A bill to terminate the authorization for the Tocks Island Reservoir project as part of the Delaware River Basin project, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Interior and Insular Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 13914. A bill to protect the public from traffickers in heroin and other opiates, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, the Judiciary, Banking, Currency and Housing, and Ways and Means.

By Mr. HANLEY:

H.R. 13915. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HYDE (for himself and Mr. Frey):

H.R. 13916. A bill to amend the Internal Revenue Code of 1954 to allow individuals to designate $1 of their income tax liability to be used for purposes of reducing the public debt of the United States; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. Addabbo, Mr. Andrews of North Dakota, Mr. Bedell, Mr. Blouin, Mr. Bowen, Mr. Carney, Mr. Cleveland, Mr. Cohen, Mrs. Collins of Illinois, Dominick V. Daniels, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fauntroy, Ms. Fenwick, Mr. Frey, Mr. Harris, Mr. Hechler of West Virginia, Mr. Howard, Mr. Hyde, Ms. Keys, Mr. Krebs, Mr. Lehman, and Mr. Long of Maryland):

H.R. 13917. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. Koch, Mr. Mitchell of Maryland, Mr. Murphy of New York, Mr. Ottinger, Mr. Patten, Mr. Patterson of California, Mr. Pattison of New York, Mr. Riegle, Mr. Rosenthal, Mr. Scheuer, Mr. Yatron, Mr.

Charles Wilson of Texas, Mr. Mezvinsky, and Mr. McHugh):

H.R. 13918. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland:

H.R. 13919. A bill to amend the Small Business Investment Act of 1958, to change the title and duties of the Associate Administrator for Finance and Investment of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. PEPPER:

H.R. 13920. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entited if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. PRITCHARD (for himself and Mr. Meeds):

H.R. 13921. A bill to amend the Controlled Substances Act to provide penalties for persons who obtain or attempt to obtain narcotics or other controlled substances from a retail pharmacy by force and violence, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13922. A bill to amend the Merchant Marine Act of 1936 in order to establish a national marine firefighting program; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN:

H.R. 13923. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by a taxpayer for tuition to provide an education for himself or for his dependents; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 13924. A bill to establish a Commission on Human Resources Programs; to the Committee on Government Operations.

H.R. 13925. A bill to amend title 38 of the United States Code to extend to 6 years the period of active duty for which certain veterans may claim reemployment rights; to the Committee on Veterans' Affairs.

By Mr. SHUSTER:

H.R. 13926. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to require the Federal Communications Commission to make certain findings in connection with Commission action authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMON:

H.R. 13927. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to respiratory disease arising out of employment in one or more fluorspar mines and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths; to the Committee on Education and Labor.

By Ms. ABZUG (for herself, Mr. AuCoin, Ms. Burke of California, Mr. Hawkins, and Mr. Miller of California):

H.R. 13928. A bill to prohibit discrimination on the basis of affectional or sexual preference, and for other purposes; to the Committee on the Judiciary.

By Mr. BRODHEAD (for himself and Mr. Traxler):

H.R. 13929. A bill to amend title XVI of the Social Secuity Act so as to make the supplemental security income benefits program more effective, and benefits under such program more realistically available, for mentally retarded persons; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 13930. A bill to authorize a study for the purpose of determining the feasibility and desirability of designating the Nez Perce Trail as a national scenic trail; to the Committee on Interior and Insular Affairs.

By Mr. COLLINS of Texas:

H.R. 13931. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly to the Committees on the Judiciary, and Rules.

By Mr. CORMAN (for himself and Mr. Heinz):

H.R. 13932. A bill to amend the Internal Revenue Code of 1954 to deny certain benefits to taxpayers who participate in or cooperate with the boycott of Israel; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 13933. A bill to amend title 5, United States Code, to provide a special allowance to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians; to the Committee on Post Office and Civil Service.

By Mr. FISHER (for himself, Mr. Fauntroy, Mr. Gude, Mr. Harris, and Mrs. Spellman):

H.R. 13934. A bill to amend the act of February 9, 1821, to restate the charter of the George Washington University; to the Committee on the District of Columbia.

By Mr. KEMP:

H.R. 13935. A bill to amend the Internal Revenue Code of 1954 to provide that certain losses from shoreline erosion shall be deductible for purposes of the individual income tax; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 13936. A bill relating to the promulgation of rules and regulations by agencies of the United States; to the Committee on the Judiciary.

H.R. 13937. A bill to amend the Tariff Act of 1930 so as to exempt private vessels and aircraft entering or departing from the United States at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees, and for other purposes; to the Committee on Ways and Means.

By Mrs. HECKLER of Massachusetts:

H.J. Res. 960. Joint resolution designating the song "America the Beautiful" the Bicentennial Hymn for 1976; to the Committee on Post Office and Civil Service.

By Mr. HOWE (for himself, Mr. Abdnor, Mr. Addabbo, Mr. Archer, Mr. Baucus, Mr. Burgener, Mr. Cohen, Mr. Dominick V. Daniels, Mr. Harkin, Mr. Hughes, Mr. Jenrette, Ms. Keys, Mr. Lagomarsino, and Mr. Lott):

H.J. Res. 961. Joint resolution to authorize the placement of the bell known as the American Legion's Freedom Bell in the District of Columbia and land of the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HOWE (for himself, Mr. Mazzoli, Mr. Melcher, Mr. Miller of Ohio, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Ottinger, Mr. Pattison of New York, Mr. Pepper, Mr. Preyer, Mr. Roe, Mr. Sebelius, Mr. Simon, Mr. Treen, Mr. Whitehurst, and Mr. Bob Wilson):

H.J. Res. 962. Joint resolution to authorize the placement of the bell known as the American Legion's Freedom Bell in the District of Columbia on land of the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAYS of Ohio:

H. Con. Res. 640. Concurrent resolution authorizing the printing of 15,000 copies of "Federal Election Campaign Laws Relating to the U.S. House of Representatives"; to the Committee on House Administration.

By Mr. RANDALL:

H. Con. Res. 641. Concurrent resolution to provide for the printing of additional copies of a report of the Subcommittee on Health and Long-Term Care of the Select Committee on Aging of the House of Representatives; to the Committee on House Administration.

By Mr. WEAVER:

H. Con. Res. 642. Concurrent resolution expressing the sense of the Congress that the medicare program should defray the full cost of hospitalization of persons eligible for assistance under such program; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. GUDE (for himself, and Mr. Seiberling):

H. Res. 1208. Resolution supporting the new U.S. policy toward Africa; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 13938. A bill for the relief of Mrs. Ikuko Fukuoka Whedon; to the Committee on the Judiciary.

By Mr. DODD:

H.R. 13939. A bill for the relief of Hugo Medardo Cadena, Leda Isabel Mercardo Cadena, Luis Otero and Teresa Otero; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 13940. A bill for the relief of Mr. and Mrs. Aaron Wayne Ogburn; to the Committee on the Judiciary.

H.R. 13941. A bill for the relief of Mary Vance Trent; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 13942. A bill for the relief of Mercedes M. Marquezlim Sindico; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 13943. A bill for the relief of Maston G. O'Neal, Jr.; to the Committee on the Judiciary.

By Mr. TRAXLER:

H.R. 13944. A bill for the relief of Eugene Ezike; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause of rule XXII,

469. The SPEAKER presented a petition of the board of directors, Fountain Valley Chamber of Commerce, Fountain Valley, Calif. relative to repeal of rule XLIII, section 10 of the Rules of the House, which was referred to the Committee on Standards of Official Conduct.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10138

By Mr. ESCH:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Youth Employment Incentive Act".

Sec. 2. Section 4 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

"(f) There are authorized to be appropriated, at a level not less than amounts appropriated to carry out summer youth programs administered by the Secretary of Labor for fiscal year 1976, such sums as may be necessary to carry out title VIII for any fiscal year.".

Sec. 3. The Comprehensive Employment and Training Act of 1973, as amended, is amended by redesignating title VIII, and all references thereto, as title IX, and by inserting immediately before such title the following new title:

"TITLE VIII—YOUTH INCENTIVE PROGRAM

"STATEMENT OF PURPOSE

"Sec. 801. The purpose of this part is to assure the availability of meaningful work and part-time employment for disadvantaged youth during the school year and in full-time employment in the summer months, and for additional training and other services designed to stimulate such youth to develop their occupational and career potentials.

"Sec. 802. (a) The Secretary shall enter into arrangements with prime sponsors in accordance with the provision of this title in order to make financial assistance available for the purpose of providing part-time employment opportunities, on-the-job training and work experience for disadvantaged youth between the ages of fourteen and twenty-two during the school year to permit such youth to resume or maintain attendance in a course of instruction; and full-time employment opportunities or part-time employment combined with a course of instruction for economically disadvantaged youth between the ages of fourteen and twenty-two during the summer months which are otherwise unavailable, to stimulate such youth to develop their occupational and career potentials.

"(b) For the purposes of this section, the term 'eligible applicants' means prime sponsors qualified under title I and Indian tribes on Federal and State reservations

"ALLOTMENT OF FUNDS

"Sec. 803. (a) (1) Fifty per centum of the funds under this section shall be allocated by the Secretary on the basis of the total number of unemployed youth between the ages of fourteen and twenty-two who reside within the area of a prime sponsor's jurisdiction as compared to the total number of such unemployed youth in all such areas.

"(2) Twenty-five per centum of the funds under this section shall be allocated by the Secretary on the basis of the ratio of the average number of unemployed persons which exceeds 8 per centum in the prime sponsor's area in the latest three months in which figures are available preceding the date of allocation of funds under this section.

"(3) Twenty-five per centum of the funds under this section shall be allocated by the Secretary on the basis of the ratio of the average of unemployed persons which exceeds 6 per centum in the prime sponsor's area in the latest three months in which figures are available preceding the date of allocation of funds under this section.

"(b) In allocating funds pursuant to subsection (a), the Secretary shall provide for separate allocations for part A and part B of this title. Funds for programs authorized under part A of this title shall be allocated by the Secretary no later than July 1 preceding the school year for which they are available for obligation; and funds for programs authorized under part B of this title shall be allocated no later than April 1 preceding the summer months for which they are available for obligation. In the event an appropriation for this title has not been made to enable the Secretary to determine such allocations, he shall, to the maximum extent possible, provide estimates to prime sponsors to enable such sponsors to plan accordingly. If an appropriation is made for this title after April 1, the Secretary shall utilize the latest data available for determining allocation under section 803(a) for programs under part B, and similarly, if an appropriation is not made prior to July 1, the Secretary shall utilize the latest data available for determining allocations for part B programs.

"(c) For the purposes of determining allocations under this section, the term 'jurisdiction' includes the jurisdiction of each unit of general local government as described in section 102(a) (2) whether or not such unit has entered into a combination of units of general local government for purposes of section 102(a) (3) or section 102(a) (4).

"(d) To the extent that funds are available for carrying out the summer youth employment program under section 4(f) of this Act, the Secretary shall adjust such allocations to insure that no prime sponsor area receives less enrollment opportunities than were provided in the summer youth employment program under section 304 of this Act in 1975.

"(e) In the event that, in determining the allocations under subsection 2(A), the Secretary determines that the total number of youth leaving school includes such youth from school districts which encompass more than one prime sponsor area, the Secretary shall prorate such totals according to the ratio of the total number of students in school between grades 9 through 12 in one prime sponsor area to the total number of such students in the other prime sponsor area.

"PART A—SCHOOL YEAR YOUTH INCENTIVE PROGRAM

"DESCRIPTION OF PROGRAM

"Sec. 804. (a) School year youth incentive programs under this title shall include—

"(1) part-time employment, on-the-job training, and useful work experience for disadvantaged youth attending school who are in need of earnings to permit them to resume and maintain attendance in a course of instruction,

"(2) part-time- employement, on-the-job training, and work experience for disadvantaged youths not attending school, provided that such persons become involved in a reasonable amount of time in a course of instruction providing necessary remedial basic education or other institutional training provided by a public secondary school, vocational school, community-based organization of demonstrated effectiveness which provides such instruction, community college, or other institution of higher education designed to assist those persons to develop their maximum occupational potential.

"(b) such programs shall take the form of any one of the following, or combination thereof—

"(1) part-time employment, work experience, or on-the-job training projects operated by community-based organizations of demonstrated effectiveness that have a knowledge of the needs of disadvantaged youth, local educational agencies (as defined in section 801(f) of the Elementary and Secondary Education Act of 1965), institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965), nonprofit private organizations or institutions engaged in public service, nonprofit voluntary youth organizations, nonprofit private associations, educational associations, business, cultural or other private associations, units of general local government, or special purpose political subdivisions either having the power to levy taxes and spend funds or serving such special purpose in two or more units of general local government, and in selected employment provided by private-for-profit employers where such employment has been demonstrated to be effective in meeting the needs of youth eligible for assistance under this Act.

"(2) part-time employment or work experience or on-the-job training on an individual basis in any of the institutions provided for in clause (1).

"(3) employment opportunities provided for under title II in the Act entitled 'An Act to establish a pilot program in the Departments of Interior and Agriculture designation as the Youth Conservation Corps, and for other purposes', enacted August 13, 1970 (84 Stat. 794; 42 U.S.C. prec. 2711 note: 16 U.S.C.A. 1701–06) as amended by the Youth Employment Incentive Act (U.S.C.) (hereafter in this Act referred to as the 'Youth Conservation Corps Act').

"(c) Such programs shall be in effect not less than six months, but not more than nine months beginning not earlier than September 15 of any school year, and ending not later than June 15 of the same school year.

"CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

"Sec. 805. The Secretary shall not provide financial assistance for any fiscal year under this part to prime sponsors unless such prime sponsor submits as part of his comprehensive plan a separately identifiable plan which sets forth a school year youth incentive program that meets the objectives of this part, including—

"(1) a description of the procedure to be utilized by the prime sponsor to publicize, consider, approve, audit, and monitor youth incentive projects or jobs funded by the prime sponsor under this part, including copies of proposed application materials, as well as examples of audit and client characteristics reports;

"(2) contains the number of economically disadvantaged to be served by the prime sponsor, and assurances that only disadvantaged youth to be served;

"(3) assurances that the prime sponsor has consulted with local educational institutions, other public employers, including law enforcement and judicial agencies, private forprofit employers, voluntary youth groups, community-based organizations and other organizations of demonstrated effectiveness with a special knowledge of the needs of the disadvantaged youth and with the private sector, in the development of the plan, and that appropriate arrangements with such groups will be made to assist the prime sponsor in carrying out the purposes of this title; and

"(4) assurances that the employment of eligible youth—

"(A) will not result in the displacement of employed workers or impair existing contracts;

"(B) will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical, regional, and proficiency of the employee; and

"(C) does not include the construction or operation of so much of any facility to be used for sectarian or as a place of religious worship.

"(5) meets the requirements of eligible activities under section 807.

"(6) assures that participating youth shall not be employed more than twenty hours per week.

"(7) assures that a participating youth is not a relative of any person with responsibility for hiring a person to fill that job.

"REVIEW OF PLANS

"Sec. 806. (a) In considering the comprehensive manpower plan submitted under part A of title I, the Secretary shall not disapprove of such plan solely on account of his disapproval of such plan submitted under this part. Conversely, the Secretary shall not disapprove of a plan submitted under this part solely on account of disapproval of the comprehensive manpower plan submitted under title I, part A.

"(b) Notwithstanding the provisions of

subsection (a) the Secretary may disapprove a plan submitted under this part pursuant to section 108(b)(2) and 108(d) of this Act.

"(c) The Secretary shall not disapprove of a plan submitted under this part without first affording the prime sponsor a reasonable notice and opportunity for a hearing.

"(d) In the event the Secretary finally disapproves a plan submitted under this part, he shall promptly notify the prime sponsor and shall provide the prime sponsor with technical and other assistance to enable the prime sponsor to develop an acceptable plan.

"ELIGIBLE ACTIVITIES

"SEC. 807. (a) Employment, work-experience or on-the-job training under this part, shall include, but are not limited to, projects and employment in such fields as environmental quality, health care, education, welfare, public safety, crime prevention and control, transportation, recreation, neighborhood improvement, rural development, conservation, beautification, community improvement projects such as the rehabilitation alteration, or improvement of public buildings, roads, and other transportation facilities, health and education facilities for the improvement of the community in which the project is located or the employment takes place. Private-for-profit employment and training shall also be considered if such employment has been demonstrated effective to meeting the needs of youth eligible for assistance under this Act.

"(b) No funds for employment funded under this subpart shall be used to provide public services, through a nonprofit organization, association, institution, nonprofit private institution of higher education, or any other applicant, which were previously provided by a political subdivision or local education agency in the area served by the project or where the employment takes place, and no funds will be used under this subpart to provide such service through such an organization or institution which are customarily provided only by a political subdivision or local education agency or in an area served by such project or employment.

"CONSULTATION WITH COMMUNITY GROUPS AND ESTABLISHMENT OF YOUTH ADVISORY COMMITTEES

"SEC. 808. (a) In developing criteria for the awarding of financial assistance under this part to eligible applicants for youth incentive projects or jobs, the prime sponsor shall consult with appropriate school officials, representatives of the poverty community which have knowledge of the needs of disadvantaged youth, volunteer youth organizations, law enforcement agencies, and other community groups which have a knowledge of the needs of such youth, to develop criteria for determining the distribution of employment opportunities under this title.

"(b) To facilitate such consultation, the prime sponsors shall establish, as part of the prime sponsor planning council established under section 104 a youth advisory committee, comprised of at least three members of the council, and four youth representatives from the community who shall be youth eligible for assistance under this part, and one representative each from business, labor, education, and career and guidance counseling.

"APPLICATIONS TO PRIME SPONSORS

"SEC. 809. (a) Eligible applicants shall submit to the prime sponsor an application for a youth incentive job or jobs, or a youth incentive project. Such applications, to be developed pursuant to criteria developed under section 808, shall be kept as brief as possible, and shall include, but not be limited to the following:

"(1) name and age of youth participating and evidence that such youth is eligible for participation,

"(2) evidence that such youth is pursuing a bona fide course of instruction,

"(3) a brief job description of such youth, including the number of hours of work per week to be performed,

"(4) if, in the event such application is for funds to carry out a youth incentive project, a description of such project, the number of youth to be employed, arrangements which have been made with educational and other community organizations, and other information which the prime sponsor may deem necessary to assure that such project will meet the goals of this title.

"(b) and the following assurances:

"(1) such youth will not be employed more than twenty hours per week,

"(2) that such youth is not a relative of any person with responsibility for hiring a person to fill that job,

"(3) that such employment will not result in the displacement of employed workers or impair existing contracts,

"(4) in the case of a private employer, that such employment will not result in the monetary or other tangible benefit of any office, existing employee, or member of the association, or any party with a professional business, or financial interest.

"(c) The prime sponsor may, at his discretion, request any additional information deemed necessary to meet the goals of this title.

"DETERMINATIONS BY THE PRIME SPONSOR

"SEC. 810. (a) In approving an application submitted under section 809, the prime sponsor shall give preference to applications—

"(1) for a youth incentive program which—

"(A) involves the greatest number of disadvantaged youth and,

"(B) provides, to the maximum extent possible, such youths are involved in the planning, administration, and evaluation of the proposed project and,

"(C) are coordinated with appropriate educational institutions in which the students are, or plan to become enrolled, and with other community organizations which have a special knowledge of the needs of youth and can provide technical assistance to such project, and

"(D) meet the requirements of eligible activities under section 807 and the extent to which such project will be of benefit to the community,

"(2) submitted by local educational agencies as defined under section 816(c).

"(3) submitted by community based organizations of demonstrated effectiveness which have experience and knowledge of the needs of disadvantaged youth.

"(b) In approving applications submitted under this part, the prime sponsor shall assure that the applicants met minimum standards of accounting, and shall require approved applicants to submit youth incentive program fiscal report as provided in section 811.

"(c) In assuring that such minimum standards are met, the prime sponsor shall, if necessary, provide technical and other assistance as may be necessary.

"REPORTS

"SEC. 811. (a) The prime sponsor shall require of each applicant who has been approved for funding under this subpart, a financial report containing information on expenditures, payment, salaries paid, and other uses of funds. Such a report shall be submitted on January 15 of the school year in which the project takes place. A second such report shall be submitted not later than fifteen days after the completion of the applicant's project, but in no event later than June 15.

"(b) The prime sponsor shall, in addition to the financial report required of each applicant in subsection (a), also require the filing of a client characteristics report to be filed at the same time as the fiscal reports. Such reports shall include—

"(1) information on age, sex, race, health, educational level, and previous wage and employment experience,

"(2) duration of time in employment, compared to other participants, wages earned, and amount of training completed at the end of a funded job or project, and

"(3) total dollar cost per employee, description of job performed or training provided, and administrative costs.

"PROGRAM COSTS

"SEC. 812. (a) Not more than 3 per centum of the funds awarded the prime sponsor by the Secretary may be used for administrative costs as defined in subsection 816(b), except where the prime sponsor elects to establish a youth incentive program under its own authority, whereupon not more than 15 per centum may be used.

"(b) Of the funds awarded by the prime sponsor to eligible applicants under this part, not more than 15 per centum of such funds may be used for administrative costs as defined in section 816(b).

"(c) Wages paid by the prime sponsor or by approved applicants for the employment of any youth participating under this title shall not be subject to the provisions contained in 29 U.S.C. 206, as amended by Public Law 93-259.

"(d) The prime sponsor has the right, at any time, to discontinue funding of a youth incentive project or job if he determines that such project or job fails to meet the conditions of this part.

"PART B—SUMMER YOUTH INCENTIVE PROGRAM

"DESCRIPTION OF PROGRAM

"SEC. 813. Summer youth incentive programs include meaningful, full-time employment for disadvantaged youth during the summer months or part-time employment to enable such youth to continue in a course of instruction, in short-term projects or employment.

"CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

"SEC. 814. (a) The Secretary shall provide financial assistance to any prime sponsor who has, in effect, an approved program under part A, provided that such sponsor submits, no later than April 15, a plan which sets forth a summer youth incentive program that meets the objectives of this part.

"(b) Such plan shall include information required under section 805(3) and assurances under section 805 (3), (4), and (7).

"(c) In the event a prime sponsor does not have in effect an approved plan under part A, the Secretary shall require a plan no later than April 15 which contains essentially the same information and assurances provided under section 805 pertaining to the objectives of this part.

"PROGRAM PROCEDURE

"SEC. 815. The operation and implementation of a summer youth incentive program shall follow essentially the same procedures as established under part A, except that—

"(1) applicants which have received funds for a school year project or employment under part I and who indicate a desire to continue such project or employment shall have priority in receiving funds provided under this part,

"(2) employment funded under this part may exceed not more than 40 hours per week,

"(3) such employment will allow the payment of allowances, in lieu of wages, for entering into a full-time course of instruction as provided for in section 111(a) of title I,

"(4) special consideration shall be given to projects and proposals submitted by disadvantaged youth themselves under the supervision of an institution, government agency, private nonprofit organization or volunteer organization, or other established institution in the community.

"(5) such employment may allow the matching of part-time employment and a course of instruction in the summer months as provided in part A,

"(6) employment and projects shall begin not earlier than June 15 and end not later than September 15, or the end and beginning of the normal school year, whichever is applicable,

"(7) applicants shall submit only one characteristic report at the end of the year, but shall submit two financial reports, one to be filed in the middle of the program, and one to be filed at the end; the prime sponsor may refuse to continue funding a project if he determines that the employment in the project does not meet the conditions of this part, and

"(8) any application submitted by an eligible applicant shall contain the same information as required for application under part A, and shall be submitted to the prime sponsor no later than May 1 preceding the summer for which they are available for obligation.

"DEFINITIONS

"Sec. 816. For the purposes of this title, the term—

"(a) 'disadvantaged youth' means a youth between and including the ages of fourteen and twenty-two who is either (1) a member of a family which received cash welfare payments, (2) or whose family has an annual income in relation to family size which does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget, or (3) is the ward of a court of competent jurisdiction who is deemed by the appropriate offices of such court to be in need of assistance under this title.

"(b) 'administrative costs' mean those costs normally occurred in administering the program and for the purchase or rental of necessary equipment, supplies, and materials.

"(c) 'eligible applicant' means State or State agency, units of general local government, Indian tribes as defined under section 302 of this Act, local education agencies as defined in section 801(f) of the Elementary and Secondary Education Act of 1965, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965, voluntary youth groups, including those groups within a parent council of a national organization, public or private nonprofit community institutions engaged in public service and private for profit and nonprofit organizations.

"ELIMINATING BARRIERS TO YOUTH EMPLOYMENT

"Sec. 817. The Secretary of Labor shall, in cooperation with the National Commission on Manpower Policy, review all federal and state laws and regulations and procedures which create disincentives for employers, both public and private, to the hiring of youth, and shall report his or her findings to the Congress and to the President no later than April 1, 1977.

"EFFECTIVE DATE AND REPEALER

"Sec. 818. The provisions of this title are effective with respect to the fiscal years after September 30, 1976, and with respect to such fiscal years, section 304 of this Act is hereby repealed.".

Sec. 4. The Act entitled "An Act to establish a pilot program in the Departments of the Interior and Agriculture designated as the 'Youth Conservation Corps', and for other purposes", enacted August 13, 1970 (84 Stat. 794; 42 U.S.C. prec. 2711 note; 16 U.S.C. 1701–1706) (hereafter in this Act referred to as the "Youth Conservation Corps Act"), is amended by adding at the end thereof the following new title:

"TITLE II—YOUTH CONSERVATION EMPLOYMENT

"STATEMENT OF PURPOSE

"Sec. 201. It is the purpose of this title to extend and supplement the Youth Conservation Corps to provide employment and other benefits to those eligible for employment opportunities under title VIII of the Comprehensive Employment and Training Act of 1973 and to allow such youth an opportunity to engage in reducing the inventory of conservation work undertaken by the National Park Service, the United States Fish and Wildlife Service, and the Forest Service in all areas of the Nation, both urban and rural and in completing other projects of a public nature on the lands and waters of the United States. This title supplements and extends the provisions of title I of this Act and does not limit or repeal any existing authority provided by title I of this Act.

"EXTENSION OF THE YOUTH CONSERVATION CORPS

"Sec. 202. The Secretary of the Interior Department and the Secretary of the Agriculture Department (hereafter referred to as the 'Secretaries') shall jointly extend the Youth Conservation Corps so as to make possible parttime employment opportunities available to youth eligible under part A of title VIII of the Comprehensive Employment and Training Act, and full-time employment opportunities to youth eligible under part B of title VIII of the Comprehensive Employment and Training Act.

"SECRETARIAL DUTIES AND FUNCTIONS

"Sec. 203. (a) Section 103 of this Act, relating to the duties and functions of the Secretaries, applies to this title the Secretary shall—

"(1) provide employment opportunities in conjunction with and as an assistance to the normal authorized functions of, in the case of the Secretary of the Interior, the Park Service, and United States Fish and Wildlife Service, and in the case of the Secretary of Agriculture, the Forest Service;

"(2) coordinate such activities directly with prime sponsors operating a title VIII program authorized under the Comprehensive Employment and Training Act and shall employ only those youth deemed eligible for assistance by such prime sponsors;

"(3) provide such employment, to the maximum extent practicable, nearest to the residences of such youth, excepting during the summer months when the Secretary shall provide for transportation, lodging, subsistence, and other services as necesary for the needs of such youth;

"(4) shall give preference for employment of such youth who reside in prime sponsor areas where the rate of unemployment exceeds 8 per centum for the most recent three consecutive months as determined by the Secretary of Labor;

"(5) shall employ such youths pursuant to the requirements of title VIII of the Comprehensive Employment and Training Act;

"(6) in determining rates of pay for such youth, set those rates at the current Federal minimum wage set forth in section 6(a)(1) of the Fair Labor Standards Act of 1938, but for youth employed full time under part B of title VIII of the Comprehensive Employment and Training Act, consideration shall be given to housing, transportation, food, medical, and other direct benefits of employment, except that supplies and equipment shall not be benefits of employment.

"(b)(1) Carrying out this title, the Secretary of the Interior shall provide employment opportunities during the school year which are, to the maximum extent practicable, in conjunction with the normal responsibilities and functions of the Park Service, Fish and Wildlife Service, and the Secretary of Agriculture shall, similarly, provide such opportunities in conjunction with the normal responsibilities and functions of the Forest Service.

"(2) In the case of full-time summer employment, subsection (1) shall not necessarily apply except that the Secretaries shall provide the necessary housing, transportation, food, medical, and other direct benefits of employment consistent with title I of this Act, in the event such youth are employed in a Youth Conservation Corps project authorized under title I of this Act or under this title.

"(3) In employing youth eligible under part A of title VIII of the Comprehensive Employment and Training Act, the Secretaries shall not employ such youth for more than twenty hours per week.

"COORDINATION WITH PRIME SPONSORS

"Sec. 204. The Secretaries shall (1) coordinate activities under this title with prime sponsors operating programs under title VIII of the Comprehensive Employment and Training Act of 1973, (2) not accept any youth who has not been deemed eligible for assistance by such prime sponsor, except that youth may be rejected if the youth is not physically capable, as determined under regulations by the Secretaries, to carry out the work proscribed, and (3) provide in a timely fashion to prime sponsors a listing of available employment opportunities provided under this title to enable such prime sponsors to plan effectively and with predictability, for the placement of eligible youth in such employment.

"EXTENSION OF GRANT PROGRAMS FOR STATE PROJECTS

"Sec. 205. (a) The Secretaries shall jointly extend the grant program for State projects required under section 104 of this Act so as to provide increased employment to young adults to develop, preserve, and maintain non-Federal public lands and waters within the States, as defined in section 104(a). Section 104(a), (b), and (c) of this Act apply to the extended grant program for State projects under this title, except that for the purposes of this title, each grant application shall contain assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted—

"(1) shall have attained age nineteen but not attained age twenty-two;

"(2) shall be physically capable, as determined under regulations established by the Secretaries;

"(3) provide for similar employment opportunities in relevant State agencies and under similar conditions as those prescribed for the Secretaries under sections 202, 203, and 204 of this Act;

"(4) shall be paid at the rate set under section 203(b)(4).

"(b) Thirty per centum of the sums appropriated to carry out this title for any fiscal year or for the period beginning July 1, 1976, and ending September 30, 1976, shall be made available for grants under this section for such fiscal year or for such period, respectively.

"(c) The States, in employing youth in the extended grant programs authorized by this section, shall have the same duty as is imposed on the Secretaries under section 203.

"SECRETARIAL REPORTS

"Sec. 206. The Secretaries shall prepare jointly and submit to the President and the Congress reports detailing the activities carried out under this title. The first such report, covering the period from the date of enactment of this title until September 30, 1976, shall be submitted not later than January 1, 1977, and reports covering fiscal years ending on September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, shall be submitted not later than January 1, 1978, January 1, 1979, January 1, 1980, and January 1, 1981, respectively.

"TIME PERIOD FOR PLANNING AND PREPARATION

"SEC. 207. (a) During the period beginning on the date of enactment of this title and ending eight months after such date, the Secretaries shall prepare a plan to carry out the activities authorized by this title and develop the necessary job opportunities, as well as locations, facilities, and equipment selected in the plan. Such plan shall contain an estimate of the annual costs of carrying out the activities authorized by this title, a procedure for selecting candidates for employment authorized under this title, a list and description of the employment opportunities initially selected by the Secretries for youth to be employed under this title and a list and description of specific job opportunities and a list and description of site locations, facilities, and equipment initially selected by the Secretaries. In preparing such plan, the Secretaries shall plan to employ one hundred thousand youth during the school year under this title during its first fiscal year of operation and three hundred thousand youth during the summer months. In selecting employment opportunities for the extended Corps, the Secretaries shall give priority to reforestation, timber stand improvement, fighting forest fires, trail and campground improvements, and control of insects, diseases, soil erosion and floods, and to work with the various agencies, particularly, the Park Service, the Fish and Wildlife Service, and Forest Service which can be supplemented by the efforts of youth employed under this title. In selecting facilities for Corps work camps, the Secretaries shall utilize existing facilities, including military facilities, whenever possible.

"(b) No youth shall be employed under section 202 and no grants shall be made to the States under the extended grant program of section 205(a) until one year after the date of enactment of this title.

"(c) The Secretaries shall submit to the Congress the plan they prepared pursuant to subsection (a) on the two hundred and fortieth day after the enactment of this title. If neither House of Congress disapproves such plan within sixty days after its submission, such plan shall be deemed approved.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 208. There is authorized to be appropriated to the Secretaries such sums as may be necessary to carry out the purpose of this title."

H.R. 12169

By Mr. MYERS of Pennsylvania:

Page 5, insert imediately after line 22 the following new sections:

SECTION 1. Section 4 of the Federal Energy Administration Act of 1974 is amended—

(1) by striking out "level II of the Executive Schedule (5 U.S.C. 5313)" in subsection (a) and inserting in lieu thereof "level III of the Executive Schedule (5 U.S.C. 5314)";

(2) by striking out "level III of the Executive Schedule (5 U.S.C. 5314)" in subsection (c) and inserting in lieu thereof "level IV of the Executive Schedule (5 U.S.C. 5315)";

(3) by striking out "level IV of the Executive Schedule (5 U.S.C. 5315)" in subsection (c) and inserting in lieu thereof "level V of the Executive Schedule (5 U.S.C. 5316)";

(4) by striking out "level IV of the Executive Schedule (5 U.S.C. 5315)" in subsection (e) and inserting in lieu thereof "level V of the Executive Schedule (5 U.S.C. 5316"; and

(5) by striking out subsections (f) and (g) and redesignating subsections (h), (i), and (j) as subsections (f), (g), and (h), respectively.

SEC. 2. Section 7(a)(1) of the Federal Energy Administration Act of 1974 is amended to read as follows:

"SEC. 7. (a)(1) The Administrator may appoint, employ and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him, and prescribe their authority and duties. The total number of positions which may be placed in GS–16, 17, and 18 shall not exceed 50, and the average grade for all positions on the General Schedule within the Administration shall not exceed GS–10, step 1. Except as provided in paragraph (2) of this subsection, the authority under this subsection shall be subject to the standards and procedures prescribed under chapter 51 of title 5, United States Code, and shall continue only for the duration of the exercise of functions under this Act."

Redesignate the following sections accordingly.

H.R. 13680

By Mr. ALLEN:

That all language following line 8, on page 1, shall be stricken with the exception of the following, which shall be renumbered accordingly:

Beginning with line 9, page 71, and continuing through line 2, page 72; and

Beginning with line 14, page 28, through line 7, page 30, but any provisions relating to any country other than Israel shall be stricken; and

Beginning with line 11, page 73, and continuing through line 13, page 75, but any provisions therein relating to any country other than Israel shall be stricken, and then continuing from line 14, page 75, through line 4, page 87, and from line 13, pages 87, through line 2, page 88.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 19, 1976, page 14459:

HOUSE BILLS

H.R. 13500. May 3, 1976. Ways and Means. Denies tax exempt status to an organization if a substantial part of the activities of such organization consist of carrying on propaganda or otherwise attempting to influence legislation.

Imposes a tax of 25 percent of the amount of any excess lobbying expenditures.

Prohibits any charitable contribution tax deduction for out-of-pocket expenditures made by any person on behalf of a tax-exempt organization if the expenditure is made for the purposes of influencing legislation.

H.R. 13501. May 3, 1976. Ways and Means. Amends the Medicare program of the Social Security Act to extend the time limit on the regulations governing payment for physicians' services rendered as part of inpatient hospital services, and to remove the time limitation on regulations governing the computation of the costs of physicians' services by health insurance carriers.

H.R. 13502. May 3, 1976. Ways and Means. Amends specified programs of the Social Security Act to set for a new formula by which the amount of the Federal payment to the States for such programs is to be computed.

H.R. 13503. May 3, 1976. Government Operations. Establishes an executive department to be known as the Department of Health, to be headed by a Secretary of Health appointed by the President by and with the advice and consent of the Senate. Stipulates that the Department shall have the duty and function of administering all health-related programs now under the jurisdiction of the Department of Health, Education, and Welfare.

Establishes a Coordinating Commission composed of the Secretary of Health and the Secretaries of such other departments as the President may designate, to advise on the coordination of all Federal health programs within their departments to end waste and duplication of services.

H.R. 13504. May 3, 1976. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to: (1) require the Civil Aeronautics Board to consider the necessity of competitive market forces in the air transportation system; (2) limit the time in which the Board has to pass on applications for certificates of public convenience and necessity; (3) revise procedures for route transfers, pooling agreements, rate changes and abandonments; (4) remove restrictions on nonstop service; and (5) remove the authority of the Postmaster General to require air carriers to establish additional schedules for the transportation of mail between two points served by such carrier.

H.R. 13505. May 3, 1976. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1936, to provide that any citizen of the United States may apply to the Secretary of Commerce for aid in developing and constructing a nuclear ship for operation in the commerce of the United States.

Requires that all ships whose development, construction, or operation is aided by this Act shall be constructed in a shipyard within the United States.

H.R. 13506. May 3, 1976. Education and Labor. Prohibits the Commissioner of Education from terminating, refusing to grant or continue, or deferring action on any application for, assistance for any local educational agency under the Elementary and Secondary Education Act of 1965 on the basis of alleged noncompliance with title VI (Nondiscrimination in Federally Assisted Programs) of the Civil Rights Act of 1964 if within the preceding five years the Commissioner of Education has determined that such agency was in compliance with such title, unless a Federal court has found otherwise subsequent to such determination and the agency has not yet complied with the court order or judgment.

H.R. 13507. May 3, 1976. Government Operations. Directs the Administrator of General Services to grant priority to occupants in the purchase of surplus Government housing being disposed of under the Federal Property and Administrative Service Act of 1949.

H.R. 13508. May 3, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13509. May 3, 1976. Veterans' Affairs. Provides that certain payments shall be excluded from the determination of a person's income for purposes of establishing eligibility for veterans pensions.

H.R. 13510. May 3, 1976. Post Office and Civil Service. Repeals the Postal Reorganization Act. Reenacts provisions relating to the postal service which were in effect immediately prior to the enactment of such Act.

EXTENSIONS OF REMARKS

LET'S PRESERVE FOR FUTURE THE HERITAGE OF THE PAST

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. BOB WILSON. Mr. Speaker, our Bicentennial is a time for us to pause and reflect on the accomplishments of our first 200 years. But more, it is a time to examine where we are going and how we are going to get there. At times, we have had some rough going these last two centuries, but the American people have always risen to the occasion. On the other hand, our future holds new problems for us. But as Mr. Clinton Morrison said at the opening session of the annual meeting of the Chamber of Commerce of the United States, if we set our minds to it, we will succeed in preserving for the future the heritage of the past. I commend his remarks to the attention of my colleagues:

KEYNOTE ADDRESS

This is our Bicentennial year. It is therefore not by coincidence that the National Chamber has selected for this Annual Meeting the theme: "200 Years of Prologue."

"Prologue" is a term used in drama for the introductory act to a story that will develop in succeeding acts. If our Bicentennial is to have some lasting significance, then it seems to me that we are celebrating our past two centuries as an introduction to a greater drama to follow; a drama that will unfold fully in the richness of time.

This Bicentennial year has given us cause to reflect, to review the past, to pay tribute to our accomplishments and to take heed of the lessons learned.

"History repeats itself" is more than a cliche. For history *does* repeat itself, and often in ways suggesting that we do not learn from the mistakes of the past. Nor do we learn from these successes of the past. We fail to sustain and nourish those principles and strengths that have made us a strong, dynamic people.

Our Founding Fathers left us a great heritage: A philosophy of freedom and the remarkable documents that have helped us maintain it; a tradition of freedom to create, to achieve, and to enjoy the rewards of that achievement. It is time to rededicate ourselves—as individuals and as a nation—to these important principles.

The ability of a nation to survive—history tells us—is dependent on its people having a faith, a star in the sky, a will, a determination, a belief in a set of aims, in a set of hopes, in something greater than themselves.

Do we have that faith today? Are we determined to reserve our heritage? Will we have the strength to make the tough decisions and the fortitude to make the personal sacrifices that those decisions may entail?

Will we face the painful tradeoffs between ideal environmental protection and economic property? Or will we continue to pretend that we can have the best of both simultaneously, while evidence piles up to the contrary?

Will we assume more self-reliance, or will we continue to ask for government help with problems we should manage ourselves? (And that goes for those of us in business, as well as those of us on welfare.)

Will we do what we must to prevent the collapse of the Social Security system? Or will we go on papering over cracks, while the cracks widen?

Will we have the wisdom to correct the imbalance in our economic incentives—so that saving and capital accumulation are favored over consumption?

Will we overrule the demagogues and reform the welfare system—to provide efficiently for those in genuine need, to provide incentives for those who require them, and to provide a quick exit for the parasites?

Will we rescue our energy supplies from the dead hand of bureaucracy and the blighted assaults of political opportunism?

Will we remember our Constitutional obligation "to provide for the common defense" before it's too late?

These are just a few of the tough decisions ahead of us. In each case, it is not so much a matter of choosing between rights and wrongs, but rather, of choosing between rights and rights—and such choices are infinitely more difficult to make.

But really, what it all boils down to is this: Do we value the present enough to work and sacrifice for the future?

Or are we now inclined to take the easy way out? To look for simple solutions to complex problems? To look for scapegoats, somebody to blame, somebody to criticize, some excuse for failure?

We live in a highly complex, interrelated world. Much more complex and much more interrelated than our forefathers ever imagined. Our problems are different from theirs. So are many of our procedures. Material aspirations have changed but the principles that provided the foundations for our nation are just as applicable now as the day the were written.

In years just passed we seemed in danger of losing our way. We were becoming, at one and the same time, both less free and less unified. Opportunities became confused with rights, rights confused with benefits, and responsibilities were forgotten completely.

Time and again we have tried to resolve the most enduring problems of mankind with panaceas, slogans and hastily conceived programs; programs valued not by their success but only by the magnitude of the resources devoted to them.

We are still a young nation imbued with an idealism, and God bless us for it. But, we are often romantically, impractically, blindly utopian. It is probably our youth.

It is probably an ingrained feature of human nature to avoid the difficult and the unpleasant and to substitute what comes easier. It is probably part of human nature to confuse dreams with reality; to confuse the ideal with the possible.

As we enter our third century we need to do a better job of reconciling our dreams and our sense of the possible. We need to remind ourselves that while the patriots of 200 years ago dreamed of a free and democratic society, they also knew that only sacrifice, hard work and, indeed, their own blood, could make their dream a reality.

There is every indication across America that we are becoming disenchanted with the easy way out; that we are ready to establish for ourselves and our nation goals that take into account not only our dream of a better life but also the costs of achieving it.

There are indications that we are beginning to recognize far more clearly certain trends that history has taught us can lead only to social, political and economic disaster—trends nourished by illusions of something for nothing.

We see Congress—for the first time—struggling to establish a rational budget-control process. It is an effort that the members of our great organization may take legitimate pride in having brought about. It is an effort that deserves and requires our continuing support.

There is literally no more important project on the national agenda. The twin scourges of inflation and unemployment will not be conquered until we master our fiscal profligacy.

We no longer see the violent demonstration. Our young have abandoned revolution in favor of constructive pursuits. This year's college freshmen rate "business" number one, both as a probable major and as a career choice. Opinion polls show the American people—of all ages—growing more mature.

And finally, we see a heartening revival of appreciation for the need to limit the extent of government intervention into our lives. There is a widespread recognition that the welter of regulation and red tape has gone too far; that even good ends do not justify the progressive loss of freedom.

More and more Americans are serving notice that we as a nation must continue to be determined "to secure the blessings of liberty to ourselves and our posterity", and that our representatives ignore that determination at their peril.

So we are meeting today at a time of transition. There is a continuing need for vigilance. But there are also grounds for cautious optimism. We still have the power to control our destiny, if we have the will to use it.

The prologue has been played and the curtain is rising for the next act. We are the cast.

Our mission is clear: To advance human progress through an economic, political and social system based on individual freedom, incentive, initiative, opportunity and responsibility.

But do we know our lines? Two hundred years from now, will our descendants say that we played this next act well?

It has been said—wisely, I think—that "one can measure the strength of a democracy in direct proportion to the voluntary effort that takes place". So it's up to us. You me, everyone.

I for one have great faith in us as a people and as a nation. I am confident that we will play a role with wisdom, sensitivity and compassion, and yet with a determination and a strength that will preserve for the future the heritage we have received from the past.

Tom Paine's words remain as true today as they were in 1776: "The cause of America is in great measure the cause of all mankind."

JOSHUA TREE WILDERNESS

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mrs. PETTIS. Mr. Speaker, earlier this year I introduced H.R. 12061, to establish the Joshua Tree Wilderness within the Joshua Tree National Monument, Calif. The National Parks and Recreation Subcommittee, as part of its consideration of various wilderness proposals, reviewed my plan and incorporated it into H.R. 13160, the comprehensive wilderness bill.

Since so many of my colleagues in this body are not from desert areas, I would like to bring to their attention a fine article which tells about the Joshua Tree National Monument and indicates the need for my wilderness proposal:

MORE VISITORS THAN EVER SEE "VERY SPECIAL DESERT"

(By Bob Craven)

The Joshua Tree National Monument sits like a giant enclave of space and stillness as it forms part of the northern tier of

Riverside County, where most of the 870 square miles of this "very special desert" are located.

"It is a very special desert because it's where the Mojave and Colorado deserts meet," said Edmund Jaeger, Riverside resident an one of the world's leading desert naturalists. "Those are two different types of desert and their coming together is what makes Joshua Tree special."

Recognizing this, the federal government designated the 550,000-acre wonderland of rocks, plants, valleys, and stark mountain ranges a national monument in 1936 to preserve what the U.S. Department of the Interior calls "a uniquely representative portion of the vast California desert." (Historic and scenic sites of special interests are designated as "monuments" to assure their preservation.)

Joshua Tree National Monument's uniqueness was further recognized in 1972, when the National Park Service recommended setting aside 372,700 acres in the monument as wilderness—to be untouched as much as possible by the hand of man—and prepared a natural resources management plan to preserve "as a composite whole the natural ecological processes and unique geographic features for which the monument was originally set aside."

Park service officials said this was necessary to counter pressure from mining interests, many of which continued to operate in the monument after 1936 because they were already established, and because it is within a day's drive of 10 million people.

The effort now is to make the area available to as many people as possible without damage to the natural features.

"There's no mining going on in the monument now," said Supt. Homer Rouse. "All of the mines are being fenced off. We want people to be able to come and enjoy the monument without falling down a mine shaft."

There are more visitors all the time. Last year, 554,000 people entered the monument through its main entrance in Twentynine Palms, while uncounted thousands of others entered at other major entrances south of Cottonwood Spring and near the community of Joshua Tree, said Rouse. The number of visitors so far this year is 10 per cent higher than at the same time last year, he added.

What is available to these visitors is some of the most magnificent desert scenery in the world, including the majestic Joshua tree, and vast reaches of space and solitude.

"There are just hundreds of places where a person can go," said Lucile Weight, a local resident who has been exploring and writing about the area since 1939. "You can park your car and walk just a little distance and feel completely away from the world.

This feeling starts within moments after leaving the park headquarters and visitor center in Twentynine Palms, heading south into the monument.

"The monument represents two desert ecosystems," Rouse explains as he drives along one of the roads in the system of paved and dirt roads that permit car travel to many points of interest. "There's the high desert, which is above the 3,000-foot level, and the low desert. These deserts meet in the monument."

Right now Rouse is in the high desert. Joshua trees—which are a species of yucca—abound on both sides of the road. The Joshua tree can grow as high as 40 feet, bearing cream-white blossoms at the ends of its angular arms. Mormon pioneers are credited with giving the plant its name because of its upstretched arms that could be taken to be in a praying position.

Rouse says the blooms probably won't come until late this month, because this was a dry winter. Some years, he said, the Joshua trees don't bloom at all.

The road is losing elevation and soon enters what Rouse calls "an ecological transition zone" where Joshua trees and plants typical of the lower, or Colorado, desert are intermixed on the landscape. At least 600 different species of plant life have been identified in the monument, ranging from the creosote bush that is typical of the low desert to juniper and pinyon pine, which grows between the 4,500- to 6,000-foot level in the western part of the monument.

"The highest part of the monument is the western part," Rouse says. "We're heading now toward the Pinto Basin, which is the southern part and the lowest."

Rouse stops at a back country use area, one of a number of such spots where people can register and then hike back into the wilderness. Hikes into the back country can be pleasant, says Rouse, but the hiker must take everything with him.

"There's no water, no firewood, nothing," he says. Even if such material as firewood were available, regulations prohibit taking or using any minerals or vegetation, or harming or disturbing wildlife. "It's not the kind of camping everybody would enjoy, but you can really get away from it all out there," Rouse says.

Back on the road, the Joshua trees become sparse. To the southeast, the lower desert is visible in the distance, a valley framed on both sides by mountains.

"Those are the Hexie Mountains," says Rouse, pointing to the mountains to the west. To the southeast are the Eagle Mountains. They look forbidding, but have a strange beauty that changes form and color as clouds come and go across the face of the sun.

"We're going down quite rapidly. We're losing the Joshua trees. The Joshua tree is the indicator of the high desert," says Rouse.

General vegetation also grows more sparse. "The lower you get the scarcer the moisture, and the more scattered and open the plant life," Rouse says.

Suddenly, however, an explosion of plant life—low desert type—appears on both sides of the road.

It's the cholla cactus garden, an area where this particular type of cactus grows in profusion. Rouse says there are actually two types of cholla at this location—teddybear cholla, "which looks soft," and holy cross cholla. A self-guiding nature trail gives information on the plants and animals of the area. For a dime, the visitor draws from a box a pamphlet which explains what he's seeing along the trail.

Rouse turns the car around and heads back north, to the Mojave desert part of the monument. After climbing to an elevation of 3,800 feet, he stops at White Tank campground, one of nine campgrounds in the monument and one of five where magnificent rock formations dominate the landscape.

The boulders are composed chiefly of quartz monzonite, he says, a rock similar to granite. Elsewhere in the monument dark Pinto gneiss forms many of the boulders and mountains. Many of the geological formations date back 800 million years, and the way they are cracked, split, sculpted, and strewn about the land is graphic evidence of the forces that shaped the area.

"You can get a completely different feeling in just a few seconds around these rocks," says Rouse, clambering over the massive boulders. One moment it was all open, the sky and horizon stretching infinitely in all directions. Then Rouse enters a small, enclosed part of the formation, and all of the outside world vanishes. It's just the walls of rock all around, and a sense of the ages that went into their making.

"See what I mean?" he whispers, and even the whisper seems loud in that silent place.

Back in the car, Rouse heads for one of the highest parts of the monument—Keys View, formerly Salton View, 5,185 feet. He explains it was renamed in honor of Bill Keys after the colorful prospector and rancher died in 1970.

Rouse points out the Jumbo Rocks campground, "the largest campground in the system," with 130 sites. As with all of the other established campgrounds in the monument (except at Cottonwood Spring, where there are flush toilets), it offers only minimal accommodations—tables, fireplaces, and pit type toilets. There is no water or fuel. The same conditions prevail at the two developed picnic sites in the monument and the numerous undeveloped picnic sites scattered throughout it.

Through Queen Valley, patches of snow begin to appear. The elevation is about 4,500 feet "There's a type of flower in here known as the Mojave mound," Rouse says, "when it gets warmer it will turn quite red."

Farther along, past the Wonderland of Rocks, the most massive rock formation in the monument, and the Sheep Pass campground, other types of vegetation start to come into view.

They aren't the types one usually thinks of in connection with a desert. They are juniper trees, an evergreen, and pinyon pines. "You get almost an alpine feeling up here," says Rouse. It's cold and there's snow on the ground.

Other areas of the monument climb to nearly 6,000 feet and are therefore higher than Keys View, but the vista from that spot is unsurpassed.

Nearly a mile below is the sea-level floor of the Coachella Valley, flanked on the west by Mt. San Jacinto, towering 10,786 feet into the sky. Palm Springs nestles against the foot of the mountain, and farther to the south, partially hidden in mist, is Indio and the date groves that surround it.

"Sometimes you can see all the way into Mexico," says Rouse. "When it's clear."

Next stop is the Desert Queen Ranch, not strictly a part of the natural environment of the monument but a fitting part of it nonetheless. Located near an area known as Lost Horse Valley, the ranch was homesteaded in 1917 by Bill Keys. Keys survived where others had failed, eking out a living by mining and ranching, but taking advantage of the limited resources available and making the most of them.

"Some people have called this a magnificent junkpile," says Rouse as he walks among the remains of the ranch, which has now been declared eligible for the National Register of Historic Places. The property is an assortment of weather-beaten buildings and mining equipment that Keys invented and built himself. It is being preserved as it was at his death and the public can visit only during public tours guided by park rangers.

"People are fascinated by this place," Rouse says. "It doesn't sound like much when you're just talking about it, but when you actually see it that's something else."

Aside from the Desert Queen Ranch, though, the appeal of Joshua Tree National Monument is simply what nature has made. Unfortunately, not everybody appreciates this, Rouse laments.

"Motor cyclists invade the Pinto Basin in droves. Riding off established roads and trails is illegal in the monument, but for every cyclist you catch there are 100 you don't. They leave scars on the land that will last for years."

Another problem is people with spray paint cans, Rouse says. "They like to put their names on the rocks. They don't realize what a blight that is to the natural environment. It's an insult to anyone else who comes along."

The monument is there to be enjoyed, Rouse says, and the best way is to follow the advice given in one of the booklets about the area. It says:

"The joy is in the discovery! And if you observe, and do not disturb, the web remains complete for someone else to discover."

"JENSENISM: THE BANKRUPTCY 'SCIENCE' WITHOUT SCHOLARSHIP"

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MITCHELL of Maryland. Mr. Speaker, a couple of years ago and several times hence, an article by the educational psychologist, Prof. Arthur R. Jensen of the University of California, Berkeley, was printed in the CONGRESSIONAL RECORD. In his article Jensen attempts to prove his theory that intelligence is largely determined genetically, and that as evidenced by their lower IQ test scores as compared with whites, blacks are intellectually inferior mainly due to heredity and not environment. Jensen further expounds on this theory by blaming the "inverse relation between heritability and teachability" for the failure of compensatory education programs.

Unfortunately, the Jensen theory, mostly documented by a gross misrepresentation of the facts and thereby lacking any scholarly scrupulosity, has already received far too much publicity. I hate to add to the public attention of this distasteful matter. But in the interest of rebutting his unfounded theory, and for the benefit of all of my colleagues as we are charged with the responsibility of structuring domestic policy, I, in conjunction with four of my colleagues, am submitting for the RECORD, a portion of the article entitled, "Jensenism: The Bankruptcy of 'Science' Without Scholarship," by Jerry Hirsch, professor of psychology at the University of Illinois at Urbana-Champaign.

The article follows:

Jensen also reproduces his two versions of Robinson's distorted figure in the June 1972 issue of *Educational Researcher*—house organ of American Educational Research Association, of which he was Vice President—alleging there that "the graph can be found also in Fuller's & Thompson's *Behavior Genetics*, p. 214." [51] His deception is again revealed when we actually do consult Fuller and Thompson, page 214 as shown in my Fig. 5 (not reproduced).

In Thompson's original and in Fuller's and Thompson's figure, the maximum difference between graphed coordinates is shorter on the ordinate than on the abscissa, whereas in all the Jensen-Robinson so-called reproductions this relationship has been reversed: the maximum difference between graphed coordinates is shorter on the abscissa than on the ordinate. Also Thompson's original has only *11 steps* on the ordinate scale, each *20 units* apart, whereas in the Jensen-Robinson distortions the ordinate scale has been stretched and "improved" to show *17 steps*, each *10 units apart*. The point at issue is scholarly integrity. Certainly the scientific community has not been awaiting a Jensen to learn that selective breeding is possible.

Further examination of Robinson throws still more light on the nature of Jensen's sholarship—page 777 of Robinson's bibliography lists the Thompson 1954 reference as occupying pages "209–331." Whereas on page 122 of his own bibliograph Jensen inflates it to appear as pags "209–331." (Robinson's paginations are of inconsistent style: the immediately preceding reference in Robinson appears as pages "323–7" and the succeeding one as pages "116–22.") Since Jensen has finally admitted *not* consulting Thompson—his own reference—he had to "invent" the missing digit. He cannot claim to have made a copying error in transcribing it from either Thompson or Robinson.

TABLE 3.—*Estimated Prevalence of Children With IQs Below 75, by Socioeconomic Status (SES) and Race Given as Percentages (Heber, 1968)*

SES	*White*	*Negro*
1 (High)	0.5	3.1
2	.8	14.5
3	2.1	22.8
4	3.1	37.8
5 (Low)	7.8	42.9

(Fig. 6. Unchanged from A. R. Jensen, "How Much Can We Boost I.Q. And Scholastic Achievement?" *Harvard Educational Review*, Vol. 39 (1969), p. 83.

Jensen's misrepresentations are legion: for the material presented in Table 3 (my Fig. 6) on page 83,[52] he refers readers to Heber 1968. This reference is wrong both on his pages 83, 91, 97 and in his References; first because actually the paper is authored by Heber and Dever,[53] second, and more importantly, the error does not turn out to be simply the inadvertent omission of the second author's name by Jensen or possibly even by Heber from a preprint, because the material in Table 3 does *not* come from the reference to which it is attributed, but rather it has been taken from an entirely different publication, bearing an entirely different title, and written not by Heber alone, but by three authors, Heber, Dever and Conry.[54] Furthermore, inexcusably the material in Table 3 purports to represent comparisons between intelligence scores of different genotypes (races) under the "same" environmental conditions, i.e., Negro-white comparisons with respect to prevalence of children with I.Q.'s below 75 at each of five socioeconomic statuses. This is a disgraceful misrepresentation, because, on tracing the material back to its original sources, as can be done through the reference provided here but not through that to which Jensen attributed it, I find that the data for whites came from the 1937 heterogeneous Terman-Merill [55] sample drawn from *11 scattered states*—California, Colorado, Indiana, Kansas, Kentucky, Minnesota, Nevada, New York, Texas, Vermont and Virginia—whereas the black was what in 1963 Kennedy, Van De Riet and White [56] called "a large, homogeneous sample" drawn exclusively from *5 clustered* southeastern *states*—Alabama, Florida, Georgia, South Carolina and Tennessee. Note also that the original two publications, from which these data have been drawn, are separated by 26 years—no spatiotemporal comparability whatsoever!

Jensen also misrepresents the Heber et al.[57] treatment of the typical falling I.Q. curve with increasing chronological age among disadvantaged children of mothers having I.Q. less than 80 (Jensen's Fig. 10, page 63; their Fig. 7, page 9) by alleging that "They studied the families of 88 low economic class *Negro* mothers . . ." (page 62) and that they used "A *representative sample* of 88 mothers . . ." (page 91; italics added in both quotations), when the original authors explicitly state on their page 7: "We have studied the families of 88 low economic class mothers residing in a set of contiguous slum census tracts in the city of Milwaukee. . . . For our survey, we *selected* 88 consecutive births. . . ." (Italics added) Nothing in the original report identifies the race of the families, and the authors explicitly label their sample as "selected," not representative. Professor Dever informs me (private communication) that "in fact, the data were gathered from both white and black mothers!"

Professor Dever objects strongly to Jensen's misuse of the two papers carrying his name: "Neither paper can be held up as being supportive of a genetic hypothesis for retardation, although we certainly had to face that question. . . . Jensen (page 92) quotes our statement: "The conclusion that changes in the social environment can cause very large increments in I.Q. *for the cultural-familial retardate* is not warranted . . .' (on the basis of the studies we reviewed.) If Jensen had to hold us up as authorities in this area, the least he could have done would have been to make it known that we had also reached the conclusion that the genetic viewpoint was equally untenable on the basis of the data which we reviewed (much of which was also reviewed by Jensen," [58] and Professor Heber stated that his findings were "grossly misinterpreted" by Jensen.[59]

On page 87 Jensen sinks to citing as an "authority" and then distorting the message of a then 3-year old mass-media magazine article [60] by lifting out of context from the first column of its six-column discussion the "fact" that "The largest sampling of Negro and white intelligence test scores resulted from the administration of the Armed Forces Qualification Test (AFQT) to a national sample of over 10 million men between the ages of 18 and 26. As of 1966 the overall failure rate for Negroes was 68 percent as compared with 19 percent for whites" (*U.S. News and World Report*, 1966)—even though immediately adjacent to the *single sentence* on which he based the foregoing discussion is the table appearing as my Fig. 7. Furthermore, about 20 lines above that sentence is an accurate reference to the original study on which the article is based and in which we find the explicit statement "Failure rates clearly and consistently relate to geographical areas. Year after year, men from the West and the Midwest perform better than those from other parts of the country. In the special study of 18-years olds their failure rate was only half the national average, while men from the South were failing at twice the national rate." [61]

EDUCATIONAL THEORY

HOW REGIONS AND RACES FARE IN DRAFTEES' MENTAL TESTS

[Year ended June 30, 1966—Percent failing Armed Forces qualification test]

	White draftees	Negro draftees	All draftees
South: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee	18	68	31
South-central: Arkansas, Louisiana, New Mexico, Oklahoma, Texas	12	57	20
Northeast: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Delaware, District of Columbia, Kentucky, Maryland, Ohio, Pennsylvania, Virginia, West Virginia	12	45	15
Midwest and West: Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington	8	37	10

Note: Data are for Army areas; Alaska and Hawaii are not included.

Source: Office of the Surgeon General, U.S. Army. Fig. 7. Unchanged from "Mental Tests for 10 Million Americans—What They Show," "U.S. News & World Report" (Oct. 17, 1966), p. 78.

R.B. Cattell departed England for America (where my University of Illinois squandered a career-long research professorship on him) after he was exposed in 1937 by the incomparable J. S. B. Haldane as a propagandist purveying misinformation.[62] Over Cattell's subsequent recantation the editors published their disclaimer stating "the author alone is

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Footnotes at end of article.

responsible."[63] His "errors" appeared in a paper bearing the notoriously alarmist title: "Is National Intelligence Declining?"[64]—which often repeated alarm he continues to proclaim with unshakable faith even though no evidence has been forthcoming in almost two human generations.[64a] In Haldane's words: "Dr. Cattell writes that his statement as to the inheritance of feeblemindedness 'was obviously intended as one of a number of general introductory approaches to the subject of intelligence inheritance for the non-technical reader,' and then proceeds to chide those who 'look for precision regarding a concept which is by its nature incapable of being defined precisely.' In fact he draws a sharp distinction between scientific and propagandist statements and evidently classes his own with the latter."[65]

Of course, the leopard did not change his spots in the new environment. Thirty-odd years later it was necessary for Illinois colleague H.W. Norton to warn: "... the statistical analyses reported by Cattell et al. are incorrect and the 'results' they report should be ignored."[66] Once again, like disgraced Vice President Spiro Agnew, Cattell pleaded *nolo contendere*—this time he had thrown away his data![67]

Now in a new generation we find Cattell's ultra-modern counterpart posing the same eugenic question beginning on page 93 in the section entitled "Is Our National I.Q. Declining?" and concluding on page 95: "Is there a danger that current welfare policies, unaided by eugenic foresight could lead to the genetic enslavement of a substantial segment of our population? The possible consequences of our failure seriously to study these questions may well be viewed by future generations as our society's greatest injustice to Negro Americans"—a philosophic credo important enough to Jensen for him to republish as a separate statement three years later.[68]

The "scientific" jurisdiction for this reiterated Hitler-type recommendation (treating an inferior race with "eugenic foresight") includes the following misinforming readers that: "A number of studies *have shown* that in populations practicing a high degree of assortative mating, . . . (Bajema, 1963, 1966 . . .). Since assortative mating . . . . in the long run may have a eugenic effect . . ." (pp. 36–37)[69] and going on to claim ". . . average generation time. . . . is significantly less in the Negro than in the white population. Also *as noted in Bajema* (1966), generation length is inversely related to educational attainment and occupational status; therefore a group with shorter generation length is more likely subject to a possible dysgenic effect." (p. 95) Consultation of Jensen's Bajema references, however, will do nothing to restore our confidence in Jensen's integrity as scientist-scholar, to wit: "The degree of positive assortative mating in relation to intelligence was *not determined* for the population under study" (Bajema 1963, p. 183)[70] and Bajema (1966) was a further study of the same population. There we find the following contradiction: "There is a *positive* relationship between educational attainment and generation length (able 5),"[71] and "The *negative* relationship between educational attainment and generation length for both sexes in this study. . . ." Bajema's first statement about "positive relationship" incorrectly refers to Table 5 when the supporting data are actually in his Table 6. The contradictory statement about "negative relationship" appears on the very next page in Bajema's *summary*, which could be all that Jensen consulted. Note also that Jensen's statement about a relationship to occupational status is another misrepresentation: Bajema (1966) does not even consider occupational status. (Italics added throughout my use of the Bajema material.)

In other words, Bajema published two mutually contradictory statements on two consecutive pages, one of them "justified" by reference to the wrong data table in his own paper, and Jensen adopts the one that supports the white supremacist philosophy. In the second of his two reviews of the same (=unchanged, even though republished with "corrections") material, is this on what economist Vernon based his carefully worded reassurances: "Although he [Jensen] regards it as important to study race differences, he is certainly not a 'racist' and he at no time preached any kind of discrimination against 'inferior' races."[72]?

FOOTNOTES

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[47] *The Citizen*, March and April, 1971.

[48] C. V. Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, Second Revised Edition, 1966), p. 152.

[49] J. W. Peltason, *58 Lonely Men* (Urbana: University of Illinois Press, 1971).

[50] "Desegregation Proposals for State Colleges Announced—Fund Cutoff Averted," *The New York Times* (June 22, 1974).

[51] A. R. Jensen, "Jensen on Hirsch on 'Jensenism'," *Educational Researcher*, Vol. 1, No 6 (1972), pp. 15–16.

[52] Jensen, HER.

[53] R. F. Heber and R. B. Dever, in H. C. Haywood (ed.), *Cultural Aspects of Mental Retardation* (New York: Appleton-Century-Crofts, 1970).

[54] R. F. Heber, R. B. Dever and J. Conry, in H. J. Prehm, L. A. Hammerlynck, and J. E. Crosson (eds.), *Behavioral Research in Mental Retardation* (Eugene, Oregon: Rehabilitation Research and Training Center in Mental Retardation Monograph No. 1, 1968), pp. 1–22.

[55] L. M. Terman and M. A. Merrill, *Measuring Intelligence: A Guide to the Administration of the New Revised Stanford-Binet Tests of Intelligence* (Boston: Houghton Mifflin, 1937).

[56] W. A. Kennedy, V. Van De Riet, and J. C. White, Jr., "A Normative Sample of Intelligence and Achievement of Negro Elementary School Children in the Southeastern United States," *Society for Research in Child Development*, Monograph 28 (1963), p. 110.

[57] Heber, et al., *op. cit.*

[58] R. B. Dever. For a ten-page documented exposition of Jensen misrepresentations, contact R. B. Dever, Special Education, Indiana University, Bloomington, Indiana 47401.

[59] D. Patrinos, "Retardation: Poverty's Legacy—III: Article Has Research Roots Here," *Milwaukee Sentinel* (Wednesday, June 11, 1969), p. 1.

[60] "Mental Tests for 10 Million Americans—What They Show," *U.S. News and World Report* (October 17, 1966), pp. 78–80.

[61] R. DeNeufville and C. Conner, "How Good Are Our Schools?" *American Education*, Vol. 2 (1966), p. 5.

[62] J. B. S. Haldane, "Correspondence," *Eugenics Review*, Vol. XXVIII, (1936–37), p. 333.

[63] *Ibid.*, p. 334.

[64] R. B. Cattell, "Is National Intelligence Declining?" *Eugenics Review*, Vol. XXVIII (1936–37), pp. 181–203.

[64a] R. B. Catell, "Differential Fertility and Normal Selection for IQ: Some Required conditions in their investigation," *Social Biology*, 1974, 21, pp. 168–177.

[65] J. B. Haldane, "Correspondence." *Eugenics Review*, Vol. XXIX (1937–38). p. 81.

[66] H. W. Norton, "Letters to the Editor," *American Journal of Human Genetics*, Vol. 23 (1971), p. 225.

[67] R. B. Cattell, and J. D. Hundleby, "Letters to the Editor," *American Journal of Human Genetics*, Vol. 24 (1972), p. 485.

[68] A. R. Jensen, "Jenson on Friedrichs' Survey," *Phi Delta Kappan*, Vol. LIII, No. 7 (1972), p. 462.

[69] Jensen, HER.

[70] C. J. Bajema, "Estimation of the Direction and Intensity of Natural Selection in Relation to Human Intelligence By Means of the Intrinsic Rate of Natural Increase," *Eugenics Quarterly*, Vol. 10 (1963), pp. 175–187.

[71] C. J. Bajema, "Relation of Fertility to Educational Attainment in a Kalamazoo Public School Population: A Follow-Up Study," *Eugenics Quarterly*, Vol. 13 (1966), pp. 306–315.

DISPOSAL OF AGRICULTURAL COMMODITIES OF 1975 NOT DELIVERED TO INDOCHINA FOLLOWING VIETNAM AND CAMBODIA TAKEOVERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues information on the disposal of commodities en route to Vietnam and Cambodia when the government of these countries fell in early 1975. Some of these commodities were donated and others were resold to third states at substantial loss.

This information relates to a General Accounting Office study prepared for the Special Subcommittee on Investigations of the House International Relations Committee on the status of funds appropriated for economic and food aid to Indochina prior to the collapse of the Thieu and Lon Nol regimes.

Following is correspondence with the Department of Agriculture relating to frustrated Public Law 480 title I sales commodities:

House of Representatives,
Washington, D.C., April 26, 1976.

Hon. Earl L. Butz,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.

Dear Mr. Secretary: The General Accounting Office recently prepared for the Special Subcommittee on Investigations a report examining the status of funds appropriated for economic and food aid to Indochina prior to the collapse of the Thieu and Lon Nol regimes.

In the report, the GAO states:

"The Department of Agriculture disposed of $27.4 million worth of Public Law 480 Title I sales commodities. Commodities valued at $24.7 million were resold at a $13.1 million loss, which was absorbed by the Commodity Credit Corporation. The remaining $2.7 million of commodities were donated for use in other countries."

I would like to know to whom which commodities were resold or given, in what amounts and at what loss.

I would appreciate your consideration of this matter.

With best regards.

Sincerely yours,
Lee H. Hamilton,
Chairman, Special Subcommittee on Investigations.

Department of Agriculture,
Office of the Secretary,
Washington, D.C., May 11, 1976.

Hon. Lee H. Hamilton,
Chairman, Special Subcommittee on Investigations, House of Representatives.

Dear Mr. Chairman: This is in response to your letter of April 26 regarding the GAO report on status of funds appropriated for economic and food aid to Indochina. Enclosed are tables showing details on "frustrated Title I commodities later resold. (The term "frustrated" refers to commodities enroute to Viet Nam and the Khmer Republic

(Cambodia) when the governments of these countries fell.)

The following donations of frustrated commodities were made:

Location/commodity/approximate quantity	Total CCC-financed amount	Recipient
Vessel Nego May/wheat/12,754 MT.	$2,090,991	CARE/India (under title II, Public Law 480).
Guam/Rice/365 MT	142,502	Feeding Indochina refugees on Guam.
Thailand/Rice/822 MT	[1] 373,484	Air support; refugee feeding.
Total donations	2,606,977	

SUMMARY—FRUSTRATED TITLE I COMMODITIES

	CCC-financed amount [1]	Resale receipts	Difference
Commodities:			
Resold	$23,337,320	$11,596,248	−$11,741,072
Donated	2,606,977	0	−2,606,977
Total	25,944,297	11,596,248	−14,348,049

[1] Includes ocean freight financed by CCC.

The figures supplied herein reflect amounts financed by the Commodity Credit Corporation, according to their records, including $1,135,029 in ocean freight financed for rice to the Khmer Republic. (Aid may also have financed some ocean freight charges, which would not appear in our figures.) We have not deducted from resale receipts any unpaid expenses (primarily for storage) which currently total $105,000.

We regret that we do not have sufficient information to attempt to reconcile the GAO figures with our figures, since the Department did not receive a copy of the final GAO report. The Department was allowed only to informally review the draft report, at which time we requested correction of several errors in the figures.

If we can be of further assistance, please advise.

Sincerely,

RICHARD E. BELL,
Assistant Secretary.

TITLE I.—FRUSTRATED RICE (RESOLD)

Location/commodity/approximate quantity	Sold to	Received from resale	CCC-financed amount (commodity)	CCC-financed amount (ocean freight)	Total CCC-financed amount	Difference (col. 6—col. 3)
Singapore/rice/21,981 million tons	Tradax Export, Geneva	$3,958,778	$8,942,827	$576,144	$9,518,971	—$5,560,193
Singapore/rice/5,165 million tons	Malaysian Feed Mills, Singapore	980,034	2,024,270	269,735	2,294,005	—1,313,971
Singapore/rice/5,537 million tons	Continental Enterprises, Bermuda	1,038,188	2,218,522	289,150	2,507,672	—1,469,484
Manila/rice/6,943 million tons	Universal Robina Mills, Manila	1,041,395	2,728,236	0	2,728,236	—1,686,841
Guam/rice/2,134 million tons	Toyo Menka Kaisha, Hong Kong	409,795	831,714	0	831,714	—421,919
Total		7,428,190	16,745,569	1,135,029	17,880,598	—10,452,408

TITLE I.—FRUSTRATED WHEAT (RESOLD)

Location/community/approximate quantity	Sold to	Received from resale	CCC-financed amount (commodity)[1]	Difference (col. 4—col. 3)
Singapore/wheat/4,977 (million tons)	Sin Heng Chan, Singapore	$535,077	$913,581	—$378,504
Bangkok/wheat/3,621 (million tons)	United Flour Mill Co., Thailand	543,921	583,883	—40,592
Manila/wheat/4,940 (million tons)	Philippine Flour Millers, Philippines	493,697	745,110	—251,413
Pusan/wheat/5,000 (million tons)	Korea Flour Mills, Seoul	402,590	737,345	—334,755
Total		1,974,655	2,979,919	—1,005,264

[1] CCC did not finance any ocean freight on wheat shipments later frustrated.

TITLE I.—FRUSTRATED COTTON (RESOLD)

Location/commodity/approximate quantity	Sold to	Received from resale	CCC-financed amount (commodity) [1]	Difference (col. 4—col. 3)
Singapore/cotton/293 bales	Malaysia Textile Ind., Malaysia	$61,325		
Singapore/cotton/3,758 bales	Sumatra Intl., Singapore	720,879		
Subtotal		782,204	$820,856	—$38,652
Hong Kong/cotton/1,004 bales	Lea Tai Textile Co., Hong Kong	197,413	210,210	—12,797
Hong Kong/cotton/1,000 bales	Soco Textiles, Hong Kong	204,733	249,500	—44,767
Bangkok/cotton/2,050 bales	Luckytex Ltd., Bangkok	[2] 372,362	431,195	—58,833
Manila/cotton/3,552 bales	Ralli Hong Kong, Hong Kong	636,691	765,042	—128,351
Total		2,193,403	2,476,803	—283,400

[1] CCC did not finance any ocean freight on cotton shipments later frustrated.

[2] $39,357 expenses (storage) have been deducted.

EDUCATIONAL PROBLEMS FACING URBAN NATIVE AMERICANS—PART III

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. FRASER. Mr. Speaker, I would like to call my colleagues' attention to the third article in a five-part series on Indian education which recently appeared in the Minnesota Daily, the University of Minnesota newspaper. The first two articles focused on the problems facing native American elementary and secondary students. This article, written by Mary Klein, looks at the difficulties confronting native Americans who seek a college education.

Inadequate academic preparation, limited amounts of student financial assistance, and different cultural perspectives, often complicate Indian students' efforts to enroll in and complete a postsecondary program. Ms. Klein observes that frequently an Indian student enters college with a weak foundation in mathematics, communications, and study skills, faces the likelihood that available financial aid will fall short of educational costs, and possesses a belief system often misunderstood in the host culture.

At the University of Minnesota, such a student can turn for help to the native American counseler in the financial aid office, the higher education for low-income people center, and the American Indian studies department. But while these channels can facilitate a student's adjustment to university life, they are able to attack the basic underlying problems in only piecemeal fashion. Ms. Klein implies that the deep-rootedness and complexity of these problems will require approaches far more comprehensive than those which have been tried in the past. The article follows:

INDIANS AT U FACE ADMISSIONS, IDENTITY AND SURVIVAL CRISES

(By Mary Klein)

There are two major considerations of higher education for American Indians; getting Indian students into college and then retaining them once they are attending, according to Russell Thornton, chairman of the University's Department of American Indian Studies.

More Indian students are graduating from high school each year, with proportionately more of them going to college. But once they enter college they frequently encounter many disheartening obstacles.

They find themselves trying to adjust to the strange customs and values of an institution that has little or inaccurate knowledge about their cultures. They also might discover that they are inadequately prepared academically for college and find that the financial aid offices are understaffed to deal with their needs.

Numerous surveys have shown that Indian students are as intelligent as any other students. Yet, Indians often graduate from high school one to two years behind the average non-Indian. Among the many reasons for this is that the primary and secondary educational systems are not usually geared to the needs of Indian students. This often causes Indian students to feel rejected or alienated, feelings not conducive to learning.

Consequently, Indian students usually enter college a step behind many of their non-Indian classmates. Three major problems of Indian students at the University are poor foundations of the English language, math and study habits, said Donald Allery Sr., community program assistant for the Department of American Indian Studies.

Allery also believes that the funding for Indian college students is inadequate. The average yearly cost of a college education in Minnesota, he noted, is between $2,800 and $3,200. The greatest source of financial aid for Indian students, federal scholarship money, lags behind 50 percent.

At the University one person coordinates all of the financial assistance for Indian students because they prefer to see him. Steven Chapman, Native American counselor at the Financial Aid Office, said that of the 400 Indian students on campus, about 310 applied for financial aid this school year. Only 10 were turned down.

Financial aid for Indian students varies greatly and comes from three major sources. One source is through tribal agencies, who have a free hand in allocating the funds they receive from the Bureau of Indian Affairs, and who give scholarships and loans ranging from $10 to $2,000 depending upon the students' needs and qualifications. Other money sources include state scholarships for Indian students and financial aid, such as University loans, available to all students.

Loan procedures are particularly difficult for low-income Indian students. Applications for other funding must be made early in the academic year. There presently is no more federal scholarship or loan money available to Indian students who want to enter the University spring quarter.

The early deadline for scholarship and loan application forces Indian students to start their college education fall quarter or wait until the next school year begins.

But concepts of what "time" is vary from culture to culture and "because 'Indian time' is different, turning in financial aid forms (and registering) before deadlines is a problem for Indian students," said Gloria Skeet, a Navaho who is majoring in American Indian Studies and is a student counselor at the University's Higher Education for Low-income People (HELP) Center.

The non-Indian concept of time, broken down into seconds, minutes and hours, "really makes no sense to us. We go by the seasons and the sun's movement across the sky." Skeet explained.

All Indians, Skeet said, whether from urban, nonurban or reservation areas follow "Indian time" to some degree, depending upon their family backgrounds.

Differing concepts of time also make it difficult for Indian students to keep appointments and turn in homework on time, noted Lois MacKenzie, an instructor and counsel at the HELP Center.

Besides the emphasis on punctuality, other cultural differences, such as the importance schools place on competition and individual achievement, are familiar to Indian college students, who grew up with those values throughout their school years. In college, however, the emphasis is intensified.

It is generally agreed that Indian cultures stress cooperation rather than individual competition. "Everything is done as a group, not as an individual," Skeet said. "It's not just 'I', it's 'we'."

Many of the University's Indian students do not want the competition. The average yearly dropout rate of University Indian students is 60 percent, Chapman said.

However, the dropout rate for fall quarter and so far this quarter has been only 20 percent. Chapman attributes this decrease partly to the current economic and employment situation and to the American Indian Studies department, created in 1969, which attracts Indian students and "gives them a reason for staying here."

The University's American Indian Studies department can help ease some of the problems Indians encounter, but the department does not have the resources to alleviate them completely, Chairman Thornton said.

The majority of the 400 Indian students on campus have contact with the department. It is a "home base" for them, a place where they are always welcomed and their uniqueness as Indians is respected, many Indian students attest.

"When I first came to the University, I felt alienated," Skeet said. She was often the only Indian in her classes and, "I felt lost until I began meeting other Indians."

Thornton said that "many Indian students come to us for assistance, rather than other University departments or agencies."

The American Indian Studies department has problems other University departments don't. "It's more difficult to teach American Indian Studies, for there are no available textbooks to use. Each faculty person is faced with finding accurate reading material," Thornton said. He defines many of the textbooks recently written about Indians as "junk."

Teachers of Ojibwe and Dakota languages, Thornton pointed out, must develop their teaching materials from scratch, because there are no textbooks on these languages.

The goals of the department include revising the departmental curriculum and course offerings to include contemporary Indian affairs, starting a center for American Indian research because "it's time for us to study ourselves instead of others doing it," bridging any gaps between the University and the Indian community and changing the knowledge that people have about American Indians, Thornton said.

Most of the 400 Indian students on campus are not majoring in American Indian Studies, and some of the 20 Indian students who are majors also have a minor in some other field.

"If I can't take the concepts I learn in school and make them applicable to Indian kids, then the concepts are of no use to me," said Jay Kanassatega, a graduate student in special education.

Kanassatega thinks that the University curriculum is too generalized because it "lumps Indians in with other minorities, but Indians are unique." For instance, the University's College of Education offers no courses specifically on Indian cultures. Special Education only offers a course on teaching students who are culturally different.

"All University departments," said Kanassatega, who wants to teach on a reservation, "must become flexible and sensitive to the needs a Native American will face when he leaves the University."

The ignorance of the religious needs of Indian students is another area which shows "a lack of sensitivity of the University to Indian people," Thornton said. Unlike Indian students, other students have easy access to their spiritual leaders, often priests or rabbis. "Indian people need the same access to their spiritual leaders as other students have. Indian people do not want to be assimilated in any way," he stressed.

Many people agree that although conditions are becoming more favorable, it is still extremely difficult for Indians to get a college education, and yet more Indians graduate from the University each year.

"Indian graduates of this department often go back to their own tribes and help in the tribal educational systems." Thornton said.

It is sometimes difficult for Indian college students to return to their people. Thornton said the "Indian students undergo a series of changes to get here (the University) and it takes a series of changes to go back.

"The difficulty in going back depends on the type of education. We try to maintain an open relationship for the students with the Indian community."

THE RENTIER ECONOMY—CAPITAL INVESTMENTS ABROAD

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Ms. ABZUG. Mr. Speaker, manufacturing is a rapidly diminishing industry in the United States, because many corporations have chosen to set up their production bases abroad. The economic situation in many foreign countries is conducive to capital investment by U.S. firms because of remission of income and other taxes, remission of import duties on production materials and machinery, subsidies for new plant construction, preferential treatment in securing foreign exchange for exports and, cheap labor.

The results of capital investments abroad are alarming. The chemical industry has approximately one-third of its total assets abroad; the consumer goods industry, approximately 40 percent; the electrical industry, 75 percent; and, by 1973 the seven largest banks in the United States were drawing 40 percent of their total profits from abroad, a 17 percent increase in only 2 years.

America is losing capital investments totaling billions of dollars a year, which are critically needed to bolster our economy. Fewer jobs are available, and corporate profits are artificially high. And we are straining the cash flow of foreign countries at an alarming rate. Multinational corporations represent the direction in which the American economy is moving: toward a rentier economy, in which a country lives on its investments alone, producing almost nothing on its own.

For these reasons I urge my colleagues to read the following article by Gus Tyler, assistant president of the International Ladies Garment Workers Union, and an expert in labor affairs. Mr. Tyler's article describes a bleak future for our country, if we continue on our present course. The problem is one to which we shall have to apply ourselves in the near future, if America's economy is to remain strong:

The article follows:

The Threat of a U.S. Without Factories

(By Gus Tyler)

What happens when America loses all or most of its manufacturing? The question is no idle speculation. Sections of labor intensive industry in America have been wiped out by a flood of imports; sections of capital intensive production have been decimated by the export of jobs to other lands by U.S.-owned multinational corporations. Unless the process is reversed, this nation will lose its historic industrial base.

While this forecast is terrifying to the 20 million workers engaged in American manufacturing, the prospect of a non-industrial America is reviewed with equanimity by some economists who believe the country can do nicely without factories. They propose that we convert to a rentier economy.

Both the word and the concept of a "rentier" are foreign. It is drawn from the kind of leisure society described in British novels where the central character somehow manages to go through life without putting in a single day of work. He makes it on his "rentes," on his investments.

A rentier economy then is one that lives on its investments. It does not depend primarily on making and selling things. It lives by clipping its coupons.

In the summer of 1971, Brookings Institution economist Lawrence B. Krause described an America that was already on the way to becoming a rentier economy. "American companies for many years have been investing substantial sums abroad, primarily by direct investments. These investments are now yielding large dividend and interest returns to their parents (representing a net of $5.8 billion in 1969)," he wrote in Foreign Policy, "and such returns are likely to grow substantially during the decade of the 1970s."

As Krause forecast, overseas investments continued to rise. A 1972 U.S. Department of Commerce study showed that the top 298 multinational corporations in the United States earned 40 percent of their net profits outside our borders. The chemical industry had about one-third of its total assets abroad; the consumer-goods industry about 40 percent; the electrical industry an incredible 75 percent; the pharmaceutical industry about one third of its assets. By 1973, the seven largest banks in the United States were drawing 40 percent of the total profits from abroad—a rise from 23 percent only two years earlier.

That year, U.S. investment overseas amounted to more than $100 billion. Our net inflow of earnings on investments was $7.4 billion. Apparently, America is learning to live in the rentier fashion of the gentleman in the British novel.

Capital has been pouring into other countries for several reasons. When a multinational corporation carries on overseas productions, its product can then be sold in a protected market. Hence, both prices and profits are artificially high.

Often the host country offers a feast of goodies to entice American investment. The temptations may include remission of income and other taxes; remission of import duties on materials and machinery used in producing goods for export; subsidies to new plant construction through low interest rates or government financing; offer of working capital or joint investment; preferential treatment in getting foreign exchange for exports.

Once implanted overseas, American multinationals then turn around to use their foreign base as a launching platform to export to the United States. Between 1966 and 1970, the 298 multinationals covered by the Commerce Department study showed a 52.9 percent increase in sales to the countries in which they were located, but a whopping 129.4 percent rise in their sales to the United States.

In addition, American tax laws encourage overseas investments. Profits made overseas are not taxed unless and until they are repatriated to the United States. Any taxes paid to foreign governments are allowed as a tax credit—not simply a tax deduction—when the corporation pays its company tax to Uncle Sam. By rigging books when one wholly owned subsidiary charges another wholly owned subsidiary in another country, the multinational can show low or no profits in countries with high taxes and high profits in countries with low or no taxes and, in that way, avoid paying an honest tax everywhere.

In many countries, American companies find they can get cheap labor and child labor; do not have to pay minimum wages, workers' compensation, unemployment insurance or social security; do not have to observe occupational safety and health legislation or environmental standards, or maintain fair hiring practices.

Hence, so long as America maintains a relatively open door policy for commodities flooding into this country from abroad and an open-handed policy in allowing American companies to export capital and technology, it is profitable for U.S.-based global corporations to do their manufacturing in other lands. The result is the outflow of capital to other lands—the financial basis for a rentier economy.

There is, of course, some reverse flow—other countries investing in the United States. But as of 1973, foreign investments in the United States, were hovering around 40 percent of American investments abroad.

The theory of a rentier economy, moreover, assumes a net inflow for the United States through investments. This requires an ever larger sum of American money abroad as contrasted with foreign investments in the United States.

A key problem for a rentier economy—such as projected for the United States—is precisely how other countries will get the necessary money to pay us, the rentier. If we just keep drawing their funds from them in the form of interest on our investments, we will ultimately exhaust their ability to pay us.

Krause offers a direct solution. "Larger trade surpluses by other countries will be required to make possible these payments," he explains.

How do these countries get "larger trade surpluses" from the United States? They must sell us more than they buy from us. We must, on our part, import more than we export. We must consciously create an unfavorable balance of trade for the United States.

The items we are most likely to import will be wares from factories rather than from farms. At present, the United States is the world's greatest exporter of agricultural products, with much of the world dependent on our farm output—a condition that is likely to continue for many years. While we do import fuels (oil), we are likely to be less dependent in the years ahead as we find alternate sources of energy. Hence, the commodities we import will be manufactured wares.

Under ideal circumstances, international trade need not result in foreign products displacing American-made goods and American workers. Theoretically, we could sell as much as we buy—exchanging our output for the equal output of other nations. But, by its very nature, the rentier system disallows such an equilibrium, requiring an unfavorable trade balance for America so that other nations may gather surpluses with which to pay interest and dividends to American rentiers. Hence loss of manufacturing and manufacturing jobs are inherent in the rentier scheme of things.

The next question is what happens to the workers—20 million—currently employed in American factories? The answer of those who envision the rentier economy is that those displaced from manufacturing will find employment in the new system. But will they?

A rentier economy is, of necessity, no great employer. Those who live by it require few busy hands, since the primary operation is placing money abroad and then reaping the a rentier economy is a counting house, an operation that employs few workers.

Proponents of the rentier economy suggest another source of employment: research and development for corporations that will then make the results available to other countries for their lease or purchase. The United States would be the great inventor and innovator for the planet.

This notion, however, stands on two infirm legs: even if we were to assume this presumptuous role, the number of people engaged in such work would be necessarily limited—as it is today. What percentage of our present labor force is engaged in research and development? Beyond that, however, we are very likely to lose this role, first because without our own life laboratory—our own industries—we would find it difficult, if not impossible, to put our ideas to a valid test; and secondly, with their own growing industries and know-how, other nations would soon develop their own scientists and engineers. Once we learned our techniques from Britain and Germany but today we have surpassed both—largely because we had the testing grounds in our own industries. Likewise, Japan was a copycat that turned into a creator.

In theory, the income that pours into the coffers of the American corporations will drip down to the people below. But in practice, nothing of the kind is likely to happen.

First of all, American corporations are not likely to bring back to this country the full sum of their return on investment. To do so would be foolish, under present law, since each dollar repatriated as profits will be taxed by Uncle Sam. Hence, corporations are inclined, as experience has already shown, to let their foreign profits stay abroad.

Second, even if the returns do pour back into corporate hands in full force, such an accumulation at the top does not necessarily mean that there will be a drip down to the lower layers. The economic elite—the prime beneficiaries of a rentier economy, since they are the true rentiers—will undoubtedly spend some of their income in buying necessities and luxuries, in hiring clerks and servants, in paying some taxes. But the 2 percent of the population which owns about 80 percent of the privately held shares in corporations can never constitute the mass purchasing base for a viable economy.

Hence, concentration of income in the hands of the rentiers will not provide jobs to the rest of the nation either directly, by work in the establishments of the rentiers, or indirectly, by stimulating a massive domestic demand.

But aren't there other places for employment of those displaced in manufacturing, such as in building and construction, wholesaling and retailing, civil service, hotels and restaurants and travel and leisure?

The argument runs that the 20 million employed in manufacturing are only about one quarter of the total labor force. If the other three quarters expand, they will be able to absorb those who fall out of manufacturing jobs.

It is further argued that manufacturing has been a shrinking percentage of the labor force for several decades now. Yet the society has been able to provide employment in the expanding non-manufacturing section of the economy.

What these calculations omit, however, is the key and decisive role of manufacturing in making it possible for the other sectors of the economy to grow. Stepped up factory productivity, in the automation following World War II, made it possible for a relatively smaller percentage of the labor force in manufacturing to flood the nation with a tangible wealth. With this wealth, the nation was able to afford homes and hotels, bars and restaurants, public and private schools, and a very expensive system of advertising, merchandising, transporting, wholesaling, retailing and packaging.

Eliminate manufacturing and you eliminate the foundation on which many other sectors of the economy are based. The construction industry depends on manufacturing to build plants and on factory employees to buy homes. The entertainment, restaurant, travel and sports industries depend on workers whose income is drawn from the making of tangible commodities. Teachers and police, firemen and sanitation workers, forest rangers and government weathermen depend on taxes paid by the producers of products.

In short, if manufacturing shrinks, so will virtually every other sector of the economy—except, of course, that elite segment that is busily engaged in collecting "rentes" on overseas investments.

A rentier economy would make our indivisible nation two nations: one living in gentlemanly leisure on its income from foreign investments and the other wallowing in unemployment and poverty. This division of the nation into extremes would be hastened by two simultaneous factors: first, those manufacturing workers who would luckily find jobs in the service economy would be earning less since, by and large, wages in service jobs lag well behind those in manufacturing; second, working people who currently own a few shares in corporations and who might be slight beneficiaries of the "rentier" system, would soon lose their "dividends" as the threatening pressures of depressed earnings would force them to sell whatever shares they hold.

All this is rarely, if ever, discussed by the devotees of the rentier system. All they see is a way to arrive at a neatly balanced international flow of money: the United States will lose on the balance of trade (more imports than exports) but will gain on the balance of payments (more interest on investments coming in than going out.) By this reckoning, all is well with the world since the United States will take in as much as it loses as other countries buy our capital and we buy their commodities.

The question that goes unanswered because it goes unasked is: who in the United States gains and who loses? Under the rentier system, workers lose and rentiers gain; income is redistributed upward to those at the top. In terms of the international flow of funds, Uncle Sam may not lose a penny. But, in the process, 2 percent of his nephews will grow rich at the expense of the other 98 percent.

In examining this ruinous trend in the United States, Krause notes that our evolution is not without precedent. America "may well be on the road to becoming a mature creditor country," he notes, "not unlike Great Britain, France and the Netherlands in earlier historical periods."

His historical reference is particularly poignant at this moment, especially as it applies to the British experience. Just a few months ago, the socialist Prime Minister of Great Britain, Harold Wilson, told his ailing nation that England's prime need is manufacturing. Without industry, the British economy can only go from bad to worse.

Against the background of Britain's role in western civilization, Wilson's appeal was plainly pathetic. England was the cradle of the industrial revolution; her entrepreneurs were the mothers of manufacturing. The tiny islands could outproduce whole continents. Yet here at the threshold of the 21st century, stands Great Britain, pleading like some primitive land for a chance to make its debut into the industrial age.

What happened to Britain?

In the 19th century, Britain was the great free trade advocate in the world. She had nothing to fear from foreign manufacturing, since Britain could beat everyone at the game with her superior ken and capacity. The imports that came into Britain were welcomed by her capitalists because they consisted of cheap raw materials for her mills and cheap foodstuffs for her workers.

Sizable investment by English capitalists in overseas ventures were all to the good. "Investment was largely directed into the development of communications abroad (particularly railroads) and of foodstuffs and raw materials which were highly complementary in nature to British export and domestic industries," records Peggy B. Musgrave in a study for the Senate Foreign Relations Committee. The capital outflow, moreover, was accompanied by a labor outflow to new lands like Canada, Australia and Argentina. These developing countries became active British customers. And, as they began to industrialize, they bought equipment from Britain. By the end of the 19th century, Britain was investing about half her national savings outside England, with minimal detriment to the overall United Kingdom.

In the early decades of the 20th century, however, things began to change. Other nations were now in a position to compete with Britain as manufacturing powers, no longer satisfied merely to be suppliers of cheap materials and foodstuffs to England.

British capital made a swift decision. Instead of putting more money and mind into British manufacturing, the movers of money deserted their wards and began to pour funds into foreign industry. "An increasing proportion of this foreign investment began to move into manufacturing industries such as jute, cotton, iron, steel, paper, tobacco and engineering," records Musgrave. By World War I, Britain was investing 80 to 90 percent of her total capital formation abroad. Britain turned from a manufacturing to a rentier economy.

The British economy felt the impact almost immediately. "The British terms of trade turned down, domestic capital per head of the population grew at a slow pace, and real wages declined slightly." In due time, the "slight" decline became a steep decline and the downturn in trade became a tumble, so that today the once bustling Britain is a dying economy—and nation.

If the United States chooses to go the way of the rentier, it is likely to fall into ruin even faster than Britain. Most of the money England invested outside its borders was in "portfolio" form rather than in "direct" form. In other words, the British were lending out capital for all kinds of uses instead of using that capital primarily to set up their own businesses or subsidiary business overseas. Hence, they did little of what American multinationals have been doing for the last decades, namely, closing plants in the United States while opening them elsewhere.

Secondly, British capital did not make a major business of exporting technology. To the extent that other nations did pick up British techniques it was a "byproduct." But for American multinationals, the export of technology is as important as—and in some cases, more important than—the export of capital. American knowhow is installed in wholly owned subsidiaries overseas; whole systems are leased out, licensed, franchised or old outright.

Another difference between the British and the American experience is that the United Kingdom was able to run its rentier system during a century when the sun never set on the British Empire. Hence, they could—when necessary—rush in to secure their investments with armed authority. But, as things look now, the next century won't see a world in which the sun will never set on the American empire. Too many nations are restless and resentful of any rentier.

"Can anyone really believe," asked Paul A. Samuelson, writing in the Morgan Guaranty Survey, "that in the last three decades of the 20th century the rest of the world can be confidently counted on to permit the continuing flow of dividends, repatriation of earnings and royalties to large corporations owned here?"

Ironically, America will not even be able in the future to threaten other nations that may decide to revolt against the rentier. Without industrial strength, we will be without military strength as well. We will find ourselves just another England—a has-been both at home and abroad.

America has much to learn from the British tragedy.

ANTONIO AND ELIZABETH FRANCISCO—50 GOLDEN YEARS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. ANDERSON of California. Mr. Speaker, in these times of shifting values and changing morality, it is truly heartening to see two people who have stood the test of time and maintained a strong and vital relationship over the years. One such couple, Antonio and Elizabeth Francisco, of Carson, Calif., will be celebrating quite a milestone on May 29 of this year. For on that day, in 1926, Elizabeth and Antonio were married in Chicago.

Fifty years, five children, and 14 grandchildren later, the Franciscos will celebrate their golden anniversary. They will be joined on that occasion by their family and the many friends they have made over the years. Residents of the city of Carson for the past 10 years, the Franciscos will also be honored by the community as the city, and its residents, offer their congratulations and join in the festivities.

Antonio Francisco has enjoyed a long, varied, and interesting career, in addition to a rich and rewarding family life. From 1928 to 1941, he was a successful businessman in the Philippines, the owner and operator of a rice and sugar mill.

The onset of World War II interrupted Mr. Francisco's business, as the Philippines were occupied by enemy forces. During those years, Antonio Francisco served as an officer in the army of the Philippines as it fought to overthrow foreign domination. That bitter conflict ended in 1945, and in 1946 Captain Francisco became intelligence officer for the Philippines' Secretary of Defense, Ramon Magsaysay.

From 1951 to 1954, Antonio Francisco served the Philippine Government as intelligence officer for President Magsaysay, who had become head of the government. Following that tenure, Mr. Francisco became chief security officer in the Republic of the Philippines for CALTEX, an American-owned firm. He held that position until 1962.

In March of 1961, Antonio Francisco received a third degree honor from the Knights of Columbus. The mayor of Makati in Rizal, Republic of the Philippines, awarded Mr. Francisco with a certificate of merit in June 1962 for his outstanding contributions to the peace and order of the city of Makati.

Throughout this long, distinguished, and varied career, Antonio Francisco remained devoted to Elizabeth and their five children: Andres, Antonio, Jr., Anna Maria, Elizabeth, and Katherine. If family life is the cornerstone of a person's life, Antonio and Elizabeth have indeed been both fortunate and successful. Their five children have gone on to lead lives and careers of their own, and have blessed their parents with 14 grandchildren.

Mr. Speaker, when two people are successful in marriage for such a long period of time, they deserve congratulations and respect for all of their life's accomplishments. The Franciscos, with their many years together, stand as a glowing example of what a good marriage can be—a source of support, happiness, and contentment.

My wife, Lee, joins me in congratulating Antonio and Elizabeth Francisco on their golden wedding anniversary, and we wish them many more years of happiness together.

END THE FEDERAL ENERGY ADMINISTRATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mrs. SCHROEDER. Mr. Speaker, the Senate Government Operations Committee has reported a bill, S. 2872, to renew the Federal Energy Administration for 15 months. It is important to note, however, that S. 2872, besides offering such a shorter extension of the FEA, also provides for a disposition of the functions of the FEA according to a congressional plan of action when the FEA would end, October 1, 1977.

Congressman FLOYD FITHIAN and I placed in yesterday's RECORD—at page H4545—a substitute to H.R. 12169, the bill the House Interstate and Foreign Commerce Committee reported out to extend the FEA for 39 months. Our substitute abolishes the FEA on June 30, 1976, and transfers its functions to other Federal agencies and departments.

We believe that just as the Senate Government Operations Committee's approach to the disposition of the FEA is a much better one than the House Interstate and Foreign Commerce Committee's, the Schroeder-Fithian substitute is a still better approach, since our approach will stop the FEA's wasteful habits and self-promotion campaigns dead in their tracks. An explanation of our substitute appears in the RECORD for yesterday, May 18, at pages E2649 and E2655.

When we do take up H.R. 12169 on the House floor, I think we also have to consider what sort of conference committee problems a conference between H.R. 12169 and S. 2872 would create. H.R. 12169 gives the FEA 39 more months, with little direction, to fester in the bureaucracy; S. 2872 would cut off the FEA in 15 months and tell the FEA where to go. The following chart comparing the disposition of functions proposed by the Schroeder-Fithian substitute and the Senate Government Operations Committee bill shows very realistically that the Schroeder-Fithian approach, rather than H.R. 12169, offers the House viable alternatives to the Senate bill. The chart follows:

COMPARISON OF SCHROEDER-FITHIAN SUBSTITUTE TO H.R. 12169 TO S. 2872, THE BILL TO EXTEND THE FEDERAL ENERGY ADMINISTRATION AS REPORTED BY THE SENATE GOVERNMENT OPERATIONS COMMITTEE

FEA FUNCTION (CONTINUED BY H.R. 12169 FOR 39MONTHS)	SCHROEDER-FITHIAN SUBSTITUTE DISPOSITION ON JULY 1, 1976	S. 2872 DISPOSITION ON OCTOBER 1, 1977
Executive Management and Administration.	Abolished.	Functions relating to advice to President transferred to Energy Resources Council. Others abolished.
Energy Policy and Analysis.	Transferred to ERDA.	Functions relating to advice to President transferred to Energy Resources Council. Data analysis and Collection transferred to Department of Commerce.
Regulatory Programs.	Transferred to Federal Power Commission.	Price regulation functions transferred to Federal Power Commission; Allocation functions transferred to Department of the Interior.
Conservation and Environment.	Transferred to ERDA.	Transferred to ERDA, except appliance efficiency and labeling and Federal and State conservation planning transferred to Department of Commerce.
Energy Resource Development.	Transferred to Department of the Interior.	Coal conversion program transferred to Environmental Protection agency; Materials allocation program, Strategic Reserve functions transferred to Department of the Interior.
International Energy Affairs.	Transferred to ERDA.	Transferred to Department of State.

THE VIEW FROM THE HILL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. STEIGER of Wisconsin. Mr. Speaker, I am pleased to have this opportunity to commend to my colleagues an article on Congress and higher education written by Robert C. Andringa, minority staff director of the Committee on Education and Labor.

The insight Dr. Andringa has acquired through his involvement in legislation in this area provides us with an interesting analysis of congressional capabilities and effectiveness in developing a Federal postsecondary education policy.

The text of the article follows:

THE VIEW FROM THE HILL

(By Robert C. Andringa)

Among the unsettling currents coursing through the mainstream of higher education is a new attitude toward the federal government. Where once education lobbyists tended to support any halfway reasonable idea for new federal initiatives, they are now more wary of creeping federalism, and future support will almost certainly be more circumspect. If educators were ever under the illusion that federal control would not follow the federal dole, they have certainly been disabused of that notion. And while most would agree that the net effect of the federal role in postsecondary education has nevertheless been positive, one encounters an unmistakable and increasing anxiety when educators confront projections of present trends into the next decade.

But for all the publicity, rhetoric, and analysis expended on the subject, few people understand the obstacles to achieving any fundamental shift in the way government operates. Having observed and participated in the legislative process for six years in the House of Representatives, I have found it difficult to be any more sanguine than educators about the prospects for a meaningful decrease in the myriad of forms, regulations, reports, and sundry other requirements deemed by the government and the bureaucracy to be in the public interest.

Surprisingly, most elected and appointed officials in Washington are just as frustrated by the mammoth and mired federal machinery. Their rhetoric can match any heard outside of government. They, too, want to cut through the costly red tape binding small businesses, colleges, hospitals, and other institutions. But there are problems. For one, no one wants to reduce his own authority, responsibility, budget, or staff. For another, there is the inertia generated by the size and complexity of a government that employs 3 million citizens, spends over $1 billion every day, generates thousands of forms to confuse the public, and administers more than 1,000 distinct domestic programs. All of which is done, moreover, with a fairly rapid turnover of senior officials. Just as a new congressman or agency official with some creative ideas acquires enough knowledge of how government works, he or she too often moves over, up, or out. Those with the most staying power tend to be middle-level career civil servants with an understandable stake in keeping their little fiefdoms intact.

As one educated for a career on campus and experienced in shaping federal higher education legislation for a congressional committee, I believe my observations on the difficulties plaguing Capitol Hill may be of some value to those working in other vineyards on behalf of better education. I do not, of course, assume that everyone will agree with my analysis, but it is offered in the hope that it will at least improve the quality of the debate and encourage a more realistic assessment of what government can and cannot do. And why.

First, a few basics that are often overlooked:

Nothing is clear, neat, or simple in a democratic system. We do not have a single ministry of education, but instead hundreds of sponsors and policymakers continually shaping and reshaping the academic enterprise.

The states have been given, under the Constitution, primary responsibility for public education, and colleges should not look to the federal government to satisfy their basic needs. The federal government has typically viewed higher education as a means to achieve other national purposes, not as an end in itself.

There is no coherent federal policy on postsecondary education. No single congressional committee or executive agency can exert much leadership and control over the others. The federal role is the accumulation of hundreds of ad hoc decisions by people who often neither know nor care what others in the federal establishment might be doing.

Many federal laws have a substantial effect on higher education, but were drafted, passed, and implemented for other reasons—often with little or no discussion of how they might affect postsecondary education. Acts relating to equal pay, age discrimination, pension programs, and consumer protection are but a few examples. More potent forces than education lie behind these laws, and it is difficult for elected officials to discriminate in these cases between a college or a grocery store, a steel mill or an elementary school—even when different treatment is in fact justified.

Government is so involved in every aspect of national life that government officials have become more specialized, more insulated from the college campus, and more hard pressed simply to keep their heads above water. Consequently, no single person, including the President and Secretary of HEW, can alone push the solution button, even if he knew where it was.

Higher education—like all other interests groups—finds it easier to support the creation of something new than the abolition of something old. Most people would agree that the resultant federal presence in higher education has generated burdensome costs of compliance with regulations; has often resulted in conflicting signals from different agencies; has required similar, but not quite the same data be filed with two or three different agencies; has added gray hairs to those trying to keep up with changes in the law; and has kept educators from doing what is most important—teaching—because process and procedure have taken so much time. But try to cut back the federal role in even the smallest of areas! Immediately, a few interest groups, congressmen, staff members, and bureaucrats move into action to block the move. Even the most inconsequential piece of the pie got there through the commitment and sweat of somebody, and the commitment and sweat of somebody will try to keep it there.

Some have accused Congress of not being responsive to the needs of higher education. I rather think part of the problem is that Congress has been too responsive. Most, but certainly not all, federal initiatives are the result of legislation. Congress has passed so many laws with regard to postsecondary education that no one seems able to gather them together. We've tried it.

Among the modest reforms in the House of Representatives in 1974 was a provision giving the Committee on Education and Labor oversight responsibility for all federal education programs, whether within its jurisdiction or not. It should be noted that jurisdiction over any general area of national life is not defined very precisely in the House rules. This makes it easy for almost any committee to get into the act when an issue becomes politically popular. The environment, energy, and government intelligence operations are recent examples. Higher education is an example from earlier years.

I knew that the Committee on Education and Labor had so much to keep it busy—114 federal programs under our jurisdiction have expiration dates during the Ninety-fourth Congress—that we would not venture far into other committee jurisdictions. Besides, some chairmen do not appreciate outsiders looking over their shoulders. Nevertheless, as a staff person responsible for higher education legislation within the committee's jurisdiction, it seemed appropriate to ask, How many federal programs (or "authorities") affecting postsecondary education are there, and which committees have jurisdiction over which? Simple question? Not at all.

We asked the American Law Division of the Library of Congress to undertake the initial investigation. In July 1975 we received a lengthy list of every program touching postsecondary education, listed according to its committee of original jurisdiction. We then circulated the list to each parent committee in hopes of identifying the subcommittees that held jurisdiction over each program. During this process we discovered that a few older programs had been switched to other committees through changes in the rules, creation of new committees, and so on. Some of the older programs that are permanent law (with no fixed termination date) had simply not been brought before the committee for review in so many years that current staff could not determine whether their committee had jurisdication or not.

The tale is too long to spin out in its entirety, but the results astounded even those who believed they knew what was going on Neither the Library of Congress nor our staff is bold enough to advertise the results as 100 percent accurate. But it is, I think, the best effort made to date. The library identified 439 separate statutory authorities effecting postsecondary education. They vary from small authorities granting fellowships for graduate study to major programs consuming hundreds of millions of dollars. Some authorities have been on the books for dozens of years. Most have been created in the past decade or so. Some will be on the books forever unless Congress acts to remove them. Most exist under authorities of a few years. The latter are almost inevitably renewed when the termination date rolls around, though usually with new amendments . . . then new regulations . . . then new complaints . . . then new ideas to solve the new complaints . . . new amendments . . . etc.

The number of programs was hardly surprising because a 1973 staff study for the National Commission on the Financing of Post-Secondary Education had already identified some 375 separate programs lodged in more than 35 agencies besides the U.S. Office of Education. What was somewhat of a shock, however, was the number of committees involved. The chart on page 29 (not reproduced) shows the distribution of 426 programs among 18 of the 22 standing committees of the House and 16 of the 18 Senate committees. An additional 13 programs are the responsibility of the Joint Committee on Atomic Energy. Note that several House committees share jurisdiction with two or more Senate Committees and vice versa. Although some parent committees do not make specific program assignments to subcommittees, our survey found that there are at least 70 subcommittees (out of over 200 in Congress) that have some jurisdiction over the 439 program authorities.

These figures are somewhat more dramatic than the actual situation. A few of the committees have a small number of programs and many have quite minor programs. But the diffusion of responsibility for postsecondary education in the Congress is a major reason for the proliferation of programs, lack of sufficient oversight, and the virtual futility of even suggesting a congressional approach to the problem of overkill.

One needs some knowledge of how Congress functions to fully appreciate why Congress is poorly equipped to stem the tide of ill-conceived or unnecessary additional federal actions. Most legislative work in Congress is done in subcommittees. Most subcommittees have an independent staff responsible to the subcommittee chairman. Coordination among subcommittees within a single parent committee is thus difficult to achieve and seldom done well. Communication regarding legislative proposals and current law among House or Senate subcommittees not part of the same committee is even rarer. This, incidentally, is why good lobby groups, monitoring several House and Senate subcommittees, can often help improve committee decisions.

Compared with the executive branch, the Hill may appear a more manageable enterprise. It is not. Each of the 535 elected representatives is an independent factor in the total operation. Neither members nor committees are formally accountable to anyone else within the Congress. Over 12,000 employees of the House and Senate owe their jobs and loyalty to almost a thousand different bosses (since many senior members wear more than one hat).

Congress could be better organized. But no one should expect Congress to find a way to coordinate successfully the whole range of federal activities that affect higher education. Who would do it? Any attempt to reassign popular, attention-getting, grant-producing federal programs from one committee to another for purposes of consolidation requires a more centralized decision-making process than Congress by nature can achieve. Moreover, under the present process, too many "goodies" accrue to members whose committee work includes aid to colleges. Although current interest in new higher education legislation is low, education remains politically popular.

Because of this diffusion of legislative authority, higher education lobby groups have sometimes been able to appeal to more than one committee to achieve the same general objective. For example, a desire to obtain more money for research and graduate programs in energy or environmental problems can conceivably be achieved through over a dozen different committees. It takes only modest drafting skills to write legislation that results in the House parliamentarian referring it to committee A rather than committee B. The fact that this game has been played by both members and staff, usually initiated or supported by some interest group, is another partial answer to how we got where we are.

The number of committees involved and laws passed relates directly, of course, to the proliferation of federal red tape. Each statute grants authority for carrying out a program to some official in the executive branch. Here again there is room for choice. Lobby groups and key members of Congress might push for giving the authority to agency X if it seems more able or willing to implement a particular new initiative than agency Y. That may have nothing at all to do with the fact that five years earlier the same or a different committee gave a closely related authority to agency Z. Wherever an authority ends up, that agency must usually draft and publish regulations to carry out the program or law. These regulations typically include definitions, timetables, quantitative criteria to translate general statutory language into measurable factors, and so forth.

Congress has been making noises in recent years about the insensitive and arbitrary methods some executive agencies have employed to implement federal laws contrary to the intent of Congress. Is this complaint justified or just part of Washington political rhetoric? Partly both. Agencies have been guilty of stepping beyond the law, and the education and labor committee has, as a result, instituted tough public and congressional review requirements to keep them in line. But Congress is also at fault. Too often we draft great ideas in such general terms that no one could distribute the funds or evaluate the program without explanatory regulations. Vague phrases are often politically necessary for passage—specific wording might break down the fragile coalition of members who support the program, each interpreting the language as he will. It is also common—regardless of a hostile feeling toward the regulation writers—for congressmen to avoid biting tough, political bullets, thus by default leaving the controversial tasks to the executive branch. Witness school busing, sex discrimination, occupational health and safety, and privacy legislation.

For these and other reasons, the "congressional intent" of many laws is often elusive. On sensitive issues, the law finally sent to the President is the result of delicate compromise. Language in the law, or in the report that accompanies it, is usually drafted in the confusion of a House-Senate conference committee, or by tired staff in the late night hours afterward, and is written with such care as not to jeopardize passage. When the executive agency then tries to interpret this committee-produced prose, it runs into trouble. Because individuals do not necessarily alter their views on important matters simply because a compromise law has been passed, a visit by an agency head to six congressional offices may result in six varying interpretations of what Congress intended.

There is no lack of ideas on how Congress and the higher education community can help make the federal government a more effective and responsible partner in providing quality education. But traditional suggestions seem not to have worked well enough, and something far more creative is needed. To continue the debate, the following approaches seem necessary and just within the bounds of reasonable possibility:

(1) Congress should organize itself into fewer subcommittees with fewer subcommittee assignments for each member. A representative today may be assigned to 5 or 6 subcommittees and a senator to as many as 10 or 12. It is not uncommon for a member to have three subcommittee meetings scheduled for the same hour.

At a recent seminar, I mentioned that the average attendance at a hearing of our 18-member Subcommittee on Post-Secondary Education was about two and a half. The mild gasps of surprise lasted only until a Senate staff person said the average for their 12-member subcommittee was closer to one!

It is no wonder, then, that staff do more and more of the drafting, discussing, evaluating, and even compromising of legislative proposals. This process often results in more complicated legislation. Unfortunately, the inevitable consequence is even less participation by busy members of Congress, who become frustrated in subcommittees listening to arguments they don't understand and had no part in shaping.

(2) Government is not organized to assess the impact on campus of its collective efforts. The times require a substantial effort, supported by a broad coalition of nongovernment organizations, to evaluate the effect of current federal involvement in postsecondary education an autonomy and quality. There are some initial activities under way in the major higher education associations. But the results need to be packaged and disseminated so as to be comprehensible to harried public officials. Good investigative journalism by the popular media might help build larger coalitions among several interest groups to the point where government officials will act and not simply agree.

(3) When there is enough public support for the need to reduce costly red tape for the sake of quality education, top leadership should lay down the guidelines within which all parties can proceed. The President and governors should consider preparation of a "General Statement of Agreement on Federal and State Support for Postsecondary Education." Such a statement could be a proxy for the broad policy statement some believe Washington should produce by law. It would represent a workable consensus on the general relationships among colleges and the federal and state government. While it could be neither guaranteed nor enforced, it would lend support to those trying to prevent counterproductive government initiatives.

(4) Once the issue of governmental overkill becomes visible enough, pressure would exist to modify some current practices. Laws could be drafted with more clarity and with fewer of the riders and technical amendments too often added at the behest of a single member without critical evaluation. Small categorical programs could be consolidated, reducing administrative costs and leaving more discretion to the states and individual institutions. Many proven programs could be authorized for longer periods and funded one year in advance of the time colleges are to receive the money. Regulations could be shorter with fewer time-consuming features that add costs and brief to 3,000 institutions because 10 of them might not follow the spirit of the law. Congress could require agencies to reimburse institutions for certain compliance costs as a discincentive to unnecessary forms. But these and other reforms will occur, unfortunately, only when the wheel squeaks loudly enough.

(5) The battles between public and private institutions over relatively minor policy options should yield to a unified defense of the need for a strong, competitive independent sector—not just for the well-known reasons of diversity, choice, smallness, and the rest, but because an indispensable private sector is the best protection for publicly sponsored institutions against bureaucratic control by unsympathetic agencies. Who has trouble stretching his imagination to the day when "mass higher education" is so well accepted it begins to look not dissimilar to the public elementary/secondary system of today? Indeed, there is probably a sizeable group of political leaders who already feel two or three "systems" of higher education in each state would not be a bad way to cope with the expensive confusion of the current scene.

Additional reforms are easily conjured. None will be incorporated without difficulty into the present political milieu. One can only hope that the vast diversity of thought in higher education and the natural reluctance to bite the hand that feeds do not result in too little action taken too late.

NUCLEAR REGULATORY COMMISSION STAFF REPORT CONCLUDES TVA NUCLEAR POWERPLANT AT HARTSVILLE, TENN., CAN BE BUILT AND OPERATED SAFELY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. EVINS of Tennessee. Mr. Speaker, following the required environmental and site suitability hearings, the staff of the Nuclear Regulatory Commission has concluded that the Hartsville, Tenn., nuclear plant can be built and operated safely without undue risk to the health and safety of the public.

This is another step forward toward final approval of this project which will include four units and will be built by the Tennessee Valley Authority.

Pursuant to the report of the NRS staff, a limited work authorization has been issued permitting site preparation and other preliminary construction.

Final action by the licensing board will follow further public hearings—these hearings will concentrate on the overall safety of the plant itself.

The NRC is following the prescribed procedures and regulations to assure the safety of the general public.

This project is important and needed and will add substantially to TVA's capability to meet growing power demands.

Because of the interest of my colleagues and the American people in this most important matter, I place in the RECORD herewith the news release concerning the action of the staff of the Nuclear Regulatory Commission.

The release follows:

NRC STAFF PUBLISHES SAFETY EVALUATION OF PROPOSED FOUR-UNIT HARTSVILLE NUCLEAR PLANT IN TENNESSEE

The Nuclear Regulatory Commission's Office of Nuclear Reactor Regulation has completed its preliminary review of the safety aspects of the four-unit Hartsville Nuclear Plants which the Tennessee Valley Authority proposes to build near Hartsville, Tennessee.

As proposed, TVA would build two, dual-unit plants, designated A1, A2, B1 and B2, each of which would have a net electrical generating capacity of about 1233 megawatts. Each unit would use a standard General Electric Company nuclear island design (GESSAR–238). The Hartsville site straddles the county line between Trousdale and Smith Counties, about five miles southeast of Hartsville, on the north bank of the Cumberland River on Old Hickory Reservoir.

The Safety Evaluation Report for the Hartsville facilities summarizes the results to date of the NRC staff technical evaluation of the radiological safety aspects of the facilities with respect to the balance of plant, site, and safety related interfaces between the standardized nuclear island and the balance of plant. The staff's previously issued evaluation of GESSAR also is included as an appendix to the report.

Based on its evaluation, the staff concludes that, subject to favorable resolution of some matters identified in the report, the Hartsville plants can be built and operated safely at the proposed location without undue risk to the health and safety of the public.

The safety aspects of the Hartsville Plant will be reviewed by the independent Advisory Committee on Reactor Safeguards (ACRS). The advice of the ACRS as well as an evaluation of the issues for which the staff review is not yet complete will be addressed in a supplement or supplements to the Safety Evaluation Report. These documents will be part of the staff evidence at a public hearing to be held to consider safety matters before a decision is made on issuance of the construction permits. The time and place for that hearing has not been set.

Copies of the Safety Evaluation Report will be available for public inspection at the Fred A. Vought Library at White Oak Street, Hartsville, Tennessee and at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C.

YOU ARE WHAT YOU DRINK

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. DOMINICK. Mr. Speaker, at the time of the passage of the Safe Drinking Water Act much discussion ensued on the floor of the House on how this legislation was going to clean up drinking water for all American citizens.

The Wall Street Journal of Tuesday, May 18. 1976, contained an article describing the continuing nature of our national drinking water problem. In a word, nothing much has happened to make drinking water safe.

As my colleagues may recall, the legislation was prompted by an EPA survey that detected 66 organic chemicals some of them carcinogenic in the drinking water supply of the city of New Orleans. Studies conducted since the enactment of the Safe Drinking Water Act reveal that the drinking water supply of 80 other cities contain chemicals suspected of causing cancer. These chemicals include chloroform, carbon tetrachloride, benzene, and in rare cases, vinyl chloride.

The National Cancer Institute has determined that chloroform induces cancer in laboratory rats and mice. Much of the chloroform in our drinking water supplies is believed to result from a reaction between organic chemicals and chlorine, the disinfectant used in nearly all water systems to kill bacteria. This certainly raises the possibility that many other water systems yet untested by the EPA could be contaminated with chloroform.

As the situation now stands, we have a classic Mexican standoff between the Environmental Protection Agency and municipalities all around the country. City officials want the Federal Government to issue water standards. However, they do not want standards that will require the heavy expenditure of local money. In other words, municipalities want standards they can live with.

The EPA and the municipalities are now involved in a number of studies to determine whether the risk to human health posed by contaminated drinking water is worth the tremendous investment in water treatment that will be required to correct the problem. Unfortunately, the impasse on this issue certainly does not serve the public interest. While the EPA and city administrators debate cost-benefit ratios, the rest of us are drinking water that may be shortening our lives.

Hopefully, we can arrive at a policy decision that says that American citizens are entitled to drink water that is not loaded with toxic chemicals. Efforts to clean up our water should involve a consortium approach between the Federal Government, State and municipal governments, and private industry.

Mr. Speaker, I noted with interest that the director of public health in the city of Miami—which has an abominably high level of chloroform in its drinking water—seemed to be surprised that high levels of chemicals exist in Miami's water. Evidently, finding chemicals in a water supply that comes from underground sources comes as somewhat of a surprise to health officials in that city. Just in case those officials have not yet discovered how in the world chemicals can get into ground water supplies, I suggest Rachel Carson's "silent spring" as an excellent primer on the subject. As Miss Carson pointed out so wisely in her compelling book, the toxic agents that we spew into our air and dump into our waterways have an insidious way of coming back to haunt us. The whole system works like a biological boomerang—these toxic agents do not come back to us rapidly—but they do come back.

Mr. Speaker, I commend the article in the Wall Street Journal to the attention of my colleagues. I do not have any ready solutions to this problem, but I do suggest that we cannot afford to delay much longer on coming to some kind of a conclusion as to how we are going to clean up the Nation's drinking water; 365,000 Americans will die this year from cancer. I wonder how many of them contacted the disease simply by drinking water? And, I wonder how many American children have already been affected by contaminated water. After all, a child's smaller body weight automatically makes him more susceptible to the effects of toxic chemicals.

Mr. Speaker, the article from the Wall Street Journal which provides an excellent oversight on this compelling national problem is contained at this point in my remarks:

WATER UNDER THE BRIDGE

(By Karen Elliott House)

WASHINGTON.—Seventeen months ago, under prodding from an environmentalist group and the city of New Orleans, the federal government checked the drinking water in that city and found 66 organic chemicals, some of them suspected of causing cancer.

In a nationally televised news conference, Russell Train, administrator of the Environmental Protection Agency, discussed the findings and announced that the EPA immediately would test the drinking water of 80 other cities.

Two weeks later, Congress passed a "safe drinking water" bill that had been awaiting action for four years. The law decreed that the EPA should set national standards specifying the maximum allowable levels of various chemicals and bacteriological contaminants in water.

Thus did the EPA's authority expand from regulating the drinking water on planes, trains and buses to overseeing every water system having more than 25 customers—about 240,000 systems in all. Opponents of the legislation, such as Republican Congressman James Hastings of New York, warned that soon an EPA inspector would be checking every water tap in America.

That hasn't happened. In fact, nothing much has happened to make drinking water safer. Residents of New Orleans still drink Mississippi River water containing the same chemicals as before, and they still don't know whether it's safe or not.

Meanwhile, in the drinking water of 80 other cities the EPA has found chemicals suspected of causing cancer. They include chloroform, carbon tetrachloride, benzene and, in rare instances, vinyl chloride. In cities where these chemicals are used by industry and dumped into river water, it is easy to determine how they get into the water supply. In other cities, their source is a mystery.

Nevertheless, concern about their presence has been heightened by a National Cancer Institute study showing that chloroform, the one organic chemical found in the water of all 80 cities, causes cancer in rats and mice. Much of the chloroform is believed to result from a reaction between the organic chemicals and chlorine, the disinfectant used in nearly all water systems to kill bacteria. This raises the possibility that many water systems yet untested could be contaminated with chloroform.

But the EPA hasn't set any standards indicating what level of these organic chemicals is dangerous. Officials say they simply don't have enough scientific data to define danger levels. For their part, most city governments are content to assume that until the federal government says their water is unsafe, it's safe.

THE SITUATION IN MIAMI

Miami illustrates the problem. There the EPA found the highest level of chloroform among the 80 cities surveyed. But a year later no change has been made in water treatment.

"Miami has a terrible problem with its water," says Victor Kimm, chief of the EPA's drinking water program. "But until we set standards, we're not in charge."

And in Miami, Garrett Sloan, director of the water authority, says, "EPA has the expertise. In the absence of a standard by that agency I can't justify spending customers' money to remove these chemicals."

Fed up with the inaction, the Environmental Defense Fund last December asked the U.S. Court of Appeals here to force the EPA to set standards for suspected cancer-causing agents in water. "We're sitting on a 25-year time bomb and nobody's willing to do anything without proof it's about to go off," says Robert Harris, a scientist for the fund.

Responds administrator Train: "I know it sounds incredible to some but I think we've handled this problem responsibly. We've put out the information about chemicals in water and said honestly that we don't know how dangerous they are."

The reluctance to do anything about the nation's drinking-water problems seems to stem from a lot of official concern about images. The EPA is queasy about issuing standards that communities might find costly to meet. That would make the agency unpopular. "We can't ask cities with limited resources to make big expenditures unless we're certain it's necessary," say Mr. Kimm. "Otherwise we're asking for suits."

City officials, too, seem preoccupied with their public images. Although the law requires the EPA to set standards, it doesn't preclude cities from tackling their own water problems. But the cities are reluctant to do so without having the EPA to blame for increased expenditures on water treatment. "I get calls from little old ladies who can't pay their water bills," says Mr. Sloan. "I'm certainly not going to do anything to raise their bills."

Administrator Train contends that the EPA doesn't have enough evidence yet to link small amounts of organic chemicals in drinking water to hazardous health effects. "We simply can't go off half-cocked and expect to have the confidence and support of communities," he says. There isn't any federal money available for treatment of drinking water so cities would have to pay the expense of meeting EPA standards themselves.

The law Congress passed in 1974, as an outgrowth of the New Orleans water scare, required the EPA to propose water standards within three months. Early last year, the agency did so. The limits it proposed for inorganic chemicals in water, such as lead and mercury, were noncontroversial. But the EPA's suggested limit for organic chemicals set off heavy protests from city governments and from the American Water Works Association.

Consequently, the EPA abandoned the proposed standards for organic chemicals last December, while formally adopting the other standards. The agency explained that it lacked the data to justify setting limits for organic chemicals. "To establish a maximum contaminant level under these circumstances would almost certainly do more harm than good," said the EPA.

City officials, although opposed to the earlier proposals, insist they want the federal government to issue water standards. Some make it plain, however, that they don't want standards that will require heavy expenditures of local money, and that what they really would prefer is a federal finding that their water is safe.

"EPA discovered this problem and now they ought to set a standard, to tell us how bad the problem is," says Fred Aldridge, a water engineer for Miami's Department of Public Health. But Mr. Aldridge pointedly adds: "We don't want a standard that's impossible to meet. We've got to figure the economic benefits of removing the chemicals Maybe the cost outweighs the risk."

PROPOSALS FOR DISCUSSION

The agency is circulating among water works officials several revised proposals for discussion; none is about to be formally proposed however. The most liberal of these proposals would limit total organic chemical concentrations in treated water to between four and five parts per million; the most prevalent organic chemical, chloroform, would be limited to 100 parts per billion.

The EPA estimates that about 10% of the cities using surface water as their source of drinking water couldn't meet these tentative guidelines. In cities tested so far, the organic concentrations range from a low of .05 parts per million in Tucson, Ariz., to a high of 12.2 in Huron, S.D. Chloroform concentrations range from .01 parts per billion in Strasburg, Pa., to 311 parts per billion in Miami.

A more stringent proposal that is under discussion would require most cities using surface water to install new treatment to remove the chemicals. Not surprisingly, city officials consider this version unacceptable. "We could reduce our chloroform . . . but we might not save a single life," says Stuart Brehm, director of the New Orleans Sewage and Water Board.

So the cities and the EPA prefer to continue studying the problem. In Cincinnati, 20 researchers are studying new methods of treating water to remove the chemicals. New Orleans and Miami are seeking federal funds to finance experiments with new treatment methods.

The high level of chemicals in Miami's water is especially puzzling because the city's drinking water comes from underground. Usually, such water is much purer than water from surface sources, such as rivers. "Finding chemicals in our water was a great surprise," says Richard Morgan, director of public health in Miami. "We haven't yet figured where they come from."

That's true, except for the chloroform. Officials acknowledge that it results mainly from the huge doses of chlorine the city adds to its water to remove the water's naturally brownish color and to give it a more appealing appearance.

Some chlorine is essential to kill bacteria, but Miami uses especially high amounts. "In a resort city," says Mr. Sloan, "it is unacceptable to use less chlorine and have darker water." Officials hope current experiments will produce a method for cheaply removing chemicals before chlorine is added, thereby reducing the formation of chloroform.

Methods already exist for trapping chemicals by filtering water through beds of carbon. But as long as federal and local officials remain preoccupied in debates about whether the risk is great enough to warrant the expense of treatment, reductions in the chemicals in drinking water are still years away.

RESISTANCE TO COMMUNISM CONTINUES IN SOUTHEAST ASIA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. McDONALD of Georgia. Mr. Speaker, the fighting and bloodshed have not ceased in Southeast Asia. This is true for one simple reason. Communism is not a system that is natural and people resist its application to their daily lives. It goes against human nature. And even though we abandoned Southeast Asia in our second no-win war, the fight against communism goes on. In this regard, I wish to call to the attention of my colleagues two items. The first is a news item from the London Daily Telegraph of April 28, 1976, which describes continued Laotian resistance and the second item is a translation of an appeal for help by all Vietnamese for a free Vietnam. In my view, these are noteworthy matters and should be seriously considered. The items follow:

[From the Daily Telegraph, April 28, 1976]

PATHET LAO CURFEW IN VIENTIANE

The Pathet Lao have clamped a curfew on Vientiane in their hunt for hundreds of political detainees who staged a bloody mass breakout from a prison just north of the capital.

Reports reaching Bangkok say that more than 400 prisoners also fled Sam Khe prison amid gunfire on Saturday afternoon after overpowering and killing the prison commander and at least 12 Communist guards.

About 100 of the escapees were killed and another 180 recaptured, but the rest fanned out through the countryside and headed for the Thai border.

Officials in the northern Thai frontier province of Nong Khai reported yesterday that more than 40 of the prisoners swam across the Mekong River to Thailand.

GRENADE ATTACKS

Observers believe the 8 p.m. to dawn curfew imposed by the Pathet Lao may become a permanent feature of Vientiane life, if only in view of continuing terrorist grenade attacks in and around the city.

The breakout from the old, brick prison was believed to have been carried out by followers of Bong Souvanavong, a 72-year-old nationalist politician and former publisher, who once wielded considerable influence in the Vientiane area. He was reported to be among the escapees.

Meanwhile, indications grew yesterday that the Pathet Lao may be planning the forced evacuation of people living near the Mekong River border in an effort to crush covert support for Thai-based Laotian resistance fighters who have been carrying out hit-and-run sabotage attacks over the past three months.

Recent arrivals from Laos say the evacuees will be moved to northern and north-eastern areas bordering North Vietnam and replaced by people who have lived for years in Communist-liberated zones.

[English Translation of the Affixed Appeal Which Is Being Circulated by the Hundreds of Thousands in Vietnam, and in French and Vietnamese Among Vietnamese in Europe]

A CALL FROM THE FORCES OF FREE VIETNAM TO ALL VIETNAMESE OVERSEAS AND IN THE COUNTRY:

Dear Compatriots:

It will soon be a year since our beloved Vietnam was conquered by the Hanoi Army. Twenty million of our countrymen are deprived of the minimum necessities and all the fundamental liberties, forced to attend classes of marxism and undergo indoctrination in the ideology of the dictatorship of the proletariat.

Since time immemorial in our history the people of Vietnam have never known such an atrocious slavery. This is why it must be the first aim of every Vietnamese who loves liberty to topple the bloody dictatorship and drive the criminal invaders from the country.

The organization of the Forces of Free Vietnam has been formed for this end. The resistance is already in march, from the plains of the Delta to the High Plateaux of Central Vietnam, and even in the outskirts of Saigon.

We have a better chance than many others of being able to find the road to liberty and it is our duty to contribute to the struggle with all our strength, directly or indirectly, for the resistance struggle is already going on.

For those of us who are in exile, exile only makes sense if it is with the determination to return someday to our country with a glorious victory against the communists who know no country. To live without that conout hope of return, without the will to fight, is not to be worthy of those who built our Vietnam through four thousand years of history.

Dear Compatriots:

The future of our country depends on you, all of you. Free Vietnam and an independent Vietnamese people, these are our permanent objectives. The political regime of the future which we are determined to realize for our people will be one of liberty and justice for all. The "Forces of Free Vietnam" awaits you and has confidence in you.

Tet Binh Thin 1976—Year of the Dragon.

FORCES OF FREE VIETNAM.

Address correspondence: France: LLVNTD (or FVNL) 3 Villa Spontini, Paris 16; Denmark: DA-FVNF P.O. Box 12—DK 2800 Lyngby, Denmark; Belgium: LLVNTD (or FVNL) 123 Rue General Jacques. 4920 Embourg, Belgium.

HISTORY GIVES ISRAEL PERSPECTIVE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, one aspect of the ongoing conflict in the Middle East is the Jewish claim to the land called Israel.

Lawrence Lee, writing in a recent issue of the Pittsburgh Press, notes that the history of the Jewish people belies those who would dismiss their right to inhabit modern day Israel.

The cultural contributions of the Jews not to only Christianity but the Islamic religion also, is a manifestation of their early presence as well as evidence of their birthright.

I would like to put into the RECORD at this time Mr. Lee's thoughtful column.

[From the Pittsburgh Press, Apr. 18, 1976]

HISTORY GIVES ISRAEL PERSPECTIVE

(By Lawrence Lee)

The long history of the Jews has been troubled with hostilities, not of their own making.

Reasonable observers many times have asked "Why?"

Only one, Emma Hawkridge, in her chapter on the Hebrews from the impressively simple book, "The Wisdom Tree," has given an answer with firm conviction:

"They lived on the trade route between Mesonesting by a highway . . . In shouts and alarms and fears, in defeat and exile, Hebrew greatness was born."

The Jews, as so many enchanted with their own martyrdom, like to think themselves a unique people, with virtues derived from nowhere other than themselves.

Yet, archeologists have made discoveries that mark the sequence in the history of mankind as giving the Jews much from ancient Sumeria, just as from the Jews so much of the Christian religion derives, and as so much of Islamic religion derives from Judaism and Christianity.

Identities exist. Many have made their contributions to the glory and the terror of human succession. But neither the Jews nor the Arabs are unique or even scarcely different.

Their hatred is the hatred of at least metaphorical cousins; both are Semites, "people of Caucasian stock comprising chiefly Jews and Arabs . . ."

The Jews, at least before 1200 B.C., occupied the land variously called Canaan, then Israel, then Palestine. In modern years, official acts of the nations and their international institutions confirmed the right of the Jews to create, on May 14, 1948, the Republic of Israel.

Therefore, by a long history of their presence, and by world sanction, the Jews inhabit modern Israel. They have given rights as equal citizens to those Arabs who accept the state of Israel.

No reasonable commentator ignores the necessity to solve the problems of the Palestinian refugees.

More ignore what is surely a basic truth . . . that the Jews have done what could be done to seek a solution against the odds of Arab opposition, against the odds of no willingness of their enemies to treat them as a sovereign power in any discussions, against the odds of Arabs willingness to give almost nothing to the maintenance of the health and survival of the Palestinians, against the use of the refugees as a political prod rather than with purposes of decent solution.

Apologists for the Arab nations declare that Israelis have "slaughtered" native Arab populations. Were this so, which can be disputed, it is a charge that comes awkwardly from a people who have applauded the Arab terrorists who killed women and children at Quiryat Shemona, school children in another Israeli village, unarmed Jewish athletes attending the Olympic Games at Munich.

There will be no peace until the world recognizes that the Jews were in Israel from ancient times, that they returned there in numbers because the world persecuted them.

And it is they, and no others, who brought a contemporary culture to the area, with roads and dams and pipelines; and the cultivated land has more than doubled in acreage under the energy and diligence of the Jews . . . from 412,000 acres in 1955 to 1,058,000 today.

The Jews are in Israel. Many of us think that they have the right to be there. Many of us think that if the Arabs reversed their course, two related peoples could thrive, one learning from the other.

Mankind can help. Will it?

NEW HOOVER COMMISSION PROPOSED

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. HELSTOSKI. Mr. Speaker, the proliferation of costly Government programs and our expanding Federal bureaucracy are matters of growing concern to many of us. Individually, most of our Federal programs serve worthwhile purposes, but collectively they have accumulated to produce an unwieldy, cumbersome, and over-priced bureaucracy.

Once a new agency or program is created, it is seldom abolished, even if its usefulness has been outlived or it duplicates other activities or functions performed elsewhere in the Government. For every 10 new departments, agencies, bureaus, and commissions established within the last 15 years, less than 1 has been dismantled. There are currently in excess of 1,000 Federal programs, many of which are fragmented, overlapping, or simply ineffective.

This, our Bicentennial Year, would be a particularly appropriate time to reassess this situation and evaluate the advisability of continuing in this direction. This would be a fitting juncture to initiate a comprehensive review and examination of our Federal bureaucracy in an effort to simplify the current administrative labyrinth, reduce the myriad of Federal programs, upgrade the quality of Government services, and curtail needless expenditures. To this end, I propose the establishment of a new Commission on Organization of the Executive Branch of the Government, patterned after the First and Second Hoover Commissions. Both of these Commissions contributed to substantial cost savings, more efficient management, and improved lines of responsibility and accountability within the bureaucracy.

The First Hoover Commission was created in July 1947 to study and investigate the operation of the executive branch and to recommend organizational changes to promote economy, efficiency, and improved service. Its existence terminated in June 1949 after the Commission had proposed 273 recommendations to the Congress. Of these, 196 recommendations, or 72 percent, were adopted. The Hoover Commission was revived in July 1953, for the same purposes, but with a somewhat broader legislative charter. This Commission expired 2 years later, having made 314 recommendations. Two hundred of these, or 64 percent, were adopted. Estimates of the cost savings resulting from implementation of the two Commissions' recommendations ranged from $3 to $6 billion.

I have recently introduced a bill, H.R. 13435, which would establish a new Commission on Organization of the Executive Branch of the Government charged with making a thorough examination of the entire structure of the Federal bureaucracy. As with the earlier Hoover Commissions, it would be directed to make recommendations to effectuate the congressional policies of promoting economy, efficiency, and improved public service through:

First, limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

Second, eliminating duplication and overlapping services, activities, and functions;

Third, consolidating services, activities, and functions of a similar nature;

Fourth, abolishing services, activities, and functions not necessary to the efficient conduct of Government; and

Fifth, defining and limiting executive functions, services, and activities.

The new Commission on Organization of the Executive Branch of the Government would be bipartisan and composed of 12 members, 4 each to be appointed by the President of the United States, the President pro tempore of the Senate, and the Speaker of the House of Representatives. Six of the members would be from the legislative and executive branches of Government, and six would be from private life. Within 10 days after the 96th Congress is convened and organized, the Commission's report of its findings and recommendations would be due. Ninety days after submission of the report, the Commission would cease to exist.

The need for such an in-depth reappraisal of the organization and structure of Government is clearly evident. A Government Accounting Office report released in August 1975 recounted the following examples of multiple programs and funding sources for similar objectives:

Seventeen federal programs providing funds for manpower services for the disadvantaged;

Seven federal programs providing funds for health services in outpatient health centers;

Eleven federal programs providing funds for child-care activities;

Fourteen separate HEW organizational units administering programs for assisting in the education of the handicapped; and

Twenty-five bureaus, services, and offices in 12 departments and independent agencies conducting and/or supporting federal water pollution research and demonstration activities.

This lack of coordination, the duplication, overlapping, and administrative confusion strongly points to the need for an exhaustive review of program performance to bring about a more rational approach and more efficient use of Federal funds. The American citizen is justly insisting upon a better value for his hard-earned tax dollar. Significant economies can be accomplished by reorganizing and consolidating programs with similar purposes; eliminating obsolete agencies, ineffective activities, and unnecessary functions; and pairing down the overall size of our massive bureaucratic structure. As past experience has shown, an independent, objective commission can produce results. I think the American people would welcome such a commission as a meaningful and especially useful Bicentennial project.

ARTHUR JENSEN IDEAS REGARDING RACE AND GENETICS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MADIGAN. Mr. Speaker, sometime ago this space was used to present the ideas of Arthur Jensen regarding race and genetics. Because public policy is often predicated on the assumptions of legislators and administrators about the state of knowledge of a particular discipline, it is important that the Congress have the benefit of research which sets the record straight on the allegations made by Jensen. For that reason, I am pleased to submit, in conjunction with Representatives Young of Georgia, Chisholm, Metcalfe, and Mitchell of Maryland, the following article by Prof. Jerry Hirsch of the University of Illinois:

Educational Theory: Jensenism: The Bankruptcy of "Science" Without Scholarship[1]

(By Jerry Hirsch)

(Note. Jerry Hirsch is Professor of Psychology and of Zoology at the University of Illinois, Urbana. He is (1975) President of the Animal Behavior Society and was American Editor of Animal Behaviour (1968–1972).)

It perhaps is impossible to exaggerate the importance of the Jensen disgrace, for which we must all now share responsibility. It has permeated both science and the universities, and hoodwinked large segments of government and society. Like Vietnam and Watergate, it is a contemporary symptom of serious affliction. It began in February, 1969, when the Harvard Educational Review (HER) published the 123-page article by educational psychologist Professor Arthur R. Jensen of the University of California, Berkeley.[3] Jensen marshalls a large amount of evidence there, which he interprets as revealing that (1) intelligence, as measured by I.Q. tests, is mainly (about 80%) genetically determined, (2) on average blacks score (about 15 points) below whites quite regularly, (3) this racial difference in intelligence is attributable mainly to heredity and not to environment, because of the inverse relation between heritability and teachability, which explains (4) "The Failure of Compensatory Education" (opening statement of HER). His interpretation is supported by a browbeating 159-item bibliography which has overwhelmed both critics and disciples, who join in extolling the "scholarly article. . . . He may find his position politically distasteful but . . . it is the only way to maintain his scientific integrity . . . [because] Jensen has done his homework."[4]

The discussion herein focuses on HER although other material is also considered. In the first two sections below, I briefly note some of the wide-ranging and uncritical reactions which Jensen's work has received. The remaining sections are given over to a documentation of the thesis that the Jensenists either knowingly have misled academicians and laymen alike, or failing that, have been simply irresponsible. Both could be true.

I. SCOPE OF CONTAMINATION

On a nationwide broadcast William Buckley (1974) assured a vast public, ". . . Arthur Jensen's studies . . . have not been invalidated even though, God knows, they've been subjected to the kind of scrutiny that nothing has since the Ten Commandments"[5]—a "truth" which over the years had repeatedly been widely publicized in nationally syndicated columns.[6] [7] [8]

In an unconvincing disclaimer datelined "Executive Office, The White House," Daniel Moynihan, counselor of "benign" neglect to the Watergate Presidency, wrote to reassure colleagues (soon to find essential federal support discontinued for research, training, education, economic and social programs) that, though Jensen was not "must reading" for the Nixon cabinet, "The subject did once come up in a Cabinet meeting—a perfectly casual enquiry by someone in quite a different field as to whether people in the field accepted this view. . . . No one, least of all the President, had any position. He turned to me. I said that Dr. Jensen was a respectable scientist who had set forth a hypothesis to explain a real enough phenomenon, but . . . geneticists could not yet say what is the biological basis of intelligence . . . Lee DuBridge [Nixon's then Science Advisor, ex-President of California Institute of Technology, a physicist] . . . confirmed what for me was basically a guess."[9] Moynihan's remarks were prompted by a quotation from news accounts saying that Jensen was "must reading" in the Nixon administration, which appeared in the exchange (discussed below) between Jensen and Dr. Elizabeth Alfert.

In the *University of Toledo Law Review* (1970, nos. 2 & 3) about 700 pages of an entire double issue were devoted to the problems of disadvantaged students and affirmative action. The symposium featured over 50 pages of rambling "expert" (i.e. Jensen) discussion, introduced with the following remarks by the editors:

"The assumption underlying most compensatory education programs is that the students of minority cultural backgrounds possess innate abilities equal to those of other students even though those abilities do not appear on standardized ability test scores. Most compensatory education programs, therefore, are aimed at minimizing the educational difficulties of minority students by intensive, short-term exposure to the learning environment of the dominant culture. Dr. Arthur R. Jensen controverted this premise in his controversial article "How Much Can We Boost IQ and Scholastic Achievement?" . . . hypothesizing that differences in intelligence are primarily genetically determined and is thus unalterable to any significant extent by environmental manipulations."[10]

Now, four years later when we appreciate the disaster that has overtaken the legal profession, we see their being duped by Jensenism to be only one small part of their enormous difficulties.[11] Two articles (C. Gerard Fraser, December 7, 1973, and Arnold H. Lubasch, January 8, 1974) and an editorial (January 21, 1974) in *The New York Times* report how Warren E. Burger, Chief Justice of the United States Supreme Court, and Irving R. Kaufman, chief judge of the United States Court of Appeals for the Second Circuit, have recommended that action be taken by the legal profession "to Raise Criteria For Lawyers in Federal Courts" and to effect "Curbs on Inept Trial Lawyers," because there are now too many "incompetent, unexperienced and unprincipled" lawyers in court. "Chief Justice Burger believes that at least one-third of the 375,000 lawyers in the country are not competent to argue a case in court."[12]

Neither justice makes any attempt to attribute their difficulties to racial inferiority, because the overwhelming majority of the incompetents and their professors (now gulled by Jensenism), who failed to teach them, are "lily white."

Of course, lawyers have no monopoly on incompetence. In *Nature*, from an account of a United States National Academy of Sciences report on the life sciences, we learn that "Among the 13,000 biological journals now churning forth from the presses the academy committee finds it possible to identify . . . about 1,000 journals in which more than 90 per cent of the truly significant work in biology appears. *Biological Abstracts* covered some 7,400 journals in 1968 but most of these are unlikely to publish anything that will materially advance the progress of science."[13] And, as this tale of Jensenism now illustrates, the situation in education and the behavioral sciences is certainly no better.

Time and again the opposition to Jensenism has resorted to inarticulate and self-defeating hooliganism, so easily perceived as fascist interference with academic freedom and unfettered scientific inquiry.[14] Their negative accomplishment has often been to stimulate newspaper stories and editorials extolling the courage of the Jensenists in their fearless pursuit of "knowledge." Unfortunately, our liberal colleagues seem not to appreciate what was happening, as indicated by the following from my mail: "You realize, of course, that I feel quite strongly that the hooliganism that disrupts Jensen, Herrnstein, et al. is something that one must expect in view of the fact that the indignities done to people are no longer being tolerated. I don't think that violence changes the things that are wrong with society, but I can understand them very well. Therefore I can hardly say that I deplore them; I just think that they are wasting their time."[15] Ironically, we shall now see that all they ever had to do was to read English.

II. SCHOLARLY INCOMPETENCE

According to Lewontin, "Jensen has surely become the most discussed and least read essayist since Karl Marx."[16] The thrust of my subsequent discussion will be to document in detail the intellectual disgrace that is

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Footnotes at end of article.

Jensenism and to show how incomplete is Lewontin's picture: not only has Jensen been "least read" but whatever reading did occur has not been "critical" in a scholarly sense. The "experts" have shown an abysmal ignorance of the literature in their own specialties, despite the "1 or 2 million words of discussion"[17] estimated in *Science* to have been wasted on the heredity-environment pseudoquestion brought to such a sharp focus in Jensenism. For example, in the official book review journal of the American Psychological Association we find economist Phillip E. Vernon's, "Despite Jensen's superb scholarship . . . minor points . . . might be . . . challenged. I intend to ignore these. . . . In conclusion, I would applaud Jensen for his courage in bringing these problems out into the open. . . ."[18] Two years later Vernon reiterates his approval as he again reviews the same article for the British *New Society* when a ". . . book reprints the article (with minor corrections of details), and this is useful since so many of his critics appear not to have read it."[19] To my knowledge for the first time in its history *Science* turned over the entire book review section of one issue for a panegyrist to reassure its vast readership about, ". . . the nuances and qualifiers that make . . . Jensen's writing credible or at least responsible."[20] (p. 1224) Not satisfied with the foregoing, the point is reiterated in *Contemporary Psychology* by Lee Willerman: ". . . the bitter controversy generated by the publication of Eysench's book and Jensen's (1963) earlier, and more scholarly, discussion. . . . For those interested in reading on this topic, Jensen's monograph is to be preferred . . . excellent reviews . . . already appeared (. . . Scarr-Salapatek, *Science*. 1971), which the content of this review is meant to complement."[21]

Of course, few cases of fervor exceed that of a recent convert from nurture to nature, Herrnstein, whose expiation yields a 249-page book[22] extolling Jensen as its authority, heritably as its conceptual keystone (see its Index, pp. 232 and 233) and, devoid of critical acumen as Soviet hagiography; fails to detect the slightest blemish in prophet or dogma—living confirmation of behaviorism's intellectual bankruptcy[23], [24], [25], [26], [27] and John Dewey's scathingly accurate condemnation of the psychology epitomized at Harvard.[28], [29]

FOOTNOTES

[1] Some of this material and various parts of this discussion were presented during 1973–74 in addresses to: Case Western Reserve University, Cleveland, Ohio; The Center for Advanced Study in the Behavioral Sciences, Stanford, California; The Psychology Laboratory, Dorothea Dix Hospital, Raleigh, N.C.; The Harvey Mudd Graduate Center, Claremont, California; Hope College, Holland, Michigan; The New York Academy of Sciences; St. Louis University, St. Louis, Missouri[a]; The University of California, Berkeley, California[b]; The University of Illinois at Urbana-Champaign, The Department of Psychology and also the Department of the History and Philosophy of Education; The University of Minnesota, Minneapolis; The University of Pittsburgh; The University of Wisconsin, La Crosse; The University of Wisconsin, Madison[c]; West Virginia University, Morgantown; Wright State University, Dayton, Ohio.

Appreciation is expressed for the many helpful comments and suggestions received on these and other occasions. Also, the following "stonewalling" is to be noted: "When Jensen was shown xeroxed copies of Hirsch's 'evidence,' he refused to read them and declined to make any comment. 'You can quote me as saying what Calvin Coolidge said: No comment, and you can quote me on that.' "[b]

[a] J. Fargen, "Hirsch Contests 'Jensenism'," *University News*, St. Louis University, Vol. 53, No. 19 (March 1, 1974).

[b] A. Thompson, "Psychologist Blasts Jensen," *The Daily Californian*, University of California, Berkeley, Vol 5, No. 116 (February 26, 1974), p. 3.

[c] S. Kealy, "Hirsch Blasts Jensenism," *Daily Cardinal*, University of Wisconsin, Madison, Vol. LXXXIV, No. 134 (April 8, 1974), p. 1.

This research was supported by Grant No. US PH MH 10715–09, awarded by the National Institute of Mental Health, DHEW.

[2] At the end of my 1972 Behavior Genetics class at the University of Illinois, a student accused me of "giving us everything to read but Jensen" and he was correct! Accordingly, the next class was required to read the complete HER; each student was assigned a specific portion of its references to read, and those original discussions were to be compared with Jensen's treatment of the same material. This experience proved to have enormous heuristic value. No professor was telling those students what to think or believe. They had seen for themselves and learned from one another.

Appreciation is expressed to the following individuals from my autumn 1973 University of Illinois Behavior-Genetic Analysis class and from my 1973–74 American Association for the Advancement of Science Chautauqua courses at Stanford and Claremont, California, for the bibliographic research they contributed: Mary J. Allen, Meredith Behr, Renee Krasnow, Robert MacCallum, Andy Neher, Karen O'Donnell, Maria Santostefano, Merrill E. Sarty, Louise Shvon, Marc Simon.

I have examined personally and take full responsibility for everything in this discussion.

[3] A. R. Jensen, "How Much Can We Boost I.Q. and Scholastic Achievement?" *Harvard Educational Review*, Vol. 39 (1969), pp. 1–123.

[4] S. S. Baratz and J. C. Baratz, "Early Childhood Intervention: The Social Science Base of Institutional Racism," *Harvard Educational Review*, Vol. 40, No. 1 (1970). Reprinted in Thomas Weaver (ed.), *To See Ourselves: Anthropology and Modern Social Issues* (Glenview: Scott, Foresman and Company, 1973), p. 308.

[5] W. F. Buckley, Jr., "Mr. Buckley Defends His Four Reforms," Firing Line (Telecast), *Southern Educational Communications Association* (February 3, 1974).

[6] J. Aslop, "Jensenism Gains Unqualified Help," *Champaign-Urbana News Gazette* (August 26, 1973), Editorial Page.

[7] W. F. Buckley, Jr., "On 'Inferiority' of the Negro," *Champaign-Urbana News Gazette* (March 23, 1969), Editorial Page.

[8] *Op. cit.* (February 13, 1973), Editorial Page.

[9] D. P. Moynihan, "Comment: Jensen Not 'Must Reading' In the Nixon Cabinet," *Journal of Social Issues*, Vol. 26 (1970), p. 191.

[10] *University of Toledo Law Review*, Editors' introduction to "Selection of Minority Students in Higher Education" by A. R. Jensen, Nos. 2 and 3 (1970), p. 455.

[11] M. T. Bloom, *The Trouble With Lawyers* (New York: Simon and Schuster, 1969).

[12] *New York Times*, articles by C. G. Fraser (December 7, 1973) and A. H. Lubasch (January 8, 1974) and an editorial (January 21, 1974).

[13] " 'Demise of Scientific Journals' by our Washington Correspondent," *Nature*, Vol. 228 (1970), pp. 1025–1026.

[14] "SDS, CAR Silence Banfield in U. of Chicago Disturbance," *Harvard Crimson* (March 23, 1974), *New York Times* (November 23, 1973). Editorial p. 34.

[15] E. Tobach, Private Communication (May 14, 1973).

[16] R. C. Lewontin, "Race and Intelligence," *Bulletin of the Atomic Scientists* (March, 1970), pp. 2–8.

[17] L. Erlenmeyer-Kimling and S. E. Stern, *Science*, Vol. 182 (1973), p. 1044.

[18] P. E. Vernon, Review of *Environment, Heredity and Intelligence* by A. R. Jensen, et al., *Contemporary Psychology*, Vol. 15, No. 1 (1970), pp. 161–163.

[19] P. E. Vernon, Review of *Genetics and Education* by A. R. Jensen, *New Society* (December 14, 1972), pp. 645–646.

[20] S. Scarr-Salapatek, "Unknowns in the IQ Equation." *Science*, Vol. 174 (1971), pp. 1223–1228.

[21] L. Willerman, Review of *The IQ Argument* by H. J. Eysenck, *Contemporary Psychology*, Vol. 17, No. 11 (1972), pp. 585–586.

[22] R. J. Herrnstein, *I.Q. in the Meritocracy* (Boston: Atlantic-Little, Brown, 1973). My class has just (Fall 1974) read *I.Q. in the Meritocracy*. There we find that Herrnstein refers or alludes to Jensen (his primary source) no less than 61 times in 249 pages. Herrnstein misrepresents as "a representative sample of 1,000 men" (p. 203) what, in his own reference (Burt 1961, pp. 3, 4, 9, 10), appears as a nonrandomly selected set of almost 40,000 cases gathered "at intervals over a period of nearly fifty years." (Burt 1961, p. 4). Moreover, Herrnstein claims that in Barbara Burks' (1928) study ". . . the foster children's I.Q.'s correlated with their natural parents' I.Q.'s more than with their foster parents. . . . *the true father-child or true mother-child correlations were in the .5 range*. In contrast, the foster father-child correlation was essentially zero, while the foster mother-child correlation was about .2." (Herrnstein 1973, p. 183; italics added) Barbara Burks neither had nor presented any data (i.e. no evidence) on the correlations between her foster children's I.Q.'s and those of their natural parents! Herrnstein's account of Burks is simply unture. On Herrnstein's misuse of Burks we corroborate Arthur Goldberger, whose recent work I am proud to report was inspired by my talk, "Jensenism: Racial vs. Academic Inferiority" at Madison, Wisconsin, April 5, 1974 and whose "assessment of Jensen is close to" mine. (See "Mysteries of the Meritocracy" in N. J. Block and G. Dworkin (eds.) *The IQ Controversy: Critical Readings*, New York: Pantheon 1976).

A most disconcerting and truly dangerous feature of these recent developments emerges in the *credentialist* philosophy expressed repeatedly by Herrnstein. Who speaks and *where* has become more important than what (substance) is said. When Kamin showed the untrustworthiness of Burt's twin-study heritability data. Herrnstein dismissed it as "characteristics of the polemicists in this field to argue that a single unpublished work, like Kamin's, containing no new data, refutes more than a half a century's published research by scores of respeced and competent scientists." (*Harpers*, February 1974, p. 103, italics in original—a repetition of his putdown of "this chap at Princeton" on Buckley's Firing Line (Telecast), p. 14 of November 11, 1973 issue (in a series of Note 5).) Kamin's analysis appeared in his invited address, "Heredity, Intelligence, Politics, and Psychology," to the Eastern Psychological Association meetings, May 3–5, 1973. I have learned that the *American Psychologist* refused publication to both Kamin's paper and W. N. Schoenfeld's Presidential Address. "Notes on a Bit of Psychological Nonsense: 'Race Differences in Intelligence'." (Both titles appear in *American Psychologist* 1973, 28, p. 791.) It was at this same meeting that R. J. Herrnstein was suddenly appointed (not elected) to the Eastern Psychological Association Board of Directors. By an incredible coincidence precisely at this time Jensen publishes his first criticism of Burt's work as the lead article in *Behavior Genetics*, (March 1974) a journal, which I am ashamed to say, since its inception has flaunted my name on its Editorial Advisory Board, even though I have never once been consulted about anything it has published. Suddenly, Jensen turns on Burt regarding ". . . the often unknown, ambiguous, or inconsistent sample sizes and the invariant correlations despite varying *N*s from one report to another," etc. The journal alleges that Jensen's initial and final versions were received

April 26 and May 22, 1973 respectively, i.e. leaving an incredible 25 days (including four weekends) for mail (?) communication between editors, reviewers and author and for reading, recommending, writing and typing revisions. In the 1972, 1973, and 1974 volumes of the journal, of which I have at hand issues numbers 1, 2/3, 4; 1,4: and 1 respectively, of the 25 other articles handled editorially by an apparently similar procedure, the number of days required for such processing averaged 119 and ranged from a minimum of 38 to a maximum of 233!

Furthermore, Harvard's credentialist-meritocrat now advocates the revelation (with *noblesse oblige?*) of truth from above: "Most people, even most academics, do not have the time, training, or occasion to work through the technical literature on a controversial subject. Instead, they must rely on professionals for a disinterested evaluation." (Herrnstein, *Commentary*, April 1973, p. 62; reiterated in *I.Q. in the Meritocracy*, p. 52.) By Herrnstein's explicit criteria both Jensen and he have the credentials. They are "professionals" (=intellectuals, i.e. Julien Benda's "Clerics" betrayers! See note 121.) So it should come as no surprise to find Jensen reviewing Herrnstein's book with this testimonial: "As a specialist myself in . . . psychology, I can attest that these chapters provide the most up-to-date account of the mainstream theories and research on intelligence that can be found in print today. Both for nonspecialists and students of the behavioral sciences who want an overview of what's what about IQ, this is the book to read." (*Chicago Tribune*, June 24, 1973. Section 7, p. 4.)

THE BREAUX AMENDMENT—"WHO'S PROTECTING THE WETLANDS?"

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. EDGAR. Mr. Speaker, a provision to the Federal Water Pollution Control Act amendments, H.R. 9560, has merited broad and bipartisan condemnation for its potential to remove essential protections for our Nation's wetlands. Last Sunday, a provocative and informative article on this provision, known as the Breaux amendment, appeared in the Washington Post. Written by Paul Clancy, the article points out the danger of tampering with the Corps of Engineers section 404 permit program without extensive hearings and review of the current program. For the benefit of my colleagues, I insert it at this point in the RECORD:

WHO'S PROTECTING THE WETLANDS?

(By Paul Clancy)

Like hunters in a duckblind, a small but determined group of congressmen on the House Public Works Committee took aim a few weeks ago at a public law that protects the nation's fragile wetlands from destruction. Then they pulled the trigger.

The committee's action, stripping the U.S. Army Corps of Engineers of much of its jurisdiction over wetlands areas, may ultimately not find its way into law. All the same, it seemed a startling leap backward. Even lobbyists for the dredgers and fillers of wetlands were surprised. Environmentalists were positively shocked.

What was at work was not so much a renunciation of the nation's long-standing commitment to preserve and protect the environment, but a rubbing together of politics and misinformation.

The politics of it has to do with a perceived national mood against Washington and its meddlesome federal bureaucracy. Clearly fanned by the leading presidential contenders, this wind whipped hot through the committee room during the April 13 markup of amendments to the Federal Water Pollution Control Act.

This political perception combined with a largely overblown and distorted contention that Section 404 of the act was to be enforced by a literal army of bureaucrats backed up by intolerable and unnecessary regulations.

The result was a 22 to 13 vote to restrict federal authority over wetlands to that fraction which are adjacent to navigable waters and subject to the ebb and flow of the tides. In the view of Environmental Protection Agency officials, this would leave some 80 per cent of the ecologically important wetlands open to destruction by dredgers and developers.

Responsibility then would fall to the states—not a bad idea, a number of congressmen contend. Some states have rigorous wetlands protection laws. But the problem, as environmentalists see it, is that others do not.

CHANGE IN ATTITUDE

The wetlands, a term that applies to marshes, swamps, bogs, sloughs and river floodlands, were until quite recently viewed as an annoying hindrance to man's enjoyment of the outdoors and to the flow of commerce. This land was thus "reclaimed" for use as farms, second home developments, jetports, causeways and channels. In the past hundred years or so, an estimated 45 million acres, or 40 percent, of the nation's coastal wetlands have been lost.

Now, perhaps not too late, conservationists have convinced us that wetlands are a priceless work of nature, that they are delicate and irreplaceable breeding grounds for fish, waterfowl and fur-bearing wildlife. They aid in flood control and remove pollutants from the air and water. It takes an estimated 4,000 years for marshlands to grow to their normal teeming productivity: man can destroy them in a day.

As it turns out, the principal agency for protecting the wetlands that remain is the U.S. Army Corps of Engineers. Asking the Army to protect wetlands is like asking the Redskins' front line to dance the ballet. But no one else is doing it. Since the Corps already was issuing dredge and fill permits for waterways, it might as well assume the additional role of wetlands protector.

It is difficult at this point to say exactly what Congress intended for wetlands when it passed the amendments to the Water Pollution Control Act in 1973—except to say that the Corps would have the power to issue or deny permits to anyone wishing to discharge dredged or fill material into navigable waters. And what it meant by navigable waters was anybody's guess.

"There was a lack of information as to just what we were dealing with," says Bill Hedeman of the Corps. "The legislative history was not much help."

Without further guidance, the Corps of Engineers decided to restrict itself to the turn-of-the-century definition of waters affecting interstate commerce. It took a court order to convince the Corps that its responsibility extended to most waters of the United States, particularly swamplands and tributaries of navigable streams and rivers.

Traditionalists in the Corps were obviously horrified at this. They estimated they would have to hire an additional 1,750 employees and spend an extra $50 million annually to write all the permits that would be required. Then, in what seemed to many a deliberate attempt to sabotage the ruling, the Corps issued a confusing four-pronged set of regulations and a press release that flatly stated:

"Under some of the proposed regulations, federal permits may be required by the rancher who wants to enlarge his stock pond, or the farmer who wants to deepen an irrigation ditch or plow a field, or the mountaineer who wants to protect his land against stream erosion."

SOUNDING THE ALARM

The release hit with explosive force. The Associated Press said flatly that the Corps was seeking to extend its authority "over every lake, stream, stock pond, irrigation ditch and marsh in the nation." The next day the wire service added backyard swimming pools. Farm journals and conservation district newsletters jumped in with editorials denouncing the move as a naked power grab, a taking of private land.

Within a few days newspapers around the country sounded the alarm: Once again the heavy hand of the federal bureaucracy had thrust itself into the lives of rural Americans. One paper actually said that the Corps of Engineers would "soon be in our backyards." An editorial cartoon showed a battleship sailing up into a farmer's creek and claiming it as government property.

It wasn't long before the U.S. Department of Agriculture (USDA) joined the chorus. Secretary Earl Butz called the proposal "a dangerous extension of the long hand of the federal government into the affairs of private citizens."

The Corps did little to discourage the growing alarm. Some of its own officials went to public meetings and added their own embellishments to the story. One estimated that the Corps would regulate every creek that farmers could not jump across. Another said that, since the Corps would not have the manpower to police all the streams, it would rely on farmers to snitch on each other.

Needless to say, the Corps was flooded with angry comments. But then, as environmental groups and officials who took time to read the regulations had a chance to react, a counterattack was begun. EPA Administrator Russell Train sharply rebuked the Corps and demanded that Lt. Gen. William G. Gribble of the Corps take immediate action to correct the false statements.

Finally, in July, the Corps backed down. Hard. Assistant Secretary of the Army Victor Veysey assured the House Public Works Committee that the Corps never had any intention of interfering with normal farming, ranching or forestry operations. He said no one was more astonished than he that the misstatements had been made; it wouldn't happen again.

And it didn't. Where there had been resistance and breast-beating, the Corps succumbed to what even its harshest critics saw as an evenhanded concern for the environment. Such an about face, one EPA official said, "is really more possible in a military organization than a civil bureaucracy. They had their orders and they carried them out."

New regulations, written in collaboration with the EPA, were published on July 25, 1975. They did indeed envision a wide program of permit issuing—but according to officials, moderate and reasonable. At least, that's what the court seemed to require.

In a three-phased program, the regulations required permits immediately for discharge of dredged or fill material into coastal waters and inland navigable waters and adjacent wetlands. A second phase, that goes into effect July 1, 1976, extends this authority into primary tributaries, lakes and adjacent wetlands. The third and final phase, beginning a year later, goes into all navigable waters, meaning lakes of 5 acres or more and streams with a flow of at least 5 cubic feet per second.

But the regulations were remarkable not so much for what they included but what they specifically excluded.

Excluded from regulation were drainage and irrigation ditches, stock watering ponds and settling basins and farming activities "such as plowing, cultivating, seeding and harvesting for the production of food, fiber and forest products." Again: "Farming conservation practices such as terracing, check dams and land-levelling would also not be regulated unless they occur in navigable waters."

In addition, the engineers held meetings around the country to make sure people understood the regulations. Environmentalists now found themselves on the side of the Corps of Engineers and together the agency and the groups worked to dispel the past misunderstandings.

That should have been that. But it wasn't. Like a fire smoldering under ashes, the Corps' original untruths, perpetuated by critics of the program, lived on. They would continue to burn brightly, not only in the minds of the public but in the minds of members of Congress and in the minds of members of the committee that held oversight hearings on the water quality act.

More than one observer offered the explanation that Congress is not interested in the facts but only the public perception of the facts.

GOVERNORS JOIN IN

Neither the public nor Congress got much help from the USDA. A month after the new regulations were published—after the government's position was supposedly reversed—the Department sent out a press release which began:

"WASHINGTON, Aug. 8.—New 'dredge and fill' regulations of the U.S. Army Corps of Engineers impose the threat of 'cumbersome, time-consuming procedures' on farmers and ranchers every time they clean a ditch or build a pond, according to Robert W. Long, assistant secretary of agriculture for conservation, research and education."

The USDA kept this up for months. For instance, at a breakfast meeting last November with representatives of the South Carolina Association of Conservation Districts, Paul A. Vander Myde, Long's assistant, lashed out at "this 404 situation," calling it federal land-use control by another name. "It could be construed as federal taking of privately owned land rights without due process of law and certainly without just compensation," he said.

The soil conservation districts, guided by their national association in Washington, kept up a steady campaign against 404, as did the National Farm Bureau Federation and a number of other grass-roots organizations. Many of the governors joined in and so did their state ports authorities. Then the industries—home builders, road builders and dredgers—and finally some of the unions—particularly the dredging operators and the harbor crews—added their voices.

In short, congressmen were swamped. They faced angry farmers at home and increasingly organized lobbyists in Washington. And they witnessed a divided government.

Furthermore, it was becoming apparent that the entire federal water pollution control effort was bogged down. Congressmen were convinced that it was the EPA bureaucracy that was unnecessarily tying up grants for municipal water treatment plants. The agency was being charged with hindering rather than promoting, the cleanup of municipal wastes.

The temptation to strike out at the environmental bureaucracy had grown dangerously by the time the Public Works Committee began markup sessions on water pollution control amendments. Congressmen didn't like the way the government had backed into wetlands protection, the way the judges and the bureaucrats were—once again—deciding national policy.

FEELING THE PRESSURE

But most people involved, including committee staff, figured nothing would be done about Section 404 until next year when a massive review of the act is scheduled to take place. The most that could happen, they said, would be a temporary slowdown of the regulations while Congress decided whether to write a real wetlands bill. But the pressures were such that anything could happen.

There is in Washington a lawyer named Robert E. Losch. Along with other clients, he represents the National Association of Dredging Contractors and the International Association of Operating Engineers, the ones who operate machinery in the ports. The dredging business has been slow these days and so is the harbor business. And Losch's clients are upset.

They believe that the new restrictions on dumping dredged materials are sending costs out of sight. They no longer can simply dump the material in wetlands areas above the high-water mark the way they used to. Furthermore, the Corps, long a friend of the dredgers, is saying that areas that are *periodically* flooded qualify as wetlands. That's bad for business.

Losch is an affable man, late 40s, Midwestern. He recently brought a tiny hermit crab all the way back from Hilton Head and gave it to the aquarium at the Department of Commerce because he was afraid it would fall prey to seagulls.

Bob Losch likes the way things work on the Hill and will admit to playing a part in a lot of key legislation. Like the deepwater ports bill and, interestingly, the original Section 404 of the water quality act. He didn't actually write any legislation, although some people apparently think so, but he knows the subjects well and has plenty of helpful suggestions. He's a compromiser.

A few weeks ago, Losch began getting pressure from a number of ports authorities—among them Charleston and Corpus Christi—to do something about section 404. He thus began coordinating the lobbying effort to bring this about. It was not a massive undertaking. Most of the lobbyists did not think there was a chance to do anything this year.

The American Farm Bureau Federation sent letters to all committee members on the Friday before the vote and urged bureaus in states that had committee members to do some calling. The forestry products people did some low-key lobbying.

Losch, figuring there might be room for compromise, pushed a bill that would have allowed states to issue their own permits for filling in land areas above the high-water mark. All the lobbyists knew that Rep. John Breaux (D-La.) intended to introduce his amendment to restrict the Corps' wetland jurisdiction, but they thought it would be shot down.

"I nearly fell out of my chair," said Keith Hundley of the Weyerhaeuser Company about what happened next.

PARTY LINE VOTE

It was a perceptible shifting of power blocs in the committee. Chairman Bob Jones of Alabama, wielding five proxies, made some brief remarks about restrictions never intended by Congress. But the real signal was an unexpectedly heated pitch for the Breaux amendment by the man who expects to be the committee's next chairman, Jim Wright of Texas.

Wright, considered a smart, articulate man, has had what environmentalists view as an increasingly poor record. He has been accused of being in the pockets of the billboard lobby and of pushing pork barrel projects in his district against environmental interests. Such accusations make him angry. In fact, environmentalists themselves have recently made him angry.

"I am not aware that they have been elected to speak for the environment; I have been," he said in an interview. "I was an environmentalist before many of them even heard the word. Hell, I was fighting for soil and water conservation back when I was a kid in the Texas legislature."

Environmentalists have been generally friendly with Wright, not wanting to make enemies with the expected next chairman of a committee as important as Public Works. But his actions on 404 may have edged him into the ranks of the Dirty Dozen.

Wright asserted at the committee meeting that "any farmer or anybody who is going to dredge and fill around any water, any stock pond, any stream, any little creek running through his property" will have to get permission from the Corps of Engineers. Furthermore, he claimed, "Anybody who wants to have a little terrace across his property to hold his land as a soil conservation measure is going to have to go to the Corps to get a permit." Several other committee members echoed these beliefs.

It appeared that the Corps' careful efforts to clarify its position, even the extraordinarily specific regulations, had had little impact on the committee. The vote fell largely along party lines, with Republicans, following the lead of their ranking member, William Harsha, voting against Breaux.

Wright now concedes that the committee may have gone too far. He said that EPA Administrator Train recently expressed concern to him that, in passing the amendment, "we may have restricted the Corps to a lesser application than we wanted to. Maybe he's right.

Wright said he may offer an amendment on the floor of the House that would delay implementation of phases 2 and 3 of the regulations, giving Congress time to conduct an in-depth inquiry.

That will be fine with Breaux, although he will fight all the way for his amendment. "I may get my rear end beat on the floor, but at least Congress will have expressed its intent," he says. "I got their attention."

The lobbyists will be fighting, too. On the industrial-agricultural side, those who would have settled for a moderate change are saying, "We now go for Breaux." On the environmental side, the Section 404 fight has pushed some of the purely educational groups into active lobbying. It will be quite a fight when the bill gets to the House floor.

Whatever happens, Wright feels that Congress is just in reacting to public alarm over increasing intrusions of the federal government into the daily lives of Americans. When those Americans happen to be farmers, that's political trouble.

There seems to be a general bureaucratic head hunt in Congress this year. Among other alleged excesses, Wright lists busing, the seat belt interlock, the paperwork demands of the Occupational Safety and Health Administration and a host of "nitpicking" EPA demands.

This may be a year of running for cover. "When a guy like Jimmy Carter runs for President and rails against the Washington bureaucracy, it has to tell you something," Wright said.

THE COMPREHENSIVE MEDICAL PRACTICE ACT OF 1976

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. MAGUIRE. Mr. Speaker, I am introducing today the Comprehensive Medical Practice Act of 1976, a bill which provides a major opportunity to move health care in the United States in a direction which meets the needs of patients more adequately and at lower cost than is presently the case.

I. STATEMENT OF THE PROBLEM

Medical costs are increasing at a 14-percent-compounded rate every year. The cost of medical care will soon reach the point where any serious illness will be a financial catastrophe for the average citizen. Medical costs in the United States last year exceeded $118 billion, of which $40 billion came from the Government.

While many of these increased costs are unavoidable, many could be avoided under a more rational medical care delivery system.

In our investigations on the Oversight Subcommittee of the Interstate and Foreign Commerce Committee, we have found evidence that a large number of surgical procedures were being performed which were not medically necessary. We found that a large number of laboratory tests were being performed which were not medically necessary, were inaccurate, or for which charges were made in great excess of their actual cost. We have been told during hearings on national health insurance conducted by the Health and Environment Subcommittee that there are wide variations in the rates of hospitalization and durations of hospital stays throughout the United States. For example, patients in New England stay in the hospital 30 percent longer than in California. The control of quality in medicine is primitive. The individual practicing physician taking care of patients outside the hospital has a difficult time maintaining up-to-date information on pursuing additional education. He also has little opportunity for informal education with his fellow physicians because he is, for the most part, by himself or with his patients.

Medicine in the United States is practiced primarily in a fragmented system with much duplication and poor management; most physicians practice almost in a vacuum. Efforts in preventive care and patient education which would be so cost-effective to society as a whole, are not performed in the individual practitioner's office. He cannot get payed for it, he does not have time for it, and he is not interested in it.

Physicians and other health professionals have little or no exposure to alternatives to the solo practice method for delivering medical care; they have almost no expertise in the efficient management of our scarce health care resources.

Information regarding the efficiency and effectiveness of alternative methods for delivering health care is scarce. We are moving toward a national health insurance program in this country, yet we desperately need information comparing various methods of organizing and delivering medical care to make reasoned decisions regarding how to set up such a national health insurance program.

It is these problems that the Comprehensive Medical Practice Act is designed to solve.

II. ADVANTAGES OF A COMPREHENSIVE MEDICAL PRACTICE

In the bill that I am proposing, I wish to promote formation of practices of groups of physicians so that they may deal with many of the problems mentioned above. Rates of hospitalization and rates of surgery are decreased in group practices. Group practices emphasize ambulatory care.

Because of the integrated nature of group practices, quality programs can be set up, time can be taken by the physicians for additional education, and an informal network of discussion and referral within the practice leads to high-quality, up-to-date medical care.

The size of the comprehensive medical practice allows for efficient management of patients and referrals within the organization. This leads to efficient, integrated, quality care, effective use of preventive medicine, patient education, and the use of less expensive physician extenders.

I have concluded that the encouragement of the formation of comprehensive medical practices will lead to higher quality medical care at lower total cost.

III. MEDICAL CARE AT LOWER TOTAL COST

Provisions of the bill.

The bill defines a comprehensive medical practice as one which consists of several practitioners of whom half are in the primary specialties of family medicine, primary pediatrics, and primary internal medicine, while the others may represent the specialties needed to provide adequate overall care for the patients the practice serves. A comprehensive medical practice is one which offers a variety of medical services reasonably expected to meet the majority of medical needs of the local population. This means that an individual can go to a comprehensive medical practice in his area and usually expect to receive all his medical needs. He will not have to go from doctor's office to doctor's office, to hospital, to laboratory, to X-ray, in order to find answers to his medical questions. This also means that preventive health and patient education can be offered in these practices.

My bill requires that a readily identified individual be primarily responsible for each patient so that the patients will always know whom to call when they have a medical problem. This will lead to continuity of care and a formation of a long-term relationship between the patient and the physician. The bill requires that a single medical record system be kept and that the equipment, facilities and personnel be shared so that efficient use is made of these. It also requires that the comprehensive practices meet accreditation standards set up by the American Group Practice Association and the Joint Commission of Accreditation of Hospitals. This provision will assure that medicaid mills and other unscrupulous or lesser quality groups will not qualify. These accreditation standards also require that proper equipment and personnel are available and that an active and effective quality assurance program is ongoing. I am requiring that the comprehensive medical practice have a unitary administrative structure which assures that the patient will have an individual to go to when he has complaints regarding either the cost of his medical care or its quality.

The bill establishes funding for grants and contracts for feasibility studies for the formation of comprehensive medical practices with the emphasis on making sure that these practices conform with the planning act and that the practices which serve medically underserved areas or nonmetropolitan areas be given priority. Also, grants and contracts and loan guarantees for planning and initial development costs, and direct loans and loan guarantees for operating costs are included.

I have included provisions for expansion of existing group practices, including the formation of satellites. In this country today we have many large, fine practices of medicine and we should encourage them to move out, particularly in the medically underserved areas, and to offer the same high quality care to these individuals as they do to the patients they now serve. This provision allows for grants and contracts for feasibility studies for initial operating costs for planning and projects. Again, the emphasis is to look at medically underserved areas and to patient population areas which are presently not served by a comprehensive medical practice.

The bill contains a malpractice reinsurance program whereby comprehensive medical practices which meet the standards of this bill will be reimbursed for malpractice by the Federal Government.

The bill contains provisions that under title XIX, the comprehensive medical practices receive reimbursement rates of 125 percent of the highest rate prevailing in a State so that the rural practices will have a chance to meet their costs and comprehensive medical practices will be encouraged. Payment of physician extenders, under title XIX, is also included so that the comprehensive medical practices may use the most efficient personnel for delivering the services.

IV. EDUCATION AND TRAINING

The bill contains provisions for training of health professionals in comprehensive medical practices and for teaching of health professional students about the various methods of delivering medical care so that medical students, nursing students, and other professional health students will be exposed to comprehensive medical practices. It offers grants for management training and assistance and for continuing medical education of practice personnel.

V. RESEARCH INTO QUALITY AND EFFICIENCY

The bill provides provisions for research into various methods for delivering medical care with reports to Congress on how the formation of comprehensive medical practices and other alternative forms of delivering medical care may affect the quality and cost of medical care for our Nation.

We are requiring the comprehensive medical practices to cooperate with research studies so that their cost and effectiveness can be studied. At the end of

3 years the Secretary is directed to report to Congress the results of these studies so that Congress can benefit from this information in designing future national health insurance programs.

VI. NATIONAL HEALTH SERVICE CORPS AND STUDENT LOANS

The bill requires the assignment of National Health Service Corps personnel to integrated medical practices wherever possible and provides for student loan forgiveness for practicing in an integrated practice.

In summary, this bill promotes the formation of a high-quality, comprehensive practice of medicine which should lead to the highest quality of medical care at the lowest cost to our citizens. These practices should make medical care less costly, more convenient, and closer to the needs of our citizens; the bill mandates studies to see that this actually is the case. The bill is written in such a way as to encourage expansion of medical practices into rural and other medically underserved areas and is built upon the strengths of our present health care system.

JENSENISM—V

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. METCALFE. Mr. Speaker, I commend the following to my colleagues' attention. It is part V of an article by Prof. Jerry Hirsch entitled "Jensenism: The Bank of Science Without Scholarship." I join our colleagues CHISHOLM, MITCHELL of Maryland, MADIGAN, and YOUNG of Georgia in submitting this article:

VI. BIOLOGICAL MISINFORMATION

The fundamental fallacy, on which rests the superstructure of the racist renaissance spearheaded by Jensen, is exposed in the question asked by the HER title and the false answer given to it on his page 59: How much can we boost traits A & B (= I.Q. and Scholastic Achievement)? His erroneous answer on page 59 takes the form: The fact that heritability B<A means teachability A<B. It is based on the fallacious assumption that teachability is the complement of, or varies inversely with, heritability—a fallacy echoed by Jensen disciple Scarr-Salapatek: "Heritability estimates can have merit as indicators of the effects to be expected from various types of [environmental] intervention programs." [101] (p. 1227) When, in fact, there is no relationship whatsoever between teachability and heritability; and furthermore as Moran has now elegantly shown: ". . . for characteristics such as human intelligence in which the genetic and environmental components are correlated, 'heritability' cannot be defined. . . ." [102] So, it is not surprising that she ignores Moran in her latest panegyric: "With the notable exception of Arthur Jensen, not many advocates of high or low heritability are adding to our store of knowledge about human intelligence." [103]

There are several reasons why I have called human heritability estimates "both deceptive and trivial." The conceptual problems have been analyzed in much greater detail elsewhere [104] and will only be summarized here: (1) the norm of reaction, (2) the purpose and use for which heritability estimates are appropriate, and (3) the inconsistency of scaled polyalleles. First, norm (or range) of reaction describes the fact that the same genotype can develop into quite different phenotypes depending on the environment in which it develops (e.g., grow a plant with and without fertilizer, at sea level or above the timberline, etc.) and heritability, an average statistic and *population* measure, provides no information about how a given *individual* might have developed under conditions different from those under which he (she, or it) actually did develop. Jensen denies this in a new footnote: ". . . there has been no evidence that different genotypes for I.Q. are affected differentially by the environment" [105] (p. 141)—a perfectly asinine statement in the light of Jensen's own previous claim about two genotypes (normal and PKU) in one environment (phenylalanine in the diet) or one genotype in two environments (PKU genotype raised with presence or absence of phenylalanine in diet): ". . . a child who has inherited . . . PKU can grow up normally if his diet is controlled to eliminate . . . phenylalanine." [106, 107] (p. 45, p. 120 respectively) But then Jensen is not at home in biology when more is involved than the symbol manipulating game of Mendelian algebra and biometrics, which has a form similar to pyschometrics.

He stumbles repeatedly in biology: when he tries to explain the cytological picture in Turner's syndrome, females lacking one of the two X chromosomes, he pontificates: "When their chromosomes are stained and viewed under the microscope, it is seen that the sex-chromatin is missing *from* one of the two chromosomes that determine . . . sex." [108] [109] (p. 32, p. 103 respectively; italics added) Sex-chromatin (the Barr body) and chromosomes are *not* seen together. Chromosomes are seen during the metaphase of mitosis after the nucleus has disintegrated (literally broken down into its chromosome components). Sex-chromatin is seen "at the periphery of the interphase nucleus just inside the nuclear envelope" [110] in cells containing two or more X chromosomes (usually female, one exception being Klinefelter's syndrome—not Kl*ein*felter as given by our "authority," [111] pp. 204 and 376, both italics added).

Second, heritability measure was developed for a purpose and use unrelated to and inappropriate for education and teaching. "An estimation of h^2 [= heritability] is valuable for planning for selection [= breeding] in the particular population in which it was made." [112] While Jensen's ignorance is unfortunate, his avowed goals are as heinously barbaric as were Hitler's and the anti-abolitionists'. His warning and alarmist language are disgusting enough to warrant repetition: "Is there a danger that current welfare policies, unaided by *eugenic foresight*, could lead to the genetic enslavement of a substantial segment of our population? The possible consequences . . . may well be viewed by future generations as *our* society's greatest *injustice* to Negro Americans." (p. 95: italics added) Note that throughout his writings *we* are whites (not Caucasians) and *they* Negroes (not blacks). And *we* should treat (= breed!) *them* with eugenic foresight. After all, agricultural eugenics, for which heritability measure was developed, has worked so well *with* plants and animals *for* farm entrepreneurs, why not use it with, or for (which)?, man and build the Brave New World by 1984? Galton's dream was to see "man breeding man as his own domesticated animal," [113] which our slavocracy did profitably enough to fight a civil war to perpetuate. Colman's otherwise very good discussion of "scientific racism" comes to a far too charitable conclusion: "I do not . . . believe that Jensen and Eysenck . . . are racists in the crude sense. . . ." [114] I cannot concur.

Again in the new Preface [115] (p. 59) readers are informed of a "major critical effort . . . containing eight articles" written about HER. In that reference we find the following: ". . . the causes of differential intelligence. . . . It seems incredible that anyone still doubts that there are genetic factors involved. The heritability estimates cited by Jensen (1969), even if they are twice too high, should establish this point. . . . For simple qualitative biochemical traits, it can be seen that there are some—blood groups, for example—that cannot be altered no matter what is done to the environment." [116] The absolute fixity of the blood groups has long been a sacrosanct concept to all concerned with heredity. So it is of no small interest to consider the next fact reported by two of the internationally most renowned authorities on the subject: "It dawned slowly to . . .[us] that a certain kind of weak B antigen in seven samples of otherwise group A_1 blood . . . tested over the years was, contrary to all previous experience, an acquired and not an inherited antigen. The proof that the antigen was acquired rather than inherited. . . ." [117]

The relevance of the foregoing to this discussion and to everything Jensenism represents is that this very same blood group story was presented by me to Jensen on a platform shared by us with Robert Cancro, Bruce K. Eckland, Benson E. Ginsburg, Ching Chun Li, and Steven G. Vandenberg before a large audience at the November, 1969, Illinois conference.[118]

If blood types can change should we assume intelligence to be less plastic? And Jensen has known but ignored this fact for at least four years.

Another way of appreciating the triviality of Jensenism's use of heritability to "answer" the nature-nurture pseudo-question is to realize that the answer thus obtained is no more meaningful than any answer given to the equally pseudo-question: "Which is more important in determining area, length or width?"

Third, the quantitative genetic model employed is elegant and impressive but let us never overlook (1) its assumptions, (2) our knowledge of reality, and (3) the fit between (1) and (2). So long as every gene comes in only two forms (= alleles), as in Mendel's classic study, contradictions are not apparent. Variances and correlations do their job. But consider the following case of a gene having three alleles, A_1, A_2, A_3 and note what happens.

Given $A_1=0$, $A_2=1$, $A_3=2$, then $A_1A_1=0$, $A_1A_2=1$, $A_1A_3=2$, $A_2A_2=2$, $A_2A_3=3$, $A_3A_3=4$. For a population with only alleles A_1 and A_2

$$\text{mean}=\frac{0+1+2}{3}=1$$

$$\text{variance}=\frac{(0-1)^2+(1-1)^2+(2-1)^2}{3}=\frac{2}{3}$$

For another population with only alleles A_1 and A_3

$$\text{mean}=\frac{0+2+4}{3}=2$$

$$\text{variance}=\frac{(0-2)^2+(2-2)^2+(4-2)^2}{3}=\frac{8}{3}$$

We find the absurd result that one population with equal proportions in its set of two alleles will have a much greater variance than another population with equal proportions in its different set of two alleles—a counter-intuitive and unacceptable inconsistency. And human genetic research is revealing an ever increasing number of loci to be polyallelic. Misleadingly the textbook discussions and illustrations only consider the simplest two allele case. That is why, when Lewontin had to deal with genetic realities involving known polyallelic human loci, he abandoned the classic quantitative

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Footnotes at end of article.

genetic model and employed the information measure.

Lewontin's important findings throw into bold relief the extent to which so many have been duped by the propaganda of Jensenism. For *known* human loci, "Less than 15% of all human genetic diversity is accounted for by differences between human groups! Moreover the difference between populations within a race accounts for an additional 8.3%, so that only 6.3% is accounted for by racial classification."[119] (p. 396) With race differences contributing such a small amount, i.e. 6.3%, to human diversity on known genes, there is at this time no basis whatsoever for the specious racist rhetoric alleging race differences make a greater contribution to human diversity on Jensen's sham "intelligence genes" (phrase echoed by Humphreys).[119a]

VII. AN INTELLECTUAL WATERGATE

When it was pointed out in my discussion at Cambridge that, instead of imparting new knowledge, Jensen was acting out a classic role: There's been one every generation, go and read Henry Garrett. He said long ago everything Jensen has to say, Jensen protested and claimed that he did have something to add, but never told us what. However, he reassured the audience about Garrett's worthiness. Now Garrett certainly could not be considered to have been an "environmentalist" nor to have been prejudiced against what Jensen represents. Therefore, it is relevant to find the following discussion in Garrett's regular section of *The Citizen:*

WHAT IS THE ANSWER?

(By Henry E. Garrett, Ph.D., Professor Emeritus, Psychology, Columbia University, Past President, American Psychological Association)

Q: Dr. Garrett, that Dr. Arthur Jensen of the University of California certainly made a splash, didn't he, with his findings? While I am glad to see the publicity given his opinions—that Whites are smarter than Negroes—what's so new about that? It seems to me others, you among them, have been presenting this sort of evidence for a long time.

A: What Dr. Jensen did was to find that Negroes have IQs about 15 points lower, on the average, than Whites. This, it is true, has been many times reported. What is interesting about the great amount of publicity given Dr. Jensen's published work is that *publicity* itself. Perhaps times are changing.[120] (Italics added in second paragraph only)

Publicity (propaganda!) was exactly the point being made by Alfert which unleashed Jensen's scurrilous attack on her. While not all the 159 references in the HER travesty have been considered here, certainly enough material has now been examined to make clear why we can believe little, if anything, Arthur Jensen speaks or writes.

We have seen that Jensenism turns out to be a moral, not a scientific problem. On the one hand, once again we have been betrayed by the intellectuals (*La trahison des clercs*[121]). That so many unscholarly "experts" would accept such a specious product provides stark proof of the intellectual bankruptcy of our present harried academic system, which overvalues speed and quantity of output at the expense of quality: publish (ever more) or perish! Jensen's list of publications reaches shameful lengths. A glimpse is provided in his *Genetics and Education* book.[122] where he flaunts both a list of 117 articles about HER by other writers and another list of 45 of his own articles for 1967–1972. There, his 5-year count is 1097 journal pages, plus (1) five entries without pagination, (2) the 378 pages of that book (reprinting six of his articles and adding a new 67-page self-serving preface), and (3) another 407-page book with new text,[123] in which we are threatened with still "A third volume soon to be published . . ."[124] (now out in England!). Five years are 1826 days and the page total in my previous sentence exceeds 1826. There are 350 words on his average book page. So, including the duplication already mentioned, Jensen is *responsible* for a *published* torrent of more than 300 printed words every day of 5 years. My extremely conservative estimate does *not* include Jensen's total output or the even greater spate of words about Jensenism in journals and the media.

With such an undisciplined flow of intellectual pollution into our precious channels of scientific communication, no wonder our universities are in financial difficulty. Ironically now, under the headline "Financial Troubles Beset Libraries At Coast School," *The New York Times* describes the plight of Jensen's home institution: "The Berkeley Library has temporarily suspended buying books and planning for an addition. Berkeley is reported to be one year behind other major universities in library acquisitions . . ."[125] Experts—scientists, scholars, professors—must forever subject to repeated skeptical scrutiny—both empirical and scholarly verification—all aspects of *every* knowledge claim in their province, proposed by no matter whom, published no matter where. Until the requisite caution, skepticism, and humility become integral to our graduate training, which has not been so much too long, Jensenism will remain the rule rather than the exception.

On the other hand, this story becomes part of what the very perceptive sociologist-historian of science Merton credited psychiatrist Sir Lawrence Kubie with suspecting; namely the emergence of a "new psychosocial ailment among scientists which may not be wholly unrelated to the gangster tradition of dead-end kids. Are we witnessing the development of a generation of hardened, cynical, amoral, embittered, disillusioned . . . scientists"[126]—an intellectual Watergate? To paraphrase a *New York Times* editorial on the latter (June 7, 1973)[127]: either Jensenists knew what was being perpetrated and are therefore responsible, or did not and are therefore irresponsible. Like few other things, Jensenism demonstrates today why science without scholarship is bankrupt.

ADDENDUM

As this goes to press a new major whitewash review of Jensenism (by Carter Dennisston), has appeared, once again in Science (vol. 187, p. 161, 1975)—an appalling example of intellectual dishonesty, It ignores (1) the material reviewed here and presented in detail at Denniston's home institution (see my Note 1, subnote c), (2) Moran's fundamental paper on heritability (see Note 79 and p. 23), of which I personally distributed over 100 copies at Wisconsin, and (3) Thoday's already 14-month old review of the same Jensen book in *Nature* (V.1. 245, p. 418, 1973) documenting Jensen's misrepresentation of De Lemo's Australian Aborigine data. But then Deniston's Wisconsin colleague, Crow—that ever persistent Jensen booster—has been featured on the Science masthead since January 1971.

(Copies of the proofs of this article were given to Professor Jensen in December 1974, well before its publication. Journal space was made available for him to publish a reply. Jensen had no reply to make.)

FOOTNOTES

[101] S. Scarr-Salapatek, *op. cit.*

[102] P. A. P. Moran, *op. cit.*

[103] S. Scarr-Salapatek, "Some Myths About Heritability and IQ," *Nature.* Vol. 251 (1974), pp. 463–464.

[104] Hirsch, "Biosocial Consequences."

[105] Jensen, *Genetics and Education,* p. 141.

[106] Jensen, HER.

[107] Jensen, *Genetics and Education.*

[108] Jensen, HER.

[109] Jensen, *Genetics and Education.*

[110] R. Rieger, A. Michaelis, and M. M. Green, *A Glossary of Genetics and Cytogenetics* (New York: Springer-Verlag, 1968), p. 404.

[111] Jensen, *Genetics and Education.*

[112] S. Wright, *Evolution and the Genetics of Populations* (Chicago: The University of Chicago Press, Vol. 2, 1969), p. 423.

[113] N. Pastore, *The Nature-Nurture Controversy* (New York: Columbia University King's Crown Press, 1949), p. 28.

[114] A. M. Colman, "'Scientific' Racism and the Evidence on Race and Intelligence," *Race,* Vol. XIV, No. 2 (1972), pp. 137–153.

[115] Jensen, *Genetics and Education.*

[116] T. G. Gregg and P. R. Sanday, in C. Loring Brace, G. F. Gamble and J. T. Bond (eds.), *Race and Intelligence,* American Anthropological Studies, Vol. 8 (1973), p. 58.

[117] R. R. Race and R. P. Sanger, *Blood Groups in Man* (Oxford: Blackwell, 5th Ed., 1968), p. 31.

[118] R. Cancro (ed.), *Intelligence, Genetic and Environmental Influences* (New York: Grune and Stratton, 1971).

[119] R. C. Lewontin, "The Apportionment of Human Diversity," in T. Dobzhansky, M. K. Hecht and W. C. Steere (eds.), *Evolutionary Biology* (New York: Appleton-Century-Crofts, Vol. 6, 1972), pp. 381–398.

[119a] T. Edson, "jensenism, n—theory that I.Q. is largely determined by the genes," in *The New York Times Magazine* (August 31, 1969); L. G. Humphreys, *American Psychologist,* Vol. 30, no. 1 (1975), p. 96.

[120] H. E. Garrett, "What is the Answer," *The Citizen,* Vol. 14, No. 4 (1970), p. 21.

[121] J. Benda, *La Trahison des Clercs* (Paris: Grasset, 1927).

[122] Jensen, *Genetics and Education.*

[123] A. R. Jensen, *Educability and Group Differences* (New York: Harper & Row, Publishers, 1973).

[124] A. R. Jensen, *Educational Differences* (London: Metheun and Company, Ltd., 1973).

[125] "Financial Troubles Beset Libraries at Coast Schools," *The New York Times* (May 6, 1974), p. 19.

[126] R. K. Merton, "Priorities in Scientific Discovery," *American Sociological Review,* Vol. 22 (1957), p. 657.

[127] *The New York Times,* Editorial (June 7, 1973).

LET US OBSERVE BETTER HEARING AND SPEECH MONTH

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. LEGGETT. Mr. Speaker, May is far more than the month in which we observe the rites of spring. We should be aware that May is also Better Hearing and Speech Month. It is incumbent upon us to focus on the causes and effects of speech, hearing and language disorders, and what we should be doing to help the people—young and old—who suffer them.

We all know that speech, hearing and understanding are essential to human communication. A disorder in one or more of these abilities can seriously impair an individual's capacity to communicate, and we should be aware that 1 in 10 Americans suffers from a speech, hearing, or language problem.

Children with a disorder of this sort can find it difficult to learn and to form relationships with others. Similarly, adults who suffer from these problems may be able to interact effectively with society, to obtain employment and to support themselves. These are clearly disorders with great costs for society as well as for the individuals affected.

What is the incidence of these disorders in our society? Of the 1 in 10 who suffer from some sort of communications problem, about half—nearly 10 million Americans—have a speech or language disorder.

Put simply, these disorders are the inabilities of individuals to understand and use society's language systems. They range from simple sound repetitions or occasional misarticulations to the complete absence of the ability to use speech or language for communication.

What are some common types?

Articulation problems are the most numerous of speech disorders. They involve difficulties with the way sounds are formed and put together and are usually characterized by the substitution of one sound for another. About three in five of all speech and language disorders are related to articulatory problems.

Stuttering is interruption in the flow or rhythm of speech and is characterized by hesitations, repetitions or prolongations of sounds, syllables, words, or phrases. This perhaps most familiar of speech disorders affects more than a million people in the United States, half of them children, and an estimated 15 million persons worldwide.

Another is voice disorders, which can be characterized by inappropriate pitch, too much or too little loudness, or problems with a harsh, hoarse or nasal tone. And a prime example of a disease affecting voice is laryngeal cancer. There are 30,000 Americans who have undergone surgery for this disease, and 8,000 new cases are discovered annually.

A related type of disorder is aphasia, which involves the loss of the ability to use speech and language as a result of a stroke or head injury. Each year there are 60,000 people in the United States suffering from this problem.

These disorders stem from a number of physical and mental causes. They range from hearing loss to neurological disorders, head injuries and stroke, and physical impairments such as cleft lip or palate. Most disorders in children result from vocal abuse that causes such problems as inflammation of the larynx or growths on the vocal cords.

How is this great variety of disorders treated? Obviously clinical treatment also varies with the nature and severity of the problem. Treatment should be provided by professionally trained speech and language pathologists, who are specialists in dealing with these disorders.

The clinical methods used by these professionals run the gamut from instructing in the production of speech sounds and assisting in control of vocal and respiratory systems to counseling individuals on how to cope with their disorder and deal with the social environment. Persons who stutter are taught to cope with this tendency and increase the proportion of fluent speech. Those with aphasia are helped to relearn language and speech skills such as word recall and the ability to produce speech sounds.

Hearing impairment presents just as much a problem for communications as language and speech disorders. Hearing disorders can take a variety of forms, from simple hearing loss to an inability to distinguish speech sounds to impairment of language reception. It is the most frequently reported disorder according to a survey conducted by the U.S. Public Health Service in 1971. Studies show that hearing impairment affects approximately 14 million Americans, including 3 out of every 100 school children and 30 out of each 100 Americans over the age of 65.

The types of hearing impairments are classified according to the location of the problem in the hearing mechanism. For example, a conductive disorder occurs when the sound is not conducted efficiently into the inner ear, the cochlea. A sensorineural impairment reflects a damaged cochlea or auditory nerve. And a central disorder involves damage or malformation of neural structures in the brain.

These hearing problems have a variety of causes. They run the gamut from excessively loud noise to infections, head injuries and tumors to drugs and birth defects.

Highly trained physicians specialize in treatment of diseases of and injuries to the ear and related structures. For treating the effects we look to the audiologist, who is trained to deal with the communications problems associated with hearing impairment. The audiologist specializes in the prevention, identification and assessment of hearing impairments, and the rehabilitation of persons suffering from them.

Both audiologists and speech and language pathologists provide their service in many different types of facilities. These range from hospitals, rehabilitation centers and nursing centers to schools and universities as well as community clinics and Government agencies.

Mr. Speaker, I hope the designation of the month of May as Better Speech and Hearing Month will bring about greater awareness of the problems which communication disorders pose for our society and the excellent services available from the capable professionals who staff this field. This designation will have served its purpose if it helps to focus more of our attention on this vital problem area.

THE SECOND WAR BETWEEN THE STATES—PART IV

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1976

Mr. HARRINGTON. Mr. Speaker, today I am inserting the fourth of an eight-part series concerning regional economic development which appeared in the May 17, 1976, edition of Business Week. This particular segment focuses on a New England firm which moved to the South Atlantic region. The article explores the reasons why industry finds the South and Southeast so economically attractive and the Northeast increasingly less so.

I strongly recommend this segment of "The Second War Between the States," as well as the entire article, to my colleagues.

The text of the fourth installment follows:

HUYCK: THE CASE OF A COMPANY THAT MOVED SOUTH

As a Northern-based manufacturer, Huyck Corp. faced a special problem in the early 1970s when it decided to find a new headquarters location. Earlier management decisions had actually split the home base between two communities 120 mi. apart. Top officers worked in Stamford, Conn., while major staff executives—chiefly those in finance—operated out of Rensselaer, N.Y. "As our business grew and became more complex, the disadvantages of operating on that basis became acute," says Donald H. Grubb, president and chief executive of Huyck. "Clearly we had to combine them. The question was where."

Because of high local operating costs, neither Stamford nor Rensselaer was considered. Instead, Huyck, a $120 million manufacturer of belting products for the pulp and paper industry, ended up on a rolling, 85-acre site near Wake Forest, N.C. just north of Raleigh. There, in 1973, Huyck moved into a headquarters building of 8,500 sq. ft. and a second plant for Huyck's Formex Div., based in Greenville, Tenn. "Our distribution pattern dictated a site east of the Mississippi River," says Grubb. "Beyond that, we looked at everything from northern New Jersey on down."

One key deciding factor was a Huyck study indicating that North Carolina's building costs ran about 24% lower than those in the New York-Connecticut area. In the early 1970s, Huyck's leased office space in Stamford cost just over $7 per sq. ft. per year, while space in the Raleigh area averaged $4.50. "The cost of our headquarters building came to $265,000, and the cost of relocating our employees was $375,000," says Grubb. "We figure our operating savings on taxes, utilities, and such will pay back the onetime cost of the move in just under nine years."

JOB TURNOVER IS HIGH

Huyck finds that the average payroll for manufacturing employees runs 10% less in the Southeast than in the New York metropolitan area. But the company has not discovered any wonderland of cheap labor. "Had we been looking for a strictly manufacturing site," says Grubb, "we'd probably have gone to a smaller town without all the amenities we needed for our corporate managers. But we realized we were making a compromise. Manufacturing unemployment in the Raleigh area is only about 2.5%. So labor turnover tends to be high." In Huyck's first six months in fact, labor turnover average 44%, which obviously cut into productivity and profits, though Huyck cannot put an exact figure on the cost. "Part of this was due to the normal problems of starting up a new plant in an area where you are not known," Grubb says. "In the last six months, the rate has stabilized at 17%."

Grubb claims that Huyck's current clerical help costs 10% to 15% less than in Stamford, "and we feel we get a better grade of employee," he adds. "A young girl who was doing some typing for me recently changed a percentage figure I had used in a letter. I changed it back, and she said, That's wrong." I checked and found she was correct. In

Stamford that kind of thing just wouldn't happen."

For the benefit of employees who moved south with the company, Huyck paid special attention to the local tax bite on transferees. Connecticut has no state income tax—only a capital gains tax and a fairly stiff property tax. New York's state income tax runs to a minimum 14% on $14,000. The North Carolina rate, meantime, is 7% on a minimum $10,000. However, North Carolina also collects an "intangibles tax" computed at 10¢ per $100 of average quarterly cash on hand and 25c per $100 of securities owned at yearend.

On the basis of income tax alone, the move's impact on lower-to-middle level executives, most of whom were based in New York, proved negligible. An employee with a $20,000 salary, $1,500 in cash on hand, $25,000 in securities, and $2,000 in dividend and interest income or capital gains would pay $1,023 in New York compared with $985 in North Carolina.

The tax bite on upper management, which had been based mostly in Stamford, was higher in the North. While Connecticut has no income tax, a Huyck study showed that a manager with a $50,000 salary, $3,000 in cash on hand, an unusually large securities portfolio worth $400,000, and $18,000 in dividend or interest income and capital gains would pay Connecticut $1,048 in capital-gains taxes. By comparison, his income and "intangibles" taxes in North Carolina would run $4,637. (If he lived in New York, his income and capital-gains taxes would run $6,250.)

HIGHER TAXES, CHEAPER SERVICES

North Carolina's high income taxes, however, are offset by savings in other areas. Smaller real and personal property taxes in North Carolina eliminate about two-thirds of the difference between the northern and southern locations. In the Raleigh area, for instance, the rate on property taxes averages $1.89 per $100 of property value. In Stamford, property taxes average roughly $4.60 per $100, while in Rensselaer, they go up to a startling $17.50 per $100. In Huyck's North Carolina location, savings on housing and transportation more than make up the rest of the difference. Thomas M. McCrary, senior vice-president, says: "In buying a house in Raleigh, I doubled my floor space and went from pine siding to brick at about the same monthly payment."

In the same way, Grubb notes of his Stamford days, an evening out in New York was a major undertaking. "Here," he says, "you can be downtown in 15 minutes—and find a parking place."

"We found little difference in food costs, but car insurance is considerably cheaper down here", says Frederick A. Ferraro, vice-president for finances. "Clothing is not as expensive, and you don't need as many heavy clothes. Compared to what we were used to, the winters down here are quite mild and a lot shorter." Services ranging from orthodontists to bricklayers, painters, or auto mechanics are also cheaper in price. "And they come when you call them, instead of maybe six or eight weeks later," says Ferraro.

He is equally enthusiastic about local financial services. For most routine corporate services, he turns to North Carolina banks. But he maintains his relationship with New York banks. "We actually find our New York banks call on us more frequently down here than they did when we were in Stamford," he says. "I guess they just like to come to this area." Johnson & Higgins, a New York company that handles most of Huyck's international insurance, now has a branch in Charlotte, 100 mi. away.

As proof of the move's success, Grubb notes, all but one of the 35 executives who were originally asked to relocate accepted. Of those 34 executives only one has since returned to the North. "Today if we were making the same decision on whether or not to move, there is no question that the decision would be same as our previous decision," says Grubb. "We have no regrets. In fact, if we build another plant, I'd be very surprised if we didn't build it somewhere in the South."

JUDGING THE NUCLEAR ENERGY DEBATE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BROWN of California. Mr. Speaker, yesterday I inserted in the CONGRESSIONAL RECORD the introduction from a recent California State Legislature publication entitled: "Reassessment of Nuclear Energy in California: A Policy Analysis of Proposition 15 and Its Alternatives."

Today, in an effort to further understanding of the issues involved with nuclear energy, I wish to insert another excerpt from that publication, which is one of the best of its kind. The issue addressed in these remarks is the nuclear debate itself. As the analysis states:

> The reason for the dispute among highly qualified and knowledgeable men is that the issues are not solely resolvable through application of scientific expertise. The debate is more the result of differing views on human abilities, human fallibility and human behavior than anything else.

The excerpt follows:

EXCERPT FROM: "REASSESSMENT OF NUCLEAR ENERGY IN CALIFORNIA"

JUDGING THE NUCLEAR DEBATE

To any lay observer, the claims and counterclaims that are made about the safety and wisdom of the nuclear power program in this country are bewildering. Scientists themselves are unable to agree on where virtue lies. In a display of at least some levity, the public has been treated to the battle of the Nobel Laureates, a game of escalating numbers. First, two Nobelists, Linus Pauling and Harold Urey, indicated their reservations about the continued development of nuclear power. Then, under the prodding of Hans Bethe, another Nobel prize-winner, 32 scientists signed a statement indicating that in their view nuclear power was safe and a necessary energy option for this country—eleven were Nobel Laureates. The Union of Concerned Scientists next circulated a petition indicating the need for caution and the need for more safety testing prior to rapid expansion of the use of nuclear power and obtained the supporting signatures of 2300 scientists, a large proportion of whom were specialists in nuclear energy or nuclear physics. Then the New Mexico Citizens for Clean Air and Water, an environmental group of some 2000 members, a few hundred of whom work at the government's nuclear energy lab at Los Alamos, issued a proclamation that unless "potentially serious problems" were clearly on their way to solution by March 1977 the group would oppose further construction of nuclear power facilities "as an imminent hazard." Finally the American Nuclear Society gathered 32,000 signatures on a declaration that both coal and uranium are needed as power sources and that "there are no technical problems incapable of being effectively solved" in using these fuels.

The reason for the dispute among highly qualified and knowledgeable men is that the issues are not solely resolvable through application of scientific expertise. The debate is more the result of differing views on human abilities, human fallibility, and human behavior than anything else. To have confidence in the safety of a reactor, we must have confidence in the degree of perfection man can attain in building and operating complex devices. To have confidence in the perpetual isolation of nuclear wastes, we must have confidence in the longevity of our social institutions and the rationality of future generations. To have confidence in the security of the bomb-grade fuels which are present in the cycle which results in electricity, we must have confidence in the abilities of society's deterrents to prevent actions by fanatics or organized crime. If one is pessimistic about these requirements, one does not agree with the course currently being followed to expedite the development of nuclear power. If optimistic, one is dismayed by what appear to be irrational roadblocks constantly being thrown in the way.

Alvin Weinberg, former director of the AEC's (now ERDA's) Oak Ridge National Laboratory, has said: "When nuclear energy was small and experimental and unimportant, the intricate moral and institutional demands of a full commitment to it could be ignored or not taken seriously. Now that nuclear energy is on the verge of becoming our dominant form of energy, such questions as the adequacy of human institutions to deal with this marvelous new kind of fire must be asked and answered soberly and responsibly."[215] The commitment to nuclear energy Dr. Weinberg described as a Faustian bargain: "On the one hand we offer—in the catalytic nuclear burner [the breeder reactor]—an inexhaustible source of energy . . . But the price we demand of society for this magical energy source is both a vigilance and a longevity of our social institutions that we are quite unaccustomed to." Dr. Weinberg indicated the issues should be "adjudicated by a legal or political process rather than by scientific exchange", because the questions are beyond the resources of science to resolve. He concluded that the benefits of developing nuclear power were greater than any risks involved. But others in using his same calculus came to the opposite conclusion.

It is not as if there is no role for technical information in this debate. But what is confounding is that in the absence of hard evidence, the facts on which to base our normative judgements are themselves disputed. Much of the information required is a prediction of future events on the basis of limited experience. This is in essence the nature of the dispute over the Reactor Safety Study and the problems of waste disposal. The crucial tests have not been done and on the whole many of the critics would be more at ease if they were presented convincing data from actual experiments.

Overall then the positions on both sides are matters of speculation. To decide between conflicting viewpoints, one is thrown back on his faith in one set of speculations over another.[216] In this situation, it is clear that the industry and the old AEC suffered from public mistrust by being overly optimistic in the face of increasing evidence that there were problems. To some extent this reaction is attributable to the extreme degree of scrutiny to which the nuclear industry is subjected. Because of this scrutiny, more problems in the nuclear industry come into public view than in practically any other heavy industry. To balance what some in the industry believe is the excessive attention given them, public pronouncements expressing great confidence that problems will quickly be remedied or downplaying the significance of any particular incident are issued. In the past practically no problems were ever admitted to by the AEC or the industry. The actions of the industry and their federal

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Footnotes at end of speech.

regulators appear overly defensive to some and lead to mistrust and suspicion. Now this situation appears to be changing slowly.

Apparently the poor performance and problems in nuclear plants were as much of a surprise to the utilities as anyone else. As a result there has been open disputes between utilities and nuclear vendors, each blaming the other for the problems that have arisen (e.g., SMUD and Westinghouse). At least one utility, American Electric Power Company, has been openly skeptical of the continued use of nuclear power. Others in the industry have been doubtful of the prospects of economical fuel reprocessing and the skyrocketing price of uranium has caught one major vendor completely off guard. Other business groups of a traditional conservative grain are even publicly criticizing such main line projects of the nuclear power program as the liquid metal-cooled fast breeder reactor. ERDA itself has even laid bare the problems in uranium enrichment capacity, fuel reprocessing, plutonium recycling, and waste disposal which it has not yet been able to solve. But the critics' case is not conceded. There are still a good number of serious allegations that have been leveled by various critics which the industry, ERDA, and the NRC do not find well-founded.

Generally, the position of the nuclear industry, ERDA and the NRC is that the use of nuclear power is fraught with hazards but that the problems are being dealt with adequately, changes are made when necessary, and the record to date is excellent. In response the critics charge the Federal Government with being too lax in its regulation. One group said "an electrical appliance, such as a toaster or a hair dryer, has more stringent safety checks than the electrical instruments that control a nuclear plant. This is a clear demonstration of the inadequate attention given by the NRC towards protecting the public safety." [217] Another critic obtained an admission from an AEC official that only 2% of a plant design was ever reviewed for safety.[218]

But virtue is not entirely on the side of the critics either. They often have been guilty of continuing to use outdated information and making exaggerated claims. Some base their criticism more on a general anti-big-business attitude than on specific safety questions.[219] The most common problem is over-stating the ease with which conservation and alternative sources of energy could take up the slack left by an abandonment of nuclear power. But in balance it is likely that the industry is similarly over-enthusiastic about the low cost of electricity generated from nuclear heat compared to alternative fuels. Nevertheless there does appear to be a segment in the spectrum of critics which is careful and responsible and willing to recant in light of new evidence.

The result of the tension between the industry, the critics, and the responsible government agencies has been a pattern of events reminiscent of the debate over the Vietnam War.

Official optimism despite continued revelations of negative evidence.

Exposure of embarrassing information purposely withheld from the public (the '64–'65 WASH–740 update obtained through a suit under the Freedom of Information Act).

Defections of middle level people from one side to the other. Carl Hocevar, a nuclear engineer working on the emergency core cooling computer codes at the AEC's Idaho Reactor Testing Station, resigned to join the Union of Concerned Scientists, the group most vocal in their criticism of the Computer codes. Ian Forbes, one of the first members of the UCS, resigned when he felt his colleagues were overly critical of reactor safety after the AEC modified its ECCS criteria. Then three GE engineers from middle level management in the nuclear division bailed out and criticized the safety of BWR's, and have been campaigning for the passage of the initiative. In frustration over what he regarded as the failure of the Nuclear Regulatory Commission to be concerned first and foremost with safety, Robert Pollard, the NRC manager in charge of the safety review for the Indian Point 3 reactor, resigned and took his case to the media.

"Excommunication" of "heretics". Persons who choose not to resign but to voice criticisms from within have been made so uncomfortable they felt compelled to leave. This seems to be what happened to Arthur Tamplin and John Gofman (who challenged radiation release standards as being too high) and Donald Geesamen (who believed plutonium was more toxic than officially thought).

Anonymous leaks of withheld agency information to critics engaged in legal actions against the industry and the federal agencies.

These tensions have increased remarkably in the last two years, and it looks as though the tensions will continue to build. No program can be subjected to this level of criticism, showing signs of internal discord, and continue unchanged. Some sort of reassessment will undoubtedly occur, probably within the next five years.

FOOTNOTES

[215] A. M. Weinberg, *op. cit.*

[216] Nobel Laureate, Dr. Hans Bethe, nuclear power proponent, was asked during the hearings if the ECCS would work when needed. He answered: "I do not know, and the people who know much more about it, like Dr. Finlayson who was a member of the [American Physical Society] panel, do not know either. On the other hand Dr. Finlayson . . . went on record to say that he has the feeling that it will work. . . . [the] best you can do is to rely on the feeling of people who have studied it very carefully . . ."

[217] Testimony of Dale Bridenbaugh, Richard Hubbard and Gregory C. Minor (three former G.E. officials) to the Joint Committee on Atomic Energy, February 17, 1976.

[218] Cherry, transcript, November 20, pg. 47.

[219] This was the essence of the testimony from the National Intervenors, transcript, October 29, pgs. 62–76.

DAN LUTKUS RETIRES AFTER 34 YEARS OF SERVICE TO SCHOOL AND COMMUNITY

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BLANCHARD. Mr. Speaker, Mr. Dan Lutkus, the athletic director of Hazel Park Schools, is retiring after 34 years of dedicated service.

Mr. Lutkus has been with the Hazel Park School District since 1942. He spent 25 years at the high school in the physical education department as teacher, coach and athletic director and friend. In 1966 he was appointed director of physical education and athletics.

In 1946 Mr. Lutkus, with the help of others, organized the Little Oak League for ninth graders and freshmen. The league consisted of Ferndale, Berkley, Cranbrook, Birmingham, and Royal Oak. He was also active in the formation of the Southeastern Michigan Association, a high school athletic league.

This past year, he served as president of the Michigan Association of Directors of Physical Education and Athletics.

Mr. Lutkus is highly respected in the community and highly regarded by his colleagues throughout the State of Michigan. It is fitting that he be honored and commended for his years of service to the community.

It is easy to understand why Dan's friends will miss him. I am sure everyone will join me in wishing Dan the best of luck in his future endeavors.

THE HEBREW WORD FOR LIFE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. WOLFF. Mr. Speaker, recently, I had the pleasure of taking part in a unique and very special Bicentennial celebration at the Jewish Institute for Geriatric Care in New Hyde Park, N.Y., with the wonderful staff and patients of the institute. The theme of the afternoon's celebration was L'Chaim, the Hebrew word for "life," which was especially fitting, for the men and women who participated in the celebration have, indeed, lived life to the fullest and have these many more years to live. These are the patients of the Institute for Geriatric Care who have experienced and contributed to some of the most important and extraordinary events in our Nation's history.

In their lifetime, they have seen advances and events that have changed the face of America and drastically altered the course of our history. The radio, TV, the automobile, the airplane, electricity, atomic energy, man in space, medical science breakthroughs—these are but a few of the milestones which these older Americans have experienced. Their lives have spanned decades of achievement unparalleled in our entire 200-year history.

Many of the men and women I met worked through the growing years of New York's garment industry. They endured the horror of sweatshops, child labor, and inhumane working conditions; many knew firsthand the famous Triangle Shirtwaist Fire, a tragedy that fortunately led to better, safer working conditions in the garment industry. These men and women could write for us a history of labor in the United States, for they have lived through its worst and best moments.

One of the highlights of my afternoon's visit to the institute was the opportunity to meet and talk to Mrs. Dora Leviton, who this year is celebrating her 102d birthday. She is truly a remarkable woman.

In conjunction with the afternoon's celebration of music and guest speakers, the institute launched its "Photographic Salute to the Life and Times of Vintage Americans," a 2-week exhibition of patients portraits that in itself constitutes a Bicentennial tribute to a generation of men and women who have helped to shape America's history. The institute's photographic salute to its older Americans gives a very special meaning to the saying that "a picture is worth a thousand words." The faces of these men and women tell the story of the triumphs and struggles that have made America the great Nation that it is today. They speak of a profound pride in our past achievements and of an enduring hope for our future. It was truly a pleasure for me to join the patients and staff of the Jewish Institute for Geriatric Care in celebrating our Bicentennial.

FIRST DISTRICT OF MARYLAND SPEAKS OUT

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BAUMAN. Mr. Speaker, it is my privilege to represent one of the greatest congressional districts in the United States. Surrounding the shores of the Chesapeake Bay, it includes the nine counties of Maryland's historic Eastern Shore stretching from Ocean City and the Virginia State line in the south to the Pennsylvania border in the north. It also includes populous Harford County north of Baltimore and the three southern Maryland counties south of Washington, D.C., where the first settlers began life in colonial times.

Last December I sent out questionnaires to more than 95,000 households in the First District and the response was most gratifying. More than 8,000 responses were received over a period of 2 months. Although the First District has a voter registration which is more than 3 to 1 Democratic, the responses were certainly conservative in nature, much the same as answers from all parts of the Nation as expressed in public opinion polls.

I insert at this point the full results of the survey which I conduct annually among the 550,000 people I represent:

Congressman Bob Bauman Reports

[Percentages]

NATIONAL AFFAIRS

1. Do you favor a substantial tax cut even if it does cause more inflation?

Yes	18
No	76
Undecided	7

2. Would you favor a tax cut if it means drastic cuts in federal spending and programs?

Yes	81
No	14
Undecided	4

3. Do you favor continued sales of American foodstuffs and grain abroad to countries including the Soviet Union?

Yes	65
No	29
Undecided	6

4. Which of the following solutions to the energy problem do you favor?

(a) gradual decontrol of present oil prices as a spur to domestic production of gas and oil?

Yes	75
No	17
Undecided	8

(b) rationing of gas and oil by the government?

Yes	28
No	66
Undecided	6

(c) increased taxes on gasoline and oil to discourage consumption?

Yes	29
No	64
Undecided	8

(d) complete and immediate price decontrol of gas and oil?

Yes	38
No	49
Undecided	13

(e) a "windfall" profits tax on increased earnings of oil companies unless such earnings are "plowed back" into new gas and oil production?

Yes	90
No	6
Undecided	4

5. (a) Do you favor federal registration of all firearms?

Yes	36
No	60
Undecided	3

(b) Do you favor confiscation of all handguns?

Yes	15
No	82
Undecided	3

(c) Do you favor mandatory jail sentences for those convicted of gun related crimes?

Yes	94
No	4
Undecided	2

(d) Do you favor any form of gun control?

Yes	47
No	44
Undecided	9

6. Do you personally have confidence that the American economic system has the ability to produce prosperity?

Yes	82
No	10
Undecided	8

7. Would you favor some form of tax supported national health care for all?

Yes	25
No	66
Undecided	8

8. How do you rate President Ford's performance after one year in office?

(a) excellent 5%; (b) good 31%; (c) only fair 41%; (d) poor 16%; (e) terrible 7%.

9. How do you rate the performance of the 94th Congress?

(a) excellent 2%; (b) good 9%; (c) only fair 35%; (d) poor 32%; (e) terrible 22%.

10. Do you favor reform of the federal food stamp program which would drastically cut the number of persons eligible for benefits totalling $6 billion?

Yes	94
No	4
Undecided	2

11. Do you favore a federal law to guarantee everyone a certain level of income?

Yes	11
No	82
Undecided	8

12. Please rank in numerical order of their seriousness as you see them the problems facing America:

(a) inflation 28%; (b) moral decline 17%; (c) lack of leadership 14%; (d) big government 11%; (e) union power 11%; (f) unemployment 9%; (g) energy crisis 5%; (h) other 3%; (i) big business 2%.

13. Are you personally pleased with the direction in which the United States is moving?

Yes	8
No	79
Undecided	13

FOREIGN AFFAIRS

14. Who do you think benefits most from the policy of detente?

(a) United States, 6%; (b) Soviet Union, 68%; (c) Neither one, 6%; (d) About equal, 19%.

15. Do you generally support US foreign aid programs?

Yes	22
No	70
Undecided	9

16. Do you think that the US should have a national defense capability that is:

(a) clearly superior to the Soviets, yes, 58%; (b) about equal to the Soviets, yes, 22%; (c) or, should we have mutual disarmament, yes, 21%.

17. Do you favor the US giving any of its rights to control and operate the Panama Canal?

Yes	12
No	79
Undecided	8

18. Do you think that the US should refuse to ship food or manufactured goods to OPEC oil producing nations which continue to raise the price of the petroleum they sell us?

Yes	58
No	34
Undecided	8

19. If the Presidential election were held today who would you support with your vote? (Check only one.)

(a) Ronald Reagan 39%; (b) President Ford 28%; (c) George Wallace 10%; (d) Hubert Humphrey 7%; (e) Others (please indicate) 5%; (f) Henry Jackson 4%; (g) Ted Kennedy 4%; (h) Morris Udall 1%; (i) Lloyd Bentsen 0%.

20. Do you approve of the way I have represented you as your Congressman?

Yes	79
No	6
Undecided	15

(Percentages may add up to slightly less than 100%, because not all respondents answered every question.)

UNAVOIDABLY ABSENT

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. KASTEN. Mr. Speaker, on April 30, 1976, I was unavoidably absent and missed three record votes. In an effort to provide a complete voting record for the constituents of the Ninth Congressional District of Wisconsin, I would like to take this opportunity to indicate my position on those votes if I had been present:

First. I would have voted for H.R. 366, the Public Safety Officers Benefits Act.

Second. I would have voted against the Gibbons amendments to H.R. 366, which would have deducted death benefits from general revenue sharing funds received by the employer of the deceased.

Third. I would have voted for H.R. 365, the Firefighters Benefits Act.

EDGAR AMENDMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. MAZZOLI. Mr. Speaker, Chairman Brock Adams—and his House Budget Committee—worked diligently for months in preparing the first concurrent resolution on the budget. They did a masterful job in the limited time available to them, in handling the complex and controversial matter of setting national budget priorities.

During House consideration of the first budget resolution, Chairman Adams supported an amendment adding $1.2 billion to the budget for veterans' cost-of-living benefit increases. I followed Chairman Adams' lead and voted for the amendment.

Chairman Adams did not, however, support other floor amendments which proposed to add funds to the budget for various kind of veterans' services. Among such amendments opposed by the Budget Committee was the so-called Edgar amendment which added $610 million to the budget to fund the costs of extending the cutoff date for utilizing Vietnam-era GI educational benefits.

Again, I followed Chairman Adams' lead and voted against the Edgar amendment. However, it was approved by the House.

My vote was one of the most difficult I have cast since coming to Congress.

Because my vote may be misconstrued, I want to emphasize that I am a cosponsor of legislation to extend the delimiting date for Vietnam-era GI educational benefits. I support granting the Vietnam-era veterans a further period during which to utilize their GI educational benefits.

My vote against the Edgar amendment, therefore, was not a vote against extending the delimiting date. Rather, it was a vote in favor of the integrity of our new congressional budget process. It was a vote endorsing the hard work done by Chairman Adams and his committee in balancing and adjusting all the demands for funds which were sent to his committee by all the standing legislative committees of the House.

Finally, my vote was a vote in support of the proposition that Congress has to make some hard, unpleasant, and politically unpopular spending decisions if it ever hopes to gain a solid hold on the national "purse strings."

One final word: The House/Senate conference decided to reduce the funds the House had added to the budget in approving the Edgar amendment. In a sense, we are back at "square one" regarding these educational benefits.

However, the first budget resolution, just approved, only sets spending and revenue "targets." The second resolution—which will be before the Congress this fall—will set final ceilings on spending and on revenue.

I am confident additional funding will be incorporated in the second—final—resolution to provide funds for all the worthwhile veterans' services—including educational services—not provided for in the first resolution.

SOUTH TEXAN HONORED FOR WILDLIFE CONSERVATION

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. de la GARZA. Mr. Speaker, a resident of Kingsville, Tex., in the 15th Congressional District which I have the honor of representing, has devoted his life to wildlife management and conservation. In word and deed he has worked for the proper use of rangelands for game as well as livestock. It is well said of him that he has always kept his feet on the land.

Mr. Lehmann recently received the Distinguished Service Award for 1976 from the Texas chapter of the Wildlife Society. In making this award the Wildlife Society honored itself as well as the recipient of the award. Valgene Lehmann is outstanding in his field.

In order that my colleagues may share my knowledge of the valuable contributions made by my constituent in an important area, I am inserting as part of my remarks a brief profile of Mr. Lehmann as published in the Kingsville-Bishop Record News:

Retired King Ranch Wildlife Expert Recognized—He Is Still Trying To Protect Animals

(By Dee Dee Darkis)

Valgene W. Lehmann, retired employe of the King Ranch, Inc., is the recipient of the Distinguished Service Award for 1976 given by the Texas Chapter of the Wildlife Society.

Born in Washington County, Lehmann is one of several scientists of German stock produced in that area who have distinguished themselves in wildlife ecology and management.

Lehmann spent formative years in the Natural environments and hunting culture of Washington County and it was these influences that led him to university training where he emphasized biology in his major subjects.

The wildlife ecologist received his Bachelor of Business Administration from the University of Texas and a Master of Science degree in Wildlife Management from Texas A&M University at College Station.

His contribution to publications is vast. Of the many publications and emphases of his professional life, Lehmann is best known for his work with upland game birds and his holistic approach to the proper and conservative use of rangelands for game as well as livestock.

Major publications include his monograph on "Attwater's Prairie Chicken, the Relationship of Vitamin A to Bobwhite Quail Reproduction" and his book, "Forgotten Legions."

Lehmann's publications on range-wildlife management and the uses of fire in wildlife habitat manipulation are contributions that have had a large influence on the ranching industry, both locally and internationally.

According to Dr. James Teer, chairman of the Department of Wildlife Sciences at Texas A&M, a man is more than his publications.

"Our recipient is one who takes a stand or position and unflaggingly pursues it," Teer said.

"His committee work in professional organizations and citizens' groups has had an important effect on conservation and the management of wildlife and rangeland habitats," Teer went on to say.

As an employe of the Texas Cooperative Wildlife Research Unit at Texas A&M University, as well as the old Texas Games, Fish and Oyster Commission and of the United States Fish and Oyster Commission, as well as the United States Fish and Wildlife Service, Lehmann has left his mark through his understanding and interpretation of the natural world.

"He is an interesting man," Teer said.

"What a great experience it is to just sit and listen to Val in a quiet place as he talks of the ecology of the brush country."

"He has always kept his feet on the land and his associations with sportsmen and user groups have enabled him to keep pragmatic goals in his research and educational pursuits," Teer said.

Lehmann resides at 629 W. Lee. Theoretically retired, he spends most of his time working for the advancement of his first loves: wildlife and the wise use of our world.

NO CURRENT CRISIS ON ASIA'S RIM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following column by my constituent, Mr. Henry Huglin, entitled: "No Current Crisis on Asia's Rim." I am sure many of my colleagues will agree with Mr. Huglin's article.

The article follows:

No Current Crisis on Asia's Rim

(By Henry Huglin)

Hong Kong.—Along the rim of East Asia there is presently no crisis area. The political shudders which followed the collapse a year ago of South Vietnam and the domino falls of Cambodia and Laos have subsided. And, for now, the ruling parties have discontent bought off with economic progress or repressed through authoritarian measures. But there are many tensions and crisis possibilities, including some within the communist nations.

The non-communist nations, and Communish China as well, are much concerned over our nation's future course—how much will we are going to have to keep up our military strength to at least match the Soviets, and whether we are going to continue to use that and our other strengths responsibly as a superpower on whom they inevitably must, in part, depend.

A survey trip through Japan, South Korea, Taiwan, the Philippines, Singapore, Thailand, and Hong Kong is comforting for the short term prospects. But, for the long term prospects, the situation is disquieting, because there seems not to be the means for the economic, social, and political changes needed to stave off the communists' long term threat—through their pie-in-the-sky unfulfilled promises of better lives, backed by subversion, terrorism, and guerrilla warfare.

Except in Japan, the old hierarchical ways, the privilege classes' prequisites and influence, and the habits of corruption may be too ingrained to be effectively moderated—without radical and brutal changes, with economically and politically stultifying, permanently repressive results, such as have taken place in China, Vietnam, Cambodia, and Laos.

And we needn't expect development of greater democracy, but of less. Except again for Japan, there haven't developed, and probably won't develop, truly effective, certain constitutional means for changing governments.

Of course, in the non-communist Asian rim nations there are possibilities of changes of government by coup, if democratic elections do not bring the necessary changes—but this is an uncertain and not often satisfactory procedure. Yet, such possibilities are at least better than in the communist nations where, once in power—though subject to intraparty upheaval, as in China—the police state is so efficiently pervasive that no means for any real change of regime exists.

The non-communist East Asian nations are blessed with generally rapid economic development. This reflects the linking of their cultures' strong work ethic with the incentives of various versions of free enterprise capitalism—with the economic results overshadowing the lesser, but more egalitarian, development of the communist nations.

Also, everywhere there are American businessmen plying their trades, buying raw materials we need and selling our products. All of the non-communist nations welcome our multinational corporations' technology and factories—for the jobs they provide and the managerial knowhow and capital investment they bring.

Yet, future political stability, economic growth, and the well being of the people of these nations basically must depend on their own policies and actions. But their success also unavoidably depends to some degree on what our country, as a superpower, does to continue to promote geopolitical stability and the basic balance of great-power politics in the world, particularly in our highly important triangular relationship with Russia and China.

Throughout Asia, great-power politics are now an underlying current.

In addition to their concern over our future course, the smaller East Asian non-communist nations are much concerned with China, as the strongest regional power in population, geographic size, military strength, and cultural impact. And they are also concerned with Soviet Russia as the great power with the most influence on North Korea and North Vietnam, which are the most militant and, except for China, the strongest militarily in the area.

As for us, we still have, of course, firm treaty commitments with Japan, South Korea, Taiwan, and the Philippines. And, in all except Taiwan, we have tens of thousands of troops and important military bases. Thus, we are apparently continuingly committed and deeply involved geopolitically in East Asia. Yet, we have a long way to go fully to dispell the doubts—in the wake of Indochina's collapse—as to the validity of our commitments.

So, with the non-communist Asian rim nations, our relations prudently must continue along the realistic power politics lines of the past—hopefully with success in the coming decade greater than during the decade of Indochina failure just past.

NATIONAL HANDICAPPED AWARENESS WEEK

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BRADEMAS. Mr. Speaker, the 94th Congress has demonstrated its concern and support of programs to aid persons who by reason of physical or mental handicaps are not always able to fend for themselves.

The Education for All Handicapped Children's Act was signed into law on November 19, 1975. This measure, an historic advance in educating America's handicapped children, will mean new hope for millions of physically or mentally disabled youngsters.

In addition, Congress has voted to extend for 2 more years the Rehabilitation Act. This important measure provides services to handicapped adults to enable them to prepare for employment and productive useful living. For over 55 years, the Rehabilitation Act has been helping handicapped people with a full range of rehabilitation services, including medical care, therapy, employment training and counseling, assistance in securing the tools and other necessities needed to work, and securing employment.

As chairman of the Subcommittee on Select Education, with responsibility over matters relating to the handicapped, I am pleased to cite these legislative achievements of the 94th Congress.

Mr. Speaker, earlier this year, on March 15, I introduced a resolution calling on the President to proclaim the week of May 16, 1976, as "National Handicapped Awareness Week."

At this point I would like to insert relevant correspondence in this matter which I have received from the White House:

THE WHITE HOUSE,
Washington, D.C., May 14, 1976.

DEAR CONGRESSMAN: Because of the interest you have expressed in the President issuing a proclamation to designate the week of May 16, 1976, as National Handicapped Awareness Week, I thought you would find the enclosed Presidential statement of interest.

Although it was not possible to issue a proclamation, the President was pleased to issue this statement in recognition of our commitment to handicapped Americans.

Sincerely,

MAX L. FRIEDERSDORF,
Assistant to the President.

THE WHITE HOUSE,
Washington, D.C.

NATIONAL HANDICAPPED AWARENESS WEEK
MAY 16–22, 1976

I commend the attention of all Americans to National Handicapped Awareness Week. It is an observance which should remind us of our need to eliminate architectural barriers which still stand in the way of handicapped citizens and our need to build a system of public transportation which brings new mobility to those who are handicapped.

Our success in heeding the message of this observance can result in more jobs—and a greater variety of jobs—in more businesses and industries. It can bring closer the day when all our citizens have full access to public facilities and when all Americans can more fully exercise their inherent rights.

The message of National Handicapped Awareness Week should remain with us as a continuing commitment to enable handicapped Americans to achieve greater personal self-fulfillment and meaningful contribution to our society.

GERALD R. FORD.

THOMAS J. FARLEY—MILWAUKEE SCHOOL FOOD DIRECTOR

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. REUSS. Mr. Speaker, Milwaukee is fortunate to have Thomas J. Farley as director of its school food programs. Today's edition of the New York Times contains an excellent article by Mimi Sheraton on outstanding school food programs in the Nation, and she gives special praise to Mr. Farley as an "energetic perfectionist" who has helped create a "school-lunch paradise." The article is also a tribute to the many men, women, and young people who participate in the Milwaukee program and make it a success.

The article is entitled "School Lunch Utopia: No Impossible Dream", and I want to share it with my colleagues:

SCHOOL LUNCH UTOPIA: NO IMPOSSIBLE DREAM

(By Mimi Sheraton)

School food does not have to be bad. As hard as that may be to believe, considering the food served in most New York City schools, there is a good deal of encouraging evidence to the contrary. Many schools throughout the country achieve more than minimum standards of palatability, all on limited budgets and within the requirements of the United States Department of Agriculture.

Based on a study of lunches in 150 schools in five cities, the key to success appears to be the amount of preparation done in the school kitchen. The formula, at its simplest, is the more the better.

If there is a school-lunch paradise, it is Milwaukee, and the lively, energetic perfectionist who is the director of that program, Thomas J. Farley, has won a number of prestigious food service awards.

Boasting a 70 percent participation out of a 105,000 enrollment, with 22,000 free lunches, Mr. Farley prepares meals from scratch in almost every school, baking everything on the premises, including hamburger rolls, and transporting hot cooked food to the few schools that have no kitchens. He does all of that at what he says is the lowest priced lunch in any major city in the United States, a figure he compiles each year by requesting prices from 50 large cities.

Elementary students pay 30 cents, while high schools charge 35 cents per lunch. The program is self-supporting and receives no municipal funds to supplement Federal and state subsidies.

Every school in Milwaukee offers the same lunch on a given day and, unlike the New York high schools, no additional foods are sold a la carte nor are students permitted off the premises for lunch.

Leafy green salads with a choice of dressings, delicately seasoned Swedish meat balls, convincing lasagne and crisp golden grilled cheese sandwiches are among the understandable favorites.

Asked how he could produce such good food at such low prices, Mr. Farley gave several reasons.

"For one thing, remember you get better food," he said. "Why that meal pack stuff could gag a maggot. Since we prepare the same meal for all schools we get better bulk prices, have less waste, and pay lower delivery charges since wholesalers do not have to figure out which school gets what.

"And, our course," he continued, "it's just plain cheaper to do your own cooking than to have someone else do it for you. Our labor costs are about 30 percent lower than New York's, but even more important, we do not pay a differentiated wage scale. We can rotate kitchen workers so they learn all jobs and become well-trained."

CHOOSE MENUS

If Milwaukee food personnel hear few gripes it is mainly because two students from each of 33 high schools meet seven times a year with Mr. Farley to relay student complaints and suggestions, decide on new menus, and try out new recipes and products. Having had a voice in the menu planning through their representatives, students do not resent menus imposed on them by adults.

When asked if the lack of choice might not be a shortcoming, Mr. Farley explained: "Remember, our students make a choice when they choose their menus. Choice on a cafeteria line is bunk. You could have two or even three choices a day and there would still be some kids who didn't like anything available."

As for being able to produce the food he does in New York with the city's wage scale, Mr. Farley said, "Of course. But I would have to have the same commitment from the Board of Education in New York as I got in Milwaukee. That is to install cooking kitchens in new schools and add them to existing buildings. Ours here is a 20-year plan.

"It would cost more, but could still be done within Federal, state and municipal allowances. Not that I would want to have that job, of course. It's possible that there's just no way to be right in New York."

Like Milwaukee, New Orleans also cooks the same lunch from scratch, for all schools in the city each day. Every midmorning, students in classrooms are blissfully distracted from studies by the sweet smell of freshly baked rolls being taken from the oven. Entrees such as red beans and rice, chili, Italian specialties and even shark are seasoned to suit the spice-loving New Orleans palate.

SUCCESSFUL AND SIMILAR

Chicago and Newark, both of which utilize the same four lunch systems as New York, have the same record of success and failure—good lunches when cooked on the premises, mediocre to poor lunches when comprised of meal packs and bulk convenience choices.

New York does a much better job than either, however, with the basic soup and sandwich lunch.

As a group, some of the best lunches in New York were those cooked—from the basics up—in District 1 on the Lower East Side. Three years ago, the local school board chose to administer its own lunch program.

Throwing out all meal packs, bulk convenience and basic lunches at the demands mostly of parents, the local board hired its own personnel, developed its own sources for food, and planned its menus, taking advantage of all Federal and state subsidies and donated commodities.

Nine old schools with no kitchens received meals from cooking kitchens in heated conveyors just before lunch. Much fresh food is used, supplemented with about the same range of convenience items used in cooking kitchens operated by the city's school lunch bureau.

So satisfied are the parents in this district, that they voiced strong opposition when the recently completed Public School 142 was equipped only for bulk convenience foods.

When the District 1 board threatened not to open the school until a cooking kitchen was installed, a range and venting system were added.

But the single best group of school lunches sampled in New York were those served at yeshivas, under the Board of Jewish Education. Since these schools qualify for all subsidies and donated commodities, they must meet government standards. In addition, because their food must be kosher, and such convenience items are either not available or extremely expensive, they are practically required to do all cooking from scratch.

Even considering the advantage these schools have by catering to a homogeneous group with the same eating habits, and not having to meet union wage scales, they do an extraordinary job of turning out delicious food.

Beautiful vegetable and bean soups, cold beet borscht, elaborate, crisp salads, vegetable chow mein, and pizza made with donated flour and among the dairy specialties.

Meat kitchens add expertly seasoned goulash, and convincing Italian meat balls and sauce, or inventive entrees such as crisply breaded schnitzels cut from turkey roll. And the cakes and cookies could compete with those at quality neighborhood bakeries.

A TRIBUTE TO GEORGE SIMMONS

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. DE LUGO. Mr. Speaker, it is with extreme sorrow that I rise today to report to you the death of an old friend, not only to me, but to the people of the Virgin Islands as well.

George Simmons spent 54 years in service to the United States, and Virgin Islands, Government. He began as a 16-year-old messenger in the office of the Government Secretary in 1920. His talents did not end there; however, and by 1947 he had attained the post of Deputy Customs collector for the island of St. John. He was appointed Administrator of St. John by the second appointed Governor of the Virgin Islands, and held the post until 1965. He was reappointed in 1970, and maintained the position until his retirement in 1974.

Among the many accomplishments implemented under his administration was the opening of the Coral Bay-Cruz Bay road bypassing Bordeaux Mountain; the institution of ferry service to St. John in the 1940's; setting up the first generating service to provide part time electric power to the island in 1946, and bringing the phone system to the island a few years later.

His death on May 6 left a void that will be hard to fill. His dedication and his unselfishness in his work brought to the job consistently high standards with which we can all be proud. All of us concerned with the welfare of the Virgin Islands will miss him terribly. As Tennyson noted:

> George was one of those men who could, ". . . smite the sounding furrows, and sail beyond the sunset and the paths of all the Western stars. . . ."

THE KISSINGER MORALITY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. McDONALD of Georgia. Mr. Speaker, many of us have been disturbed by Secretary Kissinger's recent foray into Africa and the tone of his remarks which appear to call for the overthrow of two governments friendly to the United States. We have been further disturbed by the apparent selective morality and hypocrisy of the Secretary's statements as regards majority rule and democracy. In my view, Rev. Lester Kinsolving reviewed this matter very well recently in Politics & Religion in its May 13, 1976, issue. The column follows:

THE KISSINGER MORALITY

While Secretary of State Henry Kissinger was touring among the few black African states that will let him in, his spokesman back in Washington was trying to explain the selective African indignation of President Ford's diplomatic Wonderman.

Frederick Z. Brown first announced that Rhodesian Prime Minister Ian Smith's bringing blacks into his cabinet "will not meet our conception of what representative government means."

The following day he was asked by this commentary how Dr. Kissinger's announced ideal of "majority rule" could be applied to what the State Department's own African desk concedes are 19 military dictatorships and 20 governments where the majority is not allowed to vote for the political party of its choice.

"It is not possible for me to get into characterizations of other countries," replied Mr. Brown, a young and courteous man, with a touch of desperation in his voice. "The Secretary is speaking about Rhodesia."

So I asked him why Dr. Kissinger's ideal of representative government is promoted only for Africa's white governments and not for its black governments.

After one of the longest and most earsplitting silences in the history of State Department daily press briefings, Mr. Brown repeated that Dr. K. was speaking about Rhodesia.

Thanking him for this repeated answer, I reciprocated by repeating the question—in slightly altered form:

"Why is your conception of representative government applied only to white and not to black governments?"

"I really don't have any idea," he answered, repeating again the hardly informative statement that Dr. Kissinger was addressing Rhodesia.

Dr. Kissinger was that very day visiting Liberia. So I asked whether the Secretary's inclination to provide moral guidance to selected African governments would extend to a proposal that Liberia's President, the Rev. William Tolbert, take steps to expunge his nation's constitution of the racial segregation which has been spelled out for more than a century—and which denies the vote and even the right to own property to all non-blacks.

"The Secretary has been fully briefed on Liberia," explained Mr. Brown, with only a hint of acerbity.

Did that briefing include a reminder that Liberia has racial segregation in its Constitution?

Mr. Brown did not know. Neither did the stay-at-homes at the Liberian and West African desks—because the Secretary's briefings are classified.

But a not unreasonable speculation is that nothing is said about Liberian segregation—because it is black.

MASSACHUSETTS RESIDENT UTILIZES SOLAR ENERGY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. MOAKLEY. Mr. Speaker, an increasing number of American homeowners are actively considering the advantages of solar energy in heating and cooling their homes. I would like to share the experiences of Mr. George Basile, of Dedham, Mass., who is a pioneer in New England in the utilization of the Sun's rays to heat his home, thus saving energy and reducing long term energy costs. The article, which follows, is reprinted with the permission of the Daily Transcript, in which it appeared on Friday, May 16, 1976.

The article follows:

Letting the Sunshine In . . .

(By Eleanor Siegel)

George Basile of Dedham is a man who believes in thinking ahead. He is one of a growing number of Americans who really believe the day is approaching when there will be a drastic shortage of fossil fuel.

Fossil fuel is coal, oil or natural gas. They are the residue of long-dead plants. The combustible elements in them were extracted from air and water by solar-powered photosynthesis some 350 million years ago.

Right now it is cheaper to use this prehistoric solar energy rather than try to find different forms of energy. But as the supply of high-grade fossil fuels are expended, the cost of finding and extracting what remains will rise.

High fuel costs are what got to Basile and being a man of action, he decided he knew exactly what to do. After reading so much about solar homes, or homes that "use solar dynamics, which is the use of the solar sun," he resolved that when he built a home for his family in Dedham he would apply this method.

In order to use solar energy to assist building on Demetra Terrace, in his backyard, Basile will install a plug-in solar furnace.

This small A-frame structure will be as big as a tool shed and will pipe heat into Basile's house drastically reducing his fuel bills.

Basile says the auxiliary heating system "will hold a three day use of heat." Synchronized with his regular home furnace at all times, it will supply heat, when available, from the shed. He figures that in "three years the unit will pay for itself." The cost of the unit is roughly $3,000. The shed may be a practical answer to energy costs.

An additional cost will be extra insulation. While fossil fuels usually reach high operating temperatures quickly, buildings are built to allow heat to escape through walls, doors and large expanses of glass. Indoor climate comfort is achieved through a high expenditure of energy.

Solar energy, however, is a low intensity type of energy which is captured, stored and utilized at much lower temperatures. For maximum efficiency, the heat must be held in the living space as long as possible. Thus, extra insulation is needed.

Basile plans to insulate his new home with six inch insulation in the walls and 12 inches in the ceiling. Today, most insulation, he said, would be four inches and six inches thick.

He estimates his additional cost for the extra insulation will be about $200. A small investment for Basile forecasts the solar unit will save him up to 60 per cent of his fuel bill.

The unit gets placed in an open, unshaded area with a Southern exposure. A solar collector panel is placed on the south side of the house at a 60 degree angle facing the sun. Faced with a double wall of glass, the panel will trap the solar heat and store it inside the A-frame shed.

"Instead of using water for storage of the solar heat," explained Basile, "it will use stone and air." To prove that rock is a good medium for storage of heat an article in Popular Mechanics in February, 1975 suggested the following experiment.

"Take a pint of water and a one pound rock and heat them in an oven to 180 degrees F. Take them out, wait an hour and you find the water cold and the rock still hot" because it gives up heat slowly.

There are two fans in the unit; one creates a high pressure air stream that "washes" the heat from the collector cups and carries it to the storage area. The second fan moves "heat from the storage chamber to the plenum chamber of the house furnace." The air system doesn't require anti-freeze and the air duct "plumbing", according to the article in Popular Mechanics, is "cheap."

A thermo-switch, Basile says, "pushes the heat into the house." He added that the unit "can be added to any hot air system . . . it is only good for forced air, not forced hot water."

To maintain the unit, the fan belts must be checked, the blower motors oiled and the cold air return filters changed three times a year.

The unit, he said, "works during snow, which acts as a reflector, and during smog." He knows of only one other unit in this part of the country and that is in Beverly, Mass. Basile pointed out that the solar unit "is untested in the Northeast."

"We can only go by statistics of weather charts and estimate what it will do." Exactly how much heat the solar auxiliary unit will supply for Basile will depend on the average of sunny days we have next winter. He hopes to have his house built by the fall and be using solar heat next winter.

If his experiment is successful, Basile hopes to become the local distributor for the unit. He predicts that eventually the unit will be selling for around $2,000 since already manufacturing costs have dropped 25 percent. Basile is a construction consultant who is self-employed and works for insurance companies and banks.

The other advantage of solar heat is that there is no pollution. Basile maintains that he is not an environmentalist. He says that "construction and conservation are diametrically opposed."

It's obvious he does believe in planning. If he is successful in reducing his fuel bills, other homeowners may follow his example for most of them are looking for relief also.

SAVE THE WHALES ACT

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BELL. Mr. Speaker, on Tuesday I introduced House Joint Resolution 955, the "Save the Whales Act." The time has come to put direct pressure on the international whaling industry to halt the terrible slaughter that has driven species after species of the great whales to the brink of extinction.

The plight of the great whales was described in a statement I submitted to the Subcommittee on Fisheries and Wildlife Conservation and the Environment on April 30, 1976, when a hearing was held on House Joint Resolution 923, an earlier version of House Joint Resolution 955.

The complete text of the statement follows:

Statement of Congressman Alphonzo Bell

A year ago when the first hearing was held to consider legislation to bring an end to commercial whaling, I warned that we were in a race with time to save the great whales from extinction. We still face the ultimate question: will the whales survive as a vital part of our ecosystem, or will they be exterminated by the ruthless whaling industry?

There should be no illusions about the whaling industry. The economics of whaling are the economics of extinction. Left to hunt down the whales without any interference, as they have done for the past century, the whalers will surely wipe out every whale they can find, squeezing the last yen and ruble from the sea.

If we are to stop this terrible slaughter, then we must consider direct political and economic pressure on the foreign whaling enterprises and their governments. House Joint Resolution 923, which I introduced on 26 April, would halt the sale or transfer of surplus whaling vessels and halt the totally unregulated whale killing by several nations.

The international whaling industry is slowly dying. Pressure from the Save-the-Whales movement has helped. But the largest factor is quite simply the disappearance of the great whales. These marine mammals once populated the oceans by the millions. Now only a handful of the largest and most profitable species survive. The scale of slaughter this century is truly appalling.

Consider the case of the blue whales. In the 1920's and early 1930's, more than 15,000 blue whales were killed each year. In the year 1931 alone, more than 30,000 of these greatest of all creatures were harpooned. Today, only a few hundred survive, so spread across the seven seas that many scientists fear they may never regenerate.

The decimation of the blue whales is not unique. The whalers turned their harpoons on the other large species, the fin, sei, humpback and right whales, and have driven all of them to the brink of commercial extinction, one short step from biological extinction.

The declining whale populations have forced Japan and the Soviet Union to steadily reduce their pelagic whaling operations. Japan has mothballed one of its four fleets in recent months. The Soviets also dropped one of their three fleets. Japan now has just three factory ships and 20 catcher boats in operation. This is almost a 50% reduction in fleet size in the past year. While this is good news, a new danger has arisen: the sale or transfer of the surplus vessels to other nations.

The history of whaling has seen whaling vessels traded from nation to nation as populations of whales were wiped out. The present Japanese and Soviet fleets are largely made up of the ships of the defunct British and Norwegian whaling fleets.

We cannot allow whaling to spread to other nations through these surplus vessels. H.J. Res. 923 would embargo the products of any whaling enterprise that sells or transfers surplus whaling vessels or equipment to any other nation. Since all these vessels are very old and in disrepair, there would be little or no economic loss in converting the vessels to other uses or scrapping them.

In the past year, the International Whaling Commission has finally heeded the warnings of the scientists and enacted tighter regulations aimed at saving the most endangered whale species from the fate of the blue whale. If the IWC continues to heed the scientists, then it will for the first time be serving the public interest rather than the interest of the whalers.

The IWC currently allows the killing of some 30,000 fin, sei, sperm and minke whales. Eight of the 15 IWC member nations still engage in whaling.

But there are seven nations that are not members of the IWC and permit whaling without any regulation. These countries are Peru, Chile, South Korea, Mainland China, Spain, Portugal, and Somalia. More than 4,000 whales are killed by companies in these countries, including many undersize whales and critically-endangered species such as blue whales, humpback whales and right whales.

H.J. Res. 923 calls for the embargo of the products of these unregulated, non-IWC enterprises. This legislation will force these countries to join the IWC and abide by the IWC quotas.

Let me say here that the objective of this legislation is not merely to reduce whaling. The only solution to the problem is a ten-year moratorium on whaling. All the whaling nations have ignored the appeal of Congress and unanimous votes in the United Nations for such a ten-year moratorium. H.J. Res. 923 is a step in that direction.

We must continue pressure on the major whaling nations, Japan and the Soviet Union. Each accounts for more than 40% of the IWC quota.

Japan, in particular, is guilty of promoting the reckless, unregulated slaughter of endangered whales. The largest non-IWC whaling operation is in Peru, where Compania Ballenera del Kinkai is 85%-owned by the Japanese whaling company Nippon Hogei. Kinkai kills more than 1,800 whales each year and according to a Peruvian government inspector, nearly half are undersize and, humpback and other rare species are harpooned. The whale meat is packaged by a company controlled by the giant Mitsubishi Corp., Taiyo Fishery Co., the world's largest fishing company, and Nippon Hogei. More than 2,500 tons of this non-IWC whale meat is shipped to Japan each year.

Likewise, in Chile the Japanese support a whaling industry that kills more than 250 whales each year without regulation. There are recent reports that Taiyo Fishery Co. is negotiating with a Chilean concern, Macaya Hermanos of Chome, to resume large-scale whaling operations. In the early 1960's, Japanese whalers wiped out the last large blue whale population in the world. When Japan called a halt to killing the blue whales, the Japanese whalers set up the Chilean operation. More than 600 blue whales were killed and exported to Japan.

The most blatant example of Japanese disregard for whale conservation measures is the rogue pirate whaling operation out of Somalia. Four Japanese meat merchants are aboard the "Sierra," a factory-catcher ship that roams the west coast of Africa decimating the endangered sei and right whale populations. More than 500 whales are killed by the "Sierra" each year. The Japanese meat merchants select the best cuts from the whales. The meat is frozen, stamped "Product of Spain," and shipped to Japan. The rest of the whales, including most of the meat, is dumped in the ocean.

Considering the fact that the IWC forbids the killing of sei and humpback whales in the Atlantic Ocean, how can Japan support this enterprise?

Last August, Prime Minister Miki of Japan visited Washington and stated:

"I am well aware of the need for preservation of the whales as a mammal, and therefore we are going to abide by any responsible scientific research findings.

"I am happy to report to you that the Japanese government is going to abide by, without any reservations, the conclusions reached by the International Whaling Commission, irrespective of what other countries may choose to do or not to do."

I must now ask if the Japanese government has changed its mind. The actions of the Japanese whaling industry in supporting outlaw whaling operations around the world make a mockery of Prime Minister Miki's declaration.

FREE ADS FOR TEENAGERS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. RHODES. Mr. Speaker, there is much discussion in Congress today about jobs. I would like to call to the attention of my colleagues an effective public service program initiated by Jonathan Marshall, publisher of the Scottsdale Daily Progress.

For the past 6 years he has offered teenagers free classified ads to seek summer employment. The ads run free of charge for 3 days, and have helped both employers who need extra help during the summer months, and those who want to work.

This is an example of local effort being made to bring jobs and prospective employees together. I congratulate Jonathan Marshall for an ingenious and practical plan, an effective donation to better the Scottsdale community and to provide opportunity for young men and women. I am hopeful that other community-minded publishers around the country will emulate this worthwhole, workable idea to further teenage employment.

NATIONAL SCIENCE FOUNDATION AWARDS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. TEAGUE. Mr. Speaker, the exchange of scientific and technical knowledge among nations can be one of the most valuable contributions to the advancement of world peace. The National Science Foundation's program of Scientists and Engineers in Economic Development has recently made awards to 24 U.S. scientists and engineers in Africa, Asia, and Latin America in ways that will aid the economic development of these countries. In my opinion the potential benefits of this small program may be far greater than one might expect from its dollar costs.

I would like to take this opportunity to insert in the Record the press release of April 30 which accompanied the National Science Foundation's announcement of these awards:

NSF Grants To Help Countries Develop Energy, Food, Natural Resources

A study of energy sources in Pakistan; child nutrition and family planning attitudes in Kenya; forest insect pests in Chile; and the natural resources of the Amazon basin are among topics to be studied and advised upon by U.S. scientists and engineers awarded grants today by the National Science Foundation (NSF).

The awards were made to 24 scientists and engineers from U.S. colleges and universities under a program funded by the Office of Science and Technology of the Agency for International Development (AID). These academic professionals will spend up to a year teaching and conducting research in agriculture, engineering, biology, forestry, and other fields in 13 countries in Africa, Asia, and Latin America.

The scientists have been invited by universities and technical institutions in developing countries to share their knowledge and experience in fields important to the economic development of the host countries. The grants are administered under NSF's SEED program (Scientists and Engineers in Economic Development), now in its sixth year in NSF's Division of International Programs.

Ideas for these projects come in part from the host countries and in part from interested experts. One professor from the University of California of Davis will spend a sabbatical year at the University of the Philippines to collaborate on research on tropical fruits. A Clark University professor will help investigate and establish criteria on Nigerian water supplies and soil conditions for agricultural purposes. Another professor from Shippensburg State College in Pennsylvania will assist in the operation of Bogota's cobalt—60 gamma source and conduct courses and seminars on applications of activation analysis to agricultural and mineral prospecting problems. Not only do the participants work on projects to benefit the host country, they also help establish relationships between the U.S. and foreign institutions.

Of the 24 NSF awards this year, 15 are research-teaching grants that will permit scientists and engineers to spend five months to a year at academic institutions in developing countries. Nine are international travel grants awarded by NSF to scientists and engineers for shorter visits to conduct seminars, give lectures, review specific research projects, and survey educational developments.

The total amount of these awards is $269,000. Institutions in the developing countries as well as U.S. institutions are contributing financially to the projects.

The 13 countries participating in the 1976 SEED program are—Africa: Egypt, Ghana, Kenya, and Nigeria; Asia—Korea, Pakistan, and Philippines; Latin America—Bolivia, Chile, Colombia, Ecuador, El Salvador, and Trinidad-Tobago.

PROPOSED NEW JOB BILL CALLED HOAX

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mrs. HOLT. Mr. Speaker, there has been much discussion of the proposed legislation known as the Full Employment and Balanced Growth Act of 1976, also called the Humphrey-Hawkins Act. I understand we may soon have the opportunity to vote on that subject.

For the information of the House, I am submitting an excellent analysis of the legislation which appeared May 17 in the Baltimore News-American. It is a very perceptive article, Mr. Speaker, and I hope that the Members of this House will read it.

As we deal with the unemployment problem, we should all recognize that the enormous and excessive cost of government, and its obsession with regulating everything, are the greatest barriers to healthy economic growth and the creation of jobs.

This problem will not be solved by the creation of millions of nonessential government jobs, which would surely prevent creation of jobs in the private sector. Government jobs do not produce real wealth, which is the foundation of economic growth. Government jobs prevent the use of financial resources for creation of jobs in the private, productive sector of the economy.

In this House there are many cosponsors of the Jobs Creation Act authored by Representative JACK KEMP, and I count myself among them. This would provide the necessary tax incentives for the expansion of productive industry and the creation of jobs. I urge this House and the appropriate committee to address themselves to the task of enacting this extremely important and beneficial legislation. The Congress must also deal with the problem of excessive Government regulation which is imposing a terrible burden on private industry.

I recommend the following article for your attention:

PROPOSED NEW JOB BILL CALLED HOAX

(By Donald I. Rogers)

NEW YORK.—Anyone who is unemployed will soon learn to view the 94th (current) Congress with loathing. Jobless Americans, looking for something—anything—to do to bring in some income, may one day remember cynically the authors of the phoniest and perhaps the cruelest bill to be introduced in behalf of those who urgently need help.

The authors are Sen. Hubert H. Humphrey, D-Minn. and Rep. Augustus F. Hawkins, D-Calif.

The preposterous Humphrey-Hawkins bill is called euphemistically, the "Full Employment and Balanced Growth Act of 1976."

It is phony because it can't possibly work, and, unless a majority of members of this ill-begotten Congress are candidates for the feather-farm, it is destined to be defeated.

It is cruel because it promises hope to those who really need jobs, and none can really be pledged under the proposed legislation.

These two fellows, tendering their bill for consideration by the lawmakers, claim it will result in a mere 3 per cent unemployment rate within four years. (We have reached that unemployment level only once since 1948, the year Mr. Humphrey attained his seat in the Senate.)

There are, according to the latest figures, 7,027,000 unemployed Americans, which is 7.5 per cent of the "job market," meaning the total number of persons who want jobs. That is too high, of course. A fraction of 1 per cent is too high.

Yet there are 86.7 million Americans gainfully employed, according to the same set of statistics, and that is the highest total in the nation's history.

If they teach the rudiments of economics in high school these days—which is open to question—no freshman would come up with the "solutions" to unemployment rendered by Messrs. Humphrey and Hawkins.

In a nutshell, these two solons would have the government create a titanic and cumbersome bureaucracy (In fact, several bureaucracies) to employ every available unemployed person in the country.

It would, in effect, do away with all welfare programs, but at much greater cost to those who hold real jobs.

Among other things, it would require the President to report to Congress every six months on a "full employment and production program, both long and short range."

The Chief Executive (and wouldn't it be ironic if that chief were Humphrey, himself?) would have to report on the "estimated volume of goods and services, both public and private, required to meet human and national needs."

This would, according to the bill, even include day care facilities and artistic and cultural activities.

A typical report might cite the need for four new syndicated columnists in this upcoming six-month period, 23 new hard rock bands, 417 new sculptures, and 21 fresh exhibits of antiques from Colonial New England. Plus one additional Barbara Walters.

It is possible, of course, that after 28 years in the senate Mr. Humphrey still believes that one can enact a law requiring full employment that is stable and permanent. If he truly believes that, however, should open other avenues of concern.

Can he, and Rep. Hawkins, honestly believe that such a full employment program can be achieved without either ruinous inflation or, alternatively, an absolute, ironclad wage-and-price freeze?

Any economist who can operate a pocket calculator can estimate that such a program, even if run on modified terms, would cause about 15 per cent inflation unless accompanied by an absolute freeze on both wages and prices.

Revealing the kind of World War II thinking that motivates the authors of this bill, they have provided for price controls but not for wage controls.

Does one go without the other? Can any citizen forget the disastrous consequences of Mr. Nixon's fumbling attempt at price controls four years ago?

This bill, known as H.R. 50, is receiving serious consideration in the House, so it is worthy of your consideration before it goes much farther.

Behind it is its real architect, a man named Leon Keyserling, who was chief economic advisor under President Truman.

Mr. Keyserling, an untamed Keynesian theorist who avidly bleieves in central government planning and insists that "pump priming" through huge government expenditures is the only way to cure a recession, is noted for his analysis of unemployment during the final days of the Depression.

He firmly believes that it was "central planning" in Washington that reduced unemployment from 17 per cent of the work force in 1939 to 1 per cent in 1944.

No one got around to telling him that the "central planning" resulted in the drafting of nearly 15 million people into uniform, or that more than half of the Gross National Product was in war production, paid for by the taxpayers.

It gave us the greatest jump in inflation in the nation's recorded history, soon as the wartime wage-price controls were lifted.

STATEMENT OF THE HONORABLE BELLA S. ABZUG ON DEEP SEA MINING LEGISLATION HEARINGS AND THE LAW OF THE SEA CONFERENCE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Ms. ABZUG. Mr. Speaker, the House Subcommittee on Mines and Mining, and the Senate Armed Services, Commerce and Foreign Relations Committees have together held 4 days of hearings this week on deep ocean mining. Testimony has been given on legislation concerning the regulation and licensing of U.S. corporations wishing to mine the deep seabed.

In my record statement of May 7, 1976, I noted that progress had been made at the United Nations Conference on the Law of the Sea which recently ended its fourth session in New York. The U.N. Conference will hold its next session beginning August 2, 1976. At this time, it seems that Congress will not consider any unilateral action to guarantee mining rights in the international seabed area until after the U.N. Conference has met in August. I view this as a constructive trend since such legislation would be harmful to these international negotiations.

Testimony was given by Ambassador at Large T. Vincent Learson, the special American representative to the Law of the Sea Conference. Ambassador Learson explained that the administration opposed enactment of either S. 713 or H.R. 11879, the two current versions of legislation concerning deep seabed mining now being considered. The Departments of State, Interior, Commerce, and Treasury all oppose the passage of any legislation before the next session of the Law of the Sea Conference. There is a very clear reason for their opposition. Negotiations are currently at a very delicate stage. The other 155 nations attending the conference are looking to the United States to demonstrate its restraint and intention to complete a treaty soon. The eyes of the delegates to the Law of the Sea Conference are focused upon the U.S. Congress to determine whether we will take any action which affects the outcome of their proceedings.

Mr. Speaker, in a world of economic manipulation and transnational tradeoffs it is of the utmost importance that the United States maintain its good faith.

Secretary of State Henry Kissinger may lead the U.S. delegation to the next session. This is encouraging and symbolizes the fact that we place a high priority on a fair and equitable treaty at the earliest possible date.

Mr. Speaker, I would oppose the passage of any deepsea mining legislation before the U.N. Conference has completed its work. In opposing such legislation I do not wish to appear insensitive to the amount of time and money which deep ocean mining firms have invested in their ventures. The extraction of nodules from the deep seabed will be helpful for the American economy, and will begin to make the United States self-sufficient in cobalt, nickel, manganese, and copper. Nevertheless, it would be wrong for the U.S. Congress to guarantee seabed mining rights prior to the successful negotiation of an international treaty. I believe that we should look to an international solution of the seabed question. If that does not work, then there will be ample time to consider other remedies.

A SELLOUT OF OUR SYSTEM FOR POLITICAL PROFIT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. PAUL. Mr. Speaker, as a physician recently elected to Congress, I speak with strong conviction against the budgetary proposal to sell out our private medical care system for political profit.

Because the promotion of so-called national health insurance is to be a top priority in a political platform certainly does not justify inclusion of startup costs in the congressional budget.

This foot-in-the-door budget tactic will backfire with many voters who are fed up with big Government and big bureaucracy. Such promotion of so-called national health insurance schemes will only build more anti-Washington sentiment throughout the country.

Small startup costs or scaled-down schemes would not fool many voters in this election. They know, for example, that catastrophic-care schemes would legalize much bureaucratic interference in medical care provided by all private doctors to all private patients.

Such bureaucratic interference would result, too, of course, from schemes to mandate private insurance coverage of all employees.

Clearly, those who understand these far-reaching implications of including startup costs for socialized medicine in the congressional budget have a special responsibility to point out these implications in the campaign period ahead.

CONGRESSMAN WYDLER'S 1976 QUESTIONNAIRE RESULTS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. WYDLER. Mr. Speaker, I am pleased to report that the residents of the "Fabulous Fifth" Congressional District have again enthusiastically responded to my annual questionnaire and opinion poll.

This annual survey has been held during each of the past 14 years I have served in the House, and again indicates that the American people really do care about their Government. This is especially inspiring during a year in which our great Nation is celebrating 200 years of independence and freedom.

It has been my practice to develop meaningful questions about key national and international issues which would have a direct impact on all Americans. These questions are then mailed to every household in the Fifth Congressional District and residents make their feelings known by selecting answers in a multiple choice fashion.

After all tabulations are completed, the overall results of the opinion poll are of extreme value since they provide me with a very important personal insight into how residents of my district feel about key issues. This input is of direct assistance to me in development of stands and votes on specific matters.

The results of the 12-question opinion poll will also be forwarded to Fifth Congressional District residents, and specific questions and comments expressed by residents in a special area within the questionnaire are also being responded to on an individual, personal basis.

Of the 12 questions submitted this year, 3 generated a positive response in excess of 85 percent of those responding. The question dealing with capital punishment and whether this form of justice was favored for specific major crimes drew a positive response of 89.93 percent, the largest "yes" vote of any of the questions submitted. Continuation of CIA intelligence operations in foreign countries drew a favorable response of 86.48 percent, while the topic of forced busing found 85.06 percent of the responding residents favoring a constitutional amendment to forbid forced busing of elementary and high school children for purposes of racial integration. I have introduced such an amendment.

The complete results of my 1976 questionnaire and opinion poll are as follows:

RESULTS OF THE ANNUAL "FABULOUS FIFTH" QUESTIONNAIRE OF FIFTH CONGRESSIONAL DISTRICT, NASSAU COUNTY, N.Y.

[In percent]

	Yes	No	Undecided
1. The news media: Do you believe that the news you read, see and hear is generally accurate and fair?	40.34	48.69	10.97
2. Foreign food sales: Do you favor continued sales of surplus American foodstuffs and grain abroad to countries including the Soviet Union?	45.94	47.06	7.00
3. Firearms registration: Do you feel that registration of all firearms is the answer to lowering crime rates within our nation?	48.69	46.49	4.82
4. Capital punishment: Would you favor capital punishment for specific major crimes?	89.93	6.92	3.15
5. Welfare: Do you feel that the Federal government should completely administer and fund current local welfare programs?	67.70	23.05	9.25
6. American economics: Do you personally have confidence that the American economic system has the ability to produce prosperity?	79.01	10.43	10.56
7. Military strength: Do you feel that the United States should maintain a military strength greater than the Soviet Union?	78.66	13.09	8.25
8. Military allied aid: Do you think the United States should send military aid to nations fighting Communist aggression without our becoming directly involved?	60.68	26.68	12.64
9. Forced busing: Do you favor a constitutional amendment which would forbid forced busing of elementary and high school children for purposes of racial integration?	85.06	12.31	2.63
10. Strikes: Would you favor granting the right to strike to public employees?	19.09	73.99	6.92
11. Intelligence operations: Do you favor continuation of CIA intelligence operations in foreign countries?	86.48	6.19	7.33
12. Energy consumption: Until the United States can become self-sustaining in the energy field, which one action do you favor?			
(a) Rationing of gas and oil by the government?	(a)	(b)	(c)
(b) Increased taxes on gasoline and oil in order to discourage consumption?			
(c) A "windfall" profits tax on increased earnings of oil companies unless such earnings are used for new oil and gas production?	15.70	5.92	78.38

THE BALANCE(S) OF POWER: III(i) STRATEGIC OFFENSIVE BALANCE

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BRECKINRIDGE. Mr. Speaker, as part of my series on the balance(s) of power, I wish to focus on counterforce as a key issue related to U.S. retaliatory strategy. Because counterforce is a complex and controversial question, I intend to insert three articles on the subject. The first, which follows, was written by John M. Collins, senior specialist in National Defense, Foreign Affairs Division, Congressional Research Service; it outlines some of the problems associated with counterforce. A second future article will present the case against counterforce. A third article will present the case for counterforce. I hope that the result will be an improved understanding, contributing to the continuing debate which lies ahead for the Atlantic community.

The article follows:

"COUNTERFORCE" AND "COUNTERVALUE" DIFFERENTIATED

CONCEPTS

In its broadest sense, the term "counterforce" embraces all means, active and passive, offensive and defensive, which could degrade the enemy's military capabilities. Antiballistic missiles, interceptor aircraft and fallout shelters are just as effective in that regard as ICBMs, submarine-launched ballistic missiles (SLBM) or long-range bombers. However, this paper is limited to the implications of offensive (or retaliatory) counterforce strategies and weapons.

By way of contrast, the term "countervalue" connotes active operations by offensive or retaliatory forces to destroy or degrade selected civilian population centers, industries, resources, and institutions which constitute the fabric of enemy society. No passive and few defensive features are evident.

HARDWARE

Where counterforce philosophies, theories, concepts and strategies are easily differentiated from countervalue, corresponding weapons systems are often difficult to distinguish.

Most nuclear delivery systems have a counterforce capability against some military targets, but not against others, depending on two complex variables:

1. Target vulnerability (a function of hardening, mobility, dispersion, enemy alert status and active defenses).

2. Weapons capabilities (a function of numbers, range, accuracy, yields, and penetration probabilities).

Some (but not all) counterforce bombs and warheads, for example, would be effective against concrete missile silos. They could also destroy cities. Countervalue weapons, expressly engineered to engage "soft" targets, generally lack the requisite yields and accuracy to serve a similar dual purpose function. However, they could devastate poorly protected military installations and might root out some hard sites successfully, provided sufficient numbers were committed per target to produce a cumulative destructive effect . . .

No country currently has a reliable counterforce capability against ballistic missile submarines submerged at sea, owing primarily to target acquisition deficiencies . . .

CURRENT U.S. COUNTERFORCE CAPABILITIES

Few observers recognize that the United States retained a very respectable capability against many military targets throughout the Johnson-McNamara period, and continues to do so today. Although none of our delivery systems was expressly designed for that purpose, every nuclear instrument now in the U.S. inventory could successfully engage all or most of the following type point and area "soft" targets:

Bombers and their bases

ICBMs not in silos

Ballistic (or cruise) missile submarines in port

Ballistic (or cruise) missile surface craft at sea or in port

Exposed antiballistic missile (ABM) installations

Exposed air defense installations

Exposed command and control centers

Exposed communications facilities

Exposed nuclear stockpiles

Only in three categories is the United States counterforce arsenal largely impotent:

Hardened facilities, including missile silos

Ballistic (or cruise) missile submarines submerged at sea

Mobile ICBMs

U.S. ballistic missiles lack the requisite combinations of yield and accuracy for "a hard target kill capability." . . . TITAN II has a warhead in the multimegaton range, but is most suitable for broad, area targets. POSEIDON, with its many small MIRVs (Multiple Independently Targeted Reentry Vehicles), was specifically developed to penetrate a sophisticated Soviet ABM defense. MINUTEMAN also mounts a relatively small warhead. Its MIRVed version, like POSEIDON, was designed to increase soft-target coverage and to hedge against possible improvements in Moscow's missile defenses. Our B–52 and FB–111 bombers possess the imperative destructive power, but are not sufficiently responsive to pose a credible threat against hardened enemy missiles, which could be launched long before they arrive. Our principal methods of neutralizing hard sites, therefore, are presently limited to target saturation, which relies on several weapons per target to produce the desired probability of damage. . . . [That ploy has] significant disadvantages for any state with a second strike strategy, since [it] demands large numbers of survivable missiles.

Target acquisition difficulties plague U.S. efforts to cope with the problem of ballistic missile submarines at sea, which virtually defy reliable detection by existing antisubmarine warfare (ASW) devices.

THE CONTEMPORARY U.S. COUNTERFORCE CONTROVERSY

The contemporary U.S. counterforce controversy includes at least four premises which are dubious.

1. Only those counterforce capabilities related to hard targets are dangerously destabilizing.

2. The terms "counterforce" and "first strike" are synonymous.

3. First strike capabilities are intensely provocative.

4. Provocations inevitably encourage preventive or preemptive wars.

Such assumptions should be seriously challenged and, if warranted, modified or replaced.

THE HARD TARGET ISSUE

U.S. counterforce capabilities against soft targets have never been a serious public issue. They are accepted as a matter of course.

The Department of Defense is vigorously pursuing dual purpose ASW research and development programs. . . . These are aimed at technological triumphs that not only would better our ability to deal with Soviet attack submarines, but would also enable the United States to locate, track and destroy ballistic missile submarines on station. The latter possibility has scarcely caused a ripple of adverse opinion, although the potential peril for the Soviet's most survivable strategic offensive arm is obvious.

Proposals to produce a hard target kill capability for MINUTEMAN and POSEIDON raise the only spectre, for reasons that are difficult to explain. The effects would upset the strategic balance no more than an ASW breakthrough, and probably somewhat less. The fact that hard target capabilities are a practical possibility now, while revolutionary ASW developments still seem remote, begs the issue. Either eventuality would diminish Moscow's posture for preventing or prosecuting general nuclear war.

This situation produces a dilemma. The United States *must* prosecute ASW programs if it hopes to guarantee future freedom of the seas for Free World shipping, but the question nevertheless arises whether it is strategically sound or budgetarily sensible to disapprove programs tied to hard target destroyers, yet approve potentially destabilizing R&D efforts in the ASW field. The answer is uncertain for two reasons:

1. The acquisition of unquestioned capabilities to destroy hard targets *and* enemy ballistic missile submarines would not necessarily create a credible first strike option for the United States.

2. Even if a credible first strike option were acquired, it would not necessarily be destabilizing.

Those contentions are elaborated in subsequent sections.

THE FIRST STRIKE ISSUE

The term "counterforce" is often erroneously construed to be identical with "first strike." The two are interrelated, but are by no means synonymous. Further, counterforce arsenals ample for a rational first strike under one set of conditions may be wholly inadequate under others. The United States now has an indisputable first strike capability against every nuclear power in the world, save the Soviet Union. Neither provocation nor instability are demonstrably present in these military relationships.

First strike strategies theoretically are conceivable in the absence of *any* counterforce capabilities. . . . However, such scripts call for exorbitant confidence by instigators in their ability to prevent undue escalation after the war starts—a *psychological* problem in the absence of counterforce weapons. Risk-to-gain ratios are unavoidably high. "Conservative" first strike concepts must be predicated on near certainty that effective retaliation could be *physically* precluded. Counterforce capabilities sufficient to atomize the enemy's nuclear delivery systems simultaneously therefore play the primary role.

Nevertheless, counterforce weapons may be present in many degrees without producing any probability that the possessor could execute a valid first strike. U.S. nuclear offensive arms, for example, currently pose a credible counterforce threat against Soviet bombers. If the United States had the means to smash hardened missile silos, it could compromise a second leg of the Soviet TRIAD. An ASW breakthrough could jeopardize the third. Yet those counterforce capabilities in combination would not constitute a first strike capability *unless deliverable weapons in the proper mixture were deployed in sufficient numbers to eliminate effective enemy retribution.*

How much would be enough depends on several variables, including desired degrees of destruction, target vulnerabilities, the nature of enemy defenses and penetration probabilities. All other things being equal, the requirement would be one offensive weapon per aiming point. However, in practice, multiple weapons might be mandatory to saturate a single target. Contrarily, one detonation might neutralize several targets under other circumstances. Despite those disparities, the minimum number of offensive weapons needed can be estimated with considerable accuracy, even after taking into account aborts, misfires, and other denigrating factors. Anything less would fall short of producing first strike opportunities.

Scheduling difficulties further complicate the situation. Submarine-launched ballistic missiles, which presently have shorter ranges than ICBMs, must be triggered near enemy shores. Consequently, they have shorter flight times to their impact points. Should SLBMs and ICBMs be launched concurrently, enemy forces targeted by the former might be unable to react rapidly enough to avoid being hit, but those targeted by ICBMs would have time to retaliate. If ICBMs were launched early, to arrive simultaneously with SLBMs, the element of surprise would be lost. Hostile submarines at sea would be difficult to destroy simultaneously, even if we had a foolproof detection system.

In sum, the problem of marshalling and applying first strike resources with any hope of unqualified success is incredibly complex.

THE PREEMPTION ISSUE

A fundamental national security policy of the United States. . . . Still is to limit the "numbers, characteristics, and deployments of our forces [to those] which the Soviet Union cannot reasonably interpret as being intended to threaten a disarming attack." That policy, translated into one of four Department of Defense planning criteria for nuclear sufficiency, prohibits "providing [any] incentive for the Soviet Union to strike the United States first in a crisis."

How best to satisfy that policy and the resultant planning criterion is subject to speculation. Counterforce concepts and weaponry are commonly considered more unsettling than countervalue, since they have a first strike connotation (partly unjustified, as discussed above). However, the precise influence of counterforce capabilities on the opposition's proclivity to launch preventive or preemptive wars is far from clearcut. The type, intensity and surrounding circumstances all are important. Representative considerations are: enemy national security interests, objectives and policies; national character and prevailing attitudes; the personalities of enemy leaders, plus their past practices. Not even the reemergence of a credible U.S. first strike option would produce predictable responses by potential opponents, nor would the reactions of one opponent perforce parallel the others.

Preventive and preemptive wars both are instigated deliberately, for prudential reasons—national decisionmakers believe that war now is preferable to war later. The differences deal mainly with degrees of premeditation. Preventive wars result from long-range planning. They are provoked at times and places of the user's choosing. Preemptive wars are triggered on the spur of the moment, to attenuate the effects of imminent enemy attack. The motivations for either enterprise could be multifarious. Herman Kahn listed four basic reasons in his book "On Escalation: Metaphors and Scenarios."

1. To blunt or prevent an attack.
2. To prevent the destruction of armed forces.
3. To preserve the national society.
4. To improve intrawar bargaining positions.

Counterforce capabilities presently enjoyed by the United States and Soviet Union have not been sufficient to provoke either country into perpetrating a preventive or preemptive war, even though the U.S.S.R. threatens our ICBMs with its SS-9 missiles (which have a hard target capability) and endangers our bombers with a burgeoning ballistic missile submarine fleet.

There is no convincing evidence that war would ensue spontaneously if either or both parties accrued impeccable first strike capabilities. On the contrary, General LeMay, reminiscing about the 1950s and early 1960s, reminds us that "nuclear war never occurred as long as [the United States was] actually setting on the alert with a counterforce posture," which then afforded first strike possibilities. The Soviets had considerable nuclear power at that time, but "they still never seemed particularly provoked by our counterforce strategy."

However, that situation could just as well have been reversed, as Kahn noted in "On Thermonuclear War."

"The easiest way in which one can put unintentional strains on the enemy is to have a force which looks 'trigger-happy'. . . . This is an important reason for not relying solely on quick reaction as a protection [we endorsed a 'launch-on-warning' strategy in those days]. . . . Under some circumstances our vulnerability to a Russian first strike would *both tempt the Russians* to initiate a war and at the same time *compel them*, because they might feel that we would be tempted to preempt for our own protection. . . . They might find it impossible to believe that we were willing, in [any] crisis, to rely on their good will, morality, caution, or sense of responsibility. . . ."

Professor Thomas C. Schelling of Harvard pursued that subject further:

"A vulnerable military force is one that cannot wait, especially if it faces an enemy force that is vulnerable if the enemy waits . . . The outcome of the crisis depends simply on who first finds the suspense unbearable. If the leaders on either side think the leaders on the other are about to find it unbearable, their motive to throw the switch is intensified."

Schelling hastened to add, "there are two ways to confront the enemy with retaliatory forces that cannot be destroyed in a surprise attack. One is to prevent surprise; the other is to prevent their destruction even in event of surprise." Unfortunately, defense against nuclear attack can be even more provocative and destabilizing than aggressive weaponry—an impervious shield, coupled with *unpretentious* offensive assets, could constitute a credible first strike capability.

In sum, great ambiguity exists concerning which "numbers, characteristics and deployments" of U.S. nuclear weapons would be least likely to alarm the Kremlin or encourage "the Soviet Union to strike the United States first in a crisis." Inadequate counterforce capabilities could prove at least as dangerous as an excess. The proper balance is a matter of judgment. . . .

BASIC TRADEOFFS BETWEEN COUNTERFORCE AND COUNTERVALUE

Countervalue concepts and weapons *seem* to favor prewar stability. Counterforce capabilities *seem* to favor combatant's survivability should deterrence fail. However, as this short study suggests, things are not always what they seem. Caveats are commonplace. There is no way to tally up pluses on one side, minuses on the other, and arrive at meaningful conclusions. A single point might outweigh all the others. And since none of the implications can be quantified, assigning weights is a subjective matter.

CONCLUSIONS

1. Counterforce philosophies, theories, concepts and strategies are easily differentiated from countervalue. Corresponding weapons systems are difficult to distinguish.

2. The United States has always maintained mixed counterforce/countervalue capabilities, although the proportions have differed from period to period.

3. The United States currently has credible counterforce capabilities against all types of military targets, save ballistic missile submarines submerged at sea, sites extensively hardened against the effects of nuclear blast, heat and radiation, and mobile ICBMs.

4. The precise influences exerted by counterforce and countervalue capabilities are ambiguous and subject to misconception. In particular:

a. The capability to destroy hard targets may or may not be destabilizing.

b. Counterforce capabilities may or may not create credible first strike options.

c. First strike capabilities may or may not be provocative.

d. Provocations may or may not encourage preventive or preemptive wars.

4. Realistic options available to U.S. nuclear deterrent strategists thus may be somewhat greater than is generally realized.

5. Additional options may prove particularly desirable in the future, as problems of nuclear deterrence and general war become increasingly multilateral rather than bilateral, in nature.

HAPPY BIRTHDAY, AMERICA

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. WYLIE. Mr. Speaker, Mr. David Wright, a senior at Dublin High School, Dublin, Ohio, and a constituent of mine, is the recipient of the annual U.S. Government award presented by the Dublin Area Women's Republican Club. I feel the essay which won Mr. Wright the award deserves public dissemination, particularly during this Bicentennial Year, and I recommend it to all as food for thought:

HAPPY BIRTHDAY, AMERICA. MY GIFT TO YOU IS . . .

(Written by David Wright)

Happy Birthday, America. My gift to you is threefold: my youth, my values and my dreams.

My youth will help our society in many ways. You are experiencing difficult times, and more difficult times may be on the way. Many new, fresh, changing ideas will be needed in political, educational, scientific fields—many others as well. Whatever my choice of career, with my young, energetic methods I will help to the best of my abilities for you to become a better and stronger nation.

My second gift to you is the values in which I believe very strongly. With my high moral standards I will try to set an example for all Americans to follow. I will keep my mind and body clean in order to follow through on what is right and to combat what is wrong. Another value which I have is honesty. People with whom I associate have faith in me and know that I will do what is best for you.

My last gift to you is the dreams I have of the "Perfect America." In these dreams I see that there shall still be a democratic government where our children will be able to receive an education at the school of their choice. I also see complete religious freedom remaining in our country. Our social problems such as crime, pollution and drugs will be met with courage. I dream that prejudice will become a thing of the past, and I will work toward that end. Negroes, Caucasions, Chinese and all the different ethnic groups will see each other as equals. To reach this goal of the "Perfect America" will be very difficult; but whatever I can do to reach it, I promise to do.

Happy birthday, America. You have done so much for me, and I am looking forward to doing my best for you.

COLLECTIVE BARGAINING FOR DISTRICT OF COLUMBIA POLICE, FIREMEN, AND TEACHERS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. REES. Mr. Speaker, I have introduced legislation to revise collective bargaining procedures for District of Columbia police, firemen, and teachers.

The problems that occurred following negotiations for police and firemen pay raises for fiscal year 1976 and fiscal year 1977 make clear that there were inadequacies in the bill Congress passed 2 years ago that established a uniform system of collective bargaining and compulsory arbitration.

The intent of the original legislation was to provide for negotiations that would be fair and equitable to all parties involved. The current dispute following the failure of the City Council to implement the settlement reached between the Mayor and the unions indicates that the intended results did not materialize.

H.R. 13873 insures that the City Council is apprised by the Mayor of developments in the labor negotiations as they occur and gives the Council the opportunity to make recommendations to the Mayor. If collective bargaining fails, and the dispute is sent to arbitration, the award granted by the board of arbitration is binding on the Mayor, the City Council, and the unions.

During the previous negotiations the Mayor and the unions could not agree that fringe benefits were negotiable items. H.R. 13873 clarifies that the annual study that becomes the basis of negotiations shall include large city and local area comparisons of both benefits and wages, and that both shall be considered labor-management issues:

COMPARISON OF H.R. 13873 WITH CURRENT LAW

CURRENT LAW

1. Annual study of pay may include other conditions of employment. (e.g., pensions).

2. Results of study form basis for consideration of pay levels only.

3. Mayor must recommend negotiated settlement to City Council.

4. City Council may accept or change settlement. Council's action becomes subject only to Mayor's veto.

5. If parties reach an impasse, they go to mediation.

6. No provision.

7. If mediation fails, parties to binding arbitration.

8. Arbitration award binding on the Mayor and the unions.

9. Procedures apply to police and firemen.

H.R. 13873

1. Annual study of pay must include other conditions of employment. (e.g., pensions).

2. Results of study form basis for consideration of pay and benefit levels.

3. Same.

4. City Council may accept or reject, but not change, settlement. Council gives the Mayor its recommendation which then becomes a labor-management issue.

5. If parties reach an impasse, they go to mediation with Council's recommendation.

6. If mediation fails, parties go to factfinding.

7. If factfinding fails, parties go to binding arbitration, again with Council's recommendation.

8. Arbitration award binding on the Mayor, Council, and the unions.

9. Procedures apply to police, firemen, and teachers. (Teacher negotiations are with the Board of Education.)

An impasse may occur if:

1. The Mayor and the unions fail to reach initial agreement by November 15 for the next fiscal year.

2. The Council rejects the negotiated agreement, and the Mayor and the unions either (1) fail to reach agreement on the Council recommendation or (2) the Mayor and the unions do not reopen negotiations within 10 days after receiving the Council's recommendation.

Only an award granted by the Board of Arbitration after the Council has given its recommendation is binding on the Council.

CONGRESSIONAL PAY RAISE SUIT

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. PRESSLER. Mr. Speaker, yesterday I inserted into the RECORD an explanation of my current lawsuit which questions the constitutionality of automatic annual pay raises for Members of Congress without a vote. My objective is to insure a vote on future pay changes. My reading of the legislative history of our Constitution convinces me that a vote is required for adjusting congressional pay. I believe the example Congress sets in following the Constitution in this area is very important.

Mr. Speaker, for the benefit of those interested, I wish to insert two court notices which report on the progress of the suit:

ATTACHMENT 1

[In the U.S. District Court for the District of Columbia, Civil Action No. 76–782]

LARRY PRESSLER, PLAINTIFF, v. WILLIAM E. SIMON, ET AL., DEFENDANTS,

NOTICE

An application for a Three-Judge District Court has been made in this case. Plaintiff seeks to enjoin the enforcement, operation and execution of provisions of the Federal Salary Act of 1967 (2 U.S.C. §§ 351–361) and of the Executive Salary Cost-of-Living Adjustment Act (2 U.S.C. § 31, as amended) on the ground of their repugnance to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constittuion of the United States. The complaint does not raise frivolous issues. Therefore the undersigned District Court Judge requests the Chief Judge of the Circuit to convene a Three-Judge District Court under 28 U.S.C. § 2284.

GERHARD A. GESELL,
U.S. District Judge.

MAY 10, 1976.

ATTACHMENT 2

[U.S. Court of Appeals for the District of Columbia Circuit, Cicil Action No. 76–782]

LARRY PRESSLER, PLAINTIFF, v. WILLIAM E. SIMON, ET AL., DEFENDANTS,

DESIGNATION OF JUDGES TO SERVE ON THREE-JUDGE DISTRICT COURT

The Honorable Gerhard A. Gesell, United States District Judge, having notified me that a complaint has been filed in the United States District Court for the District of Columbia seeking to enjoin the enforcement, operation and execution of provisions of the Federal Salary Act of 1967 (2 U.S.C. §§ 351–361) and of the Executive Salary Cost-of-Living Adjustment Act (2 U.S.C. § 31, as amended) on the ground of their repugnance to Article I, Section 1 and Article I, Section 6, Clause 1 of the Constitution of the United States, it is

Ordered pursuant to Section 2284 of Title 28, United States Code, that The Honorable Carl McGowan, United States Circuit Judge, and the Honorable William B. Jones, Chief Judge, United States District Court, are hereby designated to serve with The Honorable Gerhard A. Gesell, United States District Judge, as members of the Court to hear and determine this action.

DAVID L. BAZELON,
Chief Judge for the District of Columbia Circuit.

MAY 13, 1976.

DOCTOR BUCHWALD'S PHILOSOPHY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. FINDLEY. Mr. Speaker, Art Buchwald, who sees in himself a back-row resemblance to Robert Redford, is known as a humorist whose syndicated columns maintain a delicate balance between finely honed sarcasm and lighthearted fun-poking.

On Monday the graduating class of Gallaudet College, the distinguished institution for the deaf, received goodly measures of this balance. Mr. Buchwald was the featured speaker at commencement exercises at the Shrine of the Immaculate Conception and received the honorary degree, doctor of humane letters.

From beneath the layers of humor in his remarks he emerged as a profound commentator and philosopher on the values of American society. After listening to Mr. Buchwald's remarks, it was clear to me that he deserved the honorary degree—whether his tennis backhand is improving or not.

And you deserve to read what he had to say. So you can visualize the commencement scene, I should mention that Mr. Buchwald donned a nicely-marceled white wig while speaking for George III. His remarks were translated, complete with Mr. Buchwald's finger-wagging, in deaf sign-language. Judging by merriment among the graduates, the translation was faithful.

Here is the text:

REMARKS BY ART BUCHWALD, GALLAUDET COLLEGE COMMENCEMENT CEREMONY, MAY 17, 1976

My fellow Americans: For those in the back who can't see me, I look exactly like Robert Redford.

I am honored that you would choose me as your speaker at this auspicious Gallaudet graduation of 90 men and 110 persons. You have the unique distinction of being graduated on the two hundredth anniversary of our country which makes you rather special.

And because it is the two hundredth anniversary of the United States, I have chosen to give part of my speech as it might have been presented to you in the year 1776. I shall speak to you not as a vile and vulgar rebel who is trying to destroy the harmony and well being of the colonies, but as a Tory loyal to His Most Gracious Majesty George III.

You must pretend that you are back in the Colonial age and I have been dispatched from New York to persuade you not to join the rabble advocating insurrection and, though I don't like to use the word, Treason.

My dear students and loyal subjects of His Most Gracious Majesty George III:

I am delighted to be here as His Majesty's representative on this great day when you have completed your requirements for a college degree. You are an elite class and His Majesty wants me to congratulate each and every one of you. He only regrets he can not be here today in person, but matters of state require him to remain in London. I know if he were here he would be pleased to see your shining faces and realize that Gallaudet has once again produced the type of student that England can be proud of.

I have come here from New York to assure you that no matter what you read in the newspapers, His Majesty has great concern for his children in the colonies and has no intention of allowing a few agitators in Boston or Philadelphia and, I regret to say, even Virginia, to disrupt the warm relationship you all enjoy with the mother country which, as you know, has the best interests of all of North America.

The radical eastern establishment press has given the impression that the treasonous elements under the traitor-soldier George Washington has achieved military victories. I assure you, my dear children, these reports have been exaggerated. His Majesty's forces are capable of putting down any insurrection that disreputable malcontents attempt in the false name of liberty and freedom against this sovereign land.

Who are these wretches who are fomenting revolution? I'll tell you who they are. John Hancock is nothing more than a renegade smuggler; Sam and John Adams are ambitious firebrands intent on poisoning the minds of the people; Patrick Henry is a publicity-seeking drunk; Thomas Jefferson is a stuttering fool who can hardly write his own name, and Benjamin Franklin is a dirty old man.

We have their names and we shall deal with them when the time comes. There are not enough gallows in America to hang the villains who have hoodwinked, inflamed and goaded the good people of this continent in their quest for power and wealth. These sanctified hypocrites, these damned fanatics, these ungrateful bastards will fail in their efforts to destroy what England has done to make the colonies the happy eden it is today.

My dear students, if you have any intention of joining up with the likes of these people, I advise you to remove it from your minds.

The British Redcoats, with the most modern arms known to mankind, are now on their way to restore law and order.

The Colonial Rebel Army has no guns, no uniforms, no pay and they are no match for the greatest imperial nation on earth. I am here to warn you today that you are not to be taken up with the hysterical cries of independence because George III has no intention of giving up what is rightfully his to a band of ragged beggars.

I implore you to think for one moment. How can the colonies survive without England? We are your best customers for trade. We are the only ones who can protect you from a Catholic France and a Papist Spain. You have all the benefits and joys of British subjects.

What can the radicals offer you? Can you eat their version of liberty? Can you sell their idea of freedom? Can you trade in their cries for justice? These piddlers in politics are nothing more than rattlesnakes, poisonous serpents, writing and mouthing obscenities on church walls.

Nay, my children, beware of straying from the fold. You are educated men and women and you must leave here today resolved to serve His Majesty and the Church of England.

It would be a pity after you have filled your head with so much knowledge to have a Hessian soldier chop it off.

Please do not think I am threatening you. God knows that is not my intention. I am only trying to make you see the light. Do not listen to the knaves and fools who whisper sedition in your ear. Remember your glorious heritage. You are and always shall be Englishmen as long as Britannia rules the waves.

God bless you all and God bless His Majesty the King.

Now having gotten the Bicentennial out of the way, I would like to talk to you as the commencement speaker of 1976.

I have not come here today to bring you a message of doom. I have been studying the situation very closely, and I have come to the conclusion that the Class of 1976 is the luckiest class that ever graduated—and probably the last.

I have many messages to bring to you today. The first is that we, the older generation, have given you a perfect world and we don't want you to do anything to louse it up. You are the generation of Watergate and Kohoutek. You were raised on "Kojak" and "The Hollywood Squares." Walter Cronkite is your Godfather, and Nixon was your President. You flopped at streaking and you blew Earth Day and you've seen war live and in color on television, and your previous President said he was not a crook. Yet, I don't feel sorry for you. To quote what I told President Ford the other day, "We never promised you a rose garden."

The tendency today in this country is to wring our hands and say everything is rotten, but I don't feel this way. I am basically an optimist—otherwise I would never fly Allegheny Airlines. I don't know if this is the best of times or the worst of times, but I can assure you this: This is the only time you've got—and you can either sit on your expletive-deleted or go out and pick a daisy.

We seem to be going through a period of nostalgia now and everyone somehow thinks yesterday was better than today. I personally don't believe it was. And I would advise you not to wait ten years from now before admitting today was great. If you're hung up on nostalgia, pretend today is yesterday and just go out and have one hell of a time. I have travelled across this great land of ours and I have heard the cries of despair. People ask, "What can we do to make things better?" Even today you are probably asking this question as you sit out there in rapt attention listening to my brilliant words.

Well, here are some of the things you can do right after graduation:

Throw a baseball to a little girl.
Ask your teacher for his or her autograph,
Take a shower with a friend,
Ask your mother or father for a dance,
Throw a kiss to a little old lady, and
Take a walk in the woods with someone you love.

There's a lot to be done. And being an optimist, I believe that somewhere out there in the Class of 1976 is a scientist who will develop a flip top beer can that doesn't cut your finger, and I know there's someone out there who will be able to find a way of letting people go to sleep without taking Sominex. And I am certain that one of you . . . one of you . . . will be able to find out how to have a happy marriage without taking Geritol.

I know you are all worried about jobs, but I can assure you that out of this class of two hundred members at least a hundred of you are going to find work. And I know who you are, but I'm not going to tell you.

You know, if you were looking for a name for this country right now, you'd have to call it "The Uptight Society." Everyone seems uptight about something. The white students want out of our system; the black students want in; the people are mad at the cops, and the priests aren't talking to the Cardinals. And I discovered doing the column the way I do that for every uptight person in this country, there's an uptight organization to back him up. And I discovered that the most uptight organization in this country right now is the National Rifle Association. Now, before you get to like me, I am for gun registration and it's very personal with me. My neighbor has a gun and he can't even water his lawn straight. But every time I do an article for gun registration, I get hundreds of letters all neatly typewritten telling me I'm trying to destroy the Constitution, and I discovered that everybody in this country who owns a gun also owns a typewriter. So my solution to the gun registration problem is to make everybody register their typewriter.

People are very uptight about computers and what they are doing to us. Now I always have had a great interest in computers, ever since I once tried to get out of the Book-of-the-Month Club. Now as you know, it is impossible to get out of the Book-of-the-Month Club and I kept sending them letters saying I didn't want their damned book and they kept sending me IBM cards billing me for the book. And finally I got so mad I bent, folded and mutilated the card and the next month I got a new card and it said, "If you do that once more, we will send you the entire Encyclopedia Britannica."

People are very uptight about the oil embargo and everybody blames someone else for our troubles in the Middle East. Well, I can tell you the real villains today. The organization that is responsible for all our troubles in the Middle East is the Harvard Business School. If they hadn't taught the sons of Arab sheikhs how to screw us, oil would not be three dollars a barrel, and if these same sons of sheikhs had gone to USC, they'd all be surfers now.

People are very uptight about students and where they're going and what they're up to. But I have a lot of faith in students and I go out on campuses and I speak to them and I know where they're going and what they are up to.

Not long ago I was at Gallaudet College and I was talking to a student who was majoring in English and we got to discussing Hamlet. And I said, "Suppose you were a Prince of Denmark and you came back from school to discover your uncle had murdered your father and married your mother and you fell in love with a beautiful girl named Ophelia and mistakenly murdered her father and then Ophelia went crazy and drowned in a brook. What would you do?" And he thought about it for a moment and then said, "I guess I'd go for my Master's degree."

On the 200th anniversary of the United States we all are trying to figure out what this country is and what we stand for. I have no idea what America is, but I think I know what it is not.

It is not a dictatorship run by either generals, juntas or commissars. It is not a country who puts its writers and politicians in jails and sanitariums when they are in opposition to the government.

It does not close down presses, nor does it control the radio and television stations that serve the people. It does not shut the churches and synogogues to people who wish to worship God in their own way. It does not make workers meet quotas for the state.

It does not forbid its citizens from traveling abroad, nor from emmigrating to another country if they wish.

It does not make its people carry identity cards.

It does not hold families as hostage.

It does not throw people in jail without charges or a hearing.

It does not try people by military tribunals.

The system is imperfect and there are people in this country constantly advocating forms of repression for the good of the state. But for two hundred years, thanks to a piece of paper written by some very wise men who had no idea what this country would be like in 1976, we have managed to survive as a democracy.

And so my final message to you today is no matter what you read in the newspapers or see on television, I assure you that we're all going to make it. For two centuries this country has muddled through one crisis after another and we have done it without changing our form of government. And it seems like centuries ago, but it is less than two years ago, that a President of the United States was forced to resign from office under the darkest of clouds and he was asked to leave the office because he lied to the American people. I was at the White House that night to hear his resignation speech. And what impressed me more than anything else was that while one leader of our country was resigning and another was taking his place, I did not see one tank or one helmeted soldier in the street and the only uniforms I saw that night were two motorcycle policemen who were directing traffic on Pennsylvania Avenue. Two hundred ten million people were able to change presidents overnight without one bayonet being unsheathed . . . and I believe that any country in the world that can still do that can't be all bad.

Now I could have said something very profound today, but you would have forgotten it in ten minutes. So I chose to give this kind of speech instead so that in twenty years from now when your children ask you what you did on graduation day, you can proudly say, "I laughed."

ONE THOUSAND FIVE HUNDRED DEAD CUBANS BEING SHIPPED HOME FROM ANGOLA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. McDONALD of Georgia. Mr. Speaker, resistance to Russia's Cuban mercenaries continues in Angola, and, evidently, the toll is rather high. The Sunday Telegraph, London, of May 16, 1976, reports that resistance is fierce. It would appear that the Soviet Union will fight to the last Cuban. The item follows:

ONE THOUSAND FIVE HUNDRED DEAD CUBANS BEING SHIPPED HOME FROM ANGOLA

Grim proof of the scale of the secret war still being waged in Angola lies in the hold of a refrigerated ship anchored off Pointe-Noire, the port of Congo Brazzaville.

It contains the corpses of some 1,500 Cuban soldiers killed during the past few weeks in actions against guerrilla groups. The bodies are presumably awaiting shipment back to Cuba for burial.

The high rate of casualties among the Cuban expeditionary force in Angola has led recently to some desertions from their ranks and it is these deserters who have provided some of the information about this forgotten campaign.

Despite the tightest of official news blackouts, this is one of the details which has emerged about the determined resistance by anti-Communist guerrillas against the Soviet-backed regime of President Agostinho Neto.

Neto's M.P.L.A. movement was put into power by the 14,000 Cuban regular troops who fought on his side during the civil war. It is now clear that they have still got their work cut out trying to prop him up.

DAILY BATTLES

The fiercest fighting is said to be taking place in the old Portuguese enclave of Cabinda which lives across the River Congo and to the north of Angola proper.

A force of 3,000 Cubans under the command of Commandant Pedale is doing daily battle with Cabindan nationalists.

The principal organised group among these nationalists is known as M.O.L.I.C.A., the movement for the Liberation of Cabinda. At no time since the Portuguese evacuation has the fighting been so heavy in the region which is mostly jungle.

Significantly, the movement is concentrating all its efforts against the Cuban "invaders" and is leaving forces of its indigenous rivals, the M.P.L.A. alone wherever possible.

VILLAGERS' AID

The actions are said to be planned and carried out with some sophistication. Cabindan squads are systematically killing Cuban sentries guarding military or civilian installations in the area.

Cuban patrols are lured out from their garrisons by "incidents" deliberately staged upcountry and the task forces are then ambushed.

Though these guerrillas carry the main brunt of the fighting, they appear to be receiving wide-spread assistance from the population at large. This is shown by retaliation attacks carried out by Cuban forces on at least three villages.

Earlier this month, Commandant Pedale felt obliged to appeal to the civilian population of Cabinda to "give up the struggle."

SAVIMBI RETURNS

There have also been reports of renewed guerrilla fighting at the other end of the country, in south-western Angola. There Mr. Savimbi, leader of the so-called U.N.I.T.A. forces—one of the anti-Communist armies vanquished in the civil war—has re-appeared, and made his presence felt.

His raiders appear to be concentrating on harassing the Buengala railway, Angola's vital east-west link from the Atlantic into the heart of Africa.

All told, the picture suggests that the Kremlin's Cuban auxiliaries are having unexpected trouble in digesting their Angolan prey. This should act as a restrainting factor on the Russians promoting other offensives in southern Africa, at least for the time being.

RED CROSS CERTIFICATE OF MERIT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. SEBELIUS. Mr. Speaker, the American National Red Cross has recently informed me of a meritorious action taken by one of my constituents that I would like to share with and commend to the attention of my colleagues.

Mr. Robert D. Ward, of Salina, Kans., has been named to receive the Red Cross Certificate of Merit, the highest award given by the Red Cross to a person for saving or sustaining a life.

On September 25 of last year, Robert Ward, trained in advanced first aid, witnessed a neighborhood teenage girl fall from her bicycle and strike her head on the pavement. He rushed to her side and began mouth-to-mouth resuscitation as well as other life supportive first-aid measures. Within minutes the child began to breathe. Without a doubt, the quick action by Robert Ward saved this young girl's life.

Mr. Speaker, I share the belief of the American National Red Cross that this action exemplifies the highest ideals of concern that one human being can show for another in distress.

END THE FEDERAL ENERGY ADMINISTRATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mrs. SCHROEDER. Mr. Speaker, in connection with our consideration of H.R. 12169, the bill reported by the House Interstate and Foreign Commerce Committee to extend the life of the Federal Energy Administration for 39 months, and the Schroeder-Fithian substitute to this bill which would abolish the FEA and transfer some of its functions to other Federal agencies and departments, some of our colleagues may be concerned as to the job disposition of the nearly 3,500 employees presently employed at the mushrooming FEA. While I am sure that we all would agree that the FEA should not be kept around as a public jobs program, it is important to note that in keeping with the temporary nature of the FEA when it was created the House Government Operations Committee added to the original FEA Act a proviso section 28 that employees transferred to FEA from other agencies when the FEA began would be guaranteed rights to rejoin these agencies when the FEA died. Thus, employees who would be eliminated by the Schroeder-Fithian substitute—those in the office of management and administration—either have rights to rejoin their former agencies, or, having joined the FEA after its creation, are on notice that their jobs, like the FEA, were temporary.

Last month, I asked FEA Administrator Zarb to compile the numbers of employees with reemployment rights as well as what programs the FEA was carrying on to notify such employees of these rights should the FEA die on June 30. Although Mr. Zarb, apparently confident that the FEA will be around after June 30, has thus far neglected to inform his employees of rights they might have, he did send me the figures. I believe they will be of interest to my colleagues:

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., May 19, 1976.

Hon. PATRICIA SCHROEDER,
House of Representatives,
Washington, D.C.

DEAR MRS. SCHROEDER: This is in further response to your April 12, 1976, request for information on employees with reemployment rights under Section 28 of the Federal Energy Administration Act. We found that as of April 10, 1976, the latest date for which information could be obtained, 2,240 employees had Section 28 rights. On the same date, the Agency had 3,466 employees.

The information about the grade levels of these employees, at the Federal Energy Administration (FEA) and at the Agencies' from which they came, is provided in the enclosure to this letter.

Your fourth question concerns the steps we have taken to inform these employees of their rights under Section 28, in preparation for the expiration of FEA. Hearings on the extension of the Agency are in progress and, accordingly, no specific steps have yet been taken.

If you need further information, please contact Mr. Eugene H. Beach, Associate Assistant Administrator for Personnel Management, on 961-8335.

Sincerely,

Frank G. Zarb,
Administrator.

Enclosure.

DISTRIBUTION BY GRADE OF FEA EMPLOYEES WITH SEC. 28 RIGHTS

Grade level	Current grade	Grade prior to FEA/FEO	Grade prior to to CLC energy division
Executive level	6	2	0
Experts and consultants	0	3	0
GS-18	0	0	0
GS-17	10	4	0
GS-16	28	10	0
GS-15	163	104	0
GS-14	211	174	0
GS-13	360	296	1
GS-12	340	319	1
GS-11	258	280	2
GS-10	6	11	0
GS-9	202	212	0
GS-8	77	52	0
GS-7	217	219	2
GS-6	108	132	1
GS-5	145	194	0
GS-4	86	139	0
GS-3	13	57	1
GS-2	1	18	0
GS-1	0	1	0
All other pay plans	9	13	1
Total	2,240	2,240	9

DOORMEN'S SOCIETY HOLDS ANNUAL KNIGHT'S NIGHT

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. FUQUA. Mr. Speaker, I know that my colleagues share the respect and admiration which I hold for the fine job performed each day by the doormen of the Capitol.

This outstanding group of employees has a well known organization, called the Doormens Society, whose parties and receptions many of us have attended in the past. The president is Warren Jernigan, a hard working and dedicated individual whose diligence has been responsible to the success that the Doormens Society now enjoys.

Last Tuesday evening, May 18, 1976, in the Cannon caucus room, the Doormens Society of the House of Representatives honored two of our colleagues, Congressman Thomas E. Morgan and Representative Corinne C. (Lindy) Boggs as Man and Woman of the Year, respectively at their annual Knight's Night festivities.

The distinguished chairman of the Committee on House Administration, Congressman Wayne Hays, presided as master of cremonies.

Mr. Speaker, I understand that you preceded Mr. Hays by introducing him to the assembly, and that your remarks were particularly warm and praiseworthy.

And although his schedule prevented his attendance, President Gerald Ford sent his best wishes via a telegram message delivered and read by one of his assistants, John Marsh.

The evening's ceremonies honored many hard working people on Capitol Hill, among which were John Chesney, Jr., named Doorman of the Year for the House floor, whose parents came from Clarksville, Pa., just for this special occasion. His companion Miss Michelle Manfredi, was also present.

I was pleased that Morris Allen was named Doorman of the Year for the House Gallery. We were especially glad that his daughter, Lula, traveled from Gainesville, Fla., for the presentations.

Mr. Speaker, in honor of the fine work that the doormen perform each day and in recognition of the men and women who were honored at the Knight's Night, I would like to insert the text of the information bulletin which was distributed in which the accomplishments of each of its honorees were included:

The Knight's Night, May 18, 1976

Hon. Wayne L. Hays, Master of Ceremonies, Democrat of Flushing, Ohio; born in Belmont County, Ohio; elected to the 81st Congress on November 2, 1948, re-elected to succeeding Congress; presently Chairman of the House Administration Committee; member of the Committee on International Relations and Chairman of the Sub-Committee on International Operations; Chairman of the Joint Committee on Printing, 1972-4 and 1976; member of the Joint Committee on Library.

Man of the Year: Hon. Thomas E. Morgan, born in Ellsworth, Pennsylvania; October 13, 1906; Member of the Foreign Affairs Committee, of the House of Representatives since May, 1946; named Acting Chairman of the Foreign Affairs Committee in January, 1959, and is presently serving in that capacity, serving the 26th District, Fredericktown, Pennsylvania. Has received the "Canadian Parliamentary Medallion", first U.S. Citizen to receive this award, and also has Honorary Doctor of Law Degree from Wayne State University, Detroit, Michigan.

Woman of the Year: Hon. Corinne C. (Lindy) Boggs, Democrat, of New Orleans, Louisiana; born at Brunswick Plantation, Louisiana; graduate of St. Joseph's Academy and of Sophie Newcomb College of Tulane University, New Orleans; past president of the Women's National Democratic Club, of the Democratic Congressional Wives Forum, and the Congressional Club; first woman elected to Congress from Louisiana; Banking and Currency Committee, House Administration Committee; majority member House of Representatives American Revolution Bicentennial Board.

INTRODUCTION OF HONORARY MEMBERS

Hon. Ray J. Madden, Democrat, of Gary, Indiana; elected to the 78th and each successive Congress; member of Rules Committee, 81st through 92nd Congress; elected Chairman of Rules Committee, 93rd and 94th Congress; First Vice Chairman of the National Democratic Congressional Committee.

Hon. Edward R. Roybal, Democrat, of Los Angeles, California; born in Albuquerque, New Mexico, February 10, 1916; elected to the 88th Congress, November 2, 1962; Chairman of the Sub-Committee on Housing and Consumer Interests; Vice Chairman of the Democratic National Committee and a member of the Democratic Advisory Council of Elected Officials; first National Chairman of the National Association of Latino Democratic Officials.

D. Thomas Iorio, born East Side New York; has been the Democratic Pair Clerk of the House of Representatives since February, 1945; September, 1968, awarded the Title of Cavaliere Ufficiale in the Order of Merit of Italy; 1974 awarded the Title of "Commendatore" in the Star of Solidarity of Italy, the highest civilian award given to a foreign national; Deputy Sheriff of King County, Brooklyn, New York.

DISTINGUISHED SERVICE AWARDS

Office of the Clerk: Benjamin J. Guthrie, Benjamin J. Guthrie, Assistant to the Clerk of the House of Representatives of Springfield, Virginia; born at Salisbury, Maryland; married Beatrice Louise Fitzpatrick; three children; Gail Marie, Laura Lynn, and Christopher Raymond; attended Maryland State Teachers College; veteran of World War II, served with Army Signal Corps, 1942-46; monotype keyboard operator, Government Printing Office, 1946-56; Assistant to the Clerk of the House from 1957.

Office of the Architect: C. M. Bates, Jr., Mr. C. M. Bates, Jr., Superintendent of House Office Buildings, Born September 9, 1922 in Dry Creek, Knott County, Kentucky, Married November 15, 1946 Sylvia Stalls, children Richard and Robert. 1942-present, staff Architect of the Capitol.

Office of the Postmaster: C. Elmo Boydston, Mr. C. Elmo Boydston, Assistant Postmaster, House of Representatives. Legal resident, Luther, Oklahoma. Born October 14, 1936. Married December 16, 1957 to Joyce E. Welch; children Stephanie and Yvonne and June Ellen. Elmo has served the House effectively and faithfully for than 20 years beginning as a Mail Clerk in 1956. In July of 1957, Elmo served as a Doorman, returning to his duties as Mail Clerk in August. From 1959 until 1963, Elmo held the position of Superintendent of the House Post Office, advancing to Assistant Postmaster in 1963.

Congressional Correspondent Award: Neil MacNeil, since 1949, a Washington correspondent; 1958 to the present Chief Congressional Correspondent for Time magazine; author of Forge of Democracy: The House of Representatives; regular panelist on the Educational Television Network's award-winning program, "Washington Week in Review"; member National Press Club, The Players, and the executive committee of the Congressional Periodical Press Gallery.

Doorman of the Year (House Gallery): Morris (Moe) Allen of Gainesville, Florida has been a doorman since 1973. Born in Houston (Live Oak), Florida, Moe graduated from Richardson Academy in Lake City and was House Manager for the University of Florida's Sigma Alpha Epsilon Fraternity from 1935 to 1971. He is a member of Greater Bethel AME Church in Gainesville and Evenger United Methodist Church in Washington. Sponsored by Honorable Don Fuqua, Moe is a Brother in the SAE Fraternity at the University of Florida and has a daughter, Lula, teaching in Gainesville.

Doorman of the Year (House Floor): John Chesney, Jr., began work as a House of Representatives Doorman in January, 1975, sponsored by Congressman Thomas E. "Doc" Morgan, Representative of Pennsylvania's 22d Congressional District. Born in Waynesburg, Pennsylvania, June 25, 1952, son of John and Lora Chesney, who presently reside in Clarksville, Pennsylvania; graduated from Jefferson-Morgan Junior-Senior High School, Jefferson, Pennsylvania, 1970. Lettered in Football and Basketball and participated in student government as Vice-President of Junior Class and as a representative to the Student Council in the Senior Class; graduated from California State College, California, Pennsylvania 1974, with a Bachelor of Science Degree in Education, and achieved honors for four trimesters.

Police Officer of the Year: Officer Ronald J. Perla, born in Youngstown, Ohio, July 1, 1934; has served as a Deputy Sheriff with Mahoning County Sheriff's Dept., Youngstown, Ohio; locomotive fireman for Erie Lackawanna Railroad Co., Youngstown, Ohio; Liquor Control Investigator II for the State of Ohio, Department of Liquor Control, Columbus, Ohio; Police Officer for Metropolitan Police Department, Washington, D.C.; 1971 to present, Officer with U.S. Capitol Police Force.

THE CORPS' GREATEST BATTLE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BOB WILSON. Mr. Speaker, I recently received a copy of an essay written from the heart of a proud marine serving in my district at the Marine Recruit Depot. He is GY/Sgt. Terry W. Stewart, and I include his message as a portion of my remarks:

THE CORPS' GREATEST BATTLE

The breakfast came early; steak and eggs, all you could eat, and prepared just the way you wanted them. But men weren't eating. There was an unnerving quiet on the Mess Deck. Blank, expressionless faces of young men barely old enough to shave, and grizzled old seadogs alike, shed no light on what was milling around inside their heads.

These were Marines. Men who had chosen a lifestyle that demanded grueling hardships and rigid discipline. This pre-dawn meal was only a part of a long and colorful history of tradition. It was to be a last hearty feast for many. Shortly they would "Saddle Up" and drop over the side of their host's ship and crowd into the small assault craft. The landings on hostile beaches produced heroes and cowards simultaneously, but each landing produced something even greater, National Pride. "Uncommon Valor was a common Virtue."

American Marines were to be known as the finest fighting force of any. The spirit of America was wrapped up in these modern day Spartan Warriors. The tenacity with which they hung on, refusing to budge, the spirit that each Marine carried within him, for his Country, Corps, and fellow Marine. The will to win at any cost, and the loyalty to die for his Corps and Country, and the absolutue discipline both as a Unit and as an individual Marine. These traits broke many an enemy's back for over 200 years. The Corps is a living relic of man's fighting spirit. It embodies all the hopes of free people everywhere.

Many have tried to analyze, examine, and dissect this group to see what their magic was; how they could perform these apparent miracles with young Americans of the same background as those that comprise the other Armed Services? There has been many attempted explanations, but only one comes close, and it really can't be defined. How can you explain an attitude? This has been the Corps greatest asset from its conception. They have always recruited on the basis that only the tough need apply, because only they would be accepted. The challenge of being a Marine, a member of an elite force of men who have no limits of excellence has attracted a few good men to enlist in his noble outfit.

The other branches have their traditions and histories also, and there is much glory among them. They have served our nation well, and with great pride. But they failed to hang onto a lot of what had made them strong. And their missions weren't the same as that of the Corps. But the big difference is that in any team, even the very best of them, one player is the star, and in our Nation's team of the Armed Services, the Corps is the Unit that holds the spotlight. The Marines have fought through the centuries with great pride, and the efficiency of a well-oiled machine.

Some say that this group and their attitudes are obsolete. But as long as man lives, there will be wars, and as long as there are wars, no matter how sophisticated, there will be a need for that small strike force to spearhead the attack and bring the battle to an end.

Why is it that the Marines are now fighting to preserve their heritage? That unique way of life they have managed to hold onto for every Americans benefit?

The Corps is comprised of men, human beings with the same faults as any of the species; they have their good and bad. Some, despite a varing degree of proficiency in their jobs, lack good judgment. These few (a minority in any group), have tarnished the Corps image lately. But have they managed to destroy 200 years of loyal service with a couple of untimely situations? Should the Corps suffer, and be reduced to a huge social service agency without grit? I firmly believe it is time Americans helped to preserve the Marine Corps and its way of life, just as the Marine Corps has helped so many times to preserve America and its way of life.

The Corps is something special to the Marines, Not just a job. Our pride can be traced back to our "Boot Camp". Graduating alone is an ordeal to most Marines, and one that they experience great pride from.

I'm a career Marine, and damn proud of it. And I'll be real frank! I don't like the pressure the Corps is being placed under! We are being forced to accept substandard recruits, and being forced to train them. Our standards and demands on our recruits are being forceably lowered. You Americans will eventually have a substandard Corps if things continue. We Marines, those of us that wear the Green because we love it, want our Corps to be stronger, not weaker.

When a young man comes to us and says "I want to be a Marine," we want him to show us, and to prove himself. We want to challenge him, physically, emotionally and mentally. And if he breaks or lets down—simple—he doesn't make the team—packs his trash and goes home. At least he tried. And I firmly believe that the young men that join today (because they want to be Marines), feel the same way. Ask them! Let's increase our standards and make our training equal to our mission. Just as tough as we can?

We need help with our latest battle. We need supporting arms, and reinforcements. We need the people we have sworn to defend. You are our support, stand up for us and give us strength. From you, we will receive our reinforcements. Only those of you that are willing to be Spartans, and meet this challenge need apply. The rest of you stay away.

There are many slogans involved with Marines and their life style. But to me, the two that bring them all together are: "The more you sweat in peace, the less you'll bleed in war," and "When the going gets tough the tough get going."

I'm a Drill Instructor (DI), and I train Marines. I want my Corps to endure always. Let us train our recruits to be everything we all expect of a Marine, and don't be critical of our ways and methods.

If the day should ever come when the word "Marines" no longer strikes a twang of pride in Americans, or the chill of fear in our enemies, then we have lost a very precious thing. But most of all Americans, we have lost a small aggressive band of men who care enough to give their very best—their lives—

GY/Sgt TERRY W. STEWART.

CHAIRMAN RODINO SPEAKS OUT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. RANGEL. Mr. Speaker, in the April edition of the Third Branch, a bulletin of the Federal courts, the distinguished chairman of the House Judiciary Committee is interviewed on matters of concern to all Americans. I believe the comments PETER RODINO makes on the legislation which his committee is considering, particularly as those remarks relate to the controversial S. 1, should be shared with all of my colleagues. For that reason I would like to insert in the RECORD at this point the complete text of the interview with my personal friend and distinguished colleague. The interview follows:

SPOTLIGHT: INTERVIEW WITH CONGRESSMAN RODINO

Congressman Peter W. Rodino, Jr., Chairman of the House Judiciary Committee, is not only one of the most influential members of the Congress but heads the House Committee which handles legislation of prime interest to the Judiciary. In the following wideranging interview, he discusses such current issues as the problem of sentencing disparity, the possibility that S. 1 (the bill codifying the federal criminal law) will be enacted and the need for higher judicial salaries.

Does the recent increased interest in sentencing manifest a discontent by the general public and the Congress with the present system?

It's not so much a discontent with the structure of the system, but more a frustration that the system doesn't seem to be working fairly; it seems inequitable.

Are you talking about disparity?

Yes, and that, of course, does arouse many people, it creates the appearance of unfairness. The whole problem was clearly revealed when the Federal Judicial Center
self conducted a study which found th
some instances where the same tes
was given to different judges, a gr
parity in sentencing was evident.

This is something that has to b
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vehicle with which the Congress could study the issue. I introduced it in the House. I think a commission of the sort proposed by the Bill is desirable. We have to promulgate guidelines that will be predictable and fair. We want to rely on the expertise of this Commission after it studies the problem. Similar crimes, in situations where other factors are equal, should carry the same or similar sentences. If not, that is, when a sentence falls outside the guidelines established by the Commission, then we want a right of appellate review.

Do you believe that appellate review of sentencing would be better than having sentencing by a panel of three district judges? Do you think the appellate judges are in a better position to do it than district judges?

Well, there is at least a further opportunity to be able to do this from a point of view other than that of district judges.

Perhaps it would be a more objective system?

I would hope so.

Possibly because the defendant himself would be more assured knowing his sentence had been reviewed at a higher judicial level?

Yes, at that point he has been at the district court level, and he may feel he was not sentenced fairly, and wants the review of a higher court.

Do you anticipate the Bill will move rapidly in this session?

Well, I have instructed the appropriate Subcommittee to do all the necessary staff work and to move on it, giving it priority status. I think it's tremendously important. If it is one of the things that somehow or other causes people to look upon our system of justice as unfair, then I think that we need to act. One of the main concerns I have generally is about the breakdown of confidence in all institutions of our government. If the administration of justice in particular breaks down I think we are in for a very rough period. I think we have got to give this Bill top priority.

The Attorney General, as you know, favors the Bill.

I know that the Attorney General has not only talked about it, but I think, in general, he has endorsed the concept.

What opposition do you foresee?

Well, I frankly don't know except perhaps if one were to make the argument that this would somehow make sentences lighter.

You know, there is a school of thought that believes that all we've got to do is be tough in order to be able to deal with the problem of crime. I think there may be an effort to try to generate this kind of opposition which in my judgment is not warranted. It is not well founded, because I think that in the end if we simply eliminate the disparity and we deal justly, we will be making some real advances in the war against crime.

There appears to be, at least in the Senate, a strong move by the leadership to arrive at some compromise on S. 1, at least on some of the more controversial parts of the Bill. Is it possible there will be a similar move in the House?

Well the situation regarding S. 1 is very interesting. A while ago, Senator Hruska and Senator McClellan sought a meeting with me and Congressman Hungate, Mr. Hutchinson, the ranking Republican member of the full Judiciary Committee, and Mr. Wiggins, the ranking Republican member of the Committee on Criminal Justice which Bill Hungate chairs. We discussed whether or not we would be acting on S. 1, and at that time, (perhaps seven or eight months ago), we raised the possibility of considering it when and if the Senate approved it. At that time Senator McClellan told me that he thought the Senate was moving rather rapidly. After that meeting, I remember examining some of the great controversies that had already arisen regarding some of the provisions of S. 1. Knowing that some members of the Judiciary Committee, Congressman Kastenmeier and Congressman Edwards, had served on the Brown Commission, I talked with them at some length. I envisioned that unless we were able to do something which was realistic as to procedure, I didn't think that we'd get anywhere. So, at that time, I advanced a notion that perhaps it might be well to separate at least the non-controversial issues to see if this would indeed be helpful in doing something at least about re-codification.

Federal judges are concerned about the timing. As you know, in the Bill as it is now drafted, they have one year to conform and they are wondering whether or not they will be able to do something as basic as revise all the jury instructions.

I must say that having talked with some individuals who I think are very perceptive about what would be necessary in order to make the transition—if indeed it were to take place—that the one-year period is probably short of anything that is realistic. Here is a code, as we know it, that has been developed over a period of many years, and to expect a change—to expect that juries and judges and everyone involved would be tuned in within that period of time may just not be realistic.

Our judges will be glad to know that you are sympathetic to their problems.

Well, I feel that my sympathies are pretty well grounded because judges are the people who would want to make the transition most carefully.

Are the controversial aspects really a small part of the total Bill?

I don't think I can cite a percentage. But I suggested that we try to set up some kind of a liaison between the two committees, with our staff people meeting, so that there might be an opportunity from time to time to just review this as a possible procedure. I think that this was done for some time, but, of course, we've been involved in so many other areas.

What progress is being made?

At the present time, a very great deal of staff work is being done on our side—a lot of staff work. We have been waiting on the Senate to take whatever action the Senate has said it might take. We are aware of the fact that Senator Mansfield and Senator Scott have moved on this, and that there has been some talk about trying to do this, but whether or not it actually comes about, I don't know. I understand the Bill has been reported out by the subcommittee without recommendation. What they are actually going to come up with in full committee is far from clear. It seems to me, though, that realistically speaking, those areas that are in controversy have really generated a tremendous degree of opposition. No matter where I've gone to address groups I immediately have been asked, "What about that S.1?" And people are not opposed just for the sake of being opposed, but because they look upon it as something that is going to infringe upon some of their basic rights. People are strongly aroused.

Outside the legal profession too?

Yes, oh yes. I gave a lecture at Tulane, and I had a number of conversations regarding S.1, and most of them with people outside the legal profession. This happened also when I addressed a group at American University in Washington.

Is this another indication that people are interested in their courts?

Oh yes, absolutely. The one thing about S.1, of course, is that people seem to be aware generally of some of the very, very tough provisions that seem to intrude on the rights of individuals. And people see this intrusion as a potential infringement of basic liberties. Frankly, this is what we hear which, of course, impels us to act even more diligently. We must exercise this diligence for one thing because of the very length of the Bill, as well as the many provisions which are the basis for disagreement. There is much in S.1 that diverses from sound recommendations and from present law.

By "present law" you mean what is in the Code now?

What's in the Code, and what we find the Brown Commission actually reported.

Aren't there some crimes now defined in the Code in five different sections in five different ways?

Yes, yes there are. This is pretty well addressed though by the Bill that has now been introduced, H.R. 333, by Mr. Kastenmeier and Mr. Edwards and Mr. Mikva which is now I believe also H.R. 10850. I think it has been substantially revised in the new Bill.

Do you have a special feeling about secrecy in Government and which papers should be public records and which should not?

Yes, of course, I think secrecy in government generally is something that gives me great pause.

One of the big concerns that I have about how we operate in Government is whether or not the people have confidence that they are able to participate in the system and that Government is being open, frank, and honest. I don't think that people *want* to know everything. And I don't think that people are just prying, but I do think that people want to be sure that what is being done isn't being done covertly or in a way that intrudes on their basic rights.

There is some feeling within the judiciary that some removal procedures for judges should be set up short of impeachment. The Nunn Bill addresses this issue. What are your views?

These problems develop whenever we have the question of additional judgeships coming up. We have been very aware of the problems that arise. I don't think I'm prepared to say just what we should or should not do, because while the problem of impropriety may be there, I don't know whether or not we could say that it is very widespread—that it requires that kind of attention. I think that we can always make the necessary changes or corrections. Probably when we consider some of our judgeship bills, we ought to address some of these questions.

We're talking about removing a judge from actively handling cases when he is clearly not able to function.

Well, I think that is a subject that ought to be addressed, but again I don't know how widespread the problem is. I consider the problem—the question or the subject of impeachment—as something that we have to address in a manner that causes us to look upon it as only a very extraordinary procedure. I would hope that we would find in cases like this some other kind of mechanism. I am sure the question will come up, when we consider the matter of additional judgeships.

Judge Lawrence Walsh, President of the American Bar Association, met with about 70 people on the selection of federal judges recently. Do you have any ideas as to how to improve the process?

Well, I really do believe that our people place a special importance on the judiciary as an institution, and appropriately look upon it as a safeguard. It would appear to me that when you consider appointing judges, therefore, we really do have to find men and women not only of competence but who also have a special kind of basic character, proven from experience and based on their whole life style. I think that we can never be too careful in the selection process, and I think that this whole question of appointing judges, just out of political obligation is something very offensive because we are dealing with a very sensitive area of our democratic process.

Do you think federal judicial salaries are too low?

I think that's always a very legitimate grievance. I think that we've got to recognize that when you call upon good people you just cannot expect them to make extraordinary financial sacrifices. I think the mere fact that they dedicate themselves, give a lot of time, remove themselves from society almost, in order to do a proper job, then this had to be taken into account. The other side of the coin is, I think, that when the judges do find themselves in this kind of dilemma that it's less than becoming to make it appear that money is the end-all. I guess that also bothers me because it then becomes a question as to whether or not this is the end-all. But we ought to provide federal judges with the necessary kind of financial security so they can do their job without deep anxieties and concerns about whether their families are suffering—and there are many that are.

Have you or your colleagues in the Senate run into any situations where good candidates for judgeships have declined an offer of a judgeship because of the low salary?

Oh yes. I do know that some are serving now with great sacrifice. But I also know that there are others who would have, under other circumstances, welcomed consideration—who might have considered such an opportunity but did not because of the low salary.

They can't afford it?

Yes. First of all, their life style must be considered. Their families have been accustomed to a certain mode of living and all of a sudden you ask them to give this up. Unless he or she has made it financially, prior to their service on the bench, it becomes a problem.

Education of their children seems to bother them.

Oh, absolutely. And I guess you can make this case out for people in Government generally, which was one of the reasons I wish my own colleagues had the courage many years ago to simply say "Look. We are dedicating ourselves. We want to do a good job. We don't want to have any undue anxieties, any hardship concerns, we want to be adequately compensated, not just because we want to be adequately compensated, but in order to do the job." But we haven't done that either, and, as a result of that, unfortunately, even we in Congress have suffered. As a consequence of that when you get requests for increases in judicial salaries, it is inevitably tied with Congressional salaries, and you get a serious legislative problem.

ANOTHER PROBLEM IN OUR NATIONAL FORESTS—RIGGED BIDDING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BROWN of California. Mr. Speaker, over the past few days, in remarks made here on the house floor, I have been trying to clarify the various prolems which have arisen from lack of congressional oversight and stronger guidelines on national forest management. In response to my position that legislated policy and guidelines would help to alleviate some of the most serious management problems, the Forest Service has contended that true forestry professionals must remain unrestricted if their talents and best judgment are to be properly exercised.

Though I readily admit that technical scientific and management decisions should be left to the discretion of our excellent professional foresters, there are some questionable practices occurring which must be curtailed.

I have pointed out some such practices in previous statements—abusive harvesting techniques causinig solid erosion, nutrient runoff, and the like, lack of buffer strips along water bodies' edges, sales below cost, payments to counties, et cetera.

An article which appeared in the Sacramento Bee on May 9, 1976, by George Baker, succinctly outlines another major problem which could take on scandalous proportions if evidence continues to support suspicions. This is the problem of rigged bidding for national forest timber. The first case occurred in Oregon's Willamette National Forest, leading to the conviction of five companies and the estimate that over $40 million was lost in a 5-year period to the Federal and county governments as a result of the proven collusion to keep bids low.

The Department of Justice is now conducting a criminal investigation in Califoria, Oregon, Washington, and Alaska. It is possible that millions of dollars have been lost to the Federal and county governments in similar bid riggings throughout these States.

My reason for drawing this to my colleagues attention is to stress the point that under present loose guidelines, lack of restrictions, and little congresional oversight such illegal practices have occurred. I question the arguments of the Forest Service that it handles the job best when left alone.

I urge my colleagues to review the following article closely:

[From the Sacramento Bee, May 9, 1976]

PROBERS SUSPECT RIGGED BIDS FOR U.S. FOREST TIMBER

(By George L. Baker)

WASHINGTON.—Federal investigators have uncovered evidence of what they believe is a widespread and long-standing scheme by some timber companies to rig bids for purchasing timber in U.S. national forests in California and other western states, The Bee has learned.

The bid rigging means abnormally low prices have been paid for timber, resulting in a revenue loss to federal and county governments of up to $100 million, sources said.

A criminal investigation by state officials and the Department of Justice is under way in California, Oregon, Washington and Alaska, involving several of the nation's largest timber companies, several sources said.

Bid rigging, says one source familiar with the investigations, is the West, particularly in those areas where there are few bidders for timber grown on federal land.

The Justice Department declined comment and Forest Service officials said the magnitude of the problem was overstated.

The investigations grew out of a case in Oregon's Willamette National Forest last summer in which five companies and two individuals were convicted of conspiracy to rig bids and allocate timber sales at supposedly competitive auctions conducted by the Forest Service, an agency of the U.S. Department of Agriculture.

The extent of the problem was indicated in an investigation by The Bee which found that:

—Internal Forest Service memoranda and letters, obtained by The Bee, suggest bid rigging and collusion could be far more pervasive than Forest Service officials admit publicly. Moreover, these documents and subsequent interviews show the Forest Service is unable to adequately monitor the industry's bidding practices and attempted to do so only after the Williamette convictions.

—About three weeks ago the Justice Department began an investigation in California, according to a Forest Service official, and is expected to use the subpoena power of a grand jury to broaden the probe.

—The State of Oregon is investigating suspected bid rigging on state-owned timberland and on 2 million acres of forestland managed by the Federal Bureau of Land Management. Steven Dunn, an attorney with the Oregon attorney general's office in Salem, said, "The bidding pattern was such that I think we're going to find something. The rumor is that it's a pretty prevalent practice in Oregon and Washington."

Bid rigging could be costing the federal government and counties millions of dollars in revenue. The federal government collects the money from timber sales which last year amounted to $341 million nationwide, and returns 25 per cent to the counties in which forests are located. The money goes for roads and schools.

In the case of last summer's Oregon convictions, involving only one ranger district in one forest, the government estimated it lost nearly $40 million from 1967 to 1974 the period during which the conspiracy occurred.

That amount is the difference between what the timber companies paid and what government lawyers estimate they would have paid under truly competitive bidding. The federal government and State of Oregon have filed civil suits to recover the money.

In California, according to Forest Service records, timber revenues from 1972 to 1975 were $385 million, of which $96 million went to the counties.

The investigations come while Congress is grappling with legislation overhauling the Forest Service's timber management practices. While the bills deal primarily with the issue of clear-cutting, they would give the agency greater administrative power.

Other legislation is pending that would increase Forest Service payments to counties. This additional revenue would come from the federal treasury and not higher-priced timber sales.

All this has served to focus attention on the close and sometimes symbiotic relationship between the Forest Service and the forest products industry. It is a relationship which critics, including some timbermen, feel is dominated by the industry.

Further, the investigations have been an acute embarrassment to the Forest Service for they underscore its lack of attention to one of its prime duties—insuring that top dollar is gained from the sale of public resources.

In the West in particular, the forest products industry flexes great political and economic muscle. In California the industry ranks with agriculture, defense and aerospace as a leading generator of dollars and jobs. In Oregon, it is the No. 1 industry.

Before auctions occurred, several timber companies informally agreed among themselves which sales areas they wanted. Most of the companies submitted sealed bids offering the minimum appraised price, while the company which truly wanted the sale would bid the price up on slightly.

Only when companies not part of the conspiracy tried to buy timber, was the bidding competitive. It was so competitive, in fact, that the outsiders were always outbid.

One of the companies convicted in the Oregon case was Champion International Inc., once known as U.S. Plywood, which had worldwide sales last year of $2.4 billion. Fined $50,000 in the Oregon case, Champion has been subpoeaned by a grand jury in Portland, along with Simpson Timber Co. and the American Can Co. The grand jury is looking at sales in Oregon, Washington and Alaska, sources told The Bee.

Champion was the fifth largest buyer of federal timber last year, buying 259.5 million board feet; Simpson was right behind, purchasing 256.6 million.

The Justice Department also has turned its attention to California which, behind Oregon, is the second largest source of federal timber.

Justice attorneys examined sales records for the past several years on several California forests, said Ray Dougherty, who is in charge of timber sales in California for the Forest Service.

One area the Justice Department is believed to be probing is the 1.3 million-acre Sierra National Forest, east of Fresno, where there is a long history of non-competition in bidding for U.S. timber. The Forest Service attributes the situation to local economic conditions.

In a letter last October, Regional Forester Douglas Leisz wrote, "The bidding record for (the Sierra National Forest) indicates a marketing area that for years has had relatively little competition, with substantial volumes of timber sold with no bids above the advertised price."

Dougherty said the average bid premium on California forestland is 1.8, which means the timber is sold at 1.8 times the appraised price.

Only last year, when a Northern California firm tried to buy timber in the Sierra did the bid ratio for that forest approach the average. The company, Siller Bros., tried at least three times to buy timber, but each time was outbid by one of the Fresno-area firms.

This prompted Jack Dozier, local manager of American Forest Products Inc., (AFP), a division of Bendix, and the dominant lumber company in the Fresno area, to complain about "speculative" bidding. For the last several years, AFP has been the biggest federal timber purchaser in California.

In prior years, American Forest Products seldom had to pay prices above the appraisal. Indeed, in several years there were no competing bidders.

In all, American Forest bought 287 million board feet in 1970, 1971 and 1973 for a total of $7.3 million. If the sales from Sierra National Forest had been at the average of 1.8 times the Forest Service appraisal, AFP would have paid more than $13.1 million. The difference, $5.8 million, would have gone to the U.S. treasury, with Fresno, Madera and Mariposa Counties collecting an additional $1.46 million.

John Vance, deputy regional forester, said there was no evidence of collusive bidding in the forest and that the lack of competition was caused by the small number of companies operating in the area.

In Washington, national Forest Service officials said there have been isolated instances of collusion, but that overall it is not a serious problem.

"We don't have evidence it was widespread," said George Leonard, national director of timber sales.

One of his bosses, A. P. Mustian, assistant national director for timber management, declared, "I would not think it's a great problem. I personally doubt (the allegations) are true."

But documents obtained under the Freedom of Information Act suggest the Forest Service is growing alarmed at the possible extent of the problems.

For instance, in a letter last month, proposing to change the method of sales, the regional forester for Oregon and Washington, T. A. Schlapher, said: "The Justice Department is actively investigating other cases in the region. One case already has involved grand jury action. We cannot afford to be caught without having taken any action in the event there is another conviction.

"There are situations in the region where many people believe collusion exists," he added, "yet we have never been able to get any evidence to support corrective action."

Mustian said in an interview that it wasn't until last year that the Forest Service began developing procedures for monitoring timber sales. These regulations are still being developed, he said.

In a February 1975 memorandum, the national director for timber management, Richard E. Worthington, said that "within the past year we have had a significant increase in the number of tie bids reported."

Tie bids are supposed to be turned over to the Justice Department for investigation, possibly of collusion, but until recently Forest Service officials had been relying on a 1962 directive telling them not to report such bids.

Worthington also wrote, "Competition on the Willamette is usually very keen, but apparently has not prevented collusion. In less competitive areas similar evidence may exist. Recently an analysis was made for another purpose revealed that two bidders have apparently been alternating sales."

"We have another reported instance of apparent collusion in bidding," he continued. "In this case, one of the bidders in an oral auction requested a recess and stated that he wanted to get together with the other bidder. The two bidders left the room together. When the auction resumed, one bidder announced that he had finished bidding."

Worthington did not recall immediately the names of the companies involved.

PROTECTING OUR PORPOISE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. YOUNG of Florida. Mr. Speaker, today the House Merchant Marine and Fisheries Subcommittee on Fisheries and Wildlife Conservation and the Environment is holding hearings on H.R. 13865, a bill introduced just 2 days ago by the chairman of this subcommittee, Mr. LEGGETT. The effect of this legislation would be to overturn a May 11 U.S. district court decision which declared as void the general permit authorizing the taking of marine mammals incidental to commercial fishing operations.

Notification of these hearings, via a "dear colleague" letter was not even received in my office until late yesterday afternoon. I have, therefore, today written Chairman LEGGETT, expressing my concern over the expedient manner in which these hearings were scheduled—not providing ample prenotification to those Members who might wish to testify on an issue of such importance. The text of my letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 20, 1976.

Hon. ROBERT L. LEGGETT,
Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment, House Merchant Marine and Fisheries Committee, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, on May 11th a federal judge in Washington ordered a complete ban on the killing of porpoises by the tuna industry.

In a suit brought by the Committee for Humane Legislation, Judge Charles Richey ordered the Department of Commerce to revoke all permits to the tuna fleet which permit "the incidental killing of porpoise unless and until . . . such killing is not to the disadvantage of the porpoise and is otherwise consistent with the intent of the Marine Mammal Protection Act of 1972". Judge Richey's decision is consistent with a bill I first introduced in 1974, and again on the opening day of the 94th Congress, which flatly prohibits the issuance of any permit to take marine mammals in connection with commercial fishing operations.

In 1972, Congress enacted the Marine Mammal Protection Act to prohibit the taking or killing of marine mammals except under certain specified conditions—such as for scientific research or for aquatic display museums. However, a two-year exemption was granted to commercial fishermen under the Act in order to allow them to develop special fishing techniques to protect porpoises. This two-year exemption expired on October 20, 1974. The Marine Mammal Protection Act allowed commercial fishing operations to continue after October 20, 1974, under permits issued in accordance with regulations designed to protect marine mammals and reduce their serious injury or mortality to insignificant levels approaching zero. In handing down his decision, Judge Richey stated:

"Since the two-year grace period expired on October 20, 1974, the only limits the agency has placed on the general license to take marine mammals have concerned certain gear and fishing techniques; the agency has never set a limit [as mandated by the Marine Mammal Protection Act] on the number or porpoise which can be taken, despite the fact the incidental porpoise mortality during this period has been on the rise.

"Therefore, in light of the agency's continued failure to follow the mandate of Congress, the Court feels that the only appropriate relief at this time is to stop completely the incidental killing of porpoise unless and until the federal defendents [the Department of Commerce] are able to determine, as the Act plainly requires, that such killing is not to the disadvantage of the porpoise and is otherwise consistent with the intent of the Marine Mammal Protection Act."

Judge Richey's decision accomplishes what I have attempted to accomplish via the bill I first introduced almost two years ago. In view of the May 11th court decision, I am concerned over the fact that today your Subcommittee is holding hearings on H.R. 13865, a bill introduced by you just two days ago which, in effect, would overturn the court's decision. I, therefore, respectfully object to the expedient manner in which these hearings were scheduled—not providing adequate notification to interested Members who may wish to testify on this important issue.

With best wishes and personal regards, I am

Very truly yours,
C. W. BILL YOUNG,
Member of Congress.

THE BUSINESS WHIZ BOSTON LOST

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. FARY. Mr. Speaker, I recently had the pleasure of meeting and talking with former House Speaker John W. McCormack on his recent visit to Washington where he was honored by his former congressional colleagues. While talking with this legendary leader at the caucus room I had the feeling of being surrounded by an aura of warmth and compassion which permeated from this gentle and kindly man and extended to the many of his former colleagues, House employees and others who stopped by to greet and inquire as to his well-being.

I was happy for the moment to extend to Speaker McCormack personal greetings from his boyhood friend in Chicago, Mr. Patrick O'Malley, who too is possessed with a magnetic personality and the famous Irish charm. As we talked I could sense the striking parallel portrayed in the lives of these two outstanding sons of Boston who were raised in the same Irish neighborhood—one to embrace the world of politics and to be recognized as one of the great leaders of our time—the other to become a giant in the field of industry.

I presented Speaker McCormack with a recent article which appeared in the Chicago Daily News under date line of May 2, 1976 captioned "The Business Whiz Boston Lost." As he read it a smile lightened up his countenance, and he nodded his head in agreement.

Mr. Speaker, I would like to include herein this most interesting article on Patrick O'Malley. It is a Horatio Alger story of a poor Irish boy who stepped from a humble beginning in Boston, to become an outstanding civic leader in his adopted city of Chicago where he resides in affluence on Lake Shore Drive. This could only happen in America.

Mr. O'Malley will be honored at a Bicentennial Civic Dinner on June 21 in Chicago as the "Man From Boston" who has capitivated the hearts of all Chicago. This affair is sponsored by the Back of the Yard Council, America's oldest community organization of which Mr. Joe Meegan is the dynamic executive secretary, a treasured friend of former Speaker John W. McCormack and Mr. Patrick O'Malley.

The article follows:

The Business Whiz Boston Loss

(By James Kloss)

Patrick O'Malley was ready to take a big step up from the Irish slums of South Boston.

He was about to set out on a road that had been blazed through the Yankee political control of that city by another Irishman from those same slums, the legendary James Curley, the model for the political boss in the novel, "The Last Hurrah."

After several years of faithful party toil for Curley, his idol and mentor, the 21-year-old O'Malley set his sights on a seat in the Boston City Council.

But O'Malley also had his eye on a young woman he had met at an Al Smith-for-President meeting. Their romance and O'Malley's political plans progressed. But one day the lady issued an ultimatum.

"I had announced my candidacy. We had a storefront headquarters all picked out and I had some cards printed up," O'Malley recalls today. "And then Helen told me, 'Pat, I'll never marry a politician.' "

O'Malley chose the woman, and he remains married to her today. "And if I had run for the council instead, I might still be a political hack, a minor bureaucrat back in South Boston," mused O'Malley, who today is chairman of the board of the Chicago-based Canteen Corp.

Instead of looking to the ballot box, O'Malley looked to the bottom line of the balance sheets of private enterprise for his measure of success. With that, and a seemingly compulsive willingness to join a parade of "community service" organizations in cities from Oshkosh, Wis., to Atlanta, O'Malley moved from shoeshine boy to corporate captain, from a South Boston four-flat to a lakeshore high-rise in Chicago.

That route also brought him to the side of another big-city Irish political boss—Richard J. Daley.

O'Malley is Daley's "blue-ribbon businessman," ready to serve at the ring of a phone call from City Hall. He is one of the half-dozen or so men closest to the mayor. Currently he is Chicago Park District president and a member of the Regional Transportation Authority. He has served as chairman of the Chicago Plan Commission and the Home Rule Commission.

And in the last mayoral election, he worked hard for Daley's campaign, showing the same intense loyalty he gave to that earlier political boss back in Boston.

"Curley took me into his home once—it was beautiful. Imagine the effect on a kid like me," O'Malley said in his Canteen Corp. office in the Merchandise Mart. Daley looks out from a framed, color photograph hanging next to O'Malley's desk.

"Curley taught me how to speak—to talk effectively on a topic to individuals and crowds. He was a real silver-tongued orator," said O'Malley who candidly noted that Curley was not exactly your proper Bostonian civic leader.

"He once got elected while he was in jail, you know. He was sentenced for taking a civil service exam for a friend," O'Malley said. Curley was elected Boston mayor, Massachusetts governor and a congressman. He went to jail again for graft on federal contracts, while serving in the House.

After O'Malley decided not to take the plunge into elective politics back in the '30s, Curley advised him to stick to business, a career O'Malley had started at age 9. "I was working in a shoeshine parlor. I wound up making more money than the owner. He charged a nickel for a shine but I'd get a dime tip."

O'Malley was no stranger to hard work. He saw his father, a stern disciplinarian, stock 500-pound bales of wool to put food on the table for his wife and four children.

Curley got O'Malley a job with the Coca-Cola Co., and he went from route salesman to supervisor to branch manager. In Quincy, Mass., O'Malley started on his parallel career of community service when he agreed to head a Victory Bond drive.

"I still have the plaque I received for being the first chairman in Massachusetts to make his quota," O'Malley said. In every city where his business career took him, he joined—the Rotary, the Chamber of Commerce, the community fund drive.

Today, for example, O'Malley's biographical data sheet mentions he is or has been a director of the Chicago Convention and Tourism Bureau, The Better Business Bureau, Roosevelt University and Mundelein College and a member of an advisor's council for the college of business at Notre Dame, to name a few. In the business world, in addition to his Canteen Corp. affairs, he is a director of Trans World Airlines (Canteen's parent corporation), Casualty Insurance Co., Del E. Webb Corp., W. F. Hall Printing Co., Stone Container Corp. and chairman of Michigan Ave. National Bank.

Among many professional organizations, he is president-elect of the National Restaurant Assn. He also has a heavy speech-making schedule.

"It's not just an ego trip. I decide a long time ago that you work hard to make a little extra for yourself, but you owe it to others to put something back in the community," O'Malley said.

"But I don't know why it is that there is hardly an organization that I go into that I don't wind up chairing or leading," he added. O'Malley said his activities also were good business. "You meet a lot of people who may be the heads of companies you'll do business with."

O'Malley moved up in the Coca-Cola organization to a vice presidency in the firm's headquarters in Atlanta.

"Being a vice president for Coca-Cola in Atlanta then was just like being a cardinal in Chicago—everybody wants to kiss your ring," said O'Malley who, like Daley, is a devoted practitioner of the Catholic faith.

But O'Malley was lured away from Coca-Cola to head Canteen Corp. in Chicago in 1962.

The vending and food service firm was in trouble at the time. It had expanded too rapidly. "The first thing I did was to get us out of Europe. I wrote off $11 million. A few stockholders were a little nervous," O'Malley said.

Under O'Malley's regime as president and chief executive officer, Canteen went from $193 million in sales to $490.7 million in 1975. He has just stepped down as chief executive, but remains chairman of the board.

O'Malley says he met Daley at a charity dinner where they sat next to each other.

"We found out we shared a mutual philosophy," O'Malley said, although O'Malley's winning way with a funny story might have had more to do with the instant rapport than a discussion of philosophy.

"We also talked about our similar backgrounds, although he came from Bridgeport, which was higher class than South Boston."

O'Malley said Daley is "basically a very conservative leader." "Daley is the personification of everything you look for in a fine leader. You respect the man for what he is." O'Malley said unabashedly.

Soon after their first meeting O'Maley got a phone call from the mayor. "He wanted me to go on the Plan Commission board." O'Malley said. Since then, the phone has rung often, and O'Malley has always said yes. He has scorn for "absentee" businessmen.

"It really bothers me to see these people come into the city on the train in the morning and then leave at night. They never put a thing back into the city where they make their money," said O'Malley who lives at 229 E. Randolph.

There are some critics, primarily the mayor's, who question O'Malley's independence.

Although they concede that O'Malley is more willing than many Daley appointees to give the public a hearing, they doubt that he would go against the mayor's wishes. "If the mayor wanted to build a sports stadium in the middle of Lincoln Park, I suspect O'Malley would be all for it," said one critic.

O'Malley insisted, however, that the mayor does not give him orders. "I've never once been told how to vote on the RTA," said O'Malley, although he conceded he meets at least once a month with Daley.

O'Malley said his tenure of less than six months on the RTA board has been "frustrating and disappointing" at times. Some of that frustration, he said, stems form "personality squabbles" such as the clash between suburban board members and RTA chairman Milton Pikarsky.

O'Malley showed Friday that he is one of the more influential members of the RTA board by proposing a re-organization plan that would remove Pikarsky from day-to-day operating responsibilities. The move may pave the way for a compromise and end the board's wrangling over the "petty details," O'Malley finds too time-consuming.

O'Malley hardly has time for petty details as he juggles his schedule to accommodate innumerable committees, boards, banquets and speechmaking activities.

He also is one of the city's more fanatical sports fans and always manages to find time to take in a White Sox game, or the Black Hawks, or the Bulls, or even the Cubs (his wife is a Cub fan).

"I don't play golf or tennis. I'm strictly a spectator sports fan. I get my exercise from walking and running from one meeting to another. O'Malley says with a laugh.

MR. DEMOCRAT

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. DELANEY. Mr. Speaker, the Honorable James A. Farley, past chairman of the Democratic National Committee and former U.S. Postmaster General, has long been known and loved by the American people as "Mr. Democrat."

I would like to take this opportunity to share with my colleagues an interesting article about his vigorous lifestyle which appeared in Sidney Field's "Only Human" column in New York's Daily News on May 6, 1976.

The article reads as follows:

MR. DEMOCRAT

James A. Farley was saying that the victories of Jimmy Carter in the primaries, his recent success in Indiana, and the collapse of Sen. Jackson's drive in Pennsylvania, makes it apparent that Carter can't be stopped.

We were chatting at the Coca-Cola offices where Mr. Farley has had a job since 1940 as a chairman. He's now honorary chairman, "An active honorary," he emphasized. He arrives at his office daily at 9 a.m., leaves at 4:30 p.m. He will be 88 on May 30. Besides tending to his business, he personally answers the 50 letters he gets every day from friends and inquiring citizens all over the U.S., signing them in green ink, his life-long trademark.

"Most of the letters now are about the campaign. I gather the principal issue will be bread and butter: there are 7.5 million unemployed plus a few million college graduates and kids who turned 18 and can't find jobs. The principal target of the Democrats will be eight years of Nixon-Ford rule. It's my opinion that people want a change of administration in Washington."

Back in 1932 Mr. Farley predicted that Franklin Roosevelt's plurality would be 7.5 million. It was 7 million. In 1936, he was scorned when he said that his party would carry every state but Maine and Vermont. It did.

Often called "Mr. Democrat," he's been a delegate to every national convention from 1924 to 1968. In 1972 Mr. McGovern's young Turks kept him away. He was not named a delegate to the coming convention, which was not only bad manners but outrageous stupidity. But it's indicated that he will be named an honorary chairman and will be asked to address the convention. In his direct way he makes no bones about who was responsible for not naming him a delegate.

"It's due to the failure of the New York State chairman, Pat Cunningham."

PAYS HIS OWN WAY

When he finishes his day's work, Mr. Farley walks the three blocks from office to apartment, finishes reading the newspapers, including those from Rockland County. His hometown is Grassy Point, Rockland County. He then has his dinner at 7:30, if he doesn't go to a banquet. He attended 81 last year, went to three this week alone.

"It's usually a charity affair, and the guest of honor is a friend. I buy my ticket. A matter of principle, and I want the affair to be a success."

He entered business as an $8 a week bookkeeper, became a successful building supply salesman, even more successful running his own building supply company. His mother was widowed early, supported her five sons running a small grocery in Grassy Point.

He entered political life when he was elected town clerk of Stony Point, N.Y., a GOP stronghold. . . . He got to be state chairman of his party, then national chairman, managed Roosevelt's first two presidential campaigns, and served as his Postmaster General until he broke with him over the third term issue. Farley opposed it.

"I've never stood in the middle of the road," he said, "so I've never been very far from the middle of the fight."

On his office walls there are autographed photos of every President since Herbert Hoover. And there's a copy of a painting of Roosevelt. "Every cabinet member got one," Mr. Farley chuckled, "but we had to pay for it. It was $18."

ART OF BEING HONEST

On the wall there is also a tribute to him from a group of friends, which starts with a quote from Thomas Jefferson: "The whole of government consists of the art of being honest." Under it comes: "If there is among us a man whose public and private life always reflected his unswerving commitment to rugged honesty, it is the Honorable James A. Farley."

It's his boast, a modest boast, that he never smoked, drank or told a lie. He says that a liar needs a long memory, honesty is at a premium and "thank you" are the two most abused words in the language. He picked up a letter from a young stamp collector in the west, who asked for his autograph, and had the grace to enclose a 13-cent stamp.

"I'm grateful for that," Mr. Farley said. "When I answer my letters I help anyone I can, who asks for help, but they rarely enclose a return envelope or reply with any thanks."

His wife died in 1955. They were married in 1920. He has ten grandchildren and a great-granddaughter; his two daughters are married and his son, James A., Jr., is chairman of the N.Y. State Boxing Commission. When Mr. Farley held that job he kept the Dempsey-Tunney fight out of New York.

"Because Dempsey would not recognize Harry Wills, a black man, as a contender. Dempsey could have beaten him, but Wills was entitled to a chance to the heavyweight crown."

His memories are rich and he has the mind to recall them in bright detail. He rarely forgets a name or a face. That's been his trademark, too.

"I intend to carry on in the future as I have in the past. They'll never be able to retire me as long as I can come to this office. And I do every day."

THE HISTORY OF FREEDOM

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. CONLAN. Mr. Speaker, the Declaration of Independence tells us that freedom is an inalienable right of man, yet very few of the 5 or 6 billion men and women who have inhabited the earth have enjoyed it. The first human beings to appear upon this planet may have been relatively free from intervention by others of their kind, but they were largely dominated by the hostile forces of nature, such as droughts, floods, storms, earthquakes, pestilence, and disease. As their numbers increased, their desire to survive forced them to form tribes and submit to the discipline of the stronger members of the group.

As numbers multiplied and tribes grew larger, discipline, no doubt, had to be more severe. The stronger tribes ruled the weaker ones and slavery was instituted.

As tribes became nations and conquered weaker nations, discipline became more severe and slavery grew. There was no Golden Rule, no Ten Commandments, and no teaching of kindness, generosity, honesty, truthfulness, or justice. The strong, therefore, worked their will upon the weak. The master and slave relationship became general.

PROGRESS STARTS

Let us imagine that some man, stronger than his fellows, invented a better bow, or a sharper, more effective spear. With each improved instrument, he could hunt more effectively and had more leisure time to make other improvements in his equipment. He had made a start toward conquering his environment and improving the quality of his life.

Then one night his improved bow or spear disappeared. Some member of the group had taken it. Why not? There was no moral or legal law. There were no Ten Commandments nor Golden Rule.

At this point, our strong man made another bow or spear. In time it was stolen. He made a third and possibly a fourth but when they, in turn, were taken, he grew discouraged and decided not to work so hard but to settle down in the common rut and live on the low plane of his tribe. What was the use of putting forth extraordinary effort if one was to be deprived of the enjoyment flowing therefrom?

It is difficult to see how even a start toward civilization could be made until ethical and moral concepts were born in the minds of men. Until there was some dawning comprehension that coveting and stealing were evil and against the best interest of the group, what reason was there to refrain from such practices? A moral and ethical code, including a well-based sense of right and wrong, must necessarily have developed to raise mankind above the level of the master and slave relationship.

Freedom seems to have appeared for short periods of time in various places. In the ancient land of Sumer, old records tell us that the people won some degree of freedom, only to lose it again to the expanding power of the state. Abraham, who was a member of this society, must have had some freedom in order to leave on his long journey to build monotheism and the Hebrew race.

In ancient Sumer, people even had to pay many kinds of taxes to be admitted to the graveyard for the burial of their dead. We see the parallel today in the increasing complexities of our ubiquitous governmental structure.

Then the people would rebel, win back some freedom only to lose it again by the slow juggernaut advance of the power of the state. History seems to be the record of the long struggle between people to gain freedom and the state, dominated by the stronger element, to rule over them.

Abraham and a few of his followers broke away and followed the idea of one God who was just, honest, generous, truthful, and who opposed killing, coveting, stealing, adultery and other evils. The explanation of Abraham's success in this respect stems from the record of his long and persistent worship of God. The book of Genesis tells us again and again that everywhere Abraham went in all his nomadic wanderings, the first thing he did at a new campsite was to build an altar unto the Lord. Worship of God is the most constructive act of man. Man's perception reaches its highest point in deep worship. This is where his insights occur, leading him to see the faults of old habits and ways of conduct and to preceive newer and better ways that are more in keeping with the ideals of a God of justice, love, mercy, and beauty. As man elevates his thoughts and ideals through the worship of God, his conduct is transformed more in keeping therewith.

St. Paul expressed it beautifully when he said:

> Beholding as in a glass the glory of the Lord, we are changed into the same image from glory to glory, even as by the Spirit of the Lord. II Cor. 3 : 18.

This describes man in the process of developing the spiritual ideals which move his world upward from the crass physical level into a life governed by such moral ideals as those expressed in the Ten Commandments.

Moses is another example of how this process operates. He worshiped God for forty years in the wilderness before he saw God in the burning bush and became the instrument of transmitting the moral law of God from the top of Mount Sinai to the low-living, ignorant mob encamped at the foot thereof. This spiritual power transformed these enslaved people into a nation noted for the ideals by which they transcended the idolatrous peoples living round about.

TEN COMMANDMENTS AND FREEDOM

The next time a period of freedom appeared in the world was during the 400-year reign of the Judges in ancient Israel. We are told that every man did that which was right in his own eyes. This surely indicates a very large measure of freedom. Why was it possible? Because the law of these people was the Ten Commandments. Following them, that is, worshiping God and believing in truthfulness, justice, and refraining from covetousness, stealing, and committing adultery, made possible the degree of freedom they enjoyed.

If these ideals had not been uppermost in the minds of the people, the strong, as always, would have enslaved the weak. But when men are governed by the spiritual ideals which we have come to call the moral law of God, there is self-discipline and self-restraint on the part of the strong, permitting the weak to enjoy freedom.

We must have discipline, and if it is not the discipline we voluntarily impose upon ourselves by loyalty to these high ideals, then it must be the cruel discipline of the secret police which destroys all freedom and makes the weaker portion of the human race the slaves of the strong.

There was another period of freedom in the early history of Greece but it applied only to a few of the better educated leaders, perhaps not over 10,000 in all. Freedom again appeared in the early history of Rome, but was lost when the Republic became an empire.

THE NEXT SURGE OF FREEDOM

The next great awakening came with the Reformation. It applied both to the Catholic Church and to the newly formed Protestant Church. For the first time, the Bible was translated into vernacular languages and the people became aware of its teachings. They read the Ten Commandments, the Golden Rule, the Sermon on the Mount and the thoughts of the great saints and prophets who had developed the moral and spiritual structure which we call the church. It carried in it the idea of a God of justice, beauty, love, compassion, kindness, honesty, truthfulness, fidelity to principles and promises and all the attributes which we associate with God. Gradually, the worshipping of this ideal caused great changes in human character. Little by little people learned self-discipline by loyalty to the God they worshiped.

Before this, production in the Middle Ages had been organized by the king or most powerful chieftain, and carried on by the back-breaking labor of his subjects or slaves.

With the coming of the enlightenment at the time of the Reformation, a great advance was made in organizing the productive effort of mankind. With all its imperfections, mercantilism was still a big improvement over the feudalism of the Middle Ages.

ADAM SMITH AND THE FREE MARKET

The people of Western Europe were strongly convinced of the correctness of the Christian religion and willing to discipline themselves in accordance with its principles. Into this atmosphere came Adam Smith with the concept of the free market and the law of supply and demand. His thesis was that if people were left alone to supply their wants and needs, they would do it themselves much more effectively than could be done under central direction.

If allowed to function, the law of supply and demand—or freedom in the marketplace—allocates capital, scarce materials and manpower to the points of greatest need, to the places where the wants and needs of the people can be most adequately supplied. It withdraws labor, capital and materials from making such goods and rendering such services as are less in demand, and employs them in the making of goods and services that are more in demand. This type of economy results in the maximum satisfaction of human needs and wants. It is the most effective way ever devised for organizing production so as to bring the greatest amount of human satisfaction. Any tampering with it, any form of government control, interferes with the free operation of this law and results in less human satisfaction.

MORAL PRINCIPLES ESSENTIAL

All students of freedom acknowledge the great advantage and the great productive power flowing from the market economy without restraint or hindrance from government. It is not generally realized, however, that this system cannot operate in a world devoid of loyalty to the moral law. Adam Smith's free market philosophy never would have taken hold in any society other than one loyal to the moral principles promulgated by all major religions to some degree and clearly expressed, I believe, in the Christian religion. This era of the dominance of the Judeo-Christian religion made possible the function of the market economy. Great tribute is paid to the latter and justly so, but it is less well-known that it could not have functioned in any milieu other than the Christian standards that generally prevailed throughout Western Europe at the time.

The abundant production that the Western World has experienced since the teachings of Adam Smith and the political teachings of Thomas Jefferson, et al. came to be practiced after 1776 has never been equaled in world history. It was made possible by the free market philosophy operated by men who were loyal to the moral law of God.

Conversely, if we now become disloyal to that law and cease to follow the discipline flowing from it, the free market philosophy will break down and society will return to authoritarianism. In fact, we see that happening today.

THE CULT OF STATISM

To be sure, the ideals expressed in the Christian religion were never universally followed, and the fact of war proves that they are not fully accepted. Nevertheless, they have been honored in large degree in Western civilization and lesser degree elsewhere.

In these latter days, men plant bombs and kill innocent people because they no longer respect the commandment, "Thou shalt not kill." Crime is rampant because they no longer respect the commandment against covetousness and stealing. Sexual discipline has been very largely abandoned because they no longer believe in the commandment against adultery. One day of worship in the week is not generally observed because the public by and large does not believe in "Remember the Sabbath Day to keep it holy." Dope, liquor, prostitution, gambling, and many forms of degeneracy run wild among us because the commandments of God are no longer respected.

Parallel to this decline in moral ideals, we are witnessing the decline of the market economy and the rise of statism, or the master and slave relationship we call communism, fascism, or government-managed economy.

We see, therefore, that philosophy of the market economy is possible only in a society that is loyal to the moral principles we have been discussing. This leads me to the conclusion that unless we put God first and are determined to follow the ideals which we attribute to him, that is, justice, mercy, love, kindness, truthfulness, self-reliance, and all the rest, freedom and economic well-being become impossible.

We must have discipline, and if it be not imposed by loyalty to the moral law of God, then we shall have to endure the cruelty of the secret police with all the suffering that accompanies it.

We have the choice, but it is one or the other. Freedom cannot prevail without moral ideals. Moral ideals cannot prevail in a society which denies God and his moral law—which recognizes no absolutes other than the constantly changing will of the party.

"Choose you this day whom ye will serve."—Joshua 24: 15.

HUMPRHEY-HAWKINS AND THE WISHING WELL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. HYDE. Mr. Speaker, one of the major planks of the Democratic Party platform in this election year will be in support of their definition of "full employment." The Humphrey-Hawkins Full Employment Act embodies the Democratic Party's philosophy in this vital area. One of the most objective commentaries on this proposal was contained in the May 5th Washington Post in an article by Nicholas von Hoffman. I think it would be useful to share this illuminating article with my colleagues:

SENATOR EBULLIENT AND HIS WISHING WELL JOBS PLAN

(By Nicholas von Hoffman)

Maybe we should put Hubert Humphrey in the White House. He might do less damage there than in the Senate and, as President Humphrey, he would be forced to administer the laws Senator Humphrey is pushing to get passed.

Impeachment or chaos surely lie in wait for the chief executive unlucky enough to oversee the Humphrey-Hawkins Full Employment Act, a measure of such manifest impracticality that its passage will make us wish we were back with LBJ and the Great Society. Still, many prominent Democrats support the bill—and since if you catch Jerry Ford on the right day he'll sign absolutely anything we'd best take a peek at it. Besides, it's a piece of vintage corporate liberalism.

Humphrey is a great one for presidential reports to Congress. In Humphrey-Hawkins Senator Ebullient wants a report every six months which will contain "a full employment and production program, both long and short range." He also wants it to include a lot of other things like "the estimated volume of goods and services, both public and private, required to meet human and national needs, including but not limited to food, fibers . . . energy . . . communication . . . day care facilities . . . artistic and cultural activities. . . ."

Does that mean that every six months the President must estimate that we'll need 8,741 oil paintings, 1,705 performances of Swan Lake and 14 new marimba bands? Old Triple H was elected to the Senate first in 1948. By this time he ought to know how to draw up a proper law. Or, if that's not sloppy legislating and he believes all that junk he's got in there, you can see why the term Humphrey-type liberal is a code word for laughter.

Humphrey has never understood that the creation of boards, councils, committees and commissions isn't the same thing as substantial accomplishment. He has another bill in the hopper—that baby is his Balanced Growth and Economic Planning Act, which envisions the establishment of the following entities: the Economic Planning Board, the Division of Economic Information, the Council on Economic Planning, the Advisory Committee on Economic Planning and the Division of Balanced Growth. The texts of the bills the man writes are a parody of himself.

Balanced Growth is nothing next to Humphrey-Hawkins. It tackles the problem of joblessness by mandating that the United States Employment Service change its name to the United States Full Employment Service. That ought to do the job; but if it doesn't, this bill creates a national network of things called "local planning councils," "community public service works reservoirs" and "Job Guarantee Offices," each with its own "Job Guarantee Officer." There is also a beast called the "Standby Job Corps," after which comes a "National Institute for Full Employment" as well as a "National Commission on Full Employment." Staff salaries and per diem expenses for the consultants and advisors are spelled out in some detail, although nothing else is.

Triple H may be more clever than we give him credit for. He may have figured out that he can achieve full employment simply by hiring the entire surplus labor supply into the empty civil service slots he's created.

The bill literally says the government owes everybody a job who's "willing and able" which is defined to mean any human being who can crawl, roll, stumble or crash into a "Full Employment Office." No one is to be excluded by reason of "impairments of sight, hearing, movement coordination, mental retardation or other handicaps."

In reality this is another name-switch. Since the bill empowers the government to create any number of jobs by fiat, what will happen is that everyone on every form of welfare will be transferred or "hired" into fictitious jobs. They won't be doing any more productive work than they're doing now, the costs for this charade will be much higher than the present programs, but Humphrey will be able to say he's solved both the unemployment and welfare problems. For a nation that has Ronald Reagan and is unable to understand that creating real jobs and training people to fill them is much more costly than welfare, perhaps the extra billions Humphrey-Hawkins will cost are worth it.

Still, it isn't a full employment program; it's a bill to disguise unemployment, to hide it from ourselves, and as such it exemplifies the liberals' terror at going after root problems, at the structural difficulties that make it impossible for us to put all of our people to work.

Not only does Humphrey-Hawkins hide unemployment instead of curing it, but it also weakens our business system at great peril to the economy. By permitting the government to pay the salaries of workers in private business it invites corruption, declining productivity and subsidizing dying, inefficient, unneeded firms that should be allowed to go under.

The measure's inflationary possibilities are so vast even Senator Ebullient is aware of them. And how does he solve that problem? He just includes a clause ordering the executive branch not to let it happen. Why not? The bill also orders "job satisfaction for workers, consumer satisfaction for customers" and, naturally, help for the small businessman. Any technical problems concerning execution of the legislation are to be taken care of by hiring academics to make studies. This legislation reads as though it were drafted by the editorial board of The National Lampoon.

But don't be too hard on Senator Ebullient. He may have been hanging around Capitol Hill for nigh onto 30 years but he doesn't understand that the Senate is a legislative body. He thinks it's a wishing well.

DON'T BREATHE ON THE JOB

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. HELSTOSKI. Mr. Speaker, the May 22 edition of the Nation contains a dramatic article by Steve Solomon and Willard Randall on the health hazards faced by millions of American working men and women.

We have come a long way since the enactment of the Occupational Health and Safety Act of 1970—which our distinguished colleague from New Jersey, DOMINICK V. DANIELS, championed so vigorously. It was largely through his untiring efforts that this landmark legislation became the law of the land.

In the 6 years that have followed the enactment of OSHA, it has become increasingly apparent that much more remains to be done to protect American workers against the insidious health hazards they face on the job.

One hundred thousand American workers will die this year as a result of occupational diseases. There is now compelling evidence that up to 90 percent of all cancers are environmentally linked. The tie-in between exposure to toxic chemicals in the workplace and the incidence of occupational carcinogensis has already been established.

Congressman DANIELS has repeatedly spoken out on the need to adopt effective toxic substances control legislation as the necessary complement to the Occupational Safety and Health Act. The premarket testing provisions of the bill that has been introduced by Congressman ECKHARDT would help to insure that American working men and women are not unwittingly exposed to carcinogenic, mutagenic, or teratogenic agents in the workplace.

I commend the article from the Nation to the attention of all of my colleagues who are concerned about the shocking toll of occupational disease.

Mr. Speaker, the article from the Nation is included at this point:

DON'T BREATHE ON THE JOB

(By Stephen D. Solomon and Willard S. Randall)

Robert Pontious mixed chemicals for sixteen years at the sprawling Rohm and Haas chemical works in Philadelphia before developing lung cancer at the age of 43. Several months before his death in October 1972, Pontious told his doctor the shocking news that thirteen of his buddies had died of lung cancer after similar exposure to bis-chloromethyl ether (BCME), used in the production of water-purifying ion exchange resins. By now the count of deaths attributed to BCME at Rohm and Haas and other plants in the United States and abroad has gone far beyond that number.

The release of chemicals into the environment has become a serious public health problem. "Workers today are like the miners' canaries that were an advance warning system for poisonous gases in the mines," says Sandy Stephenson, an aide to Rep. Dominick Daniels (D., N.J.) The U.S. Department of Health, Education, and Welfare has estimated that at least 100,000 workers die each year from occupational diseases, many of which are caused by chemicals such as BCME, vinyl chloride, asbestos and kepone. But if the miners had the good sense to evacuate the shafts when the canaries began dying, Congress and the public have ignored the warning signs.*

As a result, 60 to 90 per cent of the more than 365,000 Americans expected to die of cancer this year will have contracted the disease from environmental factors, including cigarette smoke and industrial chemicals, according to the National Cancer Institute. And the American Cancer Society estimates that one out of four Americans alive today will ultimately develop some form of cancer. Many more will die or be seriously disabled by chemicals which attack the nervous system, the lungs and other organs.

The Occupational Safety and Health Act of 1970 gives the federal government power to control occupational exposure to dangerous chemicals once they are on the market, but with the exception of pesticides, drugs and food additives, the government has no authority to require testing of chemicals *before* they are manufactured and distributed. That oversight makes workers and the general population a testing medium for the more than 500 new chemical compounds introduced each year and the 2,000 existing chemicals which HEW believes can produce carcinogenic or other toxic effects.

Having failed in 1972 and 1974 to enact legislation, Congress is again considering a Toxic Substances Control Act that would require manufacturers to test new chemicals before introducing them; it would give the Environmental Protection Agency authority to ban or restrict the use of chemicals which the tests showed to be dangerous. Although Russell Peterson, chairman of the Council on Environmental Quality, says the legislation "would have discovered the carcinogenicity of both chemicals (BCME and vinyl chloride) before they were introduced," thereby saving lives, it is threatened with defeat for a third time by intense chemical-industry lobbying that has concentrated on the economic impact of new federal regulations.

Opportunistically, industry focused on costs just as the nation was slipping into its economic recession. The Manufacturing Chemists Association (MCA), the industry's powerful trade group, inaugurated a year of doomsaying in December 1974 by warning EPA that the proposed legislation "will destroy the industry's competitive position in world markets at a time when its contribution is needed to maintain the economic strength of our country." In April, Earle Barnes, president of Dow Chemical Company, told a Senate subcommittee chaired by Sen. John Tunney (D., Calif.), the major sponsor of the bill, that his proposal would cost the industry a catastrophic $2 billion a year and cast 6,500 workers into the already crowded unemployment pool. MCA was back on Capitol Hill in July, passing out copies of its own study which warned of $1.3 billion in new costs and a loss of up to 20,000 jobs. Tough legislation, MCA President William Driver concluded, "presents horrendous cost implications to our civilization."

Industry's apocalyptic language and cost figures have not gone unchallenged. EPA estimates an annual cost at just $80 million to $140 million—not overwhelming for an industry that had profits after taxes of about $5.5 billion in 1974. And in a report released on October 21, 1975, the General Accounting Office dismissed the Dow study as "unsophisticated" and said the MCA study had "several important defects." GAO projected the likely cost of the legislation at a modest $100 million to $200 million a year. When he attempted to look further into the discrepancies, Senator Tunney was told by MCA that the information on which it based its cost figures was confidential.

To drive home its points, the chemical industry has staged a massive letter-writing campaign to Congressional offices, and has sponsored working breakfasts for entire state delegations. Last December, Dow President Barnes, who opposes any federal controls, wrote twenty-one of his top subordinates that he wanted "to encourage the broadest and strongest possible grass-roots political action campaign in opposition to Toxic Substances legislation." Barnes enclosed a thick packet of information, including canned sentences and paragraphs, to stimulate employee letter writing. Since then Dow employees have flooded Congressional offices with letters opposing the bill, including a typewritten form letter from one worker who, at the bottom, scribbled a message of support for the legislation and told Sen. Philip Hart (D., Mich.) that "my company here in Midland encourages me to send these form letters to my Representatives."

Most of industry has been backing a weak version of the bill, sponsored by Rep. John Y. McCollister (R., Neb.), in an attempt to head off Tunney's tough measure. McCollister would require manufacturers to test only those new chemicals which EPA lists in advance as likely to pose a substantial danger to health or the environment—an unworkable approach built on some presumed psychic ability of EPA to inventory dangerous chemicals even before their invention. Tunney also uses a list but adds an important and controversial safeguard: companies would have to notify EPA ninety days before manufacturing unlisted chemicals, and EPA could require testing of those as well.

The Ford administration supported the McCollister bill in the last Congress, where both versions died in a conference committee that was so hopelessly deadlocked that it met only four times in more than a year. But in the early summer of 1975, as evidence of chemically induced cancer mounted, the administration reversed itself and endorsed Tunney's measure. John Quarles, EPA deputy administrator, told a House subcommittee on July 10 that McCollister's provision requiring EPA to publish a list of dangerous chemicals in advance was "the single most offensive feature of any of the bills under consideration." Without a notification provision, he said, many dangerous chemicals were likely to slip undetected into production.

McCollister wrote to James Lynn, director of the Office of Management and Budget, complaining about the administration's shift of position. He could count on Lynn's help: as general counsel of the Department of Commerce in 1970 and 1971, Lynn had weakened the original version of the bill before it was sent to Capitol Hill as part of President Nixon's environmental program. Now he eargerly took McCollister's complaint to the White House—as did the chemical lobbyists. On October 15, twenty-one chemical company executives met with White House officials. Their spokesman, James Affleck, president of American Cyanamid, complained that Tunney's bill "would impose an unnecessary and unacceptable burden on our industry and on the economy in general." Less than a month later, without mentioning any new circumstances which would warrant a change of position, Lynn wrote to McCollister that the administration had reconsidered and would again support his bill.

The Senate passed its tough version on March 26 by a 60 to 13 vote, and a House subcommittee for the first time has cast aside the weak McCollister bill and reported a version similar to Senator Tunney's. Its opponents are now working to delay consideration of the bill by the full House Interstate and Foreign Commerce Committee beyond May 15, since the 1974 Budget Act requires that legislation authorizing new spending be reported to the House floor by that date or forego appropriations for the coming year.

Rep. Harley Staggers (D., W.Va.), chairman of the committee, has decided to clear routine appropriation bills from his committee calendar before tackling toxic substances. It's doubtful that he'll meet the May 15th deadline; he's been unable even to gain a quorum for most committee sessions.

Despite the heavy lobbying, the frightening repetition of chemical tragedies may propel legislation to passage this year. The B. F. Goodrich Company reported in March that it was investigating a high incidence of leukemia deaths among rubber workers at its Port Neches, Texas plant. It may turn out that these, like thousands of other chemical deaths, could have been prevented by the law that is still idling its way through Congress.

EMINENT SCIENTIST ADVOCATES NUCLEAR POWER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. TEAGUE. Mr. Speaker, Dr. Edward Teller is one of the most eminent scientists in this country. He has been heavily involved in the development of the peaceful uses of nuclear energy, including the effort to harness the power of the Sun—controlled thermonuclear fusion—to serve mankind.

Dr. Teller's adopted State is California. He has for many years done work at the Lawrence Livermore Laboratories where he had originated a number of innovative ideas for developing new energy technologies.

Dr. Teller has been greatly concerned about an issue which appears on the California ballot on June 8—proposition 15—which would have the effect of denying nuclear power to the citizens of California. Related to the controversy over this initiative, the Los Angeles Times recently published an article implying that nuclear reactors are not safe. A reply to this article by Dr. Teller has come to my attention, and I should like to share his scholarly analysis with my colleagues in the House.

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*For a broad survey of carcinogens in current use by industry, see "Getting Cancer on the Job" by Larry Agran, *The Nation*, April 12, 1975.

Dr. Teller's remarks follow:

INFORMATION OR SENSATION

On the 9th of April, George Alexander of the Los Angeles Times published a long article entitled, "A-Plants: What are Odds for Disaster?" The article was written to influence the vote on June 8 on California's Proposition 15. Proponents claim that this proposition intends to make reactors safe. Opponents of the proposition know that the aim is to shut down nuclear reactors in California and eventually, throughout the nation. Further sharp increases in electricity bills that would follow the passage of Proposition 15 and the fact that retention or abolition of nuclear reactors would tend to cancel or double our oil imports are powerful arguments. Safety, however, is paramount. A conservative, scholarly study carried out at the Massachusetts Institute of Technology is most reassuring. But Mr. Alexander takes a more sensational approach.

His article is a classic case of editorializing, by means of presenting facts carefully ordered and selected. After a few introductory words, the first shot is fired on page one: "Nuclear critics are convinced that there is a flaw gestating somewhere in the myriad pumps, valves, relays, switches, plumbing lines and electric cables of a large modern nuclear plant and that, inevitably, it will be born as a failure." The author promptly continues: "And what a failure it will be . . . as true disbelievers of nuclear safety, the opponents of nuclear power envision a maelstrom of scalding steam, explosive gases, and all erupting from a domed plant like some sort of a man-made volcano and spewing its radioactive ashes over a wide area."

An imagined disaster is explained by diagrams. The pictures give the impression of reality, though the occurrences depicted had been carefully calculated to be so improbable that most people would be inclined to dismiss any worry, should they understand the issues and the details.

But, of course, Mr. Alexander gives the impression of being evenhanded. On page three, long after the average reader's interest has flagged, he quotes an official of the Nuclear Regulatory Commission: "All of the safeguards designed into a reactor plant would thwart either single or multiple failures."

This brief and dry rebuttal is, however, not permitted to stand. Mr. Alexander immediately continues, "These assurances might be more comforting were it not for incidents such as those which occurred last year at the Tennessee Valley Authority's Brown Ferry nuclear plant. . . ." A long, detailed story is given of the actual course of events to which are added flights of imagination of what might have happened. The engineering details given will be understood by less than one percent of the readers. The rest of the public will be just frightened. Is this happenstance, clumsiness or intention?

Here, in brief, are the facts: The accident on March 22, 1975 was due to human error. Such errors will indeed occur from time to time.

The accident caused a financial loss of more than a hundred million dollars. This makes it certain that a similar error, or one related to it, never will occur again.

In spite of this great loss, not a single human being, outside the plant or inside the plant, was injured. This was due to multiple safeguards on which both the government and the utilities insist.

The last two important points Mr. Alexander has neglected to mention.

No one was even endangered. The reason is that all changes in the reactor occurred slowly enough so that in addition to built-in safeguards, proper precautions could be taken. (Mr. Alexander describes these precautions as "jury-rigged.")

Mr. Alexander does mention on page 24 (long after the interest of the reader has evaporated or has boiled off in a vividly described but imaginary "meltdown" accident) the conscientious report of Dr. Norman C. Rasmussen of the Massachusetts Institute of Technology, one of the few people who really knows his way in the complex field of reactors and who can answer the question of how these reactors might misbehave. But even after Rasmussen is mentioned, the reader must plough through many paragraphs before he finds the relevant statement: "The probability of a reactor malfunctioning and killing 100 or more people (is) one in 100,000 years compared to the probability of an airplane crash (1 in 2 years), fire (1 in 7 years), a tornado or a hurricane (1 in 5 years) or an earthquake (1 in 20 years)."

The most glaring omission in Mr. Alexander's article is the actual health safety record of 57 American industrial reactors. So far, over a number of years, the number of injuries due to nuclear causes is: none.

Can this unparalleled safety record be maintained? To answer the question we must inquire into how such safety was accomplished. The answer: through multiple safeguards.

If a single safeguard fails we have an incident or an accident and money is lost. People are not hurt in their bodies. They are hurt, and indeed are badly hurt, in their pocketbooks. (Yet nuclear electricity remains the least expensive in an economy haunted by inflation.) Thus, painful financial losses force our utilities to become even more safe. Since this tradition which we have established will be continued there is a reasonable expectation that a major accident will never occur.

If Mr. Alexander and many thousands of active alarmists succeed and Proposition 15 is passed in California, there will be no reactors in America. There will be less safe reactors abroad and the world will be even more troubled and even more dangerous than it is today. We shall have taken a long step away from progress and economic stability and toward the treacherous refuge of isolationism.

Proposition 15 may become the beginning of the end of American energy-independence. The issue is: California today; the United States tomorrow.

WORLD WAR I VETERANS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. YOUNG of Florida. Mr. Speaker, the House Veterans' Affairs Subcommittee on Compensation and Pension recently held hearings on World War I Veterans' pensions, and I had the opportunity to present testimony on behalf of H.R. 1220, my bill to establish an unrestricted service pension program for World War I and Mexican Border Veterans. I feel this legislation is of special importance and would, therefore, like to present my testimony to my colleagues and urge them to support this long-overdue legislation:

REMARKS BY HON. C. W. BILL YOUNG

Mr. Chairman, I appreciate having the opportunity to testify before your Subcommittee on Compensation and Pension on H.R. 1220, my bill to extend the existing unrestricted pension program for Spanish-American War Veterans to include World War I and Mexican Border Veterans and their survivors, and to increase the monthly pension rates under the expanded unrestricted pension program.

As I have twice before testified before this Subcommittee on legislation of this nature, World War I and Mexican Border Veterans and their families are in dire need of such a program. With their advancing age and often deteriorating health, these individuals face special expenses and problems. The hundreds of letters I have received from such veterans residing in the Sixth Congressional District vividly depict the urgent need to establish an unrestricted service pension program similar to that in effect for Spanish-American War Veterans.

Over the past years, Congress has taken some positive steps toward ensuring that our veterans are properly cared for in the way of pensions and benefits. However, in recognition of their service and advancing age, the need to approve a general service pension program for World War I and Mexican Border Veterans has gone from urgent to critical. The time is long past due for us to take the necessary action to ensure that these veterans and their families are provided with adequate pensions—without regard to outside income—so that they may maintain their dignity and respect during their remaining years.

Mr. Chairman, I think the facts before us are compelling. World War I and Mexican Border Veterans served as valiantly as any others in our history, but with advancing age, their number continue to decline. A general service pension program such as provided for Spanish-American War Veterans will have a significant impact upon their already meager incomes.

I believe America has a responsibility to show its gratitude to the veterans of this era, but time is of the essence. These veterans and their families need the help of the Nation they served so well, but they need it now. Prompt Congressional action on legislation such as I have introduced will at long last demonstrate this Nation's sincere gratitude for the many unselfish sacrifices made by our World War I and Mexican Border Veterans and their families.

ST. EUSTATIUS ISLAND, YONKERS' SISTER BICENTENNIAL COMMUNITY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. OTTINGER. Mr. Speaker, I wish to bring to the attention of my colleagues what I believe to be a most creative Bicentennial project. It is being undertaken by the city of Yonkers under the superb leadership of Mr. Abe Cohen, chairman of the Yonkers Bicentennial Corp., and Mr. Steve Luchka, chairman of the Mayor's Community Relations Committee. To celebrate our Nation's 200th anniversary, Yonkers has adopted a "sister" Bicentennial community—the island of Saint Eustatius in the Netherlands Windward Islands. I commend this novel approach to celebrating our heritage.

The selection of St. Eustatius is a fitting and proper one, for this 9-square-mile island played a fundamental role in the American drive for independence two centuries ago. Saint Eustatius is in fact the only "foreign" government actively celebrating our Bicentennial.

Little St. Eustatius played a key role in determining the course of American history. Statia, as the island is called by its inhabitants, was the lifeline for shipment of arms, ammunition, gunpowder and other vital supplies from allies in Europe, particularly France, to the struggling army of the American colonies. St. Eustatius is usually given credit for seeing that General Washington's troops were sustained with supplies during the early years of the Revolutionary War.

However, what makes St. Eustatius so symbolically important to the development of this Nation is that it was the site of the first official salute by a foreign country to the United States as a sovereign Nation. On November 16, 1776, a brigantine of the fledgling American Navy sailed into Oranjestad, capital of St. Eustatius, and rendered a 13-gun salute.

I want to salute the dedicated efforts of Mr. Luchka, Mr. Cohen, the Yonkers Kiwanis Club, and other citizens of Yonkers in commemorating our Nation's Bicentennial through recognizing the important role others have played in our own history. I would also like to express appreciation to Mr. Max Pandt, Lieutenant Governor of the Windward Islands, and Mr. James Maduro, Bicentennial chairman of the island, for their dedicated efforts in this laudable project. The exchange program being established between Yonkers and St. Eustatius should prove to be a unique experience for both communities, and the library the Yonkers Bicentennial Corp. recently inaugurated on the island is a most worthwhile and meaningful project. I ask my colleagues to join me in applauding this innovative and commendable Bicentennial program.

FEDERAL TAX LAWS HURT SMALL BUSINESS

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. McCOLLISTER. Mr. Speaker, Federal tax laws are killing small business. Instead of contributing to the publicly stated goal of strengthening the small business community, our tax laws systematically discriminate against small enterprises and give their big business competitors tax advantages. The last several years have been particularly hard on small business because at the same time the tax laws make it difficult for them to retain earnings for investment in growth, the Government is preempting sources of debt capital and has forced small businesses to bear the brunt of the Nation's capital shortage.

Small business is the key to a strong and productive American economy. Small businesses account for nearly 97 percent of all business firms in this country. They directly create 43 percent of our gross national product. Small firms employ more than half the Nation's private work force and provide, directly or indirectly, for the livelihood of over 100 million Americans.

Nor do these statistics capture the full importance of a healthy small business community. The competition provided by the small business sector is responsible for honing the efficiency of our multimillion dollar corporate enterprises. Small businesses also lead the way in developing new innovative products and services. Small entrepreneurs produced the Xerox copier, the Polaroid camera, the minicomputer, high-fidelity recordings, frozen foods, wash-and-wear clothing—the list is virtually endless. Small businesses also pioneered such services as containerization, the discount store, the motel, and franchised fast-food service.

Creating new jobs is a prime concern today. And small businesses offer the best avenue for filling that need. Small businesses are labor intensive. Any growth in their sales is translated immediately into new jobs. An 18 percent rise in sales over a recent 4-year period, for example, produced a 6-percent increase in small business employment.

Fully as important as the economic contributions of a strong small business sector is the political significance of small business. Our Nation has grown and prospered because power has been diffused in society, in Government, and in the economy. Concentrations of power in big Government are the source of legitimate public concern. So too are concentrations of power in the hands of big business—and through corporations, concentration of power in big labor.

Small businesses diffuse economic power. They guarantee economic and social mobility. Successful small entrepreneurs, rather than salaried corporate executives, are generally the dynamos behind philanthropic and educational endeavors. Small businesses are a seedbed of locally involved citizens who sustain our sense of community.

While the specific contributions of small business are rarely laid out at length, the concept of a strong small business community enjoys nearly universal acceptance. The Congress has time and time again talked about helping and protecting small business. But it has been nearly all talk—no action. In fact, the constant addition of more and more Government regulations combined with insensitive tax laws have put small businesses at more and more of a serious competitive disadvantage.

If our national policy is to promote small business, that policy is failing. In 1960, small and medium sized manufacturing businesses accounted for 50 percent of the industry's assets. By 1972, small businesses owned only 33 percent of manufacturing assets. In 1953, 15 percent of the Nation's gross private domestic investment was invested in small, nonfarm, noncorporate businesses. By 1973, the small business percentage of gross private domestic investment had been halved to 7.5 percent.

The Federal Government has contributed to this process of suppressing small business growth. Insensitive big Government programs pile more and more paperwork burden on small businessmen and health and safety and pollution abatement programs have required expensive capital improvements which have absorbed capital which small businesses need to increase their production. The Congress just does not seem to recognize that most small businessmen wear so many hats their necks are starting to ache. They are employers, taxpayers, administrators, buyers, advertising executives, psychologists, accountants, and "experts" in a variety of fields like race relations and occupational safety and health. Small businessmen cannot afford to hire outside experts to fill out their Federal forms nor can their businesses absorb the lost time and production which the small business owner typically contributes.

Perhaps the most devastating form which Federal antismall business discrimination takes is found in the tax code. The complexity of the code itself overwhelms small businessmen who lack trained legal and accounting departments and can ill afford to hire high priced consultants. In the area of the code's capital recovery provisions, for example, small businesses typically utilize straight-line depreciation because they cannot afford the time or just plain cannot figure out how to use the more complex capital recovery devices which could give them a better tax situation. Large corporations, of course, are able to utilize the more complicated provisions and, as a result, pay lower effective tax rates than small businesses. As a class, the 100 largest corporations pay an effective tax rate between 25 and 30 percent while small businesses pay an effective rate up to 50 percent. Two years ago, a congressional study of corporate tax rates found that the Nation's largest 143 corporations paid an average tax rate of 23.4 percent. The average rate for all corporations was 33.4 percent.

Small businessmen stand at the end of the line when it comes to borrowing money at the bank. First, the Federal Government takes all it needs to pay for its deficit—about 82 percent of the total available investment capital this year, for example. Next are State and local governments. Then the regulated industries, with virtually guaranteed profit margins. Then the giant corporation. And, bringing up the rear, the small businessman.

Small businesses are also virtually denied the option of selling stock or equity interest in their companies as a means of raising capital. In 1974, only nine small companies were able to float a stock issue. And, for the first half of 1975, not a single small business sold stock.

Thus, small businesses are shut out of three of the four ways of raising investment capital they need. They find it difficult to borrow, harder still to sell stock, and the complexities of the tax law make it difficult for small businesses to recover capital they have already invested. If small businesses are going to get the modernization and expansion capital they need to grow and create new jobs, they will need to get that money from profit.

The heavier tax burden of smaller companies frustrates this need. So do antiquated estate and gift tax laws. Small businesses are also hurt by the code of provisions affecting unincorporated businesses. Only 16 percent of U.S. businesses are incorporated. The rest are partnerships and sole proprietorships and they pay taxes as individuals.

Correcting these tax inequities which unfairly burden smaller businesses and frustrate our announced policy of strengthening small business, must be an urgent priority for the Congress.

For these reasons, I have joined as a cosponsor of the Small Business Growth and Job Incentive Act of 1976. Many of the provisions of this major tax reform bill are of a technical nature. Highlights of the bill include: a graduated corporate income tax, a deferred tax credit for unincorporated businesses, an optional cash accounting basis, a graduated investment tax credit, upwards revision of the estate and gift tax exemptions with alterations of the graduated rates of these taxes to better protect small businesses against liquidation upon the death of the owner, revision of the securities law to promote small business stock issues, and a job creation tax credit for small business. The job creation tax credit would grant a company employing two new full-time employees a tax credit up to $20,000. A company hiring as many as 23 full-time employees from disadvantaged groups—including the long-term unemployed—could receive an additional tax credit up to $60,000.

As the saying goes:

> If you're not part of the solution, you're part of the problem.

The Federal Government's tax policies are part of the problem facing small businessmen today. And, that means our Federal tax policies are part of the general economic problem facing the country. I urge the Ways and Means Committee to give these recommendations their serious attention at the earliest possible moment. Together they represent a golden opportunity to replace the empty talk about helping small business with substantial and constructive action.

OTTAWA TIMES BACKS ENERGY CONSERVATION

HON. TIM L. HALL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. HALL. Mr. Speaker, the Ottawa, Ill., Daily Times has published an excellent editorial on ERDA's newly announced commitment to energy conservation. In my view ERDA acted wisely in singling out "conservation" for increased attention in its undated National Plan for Energy Research, Development, and Demonstration. I commend the editorial from the May 10 issue of the Daily Times to the attention of my colleagues.

The editorial follows:

NATION NEEDS ERDA PROGRAM

Although our national energy policy remains a rather vague set of goals, the government now appears ready to move with vigor into an energy conservation program. The recent announcement by the Energy Research and Development Administration that conservation will henceforth get the "highest priority" seems to confirm that efforts to develop new domestic fuel supplies are not going to do enough to solve our energy problems.

The rate of energy consumption in the United States—particularly the use of oil—should tell us as much. Oil consumption which had been running at 16.7 million barrels a day dropped sharply after the Arab embargo of 1973–74 and the steep increase in price by the Organization of Petroleum Exporting Countries. However, it has now climbed back up and exceeds the 1973 rate. Our oil demand is now at 17.7 million barrels a day, and we are relying more on imports to satisfy that demand than we were in 1973.

With Congress rejecting the administration's plan for a quick phase-out of controls on domestic oil prices, thus holding down other petroleum products, price is having only a limited effect as an inducement to fuel conservation. While rising utility bills have jarred many Americans into being more mindful of energy consumption in their homes and businesses, ERDA is now convinced that there is much more to be accomplished through conservation programs on a broad scale.

Federal Energy Administrator Frank Zarb is warning that another Arab oil embargo is a "real possibility," and would have a more severe effect on our economy than any in the past. Vice President Nelson Rockefeller has predicted that our balance of payments deficit will reach the crisis point if we do not hold back the growth in oil imports now running at $60 billion a year.

ERDA figures that Americans could cut their oil consumption by as much as one-half by 1985. The agency conservation plan, yet to be unveiled, apparently will call for both investment and sacrifice to achieve greater efficiency and less waste in the myriad ways that we use energy. The impact could range from architectural features of new buildings to the disappearance of pilot lights in gas stoves.

It has been tempting to hope that new oil and gas discoveries or exotic new energy sources would arrive in time to sustain the energy-consumption habits which are woven deeply into American life. By the end of the 20th Century, according to ERDA's projections, there likely will be new energy technologies to relieve our dependence on fossil fuels. For the next 25 years, however, that will not be the case, and the nation must now confront the problem of keeping its appetite for energy in balance with a limited means of satisfying it.

REPRESENTATIVE KEMP INTRODUCES LEGISLATION TO GIVE PROPERTY OWNERS RELIEF FROM SHORELINE EROSION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. KEMP. Mr. Speaker, I have today introduced legislation to allow property owners to deduct losses caused by shoreline erosion from their Federal income taxes. This legislation is of great importance to those who live along areas adjacent to the Great Lakes, our oceans, seas, gulfs, sounds, bays, and inlets, areas where beach erosion is often a severe problem.

Frankly, I wish there were other ways in which to deal with this menacing problem of shoreline erosion, but the experiences of the past several years have convinced me that anything more than a minimally acceptable Federal commitment to shoreline erosion damage relief is unlikely in the near future.

It took years to win the passage of a shoreline erosion control demonstration program, but it looks like it will probably take us many more years to attain the goals of that act. Federal participation in shoreline erosion control programs started in 1946—30 years ago—but in the words of a recent, major study by the General Accounting Office, Congress investigating arm, these efforts have been "irregular and incomplete."

I am now of the mind that if the administration is not going to ask for the funds to sustain a fuller commitment in this subject area and if the Congress is not going to appropriate enough funds for such a commitment—and as a Member who has worked to hold the level of Federal spending I know both that there is not enough money to meet all our needs and that one person's priorities are not necessarily those of another or of the majority's—then maybe the way to go about this problem of helping property owners along our shorelines is at least to provide after-the-loss tax relief for actual damage suffered. This is the premise which underlies the introduction of today's bill.

This new approach will avoid the six roadblocks in the shoreline erosion control efforts pinpointed by the GAO study: First, the inability or reluctance of Federal, State, and local agencies to provide the necessary funds; second, the requirement that public access be provided to beaches developed or improved with Federal funds; third, the inability to agree on the Federal financial participation rate; fourth, the inability to locate suitable sand and other source materials necessary for beach restoration projects; fifth, the State laws and local requirements which conflict with Federal requirements; and sixth, the changes in environmental conditions which lessen the public's sense of urgency for project implementation.

I will continue my efforts to secure a greater Federal commitment, while at the same time pursuing the enactment of the new bill. It simply makes infinitely greater sense to stop damage than to give tax relief after the damage has occurred. But until that greater Federal commitment can become a reality, I think the tax relief bill will help the property owners who have suffered losses. It will give them more of the financial means necessary to restore their land and homes. And these losses are often severe.

I know personally of the tragic damage which has been caused to both personal property and to the environment by shoreline erosion from the onsite inspections of damaged areas along the Great Lakes and from the conversations and correspondence I have had with property owners along Lake Erie. I have seen instances where property in which entire life savings have been invested simply washed away. A single storm which battered the southern shore of Erie County in 1973 caused an estimated $1 million in property damage, and there have been severe storms since then.

Homes are jeopardized and sometimes totally lost, and these are not always the "second" or "weekend" homes of the well to do. They are more often the sole residences of families which have placed the bulk of all their personal earnings into their equity and furnishings.

Commercial and industrial facilities, ranging from manufacturing plants to marinas, are damaged and, in some instances, must be abandoned or relocated.

Public service facilities and structures—such as roads, storm and sanitary sewers, utilities—are damaged or destroyed.

Economically vital sections of real estate are wholly or partially abandoned to the elements, causing distresses and turmoil in local economies.

Important recreational and park areas are lost or severely damaged.

Pollution occasioned by silt is worsened.

And, because of inadequate Federal assistance and disaster relief coverage, local government is called upon to bear costs far exceeding its normal taxing capacity.

Recognition of the old adage that "man's eternal proclivity is to build upon the flood plains" does not, however, remove from Government an obligation to protect life and property against the ravages of nature, when man has built on such flood plains because they are the most practical and viable places on which to build, to live, to work, and to play.

It has been an American tradition, going back to the earliest days of the Republic, for Government to participate in meeting the costs of works of improvement—public works of genuine need—essential to the preservation of life and property and to the facilitation of commerce among the States. Government has built flood control works, erosion control structures, channelization levies, dikes—all in an effort to retard flooding water, to lessen damage to life or property, and to alleviate the sufferings which arise from such natural disasters as floods, storms, and so forth. Federal participation in beach erosion control is consistent with that tradition.

As I indicated a moment ago, Federal progress in controlling beach and shoreline erosion has been slow. Of a total of 64 projects authorized since 1946 on the Federal level, only 20 have been completed. The average time to complete the 20 projects or project segments has been about 10 years from the date of the local request. These delays in scheduling and completing Federal projects have resulted in increased construction costs, the loss of additional shoreline properties, the need for projects to be restudied—which means even more delay, and the need for the construction of temporary measures—which means even more cost.

Under the leadership of the Committee on Public Works and Transportation, Congress began in 1973 a major need effort to deal with beach and shoreline erosion. The committee included in its Water Resources Act of that year a provision, section 54, to authorize a shoreline erosion control demonstration program. Having passed the House and Senate, it was signed into law, Public Law 93-251, on March 7, 1974, as the Shoreline Erosion Control Demonstration Act of 1974. But the major, new commitment which many of us foresaw did not occur. The administration did not request any supplemental fiscal year 1974 funding, nor any fiscal year 1975 funding, although $100,000 was reprogramed to finance the initial activities of the Shoreline Erosion Advisory Panel, a panel authorized by the 1974 act.

I think the most salient comment about the implementation of this act was that of Maj. Gen. J. W. Morris, the Chief of Engineers for the U.S. Army Corps of Engineers, when he said last summer in a letter to me:

> Until funds for planning, design, construction, operation, maintenance, monitoring, reporting on the demonstration projects are available, the goals of the Act remain elusive.

There has been but little improvement since then. Funding was not requested by the administration for fiscal year 1976, but the Congress had the foresight to increase the zero-funding for the program to $320,000. The administration has requested $200,000 for fiscal year 1977, but I hope the Subcommittees on Public Works and the Committees on Appropriations exert their influences to assure funding greater than this amount.

In testifying before the Subcommittee on Public Works of the House Committee on April 1 of this year, I made such a plea for additional funding for this program:

> The Administration has taken an across-the-board, blanket position in the proposed budget against any new construction starts in FY 77. This enabled the Administration to more effectively hold the line on the growth in spending, an effort for which they should receive our praise and our general support. I personally do not have any qualm about supporting reductions in general in our spending, but the Administration's action goes beyond this.
>
> By taking a blanket position against any new construction starts for a full year, the Administration has failed to consider, at least on a case by case basis, the loss of life and property and the additional high costs to the government in the form of disaster relief and assistance caused by failing to have structures in place. In an effort to reduce the budget in one area, we may be running a very high risk of increasing it even more in others. What we save on Corps construction, we may forfeit on disaster assistance, and not building structures will certainly not improve the weather. And even if were a dollar-for-dollar tradeoff in appropriations between construction starts on one hand and disaster assistance on the other, it does not take into consideration the hardships inflicted upon the people by failing to provide adequately for their protection.
>
> I think, therefore, that the Congress is obligated to consider on a case-by-case basis exactly where severe conditions warrant construction starts in FY 77.
>
> Unless one has seen the results of beach erosion, both gradual and storm-caused, it is hard to imagine the substantial damage that it can create. I have seen entire areas of beaches washed away—homes and roads undercut and falling into the water, shoreline businesses closed and jobs lost. There are areas of persistent beach erosion in Erie County, and I have been working with the residents and businesses along the water in trying to obtain Federal, State, and local assistance and in devising various "self-help" measures. But, again, it is obvious to me that putting money into stopping or substantially reducing this erosion is more cost-effective than the damage assistance relief which is usually always necessary.
>
> I hope the Subcommittee sends a clear message to the Administration that more is needed to stop this form of natural disaster.

We will not have the report of the Subcommittee on Public Works available until later this month, but I am hopeful that they have provided more than the administration request.

I am firmly committed to a substantial beach erosion control program. It certainly makes much more sense to me to put our funds into such programs as this, instead of into many of the programs now funded by the Federal Government. It is certainly better to have public works projects—which leave a permanent, physical improvement in the community and for which there is a real market demand for the work to be performed and the jobs to be created by its construction—than to spend the same amount of money on make-work public service jobs—which leave no permanent, physical improvements and which contribute little, if nothing, to labor productivity in the marketplace.

Until such time, however, I think the Congress should put into place the proposal embodied in today's bill. It is a stopgap measure, but it is much better to have it in place than no measure at all. That bill would permit a deduction of loss from shoreline erosion in excess of $500 in each tax year, with shoreline erosion defined as erosion by the waters of any of the Great Lakes or Lake St. Clair if the waters of the lake are above the average monthly level for the period of record and by the waters of any ocean, sea, gulf, sound, bay, or inlet adjacent thereto if the loss is directly attributable to erosion caused by a single storm or a series of storms during the tax year.

I hope the Committee on Ways and Means, to which the bill has been referred, will act expeditiously on this measure. It would be very helpful to have this bill in the law books before the winter storms start.

JUDGE WALTER S. BINNS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. ANDERSON of California. Mr. Speaker, the men and women who sit as judges in our judicial system occupy unique places in our society. They are keystones of the legal system, who in many cases could earn a substantially greater income by working privately in the field of law. Instead, they have chosen to serve society as members of the bench, and in doing so assume awesome responsibilities and duties.

In many cases, our justices have also become familiar and respected members of the communities which they serve. One such man is the Honorable Walter S. Binns, a judge of Los Angeles Municipal Court in San Pedro, Calif.

Judge Binns—or Walt as he is known to his many friends in the harbor area—has provided service and leadership to the community for many years. He attended grammar and high school in San Pedro, and as a longtime resident is a familiar and friendly presence in his hometown. Additionally, he has executed his duties from the bench faithfully and well since 1961, when he first joined the Los Angeles Municipal Court as a justice.

Judge Binns received his bachelor of arts and L.L. B. from Loyola University of Los Angeles in 1936, and was admitted to the bar in 1940. That was an eventful year in Walter Binns' life, for it was also the year he married Peggy McSweeney. Thirty-six years later, Judge Binns and his lovely wife continue to happily share their lives, having raised a beautiful family of seven children.

After working in private practice for a year, Walter Binns entered the Anti-Trust Division of the Department of Justice's Los Angeles office. He joined the U.S. attorney's office in 1943, where he served the Government until returning to private practice in San Pedro in 1947.

Judge Binns was soon called back to public service, however, becoming chief deputy in the Los Angeles office of the U.S. attorney in 1949. From 1951 to 1953 Walt served as the U.S. attorney in Los Angeles.

Walter Binns returned to the private practice of law in 1953, where he practiced his profession successfully until 1961, when he became a member of the bench. Since that time, Judge Binns has been a busy member of the municipal court, Los Angeles Judicial District. He brings to the bench many years of experience in both private and public law, along with a keen sense of justice and fairness for all members of our society. In 1968, he served as the presiding judge of the Los Angeles Municipal Court.

Despite an active professional life and his devotion to his family, Judge Binns has found time to lend his talents in service to his community. For the past 16 years, he has been a member of the San Pedro Boys Club board of directors, and is also on the advisory committee for the Mary Star of the Sea Fiestas, an annual fundraising festival held by one of San Pedro's Roman Catholic parishes.

On June 2, the people of the harbor area will express their affection for Judge Binns at a testimonial dinner. Proceeds from the affair will be donated to a local charity, as the members of the Los Angeles harbor community pay tribute to Judge Walter J. Binns.

My wife, Lee, joins me in congratulating this outstanding member of our community for his outstanding career, and we wish him continued success in the future. His lovely wife, Peggy, and their children, Walter Scott Binns, Jr., Evalyn Binkley, William Binns, Alana Maury, George Binns, James Binns, Peggy Binns, must be proud of Judge Walter S. Binn's many accomplishments.

JACS VOLUNTEERS OF THE YEAR

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. EILBERG. Mr. Speaker, as in every year for the past decade Joint Action in Community Service—JACS—has honored its 5,000 volunteer advisors. These women and men have helped the young men of the Job Corps when they returned home from Job Corps centers.

The task of a JACS advisor is quite varied and often a returning corpsman needs assistance in such areas as locating job placement agencies, legal and health problems, financial and consumer advice, educational and vocational training, et cetera. JACS advisors are all different but they share the common trait of taking time out of their own lives to help others who are trying to make it.

Of the great force of JACS volunteers at work throughout America there are 123 dedicated Philadephians who gave generously of themselves. They are led by Mr. William Melody, director, and Mr. Erwin Morris, assistant director, of the organization's Mid-Atlantic regional office.

I would like to take this opportunity to salute the JACS Volunteer Advisors of Philadelphia. They are:

JOINT ACTION IN COMMUNITY SERVICE, INC.
PHILADELPHIA VOLUNTEERS—JACS

Mr. John Adams, 619 Catharine St., Philadelphia, Pa.

Mr. Thomas Anderson, 1900 No. Broad St., Philadelphia, Pa.

Mr. Zeb Austin, 1812 Green Street, Philadelphia, Pa.

Ms. Barbara Austin, 5602 No. Camac St., Philadelphia, Pa.

Ms. Joan Austin, Broad & Berks St., Philadelphia, Pa.

Mr. Sheldon J. Baker, P.O. Box 8796, Philadelphia, Pa.

Mr. James J. Barbiers, East Hector St., Philadelphia, Pa.

Ms. Sharon Barnes, 1200 No. Broad St., Philadelphia, Pa.

Mr. Charles R. Barron, 1251 So. Greylock St., Philadelphia, Pa.

Mr. Charles Benson, 5878 Malvern Ave., Philadelphia, Pa.

Ms. Vera Blair, 4062 Lancaster Ave., Philadelphia, Pa.

Sister Anne Boniface, 1341 So. 46th St., Philadelphia, Pa.

Ms. Bertha Brown, 1645 W. Thompson St., Philadelphia, Pa.

Mr. Julian M. Brown, 1694 Thayer Drive, Norristown, Pa.

Mr. Wayne Brown, 2341 No. 6th St., Philadelphia, Pa.

Ms. Joyce Brunson, 7653 Woolston Ave., Philadelphia, Pa.

Mr. Joel S. Burtman, 260 So. 44th St., Philadelphia, Pa.

Ms. Gale Butcovitz, 2615 No. 2nd St., Philadelphia, Pa.

Ms. Luretha Chavis, 5312 Angora Terrace, Philadelphia, Pa.

Mrs. Beatrice Chernock, 586 City Hall, Philadelphia, Pa.

Mr. Sidney Clark, 240 W. Tulpehocken St., Philadelphia, Pa.

Ms. Anita Cliett, 715 No. 46th St., Philadelphia, Pa.

Mr. John Coats, 2242 No. 16th St., Philadelphia, Pa.

Mr. Peter Cogan, 152 W. Lehigh Ave., Philadelphia, Pa.

Mrs. Joan Cohen, 1422 Chestnut St., Philadelphia, Pa.

Mr. Frank Constant, 1708 No. 22nd St., Philadelphia, Pa.

Mr. Douglas K. Crook, 244 South Street, Philadelphia, Pa.

Ms. Charle Daggett, 2238 W. Cumberland St., Philadelphia, Pa.

Mr. Ramon Daniels, 1619 W. Stiles St., Philadelphia, Pa.

Mr. Russell Daniel, 1034 E. Washington Lane, Philadelphia, Pa.

Mr. Frank Davis, 2825 No. Broad St., Philadelphia, Pa.

Mr. Harry Devor, 2503 Lombard St., Philadelphia, Pa.

Mr. Sidney Estes, 3512 Brandywine St., Philadelphia, Pa.

Mr. George Eves, Cheyney State College, Cheyney, Pa.

Mr. Jack Facenda, 320 Walnut St., Philadelphia, Pa.

Dr. R. Feinstein, 34 So. 11th St., Philadelphia, Pa.

Ms. Donna Feldman, 249 So. 36th St., Philadelphia, Pa.

Mr. Luiz C. Fernandez, 198 W. Chow Avenue, Philadelphia, Pa.

Mr. Charles Floyd, 623 Catharine St., Philadelphia, Pa.

Ms. Anna Frame, 4201 Ridge Avenue, Philadelphia, Pa.

Mr. Raymond P. Forceno, Broad & Chestnut Sts., Suite 1400, Philadelphia, Pa.

Mr. Ben Gaillard, 1421 Arch Street, Philadelphia, Pa.

Ms. Louise Gilbert, 4235 Chestnut St., Philadelphia, Pa.

Ms. Ruth Gillman, Temple University, Ritter Hall Annex, Philadelphia, Pa.

Mr. Sidney Ginsburg, City Hall, Room 121, Philadelphia, Pa.

Mr. Jim Gray, 2825 No. Broad St., Philadelphia, Pa.

Miss Lois Green, 22nd & Columbia Ave., Philadelphia, Pa.

Mr. William Griffin, 2156 No. 9th St., Philadelphia, Pa.

Mr. Marvin Gordon, 5918 Vine St., Philadelphia, Pa.

Ms. Mary Harris, 1005 W. Arizona St., Philadelphia, Pa.

Ms. Janis Hawes, 34 South 11th St., Philadelphia, Pa.

Mr. Ira Henkin, 1528 Overington St., Philadelphia, Pa.

Ms. Brenda G. Hill, 237 So. 48th St., Philadelphia, Pa.

Mr. George Hill, Jane & Ann Streets, Philadelphia, Pa.

Mr. Marvin C. Hunter, 2427 Natrona St., Philadelphia, Pa.

Ms. Elaine Jackson, 4518 Baltimore Ave., Philadelphia, Pa.

Mr. Tyree Johnson, 400 North Broad St., Philadelphia, Pa.

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Mr. John Johnston, 1306 Arch Street, Philadelphia, Pa.

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Ms. Linda D. Klein, 4815 Gransback St., Philadelphia, Pa.

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Ms. Carol Leadum, 34 So. 11th St., Rm. 720A, Philadelphia, Pa.

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Ms. Sheila C. Mann, 5042 Market St., Philadelphia, Pa.

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Mr. Joseph H. Massa, 225 So. Third St., Philadelphia, Pa.

Ms. Dollie E. Marriott, 634 E. Stafford St., Philadelphia, Pa.

Mr. Clinton C. Martin, 434 So. 62nd St., Philadelphia, Pa.

Mr. Samuel Mattaway, 553 E. Locust St., Philadelphia, Pa.

Mrs. Dorothy McLeod, 2437 Master Street, Philadelphia, Pa.

Mr. Mike McGee, 401 McIlhemmy St., Philadelphia, Pa.

Mr. Warren B. McLaughlin, 8103 Lindbergh Blvd., Philadelphia, Pa.

Mr. Fred Meier, Voluntary Action Center, 7 Ben Franklin Parkway, Philadelphia, Pa.

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Mr. Martin Millison, Temple University, Ritter Hall Annex, Philadelphia, Pa.

Mrs. Dolores Mobley, 1221 No. Broad St., Philadelphia, Pa.

Mr. Gary Lee Moore, 4426 Parrish Street, Philadelphia, Pa.

Mr. Jack Mulvena, Temple University, Ritter Hall Annex, Philadelphia, Pa.

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Mr. Eddie Parker, Phila. College of Textiles & Science, Schoolhouse Lane & Henry Ave., Philadelphia, Pa.

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Mrs. Marianne B. Reeves, 6449 No. 15th Street, Philadelphia, Pa.

Ms. Rosemary Richardson, 213 So. Millick St., Philadelphia, Pa.

Ms. Jane Scott, 1900 No. Broad St., Philadelphia, Pa.

Mr. John Sennott, Hawthorn Center, Broad & Christian Sts., Philadelphia, Pa.

Ms. Marcia Sessoms, 910 Sharpnack St., Philadelphia, Pa.

Mr. John G. Simmons, 230 No. Broad St., Philadelphia, Pa.

Mr. Lonnie Small, 933 No. Broad St., Philadelphia, Pa.

Ms. Barbara Smith, 627 No. Broad St., Philadelphia, Pa.

Mr. Dennis R. Smith, 462 E. Walnut Lane, Philadelphia, Pa.

Mr. Frank Sofranko, Work Adjustment Center, Wayne & Windrim Aves., Philadelphia, Pa.

Mr. Anthony Stellar, 1421 Arch Street, Philadelphia, Pa.

Mr. Louis Tatum, 1200 No. Broad Street, Philadelphia, Pa.

Ms. Shelly Teagle, 518 No. 32nd St., Philadelphia, Pa.

Mr. Art Thomas, North Central Area Manpower, 4th & Montgomery Ave., Philadelphia, Pa.

Mr. Mark Trimble, 2318 W. Columbia Ave., Philadelphia, Pa.

Ms. Dorothy Walker, 506 W. Coulter St., Philadelphia, Pa.

Mr. Ben Warley, 1225 North Broad St., Philadelphia, Pa.

Mr. James Warner, 2127—72nd Avenue, Philadelphia, Pa.

Mr. Sam Washington, 1200 Columbia Avenue, Philadelphia, Pa.

Mr. Bob Watson, 1421 Arch Street, Philadelphia, Pa.

Mr. Donald Watson, 4339 Frankford Ave., Philadelphia, Pa.

Ms. Kathy Wessell, 3723 Chestnut Street, Philadelphia, Pa.

Ms. Jennie White, 2157 Elkins Avenue, Philadelphia, Pa.

Ms. Carolyn Williams, 845 No. 7th Street, Philadelphia, Pa.

Ms. Elestia Williams, 3555 No. Broad St., Philadelphia, Pa.

Ms. Louise Williams, 2029 So. 8th St., Philadelphia, Pa.

Mr. Jesse Woods, 235 W. Hortter St., Philadelphia, Pa.

Mr. Robin P. Woodson, 1724 W. Girard Ave., Philadelphia, Pa.

Ms. Lillian Wright, 3111 Dudley Drive, Philadelphia, Pa.

Miss Doris Wynn, 4624 Lancaster Ave., Philadelphia, Pa.

Mr. Sam Yarborough, 1316 Arch Street, Philadelphia, Pa.

Mr. Phil Zimmerman, 2151 No. Howard St., Philadelphia, Pa.

RESIDENTS COMPLAIN ABOUT POOR POSTAL SERVICE

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. BROYHILL. Mr. Speaker, each day, I receive more and more specific complaints from residents of my congressional district about poor postal service. In addition, we continue to hear that the Postal Service has plans to close post offices that serve the smaller communities of our Nation. The post office provides a necessary service to all our communities, and in my judgment this policy should be most carefully studied before embarking on a program of closing smaller post offices around the country. Why should the smaller offices, located in the smaller communities, bear the total burden of cost savings in the Postal Service, when we all know that much of the problem of increasing postal costs is occurring in the larger cities?

I recently had the opportunity to comment on this situation before the Postal Service Subcommittee, and I would like to share these remarks with my colleagues:

STATEMENT OF CONGRESSMAN JAMES T. BROYHILL

Mr. Chairman, I want to thank you for the opportunity today to comment on our current postal system, and proposed changes in that system which would affect virtually every citizen in the United States.

Let me begin my remarks by paraphrasing a section of the Postal Reorganization Act, which I believe summarizes the very function of our mail delivery system. This Act states that the United States Postal Service shall be operated as a "basic" and "fundamental" service provided to U.S. Citizens by their government. The Act recognizes that the postal system is firmly rooted in our heritage, beginning with the post office system provided for in the Constitution by our Founding Fathers. It emphasizes that the prime goal of the Postal Service is to unite our country through the correspondence of its citizens. Finally, the law provides for "prompt", "reliable", and "efficient" services to all areas and all communities in our country.

Although the intent of the Postal Reorganization Act was to unite the diverse segments of our country through efficient, reliable and timely delivery of correspondence, it would seem that the present system has become a mockery of its original purpose. The effect has been to divide our nation, as communities, small and large alike, line up to fight the termination of the very services for which the system was established.

Now, I wholeheartedly believe in and am dedicated to fiscal responsibility. And, I feel that each and every federal program should be evaluated and studied carefully for its worthiness. However, I also believe that the merits of a good mail service provided to each and every one of our citizens, regardless of where those citizens reside, stands on its own.

Last year, the General Accounting Office recommended closing some 12,000 third and fourth class post offices throughout the nation. The GAO stated the belief that by so doing, the U.S. Postal Service could save about $100 million a year.

If correct, a hundred million dollars is no sum to be laughed at. But, when that figure is held up to the $11.3 billion expenditures of the U.S. Postal Service in 1974, or the current Postal Service deficit of over $1 billion, $100 million is but a drop in the bucket. Less than eight-tenths of one percent of the total USPS budget!

Consider what the funds operating rural post offices buy. They provide mail delivery for our citizens. They provide a location at which stamps, postcards, and other postal necessities can be purchased. They provide a community center, a community identity, an ever-present representative of the Federal government in each community. They symbolize the very community itself.

In my Congressional District, over 48% of the post offices are classified as "small". By eliminating the small post offices, almost half the facilities in my District would be wiped out. And, it is hard to justify what North Carolina citizens would lose in light of such a relatively small savings.

Much has been said about the section of the Postal Reorganization Act which states, "The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities." I believe that paragraph speaks for itself. Congress specifically provided for the continuation of good mail service for rural communities in this legislation, and it is up to Congress to ensure that these services remain.

I question whether equivalent or improved levels of service can be established by closing small post offices. True, the overhead costs would be eliminated. But, the postmaster must be relocated in most instances. The customers must still be served. The mail must still go through, regardless of whether the carrier picks it up at one station or another. And, what about the administrative costs of such an action? How many man-hours are spent calculating such changes, working out the new systems, getting citizen reaction, etc.?

In the end, the rural customers are the real losers.

Those in Washington making the decision to close one of the rural post offices in North Carolina have nothing to lose. They can buy their stamps around the corner. Their mail is picked up two or three times a day. They do not have to spend mornings looking out the window, hoping to catch the mail carrier so that stamps can be purchased.

The point is, rural citizens deserve mail service equal to that of their more urban counterparts. I do not believe that rural post offices should be closed any more than I believe the local courthouse, the church, or the corner store should be removed. Instead, let us work together to study the problem and arrive at a solution benefitting all.

One alternative, which I believe should be explored more fully, is the Community Post Office idea. This, of course, is the system whereby operation of a post office is contracted to a citizen or citizens willing to take on the responsibility. Oftentimes, it is located in an establishment, such as a store, which saves the costs of overhead. One such facility is located in the famed Mast Store in Valle Crucis, North Carolina, and I believe this has shown that the CPO idea is a workable alternative. Perhaps the Postal Service should make more effort to publicize this idea to citizens of small communities.

Nothing can serve more to unite a community than an efficient post office system. Nothing can serve more to disintegrate a community than to take away one of its living symbols, the post office. I could no more easily contemplate a community without a post office, than the Capitol Building without a flag. The Post Office is the local community, and I believe it should remain so for future generations. Thank you.

REMOVE THE DEADLINE ON GI EDUCATION BENEFITS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. ROSENTHAL. Mr. Speaker, half a million young men and women who have served in the uniform of their country and are now enrolled in school face the threat of a cutoff in GI bill educational benefits on May 31 unless the Congress takes speedy action.

More than 3 million additional veterans may never have the opportunity to use their benefits because they will be taken away before ever having been tapped.

To prevent this needless injustice from occurring, I am sponsoring legislation to eliminate entirely the time limitation on utilization of GI bill educational benefits.

These benefits are more than a program of short-term social readjustment for returning veterans. They have come to be almost universally recognized as a part of the Nation's obligations to those who have served in its Armed Forces. An arbitrary deadline is inconsistent with this purpose and must be removed.

The House Veterans' Affairs Subcommittee on Education and Training is this week holding hearings on legislation to remove the deadline. I insert in the RECORD at this point my testimony in support of that legislation:

TESTIMONY OF CONGRESSMAN BENJAMIN S. ROSENTHAL

Mr. Chairman, Members of the Subcommittee, I welcome this opportunity to testify before you in support of legislation eliminating the deadline on utilization of G.I. Bill educational benefits. As a sponsor of several of these measures, H.R. 11823, H.R. 11924, H.R. 11925, I urge prompt action to remove the sword hanging over the heads of half a million veterans now studying under the G.I. Bill. We must raise the barrier that may also prevent over 3 million men and women from obtaining the education they need, deserve and, indeed, have earned.

Were we to poll every Member of Congress on the necessity of aiding America's veterans, the chorus of pledges on their behalf would be heard in every military outpost on this globe. Unfortunately, these platitudinous commitments frequently crumble in the face of specific assistance programs. The Congress has before it bills which would enable millions of veterans to complete their education. Yet the Administration and numerous Representatives have conjured up horrible specters to block this legislation. Mr. Chairman, I would like to attempt to dispel some of those fears.

The common thread of the legislation before this Committee is elimination of the time limit on utilization of veterans' educational benefits. The statistics are familiar to us all: May 31, 3.7 million veterans will lose their eligibility for educational grants. The 500,000 who are now in school will find the Federal faucet abruptly turned off. Were Congress to remove the 10-year limit, veterans could utilize the available benefits at the time most beneficial to them. De-limitation would not only render G.I. benefits more accessible, but would also make their administration more flexible.

Yet opponents of this legislation raise philosophical and economic objections to it. Their major argument is that the original purpose of such grants was to facilitate veterans' readjustment to civilian life. Since the aid was to be short-term in nature, a restriction of its availability was appropriate.

Mr. Chairman, I readily concede that this was indeed the original aim of the G.I. benefits a generation ago when many of us here were returning veterans. Nevertheless, legislative programs evolve, and this one has been no exception. World War II veterans were required to enroll in an educational program within four years of their discharge and to complete it within nine years. Veterans of Korea received three years to enroll and nine to complete their education. Post-Korea veterans faced an unlimited enrollment period, but had to complete their education within eight years of discharge. As the deadline of that last program neared in 1974, Congress extended the utilization period to 10 years. All of these figures cast considerable doubt on whether the purpose of the educational benefits program is still merely to provide for short-term social readjustment.

The time has come to consider the G.I. Bill as something more than that, for it is actually fair compensation to the veteran for the service he has rendered his country. Veterans' benefits are the government's attempt to re-pay its defenders; as such, a numerical limit on their exercise is purely arbitrary. Is a veteran any less deserving of our help if he chooses to claim it after 11 years instead of after nine?

Opponents also object that it is "unfair" to grant some veterans assistance free of time constraints, while previous veterans could take advantage of such aid only within a restricted period. By the same simplistic reasoning, it was unfair to grant veterans of the Second War benetfis not available to those of the First. It is better to admit deficiencies in earlier aid programs than to restrict all future benefits to the lowest level of the past.

A third philosophical objection is that veterans have had ample time in which to solicit their educational grants. This is less than accurate. Only in 1974 did the Congress expand the benefits so as to make collegiate enrollment truly practical for many veterans. Those who then took advantage of the program now face a cut-off in assistance after only two years.

From a philosophical standpoint, then, the objections to delimitation indicate preoccupation with narrow debating points and unthinkable neglect for the meaningful advancement of these veterans.

The economic objectives are no more persuasive. Opponents, particularly in the Executive Branch, argue that a flexible utilization period would be too costly. Yet the legislation before us would not increase the 36 months of benefits to which veterans are entitled under 38 U.S.C. § 1661. Rather, these bills would concede that this amount is due all veterans and acknowledge that the spacing of the benefits is irrelevant. To the extent that aggregate costs have been less than they would be under this legislation, those savings occurred because many veterans were frozen out of funds to which they were legally entitled.

The cost argument is, above all, shortsighted. The G.I. Bill training which veterans receive prepares them for jobs which, in the long-run, will contribute to national output and provide additional tax revenues. Although we might trim one section of this year's budget by denying benefits to these veterans, such frugality may come at the cost of reduced productive capacity in the future.

A second economic objection is that other veterans' benefits deserve a higher priority. Certainly, Mr. Chairman, medical care and related services are vital—but so is career training. We should not juggle veterans' benefits like so many oranges. We must be willing to finance all those veterans' programs wnich we deem necessary.

From an economic standpoint, then, delimitation is ultimately in the best interests of the veterans and of the nation.

Mr. Chairman, the amount of funds which deletion of the benefit-utilization limit would entail is a fraction of one percent of our overall budget, or even of our military appropriations. This represents a small expenditure of dollars today, but in very human terms it is a tribute and a debt of gratitude to those men and women who have helped defend this country in the past, and it is an investment in America's future.

For over 3 million veterans, flexible educational benefits could mean the difference between a fruitless life and a productive one. These people served the nation when we needed them. It is now time for us to serve them.

IMPORTANCE OF MHD TECHNOLOGY

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. EMERY. Mr. Speaker, the energy needs of this country now and for the foreseeable future will require wise and increasing use of coal. This is especially true in the case of electrical power generation, which historically used coal but now relies too heavily on oil and gas. The

United States has an abundant coal reserve—some 600 billion tons.

But traditional direct combustion of coal is not going to be the answer to our energy crisis: What we gain in terms of energy independence from the return to coal-fired electric generation facilities, we may lose in environmental degradation and associated costs in trying to clean up emissions.

In this country, the settling of the West depended on the coal-fired steam locomotive. The early electrification of our country was based on coal-fired boilers and steam turbines. What I am pointing out here is that we know and have known for a long time how to burn coal in a lot of ways to do a lot of different things. However, most of this knowledge arises from a cut-and-dried empirical approach. The science based technology of the last 75 years have made only limited practical contributions to the way we burn coal. The significant advances arise mostly in the area of metallurgy. Thus, we have better materials and fabrication methods to make combustors that produce heat from the coal in the same old ways. Fundamentally, this kind of combustion and the consequent heat conversion by devices like boilers and turbines are not very efficient. Our need for increased electrical power, in particular, requires that we look at new methods.

MHD, or coal fired magnetohydrodynamic generation of electricity is such a method. Coal is combusted at very high temperatures. The resultant combustion products are ionized. Thus charged, they are guided through a magnetic field and so generate electricity directly. Completely avoided are the boiler and steam turbine. However, what is also exciting about MHD is that the combustion products are still hot enough after passing through the magnetic field to run a conventional boiler-steam turbine system. The consequence is an extremely efficient way to use coal for making electricity. From a scientific viewpoint, MHD is also esthetically pleasing. It is a conceptually simple application of a general principle.

Though conceptually simple, practical achievement of MHD ultimate commercial application will take time and will require a lot of engineering R. & D. Not only must the process itself be further developed, but the technologies of materials used in the MHD combustion equipment must receive increased attention. In other words, we can develop a system, but if the combustion chamber and related components are incapable of withstanding the severe temperatures of the MHD process, we will be no better off than before.

Congress has taken the lead in recognizing the promise as well as the problems of MHD. Since 1971, when MHD was first funded through the Office of Coal Research in the Department of the Interior, the Congress has always raised the appropriations for MHD beyond the administration's request. This indicates the emphasis the Congress has placed on the potential contributions which coal-fired MHD may offer to the Nation. Responding to the congressional emphasis, MHD has been given individual status as a subprogram in the Fossil Energy Division of the Energy Research and Development Administration.

ERDA has requested and the committee has concurred with an authorization for MHD of $37,441,000 for 1977. Gentlemen, I urge you to keep faith with the traditional support that Congress has given to MHD. I urge you to keep faith with the people of our country for whom MHD holds so much promise in relieving their energy needs.

HISTORIC LANDMARK PRESERVATION

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. AMBRO. Mr. Speaker, at about the same time that we were voting on the Land and Water Conservation Fund Act, the Glen Cove Record-Pilot, an award-winning community newspaper in my Third Congressional District in New York, was publishing an editorial urging local officials to renew their efforts in landmark preservation.

It is ironic that this legislation which earmarks money for historic preservation came up for a vote only a few days before the start of National Historic Preservation Week.

The vast majority of my colleagues joined me in passing this legislation which, in addition to setting aside millions of dollars for development of outdoor recreation facilities, authorizes the U.S. Treasury to spend almost $1.2-billion during the next 13 years to preserve our historical cultural landmarks.

Recently an editorial was written by the Glen Cove Record-Pilot's new editor, Mr. Otto Erbar, a young newspaperman with several years of experience covering Long Island, it's governments and people. His views on the topic—the need for historic preservation—are a fair representation of my concern for this topic.

Mr. Erbar opened the editorial by noting the start of National Historic Preservation Week and pointing out that there was no better time to begin comprehensive preservation planning. He singled out several structures in the city of Glen Cove for special attention.

We can think of several structures which demand preservation—the original Robert Coles House, built 1668 on The Place; the Valentine House, on the same street and dating from about 1770 and Townsend House on Duck Pond Road, another 18th century abode; and of course Pratt Oval.

The Coles House. in particular. is the last remnant of the earliest Glen Cove settlement called Mosquito Cove.

But time is running out.

And while we are the first to look forward to the progress of urban renewal, we must have something behind us to remind us of our roots. Landmarks give a community a sense of place and a strong foundation.

Mr. Erbar then mentioned several communities on the north shore of Long Island with strong preservation ordinances and outlined some of the problems in enforcing such local laws.

The young editor concluded his well researched editorial with a very astute observation about future architectural undertakings that meshed appropriately with his comments on historical landmarks.

Of course, any community leaders willing to grapple with the landmarks issue grapple with sticky intangibles such as esthetics and the difficulty in deciding why one building is worthy of protection and the other is not.

But we think it is worth the effort.

And while we are on the subject of architecture, it seems fitting in this Bicentennial Year to call for a rededication to taste and purpose in the designing of new buildings whose designs speak of contemporary values.

It is good for a community to sanction monuments of its past but necessary too to build monuments to its future.

ONE JOURNALIST'S MEMORIES OF HER ABORTION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. MAZZOLI. Mr. Speaker, recognizing full well that not every woman reacts similarly to an abortion, the "Jane Doe" article appearing in the Washington Star on Sunday, May 16, details—in poignant fashion—how one woman reacted. It is worth a careful reading.

The article follows:

THERE JUST WASN'T ROOM IN OUR LIVES NOW FOR ANOTHER BABY

(By Jane Doe)

We were sitting in a bar on Lexington Avenue when I told my husband I was pregnant. It is not a memory I like to dwell on. Instead of the champagne and hope which had heralded the impending births of our first, second and third children, the news of this one was greeted with shocked silence and Scotch. "Jesus," my husband kept saying to himself, stirring the ice cubes around and around. "Oh, Jesus."

Oh, how we tried to rationalize it that night as the starting time for the movie came and went. My husband talked about his plans for a career change in the next year, to stem the staleness that 14 years with the same investment-banking firm had brought him. A new baby would preclude that option.

The timing wasn't right for me either. Having juggled pregnancies and child-care with what freelance jobs I could fit in between feedings, I had just taken on a full-time job. A new baby would put me right back in the nursery just when our youngest child was finally school age. It was time for us, we tried to rationalize. There just wasn't room in our lives now for another baby. We both agreed. And agreed. And agreed.

How very considerate they are at the Women's Services, known formally as the center for Reproductive and Sexual Health. Yes, indeed. I could have an abortion that very Saturday morning and be out in time to drive to the country that afternoon. Bring a first morning urine specimen, a sanitary belt and napkins, a money order or $125 cash—and a friend.

My friend turned out to be my husband, standing awkwardly and ill at ease as men always do in places that are exclusively for women, as I checked in at 9 a.m. Other men hovered around just as anxiously, knowing they had to be there, wishing they weren't. No one spoke. When I would be cycled out of there four hours later, the same men would be slumped in their same seats, locked downcast in their cells of embarrassment.

The Saturday morning women's group was more dispirited than the men in the waiting room. There were around 15 of us, a mixture of races, ages and backgrounds. Three didn't speak English at all and a fourth, a pregnant Puerto Rican girl around 18, translated for them.

There were six black women (and a hodge podge of whites, among them a T-shirted teen-ager who kept leaving the room to throw up and a puzzled middle-aged woman from Queens with three grown children.

"What form of birth control were you using?" the volunteer asked each one of us. The answer was inevitably "none." She then went on to describe the various forms of birth control available at the clinic, and offered them to each of us.

The youngest Puerto Rican girl was asked through the interpreter which she'd like to use: the loop, diaphragm or pills. She shook her head "no" three times. "You don't want to come back here again, do you?" the volunteer pressed. The girl's head was so low her chin rested on her breast bone. "Si," she whispered.

We had been there two hours by that time, filling out endless forms, giving blood and urine, receiving lectures. But unlike any other group of women I've been in, we didn't talk. Our common denominator, the one which usually floods across language and economic barriers into familiarity, today was one of shame. We were losing life that day, not giving it.

The group kept getting cut back to smaller, more workable units, and finally I was put in a small waiting room with just two other women. We changed into paper bathrobes and paper slippers and we rustled whenever we moved. One of the women in my room was shivering and an aide brought her a blanket.

"What's the matter?" the aide asked her. "I'm scared," the woman said. "How much will it hurt?" The aide smiled. "Oh, nothing worse than a couple of bad cramps," she said. "This afternoon you'll be dancing a jib."

I began to panic. Suddenly the rhetoric, the abortion marches I'd walked in, the telegrams sent to Albany to counteract the Friends of the Fetus, the Zero Population Growth buttons I'd worn, peeled away, and I was all alone with my microscopic baby There were just the two of us there and soon, because it was more convenient for me and my husband, there would be one again.

How could it be that I, who am so neurotic about life that I step over bugs rather than on them, who spend hours planting flowers and vegetables in the spring even though we rent out the house and never see them, who make sure the children are vaccinated and inoculated and filled with Vitamin C, could so arbitrarily decide that this life shouldn't be?

"It's not a life," my husband had argued, more to convince himself than me. "It's a bunch of cells smaller than my fingernail."

But any woman who has had children knows that certain feeling in her taut, swollen breasts, and the slight but constant ache in her uterus that signals the arrival of a life. Though I would march myself into blisters for a woman's right to evercise the option of motherhood, I discovered there in the waiting room that I was not the modern woman I thought I was.

When my name was called, my body felt so heavy the nurse had to help me into the examination room. I waited for my husband to burst through the door and yell "Stop," but of course he didn't. I concentrated on three black spots in the acoustic ceiling until they grew in size to the shape of saucers, while the doctor swabbed my insides with antiseptic.

"You're going to feel a burning sensation now," he said injecting Novocain into the neck of the womb. The pain was swift and severe and I twisted to get from him. He was hurting my baby, I reasoned, and the black saucers quivered in the air. "Stop," I cried. "Please stop." He shook his head, busy with his equipment. "It's too late to stop now," he said. "It'll just take a few more seconds."

What good sports we women are. And how obedient. Physically the pain passed even before the hum of the machine signalled that the vacuuming of my uterus was completed, my baby sucked up like ashes after a cocktail party. Ten minutes, start to finish. And I was back on the arms of the nurse.

There were 12 beds in the recovery room. Each one had a gaily flowered draw sheet and a soft green or blue thermal blanket. It was all very feminine. Lying on these beds for an hour or more were the shocked victims of their sex life, their full wombs now stripped clean, their futures less encumbered.

It was very quiet in that room. The only voice was that of the nurse, locating the new women who had just come in so she could monitor their blood pressure, and checking out the recovered women who were free to leave.

Juice was being passed about and I found myself sipping a Dixie cup of Hawaiian Punch. An older woman with tightly curled bleached hair was just getting up from the next bed. "That was no goddamn snap," she said, resting before putting on her miniskirt and high white boots. Other women came and went, some walking out as dazed as they had entered, others with a bounce that signaled they were going right back to Bloomingdale's.

Finally then, it was time for me to leave. I checked out, making an appointment to return in two weeks for an IUD insertion. My husband was slumped in the waiting room, clutching a single yellow rose wrapped in a wet paper towel and stuffed into a baggie.

We didn't talk the whole way home, but just held hands very tightly. At home there were more yellow roses and a tray in bed for me and the children's curiosity to divert.

It had certainly been a successful operation. I didn't bleed at all for two days, just as they had predicted, and then I bled only moderately for another four days. Within a week my breasts had subsided and the tenderness vanished, and my body felt mine again instead of the eggshell it becomes when it's protecting someone else.

My husband and I are back to planning our summer vacation and his career switch.

And it certainly does make more sense not to be having a baby right now—we say that to each other all the time. But I have this ghost now. A very little ghost that only appears when I'm seeing something beautiful, like the full moon on the ocean last weekend. And the baby waves at me. And I wave at the baby. "Of course, we have room," I cry to the ghost. "Of course, we do."

MEL LAIRD: LET'S STOP UNDERMINING THE CENTRAL INTELLIGENCE AGENCY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. KEMP. Mr. Speaker, I bring to the attention of my colleagues an article by Melvin Laird, a distinguished member of the House for 16 years and the very able former Secretary of Defense. Mr. Laird points out that in undermining the CIA we are undermining our own security and that of the non-Communist nations, which are targets of massive Soviet KGB efforts to subvert them by buying control and by surreptitiously supplying vast sums to build the local Communist parties into the dominant political forces.

Too many Americans have been misled into believing that the CIA is the greatest threat to their freedom and to the independence of other nations. Too many of our citizens are totally unaware of the activities of the KGB—indeed, many do not even recognize the initials.

It is a subject that must concern all of us very deeply. It is nonsensical for the U.S. Congress to spend billions on defense against Communist aggression and unwittingly contribute to the success of KGB disinformed campaigns.

In the hopes that Mr. Laird's wisdom will contribute to the ability of the Congress to provide free-world leadership, I insert his article from the Reader's Digest into the RECORD:

LET'S STOP UNDERMINING THE CIA

(By Melvin R. Laird)

(If the United States is to continue as a flag-bearer against totalitarianism, says this former Secretary of Defense, it must protect and preserve our international intelligence network.)

We Americans are on the verge of doing ourselves what our worst enemies have been unable to do: destroy our intelligence services.

Last year, Senate and House committees began searching investigations of the Central Intelligence Agency. The investigators' intent was honorable, and they have brought to light malpractices that must be curbed. According to Congressional findings and CIA admissions, during the 29 years the CIA has existed—1947 to 1976—agency personnel perpetrated the following questionable acts of domestic espionage: They illegally entered four homes or offices, tapped the phones of 27 people, placed five U.S. citizens under surveillance and infiltrated ten agents into the anti-war movement. For over two decades, they opened private mail received by Americans from communist countries. Additionally, in examining possible foreign influence on the anti-war movement, the CIA accumulated files on approximately 10,000 American citizens.

The side effects of these investigations, however, have proved much more harmful to the country than the ills that Congress sought to remedy. As CBS commentator Eric Sevareid recently declared: "We've had Congressmen breaking solemn agreements with the Executive by leaking classified information in the name of higher laws of their selection. We have had journalists breaking their word on information received off the record by leaking it to other journalists, which is morally the same as publishing it themselves. And, worse, we've had zealots publishing the names of American intelligence personnel—which, in this time of terrorists everywhere, increases the risk of kidnapping and murder. To do this is to commit the moral equivalent of treason."

The dubious acts committed by the CIA have been distorted and magnified, while lurid charges flourished, often without a scintilla of substantiation. For example:

Allegation: The CIA jeopardized public health by conducting biological-warfare experiments in New York City subways. *Fact:* The Army, to assess vulnerability of the transit system to sabotage, placed some innocuous powder in a subway, then measured how far it was wafted down the tunnel. The test menaced nobody. The CIA had no part in it.

Allegation: The CIA placed secret informants on the White House staff to spy on the Presidency. Its chief White House "contact man" for a while was Alexander P. Butterfield, later director of the Federal Aviation Administration. *Fact:* Butterfield never had any connection with the CIA. For the past 20 years, like other agencies, the CIA, at White House request, has routinely assigned specialists to the Presidential staff.

Allegation: The CIA has assassinated foreign leaders and perhaps even some Americans. *Fact:* More than a decade ago, when a *de facto* state of war existed between the United States and Cuba, the CIA involved itself in unsuccessful plots to kill Fidel Castro. It also considered poisoning Patrice Lumumba of the Republic of the Congo. But the prosaic truth, as established by the skeptical Senate investigators, is that the CIA never assassinated anyone anywhere.

HEMORRHAGE OF SECRETS

As the CIA's legitimate secret operations are exposed and its sensitive intelligence-gathering methods irresponsibly illuminated, our first line of defense against attack—and our only defense against covert attack—is becoming increasingly paralyzed. In foreign parliaments and press, the feasibility of confidential collaboration with America has been publicly questioned. Some countries have stopped confiding in us almost entirely for fear their confidences will be broken by Congress or the press. Individual foreigners who have risked their lives to secretly serve the United States—including agents well placed in the Soviet bloc and the Third World—have quit out of fear of identification. The difficulty of enlisting reliable new foreign sources has increased greatly.

Meanwhile, scores of gifted American men and women in the CIA possessing priceless expertise and experience have been disgusted at the pillory with which their patriotism has been rewarded, and many have even left. Important intelligence undertakings, approved by Congressional committees and the President as essential to the national interest, have collapsed in the glare of publicity. For instance, disclosures that the United States has used submarines in Soviet territorial waters to monitor Russian weapons tests have greatly diminished the flow of this vital intelligence.

The hemorrhage of secrets is also destroying the CIA's capacity to *act* covertly in Western interests. Sometimes the discreet provision of money, information, advice and other requested help affords the only practical means of countering subversion abroad. Repeatedly, the Soviet Union has sought to subvert other nations by buying control of politicians, bureaucrats, journalists and trade-union leaders, by surreptitiously supplying vast sums to build the local communist party into the dominant political force. Plans to combat such subversion lose all effectiveness if announced. If identified, recipients of our assistance forfeit credibility and become instant targets of venomous attack by communists and others.

RECORD OF SUCCESS

In an ideal world, we would need neither intelligence services nor armed forces. But we must have both if we are to survive in the real world of 1976, which has become very unsafe for democracy and the United States. Of the earth's 158 nations, only 39 presently maintain democratic, representative governments and open societies. Many of the totalitarian nations are fanatic in their hostility to freedom and to America. Our access to many indispensible natural resources depends upon fragile regimes. The complex daily functiong of our society is threatened by the phenomenon of international terrorism. Meanwhile, the Russians—besides their worldwide subversion, fomenting of revolution and support of terrorism—persist in an enormous, costly effort to attain undisputed military supremacy with which they hope to intimidate the West into further retreat.

To cope with all these threats and uncertainties, we must keep ourselves continuously and accurately informed as to what is happening, especially in those areas shrouded in totalitarian secrecy. To repel covert aggression, we must resort at times to covert methods. President Harry Truman and Congress recognized this when they created the CIA in 1947. And this unchanged reality has been recognized by every subsequent President—and Congress, except the present one.

Having served first on one of the Congressional committees that oversee our intelligence apparatus, and later as Secretary of Defense, I am familiar with some of the accomplishments of our intelligence services. Consider:

During the past 25 years, the Soviet Union has not developed a single major new weapon without our knowing it well in advance. Without such knowledge, we undoubtedly would have wasted untold billions preparing to counter threats which did not actually exist. Current efforts to negotiate curtailment of the nuclear-arms race are possible only because our precise intelligence enables us to count every Soviet missile, submarine and bomber, and to monitor Soviet compliance with the treaties achieved. If we destroy the effectiveness of the CIA, we will destroy with it whatever hope there is of negotiating any significant disarmament.

Timely intelligence has helped avert war. During the 1973 Arab-Israeli conflicts, U.S. intelligence—live agents and technical surveillance—detected Soviet preparations to dispatch troops to the Middle East. Thus alerted, we were able to initiate urgent diplomatic and other actions that persuaded the Russians to forgo military intervention.

A few years ago, our agents—or spies, if you will—ascertained that one non-communist country was about to attack another. Details cannot yet be made public. But we quickly and privately brought the countries together, laid out the facts, induced them to negotiate. CIA espionage thus *prevented* a war.

Since late 1973, U.S. intelligence has given both Israel and Egypt considerable sense of security by continuously showing each what the other is doing militarily. Given proof that neither is about to pounce on the other, the Arabs and Israelis have been willing at least to try to devise a formula for Middle East harmony. Our intelligence has bought the necessary time.

Through infiltration of various terrorist movements, the CIA has aborted numerous plots. On at least two occasions, the CIA has forestalled assassins bound for the United States with orders to kill elected public officials. It has also thwarted plans to kill prominent American Jews with letter bombs.

While Israel's premier Golda Meir was visiting New York City on March 4, 1973, police rushed to busy midtown intersections and hauled away two cars with enough Soviet-made explosives to kill everybody within a 100-yard radius. The terrorist explosives were timed to detonate at noon, when streets would be most crowded. The disaster was prevented because we had advance warning of it.

Shortly before Christmas, 1973, the CIA learned that six small, hand-carried Soviet SA-7 missiles—extremely accurate against low-flying aircraft—were being smuggled in Libyan diplomatic pouches to Black September terrorists in Europe. The terrorists planned to shoot down a 747 landing in Rome. However, acting on CIA intelligence, European governments disrupted the operation and spared the lives of hundreds of holiday travelers.

The CIA has frustrated communist subversion of other nations. After World War II, the Soviet Union sponsored a massive clandestine effort to impose communist dictatorships on a weakened Western Europe. Communist operatives, dispensing millions of dollars, organized strikes to block Marshall Plan aid and engender chaos. They infiltrated the press, tried to buy elections. By providing intelligence, money and counsel, the CIA gave anti-totalitarian factions a fighting chance to resist. Given this chance, the Europeans proceeded to build healthy democracies, indispensable to our own welfare.

During the 1960s, with Soviet backing, Cuba tried to ignite guerrilla warfare and violent revolution in Latin America. While quietly urging needed social reforms, the CIA offered Latin Americans the intelligence and training they needed to repel Cuban aggression. The communists were defeated in Bolivia, Venezuela, Brazil, Uruguay, Guatemala and the Dominican Republic. Much the same pattern was repeated in sections of Africa where the Russians sought to establish new colonies for themselves. In the Middle East, too, the CIA has repeatedly aborted Soviet plots to seize control of Arab nations.

In retrospect, it is obvious that not all of the covert actions undertaken by the United States in the past 20 years have been wise or justified. I strongly believe that we never again should attempt to use military force covertly. Military action can succeed only if understood and endorsed by the public as well as Congress. However, if we abandon our capacity to discreetly help those who wish to resist externally inspired subversion—totalitarianism of either the left or right—we will reduce ourselves to a choice of abandoning them entirely or sending in the Marines.

In sum: If we allow our intelligence services to be rendered impotent, we will signal friend and foe alike that we lack both the will and the means to compete with totalitarianism. Unable to protect ourselves, or our friends abroad, America will shrink into isolationism, and our economy, denied essential foreign resources, will shrivel. Then we, and certainly our children, will discover too late that there is no place to hide from totalitarianism.

As a former Secretary of Defense, I believe that we should maintain armed forces stronger than those of any potential enemy. But without an equally strong intelligence service, our nation can never be secure. I know that. So do our friends and antagonists throughout the world.

JUDGE GLENN A. WYMORE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. ANDERSON of California. Mr. Speaker, on June 2 the people of the harbor area will gather to pay tribute to a man who has been a long-time member of their community. He is also a judge in the municipal court, Los Angeles Judicial District, and it is in both his private and public capacity that the Honorable Glenn A. Wymore will be honored.

Judge Wymore is currently assigned to the San Pedro Branch of the Municipal Court, but his associations in the Los Angeles harbor area are much deeper than his judicial assignment. He has served on the bench since his appointment in 1968, with all of his service coming while stationed at the San Pedro courthouse.

"Glenn" as he is known to his many friends in the community, was born in 1906 at Mankota, Kans. He moved to Los Angeles in 1923, graduating from Lincoln High School in 1927. In 1936, he completed the requirements for a bachelor of law degree from Southwestern University of Law.

Prior to receiving his appointment to the bench, Judge Wymore had a long and distinguished career in public service. From 1929 to 1939, he was a deputy clerk in Los Angeles municipal court. After being admitted to the bar, he served as deputy public defender for the city of Los Angeles from 1939 to 1943. It was during this time—1941—that Glenn Wymore moved to the San Pedro area, where he has resided ever since.

Glenn Wymore pursued the private practice of law from 1945 until his appointment to the bench in 1968. He still found time for public service, however, as a member of the Public Utilities and Transportation Commission of the city of Los Angeles. During his tenure on the commission from 1961 to 1963, Glenn Wymore served a term as president of the commission.

Despite an active professional life and his devotion to his family, Judge Wymore has always found some time in which to devote his talents and energy to community service. He has been a member of the board of directors of the Bay Harbor Hospital, a nonprofit corporation, since 1957, and is a past president of that organization.

Judge Wymore is a past member of the San Pedro Chamber of Commerce board of directors. Professionally, he is a past president of the Harbor Bar Association. Since his appointment to the bench, Judge Wymore has been an honorary member of that group.

On June 2, the Los Angeles Harbor Area will honor Judge Wymore with a testimonial dinner, in recognition of his outstanding service on behalf of the public as a judge in municipal court. His many years as a resident in San Pedro have enabled him to make countless friends in our community, and I am sure that many of them will be present that night to help commemorate Judge Wymore's outstanding career, and wish him good luck as he continues in the future.

My wife, Lee, joins me in wishing Judge Glenn A. Wymore the best of luck as he continues his career in the Los Angeles Judicial District municipal court. We would also like to express our greeting and congratulations to his lovely wife, Dorothy, and their son, Michael.

SENATE—*Friday, May 21, 1976*

The Senate met at 10 a.m. and was called to order by Hon. CARL T. CURTIS, a Senator from the State of Nebraska.

PRAYER

The Reverend Seth R. Brooks, minister, Universalist National Memorial Church, Washington, D.C., offered the following prayer:

Our Father, we thank Thee we have been endowed with memory. We praise Thee as we look back and remember those who were founders and builders of this Nation. We know they bequeathed us a goodly heritage.

We are thankful we can look forward and know that, "Where there is no vision the people perish." We pray for Thy guidance in the time before us both as a nation and individuals.

We are conscious that it is in the present we must live one day at a time. We, therefore, ask Thee always to grant us wisdom and courage for the facing of each hour.

Bless our country, our President, this august body, and all who are in authority that our Nation may live in peace, humility, and high purpose.

Thine is the kingdom, the power, and the glory forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 21, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. CARL T. CURTIS, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CURTIS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 20, 1976, be dispensed with.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF THE INTERIOR

The second assistant legislative clerk read the nomination of Ronald G. Coleman, of Virginia, to be an Assistant Secretary of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar order Nos. 789, 817, 823, 825, 841, and 852.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF DISTRICT OF COLUMBIA MEDICAL AND DENTAL MANPOWER ACT

The bill (H.R. 12132) to extend as an emergency measure for 1 year the District of Columbia Medical and Dental Manpower Act of 1970 was considered, ordered to a third reading, read the third time, and passed.

NATIONAL WEATHER MODIFICATION POLICY ACT OF 1976

The Senate proceeded to consider the bill (S. 3383) to authorize and direct the Secretary of Commerce to develop a national policy on weather modification, and for other purposes which had been reported from the Committee on Commerce, with amendments as follows:

On page 2, in line 4, strike out "projects have" and insert in lieu thereof "technology has".

On page 2, at the end of line 19, strike out "experimentation" and insert in lieu thereof "development".

On page 4, in line 7, strike out "the degree of development of".

On page 5, in line 25, strike out "statement of".

On page 6, in line 1, strike out "description of a"

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "National Weather Modification Policy Act of 1976".

SEC. 2. DECLARATION OF POLICY.

(a) FINDINGS. The Congress finds and declares the following:

(1) Weather-related disasters and hazards, including drought, hurricanes, tornadoes, hail, lightning, fog, floods, and frost, result in substantial human suffering and loss of life, billions of dollars of annual economic losses to owners of crops and other property, and substantial financial loss to the United States Treasury;

(2) Weather modification technology has significant potential for preventing, diverting, moderating, or ameliorating the adverse effects of such disasters and hazards and enhancing crop production and the availability of water; and

(3) The interstate nature of climatic and related phenomena, the severe economic hardships experienced as the result of occasional drought and other adverse meteorological conditions, and the existing role and responsibilities of the Federal Government with respect to disaster relief, require appropriate Federal action to prevent or alleviate such disasters and hazards.

(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to develop a comprehensive and coordinated national weather modification policy and a national program of weather modification research and development—

(1) to determine the means by which deliberate weather modification can be used at the present time to decrease the adverse impact of weather on agriculture, economic growth, and the general public welfare, and to determine the potential for weather modification;

(2) to conduct research into those scientific areas considered most likely to lead to practical techniques for drought prevention or alleviation and other forms of deliberate weather modification;

(3) to develop practical methods and devices for weather modification;

(4) to make weather modification research findings available to interested parties; and

(5) to assess the economic, social, environmental, and legal impact of an operational weather modification program.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "State" means any State of the United States, the District of Columbia, or any Commonwealth, territory, or possession of the United States.

(3) The term "weather modification" means any activity performed with the intention and expectation of producing changes in precipitation, wind, fog, lightning, and other atmospheric phenomena.

SEC. 4. STUDY.

The Secretary shall conduct a comprehensive investigation and study of the state of scientific knowledge concerning weather modification, the present state of development of weather modification technology, the problems impeding effective implementation of weather modification technology, and other related matters. Such study shall include—

(1) a review and analysis of the present and past research efforts to establish practical weather modification technology, particularly as it relates to reducing loss of life and crop and property destruction;

(2) a review and analysis of research needs in weather modification to establish areas in which more research could be expected to yield the greatest return in terms of practical weather modification technology;

(3) a review and analysis of existing studies to establish the probable economic importance to the United States in terms of agricultural production, energy, and related economic factors if the present weather modification technology were to be effectively implemented;

(4) an assessment of the legal, social, and ecological implications of expanded and effective research and operational weather modification projects;

(5) recommendations concerning legislation desirable at all levels of government to implement a national weather modification policy and program;

(6) a review of the international importance and implications of weather modification activities by the United States;

(7) a review and analysis of present and past funding for weather modification from all sources to determine the sources and adequacy of funding in the light of the need of the Nation; and

(8) a review and analysis of the purpose, policy, methods, and funding of the Federal departments and agencies involved in weather modification and of the existing interagency coordination of weather modification research efforts.

SEC. 5. REPORT.

(a) IN GENERAL.—The Secretary shall prepare and submit to the President and the Congress, within 1 year after the date of enactment of this Act, a final report on the findings, conclusions, and recommendations of the study conducted pursuant to section 4. Such report shall include:

(1) a summary of the findings made with respect to each of the areas of investigation specified in section 4;

(2) other findings which are pertinent to the determination and implementation of a national policy on weather modifications;

(3) a recommended national policy on weather modification and a recommended national weather modification research and development program which is consistent with, and likely to contribute to, achieving the objectives of such policy;

(4) recommendations for levels of Federal funding sufficient to support adequately a national weather modification research and development program;

(5) recommendations for any changes in the organization and involvement of Federal departments and agencies in weather modification which may be needed to implement effectively the recommended national policy on weather modification and the recommended research and development program; and

(6) recommendations for any legislation which may be required to implement such policy and program.

Each department, agency, and other instrumentality of the Federal Government is authorized and directed to furnish the Secretary any information which the Secretary deems necessary to carry out his functions under this Act.

(b) OPERATION AND CONSULTATION.—The Secretary shall solicit and consider the views of State agencies, private firms, institutions of higher learning, and other interested persons and governmental entities in the conduct of the study required by section 4, and in the preparation of the report required by subsection (a).

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS

There is authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act not to exceed $1,000,000.

The amendments were agreed to.

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Rhode Island (Mr. PELL), I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 8, strike "and".

On page 2, line 15, strike the period and insert in lieu thereof "; and".

On page 2, between lines 15 and 16, insert the following:

"(4) Weather modification programs may have long-range and unexpected effects on existing climatic patterns which are not confined by national boundaries.".

On page 3, line 8, strike "and".

On page 3, line 11, strike the period and insert thereof "; and".

On page 3, between lines 11 and 12, insert the following:

"(6) to develop both national and international mechanisms designed to minimize conflicts which may arise with respect to the peaceful uses of weather modification.".

On page 5, line 7, strike "and".

On page 5, line 12, strike the period and insert in lieu thereof "; and".

On page 5, between lines 12 and 13, insert the following:

"(9) a review and analysis of the necessity and feasibility of negotiating an international agreement concerning the peaceful uses of weather modification.".

On page 6, line 15, immediately after "program" insert "or for any international agreement which may be appropriate concerning the peaceful uses of weather modification".

Mr. PELL. Mr. President, I wish to thank the senior Senator from Kansas for accepting my amendment to his bill, S. 3383, the National Weather Modification Policy Act. I share Senator PEARSON's concern for the development of a coordinated and comprehensive national policy with respect to the use of weather modification techniques.

As we are all aware, I am sure, any comprehensive or extensive national weather modification program could have long-term and unexpected effects on existing climatic patterns which are not confined by national boundaries. It is my belief that the development of a comprehensive and coordinated national weather modification policy should thoroughly take into account the internation implications of such a program. Therefore, it is the purpose of my amendment to include in the process of developing a national policy, adequate consideration of the international impact of such a program.

I wish to thank Senator PEARSON again for accepting my amendment and thereby eliminating the need for a rereferral to the Foreign Relations Committee, and I urge my fellow Senators to pass S. 3383, as amended.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments of the Senator from Rhode Island.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Weather Modification Policy Act of 1976".

SEC. 2. DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Weather-related disasters and hazards, including drought, hurricanes, tornadoes, hail, lightning, fog, floods, and frost, result in substantial human suffering and loss of life, billions of dollars of annual economic losses to owners of crops and other property,

and substantial financial loss to the United States Treasury;

(2) Weather modification technology has significant potential for preventing, diverting, moderating, or ameliorating the adverse effects of such disasters and hazards and enhancing crop production and the availability of water;

(3) The interstate nature of climatic and related phenomena, the severe economic hardships experienced as the result of occasional drought and other adverse meteorological conditions, and the existing role and responsibilities of the Federal Government with respect to disaster relief, require appropriate Federal action to prevent or alleviate such disasters and hazards; and

(4) Weather modification programs may have long-range and unexpected effects on existing climatic patterns which are not confined by national boundaries.

(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to develop a comprehensive and coordinated national weather modification policy and a national program of weather modification research and development—

(1) to determine the means by which deliberate weather modification can be used at the present time to decrease the adverse impact of weather on agriculture, economic growth, and the general public welfare, and to determine the potential for weather modification;

(2) to conduct research into those scientific areas considered most likely to lead to practical techniques for drought prevention or alleviation and other forms of deliberate weather modification;

(3) to develop practical methods and devices for weather modification;

(4) to make weather modification research findings available to interested parties;

(5) to assess the economic, social, environmental, and legal impact of an operational weather modification program; and

(6) to develop both national and international mechanisms designed to minimize conflicts which may arise with respect to the peaceful uses of weather modification.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "State" means any State of the United States, the District of Columbia, or any Commonwealth, territory, or possession of the United States.

(3) The term "weather modification" means any activity performed with the intention and expectation of producing changes in precipitation, wind, fog, lightning, and other atmospheric phenomena.

SEC. 4. STUDY.

The Secretary shall conduct a comprehensive investigation and study of the state of scientific knowledge concerning weather modification, the present state of development of weather modification technology, the problems impeding effective implementation of weather modification technology, and other related matters. Such study shall include—

(1) a review and analysis of the present and past research efforts to establish practical weather modification technology, particularly as it relates to reducing loss of life and crop and property destruction;

(2) a review and analysis of research needs in weather modification to establish areas in which more research could be expected to yield the greatest return in terms of practical weather modification technology;

(3) a review and analysis of existing studies to establish the probable economic importance to the United States in terms of agricultural production, energy, and related economic factors if the present weather modification technology were to be effectively implemented;

(4) an assessment of the legal, social, and ecological implications of expanded and effective research and operational weather modification projects;

(5) recommendations concerning legislation desirable at all levels of government to implement a national weather modification policy and program;

(6) a review of the international importance and implications of weather modification activities by the United States;

(7) a review and analysis of present and past funding for weather modification from all sources to determine the sources and adequacy of funding in the light of the needs of the Nation;

(8) a review and analysis of the purpose, policy, methods, and funding of the Federal departments and agencies involved in weather modification and of the existing interagency coordination of weather modification research efforts; and

(9) a review and analysis of the necessity and feasibility of negotiating an international agreement concerning the peaceful uses of weather modification.

Sec. 5. REPORT.

(a) IN GENERAL.—The Secretary shall prepare and submit to the President and the Congress, within 1 year after the date of enactment of this Act, a final report on the findings, conclusions, and recommendations of the study conducted pursuant to section 4. Such report shall include:

(1) a summary of the findings made with respect to each of the areas of investigation specified in section 4;

(2) other findings which are pertinent to the determination and implementation of a national policy on weather modifications;

(3) a recommended national policy on weather modification and a recommended national weather modification research and development program which is consistent with, and likely to contribute to, achieving the objectives of such policy;

(4) recommendations for levels of Federal funding sufficient to support adequately a national weather modification research and development program;

(5) recommendations for any changes in the organization and involvement of Federal departments and agencies in weather modification which may be needed to implement effectively the recommended national policy on weather modification and the recommended research and development program; and

(6) recommendations for any legislation which may be required to implement such policy and program for any international agreement which may be appropriate concerning the peaceful uses of weather modification. Each department, agency, and other instrumentality of the Federal Government is authorized and directed to furnish the Secretary any information which the Secretary deems necessary to carry out his functions under this Act.

(b) OPERATION AND CONSULTATION.—The Secretary shall solicit and consider the views of State agencies, private firms, institutions of higher learning, and other interested persons and governmental entities in the conduct of the study required by section 4, and in the preparation of the report required by subsection (a).

Sec. 6. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this Act not to exceed $1,000,000.

CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERIES DEVELOPMENT

The Senate proceeded to consider the bill (S. 2219) to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriation authorization through fiscal year 1979, and for other purposes, which had been reported from the Committee on Commerce, with amendments as follows:

On page 1, beginning in line 7, after "(2)" strike out:

by striking in section 4 "June 30, 1976," and inserting in lieu thereof "September 30, 1976, and September 30, 1979,"

And insert in lieu thereof:

by striking in section 4 the words "June 30, 1976, a complete" and inserting in lieu thereof the words "January 30 of each year, an annual"

On page 2, beginning in line 3, strike out:

(3) by inserting in section 7 after "$3,000,000" a comma and the following: "and for the succeeding three years through fiscal year 1979, the sum of $4,000,000.".

And insert in lieu thereof:

(3) by striking section 7 and inserting in lieu thereof the following: "There is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act not to exceed $300,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed $1,333,333 for the fiscal year ending September 30, 1977; not to exceed $1,333,333 for the fiscal year ending September 30, 1978; and not to exceed $1,333,333 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this section shall remain available until expended.".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central, Western, and South Pacific Fisheries Development Act (86 Stat. 744; 16 U.S.C. 758a note) is amended—

(1) by striking in section 2 the words "three-year";

(2) by striking in section 4 the words "June 30, 1976, a complete" and inserting in lieu thereof the words "January 30 of each year, an annual"; and

(3) by striking section 7 and inserting in lieu thereof the following: "There is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act not to exceed $300,000 for the transitional fiscal quarter ending September 30, 1976; not to exceed $1,333,333 for the fiscal year ending September 30, 1977; not to exceed $1,333,333 for the fiscal year ending September 30, 1978; and not to exceed $1,333,333 for the fiscal year ending September 30, 1979. Such sums as may be appropriated under this section shall remain available until expended.".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

(Later in the day the following proceedings occurred:)

Mr. ROBERT C. BYRD. Mr. President, earlier today, the Senate passed S. 2219 by unanimous consent, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 13380; that the Senate proceed to its immediate consideration; that it be considered as having been read the first and second times; that all after the enacting clause be stricken; that the text of the Senate-passed bill, S. 2219, as amended, be inserted in lieu thereof; that the bill then be considered as having been read the third time and passed and the motion to reconsider laid on the table; and that the action on S. 2219 be vitiated and S. 2219 then be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FISHERIES PROGRAMS IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS

The Senate proceeded to consider the bill (S. 1414) to make the Trust Territory of the Pacific Islands eligible to participate in certain Federal fisheries programs, and for other purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That section 2 of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779) is amended by striking out the words "and Guam" in the definition of "State" and inserting in lieu thereof the words "Guam, and the Trust Territory of the Pacific Islands".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENT'S COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH ACT OF 1976

The Senate proceeded to consider the bill (S. 2515) to amend the Public Health Service Act to establish the President's Commission for the Protection of Human Subjects Involved in Biomedical and Behavioral Research, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research Act of 1976".

AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT

SEC. 2. Title IV of the Public Health Service Act is amended by inserting the following new part at the end thereof:

"PART J—PROTECTION OF HUMAN SUBJECTS

"ESTABLISHMENT OF COMMISSION

"SEC. 477. (a) There is established a Commission to be known as the President's Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (hereinafter in this title referred to as the 'Commission'). The Commission shall be composed of eleven members appointed by the President of the United States with the advice and consent of the Senate. The President shall select members of the Commission from individuals distinguished in the fields of medicine, law, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government, and public affairs; but five (and not more than five) of the members of the Commission shall be individuals who are or who have been engaged in biomedical or behavioral research involving human subjects. All members shall, prior to appointment, have received all security clearances from the appropriate departments or agencies. Until such time as the President acts to appoint members of the Commission, those members of the National Commission for the Protection of Human Subjects of Biomedical and Behavorial Research, who are serving upon the date of enactment of this Act, are deemed members of the Commission: *Provided*, That no classified information be made available through a request of the Commission until appropriate security clearances be obtained by such members.

"(b) The term of office of each member of the Board shall be four years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; (2) the terms of office of members first taking office shall begin on the date of appointment and shall expire, as designated at the time of their appointment, four at the end of one year, four at the end of two years, and three at the end of four years; and (3) a member whose term has expired may serve until his successor has qualified.

"(c) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Seven members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(d) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission. All other members of the Commission shall receive compensation at a rate to be fixed by the Commission, but not exceeding for any day (including traveltime) the daily equivalent of the effective rate for GS-18 of the General Schedule while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel subsistence and other necessary expenses incurred in the performance of such duties.

"(e) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

"(f) Representatives of the Department of Health, Education, and Welfare, the Department of Defense, the Central Intelligence Agency, the Science Adviser to the President, and the Veterans' Administration shall serve as nonvoting, ex officio advisers to the Commission.

"(g)(1) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(2) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not exceeding for any day (including traveltime) the daily equivalent of the effective rate for Grade GS-18 of the General Schedule. While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(h) The Commission may secure directly from any department or agency information necessary to enable it to carry out its duties. Upon request of the Chairman of the Commission, each department or agency shall furnish all information requested by the Commission which is necessary to enable the Commission to carry out its duties. For purposes of this part, the term "information" includes any information which is deemed to be classified for any purpose (including national security) by such agency or department.

"COMMISSION DUTIES

"SEC. 478. (a) The Commission shall carry out the following:

"(1)(A) The Commission shall (i) conduct a comprehensive investigation and study to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects, (ii) develop guidelines which should be followed in such research to assure that it is conducted in accordance with such principles, and (iii) advise, consult with, and make recommendations to the appropriate agency or department for such administrative action as may be appropriate to apply such guidelines to biomedical and behavioral research conducted or supported under programs administered by the appropriate agency or department, and concerning any other matter pertaining to the protection of human subjects of biomedical and behavioral research.

"(B) In carrying out subparagraph (A), the Commission shall consider at least the following:

"(i) The boundaries between biomedical or behavioral research involving human subjects and the accepted and routine practice of medicine.

"(ii) The role of assessment of risk-benefit criteria in the determination of the appropriateness of research involving human subjects.

"(iii) Appropriate guidelines for the selection of human subjects for participation in biomedical and behavioral research.

"(iv) The nature and definition of informed consent in various research settings.

"(v) Mechanisms for evaluating and monitoring the performance of Institutional Review Boards established in accordance with section 474 of this Act and appropriate enforcement mechanisms for carrying out their decisions.

"(C) The Commission shall consider the appropriateness of applying the principles and guidelines identified and developed under subparagraph (A) to the delivery of health services to patients under programs conducted or supported by any department or agency.

"(D) The Commission shall continually review and suggest the ethical, social, and legal implications of all biomedical and behavioral research on human subjects conducted by and through any department or agency, and shall make appropriate recommendations for the protection of human subjects of biomedical and behavioral research to such department or agency.

"(2) The Commission shall identify the requirements for informed consent to participation in biomedical and behavioral research by children, prisoners, military personnel and the institutionalized mentally infirm. The Commission shall investigate and study biomedical and behavioral research conducted or supported under programs of any department or agency and involving children, prisoners, military personnel, and the institutionalized mentally infirm to determine the nature of the consent obtained from such persons or their legal representatives before such persons were involved in such research; the adequacy of the information given them respecting the nature and purpose of the research, procedures to be used, risks and discomforts, anticipated benefits from the research, and other matters necessary for informed consent; and the competence and the freedom of the persons to make a choice for or against involvement in such research. On the basis of such investigation and study, the Commission shall make such recommendations to any department or agency as it determines appropriate to assure that biomedical and behavioral research conducted by or supported under the appropriate department or agency meets the requirements respecting informed consent identified by the Commission. For purposes of this paragraph, the term 'children' means individuals who have not attained the legal age of consent to participate in research as determined under the applicable law of the jurisdiction in which the research is to be conducted; the term 'prisoners' means individuals involuntarily confined in correctional institutions or facilities as defined in section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 (43 U.S.C. 3781); and the term 'institutionalized mentally infirm' includes individuals who are mentally ill, mentally retarded, emotionally disturbed, psychotic, or senile, or who have other impairments of a similar nature and who reside as patients in an institution; the term 'military personnel' means individuals who are active and inactive members of the United States Armed Forces and employees and agents of the Central Intelligence Agency.

"(3) The Commission shall conduct an investigation and study of past, present and projected research in the modification of any living organism or virus by the insertion of recombinant DNA molecules. The Commission shall consider the ethical, social, and legal implications of such research, and evaluate the potential hazards posed by such research both to research personnel, the human subjects of such research, and to the public at large. The Commission shall, if appropriate, develop guidelines on how such research should be carried out in order to protect human health.

"SPECIAL STUDY

"Sec. 479. The Commission shall undertake a comprehensive study of the ethical, social, and legal implications of advances in biomedical and behavioral research and technology. Such study shall include—

"(a) an analysis and evaluation of scientific and technological advances in past, present, and projected biomedical and behavioral research and services;

"(b) an analysis and evaluation of the implications of such advances, both for individuals and for society;

"(c) an analysis and evaluation of laws and moral and ethical principles governing the use of technology in medical practice;

"(d) an analysis and evaluation of public understanding of and attitudes toward such implications and laws and principles; and

"(e) an analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to advances in biomedical and behavioral research and technology and public attitudes toward such advances.

"ADMINISTRATIVE PROVISIONS

"Sec. 480. (a) The Commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

"(b) Within sixty days of the receipt of any recommendation made by the Commission under this part, the appropriate department or agency shall publish it in the Federal Register and provide opportunity for interested persons to submit written data, views, and arguments with respect to such recommendation. The appropriate department or agency shall (1) determine whether the administrative action proposed by such recommendation is appropriate to assure the protection of human subjects of biomedical and behavioral research conducted or supported under programs administered by it, and (2) if it determines that such action is not so appropriate, publish in the Federal Register such determination together with an adequate statement of the reasons for its determination. If the appropriate department or agency determines that administrative action recommended by the Commission should be undertaken by it, it shall undertake such action as expeditiously as is feasible.

"(c) For purposes of sections 477, 478, and 480 of this Act, the term 'department or agency' means any department, agency, instrumentality, grantee, or contractor of the Federal Government.

"AUTHORITY TO CONTRACT

"Sec. 481. The Commission may contract for the study and design of mechanisms to be included in such recommendations.

"AUTHORITY TO PUBLISH

"Sec. 481. The Commission may contract authority to publish reports and other material which it deems necessary.

"TRANSFER OF FUNCTIONS

"Sec. 483. The functions, powers, and duties of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research and those of the National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research (88 Stat. 348–354) are transferred (except those duties regarding studies required under section 202 of the National Research Act which have been completed and published) to the Commission.".

MISCELLANEOUS

Sec. 3. (a) Part A of title II of the National Research Act (42 U.S.C. 2891) is repealed.

(b) Section 211 and 213 of the National Research Act are repealed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLICATION OF CERTAIN STATISTICS FOR AMERICANS OF SPANISH ORIGIN

The joint resolution (H.J. Res. 92) relating to the publication of economic and social statistics for Americans of Spanish origin or descent was announced as next in order.

Mr. DOMENICI. Mr. President, many of our allocation decisions are closely tied to official census, unemployment and other statistics that are collected, analyzed and published by Federal agencies. We also rely on official statistics to measure changes in our society and progress made toward national goals.

If Government efforts are to be timely and effective, we cannot base program decisions on data that is sluggish in its inaccurateness. Such is the case with Government data on economic and social statistics relating to Americans of Spanish origin or descent.

House Joint Resolution 92 relating to the publication of economic and social statistics for Americans of Spanish origin or descent, has passed the House of Representatives October 29, 1975, with an amendment to the preamble and has received a "do pass" recommendation from the Committee on Post Office and Civil Service. As amended, this joint resolution is almost identical with Senate Joint Resolution 115 which I introduced on July 9, 1975, with Mr. Humphrey, Mr. Brock, Mr. Hartke, Mr. Kennedy, Mr. Stevenson, Mr. Stone, and Mr. Williams as cosponsors.

The only change was in the preamble which originally stated that there was not a "regular, nationwide evaluation" to "determine accurately the urgent and special needs of the Spanish origin or descent in the United States." General Counsel of the Department of Commerce pointed out the fact that the Census Bureau currently "provides regular statistical reports on the social and economic characteristics of the population of Spanish origin for the Nation as a whole." The Department of Commerce agrees, however, that there is a need for "improved evaluation of the economic and social status of Americans of Spanish origin or descent." With the modified preamble, the Department now fully supports our call for "accurate determination of the urgent and special needs" of these heretofore undercounted Americans on a par with that available for the general population of the United States.

Enactment of House Joint Resolution 92 will require a one-time expenditure of about $650,000, and requires the following action relating to Americans of Spanish origin or descent:

(1) Improved unemployment data;

(2) Improved indicators of social, health and economic condition;

(3) A government-wide program for the collection, analysis and publication of data;

(4) Creditable estimates of undercounts in future censuses;

(5) The use of Spanish language questionnaires, bilingual enumerators and other appropriate methods; and

(6) An affirmative action program within the Bureau of the Census for the employment of personnel of Spanish origin or descent and a report of progress in such program.

Passage of this joint resolution will lead to a coordinated interagency effort to improve this important data base and the closely related quality of our decisions affecting Americans of Spanish origin or descent. These Americans have contributed much to the cultural treasure of the United States and can be counted on in our national efforts to improve the quality of life here and in freedom-loving foreign countries.

Accordingly, Mr. President, I urge my colleagues to vote in favor of House Joint Resolution 92, which is long overdue.

The bill was ordered to a third reading, read the third time, and passed.

The preamble was amended so as to read:

Whereas improved evaluation of the economic and social status of Americans of Spanish origin or descent will assist State and Federal Governments and private organizations in the accurate determination of the urgent and special needs of Americans of Spanish origin or descent; and

S. 3476—ESTABLISHMENT OF THE GEORGE W. NORRIS HOME NATIONAL HISTORIC SITE IN NEBRASKA

Mr. CURTIS. Mr. President, today I am very proud to introduce a bill in honor of a great American, a man much beloved. In 1944, a poet, John Beecher, wrote this gentle verse in tribute to George W. Norris:

> Hearing that he is dead
> All I can think of
> Is the white foam breaking
> Over the spillway
> And the lights in the hills

As we drive through the silent countryside at night, and see illuminated squares in distant houses, it seems that George Norris is still with us.

> Who are those boys and girls
> Reading by these lights?
> What lessons are they studying?
> —Beecher.

Mr. President, I am pleased to introduce for myself and for my esteemed colleagues, Mr. Humphrey, Mr. Hruska, Mr. Mansfield, Mr. Hugh Scott, and a total of 55 cosponsors, a bill to provide for establishment of the George W. Norris Home National Historic Site at McCook, Nebr.

There is in this Senate overwhelming support for this bill to provide for national recognition of one of the most renowned Americans to have served in the Senate.

As I said, the bill has 55 cosponsors. They are:

Mr. Hruska, Mr. Mansfield, Mr. Hugh Scott, Mr. Humphrey, Mr. Abourezk, Mr. Baker, Mr. Bartlett, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bentsen, Mr. Brock, Mr. Burdick, Mr. Case, Mr. Clark, Mr. Culver, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Fong, Mr. Ford, Mr. Garn, Mr. Goldwater, Mr. Gravel, Mr. Hansen, Mr. Gary Hart, Mr. Philip A. Hart, Mr. Hartke, Mr. Hathaway, Mr. Hollings, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Laxalt, Mr. Leahy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Nelson, Mr. Pearson, Mr. Randolph, Mr. Schweiker, Mr. Sparkman, Mr. Stafford, Mr. Symington, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney, and Mr. Young.

George W. Norris is remembered for his coauthorship of the Norris-LaGuardia Act of 1932, which outlawed the "yellow dog" contract which had allowed employers to force employees to sign contracts that they would not join a union, his sponsorship of the Rural Electrification Administration, his support of the United Nations preliminary organization, his authorship of the Muscle Shoals Act of 1928, his leadership in the establishment of the unicameral legislature in Nebraska during his term as U.S. Senator, and on and on.

Born on July 11, 1861, in Ohio, George Norris settled in Nebraska in 1885 at the age of 24. He served three terms as county attorney of Furnas County and as district judge from 1895 to 1902. In 1903, he was elected to Congress. After 10 years in the House, he served in the Senate from 1913 to 1943. His total service in the two Houses of Congress amounted to 39 years and 10 months. During that time, he authored many programs.

George W. Norris authored the 20th amendment to the Constitution dealing with the terms of the Presidency and the Congress, and the sessions of Congress. It is this amendment that eliminated the previously lengthy lame duck sessions of Congress.

The achievement Norris considered his proudest was his authorship of the legislation that established the Rural Electrification Administration. Because of his work for the REA, we now have vitally needed electrical energy supplied to millions of American farms.

Let Art Grimm, writing in the Rural Electric Nebraskan of March 1975 tell the story:

> What Norris did in getting rural electricity started when investor-owned firms (IOU's refused to serve the farmer because profits would have been low, was vital to both Nebraska and the nation. Aside from laws enabling farmers to band together in cooperatives for their common good, the Norris-Rayburn bill bringing electricity to the land was perhaps the most important ever for development of American agriculture.
>
> We need only one statistic: Previous to Norris action in 1936, about 7 per cent of Nebraska's farms had electrical power. Today most have.
>
> The Norris attitude toward electricity after his experiences in Nebraska and elsewhere was that, "Electricity, being a modern necessity of the farm, ought to be provided without profit. If the element of profit is eliminated, one of the greatest of economies can be extended at once to rural electrification."
>
> His wish came true in the rural areas. Today, nearly 1,000 rural electric districts indeed do provide electricity to a batch of out-of-state stockholders. They are cooperatives, which return funds left over to their members, or public power districts, as in Nebraska.

Another story, this one from Harold Hamil, retired vice president of Farmland Industries, illustrates Norris' compassion:

> Stopping at a Custer County farm on a hot day many years ago with a friend, Norris noticed a young wife fanning flies away from the face of her baby. He became almost intemperate in expressing his disgust with a system that made electric fans available to most urban dwellers but could not find ways to bring power to rural areas so children could sleep in comfort, untroubled by flies.

As a Nebraskan, I want to pay tribute to the work of George Norris in sponsoring the Central Nebraska Public Power and Irrigation District. He was very instrumental in getting this project approved by the Public Works Administration in the Roosevelt years. His efforts involved not only the approval of the project but obtaining the money and working out the many other details which are necessary in an undertaking of this kind. This project is known as the Tri-County District. It is an electric power district and an irrigation project also. It is operated primarily for irrigation purposes. The Tri-County supplies power wholesale and is not engaged in distribution or retailing of electricity.

It would be difficult to tabulate the economic benefits of this very important irrigation district. It has enhanced the income and the property values of farmers and townpeople alike in the counties of Gosper, Phelps, Kearney, and Adams. It has raised the standard of living. The added farm income in this area has made it possible for many young men and women to secure an education who perhaps would not have been able to do so if the income of the area was not enhanced by this project. This added income has brought about all the cultural and business benefits that come when the standard of living of people is raised. I regard George W. Norris' sponsorship of this irrigation district as one of his major achievements.

I think it is extremely fitting in this Bicentennial Year when we honor people and events that have made this country strong that we work to establish the George W. Norris home as a national historic site.

During his political career, Norris maintained his home at 706 Main Street—now Norris Avenue—in McCook, Nebr. When he left the Senate he went back to his home at McCook. There he wrote his memoirs and there he died on September 2, 1944.

> He is dead
> But the white foam breaks
> Over the spillway
> And the lights in the hills
> Come on
>
> —Beecher.

Mr. President, I urge the favorable consideration of this bill to establish the Norris home as a national historic site.

I send the bill to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (S. 3476) to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

Mr. CURTIS. Mr. President, may I say this matter has been cleared with the leadership on both sides, the chairman of the committee, the ranking minority member, and all the rest.

I thank the distinguished majority leader and the Chair for their cooperation.

I thank my distinguished colleague from Nebraska for his help in regard to this bill all through the years. Part of that time he has been the principal sponsor and I have been a cosponsor. Then today it happens that it is my bill and he is a cosponsor. But I am very happy to yield to him such time as he desires.

Mr. HRUSKA. Mr. President, I thank the distinguished Senator for yielding.

Mr. President, I am pleased to express my support for S. 3476, a bill sponsored by my colleague from Nebraska, Senator Curtis, and by the Senator from Minnesota (Mr. Humphrey), to establish the George W. Norris Home National Historic Site. I have long sought proper recognition and standing for it. I am a cosponsor of the pending measure.

This bill would allow the National Park Service to assume responsibility for the home of this distinguished Senator from Nebraska, which is located in McCook.

Senator Norris represented my home State in this body for 30 years, and in the other body of Congress for 10 years. During that time he gained the respect and admiration of his colleagues and people all across our great country. His contributions to the Nation were many.

He was the father of the Rural Electrification Administration, which brought much-needed electrical energy to rural America at a reasonable price. Senator Norris was the driving force behind the establishment of Nebraska's unique Unicameral Legislature, which stands today as a model for the Nation in efficient, representative, and clean government.

Although born in Ohio, George Norris settled in Nebraska in 1885 and quickly became part of our young State's struggle for maturity. He was first elected to the U.S. House of Representatives in 1902 and to Senate in 1912. Senator Norris died in 1944 at his home in McCook.

Mr. President, it is indeed very appropriate that the Norris Home receive the recognition it so richly deserves. I have been in past years the sponsor of several bills similar to this one. They were not successful. Let us hope that this bill will be approved by both bodies of the Congress and become law so the Norris Home will stand as a national landmark to the life and career of George Norris.

Mr. President, so that my colleagues and others interested in the accomplishments of Senator Norris might know more about him, I ask unanimous consent that an article authored by Carol Schliesser, entitled, "Prestige on the Line: The Lonely Liberal from McCook," published in 1970 by the school of journalism at the University of Nebraska at Lincoln, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Prestige on the Line: The Lonely Liberal From McCook

(By Carol Schliesser)

"If I offered the Lord's Prayer as an amendment, they would fight it."

The speaker: George William Norris. The place: McCook, Nebraska, his home town. The time: November 5, 1934. The words represented a moment of discouragement in the life of a man for whom lonely political battles had been not the exception but the rule.

These weary words spoken in 1934 came at the end of another battle. They were spoken on election eve when Nebraskans were pondering the fate of the proposed unicameral legislature amendment, Norris's final plea was recorded by the McCook Gazette:

"In a voice shaking with emotion, Senator George William Norris told approximately a thousand southwestern Nebraska voters that he would rather death close his eyes before a check is made of today's ballots if the vote brings defeat to his proposal to install a Unicameral Legislature in Nebraska."

The next day the voters fulfilled a dream of George Norris. He had written the amendment advocating this type of state government and he had been a factor—perhaps the prime factor—in convincing the people that it would bring better government than the old bicameral system.

It is hard to pinpoint when Norris first became interested in a unicameral legislature. He rarely gave dates in his autobiography, Fighting Liberal, but said that he first became interested while living in Furnas County, which would put the date sometime between 1885 and 1900. He said, "I was anxious that the State of Nebraska abolish its illogical clumsy two-house legislature and substitute the unicameral plan for it."

The earliest record of Norris's interest in a one-house legislature is an article he wrote for the New York Times, January 28, 1923, in which he likened state government to a business:

"The governor is the president of the corporation, the legislature is the board of directors, and the people are the stockholders. The stockholders have a right to know what their board of directors does and how it is done. They have a right to be able by the record of the votes, to know whether the members of the board of directors have properly represented the stockholders."

His article urged that the house be small and well paid, with few enough members to be carefully watched by the public. He did little else about the unicameral legislature until 1934.

An Old Dream

The unicameral legislature was no sudden fantasy on his part. For years he had studied the idea of providing a unicameral legislature by amendment to the constitution. He had been asked to run for both the House and the Senate in the state legislature, he wrote in his autobiography, but could not afford to live on the low pay ($300 a term).

But, he did not invent the idea of a unicameral legislature. John Norton probably was Nebraska's first vigorous advocate. And much earlier other states—Pennsylvania, Vermont, and Georgia—had created one-house legislatures during the Revolution but, Georgia and Pennsylvania had abandoned the one-house system in 1789 and 1790. Vermont followed suit in 1836—a century before Nebraska embarked upon the "great experiment."

Norris traced the adoption of the bicameral assembly back to the early struggles between the English classes and hailed the ascendency of the people's branch and the decline of the House of Lords in the English Parliament.

"Assuming two such classes exist and that their interests conflict," he said, "there is some reason for a two-house legislature, but in this country we have no such classes and the constitutions of our various states are built upon the idea that there is but one class. If this be true, there is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction."

For years Norris had watched the machinations of the two-house system of legislation, both in the state and federal government. He learned from the inside the vast powers held by the conference committee—a group of three senators and three representatives who met in secret to decide the fate of bills already passed by both houses. He saw these conferees modify and even thwart legislation which had been approved by a majority of their colleagues.

In this system, lobbyists did not have to control both houses, Norris pointed out, but merely two members of the conference committee from either chamber.

It is not certain just what induced Norris to pick 1934 for the year to stump the state for the unicameral legislature, but he said that he had promised friends to help in the movement in 1934. In his biography of Norris. Alfred Lief wrote that the people urged Norris, "by mail and in person, to lead the way."

With Professor John P. Senning of the University of Nebraska, Norris worked out an amendment embodying his plan. It provided for a single legislature of from 30 to 50 members. To Norris the most cherished part of the amendment was the sentence that read:

"Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization."

His proposal to eliminate partisanship in state government gained for this amendment the opposition of both Nebraska political parties.

John Senning wrote that Norris "felt the time was ripe to give the people an opportunity to free themselves of a bicameral legislature if they so desired." Senning gave credit to Norris not for his speaking, but for his leadership and for choosing "the strategic moment in which to present the question to the people."

On December 21, 1933, Senator Norris drafted the original amendment. After preliminary discussions, a public meeting was arranged for February 22, 1934, in the auditorium of the Cornhusker Hotel in Lincoln. Norris traveled from Washington to address the meeting, "at which, to my surprise, eight hundred men and women from all parts of the state, were present," he said.

This was to be the beginning of a long and strenuous campaign by Senator Norris. "I never made a more complete campaign in Nebraska, or in any other political contest in which I became engaged. I traveled every section of the state, nearly wearing out my automobile," he said.

"The Senator and his son-in-law, John Robertson, started out in a car and wore out two sets of tires and two windshields, and hit every nook and cranny in Nebraska," Mrs. Norris, the Senator's widow, recalled at her McCook home in 1961.

REACHING THE PEOPLE

"At first he was discouraged," she continued, "but when he got out among the people, they were for it. The mail was preponderantly for it." Mrs. Norris told of the Senator's discouragement when the meetings for the unicameral legislature got almost no publicity because all the state papers, except the Hastings Daily Tribune and the Lincoln Star, were against it. If the publicity was good, many people came to hear the Senator speak, but if the publicity was poor, few turned out, his wife said. "When they put up handbills to announce the meetings, sometimes the opposition tore them down," she explained.

It is estimated that Norris delivered over 40 speeches between October 8 and November 5, 1934, in all parts of the state. He was heard in person by 20,000 to 30,000 persons. Many more thousands of persons heard the Senator over the radio. He spoke in all kinds of halls; to men, women, farmers and ranchers, businessmen and laborers. He spoke under the auspices of various farm organizations, women's clubs, commercial clubs, church groups, service clubs, and the Democratic party, although he was nominally a Republican. He had the support of labor, farm groups, and an organization including at least four ex-governors and other influential Nebraskans, wrote Phillip Knox Tompkins in his master's thesis on "George Norris's Persuasion for the Unicameral Legislature."

The Senator's speeches usually contained arguments dealing with the evils of a bicameral system and extolling the virtues of a unicameral system. These would be followed by his "last and best fight," a personal appeal directly to those who had supported him for 30 years, Tompkins said.

Norris often put humor into his speeches. The Falls City Journal reported: "Senator Norris was full of the pointed quips which have made him famous. 'Checks and balances,' he chortled. 'After the legislative session comes to an end and we balance the books, we generally find that the politicians get the checks and the special interests get the balance.' "

"During the campaign someone spread the rumor that the Negroes in Omaha would lose their representation if the unicameral legislature were approved," Mrs. Norris said. "He was slow to anger, but he was perfectly furious over that. He had to laugh when he saw how it turned out. The only Negro representative to the Unicameral Legislature was elected from that Omaha district."

Denying charges that he had ulterior motives in advocating a unicameral legislature, Norris told a large audience in O'Neill, "I haven't many more years to live. Why should I deceive you now?"

The date of the first session of the Unicameral Legislature, January 3, 1937, was also the date for the opening at Washington of the first Congressional session under the new Lame Duck Amendment, which Senator Norris had helped to initiate. However, he chose to be present in Lincoln where he sat on the rostrum as guest of honor when the Unicameral Legislature opened. Another of his plans had become a reality. "I have always been called the worst demagogue who ever walked down the pike," he grinned, "until the things I wanted began to work."

As he walked into the chamber, a thunderous burst of applause greeted him.

"I congratulate you," he told the first session of Nebraska's Unicameral Legislature.

"Every professional lobbyist, every professional politician, and every representative of greed and monopoly is hoping and praying that your work will be a failure."

After giving the Unicameral Legislature this send-off, he devoted all his time to work in Washington, leaving the Unicameral Legislature to work under the ideals he had set up for it.

IMAGE OF NORRIS

The Unicameral Legislature did more than fulfill one of George William Norris's dreams. With its nonpartisan provision, it was his whole way of life.

Yet, when he was elected to the U.S. House of Representatives in 1902, Mrs. Norris said, 'there was never a more standpat Republican. Norris was born in poverty in Ohio July 11, 1861. He was first elected prosecuting attorney and later district judge in McCook, Nebraska. Before that he had taught school in the rough, unsettled Washington Territory.

In his youthful enthusiasm, the newly elected member of the 58th Congress "thought the Republican party was perfect," Norris wrote in Fighting Liberal. When he saw party members voting along party lines regardless of the issue involved, he wrote later, he was disappointed and began his life of nonpartisanship and liberalism. In explanation he said, "I cannot be anything but himself." Because of his liberalism, he was not held in favorable regard by some of his fellow Republicans.

"His eternally youthful vision, his courage and his honesty, gave strength and faith to millions of his countrymen," said James E. Lawrence, former editor of the Lincoln Star.

Norris's Congressional record, which covered 40 years in the House and Senate, is one of struggle for what he believed in. He was the author of and led the fight for the 20th Amendment to the Federal Constitution. In 1910 he waged a historic fight to end the dictatorial authority of the speaker of the House over committee appointments. This battle with "Uncle Joe" Cannon required political courage and parliamentary ability of a high degree, said Richard Neuberger in his book about Norris. Integrity: The Life of George W. Norris. Under Norris's leadership the House passed progressive legislation after the change in power.

During four decades on Capitol Hill, George Norris knew many presidents. But a president he did not know—John F. Kennedy—later described the Nebraskan on the day in 1910 when he fired the opening shot in the battle with Joe Cannon. In his book Profiles In Courage, Kennedy envisioned Norris as "a somewhat shaggy looking Representative in a plain black suit and a little shoestring tie."

Norris's successes have been attributed by Time magazine to the fact that through the years, his cocked eyebrows never grew weary while he watchfully waited for an opportunity to come his way. In 1932 he won Congressional approval of the 20th Amendment. He then secured passage of the Norris-La Guardia Bill restricting the powers of courts to grant injunctions in labor cases and forbidding them to entertain suits based on labor contracts that forbid workers to join unions. This was followed by the Tennessee Valley Authority to ensure governmental operation of Muscle Shoals. "At this time many people said that Tennessee had three senators and that Nebraska had only one," said Alex Gochis, resident of McCook and friend of Norris.

Many people feel that his greatest achievement was the Rural Electrification Administration. "It was an electrical revolution," said Judge Victor Westermark of McCook.

PROUDEST OF REA

Carl Marsh, McCook realtor and close friend of the Senator, once asked Norris what was the most important of his accomplishments. Norris replied that he wanted to be remembered for the REA because it relieved the farm woman of the slavery of farm work.

"If I were a citizen of Nebraska, regardless of what party I belonged to, I would not allow George Norris to retire from the U.S. Senate," said Franklin D. Roosevelt. Norris was one of the few men in public life for whom F.D.R. had an almost reverential respect.

"No one doubts George Norris's 100 per cent integrity," said a Time magazine article on January 11, 1937. "Frankness is almost a fetish with him. His other engaging traits include a mild manner, great personal modesty, a disarming habit of coupling every declaration with the frank admission that 'maybe I am wrong,' or 'it seems to me,' and a 15-year-old spirit of disillusionment about the possibility of getting anything liberal done for the benefit of mankind. However, he tried to get the last word in every Senatorial debate and found it hard to believe that his opponents' motives were honest."

RATED TOPS

In a 1939 poll of senators by Washington correspondents, Norris rated tops for integrity, intelligence, industry, and influence. The question visitors asked as they looked down upon the Senate floor was, "Which one is Norris?"

The mainspring of his career took the form of insurgency and liberalism, but it took other forms as well and at bottom it appeared to be an emotional objection to doing anything that was expected of him. He was one of six men who voted against the declaration of World War I. "I feel we are committing a sin against humanity and against our countrymen. I wish we might delay our action until reason could again be enthroned in the minds of men. I feel we are about to put a dollar mark upon the American flag," he said.

His vote against entry into World War I was not his first unpopular stand in those troubled times before American soldiers were first sent out of the Western hemisphere. On March 2, 1917, he led a successful but unpopular filibuster that delayed passage of the Armed Ships Bill designed to arm our merchant ships against German submarine attack.

President Kennedy's book described Norris's return to Lincoln to face an audience after that widely denounced filibuster:

"Calm, but trembling, he walked out on the stage before them and stood for a moment without speaking. A solitary figure in a baggy black suit and a little shoestring tie. . . .

"In his homely, quiet, and yet intense manner, Senator Norris began with the simple phrase:

"'I have come home to tell you the truth. . . .'"

However, in 1941 he voted for President Roosevelt's request to arm all American merchant ships because, he said, of the changing national scene and Hitler's determination to dominate the world.

In 1957 he was on a list being considered by a Senate committee that was selecting the five outstanding senators in history. But, he was not one of those chosen. "Like other prophets and dreamers, he is without honor among some of his own people," said Thomas L. Stokes, United Features Syndicate columnist.

IMAGE LIVES ON

"George Norris ought to be among the five great senators," Stokes said. "But it really won't matter much if his picture doesn't hang in the Senate. It surely wouldn't matter to him. He was a simple and unaffected person to whom such things mattered so little. His image is in the minds and hearts of people all over the world."

An Omaha World-Herald editorial in 1941 said that possibly the real value of Norris had been largely in his independence and imagination and his capacity to follow through. After his death September 2, 1944, Time magazine said that his radicalism had consisted mainly of his persistent belief that the United States could somehow be made into a better place for the plain man to live. Time also said it was his baggy old-fashioned suit, topped by a limp string of a bow tie, and his droopy eyelids under bushy brows that made him look perpetually tired.

And perhaps he was a little tired, for he sometimes worked 16 to 18 hours a day handling correspondence, reading, researching, and preparing for his legislative work. He would not discuss public issues on which he did not feel himself properly prepared.

"He was a studious senator," said his widow. "He always had a room of his own," she said. "The study belonged to Father. When he closed the door, no one went in, but when the door was open, the family enjoyed many pleasant times with him in that study."

"Their social life wasn't too much," said Miss Frances Egan of McCook, who served as Senator Norris's secretary in Washington for 10 years. "His diversion was his family," said Mrs. Norris, "and he was happier when he was home, and was devoted to his family."

Mrs. Norris said the Senator "gave his whole life to his work." He liked to row for enjoyment, but not to hunt. She recalled that as a young man he had been shot in the face while hunting and it was feared for a while that he might lose an eye. "George William knew who had shot him for he saw the man take aim, but the man himself did not know what he had done," she said. "George William never told who fired the shot. I asked and he said, 'I have never told.' I never asked aagin."

"I thought that was very noble of George," she added fondly, her dark eyes sparkling.

Mr. HUMPHREY. Mr. President, I am delighted to join in sponsoring legislation to establish the George W. Norris homestead in McCook, Nebr., as a historic site.

This measure had 54 cosponsors in the Senate, in addition to Senator Curtis and myself, and it is entirely fitting and appropriate that the Department of the Interior establish his home as a tribute to this great American.

The leadership and the record of this great American are well established. The legislation most closely associated with Senator Norris include bills such as the Tennessee Valley Authority, the Rural Electrification Act, and the Norris-La Guardia Act.

The impact of these bills on the lives of rural Americans and working people is almost impossible to measure. We take these acts somewhat for granted today and tend to overlook the fight involved in their establishment.

TVA represented a major undertaking to deal with the total problems of the Tennessee River Valley. It was considered radical by many at the time. Under TVA dams and powerhouses were built, rivers cleared, forests replanted, and electricity brought into remote areas. Visitors came from all over the world to look at this experiment.

Senator Norris introduced legislation, along with Sam Rayburn on the House side, to put the REA on a solid basis and bring electricity to rural America. This bill was strongly opposed by the power companies, but it has been one of this Nation's most successful programs.

The Norris-LaGuardia Act of 1932 was a major step forward in sustaining unions and union activities in the face of strong opposition.

But beyond specific legislative accomplishments, Senator Norris stands out as a strong and principled leader most interested in pursuing a course which he considered right rather than taking the most acceptable position.

History, deservedly, has treated George Norris well because of his strong rock-like character and his dedication to reform. He worked closely with President Roosevelt on numerous New Deal bills and was referred to by Roosevelt as the "Gentle Knight of Progressive Ideals."

In "Profiles in Courage," John Kennedy suggested:

> George Norris met with both success and failure in his long tenure in public office, stretching over nearly a half a century of American political life. But the essence of the man and his career was caught in a tribute paid to the Republican Senator from Nebraska by the Democratic Presidential nominee in September, 1932:
>
> History asks, "Did the man have integrity?
> Did the man have unselfishness?
> Did the man have courage?
> Did the man have consistency?"
>
> There are few statesmen in America today who so definitely and clearly measure up to an affirmative answer to those four questions as does George W. Norris.

I have visited the Norris Home in McCook, and I can think of no more fitting tribute to this great American. My respect and admiration for Senator Norris is unbounded.

Mr. President, I would like to conclude my remarks by asking unanimous consent to have printed in the Record at this point a poem, "White Foam Breaking," by John Beecher, written as a tribute to George W. Norris.

There being no objection, the poem was ordered to be printed in the Record, as follows:

White Foam Breaking

(By John Beecher, 1944)

Hearing that he is dead
all I can think of
is the white foam breaking
over the spillway
and the lights in the hills
Who are those boys and girls reading by these lights
what lessons are they studying?
After forty years in the Congress of the United States
George Norris died simply a citizen
and in the Senate seat
which he had made more feared by the strong few
more loved by the weak many
than ever a Senate seat before
sat a small-town undertaker
destroying his work like a weevil in good wheat
Nebraska
thanks for forty years of George Norris
who nourished the spirit of all this land
as your wheat the growing bodies of our children
How you must feel today
Nebraska
we know
who have also struck down blindly
the ones who loved us
and when it was too late
repented
Nebraska your treeless earth
spreads level to the sky's edge
your golden grain upturned to the sun and the blue
it's a long, long way from here
to Tennessee's hills
the rain-blackened cabins in the coves
the thin corn clinging to the slopes
the haggard children
the white water of the rushing streams
What is Tennessee to us?
you said
We want a man who will work for Nebraska
first last and all the time
George Norris grew too big for you
Nebraska
Your great plans bred a vision
vast as themselves and as bountiful
The hills and the plains
are one earth
George Norris saw
and the people of both
one nation indivisible
Omaha Lincoln McCook and Grand Forks
the neighbor up the block
or beside the windmill whirling on the far horizon
are Nebraska you said
and when the Sheriff came to seize Jim's farm
you grabbed the pitchfork and went over

But when the people of Prague
of Warsaw Paris Athens Kharkov
wept in the streets as the hobnails rang on their cobbles
George Norris grabbed his pitchfork

Perhaps you understand him better
Nebraska
now that the neighbor up the block
or beside the windmill whirling on the far horizon
has a gold star in his parlor window

I intend to do as much as I can . . .
George Norris said
the old man of 83
with the young heart
You tried to break it Nebraska
but it was too big for you
you were in it
but it had room for all the rest of us besides

He is gone
the simple citizen who marched at the head of us
but the march goes on
gathering the people from every street
every house that we pass
from the churches and colleges
from the farms and factories
from the tall buildings of cities
from ships in the harbors
from the plains and the hills

We march toward that America
which sleeps in the seeds he planted and others before him

as sure to grow
as wheat on Nebraska plains

He is dead
but the white foam breaks
over the spillway
and the lights in the hills
come on

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership the historically significant property associated with the life of Senator George William Norris, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the land and interest in land, together with buildings and improvements thereon, located at or in the vicinity of, 706 Norris Avenue, McCook, Nebraska, together with such other lands and interests in lands, including scenic easements, as the Secretary shall deem necessary for the administration of the area. The Secretary shall establish the George W. Norris Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purpose of this Act.

Sec. 2. Pending establishment and thereafter, the Secretary of the Interior shall administer lands and interests in lands acquired for the George W. Norris Home National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act approved August 21, 1935 (40 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. CURTIS. Mr. President, I ask unanimous consent that any remarks made in reference to George Norris follow the remarks of my distinguished colleague, the Senator from Nebraska (Mr. Hruska), in the Record, and I further ask that any remarks offered on a day subsequent to this appear at that place in the permanent Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 15 minutes.

ORDER AUTHORIZING SECRETARY OF THE SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN THE ENGROSSMENT OF SENATE AMENDMENTS TO H.R. 11438

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 11438, to amend title 5, United States Code, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2679.

The PRESIDING OFFICER (Mr. Hollings) laid before the Senate the amendment of the House of Representatives to the bill (S. 2679) to establish a Commission on Security and Cooperation in Europe.

(The amendment of the House is printed in the Record of May 17, 1976, beginning at page 14048.)

Mr. CASE. Mr. President, I am pleased to say that the House of Representatives has approved by a decisive vote S. 2679, a bill proposing the establishment of a Commission on Security and Cooperation in Europe. The House has amended the bill in two respects: first by increasing the number of members of the commission from the 11 members proposed in the Senate bill to 15 members; second, by increasing the funding authority for the commission from $250,000 to $350,000.

I believe these minor changes by the

House are reasonable and the Senate should accept them en bloc, gives its final approval to S. 2679, and send it to the President.

Under the amended legislation, the commission would consist of the following members: six Members from the House of Representatives appointed by Preisdent of the Senate. Four Members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party; six Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party; one member from the Department of State appointed by the President of the United States; one member of the Defense Department appointed by the President of the United States; one member of the Commerce Department appointed by the President of the United States.

Some may feel that the commission underrepresents the minority party. However, I believe that the monitoring of the Helsinki Accords is a matter above any kind of partisanship—it will require hard work and constant effort and it will focus on the very real human problems of people oppressed by foreign governments. Party membership has nothing to do with carrying out that task. Furthermore, I expect that the executive branch is not going to change hands and so the balance will be redressed somewhat by the President's selections.

Among others, this legislation has been endorsed by the following groups and organizations: American Hungarian Federation; Assembly of Captive European Nations; Association of American Publishers; Association of American Ukrainian Baltic Women's Council; Czechoslovak National Council of America; Estonian American National Council; Federation of American Scientists; Freedom House; Hungarian Freedom Fighters' Federation; Lithuanian-American Community of the U.S.A., Inc.; Lithuanian Affairs Committee; Ltihuanian Catholic Religious Aid, Inc.; Lithuanian World Review Radio, New York; National Confederation of American Ethnic Groups; National Conference on Soviet Jewry; Polish American Congress, Inc.; the American Latvian Association in the United States, Inc.; the Joint Baltic American Committee; the Lithuanian American Council, Inc.; Ukrainian American Freedom Foundation; Ukrainian National Women's League; Union of Councils for Soviet Jews; U.S. Advisory Commission on International Educational and Cultural Affairs; and Veterans of Foreign Wars of the United States.

It is clear that the supporters of this bill know the anguish many families and individuals have suffered as a result of policies in the Communist States prohibiting the right of emigration, of family reunion and the free exchange of information and ideas.

The humanitarian sections of the Final Act of the Conference on Security and Cooperation, signed by 35 nations in August 1975, held out the hope that as a result of a peaceful process these restrictive policies might be changed. But this hope can be realized only if we actively engage in monitoring the agreement and in calling public attention to instances where its goals are fulfilled and to instances where its promises are not backed up by appropriate action.

By our action in approving this legislation today, we will help assure millions of people in Eastern Europe and in the Soviet Union that the Helsinki pledges are not going to be forgotten by us and they will know that we shall continue to try to be of assistance.

I think President Ford has put it best of all: History will judge the effectiveness of the European Security Conference "not by the promises we make but by the promises we keep."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 818, S. 3147.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (S. 3147) to extend the Marine Protection, Research, and Sanctuaries Act for 2 years.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 111 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1420) is amended by striking "and not to exceed $1,550,000 for the transition period (July 1, through September 30, 1976)," and inserting in lieu thereof "not to exceed $1,550,000 for the transition period (July 1, through September 30, 1976), not to exceed $4,800,000 for fiscal year 1977, and not to exceed $4,800,000 for fiscal year 1978.".

GUN CONTROL LEGISLATION

Mr. MANSFIELD. Mr. President, I have been contacted by the press and have noted several stories to the effect that "MANSFIELD Blocks Gun Control Bill for 1976." The source of this story is given as an "aide" who attended a meeting of the Joint House-Senate Democratic leadership last Wednesday morning.

The story goes on to say that—

> Senate Majority Leader MIKE MANSFIELD, citing political considerations, has notified House leaders that he will not schedule action on gun control legislation in the Senate this year, a decision that apparently dooms the measure.

May I say this is untrue. No such statement was made. The question was raised and my reply was, first, that there was no such legislation on the Senate calendar, that it was highly doubtful if any gun control legislation would be reported out of the Judiciary Committee, and that even if it were, it would have to be considered by the Democratic Policy Committee before any action could be taken on the floor.

As far as the allegation that I told the House leadership that I "would refuse to bring up the legislation in the Senate, irrespective of any action by the House," that statement is totally false. What the House does is its business; what the Senate does is the Senate's business; and we have detailed procedures by means of which any bill reported out by any committee is given the same consideration by the Policy Committee as any other bill.

I am also supposed to have said that—

> The measure is too controversial to tackle this late in an election year.

I do not recall making any statement of that kind. As far as a measure of this kind being controversial, it would be controversial at any time, in any year, and under any circumstances.

The article goes on to say that—

> As leader of the majority party in the Senate, MANSFIELD, . . . controls the legislative calendar in the chamber. Thus, he apparently would be able to block consideration of the gun control measure.

That is inaccurate.

I assure the Senate and the press and the people that, if any bill of any nature, including gun control legislation, is reported out by any committee, it will receive the same consideration as any other proposal and that, as far as I am concerned, it will not be blocked. May I say, incidentally, that I have never personally blocked any legislation in my 16 years as majority leader, and I do not intend to start now.

Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed beyond the hour of 11 a.m., with statements therein limited to 5 minutes each.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be extended for a period not to exceed beyond the hour of 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11:30 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 11:30 a.m. today.

There being no objection, the Senate at 10:15 a.m., recessed until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Allen).

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McCLURE ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders or their designees have been recognized under the standing order, Mr. McClure be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Curtis) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed, without amendment, the bill (S. 3399) to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts.

The message also announced that the House has agreed to, without amendment, the concurrent resolution (S. Con. Res. 100) expressing appreciation to professional societies for their congressional science and engineering fellowship programs.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12453) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 12527) to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal years 1976 and 1977, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the concurrent resolution (H. Con. Res. 635) directing the Secretary of the Senate to make a correction in the enrollment of S. 2498.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the enrolled bill (H.R. 5272) to amend the Noise Control Act of 1972 to authorize additional appropriations.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Curtis).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Curtis) laid before the Senate the following letters, which were referred as indicated:

Report of the Comptroller General

A letter from the Comptroller General transmitting, pursuant to law, a report entitled "Bilingual Education: An Unmet Need" (with an accompanying report); to the Committee on Government Operations.

Proposed Alterations by the General Services Administration

Two letters from the Administrator of General Services transmitting, pursuant to law, a prospectus for alterations at the Washington, D.C., Auditors Building, and a prospectus for alterations at the New York, New York, Federal Building (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. Cannon), from the Committee on Rules and Administration, without amendment:

S. Con. Res. 107. A concurrent resolution authorizing the printing of the following committee prints of the Committee on Foreign Relations Subcommittee on Multinational Corporations (Rept. No. 94–911).

S. Con. Res. 114. A concurrent resolution authorizing the printing of additional copies of Subcommittee on Children and Youth committee print titled "Background Materials Concerning Child and Family Services Act, 1975 (S. 626)" (Rept. No. 94–912).

S. Res. 447. A resolution authorizing the printing of the report entitled "Railroad Consolidation and Relocation in Urban Areas" as a Senate document (Rept. No. 94–913).

H. Con. Res. 305. A concurrent resolution providing for the printing of additional copies of the committee print entitled "Court Proceedings and Actions of Vital Interest to the Congress, Final Report for the 93d Congress, December 1974" (Rept. No. 94–914).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration:

William L. Springer, of Illinois, to be a member of the Federal Election Commission.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS (for himself, Mr. Hruska, Mr. Mansfield, Mr. Hugh Scott, Mr. Humphrey, Mr. Abourezk, Mr. Baker, Mr. Bartlett, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bentsen, Mr. Brock, Mr. Burdick, Mr. Case, Mr. Clark, Mr. Culver, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Fong, Mr. Ford, Mr. Garn, Mr. Goldwater, Mr. Gravel, Mr. Hansen, Mr. Gary Hart, Mr. Philip A. Hart, Mr. Hartke, Mr. Hathaway, Mr. Hollings, Mr. Huddleston, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Laxalt, Mr. Leahy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Morgan, Mr. Nelson, Mr. Pearson, Mr. Randolph, Mr. Schweiker, Mr. Sparkman, Mr. Stafford, Mr. Symington, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Tunney and Mr. Young):

S. 3476. A bill to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes. Considered and passed.

By Mr. ALLEN:

S. 3477. A bill for the relief of Jeanette Green, as Mother of the minor child, Ricky Baker, deceased, and as widow and administratrix of the estate of Enoch Odell Baker, deceased; and for the relief of Mary Jane Baker Nolan, individually, and as widow and administratrix of the estate of John William Baker, deceased. Referred to the Committee on the Judiciary.

By Mr. NELSON (for himself and Mr. Mondale):

S. 3478. A bill to amend the Internal Revenue Code of 1954 to provide for a common estate and gift tax credit in lieu of the present exemptions and to make other changes in the present estate and gift tax law. Referred to the Committee on Finance.

By Mr. DOMENICI:

S. 3479. A bill to amend title II of the Social Security Act to clarify the provisions relating to the amount of social security contributions required, pursuant to State-Federal agreements entered into under section 218 of such act, by States with respect to employees who receive payments on account of sickness or accident disability. Referred to the Committee on Finance.

By Mr. LONG [for Mr. Johnston (for himself and Mr. Long)]:

S. 3480. A bill to amend the act authorizing the Caddo Lake Dam and Reservoir. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself and Mr. Mondale):

S. 3478. A bill to amend the Internal Revenue Code of 1954 to provide for a common estate and gift tax credit in lieu of the present exemptions and to make other changes in the present estate and gift tax law. Referred to the Committee on Finance.

ESTATE AND GIFT TAX REVISION FOR FAMILY FARMS AND SMALL BUSINESSES

Mr. NELSON. Mr. President, I introduce today a bill containing additional legislative proposals on estate and gift tax relief and reform for family and small farms and businesses. I ask unanimous consent that a section-by-section analysis and the text of the bill be included in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJOR PROVISIONS

Mr. NELSON. These proposals arise out of continuing studies by the Small Business Committee, together with various individual Senators who are members of the committee. They may be summarized as follows:

Common credits for estate and gift tax purposes—replacing the dual system of exemptions now in effect;

Phasing out of this credit so as to provide adequate inheritances for family farms and small businesses without giving windfall benefits to very large estates and those consisting largely of stocks and bonds and other financial assets;

Increased and graduated marital deduction—which will recognize the contribution of wives to the building of family enterprises, while reducing the benefits gradually for the most wealthy estates;

A deferral provision—which would permit young persons taking over farms or small businesses from an estate to pay only interest on the tax for 3 years (at a reduced rate) and then pay the balance and interest over a maximum remaining period of 12 years.

A more detailed description of the bill will be found in the analysis at the end of my statement.

THE PROBLEM

As this body is aware, there have been no changes in the fixed-dollar limitations of the estate and gift tax for the last 34 years. During this time, general inflation has increased almost 300 percent. However, the cost of tangible business and farm assets have soared even higher, in some cases as much as 1,000 percent, depending on the worth of the farm acreage in different parts of the country. This is causing an acute problem to farmers and businessmen wishing their children to take over the enterprises which they have nurtured throughout their lifetimes. It has also brought the country to a point of decision about whether we wish to continue farms and businesses in family and local ownership.

POSSIBLE SOLUTIONS EXPLORED

The Senate Small Business Committee, which I serve as chairman, has made an intensive investigation of this area since mid-1975, in an effort to identify the problems and to prepare solutions which are practical and responsible from a budgetary standpoint.

These studies resulted in the formation of the following bills for revising estate and gift tax laws in behalf of small family enterprise:

S. 2394—the Mondale-Nelson bill.

S. 2819—the Nelson-Mondale-Humphrey "Small Business Estate and Gift Tax Reform Act".

S. 3139 and S. 3140—the Nelson-Packwood bills proposing a credit mechanism as an alternative to the exemption.

We were most gratified when the President joined with the congressional advocates by making proposals on January 5 and March 5, 1976, which have undoubtedly advanced the public and congressional discussion of these important policy matters.

The Small Business Committee has continued its study, and testimony summarizing this work was rendered by myself and the Senator from Oregon (Mr. Packwood) and the Senator from Colorado (Mr. Haskell) before the House Ways and Means Committee on March 16. On May 17, I also testified at the Senate Finance Committee hearing on this subject, to update the committee's observations and suggestions. We were pleased to observe on that occasion that the Senator from Massachusetts (Mr. Kennedy) also advanced positive proposals for relief of farms and small business which are quite similar to those of the committee.

The bill being introduced today contains several of the more recent recommendations stemming from our research which we feel have several advantages over earlier bills. We feel that it would be helpful for the tax-writing committees to have them in bill form for consideration when the time comes to prepare final proposals in executive session.

The chairman of the Ways and Means Committee (Mr. Ullman) indicates that he expects the House of Representatives to act in this area this year. The Senate Finance Committee has just concluded an extra day of hearings on this subject, setting the stage for adopting the long overdue changes in this session of Congress.

CONTINUING EFFORTS

I want to emphasize that the legislative prospects for tax reform, and estate and gift tax revision in particular, are continuing to evolve almost daily. Our committee likewise wishes to continue its efforts. After the Ways and Means Committee makes its proposals public, we may, if it appears to serve a useful purpose, consolidate many of the small business proposals which appear to have the greatest merit into a final omnibus small business estate and gift tax bill. In all events, we will try to be of maximum assistance to the many Members of this body, small business and farm groups, and members of the public who are concerned with continuation of family farms and small business in this area.

We will be doing all we can to bring about the consensus in this matter envisioned by the New York Times editorial of May 10 so that meaningful estate and gift tax relief and revision legislation can be enacted during 1976.

The section-by-section analysis follows:

Analysis of the Bill

SMALL BUSINESS AND FAMILY FARM ESTATE TAX RELIEF AMENDMENTS

The following is a brief description of each of the provisions of this bill in nontechnical terms.

Overall, the bill is intended to provide a framework for estate and gift tax relief with proportionately greater benefits of a $40,000 credit going to areas of greatest need—the surviving spouse and owners of small and modest-sized family farms and small businesses. Estates between $600,000 and $2 million and those not possessing business or farm property would receive a $25,000 credit—approximately 2½ times the level of tax-free relief provided by the present $60,000 exemption. The bill also provides for the credit to be phased down and out, so that wealthy estates above $2 million would not enjoy windfall benefits.

The bill is preliminarily estimated to involve a revenue loss of approximately $300 million less than President Ford's proposal, or about $800 million.

Sec. 1. *Title:* "Small Business and Family Farm Estate and Gift Tax Relief Amendments."

Sec. 2. *Common Credit:* There are presently two separate systems for estate and gift taxes, with separate schedules, exemptions, and conditions. The bill proposes a common credit which could be used for either gift or (to the extent unused) estate property. A single credit would simplify this area of the law and would be another step closer to integration of the two taxes. It builds upon the concepts advanced in the bill proposed by many Small Business Committee members in December (S. 2819), and opens the way to "full integration," a concept which is increasingly attractive but beyond the resources of the Small Business Committee to develop.

The objective of a common credit is to restore the option of lifetime gifts of business interests so that farms and businesses can be transferred while the older generation is present to assist in the transitional problems. The present gift tax exemption of $30,000 seriously inhibits this possibility.

Phasedown: In S. 3139, Senators Packwood and Nelson proposed a special "family enterprise credit" which would provide the additional and needed relief for family farms and small business, accompanied by the idea of a rapid phasedown for the larger estates. This bill represents additional effort to refine this concept, which appears to be gaining additional support.

The graduation proposed in section 2016(c) which would be added by section 2 of this bill builds upon this concept. It attempts to target the relief for family farms and small businesses, which in the distribution and manufacturing fields can easily reach a level of $2 to $3 million in assets over an entrepreneur's 30- or 40-year career. At the $2 million dollar level, the relief of such a phased-down credit would taper off more gradually than in S. 3139, but quickly enough to avoid windfall benefits.

The benefits compared to present law are approximated by the following table:

ESTATE TAX SAVINGS OF PHASED-DOWN $40,000 CREDIT [1]

	If left to wife		If all left to children	
Net estate [2]	Present law	Nelson bill [2]	Present law	Nelson bill $40,000 (phased-down credit) [1]
$50,000	0	0	0	0
$100,000	0	0	$4,800	0
$150,000	$1,050	0	17,900	0
$200,000	4,800	0	32,700	$10,700
$300,000	17,900	0	62,700	41,700
$400,000	32,700	$700	94,500	78,700

Net estate [2]	If left to wife		If all left to children	
	Present law	Nelson bill [3]	Present law	Nelson bill $40,000 (phased-down credit) [1]
$500,000	47,700	20,700	126,500	115,700
$750,000	86,500	64,000	212,200	208,200
$1,000,000	126,500	104,700	299,700	300,700
$2,000,000	299,700	282,200	726,200	728,200
$5,000,000	998,200	968,800	2,430,400	2,468,200

[1] $40,000 credit for small businesses and family farm property stepped down pro rata $5,000 per $100,000 of taxable estate beginning between $300,000 and leveling off with a $25,000 credit between $600,000 and $2,000,000 and phasing down to 0 between $2,000,000 and $5,000,000.

[2] Gross estate less debts and funeral expenses.

[3] Marital deduction of $100,000 plus 50 percent plus $40,000 phased-down credit.

Small Business and Family Farm Property: The property eligible for the extra credit up to $600,000 is defined in section 2016(d) as a business interest in a company or firm of less than 10 members, pursuant to section 6166 of the Internal Revenue Code which has been actively managed by the decedent for 5 years prior to death and which constitutes at least 35 percent of his adjusted gross estate or 50 percent of his taxable estate.

It is intended if there is both qualified and unqualified property in the same estate, that the two types of credit will apply pro rata.

SEC. 3. *Increased and Graduated Marital Deduction:* The same principles of graduation are next applied in the area of a marital deduction, subject to further evaluation in light of possible problems with community property states.

The proposal in this bill is aimed at remedying one of the worst inequalities in the present estate tax law, the situation where a surviving wife cannot prove she has contributed "money or moneysworth" to building up the estate, and therefore faces taxes on what both marriage partners had considered partly "hers."

Originally S. 2819, suggested a formula of $240,000, plus 50 percent of the remaining assets be allowed as a marital deduction. However, the adoption of a substantially increased credit or exemption would also help the surviving wife considerably. Therefore, an allowance of $100,000 plus 50 percent, in combination with an additional exemption or credit is therefore proposed as sufficient.

Also, the marital deduction would, under this bill, be phased down to $100,000 plus 25% of the amount between $300,000 and $1,000,000, and out entirely over $1 million. This should provide a maximum of one-half million tax free to any surviving spouse, plus the additional property which would be likely to be so transferred in the case of more sizable estates, so that the survivor would be sure to have very generous means of support.

SEC 4. *Deferral:* The idea for a prolonged extension of the period for payment of the estate tax was offered by President Ford in January with a suggestion of a 25-year period. Many observers have felt that length of time would be impractical. It might ultimately involve two estates. Further, during the lifetime of the survivor, improvements might be inhibited because title to the land and property would be clouded by a lien of the Internal Revenue Service.

The approach contained in Section 4(b) of this bill is to extend the present deferral of Section 6166 to 15 years, and allow the payment of only interest for the first 3 years. The interest rate would be at the cost of money to the Federal Government plus ¼ of 1 percent, so that Treasury would not lose on such transactions. This is also the formula which has been used successfully in Section 7(b)5 of the Small Business Act.

A further provision, Section 4(a)1, would permit the owner of a business interest substantial enough to be potentially disruptive of the business if immediately liquidated—here 20%—to defer payment of the tax on the portion of such interest up to $2,000,000. Such interests would not necessarily be eligible for the business-credit benefit of the bill unless fully qualified under other sections of the bill.

The provisions of S. 2819 relating to relieving the executor of personal liability would be a desirable adjunct to this section for the purpose of making deferral under Section 6166 a practical possibility. They are therefore carried over to Section 4(c) and Section 2016(a)4 added by Section 2 of this bill.

SEC. 5. *Extension of Redemption Provision:* This carries over and updates the proposal contained in S. 2819 for extension of the Section 303 redemption period by making it conform to the deferral provision in Section 4 above and reducing the eligibility standard to 50% ownership in the case of more than one business.

SEC. 6. *Study:* Carries over the S. 2819 provision re: Treasury study of consequences of estate and gift tax limitations.

S. 3478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business and Family Farm Estate and Gift Tax Relief Amendments".

SEC. 2. COMMON GIFT AND ESTATE TAX CREDIT.

(a) IN GENERAL.—Part II of subchapter A of chapter 11 of the Internal Revenue Code of 1954 (relating to credits against estate tax) is amended—

(1) by redesignating section 2016 as 2017, and

(2) by inserting after section 2015 the following new section:

"SEC. 2016. CREDIT AGAINST TAX.

"(a) GENERAL RULE.—

"(1) GENERAL CREDIT.—There is allowed against the tax imposed by section 2001 a credit of $25,000.

"(2) QUALIFIED ESTATE CREDIT.—If the executor of a qualified estate so elects, there is allowed against the tax imposed by section 2001 a credit of $40,000 in lieu of the credit allowed by paragraph (1).

"(b) REDUCTION OF CREDIT FOR GIFT TAX USE.—The amount of the credit allowable under subsection (a) shall be reduced by the amount of the credit allowable to the taxpayer under section 2521 claimed by the decedent during his lifetime.

"(c) PHASEOUT OF CREDIT FOR LARGE ESTATES.—The amount of the credit allowable under this section, after the application of subsection (b), shall be reduced—

"(1) in the case of a qualified estate with respect to which the executor elects to claim the credit determined under subsection (a) (2), by an amount equal to 5 percent of the amount by which the adjusted gross estate exceeds $300,000 (but such amount shall not be reduced under this paragraph below $25,000), and

"(2) in the case of any other estate, and in the case of an estate described in paragraph (1), by an amount equal to .83 percent of the amount by which the adjusted gross estate exceeds $2,000,000.

"(d) DEFINITION; SPECIAL RULES.—

"(1) QUALIFIED ESTATES.—An estate qualifies for the additional credit allowed by paragraph (2) of subsection (a) if 65 percent or more of the value of the adjusted gross estate is attributable to a qualified property.

"(2) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means property held by a closely held business (within the meaning of section 6166(c)) which has been actively managed by the decedent or his immediate family for the 60 months preceding the date of death of the decedent. For the purposes of this paragraph—

"(A) the term 'immediate family' means the spouse of the decedent, the parent, brother, sister, child, or grandchild of the decedent, and the spouse or child of the brother, sister, child, or grandchild of the decedent, and

"(B) the term 'active management' means the principal employment of the decedent or a member or members of his immediate family, and the exercise of substantial personal control by such person or persons.

"(3) RECAPTURE OF CREDIT FOR EARLY DISPOSITION, ETC.—If the immediate family of the decedent does not own and actively manage the qualifying small business taken into account for purposes of this section for 60 months after the date of death of the decedent, the liability of the estate for tax under this chapter shall be increased by an amount equal to the excess of the amount of the additional credit allowed under paragraph (2) of subsection (a) over the amount of the credit allowed under paragraph (1) of subsection (a).

"(4) DISCHARGE OF FIDUCIARY FROM PERSONAL LIABILITY.—In the case of an estate claiming the credit provided by paragraph (2) of subsection (a), an executor may apply for and be granted discharge of personal liability under sections 2204 and 6165 for any additional tax that may arise because of paragraph (5).".

(b) USE FOR GIFT TAX PURPOSES.—Section 2521 of such Code (relating to specific exemption) is amended to read as follows:

"SEC. 2521. CREDIT AGAINST TAX.

"There is allowed as a credit against the tax imposed by this chapter for all calendar quarters of a citizen or resident a total of $25,000 for gifts of property which is not qualified property (as defined in section 2016(d)(2)) and $40,000 for gifts of qualified property (as defined in section 2016(d)(2)), but the total credit allowable under this section shall not exceed $40,000 in any event.".

(c) REPEAL OF ESTATE TAX EXEMPTION.—Section 2052 of such Code (relating to exemption) is repealed.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking out the item relating to section 2052.

(2) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 2016. Credit aaginst tax.
"Sec. 2017. Recovery of taxes claimed as credit.".

(3) The heading of subchapter C of chapter 12 of such Code is amended by inserting "CREDIT AND" before "DEDUCTIONS".

(4) The table of sections for such subchapter is amended by striking out the item relating to section 2521 and inserting in lieu thereof the following:

"Sec. 2521. Credit against tax.".

(e) EFFECTIVE DATE.—The amendments made by this section apply to estates of decedents dying after the date of enactment of this Act and to calendar quarters ending after such date.

SEC. 3. INCREASE IN MARITAL DEDUCTION.

(a) IN GENERAL.—Section 2056 (c) (1) of the Internal Revenue Code of 1954 is amended to read as follows:

"(1) GENERAL RULE.—The aggregate amount of the deductions allowed under this section (computed without regard to this subsection) shall not exceed—

"(A) $100,000, plus

"(B) an amount equal to 50 percent of the amount by which the adjusted gross estate exceeds $100,000 and does not exceed $300,000, plus

"(C) an amount equal to 25 percent of the amount by which the adjusted gross estate exceeds $300,000.

(b) EFFECTIVE DATE.—The amendment made by this section applies to estates of decedents dying after the date of enactment of this Act.

SEC. 4. CHANGES IN PRESENT LAW APPLICABLE TO CLOSELY-HELD BUSINESSES, ETC.

(a) IN GENERAL.—Section 6166 (a) of the Internal Revenue Code of 1954 (relating to extension permitted) is amended to read as follows:

"(a) EXTENSION PERMITTED.—

"(1) GENERAL RULE.—If the value of an interest in a closely held business which is included in determining the gross estate of a decedent who was (on the date of his death) a citizen or resident of the United States exceeds either—

"(A) 35 percent of the value of the gross estate of such decedent, or

"(B) 50 percent of the taxable estate of such decedent, the executor may elect to pay part or all of the tax imposed by section 2001 in two or more (but not more than 15) equal installments.

"(2) CERTAIN NONMARKETABLE ASSETS.—If there is included in the gross estate of a decedent who was (on the date of his death) a citizen or resident of the United States an interest of 20 percent or more in a closely held business, the executor may elect to pay part or all of so much of the tax imposed by section 2001 which is attributable, under regulations prescribed by the Secretary, to so much of such interest (of a value not in excess of $2,000,000) as consists of nonmarketable assets, in two or more (but not more than 15) equal installments.

(b) INTEREST PAYABLE ON EXTENSION.—Section 6166(g) of such Code (relating to time for payment of interest) is amended by adding at the end thereof the following: "Notwithstanding the provisions of section 6621, the rate of interest payable on any such unpaid portion shall not exceed a rate determined by the Secretary or his delegate to be one-fourth of one percentage point above the average rate payable by the United States on short term securities issued during the 12-month period preceding the date on which an installment payment is due. At the election of the executor, payments of interest only may be made for the first 3 installments.".

(c) LIEN ON ASSETS OF CLOSELY HELD BUSINESS IN LIEU OF EXECUTOR'S BOND.—

(1) IMPOSITION OF LIEN.—Section 6165 of such Code (relating to bonds where time to pay tax or deficiencies has been extended) is amended by adding at the end thereof the following: "In the event of an extension of time for payment of estate tax under section 6166, the Secretary or his delegate may, at the election of the taxpayer, impose a lien on such of the assets of the closely held business on which such extension is based as may be necessary in lieu of the bond which he may require under the preceding sentence.".

(2) DISCHARGE OF FIDUCIARY.—Section 2204 of such Code (relating to discharge fiduciary impersonal liability) is amended by inserting at the end of subsection (a) and at the end of subsection (b) the following: "For purposes of this subsection, a lien imposed under the last sentence of section 6165 shall be treated as a bond.".

(d) EFFECTIVE DATE.—The amendments made by this section apply to the estates of decedents dying after the date of enactment of this Act.

SEC. 5. CHANGES IN PRESENT LAW APPLICABLE TO STOCK REDEMPTIONS TO PAY DEATH TAXES.

(a) INCREASE IN PERIOD WITHIN WHICH DISTRIBUTIONS IN REDEMPTION OF STOCK TO PAY DEATH TAXES MUST BE MADE.—Section 303(b)(1) of such Code (relating to period for distribution) is amended to read as follows:

"(1) PERIOD FOR DISTRIBUTION.—Subsection (a) shall apply to amounts distributed after the death of the decedent and before the end of the period within which final payment of the tax imposed by section 2001 must be made (including any extensions thereof).".

(b) ELIGIBILITY OF CERTAIN CORPORATIONS FOR SECTION 303 STOCK REDEMPTION RULES.—Section 303(b)(2)(B) of such Code (relating to distributions and redemption of stock to pay death taxes) is amended by striking out "75 percent" each place it appears and inserting in lieu thereof "50 percent".

(c) EFFECTIVE DATE.—The amendments made by this section apply to the estates of decedents dying after the date of enactment of this Act.

SEC. 6. STUDY OF DEFERRAL AND EXTENSION AND OTHER PROVISIONS.

(a) The Secretary or his delegate shall study the effect of the provisions of section 6161(a)(2) and section 6166 of the Internal Revenue Code of 1954 (relating to hardship estate tax and installments thereof and extensions of time for payment of estate tax where estate consists largely of interest in closely held business) and the regulations prescribed thereunder on decisions to continue a small business or closely held business, including farming business rather than to sell or liquidate such business. The study shall include, but not be limited to, a survey of how such sections and the regulations thereunder are applied in the different Internal Revenue Districts and the impact of the present sections and regulations upon the continuity of such enterprises. The Secretary or his delegate shall submit a report of his findings and conclusions to the Congress within 12 months after the date of enactment of this Act, together with such recommendations for legislation as he deems appropriate.

(b) The report described in subsection (a) shall contain findings, conclusions, and such recommendations for legislation, or otherwise, as the Secretary or his delegate deems appropriate upon the general subject of the impact of estate, gift, and related tax provisions of the Internal Revenue Code and Regulations thereunder upon smaller business, and how these provisions should be modified to encourage the prospect of preserving the continuity of smaller, independent. and locally owned businesses and farms in order to strengthen the free enterprise system and the overall economy of the nation. In performing these studies, the Secretary or his delegate shall consult appropriately with the Small Business Administration and private organizations of smaller and independent business persons and farmers.

By Mr. DOMENICI:

S. 3479. A bill to amend title II of the Social Security Act to clarify the provisions relating to the amount of social security contributions required, pursuant to State-Federal agreements entered into under section 218 of such Act, by States with respect to employees who receive payments on account of sickness of accident disability. Referred to the Committee on Finance.

Mr. DOMENICI. Mr. President, the chief administrator of the University of New Mexico, President William E. Davis, recently brought a matter to my attention with regard to social security contributions on payments made by State and local governments to a sick or disabled employee.

The definition of wages in the Social Security Act provides certain exceptions for payments that are not remuneration for services rendered. Two of these exceptions relate to so-called sick pay. Under the law, sick pay under a plan or system is never considered wages. The application of the provision to private employment is clear and unambigious. However, with regard to employment for State and local governments there is considerable ambiguity which causes States to pay social security contributions on payments which would not be taxed if they had been made by a private employer.

In 1972, the Social Security Administration issued a ruling that:

> Sick leave payments disbursed from regular salary accounts and constituting only continuation of regular salary to employees of a State covered by a Federal-State agreement pursuant to section 218 of the Social Security Act, held, not excluded from coverage as payments "on account of sickness" but are "wages" within the meaning of section 209 of the Social Security Act, even though paid under an established plan or system of such State.

As a result, some State and local governments and their employees are paying social security contributions when private employers, and their employees, would not be paying social security taxes under identical conditions. Other States, depending on their laws, as treated like private employers.

In justification of this action, the Social Security Administration's ruling said:

> In order for sick payments to be excluded from "wages" they must be made on account of sickness; if the same payments would have been made if the employee had not been sick, they cannot be considered made "on account of sickness." The Social Security Administration has recognized a distinction between those situations in which a public employee whose services are covered under a Federal-State social security coverage agreement is absent from work because of sickness and receives what a State considers to be payments from his employer solely on account of sickness, and those in which an employee, while absent from work because of sickness, receives his regular salary dispite sickness and absence. The distinction ordinarily is based on the legal authority of the public employer to appropriate public funds; e.g., it may have the legal authority to pay the salary and to excuse absences of sick employees, but not to make payments on account of the employees sickness.

It seems that this interpretation is not in keeping with the intent of Congress in extending social security coverage to State and local governments. Moreover, enforcement of this ruling puts the Social Security Administration in the position of interpreting the meaning and intent of State law. In fact, the ruling says:

> The legal authority for a governmental entity to make payments on account of sickness can only be established if by legislative enactment, provision is made for "sick pay" from funds appropriated especially for that purpose and separate from salary appropria-

tions. Therefore, payments made by a governmental entity to an employee on sick leave are excluded from "wages" only if there is legal authority for the employer to make payments specifically on account of sickness as distinguished from authorization to merely continue salary payments during periods of absence due to illness.

Dr. Davis maintains, and I agree, that the States should be in the same position as a private employer and social security taxes should be required only when they would be required for similar payments made by a private employer.

The legislation I have introduced today would put State and local government sick pay on an equal footing with sick pay in private employment. Under this legislation, a State would not be required to pay social security contributions on sick pay when the sick pay was paid under a plan even though it was out of a regular salary account.

Mr. President, I ask unanimous consent that the letter from Dr. Davis be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The University of New Mexico,
Albuquerque, N. Mex., March 22, 1976.

Hon. Pete Domenici,
U.S. Senator, New Senate Office Building, Washington, D.C.

Dear Senator Domenici: When the Social Security system was first established, Congress provided for its applicability to employees of the States and their political subdivisions under contracts between the State and its subdivisions on the one hand and the United States on the other hand. Such contracts avoided a possible claim that imposition of the Federal Insurance Contributions Act tax on the States and their political subdivisions would not have been constitutional. In 42 U.S.C. Section 418(e) Congress directed that each contract would require payment of "amounts equivalent to the sum of the taxes" which are imposed by the FICA on private employers. In Section 418(i) Congress authorized the Secretary of Health, Education and Welfare "to make the requirements imposed on States pursuant to this section the same, so far as practicable as those imposed on (private) employers pursuant to" the FICA.

The Commission of Internal Revenue interpreted the FICA's exclusion of sick pay under an appropriate plan from taxable "wages," IRC Section 3121(a)(2), to exclude "wage continuation" payments under a proper plan from the FICA tax. Despite identical language in the Social Security Act, 42 U.S.C. Section 409(b), the Social Security Administrator ruled in SSR 72–56 that sick pay under an appropriate wage continuation plan was includable in the "wages" of a public employee and that the public employer was required to make a Social Security contribution in respect of such sick pay, although a private employer would not have to pay the FICA tax with respect to an identical payment to a private employee.

The University of New Mexico contested the Administrator's ruling, but the Tenth Circuit Court of Appeals rejected its challenge on the grounds that 42 U.S.C. Section 418(i) allowed the Secretary of Health, Education, and Welfare to discriminate against public employers in comparison to private employers under the FICA. The Tenth Circuit's opinion and the relevant statutory references are set forth in the enclosed copy of the University's Petition for Certiorari to the U.S. Supreme Court which was denied on January 12, 1976.

Because the issue is financially important to the University of New Mexico, I hereby request enactment of an amendment of the Social Security Act mandating that the sick pay exclusion applicable to private employers shall apply with equal force to public employers. To accomplish that purpose, overruling SSR 72–56, I suggest the addition of the following sentence to 42 U.S.C. Section 418(i):

"In particular, the Secretary shall not discriminate against the States or their political subdivisions by requiring contributions in respect of sick pay meeting the requirements of Section 409(b), where a private employer would not be liable for tax in respect of sick pay meeting the requirements of Section 3121(a)(2) of the Internal Revenue Code."

Mr. William C. Schaab, of Rodey, Dickason, Sloan, Akin & Robb, P.A., will be happy to work with your staff assistants in preparing a proposed amendments for delivery to Senator Russell Long, Chairman of the Senate Finance Committee.

Yours truly,

William E. Davis,
President.

By Mr. LONG (for Mr. Johnston) for himself and Mr. Long):

S. 3480. A bill to amend the act authorizing the Caddo Lake Dam and Reservoir. Referred to the Committee on Public Works.

Mr. LONG. Mr. President, I join with Senator Johnston in cosponsoring this measure designed to provide for Federal assumption of the operation and maintenance of Caddo Dam and Reservoir in northwest Louisiana.

Federal maintenance was provided for when the Caddo Dam was originally authorized in 1910 as a feature of the Federal navigation project "Cypress Bayou and the Waterway from Jefferson, Tex. to Shreveport, La."

It was only when the dam was in danger of failure and had to be replaced in the 1960's that the Caddo Levee Board agreed to assume this responsibility, with the understanding that the Federal Government would resume the operation and maintenance costs at a future date.

Mr. President, the prime purpose for Caddo Dam was for navigation, and the dam has provided many benefits to Texas as well as Louisiana. Yet the State of Texas has never contributed to the maintenance of this project, while the Caddo Levee Board in Louisiana has borne this financial burden every year since the replacement dam was constructed.

Moreover, the Federal Government is already scheduled to assume the responsibility for Caddo Dam as part of the Red River Waterway project at some point in the future.

In the meantime, the Caddo Levee Board does not have the financial resources necessary to continue to provide the yearly costs of maintaining this interstate project, and we are seeking some relief in this regard.

In view of all of these facts, I ask that the Federal Government accept the cost of maintaining this project, and I strongly urge that this measure be included in the omnibus public works authorization bill soon scheduled for consideration by the Senate Public Works Committee.

Mr. JOHNSTON. Mr. President, recently I met, along with my distinguished colleagues Senator Russell Long and Representative Joe Waggonner, with representatives of the Caddo Levee Board and the Louisiana Department of Public Works. We discussed amending the report on Caddo Dam and Reservoir, Louisiana as published in Senate Docket 39, 89th Congress and other pertinent reports to provide for Federal assumption of ownership and operation and maintenance of the Caddo Dam so that the Caddo Levee Board would be relieved of this responsibility. I am offering at this time an amendment to the report on Caddo Dam and Reservoir Louisiana.

Caddo Dam was authorized in 1910 and completed in 1914 as a feature of the Federal navigation project "Cypress Bayou and the Waterway from Jefferson, Tex. to Shreveport, La." The dam was authorized to prevent the loss of Caddo Lake, then threatened by erosion in the outlet channel after removal of the rafts in Red River and Twelve Mile Bayou, and to insure that navigable depths would continue to be available for the waterway traffic between Mooringsport, La. and Jefferson, Tex.

A study to determine the advisability of replacing Caddo Dam was authorized by a resolution adopted January 2, 1962 by the Committee on Public Works of the U.S. Senate. The study determined that the existing dam was in very poor condition, that a large hole had been scoured downstream of the riprap below the spillway section, that 600 feet of the spillway crest was moving downstream and failure of the dam was eminent. Substantial leakage was occurring through the dam. The dam at that time was almost 60 years old and the possibility of complete failure would result in the loss of Caddo Lake, the loss of navigation and many other existing features.

The new dam was initiated in 1968 and completed in 1971. Prior to construction, it was necessary that some local interest provide assurances for all lands, easements, and rights-of-way necessary for construction and maintenance of replacement dam, to provide adequate public access and recreation development, and to accept and assume ownership and all responsibility for subsequent operation and maintenace of the replacement of the Caddo Dam, La. Efforts were unsuccessful in obtaining the proper State or Federal agencies to assume the responsibility of maintenance and operation of this replacement dam. In order to initiate the construction of this badly needed and endangered Caddo Dam, the Caddo Levee District assumed these responsibilities with the understanding that the Federal Government would resume the responsibility for maintenance and operation of Caddo Dam at a future date.

Up until this time, Caddo Dam had always been a responsibility of the Federal Government—U.S. Army, Corps of Engineers—for the maintenance and operation of the dam. As shown in the study reported by the Corps of Engineers, there were still in 1969 annual benefits from navigation in the amount of $102,000. Even though the other benefits included water supply, recreation, commercial fishing and preservation of existing land values, the original purpose of the dam for navigation still remained. This is an interstate project with as much benefit to Texas as it has to Louisiana. The Caddo Levee Board became involved due to the reluctance of Texas to participate in the project. Further, the Federal Government will assume the maintenance, operation and control of the Caddo Lake and Dam on the Red River Waterway Project for navigation, as authorized by the River and Harbor Act of 1968, constructed from Shreveport, La., to Daingerfield, Tex.

In summation, the following facts are evident:

First. The original Caddo Lake Dam was the responsibility of the Federal Government;

Second. Navigation which was the prime purpose in the original authorization is still one of the purposes of the existing Caddo Lake and Dam;

Third. This is an interstate project and as such should be the responsibility of the Federal Government and not a local public entity like the Caddo Levee Board;

Fourth. The Federal Government is authorized to take over the operation and maintenance as part of the Red River Waterway Navigation Project;

Fifth. The Caddo Levee Board only agreed to act as a sponsor for the project on being advised that action would be taken to return the responsibility of maintenance and operation back to the U.S. Army Corps of Engineers;

Sixth. Local interests, through the Caddo Levee Board, provided the necessary lands, easements and rights-of-way for the project and provided adequate public access and recreation development as required;

Seventh. It has been estimated by the Caddo Levee Board that the cost to them for the maintenance and operation of this interstate project is costing approximately $16,000 annually. As time goes on, this cost can be expected to increase and place an excessive burden on the available finances of the levee board.

It is obvious that the amendment to the report on Caddo Dam and Reservoir, Louisiana to provide for Federal assumption of the ownership and operation and maintenance of Caddo Dam is fully justified. Therefore, on behalf of my distinguished colleague, Russell Long, and myself, it is requested that the attached amendment be included in the pending omnibus authorization bill presently being considered by the Committee on Public Works so that the Caddo Levee Board can be relieved of this unjustified responsibility.

ADDITIONAL COSPONSORS

S. 2475

At the request of Mr. Curtis, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 2475, a bill to modify the distribution requirements of private foundations.

S. 3192

At the request of Mr. Hartke, the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Missouri (Mr. Symington), the Senator from North Carolina (Mr. Helms), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of S. 3192, the Consumer Communications Reform Act.

S. 3433

At the request of Mr. Packwood, the Senator from South Dakota (Mr. Abourezk) and the Senator from Oklahoma (Mr. Bartlett) were added as cosponsors of S. 3433, a bill to require that imported meat be labeled "imported," to provide for the inspection of imported dairy products, to require that imported dairy products comply with certain minimum standards of sanitation, and to require that imported dairy products be labeled imported."

AMENDMENTS SUBMITTED FOR PRINTING

NEW RIVER, N.C.—S. 158

AMENDMENT NO. 1667

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 158) to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the New River as a potential component of the National Wild and Scenic Rivers System.

FOREIGN MILITARY SALES—S. 3439

AMENDMENT NO. 1668

(Ordered to be printed and to lie on the table.)

SUSTAINING HUMANITARIAN ASSISTANCE TO CYPRUS

Mr. KENNEDY. Mr. President, I am sending to the desk an amendment to S. 3439, amending the Foreign Assistance Act of 1961 to provide continued humanitarian assistance to the people of Cyprus.

Although the human and political tragedy of Cyprus has been crowded off the pages of our newspapers by newer problems in other areas of the world, serious humanitarian problems remain in the aftermath of the Turkish invasion of the island in 1974. The immediate relief requirements of refugees and other needy people on Cyprus have now largely been met. But the process of rehabilitation and recovery has still just begun.

Not only have no Cypriot refugees returned to their homes, new refugees have been expelled from Turkish occupied areas. Tens of thousands of refugees still remain in temporary shelters or special housing camps, and nearly all live in crowded conditions far worse than their homes of 1974. And although the economy of Cyprus has remarkably improved, the massive economic dislocations caused by the Turkish invasion and occupation of 40 percent of the island have only partially been restored. In short, all observers agree that there remain serious humanitarian problems on Cyprus, which continue to be a source of deep concern to many Americans.

Regrettably, this concern is not reflected in the administration's request for funds for Cyprus for this coming year, even as it has also not been reflected in how the administration has spent funds authorized and appropriated this past year.

Mr. President, I believe the administration's proposal of $10 million for Cyprus this fiscal year neglects the real needs of the people of Cyprus, and it is based upon inaccurate and misleading information—as well as upon a sloppy and bureaucratic record of obligating prior year funds. Even as we are asked to spend tens of millions more in taxpayers' dollars for more military aid to Turkey and Greece, we are told by the administration that it wants to reduce humanitarian assistance to Cyprus by over half because it has not spent what Congress authorized and appropriated last year.

Officials in the Agency for International Development—AID—have told us that they still have funds left from this fiscal year to use for Cyprus, and that this amount, coupled with the additional $10 million, will be sufficient for the coming year. However, what these officials neglect to say is that the only reason they have money left from last year is because AID has been extremely slow and bureaucratic in responding to the many rehabilitation projects and proposals submitted in 1975–76 by the Cyprus Government through the U.N. High Commissioner for Refugees.

In short, the humanitarian needs of the people were there. The projects were there. And the funds for 1976 were authorized, and through the continuing resolution, were appropriated by Congress. What has been lacking is the speedy use of these funds by AID.

Mr. President, there simply is no excuse for the callous and petty bureaucratic approach which has characterized our AID effort on Cyprus. There is no excuse for putting needless roadblocks in the way of our support of the UNHCR program on Cyprus. And there is no excuse for not spending money for worthwhile projects that have been proposed by the Cyprus Government to help people in need.

Furthermore, the administration's statistics on the scope of need are misleading. AID officials have told many Senators that "most of the Cypriot refugee relief and rehabilitation needs will be met by the end of calendar year 1977—that the needs will be down to about $33 million—less than half the 1976 needs."

This assertion is not true. As chairman of the Subcommittee on Refugees I have closely followed developments on Cyprus, and in a report filed with the Senate earlier this year, as well as on the basis of information I just received today from Nicosia and the Embassy of Cyprus, I can state categorically that the administration is underestimating the scope of humanitarian relief and recovery needs on Cyprus. According to these field reports, the program of the Government of Cyprus for next year totals some $111 million—not the $33 million AID has reported. A breakdown of the Government's program for refugee rehabilitation and reactivation projects is as follows:

ESTIMATED NEEDS FOR CYPRUS REFUGEES: CALENDAR YEAR 1977

(Source—Cyprus Government)

Housing	$50,000,000
Food	23,000,000
Cash allowance	8,000,000
Welfare	2,000,000
Household items	4,000,000
Health care	1,000,000
Education	8,000,000
Reactivation projects	15,300,000
Loans	3,000,000
Handicrafts	300,000
Agriculture	10,000,000
Reforestation	2,000,000
Total	111,300,000

Mr. President, Cyprus requires continued American assistance not only because the refugee situation has not changed, and all the basic problems created by the Turkish invasion remain the same, but also because the level of support from other quarters has sharply declined, placing additional strain on the Government of Cyprus. AID, in its "talking points" prepared for the Foreign Relations Committee, ignores this fact. Indeed, it suggests that external resources, combined with internal contributions from the Government itself, will be sufficient next year.

I do not believe that the facts warrant this judgment. As I also do not believe that AID's performance in obligating, and in responding to the relief and rehabilitation programs on Cyprus, has been satisfactory. It is time that our officials in Nicosia stop dragging their feet, and finding endless bureaucratic excuses for not spending American humanitarian assistance, granted by Congress to help meet the needs of refugees and other needy people on Cyprus.

My amendment will assure that the help and concern offered by the American people since the invasion of Cyprus in 1974 will continue this coming fiscal year at the same level—to add that extra measure of support for the refugees of Cyprus. Until there is an honorable and just resolution of the Cyprus crisis—until the refugees are able to return to their homes or receive just compensations for their losses—I believe we have a clear humanitarian obligation to help meet their rehabilitation and recovery needs.

Mr. President, I ask unanimous consent that the text of my proposed amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1668

On page 86, between lines 11 and 12, add the following new section:

CYPRUS RELIEF AND REHABILITATION

SEC. 507. Section 495 of the Foreign Assistance Act of 1961 is amended by striking out the period immediately after "$30,000,000" and inserting in lieu thereof a comma and the following: "and for the fiscal year 1977, $25,000,000.".

AMENDMENT NO. 1669

(Ordered to be printed and to lie on the table.)

Mr. ABOUREZK submitted an amendment intended to be proposed by him to the bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

AMENDMENT NO. 1670

(Ordered to be printed and to lie on the table.)

Mr. PELL (for himself and Mr. CRANSTON) submitted an amendment intended to be proposed by them jointly to the bill (S. 3439), supra.

OPPORTUNITIES INDUSTRIALIZATION CENTERS JOB CREATION AND TRAINING ACT OF 1976—S. 2939

AMENDMENT NO. 1671

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. CRANSTON. Mr. President, I am submitting for printing an amendment to S. 2939, the proposed "Opportunities Industrialization Centers Job Creation and Training Act of 1976." I am proposing this amendment in order to expand the scope of the bill to provide jobs and job training opportunities through other community-based programs such as Jobs for Progress—SER—Urban League, Operation Mainstream, recruitment and training program, community action agencies, community development corporations, labor programs, and other community-based organizations.

Mr. President, the Subcommittee on Employment, Poverty, and Migratory Labor of the Senate Labor and Public Welfare Committee is holding hearings on S. 2939 on May 25, and my intent is that this amendment will be considered at that hearing.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1671

On page 1, strike out lines 3 and 4 and insert in lieu thereof "That this Act may be cited as the 'Community-Based Job and Job Training Opportunities Act of 1976'."

On page 1, strike out lines 6 through 9, and on page 2, strike out lines 1 through 3.

On page 2, line 4, strike out "(b)" and insert in lieu thereof "SEC. 2.".

On page 2, line 5, after "Centers" insert a comma and "Jobs for Progress (SER), Urban League, Operation Mainstream, Recruitment and Training Program, community action agencies, community development programs, labor programs, and other community-based organizations".

On page 3, line 4, strike out all after the second comma, through line 7 and insert in lieu thereof "Jobs for Progress (SER), Urban League, Operation Mainstream, Recruitment and Training Program, community action agencies, community development corporations, labor programs, and (as defined in section 701(a)(1) of the Comprehensive Employment and Training Act of 1973, as amended) other community-based organizations (which shall collectively hereinafter be referred to as "community-based programs") in order to provide through such programs comprehensive employment services and jobs for unemployed and underemployed persons in accordance with the provisions of this Act."

On page 3, lines 14 and 15, strike out "Opportunities Industrialization Centers" and insert in lieu thereof "community-based programs".

On page 4, line 9, strike out "the Opportunities Industrialization Centers organization," and insert in lieu thereof "a community-based program."

On page 4, lines 19 and 20, strike out "Opportunities Industrialization Centers, Incorporated," and insert in lieu thereof "the community-based program".

On page 5, lines 17 and 18, strike out "(B) the Opportunities Industrialization Centers" and insert in lieu thereof "the community-based program".

On page 9, line 19, strike out "Opportunities Industrialization Centers, Incorporated," and insert in lieu thereof "the community-based program".

On page 10, lines 15 and 16, strike out "Opportunities Industrialization Centers, Incorporated," and insert in lieu thereof "the community-based program".

On page 13, lines 5 and 6, strike out "the Opportunities Industrialization Centers organization" and insert in lieu thereof "a community-based program".

On page 12, strike out lines 24 through 25, and on page 13, strike out lines 1 through 3 and insert in lieu thereof "SEC. 8. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending September 30, 1977, and for each of the three succeeding fiscal years for carrying out the provisions of this Act.".

Amend the title so as to read "To provide a special program for financial assistance to expand employment and training opportunities through community-based programs, and for other purposes.".

ADDITIONAL STATEMENTS

COSTS OF HEALTH CARE SERVICES

Mr. KENNEDY. Mr. President, during recent years, the costs of health care services have risen at an extremely rapid rate, far in excess of the cost of living in general. While it is true that some of the expenditures have resulted in improved health care for many Americans, in my view, the rate of expenditure is way out of proportion to the benefits derived.

While in many ways we have the finest medicine in the world in the United States, we also have what is one of the most inefficient health care systems in the world. Our per capita expenditure is currently three times that of Great Britain. One factor often cited as a cause for the rapid increase in total health care expenditures is advances in expensive technologies.

While many new technological procedures are of great benefit to the patients they are intended to serve, many are, in my opinion, not worth their expense to society. If we are ever to solve the problems of equity and fairness in our health care industry, we must begin to scrutinize the way we use resources which are, after all, not limitless. We must begin to look at the benefits of costly and often marginally effective technology.

Dr. Howard Hiatt, dean of the Harvard School of Public Health, has recently written in the New England Journal of Medicine about this problem. His essay is, I believe, one of the clearest and most cogent discussions of this important subject I have seen.

The Senate Health Subcommittee has begun a series of hearings into basic biomedical research policy, which will examine this question, among others. These hearings will be conducted throughout this spring, and will resume early in the next session of Congress.

Mr. President, I ask unanimous consent that Dr. Hiatt's article "Protecting the Medical Common: Who is Responsible?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTECTING THE MEDICAL COMMONS: WHO IS RESPONSIBLE?

(By Howard H. Hiatt, M.D.)

ABSTRACT

The resources for medical care are clearly finite, but demands on those resources are growing rapidly. Of particular concern are the demands on those resources for medical practices of three kinds: those that pose conflicts between the interests of the individual and those of society; those of no value or of undetermined value; and those for potentially preventable conditions. Such practices must be evaluated in terms of social and medical priorities, and this requirement will become more urgent with the establishment of national health insurance. Who will make decisions is less clear, but it is not likely to be physicians alone. It is imperative that physicians and other health providers work closely with professionals from many fields, and with consumers, to ensure the availability and dissemination of information that will permit decisions that are in the best interests of society. (N Engl J Med 293:235–241, 1974)

In 1968, in an article called "The Tragedy of the Commons," Garrett Hardin discussed a class of human problems that in his view had no technical solution.[1] Focusing on the populaion problem, Hardin likened our present dilemma to that of a group of herdsmen whose cattle shared a common pasture. As long as the number of animals was small in relation to the capacity of the pasture, each herdsman could increase his holdings without detriment to the general welfare. As the number of cattle approached the capacity of the land, however, each additional animal contributed to overgrazing. Any single herdsman attempting to maximize his own gain could reasonably project that the addition of one or a few cattle to his holdings would have minimal effect on the general welfare. All herdsmen reasoning and acting individually in this fashion, however, would destroy the commons. "Ruin," concluded Hardin, "is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all."

The total resources available for medical care can be viewed as analogous to the grazing area on Hardin's commons, and the practices drawing on those resources to Hardin's grazing animals. Surely, nobody would quarrel with the proposition that there is a limit to the resources any society can devote to medical care, and few would question the suggestion that we are approaching such a limit. Yet there is almost universal recognition that among the additional demands that must be made on our resources are those designed to address the current inadequacy of medical care for large sectors of population. The dilemma confronting us is how we can place additional stress on the medical commons without bringing ourselves closer to ruin.

In our society, demands from both preventive and curative medicine are made upon the same commons and therefore must be regarded as in competition with each other and with needs for research and teaching. Priority setting is further complicated by the inadequacy of data that are critical to intelligent decision-making. Failure to recognize these realities has in the past often led to unwise policy setting, without the due consideration of long-term consequences. We need to consider problems arising from ways in which the medical commons has traditionally been used and the need for alternative approaches.

First of all, let us look at a principle on which medical practice has been based—that one should do everything possible for the individual patient. Let us then examine this principle in the context of our system, in which few constraints are placed upon the introduction of new medical practices. I believe this is a luxury we can no longer afford. As we develop more and more practices that may be beneficial to the individual but not to the interests of society, we risk reaching a point where marginal gains to individuals threaten the welfare of the whole.

Secondly, we must examine another consequence of freedom of access to the medical commons: the utilization of precious resources for practices that benefit neither the individual nor society, and that indeed are frequently harmful to both. Such practices are especially important in a campaign to reduce demands on the medical commons, for their elimination would benefit both individual and society.

Thirdly, there is a widely accepted but narrow interpretation of health as an exclusively medical concern, which, together with a failure to appreciate fully the limitations of curative medicine, contributes to continuing raids on the commons by expensive practices. At best, many of these deal imperfectly with conditions that could be prevented by less costly approaches.

Although no one should be optimistic that we can rapidly change existing practices and thereby redirect resources to other pressing needs, an examination of a few of our present problems may be useful, especially in preventing their replication, and possibly in contributing to their amelioration.

MEDICAL PRACTICES THAT POSE CONFLICTS BETWEEN THE INTERESTS OF THE INDIVIDUAL AND THOSE OF SOCIETY

An infant born with agammaglobulinemia has marked reduced resistance to and may die from infection. The test for detecting the condition is simple and relatively inexpensive. Once the condition is diagnosed, one can immediately institute treatment that will prevent or ameliorate serious infections. However, the condition is so rare that in a society with limited resources it would be difficult to argue for a universal screening campaign, even though it might prevent serious illness and occasionally even death among a few infants.

Detection of agammaglobulinemia may be an extreme case, but a sensitive one nonetheless. Even more troubling are questions that arise concerning more prevalent conditions. A most poignant example today may be kidney dialysis and transplantation, access to which has been largely determined by economic and geographic considerations. Other procedures pose similar questions. If coronary-artery bypass graft operations were shown to be effective for all patients with coronary-artery disease, if an effective artificial heart were found, if the artificial pancreas now being investigated were shown to be potentially useful to the estimated four million Americans with diabetes, what fraction of our resources should be given to these measures, and at what cost to others dependent on the commons?

A decision that may shortly be before us provides another example. A recent report[2] suggested that trained prehospital rescue units may contribute to increased survival of patients with cardiac arrest. The report described 301 subjects with prehospital ventricular fibrillation for whom the rescue units were used. For the 42 who survived to leave the hospital, the mean survival period was 12.7 months (and five of the survivors required long-term care for brain damage). For discussion purposes, let us grant that such an approach to patients with cardiac arrest did save these lives. Reasoned decision making would then require that society first ascertain the cost per life saved and determine whether a universal program of implementation were worthy of further consideration. Two critical questions would be: What can really be achieved? Are the benefits of wide application such as to warrant displacing something else? In raising such questions, it is essential to recognize the needs for continuing research in medical care, such as that represented by the study on the rescue units, on the one hand, and for decision making regarding the dissemination of new practices, once proved effective, on the other.

A deeply troubling (and perhaps insoluble) ethical dilemma comes sharply into focus when we attempt to set a monetary value on a human life. However, the dilemma is unnecessarily intensified by a widespread misconception that the principal objective of medical practice is the prevention of death. Bunker[3] points out that only a small fraction of surgery and a much smaller fraction of nonsurgical encounters involve life-and-death decisions, most being directed at the provision of relief from physical or emotional discomfort or disability. In these circumstances we must think in such terms as which measures will provide greater relief, which conditions are more burdensome, and which patients are in greater need of help. Although these questions are obviously thorny ones, they provide a more common framework for discussion of tradeoffs than attempts to relate the value of a life to the resources of the commons. The latter question, too, must be dealt with, but much less often than the former.

The issues that arise with regionalization of medical resources seem so much easier to resolve that one wonders why they are so prevalent. Early in the 1960's, for example, it was found that of almost 800 hospitals in the United States equipped for closed heart surgery, over 90 per cent did fewer than one case per week, and 30 per cent had done none in the year studied.[4] Although regionalization may sometimes lead to inconvenience and questions of "status" (some take pride in having "everything" locally available), the drawbacks seem trivial when compared, first, to the medical advantage of having such complicated procedures carried out by specialists whose skills are honed on a continuous basis and, second, to the obvious economic benefits.

MEDICAL PRACTICES OF NO VALUE OR OF UNDETERMINED VALUE

Nancy Mitford[5] may have been indulging in literary license when she predicted that "in another two hundred and fifty years present day doctors may seem to our descendants as barbarous as Fagon and his colleagues seems to us . . . In those days terrifying in black robes and bonnets, they bled the patient; now, terrifying in white robes and masks, they pump blood into him." Wholesale bloodletting disappeared from our "therapeutic" kit long ago, but within my own professional lifetime, I recall seeing patients "treated" for multiple sclerosis by having blood pumped into them until they were polycythemic.

How do we determine which practices should be discarded and which continued? More than 20 years ago the British statistician Sir Austin Bradford Hill demonstrated the importance to medical investigation of the randomized controlled trial, which had been developed earlier in agriculture by R. A. Fisher. It was used for testing the Salk vaccine, and partly as a result, when the field trials of the vaccine were completed, the

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vaccine's usefulness had been unequivocally proved.

One could cite a substantial number of procedures that were at one time practiced rather widely in this country, many of them within relatively recent years, but that have now been virtually abandoned. Such a list might include gastric freezing for peptic ulcer, colectomy for epilepsy, bilateral hypogastric-artery ligation for pelvic hemorrhage, renal-capsule stripping for acute renal failure, sympathectomy for asthma, internal-mammary-artery ligation for coronary-artery disease, the "button" operation for ascites, adrenalectomy for essential hypertension, complete dental extraction for a variety of complaints thought to be the result of local sepsis, lobotomy for many mental disorders, and wiring for aortic aneurysm. It is interesting that most of these practices disappeared not because better procedures came along (which would have been an appropriate reason) but because they were found ultimately to be without value. No careful pilot studies were undertaken to evaluate them at the time they were introduced. As a result, even though some merited introduction on an experimental basis, they remained on the medical commons much too long, at costs that went beyond those of the economic resources inappropriately used.

A number of other medical practices, shown or suggested to be without merit, remain with us. For example, treating critical phases of acute illnesses in intensive-care units has become an established practice in many general hospitals over the past decade. Griner [6] compared adult patients suffering from pulmonary edema of nonsurgical causes who were admitted to the intensive-care unit of a university hospital with those admitted to a general medical floor immediately before the opening of the special unit. His studies revealed no difference in mortality and a slightly but not significantly increased duration of stay for patients in the unit. In Griner's words, "The most noticeable change in the overall experience of adult patients hospitalized with acute pulmonary edema . . . since the opening of an intensive care unit has been a marked increase in the cost of rendering care to these patients." (Note that charges for a day of care on the general medical services of the Boston teaching hospital at present average $250; charges for a day on the intensive-care unit exceed $400!) The Griner study requires confirmation, particularly since his "control" group may have differed from the experimental. But if it were proved valid, what steps might be taken to protect the commons?

Although tonsillectomy surely has a place in medical practice, some pediatricians suggest that over 90 per cent of the one million children who underwent tonsillectomies last year in the United States did so unnecessarily. Consistent with this estimate, one study showed a greater than 10-fold difference in the procedure from one area to another in the same state.[7] If 90 per cent is a reasonable approximation, the $400 million taken from the medical commons for this purpose might have been reduced to less than $40 million, the number of hospital days required for people undergoing this operation might have been reduced proportionately, and the number of deaths, using only a conservative estimate of deaths expected from general anesthesia alone, might have been cut from 70 to seven. The reduction in human suffering, of course, cannot be described in such quantitative terms.

Oral hypoglycemic agents were initially hailed as an alternative to insulin injections for many diabetic patients. Randomized clinical trials, however, gave evidence, first published over five years ago,[8,9] of increased cardiovascular disease, which in the view of most experts outweighs any possible short-term benefits of the drugs. Nonetheless, according to a rough estimate based on the number of prescriptions written and the prescription renewal rate, 1.4 million Americans were taking these compounds last year. This figure has gone up progressively over the years despite increasing adverse evidence concerning the usefulness of the drugs.[10]

It is important to recognize that randomized trials cannot always be done,[11,12] but the problem is compounded in dealing with practices already adopted. Once disseminated, a practice is not quickly abandoned, even after it has been shown ineffective—another strong reason for careful evaluation before widespread adoption of new procedures. Let us consider the drain on resources resulting from a few practices whose true usefulness still remains to be established.

At present, there are few hospitals without coronary-care units. There is no disputing the cost they have added to our medical bills, but there is much debate about their effects on mortality from myocardial infarction.[13,14]

Cytologic examination of uterine cervical secretions is commonly assumed to be responsible for the acknowledged recent decline in deaths from carcinoma of the uterine cervix. However, this cause-and-effect connection has by no means been conclusively demonstrated. Since the death rate began falling some years before there was widespread use of the examination, and, further, since the rate of decline has been much the same in different areas, irrespective of the proportion of women screened,[15,16] serious questions must be raised concerning the role of the procedure.

These data emphasize the need for further evidence and cast considerable doubt on the justifiability of the enormous drain of resources. However, both the coronary-care unit and cervical cytologic examination are so much a part of the medical culture that it now seems impossible to carry out proper evaluation. Indeed, one effect of premature adoption is to place ethical difficulties in the way of truly controlled trials.

A present case in point may be coronary-artery bypass graft operations. It is estimated that 38,000 such procedures were carried out in the United States in 1973, at a cost in excess of $400 million. Almost 400 hospitals are believed to have by-pass teams, and one of the strongest proponents for this approach to management of coronary-artery disease was recently quoted as having said that the United States should prepare to do 80,000 coronary arteriograms a day.[17] Rough calculations indicate that such a radiologic assessment alone would cost in excess of $10 billion a year and would average one catheterization for every American every 10 years. If today's ratio of arteriograms to by-pass surgery were to prevail, the cost of the resultant surgery would exceed $100 billion a year, a figure almost equivalent to the total resources now on the commons!

The current absence of regulatory mechanisms for dissemination of such procedures offers little hope for restraints, even long enough for proper evaluation. Ironically enough, in the absence of regulatory mechanisms, national health insurance, particularly if limited to catastrophic events, could accelerate premature application of this and similar costly procedures.

At an earlier stage of utilization is the computerized axial tomograph machine for radiologic examination. The capital cost of each machine is nearly $400,000. It permits extremely sophisticated diagnostic studies of the brain without the need for invasive procedures, and may prove an important addition to the diagnostic armamentarium. However, its role remains to be established. Furthemore, it requires more highly specialzed personnel, and there already is evidence of its being used for purposes for which much simpler equipment is adequate. Will we be able to establish guidelines for the purchase and use of this machine before it, too, becomes a prominent and unregulated occupant of the medical commons?

MEDICAL PRACTICES FOR POTENTIALLY PREVENTABLE CONDITIONS

There are at present substantial claims on our resources that could be reduced appreciably on the basis of existing knowledge. The savings in lives, disability, and money resulting from polio vaccine are often and appropriately cited as evidence of a triumph of modern medical research. However, carelessness in prophylactic programs has recently led to a recrudescence of poliomyelitis. Another striking example was the increased incidence of measles that followed a decrease in distribution of measles vaccine (at least in part the result of decreased federal support). The annual number of reported cases of measles decreased from almost 500,000 in 1962 to 22,000 in 1968,[18] but, with lessening of attention to control programs, rose again to a high of 75,000 in 1971. The incidence has since receded, but the need for constant attention is apparent. It has been estimated that the economic benefit of measles vaccine over a 10-year period exceeded $1.3 billion. The savings in terms of lives saved and cases of mental retardation averted [19] are even more important.

Fluoridation provides another example of how preventive measures can spare our resources. There is persuasive evidence that we could halve dental decay among children by fluoridation, at an annual cost of less than 20 cents per person. Nevertheless, less than 60 per cent of the United States water supply was artificially fluoridated in 1972.[4]

Compensation paid last year in the United States by the Social Security Administration alone for victims of black lung exceeded $500 mililon. The physician, lacking specific treatment for this condition, is largely limited to treating complications and providing the emotional support required by patient and family. Although it is admittedly difficult to estimate the cost of preventing this condition, it seems likely that it would not begin to approach present costs in economic, let alone human, terms.

Although preventive medical care often has little effect where poor social conditions are allowed to persist,[20] this is not always the case,[21,22] Cordis,[22] for example, has shown that over a three-year period in an urban area with comprehensive medical care, rheumatic fever was about one third lower than in comparable parts of the same city without such care. The implications for reductions in valvular heart disease and nephritis are apparent, and the long-term economic effects would probably be highly beneficial.

There is, perhaps, even more evidence of how changes in social conditions can reduce demands on medical resources. For example, it is well known that, probably in large part because of improved nutrition, deaths from tuberculosis had fallen 10-fold in Britain in the century before the first effective medical measures became available.[23] Also highly relevant, although difficult to quantitate in terms of economic effects on the commons, are conclusions drawn from an examination of birth certificates for New York City for the year 1968. If a New York mother was white, native born, and a college graduate, her infant's chances of dying before his first birthday were 9 per thousand. Corresponding chances for the infants of black, native-born mothers with an elementary-school education were 51 per thousand.[24]

Also difficult to deal with are conditions whose prevention requires changes in individual behavior. This year 70,000 American males will die of lung cancer—more than the total number of victims of the three next most common forms of cancer, well over 90 per cent of all people with lung cancer, and

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Footnotes at end of article.

approximately the same proportion killed by it more than 25 years ago. The admittedly impressive advances in cancer surgery, radiotherapy, chemotherapy, and anesthesia and in our understanding of certain aspects of carcinogenesis have had no effect on this or, in fact, on most prevalent forms of cancer. It is estimated that as much as 90 per cent of all cancer in this country is the result of environmental factors. In lung cancer, cigarette smoking has unquestionably been implicated. How to respond to that information, thereby sparing the medical commons, remains a challenge. So far as other forms of cancer are concerned, has an adequate fraction of the massive resources committed to cancer programs been allocated to identifying carcinogens and to reducing exposure?

PROGRESS AND PROSPECTS IN HEALTH-CARE DISTRIBUTION SYSTEMS

While we must draw further upon our resources to increase access to medical care for the people who are now underserved, the commons is clearly approaching depletion. This fact makes it the more urgent that new demands be limited to practice that have been conclusively demonstrated to meet well defined needs. New practices must also be shown to be more important than whatever will be displaced as a result of their adoption.

McKeown[25] points out that too often in medicine tasks are approached without any adequate survey of the nature of the most important problems. Now that there is generally successful management of infectious diseases, he emphasizes, the currently most pressing problems in Western societies are congenital disabilities, including mental defects, mental illness, and diseases of aging. Any approach designed to provide access to health care for an underserved population cannot purport to be comprehensive if it does not give serious attention to these problems. McKeown's list was neither offered as all-inclusive nor in fact was it intended to describe needs specific to the United States. In a study of children in a large urban American community, Kessner, Snow, and Singer[26] found a shockingly high prevalence of all the conditions being investigated. More than one fourth of children six months to three years old had anemia, and more than one fourth of children four to 11 years of age failed a comprehensive vision screening examination. Twenty percent of all children had evidence of middle-ear disease, and 7 percent of those four to 11 years old had hearing loss in speech frequencies that could interfere with learning. Illustrating yet another kind of need, the studies of Brook et al.[27] have shown that even by minimal criteria, only two thirds of the patients discharged from a highly respected American teaching hospital had adequate follow-up care during the six months after discharge. For most of the other patients, any benefit derived from hospitalization had been lost by the time of the six-month evaluation interview. All these diverse needs point to the necessity of attention to deficiencies frequently found in planning the delivery of health care—deficiencies in collecting and evaluating information, in analyzing results, in determining costs, and in using valid data as a basis for action.

Admittedly, not all needs of an adequate medical-care delivery system can be described in quantitative terms. One example in my view is the security implicit in the existence of an organized medical-care system to which people can quickly and easily turn. There must be a telephone number that can be called at any time of day or night and that offers access to enlightened advice, and, if needed, entry into the system. The voice on the telephone need not be that of a physician; indeed, that would be wasteful. However, it is not too much to expect it to be that of a person who is concerned, compassionate, and informed, who has access to the caller's medical record, and who can offer practical and sensitive responses—that is suggestions for effective action and reassurance appropriate to the problem. My own experience with a prepaid group practice left a strong impression that this service was as much appreciated as any other.

Like most contemporary medical dilemmas, assessing the quality of medical performance is easier to identify as a problem than to deal with. Economic as well as sociologic, psychologic, and other considerations suggest that medical-care systems be arranged so that the skills of the medical-care provider are matched to the job undertaken. Methods for continuing evaluation of performance would help to achieve this end and to promote flexibility as our capabilities improve.

Of course, medical care, no matter how well delivered, is not the sole solution to most of the health problems that confront us. Kessner's population was an urban one, and many of the deficiencies that he and his colleagues observed could be attributed more to the social, economic, or demographic characteristics of the children than to how or where they received medical care.[26] This is not an argument against the need for greater access to better medical care, for it would surely be possible to improve the medical situation described. Rather, it is a way to emphasize that changes in social factors—housing, nutrition, education, etc.—are necessary in any comprehensive and effective approach to health problems.

The innovations that are needed or that are in prospect must be preceded by pilot tests. Not only is pre-testing an integral part of any research endeavor, but as has been indicated, the difficulties of eliminating medical practices once they are widely disseminated make it imperative that there be rigorous evaluation.

WHO WILL PROTECT THE COMMONS?

It was not so long ago that the commons bore relatively few expensive practices, there were no well-defined limits, and the conscientious physician took from it what he deemed essential for his patient. Recently, however, we have witnessed major advances in expensive technology, greater complexity of medical problems, greater expertise in medical and health matters on the part of nonmedical professionals, and greater participation by consumers in dealing with major issues. These developments have all taken place in a short time and appear to be accelerating. Meanwhile, no well conceived methodology for governing access to the medical commons has evolved, despite the ever increasing need for setting priorities, particularly as we approach the institution of national health insurance. Certainly, our failure to confront these very difficult problems has not meant that problems have not been dealt with. However, when we had relatively limited capabilities and seemingly unlimited resources, the consequences of a largely laissez-faire policy were not so visible and so painful as they now are. Unless safeguards not in view are conceived and applied, the priorities for use of the commons will continue to be set as they have been—at best by well intentioned policy makers with information of limited quantity and quality, and at worst in anarchic fashion.

How should priorities be set in the United States? Who should set them? How much should be allocated for health in toto? Of that total, how much should be allocated for medical care? How much research, and in that category how much for basic science and how much for applied? How much for medical education? How much for educating the public? Of each fraction, how should apportionments be made? and what, in each case, should be the quid pro quo? If a hypertension management program can receive only a limited sum, how should that money be optimally used? If renal dialysis cannot be universally available, who should qualify for treatment? What kinds of people should make these decisions? On what basis should their decisions be made?

Although there are no simple answers to these questions, let me first emphasize how I believe national priorities cannot and should not be set. It is surely not fair to ask the physician or other medical-care provider to set them in the context of his or her own medical practice. A physician or other provider must do all that is permitted on behalf of his patient. In that sense the physician is and should be responsible, with his patient and the patient's family, for setting priorities for that patient's management, within the limits available. The patient and the physician want no less, and society should settle for no less. For example, if society has set no ground rules for the use of kidney dialysis other than medical ones, and if in a physician's judgment his 80-year-old patient's overall condition warrants dialysis, everything must be done to see that he is so treated. On the other hand, the physician can, however reluctantly, accept society's constraints regarding eligibility requirements for kidney dialysis, even if he does not consider them to be in the best interests of his patient.

I believe it is as inappropriate to indict physicians for the depletion of resources on the commons as it is to expect physicians alone to determine priorities. The challenge for the medical profession to how to join with others in effective decision making. In this context, let us return to the three problem areas of the commons described earlier.

In the face of conflicts between the interests of the individual patient and of society, choices must be made concerning how much of (or whether) our resources should, for example, be spent for kidney dialysis and for heart transplants, and if so, who is eligible. Physicians must help gather and present as realistically and comprehensively as possible scientific and medical information about kidney dialysis and heart transplants, and then join with a variety of other professionals, including statisticians, epidemiologists, economists, policy analysts, lawyers and ultimately, politicians and the public in setting priorities. Clearly, decisions will heavily depend on both the quality and the quantity of information provided by the medical profession.

To protect the commons from useless, prematurely introduced, or otherwise inappropriate practices, the physician must join statisticians, epidemiologists and economists to ensure that no practice is widely adopted without prior evaluation. As reported by Cochrane,[28] the British National Health Service encourages examination of new diagnostic and therapeutic practices, often by randomized clinical trial, and then submits them for approval by an officially appointed board. (Thus, for example, at the time of Cochrane's presentation neither the carcinoembryonic antigen test for cancer nor coronary-artery bypass graft operations had yet been approved.) As Cochrane has stressed,[29] clinical validation of a practice is not by itself adequate reason for its dissemination. It must be shown to be more effective that other practices available for the same medical problem. And even if this second requirement is satisfied, its value should be manifestly greater than that of those other practices that its adoption would displace.

It is in the third area, prevention, that long-term opportunities are greatest for protecting the resources of the commons. Here, too, the physician must join with others, including consumers, if programs are to be maximally effective. The example of the costs and our therapeutic limitations in the management of black lung was earlier stressed.

Footnotes at end of article.

Although the physician by himself can do little to prevent the condition, his effectiveness in prevention could be amplified many times if he were joined by the mine operator, the union official, the politician, the lawyer, the chemist, the engineer and others. In addition, a more widespread understanding of the limitations of therapeutic medicine could generate greater attention to the need for campaigns directed at preventing black lung and the myriad other conditions for which we can now do so little.

It cannot be overemphasized that our successes in prevention of disease reflect in large part the fruits of research. If these successes are to be followed by the many others we and future generations so badly need, a substantial and predictable fraction of our resources must be set aside for basic scientific research, and for education of research scientists. In my view it is essential that society create mechanisms that separate the demands on the commons of research and of education from those of medical care, for these should not be forced to compete with each other on a continuing basis.

In conclusion, two points seem to me worthy of special emphasis. The first is that the critical question confronting the medical professions is not whether society will find ways to govern access to and control the use of the medical commons. (A people that was sufficiently aroused to create a Food and Drug Administration to control pharmaceutical preparations will surely find mechanisms for controlling medical and surgical procedures when the effects of inadequate restraints become more widely evident.) The question, rather, is how physicians will participate in the creation of control mechanisms in a matter that reflects both enlightened self-interest and the public interest. Physicians must join with educators and others to find ways to encourage the general public to understand more about not only their bodies but also the limitations and uncertainties of medical care, so that society's decision-making can be as fully informed as possible. Indeed, only if physicians assume a major role can they contribute adequately to the protection of the public interest.

Secondly, it is essential that the process of decision making with respect to the medical commons be maximally flexible. Many technical approaches to medical care that were acceptable a decade ago are inadequate today; the same thing must be said about medical judgments and even ethical and moral decision making. Much of what we physicians and our fellow members of society agree is appropriate for 1975 will probably be inadequate for the conditions of 1980. Although it is unfortunately true that existing data are inadequate in most cases to permit fully enlightened decision making today, decision making must and does go on, nonetheless, sometimes by default. This fact makes it more urgent that the process undergo continuing review and revision, to permit us to deal with the issues that inevitably emerge from any reordering of priorities and from continuing progress.

I am indebted to Drs. Herbert Sherman, John Bunker, Harvey Fineberg, and Donald Berwick for many helpful discussions, and to Ms. Cordelia Swain and Miss Constance West for technical assistance.

(From the Center for the Analysis of Health Practices, Harvard School of Public Health (address reprint requests to Dr. Hiatt at the Office of the Dean, Harvard School of Public Health, 677 Huntington Ave., Boston, MA 02115).

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BETTER SPEECH AND HEARING MONTH

Mr. WEICKER. Mr. President, I invite the attention of my colleagues to the fact that May is "Better Speech and Hearing Month." Speech and hearing disabilities are a serious national problem—one that affects 16.9 million adults, children, and infants. In my home State of Connecticut, there are roughly 40,00 adults, children, and infants with speech difficulties and hearing impairments.

The ability to communicate is essential in order to compete in school, at work or in establishing meaningful and healthy relationships with others. Persons who cannot communicate properly as a result of speech and hearing disorders are at an inherent disadvantage. They are singled out in school and pushed aside or avoided by employers. Many of these persons can be taught to overcome their disability and be a productive member of society. To achieve this goal, however, prevention, early detection, and improved treatment of such disorders is crucial.

I am pleased to note that the State of Connecticut has taken the lead in this area. Connecticut was one of the first States to enact legislation which provided for special public education services and programs to meet the special needs of those children and young adults with speech and hearing disorders.

In this regard, in 1960, the Center for Communication Disorders was established as an independent department within Southern Connecticut State College. It was charged with the responsibility of training qualified individuals to become speech and hearing pathologists. Over the past 16 years, the center has expanded its capacity to provide clinical care for those with these disorders. Presently, the center has become a model clinic for southern Connecticut and provides treatment and care to 100 clients per week from the outlying community. Also this center continually keeps practitioners abreast of the latest procedures and techniques by sponsoring seminars, conventions, research, and classes.

Since May is "Better Speech and Hearing Month," I would like to commend the faculty, staff, and students of this center for their untiring efforts and devotion to those who are in need of special care.

MISS KATHERINE T. QUINN

Mr. RIBICOFF. Mr. President, on June 2, 1976, the people of Connecticut on a nonpartisan basis will honor the greatest of all Democratic ladies in the history of the State of Connecticut.

Katherine T. Quinn, is "The Democrat" for the State of Connecticut. For these many years, Katherine has worked in behalf of all of us who have achieved high public office. She has been tireless in the cause of good government represented by good candidates and good issues. Teamed with the late John Bailey, she brought many victories to the Democratic Party. It is symbolic of the high regard in which Katherine is held by all the people of Connecticut that this tribute to her is nonpartisan, participated in by Democrats, Republicans, and Independents. Connecticut will never be the same without Katherine at 525 Main Street, Hartford, Conn.

Over the years, many tributes have been paid to Katherine Quinn by the press of our State. I ask unanimous consent that some representative columns be printed in the RECORD.

Lois and I join with all who love and respect Katherine in wishing for her a happy and healthy retirement. I know that even in retirement she will always remain an active worker for good Democrats and good government.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hartford Times, Mar. 11, 1976]

DEMOCRATS PLANNING BIG FAREWELL BASH FOR QUINN

(By Bob Conrad)

Connecticut Democrats are going to make sure that when Katherine Quinn retires in July, after four decades of running party headquarters here, she goes out in style.

They are beginning to plan a testimonial for Katherine that will allow Democrats and many others she has helped over those years a chance to show their appreciation.

Katherine Quinn has been vice chairman of the Democratic State Central Committee since July, 1962, but she was the one to see and the force that held the operation together almost from the time she went to work for the party in the mid-1930s.

She was an assistant secretary there and later a kind of director, but always recognized—Democrats agree—as the reliable right arm of the several state chairmen for whom she worked.

There were seven in all. The best years were those from 1946 to last year, when the late John M. Bailey was chairman. It was a working relationship that brought the party to its peaks of power and its greatest numerical strength in the state.

Bailey was the boss, the power broker and the policy chief. He got to be national chairman in the 1960s and during that period Miss Quinn had the heaviest burdens in keeping the party on an even keel while Bailey was commuting to Washington.

He said many times that he couldn't get along without Katherine running headquarters.

Katherine handled most of the patronage when Democrats had it to bestow—which was most of the time. Before every session of the legislature got going, Miss Quinn would arrive at the capitol one day with a bulging leather case under her arm and the lines would form outside the door of the Democratic caucus room after she disappeared inside.

Miss Quinn was not a public figure. Hardly anyone would recognize her on the street. She avoided the hassles that go with campaigns and steering legislation through the General Assembly. She operated best in her back-room office at the party's plain little storefront quarters on Main Street.

Miss Quinn hasn't recovered from Bailey's death last year. It isn't likely she ever will. But she decided recently to retire and watch the political scene from her home in Wethersfield.

During some of the hectic internal party struggles between the up-and-coming liberals and the Old Guard in the late 1960s, Katherine Quinn got knocked around a bit, but not for long. She was bumped from the state central committee when she was living in West Hartford. Katherine was down, but not out.

She held the second spot in the party hierachy and the Democrats decided they ought to let her know they still loved her. So she was the guest at a tribute in December, 1972.

This time, she is leaving the party post and membership on the national committee as well. It's her own decision.

But before she gets away, Democrats intend to give her a proper good-bye.

QUINN MAY END DEMOCRATIC ROLE

(By Jack Zaiman)

Katherine T. Quinn of Wethersfield, regarded as one of the most powerful women in Connecticut political history, is expected to retire in July as vice chairman of the Democratic State Central Committee and director of state party headquarters.

Miss Quinn, in charge of clearing Democratic political patronage for more than 40 years, would not comment Wednesday. Reports said she intends to step down when her current two-year term ends at the Democratic state convention next summer.

Her retirement is expected to coincide with the replacement of another top state Democratic leader this summer—National Committeeman John M. Golden of New Haven, who has been ill for the last few months.

State Chairman William A. O'Neill of East Hampton, serving an interim term after the death of Chairman John M. Bailey last April, has not yet decided whether to seek election to a full chairman's term, seek reelection to the state House of Representatives or try to continue in both offices. O'Neill is House majority leader.

Miss Quinn and Bailey were political sidekicks. They started out in state politics together, forging an alliance that brought them to state party control in 1946.

"I never hesitate to admit," Bailey said at a dinner for Miss Quinn in 1960, "that she is the real boss of the Democratic organization in Connecticut.

"Whatever little success I have had as state chairman could never have been accomplished without her help."

U.S. Sen. Abraham Ribicoff, D-Conn., while governor in 1960, said: "I don't think there is a man or woman, any Democrat who has risen to high office in Connecticut, who doesn't owe a debt of gratitude to Katherine Quinn."

Miss Quinn has worked for seven Democratic state chairmen at state party headquarters since 1935. During Bailey's tenure from 1946 to 1975, he rarely went to party headquarters. He let Miss Quinn run it.

Miss Quinn, who lived in West Hartford until about three years ago, served on the Democratic State Central Committee for 40 years, the longest tenure of anyone on a state political committee in history. She left the committee post in 1968, but continued as vice chairman and headquarters director.

She served many years as West Hartford's Democratic town chairman and as assistant secretary of the State Central Committee.

"In her own quiet way," then Gov. John N. Dempsey said in 1968, "she has built a monument not only for herself but for good government in Connecticut."

Both Gov. Grasso and O'Neill said Wednesday they have not yet been informed of Miss Quinn's decision. Miss Quinn was at the State Capitol during the day.

MISS QUINN HONORED AS "REAL BOSS" OF PARTY

(By Jack Zaiman)

The "real boss" of the Democratic Party organization in Connecticut was disclosed Thursday noon.

It is Miss Katherine Quinn of West Hartford, assistant secretary of the Democratic State Central Committee.

The news as to who is running the show was disclosed by Democratic State Chairman John M. Bailey at a Statler Hilton luncheon honoring Miss Quinn as "Connecticut Democratic Woman of the Year."

ALLIES SINCE 1935

"The real boss of the Democratic organization in Connecticut," Bailey said, "is Katherine Quinn. I never hesitate to admit that whatever little success I have had as state chairman could never have been accomplished without the help of Katherine." Bailey and Miss Quinn have been political allies since 1935.

Gov. Ribicoff, who gave Miss Quinn a silver bowl as a gift, told nearly 400 Democrats at the luncheon that "if ever a split developed between John Bailey and Miss Quinn, and you had to make a choice between the two, you would pick Miss Quinn."

Ribicoff said Miss Quinn was the "maker" of the "great Democratic victory" in 1958, when the party swept the state in a landslide victory.

DEBT OF GRATITUDE

"I don't think there is a man or woman since 1930 who has risen to high public office in Connecticut who doesn't owe a debt of gratitude to Katherine Quinn," the Governor said.

Miss Quinn, who has been assistant secretary since 1938 and a State Central Committee member since 1928, told about her political relationship with Bailey. It was the first time most of those in the audience had ever heard her make a public speech.

"Some may feel," Miss Quinn said, "that John Bailey and I never disagree. That is not true. No two people argue more politically than John Bailey and I. A few times I may win. But we never agree to disagree. We always agree as a team."

Many of the political professionals of the Democratic Party in the state were in the audience as Miss Quinn, who shuns publicity and the limelight, was given the first annual award.

"I have served with six state chairmen," Miss Quinn said. "John Bailey is the best state chairman, in my time, that either party has ever had."

Miss Quinn was given a series of gifts by various party organizations, including a charm bracelet, numerous charms to go with it, a 50-state flag from the Democratic National Committee, and others.

Bailey, after declaring Miss Quinn to be the "real boss" of the party, placed a paper crown on her head.

Among those who took part in the program were Mrs. Ella Grasso of Windsor Locks, secretary of the state; National Committeeman John Golden of New Haven; Mrs. Beatrice Rosenthal, national committeewoman; Rep. Clara O'Shea of Beacon Falls; Judge Stephen K. Elliott of Southington; Mrs. Ward Duffy of West Hartford; Lt. Gov. John Dempsey of Putnam; House Speaker William O'Brien of Portland; Sen. Arthur Healey of New Haven, and others.

The Needle's Eye—A Woman With Power

(By Jack Zaiman)

Miss Katherine Quinn of West Hartford, a short, heavy-set, quiet-spoken woman, has risen to the greatest political heights a person of her sex has ever achieved in Connecticut. She is one of the real big shots in the Democratic Party in Connecticut. She doesn't have to depend on someone else. She has the political strength herself.

To the general public, Miss Quinn is an unknown. But to the political professionals, she is a buddy. They know, admire and respect her. She runs the mechanics of the Democratic Party in this state. Nothing happens in the party on the statewide level without her knowing about it first. She has what is known as a political mind—a thinking process that translates every incident into political terms.

Rarely does a woman think politically as a man, but Miss Quinn has that ability. She can be just as politically ruthless as any man, when the occasion requires. And she can be just as politically loyal as any male politician. She has a natural political mind.

No decisions are reached on the state or county level of Democratic politics—and that covers just about everything—without Miss Quinn being in on it. She sits in with the top level leadership on every problem. Her opinions carry tremendous weight, for Miss Quinn has the political strength behind her to enforce any stand she may take.

Her closest political friend is John M. Bailey of Hartford, the Democratic state chairman. The alliance they formed in 1935 has brought them, today to the leadership of the Democratic Party in this state.

"She is one of the most important housekeepers in the state," Bailey said a day or so ago in discussing Miss Quinn's role as the party's boss of mechanics.

"Not only that," he said, "she's considered as one of the leading political figures in the state, not as a woman, but as a leader and a personality. Her being a woman doesn't mean a thing. She's one of the leaders."

Miss Quinn is assistant secretary on the Democratic State Central Committee. But the title doesn't mean a thing. She runs it. She's been running it since 1938, which is pretty close to 30 years. She has a mental dossier on every Democratic politician in each of the 169 towns, a private filing system that goes back more than 30 years. She runs the party headquarters in Hartford seven days a week, and many nights.

Katherine fits into the traditional smoke-filled room as naturally as a cigar. There has not been an important party huddle in the past 20 years that she hasn't been in on, even though she makes no contribution to the smoke. She knows more about the art of handing out and withholding patronage than just about anybody else in th state.

If there's a job open anywhere, Miss Quinn is almost sure to know about it. She has been responsible for innumerable political appointments in this state.

Miss Quinn has been on the Democratic State Central Committee longer than anybody else in this state. Next month, she completes 28 years on the committee. She's automatically going back on from the 5th Senatorial District, which she controls. Her alliances with other party leaders in the state have brought her, over the years, the power, prestige and influence she now wields—in combination with Bailey.

She has a passion for anonymity. Her work is made up of vital background things that run a political party, things that the ordinary citizen doesn't know about and would not understand. It is around-the-clock work. There are no hours in politics.

Despite the technical nature of her work and the long hours involved, Miss Quinn is not unhappy. "I like it," she said recently. "I don't know why, but I do."

It was in 1922 when she got her first good taste of politics. Miss Quinn's brother, Ed, who is now the Democratic registrar of voters in West Hartford; was a candidate for the Town Council.

"I really got interested in it that year," she said. "They put me to work in headquarters typing things, and stuff like that, and I found that I really liked it."

Two women who influenced Miss Quinn to take up politics as a profession are the late Mrs. John J. Kennedy and Mrs. Ward Duffy. "They organized the first Democratic Women's Club in 1922," Miss Quinn said, "and they got me interested in it." She has been, ever since.

She went on the State Central Committee and later became town chairman in West Hartford for 10 years. She worked in the state Attorney General's office when Judge Edward J. Daly headed that office. She was executive secretary to three Democratic state comptrollers—the late Charles Swartz, the late John Dowe and Raymond S. Thatcher, now state auditor. The comptroller's office is a place where patronage is really an art, since insurance premiums are widely distributed from there.

Miss Quinn's big job now is setting up the Democratic state convention here on July 6 and 7. She will sit on the stage at the Bushnell and run the mechanics. Soon she will be setting up the mechanics for the trip to Chicago by the Connecticut delegation to the Democratic National Convention. After that, she'll be involved in state election machinery.

"I do my best work at night," she confided. "Then I can use the dictaphone and get things done without the constant interruptions I get during the day."

Well-Deserved Honor

The choice of Miss Katherine T. Quinn to be Connecticut's Democratic Woman of the Year honors a lady who has been a leading figure in the party every year since she entered politics in 1928 to take part in the Al Smith campaign.

Miss Quinn is a "grass roots" operator, so she is known to almost everyone in either Democratic or Republican affairs in this state, though she rarely is mentioned among top leaders when party decisions fill the news columns. Yet she helps make almost all of them, and her role in seeing to it that the decisions are carried out down the line is most important and well known.

Young women, or young men for that matter, thinking about careers in political service, should be particularly interested in her accomplishments. She was elected in 1928 to the Democratic State Central Committee and she is the member having longest continuous service on it. Since 1939 she has been the committee's assistant secretary.

She served from 1935 to 1947 as executive secretary to the Attorney General and the State Comptroller, with four years excepted during Republican tenure of these offices. From 1941 to 1953 she was Democratic Town Chairman of West Hartford, the only woman to have held that office. For several terms she was president of the West Hartford Democratic Women's Club and has long been a member of the executive board of the Connecticut Federation of Democratic Women's Clubs, and is its vicepresident.

At Democratic national conventions for years she has had a leading role with Connecticut delegations. At election time she is indefatigable, and everyone knows that if a problem arises it can be solved by "a talk with Katherine." As an organization counsellor she is held in highest esteem. It would be impossible to list the many ways in which she has devoted herself to the party as its executive officer through many years.

We congratulate Miss Quinn. She has faithfully served her party's organization in Connecticut.

DISASTER RELIEF

Mr. DOMENICI. Mr. President, I am pleased the conference report on S. 2498 includes the Senate provision calling for a Presidential study of disaster loan authorities. I cosponsored this provision, along with Senator BURDICK, chairman of the Disaster Relief Subcommittee, during Senate consideration of the bill last December. I believe the comprehensive study will assist the Congress in reviewing and making improvement to this part of the Federal disaster relief effort.

Under the conference agreement, the Presidential study, including appropriate recommendations and legislative proposals, will be submitted to the Congress by the first of December. This will allow nearly 7 months to complete the study, sufficient time to undertake a complete, thorough study. The study will address not only the possible consolidation of such authorities and ways to alleviate management burdens of administering agencies but will also address other aspects of the various disaster loan authorities including termination of unnecessary administrative procedures and duplication of effort by Federal agencies; the feasibility of a single disaster loan authority; standardization of eligibility requirements for and the nature, terms, and extent of Federal loan assistance to those affected by disasters; specific alternative relief measures and ways to assure minimal disruption of the normal activities of Federal agencies charged with responsibility for providing loan assistance.

The disaster loan program has grown considerably in the last few years and necessary changes in organization and functions have not kept pace. A complete analysis is needed and will, I believe, serve as a basis for developing a better, more effective and efficient delivery of disaster relief.

PEACE ACADEMY SUPPORT GROWING

Mr. HARTKE. Mr. President, I would like to bring to the attention of my colleagues a letter I received from the distinguished professor emeritus of psychiatry, Johns Hopkins University School of Medicine, Dr. Jerome D. Frank, concerning his support for my bill, S. 1976, to establish the George Washington Peace Academy. I was honored to hear Dr. Frank's testimony on my bill before the Senate Subcommittee on Education on May 13, 1976. His eloquent statement in support of S. 1976 should be read by all Members of the Senate and, in a brief conversation after the hearings, Dr. Frank and I discussed the theoretical and practical considerations relevant to the establishment of the academy.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Jerome Frank concerning the conversation we had after the subcommittee hearings on legislation to establish the academy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE JOHNS HOPKINS HOSPITAL,
Baltimore, Md., May 13, 1976.

Senator VANCE HARTKE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: Our too-brief conversation after the hearing this morning has stimulated some further thoughts. I fully share your concern that the George Washington Peace Academy does not become just another site for theoretical exercises with little relevance to or impact on the real world. On the other hand, we really know practically nothing about the maintenance of international peace. The major theoretical insights and technological break-throughs are yet to be made. Maintenance of peace, like waging war, involves every aspect of human group behavior, and its realization will require inputs from all fields of knowledge, as well as their integration. For me, the only reason that maintenance of peace becomes a thinkable goal lies in the new possibilities created by the highly innovative world in which we are living. As Howard and Harriet Kurtz have shown, even advances in military hardware have opened new prospects for maintaining peace. In my testimony I also mentioned the possibilities from international telecommunication, as well as the sudden emergence of a host of problems whose solutions require international cooperation. Therefore, in my estimation, confining the curriculum of the Peace Academy to training students in the existing arts of negotiation and the like, while highly important, would prevent it from making the necessary contributions of which it could become capable. It would be analogous to confining the curriculum of the service academies to practice in the use of existing weapons systems, whereas, as you know, they spent a good deal of time thinking about alternative models, world politics, economic issues and the like.

Of course, it is equally important that the Academy not succumb to the opposite temptation (to which academicians like me are especially susceptible) of stressing theory-building and speculation, divorced from the crucial test of practice. It should be possible, however, to devise a curriculum in which practice and theory both receive adequate weight.

I cannot close without expressing the gratitude not only of myself but of the thousands who recognize that the maintenance of peace represents the only hope for survival of our civilization, for your courageous leadership in furthering a still unpopular subject.

If I can be of any further help, please feel free to call on me. With a little warning, it is very easy for me to get to Washington.

Thank you for giving me the opportunity to testify and for reading this letter.

Sincerely,

JEROME D. FRANK, M.D.,
Professor Emeritus of Psychiatry.

THE UNION DOESN'T SUIT

Mr. GOLDWATER. Mr. President, I believe all Members have heard about plans of the American Federation of Government Employees to attempt to organize and unionize the men and women of our Armed Forces. But I am not sure everyone is fully conversant with what such a plan would do to this Nation's military effectiveness in future emergencies.

The security and tranquility of the United States in peace and defense in war is wholly and unconditionally dependent on the unswerving obedience of each member of the Armed Forces and this obedience would be seriously eroded were the members of our Armed Forces allowed to join servicemen's unions. The chain of command would be disrupted and discipline undermined.

Mr. President, we do not need a dilemma of divided loyalties in our armed services. We do not need to undermine the esprit de corps and patriotic motivation of our men and women in uniform. This entire subject is one that requires careful analysis. Such an analysis has been provided by the Association of the U.S. Army in a recent factsheet entitled, "The Union Doesn't Suit." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAY 7, 1976.

THE UNION DOESN'T SUIT

Among the most timely resolutions approved during the 1975 Association of the United States Army Annual Meeting was the following:

UNIONIZATION OF THE MILITARY

"The American Federation of Government Employees, a union affiliated with the AFL–CIO, has announced that it is considering plans to organize and unionize the men and women of the Armed Forces.

"Since there exists now legal prohibitions against a union engaging in traditional contract bargaining and grievance processing for servicemen, the union envisions initially a limited role on behalf of servicemen—beginning with representation in disciplinary proceedings and other military hearings where outside counsel is currently authorized. Once established, it seems clear that the union would commence lobbying to remove the bars to complete collective bargaining.

"The training and discipline of Armed Forces is predicated on the essential requirement for immediate response to orders in combat. There can be no room for bargaining or negotiation in the critical moments of battle.

"Even more basic is the further effort to equate service in the Armed Forces as just another job or means of employment. Military service is a career service that, to function effectively, requires highly motivated, dedicated people. There can be no adequate remuneration for the hardships and dangers to which the military may be subjected. Nor can hourly wage scales be meaningfully applied.

"We therefore resolve to place AUSA in unalterable opposition to any effort to unionize the military personnel of the Armed Forces."

Since this resolution was passed last October, a number of associations and organizations, including the AUSA, which support a strong United States defense posture have studied in detail the impact of unionization on U.S. military forces. The matter has also received considerable attention from the Department of Defense. This factsheet summarizes some of the highlights of this research and analysis.

WHY UNIONIZATION WON'T WORK

The security and tranquility of the United States in peace and its defense in war is wholly and unconditionally dependent on the unswerving obedience of each member of the Armed Forces. In other words, the need for discipline, obedience, and undivided loyalty is an absolute military necessity. These precepts would be seriously eroded were military members allowed to join servicemen's unions. The chain of of command would be disrupted and discipline undermined.

A union would create the dilemma of divided loyalties—a soldier would have to choose between his officer and union representative. This problem would be even more acute for the officer who was a union member.

Based on past experience, the most likely areas of discontent within the military life in the areas of compensation and benefits. These are in the final analysis determined by the Congress. There is no difficulty now in presenting the servicemen's point of view to the Congress. No union would be able to coerce the Congress, nor present the servicemen's case better than is currently being done by the Services and the various Associations which support the military and national defense.

The union attitude of "it's just a job" belies the unique character of military service and undermines esprit de corps and patriotic motivation. There can be no standard, adequate remuneration for the hardships and dangers to which the military may be subjected. Nor can hourly wage scales be meaningfully applied.

The history of unions in the U.S. has amply demonstrated that they will strike if they think that it is in their best interest, regardless of any existing prohibition in law. To deny a military union the right to strike would be no guarantee of its compliance with the law. Clyde Webber, president of AFGE, has stated that "it doesn't matter if we have a law or we don't have a law. There isn't anything that is going to keep me from asking the government . . . to give us the right to strike under certain conditions . . ."

Current union statements, therefore, appear to offer a cruel deception by seeming to hold out the hope for improvements in service life through collective bargaining. Such bargaining would be illegal if carried beyond the present system of informing the Congress of servicemen's needs and desires, as well as against the best interests of the American people.

Assuming that the union would not be given the right of compulsory membership, substantial friction would surely be created between the union and non-union members of the Armed Forces.

Union bargaining for wages, etc., would force a sovereign government to negotiate with a private organization (the union). "By definition, collective bargaining suggests a parity of powers which is essential to the bargaining process. In the public sector, this parity is non-existent." (Rep. Marjorie S. Holt, R.-Md.—in *Congressional Record* (V. 121 No. 113) dated 17 July 1975.)

It is the NCO's who enforce discipline and see that orders are carried our properly. This NCO leadership lies at the heart of a Service's performance and reliability, especially in time of war or emergency, and this is why the NCO's are called the backbone of the Service. In a real sense, the NCO corps is an integral part of the command and management of each Service. Our NCO's understand this and know that their authority depends upon their remaining part of the command and supervisory echelon. Conversely . . . joining a union would clearly dilute, if not destroy, their traditional position of authority. (From Defense Manpower Commission Report, April 1976.)

Membership in military associations provides a viable alternative to unions.

CURRENT LEGAL BARRIERS TO UNIONIZATION

Presidential: Executive Order 11491 bars unions from engaging in contract and grievance negotiations with the armed services (uniformed military personnel).

DOD: Under Title 10, USC, 133 (b), the Secretary of Defense is the regular constitutional organ of the President for the administration of the military establishment of the nation; and rules and orders publicly promulgated through him must be received as the acts of the executive, and as such, be binding upon all within the sphere of his legal and constitutional authority.

Under this authority, DOD Directive 1325.6 says, "Commanders are not authorized to recognize or to bargain with a so-called servicemen's union."

Congressional: Article 1, Section 8, U.S. Constitution—The Congress shall have power . . . to make rules for the government and regulation of the land and naval forces . . . To provide for organizing, arming and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . .

Under this authority, Congress has enacted several laws impacting directly or indirectly on unionization.

18 USC, 1918—Striking against the Government.

18 USC, 2387—Counseling insubordination, disloyalty, mutiny or refusal of duty.

18 USC, 2388—Causing or attemption to cause insubordination.

10 USC, 889 (Article 89, UCMJ)—Disrespect toward a superior commissioned officer.

10 USC, 891 (Article 91, UCMJ)—Disrespect toward a warrant officer or non-commissioned officer in the execution of his office.

10 USC, 917 (Article 117, UCMJ)—Provoking speech or gestures.

Supreme Court Cases: ". . . the rights of men in the armed forces must perforce be conditioned to meet certain overriding demands of discipline and duty." United States Ex Rel. *Toth v. Quarles*, 350 U.S. 11 (1955). See also: *Orloff v. Willoughby*, 345 U.S. 83 (1953); *Parker v. Levy*, 417 U.S. 733 (1974) which states in part:

> "The fundamental necessity for obedience, and the consequent necessity for imposition of discipline, may render permissable with the military that which would be constitutionally impermissible outside it."

This is only a partial listing of cases that take a similar position.

UNIONS DIRECTLY OR INDIRECTLY INVOLVED WITH U.S. ARMED FORCES

Association of Civilian Technicians (ACT). This union has 8,000 members among the 47,000 civilian technicians who work at National Guard and Reserve armories and bases. ACT has bargaining rights for 10,000 Guard and Reserve technicians in seventeen states.

National Maritime Union (NMU). NMU has 55,000 civilian members working mostly on American vessels. "The union has many members working for the Federal Government with the military commands, including the Military Sealift Command and the Corps of Engineers."

American Federation of Government Employees (AFGE): This union has approximately 300,000 members—about half of them civilian employees in DOD. The ACT is a branch of AFGE. AFGE is currently the largest union representing Federal employees.

MILITARY UNIONS IN EUROPE

Holland: Unions concerned with wages, benefits, do not get involved with military decisions. In national emergencies, union operations can be suspended. Prohibited from striking.

Denmark: Membership in union automatic unless otherwise requested. (All eligible except draftees.) Union primarily concerned with improvement in pay and working conditions. Cannot interfere with military decisions or chain of command. No right to strike under any circumstances.

Austria: In 1967 ,a specific servicemen's union was formed. Union authority is restricted to economic and welfare matters. Military decisions outside the purview of unions. During national emergencies, union may not interfere in any matters. GEU (Government Employees Union) can strike, but the servicemen's union, a part of GEU, cannot. Though not specifically prohibited by Austrian law from striking, military personnel have an unwritten, self-imposed rule that they will not strike.

Germany: Union is limited to non-military aspects of service life—concentrates on pay, promotion, recreational facilities, health coverage. Union forbidden by law to strike. Union in Germany is in a unique position since there is still a great fear of the armed forces in Germany, and the union is primarily concerned with PR work, bettering the image of the serviceman and attracting recruits to serve in this warily-regarded institution.

Norway: Governed by a labor party from 1935 to 1965, the country is highly unionized. Armed forces belong to the BFO union, which is concerned with wages, hours, promotions, housing, retirement, and other social benefits for its members. Union membership is mandatory. No right to strike. No interference with military law. No union control in battle or other national emergencies.

Finland: No information or specifics.

Belgium: No information.

Italy: No information.

France: Military prohibition from union or political activities while on active duty.

CURRENT STATUS OF UNIONIZATION ACTIONS

AFGE, part of the AFL–CIO, has not taken any action at present. The question as to whether or not it will attempt to move into the military will be decided at its annual convention, to be held in September, 1976.

On the legislative front, several bills have been introduced to prohibit unionization of the armed forces. They are:

S. 3079 introduced by Senator Strom Thurmond (R) South Carolina.

HR 12526 introduced by Representative Floyd Spence (R) South Carolina.

HR 12691 introduced by Representative "Sonny" Montgomery (D) Mississippi.

The Defense Manpower Commission in its report of April 1976 (page 64) recommends: "Whereas all officers, whether commissioned, warrant, or noncommissioned, are an essential and integral part of command and management, the Secretary of Defense should prepare and publish a regulation throughout the Services that membership in any union by any such officer is expressly prohibited, and that in the event any such officer in violation of such regulation joins a union, charges shall be preferred against him under the Uniform Code of Military Justice to the effect that such officer has committed an offense against good order and discipline. The term "union" should be defined as any organization of any kind, or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, disputes, wages, rates of pay, hours of employment, or conditions of work."

CURRENT ASSOCIATION POSITIONS AGAINST UNIONIZATION

VFW: Unions would interfere with the chain of command, would impair discipline and response to orders.

NAUS: Unions within the military would still be likely to strike even if prohibited by law; also, "benefits provided by Congress in recent years are considered equal to or greater than those that could have been provided by a military union."

AFSA: "Unionization tears at the very heart of Command authority and military discipline."

American Legion: Unions are not needed because "armed forces personnel are adequately represented" by officers, military associations, Congress, etc.

NCOA: Military personnel cannot have divided loyalties between the government and the unions.

FRA: If all enlisted men belonged to military associations, they would be more effective and get better representation. The associations provide a viable alternative to unions.

Navy League: "It may be that unionization serves other countries well. If so, more power to those countries. But we do not believe it would serve America well, whether we be at peace or at war. Therefore, we urge promptness in having it forbidden by the law of the land."

TROA: "Unions are alien to our defense system. We, and all concerned Americans, must stand firm against them."

CONCLUSION

There can be no question but that unionization of the Armed Forces would present myriad problems detrimental to the operations of those forces. Therefore, both Congressional legislation and positive action by the Administration is required now to ensure that the needs of the military remain paramount and to foreclose any further actions on the part of the unions. Otherwise, the unionization issue will engender thousands of needless and costly man-hours of study and evaluation by the Department of Defense, the Administration and the Congress to a fruitless end. Any potential disruption of the ability of our Armed Forces to respond immediately to the country's needs is unthinkable.

POSSIBLE VAGUENESS WITHIN GENOCIDE CONVENTION FORMED

Mr. PROXMIRE. Mr. President, one of the objections loudly voiced against ratification of the Genocide Convention is directed at article II of the convention which describes one form of genocide as: "Causing serious bodily or mental harm to members of the group." Critics of the convention have contended the phrase "mental harm" could be interpreted to mean the continued use of slurs against an individual group.

However, this argument is totally groundless. The Senate Committee on Foreign Relations, in its report on the treaty, recommended that we adopt an understanding in order to prevent any misconception of the meaning of the phrase "mental harm." the committee stated:

> That the United States Government understands and construes the words "mental harm" appearing in Article II(b) to mean permanent impairment of mental faculties.

This concise phrasing of the understanding provided by the Senate Committee on Foreign Relations has removed any vagueness which might be attributed to article II.

It is now clear that the convention is not attempting to outlaw free speech. Rather, the convention seeks to preserve not only the right of every group to exist, but also the right of every group to live free from fear of permanent mental harm. This is both humane and imperative. We must take a stand against any actions which we perceive to be in any way seriously damaging to the permanent health or existence of national, ethnic, or religious groups. Mr. President, there is no excuse for any further delay on our part; ratification of this convention is essential if we are to continue to enjoy the rights which are so precious to us all.

DESEGREGATION AND THE CITIES: PART VIII

LOCAL EXPERIENCES: THE VIEW FROM CHARLOTTE

Mr. JAVITS. Mr. President, when the Supreme Court upheld a court order requiring countywide busing in the 1971 Charlotte case, the way was open for the desegregation of a number of southern cities' schools, and the initiation of a serious drive against de jure segregation in the North. Charlotte was the first major American school district to experience large-scale busing that produced approximately proportional numbers of blacks and whites in virtually every school of a large metropolitan area. The program began amid a huge national controversy and in the face of organized and active local opposition.

Almost 5 years later, problems remain but the city appears to have made a remarkable adaptation to this far-reaching educational change. In a tribute to the good faith of local officials, the Federal district court has now withdrawn from active supervision of the local schools. Even U.S. News & World Report, a consistent critic of busing, has pointed out the change. In its April 5, 1976, special section, "Are All Big Cities Doomed?" the magazine points to Charlotte as one of four cities "On the Way Up." One basic reason, it says, is the city's resolution of its school problem:

> Increasingly seen as a boon to the city is Charlotte's desegregation program, one of the toughest in the nation and employing massive court-ordered busing.

The success and increasing stability of the plan means that Charlotte does not face a steadily expanding "ghetto" school system within the central city, schools that would tend to accelerate racial concentration and middle class departure from the central city.

Charlotte's story has great importance for all of us as we think about the future of desegregated education and what it means to our cities. Members of the Senate will be interested in the appended recent report on Charlotte by John Egerton, one of the most experienced Southern journalists now covering the school issue. Bart Barnes' Washington Post story on the opening of Charlotte's school year reflects the growing acceptance of the plan.

It is a tribute to the good sense and decency of the people of Charlotte that, while denunciations of busing ring from Capitol Hill and even the White House, they have found ways to make desegregated education work on a metropolitan scale. While Congress involves itself in a variety of ill-advised antibusing agitation, the local leaders in Charlotte have been finding ways to build stable, high-quality schools.

Perhaps the most interesting material today is a speech given recently by Charlotte-Mecklenburg's School Superintendent Dr. Rolland W. Jones. The speech assesses the very real measure of success local leaders have achieved in making the desegregation process work. One outstanding example was the intensive study of public feelings in 1974 and 1975 by the citizen-directed quality education committee, which led to the design of an improved desegregation plan meeting many parent concerns.

The reports from Charlotte cast a new light on reports that the Justice Department may be considering a plan to ask the Supreme Court to reverse the Charlotte case. This would be the kind of thoughtlessness that has continually multiplied the difficulties of local leaders seeking to sustain the Constitution during the past several years. The gesture would be legally meaningless since the chance of reversal of a unanimous decision, continually reaffirmed, are nil. But, it would be destructive because it would undermine the peaceful concentration on educational issues that has come to prevail in cities like Charlotte. We should be listening to the voices from Charlotte and learning from them, not using essentiall busing to exploit fears in an election year.

I ask unanimous consent that these intervals be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From "School Desegregation: A Report Card From the South," Atlanta: Southern Regional Council, 1976]

CHARLOTTE-MECKLENBURG COUNTY, N.C.:

FOLLOWING THE CONSTITUTION

With grateful appreciation to all who have made possible this court's graduation from Swann, *it is therefore Ordered:*

1. That this cause be removed from the active docket.

2. That the file be closed.

This 11th day of July, 1975.—James B. McMillan, United States District Judge.

Aside from *Brown v. Topeka,* no other school desegregation case in American history is better known than *Swann v. Charlotte-Mecklenburg*. It kept North Carolina's largest city in court for 10 years. It led to the U.S. Supreme Court's unanimous ruling on April 20, 1971, that bus transportation as one tool of school desegregation is constitutionally permissible. It resulted, finally, in an approximate balance of black and white children in each of the public schools in Charlotte-Mecklenburg County.

Last July, in an anticlimactic final order appropriately labeled "Swann Song," the federal judge in whose court the case had originated noted that, "though continuing problems remain as hangovers from previous active discrimination, defendants are actively and intelligently addressing these problems without court intervention." The time had come, said Judge James B. McMillan, for "closing the suit as an active matter of litigation."

Neither Judge McMillan nor anybody else in Mecklenburg County apparently believes that the schools there are now completely free of all racial problems traceable to the era of segregation. What *is* widely believed is that significant change has taken place, that equality under the law is now an achievable goal, and that there is in the school system—and to a lesser extent in the community—an attitude of positive willingness to make desegregation work.

After years of friction and turmoil, Charlotte seemed at the end of 1975 to be at least resigned to, and at most quite comfortable with, a state of affairs that few cities have fully experienced: stability, progress, busing and racial balance in the public schools. McMillan's "Swann Song" does not signal a happy ending to a tale of trouble, but it does appear to mark a hopeful new beginning in the long pursuit of equal educational opportunity.

It has indeed been a long journey. In the 1950s, when an education official labeled North Carolina "the school-busingest state in the Union," all of the schools, including the ones in Charlotte, were completely segregated by race. The Charlotte and Mecklenburg County school systems were merged in 1960, three years after black students—five of them—were permitted for the first time to transfer to previously all-white schools. By 1965, when black plaintiffs initiated the Swann litigation, the school systems, under a plan calling for a combination of freedom of choice, zoning, and the closing of several black schools, was still using what the Charlotte Observer later called "busing to achieve an arbitrary racial balance—or, more precisely, an arbitrary racial imbalance, for the sought-after ratio of blacks in white schools was usually around zero."

Over the next four years, little changed, in the schools or in the courts. Finally, in April, 1969, McMillan issued his first decision in the case. The schools, he found, were deliberately and overwhelmingly segregated, in violation of the law and the Constitution. He told the school board it had an "affirmative duty" to correct the situation.

In the atmosphere of a building national resistance to school busing, the order of the court rocked Charlotte on its heels, and reaction was swift. The decision was denounced by the school board chairman, attorney William E. Poe, and by numerous local organizations, including the Classroom Teachers Association. A large group of white citizens formed a protest organization, the Concerned Parents Association (CPA). Sign-carrying pickets gathered at the U.S. post office and courthouse, and on the lawn of McMillan's home. Ministers assailed school busing from the pulpit, the Charlotte News condemned the judge—an establishment lawyer in Charlotte before his appointment to the federal bench in 1968—and 80,000 signatures were accumulated on anti-busing petitions.

Throughout the remainder of 1969 and the first eight months of 1970, the school board was in and out of court pursuing a variety of appeals and delaying tactics, and the community remained in a state of high agitation. The court appointed John A. Finger, Jr., a consultant from Rhode Island, to draw up a complete desegregation plan, and McMillan ordered the plan implemented in the fall of 1970. Three candidates of the CPA, meanwhile, won election to the school board, and the first year of large-scale pupil reassignment and busing was marred by boycotts, white flight to private schools, and violence. The law officer of Julius A. Chambers,[1] attorney for the black parents, were burned in February 1971, and his father's garage and service station in nearby Mt. Gilead were set afire twice in the six months prior to that. (Earlier, in 1965, Chambers' automobile was dynamited while he was attending a civil rights rally, and bombs were exploded at his home and the homes of three other black leaders in Charlotte.) Threats against Judge McMillan became so numerous and so intense that federal marshals were assigned to protect him.

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[1] In addition to being attorney for the plaintiffs, Chambers is also President of the NAACP Legal Defense Fund and a member of the Executive Committee of the Southern Regional Council.

The Supreme Court's decision in 1971 affirming McMillan's rulings in the case can be seen in retrospect as the turning point in organized white protest, but it was two more years before the first signs of community acceptance of desegregation began to appear. By the fall of 1973, a subtle shift had taken place: expressions of dissatisfaction focused more on instability and inequity than on busing and desegregation. The Citizens Advisory Group, a coalition of whites and blacks of various ideological persuasions, was formed to devise a new plan, one that would distribute the burdens of change more equitably, and McMillan ordered the reluctant school board to give its full cooperation to that effort.

What eventually emerged was a new compromise—and yet another realignment of the schools. It was implemented in the fall of 1974, with the blessing of the court, and that is the plan under which Charlotte's schools now operate.

By the time McMillan closed the books on *Swann*, Mecklenburg County voters had elected one black and four white moderates to the school board. Chairman William Poe said it was time to "put this case, and this whole episode, behind us." Jane Scott, William H. Booe and Tom Harris, the three board members who had been elected earlier with the backing of the CPA, expressed misgivings about the ruling—Harris said McMillan was "holding out an olive branch with a machine gun behind it"—but the consensus seemed to be that Charlotte had at last reached a watershed, a new status quo. The most frequently used word was "stability."

Half-way through the second year of its "new stability," Charlotte was adapting slowly to the changed circumstances, and the principal figures in its decade-long school controversy were able to look back and measure the gains and losses. On balance, the gains seemed predominant.

Between 1968 and 1975, public school enrollment declined from about 85,000 to 78,000 (the net loss resulting from 10,000 fewer whites and 3,000 more blacks), and the black proportion of the total increased from 29 to 35 percent. Private schools in the community increased in number from 17 to 31 during the same period, and in enrollment from about 2,500 to about 7,500. Most of the white decline, however, occurred during the first two years of desegregation; total enrollment in the fall of 1975 was up for the first time in five years, and school officials now estimate that students returning from the private schools outnumber those who leave to enter them.

With a few exceptions, all of the system's 106 schools have a black enrollment of 25 to 45 percent—within 10 points of the countywide black percentage. The exceptions—an isolated rural school and a handful of "walk in" schools that were desegregated without busing—include two which have a bare majority of blacks. More importantly, it is generally felt that all schools at comparable grade levels are approximately equal in equipment and facilities, curriculum, programs, and personnel. There have been complaints, however, that some all-black and all-white classes still exist.

The number of pupils bused to school has increased in the past seven years from roughly 30,000 to 48,000, and the cost of pupil transportation has doubled (from about a half-million dollars to a million). But busing costs still amount to less than 2 percent of the school budget, and a substantial part of the increase in riders is not attributable to desegregation but to a change in state law extending bus service to many city residents.

Racial conflicts erupted into violence in several secondary schools in the first three years of desegregation, when community tensions were high, but there have been no serious incidents since then. Expulsions and suspensions also increased sharply in the early years, but expulsions were down to 11 in 1974–75 (from 106 in 1971–72), and in 1975–76 there has been a marked reduction in the number of suspensions. The proportion of disciplinary cases involving blacks, however, is almost twice as high as the proportion of blacks in the total enrollment, and that is a matter of continuing concern.

In the classrooms, there has been a shift to more individualized instruction, and in general, some expansion and improvement of curricular offerings. Scores from standardized tests administered annually in grades three, six and nine dropped "appreciably" between 1970 and 1973, according to the school system's supervisor of testing, Betsy Hailey. In 1974, she notes, the scores stabilized, and a year later, they showed slight improvement in grades six and nine and a significant rise in grade three. (In 1969, blacks consistently scored from one to five grades below whites on the same tests.) School officials are careful not to attach any special importance to these results yet, especially with regard to desegregation. "We don't have a long enough view to tell whether all of the changes we've made have helped educationally or not," said Betty Stovall, director of the school system's program for gifted and talented students. "It may only be possible to compare generations of students. For the short run, all we've got to go on is hunches, opinions, and mixed experiences." One of her "hunches" is that "integration offers the only way to make full use of every student's potential. Talent and ability and potential can be developed in separate educational situations, but the most can be done for the most students under integration."

The intense public interest in school board deliberations that started when desegregation was the principal agenda item has continued unabated into the "post-*Swann*" period. School board meetings are held every two weeks, and are broadcast live and in their entirety by the local public television station; the home audience usually is substantial, even though the meetings are held during prime-time evening hours and sometimes last until midnight. Board meetings are sometimes held in local schools, with several hundred people present. The board members receive $300 a month for their services, and some of them devote virtually full time to the job.

The systematic and sustained use by educators of students in Charlotte's desegregation process and an active, highly visible campaign to involve parents at every level in the school system are two of the most striking features of what has taken place and continues to take place in this community.

During the late 60s, while desegregation was at a trickle in Charlotte, violence between students from opposing schools occurred often, particularly at athletic events. Spurred by the near fatal shooting of one student by a youth from a rival school, the superintendent, at that time, organized a system-wide student group called the Student Coordinating Council. Concerned that the group be representative of the actual racial, sexual, economic, and social make-up of the system, the superintendent devised a formula whereby each high school would send two permanent representatives to serve on the Council. One representative would come from the student council and one would be chosen by the faculty or appointed by the principal or elected by the entire student body. In order to insure a representative mix, on some occasions the superintendent's office added other students to the Council.

The group, initially concerned with intraracial student strife, arranged and conducted visits to different schools for student "rap sessions," and advised the central administration on preventing and handling violence.

Upon receipt of Judge McMillan's now famous order, the administration again turned to the Student Coordinating Council for advice and direction and as a vehicle for communicating factual information to students on pending changes as a result of the court order. Such issues as integrating cheering squads, athletic teams, effective means for communicating to students, etc., were taken to the SCC for advice. Simultaneously with securing the advice and opinions of the SCC, the administration surveyed students throughout the system and found that, with the exception of rare and somewhat insignificant cases, the opinions and answers of those surveyed and the SCC were the same. Consequently, principals were advised to channel information through their football or basketball teams or majorettes as vehicles for rumor control. Principals were directed to devise systems for guaranteeing proportional representation of all races of students, resulting in systems that often included a combination of elections and appointments with equal status.

Stimulated by their involvement with the SCC and personal interest, a small interracial group of students, focusing on students who were not maintaining an interest in the SCC and/or were not involved through the SCC, initiated another, more informal organization of students. This group of students sought as its primary source of support community groups and individuals outside of the system, while developing and maintaining informal ties to the administration. Calling itself 'Project Aries"—the birth sign of one of its conceivers, a black student, Aries, sought to channel the benefit of positive race relations between some students to students throughout the high school and junior high school communities.

Both groups are well organized, with an adult sponsor and advisors, and both carry out their own programs, while remaining on standby to be called upon by individual schools or the entire system to aid in crisis prevention or intervention. Both receive high marks within their school systems, particularly from students. The groups are also nationally recognized by children's rights and youth involvement advocates and by official education agencies, including the U.S. Office of Education, which in 1974 awarded Project Aries a "special" youth involvement grant of about $10,000 to carry on its work. Subsequent to the student involvement and initiatives of students and the administration, other groups within the community, such as the Charlotte Bicentennial Commission and all of the PTAs (which have since changed their names to PTSAs) are involving young people in their plans and programs. Charlotte's student efforts have also aided youth themselves, according to school officials, through their attempts and apparent successes, at utilizing peer strengths in dealing with an assortment of academic and race relations and "generation gap" problems in the schools and community.

Preceding desegregation a few church groups were provided volunteers to assist teachers in a small number of Charlotte schools. Faced with the almost hysterical state of many adults throughout the community, the school system's administrative staff, in conjunction with the PTA, decided to respond to the concerns and anxieties of parents through the creative channeling of parents' energies into the school system. The PTA in 1970 secured a $71,000 desegregation assistance grant (ESAA) from the U.S. Office of Education with which it hired coordinators to go out into communities and identify parents who would be willing to be tutors, to read to students, etc. Once parents and other adults came into the schools and saw that their fears of safety for their children were groundless, they started to filter back to being actively involved in school activities. (Participation had slacked off during the prolonged legal battle over desegregation.) Eventually the funds ran out, but the idea had taken root and thus continued as before. In fact, according to school system records, 8,000 parents and community people volunteered to help out in the schools in school year 1974–75.

College students and persons from industry also were solicited for their various talents to come to the schools and speak with the children about useful or interesting things and experiences that had happened to them.

After initial fears were removed as a result of desegregation, parents and community persons became committed to helping the children and becoming actively involved. Mothers whose children were in school or already out started taking training so that they might help out in the schools.

Parents were used to tutor, help slow learners, and develop relationships with the children in order to break down the barriers. Parents who had previous office skills or experience assisted in the school offices and also helped to type papers for the teachers' class plans.

A book was published by parents listing those who could be called on for advice in various areas of education and who would come into the school and give "talks" in their particular field of interest.

Parents were involved in the curriculum planning process so that better understanding could be gained as to what children were being taught. Parents could thus give input, make changes, and have a "voice" in what they wanted their children to be taught.

All in all, there apparently is a general sense of satisfaction in Charlotte that a measure of calm has finally come to the schools, and that some educational progress is now being made. If whites remain overwhelmingly opposed to busing—and one close observer of local attitudes guesses that 80 percent of them would say they are—blacks in the community apparently are not. Busing aside, the proponents and opponents in both races acknowledge that full desegregation is the governing fact in the schools, and almost all of them expect it to remain so. "People are tired of fussing and fighting," said Ed Sanders, one of the school system's associate superintendents. "We've got a pretty equitable plan, a stable plan, and we're making progress. It may not be what everybody would want, but it's working, and I think the dominant feeling in the community now is, let's get on with it."

What the schools now struggle to "get on with," for all its imperfections, is a new order based on the principle of equity. Separate educational facilities, the Supreme Court concluded in the *Brown* case, are "inherently unequal"—not because blacks are inferior to whites, but because whites, in controlling and imposing segregation, have systematically skewed things to their own advantage. Charlotte is trying to correct that systemic bias. It no longer has racially identifiable schools. It has brought the races together in a single system without diminishing the number or percentage of black teachers and administrators. It has established the presence across the board of blacks in what were white schools and whites in what were black schools. It has, under Superintendent Rolland W. Jones—now in his third year on the job—a central administrative staff that is biracial.

From all of this, one overriding and ironic conclusion can be drawn: whites, who complained the most about desegregation, have gained much from it, and seemingly lost nothing; and blacks, who complained the least, have likewise gained much but also made the most sacrifices and carried the heaviest burden of change.

The gains for whites have been mainly social: they now have an opportunity to overcome a pervasive condition of "cultural deprivation" that has shielded them from a realistic understanding and appreciation of the black minority. Conversely, there is nothing in the record to indicate that whites have suffered academically. To be sure, many whites have been inconvenienced, and, particularly in the early stages of desegregation, some of them faced physical threats and bodily harm. But in the main, what whites have lost is an advantage—an unconstitutional advantage—accorded to them by the society solely because of their race.

Blacks, on the other hand, must weigh their gains—better academic opportunities, improved chances for success in the larger society, and so forth—against some specific and disproportionately great sacrifices. They too, of course, have known inconvenience and physical danger. Black youngsters in the first four years of school are bused far more than whites, and over the course of their school careers they are required for many years to ride relatively more miles than Charlotte whites. For whatever reasons—and the reasons are too complicated to be attributed entirely to racial discrimination—blacks are far more likely than whites to be punished in school. Blacks make up one-fourth of the professional staff of the school system, as they did before desegregation, but blacks comprise more than one-third of the student population. And finally, the conversion of all schools to majority-white status has required blacks to surrender the new places in which they could be assured of identity, recognition and a degree of control. They have opportunities for those rewards now, but no assurances; with the end of segregation has come an end to racial sanctuaries—for both races.

Still, the adjustment from old to new circumstances is continuing. There is every reason to believe that the transition will not be complete for some years to come, but there is a rude consensus—or at least a sense of resigned acceptance—that appears to support the general direction of movement and change. The population of Mecklenburg County has maintained its rate of growth (from 275,000 to about 400,000 in the past 15 years) and its white-black ratio (75–25). Local and state politicians generally looked the other way during Charlotte's school crisis—a stance that had the questionable virtue of being neither helpful nor destructively harmful—but now their ranks include some blacks, and their collective leadership is somewhat more positive. The school board, whose earlier behavior during almost 20 federal court encounters can fairly be described as obstructionist and defiant, now appears to be looking positively to the future, and at least six of its nine members seem to accept the permanence and finality of desegregation. Here and there in the city, there is evidence of some desegregation in housing, and substantial improvement in job opportunities for blacks. The city, under the pressure of a lawsuit, has turned to scattered-site public housing construction in an effort to prevent the creation of new ghettos for the poor.

The reconstruction of the school system was, and is, the key element in Charlotte's long and continuing movement toward equality under the law. Change began in the schools, and it is still underway there; now it is moving gradually into other areas of community life. Hardly anyone disputes that anymore. What people do disagree about is the pace and the direction of it. The attitudes and opinions of a few Charlotte citizens are illustrative of the differences.

To school board member William Booe, a steadfast opponent of busing, "the whole thing has failed miserably." To Margaret Ray, a central figure in the biracial Citizens Advisory Group whose participatory democracy tactics lied to to the current desegregation plan, "a great thing has happened here. We've really grown and changed—in attitudes, in beliefs. We've got a lot of problems left, real problems, but we've come a long way, and we're moving in the right direction." To Jim Postell, actively and outspokenly against busing in the early days and still "bitter" about the changes, "this is the cross of the day, that black and white people have got to learn to live together. But it's a hard thing. Black and white is hard." Within the schools there are, by most accounts, individual examples of resentment and hostility, and overall, a growing atmosphere of acceptance and respect.

Finally, three other viewpoints seem especially pertinent to what has happened in Charlotte, and to what may happen there in the future.

William Poe, the school board chairman, has served on the board for 12 years. During that time, while he was leading the opposition to court-ordered desegregation, all six of his children were in the public schools. Now, all but one of them has graduated, and Poe, in December, was considering whether or not to run for re-election. About the busy years of his tenure, he was quietly reflective:

"You have to view all of this in a broader perspective than just schools. Overall, I think its been good for the community. It took school desegregation to make us see that you don't build new slums with concentrated public housing, or allow public transportation to become an all-black bus system, or build parks where they are inaccessible to people. I don't like the ratio concept, but it does bring into focus what's fair, what's equitable. In the schools, we also have to take a broader view. I thought at the outset that Judge McMillan was going entirely too far, and in many ways. I still think so. Much of this community has been alienated by what he has done. But shifting from the practical to the philosophical, trying to see things in some historical perspective, I'd hazard a guess that desegregation was clearly necessary and bound to come, and he speeded up the pace of it, and I think he'll be vindicated on that score. Things are smoother now, and working better than I thought they would be. There would be no way to undo all of what we've done, not even with a constitutional amendment, and I'm not even sure there would be the will to do that. I fight off the temptation to be smug about Boston. I think it's a fair prediction that in another generation, the South may have all the desegregation there is—and be glad of it. It may even be that the only viable cities in years to come will be cities like Charlotte, which have settled the race issue."

Julius Chambers, the soft-spoken attorney who persevered and finally was victorious in the *Swann* case, thinks the fruits of that victory still have not been harvested—but will be. "Comparatively speaking," he says, "it has worked well. There are some problems, but given time, I think they will jell. Students and parents appear to be adjusting, and there's not a political problem now. Compared to 1970, there's been real progress. The problems? In the board and staff, there are some who stress obeying the law, but not commitment to an integrated school system. The representation of blacks on the board and staff is still token, and the blacks often don't have real authority. There are areas of weakness among principals and counselors, and some departments are virtually all-white, and some teachers have complained of discrimination in promotion and placement. Grouping and tracking is also a problem; there are some all-white and all-black classes, and EMR (educable mentally retarded) classes have a disproportionate ratio of blacks. But all in all, many blacks see what they have now as a better deal for them. I think only a small percentage of blacks would prefer majority-black schools to this. With the kids, I think there is a growing respect, an appreciation for each other as human beings. The elementary generation now—they're the ones. They have no hangups like we do, no self-consciousness or defensiveness about race."

James B. McMillan thinks of his time on the bench in the *Swann* case as a valuable part of his education. "Like most people, I just assumed we had been moving toward desegregation," he recalls. "I really had no idea how pervasive the discrimination was at first. There are people who don't understand the extent of it yet—and some of them are on the board. I haven't got the slightest regret about what I did. When you take the government out of the business of perpetuating discrimination, drawing lines, causing race strife, then you've done as much as you can do. I think we're coming through it amazingly well. There are still kids who can't read, who aren't happy, who want their old schools back—but those problems were not created by observing the law."

What will be the consequences of *Swann* for Charlotte? "I think the consequences will be good: a greater respect for the law," McMillan says. "The actions of public officials are short-term—they do what they do because they think that's what pepole like and want. But the Constitution is long-term, and a judge must go by it, despite all. In the long run, the majority will have its way, but it's a slow, orderly, lawful process—and it has served us very well."

It was Judge McMillan's unyielding determination to follow the Constitution that brought Charlotte at last into compliance with the law, and allowed its schools to turn from racial considerations to educational ones. In his final order concluding *Swann*, McMillan wrote:

> Ghosts continue to walk. For example, some perennial critics here and elsewhere are interpreting Professor James Coleman's latest dicta in support of the notion that courts should abandon their duty to apply the law in urban school desegregation cases. Coleman is worried about "white flight," they say; school desegregation depends on Coleman; therefore, the courts should bow out . . .
>
> The local School Board members have not followed that siren. Perhaps it is because they realize that this court's orders, starting with the first order of April 23, 1969, are based, not upon the theories of statisticians, but upon the Constitution of the United States . . .

[From the Washington Post, Sept. 3, 1975]

CHARLOTTE LEARNS TO LIVE WITH BUSING

(By Bart Barnes)

CHARLOTTE, N.C.—Bill Smith recalls what it was like to teach in an all-black school 10 years ago in the segregated Charlotte-Mecklenburg system.

"You'd get 40 kids in a class and you didn't have books for all of them," he says. "I was trained in English and social studies, but sometimes they just told me to teach something else. One year they told me to teach eighth grade math, but I never had any formal math training. They said, 'Teach it anyway.'"

Not today. "Now I notice that my children are being exposed to the things that white children have been exposed to all along. You find that when white children attend a school in large numbers, the Board of Education is willing to give you what you need."

Since the fall of 1970 both black and white children of the Charlotte-Mecklenburg school district have been attending racially integrated schools under a court-ordered plan in which 35,000 to 40,000 children are bused to school outside their neighborhoods.

They have been busing for five years in Charlotte, longer than anywhere else in the nation. For it was the order to bus in Charlotte, later affirmed by the Supreme Court, that set the precedent for busing orders elsewhere.

Five years ago, when the buses first rolled here, there were threats of white boycotts. Ministers denounced busing from their pulpits, and thousands of cars sported anti-busing bumper stickers.

The first few years of busing saw numerous racial incidents and inter-racial fighting, particularly at the high school and junior high school levels. School officials estimate that as many as 10,000 whites may have fled the public schools, either to private segregated academies or to other school districts.

Now, as schools open for the fifth year of busing, the schools and people of Charlotte-Mecklenburg have found busing is something they can live with.

White flight appears to have stabilized, and most schools reflect the ratio of 31 per cent black, 69 per cent white of the entire school system. For the first time since busing began, scores on standardized tests showed improvement last year. Each year, the number of race-related incidents in schools decreases.

Last July, 10 years after the original desegregation suit—called Swann vs. Charlotte-Mecklenburg—was filed, U.S. District Court Judge James B. McMillan closed his file on the case and said he did not intend to reopen it. The school board, the judge observed, "has taken a more positive attitude towards desegregation and has at last openly supported affirmative action to cope with recurrent racial problems in pupil assignment."

While no one suggests the Charlotte-Mecklenburg schools are free of racial problems, there is a conviction that whatever comes along can be handled and that busing, however distasteful, has been made to work.

There is also virtually unanimous agreement that new educational avenues are now open to black children.

"There are educational opportunities afforded black children now that were not before," says school board chairman William E. Poe, a firm opponent of the busing order when it was handed down. "If they will take advantage of them, the result will be astonishing."

Like many Southern school districts, the school system here includes the schools inside the city of Charlotte and beyond the city limits in surrounding suburban Mecklenburg County. This means it is not possible to escape busing by moving to the suburbs, and there is not the sense here that city dwellers are being asked unfairly to pay the full price for society's ills.

In many respects, Charlotte might be an example of what civil rights workers would hope might eventually happen after schools desegregated.

"I'm against busing, but it was the only way to accomplish what we had to accomplish," says Cloyd Goodrum Jr., a mathematics professor at the University of North Carolina's Charlotte campus.

Goodrum has three children, two of whom are bused from their predominatly white neighborhood to formerly all-black West Charlotte High School. Generally, Goodrum says, West Charlotte is a good high school, and he's pleased his children are there.

Like many people, Goodrum can recognize busing as necessary in the name of social justice, but his experiences with it have not been entirely happy.

His son was knocked down a flight of stairs at school by a group of black youths and his daughter is often the target of racial epithets in the girls' rest room.

"It's hard to explain this sort of thing to kids," Goodrum said. "You tell them blacks have been mistreated for years and they say, 'Yeah, but we didn't do it.' Of course they're right."

As it did in many cities, busing had ramifications beyond the school system, and it was more complicated than a simple whites vs. blacks issue. It pitted neighborhood against neighborhood as sections of the city fought each other over who would bear the greater burden of busing. It affected residential patterns as neighborhoods changed from white to black because of the way busing schedules were drawn.

Goodrum's old neighborhood, a subdivision called Hidden Valley on the northern rim of the city, is a prime example. Five years ago it was virtually all white, but the initial busing plans called for Hidden Valley Children to be bused for eight of their 12 years in school. Almost immediately, whites began to move out and blacks to move in.

As the neighborhood became integrated, Hidden Valley residents petitioned to be allowed to attend their neighborhood elementary school, but the request was not granted until the neighborhood was well over half black. It is currently about 90 per cent black and Goodrum moved out with his family about a year ago.

Among those who moved in was Bill Smith, the teacher in the segregated, all black school years ago. Smith gave up teaching for a better-paying job as an underwriter with Aetna Life & Casualty Insurance company here is now pleased with the education his children are getting, and is active in parent-teacher organizations.

When his children were in all-black schools, Smith said, "the black parents did not know how or did not have the political clout to demand that the board give the schools what they needed."

While busing is now accepted as a way of life in the Charlotte public schools, it has left in some with bitterness that there are people who managed to escape it.

"The people who have money. They just will not do it," says Jim Postell, a structural steel contractor, father of three children and a busing opponent. "They will send their children to private schools. My people are the middle class. We pay for everything and we get nothing. If you stand up and speak out for what you believe in, you're either a racist or a rabble rouser. I think it's wrong to bus those children across town black or white.

I do think that everybody ought to have an equal opportunity to get an education. But our schools here in Charlotte are now the most integrated in the world . . . not in the country, in the world."

Billingsville Elementary School, in a low-income black neighborhood called Griertown on the east side of Charlotte, is one such intergated school. It draws students from its own neighborhood and from an affluent white professional area in another part of town.

Its principal Kathleen R. Crosby, began her teaching career 25 years ago in Mecklenburg County in an all-black school with no running water and a pot-bellied stove. In those days the black schools began their year in July so the black children could be released in the fall to work in the fields.

Now Mrs. Crosby greets a visitor in her office proudly displaying computer printouts showing some of her 6th graders reading and doing mathematics at the 9th and 10th grade levels. Many are the children of the white professionals but some are the children of low-income blacks from the Billingsville neighborhood.

"Every child here will be taught" Mrs. Crosby says. "I have told my staff here that we will not have any child placed in a 'dumb' group."

Since she's been at Billingsville, Mrs. Crosby has involved both black and white parents in the school and has gotten the PTA to run such fund-raising events as a spring fair and a fall clothing sale.

"I think this is going to work" she says. "I have found that where schools provide a good learning experience for children and when the parents are happy with what's at the end of the ride they don't care about the bus."

Thoughts on Integration

(By Dr. Rolland W. Jones, Superintendent of Schools, Charlotte-Mecklenburg, N.C.)

Judge Jim McMillan said he wanted to get off the Charlotte-Mecklenburg School Board. He meant it. He did. And it looks like we have a pupil assignment plan that will be stable enough to last for awhile. As a compliment to the pupil assignment plan we aimed also for the development of a specific and comprehensive program for integration that would not bog down in the superficial aspects of desegregation.

Much of our time has been consumed with the matter of the legal, historical, numerical, and geographical logistics of bus schedules and assigning students. We've struggled with all the desegregation techniques—closure, pairing, zoning, clustering, satelliting, magnet schools. Though we know that we might never be completely free of all that we began to look at integration in larger perspective.

Most of us wished we did not have to bus children and break up the neighborhood schools. Yet we had no other workable options. Our city has economically, physically, and racially segregated sub-communities. In our commitment to compliance with the law, we were unable to find solutions that didn't require busing. Desegregation, among other things, means busing in Charlotte-Mecklenburg. Though it is not an ideal solution or a panacea, there is, right now, no other way.

If we can believe that judges' orders are less important than the spirit with which our entire community responds, in the last analysis that response may well be the one which decides whether or not we are divided or united. If our hostility divides us into warring factions, it will set an example for more and worse violence in our schools and community. If we can unite and live diversity without disunity, we will demonstrate what America can become by demonstrating what Charlotte-Mecklenburg could be. More important than the history of desegregation and the machinery of pupil assignment is the spirit by which we are animated.

The Charlotte-Mecklenburg School Board is on record (at the recommendation of the administration) in support of the principles of desegregation and integration. The board and its administration is on record in a thousand ways (by policy and action) of giving unequal services in order to achieve equal educational opportunity, if it benefits the individual and does not harm others or the overall quality of education.

We attempt to fulfill the spirit of those ideals in practice. It would be a shame if we had to be taken to court and ordered to take every human step we must take toward achieving quality education for every child.

It is the action of the board, administration, students, teachers, parents, and other citizens which lead the court to say we are responsible, we no longer need to be under court order, we are with a few remaining constraints, a unitary school system. We have enough people of good will in our community to do the job.

All of the efforts we have already undertaken, do not seem too widely known. Desegregation of personnel assignments and our affirmative commitment to equalize employment opportunities has increased the opportunities for minority students to model themselves after and identify with adult authority figures. Participation and representation by students, citizens and professionals in both curricular and co-curricular student activities have been enhanced. Our school system has been engaged in a vigorous program for the upgrading of school facilities. Workshops are giving teachers skills to help children learning respect for one another. We have undertaken a serious implementation of a human relations effort by the Community Relations Committee.

There are many things we are doing in curriculum to meet our needs. We are encouraging cooperative educational and recreational programs with other social agencies, the local institutions of higher learning, police and city government, business and industry. We have developed a police resource officer program with our schools. We are broadening parent involvement, to help in the library, to tutor and to construct learning materials. We are using such techniques as: changing materials often because of short attention spans, using many different devices (audio-visual aids, etc.,) using oral reading techniques giving students a longer time to finish work (less homework and more supervised directed study in school), applying less pressure and increasing the amount of work gradually, etc.

We have developed a program which will help us to identify in a more objective manner the kind, causes, and degree of tension whenever it occurs in our schools so that we can better identify, treat and report these conditions.

Quality education is at work when we open a learning disabilities clinic, when we hire more teachers for our schools, when we hold a workshop on behavioral problems, when we develop a curriculum council to increase participation in decision making, when we have computerized data gathering, evaluate programs, assess pupil achievement, buy a greater variety of books, expand auxiliary educational facilities, make our schools more comprehensive, provide options and alternatives, strengthen the student coordinating council, develop programs in ethnic studies, etc.

It is not as dramatic as talking tough. It may not be the high pitched negativism which makes for the most sensational headlines. But continuous, steady—sometimes boring systematic, nitty-gritty, nuts-and-bolts, hard work is the only way to build for quality education.

The danger is that the parents and other citizens who follow school matters may not always perceive the difference between the subject matter of efforts to discredit and the nuts-and-bolts of the tedious struggle for improvement of the schools. They may become impatient with trusting board members, administrators, teachers and other elected officials to strengthen quality in the schools.

That precious trust is fragile and delicate. We have been close to losing it.

We are very fortunate that lately there seems to be a sustained effort, by all the major newspaper, radio and television institutions in Charlotte-Mecklenburg to portray the outstanding things happening in our real world—the schools. For this, the media deserves our thanks. As the public knows more about what the people in school are doing, the schools will have its support. Confidence in the schools is growing. Citizens have become increasingly involved in the Charlotte-Mecklenburg Schools.

On the whole our integration program is a success. It has broadened the curriculum. It has given the students a better self-image. It has increased their self-determination. It has multiplied learning experiences. Oh yes, tension increased after desegregation but our students are learning to cope and this too is an educational advantage for students.

One of the joys of my life has been a variety of experiences in school systems with significant populations of Oriental, Spanish surnamed, black, Indian, and other cultural, national, and ethnic sub-groups, which lead me to conclude that there is no one answer for the communities in the United States. Each superintendent and his board, staff and community have to go it alone. It must be a do-it-yourself process. It looks like the problem will have to be solved by the schools. The schools will have to turn things around by themselves. We realize the burden that has been placed on the shoulders of schoolboard members and their staffs, teachers, and communities, in every instance where there is a problem of desegregation of schools. Though the basic principles of integration have been outlined for us by the constitution and the courts, we're the ones who are charged with the responsibility for making it work.

Not very many of us really believe Charlotte-Mecklenburg will ever go back to the old days, even if we could legally do so.

There was a time when it could be said that we were pushed down the desegregation road, but we haven't been kicked every inch of the way. This school system has not been dragging its feet all the way. Nor have we waited every time for the courts to force us. We have had the courage to move ahead and the leadership to do what in good conscience, we think is proper.

We desperately need support of our efforts and our good faith. For instance, our objective in such matters as the improvements in the Talent Development Program was not fear of losing federal funds. It was the elimination of discrimination, as the courts have charged us, "root and branch".

There aren't very many areas of public life now that attract more charges of feet dragging, hypocrisy, failure to practice what's preached, knuckling under to federal officials, etc. Fear and hate are learned—not inherited. Hate for the whites isn't inherited by the black man. The white man doesn't inherit fear of the black. Sometimes, we have shown an extraordinary insensitivity to the concerns of some groups in American society. Whether justified or not, many of our citizens have had genuine fears that we have failed to appreciate, and that we should not dismiss as being solely racist in nature. Whites are overcoming the fact that most white parents, raised on the myths that blacks are ignorant, lazy, and immoral, fear every aspect of desegregation at an emotional level of which they, themselves are sometimes unconscious. And blacks are overcoming their sympathy with those separatist movements which threaten the implementation of an integrated society.

We have extended our objectives beyond that of mere physical desegregation. By setting these objectives we have immeasurably enhanced our pupil assignment plan, have demonstrated good faith in our program for integration and have come closer to qualifying as a free and autonomous unitary school system.

We think desegregation is a lot more than the transporting of students from one school to another. It can't be accomplished only by establishing bus schedules. Integration isn't something that is designed just for minority children. At the heart of integration is the question: How do you educate the child of Everyman?

What integration says is that though the child's family background and home environment determine much of his success in life, schools also make a difference.

We have many things in common with all the rest of the schools in the United States. One of the responsibilities we share is that of getting every child ready to live and work in a heterogeneous nation composed of many racial, cultural, political, ethnic, religious, national and philosophical backgrounds. These are represented by many life styles and are equally respected. The mutual celebration of these differences must be reflected in our curriculum, our policies, and our administrative practices. Without it the general quality of education and its relevance to our young people will suffer.

Education is one of the helping professions. It is now the school's responsibility to exercise leadership in helping our community to acquire a greater awareness of intergroup relationships. But that isn't enough. We must also help the community to correct whatever conditions cause inequality. We can no longer be satisfied with complaining that someone else caused the problem.

We must examine all our policies and practices and take whatever action is most consistent with our highest hopes for society.

Most of us were brought up to believe that the melting pot concept held the highest promise for America. For the young nation, struggling for identity as a nation it might have had some relevance. It doesn't have relevance today. Our nation itself is established. It is our people and the individuals in it which need identity.

The melting pot concept would boil us all down to some common denominator like a stew in which the potatoes, carrots and meat all taste and smell alike.

We are a nation of many distinct cultures, religions, colors, nationalities and life styles. Each yearning to be recognized and respected, each yearning for psychological autonomy not to be assimilated and effaced.

Our nation is a mosaic of many cultures and people who want to be mutually appreciated, not absorbed. As in the mosaic each person has his own individual qualities, yet with others forms a part of a larger entity without losing his own personhood. Integration means more than physical inter-relationships among peoples. It is an extremely complex interaction of personal and sociological relationships.

This struggle against a monolithic culture for the recognition of differences has been going on since our nation was founded.

Our society is now mature enough to embrace a pluralism which shares power without trembling on the verge of civil war. This does not mean that we are not one people. It does mean that one part is not subjugated to the other.

It was inevitable that the social and political struggle would someday touch the schools. For twenty years the nation's schools have been preoccupied with various forms of physical desegregation. Now we are returning to our basic charge: Preparing children to live in today's world now, as well as the one which they are going to inherit and in which they are going to live, love and work. It will be a world based on cultural, ethnic and racial pluralism which will give everyone opportunities for self-respecting activities. That is what gives integrated education a new meaning for all of us. In pursuit of this goal our board has made a commitment. Now we are called upon to design a program and develop a model which will be comprehensive enough to do the job in every part of our educational enterprise: Personnel, staffing, student-teacher relationships, after school and curricular activities, relationships with the community, ways of teaching, kinds of buildings, use of materials.

We could not hope to develop such a design without the total involvement of the community.

After the staff with principals and school committeemen engaged in a study later called the Blue Book, which identified some key inequities and instabilities, we began work on a more lasting pupil assignment plan. The process (particularly the Citizens Advisory Group) involved thorough research as well as participation by members of the community, the staff and the board members. The outcome was a more stable and equitable pupil assignment plan. Already white flight has dramatically reversed. For the first time in six years, our enrollment exceeds projections. We can now devote more attention to the educational questions of how we can best help children to learn and teachers to teach.

CARL BOZENSKI

Mr. RIBICOFF. Mr. President, one of the outstanding citizens of Torrington, Conn., is Carl Bozenski. For many years, he has been the superintendent of recreation for that great city. Carl has brought joy to children and adults in the Torrington area with the many special projects he has created. His Christmas village and the civic center design will be remembered by countless thousands. I would add his Halloween celebration, the Mardi Gras Ball, the Fourth of July celebration, and many others.

Nellie J. Sullivan paid Carl a special tribute in a letter to the editor of the Torrington Register. I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

I join Carl Bozenski's many friends in wishing him good health and happiness in his retirement. He is a great guy, and we all love him.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Torrington Register]

TRIBUTE TO CARL BOZENSKI

Editor of the Register:

Last week's Register printed the news that Carl Bozenski will shortly retire as program director of the Recreation Department of Torrington. What a shock.

There came to my mind Carl's many innovative programs which for 37 years brought delight to old and young alike.

In addition to the nationally acclaimed Christmas Village I would like to mention four favorite projects. First was the original Halloween celebration when the mystery man, Mr. Jack O'Lantern, seated in a giant pumpkin arrived in great splendor at Fuessenich Park while band music and handclapping shook the brisk autumn air.

The annual Mardi Gras Ball for teenagers was another example of Carl's imagination. The local armory was transformed into a magnificent ballroom; four glittering thrones were constructed to seat the sectional kings and queens selected by popular vote. The climax of this festive affair came when by popular applause the King and Queen of the Mardi Gras were singled out for special recognition.

To make youngsters aware of the advent of the space age, Carl initiated a sputnik balloon race. For the princely sum of 10 cents each child at the park was given a balloon filled with helium to which was attached a card with his name and address. At a given signal all the red balloons were released, then all the blue ones, then the green ones—and so on until the sky was dotted with a rainbow of colors. The child whose balloon traveled farthest was given a prize. In addition the person at the other end who found the balloon was rewarded if he mailed the card back to the owner. One balloon was retrieved at sea by a sailor. One youngster attempted to tie a mouse to his balloon. Such fun!

The fourth one, my very most favorite, was the big Fourth of July celebration. People poured into Fuessenich Park equipped with jackets, blankets, and kazoos. While the band rendered favorite songs, while the thousands sang or played their kazoos in accompaniment, there was displayed at the east end of the park a fireworks picture of the specific song—with moving parts yet! Remember. The final number was always the rendition of "God Bless America" as the fireworks-flag waved gently in the soft summer air.

I'm sure many folks join me in thanking Carl Bozenski for these magic moments in our lives—and in wishing him as much future happiness as he has brought to us children of all ages.

NELLIE J. SULLIVAN.

Torrington.

S. 1284, THE ANTITRUST IMPROVEMENTS ACT OF 1976 AND H.R. 8532, ITS PARENS PATRIAE COUNTERPART

Mr. THURMOND. Mr. President, next week the Senate will be called on to consider one or both of these bills. All should be aware that these bills are mislabeled. H.R. 8532 permits basically the same course of action as does title IV of S. 1284. My remarks directed to title IV of S. 1284 are with the understanding that they are generally applicable to H.R. 8532. The other 4 titles in S. 1284 have no counterparts as of today from the House of Representatives. Title IV of S. 1284, the most onerous, will receive my attention first.

This bill, as I stated at the time it was reported favorably by the majority, is a cruel hoax on the consumer. The "damages" to be recovered will typically amount to a few dollars, perhaps but a few pennies, per person—no one seriously expects individual consumers to go through the administrative bother of trying to collect these small sums. After the lawyers skim their fees off the top, the bulk of the booty will apparently be distributed at the discretion of the judge, unless there is some State law setting up an appropriate general welfare program to be funded by the proceeds of such litigation.

In the worst sense, this is blackmail litigation. Few firms could afford the risk of losing a judgment in the billions, even if totally convinced of their innocence, and so these massive suits will have to be settled. In a well-known case, a group of drug companies was faced with claims which, according to one judge's theory, could have reached $4 billion or more. So they settled, with all the plaintiffs but one, for about 5 percent of that amount—$200 million, of which some $40 million has gone to the lawyers.

One plaintiff State insisted on taking the case to court for a ruling on the merits—and the court found there had been no violation of the antitrust laws. But because of the risk of an adverse ruling, the companies had already paid $200 million as insurance against bankruptcy. As could have been predicted, the bulk of the settlement money earmarked in these suits for consumers has gone unclaimed; apparently, the amounts are individually too small to bother with.

Thus, not only does the consumer fail to benefit from such suits, but as history has demonstrated, the high costs of settling or defending them will invariably be passed on to the customer.

Title VI lies at the heart of the bill's potential for abuse of the judicial process. This title is the ultimate mockery of the term "consumer benefit." The "benefit" it promises would in fact not inure to consumer-plaintiffs but to antitrust lawyers who would be awarded a veritable bounty-hunters' license to file unlimited liability actions, based on obscure and uncertain theories, against every size and species of private firm.

There seems to be a widespread misconception that the legislation is directed only against giant corporations. Private firms and business entities of all kinds, including those in the professions, could be sued under title IV. For that matter, labor organizations which have a partial antitrust exemption would also be subject to suits under title IV, in the same manner as corporate entities.

In brief, title IV poses a potential threat to every segment of the American economy, excepting only, as I stress once again, the legal antitrust trade. For lawyers specializing in that trade, title IV represents a bonanza and boom in prospective business.

What is especially illusory about this title is its theoretical "improvement" of extending to the State attorneys general power to file suits for alleged antitrust violation. How far we have departed from the Founding Fathers' conception of the Constitution, when Congress presumes to give State officials authority which the States already have. Have we "progressed" so far in our view of the Federal Government as the dispenser of all powers, as to forget the fact that under the Constitution the States, if they desire, have their own authority to enact and enforce State laws regarding price fixing and other antitrust violations within their boundaries?

It is unnecessary for the Federal Government to empower state attorneys general to proceed in Federal court to protect consumer interests. If the States, through their executive and legislative branches, believe their State attorneys general should be empowered to file suits of the kind described in title IV, then laws to that end should be enacted on the State level, authorizing suits in State, rather than Federal, courts.

President Ford on March 17 made quite clear, in opposing the concept of parens patriae in this type of legislation, that this was a State matter best left to the States.

In addition, and recognizing that the vast majority of State attorneys general are honest and conscientious public servants, we cannot ignore that in most States the office is political and elective. Stated bluntly, title IV proposes to dispense broad and hitherto unknown powers to use the Federal court system to State officials subject to political motivations and pressures.

It is a regrettable fact that abuse of existing powers held by some State attorneys general has in past years been a blot on the administration of justice. Several flagrant examples are a matter of record. When the bill is considered, more detail will be presented on this issue. One example is sufficient today.

A former attorney general of Washington was accused of accepting a bribe, by virtue of being paid nearly $1 million in fees for handling an antitrust suit on behalf of government entities while holding office. He was acquitted, the court finding that he was authorized to "practice law" while in office. While he was prosecuting the suit, in the courts and in the headlines, he ran unsuccessfully for Governor.

With this in mind, it is incumbent on Congress to consider title IV's potential for abuse.

As for the bill's provisions permitting large antitrust treble-damage actions to be filed by State-hired private lawyers, we have seen in recent years how the abuse of the judicial system in the filing of professional malpractice suits has assumed dimensions of a major national scandal. This situation has become so bad that in some areas of the country doctors have launched what has been called a legal counterattack against unscrupulous legal malpractice practitioners.

Title IV offers such private practitioners tempting new possibilities to ply their trade. The committee majority has given its stamp of approval to what amounts to an "antitrust lawyers full employment act." But if the provisions of that act are read carefully, it will be found that there is little, if any, benefit within it accruing to those lawyers' consumer-clients.

Titles II and III and V suffer equally grave defects, by rejecting established due process safeguards and granting unnecessary and potentially abusive powers to government officials.

Title II would authorize an unprecedented inquisitorial power in the Department of Justice, tailored uniquely for use against businessmen. These powers could be used not only to prepare for government antitrust suits, but also to gather information for use in bureaucratic and administrative agency proceedings. Moreover, title II grants these powers and simultaneously withholds or dilutes traditional due-process rights to adequate representation by counsel, to inspect one's own testimony for accuracy, and to challenge the interrogators' authority in a court of law.

Would S. 1284's supporters approve such powers in the hands of the FBI or the IRS? What gives the Antitrust Division a superior right to such powers?

Title V would allow the Government to stop at will, and effectively kill, virtually any business acquisition or merger, by turning completely on its head our time-honored judicial principle that the Government must prove its case before it can restrict the citizens' freedom of action. Instead, the Alice-in-Wonderland title V would force the defendant to demonstrate that the Government could not prove its case.

The hodgepodge of title III would inject the Federal authorities and the Federal courts into the most local business practices, ferreting out local transactions alleged to merely "affect" interstate commerce. It would further help the lawyers who file antitrust treble damage suits, by unleashing them against local businesses and local trade practices. It would further overload the court system by assigning priority status to any case, government or even private suit, designated a "complex antitrust case." The majority does not explain how this priority is to rank alongside the dozen or more different types of cases, including criminal cases, which recent legislation has also decreed should take precedence over everything else on the court's docket.

In the noble name of "antitrust improvements," the committee majority would create new legal machinery that would in fact be unfair to business, costly to the consumer, and a grave threat to our heritage of due process and protection from Federal Government interference in business.

It is particularly disturbing that the majority ignores that enacting this legislation will create very serious constitutional problems involving denial of due process.

This bill "improves" nothing. On the contrary, its enactment would wreak havoc on the American economy, including large and small businesses alike, as well as on the administration of the Nation's judicial system. So great is this potential threat that no less an authority than Erwin Griswold, former dean of the Harvard Law School and former Solicitor General of the United States, has deemed it appropriate to critically question the constitutionality of major areas of the bill.

Senator Burdick, who later voted to report the S. 1284 package, was concerned about these serious questions and offered amendments to hopefully make title IV "constitutional" and "legal." He now opposes title IV because his amendments failed.

My fundamental objection to this legislation is that, beneath the facade of "improvements" and "consumer interests," it really assumes that private business, small and large, is an economic evil, endangering "our democratic institutions and personal freedoms."

In my opinion, the foremost threat to "our democratic institutions and personal freedoms" this election year is not the Amercan free enterprise system as title I implies. Rather it is the legislation enacted over the years which has placed ever-increasing power and authority in Government hands to regulate Americans in every facet of our daily lives.

The worst of such regulatory legislation has been enacted in the name of "protecting" or "improving" citizens' rights and interests against the alleged depredations of the private sector of the American economy. That is the case with the instant bill.

American consumers enjoy the benefits of the most abundant, efficient, and competitive economy on the face of the globe. Ours is an economic system that advances "our democratic institutions and personal freedoms" to the envy of peoples throughout the world.

Nevertheless, in focusing only on some purported problems in our national economy, this bill unfairly seeks to make our free enterprise system a political scapegoat. Toward that end, title I alleges that "anticompetitive practices" in business and industry are a root cause of unemployment and inflation. The clear implication is that the provisions of this bill represent a step in the direction of curing those ills.

Such polemics confound rather than enhance general public understanding of the complexity of the country's current economic problems. Specifically, the broad charges made and implied in title

I conveniently overlook the fact that to a large extent those problems are the result of the high cost of government itself; a cost, let me submit, which has been made all the greater over the years by the development of just such legislative "improvements" as are embraced by this bill.

Moreover, the burden placed on the system by ill-conceived but resoundingly titled "consumer interest" legislative measures and bureaucratic devices have compounded rather than cured the country's economic ills. Indeed, in many important areas they have created economic ills where none previously existed.

If enacted into law, the majority-approved bill would assume a first-rank position in that onerous category of "consumer interest" legislation. Its provisions would not only inhibit the expansion of the national economy when that economy is on the upswing, but title IV in particular would place a potentially crushing burden on our Federal court system at a time when the administration of criminal and civil law and justice is in crisis because of an already existing court overload.

This last point was tellingly made by Prof. Milton Handler in his critiques of the majority-approved bill. Professor Handler pointed out that "any court unlucky enough to be chosen as the forum for a State parens patriae action would have no option but to adjudicate the claims brought before it, however, numerous and miniscule they might be * * *. Not only will this enterprise consume lifetimes of judicial energy, but the result will be meaningless for the consumers themselves, since the expense of litigating, including attorneys' fees, will exceed their maximum possible recoveries."

SENATOR TUNNEY ON HELSINKI AND HUMAN RIGHTS

Mr. CRANSTON. Mr. President, last week my colleague from California, Senator TUNNEY, released the text of a study which he had commissioned on the subject of Soviet and East European implementation of the Helsinki Accords. Special emphasis was placed in the study on the human rights—or "Basket Three"—provisions of that agreement.

Because I believe the Library of Congress study requested by Senator TUNNEY, in his position as chairman of the Helsinki oversight committee of the North Atlantic Assembly, underlines both the importance of those human rights provisions themselves and the need to continue to press the Soviet Union and her Eastern European allies for adherence to the terms of the Helsinki understandings, I am submitting the texts of Senator TUNNEY's announcement and the report itself for publication in the CONGRESSIONAL RECORD.

I ask unanimous consent that these texts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY RELEASING TEXT OF REPORT ON IMPLEMENTATION OF BASKET THREE PROVISIONS OF THE HELSINKI ACCORDS

Ladies and Gentlemen, it is a pleasure to be here today both because I believe we have something important to contribute to the dialogue over human rights in the Soviet Union and Eastern Europe in general and because it is really the first opportunity that I have had to sit down with a man I have long admired, whose courage and perseverance has served as a great encouragement both to the many thousands of Soviet citizens who, like Alexander Luntz, desire the freedom to decide for themselves the course of their lives, and for many many Americans as well who have dedicated their own time and effort to help others pursue those goals of freedom. Dr. Luntz, I want to say welcome, at last, to the United States. You have been much too long in coming, my friend.

As I'm sure you know, the purpose of our gathering here today is to announce the completion of what I think is an important report on compliance by East European countries and the Soviet Union with provisions of the Helsinki Accords relating to Human Rights, the so-called "basket three" provisions. Roughly six months ago in Copenhagen, at the annual meeting of the member states of the North Atlantic Assembly, the Parliamentary arm of NATO, the Committee of which I was Chairman was given the task of overseeing the provisions of the Helsinki agreements. Because I was firmly convinced that we in the West would lose the momentum that we had established in the Helsinki negotiations if we did not continue to closely monitor their implementation I undertook to prepare a report on the record of performance with the terms of Helsinki after its first six months. This report today is the final result of that pledge, but I can assure you that it does not represent the final results of our efforts to achieve more openness and a willingness to observe basic human rights on the part of the Eastern bloc. That flight, as this report so clearly demonstrates, must go on.

I would like to say a few words about the report and then I will turn the discussion over to Mr. Luntz who will comment both on the report itself and his own experiences in trying to hurdle the obstacles in the path of Soviet citizens who wish to emmigrate.

Less than one year ago in an atmosphere of high expectations and exuberance the heads of State of 35 nations gathered together in Helsinki to sign an accord which was the culmination of almost 3 years of tedious negotiation. Since last August, the controversy over that accord seems to have grown rather than diminished. On the one side are critics who suggest that the negotiations represented a diplomatic coup for the Soviet Union and its allies, the initiators of the conference who have eagerly sought recognition of the geopolitical status quo in Eastern Europe for thirty years.

On the other side of the debate are the optimists who thought that the provisions of Basket Three dealing with human rights and the freer flow of information represented a fundamental breakthrough in easing Soviet and East European repression. According to them, their signature upon this document would force the Soviets to reduce their restrictions on travel, communications, and individual freedom. It would deter another Czechoslovakia and eventually open the floodgates of the iron curtain to waves of citizens freely allowed to emigrate.

In a grandiose statement of purpose, Basket Three began with a pledge by all signatories to "Make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connection." To accomplish this the States undertook specifically to promote further development of family ties by favourably considering both temporary visa applications and applications for permanent emigration. In connection with this they promised to lower the fees for these applications and pledged not to intimidate those who apply by modifying in any way their rights or obligations or those of other members of their family.

Beyond emigration, the parties promised to allow religious institutions to have contacts and meetings among their own members and exchange information. They promised to facilitate the freer and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State. And they pledged themselves to promote substantial progress in cultural and educational exchanges.

But have the grandiloquent promises so perserveringly bargained for by the Western Powers produced any real change in Soviet or Eastern European behavior? Sadly not. What changes that have occurred in repressive policies in Eastern Europe with but few exceptions have proven either illusory or cosmetic. In fact, the Soviet record of noncompliance has amounted to a purposive and systematic violation of provision after provision.

Since completion of the Accords the Soviet attitude towards the human rights provisions of Basket Three has hardened and the Soviets have returned to their original interpretation—that the security provisions of the pact are binding while the human rights and information provisions are only agendas for future discussions.

While some Soviet emigration rules have been simplified, the changes are misleading. The fees for emigration have been lowered from 900 rubles to 800, but the source of most of the money for potential emigrants—foreign contributions—has now been cut off. The Report concludes: "there is no evidence to date that more people are actually being allowed to emigrate. In fact, since Helsinki, the rate of visa approvals has been about 11,000 per year as compared to 35,000 in the years prior to Helsinki." And of the 641 individuals who were on the official "Representation List" of the U.S. Embassy in Moscow for visas, 517 were still there nine months after the signing of the agreement.

With regard to freer travel, the Report concludes: "There has been no substantial change in the number of Soviet citizens traveling to the West since CSCE. Some prominent Soviet dissidents, like Andrei Sakharov, have been refused permission to visit the West."

And the record is no better on the dissemination of information. While conditions have improved with regard to the treatment of foreign journalists, these agreements were reached under the Soviet framework of additional bilateral discussions on the "agenda of Helsinki." Newspaper and magazine circulation have not been expanded. The broadcasts of several radio stations, including Radio Free Europe and Radio Liberty are still being jammed, and in fact the Soviets have recently been successful in convincing international Olympic officials to bar those stations from coverage of the Olympic games. The situation of the paper Le Monde—which has perhaps the highest circulation of any major Western paper in the Soviet Union—is symbolic. Today, almost a year after the signing of the accord, the Soviet Union receives forty copies of Le Monde.

Ladies and gentlemen, the facts are there. This is no longer idle speculation or rhetoric. From this report there emerges a pattern of flagrant Soviet violations of undertakings which they themselves have said were morally—if not legally-binding. They have revised their asssment of the importance of the Third Basket. They have adopted cosmetic changes on the one hand while tightening the screw of repression on the other. They have mounted their own propaganda offensive at the same time as they are denying Radio Free Europe and Radio Liberty the right even to cover the summer Olympics.

I am not saying here that the critics were completely correct. Nor am I saying that we should abandon our efforts to bring about some fundamental changes in Soviet and Eastern European observance of the human rights provisions of this accord. What I am saying is that we should not delude ourselves about the willingness of the Eastern block to forego patterns of repression that have been built-up over decades.

This is as much a call to action as an exercise in villification. We must not let up the pressure. We must increase our efforts to make the Russians and others deliver on their promises. I have supported and I wholeheartedly endorse the creation of a joint Congressional-Executive Helsinki oversight committee as the first step. The Senate has already passed this legislation and the House will hopefully act soon. Beyond this, I look forward to the Helsinki review conference scheduled for Belgrade in January of 1977 as an opportunity to air our grievances. But I don't think we should wait that long. Nor do I believe we can afford to. For this reason, I would propose two additional concrete steps which I believe can and should be taken immediately.

First, I urge Secretary of State Kissinger to conduct immediate, high-level discussions in either a public or a private mode with the Soviet Union and other Eastern European signatories of the Helsinki Accords for the purpose of raising the question of non-compliance by the Eastern bloc nations.

Second, I would urge the Secretary to take strong decisive action if those talks are not fruitful—by urging a suspension of American observance of the First and Second baskets of that Agreement dealing with security arrangements and economic exchanges.

I myself plan to offer a resolution of the Senate expressing our concern over the failure of certain parties to implement the Basket Three provisions. And I firmly intend to pursue this matter in multilateral channels when my committee of the North Atlantic Assembly meets again this year. I want to assure those of you who have shown a long and persevering interest in the problem of human rights that this fight is going to go on.

THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE: IMPLEMENTATION OF BASKET THREE

BASKET THREE'S PLACE IN THE FINAL ACT

The Final Act of the Conference on Security and Cooperation in Europe (CSCE) signed at Helsinki on August 1, 1975, was grouped under four headings, popularly termed Baskets. Basket Three, containing provisions on the freer flow of people, information, and ideas between East and West proved the most difficult to negotiate. Agreement on the nature and scope of Basket Three was achieved only in the final weeks of the negotiating stage of the Conference.

Since the early 1950s, the Soviet Union had pushed the idea of an all European conference to deal with problems of security and to gain formal acceptance of the results of World War II. West European nations, as well as the United States and Canada, agreed to attend the Conference, fiinally, on condition that its scope be expanded from strictly security questions to include consideration of ways to eliminate barriers between Eastern and Western Europe. The West insisted on Basket Three because it regarded rigid control of individual contacts and the dissemination of information as detrimental to European security interests. It looked upon expanded inter-bloc contacts as a means to dispel suspicion and fear. Without the provisions for change contained in Basket Three, many Western nations were unwilling to formally ratify the status quo in Europe.

The Soviet Union and several Eastern European governments, for a long time, resisted Western demands on Basket Three. Once the Soviet Union accepted Basket Three in principle, as the necessary price for what it considered to be the crucial security agreements regarding inviolability of frontiers and noninterference in internal affairs, the Soviet negotiating tactic became essentially one of damage limiting.

Consequently, a compromise agreement was reached under the formal title "Cooperation in Humanitarian and other Fields." It still contained provisions addressed to the freer flow of people, information, and ideas, but to these were added others addressed to cultural and educational cooperation. The Soviet Union failed in attempts to restrict agreements on contracts to those regulated on a government-to-government basis, owing to the unequivocal stand taken by many NATO and Western neutral nations.

DIFFERENT INTERPRETATIONS OF BASKET THREE

The preamble to Basket Three of the Final Act states that the parties aim to increase cultural and educational cooperation, the dissemination of information, contacts between people, and to achieve the solution of humanitarian problems in order to further peace and increase understanding among themselves, regardless of political, economic, or social systems. The text of Basket Three outlines the specific areas in which cooperation is to be expanded. Despite the years spent by delegates to establish language acceptable to all, differences among participating states over interpretation of Basket Three have continued to this day.

The Western view

The general Western view of the final Act holds that the security and cooperation provisions of the agreement carry equal weight. While the first recognize present realities in Europe, the second commit the 35 signatory nations to go beyond those realities in Europe. American, Canadian, and West European officials have repeatedly rejected arguments by some communist governments that the security provisions of the agreement, such as recognition of present day borders, take priority over other provisions, including those aimed at the freer flow of people, information, and ideas between East and West.

The Western rationale for emphasizing Basket Three since the Helsinki summit is that this section contains those provisions which require further implementation, while the security provisions, with a few exceptions, do not. President Ford, in his Helsinki speech underlined the importance attributed to Basket Three by the United States. He said:

"The United States considers that the principles on which this Conference has agreed are part of the great heritage of European civilization which we all hold in trust for all mankind. To my country they are not cliches or empty phrases. We take this work and these words very seriously. We will spare no effort to ease tensions and solve problems between us. But it is important that you recognize the deep devotion of the American people and their Government to human rights and fundamental freedoms regarding the freer movement of people, ideas, and information."[1]

In principle, the Western signatories have given the provisions of Basket Three a broad interpretation. They have not accepted that the pledges in areas such as family reunification, emigration, freer movement and information apply only to specific groups (i.e., certain minorities) or specified types of information. As a practical matter, however, they have recognized the greater chances of success of a step-by-step approach in seeking compliance from the Soviet Union and Eastern Europe.

Differences reportedly have arisen among NATO and other Western nations on how hard the other side should be pushed to implement Basket Three. But there has seemed to be general agreement that implementation of Basket Three would be a long hard road requiring Western persistence and that the results would not be immediate.

The Soviet view

The Soviet attitude toward Basket Three appears to have undergone some subtle changes since the signing of the Helsinki accord. The initial Soviet stand emphasized Basket Three's clearly subordinate position to the security provisions of the Final Act. Soviet commentators in particular stressed the importance of the noninterference and inviolability provisions of Basket One, as well as the Declaration of Principles guiding relations among participating states which was called the "core" of the Helsinki accord.[2] The Soviet press warned that attempts to shift the weight in the Helsinki principles would be rejected.

While emphasizing the importance of Basket One, the Soviet Union also dismissed the idea that it owed the West something in Basket Three, as the price for the Helsinki accord. Soviet foreign policy expert Georgi A. Arbatov wrote in September 1975 that the Soviet Union could not accept the Western view that the fixing of post-World War II borders was a major concession for which it must pay the West under Basket Three. He went on to criticize the West for treating the provisions on humanitarian cooperation as the main element of the final act.[3]

A feature of the Soviet attitude toward Basket Three since the Helsinki summit, noted by many Western observers, is the apparent return to interpretations voiced in the early stages of CSCE negotiations. For example, shortly after the conclusion of the Conference, Soviet officials began to let it be known that many of the Basket Three provisions could only be implemented on the basis of further bilateral and multilateral negotiations.[4] According to this view, rejected by the West, Basket Three was no more than an agenda for future negotiations to codify events which would take place anyway in the normal course of detente.[5] The CSCE agreement, simply created the favorable prerequisites.

The Soviets responded to Western pressure for compliance with Basket Three by invoking the Basket One principle of noninterference in one anothers affairs. Soviet leader Leonid Brezhnev stated in his speech at the Helsinki summit:

The main conclusion, which is reflected in the Final Act is this: No one should try, out of foreign policy considerations of one kind or another, to dictate to other peoples how they should manage their internal affairs."[6]

Certain elements in the West were accused of trying to gain under detente what they could not achieve during the Cold War, namely a wedge to interfere in Soviet internal affairs through the vehicle of Basket

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Footnotes at end of article.

Three.[7] Soviet writers stressed that Basket Three did not open the doors to ideological subversion, during what they termed a period of heightened ideological warfare. Brezhnev underlined this view in October when he rejected visiting French President Giscard d'Estaing's call for ideological detente.[8] Furthermore, it was emphasized that Basket Three could be implemented only subject to the internal laws of each country.

Western analysts generally believed that these qualifications to Basket Three were resurrected after the signing of the Helsinki Final Act in part as an effort to tone down expectations among Soviet citizens.

A shift in the Soviet attitude toward CSCE as a whole began to emerge in September 1975. The initial Soviet reaction had been one of unrestrained enthusiasm for the results of the conference and scant attention to Basket Three. In response to growing pressure from the West and from dissidents within the Soviet Union, spokesmen moved to confront critics head on. Their position on the Conference began to reflect less enthusiasm as they were forced to pay more detailed attention to Basket Three. Soviet hopes for CSCE may have receive received their sharpest blow when West European communist parties, including the French and British CPs, began to demand that the Soviet Union live up to the humanitarian provisions of the Final Act, while condemning the Soviet record on human rights.[9]

East European views

With the exception of Yugoslavia, the East European nations have followed the Soviet Union quite closely in their public attitude toward Basket Three of the Final Act. Thus they have repeated the themes that the security provisions were the most important of the accord, that the Basket Three provisions were subject to further negotiations, that they could not become tools for interference or ideological subversion from abroad, and that they could only be implemented according to the laws of each country.

Despite these visible similarities, there have been interesting variations in the approach of some East European countries. In general East European comment on Basket Three has been less anti-Western in focus than recent Soviet comment. The differences have been attributed in part to the fact that most Eastern European countries were more open to contacts and exchanges with the West even prior to Helsinki.

The Bulgarian, East German, and Czechoslovak reactions to the CSCE Final Act have most closely reflected those of the Soviet Union. In the case of Czechoslovakia some Western analysts have discerned tensions and differences within the government. The Czechoslovaks have charged that the Western concept of Basket Three is a "system of thousands of communication channels, 'bridges', designed to facilitate the passage and spreading of bourgeois ideas throughout the socialist countries."[10] However, Czechoslovak actions have not always conformed to the rigid public stance. Poland and Hungary have shown less concern over the impact of Basket Three, than their communist neighbors.

The Romanian attitude toward the Final Act has reflected ideological rigidity concerning Basket Three. At the same time, the Romanian media has not followed the dictates of Moscow, instead stressing those provisions of the CSCE agreement which seem to reinforce Romania's right to an independent course.

Yugoslavia has been well ahead of the other communist countries in Europe in allowing freer movement of the people and information. Its position with regard to Basket Three in many ways may more closely resembles that of the West than the East.[11]

THE RECORD OF COMPLIANCE WITH BASKET THREE

Problems of measurement

The vagueness of the language of the Final Act resulting from the requirement of consensus among 35 nations on each clause, makes different interpretations among signatory nations likely and provides one of the difficulties in measuring compliance. Furthermore, the Final Act is not legally binding. Nevertheless, the summit level ratification of the agreement places moral and political pressure on each nation to comply with Basket Three.

The West has generally held that the conduct of most of the Western nations is already in compliance with the spirit of CSCE's provisions. Where compliance is lacking, it is often said to be in direct retaliation for restrictions and barriers imposed by communist countries. The burden of reform and change is seen as resting on the East.

The Soviet Union promised to take seriously the CSCE pledges. Soviet leader Brezhnev said in Helsinki:

> We proceed from the assumption that all the countries represented at the Conference will translate into life the agreements reached. As regards the Soviet Union, it will do precisely that.[12]

With regard to compliance with Basket Three, specifically, Georgi Arbatov wrote:

> As is known this terminology covers the provisions which mention the intentions and readiness of the states to cooperate in such spheres as the development of relations in the fields of culture, science, education and information, contacts between people and the solution of various humanitarian questions including family contacts, marriages between citizens of different states and so forth. The Soviet Union, by signing the Final Act, has expressed absolutely clearly its intention to implement these provisions of the Final Act too (on the basis of reciprocity and in precise accordance with the spirit and letter of the document of course.) [13]

At the same time, Soviet commentators angrily denounced the Western view that the accords concluded under Basket Three required no action by Western governments. Arbatov said on this score:

> I should just like to stress that this is a reciprocal matter. The implementation of the provisions of the "third basket" just as of the other sections of the Final Act, requires efforts not only on our part but also on the part of the West, and all the more so because the practice that has developed there is at the moment, still creating many obstacles to cooperation in the aforementioned spheres.[14]

The Soviet press cited examples of alleged Western violations of the Basket Three provisions. In November 1975, the Soviet news agency TASS accused West Germany of "massive and legalized" violations of human rights involving new procedures for checking the loyalty of government employees. Britain was accused of discrimination against its non-white residents. The U.S. was accused of racial discrimination, as well as of violating specific Basket Three provisions through illegal wiretapping and mail covers. The West was also accused of placing more restrictions on exchanges than the East.[15] The Soviet views on compliance were echoed by several East European countries.[16]

Human contacts

Basket Three pledged each signatory state to facilitate contacts between separated families by allowing regular entry and exist, by providing travel permits within a reasonable period of time, and by lowering passport and visa fees where necessary.

Applications for relocation from one country to another for purposes of family reunification and marriage would be handled in a positive and humanitarian manner. Fees would be lowered where necessary. If applications were refused they would be reconsidered within a reasonable period of time. Fees would only be charged a second time if application were successful. Individuals would be allowed to take household and personal belongings with them. Persons would not be disadvantaged in any way because of their application to leave the country. The country of destination would assist them by granting the same social benefits as those enjoyed by its own citizens and by aiding in the search for a job.

Opportunities for travel in general would be expanded. Procedures for gaining entry and exit permits would be simplified. Tourism was to be promoted by each country. Meetings among young people and for the sake of sports were to be encouraged and facilitated.

Soviet policies since Helsinki

Much of the Western attention to implementation of Basket Three has focused on emigration policy. Several of the Basket Three provisions can be included under this heading since they involve questions of free movement, family reunification and marriages between different nationals.

According to Soviet Deputy Minister of Internal Affairs Boris Shumilin, "Soviet emigration rules are in full accord with the International Covenant on Civil and Political Rights adopted by the United Nations in 1966." He stressed, however, that the Covenant permits restrictions on emigration for protection of state security, public order, health or moral standards.[17]

The Soviet Union has taken a few recent actions which may reflect an effort to bring formal Soviet emigration regulations into closer line with the requirements of Basket Three. The Soviet news agency TASS reported on January 22, 1976 that the rules governing applications for emigration had been simplified.[18] The rule changes were later revealed to include the following: (A) reduction of the exit visa fee from 400 rubles to 300 rubles; (B) elimination of the requirement that applicants for emigration produce character references from their place of work; (C) review of cases every six months (previously, applications had to wait a year for review); (D) refusals could be appealed within a state visa system.[19]

The changes in the regulations do not of themselves guarantee that emigration from the Soviet Union will become less difficult. Reports of would-be emigrants being harassed, losing their jobs and homes continue. A 500 rubles fee is still charged for the required renunciation of Soviet citizenship. Other new rules have been introduced with may make life more difficult for applicants. According to a regulation which went into effect on December 22, 1975, Soviet citizens can no longer receive hard currency or prepaid gifts from abroad. Dissidents and would-be emigrants who have been fired from their jobs are most dependent on gifts from abroad for their survival. Now such gifts are to be received from the state bank of foreign trade in rubles converted at the official exchange rate, after deduction of a thirty percent tax on foreign currency.[20]

The overall impact of the new Soviet regulations on emigration is unknown. There is no evidence to date that more people are actually being allowed to emigrate. The number of Soviet Jews who were allowed to emigrate in 1975 was between 11,000 and 14,000 (estimates vary—the Soviet Union claims 11,700 were given visas). The Jewish emigration figure for the first two months of 1976 is just over 2,000, or approximately the 1975 rate. These figures are a sharp drop from the peak year 1973 when almost 35,000 Jews were allowed to leave the Soviet Union. The official Soviet explanation for the decline in emigration is simply that the number of applicants has dropped. Deputy Minister of

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Footnotes at end of article.

Internal Affairs Boris Shumilin claims that only 1.6 percent of applications are denied in those cases where individuals have had access to state secrets or where departure would bring hardship to family members. On the other hand, some Western sources have estimated that there is a backlog of 150,000 applications for emigration.[21] This figure does not include those who may not apply for fear of losing their job or other consequences.

Soviet ethnic Germans estimated at 1,800,000 are another large minority group affected by Soviet emigration policy. Soviet authorities have reportedly received more than 40,000 applications from Germans wishing to leave the country. In 1975 over 1,000 emigrated to Germany.[22]

Shortly after the conclusion of the CSCE sumit, the United States presented the Soviet government with a new representation list of 641 Soviet residents (249 families) who were considered to have legitimate claims to go to the United States. Some of these persons had been trying without success to leave the Soviet Union for many years. It was hoped that following CSCE, Soviet officials would act positively on these cases. The number still on the list in April 1976 was 517.[23]

No figures are available on the number of Soviet citizens awaiting permission to marry foreigners. The Soviet Union claims that 5,500 Soviet citizens who married foreigners in recent years have been allowed to leave for 110 different countries.[24] In a much publicized case Soviet chess champion Boris Spassky was recently granted permission to marry a Frenchwoman after some delay by officials. Many other cases await favorable Soviet action.

Recently, the Soviet Union has given a number of prominent dissidents permission to leave the country, including Alexander Lunts, Leonid Plyushch, Ernest Neizvesty, and Andrei Amalrik. Other prominent dissidents continue to be refused permission to emigrate.

The Soviet record of compliance with the "freer travel" provisions of Basket Three is difficult to assess. There has been no substantial change in the number of Soviet citizens traveling to the West since CSCE. Some prominent dissidents have been refused permission to visit the West. Physicist Andrei Sakharov was not allowed to go to Norway to receive the Noble Peace Prize. The official reason for denying him an exist visa was his alleged knowledge of state secrets, even though he has not had access to classified information for some years. At the same time, Soviet authorities openly voiced their displeasure at the award of the prize to Sakharov, who according to commentators is "constantly on the side of those who by their aggressive actions more than once made the international situation extremely tense."[25]

The Soviet media has recently conducted a campaign to show that the West actually places more barriers on free travel than the Soviet Union. Some of the examples cited are: a Soviet entry visa can be obtained within a week, while Soviet citizens must wait three weeks for an Italian or American visa and a month for a West German, Swiss or Japan visa; Soviet visa fees have remained constant since World War II, while the prices Soviets must pay for Western visas have risen significantly.[26] Georgi Arbatov has complained that an American scientist can gain admission to the Soviet Union simply by personally applying to the Intourist agency, while a Soviet scientist wishing to visit the United States needs an official invitation and an organization or person vouching for his good behavior.[27]

Footnotes at end of article.

East European policies since Helsinki

East European policies toward the issue of human contacts have varied considerably from country to country before and after CSCE. With regard to minority emigration the problems differ in each country. The 800,000 Turks living in Bulgaria could pose one of the most serious problems but there has been no reported pressure from Turkey to increase the number allowed to leave.[28]

Over 280,000 Germans live within the postwar borders of Poland (the West German Red Cross gives a figure of 307,000). On the basis of a Polish-West German agreement signed in October 1975, Poland will allow 125,000 ethnic Germans to emigrate to West Germany over the next four years. To gain the West German parliament's approval of the pact, it has been agreed that more Germans (beyond the 125,000) will be allowed to leave Poland at a later date. In return, the West German government will extend to Poland long term credits of $900,000,000. West Germany will also make a lump sum payment to Poland as settlement of pension claims dating from the wartime German occupation of Poland.[29]

Over 330,000 Jews have left Romania since World War II. Another 80,000 remain. In 1975, Romania signed a trade agreement with the United States, providing for most-favored-nation status. Under the restrictions of the Jackson-Vanik amendment on granting MFN by the United States, Romania would have to show continued progress on emigration. Romania emphasized as recently as December 1975, that there could be no question of large scale emigration by that country's German population numbering some 400,000.[30]

Movement between East and West Germany has increased in recent years. However, the increase in contacts has been largely one sided, allowing the West Germans to travel to East Germany. Those East Germans allowed to move to the West have been chiefly the retired and elderly. An estimated 7,000 people have been allowed to leave East Germany annually in recent years. Another 5,000 a year have escaped. In 1975, approximately seven million West Germans and West Berliners were said to have visited East Germany.[31] The East German government has claimed that over one million of its citizens visited the West.[32]

Czechoslovakia has a German population of approximately 80,000 of whom some 20,000 are believed to want to emigrate. Thus far, Czechoslovakia authorities have not shown a willingness to allow them to leave. According to the Czechoslovak press, 60,000 citizens have been allowed to leave the country in the past ten years, most of them ethnic Germans.[33]

Hungary's German minority numbers 200,000. There has been no known pressure from this group to emigrate. In general, Hungarian emigration policies are considered to be among the more liberal in Eastern Europe.[34]

In terms of allowing their citizens to travel to the West, the East European countries generally have a better record than the Soviet Union. There remain significant differences in performance from country to country.

Since Helsinki, the East European media has generally echoed the Soviet criticism that the West is placing more restrictions on free movement than the East, using such examples as the relative time period involved in gaining a visa and the cost involved.

Information

According to the provisions of the Final Act, the signatory states make it their aim to achieve a freer and wider dissemination of all types of information. Each country aims to allow in more foreign newspapers and to distribute them through the same channels as domestic publications. Sales outlets for foreign publications are to be increased and facilities for subscription to foreign newspapers are to be improved. Foreign printed information is also to be made available on loan from public libraries.

The dissemination of filed and broadcast information is to be increased. The signatory states note the expansion of information broadcast by radio and express the hope that this process will continue. The United States is the sponsor of this provision aimed at eliminating the jamming of Western broadcasts by communist countries.

Contacts among journalists of different countries are to be encouraged, as are exchanges of articles by newspapers of different countries. Working conditions for foreign journalists are to be improved. This provision contains specific clauses concerning the granting of multiple exit and reentry visas for foreign journalists, freer travel within countries, freer access to news sources, and freer passage of news to a journalist's home country, etc.

Dissemination of newspapers and printed information

In most Western countries which participated in CSCE, foreign newspapers, journals and other publications can be distributed freely and the circulation of foreign publications is based primarily on the level of demand.

Most communist countries, on the other hand, tightly control the importation of Western newspapers and publications and severely restrict access to them. There have been no significant changes in this area since the conclusion of CSCE. While the Soviets have made some modest gestures, they have also made statements interpreted by many Western analysts as outright repudiation of the Basket Three provisions.

Georgi Arbatov warned that "if some people regard (the provisions) as an invitation to fling open the door to subversive anti-Soviet pro-violence propaganda, or to fan national and racial strife, then they are laboring in vain. Neither the document signed in Helsinki nor detente will permit such occurrences."[35] A major Soviet article published in February 1976 on the freedom of information topic charged that "implementation of the principle has in fact developed into an unprecedented anti-communist campaign, into attempts to violate the sovereignty of the socialist countries and interfere in their internal affairs through the mass media." The article went on to insist that "the problem of information exchange between countries must be resolved on a basis other than that of the free-flow-of-information principle" and claimed that "the concept that the state has a sovereign right in the matter of disseminating mass information on its territory has received increasing recognition in recent years in the practice of international relations."[36]

On January 21, 1976, TASS announced that eighteen Western newspapers would go on sale in the Soviet Union. While this measure aimed at showing compliance with Basket Three, the Soviet Union hinted that these newspapers would be available to the same extent Western newspapers already sold in the Soviet Union, such as Le Monde, were available, i.e., allowed in very small numbers to be sold exclusively at tourist hotels.[37]

The East European countries have not taken any formal steps to increase the dissemination of Western newspapers since the CSCE agreement. However, such newspapers have received wider distribution in those countries even prior to Helsinki. To cite one example, the circulation of Le Monde in the Soviet Union stands at 40 copies, while Poland receives 1000 copies and even Czechoslovakia receives 250 copies.[38]

Filmed and broadcast information

In the post-war period, radio broadcasts have been used widely by East and West to communicate with the people of other countries. While Western countries have not physically interfered with broadcasts from the Soviet Union and Eastern Europe, those countries have used jamming devices to attempt to block the reception of Western broadcasts. The practice of jamming has been reduced in recent years (the Voice of America and BBC, for example are no longer jammed). Nevertheless, the broadcasts of some Western stations, including the American government-funded Radio Liberty and Radio Free Europe, have continued to be interfered with by the Soviet Union and some East European countries.

The Western participants at CSCE interpreted jamming to be irreconcilable with the Basket Three provisions on the dissemination of information. Soviet and East European actions regarding foreign broadcasts were therefore viewed by many Western officials as providing a yardstick for measurement of Soviet and East European compliance with the CSCE Final Act. To date there has been no discernible decline in jamming activities since the Helsinki summit. At the same time, a vigorous campaign against Western broadcasts in general, and the broadcasts of Radio Liberty, Radio Free Europe and the Deutschlandfunk in particular, has been launched.[39] The campaign has been conducted primarily by the Soviet Union, Czechoslovakia and East Germany, which have accused these stations of "inflicting great harm to detente" and violating the principles of CSCE.[40] Under pressure from the communist countries, the International Olympic Committee refused Radio Free Europe permission to cover the winter Olympic games in Innsbruck. In March 1976, East German authorities refused permission for three West German radio broadcasters to cover the Leipzig trade fair. In both instances Western governments and the Western media in general sharply condemned the actions which were viewed as contradictory to the Helsinki agreement.

There has been less controversy on the subject of exchanging films. As in other areas, the Soviet and East European press have criticized the West for showing fewer films from the communist countries, compared to the number of Western films that have been imported by those countries.

Working conditions for journalists

The greatest progress toward compliance with the provisions of Basket Three has been visible in the area of improving working conditions for foreign journalists. In the past, the communist countries placed severe restrictions on the movement and work of Western journalists. Many Western governments retaliated by placing restrictions on the movement and activities of journalists from those countries. The CSCE Final Act outlined specific ways in which the situation was to be improved.

In September 1975, the Soviet Union announced that it was prepared to grant multiple entry and exit visas to foreign journalists who previously had been compelled to apply for a visa each time they wanted to leave or reenter the country. As of March 1, 1976, Western journalists were no longer required to seek special permission to travel outside the restricted forty kilometer limit within the Soviet Union. Both measures were implemented on the basis of reciprocal bilateral agreements with the United States, Canada, and the individual West European countries.[41]

The problems in Eastern Europe are different from those faced by Western journalists in the Soviet Union. Far fewer Western journalists are permanently stationed in East European countries. It is generally easier for Western journalists to make short visits to Eastern Europe from news bureaus in the West or in the Soviet Union. Journalists generally find it most difficult to gain entry into East Germany and Czechoslovakia. These countries have taken no steps to implement new regulations concerning foreign journalists.[42]

Cooperation in culture and education

The Basket Three provisions dealing with cultural cooperation state that the signatory states make it their aim to increase cultural exchanges and facilitate access to the cultural achievement of other states, as well as to develop contacts among persons in the cultural field. Contacts between authors and foreign publishing houses are to be expanded; the sale and exchange of foreign books are to be increased; joint book, radio and television production are to be encouraged.

In the sphere of education, CSCE participant states aim to promote exchanges of knowledge and increased contacts among individuals, universities and other institutions. Opportunities for study abroad are to be increased and travel for these purposes is to be facilitated. The teaching of foreign languages is to be expanded.

This section of Basket Three has been less controversial than those on human contacts and the dissemination of information. There have been meetings aimed at increasing cooperation between East and West in these areas. Even prior to CSCE there was considerable cooperation in many of these areas.

The Soviet Union and Eastern Europe qualify their commitment to the provisions of this section by stressing that they will continue to be selective about the types of Western culture which will be allowed into their countries. They also accuse the West of lagging behind the East in areas such as the publication of foreign books, the teaching of foreign languages, and other areas of cultural exchange.[43]

Congressional initiatives on CSCE implementation

Since the conclusion of the CSCE Final Act, many Members of the United States Congress have voiced the need to ensure that the agreements reached become more than empty phrases. They have expressed the view that the instruments for monitoring the accord should be strengthened. In particular, they have felt that it would be useful for the Congress to take an active role in monitoring. To this end, bills have been introduced by Representative Millicent Fenwick in the House of Representatives and Senator Clifford Case in the Senate to establish a Commission on Security and Cooperation in Europe. The Commission would be composed of four members from the House of Representatives, four members from the Senate, as well as representatives from the Department of State, the Department of Defense, and the Department of Commerce, appointed by the President of the United States.

The supporters of this bill have stressed it does not aim to interfere in the affairs of foreign countries. The Commission is to perform solely an information gathering function for the purpose of keeping the Congress and the American people informed on the record of compliance with the CSCE Final Act by the 35 nations which signed the document.

The Commission is not meant to replace any of the existing U.S. agencies assigned the task of implementing the Helsinki accord.[44]

BASKET THREE PROSPECTS

The first nine months since the conclusion of CSCE are generally viewed as having produced only modest results in the areas covered by Basket Three. Soviet concessions on freer contacts and the wider dissemination of information have been limited. Soviet leaders thus far have seemed to choose to comply in those areas which would have the least domestic impact. Nevertheless, some small steps toward implementation have been taken. These steps represent some achievement compared to the most pessimistic Western expectations.

The East European governments generally have seemed less concerned about the consequences of Basket Three and have shown a greater readiness to live with them. However, the record of the past nine months also seems to have shown that there are severe limits to the extent to which those countries are willing or able to depart from the Soviet position.

CSCE has not been able to remove the barriers and mutual suspicions between East and West. Realistically, there seems little prospect of their elimination in the foreseeable future. On the other hand, no government has been able to ignore the CSCE provisions. It seems likely that given continued interest and pressure from the West, the process of implementing the Final Act will continue, if only hesitantly.

FOOTNOTES

[1] CONGRESSIONAL RECORD, September 9, 1975, p. 28036.

[2] Arbatov, Georgi A. The maneuvers of the opponents of detente. Izvestia, September 4, 1975: 3, 4.

[3] Arbatov, Georgi A. The maneuvers of the opponents of detente. Izvestia, September 4, 1975: 3, 4.

[4] Wren, Christopher S. Rights in Soviet–a fading hope. New York Times, August 20, 1975: 14.

[5] What will the Helsinki Agreement mean for Soviet scientists and human rights. F.A.S. public interest report, v. 28, no. 10, December 1975: 1.

[6] In the name of peace, security and cooperation: speech by Leonid Brezhnev at the Conference on Security and Cooperation in Europe. New times (Moscow), no. 32, August 1975: 5.

[7] Larrabee, F. Stephen. Soviet attitudes and policy towards "Basket Three" since Helsinki. Radio Liberty research, no. RL 135/76, March 15, 1976: 6.

[8] Ibid., p. 8.

[9] Soviet rebuffs criticism of human rights stand, New York Times, February 21, 1976: 1.

[10] Six months after: The East European response to Helsinki. Radio Free Europe research, RAD background report 46, February 18, 1976: 28.

[11] Ibid., p. 40–41.

[12] In the name of peace, security and cooperation, op. cit., p. 5.

[13] Arbatov, op. cit., p. 4.

[14] Ibid, p. 3, 4.

[15] Soviets strike back on civil rights criticism. Washington Post, November 25, 1975: A12.

[16] Six months after, op. cit., p. 30.

[17] Seltzer, Richard J. Dissident Soviet scientists under attack. Chemical and engineering news, March 29, 1976: 18–20.

[18] The economist, v. 28, January 31, 1976: 12.

[19] Larrabee, op. cit., p. 10–11.

[20] Ibid.

[21] Seltzer, op. cit., p. 18.

[22] Soviet Germans want to go home. Los Angeles times, January 20, 1976: 7, 8.

[23] Information supplied by the Department of State.

[24] Soviet rebuffs criticism of human rights stand. New York times, February 21, 1976: 1, 8.

[25] Rakhmaninov, op. cit., p. 50.

[26] Six months after, op. cit., p. 32.

[27] Arbatov, Georgi A. Reciprocity after Helsinki. New York times, October 8, 1975.

[28] Six months after, op. cit., p. 25.

[29] Getler, Michael. Last minute compromise saves Warsaw-Bonn pact. Washington post, March 13, 1976.

[30] Six months after, op. cit., p. 26.

[31] Whitney, Craig R. East Germans grow frustrated under restrictions. New York times, April 5, 1976: 3.

[32] Helsinki and us: Interview with Erich Honecker. Neues Deutschland, August 6, 1975: 3.

[33] CSSR in Europe—Europe in the CSSR. Mlada fronta, March 10, 1976: 4.

[34] Six months after, op. cit., p. 25.

[35] Arbatov, op. cit.

[36] Korobeinikov, V. What is behind the 'freedom of information' concept. International affairs (Moscow), no. 2, February 1976: 105–106.

[37] Larrabee, op. cit., p. 9.

[38] Six months after, op. cit., p. 7.

[39] Getler, Michael. Campaign seen to hamper West's broadcasts to Bloc. Washington Post, March 16, 1976.

[40] Korobeinikov, op. cit., p. 105.

[41] Osnos, Peter. Soviets ease reporters visas in first Helsinki Pact response. Washington, September 16, 1975; and Larrabee, op. cit., p. 9.

[42] Doder, Dusko. Helsinki Pact's mixed legacy. Washington post, February 27, 1976.

[43] Six months after, op. cit., p. 24–32.

[44] The Commission on Security and Cooperation in Europe. Congressional Record, September 9, 1975, p. 28036.

NATIONAL HANDICAPPED AWARENESS WEEK

Mr. SCHWEIKER. Mr. President, this week has been designated as National Handicapped Awareness Week. Congress has adopted the policy of recognizing the right of all citizens, regardless of handicap, to full use of the manmade environment. I was proud to be a cosponsor of Senate Concurrent Resolution 11, Toward a Barrier-Free Environment for All Handicapped Americans, which was passed by this body last year, and the Education for All Handicapped Children Act, which was signed into law November 29, 1975. The Subcommittee on the Handicapped will soon begin its deliberations on legislation to extend the Rehabilitation Act to insure the availability and quality of rehabilitation services and to insure affirmative action in employment and advancement in employment of handicapped individuals.

In this Bicentennial Year we are becoming increasingly aware of the many contributions handicapped individuals have made to our country. I look forward to true independence for handicapped citizens during our Nation's third century.

FINANCIAL DISCLOSURE OF SENATOR JAVITS

Mr. JAVITS. Mr. President, under the Senate rules, I filed with the Secretary of the Senate on May 14, 1976, a "Statement of Contributions and Honorariums" which discloses all contributions or honorariums received by me during the calendar year 1975; also it incorporates by reference all reports of campaign contributions which are on file with the Secretary of the Senate. These reports are public documents.

In addition, on May 14, 1976, I filed, under the Senate rules, with the Comptroller General of the United States a "Confidential Statement of Financial Interests" which includes a list of my assets and liabilities in 1975 and my 1975 tax returns. As that report is not available to the public and as I have heretofore followed a policy of annual financial reports for many years, I am publishing a list of my assets and liabilities for calendar year 1975 as filed on May 14, 1976. The listing includes:

First, each of my interests in property having a value of $10,000 or more;

Second, the assets held in a family trust established in 1937, of which I am the trustee and in which as a beneficiary I have a life interest, each item having a value of $5,000 or more; and,

Third, each of my liabilities having a value of $5,000 or more.

Finally, I am including a summary of my 1975 Federal income tax returns and the amounts of State and local taxes paid for 1975.

I ask unanimous consent that these items be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Interests in Property (1975)[1]

Nature of interest, type of property, and location:

Indian Trail Groves, Ltd. Shareowner—Indian Trail Ranch, Inc.—real estate interests, land, Miami, Fla.

Big Mound Trail Corp.—trust, land, Miami, Fla.

Arrowhead Associates, land, Tyson Corners, Va.

TBV Lessors, land, California.

Molycorp., corporate stock, New York, N.Y.

Westmorland Coal Co., corporate stock, New York, N.Y.

Watergate West, Inc.—stock, residence, Washington, D.C.

Computer Investors Group, Inc.—stock, corporate stock, New York, N.Y.

L.S. Inc.—stock, corporate stock, New York, N.Y.

I.M.C. Magnetics Corp., corporate stock, New York, N.Y.

Terra Bella Vineyards (investor—noncontrol), vineyards, California.

Northgate Associates (investor—non control), land and buildings, Chicago, Ill.

West Indies and Caribbean—development debentures, stock.

Checking account, cash, First National City Bank, N.Y.

Checking account, cash, National Commercial Bank & Trust Co., Schenectady, N.Y.

Paintings, art works, objects and household furnishings, Watergate West, Washington, D.C.

Beneficial Interest in Trusts (1975)[2]

Name of trust of fiduciary interest: Ida Javits Trust.

Name of trustee or other fiduciary: Jacob K. Javits, Trustee.

Address of trustee or other fiduciary: 110 East 45th Street, New York, N.Y.

Trust holdings:

Belco Oil & Gas Fund, land interest.

East Hampton property, land interest.

Loxahatchee real estate, land interest.

American Telephone & Telegraph Co., bonds.

Bartell Media, bonds.

Carolina Telephone & Telegraph, bonds.

Government Employees Corp., bonds.

Government Employees Financial Corp., bonds.

New York State tax anticipation notes, bonds.

Suffolk County, N.Y., tax anticipation notes, bonds.

U.S. Treasury bills, short-term paper.

American Standard, Inc., stocks.

American Water Works, stocks.

Archer-Daniels-Midland Co., stocks.

Arlen Realty & Development, stocks.

Bankers Securities Corp., stocks.

Carolina Power & Light, stocks.

Cenco Instrument, stocks.

Citicorp, stocks.

Cities Service Co., stocks.

Cone Mills, stocks.

Consolidated Marbenor Mines Ltd., stocks.

Continental Illinois Properties, stocks.

Corporate Property Investors, stocks.

Corporate Realty Consultants, stocks.

Criterion Insurance Co., stocks.

Crown Zellerbach Corp., stocks.

Duke Power Co., stocks.

Federal Paper Board Co., stocks.

Government Employees Financial Corp., stocks.

Government Employees Insurance Co., stocks.

Government Employees Life Insurance Co., stocks.

Great Northern Nekoosa Corp., stocks.

ICM Realty SBI, stocks.

IDB Bank Holding, stocks.

Inland Container, stocks.

IMC Magnetics Corp., stocks.

Kennecott Copper, stocks.

Magic Marker Corp., stocks.

Marcor, Inc., stocks.

Molycorp, stocks.

National Medical Products, stocks.

Peerage Realty Corp., stocks.

Royal Palm Beach Colony, Inc., stocks.

St. Joe Minerals Corp., stocks.

Sherritt Gordon Mines, stocks.

South Carolina Electric Gas Co., stocks.

Telco Marketing Service, stocks.

Transamerica Corp., stocks.

Tubos de Acero de Mexico, stocks.

U.S. Steel Corp., stocks.

Westvaco Corp., stocks.

White Shield Exploration, stocks.

White Shield Indonesia Oil, stocks.

Liabilities—1975

[Not including current trade bills]

Name of creditor, address of creditor, and type of liability:

1. Ida Javits Trust, % Jacob K. Javits, 322 East 57th Street, New York, New York, income advances unliquidated.
2. First National City Bank, New York, New York, contingent liability on partnership loan re Southgate Associates.
3. Northwestern Life Insurance Company, Travelers Insurance Company, Union Labor Life Insurance Company, Equitable Life Insurance Company, Massachusetts Mutual Life Insurance Company, Mutual of New York, various loans on life insurance policies secured by cash surrender value of policies.

SUMMARY OF 1975 FEDERAL INCOME TAX RETURN OF SENATOR JACOB K. JAVITS

Senate salary	$43,025
Dividends	17,576
Interest	470
Income other than wages, dividends and interest (includes rents and royalties, articles and lectures, investments and buy out of interest in law firm (Javits, Trubin, Stillcocks & Edelman) from which Senator Javits retired September 30, 1971); deductions appropriate to this item	90,883
Other deductions (includes charitable contributions of $4,237)	70,365
Income	81,589
Federal tax	40,498

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[1] In all cases these are for normal investment only and do not represent any element of control or of relative major size.

[2] In all cases these are for normal investment only and do not represent any element of control or of relative major size.

State and local taxes:

New York State tax	3,115
New York City tax	621
Total	44,234

WORLD POPULATION

Mr. PACKWOOD. Mr. President, this country passed a small milestone this year when our population surpassed 215 million people. In March, however, America's population was one relatively small part of a large milestone, when worldwide population reached 4 billion. Ironically, each so-called population milestone we reach takes us further and further down a road of questionable direction, questionable continuation. Not only are projected population figures staggering, but the range of social factors which population levels affect is sobering: food, health, employment, the economy, the environment, and energy.

Population control is something within our individual capabilities for which everyone of us must have a sense of responsibility. We cannot leave it to the other person to deal with. A national population policy, I believe, would help heighten the awareness of Americans, and this, our Bicentennial Year, is a better time than any to implement one.

Of equal concern to me is the need to strengthen the network of family planning programs across the country. Some 3 million women in this Nation have no access to either public or private family planning services. In addition, certain information/eligibility requirements have set up barriers to our programs providing services to those in need. I am currently working with the Senate Finance Committee to make family planning services fully accessible to those whom Congress intended to be served.

Population control requires constant attention. To remind us of our growing numbers in all areas of the world, I ask unanimous consent to have printed in the RECORD at this point the "1976 World Population Data Sheet" just issued by the Population Reference Bureau here in Washington, D.C.

There being no objection, the data sheet was ordered to be printed in the RECORD, as follows:

Region or country [1]	Population estimate mid-1976 (millions) [2]	Birth rate [3]	Death rate [3]	Rate of population growth (annual, percent) [4]	Number of years to double population [5]	Population projection to 2000 (millions) [6]	Infant mortality rate [7]	Population under 15 yr (percent) [8]	Median age (years) [8]	Life expectancy at birth (years)	Urban population (percent) [9]	Per capita gross national product (USA) [11]
WORLD	4,019.0	30	12	1.8	38	6,214.0	105	36	22.9	59	38	$1,360
AFRICA	413.0	46	20	2.6	27	815.0	152	44	18.0	45	23	340
Northern Africa	100.0	43	16	2.6	27	190.0	124	44	18.0	52	37	440
Algeria	17.3	49	15	3.2	22	36.7	126	48	16.0	53	50	650
Egypt	38.1	38	15	2.3	39	64.0	98	41	19.4	52	43	280
Libya	2.5	45	15	3.7	19	5.1	130	44	17.8	53	29	3,360
Morocco	17.9	46	16	2.9	24	35.6	130	44	18.2	53	37	430
Sudan	18.2	48	18	2.5	28	37.9	141	45	17.2	49	13	150
Tunisia	5.9	38	13	2.4	29	10.9	128	44	17.4	54	40	550
Western Africa	120.0	49	23	2.6	27	242.0	175	45	17.7	41	17	230
Benin (Dahomey)	3.2	50	23	2.7	26	6.0	185	45	17.3	41	13	120
Cape Verde Islands	.3	33	10	2.3	30	.4	91	44	17.7	50	6	340
Gambia	.5	43	24	1.9	36	.9	165	41	20.3	40	14	170
Ghana	10.1	49	22	2.7	26	21.2	156	47	16.7	44	29	350
Guinea	4.5	47	23	2.4	29	8.5	175	43	18.5	41	16	120
Guinea-Bissau	.5	40	25	1.5	46	.8	208	37	22.1	38	20	330
Ivory Coast	6.8	46	21	2.5	28	13.1	164	43	18.5	44	28	420
Libya	1.6	50	21	2.9	24	3.0	159	42	19.8	45	28	330
Mali	5.8	50	26	2.4	29	11.1	188	44	18.0	38	12	70
Mauritania	1.3	39	25	1.4	50	2.3	187	42	19.0	38	10	230
Niger	4.7	52	25	2.7	26	9.6	200	46	17.2	38	8	100
Nigeria	64.7	49	23	2.7	26	135.1	180	45	17.4	41	16	240
Senegal	4.5	48	24	2.4	29	8.1	159	43	18.3	40	30	320
Sierra Leone	3.1	45	21	2.4	29	5.8	136	43	18.6	44	13	180
Togo	2.3	51	23	2.7	26	4.6	127	46	17.2	41	15	210
Upper Volta	6.2	49	26	2.3	30	11.0	182	43	18.3	38	7	80
Eastern Africa	117.0	48	21	2.8	25	238.0	152	45	17.6	44	12	200
Burundi	3.9	48	25	2.4	29	7.3	150	45	18.4	39	3	80
Comoro Islands	.3	44	20	2.4	29	.5	160	43	18.4	42	5	170
Ethiopia	28.6	49	26	2.6	27	53.6	181	44	18.2	38	11	90
Kenya	13.8	49	16	3.4	20	31.3	119	46	16.7	50	10	200
Malagasy Republic	7.7	50	21	2.9	24	16.7	102	45	17.3	44	14	170
Malawi	5.1	48	24	2.4	29	9.7	148	45	17.5	41	4	130
Mauritius	.9	28	7	1.2	58	1.2	46	38	20.1	66	44	480
Mozambique	9.3	43	20	2.3	30	17.4	165	43	18.8	44	10	420
Reunion	.5	28	7	2.1	33	.7	47	43	18.6	63	43	1,210
Rhodesia	6.5	48	14	3.4	20	15.2	122	46	16.9	52	19	480
Rwanda	4.4	50	24	2.8	25	8.8	133	44	17.9	41	3	80
Somalia	3.2	47	22	2.5	28	6.5	177	45	17.2	41	26	80
Tanzania	15.6	50	22	2.7	26	33.4	162	47	16.6	44	7	140
Uganda	11.9	45	16	3.3	21	24.6	160	44	17.7	50	8	160
Zambia	5.1	51	20	3.1	22	11.3	160	46	17.4	44	34	480
Middle Africa	47.0	44	21	2.4	29	88.0	165	43	18.6	42	22	250
Angola	6.4	47	24	1.6	43	12.3	203	42	18.8	38	15	580
Cameroon	6.5	40	22	1.8	38	11.6	137	40	19.6	41	20	260
Central African Republic	1.8	43	22	2.1	33	3.4	190	42	19.0	41	27	200
Chad	4.1	44	24	2.0	35	6.9	160	41	19.1	38	12	90
Congo (People's Republic of)	1.4	45	21	2.4	29	2.7	180	42	18.8	44	37	380
Equatorial Guinea	.3	37	20	1.7	41	.5	165	37	23.3	44	9	260
Gabon	.5	32	22	1.0	69	.7	178	32	29.8	41	17	1,560
Sao Tome e Principe	.1	45	11	2.0	35	.1	64	33	—	—	23	470
Zaire	25.6	45	20	2.8	25	50.3	160	44	17.8	44	25	150
Southern Africa	29.0	43	17	2.7	26	56.0	119	41	19.5	51	44	1,120
Botswana	.7	46	23	2.3	30	1.4	97	46	17.0	44	13	270
Lesotho	1.1	39	20	2.1	33	1.8	114	38	21.1	46	5	120
Namibia	.9	46	23	2.2	32	1.6	177	41	19.7	41	23	1,200
South Africa	25.6	43	16	2.7	26	50.6	117	41	19.5	52	48	
Swaziland	.5	49	22	3.2	22	1.0	149	46	16.7	44	8	400

Footnotes at end of table.

Region or country	Population estimate mid-1976 millions) [2]	Birth rate [3]	Death rate [3]	Rate of population growth (annual percent) [4]	Number of years to double population [5]	Population projection to 2000 (millions) [6]	Infant mortality rate [7]	Population under 15 yr (percent) [8]	Median age (years), [8]	Life expectancy at birth (years)	Urban population (percent), [9]	Per capita gross national product (USA) [10]
Asia	2,287.0	33	13	2.0	35	3,612.0	121	38	21.1	56	25	$450
Southwest Asia	87.0	43	14	2.9	24	166.0	114	44	18.2	55	41	1,250
Bahrain	.2	44	15	2.9	24	.5	78	44	17.8	61	78	2,225
Cyprus	.7	18	10	.8	87	.8	28	32	24.7	71	43	1,380
Gaza	.4	50	16	3.4	20	.9	—	49	—	52	79	—
Iraq	11.4	48	15	3.3	21	24.3	99	48	16.0	53	61	970
Israel	3.5	28	7	2.9	24	5.5	23	33	25.1	71	86	3,380
Jordan	2.8	48	15	3.3	21	5.9	97	48	16.2	53	43	400
Kuwait	1.1	45	8	5.9	12	3.0	44	43	19.1	69	22	11,640
Lebanon	2.7	40	10	3.0	23	5.7	59	43	18.6	63	61	1,080
Oman	.8	50	19	3.1	22	1.6	138	—	—	—	—	1,250
Qatar	.1	50	19	3.1	22	.2	138	—	—	—	—	5,830
Saudi Arabia	6.4	49	20	2.9	24	12.9	152	45	17.6	45	18	2,080
Syria	7.6	45	15	3.0	23	16.0	93	49	15.4	54	44	490
Turkey	40.2	39	12	2.6	27	71.3	119	42	19.0	57	39	690
United Arab Emirates	.2	50	19	3.1	22	.5	138	34	21.3	—	65	13,500
Yemen Arab Republic	6.9	50	21	2.9	24	13.8	152	45	17.6	45	7	120
Yemen (People's Republic of)	1.7	50	21	2.9	24	3.4	152	45	17.6	45	26	120
Middle South Asia	851.0	37	16	2.2	32	1,493.0	137	41	19.2	49	20	160
Afghanistan	19.5	43	21	2.2	32	36.3	182	44	17.9	40	15	100
Bangladesh	76.1	47	20	2.7	26	144.8	132	46	16.7	43	9	100
Bhutan	1.2	44	21	2.3	30	2.2	—	42	18.9	44	3	70
India	620.7	35	15	2.0	35	1,051.4	139	40	19.6	50	20	130
Iran	34.1	45	16	3.0	23	67.0	139	47	16.4	51	43	1,060
Maldive Islands	.1	50	23	3.3	21	.2	—	44	—	—	11	90
Nepal	12.9	43	20	2.3	30	23.2	169	40	20.3	44	4	110
Pakistan	72.5	44	15	2.9	24	146.4	124	46	16.6	50	26	130
Sikkim	.2	—	—	2.0	35	.4	208	40	19.5	—	5	90
Sri Lanka	14.0	28	8	2.0	35	21.0	45	39	19.9	68	22	130
Southeast Asia	327.0	38	15	2.4	29	583.0	108	43	18.3	51	20	220
Burma	31.2	40	16	2.4	29	53.5	126	41	19.6	50	19	90
Indonesia	134.7	38	17	2.1	33	230.3	125	44	18.1	48	18	150
Khmer Republic	8.3	47	19	2.8	25	15.8	127	45	17.2	45	19	—
Laos	3.4	45	23	2.4	29	5.7	123	42	18.9	40	15	—
Malaysia	12.4	39	10	2.9	24	22.0	75	44	17.7	59	27	660
Philippines	44.0	41	11	3.0	23	86.3	74	43	18.4	58	32	310
Portuguese Timor	.7	44	23	2.1	33	1.1	184	42	18.9	40	10	130
Singapore	2.3	20	5	1.6	43	3.1	16	39	19.7	67	100	2,120
Thailand	43.3	36	11	2.5	28	86.0	81	45	17.3	58	13	300
Vietnam (Democrati Republic of)	24.8	32	14	1.8	38	44.1	—	41	19.1	48	12	130
Vietnam (Republic of)	21.6	42	16	2.6	27	34.9	—	41	19.3	40	19	170
East Asia	1,023.0	26	9	1.7	41	1,369.0	23	33	23.9	63	30	710
China (People's Republic of)	836.8	27	10	1.7	41	1,126.0	—	33	23.5	62	23	300
Hong Kong	4.4	19	5	2.1	33	5.8	18	36	22.0	71	90	1,540
Japan	112.3	19	6	1.2	58	132.7	11	24	29.6	73	72	3,880
Korea (Democratic People's Republic of)	16.3	36	9	2.7	26	27.5	—	42	18.5	61	38	390
Korea (Republic of)	34.8	29	9	2.0	35	52.3	47	40	19.6	61	41	470
Macau	.3	25	7	1.8	38	.4	78	38	18.9	—	97	270
Mongolia	1.5	40	10	3.0	23	2.7	—	44	18.1	61	46	620
Taiwan (Republic of China) [11]	16.3	23	5	1.9	36	22.0	26	43	18.2	69	63	720
North America	239.0	15	9	0.8	87	294.0	16	27	27.9	71	74	6,580
Canada	23.1	15	7	1.3	53	31.6	16	29	26.5	73	76	6,080
United States	215.3	15	9	.8	87	262.5	17	27	28.1	71	74	6,640
Latin America	326.0	37	9	2.8	25	606.0	75	42	18.9	62	59	940
Middle America	81.0	45	9	3.4	20	172.0	65	46	16.9	62	56	900
Costa Rica	2.0	28	5	2.3	30	3.6	45	42	18.2	69	41	790
El Salvador	4.2	40	8	3.2	22	8.8	54	46	16.9	58	39	390
Guatemala	5.7	43	15	2.8	25	11.1	79	44	17.6	53	34	570
Honduras	2.8	49	14	3.5	20	6.2	117	47	16.5	54	28	340
Mexico	62.3	46	8	3.5	20	134.4	61	46	16.8	63	61	1,000
Nicaragua	2.2	48	14	3.3	21	4.8	123	48	15.7	53	49	650
Panama	1.7	31	5	2.6	27	3.2	44	43	18.2	66	49	1,010
Caribbean	27.0	31	9	2.1	33	44.0	71	41	19.9	64	43	820
Bahamas	.2	22	6	4.2	16	.3	32	44	18.7	66	58	2,460
Barbados	.2	21	9	.8	87	.3	38	34	22.3	69	4	1,110
Cuba	9.4	25	6	1.8	38	14.9	29	37	22.4	70	60	640
Dominican Republic	4.8	46	11	3.0	23	10.8	98	48	16.1	58	40	590
Grenada	.1	26	8	.4	173	.1	32	47	—	63	8	300
Guadeloupe	.4	28	7	1.5	46	.5	44	40	19.2	69	9	1,050
Haiti	4.6	36	16	1.6	43	7.1	150	41	18.8	50	20	140
Jamaica	2.1	31	7	1.9	36	2.8	26	46	17.3	68	37	1,140
Martinique	.3	22	7	.5	139	.5	32	41	19.0	69	33	1,330
Netherlands Antilles	.2	25	7	1.8	38	.4	28	38	—	73	32	1,530
Puerto Rico	3.2	23	6	2.4	29	4.0	23	37	21.6	72	58	2,400
Trinidad and Tobago	1.1	26	7	1.5	46	1.4	26	40	19.3	66	12	1,490
Tropical South America	178.0	38	9	2.9	24	338.0	82	43	18.1	60	58	8400
Bolivia	5.8	44	18	2.6	27	10.6	108	43	18.3	47	35	250
Brazil	110.2	37	9	2.8	25	207.5	82	42	18.6	61	58	900
Colombia	23.0	41	9	3.2	22	44.3	76	46	16.9	61	64	510
Ecuador	6.9	42	10	3.2	22	14.0	78	47	16.3	60	39	460
Guyana	.8	36	6	2.2	32	1.2	40	44	17.2	68	40	470
Paraguay	2.6	40	9	2.7	26	5.1	65	45	16.6	62	38	480
Peru	16.0	41	12	2.9	24	30.9	110	44	17.6	56	60	710
Surinam	.4	41	7	3.2	22	.9	30	50	15.1	66	49	870
Venezuela	12.3	36	7	2.9	24	23.1	54	44	17.4	65	75	1,710

Region or country [1]	Population estimate mid-1976 (millions) [2]	Birth rate [3]	Death rate [3]	Rate of population growth (annual percent) [4]	Number of years to double population [5]	Population projection to 2000 (millions) [6]	Infant mortality rate [7]	Population under 15 yr (percent) [8]	Median age (years) [5]	Life expectancy at birth (years)	Urban population (percent) [9]	Per capita gross national product (USA) [10]
Temperate South America	39.0	24	9	1.5	46	52.0	67	32	25.7	67	80	$1,540
Argentina	25.7	22	9	1.4	50	32.9	64	29	27.4	68	81	1,900
Chile	10.8	28	8	1.7	41	15.9	78	39	20.5	63	76	820
Uruguay	2.8	21	10	1.1	63	3.4	45	28	29.4	70	80	1,060
Europe	476.0	15	10	.6	116	540.0	22	24	32.2	71	64	3,680
Northern Europe	82.0	13	12	.2	347	91.0	15	24	33.4	72	73	3,960
Denmark	5.1	14	10	.4	173	5.4	12	23	32.5	73	80	5,820
Finland	4.7	13	10	.4	173	4.8	10	24	30.1	69	58	4,130
Iceland	.2	20	7	1.3	53	.3	11	32	24.7	74	86	5,550
Ireland	3.1	22	11	.7	99	4.0	17	31	26.8	72	52	2,370
Norway	4.0	15	10	.6	116	4.5	12	24	32.4	74	45	5,280
Sweden	8.2	13	11	.4	173	9.3	9	21	35.3	75	81	6,720
United Kingdom	56.1	13	12	.1	693	62.3	16	24	34.0	72	76	3,360
Western Europe	153.0	13	11	.5	139	171.0	16	24	33.1	72	77	5,460
Austria	7.5	13	12	.1	693	8.1	23	24	33.7	71	52	4,050
Belgium	9.8	13	12	.3	231	10.7	16	23	34.3	71	87	5,210
France	53.1	15	10	.8	87	61.9	12	24	32.6	73	70	5,190
Germany (Federal Republic of)	62.1	10	12	.2	347	66.5	21	23	34.4	71	88	5,890
Luxembourg	.4	11	12	.7	99	.4	14	21	35.2	71	68	5,690
Netherlands	13.8	14	8	.9	77	16.1	11	27	28.9	74	77	4,880
Switzerland	6.5	13	9	.7	99	7.3	13	24	32.1	73	55	6,650
Eastern Europe	107.6	17	10	.7	99	122.0	26	23	31.4	70	55	2,670
Bulgaria	8.8	17	10	.7	99	10.0	25	22	33.5	72	59	1,770
Czechoslovakia	14.9	20	12	.8	87	16.9	20	23	31.8	70	56	3,220
Germany (Democratic Republic of)	16.8	11	14	-.3	—	17.9	16	23	34.5	71	75	3,340
Hungary	10.6	18	12	.6	116	11.1	34	20	34.2	70	49	2,140
Poland	34.4	18	8	1.0	69	40.1	24	25	28.4	70	55	2,450
Romania	21.5	20	9	1.0	69	25.8	35	25	31.0	69	42	—
Southern Europe	134.0	18	9	.8	87	156.0	26	26	31.1	71	51	2,130
Albania	2.5	30	8	2.4	29	4.1	87	40	19.2	71	34	530
Greece	9.0	16	8	.4	173	9.7	24	25	33.4	72	53	1,970
Italy	56.3	16	10	.8	87	61.7	23	24	32.7	72	53	2,770
Malta	.3	18	9	.4	173	.3	21	26	27.1	70	94	1,060
Portugal	8.5	19	11	-.4	—	9.6	38	28	29.4	68	26	1,540
Spain	36.0	19	8	1.1	63	45.1	14	28	30.2	72	61	1,960
Yugoslavia	21.5	18	8	.9	77	25.7	40	27	28.8	68	39	1,250
U.S.S.R.	257.0	18	9	.9	77	314.0	28	28	29.7	70	60	2,300
Oceania	22.0	22	10	1.8	38	33.0	53	33	25.7	68	71	3,800
Australia	13.8	18	9	1.5	46	20.0	16	29	27.6	72	86	4,760
Fiji	.6	28	5	1.9	36	.8	21	41	18.9	70	33	720
New Zealand	3.2	19	8	2.2	32	4.4	16	32	25.8	72	81	4,100
Papua-New Guinea	2.8	41	17	2.6	27	5.1	159	45	17.8	48	11	440

NOTES

World population data sheets of various years should not be used as a time series. Because every attempt is made to use the most accurate information, data sources vary and radical changes in numbers and rates from year to year may reflect improved source material, revised data, or a later base year for computation, rather than yearly changes.

Birth and death rates: Annual number of births or deaths per 1,000 population.

Population growth rate: Annual rate of natural increase (birth rate minus the death rate in a given year) combined with the plus or minus factor of net immigration or net emigration.

Infant mortality rate: Annual number of deaths to infants under 1 year of age per 1,000 live births.

Median age: That age which divides the population into 2 equal-size groups, 1 of which is older and the other which is younger than the median.

Sources of data: Aside from per capita gross national product, almost all the data in this table were reported in United Nations (U.N.) publications or were estimated by the International Statistical Programs Center of the U.S. Bureau of the Census or by the Population Reference Bureau. The U.N. publications referred to are: "Demographic Yearbook, 1973;" "Monthly Bulletin of Statistics," November 1975; "Population and Vital Statistics Report, Data Available as of Oct. 1, 1975," statistical papers, series A, vol. XXVII, No. 4; and "Selected World Demographic Indicators by Countries, 1950–2000." ESA/P/WP.55, May 28, 1975. The estimates by the Bureau of the Census were published in "World Population: 1973," May 1974, or are contained in the review draft of "World Population: 1975," forthcoming.

Figures for the regions and the world: Population totals take into account small areas not listed on the Data Sheet. Totals may also not equal the sums of their parts because of independent rounding. All other data are weighted averages for countries for which data are available.

Dashes indicate data are unavailable.

[1] The data sheet lists all U.N. members and all geopolitical entities with a population larger than 200,000.

[2] Based on the U.S. Bureau of Census estimate for mid-1974 or on the most recent official country or U.N. estimate; for most countries the latter estimate was for mid-1974. Each estimate was updated to mid-1976 by applying the same rate of growth as indicated by population change during part or all of the period since 1970.

[3] For the more developed countries, with complete or nearly complete registration of births and deaths, nearly all the rates shown pertain to 1973 or 1974. For nearly all the developing countries, with incomplete registration, the rates refer to the 1970–75 period and are taken from the medium variant estimates and projections as assessed in 1973 (U.N. Selected World Demographic Indicators . . .). These figures should be considered as rough approximations only.

[4] Based on population changes during part or all of the period since 1970. For most countries these rates are the same as those for natural increase, but because the time periods to which the two rates pertain are different and because the birth and death rates as well as the population estimates for the less developed countries are generally rough approximations only, small differences between the 2 rates should not be considered as precise estimates of net immigration or net emigration. Larger differences between them do indicate that migration has been a factor in population change.

[5] Based on the rate of population growth shown and assuming no change in the rate.

[6] Except for the United States, based on the application of the percentage increase in the population 1975–2000 implied by the U.N. medium variant projections to the population total as estimated for mid-1975. For the United States, the figure shown is the series II projection given in the U.S. Bureau of the Census, "Projections of the Population of the United States: 1975 to 2050," P–25, No. 601, October 1975.

For countries with complete or nearly complete registration of births and deaths nearly all rates pertain to 1973 or 1974. For many developing countries with incomplete registration, rates are the latest available estimates generally obtained from the sources cited above.

[8] In addition to the sources cited above, Centro Latinoamericano de Demografia, Boletin Demografico, vol. VII, No. 13, and vol. VIII, No. 15, were used for figures for the Latin American countries.

[9] The percentage the total population living in areas defined as urban by each country.

[10] Published in "World Bank Atlas: Population, Per Capita Product," and "Growth Rates," 10th ed., 1975. Data refer to 1974 except for 14 of the smaller countries for which the data refer to 1973.

[11] The U.N. does not show figures for Taiwan. These figures were separately estimated. The population of Taiwan was assumed to increase to 2000 at the same rate as that of the People's Republic of China.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business to be transacted? If not, morning business is closed.

CONVEYANCE OF CERTAIN LANDS TO THE CITY OF HAINES, ALASKA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 858.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1365) to authorize the Secretary of the Interior to convey to the city of

Haines, Alaska, interests of the United States in certain lands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That notwithstanding the provisions of the Act of August 23, 1950 (64 Stat. 470), requiring that lands patented thereunder be used only for school or other public purposes, the Secretary of the Interior (hereinafter the "Secretary") is hereby authorized and directed to issue a new patent or deed to the city of Haines, Alaska, for the following described lands, without such a use restriction, but containing all other reservations to the United States required by that Act, upon relinquishment of the existing deed, provided that the requirements of sections 2 and 3 of this Act have been met:

Beginning at the northwest corner of lot 17 in block 13, which is the same as corner 1 of the Native School Reserve; thence north 76 degrees 23½ minutes west 58.11 feet to corner numbered 2; thence south 17 degrees 58 minutes west 165.26 feet to corner numbered 3; thence south 76 degrees 45 minutes east 82.08 feet to corner numbered 4; thence north 9 degrees 38 minutes east 164.65 feet to corner numbered 1, the place of beginning, containing 17,531 square feet.

Lots 8 and 9 of block 13 in the townsite of Haines, Alaska, containing a total of 7,330 square feet.

Lot 17 of block 13 in the townsite of Haines, Alaska, containing a total of 5,885 square feet.

SEC. 2. No conveyance may be made under this Act unless the city of Haines has shown to the satisfaction of the Secretary that—

(1) the city of Haines will sell such lands and improvements identified in section 1 at not less than fair market value;

(2) the proceeds from the sale thereof will be used to acquire property to be used for school or other public purposes; and

(3) any amounts by which the proceeds from the sale of such lands and improvements identified in section 1 exceed the fair market value of the property acquired under clause (2) of this section shall be paid to the United States.

SEC. 3. If the requirements of section 2 are satisfied, the Secretary is authorized and directed to enter into an agreement or agreements with the city of Haines, Alaska, whereby in consideration of issuance of a new patent pursuant to section 1, the city of Haines—

(1) agrees that title to property acquired pursuant to section 2(2) will vest in the United States if such property ever ceases to be used for school or other public purpose; and

(2) agrees to execute, within ninety days after acquiring such property pursuant to section 2(2), a deed to this effect and deliver said deed to the Secretary.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YAKUTAT, ALASKA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 859.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2798) for the relief of the city of Yakutat, Alaska.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of the Act of August 23, 1950 (64 Stat. 470), requiring that lands patented thereunder be used only for school or other public purposes, the Secretary of the Interior (hereinafter the "Secretary") is hereby authorized and directed to issue a new patent to the city of Yakutat, Alaska, for the following described lands without such a use restriction, but containing all other reservations to the United States required by that Act, upon relinquishment of the existing patent, provided that the requirements of sections 2 and 3 of this Act have been met:

Beginning at corner numbered 4 of school reserve, identical with meander corner numbered 4, tract A, of United States Survey numbered 1897, from which United States location monument numbered 179 bears south 54 degrees 6 minutes east, 37.04 chains distant; thence south 52 degrees 54 minutes east, 243.17 feet to meander corner numbered 1 of school reserve; thence north 33 degrees 41 minutes east, 177 feet to corner numbered 2 of school reserve; thence north 43 degrees 15 minutes west 184.65 feet to corner numbered 3 of school reserve; thence south 50 degrees 47 minutes west 213.75 feet to corner numbered 4, the place of beginning, containing 41,169 square feet, according to the official plat of the survey of the said land, approved March 1, 1937, on file in the Bureau of Land Management.

SEC. 2. No conveyance may be made under this Act and no new patent issued unless the city of Yakutat has shown to the satisfaction of the Secretary that—

(1) the lands described in section 1 will be sold at not less than fair market value;

(2) other lands of at least comparable value to the lands described in section 1 and more appropriate for school or other purposes than the described lands will be acquired and used for school or other public purposes in perpetuity; and

(3) that any amount by which proceeds of any sale of the described lands exceed the fair market value of the property acquired under clause (2) of this section shall be paid to the United States.

SEC. 3. If the requirements of section 2 are satisfied, the Secretary is authorized and directed to enter an agreement or agreements with the city of Yakutat, Alaska, whereby in consideration of issuance of a new patent pursuant to section 1, the city of Yakutat agrees that—

(1) title to any property acquired pursuant to section 2(2) will vest in the United States if such property ever ceases to be used for school or other public purposes; and

(2) that the city of Yakutat will execute, within ninety days after acquiring such property pursuant to section 2(2), a deed to this effect and deliver said deed to the Secretary.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to eliminate a restriction on use of certain lands conveyed to the city Yakutat, Alaska.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that appropriate extracts from the committee reports be printed in the RECORD in explanation of the bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

BACKGROUND AND NEED

The act of August 23, 1950 (64 Stat. 470) directs the Secretary to convey to local officials all right, title, and interest of the United States to any parcels and improvements thereon for school or other public purposes, whenever he determines that the lands or improvements thereon are no longer required by the Alaska Native Service (now the Bureau of Indian Affairs) for school purposes. The act required that all such conveyances must reserve minerals to the United States, together with the rights to prospect for and remove such minerals under regulations by the Secretary. In addition, it required that the United States retain a reversionary interest insuring that the lands and improvements on such conveyances will be used for school and public purposes only, and that the school facilities will be available to all Native children.

A patent for the approximately 1 acre described in S. 2798 was issued on April 20, 1954, to the city of Yakutat. The patent contained a reversionary clause providing that the land could be used only for school or other public purpose, and reserved to the United States not only the mineral rights, but various rights-of-ways including those for canals and ditches. The city no longer needs the property for schools nor does it envision the need for more municipal land. Therefore, the city would like to remove the reversionary clause so that this land can be sold and revenues used for public purposes.

LEGISLATIVE HISTORY

S. 2798 was introduced by Senators Gravel and Stevens on December 17, 1975. The Subcommittee on the Environment and Land Resources held a hearing on this measure on February 26, 1976. The Department of the Interior expressed opposition to the bill as introduced but indicated, in recognition of the city's changing land use needs, that the administration would have no objection to enactment of their substitute draft bill.

COMMITTEE AMENDMENT

The committee amendment, which closely reflects the Department's suggested changes, directs the Secretary to issue a new patent to the city for the described land without a use restriction, but containing all the other reservations to the United States under the 1950 act. The conveyance would be made when the Secretary is satisfied that: the land would be sold at fair market value, other lands of comparable value would be acquired and used for school or other public purpose in perpetuity, and any amount by which the proceeds of any sale of the land exceed the fair market value of the acquired lands would be paid to the United States. Title to any acquired property would vest in the United States if such property ever ceased to be used for school or other public purposes.

The principal difference between the bill as introduced and the committee amendment is that the former would allow expenditure of the proceeds from the sale of the school land for any public purpose whereas the latter would require that the proceeds be used for the purchase of land for public purposes (which will have attached the reversionary interest).

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business.

There being no objection, the Senate proceeded to the consideration of executive business.

FEDERAL ELECTION COMMISSION

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a nomination which was reported from the Committee on Rules and Administration earlier today. I have been asked by the distinguished chairman of that committee to report this nomination, and I ask that it be stated at this time.

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of William L. Springer, of Illinois, to be a member of the Federal Election Commission for the term expiring April 30, 1977.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a vote occur on the confirmation of this nomination at 12:05 p.m. today.

The PRESIDING OFFICER. Without objection, the Senate will proceed to vote on confirmation of the nomination at 12:05 this afternoon.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

NOMINATION OF WILLIAM L. SPRINGER

Mr. GRIFFIN. Mr. President, I would like to say a few words about the nomination of William Springer to be the sixth member of the Federal Election Commission.

Knowing Bill Springer as I do, I find it particularly appropriate to quote from the statute under which he is being appointed. Section 437, establishing the Federal Election Commission, says that members of the Commission "shall be chosen on the basis of their maturity, experience, integrity, impartiality, and good judgment."

Mr. President, Bill Springer is one of the finest examples that I could imagine of the words used in the statute—maturity, experience, integrity, impartiality, and good judgment. I have known Bill Springer since 1957, when I was first sworn in as a Member of the House of Representatives. His service in the House had preceded mine by some 6 years. We served together in the House of Representatives until I came to the Senate in 1966.

He is one of the finest individuals I have ever known. His background, it seems to me, is particularly appropriate and can be very beneficial to the Commission. From 1936 to 1940, he practiced law as a member of a private law firm. Then, for 2 years, he was a State's attorney in Illinois, which, I take it, is similar to the prosecuting attorney that we have in Michigan.

For the years between 1942 and 1945, Bill Springer served in the U.S. Navy. After he came out of the service, he again engaged in the private practice of law for several years until 1947, when he went on the bench as a county judge in Champaign County, Ill., serving in that capacity for 3 years. In 1950, he was elected to the House of Representatives. He served as a Member of the House of Representatives from 1951 until 1972, when he was appointed by the President as a member of the Federal Power Commission. He served on the Federal Power Commission from June 1973 until 1975 and was vice chairman of the Commission during 1974.

He brings to the Federal Election Commission a splendid background of experience. A man with legal understanding and judicial, elective office and regulatory commission experience he, therefore, understands the problems and issues confronting candidates for office and the Commission.

In addition to these credentials, he will bring a wealth of good judgment to the Commission, and I have no doubt that we will be proud of his service.

I commend the Committee on Rules for promptly holding hearings and reporting this nomination. I feel confident that the Senate will do itself, the Commission and the country a real service by confirming the nomination today so that all six members of this bipartisan Federal Election Commission can be sworn in and can get about the very difficult job that has been assigned to the Commission by the statute.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. STONE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the Springer nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. As in executive session the yeas and nays are ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the nomination for Mr. Springer be a 20-minute rollcall with the warning bell to sound midway.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, on May 17, the President submitted the nomination of William L. Springer to be a member of the Federal Election Commission. This nomination was referred to the Committee on Rules and Administration which today, May 21, held a hearing and has reported the nomination favorably to the Senate. In view of the urgent need for the Commission to resume its operations at the earliest possible moment, and if the Senate confirms Mr. Springer's nomination, I hope that the President will move affirmatively to administer the oath of office to the new Commission members as early as this afternoon.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on the nomination of Mr. Springer.

The question is, Will the Senate advise and consent to the nomination of William L. Springer, of Illinois, to be a member of the Federal Election Commission? On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), the Senator from Georgia (Mr. TALMADGE), the Senator from California (Mr. TUN-

NEY), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Washington (Mr. MAGNUSON), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 58, nays 0, as follows:

[Rollcall Vote No. 189 Ex.]

YEAS—58

Abourezk
Allen
Bartlett
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Clark
Cranston
Culver
Curtis
Domenici
Eagleton
Fannin
Fong
Ford
Garn
Glenn
Griffin
Hansen
Hart, Gary
Hartke
Helms
Hollings
Hruska
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Leahy
Long
Mansfield
McClellan
McGovern
Metcalf
Mondale
Morgan
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stennis
Stevenson
Stone
Symington
Thurmond
Weicker
Young

NAYS—0

NOT VOTING—42

Baker
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Cannon
Case
Chiles
Church
Dole
Durkin
Eastland
Goldwater
Gravel
Hart, Philip A.
Haskell
Hatfield
Hathaway
Johnston
Laxalt
Magnuson
Mathias
McClure
McGee
McIntyre
Montoya
Moss
Percy
Randolph
Scott, William L.
Sparkman
Stevens
Taft
Talmadge
Tower
Tunney
Williams

So the nomination was confirmed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The Senate continued with the consideration of the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending bill is H.R. 12438.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, is the pending amendment No. 1663 by Mr. KENNEDY?

The PRESIDING OFFICER. That is the pending amendment, No. 1663.

ORDER THAT THERE BE NO ROLLCALL VOTES ON MONDAY, MAY 24, 1976, PRIOR TO 4 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no rollcall votes on Monday next prior to the hour of 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR VOTE TO OCCUR MONDAY, MAY 24, 1976, AT 4 P.M. ON CONFIRMATION OF NOMINATION OF S. JOHN BYINGTON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent as in executive session, that at the hour of 4 p.m. on Monday next, a vote occur on the confirmation of the nomination of Mr. S. John Byington of Virginia, to be a Commissioner of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF A PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, MAY 24, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders have been recognized on Monday and the orders for the recognition of any Senators have been completed, there be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with statements limited therein to 5 minutes each; and that at 1 p.m. on Monday, the Senate resume consideration of H.R. 12438.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONVENING OF SENATE TUESDAY AND WEDNESDAY, MAY 25, AND 26, 1976 AT 10 A.M.

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business on Monday it stand in adjournment until the hour of 10 a.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday it stand in adjournment until the hour of 10 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT AMENDMENTS TO H.R. 12438

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no further amendments to H.R. 12438 other than amendments in the second degree be in order unless they are presented in writing at the desk no later than the hour of 2 o'clock p.m. on Monday; and that no amendment in the second degree be in order at any time with reference to H.R. 12438 unless such second degree amendment is germane to the amendment in the first degree.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF H.R. 12438, AND TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday at the hour of 1 p.m. the Senate proceed to the consideration of H.R. 12438 with a time limitation for debate thereon that day not to exceed 6 hours, the time to be equally divided between Mr. STENNIS and Mr. THURMOND; that the time on any amendment to H.R. 12438 that day be limited to 2 hours—the time to be divided and controlled in the usual form—and that H.R. 12438 not be vulnerable to a call for the regular order on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1284

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday it be in order for the leadership at any time during the day to call up the antitrust legislation, S. 1284) and that when called up, a call for the regular order on Tuesday not bring down the antitrust legislation on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT ON KENNEDY MINUTEMAN MISSILE AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday there be a 2-hour limitation on the Kennedy minuteman missile amendment—to be divided and controlled in the usual form—the time to begin running at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE—H.R. 12438 AND S. 1284

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at any time next week a call for the regular order not bring down either the military procurement bill, H.R. 12438, or the antitrust legislation, S. 1284.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That on Monday, May 24, 1976, at the hour of 1:00 p.m., the Senate proceed to the consideration of H.R. 12438 (Order No. 834), the Military Procurement Bill, and that time on the bill on Monday be limited to 6 hours, to be equally divided and controlled in the usual form, and the time on any amendment be limited to 2 hours, to be equally divided and controlled in the usual form: Provided, That no amendment other than an amendment in the second degree be in order to H.R. 12438, unless it has been presented in writing no later than 2:00 p.m. on Monday: Provided further, That no amendment in the second degree be in order unless it is germane to the amendment in the first degree: Provided further, That no call for the regular order displace H.R. 12438 or H.R. 8532 during the week of May 24–28, 1976, if they are pending.

Ordered further, That on Tuesday, May 25, 1976, it be in order at anytime for the leadership to call up H.R. 8532 (Order No. 781), an act to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes.

Ordered further, That on Wednesday, May 26, 1976, the Senate proceed to H.R. 12438 at the hour of 1:00 p.m. and that an amendment offered by the Senator from Massachusetts (Mr. KENNEDY), concerning the Minuteman missile, be made the pending business, with a limitation of 2 hours on the amendment, to be equally divided and controlled in the usual form.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SENATORS TO SUBMIT STATEMENTS AND INTRODUCE MEASURES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators may have until 5 p.m. today to submit statements into the RECORD and to introduce bills, joint resolutions, petitions, and memorials.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT AND THE HOUSE OF REPRESENTATIVES DURING ADJOURNMENT UNTIL MONDAY, MAY 24, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that until the convening hour on Monday of the Senate, the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 noon on Monday, the President of the Senate, the President pro tempore of the Senate, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene on Monday at 12 noon.

After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business, not to extend beyond 1 p.m., with statements therein limited to 5 minutes each.

At 1 p.m., the Senate will resume consideration of H.R. 12438, the military procurement bill. There is a time agreement thereon, so far as Monday is concerned. Rollcall votes are expected on amendments and possibly motions in relation thereto.

At 4 p.m. on Monday—and there will be no rollcall votes on Monday prior to 4 p.m.—the Senate will go into executive session, by unanimous consent, and proceed immediately, without any intervening motion or debate to vote on the confirmation of the nomination of S. John Byington to be a Commissioner of the Consumer Product Safety Commission for the remainder of the time expiring October 26, 1978. That will be a rollcall vote, because the yeas and nays will have been ordered by that time; and by unanimous consent, the Senate, immediately upon the disposition of the nomination, will resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. So there will be rollcall votes on Monday, but not prior to 4 p.m.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and at 1:51 p.m. the Senate adjourned until Monday, May 24, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 21, 1976;

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

Brig. Gen. Harold Frank Hardin, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Lee Kirwan, [redacted] Army of the United States (colonel, U.S. Army).

In the Air Force

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, Title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Adams, William H., [redacted].
Alder, John J., [redacted].
Aldrich, John P., [redacted].
Alexander, Gerald F., [redacted].
Alldredge, Gordon D., [redacted].
Allen, Clifford H., Jr., [redacted].
Allen, Dan C., [redacted].
Allison, Cecil L., [redacted].
Anders, Loyd J., Jr., [redacted].
Anderson, John P., [redacted].
Apel, Frank J., Jr., [redacted].
Appleby, Ivan D., [redacted].
Armstrong, Donald C., Jr., [redacted].
Arth, Donald L., [redacted].
Ash, Rolland S., [redacted].
Assalone, Thomas E., [redacted].
Audette, Albert D., Jr., [redacted].
Austin, Hugh S., [redacted].
Axley, John H., [redacted].
Bagwell, James R., [redacted].

Bailey, Clentis W., [redacted]
Bain, Wilfred C., [redacted]
Baker, Paul R., [redacted]
Baliles, Roy K., [redacted]
Ballard, William T., [redacted]
Baltz, Frederick M., [redacted]
Barlow, Earl C., [redacted]
Barnes, Jerome R., Jr., [redacted]
Barnes, Kyle D., Jr., [redacted]
Barnett, James H., [redacted]
Barnett, Robert W., [redacted]
Barrett, Sam B., [redacted]
Barthello, Marc S., Jr., [redacted]
Bateman, Thomas S., [redacted]
Battle, Benjamin R., [redacted]
Bell, Tommy I., [redacted]
Bell, William, R., [redacted]
Bennett, Robert F., [redacted]
Bennett, Walter R., [redacted]
Bergeron, George L., Jr., [redacted]
Bergstrom, Vernon M., [redacted]
Berry, Bobby J., [redacted]
Besley, Richard D., [redacted]
Biancardi, Andrew P., [redacted]
Bidner, Arthur, [redacted]
Bishop, Charles E., [redacted]
Bishop, Joe D., [redacted]
Bissell, Schuyler, [redacted]
Black, Harley S., [redacted]
Black, Robert B., [redacted]
Bogoslofski, Bernard J., [redacted]
Bohn, Lowell F., [redacted]
Borland, Robert L., [redacted]
Boss, Luther D., [redacted]
Boughton, Alain G., [redacted]
Bowersux, Ralph H., [redacted]
Boykin, Luke H., Jr., [redacted]
Brake, James L., [redacted]
Brammer, Robert L., [redacted]
Brandeberry, James R., [redacted]
Breitinger, Frederick L., [redacted]
Brennan, Philip A., [redacted]
Brentnall, Burden, [redacted]
Brewer, Harry L., [redacted]
Briscoe, Henry B., [redacted]
Brockman, William F., [redacted]
Brockmann, Robert F., [redacted]
Brooks, John R., [redacted]
Brooksher, William R., [redacted]
Brown, Frederick D., Jr., [redacted]
Brown, James R., [redacted]
Brown, Joseph K., [redacted]
Brown, Lawton C., [redacted]
Brown, Peter W., [redacted]
Brown, Stanford E., [redacted]
Brownlee Charles R., [redacted]
Brunson, Carl L., [redacted]
Brunstrom, Alan L., [redacted]
Bryan, William G., [redacted]
Bulka, Edward G., [redacted]
Burdett, Richard F., [redacted]
Bures, Eugene F., [redacted]
Burkett, William M., [redacted]
Busch, Richard J., [redacted]
Buschmann, Eugene F., [redacted]
Butler, Donald R., [redacted]
Caffery, William J., [redacted]
Callero, Monti D., [redacted]
Campbell, Billy C., [redacted]
Campbell, Jesse W., [redacted]
Campbell, William J., [redacted]
Carson, James M., [redacted]
Carter, Charles H., [redacted]
Cary, John F., [redacted]
Catron, Walter L., Jr., [redacted]
Caudry, Robert D., [redacted]
Chabolla, Gilbert A., [redacted]
Chambers, William C., [redacted]
Chisholm, Richard K., [redacted]
Clarke, Melvin P., [redacted]
Clarke, William S., Jr., [redacted]
Claypool, Robert B., [redacted]
Coburn, Robert B., [redacted]
Coggins, Edward V., Jr., [redacted]
Colclazier, Robert D., [redacted]
Collins, Richard B., [redacted]
Colvin, Thomas E., [redacted]
Conaway, Richard E., [redacted]
Conner, Hendsley R., [redacted]
Conway, Don R., [redacted]
Cooper, Billy R., [redacted]
Cooper, Kenneth M., [redacted]
Cooper, Larry T., [redacted]
Cooper, William L., Jr., [redacted]
Coraine, Richard W., [redacted]
Couch, Gerald C., [redacted]
Council, James W., [redacted]
Cowan, James E., [redacted]
Cox, Robert G., [redacted]
Craver, Joseph W., Jr., [redacted]
Creedon, James S., [redacted]
Crist, Jerry A., [redacted]
Crooke, William J., [redacted]
Crooks, Kenneth E., [redacted]
Crutchfield, Don F., [redacted]
Culp, Gerard H., [redacted]
Cummings, Jack, [redacted]
Curry, Robert W., [redacted]
Daluto, Ronald J., [redacted]
Daneu, Joseph F., [redacted]
Daniel, James E., Jr., [redacted]
Danis, Lionel A., [redacted]
Darden, Robert F., Jr., [redacted]
Daubs, Charles E., [redacted]
Davis, James L., [redacted]
Davis, John S., [redacted]
Dearborn, James W., [redacted]
Deavies, Emmett G., III, [redacted]
Degeneres, Frederick S., Jr., [redacted]
Degroote, Albert J., [redacted]
Dennison, Jack E., [redacted]
Densmore, Peter K., [redacted]
Deschamps, Melvin T., [redacted]
Devall, Larry S., [redacted]
Devall, Larry S., [redacted]
Dewey, Robert G., [redacted]
Dickey, William R., [redacted]
Dillon, John Z., [redacted]
Dinger, Don L., [redacted]
Dixon, Robert E., [redacted]
Dobson, Robert T., [redacted]
Donahue, John F., [redacted]
Doran, Donald A., [redacted]
Dorsey, Richard M., [redacted]
Doublfday, Van C., [redacted]
Downing, Morgan A., [redacted]
Drennon, Philip R., [redacted]
Drew, Frank M., [redacted]
Drugan, William P., [redacted]
Duke, Rodger C., Jr., [redacted]
Duncan, Dean D., [redacted]
Dunn, Clyde F., Jr., [redacted]
Dunn, James M., Jr., [redacted]
Durband, Rudolph F., [redacted]
Eddington, Robert B., [redacted]
Edwards, Lowell R., [redacted]
Egan, Thomas F., [redacted]
Ellington, Robert F., [redacted]
Enney, James C., [redacted]
Evenson, Mervin L., [redacted]
Fanning, Robert W., [redacted]
Fears, Walter H., [redacted]
Fellows, Allen E., [redacted]
Fisher, Oliver P., Jr., [redacted]
Ford, Walter J., [redacted]
Foster, Dudley J., [redacted]
Foster, Robert A., [redacted]
Fox, James K., [redacted]
Frankenberg, David C., [redacted]
Frazier, Stephen T., [redacted]
Freaney, Robert E., [redacted]
Frei, James R., [redacted]
Frey, Russell B., [redacted]
Funderburg, Charles E., [redacted]
Gallagher, Thomas K., [redacted]
Gallo, Frank G., [redacted]
Gardner, Gilbert D., [redacted]
Gaseor, Chester J., [redacted]
Gaylor, Donald F., [redacted]
Gentry, Roy L., Jr., [redacted]
German, Kenneth F., [redacted]
Gibson, Donald R., [redacted]
Giesy, Lloyd H., [redacted]
Gilbert, John L., [redacted]
Gilkey, Raymond R., [redacted]
Gillis, Melvin P., [redacted]
Gilster, Herman L., [redacted]
Gindoff, Alan S., [redacted]
Glasgow, Warwick H., [redacted]
Glogowski, Richard M., [redacted]
Goodkin, Sheldon I., [redacted]
Goldberg, Nathan S., [redacted]
Goodwin, Charles E., [redacted]
Gordon, John W., [redacted]
Gormley, James D., [redacted]
Goss, Darr L., [redacted]
Graeter, Edwin A., Jr., [redacted]
Grammer, Richard G., [redacted]
Green, Fredrick B., [redacted]
Gregory, Jack I., [redacted]
Grenzebach, Earl W., Jr., [redacted]
Griffin, William E., [redacted]
Gross, Harold E., [redacted]
Gustafson, Gerald C., [redacted]
Hadeen, Kenneth D., [redacted]
Haeffner, Fred A., [redacted]
Hall, David M., [redacted]
Hall, George R., [redacted]
Hall, John A., [redacted]
Hamilton, John S., [redacted]
Hannan, Joseph J., [redacted]
Hansard, Joseph F. Jr., [redacted]
Hardin, James T., [redacted]
Harp, Solomon III, [redacted]
Harrison, Everett V., [redacted]
Hartley, Williard W., [redacted]
Hartmann, Arthur J., [redacted]
Hartmann, Edgar C. Jr., [redacted]
Hasbrouck, Lawrence, [redacted]
Hatchell, Ernest L. Jr., [redacted]
Haydon, Robert E., [redacted]
Hendelman, Lewis H., [redacted]
Henderson, William J., [redacted]
Henderson, William M., [redacted]
Henkel, Paul A., [redacted]
Hennessey, Charles B., [redacted]
Henning, Clifford O. C. Jr., [redacted]
Hennings, Paul E., [redacted]
Herndon, Stuart B., [redacted]
Hickenbottom, Richard, [redacted]
Hill, Claude C., [redacted]
Hillerud, Robert T., [redacted]
Hines, James M., [redacted]
Hiteshew, James E., [redacted]
Hodge, James L., [redacted]
Homan, Harold A., [redacted]
Hooper, Claren B. Jr., [redacted]
Hope, Joseph J., [redacted]
Horne, Terrell E., [redacted]
Hubbard, David B. Jr., [redacted]
Hughey, Kenneth R., [redacted]
Huser, Samuel, [redacted]
Ingram, Robert C. Jr., [redacted]
Irions, Charles C., [redacted]
Isgrig, Elvin D., [redacted]
Jacobs, Frederick R. Jr., [redacted]
Jacobs, Morton R., [redacted]
James, Avon C., [redacted]
Jensen, Richard B., [redacted]
Jimenez, Frank I., [redacted]
Jinks, Malcolm R., [redacted]
Johnson, Edward W., [redacted]
Johnson, Isiah, [redacted]
Johnson, Jerry M., [redacted]
Johnson, Roger E., [redacted]
Johnson, Ronald A., [redacted]
Jones, Robert L., [redacted]
Kaapke, Lyle D., [redacted]
Kamm, Herbert H., [redacted]
Karns, Robert C., [redacted]
Katz, Richard F., [redacted]
Kavodkjian, Sarkis H., [redacted]
Keeler, Billie R., [redacted]
Kelly, Henry M., [redacted]
Kennedy, Robert W., [redacted]
Kidder, Lyman M., [redacted]
Kienzle, Robert C., [redacted]
Kilborn, Richard F., [redacted]
Kimsey, Melbourne, [redacted]
King, Edwin H., Jr., [redacted]
Kline, Robert E., [redacted]
Kloberdanz, Harold G., [redacted]
Knight, William J., [redacted]
Koretz, Donald, [redacted]
Kovar, Otto L., Jr., [redacted]
Krautkramer, Gordon J., [redacted]
Krejci, Ronald J., [redacted]
Kronebusch, Robert M., [redacted]
Kunkel, Clifford C., [redacted]
Kyer, George Jr., [redacted]
Kyrazis, Demos T., [redacted]
Lamb, Charles W., [redacted]
Landry, James R., [redacted]

Larson, Doyle E., [redacted].
Law, Ralph, [redacted].
Lawrence, Richard C., [redacted].
Lee, Ben P., [redacted].
Lee, Harry R., Jr., [redacted].
Lemolf, Salvatore R., [redacted].
Lenahan, Frank C., [redacted].
Leonard, Francs D., Jr., [redacted].
Levell, Edward, Jr., [redacted].
Lewis, William H., [redacted].
Lind, John L., [redacted].
Lineberger, Joe G., [redacted].
Lockwood, Frederick S., III, [redacted].
Loessberg, Frank J., Jr., [redacted].
Lowell, Robert E., [redacted].
Lustig, Sheldon J., [redacted].
Lynch, George C., [redacted].
Macdougald, James A., [redacted].
MacIvor, Charles A., [redacted].
MacDubray, James G., III, [redacted].
Madden, Richard G., [redacted].
Magazu, Harry H., [redacted].
Malott, Carrington L., [redacted].
Mann, Chris C., [redacted].
Markarian, Ronald H., [redacted].
Marquis, David J., [redacted].
Marriott, William S., [redacted].
Marsh, Paul F., [redacted].
Martella, Angelo M., Jr., [redacted].
Martin, Samuel H., III, [redacted].
Masterson, William E., [redacted].
Mathews, James R., [redacted].
Matson, William P., [redacted].
Matthews, Richard G., [redacted].
Mayfield, Richard A., [redacted].
McCarthy, Lawrence J., [redacted].
McCartney, Charles E., Jr., [redacted].
McLain, Larry D., [redacted].
McClammy, Herbert C., [redacted].
McClarren, Charles W., [redacted].
McClellan, Robert J., [redacted].
McCurdy, Garvin, [redacted].
McElveen, David H., [redacted].
McFeron, Louis D., [redacted].
McGee, Billy R., [redacted].
McGilvary, David R., [redacted].
McGouldrick, Francis, J., Jr., [redacted].
McGuire, Thomas W., Jr., [redacted].
McMakin, Grover S., [redacted].
McMaster, Billy C., [redacted].
Mendezvigo, Castor, Jr., [redacted].
Mersereau, Gage M., [redacted].
Meyer, Carl W., [redacted].
Michler, Earl E., [redacted].
Migala, Andrew E., [redacted].
Mikulecky, James T., [redacted].
Miller, Alfred M., Jr., [redacted].
Miller, Charles E., [redacted].
Miller, George D., [redacted].
Miller, George H., [redacted].
Miller, Horace W., [redacted].
Million, Herbert A., [redacted].
Mills, Billie B., [redacted].
Millson, Chris, Jr., [redacted].
Mirth, Joseph D., [redacted].
Misencik, William T., [redacted].
Molla, Afred C., Jr., [redacted].
Moon, Lloyd B., [redacted].
Morison, Joseph S., [redacted].
Morris, Quentin J., [redacted].
Morris, Robert L., [redacted].
Mourges, Agamemnon R., [redacted].
Mulberry, Eugene W., [redacted].
Murane, David M., [redacted].
Murphy, Michael, [redacted].
Murphy, William A., [redacted].
Murray, Edmond F., [redacted].
Nakano, Albert S., [redacted].
Naylor, Edward R., [redacted].
Neathery, Herbert L., [redacted].
Needham, Paul E., [redacted].
Nelson, David A., [redacted].
Nemeth, Richard S., [redacted].
Nicola, Oliver P., III, [redacted].
Nida, Charles L., [redacted].
Nielson, Roger W., [redacted].
Nizko, Henry S., [redacted].
Nugteren, Cornelius, [redacted].
Nunemaker, Roger P., [redacted].
O'Brien, Denis R., [redacted].
O'Donnell, Edward F., Jr., [redacted].
O'Donnell, John F., [redacted].
Ohlinger, Kenneth W., [redacted].
O'Keefe, Robert W., [redacted].
Olesen, Leo E., [redacted].
Olson, James R., [redacted].
O'Malley, Jerome F., [redacted].
O'Neill, Timothy F., [redacted].
Orange, William L., [redacted].
Orr, Kenneth B., [redacted].
Palmer, Gilbert S., Jr., [redacted].
Palmer, William F., [redacted].
Park, Maynard L., [redacted].
Patrick, Richard A., [redacted].
Patterson, Kenneth M., [redacted].
Patterson, Robert E., Jr., [redacted].
Pedroli, Attilio, [redacted].
Pence, Ray [redacted].
Pennella, Anthony J., [redacted].
Pennington, Lawrence E., [redacted].
Peoples, Paul L., [redacted].
Peterson, George A., [redacted].
Petrie, Walter H., [redacted].
Pfautz, James C., [redacted].
Phillips, Richard W., Jr., [redacted].
Picinich, Alfred A., [redacted].
Pluenneke, Harold C., [redacted].
Portis, James N., [redacted].
Powers, Elliott, [redacted].
Powers, Jack A., [redacted].
Powers, Joseph G., [redacted].
Powers, Winston D., [redacted].
Presley, Bobby W., [redacted].
Pritchett, Thaddeus C., [redacted].
Pryor, Richard W., [redacted].
Pugh, William M., [redacted].
Radke, Thomas L., [redacted].
Rainey, June I., [redacted].
Ramsey, Robert F., [redacted].
Rauhe, Bruce R., [redacted].
Rawlings, Gene D., [redacted].
Rayfield, Robert E., [redacted].
Reed, Parker E., [redacted].
Reed, Robert H., [redacted].
Reeder, Frank D., [redacted].
Reeves, Charles W., Jr., [redacted].
Rega, Michael J., [redacted].
Rehm, Daniel J., [redacted].
Renner, Charles F., [redacted].
Renner, William D., [redacted].
Rhude, Donald P., [redacted].
Richardson, William J., [redacted].
Rigney, James H., Jr., [redacted].
Ring, Richard E., [redacted].
Robb, William G., [redacted].
Roberts, Russell C., Jr., [redacted].
Robertson, John L., [redacted].
Rock, James T., [redacted].
Rodda, Ronald J,, [redacted].
Rodgers, Charles A., [redacted].
Ross, Fredric S., [redacted].
Roth, Paul H., [redacted].
Rowland, John R., [redacted].
Ruck, Robert L., [redacted].
Rupert, Arthur B., [redacted].
Rushfeldt, John W., [redacted].
Saccone, Joseph D., [redacted].
Salisberry, Rex C., [redacted].
Salvucci, Joseph D., [redacted].
Sandfort, Dorrence O., [redacted].
Sauls, George M., [redacted].
Savage, William B., [redacted].
Schaefer, Thomas E., [redacted].
Schow, Kenneth C., [redacted].
Schroeder, Arthur H., [redacted].
Schroeder, John K., Jr., [redacted].
Schumacher, Herman E., [redacted].
Schwene, Donald J., [redacted].
Scott, Jimmy F., [redacted].
Sears, Michael T., [redacted].
Sexton, A. D., [redacted].
Shadburn, Theodore H., [redacted].
Sheehan, Anthony T., [redacted].
Sheehan, Dennis T., [redacted].
Sherman, Stuart H., Jr., [redacted].
Shipe, John R., [redacted].
Shirey, William C. [redacted].
Shockley, Crewford O., [redacted].
Shubert, Richard E., [redacted].
Sigethy, Robert, [redacted].
Simon, Ervin P., [redacted].
Singhoff, Forest A., [redacted].
Smith, Curtis R., [redacted].
Smith, David C., [redacted].
Smith, John B., [redacted].
Smith, Pierce L., [redacted].
Smith, Ronald C., [redacted].
Smith, Stanley D., [redacted].
Smitherman, John A., [redacted].
Snyder, Phillip D., [redacted].
Sovern, Stanley B., [redacted].
Spannaus, Harry A., [redacted].
Sperling, Daniel P., [redacted].
Sperry, Donald H., [redacted].
Sprague, Roger L., [redacted].
Spruill, Dameron R., [redacted].
Standfrwick, Robert L., [redacted].
Stater, Nat A., [redacted].
Stem, Taylor F., Jr., [redacted].
Stewart, James E., [redacted].
Stoneburner, James J., [redacted].
Storrie, John H., [redacted].
Strand, William L., [redacted].
Strasheim, Arnold L., [redacted].
Stringer, Henry D., Jr., [redacted].
Studer, Thomas A., [redacted].
Sutter, Bradley, [redacted].
Sutton, Everett M., [redacted].
Sveska, Robert F., [redacted].
Swick, George E., [redacted].
Sylvester, David N., [redacted].
Tatum, Lawrence B., [redacted].
Taylor, Robert C., [redacted].
Taylor, William M., [redacted].
Terlouw, Garrett W., [redacted].
Terpening, Russell D., [redacted].
Terrell, Lester R., [redacted].
Thoburn, Russell E., [redacted].
Tholen, Lloyd A., [redacted].
Thomas, James C., [redacted].
Thomas, James H., [redacted].
Thomas, John P., [redacted].
Thomas, Lloyd E., [redacted].
Thompson, Hadley N., [redacted].
Thompson, Kenneth L., [redacted].
Thompson, Paul D., [redacted].
Thompson, Roy L., [redacted].
Thompson, Thomas H., [redacted].
Throckmorton, Robert W., [redacted].
Thuemmel, John P., [redacted].
Thulin, John H., [redacted].
Thurman, James A., [redacted].
Tietge, Jerry W., [redacted].
Tilson, Philip A., [redacted].
Tixier, Edward L., [redacted].
Todd, Robert E., [redacted].
Tolman, Frederick G., [redacted].
Tomlinson, Frank J., [redacted].
Trimeloni, Bianca D., [redacted].
Trott, Allen L., Jr., [redacted].
Trott, William R., [redacted].
Tucker, Joseph E., [redacted].
Tucker, Roger D., [redacted].
Tullett, Jack E., [redacted].
Turner, Alex, Jr., [redacted].
Turpen, James R., [redacted].
Twinting, William T., [redacted].
Tyler, George E., [redacted].
Uhalt, Alfred H., Jr., [redacted].
Uppstrom, Richard L., [redacted].
Valenti, Joseph M., [redacted].
Vanderpyl, Ells C., Jr., [redacted].
Varvi, Charles J., Jr., [redacted].
Vebling, David R., [redacted].
Vehrs, George J., [redacted].
Velez, Louis E., [redacted].
Vest. Daurice C., [redacted].
Vogel, Stephen J., [redacted].
Vogt, Donald A., [redacted].
Vonhausen, William W., [redacted].
Vontersch, George L., [redacted].
Wackym, Fred N., Jr., [redacted].
Waddle, Dannie I., Jr., [redacted].
Walborn, Chester A., [redacted].
Walbrecht, Donald A., [redacted].
Watman, Gerald, [redacted].
Ward, Harrison M., Jr., [redacted].
Watkins, Jack L., [redacted].
Watnee, Lloyd, Jr., [redacted].
Watson, Robert B., [redacted].
Weber, Kenneth L., [redacted].
Weeks, Allen R., [redacted].
Wenzel, Donald F., [redacted].

West, Bobby P., [redacted].
Westberry, James H., [redacted].
Wheeler, George H., [redacted].
Wheeler, Harold P., Jr., [redacted].
White, Harold R., [redacted].
White, Philip J., [redacted].
Whitlatch, Wayne E., [redacted].
Wiegand, Karl L., [redacted].
Wieland, Paul L., [redacted].
Wiese, William A., [redacted].
Williams, Joe C., [redacted].
Williams, Lavern E., [redacted].
Williams, Peter D., [redacted].
Williams, Robert Q., [redacted].
Williams, Stuart J., [redacted].
Williamson, Don I., [redacted].
Willis, James R., [redacted].
Wilson, Charles H., [redacted].
Wilson, Harold E., [redacted].
Winemiller, William E., [redacted].
Wippermann, Donald R., [redacted].
Wold, James W., [redacted].
Wolters, Thomas E., [redacted].
Wondrack, Walter M., [redacted].
Wood, Horace E., Jr., [redacted].
Wood, Richard H., [redacted].
Woods, Jerry K., [redacted].
Wright, Dwayne P., [redacted].
Yasuhara, Thomas H., [redacted].
Young, Edward D., [redacted].
Young, Edward D., Jr., [redacted].
Young, James F., [redacted].
Young, Keith R., [redacted].

CHAPLAIN CORPS

Boggs, William G., [redacted].
Bowers, George P., [redacted].
Caudill, Charles C., [redacted].
Davis, Paul D., [redacted].
Ellison, Ervin D., III, [redacted].
Franks, William D., [redacted].
Hendricks, Robert E., [redacted].
Larche, Lucien E., Jr., [redacted].
Ledoux, Louis V., [redacted].
Lyngdal, Lloyd W., [redacted].
Lyons, Leo J., [redacted].
Naughton, John T., [redacted].
Overman, Robert F., [redacted].
Pritz, Raymond, [redacted].
Reese, Charles T., [redacted].
Rodell, Jeremiah J., [redacted].
Townsend, James E., [redacted].

DENTAL CORPS

Bales, David J., [redacted].
Birmingham, Frederick D., [redacted].
Blackman, Ronald B., [redacted].
Clark, William J., [redacted].
Hamrick, Joseph E., [redacted].
Wellner, Charles R., [redacted].
Young, John M., [redacted].

JUDGE ADVOCATE

Blinn, Donald P., [redacted].
Cicchini, Michael J., [redacted].
Dick, Howard F., [redacted].
Edwards, Charles E., [redacted].
Ginsburg, Gordon A., [redacted].
Isenberg, Jerome R., [redacted].
Knowles, Kenneth B., [redacted].
Lippert, Ludwig E., Jr., [redacted].

MEDICAL CORPS

Adamson, Godfrey D., Jr., [redacted].
Cowan, William R., [redacted].
Dannemiller, Francis J., [redacted].
Davis, Jefferson C., [redacted].
Dennis, Lebaron W., [redacted].
Foster, Richard S., [redacted].
Hagood, Clyde D., Jr., [redacted].
Johnson, Leonard W., Jr., [redacted].
Ledbetter, Edgar O., [redacted].
Mohr, George C., [redacted].
Oi, Richard H., [redacted].
Oliver, James H., Jr., [redacted].
Otoole, Robert V., Jr., [redacted].
Schwamm, Harry A., [redacted].
Silberman, Irwin A., [redacted].
Smith, Lawrence R., [redacted].
Wittmer, James F., [redacted].
Young, Gerald D., Jr., [redacted].

NURSE CORPS

Hines, Anne T., [redacted].
Migliorino, Jean M., [redacted].
Sones, Betty J., [redacted].

MEDICAL SERVICE CORPS

Baddour, Robert A., [redacted].
Baird, Joseph A., Jr., [redacted].
Crews, James M., Jr., [redacted].
Holder, William L., [redacted].
Kaye, George A., [redacted].
Suchenski, Richard C., [redacted].
Thomas, Russell J., [redacted].
Tustison, Donald F., [redacted].
Wagner, Donald B., [redacted].
Winney, Charles W., [redacted].

VETERINARY CORPS

Osborne, Donald V., [redacted].
Ziegler, Ralph F., [redacted].

BIOMEDICAL SCIENCES CORPS

Darling, Charles L., [redacted].
Hall, Giles W., [redacted].
McNeil, John S., [redacted].
Robertson, William J., [redacted].
Wilson, Myrl E., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 21, 1976:

DEPARTMENT OF THE INTERIOR

Ronald G. Coleman, of Virginia, to be an Assistant Secretary of the Interior.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FEDERAL ELECTION COMMISSION

William L. Springer, of Illinois, to be a member of the Federal Election Commission for the term expiring April 30, 1977.

HOUSE OF REPRESENTATIVES—*Friday, May 21, 1976*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Only fear the Lord, and serve Him faithfully with all your heart; for consider what great things He has done for you.—I Samuel 12: 24.

O God and Father of us all may Thy spirit of truth and love guide and direct the Members of this House of Representatives and the former Members we are happy to have with us today. Help them to realize that during days of difficulty and passing through periods of prosperity Thou art with them always and all the way. Give them wisdom, courage, and patience and work through them for the welfare of our country and the well-being of our world.

Grant that each one may play his full part in bringing about an order of society where there will be no just cause for a bitterness of spirit, nor a resentment of mind nor a hunger of body and where every person may have the opportunity to grow in body, mind, and spirit.

Give us all grace to maintain our faith and our freedom in righteousness, for peace and with good will.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders.

The message also announced that the Senate receded from its amendment to a bill of the House of the following title:

H.R. 5272. An act to amend the Noise Control Act of 1972 to authorize additional appropriations.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11438. An act to amend title 5, United States Code, to grant court leave to Federal employees when called as witnesses in certain judicial proceedings, and for other purposes;

H.R. 12455. An act to extend from April 1 to October 1, 1976, the maximum period during which recipients of services on September 30, 1975, under titles IV–A and VI of the Social Security Act, may continue to receive services under title XX of that act without individual determinations; and

H.R. 12838. An act to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3308. An act to provide for interim regulatory reform as to certain independent regulatory agencies.

ANTINUCLEAR INITIATIVES—HOAX ON PUBLIC

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, Mr. H. Peter Metzger of the Rocky Mountain News has just written an article entitled "Antinuclear Initiatives—Hoax on Public." Mr. Metzger is an excellent authority on this subject matter, and is the science editor of the Rocky Mountain News. I think this article is a must reading for all who want the truth on the nuclear balloting taking place in California and Colorado and later in some 20 States. I believe the balloting is largely a hoax also, and that the moratorium should be defeated, regarding the suspension of nuclear power generation.

I recommend this reading to all of the Members.

The item appears in today's Extensions of Remarks.

STATUS REPORT ON THE FISCAL YEAR 1976 CONGRESSIONAL BUDGET

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, on behalf of the House Committee on the Budget I rise to inform my colleagues about the status of the fiscal year 1976 congressional budget. This notification is the 13th time this fiscal year that the Budget Committee has made its notification to the House about where the Congress stands in relation to the ceilings on budget authority and outlays and the floor on revenues which Congress set for itself in House Concurrent Resolution 611. This report reflects two items: The first is this week's action by both Houses to adopt the conference agreement on H.R. 13172—second supplemental appropriations, 1976; and a series of reestimates submitted by the President.

Although the spring supplemental contains $9.4 billion in budget authority and $8.5 billion in outlays, the scorekeeping procedure reserves funding for entitlement authority which requires subsequent appropriations at the time the entitlement bill passes Congress. This scorekeeping procedure is necessary since, by the time the bill reaches the Appropriations Committee, it is a mandatory funding item, and only the cost estimate may vary. Therefore, the net cost of the spring supplemental to the current level is far less than the total cost of the bill.

The reestimates included in this report were submitted by the President as part of his requirements to keep Congress informed about the current status of Government programs. These reestimates have been reviewed jointly by the staffs of the House and Senate Budget Committees as well as the Congressional Budget Office.

These two items have a net effect on the amount remaining as follows:

	Budget authority	Outlays
H.R. 13172, second supplemental appropriations, 1976	−1,949	−480
Presidential reestimates	+115	−282

These two items have affected the congressional budget as of close of legislative business Wednesday, May 19, 1976, as follows:

STATUS OF FISCAL YEAR 1976 CONGRESSIONAL BUDGET REFLECTING COMPLETED ACTION AS OF MAY 19, 1976

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	408,000	374,900	300,800
Current level	403,962	372,367	301,100
Amount remaining	4,038	2,533	300

A complete analysis of the various items included in the current level may be found in today's Extensions of Remarks.

I urge my colleagues in the House to be watchful of spending legislation as it comes before this Chamber in the coming weeks. Congress has yet to pass on two regular appropriation bills before the end of the fiscal year. My current budget year projection of the amount remaining indicates that there is little room left under the ceilings. If you add the amounts included in the conference agreement on H.R. 12203, foreign assistance appropriations, 1976, and the anticipated appropriations for the District of Columbia, my budget year estimate of the amount remaining is approximately $1.8 billion in budget authority and $1.3 billion in outlays.

In addition to these bills, the pressures of changing economic conditions continues to make the budget vulnerable to increased spending.

In summary, Mr. Speaker, I must warn my colleagues in the House, that as the end of the fiscal year draws near, and less room remains under the budget ceilings, we must exercise restraint in budgetary decisionmaking. The projection of the current level leaves little room for new legislation of either the President or Congress which was not contemplated in this year's budget resolution.

EXPRESSING APPRECIATION TO PROFESSIONAL SOCIETIES FOR CONGRESSIONAL SCIENCE AND ENGINEERING FELLOWSHIP PROGRAMS

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 100) expressing appreciation to professional societies for their congressional science and engineering fellowship programs, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. Con. Res. 100

Whereas the Congress increasingly deals with issues with scientific and technological components; and

Whereas the Congress increasingly requires a better understanding of science and technology, and finds it important to maintain liaison and exchange with the scientific and engineering communities; and

Whereas the Congress increasingly requires the services of persons who have an understanding of science and technology as well as of governmental policymaking processes, in order to better to serve the public; and

Whereas scientific and engineering societies within the United States have, on their own initiative, instituted Congressional Fellowship Programs designed to contribute to the Congress professionally trained scientists and engineers, as well as to contribute to the scientific and engineering communities a better understanding of governmental processes; and

Whereas these Congressional Fellowship Programs are now in their third year of operation, and have furnished a total of thirty-seven scientists and engineers to work on Senate and House Committee staffs, on personal staffs of Members, and on the staff of the Office of Technology Assessment; and

Whereas these scientists and engineers have made significant contributions to the legislative activities of the Congress, and have provided a valuable pool of scientists and engineers from which permanent staff positions have been filled: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States expresses its appreciation to the following scientific and engineering societies for their Congressional Science and Engineering Fellowship Programs: The American Association for the Advancement of Science; The American Physical Society; The Institute of Electrical and Electronic Engineers: The American Society of Mechanical Engineers; The American Psychological Association; The American Institute of Aeronautics and Astronautics; The Optical Society of America; and The Federation of American Societies for Experimental Biology, and additionally thanks The American Association for the Advancement of Science for its role in coordination the fellowship programs of the various societies; and be it further

Resolved, That because of its valuable contributions to the legislative process, the Congress strongly encourages the scientific and engineering communities to continue and expand this vital public service activity.

Mr. TEAGUE. Mr. Speaker, I am delighted to present to the House a concurrent resolution of the House and the Senate expressing our appreciation to the professional societies for their congressional science and engineering fellowship programs.

Since 1973 the Congress has had the benefit of having congressional fellows working as staff members of our committees and in the offices of individual Members. The scientific and engineering societies select the interns according to carefully drawn criteria, and they have all been of exceptionally high caliber. Most of them have completed their Ph. D. in a field of science or engineering and have several years of experience behind them before they come to the Congress for their year of service.

The criteria for the selection of congressional fellows state that a prospective fellow must demonstrate exceptional competence in some areas of science or engineering; have a rather broad scientific and technical background; be cognizant of many matters in nonscientific areas; be articulate; literate, and able to work effectively with a wide variety of people; exhibit a willingness and flexibility to work in many nonscientific areas; demonstrate sensitivity toward the political and societal issues of the day; and, perhaps most importantly, have a strong interest and some experience in applying his or her knowledge toward the solution of societal problems. I can testify from the experience which we have had with the fellows who have served on the Committee on Science and Technology that they amply have met all those criteria.

The fellowship program was begun by four of the professional societies in 1973. The American Association for the Advancement of Science, the American Physical Society, the American Society of Mechanical Engineers, and the Institute of Electrical and Electronics Engineers that year sponsored seven congressional interns. The following year these societies were joined by the American Institute of Aeronautics and Astronautics, and the American Psychological Association, and together they sponsored 14 interns, double the number of the previous year. Then this year the six sponsoring societies were joined by a seventh, the Federation of American Societies for Experimental Biology, and a total of 16 interns are with us this year. So that in all the Congress has had the help of 37 competent interns as the result of the imaginative and forward looking efforts of these professional societies.

Special notice should be taken of the role played by the American Association for the Advancement of Science in this effort. Under the leadership of Dr. Richard A. Scribner, the AAAS has coordinated the entire effort, and has provided the many liaison and coordination tasks which have made the program both smooth running and successful.

Mr. Speaker, I would point out that the benefits that this program provide are not limited to the Members and committees of the Congress. The interns themselves benefit in no small degree from their year of service on a congressional staff. Indeed, the purpose of the fellowship program is to broaden the perspective of both the scientific and engineering communities about the way the Congress deals with questions of research and development. That payoff may well take a little longer to reach fruition, but as more and more of the fellows return to their universities and engineering organizations I believe that over the longer term the return of this investment will multiply manyfold.

Mr. Speaker, a comparable House concurrent resolution was introduced in the House by our distinguished colleague, Mr. PRICE, of Illinois. I was delighted to join him and Mr. MCCORMACK, Mr. MOSHER, and Mr. BROWN in cosponsoring that resolution. Because the other body acted on their version on March 10 of this year, I am asking the House to consider the Senate-passed version at this time. The resolution would recognize a job well done, and I urge its adoption.

Mr. WYDLER. Mr. Speaker, I support the motion of the gentleman from Texas (Mr. TEAGUE).

The professional scientific and engineering societies in the United States have made a direct, valuable contribution to our understanding of scientific issues by their support of technical specialists to work with the various committees and Members' offices. The persons involved are highly motivated individuals with advanced degrees in the sciences and engineering. They are selected by their respective sponsoring groups only after keen competition and close examination.

The scientists participating in this program bring not only their formal academic training to their temporary Hill positions but also their work experience from industry, government, and universities. The exchange which takes place is certainly a two-way street. The Congress obtains the benefit of outstanding analysis and insight on major issues involving science and technology. The varied background of the program participants and their yearly rotation assures that fresh minds and ideas will be addressing the issues. Conversely, the scientists' exposure to the work of the Congress enables them to understand and appreciate the operation of the legislative branch. This enhances their ability to assure that the scientists' input to the legislative process is effectively made later when they return to their former positions.

We owe a debt of gratitude to the professional societies for their time in selecting persons for temporary assignments on Capitol Hill and for their monetary contribution supplementing the salaries of their members while on the Hill. The direct expense to the Congress for the services of the society-sponsored scientists is only a fraction of its true value. The difference is supplied by the various professional societies.

Mr. Speaker, I urge the adoption of Senate Concurrent Resolution 100.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate Concurrent Resolution 100.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 12453, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, FISCAL YEAR 1977

Mr. TEAGUE. Mr. Speaker, I call up the conference report on the bill (H.R. 12453) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statmeent.

(For conference report and statement, see proceedings of the House of May 17, 1976.)

Mr. TEAGUE (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House and Senate conferees have resolved the differences in the House and Senate passed versions on H.R. 12453 the fiscal year 1977 National Aeronautics and Space Administration bill. The bill passed the House on March 22 and passed the Senate on April 1. In acting on the bill the Senate struck all after the enacting clause and substituted new language.

The committee of conference agreed to accept the Senate amendment with certain substitute amendments and with certain other stipulations insisted upon by the managers on the part of the House. There were 11 items in disagreement involving amounts to be authorized for appropriations and there were three items of legislative language to be reconciled.

The House had authorized a total of $3,696,070,000 and the Senate had authorized $3,696,850,000 in its bill. Thus, the amount passed by the House was $780,000 less than the Senate amount. The conference substitute would authorize $3,696,170,000 which is $1,680,000 less than the Senate version and $900,000 less than the total amount previously passed by the House. In resolving the language differences in the respective bills, the House receded on the three items.

The conference report contains a detailed listing of program areas and projects and amounts to be authorized for each as recommended by the committee of conference. The joint explanatory statement of the committee of conference provides additional details on the foregoing and other actions taken during the conference on the various differences.

A summary of the substitutes agreed upon by the committee of conference follows:

Space flight operations: The House authorized $198,200,000 for the space flight operations program, a reduction of $7,000,000 in the NASA request, the net result of an $8,000,000 reduction in the development, test and mission operations subprogram and a $1,000,000 addition to the advanced programs subprogram activity.

The conference compromised with an authorization of $202,700,000. Stating that NASA should apply $500,000 additional to its planned effort for advanced programs to improve the structuring and development of this activity in support of future space programs.

Physics and astronomy: The House authorized $169,800,000 for physics and astronomy increasing the NASA request by $3,000,000 to initiate the development program for the space telescope and by $1,000,000 for additional supporting research and technology effort. The conference substitute authorizes $166,300,000 and agrees that an additional $500,000 is to be applied to supporting research and technology activities to help assure the viability of future research in physics and astronomy.

Lunar and planetary: The House authorized $193,100,000 for the lunar and planetary program increasing the NASA request for the planetary advanced studies activity by $2,000,000 to provide for definition studies for a Jupiter orbiter mission.

The conference substitute authorizes $192,100,000 and agrees that NASA should give particular attention to formulating and presenting new initiatives to reverse the "going out of business" trend apparent in this program and accordingly added $1,000,000 to be applied to studies for this purpose.

Space applications: The House authorized $185,700,000 transferring the Landsat-C spacecraft project and the $13,500,000 associated therewith to a new program entitled, "Earth Resources Operational Systems" and also added $1,000,000 to augment the severe storm activity research.

The conference substitute authorizes $198,000,000 for the space applications program and agrees that the Landsat-C spacecraft development program should be continued in the space applications program as presented in the NASA budget request and provides for increased emphasis on severe storm research activities.

Earth resources operational system: The House established a new program entitled, "Earth Resources Operational Systems" which was not included in the NASA request and authorized $13,500,000 for the program to include those activities associated with the Landsat-C development project.

The conference substitute establishes a new research and development line item in the bill entitled "Earth Resources Operational Systems," agrees that the Landsat Earth resources satellite technology project has reached a state of maturity wherein it is necessary to facilitate arrangements for an operational version of the Landsat system, and authorizes $200,000 to provide for early activities that would initiate transition to an operational mode.

Aeronautical research and technology: The House authorized $192,100,000 for aeronautical research and technology increasing the NASA request by $3,000,000 to accelerate the variable cycle engine components technology program.

The conference substitute authorizes $191,100,000 for the aeronautical research and technology program and provides $2,000,000 to accelerate the variable cycle engine components technology program.

Space research and technology: The House authorized $92,100,000 for the space research and technology program, an increase of $10,100,000 in the NASA request, of which $1,600,000 was for increased rocket engine propulsion technology effort, $3,500,000 was for energy technology identification and verification activity, and $5,000,000 was to significantly broaden the system definition effort on solar satellite power systems.

The conference substitute authorizes $86,300,000 and notes that NASA has a significant capability which can and should be fully utilized in the Nation's program to achieve energy self-sufficiency. To this end the conferees agree that $3,500,000 in the space research and technology program is to be allocated for energy technology. Furthermore, the conferees agree that $800,000 of additional effort should be applied to advanced rocket engine propulsion technology.

Tracking and data acquisition: The House authorized $254,000,000 for the tracking and data acquisition program, a reduction of $4,000,000 in the NASA request.

The conference substitute authorizes $255,000,000 for the tracking and data acquisition program.

Technology utilization: The House added $500,000 to NASA's request greater emphasis on industrial and technology applications, authorizing a total of $8,400,000 for the program. The Senate authorized $8,100,000 increasing the NASA request by $200,000 to initiate one additional regional application center.

The committee of conference adopts the Senate position.

Construction of facilities: The House did not authorize funds for the construction of an addition to the lunar curatorial facility at the Lyndon B. Johnson Space Center. The Senate authorized the facility at the requested amount of $2,800,000. The conference compromise authorizes $2,200,000 for the construction of an addition to the lunar curatorial facility.

The House authorized $17,855,000 for the third phase of modifications to launch complex 39, John F. Kennedy Space Center, in support of the space shuttle program, a reduction of $2,000,000 in the NASA request for this facility project. The Senate authorized the NASA request of $19,855,000 for launch complex 39 modifications. The conference compromise authorizes $18,855,000 for this project.

The House authorized $8,700,000, a reduction of $1,000,000 in the NASA request, for the second phase of facilities for processing the solid rocket booster for the space shuttle program at the John F. Kennedy Space Center. The Senate authorized $9,700,000 as requested by NASA. The committee of conference adopts the House position.

The House did not authorize any funds for a crew training facility for the space shuttle program at the Lyndon B. Johnson Space Center, believing that existing facilities at the Marshall Space Flight Center could be used during the design, development, test and engineering phase of the space shuttle program be deferred. The Senate authorized the construction of this facility item at the requested amount of $780,000. The conference substitute adopts the House position and defers funds for the construction of this crew training facility.

Research and program management: The House authorized $810,455,000, a reduction of $3,600,000 in the NASA request, for the research and program management appropriations category. The Senate authorized $814,055,000, identical with the NASA request. The conference compromise authorizes $813,455,000 for the research and program management activity.

In addition to the changes described, three language changes were in conference. The House included as section 9 in its bill, a sense of the Congress statement emphasizing its concern for the need to expedite the completion of large aeronautical research facilities noting the importance of these facilities to U.S. dominance in the field of aeronautics. The conference substitute does not include this provision.

The House adopted a section 10 in its bill amending section 102 of the National Aeronautics and Space Act of 1958 enlarging its policy and purpose by declaring that the general welfare requires that the unique competence in science and engineering systems of NASA also should be directed toward ground propulsion research and development. The Senate did not include this provision in its amendment to the House bill. The conference substitute adopts the Senate position.

The House bill included a section 11, complementary to its amendment to the National Aeronautics and Space Act of 1958 adopted in section 10 of its bill, which defined the term "ground propulsion system." The Senate did not include this provision in its amendment to the House bill. The conference substitute does not have a comparable provision inasmuch as the basic amendment was not adopted and, therefore, this complementary amendment is not considered necessary.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Speaker, I rise in support of the conference report accompanying H.R. 12453, the fiscal year 1977 authorization bill for the National Aeronautics and Space Administration.

The President's budget request for NASA for fiscal year 1977 totalled $3,697,000,000. The House authorized $3,696,070,000 and the Senate amendment authorized $3,696,850,000. Your conferees agreed to a total authorization for fiscal year 1977 of $3,695,170,000.

In addition to providing for the sustained vitality of NASA's major programs, the conferees gave special attention to assuring that several promising new areas receive adequate attention. The conferees encouraged NASA to proceed with competitive bidding for the large space telescope project which has been under consideration for several years. They also sought to maintain a credible variable cycle engine components technology program. Progress on a variable cycle engine could set the stage for the next generation of aircraft engines which would be significantly more clean, quiet and efficient than existing ones. While the funding level of such innovative projects is small, they should be allowed to proceed at their own pace and not be squeezed out by the requirements of other near-term, major activities.

Mr. Speaker, I want to point out that this bill is a product of a fiscally responsible effort by the House and Senate conferees to assure vital space and aeronautical programs within the confines of the administration budget request. This bill is $1,800,000 under the administration's request and this is the result of an active analysis of NASA's program which calls for increases in specific R. & D. items balanced by decreases in institutional support areas. If congressional committees and conferees in general emulated the kind of penetrating analysis with which we reviewed the NASA budget, the Federal Government would be operating more productively, efficiently and economically. I urge my colleagues to join me in supporting the conference report on H.R. 12453.

Mr. FUQUA. Mr. Speaker, I want to emphasize my support of this conference report on H.R. 12453 the NASA authorization bill for fiscal year 1977. This report represents a carefully considered House-Senate position and what I consider an austere budget. The Conference report authorizes a total of $3,696,170,000 which is $900,000 less than the total amount previously passed by the House, $1,680,000 less than the Senate version, and $1,830,000 less than the NASA budget request.

In the bill previously passed by the House, construction of an addition to the lunar curatorial facility was deferred. This project was deferred based on a belief that more austere design alternatives should be considered. The conference substitute of $2,200,000 for this facility is $600,000 less than the NASA request and therefore will provide for more austere construction as well as providing adequate protection for the 840 pounds of lunar samples which are a national treasure and are providing important scientific insights into the origin of the Moon.

The conference bill provides for emphasis in the research and development areas of space science supporting research and technology, planning for Earth resources operational systems, advanced aeronautical propulsion and space propulsion technologies, energy technology and technology utilization as well as small reductions in the institutional categories of facilities and program management. These program augmentations made by the Congress will hopefully emphasize to the administration that there is support for important new program which if undertaken will increase our Nation's ability to deal with the challenges of the environment and limited natural resources and which will help make our Nation energy self-sufficient.

The actions of the Congress provide for an increase of $2,500,000 in the NASA request for research and development programs, a $3,730,000 decrease from the NASA budget request for construction of facilities, and $600,000 decrease from the NASA budget request for research and program management. I believe these actions strongly deserve our unqualified support. I urge my colleagues adopt the report before us as a commitment to maintaining the leadership of this country in science and space.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nays 20, not voting 157, as follows:

[Roll No. 291]

YEAS—255

Adams
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Archer
Ashley
Badillo
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bennett
Bevill
Biester
Blouin
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Carr
Cederberg
Chappell
Chisholm
Clancy
Cleveland
Cochran
Collins, Tex.
Conte
Corman
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
du Pont
Edwards, Calif.
Eilberg
Emery
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Findley
Fish
Fisher
Fithian
Foley
Ford, Tenn.
Forsythe
Fountain
Fraser
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hannaford
Hansen
Harkin
Harris
Hechler, W. Va.
Heckler, Mass.
Henderson
Hillis
Holland
Holt
Howe
Hubbard
Hyde
Ichord
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCormack
McDonald
McEwen
McFall
McHugh
McKinney
Madigan
Mann
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller, Calif.
Minish
Mink
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nix
Oberstar
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quillen
Railsback
Regula
Reuss
Richmond
Rinaldo
Roberts
Robinson
Rogers
Roncalio
Rooney
Roush
Rousselot
Roybal
Ruppe
Sarasin
Sarbanes
Satterfield
Scheuer
Sharp
Shipley
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Stanton, J. William
Steed
Steiger, Wis.
Stratton
Sullivan
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wirth
Wolff
Wydler
Wylie
Young, Fla.
Young, Tex.
Zablocki

NAYS—20

Baldus
Bedell
Cornell
Early
Edgar
Florio
Hughes
Hutchinson
Jacobs
Keys
Latta
Miller, Ohio
Nolan
Obey
Russo
Seiberling
Simon
Stark
Studds
Yates

NOT VOTING—157

Abdnor
Abzug
Addabbo
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Bolling
Bonker
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carter
Clausen, Don H.
Clawson, Del
Clay
Cohen
Collins, Ill.
Conable
Conlan
Conyers
Cotter
Crane
Daniels, N.J.
Dellums
Dent
Duncan, Oreg.
Eckhardt
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Fenwick
Flood
Flowers
Flynt
Ford, Mich.
Frenzel
Frey
Giaimo
Gude
Hammerschmidt
Hanley
Harrington
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hefner
Heinz
Helstoski
Hicks
Hightower
Hinshaw
Holtzman
Horton
Howard
Hungate
Jarman
Jones, Okla.
Jones, Tenn.
Karth
Ketchum
Koch
Litton
Lujan
Lundine
McCollister
McDade
McKay
Macdonald
Madden
Maguire
Mahon
Martin
Mathis
Matsunaga
Mazzoli
Meyner
Mikva
Milford
Mills
Mineta
Mitchell, Md.
Mollohan
Mosher
Moss
Mottl
Neal
Nowak
O'Hara
Pettis
Peyser
Quie
Randall
Rangel
Rees
Rhodes
Riegle
Risenhoover
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Runnels
Ryan
St Germain
Santini
Schneebeli
Schroeder
Schulze
Sebelius
Shriver
Staggers
Stanton, James V.
Steelman
Steiger, Ariz.
Stephens
Stokes
Stuckey
Symington
Symms
Talcott
Thornton
Traxler
Tsongas
Udall
Wampler
Waxman
Weaver
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Yatron
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Harrington against.

Mr. Addabbo for, with Mrs. Meyner against.

Mrs. Boggs for, with Ms. Abzug against.

Mr. Annunzio for, with Mr. Mikva against.

Mr. Dominick V. Daniels for, with Mr. Conyers against.

Mr. Dent for, with Mr. Dellums against.

Mr. Koch for, with Mr. Ryan against.

Mr. Howard for, with Ms. Holtzman against.

Until further notice:

Mr. Hébert with Mr. Aspin.

Mr. Hanley with Mr. Bonker.

Mr. AuCoin with Mr. Brown of California.

Mr. Bergland with Mr. Burlison of Missouri.

Mr. Biaggi with Mr. Flowers.

Mr. Phillip Burton with Mrs. Collins of Illinois.

Mr. Carney with Mr. Flynt.

Mr. Flood with Mr. Frenzel.

Mr. Milford with Mr. Eshleman.

Mr. Mitchell of Maryland with Mr. Evans of Colorado.

Mr. Giaimo with Mr. Esch.

Mr. Cotter with Mr. Edwards of Alabama.

Mr. Hawkins with Mr. English.

Mr. Litton with Mr. Bell.

Mr. O'Hara with Mr. Abdnor.

Mr. Matsunaga with Mr. Carter.

Mr. Ford of Michigan with Mr. Bafalis.

Mr. Riegle with Mr. Erlenborn.

Mr. Rodino with Mr. Buchanan.

Mr. Staggers with Mr. Andrews of North Carolina.

Mr. Stokes with Mr. Eckhardt.

Mr. Traxler with Mr. Frey.

Mr. Bingham with Mr. Brown of Michigan.

Mr. Blanchard with Mr. Conable.

Mr. John Burton with Mr. Gude.

Mr. Clay with Mr. Macdonald of Massachusetts.
Mr. Duncan of Oregon with Mr. Conlan.
Mr. Hays of Ohio with Mr. Del Clawson.
Mr. Rose with Mr. Brown of Ohio.
Mr. Runnels with Mr. Andrews of North Dakota.
Mr. Hayes of Indiana with Mr. Crane.
Mr. Moss with Mr. Don H. Clausen.
Mr. Mottl with Mrs. Fenwick.
Mr. Helstoski with Mr. Hammerschmidt.
Mr. Rangel with Mr. Heinz.
Mr. Rees with Mr. Cohen.
Mr. Hefner with Mr. Hicks.
Mr. Hightower with Mr. Harsha.
Mr. Horton with Mr. Hungate.
Mr. Karth with Mr. Jarman.
Mr. Jones of Oklahoma with Mr. Lujan.
Mr. O'Brien with Mr. Lundine.
Mr. Mahon with Mr. Madden.
Mr. Martin with Mr. Mathis.
Mr. Mazzoli with Mr. McCollister.
Mr. McDade with Mr. McKay.
Mr. Mineta with Mr. Mollohan.
Mrs. Pettis with Mr. Mosher.
Mr. Quie with Mr. Neal.
Mr. Risenhoover with Mr. Nowak.
Mr. Roe with Mr. Peyser.
Mr. Rosenthal with Mr. Randall.
Mr. Rostenkowski with Mr. Santini.
Mr. Sebelius with Mr. Schneebeli.
Mr. Schulze with Mrs. Schroeder.
Mr. Shriver with St Germain.
Mr. James V. Stanton with Mr. Steelman.
Mr. Steiger of Arizona with Mr. Stephens.
Mr. Stuckey with Mr. Symington.
Mr. Symms with Mr. Thornton.
Mr. Talcott with Mr. Mills.

Mr. **BRODHEAD** changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **TEAGUE**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

FEDERAL TRADE COMMISSION ACT AUTHORIZATION INCREASE FOR FISCAL YEARS 1976 AND 1977

Mr. **MURPHY** of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12527) to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal years 1976 and 1977, and for other purposes, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 5, 6, and 7, strike out "; and by striking out '$50,000,000' and inserting in lieu thereof '$57,233,000' ".

Amend the title so as to read: "An Act to amend the Federal Trade Commission Act to increase the authorization of appropriations for fiscal year 1976, and for other purposes.".

The **SPEAKER**. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 12677, ALCOHOL ABUSE AND ALCOHOLISM AMENDMENTS OF 1976

Mr. **PEPPER**. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1191 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1191

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12677) to extend for three fiscal years the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 12677, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 3184, and it shall then be in order in the House move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 12677 as passed by the House.

The **SPEAKER**. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. **PEPPER**. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) for the minority, and I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1191 provides for consideration of H.R. 12677, the Alcohol Abuse and Alcoholism Amendments of 1976.

This is an open rule providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce. The bill is to be read for amendment under the 5-minute rule.

The rule further provides that upon passage of H.R. 12677, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 3184. It then shall be in order to strike all after the enacting clause of S. 3184 and to insert in lieu thereof the provisions contained in H.R. 12677 as passed by the House.

This legislation would revise and extend through fiscal 1979 the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. According to the committee's supplemental report No. 94–1092, authorizations for formula grants to the States total $214 million project grants and contracts authorizations total $249.5 million, and $18 million is authorized for a new program authorizing the Secretary of HEW to designate up to six national alcohol research centers for the purpose of interdisciplinary research relating to alcoholism and other alcohol problems.

Since this legislation, which I cosponsored, was enacted in 1970, advances have been made in increasing public awareness of the dangers of alcohol abuse, but it remains one of the most serious problems impinging on the health and welfare of our society.

Until recently the ratio of alcoholic males to alcoholic females was estimated at about 5 to 1; current estimates indicate that fully one-third of the alcoholic population of this Nation are women, and this estimate may be even higher.

I am concerned too about recent surveys cited in the committee report, indicating that 80 percent of junior and senior high school youngsters drink alcoholic beverages and many become drunk at least once a week. The National Institute on Alcohol Abuse and Alcoholism estimates that there are 450,000 teenage alcoholics in this country, and even 11-year-old children are entering Alcoholics Anonymous.

I call my colleagues attention also to the fact that only half of the States have enacted legislation decriminalizing public intoxication, and many States have not fully implemented a program which would shift alcoholism from the criminal justice system to the health and welfare system. The committee urges that a continuing effort must be made to expand the number of States which have enacted the provisions of the Uniform Act as well as assist those States which have already done so in developing adequate treatment services.

I am hopeful that the new national alcohol research centers will accelerate our Nation's efforts to formulate effective national programs for the prevention and treatment of alcoholism and other alcohol problems. The economic costs associated with the misuse of alcohol are estimated at more than $25 billion annually and the programs supported by the provisions of H.R. 12677 are of critical importance to the health and welfare of all Americans.

Mr. Speaker, the rule requested is not controversial, and I support its adoption.

Mr. **ANDERSON** of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1191 is a 1-hour open rule making in order consideration of the bill H.R. 12677, a 3-year extension of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970. After the bill has been read for amendment under the 5-minute rule and it is reported back to the House and passes, this rule makes it in order to discharge the Committee on Interstate and Foreign Commerce from further consideration of S. 3184, strike all after the enacting clause, and insert the language of the House-passed bill.

Mr. Speaker, H.R. 12677 authorizes $15 million for the transition quarter, $60 million in fiscal 1977, $66 million in fiscal 1978, and $73 million in fiscal 1979 in formula grants to the States. The bill also contains authorizations in each of those periods for project grants and contracts and for special grants for implementation of the Uniform Alcoholism and Intoxication Treatment Act, in the amounts of $17.5, $70, $77 and $85 million, respectively. Finally, the bill authorizes $6 million in each of those fiscal years for grants to national alcohol research centers which would conduct interdisciplinary research on alcoholism.

This bill is opposed by HEW on the grounds that it constitutes a narrow, categorical grant approach rather than the broader and more flexible approach to these problems preferred by the administration. The total price tag on this bill for the transition and 3 fiscal years is $481.5 million. There are no minority views with this report. I know of no opposition to this rule which was reported from the Rules Committee by a voice vote. I urge its adoption.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and if the gentleman from Illinois (Mr. ANDERSON) has no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. THONE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 279, nays 0, not voting 153, as follows:

[Roll No. 292]

YEAS—279

Adams
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Archer
Ashley
Badillo
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Blouin
Boland
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Carr
Cederberg
Chappell
Chisholm
Clancy
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conte
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Tenn.
du Pont
Early
Edgar
Eilberg
Emery
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fraser
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Hansen
Harkin
Harris
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hillis
Holland
Holt
Holtzman
Howe
Hubbard
Hughes
Hutchinson
Hyde
Ichord
Jacobs
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCormack
McDonald
McEwen
McFall
McHugh
McKinney
Madigan
Mann
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nix
Nolan
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quillen
Railsback
Rangel
Regula
Reuss
Richmond
Rinaldo
Roberts
Robinson
Rogers
Roncalio
Roush
Rousselot
Roybal
Ruppe
Russo
Sarasin
Sarbanes
Satterfield
Scheuer
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Stanton, J. William
Stark
Steed
Stephens
Stratton
Stuckey
Studds
Sullivan
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wirth
Wolff
Wydler
Wylie
Yates
Young, Fla.
Young, Tex.
Zablocki

NAYS—0

NOT VOTING—153

Abdnor
Abzug
Addabbo
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Bolling
Bonker
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carter
Clausen, Don H.
Clawson, Del
Clay
Cohen
Conable
Conlan
Conyers
Cotter
Crane
Daniels, N.J.
Dellums
Dent
Downing, Va.
Duncan, Oreg.
Eckhardt
Edwards, Ala.
Edwards, Calif.
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Fenwick
Flood
Flowers
Flynt
Ford, Mich.
Frenzel
Frey
Giaimo
Gude
Hammerschmidt
Harrington
Harsha
Hawkins
Hays, Ohio
Hébert
Hefner
Heinz
Helstoski
Hightower
Hinshaw
Horton
Howard
Hungate
Jarman
Jones, Ala.
Jeffords
Jones, Okla.
Jones, Tenn.
Karth
Ketchum
Koch
Litton
Lujan
Lundine
McCollister
McDade
McKay
Macdonald
Madden
Maguire
Mahon
Martin
Mathis
Matsunaga
Mazzoli
Meyner
Mikva
Milford
Mills
Mineta
Mitchell, Md.
Mollohan
Mosher
Moss
Mottl
Neal
Nowak
O'Hara
Pettis
Peyser
Quie
Randall
Rees
Rhodes
Riegle
Risenhoover
Rodino
Roe
Rooney
Rose
Rosenthal
Rostenkowski
Runnels
Ryan
St Germain
Santini
Schneebeli
Schroeder
Schulze
Sebelius
Shriver
Staggers
Stanton, James V.
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Symington
Symms
Talcott
Traxler
Tsongas
Udall
Wampler
Waxman
Weaver
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Yatron
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Bell.
Mr. Dominick V. Daniels with Mr. Andrews of North Dakota.
Mr. Biaggi with Mr. Carter.
Mr. Phillip Burton with Mr. Eckhardt.
Mr. Giaimo with Mrs. Fenwick.
Mr. Hébert with Mr. Brown of Michigan.
Mr. Rooney with Mr. Edwards of Alabama.
Mr. Annunzio with Mr. Eshleman.
Mr. Howard with Mr. Gude.
Mr. Jones of Tennessee with Mr. Abdnor.
Mr. Matsunaga with Mr. Frenzel.
Mr. Mazzoli with Mr. Hungate.
Mr. Risenhoover with Mr. Ashbrook.
Mr. Mitchell of Maryland with Mr. Horton.
Mr. Hawkins with Mr. Don H. Clausen.
Mr. John L. Burton with Mr. Jones of Alabama.
Mr. Dent with Mr. Brown of Ohio.
Mr. English with Mr. Frey.
Mr. Mikva with Mr. Erlenborn.
Mrs. Meyner with Mr. Jarman.
Mr. Litton with Mr. Buchanan.
Mr. Koch with Mr. Heinz.
Mr. Bingham with Mr. Jones of Oklahoma.
Mr. Bergland with Mr. Del Clawson.
Mr. AuCoin with Mr. Esch.
Mr. Rodino with Mr. Jeffords.
Mr. Addabbo with Mr. Cohen.
Ms. Abzug with Mr. Karth.
Mr. Mineta with Mr. Lujan.
Mr. Milford with Mr. Conable.
Mr. Rosenthal with Mr. Macdonald of Massachusetts.
Mr. Rostenkowski with Mr. Madden.
Mr. Runnels with Mr. Conlan.
Mr. Rose with Mr. Maguire.
Mr. Santini with Mr. Mahon.
Mr. Staggers with Mr. Crane.
Mr. Hays of Ohio with Mr. Aspin.
Mr. Brown of California with Mr. Hammerschmidt.
Mr. Bonker with Mr. Conyers.
Mr. Burlison of Missouri with Mr. Harrington.
Mr. Carney with Mr. Dellums.
Mr. Cotter with Mr. Downing of Virginia.
Mr. Duncan of Oregon with Mr. Helstoski.
Mr. Edwards of California with Mr. Clay.
Mr. Evans of Colorado with Mr. Martin.
Mr. Flood with Mr. McKay.
Mr. Mollohan with Mr. Randall.
Mr. Mottl with Mr. McCollister.
Mr. Flynt with Mr. Rees.
Mr. Hawkins with Mr. Steelman.
Mr. Hefner with Mr. Steiger of Arizona.
Mr. Moss with Mr. McDade.
Mr. Flowers with Mr. Talcott.
Mr. Hightower with Mr. Schulze.
Mr. Lundine with Mr. Quie.
Mr. Mathis with Mr. Sebelius.
Mr. Waxman with Mr. Peyser.
Mr. Stokes with Mr. Roe.

Mr. Neal with Mr. Steiger of Wisconsin.
Mr. Novak with Mr. Schneebeli.
Mr. O'Hara with Mr. Shriver.
Mr. Tsongas with Mr. Symms.
Mrs. Schroeder with Mrs. Pettis.
Mr. Udall with Mr. Mosher.
Mr. Traxler with Mr. Wampler.
Mr. Ford of Michigan with Mr. James V. Stanton.
Mr. St Germain with Mr. Symington.
Mr. Riegle with Mr. Mills.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DISTRICT OF COLUMBIA BUDGET

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the District of Columbia budget for fiscal year 1976.

Mr. YOUNG of Florida reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 12679, EXTENSION OF PROGRAMS FOR HEALTH SERVICES RESEARCH AND STATISTICS AND MEDICAL LIBRARIES

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1192 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES, 1192

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12679) to amend the Public Health Service Act to extend for three fiscal years assistance programs for health services research and statistics and programs for assistance to medical libraries, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1192 provides for consideration of H.R. 12679, extension of programs for health services research and statistics and medical libraries.

It is an open rule, providing 1 hour of general debate, divided in the customary manner. No provision is made for waiver of any rules of the House. This is a simple, straightforward rule.

H.R. 12679 extends the authorizations of appropriations for the National Center for Health Services Research, NCHSR, the National Center for Health Statistics, NCHS, and the National Library of Medicine, NLM, for 3 fiscal years through fiscal 1979 with a total authorization of $318.25 million. In addition the legislation makes minor substantive modifications in the existing authorities for these programs intended to specify separate authorizations for the cooperative health statistics system, CHSS, increase the number of qualified scientific and professional personnel available to the programs, mandate training programs in health services research and health statistics, and change the due dates of various reports on health in the United States required by law.

Since 1878, the collection, publication, and analysis of vital and health statistics has been one of the oldest health functions of the Federal Government. This bill provides specific legislative authority for the development of a cooperative health statistics system. This cooperative system is designed to provide the framework for a coalition among the various levels, national, State and local, of government for the collection of health statistics. The National Center for Health Statistics has the responsibility for providing the national leadership needed to develop and implement such a system. Further, the bill contains a provision requiring that statistical activities undertaken under the authority of Public Law 93-641, the National Health Planning and Research Development Act of 1974, be coordinated with the CHSS.

The legislation provides an authorization for 30 additional qualified scientific and administrative personnel who can be paid at the top of the general schedule of the civil service system. Fifteen of the personnel will be available to the national center for the intramural research program under the National Center for Health Services Research; 10 will go to the National Center for Health Statistics; and 5 of the additional positions should be available to the National Library of Medicine.

Since the enactment of health services research, our Nation has benefited from the implementation of studies of great value, particularly on physician assistant programs, experimental medical care review organizations, and computerized medical information systems. The need for better planning of the research effort has been recognized and substantial strides have been made in the development of a more coherent research program.

Mr. Speaker, I support the priorities for health services research which have been explicitly defined and which include: Inflation and productivity in the health sector, health insurance and financing, health manpower, the quality of health services, planning and regulation of the health system, health care and the disadvantaged, long-term care, and ambulatory care and emergency medical services.

The committee report contains a statement that a cost estimate was requested on H.R. 12679 when it was ordered reported but the Congressional Budget Office to date has been unable to provide an estimate.

Mr. Speaker, the rule requested is not controversial. It is a straight 1-hour open rule with no waiver of points of order; and I support its adoption.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1192 provides 1 hour of general debate for the consideration of H.R. 12679, a bill to amend the Public Health Service Act. Under this rule, the bill will be open to all germane amendments. There are no waivers of points of order.

H.R. 12679 extends the authorization for the National Center for Health Services Research, the National Center for Health Statistics and the National Library of Medicine for 3 fiscal years through fiscal year 1979. The total amount authorized in this bill is $318,250,000. The bill modifies existing programs to specify separate authorizations for the cooperative health statistics system and to increase the number of scientific and professional personnel available to the programs.

The administration is opposed to H.R. 12679 unless it is amended to:

Authorize "such sums as may be necessary";

Delete the 30 additional supergrades and requirement that 30 of the proposed new total of 180 supergrades be for the National Center for Health Services Research, the National Center for Health Statistics and the National Library of Medicine;

Delete the proposed separate authorization for the cooperative health statistics system within the National Center for Health Statistics.

Mr. Speaker, I have no requests for time.

Mr. PEPPER. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALCOHOL ABUSE AND ALCOHOLISM AMENDMENTS OF 1976

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12677) to extend for 3 fiscal years the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. ROGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12677, with Mr. ROBERTS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. ROGERS) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill H.R. 12677, is basically a simple extension for 3 fiscal years, 1977, 1978 and 1979, of the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention. Treatment, and Rehabilitation Act of 1970.

Mr. Chairman, briefly, it would do the following:

First. It would extend, with minor revisions, the authorizations for formula grants to the States.

Second. It would extend, with minor revisions, the authorizations for project grants and contracts for alcoholism programs.

Third. It would authorize the designation of national alcohol research centers to conduct interdisciplinary research on alcoholism and other alcohol problems.

Fourth. It would amend the provisions with respect to State plans to require each State to survey and identify the need for alcoholism prevention and treatment programs for women and youths, and to require each State to provide assurances that programs supported by formula grant moneys provide standards or protocols to measure effectiveness.

Fifth. It would require the Secretary of HEW to give special consideration to project grant and contract applications for programs for women and individuals under the age of 18, which is a growing problem in the field of alcoholism.

Sixth. It would require the Secretary of HEW to issue regulations enforcing nondiscrimination in hospital and outpatient facilities in admission and treatment of alcoholics and alcohol abusers.

Seventh. It would amend the provisions of the Drug Abuse Office and Treatment Act of 1972 with respect to State plans to require each State to survey and identify the need for alcoholism prevention and treatment programs for women and youths, and, with respect to project grants and contracts, to require that the Secretary of HEW give special consideration to applications for programs for women and individuals under the age of 18.

Mr. Chairman, this bill would authorize $136 million for fiscal year 1977, $149 million for fiscal year 1978, and $164 million for fiscal year 1979.

Mr. Chairman, I have no requests for time, and I reserve the balance of my time.

Mr. BROYHILL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this bill, which extends for 3 years the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, which has been on the books for some time.

This program provides financial assistance for prevention, treatment, rehabilitation and education in the area of alcohol abuse. Abuse of alcohol and alcoholism is the No. 1 health concern in America today. It affects every segment of our society, the rich, the young, the old, black and white. It is a grave national concern, particularly because of the growing number of problem drinkers among teenagers.

The overall problem of alcoholism and alcohol abuse is indeed a serious concern with considerable economic costs as well. In the testimony that was offered before the Committee it was estimated that the economic cost of alcoholism to the Nation as a whole is over $25 billion a year.

Therefore, I feel that the modest amounts authorized under this bill to try to do something about alcohol abuse constitute a moderate expenditure as far as the taxpayers are concerned.

Mr. Chairman, I urge that my colleagues vote in favor of extension of this program which has this worthwhile goal.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman if he can cite for us just one or two positive accomplishments of this program in the field of prevention of alcoholism or treatment of those who have alcohol problems.

Mr. BROYHILL. Mr. Chairman, I recently had an opportunity to visit with one of the mental health groups in my district which is involved in the operation of programs in the area of alcohol abuse. They have cited a number of success stories in that particular community. They point out that they have been able to work with individuals, young and old, in order to rehabilitate them. Through this program they have been provided the necessary staffing and facilities to provide rehabilitation treatment.

But, above all, the tremendous success that this particular group has had comes from the educational programs they have conducted in the community. This is particularly true among young people. The impact that their program is having, they feel, has been felt especially in the area of changing the drinking habits of teenagers in that particular community.

I can only cite for the Members, at least from my own personal experience, data from the reports that I have had from groups who have received grants under this program. In addition, the Committee has on record, similar reports from groups around the country. Those reports do cite success in dealing with alcoholics, with alcoholism, and with programs to rehabilitate alcoholics, and, particularly, in putting together and sponsoring education programs in the community.

Mr. Chairman, it seems to me that these efforts are beginning to be evident, and it is apparent that the area of education should be a No. 1 priority in the program.

Mr. Chairman, I am including for the RECORD at this point a summary of the legislation:

SUMMARY OF LEGISLATION

H.R. 12677 would revise and extend for three fiscal years, 1977, 1978, and 1979, the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. Briefly, it would do the following:

1. It would authorize appropriations of $15 million for the period beginning July 1, 1976 through September 30, 1976, $60 million for fiscal year 1977, $66 million for fiscal year 1978, and $73 million for fiscal year 1979 for formula grants to the States.

2. It would authorize appropriations of $17.5 million for the period beginning July 1, 1976 through September 30, 1976, $70 million for fiscal year 1977, $77 million for fiscal year 1978, and $85 million for fiscal year 1979 for project grants and contracts and for special grants for implementation of the Uniform Alcoholism and Intoxication Treatment Act.

3. It would authorize the designation of National Alcohol Research Centers which would conduct interdisciplinary research on alcoholism and other alcohol problems and which would be eligible to receive annual grants of up to $1 million per year for such purposes. $6 million would be authorized for each of fiscal years 1977, 1978, and 1979 for grants to such centers.

4. It would amend the provisions with respect to State plans to include a requirement that each State survey and identify the need for prevention and treatment of alcoholism and alcohol abuse by women and by individuals under the age of eighteen and provide assurances that the State program will be designed to meet such needs. It would also require that the Secretary give special consideration to applications for special project grants and contracts which would establish alcohol abuse and alcoholism prevention and treatment programs for women and individuals under the age of eighteen.

5. It would require that State plans assure that programs or projects supported by formula grant funds provide to State alcohol agencies standards to measure, or protocols to determine, the effectiveness of such projects and would require that applicants for special project grants and contracts provide such standards or protocols.

6. It would make the requirements of existing law which prohibit hospitals from discriminating against alcohol abusers and alcoholics in admission and treatment applicable to outpatient facilities and would require that the Secretary issue regulations by December 31, 1976 for the enforcement of these policies. It would require that State alcohol agencies review admissions to hospitals and outpatient facilities to insure compliance with nondiscrimination requirements and that such agencies make periodic reports to the Secretary respecting such review.

7. It would require that all applications for special project grants and contracts be submitted to the National Advisory Council on Alcohol Abuse and that no such application be approved unless it is recommended for approval by the Council.

8. It would amend the provisions of the Drug Abuse Office and Treatment Act of 1972 to include a requirement that each State

survey and identify the need for prevention and treatment of drug abuse and drug dependence by women and by individuals under the age of eighteen and provide assurances that the State program will be designed to meet such needs. It would also require that the Secretary give special consideration to applications for special project grants and contracts which would establish drug abuse and drug dependence prevention and treatment programs for women and individuals under the age of eighteen.

I urge favorable consideration of this bill. Thank you, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman very much.

Mr. RODINO. Mr. Chairman, I rise in strong support of these amendments to the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970.

I particularly want to commend the distinguished gentleman from Florida (Mr. Rogers) for his initiatives and continuing leadership in this area, and in my judgment we owe a debt of gratitude to him for his untiring efforts in combating the serious problem of alcohol abuse and alcoholism in this country.

I also want to express my wholehearted support for the provisions contained in H.R. 12677, which place particular emphasis on the treatment needs of female substance abusers.

Just 2 months ago when this body was considering the conference report on S. 2017, the Drug Abuse Office and Treatment Act Amendments of 1976, the gentleman from Florida (Mr. Rogers) and I engaged in a brief colloquy which pointed up the fact that greater attention had to be afforded to the special problems of female drug and alcohol abusers.

I want to congratulate the gentleman from Florida (Mr. Rogers) for his expeditious action in bringing to the floor a legislative program which is specifically designed to respond to the unique needs of female substance abusers; and I sincerely believe that the provisions in H.R. 12677 represent a significant step forward in addressing this timely issue.

For some time now I have been deeply concerned that drug and alcohol abuse by women has severely impacted society in many ways. In addition to the problems created for the abuser herself, alcohol abuse has also had a devastating impact on family life. This is demonstrated by recent studies which show that alcoholism is an important factor in an overwhelming number of divorce cases. Another study conducted in 1973 concluded that maternal alcoholism can cause aberrant fetal development, and is a significant factor in child abuse and child neglect. I am also very troubled by the fact that women account for the largest increase in problem drinkers in recent years. For example, according to a 1974 survey, Alcoholics Anonymous found that one out of every three new members in the last 3 years was a woman.

Despite the severity of the problem, it is quite clear that adequate treatment programs and facilities do not exist to respond to the special needs of women alcoholics and the same can be said for all types of drug abuse among women. The committee has clearly recognized this inadequacy by including a provision in H.R. 12677 which would require States to identify the special needs of female alcohol and drug abusers and to develop programs to respond to these needs. Likewise, the bill includes another provision which would require the Secretary of Health, Education, and Welfare to give special consideration to applications for special project grants and contracts which would establish appropriate prevention and treatment programs for female substance abusers.

I commend the committee for including these meritorious provisions in this legislation, and I am convinced they will go a long way in remedying this serious problem.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 12677, the Alcohol Abuse and Alcoholism Amendments of 1976. The bill would revise and extend for 3 fiscal years programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970. As you may remember the 1970 provisions were designed to provide a comprehensive and coordinated Federal approach to the problem, and recognized the fact that alcoholism is a disease, and the law and court decisions shifted the treatment of alcoholism from the criminal justice system to the health and welfare system.

I concur with the committee report which states that alcoholism is still a growing national problem. I also support the new priority created by H.R. 12677 that will require States to identify the need for prevention and treatment programs for women and youths under the age of 18. This is an important new emphasis and one that has been stressed by some of my constituent groups knowledgeable about the problem.

The current requirements that prohibit hospitals from discriminating against alcohol abusers and alcoholics in admission and treatment have helped in some areas of the country to move the medical professional and the public to the understanding that alcoholism is a disease. The expansion of these prohibitions to outpatient facilities is commendable and has my full support. I would also like to encourage the Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce to have oversight hearings to see if this requirement is being met in all the States.

Finally the requirement in the new legislation to require States utilizing formula grants to provide standards to agencies for measuring effectiveness of programs is an important new provision. I understand the complexity of defining measures of effectiveness, but the State agencies dealing with the problem are in a good position to assess effectiveness at the local level. Many of us want to support social programs and do so at most times, but knowing the effectiveness of those programs will hopefully strengthen our arguments and increase the value of the programs serving our constituents.

Mr. CARTER. Mr. Chairman, I support this legislation which extends the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.

Alcohol abuse and alcoholism constitute two of the most serious health concerns in this Nation today. These are problems which cut across social and economic class and affect both the young and old.

About 1 in 10—of the 95 million Americans who drink—is either a full-fledged alcoholic—or at least a problem drinker.

Moreover, we heard evidence during the hearings that there has been an upsurge of problem drinking among the young.

Recent surveys show that 80 percent of junior and senior high school youngsters drink alcoholic beverages with many becoming drunk at least once a week.

Indeed this is a frightening and distressing trend which must be addressed through our alcoholism programs.

Furthermore, the economic cost associated with alcohol abuse have been estimated at as much as $25 billion annually.

Indeed, the problem of alcohol abuse impacts profoundly on the whole of society.

In 1970 the Congress enacted the Comprehensive Alcohol Abuse and Alcohol Prevention, Treatment, and Rehabilitation Act in recognition of the need for a broadly based Federal approach to the problem.

Mr. Chairman, I believe the Congress should continue to support the goals of this legislation by extending its programs of assistance for 3 years.

Specifically this bill would extend the formula and project grant programs and the uniform Alcoholism and Intoxication Treatment Act program through fiscal year 1979 with a total new authorization of $418 million.

I also support the amendment accepted by the subcommittee to strengthen the research effort in alcohol abuse by authorizing the Secretary to designate national research centers.

These centers would conduct interdisciplinary research on alcoholism and other alcohol problems and would be eligible to receive grants up to $1 million.

This bill also amends the provisions with respect to State plans to recognize the importance of preventive activities in this field.

Specifically the State plans would have to include a requirement that each State survey and identify the need for prevention and treatment of alcoholism and alcohol abuse by women and by individuals under the age of 18 and provide assurance that the State program will be designed to meet these needs.

Mr. Chairman, during the past 5 years, awareness of the nature and magnitude of alcohol abuse appears to have increased but the problems has by no means disappeared.

We must continue to improve our efforts in the areas of treatment, prevention, and rehabilitation in order to respond effectively to this national problem.

I urge favorable consideration of H.R. 12677.

Thank you, Mr. Chairman.

Mr. BROYHILL. Mr. Chairman, I have no requests for time, but I wish to make this statement:

The ranking minority member of the Subcommittee on Health and the Environment, the gentleman from Kentucky (Mr. Carter) is necessarily absent today. He could not be here, but he does have a statement, and at a later time I will ask unanimous consent that his remarks be extended in the Record to indicate his continued support for this bill.

Mr. ROGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) Section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended (1) by striking out "and" after "1975,", and (2) by inserting after "1976," the following: "$15,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, $66,000,000 for the fiscal year ending September 30, 1978, and $73,000,000 for the fiscal year ending September 30, 1979".

(b) Effective July 1, 1976—

(1) sections 304(d) and 311(d) of such Act are repealed,

(2) section 304 of such Act (A) is transferred to part B of such Act, (B) is inserted before section 311, and (C) is redesignated as section 310, and

(3) part B of such Act is amended by inserting after section 311 the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 312. For purposes of sections 310 and 311, there are authorized to be appropriated $17,500,000 for the period beginning July 1, 1976 and ending September 30, 1976, $70,000,000 for the fiscal year ending September 30, 1977, $77,000,000 for the fiscal year ending September 30, 1978, and $85,000,00 for the fiscal year ending September 3, 1979.".

(c) Section 310(a) of such Act (as so redesignated) is amended (1) by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1979", and (2) by striking out "three grants" and inserting in lieu thereof "six grants".

Sec. 2. Title V of such Act is amended by adding after section 503 the following new section:

"NATIONAL ALCOHOL RESEARCH CENTERS

"Sec. 504. (a) The Secretary may designate National Alcohol Research Centers for the purpose of interdisciplinary research relating to alcoholism and other alcohol problems. No entity may be designated as a Center unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such manner and contain such information as the Secretary may reasonably require. The Secretary may not approve such an application unless—

"(1) the application contains or is supported by reasonable assurances that—

"(A) the applicant has the experience, or capability, to conduct, through the biomedical, behavioral, social, and related disciplines, long-term research on alcoholism and other alcohol problems and to provide coordination of such research among such disciplines;

"(B) the applicant has available to it sufficient laboratory facilities and reference services (including reference services that will afford access to scientific alcohol literature);

"(C) the applicant has facilities and personnel to provide training in the prevention and treatment of alcoholism and other alcohol problems; and

"(D) the applicant has the capacity to train predoctoral and postdoctoral students for careers in research on alcoholism and other alcohol problems; and

"(2) the application contains a detailed five-year plan for research relating to alcoholism and other alcohol problems.

"(c) The Secretary shall make, under such conditions as the Secretary may reasonably require, annual grants to Centers which have been designated under this section. No annual grant to any Center may exceed $1,000,000. No funds provided under a grant under this subsection may be used for the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building. For the purposes of the preceding sentence, the term 'construction' has the meaning given that term by section 702(2) of the Public Health Service Act (42 U.S.C. 292a).

"(d) There are authorized to be appropriated to carry out the purposes of this section $6,000,000 for the fiscal year ending September 30, 1977, and for each of the next two succeeding fiscal years.".

Sec. 3. (a)(1) Section 303(a)(4) of such Act is amended by inserting "(A)" after "(4)" and by inserting after such section the following:

"(B) include in the survey conducted pursuant to subparagraph (A) an identification of the need for prevention and treatment of alcohol abuse and alcoholism by women and by individuals under the age of eighteen and provide assurance that prevention and treatment programs within the State will be designed to meet such need;".

(2) Section 311(c) of such Act is amended by adding after paragraph (3) the following new paragraph:

"(4) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of alcohol abuse and alcoholism by women and for programs and projects for prevention and treatment of alcohol abuse and alcoholism by individuals under the age of eighteen.".

(b)(1) Section 409(e)(5) of the Drug Abuse Office and Treatment Act of 1972 is amended by inserting "(A)" after "(5)" and by inserting after such section the following:

"(B) include in the survey conducted pursuant to subparagraph (A) an identification of the need for prevention and treatment of drug abuse and drug dependence by women and by individuals under the age of eighteen and provide assurance that prevention and treatment programs within the State will be designed to meet such need;".

(2) Section 410 of such Act is amended by redesignating subsection (d) as subsection (e) and by adding after subsection (c) the following:

"(d) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of drug abuse and drug dependence by women and for programs and projects for prevention and treatment of drug abuse and drug dependence by individuals under the age of eighteen.".

Sec. 5. (a) Section 321(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by inserting, ", or outpatient facility (as defined in section 1633(6) of the Public Health Service Act)" after "hospital".

(b) Section 321(b)(1) of such Act is amended by—

(1) inserting "and outpatient facilities" after "hospitals";

(2) inserting "or outpatient facility" after "hospital" each time it appears; and

(3) striking out "is authorized to make regulations" in the first sentence and inserting in lieu thereof "shall issue regulations not later than December 31, 1976".

(c)(1) The heading for part C of such Act is amended by striking out "Hospitals" and inserting in lieu thereof "Hospitals and Outpatients Facilities".

(2) The heading for section 321 of such Act is amended by striking out "HOSPITAL" and inserting in lieu thereof "HOSPITALS AND OUTPATIENT FACILITIES".

(d) Section 303(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (10),

(2) by redesignating paragraph (11) as paragraph (13) and by inserting after paragraph (10) the following new paragraph:

"(11) provide that the State agency will review admissions to hospitals and outpatient facilities to determine their compliance with the requirement of section 321 and shall make periodic reports to the Secretary respecting such review;".

Sec. 6. (a) Section 303(a) of such Act is amended by inserting after paragraph (11) (added by section 5(d) of this Act) the following new paragraph:

"(12) provide reasonable assurances that prevention or treatment projects or programs supported by funds made available under section 302 have provided to the State agency a proposed performance standard or standards to measure, or research protocol to determine, the effectiveness of such prevention or treatment programs or projects; and".

(b) Section 311(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) Each applicant within a State, upon filing its application with the Secretary for a grant or contract to provide prevention or treatment services shall provide a proposed performance standard or standards, to measure, or research protocol to determine, the effectiveness of such prevention or treatment program or project.".

Sec. 7. Section 311(c)(2) of such Act is amended by inserting at the end thereof the following: "Each application for a grant under this section shall be submitted by the Secretary to the National Advisory Council on Alcohol Abuse and Alcoholism for its review. The Secretary may approve an application for a grant under this section only if it is recommended for approval by such Council.".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

Page 3, strike out line 1.

Page 3, line 14, strike out "the".

Page 4, line 10, strike out "(c)" and insert "(b)".

Page 4, line 21, strike out "(d)" and insert "(c)".

Page 6, insert after line 13 the following:

"(c)(1) The amendment made by subsection (a)(1) shall apply with respect to State plan requirements for allotments under section 302 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 after June 30, 1976.

"(2) The amendment made by subsection (b)(1) shall apply with respect to State plan requirements for grants under section 409 of the Drug Abuse Office and Treatment Act of 1972 after June 30, 1976."

Page 6, line 14, strike out "5." and insert "4.".

Page 7, line 7, strike out "HOSPITAL" and insert "HOSPITALS".

Page 7, line 20, strike out "6." and insert "5.".

Page 7, line 20, insert "(1)" after "(a)".

Page 8, insert after line 5 the following:

"(2) The amendment made by paragraph (1) shall apply with respect to State plan requirements for allotments under section 302 of such Act after June 30, 1976."

Page 8, strike out line 7 and insert in lieu thereof the following: "after paragraph (4) (as added by section 3(a)(2) of this Act) the following new paragraph:".

Page 8, line 8, strike out "(4)" and insert in lieu thereof "(5)".

Page 8, line 14, strike out "7." and insert "6.".

Page 8, line 14, insert "(a)" before "Section".

Page 8, insert after line 20 the following:

"(b) The amendment made by subsection (a) shall apply with respect to applications for grants under section 311 of such Act after June 30, 1976."

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read, printed in the RECORD, and considered en bloc. They are technical in nature only.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. ROBERTS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 12677) to extend for 3 fiscal years the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes, pursuant to House Resolution 1191, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 271, nays 3, not voting 158, as follows:

[Roll No. 293]

YEAS—271

Adams
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Archer
Ashley
Badillo
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Blouin
Boland
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Broyhill
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Carr
Cederberg
Chappell
Chisholm
Clancy
Cleveland
Cochran
Collins, Ill.
Collins, Tex.
Conte
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Tenn.
du Pont
Early
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling

Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harris
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hillis
Holland
Holt
Holtzman
Howe
Hubbard
Hughes
Hutchinson
Hyde
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKinney
Madigan
Mann
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller, Ohio
Minish
Mink
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nix

Nolan
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Perkins
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quillen
Railsback
Rangel
Regula
Reuss
Richmond
Rinaldo
Roberts
Robinson
Rogers
Rooney
Roush
Roybal
Ruppe
Russo
Sarasin
Sarbanes
Satterfield
Scheuer
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Solarz
Spellman
Spence
Stanton, J. William
Stark
Steed
Steiger, Wis.
Stephens
Stratton
Stuckey
Studds
Sullivan
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wirth
Wolff
Wydler
Wylie
Yates
Young, Fla.
Young, Tex.
Zablocki

NAYS—3

Hansen

McDonald

Paul

NOT VOTING—158

Abdnor
Abzug

Addabbo
Anderson, Ill.

Andrews, N. Dak.

Annunzio
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Bolling
Bonker
Brinkley
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carter
Clausen, Don H.
Clawson, Del
Clay
Cohen
Conable
Conlan
Conyers
Cotter
Crane
Daniels, N.J.
Dellums
Dent
Downing, Va.
Duncan, Oreg.
Eckhardt
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Fenwick
Flood
Flowers
Flynt
Ford, Mich.

Fraser
Frenzel
Frey
Giaimo
Gude
Hammerschmidt
Harrington
Harsha
Hawkins
Hays, Ohio
Hébert
Hefner
Heinz
Helstoski
Hightower
Hinshaw
Horton
Howard
Hungate
Jarman
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Ketchum
Koch
Litton
Lujan
Lundine
McCollister
McKay
Macdonald
Madden
Maguire
Mahon
Martin
Mathis
Matsunaga
Mazzoli
Meyner
Mikva
Milford
Miller, Calif.
Mills
Mineta
Mitchell, Md.
Mollohan
Mosher
Moss
Mottl

Neal
Nowak
O'Hara
Pepper
Pettis
Peyser
Quie
Randall
Rees
Rhodes
Riegle
Risenhoover
Rodino
Roe
Roncalio
Rose
Rosenthal
Rostenkowski
Rousselot
Runnels
Ryan
St Germain
Santini
Schneebeli
Schroeder
Schulze
Sebelius
Shriver
Smith, Nebr.
Staggers
Stanton, James V.
Steelman
Steiger, Ariz.
Stokes
Symington
Symms
Talcott
Traxler
Tsongas
Udall
Wampler
Waxman
Weaver
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Yatron
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Downing of Virginia.

Mr. Jones of Tennessee with Mr. Karth.

Mrs. Boggs with Mr. Bonker.

Mr. Addabbo with Mr. Rees.

Mr. Zeferetti with Mr. Helstoski.

Mr. Phillip Burton with Mr. Jones of Oklahoma.

Mr. Roncalio with Mr. Madden.

Mr. Rosenthal with Mr. McKay.

Mr. Biaggi with Mr. Miller of California.

Mr. Koch with Mr. Hungate.

Mr. Dent with Mr. Lundine.

Mr. Dominick V. Daniels with Mr. Moss.

Mr. Rostenkowski with Mr. Dellums.

Mr. Hébert with Mr. Mahon.

Mr. Hays of Ohio with Mr. O'Hara.

Mr. Hawkins with Mr. Roe.

Mr. AuCoin with Mr. Randall.

Mr. Tsongas with Mr. Jones of North Carolina.

Ms. Abzug with Mr. Aspin.

Mr. Charles Wilson of Texas with Mr. Mathis.

Mr. Udall with Mr. Macdonald of Massachusetts.

Mr. Waxman with Mr. Riegle.

Mr. Charles H. Wilson of California with Mrs. Schroeder.

Mr. Yatron with Mr. Clay.

Mr. Young of Georgia with Mr. James V. Stanton.

Mr. Wright with Mr. Jones of Alabama.

Mr. Weaver with Mr. Stokes.

Mr. Matsunaga with Mr. Ashbrook.

Mr. Mazzoli with Mr. Symington.

Mr. Bergland with Mr. Bafalis.

Mr. Bingham with Mr. Andrews of North Dakota.

Mr. Duncan of Oregon with Mr. Abdnor.

Mr. English with Mr. Anderson of Illinois.

Mr. Blanchard with Mr. Bell.

Mr. Cotter with Mr. Brinkley.

Mr. Brown of California with Mr. Brown of Michigan.

Mr. Rodino with Mr. Brown of Ohio.

Mr. Rose with Mr. John Burton.

Mr. Runnels with Mr. Carney.

Mr. Santini with Mr. Buchanan.

Mr. St Germain with Mr. Carter.

Mr. Staggers with Mr. Eckhardt.

Mr. Flynt with Mr. Del Clawson.

Mr. Ford of Michigan with Mr. Evans of Colorado.

Mr. Fraser with Mr. Erlenborn.

Mr. Giaimo with Mr. Burke of Florida.

Mr. Harrington with Mr. Esch.

Mr. Hefner with Mr. Edwards of Alabama.

Mr. Hightower with Mr. Cohen.

Mr. Howard with Mr. Crane.

Mr. Ryan with Mr. Eshleman.

Mr. Risenhoover with Mr. Don H. Clausen.

Mr. Pepper with Mr. Flood.

Mr. Nowak with Mr. Frenzel.

Mr. Neal with Mr. Conable.

Mr. Mottl with Mr. Frey.

Mr. Mollohan with Mr. Flowers.

Mr. Mineta with Mr. Conlan.

Mr. Milford with Mr. Gude.

Mr. Mikva with Mr. Hammerschmidt.

Mrs. Meyner with Mr. Conyers.

Mr. Mitchell of Maryland with Mr. Burlison of Missouri.

Mr. Harsha with Mr. Jarman.

Mr. Lujan with Mr. Heinz.

Mr. Horton with Mr. Maguire.

Mr. Martin with Mr. McCollister.

Mrs. Pettis with Mr. Mosher.

Mr. Quie with Mr. Peyser.

Mr. Rousselot with Mr. Schneebeli.

Mr. Schulze with Mr. Sebelius.

Mr. Shriver with Mrs. Smith of Nebraska.

Mr. Symms with Mr. Steelman.

Mr. Talcott with Mr. Steiger of Arizona.

Mr. Traxler with Mr. Wampler.

Mr. Young of Alaska with Mr. Winn.

Mr. Litton with Mr. Mills.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1191, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the Senate bill (S. 3184) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rogers moves to strike out all after the enacting clause of the Senate bill S. 3184 and to insert in lieu thereof the provisions of H.R. 12677, as passed, as follows:

Section 1. (a) Section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended (1) by striking out "and" after "1975,", and (2) by inserting after "1976," the following: "$15,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $60,000,000 for the fiscal year ending September 30, 1977, $66,000,000 for the fiscal year ending September 30, 1978, and $73,000,000 for the fiscal year ending September 30, 1979".

(b) Effective July 1, 1976—

(1) sections 304(d) and 311(d) of such Act are repealed,

(2) section 304 of such Act (A) is transferred to part B of such Act, (B) is inserted before section 311, and (C) is redesignated as section 310, and

(3) part B of such Act is amended by inserting after section 311 the following new section:

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 312. For purposes of sections 310 and 311, there are authorized to be appropriated $17,500,000 for the period beginning July 1, 1976 and ending September 30, 1976, $70,000,000 for the fiscal year ending September 30, 1977, $77,000,000 for the fiscal year ending September 30, 1978, and $85,000,000 for the fiscal year ending September 30, 1979.".

(c) Section 310(a) of such Act (as so redesignated) is amended (1) by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1979", and (2) by striking out "three grants" and inserting in lieu thereof "six grants".

Sec. 2. Title V of such Act is amended by adding after section 503 the following new section:

"Sec. 504. (a) The Secretary may designate National Alcohol Research Centers for the purpose of interdisciplinary research relating to alcoholism and other alcohol problems. No entity may be designated as a Center unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such manner and contain such information as the Secretary may reasonably require. The Secretary may not approve such an application unless—

"(1) the application contains or is supported by reasonable assurances that—

"(A) the applicant has the experience, or capability, to conduct, through biomedical, behavioral, social, and related disciplines, long-term research on alcoholism and other alcohol problems and to provide coordination of such research among such disciplines;

"(B) the applicant has available to it sufficient laboratory facilities and reference services (including reference services that will afford access to scientific alcohol literature);

"(C) the applicant has facilities and personnel to provide training in the prevention and treatment of alcoholism and other alcohol problems; and

"(D) the applicant has the capacity to train predoctoral and postdoctoral students for careers in research on alcoholism and other alcohol problems; and

"(2) the application contains a detailed five-year plan for research relating to alcoholism and other alcohol problems.

"(b) The Secretary shall make, under such conditions as the Secretary may reasonably require, annual grants to Centers which have been designated under this section. No annual grant to any Center may exceed $1,000,000. No funds provided under a grant under this subsection may be used for the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building. For the purposes of the preceding sentence, the term 'construction' has the meaning given that term by section 702(2) of the Public Health Service Act (42 U.S.C. 292a).

"(c) There are authorized to be appropriated to carry out the purposes of this section $6,000,000 for the fiscal year ending September 30, 1977, and for each of the next two succeeding fiscal years.".

Sec. 3. (a)(1) Section 303(a)(4) of such Act is amended by inserting "(A)" after "(4)" and by inserting after such section the following:

"(B) include in the survey conducted pursuant to subparagraph (A) an identification of the need for prevention and treatment of alcohol abuse and alcoholism by women and by individuals under the age of eighteen and provide assurance that prevention and treatment programs within the State will be designed to meet such need;".

(2) Section 311(c) of such Act is amended by adding after paragraph (3) the following new paragraph:

"(4) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of alcohol abuse and alcoholism by women and for programs and projects for prevention and treatment of alcohol abuse and alcoholism by individuals under the age of eighteen.".

(b)(1) Section 409(e)(5) of the Drug Abuse Office and Treatment Act of 1972 is amended by inserting "(A)" after "(5)" and by inserting after such section the following:

"(B) include in the survey conducted pursuant to subparagraph (A) an identification of the need for prevention and treatment of drug abuse and drug dependence by women and by individuals under the age of eighteen and provide assurance that prevention and treatment programs within the State will be designed to meet such need;".

(2) Section 410 of such Act is amended by redesignating subsection (d) as subsection (e) and by adding after subsection (c) the following:

"(d) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of drug abuse and drug dependence by women and for programs and projects for prevention and treatment of drug abuse and drug dependence by individuals under the age of eighteen.".

(c)(1) The amendment made by subsection (a)(1) shall apply with respect to State plan requirements for allotments under section 302 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 after June 30, 1976.

(2) The amendment made by subsection (b)(1) shall apply with respect to State plan requirements for grants under section 409 of the Drug Abuse Office and Treatment Act of 1972 after June 30, 1976.

Sec. 4. (a) Section 321(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is amended by inserting ", or outpatient facility (as defined in section 1633(6) of the Public Health Service Act)" after "hospital".

(b) Section 321(b)(1) of such Act is amended by—

(1) inserting "and outpatient facilities" after "hospitals";

(2) inserting "or outpatient facility" after "hospital" each time it appears; and

(3) striking out "is authorized to make regulations" in the first sentence and inserting in lieu thereof "shall issue regulations not later than December 31, 1976".

(c)(1) The heading for part C of such Act is amended by striking out "Hospitals" and inserting in lieu thereof "Hospitals and Outpatient Facilities".

(2) The heading for section 321 of such Act is amended by striking out "HOSPITALS" and inserting in lieu thereof "HOSPITALS AND OUTPATIENT FACILITIES".

(d) Section 303(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (10),

(2) by redesignating paragraph (11) as paragraph (13) and by inserting after paragraph (10) the following new paragraph:

"(11) provide that the State agency will review admissions to hospitals and outpatient facilities to determine their compliance with the requirement of section 321 and shall make periodic reports to the Secretary respecting such review;".

Sec. 5. (a) (1) Section 303(a) of such Act is amended by inserting after paragraph (11) (added by section 5(d) of this Act) the following new paragraph:

"(12) provide reasonable assurances that prevention or treatment projects or programs supported by funds made available under section 302 have provided to the State agency a proposed performance standard or standards to measure, or research protocol to determine, the effectiveness of such prevention or treatment programs or projects; and".

(2) The amendment made by paragraph (1) shall apply with respect to State plan requirements for allotments under section 302 of such Act after June 30, 1976.

(b) Section 311(c) of such Act is amended by adding after paragraph (4) (as added by section 3(a) (2) of this Act) the following new paragraph:

(5) Each applicant within a State, upon filing its application with the Secretary for a grant or contract to provide prevention or treatment services shall provide a proposed performance standard or standards, to measure, or research protocol to determine, the effectiveness of such prevention or treatment program or project.".

Sec. 6. (a) Section 311(c) (2) of such Act is amended by inserting at the end thereof the following: "Each application for a grant under this section shall be submitted by the Secretary to the National Advisory Council on Alcohol Abuse and Alcoholism for its review. The Secretary may approve an application for a grant under this section only if it is recommended for approval by such Council.".

(b) The amendment made by subsection (a) shall apply with respect to applications for grants under section 311 of such Act after June 30, 1976.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To extend for 3 fiscal years the programs of assistance under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12677) was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 12677.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXTENSION OF PROGRAM FOR HEALTH SERVICES RESEARCH AND STATISTICS AND MEDICAL LIBRARIES

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12679) to amend the Public Health Service Act to extend for 3 fiscal years assistance programs for health services research and statistics and programs for assistance to medical libraries, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. Rogers).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12679, with Mr. Roberts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. Rogers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Madigan) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Florida (Mr. Rogers).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 12679 provides a 3 year extension with minor modifications of the existing legislative authorities for the National Center for Health Services Research, the National Center for Health Statistics and the National Library of Medicine. The present authorities for these programs expire at the end of fiscal year 1976 and would be extended by the bill through the end of fiscal 1979. These three programs are all old, well established programs in HEW which the present administration itself wishes to continue operating and with which the committee has been favorably impressed. The National Center for Health Statistics fulfills one of our oldest Federal health functions, the gathering of statistics about health and disease, and the health system throughout our country. The National Center for Health Services Research performs valuable research on the operation of the health system, as compared to the causes and treatment of disease, which we use in our attempts to write legislation to improve health care in this country. The National Library of Medicine, as many of you know, is the focal point for a nationwide system of regional and local medical libraries which is now the envy of our medical colleagues throughout the rest of the world. Each of these programs in the committee's judgment deserves continued support and even modest expansion.

The legislative proposal makes minor amendments in these authorities which will specify separate authorizations for the cooperative health statistics system, a national cooperative statistical system being designed and implemented by the National Center for Health Statistics, will increase the number of qualified scientific and professional personnel available to the programs, will mandate training programs in health services research and health statistics, and will change the due dates of various reports on health in the United States which are required by the law. The proposal authorizes a total of $318 million for the transitional quarter this year and the next 3 fiscal years. As can be seen by examining the committee report this total authorization has been adjusted to reflect the current appropriations for these programs and the committee recommendations to the Budget Committee for budgets for them for 1977. It is our understanding that the figures involved for 1977 are consistent with the congressional budget for next year.

This is a good legislative proposal with no opposition or proposed amendments that I know of. I urge your support for it.

Mr. BAUMAN. Mr. Chairman, will the gentleman from Florida yield for a question?

Mr. ROGERS. I will be delighted to yield.

Mr. BAUMAN. Mr. Chairman, I wonder what justification the gentleman from Florida can give us for increasing the number of supergrade jobs in this bill under the Public Health Service Act from 150 to 180. Each one of these people are paid in the neighborhood of $30,000 to $35,000. It seems to me with more than $1 million being added annually for salaries, it is a somewhat unreasonable request with our present budgetary position.

Mr. ROGERS. The reason is that we were convinced by the testimony that because of existing manpower and salary ceilings it was necessary to authorize this additional manpower. The positions will be covered by civil service rules, so they will not be paid higher than the Civil Service Commission will permit. These are programs of health statistics, health services research and medical library work. Our hearings have demonstrated that experts qualified to run these programs effectively are rare and command high salaries. Thus, in order to assure effective operation of these programs, we have authorized—not required—HEW to employ these people.

Mr. BAUMAN. I would say to the gentleman, I do not really believe that this high level help is going to produce all that much work. It might have been better to leave these out of the bill.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for these suggestions.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support H.R. 12679 which extends the authorizations for the National Center for Health Services Research—the National Center for Health Statistics—and the National Library of Medicine.

This bill authorizes a total of $318.25 million for a period of 3 years.

The National Center for Health Services Research has explicitly defined priorities for health services research which include: Inflation and productivity in the health sector—health insurance and financing—health manpower—the quality of health services—health care for the disadvantaged—long-term care—ambulatory care—and emergency medical services.

It is my hope that the Center will implement these priorities in as timely a manner as possible.

H.R. 12679 also extends the authorizations for the National Center for Health Statistics. This Center has been actively involved in the study—development—

and maintenance of general purpose statistical systems.

In addition the Center sponsors a wide range of specific programs, and activities to document and generate statistics on illness—mortality—and health services.

The Center also has specific legislative authority for the development of a cooperative health statistics system which is designed to provide the framework for a coalition among the various levels of government—National—State—and local—for the collection of health statistics.

H.R. 12679 also provides a separate authorization for this cooperative system.

Third, H.R. 12679 extends authorizations for the National Library of Medicine, which has become a world leader in the development of library services for biomedical research and medical sciences.

It is the committee's anticipation that approximately half these positions will be made available for the National Center for Health Services Research—another third will be made available for the National Center for Health Statistics.

I urge that we continue our support for these programs and give favorable consideration to H.R. 12679.

Mr. CARTER. Mr. Chairman, I support H.R. 12679 which extends the authorizations for the National Center for Health Services Research—the National Center for Health Statistics—and the National Library of Medicine.

This bill authorizes a total of $318.25 million for a period of 3 years.

As a result of earlier legislation—Public Law 93-353—substantial strides have been made in the development of a more coherent research program.

The National Center for Health Services Research has explicitly defined priorities for health services research which include: Inflation and productivity in the health sector—health insurance and financing—health manpower—the quality of health services—health care and the disadvantaged—long-term care—ambulatory care—and emergency medical services.

It is my hope that the Center will implement these priorities in as timely a manner as possible.

H.R. 12679 also extends the authorizations for the National Center for Health Statistics. This Center has been actively involved in the study—development—and maintenance of general purpose statistical systems.

In addition the Center sponsors a wide range of specific programs and activities to document and generate statistics on illness—mortality—and health services.

The Center also has specific legislative authority for the development of a cooperative health statistics system which is designed to provide the framework for a coalition among the various levels of government—National—State—and local—for the collection of health statistics.

H.R. 12679 also provides a separate authorization for this cooperative system.

Third, H.R. 12679 extends authorizations for the National Library of Medicine. The committee was pleased to learn of the accomplishments of the Library which have made it a world leader in the development of library services for biomedical research and medical sciences.

Mr. Chairman—these programs constitute a comprehensive national research resource—and they fulfill an important Federal health function.

I urge that we continue our support for these programs and give favorable consideration to H.R. 12679.

Thank you—Mr. Chairman.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 12679, the extension of programs for health services research and statistics and medical libraries. The bill extends the authorizations of appropriations for the National Center for Health Statistics, and the National Library of Medicine for 3 fiscal years. The bill also provides a separate authorization within the funds for the National Center of Health Statistics for the cooperative health statistics system to coordinate collection and use of health statistics at the Federal, State and local levels. The agencies authorized by this legislation can have a significant impact on the future health policy of the country.

The statistics collected by the cooperative health statistics system will be the basis for defining our health priorities and programs in the years to come. The information they collect, the manner in which they collect it, and the sources they use will be vital to the welfare of all our citizens. As you know I have always been concerned about the lack of statistics available about blacks, Hispanics and other disadvantaged minorities. I want to stress the importance of obtaining accurate statistics on these groups because their health care delivery systems are in desperate need of reorganization.

I would also like to concur with other priorities mentioned in the committee report for the National Center for Health Services Research. The committee requested that a higher priority be given to the development of alternative approaches to long-term care, the assurance of quality of care in nursing homes, and the development of methods for assuring that individuals needing such care receive it from the most appropriate source. I favor programs which would enable elderly, and other persons requiring long-term care, to remain in their homes as long as possible. I feel home care programs can be cheaper and add substantially to the quality of life of the persons involved.

I would like to commend the work of the committee and encourage the Subcommittee on Health and the Environment to exercise its oversight responsibilities and see that these agencies fulfill the worthwhile priorities mentioned in their committee report.

Mr. ROGERS. Mr. Chairman, I have no further requests for time.

Mr. MADIGAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 12679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) (1) Section 308(i) (1) of the Public Health Service Act is amended (1) by striking out "and" after "1975,", and (2) by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "$20,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $30,000,000 for the fiscal year ending September 30, 1977, $33,000,000 for the fiscal year ending September 30, 1978, and $36,000,000 for the fiscal year ending September 30, 1979.".

(2) Effective with respect to appropriations under section 308 of the Public Health Service Act for health statistical activities under sections 304 and 306 of such Act after June 30, 1976, section 308(i) (2) of such Act is amended to read as follows:

"(2) (A) For purposes of section 306(e), there are authorized to be appropriated $3,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $15,000,000 for the fiscal year ending September 30, 1977, $17,500,000 for the fiscal year ending September 30, 1978, and $20,000,000 for the fiscal year ending September 30, 1979.

"(B) For purposes of other health statistical activities undertaken or supported under section 304 or 306, there are authorized to be appropriated $6,250,000 for the period beginning July 1, 1976, and ending September 30, 1976, $25,000,000 for the fiscal year ending September 30, 1977, $27,500,000 for the fiscal year ending September 30, 1978, and $30,000,000 for the fiscal year ending September 30, 1979.".

(b) (1) Section 208(g) of the Public Health Service Act is amended (A) by striking out "one hundred and fifty" and inserting in lieu thereof "one hundred and eighty", and (B) by inserting after "National Institutes of Health" the following: "and not less than thirty shall be for the National Center for Health Services Research, the National Center for Health Statistics, and the National Library of Medicine."

(2) Section 304(b) of such Act is amended (A) by striking out ", and (B) health services research and health statistics training, and (C)" and inserting in lieu thereof "and (B)" and (B) by inserting after and below paragraph (4) the following: "To implement subsection (a), the Secretary shall use personnel and equipment, facilities, and other physical resources of the Department of Health, Education, and Welfare, permit appropriate (as determined by the Secretary) entities and individuals to use the physical resources of such Department, provide technical assistance and advice make grants to public and nonprofit private entities and individuals, and enter into contracts with public and private entities and individuals, for training in health services research and health statistics.".

(3) Section 308(a) of such Act is amended by striking out "September 1" each place it occurs and inserting in lieu thereof "December 31".

SEC. 2. Section 390(c) of the Public Health Service Act is amended (1) by striking out "and" after "1975,", and (2) by striking out the period at the end thereof and inserting a comma and the following: "$5,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $15,000,000 for the fiscal year ending September 30, 1977, $16,500,000 for the fiscal year ending September 30, 1978, and $18,000,000 for the fiscal year ending September 30, 1979.".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to the bill?

There being no amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROBERTS, Chairman of the Committe of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 12679) to amend the Public Health Service Act to extend for 3 fiscal years assistance programs for health services research and statistics and programs for assistance to medical libraries, and for other purposes, pursuant to House Resolution 1192, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BAUMAN. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. BAUMAN moves to recommit the bill, H.R. 12679, to the Committee on Interstate and Foreign Commerce with instructions to report it back forthwith with the following amendment: On page 2, strike out lines 24 through line 5 on page 3; and redesignate the succeeding paragraphs accordingly.

Mr. BAUMAN. Mr. Speaker, I would point out to the membership that this bill contains authority for increasing the number of supergrade employees under the Public Health Service section from 150 to 180. This means that we would add 30 more people to the payroll of HEW at a cost of perhaps $30,000 to $35,000 each, for an increased annual payroll of more than $1 million.

My motion simply strikes out this authority to increase supergrade jobs and leaves it at the same level. I do not think justification has been offered for this, and I hope the Members will support my motion to recommit on a rollcall vote.

Mr. ROGERS. Mr. Speaker, I oppose the motion to recommit with instructions. As Members may know, this was reported unanimously from the subcommittee and the full committee. We have gone into this very carefully.

I might mention that these programs—and HEW generally—have had no increase in positions available under this section in years. All this does is say that they "may" have 30 more people. It does not say that they have to do it, but they may have an increase of 30 researchers, scientists, and administrative experts to work in these programs.

This is a $300 million program. If we are going to do something about health care costs, we have got to know where we are in health care, and the statistics arrived at are necessary to determine the course of our legislative effort. It is most important that we do this. Statisticians and scientists are expensive, but so are these programs and health care, and it is incumbent on us to assure that these programs are run by the best people.

Therefore, I would urge that the motion to recommit be defeated.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 111, nays 172, answered "present" 1, not voting 148, as follows:

[Roll No. 294]

YEAS—111

Alexander
Andrews, N.C.
Archer
Bauman
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Blouin
Bowen
Breaux
Breckinridge
Brooks
Broomfield
Burke, Fla.
Burleson, Tex.
Butler
Carr
Chappell
Clancy
Cochran
Collins, Tex.
Coughlin
Daniel, Dan
Daniel, R. W.
de la Garza
Derwinski
Devine
Dickinson
Duncan, Tenn.
du Pont
Emery
Evans, Ind.
Fish
Forsythe
Fountain
Ginn
Goldwater
Goodling
Gradison
Grassley
Hagedorn
Haley
Hansen
Harkin
Henderson
Hicks
Holt
Hughes
Hutchinson
Hyde
Ichord
Jeffords
Johnson, Pa.
Kasten
Kazen
Kelly
Kemp
Krebs
Krueger
Lagomarsino
Landrum
Latta
Lent
Levitas
Lloyd, Tenn.
Lott
McClory
McDonald
McEwen
Mann
Michel
Miller, Ohio
Montgomery
Moorhead, Calif.
Murtha
Myers, Ind.
Myers, Pa.
Nichols
O'Brien
Paul
Pickle
Poage
Quie
Quillen
Rinaldo
Robinson
Roncalio
Ruppe
Satterfield
Shipley
Shuster
Skubitz
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Steed
Steiger, Wis.
Stuckey
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Treen
Waggonner
Whitten
Wydler
Young, Fla.
Young, Tex.

NAYS—172

Adams
Allen
Ambro
Anderson, Calif.
Ashley
Badillo
Baldus
Baucus
Beard, R.I.
Boland
Brademas
Brodhead
Broyhill
Burgener
Burke, Calif.
Burke, Mass.
Byron
Cederberg
Chisholm
Cleveland
Collins, Ill.
Conte
Corman
Cornell
D'Amours
Danielson
Davis
Delaney
Dellums
Derrick
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Early
Edgar
Edwards, Calif.
Eilberg
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Fuqua
Gaydos
Gibbons
Gilman
Green
Guyer
Hall
Hamilton
Hanley
Hannaford
Harris
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hillis
Holland
Holtzman
Howe
Hubbard
Jacobs
Jenrette
Johnson, Calif.
Johnson, Colo.
Jordan
Kastenmeier
Keys
Kindness
LaFalce
Leggett
Lehman
Lloyd, Calif.
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McFall
McHugh
McKinney
Madigan
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, N.Y.
Moakley
Moffett
Moore
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Neal
Nedzi
Nix
Nolan
Oberstar
Obey
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pike
Pressler
Preyer
Price
Pritchard
Railsback
Rangel
Regula
Reuss
Richmond
Roberts
Roe
Rogers
Rooney
Roush
Roybal
Russo
St Germain
Sarasin
Sarbanes
Scheuer
Seiberling
Sharp
Sikes
Simon
Sisk
Slack
Solarz
Spellman
Stanton, J. William
Stark
Stephens
Stratton
Studds
Sullivan
Teague
Thompson
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Whalen
White
Whitehurst
Wiggins
Wilson, Bob
Wirth
Wolff
Wylie
Yates
Zablocki

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—148

Abdnor
Abzug
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Bolling
Bonker
Brinkley
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carter
Clausen, Don H.
Clawson, Del
Clay
Cohen
Conable
Conlan
Conyers
Cotter
Crane
Daniels, N.J.
Dent
Downing, Va.
Duncan, Oreg.
Eckhardt
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Flood
Flowers
Flynt
Ford, Mich.
Fraser
Frenzel
Frey
Giaimo
Gude
Hammerschmidt
Harrington
Harsha
Hawkins
Hays, Ohio
Hébert
Hefner
Heinz
Helstoski
Hightower
Hinshaw
Horton
Howard
Hungate
Jarman
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Ketchum
Koch
Litton
Lujan
Lundine
McCollister
McKay
Macdonald
Madden
Maguire
Mahon
Martin
Mathis
Matsunaga
Mazzoli
Meyner
Mikva
Milford
Miller, Calif.
Mills
Mineta
Mitchell, Md.
Mollohan
Mosher
Moss
Mottl
Nowak
O'Hara
Pettis
Peyser
Randall
Rees
Rhodes
Riegle
Risenhoover
Rodino
Rose
Rosenthal
Rostenkowski
Rousselot
Runnels
Ryan
Santini
Schneebeli
Schroeder
Schulze
Sebelius
Shriver
Staggers
Stanton, James V.
Steelman
Steiger, Ariz.
Stokes
Symington
Symms
Talcott
Traxler
Tsongas
Udall
Wampler
Waxman
Weaver
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Yatron
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Symms for, with Mr. Annunzio against.

Mr. Rousselot for, with Mrs. Boggs against.

Mr. Schneebeli for, with Mr. Addabbo against.

Mr. Conlan for, with Mr. John Burton against.

Mr. Jarman for, with Mr. Phillip Burton against.

Mr. Hébert for, with Mr. Carter against.

Mr. Del Clawson for, with Mr. Cotter against.

Mr. Ashbrook for, with Mr. Rodino against.

Mr. Eshleman for, with Mr. Horton against.

Mr. Steiger of Arizona for, with Mr. Dominick V. Daniels against.

Mr. Young of Alaska for, with Mr. Dent against.

Mr. Sebelius for, with Mr. Tsongas against.

Mr. Wampler for, with Mr. Howard against.

Mr. Crane for, with Mr. Bingham against.

Mr. Runnels for, with Ms. Abzug against.

Mr. Lujan for, with Mr. Mineta against.

Mr. Jones of Tennessee for, with Mr. Bergland against.

Mr. Bafalis for, with Mr. Biaggi against.

Mr. Martin for, with Mr. Carney against.

Mr. Frey for, with Mr. Harrington against.

Mr. Mills for, with Mr. Hawkins against.

Mr. Schulze for, with Mr. Koch against.

Mr. Frenzel for, with Mrs. Meyner against.

Mr. Andrews of North Dakota for, with Mr. Mitchell of Maryland against.

Mr. Mathis for, with Mr. Rosenthal against.

Mr. Jones of Oklahoma for, with Mr. Zeferetti against.

Until further notice:

Mr. AuCoin with Mr. Blanchard.

Mr. Jones of North Carolina with Mr. Santini.

Mr. Litton with Mr. Rose.

Mr. Anderson of Illinois with Mr. Abdnor.

Mr. Bonker with Mr. Aspin.

Mr. Brinkley with Mr. Bell.

Mr. Evans of Colorado with Mr. Brown of California.

Mr. Brown of Michigan with Mr. Flood.

Mr. Flowers with Mr. Flynt.

Mr. Brown of Ohio with Mr. Ford of Michigan.

Mr. Mollohan with Mr. Miller of California.

Mr. Mosher with Mr. Moss.

Mr. Buchanan with Mr. Mottl.

Mr. Burlison of Missouri with Mr. Fraser.

Mr. Don H. Clausen with Mr. Clay.

Mr. Hammerschmidt with Mr. Giaimo.

Mr. Hays of Ohio with Mr. Gude.

Mr. Nowak with Mr. Harsha.

Mrs. Pettis with Mr. Hefner.

Mr. Charles H. Wilson of California with Mr. O'Hara.

Mr. Wright with Mr. Udall.

Mr. Young of Georgia with Mr. Yatron.

Mr. Cohen with Mr. Downing of Virginia.

Mr. Duncan of Oregon with Conyers.

Mr. Edwards of Alabama with Mr. Eckhardt.

Mr. English with Mr. Milford.

Mr. Mikva with Mr. Matsunaga.

Mr. Erlenborn with Mr. Esch.

Mr. Mazzoli with Mr. Charles Wilson of Texas.

Mr. Winn with Mr. Waxman.

Mr. Jones of Alabama with Mr. McCollister.

Mr. Hungate with Mr. McKay.

Mr. Risenhoover with Mr. Karth.

Mr. Lundine with Mr. Rostenkowski.

Mr. Maguire with Mr. Riegle.

Mr. Mahon with Mr. Rees.

Mr. Ryan with Mr. Macdonald of Massachusetts.

Mr. Shriver with Mr. Madden.

Mr. Staggers with Mr. Peyser.

Mr. Steelman with Mr. Randall.

Mr. Stokes with Mr. James V. Stanton.

Mr. Talcott with Mr. Symington.

Mr. Weaver with Mr. Traxler.

Messrs. BLOUIN, BEVILL, HUGHES, SMITH of Iowa, EVANS of Indiana, MICHEL, QUIE, NICHOLS, EMERY, KREBS, and O'BRIEN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. SKUBITZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 268, nays 8, not voting 156, as follows:

[Roll No. 295]

YEAS—268

Adams
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Archer
Ashley
Badillo
Baldus
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Blouin
Boland
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Carr
Cederberg
Chappell
Chisholm
Cleveland
Cochran
Collins, Ill.
Conte
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Tenn.
du Pont
Early
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Florio
Foley
Ford, Tenn.
Forsythe
Fountain
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harris
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hillis
Holland
Holt
Holtzman
Howe
Hubbard
Hughes
Hutchinson
Hyde
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKinney
Madigan
Mann
Meeds
Metcalfe
Mezvinsky
Michel
Miller, Ohio
Minish
Mink
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pickle
Pike
Poage
Preyer
Price
Quie
Quillen
Railsback
Rangel
Regula
Reuss
Richmond
Rinaldo
Roberts
Robinson
Roe
Rogers
Roncalio
Rooney
Roush
Roybal
Russo
St Germain
Sarasin
Sarbanes
Satterfield
Scheuer
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Stanton, J. William
Stark
Steed
Steiger, Wis.
Stephens
Stratton
Stuckey
Studds
Sullivan
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wirth
Wolff
Wydler
Wylie
Yates
Young, Fla.
Young, Tex.
Zablocki

NAYS—8

Bauman
Collins, Tex.
Hansen
Latta
McDonald
Myers, Pa.
Paul
Treen

NOT VOTING—156

Abdnor
Abzug
Addabbo
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Bolling
Bonker
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carter
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cohen
Conable
Conlan
Conyers
Cotter
Crane
Daniels, N.J.
Dent
Downing, Va.
Duncan, Oreg.
Eckhardt
Edwards, Ala.
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Flood
Flowers
Flynt
Ford, Mich.
Fraser
Frenzel
Frey
Giaimo
Gude
Hammerschmidt
Harrington
Harsha
Hawkins
Hays, Ohio
Hébert
Hefner
Heinz
Helstoski
Hightower
Hinshaw
Horton
Howard
Hungate
Jarman
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Ketchum
Koch
Litton
Lujan
Lundine
McCollister
McKay
Macdonald
Madden
Maguire
Mahon
Martin
Mathis
Matsunaga
Mazzoli
Melcher
Meyner
Mikva
Milford
Miller, Calif.
Mills
Mineta
Mitchell, Md.
Mollohan
Mosher
Moss
Mottl
Myers, Ind.
Nowak
O'Hara
Pettis
Peyser
Pressler
Pritchard
Randall
Rees
Rhodes
Riegle
Risenhoover
Rodino
Rose
Rosenthal
Rostenkowski
Rousselot
Runnels
Ruppe
Ryan
Santini
Schneebeli
Schroeder
Schulze
Sebelius
Shriver
Snyder
Staggers
Stanton, James V.
Steelman
Steiger, Ariz.
Stokes
Symington
Symms
Talcott
Traxler
Tsongas
Udall
Wampler
Waxman
Weaver
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Yatron
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

Mr. Zeferetti with Mr. Aspin.

Mr. Annunzio with Mr. Brown of California.

Mr. Waxman with Mr. Burlison of Missouri.

Mrs. Boggs with Mr. Bingham.

Mr. Jones of Tennessee with Mr. Eckhardt.

Mr. Biaggi with Mr. English.

Mr. Charles H. Wilson of California with Mr. Mosher.

Mrs. Meyner with Mr. Esch.

Mr. Mineta with Mr. Erlenborn.

Mr. Addabbo with Mr. Edwards of Alabama.

Mr. Young of Georgia with Dominick V. Daniels.

Mr. Mitchell of Maryland with Mr. Matsunaga.

Ms. Abzug with Mr. Downing of Virginia.

Mr. Giaimo with Mr. Bell.

Mr. Yatron with Mr. Carter.

Mr. Rostenkowski with Mr. Broomfield.

Mr. AuCoin with Mr. Abdnor.

Mr. Santini with Mr. Clancy.

Mr. Charles Wilson of Texas with Mr. Bafalis.

Mr. Staggers with Mr. Del Clawson.

Mr. Bergland with Mr. Anderson of Illinois.

Mr. Stokes with Mr. Blanchard.

Mr. Tsongas with Mrs. Pettis.

Mr. Wright with Mr. Andrews of North Dakota.

Mr. Mazzoli with Mr. Conlan.

Mr. John Burton with Mr. Brown of Michigan.

Mr. Udall with Mr. Ashbrook.

Mr. Carney with Mr. Don H. Clausen.

Mr. Phillip Burton with Mr. Rodino.

Mr. Weaver with Mr. Brown of Ohio.

Mr. Clancy with Mr. Brinkley.

Mr. Conyers with Mr. Bonker.

Mr. Cotter with Mr. Buchanan.

Mr. Dent with Mr. Cohen.

Mr. Litton with Mr. Conable.

Mr. Koch with Mr. Runnels.

Mr. Melcher with Mr. Traxler.

Mr. Lundine with Mr. Mathis.

Mr. Hefner with Mr. Hébert.

Mr. Hawkins with Mr. Harrington.

Mr. Mikva with Mr. Milford.

Mr. Frenzel with Mr. Flood.

Mr. Frey with Mr. Pressler.

Mr. Pritchard with Mr. Hammerschmidt.

Mr. Riegle with Mr. Rosenthal.

Mr. Rose with Mr. Ryan.

Mr. Howard with Mr. Hightower.

Mr. Hays of Ohio with Mr. Heinz.

Mr. Harsha with Mr. Gude.

Mr. Fraser with Mr. Myers of Indiana.

Mr. Risenhoover with Mr. Ruppe.

Mr. Horton with Mr. Schneebeli.

Mr. Sebelius with Mrs. Schroeder.

Mr. McKay with Mr. Helstoski.

Mr. Mahon with Mr. Symington.

Mr. Nowak with Mr. James V. Stanton.

Mr. Mottl with Mr. Madden.

Mr. Moss with Mr. Hungate.

Mr. Schulze with Mr. Jarman.

Mr. Jones of North Carolina with Mr. Rees.

Mr. Snyder with Mr. O'Hara.

Mr. Martin with Mr. Miller of California.

Mr. Lujan with Mr. Jones of Alabama.

Mr. Shriver with Mr. Randall.

Mr. Steiger of Arizona with Mr. Karth.

Mr. Symms with Mr. Macdonald of Massachusetts.

Mr. Talcott with Mr. Maguire.

Mr. Mollohan with Mr. Peyser.

Mr. Rousselot with Mr. Steelman.

Mr. Jones of Oklahoma with Mr. McCollister.

Mr. Flynt with Mr. Evans of Colorado.

Mr. Flowers with Mr. Wampler.

Mr. Young of Alaska with Mr. Winn.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill H.R. 12679, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I was unavoidably detained in my office and missed the vote on rollcall No. 293.

Had I been present, I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. O'NEILL. Mr. Speaker, if the distinguished minority whip will be kind enough to yield to me, I will be happy to respond.

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of May 24, 1976, is as follows:

Monday is District day. We have three bills, as follows:

H.R. 13121, District of Columbia Code; H.R. 11009, financial planning, reporting and control systems; and H.R. 12946, Commission To Study Adequacy of Federal Payment.

Following District day, we have the following bill: H.R. 6810, additional Assistant Secretary of Commerce, with an open rule and 1 hour of debate.

On Tuesday, we will have H.R. 10138, Young Adult Conservation Corps, open rule, 1 hour of debate; followed by H.R. 12945, housing authorization, open rule, 2 hours of debate. General debate only will take place on Tuesday.

For Wednesday, we will have District of Columbia appropriations for fiscal year 1976, followed by H.R. 12945, housing authorization, and we will conclude consideration of the bill at that time.

On Thursday, we will have H.R. 9174, automotive research and development, subject to a rule being granted. Following that, we will have H.R. 12169, Federal Energy Administration, subject to a rule being granted.

Conference reports may be brought up at any time, and any further notice will be announced later.

The House recesses for Memorial Day weekend at the conclusion of business on Thursday, May 27, until noon on June 1, 1976.

Mr. MICHEL. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 24, 1976

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking the distinguished gentleman from Massachusetts whether, after announcing his ambitious program which quite obviously will require extensive leadership on both sides of the aisle, if the gentleman expects to be with us next week to offer his usual outstanding guidance to the House?

Mr. O'NEILL. I am sure the gentleman is aware of the fact that I have been appointed, with some other Members of the leadership, to go to England for a Bicentennial celebration in order to officially accept the Magna Carta which the English Government has offered to loan to us. Consequently, I will not be here.

Following our remarks here, the House will go into recess and we will honor the former Members of the House. Then, we will go back into the House again, at which time there will be one resolution. That resolution will make the gentleman from California (Mr. McFALL) the Acting Speaker during the time the Speaker will be out of the country.

Mr. BAUMAN. Further reserving the right to object, I only want to tell the gentleman that we will miss him sorely next week. We always enjoy his presence. I hope he has a good trip to London to see the Queen and to bring back the Magna Carta in good order.

The gentleman from Maryland has calculated, after reading the program, that at a minimum there is the possibility of 16 rollcall votes on the final passage of bills and rules, not counting votes on amendments and motions to recommit. The gentleman from Maryland hopes that these rollcalls will not take place, since we will have so many distinguished Members missing on this important mission to Great Britain.

Mr. O'NEILL. I never look at the overall rollcall record. I only consider the man himself and how he acts on national programs and how he affects the economy of his home district and respects the dignity of the people he represents.

Mr. BAUMAN. I appreciate the gentleman's remarks, and agree with the distinguished majority leader. I wish him and his fellow travelers well on their Bicentennial junket.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RECESS

The SPEAKER. Pursuant to the authority granted the Speaker on Wednesday, April 28, 1976, the Chair declares a recess, subject to the call of the Chair, to receive the former Members of the House of Representatives.

Accordingly (at 12 o'clock and 20 minutes p.m.) the House stood in recess, subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. My colleagues and former colleagues, on behalf of the House of Representatives, I consider it a high honor and personal pleasure to welcome back to these Halls those former Members who have served in this great body. We all welcome you. We extend the glad hand of friendship, and remember the long years of companionship that we shared with many of you. Some of you go back more than 30 years before I came, and I am glad to see all of you, with whom I have served through the years and glad to meet those who left before I came.

This occasion, of course, is always a bipartisan affair. In that spirit, the Chair is going to recognize the leadership of both parties.

The Chair now recognizes the distinguished majority leader, the gentleman from Massachusetts (Mr. O'Neill).

Mr. O'NEILL. Mr. Speaker, on behalf of the Members of Congress, and particularly the 288 Democratic Members on my side of the aisle, I want to welcome all of our former colleagues on their annual return to the "People's Chamber," to the House of Representatives.

"Once an honorable, always an honorable." The rights and privileges that you enjoyed as elected Members of the House will always remain yours whenever you visit the Chamber in which you served your constituents so faithfully and so conscientiously. In case you do not recall the rules of the House, the rules say that any former Member of Congress is always welcome on the floor. The only other persons who have that privilege is a Governor. A Governor, of course, may have Chamber privileges. That is an honor. Whenever you are in Washington, we will always be delighted to have you come and visit us and see how the operation is and how it has changed in the years since you have left. We are delighted that so many of you have made the trip to the Chamber where you spent the most gratifying and rewarding years of your public service. As we celebrate our Bicentennial Year, a little nostalgia seems fitting. This Chamber is so full of memories of the historic moments which many of our former colleagues shared together.

In this Chamber many of you debated Roosevelt's NRA, lend-lease proposals, and things of that nature.

Mr. Speaker, I remember the first time I ever visited the Congress. I was sitting in the gallery, and the discussion on that day concerned the fortification of Guam. I watched the Members walk through the middle aisle. The measure prevailed, I believe, by one vote, a historic moment. Many of you were here in those particularly trying days previous to World War II.

Many of you made stirring speeches on this floor reflecting the stunning blow of Pearl Harbor. Many of you recall the joint session in which President Roosevelt asked for a declaration of war. Some of you participated in the endless executive-legislative negotiations and compromises over the Marshall plan and the beginnings of the American foreign aid program which came directly after World War II. Others of you who are visiting today will recall the foreign policy deliberations in the 1950's over the Korean war and the Middle East crisis, and some of the younger former Members will remember the impassioned and lively debates in the 1960's over voting rights, civil rights, and open housing. And how many of you remember the Gulf of Tonkin resolution and how you talked about it through the years? And I am sure you remember our subsequent change of policy in Vietnam.

So on this occasion I join my colleagues in welcoming you and applauding your good health and continued happiness. All of us who are presently serving in the House salute you. Some day we will be in the same position you are. We welcome you, and we are delighted and happy to see you here. We are always glad to have this opportunity.

Mr. Speaker, I want to express how grateful we are to the Members whose idea it was to celebrate this special day so we can have the opportunity of seeing you again.

On behalf of the Speaker of the House and myself, I say to you: Welcome to all of you.

The SPEAKER. The Chair now recognizes the distinguished acting minority leader, the gentleman from Illinois (Mr. Michel).

Mr. MICHEL. Thank you, Mr. Speaker.

My colleagues, may I, too, join in welcoming each and every one of you former Members to the floor of the House. It is a great occasion for those of us who have had the privilege to serve with many of you for a number of years to welcome you back.

I could not help but be a little bit amused just before the previous rollcall vote when the Speaker really had to ask the former Members, who are not eligible to stand for the rollcall, to be seated, because the familiarity of the faces over a period of time makes the process difficult even for so learned a gentleman as the Speaker.

There is one other observation I could not help but make, and that is that I see Les Arends, my predecessor as whip, here today. Les as most of you know served longer as whip than any other member of either party throughout history. He came to this Congress when the minority had only 89 Members. Well, we are now only up to 145, but there are those of you who were here when we were at higher levels.

It is nice to be able to welcome back some of those Members on our side. Believe it or not, over here on our Republican side we were once in the majority and had positions of authority and had our names on bills, and Republican Members were chairmen of committees and subcommittees. So this is just a good nostalgic occasion for us to welcome all of you back, whether you served in the majority or on the minority side. It is nice to see so many of you here.

I join in the salute that was given to you by our distinguished majority leader, and I hope there will be many occasions when you can come back again and share these same good times.

The SPEAKER. The Clerk will now call the roll of former Members of the House of Representatives.

The Clerk called the roll, and the following former Members answered to their names:

Former Members of Congress Attending Meetings in Washington, D.C. May 20–21, 1976

Hugh Q. Alexander, North Carolina.
Elizabeth Andrews, Alabama.
Leslie C. Arends, Illinois.
O. K. Armstrong, Missouri.
Robert T. Ashmore, South Carolina.
William H. Avery, Kansas.
William H. Ayres, Ohio.
Robert R. Barry, New York.
Laurie C. Battle, Alabama.
Andrew J. Biemiller, Wisconsin.
Iris F. Blitch, Georgia.
J. Caleb Boggs, Delaware.
William G. Bray, Indiana.
Charles B. Brownson, Indiana.
John W. Byrnes, Wisconsin.
J. Edgar Chenoweth, Colorado.
Charles R. Clason, Massachusetts.
Jeffery Cohelan, California.
Albert M. Cole, Kansas.
Paul W. Cronin, Massachusetts.
Willard S. Curtin, Pennsylvania.
Glenn R. Davis, Wisconsin.
Vincent J. Dellay, New Jersey.
David S. Dennison, Ohio.
Harold D. Donohue, Massachusetts.
Francis E. Dorn, New York.
Paul A. Fino, New York.
John R. Foley, Maryland.
J. Allen Frear, Jr., Delaware.
Edward A. Garmatz, Maryland.
George A. Goodling, Pennsylvania.
Robert A. Grant, Indiana.
Robert Hale, Maine.
Robert P. Hanrahan, Illinois.
Cecil M. Harden, Indiana.
Porter Hardy, Jr., Virginia.
Oren Harris, Arkansas.
Ralph Harvey, Indiana.
Brooks Hays, Arkansas.
Don Hayworth, Michigan.
A. Sydney Herlong, Jr., Florida.
Patrick J. Hillings, California.
Earl Hogan, Indiana.
Evan Howell, Illinois.
W. Pat Jennings, Virginia.
John E. Hunt, New Jersey.
August E. Johansen, Michigan.
Jed Johnson, Jr., Oklahoma.
Walter H. Judd, Minnesota.
Frank M. Karsten, Missouri.
Hastings Keith, Massachusetts.
David S. King, Utah.
Horace R. Kornegay, North Carolina.
Paul J. Krebs, New Jersey.
John Davis Lodge, Connecticut.
Donald F. McGinley, Nebraska.
John A. McGuire, Connecticut.
Hervey G. Machen, Maryland.
William S. Mailliard, California.
D. R. (Billy) Matthews, Florida.
George Meader, Michigan.
William E. Minshall, Ohio.
Walter H. Moeller, Ohio.
John S. Monagan, Connecticut.
Abraham J. Multer, New York.
F. Jay Nimitz, Indiana.
Alvin E. O'Konski, Wisconsin.
Maston E. O'Neal, Georgia.
Frank C. Osmers, Jr., New Jersey.
George E. Outland, California.
William T. Pheiffer, New York.
Alexander Pirnie, New York.
Howard W. Pollock, Alaska.
Walter E. Powell, Ohio.
Stanley A. Prokop, Pennsylvania.
Graham B. Burcell, Jr., Texas.
R. Walter Riehlman, New York.
Howard W. Robison, New York.
John M. Robison, Jr., Kentucky.
Byron G. Rogers, Colorado.
Harold M. Ryan, Michigan.
Gordon H. Scherer, Ohio.
Fred Schwengel, Iowa.
James P. Scoblick, Pennsylvania.
Carlton R. Sickles, Maryland.
Alfred D. Sieminski, New Jersey.
Henry P. Smith III, New York.
Lynn E .Stalbaum, Wisconsin.
William G. Stratton, Illinois.
Lera Thomas, Texas.
Clark W. Thompson, Texas.
James E. Van Zandt, Pennsylvania.
George M. Wallhauser, New Jersey.

John H. Ware III, Pennsylvania.
J. Irving Whalley, Pennsylvania.
Basil L. Whitener, North Carolina.
Ralph W. Yarborough, Texas.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that 97 former Members of the House of Representatives have responded to their names.

The Chair now has the honor of recognizing the distinguished gentleman from California, Mr. Jeffery Cohelan.

Mr. COHELAN. Mr. Speaker, on behalf of Former Members of Congress, I wish to express to you and to the membership of the Congress our profound appreciation for the manner in which we, the alumni of the Congress, are received on this annual occasion. Today, there are more than 110 former Members returning from 33 States to participate in these sixth annual activities.

I am pleased to report that our relatively youthful organization continues to progress with substantial growth and solid accomplishments. We now number nearly 450 members representing 48 States who served in both House of Congress.

Our organization is unique. The only way you can become a member of it is to take the oath of office in either the House of Representatives or the Senate. We all share the common bond of having served in the Congress, and deeply revere, respect, and believe in the Congress as an institution, regardless of the wide diversity of political viewpoint represented within our membership. We encompass several generations and span the political spectrum of elective American politics. We have though, a common belief in representative democracy. We believe that a strong Congress is essential to the well-being of our Republic. Although we are no longer in the Congress, our concern for its welfare is in no way diminished.

Ours is an organization concerned about the preservation of the history of the Congress and preserving the papers and recollections of those individuals who have served in it. To that end we have established an oral history program, under the direction of Prof. Charles Morrissey of the University of Vermont. Professor Morrissey has conducted oral history interviews for the Kennedy, Truman, and Hoover Presidential Libraries, as well as the Christian A. Hester oral history project of Harvard University. Yesterday, we turned over the first of these oral history interviews to Dr. Daniel Boorstin, Librarian of the Congress, where these oral history tapes and transcripts will be housed and preserved.

Additionally, we are cooperating with the National Commission on the Preservation of Federal Documents to recommend guidelines for the preservation of congressional documents. All too often these documents of great value to future scholars and historians have been carelessly thrown out because there has not been an established policy concerning their retention.

Finally, because of our belief in the Congress as an institution, we want to help the public better understand the operations of the Congress. To that end we have established a speakers' service and will be cooperating this year with the Woodrow Wilson Foundation to provide former Members of Congress still active in their careers to visit campuses and help communicate realistically with political science students throughout the country. We have established a Congressional Information Service that handles dozens of requests each month.

In the coming year, we will continue a program begun this year with the Johnson Foundation of Racine, Wis., utilizing the experience of former Members, as individuals in specialized fields. Earlier this month 20 of us were guests of the Johnson Foundation at a conference on "The United States and The United Nations." This conference brought together those former Members who served on U.S. delegations to the United Nations, as Ambassadors to foreign countries, or with comparable experience in foreign affairs. We produced three radio broadcasts that are being distributed to a network of 100 public broadcast stations, and a publication of the speeches and excerpts of the dialog is being prepared for distribution.

Also, this year we will send a delegation to Japan as guests of the Japanese Government to begin the development of an educational and cultural affairs exchange program.

Additionally, we will plan an appropriate forum to commemorate the 30th anniversary of the Marshall Plan in 1977. Many of our Members participated in that historic 80th Congress that passed that legislation.

We are grateful in the last year to the Lilly Endowment, the John Kunkel Foundation, the FMC Auxiliary and to a host of individuals for their financial contributions to further the development of our organization and its academic and social programs.

Mr. Speaker, we have established a Distinguished Service Award for recognition of an individual for his or her service to the country and to Congress. Last fall, we presented the Award to former Speaker John W. McCormack. The preceding spring our organization recognized then Vice President Gerald R. Ford.

Our Board of Directors this spring have voted unanimously to bestow this honor on the long-time House Parliamentarian, Lewis Deschler. Mr. Deschler served as House Parliamentarian from 1928 to 1974, more than a quarter of the history of the Congress. We regret because of a recent heart attack, Lew Deschler is not able to be with us today. However, I want to ask Mrs. Deschler to come forward to receive this award on his behalf and extend to him our wishes for a speedy and complete recovery.

[Applause, the Members rising.]

The SPEAKER. The chair recognizes the gentlewoman from Maryland, Mrs. Deschler.

Mrs. DESCHLER. Mr. Speaker, I shall not take longer than the time utilized by our esteemed and beloved Chaplain in his opening prayer which, by the way, Lew looks forward to every day.

Mr. Speaker, I must explain to the Members that today it would be more appropriate if I were up in that gallery and Lew were down here, but since he is unable to be here, I hope the Members will just bear with me for a few words.

Mr. Speaker, something over 50 years ago my husband, Lewis Deschler, began his service with the House of Representatives. That encompasses a period of more than one-quarter of the period of our form of government. I dare say that during that period of time he has served with more than 2,500 Members. He has devoted his life and his love to this institution. And he has cherished his long and harmonious association with the Members of this body.

Although he is greatly disappointed that he is unable to be here with you today, he has asked me to convey to you the following message.

> It is with deep regret that I am unable to attend the ceremonies honoring me today on the floor of the House of Representatives.
>
> I have found that very few people are elected to Congress who are not unique and oustanding citizens of their constituency. It has therefore been a rare and honored privilege for me to have been associated with such an astute and distinguished group of American citizenry—and for whom I hold a deep affection.
>
> I greatly appreciate and am deeply honored for your having voted me in as an honorary member and Parliamentarian of the Former Members of Congress.
>
> Today, in awarding me, by not one dissenting vote, this coveted Distinguished Service Award, which has been bestowed by your graciousness upon only two other citizens, I have a sense of deep, deep gratiude for the confidence and esteem that you have in me.
>
> Mr. Speaker, after a long and fond friendship, I wish to express to you and through you to this assembly my heartfelt thanks—and God bless you all.

[Applause, the Members rising.]

Mr. COHELAN. Mr. Speaker, today as the retiring president of the Former Members of Congress I turn over the reins of leadership to a person who served in this body, in the Senate and as Governor of the State of Delaware, the Honorable J. Caleb Boggs.

We look forward to our continued growth and progress, and to helping in our small way, this vital institution of democracy essential to the continued well-being of our freedom and individual liberties.

In this year of the Bicentennial of the American Revolution we renew our faith in the institutions of our representative democracy. We are confident that they offer the best hope for the preservation and extension of individual liberty and human dignity. We pledge again our support of the Congress as the bedrock of representative democracy through whose protection our freedoms spring.

Mr. Speaker, at the Wingspread Conference our cofounders, Mr. Hays of Arkansas and Dr. Judd, joined with me and our former colleague from California, Mr. Roosevelt, in planting a tree to commemorate the occasion of our conference.

The planting of that tree was symbolic. We hope that our organization has planted a tree of wisdom which bears fruit in the years ahead by utilizing the experience and expertise of those persons who have served in this great body, the Congress of the United States.

Mr. Speaker, before I conclude it is my sad duty to report to the Congress those former Members who have passed on since our meeting last year. They are:

Gov. John Burns, Hawaii.
William J. Crow, Pennsylvania.
Kenneth B. Keating, New York.
Elizabeth Kee, West Virginia.
John H. Ray, New York.
Albert L. Vreeland, New Jersey.
Angier L. Goodwin, Massachusetts.
Lester R. Johnson, Wisconsin.
Clinton P. Anderson, New Mexico.
Walter S. Baring, Nevada.
Lawrence G. Williams, Pennsylvania.
William A. Blakley, Texas.
Earle Cabell, Texas.
Marvin Jones, Texas.
Charles F. McLaughlin, Nebraska.
Emory H. Price, Florida.
Charles R. Savage, Washington.
S. Walter Stauffer, Pennsylvania.
Wint Smith, Kansas.
Florence Dwyer, New Jersey.

Mr. Speaker, I would like to ask the House to join with me in standing for a moment of silent tribute.

Mr. Speaker, that concludes our presentation.

The SPEAKER. The Chair again wishes to thank the former Members of the House for their presence here today and expects to see them here again in the future.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 20 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD and that all Members and former Members who spoke during the recess have the privilege of revising their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ELECTION OF THE HONORABLE JOHN J. McFALL AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 1211) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1211

Resolved, That Honorable John J. McFall, a Representative from the State of California, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of Honorable John J. McFall as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JOHN J. McFALL AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER. The Chair now asks the gentleman from Texas (Mr. POAGE) to administer the oath of office to the gentleman from California (Mr. McFALL), as Speaker pro tempore.

Mr. McFALL assumed the chair and took the oath of office administered to him by the gentleman from Texas (Mr. POAGE).

DISCHARGE PETITION ON WORLD WAR I PENSION LEGISLATION

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, I have today presented to the Clerk of the House a motion in writing to discharge the Veterans' Affairs Committee from further consideration of H.R. 3616, the World War I Pension Act.

I introduced this legislation on February 25, 1975, and after 15 months this vital legislation is still pending before the Subcommittee on Compensation, Pension, and Insurance. I urge the Members of this House to sign this discharge petition so that the full House of Representatives may be afforded an opportunity to discuss and vote on this pension legislation, which is so desperately needed by the surviving World War I veterans, and their widows. I especially urge my colleagues who have introduced or cosponsored other World War I pension legislation to sign the discharge petition.

My bill, H.R. 3616, would provide a $150 a month pension for either the World War I veteran or his widow, without regard to any source of income that he or she may have.

We have provided very little to these veterans. For the most part, $607.50 is the total benefit which these individuals have received. When they were discharged, there was no education aid system, there was no effort to aid these veterans in finding employment, and there were not veterans hospitals as there are today.

My bill, H.R. 3616, will rapidly drop in annual cost to the Government. In the meantime it will be a godsend to the 893,000 World War I veterans still alive today, and to the surviving widows of deceased veterans. I might add, that at the present time, only 340,873 of these veterans are receiving any kind of a veterans pension.

Mr. Speaker, the pension which I propose is not a special privilege, but rather, this legislation will serve to bring the Nation's treatment of World War I veterans to a point approaching equity with the benefits that veterans of later wars have received.

Again, I strongly urge my colleagues to sign this discharge petition so that this entire body will be able to consider and take a stand on this important issue.

GUAM HEAVILY DAMAGED BY TYPHOON

(Mr. WON PAT asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, I regretfully report that the Island of Guam was struck early this morning, Washington time, by a devastating typhoon which carried winds up to 190 miles per hour. This is the same typhoon Pamela which, a couple of days ago, hit the island of Truk, killing 10 persons there.

Although it is as yet too early for a comprehensive damage report, preliminary reports from the U.S. Navy and other Federal agencies indicate that Guam has suffered extremely heavy damage to property and perhaps to life, and I am sure many will be homeless.

So far, reports indicate that the southern part of the island has sustained 85 to 95 percent destruction. Our main road connecting the northern and southern parts of the island was destroyed, cutting 30,000 persons off from assistance. The island's major powerplants have suffered damage from winds, leaving much of the island without power. Local communications are extremely limited, and communication with the mainland is disrupted. Severe damage was reported to all structures that were not typhoon-proof, which, I must add, would account for the majority of private homes there. It is also feared that our $1 million vegetable crop was destroyed. U.S. Navy officials also report that the island's supply of fresh water in many localities is les than 24-hour's worth.

While I continue to hope and pray for better news, it now appears that the devastation caused by Typhoon Pamela will reach and perhaps even exceed the almost total destruction caused on Guam 14 years ago by Typhoon Karen.

I am returning to Guam as soon as possible to inspect the area and assist with arrangements for disaster relief, and to add whatever help I can to the residents in their hour of need. I know that many of my colleagues in the Congress share my deep concern for the safety of the people there, and I welcome their expressions of sympathy and interest.

Mr. Speaker, from the news I have received to date, it is clear that your fellow Americans in Guam have suffered a tremendous blow. I have no doubt that the amount of damage will run into the millions of dollars if early reports are correct. For an island already short of capital, this last shock will further plunge the island's residents into deeper economic difficulties and make recovery a most difficult task.

Early last year, I introduced legislation which called for Federal support for Guam in the amount of $56 million. Upon my return to Washington, I will be calling on my colleagues to suspend the Congressional Budget Report deadline so that I may request typhoon rehabilitation funds for Guam. I will make a full report to the Congress on the extent of the damage and present an estimate of the amount of assistance the 100,000 Americans on Guam will require to make emergency repairs. I trust the tragedy which has struck Guam will not be as great as is presently feared, but that this Congress will stand ready to provide whatever assistance may be needed to help my people overcome the problems which undoubtedly lay ahead in the days as we attempt to rebuild the island.

Mr. Speaker, those wishing updated reports on the damage caused by Typhoon Pamela may call my office for the latest information. In closing, I speak for the people of Guam when I say that all of us will be most appreciative of whatever assistance Congress may see fit to offer and especially for the prayers of our many friends in Washington.

Thank you.

THE THREAT TO FULL EMPLOYMENT FROM CENTRAL ECONOMIC PLANNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I would like to address the question of full employment—the question of putting people to work. I believe all of us would agree that full employment is a bargain. I also believe all of us agree that full employment is an issue too important to play politics with or to make a mistake about.

As a Representative of a district which suffers from an unemployment rate substantially higher than average, I am well acquainted with the human hardship and economic cost of unemployment. I have invested heavily over the years in the study of how best to create jobs and prosperity. My colleagues in the Congress are familiar with the legislation—the Jobs Creation Act—that many of us have put forward as the means to achieve full employment and with the speeches I have made explaining the economic basis for the positive and constructive benefits that the Jobs Creation Act would provide. I have reported in detail to the Congress the results of the econometric studies of the effects on the economy of the Jobs Creation Act. It is an act which I believe promises a $600 billion increase in GNP, millions of new jobs, and higher real wages—all without any budget costs—indeed, the act produces $45 billion in additional Federal revenues over 3 years. It is predicated on the basic economic truth, that the only real and lasting way to create productive jobs and raise the standard of living is to increase the amount of capital invested as a percenatge of the population.

The 126 cosponsors of the Jobs Creation Act know exactly what they are supporting. The act is a set of specific proposals to increase jobs and investment in the private sector of our economy. The economic effects of each on employment, the economy, and the budget have been quantified. The economic analysis underlying the predicted results has been clearly stated and examined in detail.

On the other hand, there is before the Congress the Humphrey/Hawkins so-called full employment bill which, as Herbert Stein has pointed out, identifies goals—some specifically, some vaguely—but with the one exception of proposing more Government jobs. "there is no specific proposal for solving any problem." It is but a mandated statistic telling the President to achieve full employment and if he does not succeed public service jobs will go to everyone else.

Mr. Speaker, whereas I believe the distinguished authors of H.R. 50 should be commended for their hopes of achieving good, I do not believe it is sound to base such a drastic shift in national economic policy as is envisaged by the Humphrey/Hawkins bill on hope and good intentions.

Neither do I believe the Humphrey/Hawkins bill would achieve full employment. I believe it is more likely to achieve an accelerating rate of inflation, bigger government, poorer consumers, and economic chaos that results from central economic planning and fine tuning.

I want to explain why.

H.R. 50 WOULD LOWER LABOR PRODUCTIVITY

The Humphrey-Hawkins bill does nothing toward providing the additional new and better tools, plant and equipment with which to employ our working men and women in real, productive jobs. The bill does nothing to increase the productivity of labor. Indeed, it does much to decrease it by diverting money out of investment and into current consumption.

It is a basic economic law that both the demand for labor and the level of wages depend on the productivity of labor. It is also well-known that the way to increase the productivity of labor is to provide workers with more and better tools and equipment with which to work. The greater the amount of capial investment relative to labor, the greater the productivity of labor and, thereby, the higher the level of employment and real wages.

Without additional investment to provide more and better tools and equipment, the productivity of labor cannot rise, and this discourages job opportunities. Government spending does not do anything to increase the productivity of labor; it is just an income redistribution mechanism which allocates resources away from investment and into public sector spending.

We have a great need for more resources to be allocated into investment, not into consumption. Michael Evens of Chase Econometrics has pointed out that—

> For the past ten years, the fiscal and monetary policies of the federal government have been directed almost exclusively at stimulating consumption while retarding investment.

I agree totally.

The result is unemployment. The study of our industrial capacity utilization rates by the Warton School at the University of Pennsylvania indicates that over this same period the unemployment rate corresponding with any capacity utilization rate has grown progressively greater. In the the 1950's a 4-percent unemployment rate, which is considered full employment, corresponded to a capacity utilization rate of 90 percent, which is considered full capacity. But the 1970's have seen unemployment rates of 5.5 percent even when the economy was operating at full capacity.

The result of our policy of stimulating consumption at the expense of investment is that we no longer have enough profitable productive capacity to provide full employment at existing wage levels.

The Humphrey-Hawkins bill, which simply compounds and accelerates the fiscal and monetary policies of the past 10 years of stimulating consumption while retarding investment, will produce a situation of higher and higher rates of unemployment even when the economy is operating at full capacity.

It is estimated that 2 million additional people will enter the labor market every year for the next 5 years. The American economy has not been growing fast enough—has not been creating enough new tools and equipment—to generate 10 million new jobs in the next 5 years.

NO REAL JOBS WITHOUT INVESTMENT AND NO INVESTMENT WITHOUT A TAX CUT

This is because although the private sector of the economy creates a large number of new jobs every year—the civilian labor force has been growing rapidly, while the profits necessary to finance new jobs have been declining as a percentage of our national income.

Not only is the labor force growing, so is the civilian participation in the labor force. The latest Bureau of Labor Statistics report shows that now almost half of adult females participate in the labor force, raising the overall civilian participation rate to an all-time high.

On the other hand, Department of Commerce statistics show that the retained earnings of corporations, which together with corporate borrowings in private credit markets provide most of the funds for expanded plant and equipment, averaged only $21.3 billion yearly during 1965–74. During this period when national income increased by $519 billion, corporate profits declined both absolutely and as a percentage of national income. Retained earnings fell from $29.4 billion in 1966 to $7.6 billion in 1974. After tax profits have fallen from 7.9 percent of national income in 1966 to 4.5 percent in 1975.

In the 1970's corporate retained earnings have averaged only 1.8 percent of national income. Clearly, our tax policies are out of step with the growing labor force participation. It will be a social tragedy if at the very time barriers in the way of better job opportunities for women and minorities are being removed, the business sector does not have the investment capital to generate enough new jobs for the people seeking them.

INFLATION HURTS INVESTMENT AND EMPLOYMENT

In spite of the fact of low and falling profits, critics speak of "obscene profits" and try to convince Americans that taxes are high because corporations avoid paying their share and that inflation results from corporations pushing up their prices in order to make even greater profits.

What are the facts?

The facts are that inflation results from increases in the money supply necessary to pay for the Federal Government's big spending deficits. Business accounting practices have not been equipped to deal with the effects of inflation on inventories and depreciation. As a result, inflation has caused business profits to be overstated and overtaxed just as individuals have been as well.

For example, in 1974 the corporate sector showed profits before tax of $132.1 billion on which they have a tax liability of $52.6 billion, or an effective tax rate of 40 percent of profit. However, the U.S. Department of Commerce calculates that in 1974 corporate sector inventories were over-valued by $38.5 billion and depreciation was understated by $2.3 billion, with the result that corporations had a tax liability of $52.6 billion on only $91.3 billion in actual profits. As a result, the corporate sector paid taxes on profits at an effective tax rate of 58 percent.

Mr. Speaker, the statutory corporate tax rate is 48 percent, and that is before the investment tax credit and other credit and deductions that reduce the legal effective tax rate below 48 percent. Yet, in 1974 corporations paid taxes at an effective rate of 58 percent—20 percent higher than the statutory rate.

This is one way in which inflation transfers resources out of investment, out of the private sector, into consumption, into the Government sector. It is important, as representatives of the people, for us to understand that reducing the investment capital of the business sector reduces the amount of new jobs that the business sector, which employs four out of five Americans, can create.

The Humphrey/Hawkins bill does nothing to increase the jobs creating investment capital of the private sector.

The monetary expansion—the inflation—it calls for to accommodate the budget deficits necessary to increase public sector employment will simply accelerate the transfer of resources out of investment capital into consumption. Instead of increasing our seed corn to accommodate a growing labor force participation, the Humphrey/Hawkins solution is to fatten the Government sector on the Nation's seed corn; that is, capital investment and savings.

As Chase econometrics and others have pointed out, we have been encouraging consumption at the expense of investment for a very long time now, and the result is not full employment. The result is a labor force that is too large to be fully employed by the existing plant and equipment.

I say to my colleagues in the House of Representatives that it is time to try a better approach to the problem of unemployment—the free enterprise approach. It is time to encourage production in the private sector where the investments are made which provide real, productive jobs and a growing tax base.

H.R. 50 WOULD MAKE NEW YORK CITY'S PLIGHT A NATIONAL EPIDEMIC

It will be an even greater tragedy if we do not learn from the tragedy of New York City that Government deficits to pay for growing public sector employment do not produce prosperity and a growing tax base. The solution offered by the Humphrey/Hawkins bill is just a continuation of the old Washington approach of responding to problems by increasing the size of Government and putting it further into debt—precisely the "solution" that produced the New York plight and has destroyed the British economy.

Mr. Speaker, as representatives of the people we cannot let these conditions spread to the national level. We are already in a situation where the interest on the Federal debt is greater than the retained earnings of the entire corporate sector. More is paid out in interest on past deficits than is left in the hand of corporations to invest in new jobs. If we taxed all corporate profits 100 percent we would still have a deficit in our 1976 budget.

I want to call the attention of all of my colleagues—especially those who believe it is politically advantageous to take an antibusiness stance—to the January issue of the Tax Review. There it is reported by Prof. David Meiselman, a well-known and respected economist, that in "real dollars of 1958 purchasing power, from 1961–65 there was an increase of $55,000 in the gross stocks of business capital for each person entering the labor force. In 1966–70 it was $46,000. By the 1971–74 period it had fallen again to only $41,000." Ironically, labor has been damaged economically in the name of helping labor.

What these figures mean is that the last 15 years has seen a retardation in the growth of plant and equipment relative to the growth in the labor force. It means a lower rate of growth of investment capital as a result of inflation-fueling budget deficits and the bias in the tax code against saving.

The Humphrey/Hawkins bill would simply and tragically take us further in this direction. The bill would turn the Federal reserve into a political-economic tool of central government. The distinguished Senator himself stated in the Senate on April 28 that the bill places new requirements on the Federal Reserve system.

H.R. 50 MEANS MORE INFLATION

The new requirement in that the Federal Reserve accommodates an excessive Government spending policy and cease being independent. The proponents of the bill realize that the large expansion in Government employment, which will be the primary effect of the bill, has to be paid for by printing money. The Federal Reserve, then, must be turned into a money printing machine to pay for the public service jobs.

If the Federal Reserve is not used as a money printing machine, the guaranteed Government jobs will have to be paid for either from increased taxation or from Government borrowings in the private credit markets. The levels of taxes are already too high, and I do not believe that any of us want to take to the people a program of raising taxes in order to provide more Government jobs. So if the Government does not print the money to pay for the guaranteed jobs, it will have to borrow it.

With corporate profits available for investing in expanded plant and equipment averaging only 1.8 percent of the national income, it simply means more investment capital taken out of the private sector that provides the productive jobs in our economy. Interest rates, short and long term will have to rise thus discouraging the construction and housing industry and thus causing unemployment. It's a vicious circle.

At a time when business profits are a smaller percent of national income than they were a decade ago, at a time when the participation of our citizens in the labor force is growing, we must get away from tax policies and away from monetary and fiscal policies which penalize and discourage investment capital.

H.R. 50 HARMFUL TO WORKING MEN AND WOMEN

In addition to having adverse effects on the price level, on job-generating investments, and on productive private sector employment, the Humphrey/Hawkins bill would place our Nation's workers in a no-win situation. And that is another reason I am against the bill. By providing federally funded guaranteed jobs, the bill removes any constraint that the fear of unemployment places on excessive wage demands. At the same time, the inflation caused by the bill would force labor to require wage increases in excess of productivity gains in an effort to stay ahead of inflation. The result would be a steady stream of workers, who have become overpriced and thereby unemployed in the private sector, into Government funded jobs.

This would simply accelerate the inflation. As the cycle pushed wages up higher and higher trying to stay ahead of inflation, more and more workers would be bumped out of the production of goods and services in the private sector into the guaranteed Government jobs. Thus, the supply of goods and services would shrink along with the private sector that produces them, but the demand for goods and services would not because the Government would be printing money to pay for more and more Government guaranteed jobs.

This more than anything else reveals the fallacy in the bill's basic premise—the idea that increased Government spending, rather than increased private sector production, is the road to prosperity and full employment.

The Humphrey/Hawkins bill will result in a smaller economic pie, and the national economic planning aspect of the bill anticipates the fight over shares of a smaller pie. Wage, price, and income controls will be offered by the planning councils as the means of resolving the conflict between the people, the Government, and labor. This will move us further away from the prosperity that only private enterprise can provide and toward the dictated and controlled economy characteristic of Britain.

H.R. 50 IS THE CENTRAL PLANNING ROAD TO FAILURE

The United States has been fortunate to have lagged behind on the road to central economic planning. We must learn from those who have been struggling to find their way to a free market economy after travelling the road to planning and finding, as has Britain and other nations, that it led to economic ruin and not to prosperity, to controls, and not freedom.

It is strange that today some political leaders are urging us to take a path that was foresworn 10 years ago by the Central Committee of the Hungarian Communist Party. Let me read from the resolution which introduced the economic reforms in Hungary in 1966:

> The development of an active role for the market system requires that the laborious and bureaucratic system of the centralized allocation of materials and products should give place to market relations.
>
> That is, producers should be able to decide within the range of their activities what and how much they produce and offer for sale as well as in what quantity and from whom they purchase the necessary inputs.
>
> Producers and users should be free to establish commercial relationships. Sellers and buyers should be free to agree on the conditions of sale and also on the prices.
>
> Buyers should be free to choose between domestic goods and imports and the sellers between selling on domestic or export markets.

Mr. Speaker, that is the way the leadership of a nation speaks—a leadership that was committed to central planning—after 20 years of experiencing the results of planning. And it is not only Hungary that has come to this conclusion. We in the Congress should realize that there is a great deal of experience in the world with planning. We should look to results where it has been tried, not to rhetoric by its advocates.

The national economic planning called for by the Humphrey/Hawkins bill will promote further growth in the public sector at a time when the people are fed up with attempts to solve problems by throwing more Government and more inflation at them.

BIGGER GOVERNMENT IS NOT THE ANSWER

The creation of boards, councils, committees, commissions, Presidential reports to Congress—the Advisory Committee on Full Employment and Balanced Growth, the Full Employment Office, the Division of Full Employment and Balanced Growth, reservoirs of employment projects—will create a vast army of consumers who are not producers.

The result is clear. It will be, as in Britain today, a labor force that is too large to be employed by the existing capital stock—that is, a labor force that is too large to be employed productively by the nation's factories and machinery. The result will be a wage and cost structure that is not competitive on world markets—this means a growing inability to export at the very time that, as studies show, our raw material and energy import needs are growing.

Mr. Speaker, the Humphrey-Hawkins bill will have five surefire effects, none of which the people want and all of which are good reasons for voting against the bill.

First, the bill will increase Government sector employment relative to employment in the productive private sector that produces the goods that people use their money income to purchase.

Second, it will increase inflation.

Third, it will reduce capital investment and the productivity of labor.

Fourth, it will generate social strife when the economic pie turns out to be too small to support both a burgeoning public sector and the expectations of the producers.

Fifth, it is the central planning road to economic failure and the growth of Government power.

Mr. Speaker, we must listen to the people and cease promising full employment policies that only build big centralized government. Let us not Britainize our economy.

FEDERAL AGENCY PILOT TERMINATION AND REVIEW ACT OF 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, I am introducing today the Federal Agency Pilot Termination and Review Act of 1976. This is a "sunset" bill identical to the one introduced in the Senate on April 14, by Senator GARY HART of Colorado.

I am pleased to respond to Senator HART's invitation to introduce this legislation, which attempts in a pragmatic, limited and commonsense way to deal with one of the most vexing and frustrating problems facing the American people: how to make Government work better.

Under the "sunset" concept, Government agencies face an automatic termination date—or "Sunset"—according to a fixed schedule. This termination triggers a mandatory legislative review of the Agency's performance in light of the purposes for which it was established. The appropriate committees of Congress would have in hand 3 months before scheduled compulsory public hearings three separate assessments of the affected agency, prepared by the Office of Management and Budget, the Congressional Budget Office, and the General Accounting Office.

At the public hearings, which would be held well in advance of the scheduled termination date, the Agency's head would be expected to defend his organization's record and make the case for its continued existence. Other interested individuals and groups would also be invited to make their assessments and recommendations.

With all the evidence in hand, the congressional committees involved could then recommend that the agency be continued unchanged, or with modifications, for another 6-year period, after which period the termination and review process would be repeated.

If, on the other hand, committees concluded that the agency should go out of existance and the Congress agreed, no legislative action would be necessary. The agency would cease to exist 1 year atfer its scheduled termination date.

It is important to note that the 1 year of continued life for the agency after the termination date is a safety feature in this bill. It provides for the possibility that the Congress may not be able to act expeditiously, or that the public may disagree with the decision the Congress has made. The grace period would leave ample time for Congress to reconsider any decision to terminate without having to face the prospect of reconstituting an already disbanded office.

The Speaker, I understand that some 44 bills have been introduced in the House to deal with the question of big Government or control of regulatory agencies. I would like to explain why I think this proposal is different and worthy of consideration.

First of all, it is adopted from the original Sunset concept developed by Common Cause and enacted in Colorado last month, with the support of political liberals and conservatives alike.

Second, this bill provides for a pilot project. It would require a trial run involving only six Federal agencies: the Civil Aeronautics Board, the Federal Aviation Administration, and the Occupational Safety and Health Administration which would terminate on October 1, 1978; and the Federal Maritime Commission, the Federal Energy Administration, and the Interstate Commerce Commission which would terminate on October 1, 1979.

The two civil aviation agencies were chosen to test the Sunset process as a way to eliminate unnecessary duplication of effort. Any other agencies, however, could have been chosen to demonstrate the effectiveness of this approach.

Mr. Speaker, this bill proposes a trial run, because the Congress and its various support facilities cannot as presently constituted take on the entire Federal Government. This point has been made by expert witnesses who otherwise support the idea of automatic termination and congressional review of agencies or budget programs as in the case of zero-base review.

My bill would give the Congress a chance to test the Sunset process without the risk of bringing the entire Federal Government to a halt. Based on the results of the trial run, the Congress could decide to reorganize itself and its staff support to perform its envisioned oversight and review function efficiently.

If the trial run proved to be a success, and I am confident that it will, the Congress could apply the Sunset concept to the entire Federal Government or as broad a section of it as seems feasible and wise.

One final point, Mr. Speaker. This bill would provide for the equitable treatment of civil servants on the rolls of any Federal agency that is actually terminated. Also, the Attorney General would assume responsibility for any agency actions pending on the date of termination to see those actions through to a satisfactory resolution.

There is new evidence every day of the disillusionment of the American people with Government. The Federal Agency Pilot Termination and Review Act of 1976 offers us a practical opportunity to show that we are willing to take steps to make Government more efficient and more responsive to the needs of the people.

LOIS WELLS, DISTINGUISHED EDUCATOR, RETIRES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, on June 6, 1976, Miss Lois Wells, of El Monte, Calif., in the district I represent, will be honored at a banquet on the occasion of her retirement after 40 years of service in the field of education, 33 years in California.

As an educator for 40 years Miss Wells has contributed much to the young people and the communities of southern California. She has viewed her life and her career as a high school and community college choir and vocal teacher as a means to serve and develop young people according to the precepts of the highest principles.

Before coming to California Miss Wells taught in Kansas. She then taught music and was chairman of the Music Department for 8 years at El Monte High School. Since 1966, Miss Wells has been teaching at Rio Hondo College in Whittier, Calif.

In addition to her active role as an instructor in the classroom, Miss Wells has been very involved in the musical development of our community. She has served as president of the Southern California Vocal Association, the Los Angeles chapter of Choral Conductors Guild, the State chapter of Choral Conductors Guild and the West San Gabriel Chapter of the National Educators Fellowship. Also among her many other outside activities, Miss Wells has been director of her church choir for 33 years and of choirs in various youth camps around the country. An added indication of her involvement with youth, is her experience as chaperone on six tours abroad with the Southern California Youth Chorale.

On the occasion of her retirement I would like to note that Miss Wells has served our community schools with great dedication. It is a privilege to have had a woman such as Miss Wells working for the people of California and providing guidance and inspiration to so many of its people.

BILLIONS FOR DEFENSE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

Mr. ADDABBO. Mr. Speaker, last week the Subcommittee on Defense Appropriations of which I am a member voted out the most expensive defense budget in our Nation's history. I opposed and still oppose this military complex—politically oriented budget. I had offered in committee amendments which were defeated to cut production funds for the B–1 bomber, Trident missile, and for overall budget reductions which will be further discussed in separate views I will be filing with the committee's report on the bill.

Mr. Speaker, I believe the New York Times editorial of Tuesday, May 18, with which I fully agree, correctly describes the issues and characterization of this year's defense budget and I recommend it to my colleagues for their information and study:

BILLIONS FOR DEFENSE—OR FOR POLITICS?

Angola, Russia's continuing military buildup, the Ronald Reagon campaign and doubts about détente all have contributed to the unwillingness of Congress this year to make significant cuts in the Administration's military budget, which now appears likely to exceed $114 billion. But the desire to impress the Soviet Union and Mr. Reagan's supporters cannot justify the virtual abandonment by the nation's legislators of their responsibility to review the country's defense posture.

Apart from the usual "cushion" inserted to prepare for Congressional cuts. estimated at $3 billion or more by Senator Proxmire, the defense budget is traditionally bloated with prestige projects and other questionable expenditures, the products of log-rolling trade-offs among the four armed services. It requires much closer scrutiny than was given last week by the key House Defense Appropriations subcommittee, which voted a reduction of less than one percent, the smallest cut in a decade.

This is the subcommittee that in recent years has normally cut the military budget by 4 or 5 percent. But this year it has voted $948 million in production funds for the B–1 bomber, at $80 million or more per plane, before the completion of tests next November. The decision on whether to go ahead with this deep-penetration bomber, as against a cheaper model, should be left to the next Administration.

The crash program to build giant Trident ballistic missile submarines at more than $1 billion per ship also needs re-examination along with the funds for another nuclear-powered aircraft carrier that, with its planes, would *eventually cost nearly $5 billion*. The Congress, influenced by Admiral Rickover, has foolishly voted more funds for expensive nuclear-powered ships than are wanted by the Navy or the Administration.

There is no good reason to press ahead with a big new naval shipbuilding program before completion of the basic study under way in the National Security Council to determine the role, size and composiiton of American naval forces through the end of the century. The Soviet shipbuilding program appears to have stabilized and is focusing on modernization instead of increased numbers. An effort to curb the Soviet-American naval arms race, rather than to step it up again, is what is needed.

Major policy issues in the defense budget, many of which involve small sums initially, need even closer scrutiny than the big-money projects. Is a large, new, land-based intercontinental ballistic missile (ICBM)—combined with new counterforce warheads—going to advance or prejudice American security? The drive for a strategic nuclear war-fighting capability, which each side may perceive as a first-strike threat, could destabilize the nuclear balance.

Defense manpower, which takes 57 percent of the budget—despite a 22 percent cutback in military personnel compared with pre-Vietnam 1964—is the chief factor in military costs. The country ultimately must face the question whether it wants to pay the huge cost of a volunteer army. But, even before that reappraisal becomes politically feasible, manpower costs could be cut back by reform of the reserve forces, trimming Pentagon civilian and other support personnel, the closing of more bases, and reductions in extravagant retirement and fringe benefits.

The country is heading toward a $150 billion defense budget in 1980. The question is not whether it can do with less security but whether more security could not be brought for less. A fundamental reassessment is long overdue and should be undertaken as soon as the Presidential election determines the nation's political direction for the next four years.

U.S. REPRESENTATIVE CHRISTOPHER J. DODD TESTIFIES IN SUPPORT OF THE EXTENSION OF THE POST-KOREAN GI BILL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. DODD) is recognized for 10 minutes.

Mr. DODD. Mr. Speaker, earlier today I testified before the House Veterans' Affairs Subcommittee on Education and Training in support of legislation I have introduced which would remove the 10-year time limit on the use of educational benefits under the post-Korean GI bill.

For nearly 3 million veterans discharged between January 31, 1955, and May 31, 1966, the delimiting date will take effect at the end of this month, and they will no longer be eligible to make use of the educational benefits they would otherwise still be entitled to. Unless the delimiting date is extended or the time limit is removed, many of these veterans will be forced to discontinue college education and vocational training programs which are so important to their future.

Because this is a matter which affects veterans nationwide, I would like to insert the text of my statement in the RECORD for the consideration of all of my colleagues.

The text of the statement follows:

STATEMENT OF REPRESENTATIVE CHRISTOPHER J. DODD, BEFORE THE HOUSE VETERANS' AFFAIRS SUBCOMMITTEE ON EDUCATION AND TRAINING

Mr. Chairman, I want to thank you, and the distinguished Members of the Subcommittee on Education and Training, for giving me the opportunity to testify in support of the elimination of the ten-year time restriction on the use of veterans educational benefits.

I would like to say at the outset, Mr. Chairman, that it is a unique experience for me to speak before your Subcommittee, being a member of your Science and Technology Committee as well.

I am pleased that hearings are being held on legislation dealing wth extension of the delimiting date, or removal of the time restriction, on the use of the current G.I. bill.

There are more than forty bills pending before this Subcommittee which call for one or the other of these measures to prevent the cut off of the G.I. bill for many of our veterans at the end of this month.

More than one-hundred of our colleagues in the House have sponsored or co-sponsored these bills; and when we took action on the budget resolution on April 29th of this year, a majority of members of the House—and a majority of members of the House Veterans Affairs Committee—indicated their support for the extension of eligibility by voting in favor of the Edgar amendment.

Nationwide, the real rate of unemployment remains at nearly 10.5%. In my own State of Connecticut, I am sorry to say that the unemployment rate hovers at 12.1%.

We have to face facts: The job market is dismal, for both high school and college graduates. If we are to address this problem effectively, we must approach it in several ways. I believe that one of these is to allow our Post-Korean and Vietnam-Era veterans—who comprise an age group particularly hard hit by unemployment—to receive continued assistance for education and training programs. This type of preparation is essential today in finding employment—and in remaining employed.

I feel that the legislation I have introduced, eliminating the time restriction on the use of the current G.I. Bill, will help to accomplish this goal.

It seems to me that this ten-year time limit is unnecessary, and may be contrary to the public interest.

It tends to discriminate against the veteran who has commitments immediately after leaving active duty, and must postpone the use of their educational benefits.

It puts undue pressure on a veteran to enroll in a program just to beat the deadline, even though the program may not be best to that individual.

The costs involved in removing this time restriction must be a consideration, to be sure, but I am convinced that it will be money well spent. Studies have shown that for each dollar spent on G.I. educational benefits, the Treasury eventually receives four dollars in additional revenues generated by higher veterans' incomes.

With this in mind, it is easy to see that any costs incurred as a result of the removal of the time constraint would be more than offset by taxes paid by these same individuals in later years.

Only a little more than half of all 10.6 million post-Korean and Vietnam-Era veterans have used their educational benefits at this time, yet a 1974 Army Testing survey showed that a majority of armed servicemen and women considered their post-service educational benefits to be among the most important of all their reasons for joining.

Many of our veterans entered the service under the assumption that they would use their benefits once they left. Many were delayed in pursuing their education, however, and for these men and women, May 31st will mean they will no longer be eligible.

In Connecticut, nearly 58,000 Post-Korean and Vietnam veterans will lose their G.I. Bill eligibility.

On the 17,860 Connecticut veterans presently attending college or vocational training under the G.I. Bill, approximately 25% will have their educational assistance cut off if the delimiting date is not removed or extended.

I know from the appeals that I have received from my constituents that many of these veterans will be unable to continue their education or job training without this assistance.

I would like to share with you one such appeal, Mr. Chairman. It is only when you start looking at the matter from the perspective of its effects on individuals like William Schwarm of Middletown, Connecticut, the importance of the extension really comes to light. The text of the letter follows:

DEAR MR. DODD:

I am writing in regard to the possible extension of the G.I. Bill.

I did not find out that I was eligible to receive any educational benefits until January, 1975.

I am employed as a tinsmith and my job requires a lot of physical stamina. One day it happened to dawn on me that, at thirty-five, I was one of the oldest men in the trade. I began to panic, as I was really beginning to feel the physical strain of my job.

I began looking for another type of employment, but at thirty-five, with a wife and three children, you must be careful that you find a job that does not lower your income drastically and yet has security. After some time had passed, a friend informed me that I might be eligible for veterans' educational benefits.

I applied and was accepted at Middlesex Community College. I have completed twelve courses so far and have a high "B" average. I am studying toward a four year degree to teach Industrial Arts.

I am entitled to thirty-six months of benefits, but the time limit will run out long before my benefits.

We live in a State housing project, and we have never been able to get far enough ahead financially to afford a home. The G.I. Bill, I feel, is my big chance in life to make a break from our present life style.

Please help us by giving your vote to extend the time limit on the G.I. Bill.

Sincerely,

WILLIAM H. SCHWARM,
Middletown, Connecticut.

I think we often lose sight of the real issues involved, in deciding questions of this type. We tend to speak in aggregates, large numbers of dollars, and large groups of people, without adequately considering the impact our action, or lack of action, will have on individuals. Letters such as Mr. Schwarm's really bring home these effects in a way I think we can all relate to.

Mr. Chairman, we are not just talking about eliminating a program for "X numbers" of veterans. By allowing the delimiting date to stand, we will be forcing a great many "individuals" to discontinue educational and training programs. We are drastically reducing their employment opportunities; as well.

I believe that our veterans, as well as our Nation as a whole, cannot afford such action, and I strongly urge that this Subcommittee remove the delimiting date entirely, and as soon as possible.

Thank you, Mr. Chairman, for allowing me to express my concern on this crucial issue.

STATUS OF PUBLIC LAW 480 RICE EXPORT PROGRAM AS OF MAY 21, 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

Mr. ALEXANDER. Mr. Speaker, in preparing my seventh report on the status of the rice exports under Public Law 480 in this current marketing year I find that sales equaling slightly more than half of the 850,000-ton objective set for this marketing year by the administration have been completed.

The total in completed sales reached 443,000 tons this week with the addition of 52,000 tons marketed to South Korea, 11,000 marketed to Syria, and 10,000 tons marketed to Guinea. India opened bids on its purchase of 100,000 tons yesterday but the sale is not yet completed. In addition, agreements are signed, purchase authorizations have been issued, or invitations for bids have been issued for the sale of another 178,000 tons.

The chart below summarizes the status of the Public Law 480 rice export program to date:

STATUS OF PUBLIC LAW 480 RICE PROGRAM, 1975–76 MARKETING YEAR, CURRENT THROUGH MAY 21, 1976

[In thousands of metric tons]

	Bangladesh	South Korea	Portugal	Zaire	Guinea	India	Indonesia	Syria	Total
Allocations approved by Interagency Staff Committee:									
Date									
Amount									
Negotiations initiated:									
Date									
Amount									
Agreements signed:									
Date							50	28	78
Amount									
Purchase authorizations issued:									
Date	Apr. 30, 1976								
Amount	50								50
Invitations for bids issued:									
Date						May 13, 1976	May 18, 1976		
Amount						[2] 100	50		150
Programs completed: Amount	170	164	50	27	10			22	
Total	220	[1] 164	[1] 50	27	10	[2] 100	100	50	721

[1] Both South Korea and Portugal normally buy brown rice. These figures are the milled equivalent on the USDA formula of 90 percent extraction from brown rice. The rice industry uses an 85-percent extraction formula.

[2] These figures are lower than in the previous charts because of India's apparent decision to take only 100,000 of the 200,000 tons of rice which were originally allocated to her. On May 20, 1976, India opened bids on this purchase, sale not yet completed.

PROBLEMS IN THE SOCIAL SECURITY ADMINISTRATION'S STATE DATA EXCHANGE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, as originally planned, the Social Security State Data Exchange—SDX—report was designed to provide the States with information on all persons in that State enrolled in the supplemental security income program. The report itself is the only case-by-case information which the States receive, and it represents the major SSI information report which SSA provides to the States. Many States use the SDX report to determine—

First, SSI recipients' eligibility for other programs; for example, the medicaid program; and

Second, the amount of Federal payment so that any State benefits; that is, State supplements due to an SSI recipient, can be paid.

As part of its continuing oversight of the SSI program, the subcommittee was interested in knowing how the SDX program is working. The subcommittee had received reports that at the beginning of the SSI program in January 1974, the SDX reports were of very poor quality. Therefore, on February 9, 1976, the Ways and Means Oversight Subcommittee sent a letter to all 50 States and the District of Columbia asking whether or not there had been improvement in the SDX computer tapes, and whether or not the rate of improvement of the tapes was acceptable to them. Thirty-eight responses were received by the subcommittee and 36 indicated improvement in the SDX tapes. Two replies did not indicate whether or not the SDX tapes had improved. No State reported that SDX tapes had not improved. The Social Security Administration is to be commended for this general improvement in the supply of important beneficiary information to the States.

Satisfaction with the rate of improvement varied among the States. Of the 36 replies indicating improvement in the tapes, 4 said the rate of improvement was acceptable. Twenty-seven States did not reply either way, but nearly all of these noted that SDX could be further improved in various ways.

It is disturbing that many of the SDX problems reported by the States to the subcommittee were the same problems that a February 18, 1975, American Public Welfare Association survey revealed. A year has passed and the same problems are still in the system. This is unacceptable and reflects a lack of aggressive electronic data management at the Social Security Administration.

The largest single problem mentioned in the replies to the subcommittee was the inaccuracy of the SDX tapes. Twenty-one replies mentioned errors in the SDX tapes such as wrong names, wrong addresses, duplicate or pseudo-social security numbers, or inconsistent information. The State of Missouri said:

> Our main problem has been (and to some extent still is) the purification of incorrect data base information that entered our system during the first six (6) months of SDX operation.

This, of course, causes problems with the use of the tapes, and more incorrect information may be entering the system. The State of Tennessee wrote:

> Major improvements in the reliability of the SDX data have been unrecognizable.

Another major problem area is timeliness. That is, the States either do not receive the SDX tapes in a timely manner or there are delays in the correction or change of tapes.

Six States replied that they had untimely delivery of SDX tapes ranging from several days to 2 months late. The delay in receipt of the tapes caused problems for State programs in several States. California stated:

> Such delay wreaks havoc in the processing and timely delivery of SDX data to its primary users which are the Department of Health (Medi-Cal I.D. card issuance) and county welfare departments.

Eleven States noted problems in the timeliness of the correction of tapes. This category includes updates which are not corrected and delays in the correction of mistakes. A typical problem was reported by Texas:

> There are cases on which the latest SDX is several months old and the client is no longer eligible. We had received no information to that effect.

The State of Georgia says:

> Usually when a problem occurs in Baltimore which causes errors to appear on the SDX tape, the States are not notified in sufficient time to cope with the errors. In many instances, States are not notified until after the SDX tapes have been processed.

The State of Pennsylvania says:

> All of these problems relating to incomplete and inaccurate data have continually been brought to the attention of SSA but no satisfactory improvement has occurred. One of the major flaws in the SDX system has been the lack of responsiveness to change. Relatively small changes in the system may require a year or more to implement, and even corrections involving specific cases may take months to complete. We have clients who have been receiving incorrect payment amounts since January, 1974 despite numerous attempts at correction. Clients tell us about addresses that were not changed by SSA for over a year and about countless visits to their SSA Office attempting to correct case information.

Another item noted in the responses is a problem with SDX and State medicaid programs. Twelve States noted problems with medicaid eligibility status, and wrong mailing addresses for medicaid recipients. A quotation from New Mexico's reply is fairly typical:

> We find, however, that while there has been some improvement in the overall operations of the SDX System, a significant number of SSI eligibles are either not reported to us via SDX, or not reported in a manner that enables us to issue them a current Medicaid Identification Card. In these instances, it becomes necessary to obtain certification of eligibility from Social Security Administration district offices, and prepare Medicaid cards manually at our offices. In addition, we continue to have approximately 500 Medicaid cards returned to us monthly by the Post Office as undeliverable to the addresses provided by the SDX. Occasionally, we find out that some of the beneficiaries have died months ago, Social Security has been notified, and yet the names continue to appear on the SDX as eligible.

The question arises from the New Mexico quote whether those 500 individuals are still being issued SSI checks at the old addresses, and if so, who is cashing the checks?

The following chart indicates which States the subcommittee received replies from and which SDX areas they report problems with:

Replies received from—	Indicated inaccuracy of SDX tapes	Indicated untimeliness of tape delivery	Indicated untimeliness of tape corrections	Indicated problems with medicaid	Indicated receiving incomplete information	Indicated trouble with instructions
Alabama						
Alaska	×					
Arizona						
California	×	×				
Colorado						
Connecticut						
Georgia	×		×	×		×
Hawaii	×					
Illinois	×	×			×	
Indiana						
Kansas						
Kentucky	×			×		
Maryland	×	×				×
Michigan	×					×
Mississippi						
Missouri	×		×			
Montana						
Nebraska		×	×			
Nevada	×		×	×		×
New Hampshire						
New Jersey		×	×			
New Mexico	×			×		
New York	×		×	×	×	
North Dakota	×					
Ohio				×	×	
Oklahoma			×	×		
Oregon						
Pennsylvania	×			×		
South Carolina						
Tennessee	×		×	×	×	
Texas	×		×	×	×	
Utah	×					
Vermont	×	×		×		
Washington						
West Virginia	×		×	×		×
Wisconsin	×		×			
Wyoming						
Washington, D.C.	×					
Total	21	6	11	12	5	5

The following examples from Texas and New York further show that many current SDX problems have been known for a long time.

On November 26, 1974, the Honorable J. J. PICKLE entered an October 24, 1974, letter from Texas Welfare Commissioner Raymond W. Vowell into the CONGRESSIONAL RECORD. The letter cited the following two SDX problems among others:

> 2. Individuals who are issued an SSI check through a manual process in the SSA District offices are not accreted through the SSA computer system. A manual system to establish Medicaid eligibility has been ini-

> tiated. However, many cases still go unreported and many cases remain open for medical assistance after eligibility for SSI has ended.
>
> 3. The SDX tape sent to Texas continues to contain individuals with residency addresses in other states."

The March 12, 1976, reply from Texas—also from Commissioner Vowell—to our inquiry noted:

> The automated system at SSA does not send all SSI cases that receive a manual payment to the Department. Some of these cases are sent to the Department from the local SSA District Office through a manual Medicaid certification procedure. This procedure was developed in July, 1974 by the SSA Regional staff and the Departmental staff. The purpose of the system was to establish Medicaid eligibility for all individuals who were receiving SSI checks. Individuals who received a check through the SSI manual check writing system are not always processed through SSA's computer system. Recently, this problem has been somewhat alleviated. Currently, most of the manually certified individuals have a follow up SDX record. There are some individuals for which we do not receive such a record indicating that not all SSI cases are recorded on the files at SSA when a manual payment has been made. Since the manual certification process depends on written notification from the District Office, we fear that some individuals may never be manually certified and may never be added to the SSA Central Office files. As a result of this, these eligible individuals would not receive the Medicaid coverage to which they are entitled."

And—

> Texas still receives many records which are not relevant to Texas. These records cause extra processing time and are a point of contention as to proper payment for SDX information."

These two examples show that while there has been some improvement in SDX, many problems remain unsolved even though the problems have been known for 19 months and more.

The State of New York replied to an April 18, 1975, Senate Finance Committee questionnaire that the accuracy and timeliness of SDX tapes are major problem areas. These problems were described in detail at that time in a document, "SSI, New York's Perspectives." These problems include:

> The State must continually "infer" what is meant by SDX "numbers." For example:
>
> The SDX does not provide data relative to the particular months for which an SSI payment is made and consequently, payments for multiple months appear as State liabilities when, in fact, if properly distributed over past months, could reduce State liabilities for current and prior months.
>
> HEW continually changes SDX data content and system operation changes are made without regard to State objections—this causes increases in the numbers of transaction adjustments and creates unnecessary administrative workload.
>
> The SDX contains inconsistent and incomplete information regarding individual clients which necessitates duplicate client contact, unnecessary administrative expense, and untimely Federal/State liability determination.
>
> There are inadequate quality assurance tests before major SDX data processing "runs" and certain system elements (e.g., MA eligibility dates) are erroneously affected by other unrelated elements (e.g., Social Security benefit increase dates).
>
> One-time payments are received "out-of-date" and are recorded by client security number and not by State (or county) of client residence which makes it impossible for the State to analyze appropriate liability placement.
>
> The SDX is the State's only source of SSI program data, however, it cannot be used as a basis for defensible State audits nor as a reliable accounting of State supplement disbursements. For example:
>
> Social Security benefit increases have erroneously been added to MIL's which appears to increase State liabilities and compromises the utility of SDX information for program planning purposes.
>
> One-time payments are not picked up on the SDX.
>
> The states cannot feed automated information back to SSA and discrepancies between the SDX and State records must be reconciled through tedious manual, individual case-by-case reviews.
>
> The SDX is not designed to meet local needs; accordingly, extensive State reprocessing is required before distribution to local governments for local monitoring purposes.
>
> There is an inability to correct major SDX computer programming errors and to develop simple edit routines applicable to the State's supplementation program.

In reply to the Ways and Means Oversight Subcommittee's recent questions, New York referred to its 1975 remarks. New York said:

> Your letter of February 9, 1976 asked my opinion of the "improvements" in the State Data Exchange System used in the SSI program and if the rate of improvement is acceptable. You also indicated that your Subcommittee is aware of the State's concern about the reliability, completeness, and timeliness of the SDX system. These "concerns" were described in detail in Governor Carey's response to the Senate Finance Committee's Questionnaire on SSI in May 1975 and in June 1975 in my testimony before the Public Assistance Subcommittee of the House Ways and Means Committee . . .
>
> While minor improvements have been noticed the entire SDX process still remains a major problem to the State. The lack of reliability, completeness and timeliness continue to plague the SDX. The poor quality of the data impacts the State in three major areas; (1) Medicaid, (2) Data Processing, and (3) Fiscal, and has a residual effect on quality assurance, emergency assistance, and interim assistance.

I feel that this shows that in many cases last year's SDX problems are this year's current SDX problems.

I might add that the SSI study group, which was created last spring and which issued its final report this January 26, was also highly critical of the SDX operation. The study group noted a number of problems and reported:

> *Not enough time was allotted to the development of the SDX system. As a result early reports to the States were in very poor shape. The Study Group repeatedly heard complaints along these lines. However, it appears that the reports have been much improved in recent months.*
>
> The Study group heard much testimony regarding the seed of the States for good accounting information. *The SDX system was not designed to provide accounting information and it would probably be best not to modify it for this purpose.*

I do not believe that the results of our poll of the States, taken in the spring of 1976, support the study group's comment that "the reports have been much improved in recent months." There has been improvement, but there are still enormous unresolved problems.

SSA must continue to improve its SDX system to provide better service and it must work harder to accelerate the rate of improvement so the SDX data can become acceptable to its users.

Given the slowness in the rate of improvement, the oversight subcommittee will continue to monitor the SDX program. In addition, the problems reported in this area further justify the subcommittee's concerns about the quality of social security's computer operations. It has become increasingly obvious that the entire electronic data systems management at social security must be overhauled and improved.

PENSIONS FOR WORLD WAR I VETERANS: THE TIME TO ACT IS NOW

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON of California. Mr. Speaker, today I filed with the Clerk of the House a motion in writing to discharge the Veterans' Affairs Committee from further consideration of H.R. 3616, the World War I Pension Act, a bill which I introduced 15 months ago.

I have taken this action because I believe that it is imperative that the full House of Representatives be afforded an opportunity to discuss and vote on World War I pension legislation as soon as possible.

H.R. 3616 would provide a $150-a-month pension for either the World War I veteran or his widow, without regard to any other source of income that he or she may have.

I recently presented testimony on this legislation which I would like to include at this time for the purpose of explaining the need for this legislation:

STATEMENT OF HONORABLE GLENN M. ANDERSON PRESENTED TO HOUSE VETERANS' AFFAIRS SUBCOMMITTEE ON COMPENSATION, PENSION AND INSURANCE, MAY 17, 1976

> Thank you, Mr. Chairman, members of this committee.
>
> I appreciate this opportunity to present testimony in behalf of legislation which I have introduced relative to pensions for World War I veterans.
>
> The bill, H.R. 3616, the "World War I Pension Act", would provide a $150 a month pension for either the World War I veteran or his widow.
>
> Mr. Chairman, it has been 60 years since these Americans trooped off to Europe. It is easy for us to choose not to reflect on that part of our history, but I believe it is very beneficial and appropriate for us to recall the climate of those times.
>
> When in April of 1917, the United States entered the war, Germany was winning. The United States was ill-prepared to declare war on Imperial Germany—the odds seemed hopeless. The French Army was demoralized and in the midst of mutiny. The British and the French were losing men not by battalions and regiments but by divisions, virtually by armies.
>
> The young Americans who reported to the recruiting offices that year were not seeking adventure. They were convinced, that regardless of the cost, America had to enter the war—and they were well aware of what their part in such an effort would be.
>
> They left this country to face the awesome trench warfare of the Western Front. Due largely to the valor of these men, the bolstered Allied forces began to experience

victory after victory—we know the rest of this history.

What did a grateful nation provide to these valiant veterans? On the day of discharge we presented him with $60—a happily received sum in the day when a dollar had considerably greater buying power. Later, the Congress passed the Adjusted Service Compensation Act which provided the veterans with an average payment of $547.50. This total amount of $607.50 was his reward and "thanks" from the nation which he served.

In 1919, when most World War I veterans were discharged, there was no educational aid system. If there had been, the plight of these veterans might be quite different today, as the average educational level of World War I veterans is the sixth grade.

For a majority of these veterans, their education handicap prevented any large number of them from achieving even moderate economic success. Also, by 1935, when the Social Security system was created, World War I veterans were too old to have time to build up maximum benefits.

In 1919, the Government did not help the veteran find employment, as in the case of recent veterans. Nor were there veterans hospitals as there are today. The only assistance provided to these men was vocational rehabilitation for those disabled in the war.

Has this caused these men to be bitter—quite the contrary. I have always been impressed by the support which World War I veterans have provided for the granting of educational and other benefits to veterans of later wars. In spite of the meager show of gratitude by this nation to World War I veterans, they have always maintained the attitude that such benefits for later veterans have lead to better citizenship and thus a better America.

The legislation which I propose—a $150 a month pension for either the World War I veteran or his widow—will not cost as much as simple arithmetic might indicate. Many veterans are receiving welfare payments, and this pension would permit many to cease drawing such benefits. I believe that it is a national disgrace that men who served this nation with such valor are now forced upon the welfare rolls.

My bill, H.R. 3616, will rapidly drop in annual cost to the government. In the meantime it will be a godsend to the 893,000 World War I veterans still alive and to the surviving widows of deceased veterans. I might add, that at the present time, only 340,873 of these veterans are receiving any kind of a veteran's pension.

The pension system that is in effect now is a type of welfare that is really beneath the dignity of those who have contributed so greatly to our nation. For example, a married veteran of World War I, whose annual income is $300 or less, is entitled to $186 a month pension maximum—$2,232 per year. No pension is payable to such a veteran whose annual income exceeds $4,500.

The veteran without dependents is eligible for a pension only if his annual income is less than $3,300. His maximum monthly pension, based on an annual income of less than $300, is $173—$2,076 per year.

Mr. Chairman, I maintain that the pension which I propose is not a special privilege, but rather, this legislation will serve to bring the Nation's treatment of World War I veterans to a point approaching equity with the benefits that veterans of later wars have received.

I thank you Mr. Chairman and members of this committee for allowing me this opportunity to share my strong views on this subject. I urge you to report the "World War I Pension Act" to the floor of the House as soon as possible.

TESTIMONY OF ARTHUR A. COURSHON BEFORE 1976 DEMOCRATIC PLATFORM COMMITTEE HEARINGS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, a very able statement upon the subject of housing was made before the southern regional hearing of the 1976 Democratic Platform Committee in Atlanta by Arthur H. Courshon, long-time chairman of the board of Washington Federal Savings and Loan Association of Miami Beach, Fla. Mr. Courshon has been president of the National League for Insured Savings. He has been responsible for setting up housing programs in several of the Latin American countries. He is one of the most knowledgeable men in the country on the subject of housing. His views on that subject and his opinions as to how we might have an adequate housing program in this country are ably expressed in Mr. Courshon's testimony. Since housing is a matter of critical interest to the Members of Congress and the country I ask, Mr. Speaker, that Mr. Courshon's excellent statement appear in the Record immedately following these remarks:

Testimony of Arthur H. Courshon, Chairman, Washington Federal Savings and Loan Association, Miami Beach, Fla., Before the Southern Regional Hearing of the 1976 Democratic Platform Committee Hearings

It is a not-too-pleasant notion to face up to, but in the United States of America, in our land of plenty, the overwhelming majority of our citizens cannot afford to purchase the home of their choice.

Housing, in recent years, has fallen on bad times. The combination of high unemployment, outrageous levels of inflation, and the skyrocketing costs for land, materials, and money, all have served to bring home this picture and to focus attention on the fact that the construction industry of this nation has as much if not more effect on employment and the welfare of the American economy than any other single industry.

Although there certainly are other pressing issues in the national economy, it is my belief that the Democratic Party ought to have as a major priority in its platform a hard hitting housing program that is aimed at bringing back to reality the Congressional mandate of "a decent home and suitable living environment for every American."

We must once again develop the means of providing decent housing to young families just getting started. We ought not to accept as gospel the notion that since these families don't have sufficient cash for the required downpayment that they should be forced out of the housing market.

We ought not to accept the idea that housing is not for everybody.

Indeed, housing in the United States should be for anyone who wants a home of their own.

We already have the vehicles with which to accomplish this. What is required is a fine tuning of the legislation and regulation of financial institutions which place the bulk of their funds into housing.

This does not suggest a restructuring of financial institutions, as is proposed by pending legislation. It rather attacks the heart of the problem insofar as housing is concerned: that is, how do you bring more families into the housing market at prices they can afford today?

This is the issue that should be addressed by the Democratic Party. It is the issue that has been ignored since 1969, and housing and the American economy have taken an entirely predictable beating as a result.

What we have in our nation is a structure, through our thrift institutions, of providing long term mortgage money. What we are missing is the ability of these thrift institutions to provide that money in a flexible manner.

At the present time, the insured savings and loan associations are basically limited to long term, fixed rate, monthly amortizing loans—a vehicle which worked beautifully in the years following the Great Depression until the mid-1960s.

But the long term, fixed rate mortgage no longer accomplishes the job year-in and year-out of providing housing to all Americans who desire a home. Reformers have taken this to indicate the institutions that service the home mortgage market are inefficient.

This, in my view, is erroneous. What is inefficient is the mortgage itself.

It, and not the institutions, should be changed to reflect current economic developments.

There is no question but a major rewriting of the regulations affecting mortgage lending by thrift institutions should be undertaken. The inability of current regulations to meet today's pressing needs is seen every time a young family, whose head earns a reasonable wage, tries unsuccessfully to secure funds with which to purchase a home.

The Federal Home Loan Bank Board has, in recent years, attempted to broaden the scope of mortgage lending of insured savings and loan associations, but without legislative changes, the type of which the writer suggests should be sponsored by the Democratic Party, it lacks the authority to do the job that needs to be done.

I propose the Democratic Party urge an updating of the Home Owners' Loan Act of 1933. This is the basic law under which the nation's savings and loan associations operate. If it were revised and tailored to suit today's needs, I feel we might well provide the answer to housing all Americans at prices they could afford.

The basic problem is that the mortgage instrument is too inflexible.

Today's economy, because we have had high inflation rates, high unemployment, and high land, material and money costs, requires the mortgage to be varied to suit the borrower. Some of the types of mortgages that today's economy requires, and which I propose the Democratic Party consider for its Platform, are as follows:

(1) For the young family, and here is a critical need today, a long term mortgage that would require little or no amortization during its early period, and a lower repayment amount. As the borrower ages and matures, and can afford to pay more, this mortgage instrument would provide for increased payments, and at the end of the term it would be fully paid out.

The advantage of this type of mortgage is, of course, to qualify more families—mostly young families—for housing they otherwise wouldn't be able to purchase. There obviously would have to be some screening process of applicants in the sense they should be "upwardly mobile" insofar as future employment prospects are concerned, but the concept is to qualify hundreds of thousands, and perhaps millions, of families and individuals who could buy the home of their choice today if the mortgage instrument were made flexible enough to accommodate their particular needs.

(2) We need to address ourselves once again to housing the poor. This is an area that has been given only lip service during the current decade. I propose, however, that we relieve the taxpayer of the burden of having tax

dollars allocated to low cost and public housing. Rather, we should have in our national arsenal of mortgage instruments a mortgage whose interest is tax free to the lender who makes the loan, provided that these tax free mortgages are limited to housing loans for low cost housing.

Such a tax free mortgage instrument would open the doors once again to inner city housing, but in a manner that would insure the program's success. With this type of tax exempt mortgage, we would be encouraging much more funds into one of the more pressing housing needs of the nation.

(3) We should also consider legislation that would allow low cost term insurance to be used in conjunction with low cost housing loans. This proposal would retire the mortgage debt of the borrower without requiring the borrower to amortize the loan during the borrower's lifetime. All he need do is (a) be insurable, and (b) pay the annual premium on the term insurance.

The savings and loan, under this proposal, would advance the funds for the home and retain title to the property. There is no subsidy involved in this and no impacting on the Federal Treasury. Yet, although simplistic in nature, it appears to be able to do the job of housing the poor through term life insurance.

At the borrower's death, the proceeds of the term insurance policy would be used to repay the lender—including interest on the advanced funds—and the borrower's family then owns the property free and clear.

This proposal, I would add, is a risk free loan on the part of the lender, since the insurance proceeds would come to the lender and, until then, he retains title to the property. As such, this type of investment would be an attractive one for thrift institutions up to a certain percentage of their assets.

(4) Another innovation which ought to be brought about are tax free mortgage backed bonds, the proceeds from the sale of which would be earmarked for low cost housing.

Because of the experience of New York City, people are seeking tax free investments with safety features built in. These could be offered where a pubic purpose is served, and there is no greater public purpose than to shelter the poor and elderly of our country without adding to the tax burden of our country.

(5) Legislation should be enacted authorizing an experimental program to index savings and certificate accounts as well as mortgages, in order to encourage savings and to insure sound mortgages leading during periods of inflation and as a deterrent to inflation.

As a nation to date we have turned our backs on the thought of indexing. We look upon it as a kind of giving in to inflation. As I see it, however, rather than being a giving in to inflation, it is a recognition that we are battling inflation—and while we do we ought to do something to allow families to retain the value on their life savings, and permit lenders to retain the value on their investments.

This type of program has worked well in some South American countries. The writer of this paper wrote the law in Chile that set up the savings and loan system in that nation. The law contained—and continues to contain—an indexing feature. What is done in Chile is the indexing of the principal on savings and on mortgages, based on a cost of living index.

In other words, if take home pay rises, say, 5 per cent in a given year, the principal on savings accounts rises a like amount, as does the principal on mortgage balances.

I believe we ought to take the bold step of supporting an experimental program of this type in the United States—while we continue to strive to bring inflation under control.

(6) One of the most significant innovations in the thrift industry has been the advent of annuity programs—offshoots of so-called Keogh and IRA accounts—which offer tax sheltered savings programs to anyone. The annuity account represents a probable wave of the future for savings in our nation, and consideration should be given to legislation allowing increased use of this increasingly valuable savings incentive.

(7) We should press forward with a real effort to revitalize the Federal Housing Administration, so as to simplify its laws and regulations and to rid that system of the many evils which our experience has shown us are inherent in FHA.

These seven proposals could be added to. There are other types of mortgages which might be worked on—and successfully. What is attempted, however, is to urge the Democratic Party to make a stand for bringing housing back down to the level of the people in this country—and away from the concept of "housing for the rich," which concept we have been living with for most of this decade.

In short, the Democratic Party should encourage the creation of a legislative task force, whose sole purpose should be limited to the examintion of existing legislation involving housing and housing finance in this country. The aim of the task force would be to modernize that legislation for the purpose of creating more housing for more people at lower cost and with less burden on the taxpayer.

This can be done, and the Democratic Party has the means of doing it. Perhaps more importantly, as we have shown in the past, we have that which has been lacking during the 1970s—the will to do it.

Thank you for allowing me the opportunity to present these suggestions.

CHAIRMAN BURNS SPEAKS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, when the distinguished Chairman of the Federal Reserve Board of Governors speaks, he speaks with great knowledge, deep concern for the public interest, and great wisdom. Chairman Burns is one of the towering figures of our country. He delivered an address at the University of Georgia on September 19, 1975, on the real issues of inflation and unemployment which was a thorough and scholarly review of the economic situation in our country today. What Chairman Burns has said deserves particular note from the Congress and country. To make the Chairman's remarks available to my colleagues and all who read this Record, I ask, Mr. Speaker, that this very able address of Chairman Burns appear in the Record immediately following my remarks:

The Real Issues of Inflation and Unemployment

(Address by Arthur F. Burns, Chairman, Board of Governors of the Federal Reserve System, at the Blue Key Honor Society Annual Awards Dinner, the University of Georgia, Athens, Ga., September 19, 1975)

I am pleased to be here at the University of Georgia and to have the opportunity to address this distinguished audience. Tomorrow promises to be an existing day for you, and you will need all the rest you can muster. I shall therefore not waste many words as I share with you my concern about our nation's future.

Our country is now engaged in a fateful debate. There are many who declare that unemployment is a far more serious problem than inflation, and that monetary and fiscal policies must become more stimulative during the coming year even if inflation quickens in the process. I embrace the goal of full employment, and I shall suggest ways to achieve it. But I totally reject the argument of those who keep urging faster creation of money and still larger governmental deficits. Such policies would only bring us additional trouble; they cannot take us to the desired goal.

The American economy has recently begun to emerge from the deepest decline of business activity in the postwar period. During the course of the recession, which began in late 1973, the physical volume of our total output of goods and services declined by 8 per cent. The production of factories, mines, and power plants fell even more—by 14 per cent. As the over-all level of economic activity receded, the demand for labor rapidly diminished and unemployment doubled, reaching an intolerable 9 per cent of the labor force this May.

The basic cause of the recession was our nation's failure to deal effectively with the inflation that got under way in the mid-sixties and soon became a dominant feature of our economic life. As wage and price increases quickened, seeds of trouble were sown across the economy. With abundant credit readily available, the construction of new homes, condominiums, and office buildings proceeded on a scale that exceeded the underlying demand. Rapidly rising prices eroded the purchasing power of workers' incomes and savings. Managerial practices of business enterprises became lax and productivity languished, while corporate profits—properly reckoned—kept falling. Inventories of raw materials and other supplies piled up as businessmen reacted to fears of shortages and still higher prices. Credit demands, both public and private, soared and interest rates rose to unprecedented heights. The banking system became overextended, the quality of loans tended to deteriorate, and, the capital position of many banks was weakened.

During the past year many of these basic maladjustments have been worked out of the economic system by a painful process that could have been avoided if inflation had not gotten out of control. As the demand for goods and services slackened last winter, business managers began to focus more attention on efficiency and cost controls. Prices of industrial materials fell substantially, price increases at later stages of processing became less extensive, and in many instances business firms offered price concessions to clear their shelves. With the rate of inflation moderating, confidence of the general public was bolstered, and consumer spending strengthened. Business firms were thus able to liquidate a good part of their excess inventories in a rather brief period. Meanwhile, as the demand for credit diminished, tensions in financial markets were relieved, and the liquidity position of both banks and business firms generally improved.

These self-corrective forces internal to the business cycle were aided by fiscal and monetary policies that sought to cushion the effects of economic adversity and to provide some stimulus to economic recovery. On the fiscal side, public employment programs were expanded, unemployment insurance was liberalized, and both personal and corporate income taxes were reduced. On the monetary side, easier credit conditions were fostered, resulting in lower interest rates and a rebuilding of liquidity across the economy.

With the base for economic recovery thus established, business activity has recently begun to improve. Production of goods and services turned up during the second quarter and is continuing to advance. The demand for labor has also improved. Both the number of individuals at work and the length of the workweek are rising again, and unemployment has declined three months in a row. Retail sales have risen further, and of late residential construction has joined the recovery process.

Along with these favorable developments, however, some ominous signs have emerged. Despite an occasional pause, inflation once again may be accelerating. By the second quarter of this year, the annual rate of increase in the general price level was down to 5½ per cent—about half the rate of inflation registered in the same period a year earlier. But over the summer, prices began to rise more briskly.

This behavior of prices is particularly worrisome in view of the large degree of slack that now exists in most of our nation's industries. Prices increases in various depressed industries—aluminum, steel, autos, industrial chemicals, among others—are a clear warning that our long-range problem of inflation is unsolved and therefore remains a threat to sustained economic recovery.

History suggests that at this early stage of a business upturn, confidence in the economic future should be strengthening steadily. A significant revival of confidence is indeed underway, but it is being hampered by widespread concern that a fresh outburst of double-digit inflation may before long bring on another recession. By now, thoughtful Americans are well aware of the profoundly disruptive consequences of inflation for our economy. They also recognize that these consequences are not solely of an economic character. Inflation has capricious effects on the income and wealth of a nation's families, and this inevitably causes disillusionment and discontent. Social and political frictions tend to multiply, and the very foundations of a society may be endangered. This has become evident in other nations around the world, where governments have toppled as a result of the social havoc wrought by inflation.

If we in the United States wish to enjoy the fruits of a prosperous economy and to preserve our democratic institutions, we must come to grips squarely with the inflation that has been troubling our nation throughout much of the postwar period, and most grievously during the past decade.

A first step in this process is to recognize the true character of the problem. Our long-run problem of inflation has its roots in the structure of our economic institutions and in the financial policies of our government. All too frequently, this basic fact is clouded by external events that influence the rate of inflation—such as a crop shortfall that results in higher farm prices, or the action of a foreign cartel that raises oil prices. The truth is that, for many years now, the economies of the United States and many other countries have developed a serious underlying bias toward inflation. This tendency has simply been magnified by the special influences that occasionally arise.

A major cause of this inflationary bias is the relative success that modern industrial nations have had in moderating the swings of the business cycle. Before World War II, cyclical declines of business activity in our country were typically longer and more severe than they have been during the past thirty years. In the environment then prevailing, the price level typically declined in the course of a business recession, and many months or years elapsed before prices returned to their previous peak.

In recent decades, a new pattern of wage and price behavior has emerged. Prices of many individual commodities still demonstrate a tendency to decline when demand weakens. The average level of prices, however, hardly ever declines. Wage rates have become even more inflexible. Wage reductions are nowadays rare even in severely depressed industries and the average level of wage rates continues to rise inexorably in the face of widespread unemployment.

These developments have profoundly altered the economic environment. When prices are pulled up by expanding demand in a time of prosperity, and are also pushed up by rising costs during a slack period, the decisions of the economic community are sure to be influenced, and may in fact be dominated, by expectations of continuing inflation.

Thus, many businessmen have come to believe that the trend of production costs will be inevitably upward, and their resistance to higher prices—whether of labor, or materials, or equipment—has therefore diminished. Labor leaders and workers now tend to reason that in order to achieve a gain in real income, they must bargain for wage increases that allow for advances in the price level as well as for such improvements as may occur in productivity. Lenders in their turn expect to be paid back in cheaper dollars, and therefore tend to hold out for higher interest rates. They are able to do so because the resistance of borrowers to high interest rates is weakened by their anticipation of rising prices.

These patterns of thought are closely linked to the emphasis that governments everywhere have placed on rapid economic growth throughout the postwar period. Western democracies, including our own, have tended to move promptly to check economic recession, but they have moved hesitantly in checking inflation. Western governments have also become more diligent in seeking ways to relieve the burdens of adversity facing their peoples. In the process they have all moved a considerable distance towards the welfare state.

In the United States, for example, the unemployment insurance system has been greatly liberalized. Benefits now run to as individuals with after-tax incomes almost individuals with after-tax incomes almost as large as their earnings from prior employment. Social security benefits too have been expanded materially, thus facilitating retirement or easing the burden of job loss for older workers. Welfare programs have been established for a large part of the population, and now include food stamps, school lunches, medicare and medicaid, public housing, and many other forms of assistance.

Protection from economic hardship has been extended by our government to business firms as well. The rigors of competitive enterprise are nowadays eased by import quotas, tariffs, price maintenance laws, and other forms of governmental regulation. Farmers, homebuilders, small businesses, and other groups are provided special credit facilities and other assistance. And even large firms of national reputation look to the Federal Government for sustenance when they get into trouble.

Many, perhaps most, of these governmental programs have highly commendable objectives, but they have been pursued without adequate regard for their cost or method of financing. Governmental budgets—at the Federal, State, and local level—have mounted and at times, as in the case of New York City, have literally gotten out of control. In the past ten years, Federal expenditures have increased by 175 per cent. Over that interval, the fiscal deficit of the Federal Government, including government-sponsored enterprises, has totalled over $200 billion. In the current fiscal year alone, we are likely to add another $80 billion or more to that total. In financing these large and continuing deficits, pressure has been placed on our credit mechanisms, and the supply of money has frequently grown at a rate inconsistent with general price stability.

Changes in market behavior have contributed to the inflationary bias of our economy. In many businesses, price competition has given way to other forms of rivalry—advertising, changes in product design, and "hard-sell" salesmanship. In labor markets, when an excessive wage increase occurs, it is apt to spread faster and more widely than before, partly because workmen have become more sensitive to wage developments elsewhere, partly also because many employers have found that a stable work force can be best maintained by emulating wage settlements in unionized industries. For their part, trade unions at times seem to attach higher priority to wage increases than to jobs of their members. Moreover, the spread of trade unions to the rapidly expanding public sector has fostered during recent years numerous strikes, some of them clearly illegal, and they have often resulted in acceptance of union demands—however extreme. Needless to say, the apparent helplessness of governments to deal with this problem has encouraged other trade unions to exercise their latent market power more boldly.

The growth of our foreign trade and of capital movements to and from the United States has also increased the susceptibility of the American economy to inflationary trends. National economies around the world are now more closely interrelated, so that inflationary developments in one country are quickly communicated to others and become mutually reinforcing. Moreover, the adoption of a flexible exchange rate system—though beneficial in dealing with large-scale adjustments of international payments, such as those arising from the sharp rise in oil prices—may have made the Western world more prone to inflation by weakening the discipline of the balance of payments. Furthermore, since prices nowadays are more flexible upwards than downwards, any sizable decline in the foreign exchange value of the dollar is apt to have larger and more lasting effects on our price level than any offsetting appreciation of the dollar.

The long-run upward trend of prices in this country stems fundamentally from the financial policies of our government and the changing character of our economic institutions. This trend has been accentuated by new cultural values and standards, as is evidenced by pressures for wage increases every year, more holidays, longer vacations, and more liberal coffee breaks. The upward trend of prices has also been accentuated by the failure of business firms to invest sufficiently in the modernization and improvement of industrial plant. In recent years, the United States has been devoting a smaller part of its economic resources to business capital expenditures than any other major industrial nation in the world. All things considered, we should not be surprised that the rate of improvement in output per man-hour has weakened over the past fifteen years, or that rapidly rising money wages have overwhelmed productivity gains and boosted unit labor costs of production.

Whatever may have been true in the past, there is no longer a meaningful trade-off between unemployment and inflation. In the current environment, a rapidly rising level of consumer prices will not lead to the creation of new jobs. On the contrary, it will lead to hesitation and sluggish buying, as the increase of the personal savings rate in practically every industrial nation during these recent years of rapid inflation indicates. In general, stimulative financial policies have considerable merit when unemployment is extensive and inflation weak or absent; but such policies do not work well once inflation has come to dominate the thinking of a nation's consumers and businessmen. To be sure, highly expansionary monetary and fiscal policies might, for a short time, provide some additional thrust to economic activity. But inflation would inevitably accelerate—a development that would create even more difficult economic problems than we have encountered over the past year.

Conventional thinking about stabilization policies is inadequate and out of date. We must now seek ways of bringing unemployment down without becoming engulfed by a new wave of inflation. The areas that need to be explored are many and difficult, and we may not find quickly the answers we seek. But if we are to have any chance of ridding our economy of its inflationary bias, we must at least be willing to reopen our economic minds. In the time remaining this evening, I shall briefly sketch several broad lines of attack on the dual problem of unemployment and inflation that seem promising to me.

First, governmental efforts are long overdue to encourage improvements in productivity through larger investment in modern plant and equipment. This objective would be promoted by overhauling the structure of Federal taxation, so as to increase incentives for business capital spending and for equity investments in American enterprises.

Second, we must face up to the fact that environmental and safety regulations have in recent years played a troublesome role in escalating costs and prices and in holding up industrial construction across our land. I am concerned, as are all thoughtful citizens, with the need to protect the environment and to improve in other ways the quality of life. I am also concerned, however, about the dampening effect of excessive governmental regulations on business activity. Progress towards full employment and price stability would be measurably improved, I believe, by stretching out the timetable for achieving our environmental and safety goals.

Third, a vigorous search should be made for ways to enhance price competition among our nation's business enterprises. We need to gather the courage to reassess laws directed against restraint of trade by business firms and to improve the enforcement of these laws. We also need to reassess the highly complex governmental regulations affecting transportation, the effects on consumer prices of remaining fair trade laws, the monopoly of first-class mail by the Postal Service, and the many other laws and practices that impede the competitive process.

Fourth, in any serious search for noninflationary measures to reduce unemployment, governmental policies that affect labor markets have to be reviewed. For example, the Federal minimum wage law is still pricing many teenagers out of the job market. The Davis-Bacon Act continues to escalate construction costs and damage the depressed construction industry. Programs for unemployment compensation now provide benefits on such a generous scale that they may be blunting incentives to work. Even in today's environment, with about 8 per cent of the labor force unemployed, there are numerous job vacancies—perhaps because job seekers are unaware of the opportunities, or because the skills of the unemployed are not suitable, or for other reasons. Surely, better results could be achieved with more effective job banks, more realistic training programs, and other labor market policies.

I believe that the ultimate objective of labor market policies should be to eliminate all involuntary unemployment. This is not a radical or impractical goal. It rests on the simple but often neglected fact that work is far better than the dole, both for the jobless individual and for the nation. A wise government will always strive to create an environment that is conducive to high employment in the private sector. Nevertheless, there may be no way to reach the goal of full employment short of making the government an employer of last resort. This could be done by offering public employment—for example, in hospitals, schools, public parks, or the like—to anyone who is willing to work at a rate of pay somewhat below the Federal minimum wage.

With proper administration, these public service workers would be engaged in productive labor, not leaf-raking or other make-work. To be sure, such a program would not reach those who are voluntarily unemployed, but there is also no compelling reason why it should do so. What it would do is to make jobs available for those who need to earn some money.

It is highly important, of course, that such a program should not become a vehicle for expanding public jobs at the expense of private industry. Those employed at the special public jobs will need to be encouraged to seek more remunerative and more attractive work. This could be accomplished by building into the program certain safeguards—perhaps through a Constitutional amendment—that would limit upward adjustment in the rate of pay for these special public jobs. With such safeguards, the budgetary cost of eliminating unemployment need not be burdensome. I say this, first, because the number of individuals accepting the public service jobs would be much smaller than the number now counted as unemployed; second, because the availability of public jobs would permit sharp reduction in the scope of unemployment insurance and other governmental programs to alleviate income loss. To permit active searching for a regular job, however, unemployment insurance for a brief period—perhaps 13 weeks or so—would still serve a useful function.

Finally, we also need to rethink the appropriate role of an incomes policy in the present environment. Lasting benefits cannot be expected from a mandatory wage and price control program, as recent experience indicates. It might actually be helpful if the Congress renounced any intention to return to mandatory controls, so that businesses and trade unions could look forward with confidence to the continuance of free markets. I still believe, however, that a modest form of incomes policy, in some cases relying on quiet governmental intervention, in others on public hearings and the mobilization of public opinion, may yet be of significant benefit in reducing abuses of private economic power and moving our nation towards the goal of full employment and a stable price level.

Structural reforms of our economy, along some such lines as I have sketched, deserve more attention this critical year from members of the Congress and from academic students of public policy than they are receiving. Economists in particular have tended to concentrate excessively on over-all fiscal and monetary policies of economic stimulation. These traditional tools remain useful and even essential; but once inflationary expectations have become widespread, they must be used with great care and moderation.

This, then, is the basic message that I want to leave with you: our nation cannot now achieve the goal of full employment by pursuing fiscal and monetary policies that rekindle inflationary expectations. Inflation has weakened our economy; it is also endangering our economic and political system based on freedom. America has become enmeshed in an inflationary web, and we need to gather our moral strength and intellectual courage to extricate ourselves from it. I hope that all of you will join in this struggle for America's future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Crane (at the request of Mr. Michel), for today, on account of official business to attend the regional hearings of the Ways and Means Health Subcommittee.

Mr. Erlenborn (at the request of Mr. Michel), for today, May 21, 1976, through May 27, 1976, on account of official business.

Messrs. English and Hightower (at the request of Mr. O'Neill), for today, on account of official business of the Committee on Agriculture.

Mr. Hefner (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Sebelius (at the request of Mr. Michel), for today, on account of official business with the Agriculture Committee.

Mr. Jones of North Carolina (at the request of Mr. O'Neill), after 11 a.m., today, on account of official business.

Mr. Matsunaga (at the request of Mr. O'Neill), for May 21 and May 24, on account of official business.

Mr. Milford (at the request of Mr. O'Neill), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Madigan) to revise and extend his remarks and include extraneous matter:)

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Mann) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Hamilton, for 5 minutes, today.
Mr. Danielson, for 10 minutes, today.
Mr. Addabbo, for 10 minutes, today.
Mr. Dodd, for 10 minutes, today.
Mr. Alexander, for 10 minutes, today.
Mr. Vanik, for 5 minutes, today.
Mr. Anderson of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Madigan) and to include extraneous matter:)

Mr. Gradison.
Mr. Hansen.
Mr. McClory in two instances.
Mr. Kindness.
Mr. Goodling.
Mr. Michel.

The following Members (at the request of Mr. Mann) and to include extraneous material:)

Mr. Eilberg.
Mr. Anderson of California in three instances.
Mr. Gonzalez.
Mr. Richmond in two instances.
Mr. McDonald of Georgia in two instances.
Mr. Hall.
Ms. Abzug.
Mr. Dodd.
Mr. Fisher.
Mrs. Burke of California in two instances.

ENROLLED BILL SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5272. An act to amend the Noise Control Act of 1972 to authorize additional appropriations.

ADJOURNMENT

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, May 24, 1976, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. H.R. 13965. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes (Rept. No. 94–1185). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 4634. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; with amendment (Rept. No. 94–1186). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. CHISHOLM:

H.R. 13945. A bill to establish within the Energy Research and Development Administration a program of Federal grants to assist States in carrying out solar energy community utility programs; to the Committee on Banking, Currency and Housing.

By Mr. HALL:

H.R. 13946. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 13947. A bill to establish a pilot system for the periodic review and for the termination, continuation, or reestablishment of Federal agencies and independent regulatory agencies; jointly, to the Committees on Government Operations, and Rules.

By Mr. JONES of Alabama (for himself and Mr. Whitten):

H.R. 13948. A bill to designate the U.S. Army Engineer Waterways Experiment Station in Vicksburg, Miss., as the Will M. Whittington Waterways Experiment Station; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY:

H.R. 13949. A bill to establish within the Energy Research and Development Administration a program of Federal grants to assist States in carrying out solar energy community utility programs; to the Committee on Banking, Currency and Housing.

By Mr. MELCHER (for himself, Mr. Udall, Mrs. Mink, Mr. Taylor of North Carolina, Mr. Roncalio, Mr. Seiberling, Mr. Steelman, Mr. Phillip Burton, Mr. Eckhardt, Mr. Carr, Mr. Santini, Mr. Vigorito, Mr. Tsongas, Mr. Bingham, Mr. Meeds, Mr. Kastenmeier, Mr. Miller of California, Mr. de Lugo, Mr. Florio, Mr. Weaver, and Mr. Benitez):

H.R. 13950. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MYERS of Pennsylvania:

H.R. 13951. A bill to provide an opportunity to individuals to contribute $1, in connection with the payment of their Federal income tax, to the U.S. Olympic Fund, and for other purposes; jointly to the Committees on Ways and Means, and the Judiciary.

By Mr. NIX:

H.R. 13952. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 13953. A bill to amend the Securities Exchange Act of 1934 to require issuers of securities registered pursuant to section 12 of such act to maintain accurate records and to furnish reports relating to certain foreign payments, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN (for himself, Mr. Harkin, and Mr. Treen):

H.R. 13954. A bill to amend the Internal Revenue Code of 1954 to provide for payment by the Government of all reasonable litigation expenses to prevailing taxpayers in legal action; to the Committee on Ways and Means.

By Mr. REES (for himself, Mr. Reuss, Mr. J. William Stanton, Mr. Tsongas, Mr. Hannaford, Mr. LaFalce, Mr. Lundine, and Mr. Hyde):

H.R. 13955. A bill to provide for amendment of the Bretton Woods Agreements Act, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. ST GERMAIN:

H.R. 13956. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska (for herself, Mr. McCollister, and Mr. Thone):

H.R. 13957. A bill to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STRATTON (for himself and Mr. O'Brien):

H.R. 13958. A bill to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. TSONGAS (for himself, Mr. Harrington, Mr. Rodino, Mr. Thompson, Mr. Rees, Mr. Riegle, Mr. Conyers, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Won Pat, Mr. Drinan, Mr. Moakley, Mr. Beard of Rhode Island, Mr. du Pont, Mrs. Spellman, Mr. Ottinger, Mr. Rosenthal, Mr. Downey of New York, Mr. Zeferetti, Mr. Carney, Mr. Fithian, Mr. Edgar, Mr. Simon, Mr. Stark, and Mr. Neal):

H.R. 13959. A bill to amend the Comprehensive Employment and Training Act of 1973 to establish an Office of Youth Employment in the Department of Labor to administer youth programs under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. TSONGAS (for himself, Mr. Lehman, Mr. Patterson of California, and Mr. Ford of Tennessee):

H.R. 13960. A bill to amend the Comprehensive Employment and Training Act of 1973 to establish an Office of Youth Employment in the Department of Labor to administer youth programs under that act, and for other purposes; to the Committee on Education and Labor.

By Mr. VAN DEERLIN (for himself and Mr. Frey):

H.R. 13961. A bill to amend sections 203 and 204 of the Communications Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 13962. A bill to amend the Internal Revenue Code of 1954 to provide for individual supplemental retirement savings; to the Committee on Ways and Means.

By Mr. WYDLER:

H.R. 13963. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the estate tax exemption from $60,000 to $200,000; to the Committee on Ways and Means.

By Mr. NATCHER:

H.R. 13965. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DICKINSON introduced a bill (H.R. 13964) for the relief of Jeanette Green, as mother of the minor child, Ricky Baker, deceased, and as widow and administratrix of the estate of Enoch Odell Baker, deceased; and for the relief of Mary Jane Baker Nolan, individually, and as widow and administratrix of the estate of John William Baker, deceased, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

470. The SPEAKER presented a petition of the Cyprus Committee for Refugees, Nicosia, Cyprus, relative to recent agreements between the United States and Turkey and Greece, which was referred to the Committee on International Relations.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 20, 1976, page 14960:

HOUSE BILLS

H.R. 13511. May 3, 1976. House Administration. Establishes an Art Bank in Congress, governed by a board of directors and an Executive Director, to select works of art sent to the Art Bank by American artists to be displayed in the House and Senate Office Buildings.

H.R. 13512. May 3, 1976. Atomic Energy. Amends the Atomic Energy Act of 1954 to establish procedures for expeditious review of applications for the licensing of sites for, and construction and operation of, nuclear production and utilization facilities. Requires that opportunity for public hearings on relevant safety and environmental factors be incorporated into the licensing procedure.

H.R. 13513. May 3, 1976. Ways and Means. Amends the Internal Revenue Code to allow a limited tax deduction for amounts paid during the taxable year for the education of the taxpayer or any dependent at an institution of higher education.

H.R. 13514. May 3, 1976. Judiciary. Grants to aliens of Vietnam, Cambodia, or Laos, who are presently in the United States on student visas, status as permanent residents of the United States under the Immigration and Nationality Act. States that such status changes shall not be charged against immigration quotas.

H.R. 13515. May 3, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13516. May 3, 1976. Merchant Marine and Fisheries. Provides that for purposes of the Federal Boat Safety Act of 1971, the following waters lying entirely within the State of New Hampshire are declared nonnavigable: Lake Winnisquam, Lake Winnipesaukee, and specified portions of the Merrimack River.

H.R. 13517. May 3, 1976. Government Operations. Requires Federal agencies or entities to give preference in the awarding of Government contracts, where price is a criterion upon which the award of such contract is based, to contractors located in areas of high unemployment.

H.R. 13518. May 3, 1976. Interstate and Foreign Commerce. Amends the Controlled Substances Act to establish penalties for persons who obtain or attempt to obtain narcotics or other controlled substances from a retail pharmacy by force and violence.

H.R. 13519. May 3, 1976. Veterans' Affairs. Allows the Administrator of Veterans' Affairs to make payments for tutorial assistance for eligible veterans directly to the educational institution.

H.R. 13520. May 3, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13521. May 3, 1976. Post Office and Civil Service. Amends the method by which the Federal contribution for Federal employee and annuitant health coverage is determined by basing such contribution on the rates of the two health benefit plans having the highest subscription charges.

H.R. 13522. May 4, 1976. Interior and Insular Affairs. Directs the Secretary of the Interior to establish the National Museum of Afro-American History and Culture in the vicinity of Wilberforce, Ohio.

H.R. 13523. May 4, 1976. Interior and Insular Affairs. Requires the appointment of an election commissioner in American Samoa to conduct a plebiscite on the issue of whether there should be a popular election for Governor and Lieutenant Governor of that country.

Provides that a gubernatorial election be held within six months of such plebiscite if there are a majority of affirmative responses.

Enumerates the duties and powers of the Governor and Lieutenant Governor of American Samoa.

Authorizes a constitutional convention.

H.R. 13524. May 4, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13525. May 5, 1976. Government Operations. Requires, under the office of Federal Procurement Policy Act, that Federal agencies pay interest at an annual rate of at least 12 percent on any payment which is overdue by more than two weeks on a contract with a small business concern.

H.R. 13526. May 4, 1976. Judiciary. Grants a Federal charter to the International Veteran Boxers Association.

H.R. 13527. May 4, 1976. Education and Labor; Post Office and Civil Service. Amends the Vocational Rehabilitation Act of 1973 to provide for the convening of arbitration panels to resolve complaints that handicapped individuals have been discriminated against in hiring by any Federal agency, Federal contractor, or program receiving Federal financial assistance.

Establishes within the Department of Health, Education, and Welfare an office to assist handicapped individuals in obtaining employment.

H.R. 13528. May 4, 1976. Interior and Insular Affairs. Amends the National Trials System Act to direct a study of the desirability and feasibility of designating the Nez Perce Trail, Oregon, Idaho, and Montana as a national scenic trail.

H.R. 13529. May 4, 1976. Interstate and Foreign Commerce. Requires franchisors to give franchisees 90 days notice, with limited exceptions, of intent to cancel, or failure to renew a franchise agreement. Allows such cancellation or failure to renew only for certain specified reasons. Requires a franchisor to compensate a franchisee for the value of the franchisee's business when the franchisor, for a legitimate business reason, fails to renew the franchise. Sets forth the judicial remedies available to a franchisee for a violation of this Act by a franchisor.

H.R. 13530. May 4, 1976. Ways and Means. Allows an individual to take a tax credit, under the Internal Revenue Code, for a percentage of the qualified solar heating and cooling equipment expenditures incurred with respect to the taxpayer's principal residence. Allows a tax credit for the portion of the qualified State or local real property attributable to such solar heating and cooling expenditures.

Authorizes an individual to take a tax deduction for a part of the acquisition costs of any qualified solar heating and cooling equipment for any residence.

H.R. 13531. May 4, 1976. Ways and Means. Amends the Social Security Act to include, as a home health service in the medicare program, nutritional counseling provided by or under the supervision of a registered dietitian.

H.R. 13532. May 4, 1976. Ways and Means. Exempts from Federal income taxation, under the Internal Revenue Code, a corporation organized and operated for mutual purposes and without profit for the purpose of providing, either or both, reserve funds for, and insurance of, shares and deposits in credit unions which have no capital stock and are organized and operated for mutual purposes and not for profit.

H.R. 13533. May 4, 1976. Ways and Means. Provides that in any legal action initiated by the Government, or in any action instituted by a taxpayer contesting the accuracy of a deficiency or claiming a refund of taxes paid where the taxpayer prevails or substantially prevails, the Government shall be liable for the reimbursement in full of all reasonable litigation expenses incurred by the taxpayer as a consequence of legal defense, under the Internal Revenue Code.

H.R. 13534. May 4, 1976. Judiciary. Authorizes the Secretary of the Treasury to reimburse State and local governments for expenditures made at the request of the U.S. Secret Service for the protection of any person the Service is authorized to protect.

H.R. 13535. May 4, 1976. Public Works and Transportation. Prohibits common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel.

Amends the Urban Mass Transportation Act to direct that financial aid preference be given to States and local public bodies which will adopt specially reduced rates during nonrush hours for elderly persons.

H.R. 13536. May 4, 1976. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require disclosure on food package labels of the portion of the weight of the food which is sugar in instances where sugar constitutes ten percent or more of the total number of calories in the food.

H.R. 13537. May 4, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13538. May 4, 1976. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 13539. May 4, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13540. May 4, 1976. Agriculture. Directs the Secretary of Agriculture to compensate any person who raises or transports hogs for reasonable losses which were incurred as a result of hog cholera controls imposed by the Secretary.

EXTENSIONS OF REMARKS

WORLD DEMAND FOR SOY PROTEIN

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1976

Mr. FINDLEY. Mr. Speaker, although the soybean is under attack from the increased importation of palm oil, its versatility offers sound prospects for the future. Palm oil is no substitute for soybeans to meet the needs of a world short of protein.

New uses of soy protein as an extender or as textured vegetable protein are taking their place along with the time honored and traditional uses of soy protein in the human diet or as protein supplement for animal feeds.

Research on increased soybean yields and dietary acceptance of the soy product will result in decreasing the world's protein shortage.

The soybean producer is encouraged by the increase in foreign demand for soy protein. Overseas growth, related to price of alternative food and need is outstripping U.S. demand for textured vegetable protein and extender products.

The following article from the Wall Street Journal is an excellent update on the exciting progress of the soy protein industry.

The article follows:

FOREIGN DEMAND FOR SOY PROTEIN IS SEEN TIED MORE TO ECONOMICS THAN NUTRITION

(By David P. Garino)

ST. LOUIS. Foreign countries are developing quite an appetite for soy protein.

In Poland, for instance, by government decree, Polish sausage and other meats contain soy protein. In Japan, a soy fiber resembling spaghetti is being used increasingly to extend beef and fish. In West Germany, soy protein goes into coffee whiteners, and in South Africa, the meat pie, a traditional dish, is likely to contain some soy protein.

While figures are hard to come by, international demand for soy protein is growing faster than domestic demand, industry experts say.

R. E. Burket, a vice president of Archer-Daniels-Midland Co., a soy processor in Decatur, Ill., isn't surprised. He says that "in the U.S. we spend 18% of our disposable income on food. In Western Europe it's 25%, and more than that in Eastern Europe. In developing countries, it's about 40%." Mr. Burket concludes: "We're believers in the overseas market."

GREATER PROTEIN NEEDS OVERSEAS

"Protein needs overseas are obviously greater than in the U.S.," adds Paul F. Cornelsen, executive vice president of Ralston Purina Co., another maker of soy protein. "The protein industry is in its infancy. No one knows what the maximum potential is."

Last year's recession reduced demand in Western Europe for the best-known soy protein, the textured variety, which is used primarily as a meat extender. In 1976, however, sales are resuming a 15% to 20% growth rate.

Sales of isolates, a form of soy protein made by changing soy's molecular structure, climbed about 60% last year, following a gain of about 40% in 1974, Ralston says. Isolates are used to make substitutes for existing foods rather than additions to them. Isolates are about 95% protein; textured soy protein is about 50% protein.

Soy isolates require considerably more capital investment to develop than do extenders, but "they certainly are more versatile," says W. L. Golden, Ralston director of venture management. Ralston is concentrating its soy-protein efforts in this area, he says. The company currently markets about nine different isolates. In raw form, they resemble cream-white powders.

As might be expected, the best foreign markets for soy protein have been Western Europe and Japan, which have sophisticated food-processing systems. But Paul H. Hatfield, director of Ralston's protein and dairy foods systems division, notes, "There has been an upsurge in demand from Eastern Europe."

Ralston recently was host to a Yugoslav contingent of government and industrial representatives interested in utilization of vegetable protein at its corporate headquarters here. This fall, soy-protein seminars will be conducted in Warsaw and Moscow under the auspices of the American Soybean Association and the Agriculture Department's Foreign Agricultural Service.

Phillip St. Clair, general manager of Cargill Inc.'s protein products department, finds Eastern Europe most attractive. "All you have to do is to convince the local government and make one sale," he asserts. "Of course it isn't quite that simple," he adds with a chuckle.

The Middle East also "looks very exciting," Mr. St. Clair continues. "So far sales have been few, but the potential is good," he says. The Shah of Iran, for example, has said he wants to improve school-lunch programs. "One neat thing is that they have lots of money, and a dietary need for protein," Mr. St. Clair says.

MARKET IN SOUTH AFRICA

South Africa also is emerging as a major market, agricultural companies say. Mr. Burket from Archer-Daniels-Midland notes that "sales to Nigeria are picking up nicely." Mr. Hatfield from Ralston says major inroads also have been made in Colombia, Peru and Venezuela.

Although soy protein is being used in an ever-increasing spectrum of foods, its major use continues to be as a meat extender and substitute. And it's largely a matter of economics rather than nutrition, Mr. Hatfield says.

"As a rule of thumb," Mr. Hatfield explains, "it takes two to 2¼ pounds of feed to produce one pound of chicken; 3½ to four pounds for one pound of pork, and four to five pounds for one pound of beef, and that's live weight." When feed prices rise as they have in recent years, meat production becomes more costly.

A meat shortage in Poland apparently has made the government receptive to soy protein, for example. But in Australia, which has an abundant meat supply, "soy protein has met with a less than enthusiastic response," Cargill's Mr. St. Clair says.

In the United Kingdom, with its severe economic problems, the high cost of meat boosted Ralston's soy-protein sales there "sharply" in 1975, Mr. Golden says.

SALES IN JAPAN

Likewise, in Japan, sales of a structured isolate resembling spaghetti "met our sales target last year," Mr. Golden says. Adds Mr. Hatfield, "The Japanese import so much beef that soy protein makes economic sense. The Japanese are developing quite a taste for beef," Ralston has just begun test marketing an extended fresh ground meat in Japanese supermarkets.

World-wide, prospective demand is running well ahead of Ralston's productive capability, Mr. Golden says. The company which makes international shipments from plants in Louisville and Memphis, is bringing more capacity on stream in the U.S. More importantly, the company is moving ahead on plans for an isolate plant in Europe. Currently, Ralston has field product-development labs in the U.K., Denmark, Sweden, France and Italy.

Archer-Daniels-Midland, which operates a plant in Manchester, England, is planning another near Rotterdam, Mr. Burket says.

ORDERS COME SLOWER

Despite the optimistic outlook, soy-protein sales abroad aren't made easily or quickly. Mr. Hatfield says that a year to a year-and-a-half may pass from an initial presentation to a firm order. "One obstacle is that we are selling something new," he says. "The key is getting to decision-makers."

Legal barriers are also obstacles. West Germany, for instance, doesn't permit use of soy protein in meat. And, to protect payment balances and domestic soybean processors, some South and Central American countries have established prohibitive tariffs that are in some cases greater than the cost of the soy protein.

Cargill's Mr. St. Clair also cautions those who think "soy protein will feed the world. They forget two things," he says. "This would require a substantial change in eating habits in some parts of the world, and that's tough." In addition, "Compared with other belly-filling foods such as rice, corn, wheat and potatoes, soy protein in almost any form is relatively expensive." He concludes: "Those countries which need protein the most just don't have the money."

SRI LANKA MARKS FOURTH ANNIVERSARY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. McCLORY. Mr. Speaker, Saturday, May 22, marks the fourth anniversary of the Republic of Sri Lanka, and signals a most significant upcoming year for the Ceylonese people. For the seventh time since gaining independence from the British in 1948, the citizens of Sri Lanka will elect a new government through the universal adult suffrage provided by their constitution. Underscoring Sri Lanka's emerging leadership in the developing world, the young nation will be the site of the fifth Non-Aligned Summit Conference, the first ever to be held in Asia.

Sri Lanka's growing eminence among developing nations has been bolstered by the internal progress this country has achieved. In 1974, the Sri Lankan population increased only 1.6 percent, a striking figure for the third world. Trade with the United States has grown significantly in both directions, and a new river diversion project promises irrigation for the dry northern lands and increasing agricultural self-sufficiency.

But while progress and prosperity—as measured by Western indices—are coming to Sri Lanka in these clearly observed ways, the island and the Ceylonese people maintain their essential Asian character and traditions. The Dalada Maligava, a temple located in the city of Kandy, is one of the truly holy places in the Buddhist world. Each year, devout Buddhists from across the globe come to the temple for the Kandy Perahera, one of the most spectacular religious festivals in Asia. The continuing Asian tradition—undiminished in the face of increasing progress and the growth of a middle class—augurs well for the future of Sri Lanka and for the relationship between our two nations.

The Asian world view, more philosophical and reflective than our own, will surely provide new approaches and perceptions of the demanding issues at the core of the relationship between the developed and developing worlds. Recent history has demonstrated that we have no monopoly on wisdom, and the strong and friendly ties between the United States and Sri Lanka are in themselves a hopeful sign for the future as we face the mutual problems of food, population, and energy.

I am confident that the benefits of freedom—including the economic freedom which an expanding private enterprise makes possible—will continue to be realized in the future experiences of the people of Sri Lanka.

Mr. Speaker, I enjoy a warm personal relationship with Mr. Neville Kanakaratne, the distinguished Sri Lankan Ambassador, and it is a privilege to congratulate him—and through him, his government and people—on the strides Sri Lanka has made in its first 4 years, on the anniversary of its constitution and on the progress that seems certain to continue.

BETTER SPEECH AND HEARING MONTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. GRADISON. Mr. Speaker, May is Better Speech and Hearing Month. Currently, speech pathologists and audiologists are focusing public attention on the services available to people with hearing and speech disorders. For example, in my district, the Cincinnati Speech and Hearing Center will be providing free hearing-screening tests on Fountain Square from May 24 to May 26.

Speech, language, and hearing disorders can adversely affect social interaction, create emotional problems, make it difficult to find a job, or force people to accept a less satisfying job. Such disorders in children are often educational handicaps. In addition, they may be symptoms of serious medical or psychological problems.

One out of twenty Americans suffer from speech or language disorders such as stuttering, difficulty in articulation, voice disorders, aphasia—loss of speech and language abilities generally resulting from stroke—and slowness among children in developing language skills. Seven percent of all Americans have hearing disorders, which include the inability to hear sounds loudly or clearly enough and the inability to understand speech even when it is heard sufficiently loudly and clearly. Audiology and speech pathology are far more sophisticated than in Demosthenes' day. Hearing, language, and speech disorders can be diagnosed and treated if people take the time to have their own and their family's speech and hearing tested. For those who have not done so recently, Better Speech and Hearing Month is a perfect time to have these tests done.

IN SUPPORT OF H.R. 2763

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. KINDNESS. Mr. Speaker, recently Mr. Roger W. Ach of Middletown, Ohio, who is the president of Chester Products, Inc., testified before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs, in support of H.R. 2763.

Mr. Ach's comments were directed to the need for providing for funding assistance to provide sheltered recreational facilities. I think it is particularly pertinent to note the support for this proposal given by an outstanding civic-minded, social-conscious businessman with 30 years of association with the field of recreation.

The testimony of Mr. Roger W. Ach follows:

STATEMENT BY ROGER W. ACH OF MIDDLETOWN, OHIO, IN SUPPORT OF H.R. 2763 AND IDENTICAL LEGISLATION

Mr. Chairman and Members of this Distinguished Committee: My name is Roger W. Ach of Middletown, Ohio. I welcome this opportunity to offer my comments on the important legislation now being considered by your Committee.

I have had more than thirty years background in the recreational field during which time I have advocated a broadened governmental policy as provided in the legislation before you. I am particularly impressed by the provision that affords assistance for sheltered facilities. This provision is long overdue and I wish to commend the Chairman and the other Sponsors for the enlightened recognition of this vital need. Surely, recreational opportunities for all Americans must not be confined by climatic limitations.

As the corporate head of Chester Products, Inc., a firm which is primarily involved in large community and institutional pool manufacture and installation, I have repeatedly advocated the use of sheltered or semi-sheltered installations so that the greatest number of Americans could enjoy the year-round benefits of aquatic sports. With installations that range from the tropics to Alaska, my firm recognizes the value of 12 month availability to swimming and related sports activities for the vast majority of our citizens who are deprived of this healthful recreation during the colder months. This is especially true in urban areas where the need for all-year recreation facilities is the most desperate. Therefore, I hail those purposes now included in H.R. 2763 and its related bills and respectfully urge the passage of this bill.

Again, I wish to thank you, Mr. Chairman, and the Members of this Committee for providing this opportunity to share my experience in this area of our mutual interest.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION—A CIVILIAN OR MILITARY AUTHORIZATION?

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. EARLY. Mr. Speaker, yesterday I voted in favor of an amendment to strike all funds for nuclear weapons activities from the Energy Research and Development Administration—ERDA—authorization bill. I did so with some hesitation for several reasons which I respectfully submit to my colleagues to ponder.

First, I am not categorically against the authorization of funds for the development of nuclear weapons systems and their application. There is no doubt in my mind that the United States needs a strong national defense; but authorizations for the development and the application of these weapons systems should not be contained in a bill primarily designed to explore and develop new avenues for the generation of energy for the individual homeowner and industrial user.

I doubt the efficacy of providing funds for the development of nuclear weapons systems and their application in an essentially civilian-oriented authorization bill. It would be a much better procedural arrangement to have these funding levels placed within the context of a separate authorization bill, or perhaps in the annual military authorization bill. By such a procedure, I believe, the Congress would have a chance to exercise a greater degree of oversight in this area and could possibly prevent the duplication of research in the field of nuclear weapons systems. Even the Office of Management and Budget has recommended that there be created a separate budget category for nuclear weapons activities.

These could be some of the initial steps toward a more efficient and productive means of determining what nuclear weapons activities are necessary toward our national defense. The separation of such authorizations would give the Congress, I believe, a greater control over the expenditures of the taxpayers' hard-earned dollars.

Authorizations for military weapons and their applications should not be cloaked in an authorization bill essentially designed to develop and explore and give added impetus to new avenues of energy sources and its generation to meet the future domestic and manufacturing energy demands of our Nation.

NOT ALL JOURNALISTS ARE SELF-BLINDED ABOUT MEXICO

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. McDONALD of Georgia. Mr. Speaker, there has been an attempt to ridicule and embarrass those Members of the House who joined with me in calling to the attention of President Ford the serious situation which appears to be developing in Mexico.

Perhaps we need to keep in mind that an unfashionable minority pointed to the dangers of Fidel Castro, Sukarno of Indonesia, Nkrumah of Ghana, and many others who were lauded by the State Department and the liberal press, but who turned out to be Red dictators.

Our warnings about Mexico stem from countless events published in the Mexican press, from the words of both President Echeverria and presidential candidate Lopez Portillo, and from other sources within Mexico. We have not been challenged on the facts.

It is gratifying to note that not all journalists are prepared to ignore a great potential danger to the United States.

An article follows:

[From the Copley News Service, May 21, 1976]

A Marxist Mexico in the Making?

(By Jeffrey St. John)

Washington.—"Surely you must agree," thirty U.S. Congressmen wrote President Ford in a letter on May 5, 1976, "that the development of a Cuban or Chilean 'road to socialism' in neighboring Mexico would pose a tremendous danger to the United States."

The Mexican-U.S. border stretches for some fifteen hundred miles, most of it unguarded. Yet, here are thirty members of Congress warning an American President that a Marxist takeover is in the making along that border! The foreign policy failures of Ford and Kissinger in Angola, Rhodesia, and their attempt to negotiate away U.S. sovereignty on the Panama Canal seem insignificant by comparison. "Within the past year," the letter to Mr. Ford states, "long strides toward the imposition of a Communist regime have been taken by Mexican President Luis Echverria, who appears to be making himself acceptable to Moscow and Havana."

Bluntly the letter infers that Secretary of State Kissinger has failed to keep the President informed on what has been transpiring in Mexico. In the last twelve months a campaign of violence against property owners has been unleashed by armed Marxist bands as a prelude to total collectivized takeover by the Mexican government. "Officially tolerated land seizures are widespread," asserted the letter to the President. "Compulsory textbook changes are intended to indoctrinate young Mexicans with Castroite propagnada. An amnesty has been proposed that would release hardened Communist cadres from prison and allow them to enter the government."

Most of those whom Mexican President Echeverria plans to release, prior to the expiration of his term as Mexican chief executives in June, stage-managed the bloody and violent "student riots" during the 1968 Olympic Games. President Echeverria, furthermore, has taken into his government the former Chilians who had been foreign minister, minister of economics, and the head of Chile's far-left Socialist party after all three fled Chile when a military junta threw out the Marxist government of the late Salvadore Allende.

"We could and did maintain a very detached attitude," Congressman Steven D. Symms (R-Ida.) observed, one of the thirty Congressmen who signed the May 5 letter to President Ford, "when the Marxists took over in Chile some years ago. However, we have a common border with Mexico and in recent years our relations have been good. But, if the people presently guiding the land seizures and other manuevers in Mexico have their way, the border separating the two countries could become one of conflict."

The alarming and dangerous developments in Mexico are apparently the result of personal ambitions of President Echeverria who has been campaigning for two years to succeed Kurt Waldheim as United Nations Secretary General when his term expires this year. Echeverria knows that the Communist bloc in the U.N. could block his burning ambition to be U.N. Secretary General. Thus, he apparently is prepared to hand Mexico over to the Marxists in exchange for Communist support for the top United Nations post!

The Ford administration, which has been outmanuevered and beaten in Vietnam, Angola, Rhodesia, and by detente with the Russians, because of Henry Kissinger's policies, could serve notice to Echeverria that the U.S. is prepared to block his ambitions. However, does Ford even know what is happening on our Southern border? "Under the circumstances," the thirty Congressmen wrote to the President, "we believe it is very important to determine whether or not the Department of State, under the direction of Henry Kissinger, has seen fit to inform you of this problem. Certainly there has been no effort to inform us, or the public."

If Mr. Ford fails to respond publicly to the grave issue raised by his former Congressional colleagues, Republican challenger Ronald Reagan would be justified in making it a major campaign issue.

PERSONAL EXPLANATION ON MISSED VOTE

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. du PONT. Mr. Speaker, yesterday afternoon I was in Delaware, and missed a recorded vote in the House. Had I been present, I would have voted "aye" on rollcall No. 289.

"GREAT AMERICA" THEME PARK

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. McCLORY. Mr. Speaker, a Bicentennial spectacular will be the grand opening May 27 in my congressional district of the Marriott theme park, "Great America."

This more than $60 million family entertainment park in Gurnee, Ill., is an example of the best in our free enterprise system, another tribute to our Nation on its 200th birthday.

Mr. Speaker, the initiative of the Marriott Corp., spearheaded in this project by J. Willard Marriott, Jr., president and chief executive officer, will bring to Illinois and my 13th Congressional District five examples of Americana which will attract, entertain, and most importantly, educate countless millions of visitors.

These five themes are hometown square, life in a rural town in the 1920's; Yukon territory, a depiction of Klondike gold rush days; Yankee harbor, a journey through early America and a 19th century New England fishing village; the great Midwest livestock exposition and county fair at the turn of the century, and Orleans place, the old South in the mid-1800's.

Citizens of the Village of Gurnee and especially village officials, headed by Mayor Richard Welton, have worked with the Marriott Corp. in this "Great America" project.

During the 2 years since groundbreaking ceremonies which I was privileged to attend, literally thousands of my constituents have been employed as tradesmen and in other capacities in helping in its construction and development. Hundreds more will work in the park once it is opened.

Mr. Speaker, it is estimated that over 2½ million visitors will enjoy this new family entertainment park with its focus on our American heritage before it closes for the 1976 season October 3.

I take this occasion to draw to the attention of my colleagues in the House of Representatives and Americans everywhere this exciting project. I hope many of you have the opportunity to visit "Great America" during this or future years.

Meanwhile, I extend my warm congratulations to Mr. J. Willard Marriott, Sr., Marriott Corp. founder and now board chairman; his son, Mr. J. Willard Marriott, Jr.; Mr. G. Michael Hostage, president of the Marriott restaurants group which operates the theme parks; Mr. David L .Brown, vice president in charge of theme parks, and Mr. James Bouy, general manager of Gurnee's "Great America."

I also commend everyone who has contributed to making the May 29 grand opening a festive occasion. I hope "Great America" will enjoy a long and prosperous career.

Mr. Speaker, this facility is very

accessible from the Tri-State Tollway It is midway between Chicago and Milwaukee, Wis. Overnight accommodations are plentiful in the area, and if any of my colleagues and their families come in response to this invitation, my district staff and myself will be pleased to cooperate in extending our services.

A REPORT FROM THE BUDGET COMMITTEE

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. ADAMS. Mr. Speaker, as part of the House Committee on the Budget's notification to the House on the status of the fiscal year 1976 Congressional budget, I am inserting the detailed information which reflects the current level of spending as of close of legislative business, Wednesday, May 19, 1976:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., May 20, 1976.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives,
H-205 Capitol.

DEAR MR. SPEAKER: In my letter of January 30, 1976, I outlined the procedures which the Committee on the Budget has adopted in connection with its responsibilities under Sec. 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. I am herewith transmitting a revised status report reflecting completed action as of May 19, 1976.

With warm regards,

BROCK ADAMS, *Chairman.*

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1976 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 466

REFLECTING COMPLETED ACTION AS OF MAY 19, 1976

(In millions of dollars)

	Budget authority	Outlays	Revenues
Appropriate level	408,000	374,900	300,800
Current level	403,962	372,367	301,100
Amount remaining	4,038	2,533	300

Budget authority

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $4,038 million for fiscal year 1976, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 466 to be exceeded.

Outlays

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $2,533 million for fiscal year 1976, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 466 to be exceeded.

Revenues

Any measure that would result in a revenue loss exceeding $300 million for fiscal year 1976, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 466.

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 20, 1976.

Hon. BROCK ADAMS,
Chairman, Committee on the Budget,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues. These estimates are in comparison with the appropriate levels for the items contained in the recently agreed to concurrent resolution of the 1976 budget. This tabulation is as of close of business May 19, 1976.

This report reflects budget reestimates made since March 18 for fiscal year 1976, and changes due to the conference agreement on the Second Supplemental, 1976 (H.R. 13172).

(In millions of dollars)

	Budget authority	Outlays	Revenues
1. Enacted	390,689	362,130	301,100
2. Entitlement authority and other mandatory items requiring further appropriation action			
3. Continuing resolution authority	3,879	1,754	
4. Conference agreements ratified by both Houses	9,394	8,483	
Current level	403,962	372,367	301,100
2d concurrent resolution	408,000	374,900	300,800
Amount remaining	4,038	2,533	300

Sincerely,

JAMES BLUM,
For ALICE M. RIVLIN,
Director.

PARLIAMENTARIAN STATUS REPORT, SUPPORTING DETAIL, FISCAL 1976, AS OF CLOSE OF BUSINESS MAY 19, 1976

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	195,372	181,691
Previously enacted appropriations and other spending authority	118,625	137,791
Offsetting receipts	−53,990	−53,990
Enacted this session:		
Appropriation legislation:		
Defense (Public Law 94-212)	90,467	64,704
Labor, Health, Education, and Welfare (Public Law 94-206)	36,074	31,131
Legislative branch supplemental, 1976 (Public Law 94-226)	33	
Supplemental railroad appropriation, 1976 (Public Law 54-252)	587	545
Rescission/deferral legislation:		
Deferral resolutions (H. Res. 1058, S. Res. 366, 385, 388, and 408)		16
3d budget rescission bill, 1976 (Public Law 94-249)	−71	−5
Emergency supplemental appropriations, 1976 (Public Law 94-266)	1,942	247
Federal Aid Highway Act (Public Law 94-280)	1,650	
Subtotal, enacted	390,689	362,130

[In millions of dollars]

	Budget authority	Outlays	Revenues
II. Entitlement authority and other mandatory items requiring further appropriation action			
III. Continuing resolution authority:			
Foreign assistance		3,054	1,361
District of Columbia		385	324
Labor-HEW items not considered		440	69
Subtotal, continuing resolution authority		3,879	1,754
IV. Conference agreement ratified by both Houses: 2d supplemental, 1976 (H.R. 13172)		9,394	8,483
Total, current level, as of May 19, 1976		403,962	372,367
2d concurrent resolution		408,000	374,900
Amount remaining:			
Over ceiling			
Under ceiling		4,038	2,533

DELIMITING DATE FOR EDUCATIONAL BENEFITS UNFAIR TO OUR VETERANS

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. RICHMOND. Mr. Speaker, this morning I had the privilege of testifying before the House Veterans' Affairs Committee on the important issue of the delimiting date for veterans' educational benefits.

On June 1, when the time to use educational benefits will expire for 3½ million veterans, New York City and New York State will be very hard hit.

For at least 30 percent of the 120,000 veterans enrolled in courses of study in New York State there will be no further opportunity to obtain the learning experiences necessary to compete in today's changing world.

To deny these men and women the necessary opportunities will be to deny them a future they fought so hard to secure.

As I stated in my testimony, this is an entitlement, not a giveaway, and therefore it is unfair to withdraw a benefit which the veterans have rightfully earned.

I urge both the committee and the Congress to act expeditiously and fairly on this matter so that we will be able to repay these men and women for a job well done.

My testimony follows:

TESTIMONY BY CONGRESSMAN FRED RICHMOND

I want to thank you for this opportunity to appear here today.

I am here today for several reasons.

I am here because I am a product of the G.I. Bill of Rights. After serving in the Navy, I was allowed to continue my education because of the G.I. Bill of Rights.

I am here because Brooklyn, New York where my district is located has more veterans than any other county in New York State. There are approximately 320,000 veterans in Kings County.

I also have the distinction of representing New York City Community College which has 2500 veterans enrolled in its program out of approximately 11,000 students. The City University system in New York has 25,000 veterans of its 250,000 students enrolled in its programs.

This Committee has the tremendous responsibility of reviewing approximately 50 bills extending or eliminating the delimiting date for G.I. educational benefits.

The number of bills and the many Members of Congress involved with this issue reflects the immediate need for the proper solution to this problem.

On June 1st, approximately 3½ million veterans will lose their educational benefits established under the G.I. Bill of Rights because of the present deliminting date.

In recent weeks, my office has been beseiged by calls and letters from veterans and educational institutions requesting our assistance to allow these people to continue their course of study.

According to the Veterans Administration, payments are being stopped in complete disregard to where the veteran stands in his training program. Services are being cut off at the most inconvenient and crucial times. Many veterans will be forced to leave school in the middle of a course, or in the middle or near the end of programs designed to meet well-defined career objectives.

In New York State and New York City the situation is particularly critical because of the present economic condition.

There are now approximately 120,000 veterans enrolled in all types of training programs.

The Veterans Administration Regional Office for New York State anticipates that 25–30% of this number will be affected by the June 1st date. The percentage is even higher in New York City where it is expected that at least 35% of the veterans will not be able to continue their education.

Given the present financial condition of New York State and New York City, veterans with dependents attending school full-time will most certainly have no alternative means of providing for their education. Many full-time students will be returning to the labor force thus swelling the ranks of the unemployed, and abandoning all hopes for their once planned future.

Firemen and Policemen, laid off because of severe cutbacks in New York City are finding that they will have virtually no opportunity to make use of benefits they once earned, but decided to postpone, never suspecting they would forever relinquish this right. Veterans representing the period just prior to Vietnam, and during Vietnam, will be particularly frustrated by this situation because they were forced to choose work over enrollment in an educational institution because economic conditions at the time necessitated that they did so.

In addition to their contributions in the Armed Services, better educated veterans are even more valuable to the United States. Simply stated, it is a worthwhile investment of our tax dollars.

Beyond a shadow of a doubt, the higher level of education generally means a corresponding increase in the level of income. We all know what this means. Higher incomes mean greater tax dollars to our Treasury. It is an almost established fact that for every dollar invested in the G.I. Bill of Rights, there has been a return of three to six dollars to our Treasury. Aside from monetary advantages there is the invaluable return from a more secure, stable and well-informed labor force that higher education provides.

Our rapidly changing society requires that all individuals constantly review their career objectives. All of our citizens, including veterans, are finding it necessary to obtain additional learning experiences in order to keep up with rapid developments in technology.

For the ex-serviceperson who spent one to four years of his or her life serving our country and who might have lost limb in this service, the struggle to keep pace is even more difficult.

Education is not a give-away program and this is not a give-away program. It is an entitlement which has been earned by millions of men and women, and an investment in America's future. We should do everything possible to encourage the use and availability of this entitlement. The present delimiting date will mean that many millions of hours of study will go unused as they did for World War II veterans when an estimated 500 million hours of study were allowed to expire.

I hope your Committee will agree that these men and women should not be deprived of this right.

At the very least, the Nation's veterans who are finding their hopes denied in mid course should have the very minimum of a one year extension to get the most of their education benefits.

Thank you.

MUST READING IF YOU SEEK THE TRUTH ON NUCLEAR BALLOTING

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. RONCALIO. Mr. Speaker, this is the Metzger article referred to earlier today:

[From the Denver (Colo.) Rocky Mountain News, May 9, 1976]

ANTI-NUCLEAR INITIATIVES—HOAX ON PUBLIC

(By H. Peter Metzger)

This fall voters in as many as 22 states, including Colorado, will be asked to consider at the November general election the question of imposing new safety standards and procedures on nuclear-powered electric generating plants and other nuclear facilities, standards that substantially exceed those already required by state and federal law.

The question of controlling nuclear facilities is an emotionally volatile issue that has evoked the increasing attention of the mass media and political interest groups and will have been placed on the ballot through the citizen initiative process.

The initiative movement, in turn, has been spawned and nourished by a group of individuals with their political roots in the old environmentalist movement but who have recently emerged into a new activist anti-nuclear coalition.

On the surface these activists claim that their desire is to make nuclear-generated electric power safer. Anti-nuclear literature emphasizes highly improbable nuclear accidents and plays on the historic resistance by government and the economic establishment to institute reasonable regulatory changes. Because the government and the industry won't take action, they say, the question of nuclear security ought to be placed in the hands of the people at the ballot box, and the people ought to vote in favor of standards to insure their very survival.

The ballot proposals range from a relatively mild measure in Colorado to severe strictures on nuclear power development proposed in the California initiatives. The Colorado ballot item would require the nuclear power industry to "prove" generating facilities are safe, and before any more nuclear power plants could be built the proponents would have to obtain a two-thirds favorable vote from both houses of the State Legislature.

In other states, proposals have been advanced that would declare a moratorium of years on nuclear electric facility construction, and in California there is a proposal that actually calls for the dismantling of some existing plants.

On the other side of the nuclear power issue are some respected scientists and economists, and the nuclear power industry.

They point to America's increasing dependence on imported oil, to the high cost and long lead time required to develop offshore petroleum resources and the nation's abundant western coal supplies, and to the fact that numerous nuclear plants already in operation are generating safe, clean, essential power. Nuclear power, they declare, is an energy resource that must be developed if the industrialized United States is to avoid massive power shortages and economic disaster and social disorder.

Between these two groups stands the American voter—relatively uninformed, increasingly concerned about the nation's energy future, but uncomfortably perplexed by the fact that he is being called on to decide with his vote a vastly complex issue of crucial significance to his future way of life.

While he is bombarded on one side by energy shortage scare stories from those who seek greater latitude in nuclear power development, he is browbeaten and badgered by anti-nuclear activists threatening him with the end of the world and urging his approval for a "moratorium" on nuclear power plant development.

The advocates of nuclear power plant development are easily identified and their motives, business or scientific, are usually readily visible and candidly admitted. But the opponents of nuclear power are less easily identified, and up to now their success in using the mass media and other political instruments to cloud and distort the facts of nuclear power has gone largely unchallenged. It seems these activists are increasingly able to use half-truths, innuendos, misinformation and, in a few cases, outright falsehoods to circument ordinary legislative and regulatory processes and place decisionmaking authority over nuclear power in the hands of the ordinary and generally poorly informed voter.

The anti-nuclear movement began in 1954 when strict atomic secrecy was relaxed. At that time, independent scientists got their first look at the government's measurements of the massive amounts of radiation that were being injected into the air by atomic weapons testing. Through the efforts of non-governmental scientists who fought the authoritative testimony of the Atomic Energy Commission (AEC)—which later was proven wrong—the dangers of intense airborne radiation were publicized and the Nuclear Test Ban Treaty finally was signed 10 years later.

But because of the incompetence of the AEC's congressional watchdog, the Joint Committee on Atomic Energy, the AEC was allowed to continue the cover-up of other dangerous activities. These were eventually revealed by outside scientists over the years, and the anti-nuclear movement gained strength and credibility and slowly forced additional changes in the government's plans for how the atom was to serve mankind.

Through the efforts of a few dozen scientists and lawyers, certain foolish and wasteful uses of the atom—such as nuclear rocket planes and using atom bombs for giant engineering projects—were stopped entirely, while many dangerous practices in the AEC's shaky regulatory system were tightened up.

Even more importantly, however, the activities of these dissident scientists and lawyers forced the government and the growing nuclear power industry to redesign nuclear power plant safety procedures and even atomic reactors themselves, so as to make the only obvious constructive use of atomic energy—to generate power—even more safe.

By 1972 there were 29 civilian nuclear reactors in operation (there are 58 now) and nearly 100 U.S. Navy vessels (130 now) were powered by nuclear energy without a single reactor-related injury, a safety record unmatched by any technology.

But there was still room for improvement. Like the participants in the Trans-Alaska Pipeline, those on both sides of the nuclear issue agreed that delays in the construction of nuclear reactors imposed by environmental considerations were well worth the improvements that finally were built into the new nuclear technology.

But in 1973, after all the important conflicts had been resolved and scientists as well as many environmentalist and industry leaders were convinced nuclear power was safe, consumer advocate Ralph Nader announced his intention of stopping all civilian nuclear reactors.

Nader's publicity star apparently had started to fade, and his Consumer Protection Act, not enacted to this day, was encountering serious opposition. Seeking another issue, Nader turned his attention to the nuclear power industry. Late last year he staged a convention of nuclear critics in Washington, D.C., which drew 1,000 persons, and his followers have since formed regional anti-nuclear groups and entered into an anti-nuclear coalition—which also is directed against western coal development—with groups like the Friends of the Earth and Environmental Action.

These groups have been circulating petitions for citizens signatures asking that anti-nuclear and anti-coal referenda be placed on election ballots in 22 states in hopes they can halt development of energy resources by exploiting public ignorance and stimulating irrational fears.

What if they succeed? Like all self-fulfilling prophecies, bad times are sure to come if Nader and his associates have their way, because without rapid exploitation of nuclear power and coal, our consumption of energy will indeed fall to that of a country like Sweden, Nader's ideal example.

And what would that mean? During the last two years no less than 10 major governmental agencies have produced energy policy statements. Without exception, all have advocated the rapid expansion of all energy alternatives, especially coal and nuclear, as a necessary prerequisite for national survival.

But the new environmental leadership wants nuclear power development stopped entirely and wants coal development confined to the deep mining of eastern coal, leaving the nation's greatest coal reserves in the West untouched for environmental reasons. And the new environmentalists tell us that economic collapse can be avoided by energy conservation and by solar power and wind power.

Nader told the California State Assembly last December that the fact that Sweden uses about half the energy per capita that we do "but has at least as high a standard of living, is living proof that conservation does not mean a lower standard of living."

Typically, Nader didn't explain that Sweden's energy use is less than ours in the same proportion as her production of goods and services, also known as the gross national product. (GNP).

Indeed, energy use per capita and GNP are proportional for most western nations. If anything, the United States is more energy efficient than most. We also produce more goods and services per person in relation to the amount of energy we use than Canada, Australia, Japan, The Netherlands, West Germany and the United Kingdom, according to Barkley's Bank Review.

Since energy use and GNP are so inextricably linked, it's reasonable to suppose that if we reduce our energy consumption to half its present value, we would produce proportionately less goods and fewer services. It follows, then, that our nation would require a proportionately smaller labor force, which, in turn, would require us to dismiss tens of millions of people from their jobs.

As for something more authoritative than Nader's unsupported claims for the energy savings that can be gleaned from a nationwide energy conservation program, the Federal Power Commission conducted a detailed study of that precise question, and the results were released last year.

With a "government sponsored crash program," the study found, the energy savings through conservation by 1985 would be "only 3.2 per cent of the total energy use," nowhere near Nader's 50 per cent figure.

But Nader has two other solutions for the energy shortage: solar and wind power. "If we could ever get the hobbyists of America to start building windmills and solar energy collectors out of Heathkits, it (the energy savings) would be enormous."

Generating energy from the burning of wood is another Nader favorite. But the U.S. Commerce Department has estimated that by 1985 the additional energy available from solar sources combined with the burning of wastes would total about one-half of 1 per cent of the total projected energy demand.

If the United States were to rely on the advice of Ralph Nader and the new environmentalists the certain outcome is that the country would become more dependent on foreign energy sources than we are now, and we are already importing 50 per cent of the oil we use.

We are importing three times as much oil from the Middle East now as we did before the Arab oil boycott of 1973. Considering the gasoline shortage which took place then, any new boycott would be proportionately worse. And Canada, which sends us more than half our imports, has added heavy new tariffs since 1973 and has informed the government that it intends to phase out oil shipments to the United States entirely over the next decade.

And despite what the leaders of the anti-nuclear movement say, there is no meaningful support within the scientific community in favor of banning nuclear power plants or even to slow down their construction.

Nader and the group of anti-nuclear crusaders following him have consistently publicized selected opinions of only about a dozen scientists, most of whom are zealots and who espouse theories that in some cases are held by them alone. These opinions are used in support of initiative campaigns to place anti-nuclear proposals on election ballots.

The most quoted of Nader's scientist-zealots is John Gofman, a professor emeritus at the University of California at Berkeley.

Gofman's oft-repeated charge is that the annual release of toxic and radioactive plutonium from nuclear reactors by the year 2000 will kill 500,000 persons every year. The Environmental Protection Agency (EPA) estimates that the amount that would be released would be one-half ounce.

But it was not many years ago when Gofman was an active member of the same atomic establishment that, during the days of the atmospheric nuclear weapons testing, dumped a total of 10 tons of the stuff into the air without any objection from Gofman. Today, by Gofman's own formula, that 10 tons is 100 times more plutonium than would be required to kill off the entire population of the earth each year, every year, since then. If Gofman were correct, the human race would have been wiped out long ago.

Instead, the incidence of cancer has been rising at a steady rate of only about 1 percent a year. Since the astronomic rise in cancers to be expected before now if Gofman was right, has not materialized, something must be very wrong with his calculations.

I asked Gofman about his tendency to exaggerate when I visited him in his California office in 1971, shortly after he changed his mind about nuclear energy. He admitted his figures were misleading, but defended the practice by pointing out that since the atomic industry is so strong and the industry's critics so weak, such extremes were not only justifiable but absolutely necessary.

Another plutonium scientist is Edward A. Martell, a participant in many atmospheric nuclear tests while he was a U.S. Army atomic weapons expert. He is now a senior chemist at the National Center for Atmospheric Research in Boulder.

After years of publicizing a convincing argument that plutonium is more dangerous than government authorities believed, Martell recently changed the direction of his research, too.

Later last year Martell claimed that atherosclerotic plaques—the fatty deposits that plug up blood vessels in diseased hearts—are really radiation-induced cancers. His reason for this conclusion: the plaques are more radioactive than surrounding tissue. But so are other deposits, including normal bone.

When reminded that to call heart disease a kind of cancer was so far-fetched that it might damage his professional credibility, Martell replied with some annoyance that, "You're either with us or against us."

Martell's theory would seem to ignore some of the most respected experiments in the history of medicine, which demonstrate that certain chemicals predictably cause cancer in animals. Nevertheless, in the face of this evidence Martell said he continues to believe that "there is no chemical basis at all for lung cancer."

In an interview last month, he said: "I started a whole new line of research. In fact, there is nothing published on it at all, but it's research (indicating) that chemicals are of little consequence in cancer. It's all radiation. The internal alpha emitters (of radiation) are the principal causal agent of human cancer, of atherosclerosis and early coronaries and strokes." But Martell's theories are supported by very few other researchers. That is not unusual in the scientific community. For example, last month two Cornell scientists also rejected conventional wisdom and blamed atherosclerosis on an allergic reaction they had just discovered. But clearly, just because some unpopular views have been proven right in the past is no guarantee that every minority view is correct.

Another oft-quoted anti-nuclear scientist is Ernest Sternglass, a professor at the University of Pittsburgh and the author of an article titled "The Death of All Children," published by Esquire magazine. For several years Sternglass has cranked out statistical studies which he claims show a rise in infant mortality following the atmospheric testing of nuclear weapons in Nevada.

But Sternglass recently has taken a new tack with his research. "The effects of radiation become more and more critical as you get lower and lower doses," he claims. "It's completely contrary to common sense, I know, and it's not widely recognized," he said in a telephone interview.

Such speculations are publicized by anti-nuclear organizations as representing proven facts, or at the very least the views held by a majority of scientists.

Nothing could be further from the truth.

But critics of nuclear power among the scientific community—although a minority—are vocal and effective propagandists.

A case in point is David D. Comey, "the famous economist," as Coloradans for Safe Power, an anti-nuclear group, likes to call him. Comey claims nuclear power is uneconomic and will fall of its own weight.

Actually, Comey, who works for a Chicago-based anti-nuclear group, is hardly an economist. He holds a bachelor's degree in philosophy and says he has considered himself a propagandist since 1959, when "I did a series of lectures on overt and covert psychological techniques for the American Army."

But Comey's claim that nuclear economics will kill the industry has to be seen against his own shaky record of credibility on other matters.

"A successful propagandist cannot afford to make mistakes," he said in 1975. "Ten good truthful stories will be canceled by one mistake." But Comey often doesn't listen to his own advice. One of his many "red herrings," as industry publications call them, surfaced last October.

Then, a front-page story in the Chicago Tribune described in detail how a U.S. spy satellite photographed the results of the explosion of a Russian nuclear reactor. The story described in detail how a U.S. spy satellite photographed the results of the atomic explosion. A large crater, fallen trees, human bodies ad no signs of life in the area.

But the story turned out to be an outright hoax, fed to the Tribune environmental editor Casey Bukro by David Comey himself. Comey admitted this in a November interview in Washington.

So it's not surprising that Comey's economic "analyses" of nuclear power and his predictions of economic gloom and doom are actually clever constructs of fact and fancy easily destroyed by bona fide experts in the area of nuclear economics.

"The data (Comey uses) aren't in question," says A. David Rossin of Chicago's Commonwealth Edison Co. "However, he made serious errors in analyzing his data—either as a result of naivete or by deliberate misuse of the data."

No electric utility company argues that nuclear power is uneconomic. Even Public Service Co. of Colorado, which has its coal-fired plants located near the big surface deposits of coal in Wyoming, will pay far less for nuclear power than for coal-generated power.

According to the company's April figures, Public Service pays 5.3 mills per kilowatt for coal and only 1.7 mills for its nuclear fuel. The small amount of oil used by the utility costs 29.2 mills per kilowatt.

Capital costs to build nuclear plants are higher than conventional power plants, but nuclear's relative economic advantage still prevails. Recent figures (the 1975 third quarter) for the generation of electricity by 30 leading utilities, including all costs, is 33.5 mills per kilowatt for oil, 17.5 mills for coal and 12.3 mills for nuclear.

Why, then, has a handful of scientists become nuclear critics? Some of the older scientists, like Gofman, who once took part in the big nuclear oversell of the 1950s, might be motivated by a desire to rectify what they now perceive as their own errors.

But in the main, the middle-aged critics have been radicalized by a single bad experience, either with the old Atomic Energy Commission (AEC) or with the nuclear industry from which they may have received a patronizing response to a legitimate concern.

Comey, for example, says it was a "pat on the head" from a utility company president that turned him into a critic.

"Take the sad case of Dr. Henry Kendall," said Forbes Magazine. After making his complaint, "The AEC, in effect, told him to go jump in the lake." Yet it was Kendall's objections that finally caused the AEC to improve its reactor safety backup systems. But Kendall "was so soured by the experience, that he became a propagandist against nuclear development. It was Kendall, in fact, who got Ralph Nader interested in the subject."

Not unexpectedly, the motivation of the younger zealots has little to do with nuclear energy itself, but rather with the quasi-religious personal life style changes that can be found in virtually every area of American life

For example, the reasons for the much publicized defection of three General Electric nuclear engineers in California recently are diffuse and have nothing whatever to do with any special hazard or problem or example of incompetence which they might have discovered by virtue of their special position as insiders in nuclear industry.

One quit GE because of the "uncertainty of the human factor," another because of the American decision to sell nuclear reactors abroad, and the third because India had exploded an atomic bomb. All are members of the quasi-religious Creative Initiative Foundation which teaches that since plutonium is man-made and not God-made, it is evil.

When the three eventually appeared before the Congressional Joint Committee on Atomic Energy they presented a list of things they said must be done to make nuclear power safer, but all three admitted that the problems they point out can be corrected. "The depth of the trio's opposition to nuclear power was, as a result of their testimony, rendered uncertain," according to an observer.

Nuclear Regulatory Commission Chairman William A. Anders said after their testimony, "We've heard all this before in various contexts, and we're doing things about it all the time. That's what we're here for."

So it appears that the great nuclear debate boils down to the question of which side can manipulate propaganda, petitions and the press the best, and the winner will be decided at the polls.

Sensitive to the storm of misinformation on the nuclear question and mindful of the mistakes of the past, more and more scientists are concluding that trial by propaganda is a bad way to handle such a complex and important issue.

But more importantly, the scientists believe a moratorium on nuclear power plants would increase the dependence of the United States upon coal, our only alternative fuel. And the use of coal is a far more hazardous way to generate electric power than with nuclear energy. To stop nuclear reactor construction would cause eventual power shortages which would, in turn, create unmanageable social problems that would dwarf the risks associated with building more nuclear plants.

Most scientists believe that our society must accept the risks of nuclear power generation in any case. Actually, it's a no-win situation, because with oil and natural gas running out, energy will never again be as safe, cheap and available as it has been for the last hundred years.

Although coal and nuclear fuel both carry more risks than oil or gas, only the most improbable hazards of the nuclear option have been publicized. But not a single study has supported the nuclear critics' claim that the absence of nuclear power can be compensated for over time by conservation and the use of solar or wind energy.

In response to recent efforts to ban nuclear power plants in California and other states, the relative risks of nuclear energy and coal have been subjected to detailed analysis and the results are overwhelmingly in favor of nuclear.

The kind of nuclear accident dramatized by Ralph Nader and the anti-nuclear movement is a catastrophic leak of radioactivity from any one of a hundred operating nuclear power plants which would kill a thousand or more persons. Such a leak is possible, but it is probable only once in a million years. It is about as likely as a meteor striking a U.S. population center and causing the same number of deaths.

On the other hand, a National Academy of Sciences estimate of the number of deaths that would occur as the result of the operation of 100 coal-fired generating plants of the same capacity ranges from a certainty of 200 per year to as high as 10,000 a year.

These deaths would be caused mainly by pollution, but also from smaller but more frequent accidents directly related to the power plants as well as from the mining, processing and transportation of the coal to the plants. Considering the factors associated with nuclear power and coal-generated power, electricity produced by nuclear energy is about 500 times safer than the same amount of energy from coal.

The probabilities of nuclear accidents are considered in the so-called "Rasmussen report," which undoubtedly is the most extensive accident assessment study ever produced for any purpose and which was completed last October at a cost of more than $4 million.

Stung by criticism that "very low" was the best description it could come up with for describing the risks of commercial nuclear reactors, the Atomic Energy Commission ordered the study in 1972.

Mindful of its own declining credibility plus the inevitable result that such a study would be scrutinized by its critics, the AEC made every effort to insure the study's impartially and validity.

The study was headed by Massachusetts Institute of Technology professor Norman C. Rasmussen and was completely independent of AEC influence or direction. Only 10 of the 60 full-time persons involved in the project were AEC employes.

While still in draft form, the report was circulated to independent reviewers for comment, and the report was reviewed by a specially constituted committee of the American Physical Society (APS), which included nuclear critics among its members. The Rasmussen team rewrote the draft report to include and reconcile objections from the independent reviewers before it was released in final form.

About the report, on APS committe member and long-time nuclear critic, Nobel prize-winning physicist Hans Bethe said: "The can, therefore, be considered as the total risk from nuclear accidents. . . .

"It does not necessarily follow, however, that the social risks associated with nuclear reactor accidents are more severe than those associated with fossil fuels (and eventually will become less) since there are major opportunities for improving reactor safety," Bethe said.

Another respected authority and author of articles critical of nuclear power, physicist Frank von Hippel of Princeton's Center for Environmental Studies, was an organizer and member of the APS committee which reviewed the Rasmussen report.

"It is not so obvious to me that we should abandon nuclear energy," he says. "Of special concern are the international instabilities associated with the oil economy and the devastating climatic changes which might result from our ever-increasing consumption of fossil fuels—coal in particular."

What are those social instabilities expected to be?

If environmentalists succeed in stopping nuclear power and in squeeze-play style also slow strip-mining and coal-fired plant construction, there will, of course, be serious nationwide power shortages. Rationing and part-time closings of industrial plants will follow and surely will result in widespread unemployment.

By that time, it's likely that an awakened public demand will override environmental extremism and construction of nuclear plants will begin again. But there's a lag-time of six to 10 years between the decision to build a plant and the time it finally comes on line. It's during that period that social disruptions caused by massive unemployment would increase even though social decision makers might be doing their best to develop nuclear energy to get people back to work.

Many fear that the instabilities thus created during the lag-time decade would result in a public demand for oil at any cost. War for plunder is an obvious solution and one which historically governments have resorted to easily.

The APS committee found little wrong with the Rasmussen report. Von Hippel says: "The consequences of each of our wars was much worse than any nuclear reactor accident could ever be. It might be fair, therefore, to attribute a significant share of the probability of the next major war to the use of oil for the generation of electricity.

"There is a strong case to be made for nuclear power. It is not at all certain that we can do without it."

While there is, of course, no way to measure the probability of war over energy, the Rasmussen report had a lot to say about risk from other factors.

Although it is obviously age-dependent, the average person has a one-in-100 chance of dying each year. Terminal illness kills most of us, while accidents play a very minor role. The greatest accident risk comes from the automobile, which causes nearly 56,000 deaths per year nationally. An individual's chances of dying in an automobile accident are one in 4,000. From all causes combined, the risks of accidental death are one in 1,600 per person each year.

The Rasmussen report estimates the additional risk from a nuclear reactor accident of death to any individual as one in 5 billion a year.

Von Hippel, criticizing "two omissions in the calculations," says the Rasmussen investigators made "an underestimate of the average number of deaths from their 'reference' accident by one or two orders of magnitude."

Thus, accepting Von Hippel's "worst case" estimate, the annual individual death risk from nuclear power plant accident becomes one in 50 million.

Comparing that to the one-in-100 risk from all causes or the one-in-1,600 from all accidents, it's easy to see why there is not widespread support in the scientific community for a nuclear moratorium—especially considering the inevitability of increased risks no matter what happens: the 500-times higher death risk from coal and the much higher although unknown risk of war.

Other studies have assessed the economic impact of a nuclear moratorium, including one in January by Harvard's Energy and Environmental Policy Center.

"It turns out that a nuclear moratorium would cost the United States about $300 billion—equivalent to $1,500 per person or $6,000 for a family of four," the study said.

And a University of Missouri study completed last October concluded:

"If the critics are wrong in their assessment of the safety of nuclear power systems, and their failure to generate any substantial criticisms of the Rasmussen report indicates they are, the only result of a nuclear power moratorium will be additional costs to the consumer with no compensating improvement in the quality of life.

"In fact, the necessity to burn additional coal and oil to make up for the loss of nuclear generating capacity will hasten the deterioration of both the environment and the economy of the United States with an inevitable deterioration in the quality of life," the study declared.

Finally, an increasing number of scientists are beginning to take notice of the alarmist claims made by the anti-nuclear groups. Accordingly, many are scrutinizing the claims closely for the first time.

One thing they have discovered is how simple it is to concoct a scare story "proving" that some new form of power is more dangerous than it actually is. Even solar energy isn't immune.

Thought to be the most benign energy option imaginable, solar energy is the favorite alternative of the nuclear critics. But solar energy to heat homes can be made to sound terrifying by making a few simple assumptions, all far more reasonable than the critics' assumptions concerning nuclear energy, and adding a dash of propaganda.

For example, it's well known that roof-mounted solar heating panels work better when newly fallen snow is cleaned off quickly rather than allowing it to melt away in its own good time.

Accordingly, a homeowner might reasonably be expected to make an extra 10 or 20 trips up a ladder each winter to clean off his solar collectors, trips that he ordinarily wouldn't make and under much worse conditions than usual.

Assume that this increases his total yearly risk to lethal falls by two to four times, a conservative guess. But falls, mostly from ladders, are the second largest cause of accidental deaths in this country. They kill almost 18,000 persons a year. Simply multiply 18,000 by two and four, respectively, and the following can be asserted, though probably falsely:

"Scientists estimate that if all U.S. homes were heated by solar energy, 36,000 to 72,000 additional deaths could result each year from solar-associated falls alone."

It might take another three-year, $4 million Rasmussen report to prove that statement wrong.

Thus, however well intended, or however duped by their leaders, the anti-nuclear environmentalists are doing America an historic disservice because they do not acknowledge the hazards of not going nuclear.

For the fact is that it is far more likely that our children will die in a war for energy than from the pollution that energy causes.

PEOPLE'S BICENTENNIAL COMMISSION: MARXIST CON ARTISTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. McDONALD of Georgia. Mr. Speaker, the People's Bicentennial Commission—PBC—is a Marxist propaganda organization seeking to present a warped version of America's founding principles to her people. The PBC, founded with the assistance of an old-time Communist Party, U.S.A. organizer, seeks to present Marxism as "Twentieth Century Americanism"—as Earl Browder used to say.

The PBC radicals are currently organizing a mass demonstration for Washington, D.C., on the Fourth of July with the U.S. Capitol as its target. The mass march has distinct possibilities of posing a threat to public order in our Nation's Capital.

Anthony Harrigan of the U.S. Industrial Council is well informed as to the PBC's goals, and I recommend his recent comments on that organization:

PBC DIRTY TRICKS DEPARTMENT

(By Anthony H. Harrigan)

One ordinarily doesn't think of political dirty tricks in connection with the bicentennial of American independence. But, then, the People's Bicentennial Commission isn't a straightforward bicentennial organization. It is a Marxist-oriented political organization masquerading as an organization celebrating America's 200th birthday.

Many communities, organizations and ordinary citizens confuse the People's Bicentennial Commission with the official bicentennial group. The PBC gets much of its material on radio because of this confusion. Civic and college groups have invited PBC representatives to speak, imagining that they have extended an invitation to those who want to uphold American values. They don't know, as syndicated columnist Allan C. Brownfeld has reported, that the founder and head of the PBC, Jeremy Rifkin, is "a self-proclaimed socialist revolutionary."

The PBC is deeply involved in political dirty tricks. For example, when President Ford gave a bicentennial address at Concord, Mass., last year, the PBC sought to disrupt the proceedings with a demonstration. The PBC also hopes to turn July 4 ceremonies in Washington into a triumph for radicalism.

One of the nastiest things the PBC has done to date is to write a hate letter to the wives of prominent businessmen around the country. In its insulting, offensive communication, the PBC writes: "Have you ever asked (your husband) if he or his colleagues or his firm have been involved in criminal activity? Would your husband inform the authorities if he was aware of illegal conduct among his friends or associates? Would you inform the authorities if you uncovered such information?"

Implicit in these questions is a blanket smear of businessmen. The aim of the PBC, of course, is to condemn business and businessmen in advance, to sell the idea that the capitalist system is corrupt.

This letter from the PBC belongs in the trash can, to be sure. The attempt of the PBC to speak on moral issues is outrageous. One hopes that the wives who receive this letter understand the source from which the letter comes.

Another example of the PBC's gutter tactics is a letter it is mailing to the secretaries of senior executives in industry, advising them that "The PBC is offering $25,000 in cash to you if you can provide us with concrete information that leads to the arrest, prosecution, conviction and imprisonment of a chief executive officer of one of America's *Fortune* 500 corporations for criminal activity relating to corporate operations."

The American corporate system is the principal target of the PBC. Writing in *The New American Movement*, Rifkin said the Left must "turn the Bicentennial Celebration into a campaign designed to create a mass revolutionary consciousness." He called for an understanding of "revolutionary ideals" that "links Thomas Paine, Sam Adams, Benjamin Rush and the American people with Lenin, Mao, Che Guevara, and the struggle of all the oppressed people in the world."

Among the sections listed in the "Syllabus and Study Guide to the American Revolution" distributed by the PBC is "The Marxist Interpretation of The American Revolution." The first book listed in this section is a volume written by Herbert Aptheker, long-time Communist Party theoretician.

The full story of the PBC—entitled "A Radical Attempt To Expropriate America's 200th Anniversary"—is available in a booklet from the USIC Educational Foundation. This report on the PBC describes the ways in which that organization seeks to distort the meaning of the American Revolution, which was a conservative political movement wholly unrelated to the Marxist revolutions of modern times.

The background furnished by the Foundation report helps provide the proper perspective for the PBC's current effort to reach wives of businessmen, attempting to create a split between husband and wife, and to put pressure on the husband, while degrading the American free enterprise system.

THE SILENT MAJORITY ON ABORTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Ms. ABZUG. Mr. Speaker, abortion is an issue which concerns every one of us and it has been the subject of a great deal of debate in both Houses of the Congress. Although there is a vocal minority opposed to the Supreme Court decision which seeks to overturn it, a majority of the American people support the 1973 landmark decision giving women the right to choose an abortion. An excellent article by Jane O'Reilly appeared in the Washington Star on May 18, and I would like to take this opportunity to insert it in the RECORD:

THE SILENT MAJORITY ON ABORTION

Sooner or later a better way will be invented, but at the moment, women still have the babies. There seems to be a wide consensus in the United States that the woman whose body does the work is the person who gets to decide whether she will continue with a pregnancy or not.

According to the recent CBS/New York Times polls, 67 percent of the American people support the 1973 Supreme Court decision giving women the unrestricted right to choose abortion in the first trimester of pregnancy.

Two weeks ago a new Harris poll concluded that "a clear majority of 54 percent" support the right to choose abortion, and only 39 percent of Americans are opposed. The Harris poll also says that the "widespread feeling that it is politically dangerous for a presidential candidate to support legalized abortion turns out to be wrong."

So, abortion is not a huge issue nationally. Here and there, a few congressmen are still being greeted by shouts of "murderer!" everytime they go home. The shouters are responding to the political organizing of the Catholic bishops' Pastoral Plan for Pro-Life Activities. It would be nice for those few embattled candidates to hear from the clear majority for choice. According to a January survey by Knight-Ridder newspapers the majority for choice include 76 percent of all Catholics.

Abortion is an emotional and moral dilemma which only seems to be a political issue because the right-to-life minority is so extremely loud and tireless, and political, in their ceaseless effort to protect the rights of the fertilized human egg.

They have considerably less sympathy for the human being whose egg it is. As the right-to-life people see it, a woman harboring a fertilized egg should lose certain constitutional rights such as the right to privacy and to freedom of religion. She should, in protection of the egg's presumed "personhood," lose her own personhood and become entirely subservient to her biological condition.

Most of us are quite willing to let them believe that, as long as we don't have to believe it too. But they are not willing to be so democratic. They thrive on schemes and plots to impose their view.

Only a couple of weeks ago, on April 28, the Senate was surprised to find itself debating whether to consider a constitutional amendment to forbid all abortions. Sen. Jesse Helms, assisted by Sens. James Buckley and Dewey Bartlett, was indulging in a little parliamentary plot to circumvent regular procedure. The Constitutional Amendments Subcommittee, following regular procedure, rejected all proposed antiabortion amendments after one and a half years of hearings.

During the recent debate on the floor of the Senate it was Sen. Birch Bayh's weary duty, as chairman of that subcommittee to remind the anti-choice faction that abortion "is not an issue that can be properly or effectively dealt with in a constitutional context."

The occasion was ignored by the press, which may or may not indicate something about its importance. But the Congressional Record for the day suggests the afternoon was not without its illuminating moments.

The principal illumination is that United States senators do not feel at home in discussions of human reproductivity, and many of them are ill at ease when reminded of women's role in the process. Even Sen. Bayh, the under-appreciated champion of women's rights, felt great reservations about "here, alive and in full color discussing an issue that involves one of the most intimate personal acts of two human beings in scientific terms."

The senators' scientific attempts centered around notions of fertilization, implantation, and the start of life. No one knows when life begins—they can only believe—so no one persuaded anyone else. Sen. Bartlett suggested "so-called hard cases"—teenage victims of rape and incest—could get a D&C before implantation took place. Compounding the absurdity of his own argument, Sen. Bartlett said "during that period we do not know whether an abortion would be taking place or not. But it cannot be proved that it is, and I feel that is the important fact."

The Senators floundered on. Sen. Buckley made the customary right-to-life leap in logic from abortion to euthanasia. Sen. Harrison Williams and Sen. James Abourezk pointed out that no amendment such as Helms' could be enforced. Almost everyone found time to express their personal abhorrence of abortion. At the end the vote to table the motion to further consider the amendment was 47–40 for tabling. That suggests many senators did not notice that in 1974 all but one of 62 consistently pro-abortion congressmen were reelected, and of 113 anti-abortion congressmen 24 were not returned.

Throughout the afternoon's debate, a pregnant woman's decision to abort was often referred to, with considerable contempt, as a matter of convenience. Bearing a child is an inconvenience no man has ever confronted. As Sen. Bayh said, "we are talking about whether a woman has the right to make that personal decision or whether we are going to make it for her or prohibit her from making it. Although I am prepared to make it as a man, I am not prepared to make it for a woman."

CONFERENCE REPORT ON SENATE CONCURRENT RESOLUTION 109

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. FISHER. Mr. Speaker, again, after a good deal of further thought, I voted on May 13 not to approve the conference report on the first budget resolution for fiscal year 1977 (S. Con. Res. 109). I also voted against the resolution when it first was acted on by the House. Although the Senate-House conference recommended a reduction in outlays for fiscal year 1977 of slightly more than $2 billion, with a consequent reduction in the anticipated deficit, I still came down on the side of wanting an even greater outlay and deficit reduction.

The primary reason for my vote was my belief that lower targets or guidelines, particularly for outlays and the deficit, would be desirable at this time. The economy has been improving rapidly and the outlook is favorable even though unemployment remains too high and the rate of inflation has not yet been brought down to a satisfactory rate. But the overwhelming evidence is for continued economic improvement. If the Federal Government is ever to achieve a balanced budget over the duration of a business cycle, it is absolutely necessary to reduce a swollen deficit rapidly during the upswing and prosperous phases of the business cycle. Now is the time to make good on this pledge. Therefore, my vote this time was to disapprove budget targets that I think are still somewhat too high.

I have particularly in mind that the mid-May budget vote is on targets or guidelines which are supposed to influence the consideration of numerous appropriation bills between now and mid-September when the final vote on the fiscal 1977 budget magnitudes will be taken. I think the Congress and the country ought to set targets for outlays and deficit that the country will have to strain to reach. I would have been pleased to vote for a budget resolution that had a lower figure for outlays than $413.3 billion, although I do not subscribe to the President's recommendation of $395.8 billion.

There are a number of budget categories listed within total outlays in the resolution which I think can be reduced somewhat. The particular programs included within the category totals which I will be scrutinizing as appropriation bills come forward include food stamps, the Postal Service, certain welfare expenditures, certain public works, among others. Special effort will have to be made to increase efficiency in these and all government programs so that the same services can be delivered at lower cost. I very much favor, and have sponsored a bill, which will require complete justification of every governmental program at least once every 4 years. I hope this bill will become law promptly because it will help in combing through the various programs to remove unnecessary activities.

If during the course of the next 4 months before final budget guidelines are set, it proves impossible to reduce expenditures, then of course I will have to reconsider the guidelines. But I see every advantage in establishing low ceilings now as an incentive for restraining appropriations that will be voted this summer.

Far less attention has been given to the revenue estimates and targets set out in the budget resolution and there has been almost no disagreement between the Senate and the Housing regarding this matter. Each body has assumed continuation of the existing tax reduction program that was initiated last year. I think it is possible that the pickup in the economy will be strong enough that more revenue will be taken in during fiscal 1977 than has been estimated and that unemployment compensation and other expenditures may be less than anticipated. Particularly on the revenue side this could greatly ease the Government's financial situation and mean a further significant reduction in the 1977 deficit. The economic situation as it unfolds will have to be watched closely so that future revenue estimates can be adjusted appropriately.

I am somewhat disturbed by the assumption in the revenue estimates contained in the budget resolution that a tax reform measure now pending in the Senate will become law and result in $2 billion in increased revenues for fiscal 1977. This estimate is higher than what would result from the House tax reform measure passed last December, and higher still than what now appears to be likely from the Senate. This is a further reason for preferring lower estimates of outlays.

Finally I want to make it clear that my vote against the budget resolution, both when it was first taken up in the House and again in the conference report should not be interpreted as a vote of no confidence in the new budget process. I think the Budget and Impoundment Control Act which established the new congressional budget process is a most important reform. I simply cannot support the totals which have been set.

FORD LEADING REGULATORY REFORM FIGHT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. MICHEL. Mr. Speaker, a recent editorial in the Wall Street Journal notes the diligent efforts of the President to reform the unwieldy and costly regulatory process in the Nation today, and praises him for it, while wondering aloud why it is that a matter of such immense importance has not received the publicity it deserves.

I think the point is well taken, and I think the President deserves some real credit for what he is doing. I for one am prepared to give it to him, and I hope the Nation as a whole will, also.

You see, his decision to tackle this problem represents a real commitment to principle as against expediency. The editorial notes the clear reason for this, without drawing the same conclusion directly. Big business, of which we Republicans are so often thought the tools, is vehemently against real regulatory reform, because the maze of regulations works generally to solidify their market positions and shield them from competition. Thus airlines and other business lobbies have been loud in proclaiming that they need the regulations.

So Mr. Ford might well, in the name of expediency shoved the reforms to the back burner, but he did not. He stuck by Republican principle—the principle of free and competitive economics—even when that position worked to the disadvantage of the captains of industry.

This is leadership at its best; it is doing the right thing, no matter where the chips fall. It is the Ford approach and deserves the applause of all Americans.

The article follows:

SELLING REGULATORY REFORM

One of President Ford's basic shortcomings on the hustings has been his failure to convey to the public the importance of his administration's major economic initiative, regulatory reform.

He has been attempting, against formidable odds, to set in motion processes that would systematically dismantle those activities of government that inhibit competition. It is an effort that is responsive to the very evident public concerns over the impacts of big government. Why, then, is the President having so much trouble persuading the public of the worth of his efforts?

The immediate answer, which we have touched on here before, is that he has not demonstrated sufficient dedication to it himself. He committed a primary error last December by not vetoing the Energy Policy and Conservation Act, which continued the costly, wasteful and anti-competitive federal regulation of the oil industry. Few better opportunities present themselves for a President to make a bold and dramatic stroke in defense of the market principle.

But some things should also be said in the President's defense. His initiatives in the direction of deregulation have been considerable, however low the yield in terms of political visibility and substantive results. For example, he managed to introduce more flexibility into the ICC's control over rail freight rates as part of the rail modernization bill earlier this year. He is seeking legislation that would reduce federal restraints on price competition in aviation and trucking.

Federal agencies have been asked to find ways to cut paperwork and regulatory delays, apparently with some results. The administration backed such other successes as the repeal of federal "fair trade" laws, which had allowed some manufacturers to fix retail prices, and the introduction of price competition among stock brokers.

And last week, the President asked Congress to enact a comprehensive agenda to further such attempts. It calls for a four-year national effort to identify areas where the cost of government regulation exceeds benefits and to formulate new laws to reduce regulatory interference. If Congress adopts the measure, the agenda would begin next year with transportation and agriculture, continue in 1978 into mining, heavy manufacturing and public utilities, then in 1979 into light manufacturing and construction and finally in 1980 into communication, finance, insurance, real estate, trade and services.

It is interesting that the general effort towards regulatory reform has attracted bipartisan support in Congress. Senator Kennedy, for example, has introduced his own bill to require federal agencies to promote competition as part of their decision-making processes. Senator Muskie is also taking a tougher line towards the problem of regulatory agency proliferation by promoting a "sunset" bill that would require agencies to justify their existence or shut down.

But the President is leading the movement. Why isn't he getting more credit for it?

The inarticulateness of his campaign generally is partly to blame. Further, it always is difficult to dramatize deregulatory efforts and to forecast their public benefits, even though there can be little doubt that increased market competition yields benefits. Finally, special interest groups are working mightily to try to undermine the deregulatory thrust by attempting to generate public fears about its consequences.

One of the myths the President has exploded through the deregulatory drive is the broad assumption that there is a strong resentment among businessmen of federal regulation. The airlines and trucking companies have demonstrated through their lobbying efforts that some of the strongest support for anti-competitive regulation comes from regulated industries. As one White House official notes, the proregulation constituencies are far more vocal in Washington than any anti-regulation lobbies.

Since deregulation is an effort conducted on behalf of the public and often against the wishes of special interests it requires some political courage. The President has not always been bold enough. But he deserves more credit and support than he has received for the boldness he has demonstrated. What he is attempting is far more important than has so far been perceived.

BICENTENNIAL HERITAGE—MORE THAN A LEGACY

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. HANSEN. Mr. Speaker, as my colleagues know, each year the Veterans of Foreign Wars and its Ladies Auxiliary conducts a Voice of Democracy Contest. This year's theme was "What Our Bicentennial Heritage Means to Me," and the Idaho winner in this contest was Vaughn Paul Stephenson of Acequia, Idaho.

Vaughn is the son of Eldon and Erlene Stephenson who are both school teachers. Age 16, Vaughn is a student at Minidoka County High School in Rupert, Idaho.

I am proud of Vaughn and pleased with the enthusiasm he expresses for his country and its heritage.

Mr. Speaker, Vaughn's winning speech follows:

Perhaps it is only the constant reminders that every day I see and hear, that I am more fully able to appreciate the events which, over the past two hundred years, have shaped these United States. Even so, I have the highest admiration, gratitude and respect for the people who, like the sculptor, shaping and fashioning rough clay into a true masterpiece of expression, molded thirteen oppressed colonies into the greatest nation earth has seen. All too often when the bicentennial is mentioned all that is thought of is America as it was two hundred years ago. I personally feel that what should be considered is our heritage over the entire course of our nation's history. With that in mind, I would like to delve more deeply into my feelings toward our bicentennial heritage.

Where can one really begin to tell of our great heritage? I suppose that first and foremost should come this unique American form of government, for without it, nothing else could have transpired in the manner which it did. Much as been said about the founding fathers, and there probably cannot be enough credit given to such great men. Allow me to relate a few instances which I feel depict the early American patriotic spirit. Five signers of the Declaration of Independence were captured by the British and tortured before they died. Another signer, Thomas Nelson, noted that the British commander, Lord Cornwallis, had taken over the Nelson home for his headquarters during the battle of Yorktown. Nelson urged General Washington to open fire. The home was destroyed and Nelson died bankrupt. These same Continental Congressmen served without pay, as did George Washington, in his capacity as Commander in Chief of the Continental Army. All so that this nation could achieve independence. To paraphrase Nathan Hale, they regretted that they had but one life to give for their country.

With the government established, the rest of the great American achievement was able to take place.

What then is the rest of our bicentennial heritage? To me, it is two hundred years of more than just those great sacrifices. It is the compilation of the uniquely American life form. It is our choice heritage as Americans to have our history filled with such great statesmen as George Washington, Thomas Jefferson, John Adams, Andrew Jackson, Daniel Webster, Abraham Lincoln, Henry Clay, Theodore Roosevelt, Woodrow Wilson, and countless others. But, as I have mentioned, the bicentennial heritage is more than just a legacy of government. The American achievement includes the literature of such geniuses as Henry Wadsworth Longfellow, Walt Whitman, Ralph Waldo Emerson, Herman Melville, and John Steinbeck, to name a few. America has danced, sung, and listened to the music of such men as Stephen Foster, Irving Berlin, Rogers and Hammerstein, Louis Armstrong, Frank Sinatra, and countless others. We've laughed over the years at the witticisms of Ben Franklin, Mark Twain, Will Rogers, Groucho Marx, and Mel Brooks. America has cheered for such sports heroes as Jim Thorpe, Babe Ruth, Red Grange, Willie Mays, Joe DiMaggio, Wilt Chamberlain, and major leagues of others. America and the entire world has marveled at the innovations of Thomas Edison, Henry Ford, Alexander Graham Bell, and Eli Whitney.

To summarize my feelings into a short thought, I shall refer to a quotation by Benjamin Franklin. When asked, after the Constitutional Convention had ended, what kind of government had been given to the people, he replied, "We have given you a republic for as long as you will keep it." For two hundred years we have kept it, and been given much more.

MOTHERHOOD, APPLE PIE, AND THE SCHOOL LUNCH PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. GOODLING. Mr. Speaker, I would like to share with my colleagues two articles which appeared in the Washington Star this week on the school lunch program. These articles reveal that the concepts that many Members of the House have about this program—as witnessed by the debate on the school lunch bill last year—need to be updated.

During the consideration of this legislation, I argued that the reason that participation in the regular school lunch program is declining is not the high cost of a school lunch as the school lunch lobby cried, but a result of changing times. We should face up to the changes that the participants—the students—are demanding. This does not mean that we have to have a McDonald's in every school, but it should mean that we cannot continue to subsidize lunches that children do not want and benefit only the trash collectors.

I was pleased that the House accepted some of my views on this last year and voted against a maximum charge of 35 cents for any lunch with the Federal Government making up the difference between the maximum charge and the cost of the lunch. This type of legislating would only have encouraged inefficient school lunch programs. Unfortunately, some lobby groups are still playing on the motherhood and apple pie concept of the school lunch program by saying that a vote for the Goodling amendment was against school lunch. Nonsense. The school lunch program is alive and kicking—but wasteful. The Congress took one step toward improving the program, and at the same time benefiting the taxpayer, by mandating that the Department of Agriculture allow high school students to refuse food items that they do not intend to eat, and to do a comprehensive study on plate waste. I hope that when the final results of this study are in—and the preliminary results show that 20 percent of all food put in front of our kids is wasted—that the Congress will not be afraid to stand up to the lobby group identified in one article as the "nutrabiddies."

The articles follow:

$400 MILLION IN FOOD JUNKED IN SCHOOLS EACH YEAR—25 MILLION SERVED SUBSIDIZED LUNCHES EVERY DAY

(By Michael Satchell)

Of all the federal programs near and dear to America's heart, few combine the ideals of motherhood and apple pie better than school breakfast and school lunch.

The images are irresistible. The jolly cooking lady baking fresh bread and cookies in the school cafeteria, whipping up tasty meals for her little charges. Bright-eyed children from poor families eagerly munching down eggs, bacon and sausage for breakfast. Rosy-cheeked little nippers in the lunchroom, dutifully eating their carrots and peas, coming back for second helpings of her mouth-watering fried chicken, begging for more pineapple upside down cake that's better than mom makes.

All that delicious food, and all that good, wholesome milk to build young bodies and develop young minds. And all made possible by the wisdom and generosity of Uncle Sam. It's tax money invested in the health and well being of America's future generation. For a Washington politician, bankable votes. A blue chip federal aid program beloved by liberals and conservatives alike.

Trouble is, school lunch and school breakfast isn't like that anymore, and the result is that some $400 million worth of food and milk is now being thrown away each year.

Today school breakfast often consists of a gooey, sugary piece of confection called a fortified breakfast cake instead of a plate of eggs and bacon, a meal that sticks to the teeth rather than the ribs.

At lunch many elementary school youngsters line up in front of a table and pick up a cardboard carton of milk, a plastic cold pack and an aluminum foil hot pack that looks like a miniature TV dinner.

When they peel back the plastic wrap and tinfoil, they find food that has been precooked, chilled or frozen, and reheated. It is often bland and soggy. It is largely odorless and often tasteless. It is high in sugar, starch, synthetics, artificial colorings, artificial flavorings and refined foods. It is, says nutritionist Mary Goodwin, "formulated, fabricated, fortified, frivolous and fake"—the five F's of school lunch.

Some of the meat dishes contain up to 30 percent textured vegetable protein or TVP. The kids complain that the hamburger tastes funny. Concerned nutritionists continue to worry over the fact that laboratory tests show TVP may cause kidney damage in rats.

The lunches presented to many elementary school youngsters around the country, including New York, the District of Columbia, and on some days, Montgomery County, will have been cooked and pre-plated several weeks earlier by large food companies, frozen, shipped hundreds, maybe thousands of miles, and then reheated.

The cost in energy, paper, cardboard, plastic and aluminum that goes into pre-plated lunches is staggering. The waste in food could be considered criminal.

Every school day some 25 million youngsters are served subsidized lunches in about 88,000 schools. This year, the federal government and local school districts will put about $2 billion worth of food on the school lunchroom table and spend another $1.8 billion getting it cooked and served.

The kids will waste about one-fifth of what's put in front of them, preliminary figures from a new federal study indicate. That's a nearly half billion dollar cornucopia of pizza, hot dogs, hamburgers, fishwiches, heroes, hoagies, green beans, tater tots and upside-down cake going down the garbage chute.

Compare that dollar waste to the $560 million that the U.S. Congress appropriated this current fiscal year for food aid to the world's hungry nations.

As for milk, the kids will waste about 12 percent of the three billion pints that will be served this year, the new federal studies indicate. That's a river of 360 million gallons down the drain.

Since 1946, when Congress first appropriated funds to provide subsidized meals for school children, the National School Lunch program has been among the most sacrosanct of federal aid plans, a sacred cow munching contendedly in the congressional pasture, growing steadily fatter on bigger and bigger bites of the Department of Agriculture budget.

A decade ago, for example, the federal payment to the school lunch program was $315 million, with almost 20 million youngsters sitting down to eat each day. This year, Washington's contribution—roughly matched by the states—has risen more than fivefold to $1.7 billion although the number of children has increased by only five million.

Ten years ago the government contributed a dime toward each meal. Today the USDA subsidy is close to 24 cents.

The special milk program, which every President since Dwight Eisenhower has tried to dry up, or at least slow to a trickle, will cost the government $144 million this year.

And the school breakfast program has gone from a half million dollar federal payment in 1967 to $85.7 million this year, with 2 million youngsters getting a pre-school meal to start their day. Most of the breakfast youngsters are from poor families but participation by middle cass kids is on the increase as working couples find it easier to drop their kids off at school for their first meal of the day rather than preparing breakfast at home.

On Capitol Hill nothing is liable to give a lawmaker heartburn faster than the prospect of having to vote to trim the school lunch or milk program.

The Ford administration, for example, wants to retool federal food aid programs and, among other things, limit free or subsidized lunches to poor children. Kids from middle class families would have to pay the full price of the lunch, about another quarter per day.

A sponsor has been found in the House but no one in the Senate will touch it and observers feel the proposal has about as much chance of finding its way into law as filet mignon onto the school lunch plate.

"There haven't been investigative hearings on school lunches by Congress in a decade," said John Kramer, special counsel to the House Agriculture Committee. "The nutrabiddies (nutrition lobby), the little old ladies in tennis shoes, run around giving key congressmen like McGovern, Humphrey, Perkins and Talmadge nutrition awards. And the money keeps flowing.

"School lunches have become a big payoff for the middle class. The average food stamp bonus per meal for a poor family is 27 cents. The average school lunch bonus for a middle class kid is 23 cents. The poor (about 10.5 million of the 25 million children in school lunch will eat free or reduced price lunches this year) have been carrying the middle class on their backs in this program."

The school lunch is designed to provide a

10- to 12-year-old child with one-third of the minimum daily nutritional requirement and this is accomplished by serving what is known as the Type A lunch. To be eligible for the federal subsidy, schools must by law serve a lunch consisting of a half-pint of milk, two ounces of either lean meat, poultry, fish, cheese, peanut butter, cooked dry beans or peas or any combination of these.

The lunch must also include three-fourths of a cup of two or more vegetables and fruits, one slice of bread and a teaspoon of butter or margarine. Many school lunch programs supplement this basic menu with such things as potato chips, corn chips, cookies or desserts, but these don't qualify as items to satisfy the Type-A requirements.

The Agriculture Department is considering making potato chips, pickles and a whole range of other snack-type foods permissible as items to satisfy the vegetable portion of the menu, along with cakes and cookies as a substitute for bread. The proposal is highly controversial and nutritionists and parent groups, facing a hard enough time steering youngsters away from junk foods, promise a stiff battle with USDA on that issue.

For years most schools operated kitchens and cafeterias with a small staff preparing the meals from scratch. The cook knew what the kids liked and disliked in each school. Meals would have individual special touches. Most important, the lunches were prepared with fresh food. And leftovers often could be used on next day's menu.

But as costs have risen in recent years, many schools have switched to so-called satellite feeding in order to save money. The pattern is generally for a high school or junior high kitchen to prepare enough food for itself and several of the elementary schools in the area.

Meals for the satellite schools are either shipped in bulk to be portioned right before being eaten, or preplated in plastic and foil, then shipped. Some school districts rely on a central kitchen which prepares all the food. Sometimes the entire meal except for the milk is purchased cooked and frozen from one of the large food processing companies.

School districts say the savings can be significant in personnel, equipment and food costs. Isn't it better, they argue, to save money in the lunchroom rather than in the classroom by laying off teachers and affecting the quality of the educational program?

Pre-plated meals, they insist, can be just as nutritious as freshly prepared meals if they are cooked, frozen and reheated properly, a contention that can and is being argued ad infinitum by nutritionists on both sides of the issue. Pre-plate lunch critics, however, point out that you can lead a horse to water but you can't make it drink. What's the value of a nutritious pre-plated lunch, they say, if the child won't eat it?

One point few argue is that the youngsters aren't tucking into their little plastic and foil packs with the same gusto as those who get to eat food cooked in their own cafeteria.

One of the major problems with pre-plated lunches is the portion size. A cook in a school cafeteria can dole out small amounts for younger children, double scoops for the older kids, with seconds for the hungry ones. Pre-plated lunches are all the same size. Often, the smaller kids can't finish them even if the food is tasty and appealing. For the bigger pupils, it simply isn't enough and they fill up on junk foods often available in school vending machines.

The issue of plate waste is a sensitive one and so is the question of why the U.S. Department of Agriculture hasn't examined the problem in any depth before now.

"There is an appalling lack of information on plate waste," admits William Bolling, head of child nutrition programs for the Agriculture Department and the government's top school lunch official. "Past studies have been poorly designed and inadequate. The feeling has been that the federal government wasn't responsible for plate waste. But the waste is a significant enough problem to be concerned about it."

Bolling's staff is in the process of completing what is scientifically based, comprehensive study of plate waste in the school lunch program. With some reluctance, Bolling made some of the preliminary results available to The Star, stressing that the data still hasn't been put into final form. The testing was done at 100 elementary and secondary schools in 25 states.

Results for pre-plated meals of the main groups of food items served in schools show the youngsters wasted 9.4 per cent of their meat items (fish, cheeseburger, pizza, meat-cheese sandwich and hot dog) and didn't eat more than half of the vegetables served to them—53 per cent of the green beans, green peas and corn being wasted.

Only one child in four ate the plastic-pack cole slaw and six out of ten didn't eat their tossed salad. A little over half consumed their whipped potatoes, and french fries were eaten by 84 per cent of the kids.

Almost one-third of the fruit—applesauce, peaches, mixed fruit, orange juice, fruit-gelatin and pineapple—ended up in the garbage bin.

The overall pre-plate lunch waste in this sample averages out at 36 percent. Tests on the exact same food items freshly prepared and cooked on the premises show that the kids wasted 24 per cent of what was served, a 12 per cent improvement. Officials say that the results from averaging waste on all types of foods served in the test sample is around 20 per cent.

Next: Local menus.

AT ONE ARKANSAS SCHOOL, LUNCH IS FROM McDONALD'S

(By Michael Satchell)

For 1,000 students at the Benton, Ark. high school, lunch in the school cafeteria usually consists of a Big Mac or a Quarter-Pounder, a bag of french fries and a Coke, with maybe chocolate shake or a piece of hot apple pie for desert.

Benton's cafeteria is operated by McDonalds. The menu is exactly the same as any other McDonalds. The prices arc the same, with McDonalds taking all of the profits. Nothing is available on the menu but standard McDonalds' fare.

And the students? "They're crazy about it," exults principal Kenneth Cook. "We were losing $4,000 a year on the old school lunch program so we quit participating and asked McDonalds to just take over. The kids think it's the greatest thing on earth. We've never had so many kids eating lunch at school. It's been so successful we're thinking of doing the same thing with the two junior highs."

To those concerned about nutritional deterioration in school lunches, the specter of the Golden Arches straddling the high school lunchroom is about as welcome as a dead cockroach in the asparagus. With the steady incursion of the frozen TV-type meal into the school lunchroom, can the starch and cholesterol laden fast-food invasion be far behind?

School lunch is now a $4 billion-a-year industry and is America's fourth largest single food purchasing business, following McDonalds, Gino's and Colonel Sanders. That $4 billion is a potential bonanza and must be a tempting goal for the big food companies. As schools move steadily into serving the chill-freeze-reheat convenience type of meal—perhaps one-fifth of school lunches are currently pre-plated—what more logical place to expand.

Big business already has a small slice of the school lunch pie, pushing products such as Krumb Super Cake, Super Donuts, Super Hostess Twinkies and Astrofood. ITT's Continental Baking Co., among others, produces fortified cakes and its Morton Foods subsidiary makes frozen pre-packaged school lunches. Subsidiaries of Hershey Foods and the Smith-Corona-Marchant corporation, along with such food giants as Larry's Foods of California and Mass Feeding of Chicago, are among the leaders in selling TV dinner-type school meals.

McDonalds, Hardee's, Shakey's and Burger King have moved onto a few college campuses and McDonalds' establishing a beachhead in a high school signals what some fear to be the start of an inevitable trend. Some school districts, fed up with trying to run a lunch program that doesn't cover expenses, have simply turned their cafeterias over to food management companies.

Not to be left out, the National Automatic Merchandising Association reports that in 1974, the latest year for available statistics, vending machines sold $407 million worth of food and drink in schools.

Apart from all this pre-conditioning of young minds and palates to eat convenience foods—marvelous free consumer education for the frozen food companies—what's wrong with schools buying frozen pre-cooked meals from the food industry? As education costs rise, why not save money by serving pre-plated lunches cooked elsewhere in the school district and reheated just before serving?

Mary Goodwin, a Montgomery County public health nutritionist with a national reputation in the school lunch field, is one of the strongest critics of the trend to convenience foods in schools.

To her, pre-plated lunches are a totally unpalatable issue, not only from the nutrition viewpoint, but for their effect on young children.

Asks Goodwin: "What is the educational message of pre-plated lunches? Will they teach children that eating is a mechanized process, that convenience foods are best, that food comes in plastic, foil and cardboard?

"What are the psychological effects on children of this dehumanizing program? It strips food and eating of social and emotional connotations. Eating good food is one of life's great pleasures. It appeals to all of the five senses. Why rob food of its sensuousness by serving meals that taste like plastic?

"Traditionally, schools should strive for what's best and set the highest standards, not go to the lowest common denominator. What are we doing to our kids when we serve them pre-plated foods that have no smell and taste like boiled laundry?"

Bruno Bettelheim, the noted child psychiatrist, agrees. "How one is being fed and how one eats, have a larger impact on the personality than any other human experience," he contends.

If Bettelheim is right, what are schools doing to an entire generation of American youngsters by marching them into a crowded school lunchroom like recruits in an Army chowline, issuing them a carton of milk, a plastic cold pack, a tinfoil hot pack, and expecting them to wolf down a heap of unappetizing and indifferent pre-cooked, preheated food in 15 minutes flat.

Goodwin offers other, equally compelling arguments against pre-plated lunches. Food quality deteriorates in the process of cooking, freezing and reheating. Nutrients originally present in raw food are frequently processed out or greatly reduced. For example, fresh potatoes contain significant amounts of vitamin C. Processed frozen potatoes—used almost exclusively in school lunches in the form of the ubiquitous tator tot or roundabout—contain only one-tenth the vitamin C as the fresh.

Many different types of food additives are used to make the lunches palatable and textured vegetable protein or TVP is widely used to extend meat. "Little is known about the long range effects of additives and TVP has been found to be a possible cause of kidney damage in laboratory rats," Goodwin argues. "Should we be using our children as human guinea pigs for these products?"

Additionally, there are ecological questions. Preplated lunches use a lot of energy in processing, refrigeration, transportation and freezer storage and there is a phenomenal waste of foil, cardboard, plastic and paper.

Pre-plated lunches or pre-cooked, frozen meals are being served in schools throughout the Washington metropolitan area with some school districts moving steadily into satellite feeding programs and others—resisting the trend.

In the District of Columbia, which has a lot of old schools lacking kitchen equipment, some 20,000 elementary school children eat hot-pack lunches each day that have been purchased from the Mass Feeding company of Chicago. Says D.C. Food Service Director Joe Stewart: "We've been satisfied with them and the acceptance level is good. We gave Mass Feeding our specifications for the meals and I can buy these much cheaper than I could produce them locally. They are nutritious."

The dollar savings in satellite feeding programs are undeniable—$200,000 this year in Arlington County, according to School Food Director Bailey McCreery—but the path to convenience feeding hasn't always been smooth.

In Arlington, for example, where all elementary school meals are prepared at junior high or high schools and shipped preplated, a parent group just last week persuaded the school board to adopt a resolution to vary and improve the school lunch menus.

The group, which ran its own systemwide survey of why the kids weren't eating their lunches, demanded and will presumably get foods that contribute to good eating habits, foods high in protein, fiber, vitamins and minerals. They want excluded from the menu foods that contribute to long range health problems, those high in added sugar, fats, artificial coloring and flavorings.

Montgomery County is switching steadily to satellite feeding programs to save money, even in schools with modern kitchens, and about half its schools have lunches shipped in. One lunchroom in transition, and some turmoil, is North Lake Elementary which in January stopped preparing food on the premises and began shipping in preplated lunches from a nearby junior high.

The PTA wrote to the school board asking questions and expressing concern, but the youngsters make a much more eloquent case for having the old system back in operation. Eating lunch recently with the North Lake youngsters brought forth a barrage of complaints from the kids.

"This new TV food is yuckey," one said. "It tastes terrible. They serve green meatballs. Honest. We have to buy ice cream to fill up on."

On this particular day, their complaints were valid. The hot pack, purchased precooked from the Morton Food Co., consisted of six rubbery meatballs in a watery red sauce, along with some corn. It was edible, but not very appetizing or tasty. The cold pack had a very good coconut cookie and the mixed fruit was fine. It also contained a rolled tortilla that was as hard as cardboard, tasted like paste and was, for all practical purposes, inedible.

A sampling of elementary school lunches with youngsters at the District's Giddings School and Arlington's Long Branch produced meals about the same. And a menu comparison for schools throughout the metropolitan area shows little variation from the same six or seven basic entree items although some have more variety.

Fairfax County students have the option of choosing a hot lunch or a cold salad-based meal, both of which fit the government's Type-A lunch requirements.

In Prince Georges County, food for the 43 schools in the satellite feeding program isn't pre-plated in plastic and foil but is shipped in bulk containers. There seems to be more entree variety too, with beef stew, half smokes, lasagna, and steak submarine sandwiches augmenting the usual pizza, hamburger and fish sandwich diet.

It's ironic, perhaps, that one of the best school lunch offerings seems to be Arlington's Yorktown High School, which four years ago turned over its lunchroom to the Macke Corps. Banks of vending machines, not unexpectedly, offers a variety of junk foods, but they also contain an equally varied selection of "good quality" items such as sugar-free soft drinks, fruit juices and soups.

The main feature of the Macke-operated lunchroom, however, is a delibar that contains an excellent selection of foods, all at reasonable prices. There are 15 kinds of made-to-order sandwiches—beef, chicken, tuna, egg, etc.—available on white or whole-grain breads; juice, yoghurt, fresh fruit, cottage cheese, pizza, stuffed eggs, chef's salad, fruit salad, meat and salad plates and cole slaw.

The deli-bar is operated by Macke on a not-for-profit basis and the company's payoff is the proceeds from the vending machines. Assistant Principal Steve Gurcis says Yorktown is extremely satisfied with the arrangement and the students like it. "Everybody benefits," he said.

While Macke at Yorktown and McDonalds at Benton, Ark., have the same basic operating arrangement, the differences and desirability from a nutritional point of view are obvious. Which of these directions the nation's high school lunchrooms take remains to be seen.

Elementary schools are a different matter. Their direction seems pre-determined and is perhaps irreversible, but that won't stop Mary Goodwin and her supporters from working to halt the trend and push for their ideal school lunch programs. She believes that food can be integrated into the school curriculum at all levels, from consumer lessons to science, anthropology, physics, math and so on.

"Ideally, I would like to see all schools have fresh, regional and local food prepared on site by a well trained staff." she says. "The school kitchen could serve as a learning laboratory on food purchasing, preparation, cooking and service. Children could see whole foods, learn something of the nature of foods.

"The cafeteria manager could come into the classroom for nutrition lessons and consumer topics. This is an excellent way to keeping children in contact with the real world rather than a highly mechanized, impersonal one."

LEFTISTS ATTACK BALTIMORE POLICE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 21, 1976

Mr. McDONALD of Georgia. Mr. Speaker, during the past 4 years many campaigns have been launched with the goal of curtailing the functions and reducing the effectiveness of our country's police and others of the law enforcement community who with them are responsible for our safety and security. Among those in the vanguard of many of these campaigns have been the Communist Party, U.S.A.—CPUSA—and the Center for National Security Studies—CNSS.

This month, both of these groups have selected as their target the Police Department of Baltimore and a dedicated public servant, Donald D. Pomerleau, its commissioner since 1966.

On May 11, 1976, a Baltimore newspaper featured a six-column banner headline, "City's Anti-Crime Program Hit by Report as a Flop," and in slightly smaller type, "Pomerleau Seen Running 'Fiefdom.'" There followed a non-story worthy of Jack Anderson in which innuendo was piled upon unsubstantiated allegation and nameless sources vented their spleen on the Baltimore Police Department and Commissioner Pomerleau.

The basis for the newspaper attack on the Baltimore police was a draft copy of a report, "Law and Disorder IV," to be published by the Center for National Security Studies—CNSS—122 Maryland Avenue, NE., Washington, D.C. 20002 (202/544-5380) and written by a CNSS consultant, Sarah C. Carey, an attorney associated with the law firm of Cladouhas & Brashares.

Funding for the report was provided in part by the New World Foundation, the Fund for Peace, and the Ford Foundation. It should be noted that the New World Foundation, 100 East 85th Street, New York, N.Y., has also funded the notorious Highlander Center, long associated with Communist Party organizing in the South; the youth project which in turn has subsidized the admittedly Socialist Georgia Power Project and the Organizing Committee for a Fifth Estate which was charged by CIA Director Colby with having set up CIA agent Richard Welch for assassination; and the Misseduc Foundation, a front for the National Welfare Rights Organization.

The Center for National Security Studies, as I predicted to my colleagues in a report last year—CONGRESSIONAL RECORD, February 20, 1975—has remained in the forefront of those attempting to destroy our security services.

Organized in the fall of 1974, CNSS was and is an activity of the Fund for Peace among whose trustees at that time was a Mrs. Louise R. Berman. And I again draw attention to a summary of her record—Combat, December 15, 1969:

> Mrs. Louise Berman, who is also known as Louise Bransten was born Oct. 10, 1908. She is the former wife of Richard Bransten, also known as Bruce Minton, former owner of New Masses. During the water-front strike in San Francisco, Louise and Richard Bransten carried out assignments for the Communist Party, working with Earl Browder and Gerhart Eisler. In 1944 Louise Bransten made a loan of $50,000 to the People's World, which is the west coast organ of the Communist Party.
>
> Hearings of the House Committee on Un-American Activities carry much more information, and testimony implicates her in activities of several known Soviet espionage agents. She was, for instance, in contact in Hollywood with J. Peters (also known as Alexander Stevens and half a dozen other names), a leading figure in the underground American CP and in Soviet intelligence work; she was an associate of Steve Nelson, long time Communist organizer and ring leader

> of a group that penetrated the research facilities of America's atomic bomb laboratory at Berkeley.
>
> Mrs. Berman (Bransten) has been named as a CP member in Congressional testimony, her husband has been named as a CP official. She invoked her 5th Amendment privilege in two appearances before Congress.

At this time, the CNSS is directed by Robert L. Borosage, an active member of the National Lawyers Guild—NLG—and a former employee—now a trustee—of the Institute for Policy Studies—IPS—a new left think tank dedicated not only to developing ground plans for a non-capitalist society "but is also doing what it can to hasten the demise of the present one."

CNSS has received grants from the Veatch Committee, the Stern Fund, and the Field Foundation. In assisting the Marxist goals of the Institute for Policy Studies, CNSS has developed a wide spectrum of projects attacking the law enforcement community. CNSS describes itself in the following terms:

> The work of the Center is separated into a number of interrelated projects, each directed by an associate with experience and expertise in the area. The main projects include:
>
> Project on the CIA and Covert Action: Directed by John Marks. Operating in secret, and engaging in covert action beyond the reach of the law and without the knowledge or consent of the people, the CIA is the institutional expression of Executive national security prerogative. This Center project engages in extensive investigations of the CIA's clandestine operations at home and abroad, and seeks to stimulate public debate on US involvement in covert action.
>
> Project on Democracy and the Military: Directed by David Cortright. The Vietnam War revealed widespread unrest in the military over undemocratic procedures and practices. This project explores the widespread disaffection in the military and the growing union organizing movement. It cooperates with other groups working on issues such as amnesty, troop reductions and military reforms.
>
> Project on Domestic Security: Directed by Jerry Berman. This project is designed to monitor and challenge Executive claims to internal security prerogatives. The focus of the project is the Federal Bureau of Investigation. It publishes materials on political intelligence, coordinates a committee of groups exploring ways to reform intelligence agencies, and works closely with organizations engaged in litigation to curb the illegal and unconstitutional activities of those agencies.
>
> Project on National Security and Civil Liberties: Directed by Morton Halperin. Secrecy has provided a veil for national security institutions, behind which every intelligence agency has engaged in activities which violate the rights and liberties of citizens at home and abroad. This project is designed to challenge these abuses. It encourages the use of the newly amended Freedom of Information Act, coordinates litigation and exposes information about various policies of national security bureaucracies, and uses the Act to reveal improperly classified information. It publishes a monthly newsletter which explores the relationship between national security prerogatives and civil liberties.
>
> Project on South Africa and National Security: Directed by Courtland Cox. U.S. policy toward southern Africa provides an important case study of national security policy abroad. A 1970 White House policy review placed the United States in greater sympathy with the white regimes in southern Africa, slighting internationally-declared objections, and the smoldering aspirations of the black majorities. This project has undertaken a study of the policies of national security institutions in this area. It seeks to inform Americans, especially black Americans on evolving American policy towards southern Africa.
>
> Project on Interns: Directed by David Klaus. Undergraduate, graduate and law students work at the Center during the academic year as part of the Center's intern project, participating in the various projects. During the summer they participate in special "task forces" focusing on topics which have included: military intelligence; policing in the social service agencies; and racism in the military.
>
> Special studies sponsored by CNSS include:
>
> Project on the Law Enforcement Assistance Administration: Directed by Sarah Carey. This project is evaluating the activities of the Law Enforcement Assistance Administration (LEAA) and related state agencies. The findings of the project will be published in a study entitled "Law and Disorder IV."
>
> Project on Police and Military Arms Trade and Aid Abroad: Directed by Mike Klare. This project carries on research and writing on the nature of American aid to police in other nations, and the trade and aid in armaments throughout the world.
>
> ### STAFF OF THE CENTER
>
> *Director*
>
> Robert L. Borosage.
>
> *Staff*
>
> Josie D. Anderson, Jerry J. Berman, David Cortright, Courtland Cox, Morton H. Halperin, Susan Kaplan, David M. Klaus, Christy Macy, John D. Marks, Christy Marwick, Judy A. Mead, Florence M. Oliver.
>
> *Consultants*
>
> Sarah Carey, Helen Eudy, Sean Gervasi, Michael Klare, Neil Sheehan, Wallace Terry.

Ms. Carey, who has made a career, and doubtless a well-compensated living, by attacking the law enforcement community, is no wild-eyed revolutionary; however, her work with CNSS must be seen as part of the Communist program to finish off our police and security agencies. In her attack on Commissioner Pomerleau, Sarah Carey chose to ignore the facts about the Baltimore Impact program which was the target of her venom. In the same day that her report was leaked to a Baltimore newspaper, Commissioner Pomerleau responded with a news release which stated:

> The Police Commissioner branded as totally false the charges made by Ms. Sarah C. Carey against the Baltimore Impact program.
>
> From the onset in January 1972 the program reflected the highest degree of cooperation and supportive efforts between the components of the criminal justice spectrum functioning within the city of Baltimore. The programs developed through the Mayor's Coordinating Council have made and will continue to make a positive impact upon the levels of crime in the city. Our collective efforts stand in stark contrast to some of the crash programs instituted in the other seven impact cities. The propriety of our methods is evident in the continuing decrease in Impact crimes.
>
> The relationship between the Baltimore Police Department and the staff of the MCCCJ is excellent. Contrary to Ms. Carey's reported conclusion, Baltimore police data as available was furnished for purposes of planning and evaluating other Impact programs. The department furnished upon request Uniform Crime Reporting data broken down by police reporting area. Additionally, graphic displays of these data were also provided. This general support of the overall Impact program is in addition to the volumes of analyses provided on a monthly, quarterly and project year basis for the four police projects.
>
> The Commissioner views Ms. Carey's unfounded accusations as a disservice to the many dedicated men and women, both paid and volunteer, who contributed so much of their efforts to the city's Impact program. Our crime data and the growing stability of this community speaks for itself.
>
> The Police Commissioner expressed no disagreement with Ms. Carey's comment that the LEAA should be abolished. He has been recommending the abolition of LEAA for years and has further recommended that law enforcement monies be distributed to Mayors and Governors through revenue sharing. * * *

Can we believe it is by mere coincidence that this early use of Ms Carey's report in an attack on the Baltimore Police Department has been accompanied by a personal attack on Commissioner Pomerleau mounted by a local Baltimore front of the Communist Party, U.S.A.? This front, the Baltimore Alliance Against Racist and Political Repression—BAARPR—is the local affiliate of the National Alliance Against Racist and Political Repression—NAARPR—formed in the spring of 1973.

The Baltimore Alliance chapter is operating from the home of attorney Herbert L. Singleton, Jr., 817 St. Paul Street, No. 511, Baltimore, Md. 21202 (301/752-0723). It numbers among its most active workers functionaries and close associates of the Communist Party, U.S.A. in Maryland including Jake Green, head of the District of Columbia-Maryland District, CPUSA; Tim Wheeler, Washington writer for CPUSA's Daily World and member of the CP Central Committee; Joyce Wheeler, Tim's wife; Margaret and James Baldridge; Carl Gentile and Simon Jeffries, leaders of the local Young Workers Liberation League—YWLL—the CPUSA youth arm; Joe Henderson; Marcella Avnet, an identified CPUSA member who now heads the Baltimore Women's International League for Peace and Freedom chapter; and Harold Buchman, long-time National Lawyers Guild attorney.

The Baltimore group is demanding:

First. The firing of Commissioner Pomerleau.

Second. Return of the Baltimore Police Department to Baltimore City jurisdiction.

Third. Election of a board of police commissioners.

Fourth. Election of a city-wide Civilian Review Board with full subpoena powers as well as the power too—sic—order disciplinary measurers against police officers found guilty of brutality and harassment.

It must be noted, Mr. Speaker, that similar demands are being raised by other chapters of the Communist Party's NAARPR against police in other cities; and we must expect these campaigns to continue.

All Communist Party members must study Lenin both before and after being admitted to CP membership. His "State and Revolution" bristles with with the call and instructions for the destruction of government and its branches responsible for law, safety and security. When we consider campaigns such as the one being mounted against the Baltimore police, we must recall that Lenin teaches his followers:

> Some may at once undertake to kill a spy or blow up a police station. * * * Let every group learn, if it is only by beating up a policeman* * * *—Collected Works, Vol. 9, pp. 344–346.

The Center for National Security Studies and its consultant, Ms. Carey, must be considered as climate makers for the outrageous demands of the Communist Party's Baltimore alliance. It is the news behind the news that the media have ignored.

HOUSE OF REPRESENTATIVES—*Monday, May 24, 1976*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us draw near to God with a true heart in full assurance of faith.—Hebrews 10: 22.

God of Grace and God of Glory at the beginning of a new week we draw near to Thee humbly and reverently seeking guidance for each day, wisdom for each decision, strength for each task, and love for each person.

Keep us close to Thee that no bitterness or resentment may find lodging in our hearts and that kindness and good will alone may dwell therein.

Bless the family of our beloved colleague—Torbert H. Macdonald. Comfort them in their sorrow and strengthen them for the days ahead.

Bind us together in a common endeavor to serve the highest good of our Nation with the very best of our abilities. So may our service be an honor to our country, to ourselves, and to Thee: for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. McFall). The Chair has examined the Journal of the last day's proceedings and without objection, announces to the House his approval thereof.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 12132. An act to extend as an emergency measure for one year the District of Columbia Medical and Dental Manpower Act of 1970.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2679. An act to establish a Commission on Security and Cooperation in Europe.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12384. An act to authorize certain construction at military installations and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12384) entitled "An act to authorize certain construction at military installations and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Symington, Mr. Stennis, Mr. Jackson, Mr. Cannon, Mr. Harry F. Byrd, Jr., Mr. Leahy, Mr. Tower, and Mr. Thurmond to be the conferees on the part of the Senate.

GIFT AND ESTATE TAX BILL

(Mr. ULLMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, today I am introducing a major gift and estate tax bill that will be the vehicle for markup in committee beginning on June 2. I urge all Members to carefully study the bill. Today in another part of the Record I am including a full explanation of the bill, and it is my hope that on the 1st of June another bill will be introduced. I invite other Members to cosponsor the legislation at that time with me.

THE LATE HONORABLE TORBERT H. MACDONALD

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, as acting dean of the Massachusetts congressional delegation, it is my very sad duty to inform my colleagues of the death of our beloved friend and colleague Torbert H. Macdonald.

Torby died quietly Friday night, May 21, at Bethesda Naval Hospital after a long illness. His family was at his bedside.

Our heartfelt sympathies go out to his wife Phyllis, his two daughters—Laurie and Robin, and his two sons—Brian and Torbert, Jr.

Funeral services will be held on Friday, May 28, 11 a.m., at the Sacred Hearts Church, Malden, Mass. In lieu of flowers, the family has asked that donations be made to the Torbert Macdonald scholarship fund.

Mr. Speaker, I have asked for special orders so that all of our colleagues may have the opportunity to bid farewell to one of the finest and ablest Members to have ever served in this body.

Torby's efforts in advancing public broadcasting, the sports antiblackout bill, the fuel allocation bill, and his role in the revitalization of the Northeast railroads are well known. Personally, I will remember him as a gentleman, and as a quiet, effective legislator who never complained; he just did his job. He always went out of his way to be fair and impartial; he never misused his great influence and power. Torby was a close personal friend whose friendship I valued, and I will miss him very much.

The following is a brief biographical sketch of Torby's legislative accomplishments. It is a fine record indeed. It is one which speaks for the people—those people he so ably served for 22 years.

Mr. Macdonald was born in Malden and attended Medford public schools and Phillips Andover Academy. Congressman Macdonald was a graduate of both Harvard College and Harvard Law School and was an outstanding athlete. He captained the Harvard football team, was an all-East halfback, and, in 1973, was inducted into the Harvard Football Hall of Fame. After graduation from Harvard, Congressman Macdonald turned down a Rhodes scholarship to try out for the New York Yankees.

A PT-boat commander in World War II, Macdonald won the Silver Star for heroism in New Guinea, as well as the Purple Heart. Prior to winning election to Congress in 1954, Congressman Macdonald practiced law in Boston, and served as counsel to the New England office of the National Labor Relations Board.

During his 22 years representing suburbs north of Boston, Congressman Macdonald worked hard to attain several key positions in the House of Representatives. He was chairman of the House Subcommittee on Communications and the ranking Democratic member of the House Interstate and Foreign Commerce Committee. In his capacity as subcommittee chairman, Macdonald's influence extended over the various forms of telecommunications, including television, radio, cable television, and satellites. Macdonald also had a major role in shaping legislation dealing with energy, railroad revitalization, and consumer protection as a senior member of the Commerce Committee.

In addition, Congressman Macdonald served as a ranking member of two Government Operations Subcommittees—Conservation, Energy, and Natural Resources and Government Information and Individual Rights, and served for 20 years as assistant majority leader for New England.

During his 11 consecutive terms in office, Macdonald achieved a record of distinction in a number of important legislative fields:

He is recognized as the father of public broadcasting, having introduced key legislation in 1967 and guided the growth of educational television and radio throughout the country. His leadership produced the long-range funding legislation for public broadcasting which was hailed by President Ford as a "legislative milestone" when he signed it into law last year.

As chairman of the House Subcommittee on Power, MACDONALD authored the Emergency Petroleum Allocation Act which assured all regions of the country, especially New England, an equitable supply of home heating oil and gasoline during the recent oil embargo.

Congressman MACDONALD also authored a law which forced professional sports teams to allow local telecasts of sold-out home games. The sports antiblackout law, which bears his name, is about to be made permanent by the Congress. It gives sports fans who cannot afford or do not have the opportunity to buy tickets a chance to see their home team on television.

Mr. MACDONALD was applauded for his work recently on comprehensive legislation to reorganize and revitalize financially troubled Northeast railroads. He has utilized his position of influence on the Commerce Committee to seek a balanced transportation system for the country and for New England.

In the 94th Congress, Congressman MACDONALD, as chairman of the House Communications Subcommittee, took an active role to support competition in domestic common carrier policy and better coordination for Government planning and policy development in telecommunications. He sponsored a major congressional reexamination of cable television and worked for reform and reorganization of Federal regulatory agencies. He was a constant critic of violence on television and pushed for important new research of the problem.

Throughout his career, Mr. MACDONALD led the fight against higher energy prices and was an influential spokesman for the consumer. He was a vocal critic of natural gas deregulation since his first term in Congress and maintained that opposition as he rose to power in the Commerce Committee. Congressman MACDONALD was recently a conferee on the omnibus energy bill which will help assure ample supplies of crude oil at equitable prices to consumers.

Mr. MACDONALD frequently confronted electric utility companies blocking unnecessary rate hikes, and he helped to win a number of rate rebates for consumers.

Over the years, Mr. MACDONALD was involved in a number of other important issues. He was a long-time and recognized advocate of better children's television and was responsible for implementing a children's television office within the FCC; he helped push campaign reform legislation through the Congress to limit the amounts which candidates could spend on television for so-called "media blitzes"; he authorized the natural gas pipeline safety law; and he was a key supporter of the Hill-Burton Act which provided Federal funds for hospital construction.

Congressman MACDONALD had a record unmatched in Congress in support of the Nation and people of Israel. During his tenure, he worked diligently for an honorable and lasting peace in the Middle East. He has also been recognized by numerous groups for his efforts on behalf of social security recipients, older Americans, and those living on fixed incomes.

Throughout his career, Mr. MACDONALD was deeply committed to the unemployed. Recently he worked in the face of Presidential opposition to establish public service and summer youth jobs programs. Last year, Congressman MACDONALD joined with Senator EDWARD KENNEDY to block plans by General Electric to close an aircraft facility in Everett, Mass.—a move that would have meant a loss of nearly 2,000 jobs in his Seventh District. In addition, MACDONALD championed the cause of the rank and file worker, supporting legislation to improve working conditions and provide employment security.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding.

I would like to join with him and associate myself with his remarks concerning our great friend and colleague, the Honorable TORBERT H. MACDONALD.

I have the honor of being the ranking minority member of the Committee on Interstate and Foreign Commerce and have worked with TORBY for the entire 18 years I have had the occasion to be on that committee. He was a dedicated, sincere, hardworking member, and one who made a great contribution, particularly in the area of communications, and as the Members know, he was the chairman of the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce. He will be sorely missed.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Florida.

Mr. FREY. Mr. Speaker, I had the privilege of serving as the ranking minority member of the Subcommittee on Communications, with our friend MACDONALD, I have worked with TORBY for the last number of years on the full committee. I echo the remarks that the gentleman in the well and the gentleman from Ohio (Mr. DEVINE) have made.

TORBERT MACDONALD was a fair man and a good man. I liked him. I respected him. Not only the State of Massachusetts but the people of this country have lost someone who has accomplished much.

Mr. Speaker, I do not know whether we will ever appreciate all he did, in the field of communications, the field of energy, the field of public broadcasting. We send our prayers and sympathy to his family. We all have lost a good friend and dear colleague.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, with great sorrow, I rise to mourn the loss of one of this House's most distinguished Members, New England's most eloquent legislator, and a treasured personal friend, TORBERT H. MACDONALD.

The passing of this exceptional Congressman is an irreplaceable loss. As the "father of public broadcasting," TORBY MACDONALD exercised his keen intellect and foresight to create a public institution that has benefited and is enjoyed by almost every American.

TORBY MACDONALD gave few speeches on the floor of the House. But when he took the floor to speak on an issue, he was greeted by a silence and deference unusual to this Chamber. Members recognized that TORBY MACDONALD addressed the issues, did his homework, and deserved their close attention and respect. His was a voice of authority and direction.

Many people will remember TORBY MACDONALD as the roommate of John F. Kennedy and a popular football star at Harvard. But I will remember him as a dedicated and conscientious Congressman who toiled hard for his constituents and was respected as the leading congressional authority on the communications industry.

The achievements of Congressman TORBERT MACDONALD will benefit the lives of Americans for years to come. He has left a legacy of dedication to the public interest that few others can hope to match. We will sorely miss this valued colleague.

Upon this sad occasion, I want to express my deepest sympathies to his family.

Mr. BURKE of Massachusetts. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. CONTE), for his remarks.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Speaker, unfortunately, the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS), is not able to be here. I know that he wants to have expressed for him and on behalf of all the members of the Committee on Interstate and Foreign Commerce our sorrow at the passing of our beloved colleague TORBERT MACDONALD, and our sympathies to his family.

TORBY served with tremendous distinction on the committee. I had the privilege of serving with him on the Subcommittee on Communications and Power (when it was so designated), and working with him there on the historic public broadcasting legislation he authored.

He was held in enormous esteem by all his colleagues. On the subcommittee, on the full committee and in the entire House we will all miss him very deeply; we have a tremendous debt of gratitude to pay for his contribution to the committee and to this House.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I thank the gentleman for yielding.

I mourn the passing of this good and

great man who gave 21 years of his life to the House of Representatives.

Congressman TORBERT MACDONALD will be known for many, many years as one of the able architects of the Federal Elections Commission Act of 1971. He will be well known, too, as a founder of the Corporation for Public Broadcasting. He will be remembered for a long time, especially by those in New England, because of the work that he did in 1973 and thereafter when he structured Federal allocations of oil and gasoline.

Mr. Speaker, I extend to Congressman MACDONALD's wife and four children my sympathy and the sympathy of everybody in this House. The memory of Congressman TORBERT MACDONALD will be held in benediction forever in this Congress and in this country.

Mr. BURKE of Massachusetts. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, as one who served literally on Mr. MACDONALD's right hand as his ranking majority member on the Subcommittee on Communications through four Congresses, I had the opportunity available to few of us to recognize and appreciate both the wit and wisdom of our departed colleague.

Mr. Speaker, TORBERT MACDONALD's death has left a void which as a successor of sorts to this fine man I feel most acutely.

For 9 years, TORBY served with great distinction as chairman of what is now known as the House Communications Committee. His accomplishments were legion, among them authorship of a series of landmark bills giving shape and substance to public broadcasting.

Last month, after TORBY announced his intention to retire, he indicated his hope that I should succeed him as chairman of the Communications Subcommittee. With TORBY's backing, I was elected by the majority caucus of the Committee on Interstate and Foreign Commerce to take over the chairmanship of this subcommittee. In just 4 weeks as chairman, I have developed new appreciation of this man's great contributions to the statutes affecting all our diverse methods of telecommunications. He is indeed "a tough act to follow."

TORBERT MACDONALD made the way for the hearings currently underway on cable television regulation, with a meticulously researched staff study which he commissioned last year.

Only last week, a House-Senate conference committee reached agreement on legislation making permanent the sports antiblackout law—another memorial to TORBY and his persistent advocacy of consumer interests. This is the law which forces professional sports teams to allow local telecasts of sold-out home games; it thus gives sports fans who cannot afford or do not have the opportunity to buy tickets a chance to see their favorite team on television.

Prior to the 94th Congress, the Communications Subcommittee also exercised jurisdiction over interstate electric power and legislation governing the shipment and sale of natural gas, petroleum and other energy fuels. TORBY was one of the great champions of low energy prices, fighting to the end against efforts to deregulate natural gas. It was prophetic that TORBY, as a House freshman, was identified by the late Drew Pearson as "one of the outstanding newcomers who did a hard fighting job for the consumer during the debate on the natural gas bill."

Nor was TORBY reluctant to take on the big electric utility companies and in this arena, also, he scored some notable victories in winning rate rebates for users. So much so, the utilities tried to defeat him with their own hand-picked candidate. That was perhaps one of TORBY's most enduring traits: He was indeed a fighter, and he was always a good man to have on your side—as I can attest from having taken part in numerous legislative floor fights at the side of this tough and able legislator.

Leadership came naturally to TORBY. Back in the 1930's, he was both a star football halfback and ace baseball pitcher at Harvard. During World War II he skippered a PT–boat, winning a Silver Star for heroism at New Guinea as well as a Purple Heart. Prior to his first election to Congress in 1954, he practiced law in Boston and served as counsel to the New England office of the National Labor Relations Board.

TORBY had already been in Congress 8 years when I first joined this body. I have perhaps learned more from him than from any other person with whom I have served in this House, so I shall always be greatly in his debt. More than that, Mr. Speaker, he was a close personal friend, a man of honor and true distinction. His untimely death was especially tragic, in view of the contributions which he was uniquely qualified to make, and which could have been expected to continue.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I want to join in the tribute being paid to our late beloved colleague, the Honorable TORBERT MACDONALD, of Massachusetts.

I first became acquainted with TORBIE in 1955 when I came to work for the gentleman from Ohio (Mr. ASHLEY). That was just over 20 years ago, so that I knew the gentleman from Massachusetts (Mr. MACDONALD) for a great many years and came to have great respect for his warmth of personality, his engaging humor, his integrity, and above all the deep sense of commitment which he brought to the important responsibility he bore as a senior member of the Committee on Commerce. TORBIE was a particularly constructive leader in the crucial area of communications legislation.

Mr. Speaker, I join in extending my expression of deep sympathy to his family.

Mr. BURKE of Massachusetts. Mr. Speaker, I thank the gentleman from Indiana.

Mr. ROONEY. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. ROONEY. Mr. Speaker, I, too, share the sorrow of my colleagues in this Chamber upon the death of a friend and colleague, TORBERT HART MACDONALD, with whom I served on the Subcommittee on Power Communications for 12 years.

His years of public service have touched the lives of virtually every single American through his important role as chairman of that subcommittee. He helped create the Nation's public broadcasting system which brings outstanding television programing into our homes and schools, and has made available to millions of children and adults a broad range of educational experiences through public television.

All of us who shared his enthusiasm for sports activity as spectators have benefited repeatedly from legislation he championed to end local television blackouts of sports events which are sold out in advance.

He fought against violence in television programing, and sought to promote better informed citizenship by advocating free air time for candidates for major political offices.

He was a leader, too, in efforts to enhance the safety and reliability of our fuel and power distribution systems.

To the very end, TORBY adhered to a philosophy of responsible public service, giving his best and his all to the burden of his office and the position of leadership he held. Several weeks ago, when he felt he could no longer apply himself fully to the duties of his chairmanship, he stepped down and announced, too, that he would not seek reelection.

There is much more which can and should be said about the contributions of TORBY MACDONALD to the constituency of his congressional district, his home State of Massachusetts, and to his Nation. That his public service has touched the lives of so many will be an enduring tribute to his lifetime.

Mrs. Rooney and I extend our deepest sympathy to Mrs. Macdonald and their family.

Mr. ADAMS. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, it is with great sorrow that I join my colleagues in paying tribute to our lost colleague, Representative TORBERT MACDONALD. TORBIE had been a good friend since I came to Congress, and I had the privilege of serving with him on the Commerce Committee for the past 10 years.

At a time when the people are questioning our process of Government and the value of public service, TORBIE's life as a public servant should serve as an example to us all. During World War II, he served with distinction as a naval officer. Elected to Congress in 1958, he always argued and voted in behalf of the public interest. Long before the consumer and consumerism became common terms of political speech, TORBIE was the friend of the consumer—for to him the public interest was the interest of the consumer. As chairman of the Communications Subcommittee, he was instrumental in making sure that the public could see the sports broadcasts they wanted. This most prominent achievement was matched by his even-handed and fair administration of his subcommittee's jurisdiction over communication issues. His wit, charm and ability guided him well through some difficult legislative waters. His colleagues on the Commerce Committee looked to him for guidance and followed his wise legislative advice. He will be missed for many years to come.

In paying final tribute to Torbie, we cannot fail to honor his great courage in the face of inevitable death. When his health failed, he did not cling to office, but chose to give up his subcommittee chairmanship. Knowing that death was coming, he faced it with the courage and gallantry which had characterized his entire life. We can truly say of Torbie that—

> "Nothing in his life
> Became him like the leaving it; he died
> As one that had been studied in his death
> To throw away the dearest thing he owed,
> As 't were a careless trifle."

We wish him, in the words of the Book of Common Prayer, a "safe lodging, a holy rest and peace at the last."

CALL OF THE HOUSE

Mr. KETCHUM. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BRADEMAS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 296]

Abzug
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Ashley
AuCoin
Badillo
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Butler
Byron
Carter
Cederberg
Chisholm
Clausen, Don H.
Collins, Ill.
Conable
Conlan
Conyers
Cotter
Crane
de la Garza
Dent
Derwinski
Dingell
Downey, N.Y.
Duncan, Oreg.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fish
Fisher
Flynt
Ford, Tenn.
Fuqua
Giaimo
Goldwater
Gonzalez
Hamilton
Harkin
Harrington
Hébert
Heckler, Mass.
Heinz
Helstoski
Hinshaw
Holland
Jarman
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kemp
Kindness
Landrum
Litton
Lundine
McCormack
McKay
Maguire
Martin
Mathis
Matsunaga
Mazzoli
Mikva
Milford
Miller, Calif.
Mills
Mineta
Moakley
Morgan
Murphy, Ill.
Nix
O'Brien
O'Hara
O'Neill
Patten, N.J.
Pattison, N.Y.
Paul
Pettis
Peyser
Pickle
Preyer
Pritchard
Quillen
Randall
Rangel
Rees
Rhodes
Risenhoover
Rodino
Roncalio
Rostenkowski
Rousselot
Roybal
Runnels
Ryan
Sarbanes
Scheuer
Schneebeli
Sebelius
Shriver
Solarz
Staggers
Stanton, James V.
Steelman
Stokes
Stuckey
Sullivan
Symington
Teague
Thompson
Thornton
Udall
Vigorito
Waxman
Weaver
Wiggins
Wilson, Bob
Wirth
Wydler
Young, Alaska
Young, Ga.
Zeferetti

The SPEAKER pro tempore. On this rollcall 296 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDING WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8719) to provide for an amendment to the Washington metropolitan area transit regulation compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 8, line 15, strike out all after "4." over to and including "'Compact." in line 2 on page 9 and insert: "The Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact, but in no case shall any such amendment become effective until after it has been approved by Congress."

Mr. DIGGS. Mr. Speaker, the purpose of H.R. 8719, as passed by the House—by voice vote—on July 28, 1975, is to authorize WMATA to establish and maintain a regular Metro Transit Police Force.

Section 4 of H.R. 8719, as passed by the House, provides:

Sec. 4. Notwithstanding any other provision of this Act or of any other law, the Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact.

AMENDMENT OF THE SENATE

The Senate amended said section 4 to read as follows:

Sec. 4. The Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact, *but in no case shall any such amendment become effective until after it has been approved by Congress.*

The Senate amendment—pertinent new language in italic above—explicitly provides that any amendment by the Council to the Washington metropolitan area transit regulation compact shall not become effective until after it has been approved by Congress.

The purpose of the Senate amendment is to make it clear that the constitutional requirements for approval by the Congress of compact amendments are not abridged by this section of H.R. 8719.

The District Committee concurs in this amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA CODE

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13121) to direct the Law Revision Counsel to prepare and publish the District of Columbia Code through publication of supplement V to the 1973 edition, with the Council of the District of Columbia to be responsible for preparation and publication of such code thereafter, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (6) of section 205(c) of H. Res. 988, Ninety-third Congress (2 U.S.C. 285b(6)), as made permanent law by the first paragraph under the heading "Administrative Provisions" in chapter III of title I of the Act of December 27, 1974 (Public Law 93–554; 88 Stat. 1777), is amended by striking out "until such time as the District of Columbia Self-Government and Governmental Reorganization Act becomes effective" and inserting in lieu thereof "through publication of the fifth annual cumulative supplement to the 1973 edition of such Code".

Sec. 2. (a) After publication of the Law Revision Counsel of the fifth annual cumulative supplement to the 1973 edition of the District of Columbia Code, new editions of the District of Columbia Code (and annual cumulative supplements thereto) shall be prepared and published under the direction of the Council of the District of Columbia and shall set forth the general and permanent laws relating to or in force in the District of Columbia, whether enacted by the Congress or by the Council of the District of Columbia, except such laws as are of application in the District of Columbia by reason of being laws of the United States general and permanent in nature.

(b) After completion of the printing of the fifth annual cumulative supplement to the 1973 edition of the District of Columbia Code, the Public Printer shall, as the Council of the District of Columbia may request, either—

(1) furnish to the Council of the District of Columbia, on such terms as the Public Printer (in consultation with the Joint Committee on Printing) deems appropriate, the type used in preparing the 1973 edition of the District of Columbia Code and the fifth annual cumulative supplement to such edition; or

(2) make such arrangements with the Council of the District of Columbia as the Public Printer (in consultation with the Joint Committee on Printing) deems appropriate for the printing by the Government Printing Office of future editions of the District of Columbia Code, and annual cumulative supplements thereto, prepared under the direction of the Council of the District of Columbia.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill, H.R. 13121, as is set forth in House Report No. 94-1096, is to direct the Law Revision Counsel of the House to resume codification and publication of the remaining Supplements to the District of Columbia Code of 1973.

Upon completion thereof (c. 1978), new additions of the District of Columbia Code shall be prepared and published under the direction of the Council of the District of Columbia. At that time the Public Printer shall, in consultation with the Joint Committee on Printing, either: First, furnish to the District of Columbia Council the type used in the preparation of the 1973 edition; or, second, arrange with the District of Columbia Council for the printing by the Government Printing Office of future editions of the said code and supplements thereto.

BACKGROUND

By section 205(a) of reform legislation (H. Res. 988) amending House rules X and XI, the House created the Office of the Law Revision Counsel, theretofore under the Judiciary Committee. This resolution was subsequently made public law by inclusion of the same as a rider to H.R. 16900—Supplemental Appropriations Act—approved December 27, 1974 (Public Law 93-554; 88 Stat. 1777).

Section 205(6) of said House Resolution 988 directed the House Law Revision Counsel to continue to prepare and publish new editions of the District of Columbia Code with annual supplements, until January 2, 1975, when the District of Columbia Self-Government and Government Reorganization Act (Public Law 93-198; 87 Stat. 774) became effective.

As a consequence of that enactment, the Law Revision Counsel has not since that date prepared nor published supplements III or IV of said District of Columbia Code, and is not working thereon. However, the plates and type for the current edition and supplements of the Code belong to the U.S. Government and still are in the hands of the Government Printing Office.

NEED FOR THIS LEGISLATION

As a result of the provisions of the Home Rule Act referred to above, the House Law Revision Counsel ceased work on the District of Columbia Code in the middle of the supplements to the 1973 edition, having completed only supplements I and II. Supplements III, IV and V remain to be done in order to complete the usual 6-year cycle for such work.

The District of Columbia government—and in particular the Council of the District of Columbia—has been unable to commence the preparation, codification, and publication of the District of Columbia Code and supplements since assuming office on January 2, 1975. As a matter of fact, the Mayor and Council have not yet provided in the District budget for such work.

On January 13, 1976, the District of Columbia Council adopted Resolution 1-182 requesting that the Congress through the Law Revision Counsel continue the codification and publication of the District of Columbia Code through the completion of the current 1973 edition and supplements.

PROVISIONS OF THE BILL

Section 1. The effect of this section is to reinstate the Law Revision Counsel as the agent of Congress for continuing the codification and publication of the District of Columbia Code through the remaining supplements to the 1973 edition of said code.

Section 2. Directs that after such publication, the District of Columbia Code shall be prepared and published under the direction of the Council of the District of Columbia. Because the Government Printing Office will have at hand all the plates and type used in the District of Columbia Code editions, it is provided in this section that the Public Printer—in consultation with the Joint Committee on Printing—shall: First, furnish the type to the Council, or second, make appropriate arrangements for the continued printing by GPO of future editions of the District of Columbia Code, as prepared under the Council's directions.

This assures continuity of preparing and printing the District of Columbia Code, as well as protecting the already very considerable investment of the U.S. Government in type and plates, the use of which would be invaluable to the District government.

COMMITTEE ACTION

The full committee considered H.R. 13121 at its meeting of May 3, 1976. No objection to the bill was expressed at the meeting or otherwise to the committee.

This legislation has been cleared with and has the approval of all parties in interest, including the Committee on House Administration, Joint Committee on Printing, Government Printing Office, and Law Revision Counsel.

COMMITTEE VOTE

The bill, H.R. 13121, was ordered favorably reported to the House on May 3, 1976, by unanimous voice vote of the committee.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I would like to ask the gentleman a question or two, and I say at the outset that it is not based on specific information. However, I have seen several items in the newspapers and I have heard several lawyers in the D.C. area indicate that following home rule a number of ordinances and local pieces of legislation were passed that had some conflict with or some questions as they related to the statutory aspect of the D.C. law. In many cases, there were some provisions for repealing them without really taking a law out.

Is this what we are doing, trying to bring this into some consonance with the D.C. Code and the administrative acts, and the administrative acts and the legislation passed by the Council so that they will be consolidated and brought up to date?

Mr. DIGGS. I am certainly aware of the gentleman's concerns, but this bill relates to a different matter. All the bill does is to have the Law Revision Counsel of the House finish the job on the 1973 Code for the District, and thereafter the Council of the District will be responsible for future codifications and D.C. Code publications.

Mr. ASHBROOK. Would that be of the laws and of the ordinances, or just the laws?

Mr. DIGGS. Just the laws.

Mr. ASHBROOK. Just the laws.

I thank the gentleman for his information.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Speaker, I do not like to bring up past history unnecessarily, but it seems to me that when District of Columbia home rule was voted by Congress a few years ago we were told rather clearly that the expenses of the city, other than the annual Federal payment, were going to be taken over by the local government.

I am wondering if the gentleman can explain why the local government has failed to keep up their code supplements and why they should not be asked to pay for their own code of laws.

Mr. DIGGS. After 1978 they will take over. As I indicated, the Government Printing Office has the plates; and, as the gentleman knows, the committee retains jurisdiction over a very important part of the local statutes; namely, the criminal statutes.

We set up the Law Revision Commission, which is going to review the kinds of deficiencies in the District of Columbia Code to which the gentleman refers and concerning which all of us are very much aware.

In consideration of the start up problems and in consideration of the fact that the Law Revision Commission has only been in existence just a few months, we feel that this is an equitable way to handle the completion of the codification of the 1973 District of Columbia Code, under the circumstances.

Mr. BAUMAN. If the gentleman will yield further, I can only observe that it seems to me that the District of Columbia has asked for all of the rights and privileges of self-government but is, once again, in this instance, refusing to accept the responsibilities that go with that. Some would say it is only a small amount involved, and I suppose we can say it is nitpicking to criticize it, but nevertheless if they are going to have these rights and responsibilities they ought to pay the bills.

I thank the gentleman.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the bill under consideration would provide for the Law Revision Counsel to continue publishing the annual cumulative supplement to the 1973 edition of the District of Columbia Code until the completion of the present 6-year cycle in 1978. A new edition of the D.C. Code is published every 6 years with five annual supplements to keep it up to date. The 1973 edition and the 1974 and 1975 supplements were published by the Law Revision Counsel. When the Home Rule Act took effect, the duty of the Law Revision Counsel to publish the D.C. Code was terminated. However, the code is presently in the middle of its 6-year cycle, and therefore GPO has all of the plates necessary for printing the three remaining annual cumulative supplements. The Council of the District of Columbia has therefore passed a resolution requesting that the Law Revision Counsel continue publication of the supplements until the completion of this 6-year cycle. The Law Revision Counsel estimates that the cost for preparing the final three supplements will be approximately $120,000, and he has indicated that sufficient funds were previously appropriated to pay for this work. Therefore, I support enactment of this bill.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 48, not voting 124, as follows:

[Roll No. 297]

YEAS—259

Abdnor
Adams
Addabbo
Allen
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Aspin
Bafalis
Baldus
Baucus
Beard, R.I.
Bedell
Bennett
Biester
Blouin
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Chappell
Chisholm
Clay
Cleveland
Cochran
Cohen
Conte
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
Delaney
Dellums
Derrick
Dickinson
Diggs
Dodd
Downing, Va.
Drinan
Duncan, Tenn.
Early
Edwards, Calif.
Eilberg
Emery
English
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Forsythe
Fountain
Fraser
Frenzel
Frey
Gibbons
Gilman
Ginn
Gradison
Green
Gude
Guyer
Haley
Hall
Hammerschmidt
Hanley
Hannaford
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Henderson
Hicks
Hightower
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hyde
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Kasten
Kastenmeier
Kazen
Kelly
Keys
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McHugh
McKinney
Madden
Madigan
Mahon
Mann
Mathis
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Mosher
Moss
Mottl
Murphy, N.Y.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Passman
Patterson, Calif.
Pepper
Perkins
Pike
Poage
Pressler
Price
Quie
Railsback
Reuss
Richmond
Riegle
Rinaldo
Roe
Rogers
Rooney
Rose
Rosenthal
Russo
St Germain
Santini
Sarasin
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Spellman
Staggers
Stanton, J. William
Stark
Steed
Steiger, Wis.
Stephens
Stratton
Studds
Taylor, N.C.
Teague
Thone
Traxler
Tsongas
Ullman
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Waxman
Whalen
White
Whitehurst
Wilson, C. H.
Wilson, Tex.
Wolff
Wright
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki

NAYS—48

Archer
Ashbrook
Bauman
Beard, Tenn.
Bevill
Brown, Ohio
Burleson, Tex.
Clancy
Clausen, Don H.
Clawson, Del
Collins, Tex.
Devine
Evans, Ind.
Gaydos
Goodling
Grassley
Hagedorn
Hansen
Hillis
Holt
Hutchinson
Ketchum
Lagomarsino
Latta
Lott
Lujan
McDonald
Miller, Ohio
Montgomery
Moorhead, Calif.
Murtha
Myers, Ind.
Paul
Regula
Roberts
Robinson
Roush
Satterfield
Schulze
Snyder
Spence
Symms
Talcott
Taylor, Mo.
Treen
Wampler
Whitten
Winn

NOT VOTING—124

Abzug
Alexander
Anderson, Calif.
Anderson, Ill.
Ashley
AuCoin
Badillo
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Brodhead
Butler
Carter
Cederberg
Collins, Ill.
Conable
Conlan
Conyers
Cotter
Crane
de la Garza
Dent
Derwinski
Dingell
Downey, N.Y.
Duncan, Oreg.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fish
Fisher
Flynt
Ford, Tenn.
Fuqua
Giaimo
Goldwater
Gonzalez
Hamilton
Harkin
Harrington
Hébert
Heinz
Helstoski
Hinshaw
Holland
Jarman
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kemp
Kindness
Landrum
Litton
Lundine
McCormack
McKay
Maguire
Martin
Matsunaga
Mazzoli
Milford
Miller, Calif.
Mills
Mineta
Morgan
Murphy, Ill.
Nix
O'Brien
O'Hara
O'Neill
Patten, N.J.
Pattison, N.Y.
Pettis
Peyser
Pickle
Preyer
Pritchard
Quillen
Randall
Rangel
Rees
Rhodes
Risenhoover
Rodino
Roncalio
Rostenkowski
Rousselot
Roybal
Runnels
Ruppe
Ryan
Sarbanes
Schneebeli
Sebelius
Shriver
Shuster
Solarz
Stanton, James V.
Steelman
Steiger, Ariz.
Stokes
Stuckey
Sullivan
Symington
Thompson
Thornton
Udall
Van Deerlin
Weaver
Wiggins
Wilson, Bob
Wirth
Wydler
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

Mr. Hébert with Mr. Anderson of California.
Mrs. Boggs with Mr. James V. Stanton.
Mr. Thompson with Mr. Karth.
Ms. Abzug with Mr. Stuckey.
Mr. Rangel with Mr. Ashley.
Mr. Holland with Mr. Randall.
Mr. Rees with Mrs. Collins of Illinois.
Mr. Bingham with Mr. Landrum.
Mr. Zeferetti with Mr. Goldwater.
Mr. Jones of Tennessee with Mr. Bell.
Mr. Dingell with Mr. Anderson of Illinois.
Mr. Fisher with Mr. Sarbanes.
Mr. O'Neill with Mr. Cederberg.
Mr. Patten with Mr. Symington.
Mr. Wirth with Mr. Conable.
Mr. Biaggi with Mr. Conlan.
Mr. Badillo with Mr. Jones of Alabama.
Mr. AuCoin with Mr. Crane.
Mr. Giaimo with Mr. de la Garza.
Mr. Harrington with Mr. Martin.
Mr. McCormack with Mr. Ruppe.
Mr. Matsunaga with Mr. Shriver.
Mr. Mazzoli with Mr. McKay.
Mr. Mineta with Mr. Butler.
Mr. Nix with Mr. Maguire.
Mr. Risenhoover with Mr. Mills.
Mr. Rodino with Mr. Schneebeli.
Mr. Murphy of Illinois with Mr. O'Hara.
Mr. Rostenkowski with Mrs. Pettis.
Mr. Morgan with Mr. Carter.
Mr. Roybal with Mr. Derwinski.
Mr. Runnels with Mr. Eckhardt.
Mr. Solarz with Mr. Jarman.
Mr. Stokes with Mr. Helstoski.
Mr. Van Deerlin with Mr. Edwards of Alabama.
Mr. Udall with Mr. du Pont.
Mr. Alexander with Mr. Dent.
Mr. Hamilton with Mr. Bergland.
Mr. Roncalio with Mr. Heinz.
Mr. Ryan with Mr. Pritchard.
Mr. Blanchard with Mr. Kemp.
Mr. Brodhead with Mr. Lundine.
Mrs. Sullivan with Mr. O'Brien.
Mr. Thornton with Mr. Gonzalez.
Mr. Conyers with Mr. Young of Georgia.
Mr. Cotter with Mr. Edgar.
Mr. Downey of New York with Mr. Erlenborn.
Mr. Harkin with Mr. Peyser.
Mr. Pickle with Mr. Esch.
Mr. Quillen with Mr. Steelman.
Mr. Fish with Mr. Flynt.
Mr. Fuqua with Mr. Preyer.
Mr. Duncan of Oregon with Mr. Eshleman.
Mr. Litton with Mr. Wydler.
Mr. Milford with Mr. Rousselot.
Mr. Shuster with Mr. Steiger of Arizona.
Mr. Weaver with Mr. Wiggins.
Mr. Ford of Tennessee with Mr. Young of Alaska.
Mr. Miller of California with Mr. Kindness.
Mr. Pattison of New York with Mr. Sebelius.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FINANCIAL PLANNING, REPORTING, AND CONTROL SYSTEMS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 11009) to provide for an independent audit of the financial condition of the government of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the—

(1) chairman of the Committee on the District of Columbia of the House of Representatives,

(2) chairman of the Committee on the District of Columbia of the Senate,

(3) chairman of the Committee on Appropriations of the House of Representatives,

(4) chairman of the Committee on Appropriations of the Senate, and

(5) chairman of the Council of the District of Columbia

shall jointly select an independent certified public accountant to carry out a comprehensive audit, by conducting such tests and examinations of the accounting records of the District of Columbia as he deems necessary, to certify that the statements of financial condition and changes in condition of all funds managed by the District of Columbia fairly present the financial condition of such funds in accordance with generally accepted accounting principles.

(b) The Comptroller General of the United States shall enter into a contract to conduct the audit described in subsection (a) with the certified public accountant selected under such subsection.

(c) The certified public accountant selected pursuant to subsection (a) shall have full access to such books, persons, accounts, financial records, reports, files, and all other papers, things, or property of the District of Columbia as he deems necessary to facilitate the audit described in such subsection.

(d) Upon completion of the audit described in subsection (a), the certified public accountant selected pursuant to such subsection shall submit the audit report to the Congress, to the President, to the Council of the District of Columbia, and to the Mayor of the District of Columbia.

SEC. 2. The Council of the District of Columbia shall provide for and allocate funds for independent audits of the type described in the first section of this Act, to be conducted at least once every three years after completion of the audit conducted pursuant to the first section of this Act. The results of each such audit shall be submitted to the Congress, the President, and the Mayor of the District of Columbia.

SEC. 3. There is authorized to be appropriated not to exceed $1,500,000 to make payments under the contract entered into pursuant to subsection (b) of the first section of this Act.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) after consulting with the chairman and ranking minority member of the Committee on the District of Columbia of the House of Representatives, the chairman and ranking minority member of the Committee on the District of Columbia of the Senate, the chairman and ranking minority member of the Committee on Appropriations of the House of Representatives, the chairman and ranking minority member of the Committee on Appropriations of the Senate, and the chairman of the Council of the District of Columbia about (1) the scope of one or more contracts for the design and implementation of financial planning, reporting, and control systems for the government of the District of Columbia, (2) the selection of the contractor to perform each such contract, and (3) the schedule for completing each such contract, the Comptroller General of the United States shall enter into one or more such contracts.

(b) Each contract entered into pursuant to subsection (a) shall set forth the scope of the work to be performed and a schedule of completion dates for each portion of such work.

(c) Each contractor shall have full access to such books, persons, accounts, financial records, reports, files, and other papers, things, or property of the government of the District of Columbia as such contractor deems necessary to complete such contracts.

(d) At least once during each calendar quarter after establishment of the schedule for completing each contract, and until the completion of such contract, each contractor shall report to the Congress, the President, the Council of the District of Columbia, and the Comptroller General of the United States on the progress toward completion of such contract.

(e) Upon completion of each contract for the design of any financial planning, reporting, or control system of the government of the District of Columbia, the contractor shall submit to the Congress, the President, the Council of the District of Columbia, the Mayor of the District of Columbia, and the Comptroller General of the United States, a report containing recommendations for (1) such changes, within the scope of such contract, in the financial planning, reporting, and control systems of the government of the District of Columbia as such contractor determines should be made before an audit can be conducted in accordance with generally accepted auditing standards in order to render an opinion that the financial statements of the funds and account groups of the government of the District of Columbia present fairly the financial position of such funds and account groups and the results of operations of such funds and the changes in financial position of such funds, in conformity with generally accepted accounting principles, and (2) a schedule for implementing the recommended changes, including the amount of time and the number of District of Columbia personnel required to complete the implementation of such changes.

(f) The Mayor of the District of Columbia, with the assistance of one or more contractors chosen pursuant to subsection (a), shall implement the changes recommended pursuant to subsection (e) in accordance with the schedule recommended for implementing such changes. Within three months after submission to the Mayor of the District of Columbia of each report required by subsection (e), and at least once each calendar quarter thereafter until such change recommended in such report is implemented, each contractor shall report, within the scope of his contract, to the Congress, the President, the Council of the District of Columbia, and the Comptroller General of the United States, on the status of the implementation of the changes recommended pursuant to subsection (c) in accordance with the schedule recommended for implementing such changes. Each contractor shall make such other reports as may be requested by the Congress, the President, the Council of the District of Columbia, or the Comptroller General of the United States.

SEC. 2. Within six months after the first day of the first full fiscal year after the Mayor of the District of Columbia has completed implemention of the recommendations made pursuant to subsection (c) of the first section of this Act, the Council of the District of Columbia shall provide for and allocate funds for an audit for such first full fiscal year in accordance with generally accepted auditing standards to be carried out by an independent certified public accountant, who shall conduct such tests of the accounting records of the government of the District of Columbia and such other auditing procedures as he deems necessary, in order to render an opinion that the financial statements of the funds and account groups of the government of the District of Columbia for such first full fiscal year present fairly the financial position of such funds and account groups and the results of operations of such funds and the changes in financial position of such funds, in conformity with generally accepted accounting principles. At least once every three years thereafter, the Council of the District of Columbia shall provide for and allocate funds for an audit in accordance with generally accepted auditing standards to be carried out by an independent certified public accountant, who shall conduct such tests of the accounting records of the government of the District of Columbia and such other auditing procedures as he deems necessary, in order to render an opinion that the financial statements of the funds and account groups of the government of the District of Columbia present fairly the financial position of such funds and account groups and the results of operations of such funds and the changes in financial position of such funds, in conformity with generally accepted accounting principles applied on a basis consistent with that of the immediately preceding audit required by this section. The results of each such audit shall be submitted to the Congress, the President, the Council of the District of Columbia, the Mayor of the District of Columbia, and the Comptroller General of the United States.

SEC. 3. (a) For each of the fiscal years ending September 30, 1977, September 30, 1978, and September 30, 1979, there is authorized to be appropriated to the Comptroller General of the United States $750,000 to make payments under contracts entered into pursuant to subsection (a) of the first section of this Act. Sums appropriated under this section are authorized to remain available until expended.

(b) The Comptroller General may enter into such contracts only to the extent and in such amounts as are provided in appropriation Acts.

(c)(1) No funds appropriated under subsection (a) may be used for any payment under any such contract in an amount greater than 50 per centum of the total amount of such payment.

(2) The Council of the District of Columbia shall make available to the Comptroller General of the United States such sums as the Comptroller General certifies to the Council are necessary in order that the District of Columbia provides an amount, with respect to each payment under each such contract, equal to the amount of Federal funds for such payment.

SEC. 4. For purposes of this Act, the term "government of the District of Columbia" includes the Mayor of the District of Columbia, the Council of the District of Columbia, and all agencies (as defined in paragraph (3) of section 3 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1502(3)) of the government of the District of Columbia.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as is set forth in House Report 94-1094, the purpose of H.R. 11009, as amended, is to provide for a financial systems analysis, design, and implementation for the government of the District of Columbia to insure that the financial statements of the government of the District of Columbia accurately reflect the financial condition of the District of Columbia, and in order that an independent audit of the financial condition of the District of Columbia can be conducted with meaningful results.

BACKGROUND

H.R. 11009, a bill to provide for an independent audit of the government of the District of Columbia, was introduced by Chairman DIGGS with seven cosponsors, including the ranking minority member of the District Committee. It was introduced because there has never been an audit of the District of Columbia by an independent entity, and members of the committee recognize that an audit of the city's finances will provide all who share responsibility for the effective administration and management of the city with a common set of data which will fairly present the financial position of the city; and thus avoid confusion occasioned by using inconsistent or spurious data.

When the District officials elected under home rule took office, they inherited from the Congress vast and complex financial management systems, along with the new governmental responsibilities for these systems.

The audit incorporated in this bill is necessary in order to provide the new local government with the information necessary to ascertain the financial condition of the city and make appropriate management judgments and adjustments. It is also necessary to assure the Congress that the city's management systems and financial situation are sound.

The sponsors of the bill opted for an outside audit conducted by an independent auditor, rather than utilize the services of the General Accounting Office, because it was felt that an independent auditor would be able to devote a full staff to the audit, and also perhaps bring a new and different approach to the review of the District's finances.

NEED FOR THIS LEGISLATION

The Comptroller General of the United States, in his testimony before the committee on December 8, 1975, stated that the District's problems are such that if an audit of the financial operations and statements was made, the auditor would most likely conclude that the records and controls were not adequate to enable him to indicate whether or not the financial statements derived from them presented fairly the District government's financial condition and results of operations.

Because of this situation, neither the District government nor the Congress can attest to the validity or the accuracy of financial reports issued by the District government and whether they reflect the actual financial condition of the District of Columbia. Yet, the local government is dependent upon such financial reports in determining budgetary policy and the Congress is dependent upon them in evaluating that policy.

This legislation will increase the District government's financial efficiency and eliminate costly management. Hopefully, it will reduce the length of time it now takes the District to formulate its budget requests and make it easier for the Congress to evaluate those requests.

PRINCIPAL PROVISIONS OF THE BILL

As amended, H.R. 11009 provides that the Comptroller General of the United States shall enter into one or more contracts for the design and implementation of financial planning, reporting, and control systems for the Government of the District of Columbia. The Comptroller General is authorized to take such action only after consultations with the chairmen and ranking minority members of the House and Senate legislative committee and appropriations subcommittees on the District of Columbia and with the Chairman of the District Council, as to first, the scope of such contracts, second, the selection of the contractor or contractors, and third, the schedule for completing such contracts.

Within 6 months after the implementation by the Mayor of the District of Columbia of such changes as are recommended in the financial planning, reporting and control systems, the Council shall provide for an independent audit of the District government's accounting records and procedures in order for an opinion to be rendered that the financial statements fairly present the financial position of the funds and accounting records of the D.C. Government. Such an independent audit would be required every 3 years thereafter.

The Comptroller General in his testimony before the committee, emphasized the prime importance of getting the systems in shape before traditional audit is made.

JUSTIFICATIONS FOR THE LEGISLATION

The General Accounting Office, in its report of February 27, 1976 to the House District Committee, entitled "Improvements Needed in Accounting Systems and Suggestions for Their Improvements", identified the existing problems of the District government management systems, the extent to which attempts by the District have been successful, and the recommendations for design and implementation improvements.

The report had been requested by the Chairman, and it outlines the improvements needed in the District government's accounting system, District government's plans for improvement, and an evaluation of those plans on the basis of planned time frame, costs, and technical approach. The report concludes with suggested priorities if a contractor is hired to improve the accounting systems and suggestions for improved financial management and financial reporting for the District through their efforts, combined with the efforts of Congress and GAO.

COSTS

Various estimates as to the cost of this legislation were made to the Committee, from the GAO rough estimate of a total of $2 to $3 million for a 2- to 3-years undertaking, to the District government figures of $6 to $9 million ($2 to $3 million each year for 3 years).

The Committee having weighed the testimony and the nature of the project decided to go along with the GAO estimate since GAO will define the scope of the work and will be the contracting agent. However, the committee amended the subcommittee substitute to require that the District should provide 50 percent of the costs of the financial systems improvement contracts and that, in any event, the Federal Government shall appropriate no more than $750,000 in any one year, and no more than $2,250,000 over 3 years, as the Federal share of the costs.

The District will pay the costs of the audits.

COMMITTEE VOTE

The bill, H.R. 11009, as amended, was favorably reported to the House on May 3, 1976, by unanimous consent voice vote of the committee.

TECHNICAL AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. DIGGS

Mr. DIGGS. Mr. Speaker, I offer a technical amendment to the committee amendment.

The Clerk read as follows:

> Amendment to the committee amendment offered by Mr. DIGGS: Page 6, line 6, strike out "(c)" and insert in lieu thereof "(e)"; and in line 15, strike out "(c)" and insert in lieu thereof "(e)".

Mr. DIGGS. Mr. Speaker, the amendment is to correct two errors by the Government Printing Office in the printing of the bill. They were not of sufficient importance for us to ask for a star print of the bill. That is why the amendment is now being offered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. DIGGS) to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. GUDE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the bill as reported by the District Committee follows, in substance, the recommendations made by the Comptroller General and the District of Columbia Institute of Certified Public Accountants. Before an independent audit of the District can be conducted it will be necessary to get the District's financial accounting systems in order. Therefore, the bill as reported first addresses the problem of designing and implementing new financial accounting systems for the District. The design of such systems will be done by independent contractors under the supervision of the Comptroller General. The Mayor will be required to implement their recommendations with the assistance of GAO supervised contractors. Once the new financial accounting systems have been implemented, the Council will be required to retain a certified public accountant to conduct an independent audit of the District's accounting records to determine if the District's financial statements fairly present the financial posiion of the District. Such independent audits will be required every 3 years.

The committee bill requires the District to pay one-half of the cost of the GAO contracts to design and implement the new financial accounting systems and, in any event, limits Federal expenditures to $750,000 for each of the fiscal years 1977, 1978, and 1979. The District is required to pay the entire cost of the independent audit.

I believe that this bill will serve three salutary purposes. First, it will enable the city to get a better handle on its financial situation and thereby improve its ability to manage itself more efficiently. Second, it will improve the quality of the information available to the Congress when it reviews the District's budget. Finally, it will provide private investors with the information they need to evaluate the financial condition of the District prior to investing in District bonds and notes. Thus, I support enactment of this bill.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Speaker, at the present time, neither the District government nor the Congress can attest to the validity or the accuracy of the financial reports issued by the District of Columbia government and whether they reflect the actual financial condition of the District of Columbia.

No one can attest to the actual condition of the Capital City of the United States of America, the Capital of the most powerful and wealthy Nation in the world, the city from which financial aid goes out to countries all over the world, the city which serves as headquarters of America's own auditors, the General Accounting Office, the city that some claim the citizens of Virginia and Maryland should support through a commuter tax.

And yet no one can attest to the financial condition of this city, according to the Comptroller General of the United States.

There can be no choice but for Congress to rectify this problem. This is unfinished business. This is a situation that the citizens of Washington inherited from Congress when they were finally granted home rule.

This is not a District of Columbia bill, this is a national bill. Every citizen of this country has a stake in the financial solvency of its Nation's Capital.

It must also be remembered that Washington is a multifaceted city. In addition to being the Capital, it must thrive and grow in its own right. It is a vital partner in solving regional problems in the greater metropolitan area. It also operates on a State level with Maryland and Virginia. In all of these interactions, its independence, its ability to act as an equal partner, rather than a ward of the Congress, depends greatly on its financial solvency. This bill will be a major step in that direction. Therefore, the passage of H.R. 11009 is critical to the future financial condition of the Capital of the United States.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, H.R.11009, as amended, is to provide for a financial systems analysis, design, and implementation for the local District government to insure that the financial statements of the city accurately reflect the financial condition of the District of Columbia, and in order that an independent audit of the financial condition of the District government can be conducted.

The bill was introduced by Chairman Diggs with seven cosponsors, including the ranking minority member of the District Committee. The committee reported the bill to the floor by a unanimous vote on May 3, 1976. The present condition of the District's records demonstrates that neither the District government nor the Congress can attest to the validity or the accuracy of the financial reports issued by the District government, because there has never been an audit by an independent entity.

The situation is explained best by the Comptroller General of the United States in his testimony before the committee on December 8, 1975. He states that:

> The District's problems are such that if an audit of the financial operations and statements was made, the Auditor would most likely conclude that the records and controls were not adequate to enable him to indicate whether or not the financial statements derived from them presented fairly the District Government's financial condition.

Mr. Speaker, the short of the Comptroller General's message is: "Clean up the records and straighten up the system," before undertaking a post audit to issue an opinion on the financial statements.

The bill is necessary to provide the new local government with the information necessary to ascertain the financial condition of the city and make appropriate management judgments and adjustments. It is also necessary to assure the Congress that the city's management systems and financial situations are sound.

The sponsors of the bill opted for an outside audit conducted by an independent auditor, rather than utilize the service of the General Accounting Office, because it was felt that an independent auditor would be able to devote a full staff to the audit, and also bring a new and different approach to rereview of the District finances.

Mr. Speaker, in conclusion, various estimates as to the cost of this legislation were made to the subcommittee and the full committee. After weighing the testimony and the nature of the project, the Members decided that the District government should provide 50 percent of the costs of the financial systems improvements contracts, and that, in any event, the Federal Government's contribution shall be no more than $750,000 in any 1 year; and no more than $2,250,000 over 3 years. The District government would pay the costs of the post audits.

I urge unanimous support for H.R. 11009.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 308, nays 2, not voting 121, as follows:

[Roll No. 298]

YEAS—308

Abdnor
Adams
Addabbo
Allen
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Blouin
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Tex.
Conte
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
Delaney
Dellums
Derrick
Devine
Dickinson
Diggs
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
Early
Edwards, Calif.
Eilberg
Emery
English
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Forsythe
Fountain
Fraser
Frenzel
Frey
Gaydos
Gibbons
Ginn
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hammerschmidt
Hanley
Hannaford
Hansen
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Henderson
Hicks
Hightower
Hillis
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson

Hyde
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Kasten
Kastenmeier
Kazen
Kelly
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McDonald
McEwen
McFall
McHugh
McKinney
Madden
Madigan
Mahon
Mann
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Ohio
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.

Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Mottl
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
Ottinger
Passman
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Poage
Pressler
Price
Quie
Regula
Reuss
Richmond
Riegle
Rinaldo
Roberts
Robinson
Roe
Rogers
Rooney
Rose
Rosenthal
Roush
Ruppe
Russo
St Germain
Santini
Sarasin
Satterfield
Scheuer
Schroeder

Schulze
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steed
Steiger, Ariz.
Stephens
Stratton
Studds
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Traxler
Treen
Tsongas
Ullman
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Whalen
White
Whitehurst
Whitten
Wilson, C. H.
Wilson, Tex.
Winn
Wolff
Wright
Wylie
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki

NAYS—2

Paul
Symms

NOT VOTING—121

Abzug
Alexander
Anderson, Calif.
Anderson, Ill.
Ashley
AuCoin
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Butler
Carter
Cederberg
Collins, Ill.
Conable
Conlan
Conyers
Cotter
Crane
de la Garza
Dent
Derwinski
Dingell
Dodd
Duncan, Oreg.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fisher
Flynt
Ford, Tenn.
Fuqua
Giaimo
Gilman

Goldwater
Gonzalez
Hamilton
Harkin
Harrington
Hébert
Heinz
Helstoski
Hinshaw
Holland
Holtzman
Jarman
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kemp
Kindness
Landrum
Litton
Lundine
McCormack
McKay
Maguire
Martin
Mathis
Matsunaga
Mazzoli
Milford
Miller, Calif.
Mills
Mineta
Morgan
Murphy, Ill.
Nix
O'Brien
O'Hara
O'Neill
Patten, N.J.
Pettis
Pickle

Preyer
Pritchard
Quillen
Railsback
Randall
Rangel
Rees
Rhodes
Risenhoover
Rodino
Roncalio
Rostenkowski
Rousselot
Roybal
Runnels
Ryan
Sarbanes
Schneebeli
Sebelius
Shriver
Stanton, James V.
Steelman
Steiger, Wis.
Stokes
Stuckey
Sullivan
Symington
Thompson
Thornton
Udall
Van Deerlin
Vander Jagt
Weaver
Wiggins
Wilson, Bob
Wirth
Wydler
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

Mr. Zeferetti with Mr. Alexander.
Mrs. Boggs with Mr. Anderson of California.
Mr. Dent with Mr. Jones of Alabama.
Mr. Hébert with Mr. Karth.
Ms. Abzug with Mr. Ashley.
Mr. Rangel with Mr. Gonzalez.
Mr. Holland with Mrs. Sullivan.
Mr. Rees with Mr. Jarman.
Mr. Bingham with Mr. Bell.
Mr. Jones of Tennessee with Mr. Heinz.
Mr. Dingell with Mr. Pritchard.
Mr. Fisher with Mr. Schneebeli.
Mr. O'Neill with Mr. Kemp.
Mr. Patten with Mr. Anderson of Illinois.
Mr. Wirth with Mr. Steelman.
Mr. Biaggi with Mr. Carter.
Mr. Thompson with Mr. Landrum.
Mr. AuCoin with Mr. Shriver.
Mr. Giaimo with Mr. Rousselot.
Mr. Harrington with Mr. Cederberg.
Mr. McCormack with Mr. Young of Alaska.
Mr. Matsunaga with Mr. Conable.
Mr. Mazzoli with Mr. Railsback.
Mr. Mineta with Mr. Stuckey.
Mr. Nix with Mr. McKay.
Mr. Risenhoover with Mr. Martin.
Mr. Rodino with Mr. Conlan.
Mr. Murphy of Illinois with Mr. Butler.
Mr. Rostenkowski with Mrs. Pettis.
Mr. Morgan with Mr. Wiggins.
Mr. Roybal with Mr. Mills.
Mr. Stokes with Mr. Maguire.
Mr. Van Deerlin with Mr. Kindness.
Mr. Udall with Mr. Preyer.
Mr. Bergland with Mr. Vander Jagt.
Mr. Cotter with Mr. Wydler.
Mr. Blanchard with Mr. Randall.
Mr. de la Garza with Mr. Crane.
Mr. Litton with Mr. O'Hara.
Mrs. Collins of Illinois with Mr. Dodd.
Mr. Conyers with Mr. Eckhardt.
Mr. Mathis with Mr. Derwinski.
Mr. Duncan of Oregon with Mr. du Pont.
Mr. Milford with Mr. O'Brien.
Mr. Miller of California with Mr. Symington.
Mr. Edgar with Ms. Jordan.
Mr. Lundine with Mr. Edwards of Alabama.
Mr. Young of Georgia with Mr. Ryan.
Mr. Erlenborn with Mr. Bob Wilson.
Ms. Holtzman with Mr. Esch.
Mr. Sebelius with Mr. Hamilton.
Mr. Rostenkowski with Mr. Runnels.
Mr. Harkin with Mr. James V. Stanton.
Mr. Thornton with Mr. Flynt.
Mr. Ford of Tennessee with Mr. Sarbanes.
Mr. Fuqua with Mr. Gilman.
Mr. Pickle with Mr. Goldwater.
Mr. Roncalio with Mr. Steiger of Wisconsin.
Mr. Weaver with Mr. Quillen.
Mr. Helstoski with Mr. Eshleman.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, on rollcall No. 298 I was unavoidably detained with constituents. Had I been present, I would have voted "yea" on H.R. 11009, financial planning, reporting and control systems for the government of the District of Columbia.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING ADDITIONAL ASSISTANT SECRETARY OF COMMERCE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1190

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6810) to authorize an additional Assistant Secretary of Commerce. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT) for the minority, pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution provides for bringing up this bill under a 1-hour open rule.

I am not aware of any objection to the to the rule, and I therefore reserve the balance of my time.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1190 provides for consideration of the bill H.R. 6810, authorizing an additional Assistant Secretary of Commerce, under a 1-hour, open rule.

Presently, there are seven Assistant Secretaries of Commerce. This legislation would authorize the Commerce Department an additional Assistant Secretary to be appointed by the President with Senate confirmation to serve as the Assistant Secretary for Congressional Affairs. The compensation for this position would be at the same rate as the other Assistant Secretaries.

Mr. Speaker, this measure is supported by the Department of Commerce and the Office of Management and Budget. I know of no objections to the adoption of this rule, and I urge its passage at this time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 10, not voting 119, as follows:

[Roll No. 299]

YEAS—302

Abdnor
Adams
Addabbo
Allen
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, Tenn.
Bedell
Bennett
Bevill
Biester
Blouin
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conte
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
Delaney
Derrick
Devine
Dickinson
Diggs
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
Edwards, Calif.
Eilberg
Emery
English
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Forsythe
Fountain
Fraser
Frenzel
Frey
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Hall
Hammerschmidt
Hanley
Hannaford
Hansen
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Heckler, Mass.
Hefner
Henderson
Hicks
Hightower
Hillis
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Kasten
Kastenmeier
Kazen
Kelly
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McDonald
McEwen
McFall
McHugh
McKinney
Madigan
Mahon
Mann
Mathis
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Miller, Ohio
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Mottl
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Hara
Ottinger
Passman
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Peyser
Pike
Poage
Pressler
Price
Quie
Railsback
Regula
Reuss
Richmond
Riegle
Rinaldo
Roberts
Robinson
Roe
Rogers
Rooney
Rose
Rosenthal
Roush
Ruppe
Russo
St Germain
Santini
Sarasin
Satterfield
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stark
Steiger, Wis.
Stephens
Stratton
Studds
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Traxler
Treen
Tsongas
Ullman
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Whalen
White
Whitehurst
Wilson, C. H.
Wilson, Tex.
Winn
Wolff
Wright
Wylie
Yatron
Young, Fla.
Young, Tex.
Zablocki

NAYS—10

Early
Haley
Harris
Hechler, W. Va.
Natcher
Shipley
Snyder
Symms
Whitten
Yates

NOT VOTING—119

Abzug
Alexander
Anderson, Calif.
Anderson, Ill.
AuCoin
Beard, R.I.
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Burlison, Mo.
Butler
Carter
Cederberg
Chappell
Clay
Conable
Conlan
Conyers
Cotter
Crane
de la Garza
Dellums
Dent
Derwinski
Dingell
Dodd
Duncan, Oreg.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fisher
Flynt
Ford, Tenn.
Fuqua
Giaimo
Goldwater
Hamilton
Harkin
Harrington
Hébert
Heinz
Helstoski
Hinshaw
Holland
Jarman
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kemp
Kindness
Landrum
Litton
Lundine
McCormack
McKay
Madden
Maguire
Martin
Matsunaga
Mazzoli
Milford
Miller, Calif.
Mills
Mineta
Morgan
Murphy, Ill.
Nix
O'Brien
O'Neill
Patten, N.J.
Pettis
Pickle
Preyer
Pritchard
Quillen
Randall
Rangel
Rees
Rhodes
Risenhoover
Rodino
Roncalio
Rostenkowski
Rousselot
Roybal
Runnels
Ryan
Sarbanes
Schneebeli
Sebelius
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stokes
Stuckey
Sullivan
Symington
Teague
Thompson
Thornton
Udall
Van Deerlin
Weaver
Wiggins
Wilson, Bob
Wirth
Wydler
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

Mrs. Boggs with Mr. Karth.

Mr. Thompson with Mr. Madden.

Mr. Hébert with Mr. Anderson of California.

Mr. Rostenkowski with Mr. Alexander.

Mr. Biaggi with Mr. Young of Georgia.

Mr. Chappell with Mr. Beard of Rhode Island.

Mr. Dent with Mr. Anderson of Illinois.

Mr. Bingham with Mr. Clay.

Mr. Dodd with Mr. Bell.

Mr. Duncan of Oregon with Mr. James V. Stanton.

Mr. Miller of California with de la Garza.

Mr. Murphy of Illinois with Mr. Cederberg.

Mr. O'Neill with Mr. Maguire.

Mr. Nix with Mr. Eckhardt.

Mr. Zeferetti with Mr. Conable.

Mr. Teague with Mr. Butler.

Mr. Stokes with Mr. Mills.

Mr. Rodino with Mr. Conlan.

Mr. Hamilton with Mr. Carter.

Mr. Bergland with Mr. McKay.

Mr. Holland with Mrs. Sullivan.

Mr. Cotter with Mr. Crane.

Mr. Fisher with Mr. Milford.

Mr. Pickle with Mr. Derwinski.

Mr. Wirth with Mr. Goldwater.

Mr. Weaver with Mr. Heinz.

Mr. Steed with Mr. Randall.

Mr. Sarbanes with Mr. du Pont.

Mr. Roncalio with Mr. Eshleman.

Mr. Rangel with Mr. Rees.

Mr. Helstoski with Mr. Esch.

Mr. AuCoin with Mr. Ryan.

Ms. Abzug with Mr. Harkin.

Mr. Dingell with Mr. Edwards of Alabama.

Mr. Mineta with Mr. Stuckey.

Mr. Morgan with Mr. Erlenborn.

Ms. Jordan with Mr. Jones of Alabama.

Mr. Jones of Tennessee with Mr. Jarman.

Mr. Blanchard with Mr. Landrum.

Mr. Burlison of Missouri with Mr. Kemp.

Mr. Conyers with Mr. Mazzoli.

Mr. Dellums with Mr. Symington.

Mr. Edgar with Mr. Steelman.

Mr. Flynt with Mr. Young of Alaska.

Mr. Ford of Teneseee with Mr. Patten.

Mr. Giaimo with Mr. Kindness.

Mr. Fuqua with Mr. O'Brian.

Mr. Harrington with Mr. Preyer.

Mr. Litton with Mr. Martin.

Mr. Lundine with Mr. Pritchard.

Mr. Matsunaga with Mr. Quillen.

Mr. McCormack with Mrs. Pettis.

Mr. Thornton with Mr. Rousselot.

Mr. Udall with Mr. Schneebeli.

Mr. Van Deerlin with Mr. Sebelius.

Mr. Runnels with Mr. Steiger of Arizona.

Mr. Roybal with Mr. Wiggins.

Mr. Risenhoover with Bob Wilson.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ROONEY. Mr. Speaker, I call up the bill (H.R. 6810) to authorize an additional Assistant Secretary of Commerce, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

H.R. 6810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be appointed by the President, by and with the advice and consent of the Senate, shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

(b) Title 5, United States Code, section 5315, is amended by striking item (12) and inserting in lieu thereof: "Assistant Secretaries of Commerce (8)".

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

That there shall be in the Department of Commerce, in addition to the Assistant Secretaries provided by law as of the date of the enactment of this Act, one additional Assistant Secretary of Commerce who shall be appointed by the President, by and with the advice and consent of the Senate. Such Assistant Secretary shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

SEC. 2. Section 5315 of title 5, United States Code, is amended by striking out paragraph (12) and inserting in lieu thereof:

"(12) Assistant Secretaries of Commerce (8).".

The committee amendment was agreed to.

Mr. ROONEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 6810.

The purpose of this bill is to authorize an additional Assistant Secretary in the Department of Commerce for Congressional Affairs. The new Assistant Secretary will be the principal adviser to the Secretary of Commerce on Congressional Relations and will be the Department's contact with the White House Office on Congressional Affairs.

The Department of Commerce, unlike some other departments, is essentially a conglomerate of diverse, generally technical, programs. Matters of exclusive concern to an individual operating unit will normally be handled by the staff of that unit. It is also essential, however, that there be centralized control and coordination of this action by operating units, and that there be an effective congressional affairs officer to speak for the Secretary on matters of major importance and Department-wide implications.

The Department of Commerce has stated, both in their testimony at the subcommittee hearings and in a letter from the Assistant Secretary for Administration, that this bill will not result in increased salary for the new Assistant Secretary, increased staff, or additional spending or perquisites of any kind. At this time the congressional affairs function is carried out by a special assistant to the Secretary who is paid at level IV through an allocation from the President's pool. That space would be relinquished and a level IV for the new Assistant Secretary would be provided by statute. The new Assistant Secretary would be appointed by the President, with confirmation by the Senate.

This bill is not an unusual proposal. Of the 10 other Cabinet departments, 8 currently have an assistant for congressional affairs or the equivalent.

The Subcommittee on Transportation and Commerce held hearings on H.R. 6810, an administration proposal, and an identical Senate-passed bill, S. 1622, on March 8, 1976. The subcommittee, after executive session, unanimously reported the bill on March 15, 1976, to the full committee which favorably ordered the bill reported to the House with no amendments by voice vote on March 30, 1976.

Mr. Speaker, I urge the passage of this bill.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, I rise in support of H.R. 6810, to provide for an Assistant Secretary of Commerce for Congressional Affairs. There is no question that this department, which has under its umbrella diverse program areas such as the Domestic and International Business Administration, the National Oceanic and Atmospheric Administration, the Maritime Administration, and others, must communicate with numerous committees here in the House as well as in the Senate.

Effective communication between the department and Members of Congress could be enhanced by subjecting this key position to the confirmation process, and the fact that the department is seeking to better coordinate its liaison effort is encouraging . . . especially in view of the fact that they are endeavoring to do so without increased costs.

I welcome their initiative, as well as their concern for accomplishing their objective without adding additional costs. I intend to support this measure.

Mr. SKUBITZ. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, we have no opposition to this measure. In subcommittee and in full committee, I sought and got assurances that the Department of Commerce would not use this new Assistant Secretary as a barrier between Congress and the Department. It is with that understanding, and only with that understanding, that I am able to support H.R. 6810.

You will notice that in the report on this bill, the committee makes it clear that the Assistant Secretary for Congressional Affairs should not become an obstacle to Congressmen or committee staffs trying to properly oversee the business of the Department of Commerce. Let me read from pages 2 and 3 of the report:

> It should be pointed out, however, that the Committee wants it clearly understood that the Assistant Secretary for Congressional Affairs should not become a barrier or obstruction to Congressional contact and dialogue with other operating or resource personnel within the Department. Congress, in carrying out its legislative and oversight functions, has the necessity and the obligation to know as much about a Department's operation as possible. Any Assistant Secretary for Congressional Affairs should guard against permitting his or her operation from filtering out information which is necessary to implement Congressional responsibility. The Committee envisions no set of circumstances which would prevent a Member of Congress or any committee staff member from having easy access to any operating or resource personnel in the Department who can provide information and assistance in the legislative or oversight process.

I might add that present communications between the Department of Commerce and the committee often leave much to be desired even though not as bad as Health, Education, and Welfare. Perhaps the new Assistant Secretary will emphasize the need for the Department to keep congressional committees and Members on both sides of the aisle more adequately informed about the workings of the Department.

The Senate has a similar bill before it and passage of this bill will mean that the Department of Commerce joins ranks with most of the other departments of Government in having its own Assistant Secretary for Congressional Affairs.

Mr. ROONEY. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 143, nays 178, not voting 110, as follows:

[Roll No. 300]

YEAS—143

Adams
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
Baldus
Beard, Tenn.
Biester
Boland
Bolling
Brademas
Breaux
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Phillip
Carney
Clancy
Cohen
Collins, Tex.
Conte
Coughlin
Daniels, N.J.
Danielson
Davis
Delaney
Diggs
Downing, Va.
Duncan, Tenn.
Early
Edwards, Calif.
Fary
Findley
Fish
Flood
Foley
Ford, Mich.
Forsythe
Frenzel
Frey
Gaydos
Gilman
Goodling
Gradison
Green
Gude
Hall
Hammerschmidt
Hawkins
Heckler, Mass.
Horton
Howard
Hutchinson
Hyde
Jeffords
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Kasten
Kastenmeier
Kemp
Keys
Koch
Krueger
LaFalce
Lloyd, Calif.
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKinney
Madden
Madigan
Mahon
Mathis
Meeds
Metcalfe
Mezvinsky
Michel
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Mosher
Murphy, N.Y.
Myers, Pa.
Nowak
Oberstar
Obey
Passman
Pepper
Peyser
Preyer
Price
Railsback
Roe
Rooney
Rosenthal
Ruppe
St Germain
Sarasin
Schulze
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, Nebr.
Solarz
Staggers
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Studds
Talcott
Teague
Treen
Vander Jagt
Vander Veen
Waggonner
Wampler
Waxman
Whalen
Whitehurst
Wilson, C. H.
Wilson, Tex.
Winn
Wolff
Yatron
Young, Tex.
Zablocki

NAYS—178

Abdnor
Addabbo
Allen
Ambro
Andrews, N.C.
Archer
Ashbrook
Badillo
Bafalis
Baucus
Bauman
Beard, R.I.
Bedell
Bennett
Bevill
Blouin
Bonker
Bowen
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Buchanan
Burleson, Tex.
Burton, John
Byron
Carr
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Ill.
Corman
Cornell
D'Amours
Daniel, Dan
Daniel, R. W.
Dellums
Derrick
Devine
Dickinson
Dingell
Downey, N.Y.
Drinan
Eilberg
Emery
English
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fithian
Florio
Flowers
Fountain
Fraser
Gibbons
Ginn
Gonzalez
Grassley
Guyer
Hagedorn
Haley
Hanley
Hannaford
Hansen
Harris
Harsha
Hays, Ohio
Hechler, W. Va.
Hefner
Henderson
Hicks

Hightower
Hillis
Holt
Holtzman
Howe
Hubbard
Hughes
Hungate
Ichord
Jacobs
Jenrette
Jones, Okla.
Kazen
Kelly
Ketchum
Krebs
Lagomarsino
Latta
Lehman
Lent
Levitas
Lloyd, Tenn.
Long, Md.
McDonald
McHugh
Mann
Melcher
Meyner
Mikva
Miller, Ohio
Minish
Mink
Mitchell, Md.
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moss
Mottl
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nolan
O'Hara
Ottinger
Patterson, Calif.
Pattison, N.Y.
Paul
Perkins
Pike
Poage
Pressler
Quie
Randall
Regula
Reuss
Richmond
Riegle
Rinaldo
Roberts
Robinson
Rogers
Rose
Roush
Russo
Ryan
Santini
Satterfield
Scheuer
Schroeder
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Slack
Snyder
Spellman
Spence
Stark
Steiger, Ariz.
Stratton
Symms
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Traxler
Tsongas
Ullman
Vanik
Vigorito
Walsh
White
Whitten
Wright
Wylie
Yates
Young, Fla.

NOT VOTING—110

Abzug
Alexander
Anderson, Calif.
Anderson, Ill.
AuCoin
Bell
Bergland
Biaggi
Bingham
Blanchard
Boggs
Butler
Carter
Cederberg
Chappell
Chisholm
Clay
Conable
Conlan
Conyers
Cotter
Crane
de la Garza
Dent
Derwinski
Dodd
Duncan, Oreg.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Erlenborn
Esch
Eshleman
Fenwick
Fisher
Flynt
Ford, Tenn.
Fuqua
Giaimo
Goldwater
Hamilton
Harkin
Harrington
Hayes, Ind.
Hébert
Heinz
Helstoski
Hinshaw
Holland
Jarman
Jones, Ala.
Jones, Tenn.
Jordan
Karth
Kindness
Landrum
Leggett
Litton
Lundine
McCormack
McKay
Maguire
Martin
Matsunaga
Mazzoli
Milford
Miller, Calif.
Mills
Mineta
Morgan
Murphy, Ill.
Nix
O'Brien
O'Neill
Patten, N.J.
Pettis
Pickle
Pritchard
Quillen
Rangel
Rees
Rhodes
Risenhoover
Rodino
Roncalio
Rostenkowski
Rousselot
Roybal
Runnels
Sarbanes
Schneebeli
Sebelius
Stanton, James V.
Steelman
Stokes
Stuckey
Sullivan
Symington
Thompson
Udall
Van Deerlin
Weaver
Wiggins
Wilson, Bob
Wirth
Wydler
Young, Alaska
Young, Ga.
Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Thompson for, with Mr. Miller of California against.

Mr. Hébert for, with Mr. Harrington against.

Mrs. Boggs for, with Ms. Abzug against.

Mr. Milford for, with Mr. Holland against.

Mr. O'Neill for, with Mr. Jones of Tennessee against.

Mr. Morgan for, with Mr. Stokes against.

Mr. Rees for, with Mrs. Chisholm against.

Mr. Rodino for, with Mr. Clay against.

Mr. Schneebeli for, with Mr. Rousselot against.

Mr. Quillen for, with Mr. Young of Alaska against.

Mr. Heinz for, with Mr. Kindness against.

Mr. Eshleman for, with Mr. Martin against.

Mr. Erlenborn for, with Mr. Edwards of Alabama against.

Mr. Derwinski for, with Mr. Conlan against.

Mr. Cederberg for, with Mr. Crane against.

Mr. Anderson of Illinois for, with Mr. Conyers against.

Mr. Runnels for, with Mr. Zeferetti against.

Mr. Rostenkowski for, with Mrs. Pettis against.

Mr. Sebelius for, with Mr. Goldwater against.

Mr. Chappell for, with Mr. Fuqua against.

Mr. Bingham for, with Mr. Mazzoli against.

Until further notice:

Mr. Biaggi with Mr. Bell.

Mr. Giaimo with Mr. Landrum.

Mr. Bergland with Mr. Matsunaga.

Mr. AuCoin with Mr. McCormack.

Mr. Udall with Mr. McKay.

Mr. Wirth with Mr. Mills.

Mr. Flynt with Mr. Esch.

Mr. Karth with Mr. du Pont.

Mr. Dodd with Mr. Butler.

Mr. Cotter with Mr. Jarman.

Mr. Dent with Mr. O'Brien.

Mr. Alexander with Mr. Pickle.

Mr. Hamilton with Mrs. Fenwick.

Mr. Anderson of California with Mr. Pritchard.

Mr. Roybal with Mr. James V. Stanton.

Mr. Mineta with Mr. Carter.

Mr. Litton with Mrs. Sullivan.

Mr. Maguire with Mr. Patten.

Mr. Leggett with Mr. Symington.

Mr. Jones of Alabama with Mr. Steelman.

Mrs. Jordan with Mr. Ford of Tennessee.

Mr. Helstoski with Mr. Young of Georgia.

Mr. Hayes of Indiana with Mr. Stuckey.

Mr. Harkin with Mr. Van Deerlin.

Mr. Blanchard with Mr. Conable.

Mr. de la Garza with Mr. Weaver.

Mr. Duncan of Oregon with Mr. Wiggins.

Mr. Edgar with Mr. Sarbanes.

Mr. Fisher with Mr. Bob Wilson.

Mr. Murphy of Illinois with Mr. Wydler.

Mr. Nix with Mr. Eckhardt.

Mr. Rangel with Mr. Lundine.

Mr. Risenhoover with Mr. Roncalio.

Messrs. BLOUIN, JACOBS, LEHMAN, and VANIK changed their vote from "yea" to "nay."

So the bill was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report pursuant to section 302 of the Congressional Budget Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRINTING OF "FEDERAL ELECTION CAMPAIGN LAWS RELATING TO THE UNITED STATES HOUSE OF REPRESENTATIVES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 94-1188) on the concurrent resolution (H. Con. Res. 640) authorizing the printing of 15,000 copies of "Federal Election Campaign Laws Relating to the United States House of Representatives," and ask unanimous consent for its immediate consideration.

The concurrent resolution was referred to the House Calendar and ordered printed.

Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 640

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document, "Federal Election Campaign Laws Relating to the United States House of Representatives", and that fifteen thousand copies be printed, of which five thousand shall be for the use of the Committee on House Administration of the House and the remaining ten thousand for distribution to candidates for the House of Representatives and for political committees supporting them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mrs. FENWICK. Mr. Speaker, on rollcall No. 300, I was unavoidably detained and I would like the record to show I would have voted "aye" on H.R. 6810, authorizing additional an Assistant Secretary of Commerce.

WHY CASTIGATE SOUTH KOREA?

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 60 minutes.

Mr. CHARLES H. WILSON of California. Mr. Speaker, today, along with some of my colleagues, I hope to present a fair appraisal of the situation in South Korea. Our action has been brought about by the recent outburst of publicity and statements regarding South Korea, its Government, and our military presence there.

What I plan to say today is not necessarily a defense of the Government of South Korea, and its actions. What I am doing is wondering aloud. I am wondering just why South Korea, of all countries, is being singled out for such critical comments just at this time.

Is it because it has such a totalitarian government that Korea simply must be castigated?

No, it cannot be that, because South Korea is by no means the most freedom-restricting country in the world. In fact, there are 77 other countries that are considered "less free" than South Korea. In a minute, we will discuss some of them.

If that is not the reason for this sudden outburst of anti-South Korean bombast, then what is? Is it perhaps because the United States is trading with a government which gives its people fewer freedoms than we enjoy in the United States?

No, that cannot be the reason, because the United States is happily trading with countries that are not only considered "not free," but are, in fact, sheer dictatorships. And I have not heard a word of criticism about many of them lately.

Then perhaps South Korea is being held up for such solitary abuse because we sell weapons to it.

No, that cannot be the reason, because we sell weapons all over the world, including to countries that don't even know the meaning of the word democracy.

All right, then, maybe South Korea is being separated from the pack because we are giving it money, and lending it funds at favorable interest rates, even though it has a government which falls short of the American ideal.

No, even that can not be the real reason South Korea is being criticized just now, because the United States also lends money to all sorts of dictatorships, juntas, and fiefdoms. In short, we lend money to lots of countries where freedom is a dirty word.

Then perhaps—finally—we come to the real reason for which I suspect the South Korean Government has suddenly, and remarkably, come in for such solitary abuse.

Perhaps the South Korean Government is being criticized because we have troops stationed there, and because of all the countries in the world, South Korea is the one most likely to fall to communism should we withdraw our support. In other words, South Korea is next in line.

Now, before I am accused of seeing "Reds under the bed," or before anyone thinks that I am charging some of my colleagues and certain members of the press with evil intent, let me hasten to say that I am not doing that.

But what I am doing is saying that these critics of the Government of South Korea are misguided. While their criticisms of a lacking of certain freedoms there may be well intentioned, it is illogical to single out South Korea for such an attack when there are so many other governments—far, far more restrictive, and far, far less friendly to the United States—which might better feel their wrath.

It seems to me, that these critics of South Korea are like a man trying to ride a horse in two directions at once.

First of all, an action like that makes the rider look ridiculous. And second of all, it is a fine way to kill the horse.

Now, I will yield my liberal credentials to no one, nor my own feelings for human and civil rights. But I do not want to see the cause of liberalism killed, or even hurt, because some people espouse it in a foolish way.

In other words, it is amazing to me the way eyes that grow moist at the thought of certain freedoms being limited in South Korea grow immediately dry should anyone mention a lacking of certain freedoms in places like Albania, Uganda, Saudi Arabia, and even Israel.

That is my idea of being misguided, and/or trying to ride one horse in two directions.

Lately there has been much talk and press comment about the Government of South Korea executing spies. I don't understand this. True, some spies are now under arrest there, and charged with crimes which carry a death sentence, but they have by no means been executed, and it is possible that they never will be.

The last spy to be executed in South Korea was 6 years ago. I would remind my colleagues and the press that the execution of a spy is not all that unusual, even in countries with so-called enlightened policies. The United States itself, for instance, executed the Rosenbergs in the 1950's, only some 20 years ago, for giving some of our nuclear secrets to Russia.

People inclined to hurl rocks at the Government of South Korea perhaps forget in what a glass house we live.

As a matter of fact, when it comes to executions, none can be more brutal than those practiced in Saudi Arabia. They are still chopping heads off there, yet I heard no outraged comments in this Chamber when it happened last year and there are probably many additional cases since then.

In Spain last year, three rebels were executed by garrotting, in which a steel band is placed about the victim's neck, and slowly tightened until he dies. But no one, to my knowledge, suggested as they have in the case of South Korea, that we close our airbases there, withdraw our troops and withhold our aid because of this and other outrages which occurred under the Spanish dictatorship.

In Israel, Israeli soldiers just last week, on three separate occasions, shot and killed three youngsters. Each and every incident was called an "accident." Where are the editorials and speeches calling for an end of aid and military weapons for Israel because of the failure to guarantee human rights to West Bank Arabs?

In Cambodia, some 20,000 people in the last year alone have been executed, some of them with garden hoes, and starved to death. Unfortunately, critics of South Korea are so keenly focused on that situation, that what is happening in Cambodia is not even in the periphery of their vision.

This tunnel vision also prevents the critics of limited freedom in South Korea from noticing the homicidal tendencies of General Amin, the madman who has murdered thousands of his own people in Uganda and who is still doing so.

Of course, most of the atrocities that are being committed these days are unreported, namely because there is no such thing as a free press in many countries, and reporters from other countries, such as ours, are not allowed in. In South Korea there is a free press, so we know everything that happens there.

A 5-year study of comparative freedom shows that 77 other nations in the world more restrict their citizens, and with less reason, than does the Government of South Korea. And to many of them we lend money, sell arms and otherwise work to stay in their good graces.

For instance:

Our great friend, Saudi Arabia: Do you know what the voting rights are there? The answer is that there are not any, because nobody votes, for anything, in Saudi Arabia. And they never have.

But I have not seen any breast-thumping editorials about that in our press, have you? There have been no resolutions in this body asking that we withdraw cooperation with Saudi Arabia because of their failure to recognize women as humans.

Let me name you some other countries on this list, all of whom have fewer freedoms than does South Korea. There are Angola, Bahrain, Bolivia, Brunei, Burma, Cameroon, and Nationalist China. Until recently, we would have gone to war to protect Nationalist China, and perhaps we would even today.

Next comes Egypt on the list of countries enjoying, or rather, not enjoying fewer political rights than do citizens of South Korea. Our Secretary of State spends much of his time in Egypt. We lend Egypt money at favorable rates. We sell her arms. We have helped her to clear the Suez Canal.

Here are some more countries enjoying, or rather, not enjoying fewer political rights than those available in South Korea: Equatorial Guinea, Gabon, Guinea-Bissau, Haiti, Honduras, and Hungary.

And Iran, another good friend of ours. When is the last time there has been an editorial or any resolutions in this body condemning Iran? On the contrary, Iran is considered our good friend, a helpful bulwark against the Soviet Union in the Persian Gulf. Which it is, but, by the same token, is not South Korea a helpful bulwark against communism in the Far East?

Iran is one of our biggest customers for the weapons of war.

On this list of countries with fewer freedoms than South Korea we also find the Ivory Coast, Jordan, Laos, Liberia, Mauritania, Mozambique, Nepal, and even Peru. Apparently strong governments of one stripe are to be overlooked, but others are to be castigated in our press and by certain of my colleagues. I do not understand the reasoning here and I am hoping that after I have finished, one of these critics of South Korea will step forward and explain.

Let me continue perusing this list of nations whose governments are more stern than that of South Korea. There are Poland, Qatar, Rhodesia, Senegal, Sierra Leone, Sudan, Swaziland, Syria, Tanzania, Tunisia, the United Arab Emirates, Upper Volta, Yemen, and Yugoslavia.

We sell planes to Yugoslavia. We do lots of business with Yugoslavia. Yet I have read nothing condemning Marshal Tito, nor have I heard anything condemning him in this body, in years. But he is a plain, old-fashioned Communist dictator nevertheless.

To some of those African dictatorships, we give money. Not lend it, give it. We send them our Peace Corps Volunteers, at no charge, to help them. Why do we condemn South Korea, which is more free than they are? I do wish someone would tell me.

The least free nations in the world are these:

Afghanistan, Albania, Algeria, and Bangladesh. How much money have we given Bangladesh? Yet, there it is, ranked among the most tyrannical nations on Earth. Why are not the critics of South Korea sounding the alarm over Bangladesh?

There is Brazil, Burundi, Cambodia, the Central African Republic, Chad, Chile, Red China, Cuba, Czechoslovakia, Dahomey, Ecuador, Ethiopia, East Germany, Ghana, Guinea, India, Iraq, and of course, North Korea, with one of the most despotic governments on the face of the Earth.

The list goes on and on, and we continue to find countries with governments that limit freedoms to a greater extent than does the Government of South Korea. There is Libya, Malawi, Mali, Mongolia, Niger, Oman, Panama, Rumania, Yemen, and Zaire.

I am forced to again ask this: With all of these targets to choose from, why suddenly is there so much more fire directed at South Korea, which has a stern government, yes, but for easily understood reasons?

The truth of the matter is, and I am quick to lament it, is that democracy is not only the least favored form of government in the world today, it seems to be decreasing in popularity.

According to the figures I have, only 19.8 percent of the world's population now lives in free societies. And that figure is down from 35 percent in the previous year.

But let us now talk about the limitations of freedom in South Korea that there has been so much recent handwringing about. And let us talk about the reasons for these limitations and also whether or not the citizens of South Korea understand the need for certain restrictions and accept them.

First of all, let me say that I have been to South Korea many times and, believe me, the South Koreans are not an oppressed and downtrodden people. There is the hustle and bustle of free enterprise and trade in Seoul. People are working, they are dining out, watching TV, and behaving as people do in any of our own big cities. The newspapers report the news, both from outside the country and inside it. If someone is arrested, for either crime or spying, it is reported. The South Korean Government no doubt has secrets, but, let me remind you, we have been having a debate in the United States about secrecy in our own Government.

What other freedoms exist in South Korea? The citizens there are free to worship as they choose. The country has many Western religions, with millions of Presbyterians, Catholics, Methodists, and others. There are also many Bhuddist temples. The so-called horror stories about religious leaders being arrested and persecuted is so much nonsense.

A couple of church leaders were arrested recently, but it was not for practicing their religion. They have been charged with holding a meeting, the chief purpose of which was advocating the overthrowing of the Government. The fact that the meeting was held in a church has no more significance than if it were held in a car wash. I would remind my colleagues that religious leaders have been arrested in the United States when they have been charged with breaking some law of the land. I remind you of the Berrigans and others during most recent times.

Women can vote in South Korea. In fact, most of the rights enjoyed by American citizens are available in South Korea.

What, then, are the limitations? They are very few. A year ago, in the face of increased aggravation and aggressive threats from North Korea—which, in turn, was encouraged by the imminent collapse of South Vietnam—the South Korean Government imposed emergency order No. 9.

This order banned student demonstrations and outspoken opposition to South Korea's Constitution. It also forbids the spreading of falsehoods and rumors.

The citizens are not forbidden to attend peaceful meetings. They are prevented from marching in the streets, rioting, and fomenting civil disorder. Considering that the Government of South Korea has enough on its hands, with an armed and aggressive enemy only a few miles away, it seems reasonably understandable why it might want to maintain peace at home.

The majority of the citizens of South Korea understand this. They realize that South Vietnam collapsed from within, as well as from being attacked from without.

At this point, I am compelled to wonder what the United States might be like, and what sort of liberties that we enjoy now might be curtailed should we have an armed, aggressive and obviously hostile enemy at our very borders, and I might add, one that only some 20 years previously, had laid waste to our land and promised to do it again if ever the opportunity should present itself.

I think that I can make an educated guess as to what our laws might be. I remind this body of the sort of hysteria which was prevalent in this country in 1941, just after the Japanese attacked Pearl Harbor. This country, the United States of America, which likes to call itself the land of liberty, actually took thousands of its most loyal and dedicated citizens, who happened to be of Japanese descent, and locked them away in concentration camps. We regret this now, but nevertheless, it happened. Not because America is a totalitarian country, but, I suspect, simply because we were, to put it bluntly, scared at the time.

And if a great land like America could be scared, by a power such as Japan some 9,000 miles away from our shores—so scared that it put into concentration camps thousands of our own citizens who were guilty of no crimes—then how difficult is it to understand some of the limited freedoms imposed on certain South Korean citizens when the ever-threatening enemy is but 30 miles away from its capitol city.

Let us, in all reason and in all conscience, stop and think. The law in South Korea, the law which limits certain freedoms, is called emergency order No. 9. I repeat this because I should like, for a moment, to dwell on the "emergency" aspect of this.

It was an emergency in this country when we locked up our own good Japanese-extracted citizens and put them behind barbed wire. It was an emergency when our own President Abraham Lincoln—suspended the Constitution during the War between the States. It was an emergency when President Franklin Delano Roosevelt closed the banks, in a violation of several Constitutional provisions.

The justification for all of these things, just as is the justification of South Korea's emergency No. 9, was that a greater good was to be served. Now, I realize that many evil dictators have taken advantage of emergencies to get their own way and to achieve ultra-power, and I also realize that as many crimes have been committed in the name of Godliness as have been committed in the name of avarice, but, by the same token, I suggest that not all acts undertaken vis-a-vis an emergency are for an unworthy purpose.

President Lincoln, when he took unto himself extraordinary powers, and superseded the Constitution, said that it was often wise to saw off a limb, if it would save the tree. And he added that it was never possible to save all of the limbs, if once the trunk was sawed through.

This was nothing more than commonsense, which is all I am arguing for here today.

There is, of course, the matter of our troops which are stationed in South Korea. We have only some 42,000 troops there, the equivalent of one division. The Government of South Korea feels that it is important for U.S. troops, in the absence of U.N. troops, to be there to help insure that North Korea does not attack again. Some of my colleagues appear concerned that a North Korean attack might involve us in another war. This, unfortunately, is a possibility. Likewise, it is a possibility that our NATO troops in Europe could involve us in a war, should the Warsaw Pact countries attack. So, are my colleagues actually talking about pulling all of our troops around the world back to America's borders, or are they just talking about abandoning South Korea? This is another question which I wish critics of South Korea would answer.

The Japanese, too, think it important in maintaining a balance of power in Asia for the United States to keep a token force in South Korea. Should we not do so, there is every possibility that the Japanese might have to change their Constitution and massively rearm.

If there is any doubt in anyone's mind as to whether the North Koreans would attack should our troops withdraw, let me quote to you the words of North Korea's despotic ruler, Chairman Kim Il Sung, who issued them on November 7, 1975. North Korea's dictator said, in part, that—

> The occupation of South Korea by U.S. troops is the main obstacle to our national reunification.

In closing, I would like to remind my colleagues that the Republic of South Korea is but some 30 years old. During this time, it has had a war that raged across it, from top to bottom, from coast to coast, and back again. Before gaining her independence in 1949, Korea was in the dark ages, so far as democracies go.

I should like now to compare Korea with America, at the same stage. Korea has had but three Presidents since it has emerged from the long night of totalitarism, a night which included countless enemy occupations down through the ages.

The third President of a newly independent America was Thomas Jefferson. Shall we consider for a moment what the situation was in America then?

For a start, we had slavery. Women could not vote. Neither could Indians. In fact, the only voters were white property owners. There was no such thing as school segregation, because blacks did not go to school at all. Children could be made to work 18 hours per day. There were debtors' prisons. The list of inequities prevalent in America during the term of her third President is too long to go into here.

But South Korea, despite its short history and inexperience with the democratic process, has made an amazing good start. Far better than some, I am forced to observe.

Those same moist eyes that I speak of, the ones which well up every time human rights in South Korea are mentioned, those same eyes dry up whenever anyone mentions the dictatorships of Africa. Mention places like Uganda, and Chad, and Ghana, and Niger, and countless others, the explanation you get is that, well, they have only just emerged from barbarism and colonialism, and you can not expect them to take in all of the finer precepts of democracy in one gulp.

I could not agree more. True democracy is not an easy idea to grasp. If it were, America's own would be better than it is. As it is, we are still, even today, trying to refine it.

But if this is true of America, and to a greater extent, true of the emerging nations of Africa and elsewhere, why are certain critics of South Korea so harsh in their judgments of her?

Is there more going on here than meets the eye? I suspect that there is. But if not, I am waiting for someone to explain why we expect more of South Korea than we are of her contemporaries.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. CHARLES H. WILSON of California. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding.

I would like to associate myself with his remarks.

As a veteran myself of the Korean war, I had an opportunity to visit the Republic of Korea for the first time in 23 years, last November; and I cannot impress upon this body the changes which have taken place in that country, certainly all changes for the better, to rebuild the country, a country whose economy is growing by leaps and bounds. Yet, it is forced to support a rather substantial military establishment and it is doing quite well.

It surprises me as well when we hear the criticisms of the Government of the Republic of Korea and of the suspension of some civil rights when, as the gentleman mentioned, this is true around the world. Yet, we hear so little. Let us take the Government of Indira Gandhi in India, a dictatorship and nothing more. Or let us take Uganda, where one way to get rid of opposition is simply to line them all up against the wall, shoot them all, and say the opposition is gone.

The Soviet Union and Red China, whom we trade with and recognize, Ecuador who seizes our tuna boats, all of these countries, presumably friends of the United States, but certainly, in my opinion, we have no better friends than the Republic of Korea.

In my brief tenure in this body, I have had the opportunity to visit a number of NATO countries in Europe and nowhere did I find the hand of friendship extended to me as I did in the Republic of Korea. Nowhere in the Asian countries do I believe exists better relations, more friendly relations, warm relations than we have with the Republic of Korea.

While these criticisms exist, I am reminded that during the Civil War Lincoln suspended our civil rights and no one complained because there was a reason for it. As the gentleman from California remarked, during the Roosevelt administration in World War II, we impounded and imprisoned thousands of loyal American citizens and no one complained. DeGaulle during the Algerian crisis suspended all civil rights in France and no one complained.

During my recent visit to the Republic of Korea, I had the opportunity to talk, and not just with members of the Government—although we certainly did talk with those people—but I had the opportunity to go abroad in the countryside and in the cities and talk with people on the streets, talk with people on the farms, talk with people in the factories and each time I asked them, "How do you feel about the suspension of your civil rights, the lifting of habeas corpus and the curfews?" And in every single case those individuals replied to me that it was necessary for their national security.

It is very difficult for those of us sitting here with 3,000 miles or more of ocean on either side of us to understand the situation in South Korea and the fact that less than 30 miles away there are the guns of the North Koreans pointed at the city of Seoul, the capital city.

Mr. Speaker, I certainly wish to congratulate my friend and colleague, the gentleman from California (Mr. CHARLES H. WILSON), and those others who talk about understanding the friendship that exists between the Republic of Korea and the United States, and that we will stand fast with them, we will not remove our troops from South Korea and that we will remain friends with those who are friendly with us.

Again I thank the gentleman from California and congratulate him in supporting the Republic of Korea.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I want to thank the gentleman from California (Mr. KETCHUM) for the remarks he has made. I regret that those Members who have been so critical of South Korea in this body, or at least some of them, are not here on the floor today. We notified all of our colleagues that this special order would take place. I had hopes that we could have a special dialog and try to determine, as I indicated during my remarks, what really is behind this sudden outburst of criticism of probably the friendliest country that we have toward our country today. I regret that they are not here but perhaps another time will present itself.

CONCERNING THE CRITICISM OF SOUTH KOREA

The SPEAKER pro tempore. (Mr. DANIELSON). Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 60 minutes.

Mr. MURPHY of New York. Mr. Speaker, this body spent a considerable amount of time last week debating the various points of view with respect to the amendments to the International Security Assistance Act. While I disagree totally with my colleagues who sought to cut assistance to South Korea, I disagree even more strongly with their stated reasons for supporting such an ill-advised move.

The leaders of the opposition claim that there is some evidence of a disregard for human rights in South Korea, and that the United States should, therefore, recede from its commitments to that country. In the opinion of many of our colleagues, however, the amendment would not resolve any minor problems which might exist, and more importantly, it would be likely to trigger a series of deeply destabilizing events affecting both the security of our remaining troops and the overall stability of the entire Far East and Pacific basin.

And so, we find ourselves engaged in a dialog on human rights, not only in South Korea, but in every part of the Earth. That is the basis of this democracy—an active, informed, continuous, and responsible dialog, with which to develop and carry out effective policies affecting not just the free world, but our postures with respect to every other nation as well.

American concern for human rights worldwide has been in some instances unfortunately misinterpreted, particularly with respect to South Korea.

While we berate our friends and allies for what the media generally terms "oppressive" governmental structures, we simultaneously ignore the rape, plunder, and Hitler-esque despotism in dozens of countries led by dictators and military juntas whose stone-age mentalities find mass murder and terrorism the only solution to a political difference of opinion with the majority of their populace.

The activities of our sister nations have been skewed beyond recognition in some cases, by a media which reports on appearances, rather than on truths and realities. It is that very quality of the media, which seizes upon the most visible story available to "scoop" the opposition media, which compounds a complex problem into one of immense dimensions. That quality, coupled with the iron-handed control of information from those countries which are truly repressive, combines to create a picture grossly unbalanced, and which does a sorry disservice to those nations whom we are fortunate enough to consider as friends and allies.

The hard and cold statistics are frightening: of 4.063 billion persons in 209 nations and territories worldwide, 44.9 percent are considered "not free," and another 35.3 percent as only "partly free"—a total of 80.2 percent of the world's population. Less than 20 percent of the world population, then, is embraced by a free society. . . . A world in which there are very few Democracies left.

Just to touch upon a few recent newspaper headlines is to have some small inkling of the lack of human rights around the world:

> Growing evidence of torture in Spain;
>
> Executions reported in China;
>
> Chilean refugees killed, tortured;
>
> India holds 7,000 for "objectionable literature;"
>
> American charges torture in Argentine jail;
>
> Brazil candidates muted in media; give only name, occupation and ballot number; cannot discuss issues or qualifications;
>
> Ethiopia's military government to eliminate feudalism, capitalism and imperialism;
>
> Communist violence intensifies in Italy;
>
> South African Apartheid problems;
>
> Angola nationalizes Portugese property, announces "confiscation without compensation."

While such appalling examples as this occur worldwide constantly, our colleagues take little note of them, and instead endeavor to cut the funds made available to our friends and allies on the rather weak charge of "violation of human rights."

I believe that Korea is the key to our defenses in the Far East and the Pacific basin. Unfortunately the news media many times do not convey both sides of the story on the Korean question. For example, letters to the editor of various publications have been printed from students, men in the street and others peculiarly unqualified to discuss the subject. At this point in the Record, I would like to insert a letter to the editor from Eiichi Nakao, Representative, House of Representatives, National Diet of Japan, and chairman of the Asian Political and Economic Research Group, which was not printed by a prominent newspaper, often critical of South Korea, as it was "too long." It does, however, represent the point of view expressed by leaders all over Asia, being an example of substantial support for the current government in the Republic of South Korea and for the current American policy vis-a-vis South Korea in particular, and our Pacific policy in general:

March 30, 1976.

The Washington Post
Washington, D.C.
U.S.A.

To The Editor: We have read in the Japanese press a reprint of your editorial of March 19th entitled "South Korea's Most Dangerous Man".

While we can understand the motives and thoughts which inspired your editorial, we feel that some of the opinions you voiced indicate a misunderstanding of the real situation existing in South Korea and East Asia.

First let me say that our group, the Asian Political and Economic Research Group is a group of Japanese, principally members of the National Diet of Japan and business men who have joined together to study political and economic problems of Asia, especially problems which affect the welfare and security of East Asia. Most of the members of our group are frequent visitors to South Korea, Taiwan, Hong Kong and other areas of Asia. Our contacts are principally with government officials, business men and members of the academic professions.

Our group is equally concerned about developments in the United States, for whatever happens in the United States has repercussions in Asia and throughout the world. We frequently wish there was some way to make Americans more conscious of how their actions affect the welfare of millions of people in other areas of the world. Your editorial concerning President Park Chung-hee of South Korea is an example of that, especially as the safety and security of South Korea is a major factor in the peace and security of East Asia, including, of course the security of Japan.

Your editorial points up the growing difference in views between Americans and Asians. This is a matter of major concern to us, for, as noted above, actions of the United States have strong repercussion in Asia.

Ever since the United States Congress publicly denied aid to the Saigon Government, an ally of the United States, when the Saigon Government was on the verge of collapse in 1975, other Asian countries friendly to the United States, and usually allied to the United States by treaties of various types, have been gravely concerned as to what the future course of the United States in Asia will be. This is a matter of the utmost gravity to Japan, South Korea, Taiwan and certain areas of Southeast Asia. Consequently, your editorial has touched a sensitive nerve.

There is an interdependence between the United States and Asia, East Asia in particular, which is frequently overlooked in the United States. This interdependence is especially found in matters relating to peace and security—the peace and security not only of Asia but also from a global viewpoint. All of the great powers have interests which intersect in Asia especially in East Asia. This includes the United States, the Soviet Union, China and Japan.

As we believe your editorial represents a serious misunderstanding of both the real situation in South Korea as well as the general situation in East Asia we have drawn up a statement of our views of the current situation in South Korea and East Asia in the hope that you will be able to understand the differences of views and concerns which are now becoming so marked in relations between the United States and its allies in Asia. The statement is longer than we would have liked, knowing the American preference for a short summary, but there are certain points which we feel are essential for an understanding of Asian views.

In reference to your editorial, we present the following points for consideration:

I

South Korea has been at war or on a war footing for nearly 26 years. The armistice in 1953 was the end of major warfare, but it was not the beginning of peace. South Korea has been under the continual threat of invasion by North Korea from the onset of the armistice.

There has been a constant succession of North Korean agents infiltrating into South Korea and attacks by sea and land ranging from minor skirmishes to substantial military encounters. The instances of attacks on South Korean vessels and off-shore islands under the control of South Korea have been increasing in number since about 1970. Skirmishes along the Demilitarized Zone are so frequent as to be almostly completely ignored by the American, Japanese and European press and other mass media representatives. Attacks by North Korea on South Korea ships or islands occasionally rate a few lines on an inside page. But to South Koreans the infiltration, the attacks and raids are a constant reminder that there is an ever-present, continuing threat to their national existence. They live in something of a state of siege.

Among many things, this has meant that South Korea maintains its military forces in a constant state of readiness to repel any attempt at another invasion—an invasion often threatened and clearly a possibility if a suitable opportunity is found. South Korea, with a population of 35 million, maintains military forces of 600,000 men. To support its armed services takes more than one-third of the national budget, plus continuing donations of various kinds from business and other institutions. Taxation is heavy. American military aid and assistance are an important factor in maintaining this constant state of military alert. The presence of American military forces, numbering about 40,000 U.S. Army and air force men and officers, is an essential element deterring an invasion by North Korea. Numerically, the American forces are far below the 600,000 South Korean forces, but as a visible symbol of American concern for the peace and security of South Korea and East Asia, their importance is greater than their actual number.

II

Infiltrators and agents from North Korea have been continually active in trying to stir up unrest in South Korea. The North Korean goal is to incite, in one way or another uprisings which the North Korean regime can interpret as a call for North Korean intervention to ". . . aid their brethren" to the south. Kim Il-sung has made repeated statements to this effect, one of his most dramatic being made when he visited Peking in the spring of 1975, just after the collapse of Saigon. University and college students have always been special targets of incitement for North Korean agents. The South Korean Government finally decided it was necessary to ban all student demonstrations, for Kim Il-sung made it abundantly clear that such demonstrations, could be interpreted as "uprisings" and be the trigger for a new invasion by the North Korean Government under the guise of a "liberation movement."

The South Korean Government has provided an abundance of evidence as to the activities of North Korean agents, many being Koreans living in Japan, which representatives of the Western and Japanese mass media usually choose to ignore. However, this refusal of representatives of the Western and Japanese mass media to accept this evidence does not lessen the threat represented by the activities of secret agents of the North Korean Government. The threat is real and ever-present.

III

The most dramatic example of the intentions of North Korea to again invade South Korea is the tunnels under the Demilitarized Zone. Those tunnels, built in secrecy, could obviously have only one purpose—another quick invasion of South Korea. Two tunnels have been found and more are believed to exist. Built for invasion, two would have obviously been inadequate and so the search for the others continues.

The breaking off by North Korea of the negotiations between the Red Cross organizations of both Koreas and the refusal of North Korea to attend any more meetings of the Reunification Commission also indicate a hardening of North Korea's attitude since the fall of Saigon. The North Korean Government is convinced that the United States will eventually abandon South Korea as it did Saigon and apparently feels no need to pursue the question of gradual and peaceful reunification of the Korean Peninsula as the South Korean Government has repeatedly proposed. American disputes with South Korea concerning the status of civil liberties in South Korea are taken by North Korea as a hopeful sign that an eventual break between the United States and South Korea can be brought about.

IV

To charge that the differences between North and South Korea are being vastly diminished, is to ignore a considerable body of evidence to the contrary, evidence which is visible to even a casual visitor to South Korea. For one thing, South Korea is actively promoting tourism, the goal for 1976 is 750,000 tourists, and anyone is free to travel without restriction, except, of course, for sensitive military areas, which are restricted areas in any country not only in South Korea. Reports in the press and mass media have given the impression of fear and trembling on all sides in South Korea. It simply isn't so. The South Koreans are as vigorous and gusty as ever as a visitor soon observes. Any visitor to South Korea is not only unimpeded but is offered the usual tourist services found everywhere. Outside of Seoul many tourist amenities may be lacking, but freedom of movement, picture taking, freedom to ask questions are unrestricted except in sensitive military areas. By contrast, how many tourists to North Korea have you met—or even heard of?

V

Restrictions of the press have developed, in part, out of the need to avoid the type of political incitement which could lead to incidents which North Korea could interpret as "uprising" and hence a trigger for a North Korean "liberation" invasion. Rather than compare the condition of the South Korea press to that of the United States or Japan where no threats to the national existence are found, it would be a more apt comparison to contrast the condition of the press in South Korea to that in North Korea, the Soviet Union or the Peoples Republic of China. Even a casual visitor to Korea can soon observe the extent of the limitations on the press. Again, it must be kept in mind that South Korea is in a long-continued state of near siege. In time of war even the United States have found some type of press restraints necessary, though such restraints were usually classified as "voluntary". South Koreans themselves don't like the restraints, but most Koreans acknowledge the need for them, especially since the collapse of Saigon and the increasingly belligerent attitude of North Korea.

In this respect, Americans might ask themselves what would be the condition of civil liberties and freedom of the press in the United States if Canada were a Communist nation constantly threatening an invasion of the U.S. It may sound ridiculous since American-Canadian have always been peaceful, but imagine, for camparison, the situation suggested.

VI

While maintaining a constant state of military alert, South Korea has undertaken, simultaneously, a major program of industrialization and economic and social development. Starting from the devastation of the Korean War, the rebuilding of the country has been the second major task of the last twenty years, defending themselves against invasion being the first, but this has had to be done under the considerable handicap of maintaining a major military establishment while rebuilding and modernizing the country. Financial and technical assistance from the United Nations and from the United States enabled the South Korean Government to begin the rebuilding, rehabilitation, and modernization, but the hard work and ingenuity of the Korean people have been a major factor in bringing about a substantial realization of the program. Of all the countries of Asia, outside financial and technical assistance has probably been utilized more effectively in South Korea than in any other developing country of Asia.

The continual threat of invasion by North Korea has conditioned and hampered the industrial development and modernization programs. As in any developing country, strong control by the central government is essential and in South Korea made more so by the constant threat of invasion.

VII

Divisive political dissent is a luxury which South Korea can not afford under present conditions. The degree to which political dissent can be allowed is a matter of crucial importance both to the South Korean Government and to its allies. The political system established by South Korea in 1972 has tried to provide for as wide an accommodation of political views as the South Korean Government feels to be tolerable under present conditions, especially in view of the constant threat of invasion by North Korea. In this matter, there are clear differences of opinions. President Park and his supporters have set limits which some members of the political opposition obviously feel are too restrictive. The opposition has sought support for its views from American supporters of South Korea. The Myondong Cathedral incident is the latest in a series of incidents in this clash of opinion as to what the limits of political opposition should be. Viewing this conflict as Japanese, and mindful of how destructive political dissension in Korea has been in Korean history—it made possible the Japanese occupation of Korea, 1905–1945—and with a strong interest in the security of South Korea, we can not help agreeing with the view that political dissent must be limited under the conditions now existing in South Korea. As to where to draw the line between permissible and non-permissible political dissent, we feel that is a matter which must be decided by the Government of South Korea. In this matter, present Korean practices are clearly in conflict with American ideas as to the universal adaptability of American political ideology and practices. We feel Americans should give serious consideration to this matter and develop a realization of the unique conditions in the United States which have made possible the American political system with its wide ranging personal, civil and political freedoms.

VIII

Americans and representatives of the American press and mass media are prone to attribute to American political ideology a universal validity which it simply doesn't have in areas of the world and countries not so abundantly and favorably endowed as the United States of America. The continuing American insistence that American political ideology and political insttiutions have a universal validity which can be reproduced anywhere needs to be carefully reviewed by Americans. The attraction of American political ideology is strong, but it's adaptability to countries with different conditions, especially economic, resources, should be reconsidered and its limitations realized.

IX

The final factors we wish to mention here are the rapidly rising military power of the Soviet Union and questions relating to the future of the People's Republic of China after the death of Mao Tse-tung.

The rising military power of the Soviet Union is a fact, a part of reality. The Soviet fleet in Vladivostock has been augmented by both submarines and surface warships of the latest types. Soviet armies in Siberia have been strengthened. This is a factor affecting the present balance of power in East Asia, especially Northeast Asia.

Questions concerning the future of the People's Republic of China after the death of Mao Tse-tung are, of course, speculative. In Japan, there is speculation that after that death of Mao Tse-tung there may be a rapprochment between Peking and Moscow. The consequences of such a rapprochment are disturbing.

In both of these matters, one a reality, the other a possibility, questions concerning future United States policy are of major importance to peace and security in Asia, especially East Asia.

In consideration of the foregoing points, it is our hope that you will understand why our views of the situation and events in South Korea differ from those expressed in your editorial of March 19, 1976.

Sincerely yours,

EIICHI NAKAO,

Representative, House of Representatives, National Diet of Japan; Chairman, Asian Political and Economic Research Group.

In my 80-page report to House Speaker CARL ALBERT on the return of the delegation of congressional Korean war veterans last fall, I outlined the considerable bulk of factual background for support of a continued American presence on the Korean peninsula. Not the least of this is the specific threat of Kim Il Sung that only this presence deters him from all-out renewal of war with the South. This is confirmed by the combined intelligence activities of the CINCPAC and "I" Corps organizations, which have documented Kims' preparations for renewed hostilities—increased troop levels, new weapons systems and heavy armaments, as well as Russian aircraft, infiltration tunnels and stepped-up counter-intelligence.

I take considerable exception to what is falsely portrayed as political repression of rights and freedoms of the Korean people, particularly their rights of assembly, demonstration and political activity. I would direct your attention to a recent 73 percent vote of confidence, approving Park's constitutional changes and his current rule. I believe this points directly to the Korean people's understanding that President Park took the proper route in the face of 600 million Red Chinese and Soviet Soldiers poised for the attack just 30 miles north of his borders. I might also suggest that any concern about silence on Korean campuses is misplaced; perhaps it simply indicates there is little to complain about.

In terms of religious freedoms I would point out that religious leaders, and priests in South Korea are very aware of the political and military situation that faces that country as a result of Communist aggression from the North. Religious leaders from Vietnam and Cambodia, are aware of the nightmare that was visited on the people as a result of the Communist takeover of those two countries. I invite Members to read the following pieces of correspondence which were given to me that attest to the support of the Park regime in Korea, to the fact that there is the full enjoyment of religious freedom in Korea, and to the fears that exist over Communist encroachment and aggression.

I insert at this point in the RECORD a letter of April 18, 1976, from the Reverend Wade C. King, pastor of St. Joseph's Church to Father Michael McFadden, and the attached letter of March 18, 1976, from the Reverend Antonious Pong, pastor of Munsan Catholic Church to the Most Holy Father, and a letter from Paul Seitz, the Bishop of Kontum, Vietnam, dated October 1, 1975:

APRIL 18, 1976.

We, the undersigned, met Father Mike McFadden today in Seoul. Father McFadden informed us about the distorted reporting attitude of some American newspapers concerning the current situation in Korea. Father McFadden also told us about wrong opinions of some American congressmen in regard to the real situation in Korea.

We would like to assure our American friends, through Father McFadden, that we fully enjoy freedom of faith in Korea. In Nyeong Dong Cathedral, where the March the 1st incident took place, 500 people were baptized. Over five hundred thousand Christians gathered in an Easter Sunday service. In Korea, a country facing North Korean Communists, only political-minded priests meet restrictions of the government.

Rev. Wade C. King, Pastor, St. Joseph's Church, and 16 others.

MUN SAN CATHOLIC CHURCH,
Republic of Korea.

MOST HOLY FATHER: Kindly permit me to write this letter to Your Holiness in the spirit of loyalty to the Church and the Holy See.

In the Archdiocese of Seoul, I officially represent the first age group of senior priests (Nos. 3–58 in the order of ordination, above the age of about 42).

Since several years ago, as Your Holiness may be aware, there has been a vehement political turmoil within the Church in Korea, caused by some bishops and priests taking advantage of social participation of the Church in Korea. Unfortunately, on March the 1st, some young priests had a political rally together with some Protestant ministers and anti-government politicians during and after Mass in Myeong Dong Cathedral. Before the rally was over, they reportedly announced an anti-government declaration, demanding President Park's government to withdraw. As a result of this indictment, three priests and some others are in prison and many have been accused of anti-government conspiracy.

This incident and other such events throughout the country for the past few years have had the following results:

1. Bishops, priests, religious communities, seminaries and lay people are sadly divided.

2. The national security is greatly endangered. The North Korean Communists are already capitalizing on this incident for their propaganda purpose. This incident may cause the North Korean Communists to make miscalculation to invade South Korea.

3. The dignity of the Church and clergy is considerably damaged. The image of priests and nuns shouting political slogans in church and streets in a country, facing a formidable enemy in the north, can never be in accordance with clerical and religious dignity.

4. There are many serious obstacles in pastoral activities. Many sensible Catholics feel tired of hearing noisy slogans in church, and abstain from attending Masses and church services.

5. Some political-minded bishops and priests are having the Church hopelessly involved in politics, and thus provoke religious persecutions, which nobody wants, neither the Church nor the government. We are certain that we enjoy freedom of religion in this country.

Many priests of Seoul have repeatedly given suggestions to Cardinal Kim of Seoul to keep the Church and priests away from politics and politicians. But Cardinal Kim has obviously failed so far to stop the current political turmoil within the Church in Korea.

We, therefore, beg Your Holiness to intervene in the current critical situation of the Church in Korea in order to drive politics and politicians away from the Church and priests in this country.

It has to be utmostly emphasized that the purpose of this letter is not to challenge any ecclesiastical authority or any person but to seek a way for unity of all priests in the Archdiocese of Seoul by keeping the Church intact, free from politics.

With deep sentiment of esteem, filial love and humble obedience, I am Humbly and devotedly in Our Lord,

Given in Seoul, on March the 18th, 1976,

(Rev.) ANTONIUS PONG,
Pastor Munsan Catholic Church, Officially representing the first age group of senior priests in the Archdiocese of Seoul.

NASHUA, N.H.

DEAR FRIENDS: In late November 1974, at Kontum, I finished the text of this booklet, intended only for you and not to be found in any bookshop.

No one at that time was unaware of how black the outlook was for South Vietnam. For thirty years we had been plunged into war, danger, destruction and misery of all kinds. Although we were deeply distressed, no one then would have dared to predict that four months later it would all be over for that heroic little nation, finally submerged by triumphant communism.

Everything happened as in a nightmare; the crumbling of the South was murderous, immense and brutal. Nightmares pass with the night and with the new day comes reassurance, but this nightmare continues for the present generation without any apparent hope of it ever coming to an end.

The Montagnards, like the others, foundered in the storm. So another tragic turning in their history opens before them. We know what they are losing; we cannot tell when, nor how, they will come out of it.

What they are losing is what forms the very substance of these pages which you have leafed through; it is this song of hope and love which showed them advancing towards a fuller being and greater humanity. What remains of it today, as I write these last lines in the form of an epilogue?

The towns of Ban Me Thuot, Plei-Ku and Kontum, in the central Highlands, were the first to be "liberated" Kontum on March 18th, 1975. One week later, Dr. Edric Baker and Dr. Christian who had remained at their posts in the Minh-Quy hospital, were arrested and interned in a forest camp. The nursing nuns were submitted to "psychological torture" by incessant, insidious interrogations. One of them was imprisoned and put into solitary confinement and finally the hospital was ransacked and looted.

All the educational and social efforts for the Montagnard race, from the kindergarten to the university students' hosted in Saigon (which was in the course of being established), right through the primary, secondary and technical schools—all were closed or plundered.

The refugees, having fled from communism during the past years, were categorised as "enemies of the people" and treated as such. Twenty thousand of them were obliged to return—on foot in the majority of cases—to their old villages long ago reduced to ashes. Once more abandoning everything, and with only a simple basket on their backs, they left for the hard labour of road-building or the communal rice-fields. Under-nourished, without medical care, rediscovering with shock the cold of a higher altitude at the start of the rainy season, they were ravaged by death; we know of "villages" where the death rate rose to 30 and 60%.

As for the foreign nuns and missionaries, we were quickly put under house arrest in Kontum; we were no longer able to come and go freely within the diocese and therefore unable to practice our ministry.

Not content with reducing us in this way to a helpless state, the new masters sought to discredit us: accused of spying, of political aims, of treason, and liable therefore for the penalty of death, we were expelled: bishop, missionaries, nuns, doctors; we were all expelled almost in secret. Our expulsion was owed only to "the clemency of the people".

However, a Vietnamese bishop and sixty-five priests have already taken over from us. Thus, the curtain falls at the end of one act and rises on another. "God writes straight on crooked lines", says a Portuguese proverb; His ways are mysterious.

Just as we set off at the call of the master at the time of our youth for the most beautiful adventure that it is given to man to experience, so today we are ready to journey through a night without stars . . . with heavy heart certainly, but without despair, in hope against hope that nothing is lost, that one day know to God, the star will shine aagin.

The essential thing is that which we have planted in the hearts of these men: the knowledge of the God of Love. That will not perish.

Abide with us in this hope, praying as brothers who care, for all those of the crucified churches.

Our friendship and our gratitude to each and every one of you remains deep in our hearts.

In the name of all the montagnards and of their missionaries.

PAUL SEITZ,
Bishop of Kontum Vietnam.

ROMA, 1st October 1975.

As an officer in the U.S. Army, and later as a U.S. Congressman, I have been in almost every village and hamlet from Pusan to the Yalu River. I have met with President and peasant, with military leaders and village shopkeepers. To a man, the South Koreans know that U.S. military strength is the single factor which keeps them free men.

What are the rights which we associate with freedom? We in the political arena might first consider the political structure of such nations an open voting process, the existence of significant opposition, the allocation and exercise of power by elected representatives. But then, as it always must, freedom is defined in civil and human rights as well as the right to express oneself openly, the lack of censorship in an independent news media, the right to a fair trial, and the state's respect of these and other individual rights through its exercise of the police function. This last set of qualifications is without a doubt the most important to consider.

To quote the Emperor Napoleon:

> There are two levers by which men may be moved . . . fear and interest.

I doubt seriously if it was the interest of the emperor which has moved so many nations into subjugation.

We are all aware of the nature of human rights in such countries as Russia, East Germany, Cuba, North Vietnam, Czechoslovakia, and the others I have just mentioned, for that is where the news has been obvious. It is these nations that people wish to leave, but cannot; where people wish to speak, but are forced into silence; where people wish to be free, but are threatened with death, threats which are all too often carried through for no better reason than the whim of a deranged head of state.

But what of those literally dozens of equally repressive governments to whom human and civil rights are simply an antiestablishment idea to be crushed into submission before any word of it leaks to the free world? For that is precisely the case in such countries as North Korea, Panama, Chile, Cambodia, Laos, Ecuador, many of the emerging African nations, and dozens of other pockets of oppression in every corner of the Earth. Uncounted citizens whose only crime was disagreement with the existing regime have simply disappeared into mass graves in nations where execution continues to be the preferred means of controlling the citizenry. Terror is the hallmark.

Among the most brutal dictatorships, for example, are Cambodia and North Korea. Populations have been dispersed into the countryside or imprisoned by the thousands for no other reason than the dissatisfaction of their self-anointed leaders. The detailed information on the horrors of these and other nations is not readily available because, quite simply, those who speak of it, or attempt to leave are summarily disposed of.

The Khmer Rouge regime in Cambodia force-marched the people from their homes and hospital beds in the cities into the surrounding countryside. Their stated reason—to make Cambodia self-sufficient through a return to an agrarian society—is frightening enough, but it seems rather obvious that the true purpose was simply to scatter a population of 7 million people so that a tiny army of fanatics could better control the pocket of resistance. Dissenters were sometimes roped together in bunches to be clubbed to death, or sent to work camps for endless hours of physical labor punctuated by beatings and killings for those who protested.

And let us not forget a devastating war 25 years ago which divided the Korean peninsula, and the davastating effects which still divide the Korean people. The unbalanced Kim Il Sung continues to threaten another invasion of South Korea the very moment American troops withdraw from their defensive role in the South. His massive army is poised just 30 miles from the southern capital, ready to release the fury of his Russian and Red Chinese weaponry on a peaceful nation in the South which has developed into one of our staunchest allies in the Pacific basin. The dictator in the North has classified his populace into 51 categories which define the reliability of each person with respect to the government. Fully 40 percent of his population belong to untrustworthy categories, to be kept under varying degrees of surveillance.

Panama is another prime example of controls. The dictator, General Omar Torrijos, has allowed only the Communist Party to remain in his country, and following his 1968 military coup, he simply exiled his coconspirators so that their inside knowledge of his takeover would not give them an avenue of experience to repeat the occasion. And his continued threats of bloodshed if the United States does not relinquish its position in the Canal Zone are the rantings of a power hungry tyrant who draws his support from the Castro Communists.

The threat of Communist encroachment on the liberties of free nations has not diminished over the years; indeed, they are ceaselessly expanding their scope. While the Western World eagerly pursued the policy of détente, the Communists enhanced their military strength and expanded their influence under the cloak of détente, while at the same time busying themselves creating unrest and confusion in Western countries. And their search in the Pacific for sea bases to control traffic and supplies puts in danger the sovereignty of Indonesia and Singapore.

Today's world cannot be described a "postwar," but must be seen as a prewar world, in which the threats to our vital national interests are often oblique and well-disguished, outflanking movements rather than the blunt, old-fashioned saber rattling; proxy wars; chess moves.

The will and the insight to survive as free nations, and as democracies, must be accompanied by a conscious effort to understand the reality of the Communist intent. We cannot for a moment believe that Solzhenitsyn might have been right a few months ago when he said that the third world war had already ended in a Soviet victory—that Europe, the Middle East, and many parts of the Third World are passing inevitably into Soviet control—and that the Fourth World War for America itself, is already underway.

The people of the world have not lost their character or their will for independence. But few nations could realize that independence without consolidating their alliances and relationships with other nations, or without strengthening their internal government structures to provide an effective and stable leadership.

Every nation must cope with a different configuration of events, and their laws are devised for the survival of the nation in their particular circumstances at a given point in time. It is this coping, and this survival, which leads to the occasional stumblings of our friends and allies—countries to whom the concepts of freedom and democracy are just beginning to be realized to their full potential, after centuries of colonialism, hereditary dynastics, or occupation as the spoils of dozens of regional wars. Yet the incredibly brutal tyrannies of modern war lords, juntas, dictators and malevolent despots are virtually ignored due to a simple lack of information.

That very difficulty in obtaining such information is one of the keys to oppression. I remind you of the controlled press in Hungary or Laos, in Albania and in Communist China, in Chile, Zaire, and North Korea. We hear of very little opposition in such countries simply because none is raised for fear of the brutal punishments which follow. What little opposition is mustered is crushed under jack-boot heels, and word of such a cry for freedom never reaches the outside world. Thousands of refugees from the Chilean regime, for example, were mass-arrested during the Argentine coup and bused back to the Chilean secret police. Such wholesale trafficking in human lives is commonplace among those countries to whom individual rights have little meaning.

There are hundreds of other examples of the decline in human freedoms around the world: India's declaration of a state of emergency, in which civil rights were sharply curtailed; Pakistan's abolishment of the opposition party; the military takeover in Bangladesh; terrorism in Laos and Cambodia; a state of siege in Colombia which reduced judicial guarantees; the internal violence in Lebanon, new powers of arrest in Liberia; and Zaire's replacement of religion by President Moubutu's personality cult.

I hope my colleagues have understood my point; that we cannot, as responsible leaders of a nation whose very existence is the embodiment of personal and political freedoms, allow our friends to be pilloried by the national and international media, while an endless list of travesties is committed upon the human rights of over four-fifths of the population of this Earth. That the very secretive and oppressive natures of those governments denies the truth to the free world is not an excuse for ignoring the truth, or for failing to try to bring freedom and a decent way of life to the people of those oppressed lands.

Eternal vigilance is the price of liberty and if I might expand on that, not only vigilance and awareness, but a desire and ability to change things for the better.

But things cannot be changed until we care enough to change them, not just within our own borders, where every freedom affects the daily life of our own families, but to rebel against tyranny for the sake of all mankind. Tyranny feeds on the weakness and ignorance of oppressed peoples, and it is our good fortune to be able to recognize that oppression, and to lend the strength of our freedom to those people who would only wish for their rights as human beings.

Mr. CHARLES H. WILSON of California. Mr. Speaker, will my colleague yield?

Mr. MURPHY of New York. I would be happy to yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I think that the critics of South Korea are falling into a trap. I do not like to think they are deliberately doing it, but the only beneficiary of the type of criticism that they are directing toward South Korea is, of course, North Korea.

South Korea is a country which is a true friend of our country. For example, today I received a set of a new issue of stamps from South Korea that are Bicentennial stamps in honor of the American Bicentennial. I do not know how many countries in the world are doing something similar to this. I might point out that the South Korean Bicentennial stamps contain one with a map of the United States and the impression of Mt. Rushmore on it, and the first and the present flags of the United States, the Bicentennial symbol, the Liberty Bell, the Statue of Liberty, and so forth and so on.

I think this is a true friend that we should exert as much effort as possible to develop a real lasting friendship with and do away with this unnecessary criticism which is so unfair and so unjust at this time.

I want to thank the gentleman from New York for yielding.

Mr. MURPHY of New York. My colleague brings out a very salient point.

One of our colleagues in the other body pointed out that the reason the United States is involved militarily in South Korea is to protect Japan—should anything happen to South Korea, geographically it is pointed like a dagger at the very security of the Japanese islands. I think he probably states the case from one viewpoint, but I think our presence in South Korea is to preserve liberty and democracy in the Republic of Korea as well as in Japan, as well as in the entire Pacific basin.

We recall in 1948 the then Secretary of State and the commander in chief of the Pacific, both stated America's containment area of communism on the Asian mainland would extend from the Philippines through Taiwan and the Japanese islands. They neglected to mention South Korea. As a consequence, when the U.S. troops were withdrawn in 1950, it was taken as an indication that the United States would have no further interest in South Korea, and we subsequently had the invasion from the North. It took 3 years, almost 60,000 American lives, and hundreds of thousands of South Korean lives to preserve South Korea's independence.

I think today the Secretary of State might well extend that line to include South Korea. But he should also bring in the five Asian countries of Indonesia, Thailand, Malaysia, Singapore, and of course, the Philippines because those countries have a dagger pointing at them. It is the Indochinese Peninsula that points directly at their heart.

We know the Russians have submarine bases now in the former American base of Cam Ranh Bay and are currently training Vietnamese submarine crews. There is $4 billion in leftover American equipment that was captured at that time, and we know that those weapons will be used to infiltrate those five countries.

America's entire policy is for a free trade, a free government, hopefully, of course, in all countries of the world. How this comes about and how nations can survive under an American style democracy 23 miles or 5 miles from the state of communism and the most militant Communist leadership I think stretches the imagination.

I would ask my colleagues next week when we consider the Foreign Military Assistance Act to consider these factors very carefully and to remove the restrictions that the committee placed on our Government by its actions the day before the bill was reported, and to restore the proper military and economic assistance to the Republic of South Korea.

COMPACT OF PERMANENT UNION BETWEEN PUERTO RICO AND UNITED STATES IS ESSENTIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. BENITEZ) is recognized for 15 minutes.

Mr. BENITEZ. Mr. Speaker, the Governor of Puerto Rico, Rafael Hernández Colón, speaking before the National Press Club last Wednesday, May 19, touched lightly upon the distressing reality affecting the people of Puerto Rico; a community numbering 3 million on the island and close to 2 million on the mainland. Puerto Ricans have been U.S. citizens since 1917. Addressing the representatives of the mass media, the Governor inquired:

> Is public opinion in the U.S. aware of what we are, as a people, as an island economy, as a cultural community rooted in the Spanish language?

The answer could hardly be an emphatic "yes." Governor Hernández referred in passing to the deplorable but nonetheless basic mental block which to this day has precluded any balanced awareness of Puerto Rico. The post-imperial aftereffects associated with the Spanish-American War, the opposition to the "big stick" diplomacy of Teddy Roosevelt, and the revulsion against the "manifest destiny" doctrine led to a policy of deliberate political forgetfulness or "benign neglect" as far as Puerto Rico was concerned. The paucity of prevailing means of communication, the scarcity of resources, and the relative improvement in material welfare contributed to the prolongation of this "benign neglect" well into the 1930's.

Two successive hurricanes plus the Great Depression of 1929 all but wiped out any sense of well-being. These and other vicissitudes and the enlightened leadership of Luis Muñoz Marín served to underscore the need for social responsibility and for first-priority attention to the urgent problems of the destitute. The New Deal and perhaps more than anything else, the Second World War again brought Puerto Rico into focus, as had previously the First World War and before that the War of 1898.

During the middle 1940's and the 1950's Puerto Rico enjoyed a brief notoriety as its achievements in self-rule, unusually efficient and imaginative local government, its Operation Bootstrap and its cultural, technical, industrial, and political capabilities turned out to be surprisingly and gratifyingly way ahead of the "developing world."

About to receive full international attention after the war, Puerto Rico turned out to be so far ahead in its own development, its political vision, in its projections and problems, that it could not serve as an adequate model for the Third World, any more than that other small and vigorous community, Israel, could serve as a model for communities not yet even close to the "takeoff" stage, all of them having just been given their independence through the colonial liquidation process of the postwar era.

As part of its own large but undramatic leap into the future, Puerto Rico worked out—from 1948 to 1952—with the Congress and with the support of President Truman, a new relationship, in the nature of a compact, which tested and confirmed the flexible potentials of American federalism. With its acceptance in 1952 by the President, the Congress, and the people of Puerto Rico, and in 1953 by the United Nations General Assembly, the concept of commonwealth was established as an equal and valid alternative to separation or assimilation. It brought into the limelight for the first time a concrete instance of political interdependence in a relationship of mutual respect and dignity between a large and powerful nation and a small and proud community.

The concept of Commonwealth, or to use the more precise Spanish expression, Estado Libre Asociado—Free Associated State—of which we are justly proud, and which we have endeavored to further enhance and strengthen throughout the years, is now after a quarter of a century once again before the Congress of the United States for clarification; a clarification which all persons concerned have agreed is desirable and which Puerto Rico has requested unsuccessfully on three previous occasions.

The present proposal is the final outcome of a Presidential and Gubernatorial Commission appointed in September 1973 and which in October 1975 unanimously rendered a proposal and report to the President. It recommended congressional approval of a new Compact of Permanent Union between Puerto Rico and the United States, subject to ratification by the Puerto Rican electorate.

It is with a heavy heart that I report that to this day, neither the President of the United States nor the White House has in any way reacted to, or even formally acknowledged receipt of the proposal submitted over 8 months ago to the President by its own appointees and the appointees of the Governor of Puerto Rico. After several months of patient waiting, the proposal of the Joint Commission was introduced by me in this body as H.R. 11200 and H.R. 11201, with 35 cosponsors from both sides of the House. It is now and has been since December under active consideration by the Subcommittee on Territorial and Insular Affairs of the House Committee on Interior.

The subcommittee has conducted extensive hearings both in Washington and in San Juan; has heard over 60 witnesses in four full days covering 35 hours. The subcommittee has held two additional meetings going over the several provisions of the bill and even preparing a subcommittee draft while yet no report, favorable or unfavorable, has been received from the White House. The press in Puerto Rico has reported at length on the whole process since its inception 2½ years ago, as well as on the present treatment of "benign neglect" which the proposal and report have received from the White House for the last 8 months. On Friday, May 21, the editor of El Mundo, the distinguished journalist, Alex Maldonado, wrote a vehement denunciation of the disdainful and foot-dragging tactics with which the White House has proceeded, both under President Nixon and under President Ford, in this dismal affair. It should be noted that a member of the Domestic Council staff attended each and every meeting of the Joint Commission since its creation in September 1973, participated in the Commission's deliberations to the very end in August 1975, and received every document and draft issued.

The people of Puerto Rico are deeply distressed by this insensitivity to meaningful and decisively important proposals for indispensable democratic readjustments. The proposed new compact is essential to the continued understanding and to the strengthening of relations between Puerto Rico and the United States.

In the words of Mr. Maldonado:

> No matter which party may be in power, Puerto Rico has the right to expect that the White House handle our affairs with the dignity, dispatch and seriousness which the existing relations between our respective communities demand."

Mr. Speaker, while there is a sharp difference between the courteous and urbane approach of Gov. Hernández Colón and the gloves-off commentary by the editor of El Mundo, I believe that both statements should be read and pondered by the Members of the House. Jointly they evidence a deep concern with potential consequences flowing from additional postponement and neglect in the consideration of a matter vital to Puerto Rico and to its relations with the United States.

I include both expressions in the Record:

Address by Hon. Rafael Hernández Colón, Governor of the Commonwealth of Puerto Rico

I am delighted to have the opportunity to address you, the members and guests of the National Press Club, and I wish to thank President Alden for inviting me to be with you here today.

As the sun set upon the remnants of the Spanish Empire at the turn of the last century, Puerto Rico was the only colony established by Spain in the New World that did not proclaim its independence. Instead, as a result of the Spanish American War, the Puerto Ricans as a people found themselves within the sovereignty of the United States of America. The present century has witnessed our efforts towards finding a place for ourselves within the American political system. A place in keeping with our heritage and identity. A place suited to the economic constraints of the limited geography of our island.

For 78 years—more than one third of the bicentennial which we celebrate this year—Puerto Rico has been linked politically with the United States. We have been citizens for 59 years. And yet, some relevant questions can still be raised: Do we know each other well? Is public opinion in the United States aware of what we are, as a people, as an island economy, as a cultural community rooted in the language of Cervantes?

A notable contemporary Puerto Rican historian, the President of our University, Dr. Arturo Morales Carrion, answers these questions with revealing insight: If we take, says Morales Carrion, the excellent textbook put out by the late Richard Hofstadter, William Miller, and Daniel Aaron, The United States: The History of a Republic (1967), Puerto Rico suddenly appears in connection with the Spanish-American War. It is ceded, of course, by Spain in the Treaty of Paris. It is mentioned in connection with the Insular Cases brought before the U.S. Supreme Court, and then it vanishes into thin historical air.

An outstanding diplomatic textbook, Thomas A. Bailey's A Diplomatic History of the American People, (1964), tells us that President McKinley decided to take Puerto Rico in order to banish Spanish power completely from the Americas. Linking Puerto Rico with the Philippines, the author recalls how "Senator Pettigrew of South Dakota declared, with no little truth, that bananas and self government could not grow on the same section of land." Having disposed of Puerto Rico as a banana split, he leaves it to disappear in its thick tropical foliage.

Absent from U.S. history books, concludes Morales Carrion, which are more concerned with Cuba, Hawaii or the Philippines, Puerto Rico remains an unknown world, a baffling land, coveted by the tourist agencies, defined by traveling journalists, so near, in many ways, and yet so far apart. Puerto Rico is debated at the U.N. as another Vietnam or Angola, or Mozambique, by people who do not have the faintest idea of what or where the island is. In Paris it was even stated recently that life in Puerto Rico today is worse than in France under the Nazi occupation! For many of us who live and toil in Puerto Rico, the stories now being told about the island and its people seem often to be like Alice's adventures after she went through the looking-glass. They could have been written by Tweedledee if not Tweedledum.

The facts are that throughout the years a very close-knit relationship has developed between Puerto Rico and the United States. That we have maintained our Puerto Rican identity with a deep loyalty to our American citizenship. That democracy is as much a way of life in Puerto Rico as it is in the United States.

That working through our political system the Puerto Rican people accomplished a dramatic transformation of the island. That current hardships have shown that, though improvable, the system is basically sound. That we have worked out the structural framework of a dynamic relationship with the United States. That this basic framework has the overwhelming support of the Puerto Rican people, and that the processes for solving the problems arising in our ongoing relationship are being worked out.

At present we are fighting a stiff battle against the effects of the last recession. It has left our unemployment hovering around 20% and our construction industry in shambles. But we are now certain that the worst is behind us. We have an industrial development unmatched in the Caribbean, and this sector is recuperating rapidly. We just had the best tourist season ever, and our agriculture, whose earlier decline we turned around during the first fiscal year of my administration, held its growth right through the recession and continues to climb.

We are confident and optimistic. We are resolving our financial needs. Our social and economic infrastructures are sound. The proportion of our school age population going to school at all levels is as high as that of most developed countries in the world. We have taken stern measures to maintain our fiscal integrity. We are intent on raising the overall productivity of the island. There is a quiet resolve and dedication amongst Puerto Ricans to forge ahead. There is no doubt in my mind that we will.

We are going about our own affairs, affirming ourselves against the challenges of these complex times, respectful of others and expecting to be respected.

In particular, we desire that our right of self-determination be respected. We are frankly tired of people who can't locate Puerto Rico on the map, yet who, siding with the Cubans in the U.N., try to tell us what we should do or what we should be.

The Puerto Rican people have repeatedly made clear that their concept of self-determination is as an autonomous Commonwealth, rather than as an independent nation. Since the Commonwealth was founded in 1952, it has been recognized as a highly innovative and creative concept which has introduced a new form of federal relationship. In a political status referendum in 1967, the Puerto Rican people voted an overwhelming mandate for the improvement of their existing Commonwealth status, and it was under this mandate that a joint and bipartisan U.S.-Puerto Rico Ad Hoc Advisory Group was organized in 1973 to recommend specific forms for such improvement. The recommendations of this group are now before the Congress in the form of a revised compact of union between Puerto Rico and the United States. This compact is therefore a new and very important stage of a continuing process to adjust the details of U.S.-Puerto Rican relations to changing circumstances and to our mutual benefit.

One of the main purposes of this Compact of Permanent Union is precisely to provide Puerto Rico with sufficient flexibility to have the best possible opportunity to create jobs and to reinvigorate its economy. Even with such flexibility we have a tough job ahead of us; without it, the job is far more difficult.

The task of creating new jobs in Puerto Rico is one in which U.S. interest as well as its good will should be deeply engaged. The matter is sufficiently serious to require fresh thinking in both the Legislative and Executive branches in the United States regarding federal policies and programs as they affect Puerto Rico.

The extension of the Food Stamp Program to Puerto Rico has been of enormous help to us in going through the recession.

But I would like to stress that the basic policy of the Commonwealth Government is to create more jobs, permanent jobs. We want to reinvigorate our economic development, rather than be dependent on welfare programs.

Everything my government can do to help create jobs is already in high gear and, as I said, our economy is already recovering—albeit at a slower pace than the mainland economy. What we need most from the Federal government are policies that will stimulate the permanent economic development in Puerto Rico. Such policies, for instance, as contained in the new section 936 of the Tax Reform Bill, which would allow tax-free mainland repatriation of profits made by U.S. companies on the island, and such policies as are embodied in the Compact now before the Congress. Indeed, one basic premise of the Compact is that Puerto Rico needs additional self-government and flexibility because Congress and the Federal Government cannot reasonably be expected to weigh every piece of legislation or every regulation in light of Puerto Rico's special requirements, and that the Commonwealth therefore must be allowed a larger role in determining how national legislation can best apply to the island.

The Compact is and should be seen as a part of a continuing process by which Puerto Rico can regain its formerly impressive economic momentum, renew its equally impressive social advances, and insure its political vitality and stability.

The process itself is important. Self determination, in a formula as new and unusual as that of the Commonwealth relationship, is not and cannot be static. It must be a living, evolving thing, adapting intelligently to new realities, in a manner which gives continued meaning and dignity to a relationship which has proved for over a quarter century to be remarkably fruitful and which has potential for even greater growth through interdependence, in an area in which interdependence is clearly the key to the future.

Despite Puerto Rico's present, very real problems, both Americans and Puerto Ricans can be proud of the accomplishments which have already taken place under Commonwealth. Per capita income in Puerto Rico has risen from $121 in 1940 to over $2,000. Life expectancy has soared from 46 years to 72 years. Illiteracy has almost been wiped out. Educational and living standards have taken a quantum jump in the last quarter-century. A whole new middle class has been created and, by the standards of most of the world, Puerto Rico would be considered a relatively affluent middle-class society, with what this implies for social and political stability.

Most significant of all, the roots of democracy go very deep in Puerto Rico, as reflected by the fact that 85% of eligible voters actually go to the polls to vote.

It is no exaggeration to say that Puerto Rico has emerged as key citadel of freedom, democracy and peaceful development in the Caribbean. It is obviously important that it remain so. All this has happened in an island 100 miles long and 35 miles wide, whose population of 3 million adds up to 900 persons per square mile contrasted with 60 per square mile in the U.S.

In these troubled times, only rarely have Americans had to be seriously preoccupied with the Caribbean.

But now the situation is different. It is different partly because recent events have made the Caribbean area as a whole very unstable. This region, so strategically important to the United States, finds itself increasingly in economic trouble and political ferment. This ferment and instability appear to coincide, moreover, with a new, militant phase of Cuban revolutionary activity. Already, the Cubans have shown by their willingness to serve as a sort of "foreign legion" for the Soviet Union that they could pose a new threat to tranquility and security in the Western Hemisphere. I do not believe it is exaggerated to suggest that Cuba hopes to convert much of the Caribbean area into a totalitarian, Communist bloc hostile to the United States.

Puerto Rico, on the other hand, has shown a wholly opposite approach to the Caribbean. Puerto Rico has played an active role for years in cooperating with and assisting other Caribbean nations in their economic and regional development, both through technical assistance and by generating Caribbean-wide development institutions.

Some 31,000 official foreign visitors from over 100 countries have visited Puerto Rico in the last 16 years to study various phases of our island's development—many of them officials of high rank. Most came from the Caribbean and other parts of Latin America, but there were also many thousands from Asia and Africa.

In the Caribbean itself, some of the principal development institutions—such as, the Caribbean Development Bank and the Caribbean Investment Corporation—were conceived by Puerto Rico.

We are presently revitalizing and refocusing our technical assistance programs, with the main accent on making available to other Caribbean countries our most pertinent experiences in public housing, public health and cooperative development—all areas in which Puerto Rico is widely known for its successful programs, many of them highly relevant for other developing countries.

It is worth pointing out that the Caribbean is composed of many small states with special problems—problems which Puerto Rico knows and understands. What the small states require is peaceful development and cooperation, not a disruptive and misguided revolutionary violence.

In this broad contest, Puerto Rico's basic importance is that it is the key citadel of democracy and stability in the Caribbean. Indeed, just as Cuba has become the symbol of militant and expansionist Marxism, the Commonwealth of Puerto Rico is the symbol of liberty, democracy and peaceful development in the Caribbean. It is against this larger background that we must view the role of Puerto Rico, today.

I believe the Puerto Rican people are up to the broader challenge that confronts us and the United States. Indeed, the challenge that confronts democracy. The extent to which we can be helpful, however, depends in considerable measure on the understanding of our possibilities by the United States, and the framing of the policies to take full advantage of our potential. I do not believe there is widespread understanding of these possibilities throughout the policy making bodies, although there are some notable exceptions. I am certain that the contribution which the members of the press can make in bringing Puerto Rico's larger potential into focus can be of invaluable service to the United States, to Puerto Rico and to the common values which we hold very dearly.

What we Puerto Ricans have been able to accomplish in the past would have been impossible without the understanding and collaboration of the United States. Today, once more, we need that understanding and collaboration.

This is why I believe that it is important that the Compact now before Congress be acted on "with all deliberate speed". Puerto Rico must be able to continue its role as the democratic citadel in the Caribbean.

A great deal is at stake. I am confident that with our joint efforts the task can be done—with all that this signifies for democracy and peaceful development in the Caribbean as a whole.

[From San Juan, P.R., El Mundo,
May 21, 1976]

THE SAD STORY: WHITE HOUSE, NEW COMPACT

(By A. W. Maldonado)

Governor Hernández Colón stated in Washington on Wednesday his personal belief that the White House has stopped the New Compact to please the New Progressive Party. A White House spokesman immediately denied this. Richard Parsons, the person entrusted with coordinating everything related to the New Compact in the White House, denied specifically that the consideration of the bill has been delayed for political reasons.

According to Mr. Parsons, the White House is doing everything possible to expedite the study of a bill which is greatly complex. Very soon, he said, it will be ready to send its recommendations to the Congress.

These remarks from the White House official are interesting. Let us analyze them carefully.

We should remember that the Ad Hoc Committee which produced the New Compact bill was created by the then President, Mr. Nixon, and Governor Hernández Colón.

However, when the Committee finished its work and was ready to submit its report directly to the President, the latter refused to receive it. Marlow Cook, a former Republican Senator for Kentucky, who had presided the United States delegation in the Committee, tried unsuccessfully on various occasions to bring the report and deliver it to the now President, Mr. Ford. Feeling frustrated, what Senator Cook did was to take the report to the White House and leave it with an assistant.

This was no accident. It was learned that the White House feared that the delivery of the report might be used for political purposes in Puerto Rico. The high leadership of the New Progressive Party had already made a strong campaign against the bill, alleging that it is not only bad in itself, but that the Populares want to use it to cover up their "economic failure" in Puerto Rico.

This fear had been manifested since the beginning of the Ad Hoc Committee. In 1973 something very unusual happened at the White House concerning the Committee. The group had been invited to hold its first meeting in the White House, with President Nixon himself attending. There was such a great interest that the White House changed the date of the meeting to make sure the President would be there.

But the President never showed up. Even more unusual, the press was not allowed to cover this meeting until it had ended. Even though all kinds of arrangements had been made, when the Puerto Rican newspaper men went to the White House, they were informed at the gate that there was no knowledge of any activity related to Puerto Rico.

Nothing of this was accidental either. It was learned that there were last minute changes in the White House concerning this ceremony. And perhaps it was not pure coincidence that the highest NPP leadership had been in Washington during those days.

Well, eight months have elapsed since Cook left the Ad Hoc Committee report at the White House, and as of this moment the White House has said nothing either in favor or against the bill.

The White House is supposed to be a model of efficiency. The Ad Hoc Committee in fact made a profound study of everything concerning the proposed changes in the New Compact. It is difficult to believe now that at the end of eight months it has not been able to establish its position.

Meanwhile, the Republican representatives in the Congress have done everything possible to stop consideration of the bill, alleging that consideration should not proceed without knowing the opinion of the White House.

Everybody knows that Hernández Colón committed himself to give Jackson the 22 Puerto Rican votes in the Democratic convention, if Jackson would compromise to push the New Compact in the Senate. The Governor and the Resident Commissioner, Jaime Benitz, were already counting with the assistance of Congressman Phillip Burton to push the bill in the House.

The Puerto Rican Republicans, led by Luis A. Ferré, met one Sunday and decided to give President Ford the eight Puerto Rican votes to the Republican convention. Not much imagination is needed to think that there is also an agreement here: in exchange for those eight votes, Ford was committed to stop the New Compact. And it is quite obvious how much Mr. Ford needs each delegate he might get.

So it is absurd that the White House may say now that it is handling the New Compact completely free from all partisan consideration.

But, this is not only absurd; it also directly contradicts everything that the high NPP leadership has been saying in Puerto Rico. This leadership has done everything within its power to defeat the New Compact; and if it could not stop it in a democratic Congress, at least delay it. So, the fact that it is now considered impossible to have a referendum this year about the bill, has to be a triumph for the NPP. It has achieved its goal.

Truly, all of this is highly disgusting.

No matter which party may be in power; Puerto Rico has the right to expect that the White House handle our affairs with the dignity, dispatch, and seriousness which the existing relations between our respective communities demand. No matter how the government party be named, no matter whether it may be asking for an improved Commonwealth or for Statehood or Independence, Puerto Rico has the right that the White House not play politics with our request. The White House has played politics with the New Compact. This began, specifically, when the plans were changed for the inaugural meeting in 1973 and it continues to the present day.

It was the duty of the White House to send its opinion to the Congress, either in favor or against, as early as possible, so as to continue the process of analysis in the Congress and submit the matter to the people of Puerto Rico. That is called "democracy; which in this case has been a victim of politicking. It is hard to think how this sad story of the White House and the New Compact may have any positive effect. Who can believe that a lack of respect is the way to assure permanent union between Puerto Rico and the United States?

SUPERMARKETS CONCEDE IN INDIVIDUAL PRICING BATTLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, if the battle over computerized checkouts has proved anything it is that you can expect a fight when you tread on the American consumer's most sacred ground: comparative shopping.

It was in defense of this ground that consumers balked almost immediately after the new computerized checkout systems were installed on a trial basis last spring bringing with them the disappearance of individual pricing. Consumers said this absence would prevent repeated comparison of prices as they shopped and insisted that the prices be put back on the products.

The supermarkets held firm at first saying that the time and money savings which resulted from not having to stamp prices would eventually prove itself.

Now, I am happy to report that the battle is almost over and consumers appear to have regained their threatened territory. Votes taken recently by the National Association of Food Chains—NAFC—and the Supermarket Institute—SMI—two of the Nation's largest food industry trade associations, have virtually decided the issue—at least for the time being.

Both groups now support the retention of individual prices whenever the computerized checkout systems are used.

Certainly, the universal product code—UPC—seemed like a good idea when it was first introduced last year. It was efficient enough to save at least one food chain over $2 million every year. It was more accurate than the old-fashioned cash register system because it gave the shopper a complete list of the bought items and their prices. And, it shortened the waiting period in the checkout lines which, after all, is the worst part of food shopping next to high prices. But the UPC system did not allow consumers to see the prices marked on the goods and they were willing to give up all the rest in order to keep that individual pricing.

The supermarket representatives claimed that the systems had not had a fair chance and that shoppers would readily accept them soon.

To find out I, as chairman of the Consumer Affairs Subcommittee, suggested a trip for the committee members to a newly installed UPC computerized supermarket to determine for ourselves why the consumers were so up in arms. At this meeting both consumers and the supermarket representatives would be given the chance to demonstrate their feelings about individual pricemarking right there in the store. At that time I was convinced that although the new systems were a boon to consumers in terms of time, the price of each item should be shown. My visit to the Severna Park, Md., Giant proved just that to me and afterwards I agreed to cosponsor a bill (H.R. 3126) which required that all packaged commodities be labeled with the selling price.

As it now appears, this legislation will not be necessary due to the voluntary return of the industry to item pricing. However, if the supermarkets renig on their promises and decide later to remove the prices, such a bill would again become necessary.

The tide which eventually forced the food stores to change their decision began to turn this past March when a University of Michigan study, commissioned by the industry, determined the effects of eliminating individual pricing.

The findings of the study indicated that consumers in scanner stores—stores without individual pricemarking—tend to compartive shop less and also err more often in their recall of prices. Later research has also shown that for these reasons, 47 percent of the shoppers would switch stores in order to have the benefits of individual pricing.

The consumers had been right from the beginning. Prices must be stamped individually in order for the shopper to have the best chance of knowing and comparing prices. And now, with the food chains ready to comply, the consumer movement in America can sit back and enjoy one of its sweetest victories ever.

Consumers can adapt to shopping changes if there is a sound reason; the success of unit prices has proved that. And anyone who visits a supermarket can see from the number of pocket calculators in the aisles that it was not an aversion to the UPC computers that was raising the ire of shoppers either. It was simply that they do not want to see the price stamped on each individual product replaced by a series of unreadable parallel lines.

It is not my intent here to take to task the supermarket chains which have invested in these systems, for surely the UPC can make the process of food shopping easier for the consumer. The willingness of the supermarket chains to agree to a proposal I made to them last spring not to raise the prices of products already placed on the shelves has shown me that the stores want to cooperate with consumers' wishes.

I feel as the consumers do that the best of both worlds can be combined into a system which provides the greatest accuracy and speed for the consumer while not denying him the right to comparatively shop. In short, the UPC is a good idea, but only when accompanied by individual pricing.

I do not believe that this combination approach would be denying progress as some have suggested. Surely, any system is progressive which would help consumers filter through the number of products and the inflated claims made about them. Presently, only 51 out of the over 40,000 supermarkets in the country are equipped for the computerization of the universal product coding. Many more are projected.

As one representative of consumer interests in the House, I invite them, but only if the prices are coded for the consumer's benefit first by having the amount stamped on each individual item, and then for the computer with the universal product code.

CITIES: A BETTER INVESTMENT FOR BANKS THAN LONDON, LOCKHEED, OR THE REITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the residents and businesses of our central cities are being seriously short-changed in terms of credit needed to sustain and improve their economic life. The Nation's banks, for the most part, continue to view the central city as somehow not creditworthy.

Yet the record shows that investment in the central city is often more sound and prudent than many of the more "glamorous" investments the banks have indulged in so heavily. There are plenty of central city homeowners and businessmen who are just as good a credit risk—in fact, better—than Penn Central, Lockheed, W. T. Grant, some of the fast-buck real estate investment trusts.

This is not to suggest that the banks

alone have the responsibility for maintaining the viability of the central cities. Federal policies—a sound economy, national welfare reform and health insurance, well-targeted revenue sharing—must support the effort. But it certainly would help if the banks which boast of "Our Man in Singapore" understood also the value of "Our Man in the Central City."

There follows a speech on this subject I am delivering tonight before the National Conference on Urban and Community Economic Development of the American Bankers Association at the L'Enfant Plaza Hotel in Washington, D.C.:

Banks and the Central City

Despite reports to the contrary, where legislation is concerned, the American Bankers Association and I have a lot in common. We win some, and we lose some.

As you recall, the ABA back in 1913 perceived that the proposal for a Federal Reserve was socialism, and fought it tooth and nail. You lost that one, and today we have a central bank, just like all the other countries.

Then in 1933, during the panic, FDR proposed a Federal Deposit Insurance. You fought that one, on the ground that it might hurt profits. You lost that one, too—and the nation has emerged from the recent wave of bank failures without an insured depositor's losing a dime.

Last year, when I proposed that banks report what portion of the nation's credit they were allocating to such areas as housing, small business, and the inner city, the ABA fought that one. You won, and I lost.

This year Congressman St Germain of Rhode Island and I proposed a restructuring of the financial industry to provide a better delivery of credit, to improve the position of the average saver and borrower, and build a more dependable regulatory system. The ABA called the St Germain-Reuss bill "abhorrent", and vowed to extirpate it root and branch. You won, and I lost.

Yes, we both win some, and we lose some.

The fact that the American Bankers Association is willing to sit down today and talk about the needs of the cities is encouraging. I am happy that you have a permanent Urban and Community Affairs Committee, and that you've been able to put excellent people like Tom Stanton and Tom Ahart in charge.

These are encouraging signs for an association which has not been known for its progressive stances, or for its early warning systems on the nation's social problems.

Growing numbers of bankers do see the very real danger of a society deeply divided by race or wealth. Growing numbers, too, see the expansion of opportunity for minorities, and, the revitalization of our inner cities, as simply "good business", as forgotten resources with profit potential. Many more are aware that the continued decline of inner cities can be extremely "bad business", and that there are not enough suburban shelters to accommodate every banking flight from the city.

Whatever the motivation—self-interest or enlightenment—the important thing is the end result. Modest-income people, trapped in the central city, couldn't care less about motivation. They seek concrete action.

The gap between image and reality yawns ever wider when we talk about inner cities, the poor, housing, and the myriad social ills that go along with neglect.

The urban crisis remains with us as a full-blown crisis. Despite individual worthy projects, the problems of urban America have not been solved. The trend of neglect and decay has not been reversed, despite brave statements to the contrary.

Let me be very clear: I am not suggesting that banks, by themselves, are able to solve the problems of the cities. That requires a much broader effort. That broader effort must surely include:

1. Trading in our economic stagflation for a national policy of full employment without inflation. Unemployment saddles the city with huge additional expenditures for welfare, crime, drugs and social services. Inflation adds to the cost of everything a city must buy. Taken together, unemployment and inflation are the greatest single cause of the jeopardy of the New Yorks and the Detroits, the Newarks and the Philadelphias. The greatest favor that Washington could do for the cities—and for everyone else—is to get rid of the idea that full employment without inflation is impossible.

2. Two of the biggest city expenditures are for welfare and health. Yet they are essentially national, rather than local, problems. A national welfare reform, and national health insurance, would greatly ease the cities' burdens.

3. Somehow, state and local governments must modernize themselves, pursue economy and efficiency. The new revenue sharing program now on its way through Congress would greatly strengthen public participation in the local governmental process. This improved public participation might be just the catalyst needed for state and local government modernization.

Yes, the salvation of our cities requires much more than just a better focus on city problems by our banking system.

But it also does require that better focus. The very life and death of a community—a neighborhood—is dependent on the availability of credit from local lending institutions for local housing and businesses. Without it, no neighborhood can survive, and deterioration is inevitable.

Discriminatory lending practices—the redlining of whole neighborhoods—has come under increasing scrutiny by both the federal and state governments. The evidence strongly supports those who point to the banking and thrift industries as major culprits in the continuing decline of our inner city areas.

Yes, discrimination in lending still exists—and not only on the basis of geography, but on the basis of race.

The December, 1975, report of the U.S. Civil Rights Commission described discrimination in mortgage lending prior to the 1968 Fair Housing Law:

"Mortgage lenders were left free to consider minorities as less desirable risks than whites, regardless of the minority applicant's personal or financial worth. They routinely refused to provide minorities mortgages for homes in nonminority areas. These practices were stoutly defended as essential elements of prudent banking by lenders and regulatory agency personnel alike."

The report goes on to tell how a recent study of mortgage lending practices in Hartford, Connecticut shows that the 1968 Act has not eliminated racial discrimination practices:

"Rather, it is apparent that such practices have gone underground. Racially discriminatory policies are now rarely espoused openly, but the traditional banking attitudes and perceptions about minorities persist."

1974 surveys by the Federal Home Loan Bank Board, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Comptroller of the Currency suggest that the rate of rejection of mortgage loan applicants was almost double for black applicants than for white applicants—even for some persons with the same income, the same assets, the same indebtedness, and the same number of years in the present job. Furthermore, aside from outright rejection, many minority applicants who do succeed have to pay higher interest rates and higher down payments.

Both the federal and local governments are handicapped in dealing with these problems by a lack of information on flows of credit. The Home Mortgage Disclosure Act of 1975—aimed at the redlining practice—will give us some of the answers. Similar laws requiring disclosure of the location of mortgage loans have been adopted recently in New York, Massachusetts and California.

The traditional excuse for redlining—for a bank's allocating credit away from rehabilitating the inner city, or from upgrading run-down commercial areas, or from grubstaking a minority business—is that the central city probably isn't credit-worthy, and that the bank must deal prudently and soundly with other people's money.

I'll go along that banking ought to be prudent and sound.

But let us not forget that all financial institutions are given their exclusive charters, under their enabling statutes, "to serve the public need". If a lending institution is going to make loans in the lower end of the credit-worthiness spectrum, let those loans at least be channeled to where the public's need is greatest. I am convinced that there are lots of central city homeowners and businessmen who are just as good a credit risk—in fact, better—than Penn Central, Lockheed, W. T. Grant, and some of the fast-buck real estate investment trusts which have siphoned off so much bank credit in recent years.

It is also said, in opposition to fuller bank participation in central city development, that—credit-worthiness aside—these operations are not too profitable for the banks.

Perhaps this is so. But I seem to note a whole group of activities conducted by some of our most proper banks far, far away from the central city that aren't particularly profitable either.

Just for one example, how do you account for the vogue in the last few years of the London branch? In recent years, U.S. banks have opened some 55 branches, and acquired some 150 affiliated companies, in London. Basically, what all except the biggest do is to borrow high-priced Eurodollars and lend them out again at a percentage point or two higher interest rate.

The London branch idea has been marvelous for bidding up the price of office space in the city of London. It's been salubrious for the egos of many of our ablest bankers.

And all for what? For greater profits? Not on your life. Figures that the Federal Reserve System has just made available to me indicate that the 30 largest U.S. multi-national banks, all with London offices, and a far lower rate of return on total assets—.49 percent— than the 5,800 Federal Reserve member banks—.78 percent (for 1974, the most recent year for which figures are available). This suggests that foreign branching has decreased rather than augmented profits.

The lesson is clear. If banks are going to undertake low-profit or no-profit activities, why not do it at home, where it will serve the "needs of the community", the reason the bank was given the charter in the first place?

Maybe we need a new set of social values. Instead of bragging about Our Man in Singapore, why not get our kicks by bragging about our Man in the Central City? Why not be the first American bank to close down an unnecessary branch in the City of London, and open up a branch in its own Central City?

This dreary record is why I'm so delighted at the few grains of sand that are at work on the oyster of the banking system.

A cheer, for example, for the attitude expressed recently by Ron Grzywinski, Chairman of the $39 million South Side National Bank in Chicago:

"Bankers should do more than lend money; they should get involved, using their technical expertise to help with revitalization. Social change costs money for development plans, but an investment in the community generates future profits. The immediate drain on bank earnings is cheap compared to the costs of the ills."

A second cheer for Wells Fargo Bank of California. Six years ago it sent up a special program of direct loans to minority businesses which didn't meet normal credit standards. Wells Fargo now reports that losses on these loans have been "well below expectations".

A third cheer to the Neighborhood Housing Service sponsored by the federal financial regulatory agencies. In more than 30 communities, financial institutions, including banks, are channeling needed credit into central city housing conservation areas, pooling their risks as they go.

And an extra loud cheer to your Urban and Economic Affairs Committee, for its labors and for this conference.

But to avoid the charge of tokenism, the banking community needs to take some modest risks, to move out of the old traditional mold, and to reach out for new customers who don't have five-inch thick dossiers of prior credit experience.

It needs to keep and publicize accurate statistics on how much credit is really going to these areas.

It needs to send its brightest young men (and young women, I hope) not to London or Singapore, but to Bedford-Stuyvesant and to Watts. The great law firms encourage their juniors to engage heavily in pro bono work. Why not the great banks?

This new order of the ages will mean delivery of credit, on a non-discriminatory basis, to all segments of society, to all areas. It will mean foregoing some frills, some foreign speculative efforts, some high-flying schemes, in favor of the public interest in your own communities.

Recently I characterized the American Bankers Association—accurately, I believe—as a dinosaur mired in its own selfish interests. Nothing could make me happier than to be able to hail the ABA, born again in 1976, as a tiger for the public interest.

PRINTING STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Holtzman) is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, on May 7 the Joint Committee on Printing refused to reprint in the Congressional Record several passages submitted by Representative Lent from books banned by a Long Island, N.Y., school board. In doing so, the joint committee referred to the rules governing the Record which prohibit profanity and vulgarism.

Proponents of the school board's decision to ban the books—which included two Pulitzer Prize winners—now cite the refusal to print passages from the banned books in the Record as support for the school board's decision. This is an unfortunate confusion of purpose since the Rules of the House of Representatives have nothing to do with literary merit. As Thomas Jefferson stated in his "Manual of Parliamentary Practice" for the House of Representatives:

> Whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by . . . that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

In furtherance of these purposes, for example, the Rules of the House of Representatives do not even permit Members to refer to each other in the first person. Thus, Representatives are referred to as "the gentleman from Nebraska" or "the gentlewoman from New York." A Member cannot, during debate, call another a fool or an idiot, a racist or a pipsqueak, even if that is the case, and have it printed in the Record.

The purpose of the rules of the House is to maintain an atmosphere in which the business of the House can be carried on with a minimum of animosity and a maximum of dignity. They were never intended to foster intellectual curiosity or literary excellence.

Material from Chaucer's "Wife of Bath," Shakespeare's "Henry IV" and "Henry V," the Webster's Collegiate Dictionary, and the Watergate transcripts, could be censored in full or in part under the House rules. Hopefully, even the Island Trees School Board has not removed these books from its shelves.

To confuse a good book with the Congressional Record is equivalent to confusing a Rembrandt with the illustrations in a Department of Agriculture pamphlet. To condemn American schoolchildren to an intellectual diet restricted to Congressional Record standards would starve our schoolchildren, by depriving them of the richness and variety of literature and indeed of education itself.

THE FEDERAL ROLE IN HIGHER EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Brademas), is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, my good friend, the distinguished gentleman from New Jersey (Mr. Thompson) has for 22 years served as a member of the Committee on Education and Labor, and is now its ranking majority member.

During my own service on the committee it has been my privilege to work closely with "Thompy" on a great variety of matters, but if any of our mutual ventures has given me special pleasure, it has been in the area of legislation affecting higher education.

The list of public laws touching on higher education of which Frank Thompson has been a principal sponsor is impressive. They include the National Defense Education Act of 1958, the Higher Education Acts of 1963 and 1965, and the Omnibus Education Amendments of 1972—all landmarks in the history of Federal support for our colleges and universities.

But if anything has distinguished Thomp's long involvement in the making of Federal education policy, it has been his steadfast and principled insistence that the interests of students should come first. Congressman Thompson has been a champion of equal opportunity in higher education—not only equality of access but equality of choice as well.

Mr. Speaker, earlier this month the gentleman from New Jersey delivered an address on the subject of Federal higher education policy before the Third Annual Conference of the Center for Personalized Instruction. As might be expected, his remarks are both informative and thought provoking. They are certainly worth the attention of all Members of the House who are concerned with the Federal role in higher education, and I include at this point in the Record the text of his remarks:

Higher Education: The Federal Role and the Challenges Ahead

(By Frank Thompson, Jr.)

I am extremely pleased to have this opportunity to address this distinguished group of educators. It provides me with the occasion to think through and share with you my views on the role of the federal government in higher education and the challenges that face federal policy makers in the near future. I start from the position so well articulated by Jean-Jacques Rousseau, "We are born weak, we need strength; helpless, we need aid; foolish, we need reason. All that we lack at birth . . . is the gift of education." (*Emile*) Education is one of the most vital subjects for government concern.

I hope you will find my remarks to be different from the description of the horns of a bull—a point here and a point there and a lot of bull in between.

A CO-OPERATIVE PARTNERSHIP

From one perspective the federal role in higher education could be quite easy to specify—there should not be any. The 10th amendment says that powers not delegated to the federal government are reserved to the states. Since the constitution does not even mention the word "education" in the enumeration of federal responsibilities, a strict constructionist of the constitution would argue that this is an area of exclusive state and private responsibility. Happily, the federal role in higher education has evolved pragmatically into a more cooperative federal-state-private partnership. The question in higher education policy is the balance of federal, state, local, and private support and what is the proper sphere for each. One thing is clear, the basic responsibility to support and maintain a higher education system is a state and private one. We do not have a national higher education system in contrast to most countries in the world. We have fifty state systems and a sizable private component. The states or individual independent schools are generally recognized as the appropriate place for higher education planning to occur. The federal government is not involved in questions of when to open or close a college, at what level to set enrollments or tuitions, or which campus should have the new medical or law school. The federal role has been to supplement the efforts of the states and the private sector.

OBJECTIVES OF FEDERAL ASSISTANCE

There are essentially two strategies by which the federal government can supplement state and private activity. The first is the revenue sharing, general aid, approach. Here, the federal government accepts as given the priorities of the states and the independent schools. The feds just collect taxes and send checks based on some simple and straightforward formula based on population or enrollments. In this case, the federal government just abets what is already being done by picking up a share of the cost. With the exception of general revenue sharing, very little of which has found its way to higher education, the general aid strategy has not been characteristic of federal higher education policy.

Instead, Federal support has been provided to achieve Federal priorities, to fill in what are perceived to be gaps and shortcomings in State and private efforts. Economists have a concept that, I think, is useful in understanding some of the areas where the Federal Government has placed its higher education priorities. Economists speak of "public goods," which are goods or services that are so broadly shared that no one can be excluded from enjoying them on the basis of whether or not they pay for them. If you provide them at all, you have to provide them for everyone. National defense and clean air are the most common examples. In higher education, there are some activities that are analagous to public goods—everyone benefits from them and it is not in any one State's interest to pay for them entirely. Basic research is a good example. A new metal alloy, better teaching methods of a cancer cure benefit the Nation generally, and it is beyond the means of most States or private institutions to support the necessary research. Thus the Federal Government has appropriately stepped in with the National Science Foundation, the National Institutes of Health and, most recently, the National Institute of Education. In the research area, I have been very disappointed with the declining Federal support for graduate education. This is an urgent issue to which I hope we can turn in the near future.

Providing incentives and support for innovation and reform in higher education is another area that is in the general interest but outside the capabilities of most States and individual institutions. There is a national interest in upgrading the quality of higher education, and the Federal Government provides a wide variety of exemplary and demonstration programs. Most importantly, the fund for the improvement of postsecondary education was created in 1972. I was very pleased to learn that the fund provides a major share of the money for the center for personalized instruction.

A third case of Federal effort where there is a clear general interest is stimulating the development of skilled cadres of educational leadership. The Education Professions Development Act and the State postsecondary education commissions, the so-called "1202 commissions," are landmarks of this concern.

Outside of the "public goods" of higher education, I believe the Federal Government has wisely adopted as a major priority making higher education available to new groups of potential students. This Federal goal of equal education opportunity for all has now become the centerpiece of Federal spending for higher education through the student aid programs. In this area, the States in many cases are either unable or unwilling to broaden the target population of higher education to encompass all citizens.

These Federal objectives—research, innovation and reform, leadership development and equal education opportunity—are, I believe the legitimate concerns of the national government and the most appropriate way in which the Federal Government can supplement the basic responsibility of the States and the private sector.

PLANNING FEDERAL POLICY

Having neatly laid out the Federal role, let me back off and say that these ideas are more a way of conceptualizing or rationalizing what Washington is doing. They are not a description of a clearly articulated policy consensus that guides legislators and executives. The reality is that there is rarely any systematic thinking or planning about the Federal role in education. Instead, education has been used as a convenient means, a tool and an instrument, to accomplish a broad gamut of Federal objectives. In the nineteenth century, the sale of public lands was a primary source of Federal revenue. To make this land more attractive, some of it was set aside for schools, much as a modern day developer would put sewers in his land to enhance its salability. In the 50s, education was harnessed to national defense as we geared up to catch the Russians in the space and missile race. And, in the 60s, education became a front line combatant in the war on poverty—a vehicle to help lift the disadvantaged out of the cycle of poverty.

The untidy and fragmented nature of Federal higher education policy has frequently been bewailed. Senators Humphrey and Church among others propose that a department of education be created to bring coherence and greater coordination to Federal education policy. While everyone believes that more rationality and clearer direction in Federal policy is desirable, I think one should pause at least a moment before endorsing a department of education. A coherent and strong Federal education policy perhaps also implies that the Federal level is the right place for comprehensive higher education planning. This suggests a shift in the basic understanding that the primary responsibility for higher education lies in State and private hands. A strong Federal higher education policy may also imply a stronger Federal effort to implement that policy, with the attendant risk of greater Federal intrusion into the affairs of higher education. These may be unrealistic concerns or a reasonable trade-off for the benefits of clearer and more consistent Federal policy. I only raise some cautions.

AGENDA FOR THE FUTURE

Let me turn briefly to what I see as the challenges before us—the agenda for Federal action on higher education.

First, there is clearly a financial crisis in higher education. The litany of cut backs, retrenchments, lay offs and broken promises is all too familiar. It affects all of higher education, as I well know being from New Jersey. But the crisis is most acute at the independent colleges and universities where costs continually outrace revenues despite large tuition increases that threaten to price the private sector out of the student market. In my view, the richness and strength of higher education in the United States depends on the existence of a healthy private sector. The traditionally black colleges, the Bible colleges, the strong liberal arts schools and the great research universities among the independents are a national asset. There must be a Federal response to the fiscal crunch in higher education with special attention to the plight of the privates. It might even be argued that the Federal Government has a particular responsibility to help the privates since public institutions have the support of State tax dollars.

Second, equal educational opportunity has been held out as a promise but we have only partially made it a reality. Through student aid, we have made it possible for every student to finance a postsecondary education. We have given all students basic access to education beyond higher school.

But this is not enough. Many students still cannot afford to choose the higher education most suited to their interest and abilities. They can get into the system but not necessarily into that part of it where their talents would best be developed. To provide just access without choice is a sham as a policy of equal educational opportunity. It is like the doctor's office where every caller hears a tape recording telling him or her to take two aspirin and get some rest. That is not much comfort to someone with a broken leg. The same remedy is obviously not appropriate for every malady and the same education is not appropriate for every student. With your concern for personalized instruction, no group more than this one understands that point. I believe we must create student aid policies that open to all students a range of options from which they can choose the one that fits their individual needs.

We must also go one step beyond this. We must expand those Federal programs, like trio, which help students to stay in the system and to maximize their benefits from it once they are in. Equal educational opportunity has to mean letting students in the door, letting them in the right door and making sure it is not a revolving door.

Third, the burden of Federal regulations on colleges and universities has grown onerous. Derek Bok of Harvard summed it up well: "In a few short years, universities have been encumbered with a formidable body of regulations, some of which seem unnecessary and most of which cause needless confusion, administrative expense and redtape. If this process continues, higher education will almost certainly lose some of the independence, the flexibility, and the diversity that have helped it to flourish in the past." Our task is to simplify and clarify the Federal regulations, making them sensitive to the uniqueness of the higher education enterprise without abdicating the Federal responsibility to achieve equality of the sexes, racial justice, safety at the workplace and all the other desirable policies which give rise to the regulations. Or, at least we might try to provide some relief from the costs of compliance with Federal regulations—the required record keeping alone costs some larger schools millions of dollars per year.

Finally, we see today in higher education a new clientele. The assumption that a student is someone between the ages of 18 and 22 attending a four-year school full time does not fit the facts. The "typical student" is no longer young, no longer full-time, no longer just out of the high school, no longer a stranger to the world of work, no longer necessarily seeking either a set of skills or an educational credential. And, to be certain, he is no longer overwhelmingly "he." More significant is the growth of student interests in personalized curricula, an intermittent education, in adult and continuing education, off the campus, outside of the classroom and aimed, not necessarily at preparing the student to enter the world of work, but at giving that student a new look at life, a new skill for job or personal satisfaction, or a revisiting of old truths.

The challenge for Federal policy is to facilitate and stimulate new curricula and new pedagogical techniques that meet the unique needs of the diverse new array of students in higher education. Perhaps one of the best books on individualized instruction is Rousseau's *Emile*. We must devise policies that share Rousseau's first premise: men and women are born good, and it is the duty of educators to preserve and nurture the goodness of each individual student.

Robert Benchley once made a list of "Things I learned freshman year" which included:

Charlemagne either died or was born or did something with the holy roman empire in 800.

Powder rubbed on the chin will take the place of a shave if the room isn't very light.

French nouns ending in "aison" are feminine.

A tasty sandwich can be made by spreading peanut butter on raisin bread.

The chances are against filling an inside straight.

And, there is a law in economics called "the law of diminishing returns", which means that after a certain margin is reached, returns begin to diminish. This may not be correctly stated, but there *is* a law by that name.

While I am sure that this is not a fair and representative statement of what most freshmen learn, it is nevertheless clear to me that we must do a better job in teaching at all levels.

The Congress is currently considering the reauthorization of the federal higher education programs. The house higher education bill provides for only a one year extension of these programs. I believe that keeping the bill to this limited duration is essential. This will force us in the Congress to return our attention next year to the pressing unfinished agenda for higher education. I hope that we will be able to meet the challenges on that agenda, and I hope that we can count on your help in that effort.

Thank you.

THE SECOND SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, on May 18, by a vote of 286 to 100, this body approved the conference report on H.R. 13172, the second supplemental appropriations bill. I voted for this measure, which provides $12 billion in funds for virtually every Federal department and agency.

I regret, however, that one provision of the conference report slipped through without mention in the debate or our Whip Advisories. When the House first approved this measure, we wisely chose to withhold $25,902,000 in assessments for the International Labor Organization. The Senate version of the bill included these funds and the conference committee, after the prompting of the Cabinet Level Committee on ILO Affairs, adopted the Senate provisions.

The ILO was established in 1919, as part of the Treaty of Versailles. In 1946, it was incorporated into the United Nations, becoming the first specialized agency of that organization. The ILO was created to improve labor conditions and living standards and to promote economic and social stability. It was designed to serve a technical and humanitarian role. Unfortunately, this agency has turned from this laudable role and has entered the arena of politics. One of the outrages perpetrated by the ILO took place in June of 1975 when the Palestine Liberation Organization was seated as an observer. I believe that granting any sort of recognition to this terrorist organization is an outrage but, beyond this, I would like to point out that the ILO, by its constitution, consists of representatives of governments, representatives of employers, and representatives of workers. The PLO does not qualify under any of these criteria.

George Meany, the President of the AFL–CIO, in his comments before the International Relations Committee, quite accurately criticized the actions of the ILO. Mr. Meany read into the record the comments of the Cuban "labor" delegate to the ILO issued after they voted to seat the PLO. The delegate pointed out that "There is no need, in my opinion, to underline the political importance of this event." The Cuban delegate was right. It, like many of the other actions of the ILO, was a politically important event. Unfortunately, such events have no place in this organization.

A further point to consider is that the funds appropriated by the conference report are back payments. They are to cover the last half of fiscal year 1975 and all of fiscal year 1976. Like the other agencies of the United Nations, and in the United Nations itself, the ILO has many nations that are delinquent in paying their assessments. I do not believe that the United States, and the American taxpayer, should shoulder the burden of financing these organizations so that they can act in ways that are contrary to their constitutions and the original intent of the organization.

The Appropriations Committee will soon consider legislation to appropriate funds for the ILO for fiscal year 1977. I urge the members of the committee to act to again withhold our assessment. If, however, the bill reported out by the committee does contain funds for this organization, I will offer an amendment on the floor to strike the funds.

We must take a firm stand against the distortion of the goals of the United Nations and is subsidiary agencies and I believe that withholding funds to this organization until it returns to its proper course would be beneficial in achieving this goal. I hope that my colleagues will support me in this effort.

APOLOGY TO STAFF

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON. Mr. Speaker, I would like to apologize to the staff who has been required to stay around so long this afternoon. I want to assure them that to the gentleman from New York (Mr. MURPHY), and myself this is an extremely important matter, and we hope they will bear with us. We do not do this often.

GIFT AND ESTATE TAXES

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, nearly 30 years have passed since Congress has made any significant changes in the gift and estate laws. In the meantime the size of estates passed from one generation to another have grown enormously as have the number of estates which now fall under the present tax. Over the past three decades the number of estates affected by the tax has increased 10 times.

The original purpose of the estate tax was to restrain the undue accumulation of great wealth that for decades passed virtually untaxed from one heir to another. The nature of America's wealth has been altered appreciably over recent decades by inflation and the growth of the economy. What was once a net set for industrial barons with great paper assets now catches a farmer who drives an old Chevy.

The bill that I am introducing today—the Estate and Gift Tax Reform Act—does not challenge the fundamental principle of a progressive tax on large inheritances. Rather the bill seeks to more accurately reflect the dramatic changes in the economy over the years and bring into modern balance the tax impact on estates created by those changes.

The unfortunate intersection of an election year with the real demand for balancing estate taxes has produced a spate of proposals which spread relief well beyond the bounds of equity and fiscal limitations. Taxes at death is an emotional issue which cuts across ideological and political lines. We would do a great injustice to all taxpayers to satisfy the legitimate needs of some sectors without first measuring those needs within the larger scope of the tax system.

The Ways and Means Committee has recently received testimony from more than 100 witnesses representing all sectors of society and income groups. And certainly a consensus formed over the need to bring the present laws up to date—especially for segments of the economy that have been most recently catapulted into relatively high estate brackets. Farmers and small businessmen have become the most dramatic victims of a law written in another era.

Inflation has had a particularly serious impact on the family farm and small business. The boom of land speculation and development has sent property prices spiraling. What was once a traditional family farm has increased its original price 10 or 20 times at fair market value—that is, what it would bring for development into a shopping mall or apartment complex. As the suburban sprawl pushes further and further into what only a decade ago was sparsely populated farm regions, the traditional family farm has become part of a developer's blueprint—or part of a rich man's tax shelter.

At death, a farmer's estate—which in most cases consists of his house, his land, and his farm equipment—is taxed at a value based on its "highest and best use." A dairy farm, for instance, is often taxed not as a working farm that will continue to provide a farmer's widow and children a source of income and a means of livelihood, but rather on its potential value as a housing tract. In many cases, the farm is the principal asset of the estate. And since most farmers do not own large stock portfolios or other liquid assets, the executor is forced to sell part of the farm acreage to pay the Federal estate tax. Similarly, the estate of a small business will consist primarily of shares in a closely held business with no readily available market for its shares.

Thus, the present estate tax contributes to the deterioration of traditional family farms and small business which are vital sectors of our national economy.

While the tax inequity on the small farmer and small businessman is particularly acute, many other taxpayers have experienced a dramatic increase in the value of their once modest estates. The present exemption of $60,000 and marital deduction of one-half of the estate was once sufficient to protect estates consisting of a home, savings account, and moderate investments in stocks and bonds. However, due to the precipitous increase in the value of real property and investment portfolios, the existing exemption and marital deduction are no longer adequate to protect moderate estates. I am clearly not referring to estates of great wealth, but rather to estates consisting of assets acquired diligently over the years through traditional savings.

The tax bill I am introducing is written to protect persons with modest personal estates and family farms and businesses and at the same time maintain a progressive tax on excessive wealth. By easing the tax on smaller estates, we have injected a necessary measure of equity to the present Federal estate tax system.

Under present law, estate and gift taxes generate annual revenues approaching $5 billion. And, I am, of course, concerned about the revenue impact of legislation in this area. The revenue impact of the bill I am introducing varies greatly from the recent estate and gift tax proposals of the President. His bill more than doubles the exemption for all estates and allows a complete deduction of the value of the estate if it is passed to a spouse.

However, the President's proposal is not an attempt at tax reform, but seeks only to quiet the issue at a cost to the Treasury of nearly $2 billion a year. My bill produces an initial loss of $683 million in fiscal year 1978 which is reduced to an approximate balance of revenue losses and gains over the years.

My bill unifies the rate schedule for estate and gift taxes and grants major relief by providing all estates a credit equivalent to $120,000—double the present estate tax exemption. The bill provides an additional credit for the estates of farmers and small businessmen which when added to the basic estate tax credit is equivalent of an exemption of $200,000. The additional credit would, however, be phased out where the estate exceeds $1 million. Should the estate be passed outside the family within 25 years the estate tax benefit would be recaptured in whole or in part.

The bill also increases the marital deductions for estate and gifts taxes. Present law provides a marital deduction of half the adjusted gross estate. My bill would allow a marital deduction of $250,000 or one-half of the adjusted gross estate—whichever is greater. This benefits the surviving spouse inheriting an adjusted gross estate of less than $500,000. The bill also increases the gift tax marital deduction permitting a transfer up to $100,000 of lifetime gifts to a spouse tax free.

The bill alters present law which taxes the value of land at its "highest and best use" to allow farm land to be valued according to its use as a farm for farming purposes. However, special valuation may not reduce the gross estate by more than $1 million. The qualifications for the special change in farm valuation prevents the benefits to be claimed by other than genuine farmers. In addition, the bill would allow the payment of estate taxes to be stretched out over a period of 15 years at 4 percent interest on the first $1 million, with a 5-year grace period.

My bill seeks to provide a more equitable Federal estate and gift tax. However, reform of the estate and gift laws demands equity on both sides of the issue. We have modernized the tax on small estates. The task remains to eliminate advantages currently enjoyed by large estates under present law.

The first deals with "generation skipping" trusts which permit the passage of an estate from a wealthy person to his grandchildren, giving his immediate children the beneficial enjoyment of the trust without paying any estate tax at death. The bill would impose a tax in the case of generation-skipping transfers under a trust or similar arrangement. The tax would be substantially equivalent to the estate tax normally imposed on an estate passed to the next generation.

The bill provides a second critical measure of equity by imposing a tax on the appreciation of property transferred at death. Under present law no tax is imposed on the difference between the original cost of an asset and its fair market value at date of death. The appreciated property is passed directly to survivors who take the property at its date of death value. The appreciation escapes taxation forever. This result is inconsistent with the tax treatment of appreciation in other areas of Federal taxation. The appreciation tax proposed in this bill reaffirms a fundamental principle in tax law without producing any undue or harsh results.

The bill allows all assets to be "stepped up" to their fair market value on December 31, 1976, thus excluding from taxation all appreciation before that time. In addition, an election could be made either to pay the appreciation tax or carryover the December 31, 1976, stepup in basis so that the appreciation would be taxed when the asset is sold at a later date.

No tax would be imposed on the first $50,000 of taxable appreciation. In addition, no tax would be imposed on the appreciation attributable to personal and household effects up to $10,000. The rates of the tax would be progressive, but not as high as the present tax on capital gains. The rates would range from 5 percent of taxable appreciation in excess of $50,000 to 20 percent of taxable appreciation in excess of $500,000. In addition, the appreciation tax would be deductible against the estate tax.

The issue of gift and estate taxes is as complex as it is politically potent. The bill takes on the tough job of giving relief where relief is due and erasing abuses open to the very wealthy. It is not a tax giveaway that seeks to still political unrest. Rather it is a giant step toward tax reform. The bill urges Congress to face up to the need for modernizing outdated laws without disrupting the delicate budget process that we have recently initiated.

A more detailed explanation of this bill follows, and tables estimating the revenue impact of this proposal will appear in tomorrow's Record.

The material follows:

SUMMARY OF ESTATE AND GIFT TAX BILL

SECTION 1

Section 1 is the short title of the bill, "The Estate and Gift Tax Reform Act of 1976."

SECTION 2

Unified Rate Schedule for Estate and Gift Taxes; Unified Credit in Lieu of Specific Exemptions, Additional Estate Tax Credit for Closely Held Business.

1. Unified rate schedule

The bill would provide a single unified rate schedule for estate and gift taxes. The rates would be progressive on the basis of cumulative lifetime and deathtime transfers, and would range from 18 percent for the first $10,000 in taxable transfers to 70 percent for cumulative taxable transfers in excess of $5 million. In general, the unified rate schedule would eliminate the preferential rates provided under present law for lifetime transfers (which are presently ¾ths of the estate tax rates at each corresponding bracket). The determination of the applicable highest marginal rate on the basis of cumulative lifetime and deathtime transfers would result in treating taxpayers who have transferred a portion of their property during their lifetime substantially the same as taxpayers who retain their property for transfer at death.

The amount of estate tax would be determined by applying the unified rates to the cumulative lifetime and deathtime transfers and then subtracting the taxes payable on the lifetime transfers. For purposes of determining the amount of the gross estate, the amount of gift tax paid with respect to transfers made within 3 years of death would be required to be included in a decedent's gross estate. This "gross-up" rule for gift taxes would eliminate any incentive to make deathbed transfers to remove an amount equal to the gift taxes from the transfer tax base. An incentive for lifetime transfers would be continued by limiting the gross-up requirement to gift transfers which are made within 3 years of death.

As a transitional rule, the lifetime transfers taken into account in determining cumulative transfers at death for purposes of imposing the estate tax under the unified rate schedule would only include taxable gifts made after December 31, 1976.

2. Unified credit in lieu of special exemption

The bill would provide a credit against estate and gift taxes in the amount of $29,800 in lieu of a specific exemption. The amount of the credit is equivalent to an exemption of $120,000 under the unified rate schedule provided under the bill. The specific exemptions for gift and estate taxes of $30,000 and $60,000, respectively, provided under present law would be repealed.

3. Additional estate tax credit for farms and other closely held business

The bill would provide for an additional credit against the estate tax for certain farms and other closely held businesses passing to a qualified heir. The term "qualified heir" means a member of the decedent's family, including his spouse, lineal descendants, parents, and aunts or uncles of the decedent and their descendants. The credit would be available where the value of a farm or other closely held business included in a decedant's gross estate equaled or exceeded 65 percent of the value of the gross estate reduced by administration expenses and debts and by casualty and theft losses during administration of the estate. In addition, to qualify for this additional credit, the closely held business or farm must have been owned by the decedent or his family for 5 years out of the 8 years immediately before his death and, used as a business or for farming purposes for a similar period.

The amount of this additional credit would be $25,000 multiplied by a percentage representing the portion of the decedent's estate consisting of the farm or other closely held business. Thus, in cases where the maximum amount of credit is available, the combined unified credit and closely held business credit would be equivalent to an estate tax exemption of $200,000. The additional credit would, however, start to phase out where the estate exceeds $1 million. The credit would be completely phased out where the gross estate less administration expenses and debts exceeds $2 million.

Special rules are provided to recaputure the estate tax benefit of the credit where there is a disposition of the business by the qualified heir to nonfamily members prior to the qualified heir's death or within 25 years from the date of the decedent's death (if later). Full recapture is provided for the first 15 years with a phaseout of the amount subject to recapture during the remaining 10-year period.

The bill provides for a special lien on the qualified interest in a farm or other closely held business with respect to which an election has been made. The lien continues during the period of potential recapture. This new section also allows the Treasury Department to set forth regulations under which other security can be substituted for the lien on real property.

In general, the amendments made by Section 2 of the bill would apply to gifts made after December 31, 1976, and to estates of decedents dying after December 31, 1976.

SECTION 3

Increase in limitations on marital deductions

The bill would provide an increase in the estate tax marital deduction in the case of small and moderate sized estates passing to a surviving spouse. Under the bill, an estate would be allowed a marital deduction for property passing to a spouse up to the greater of $250,000 or one-half of the decedent's adjusted gross estate.

In addition, the bill would provide an increase in the gift tax marital deduction in the case of lifetime gifts to a spouse. Under the bill, a donor would be allowed an unlimited marital deduction for the first $100,000 of lifetime gifts made to a spouse and, thereafter, a deduction for one-half of the aggregate lifetime gifts made to a spouse in excess of $200,000. In general, the gift tax marital deduction would be integrated with the estate tax marital deduction, so that the estate tax marital deduction would be adjusted in certain cases to reflect the marital deduction attributable to lifetime gifts.

In general, the amendments made by Section 3 would apply to gifts made after December 31, 1976, and to estates of decedents dying after December 31, 1976.

SECTION 4

Tax on appreciation at death

The bill would impose a tax on the unrealized appreciation of property transferred by a decedent. However, the basis of all assets would be "stepped-up" to their fair market value on December 31, 1976. In this way, no appreciation occurring before January 1, 1977, would be taxed; only future appreciation would be subject to tax. Further, an election could be made to carry over the decedent's basis in any asset instead of having the appreciation taxed. This election could be made on an asset by asset basis.

No tax would be imposed on the first $50,000 of taxable appreciation. In addition, a *de minimis* rule is to be provided for the exclusion of a portion of the decedent's appreciated personal and household effects. The exclusion would be available for the appreciation attributable to any such assets which have a value not in excess of $10,000.

The rates of tax to be imposed on taxable appreciation would be progressive; ranging from 5 percent of the taxable appreciation in excess of $50,000 but not in excess of $100,000 to 20 percent of taxable appreciation in excess of $500,000.

The appreciation tax would be deductible in computing the taxable estate for estate tax purposes. In addition, if the appreciation tax applies, the basis of the assets subject to the tax would be "stepped-up" to their fair market value used for estate and appreciation tax purposes. Further, any unused capital loss carryover for the decedent could be used against appreciation for property passing from the decedent in computing taxable appreciation.

The tax would not apply to any property transferred from the decedent if the income tax attributes carryover to the recipient under present law, e.g., income in respect of a decedent and survivor annuities. Similar to the income tax treatment under present law, an exclusion is also provided for life insurance on the life of the decedent.

If, in lieu of paying the appreciation tax, a carryover basis from the decedent is elected, the basis of the property subject to the election is to be increased by the Federal and State estate taxes attributable to the net appreciation in value for the property. However, the basis, as adjusted for estate taxes, is not to exceed the fair market value of the property.

The amendments made by Section 4 would apply to the estates of decedents dying after December 31, 1976.

SECTION 5

Valuation of certain farm real property as a farm for purposes of the Federal estate tax

The bill would provide that if certain conditions are met, the executor may elect to value farm real property included in the decedent's estate on the basis of such property's value as a farm, rather than its fair market value determined on the basis of its highest and best use. However, this special valuation could not reduce the decedent's gross estate by more than $1 million.

To qualify for this special valuation (1) the farm assets in the decedent's estate including both farm real property and personal property must be at least 50 percent of the decedent's gross estate (reduced by debts and expenses); (2) at least 25 percent of the adjusted value of the gross estate must be qualified farm real property; (3) this property must pass to a qualified heir; (4) the real property must have been used or held for use as a farm for 5 of the last 8 years prior to the decedent's death; and (5) there must have been material participation in the operation of the farm by the decedent or a member of his family in 5 years out of the 8 years immediately preceding the decedent's death. The term "qualified heir" means a member of the decedent's family, including his spouse, lineal descendants, parents, and aunts or uncles of the decedent and their descendants.

The bill provides that if, prior to the death of the qualified heir or within 25 years after the death of the decedent (if later), the property is disposed of to nonfamily members or ceases to be used for farming purposes, any tax benefits obtained by virtue of the reduced valuation would be recaptured. There will also be recapture if the qualified heir ceases to materially participate in the operation of the farm for 3 out of 8 years. Full recapture is provided for the first 15 years with a phaseout during the remaining 10-year period. If the qualified heir dies without having disposed of the property or converting it to a nonfarm use, or a period of 25 years from the decedent's death lapses, the potential liability for recapture would cease.

The bill provides for a special lien on all qualified farm real property with respect to which an election to use farm valuation has been made. The lien continues until the tax benefit is recaptured or until the qualified heir dies or a period of 25 years from the decedent's death lapses (which would eliminate any possibility of recapture). This new section also allows the Treasury Department to set forth regulations under which other security can be substituted for the lien on real property.

The amendments made by Section 5 would apply to the estates of decedents dying after December 31, 1976.

SECTION 6

Extensions of time for payment of estate tax

The bill would provide a 15-year period for the payment of the estate tax attributable to the decedent's interest in a farm or other closely held business. Under the bill, the executor could elect to defer this tax for a period of up to 5 years and thereafter pay the tax in equal installments over the next 10 years.

To qualify for this deferral and installment payment treatment, the value of the closely held business (or businesses) in the decedent's estate must be at least 65 percent of the value of the gross estate (reduced by expenses, indebtedness, and losses). Interests in two or more businesses may be aggregated if the decedent owned at least a 20 percent interest in each business.

A special 4-percent interest rate would be allowed on the tax attributable to the first $1 million of farm or other closely held business property, and interest on amounts of tax in excess of this amount will bear interest at the regular rate for interest on deferred payments (currently 7 percent).

The bill would essentially retain provisions of current law which provide for acceleration of the deferred tax when all or a significant portion of the closely held business is disposed of or liquidated.

The bill would allow discretionary extensions of up to 10 years to pay the estate tax for reasonable cause (rather than for "undue hardship" as under present law). Similarly, an extension of time to pay the estate tax attributable to the remainder or reversionary interest may be obtained on showing of reasonable cause. Also the standard for extensions of time to pay deficiencies of estate taxes would be changed to require only reasonable cause.

The bill would also provide a special lien for payment of the deferred taxes attributable to a closely held business. This lien is to apply to real property and other assets which can be expected to survive the period for payment of tax under this provision. Where this lien procedure is followed and a party is designated to make estate tax payments and receive and transmit notices from the Internal Revenue Service, the executor will be discharged from personal liability.

The amendments made by Section 6 would apply to estates of decedents dying after December 31, 1976.

SECTION 7

Generation-skipping transfers

Under the bill, in the case of generation-skipping transfers under a trust or similar arrangement, tax is imposed upon a distribution of the trust assets to a generation-skipping heir (for example, a grandchild of the transferor) or upon the termination of an intervening interest in the trust (for example, the termination of an interest of the transferor's child). The tax is determined by adding the value of the distributed property (or the terminated interest) to the child's taxable transfers and applying the child's marginal transfer tax rate to the value of that interest. Generally, the tax would be paid out of the proceeds of the trust property.

In general, amendments made by Section 7 would apply to any generation-skipping transfer made after April 30, 1976. However, the amendments would not apply to any generation-skipping transfer during the 10-year period after April 30, 1976, if either: (1) the transfer occurred pursuant to an irrevocable inter vivos trust created before May 1, 1976 (if the transfer is not made out of corpus added to the trust after April 30, 1976), or (2) the transfer occurred under a will or revocable trust of a decedent dying before January 1, 1977, and the transfer was made pursuant to a will or revocable trust which was in existence on May 1, 1976 (and the will was not amended or revoked at any time after that date).

SECTION 8

Administrative provisions

The bill would also make several miscellaneous changes.

First, under present law, an estate tax return is required to be filed within 9 months after the date of the decedent's death. The bill would extend this period to 12 months.

Second, under present law, a gift tax return must be filed for each calendar quarter if the taxpayer makes any gifts which are not covered by the annual exclusion during that quarter. Thus, if the taxpayer makes *taxable* gifts of only $1 in each quarter during the calendar year, he is required to file four separate quarterly gift tax returns for that year. The bill would require that a gift tax return be filed for any quarter only when the total cumulative taxable gifts made during the calendar year exceeded $25,000. If total taxable gifts made during the calendar year did not exceed $25,000, a return would need to be filed only at the end of the calendar year.

Third, under present law, if the Internal Revenue Service proposes a deficiency in the estate tax because of a higher valuation of the assets included in the decedent's gross estate, it is not required to disclose to the executor during the settlement process the basis on which the higher valuation was determined. The bill would provide that, upon request by the executor, the Internal Revenue Service is required to furnish this information to the executor explaining the basis for its higher valuation.

In general, the amendments made by Section 8 would apply in the case of decedents dying after December 31, 1976, or gifts made after December 31, 1976, as the case may be.

MORE COMMENTS ON H.R. 11613, A BILL TO ESTABLISH A COMMISSION TO STUDY COMPULSORY SCHOOL BUSING AND SCHOOL INTEGRATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, last week the President indicated publicly that he had instructed the Department of Justice to seek an appropriate case to ask the Supreme Court to review court-ordered school busing as a means to integrate public schools. As I said last week, I do not favor intervention by the Attorney-General on the side of one side or the other of this controversial question, until the facts have been incontrovertibly established whether or not compulsory school busing is succeeding in providing a means for students to obtain quality education. I am particularly concerned that the Federal executive is considering intervention in the Boston school situation, because this will be construed as a surrender to violence by those who would use violence to thwart the law.

I am one of those who has in the past supported the necessity of school busing for racial integration in the schools, in order to achieve quality education, and I will continue to support busing as a means to achieve quality education until objective evidence is prepared which shows that with respect to that goal school busing is a failure. I have doubts whether compulsory school busing accomplishes what its proponents say it should accomplish: specifically whether it improves the quality of education for students who are placed in integrated schools. I suspect that busing is exacerbating the racial situation in many communities and not improving the quality of education.

I have thought about this problem, and I have introduced H.R. 11613 to create a Commission to study the results of racial integration in the public schools and the use of busing to achieve it and related questions. This Commission would formulate answers to questions raised by recent events, including questions about the relationship of school busing to quality education, about the impact of school busing or middle class flight from city schools, and about the distribution of faculty and other educational resources. The Commission would study and report to Congress on these and other related questions of great interest to those who favor a comprehensive, quality public education system, such as the means of financing public educational systems. One year after its organization the Commission would present to the Congress its findings on 10 general questions with which it will be charged to answer. The Congress would then be in a much more authoritative position to make judgments about what should be done legislatively concerning compulsory school busing.

It is in this light that I was pleased to read the editorial in the Washington Star last Thursday, criticizing President Ford for giving in to mob pressure and encouraging violent resistance by the courts in the busing controversy. As the Star pointed out, those courts are simply interpreting the law as provided in the Constitution and statutes of the United States. The Star editorial correctly concluded that the busing controversy can only be resolved by legislative action because legislation can provide the policy direction not available to the courts, which are limited to interpreting the law. But for the Congress to attempt to legislate a comprehensive policy at the present time and in the heat of the present controversy would be a mistake. I believe the Congress should adopt my plan to establish a Commission on School Integration in order to obtain the guidance on these sensitive issues that will make for sensible legislative action.

There have been three general reactions to my proposal to establish a Commission to study the problems of compulsory school integration and the use of busing to achieve it. One group accuses me of resisting efforts to integrate society and the schools, because they are committed to the principle of busing for reasons not necessarily related to the quality of education in the schools. For this group, an integrated school is an ideal to be pursued notwithstanding violence, racial hatred, and the failure of many parents to continue living in the affected neighborhoods or to continue sending their children to public schools. Another group is equally adamant that compulsory school busing should be stopped, and they do not necessarily like my proposal to study this problem, because they fear the experts will continue to endorse school busing to achieve racial integration in the schools. A last group favors my proposal, basically because they also are concerned about the turmoil which is being caused by school busing and are willing to listen to what an objective and dispassionate commission will recommend for our future course of policy.

Along with the Washington Star editorial, I am appending for the interest of my colleagues four letters which present the point of view of four people who support my proposal. Previously, I have presented letters from others who took a position adverse to my proposal, including Roy Wilkins of the NAACP, but I have not received any other critical comments on this proposal in recent weeks. The editorial and letters follow:

Park Avenue Synagogue,
New York, N.Y., March 16, 1976.

Hon. Edward I. Koch,
House Office Building,
Washington, D.C.

Dear Ed, I read through your remarks of January 29 concerning a bill to establish a commission to study the results of the attempt to integrate the public schools through the use of busing. I dare say that it must have given you great pause because the subject is so painful. I read your remarks with care because for me too the subject is most difficult. Like most liberals I strongly supported the use of busing in past years, hoping that it would correct a great injustice and that it would make possible the fullest development of all the members of our society for their own benefit and for the benefit of our country.

However, I am far from being convinced that such results have been achieved. To the contrary, I now fear that the results of integration through busing are the deterioration of more and more public schools, the flight of white middle class citizens to the suburbs and then later to exurbia with the consequent continuing deterioration of our urban communities. Housing becomes affected, crime statistics, and all the other evils of our contemporary age.

It seems to me now that other solutions have to be researched. Therefore, I congratulate you upon the submission of your bill. Perhaps a new effort will have to be made, despite the financial urban crisis, to achieve quality and excellence in all our public schools, with greater input to be made in those schools presently inferior. Whatever the solution may be, I am afraid it will have to be something other than the use of busing. I do not like all the company in which I am now placed by having arrived at such a conclusion, but I hope I have reached it by different thought processes.

With warmest personal regards, I am
Cordially yours,
Rabbi Judah Nadich.

Board of Education,
of the City of New York,
Brooklyn N.Y., March 1, 1976.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Congressman Koch: I am in receipt of your statement concerning the school integration study. I agree with your proposal to objectively and systematically collect data for the formulation of policy regarding integration and busing. This is a sensitive issue and the prestige of a Federal commission would bring light rather than heat into focus.

My concern is that the study of a topic with such magnitude and emotional intensity would cause a corresponding release of contradictory findings, conclusions, and recommendations by "scholars," "researchers" and "authorities" using their own statistics to support an opposing view.

Sincerely,

Stephen R. Aiello.

Board of Education,
of the City of New York,
Brooklyn, N.Y., March 16, 1976.

Hon. Howard I. Koch,
Congressman, House of Representatives,
Longworth Office Building, Washington, D.C.

Dear Congressman Koch: Thank you for asking my opinion of your proposal to create a commission to study school integration and the use of busing to achieve it.

Candidly, I doubt very much that the findings of even so distinguished a commission as you propose would put this matter to rest. Nonetheless, I believe I will be most happy to cooperate with you in furthering your proposal.

Sincerely yours,

Robert J. Christen.

Baltic Women's Council,
Washington, D.C., March 13, 1976.

Hon. Edward I. Koch,
Longworth House Office Building,
Washington, D.C.

Dear Representative Koch: Thank you very much for the Congressional Record No. 9 of January 29, 1976 with regard establishing a Committee to study the questions of racial integration of public schools. In this regard you were interested to know our position on the matter.

My personal opinion is that the schools should be integrated by evolution, not by forced busing. It has not helped up to the present time and has created violence and dissatisfaction among parents. I personally think, it was not a very democratic decision by the Supreme Court to force upon parents schools against their own choice. Though I respect the Constitution, I am of the opinion, that in case it does not work and the majority of people are against forced busing, there is always a possibility to study the question and amend the Constitution. I am very much for the establishment of a Commission to study the matter and if necessary undertake respective steps. It is so undemocratic to force upon parents to have their children bused to distant communities and not choose the schools nearest to their homes and according to their own choice. The level of education has gone down, because the black children are behind in studies. They should be given good schools and good education, until they reach the general level of education and then integrate the schools. I am against forced busing and it is my very personal opinion that it is a mistake to force upon citizens something against their will in this greatest democracy in the world.

Respectfully,

Mall Jurma,
President.

[From the Washington Star, May 20, 1976]

Busing in Bicentennial Boston

Boston, as we are likely to recall in the bicentennial year, has a history of obstreperous defiance of lawful authority. Bostonians, moreover, choose their grievances with little consistency or attention to the pleasure and convenience of officialdom.

They dumped the British tea into Boston harbor, they plundered Governor Thomas Hutchinson's mansion, they rioted against the enforcement of the Fugitive Slave Law of 1850, and now their resistance to Judge Arthur Garrity's school busing orders—peaceful and not so peaceful—poses a problem for the Ford administration.

The President's press secretary has revealed, after several days of press speculation, that as early as last November Mr. Ford—who had disagreed "respectfully" with Judge Garrity—instructed the Justice Department to seek an appropriate test of the 1971 *Swann* decision: the so-called "busing" precedent under which Judge Garrity has acted.

It isn't clear just what signals, if any, the President means to send to Boston—and indeed he has denied to Sen. Edward Brooke that he specified Boston as an appropriate place to try to put some light between himself and busing. Solicitor General Robert Bork is said to be pushing for a Justice Department brief on the side of the anti-busing forces, who include not only the inflammatory Mrs. Louise Day Hicks (muttering now of "greater disturbances in the streets") but the mayor, the Boston school committee and Boston's equivalent of the Parent-Teacher Association.

In the view of some civil rights leaders, for whom busing, however counterproductive, has become a totem, no time or place is appropriate for a Justice Department challenge that allies the government with the rebels against busing. They have been making their pleas and petitions this week at the Justice Department.

For our part, we're inclined to side with them as to the fitness of an intervention in the Boston case—not because busing is working well there (it clearly has had a chaotic and damaging effect on the schools) but because such an intervention could be widely interpreted as an untimely concession to violent resistance to the law.

After all, there are dozens of communities large and small, most of them in the South, where community leadership has made busing orders no less sweeping than Judge Garrity's work, without violence. These communities have accomplished this hard transition not for want of vociferous opposition but in the face of it. Boston, which does not often underestimate its moral superiority to other cities, should have no less demanded of it. Nothing would so undercut diligent obedience of the law elsewhere than a capitulation to mob rule in Boston.

And beyond this consideration, what is amiss in Boston (at least in the view of the First Circuit Court of Appeals) is not the stern judgment of Judge Garrity but the failure of community leadership that followed it. Legally speaking, Judge Garrity merely followed the *Swann* precedent; and as a lawyer, the President knows that whether one agrees or disagrees with an established precedent is neither here nor there. In practical effect, the law as applied in Boston has been disastrous; and there is every indication that it is carrying Boston away from, not toward, a racially integrated school system. The fall-off in white attendance is steep.

That is a steep price to pay for a history of racial discrimination; but perhaps it is not too high a price to pay for the vindication of the law as construed by the courts, at least for now. Unless the Solicitor General can offer the Supreme Court convincing *legal* reasons for reversing or modifying *Swann*, there is little prospect of relief.

The fact to notice about the report struggle within the Ford administration is that when federal officials think of the catastrophic effects of cross-busing, they turn to the courts, which by nature and function are not equipped to grant the flexibility sought. The law is that all children have an equal constitutional right to education of quality. How that high entitlement can be translated into a wise and flexible policy, commending itself to the good sense of Bostonians and others who value their neighborhoods and neighborhood schools, is the dilemma not yet solved. The place to solve it is Congress. And it is to Congress, not the courts, that the Justice Department should be looking now for appropriate easements in the law that will preclude other Bostons and preserve the public schools from ultimate abandonment.

THE TERROR CAMPAIGN OF THE URUGUAYAN REGIME REACHES BEYOND ITS OWN BORDERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I read with grief and anger of the kidnapping and murder of four Uruguayan exiles living in Argentina. Two of those murdered were former Uruguayan Senator Zelmar Michelini and former Speaker of the Chamber of Deputies, Hector Gutierrez Ruiz, both of whom were forced to flee from Uruguay due to the deepening repression there. What these murders appear to indicate is that elements within the Argentine military are cooperating with the military dictatorships of Uruguay and Chile to eliminate political exiles who are potential leaders of a democratic resurgence in their respective countries. The campaign of terror by the Uruguayan Government against its own citizens now reaches beyond its own borders.

It is said that there is a great deal of political violence in Latin America, and that the United States cannot do anything about it. While we should not interfere in the internal affairs of other countries, there are steps we can take to improve the situation and perhaps save lives. First, the Foreign Operations Subcommittee of the Appropriations Committee has accepted my amendment to the fiscal year 1977 foreign assistance appropriations bill cutting off all military assistance to Uruguay. I hope that the full House will support my amendmen should the administration contest it.

Second, the United States can offer asylum to the Uruguayan exiles who are now, in effect, imprisoned in other countries. The Uruguayan regime requests that all exiled Uruguayans return to their country to have their passports renewed, which would mean certain imprisonment, if not death. Since those Uruguayan exiles have no valid traveling papers, they have no freedom of movement. I have today written Secretary of State Kissinger, urging him to set up a parole visa program for Uruguayan refugees. One of those murdered, Zelmar Michelini, at one point contemplated visiting the United States, but had no valid passport with which to travel. If the

United States had had a parole visa program for Uruguayan refugees, it would have facilitated that visit to the United States. One can only speculate whether his life would have been saved, but we do know that there are other Uruguayan exiles in Argentina, fearing for their lives and desperately needing the safety that the United States can provide. Can we turn our backs on those who struggle against military dictatorship? Can we set adrift the democratic elements that remain in Latin America at a time of increasing political violence and repression?

Let us act so that other Uruguayans may be spared the fate of those four Uruguayans, whose bullet-riddled bodies were found yesterday in an abandoned car in Buenos Aires.

PROGRESS IN THE FIGHT FOR TAX EQUITY FOR SINGLES AND MARRIED WORKING COUPLES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am delighted to announce that the House Ways and Means Committee has organized a special task force to study the tax treatment of single persons and married couples where both spouses are working. The chairman of the task force is Congressman Joe Waggonner, Jr. The other members of the task force are Congressman Joseph Karth, Congressman Richard Vander Veen, Congressman Henry Helstoski, Congressman Pete Stark, Congressman William Steiger, and Congressman James Martin.

Formation of this task force affords us an opportunity to end the present discrimination against single taxpayers and working married couples. As the task force moves ahead with its work, I would urge that its principal objective be the establishment of a uniform tax rate structure for all taxpayers, as embodied in my legislation, H.R. 850. I believe that we must commit ourselves to a policy that a person should not be penalized in the tax code for his or her marital status.

At present approximately 54 million taxpayers are discriminated against, solely on the basis of their marital status. Whether widowed, divorced, or unmarried, a single person who works pays up to 20 percent more in taxes than a taxpayer with a nonworking spouse filing a joint return. By filing a joint return, those married couples where only one spouse earns an income can split that income and thus are able to pay taxes at a lower rate. A man earning $30,000 a year can file a joint return with his wife and pay two taxes on $15,000 which is cheaper than one tax on $30,000.

Requiring as we do today that single persons pay at a higher rate is simply arbitrary. Penalized in the same way as singles is the working married couple filing separately or jointly on two incomes who in some cases are more highly taxed than two single persons earning the same income and living together. This is because the tax schedule used by married couples filing separately has higher rates than the single schedule, even though the single schedule is more costly than the joint return schedule.

The actual cost to the single taxpayer and working married couple can best be illustrated by a few examples. A single taxpayer whose taxable income is $12,000 pays $2,630 in taxes before credits; if he were married and the sole wage earner in the family and filed a joint return, he would pay $2,260—a difference of $370. The tax penalty for being single at $8,000 is $210; at $14,000, $450; at $16,000, $570; at $20,000, $850; and at $50,000, an incredible $3,130.

Even those singles who file as head of household are discriminated against. A widowed, divorced, or single parent with children to support pays up to 10 percent more than the married couple with one income. At an $8,000 income, the single parent pays $1,480—$100 more in taxes than the married couple with one income. At $16,000 income, the penalty is $280; and at $44,000, the penalty is $1,280.

A woman who goes to work to supplement the family income is now penalized by the tax system for such initiative. For example, if a woman goes to work to supplement her husband's $5,000 income, and her income is $5,000, the couple will pay $200 in taxes more than if they were two single persons filing their individual returns. This is a 10-percent surtax on the amount they would be paying if single. Take another example: Should the husband make $20,000 a year and the wife $10,000, the couple will pay $780 in tax than if they were two single people filing separately.

I believe these higher rates for married working couples are a result of the mistaken belief that salaried work by a wife is a luxury. While it may be true that some family incomes are substantially increased because of a wife's work, the great majority of working women come from lower and middle-income families, and they are working often at personal sacrifices to their family to meet today's high cost of living. Women are already victimized by a labor market that underpays them; those who are married should not be further penalized by a tax structure that extracts higher taxes from them.

These various forms of discrimination against taxpayers on the basis of their marital status simply make no sense. Certainly I believe that taxes should reflect differences in a taxpayer's responsibilities for dependent support. But the way to do this is through exemptions for dependents, not through different tax schedules. The joint tax return rate for married taxpayers does not reflect the different financial responsibilities in supporting six dependents as opposed to, say, one dependent. Furthermore, under the present rate structure, a divorcee or widow with three dependents, using the head of household schedule, pays taxes at a higher rate than a married couple with no children. Family responsibilities can be most accurately reflected through an adequate dependent exemption.

I hope that the task force will recommend the same graduated tax rate for all taxpayers, whatever their marital status. If the task force does not do so, I fear that we will be presented with simply another patch on the crazy quilt of rate structures that we presently suffer under. Our system contains a number of tax preferences. What should be noted is that H.R. 850 does not add to this system of preferences, but rather creates a uniform rate structure for all taxpayers—thus providing equity for the unmarried taxpayer and the working married couple.

For the information of my colleagues, I am appending a copy of H.R. 850. I would like also to point out that the Committee of Single Taxpayers, the single major organization fighting for tax equity for single persons, has endorsed H.R. 850; 104 Members of the House are cosponsoring H.R. 850, including 8 members of the Ways and Means Committee. The bill follows:

H.R. 850

A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Internal Revenue Code of 1954 (relating to rates of tax on individuals) is amended—

(1) by striking out so much of subsection (a) as precedes the tables therein and inserting in lieu thereof the following:

"(a) General Rule.—There is hereby imposed on the taxable income of every individual, other than an estate and trust, a tax determined in accordance with the following table:";

(2) by striking out subsections (b) and (c); and

(3) by striking out so much of subsection (d) as precedes the table and inserting in lieu thereof the following:

"(b) Estates and Trusts.—There is hereby imposed on the taxable income of every estate and trust taxable under this subsection a tax determined in accordance with the following table;".

(b) Section 2 of such Code (relating to definitions and special rules) is amended—

(1) by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsection:

"(a) Married Individuals Filing Separate Returns.—For purposes of section 1, in the case of any married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, amounts received for services performed by either spouse shall be taken into account by the spouse who performed the services and shall not be taken into account by the other spouse."; and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively. (c) Sections 511(b)(1) and 641 of such Code are each amended by striking out "section 1(d)" and inserting in lieu thereof "section 1(b)".

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1973.

Sec. 2. The Secretary of the Treasury or his delegate shall prescribe and publish tables reflecting the amendments made by this Act which shall apply, in lieu of the tables set forth in section 3402(a) of the Internal Revenue Code of 1954 (relating to percentage methods of withholding), with respect to wages paid on or after the first day of the first month which begins more than 20 days after the date of the enactment of this Act.

THE DEFEATED SYNFUELS LOAN GUARANTEE SHOULD NOT BE IMPOSED ON THE HOUSE FOR A SECOND CONSIDERATION

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, last December the House overwhelmingly defeated, by a vote of 263 to 140, legislation to provide $6 billion in loan guarantees, $4.5 billion in price supports and $600,000 in construction grants for subsidization of commercial production of synthetic fuels over an indefinite period, estimated at 10 years.

The Science and Technology Committee has just reported out H.R. 12112, which provides for essentially the identical program, but this time authorizing $4 billion over a 2-year period as the first bite of the same apple. That it is, indeed, the same apple was affirmed explicitly by ERDA in its testimony supporting the bill.

There are many serious objections to this program from the standpoints of technology, economics, and the environment, as perhaps best summarized by the titles in the table of contents to the dissenting views of, the gentleman from West Virginia, Congressman HECHLER, the gentleman from Iowa, Congressman BLOUIN, the gentleman from Indiana, Congressman HAYES, and me to the report on the bill, reproduced below.

Today, however, I will explore fully only the first point; namely, that this is the same program previously considered by the House, quoting the testimony affirming this fact, and that it is a program that will involve the Federal Government in huge, ever-increasing expenditures and liabilities.

The material follows:

Table of Contents for the Dissenting Views of Representatives Ottinger, Ken Hechler, Blouin, and Philip H. Hayes

I. The defeated $6–11 billion synfuels loan guarantee program should not be imposed on the House for a second consideration.

II. This is an uneconomic program, evading the budget, involving ballooning Federal expenditures, creating a new division within ERDA and all leading to the Rockefeller $100 billion energy independence authority.

III. No new energy funds will be provided, but there will be a horrendous capital market disruption.

IV. This is not an R. & D. bill. It is a program for Government financing of the commercial production of synfuels and the development of new fuels. It belongs in other committees and other agencies.

V. H.R. 12112 is anticompetitive—extending the power concentration of the energy giants over synfuels at Federal risk and expense.

VI. The program distorts energy priorities, favoring high capital, high risk, high pollution options over clean conservation and renewable resources.

VII. H.R. 12112 is premature, since critical ERDA feasibility studies and the environmental impact statement are not completed.

VIII. Genuine R.D. & D. on synthetic fuels is adequately provided under the existing ERDA synfuels R.D. & D. program, which includes coal gasification pilot plants.

IX. Oil shale development is given extravagantly favored treatment by heaping subsidy upon subsidy for this questionable and environmentally hazardous technology.

X. H.R. 12112 contains several amendments that serve to weaken the safeguards adopted by the House-Senate conferees last December in the old section 103:

A. Right of local community, Indian tribes, and citizen input and Judicial review.

B. Congressional oversight.

XI. H.R. 12112 will undoubtedly result in boomtowns. We are concerned about the adequacy of the provisions in the bill to help communities to cope with the problems of providing adequate public facilities and services in connection with these projects.

XII. The bill permits 100 percent owned foreign corporations, firms, partnerships, and associations to receive loan guarantees and grants.

XIII. Synthetic fuels have the potential for health and environmental hazards.

XIV. Additional important amendments rejected by the committee.

The Defeated $6–11 Billion Synfuels Loan Guarantee Should Not Be Imposed on the House for a Second Consideration

On December 11, 1975, the House of Representatives voted to strike section 103—a $6 billion loan guarantee program for subsidization of commercial production of synthetic fuels—from the Conference Report (94–696, December 8, 1975) on H.R. 3474—the ERDA Authorization Act for fiscal year 1976. The vote was 263–140. *H.R. 12112 is essentially the same program.*

That section would have authorized ERDA to begin a $6 billion loan guarantee program for the commercialization of synthetic fuels and other forms of energy. It was considered by ERDA as the beginning of a program combining loan guarantees, price supports, and construction grants totalling $11.1 billion. It was as stated by ERDA, the first step in the larger, more grandiose proposal of Vice President Rockefeller for a $100 billion Energy Independence Authority. Yet it would only produce the equivalent of about 350,000 barrels per day of oil according to ERDA Administrator, Dr. Robert C. Seamans, Jr.

The bill, H.R. 12112, ordered reported by the Committee on May 12, 1976 authorizes the same synthetic fuels *commercialization* loan guarantee program, only at an accelerated pace. The original bill called for $6 billion loan guarantees over an indefinite period. This one calls for $4 billion over two years—i.e., $2 billion in fiscal year 1977 and $2 billion in fiscal year 1978. One cannot predict the total government expense. The program will not expire until 1986. Thus, one can readily observe the likely progression of authorizations after fiscal year 1978 as follows: 1979, $2 billion; 1980, $2 billion; 1981, $2 billion, *et cetera, et cetera*. Once the camel has his nose under the tent, you can be sure there will be more to come.

Indeed, it is the expressed intention of ERDA to increase the authorization to at least $11.1 billion, the cost of the original program. This is confirmed by ERDA's March 1976 publication entitled "Proposed Synthetic Fuels Commercial Demonstration Program: Fact Book." That publication states:

"The President is requesting an initial $2 billion in loan guaranty authorization for FY 1976 to initiate the program in ERDA. The remaining funding authorization for loan guarantees and for price guarantees is contained in the Administration's funding request for the Energy Independence Authority for FY 1977. In the event EIA is not enacted in 1976, ERDA would need an additional authorization of $4 billion in loan guarantees and would request price guarantee and grant authorization on a project by project basis. In that event, the following authorization levels will be needed to allow execution of Phase I of the Synthetic Fuels Commercial Demonstration Program:

	Billions
"Loan guarantee	$6.0
Price guaranty	4.5
Construction grants	0.6
Total budgetary authority	11.1"

This was explicitly reconfirmed in Dr. Seamans' testimony of March 31, 1976 on H.R. 12112, as follows:

"Finally, Mr. Chairman, I would like to make several general comments on the proposed legislation, H.R. 12112. While this legislation provides a framework for accomplishing the goals of the proposed program, it should be clearly understood that the $2 billion in loan guaranties provided 12112 would only initiate the program recommended by the Administration. Additional authorizations are included in the President's budget for FY 1977 under the proposed Energy Independence Authority. We remain firmly convinced that in order to achieve the objectives of the full 350,000 barrels per day program, that $6 billion in loan guaranty authority will be required along with about $4.5 billion in price guarantee authority and about $600 million in grants."

Dr. Zimmerman of MIT commented on the need for price guarantees and price supports in his testimony of February 18, 1976, in connection with the ERDA authorization bill for FY 1977 as follows:

"The Interagency Task Force [on Synthetic Fuels] calculated that loan guarantees will not be enough. In order to bring these plants on-stream, price guarantees of some form will also be needed. This is simply because even with loans at low (subsidized) interest rates, these energy sources cost more than they can fetch in the market. The expected payoff is negative. Without price subsidy the plants are not worth building. The price subsidies can be direct as in the case of synthetic oil, or indirect through the regulatory system as in the case of high-Btu gas. These costs are not changed by allowing full cost-of-service guarantees for gasification, nor by the provision of loan guarantees. All that is changed is that the risks of failure are borne by consumers or taxpayers. The costs will be borne in one way or another by the Nation.

It is often stated that the projects are too large to be undertaken by private industry or that, given the size of the project, the risks are too great for individual firms. Each plant will cost close to one billion dollars. These are large investments. Nevertheless, private industry undertakes other large investments without subsidy. The Alaska pipeline, for example, will cost over six billion dollars. It is not the sheer size nor risk, but the negative expected return, that makes these investments unattractive." (Footnotes omitted.)

In addition, the bill authorizes $2 million in planning grants for fiscal year 1976 and the transition period for community facilities, with the full expectation that additional sums will be needed in fiscal year 1977 and future years. It also authorizes an open-ended dollar amount for loans for community facilities, and for the payment of an interest differential to communities whose obligations are guaranteed, because the interest on those bonds is taxable to the holder. Incidentally, this provision (subsection (s)) is an amendment to the IRS Code of 1954, but, to our knowledge, it has not been reviewed or approved by the House Committee on Ways and Means.

Lastly, ERDA contemplates that the administrative costs of this bill through fiscal year 1981 will exceed $75 million and require at least 210 full-time personnel. This is shown in the following table:

SYNTHETIC FUELS COMMERCIAL DEMONSTRATION PROGRAM—ADMINISTRATIVE BUDGET ESTIMATE

[In thousands of dollars][1]

Activity	1976-TQ		1977		1978		1979		1980		1981	
	BA	BO	BA	BO	BA	BO	BA	BO	BA	BO	BA	BO
Salaries and related expenses[2]	400		7,000		7,000		7,000		7,000		7,000	
Program planning and economic analysis	1,080		2,500		2,000		1,500		1,500		1,000	
Procurement support	785		1,000		1,000		500					
Financial/technology assessment	1,255		2,000		2,000		1,500		1,000		1,000	
Program control, plant and cost monitoring			500		1,000		2,500		3,000		3,500	
Socioeconomic and environmental assessment and monitoring	880		2,000		2,000		2,000		2,500		2,500	
Total	4,400		[3] 15,000		15,000		15,000		15,000		15,000	

[1] Constant 1976 dollars.

[2] Allotment for 210 full-time personnel plus overhead expenses (travel, equipment, space, etc.).

[3] Required in the event the $6,000,000,000 loan guaranty program is authorized.

PERSONAL EXPLANATION

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I was unable to be present in the House of Representatives for the session of Friday, May 21, 1976, because I was speaking before a group of franchisees about the Franchising Practices Reform Act which I introduced. Had I been present, I would have voted "aye" on rollcalls 292 and 293, the votes on the rule and final passage of H.R. 12677 providing for extension of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. I would have voted "no" on rollcall 294, the motion to recommit H.R. 12679 providing for extension of the Public Health Services Act, and I would have voted "aye" on rollcall 295, final passage of the Public Health Services Act extension.

ONE OF THE MOST IMPORTANT VICTORIES FOR THE TAXPAYERS IN THE 94TH CONGRESS

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, we are fast approaching upon the first anniversary of one of the most important txapayer victories of the 94th Congress. On May 22, 1975, the House of Representatives, by a vote of 168 to 179, rejected a provision of last session's second supplemental appropriations bill which would have affirmed congressional support for construction of Locks and Dam 26 at Alton, Ill.

Unfortunately, the victory in last year's battle has not put an end to the efforts of both the Army Corps of Engineers and the Nation's barge interests to have the new locks built. The stakes remain high—$400 million to "repair" Locks and Dam 26 and $10 billion to "repair" all the other locks along the Mississippi River to conform to the Alton installation. Even in these days of higher labor costs, a $400 million repair job boggles the mind.

Of course, when repair means building a whole new set of locks 2 miles downstream that is both deeper and longer than the present facility, the reason for the extraordinary cost is not so difficult to explain. Nor is the $10 billion figure so incomprehensible when the Corps' proposed expansion of locks and dam 26 is viewed as merely the first step in the expansion of 25 other locks and dam facilities upstream from Alton.

Perhaps, the most disturbing factor in all of this, however, is that no hearings have ever been held on the advisability of the project. The severe environmental impact of Locks and Dam 26 is reason enough to stop the Army corps, repair, proposal, but of greater importance is whether or not the corps can be permitted to build this facility—or any other facility—under the authority of a 67-year-old law which deprives the Congress of its constitutional power over fiscal matters.

The answer to this latter question must surely be "no." To insure that the answer remains "no," and to properly commemorate the vote of last May, I am introducing a bill, similar to one introduced in the Senate by Senator JAMES BUCKLEY, to amend the Rivers and Harbors Act Amendments of 1909 to prohibit the Chief of the Army Corps of Engineers from repairing projects costing more than $4 million without obtaining congressional approval. The corps apparently considers construction of an entire new lock to be a repair. I do not, and I suggest that Congress did not when the legislation was passed in 1909. The basis of my bill is to assure the use of the 1909 act solely for its intended purpose of maintenance, and not for building new installations.

I feel strongly that Locks and Dam 26 is unnecessary and environmentally harmful, but I feel even more strongly that $10 billion projects deserve full congressional consideration. I am confident the results of such consideration will bear out my feelings on the substance of the corps proposal. However, regardless of the result, it is essential that the Congress, and not the Army Corps, make that decision.

Mr. Speaker, at this point, I include the text of the bill in the RECORD:

H.R. 13982

A bill to require to specific statutory authorization for each canal maintenance, repair, or reconstruction project costing $4,000,000 or more to be undertaken by the Secretary of the Army acting through the Chief of Engineers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works and rivers and harbors, and for other purposes.", approved July 5, 1884 (33 U.S.C. 5), is amended by inserting immediately after "not otherwise appropriated: *Provided*," the following: "That no warrant or requisition to pay the expenses of maintaining, repairing, or reconstructing any of the aforesaid works shall be paid by the Secretary of the Treasury for any project for which the total cost to the United States is to be $4,000,000 or more unless such project has been specifically authorized by a law enacted before the date of the commencement of maintenance, repair, or reconstruction work on such project: *Provided further*,".

SEC. 2. The amendment made by the first section of this Act shall apply to any project for maintenance, repair, or reconstruction of any canal or other public work under authority of section 4 of such Act of July 5, 1884, on which maintenance, repair, or reconstruction work is commenced after the date of enactment of this Act.

A 100-YEAR SALUTE TO CAMILLUS CUTLERY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, it is common in our culture to refer to items of convenience and manufacture in generic terms by what is actually a corporate brand name. So important do such items become that we call refrigerators "Frigidaires" and paper tissues "Kleenex." So synonymous do the item and its principle manufacturing company become that a whole product line of several different companies is called by the name of the most popular manufacturer.

I would like to bring to your attention a situation which is illustrative of this phenomenon in central New York. We never say "cutlery" without thinking of "Camillus Cutlery," the producer of quality knives for 79 years of its 100 years of operation, first as an importer of knives, then as a manufacturer of its own products.

I have had occasion to visit the plant located in Camillus, N.Y. and found the experience at once educational and inspiring. The reputation of the superior craftsmanship which goes into the creation of the various styles and types of cutlery is well deserved, indeed. Quality control methods to insure high production standards are strictly adhered to by management and production employees alike. And this is the real reason for such deserved acclaim—the bosses and the workers have developed a "team" mentality about their work. The executive level, led by Nilo Miori, have an appreciation for what it takes to work the grinding machines and the buffer wheels because they have done work like it themselves. The production staff realizes that the success of the company depends upon the quality of their output as much as on the retail and wholesale sales effort.

It is reassuring to find such a degree of labor-management tranquility in this day and age when conflict and agitation seem so much the norm. Surely there are areas of interest and advantage to each segment of the corporation which could rend asunder the easy exchange agreements now in practice at Camillus Cutlery. But, the tradition and the trust mutually shared by worker and front office has endured without serious rupture because each sees the other as vital to the general well-being of the total company.

At this point, Mr. Speaker, I would like to insert for the edification of our colleagues an article from the Sunday, May 16, 1976 issue of the Syracuse Herald American newspaper which gives some further background on this fabulous success story.

DECADE OF GROWTH TOPS 100TH YEAR AT CUTLERY FIRM

(By Joseph A. Porcello)

"The success of your company is a demonstration of how the American economic system rewards individuals who lend their talents, skills and initiative to the development of products that fill the wants and needs of the American consumer."

Elliot L. Richardson, U.S. secretary of commerce, made that comment for himself and President Ford in a recent letter congratulating Camillus Cutlery Co. on its 100th anniversary this year.

The statement could be applied equally well to the firm's founder, Adolph Kastor, and perhaps even more to its president since 1964, Nilo M. Miori.

Miori has been the driving force which has propelled the company forward for the last 12 years—in production, physical plant and number of employes.

His rise in the company, from a worker on the assembly line to president and chairman is a traditionally American success story.

Today, the Camillus' major industry has more than 340 employes—nearly twice the 180 it had in 1963.

The company is producing annually more than 2.5 million pocket knives while maintaining the quality which has earned the firm an international reputation.

10,000 A DAY

The weekly average of over 50,000, or more than 10,000 a day is more than three times the 1963 production of about 15,000 knives weekly.

In addition, the firm also produces hunting and sportsmen's knives; military equipment, like the "survival knife," and a variety of "household" (kitchen) tools.

More than 500 different varieties of pocket knives are produced by the firm. Some are being refined as new ones are planned. Its newest one is a "Wildlife" series with pewter animals inlaid in the handle.

Still a part of the company's manufacturing complex in Camillus' main street is the company's original one-story, wooden frame building more than 100 years old. Once a grain silo on Nine Mile Creek, where barges once loaded up for trips through the Erie Canal, the building is still in use by the cutlery firm.

That building now has been enlarged, with two added floors, plus three other attached sections on its north end. A brick structure which now houses the company's offices was erected in 1925.

Other additions also have been built on that structure. An overhead passageway connects the two buildings that front on Main Street. Together, the buildings provide some 125,000 square feet of space, but Miori already has plans for more expansions.

Modern production methods have, for the most part, replaced the hand work used for years to make pocket knives and other products. The machines enable the company to maintain strict quality control while production continues to increase to meet demand.

Miori points out that "112 operations are required to make a knife." During more than 40 years with the company, he has done nearly every one of those operations, gaining first hand knowledge of each step in the production process.

Record-keeping also has been modernized. A computer keeps track of the more than 2.1 million knives and other products in various steps of the manufacturing, packing and shipping processes daily in the plant.

STARTED IN N.Y.C.

A modern, sophisticated system for more efficient control of electricity distribution recently was added.

Camillus Cutlery had its beginning in New York City where a young immigrant, Adolph Kastor, began selling knives imported from his native Germany. Kastor had spent several years working for an uncle, a hardware jobber, and gained wide experience in that field.

In 1976, he struck out on his own, founding the company that later became Camillus Cutlery. Kastor carried more pocket knives than the total of all other importers, and his sales grew. In 1897, however, new stiff U.S. tariffs, however, forced Kastor to seek a domestic source for knives.

A cutlery firm in Camillus operated by Charles Sherwood was able to supply the cutting products, but Kastor's growing sales demanded more of the items than Sherwood could supply. The young businessman then leased the Sherwood plant so he could expand production. Later, he purchased the manufacturing company and moved his business to Camillus.

Kastor's son, Alfred, succeeded him as head of the business, and it continued as a family-operated company until Alfred's death in 1963.

At that time, four minority stockholders, Mr. and Mrs. John E. Kaufman and Dr. and Mrs. Miles J. Schwartz purchased the Kastor interests to keep the company going. One of their reasons was a moral obligation they felt toward the workers, many of whom are third generation employes of the firm.

Miori, who was named president shortly after, began his career at Camillus in 1931 putting "covers" (the outside pieces) on knives. (He was born in Pennsylvania, but Miori's father took him back to Italy soon after his mother died. Miori returned at age 14 to reside with an aunt in the Camillus area and completed his education in local schools.)

From his first job, he progressed through various production operations, and then was promoted to foreman. He was vice president of manufacturing when he was chosen president.

Expansion and new laws have brought problems, but the Camillus management team has been able to overcome most of them, Miori notes.

One major problem, for example, was water and air pollution, now handled with recently-installed modern systems. "Not a cubic inch of contaminated air, not a drop of polluted water, leaves our factory," Miori explains proudly.

Both air and water are cleansed through the plant's systems, then recycled through the plant whenever possible. Sewage goes into the village's new sanitary sewer system.

The company's recent 100th anniversary dinner drew more than 450 employes and guests, including two of the owners, Mrs. Kaufman and Mrs. Schwartz. Both told him later, Miori said, that "they had never before been at an affair like this—where all the employes are like a big family."

Other congratulatory messages came from Vice President Rockefeller, and Rep. James M. Hanley (D.-32nd). Rep. William F. Walsh (R.-33rd) attended the affair.

Miori said automation of more processes will come next, modernizing production still more.

THE MOST REVEREND DAVID F. CUNNINGHAM

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on June 12, the Most Reverend David F. Cunningham, D.D., Bishop of the Roman Catholic Diocese of Syracuse, will mark his 50th anniversary as a priest.

To recognize this occasion Auxiliary Bishop Francis J. Harrison and the episcopal vicars of the diocese have established the Bishop Cunningham Golden Jubilee Fund to aid three separate areas of Catholic education; parochial school students, public elementary and secondary students and those attending secular colleges and universities within the sprawling diocese. This figure totals 86,000 students.

In commenting on the observance, Mr. Wesley Brush, editor of the diocesan newspaper, the Catholic Sun, said:

> The Bishop would have preferred a Mass, concelebrated with other priests who are also observing jubilees. That would have been followed by a dinner, to which all of his priests would be invited, in the same fashion that most families note an anniversary important to one of their members.

But the family itself—in this case, the community of the Diocese of Syracuse—would simply not let the occasion be played in such a low key. "Fifty years of extraordinary priestly service to the people cannot be allowed to go unrecognized," said one layman.

Bishop Cunningham was ordained on June 12, 1926 by the Most Rev. Daniel J. Curley, the third bishop of Syracuse, at Sacred Heart Cathedral in Rochester. The bishop's first assignment took him to St. Ambrose Parish in Endicott where he was assistant pastor.

In 1929, Bishop Cunningham went to the Catholic University of America in Washington, D.C., where he completed a year of graduate study in the Code of Canon Law.

In 1946, the then Monsignor Cunningham was appointed pastor of St. John the Baptist Church in Syracuse, and in September of that year, he was named Vicar General of the Diocese.

Four years later, during April 1950, the bishop was named Titular Bishop of Lampacus and auxiliary to the Bishop of Syracuse. He was consecreated into the Episcopacy on June 8, 1950, at the Cathedral of the Immaculate Conception by the late Francis Cardinal Spellman, Archbishop of New York.

On June 21, 1967, he was appointed coadjutor Bishop of Syracuse with the right of succession and on August 4, 1970, Bishop Cunningham was named the sixth Bishop of Syracuse.

Bishop Cunningham's achievements during his years in the priesthood have been many and impressive.

Between 1962 and 1965 he participated in the Second Vatican Council and scored an impressive victory by attending every general council session. In November 1969 he was elected to the Advisory Board of the United States Catholic Conference.

According to Bishop Cunningham, his greatest accomplishments include: formation of Episcopal Vicariates throughout the diocese; the work of the Seminary Review Committee in establishing Aquinas House, the diocesan sponsored seminary adjoining LeMoyne College.

Other accomplishments are the response of people in the diocese to appeals for the world's needy people, particularly through the Campaign for Human Development and Catholic Relief Services; the support for the Catholic school system despite difficult economic circumstances and the development of an outstanding education program in the diocese.

To describe his feelings on 50 years in the priesthood, the bishop said:

> I am very grateful to Our Lord that He has spared me to serve Him and His people of the Diocese of Syracuse, for a majority of years as Auxiliary to Bishop Foery and then as Ordinary. I am very humbled to have been allowed that privilege.

And may I add, Mr. Speaker, that Bishop Cunningham's sensible blending of spiritual orientation and administrative skill have contributed to the deep respect which not only the Catholic families, but also the thousands of non-Catholic residents of our diocesan area have for him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows, to:

Mr. Giaimo (at the request of Mr. McFall), for May 24 through May 27, on account of eye surgery.

Mr. Helstoski (at the request of Mr. McFall), for today, on account of official business.

Mr. Jones of Tennessee (at the request of Mr. McFall), for today, on account of official business.

Mr. Milford (at the request of Mr. McFall), for today, on account of illness.

Mr. Miller of California (at the request of Mr. McFall), for today, on account of illness.

Mrs. Pettis (at the request of Mr. Michel), for today, on account of a death in the family.

Mr. Risenhoover (at the request of Mr. McFall), for May 24 and May 25, on account of official business.

Mr. Roncalio (at the request of Mr. McFall), for May 24 and 25, on account of official business.

Mr. Chappel (at the request of Mr. McFall), after 1:15 today, on account of official business.

Mr. Edwards of Alabama (at the request of Mr. Michel), for today and the balance of the week, on account of official business.

Mr. Fisher (at the request of Mr. McFall), for May 24 through May 27, on account of serving as congressional adviser on official U.S. delegation to U.N. Conference on Trade and Development being held at Nairobi.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Levitas) to revise and extend their remarks and include extraneous material:)

Mr. Benitez, for 15 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Reuss, for 20 minutes, today.

Mr. Dodd, for 5 minutes, today.

Ms. Holtzman, for 15 minutes, today.

Mr. Brademas, for 5 minutes, today.

(The following Member (at the request of Mr. Charles H. Wilson of California), to revise and extend his remarks, and to include extraneous matter:)

Mr. Wolfe, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hechler of West Virginia and to include extraneous matter.

(The following Members (at the request of Mr. Mitchell of New York) and to include extraneous matter:)

Mr. Harsha.

Mr. Grassley.

Mr. Derwinski.

Mr. Gilman.

Mr. Symms in two instances.

Mr. Ketchum.

Mr. Wiggins.

Mr. Pressler in two instances.

(The following Members (at the request of Mr. Levitas) and to include exclude extraneous material:)

Mr. Dingell in two instances.

Mr. Annunzio in six instances.

Mr. Brown of California in 10 instances.

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. Moakley in two instances.

Mr. Murtha.

Mr. Fisher.

Mr. Meeds.

Mr. Leggett in two instances.

Mr. McDonald of Georgia in three instances.

Mr. Obey in two instances.

Mr. Rangel in 10 instances.

Mr. Eilberg in 10 instances.

Mr. Corman.

Mr. Carney in two instances.

Mrs. Burke of California.

Mrs. Schroeder.

Mr. Brinkley.

Mr. Kastenmeier.

Mr. Brademas in six instances.

Mr. Ambro.

Ms. Abzug.

Mr. Waxman.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to the enrolled bills of the Senate of the following titles:

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders;

S. 2498. An act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing program for small business, and for other purposes; and

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Mass., to the Commonwealth of Massachusetts.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on May 21, 1976 present to the President, for his approval, bills of the House of the following titles:

H.R. 5272. An act to amend the Noise Control Act of 1972 to authorize additional appropriations;

H.R. 9721. An act to provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes; and

H.R. 13172. An act making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

THE LATE TORBERT H. MACDONALD

Mr. BOLAND. Mr. Speaker, I offer a resolution (H. Res. 1212) on the death of the Honorable Torbert H. Macdonald.

The Clerk read the resolution as follows:

H. Res. 1212

Resolved, That the House has heard with profound sorrow of the death of the Honorable Torbert H. Macdonald, a Representative from the State of Massachusetts.

Resolved, That a committee of 80 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER pro tempore (Mr. Danielson). The Chair desires to state that the Speaker pro tempore (Mr. McFall) will announce his appointment of the funeral committee tomorrow.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 3 o'clock and 21 minutes p.m.), pursuant to House Resolution 1212, the House adjourned until tomorrow, Tuesday, May 25, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3350. A letter from the President of the United States, transmitting a proposed supplemental appropriation for military assistance for the transition quarter (H. Doc. No. 94–501); to the Committee on Appropriations and ordered to be printed.

3351. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period May 15–August 15, 1976, pursuant to 10 U.S.C. 139; to the Committee on Armed Services.

3352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1–116, "To stop discrimination on account of age, sex, and marital status, under District of Columbia laws, against persons who have reached the age of 18, and to establish the age of majority at 18, pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

3353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act. No. 118, "To provide consumers in the District with procedures for the redress of improper trade practices, and for other purposes," pusuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

3354. A letter from the Acting Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting proposed final regulation for the national reading improvement program, prusuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3355. A letter from the Acting Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting proposed interim final criteria for Public Service Education Fellowships, title IX, part A of the Higher Education Act of 1965, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3356. A letter from the Acting Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting proposed interim final criterial for Public Service Education Fellowships, title IX, part C of the Higher Education Act of 1965, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3357. A letter from the Under Secretary of the Interior, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Confederated Salish and Kootenai Tribes of Indians by the U.S. Court of Claims in Case No. 50233, paragraphs 8 and 9, pursuant to 87 Stat. 466; to the Committee on Interior and Insular Affairs.

3358. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Fairchild Space and Electronics Co., Germantown, Md., for a research project entitled "Low Headroom Transfer Chute for Underground Belt Conveyors", pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3359. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proprosed contract with Science Applications, Inc., La Jolia, Calif., for a research project entitled "Concentration Sensor for Coal/Water Mixtures", pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3360. A letter from the chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 22–C; the *Lipan Apache Tribe* and bands thereof, ex rel., Pedro Mendez and Philemon Venego; the *Mescalero Apache Tribe* and bands thereof, ex rel., Solon Sombrero, Fred Pellman, Eric Tortilla and Victor Dolan; the *Apache Tribe of the Mescalero Reservation* on behalf of, or as successor to, the Lipan Apache Tribe and bands thereof, the MESCALERO Tribe and bands thereof, and the MESCALERO TRIBE and bands thereof, palintiffs v. the *United States of America,* defendant pursuant to 60 Stat. 1055 [25 U.S.C. 70t]; to the Committee on Interior and Insular Affairs.

3361. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the semiannual report on international narcotics control program activities for the period July 1 through December 31, 1975, pursuant to section 481 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

3362. A letter from the Secretary of Transportation, transmitting the ninth annual report of activities under the High Speed Ground Transportation Act of 1965, covering the year ended September 30, 1975, pursuant to section 10 of Public Law 89–220 [49 U.S.C. 1640]; to the Committee on Interstate and Foreign Commerce.

3363. A letter from the Administrator, Environmental Protection Agency, transmitting the annual report on progress in implementing motor vehicle emission standards for fiscal year 1975, pursuant to section 202(b)(4) of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

3364. A letter from the Administrator, Federal Energy Administration, transmitting a report on the reevaluation of allocation and price regulations, pursuant to section 11(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended (89 Stat. 950); to the Committee on Interstate and Foreign Commerce.

3365. A letter from the Chairman, Federal Power Commission, transmitting a copy of a publication entitled "Statistics of Privately Owned Electric Utilities in the United States, 1974"; to the Committee on Interstate and Foreign Commerce.

3366. A letter from the Chairman, Federal Trade Commission, transmitting a draft of proposed legislation to authorize appropriations for the Federal Trade Commission for fiscal year 1978; to the Committee on Interstate and Foreign Commerce.

3367. A letter from the Administrator of General Services, transmitting a prospectus proposing an extension to the present lease for space in the building at 1833 Kalakaua Avenue, Honolulu, Hawaii, pursuant to section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Public Works and Transportation.

3368. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975, approved October 22, 1975, in order to extend certain provisions thereof, and for other purposes; to the Committee on Veterans' Affairs.

3369. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1976 annual report of the Board, pursuant to section 1817(b) of the Social Security Act, as amended (H. Doc. No. 94–502); to the Committee on Ways and Means and ordered to be printed.

3370. A letter from the Board of Trustees, Federal Suplementary Medical Insurance Trust Fund, transmitting the 1976 annual report of the Board, pursuant to section 1841(b) of the Social Security Act, as amended (H. Doc. No. 94–503); jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on counseling low-income homeowners (Rept. No. 94–1187). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 640. Concurrent resolution authorizing the printing of 15,000 copies of "Federal Election Campaign Laws Relating to the U.S. House of Representatives" (Rept. No. 94–1188). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 1214. Resolution providing for the consideration of H.R. 12945. A bill to amend and extend laws relating to housing and community development (Rept. No. 94–1189). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. Allocation of budget totals to subcommittees for fiscal year 1977 (Rept. No. 94–1190). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ULLMAN:

H.R. 13966. A bill to revise estate and gift tax laws of the United States; to the Committee on Ways and Means.

By Mr. ANNUNZIO (for himself, Mr. Dent, Mr. Duncan of Tennessee, Mr. LaFalce, Mr. Nowak, Mr. Oberstar, and Mr. Vigorito):

H.R. 13967. A bill to increase for a 5-year period the duty on certain hand tools, and for other purposes; to the Committee on Ways and Means.

By Mr. ASHLEY (for himself, Mr. Aspin, Mr. Baucus, Mr. Brooks, Mr. Cohen, Mr. Edwards of California, Mr. Eilberg, Mr. Fithian, Mr. Jenrette, Mr. LaFalce, Mr. Lehman, Mr. McHugh, Mr. Patterson of California, Mr. Roybal, Mr. Seiberling, Mr. Simon, Mr. James V. Stanton, Mr. Thompson, Mr. Charles Wilson of Texas, Mr. Won Pat, Mr. Yatron, and Mr. Young of Georgia):

H.R. 13968. A bill to stimulate the purchase of new and existing housing, to assure the steady flow of capital into the mortgage market, nad for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. BALDUS:

H.R. 13969. A bill to amend the Internal Revenue Code of 1954 to allow the investment tax credit for certain farm property purchased by an individual from an ancestor of the individual; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.R. 13970. A bill to amend chapter 49 of title 10, United States Code, to prohibit union organization in the armed forces, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of Ohio:

H.R. 13971. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself and Mr. Long of Louisiana):

H.R. 13972. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for optometric and medical vision care; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 13973. A bill to amend title 38 of the United States Code in order to extend under certain circumstances the delimiting period for completing veterans' education programs; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

H.R. 13974. A bill to establish a Citizens Oversight Panel to accept complaints filed against Members, officers, and employees of the House of Representatives, and when appropriate, to direct the Committee on Standards of Official Conduct to conduct a formal investigation of any such complaint, and for other purposes; to the Committee on Rules.

Br. Mr. GUDE:

H.R. 13975. A bill to amend title 23 of the District of Columbia Code with respect to the release or other disposition prior to and after trial of persons charged with criminal offenses; to the Committee on the District of Columbia.

By Mr. HECHLER of West Virginia:

H.R. 13976. A bill to provide that the provisions of the Railroad Retirement Act of 1937 shall govern certain claims for annuities, supplemental annuities, and other benefits which currently are governed by the Railroad Retirement Act of 1974; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER (for himself, Mrs. Burke of California, and Mr. Won Pat):

H.R. 13977. A bill to amend title 39, United States Code, to establish procedures to regulate the manner in which the U.S. Postal Service may close post offices serving rural areas and small communities and towns; to the Committee on Post Office and Civil Service.

By Mr. LaFALCE:

H.R. 13978. A bill to provide Federal charters for mutual savings banks and to permit federally chartered savings and loan associations and mutual savings banks to offer checking accounts in States in which similar State chartered institutions are permitted to do so; to the Committee on Banking, Currency and Housing.

H.R. 13979. A bill to provide Federal charters for mutual savings banks and to permit federally chartered savings and loan associations and mutual savings banks located in New York to offer checking accounts to the extent that similar State chartered institutions in New York are permitted to do so; to the Committee on Banking, Currency and Housing.

By Mr. McCLORY (for himself, Mr. Bevill, Mr. Brown of Ohio, Mr. Broyhill, Mr. Cederberg, Mr. Cochran, Mrs. Collins of Illinois, Mr. Robert W. Daniel, Jr., Mr. Esch, Mr. Forsythe, Mr. Guyer, Mr. Kedly, Mr. Ketchum, Mr. Latta, Mr. Milford, Mr. Mollohan, Mr. Mottl, Mr. Rinaldo, Mr. Roush, Mr. Schneebeli, Mr. Sebelius, Mr. Simon, Mr. Traxler, Mr. Vander Jagt, and Mr. Wampler):

H.R. 13980. A bill to protect the public from traffickers in heroin and other opiates, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, the Judiciary, Banking, Currency and Housing, and Ways and Means.

By Mr. McCLORY (for himself, Mr. Treen, Mr. Bob Wilson, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Young of Florida, and Mr. Cleveland):

H.R. 13981. A bill to protect the public from traffickers in heroin and other opiates, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, the Judiciary, Banking, Currency and Housing, and Ways and Means.

Mr. MIKVA:

H.R. 13982. A bill to require specific statutory authorization for each canal maintenance, repair, or reconstruction project costing $4 million or more to be undertaken by the Secretary of the Army acting through the Chief of Engineers; to the Committee on Public Works and Transportation.

By Mr. MOAKLEY (for himself, Mr. Won Pat, Mr. D'Amours):

H.R. 13983. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701–3795) to emphasize crime prevention as a major purpose of that title and to require that each comprehensive State plan include a program for the prevention of crime against the elderly; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself and Mr. Montgomery):

H.R. 13984. A bill to revise chapter 99 of title 18 of the United States Code to provide for the punishment of sexual assaults in the special jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 13985. A bill to amend chapter 5 of title 37, United States Code, to make permanent the special pay provisions for reenlistment and enlistment bonuses, and for other purposes; to the Committee on Armed Services.

H.R. 13986. A bill to amend section 409 of title 37, United States Code, to eliminate restrictions for transporting a house trailer or mobile dwelling by a member of the uniformed services and for other purposes; to the Committee on Armed Services.

H.R. 13987. A bill to amend section 2 of the act of May 6, 1974, Public Law 93–274 (88 Stat. 94) to extend until June 30, 1977, the authority to pay variable incentive pay to medical officers under section 313 of title 37, United States Code; to the Committee on Armed Services.

H.R. 13988. A bill to amend section 6082 of title 10, United States Code, to provide for the use of margarine as part of the Navy ration; to the Committee on Armed Services.

H.R. 13989. A bill to amend chapter 3 of title 37, United States Code, to adjust the pay of cadets and midshipmen at the U.S. Military, Naval, Air Force, and Coast Guard Academies, to equalize the pay of members of, and applicants for, the Senior Reserve Officers' Training Corps while attending field training or practice cruises, and for other purposes; to jointly, to the Committees on Armed Services, and Merchant Marine and Fisheries.

By Mr. ROYBAL:

H.R. 13990. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by registered professional nurses in the peer review and related activities authorized under such part; jointly, to the Committees on Ways and Means, Interstate and Foreign Commerce.

By Mr. SCHEUER (for himself and Mr. Downey of New York):

H.R. 13991. A bill to establish equal employment opportunities for individuals over 40 years of age under a nationwide program for full employment and balanced growth; to the Committee on Education and Labor.

By Mr. McCLORY:

H. Con. Res. 643. Concurrent resolution to provide for the purchase of a certain statute of George Washington and for the placement of such statue on the east front of the Capitol Building, or in any appropriate location inside such building; to the Committee on House Administration.

By Mr. MEEDS:

H. Con. Res. 644. Concurrent resolution with respect to Post Office closings; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

390. The SPEAKER presented a memorial of the Legislature of the State of Connecticut, relative to interest rates on deposits in financial institutions; to the Committee on Banking, Currency and Housing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. VANIK:

H.R. 13992. A bill for the relief of Martin J. McKenna, Mary L. McKenna, and Steven M. McKenna; to the Committee on the Judiciary.

By Mr. PEPPER:

H. Res. 1213. Resolution to refer the bill (H.R. 13943) for the relief of Maston G. O'Neal, Jr., to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

471. By the SPEAKER: Petition of the city commission, Coral Gables, Fla., relative to palm tree blight in southeast Florida; to the Committee on Agriculture.

472. Also, petition of Harold Dean Nolen, Portland, Oreg., and others, relative to prayer; to the Committee on Post Office and Civil Service.

473. Also, petition of Oswald LeWinter, Ridgefield, Conn., relative to the experiences of his company in dealing with the Environmental Protection Agency; jointly, to the Committees on Agriculture, and Small Business.

474. Also, petition of the Anchorage Woman's Club, Anchorage, Alaska, relative to construction of a natural gas pipeline through Alaska; jointly, to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII proposed amendments were submitted as follows:

H.R. 10138

By Mr. PRESSLER:

(1) On page 11, line 22 after "," delete "and".

(2) On page 11 line 24 after "investments" insert ", and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(3) On page 14 following line 18 insert "(F) shelterbelt maintenance".

(4) On page 14 line 19 change "(F) to "(G)".

(5) On page 14 line 21, change "(G)" to "(H)".

(6) On page 14 line 22 following the word "lands" add "and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(7) On page 16 line 14 after "purposes" insert ", and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(8) On page 19 line 10 after "fires," insert "shelterbelt maintenance,".

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 21, 1976, page 15098:

HOUSE BILLS

H.R. 13541. May 4, 1976. Rules. Requires review of Federal programs to determine if they warrant continuation. Requires the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 13542. May 4, 1976. Ways and Means. Amends the Tariff Schedules of the United States to exempt specified textile, leather, rubber, and plastic products and wearing apparel from the duty imposed on articles assembled abroad from components produced in the United States.

H.R. 13543. May 4, 1976. Post Office and Civil Service. Prohibits the United States Postal Service from discontinuing or substantially reducing the services provided by, or from changing the name or ZIP code designation of, any post office unless the change is approved by a majority of persons served by such facility who respond to a referendum proposing such action.

H.R. 13544. May 4, 1976. Education and Labor. Makes Federal grants available to local educational agencies to reduce the average class size in schools.

H.R. 13545. May 4, 1976. Post Office and Civil Service. Revises the continuous service prerequisite for the continuation of the basic pay rate of Federal employees who are reduced in grade by disregarding periods of service in a different agency or in a lower grade caused by a reduction in force.

H.R. 13546. May 4, 1976. House Administration. Authorizes the Secretary of the Interior to accept as a Bicentennial celebration gift from the Government of the Republic of Venezuela a sculpture entitled "Delta Solar" to be erected on public grounds in the District of Columbia.

H.R. 13547. May 4, 1976. Standards of Official Conduct; Rules. Repeals the prohibition of the use of congressionally appropriated funds for lobbying purposes. Requires all employees or officers of Federal agencies to register as lobbyists under the Federal Regulation of Lobbying Act if such persons attempt to influence legislation. Phohibits lobbying in any room or corridor adjacent to the Hall of the House of Representatives by any person not registered as a lobbyist.

H.R. 13548 May 4, 1976. Government Operations. Amends the State and Local Fiscal Assistance Act of 1972 to take account of transfers of funds from publicly owned public uilities in computing State and local entitlements.

H.R. 13549. May 4, 1976. Armed Services. Directs the Board of Commissioners of the United States Soldiers' and Airmen's Home to collect a fee from each member of the Home. Increases the monthly deduction from the pay of enlisted Army personnel which goes into the Home's trust fund. Authorizes the use of funds received through military nonjudicial forfeitures for support of the Home.

H.R. 13550. May 4, 1976. Agriculture. Directs the Secretary of Agriculture to make loans available to agricultural producers who suffer losses as a result of having their agricultural commodities or livestock quarantined or condemned because such commodities or livestock have been found to contain toxic chemicals dangerous to the public health.

H.R. 13551. May 4, 1976. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 13552. May 4, 1976. Judiciary. Authorizes the issuance of a non-immigrant visa to a certain individual under the Immigration and Nationality Act.

H.R. 13553. May 5, 1976. Government Operations. Requires the President to create a Federal Program Information Center which shall establish a computerized information system which identifies all Federal domestic assistance programs in such a way as to enable any potential beneficiary of any such program to determine his or her eligibility for any such program by utilizing such system.

Requires the President to publish an annual catalog of Federal domestic assistance programs containing all information included in the Center's information system.

H.R. 13554. May 5, 1976. Government Operations. Amends the State and Local Fiscal Assistance Act of 1972 to increase the amount allocable to a State or local government by ten percent if such State or local government funds public education from sources other than the collection of property taxes.

H.R. 13555. May 5, 1976. Education and Labor. Revises the Federal Metal and Nonmetallic Mine Safety Act to authorize additional standards to protect the health and safety of miners. Includes provisions to authorize inspections by Federal officials, to require reporting of major accidents, and to establish procedures for enfrocement of standards and emergency relief.

Establishes the Office of Assistant Secretary for Mine Safety and Health in the Department of Labor. Transfers regulatory and enforcement authority from the Secretary of the Interior to the Secretary of Labor, to the Secretary of Health, Education, and Welfare, and to the newly-established Federal Metal and Nonmetallic Mine Safety and Health Commission.

H.R. 13556. May 5, 1976. Veterans' Affairs. Authorizes representatives of the Polish Legion of American Veterans to act as claims agents for claims arising under laws administered by the Veterans' Administration.

H.R. 13557. May 5, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13558. May 5, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13559. May 5, 1976. Post Office and Civil Service. Permits a former Federal employee or Member of Congress who elected at the time of retirement not to provide for a survivor annuity to his or her spouse to revoke such election upon depositing a sum equal to the amount which would have been deducted from such individual's retirement annuity had such individual elected to provide for a survivor annuity at retirement.

H.R. 13560. May 5, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

SENATE—*Monday, May 22, 1976*

The Senate met at 12 noon and was called to order by Hon. ADLAI E. STEVENSON, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, as our fathers prayed at the founding of our Nation so in this Legislative Hall we pause in Thy presence to listen before we speak. In Thee do we trust for today and for all the days which follow. In such a time as this, for our soul's sake and for the sake of the Nation, we need the quiet place, the still waters and the green pastures of Thy grace and goodness. May we hear again Thy still small voice summoning us to deeds of greatness beyond our human strength and wisdom. Grant that the President and all our leaders may be guided by Thy spirit and nourished by Thy grace and truth.

We pray in His name who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 24, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 21, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar under rule VIII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet until 1 p.m. today, or until the end of the morning business, whichever comes later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME TO FILE WRITTEN REPORT ON S. 3422

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous unanimous consent for the Committee on Commerce to file the written report on S. 3422, the Natural Gas Act Amendments of 1976, by midnight, May 21, 1976, be vacated, and that the Committee on Commerce be given until midnight, May 26, 1976, to file its written report. By way of explanation, the person filing minority views has requested such an extension and the committee wishes to accede to that request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 856, 867, 868, 869, and 870.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EARTHQUAKE HAZARD REDUCTION ACT

The Senate proceeded to consider the bill (S. 1174) to provide sound physical bases and operational systems for achieving major reductions in the earthquake hazards faced by the population living in regions of the United States of significant seismic risk and to amend the National Science Foundation Act of 1950 so as to provide for a research program relating to earthquake mitigation, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Earthquake Hazard Reduction Act".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) All 50 States are vulnerable to the hazards of earthquake occurrence, and at least 39 of them are subject to major or moderate seismic risk, including Alaska, California, Hawaii, Illinois, Massachusetts, Missouri, Montana, Nevada, New Jersey, New York, South Carolina, Utah, and Washington. A large portion of the population of the United States lives in areas vulnerable to earthquake hazards.

(2) Earthquakes have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption. With respect to future earthquakes, such loss, destruction, and disruption can be substantially reduced through the development and implementation of earthquake hazard reduction measures, including (A) improved construction methods and practices, (B) land-use controls and redevelopment, (C) prediction techniques and early-warning systems, (D) coordinated emergency preparedness plans, and (E) public education and involvement programs.

(3) An expertly staffed and adequately financed earthquake hazard reduction program, based on Federal research and contributions and State, local, and private participation, would reduce the risk of such loss, destruction, and disruption in seismic areas by an amount far greater than the cost of such program.

(4) A well-funded seismological research program in earthquake prediction could provide data adequate for the design, within 10 years, of an operational capability that would be able to predict accurately the time, place, magnitude, and physical effects of earthquakes in selected areas of the United States.

(5) There is a scientific basis for hypothesizing that the risk to life and property from a major earthquake may be moderated, in at least some seismic areas, by application of the findings of earthquake control and seismological research.

(6) The implementation of earthquake hazard reduction measures would, as an added benefit, also reduce the risk of loss, destruction, and disruption from other natural hazards and manmade hazards, including hurricanes, tornados, accidents, explosions, landslides, building and structural cave-ins, and fires.

SEC. 3. PURPOSE.

It is the purpose of the Congress in this Act to reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazard reduction program.

SEC. 4. DEFINITIONS.

As used in this Act, unless the context otherwise requires:

(1) The term "Committee" means the National Advisory Committee on Earthquake Hazard Reduction established under section 6.

(2) The term "Director" means the Director of the United States Geological Survey in the Department of the Interior.

(3) The term "includes" and variants thereof should be read as if the phrase "but is not limited to" were also set forth.

(4) The term "program" means the earthquake hazard reduction program established under section 5.

(5) The term "seismic" and variants thereof mean having to do with, or caused by, earthquakes.

(6) The term "State" means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, and any other territory or possession of the United States.

(7) The term "United States" means, when used in a geographical sense, all of the States.

SEC. 5. NATIONAL EARTHQUAKE HAZARD REDUCTION PROGRAM.

(a) ESTABLISHMENT.—The President shall establish and direct to be maintained, in accordance with the provisions of this Act, a coordinated earthquake hazard reduction program, in order to reduce the loss of life, property destruction, and economic and social disruption from future earthquakes. The program (1) shall be designed and administered to achieve the objectives set forth in subsection (b); (2) shall include where appropriate each of the agencies listed in subsection (c); (3) shall include each of the elements described in subsection (d); and (4) shall take into account the recommendations of the Committee established under section 6. The President shall, by rule, within 180 days after the date of enactment of this Act, (A) identify the department, agency, or interagency task force which shall have primary responsibility for the development and implementation of the earthquake hazard reduction program; (B) assign and specify the role and responsibility of each appropriate Federal department, agency, and entity with respect to each such object and element (to the extent not specified in this Act); (C) provide for cooperation and coordination with, and assistance (to the extent of available resources) to, interested governmental entities in all States, particularly those containing areas of high or moderate seismic risk; and (D) provide for qualified staffing of the program and its components.

(b) OBJECTIVES.—The objectives of the program shall include each of the following:

(1) The development of technologically and economically feasible design and construction methods and procedures to make new and existing structures, in areas of seismic risk, earthquake resistant.

(2) The implementation, in all areas of high or moderate seismic risk, of a system (including personnel, technology, and procedures) for predicting damaging earthquakes and for identifying, evaluating, and accurately characterizing seismic hazards.

(3) The development, publication, and promotion, in conjunction with State and local officials and professional organizations, of model codes and other means to coordinate information about seismic risk with land-use policy decisions and building activity.

(4) The development, in areas of seismic risk, of improved understanding of, and capability with respect to, earthquake-related issues, including risk control, pre-event plan-

ning, warning dissemination, emergency services, reconstruction, and redevelopment.

(5) The education of the public, including State and local officials, as to earthquake phenomena, the identification of locations and structures which are especially susceptible to earthquake damage, ways to reduce the adverse consequences of an earthquake, and related matters.

(6) Basic and applied research leading to a better understanding of the control or alteration of seismic phenomena.

(c) Involvement.—The program shall, where appropriate, include each of the following Federal agencies: the United States Geological Survey, the National Science Foundation, the Department of Defense, the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, the Energy Research and Development Administration, and the National Fire Prevention and Control Administration. The program shall also involve, and the Federal agencies shall seek the cooperation of, States and their political subdivisions, private organizations, and individuals in the development of plans, standards, procedures, and methods for reducing the risk to life and property from future earthquakes.

(d) Elements.—The program shall include each of the following elements:

(1) Research and the implementation of research findings in tectonics, seismology, and geology. Such research and implementation shall be supervised by the Director. Such research and implementation shall include—

(A) the development of an operational system for predicting damaging earthquakes in the seismically active areas of the United States;

(B) the development and placement of instruments and networks of instruments capable of collecting appropriate data;

(C) seismicity studies throughout the United States;

(D) the evaluation of methods that may lead to the development of a capability to modify or control earthquakes in certain regions;

(E) zonation and microzonation for seismic risk in all parts of the United States, taking into account tectonic environment; seismicity; fault location; and intensity, location, and return time of expectable earthquakes; and

(F) the preparation of seismic risk analyses useful for emergency planning and community preparedness.

The Director is authorized, in the performance of any such studies and activities, to utilize the services of qualified persons and governmental entities (other than the Geological Survey), including institutions of higher education and private entities or organizations concerned with seismic risk and seismic mitigation research. The Director shall expend, to such non-Federal entities, a significant portion of the funds appropriated pursuant to section 8(b) of this Act for research purposes.

(2) Basic and applied research activities in engineering, education, planning, and the social sciences. Such activities shall be supervised by the National Science Foundation. Such activities shall include—

(A) basic earthquake engineering research and earthquake hazard reduction research;

(B) the collection and analysis of engineering seismology information relating to destructive ground motion and associated risks to urban communities.

(C) efforts to develop more accurate and reliable methods of earthquake engineering analysis for all types of structures and for a variety of ground conditions;

(D) efforts to develop improved methods of assessing the risk of earthquakes, with respect to high-density areas and other locations, based upon the seismological and geotechnical characteristics thereof;

(E) the development and application of methods, standards, and criteria for earthquake-resistant location, design, construction, and retrofitting;

(F) the development of ways to increase community consciousness and preparedness with respect to earthquakes; and

(G) the study of ways to facilitate the granting of relief to, and the rehabilitation of, earthquake-damaged areas.

The methods, standards, and criteria developed under subparagraph (E) shall be developed in order to increase the protection afforded by existing structures and to maximize the protection afforded by new structures, against earthquake hazards, at the most economical cost practicable. The cost of protection shall be measured against the benefits of reducing social and econmic disruption and avoiding or miniizing damage and loss to life and property. Priority shall be given to the development of such standards for dams, hospitals, schools, public utilities, public safety structures, high-occupancy buildings, and other structures which are especially needed in time of disaster.

(3) Effective information dissemination and education. Such activities shall be supervised jointly by the Director and the National Science Foundation. Such activities shall include timely dissemination of—

(A) instrument-derived data of interest to other researchers;

(B) design and analysis data and procedures of interest to the design professions and to the construction industry; and

(C) other information and knowledge developed to reduce vulnerablity to earthquake hazards.

Such data, information, and knowledge shall be made available to Federal, State, and local government officials and to other interested persons.

(4) An assistance program to aid the States in carrying out their responsibilities under section 201 of the Disaster Relief Act of 1974 (42 U.S.C. 5131), by making available the results of research and other activities undertaken under this Act.

Sec. 6. National Advisory Committee on Earthquake Hazard Reduction.

(a) Establishment.—There is established a National Advisory Committee on Earthquake Hazard Reduction.

(b) Membership.—The Committee shall be composed of 15 members (one of whom shall be designated as Chairman) to be appointed by the President. The members shall include (1) representatives of the research community (including the design professions) and of Federal, State, county, and local governmental entities concerned with the reduction of earthquake hazards, and (2) qualified individuals experienced in earthquake-hazard research, planning, implementation, or preparedness.

(c) Duties.—The Committee shall serve as an advisory body to the President, to review and advise on the progress, implementation, and coordination of the program and shall perform such other duties as the President may assign.

(d) Compensation.—Members of the Committee shall be reimbursed for actual expenses incurred in the performance of such duties.

Sec. 7. Annual Report.

The President shall, within 90 days after the end of each fiscal year, submit an annual report to the Congress describing and evaluating progress achieved in reducing the risks of earthquake hazards. Each such report shall include any recommendations for legislative and other action.

Sec. 8. Authorizations for Appropriations.

(a) In General.—There are authorized to be appropriated to carry out the program (in addition to the authorizations set forth) in subsections (b) and (c), not to exceed $5,000,000 for the fiscal year ending September 30, 1977; not to exceed $5,000,000 for the fiscal year ending September 30, 1978; and not to exceed $5,000,000 for the fiscal year ending September 30, 1979.

(b) Geological Survey.—There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director, the responsibilities assigned to the Director under sections 5(d) (1) and 5(d)(3) not to exceed $20,000,000 for the fiscal year ending September 30, 1977; not to exceed $25,000,000 for the fiscal year ending September 30, 1978; and not to exceed $30,000,000 for the fiscal year ending September 30, 1979.

(c) National Science Foundation.—Section 17 of the National Science Foundation Act of 1950 (42 U.S.C. 1875) is amended by adding at the end thereof the following new subsection:

"(c) To enable the Foundation to carry out its responsibilities under section 5(d) of the Earthquake Hazard Reduction Act, there are authorized to be appropriated to the Foundation not to exceed $15,000,000 for the fiscal year ending September 30, 1977; not to exceed $20,000,000 for the fiscal year ending September 30, 1978; and not to exceed $25,000,000 for the fiscal year ending September 30, 1979.".

Mr. ROBERT C. BYRD. Mr. President, I send a technical amendment to the desk, and ask that it be considered.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

On page 21, line 23, strike everything beginning with the word "section" down through " " "(c) " on line 3, page 22.

On page 22 strike the quotation marks and the period at the end of line 10.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 94–862), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the Earthquake Hazard Reduction Act is to reduce the risks to life and property from future earthquakes in the United States. Future earthquakes can cause enormous loss of life, injury, destruction of property, and economic and social disruption. Such loss and disruption could be substantially reduced by a national earthquake hazard reduction program.

BRIEF DESCRIPTION

The bill would establish a national earthquake hazard reduction program, under the direction of the President, to minimize the loss and disruption resulting from future earthquakes. Future earthquakes in the United States are likely to be more destructive than past ones because of population growth and concentration. The program has several objectives: the development of technologically and economically feasible design and construction methods to make new and existing structures earthquake resistant; the implementation of a system to predict earthquakes in areas of high or moderate seismic risk; the development of model codes to make information about seismic risk available for consideration in local land-use decisions; improving understanding of earthquake-related issues; the education of the public concerning earthquake hazard reduction measures; and the development of an improved understanding of earthquake control.

The program calls for cooperation among several Federal agencies, including the United States Geological Survey and the National Science Foundation. The President will be responsible for the multiorganizational response necessary to meet the objectives. The President would be required to report to the Congress annually on progress achieved in the program. To assist the President on the progress, implementation and coordination of the program, a national advisory committee is established.

The program would include four elements: research and implementation of findings in tectonics, seismology, and geology under the supervision of the Geological Survey; research in engineering, education, planning, and the social sciences under the supervision of the National Science Foundation; effective information dissemination and education activities; and assistance to the States (under the Disaster Relief Act of 1974) to make the results of research available.

This bill contains authorizations for appropriations totaling $40,000,000, $50,000,000, and $60,000,000 over a 3-year period.

Mr. HOLLINGS. Mr. President, I rise in support of S. 1174, the Earthquake Hazard Reduction Act. The purpose of this bill is to reduce the enormous risks to human life and property from future earthquakes in the United States.

It is alarming to note how regularly damaging earthquakes occur. Just this year, we have had major earthquakes in Guatemala, Italy, and the Soviet Union. Tens of thousands of lives were lost, more than a million people were left homeless, and the economic damage was in the hundreds of millions. Future earthquakes in the United States are inevitable. The possibility of such losses is a distinct reality we must face.

This legislation is an important step to minimize future losses in the United States. S. 1174 calls for a balanced and comprehensive national program under the direction of the President. The program provides for the development of operational systems to predict the time, place, and magnitude of damaging earthquakes in certain areas. This program would result in improved design and construction standards that can be used in building codes. The program would also provide a public information and education activity to increase community preparedness.

S. 1174 is the culmination of efforts starting in the 92d Congress. This bill was introduced by Senator Cranston last year and is the product of various bills introduced by Senator Cranston and myself over the last several years. I would like to note and commend the leadership exerted by Senator Cranston in behalf of this legislation. Through his efforts, this legislation has gained a wide base of support in the Senate. I hope for early and favorable action on the part of the House.

Mr. CRANSTON. Mr. President, this is a long-awaited moment as the Senate finally acts on S. 1174, the Earthquake Hazards Reduction Act.

This legislation had its genesis in two bills (S. 3173 and S. 3292) which I introduced in the 92d Congress in the spring of 1972. Similar bills were reintroduced in the 93d Congress in 1973 (S. 1473 and S. 1474). Several days of hearings were held in California during the 93d Congress, but no further action was taken and the bills died with the adjournment of the 93d Congress. Subsequently, I introduced S. 1174, a comprehensive revision of the earlier proposals, on March 13, 1975 with the cosponsorship of Senators Hollings, Eagleton, Gravel, Hartke, Hatfield, Humphrey, Javits, Kennedy, McGee, Moss, Stevens, and Tunney. On February 19, 1976, the Subcommittee on Oceans and Atmosphere of the Commerce Committee conducted a hearing on S. 1174, and on May 13 the Commerce Committee favorably reported the bill to the Senate.

As reported by the committee, S. 1174 establishes a comprehensive national program to reduce the risks to life and property from future earthquakes in the United States. The bill authorizes appropriations for 3 years as follows: $40 million for fiscal year 1977, $50 million for fiscal year 1978, and $60 million for fiscal year 1979.

Major program goals, to be carried out chiefly by the National Science Foundation and the U.S. Geological Survey, include, first, the development of economically feasible design and construction methods to make new and existing structures earthquake resistant; second, the implementation of a system to predict future damaging earthquakes and to issue public warnings prior to their occurrence; third, the identification of the extent and type of risk faced by local communities; fourth, the dissemination of information about earthquakes to local officials and to the general public so that appropriate precautions can be undertaken; and fifth, the development of an improved understanding of techniques for earthquake control.

The research and improved understanding of seismic phenomena that will result from the enactment of S. 1174 are critically needed. More than 70 million Americans live in areas of the United States that are expected to suffer moderate to major damage from future earthquakes. Contrary to the prevailing attitude about earthquakes, it is not just California or the Pacific coast States which face the likelihood of future damaging earthquakes. Indeed, some 39 States are wholly or partly in zones expected to suffer moderate to major damage from future earthquakes.

Moreover, the United States today faces a far greater potential risk of earthquake damage and destruction than ever before. Because our population has grown and become concentrated along our most vulnerable coastal areas, earthquakes that strike in the future will wreak damage and cause life loss far surpassing anything this Nation has ever experienced as a result of earthquakes and related phenomena.

I discussed these points in greater detail on February 19, 1976, when I testified before the Subcommittee on Oceans and Atmosphere, and I ask unanimous consent that a portion of that testimony be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Senator Alan Cranston on S. 1174

Mr. Chairman, I want to express my appreciation for so generously giving of your time today and for scheduling this hearing on S. 1174, the Earthquake Disaster Mitigation Act. As the author of S. 1174, I am hopeful that this hearing will lead toward quick enactment of this important legislation.

The recent tragic earthquake in Guatemala could be the harbinger of our own future if the federal government—indeed government at all levels—does not begin to take preventive, life-saving measures now.

It is unfortunate that it takes a tragedy of the magnitude of Guatemala's to shake us out of our complaisance. But we all suffer from that peculiar "earthquake mentality" which chooses not to think about the destructive earthquake that could mar our future. Perhaps it is just human nature to avoid unpleasant thoughts. But in siding with the fatalists, we are courting certain disaster.

I do not intend to make a lengthy statement today since we have here the experts who can tell the tale better than I. But I would touch on a few points that need emphasis.

First, the threat of future destructive earthquakes is a *national* problem. Certainly, the Pacific Coast states—principally Alaska and California—are especially vulnerable to earthquakes and related disasters. Yet nearly every state in the nation faces some degree of risk from future earthquakes, and some 70 million people live in the 39 states that are wholly or partly in areas facing a risk of moderate to major damage from future earthquakes. Earthquakes have occurred in our history all over the United States, with major earthquakes in Charleston, South Caroline (1886), New Madrid, Missouri (1811–1812), Cape Ann, Massachusetts (1755), Seattle, Washington (1949) and Hebgen Lake, Montana, (1959), and the terrible "Good Friday" earthquake in Alaska (1964).

Second, we must remember that despite a considerable seismic history, the United States has been extraordinarily lucky. Less than 1200 people have lost their lives in United States earthquakes so far. Compare this to the more than 20,000 Guatemalans who died earlier this month in a major earthquake and its after-shocks. Throughout history somewhere in the neighborhood of seventy-four million people have died in earthquakes. And in just the second quarter of the 20th Century, 350,000 people worldwide have lost their lives in earthquakes and related disasters.

Third, the United States today faces the greatest potential danger from earthquakes that we have ever faced before. It is only in the last decade or so that our population has become concentrated in major cities and along our coastal regions, and major construction has occurred on land-fill and other unstable soils. Thus, it is only recently that the potential for great earthquake destruction in this country has existed. Indeed, if the San Andreas Fault were to give us an encore of the 1906 San Francisco earthquake, the deaths could number in the tens of thousands and the property damage could exceed $20 billion. On top of this, we must consider the incalculable losses resulting from the loss of economic and social functioning. Such an earthquake would have a major impact on our national economy and our national psyche.

Mr. CRANSTON. Mr. President, earthquakes have been front page news frequently this year, beginning with the tragic Guatemalan earthquake on February 4 which claimed some 20,000 lives. More recently, northeastern Italy was hit by an earthquake of magnitude 6.5 which killed nearly 1,000 people and caused major damage in the epicentral region.

The U.S. Geological Survey has reported that despite the apparent increase in worldwide earthquake activity, in fact the number of major quakes is running behind the long-term yearly average. Although the world has experienced 5 significant earthquakes in the last 2 weeks, it is generally expected that an annual average of 16 to 18 major earthquakes—those with a Richter magnitude of 7.0 or greater—will occur.

According to the USGS, 11 major shocks were reported during 1973. In 1974, 12 major shocks were recorded, and in 1975, 13 shocks were reported along with the first "great" earthquake—one with a magnitude of 8.0 or greater—since 1971.

Five major earthquakes have been reported so far this year as follows: On January 14, two major shocks, a 7.7 followed within hours by one that ranged from 7.75 to 8.0, struck the Kermadec Islands in the Southwest Pacific. On January 21, a 7.0 quake occurred in the Kuril Island north of Tokyo. On February 4, the deadly 7.5 earthquake struck Guatemala; and on May 16—just a few days ago—a destructive 7.2 earthquake in Soviet Central Asia.

In addition to these major quakes, the world has so far this year experienced 12 earthquakes considered "significant"—quakes that have caused deaths or extensive damage or were 6.5 or stronger: A 6.9 on January 1 in the Tonga Islands; a 6.5 on January 13 that caused extensive damage in Iceland; a 6.0 on February 19 that caused at least one death in Cuba; a 6.9 on March 4 in the New Hebrides Islands; a 6.7 on March 24 in the Kermadec Islands; a 6.7 on March 29 in South Panama; a 6.9 in Soviet Central Asia on April 8 that is reported to have caused extensive damage; a 6.7 in Ecuador that took at least 10 lives on April 9; a 6.5 earthquake near the coast of New Zealand on May 4; a 6.7 quake in the Kermadec Islands in the Southwest Pacific on May 5; a deadly 6.5 quake that struck northeastern Italy on May 6; and a 6.5 in Northern Peru on May 15.

In short, earthquake activity tends to be episodic, with periods of relative quiet alternating with periods of activity. On a worldwide scale the overall low level of major earthquake activity during the last 3½ years is not necessarily unusual. On a local scale, however, long periods of dormant or low seismic activity along faults that are experiencing stress buildup, could indicate trouble ahead. The stresses building within the Earth could eventually exceed fault strength, resulting in a large earthquake.

In southern California, we are worried that such stresses may be reaching a breaking point. U.S. Geological Survey scientists have discovered a bulge in the Earth's crust astride the San Andreas fault that has, in the past 10 years, uplifted 4,500 square miles of mountainous terrain north of Los Angeles. This buldge, which has come to be known as the Palmdale uplift, runs along a 100-mile stretch of the San Andreas fault—a section of the fault that has not moved since a massive earthquake in 1857. While Earth scientists are quick to point out that we simply do not know what the uplift means, I am concerned that we may be courting certain disaster if we fail to take preventive measures now—before a major earthquake results. Uplifts have preceded major earthquakes in the past—including the destructive San Fernando earthquake in 1971 which claimed 65 lives and caused more than a half a billion dollars in damage. And while it is also true that uplifts have developed in the past without resulting in earthquakes, I am not willing to take the chance that this particular uplift is harmless. If we are to err, let us err on the side of caution.

At stake is the Los Angeles metropolitan area. The Federal Disaster Assistance Administration has estimated deaths and injuries which might result from a "great" earthquake along that section of the San Andreas which is now experiencing the uplift. Depending upon the time of day the earthquake strikes, it could result in as many as 12,000 deaths, 48,000 serious injuries and $15 to $25 billion in property damage.

Because of the tremendous risk involved, I recently made a personal appeal to President Ford to release additional money immediately to the U.S. Geological Survey so that appropriate monitoring and research could be implemented in the area affected by the uplift. This appeal resulted in meetings with OMB officials and others in the administration, but to date, while interest was expressed, no formal action has been taken in response.

Thus it is critical that S. 1174, the Earthquake Hazards Reduction Act, pass the Senate today and move toward favorable House action as rapidly as possible. The comprehensive research and implementation program envisioned by S. 1174, along with the substantial infusion of additional funds for the next 3 fiscal years, can get us on track toward reducing the hazards of future earthquakes.

I wish to commend Senator Hollings, chairman of the Subcommittee on Oceans and Atmosphere, all members of the Commerce Committee and the able Commerce Committee staff for tremendous support and cooperative efforts which resulted in the bill before the Senate today. I urge the Senate to vote favorably on S. 1174.

Mr. MOSS. Mr. President, I am pleased to support passage of S. 1174, the Earthquake Hazard Reduction Act. This is a measure which has too long been ignored by the Congress of the United States. I would like to commend my colleague from South Carolina, Mr. Hollings, for the fine work he did on this measure in the Commerce Committee.

Earthquake is a natural hazard which can strike at any time as was evidenced only 2 weeks ago in Europe when the disastrous earthquake struck Italy and surrounding countries and resulted in a death toll of more than 1,000 people. Since my earliest days in the Senate I have urged the enactment of legislation to protect against the hazards of earthquake. It is finally happening. Earthquakes can and will occur in densely populated areas. The past weeks in Italy and the recent disaster in Guatemala are clear evidence of that fact. Modern technology can minimize the danger of earthquake both to life and property. The passage of this bill will demonstrate our clear intention to begin to take advantage of that technology.

There are many preventative measures which can be taken by those communities which are highly susceptible to earthquake damage, such as Los Angeles, Boston, Seattle, Charleston, S.C., and my hometown of Salt Lake City. S. 1174 makes provision for the initial steps in taking these preventative measures. It is sorely needed.

As a Senator from the State of Utah I have been interested in reducing the hazards of earthquake since I was a young man—long before I was elected to the Senate. The major portion of my home State lies over many geological faults, and the State of Utah suffers minor earthquake tremors continuously. In April of last year a major earthquake occurred along the Utah-Idaho border. We were fortunate that the epicenter of the earthquake was in an area largely uninhabited. Such has been the case in most of the major earthquakes which have struck the United States in recent years.

However, everyone remembers the devastation in San Francisco in 1906 where more than 700 lives were lost and damage exceeded $500,000,000. From 1865 through 1971 there occurred in the United States 36 major earthquakes which caused in excess of $1.8 billion in damage. More than 85 percent of that damage was caused by only three of those quakes—the three that occurred in populated areas—the San Francisco earthquake of 1906, the Alaska earthquake of 1964, and the San Fernando earthquake of 1971, each of which caused more than $500,000,000 in damage.

We have been fortunate in years past because earthquakes occurred in less populated areas. However, the extensive growth of population in the United States in recent years—which will surely increase in the future—means that we can no longer ignore protection against earthquake. Just as we have recognized the need for protection against the disasters of flood and abnormal weather, we must recognize the need for mitigation of earthquake damage.

The U.S. Geological Survey has classed areas of the United States according to seismic risk. Many of our major cities lie within those areas which are classified as high risk zones—those areas which can expect at some time to suffer earthquake damage. These include—as we all know—San Francisco, Los Angeles, Salt Lake City, Seattle, and Tacoma, but a quick glance at the seismic risk map will disclose—a lesser known fact—that there are other major metropolitan areas which lie within areas of high risk, such as Charleston, S.C.; Memphis, Tenn.; Boston, Mass.; and Buffalo, N.Y. These are cities which suffer a risk of major damage by earthquake. There are many more which are subject to moderate damage. As a matter of fact, only in the central plains States is there any relative safety from damage due to earthquake in the United States.

This natural disaster can strike at any time and with severe intensity; such intensity in fact, that in the last 500 years it has caused more than 2 million deaths in the world. We are fortunate in the United States that we have not had catastrophic loss of life from earthquakes, but that certainly does not mean that we are immune from such a possibility. There were 700 lives lost in San Francisco and only 5 years ago in the San Fernando Valley an earthquake took more than 60 lives.

It is common knowledge that Los Angeles and San Francisco are moving physically closer to each other as a result of movement of the tectonic plates which join at a location known as the San Andreas fault. Similarly, it is common knowledge that there is a fault lying in Utah and Idaho known as the Wasatch fault where there have been major earthquakes. But, it is not common knowledge that outside of the Rocky Mountains and the West, there are also zones of possible severe seismic activity in States such as: Kentucky, Arkansas, and Missouri. Safety from the disaster of earthquake certainly should be a concern of the people of the United States and of their Government. I hope that here today—without being alarmists—we can determine that there must be established some significant protections for ourselves.

The science of earthquake study is relatively new, both in the physical and social sciences. Only during this century has any real scientific understanding of the phenomenon of earthquakes been forthcoming and it really had not taken great strides until the last 15 years or so, but we can now take some steps for protection.

Mr. President, I would like to urge swift action on the part of the House of Representatives to insure that this measure becomes law before the conclusion of the 94th Congress.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: A bill to reduce the hazards of earthquakes, and for other purposes.

SUBCOMMITTEE ON MULTINATIONAL CORPORATIONS

The concurrent resolution (S. Con. Res. 107) authorizing the printing of the following committee prints of the Committee on Foreign Relations Subcommittee on Multinational Corporations was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Foreign Relations five thousand copies each of the following hearings and committee prints entitled "Multinational Corporations and U.S. Foreign Policy" (volumes 1 and 2); "Multinational Oil Corporations and U.S. Foreign Policy, Report Together With Individual Views, January 2, 1976"; "Multinational Corporations in Brazil and Mexico: Structural Sources of Economic and Noneconomic Power, Report to the Subcommittee on Multinational Corporations", by Richard Newfarmer and Willard F. Mueller; "Direct Investment Abroad and the Multinationals: Effects on the United States Economy", prepared for the use of the Subcommittee on Multinational Corporations by Peggy B. Musgrave.

BACKGROUND MATERIALS CONCERNING CHILD AND FAMILY SERVICES ACT

The concurrent resolution (S. Con. Res. 114) authorizing the printing of additional copies of Subcommittee on Children and Youth committee print titled "Background Materials Concerning Child and Family Services Act, 1975 (S. 626)" was considered and agreed to as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Senate Committee on Labor and Public Welfare, twenty-five thousand additional copies of its committee print compiled by its Subcommittee on Children and Youth entitled "Background Materials Concerning Child and Family Services Act, 1975 (S. 626)".

RAILROAD CONSOLIDATION AND RELOCATION IN URBAN AREAS

The resolution (S. Res. 447) authorizing the printing of the report entitled "Railroad Consolidation and Relocation in Urban Areas" as a Senate document was considered and agreed to, as follows:

Resolved, That the report of the Secretary of Transportation to the Congress of the United States (in compliance with section 163 of Public Law 93-87, the Federal-Aid Highway Act of 1973), entitled "Railroad Consolidation and Relocation in Urban Areas", be printed, with illustrations, as a Senate document.

SEC. 2. There shall be printed five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94-913), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 447 would provide (1) that the report of the Secretary of Transportation to the Congress of the United States (in compliance with section 163 of Public Law 93-87, the Federal-Aid Highway Act of 1973), entitled "Railroad Consolidation and Relocation in Urban Areas", be printed, with illustrations, as a Senate document; and (2) that there be printed 500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$5,605.29
500 additional copies, at $351.92 per thousand	175.96
Total estimated cost, S. Res. 447	5,781.25

A joint letter in support of Senate Resolution 447, addressed to Senator Howard W. Cannon, chairman of the Committee on Rules and Administration, by Senator Jennings Randolph and Senator Howard H. Baker, Jr., chairman and ranking minority member, respectively, of the Committee on Public Works, is as follows:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., May 13, 1976.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to Senate Resolution 447, which I introduced in the Senate on May 12, 1976.

Section 163 of Public Law 93-87, the Federal Air Highway Act of 1973, which concerns itself with "Demonstration Project—Railroad-Highway Crossings" requires that the Secretary of Transportation make annual reports, and a final report, to the President and the Congress with respect to his activities pursuant to this section. This report, entitled "Railroad Consolidation and Relocation in Urban Areas", is submitted in accordance with this section.

This report details a study of the issues, and outlines the potential benefits to accrue from the relocation and consolidation of railroad lines in urban areas. With the continued emphasis in city areas on improved quality of life, increased attention is being given to the conflict between railroad and other urban activities. Concurrently, changes in urban area transportation needs, in the railroad industry structure, and in railroad operations are creating new opportunities for alleviating conflicts by urban railroad consolidation and relocation to serve better the needs of urban communities.

This is the first such study submitted under the provisions of this Public Law and it is felt that wide dissemination of this report to interested agencies, as well as Federal, State and local government officials will bring to their attention the program, its objectives, and the procedures to follow in implementing the recommendation contained herein.

We would deeply appreciate your early approval of this Resolution.

With kind personal regards,

Truly,

JENNINGS RANDOLPH,
Chairman.
HOWARD H. BAKER, Jr.,
Ranking Minority Member.

COURT PROCEEDINGS AND ACTIONS OF VITAL INTEREST TO CONGRESS

The concurrent resolution (H. Con. Res. 305) providing for the printing of additional copies of the committee print entitled "Court Proceedings and Actions of Vital Interst to the Congress, Final Report for the 93d Congress, December 1974" was considered and agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94–914), explaining the purposes of the measure.

There being no objection, the excerpt was orderd to be printed in the RECORD, as follows:

House Concurrent Resolution 305 would authorize the printing for the use of the Joint Committee on Congressional Operations of 500 additional copies of the committee on Congressional Operations of 500 additional copies of the committee print entitled "Court Proceedings and Actions of Vital Interest to the Congress, Final Report for the 93d Congress, December 1974".

The printing-cost estimate on House Concurrent Resolution 305, as agreed to by the House of Representatives, is as follows:

Printing-cost estimate

Back to press, 500 copies	$10,232.23

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. No, Mr. President.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TODAY OF NOMINATION OF S. JOHN BYINGTON

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that, beginning at the hour of 3:30 p.m. today, the Senate go into executive session for the consideration of the nomination of Mr. S. John Byington to be a Commissioner of the Consumer Product Safety Commission, and that there be a time limitation of 30 minutes for debate, to be equally divided between Mr. MAGNUSON and Mr. PEARSON.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:34 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 3184) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes, with amendments in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 8719) to provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

The message further announced that the House has agreed to the resolution (H. Res. 1211) designating Hon. JOHN J. MCFALL, a Representative from the State of California, Speaker pro tempore during the absence of the Speaker.

The message also announced that the House has agreed to the resolution (H. Res. 1212) relating to the death of the Hon. TORBERT H. MACDONALD, a Representative from the State of Massachusetts.

The message further announced that the House has passed the bill (H.R. 12679) to amend the Public Health Service Act to extend for 3 fiscal years assistance programs for health services research and statistics and programs for assistance to medical libraries, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore (Mr. MCFALL) has signed the following enrolled bills:

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders.

S. 2498. An act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing program for small business, and for other purposes.

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. STEVENSON).

At 4:01 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the bill (H.R. 13350) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes, in which it requests the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on activities carried out in the year ending September 30, 1975 on the railroad technology program (with an accompanying report); to the Committee on Commerce.

PROPOSED ACTS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

Two letters from the Chairman of the Council of the District of Columbia each transmitting, pursuant to law, a copy of a proposed act adopted by the Council (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF THE AMERICAN SYMPHONY ORCHESTRA LEAGUE

A letter from a certified public accountant transmitting, pursuant to law, a copy of the audit report for the American Symphony Orchestra League, Inc., for the fiscal year March 31, 1976 (with an accompanying report); to the Committee on the Judiciary.

PUBLISHED REGULATIONS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Two letters from the Acting Director of the Office of Regulatory Review of the Department of Health, Education, and Welfare transmitting, pursuant to law, copies of published regulations relating to the national reading improvement program and the public service education fellowships (with accompanying papers); to the Committee on Labor and Public Welfare.

PROSPECTUS OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus proposing an extension to the present lease for a building in Honolulu, Hawaii (with accompanying papers); to the Committee on Public Works.

REPORT OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Acting Administrator of General Services transmitting, pursuant to law, a report of a building project survey in Altoona, Pa. (with an accompanying report); to the Committee on Public Works.

PROPOSED LEGISLATION BY THE VETERANS' ADMINISTRATION

A letter from the Administrator of Veterans' Affairs transmitting a draft of proposed legislation to amend the Veterans' Administration Physician and Dentist Pay Comparability Act (with accompanying paper); to the Committee on Veterans' Affairs.

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund transmitting, pursuant to law, the annual Trust Fund (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund transmitting, pursuant to law, the annual report of the fund (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS

A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund transmitting, pursuant to law, the annual reports of both funds for the year 1976 (with accompanying reports); to the Committee on Finance.

AMENDMENT TO BUDGET REQUEST FOR THE ENVIRONMENTAL PROTECTION AGENCY—(S. DOC. No. 94–197)

A communication from the President of the United States transmitting an amendment to the budget request for the fiscal year 1977 in the amount of $11,300,000 for the Environmental Protection Agency (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO BUDGET REQUEST FOR THE DEPARTMENT OF THE INTERIOR—(S. DOC. No. 94–198)

A communication from the President of the United States transmitting an amendment to the budget request for the fiscal year 1977 in the amount of $2.8 million for the Department of the Interior (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO BUDGET REQUEST FOR THE VETERANS' ADMINISTRATION—S. DOC. 94–199)

A communication from the President of the United States transmitting an amendment to the budget request for the fiscal year 1977 in the amount of $268,316,000 for the Veterans' Administration (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

PETITIONS

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following petitions, which were referred as indicated:

A resolution adopted by the membership of the Southeastern Association of School Business Officials relating public employees engaging in collective bargaining; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 105. A concurrent resolution expressing the sense of Congress regarding democracy in Italy and participation by Italy in North Atlantic Treaty Organization (Rept. No. 94–915).

ALLOCATIONS UNDER THE CONGRESSIONAL BUDGET ACT (REPT. NO. 94–916)

Mr. MOSS, from the Committee on Aeronautical and Space Sciences submitted a report entitled "FY 1977 Allocations Under Section 302(b) Congressional Budget Act," which was ordered to be printed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, May 24, 1976, he presented to the President of the United States the following enrolled bills:

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders.

S. 2498. An act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing programs for small business, and for other purposes.

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts.

APPROVAL OF BILLS

A message from the President of the United States announced that he had approved and signed the following enrolled bills:

On May 21, 1976:

S. 3031, An Act to authorize the erection of a statue of Bernado de Galvez on public ground in the District of Columbia.

On May 22, 1976:

S. 2619, An Act to provide for adjusting the amount of interest paid on funds deposited with the Treasury of the United States by the Library of Congress Trust Fund Board.

S. 2620, An Act to provide for adjusting the amount of interest paid on funds deposited with the Treasury of the United States pursuant to the Act of August 20, 1912 (37 Stat. 319).

S. 3107, An Act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 12679) to amend the Public Health Service Act to extend for 3 fiscal years assistance programs for health services research and statistics and programs for assistance to medical libraries, and for other purposes, was read twice by its title and referred to the Commitee on Labor and Public Welfare.

ORDER FOR STAR PRINT—S. 2661

Mr. CANNON. Mr. President, I ask unanimous consent that there be a star print of S. 2661, a bill to amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes, to correct certain errors in the printing thereof, and I have a corrected copy which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 3481. A bill to provide that the Committee on Mental Health and Illness of the Elderly (established by Public Law 94–63) shall have an additional year in which to carry out its duties. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 3481. A bill to provide that the Committee on Mental Health and Illness of the Elderly (established by Public Law 94–63) shall have an additional year in which to carry out its duties. Referred to the Committee on Labor and Public Welfare.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

Mr. MUSKIE. Mr. President, I introduce for appropriate reference a bill to provide an additional year for the Committee on Mental Health and Illness of the Elderly to complete its study and recommendations.

This nine-member committee was created under the Health Revenue Sharing Act last July when the Congress decisively overrode President Ford's veto.

Public Law 94–63 directs the committee to submit a report by July 29, 1976, to the Congress on several important issues, including:

First. The future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of the elderly.

Second. Appropriate care of aged persons in mental institutions.

Third. Proposals for implementing the recommendations of the 1971 White House Conference on Aging concerning mental health care of older Americans.

However, it will be impossible for the committee to meet this deadline because the Secretary of HEW has yet to name the nine members.

As the sponsor of the legislation that led to the establishment of this committee, I am deeply disturbed by the administration's foot dragging.

Recently, Senator Church, chairman of the Committee on Aging, joined me in urging Secretary Mathews to name the nine members of the Committee on Mental Health and Illness of the Elderly. I wish our letter had not been necessary. Mental illness is a serious problem among our elderly.

The committee I proposed was charged with examining the problem and proposing solutions.

It was not intended to be a new bureaucratic entity. It was not supposed to keep studying the problem for the indefinite future. It was to report within a year.

But nothing has yet been done. Now, we are faced with letting the committee die without hearing its recommendations, or extending its life to make up for the inattention of those most responsible in government for caring for the needs of our elderly.

It is no wonder that people feel government does not care any more.

The purpose of this legislation is to grant a 1-year extension—until July 29, 1977—for the Committee on Mental Health and Illness of the Elderly to perform its functions.

This additional time is needed to permit a thorough, complete, and effective report on the issues the committee is charged by law to investigate.

The committee's report takes on added meaning because widespread confusion and contradictions now affect public policy concerning mental health care of the elderly.

This failure in public policy is causing heavy, social, and psychological costs among older Americans and their families.

Many elderly are "warehoused" in institutions when they could be returned to the community if proper services were available. Some are dumped into communities without adequate facilities and resources to assist them. Still others remain in their homes and apartments, cut off from the help they desperately need.

Our Nation can no longer turn its back on the serious mental health problems of older Americans. The Committee on Mental Health and Illness of the Elderly, however, can provide an important first step for the development of a national policy in this area.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 603 (b) of the Act of July 29, 1975 (Public Law 94–63, 42 U.S.C. 289K–2 Note) is amended by striking out "one year" and inserting in lieu thereof "two years".

ADDITIONAL COSPONSORS

S. 969

At the request of Mr. Hartke, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 969, to amend chapter 34 of title 38, United States Code.

S. 2908

At the request of Mr. Hartke, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 2908, to amend title 38, United States Code, to improve the quality of hospital care, medical services, and nursing home care in Veterans' Administration health care facilities; to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence or alcohol or drug abuse disabilities; to make certain technical and conforming amendments and for other purposes.

S. 2925

At the request of Mr. Muskie, the Senator from Alaska (Mr. Stevens), the Senator from South Dakota (Mr. Abourezk), the Senator from Connecticut (Mr. Ribicoff), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 2925, the Government Economy and Spending Reform Act of 1976.

S. 3182

At the request of Mr. Taft, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 3182, to amend the Occupational Safety and Health Act of 1970.

S. 3310 AND S. 3311

At the request of Mr. Robert C. Byrd (for Mr. Moss), the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 3310, to conserve electric energy; and S. 3311, to amend the Federal Power Act.

S. 3317

At the request of Mr. Taft, the Senator from Hawaii (Mr. Inouye) and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 3317, to amend the Occupational Safety and Health Act of 1970.

S. 3451

At the request of Mr. Moss, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 3451, to amend the Internal Revenue Code of 1954.

SENATE JOINT RESOLUTION 176

At the request of Mr. Allen, the Senator from Georgia (Mr. Talmadge) was added as a cosponsor of Senate Joint Resolution 176 prohibiting by constitutional amendment assignment to public schools on the basis of race.

SENATE RESOLUTION 453—SUBMISSION OF A RESOLUTION RELATING TO THE INCLUSION OF UNITS OF THE METRIC SYSTEM IN CONGRESSIONAL PRINTS

(Referred to the Committee on Rules and Administration.)

Mr. PELL (for himself and Mr. Inouye) submitted the following resolution:

S. Res. 453

Whereas, the United States was an original signatory party to the 1875 Treaty of the Meter (20 Stat. 709) which established the General Conference of Weights and Measures, the International Committee of Weights and Measures, and the International Bureau of Weights and Measures;

Whereas, the use of metric measurement standards in the United States has been authorized by law since 1866 (Act of July 28, 1866; 14 Stat. 339);

Whereas, the Metric Conversion Act of 1975 declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric sytsem in the United States and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system;

Whereas, it is the aim of the Senate to assist the United States Metric Board in carrying out the policies of the Metric Conversion Act of 1975, particularly with regard to greater public understanding of and education about the metric system;

Whereas, a need currently exists for the Senate to participate in the Nation's conversion to the metric system: Now, therefore, be it

Resolved, That (a) units of weights and measures contained in all bills, resolutions, and amendments, and in all committee reports, shall be expressed in units of the metric system of measurement (as defined in section 4(4) of the Metric Conversion Act of 1975) either (1) as the sole or primary unit of measurement or (2) as an alternative unit of measurement to a non-metric unit of measurement.

(b) It shall not be in order to consider any bill, resolution, or amendment which does not comply with the provisions of subsection (a), and it shall not be in order to consider any bill or resolution reported by any committee unless the committee report accompanying that bill or resolution complies with the provisions of subsection (a).

Mr. PELL. Mr. President, I am pleased to submit, for myself and Senator Inouye, a resolution to require the inclusion of units of the metric system of measurement in all Senate bills, resolutions, amendments, and committee reports which contain references to units of weights and measures.

This Senate resolution serves as a necessary followup to recently completed congressional action on bills S. 100 and H.R. 8674, signed by the President on December 23, 1975, as Public Law 94–168, the Metric Conversion Act of 1975. As a sponsor of S. 100, and as the original Senate sponsor of metric conversion legislation in 1963, I believe that the Senate must now move to asist the soon-to-be-formed U.S. Metric Board in facilitating the Nation's switch to metric.

Hearings conducted by the distinguished Senator from Hawaii (Mr. Inouye) on metric conversion legislation revealed that our citizens have been ahead of their Government for some time in understanding the advantages of the metric system. Now that Congress has acknowledged the obvious in passing the Metric Conversion Act, it is time for the Senate to make its own procedures consistent with national policy.

There is no reason to fear confusion in the Senate due to the requirements of this resolution, nor should we be concerned about delays in the legislative process. The timely flow of legislation will not be interrupted.

The great majority of Senate documents, Mr. President, will not be affected by this resolution, simply because they contain no references to units of weights and measures in the first place. For the ones that do, it is a simple matter for the drafters of the bill, report, amendment, or resolution to place in parentheses next to the unit its metric equivalent. For example if a highway bill refers to an additional 3,400 miles needed to complete the Interstate Highway System, the notation 5,440 kilometers must be placed immediately thereafter.

A point of order will lie for omission of this simple task. I believe that such a strict sanction is needed to put the Senats on record as being behind the move to metric. Yet even with a point of order, correction of any flaws will be an easy matter, so as not to disrupt the legislative process.

Mr. President, this Senate resolution serves to symbolize the Senate's continued commitment to our national policy, as stated in Public Law 94–168, of coordinating the increasing use of the metric system in the United States.

AMENDMENTS SUBMITTED FOR PRINTING

TAX REFORM ACT OF 1976—H.R. 10612

AMENDMENT NO. 1672

(Ordered to be printed and referred to the Committee on Finance.)

TAXATION OF MUSEUMS AND LIBRARIES

Mr. DOLE. Mr. President, today I am submitting an amendment which is vital to the continued financial vitality of some of America's most important educational institutions. This amendment will remove an inequity which adversely affects a small but important group of our country's leading museums and libraries under the Tax Reform Act of 1969, as interpreted by the Treasury Department in its revised regulations. Because they are wholly or mostly supported by private endowments, such outstanding museums as the Frick Collection in New York, the Winterthur Museum in Wilmington, and the Gardner Museum in Boston are being taxed as private foundations by the Internal Revenue Service even though they are not privately controlled by substantial contributors or members of the families of substantial contributors and offer cultural and educational services to the public comparable in kind and high quality to other leading museums that are publicly supported and thus not subject to the tax. I believe it is inequitable and contrary to the public interest to require such privately endowed museums, libraries, and similar educational institutions, such as arboretums and planetariums, to have to pay a tax on their investment income which thereby reduces their abilities to serve the public. I ask unanimous consent to have printed in the RECORD a recent communication addressed to the chairman of the Committee on Finance from Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, which emphasizes the detrimental effect that this tax is having on the public interest in causing these nonprofit institutions to have to consider imposing admission charges to make up for revenues taken away by the tax. I strongly urge favorable Senate action on this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 25, 1976.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee, U.S. Senate, Russell Building, Washington, D.C.

DEAR SENATOR LONG: Now that the Senate Finance Committee has scheduled hearings on H.R. 10612 and other related Tax Revision matters, I would like to bring to your attention an inequity which affects a small number of libraries and museums under the Tax Reform Act of 1969 as interpreted by the Treasury Department in its revised regulations.

Generally, the libraries and museums facing this problem were established many years ago by wealthy donors who left them substantial endowments designed to meet their anticipated future needs. Over the years, control of these museums has passed beyond the families of the principal donors so that today their governing bodies are broadly representative of the interest of the general public. At the time the libraries and museums now classified as private operating foundations were created through substantial endowments from private contributors, the intention of the donors was that the use of the endowment would sustain the programs of the museum and make them available to the consuming public, in perpetuity, usually free from any admission cost.

The Tax Reform Act of 1969, as interpreted by the Treasury Department in its revised regulations, treats these libraries and museums as private "operating foundations" rather than "publicly supported" organizations.

After enactment of the 1969 Act, the Treasury Department revised its regulations defining publicly supported organizations to require that a library or a museum must receive at least 10% of its support from the general public before it can be considered as qualifying under the "facts and circumstances" test as a publicly supported organization. This change in the regulations was made even though there was no change by Congress in the statutory language of the pertinent provisions of the Internal Revenue Code.

What this amounts to is that a small number of libraries and museums must pay the 4% excise tax on their endowment income, and that the excise tax comes directly off the top of their operating income.

Representatives of the Frick Collection have sent me a letter from Dr. Woodworth, Chief of Staff of the Joint Committee on Internal Revenue Taxation, which estimates that the revenue loss to the Treasury for remedying this inequity would be small—in the order of one million dollars—but the effect, according to the Frick Collection, of paying this tax on the individual libraries and museums has been enormous.

Further, representatives of the Frick Museum have informed me that they are now being forced to consider an admission charge to their previously free galleries in that now, after the payment of the 4% excise tax, their annual expenditures exceed income. I further understand that the Gardner Museum in Boston has for the first time instituted a one dollar admission charge on Sunday afternoons, again due in part to the impact of the 4% excise tax.

I am especially concerned that this new admission policy, which may spread to other institutions, is detrimental to those socioeconomic groups least capable of affording cultural opportunities.

Accredited private operating foundation libraries and museums are public charities in all their programs and activities and are in reality more of an educational institution (exempted by the 1969 Act) than they are the kind of foundation which gave rise to the abuses envisaged by the 1969 Act. It seems particularly inappropriate to penalize them with paying an excise tax for enforcing a law aimed at abuses these institutions have had nothing to do with and thereby to punish the cultural consuming public which is being, in effect, forced to share the burden of the tax.

Thanking you for your attention to this matter I am,

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President for Consumer Affairs.

AMENDMENT NO. 1673

(Ordered to be printed in the RECORD and referred to the Committee on Finance.)

Mr. HARTKE. Mr. President, this spring we passed H.R. 12490, a bill designed to work out the tax problems associated with the creation of ConRail. Time was of the essence; certain matters that still needed to be dealt with were passed over in the interests of speed. We committed ourselves then to rectify these matters at the earliest opportunity. The present tax revision act, H.R. 10612, is, I believe, the proper vehicle to finish the unfinished tax business of ConRail.

Under present law, railroads have a 7-year carryover period for net operating losses. This was enacted in 1962 in recognition of the fact that railroads, because of their low rate of return, need a longer-than-normal carryover period to absorb losses when they occur. If a corporation ceases to qualify as a railroad, present law provides that the carryover period shall be only 5 years, even with respect to losses incurred while the corporation did qualify as a railroad. This "lapse-back" provision probably was based on the view that corporations going into nonrailroad businesses with higher rates of return would not need the longer carryover period.

Public Law 94–253—approved March 31, 1976—relating to the tax treatment for exchanges under the final system plan for ConRail, made no change in the "lapse-back" provision of present law. Thus, as a result of the ConRail takeover on April 1, 1976, the bankrupt Northeast railroads will have only 5 years following each loss year to use their prior railroad losses.

The situation of the bankrupt Northeast railroads was not foreseen in 1962. These railroads did not go out of the railroad business voluntarily with the encouraging prospect of absorbing their railroad losses within the shorter 5-year period. Rather, despite bankruptcy, they have been forced in the public interest to continue in the railroad business for several years, with continuing forced losses, until they have amassed losses that cannot possibly be absorbed even within the 7-year period, let alone within the shorter 5-year period.

The purpose of the 1962 amendment, including the lapse-back provision, was to give railroads a reasonable period to absorb their losses. That same logic clearly requires that the code be amended to provide that the carryover period be maintained at 7 years in this situation.

During Finance Committee hearings on the present tax revision act, representatives of the bankrupt railroads gave testimony on the "lapse-back" problem which should now be resolved. I ask unanimous consent to have that testimony printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF TRUSTEES OF PCTC, DEBTOR ON TAX REVISION PROPOSALS SUBMITTED TO COMMITTEE ON FINANCE, U.S. SENATE, APRIL 9, 1976

SUMMARY

1. An important purpose of both the bankruptcy laws and the net operating loss provisions of the tax laws is to provide a means for the rehabilitation of distressed businesses.

2. Despite filing in bankruptcy in June of 1976, Penn Central was not permitted to make the adjustments in its railroad operations necessary to reduce or eliminate its losses. Rather, Penn Central was required in the public interest to continue in the railroad business for several years, with continuing forced losses, until it has amassed loses that cannot possibly be absorbed even within the 7-year carryover period normally available to railroad.

3. As a result of the ConRail takeover on April 1, 1976, the carryover period for these prior railroad losses will be reduced from 7 years to 5 years. This result, in the context of continued forced railroad operations, was not foreseen in 1962 when the 7-year carryover period was enacted, and it cannot be justified in terms of Congress's purpose at that time.

4. The Trustees of the Penn Central, in fulfilling their responsibilities under the bankruptcy laws, should have a reasonable amount of flexibility in implementing the long-delayed reorganization plan.

5. In these circumstances, the Code should be amended so that the carryover period for the bankrupt railroads will be maintained at 7 years and not be cut back to 5 years as a result of the ConRail transaction.

STATEMENT

Mr. Chairman and Members of the Committee:

My name is Robert W. Blanchette. I am Chairman of the Board of Trustees of Penn Central Transportation Company, Debtor, appointed by the United States District Court for the Eastern District of Pennsylvania. I am accompanied by Newman T. Halvorson, Jr., of the law firm of Covington & Burling, Washington, D.C., Special Counsel for the Trustees.

We appreciate this opportunity to present our views on a tax revision proposal that is important to us and to thousands of claimants against the Penn Central Estate. The proposal is that appropriate changes in the Code be made so that the recent ConRail takeover will not have the effect, as it would have under present law, of reducing from 7 years to 5 years the period within which the bankrupt estates may use the net operating losses incurred in railroad operations prior to the takeover.

BACKGROUND

At the outset of my remarks this morning, I should like to explain the philosophy underlying our position before this Committee. Basically, our position is rooted in the fundamental public policy, expressed in the bankruptcy and tax laws, that gives distressed companies some flexibility in rehabilitating their affairs. In large enterprises, such as the Penn Central, this is of particular importance to the small investor and creditors; the large financial institutions are usually able to minimize the impact of bankruptcy by obtaining collateral in the form of mortgages, pledges and the like. The tax laws serve this same public policy when tax loss carryforwards are available to give a debtor some "breathing room" in restructuring and reorganizing its assets.

The bankruptcies of the Northeast railroads present a unique situation, created by the Government, to which our suggestions are addressed. Our proposal that an amendment be made in the loss carryover provisions, and our belief that such a change is required in the interests of fairness and sound tax policy, are based essentially on three facts, each of which reflects this unique situation in the form of government action affecting the Penn Central and the other debtors.

1. Despite bankruptcy, these debtors were not permitted to reorganize themselves by cutting the losses which were incurred in railroad operations and which led to their bankruptcies in the 1960's and 70's. Rather, PCTC and the other bankrupt railroads were required in the public interest to continue their loss-producing railroad operations without substantial change pending the resolution of the Northeast rail crisis. Congress as well as the executive and judicial branches of government imposed this requirement. This is seen, for example, in the Regional Rail Reorganization Act of 1973, effective January 2, 1974, and in the earlier Joint Resolution 59, enacted on February 8, 1973, both of which required the continuation of railroad operations. As a result, PCTC has been unable to make any use of the 7-year carryover period provided for railroads, and instead has been required to pile up additional losses.

2. Pending the legislative solution to the rail crisis, and the determination by ConRail of the assets it was going to take on April 1, PCTC has been unable to absorb any of such losses by rearranging or disposing of either rail or nonrail assets for the benefit of creditors.

3. The solution to the rail crisis adopted by Congress will have the effect of reducing the 7-year carryover period, already inadequate in the circumstances, to 5 years, because PCTC may not qualify as a "regulated transportation corporation" following the ConRail takeover. This is provided by Section 172(j)(3) of the Internal Revenue Code.

In these circumstances, our position basically seeks equitable relief so that the railroad debtors can be rehabilitated in a manner similar to that available under the tax laws in less unique circumstances. We recognize that the public interest required continuation of rail operations in the Northeast regardless of profitability. We also recognize that the public interest requires the protracted valuation proceedings contemplated in the Regional Rail Reorganization Act. We believe that the public interest is also served by an application of the tax laws which recognizes these facts and does not penalize the debtors because of their public utility status.

Congress frequently has recognized that tax changes may be appropriate for particular companies or industries severely affected by government regulation. This was recognized in our own industry, for example, in 1962 when the carryover period for railroads was extended to 7 years. In the present circumstances, the PCTC Trustees suggest that the carryover period should, at the very minimum, be maintained at 7 years. This will provide the railroads a fair opportunity to recoup at least part of the enormous operating losses that they have been forced to incur in the public interest for an extended period following bankruptcy. This proposal would not provide any windfall in the form of a refund of taxes paid in prior years. There would be no effect on federal revenues before 1982 or 1983.

I should emphasize that the major beneficiaries of changes such as those I have outlined be low-ranking unsecured creditors of the Estate, such as suppliers and injured persons, who without legislation may receive little if any payment on their claims.

EFFECT OF H.R. 12490

As members of this Committee will recall, the Senate on March 25, 1976, passed H.R. 12490, relating to the income tax treatment of exchanges under the final system plan for ConRail, without consideration of certain amendments suggested by parties involved in the transfer of properties to ConRail. This bill was signed by the President on March 31, 1976, as Public Law 94–253. We did not oppose enactment of H.R. 12490 in its final form because, as a result of its consideration in the House Ways and Means Committee, important technical changes were made in its provisions relating to net operating loss carryovers and because we understood it was the sense of the Congress and of the bill's proponents that it not be delayed by consideration of further amendments. It was suggested by certain members of Congress, however, that further changes would be considered by this Committee in connection with the pending tax revision proposals.

In response to the unique situation faced by the Northeast railroads, as described above, H.R. 12490 made one important change in the loss carryover provisions. Under the newly enacted Section 374(e) of the Code, the bankrupt railroads will be permitted to use their prior railroad losses, to the extent they have not otherwise been used, to offset any income which is later received from the Government or from court awards under the Regional Rail Reorganization Act of 1973. Because of the severe time limitations imposed upon the Congress, however, H.R. 12490 failed to correct an anomalous and unjustifiable result under present law. As I have stated, the carryover period for railroads under present law generally is 7 years but, as a direct result of the ConRail transaction, it will be cut back to 5 years for the Penn Central. This result is contrary to Congress's original purpose in providing a 7-year carryover period.

Congress's purpose in 1962, in extending the carryover period for railroads to 7 years, was to recognize through a specific Code provision that railroads, because of their low rate of return, often need a longer-than-normal carryover period. At the same time, Congress specified that the 7-year period would apply only if the taxpayer qualified as a railroad not only in the loss year but also in the carryover year. Otherwise the carryovers would expire after 5 years. This "lapse-back" provision probably was based on the view that corporations going into nonrailroad businesses with higher rates of return would not need the longer carryover period.

H.R. 12490 made no change in the "lapse-back" provision of present law. Thus, as a result of the ConRail takeover on April 1, these debtor railroads will have only 5 years following each loss year to use their prior railroad losses.

The situation of the bankrupt Northeast railroads was not foreseen in 1962. These railroads did not quit the railroad business voluntarily with the encouraging prospect of absorbing their railroad losses within the shorter 5-year period. Rather, despite bankruptcy, they were forced in the public interest to continue in the railroad business for several years, piling one loss on top of another, until they have amassed losses that cannot possibly be absorbed even within the 7-year period, let alone within the shorter 5-year period.

The case would be different if, within a reasonable time after bankruptcy in mid-1970, PCTC had been allowed to adjust its railroad operations so as to reduce or eliminate the losses, or had been allowed to go out of the railroad business entirely. This sort of adjustment is what the Bankruptcy Act is intended to permit. Had this been permitted in our case, the enormous post-bankruptcy losses of recent years would never have been incurred, and some portion of the earlier losses might have been utilized within the 7-year or 5-year period, whichever was applicable in light of the adjustments made. The history of our case, unfortunately, is otherwise.

Indeed, the result under present law may fairly be described as punitive. The Government, having kept the Penn Central in the railroad business for far more than two years longer than it wanted to stay in that business (at least under existing conditions), ought not in fairness cut back by two years the available period for using those involuntary losses.

Without regard to whether the Penn Central is awarded any additional compensation by the courts, reasonable tax policy in these circumstances requires that the previously available carryover period not be reduced as a result of the ConRail transaction. The purpose of the 1962 amendment, including the lapse-back provision, was to give railroads a reasonable period to absorb their losses. That same logic clearly requires that the Code be amended to provide that the carryover period be maintained at 7 years. We have prepared a draft of such an amendment, and I request that it be included in the record as part of my testimony and be given serious consideration by this Committee.

Mr. HARTKE. At this time, I submit an amendment to H.R. 10612, and I ask unanimous consent that it be printed in the RECORD, that would allow the bankrupt railroads to carry their losses for a period of 7 years, thus avoiding the unintended consequence of prior legislation that would restrict that period to 5 years.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 4, after the last line, insert the following:

"SEC. 1309. Net operating loss carryovers of bankrupt railroads.".

On page 361, after line 17, insert the following new section:

"SEC. 1307. NET OPERATING LOSS CARRYOVERS OF BANKRUPT RAILROADS.

"(a) IN GENERAL.—Section 172 (relating to the net operating loss deduction) is amended by inserting after subsection (b)(1)(G) the following new subparagraph:

"'(H) In the case of a taxpayer which is a regulated transportation corporation (as defined in subsection (j)(1) and which conveys (or which is a member of an affiliated group of corporations which conveys) rail properties pursuant to section 303 of the Regional Rail Reorganization Act of 1973, a net operating loss of such corporation which was a net operating loss carryover to, or arose in, the first taxable year of such corporation ending after March 31, 1976, shall be a net operating loss carryover to each of the seven taxable years following the taxable year of such loss. This subparagraph shall apply without regard to whether the taxpayer qualifies as a regulated transportation corporation for any period following such conveyance.'

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning on or after January 1, 1976.".

AMENDMENT NO. 1674

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, I am today submitting the Family Farm Inheritance Act as an amendment to H.R. 10612, a bill to reform the tax laws of the United States.

The purpose of this amendment is to stop the decline in the number of family farms in this country. For years I have been distressed by the steady drop in the number of family farms throughout our Nation. The disappearance of the family farm, long the backbone of American agriculture, has been fostered by high estate taxes. In fact, every week hundreds of farms in this country have to be sold in whole or in part by their owners because they cannot pay exorbitant estate taxes. Cumulatively, a million family-sized farms were consolidated out of existence in the 1950's and another million in the 1960's.

The legislation which I am submitting today can help solve this problem by excluding the first $200,000 in the value of a family farm from the taxable estate of those farmers who have managed their own farms during their lives and have willed that farm to relatives who will carry on this treasured tradition.

All family farms benefiting from this measure, must be actively used to raise agricultural crops or livestock for profit rather than as a hobby. To be specific, in order to qualify for the exemption, the decedent must have exercised substantial management and control over the farm before he or she died. Those who inherit must not only continue to exercise substantial management and control over the farm, but also must maintain ownership. In the event that a farm is willed to several children, all inheritors are covered by the legislation if one of them meets the management qualifications set forth.

I want to emphasize that this proposal is not envisioned as a tax break for all farmers, but rather as a device to assist those farmers who are not likely to have sufficient liquid capital to meet the estate taxes. This measure will in no way benefit hobby farmers or corporate farms. Its purpose is clear and it is drawn in such a way to preclude opening any new tax loophole.

Estate tax relief is necessary to insure that no farms have to undergo forced sales to pay estate taxes. Unless we want to see a continuing decline in the number of family farmers and eventual domination of the farm industry by large corporate farms, it is essential to help family farmers meet what are now unbearably high estate taxes.

All Americans—whether rural, urban, or suburban should recognize that growth of corporate farms at the expense of the family farmer is a threat to the rural way of life as well as the consumer's pocketbook. Literally thousands of farmers have been driven off the land into the cities. Good, hard working people with dignity developed from years of self-sufficient have suddenly found themselves lost in big cities. The irony of all this is that there is no evidence that these giant corporate farms offer any productive advantages. To the contrary, it is the highly efficient family farmer who remain the key to the vast productive capacity of American agriculture.

I submit this legislation now with the strong hope that affirmative action can come quickly and thus bring an abrupt halt to the pattern which has seen millions of family farms disappear from the American landscape since the end of World War II.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1674

At the end of the bill add the following new title:

TITLE XX—ESTATE TAX PROVISIONS

SEC. 2001. INCREASE IN EXEMPTION; INTEREST IN FAMILY FARMING OPERATIONS.

(a) INCREASE IN EXEMPTION.—

(1) Section 2052 (relating to exemption) is amended by striking out "$60,000" and inserting in lieu thereof "$200,000".

(2) Section 6018(a)(1) (relating to estate tax returns) is amended by striking out "$60,000" and inserting in lieu thereof "$200,000".

(b) INTEREST IN FAMILY FARMING OPERATIONS.—

(1) Part IV of subchapter A of chapter 11 (relating to taxable estate) is amended by adding at the end thereof the following new section:

"SEC. 2057. INTEREST IN FAMILY FARMING OPERATIONS.

"(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, at the election of the executor, the value of the taxable estate shall be determined by deducting from the value of the gross estate the value of the decedent's interest in a family farming operation if—

"(1) such interest was continuously owned by the decedent or his spouse during the 60 months preceding the date of his death, and

"(2) such interest passes, by devise or operation of law, to the decedent's spouse or to an individual related to the decedent or his spouse.

"(b) SUBSEQUENT DISQUALIFICATION RESULTS IN DEFICIENCY.—The difference between the tax paid under section 2001 on the transfer of the estate and the tax which would have been paid on that transfer if such tax had been determined without regard to subsection (a) shall a deficiency in the payment of the tax assessed under such section on such transfer unless, for at least 60 months after the date of the decedent's death—

"(1) the interest taken into account for purposes of subsection (a) is retained by the individual to whom such interest passed,

"(2) the income from the operation of the farm to which such interest relates constitutes the principal source of income for the spouse of the decedent, the individual to whom such interest passed, or another heir of the decedent, and

"(3) such farming operation continues to be a family farming operation.

"(c) DEATH OF SUBSEQUENT HOLDER.—If the individual to whom the interest in a family farming operation passes dies, then the person to whom that individual's interest in such operation passes shall be treated, for purposes of this section, as if he were the individual to whom such interest originally passed from the decedent. In applying this subsection to subsection (b), there shall be substituted for the term '60 months' a number of months equal to 60 minus the number of months between the date of the decedent's death and the date on which the individual to whom such interest originally passed died.

"(d) Definitions.—

"(1) Family farming operation.—For purposes of this section, the term 'family farming operation' means a farm—

"(A) actively engaged in raising agricultural crops or livestock for profit, within the meaning of section 183, and

"(B) over which the owner or one of the owners exercises substantial personal control and supervision.

"(2) Relatives of the decedent.—For purposes of this section, an individual is related to the decedent or his spouse if he is the father, mother, son, daughter, grandson, granddaughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister of the decedent or his spouse.".

(2) The table of sections for such part is amended by adding at the end thereof the following new item:

"Sec. 2057. Interest in Family Farming Operations.".

(c) Effective Date.—The amendments made by this section apply with respect to the estates of decedents dying after the date of enactment of this Act.

ENERGY POLICY AND CONSERVATION ACT—S. 2872

AMENDMENTS NOS. 1675 AND 1676

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT. Mr. President, today I am submitting two separate amendments to the FEA extension bill S. 2872. The amendments apply to the crude oil pricing section of the Energy Policy and Conservation Act of 1975—EPCA. These changes in pricing procedure are necessary to prevent the shutting in or premature abandonment of marginal wells and to provide maximum incentives to increase domestic reserves and production.

One amendment would allow stripper production to receive the free market price and also exempts the volume of this stripper production from the calculation of the composite average price.

In the Emergency Petroleum Allocation Act of 1973—EPAA—Congress voted overwhelmingly to allow stripper production to receive free market prices. The new pricing provisions of the EPCA place stripper and other categories of production under price controls. In this amendment the definition of stripper production is expanded. Wells in these categories generally have high unit operating costs like the traditional stripper wells; and because of this might be shut in or plugged prior to reaching the 10 BPD stripper threshold rate if priced at the lower-tier price. To allow this production an uncontrolled price would greatly encourage continued operation of these wells.

It is necessary to exempt this production from the calculation of the composite price to avoid further reductions in the real prices of existing new and old crude oil.

The second amendment would allow incremental production from new secondary and tertiary recovery projects to receive free market prices and to be exempt from the calculation of the composite average price.

A major fault of the EPCA pricing scheme is that the production of additional upper-tier oil could cause a reduction in the price of all other oil. Further, the controlled upper-tier price might not be high enough to encourage producers to initiate expensive enhanced recovery projects which could be feasible at an uncontrolled price. This provision would permit an uncontrolled price for new production from new enhanced recovery projects, or new expansions of existing projects, but simultaneously would prevent a reduction in the price of existing production because of the additional production from these projects. Because only new, incremental production would be decontrolled, existing oil prices would not increase and consumers would face no price increases unless new oil is produced.

I believe these amendments to the Energy Policy and Conservation Act of 1975 are absolutely essential to increase future production. I ask unanimous consent that the text of these amendments be printed in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 1675

On page 4, line 22, insert the following new section at the end:

Sec. 9. That section 8 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection (i).

"(i)(1) Any regulation relating to crude oil prices, to crude oil ceiling prices, or to the weighted average first sale price for crude oil promulgated pursuant to subsection (a) of this section or section 4 of this Act shall not apply to the first sale of stripper well crude oil produced and sold in the United States. The first sale price and volume of such crude oil shall not be used in the computation of the 'maximum weighted average first sale price' as defined in subsection (a) of this section. Notwithstanding any other provision of this section, if the exemption provided by this subsection would cause a reduction in the ceiling prices of the crude oil produced in the United States not exempted by this subsection below the ceiling prices which would otherwise occur pursuant to the regulation under section 4(a) of this Act, as amended pursuant to subsection (a) of this section or by any subsequent amendment thereto, such ceiling prices shall be adjusted so that such reduction shall not occur.

"(2) For the purposes of this subsection, 'stripper well crude oil' is defined as crude oil (including condensate recovered in nonassociated production) produced and sold from a property whose maximum average daily production of crude oil per well during any consecutive twelve-month period beginning after December 31, 1972, does not exceed ten barrels. For any consecutive twelve-month period beginning twelve months prior to the date of enactment of this subsection, the term 'well' shall mean both producing and injection wells.

"(3) To qualify for the exemption under this subsection, a property must be producing crude oil at the maximum feasible rate and in accordance with recognized conservation practices, and if injection wells are to be counted to determine the number of wells for a property, the injection wells must be injecting into the crude oil producing reservoir and the injection operations must have been initiated according to sound engineering principles for the purpose of increasing ultimate recovery or the producing rate of crude oil from the property.

"(4) The agency designated by the President under section 5(b) of this Act for establishing and administering petroleum price controls shall, within thirty days of the date of enactment of this subsection, promulgate or cause to be published regulations implementing the provisions of this subsection and is authorized to conduct inspections to insure compliance with this subsection. If injection wells are to be counted to determine the number of wells for a property, such agency shall, to the maximum extent possible, consult with the United States Geological Survey or with the appropriate State regulatory agency to verify whether the injection wells and injection operations meet the requirements of paragraph (3) of this subsection."

Amendment No. 1676

On page 4, line 22, insert the following new section at the end:

Sec. 9. That section 8 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection (k).

"(k)(1) Any regulation relating to crude oil prices, to crude oil ceiling prices, or to the weighted average first sale price for crude oil promulgated pursuant to subsection (a) of this section or section 4 of this Act shall not apply to the first sale of crude oil produced and sold from a property in the United States which production results from an enhanced recovery operation and which volume of production is in excess of the volume of production which would have been produced from the property in the absence of the enhanced recovery operation. The first sale price and volume of such crude oil shall not be used in the computation of the 'maximum weighted average first sale price' as defined in subsection (a) of this section.

"(2) For the purposes of this subsection, an 'enhanced recovery operation' is defined as an oilfield operation, or the expansion or modification of an existing enhanced recovery operation, which is initiated after February 1, 1976, and which is previously certified as an enhanced recovery operation, pursuant to the procedures specified in paragraph (3) of this subsection, and which, according to prudent engineering principles, is likely to increase the ultimate recovery of crude oil or the producing rate of crude oil from the property by the injection of liquids or gases from the surface including, but not limited to, pressure maintenance, water flooding, gas injection and cycling, miscible fluid injection, chemical flooding, microemulsion flooding, in situ combustion, cyclic steam injection, steam flooding, polymer flooding, caustic flooding, or variations of each of these methods or similar such methods, singularly or in combination.

"(3)(A) Prior to the commencement of the enhanced recovery operation to which the exemption provided by this subsection would apply, the producer shall submit his application for certification as an enhanced recovery operation, which application shall include his estimate of the future rate of crude oil production from the property which would occur in the absence of the enhanced recovery operation, and the necessary supporting data and calculations, as required by appropriate Federal or State regulation, to the Federal Energy Administration, and—

"(i) in the case of a property under State jurisdiction, to the appropriate State regulatory agency, or

"(ii) in the case of a property under Federal jurisdiction, to the United States Geological Survey.

"(B) (i) In the case of a property to which subparagraph (A) (i) applies, the State regulatory agency may act upon the application by granting certification or specifying in what material respects the application should be amended in order to become certifiable. If a State agency does not act on an application within ninety days, the producer may submit the application, estimate, and supporting data and calculations to the United States Geological Survey. The United States Geological Survey shall act upon the application, by granting certification or specifying in what material respects the application should be amended in order to become certifiable, within sixty days, and any failure to act within sixty days shall be conclusively presumed to constitute an approval.

"(ii) In the case of a property to which subparagraph (A) (ii) applies, the United States Geological Survey shall act upon the application by granting certification or specifying in what material respects the application should be amended in order to become certifiable, within sixty days, and any failure to act within sixty days shall be conclusively presumed to consitute an approval.

"(iii) Following receipt of notice by the producer of any United States Geological Survey requirements regarding amendment of the application initially submitted pursuant to either subparagraph (A) (i) or (A) (ii), and submission of required amendments to the United States Geological Survey by the producer, the United States Geological Survey shall act upon the amended application within thirty days. Action shall consist of granting certification without comment or specifying in what material respects the amended application failed to meet the earlier required amendment and then granting a certification which shall include an estimate of the rate, based upon the best judgment of the United States Geological Survey using information available to it, of crude oil production from the property which would occur in the absence of the enhanced recovery operation.

"(C) For the purposes of making the certification pursuant to the procedures specified in subparagraphs (A) and (B), the appropriate State regulatory agency or the United States Geological Survey (as the case may be) shall assure that the estimate of the rate of crude oil production from the property which would occur in the absence of the enhanced recovery operation accompanying the application for certification has been made in accordance with sound engineering and economic principles and using accepted techniques.

"(D) The appropriate State regulatory agency or the United States Geological Survey (as the case may be) shall immediately report its certification to the Federal Energy Administration. The certified estimate of the future rate of crude oil production from the property which would occur in the absence of the enhanced recovery operation shall thereafter be used by the Federal Energy Administration and the producer to determine the volume of crude oil to be exempted pursuant to this subsection.

"(4) The United States Geological Survey and the agency designated by the President under section 5(b) of this Act for establishing and administering petroleum price controls, after consultation with one another and with appropriate State agencies, shall each, within thirty days of the effective date of this subsection, promulgate or cause to be published regulations implementing the provisions of this subsection. Each agency shall be responsible for implementing the matters assigned to it. Each agency shall have the authority to conduct necessary inspections during the succeeding administrative process associated with granting the certification provided for in this subsection."

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977—H.R. 12438

AMENDMENTS NOS. 1677 THROUGH 1688

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY (for himself and Mr. MUSKIE) submitted 12 amendments intended to be proposed by them, jointly, to the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

AMENDMENT NO. 1689

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENTS NOS. 1690 AND 1691

(Ordered to be printed and to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENT NO. 1693

(Ordered to be printed and to lie on the table.)

Mr. TAFT (for himself and Mr. BARTLETT) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 12438), supra.

AMENDMENT NO. 1694

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENT NO. 1695

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENTS NOS. 1696, 1697, AND 1698

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill (S. 12438), supra.

ARMED FORCES INSTITUTE OF PATHOLOGY

Mr. KENNEDY. Mr. President, the Armed Forces Institute of Pathology—AFIP—is a tri-service medical facility within the Department of Defense, administered by the Surgeon General of the Army. It represents a unique national resource which serves important functions in both civilian and military medicine. In the civilian sector, it is a world-famous reference center for pathologic diagnosis of disease, and its 26 registries of pathology are supported by some of the most prestigious medical academies, colleges, and societies in the United States. It plays a very important role in research activities in cancer, heart, eye, and many other diseases in collaboration with the National Institutes of Health, the Veterans Administration, the Food and Drug Administration, and other agencies. In the military sector, it furnishes pathologic support and is the central pathology laboratory for all of the armed services. It also plays an important role in both the military and civilian medicine in its programs of advanced education in pathology. Its services are currently divided almost equally between the military and civilian sectors.

The Surgeon General of the Army has determined that there exists at the Institute a number of legal problems connected with the cooperative arrangements between the Institute and nongovernmental professional societies and other organizations. These civilian groups sponsor registries of pathology and other activities and personnel at the Institute to advance medical, dental, and veterinary scientific knowledge. However, the changes instituted by the Surgeon General to correct these problems have appeared to pose significant threats to continuation of the important role of the Armed Forces of Pathology in support of civilian medicine. If the Institute stopped serving the civilian sector, it would be necessary to establish elsewhere a new National Institute of Pathology at great additional expense. Both military as well as civilian medicine would suffer by being deprived of the fruitful interchange which now exists between them at AFIP.

In a letter to Senators STENNIS and KENNEDY, the Secretary of Defense provided assurances that it was not the intention of the Department to interfere in any way with the civilian activities of the Institute of Pathology. He stated that efforts were under way to correct the problems which exist at the Institute in order to maintain its historic contribution to both military and civilian medicine.

PURPOSE OF THE AMENDMENT

First. To recognize the important contributions of the Armed Forces Institute of Pathology to American medicine by granting it a legislative charter; and

Second. To assist the Department of Defense in solving the current problems of AFIP's cooperative arrangements with civilian medicine by legislating appropriate remedies.

EXPLANATION OF THE AMENDMENT

The language of this amendment to H.R. 12438 follows verbatim the present charter of the Armed Forces Institute of Pathology as promulgated by the Department of Defense (AR40-29, BUMEDINST 6510.1B, and AFR160-38). Only three changes have been made in this language:

First. Sections 212 to 214 establish and define a separate corporate entity, the American Registry of Pathology, to serve as fiscal intermediary through which professional societies, universities, and private, nonprofit groups such as the American Cancer Society may sponsor individuals and activities at the Institute in furtherance of its efforts in the medical sciences. Section 204(a) (7–9) defines the relationship of the Registry to AFIP.

Second. In order to meet the problem that distinguished nongovernmental scientists of international reputation are not now permitted by law to exercise all of the functions within the Institute that their knowledge and expertise would permit, section 204(b) authorizes the Director to appoint not more than six distinguished scientists to professional and administrative positions within the Institute notwithstanding other provisions of law.

Third. Section 203(b) of the amendment expands the present composition of the Board of Governors of the Institute to include the Assistant Secretary of Health in HEW; the Chief Medical Officer of the Veterans' Administration; and as Chairman, the Assistant Secretary for Health and Environment in the Department of Defense. A request has already been made by the Surgeon General to the Secretary of Defense for inclusion of the first two of these additional members, and it seems appropriate to further recognize the importance of the functions of the Institute by appointing a distinguished Chairman of its expanded Board of Governors.

Mr. President, this amendment—Amendment No. 1698—addresses and solves the problems which now exist at the Armed Forces Institute of Pathology, and should restore this important medical facility to its unique position in serving the best interests of both military and civilian medicine. I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1698

On page 29, insert between lines 19 and 20 the following:

TITLE VIII—THE ARMED FORCES INSTITUTE OF PATHOLOGY

PART A—INSTITUTE OF PATHOLOGY

FINDINGS AND DECLARATION OF POLICY

SEC. 801. (a) The Congress hereby finds and declares that—

(1) the Armed Forces Institute of Pathology is an internationally famous and highly respected medical establishment which offers unique pathologic support to national and international medicine;

(2) the Institute contains the nation's most comprehensive collection of pathologic specimens for study, and a staff of prestigious pathologists engaged in consultation, education, and research;

(3) the activities of the Institute are of unique and vital importance in support of the health care of the Armed Services of the United States;

(4) the activities of the Institute are also of unique and vital importance in support of the civilian health care system of the United States;

(5) the Institute provides an important focus for the exchange of information between civilian and military medicine, to the benefit of both.

(b) The Congress further finds and declares that—

(1) it is important to the health of the American people and of its Armed Services that the Institute continue its activities in serving both the military and civilian sectors in consultation, education, and research in the medical, dental, and veterinary sciences.

ESTABLISHMENT OF INSTITUTE

SEC. 802. There is hereby established within the Department of Defense the Armed Forces Institute of Pathology (hereinafter referred to as the Institute), with responsibilities, functions, and authority and relationships as set forth in this title. The Institute shall be a joint agency of the three military departments, subject to the authority, direction, and control of the Secretary of Defense and under the management control of the Secretary of the Army. The Institute shall serve as the Central Laboratory of Pathology for the Department of Defense and such other Federal agencies as may be agreed upon by the Secretary of Defense and the head of the agency concerned. It shall be self-contained and independent of other established activities which may be operating as integral parts of hospitals or which may be otherwise located in the vicinity.

ORGANIZATION

SEC. 803. (a) The Institute shall consist of a Board of Governors, a Director and two Deputy Directors, and a staff of such professional, technical and clerical personnel as may be required.

(b) The Board of Governors shall consist of the Assistant Secretary for Health and Environment in the Department of Defense as Chairman, the Assistant Secretary of Health in the Department of Health, Education, and Welfare, the Surgeons General of the Army, the Navy, and the Air Force, and the Chief Medical Officer of the Veterans' Administration, or their respectively designated representatives.

(c) The Director of the Institute shall be a medical officer of the Army, Navy, or Air Force, selected on the basis of high professional qualifications in the field of pathology and demonstrated medical administrative ability. The Director shall be appointed by the Secretary of the Army, subject to the approval of the Secretary of Defense based on the nominations received from the Board of Governors. He shall be appointed normally for a period of 4 years rotating in order among the Army, Navy, and Air Force, provided that the military department next in line has an individual who meets the qualifications of the position and is acceptable to the nominating and approving authorities. A Senator Pathologist from each of the other two military departments not represented by the Director will be appointed as a Deputy Director, on the same basis as the Director.

(d) The Director, in addition to the two Deputy Directors, shall be assisted by a professional, technical, and clerical staff consisting of such medical service or medical department officers and other military personnel of the Army, Navy, and Air Force and such civilian personnel, including consultants and experts, as he, with the approval of the Secretary of the Army, as management agent, determines is required. The Services of consultants or experts who are outstanding specialists in their respective fields and are appointed to serve varying periods of time within the Institute as resident consultants shall be made available to other Army, Navy, and Air Force medical installations by the Director of the Institute to the greatest extent practicable.

(e) Subject to the concurrence of the Board of Governors and the approval of the Secretary of the Army, the Director may be aided by a scientific advisory board of consultants appointed by the Secretary of the Army for a period of not to exceed 5 years. No member of the regular duty staff of the Institute may be appointed as a member of the scientific advisory board.

RESPONSIBILITIES AND FUNCTIONS

SEC. 804. (a) The Institute shall—

(1) maintain a consultation service for the diagnosis of pathologic tissue for the Department of Defense, other Federal agencies and for civilian pathologists, and serve as the chief reviewing authority on the diagnosis of pathologic tissue to the Army, Navy, and Air Force and Veterans Administration;

(2) conduct experimental, statistical and morphological researches in the broad field of pathology, including correlation with such other medical specialties as will enable the Institute to effectively pursue its research projects;

(3) provide instruction in advanced pathology and related subjects to medical, dental, and veterinary officers of the Armed Forces and, based on availability of facilities, to such other qualified professional persons who are authorized to study or receive graduate instruction at the Institute;

(4) train qualified and approved enlisted personnel of the Armed Forces in pathologic techniques and in relevant medical photographic, medical arts and museum activities;

(5) prepare or otherwise procure and duplicate teaching aids such as microscopic slides, photographic material, medical visual aids, or other texts illustrating the pathology of the various special medical fields used in the training of Armed Forces personnel;

(6) donate or loan duplicate pathologic photographic and other educational material to other Federal medical services, museums, medical schools, scientific institutions, and to qualified individuals connected with medical, dental, or veterinary professions, when determined appropriate and practical;

(7) contract with the American Registry of Pathology (established under Part B of this title) for cooperative enterprises in medical consultation, research, and education between the Institute and the civilian medical profession under such conoditions as may be agreed upon between the Board of Governors and the American Registry of Pathology;

(8) make available at no cost to the American Registry of Pathology such space, facilities, and equipment within the Institute as the Board of Governors deem necessary for the accomplishment of their mutual cooperative enterprises;

(9) contract with the American Registry of Pathology for the services of such professional, technical, or clerical personnel as are necessary to fulfill their cooperative enterprises;

(10) maintain a medical illustration service for the collection, preparation, duplication, publication, exhibition, reference, and file of medical illustrated material of medical military importance, except original motion picture footage, primarily for the support of programs of the Institute but which may be made available to the medical services of the armed forces, of the Federal agencies and qualified individuals, when determined appropriate and practicable;

(11) maintain museums for the instruction of qualified and authorized persons and display openly selected museum exhibits to the lay public;

(12) perform such other related functions as may be assigned from time to time.

(b) In addition to the personnel described in (a) (9) above, the Director is authorized, with the approval of the Board of Governors, to contract with the American Registry of Pathology for the services at any time of not more than six distinguished pathologists or scientists of demonstrated ability and experience, to enhance the activities of the Institute in consultation, education, and research. These distinguished scientists may be appointed by the director to administrative positions within the components or subcomponents of the Institute, and to the exercise of all professional duties within the Institute not withstanding any other provision of law.

ADMINISTRATION

SEC. 805. (a) The Secretary of the Army, as management agent, shall be responsible for the determination and provision, within the limits of resources available to the Department of the Army for such purposes, of adequate administrative support for the operation of the Institute. The term "administrative support" as used in this directive is defined to include budgeting, funding, fiscal control, manpower control and utilization, personnel administration, security administration, space, facilities, supplies, other administrative provisions and services, and mobilization planning relating thereto. The Secretary of the Army, as management agent, may redelegate his authority in connection with these responsibilities within the command structure of the Department of the Army.

(b) The Assistant Secretary of Defense (Comptroller) shall be responsible for arranging with the three military departments, and as appropriate, other Federal agencies for the financing of the Institute and its activities.

(c) Under established Department of Defense policies governing medical and allied activities, the Board of Governors shall be responsible for the day to day policy direction of the Institute on professional and related matters. Such matters which cannot readily be resolved by the Board of Governors will be referred promptly to the Secretary of the Army, as management agent, for resolution by the Secretaries of the three military departments or for presentation to the Secretary of Defense for decision.

(d) Under the policy direction of the Board of Governors for professional and related matters and the management control of the Secretary of the Army, the Director of the Institute shall be responsible for the organization and effective operation of the Institute, including the direction and supervision of its staff and activities.

(e) The facilities and materials of the Institute may be made available to qualified civilian physicians, dentists, veterinarians, and other scientists for study and research as appropriate and practical.

(f) Military personnel of the three military departments assigned to the Institute shall during such tours be responsible to the Director with the respect to the performance of duty.

STRUCTURE

SEC. 806. (a) The Institute shall be composed of the following components: The Department of Pathology, the Medical Illustration Service, and the Medical Museum.

(b) The Institute will be financed by the Department of the Army with its facilities available on a common service basis. No reimbursements or contributions from the Departments of the Navy or Air Force for services rendered will be required.

(c) The Institute shall coordinate its efforts with all Department of Defense agencies and appropriate subdivisions thereof other governmental agencies, and generally through the American Registry of Pathology, with private organizations, which have a mutual interest or responsibility with respect to the performance of any of its functions, and is expected to communicate directly therewith.

(d) The Director and the staff of the Institute are authorized and expected to communicate directly and expeditiously with the agencies listed above concerning technical matters within its jurisdiction in which there exists a mutual interest or responsibility.

PART B—AMERICAN REGISTRY OF PATHOLOGY CORPORATION

STATEMENT OF PURPOSE

SEC. 811. It is the purpose of this part to provide a mechanism for the establishment of desirable and beneficial cooperative enterprises between private individuals, professional societies, and other entities on the one hand, and the Armed Forces Institute of Pathology.

CREATION OF CORPORATION

SEC. 812. There is hereby authorized to be established a nonprofit corporation to be known as the American Registry of Pathology which shall not be an agency or establishment of the United States Government. The American Registry of Pathology shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act.

MEMBERS AND OFFICERS

SEC. 813.. (a) The American Registry of Pathology shall have a Board of Members of 26 individuals who are representatives of those professional societies and organizations which sponsor individual registries of pathology at the Institute, of whom one shall be elected annually by the Board to serve as chairman. Each sponsor shall appoint one Member of the Board for a term of four years.

(b) The corporation shall have a Director and such other officers as may be named and appointed by the Board of Members, at rates of compensation fixed by the Board, and serving at the pleasure of the Board. The Director of the American Registry of Pathology shall be appointed by the Board of Members with the concurrence of the Director of the Armed Forces Institute of Pathology.

(c) The Members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institution under the District of Columbia Nonprofit Corporation Act.

(d) The term of office of each Member of the Board shall be four years; except that (1) any Member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; (2) the terms of office Members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, nine at the end of one year, eight at the end of two years, and eight at the end of four years; and (3) a Member whose term has expired may serve until his successor has qualified. No Member shall be eligible to serve in excess of two consecutive terms of four years each.

(e) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointments were made.

FUNCTIONS

SEC. 814. (a) In order to carry out the purposes of this part, the American Registry of Pathology is authorized to—

(1) enter into contracts with the Armed Forces Institute of Pathology for the provision of such services and personnel as may be necessary to carry out their common purposes;

(2) enter into contracts with public and private organizations for writing, editing and publishing of fascicles of tumor pathology, atlases, and other material which is necessary to carry out the purposes of the American Registry of Pathology;

(3) receive gifts and grants from and enter into contracts with individuals, private foundations, professional societies, institutions and governmental agencies for the accomplishments of its purposes;

(4) establish contracts or agreements with professional societies for the establishment and maintenance of Registries of Pathology;

(5) Serve as a focus for the interchange between military and civilian pathology, and encourage the participation of medical, dental and veterinary sciences in pathology for the mutual benefit of military and civilian medicine.

(b) In the performance of the functions set forth in subsection (a), the American Registry of Pathology is authorized to—

(1) enter into such other contracts, leases, cooperative agreements, or other transactions as the Board of Members deems appropriate to conduct the activities of the American Registry of Pathology; and

(2) charge such fees for professional services as the Board of Members deems reasonable and appropriate.

REPORTS

SEC. 815. The American Registry of Pathology shall transmit to the Director and the Board of Governors of the Institute and to the Sponsors, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplismments."

On page 29, line 20, strike "title VIII" and substitute "Title IX".

On page 29, line 21, strike "801" and substitute "901".

On page 3, line 17, strike "802" and substitute "902".

On page 31, line 25, strike "803' 'and substitute "903".

On page 34, line 6, strike "804" and substitute "904".

On page 34, line 21, strike "805" and substitute "905".

On page 36, line 9, strike "806" and substitute "906".

On page 36, line 12, strike "807" and substitute "907".

On page 37, line 3, strike "808' 'and substitute "908".

On page 37, line 18, strike "809" and substitute "909".

AMENDMENT NO. 1699

(Ordered to be printed and to lie on the table.)

NAVAL RESERVE AMENDMENT

Mr. DOLE. Mr. President, today I am submitting an amendment to the Defense authorization bill to authorize a Naval Reserve drill strength of 92,000. This is 10,000 less than the present strength authorization and is an increase from the committee recommendation of 79,500.

Last week the Senate voted on my amendment to keep the Naval Reserve authorization at the present level of 102,000. That amendment was narrowly defeated by a margin of three votes. Recalling that vote, it is clear that the Senate could very easily have gone the other way.

It just seems to the Senator from Kansas that the Naval Reserve strength is steadily being chipped away. Last year the Naval Reserve strength was reduced. This year, there is again an effort to reduce it further.

It is my understanding that the Secretary of the Navy, the Chief of Naval Operations, and the top naval leadership are committed to better utilizing the Naval Reserve. This is greatly needed and I support their efforts.

But it must be very difficult to fully utilize the Naval Reserve when the strength keeps declining. It seems to the Senator from Kansas that we need some stability in our Naval Reserve strength.

This amendment today is a compromise. It is an effort to stabilize Naval Reserve strength somewhere near the minimum level necessary for an emergency mobilization, according to the Navy and the Defense Manpower Commission.

Recognizing the narrow margin of the

vote in the Senate, it would be my expectation that a majority in the Senate might support this amendment. As I understand, there has previously been some support in the Department of the Navy for a strength level of 92,000.

I ask that my amendment be ordered to lie on the table and be printed.

Mr. President, I ask unanimous consent that this amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1699

On page 17, line 4, strike out "533,700" and insert in lieu thereof "534,604".

On page 24, line 6, strike out "79,500" and insert in lieu thereof "92,000".

On page 25, line 18, strike out "318,400" and insert in lieu thereof "318,581".

NOTICE OF HEARINGS ON YOUNG FARMERS HOMESTEAD ACT

Mr. TALMADGE. Mr. President, on behalf of the Senator from South Dakota (Mr. McGOVERN), I wish to announce that his Subcommittee on Agricultural Credit and Rural Electrification will hold hearings June 10–11 on S. 2589, the Young Farmers' Homestead Act.

S. 2589 would create a new entity within the Department of Agriculture, to be called the Federal Farm Assistance Corporation, which would lease farmland to aspiring farmers and ranchers for a brief period before transferring the land to the new owners.

Assistance to young people seeking to get a foothold in agriculture these days is one of the most difficult challenges to rural America and indeed the Nation. Senator McGOVERN's bill proposes an innovative way to provide this necessary assistance.

Witnesses for this first round of hearings will be limited to those invited by the subcommittee. Public hearings will be scheduled later in the session to receive general testimony on the bill and the difficulties facing young people who are interested in agriculture as a career.

The hearings will begin each day, Thursday and Friday, June 10 and 11, at 10 a.m. in the hearing room of the Committee on Agriculture and Forestry, 324 Russell Office Building.

RESCHEDULED HEARINGS ON BASIC ISSUES IN BIOMEDICAL AND BEHAVIORAL RESEARCH

Mr. KENNEDY. Mr. President, the hearings of the Senate Subcommittee on Health on "Basic Issues in Biomedical and Behavioral Research" formerly scheduled for May 12 and 13, have been rescheduled for June 16 and 17. I ask unanimous consent to have printed in the RECORD the formal announcement and description of the purpose of these hearings, as well as the lists of witnesses from whom the subcommittee will hear testimony on these 2 days.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANNOUNCEMENT OF PUBLIC HEARINGS

(By Senator EDWARD M. KENNEDY, chairman, Senate Health Subcommittee)

On June 16, 1976, at 9 a.m., and on June 17, at 10:30 a.m., the Senate Health Subcommittee will hold hearings on "Basic Issues in Biomedical and Behavioral Research," in Room 4232 Dirksen Building. The hearings will begin with testimony by the President's Biomedical Research Panel, whose report was filed with the Subcommittee on April 30, and continue with other witnesses who can outline the major research policy issues which should be addressed over the next year.

By a combination of public support and private initiative, we have built in America the best research capability in the world. The long list of Nobel prizes we've won are testimony to this accomplishment. Measured in terms of numbers of researchers, quality of the effort and richness of the capacity for research, we have built a powerful tool for the conquest of disease and the enrichment of our lives. This research capacity has been built on a foundation of creative basic research, which has supported our clinical and developmental efforts. We have learned as a society that basic medical research, and the improved understanding of biological processes, are fundamental to the conquest of disease—and to the provision of the best health care possible to the American people.

This medical research effort currently expends over $2 billion of public funds yearly. Public dollars support 65 percent of all biomedical and behavioral research in the country—primarily through the National Institutes of Health and Mental Health.

The Subcommittee on Health will review this research capacity in order to assume its strength—and also to determine whether, as a society, we are using this powerful tool to maximum benefit for the conquest of disease and the provision of improved health care.

There is little doubt that what the public wants from its investment in medical research is the conquest of diseases—starting with those that cause the most suffering and death, and most frighten us. This has always been the reason for Federal support of research—and every grant program at the National Institutes of Health is ultimately justifiable only because it is relevant to the conquest of diseases.

It is this human longing to be freed of the age-old threat of disease that led to formation of the cancer program, the heart program, and the other categorical disease programs at the National Institutes of Health. And medical research has responded to the availability of public funds for specific diseases by shaping their work to fit these categories. Even basic research has been largely funded within categorical programs—and we have fitted major applied and clinical programs into specific disease molds. But it has not always been an easy fit—and the public/private partnership has been often strained. At root, medical research is dedicated to uncovering new knowledge and relating it to the body of existing knowledge—for science's sake—not to the conquest of specific diseases or development of specific new technologies. This polarity of interest produces a continuing tension between the biomedical research community and the taxpaying public. It can be productive, or it can be counterproductive. If we push too far one way—it could mean loss of cherished scientific freedom, and overprogrammed, and unimaginative research. If we push too far the other way, it could mean investing billions of public dollars on research that remains irrelevant to fundamental human need.

In the months ahead, my Committee will examine the balance between the public and scientific interest in our vast medical research effort to determine whether everything possible is being done to meet the public's desire for improved prevention, treatment and cure of disease. We will raise such questions as:

1. What, in fact, has been the payoff to the public of the last 2 decades of investment in medical science in terms of improved prevention, treatment, and cure of disease, and in terms of improved health care for Americans? How can we increase this payoff?

2. How responsive is the scientific community (and the individual scientist) to the public when it selects areas of research—or designs projects? Have the creation of categorical disease programs, advisory councils, and freedom of information legislation made research more responsive to public interest? How do we develop a mechanism to assure the public a role in the development of research? What is the role of the Congress in this regard—and has it played an adequate role given the open-ended and permanent legislative authority on which the National Institutes of Health is based—and which requires minimal congressional oversight?

3. What is the responsibility of the research community for going beyond the production of new knowledge to the development of new clinical tools, validating the effectiveness and usefulness of these tools, and assuring they are available to the health care community and to the public at large? If the research community accepts public dollars, for example, on the grounds that it ultimately can cure a particular disease—how much effort must it also devote to demonstrating the relevance of its work to this disease and to assuring its work gets to the public in the form of better health care? Should we not raise the stature and eminence of the Nation's clinical research effort to a par with the Nation's laboratory research effort?

4. How do researchers and research administrators feel the pressure of public interest and the need for better preventive or clinical tools in the day-to-day practice of medicine—especially in areas of primary care—when so many are insulated in research institutions and teaching hospitals. Indeed, if the research community separates itself too far from the vast majority of "routine" medical encounters, how are the nature and urgency of many day-to-day preventive and clinical needs that affect hundreds of thousands of patients to be weighed against those that affect only a few—and be translated into research proposals?

5. And finally, how much of the public's support should go to totally unprogramed basic research—and where are the areas of our research where Congress and the public can legitimately expect a measurable product in return for its investment?

We need to consider at what point overly broad definitions of "basic research" remove the research community from healthy responsibility and accountability to the public—and serve as a mandate to pursue research agendas without regard to the public interest.

We also need to consider whether the organization of medical research should continue along categorical disease lines—or whether basic research can be defined and supported in its own right—and surrounded by a constellation of applied or categorical efforts.

I believe the research community today can do more to define the truly basic research and protect it, while using its best judgment to guide the rest of our vast investment into areas most likely to meet the public's most urgent needs.

Our Nation has matured in its public/private partnership in medical research to the point where the American public can support a solid unprogrammed basic research effort—but researchers and clinicians are also obliged to struggle all the harder to apply this science to public need—and stretch their work from laboratory to bedside.

We are faced with grave economic realities in health.

Indeed, we may not be able to afford to regard all publicly supported medical research as basic—and to invest along the entire front of expanding medical science—not knowing or trying to wisely judge where the new important discovery will turn up. I don't believe we have the resources for that—and I don't believe the public has the will to be that generous or the patience to wait that long.

The research community and the public investment in it have reached the point where a careful examination of basic principles is in order. By such an examination, we can achieve better balanced more stable and better funding for medical research in this country—as well as more realistic expectations and better service to the public.

Tentative Witness List—June 16, 1976

Basic Issues in Biomedical and Behavioral Research Senate Health Subcommittee

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Robert H. Ebert, M.D., Dean, Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115

Paul A. Marks, M.D., Vice President for Health Sciences, Columbia University, New York, N.Y.

David B. Skinner, M.D., Professor and Chairman, Department of Surgery, University of Chicago, Chicago, Ill.

Atty. Benno C. Schmidt, Managing Partner, J. H. Whitney and Company, New York, N.Y.

Franklin D. Murphy, M.D., Chairman of the Board, Times Mirror, Times Mirror Square, Los Angeles, Calif.

Albert L. Lehninger, Ph. D., DeLamar Professor of Physiological Chemistry and Director of the Department, Johns Hopkins University, School of Medicine, Baltimore, Md.

INDIVIDUALS

Robert O. Marston, M.D., President, University of Florida, Gainesville, Fla.

Professor Walter Rosenblith, Provost, Massachusetts Institute of Technology, Cambridge, Mass.

R. Lee Clark, M.D., MD Anderson Hospital and Tumor Institute, University of Texas, Houston, Tex.

Tentative Witness List—June 17, 1976

Basic Issues in Biomedical and Behavioral Research

Senate Health Subcommittee

ADMINISTRATION

Theodore Cooper, M.D., Assistant Secretary for Health, Department of Health, Education and Welfare, Washington, D.C.

Mr. James D. Isbister, Director, Alcoholism and Drug Abuse and Mental Health Administration, Department of Health, Education and Welfare, Rockville, Md.

Ernest P. Noble, Ph. D., M.D., Director, National Institute on Alcohol Abuse and Alcoholism, Parklawn Building, Room 16–105, 5600 Fishers Lane, Rockville, Md. 20852

Donald S. Frederickson, M.D., Director, National Institutes of Health, Bethesda, Md.

Mr. Gene R. Haislip, Deputy Assistant Secretary for Health Legislation, Department of Health, Education and Welfare, Washington, D.C.

INDIVIDUALS

Kerr White, M.D., The Johns Hopkins University, Baltimore, Md.

Lester Breslow, M.D., Dean. U.C.L.A., School of Public Health, Los Angeles, Calif.

Dean Howard H. Haitt, Harvard University, Cambridge, Mass.

ADDITIONAL STATEMENTS

CARDINAL BAUM

Mr. MATHIAS. Mr. President, Archbishop Baum has received his red hat in Rome today. The word has flashed around the globe that the ceremonies in St. Peter's have been completed and that the Archbishop, like his distinguished predecessor, has become a cardinal.

The College of Cardinals is one of the most remarkable institutions existing in the world today. Its long history has at times been obscured by the particular brilliance of its individual members. Its functions span many duties—spiritual, electoral, and legislative. Elevation to the College of Cardinals and investiture with its traditional red hat constituted at one time the imposition of one of the greatest burdens of responsibility and the conferring of one of the greatest honors within the purview of the Catholic Church.

All of us in the National Capital area rejoice, but are not surprised, that the Most Reverend William Wakefiield Baum, Archbishop of Washington, has received this honor. We congratulate him on this affirmation by his church of his rare and extraordinary qualities of mind and heart. Cardinal Baum is a man of such unusual moral and intellectual stature that he will bear the burdens of his new responsibilities lightly. The honors are richly deserved.

I ask unanimous consent that an article which appeared in the Washington Post on April 28 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 28, 1976]

Archbishop Baum Named Cardinal

(By Marjorie Hyer)

The Most Rev. William Wakefield Baum, archbishop of Washington, was named a cardinal yesterday by Pope Paul VI. At 49, the cardinal-designate is one of the youngest prelates in the recent history of Catholicism to be named a prince of the church.

The archbishop marked his elevation by offering the noon mass at St. Matthew's Cathedral, where a joyous congregation greeted the announcement of his selection with applause. Archbishop Baum himself appeared to be in an uncharacteristically somber mood.

Among those who joined in acclaiming the new cardinal at the mass was the man whom he succeeded as archbishop nearly three years ago—Patrick Cardinal O'Boyle, now retired.

The Washington prelate was the only American on the list of 19 new cardinals, and he will be the 12th living prince of the church in this country.

All 19 will be installed in the Sacred College of Cardinals in a solemn convocation, or consistory, at the Vatican on May 24.

Two other prelates also were designated cardinals by the pope, but their names were not disclosed. They were named "in pectore," or "within the breast," by the pope, a practice usually invoked when public disclosure in certain parts of the world would be hazardous to them or the church.

The cardinals named yesterday will bring to 138 the membership of the College of Cardinals, whose principal function now is the election of a pope.

Only 118 of the members of the college are under the age of 80, and thus eligible to take part in such an election.

Archbishop Baum, who said he had known of his elevation since Friday, asked for the prayers of the congregation at yesterday's mass on his selection "by the Holy Father to assist him in his mission of confirming the faith of the universal church."

The congregation of about 300 worshipers was slightly larger than the usual attendance at midday mass at the cathedral. Their spontaneous applause at the announcement was unusual at a Catholic service.

Of the 12 American cardinals, eight preside over dioceses Three, including Cardinal O'Boyle, are retired, and one—John Cardinal Wright—is attached to the Vatican.

Although Pope Paul has ordered church prelates to retire at 75, he has remained active despite the fact that he will be 79 on Sept. 26.

He is afflicted with an obviously painful arthritic condition. He has recognized the deterioration of his health, remarking in March to a crowd gathered in St. Peter's square in Rome that his death "cannot be distant."

If this occurs, the probability is that the new cardinals named yesterday will participate in the election of a successor, and the nationalities of those named suggested the possibility of a break in the long tradition of electing only Italian popes.

Only two Italians were included in yesterday's list, which will bring that nation's membership in the College of Cardinals to 36. The 12 Americans out-number every other national group.

Others in the college include 34 other Europeans, 26 other North and South Americans, 12 Africans, 11 Asians, five from Oceania and the two whose names were withheld by the pope.

The new cardinals include four Africans, two Asians, three Latin Americans, two from eastern Europe, four from western Europe and one from New Zealand.

Archbishop Baum, a native of Texas, has risen quickly in the church hierarchy. He was ordained a priest in 1951, and was named a monsignor only 10 years later.

He came to national and international attention within the church as the first ecumenical officer of the U.S. Catholic hierarchy from 1964 to 1967. These were the years when centuries-old antagonisms between Catholics and Protestants began to abate under the influences of the Second Vatican Council.

Archbishop Baum subsequently served as chancellor of the Diocese of Kansas City-St. Joseph, then as bishop of the small Diocese of Springfield-Cape Girardeau (Missouri) and in 1973 was named archbishop of Washington.

Recognized as a theologian and scholar, Archbishop Baum's administrative style here is in sharp contrast to that of his predecessor, Cardinal O'Boyle, a forthright plainspoken Irishman, who had headed the Washington diocese from its founding in 1947, and whose word was law.

Archbishop Baum, on the other hand, quickly reversed himself when he was criticized for buying for $525,000 the Chase mansion here for his official residence. He subsequently sold the mansion and purchased a more modest house in Spring Valley.

He has had differences, too, with black Catholics, who make up nearly 20 per cent of the 396,000 members of the Washington archdiocese. Twice he withdrew publicly announced appointments of black leaders who were not acceptable to the rank and file of the elected Black Secretariat. The withdrawals came after prolonged and sometimes stormy meetings with the secretariat's board.

Archbishop Baum's continuing concern for better relations with persons of other faiths was reflected in his brief statement yesterday in which he paid tribute to "Christians of other communions, who together with us wait faithfully for the Lord . . . I unite with them, as well as all believers in the God of Abraham, Isaac and Jacob in my prayer today."

A deeply evangelistic theme has marked Archbishop Baum's sermons and pastoral letters to his flock.

Following yesterday's mass, the cardinal-designate stood at the main door of the cathedral and assumed the role that seems second nature to him—that of the pastor—as he accepted the congratulations of the congregation.

He spoke softly and personally with each worshipper, his head bent in a characteristic attitude to catch each word. "I pray for you every day,' an elderly woman told him as she kissed his episcopal ring. Others presented crosses or religious medals for him to bless.

In an impromptu press conference after the service, Archbishop Baum expressed great optimism for the Church.

"I see a great flowering of faith," he said, "a deepening of spirituality. I see everywhere signs of a second spring (for the Church)."

Among others named to the College of Cardinals were the recently named successor to Joszef Cardinal Mindzsenty, Archbishop Laszlo Lekai and former Abbot Basil Hume, installed two weeks ago as Catholic archbishop of Canterbury.

The other new cardinals are:

Octavio Antonio Beras Rojas, 69, archbishop of Santo Domingo. Opilio Rossi, 65, apostolic nuncio in Austria Giuseppe Maria Senei, 69, apostolic nuncio in Portugal. Juan Carlos Aramburu, 64, archbishop of Buenos Aires. Corrado Bafile, 72, acting prefect of the Sacred Congregation for the Causes of Saints Hyacinthe Thiandoum, 55, archbishop of Dakar. Emmanuel Nsubuga, 61, archbishop of Kampala. Joseph Schroffer, 73, secretary of the Sacred Congregation for Catholic Education. Lawrence Trevor Picachy, 59, archbishop of Calcutta, Jaime L. Sin, 47, archibshop of Mania Aloisio Lorscheider, 51, archbishop of Fortaleza, Brazil. Reginald John Delargey, 61, archbishop of Wellington. Eduardo Pironio, 55, acting prefect of the Sacred Congregation for Religious and Secular Institutions. Victor Razafimahatratra, 54, archbishop of Tananrive. Dominic Ekndem, 59, bishop of Ikot Ekpene, Uganda. Boleslaw Filipiak, 74, dean of the Tribunal of the Sacred Roman Rota.

CLEAN AIR AMENDMENTS

Mr. MOSS. Mr. President, I wish to add the name of the Senator from Alabama, Mr. Sparkman, to the list of those cosponsoring my amendments to the Clean Air Act amendments (S. 3219). I thank my colleague for his support in this critically important national issue.

As many of my colleagues know, the policy of nondeterioration called for by S. 3219 has generated some of the most extensive debate of any legislation before Congress this year. Though the issue is often couched in environmental terminology I see it principally as a question of economics. My concern is that Congress has not received sufficient information regarding the effects on the economy of implementing the nondeterioration policy at this time.

In this context, it is important to realize that the provision of S. 3219 dealing with nondeterioration were formulated for the most part from data which initially implemented existing EPA regulations. In looking through the information that went into EPA's rulemaking of December 5, 1974, it is immediately obvious that we are dealing with an issue about which great uncertainty exists. Nowhere do we find the hard data, cross-verifications and exactness of computation, justifying the argument for mandating nondeterioration.

In a recent study series on socioeconomics and the environment, "First Year Work Plan for a Technology Assessment of Western Energy Resource Development," the Office of Energy, Minerals, and Industry of the EPA, left the question of the validity of air quality monitoring, considerably undedcided. The study discusses problems involved in the distances between meteorological stations gathering the data, and concludes that considerable extrapolation is required to transform existing climatological data into a state useful for individual project monitoring. Of particular difficulty are those locations in regions of complex terrain—a situation drastically affects the meteorology.

For example, studies that have been made—Heimbacks, Super, and McPartland, "Dispersion from an Elevated Source," 1975—indicate that dispersion coefficients normally used in Gaussian dispersion models may not be applicable for rough terrain. This EPA sponsored report concludes that if this is the case, further studies are necessary.

Additionally, models and data needed for quantitative treatment of secondary pollutants and long-range visibility are not available. While models do exist, they have not, according to the EPA report, been validated, or, at least, validated only for a specific region—such as Los Angeles.

In the case of long-range visibility, the lack of data on particle size distribution—again, according to the EPA report—is particularly acute, since even if concentrations of fine particulates could be predicted, their size distribution would not be known. Equally strong data inadequacies appear in indices of refraction of various particulates.

These findings would not be nearly so significant if it were not for the fact that their gathering was EPA sponsored and reported. As such they avoid the alleged in-house bias attributed to industry studies of the same phenomenon.

Further problems with EPA's original formulation of regulations appear in a letter I recently received from Kennecott Copper Corp. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Kennecott Copper Corp.,
New York, N.Y., May 11, 1976.

Hon. Frank E. Moss,
U.S. Senate,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Moss: I have read with great interest your proposed amendment to the Senate Clean Air Act bill and your speech about this to the Senate. Some few months ago I was reviewing the non-degradation proposals being made by the subcommittee in the Senate and I tried to trace back the various reports or papers that were the bases for the EPA's rulemaking of December 5, 1974 on non-degradation. I found that a report prepared by Harbridge House, under a contract to Cheryl Wasserman in the Policy Planning Division of EPA, was a principal resource for that rulemaking. Harbridge House and its subcontractor, Environmental Research & Technology, Inc., submitted its three volume report "The Impact of Proposed Non-Degradation Regulations on Economic Growth" to EPA in November, 1973.

I won't burden you with the whole report in this letter. I am sending you under separate cover Volumes I and III which I have. I would like to point out for your possible use, however, that this study, which was a principal resource for non-degradation rulemaking included a number of qualifying statements which to me are frightening. Let me quote several as follows:

"Most often, data limitations prove to be the major stumbling block to air quality evaluation studies. This study is no exception. Time and budgetary constraints prohibited an intensive search for and evaluation of meteorological, emissions, and air quality data. The information actually used was, for the most part, provided by either EPA or Harbridge House and was accepted as the best information currently available. While it is not the intent of this document to assail the need for more accurate data, shortcomings of the information used in this study are considered significant enough to warrant closer examination."

With regard to the data used and the procedure by which it was handled, I offer the following quoted excerpts.

"For the Boston area, observations taken at Logan airport were used as the basis for this compilation. Observations recorded at Farmington, New Mexico airport were taken as being representative of the Four Corners area. In neither case was the influence of either natural or man-made topographic features taken into account.

"Baseline emissions for the Four Corners area were taken from the NEDS data bank. Generally, these consisted of large individual point sources, physically separated by great distances, along with several weak area sources dispersed throughout the region. Conversations with personnel in regional EPA offices having jurisdiction over the Four Corners AQCR, have indicated that this data may be suspect in terms of accuracy, consistency, and completeness. In addition, because the area considered is so large (approximately 103,000 $mi.^2$), complete geographical coverage was not possible.

"As indicated previously, this study was performed within rather severe time and budgetary constraints. While it is understood that the allocation of available funds for examining environmental problems must necessarily be tightly controlled, it should be recognized that the implications of the proposed regulations are both far reaching and highly complex. It is therefore considered desirable that some of the more outstanding limitations of the study—fostered by imposed time and budgetary constraints—be presented here.

"First and foremost of the limitations to the study is to be found in the general approach to evaluating the proposed regulations. As defined in Section 1.3, the approach focuses on answering the following question. 'Are the proposed strategies compatible with anticipated economic growth?' Given that severe pressure for economic development exists, and given the reliance on a fossil fuel energy supply, coupled with an imperfect emission control technology, it would seem that perhaps a more realistic approach to an evaluation of non-degradation control strategies is to be found by answering the question 'Can anticipated economic growth be managed so as to comply with the requirements of the proposed regulations?' This latter approach has two very significant advantages over the former:

1. It places the impetus for air resource management on a selective process of land use control (as is implied by the proposed regulations), and

2. It offers a more definitive indication of the viability of the proposed regulations within the existing national economic structure.

"Despite these advantages, this latter approach was abandoned because both the scope of work and level of detail required by a study of this type were considered prohibitive in the face of imposed constraints.

"Another major limitation to the study is the omission of consideration and of the 'transportation' pollutants (CO, NO_x, and HC). As economic development proceeds, transportation demand will undoubtedly increase. Inasmuch as the major air pollution problem in many areas of the country is due to transportation activity, the most significant aspect of industrial development may be its effect on transportation demand. Despite the fact that the proposed regulations do not address the question of increased concentrations of the transportation pollutants, limits set by existing federal and state standards could easily provide a very real constraint to industrial development by limiting mobility.

"A third major limitation stems from consideration of the various time averaging periods for which pollutant concentrations are specified. The most limiting averaging time for a given pollutant within a given source configuration is very strongly dependent on the strength and proximal locations of individual sources. This makes determination of the most limiting time averaging period a necessary first step in defining air quality limitations to growth for specific regional configurations. Ideally, this determination is made through a detailed analysis of either ambient air quality data, or dispersion model results. As indicated previously, this was not done for either the Boston or Four Corners area.

"The final outstanding limitation to the study is the lack of a thorough evaluation of the data used. Any analytical study is only as good as the data permits, and obtaining good emissions and air quality data is a universal problem. However, bad data can be compensated for, only if it is recognized as inadequate or inaccurate. In either case, a reasonably comprehensive evaluation of the data is always in order. Time constraints simply did not allow this evaluation to be made."

It seems to me that this is another instance in which EPA could be said to have used as the principal resource for rulemaking of far reaching significance, a report which within itself cautions against such use. It would seem that a thoroughgoing investigation of the technical support document and of the reports on which it was based would be in order before Congress considers non-degradation laws which may be based on a series of documents, each in its own way sufficiently suspect to cause grave concern.

Yours very truly,

I. G. PICKERING.

Mr. MOSS. Mr. President, the message is clear that our knowledge and interpretation of monitored pollution data is unclear. We simply do not have sufficient information in this important area to justify the kind of all-encompassing economic overhauling that S. 3219 will entail. If the point has been made that large gathering and interpretative gaps appear in the initial EPA regulations, then surely further study is justified by the national effort called for by the committee bill. If the regulations are suspect then the committee policy of further expansion of the policy of nondeterioration is also suspect. Such being the case, the Congress would be well advised to take the 1-year last look my amendments call for.

OLD NINETY SIX AND STAR FORT NATIONAL HISTORIC SITE

Mr. THURMOND. Mr. President, on May 13, 1976, the Senate passed S. 2642, a bill I sponsored to authorize the establishment of the Ninety Six-Star Fort National Historic Site in South Carolina. I was pleased that my distinguished colleague in the Senate from South Carolina, Mr. HOLLINGS, and eight other Senators joined with me as cosponsors in support of this very worthwhile proposal.

Naturally, I am gratified that the Senate gave its unanimous approval to this bill, and I hope the House will soon do likewise. Similar legislation, introduced by Congressman BUTLER DERRICK, in whose district the site is located, has been favorably reported from the House Interior Committee and is pending on the House Calendar.

Mr. President, Ninety Six was one of the focal points of the American Revolutionary War in the South, as well as being the cultural, trade, and judicial center of the Carolina frontier in the 1800's. The site embodies numerous unique and nationally significant historic resources. I am convinced that it will be a meaningful, valuable addition to the national park system, which will be enjoyed and cherished by many visitors in the future.

Recently, the Honorable Sam P. Manning, a member of the South Carolina House of Representatives from Spartanburg County, and a respected, knowledgeable historian, prepared a resolution in support of the Ninety Six National Historic Site proposal. This resolution has been adopted by the State American Revolution Bicentennial Commission and the South Carolina General Assembly. I commend it to my colleagues as an excellently written, scholarly presentation, which summarizes the importance of Ninety Six and Star Fort in the American Revolutionary War.

Mr. President, in behalf of Senator HOLLINGS and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Expressing support of the South Carolina General Assembly for the approval and development of the "Old Ninety Six and Star Fort National and Historical Park"

Whereas, the South Carolina American Revolution Bicentennial Commission has passed the following resolution:

Whereas, Ninety Six, South Carolina, is one of the historic site of the nation; and

Whereas, to understand the American Revolution it is important to be aware that the scene of battle moved from New England to the Middle Atlantic States in 1776 and to Georgia and the Carolinas in 1779 and that the great battles at Kings Mountain, Cowpens, Guilford Court House, Ninety Six and Eutaw Springs led to the victory at Yorktown, Virginia, and independence; and

Whereas, two quotes are appropriate to remember: General Cornwallis who commanded in South Carolina an invading and conquering army of over 6,000 British regulars, a regiment of German Jagers and loyalist regiments from several other states admonished one of his officers;

"You know the importance of Ninety Six. Let that place be in your constant care."

At the Centennial ceremony for the Battle of Cowpens sponsored by the thirteen original states and Tennessee the following quote from the great American historian George Bancroft of Massachusetts is given from his speech at the 75th anniversary at Kings Mountain:

"The victory gained at the Palmetto Fort by Moultrie was the bright and the morning star, which went before the declaration of American independence. Wherever the campfires of the emigrant shall light up the forest of the West, wherever the history of our country is honestly told, wherever the struggles of brave men in the cause of humanity are respected, high honor will be rendered to the triumph at King's Mountain and at Cowpens, and to that sad victory at Eutaw Springs, where the voice of exultation is chastened by sorrow for the brave who fell."

Whereas, Ninety Six was the British Gibraltar on the southern frontier, its famous commanders included Lord Rawdon, later the Viceroy of India, Colonel Nisbet Balfour of Scotland who was elected to Parliament in 1790 and in 1803 was promoted to full General in the British Army, and the famous loyalist leader, Colonel John Harris Cruger of New York City who commanded during the epic seige of 1781. The battles and victories before Yorktown strongly relate to it, particularly Kings Mountain, Cowpens, Augusta and Eutaw Springs. The siege of Ninety Six was an epic battle of great courage on both sides.

Whereas, Cowpens and Eutaw Springs were among the six battles of the Revolution for which the Continental Congress authorized a gold medal in honor of the victor. For the victory at Eutaw Springs the presentation of a gold medal, a British standard captured at the battle and a British cannon captured either at Cowpens or Augusta with proper inscription were to be given to General Greene.

Whereas, Augusta, Georgia, was also the scene of an epic siege the area is now covered by homes and buildings of the City of Augusta. In contrast Ninety Six retains its wilderness appearance. The Star Fort at Ninety Six is the best preserved earthern Fort of the American Revolution period; and

Whereas, in the Colonial period Ninety Six provided protection for the frontier and such interesting and heroic figures as Abraham, a slave who was offered his freedom in 1761 if he would carry the message to Charleston of an Indian attack which he did and his freedom was awarded him by the General Assembly; and

Whereas, in 1775 the first members of the Provincial Congress from Ninety Six who lived nearby included Patrick Calhoun, the father of John C. Calhoun, and Francis Salvador whose home was within five miles of Ninety Six who was the first member of the Jewish faith elected to a parliamentary body in the western world and the first to give his life in the Revolution; and

Whereas, in November, 1775, at Ninety Six in a pitched engagement between tories and patriots James Birmingham was the American to die in the cause of national independence in battle south of Boston, Massachusetts; and

Whereas, Ninety Six relates strongly to the historic period of 1780–81 in which such legendary figures as General Nathanael Greene, the "Fighting Quaker" from Rhode Island, Count Kosciuszko, the Polish Patriot, Colonel John Eager Howard and 431 members of the Maryland and Delaware Line and Continental Troops from Virginia and North Carolina and State Militia from South Carolina and Georgia participated in the epic siege of 1781. Lieutenant Colonel "Light Horse Harry" Lee, father of General Robert E. Lee, General Andrew Pickens and many others gained lasting fame, including the grandfather of Alexander Stephens of Georgia who had his hand cut off by a tory in the battle; and

Whereas, in the epic siege of Ninety Six the patriot attackers and the British and loyalist defenders fought with great courage. The Americans were under the command of Major General Nathanael Greene of Rhode Island and the loyalist or British defenders were under the command of Colonel John Harris Cruger who was a member of one of the famous families of New York State that sided with the King. Both his grandfather and uncle served as Mayor of New York City and his brother, Henry, served as a member of Parliament who after the Revolution returned to America and was elected to the New York State Senate. Colonel Cruger's wife was a member of the famous Delancey family of New York. Cruger's command consisted of 150 men who were members of the Second Battalion of the New York Volunteers, 200 veterans of Allen's New Jersey Volunteers, and 200 Royal Militia recruited from South Carolina. The loyalist volunteers from New York and New Jersey had served their King for over five years and were among the most experienced soldiers of the Revolution. They qualified as experienced veterans of war.

Whereas, the development of the historic Ninety Six Star Fort area is deserving of national interest and the support of the American people because it relates not only to the heritage of one state or region but to the nation; and

Whereas, The South Carolina American Revolution Bicentennial Commission is pleased to hear that the members of the Star Fort Historical Commission who presently own 700 acres of this beautiful and historic area are desirous of donating it to the Federal Government so that it may be developed as a national historic park; and

Whereas, the Advisory Board on National Parks, Historical Sites, Buildings and Monuments which is composed of distinguished citizens from across this nation has formally recommended to the Secretary of Interior that the 700 acres at historic Ninety Six become part of our national park system; and

Whereas, Senator Strom Thurmond and Senator Ernest F. Hollings of South Carolina and Congressman Butler Derrick of South Carolina have introduced appropriate legislation both in the United States Senate and in the United States House of Representatives which would achieve these purposes and would formally create the "Old Ninety Six and Star Fort National Historical Park." Now, therefore,

Be it resolved by the South Carolina American Revolution Bicentennial Commission that it does formally express its active support for such legislation which would provide for the development of the historic Ninety Six area as a national park which would be designated as the "Old Ninety Six and Star Fort National and Historical Park." Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the General Assembly does hereby express approval of the Resolution of the South Carolina American Revolution Bicentennial Commission and that the General Assembly does hereby endorse the approval and development of "The Old Ninety Six and Star Fort National and Historical Park."

Be it further resolved that duplicate originals of this resolution be mailed to the President of the United States, the members of South Carolina's Congressional Delegation, the Secretary of Interior and to such other distinguished Americans as may be deemed appropriate.

CONSERVATION PROGRAMS

Mr. HUMPHREY. Mr. President, I had the honor of appearing before a Minnesota Energy Agency hearing, May 10, 1976, in St. Paul. This hearing was one of five held across the State in Detroit Lakes, Duluth, Mankato, St. Cloud, and St. Paul, to review the energy outlook for the upper Midwest.

It gave me the opportunity to address a number of my own concerns with our energy situation—particularly our growing reliance, nationally, on imported oil. I also summarized the results of Minnesota's very aggressive initiatives in energy conservation. Quite frankly, the Minnesota legislature can take a lot more credit for developing innovative, successful conservation programs than either Congress or the administration. This is particularly true in the area of natural gas conservation. Despite facing very mild shortages—much less than most areas of the Nation—Minnesota is phasing out the use of natural gas as a boiler fuel by utilities and in decorative lawn lamps.

The hearing was chaired by Mr. John Millhone, director of the State energy agency.

Mr. President, I ask unanimous consent that my testimony before the Minnesota Energy Agency hearing on May 10 be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR HUBERT H. HUMPHREY

Mr. Millhone and other panel members: I want to first congratulate Mr. Millhone and his staff at the Minnesota Energy Agency. They have put together an excellent Report on our State energy situation. This is, I understand, the first of a biennial series of such reports designed to help the Governor, the legislature, consumers and the Congressional Delegation identify and deal with emerging energy problems before they become serious.

This report bears out the great hopes which Governor Anderson and the legislature held for our new Energy Agency when established during the 1974 Session.

The report focuses quite clearly on the two realities of our current energy situation—the accelerating demand for energy and the diminishing security of supplies to satisfy that demand.

In a true sense, Minnesota's energy demand and supply situation mirrors our National circumstance.

Nationally, the Federal Energy Administration projects a 40 percent rise in energy demand over the next decade. Much of this increase will occur in the commercial and industrial sectors, in part due to our continued economic recovery.

In Minnesota, Mr. Millhone's staff projects a 42 percent rise in demand over this same period. Similarly, the leading sectors will be commercial and, especially, industrial energy end-users.

Nationally, the FEA projects a continued reliance on oil and natural gas as primary energy sources—with coal, however rising in importance at the expense of natural gas. Much of this coal will produce electricity which will be increasingly used by industry in place of primary fossil fuels.

In Minnesota we see similar projections with one minor exception. In 1985, a slightly greater portion of our energy will be in the form of electricity. And that electricity will be produced with a greater than average contribution from coal.

Minnesota and the entire Nation also share another characteristic—a heavy dependence on imported energy. And in each case, locating secure energy supplies is the single most important energy issue we face.

Nationally, we now import almost 40 percent of our petroleum; and a good portion of this is from relatively insecure middle-eastern OPEC sources. Here in Minnesota, about one-half of our oil, and 25 percent of all our energy is from Canada; we, too, are in the midst of seeking new, secure sources for that oil.

My good friend, Senator Mondale, and I have been working closely with the four Minnesota-area refineries to develop a new supply mechanism. They, in conjunction with several Canadian pipeline companies, are aggressively exploring construction of a link from Prince Rupert, B.C. to Edmonton—enabling Minnesota to receive Alaskan or other, foreign, oil in place of Canadian oil.

A major hurdle which the refiners must deal with, is bridging any shortfall before the Prince Rupert line is completed. As you know, our refineries are first priority. Despite that status, however, they could experience shortfalls from 1978 on, until the new line is completed, due to declining Canadian exports. A variety of alternatives exist to cover that shortfall—including extensive swaps with Canadian oil companies, and adjustments in Canada's oil export schedule to reflect progress towards a permanent solution. Discussions of these alternatives are underway by the refiners and Canadian officials now.

Turning to natural gas, we face permanently tight supplies. Canadian reserves are not being fully renewed, and the best we can expect is for Canada to honor existing gas supply contracts.

By curtailing powerplant use of natural gas, Minnesota has taken an extremely potent conservation step. We will benefit, also, from the very aggressive past activities of Northern Natural Gas Company in acquiring new interstate supplies.

The net effect on our gas supplies is, that existing gas customers will not face curtailment through 1980—but few new customers will be able to acquire natural gas hookups in Minnesota.

Nationally, the gas supply situation is much worse. Curtailments could run as much as 10 percent this next winter, and total supplies could be off 25 percent by 1980. One solution to these impending shortages is for Congress to raise prices just for new natural gas supplies. This would eliminate distortions now caused by varying inter- and intrastate prices, and increase the financial incentives for successful gas exploration.

Now natural gas prices could be increased in a variety of ways short of deregulation—ways designed in particular to minimize the financial impact on consumers. For example, Congress could link new gas prices on a B.T.U. basis to the average price of oil—with provisions to hold down residential gas rates.

Other alternatives exist, too, for avoiding serious gas shortages.

Senator Mondale and I, for example, are sponsoring legislation to bring North Slope gas across Canada to Minnesota and the midwest. This new line, which could be in place by 1982, would supply up to 1.2 trillion cubic feet of gas annually to the "lower 48", predicts the FEA.

This pipeline, however, will not be a substitute for somewhat higher gas prices as a stimulus to supply. It will, in fact, provide only 5 percent of our estimated 1982 demand.

And it will be 5 or 6 times more expensive than current interstate natural gas.

The emerging natural gas shortage here, and nationally, is a major concern. But I am even more concerned with Congressional inaction on natural gas. We have now spent a year seeking to resolve the natural gas pricing issue without success. I sometimes have the feeling that it is Congress, and not OPEC or our own wasteful use of gas, which is the real culprit in our natural gas situation.

Before moving on, I want to note that I am seeking to have milk drying's natural gas priority increased by the FPC. It is now natural gas priority #7—and will face curtailed supplies with even a mild shortage. Milk drying should be in priority class 2—the category presently assigned to other, similar agricultural processes. The FPC is deliberating on my request to increase milk drying's priority. We may hear their decision shortly.

Members of the panel here and the entire Legislature deserve congratulations for the excellent energy conservation legislation you passed recently. Minnesota showed itself a leader in conservation by including insulation standards in our building code over a year ago—the first State to do so.

And to my knowledge, we are also the first State to ban decorative gas lamps and to establish standards for solar devices.

In passing the Energy Policy and Conservation Act in December, Congress mandated auto and appliance efficiency standards. We established programs to cut oil imports by up to one-third by 1980. Other legislation requiring additional coal conversions by utilities, and better building insulation, should be passed this session. And there are many other conservation proposals being seriously considered too, including an accelerated waste recycling program as called for in S. 2439, which I authored.

What Congress sought to do last December in the Energy Policy and Conservation Act was build flexibility into our National conservation effort. I'm delighted with our progress here in carrying out the intent of that bill.

I am not happy, however, with the hard-and-fast 5 percent conservation target. This figure will have to be interpreted with flexibility in Washington.

It is simply unrealistic to expect an expanding Minnesota with its energy-intensive taconite industry and agriculture to meet the same relative target as a State like Massachusetts, which is losing jobs and workers to the rest of our Nation. They can easily meet what may be an impossible target for Minnesota, and that should be recognized in Washington.

It is my hope, incidentally, that the states be permitted to conduct all energy outreach activities. We are starting to see a proliferation of consumer energy conservation programs by ERDA, the FEA and the Departments of Commerce and Agriculture.

This duplication is unnecessary. Energy outreach activities—like the successful agriculture outreach program—can best be funded from Washington, but conducted from the State level.

Let me, finally, turn to solar energy for a moment.

You know of my strong conviction that solar energy can play a large role as a future energy source. The Administration has projected a funding approach designed to have solar energy provide only two-tenths of one percent of our 1985 energy supply.

We can do better.

Last month, I introduced the Solar Energy Act of 1976, drafted to provide for a 5-fold increase in this contribution of solar power to our energy needs in 1985. Twenty-seven Senators cosponsored this legislation and last Wednesday, the Senate Interior Committee unanimously approved it.

The bill provides some $280 million in research funds during fiscal year 1977 for solar energy. More importantly, it establishes a program to reduce the price of electricity produced with solar power by 1986 to comparability with household electricity. This program is based on extensive work by Cal Tech's Jet Propulsion Lab, by NASA and by ERDA on the so-called solar cell. If their time table is correct, we are only a decade away from true energy independence.

Let me review briefly our efforts to locate the Solar Energy Research Institute here. I met two weeks ago with representatives of the State, private industry and the University of Minnesota who will be developing our SERI proposal. If we can strike the proper balance between State and National and corporate interests—and I think we can—we have a good chance of landing SERI.

In summary, let me emphasize several points for you.

First, it is vital that discussions between our oil refiners and Canadian officials be undertaken now to ensure Minnesota a continued supply of oil until a permanent solution to the Canadian oil cutoff is formed. Equally important, our refiners must continue evaluating other solutions even as they proceed with further study of the Prince Rupert proposal.

VALENTYN MOROZ

Mr. BUCKLEY. Mr. President, during the past 6 years, many of my colleagues have called our attention to the case of Valentyn Moroz, the Ukrainian historian imprisoned in the Soviet Union. Senator TAFT has introduced Senate Resolution 67, which is cosponsored by myself and 10 other Senators, calling for "the freedom and safety of Valentyn Moroz." Similar resolutions in the House of Representatives have the support and cosponsorship of over 80 House Members.

Last week it was learned that Valentyn Moroz has been transferred to Moscow's Serbsky Institute of Forensic Psychiatry. Moroz who was convicted of "anti-Soviet propaganda and agitation" in 1970, was originally sentenced to 6 years in prison, 3 years in a labor camp, and 5 years of exile. He has spent the 6 years in Vladimir Prison, claimed by many dissidents to be the worst prison in the Soviet Union. In protest of some of the conditions that have earned Vladimir Prison its reputation, Moroz undertook a 145-day hunger strike in 1974. He was scheduled to be transferred to a labor camp on June 1.

This latest action by Soviet authorities seems to indicate that they plan to have Moroz declared criminally insane and committed indefinitely to a psychiatric prison "hospital" where he will be subject to drugging and the other horrors of psychiatric "hospitals" in the Soviet Union. In March, Leonid Plyushch, the Ukrainian mathematician who himself spent 2½ years in a psychiatric hospital, testified before the House Subcommittee on International Organizations about the horrors and treatments in these hospitals.

Harvard University has offered Valentyn Moroz a position as lecturer. President Derek C. Bok of Harvard has written to Mr. Moroz on two occasions informing him of this offer.

I have joined with three of my colleagues in circulating a "Dear Colleague" letter asking for cosigners of a letter to Secretary Brezhnev protesting this treatment of Moroz and asking that Moroz be released and allowed to take the position at Harvard University.

The seriousness of the situation is beyond question. I am confident that my colleagues and the Senate will express their concern and disapproval of this latest violation of human rights by Soviet authorities.

I ask unanimous consent that the text of the Reuters report concerning Valentyn Moroz be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REUTER'S REPORT

Moscow, May 18, Reuter.—Dissident Ukrainian Historian Valentyn Moroz has been moved to the Soviet Union's leading institute of criminal psychiatry after spending nearly six years in jail, his wife said today.

Moroz, 39, was accused of Ukrainian nationalism and sentenced in 1970 to six years in prison, three in a labor camp and five in internal exile. He was due to complete the prison term at Vladimir, east of Moscow, on June 1.

Mrs. Raisa Moroz told Western correspondents here that officials of the Interior Ministry's medical service informed her today that her husband had been transferred to Moscow's Serbsky Institute of Forensic Psychiatry.

The Serbsky Institute has been frequently accused by dissidents of declaring critics of the regime to be insane, and several prominent dissenters have passed through its doors at various times.

The move could mean that Moroz, whose mental health has not previously been questioned, could be committed indefinitely to a psychiatric prison hospital instead of going to a labor camp, which is considered more lenient than prison.

Mrs. Moroz told a press conference here that her husband last wrote to her from Vladimir in March.

She came to Moscow yesterday from her home town of Ivano-Frankovsk in the Ukraine to find out here he was, after being told earlier this month that he was in an unspecified medical institution.

GENOCIDE IS AN INTERNATIONAL CRIME

Mr. PROXMIRE. Mr. President, genocide is a crime punishable under international law. This is the basic statement of the first article of the Genocide Convention and one that many people believe is not true. I contend that the only suitable place to combat this unjustifiable crime is on an international level.

Genocide is a concern of not one nation as an individual entity, but the community of all nations. This crime involves the senseless slaughter of masses of people. It is a threat to all society and should be dealt with severely. When will the United States see that to join with the other 82 nations in signing this treaty is the only way to effectively prevent genocide?

Some people feel that such a treaty will sap the rights of the State and merely add more power to the Federal Government. This is not true. Like other treaties it would be signed on the advice and consent of the Senate, giving each State the voice that it constitutionally deserves in deciding the policy of our Nation. The United States has freely signed many international treaties—one being to protect seals from being slaughtered in our seas. Surely human beings deserve the same protection.

Mr. President 82 nations have attested to the fact that genocide is an international crime by signing this treaty. The United States can still redeem itself if it moves quickly and ratifies the Genocide Convention now.

MEXICO PROMISING LONG-TERM ECONOMIC OUTLOOK

Mr. PERCY. Mr. President, our economic relations with Mexico are among the most important to our country.

Mexico and the United States not only share a common border; we also share common problems and common prospects.

It is, therefore, particularly gratifying to take note of several recent reports of the extraordinarily promising long-term economic outlook for Mexico. I should also like to point out in this connection that the administration of President Echeverria is pursuing a policy of encouraging foreign investment and that Jose Lopez Portillo, who will succeed President Echeverria in December, has announced that he will follow the same policy.

I ask unanimous consent that there be printed in the Record two speeches by Mexico's outstanding Ambassador to the United States, His Excellency Jose Juan de Olloqui, as well as four articles from the Journal of Commerce.

There being no objection, the material was ordered to be printed in the Record as follows:

Address by His Excellency the Ambassador of Mexico Jose Juan de Olloqui Before the United States Naval Academy, Annapolis, Md. April 21, 1976

Gentlemen, I am pleased for the opportunity to visit this institution which is so rich in tradition and history, and to be able to address today those who represent its most priced product. Indeed, it is in this academy where an important part of the past and of the future of the United States comes together in the present.

I can think of no better topic to speak of, where we also will find a rich past being today structured into a hopeful future, than of my country: Mexico.

The history of Mexico is the history of a people who have continuously struggled to achieve dignity. Mexico has had a turbulent past which it has derived its unique sense of history.

Which other country can claim the two most important prehispanic empires: The mayan and the toltec. We were the most powerful colony in the Americas: The new Spain.

Mexico was the colony from which the Philippines and Puerto Rico were colonized.

We have, however, had some sad moments in our history as well.

We fought for eleven years in order to achieve independence. What followed was a relentless striving to find an appropriate for form of government, that unfortunately instead of coming to fruition, evolved into a dictatorship.

We had not resolved this affair when we suffered an American invasion in 1846 and the loss of half of our territory. With this behind us we set out to write a liberal constitution, that would clearly define the manner in which the nation would govern itself. However, we had barely begun to build the structure of the nation when we suffered a second invasion by the troops of Napoleon III and a new empire was established in Mexico. With an austrian archduke imposed as ruler. Incidentally the two emperors we have had, we have executed.

A struggle ensued to defeat the empire and to continue the work of constructing a sovereign nation with freedom and opportunity for all, however, once again the reactionary forces would have their last attempt to prevent this goal of the Mexican people and helped to sustain in power Porfirio Diaz who ruled our nation for 30 years.

When the people of a nation decide that their moment of liberation has arrived, nothing can prevent its fulfillment and so it happened in Mexico in 1910, year when the revolution began. The Mexican revolution was bitterly fought for eleven years at a human cost of more than one million lives out of a population of 15 million. It represented the revindication of just demands and aspirations of all the Mexicans.

In 1917 the people of Mexico gave themselves a social document (the first in modern times of this nature) which defined and guaranteed our most precious values, both as a nation and as individuals, this vital document is still our most important achievement: The Mexican constitution.

At this point in our history we had finally acquired a sense of identity; we knew more clearly who we were as a people, and where we stood as a nation. We earned at a dear price the right to be sovereign.

We have institutionalized our achievements by establishing the necessary organizations which are required to become a modern nation; in such a manner that it would reflect our own customs and values. It is from this point on that the governments of the revolution have governed in peace for the people.

We have developed our nation and our sense of nationality. As far as land mass we are the 13th biggest Nation on the earth; we boast all kinds of climates. Our geography is varied: snow pikes; mountains; deserts and jungles. We possess most mineral resources.

We do not imitate anyone. We are 62 million Mexicans; we will be 115 in 25 years and more than 200 before we can reverse the trend, although we had begun a very successful planned parenthood program where each couple decides the size of their family. We are a homogeneous population within our own diversity, in effect racial discrimination is allien to us.

In the field of health, we have devised a system of social medicine to provide hospitals, medicine and doctors to Mexican citizens. Just to quote some statistics, in the period from 1945–48 the overall death rate was 17.8; in the period from 1965 to 1969 this rate had decreased to 8.9 and in 1972 it stood at 8.2. Water sewage as well as drinking water has been assured for all but the remotest villages. Vaccination campaigns are undertaken every year. Every aspect of preventive and curative medicine has been given the fullest attention. The results are twofold: The number of children who survive has increased, and life expectancy has risen to 62 years, compared to 66 for men in the United States and 38 in many nations of Asia.

In the field of welfare, legislation has been enacted to assure all workers a decent wage and reasonable working conditions. Under a housing program established in Mexico we are nearing the goal of building 100,000 home for workers every year. The social security system in Mexico is probably the most comprehensive and cheapest of any society, without infringing on the freedom and rights of the individual.

In the field of education the governments of the revolution have spent many of the scarce resources of the nation, such that the budget for the armed forces, (army, navy and air force) is less than 30 percent of the budget of the department of education alone. The results are a dramatic decrease in the rate of illiteracy from over 60 percent in 1930 to about 20 percent in 1975; we have trained at present close to 400 thousand teachers and we are building new school rooms at the rate of two every hour.

Today Mexico is the 15th nation in the world in area; the 13th in population; 13th in gross national product; Mexican production of goods and services exceeds that of Sweden, Holland and Switzerland, among others; the largest Spanish speaking nation in the world. We are the first world producers of silver; we export more than three billion dollars of goods every year, to 100 countries, and 50% of our exports are manufactured goods; we are 5th among the nations with the largest artificially irrigated area; 14th in extension of roads; we have come in one single year from being an importer of oil to an exporter and we are the 13th producer of this product in the world. Oil will not be a constraint on our development. This I can assure you.

Today Mexico is firmly united as a people and as a nation. We are more respected and more respectable than ever. Our moral stature is known and recognized in all international institutions and conferences.

Mexico's voice has always reflected its own historical quest for social justice and freedom, and therefore it is heard through the third world.

The relations between Mexico and the nations of the world have evolved along with our national experience, and in a historical context they have been dialectical. For more than a century we suffered the political and economic designs of the great powers of the world. We now demand respect for our sovereignty and we wish to share with all countries justice, equity and peace. We sustain in the international arena, without any reservations, the principles of the Mexican revolution: judicial equality of all nations, non-intervention in the internal affairs of nations, and self-determination of peoples.

In the international field Mexico has been very active in the construction of a new international economic order; in the development of autonomous programs for family planning, as a mean to achieve population control without loss of liberty or dignity; we have proposed the establishment of an international food bank; we have suggested reforms in the monetary, agricultural, industrial and trade fields. And reforms accompanied by action to accelerate disarmament and present the possibility of a nuclear tragedy.

In the law of the sea conference we have played an important role, which reflects our interest and natural situation. Mexico has 6,250 miles of coastline which represent one of its most precious natural resources. We believe that as such it is the legitimate patrimony of the people of Mexico and it is therefore the function of the government to assure its preservation and careful exploitation.

Mexico looks out to the Pacific, to the Atlantic and has a tip in the caribbean, this is a unique situation. The oceans do not separate us from other nations, rather they constitute a common element which unites us with other peoples and nations.

We have had 30 years of uninterrupted economic growth, a record yet to be surpassed by a developing country. We are recognized around the world as a nation with a strong economy which is reflected in its excellent credit rating. We are one of the very few countries in the world that has no exchange controls. The currency exchange rate has not being modified in 22 years vis a vis the dollar, and the peso continues to have an unlimited convertibility, as well as considered a strong currency. Our reserves, our economy and the bright prospects ahead, are the best assurances that the peso will not be devalued.

Mexico has been a leader in many fields, suffice it to say that the denuculearization treaty of Latin America bears the name of the location of our department of foreign affairs: Tratado de Tlatelolco. We believe in the integration of the Latin American region; we are founding members of the Latin American free trade organization; we participate in the Andean group, and we believe in the inevitability of Simon Bolivar's dream.

Our good relations with the United States are the result of a long journey filled with changes and adjustments. We wish to maintain this spirit of cordiality and to improve upon it. Mexico aspires in its relations with the United States to satisfy its legitimate aspirations; we wish a more balanced relationship. Mexico as a foreign nation has developed its own mechanisms of negotiation which should not be mistaken as mechanisms of confrontation.

Today Mexico, as a result of its social revolution and the work of its people, has both pride and hope: We look upon our accomplishments with pride and face the future with great expectations. Furthermore, we have the most important element: the will to grow and we are going to grow. We are going to grow with social justice and liberty.

Together the people and the government of Mexico, have solved difficult problems in the past. We shall continue to do so in the future.

We believe in the destiny of Mexico, and we work towards it. We believe that we will have a Mexico in which wealth will be better distributed; a Mexico in which every child will have a home: a school; food, and the hope to grow up to fulfill his wishes and contribute to society; we like to think of a Mexico that will employ all of its resources towards the achievement of a just society; we like to think of a Mexico united by strong bonds to its brothers in Latin America; we like to think of Mexico as a good friend to all the nations of the world; we like to think of a Mexico that although pursuing economic development, reaffirms in unequivocal terms that it aspires to preserve its political sovereignty and to maintain its cultural heritage above and beyond any material progress; finally, we like to think of a Mexico that can say to its neighbor to the north, on the occasion of its two hundred years of independence, that in a spirit of mutual respect and understanding of our aspirations, as well as our desires to be free to determine our own future, that we are friends of the United States, that we are good friends and sincere friends of the American people.

Thank you.

Some Considerations on Mexico-United States Relations

Ladies and gentlemen, historically the relations between Mexico and the United States have been based upon inequality and myth.

It is therefore appropriate that on the occasion of the 200th anniversary of the independence of this great Nation, we review the relations between our two countries in the hope that the dialetic process which has taken place will be accelerated by a greater understanding and a more active role played by you as future diplomats.

That is one of the challenges for American diplomats in the next 200 years: to work toward the elimination of gross inequalities among the nations of the world, and to destroy the myths, which have served as assumptions for ill fated policies: equal partners dealing with realities will assure a more stable world order conducive to peace.

The examination of some historical facts I believe will throw some light as to the origin of these myths.

Let us now present both parties in the dialog and to present them in their historical context.

On the one hand we have a newly born country: Mexico that has just broken its bonds, after three centuries of colonial domain, from Spain. The independence movement was finally attained due to the fact that several favorable circumstances, both external and internal, coincided to make this movement possible.

Before analyzing the peculiar circumstances, political and ideological that prevailed before independence, it is also necessary to briefly summarize the colonial heritage of both peoples. Mexico was first conquered and then colonized by a group of hardy and impetuous soldiers of fortune that came from Spain. However, one must also bear in mind that Spain, at the time of the Mexican conquest, was not a modern nation in the full sense of the word, but a mosaic of small and feudal kingdoms, duchies and countries.

This explains partly the very different characters of various regions of Mexico, that are not only separated by climate and geography, but by the cultural heritage derived from the region of Spain whence their forebears came from and from the traits of the natives.

One must also remember that the Spaniards had just expelled the Arabs from their own territory in 1492, when America was discovered by Christopher Columbus. This long war, 700 years, to reconquer their territory provided them with the political background to institutionalize the recently acquired territory overseas. All of them felt themselves to be of noble ancestry and they had war as their main occupation. What they had conquered was theirs to use and abuse. America was El Dorado; the land where one could get rich easily and fast, naturally if one could survive.

In the Continent, and particularly in Mexico, the Spaniards found a large group of tribes, highly organized and fairly advanced, from the political and social point of view, but backward in their technological achievements. Therefore, the conquest of Mexico was made possible by the superior technology of the Spanish conquerors. The colonial economy was bond upon the Indian tribes which provided an almost inexhaustible source of cheap labor used to exploit the rich silver mines, and the vast haciendas that were given to the Spanish conquerors by imperial grant. They brought with them, from the peninsula, the absolutistic conception of political and social institutions. Authority derived from God himself, the king and his commands were sacred and not to be discussed; one owed allegiance to his majesty and gladly sent ⅕ of ones income of the land, mines and property that one had as a royalty owed to the king. Only those born in the Spanish peninsula usually occupied political positions of responsibility; power always rested in the throne itself.

This system, as old fashioned and rigid as it sounds, was, nevertheless, realistic enough to function for three hundred years, during which time it dominated the institutions of the territory that was known as New Spain, I emphasize the New Spain.

On the other hand, the British parliamentary tradition was brought with the colonizers of the northern portion of the hemisphere, the Indian tribes of these regions did not have either the numbers of tne organization to prove advantageous to the colonizers so, instead of using them and mixing with them as the Spaniards did, they were expelled from their lands and, eventually annihilated. The Spanish conquerors did not question the king's right to rule; the English colonizers knew their rights, organized themselves following the democratic tradition of England, established popular assemblies and resisted taxation without representation. The American colonists created a new concept of political institution and eventually achieved nationhood in such a fashion that, henceforth, it became an example for many countries of the world.

One must bear these facts and differences in mind throughout my brief intervention. They explain many of the events that followed.

In fact, we can say that the legacy of Spanish colonialism was a society organized to facilitate the extraction of precious metals, creating an imbalance in the inner economic structures, because it was oriented for export.

With independence, the illustrated despotism of the Spanish government was merely substituted by dictatorships of regional leaders know as Caudillos. General Antonio Lopez De Santa Anna, who lost the Mexican-American War and who signed the transfer of the Gasden Strip, portrays very clearly the image of the local Caudillo. He was President of the Republic of Mexico eleven times, I repeat eleven times between the years of 1832 and and the year of 1855. During the first fifty years of independent life Mexico had fifty governments, most of them having claimed power by way of coups d'etat. In total: from the period of independent life Mexico has had 89 presidents. They have been aided from 1821 to 1976 by 188 secretaries of foreign relations.

It would be out of the question to go into detail about the political transformation of Mexico and its relations with the United States at the beginning of Mexico's independent life. However, it is important to point out that Mexico's struggle for independence lasted eleven years and that of the United States lasted two years.

The structure of the economy of Mexico was totally disrupted after independence. The production of minerals, particularly silver, was reduced in half and foreign trade suffered a similar decline. The decline of the mining centers was accompanied by a decline in the trade between the cities of Mexico; the atmosphere of uncertainty and of danger to individuals that afflicted large portions of the Mexican countryside after 1810 drastically reduced the profits of agriculture and its output.

Economic decline and social violence in the countryside were the main factors that contributed to political instability. And this phenomena in its own terms intensified the economic and social problems thus creating a vicious circle.

This framework of political instability was not conducive to fundamental changes in the institutional and juridical structures inherited from Spain. In fact, the courts kept functioning as they did during the colonial period. Both the military and the church groups kept their privileges and the hated taxes of Indian villages (tributo indigena) continued to be the main source of revenue of the central government. In politics, as well as in the economic and social institutions the breakdown of the old system was not replaced by new institutions that could take their place but, on the contrary, the old vices were inherited and the old virtues were forgotten.

This weakness, the political and economic chaos, was fully realized by the Government of the United States who took advantage of the situation and the relations between both countries became increasingly sour, terminating in the Mexican-American War of 1846 to 1848. The Treaty of Guadalupe-Hidalgo signed on the second day of February of 1848 gave the United States, the victor, more than half of the Mexican territory. In fact, the territories of what was then known as Texas, New Mexico, and California were 2,400,000 square kilometers, I might mention that the present area of the Mexican territory is only two million square kilometers.

From the territory taken from Mexico the modern States of Texas, New Mexico, Colorado, Arizona, California, Utah, part of Oregon, and part of Wyoming, were carved.

This sobering experience and the French invasion with Maximillan's short lived empire from 1862 to 1867, brought about fundamental changes to the Mexican institutions. A bureaucracy was developed; new economic policies were devised; the tax and revenue systems were revamped; the relations between government and other sectors of the nation were altered. A profound transformation in the way in which political authority responded to social conflict was introduced with the movement known as the reform, where the figure of President Juarez was dominant.

Later on and on the economic side, under the dictatorship of General Porfirio Diaz, a fundamental change in the entire policy of the government took place. For example, to stimulate the modernization of the national economy, a change was made from using foreign capital directly in the form of credit, which had increased the public debt to very high levels, to a new policy of directing more efforts to attract foreign capital directly toward productive activities in the form of foreign investment.

The great structural changes brought about by these investments were the creation of a national railway and railroad system. The railroads encouraged new agricultural activity. Cheap transportation was a good incentive to foreign investment, particularly in the northern portion of Mexico where mines could now be economically exploited. The railroads gave the central government the military capacity to enforce its decisions and to improve communications between the various regions of the nation, as well as creating among the elite a cohesive sense of nationality.

In fact, the prestige within the armed forces of General Porfirio Diaz who ruled Mexico for 30 years, from 1880 to 1910, was the best disuasive to avoid armed rebellion. In this manner the incentives for political conflict were considerably reduced and political stability was achieved.

Mexico, at the end of the XIX century did not have enough capital resources, due to the political instability which existed, to carry forth a program of fast modernization without foreign assistance. Under these circumstances of instability, centralization was inevitable, and it led to a dictatorship. Foreign investors required peace and assurances in exchange for their participation in the growth of the country. A strong national government was the best guarantee for their investments; and the military establishment as well as the rural police were effective means to exercise political power. They discouraged democratic activity and even the slightest manifestation by worker movements, particularly in the new industries that were financed by foreign capital, were repressed.

Thus, by 1911 the United States had direct investments amounting to 616 million dollars in Mexico, and 29 million in indirect investment. Of these, by far, the heaviest investments had been in the railroads, as had been the case in the United States, and in the mines and smelting installations: 41% of the American capital had poured into railroads and 38% into the mines. Before the revolution, the United States had 65% of the total foreign capital in Mexico, followed by Great Britain which at the time had 19%. In this there was a parallel with the situation of the United States and Great Britain.

The conditions and concessions made to foreign capital had been so generous that they created serious difficulties for new foreign investors, not only that, but several high officials of the Mexican Government, expressed publicly and privately that the dominance of American capital in the Mexican economy was beginning to limit dangerously the capacity of the government to freely set forth economic policies, as well as affecting the political and social institutions of the country.

Foreign investments and principally American capital along with the privileged groups, created the basis for a cohesive Mexican elite, and created at the same time the conditions for social and political conflict. Particularly Agparian conflict, since the new incentives for agriculture had made possible a revival of the haciendas as economically feasible units based upon large tracts of lands and the exploitation of the peasants.

The revolution of 1910 once again disrupted the economic, social and political structure of the nation creating a chaos not unlike that of the first years of independence. However, the constitution of 1917, written by the victorious revolutionary factions, did in fact provide the legal framework in which social justice and equality could be dispensed for all Mexicans. It was upon this most modern, most flexible, and socially advanced legal instrument that modern Mexico was founded. Modern communications and the non-interference of foreign powers—who were occupied elsewhere fighting a war in Europe—gave the Mexican people the chance to attain national unity and to devise their own political institutions, created by Mexicans themselves and responding to their own realities.

In a general way we can divide the process of the Mexican revolution into four periods: the first period, which takes place between 1910 and 1925 was that of the epic years of the armed struggle of social change and of the enactment of the constitution. In this period a great effort in the international field was carried out to achieve the recognition by the foreign governments and to avoid the intervention by the great powers which claimed that their interests and those of its nationals had been damaged. In this period Mexico-United States relations again reach a critical situation, the most important participants in this revoluntary process perished in a violent way and became a part of history and legend, Francisco Madero, Emiliano Zapata, Venustiano Carranza, Alvaro Obregon and others.

If at the beginning it could be thought that the Mexican revolution was a merely political movement, directed to establish formal systems or institutions of a representative democracy, which had not been carried out during the past 30 years, it was found-out very soon that the causes were deeper, that the liberal systems or institutions were not enough, even if they were capable of producing economic growth, they were not adequate to distribute in an equitable way the wealth obtained. Particularly in the rural areas the conditions were deplorable.

After the death of Madero in 1913, by the hands of disloyal military men supported by national and foreign groups interested in preventing the change, the revolution under Venustiano Carranza changed its ways. It not only tried to obtain justice, but it went farther in its ideas and objectives. In 1917 the constitution gave to Mexico the necessary framework for its present development. The Agrarian reform was launched, the labor unions were strengthened and an ambitious educational effort was started.

At the same time the era of the great Mexican mural painters began to flourish.

The second period or stage of the revolution can be placed in 1925 when President Plutarco Elias Calles launched the era of social and economic reforms which made possible, among other things, to create the infrastructure for our development.

Among other things, a sanitary campaign was launched, as well as vigorous educational reforms; the Central Bank was founded; a political party was formed which under various names developed into the present Institutional Revolutionary Party, which I consider to be the backbone of our political life. The policy established by General Obregon, to consolidate in the international field the principle that Mexico was and planned to remain the master of its own destiny, was affirmed.

When General Cardenas became President, during his term from 1934 to 1940, the economic and social reforms reached an accelerated rhythm. Great importance was given to the distribution of land and to the strengthening of labor unions. The social conquests and Mexico's direction towards a more just society were firmly established. The reforms followed a spirit of justice and not of demagogism and they accomplished their goals, and as in other cases, they became irreversible.

It was during this period of the depression of the 1930's that foreign investors chose to defy the decisions of the Mexican courts, even ignoring the Supreme Court, especially in the oil industry and was conducive to full nationalization by the Mexicans.

With nationalization of the oil industry in 1938 Mexico became a truly modern nation. The government proved to the world powers that it had the will and the national support to carry out drastic measures to reaffirm its national sovereignty. These actions emphasized that the revolutionary governments had adopted the policy to see that national interests prevailed over all other considerations. At that time the United States had as its Ambassador to Mexico Mr. Josephus Daniels and as its President Mr. Franklin D. Roosevelt. Both statesmen realized that it was in the best interest of the United States to have a neighbor with internal stability and good will, especially because of the upcoming world war. It was probably a very important element which deterred many American politicians from requesting an invasion of Mexico by the United States. Up to this time Mexico had received the unwarranted visit of American troops in its territory on three occasions.

In the international field, Mexico defended with great energy at the League of Nations, and within the limits of its resources, those countries which at that time suffered from the Nazi-Facist aggression.

The third stage or period of the revolution can be placed starting with the election of President Avila Camacho in 1940. It is the beginning of today's Mexico. International disputes were settled, which improved our foreign financial credit; the reconstruction of our railways was launched together with an ambitious agricultural program directed to make Mexico self-sufficient in the production of foodstuffs. People became conscious of the need to industrialize the country in a large scale as a means of solving its most serious economic problems. These convictions were embraced by President Aleman, Ruiz Cortines, Lopez Mateos and Diaz Ordaz, who gave a strong momentum to industrialization based on an adequate infrastructure. On the other hand, tourism became an important factor in our economy.

All our Presidents have tried to combine social reforms in the cities and in the rural areas along with the promotion of fast economics progress. They have differed in means and economic policies, but not in the final goals. Also in the international area, Mexico continued to maintain its unchangeable position of non-intervention in interal affairs of other countries and the support of the general principles contained in the charter of the United Nations.

I believe that the fourth period or stage started with the Government of President

Echeverria, because there is no doubt that after five years of government, a definite change in the structures of the country are evident. Although the present government clearly maintains that the economic progress must continue at an accelerated rhythm, it has emphasized even more the effort towards qualitative progress. That is to say, we want a more just society and to that end we are putting our best efforts so that the benefits from progress may be shared by the majority of the people. This is the beginning of a new stage in our goal to have a greater and better Mexico. It is evident that in the internal area there is a climate of open dialogue, the opening to different streams of thought, a desire for a society in which their members truly participate not only in the political process but in the enjoyment of the results of our economic policies, which have allowed us to maintain a constant growth index in our gross national product for a number of decades of almost 7% in real terms; and that education be available to everybody; at the same time avoiding large foreign debts which could mortgage Mexico's future. In brief, we seek a formula of development with liberty and social justice within which all Mexicans may attain their goals.

Mexico has maintained an exemplary political stability precisely from the regime of President Cardenas to the present. We have now enjoyed more than 50 years of uninterrupted internal peace, and sustained economic growth.

At present relations between Mexico and the United States are good and harmonious. These relations have continuously improved as Mexico has solidified its internal structure and as the United States has come to realize that a strong and independent neighbor is a better friend than a weak and dependent one.

The relations between Mexico and the world powers in a historical context have been dialectical. For more than a century we suffered the political and economic ambitions of the great powers of the world. We now demand respect for our independence and we want for all countries justice and peace. We maintain without modification in the international arena the principles of the Mexican revolution: Juridical equality of all nations, non-intervention in the internal affairs of nations, and self-determination of peoples.

As the relations between Mexico and the United States evolve in a cordial atmosphere, which we wish to maintain, we adopt and accept our international responsibilities. For example, in 1972 Mexican President Luis Echeverria pointed out to the United States Government in a speech before a joint session of Congress, referring to the illegal immigrant worker problem, "we want to export merchandise to the United States, not social problems". In this manner Mexico accepts the responsibility for creating adequate employment within our own borders in order to eliminate this problem.

In this spirit of mutual respect and consequent good relations between our two countries we have been able to solve problems such as the salinity of Mexican land in the Mexicali valley, caused by the great content of salt in the waters of the Colorado River received by Mexico. Also, in this manner we have solved boundary questions.

We recognize that serious difficulties between nations arise from the different levels of economic development, however we postulate that, as the great man Benito Juarez once stated, "Among men as among nations the respect for the rights of others is the formula to peaceful coexistence".

At present, the relations between Mexico and the United States take place on two levels: Bilateral and multilateral. In this last area I wish to point out that Mexico maintains its basic principles, which are applied on the bilateral level.

At the level of bilateral relations we are closely linked with the United States, mainly through economic and technological aspects. This closeness seems to disappear as we move to organizations which have a wider participation and are more political, this increases as the political means and the ends of these institutions increases. This explains the close cooperation between Mexico and the United States on a bilateral basis and the disagreements we have sometimes with the United States in international fora. Mexico considers itself among the countries of the third world and sympathizes with the non-aligned. As a consequence of the above, it can be inferred that our foreign policy does not coincide necessarily with that of the United States, because the degree of development of the United States and its historical experiences lead its people to choose different means than those of the Mexican people, which have yet to exercise many other possibilities of economic development. It is in this manner that Mexico pursues its goals by different means.

However, Mexico and the United States share many economic interests, we have a large and common border; there is a substantial and growing population of Mexican origin in the United States. Both countries believe in democracy as a way to achieve a system that will enhance human values, that we must build upon in order to create a closer and better understanding.

The United States must give Mexico the importance it deserves as its fourth customer; as an important supplier to the United States, as a neighbor, and as a country among the fifteen most important nations in the world in terms of area, population and gross national product. Mexico will never accept to be a medium size economic power, and a lightweight political power.

Mexico on the other hand cannot divorce itself from the effect its actions in the field of foreign policy produce in the United States.

For the future, I believe the problems between Mexico and the United States will be more and more in the economic arena. The balance of payments of Mexico and the United States will be more and more in the economic arena. The balance of payments of Mexico and the United States will be in the future a barometer of our relations. This is to say, that eliminating the imponderables that may arise between any two nations, even more so among neighbors, our relations will tend to focus more on economics. However, to the degree that the political aspects are solved in the international fora, and to the degree that the mechanisms put into process by developed countries are attained, there will be less possibilities for conflict, including bilateral conflicts.

It is because of this importance of the economic aspects in the future of our relations and because the international economic structure will play an important role in the relations between developing and developed countries that I wish to examine the international economic system.

The present international economic order is the result of a series of agreements undertaken by the major powers of the western world, after the second World War.

Bretton Woods and the institutions born at this summit meeting reflect the interests of the major trading powers in a free-trade, international capitalist framework. It visualized the creation of structures that would lead towards the creation of an enlarged volume of trade, free of interference from tariff and non-tariff restrictions, in a world with fixed exchange-rates and no monetary restrictions for the free flow of foreign exchange.

There is no question that this concept of an international economic system was created by the wealthy nations to suit their particular conditions, and therefore led to an atmosphere which promoted the accumulation of capital by these nations.

In addition to what has been mentioned, there is a real transfer of resources from developing to developed countries. That is, the poor countries pay for the growth of the rich countries.

This takes place in the form of a chronic decrease in the relative price of primary goods versus the price of manufactured goods. That is to say, that over a period of time, the prices of manufactured goods rise faster than the prices of primary goods. The effect of this is that developing countries must continually export more and more primary goods in order to finance the same amount of imported manufactured goods.

As a result of this process, a developing country can not finance its growing capital import requirements and is forced to go into debt.

I have tried to sketch in a very rough manner the way in which the international economic order is set-up in favor of developed nations, and the reason: it was set-up by developed nations.

However, the consequences are even deeper, as the present international order creates a system of dependency for the developing nations.

As the developed world is forced to reach out for capital, it is boxed into a system of exporting primary goods to developing countries; importing vitally important machinery from developing countries; acting as a host for larger and larger amounts of foreign investment coming from developed countries which acquire the most dynamic sectors of the economy; creating the infrastructure to attract more and more tourists from developed nations, and borrowing larger and larger amounts from developd countries. This creates the basis for an economic dependency. However, the importance of this lies not only on the factor of dependence that has been established at the economic level, it is the fact that the economic system creates the structure of a nation and that the superstructure is based on this structure, that is vitally important. If the structure upon which society is built is a dependent one, the rest of the superstructure is also dependent.

It is with this conception of the world, that the developing countries which form the third world have come out to propose the creation of objective and subjective conditions which will allow the restructuring of the world to a more equitable and just system.

We cannot wait until these objective and subjective conditions appear. If they don't exist we must create them.

The objective and subjective conditions must be changed on two-planes: Internal or domestic, and external or international.

Mexico in the past five years in the domestic arena has revised its educational, political, agrarian, fiscal and administrative reforms and has created legislation to regulate foreign investment, transfer of technology, and the use of trade marks and patents. In the international field, Mexico has undertaken steps to establish diplomatic relations with almost all the nations of the world; we have increased our ties, both commercial and cultural, with all the nations; we have created the Latin American economic system; we are participating in the Andean group; we created the Caribbean multinational shipping company; we are very active in every forum, (population, food, women's rights, etcetera), however, it is with the charter of economic rights and duties that we place the first stone towards the building of a new international economic order.

The new economic order can not and will not reflect the interests of a minority, a rich minority. It must, and it will, reflect the situation, needs and requirements of all nations. It will recognize that trade is not a one-way street; it will affirm the right of every nation to control its natural resources; it shall provide for reasonable access to the most adequate technology for all nations; it shall look towards achieving a world growth in which all nations will share in the benefits. It shall no longer provide the structure that promotes world income to concentrate in a few hands. It is in essence a means towards achieving a more just and equitable distribution of world income.

This action on the part of Mexico is congruent with our domestic policy. We are searching internationally for a system that will give us what we are trying to achieve internally: economic development with social justice and liberty.

The concrete recommendations made by Mexico refer to international trade; resource transfer: the international monetary system; industrialization and investment; technology; food and agriculture; and other institutional arrangements.

In the area of trade we have recommended lower tariff and non-tariff barriers to trade from developing countries, and a greater access for manufactured goods in order to earn more foreign exchange for developing countries; we have also recommended mechanisms to expand automatic forms of real resource transfer including increased access to capital markets, and better debt conditions. In the International monetary system we are proposing a mechanism to tie special drawing rights (SDR) to development needs and to make the process of decision making in the system more equitable. We are proposing the expansion of industrial capacity in developing countries using the most appropriate technology on accessible terms. We are also strongly active in the elaboration of a code of conduct for transnational enterprises. We are for increasing agricultural production in developing countries, and establishing an international food bank. Finally we are actively engaged in the reforms of all international organizations: in this manner we have proposed, along with other nations, a new United Nations structure for coordination of economic issues within the United Nations which will be capable of implementing the necessary measures adopted in a new international economic order.

We hope the United States will contribute greatly to this process by initiating concrete negotiations along the lines of the resolution adopted at the seventh special session on development and international economic cooperation expressed at the United Nations in September of 1975, as Dr. Henry Kissinger has proposed at the above mentioned meeting.

Let us keep in mind that the United States, late in the 18th century triggered a "new international economic order". Which consisted of no taxation without representation; and end to mercantilism; and end to captive markets; free trade and industrialization. Let us hope that 200 years later the United States will not stand idle in the building of a new order.

In this new set of conditions both for Mexico and for the United States, and in the spirit and cordiality which prevails in our relations, and which has been as I have tried to demostrate, the result of a hard and long journey, we must attempt to solve our problems in the future. I have said many times and I will repeat it once more, Mexico as a sovereign nation has developed its mechanisms of negotiation which should not be mistaken by the United States as mechanisms of confrontation. Mexico aspires, in its relations with the United States, to satisfy its legitimate economic aspirations, and hopes to see the day when economic pressure is never again used by any nation as an instrument of foreign policy; we wish a more balanced trade relationship, and an understanding on the part of the United States for the solidarity that must exist between countries in the process of becoming a developed nation.

Nobody criticized the strongest nations of the world for grouping under the OECD, or coming together under the name of the "Group of 10". So it is that developing nations must unite in general, and as a regional group in Latin America, especially. Integration in some form in Latin America is not only necessary but also inevitable. Any attempt to prevent Bolivar's dream from coming true can only be self-defeating. Treaties cannot replace common interests.

To attempt to summarize, I would like to point out that Mexico and the United States were two different areas inhabited by different peoples, conquered by the Spaniards in one case and colonized by the British in the other. What followed was a struggle for both peoples to constitute an independent nation and consequently to form a strong and stable union, able to provide opportunities for all of its citizens. It is on this process that our historical experiences become different and hence our attitudes. It is also during this process that the relations become established upon the inequality or different degree of economic development, and the myths created by changing times and, or, ignorance.

History has shown us that the most common myths upon which Mexico-United States policies have been built are the following: the belief that Mexico's goals and means are similar to those of the United States without taking into consideration the different degrees of economic development and the different means available to us; the belief that the good relations which exist today appeared spontaneously, rather than examining the evolution of these relations and the important role played by Mexican pragmatism; the belief that what is good for the United States, or to the eyes of the United States, is necessarily good for Mexico, and finally the belief that relations are immutable.

I would like to point out, and I think that it is very appropriate before this audience, that just as there are forces of change in the United States, with strong nationalistic aspects, in Latin America there is a numerous generations of young men and women—just in Mexico over half of the population is under 20 years of age—with a new scale of values, which are desirous or already actively engaged in politics, and they are not concerned with traditional policies or politics. This younger generation, in spite of living on the same continent as the United States and sharing many things in common with the United States, is more closely identified with the third world because it no longer accepts social Darwinism. It will require for the future relations of the United States and Latin America, that your generation find common ground with them, this is a challenge to both generations.

Mexico and the United States have travelled a long road from conflict to friendship, and must still travel a long way. Let us work together to complete this journey in understanding and full cooperation. I can tell you that Mexico is willing, and also that Mexico is able.

Mexico is a nation with difficult problems which it must resolve; yes, our population grows very fast; our wealth is badly distributed 50 years after the end of the military phase of the revolution, there is still much to be done in order to accomplish its principles. However, we Mexicans believe in the destiny of Mexico, and we work towards it; we believe that we will have a Mexico in which wealth will be better distributed; a Mexico in which every child will have a home; a school; food, and the hope to grow up to fulfill his wishes and contribute to society; we like to think of a Mexico that will employ all of its resources towards the achievement of a just society; we like to think of a Mexico united by strong bonds to its brothers in Latin America; we like to think of a Mexico who is a good friend to all the nations of the world; we like to think of a Mexico actively engaged in achieving economic development with social justice and full liberty; we like to think of a Mexico that although pursuing economic development, reaffirms in unequivocal terms that it aspires to preserve its political sovereignity and to maintain its cultural heritage above and beyond any material progress; finally, we like to think of a Mexico that can say to its neighbor to the north, on the occasion of its two hundred years of independence, that in a spirit of mutual respect and understanding of our aspirations, as well as our desires to be free to determine our own future, that we are friends of the United States; that we are good friends and sincere friends of the American people.

Thank you.

[From the New York Journal of Commerce and Commercial, May 3, 1976]

MEXICAN TRADE, RESERVES DATA USED TO AID PESO

(By George F. W. Telfer)

Mexican central bank and treasury officials are backing up their determination to maintain the long-standing exchange rate of 12.5 pesos to $1 with the latest data on the nation's trade and international currency reserves.

The peso has been buffeted by selling during recent weeks in New York, Chicago and other money centers as speculation rose that a devaluation might take place. The peso has traded at around 14 to $1 recently in these markets.

INT'L RESERVES SWELL

However, Mexico's gross international reserves rose by $35 million to $1,645 million as of March 26, and its exports increased during the first quarter as the United States economy recovered. These figures were disclosed on March 29 by Ernesto Fernandez Hurtado, director general (equivalent to governor) of the Banco Central de Mexico, at a meeting of Mexican financial leaders and businessmen as well as the local press.

TO ADDRESS MARKETEERS

Presumably, Mr. Fernandez Hurtado will update this data when he addresses the Money Marketeers, an organization of money managers, here on May 26. The dinner meeting will be held at the City Midday Club.

These plans were revealed at the 18th Annual Forecasting Conference of the New York Chapter of the American Statistical Association, at the closing session Friday.

Forecasters in the ASA's annual survey who did well last year and the year before revealed their forecasts for 1976 to The Journal of Commerce. They were somewhat higher on the rate of inflation than the composite ASA forecast which was disclosed a day earlier.

Susan Saxer, banking officer at the Girard Bank, Philadelphia, who had the most accurate overall forecast for last year, said she expects an increase of between 6¼ and 6½ per cent in gross national product, adjusted for price changes by the fourth quarter of this year.

The consumer price index at Sept. 30 will be 6 per cent higher than on Sept. 30, 1975, and on Dec. 31 it will be 6¼ per cent above the end of 1975, she said.

This would make the GNP rise in current dollars just below 13 per cent by the end of this year.

She put the Dow-Jones industrial index

at between 975 and 1050 by September and the same by year-end, compared with 996.65 at the close Friday. Miss Saxer declined to forecast the industrial production index, the other component of the four-part ASA forecast.

Dr. William B. Sweeney of Bryant College in Smithfield, R.I., who received an honorable mention, put the current GNP rise at just under 13 per cent, with inflation as measured by the Consumer Price Index (CPI) at 7 per cent, making for real GNP growth of 6 per cent.

He put industrial production ahead by 9 per cent, and said the stock market would move slightly down to 950 from 975 by year-end.

Last year's winner for the most accurate forecast for 1974, Robert E. Lewis, vice president at Citibank, put current GNP up 11.5 per cent for the full year, consisting of 6 per cent real growth and a 5.2 per cent rise in the GNP deflator. The CPI would rise 5.8 per cent during the year.

He put industrial production ahead by only 6.5 per cent by September and by 6.9 per cent by year-end compared with the year-earlier periods. However, the Dow-Jones index is estimated by him to reach 1066 by Sept. 30 and 1125 by Dec. 31.

The composite ASA forecast indicates GNP rising by $186 billion to a seasonally adjusted annual rate of $1,759 billion by the fourth quarter of 1976, an increase of nearly 12 per cent. But the CPI is expected to increase by 5.2 per cent over the year, according to this forecast.

Industrial production is seen rising by 9 per cent, while the Dow-Jones index is expected to break new ground and to be above 1050 at the end of the year, or some 25 per cent higher than a year earlier.

Another forecaster who received honorable mention for his 1975 forecast, Howard Eilenberg of Frederick Atkins, Inc., could not be reached.

Although the stock market may mark time for awhile, "if the news on inflation remains positive, share prices could increase significantly over the next six to 12 months—perhaps by as much as 20 to 25 per cent, if earnings stay as strong as most analysts are forecasting," said M. Kisor, Jr., director of research, Paine, Webber, Jackson & Curtis, Inc., in an address.

Mexico's balance of payments and trade deteriorated last year, and there is some question whether it will exploit its oil reserves fast enough to help its payments soon enough. But the recent overall improvement in its trade and reserves will be taken into account by the banking community.

Aida Pardee, economist with Bankers Trust Co., who recently visited Mexico, points out that devaluation would not help the country's balance of payments, "because demand for its exports is inelastic."

However, in his address to the ASA meeting, Tilford Gaines, Hanover Trust Co., said that he expects that "the peso will be devalued." He later put the devaluation at a "nominal amount," which would bring the new rate to about 14 pesos to the dollar. But he did not seem to be aware that Mexico had become a net exporter of oil when he said the country had been hit very hard by the oil price rises.

However, he noted, Mexico is "second only to Japan in its ability to manage its international affairs."

[From the New York Journal of Commerce, Mar. 1, 1976]

US INVESTMENT SEEN RISING—MEXICO'S ADVANTAGES SET AGAINST PROBLEMS AS 5.5 PC GROWTH EXPECTED IN 1976

(By C. Conrad Manley)

MEXICO CITY.—The Mexican economy comes into 1976 with three major advantages assisting its dynamic development: a better-than-average agricultural growth rate, recuperation of the economies of the industrialized nations which buy its products, and a general feeling of optimism sparked by the presidential candidacy of former Treasury Secretary Jose Lopez Portillo.

On the negative side, Mexico faces critical problems in relation to otherwise favorable prospects for 1976—its rate of inflation, trimmed somewhat last year, appears to be rising once more, and a high rate of unemployment and under-employment, due in part to its steep population growth rate.

OUTPUT UP 4–5 PC

Although official data were not expected to be available until early this month, economic forecasts indicate that Mexico's GDP (gross domestic product) achieved a real gain of 4.5 per cent and that inflation was reduced to about 16 per cent during 1975.

In general, Mexico's economic growth has been stable for more than a decade with its real GDP rising at an annual rate of 7 per cent. However, worldwide inflation and recession in industrialized nations have had their effects in this country during the past two years, pulling the real GDP growth down to 6.4 per cent in 1974 and to 4.5 per cent last year.

On the brighter side, Mexico has been able to avoid the negative growth rates of such developed countries as Great Britain and Italy and the triple-digit inflation of nations such as Chile and Argentina.

On the basis of a 15 per cent increase in private-sector investments and a 10 per cent increase in the federal budget, predictions are that Mexico's real GDP will rise by 5.5 per cent this year.

Another forecast is that direct investment in the Mexican economy by United States-owned or affiliated firms will amount to approximately $630 million, up by 37 per cent from last year, to bring the American commitment here up to 1.7 per cent of all U.S. direct investments abroad.

The new federal budget, described by Treasury Secretary Mario Ramon Beteta as both "austere and realistic," calls for the expenditure of $31,391 million—up by only 10 per cent over the planned outlays of 1975. However, actual spending last year exceeded its original budgeted total by 16.3 per cent; consequently, Mexico's fiscal performance in 1976 will depend to a great extent on how rigidly the government and its decentralized agencies and state-owned corporations follow established guidelines.

The federal government is scheduled to use 53.4 per cent of the total budget with the remainder assigned to its autonomous agencies such as the Federal Electricity Commission, Petroleos Mexicanos, Aeronaves de Mexico, the Social Security Institute, etc.

Broken down by programs, the industrial sector will spend 29.7 per cent of the total; social development, 22.9 per cent; agriculture and livestock, 20 per cent; administration, 16.8 per cent; transport and communications, 10.2 per cent, and tourism, 0.4 per cent.

The public debt, according to Secretary Beteta, will be serviced with slightly more than $3.6 billion, an increase of 30.6 per cent over last year's cost. Another major item is education, which is scheduled to get more than $3 billion, a 19.2 per cent increase over 1975.

According to Treasury sources, government expenditures are to be financed 90 per cent by domestic sources and 10 per cent by foreign loans, a formula generally followed in recent years. It has been announced that there will be no major changes in the national tax system nor any "generalized" tax increases although soft drink bottlers were hit with a 68.5 per cent hike late in January. But the administration plans to crack down hard on tax evasion. Estimates have been published stating that only 2.5 per cent of the population pays all of the taxes.

The fact that 1976 is an election year—with the candidate of the government's Partido Revolucionario Institucional a certain winner in July—militates against strict economy; it has been customary for the incumbent in the past to wind up his final year of office with a burst of public spending, leaving the incoming administration short of funds and with the private sector nervously awaiting the development of new governmental and fiscal policies.

UNEMPLOYMENT ATTACKED

The problem of unemployment and under-employment, particularly in Mexico's rural areas, has been endemic for years; it is being attacked by a $788 million agricultural aid program and through continuation of a $4 billion administration program to provide more jobs by establishing industrial and tourism centers throughout the nation.

In order to reduce Mexico's foreign debt, Mr. Beteta has developed a special program "to establish a closer control and relationship between income and expenses" and the government has clamped down hard on "unnecessary and sumptuary" imports, strictly limiting the importation of foreign goods and services. Emphasis is being put on the manufacture of many items which can be produced in Mexico, both to substitute for imports and to earn foreign exchange to reduce the trade deficit which amounted to an estimated $4 billion in 1975.

As part of the overall program to slow down the population explosion, with estimates of Mexico's current birth rate at 3.5 per cent a year, the administration of President Luis Echeverria plans to continue its low-key campaign of "responsible parenthood," urging Mexicans to have only the children they can properly feed, clothe, educate and shelter and for whom jobs will be available.

Major expenditures by the public sector are planned during 1976 to expand all of the nation's basic industries, among them pertroleum and petrochemicals, generation of electricity, steel production, mining, fisheries and other activities.

PETROLEUM STEEL

Petroleos Mexicanos alone will invest an estimated $936 million in searching for new oil deposits and developing, processing and transporting the increasing volume of crude flowing from known fields. While national production is expected to reach a million barrels a day during the year, exports at $12.32 a barrel are scheduled to total 230,000 barrels daily by the end of 1976.

The new oil refinery at Tula, Hidalgo, and Latin America's largest petrochemical complex at La Cangrejera, Veracruz, will be earning additional foreign exchange with the export of finished petroleum products.

Also in a major stage of expansion is Mexico's steel industry with overall investment in 1976 of approximately $1.6 billion. Among expansion programs are those of Altos Hornos de Mexico, amounting to $562 million, and that of Fundidora de Monterry totaling $128 million; when the billion-dollar initial phase of the Lazaro Cardenas-Las Truchas steel complex is completed this year, work will begin on its multi-million dollar second phase. Steel output in 1976 is expected to increase from about 5.6 million to 6.5 million tons a year.

In the field of agriculture, Mexico's last two harvests have been particularly good and the nation now claims self-sufficiency in all basic crops except corn—and authorities assert that corn will be in surplus by the end of 1977. Agriculture and livestock are scheduled to receive 20 per cent of the national budget and an additional 531,000 hectares (1,311.6 million acres) of farm land have been brought under cultivation since 1972. Agricultural growth last year was an estimated 4 per cent, surpassing the birth rate for the first time in a decade.

The agricultural sector will receive credits of some $2.1 billion—about $320 million more than in 1975—preliminary for the benefit of 1,860,000 rural families which are farming 13,832,000 acres. The National Bank of Rural Credit, created last year, will be operating with five times the volume of credit available in 1971.

TOURISM PROJECTS

Tourism also is slated for a potent shot in the arm this year with state agencies spending millions on new developments and encouraging private enterprises to participate as well with government guarantees providing additional incentives.

In addition to the multi-million tourism projects at Cancun, in the state of Quintanta Roo, and Ixtapa, in Guerrero, whose rapid development is continuing, other new resorts are in the planning stages for the Baja California peninsula and along the Gulf of California coast of the mainland, particularly in the area adjoining Puerto Vallarta in the state of Nayarit where close to $40 million have been committed for infrastructure alone.

In summary, Mexico confronts its problems and obstacles in 1976 with a generally favorable posture, the most worrisome factor in sight being the strong possibility of continuing and even rising inflation, now rated at about 16 per cent.

The government, in its current budget, has taken steps to lessen its upward pressure on the economy; much now depends on the response of Mexico's businessmen and industrialists and their expression of confidence in the future in terms of investments.

[From the New York Journal of Commerce, Nov. 24, 1975]

Regulation Spelled Out for Foreign Investors

(By Stanley Mantrop)

Mexico City.—Planning to do business in Mexico? If so the Mexican Government has compiled a list of regulations aimed at helping out, indicating the areas in which foreign investment is possible, and others which are still restricted to the Government sector.

However, the Government's restrictive list shrinks regularly as the Republic moves closer to its goal of self-sufficiency. Over the past few months the Government has taken steps to make investment attractive to foreign plant operators seeking to locate plants or to join with Mexican operators in joint ventures.

For example, under the Government's industrial investment program, foreign investors who locate plants in areas outside the urban region, obtain special tax breaks.

Because of the mass movement of Mexicans to the cities with higher paying employment in industry, the Government has been compelled to zone highly industrialized areas like Mexico City, Guadalajara, and Monterrey, while opening up other regions in the interior with many special benefits.

Mexico's classification of new and necessary industries, including those turning out goods not being manufactured locally, get tax concessions.

The beneficiaries of the tax concessions also include manufacturers of products to be produced in sufficient quantities to meet domestic consumption, provided this deficit is at least 20 per cent and not resulting from transitory reasons.

LIBERAL EXEMPTIONS

Investors in these industries can expect up to 100 percent exemption of the general and additional import taxes on machinery equipment and raw materials.

They also get up to 100 per cent on the general and additional export taxes; 100 per cent on the stamp tax, plus up to 100 per cent on the net Federal portion of mercantile tax.

Another benefit is an up to 40 percent exemption in income taxes, for periods up to 10 years, depending on whether the industry has been declared as basic, semi-basic or secondary.

In an effort to decentralize industry throughout Mexico, President Luis Echeverria also provided other incentives for investors.

The law governing decentralized industries, now three years old, divided the country into three zones. Tax benefits are based on the location of the new plants.

Zone 1 includes, among many municipalities, the industrialized cities of Guadalajara, several municipalities in the state of Nuevo Leon, including Monterrey, and the Federal District (Mexico City).

Zone 2 includes Puebla and several municipalities in the state of Mexico and Jalisco.

Zone 3 is classified as the "rest of the country", and is the area that Mexico would like to see industrialized.

The tax exemptions and other reductions depend on the zone in which the new industry locates and could run from 50 to 100 per cent, up to 100 per cent in the other taxes, and from 10 to 40 per cent in income tax reductions, based on the global income of the firms.

OTHER CONCESSIONS OFFERED

It's possible, depending on the zone, to obtain from 60 to 100 per cent exemptions or reductions on income taxes on earnings derived from the properties from the company's fixed assets.

These concessions are possible from periods ranging from three to 10 years, depending on the zone, and the importance to the national and regional economies.

For in-bond plant locations, similar to the border twin-plant projects, it is also possible to obtain certain benefits from the Mexican Government.

Some of these benefits include temporary import exemption from payment of taxes on raw materials, tools, or any item regarded as necessary to carry on assembly and finishing of products.

The in-bond program over the past 10-years has helped industrialize portions of the U.S.-Mexican border, and has attracted several hundred large and small industries into the region.

One of the stipulations set forth by the Mexican Government regarding foreign investment is that foreigners, who acquire property of any kind in Mexico, agree to consider themselves Mexican nationals with regard to these properties and not to invoke the protection of their governments with respect to such properties, under penalty, in the event of violation, of forfeiting to Mexico the properties acquired.

Under the Mexican investment regulations, the list of restricted investment areas include petroleum and other carbohydrates, basic petrochemicals, exploration of radioactive minerals and generation of nuclear energy, mining activities, electricity, railroads, telegraphic and wireless communications.

FOREIGN TIES PROHIBITED

Industries reserved exclusively for Mexican nationals and companies without foreign ties include radio and television, urban and inter-urban, automotive transportation, including Federal highway transit, domestic air and maritime operations, forest resources, and gas distribution.

Limited foreign investment is possible in secondary petrochemicals (up to 40 per cent); and up to the same amount for mineral use and exploitation.

"Traditionally," said a Government economic spokesman, "it has been Government policy not to grant foreigners any more favorable treatment under Mexican law than granted national investors, but, over the last 30 years, a series of laws and decrees have evolved which limit capital participation by foreign investors in specific areas of the Mexican economy.

"Probably more than at any time in recent years, new investment programs in Mexico are assured full Government support."

[From the New York Journal of Commerce, Nov. 24, 1975]

Lopez Portillo To Encourage Foreign Investment in Mexico

(By C. Conrad Manley)

Mexico City.—Jose Lopez Portillo, presidential candidate of the Government's Institutional Revolutionary Party (PRI)—and unquestionably Mexico's next president barring an act of God—is now engaged in a strenuous, nine-month effort to visit every remote corner of this nation.

There's no real need for such intensive campaigning for votes since the monolithic PRI has made a clean sweep of every presidential race since its founding as the Partido Nacional Revolucionario in 1929, racking up totals of 80 per cent and more in national elections, only occasionally losing a state or municipal office to its principal opposition, the National Action Party (PAN).

NO OPPOSITION SO FAR

Not only is the preponderance of the PRI a certain guarantee of election for Mr. Lopez Portillo—familiarly known as "Don Pepe"—but so far he has no opposition in the contest. Mexico's two other recognized political parties, the Partido Popular Socialista and the Partido Autentico de la Revolucion Mexicana, have both endorsed the PRI candidate as their own while the PAN failed in its annual convention in October to agree on a candidate.

Although the PAN probably will select a presidential contender at another convention scheduled in December, in reality he can only carry out its party's traditional role in Mexico's unique political system, that of attracting "protest" votes and of questioning government policies and actions. Potential PAN candidates are Pablo Emilion Madero, a nephew of Mexico's martyred President Francisco Madero, and Salvador Rosas Magallon.

Meanwhile, as if his election really depended on it, Mr. Lopez Portillo is covering Mexico state by state, conferring with party leaders, exchanging views with businessmen and industrialists, talking to chiefs of the PRI's three main sectors—organized labor, campesinos and popular, including middle class and professional groups—receiving innumerable delegations of workers and farmers, and visiting scores of public works projects, communal farms, indigenous villages and assemblies of government workers and employees brought in from outlying areas in trucks and buses.

INTENSIVE EFFORTS

Although the pattern of his nationwide campaign was established by Mexico's current president, Luis Echeverria Alvarez, who traveled some 35,000 miles around the country following his nomination in 1969, Mr. Lopez Portillo has created his own system of campaigning. Traveling in a caravan of 17 chartered buses, including two kitchens on wheels to feed the campaign entourage, he first establishes a base in a state capital and proceeds to cover that entity completely before moving on to another state.

At times the caravan will precede him to the next state operation, and he catches up in his party's airplane, "El Politico" (The Politician).

Although he acknowledges that such campaigning is not required to assure his election next July 4—he will take office on Dec. 1, 1976, for a six-year term—Mr. Lopez Portillo feels that such intensive efforts are useful and desirable from the standpoint of knowing, from first-hand observation and from the lips of those directly involved, the nation's most pressing problems and possible solutions.

POPULAR CAMPAIGNER

"Don Pepe" is a popular campaigner, drawing, with the aid of efficient local and state PRI organizations, large crowds wherever he is scheduled to appear. Taller than the majority of his countrymen, he presents a distinguished appearance, his balding head framed by graying bushy sideburns and his friendly eyes set off by jet black eyebrows. A lawyer and university professor before he entered political life 16 years ago, Mr. Lopez Portillo affects dark double-breasted suits with one earpiece of his eyeglasses hanging out of the breast pocket—an idiosyncrasy now adopted by many of his adherents.

Apparently in excellent health—an athlete in his youth, he still exercises regularly—Mr. Lopez Portillo appears much younger than his 55 years. And he seems to enjoy his strenuous campaigning, ending days of 14 and 16 hours of speaking, conferences and traveling seemingly as fresh as when he began them.

He shakes thousands of hands daily, although he greets closer associates and friends with the traditional Mexican "abrazo," and he exhibits with some pride a hard callous on the lower side of his right palm he has developed since his selection as the PRI's presidential candidate on Sept. 22.

"THE LEAST POLITICAL"

Characterized as "the least political" of the seven potential candidates of the party before his nomination, Mr. Lopez Portillo has said that his administration, "if I am elected," will be neither "leftist" nor "rightist" but will strictly follow Mexico's Constitution of 1917. Refusing to be classified politically, he declared in an interview that "I do not believe that geometry, which is an exact science is a classifying index of the social sciences . . . I strongly resist falling into the trap of revolutionary geometry."

A close friend since boyhood of President Echeverria—they traveled together by ship to Chile in 1941 to study political science on scholarships at the University of Santiago—he has made it clear that he is committed to carrying on the domestic and foreign programs initiated by the present administration.

He also recognizes the basic government program put together by his party following a series of conferences throughout Mexico and the study of some 7,000 "position papers" as a base on which to build his own program of economic, political and social activity once he has assumed the presidency.

RESPONSE TO QUESTIONS

During a luncheon meeting with a group of foreign correspondents assigned to Mexico, Mr. Lopez Portillo made the following statements in response to questions put to him by the journalists:

On private initiative: "Mexico is a country of mixed economy which requires that all of its participants comply with their obligations . . . In reality, the private sector never before has received as great a stimulus as that provided by this administration in the way of fiscal encouragement of production and exportation."

On wealthy classes: "The rules of the game are that the powerful do not abuse those who are not, and that we really are going to produce. It is not producing for the rich to become richer but rather than there be more wealth and that we make, legitimately and honestly, an effort to better distribute our production."

On agricultural improvement: "Through a system of establishing goals, regionalization of the country, organization of producers, resolution of problems of land ownership and an entire range of stimulative actions and promotion by the government—including credit, technical assistance, extension work, provisions of materials, scientific and technological research and marketing."

On freedom of information: "The channels of information will remain open to the press and public. This is one of the structural advances of our democratic system . . . a fundamental advance which has no point of return."

ON FOREIGN INVESTMENT

On foreign investment: "For the first time in Mexico's history the rules on investment—which had been dispensed and which were arbitrary and sometimes capricious—have been codified . . . We need foreign investment which obeys our laws and which helps us in our development, which may be good business (for investors) but which considers us as partners, not as servants nor employees nor subjects for exploitation."

On foreign relations: "The coming administration will be one which will consolidate much which has been done in the international area by the present regime. Of course, we have the traditional positions of Mexico in foreign affairs . . . we have been consistent on matters of self-determination of peoples, respect for the rights of others and nonintervention in the internal affairs of other nations.

"I share the attitude of President Echeverria in seeking a new economic order and I believe that the Charter of Economic Rights and Duties of States, the Latin American Economic System (SELA), bilateral and multilateral agreements and his position toward the Third World are efforts which require consolidation."

On Socialist country relations: "This administration has done much to establish relations with the Socialist nations, with monarchies such as England, with empires such as Iran, with nations of the Third World. . . . The following administration will have the same characteristics: totally open, because we have a system in which we believe . . . With countries with which we don't want to have relations, we just won't have them."

ON U.S.-MEXICAN RELATIONS

On U.S.-Mexican relations:

"With the United States our geographically obligatory relationship is historically maintained. I believe we are getting to know each other more and more and, consequently, we respect each other more. We both know our very unequal situations and what each may expect from the other . . . The fundamental problem we have with the United States is the barbarous disproportion we have in our commercial balance with them."

On Mexico's foreign debt: "Our foreign obligations are proportioned to our capacity of exportation; service of the debt has been improved by the extension of the periods of payment and in conditions of interest . . . I believe that Mexico should participate in the GATT in the next few years and aid in efforts to liberalize conditions of trade."

Mr. Lopez Portillo made clear, however, that details of his platform and policies as Mexico's next president will be evolving during the months he travels the country on his political campaign and on circumstances and events which now may be unforeseen.

A devoted husband and father, he regrets that his time at home will be strictly limited by the obligations he has assumed by accepting his party's nomination. Married to the former Carmen Romano of Jalisco, they have three children: Jose 21, an economics student who is his father's campaign aide and severest critic; Carmen, 18, and Paulina, 16.

After a public school education, Mr. Lopez Portillo entered the National Autonomous University of Mexico here, being graduated with a degree in law—in the same class with President Echeverria—in 1946. After studying political science in Chile, he took up the private practice of law in Mexico City and, at the same time, began teaching political science at the university.

The presidential candidate entered government service in 1960 through an appointment to the National Properties secretariat in which he participated in planning federal urban development projects in border cities and ports. In 1965 he transferred to the Secretariat of the Presidency and was undersecretary until 1970 during the presidency of Gustavo Diaz Ordaz.

In August of 1972, he was appointed director general of the Federal Electricity Commission, a post he held until he was chosen in May of 1973 to succeed Hugo Margain as Secretary of the Treasury.

Widely known in financial and banking circles, in Mexico and abroad, he is also an author. Among the published works are "State Value," Genesis and General Theory of the Modern State," "Quetzalcoatl and "Don Q."

MINNESOTA FARM INCOME DROPS

Mr. HUMPHREY. Mr. President, I wish to share with the Senate a release prepared by the Minnesota Department of Agriculture indicating a drop of 167 million, or 10 percent, from the sale of grain by State farmers in 1975, in spite of a 10-percent increase in grain production in 1975.

Mr. President, the figures contained in this report point up the sharp drops which have taken place in crop prices during the past year.

The total in Minnesota gross sales from farm marketing of grains in 1975 was $1,432,520,000 as opposed to $1,599,356,000 in 1974.

The drop in grain prices ranged from 3 percent for oats to as much as 34 percent for flax seed. The pattern was the same for most grains with production increasing, but the price per bushel decreasing.

Mr. President, this information again points up the vulnerability of our farm producers to sharp price fluctuations and the need for a more adequate food and agricultural policy. I ask unanimous consent that the release be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

RELEASE OF THE MINNESOTA DEPARTMENT OF AGRICULTURE

Although Minnesota farmers sold 11 per cent more grain in 1975 their gross income dropped by $167-million or 10 per cent, Agriculture Commissioner Jon Wefald reported today.

Gross sales last year from farm marketings of 468.9-million bushels of corn, wheat, soybeans, oats, barley, rye and flaxseed, are estimated at $1,432,520,000.

In 1974 according to the State-Federal Crop and Livestock Reporting Service, Minnesota farmers sold 423.1-million bushels of these grains for a gross of $1,599,356,000.

Commissioner Wefald said that this serious loss of gross farm income demonstrates again the impact of farm grain prices that were depressed by from 3 percent for oats to as much as 34 per cent for flaxseed, below the 1974 price averages in Minnesota.

Soybeans, under still mounting pressure from unrestricted palm oil imports and increased soybean production in Brazil, took the worst beating. Farmers sold 90.9-million bushels, 11 per cent more than in 1974, at an average price of $4.60, down 27 per cent, to gross $418,117,000. That was nearly $95-million less than the gross from 1974 marketings.

Corn, Minnesota's most important cash field crop, grossed farmers $527,990,000 from the sale of 220-million bushels in 1975, at an average price of $2.40. That was 13 per cent more corn than they sold for 52 cents more per bushel in 1974, and a $39.5-million cut in gross income.

Flaxseed experienced the most severe price cut, from $9.90 per bushel in 1974 to only $6.55 in 1975, a drop of $3.55 per bushel or 34 per cent. Minnesota farmers sold 2.5-million bushels to gross $16,526,000 last year, compared to 1974 sales of 3-million bushels for a gross of $29,928,000, or a drop of $13.4-million.

Wheat prices averaged 3.92 per bushel last year, down 53 cents. Minnesota farmers sold 85.2-million bushels, 9 per cent more than in 1974, and grossed $333,975,000, down $14.2-million.

Farmers also sold 26.8-million bushels of barley, 3 per cent more, at $2.65, down 14 per cent, for a gross of $70,954,000, down $9.4-million; 41.4-million bushels of oats, 10 per cent more, for $1.45, down 3 per cent, for a gross of $60,043,000, up $3.7-million; 2-million bushels of rye, 24 per cent more, for $2.40, down 6 per cent, for a gross of $4,913,000, up $0.7-million.

A NATIONAL NONDEGRADATION POLICY

Mr. DOMENICI. Mr. President, next week the Senate will begin deliberations on the Clean Air Act Amendments of 1976. The most controversial provision of these amendments is the nondegradation provisions which provide statutory protection for areas of the country where air is cleaner than the present national standards.

The attack on the nondegradation provisions has proceeded along several fronts. Previous statements in the Record by Senators Muskie—April 29, page 11761 and Baker—May 19, page 14583—have responded in depth to the substantive opposition arguments concerning the economic consequences of a national non-degradation policy.

To supplement these prior statements, I would like to enter into the Record materials that belie the claim that somehow the committee is "imposing" its views on the States. First, I would like to submit a telegram from Governor Ray of Iowa, who is chairman of the National Governors' Conference. Speaking for the National Governors Conference, Governor Ray urges prompt congressional action on the isue of nondegradation. The telegram also states the conference's opposition to the Moss amendment as an obstacle to establishment of a reasonable national policy on nondegradation.

Second, I would like to submit a letter from the Governor of New Mexico, Jerry Apodaca, who has written in support of the present committee bill, S. 3219. I commend Governor Apodaca's letter as an excellent summation of the rationale that has led me to be a firm supporter of the nondegradation concept.

I would trust that this correspondence, along with the materials submitted by Senators Muskie and Baker, would offer some solace to my colleagues who fear that the nondegradation provisions of S. 3219 are a committee creation without State support. In fact, I believe the record shows that the nondegradation provisions of S. 3219 are a response of the Public Works Committee to repeated entreaties from States, industry, and the executive branch for a congressional response to the nondegradation issues.

I ask unanimous consent that a copy of Governor Ray's telegram and Governor Apodaca's letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Des Moines, Ia.,
May 13, 1976.

Hon. Jennings Randolph,
Chairman, Senate Public Works Committee, Washington, D.C.:

With regard to the non-significant deterioration of air quality as related to the Clean Air Act amendments, I would like to advise that the policy of the National Governors' Conference (NGC) calls for a decision by Congress to allow each State maximum flexibility to incorporate local values in its decision making, an amendment to be offered by Senator Moss to S. 3219 would put off congressional action on this issue. Many States are concerned that the passage of such an amendment would result in continuing litigation over present court ordered Federal regulations and bring about uncertainties among the States and other interested parties in planning for orderly development in clean air areas.

Therefore, I urge you and your colleagues to insure that the vital issue of prevention of significant deterioration is settled now by Congress. No action by the Senate should allow the State decision making authority to be abrogated, such action would represent a severe setback to our efforts to formulate a reasonable national policy on prevention of significant deterioration of air quality, we are concerned that the Moss amendment will provide an obstacle to this goal.

Gov. Robert D. Ray,
Chairman, National Governor's Conference.

State of New Mexico,
Sante Fe, N. Mex., May 14, 1976.

Hon. Pete V. Domenici,
U.S. Senate,
Washington, D.C.

Dear Pete: Within the next few weeks, the Senate will be voting on the "no significant deterioration" amendments to the Clean Air Act. Adoption of these amendments is essential to the maintenance of the pristine air quality of New Mexico and the West.

Court rulings and EPA regulations have confused the issue to the point of preempting the authority of Congress and the States to establish clean air policy—particularly in the yet unpolluted West. It is vital that Congress reassert itself this year by adopting the "no significant deterioration" amendments contained in S. 3219.

Failure to act this year would result in: continuation of confusing federal requirements and permits for the siting of new facilities; continuation of federal preemption in the designation of Class I areas; retention of unrealistic and unworkable buffer zones; and continuation of the policy of excluding the states from a significant role in determining their needs and their future.

Adoption of the "no significant deterioration" amendments would end the judicial-bureaucratic confusion brought about by EPA's challenged and unwise regulations and would allow the Congress and the States to establish workable and necessary clean air standards.

Adoption of the "no significant deterioration" amendments would go a long way in protecting the pristine air quality in the West which is necessary to maintain and enhance our unique quality of life. Our important tourism industry would be protected while giving us the means to develop wisely new industry without destroying our great natural heritage.

The proposed "no significant deterioration" amendments would effectively eliminate air quality as a competitive factor for attracting new industry to the West. These amendments would be preventive in nature, thus allowing us to plan for our future rather than undertake the extremely difficult task of correcting past mistakes.

The prevention of "no significant deterioration" is a very important and complex problem. In my judgment the committee has produced a sound and workable solution in S. 3219. I, therefore, urge you to oppose the Moss amendment to delete "no significant deterioration" and to support final passage of the bill.

Sincerely,

Jerry Apodaca,
Governor.

EDITORIAL EXPOSING UNFORTUNATE WASHINGTON STAR ARTICLE WINS VIRGINIA AWARD

Mr. ALLEN. Mr. President, I was interested to learn that an editorial commentary exposing the various inaccuracies in an article printed on page 1 of the Washington Star several months ago about our distinguished colleague from Virginia (Mr. William L. Scott) recently was awarded first-place recognition for the best radio editorial in the State of Virginia during 1975 by the Virginia Associated Press Broadcasters.

It is my understanding that Mr. Les Kinsolving who investigated a number of the allegations and determined their inaccuracy, aired the editorial for his "Capital Commentary" program on Radio Station WAVA in Arlington, Va. He was selected as recipient of the annual statewide award for having brought to public attention the falseness of the front-page story in the Star last September regarding a fact-finding trip Senator Scott made on behalf of the Senate Armed Services Committee.

Mr. Kinsolving's editorial concluded that there was no basis in fact for the Star article, although it had been picked up by the wire services and published throughout the country.

Certainly it is good to see a colleague vindicated through the enterprising efforts of a radio commentator. I should add, the Star did print a partial retraction some weeks after the original story on page 18 not page 1 where the bylined article originally appeared.

More important is that Virginia's Associated Press Broadcasters at their annual meeting in Virginia Beach have now selected the Kinsolving commentary for the annual award for the best radio editorial in the State of Virginia during 1975.

Perhaps, Mr. President, this illustrates the wisdom of our Founding Fathers in providing for freedom of the press, put I believe it also illustrates a corresponding duty of the press to be accurate and fair. Exposés of this nature by media personnel should help to discourage others in the news media from making false and defamatory statements against public officials.

Mr. President, since the original false article received widespread attention it would appear reasonable to expect that the honor bestowed upon a commentator by his peers for exposing its falseness should receive equal publicity. Yet, it does not appear to be the case. It causes one to wonder if truth is as newsworthy as fiction.

I ask unanimous consent that Mr. Kinsolving's award-winning radio editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Washington Star "Exposes" Virginia's Junior Senator: The Anatomy of a Smear

"Senator William O. Scott on Tour" was the Washington Star's Banner above its page one story headlined: "It was a Diplomat's Nightmare," by Lisa Myers.

There is no William O. Scott in the U.S. Senate and there is nobody by the name of Lisa Myers employed on the reportorial staff of the Star.

Miss Myers is a stringer, two years out of journalism school. She works for an organization called "Bureau of National Affairs" which she says used to be connected with U.S. News and World Report.

Miss Myers began her "expose" by getting Senator Scott's name wrong (William *L.*—not William O.).

Investigative reporter Myers proceeded directly to eclipse this minor misuse by reporting that "On his 24 day junket through ten countries during the August recess the Virginia Senator took "a jetliner the size of a Boeing 707 . . ."

In point of fact during most of his travel in the Middle East Scott flew in an eight-seater with propellers not jet. He flew—with a number of other Congressmen—on the jetliner to Rome and then changed planes.

Miss Myers admitted to WAVA News that she knew this, but "I didn't feel it merited the space".

"The Diplomat's Nightmare" headline was motivated by Miss Myers' quoting of "one State Department official who insisted on anonymity."

"It was a diplomat's nightmare" according to Miss Myers' hidden source "Scott managed to insult almost every country."

In order to believe this alleged contention from an unidentified source one must conclude that last August a United States Senator managed to insult such countries as Iran, Jordan, Egypt, Syria and Saudia Arabia—none of whom have said anything about any insults. These are nations whose temperaments have not been given to suffering insults patiently—or to being restrained when inclined to criticize the United States.

Miss Myers' anonymous sources does not even specify the nature of the alleged insults. None of the wire services or numerous news bureaus in the Middle East have reported any such insults. Neither the Congressional Liaison Desk at the State Department or the Senate Armed Services Committee have received any such complaints. Only a stringer named Lisa Myers, and this one month after the fact.

How in the hell does a United States Senator defend himself from such phantom accusations? Such accusations that stink strongly of the tactics of the late Senator from Wisconsin?

Miss Myers also reported that Senator Scott:

"Thanked Egyptian President Anwar Sadet while overlooking the Suez Canal. "This is beautiful. I've always wanted to see the Persian Gulf."

Sounds ludicrous, doesn't it? In point of fact, however, when Scott visited the Suez Canal. Sadat was hundreds of miles away, on a Mediterranean villa near the Libyan border.

This has been verified by two men who accompanied the Senator, Charles Connelly and Gordon Thorpe. Connelly also denies that Scott ever made such absurd statements about Gaza and a mosque as reported by Miss Myers. But because one man works for the Senate Armed Services Committee and the other for the Department of Defense, Miss Myers can neatly smear their integrity by quoting her anonymous sources as saying "Scott has a reputation for rolling heads".

If Senator Scott had managed to insult ten countries, would such Senators as Jackson, Symington, Goldwater and Stennis permit him to cause the firing of anyone reporting such massive misconduct?

It was Senator Stennis who described Scott's tour as "complete dedication and perseverence" and "an asset to the Committee".

Senator Sparkman also commended the Virginia Senator for "a tremendous presentation", while Senator Percy told the Senate:

"Anyone who characterizes these trips as junkets has no concept of the responsibilities of a Senator. Many times legislation is decided by one vote. We vote on billions of dollars and the potential loss of tens of thousands of lives in this area. . . . The Senator from Virginia will be far better equipped".

Senator Percy joined Senators Stennis, Sparkman and Thurmond in commending Scott—which commendations Miss Myers failed to report. The Washington Star's "world editor", Jack Cassidy, when asked about Miss Myers' desperately dirty smear, said the newspaper stands behind it.

He then added a dirty smear of his own. "Are you working for Scott's office?" He then said "Would you like to come down here and run this paper?"

"No thank you," I replied, "that's being done by a Texas banker".

Admittedly, I am unqualified for such a post at the Star—among other reasons because I don't know how to go about running a newspaper so that it loses one million dollars a month.

Les Kinsolving, special report on the "Anatomy of a Smear."

WILLIAM CARDINAL BAUM OF WASHINGTON, D.C.

Mr. KENNEDY. Mr. President, William W. Baum of Washington, D.C. was installed as a cardinal of the Roman Catholic Church by Pope Paul VI in Rome today. On behalf of myself and my colleagues in the U.S. Senate, I want to extend best wishes to Cardinal Baum and our prayers for his success as a new cardinal.

The installation of William Baum as cardinal signals a renewed commitment to bring a young and vigorous, imaginative approach to the relationship between the community and the activities of the church. William Cardinal Baum represents that commitment for the residents of the Washington area. He recognized early the needs of our community and the potential for a role by all the religious leaders in Washington for solving those problems. He has brought a new vigor and leadership in uniting the efforts by the various religious groups in Washington to effectively deal with the enormous difficulties of urban life in this decade.

The people of Washington, members of all religions, are proud of Cardinal Baum today, proud of the role he has played in improving the quality of our lives, proud of his personal achievement which has inspired us all. He has reminded us that decency and compassion are still the bulwarks of a cooperative and vigorous society. He has taught our children that religious belief and church attendance can add a great deal to our daily lives. He stands as living proof that courage and energy can make a difference in our individual lives, in the life of our community, and in shaping our future.

We congratulate Cardinal Baum and we join with all the residents of Washington, the members of all churches and synagogues, in expressing to him our hope for his continued success, and in renewing our own commitment to work with him and the other leaders of our community to bring hope and peace and understanding to our city and our country.

IS 5 MINUTES TOO MUCH OR TOO LITTLE?

Mr. PROXMIRE. Mr. President, the Federal Communications Commission does not seem to like 5-minute political broadcasts. They are either too long or too short.

The latest incident involves the Senator from Idaho (Mr. Church). He complained to the FCC that a Portland, Oreg., television station refused to sell him a half hour in prime time for a political speech. The station, KGW–TV, said it would sell Senator Church only two 5-minute prime-time slots.

Acting quickly on Thursday, May 20, the FCC held that 5 minutes did not constitute reasonable access, as required by the Communications Act for candidates for Federal office. The Senator from Idaho, of course, is seeking the Democratic nomination for President.

It was just in March that the FCC decided that WGN and WGN–TV was wrong in its 20-year-old policy of selling political advertising in no less than 5-minute segments. It ruled that those Chicago stations must sell President Ford's advertising agency the same length spots as those used to hawk soap.

The same section of the law was cited. That law says in effect that the candidate knows best. It says, in effect, that the candidate may some day be part of the Government and as such he has power over the press—despite what the first amendment to the Constitution forbids.

In the Miami Herald case of 2 years ago—the one that ruled unconstitutional a Florida law requiring newspapers to permit candidates to reply to editorials—the Supreme Court held that only editors can control what goes into their newspapers.

And, of course, the 1913 Florida law that was stricken down by the Supreme Court represented an exact parallel to the personal attack corollary of the FCC's fairness doctrine. And, of course, the Supreme Court in 1969 upheld in the Red Lion case the constitutionality of the personal attack rule and rules on political editorializing for broadcasting.

There we have it: a double standard. And both standards are said to be constitutional.

The free press rights of the graphic

media are upheld; the free press rights of the electronics media are ignored, on grounds of the so-called scarcity of space on the electromagnetic spectrum.

Supporters of thought control for broadcasters blythly state that the public owns the airwaves, when that is patently untrue. That public ownership argument, called a fantasy by a law professor who now serves as a Federal Communications Commissioner—Glen O. Robinson—has even crept into some court decisions in an offhanded manner.

And yet, few seem willing to discuss the first amendment problem that arises with governmental control of the electronic press.

Red Lion did not settle the question. A careful reading of that case will show that.

Also, "the Congress can undo what is done" by the Supreme Court, as even those on the other side will admit.

The real problem is that a clear-cut constitutional challenge to governmental controls over broadcasting has never been presented to the Supreme Court.

Broadcasters should be able to control what goes out over their channels in exactly the same way that editors and publishers may control what goes into their newspapers. Both broadcasters and editors should have equality in that control, not because they are so intelligent and wise—for they are not—but because otherwise the control rests in the Government. And the authors of the first amendment wanted to prevent that for the protection of the other rights of citizens. They knew that a government has no right to control the marketplace of ideas.

The real point to the first amendment is not the protection of the people who run the press. But, the point is that the people who run the press must have freedom if the citizens are to escape oppression from their government. Both the Declaration of Independence and the Constitution make it clear that the Government has only the powers given to it by the people.

When the Government can dictate what goes into or stays out of a newspaper, when the Government can dictate what goes on or stays off the air, then the first amendment is rendered meaningless; the Constitution is rendered meaningless.

Protecting our rights—all of our rights including that of a free press—is more important than whether a candidate, any candidate, gets to buy the amount of air time he wishes.

That may sound harsh. But it is true.

I want a public discussion of that aspect of the first amendment. That is why I introduced S. 2 on January 15, 1975. The bill had a hearing; but I am still waiting for the basic constitutional question to be addressed head on.

This FCC case is a good opportunity for such a discussion.

Mr. President, I ask unanimous consent that the FCC's news release on the KGW-TV case be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

FCC RULES ON AIR TIME COMPLAINT BY SENATOR CHURCH

In response to a complaint by Senator Frank Church involving his attempt to purchase time for a political broadcast in Oregon, the Commission has ruled that a station's offer to sell time in prime time for programming no more than 5 minutes long did not constitute reasonable access.

The decision, in an oral ruling to the parties, stemmed from Senator Church's request to buy, before the May 25 Oregon primary election, a half-hour in prime time to present a political broadcast as part of his campaign for the Democratic Presidential nomination.

The Commission said the facts before it indicated KGW-TV, Portland, had turned down efforts by the Idaho Senator to purchase the half-hour and instead had offered a 5-minute slot in prime time on Saturday, May 22, and a similar time on Sunday, May 23.

The limitation to 5 minutes did not constitute reasonable access under Section 312(a) (7) of the Communications Act, the Commission said. That section provides that the Commission may revoke a station license "for willful or repeated failure to allow reasonable access or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy."

Action by the Commission May 19, 1976. Commissioners Lee, Hooks, Washburn and Robinson with Commissioner Quello concurring and Commissioners Wiley (Chairman) and Reid dissenting.

THE IMPORTANCE OF AGRICULTURE IN THE UNITED STATES

Mr. HUMPHREY. Mr. President, I wish to share with the Senate a recent statement by the Honorable Jon Wefald, commissioner of agriculture for the State of Minnesota. His remarks were presented at the Minnesota World Trade Agribusiness Conference on May 18.

In his remarks, Commissioner Wefald pointed out what a growing number of Americans are beginning to realize: the major significance of agriculture not only in terms of our balance of payments but the U.S. economy at large.

The statement points out the fact that the American food and fiber industry employs nearly 17 million people in the total production and distribution system. While less than 5 percent of our people are directly involved in agricultural production itself, many more are involved in the processing and distribution system.

Commissioner Wefald points out a number of significant facts regarding the awesome story of this country's great agricultural productivity. He points out that this year the United States has sold 16 million metric tons of grain to the Soviet Union but that this represents only about 7 percent of 242 million metric tons of grain. He further indicates that in less than a decade agriculture has increased its total field crop production by about one-fourth or upward of 107 million metric tons greater than the total output in 1965.

The United States also produces a wide variety of agricultural products as well as a major portion of the world's export supplies. This includes products such as cotton, eggs, milk, and various kinds of meats. Our farmers produced approximately 65 percent of the world's soybeans in 1975 and 30 percent of the world's feed grains.

We all know how important these exports are in terms of supporting our economy and balancing our vital petroleum imports. At present our gross agricultural exports are running at around $22 billion per year.

The Commissioner projects that each $100 million in agricultural export sales creates from 4,200 to 5,000 new jobs in our domestic economy. At this rate, our agricultural exports might well be responsible for upward of 1 million American jobs.

Minnesota's role in this success story is a very significant one, and, in addition, our State has an awesome list of major companies engaged in various steps of production, processing, and distribution.

Mr. President, the story of America's agricultural system and its great productivity is one which needs to be told and understood by our people. It is a record in which we can and should take great pride. I ask unanimous consent that this very compelling statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESENTATION BY MINNESOTA COMMISSIONER OF AGRICULTURE JON WEFALD

Agriculture is America's largest industry.

Agriculture is our nation's most valuable resource . . . not oil, not gold, not platinum, not even uranium.

Agriculture is the greatest single contributor of new wealth and earned income for our national economy.

American agriculture is the world's most efficient and most productive.

Indeed, achievements by American agriculture are both the goal and envy of the rest of the world.

Importantly, a large part of the world today, including some of the most powerful military nations, remain dependent upon the efficiency, the productivity, and the unparalleled quality of the products of American agriculture.

American agriculture in turn, because it produces more food and fiber than any other nation on earth, has become dependent to a significant degree upon the world for an increasing volume of sales of what otherwise would be domestic surplus.

The truth is that the economy of the United States itself is becoming increasingly dependent upon the productivity and the export sales of agricultural food and fiber.

Agriculture is America's greatest growth industry, and that growth for benefit to our domestic economy must come from the international marketplace.

Agriculture is America's greatest employer. Farming alone employs some 4.4-million workers. That by itself equals the combined payrolls of the nation's transportation, steel and auto industries.

The production phase of agriculture is only one part of the great American food and fiber industry that employs nearly 17-million men and women on the world's most efficient and economical farm-to-consumer assembly line.

Between the farmer and the dining table, this nation's agricultural industries require the services of nearly 10-million workers to store, transport, process and merchandise the food and fiber products from fewer than 3-million American farms.

Another 2-million workers are engaged in providing the basic inputs for farm production of food and fiber, including the seeds, fertilizers, chemicals, and other supplies.

Millions of additional jobs in our industrial and business economy are dependent upon the new wealth generated by agriculture.

Agriculture is America's biggest industry, in part, because it sets the pace for world production of food and fiber.

No other nation on earth annually produces the volume of food and fiber that we do here in the United States.

Annual food and fiber production by America's fantastic industry of agriculture now is approaching three-quarters of one-billion metric tons annually.

In 1975, according to published federal estimates, American farmers produced over 534-million metric tons of field crops and nearly 94-million metric tons of meat animals, poultry, milk, eggs and wool.

That represented nearly 3 metric tons of food and fiber for every American!

Amazingly America last year produced 242-million metric tons of wheat and feed grains. Again that is 242-million metric tons of wheat and feed grains alone. This has to be emphasized in the light of criticism of recent grain sales to Russia . . . with some published newspaper reports implying that we should not sell any more grain to the Soviet Union . . . because such export grain sales "of that magnitude" will raise consumer prices at home.

In fact, in the current export marketing year, the United States has sold for export only some 16-million metric tons of grain out of the record 1975 crop of corn and wheat—or less than 7 percent of last year's wheat and feed grain production of 242-million metric tons.

The truth is that America can afford to sell upwards of 25 to 30-million metric tons of grain to the Soviet Union out of the 1975 crop. This was true in August of 1975 as well.

In addition to the 242-million metric tons of wheat and feed grains produced in 1975, American farmers produced 41-million metric tons of soybeans. This aggregate of over 280-million metric tons of wheat, feed grains and soybeans does not include additional millions of metric tons of sunflower seeds, cottonseed, peanuts, rice, potatoes, sugarbeets, sugarcane, honey, maple syrup, vegetables, fruits and tobacco, also produced each and every year by American farmers.

Total crop production in the United States in 1975 was the largest in this nation's 200-year history. Farmers have an outstanding record of annually producing more. . . . In less than a decade American agriculture has increased its total field crops production by about one-fourth, or upwards of 107-million metric tons greater than the total output of American agriculture in 1965.

American agriculture leads the world in the production of red meats, milk, eggs, turkey, chicken, total poultry meat, processing vegetables, feed grains, soybeans, citrus fruits and tobacco, and is second only to Russia in wheat among the major agricultural commodities in world commerce.

It is important to note that while Russia is the world's leading wheat producer, it cannot produce enough to meet its domestic requirements, and must make up its deficiency by buying on the world market. America is the number one supplier of wheat and feed grains for export because we are traditionally a surplus producer. . . . the breadbasket for the world.

In 1975, according to latest federal estimates, American agriculture produced:

1. 65 percent of the world soybeans (41-million metric tons out of 63-million);
2. 30 percent of the world feed grains (184-million metric tons of corn, oats, barley, grain sorghum and rye out of 632-million);
3. 17 percent of the world wheat (58-million metric tons out of 344-million);
4. 15 percent of the world cotton;
5. 17 percent of the world pork;
6. 60 percent of the world turkey meat;
7. 33 percent of the world chicken meat;
8. 30 percent of the world beef and veal;
9. 18 percent of the world eggs; and
10. 14 percent of the world milk.

We normally export well over half of our wheat and domestic rice production, about half of our soybeans, one-fourth or more of our feed grains, one-third of our cotton and tobacco, and one-fifth or more of countless other crops.

Just how important are our agricultural exports?

There is no single answer because agricultural export sales are vital not only for our farmers, and for the vast complex of supply, service, processing, marketing and distribution industries, but our food and fiber exports are equally vital to the national economy itself.

Given the productivity and importance of American agriculture, we need full and complete access to all cash markets overseas.

According to former U.S. Agriculture Undersecretary Phil Campbell, if American farmers were denied access to export markets, they would have to cut their wheat, soybean and tobacco production in half, rice production by two-thirds, and cotton production by one-third.

Currenlty, agricultural export sales are priming our national economy annually with $22-billion in new wealth and earned income from overseas.

During the decades of the 1970's, the revenue from agricultural export sales has been the brightest spot—indeed the economic lifesaver for the nation in the balance of payments problems caused by the energy crisis and the attendant impact of sharply increased cash outflow for imported petroleum and autombiles.

The fact is that one job out of every four in America, as well as every consumer, is dependent upon this nation's total food and fiber industry.

A healthy agriculture industry creates new jobs in the food and fiber industry.

Each $100-million in agricultural export sales creates from 4,200 to 5,000 new jobs in our domestic economy.

In fiscal year 1973, U.S. agricultural export sales produced a then all-time high of $12.9-billion. That was a 60 per cent increase over the export sales for fiscal year 1972.

In fiscal year 1974, U.S. agricultural export sales were a new record $21.3-billion.

In fiscal year 1975, U.S. agricultural export sales again were a record $21.6-billion.

Agricultural export sales for 1976 are forecast at close to $22-billion.

When we began this decade, U.S. agricultural export sales were only $6.7-billion.

In other words, in just five years the nation has far more than tripled agricultural export sales, pumping an aggregate of $78.3-billion back into our economy.

When we began this decade, our nation was in a deficit position in the international balance of trade.

Agricultural export sales, during the first half of the decade, have provided a $28.2-billion favorable balance in the total import-export trade of this nation.

Using the federal ratio estimate for new jobs created, agricultural export sales in fiscal year 1969 represented the establishment of 250,000 new jobs. . . . By 1975, export sales represented one-million U.S. jobs.

We are proud of the tremendous role that Minnesota is playing in this economic growth. Since 1970, the growth of our agricultural export sales has helped create over 51,000 new jobs.

Minnesota is the nation's leading supplier of dairy exports, nearly 24 per cent of the 1975 total. We also supplied nearly 24 per cent of the flaxseed exports, ranking third only behind the Dakotas. Minnesota ranks sixth and exports nearly 7 per cent of the nation's total exports of feed grains and soybean products, also sixth with over 5 per cent of the total red meat exports, and sixth in total agricultural export sales with nearly 5 per cent of the U.S. grand total last year.

It took two of the most adverse crop producing years in recent history to deny Minnesota record agricultural export sales and fifth ranking among all states last year.

Minnesota is normally one of the five most productive agricultural states in the nation.

Minnesota is the nation's champion producer of turkeys, butter, oats, non-fat dry milk, sweet corn and wild rice. . . . We rank second in total cheese and whey, processed eggs, sunflower seed, navy beans and mink fur. . . . Minnesota is third in sugarbeets, green peas, total vegetables for processing, wheat flour milled and rye. We are fourth in total milk production . . . fifth in corn and barley grains, honey, and pork production.

Minnesota also ranks in the top ten states for the production of beef and total red meats, soybeans, kidney beans, pinto beans, wheat, potatoes, eggs, chickens and summer carrots.

The truth is Minnesota is one of the most diverse and self-sufficient food-producing states in the country.

Minnesota also has one of the greatest stakes in agricultural export sales . . . to gain with new and increased opportunities . . . and to lose if those opportunities are diminished or denied . . . as our farmers did experience repeatedly these past three years by both adverse weather and export embargoes.

Our stake in Minnesota is greater, proportionately, than for the five states that rank ahead of us—Illinois, Iowa, Kansas, Texas and California—because of the sheer volume of our agricultural production at least ten times greater than our domestic needs for a state population of less than 4-million, because we are a major food processing state—probably one of the top three overall, and because we are at the end of the supply line for this nation's major consumer markets.

Food and fiber processing is a mighty companion industry to Minnesota agriculture, annually adding upward of $3-billion to the value of our farm products.

Upward of 500 processing firms, including virtually every giant in the food industry, are currently operating in Minnesota.

These are important middlemen in the total food and fiber system. Processors have a tremendous stake in the export market. So do nearly 300,000 people employed in firms geared to processing and marketing of agricultural products.

A substantial portion of Minnesota's total economic complex relates significantly to the food and fiber industry.

A list of the Upper Midwest's top 100 corporations compiled last year by Corporate Report Magazine reported 11 companies in Minnesota with annual sales exceeding $1-billion. Five of these are directly engaged in food and fiber processing and marketing . . . Cargill, Land O' Lakes, General Mills, Pillsbury and Geo. A. Hormel and Company. Two others, Super Valu and Dayton Hudson Corporation (including Target Stores) are involved in retail food marketing.

Other famous agri-business firms that operate in Minnesota include International Multifoods, Peavey Company, Farmers Union Grain Terminal Association, CENEX, Associated Milk Producers, Inc. (AMPI), Mid-America Dairymen, Inc., Libby, Stokely-Van Camp, Jennie-O Foods, Del Monte, Chun King, American Crystal, Armour and Company, Wilson, Treasure Cave Cheese, Beatrice Foods, Butter Kernel, Creamettes, Fisher Nuts, Sharl Candy, Hamms, Schmidt, Grain Belt, Home Brands, Foremost, Jeno's, Kraft.

John Morrell and Company, Norbest (turkeys), Old Dutch, Ralston-Purina, Sather (cookies), Sweden House, Tony Downs, Watkins, Green Giant, Applebaums, Northrup King, Domain Industries, International Dairy Queen, Cornelius, Webb Publishing Company, Sunstar Foods, Coca-Cola Bottling Midwest, Marshall Foods and Robel Beef Packers.

Many other corporations among the top 100 also are involved in a variety of agricultural input and service businesses . . . lumber, containers, packaging, transportation, energy, textile manufacture, tools and component parts for farm equipment, finance and insurance.

New success stories are being written continuously by Minnesota's agriculturally based and aggressive food and fiber processing and marketing industries, and by this state's dynamic farm cooperatives, all expanding their services, products and markets . . . just two of the most recently publicized examples are the phenomenal achievements of the Totino family in pizza, and the Vitale family in Italian food products.

Minnesota is the North Star State of the Midwest breadbasket of the nation . . . a 12-state breadbasket that is the world's leading export supplier of food and fiber.

In fiscal year 1975, the Midwest breadbasket states accounted for nearly $10.5-billion in agricultural export sales, or over half of the national total. Minnesota's $938.5-million share, drought-depressed from the record $1-billion-$85-million level of 1974, represented nearly 9 per cent of the Midwest exports and over 4 per cent of the national export value.

Every statistic that I have recited dramatizes the enormous importance of American agriculture, to the farmer, to millions of urban workers, to consumers, to the state and national economy, and to the cause of minimizing hunger and malnutrition on a global basis.

Increasingly, agricultural export sales are more vital to the American economy.

Agriculture, which responded, as it always has, to national appeals for full production, must have free and unimpeded access to world markets.

Adequate energy and transportation resources to sustain agriculture and the total complex of food and fiber industries are companion concerns.

Of these two, transportation is perhaps the most urgent concern.

A recent minor incident at Lock and Dam No. 26 on the Mississippi River near Alton, Illinois, dramatized the inadequacy and vulnerability of our national transportation system.

Accidental damage to a guide wall of Lock and Dam No. 26 shut down the main lock for one week and resulted in the worst commercial traffic tie-up in river shipping history. Nearly 1,000 barges were stacked up, delaying delivery of fuel and fertilizer needed to sustain Upper Midwest Industries and delaying export grain sale deliveries via the Port of New Orleans.

Tens of millions of dollars in economic loss resulted from that river tie-up. In Minnesota alone, grain trade spokesmen estimated the loss of $31-million in export grain sales opportunities.

The fact is that Lock and Dam No. 26 controls not only the biggest volume of domestic grain moving into export commerce that is so vital to our entire Upper Midwest economy, but it moves a significant volume of the essential production supplies needed to sustain agricultural and industrial productivity.

Over 54 per cent of Upper Midwest grain production moved by Mississippi River barge for export via the port of New Orleans.

New Orleans is one of the world's greatest international grain terminals. But don't look for huge concrete silos that it would require to handle the amazing volume of grain that is moved through that Port. . . .

In the main, the New Orleans grain terminal is a floating one, comprised of some 2,000 to 3,000 Mississippi River barges, continuously recycling some 3.4-million metric tons of grain onto foreign ships in the New Orleans Harbor.

The fleet of filled barges in the New Orleans Harbor represent only 8 to 10 per cent of the more than 20,000 barges in the fleet currently operating on the Mississippi, moving grain, fertilizer, coal, petroleum, salt, sand, steel and cement.

Replacement of the deteriorating and obsolete Lock and Dam No. 26 on the Mississippi River has been recommended by the Army Corps of Engineers for the past eight years, but a final and positive federal decision on this most important national artery of commerce is still pending. The sooner the decision is made for a new Lock and Dam at Alton, Illinois the better off the food and agricultural industry in the state will be.

Lock and Dam No. 26 can and should be the first major resolution in the many problems that have to be solved in setting up a balanced, efficient, sound transportation system that is worthy of America's world leadership in agriculture.

We need a total transportation system that can keep pace with the logistical requirements of the world's leading agricultural and industrial nation and a population that enjoys the highest living standard on earth.

We need to maintain the Mississippi Waterway. We need to improve the railroads. We need more and better highways. We need more and better highways. We need improved farm-to-market roads.

We need a national commitment to a total, integrated, improved transportation system.

Minnesota's and this nations' ability to continue to produce ever increasing quantities of food, fiber and industrial goods for domestic and export markets very definitely depends upon the capability of our national transportation system.

This year, according to current forecasts, nothwithstanding the drought problem again confronting Minnesota farmers, American agriculture intends to produce the biggest acreage of field crops in history. This year's potential production represents a staggering transportation and storage logistic.

The truth is we in America's food and agricultural industry need to act. We need to act in establishing a unified, efficient, balanced transportation system. We need to lead in explaining to the American people the importance of agricultural exports to our nation's balance of trade and balance of payments.

A sound, efficient transportation system keyed to maximum agricultural exports to international markets is good not only for our food and fiber industry but it is good for America itself.

ALASKA GAS PIPELINE

Mr. MOSS. Mr. President, to date three routes have been proposed to bring the gas discovered at Prudhoe Bay in Alaska to the lower 48 States.

First, the route of the Alaskan and Canadian Gas Pipeline—Arctic Gas—is simply the most direct route between the producing area and existing gas transmission facilities in Canada and the United States. This route had been discussed as resulting in a minimum total capital cost for ultimate volumes. I cosponsored this bill as a possible method to get needed additional gas supplies for the country. The cross-delta route, however, takes the pipeline through the Arctic National Wildlife Range, one of the last large, truly pristine wildlife refuge and wilderness areas remaining. Canadian native claims in Yukon Province also offer major time impediments.

Second. The proposed El Paso Gas route involves the use of LNG tankers. This route would take the pipeline across the rugged Alaska Range near the south terminus. El Paso cites the advantages of their "All American" system as benefitting the economic growth of Alaska and improving overall U.S. balance of payments. This route would probably utilize facilities already in place due to Alyeska's pipeline.

Third. A third proposal is a relatively new one and came about as an attempt to overcome some of the problems generated by the other two routes. This new route is proposed by Northwest Pipeline—NWP—and calls for a routing through the Fairbanks Corridor. It was proposed by the Department of the Interior in their draft Environment Impact Statement as one having the least environment impact. This is accomplished by the routing through established highway and utility corridors. All but about 200 miles of the pipeline would follow these corridors and no undisturbed wilderness areas would be affected.

By following the trans-Alaska oil pipeline route to a point south of Fairbanks, it would be feasible to divert the State of Alaska's share of gas to the population and industrial areas of the south coast in addition to establishing an industrial base in the Fairbanks region. This route proceeds southeasterly along the Alaskan Highway from Fairbanks past Whitehorse and would connect either to the northern extremities of the Westcoast Transmission line at Ft. Nelson and Alberta Gas Trunk Line at Zama or the Canadian Arctic Gas Pipeline in the event it is constructed.

The NWP route has the support of all major environmentalist groups. It is also the most cost-effective route because it uses existing pipelines in Canada, and the Alyeska road and camps in Alaska. It also avoids the native claims problem in Yukon Province.

For these reasons, the NWP proposal appears best both from an economic and environmental viewpoint and this fact has influenced several Senators and Representatives in Washington to take a good look at the Alcan Highway route. It's looking better all the time.

Preliminary studies indicate that this route is the most feasible one for transporting vital gas reserves from the North Slope of Alaska to markets in the contiguous 48 States. Therefore, it is essential that the Federal Power Commission grant Northwest Pipeline a comparative hearing on its proposal.

HONORARY DEGREE FROM YALE FOR JOURNALIST ELIZABETH DREW

Mr. KENNEDY. Mr. President, honorary university degrees for journalists are relatively rare events, and so I think it is significant that last Monday Yale University bestowed an honorary degree on Journalist Elizabeth Drew.

Ms. Drew's work is familiar to most of us through her television commentaries and her periodic New Yorker articles. Her recent book, "Watergate Journal," received outstanding reviews as a perceptive chronicle of those years, and her current analysis of the 1976 primary season is now being serialized in the New Yorker.

Mr. President, I congratulate Ms. Drew on her honor, and I ask unanimous consent that her citation from Yale may be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

ELIZABETH BRENNER DREW, DOCTOR OF HUMANE LETTERS, YALE UNIVERSITY, MAY 17, 1976

Almost alone among political commentators, you have avoided being pitched into hyperbolic rhetoric by the rude jolts and wild careening of our battered ship of state. Your exposition of people, issues and events has a literary quality not often found in public journals. Your broadcasts have shunned the oversimplification which is television's most dangerous temptation. Whatever the medium, it does not seem to get in the way of your message. Understanding remains your goal, undistracted by dramatic cleverness, undiluted by concessions to the popular. Yale honors a thoughtful and literate journalist as it confers upon you the degree of Doctor of Humane Letters.

MOST CONSEQUENTIAL LEGISLATION: THE FULL EMPLOYMENT AND BALANCED GROWTH ACT

Mr. HUMPHREY. Mr. President, the fate of a proposed new framework within which the administration and Congress can work together to achieve and sustain a climate of maximum employment and price stability—the Full Employment and Balanced Growth Act of 1976—will be decided by Congress during the next several months.

A large body of support, both inside Congress and in the private sector, has developed for the bill since it was introduced in revised form March 16. The original bill had been introduced in 1975 in the House as H.R. 50 by Representative AUGUSTUS HAWKINS, chairman of the Equal Opportunities Subcommittee of the Education and Labor Committee, and in the Senate, at S. 50, by me. The revised bill we have again jointly introduced is an amendment in the nature of a substitute—amendment No. 1468 to 550.

On May 4, the Full House Education and Labor Committee approved the measure by a vote of 25 to 10. The bill will soon be taken up by the Senate Committees on Banking, Housing and Urban Affairs, and on Labor and Public Welfare.

One of the most recent endorsements of the bill has come from Challenge magazine, a leading journal for economists.

In its May-June issue, Challenge devoted 30 percent of its page space to an editorial in support of the Full Employment and Balanced Growth Act of 1976, an interview with me discussing major changes in it and the scope and function of the bill, and presentation of the complete text of the bill itself.

The editor and publisher of Challenge, Myron E. Sharpe, stated in the magazine's editorial that—

> The Full Employment and Balanced Growth Act of 1976 is the most consequential social legislation to come along since the Employment Act of 1946. The bill is a plan for planning, and first of all, for planning full employment without inflation.

Mr. President, in essence, the Full Employment and Balanced Growth Act is a blueprint to coordinate the development and implementation of economic policy and program planning by the administration and Congress to get the people of our Nation back to work while safeguarding them against inflation.

Its primary aim is to permanently set the economic stage for business and industry to reach utilization of full capacity and job creating potential. This is how most of the measure's mandated goal of 3 percent adult unemployment within 4 years following enactment is to be achieved. Any gap between private sector performance and the employment goal set in the bill would be eliminated through coordinated Federal, State, and local government programs recommended by the President and established by Congress.

Among other things, the Full Employment and Balanced Growth Act is a legislative acknowledgement that the failure of the administration and Congress to develop and coordinate comprehensive economic policy and program planning efforts is directly reflected in the recessions that have repeatedly thrown millions of people out of work since 1969. The thought that the Nation will continue to drift into one recession after another is intolerable, a point that the Challenge editorial addresses in this way:

> There is no need to rehearse the old arguments about how much easier it is to arrange to have unemployment, inflation or both. . . . The costs are intolerably high. The Joint Economic Committee has supplied us with some disquieting new figures. We have lost $500 billion in potential income and production in the late recession. We will lose another $800 billion to $900 billion between now and 1980. Federal, State and local governments will have lost $400 billion by then—if we fail to do better.

Mr. President, we must not fail to do better. The Congress and the President must not fail to enact the Full Employment and Balanced Growth Act as soon as possible.

Mr. President, so that Members of Congress may have a better understanding of what the bill is designed to do and how it will function, I ask unanimous consent that the Challenge magazine interview regarding the provisions of the measure be printed in the RECORD.

There being no objection, the editorial and interview were ordered to be printed in the RECORD, as follows:

DO ECONOMISTS DISCOVER ECONOMIC LAWS OR ARE THEY PASSED BY CONGRESS?

Not wishing to prejudice anyone for or against the Humphrey-Hawkins bill, I will limit myself to a few casual remarks.

The reader will find the complete text and an interpretive interview with Senator Humphrey in this issue. It will be evident that the "Full Employment and Balanced Growth Act of 1976" is the most consequential social legislation to come along since the Employment Act of 1946. The bill is a plan for planning, and first of all, for planning full employment without inflation. It is a large generalization about the objectives of this country and how to reach them. If it becomes law, we will, in effect, have reached agreement on an experiment and a compact that will take us on a long journey into uncharted territory. This will give economists plenty to do even though they may think the doing of it is impossible.

There is no need to rehearse the old arguments about how much easier it is to arrange to have unemployment, inflation or both. Economists are past masters at these things. But it is always worth a reminder that the costs are intolerably high. The Joint Economic Committee has supplied us with some disquieting new figures. We have lost $500 billion in potential income and production in the late recession. We will lose another $800 to $900 billion between now and 1980. Federal, state and local governments will have lost $400 billion by then—if we fail to do better. You don't have to be a great champion of growthmanship to recognize how devastating all this is. It is small comfort that 90 percent of the labor force is still employed. We have turned onto a high cost road. It we cannot or will not get off it, that is an admission of failure. The price will become higher, not lower, as we go on.

You cannot legislate intelligence, of course. But you can legislate objectives, and a framework and a procedure for reaching them. This is how the bill should be viewed. The vast reservoir of intellect among economists can then be tapped to make sure that the provisions are applied wisely.

It will be a great tonic to the morale of the reader to know that the AFL–CIO is supporting the Humphrey-Hawkins bill. I hope that George Meany will not be embarrassed if I paraphrase Marx. Economists have interpreted the economy long enough. The point is to change it. That means less forecasting and more planning. This is the answer to the riddle in the title.

THE NEW HUMPHREY-HAWKINS BILL

Q. In March, a new draft of the Humphrey-Hawkins bill, "The Full Employment and Balanced Growth Act," was introduced in the Senate and House. Why do we have a new version now?

A. The original bill was always viewed as preliminary vehicle for focusing discussion on full employment. In the course of hearings around the country, which Congressman Hawkins and I conducted, certain limitations in the original draft bill became apparent. First, the 18-month timetable for reaching 3 percent unemployment seemed too ambitious. It was a goal which would be difficult to achieve without destabilizing the economy, perhaps causing an acceleration of inflation. Second, the original Humphrey-Hawkins bill did not have a comprehensive set of economic and job-creating policies to achieve full employment. The goals were extremely ambitious and the means modest. To reach full employment it will be necessary to utilize the full range of economic policies at the federal, state, and local levels, and in the private economy. What was needed was a general economic policy bill, not just a jobs bill.

Finally, the earlier bill had a provision which allowed people who did not get jobs with which the were satisfied to sue the federal government. That seemed to be putting the cart before the horse—providing a legal guarantee before we set up the job-creation mechanisms necessary to provide the jobs.

Q. Why don't we discuss the new version section by section? The first deals with the establishment of goals, planning, and general economic policies.

A. It should be said at the outset that the bill is a general economic policy bill intended to supplement and stregnthen the Employment Act of 1946. It begins by making a firm national commitment to full employment. The statement that refers to promoting maximum employment, production, and purchasing power in the 1946 Act is changed to say that it is the responsibility of the federal government to promote full employment, production, and purchasing power. We have put full employment back into the Employment Act.

Q. Why do you say "back"? Was it ever in?

A. It was in when the debate began on the Employment Act of 1946. The bill was initially called the Full Employment Act, but in the process of making congressional accommodations in order to achieve passage, "full" was dropped and it became the Employment Act of 1946.

Now, the second and major part of the policy declaration is that Congress declares and establishes the right of all adult Americans able, willing, and seeking to work, to opportunities for useful employment at fair wages. This is a major new commitment to work, an old-fashioned value that we have gotten away from in recent years.

The next section of the bill, dealing with annual economic goals and the Economic Report of the President, is an important modification to the Employment Act of 1946. That Act requires that the President look at trends and set general goals in the Economic Report. The difficulty is that the objectives have always been vague. There was little effort to coordinate the goals and policies of the President, of Congress, and of the Federal Reserve. This will always be the case to some extent, given the separation of powers embodied in our system. But it's possible to make institutional changes that will encourage the President, the Congress, and the Federal Reserve to resolve their differences over goals and policies much more systematically.

That's what this section does in several ways. First, it requires the President to set numerical annual goals each year for employment, production, and purchasing power He has to submit these as part of the Economic Report. Second, the Federal Reserve must submit an independent report to Congress, indicating whether or not it will support the goals of the President, and what policies it will use to support those goals. If the Federal Reserve cannot support the goals, it must give full justification to the President and Congress. Finally, Congress is to look at both the President's proposals and the Federal Reserve report and establish annual numerical economic goals for the country. Congress will do this as part of the congressional budget resolution process, which is where goals should be set. In the last year Congress debated the size of the deficit, an instrument of economic policy, without looking at the objectives of that policy. As a result our economic policy has suffered.

Q. I have the bill in front of me, and I see a reference to long-term full employment goals as well as short-term goals.

A. What we have tried to do in this bill, in addition to clarifying our annual objectives, is to develop a long-range dimension to national economic policy and to provide the means of setting long-range goals for employment, production, and purchasing power. This requires that we look at the trends and problems we face over a longer period and develop policies now to deal with those problems. This bill provides for long-range thinking on economic policy so that we can detect problems before they become crises, set new priorities, and develop alternative policies to achieve our aims effectively.

The other aspect of the long-range economic planning section which is particularly important is that it provides a way for us to look at particular industries and sectors and see what kinds of objectives and policies we ought to establish in those sectors. This will enable us to understand and manage the supply side of the economy much better.

Q. What is the function of the Full Employment and Balanced Growth Plan?

A. Goal setting in recent years has been dominated by economists who forecast what is likely to occur in the future based on trends in the past. There's considerable merit in that and we can't ignore trends. But national goals ought to go beyond the trends of the past. The purpose of setting national goals is to do better. National economic goals are not just technical considerations for economists, but are broad choices that should reflect the spirit and direction of a society.

Q. This bill makes full employment the primary national goal.

A. That's right. This bill says that full employment is more important than any of our other economic goals, because full employment of our human and capital resources is crucial to the overall performance of the economy and to the achievement of our other goals. So many of the problems that we've had in recent years are the result of our failure to reach full employment. We have people without productive roles, unused plant capacity, and large deficits because we have not had a fully employed economy. Even inflation, to some extent, has been the result of having an underemployed economy. The problems of cities, welfare, youth, education, crime—they're all linked to unemployment.

Q. Inflation will be a very irritating issue for economists, but let's hold that for a minute. What is the relationship between the President's Economic Report and the Full Employment and Balanced Growth Plan?

A. You can look at the President's Economic Report as part of an annual economic plan that the President submits to Congress each year. The Full Employment and Balanced Growth Plan complements the annual plan by extending that view several years into the future. It is also a means whereby the broad outlines of the Economic Report can be supplemented with considerably more detailed analysis of what's going on in particular sectors and industries.

Q. Why is this plan to be submitted annually?

A. That's a good question and one to which I'm not sure I have a definitive answer. It was thought in the formulation of the bill that it was best to submit the plan annually so that the President and the Congress could focus on it each year as part of their long-term view of what's going on in the economy, and be kept on their toes with respect to longer-term problems. But you can argue that such a timetable requires the President and Congress to do a great deal in a short time and for that reason you may want to do it every two years. There are advantages and disadvantages on both sides. But it was our best judgment when we completed the bill that we ought to try to do it every year.

Q. The bill requires the Council of Economic Advisers to prepare the plan, but at present the Council has three members and its staff is small. Yet the bill doesn't say anything about enlarging the Council.

A. It's not quite right to say that the plan will be prepared just by the Council. The President prepares the plan with the assistance of the Council of Economic Advisers, and in consultation with the Office of Management and Budget, using the full resources of the federal government. The Office of Management and Budget would play a large role in the formulation of the plan. As you know, they have a large staff that makes a detailed review of government activities and their impact on various parts of the economy. So you have quite a lot of additional staff there. Beyond that it's clear that the Council of Economic Advisers would have to be substantially enlarged in order to fulfill the mandate of this new act. How much larger is difficult to say until we have worked out the precise guidelines for the plan itself.

Q. One more question with respect to this part of the bill. We are going to need a tremendous amount of detailed data and information on the various sectors of the economy. I don't see any provision for obtaining this information. In the Humphrey-Javits bill there is a Division of Economic Information. Why was this left out?

A. You're right that we need much better information if we hope to do an effective job of economic planning in this country. I think that the bill provides a sufficient mandate to gather all the information that will be needed. If it does not, then the bill should be strengthened to put more emphasis on information and analysis.

Q. Now this section of the bill has a vital element. It calls for obtaining a 3 percent rate of unemployment within four years after passage of the bill. That looks like a tremendously difficult objective.

A. It's a very ambitious goal. It means that you need to get the adult unemployment rate down to 3 percent by 1980. We haven't performed that well in many years. Having said that, however, it is important to emphasize that this bill provides new policies to achieve these ambitious goals. If we were to use only aggregate monetary and fiscal policies to try to achieve 3 percent adult unemployment in that time period, we would not be successful. But Title II has a broad range of carefully targeted empoyment programs to get at unemployment in difficult pockets of the economy.

Beyond that, the bill requires the President to make a formal report to Congress in the first year indicating any obstacles to the achievement of the goal and, if necessary, proposing corrective economic measures to see that the goal is attained.

Let me add this. My judgment is that you'll never attain 3 percent unemployment unless you set it as a goal. You won't even come close. The purpose of a goal is to measure performance. The 3 percent figure isn't just a figure on unemployment. It's a way of disciplining ourselves to raising productivity; to improving our tools of industry; to adopting more sensible monetary, credit, and interest policies; to taking a good hard look at the tax structure. Setting a tough goal is a way of compelling the government to take the measure of what it really has to do instead of being satisfied with a sloppy, lackadaisical effort.

Q. There are two procedures for reviewing the Full Employment and Balanced Growth Plan, one by members of the cabinet and other senier members of the administration, and the second by the governors.

A. The procedures for cabinet review are straightforward and quite similar to cabinet review of other comprehensive federal policies. All the departments, agencies, and regulatory commissions that are involved in activities which have a substantial impact on the economy in the context of the long-range plan are to submit reports to the Council of Economic Advisers, indicating the extent of that interaction. After that's done and the President has reviewed a fully coordinated plan, then the plan is sent out to the governors at the same time that the President sends it to Congress. That's a little unusual, but you are not going to have successful national economic planning unless there is widespread discussion and debate at the state and local levels about what's in the plan. Economic planning is not just economic forecasting and it's not just economic policies. It really has to do with building a consensus about the direction in which we want our society to move in the future. And so the bill calls for hearings at the state and local levels, out of which should come some important input on how the plan ought to be modified as it moves through Congress.

Q. The bill has two very important sections on fiscal and monetary policies and inflation and its deals with these subjects within the framework of planning as described in this bill.

A. The emphasis in the bill in the first instance is on using fiscal policy to the maximum extent that we can to achieve full employment. But it recognizes that fiscal and budget policies alone are not adequate to attain full employment. If we relied only on those policies, we would simply be pumping up overall demand for more than the economy could tolerate, which could generate additional inflation. So in the fiscal policy section there is a former requirement that the President determine the extent to which fiscal policy can be relied on to achieve full employment. We will then know to what extent the supplementary job creation policies of Title II will have to be implemented.

On the Subject of monetary policy, the President has been silent in the past when making his economic presentations. He simply left monetary policy to the Federal Reserve Board. This bill requires the President to make specific recommendations with respect to monetary policy and to correlate them with fiscal policy.

Q. But doesn't that still leave monetary policy to the Federal Reserve Board and only require them to explain what they're doing?

A. Yes, it does. And it still leaves the Federal Reserve an independent institution managing the nation's day-to-day monetary affairs.

Q. How can this be justified in view of the aims of this bill?

A. You don't have to destroy the overall independence of the Federal Reserve in order to encourage it to develop policies and programs which are in line with the general economic goals of the President and the Congress. You have to remember that Arthur Burns has consistently said that the Federal Reserve would do its best to fulfill any legal mandates on goals from the Congress.

Q. Wouldn't it be better to call on Congress to set limits on monetary policy within a given period of time?

A. No. I think you and I both know that it would be profound folly for Congress to try directly to regulate monetary policy. It's a very complicated technical area which Congress doesn't understand well and which it would not have time to handle on a day-to-day basis. It would cause chaos to have Congress setting daily or monthly monetary policies. What Congress ought to do is to set basic national economic goals, to make those explicit, and to require the Fed—to the maximum extent consistent with maintaining its general independence — to achieve those goals.

Q. A lot of people are going to be troubled about the question of inflation and there is a section here that deals with that problem.

A. I think that the inflation section is a step forward in existing anti-inflation policies. At the present time the President is not required to make any formal recommendations on inflation and we've really had very weak anti-inflation policies for a number of years. This bill requires the President to submit, as part of the annual Economic Report, a comprehensive set of recommendations on anti-inflation policies. These run all the way from the proper use of monetary and fiscal measures to specifically targeted policies to increase supply in structurally tight markets such as energy and food. This section also requires the President to manage the export of critical materials and to devlop new techniques for increasing U.S. productivity. Finally, the bill has a backup provision urging the President to take whatever other administrative and legislative actions are necessary to promote price stability.

Q. Any reference to wage-price controls is notably absent. Surely the authors of the bill are aware of the phenomenon of administered prices and wages.

A. That's why there's a strong statement on antitrust policy and on improvement of productivity. And there's nothing in this bill to prevent the President from using stronger means to deal with administered prices if necessary. As far as controls are concerned, their usefulness is debatable and I would certainly question giving the President authority to implement them at present. My judgment is that this issue will be looked over very carefully in committee. It may well be necessary to have an income policy for industries where there's an opportunity for price-rigging. It's been recommended that we might have a delay period before certain wage and price increases are made. But we didn't put any such provisions in the bill because we would like to see if we can do the job without them. That's my preference. If we get cooperation from industry and from labor, we can succeed. If we don't, then the public interest will have to be served with executive cajoling and persuading, and with a much more effective Council on Wage and Price Stability, which can use its subpoena power and bring publicity to bear to enforce far better self-discipline in administered price industries.

Q. This title of the bill finishes up with the establishment of an Advisory Committee on Full Employment and Balanced Growth. Could you describe how that Committee is set up and what its functions will be?

A. The purpose of that Committee is to bring a broad range of private opinion into the workings of the Council of Economic Advisers as they fulfill their responsibilities under this act, particularly with respect to the Full Employment and Balanced Growth Plan. It's an effort to open up the policy-making process at the national level, which is something that I believe is very important.

Q. In particular this section authorizes the Council to establish regional and industry advisory subcommittees to furnish advice and assistance.

A. That kind of regional and sectoral emphasis can be quite useful. French planning, for example, has been quite successful when it has focused on problems of particular sectors. We have had some of the same payoff in this country in the efforts of John Dunlop with respect to the construction industry.

Q. Would it be fair to say that the Humphrey-Hawkins bill incorporates a large part of the Humphrey-Javits "Balanced Growth and Economic Planning Act"?

A. Part of the genesis of this bill is the Humphrey-Javits planning bill. What we attempted to do was slim down that bill and put it into the context of a broad range of national full employment policies.

Q. You have actually combined the Humphrey-Javits and Humphrey-Hawkins bills, which means that you have combined the issues of planning and full employment.

A. In large measure that is true. Not only is that the correct thing to do on its merits, but it significantly strengthens the political appeal of the bill. Still, it may be appropriate to treat some aspects of the planning issue separately.

Q. There's one notable feature of the Humphrey-Javits bill that's left out of the Humphrey-Hawkins bill, and that is an Economic Planning Board. The functions of an Economic Planning Board are now apparently lodged mainly in the Council of Economic Advisers and in a subordinate way in the Office of Management and Budget. Is that a correct observation? If so, what is the reason for doing this?

A. That is a correct observation, and the reason for doing it was principally to utilize the existing institutions of the federal government. When we stepped back and took a look at what we had done in the Humphrey-Javits bill, although we could see some advantages to having a completely separate institution for planning, there were some disadvantages in segregating it from the Council of Economic Advisers and the Office of Management and Budget. We wanted to avoid breaking the line of responsibility and authority in the general area of economic policy, and we wanted to avoid creating a new government institution. For those two reasons, we decided to consolidate short- and long-run economic policy-making in the Council of Economic Advisers.

Q. Title I deals with countercyclical, structural and youth employment policies. This section provides measures to supplement aggregate monetary and fiscal polices. It deals with microeconomic issues and the philosophy of the economy. Could you tell us the philosophy behind this part of the bill and what particular programs are envisaged?

A. Title II rests on the basic intellectual premise that monetary and fiscal policies cannot by themselves achieve reasonably full employment and price stability. We need a series of carefully targeted employment programs that complement the aggregate policies and get to the pockets of unemployment. In a sense you can think of Title II as a series of policies to close whatever employment gap will remain after we've used monetary and fiscal policy and the full strength of the private sector to the maximum extent possible without aggravating inflation.

Q. This title is organized in a way that requires the President to submit six separate legislative proposals to Congress over periods of 90 to 180 days, each dealing with a specific issue. It might be useful if we reviewed those six proposals.

A. That's fine. The first section requires the President to take all existing and proposed countercyclical employment policies, such as countercyclical public service employment, countercyclical state and local grants, and unemployment insurance, and to submit to Congress a comprehensive strategy for dealing with high levels of unemployment caused by recession. A program of that kind would be automatically phased in and out in an effort to moderate the business cycle.

Public works have been criticized because it takes too long to gear them up. This bill would have a shelf of public works, ready to be used, triggered into action when unemployment rates start to go up, and automatically phased out when unemployment rates fall.

The next section goes on to emphasize that it is essential to develop a permanent countercyclical grants program to stabilize state and local government budgets during periods of recession. In the last major recession many state and local budgets were forced into deficit because of falling tax revenues and rising expenditures. As a result, governments tried to cut expenditures and raise taxes, which caused state and local budgets to move in exactly the opposite direction from national fiscal policy. So the principal purpose of this section is to provide the means to coordinate national, state, and local fiscal policies.

Q. The third piece of legislation required deals with regional and structural employment policies.

A. In addition to the countercyclical unemployment problem that we face, an even more difficult problem is caused by declining or chronically depressed regions of the country where production facilities are insufficient to keep people employed. A similar problem exists where we have groups in the labor force that for one reason or another are inadequately prepared to fill the kinds of jobs that are available. This causes persistent pockets of unemployment, regardless of the general state of the economy.

I might just go on to add that as a part of the requirement to meet regional structural unemployment problems, the federal government is required to develop a domestic development bank for the purpose of encouraging development in chronically depressed areas, by maintaining public facilities, and by providing credit to private firms to locate plants in those areas.

Q. Yes, I've listed that as my fourth legislative requirement. Are there no existing lending agencies that can perform this task?

A. You can always modify existing agencies to do this, and we really have not established a brand new bank here. We simply have given the President a mandate to develop an institutional arrangement for providing this economic assistance. If he decides that an existing institution can do the job, his proposal, of course, will be examined.

Q. The fifth piece of legislation required is a comprehensive youth employment program.

A. As you know, this is one of the critical structural employment problems we face. The total number of teenagers and young adults who were jobless in January 1976 was 3.7 million, almost half the total number of Americans unemployed. Given the size and special nature of this problem, we needed to focus on youth and pull together all the training and job creation efforts that are now being made or contemplated in fragmented programs.

The manpower studies that have been done, not only by the Joint Economic Committee and other committees of Congress, but by outside professionals, show that youth unemployment today is to a large degree a problem separate and distinct from adult unemployment. It's very difficult to bring the number of young people that are available for gainful employment into the private market. Therefore we direct our attention in this bill towards a pervasive, persistent, nagging problem of youth unemployment that is not only an economic liability, but a social disaster.

Q. There's a section here that looks very much like a new Civilian Conservation Corps. It talks about job opportunities in a variety of tasks, such as conservation, public service, cleaning up our cities, and so forth. Did the sponsors particularly have in mind something like the CCC?

A. Yes, definitely.

Q. Before we come to the sixth piece of legislation required of the President, let's discuss the Full Employment Office and the reservoirs of employment projects.

A. The Full Employment Office and reservoirs of employment projects are designed to provide a backup to insure that if, after a comprehensive effort has been made to achieve full employment through the private sector and through other provisions of this bill, we find that there are still some people who are unable to obtain employment, then these people are provided with useful employment opportunities. The President is required to phase in these projects in conjunction with the annual employment recommendations required in the earlier portion of the bill, in order to achieve a rate of adult unemployment not in excess of 3 percent within four years.

Q. The sixth piece of legislation that the President is required to submit to Congress deals with the integration of employment and income maintenance programs.

A. This is a very important section because it tells you a great deal about the philosophy of the bill. The spirit of this bill is to substitute work for welfare. It's designed to bring a halt to the practice of simply extending unemployment compensation longer and longer as a way to buy off the unemployed and to prevent them from becoming socially disruptive. It requires the development of policies to substitute work for income maintenance to the maximum extent feasible, given the limitations and special problems of the people involved.

Q. Before we go on to Title III, let me ask you a general question. Title II envisages six really comprehensive and far-reaching pieces of legislation that are to be submitted to Congress by the President between 90 and 180 days from the time of the passage of this bill. How can the President accomplish such an enormous task within such a short period of time? Why did the sponsors think it better to outline the principles for these six pieces of legislation rather than providing the details in the present Humphrey-Hawkins bill?

A. With respect to the first question, the President, through his thousands of executive branch officials, ought to be working on these problems now and should have been at work on them in the past. So it's not as if the executive branch is beginning from point zero. At least I hope not. Beyond that, this bill will be discussed in Congress for many months, giving the President and his advisers ample time to get ready to meet these requirements. However, if any of these timetables is too tight, that's a small problem which can be resolved during the course of committee hearings.

With respect to the second question, originally there was an effort to write in details of the programmatic mandates that are now in this bill. That was abandoned because it became clear that you would lose the perspective that you could get by writing a general economic policy bill. You would have so much detail in each section of the legislation that you couldn't see the important general framework that was being set up by this act. Another reason for not doing it is that if we had written in all those details, the bill would have become a legislative monstrosity, requiring referral to most of the committees of Congress, and embroiling us in jurisdictional disputes that would have prevented us from passing any legislation at all.

Q. Title III deals with procedures for Congressional review. Will you elucidate these?

A. Title III establishes general procedures and policies to give Congress a full partnership in the formulation and establishment of all the economic policies that are required in the earlier sections of the bill. Congress must review and eventually establish economic goals on an annual basis, through the Full Employment and Balanced Growth Plan, the budget resolution, the reports of the Federal Reserve, and, of course, all the legislation that would be submitted by the President as part of Title II. This review would take place through many committees of Congress with the lead being taken by the Joint Economic Committee and the Budget Committees, but with other committees playing roles, depending upon the particular jurisdiction of the matter involved.

Q. The Joint Economic Committee plays the principal part in this?

A. The Joint Economic Committee plays the principal role in general review of the act, the setting of annual goals, the review of the plan, and the submission of concurrent resolutions to the floor of the House and the Senate, approving, rejecting, or modifying the plan.

Q. What happens if the President's proposed plan is modified or rejected? How do you get coordination between the President and Congress?

A. Two ways. First the resolution itself will be sent to the President and I think in most years you'll have a President attempting, even though it will not be required by law, to make an accommodation with Congress. Beyond that, and in a sense more important, Congress will use the concurrent resolutions on a plan as a guide to its legislative activity, and it's through legislation that Congress controls the executive as well as national economic policy. And so by this device long-range policies will be better coordinated.

Q. How much detail or generality do you see in the plan?

A. We don't have a complete answer to that yet. We need to study the issue carefully as we set up planning appropriate for the United States. My own bias is toward a rather short and simplified plan to be taken to the floor of the House and Senate, with greater detail embodied in a supplement to the plan. In that way, a member of Congress can understand and debate the priorities and policies in the plan.

Q: There is one other institution established in this bill, a Division of Full Employment and Balanced Growth in the Congressional Budget Office.

A. The purpose is to bolster the staff of Congress in dealing with the complicated set of requirements under economic planning and to ensure that there is adequate technical assistance in developing, reviewing, and modifying the plan.

Q. What kind of support does this bill have?

A. The support for the bill is already astonishing. There is a coalition of labor, business, church and other groups including the AFL–CIO, the Full Employment Action Council, the UAW, the National Farmers Union, and many others. In Congress we have support on the House side from the Speaker of the House, Congressmen Bolling, Reuss, Perkins and over a hundred others. On the Senate side, even though we have not yet circulated the bill, we have eight co-sponsors at the present time, including Senators Williams, Nelson, and Javits.

Q. My last question is this This bill really attempts to chart a new course for economic policy-making in this country, I think you agree. But there are many economists who undoubtedly will be skeptical about the objectives or at least about their feasibility. What's your reaction to this kind of skepticism?

A. There are two answers. First, I believe we have had a climate of negativism and failure for so many years that many of our intellectual leaders have lost their nerve and sense of creativity. We have been putting much of our energy into explaining underachievement and too little into achievement. This bill does chart a new course for economic policy that challenges the currently accepted ideas. That challenge is badly needed if we are to come to grips with the economic problems our system faces.

Beyond that, we ought to have the grace and good sense to be modest about what we have presented. Any bill that has just been introduced can be improved. I hope we can get constructive suggestions on the bill in the course of committee hearings, and perfect what has been proposed.

POUGHKEEPSIE RAILROAD BRIDGE

Mr. RIBICOFF. Mr. President, over 2 years ago the railroad bridge over the Hudson River at Poughkeepsie, N.Y., was severely damaged by fire. Although this is a vital link in rail freight operations to and from numerous points in Connecticut and elsewhere in New England, there has been a complete lack of any meaningful action to make the necessary repairs and to restore this critical structure to a useful condition.

Shortly after the fire the Penn Central Railroad sought Federal funds to make repairs under the Regional Rail Reorganization Act. In January 1975, a three-party agreement was reached under which New York State and Penn Central would share the cost of the repairs and the U.S. Department of Transportation would assume that portion of Penn Central's share exceeding $350,000. However, this agreement was not formally concluded and went unsigned. This marked the beginning of a series of bureaucratic maneuvers and protracted delays which have persisted up to the present time.

An agreement under which repairs would be made was approved by U.S. District Court Judge John Fullam in Philadelphia in November 1975. The agreement provided that the repairs would be paid for by a $359,000 fire insurance claim pledged by Penn Central and $486,000 approved by the New York State Legislature. However, Penn Central has been taken over by the Consolidated Rail Corporation—ConRail—and, in March, the New York State Transportation Department indicated that it would not provide funds to repair the bridge. As Connecticut Transportation Commissioner James Shugrue aptly observed, the New York decision "is a definite setback to anticipated improvements for freight service in Connecticut. This decision is certainly not in the best interests of Connecticut shippers or the State's economy as a whole."

Mr. President, the Poughkeepsie crossing and processing through the yards at Maybrook represents the shortest route between New England and Metropolitan New York and the Atlantic seaboard. As matters now stand, freight traffic is rerouted along the Hudson River's west shoreline to upstate Selkirk and countless delays are reportedly experienced by Connecticut and New England shippers. Also, although efforts are supposedly being taken to stimulate rail freight commerce—including a million dollar public relations program by ConRail—much of the freight traffic in New England has been lost to others modes of transportation. Further, Selkirk is often closed due to bad weather and some viable alternative must be located.

An especially disappointing aspect of this whole episode is the complete failure of ConRail to take some affirmative steps to effect needed repairs on the Poughkeepsie Bridge and to restore service in this area. Repair of this structure is specifically noted in the final system plan for restructuring railroads in the Northeast and Midwest. Prepared by the U.S. Railway Associations under the provisions of the Regional Rail Reorganization Act of 1973, this document is really the definitive study and report on the intricate process of reorganizing and restructuring bankrupt railroads in the Northeast and Midwest. However, ConRail does not consider the final system plan to be binding but only as a general guide. This sentiment notwithstanding, the ball is clearly in ConRail's court as it is the owner of the bridge and the reconstruction project is its responsibility.

In recent weeks a series of meetings have been held with Members of the Connecticut and New York congressional delegations, ConRail, transportation officials of Connecticut and New York and various other interested parties. I commend Representative BENJAMIN GILMAN of New York for taking the initiative in arranging these meetings. Although the vital nature of the Poughkeepsie Bridge to New England's economic growth and development has been fully outlined, ConRail has apparently continued to assign a very low priority to repairing the span.

Early last month, the entire Connecticut congressional delegation as well as Senators JAVITS and BUCKLEY and Representatives GILMAN and FISH of New York joined with me in calling upon ConRail to repair the facility. This rail link is of such vital importance to my State that Connecticut officials are presently seeking funds from a private foundation to pay for a portion of the bridge's repair. Unfortunately, ConRail appears to be insensitive to the needs of the region and has demonstrated a lack of interest in improving rail freight operations in Connecticut and New England by not repairing the Poughkeepsie Bridge and reestablishing the necessary service.

Mr. President, in order that my colleagues, may better understand the importance of the bridge and the ramifications of ConRail's failure to make necessary repairs, I ask unanimous consent to have printed in the RECORD a recent statement by Gov. Ella Grasso; a brief synopsis as to why the bridge should be restored; a statement by the Connecticut Commissioners of Transportation and Planning and Energy Policy to the Hartford Courant; the text of a resolution adopted by the Governor's Railroad Advisory Task Force; and the text of the April 9 letter from a number of my colleagues in the House and Senate and me to ConRail Chairman Edward Jordan, to which a final response has not been received.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE ELLA GRASSO

At this time I am compelled to express my grave concern with the failure of ConRail to cooperate with Connecticut in the State's vigorous efforts to restore the Poughkeepsie Bridge. In expressing this concern, I must emphasize that the efforts of my Administration to restore the bridge have not been confined to rhetoric. Quite to the contrary, my Administration has diligently sought to identify possible sources that might provide supplementary financial support for this purpose.

Connecticut's efforts to identify a possible source of supplementary financial support to restore this vital rail link between New England and locations to the south and west have been successful. The Connecticut Department of Transportation has submitted a proposal to a private foundation to reserve funds in excess of 50% of the estimated cost of $850,000 necessary to restore the bridge. This proposal to reserve funds for the specific purpose of restoring the bridge has been tentatively approved, but an actual grant authorization has not been made. Actual grant authorization approval is predicated on satisfying several conditions, the major ones being (1) receiving assurance that ConRail will obtain the required source of additional funds necessary to restore the bridge, and (2) assurance that the bridge will be used after it is restored. It should be noted that these were some of the conditions specified in the proposal submitted by the Connecticut Department of Transportation.

Despite the delicate and confidential negotiations inherent in seeking funds from private foundations, Connecticut has notified ConRail of these negotiations. Specifically, in a letter dated April 20, 1976, Mr. Richard D. Spence, President of ConRail, was notified by the Connecticut Department of Transportation of the submission of the proposal and he was requested to provide written assurance that the required additional funds necessary to restore the bridge will be provided. A favorable response to this letter was requested by April 30, 1976. No formal response to this request has been received to date. Subsequent telephone calls made last week have merely resulted in promises that either President Spence or Vice President Sweeney would contact the State official placing the call.

I consider ConRail's failure to cooperate with Connecticut on this favorable development to represent an unconscionable act of irresponsibility as it fails to comply with the provisions of the Final System Plan. Apparently ConRail does not share the State's conviction that the restoration of the bridge is essential to provide an efficient alternate rail link between New England and locations to the south and west. I urge those gathered here today who share Connecticut's convictions on the need to restore the bridge to enjoin ConRail to capitalize on this unique opportunity to accomplish this objective.

REASONS FOR RESTORATION OF THE POUGHKEEPSIE BRIDGE

ACCESSIBILITY

The major rail routes through Connecticut, New York City and Long Island may eventually be owned and operated by Amtrak. If this occurs, freight service could be phased out in ten years. This leaves one rail freight gateway to Connecticut through Worcester, Massachusetts, which will not even be operated by ConRail.

SERVICE

It now takes 59 hours and 15 minutes for a freight to travel from New Haven to Washington, D.C. because of circuitous mileage and additional yard classification via the Selkirk gateway. This, the fastest schedule shown by ConRail, only permits effective 4th morning delivery of freight. Formerly, via the Poughkeepsie Bridge, the fastest freights could save 102 miles traveling from New Haven to Washington and the trip could be made in 17 hours and 15 minutes. This permitted effective 2nd morning delivery.

OPERATING SAVINGS

An internal report compiled by Tri-State Regional Planning Agency in 1974 demonstrated that a reduction in circuitous mileage could reduce the costs of moving freight cars between Trenton and Long Island City by $9.47 per carload and New Haven by $7.70. This could potentially reduce annual operating expenses by $1,882,500 annually at current traffic levels.

RECAPTURING TRAFFIC

Because of time delays and extra mileage, the railroads carry only 16 percent of Connecticut's outbound freight to such States as Kentucky, Mississippi and Alabama. For outbound traffic to Wisconsin, Illinois, and Ohio, where it is more direct to use the present Selkirk routing, the railroads have a 39 percent market share. Northern New England, unaffected by the Poughkeepsie Bridge fire, has a nearly equal rail market share of outbound freight to both North and South markets. The New York Department of Transportation believes that the Poughkeepsie Bridge route has a market potential of $20 million.

NATIONAL DEFENSE

ConRail has only one rail gateway to New England. If the one bridge were destroyed by a natural disaster, New England and its important defense industry would be left isolated.

COMPETITIVE SERVICE

Repair of the Poughkeepsie Bridge would permit connections to be made by other rail carriers to provide competitive service to Connecticut and New York. It has been the position of the Connecticut Department of Transportation since the release of the Secretary's "Rail Service Report" that competitive service was needed and justified.

DEPARTMENT OF TRANSPORTATION,
Wethersfield, Conn., April 30, 1976.
Mr. CHARLES TOWNE,
Editor of the Editorial Page, Hartford Courant, Hartford, Conn.

DEAR MR. TOWNE: The purpose of this letter is to support your editorial of April 11, 1976 urging the restoration of the Poughkeepsie, New York Bridge and to rebut contentions in a recent Letter to the Editor from Mr. Robert S. McKernan, Executive Representative of ConRail, charging that such restoration would represent a "wasteful duplicate (rail) route and facility." The State of Connecticut shares the goal of ConRail as stated by Mr. McKernan; i.e., "the achievement of a profitable rail system in the northeast."

We do not believe, however, that this profit goal should be achieved at the expense of Southern New England shippers who are forced to utilize a single circuitous rail routing on the northerly Selkirk, New York route. Moreover, we are concerned that this routing could encourage present and prospective rail freight users to utilize alternative means of transportation, thereby increasing environmental pollution and decreasing rail freight revenues. For example, rail traffic between Southern New England and the South Atlantic and Middle Atlantic regions is only 18% of the total freight market. In order to become profitable, ConRail must take steps to increase usage and demand, and the failure to restore the bridge can only serve to continue to decrease these essential factors.

In his letter Mr. McKernan stated that southern traffic through ConRail's Potomac Yard in Washington to Hartford would travel 465 miles via Selkirk versus 516 miles via the Poughkeepsie Bridge. We question this comparison. Traffic mileage through the Potomac Yard in Washington to Hartford via the Poughkeepsie Bridge would total 458 miles, while the northerly route through Selkirk would total 497 miles. Shipments from the Potomac Yard in Washington via the Selkirk facility, as compared to the Poughkeepsie Bridge route, are 102 miles longer to Middletown, 102 miles longer to New London, and 126 miles longer to Bridgeport. It is inconceivable that such circuitous routing will prove to be a cost benefit to major industries located in these and other Connecticut communities. It must be recognized that one-half of Connecticut's labor force is located in one-third of the geographic area that could be served primarily by the Poughkeepsie group.

Mr. McKernan correctly noted that at the time of the Poughkeepsie Bridge fire only one poorly patronized round-trip service was operated over the Poughkeepsie Bridge. However, what he failed to report was that this condition resulted from a significant downgrading of service by the Penn Central Transportation Company.

In the last years of the New Haven Railroad's operations, 12 daily through-trains utilized the Poughkeepsie Bridge route with approximately 231,772 carloads interchanging annually at Maybrook. This is a remarkable statistic in itself. For while the number of carloads entering New England via the Poughkeepsie Bridge in the period from 1954 to 1968 only decreased from 256,900 carloads to 231,772, a decline of 9.7%, the total rail traffic entering New England during that period declined 34%. During this period, the share of New England rail traffic using the Poughkeepsie Bridge route in preference to other New England rail gateways actually increased from 22% to 30%.

Mr. McKernan also claimed that the Maybrook, New York yards no longer exist. Unfortunately, this statement is correct, as the Penn Central permitted this important facility to become, in his own words, a "desolate shell". However, Mr. McKernan neglected to note that ConRail's Allentown, Pennsylvania, yards are more than adequate to serve the Poughkeepsie Bridge traffic to Southern New England.

In failing to restore the Poughkeepsie Bridge, ConRail would, in effect, place all of its eggs in one basket. We object to this policy for several reasons. It is a known fact that the one basket, Selkirk gateway, is located in the snow belt and therefore subject to severe winter weather conditions. An alternate route is essential not only to cover emergency situations such as this, but also for national security purposes and as a means of accommodating a potential increased demand in the use of coal as an alternate source of energy for the utility companies in Southern New England.

The State of Connecticut and ConRail share the mutual objective of achieving a profitable rail system. It is our belief that this objective can best be achieved by the restoration of the Poughkeepsie Bridge, a task that requires the support of ConRail. The State is in the process of developing an active marketing program to promote the use of rail freight service and encourages ConRail to actively cooperate in this process. Although it is discouraging to learn that ConRail representatives do not share the State's belief that the Poughkeepsie Bridge is essential to increasing the demand for rail freight usage in the State, we will continue our efforts to encourage restoration of the bridge and we are presently investigating all possible supplementary sources of funding.

Very truly yours,
JAMES F. SHUGRUE,
Commissioner, Department of Transportation.
LYNN ALAN BROOKS,
Commissioner, Department of Planning and Energy Policy.

RESOLUTION—URGENT REPAIRS TO THE POUGHKEEPSIE BRIDGE AND REHABILITATION AND RESTORATION OF SERVICE

Whereas, the Governor's Railroad Advisory Task Force has been on record for a long time as to the urgent and pressing need for the rehabilitation and restoration of service on the Poughkeepsie railroad bridge over the Hudson River and the railroad line over that bridge, and

Whereas, the State of Connecticut has made every effort with the previous owners of this property and line to cause this rehabilitation and restoration to be done; and

Whereas, the contract with the prior owners lapsed as an effective instrument with the takeover of the properties by ConRail on April 1, 1976;

Now, therefore, be it resolved that the Governor's Railroad Advisory Task Force reaffirm its support for their Congressional representatives to call upon ConRail (Consolidated Railroad Corporation) the new owners in order to fix a date with the utmost urgency for the repair of the Poughkeepsie Bridge so as to accomplish full rehabilitation and restoration to service of this vital line of railroad.

This resolution shall take effect this 10th day of April, 1976.

WASHINGTON, D.C.,
April 9, 1976.
Mr. EDWARD G. JORDAN,
Chairman, Consolidated Rail Corporation, Philadelphia, Pa.

DEAR MR. JORDAN: Almost two years ago the Poughkeepsie (New York) Railroad Bridge was severely damaged by fire. As a consequence, vital rail freight service into much of New England has been seriously disrupted.

Although there have been countless pleas from local officials, businessmen, rail shippers and other interested parties, no action has been taken to effect the needed repairs on the bridge. Negotiations between Penn Central and the New York State Department of Transportation concerning the span's repair were underway at one point but these discussions were unsuccessful as the Transportation Department declared last month that it would not provide any funds to repair the Poughkeepsie Bridge.

Many communities in Connecticut have been adversely affected by this disruption in rail service. This situation is also having a harmful economic impact on many areas in Eastern New York. The success of the Northeast Railroad Reorganization Plan is seriously jeopardized. Clearly, action to repair this key rail structure is long overdue and affirmative steps must be taken to make the necessary improvements.

In view of the impact which the Poughkeepsie Bridge has on so many aspects of economic life in the Northeast and its overall importance to rail freight service in the region, we are writing to urge that Conrail undertake immediate action to initiate the repair of this facility. We are willing to work with Conrail and to provide whatever appropriate assistance we can. Further delay, however, will only result in further economic dislocation and we believe that action is long overdue to make the necessary improvements.

We trust you will give this request your fullest, most careful and prompt consideration. Members of our staffs are prepared to consult with appropriate Conrail officials to develop a strategy on this matter. Meanwhile, we will look forward to your response and an indication of the action you intend to take on this problem.

Sincerely,
Abe Ribicoff, U.S. Senator; Jacob K. Javits, U.S. Senator; William R. Cotter, U.S. Representative; Hamilton Fish, Jr., U.S. Representative; Benjamin A. Gilman, U.S. Representative; Anthony Toby Moffett, U.S. Representative; Lowell P. Weicker, Jr., U.S. Senator; James L. Buckley, U.S. Senator; Christopher J. Dodd, U.S. Representative; Robert N. Giaimo, U.S. Representative; Stewart B. McKinney, U.S. Representative; and Ronald A. Sarasin, U.S. Representative.

RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 1 p.m. today.

There being no objection, the Senate, at 12:23 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUDDLESTON).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 12438, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

The PRESIDING OFFICER. Time for debate on the bill today is limited to 6 hours, to be equally divided between and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from North Carolina (Mr. THURMOND), with 2 hours on any amendment.

The pending question is on agreeing to the amendment offered by the Senator from Massachusetts (Mr. KENNEDY).

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. KENNEDY concerning the Minuteman missile be laid aside temporarily until 1 p.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. I ask this of the assistant majority leader: Is there an agreement as to just when the amendment will be taken up? The Senator from Mississippi had to leave the Chamber. Is there an agreement on the Kennedy amendment?

Mr. ROBERT C. BYRD. Yes. It will be taken up at 1 p.m. on Wednesday. There will be a 2-hour limitation on it at that time.

Mr. STENNIS. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that Dr. James P. Lucier have the privilege of the floor during the debate on H.R. 12438 and any rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, what is the pending matter now before the Senate?

The PRESIDING OFFICER. The pending matter now is H.R. 12438.

Mr. STENNIS. Mr. President, we are under controlled time?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. As I understand, 6 hours are allotted on the bill itself?

The PRESIDING OFFICER. That is correct, divided between the Senator from Mississippi and the Senator from South Carolina.

Mr. STENNIS. Mr. President, I yield myself 30 minutes or so much thereof as may be required on the bill.

The PRESIDING OFFICER. The Senator may proceed.

Mr. STENNIS. Mr. President, as the Senate now continues to debate H.R. 12438, the fiscal year 1977 military authorization bill, I have some preliminary observations to make on the program as an entirety, and I will discuss in some detail some of the major items.

But in the beginning I want to stress that this bill is the product of the entire committee, including, of course, the work of the subcommittee chairmen and their respective members of those subcommittees. I name and identify the subject matter of the subcommittees to which I refer: the Research and Development Subcommittee of our full Armed Services Committee is chaired by the Senator from New Hampshire (Mr. MCINTYRE); the Tactical Air Power Subcommittee is chaired by the Senator from Nevada (Mr. CANNON); the chairman of the Manpower and Personnel Subcommittee is the Senator from Georgia (Mr. NUNN). I will give at some later moment the names of each of the members of the subcommittees. They have given a great deal of time and attention to their duties under this assignment. Actual hearings started on some of the items as early as October 1975.

I want to give special thanks too to the Senator from South Carolina (Mr. THURMOND), who is the ranking minority member of our full committee, for his fine assistance throughout this entire bill, the hearings thereon and its preparation.

I would also like to give special recognition to Senator LEAHY, who made a comprehensive study of the airlift and sealift, and to Senator CULVER and Senator BARTLETT who again this year examined in great detail the Army tank program. These gentlemen served more or less as a special task force working with reference to these particular subject matters.

Mr. President, let me say at the beginning—I will develop the figures on it later—that this bill in total amount comes within the budget figure as submitted by President Ford and well within the budget levels as prescribed by the Budget Committee and agreed to by the Senate.

Generally, this bill now in terms of procurement and research and development provides the minimum funds necessary to maintain the modernization of our Armed Forces. It provides what we think is the necessary money, and I emphasize the word "modernization," Mr. President.

There has been a great deal said lately about the relative strength of our Nation and its military forces and those of a potential adversary like Soviet Russia.

When it comes to an overall comparison no doubt we do have a superiority over their forces, a very marked superiority in many places, and an overall superiority in both quality and type of manpower and skilled men. We are superior with reference to modernized weapons and that word "modernity" is one of the chief things at which we look, all of us, the entire Congress—at modern weapons that really count and are effective. It is not a matter of counting weapons; you have to pay attention to numbers, but certainly numbers do not control.

So we emphasize, and this has been done for years, the modernity and effectiveness of the weapons.

The foregoing holds true despite the relative increase in procurement and R. & D. funds over that recommended for last year. In substance this year's authorization will increase the proportion of the Defense budget for R. & D. and procurement while reducing the relative resources allocated to manpower.

I would add the committee also has adopted certain administration manpower recommendations which will substantially reduce personnel costs in the years ahead.

Mr. President, let me say for the information of those that are here, we will have the presentation of some of these overall speeches this afternoon. I think perhaps we can have some votes later in the afternoon. But procedure here on Thursday did not permit the usual presentation of the overall bill and also the usual presentation of the subcommittee chairman as to the work of their subcommittees. So we will have some of that.

I see that the Senator from Georgia is here; I have already referred to his subcommittee. I hope he will be ready to present his overall report.

I have been notified that the committee has also adopted certain administration manpower recommendations which will substantially reduce personnel costs in the years ahead.

OVERALL SUMMARY OF BILL

Mr. President, I shall first set forth certain funding comparisons with regard to the bill. The committee is recommending a total of $32 billion for procurement and R. & D. This is a net reduction of $800 million or 2.4 percent from the initial request of $32.7 billion and $2.3 billion or 6.6 percent from the amended request of $34.2 billion. The budget amendments of May 1976 that is, submitted by the President in May of this year—consisted of $1.2 billion for ships—including $200 million for R. & D.—and $317 million for the Minuteman III missile and warhead.

I will come back to those later, Mr. President.

COMPARISON WITH HOUSE VERSION

Mr. President, the House did not consider the May 1976 budget amendments since they arrived from the President after the bill was passed in the other body. In terms of totals, however, the House bill recommends $33.2 billion, which amounts to about $500 million above the initial budget request and about $1 billion below the amended budget request.

As between the House and Senate bills, Mr. President, I would point out that there is a total dollar difference for procurement and R. & D. alone of approximately $1.3 billion. In terms of the overall bill including manpower savings and legislation, the difference from the House is approximately $2 billion above the Senate version as of now.

COMMITTEE MANPOWER ACTION

Senator NUNN, the chairman of the Manpower and Personnel Subcommittee will speak in detail on the manpower matter. I would point out, however, that the committee has made a modest reduction of about 1 percent in the defense request for Active Forces of 2.1 million, about a 1-percent reduction in the requested 1 million civilian employees and an increase of 24,200 or about 3 percent above the request of 848,200 for the Reserve Forces. I want to emphasize that the reductions will be taken from the noncombat units, including training, personnel, base operating support and support in Thailand. These reductions will not affect the combat capability of our Armed Forces.

SIGNIFICANT COMMITTEE ACTIONS

B–1

For the B–1 bomber the committee recommends an authorization for fiscal year 1977 in round numbers of $1.5 billion. This authorization will, in addition to continuation of developmental testing, add three B–1 bombers to the four bombers that have been authorized to date. The committee has reviewed this program each year and has found no deficiencies in the program to date that are of sufficient significance to defer the production of the aircraft. This year, having reviewed the B–1 program in detail, the committee recommends approval of production of the B–1.

As the committee report indicates, the funds being requested provide for a production decision for the B–1 aircraft as a future replacement to the B–52. The B–1 will enable this Nation to have a modern strategic manned bomber as one of the elements of the so-called triad.

We had this matter up on Thursday of last week. There was one amendment to strike these funds from the bill. That has already been voted on and the Senate declined by a margin of 15 votes, I believe it was, to strike those funds from the bill.

There was another amendment, however, offered with reference to the starting time for the procurement covered in this bill. That deferral amendment passed by a margin of seven votes, I think it was, to delay that time until after the next President of the United States was sworn in.

According to the present plans, certain decisions are to be made in the fall of this year, I believe. So either way, however the bill winds up in final form, there has already been an approval by the Senate on rollcall vote of the money that is involved for this highly important item.

The purpose of our three-part strategic deterrent is to maintain the capability of retaliating with devastating force in the event a foreign power makes an attack on the United States with nuclear weapons. In serving as a deterrent the second strike capability must be in a position to inflict devastating damage on the enemy's economic and political assets.

AIRLIFT/SEALIFT

At my request, Mr. President, Senator LEAHY examined the area of airlift and sealift. I commend Senator LEAHY for the comprehensive report and recommendations he submitted to the committee.

The committee approved $87.1 million of the $126.4 million requested for airlift. The committee is concerned that the Department of Defense does not have what the committee considers a well coordinated airlift-sealift program.

As a result of the committee's review, the Secretary of Defense is requested to direct an overall coordinated study of the mobility requirements of this country to meet its NATO commitments.

Mr. President, this becomes more and more important each year, in my judgment, because of the tremendous increase in the cost of weaponry. More should be known about just what it is we expect to put in place on the very shortest kind of notice and the availability of the sealift and airlift, and so forth, to carry out that decision. But it is certainly clear to all that it takes a real coordinated plan, a very definite program, and we do not think that has been sufficiently developed.

TANKS

With respect to the tank program, a special task force comprised of Senator CULVER and Senator BARTLETT reviewed these requests.

Mr. President, I point out these were not casual recommendations hastily arrived at or a pro forma method of considering these requests. It was only after days and days of intensive study and careful weighing of facts and prospects that these recommendations were made to us by these two Members. So thorough did we think their work was, it was rather readily accepted by the committee.

Based on their recommendations, the committee approved the fiscal year 1977 request. The total request was $841.6 million for production and conversion of about 1,400 tanks. However, $53.6 million was found in old accounts that could be applied to this year's authorization. So, with that adjustment, the total request was granted.

NAVY SHIPBUILDING

The committee voted unanimous approval for the shipbuilding program that I will outline for you. But first I will make a few general comments. The committee feels that the recommended authorization and the ships to be built with these funds will provide an adequate, necessary, and achievable increment in the overall Navy shipbuilding program. In presenting the shipbuilding program, the Secretary of Defense testified that Navy ship forces are under extensive review by the National Security Council and that this review is to be completed this fall.

The initial authorization request provides for the construction of 16 new ships totaling $4.1 billion, advance procurement in the amount of $0.4 billion for ships and submarines to be requested in subsequent years, $0.1 billion for supporting programs and $1.6 billion for cost growth and escalation for ships authorized and funded prior to fiscal year 1976. The President amended the Navy and shipbuilding program on May 10, 1976, to include funds for long lead items of a nuclear carrier, four additional guided missile frigates, one additional fleet oiler, and Navy research and development. With the amendment, the fiscal year 1977 request for Navy shipbuilding totals $7.3 billion.

The committee recommends an authorization of $6 billion or $1.3 billion below that requested. Specifically the committee recommends authorization for 1 Trident nuclear ballistic missile submarine, 2 SSN–688 class nuclear attack submarines, 1 Aegis destroyer, 8 guided missile frigates, 1 destroyer tender, 1 submarine tender, 2 fleet oilers, and 25 service and landing craft.

The committee deferred without prejudice the advanced procurement of a nuclear aircraft carrier.

Funds were denied for the advanced procurement of the nuclear strike cruiser. The committee is of the opinion that the complexity, costs, and production scheduling of the strike cruiser needs additional study by the Department of Defense before congressional action is sought.

Mr. President, I point out that each of these last two mentioned ships are in the House bill and we do not propose to just arbitrarily act in any way in trying to force the House to a conclusion. We will be in conference with them, and that is what a conference is for, with both sides willing to listen to hear and to consider the items in each bill.

Mr. President, may we have a little less movement in the well?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may continue.

Mr. STENNIS. I thank the Chair.

Of the $6 billion recommended shipbuilding authorization, $1.6 billion is for cost growth and escalation for ships approved prior to fiscal year 1976. The committee is of the firm view that before proceeding with an enlarged program for building ships in the future, problems associated with ships currently being built must be resolved.

That involves a rather long story that I will not develop any further here now. I think all of our committee thinks that there must be a new shipbuilding program and all would favor it to some degree. All realize that we do have a logjam with reference to claims, escalation costs, inflation, and so forth, which must be dealt with effectively before we can clear the way for a real effective, forward moving new shipbuilding program. I am certain that when Congress really buckles down, and the Department of Defense buckles down, to the settlement, to the adjustment, of those claims and problems, solutions can be found and the way can be cleared for the new additional program.

The committee recommends the repeal of title VIII—nuclear powered navy of Public Law 93–965. This action should not be interpreted as a rejection of nuclear power for ships. Rather repeal of title VIII would allow review of ships on a mission requirement basis with adequate attention to fiscal realities. A nuclear/conventional mix of ships is the most valid approach to attainment of required future naval forces and capabilities.

That is undoubtedly the opinion of our committee. We believe that that objective can be attained better through leaving this an open question, for the President freely to decide and for the Congress freely to decide, rather than have a mandate or a mandate to some degree, under this title VIII passed with good intentions, that every ship of a certain kind must be nuclear powered unless the President certifies that it is in the best interest of the Nation for conventional power to be used. It leaves him and Congress, as I understand it, not as free to make choices on these matters, as they otherwise would be. But our committee is pronuclear power for those surface ships and submarines of a type and a kind where we actually do need that kind of power with its compensating payoff.

TACTICAL AIR POWER

The Tactical Air Subcommittee, under the chairmanship of the Senator from Nevada, Senator CANNON, reviewed more than 30 major line items, weapons projects, and 70 smaller projects. Of a total funding request of over $7 billion, the committee approved without change the subcommittee's reductions of about $290 million from the administration's request.

Among items approved were:

The fiscal year 1977 request of $474 million for the procurement of 6 AWACS, the full request. The committee supports the current efforts to establish a joint NATO-AWACS program. At the present time, however, the details of this program are not complete. The present procurement request provides planes needed for the U.S. Air Force and are not being produced for purchase by NATO countries.

That is a key point, Mr. President. I call that to the attention of the membership. When we do vote on this matter, if a Member overlooks that point he might be misled by the other facts.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's yielding. I wonder, returning just briefly——

Mr. BARTLETT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STENNIS. Well, I have just yielded to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. I just wanted to pose a question to the distinguished chairman.

Mr. STENNIS. I yield to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. They talk about the nuclear ships, and the mixture that the Defense Department desires. Is it the understanding of the chairman and the desire of the committee to leave some leeway, for some decisions to be made within the Defense Department, to let them exercise their judgment to an extent as to what is best?

There was no intention on the part of the committee, insofar as I know, to weaken our defense posture, but a desire in fact to strengthen our defense posture. Is that the understanding of the distinguished chairman?

Mr. STENNIS. The Senator from Virginia, a valuable member of our committee, has exactly stated the position and the sentiments of our committee, as I understand, that we do favor the nuclear-powered ships in proper places, but we want the hardheaded judgment of the military, as the President of the United States and others have said.

Mr. WILLIAM L. SCOTT. I just thought that point ought to be brought to the attention of the full Senate, and I appreciate the Senator's yielding.

Mr. STENNIS. I thank the Senator. For the committee, I tried to cover that point with the press when we reported our bill.

Mr. President, in behalf of the Senator from Oklahoma (Mr. BARTLETT), I ask unanimous consent that Mr. Fred Ruth, a staff member for our committee have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, continuing on the tactical airpower, the committee approved $120 million that was not in the Defense request to purchase 24 A-7D tactical bombers for use by the Air National Guard.

RESEARCH AND DEVELOPMENT

Now, as to research and development, that subcommittee is chaired by the Senator from New Hampshire (Mr. McINTYRE), who, along with his fellow members, has worked diligently on this technical portion of the bill.

Mr. President, the total R. & D. requests for fiscal year 1977 were right at $11 billion; and it is an extraordinary performance for any subcommittee and its chairman and staff to go through the minutiae as well as the large items in this research and development section of this bill, totaling $11 billion, and to actually form an opinion and make a real recommendation to the parent committee and to the Senate as to what should be done about these items.

I will wait, Mr. President, until they cool down.

The PRESIDING OFFICER. The Chair will ask the pages and the Senators at the bar to exercise discretion in making noise, so that the Senator can be heard. The Senate will be in order.

Mr. STENNIS. Until this subcommittee, with its chairman, undertook this subject matter, there had not been a chance theretofore to get into the extensive consideration of this great multitude of items. Now they are not only prepared and able to get an opinion, but they give a very finely informed and experienced opinion on these matters.

All of what is left, as far as the bill is concerned, every man here can vote for; unless he has some real reason to the contrary, he can vote for it with the confidence that it has been considered by competent people.

The committee approved $10.5 billion or a 5.2 percent reduction from the amount requested. The committee denied, without prejudice, the $200 million budget amendment for Navy R. & D. The fiscal year 1977 authorization request is $1.6 billion more than was authorized and appropriated for fiscal year 1976 making it the largest amount ever requested for R. & D. appropriations.

The House approved an authorization of $10.3 billion or approximately $200 million below the committee recommendation.

Among the important R. & D. recommendations were:

Reduction of $77.9 million from the $197.8 million requested for the Navy sea launched cruise missile program.

Reduction of $32.4 million from the $84.0 million requested for the Air Force advanced ICBM program, the M-X.

PROCUREMENT SUMMARY

By way of brief summary, procurement requests totaled $21.9 billion for fiscal year 1977. The committee reduced the total of $21.5 billion or 1.8 percent from the initial request and $1.7 billion or 7.3 percent from the amended request.

The downward trend in defense purchasing power and the high cost of sophisticated and technical weapons systems have resulted in reduced quantities of military hardware. For example in 1977 we are recommending authorization of 247 Air Force aircraft compared to 943 in fiscal year 1964. At the same time, unit cost has risen dramatically. The flyaway cost of an F-15 is about $11.6 million compared to a cost of about $2.3 million in fiscal year 1964 for the F-4 fighter.

These comparisons are fairly average with many others that could be made.

There is concern that we are not buying sufficient weapons systems to assure a modern Defense Establishment. I have already emphasized our concern about having modern weapons. I think that is an area where we certainly do excel, and that is the one position that we cannot afford to surrender and lose, and we are not going to.

In the budget amendment to the fiscal year 1977 budget request, $317 million was requested for the procurement of 60 Minuteman III missiles with MK12A reentry systems. It is the understanding of the committee that these missiles will be purchased only if there is no significant progress in the Strategic Arms Limitation Talks by September 1976.

The committee voted to approve the $317 million restricting its use, though, only to the procurement of the Minuteman III missile. On that matter there is an amendment filed to strike out the item from the bill. It has been agreed, Mr. President, that that amendment will be debated fully this week followed by a vote. But I call attention now to the fact that the amendment is pending, and I consider it a highly important matter.

MANPOWER

The Manpower Subcommittee, chaired by the Senator from Georgia, Senator NUNN, has once again been of great value to the Senate and the committee by carefully scrutinizing the whole area of military manpower.

In substance, the committee is recommending a 1-percent reduction below the request for military and civilian manpower.

The PRESIDING OFFICER (Mr. HELMS). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

Mr. President, I ask unanimous consent that the tables outlined in manpower action of the committee be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Fiscal year 1977	DOD request	Committee recommendation	Reduction from request	Percent
Active duty manpower (end strengths in thousands):				
Army	790.0	787.1	−2.9	
Navy	544.0	533.7	−10.3	−2
Marine Corps	196.0	190.0	−6.0	−3
Air Force	571.0	570.0	−1.0	
Total	2,101.0	2,080.8	−20.2	−1
Selected reserve manpower (average strengths in thousands):				
Army National Guard	390.0	390.0	0	
Army Reserve	215.7	212.4	−3.3	−2
Naval Reserve	52.0	79.5	+27.5	+53
Marine Corps Reserve	33.5	33.5	0	
Air National Guard	93.3	93.3	0	
Air Force Reserve	52.0	52.0	0	
Coast Guard Reserve	11.7	11.7	0	
Total	848.2	872.4	+24.2	+3
Civilian manpower (end strength in thousands):				
Army	378.4	373.5	−4.9	−1
Navy-Marine Corps	320.5	318.4	−2.1	−1
Air Force	257.1	256.6	−.4	
Defense Agencies	79.8	79.2	−.6	−1
Total	1,035.8	1,027.7	−8.1	−1

Mr. STENNIS. The President's budget request assumed a number of legislative changes which were included in the President's legislative program and which made substantial reductions in the Defense budget. The committee considered those legislative changes within its jurisdiction and adopted a number of those with some amendments. The committee made several changes to legislation affecting pay and benefits of military personnel that would have substantial budgetary impact in fiscal year 1977 and beyond. These changes include:

Elimination of the 1 per cent "kicker" in computing retired pay increases for military and CIA personnel, contingent on similar enactment for civilian retirees;

Permitting the President to allocate up to 25 percent of the regular cost of living raise in basic pay into the quarters allowance for military personnel;

Limiting the payment for unused leave for military personnel to 60 days and eliminate payment of quarters and subsistence in such payments;

Phasing out the appropriated subsidy for payment of commissary personnel and other operating costs over a 3-year period;

Repealing authority for administrative duty pay for reserve component commanders; and

Extending for 1 year current authority to pay physicians in the military at the current rate.

COMMITTEE AMENDMENTS

In addition to the committee amendments already mentioned—the 1 percent "kicker" for retired pay, the repeal of title VIII, and the proposed joint House Armed Services Committee carrier study, amendments in other areas were approved by the committee.

Three amendments were passed pertaining to NATO. Two of the amendments reaffirm the committee's commitment to standardization of weapons and equipment within the NATO Alliance and requires the Secretary of Defense to seek areas for cooperative arrangements for coproduction and licensing of military equipment for the NATO Allies. The third amendment would prohibit the U.S. Government from paying taxes to NATO governments as a result of stationing troops in their countries.

The committee proposed an amendment similar to a provision of the House bill that allows the Civil Defense Preparedness Agency in the Department of Defense to provide its resources to State and local areas in the event of natural disasters. The Senate version goes one step further than the House by writing this policy into law.

The final amendment approved by the committee directs the Secretary of Defense to solicit from retiring military officers and civilians their suggestions on improved procurement policies.

Mr. President, I yield myself an additional 2 minutes, if necessary.

I think that covers the highlights of the bill, and I strongly recommend expeditious passage prior to action on defense appropriations by the Subcommittee on Defense Appropriations.

We have a committee report that is of value. It explains in 204 pages the detailed action and recommendations of the committee.

I see the Senator from Georgia present in the Chamber. If he desires time and wishes to use it now, he may. I am glad to yield to the Senator from Georgia for 15 minutes and, if he should wish to use some additional time, I am glad to yield that time to him.

Mr. President, I call attention to the fact that the hour of 2 o'clock has arrived. In fact, it is now 10 minutes after 2. I advise the Chair—and I speak loud enough so that all Senators and their aides who are in the Chamber can hear—that there is a unanimous-consent agreement that, on this bill, amendments that were not filed by 2 p.m. today would not be eligible for consideration by the Senate.

I wish the Chair would take note of what time it is now and give information about the submission of amendments that cannot be received.

The PRESIDING OFFICER. The Senator is absolutely correct, and the Chair has taken note of it and will observe the situation.

Mr. STENNIS. No one would be authorized to receive amendments that are not now before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Another inquiry: Will it require a unanimous-consent agreement in order to file an amendment?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

Mr. NUNN. I say to the Senator from Mississippi that my remarks probably will last 15 minutes, and if anything comes up that is of an urgent nature, the Senator from Georgia will be glad to yield.

Mr. STENNIS. I thank the Senator.

I will object to a unanimous-consent request to file amendments.

Mr. NUNN. Mr. President, I thank the chairman from Mississippi, and I appreciate, as do all other members of the Committee on Armed Services, his excellent leadership during the markup of this bill and during all the hearings.

We become accustomed to his excellent service. I think we ought to point out again how much the Senator from Mississippi means to not only the committee but indeed to the entire Senate and the entire United States in fulfilling what I think is certainly the priority role of any Senator—and he does it perhaps better than anyone else we have—and that is keeping America strong.

KEEPING AMERICA STRONG

Mr. President, despite all the campaign rhetoric, the job of providing for the Nation's defense must go on on a day-to-day basis. Unlike campaign rhetoric, which often misstates and oversimplifies defense security issues, this day-to-day job requires many hard decisions among complicated and difficult choices. I am going to provide a brief status report today on what the Committee on Armed Services has done this year regarding some of the important issues facing our Nation's defense, particularly those relating to manpower and personnel.

Before I go into detail, let me say that I think we face two very difficult issues when it comes to the defense budget. First, there is the issue of how much money overall should be allocated to defense. Second, and perhaps more important, is the issue of how defense money should be allocated and spent.

Last year, I reported to the Senate that in the last decade the quantitative military balance between the United States and the Soviet Union shifted in directions distinctly favorable to Moscow. I believe this shift stems from two factors. One, of course, is the steady growth in Soviet military forces. The Soviets have now moved themselves to a position of approximate parity with the United States. The second factor contributing to the shift was the drain on U.S. defense resources in Vietnam and the subsequent demobilization of many U.S. military forces and reductions in the U.S. defense budget. This country has a history of large demobilization after its wars. Vietnam was no exception.

The United States cannot match militarily the Soviet Union man for man or item for item.

And I think it would be foolish for us to try to.

We could not afford it and it would not make us much more secure. For example, the Soviets have some 4 million men under arms, compared with our 2 million. Matching that manpower and equipping them would mean more than doubling the current defense budget to something over $200 billion. This could mean a 25-percent increase in all Federal taxes, a tripling of the already large Federal deficit, a one-third reduction of all other Federal programs—including those for energy, environment, social security, and so forth—or a combination of all of these items. Yet despite this cost, I doubt that the United States would be twice as secure if we doubled our manpower. The Russians would still pose a nuclear threat to the United States, as they would, and they would also continue to pose military and political threats to our interests in Europe, Asia, the Middle East, and Africa.

There are really three major choices regarding the overall size of the defense budget: First, we can continue to make cuts in the real purchasing power and unfortunately this has been the course that has been taken for the last several years; second, we can stabilize the defense budget in real purchasing terms; and, third, we can provide for some real growth in defense buying power to provide for force modernization. This year's action by the Committee on the Budget and the Committee on Armed Services reflects the third choice—a modest real increase in defense spending. I believe that represents a reversal of trends of the past several years and an end of the Vietnam demobilization. I also believe the Senate action can lead the way to a measured and steady course we can follow in the future.

The second major issue regarding the defense budget that I want to mention briefly is the question of the internal priorities within the defense budget—in other words, how should the defense budget be spent. In some ways, this issue is more important in determining overall military strength than the precise overall size of the budget. For example, $1 billion of the fiscal year 1977 budget—and I might add this was true also in fiscal year 1976—is to pay for increases in the civilian and military grade structure in DOD that have occurred since 1964.

In other words, if we had exactly the same military and civilian grade structure that we did in 1964 fiscal year this defense budget would be $1 billion less.

I found no one in Government, including the Department of Defense, that can show the increase in military capability resulting from the increasing of the grade structure to the tune of $1 billion since fiscal year 1964.

If I had to name one problem regarding the defense budget, it is comparatively small quantities of equipment and material that are bought. Even though the budget for investment—R. & D. and procurement—has been increased by 28 percent this year, we are not adding much, if any, to our equipment inventories—16 Navy ships and 239 Air Force aircraft are scarcely sufficient to replace normal attrition in the ship and aircraft inventories.

This problem has been caused by two factors. First—and perhaps predominant—rising manpower costs and other operating costs have taken up more and more of the defense budget. This has squeezed severely the amount of the budget available for investment in weapons and hardware. In 1964, 45 percent of the defense budget went for R. & D. and procurement of hardware. By 1975, this had dropped to 29 percent because of the rise in manpower and operating costs. Looked at from another aspect, the hardware budget—R. & D. and procurement—rose 12 percent between 1964 and 1975—less than inflation—while military pay went up 168 percent and civilian pay rose 121 percent.

I know that the Senator from Nevada, who chairs the Tactical Air Subcommittee, realizes the squeeze that this overall increase in manpower cost has had on aircraft, ships, and research and development.

The second factor leading to reduced hardware inventories has been the rising unit costs of weapons systems. Thus, the equipment inventories have suffered the double squeeze of less money available for hardware, combined with higher unit costs of the hardware.

We must work hard to reverse these trends. This means restraining the growth of manpower costs and taking a critical look at very high cost hardware. I believe the action of the committee this year points us in that direction. I will describe in some detail the actions taken regarding manpower, since I chair the Manpower and Personnel Subcommittee.

The committee took a number of actions aimed at restraining manpower costs. The military strength request was reduced 20,300 and the civilian strength request reduced 8,100. These reductions were made in lower priority areas or where there were significant manpower quality and management problems. Reserve component strength was increased 24,200, reflecting increased reliance on less expensive reserve manpower, particularly the Naval Reserve. In addition, the committee adopted with amendment six legislative items, proposed by the President, relating to pay and compensation. The effect of the committee's manpower actions, if fully implemented, would be to save some $425 million in fiscal year 1977 and over $7.3 billion in the next 5 years. I would expect these savings in future years to help increase hardware inventories. It is of little value to have men without guns and bullets. They would not survive on today's battlefields.

RECOMMENDED REDUCTION IN DEFENSE DEPARTMENT MANPOWER LEVELS—BY SERVICE

Mr. President, the committee considers the active duty military, reserve, and civilian manpower request of each service in its assessment of the Defense Department request for manpower. These three components of defense manpower were considered together for each of the military services. I would like to describe the committee's action service by service for fiscal year 1977.

ARMY MANPOWER

The committee recommends an end strength for the Army of 787,100 active military and 373,500 civilian personnel and an average strength of 212,400 for the Army Reserve and 390,000 for the Army National Guard.

In action military personnel, the committee's recommendation is actually an increase of 20,700 from the actual strength of 766,400 on December 31, 1975. The committee suggests that the reductions in the requested fiscal year 1977 level be made in the areas of training, base operating support, and support manpower for U.S. installations in Thailand.

For Army civilian personnel, the committee recommends a reduction of 4,900 personnel, primarily a reduction in the area of base support personnel.

I shall describe the committee's recommendations by category. First of all, the committee is concerned with the level of manpower devoted to training. Last year, legislation was enacted to reduce the minimum training requirements from 16 to 12 weeks for new personnel. These changes should reduce course lengths and put personnel into the force units sooner. However, the Army is increasing course lengths and increasing the number of trainees. The committee thinks that reductions can be made in keeping with the concept of one-station training and the reduction in the minimum training period. The committee wishes to encourage the most efficient use of manpower resources and hopes to keep training resources at the levels necessary for maximum efficiency. Thus, the committee recommends a reduction of 1,300 military and 600 civilian personnel in support of training.

In base support, despite announced base closures and realinements, the request for civilian base support personnel would have increased civilian strength over the past. Also, the committee feels that further reductions can be made in the level of military personnel in base support. The committee recommends reductions of 600 military and 3,200 civilian Army base support personnel.

The committee also recommends a cut of 600 Army civilian personnel in command/headquarters to reduce excessive overhead. I will discuss later the recommended reduction of 1,000 military and 500 civilian personnel in support of U.S. installations in Thailand.

In the Army National Guard, the committee recommends approval of the Department's request for an average strength of 390,000. For the Army Reserve, the committee recommends denial of the requested 3,300 increase in the Army Reserve average strength to 215,700. The requested increase was related to expected shortfalls in the level of individual Ready Reserve due to the expiration of the draft. While the committee is concerned with this problem and has requested that a study of the matter be done by the Secretary of Defense, it does not believe that shortfalls in the individual Ready Reserve should be remedied by increases in the Selected Reserve. The committee recommends that the fiscal year 1976 level of 212,400 Army reservists be maintained for fiscal year 1977.

NAVY MANPOWER

For fiscal year 1977, the Navy requested end strengths of 544,000 active military and 300,600 civilian personnel and an average strength of 52,000 Selected reservists. The committee recommends a reduction of 10,300 in the request for military personnel, a reduction of 1,300 in civilian personnel and an increase of 29,500 in Selected Reserve Forces.

These include recommended reductions in command/headquarters of 200 military and 1,300 civilian personnel, reductions of 900 military in base support, 1,000 military in training and a denial of increases in the active Navy totaling some 8,200.

In active military forces, the committee's recommendation is actually denial of part of the requested increase for fiscal year 1977. The Navy strength recommended by the committee will enable the Navy to increase its active military forces by 8,700 personnel over the December 31, 1975, actual strength of 524,700. The Navy can make major improvements in manning ships and aircraft within this manpower level. Before the Congress authorizes additional manpower for ship and aircraft augmentation, the committee believes the Navy can and should make more efficient use of its present manpower.

Testimony before the committee this year revealed that the Navy has been consistently undermanning its ships and overmanning its shore establishment. For example, in fiscal year 1975, the Navy undermanned its strategic and general purpose force units—the ships and aircraft—by 14,000 people and overmanned the support and pipeline units by 12,800. The Navy is aware of this problem and is working to remedy it. They plan to move to a "man the ships first" policy which should result in a 25 percent improvement in readiness and increase fleet manning to 100 percent by the end of this year. All this can be done without increases in manpower. The Navy can still increase its ship and aircraft manning by 25,000 men or more within the manpower level recommended by the committee for fiscal year 1977.

Another problem that the committee is concerned with is that the Navy also is reducing its reliance on the Naval Reserve at the same time the Navy is asking for a lot of new men in active duty. I think that is exactly the opposite direction they should be taking. The aircraft carrier that was planned for reserve air wing use is requested for active force use in fiscal year 1977, increasing the active force request by 3,900. The Navy planned 7,200 fewer reservists for ship augmentation in wartime than was the case in fiscal year 1974. Both of these factors have resulted in increases in the active force request for fiscal year 1977.

The committee is also concerned that increasing the Navy manpower level to the level requested for fiscal year 1977 would require a 15-percent increase in recruiting in 1 fiscal year. To meet this goal, the Navy would have to reduce its quality standards, and these personnel would get less training in individual skills. This decrease in recruit quality and in training can only aggravate the current problems of skill shortfalls and overburdened petty officers.

Taking all these things together—an undermanned fleet, a decreased reliance on reserves, and an increase in the number of recruits to meet a numbers goal—the committee thinks that it is best to restrain the expansion of Navy military manpower for fiscal year 1977.

For the Naval Reserve, the requested average strength for fiscal year 1977 is for 52,000 Selected Reservists. This is an administration-requested reduction of about 50 percent from the fiscal year 1976 funded level of 102,000. The committee feels that the cutback is too severe, particularly when reliance on the Naval Reserve should be increasing.

The committee made a detailed review of all the billets which are planned for removal from the Selected Reserve in fiscal year 1977. The largest portion of the planned reduction results from the elimination of augmentees for the shore establishment. The committee believes that this broad, sweeping approach could very well lead to losses of important capabilities and critical types of units. The committee looked closely at the planned billet reductions. We found that certain deployment-related units, ship and aircraft maintenance units, and highly technical and professional skill units would be lost. These units totaled some 19,700 billets. Also, the committee felt that some 7,800 reservists could be used for new or additional missions with the active force, thereby offsetting some of the reduction recommended by the committee in the active Navy manpower request. The committee recommends the addition of these billets—a total of 29,500—to the requested level for Naval Reservists for fiscal year 1977. Thus the Naval Reserve average recommended by the committee is 79,500.

MARINE CORPS MANPOWER

The committee recommends an end strength of 190,000 active military and 19,100 civilian personnel and an average strength of 33,500 Selected Reservists. For active military personnel, this is a decrease of 6,000 from the Corps' current authorized strength of 196,000. However, it represents a reduction of 3,000 in actual strength due to the Corps' present shortfall of 3,000 in authorized strength. The committee's action reflects growing concern over the quality of Marine Corps manpower and attendant disciplinary problems.

Disciplinary problems, unparalleled in the history of the Corps, have plagued the Corps since the inception of the All-Volunteer Force. They are rooted in a persistent inability to recruit sufficient numbers of individuals who meet preferred mental, physical, and educational standards. Since 1972, the incident of unauthorized absences, absences without leave, courts-martial, and nonjudicial punishment have been much higher for the Corps than for any other Service. Modest progress has been made in reducing indiscipline in fiscal year 1976. The Marine Corps and its Commandant, General Wilson, are to be complimented for their efforts in this regard. However, much remains to be done, and the committee feels that it is wiser to emphasize quality than quantity in the Marine Corps in fiscal year 1977.

In part, the problem of Marine Corps quality is due to the siphoning off of highly qualified individuals into the naval guard and aviation programs. Also, the Marine Corps study on force structure, done at the request of this committee, suggests that a reduction of three F–4 and one photo squadrons could be undertaken without jeopardy to the Corps. If needed, increased reliance would be put on Navy or Air Force aircraft for these missions. The study also fails to include the security of naval bases as a Marine Corps mission. I think that indicates that the security of naval bases, in the opinion of the people who conducted this study, should not be a Marine Corps mission.

In keeping with these considerations and the need to improve the Marine Corps quality, the committee suggested the following manpower reductions:

One would be a 2,500 personnel reduction in tactical air power. Two is a 4,600 naval base and shipyard reduction. And, three, 1,800 training and headquarters personnel reduction. Of this proposed aggregate, the committee suggested that 2,900 military be converted to ground combat, for a net reduction of 6,000 military personnel.

The committee also recommends a reduction of 800 headquarters and base support civilian personnel. The committee supports the requested strength of 33,500 for the Marine Corps Reserve.

Finally, Air Force manpower: From September 30, 1976, through fiscal year 1977, the Air Force plans to reduce active military personnel by 13,000 and civilian personnel by 7,500. This is the administration request.

At the same time the Air Force is fleshing out its 26 tactical air wings.

The committee was pleased to see this tightening in support personnel and increase in combat personnel and capability.

The committee recommends Air Force end strengths of 570,000 active military and 256,000 civilian personnel for fiscal year 1977. This is a reduction of 1,000 military and 500 civilian personnel now used to support U.S. installations in Thailand.

The committee approved the request of 93,000 for the Air National Guard, and 5,200 for the Air Force Reserve.

DEFENSE AGENCIES

The committee recommends an end strength for defense agencies civilians of 79,200. Over the past several years reductions in top-heavy staff positions in defense agencies have been smaller than the committee feels is desirable. Thus, the committee recommends the reduction of 600 civilian personnel in the defense agencies from the level requested for fiscal year 1977.

LEGISLATIVE ITEMS RELATING TO PAY AND BENEFITS

The President's budget request for fiscal year 1977 included a number of legislative proposals. The Defense Department budget request assumed that all of these proposals had been enacted, with the resulting savings included in the budget calculations. The committee bill contains provisions on six proposals. These changes in existing law are estimated to save $356 million in fiscal year 1977, with a cumulative savings of over $4 billion through fiscal year 1980. I will briefly describe these provisions here.

ELIMINATION OF 1-PERCENT "KICKER" ON RETIRED PAY

The committee voted to include provisions in the bill which would repeal the 1-percent kicker on retired pay increases for military and Central Intelligence Agency retirees. These provisions were included in the President's budget request. The committee, however, made this action contingent on the repeal of the kicker for Federal civilian retirees. Currently, military and civilian retirees receive increases in retired pay whenever the Consumer Price Index increases by 3 percent and maintains that increase for 3 months. The increases equal the rate of increase in the CPI plus 1 percent—the so-called kicker. This has resulted in retired pay increases in excess of the amounts needed to maintain the purchasing power of Federal retirees. The committee believes the computation of retired pay increases without the kicker will adequately provide for military retirees and thus voted to repeal the kicker. This provision will save $75 million in fiscal year 1977 and $480 million annually in fiscal year 1980.

AMENDMENT PERMITTING THE ALLOCATION OF MORE OF THE ANNUAL PAY RAISES INTO BASIC ALLOWANCE FOR QUARTERS

Under current law, cost-of-living adjustments to military pay are made whenever civil service pay is raised. Each element of military pay—that is, basic pay, the allowance for quarters, and the allowance for subsistence are raised by a percentage equal to the cost-of-living raise.

The committee bill includes a provision, requested in the President's budget, to allow the President to allocate a larger portion of the annual raise in military pay to the basic allowance for quarters. This would only affect the way the raise is allocated; it would not affect the size of the raise. Under the committee provision, the President would have the authority to put up to 25 percent of the pay raise computed for basic pay into the quarters allowance. This would raise quarters allowances closer to the actual costs of housing. The current quarters allowance is substantially below actual housing costs.

The committee provision would save approximately $100 million in fiscal year 1977 and $610 million in fiscal year 1980, depending on economic assumptions. I might also note that allocating part of the raise in basic pay into the quarters allowance will slow the rate of growth of basic pay.

AMENDMENT LIMITING PAYMENT FOR UNUSED LEAVE TO 60 DAYS

Present law provides that military personnel be paid for not more than 60 days of unused leave whenever they are discharged from active duty. In practice, officers would normally be paid only once for unused leave during their careers, at the time they leave the military service. However, enlisted members could be paid for up to 60 days of unused leave at the end of each enlistment, possibly five or six times during a career.

The committee amendment would limit the payment for unused leave to 60 days over the course of a military member's career. The 60-day limit is not retroactive and would apply to all leave payments made after the enactment of this amendment. The committee is concerned that the existing method of payment for unused leave has led to abuses of the leave system. The leave system was established to provide military members with rest and respite from the difficult duties of military service, and the committee amendment is designed to carry out the intent of the leave system; namely, that leave is meant to be taken, not accumulated.

Similarly, inclusion of quarters and subsistence allowances in the payment for unused leave increases the incentive for military personnel to accumulate rather than use leave. At present, junior enlisted men are not paid for quarters or subsistence in payments for unused leave, senior enlisted men are paid at depressed 1946 rates and officers are paid at current rates. The committee amendment deletes the quarters and subsistence allowances from the payment for unused leave for both officers and enlisted personnel. While on duty, the member is provided in kind quarters and subsistence or is paid for these or is paid for quarters and subsistence. By including the quarters and subsistence allowances in the payments for unused leave, the Government is paying a member twice for the same period of time. The committee felt that this is a duplication of payment and provides an incentive to accumulate leave.

The committee amendment would save approximately $113 million in fiscal year 1977, increasing to about $200 million annually by fiscal year 1980.

AMENDMENT TO PHASE OUT THE APPROPRIATED SUBSIDY FOR COMMISSARIES

The committee bill includes a provision which would phase out the appropriated subsidy for the operation of commissary stores over a 3-year period. This proposal was also included in the President's budget. A similar provision, phasing out the program over a 5-year period, was included in the Senate Department of Defense appropriations bill for fiscal year 1976, but was dropped in conference.

Under the current program, appropriated funds pay the salaries of commissary store personnel. Commissaries benefit from the fact that they sit on rent-free land, pay no State or local taxes or insurance, and do not need to advertise. This results in savings to military personnel of about 20 percent over the costs of merchandise purchased in commercial supermarkets. Under the committee amendment, the appropriated subsidy of commissary personnel salaries would be phased out. The amendment does not require the closure of any commissary stores, and commissary patrons would still save at least 10 to 15 percent over the costs of food in commercial supermarkets. The committee provision would save approximately $94 million in fiscal year 1977 and about $340 million annually by fiscal year 1980.

AMENDMENT TO EXTEND THE BONUS AUTHORITY FOR MILITARY PHYSICIANS

The committee bill also includes a provision to extend for 1 year the current authority to pay bonuses to medical officers of the military and Public Health services. Current law provides for the payment of a bonus of up to $13,500 to medical officers in the uniformed services in certain critical specialities for each year's extension of active service beyond certain obligated periods of service. The purpose of this provision is to give the uniformed services a way to attract and retain sufficient numbers of physicians in the all-volunteer force environment. This bonus has been a significant factor in the attraction and retention of physicians since its enactment in 1974. Without the committee amendment, the current authority will expire on September 30, 1976, resulting in serious retention problems in the recruiting and retention of physicians for the Armed Forces. The 1-year extension will provide an opportunity to review this whole matter.

AMENDMENT TO ELIMINATE ADMINISTRATIVE DUTY PAY FOR RESERVES AND GUARD COMMANDERS

The committee bill contains an amendment requested by the President's budget to repeal the authority for additional pay Reserve and National Guard commanders for the performance of administrative duties. Under current law, Reserve and Guard commanders are paid from $10 to $20 per month for administrative chores done outside the regular drill time. However, since the initiation of administrative duty pay in 1916, conditions have changed so that reserve units have more paid drills and thus commanders can spend more paid drill time doing administrative tasks. Also, the full-time civilian reserve technician program has been established and active duty assistance to the Reserve components has increased, decreasing the burden on Reserve and Guard commanders. In light of these changing conditions, the committee approved the administration recommendation to repeal the administrative duty pay provisions in current law. The committee amendment is expected to save $2 million annually.

Mr. President, as you can see, the committee amendments relating to pay and benefits are designed to restrain the growth in the costs of defense manpower. The committee commends the Department of Defense in its efforts to hold back on the growth of defense manpower costs. Reductions in these areas are often seen as an erosion of benefits of the pay and benefits of military personnel. However, the erosion will come in our real defense capability if the growth in manpower costs is allowed to go unrestrained. As I have already noted, the true cost of allocating 60 cents of each defense dollar to manpower are smaller Active Force levels and shrinking resources available for research and development, procurement of weapons, and the maintenance of forces we already have. Yet, research and development, hardware, and force readiness are the true sinews of combat capability. Although equitable pay and benefits are unquestionably important to service morale in peacetime, they are no substitute for bullets on the battlefield. What could demoralize an American soldier in the field more than a malfunctioning weapon or an insufficient supply of ammunition? The committee is very aware of this problem, and hopes by its amendments to prevent manpower costs from draining defense dollar resources and decreasing the amount of money that can go into improving our readiness and overall defense capability.

U.S. FORCES OVERSEAS

The Department of Defense has proposed a level of 489,000 overseas troops for fiscal year 1977. With the one exception of U.S. forces in Thailand, the committee supports the Department's request for overseas forces.

A strong, credible presence of U.S. forces overseas is a critical factor if we are to maintain a military balance in the world. Together with, and in support of, our allies the United States can work to fulfill our commitment to this balance. This commitment, and that of our allies is of great importance, in view of the continued buildup of Soviet Union and Warsaw Pact conventional forces.

U.S. FORCES IN THAILAND

The committee recommends a reduction of 2,000 Army and Air Force active military and 1,000 Army and Air Force civilian personnel in support of U.S. forces in Thailand. Since the time of the President's budget submission in January changes in the Thai Government have made the future status of U.S. troops in Thailand uncertain. Negotiations are continuing over the future U.S. presence in Thailand, but it is unlikely that any more than a small residual force will be permitted to remain.

With minor exception, all U.S. forces in Thailand are noncombat support personnel. The committee recommendation would permit retention of vital combat, intelligence, and communications personnel.

Last year the committee and the full Senate recommended the reduction of U.S. military and civilian personnel in Thailand. Again this year the committee feels that it is not in the U.S. interest to station sizable U.S. forces in Thailand.

NATO

The committee bill includes several amendments on NATO. The amendment offered by Senator CULVER reaffirms the U.S. commitment to the standardization and interoperability of weapons in NATO. Some progress is being made in this area, particularly in fuels, ammunition, and training.

However, in the standardization of major weapons systems, progress is slow. The committee amendment should encourage further progress by permitting the Secretary of Defense to buy equipment and weapons manufactured outside the United States and requiring the Secretary to report to the Congress when he expects to purchase nonstandardized items.

The committee also accepted an amendment by Senators TAFT, CULVER, and NUNN to encourage the development of common NATO requirements for weapon systems including a common definition of the military threat to NATO countries. The amendment would also require the Secretary of Defense to identify areas for cooperative arrangements for coproduction and licensing for production of military equipment among the NATO allies. The amendment also encourages the NATO allies in Europe to achieve armaments collaboration among the European members of the Alliance.

A third amendment, which I proposed to the committee, would prohibit the U.S. Government from paying taxes to NATO countries as a result of stationing U.S. military units in their countries. A recent report by the General Accounting Office indicated that it costs $1.3 billion more to station our troops in Europe than in the United States. However, these costs are not offset by our NATO allies. The Jackson-Nunn amendment which required the offset of U.S. balance of payments costs for stationing troops in Europe, has expired.

Since that point, little progress has been made in negotiating further offset agreements.

The committee amendment would prohibit the U.S. Government from paying taxes to governments of any NATO country as a result of the stationing of U.S. troops in a country. The committee hopes this provision will assist in offsetting the cost to the United States of stationing troops abroad and stimulate allied participation in sharing the burden.

OTHER COMMITTEE ACTIONS

In addition to the action I have described above, the committee took several other actions relating to various aspects of manpower and personnel.

INDUSTRIALLY FUNDED CIVILIANS

The committee rejected an amendment which would have excluded civilian personnel engaged in industrially funded activities from the congressional authorization of Defense Department civilians. The amendment would have exempted some 277,000 civilians—or 27 percent—from the congressional authorization.

The reductions in the past of civilian manpower in industrially funded activities have been caused by appropriation action rather than authorization action. Authorization action, both last year and this year, did not recommend reductions in industrially funded civilians. However, appropriation action has directed cutbacks in industrially funded personnel.

Congress authorizes the overall level of civilian manpower for the military departments. The departments then have the flexibility to assign civilian manpower on the basis of priorities and workloads within the department. Thus, the more inclusive the authorization, the more the management flexibility is increased. An inclusive authorization provides an opportunity to carefully plan workloads, employment, and funding. Excluding one category of civilians will not solve the problems of planning management flexibility. In addition, any reductions in authorized civilian strengths would have to come from nonindustrially funded activities.

In Navy shipyards—an industrially funded activity—the committee strongly supports the fiscal year 1977 program, including the increases in civilian personnel. Within the congressional authorization the Navy expects to improve workload planning and increase productivity. The committee has asked the Secretary of the Navy to give the program high priority and report to the committee on its progress.

Industrially funded activities include Navy shipyards, some supply depots, some ordnance and arsenal activities and some airlift and sealift activities and various smaller activities. There is no common definition of industrially funded activities within the Defense Department and the definition is ad hoc and inconsistent between the services. For example, Marine Corps supply centers are industrially funded, Navy supply centers are not. Some Army and Navy research, development, test, and evaluation activities are industrially funded, but Air Force are not. The exclusion of some of these activities from the congressional authorization simply because of differing accounting methods is not justified.

The Department of Defense opposes the exclusion of industrially funded civilians from the congressional authorization because it would decrease management flexibility for nonindustrially funded activities. Earlier this year, the House of Representatives rejected an amendment to exclude industrially funded civilians from the congressional authorization. The Senate Appropriations Committee is strongly opposed to the exclusion as well. There is a broad consensus, Mr. President, that the exclusion of industrially funded civilians from congressional authorization is not wise.

MILITARY TRAINING STUDENT LOADS

The committee recommends the approval of the Department's request for military training students loads for fiscal year 1977. These loads are to be adjusted in keeping with any reductions or increases in the active military, Reserve, and civilian forces authorized.

COMMUNITY COLLEGE OF THE AIR FORCE

The committee bill includes a provision to authorize the commander of the Air Training Command of the Air Force to confer academic degrees for graduates of the Community College of the Air Force. This amendment, offered by the distinguished Senator from Oklahoma (Mr. BARTLETT) would authorize the granting of associate degrees. Before these degrees can be granted the standards for the award of the degree must be approved by the Commissioner of the Department of Health, Education, and Welfare. The degree-granting authority recommended by the committee should promote wider recognition of, and credibility for the skill training programs within the Air Force.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. I yield to the Senator from Mississippi.

Mr. STENNIS. I yield myself 1 minute.

I want to thank the Senator from Georgia again. I already referred to his splendid work, not only on this bill, but to the work he has done in years past. He has brought about some gradual results that have already done some good and are being felt.

Now, Mr. President, it is not often that we have these agreements about amendments not being eligible to be taken up after a certain time, and I think we ought to be sure, we ought to be certain, that everyone understands this.

I would just like to inquire now, Mr. President, of the Chair if the Chair will state the eligible amendments that are at the desk now at 2:32 p.m. that are eligible to be taken up on this bill under the unanimous-consent request for cutoff time at 2 o'clock.

The PRESIDING OFFICER. There are 25 amendments which have been received today, plus the prior ones that have been filed, totaling 29.

Mr. STENNIS. Have those amendments been given a number, for instance?

The PRESIDING OFFICER. The Chair did not understand the question.

Mr. STENNIS. I say, have they been given a number?

The PRESIDING OFFICER. Not as yet.

Mr. STENNIS. So they can be identified?

The PRESIDING OFFICER. Not as yet.

Mr. STENNIS. We ought to have some way of nailing it down now, if I may submit to the Chair, as to just what amendments have been sent in that are eligible to be taken up, either read them by identification or something of that kind.

The PRESIDING OFFICER. The journal clerk, of course, has recorded the amendments that will be in order hereafter, and there is a total of 29, the Chair is informed.

Mr. STENNIS. All right. And they are of record and are entered on the Journal?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Well, it is a matter of getting at it, if they could supply me with a copy or identification of those amendments soon.

The PRESIDING OFFICER. All right. Who yields time?

Mr. STENNIS. I am delighted to yield time to the Senator from Nevada. I have referred to his work before, his work as chairman of our Subcommittee on Tactical Air, and I hope he will use some time. How much time does the Senator request?

Mr. CANNON. Ten or fifteen minutes.

Mr. STENNIS. All right, 15 minutes.

Mr. CANNON. Mr. President, today I will present the recommendations of the Tactical Air Power Subcommittee on the programs that we considered for the fiscal year 1977 budget.

The scope of our coverage was essentially the same as last year. We had a threat update from the DIA on force structure modernization of the Warsaw Pact countries and also new developments in Soviet tactical aircraft and missilery. We reviewed the Army combat aviation programs, that is, the attack helicopters and missiles, and also the Army air defense programs. This year we added for the first time coverage of the Army electronic intelligence and reconnaissance aircraft, but we dropped the Roland SAM and turned that over to the R. & D. Subcommittee. Also, at the request of the chairman, we held a review of the Army nonnuclear Lance missile.

For the Air Force and Navy we did not change the basic scope of our program reviews. We covered the tactical combat aircraft such as the fighters, the F–14, F–15, F–16, and the F–18, and also the attack planes, the A–4, A–6, A–7, and A–10; and we covered the combat support planes such as radar warning, electronic warfare jammers and photo reconnaissance aircraft. Also we reviewed all of the tactical air-to-air missiles in both R. & D. and procurement and the air-to-ground tactical weapons in both services.

FOUR TACTICAL AIR FORCES

Finally, we held a single hearing on the issue of four tactical Air Forces, where we received testimony from the Army, Navy, Air Force, and Marines on the questions that get raised about the sources of duplication and overlap from having aircraft in all four services. This was a very interesting hearing and I will devote a short discussion to it before going on to our budget recommendation for this year.

The issue of "Four Tactical Air Forces" usually is raised coupled with the implication that there is waste and duplication because each of the four services operates its own aircraft. This implies that we have too much tactical air quantitatively in our force structures, a contention which was denied by each of the witnesses at our hearing. In essence the service positions at our hearings was that we operate two tactical air forces, one that Air Force-Army air-ground team and the other the Department of the Navy Air Force, including Navy and Marine aviation as an integrated unit.

In summary of the positions on the costs of tactical air power, the services agreed that there is no significant difference in the cost to field an aircraft in any individual service. The cost to buy and operate an F–4 is the same regardless of whether the pilot wears an Air Force, Navy, or Marine uniform. But they did agree that there is extra cost involved in proliferating the numbers of different types of aircraft, or other weapons. These added costs come because of the additional R. & D. on different systems, the lower individual production rates per type, the need for separate supply items, separate depot overhaul facilities, et cetera.

Now I do not claim that we held an in-depth or definitive hearing on this question of four tactical Air Forces. But I believe we did make a start in providing some useful information about the issue, and we may very well hold additional inquiries in the future if it seems necessary.

SUBCOMMITTEE RECOMMENDATIONS

Turning now to our recommendations on the fiscal year 1977 budget, we reviewed budget requests totaling on the order of $8 billion if all funding aspects of the programs are included. This is about one-quarter of the authorization bill. Our recommendations are to reduce the requests by $419.3 million, and to add $130 million, for a net reduction of about $290 million or 4 percent.

Our reductions primarily result from deferring to next year funding requests that will not be placed on contract until fiscal year 1978—$188.2 million; from identifying budget savings due to foreign sales—$40.1 million; and from carrying forward funds approved last year but not used for their intended purpose—$33.3 million. Therefore $261.6 million of our recommended reductions comes from identifying "bookkeeping" items where we found that this year's request was overbudgeted and the funds could be reduced without impacting on production rates or production schedules.

Mr. President, I would like to say a few words at this time about the F–16, the lightweight fighter for our own Air Force and for our NATO allies. One of our major deferrals was for the F–16.

The budget request for fiscal year 1977 contains $311.2 million for the procurement of 16 F–16's, advance funding for another 89 F–16's to be procured in fiscal year 1978, plus initial spares.

The committee, following the recommendation of the Tactical Air Power Subcommittee, recommends in this bill that $165.3 million of the $311.1 million requested for the F–16 be deferred until fiscal year 1978 as one of our bookkeeping adjustments.

By now we are all familiar with the F–16 program. We know, for example, that the prototype program for this aircraft came in under cost and ahead of schedule, a most refreshing experience today. We know also that this superb aircraft will be produced not only for our own Air Force but for our NATO allies. I want, therefore, to make it absolutely clear that the action of the committee in no way reflects any doubts about the F–16 program. Indeed, the

F-16 promises to be the finest, most capable, small fighter aircraft anywhere in the world when it starts rolling off the production line a couple of years from now.

There is no doubt in my mind, or in the minds of the committee members, that it will be produced in the numbers currently planned, and will provide our forces and the forces of our friends with the best fighter aircraft of its type that is possible with today's technology.

Why then, it is reasonable to ask, is the committee recommending that $165 million be deferred? Why has the committee recommended that a portion of this request wait until fiscal year 1978? This is a good question, and deserves a most precise answer.

The reason is a very simple one: The committee feels that it has the responsibility to bring to the floor a defense authorization bill which is at the one time adequate in its content and at the same time is fiscally responsible in the amount of Federal funds that are being authorized for appropriation for the items or systems that are contained in the bill. As the committee examined the budget request, and with this responsibility in mind, it was ascertained that a portion of the authority for the F-16 sought by the executive branch would not be placed on contract this year and could be deferred until the next fiscal year.

There are arguments, and I am quite familiar with them, that support the full funding of a system such as the F-16, arguments that any delay in passing next year's bill could cause a production line break if the delay was over a month or two.

We are also aware that, unlike many other programs, we have not only our own forces to keep in mind, but also the forces of our NATO friends and other friends and allies who may purchase this aircraft. Limiting my remarks for the moment to our NATO friends, I would like to give them full and unqualified assurance that the action of the committee is not to be construed as an expression of doubt about the F-16 as an aircraft or as any manifestation of hesitancy on the part of the United States to proceed with the F-16 program. The action of the committee absolutely will not change the production schedule or delivery rate of the F-16.

I confess to some concern about the fact that the four-country NATO consortium is at this time prepared to commit to its complete F-16 program, a program that is going to cost them over $2 billion. They deserve to have the assurance of this country that the Congress supports the F-16 program and does plan to proceed with it. That assurance is given, and without qualification.

NONNUCLEAR LANCE

We are recommending one major program change, deletion of the Army's request for $75.7 million for 360 of the nonnuclear Lance missiles. Our belief is that the nonnuclear Lance cost of $200,000 per round is too high to make it cost-effective, particularly when compared to aircraft-delivered ordnance of equal target-killing capability. The Air Force SUU-54 cluster bomb has double the warhead weight of the same bomblets used in nonnuclear Lance, and it can be air dropped or sent in from stand-off distances equivalent to Lance using the MGGB glide bomb. Therefore, consistent with last year's committee position, we again recommended against procurement of the nonnuclear Lance.

We do recommend an addition to the budget, to provide $120 million to buy 24 A-7D's for the Air National Guard. This will speed the retirement of obsolete A-37's and F-100's, and we believe the Guard and Reserves should be equipped with modern, combat-capable equipment.

POSSIBLE NATO AWACS SALE

Another program whiich the subcommittee discussed thoroughly is the AWACS. We held a hearing on March 10 on AWACS, with our primary emphasis placed on the proposed sale of AWACS to NATO. Let me explain the administration's position on the sale and also the expected prospects for completing this sale.

The Defense Department has proposed to sell AWACS to NATO at the actual production cost, plus a surcharge of 4 percent for R. & D. recoupment and 2 percent for administration costs. This 6-percent net is the normal FMS surcharge.

The NATO countries may desire to add some configuration "enhancements," items that will add to the capabilities of AWACS but which the U.S. Air Force decided to forego because of cost. The R. & D. on these enhancements could cost up to $150 million. The production cost is not fully defined but would not represent a major increase.

The proposal for sale also includes European production of some parts of the NATO AWACS, subsystem items such as radios, computers, and display consoles. Up to to 25 percent of the production cost could be European built, with about a 10-percent production cost increase as a result.

Finally, the Defense Department envisages this NATO buy of AWACS as a jointly-funded and joint-owned program, creating what would amount to a "NATO Air Force" of AWACS planes. The United States would contribute its share of the funds based on normal infrastructure sharing ratios, with up to 25 percent being the U.S. share according to the testimony. The testimony also said that NATO could buy up to 27 AWACS planes, with the United States paying for 7 of that total.

NATO countries are not likely to make a decision on this buy before December 1976. Although the United Kingdom already has earmarked $300 million toward AWACS, the Germans apparently will not make any decision before their elections this October. These two countries are the major contributors, and possibly the only contributors, besides the United States, toward procurement, although all of the NATO nations are indicated as sharing the annual operation costs.

Since we have funded 13 AWACS up through last year, and we are considering 6 more in fiscal year 1977 plus long lead for 6 in fiscal year 1978, we are facing authorization for up to 25 AWACS planes. The committee debated three possible courses of action regarding AWACS. We could reject participation in a NATO buy and tell them to fund their own enhancements, coproduction, and AWACS force. Dr. Currie, the Director of Defense R. & D., stated that he felt this would jeopardize any possibilities for a NATO sale, however.

The other two possibilities are for the United States to participate in the NATO R. & D. and coproduction, either with U.S. ownership of its funded planes or with common NATO ownership of the U.S. funded planes. The committee agreed that we should support the development and coproduction of the NATO-configured AWACS, to provide the inducement for them to share in this program. However it is our belief that the United States should retain legal ownership of the planes it buys to join this NATO AWACS force. This would avoid a complicated legal issue over joint ownership and would give us the possible option to use these planes in non-NATO crisis situations, such as the 1973 Mideast war. At the same time, we could fully commit these planes to the common NATO AWACS force, including sharing joint operations and joint annual funding, if the other NATO countries will participate.

As I said before, it is unlikely that NATO will decide before December 1976 on AWACS. Nevertheless, we are convinced that the U.S. Air Force has a valid need for the six AWACS in this year's request and six more in fiscal year 1978, including our share of any NATO force. Accordingly, we support the full authorization request including long lead funds toward 25 U.S. funded AWACS planes.

COMMITTEE REDUCTIONS TO BUDGET

Now, Mr. President, turning to our recommendations for budget reductions, I ask unanimous consent to have printed in the RECORD the listing of Tac Air programs. It provides a list of the major programs that we reviewed and also a short explanation for each of our recommended reductions. I will be happy to explain further the details of any of those reductions to any interested Senators.

Mr. President, this completes my report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LISTING OF TACAIR PROGRAMS

AIR FORCE PROGRAMS

Procurement

F-15—$30.1 million. The sale of F-15s to Israel results in savings to the Air Force F-15 program of $8.6 million in FY '76, $12.9 million in FY7T, and $8.6 million in FY 77 for a total of $30.1 million. All of this can be applied towards the FY 77 program, as the FY 76 and 7T savings were not previously used to reduce the F-15 budget.

Maverick—$33.3 million. The FY 1976 appropriations included $33.3 million in long lead funds for an FY 1977 procurement of the TV version of Maverick. Production of the TV version was cancelled by the Defense Department in December 1975 in favor of initial production of the laser Maverick. The

$33.3 million can be used towards the FY 1977 laser Maverick request of $48.1 million.

F–16—$165.3 million. The FY 1977 budget request is based on buying 16 F–16s in that year. However, the DSARC review for production approval of the F–16 is not scheduled until September 30, 1977 and the full production contract will not be signed until October 1977, which is in FY 1978. Also, the production contract for FY 1978 (89 planes) will be let in October, 1977, at the same time. Since the majority of the FY 77 funds are not needed until FY 78, they can be deferred to that year and only long lead funds provided in this year's budget. The long lead requirements are stated by the Air Force to be $145.9 million, so the reduction from the budget request of $311.2 million is $165.3 million.

R. & D.

Conus Air Defense—$1.0 million. This would fund a study of buying a new radar for the F–106. There are adequate funds under other R&D program elements to fund such a study.

Light Weight Radar Missile Prototype—$5.0 million. This deletes Air Force funding to prototype a new radar-guided missile (ARPA funds of $0.5 million will be available for study efforts). The Air Force and Navy are in the middle of a study to define joint requirements for the next radar missile, and this prototype program should wait until these common requirements are agreed upon.

Advanced Short Range Air-Air Missile—$8.0 million. The deleted funds would have been used to start a new Air Force heat-seeking dogfight missile after the present joint Air Force-Navy flight test program is completed to define the operational requirements for the missile. Funds are provided to support the flight test program, and the new program start is considered premature.

PELS—$13.7 million. The deleted funds would support starting engineering development on the Precision Emitter Locator Strike system, a radar locator and weapon strike guidance system. Adequate funds are approved to fund a competitive advanced development phase between Lockheed and Boeing.

Air Force RPV's—$12.0 million. Funds are reduced for (1.) The Compass Cope high altitude drone (–$6.0 million) because there is a carryover from prior years and because the Defense Department has slipped the start of engineering development, (2.) Tactical Expendable Drones (–$4.5 million) which keeps this in advanced development and defers engineering development, (3.) Harassment Vehicle (–$1.5 million), deletes engineering development funds and keeps this "mini-RPV" in advanced development.

The Compass Cope operational requirement still has not been defined within the Defense Department. Both tactical expendable drones and the harassment RPV are of dubious operational value.

Brazo—$2.0 million. This is an air-to-air radar homing missile. The Air Force has identified a series of technical, operational, and cost issues which must be resolved before this prototype program is started, and $1.0 million is left to study these questions.

ARMY PROGRAMS

Procurement

EH–1H—$8.3 million. The EH–1H "Quick Fix" helicopter is an electronic emitter version of the Huey, with the electronics equipment added as a modification to the basic UH–1H. The recommended reduction is for long lead materials ordered for the FY 1978 procurement, and due to slipped delivery schedules for the EH–1H the funds can be deferred to next year.

Non-Nuclear Lance—$75.7 million. This deletes procurement of non-nuclear Lance. The request was for 360 missiles this year, to be followed by 360 more in FY 1978. With a total cost of $150 million, the average cost is about $200,000 per round. Air Force tactical aircraft weapons, either air dropped or delivered by stand-off glide weapons, are considerably cheaper and more cost-effective than non-nuclear Lance.

R&D

Anti-Aircraft Guns—$7.8 million. This would delete funds to start R&D on a radar fire control system for the Vulcan ($6.0 million) and also funds to test the German 35 mm Flakpanzer gun ($1.8 million). The Vulcan 20 mm is too deficient in range to warrant an expensive new fire control system. The Flakpanzer tests would not provide useful new information, as a prototype of the gun was tested in 1974, and the German Flakpanzer radar is not adequate for a modern closed-loop fire control system.

Army-Navy SAM Technology—$4.0 million. This deletes all funds in a new program element, which is to develop technology relating to SAM missiles. There is a counterpart program in Navy R&D also recommended for deletion. There is no well-defined program here, and there is adequate funding in other technology areas to support this type of basic R&D.

Army RPVs—$1.8 million. This deletes $.8 million from an Army "Kamikaze" drone (leaving $.2 million), and reduces the overall Army RPV advanced development line item another $1.0 million in areas where there is inadequate justification for the funds.

NAVY PROGRAMS

Procurement

E–2C—$10.0 million. The foreign sale of 4 E–2Cs to Israel has resulted in a savings the Navy estimates as $10.0 million by increasing the E–2C production rate. This savings can be applied as a reduction in the FY 77 request.

Condor—$22.9 million. The FY77 request totaling $22.9 million would buy 40 Condor missiles and 6 missile control pods. The start of the FY 1976 production of Condor has been delayed due to missile reliability problems discovered during operational testing. This delay has caused the FY1977 deliveries to slip into the FY 1978 production period. Therefore, the Condor request can be deferred to FY 1978 without affecting the production rate, cost, or schedule. This deferral is recommended.

A–6E Modifications—$5.8 million. This reduction deletes requested funds for the Standard ARM missile control system, a modification which would be put in a part of the A–6E fleet. Development of the missile control box has been delayed due to technical problems and it is recommended that these FY77 funds be deferred until development is completed.

R&D

Reconnaissance Pod—$2.0 million. This deletes funds to start an all-weather version of the A–7E reconnaissance pod, but leaves funds to complete development of the photo pod. Also the Subcommittee would recommend that the Navy do a complete operational evaluation of the reconnaissance pod to verify its combat usefulness before production is started.

Air-Air (Dogfight) Missile—$3.9 million. This deletes engineering development funds for a new Navy dogfight missile but leaves the money required to complete the joint Air Force-Navy requirements flight testing.

SIRCS—$4.0 million. This Navy has overbudgeted their request for a start on the Shipboard Intermediate Range Combat System, a new ship missile program for the 1985 time period. Enough funds will remain to do their planned FY77 program of studies, although the start of competitive prototyping could be delayed 1 month.

Army-Navy SAM—$2.7 million. This deletes the Navy part of the Army-Navy SAM program, on the same basis that there is no defined program but just a general request to develop "technology".

	Procurement	*R. & D.*
Air Force	–$228.7	–$41.7
Army	–84.0	–13.6
Navy	–38.7	–12.6
Totals	–351.4	–67.9
Overall total	–419.3	
Additions:		
24 A–7D's		+$120.0
Net reductions		–$299.3

Mr. STENNIS. Mr. President, I thank the Senator again. I know the Senate understands his work. I am sure all the Members will during the time of debate on this bill. I thank him and the other committee members and subcommittee chairmen for the fine work done and for the concrete presentation here they have made, to the full committee first, and to the Senate now, and for the amendments that are filed in their respective fields, not only these chairmen of the subcommittees, but the other Members. It will show their fine knowledge of the subject matter.

Mr. President, that covers the presentation by the subcommittee chairmen, except for the Senator from New Hampshire who could not be here today.

There will be some special matters addressed by the Senator from Vermont, the Senator from Oklahoma, and the Senator from Iowa, serving as a task force, but this will come further in the debate.

The committee respectfully says we are ready now to take up amendments. We understood the leadership wished to get in some votes today, if at all possible, and several have been filed.

I will, within a minute, suggest the absence of a quorum for the purpose of letting Senators be informed that we are ready for the presentation of any amendments. We will specifically refer to some, the chairman of the committee will, to move matters along.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I hope it is understood that the time elapsed on that quorum was not to be charged to the time on the bill.

The PRESIDING OFFICER. That was the understanding of the Chair.

Mr. STENNIS. That is the Chair's ruling; I thank the Chair.

Mr. President, the committee has made a preliminary presentation here of the overall bill. With one exception, the subcommittee chairmen have given reports for their respective subcommittees, and we are down, now, to the time for actual consideration of further amendments.

I understand from the acting majority leader that he is interested in having some votes this afternoon. On the pending matter, involving Minuteman missiles, and so forth, with the sum of $322 million, there was an objection to voting Monday and there was an objection to Tuesday. It was agreed that there would be debate beginning at 1 o'clock Wednesday, followed by a vote on that matter.

I just want to call out some of these amendments, Mr. President, to try to bring these matters to a head. I call them by number as far as they are numbered; I am not calling up the amendments, obviously, Mr. President, but I refer to them by their numbers.

I refer to amendment No. 1662, which proposes to delete $120 million from the bill which was earmarked for the purchase of A–7D airplanes, with the provision that if that money was not spent for the National Guard it could not be spent at all.

The committee is ready to take up that amendment. I do not propose to call the amendment up myself. I think I should not do that at this point, but of course we must move the bill along, and at some time I might think it my duty to call that amendment up, although not today.

Passing on further, the next amendment is No. 1663, regarding Minuteman III, and it has been agreed that that would be debated beginning at 1 o'clock Wednesday for the agreed time, the vote on the amendment to come immediately thereafter.

I refer now to amendment No. 1664, which is an amendment which relates to the AWACS. There are certain sums in here for the AWACS, and this amendment would make a limitation relating to the number until NATO takes certain actions. The committee is ready now to take up that amendment, but for the same reasons I would not call it up at this point.

We have some 24 or 25 amendments that have been filed since last Thursday, when we last looked over this list. We have been through them, and many of them are virtually duplications.

We have another here, No. 1665. I see that the Senator from Maine (Mr. Hathaway) is in the Chamber and, while I am not calling on him to call up his amendment, if he would respond for the benefit of the Senate I would appreciate it.

And I yield him 2 minutes for that purpose.

Mr. HATHAWAY. I thank the chairman for yielding to me.

We were prepared to bring this up today, as I mentioned to the Senator last Thursday, but I understand Senator Culver, who was very much interested in this amendment, could not be present this afternoon, and so we have agreed to defer it until later in the week. In the meantime we are hopeful that we can work out some agreement among Senator Tower, Senator Nunn, the chairman, and those of us pressing for this amendment, and others, modifying sections 802 and 803 so there may not be, although I cannot promise, any prolonged debate on this matter when it is finally brought up.

Mr. STENNIS. I thank the Senator, and I ask him now: As I understand, even though there are a number of amendments on the same subject, differently expressed, they all amount to similar subject matter and are almost the same; is that about right?

Mr. HATHAWAY. Yes, the Senator is correct. They all pertain to sections 802 and 803.

Mr. STENNIS. And the Senator thinks perhaps it could be worked down to one or two amendments; is that a fair question?

Mr. HATHAWAY. I think that they could not be narrowed down to one or two, but it would be very few.

Mr. STENNIS. All right.

Mr. HATHAWAY. Will the chairman yield to me for another minute?

Mr. STENNIS. Yes, I yield the Senator 2 minutes.

Mr. HATHAWAY. I ask unanimous consent that there be printed in the Record a copy of the letter to Members of the Senate pertaining to the amendments that we have been talking about.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., May 24, 1976.

Dear Colleague: We intend to offer amendments modifying Sections 802 and 803 of H.R. 12438, the so-called Military Procurement Authorization bill now pending on the Senate floor.

These sections and the accompanying report language relate to the issue of weapons standardization among the member nations of NATO and express a strong Congressional policy that the Secretary of Defense accelerate his efforts in this direction.

We support this policy in its general terms, but are concerned about its potential for abuse in "package deals" where the Secretary could enter into agreements with officials of member nations which bind him to purchase weapons systems or equipment from the member nations in exchange for these officials' commitments to purchase other weapons systems and equipment from United States manufacturers.

Under existing law these sorts of deals appear to be prohibited by the Buy American Act which ordinarily requires goods to be used by the Armed Forces to be acquired domestically unless there are overriding cost or quality considerations, or other overriding public interest considerations. Other procurement laws and regulations require competitive procurements. Section 802 would, however, amend existing law to grant to the Secretary a per se "public interest" waiver of the Buy American Act to acquire foreign goods if he could assert that such a purchase somehow fostered NATO "standardization".

Further, Section 803 encourages him to enter into "cooperative arrangements" with members of NATO and establishes as national policy the conclusion that NATO standardization is more important than "potential economic hardship to parties to such agreements" and that this policy is a "two way street". This proposed statutory language, coupled with the report language, would seem to mandate that the Secretary actively pursue such package deals, and ignore the policy expressed in the Buy American Act, and similarly ignore the adverse impact these sharing agreements inevitably will have on U.S. manufacturers who might otherwise have won the right to supply the goods via objective competition. The domestic manufacturers may be effectively frozen out for the greater good of NATO cooperation.

Unstated in the bill or the report is that the "potential economic hardship to parties to such agreements" would likely be most acutely felt by the United States, or that it may be fundamentally unfair to freeze out many of our manufacturers in the interest of giving other of our manufacturers a wider, worldwide market.

In making these observations we do have a particular situation in mind. The Committee report on page 167 alludes to the decision by a number of NATO nations to purchase the U.S. made F–16 fighter aircraft and the Army's decision to purchase a Belgian made armored tank machine gun. No direct connection between the two decisions is mentioned in the report, but these actions are cited approvingly as instances where "standardization" has been fostered.

We believe there was a direct connection between the two decisions, that they were part of a "quid pro quo" agreement entered into about June of 1975 between then Secretary Schlesinger and Belgian officials in which the Secretary's representation that the Belgian gun would ultimately be chosen by the Army, rather than a competing American made gun, served as an inducement for Belgiums converse promise to buy the F–16 aircraft manufactured in the United States.

The American made gun, manufactured by Maremont Corporation, a Chicago based company with its principal factory in Saco, Maine, had prior to June of 1975 been recommended for purchase by the Army Armor Command. Subsequent to the alleged F–16 deal, an ostensible competition was held between the Belgian and American guns, after which the Army declared the Belgian gun to be the winner.

On May 19, 1976, we, along with other members of the Maine Congressional Delegation, Congressmen William S. Cohen and David F. Emery, joined Maremont in filing suit in U.S. District Court for the District of Columbia alleging that there was such a deal, that the subsequent competition was not conducted according to the relevant statutes and regulations, and was preordained to determine the Belgian gun the winner. The suit asks that Secretary Rumsfeld and Secretary Hoffman be enjoined from carrying out the agreement pending resolution of a contract protest filed with the Comptroller General by Maremont Corporation, and thereafter be permanently enjoined.

We believe that the courtroom is the appropriate forum to settle the factual dispute we have with the Army and the Department of Defense, and do not ask our colleagues to make any determinations regarding this particular situation.

But we do believe that as a matter of national policy Congress should be made aware of any proposed agreements between the Secretary of Defense and officials of NATO nations which involve any sort of "quid pro quo" before such an agreement is finally entered into. In this way, Congress can participate directly in the weighing of standardization goals and domestic economic impact, and will thereby be able to consider with full knowledge future legislation dealing with authorizations or appropriations for procurement of weapons.

We believe further that the goals of "standardization" and "interoperability" ought to be defined with much greater precision than is now present in Sections 802 and 803 of this proposed legislation, and the blanket waiver of the Buy American Act contained therein ought to be substantially tightened up.

Our own experience again sheds light on the dangers of potential for abuse without stricter definition. The version of the Belgian gun, MAG 58, proposed to be installed in the U.S. M60A3 tank is substantially different from the versions of the MAG 58 utilized by Belgium, Holland, and Great Britain, and the two versions cannot be substituted for one another without major modification. Further, the Maremont tank gun possesses the characteristic of a high degree of parts interchangeability with the standard M60 infantry machine gun and consequently would result in positive economies of scale in the area of parts supply.

We believe standardization ought to be defined in terms of ready substitution of one nation's equipment for another, or in terms of overall economies of scale, but should in no event be left open.

We shall be offering amendments directed at these objectives and solicit your support. Amendment No. 1665 is already available. If you have any questions or would like to cosponsor our effort, please contact us directly or have your staff call either John Doyle at extension 42523, or Jim Case at 45344.

Sincerely,
WILLIAM D. HATHAWAY,
U.S. Senator.
EDMUND S. MUSKIE,
U.S. Senator.

Mr. STENNIS. Mr. President, I had hoped the floor leader could be here, and I think he will be here in a few minutes. Will the Senator be ready on one of his amendments tomorrow should we get to this bill?

Mr. HATHAWAY. I assume that Senator CULVER will be back tomorrow.

Mr. NUNN. My understanding is Senator CULVER will not be back until Wednesday morning.

Mr. HATHAWAY. Then I would hope we could wait until Wednesday morning.

Mr. STENNIS. It is nice to accommodate everyone we can and we wish to go as far as we can in that field, but really we have this bill set and we have already started moving on amendments. Could the Senator call him? I am not thinking about taking it up now.

Mr. HATHAWAY. I want to protect whatever interest Senator CULVER might have. I say to the chairman that we are already in the negotiating stage this afternoon and maybe we can reach Senator CULVER by telephone.

Mr. NUNN. Let me ask the chairman. The reason for deferring until Senator CULVER arrives is that Senator CULVER, according to my understanding, would be against the Hathaway amendment. The Hathaway amendment would undo a good many of the things Senator CULVER has been working on in our committee, particularly in standardization. A couple Culver amendments are in the bill. So these amendments are going in the opposite direction, and that is the reason I think Senator HATHAWAY is really deferring to Senator CULVER and being courteous to him in waiting until he comes back, because I know he would be interested in probably opposing this amendment.

Mr. STENNIS. Responding, I think that we ought to try mighty hard to work out something here regardless of who it is or which side that they are on. That is the only way we can debate the amendments and dispose of them.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; may I just finish this? I will take the liberty of calling Senator CULVER if I may and talk to him about what his possibilities are.

Let me repeat, too, that there are a number of other amendments that have been filed, and I want the acting majority leader to come in and advise what the situation is and what will be the situation on this bill tomorrow. I request then, if he is going to put it up at all tomorrow, that we all join hands legally legislativewise and try to get together and dispose of the amendments.

Yes, I yield to the Senator from Oklahoma. I believe the Senator has an amendment of his own he wishes to take up now.

Mr. BARTLETT. Yes, I shall do that, Mr. President, if I am recognized.

Mr. STENNIS. It is on his time then.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BARTLETT. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BARTLETT) proposes an amendment. Insert at the appropriate place in the bill the following new section:

The Act of November 24, 1975, Public Law 92-172 (85 Stat. 491), is amended by striking out "1976" and inserting "1977" in lieu thereof.

Mr. BARTLETT. Mr. President, this amendment would provide a 1-year extension for Public Law 92-172 and the extension would be effective until June 30, 1977.

Public Law 92-172 authorized until June 30, 1976, financial assistance, in the form of a stipend, to members of the Marine Corps platoon leader commissioning program in order to procure required future Marine Corps officers. The law was enacted for a period of 4 years in order to allow for a period of evaluation for determining what results would be obtained from the financial assistance program, and to ascertain how necessary it would be for future Marine officer procurement.

The Marine Corps considers it essential to its officer recruitment, particularly in an all-volunteer era, that the subsistence provision for the platoon leader commissioning program members be continued. The Department of Defense has submitted a legislative proposal to Congress which would provide for an extension for this program and, in fact, would extend the program to the other branches of the armed services. However, this new proposal must have hearings in order to effectively probe into the matter, and neither the Senate nor the House Armed Services Committees' timetables will allow for hearings prior to June 30.

This amendment does not ask for additional money, because the program is included in this year's budget. The amendment is needed to effect the extension, and I hope that the distinguished chairman will accept it.

Mr. STENNIS. Mr. President, on the time of the opposition to the amendment, as I understand, this amendment would simply reenact the present law, and it is considered temporary even then, and is dependent on hearings on a broader related question; is that correct?

Mr. BARTLETT. That is correct.

Mr. STENNIS. I wish the Senator from Georgia will say a word, since it relates to personnel, and we will understand what he thinks about the amendment.

Mr. NUNN. Mr. President, I have talked with the Senator from Oklahoma about this amendment. I think it is a good amendment. The money is already in the budget for the amendment. Based on a rather hasty study of this matter, it appears to the Senator from Georgia that this is perhaps the most cost-effective method of the military services obtaining officers, and in fact, it costs less than either, of course, the academies, or ROTC. This is a cost-effective mechanism. The Marine Corps is the only service right now that uses this program, but there is a proposal the Department of Defense is interested in to have the other services enter into this kind of officer-training program because of the cost tradeoff and the effectiveness of this program.

The Senator from Oklahoma has proposed a good amendment, and I agree with that amendment.

Mr. BARTLETT. I thank the distinguished Senator from Georgia and also the comments from the distinguished chairman.

Mr. STENNIS. Mr. President, we have had some discussion with other members of the committee who favor this amendment, and if it had been submitted, I think it would have been agreed to unanimously, under those conditions.

I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, a number of new amendments have been filed. We are looking them over. Senator HATHAWAY is the author of several amendments which state the same problem in a different way.

We are ready to take up such amendments as the authors may wish to bring up. If this does not result in any action, we will be compelled to ask that the Senate set them up in some order so that we will have an idea as to when they will be coming up. The better we can do this, the closer we will be to completing action on the bill. So I ask that the Senator from West Virginia be notified that he is needed in the Chamber.

Mr. President, I yield to the Senator from Arizona.

THE HONOR CODE AT WEST POINT

Mr. GOLDWATER. Mr. President, we are in another of those periods when we have experienced dishonesty and cheating at one of our military academies, and it is proving to be a field day for the press. Headlines in this morning's Post, which I must say very thoroughly analyze the situation at West Point, are indicative of what I think we can expect in

Congress—demands for investigations, and so forth.

I had a lengthy discussion the other day with a young lady on the subject of the honor code at the academies. I am not a graduate of any of the academies, but I have been very close to graduates. I have served with them and served under them. I believe that one of the most redeeming features of the academies is the honor code—not that it is unique, because I think most colleges in America follow it.

There is always a demand for investigation in these cases; and if one is justified and the superintendent wants to proceed with it, I am sure there will be no objection from Congress. I have been thinking about this, because in the past we have not been plagued by the amount of cheating—if one wishes to call it that—that we seem to find now, not only in the academies, but also in colleges across the country.

While I come to this conclusion, not as a final one, but certainly as one that should be looked into, I think the problem rests in the high schools of our country which have now come under Federal aid to education. For years, on the floor of the Senate, I fought Federal aid for education, and I was accused of being against education, which is a normal reaction. However, I pointed out that the minute we allow our schools and homes to be operated by people in Washington, the quality of education would go down.

I think I can make this statement without fear of being challenged successfully: since the advent of Federal aid to education in this country, the quality of high school graduates has deteriorated very rapidly and completely. I think this is one of the problems that these young men find when they get to the academies. Mind you, our military academies offer probably as good an education as can be received in any university in the country, barring perhaps one or two.

All of us here have the right to appoint cadets to the various academies, and we all use different means of appointment, but they are fairly standard: take the civil service exam. Lay the stress on English and arithmetic. After you have taken enough civil service exams, you can pass the one that really counts, when you want to go to the academy.

The trouble with the poor education provided by Federal education is that the standards of education of our top universities, including the military academies, has not gone down; the courses are still tough, just as tough as they always have been. The entire life at these academies is tough, just as tough as it ever has been. There is a great demand put on the young men—and now occasionally the young women—attending these academies, and it is becoming very difficult for the person not well trained in high school to, as we say, cut the mustard in one of these academies. Yet, the determination to get through the academy is great. The desire on the part of the great majority of young people in these academies is to be commissioned, and the great majority of them want to serve in that particular branch of the service throughout their lives.

So while this came to me merely in trying to reason out why we have had this rash of increases in cheating at the military academies, I have to think of the State universities in this country that provide courses in reading and writing and arithmetic for high school graduates.

I believe that the fact that young men or women going into high school or grammar school are going to graduate with their class, no matter how dumb they are, also has contributed to the situation. In other words, we are producing people in the elementary schools of our country who are not equipped to go to college. When they get to a college, such as a military academy, and they find the courses are tough and their desire to graduate is great, the tendency, although not pardonable, is to lean toward cheating a little in order to get through. I hope I am wrong, but I think I am right.

In talking with college presidents across this country, they have been bemoaning the quality of men and women sent them by the high schools for many years, and I lay it right at the door of Federal aid to education. From Washington, you cannot control the schools in Phoenix, Ariz., 2,000 miles away. They cannot even do a good job controlling them right here in Washington, D.C.

I hope that if a study is made of this rash of cheating currently being experienced at West Point, someone knowledgeable enough of some group knowledgeable enough will include in the study the quality of lack of quality of our high school graduates.

Mr. STENNIS. Mr. President, I was concerned about this matter at West Point when I read about it. I telephoned the superintendent, as chairman of the committee, and told him that as I saw it, there was cross-fire as to what was going to be done, that we were concerned about it, and that my idea was that anything less than a full-scale, in-depth exposure and disposition of this matter would boomerang on the academy. He readily agreed and assured me that, for his part, it would have the fullest consideration and that there would be an in-depth weighing of all the elements involved.

I know the superintendent personally, and I have great confidence that he will do that. However, I believe that if we are going to have the honor system, we should have it. If we admit that we cannot have it, we should do that.

Mr. GOLDWATER. Mr. President, I am glad that the chairman has taken that step, I, too, know the Superintendent very well. I served on the Board of Visitors several times at West Point.

I believe that the honor code is one of the best parts of the entire school system.

If the mistake is being made before the young man gets to the Academy, let us find out about it and let us change a few things around Washington, D.C., to make the cadets better as they go in.

Mr. STENNIS. Very well.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having arrived, the Senate will now proceed to executive session and will debate for 30 minutes, then proceed to vote on the confirmation of the nomination of Mr. S. John Byington, of Virginia, to be a Commissioner of the Consumer Product Safety Commission, which the clerk will state.

CONSUMER PRODUCT SAFETY COMMISSION

The assistant legislative clerk read the nomination of S. John Byington to be a Commissioner of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I understand the situation under the previous order is that there will be 15 minutes allotted to this side and 15 minutes to the acting minority leader.

The PRESDING OFFICER. The Senator is correct.

Mr. MAGNUSON. Mr. President, every time we talk to our people back home, we hear the same complaint:

> Where do you get these bureaucrats? Why cannot Government find better people who will carry out the laws the way Congress wrote them?

The American people are not asking for an end to sound health and safety regulations. They know that only Government can provide standards of the marketplace to protect them against hidden electrical and chemical hazards that no individual consumer can foresee.

But they seem to have little faith that the people charged with the responsibility for setting standards and implementing them are really dedicated to their job.

From what we on the Committee on Commerce have been able to determine, John Byington is not a bad fellow; he has done some useful things working for Mrs. Knauer on consumer education.

But frankly, consumer leaders from around the country just do not have the confidence that John Byington has the determination to press on with one of the toughest jobs in the Government. They do not believe he can unify a commission which is undergoing rough sailing; that he has the will and conviction to withstand the assault on consumer safety regulation confronting the Commission.

After hearing Mr. Byington on the stand, after reviewing the questions he submitted to the committee, after talking with him in person, the members of our committee unanimously voted not to recommend Mr. Byington to the Senate for confirmation for the 7-year term for which he was nominated.

That was a sound decision.

It was a decision in keeping with the Commerce Committee's deepening commitment to upgrade the quality of regulators.

It was a bipartisan decision.

Today we are asked to confirm John Byington for 2½ years with the knowledge that he will be Chairman during that period.

No one has yet been able to explain to me how he can be unqualified to serve as Commissioner for 7 years but be qualified to serve as Chairman of the Commission for 2½ years.

Mr. President, inasmuch as the hearings were conducted mainly by the Senator from Utah—he will be here in 5 minutes—I suggest the absence of a quorum until the Senator from Utah can get here.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. If it is all right with the distinguished Senator from Washington, I shall go ahead and when the Senator from Utah gets here, I shall yield time.

Mr. MAGNUSON. That is agreeable to me.

Mr. GRIFFIN. I yield myself such time as I may require.

Mr. President, I rise to indicate my strong support for the nomination of John Byington to be a Commissioner of the Consumer Product Safety Commission.

In my judgment, John Byington clearly has the experience in consumer affairs and the administrative ability to serve on this important agency—an agency entrusted with the responsibility of safeguarding the products all of us use as consumers.

For the past 2 years, he has been Deputy Director of HEW's Office of Consumer Affairs and at the same time he has served as Deputy Special Assistant to the President, ably assisting Virginia Knauer in development and implementation of administration policies and programs in the consumer area.

His appointment to that important position was in recognition of the outstanding work he had done for the Commerce Department—first, as director of its district office at Detroit, and subsequently, as Deputy Director and National Export Marketing Director for the Office of Field Operations in Washington.

Mrs. Knauer, of course, strongly supports this nomination and, in a letter to the Washington Post, which had editorially criticized the nomination, she emphasized Mr. Byington's experience and commitment to consumer affairs. Reading from her letter as it appeared in the Post, I quote as follows:

> I unabashedly state that S. John Byington, my Deputy during the past two years, is one of the brightest, most dedicated and concerned young men I have ever met. He is an untiring worker as well as an extraordinary administrator and an inspiring leader. In the Office of Consumer Affairs, he has effectively utilized management by objective theory within a participatory management system. This has worked well in attracting and stimulating highly competent people to achieve outstanding results, including over 60 substantive comments on regulatory matters. There have also been numerous changes effected and new initiatives implemented at OCA as a direct result of Mr. Byington's presence and leadership.

I ask unanimous consent, Mr. President, that the full text of Mrs. Knauer's letter to the Washington Post be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., March 22, 1976.

Mr. BENJAMIN C. BRADLEE,
Executive Editor, the Washington Post, Washington, D.C.

DEAR MR. BRADLEE: My delay in responding to your editorial on S. John Byington's nomination by President Ford to chair the Consumer Product Safety Commission is due to my being in Philadelphia because of my husband's illness and recent death. However, now that I am back I cannot let your unwarranted insinuations against Mr. Byington go unanswered.

First of all you are correct in your concern that the immediate future is a critical period for the CPSC. In fact, I believe that the agency is in much worse condition than you indicate. I'm told that staff morale is terrible and the administrative process has broken down. As to its substantive successes—about which you say "CPSC has been diligent in a number of areas"—I recommend you read Senator Proxmire's release of February 16. As you know, Senator Proxmire chairs CPSC's budget committee and his release was issued immediately prior to the CPSC budget hearings. I quote: In the next two days, I intend to find out why the Commission needs $41.1 million to continue its battery of unproductive programs that do little to protect the consumer."

It was with this situation at CPSC in mind that I strongly recommended to the President that he appoint S. John Byington as Chairman.

I agree with your editorial request that Mr. Byington be judged on his capabilities and credentials. I believe that if the Senate Commerce Committee makes its decision based on his education, experience, commitment to public service, appreciation for the regulatory process, consumer sensitivity and record of achievements as a pharmacist, trial and corporate lawyer, and dedicated public servant, Mr. Byington will be overwhelmingly confirmed.

It is with this in mind that I unabashedly state that S. John Byington, my Deputy during the past two years, is one of the brightest, most dedicated and concerned young men I have ever met. He is an untiring worker as well as an extraordinary administrator and an inspiring leader. In the Office of Consumer Affairs, he has effectively utilized management by objective theory within a participatory management system. This has worked well in attracting and stimulating highly competent people to achieve outstanding results, including over 60 substantive comments on regulatory matters. There have also been numerous changes effected and new initiatives implemented at OCA as a direct result of Mr. Byington's presence and leadership.

If John Byington is confirmed, and I am confident that he will be, I assure you and all of your readers that CPSC will "move forward to act with the kind of strength and fairness needed." He would build the type of dynamic, substantive, consumer safety sensitive team that would never allow CPSC "to bog down to become one more worn out and easily tamed regulator."

I truly believe that John Byington is the perfect prescription for CPSC. He can and would restore its operational health and substantive initiatives and develop it into the dynamic and vigorous regulatory agency intended by Congress.

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President for Consumer Affairs.

Mr. GRIFFIN. There has been some opposition to this nomination, and it has received some publicity, but Mr. Byington's nomination has been endorsed by a number of well-recognized consumer representatives and organizations. These include Mr. George E. Myers, the immediate past president of the Consumer Federation of America, who has written a letter to the committee endorsing this nomination.

Another individual in the area of consumer affairs who endorses this nomination and supports it is Mr. Theodore J. Jacobs, former executive director of Ralph Nader's Center for the Study of Responsive Law. In addition, support for this nomination has come from Rev. Leon H. Sullivan, founder and chairman of the Opportunities Industrialization Centers, often referred to as OIC, and Mr. Herbert Simmons, Jr., administrative director of the National Consumers Information Center.

I only recite these, although there are many others who support the nomination, to illustrate the broad support Mr. Byington has received from people who have had not only considerable experience but considerable prominence in the area of consumer affairs. It has been, if not suggested, perhaps implied, in some instances that Mr. Byington did not have adequate sensitivity to the matter of consumer affairs, or that he did not have sufficient support by consumer groups. It seems to me that Mr. Byington's experience and the support of consumer advocates for his nomination refutes that argument.

In urging John Byington's confirmation, Mr. Simmons, who, as I indicated, is administrative director of the National Consumer Information Center, said in his letter to the committee:

> The National Consumer Information Center is a consumer protection agency which represents the interest of the low income consumers throughout the United States. In working on behalf of our constituency, we have had to call upon the aid and assistance of Mr. Byington on many occasions. We have always found him ready and willing to tackle the complex problems of the consumer movement. I personally have had the pleasure of knowing and working with Mr. Byington for several years. I have always found him to be a man of great integrity and deeply committed to improving the quality of life for America's poor.

Mr. President, I ask unanimous consent that the full text of that letter and copies of several other letters, indicating support for Mr. Byington's nomination from people prominent in the consumer movement, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 21, 1976.

Hon. WARREN C. MAGNUSON,
U.S. Senate.
Chairman, Senate Commerce Committee, Washington, D.C.

DEAR SENATOR MAGNUSON: The nomination of John S. Byington for the chairmanship of the Product Safety Commission has been brought to our attention and it is with great pleasure that we write this letter in support of his confirmation.

As you may know, the National Consumer Information Center is a consumer protection agency which represents the interest of the low income consumers throughout the United States. In working on behalf of our constituency we have had to call upon the aid and assistance of Mr. Byington on many occasions. We have always found him ready and willing to tackle the complex problems of the consumer movement.

I personally have had the pleasure of knowing and working with Mr. Byington for several years. I have always found him to be a man of great integrity and deeply committed to improving the quality of life for America's poor.

Because of his keen intellectual abilities and his sense of humility, it is our opinion that Mr. Byington would be an excellent person to head the Product Safety Commission. A person of his background and talent would have no difficulty in maintaining the highest standards in running such an agency.

Therefore, without further comment, we highly recommend the confirmation of S. John Byington as Chairman of the Product Safety Commission.

With many thanks for this opportunity to say a good word in support of John.

Sincerely,

HERBERT SIMMONS, JR.,
Administrative Director.

VIENNA, VA.,
March 10, 1976.

Senator FRANK E. MOSS,
Chairman, Subcommittee on Consumer, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR MOSS: The news story in Monday's Washington Post headed "Doubt Cast on Byington Getting Consumer Post" concerns me greatly. I have known John Byington for several years, both as a friend and as a conscientious and responsible public servant.

I note from the news story that Mr. Byington's character, honesty and integrity are not in question. Those qualities alone, it seems to me, would insure Mr. Byington's faithful administration of the office for which he has been nominated, and for which he must take an oath of faithful performance of duty.

The objections to Mr. Byington's appointment to the Consumer Product Safety Commission apparently center on a rather nebulous quality—that of the degree of his consumer advocacy. Just how does one evaluate that quality, especially when there are marked degrees of opinion among consumer advocates on virtually every consumer measure?

As Mr. Byington has pointed out, in answer to charges of his remaining silent on some controversial consumer issues, he was bound and committed to support the Administration position on these issues during his service in the Office of Consumer Affairs. Is it fair to condemn Mr. Byington for his adherence to an universally accepted practice of loyalty in political office. Any political appointee is expected to support the policies of his superiors, as I am sure you will admit. However, as head of an independent agency, Mr. Byington will be free to play an aggressive and independent role of his own choosing.

As an individual active in consumer matters, I fully support Mr. Byington's nomination, and I respectfully urge his confirmation.

Respectfully yours,

GEORGE E. MYERS,
Member, The President's Consumer Advisory Council.

WASHINGTON, D.C.,
February 17, 1976.

Hon. WARREN G. MAGNUSON,
Senate Commerce Committee, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express my support for the nomination of Mr. S. John Byington to be Chairman of the Consumer Product Safety Commission.

I first met Mr. Byington when I was Executive Director of Ralph Nader's Center for Study of Responsive Law. I invariably found him to be knowledgeable, concerned and supportive of what I viewed to be the consumer's best interests.

I also worked with Mr. Byington in connection with the Domestic Council Committee on the Right of Privacy's Seminar on Privacy. Here again, I welcomed Mr. Byington's open, fair and thorough approach and his respect for the rights of the individual in this sensitive area.

As a "consumer advocate" since my experience with the National Commission on Product Safety, I am pleased to urge your committee to approve the nomination of Mr. Byington so that he may take up the important tasks facing the Commission.

Sincerely yours,

THEODORE J. JACOBS.

JANUARY 22, 1976.

Senator WARREN MAGNUSON,
Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing to endorse and support the nomination of Mr. S. John Byington to be Commissioner of the Consumer Product Safety Commission.

His selection is an excellent choice. The President needs a man of his experience and commitment to serve in this position. His record as Deputy Director of the Office of Consumer Affairs in the Department of Health, Education and Welfare is an indication that he is not only knowledgeable in the field, but is effective in getting the job done in a manner that is in the best interests of the American public. As you know, he has served as Administrative Assistant to Governor George Romney of Michigan, and is an excellent lawyer who served as corporate secretary and assistant to the President for Synercom Communications Corporation.

In Government service, his duties as Director of the Detroit District Office of Field Operations for the Department of Commerce has given him valuable preparation for the job which President Ford is asking him to undertake. I would be willing to speak to you personally or submit testimony for the record if it would be helpful or necessary.

Thank you again for all that you have already done and are continuing to do for the benefit of the American people. As you know, we are especially grateful for the help you have given to OIC and the work of your Staff Director, Mr. Harley Dirks. I am,

Sincerely,

REV. LEON H. SULLIVAN.

Mr. GRIFFIN. In addition to his experience in consumer affairs at the Federal level, Mr. Byington brings to the Consumer Product Safety Commission a wealth of varied experience in other areas.

He is by profession both a lawyer and a pharmacist. His career began while still in college and in the 20 ensuing years has included broadcasting, pharmacy, public relations, corporate management, politics, and the law, as well as Government service.

My own association with John Byington goes back more than 10 years in Michigan, where his outstanding abilities were quickly recognized and well utilized by Gov. George Romney in various capacities of increasing responsibility over a 4-year period. He served in Mr. Romney's administration at the State level.

Mr. President, I believe that the Commission and the country will be well served if the Senate sees fit to confirm this nomination. I think Mr. Byington is a man of ability, dedication, enthusiasm, creativity, and intelligence, and those are qualities that I think are needed on this Commission. I urge that the nomination be confirmed.

Mr. President, I reserve the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Utah such time as he may need.

Mr. MOSS. Mr. President, we are considering this afternoon the nomination of S. John Byington to be Commissioner of the Consumer Product Safety Commission. If confirmed, I understand that President Ford intends to designate Mr. Byington as Chairman of the Commission—a position in which he would serve for 2½ years, the unexpired term to which he has been nominated.

Mr. President, I vigorously oppose this nomination. When Mr. Byington's name was originally submitted for confirmation, I assumed a neutral position. I wanted to wait and be convinced that Mr. Byington is fit for this office.

This nomination was processed by the committee in the same manner in which we consider all nominations. As is the committee's practice, prior to convening the public hearing on the nomination, the nominee was asked to respond to a series of detailed questions exploring his regulatory philosophy and understanding of the problems which confront the agency which he has been tapped to lead. The nominee also filed with the committee a comprehensive biography and financial disclosure statement.

On March 1 and 2, 1976, the committee held public hearings on the nomination at which members of the public were given an opportunity to present their views on Mr. Byington's fitness to serve as Chairman of the Commission. Mr. Byington was, at that time, given full opportunity to respond to the public witnesses and to answer any other questions raised by the committee.

The committee met three times to consider the nomination of Mr. Byington to serve as a Commissioner for 7 years. At the third meeting—on May 4, 1976—the committee, by voice vote, suspended indefinitely consideration of the Byington nomination. Later that afternoon President withdrew the 7-year nomination for Mr. Byington and resubmitted his name for another vacancy with 2½ years remaining in that term of office. With this reduction from a 7-year term to a 2½-year term, the committee then voted, with seven dissenting members, to favorably report the nomination to the floor.

Mr. President, this process has provided ample opportunity to judge Mr. Byington's fitness for this office. I am convinced, beyond any reasonable doubt, that Mr. Byington is not the man we need for this job.

He has not distinguished himself as a leader; nor has he technical background in product safety. He has no regulatory experience. He has had little, if any involvement with the Consumer Product Safety Commission despite the fact that he has served for 2 years as Executive Director of the Office of Consumer Affairs. He does not seem to have an understanding of the problems facing the Commission.

In its extensive written policy questions, the committee afforded the nominee an opportunity to demonstrate the depth of his understanding, his analytical insights, his plans for new direction for the Commission, a post for which he has known he was under consideration for at least 8 months. His answers, in the judgment of those consumer groups concerned with the Commission's work, were sorely lacking, and at worst unresponsive and evasive.

Perhaps even more compelling is the nominee's lack of qualification as a consumer advocate. At the very least, the American consumer must have the confidence that the individual chosen to be Chairman of the Consumer Product Safety Commission is a vigorous advocate of consumer safety.

Yet, the committee encountered strong opposition to the nomination particularly from consumer groups. Many of the Nation's major consumer organizations including the Consumer Federation of America, the National Consumers Congress, the National Consumers League, Congress Watch, and Consumer Action Now actively opposed the nomination.

Likewise, two major labor unions were moved to file a statement with the committee opposing Mr. Byington's nomination. The AFL–CIO wrote:

> There is little in Mr. Byington's record to indicate he has either the experience or dedication to the public interest to qualify for the nomination.

The United Auto Workers wrote:

> Mr. Byington's nomination represents but another example of the Administration's attempts to undermine the Consumer Product Safety Commission's independent status.

Opposition to this nomination extends to our counterparts in the House. Congressman JOHN MOSS, key sponsor of the Consumer Product Safety Act in the House, urged the committee to deny confirmation to Mr. Byington. In Congressman Moss' words:

> Although I can find no single act which disqualifies Mr. Byington, I find very little that qualifies him for this high government position.

Congressman Moss was joined in his opposition in a subsequent letter by 28 of his colleagues including the chairman of the House Democratic Caucus, Congressman PHILLIP BURTON, and six other subcommittee chairmen.

Mr. President, in my view, when considering nominations to independent regulatory agencies, the Senate has a special responsibility.

The Consumer Product Safety Commission, as an independent regulatory agency, dervies its mandate and its power from authority delegated from Congress. Thus, unlike nominees to executive branch positions who are accountable directly to the President and serve at his pleasure, nominees to these independent agencies perform a legislative function. They serve for a fixed term of office through successive Presidential terms and can be removed only in the narrowest of circumstances.

It is incumbent upon the Senate, therefore, in considering nominees to these agencies to exercise independent judgment with respect to each nominee. The Senate's consideration of these nominees should go beyond an examination of the nominee's potential disqualifications. We must be particularly satisfied that each nominee has the intellectual qualifications and philosophical commitment to enforce Congress' mandate.

Mr. President, if "regulatory reform" is to mean anything, it dictates that we make discriminating decisions about whom we confirm for positions of leadership of our regulatory agencies. We must examine each nominee closely and scrutinize carfeully his or her qualifications for office. A mere search for disqualifying characteristics is not enough. In my view, and the view of six of my colleagues on the Commerce Committee, Mr. Byington does not possess the requisite qualifications to serve as Chairman of the Commission.

I would point out, Mr. President, a very unusual circumstance in that the Commerce Committee in the case of this nomination has filed a written report to the Senate. The Senate did not simply report his name to the Senate to be placed on the calendar for a vote. We have filed a written report in which seven members of the committee joined in stating that they did not approve of the nomination of Mr. Byington, and recommended that he not be confirmed. One of those, the Senator from New Hampshire (Mr. DURKIN) also filed additional minority views on the report of the committee.

Mr. President, I am convinced that in this case, we were simply confronted with a continual series of events that finally, out of exhaustion as much as anything else, caused the committee to finally assent to the nomination of Mr. Byington.

As I said, we held our 2 days of hearings and then we held three meetings of the committee in executive session, and finally decided we would lay the nomination for the 7-year term aside. Then the nomination came right back, the very same day that we voted to do that, for a shortened 2½-year term.

That was interpreted by some, I am sure, that since the President was willing to recede that much that, perhaps, we should drop our objection to Mr. Byington.

I would also like to stress though, Mr. President, that there is nothing personal about our opposition to Mr. Byington. There certainly is no question about the integrity or the honesty of Mr. Byington, and any who feel that a negative vote means in some way his character is being questioned are certainly in error.

The reason I voted the way I did in the committee, and the reason I oppose him now, is that I just do not feel he is suited by his training, his qualifications, and his philosophical devotion to consumer product safety that he should be appointed and then designated as chairman of the Consumer Product Safety Commission.

Since this is a fairly new regulatory commission, it is still in its infancy. It is still developing and beginning to take on the burdens of assuring the safety of our consumers by examining the consumer products that are placed in the open market and which consumers are induced to buy. A person who is to be the leader of that Commission must not only be dedicated to its purpose but must have some vision, some drive and some motivation to make the Consumer Product Safety Act work.

I just fear that Mr. Byington will not do that, and I am convinced from his hearing that he is not equipped to do that. If he does not, the Consumer Product Safety Commission will be ineffective and it will be held up to ridicule saying that "here is another regulatory Commission for which we have no need."

I am convinced that we do have great need for the regulatory commission. I would like to see it work. That is the reason I have opposed Mr. Byington.

Mr. President, we have received letters from a great number of organizations who are in the consumer and labor fields.

Mr. President, I ask unanimous consent to have printed in the RECORD several of the letters that have come in from various organizations that oppose the confirmation of Mr. Byington, their opposition is particularly vigorous since the President has indicated that he would designate Mr. Byington to be the Chairman of the Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *March 22, 1976.*

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Consumer Federation of America urges you to reject the nomination of S. John Byington to be chairman of the Consumer Product Safety Commission. In October 1975 our board of directors, which has a membership of forty consumer advocates from across the United States, wrote to President Ford urging him not to appoint Mr. Byington as chairman of the Commission.

At CFA's annual meeting on January 26, 1976, representatives of the entire membership of our organization voted unanimously to oppose Mr. Byington's confirmation.

The Consumer Product Safety Commission, as much as any other agency in government, has responsibility for protecting the health and safety of the American public. The central issue in the debate over John Byington's nomination is whether the public has any evidence on which to base confidence and trust in his leadership of such an agency. Consumer representatives who work in the public policy area and who have dealt with Mr. Byington as the designated spokesman for the consumer interest within the Administration are nearly unanimous in opposing Mr. Byington's nomination. We do so as a result of a lack of confidence and trust that arises from working with him.

Mr. Byington's record as Deputy Assistant to the President for Consumer Affairs is not totally without substance. He has played an active role in balancing consumer education and he has sat on a number of conferences with industry organizations to help them improve consumer complaint handling. However, in situations where consumer advocacy within government was needed, John Byington was nowhere to be found. When the public and consumer interest were in conflict with an Administration position and sought a spokesman within the White House apparatus, John Byington did not respond.

In private meetings with consumer representatives he would assure us that, although not speaking out publicly, he was advocating the consumer's position quietly within the Administration. Now we find that a representative of the toy industry called him "remarkably sympathetic" to business in the past. Apaprently Mr. Byington was giving the same assurances to business.

Mr. Byington's record on the Consumer

Protection Agency is typical of his lack of candor. In 1974, under the Nixon Administration, the Office of Consumer Affairs supported the creation of the Consumer Protection Agency. When Mr. Ford became President we were assured by the Office of Consumer Affairs that they were working to secure his endorsement of the agency. These assurances continued up to the day the President expressed disapproval of the legislation. Mr. Byington and his superior, Mrs. Knauer, expressed their disappointment to consumer representatives. We did not learn until Mr. Byington appeared before the Senate Commerce Committee that, in fact, the Office of Consumer Affairs *did not* seek presidential approval of the Agency. During his presentation to the Commerce Committee, Mr. Byington stated that the Office of Consumer Affairs had submitted a list of options to the President with no recommendation as to which option they favored. Consumer representatives were deliberately misled.

A similar lack of candor was displayed by Mr. Byington during his testimony before the Committee. For nearly two hours he refused to give a straight yes or no answer as to whether he personally favored the Agency for Consumer Advocacy. It would have been far better if he had simply said: "No, I am opposed to it. I share the Administration's position," than to have led the Committee through an intricate dance of logic designed to avoid a straight simple answer.

We do not believe this is the stuff of which a strong and independent chairman is made.

Mr. Byington was equally as misleading in his responses to the Commerce Committee's pre-hearing written questions. For example, when asked to itemize the legislation supported by Mrs. Knauer during Mr. Byington's tenure as Deputy, he submitted a list of 21 measures. Upon further inquiry, however, the degree of OCA's support on at least some of these bills was questioned. OCA's support for the Motor Vehicle and School Bus Safety Amendments of 1974, for example, consisted solely of an eight line announcement on page 2 of a press release on the Equal Credit Opportunity Act announcing that the President had signed the bill and applauding the requirements for schoolbus safety standards.

We now find from communications to the Committee that, in his eagerness to secure Senate approval, Mr. Byington has misrepresented the strength and nature of the opposition to him. In his reported conversations he has suggested that certain consumer leaders such as Esther Peterson, of the National Consumers League, and Peter Schuck, of Consumers Union, who had previously remained silent, supported him. They have stated that this is not the case. We understand further that the Committee has received a letter from Ms. Peterson, as president of the National Consumers League, opposing the confirmation of Mr. Byington. Also, Mr. Byington has stated that Joan Claybrook, Director of Congress Watch, was a reluctant witness pressured by others to testify. Ms. Claybrook has refuted that statement.

Finally, Mr. Byington has inferred that Consumer Federation of America is divided in its opposition to his nomination. This is simply not the case and the vote by both our board of directors and membership should make it clear that it is not the case. His attempt to use a personal endorsement to imply organizational support is simply the final inclination of a willingness to shape facts to fit the needs of the moment.

We reiterate our belief that Mr. Byington is not qualified by experience or by personal standard to head this important Federal agency. We urge you to reject his nomination.

Sincerely,

Carol Tucker Foreman,
Executive Director.

Washington, D.C.,
March 11, 1976.

Senator Warren G. Magnuson,
Russell Senate Office Building,
Washington, D.C.

Dear Senator Magnuson: On behalf of the National Consumers League, I am writing this letter to oppose the nomination of John Byington as Chairman of the Consumer Product Safety Commission.

Late last year, the National Consumers League wrote all known candidates for the CPSC Chairmanship, asking them to answer a questionnaire we developed that was designed to elicit their views on key consumer issues connected with the mission of the CPSC. Mr. Byington was one of the two announced candidates who refused to answer our questionnaire. On the basis of his refusal, we rated him as an unacceptable candidate. We did so because we believe that if a candidate wants the support of consumer organizations, he or she should state clearly in advance of nomination his or her positions on issues of importance and concern to consumer groups. You already have a copy of our questionnaire and press release.

When confirmation hearings were announced, we did not ask to testify. That was because we did not feel at the time that we had specific reasons to oppose Mr. Byington. While distressed that he chose not to answer our questions, we felt certain that his position on the issues would become clear at the confirmation hearings.

We have reviewed the March 1 and 2 confirmation hearings, and find that Mr. Byington continues to refuse to take a stand on where he stands. Thus we are at a point in time where an individual not only has refused to go on record with a National consumer group, he has also refused to state clearly to the Senate of the United States, whose duty it is to confirm him, where he stands on issues that are generally recognized as critical in this area.

It is one thing to refuse to go on record before nomination with interested groups such as ours. It is another, more serious fault to refuse to be responsive to the United States Senate.

On the basis of Mr. Byington's refusal to take a stand, we respectfully urge the Commerce Committee to vote against his confirmation.

Sincerely,

Esther Peterson,
President.

Ferbuary 9, 1976.

Warren G. Magnuson,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Magnuson: The membership of the National Consumers Congress wishes to express opposition to the proposed appointment of S. John Byington as chairman of the Consumer Product Safety Commission. We urge you and your fellow Senators to vote against Mr. Byington's appointment.

NCC is composed of community organizations across the country involved in national and local consumer affairs. Product safety is an area of critical concern for us and it is vital that the chairman of such a powerful regulatory agency be receptive to consumer opinion.

Within Mr. Byington's capacity at the Office of Consumer Affairs, he responded to corporate and political pressures by organizing against the proposed Consumer Protection Agency. However, he refused to even answer to the National Consumer League's questionnaire distributed to all nominees for the CPSC chairmanship. It is our opinion that Mr. Byington has neither the experience nor the inclination to administer the laws designed to protect the consumer.

The National Consumers Congress and its affiliates join with fellow consumers in protesting a nomination which promotes political inbreeding at the expense of consumers' interests.

Sincerely,

Aileen Gorman.

March 9, 1976.

Hon. Warren G. Magnuson,
Chairman,
Senate Commerce Committee,
Washington, D.C.

Dear Senator Magnuson: The AFL–CIO is opposed to the nomination of S. John Byington as Chairman of the Consumer Product Safety Commission and would like the record to so indicate.

In urging the Senate not to consent to this nomination, we think it important to emphasize that the CPSC was established for the primary purpose of protecting the public against unreasonable risks of injury associated with consumer products. The CPSC performs an increasingly important task in a complex and technological society, and the integrity of its Chairman is critical.

There is little in Mr. Byington's record to indicate he has either the experience or dedication to the public interest to qualify for the nomination. During his tenure as Deputy Director of the Office of Consumer Affairs, it consistently failed to lend support to major pieces of consumer legislation, and opposed outright the creation of an Agency for Consumer Protection. Furthermore, the nominee played a key role in the development of the Consumer Protection Plans, which were proposed by the Administration to justify a veto of legislation establishing an independent consumer protection agency.

Therefore, we believe that the Senate should not consent to the nomination of Mr. Byington. His confirmation would weaken rather than strengthen the mission of the CPSC to the detriment of American consumers.

We have no opinion on the othere nominees and neither support nor oppose their confirmation.

Sincerely,

Andrew J. Biemiller,
Director, Department of Legislation.

March 9, 1976.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The enclosed statement spells out the UAW's reasons for opposing the nomination of S. John Byington to be Chairman of the Consumer Product Safety Commission. We would appreciate it if our statement could be made a part of the hearing record.

Sincerely,

Dick Warden,
Legislative Director.

STATEMENT ON THE NOMINATION OF S. JOHN BYINGTON BEFORE THE U.S. SENATE COMMERCE COMMITTEE BY ODESSA KOMER, VICE PRESIDENT, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW—AND DIRECTOR, UAW DEPARTMENT OF CONSUMER AFFAIRS, MARCH 1, 1976

The nomination of S. John Byington to a seven-year term as chairman of the Consumer Product Safety Commission is not in the public interest and should be rejected. Mr. Byington's nomination represents but another example of the Administration's attempts to undermine the Consumer Product Safety Commission's independent status.

Congress specifically created the Commission as an independent agency, intending it to be independent of White House control and influence. The Senate committees which considered and reported out the bill creating the commission specifically stressed the importance of creating an independent agency to carry out the responsibilities assigned to it. For example, the Commerce Committee noted that the commission should be independent rather than established within an existing agency because "an independent agency with publicly accountable decision makers is able to make determinations . . . unfettered by political dictates, self-interested industry pressure or blind consumer zeal." The Labor Committee made the point even more strongly when it noted that "effective food, drug and consumer product regulation requires creation of a new agency with independence to exert the leadership and vigorous enforcement necessary for consumer protection. Past experience shows that, *unless* the agency has the power to issue regulations, direct the course of all litigation, and *make legislative and budgetary recommendations, without approval of clearance by outside agencies, its effectiveness will be substantially impaired.*" (Emphasis added.)

Congress included three provisions in the enabling legislation which were specifically designed to establish the Commission's independence. These three provisions provided that the President must designate a commissioner as chairperson for the duration of the person's term in office, and that the Commission was required to submit duplicate copies of its budget requests and legislative recommendations directly to Congress as well as to the President or the Office of the Management and Budget.

These provisions were clearly intended to assure that the chairperson was free of political pressure during his or her term in office, and that the Congress would get the Commission's independent recommendations regarding budget requests and legislative recommendations before these were subject to revisions made by another agency (in this case, the White House).

These were some of the most controversial sections of the bill. The White House objected. Industry objected. And repeated attempts were made to eliminate the Commission's independent status.

White House and Executive agency objections didn't cease with the enactment of the legislation providing for an independent agency. The Commission was almost immediately embroiled in conflicts with the White House regarding its independent status. The White House demanded that high level, non-career civil service appointees be subject to political clearance. The Commission resisted these efforts, quite logically pointing out that as an independent agency, it should be entitled to decide who is to be appointed to its staff.

The OMB issued instructions to the Commission that it worked out operational plans through 1980 in accordance with spending goals established by OMB. The OMB objected to the Commission's budget review procedures which called for meetings, briefings and discussions on the budget to be open to appropriate Congressional Committees.

In this case, the Commission's views regarding the budgetary review procedures to be used prevailed, and meetings between the Commission and the OMB were open to the appropriate Congressional committees. The Commission also publicly and strenuously objected to the inadequate budget recommendations made by the President.

The actions of the Commission in these two important instances clearly showed that the Commission was taking its independence seriously. Its former chairman, Mr. Richard O. Simpson, was particularly outspoken about and determined to maintain the Commission's independence despite considerable White House pressure to "get on the team" and to adhere to the White House "line."

From the White House's viewpoint, he and the Commission took Congressional intent too seriously when they decided to follow the letter of the enabling law. Mr. Simpson was rewarded for his efforts by not being reappointed by the President despite Mr. Simpson's expressed willingness to continue in office to carry on the innovative programs the Commission had begun.

The President has instead decided to appoint Mr. Byington, a close associate and political ally. Appointment of a political crony to the sensitive post of Chairman of an independent Commission makes a complete mockery of the Comimssion's independent status.

There is little in Mr. Byington's past experience which would suggest that he is qualified to carry on the difficult and sensitive tasks the Commission is obligated to perform—tasks which call for imagination and innovation if the consumer's need for safety is to be properly balanced with the cost of providing for it.

He served as assistant director and director of communications for the American Pharmaceutical Association, a Washington based trade association; as campaign manager in the political campaigns of former Governor Romney and of Senator Griffin; as an assistant prosecutor in Kent County, Michigan, and in the Commerce Department promoting US exports and foreign trade.

He was associated with Mr. L. William Seidman, President Ford's economic advisor, in organizing Synercom Communications Corporation, and he served as vice president and chief operating officer of Intermart, Inc., a Michigan based business consulting and export trade promotion firm.

None of this background suggests that he has the experience or qualifications in product safety matters or consumer advocacy needed to carry on or further develop the innovative programs the Commission has initiated or will need to create if it is to enforce the laws under its jurisdiction vigorously and in a way which ensures that the consumers' needs for safety are adequately considered and properly balanced against industry's concerns about government regulations.

His White House and other political associations and past business connections with an important Presidential advisor raise serious questions about his willingness or determination to maintain and guard the Congressionally mandated independent status of the Commission. It is just impossible to conceive that he would be as determined to pursue an independent course in the face of White House political pressure as the previous Commission chairman had done.

He has certainly not demonstrated any willingness to depart from administration policy while serving as Virginia Knauer's deputy, the only position he has held which has involved dealing with consumer matters. He certainly failed to establish any kind of consumer record while at that office. In fact, the Office of Consumer Affairs has become increasingly less visible and has done little more than promote the administration's policies since his tenure with the office. The office certainly failed to develop any innovative programs or assumed a leadership and consumer advocacy position on important issues while Mr. Byington has been there.

The posture of supporting and promoting administration policy might well be proper and appropriate at an agency which operates under the direction of the President or is directly responsible to an executive department or agency.

That posture, however, is completely inappropriate in a position calling for independence from Presidential direction and control, and requiring a willingness and determination to challenge such direction.

This nomination is an affront to consumers. But it is equally an affront to Congress.

All the evidence suggests that if this nomination is confirmed, the White House will have succeeded in thwarting the Congressional intent to create an independent Commission by nominating someone who is extremely unlikely to challenge White House direction as the past chairman and Commission have been willing to do. The nomination practically ensures that the features written into the enabling law to make it possible for the Commission to act independently will not be used in such a way as to create conflict with administration policy.

That is why we strongly urge this Committee to turn down this nomination to suggest to the President that Congress really means it when ii creates an independent Commission.

The PRESIDING OFFICER (Mr. DOMENICI). The time of the opponents has expired.

The Senator from Michigan has control of the remaining time.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield such time as the Senator from Kansas may consume.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, the Senator for Kansas is pleased to support the nomination of S. John Byington to be a Commissioner of the Consumer Product Safety Commission.

In my judgment, Mr. Byington is well suited to this position and will serve the public well as a member of the Commission. My support is based on my personal observation of his capabilities. I worked with Mr. Byington.

CONSUMER ORIENTED

In the past, Mr. Byington has demonstrated to my satisfaction his expertise and his excellent qualifications in the consumer area. He has shown that he is sensitive to consumer needs. More importantly, he is knowledgeable about how Government actions affect and relate to these needs.

I say this as one who has supported and worked for the passage of consumer legislation in Congress.

EXPERIENCE

In studying the committee report on this nomination, I find the major concern to be the lack of experience in the consumer field. The Senator from Kansas recalls that consumerism itself, as an area of expertise, is a relatively recent development. Mr. Byington's years of experience in this area are significant and will certainly be an asset in his service in the Commission.

His previous work in the Office of Consumer Affairs has brought him in contact with people in and out of the Government who deal with consumer affairs. He is knowedgeable of the issues and he has had experience in achieving meaningful solutions to consumer problems.

PRACTICAL EXPERTISE

One of Mr. Byington's most important assets, in my opinion, is his familiarity with the practical and realistic considerations regarding consumer affairs. This is an asset that many so-called advocates of consumers might do well to improve upon.

For Mr. Byington has had practical experience in private industry and in the Government as well. He understands the impact of Federal consumer regulations on the industries that must serve consumers. He also understands the impact of redtape and the extra cost of Federal regulations.

Yet he has had experience in the Government with the problems of regulating industry in a manner to achieve safety and other consumer goals with a minimum of associated costs and problems.

I believe Mr. Byington has an understanding that most consumer issues are not clear-cut, black-and-white problems. For, as we have seen with many consumer-oriented measures in the Congress, most actions that benefit consumers also have a cost, and in some cases, those costs ultimately find their way into the prices consumers pay. An understanding of this cost-benefit relationship and the practical ways of dealing with it can only be beneficial to consumers.

Mr. President, John Byington combines the qualifications that should make him an excellent member of the Consumer Product Safety Commission. He has practical experience in consumer, business and Government affairs.

I urge the confirmation of this nomination.

The PRESIDING OFFICER. The Senator from Utah.

Mr. MOSS. Mr. President, I ask for the yeas and nays on the vote on the nomination of Mr. Byington.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I would like to address a question to the Senator from Michigan.

Having been in the consumer-type business a good many years of my life, I watched with a great deal of interest the efforts to create consumer-oriented groups here.

Could the Senator from Michigan tell me, having sat on the committee, what they are looking for in a man who is supposed to head up the Consumer Products Safety Commission?

Mr. GRIFFIN. I do not exactly know how to respond to the Senator from Arizona because I have had somewhat the same question in my own mind. It seems to me that the nominee has an excellent background and excellent experience for this job, but obviously, some members of the committee do not agree with my point of view.

It is true he is a relatively young man—38 years old—but he has had a lot of experience. He has been a small businessman. He has a law degree. He had worked in government in the area of consumer affairs. So he has administrative ability as well as other experience, which could be very useful and helpful.

Mr. GOLDWATER. It is interesting to me to note the names who are backing this man on the committee and those who are opposing him because I do not know just exactly what qualifications they have set up.

I agree with my friend from Michigan that this man seems to have a relatively good background in this field, although this field is not overcrowded with experts in this city, by any means.

But it is difficult for me to know just what the Consumer Product Safety Commission is going to do, what it is supposed to do.

Can the Senator fill me in on that?

Mr. GRIFFIN. The Commission is supposed to make objective judgments as to whether consumer products may present an unreasonable risk of injury to the public. And, that includes the authority to set safety standards.

I do not question the motives of any particular colleague, but I take it that some of them are not, perhaps, so interested in objectivity as they are in advocacy.

They want the Commission, perhaps, to determine in advance what the results should be.

I do not think that is the job of the Commission. I think the job of the Commission is to be adjudicatory and to be fair and objective.

Mr. GOLDWATER. I agree with the Senator completely. It has always been my impression, living in the free enterprise system, it is the buyer who makes the judgment as to what he wants, and if he wants an unsafe product and one is being made, that is up to him.

The first thing we know, we are going to find such an agency delving into everything that is sold to find out if it is safe in the hands of a maniac.

I really was interested in what the committee was looking for to fill this kind of job.

The man, as I said, seems to have a good background. He seems to be opposed by the usual groups that oppose anyone who comes out of the lessons he has learned in the marketplace.

I thank the Senator from Michigan for his explanation.

Mr. GRIFFIN. I thank the Senator from Arizona. I want to remind him that the committee did vote 13 to 7 for confirmation, and the number included almost half of the Democratic members of the committee. So there is strong support for the nomination.

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, the Senate will proceed to vote on the nomination of Mr. Byington.

The question is, Will the Senate advise and consent to the nomination of S. John Byington, of Virginia, to be a Commissioner of the Consumer Product Safety Commission? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Bumpers), the Senator from Idaho (Mr. Church), the Senator from Iowa (Mr. Culver), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Kentucky (Mr. Ford), the Senator from Alaska (Mr. Gravel), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from New Hampshire (Mr. McIntyre), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pastore), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that the Senator from Montana (Mr. Mansfield), the Senator from South Dakota (Mr. McGovern), and the Senator from North Carolina (Mr. Morgan) are absent on official business.

On this vote, the Senator from Rhode Island (Mr. Pastore) is paired with the Senator from California (Mr. Tunney). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from California would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Fannin), the Senator from Hawaii (Mr. Fong), the Senator from Utah (Mr. Garn), the Senator from New York (Mr. Javits), the Senator from Idaho (Mr. McClure), the Senator from Alaska (Mr. Stevens), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), and the Senator from Pennsylvania (Mr. Scott) are absent on official business.

I further announce that, if present and voting, the Senator from New York (Mr. Javits) and the Senator from Pennsylvania (Mr. Scott) would each vote "yea."

The result was announced—yeas 33, nays 37, as follows:

[Rollcall Vote No. 190 Ex.]

YEAS—33

Allen
Bartlett
Beall
Bellmon
Brock
Buckley
Byrd, Harry F., Jr.
Curtis
Dole
Domenici
Glenn
Goldwater
Griffin
Hansen
Hart, Philip A.
Hatfield
Helms
Hollings
Hruska
Laxalt
McClellan
Percy
Randolph
Scott, William L.
Sparkman
Stafford
Stennis
Stevenson
Taft
Talmadge
Thurmond
Tower
Young

NAYS—37

Abourezk
Bayh
Bentsen
Biden
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Cranston
Durkin
Hart, Gary
Hartke
Haskell
Hathaway
Huddleston
Humphrey
Jackson
Johnston
Kennedy
Leahy
Magnuson
Mathias
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Pell
Proxmire
Ribicoff
Roth
Schweiker
Stone
Symington

NOT VOTING—30

Baker
Brooke
Bumpers
Church
Culver
Eagleton
Eastland
Fannin
Fong
Ford
Garn
Gravel
Inouye
Javits
Long
Mansfield
McClure
McGee
McGovern
McIntyre
Montoya
Morgan
Packwood
Pastore
Pearson
Scott, Hugh
Stevens
Tunney
Weicker
Williams

So the nomination was rejected.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. LAXALT). The Senate will now resume the consideration of legislative business.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The Senate continued with the consideration of the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans and for other purposes.

Mr. STENNIS. Mr. President, I yield one-half minute to the Senator from Maine.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that Arthur Silversteen and John Correlis have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senate will be in order, so that the Senator from Mississippi can be heard.

Mr. STENNIS. Mr. President, for the information of the membership, and I think Senators will be interested in this, we have some amendments here that we have referred to by number without calling them up, which the authors could not present to the Senate this afternoon.

We have one important amendment concerning the Minuteman III, scheduled for debate for 1 hour beginning at 1 p.m. Wednesday, immediately followed by a vote on that amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ROBERT C. BYRD. The Senator said 1 hour. The time on the amendment is 2 hours.

Mr. STENNIS. One hour on each side.

The PRESIDING OFFICER. Will the Senator please suspend? We will have order in the Chamber.

Mr. STENNIS. The committee is ready on all these amendments that we have had in hand except those that were filed at the last minute.

If there is a position change and Senators wish to bring up amendment Nos. 1662, 1664, and 1665, or any others, we will be glad to take them up and see if we can dispose of them this afternoon.

Tomorrow there is a special understanding as regards the antitrust bill, so I hope the leader can save us some time on the military bill tomorrow afternoon, say beginning at 3 p.m., if not 3 p.m., beginning at 4 p.m., because we ought to finish this bill Wednesday, and we will have difficulty doing it unless we can dispose of some more amendments this afternoon or tomorrow.

I am going to cease talking now and see if some Senator will call up an amendment.

Mr. HATHAWAY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HATHAWAY. Mr. President, I have an unprinted amendment, which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) for himself and Mr. Muskie proposes an amendment.

The amendment is as follows:

On page 29, between lines 9 and 10, insert a new section as follows:

SEC. 603. (a) It is the policy of the United States that the United States Navy and the Merchant Marines of the United States work closely together to promote the maximum integration of the total seapower forces of this Nation. In furtherance of this policy it is necessary and desirable that special steps be taken to assure that Naval Reserve Officer Training Corps programs (for training future Naval officers) be maintained at Federal and State merchant marine academies.

(b) It is the sense of the Congress that the Secretary of the Navy should work with the Assistant Secretary of Commerce for Maritime Affairs and the administrators of the several merchant marine academies to assure that the training available at these academies is consistent with Navy standards and needs.".

Mr. HATHAWAY. Mr. President, I have introduced this amendment on behalf of myself and my colleague, Senator MUSKIE.

This is a sense of Congress resolution, in effect, indicating our strong support for continuation of Naval ROTC programs at our Merchant Marine Academies.

Throughout the years the Merchant Marine Academies have been instrumental in providing excellent officer material for the Navy, and we believe that the programs such as the Navy ROTC should be maintained at the State and Federal Merchant Marine Academies in order to continue this high caliber officer personnel.

It is my understanding that the committee has agreed to accept this amendment which reaffirms the policy of the United States to coordinate its training programs for future naval officers by maintaining and promoting the Naval Reserve Officers Training Corps units at the State and Federal Merchant Marine Academies.

In some respects it is regrettable that this amendment is necessary. I term it regrettable in that it is apparent that the Department of the Navy has not taken the traditional special relationship between the Merchant Marine and the Navy into account in proposed orders for disestablishment of naval ROTC programs for September of this year, resulting in a proposal for disestablishment which, I feel, in the case of the Maine Maritime Academy has been inappropriately made both substantively and procedurally.

In response to a DOD directive to decrease its total number of naval ROTC units by four, the Navy has selected the Maine Maritime Academy and the State University of New York Maritime College as two of its proposed units for disestablishment. Although I do not know all the details of the proposals in regard to the other three schools, I am very familiar with the details of the proposal regarding the Maine Maritime Academy.

The proposal for disestablishment at the Maine Maritime Academy not only does not recognize the special relationship between the Maritime Academy training programs and those of the naval ROTC program, it was made in contradiction of explicit DOD regulations regarding the disestablishment of all ROTC units. Further, the decision was made without any prior consultation with the officials of the Maritime Administration, a failure which Navy officials have termed an "oversight."

In addition, it appears that this decision was made in contradiction of understandings held by the Maritime Administration and the Maine Maritime Academy at the time that the naval ROTC program was established at that Academy in 1972.

Finally, and most importantly, it appears that the cutback at the Maine Maritime Academy in particular does not even fulfill the objectives of the DOD directive which ordered a decrease in the number of naval ROTC units by four. This directive allegedly was given in order to permit more efficient program management and was necessitated by "budget reductions affecting the Department of Defense," according to the letter sent to me on March 16, 1976 by the Navy Department. Subsequent to that letter, Navy officials have said on two occasions that the cutback at the Maine Maritime Academy would not in fact result in any direct cost savings in the naval ROTC program.

Thus in addition to failing to recognize the special relationship which exists between the maritime academies' training and the naval officers program, the proposed disestablishment at the Maine Maritime Academy does not fulfill the purposes of the DOD directives as to disestablishment. There would seem, then, to be no rational basis for the proposed disestablishment at the

Maine Maritime Academy, and no recognition of the special role which the maritime academies can and should fill in the training of naval officers.

Our amendment, then, is intended to prevent developments such as this and to require the Department of the Navy to work closely with the Maritime Administration and the merchant marine academies to maintain the naval ROTC program at these institutions and assure that the training available at these schools is consistent with Navy standards and needs.

This amendment, then, expresses the policy of the United States to promote the maximum and efficient utilization of the programs, curriculum, and resources of our maritime academies by the Navy in meeting the requirements for naval officers in the future. I am confident that implementation of this policy will redound to the benefit both to the overall strength of our seapower forces and to the Department of the Navy.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. HATHAWAY. I yield to my colleague from Maine.

Mr. MUSKIE. Mr. President, I am happy to join with my colleague in support of this amendment and compliment him upon conceiving of it.

We have discussed this amendment with the managers of the bill and with the distinguished Senator from Georgia. We understand the thrust of the amendment, and we appreciate the understanding of our purposes.

Mr. President, the amendment which Senator HATHAWAY and I offered and which has been accepted and agreed to this afternoon establishes in law the close relationship between our naval forces and our merchant marine. The concept of total seapower requires that our merchant marine and naval forces, particularly in time of emergency, be familiar with each other's methods and be prepared to fully integrate their operations. This amendment would help assure such familiarity and coordination between naval and merchant fleets. The amendment recognizes this special relationship and the value of the Naval Reserve Officer Training Corps—NROTC—programs at State and Federal maritime academies. The amendment further directs the Secretary of the Navy and the Assistant Secretary of Commerce for Maritime Affairs to work together and with the administrators of the respective maritime academies to assure that NROTC programs at maritime academies are of a nature and quality consistent with the Navy's needs.

There is a long history to the relationship between the Navy and the Maritime Administration, particularly as it relates to NROTC programs at maritime academies. A summary of that relationship has been provided to me by the Maritime Administration and I ask unanimous consent that this summary be placed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MARITIME ADMINISTRATION,
Washington, D.C., May 20, 1976.

Subject: Summary of 1972–1973 MarAd actions and correspondence with Navy concerning establishment of NROTC units at the State Maritime Acadamies.

1. During late 1972, Navy initiated meetings with MarAd to explore the possibility of increased Navy recruiting of Kings Point and State Academy students for active duty in Navy on graduation.

2. Letter dated 26 December 1972 to Secretary of Navy John W. Warner from Assistant Secretary for Maritime Affairs Robert J. Blackwell.

This letter gives MarAd's endorsement to formation of NROTC units.

"We have in fact encouraged the arrangements between Maine Maritime Academy and Navy which have led to the recent institution of an NROTC program at that school. We view that NROTC and U.S. Maritime Service programs at State schools as complementary to each other and a significant means for building a closer relationship between the Navy and the merchant marine."

3. Between January and April 1973, additional MarAd/Navy staff meetings occurred to develop details of Navy recruitment at Kings Point and the State Academies, and also details regarding coexistence of NROTC and U.S. Maritime Service programs at the State Academies.

4. Letter dated 11 June 1973 to Secretary of Navy John W. Warner from Assistant Secretary for Maritime Affairs Robert J. Blackwell.

The purpose of this letter was to indicate Maritime Administration's agreement with the details jointly negotiated by MarAd and Navy staff and to request Navy formal concurrence. Four specific agreements were detailed and enumerated. Agreement No. 3 details the relationship between "any current and future NROTC programs at the State Maritime Academies" and transfer of subsidized U.S. Maritime students to "NROTC College Student or scholarship status."

The letter concludes:

"We would appreciate your concurrence on these details. The contents of this letter will be subject to periodic mutual review."

5. By letter dated 20 July 1973, Secretary of Navy John W. Warner provided his concurrence.

6. Letter dated 28 September 1973 from Assistant Secretary for Maritime Affairs Robert J. Blackwell to the Honorable Joseph T. McCullen, Jr. on his recent appointment as Assistant Secretary of Navy, Manpower and Reserve Affairs.

This letter to the Assistant Secretary of Navy, congratulating him on his recent appointment, reviews the several initiatives jointly entered into between Navy and MarAd in Navy Manpower and Reserve Affairs. The letter refers to the then recently re-established Naval Reserve Merchant Marine Program; Navy recruiting for active duty at the Federal and State Academies; and establishment of NROTC programs at the State Academies.

"We have urged the establishment at the State schools of NROTC programs which could be offered to students not receiving federal subsistence allowances from the Maritime Administration. We view the NROTC and U.S. Maritime Service programs at these schools as complementary to each other and a potentially significant means for building a closer relationship between Navy and the merchant marine. What is actually involved is the redesignation of the existing Navy-manned Naval Science Departments at the State schools rather than institution of a completely new installation at these schools. We supported the arrangements which resulted in successfully accomplishing this at Maine Maritime Academy and encourage your favorable action along the same lines at the State University of New York Maritime College.

7. Establishment of NROTC units at State Academies was a continuous agenda item in the entire discussion, initiated by Navy, of Navy acquisition on maritime academy graduates for active duty. While the Maritime Administration recognized that the final decision to establish such units was a Navy action, the record is clear that the NROTC issue was one element in mutual agreements reached in joint Navy-MarAd discussions and viewed by Maritime Administration as part of its cooperative effort to build a closer relationship between Navy and the merchant marine.

ARTHUR W. FRIEDBERG,
Director, Office of Maritime Manpower.

Mr. MUSKIE. Mr. President, the NROTC unit at Maine Maritime Academy in Castine has been of particular concern to me, the other members of the Maine congressional delegation, and the Maritime Administration. Those particular concerns relate to plans by the Navy to disestablish the NROTC unit at Maine Maritime. We have protested that action to the Navy and have been joined in those protests by the Assistant Secretary of Commerce for Maritime Affairs, Mr. Robert J. Blackwell. The concerns of Maine Maritime officials and of U.S. Maritime Administration officials are contained in the correspondence to the Secretary of the Navy which I request unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. MUSKIE. Navy officials have acknowledged the special relationship between Navy operations and our merchant marine, and have agreed that consultation with maritime officials is desirable in such matters of mutual concern. This provision makes that special relationship explicit and requires that the Navy work to preserve the relationship and NROTC programs at merchant marine academies.

EXHIBIT 1

APRIL 12, 1976.

Hon. J. WILLIAM MIDDENDORF II,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: It has recently been brought to my attention that the Navy has decided to disestablish the NROTC units at the State University of New York and Maine Maritime Colleges. I urgently request that you reconsider this action.

Among all of the Navy's NROTC units, these are the only ones located at colleges dedicated to education in ship systems and maritime procedures directly applicable to Navy requirements. Further, these units were established by mutual, well documented, agreement between the Navy and the Maritime Administration in explicit recognition of the benefit that would accrue thereform both to the Navy and to the U.S. Merchant Marine. In this light, I find it particularly disturbing, not only that these two maritime college units should be among the first four to be disestablished, but that there was no prior discussion of the action with the Maritime Administration.

The decision to disestablish these two units would be more understandable if their elimination entailed a cost saving to the Navy. As I understand it, however, this will not be the case, since active duty Navy personnel will continue to be present in essentially undiminished numbers to provide instruction in naval science.

In my view, the presence of the NROTC units at these two colleges provides for practical cross training and serves as valuable tangible evidence of the kind of close Navy-Merchant Marine cooperation that is so essntial to the maintenance of United States seapower. It is my hope that you will reverse this action.

Sincerely,

ROBERT J. BLACKWELL,
Assistant Secretary for Maritime Affairs.

MAINE MARITIME ACADEMY,
Castine, Maine, April 6, 1976.

Hon. J. WILLIAM MIDDENDORF II,
Department of the Navy,
Office of the Secretary,
Washington, D.C.

DEAR MR. SECRETARY: I was very disheartened to receive your letter of March 16th and to learn that the NROTC unit at Maine Maritime Academy has been disestablished. I urge you to reconsider this action, since it appears that the decision was made on the basis of limited or misinformation.

I have been informed by Senator Muskie's office that the Navy claims a considerable cost saving by disestablishing the NROTC unit here. This would be true at any institution other than a maritime academy but there will be little or no cost saving to the Navy here. Your letter refers to the continuance of the Department of Naval Science which for all practical purposes requires the same contingent of active duty naval personnel with or without the NROTC unit. The problem is unique to a maritime academy and regretfully not generally understood or appreciated by the Navy. Every student at the maritime academy is required to take the naval science courses and apply for a reserve commission. If the Navy is really interested in saving money and acquiring competent, sea oriented and dedicated young officers, then an excellent case can be made for establishing an NROTC unit at each of the state maritime academies in lieu of units at other colleges. Enclosed herewith is a letter to the editor which appeared in the July 1975 issue of the U.S. Naval Institute Proceedings on this subject.

I can understand that the Navy would not realize the seriousness of the action in disestablishing the NROTC units at Maine Maritime Academy and the Maritime College in New York. Traditionally we have been very specialized maritime schools and our resources have been totally directed to the one purpose of training and educating students to be officers in the Merchant Marine and Navy as required. During World War II and the Korean War, the Navy called entire graduating classes on to active duty. Approximately 10 per cent of our total graduates have chosen a naval career. My primary concern is that the Navy is not aware of how times have changed the status of the state maritime academies.

Commerce Department regulations have required us to construct extensive shoreside facilities over the past ten years. Maritime technology has necessitated the inclusion of expensive training equipment and labs in this campus development. Inflation, particularly as it relates to the operation of the training ship, has created severe financial problems for us. Finally, our Merchant Marine, which was expected to prosper under the Merchant Marine Act of 1970, has actually declined and the Maritime Administration has found it necessary to limit the number of students who can qualify for the maritime cadet subsidy at each of the academies. Unfortunately, for the economic reasons, we cannot justify the operation of the training ship and our dedication to the specialized maritime education program with the enrollment limited to the MARAD program. Furthermore job opportunities in the merchant marine and opposition from maritime unions does not justify the graduation of merchant marine officers in excess of MARAD limitations. However, with 15 to 20 percent of our enrollment committed to the NROTC program we can preserve these institutions.

To further substantiate my statement that the uniqueness of the maritime academy is not generally understood or appreciated by the Navy, I submit Page 51 of the Report of the Pilot Committee Meetings of the NROTC Study dated 16–18 June 1974 and 19 August 1974, which reads:

ITEM 9

MARITIME SCHOOL ACCESSIONS

Comment:

The subcommittee has no information on this question. Item was deleted from agenda, pending further study.

Action taken:

Recommend no further action at this time.

I have not been able to uncover any evidence that the Navy has attempted to study the question to date.

From every point of view that the Navy-Maritime Academy relationship is studied, I find it extremely difficult to understand why the Navy has failed to recognize the tremendous asset and potential represented in these programs. We have been taken for granted, but this can no longer hold for the future. There is a sense of urgency in this appeal, since we must start immediately to study alternative programs that would most likely change the entire character of the institution.

I urge you to delay the disestablishment of our NROTC unit for at least one year and to establish a study committee for a review of the Navy's interest in the state maritime academies. We are confident that an objective study will convince you of the merit in retaining NROTC units at these schools.

Sincerely,

A. RODGERS,
RADM, USMS Superintendent.

APRIL 13, 1976.

DEAR MR. SECRETARY: We are writing to you concerning a matter of great importance to us: Your decision to disestablish the Naval Reserve Officer Training Corps (NROTC) unit at the Maine Maritime Academy.

Your March 16, 1976, letter concerning this decision, which was hand-delivered to each of our offices on April 5, indicated that ". . . budgetary reductions affecting the Department of Defense" necessitated this action. You further indicated that in order ". . . to develop a plan which will allow more efficient program management under guidelines established by the Department of Defense." Lastly, you assured us that your Department ". . . will take every action possible to minimize any adverse effect resulting from this decision."

While we greatly appreciate the offer of your Department's assistance in minimizing the impact which this decision will have on the Academy, we must object to the assumption which apparently underlay your decision; that is, that elimination of the program will result in reduced costs for the Department of the Navy.

The Department has indicated its intention to continue maintaining the Department of Naval Science at the Academy. Given this and the additional fact that the number of NROTC scholarships is set at 6000 by Federal statute, how can the Department suggest that any appreciable savings will occur by disestablishing the Maine Maritime Academy Unit? From the information we have been able to gather, your decision will only result in a reduction of much needed scholarship assistance to Maine Maritime Academy students and not in a reduction in overall NROTC program costs.

At a briefing on this matter last Friday, Admiral Mitchell of your staff acknowledged that phasing-out of the program at Maine Maritime would not result in a significant program savings. Instead, he indicated that this action was necessary because (1) the Navy requires officers with certain technical training which Maine Maritime does not provide; and (2) the NROTC scholarships which are presently allocated to Maine Maritime are needed at institutions which field larger NROTC units.

If these factors, rather than the budgetary considerations noted in your March 16 letter are responsible for your decision, we would like to bring to your attention the following points:

1. The Maine Maritime Academy graduates young men and women who have been thoroughly trained in the technical skills required of naval officers. Immediately upon graduation, without further training, Academy graduates are fully capable standing watch and performing their sea-going duties. We would further emphasize that most other NROTC graduates must undergo considerable training at Navy expense before they can be used effectively. The Navy also states they require program diversification so that their officers will be versatile and well-prepared. We are disappointed to note that the Navy just does not fully understand the nature of the curriculum at a Maritime Academy. Nowhere in the country will you find greater diversification or better programs which prepare a student specifically for sea-going positions. What is the Navy thinking of when it claims the Maritime Academies do not fulfill these requirements?

2. Although the size of the Maine Maritime unit is well below 100, the maximum size of a normal unit, it has not been given a chance to grow. This is only the Academy's third year and last fall was the first time that incoming freshmen scholarship students were assigned. Nevertheless, two-thirds of the NROTC unit are freshmen and the admission indications show the same level of interest next year. In other words, all Maine Maritime needs is a fair chance to get established. Your recent decision precludes that possibility.

From a geographic point of view, your decision also seems ill-advised. If the unit at Maine Maritime is eliminated, the only institution in New England offering NROTC will be Holy Cross, an inland school. Given the fact that cost is not a consideration, we do not think that the Navy can justify leaving only one inland NROTC unit in New England, a region renown for its sea-going pursuits.

We also feel the Navy should understand the full impact that closing out NROTC will have at Maine Maritime. The Maritime Administration currently limits the number of students Maine Mairtime can have in any incoming freshman class to 150. In order for the Academy to maintain 612 students, the number it must have to remain financially stable, each incoming freshman class must have at least 185 students. The extra 35 students come from the NROTC program. Without it, they will be forced to change their curriculum to the detriment of our national maritime interests.

We firmly believe that you should recognize the unique contribution which Maine Maritime Academy could make in a time of national need. As it proved during World War II and the Korean conflict, the Academy represents a ready reserve for the Navy with its facilities for emergency training programs.

We urge you to fully consider all the reasons we show for not closing the NROTC program. It is obvious to us that Maritime Academies are in a special class. Their programs and students differ from a regular university. Giving them a special category, such as that enjoyed by MIT, might recognize their national responsibility and importance while serving to correct the NROTC problems which have arisen.

In light of the above arguments, Mr. Secretary, we wish to express to you our very serious misgivings concerning your recent decision and our hope that you will reverse it.

We look forward to receiving your comments concerning this important matter.

Sincerely,

EDMUND S. MUSKIE,
U.S. Senator.
WILLIAM D. HATHAWAY,
U.S. Senator.
WILLIAM S. COHEN,
Member of Congress.
DAVID F. EMERY,
Member of Congress.

Mr. STENNIS. It is my hope that the Senator from Georgia will respond.

Mr. President, may we have quiet in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NUNN. Mr. President, I have discussed this amendment with Senators from Maine, both Senator HATHAWAY and Senator MUSKIE. It expresses the policy of the United States. The U.S. Navy and merchant marine of the United States work closely together to promote maximum integration of total seapower forces of this Nation. I think all of us would agree with that.

Also it expresses the sense of Congress that the Secretary of the Navy should work with the Assistant Secretary of Commerce for Maritime Affairs and the administrators of the several merchant marine academies to insure that the training available at these academies is consistent with Navy standards and needs.

That seems to be a perfectly reasonable expression of the sense of Congress. I am agreeable to the amendment.

I recommend the Senate agree to the amendment.

Mr. STENNIS. Mr. President, if the Senator will yield for a question, this amendment does not make mandatory the setting up of additional units or anything of that kind, as I understand it. Is that correct?

Mr. NUNN. I will let the author of the amendment answer that question. My impression is that it does not; that it expresses the sense of Congress.

Mr. STENNIS. I address that question to the author of the amendment. I intended it for him to answer.

Mr. HATHAWAY. No. The amendment simply states that this is the policy of the United States. It does not make it mandatory to establish any additional units.

Mr. STENNIS. Is that the primary purpose of the amendment of the Senator?

Mr. MUSKIE. Mr. President, may I say to the Senator that it is. We have been told the policy of the Navy and the Maritime Administration is to cooperate in matters of mutual interest, especially in the area of training naval officers, not only in Annapolis but also in our maritime academies.

Unfortunately, the policy has not always been uniformally practiced on a consultative basis, and it is our desire to indicate the sense of the Senate that that kind of consultation and cooperation be in fact an active policy and not simply a policy that is recognized only in the breach. It is our hope that we can have that sense of the Senate expressed by the Senate.

We are not mandating anything. We just think it is useful, since both agencies participate in the production of naval-officer material, that that kind of consultation be an active policy.

I think that is the intent of the amendment.

Mr. STENNIS. Is that what the other Senator from the great State of Maine says is the main purpose?

Mr. HATHAWAY. That is the main purpose of the amendment.

Mr. STENNIS. Mr. President, I like the purposes of the amendment. It seems to be more of a persuasion, and the Senator from Georgia, who, as subcommittee chairman, handled our personnel matters, is agreeable to the amendment.

I have not had a chance to mention this to the Senator from South Carolina or any Senator on that side of the aisle.

Has the Senator from Maine discussed this with any Senator on the other side of the aisle?

Mr. HATHAWAY. We have not had an opportunity yet. The staff people will.

Mr. STENNIS. I say to the Senator from South Carolina that this is a sense of the Senate resolution. Does it sound all right to the Senator from South Carolina?

Mr. THURMOND. Yes.

Mr. STENNIS. All right.

I have conferred with the Senator from South Carolina and he has no objection to the amendment, so I can support the amendment.

Mr. President, we will see what we can do with it in conference.

Mr. MUSKIE. I thank my good friends.

Mr. HATHAWAY. I thank the Senator from Georgia and the Senator from Mississippi.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. STENNIS. Mr. President, again we wish very much to dispose of further amendments this afternoon.

I am again calling attention of the leadership to the fact that we could probably use an hour or an hour and a half tomorrow afternoon, and we will wait until later tomorrow afternoon if necessary to use it.

I wish to be authorized to inform Senators who have amendments that we will be present and ready to debate and vote on them tomorrow afternoon if we are allotted some time. I know that the leader has promised to take up another bill primarily tomorrow.

Are there other amendments?

The Senator from Massachusetts has an amendment, which is not to the Minuteman missile amendment, that he would present and have some remarks to make. We have not had time to go into it enough to really call it up, but we were going to try to make some headway. His aides have gone to inform him.

Mr. President, I ask unanimous consent that there may be a quorum call of 3 or 4 minutes, without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 5 minutes on the bill, and this will be on procedures matters only.

I ask for the attention of the leaders for each side.

We have disposed of a number of amendments here by voice vote. We have discussed other amendments in conference with the sponsors and their staff and our committee staff. The matter that the Senator from Massachusetts was going to present, though not for a vote, this afternoon has just been disposed of for the time being by referring it to our respective staffs and he will not make a statement on it at this time.

It boils down to this, Mr. President, if I may have the attention of the two leaders: We are down largely to what I call the major amendments like the Minuteman III, set for Wednesday. We have the Hathaway amendments that I referred to, which pertain to the proposed NATO standardizations. Those will call for some debate.

There is the matter of the A–7D planes for the Guard. I do not think that will require much time. As I understand now, the leadership is under promise to devote tomorrow, after the regular introductory time, to the antitrust bill. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct. Mr. MANSFIELD has given assurances to Senators and to the Senate that, beginning with tomorrow, it is his intention to go into the antitrust bill and to stay with that until we dispose of it, one way or another. I got the impression that there might be times when it would be temporarily set aside.

Mr. STENNIS. We can take this military authorization bill under all the facts. It seems to me that it must be passed, gentlemen, before we have the Memorial Day recess, for lots of reasons. The appropriations bills must move, under our budget resolution mandates. I believe that if the leadership will give us Wednesday, all day, to work on these amendments, debate them and vote on them, we shall be ready and I think we can dispose of these amendments by taking all day Wednesday. I ask the leadership to consider getting a unanimous-consent agreement, if they can, tomorrow or whenever they see fit, to give Wednesday to this bill, and also ask for a vote on passage at some time in the late part of the day or the early part of the evening. We shall be prepared to stay.

I think until we do announce something like that, it will be very difficult to get things pulled together and get some of the key membership to be here. I think that that is the best way to leave it, with deference to everything else that is on the calendar. We shall get out of their way on tomorrow if the leadership will give us Wednesday so we can get a final vote on this bill. I believe the membership will agree to that. We need help, too, on that attendance for Wednesday.

Mr. ROBERT C. BYRD. Mr. President, I would suggest that tomorrow the Senator and others would be able to come up with an agreement, hopefully, that would see action completed on the bill on Wednesday.

Mr. STENNIS. Yes.

Well, I appreciate the leadership's attitude. I hope that is the response, too, of the minority so far as it looks now.

Very well. In view of those affirmative assurances, we are all working together, and I think the membership is going to work in that direction too, to offer these amendments. If we do not get that agreement—and this is not a threat—maybe we will just have to call up these amendments ourselves because it is so necessary that this bill be enacted one way or another under the rules we have put on ourselves.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, may I suggest the absence of a quorum for just a minute?

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Those managing the bill—and I am not just referring to myself—feel as if we can work this out, and we will confer with the leadership tomorrow morning—I mean work it out about a final disposition on Wednesday, and we will have to call up the amendments ourselves if the authors do not.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield the floor.

The PRESIDING OFFICER. If nobody yields time, time is being consumed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSED RECONSIDERATION OF BYINGTON NOMINATION

Mr. GRIFFIN. Mr. President, the huddles have to do with a motion to reconsider the vote on the Byington nomination. It is my strong feeling that for Mr. Byington to have been turned down by a very narrow margin—with only 70 Senators voting and 30 Senators absent—is not a good way to leave the record. There were 37 votes against Mr. Byington, 33 votes for him. That means a considerable number less than a majority of the Senate rejected his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, time on the military procurement bill has ended for today, so I ask unanimous consent that the requirement on the bill as to debate be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I invite my colleagues to join in this colloquy, if some elaboration is needed.

There was discussion that a motion to reconsider would be made this evening, and of course then a motion to table might have been made. We would be in the position then, if that vote took place, of having the same number of Senators, or perhaps even less, passing on the fate of Mr. Byington. Under those circumstances, it would be necessary for me to insist on a live quorum and to do whatever I could to make sure that we did not have a vote on a motion to table the motion to reconsider today.

As I understand it, there is an informal agreement that the motion to reconsider will not be made today and will not be made tomorrow and probably will be made on Wednesday. If it is not made by the Senator from Utah or one of his colleagues in opposition, then I say most respectfully that perhaps one of the Senators on this side who was absent and did not vote would be in a position on Wednesday to make the motion to reconsider.

It is my hope, since we expect a good attendance because of the important votes on Wednesday, that we could, with a minimum of rehashing and debate, have a vote on a motion to reconsider.

I yield to the distinguished Senator from Utah.

Mr. MOSS. Mr. President, I confirm that we have been having this discussion as to what the procedure should be.

The traditional situation is to have a motion to reconsider and a tabling motion on a vote, because then it requires two-thirds to take the matter off the table. That was not done promptly on this vote, and the ensuing discussion was whether tonight we should seek a motion to reconsider and a tabling motion. I was prepared to make the motion to reconsider, since I was on the prevailing side. However, under the circumstances, and with the explanation of the Senator from Michigan, that there would be a live quorum and other devices and that parliamentary rules would be invoked, it would make it very difficult to get a vote tonight.

I have agreed, and the Senator from New Hampshire and others who have been in this matter have agreed, that we will agree informally with the minority that we will make no motion to reconsider either tonight or tomorrow and perhaps will have one ready by Wednesday.

In the meantime, it is hoped that we can confer with the chairman of the Committee on Commerce and determine whether or not a time limit might be agreed to which the minority might be willing to accept. We hope that in that way we can handle this matter in a good legislative fashion and that the Senate can work its will.

Anyway, I suppose it is unfortunate that we did not have all Senators present; but of course it happens on a great many of our votes that we have some absentees. Perhaps on Wednesday, with what we expect to be a nearly full attendance, the matter can be voted on and disposed of finally in that way.

Mr. DURKIN. Mr. President, I should like to make sure that the Record is straight with respect to the informal arrangement—that there is no commitment to take up this matter on Wednesday.

The Senator from Michigan has expressed concern that there was not a full house today. We still will have people absent on official business, securing the most recent copy of the Magna Carta. I want to make sure that there is no express or implied commitment to take up this matter and vote on it on Wednesday.

However, I share the Senator's concern and the concern of Senator Moss that this matter be handled expeditiously, consistent with fairness and due process and what have you.

ORDER FOR RECOGNITION OF MR. TAFT ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. Taft be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. It is my understanding that Mr. McClure already has an order entered for the recognition of himself. I ask unanimous consent that following the recognition of Mr. McClure under the order previously entered, Mr. Taft then be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of Mr. Taft on tomorrow, there be a period for the transaction of routine morning business, not to extend beyond the close of the first hour after the Senate convenes, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CERTAIN ANTITRUST ACTIONS BROUGHT BY STATE ATTORNEYS GENERAL

Mr. ROBERT C. BYRD. Mr. President, is it the order, which was previously entered, that at 11 a.m. tomorrow, the Senate would proceed to the consideration of the antitrust measure?

The PRESIDING OFFICER. It is to proceed to consider at any time, at the discretion of the leadership.

Mr. ALLEN. Mr. President, reserving the right to object, when we proceed to consider it, the assistant majority leader does not have in mind that it would supplant the foreign assistance measure as the unfinished business?

Mr. ROBERT C. BYRD. I think that would depend upon how the leadership proceeded—whether by motion or by unanimous consent.

Mr. ALLEN. A motion would be debatable, of course.

Mr. ROBERT C. BYRD. Ordinarily it would be, except that an order was entered on Friday that authorized the leadership at any time tomorrow to proceed without debate.

Mr. ALLEN. To call it up, I believe, is the way it is worded. That would not imply displacing the unfinished business, to make this the unfinished business. It would make this the unfinished business.

Mr. ROBERT C. BYRD. I should think if it were done by motion, it would automatically displace the unfinished business.

Mr. ALLEN. The Senator from Alabama does not understand it that way. I call attention to the fact that the distinguished majority leader has already had an order entered that we could not, by calling up the unfinished business, displace the antitrust and the military procurement bills, indicating, as contemplated, that the foreign military assistance would remain the unfinished business.

Mr. ROBERT C. BYRD. I think that would hold true if the antitrust measure were brought up by unanimous consent tomorrow. But if a motion were made on tomorrow to proceed to the consideration of the antitrust legislation, that motion would supersede any contemplation that might have been involved in the order that was entered on Friday.

Mr. ALLEN. It was not contemplated that a motion be made. What was contemplated, I think the Senator will see, is that it be called up. There was no idea of displacing it. Otherwise, the distinguished majority leader would not have protected the foreign military sales as being the unfinished business by having an order entered by unanimous consent that it would not be displaced this entire week.

Mr. ROBERT C. BYRD. Except in the event in which the antitrust legislation might have been brought up otherwise than by motion.

Mr. ALLEN. Well, the agreement was that it would be called up, as the distinguished Senator knows.

Mr. ROBERT C. BYRD. But that does not necessarily mean that it would not be called up by motion.

Mr. ALLEN. Unanimous consent was given that it would be called up. But as I point out to the Senator, by his own request for unanimous consent, he has in mind protecting the unfinshed business all this week, because he says that no call for unfinished business shall displace the antitrust or the military procurement for all of this week.

Mr. ROBERT C. BYRD. By the same logic, there would have been no need to protect the antitrust legislation from being taken down by a call of the regular order after tomorrow, because there is no way to get it up after tomorrow except by unanimous consent or unless it is motioned up.

Mr. ALLEN. We have given unanimous consent that it be brought up.

Mr. ROBERT C. BYRD. We have given unanimous consent that the Senate proceed, that the leadership may have authorization to proceed at any time tomorrow. But that does not preclude the leadership from motioning it up.

Mr. ALLEN. Very well, if that is what the Senator wants to do. But it is clear, from the understanding that I do not believe the distinguished Senator participated in, that it would be called up. As I stated, the Senator himself has been trying to protect the unfinished business. I think that it is not in order to displace the unfinished business by this unanimous consent that the Senate gave to bring the measure up, not as unfinished business, but by unanimous consent. The Senator has protected the unfinished business all this week. No protection was given for next week. If the Senator wants to resort to this tactic, that is up to the distinguished Senator.

Mr. ROBERT C. BYRD. I was not seeking to protect the unfinished business. I was seeking to protect the antitrust bill and the military procurement bills from being displaced by the unfinished business through a call for the regular order. What the Senator from West Virginia is saying is that the order was to authorize the leadership to proceed. It did not confine that method of proceeding to the asking of unanimous consent. It would still leave to the leadership the option of a motion, which, under the order, would not be debatable. I think I answered the Senator correctly when I said that if the Senate should proceed by motion on tomorrow to call the antitrust bill up, that motion, if agreed to, would automatically displace the unfinished business.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRIFFIN). Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF H.R. 8532 ON TOMORROW, THURSDAY AND FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow and on Thursday and on Friday, at the close of the first hour following the convening of the Senate each day the Senate resume consideration of Calendar Order No. 781, H.R. 8532, as the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, as I understand this request then, on these 3 days when we resume consideration of the antitrust bill, such resumption would not constitute displacing the Foreign Assistance Act as the unfinished business?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ALLEN. I would like the ruling from the Chair.

Mr. ROBERT C. BYRD. The Senator does not mind my comment?

Mr. ALLEN. No; but I make the request of the Chair.

Mr. ROBERT C. BYRD. The Chair will respond to the Senator, but the Senator is correct, as my request was formulated.

The PRESIDING OFFICER. The Chair will respond to the Senator from Alabama that the statement was correct.

Mr. ALLEN. That the Foreign Assistance Act, amendments to the Foreign Assistance Act, would remain the unfinished business, irrespective of the fact that the pending business on these 3 days shall be the antitrust bill?

The PRESIDING OFFICER. The Chair will respond that the only way it could be displaced would be by a motion to proceed to another matter, made and agreed to after the morning hour.

Mr. ALLEN. I note that motion has not been made.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. I thank the Chair and I thank the distinguished assistant majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 13350 (ERDA authorization bill) be referred jointly to the committee on Interior and Insular Affairs and the Joint Committee on Atomic Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF NOMINATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nomination of Mr. George Kuper to be the Executive Director of the National Center on Productivity and Quality of Working Life, which was referred to the Committee on Government Operations be referred instead to the Committee on Banking, Housing and Urban Affairs.

The referral of this nomination to the Government Operations Committee was in error and the chairman of that committee is in agreement that it be referred to the Banking Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at the hour of 10 a.m. After the two leaders or their designees have been recognized under the standing order, Mr. McCLURE and Mr. TAFT will be recognized, each for not to exceed 15 minutes and in that order.

There will then ensue a period for the transaction of routine morning business until 11 a.m., with statements limited therein to 5 minutes each, and at 11 a.m. the Senate will proceed to the consideration of H.R. 8532. It will be the pending business.

Rollcall votes may occur on amendments and/or motions in relation to the antitrust legislation, but in any event, when the Senate completes its business tomorrow it will stand in adjournment until the hour of 10 a.m. on Wednesday.

At the hour of 1 p.m. on Wednesday, the Senate will proceed to the consideration of the Kennedy Minuteman missile amendment to the military procurement bill.

Unless the order for the convening time is changed, in the meantime, this will mean that from 11 a.m. until 1 p.m. on Wednesday, the Senate may debate other amendments to the military procurement bill and have votes thereon.

ORDER FOR ADJOURNMENT TO 10 A.M. ON THURSDAY AND FRIDAY

Mr. President, I now ask unanimous consent that when the Senate completes its business on Wednesday and on Thursday it stand in adjournment, respectively, until the hour of 10 a.m. on Thursday and on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTITRUST LEGISLATION—H.R. 8532

Mr. ROBERT C. BYRD. On Thursday, the Senate by unanimous consent will return to the antitrust legislation and it will be the pending business at that time with no call for the regular order making it fall.

The same will be true with respect to Friday. Rollcall votes may occur on that measure or on amendments or motions in relation to it on Thursday and on Friday.

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Would the Senator object, this more or less being a gentleman's agreement with respect to cloture that a cloture vote on the antitrust legislation would not take place until after the recess, or would it be in order for the distinguished assistant majority leader to request, that not more than one cloture petition be filed on Thursday or Friday, and that none be filed on Tuesday?

Mr. ROBERT C. BYRD. Yes, that is the understanding. I include that in my request, Mr. President, that not more than one cloture motion with respect to the antitrust legislation be in order throughout this week, and that such motion not be offered on Tuesday. It will either be offered on Thursday or Friday.

Mr. ALLEN. Yes.

The PRESIDING OFFICER. Without objection, the modified request is agreed to and it is so ordered.

ORDER TO RESUME CONSIDERATION OF H.R. 12438

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday at 11 a.m. the Senate resume consideration of the military procurement bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That would mean that between the hours of 11 a.m. and 1 p.m. on Wednesday the Senate could proceed with other amendments to the military procurement bill, but that at 1 p.m. on Wednesday the Senate will proceed with the Kennedy amendment, with a 2-hour limitation of debate thereon. Following the disposition of that amendment, the Senate would resume consideration of the military procurement bill throughout Wednesday.

Mr. ALLEN. Will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Has the Senator provided for the eventuality that the military procurement bill will not be finished on Wednesday?

Mr. ROBERT C. BYRD. If it is not finished on Wednesday, under the order the Senate would proceed to the consideration of the antitrust legislation on Thursday.

Mr. ALLEN. That is what I am talking about. That would be in a state of limbo, then, unless an agreement was made.

Mr. ROBERT C. BYRD. Unless further orders are entered, yes.

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. It is hoped by the distinguished manager of the bill (Mr. STENNIS) that there may be some agreement worked out tomorrow whereby action on the military procurement bill could be finished on Wednesday.

Mr. ALLEN. I thank the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President, I guess that about wraps it up.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. For the further guidance of the Senate, when there is unfinished business before the Senate and the leadership obtains permission to call up another measure, at the time of getting that unanimous consent, in order to rule out the possibility of a motion being made and that being decided without debate, would it be necessary that the unanimous consent say that the calling up of the bill should not be by motion? This point has never come up before.

The PRESIDING OFFICER. If the language used in making the unanimous consent request were ambiguous, or possibly ambiguous, it would behoove the Senator to obtain that kind of clarification.

Mr. ALLEN. In other words, the request must rule out the making of a motion to bring the bill up rather than that it merely be called up and thereby not displace the unfinished business?

The PRESIDING OFFICER. If it were clear that it was to be done by unanimous consent and not by motion, there would be no need for clarification.

Mr. ALLEN. But to be safe, one would have to say that a motion would not be made.

The PRESIDING OFFICER. That would be the safest way.

Mr. ALLEN. I thank the Chair.

DEATH OF REPRESENTATIVE TORBERT H. MACDONALD OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 1212.

The ACTING PRESIDENT pro tempore laid before the Senate a resolution (H. Res. 1212) which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable *Torbert H. Macdonald*, a Representative from the State of Massachusetts.

Resolved, That a committee of 80 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. KENNEDY. Mr. President, I send to the desk a resolution on behalf of myself and my colleague, the distinguished junior Senator from Massachusetts (Mr. BROOKE), and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable Torbert H. Macdonald, late a Representative from the State of Massachusetts.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, TORBERT MACDONALD was a very special person and friend to me and to my family. His courage and tenacity in the final days before his death were typical of his lifetime of service to his country and to the people he represented in the Seventh Congressional District for 22 years. There was an unusual bond of friendship and respect between Torbie and President Kennedy. His death is a deep personal loss as well as a deep public loss, and my thoughts and prayers are with his family.

Mr. President, I ask unanimous consent to have printed in the Record the obituaries from the Boston Globe, the Boston Herald Advertiser, and the New York Times.

There being no objection, the obituaries were ordered to be printed in the Record, as follows:

[From The Boston Globe, May 22, 1976]

Torbert Macdonald Dies; 21 Years in Congress

Washington.—Rep. Torbert H. Macdonald (D-Mass.) died at 9:20 last night in Bethesda Naval Hospital in Maryland. He was 58.

The veteran congressman entered the hospital May 2 for treatment of a blood ailment. Last Monday he had doctors turn off his life-supporting systems and chose to await a natural death.

Rep. Macdonald spent much of the next day saying goodby to his family at the hospital.

His home was at 63 Appleton st., Malden, but he was born and raised in Medford and roomed with John F. Kennedy at Harvard in 1940.

Rep. Macdonald, who represented the 7th Congressional District more than 21 years, was first elected to the House in 1954.

He announced on April 7 he would not seek re-election because of failing health.

The congressional seat left vacant by the death could, under Article I of the US constitution, be filled by a special election called by the governor.

Aides to Gov. Michael S. Dukakis believe he will leave the seat vacant because the approaching elections are so close.

The family requests that, in lieu of flowers, donations be made to a scholarship fund being established in his name.

The scholarships will be for needy college applicants from the 7th District who have displayed leadership both in the classroom and on the playing field.

Sen. Edward Kennedy said last night: "Torby Macdonald's special bond of friendship with President Kennedy was shared and treasured by all the members of my family.

"The courage and tenacity he displayed in the days before his death typified Torb's life. In athletics and in public service to the citizens of Massachusett's 7th Congressional District, he gave his all.

"My family joins with me in expressing our deep sense of personal loss of a special friend and a great public servant. Our thoughts and prayers are with his family."

"He was not the complaining type," said US Rep. James Burke (D-Mass.) a few weeks ago when Macdonald announced he would not seek re-election because he was in poor health. "He kept things to himself. It was obvious during the last few weeks he was not feeling too well."

Burke, who knew Macdonald for 18 years on Capitol Hill, described him as a "hard worker and a highly principled fellow." He said Macdonald was always "into things that affected New England people in an economic way."

Macdonald was in and out of the hospital in recent weeks. In late March, he entered Bethesda Naval Hospital for tests and subsequently stayed in his Washington apartment under doctors orders. He attempted to work at home. However, last month he decided not to seek re-election.

"I find I can no longer come up to the standards which I have set for myself," Macdonald said in a statement on April 7. "After consultation with doctors and after undergoing a thorough physical examination, I realize that I can regain my good health if I am able to remove as many pressures as possible.

Macdonald grew up in Medford and was an outstanding athlete at Medford High School. He easily could have played professional baseball or football. He excelled at track. A former Harvard football captain, Macdonald was signed by the New York Yankees baseball team.

After graduating from Harvard Law School, Macdonald began a law practice and campaigned for his closest friend and former Harvard roommate, John F. Kennedy. Their association always remained very close.

"Nobody was closer to JFK than Torby," recalled Kenneth O'Donnell, President Kennedy's appointments secretary. O'Donnell's father, Cleo, and Macdonald's father, Jack, were roommates at Holy Cross College in 1908. Macdonald, while a law student, coached O'Donnell at football at Harvard.

"He was the greatest athlete you ever saw," O'Donnell said.

O'Donnell said Macdonald never used his friendship to gain advantages at the White House. "They were friends to the end. They would sail together. Macdonald visited frequently when JFK was in the White House and they were the two closest friends I know. But Torby was all class. He would never mention it."

Macdonald had a keen sense of humor. He would enjoy pranks. In "Johnny, We Hardly Knew Ye," O'Donnell and Dave Powers, a long-time Kennedy confidant, recall a trip made to former President Lyndon Johnson's ranch.

"We were joined at breakfast by the sleepy Torby Macdonald, who had tried to avoid being called by leaving his bed at 4 a.m. and hiding in his bathroom, curling up in the tub with a pillow and a blanket. Johnson had found him and roused him up."

JFK enjoyed Macdonald and enjoyed his pranks as well. Rose Kennedy, in her book "Times to Remember" recalls "Torb" Macdonald making a secret pact with JFK when Kennedy was bedded down with influenza but was set on earning a letter on the varsity swim team at Harvard.

Every day, Macdonald told Mrs. Kennedy, "I'd sneak into the infirmary with some food for him . . . As soon as he'd eaten, we'd slip out the back door, and I'd drive him to the indoor athletic building, where's he'd doggedly practice his backstroke. Then I'd drive him back to the hospital."

Kennedy's death crushed Macdonald. Some close to the representative say he never got over it.

After he was elected in 1954, Macdonald kept an energetic pace on Capitol Hill, flying abroad frequently on committee business. After Kennedy died, although shaken, he rose to power, becoming the second-ranking Democrat on the Interstate and Foreign Commerce Committee and chairman of its communications subcommittee. He immersed himself in work.

Macdonald, during his 21 years in Congress, was credited with guiding the growth of educational television, with helping New England get an equitable supply of home heating oil during the recent oil embargo, writing a law that forced professional sports teams to allow local television broadcasts of soldout home games, and with fighting for lower electric rates.

"He was highly respected by all members. A sound progressive," said former House Speaker John McCormack. "He was always a fighter for the legislation that would benefit the sick, the poor, the afflicted and the underprivileged. He fought for better educational opportunities and to eliminate discrimination."

House Speaker Thomas P. O'Neill, Jr., upon hearing in April of Macdonald's retirement plans, said: "He was one of the finest public servants I have ever known."

Macdonald's wife is the former movie actress Phyllis Brooks.

He also leaves two sons, Torbert Hart, Jr., 30, and Brian, 22; two daughters, Mrs. Laurie Lotspeich, 28, and Robin, 19, and three grandchildren.

[From the Boston Herald Advertiser, May 23, 1976]

Macdonald Is Honored For His Achievements

Escorted by a Navy honor guard, the body of Congressman Torbert H. Macdonald in a flag-draped casket arrived last night at Logan Airport from Washington where the congressman had served the people of his Seventh District for more than 21 years.

A Mass for Macdonald will be celebrated Friday at 11 at the Church of the Sacred Hearts, Malden.

Macdonald, 58, of Malden, died Friday night of internal hemorrhaging at Bethesda Naval Hospital.

His death was followed by tributes from state and national leaders for his many accomplishments in Congress.

A Democrat who served in the House continuously from 1955, Macdonald was hailed yesterday by House Majority Leader Thomas P. O'Neill Jr.

O'Neill praised his colleague from Massachusetts as "the father of public broadcasting, the architect of the Emergency Petroleum Allocation Act and the author of the Sports Anti-Blackout Law."

Known as a hard worker in Congress, Macdonald was chairman of the House power and communications subcommittees and a ranking member of two government operations subcommittees—conservation, energy and natural resources and government information and individual rights.

The congressman was John F. Kennedy's roommate at Harvard and remained a close friend of the late President until Kennedy's 1963 assassination.

Sen. Edward M. Kennedy said Macdonald's "special bond of friendship with President Kennedy was shared and treasured by all the members of my family."

"In athletics and in public service to the citizens of Massachusetts, he gave his all," said Kennedy, with the sports reference alluding to the days Macdonald played football at Harvard University.

"The courage and tenacity he displayed in the days before his death typified Torb's life," the senator added.

When Macdonald was hospitalized earlier this month, he requested that doctors shut off the mechanical devices that were helping to keep him alive. The doctors complied with the request and for a time it appeared the congressman's condition was improving.

When he died, his wife, Phyllis, and their four children were at his bedside, an aide said.

The cause of Macdonald's illness was not publicly revealed. He had previously undergone treatment for cancer but he told his staff that he had been cured.

Prior to the return of Macdonald's body here, Gov. Dukakis yesterday lauded the congressman "as a man who has served as an inspiration to many of us in government."

In his praise, Dukakis pointed to the congressman's deeds.

"During the 1960s when not too many people were paying attention to consumer protection on the national scene," Dukakis said, "Torby Macdonald was an inspiration to those of us at the State House who were concerned.

"He was especially helpful in dealing with utility regulations, and in offering a national voice for consumer protection," the governor added. "His was one of the few voices to be heard nationally on the issue.

"This is a sad weekend for Massachusetts and the nation," Dukakis commented. "I will personally miss him as a government leader and as a friend."

State Auditor Thaddeus Buczko said Macdonald "leaves us all a legacy of responsible and honorable commitment."

Congressman James Burke (D-Milton), who knew Macdonald for 18 years on Capitol Hill, described him as a "hard worker and a highly principled fellow."

Congressman Harley O. Staggers (D-W. Va.), chairman of the House Commerce Committee, of which Macdonald was the second-ranking member, commented: "You could always trust Torbert Macdonald. He would give his word and stick to it even if it hurt him politically. I admired his courage."

When Macdonald's body arrived here at Logan Airport, his wife and four children, Torbert H. Jr., 30; Brian, 22; Mrs. Laurie Lotspeich, 28, and Robin, 19, were present. Also there were his three grandchildren and a host of friends and dignitaries.

The group was escorted from the airport by the State Police.

There will be six pallbearers and 12 honorary pallbearers at the funeral Friday.

The pallbearers named are former U.S. Sen. Benjamin A. Smith II of Massachusetts; Rep. Frank Thompson (D-N.J.); Alfred G. Vanderbilt of New York, a long-time friend of the family; Joseph E. Croken, Macdonald's administrative assistant in Boston; the congressman's son, Torbert H. Jr., and Rep. Thomas L. Ashley (D-Ohio).

Honorary pallbearers are former House Speaker John W. McCormack; House Majority Leader O'Neill; Rep. Dan Rostenkowski (D-Ill.); Rep. Olin Teague (D-Tex.); Peter Jaeger, a long-time friend; Kenneth P. O'Donnell, former Kennedy White House aide; Harry M. Shushan, counsel to the House Communications Subcommittee, which Macdonald headed.

Peter S. Knight, a Washington administrative assistant; David Brickman, editor of the Malden Evening News; Louis Chandler, Belmont, a former law partner of Macdonald; Alexander J. Cella, Boston, a family friend, and Sen. John Culver (D-Iowa).

Visiting hours at the E. E. Burns Funeral Home, Malden, will be Wednesday and Thursday from 2–4 and 7–9.

The family requested that in lieu of flowers contributions be sent to the Torbert H. Macdonald Scholarship Fund, Room 2100–A, John F. Kennedy Building, Boston, Mass. 02203.

Burial will be in Holy Cross Cemetery, Malden.

[From the New York Times, May 23, 1976]

Representative Torbert H. Macdonald, Boston Democrat, Dies

(By Robert Hanley)

Washington, May 21.—Representative Torbert H. Macdonald, the Massachusetts Democrat who asked that lifesustaining devices be turned off after he was hospitalized earlier this month, died Friday at Bethesda Naval Hospital, an aide said. He was 58 years old.

Mr. Macdonald died of internal hemorrhaging, the aide said.

It was not publicly known what caused Mr. Macdonald's illness. He once underwent treatment for cancer, and told his staff he had been cured.

POWERFUL LEGISLATURE ROLE

With a background of stardom in Harvard football, gallantry in World War II, and friendship with John F. Kennedy, Torbert Hart Macdonald was elected to Congress in 1954 and for 11 consecutive terms represented the Massachusetts district encompassing the aging industrial port of Chelsea and the suburban communities of the northern fringe of greater Boston.

In his 21 years in the House, before illness interrupted his career in April, 1976, Representative Macdonald became the second most powerful Democrat, behind Harley O. Staggers, on the House Committee on Interstate and Foreign Commerce. He was chairman of that panel's subcommittee on communications and power.

In that position he enjoyed in the 1970's a powerful role in the formation and passage of House legislation dealing with broadcasting and television and with the oil, natural gas and electrical industries.

LIMITED SPENDING

His distaste of wealthy politicians "buying elective office" led to perhaps his most significant bill, the Federal Election Campaign Act of 1971, which limited media spending by candidates for Federal office.

In 1967, he sponsored legislation in the House that led to establishment of the Corporation for Public Broadcasting. And in subsequent years, his measures were instrumental in continuing Federal funding of the corporation. He also drew wide public notice for his 1973 measure that banned television blackouts of professional football home games and other sports events sold out in advance.

Also in 1973, he fought during the "energy crisis" for Federal allocation of home heating oil, crude oil, gasoline and other petroleum products.

Mr. Macdonald's work on his last major project—pressing for the growth of cable television—was stopped by his decision in April not to seek a 12th term because of his illness.

Early on May 9, Mr. Macdonald suffered sudden internal bleeding and was taken in what was described as a "coma-like condition" to Bethesda Naval Hospital. Doctors listed him in "very serious condition."

Tubing was inserted into his nose and arms to provide nourishment and medicine to combat and drain the bleeding.

Hours later, he regained consciousness. The next day he told his doctors to withdraw all the life-sustaining tubing.

"He found himself in a position of being encumbered with all these tubes in his nose and arms. He realized he was close to death and this was not the way he wanted to go," his administrative aide, Peter S. Knight, recalled later. "He wanted to die with more dignity than that."

His wife and four grown children, gathered at his bedside, were distraught at his request. As Mr. Knight remembered the scene, Mr. MacDonald's oldest daughter, Laurie, asked him:

"Do you realize what this means?"

"Yes," he said.

"You still want us to remove it?"

"Yes."

However, Mr. Macdonald began to rally and his condition improved slowly. A week after the life support equipment was taken away, his condition, though still serious, had stabilized.

Yesterday, however, his condition began deteriorating. Today, he lapsed into a coma. His wife and children were at his bedside when he died.

INCREDIBLE STRENGTH

"He's gutsy, courageous," Mr. Knight said after Mr. Macdonald's initial rally. "He didn't want to die the way he was, but he's got a fierce, incredible amount of strength."

Mr. Macdonald was born in Boston on June 6, 1917, and was reared in Malden, the Boston suburb where he settled and practiced law after wartime duty as a naval lieutenant commanding a PT boat and graduation from Harvard Law School in 1946.

Mr. Macdonald entered Harvard College in the fall of 1936. His roommate for four years there was John F. Kennedy. Both joined the freshman football team. Kennedy was frail and dropped out. But Torby Macdonald, an elusive, speedy halfback, made the starting line-up in his sophomore year and led Harvard to victories over both Princeton and Yale that season and in 1938.

He was chosen captain of the 1939 team. But he was hurt early in the season and missed several games. In the Yale game that year he scored his team's only touchdown in the waning minutes of a 20-to-7 defeat. He was later inducted into Harvard's football hall of fame.

Mr. Macdonald was also an outstanding outfielder on the Harvard baseball team, and after graduation in 1940, he tried out for the New York Yankees and spent that summer playing on one of their minor league teams.

Wartime ended his professional baseball. He went to the South Pacific as skipper of a PT boat, as did Mr. Kennedy.

On a patrol off New Guinea one day early in the war, his craft came upon five Japanese barges loaded with troops. Four of them were attacked and torpedoed. Mr. Macdonald went after the fifth as it neared an island for a landing. It, too, was torpedoed, but not before Mr. Macdonald's craft was within range of Japanese shore guns. A shell exploded near his craft, damaging it. Despite leg wounds, Mr. Macdonald got his boat and crew back to base safely.

DECORATED FOR VALOR

His action in that raid won him a Silver Star and a Purple Heart.

Soon after Mr. Macdonald opened his law office in Malden in 1946, Mr. Kennedy drew his old roommate into his circle of political advisers to help with his first race for Congress. Mr. Macdonald managed the Kennedy headquarters in Cambridge in that successful race.

Thereafter, Mr. Macdonald worked in all the late President's campaigns. And Mr. Kennedy always stumped for Mr. Macdonald in his Congressional campaigns, beginning with his first in 1954 when he upset a 10-term Republican Representative, Angier L. Goodwin.

Mr. Macdonald is survived by his wife, the former Phyllis Brooks, a former actress of Syracuse, whom he married in 1945; two sons, Torbert Jr., and Brian; two daughters, Mrs. Charles Lotspeich and Robin, and three grandchildren.

Mr. HATHAWAY. Mr. President, I wish to make a few remarks today about a man who I have at separate times in my life called my hero, my friend and my colleague, Torbert H. Macdonald, a Representative from Massachusetts.

It is interesting to note that throughout my friendship with Torby, he was all of those things to me. As a high school student I was one of thousands that picked Torby as our first hero—a running, passing, and kicking back for the Harvard Crimson. It was an era of heroes, but Torby's impatience with the mediocre set him above all the others. I was to follow him at Harvard, but I could not follow him on the gridiron.

Throughout his professional, political, and personal life, Torbert Macdonald's attitude changed little from his football days. Halfway measures and halfway efforts were simply not enough. There was nothing lukewarm about him, a facet of his personality known to many here on Capitol Hill.

There are those who call Torbert Macdonald a statesman—and they are right. As a Congressman, he was an active and powerful force as a member of the Third Mexico-United States Interparliamentary Conference in 1963. In 1969, 1970, and 1971, we House Members named him our Representative to the Conference of the International Telecommunications Satellite Consortium.

Yes, he was a stateman. But he was first and foremost a New Englander, who brought to the national legislature the hopes and desires of the people of Malden, Lynnfield and Saugus, Chelsea and Revere, and the many other communities of the Seventh Congressional District. For the past 21 years, **TORBERT MACDONALD** stood in the House Chamber for the principles of those who sent him here to represent them. It should come as no surprise to know that he did a good job at that too.

When a friend is called away from you, it is hard to say exactly what it was that drew you together, particularly when it is a friend of long standing. For me, I suppose, it was TORBY's consistent quest for substantive results. His early activities conveyed that characteristic; 5-yard gains were only tolerated—he wanted the touchdown. And one of his last acts also conveyed that characteristic; his life was dependent on mechanical equipment, and rather than face a half life he ordered the system disconnected.

TORBERT H. MACDONALD had a voracious appetite for life. And while I mourn his passing, I am nonetheless left with a curious joy at having known a man who lived so completely on his own terms. He has filled my mind and heart with memories that will stay with me all my life.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 452) was unanimously agreed to.

The ACTING PRESIDENT pro tempore. The Chair appoints the two Senators from Massachusetts to join the committee appointed on the part of the House.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move—in accordance with the previous order, and pursuant to the provisions of Senate Resolution 452, as a further mark of respect to the memory of the deceased **TORBERT H. MACDONALD**, late a Representative from the State of Massachusetts—that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 6:27 p.m., the Senate adjourned until tomorrow, Tuesday, May 25, 1976, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 1976:

DEPARTMENT OF JUSTICE

Philip M. Van Dam, of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years vice Ralph B. Guy, Jr., resigning.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, sections 3036 and 3066, to be assigned as Chief of Engineers, a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Woodland Morris, [redacted] [redacted] U.S. Army.

IN THE ARMY

The following-named officer as Permanent Professor of History, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333:

Flint, Roy K., [redacted].

The following-named cadets, graduating lass of 1976, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283 through 4353:

Adams, Paul F., [redacted].
Aide, Lewis G., [redacted].
Angell, John J., [redacted].
Albertelli, Paul D., Jr., [redacted].
Alexander, John W., [redacted].
Alexander, Marcus A., [redacted].
Alexander, Thomas V., [redacted].
Allen, Charles M., Jr., [redacted].
Allison, Charles R., [redacted].
Amico, Peter A. II, [redacted].
Anastas, Kevin P., [redacted].
Andersen, William E., [redacted].
Anderson, David F., [redacted].
Anderson, Steven D., [redacted].
Annunziato, Gary, [redacted].
Antrum, Charles A., [redacted].
Apple, Dale A., [redacted].
Apt, David R., [redacted].
Araneo, Gerald P., [redacted].
Argo, Reamer W. III, [redacted].
Asada, Michael K., [redacted].
Austin, Clinton W., Jr., [redacted].
Babb, Michael A., [redacted].
Babula, Steven R., Jr., [redacted].
Baca, Michael D., [redacted].
Baggott, Christopher L., [redacted].
Baker, Darrell A., [redacted].
Baker, Michael R., [redacted].
Balint, Stephen P., [redacted].
Ball, David A., [redacted].
Balliet, Norman L., Jr., [redacted].
Banks, Steven F., [redacted].
Baratta, Robert T., [redacted].
Barbero, Michael D., [redacted].
Barnhill, Curtis A., [redacted].
Barno, David W., [redacted].
Barrett, Steven E., [redacted].
Bartley, John R., [redacted].
Beale, Michael D., [redacted].
Begeman, Leon J., [redacted].
Beimler, Robert R., [redacted].
Belser, John H., Jr., [redacted].
Bent, Edward A., [redacted].
Bernardi, Robert E., [redacted].
Berry, Mark E., [redacted].
Berwick, Bruce A., [redacted].
Best, Steven P., [redacted].
Bifulco, Richard P., [redacted].
Birznieks, John A. S., [redacted].
Bivins, Demetrius K., [redacted].
Black, Bruce E., [redacted].
Blair, Bernard R., Jr., [redacted].
Bogusky, Richard L., [redacted].
Bonneau, Stephen D., [redacted].
Booth, Donald V., [redacted].
Bornhoft, Gregory R., [redacted].
Botto, Vincent S., [redacted].
Bowles, Floyd E., [redacted].
Bowman, Richard B., [redacted].
Braden, Randall R., [redacted].
Brady, Michael W., [redacted].
Brege, James M., [redacted].
Brennan, Edward J., [redacted].
Brenneman, John L., Jr., [redacted].
Brewner, Eric A., [redacted].
Brey, Warren J. P., [redacted].
Brisson, Richard A., [redacted].
Bromfield, Roy W., [redacted].
Brooks, Jeffrey C., [redacted].
Brooks, Steven G., [redacted].
Brower, John R., [redacted].
Brown, Douglas M., [redacted].
Brown, John C., [redacted].
Brown, Johnny L., [redacted].
Brown, Louis H., [redacted].
Brown, Ransom S., [redacted].
Bruckner, Jeffrey M., [redacted].
Bryant, Bradford J., [redacted].
Bulman, Lee A., [redacted].
Burgess, Lawrence P. A., [redacted].
Burgess, Louis G., [redacted].
Burke, Peter R., [redacted].
Busa, Santiago, Jr., [redacted].
Bush, Gregory E., [redacted].
Butler, Samuel J., [redacted].
Butler, Stephen J., [redacted].
Butler, Steven G., [redacted].
Byrne, Michael W., [redacted].
Cal, John M., [redacted].
Caldwell, William B., IV, [redacted].
Campbell, Kim M., [redacted].
Candelore, Craig A., [redacted].
Cannon, Carl A., [redacted].
Canosa, Stephen R., [redacted].
Cantrell, Michael, [redacted].
Caponegro, Francis, H. R., [redacted].
Capps, Steve G., [redacted].
Cardenas, Eduardo, [redacted].
Caricker, Rodney D., [redacted].
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Stansberry, Jeffrey H., [redacted].
Steen, Ralph P., Jr., [redacted].
Stefan, William F., Jr., [redacted].
Steinbrunner, Thomas J., [redacted].
Stephenson, Donald S., [redacted].
Sterling, John E., Jr., [redacted].
Stevens, Carl J., [redacted].
Stinson, John B., [redacted].
Stone, Gregory A., [redacted].
Stonesifer, Shane G., [redacted].
Stoudenmire, Francis L., [redacted].
Strodtbeck, George K., III, [redacted].
Stuhlmiller, Allan D., [redacted].
Sullivan, Jerrold T., [redacted].
Sullivan, Patrick T., [redacted].
Sumption, Richard H., [redacted].
Surtees, Robert W., [redacted].
Sutterlin, Walter J., [redacted].
Swaim, Thomas P., [redacted].
Swan Guy C., III. [redacted].
Swann, Francis D., [redacted].
Sweeney, Timothy R., [redacted].
Swisher, Michael Z., [redacted].
Szoka, John D., [redacted].
Taggart, Robert L., [redacted].
Taira, Robert T., [redacted].
Tatu, Michael P., [redacted].
Taylor, Chester A., Jr., [redacted].
Taylor, Douglas M., [redacted].
Taylor, Gregg A., [redacted].
Taylor, John P., [redacted].
Teising, Charles C., Jr., [redacted].
Tezza, Robert J., [redacted].
Thames, Troy L., [redacted].
Thomas, Thomas R., III, [redacted].
Thompson, Dennis L., [redacted].
Thompson, Ian M. Jr. [redacted].
Thompson, Max W., [redacted].
Thompson, Michael J., [redacted].
Thomson, George B., Jr., [redacted].
Tillotson, Mark E., [redacted].
Titus, David E., [redacted].
Tolliffe, Brin A., [redacted].
Tonsing, Frederick W., Jr., [redacted].
Topete, Hector E., [redacted].
Topolewski, Robert M., [redacted].
Travis, James L., III, [redacted].
Trayers, James L., III, [redacted].
Treadwell, James A., [redacted].
Trujillo, Dennis R., [redacted].
Trujillo, Wayne J., [redacted].
Tuebner, Peter F., [redacted].
Twerdowsky, Bohdan, [redacted].
Twomey, Robert E., [redacted].
Tylenda, Leonard J., [redacted].
Urban, Robert M., [redacted].
Vail, Andrew F., III, [redacted].
Valentino, Francis P., [redacted].
Valerio, Thomas M., [redacted].
Vanderschaaf, John W., [redacted].
Van Sant, William P., [redacted].
Vernon, Steven A., [redacted].
Victor, Arthur O., Jr., [redacted].
Vincent, Dale S., [redacted].
Voetsch, Arthur L., [redacted].
Walker, Keith C., [redacted].
Walker, Kenneth A., [redacted].
Wall, Charlie T., [redacted].
Wallace, Gregory D., [redacted].
Wallace, John W., Jr., [redacted].
Walsh, William H., [redacted].
Ward, Donglas J., [redacted].
Warner, Jerry B., [redacted].
Warner, John R., [redacted].
Warner, Volney J., [redacted].
Waugaman, Graham J., [redacted].
Weaver, Frederick, Jr., [redacted].
Webb, James R., [redacted].
Webb, James W., Jr., [redacted].
Wechsler, William F., [redacted].
Weger, Richard L., [redacted].
Wehrle, William O., [redacted].
Weidner, Scott F., [redacted].
Welch, Jeffrey M., [redacted].
Weller, James S., [redacted].
West, Leonard M., [redacted].
West, Mark A., [redacted].
Weyrick, Bruce L., [redacted].
White, Ky W., [redacted].
White, Michael A., [redacted].
Whitting, Daniel L., [redacted].
Whitlock, Willie P., [redacted].
Wickham, Michael J., [redacted].
Wiegel, James A., [redacted].
Wike, Jeffrey S., [redacted].
Williams, David J., [redacted].
Williams, Frank E. IV, [redacted].
Williams, Howard M., Jr., [redacted].
Williamson, John M., [redacted].
Wilson, Paul R., [redacted].
Wingo, Gary L., [redacted].
Wisda, Martin J., [redacted].
Wolfe, William R., III, [redacted].
Wolff, Richard J., [redacted].
Wood, Michael R., [redacted].
Woody, Kevin C., [redacted].
Wooley, James H., [redacted].
Workman, Nathan D., [redacted].
Wright, Philip F., [redacted].
Wrightson, Robert T., [redacted].
Yatto, David A., [redacted].
Youngberg, Niel A., [redacted].
Zahn, Brian R., [redacted].
Zaima, Harold H., [redacted].
Zaruba, Charles J., Jr., [redacted].
Zeige, Robert A., II, [redacted].
Zimmerman, Audie D., [redacted].
Zimmerman, Eric B., [redacted].
Zophy, Bruce K., [redacted].

The following-named cadets, graduating class of 1976, U.S. Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283 through 4353:

Lawrence, Geoffrey S., [redacted].
McLaughlin, Joseph R., [redacted].

EXTENSIONS OF REMARKS

INNOVATIVE SENIORS ON CAMPUS PROGRAM

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, May 24, 1976

Mr. HUMPHREY. Mr. President, I take particular pleasure in drawing to the attention of the Senate the success of the Older Americans Act of 1965 in fostering a seniors on campus program at Minnesota's North Hennepin Community College. This is a fine example of a policy objective being fulfilled through the enlightened cooperation of the Federal and State governments, the educational institution—including its staff and administrators—the community itself, and those whom the program was designed to serve.

I hope we will be able to expand on these efforts to enrich the lives of older Americans and thereby enable them to continue to make important contributions to American life.

Mr. President, I ask unanimous consent that "Senior Power at North Hennepin," by Charles J. Sugnet, from the May 1976 issue of Change magazine, be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENIOR POWER AT NORTH HENNEPIN

(By Charles J. Sugnet)

On a rainy evening in the fall of 1970, a van filled with senior citizens from the United Seniors of Minneapolis drove illegally down the sidewalk that crosses the interior courtyard at North Hennepin Community College and pulled up next to one of the classroom buildings. Inside, a seminar on housing and care for the elderly was being held, but the participants were younger professionals, and the 15 seniors in the van wanted to know why they had neither been consulted in the planning of the seminar nor invited to participate. They demanded not only that they be admitted (although they had not registered), but also that they be allowed to state their views. The situation had all the ingredients of the campus confrontations of the sixties, except for the age of the activists. Indeed, Bruce Bauer, North Hennepin's capable, thirtyish director of community services, at first reacted defensively. After all, the "golden agers" were given free passes to campus movies, weren't they?

Bauer quickly changed his mind, however. Seeing that he had in front of him a group of citizens whose educational needs were not being met in spite of the college's community education policy, he admitted that North Hennepin (along with nearly every college in the nation) was not doing enough for the seniors, and set out to respond to that rainy confrontation in a way that might not have been possible at a less receptive institution.

Founded in 1966, North Hennepin had only just moved in 1969 to the brand-new campus a few miles north of the Minneapolis city limits where it now serves over 3,000 students. The setting reflects the changes that have brought the college into being. In sight of the 51-story IDS tower in downtown Minneapolis and on the edge of a suburban housing development still under construction, the campus is nonetheless surrounded by old farmsteads with large, flat corn and potato fields. The campus itself consists of one-story brick-and-glass buildings arranged around a central courtyard; parking is free and ample, and the visitor is struck by the numerous conveniences for the handicapped.

Except for a certain windswept quality, there is nothing formidable or threatening about the campus, which was designed to convey a receptive atmosphere to potential students from an area including North Minneapolis and the northern and western suburbs, as well as places with names like New

Hope, Golden Valley, Maple Plain, and Coon Rapids. In 1970, the school was still called North Hennepin Junior College and was largely a transfer institution, with 75 percent of its entering students indicating an intention to complete their education at a four-year institution. President John F. Helling had decided, however, to move toward a "community college" conception and had hired Bruce Bauer as community services director.

So North Hennepin was ready for the seniors in their van, even though no one expected them. Bauer's first step was to engage the activists themselves in planning the program, and a Senior Advisory Committee was set up, involving representatives from several senior citizens' groups and local apartment complexes. This committee still meets once a month and has a major voice in determining curriculum and in scheduling films, social events, and health screenings. In addition, it acts as a personal grapevine, bringing the wishes of local seniors to the college and taking back to its constituency news of upcoming courses and events—reaching older persons who are isolated and initially fearful about going to a college campus.

The committee also sponsored "Campus Invasion," a public-relations version of the van incident, which brought 400 seniors to the campus and was successfully repeated in 1972 and 1973. North Hennepin received a small grant under the Older Americans Act of 1965 to begin a Seniors on Campus program. Federal support has continued and the college is currently a member of a consortium of Minnesota colleges and universities receiving a $126,000 federal grant to work on various aspects of education for senior citizens. Grant money has been used to pay teachers, to hire a full-time staff person, and to buy a 14-seat van (similar to that used by the activist invaders), since transportation is a problem for many older students, especially during Minnesota's long, cold winters.

By the spring of 1975, the Seniors on Campus program had cumulatively enrolled 3,411 students in its classes, and total participation in all its events had been 12,046. Articles had appeared in newspapers and professional journals and the college had received over 150 requests for information from places as diverse as Boston University and Bay De Noc Community College in Escanaba, Michigan. The program had been referred to as one of several models in *Never Too Old to Learn*, published by the Academy for Educational Development, and in *Older Americans and Community Colleges: A Guide for Program Implementation*, written by Andrew S. Korim for the American Association of Community and Junior Colleges.

In the early days, political action courses like Senior Power were popular, but having served their purpose, they are not in demand now; public speaking courses remain a favorite, apparently because many seniors are participating in organizations for the first time in their lives and feel the need to express themselves at meetings. The other popular courses appear to be self-developmental, rather than practical, instrumental courses. These range from Psychology for Everyday Life through creative writing and painting classes; beginning language courses have not drawn well. Some courses mix seniors with other age groups; but most do not, and research shows that, while the seniors enjoy being on campus and socializing with younger students, a majority prefer having separate classes. Only about 10 percent of the instructors are members of the college's regular faculty, with others recruited from the surrounding areas. Since they are paid only for contact hours (about $10 per hour), theirs is a labor of love. Evaluations of the instructors have been almost uniformly favorable.

Contrary to expectation, very few seniors have moved from the program's special classes into regular credit courses. Obviously, few seniors are interested in acquiring credentials in a culture that does not consider them employable. They cite self-development and opportunities for social contact as the chief benefits of the program. Moreover, since fewer than half the Americans currently over 65 have completed high school, today's seniors are not likely to be prepared for or interested in the traditional undergraduate curriculum. Bauer points out that this will change drastically over the next 25 years; with much more educational experience, seniors of the future will be likely to demand a more advanced curriculum, perhaps in mixed classes with undergraduates. For the present, however, he insists that the school must adapt itself to the needs of the surrounding population, rather than expecting others to adapt to it. And as long as the Senior Advisory Committee is allowed a large role in planning the curriculum, that curriculum will change to suit the needs of potential students.

In the meantime, the program is trying to provide opportunities for contact between generations outside the classroom. Each quarter, in a series of open discussions, young and old together discuss subjects such as war and pacifism. Watergate, sex and aging. Theater productions and other events involve seniors with regular students; each year the Senior Advisory Committee and the student senate jointly sponsor a "spring fling" involving both rock and fox trots for the benefit of the scholarship fund. One result of such mixing was the election of a senior to the student senate in 1972.

The excitement and uncertainty of the pioneering years seem to be over. Many curricular questions are settled. Bauer is moving on to become president of Itasca Community College in Grand Rapids, Minnesota. Enrollments are down somewhat from the high point of 1973–74, simply because so many other schools and agencies are following the program's lead and offering courses of their own. The Minnesota state legislature recently passed the Senior Citizen Higher Education Act, which permits state residents over 62 to attend any state-supported institution tuition-free if there is room. North Hennepin, in an attempt at preretirement education, had used age 55 as its eligibility requirement, but will soon change to 62 in order to conform with the rest of the state. Though the program still depends on grant renewals for its existence, its very success has made it seem quite established—business as usual. Still, it is an extraordinary and charming kind of business.

On the day I attended an advisory committee meeting, it was plain that the 25 seniors present took their responsibilities seriously. The meeting was more efficient and productive than many faculty committee meetings I've attended, but it was also fun. Coming to campus has helped many of the seniors blossom, showing off their active, colorful, sexy selves. They were dressed to kill in very colorful clothes (pink dresses, checked suits, orange shirts with wide ties). They joked easily about sex, death, and infirmity. One woman said a certain course was so good she wouldn't drop out "unless I *really* drop out," with a hand gesture indicating the horizontal position of a corpse. An older man in a wheelchair loudly explained that his new neck brace was "to cover up my hickeys." Where there are jokes like these in the face of pain and loss there is imaginative life and energy. The seniors are remarkable, and North Hennepin has helped them to be that way.

TRIBUTE TO LLEWELLYN A. MAZIQUE

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mrs. BURKE of California. Mr. Speaker, Mr. Lew Mazique, deputy area F administrator of Los Angeles City Schools, a teacher and school administrator of highest caliber is being honored upon his retirement after 32 years of service.

"A Toast to Lew" is being held May 23, 1976, at the Sheraton West Hotel. His many friends, colleagues, and former students are gathering to wish him well.

Mr. Mazique began his teaching in 1944, after service in the U.S. Navy, assigned to Bancroft Junior High School as a math and science teacher. Later he was assigned to Lafayette Junior High School where he served as teacher, counselor, and registrar. During the last days prior to the closing of Lafayette Junior High, he also served as vice principal and was the standby principal from 1953–55.

From Lafayette, Mazique went to Foshay Junior High as vice principal. During part of the 1960 school year, he served as principal of Adams Junior High School and from 1960 to 1967 was principal of both Carver Junior High and Garden Gate High School. He also served as principal at Fulton Junior High School from 1967 to 1971.

Mazique was assigned, in 1971, as an administrative area F Assistant, a position—now named deputy administrative assistant—he will hold until his retirement in June.

A native of Arkansas, Mazique did his undergraduate work at Arkansas A. & M., earning the BA degree. At Fisk University, he did 27 units of graduate work. He earned the MA degree and has finished all requirements toward a doctoral degree at the University of Southern California.

Some assignments which Mazique has taken great pride in performing are: Member of Commission of five which constructed "Minimum Essentials Test in Arithmetic," for Los Angeles City Schools—1951; member of commission which made recommandations for adoption of California State textbooks, spring 1951, and spring 1957; member of commission which developed "Course of Study for Junior High Arithmetic," fall 1951; YMCA: Member of board of managers for both 28th Street Branch and South West Branch, 1955–59; NAACP: Education chairman and member of executive board, Los Angeles Chapter, 1953–57. He was Omega Psi Phi's "Man of the Year" in 1956.

Mazique served 4 months on the successful 1957 tax override and was a committee member for the 1966 bond issue with Dr. Johnston serving as chairman.

Mazique said recently:

> The years of association with the Los Angeles City Schools have been most re-

warding. Each assignment has brought new challenges and because of the variety of assignments and experiences, I have not had the time nor the opportunity to become bored. I am most grateful for the many years of interaction with students, co-workers, and friends and the contributions these relationships made to my growth.

It is my pleasure, Mr. Speaker, to add my congratulations to Mr. Mazique for his outstanding contribution to the children and to the whole community for his years of tireless service. I would like to extend my best wishes to him for a pleasant, productive retirement.

OLDER AMERICANS MONTH—MAY, 1976

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. AMBRO. Mr. Speaker, this month, as in every May since 1963, we, as a Nation, are observing Older Americans Month. Today, there are 21 million older Americans, comprising 10 percent of our population, and as we celebrate the 200th anniversary of our independence, it is only fitting that we pay special tribute to those men and women who have contributed so much to the 20th century, keeping America the great Nation that it has always been.

The population and lifestyle of our elderly have changed drastically during their own lifetimes. As opposed to the extended family of years ago, today most senior citizens live independent of their children's help. Without the moral and financial support of younger family members, it has become incumbent upon the Federal, State, and various local governmental units to assist in providing the services, opportunities, and amenities necessary to their well-being while preserving their dignity. Since most of our present-day senior citizens earned their income during the years when wages were considerably lower than they are at present and before private pension plans were fully developed, many of them were not able to put aside sufficient funds for adequate retirement incomes. As a result, many now have relatively low incomes and the social security program has become the primary or sole source of income for most elderly citizens. Consequently, our elderly are our most economically disadvantaged age group, the proportion of aged people living in poverty conditions—according to the U.S. Bureau of the Census—being 16.3 percent, higher than for any other age group.

Interestingly enough, however, when we receive mail and telephone calls from our senior citizens asking for some assistance through the bureaucratic maze that we have built into their assistance programs, or requesting consideration of a mere cost-of-living increase in their all too meager social security benefits, it is almost apologetic in tone. Our senior citizens are a proud and independent group, and they hesitate to ask for our help. It is a sad commentary upon our legislative and administrative systems that they have to ask at all.

Respect and responsibility for our elderly on the part of all citizens is a reflection on our Nation as a whole. We owe a profound debt of gratitude to those Americans who worked long and hard during their years of employment, who sent their children to colleges and universities to attain a level of education that they themselves never knew, who contributed much and asked for and took little out of our society. Only when we as a people make every day Older Americans Day will we make a genuine start on repaying our long-overdue obligation.

PEKING SHOWS HOW TO MAKE THE POOREST PEOPLE POORER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. McDONALD of Georgia. Mr. Speaker, it would seem impossible to make a Tibetan nomad even poorer but the Red Chinese have found a way, as the London Observer discovered. There is no real point to the collectivization of saddles, ropes, and bags, which are among the few pitiful possessions these people have. "Collectivization" represents merely the despoliation of individuals, in order to reduce them to abject dependence upon the state. I commend to every imagination the following account, reprinted in the Washington Post on May 20:

TIBETS' REDS RESTRICT WANDERERS

Tibet's Chinese Communist rulers have completed the collectivization of the country's nomads.

According to informed sources here, the wandering people of the Saka Dzong region of Western Tibet have now been made to follow the example of the rest of the country and adopt a communal life on the Chinese pattern. Most of their property, including saddles, ropes, bags, milk containers, cooking utensils and livestock, now belongs to the commune.

Each commune is run by a Chinese leader, a treasurer and an accountant. According to recent escapees from Tibet, the Chinese regime is one of strenuous work, low pay and a shortage of food.

One escapee, Tenzing Dakpa, described the collective system. Commune members are allowed to retain smaller cooking pots, the big copper utensils going to the commune. They are also allowed to keep one female yak or a horse, though large joint families can retain three female yaks. The owners must sell the milk from their animals to the commune but the yak hair may be kept and used for weaving cloth for personal use.

All sheep and goats are fully collectivized; private ownership of them is not allowed. In certain cases, private land for cultivation of grain is permitted.

Workers are paid on a system of work points or karmas ("stars"). A firstclass worker can earn as many as seven points for a nine-hour working day, whereas an average workers' score would be about three to five. Points are entered in a work book, which also records daily attendance.

Each work point is worth seven "phings"—the Chinese currency in Tibet: an average day's pay of 35 phings is worth about half an Indian rupee (about 3 pence or 6 U.S. cents). If, however, the average performance of the commune is low, individual work points are cut down.

The wages earned are recorded in the work book and not paid until the end of harvesting season, when a worker can buy up to 260 lbs. of the crop. If the harvest is not good, purchase shares goes down.

In addition, a worker is also entitled to produce four to six yards of cloth and some meat, six packs of tea and about 2½ lbs. of butter a year provided he can pay.

Stringent restrictions on movement are enforced by the commune leaders. Even for short journeys, permission has to be obtained from the leader.

Communes that have been functioning for four or five years are now being consolidated and converted into bigger units consisting of four communes.

GUN CONTROL: SOME KEY RESEARCH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. MURTHA. Mr. Speaker, for all the emotion surrounding the gun control issue, there has been very little actual research on the effectiveness of gun control laws.

Prof. Douglas R. Murray of the University of Wisconsin has completed the most advanced methodological study to date. Writing in "Social Problems" (v. 23, No. 1), Murray statistically explores the relationship between handguns, gun control laws, and violence involving firearms.

Murray's conclusion is this:

> The data have indicated that gun laws have no effect on either handgun ownership or on crime rates, suggesting that this type of legislation is totally irrelevant to its stated purpose.

Murray tested three hypotheses. The first was that severe gun control laws lower rates of violence with firearms. Testing the laws in effect across the United States, Murray found no relationship.

Second, he tried the argument that gun laws reduce possession of handguns. He concludes "the data show that gun laws have no significant effect on access to firearms."

Third, Murray tested whether there is a relationship between access to guns and violent acts. Again, he found no supporting evidence.

In his paper Murray also mentions points I raised last year in testimony presented to the Crime Subcommittee, namely the bureaucratic cost of a Federal law, the redtape involved, and the unlikeliness we are truly going to prevent a criminal from obtaining a gun.

I think Professor Murray's research shows the debate over gun control has produced more emotion than fact. I oppose such laws because I do not believe they will work, they will penalize the sportsman and law-abiding citizen, and they will be costly to the Government.

Wherever a person stands on the issue, it seems to me we should take more time to study and review these laws to see if they really do any good before Congress passes something in haste.

MEAT NOT PROBLEM

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. GRASSLEY. Mr. Speaker, one of the common statements of so-called humanitarians is that the United States should use the grain it feeds livestock to feed the hungry at home and abroad. While I am not opposed to helping the needy, I do not believe that is a valid argument. To clarify my point I would like to insert in the Record the following letter, printed in the May 15 edition of the Marshalltown, Iowa, Times-Republican:

MEAT NOT PROBLEM

Editor, Time-Republican:

Recently there has been quite a bit of controversy about the world food crisis, and livestock production is often criticized by various groups and individuals who are concerned with the world food crisis.

The critics feel that livestock consumes grain that could be used by the hungry people of the world. Some thoughtful people, however, disagree with the notion that abstention from meat would, by itself, result in food for the hungry millions—a very simple answer to a complex question. This solution, sounds like a reasonable suggestion, but it doesn't seem to stand up under critical analysis. In fact, it may prolong the problem by preventing the development of unused resources in the undeveloped and developing world. When U.S. grains are given to these people, unfair competition to the farmer of these areas results and prevents a poor economic situation for development.

Most of the grain fed to livestock is of kinds not eaten by the human population. Ruminants are a special class of animal, including cattle, sheep, goats, and deer. Their unique digestion process permits them to convert large quantities of cellulose to edible food, to convert inorganic nitrogen to the amino acids necessary to life. Ruminants have the additional capability of harvesting their own food. Many millions of acres of the earth's rangelands cannot now be harvested for food production other than by grazing by such animals.

We must recognize that the voices of the hungry must be heard. Foreign lands which are seemingly unable to control their birth rate, which chronically can only partially feed themselves, which can produce few goods to trade, which have few national resources and little to barter, still exist. Some of their governments priorities don't seem to encompass this problem. Their human anguish is real. We cannot ignore them. And yet if we are to help them we must take a realistic look at the implications of what we do.

The fact that grain exists somewhere does not mean that the hungry will be fed anywhere. Someone must pay for the cost of feeding the family who cannot pay for their own food. Unpurchased, unprocessed, untransported, undistributed foodstuffs benefit no one. We must use our resources so that maximum efficient production will make a contribution to the humanitarian need.

Perhaps personal help to utilize their resources and technology to help them produce more food for themselves, would, in the long run, be more helpful to the generations to follow.

Doris Edler,
President, Marshall Co. CowBelles.
Irma Henze,
President, Marshall Co. Porkettes.
Eleanor Buck,
Shirley Davis.

SOLAR INCENTIVES

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. MOAKLEY. Mr. Speaker, I have introduced a bill, with over 40 cosponsors, to encourage American homeowners to install solar energy systems in their residences. The legislation, the Solar Energy Incentive Act of 1976, provides four tax incentives. John Tunney, Democrat of California, has introduced the bill in the Senate.

The four incentives are:

First. Tax credits of 25 percent of any original installation costs under $8,000.

Second. A tax deduction of 10 percent for the 2 years immediately following installation costs under $8,000.

Third. A tax deduction of 5 percent for the third year for original costs under $8,000.

Fouth. A tax credit to offset any increase in local property taxes resulting from an increased assessment due to the installation of solar hardware.

We are approaching an impending shortage in our traditional fuel sources. According to the National Academy of Sciences, the world's entire supply of oil will be depleted in 50 years, and the prognosis for natural gas is even worse. This state of affairs is serious, especially for the Northeast which depends on oil for over 80 percent of its energy. It is clear that we must develop an alternative source of energy. Solar energy is the best alternative we have today.

Mr. Speaker, despite the many advantages of solar energy, growth in its development has been slow. The single most important barrier to extensive use of solar energy systems is financial. The cost of installing a solar heating system in a private home can be almost 2½ times that of conventional oil systems. The cost gap between solar systems and conventional systems has closed in recent years, but the expense is still beyond the means of many families.

Several States have taken the lead in promoting solar energy use with tax incentives but it is time now for the Federal Government to formulate a policy to encourage solar use nationwide.

I believe this legislation is the one step that is needed for the future growth of solar energy use.

DR. RICHARD HANUSEY ELECTED PRESIDENT OF MENTAL HEALTH ASSOCIATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. EILBERG. Mr. Speaker, mental illness strikes a large segment of our population. It affects every part of society—regardless of where one lives, age, income, business or profession, religion or race. It is estimated that 1 in 10 persons will require care for such an illness at some time during their lives, and many experts consider this estimate too conservative.

The Mental Health Association of Southeastern Pennsylvania is a nongovernmental citizens' organization dedicated to the fostering of social action on behalf of those mental patients who cannot speak for themselves. Its members are citizens who take social action toward improved care and treatment, as well as prevention, of mental illness.

Financial support for the association comes from both the United Funds of Greater Philadelphia and Southeastern Delaware County and from membership contributions. These funds are used for projects including the—

Providing of comprehensive community services;

Giving of special attention to children and adolescents;

Training and education related to health and illness;

Recruitment of citizens to participate in our programs; and

Liaison with State, county, and Federal officials.

Recently, Dr. Richard D. Hanusey, a member of the board of directors since 1971 and vice president of the association last year, was elected president for 1976. He has been chairman of the association's Schools Advisory Committee and a member of the organization's Children's and Adolescent's Committee, Education Services Committee, and the School Liaison Committee.

Dr. Hanusey, superintendent of District Five, school district of Philadelphia, is also the chairman of the Urban-Suburban Secondary Schools Committee and the bilingual education program of the school district. He is a board member of the Hartranft Community Corp., North Branch YMCA, Child Psychiatry Center of St. Christopher's Hospital, St. Luke's Hospital, the Slavic Federation, and other community organizations.

I applaud my friend, Dick Hanusey's past endeavors in the area of community service and his ability to establish a shining example of what the efforts of one man can accomplish. It is extremely fitting that a man of his talents should be elected the president of such a worthwhile organization. As tribute, I would like to enter into the Record his statement in the association bulletin, "Lines of Communication":

PRESIDENT'S MESSAGE . . .

Patrick Henry during the Virginia Convention in 1775 said, "The battle, sir, is not to the strong, it is to the vigilant, the active and the brave."

Our association in implementing the concept of Patrick Henry's message could make this Bicentennial Year—and coincidentally the organization's 25th anniversary—our finest and most productive year.

There is no question in my mind that within our membership we have the talent, the commitment, the courage to develop and implement a comprehensive mental health plan to meet the long range needs of children, adolescents and adults.

A quick look at our past accomplishments and reflecting upon the results achieved by Jerry Apfel, our past president, and the presidents that preceded him suggest that we have been successfully active indeed.

What remains to be seen is whether we:

Will continue to work toward immediate availability of quality care and treatment and toward the kinds of research that will eventually reduce problems of mental illnesses to a minimum.

Will increase the intensity of our advocacy in serving the least of our brethren—our children.

Will further develop and expand our educational efforts to help people better understand the problems, progress, and needs of emotionally and mentally ill people.

Will continue to concentrate in improving linkage between the Mental Health Association, mental health centers, the school systems, and the community at large in each of the four counties we serve.

Will be ever vigilant in our efforts to support and/or oppose legislative enactments that impact upon the mental health services to our clients.

Will make a serious effort to evaluate the mental health delivery system in order to provide the kinds of services needed by consumers.

Will assume a leadership role in pressing for more adequate federal, state, and local funding.

Will continue to launch and sponsor pilot programs related to mental health needs.

Will seriously attempt to improve the communication system between our Association and the multitude of organizations also serving the mentally handicapped.

The responsibilities we face are indeed awesome. However, we cannot afford ourselves the luxury of weeping over the magnitude of the tasks before us. Instead, it is imperative that in a liaison capacity we bring together the resources that exist in the institutions, organizations, and agencies within our midst in order to:

Mount and sustain our attack on mental disability.

Strengthen and improve the programs and facilitate serving mentally ill persons.

Eliminate the necessity to rely on custodial isolation.

Together we can accomplish many of our objectives. We must because our mentally ill constituents have placed their trust—in fact their welfare—in our hands. And when we do emerge successful, unlike Ben Franklin, we will not have to ponder whether the insignia of the sun is a rising or a setting sun. The insignia will emerge as a rising sun sending out all its rays to those who desperately need our help.

RICHARD D. HANNSEY,
President.

AL SIEGLER, AN EDUCATOR WHOSE LEGISLATIVE LIFE WAS NOT LIVED

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. LEGGETT. Mr. Speaker, as a boy, I many times gave a speech for charitable causes entitled, "I am the unknown American"—unknown because my life has not yet been lived. The thought applies to many young people with some promise. So, too, can the thought apply to my gregarious Italian friend, Assemblyman Al Siegler, who met his maker early this week. If St. Peter needed an assistant, Al Siegler would get high recommendation in my book.

I say Siegler was unknown because this was so in a national sense. But for those of us who knew him as a father, teacher, school principal, supervisor, and assemblyman, we knew his true potential. Would it be that Al Siegler could have served 20 years in the State legislature, I can foresee that the State as a result of his good works, would have been a better place. It is a tragedy for the people of our State that Al Siegler's full legislative life was not lived. Would it be that a fatal heart attack had not struck this legislator during the week and that he could persevere with the legislative plans and vital program he was explaining to me only last Saturday.

Siegler was kind, decent and he knew the worth of family, State and country. He was a man you could love and a public servant who was beloved.

I joined with Al to form the Greater Vallejo Kiwanis and he was one of our first presidents. At one time or another he was president or director of almost every charitable and youth character-building agency in town.

His late wife, Loy, was herself an educational inspiration to many; and their young folk, Dr. Richard, Teacher Karen and School Administrator James are living evidence of their parents character.

Siegler was unopposed in his bid for reelection on the Democratic ballot, a testament to his first term effectiveness. He authored some bills that will provide for a better workable judicial system, another would provide for a better opportunity for employment of the disabled.

His record on civil liberties has been hailed by ACLU—he was not afraid to put his vote for people where his heart was.

Al Siegler, the people of the State of California recently gave you a stupendous salute in life—in the hereafter you deserve no less. Remember us in your prayers.

SOLAR ENERGY AMENDMENTS TO H.R. 13350

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. BROWN of California. Mr. Speaker, last week during consideration of H.R. 13350, the ERDA authorization bill for fiscal year 1977, I offered an amendment in the form of a substitute to the amendment offered by Mr. Jeffords of Vermont. I am pleased that my colleagues were persuaded by the arguments to vote for adoption of my substitute amendment.

My amendment, like the proposed Jeffords' amendment, added $116.2 million to the authorization reported by the Committee on Science and Technology for solar energy programs and related program support for solar personnel in fiscal year 1977. We differed in the allocation of these funds among the solar programs. The Jeffords amendment added moneys to only three solar electric categories. Of these funds added by my amendment $112 million is allocated for solar energy programs directly—$56 million for solar heating and cooling of buildings and $56 million for other solar programs including numerous categories and $4.2 million for hiring personnel under the category of program support in title III of the bill. This distribution of funds is in keeping with the views of the committee and a report to the committee from the Office of Technology Assessment that more emphasis is needed on those solar technologies with a potential for near-term-impact. A detailed allocation of the funds for the various subprograms and categories of the solar program reflecting the increases adopted by the House in approving my amendment are given in the accompanying tables along with spending in prior years:

SOLAR ENERGY

[In thousands of dollars]

Operating expenses	Actual, fiscal year 1975		Estimated for fiscal year 1976		Requested for fiscal year 1977		Total fiscal year 1977 committee authorization		Total fiscal year 1977 House authorization	
	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays
Direct thermal application:										
Heating and cooling of buildings:										
Residential demonstrations	600	260	5,900	4,000	8,100	6,300	26,200	19,900	51,000	37,600
Commercial demonstrations	6,043	2,430	18,200	12,600	16,700	12,200	30,200	22,300	46,400	35,200
Research and development	5,589	2,200	5,000	3,700	10,500	8,200	10,500	8,200	17,500	13,700
Development in support of demonstration	850	421	6,000	4,500	10,000	7,800	12,000	9,300	20,000	15,500
Subtotal heating and cooling of buildings	13,082	5,311	35,100	24,800	45,300	34,500	78,900	59,700	134,900	102,000
Agriculture and process heat	500	200	4,750	3,700	3,900	2,500	6,700	4,600	11,000	7,500
Subtotal direct thermal applications	13,582	5,511	39,850	28,500	49,200	37,000	85,600	64,300	145,900	109,500

SOLAR ENERGY—Continued

[In thousands of dollars]

Operating expenses	Actual, fiscal year 1975		Estimated for fiscal year 1976		Requested for fiscal year 1977		Total fiscal year 1977 committee authorization		Total fiscal year 1977 House authorization	
	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays	Budget authority	Budget outlays
Solar electric applications:										
Solar thermal	13, 216	3, 732	14, 300	10, 600	30, 900	26, 500	38, 000	31, 800	49, 400	40, 200
Photovoltaics	5, 158	2, 607	21, 600	16, 000	28, 200	22, 000	32, 100	25, 100	48, 200	35, 800
Wind	5, 720	1, 039	14, 900	11, 000	16, 000	12, 000	16, 000	12, 000	25, 600	18, 800
Ocean thermal	1, 888	1, 010	8, 100	6, 000	9, 200	7, 000	17, 000	13, 000	21, 000	15, 900
Subtotal solar electric applications	25, 982	8, 388	58, 900	43, 600	84, 300	67, 500	103, 100	81, 900	144, 200	110, 700
Fuels from biomass	885	96	4, 500	3, 830	4, 300	3, 000	6, 000	4, 200	9, 000	6, 100
Technology support and utilization:										
Solar energy resource assessment	700	500	1, 000	900	1, 500	1, 300	5, 500	4, 700	9, 000	7, 000
Solar Energy Research Institute	0	0	2, 200	1, 600	1, 500	1, 000	2, 500	1, 700	3, 500	2, 200
Technology utilization and information dissemination	700	500	600	600	1, 000	700	3, 000	2, 100	6, 100	4, 300
Solar storage	0	0	1, 600	1, 500	0	0	0	0	0	0
Subtotal technology support and utilization	1, 400	1, 000	5, 400	4, 600	4, 000	3, 000	11, 000	8, 500	18, 600	13, 500
Total operating	41, 849	14, 995	108, 650	80, 530	141, 800	110, 500	205, 700	158, 900	317, 700	239, 800
Total capital equipment	60	40	1, 000	500	5, 700	2, 800	8, 500	4, 300	8, 500	4, 300
Total plant	0	0	5, 000	5, 000	15, 000	2, 650	15, 000	11, 950	15, 000	11, 950
Total solar energy	41, 909	15, 035	114, 650	86, 030	162, 500	115, 950	229, 200	175, 150	341, 200	256, 050

POSTAL SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. DERWINSKI. Mr. Speaker, the Postal Reorganization Act of 1970 was based on the sound premise postal management and labor would share a dual responsibility for developing an efficiently operated mail service. Unfortunately, neither management nor labor has approached the level of optimum performance. As a result, 5 years after the fact, we are left to grapple with a postal record studded with references to record deficits, increased rates, and the public furor over the caliber of service. Viewed from any vantage point it is a record which is equivalently dismal.

In the current legislative imbroglio surrounding the financial ills of the Postal Service, the Wall Street Journal swiftly cut to the heart of the problem in a recent article which said:

> The troubled U.S. Postal Service is fast becoming the political tar baby of the year.

The same article went on to say that there has been a great deal of complaining and finger pointing, but very little serious attention devoted to problem solving.

Many of the politically oriented personalities who profess interest in and concern about the U.S. Postal Service have been working overtime to convince the public there is a simple and painless cure-all for the Service's worsening financial health. Their prescription is to throw more Federal dollars at the problem, and then blame the President if he questions the wisdom and necessity of their largess.

It is the height of financial folly to advocate a two or threefold increase in the public service subsidy for postal operations without knowing how the additional funds will be spent. Commonsense dictates that we should have facts and figures available if we are to make an intelligent decision on the size and scope of subsidies for the mail.

Advocates of bigger postal subsidies, now and forever more, gloss over the fact it is the taxpayers who ultimately will be asked to shoulder the additional burden by sharply increasing their tax ante. There is only one available spigot for a Federal subsidy—the U.S. Treasury.

In an effort to sell the subsidy, proponents have argued that the only alternatives are higher postal rates or less service. Should one or both of these options be summarily dismissed from consideration? I think not.

On the question of rates, perhaps we already are at the point where additional increases will be counterproductive. I certainly am aware of the 116 percent increase in first-class rates since 1971, and also of last year's decline in volume which indicates a growing resistance to higher rates. Sooner or later Congress is going to have to make a decision as to whether the users of specific categories of mail are to pay for services received or whether all the taxpayers will be asked to defray the costs of some postal services they seldom use.

There is more room for maneuver on the question of reduced services. Postal management proposals to close some small, nonproductive installations are long overdue. I see nothing wrong with such proposals as long as comparable mail service is maintained.

Actually, there is nothing new or revolutionary about closing post offices. This is a routine procedure which has been going on since the birth of our Republic. Postal history is loaded with references to the closing and opening of postal installations in response to the ebb and flow of population. Just the other day I happened to come across the Postmaster General's 1868–69 report in which he dutifully noted 849 post offices had been closed.

On a slightly more positive note, I am hopeful our Postal Facilities Subcommittee's continuing investigation of the new bulk mail network will pinpoint responsibility for the many problems which have fouled operations. Thus far, the investigation has proved conclusively that there was a complete breakdown of communications between regional offices and headquarters in connection with the magnitude of mail being damaged in the bulk mail centers.

I am also concerned over the gyrations of our Postmaster General in trying to placate certain segments of Congress nonexpert in the field of postal management. His performance on the photocopying machines is a case in point.

It has been an on-again, off-again, on-again performance. The machines were put in postal installations at the behest of the Postal Service Subcommittee of the Post Office and Civil Service Committee. They were removed because of pressure generated by the same subcommittee which itself yielded to outside pressure. Then, in an effort to catch up with public opinion, the subcommittee decided it had made a mistake. The machines were once again to be available in postal installations.

It is exactly this type of meddling which has compounded the postal problem. If the Postmaster General is going to run the Postal Service, he cannot be second-guessed at every turn by a group of nonexperts. Of course, the Postmaster General himself must avoid the same second-guessing exercise.

Lest I be misunderstood, Mr. Speaker, I think most Members will agree with me that membership on a committee or a particular subcommittee can produce a panoply of consequences which frequently have little relationship with expertise on a given subject.

CORRECTION OF COSPONSOR TO H.R. 13889

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. CORMAN. Mr. Speaker, on May 19, 1976, I introduced H.R. 13889 to authorize payment under the medicare program for optometric and medical vision care.

This bill was introduced with the cosponsorship of nine Members. However, an error was made in listing Mr. LONG of

Maryland as a cosponsor instead of Mr. Long of Louisiana. To correct this unfortunate situation I am today introducing the legislation with Mr. Long of Louisiana as cosponsor.

My apologies to both Mr. Long of Maryland and Mr. Long of Louisiana.

THE FEA: CONSERVING WHAT?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mrs. SCHROEDER. Mr. Speaker, energy conservation is without a doubt the most important form of energy action which the Nation needs to take, and I am happy to note that the Energy Research and Development Administration has made it its No. 1 priority.

The Federal Energy Administration, on the other hand, through its Office of Conservation and Environment, also promotes energy conservation. In fiscal year 1975, this Office expended $17 million and in fiscal year 1976 it spent $46 million on its version of energy conservation efforts.

Energy conservation dollars should be well spent. To do otherwise is counterproductive to future requests for energy conservation funds, just as not well-thought well-out requests for synthetic fuel development programs and not-thought out requests for defense procurement are counterproductive to later plans which are conceived in a rational and studious manner. In this relation I have been concerned over the way FEA has spent the good dollars we have already given it for energy conservation, and I have come to advocate that the FEA be abolished and its conservation efforts placed elsewhere, so that conservation funds given for FEA-type functions will be wisely spent.

Of the $17,020,000 which the FEA was appropriated for its Office of Conservation and Environment in fiscal year 1975, about $4.5 million were spent in-house on its 282 employees. The other $12.5 million were contracted out to various profitmaking and nonprofitmaking groups and to other Federal agencies. In fiscal year 1976, the figures for allocations were about $8 million for 305 in-house employees and about $39 million for contracting out. Thus, in the 1975 and 1976 fiscal years, the FEA spent only about one-fifth of its Office of Conservation and Environment funding on developing in-house conservation efforts.

For fiscal year 1977 and the 1976 transition quarter, the House Interstate and Foreign Commerce Committee bill, H.R. 12169, to extend the FEA for 39 months, proposes that FEA's Office of Conservation and Environment be authorized $7,386,000 for the transition quarter and $49,961,000 for fiscal year 1977. In addition, H.R. 12169 authorizes $13,056,000—apparently prorated over the transition quarter and fiscal year 1977—for the electrical utility study program which heretofore has been carried out with part of the Office of Conservation and Environment's main authorization. And there is another $50 million available to the Office for the funding of State conservation plans—also previously part of the main budget authorization for the Office—under an authorization in the Energy Policy and Conservation Act which Congress passed last December. There is also another $2.2 million authorized by the same act for appliance efficiency studies. Thus, the grand total of authorizations for FEA functions connected to the Office of Conservation and Environment amounts to $122,555,000 at the funding levels of H.R. 12169.

Looking at the total picture, the add-ons in H.R. 12169 plus already authorized funding are quite an increase over the levels at which the Office of Conservation and Environment has had in previous years. It is well over the $63 million the administration originally requested, and about $37 million over the figure which the House Energy and Power Subcommittee arrived at in marking up the bill at the subcommittee level. Incidentally, the figures which the subcommittee derived are identical to the figures allocated for these functions by the Schroeder-Fithian substitute to H.R. 12169, which abolishes the FEA and transfers the functions of the Office of Conservation and Environment to the Energy Research and Development Administration.

Moreover, funding at the level of H.R. 12169 is about $22 million more than the Senate Government Operations Committee has recommended for the Office in its bill, S. 2872, to give the FEA 15 months of life and then parcel its functions to other departments and agencies. The H.R. 12169 level of funding also opens the possibility up that the Budget Act will require funding category transfers to meet its request.

Mr. Speaker, I am concerned with the funding level of H.R. 12169. Giving the FEA H.R. 12169's level of funding will mean that down the road when FEA has frittered the funds away we will find it very difficult to get sound conservation spending authorizations through the House. The Schroeder-Fithian substitute contains large amounts for FEA-type conservation efforts, and transfers these functions to the Energy Research and Development Administration where, in conjunction with ongoing ERDA conservation efforts, a sound and integrated energy conservation program can be developed. It is interesting to note that even the House report on H.R. 12169 cites in support of the extra infusion of conservation funds to figures which ERDA, not FEA, has computed as to the effectiveness of conservation efforts.

There are good and substantial reasons why the conservation programs which H.R. 12169 might fund would not be in the best interests of the Nation. First, the Commerce Committee report gives little more direction to the additional funds authorized than that the FEA should add about 120 employees to the Office of Conservation and Environment. Second, the past history of FEA's spending through the Office indicates that for what we have received for the dollars already spent has oftentimes been prodigal.

As I noted earlier, the FEA has in the past farmed out its conservation funds to other bodies. It has primarily acted as a middleman—a function which ERDA could easily pick up if the Schroeder-Fithian substitute is accepted by the House—if ERDA were to choose, contrary to the direction it has followed, to take the contracting out approach and neglect developing in-house capabilities in the manner which FEA has neglected them. And the FEA's contracting out contains some of the best illustrations of the amount of waste accomplished by FEA efforts to conserve energy. I fear that continuation of the FEA and authorization of the type of increase in FEA conservation efforts which H.R. 12169 proposes will just mean more waste. To some extent, I might add, the report of the House Commerce Committee agrees with me:

> Within the energy community there seems to be little disagreement that energy conservation needs more emphasis than it has been given in the past. The degree of such emphasis, and the importance of non-price-associated incentives to encourage conservation practices are far from agreed upon, however, and this subject is likely to remain as a focus of concern in the future. The Committee is aware of the view that some of the funds added to the FEA budget, and indeed already in that budget, might be wastefully or inefficiently spent.
>
> It may be that a certain amount of waste is inevitable, given the evolution of this program and the "crash basis" that is implied in the direction that FEA's energy conservation efforts be effectively doubled. It is not the Committee's intention that this program be carried out in a wasteful manner. To ensure that this does not take place, the Committee will expect to receive periodic reports on the progress of this program and will assign personnel to monitor FEA's performance in this regard. Concern for possible maladministration of the conservation program should not be permitted to obscure the potential that such a program may have for easing this Nation's energy imbalances over time.

The minority views on H.R. 12169 concur, stating that—

> Although conservation is a vital aspect of our Nation's efforts to achieve energy independence, the author of the amendment authorizing the additional funds provided no programmatic justification of the additional funding. Thus, should these funds be appropriated, they will be tied to no programs and FEA will have a relatively free rein in using these funds.

I want to share with my colleagues some of the research I have done into the FEA Office of Conservation and Environment's contracts:

The Office paid $18,000 in fiscal year 1975 to the Rand Corp. for a study entitled "Energy Conservation in Lighting" which concludes that we can save energy by: First, turning off lights when not in use; second, using only the least possible lighting compatible with the purpose; third, using the most efficient lighting possible; and fourth, cutting down on lighting when day light is available. The FEA has followed up on these pearls of wisdom by contracting with Ross & Baruzzini to hold symposiums on these points at a cost of well over $100,000.

The FEA Office of Conservation and Environment paid $9,500 to the A. L. Nellum group for a study entitled "Special Data Impact of the Energy Crisis on Disadvantaged Consumers" which concludes that, among other things, poor people pay a larger percentage of their income for energy than rich people and poor people living in cold regions pay more for energy than poor people in warm regions.

The Office paid $100,000 to the Aerospace Corp., for a study of policies to induce mode shifts in intercity transportation which advised that by substantially increasing auto fuel taxes and air fare taxes we can get people not to fly or drive cars.

On the environmental side, the FEA paid $9,000 to Tabershaw Cooper Associates for a report to counterargue an Environmental Protection Agency document—the Finklea report—which had stated, contrary to FEA's own promotional efforts in connection with the use of high-sulfur coal, that high sulfur coal is a health hazard.

The Office of Conservation and Environment also paid $100,000 to Cambridge Systematics, Inc., for a study of carpooling and energy conservation at the same time that the Department of Transportation had been mandated by the 55-mile-per-hour speed limit law, and was carrying on an identical study.

The contracts I have noted are the result of a small, random sampling review which my office made of all FEA contracts.

Last but not least, the worst part of FEA's so-called conservation effort is the FEA's Office of Conservation and Environment program for opinion research polling. The funding of public opinion polls by the FEA has so moved Congressman JIM OBERSTAR that in March he introduced a bill, H.R. 12478, which would ban the FEA from doing further polling because, as he stated on March 18:

> Polling of this sort, obviously for the purpose of influencing public opinion, should under no circumstances be conducted by FEA or any other supposedly impartial Federal Agency.

This, of course, has not stopped the FEA Office of Conservation and Environment from publishing 15 volumes of the results of these polls. A list follows:

Volume 1.—General Public Attitudes and Behavior Toward Energy Saving.

Volume 2.—General Public Attitudes and Behavior Toward Energy Saving.

Volume 3.—Attitudes and Behavior of Residents in All-Electric Homes.

Volume 4.—Energy Consumption and Attitude of the Poor and Elderly.

Volume 5.—Trends in Energy Consumption and Attitudes Toward the Energy Shortage.

Volume 6.—Consumer Attitudes Toward Gasoline Prices, Shortages, and Their Relationship to Inflation.

Volume 7.—Consumer Attitudes and Behavior Resulting from Issues Surrounding the Energy Shortage.

Volume 8.—Consumer Behavior and Attitudes Toward Energy-Related Issues.

Volume 9.—General Public Attitudes and Behavior Regarding Energy Saving.

Volume 10.—General Public Attitudes and Behavior Regarding Energy Saving.

Volume 11.—The Public's Attitudes Toward and Knowledge of Energy-Related Issues.

Volume 12.—General Public Behavior and Attitudes.

Volume 13.—Energy-Related Attitudes and Behavior of the Poor and the Elderly.

Volume 14.—Automobile Usage Patterns.

Volume 15.—How the Public Views the Nation's Dependence on Oil Imports; A Possible Gas Shortage This Winter; The Overall Need To Save Energy.

The cost of these tomes has already surpassed the $200,000 mark, and the FEA requested $300,000 more for a stepped-up fiscal year 1977 program to put out more. To put things into proper perspective, even staff members at the FEA have been concerned over what this public opinion polling program touted as a conservation effort is producing. My staff dug up the following memorandum within the FEA files on a $30,000 public opinion contract let to the National Opinion Research Center, a University of Chicago-based group:

MAY 7, 1974.

To: Eric Zausner.
From: John E. Daniels.

"Are you certain we are not compromising our position with DOT by letting this contract. At one point, we said the NORC services should not be continued because it collected worthless data. Now we are letting the contract to NORC to make use of some of this "worthless data".

Apparently, the FEA Office of Conservation and Environment is more concerned about spending money than whether it produces a good result.

Mr. Speaker, moving the FEA Office of Conservation and Environment to the Energy Research and Development Administration, as the Schroeder-Fithian substitute to H.R. 12169 proposes, is only going to disrupt those who have been living off the FEA's profligate manner of misusing conservation funds for political purposes and spending funds for the commonplace. Furthermore, there can hardly be a disruption of the FEA's conservation efforts by such a transfer because moving the Office of Conservation and Environment only means we are moving the office which contracts with others to do the work it itself is supposed to do: Not only does the Office lack the knowledge and research capabilities to carry on inhouse conservation efforts, but also, it apparently cannot even set up workshops and symposiums or meet with trade associations without contracting with others to do the job.

To give the FEA 1 day of life past June 30, 1976, and to permit it to continue its prodigal efforts, rather than to take the responsible approach which the Schroeder-Fithian substitute proposes, is a tremendously unwise step if we in Congress want an integrated, knowledgeable, cost-effective conservation effort without the Federal Government.

TWO HUNDRED YEARS AGO TODAY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago today, on May 24, 1776, in order to stress the importance of the ill-fated Canadian campaign, the Continental Congress resolved to inform the commanding officer of American forces in Canada, "that the Congress are fully convinced of the absolute necessity of keeping possession of that country, and that they expect the forces in that department will contest every foot of the ground with the enemies of these colonies; and, as the Congress have in view the cutting off all communication between the upper country and the enemy, they judge it highly necessary that the exertions of the forces be particularly made on the St. Lawrence, below the mouth of the Sorel * * *."

Moreover, the congressional committee conferring with Generals Washington, Gates, and Mifflin about the Canadian campaign was directed to discuss the measures necessary to protect the colonies bordering on Canada.

CRIMINALS ARE IMMUNE TO GUN CONTROL

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. BAUMAN. Mr. Speaker, abolition of the private ownership of firearms has been a celebrated liberal cause for many years. One of the most often repeated arguments used by those who favor gun control laws is the need to reduce gun-related crimes. But do such laws really keep criminals from obtaining and using guns? The answer is "no," and this is proven in the pages of the magazine, Human Behavior. In its June 1976, issue, a short item appears describing the recent study by Dr. Douglas Murray of the University of Wisconsin. I believe that the Members will find this of interest, and I draw it to the special attention of the Judiciary Committee members who recently completed committee action on gun control legislation:

A LOADED ISSUE

To the American criminal and homeowner alike, happiness may be a warm gun, but gun-control advocates have long demanded tougher laws as the only hope of a domestic ceasefire. Have strict state gun laws actually helped control violence, and would even stiffer codes pay off in peace and security?

The University of Wisconsin's Douglas R. Murray says no, after surveying the gun-control policies of all 50 states and comparing them with each state's crime statistics. Not only do restrictions fail to inhibit violence, but not one of the seven laws he considered (license to purchase, waiting period before delivery, police record of sales, license to sell retail, minimum age, permit to carry openly and permit to carry concealed) had any significant effect on homicide, assault, robbery, suicide or accidents.

POLLING THE GUNNERS

The inability of gun-control laws to reduce violence appears linked to erratic enforcement and disparate punishment for violations, Murray suggests. Furthermore, such laws are supposed to keep guns out of the hands of those who would misuse them, but a national Harris poll of gun ownership showed that only two of the laws-minimum age requirement and mandatory permits for carrying a gun openly—had a significant impact on who owned guns. Because a similarly designed Gallup poll failed to show the same correlations, Murray discounts the Harris finding and insists that the laws do little to deter those who want to purchase firearms, for whatever reason.

Who are the gun owners, anyway? A 1973 National Opinion Research Center (NORC) survey of 1,504 homes showed that nearly half (47 percent) contained a gun, report James D. Wright of the University of Massachusetts at Amherst and Linda L. Marston of Tufts University. Surprisingly, this percentage has stayed about the same over the past 15 years, although rifles have recently replaced shotguns in popularity, and about 10 percent more families own handguns than did in 1959.

Despite the image of blue-collar city dwellers arming themselves to the teeth against the encroaching crime menance, gun owners are more often middle-class folk from small or rural communities in the South. They are also more likely to be white and Protestant, especially outside the South, where the white Protestant gun owner becomes more and more common, the higher the income bracket. Just over three-fourths of the non-Southern white Protestants who earn $20,000 a year or more own some kind of gun.

OWNERS AND CONTROLLERS

"While most of the people who are opposed to gun controls own guns," Wright and Marston observe, "it is also true that most of the people who own guns are not opposed to gun controls." Although nearly half the NORC sample owned guns, 75 percent said they would favor a law requiring a permit to purchase them.

In contrast to this national survey, a sampling of 740 New York State residents conducted by Allan Conway, Ph.D., and David Knox of Herkimer County Community College found only 34 percent in favor of more restrictive gun laws in their state. Proponents of reform were more often young (18 to 35), female, better educated, higher income, white collar and politically independent.

Whether or not the majority of Americans really want more gun-control legislation will probably remain a moot question for some time to come. A more salient issue, Murray says, is whether additional restrictions would be worth the bother. Registration alone could cost several million dollars; confiscation and purchase, at an average of $50 per gun, as much as $10 billion. And for all that, even a 1 percent rate of failure to comply would make criminals of hundreds of thousands of otherwise law-abiding citizens and leave some two million illegal guns around, says Murray.

"Are we willing to make sociological and economic investments of such a tremendous nature in a social experiment for which there is no empirical support?" Murray says.

CANCER INFORMATION SERVICE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. MOAKLEY. Mr. Speaker, I would like to bring to the attention of my colleagues, the creation of the Cancer Information Service—CIS—in the Commonwealth of Massachusetts.

The Cancer Information Service is a central resource for questions relating to cancer and cancer patients. It will service residents of Massachusetts through a toll-free telephone system. The general public as well as health professionals are encouraged to contact the CIS.

This new statewide service is part of what will eventually become a nationwide telephone network. Current funding is from the National Cancer Institute. Massachusetts sponsors are the Massachusetts Medical Society, the regional cancer control program, the Massachusetts Chapter of the American College of Surgeons and the American Cancer Society, Massachusetts Division. The telephone service will be staffed by trained volunteers with cancer specialists available for advice when necessary.

The service is meant as a focal point for information and should complement and cooperate with existing services and agencies.

Based on calls already being received by the sponsoring organizations, callers from the general public are expected to run the gamut from high school students doing term papers to persons with cancer or their families. For professionals the service can provide references and research specific topics. CIS will provide printed material as well as answers to specific questions. Every question will be answered.

CIS also prepares the newspaper column "Cancer Information" which appears every other Monday in the Boston Globe. Begun the end of March, it is expected that the column will be offered to other newspapers in Massachusetts beginning this summer. Readers can either call the service or send questions to the post office box.

Mr. Speaker, I believe that this valuable information tool deserves the support and recognition of the American people and the U.S. Congress. We should all do as much as we possibly can to spread the work that facilities such as this do exist to serve the millions of Americans who either suffer from cancer or are related to or friend to someone who is afflicted with this disease.

THE BICENTENNIAL CITY OF BECKLEY, W. VA.

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. HECHLER of West Virginia. Mr. Speaker, I wish to recognize today the Bicentennial city of Beckley, W. Va., named in honor of the first Clerk of the U.S. House of Representatives, the Honorable John Beckley who served in this capacity during the administrations of Presidents George Washington, John Adams, and Thomas Jefferson.

According to information provided me by the eminent historian, Murray Shuff of Beckley, our first House Clerk was a person of many talents. He is described by Mr. Shuff as being "well educated, a facile writer, gifted clerk, calligrapher draughtsman, accountant, parliamentarian, and an able lawyer." John Beckley was born in England, August 4, 1757, and sent to America at the age of 12 to serve as an apprentice scribe and bookkeeper in Gloucester County, Va. He was mayor of Richmond, Va., at the age of 25, was a member of the Virginia State Senate and was active for the forces of freedom and independence in the Revolutionary War.

The city of Beckley was authorized by the State of Virginia as a 30-acre town. It is located on a beautiful Appalachian plateau, 2,400 feet above sea level, and was referred to as "a paper town in the wilderness."

Today, during our Bicentennial Year, the city of Beckley is in the center of southern West Virginia's valuable coal fields, a vital cog in our Nation's goal to reach energy independence. Beckley is a wonderful city in which to live and work. It is a city—no longer "a paper town in the wilderness"—but an important growing progressive center looking to the future to help America's future.

AFL–CIO EXECUTIVE COUNCIL AND THE NEW YORK CITY CENTRAL LABOR COUNCIL AFL–CIO OPPOSE S. 1

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Ms. ABZUG. Mr. Speaker, S. 1, the Criminal Justice Reform Act, imposes severe restrictions on the labor movement, in addition to restricting freedom of the press and limiting the exercise of citizens first amendment rights. The original version of S. 1 makes violence on a picket line or during a strike a Federal crime by changing the definitions of "extortion" and "blackmail." By eliminating the word "wrongful" from the definition of "extortion," any incidental violence on a picket line could be brought within the scope of the Hobbs act. The sweep of the sabotage provision is far reaching and could apply to workers boycotting the shipment of goods to certain countries. The riot provision prohibits any group effort that has a violent act occurring coincidentally with it, and may be used to punish or intimidate workers.

In April, the New York City Central Labor Council AFL–CIO passed a resolution opposing S. 1 and the recent proposed compromise bill. On May 19, 1976, the AFL–CIO Executive Council issued a statement opposing the adoption of S. 1 in whole or in part. I would like to take this opportunity to insert these statements into the RECORD:

RESOLUTION ON SENATE BILL 1

Whereas, Senate Bill 1 is a bill purportedly to reorganize the Federal Criminal Code, that has been strongly opposed by the entire trade union movement because of its anti-labor provisions;

Whereas: Senators Kennedy, Hart, Abourezk have offered to compromise with Senators McClellan and Hruska to make the bill less objectionable;

Whereas: The proposed compromise in no way changes the anti-labor provisions of S–1;

Whereas: Recognizing that no attempt has been made by the Senate Judiciary Committee to eliminate these anti-labor provisions, we concur with the position expressed most recently to Senator Hart by the Michigan Building and Construction Trades Council that "S–1 could be used to destroy the labor movement in this country";

In recognition of: Similar positions taken by The Newspaper Guild, The United Steelworkers of America, the Amalgamated Meatcutters and Butcher Workmen, the Amalgamated Clothing Workers of America, the National Union of Hospital and Health Care Employees, the United Auto Workers and the United Mine Workers;

Therefore, be it resolved; That the New York City Central Labor Council:

Joins in reaffirming opposition to Senate Bill 1 as presently constituted;

Calls upon Senators Kennedy, Hart, Abourezk to reject this compromise as offered by Senators McClellan and Hruska;

Requests that affiliated unions communicate their opposition to this bill to Senators Buckley and Javits and to the members of the House Judiciary Committee.

Statement by the AFL–CIO Executive Council on Criminal Code Revision (S. 1).

The Senate Judiciary Committee has before it a bill, S. 1, "to modify, revise, and reform" the federal criminal code. The AFL–CIO opposes the adoption of S. 1 in whole or in part.

The essence of S. 1 is to extend the reach of the federal criminal law to the farthest limit and to grant federal prosecutors and federal law enforcement officials broad discretionary power to selectively subject individuals and organizations to criminal prosecutions. The potential for abuse that comes with undue concentration of power in the hands of the federal executive is too recent a lesson to forget. The power of criminal prosecution, the maximum power that a government may exercise over its citizens, has the greatest potential for abuse.

A number of the most objectionable features of the bill, as introduced, are well known. These include: expansion of the government's authority to prohibit the communication of information necessary to decide issues which are properly the subject of debate in a democratic society; the sanction of broad scale wiretapping and eavesdropping on private conversations; and broadened authority to prosecute individuals who picket or otherwise demonstrate against a federal agency or function.

In order to speed the legislation through Congress, the sponsors of S. 1 have indicated they are willing to drop or modify for the present time some portions of the bill which have generated the most controversy.

Even without these sections, the bill is objectionable.

The labor movement has no objection to a simple revision of the criminal code. But S. 1 goes far beyond a simple revision or modernization of the criminal code. In many instances, it would dispense with the necessity of proving that an action was truly knowing and intentional, that the person prosecuted was involved to a meaningful extent in wrongful conduct, or that the alleged crime was actually perpetrated. These expansions of the reach of the criminal law, which are accentuated by definitions of crimes—already characterized by the Senate Judiciary Committee Report as "designedly amorphous" or "admittedly vague", are unacceptable in a free society.

The integrity of the law is undermined by imposing criminal penalties on conduct that is commonly accepted as not criminal, or on individuals who have not played an active role in perpetrating a wrong. Moreover, as prosecutorial power is further extended, it becomes increasingly likely that criminal cases will be brought not on the judgment that the conduct alleged should be punished but because the defendant is out of favor with those in power for reasons having nothing to do with the particular matter in question.

Such selective use of the criminal law is perhaps the most serious threat to achieving the proper goal of the criminal justice system—which is to increase the citizen's freedom and security. The Constitution embodies the philosophy that it is necessary to limit the exercise of arbitrary power by officials elected and appointed to enforce the law as well as by those who break the law. The AFL–CIO cannot support S. 1 because it is not equally faithful to both of these vital concerns.

Additionally, we have serious reservations about other sections of the bill, particularly with the anti-labor bias reflected in numerous provisions. But we are most troubled by the general approach to the federal criminal law S. 1 manifests.

The AFL–CIO is well aware that there are strong arguments for reorganizing the present federal criminal statutory scheme, and that specific substantive modifications are required to meet changing times. But these purposes should not be accomplished at the expense of the existing careful limitations upon the governmental power of prosecution, which have traditionally safeguarded civil liberties in this society.

SPECIALTY STEELS—IMPORTS AND DEFENSE

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. HARSHA. Mr. Speaker, since the American strength in national defense is a matter of profound concern, we should all be disturbed, in the Congress and in the Executive, by the refusal of the steel-producing nations in the European Common Market Community to negotiate orderly marketing agreements to limit American imports of stainless steel and other specialty steels. The news of the European refusal was published in the papers of May 19. President Ford on March 16 announced that he would seek such agreements. Two months later his thoughtful suggestion is repudiated.

The level of imports of stainless steel and tool steel has a clear-cut defense implication, which is underlined by the fact that in 1972 the full Committee on Armed Services of the Senate concluded, after comprehensive hearings before its Subcommittee on General Legislation, that the specialty steels are essential to the national security. Although specialty steels account for roughly 2 percent of the total steel industry tonage, they account for 7 percent of the total steel production value. It is impossible to have strength in weapons without having strength in the American specialty steel industry. These metals are used in airplane engines, helicopter drive shafts, tubing for the nuclear powerplants of submarines, landing gear assemblies, machine tools for weapons manufacture—just to mention a few. Furthermore, it is impossible to make weapons without electricity, and it is impossible to make electricity without specialty steels. Every powerplant in the country depends on specialty steels for rotors, bearings, shafts, tubing, and gears. Obviously the industry is essential.

Yet until very recently the administration has been indifferent to the fact that imports of stainless and tool and other specialty steels have been conquering the American market, to the detriment of income and employment in the American industry. The most serious feature of this penetration is that unemployment means potential loss of skills in an industry that demands very high skills in its labor, and decline of income means loss of ability to pay for research leading to new technology. Advances in specialty steel technology go hand in hand with advances in weapons technology.

So the European refusal to negotiate for limits on imports is bad news. It is tempered by reports that Japan will agree to a limitation, and by the fact that a delegation from Sweden arrived in Washington on May 21 to negotiate a limitation. Sweden is not part of the European Common Market—which includes such specialty steel exporting nations as France, Britain, Italy, West Germany, Belgium, and Luxembourg. President Ford's March 16 announcement warned that in the absence of successful negotiation of ordering marketing agreements, he would impose 3-year quotas on imports from the nonnegotiating nations. Japan and whatever other countries do negotiate should get preferential treatment. It is supremely important to the Nation and national employment and technology and defense that the President hold to his resolve and impose the quotas. Otherwise we will continue to watch the weakening of an essential industry before the flood of imports.

The flood does not abate. The latest official U.S. statistics are for March, when stainless and tool steel imports rose sharply. Stainless imports for the month reached nearly 16,000 tons—the highest 1-month amount since April, 1975. Tool steel imports for March reached 2,200 tons—the highest 1-month amount since June 1975. That is 27.5 percent of the month's domestic tool supply.

Those imports exceed the level in January 1976, when the International Trade Commission determined that stainless and tool steels in many designated categories "are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry." The Trade Commission on January 16 recommended to the President that he impose quotas for 5 years. On the day the President was to announce whether or not he was accepting the Commission's recommendation, he chose to postpone decision, for the understandable reason that he preferred to make the try to reach agreement with the exporting nations rather than unilaterally to set quotas. It is astonishing that the Europeans south of Sweden reward such goodwill and thoughtfulness with refusal to negotiate. They will not even discuss it.

The danger in the President's delay since March 16 is that his administration will be harassed by arguments to do nothing. I have heard some of the arguments myself. Specious conclusions are drawn from them. One of the arguments is that since economic recovery is on the way, the specialty steel industry will share in the recovery and needs no protection from imports. Another misleading argument is that prices of specialty steels have gone up since the International Trade Commission made its finding. If the Government investigated and analyzed those price increases, it would find that, in stainless steel, prices have gone up less than costs, and that current prices of many—probably most—stainless and tool steels are lower than they were at the beginning of last year. Every American consumer favors price restraint. But it is imprudent to expect that an industry can survive if its prices do not keep pace with its costs. The moderate rising of specialty steel prices is not a valid reason to deny the specialty steel industry the relief it needs from imports.

As for recovery, the advisers of the President should keep it in mind that the specialty steel industry took its import problem to the International Trade Commission because the import penetration had a long history, antedating last year's recession, a problem that hurt the industry in good times and bad for many years past. The welcome onset of the current recovery cannot wipe out the long-standing reason why imports should be limited. The International Trade Commission found that the problem of the industry is one of long standing. Under the law, the Commission had the requirement to determine whether there has been an increase in imports either actual or relative to domestic production. The Commission made a positive determination, and found it to be a long-term problem. To use the words of Commissioners Moore and Bedell in the report to the President on stainless steel and alloy tool steel (Investigation No. TA-201-5):

> We consider this requirement satisfied because imports increased between 1964 and 1975. We have used this time frame to avoid a determination based solely on a time period in which abnormal economic conditions existed. For example, the time period 1968-74 was not only one of unusual market conditions, but one in which unique governmental actions distorted stainless steel and alloy tool steel import levels. During this period the domestic industry was adversely affected by the Voluntary Restraint Agreement (VRA) and its subsequent changes, a worldwide nickel strike, two recessions, and domestic price controls.
>
> Since 1964, total imports of stainless steel and alloy tool steel have tripled, imports of stainless sheets and strip have more than doubled; and other stainless steel and alloy tool steel articles have increased threefold to tenfold.
>
> The act also states that the Commission should examine whether imports increased relative to domestic production. Imports increased from 116,000 tons in 1973 to 151,000 tons in 1974. During January-September 1975, imports increased to 120,000 tons, compared with 95,000 tons entered during the corresponding period in 1974. The ratio of imports to U.S. production has more than doubled, rising from 9.9 percent in 1973 to 23.1 percent during the most recent period, January-September 1975. Facts developed during the Commission's investigation indicate that imports will continue their upward trend.

The Commissioners had good foresight. Imports are continuing their upward trend, and recovery in other parts of the economy is not stopping the imports. The prospect of recovery is not a reason to ignore the imports. They must be limited.

If specialty steel were sharing the recovery in full, the industry's prices would be going up faster than they are. The overall percentage of increase has not reached the average 1975-76 level of price increases of all purchasable goods in the United States. The spot announcements of increases relate to individual categories of steel products. There is pressure on prices from increase in wages and material costs. Wages inevitably move up. Nobody wants to freeze them. But their effect on steel prices is inescapable. I draw your attention to a comment by an observer not in the steel industry, Drexel Burnham & Co., an investment house, which on May 11 published this statement:

> Perhaps more than any other major manufacturing industry, steel is "locked into" a high and rapidly rising labor cost structure. Employment costs, which account for about 40 percent of the steel industry's total costs, are expected to rise by an average of 15% per year during the 1974-77 contract interval. Including fringes, the average steel worker earned $11.56 per hour in the first quarter of 1976, 15.2% above the $10.03 of the first quarter of 1975.
>
> The current "binding arbitration" labor agreement in the industry seems to insure labor peace until 1980, but at substantial cost. . . . This analysis suggests that steel company managements are not lying when they chorus about the need for higher prices.

Specialty steel pricing is affected by the fact it is produced in a highly competitive industry. There are 20 or more producers. Most of the companies that make it up are much smaller than the steel giants which emphasize production of carbon steel—although the large companies also make some specialty steel. The intense competitiveness is a restraint on price rises due to nonmarket factors. When foreign producers, subsidized by their governments, attempt to take control of the U.S. market, prices fall precipitously. In 1975 the quantity of imports of stainless and tool steels reached the all-time high preceding the current new highs of 1976. Concurrent with that invasion, the profit during January-September 1975 dropped approximately 86 percent from what it was in the same period 1974, according to the International Trade Commission report.

Opponents of the recommendations by the International Trade Commission and the President's policy statement of March 16 accuse the government of inaugurating a "protectionist" program. That is a false accusation. The specialty steel industry is a small one. Even the New York Times, which appears to oppose trade restriction, reported on May 21—Edwin L. Dale, Jr., Page D1—that specialty steel is a very small part of the steel industry and steel trade. Under the headline "Fading Fears of Protectionism," the Times also stated:

> The nation's thousands of importers, and their even more numerous retail and other customers, can stop worrying that the United States is going to impose a lot of new trade barriers as a result of the sweeping Trade Act of 1974.
>
> The law has now been in full operation for slightly more than a year and it has produced an array of developments and decisions that have sometimes been confusing. But the basic trend is now clear and it is not in the direction of significant restraints on imports.

Specialty steel, though small, deserves special attention because of the great abuse it particularly has suffered from imports and because of its importance extraordinary to national security.

In the Trade Act of 1974 the Congress armed the President with the means to prevent American industries from being injured by imports. The approach is fair. In specialty steels, the solution recommended by the Commission assures the exporting nations a share in the U.S. market and a share in its growth.

The course for the President now is to proceed to impose quotas on specialty steel imports from the countries that turn their backs on his offer to negotiate. The quotas should be long-term, to remain in effect at least 3 years, in order to correct and overcome the long-term trend of imports which the Trade Commission cited.

The President can revive confidence by stating that the quotas will not be revoked before the 3 years are up, except on those countries which subsequent to June 14 negotiate marketing agreements. Such action will be good for employment and good for American technological leadership and good for the national security.

The case is the first basic test of the 1974 Trade Act. Every Member of Congress who understands that law is vitally interested in the forthcoming decision. The act is not protectionist, but it does provide a practical means of handling on a case by case basis the kind of flagrant attack on American employment and American defense which the specialty steel case signifies.

MARCH SPECIALTY STEEL IMPORTS UP SHARPLY

> WASHINGTON.—Stainless and tool steel imports rose sharply in March, according to official government data.
>
> During the month, stainless imports reached nearly 16,000 tons, their highest one-month total since April 1975. The March import total represented 15.5 percent of the months' apparent domestic stainless steel supply. Through the first three months of this year, stainless steel imports were nearly 42,600 tons, or about 16 percent of the apparent domestic supply.
>
> Tool steel imports in March were 2,200 tons, their highest single monthly figure since June of last year. This was 27.3 per cent of the month's domestic tool steel supply. During the first quarter of 1976, tool steel imports were more than 5,900 tons.
>
> During March, imports of all types of steel—carbon as well as stainless, tool and other alloy—totaled 1,034,000 tons, up from 966,000 tons in February. Through the first three months of this year, total steel mill product imports had reached 3,007,000 tons.

> The trade deficit in steel mill products stood at more than $533 million by the end of the first quarter, with imports accounting for 12.2 per cent of the nation's apparent domestic steel supply during this period.
>
> Pig iron imports in March were 31,000 tons, bringing their first quarter total to 114,000 tons.
>
> The United States exported nearly 212,000 tons of steel mill products in March.

FREE TRADE WITH FREE NATIONS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. McDONALD of Georgia. Mr. Speaker, as a constitutionalist, I favor free trade. The economic health of the United States is dependent upon our ability to freely export our products and to freely import the things we need. Of course, one exception to this rule would be trade with the slave labor societies of the Communist world. We have sold our Soviet enemy technological skills that may be used to destroy our own freedom.

Selling the enemy the rope with which to hang us is not free trade. It is national suicide. Giving the enemy long term credits with which to purchase the rope is even more insane.

I condemn anyone who makes a profit selling our Communist enemy the means for our destruction. But I support fair and equal trade among the free nations of the world.

In principle, everyone is for free trade. In practice, some want the comfort of a little protection from competition. As Disraeli said long ago, "Protection is not a principle, but an expedient."

A current example which soon may break into the general press involves the aerospace industry. The Coast Guard has opened bids for the procurement of 41 aircraft to be used for medium range surveillance. One of the strongest contenders in the competition is VFW-Fokker's VFW 614, a rugged short haul jet which is in commercial operation in Europe and has been certified for safety by the U.S. Federal Aviation Administration. In an earlier round of bidding, the VFW 614 met the test of technical acceptance by the Coast Guard. Later, the competition was reopened since all other competitors had dropped out.

The prime bidding company, VFW-Fokker, is located in West Germany. Subcontractors are in The Netherlands, the United Kingdom, France, and the United States.

The VFW 614 bid is handicapped by a 5 percent import duty and the Buy American Act which serve to price the European competition out of the market. The Buy American Act penalizes foreign bids 6 percent of the total price—including transportation and import duties. If a U.S. competitor is located in an area of heavy unemployment, the penalty is raised to 12 percent.

Superficially, the Buy American Act may look like a fine way to protect American jobs and industry. A closer analysis, however, reveals this to be a short-sighted view. Protectionism invites retaliation. The Buy American Act, in this case, may prove to be self-defeating since the jobs of many U.S. aerospace workers depend upon the availability of world markets.

The Aerospace Industries Association of America understands this very well and has a long-standing position in favor of free trade. The AIA represents most of the major U.S. producers of military and civilian aircraft, missiles, and space vehicles.

In an exclusive interview in San Francisco at a recent meeting of the AIA, the association's president, Dr. Karl G. Harr, Jr., spoke emphatically of the need for "free but fair trade—truly so." This, he explained, means trade in both directions, covering both U.S. imports and exports. The AIA stands for the elimination of all aerospace tariffs and non-tariff barriers on a reciprocal basis.

Dr. Harr's remarks underscored the statement made last year by the AIA's chairman, Mr. T. A. Wilson—who is also chairman of the Boeing Co.—before the Industrial Association of Machinists and Aerospace Workers. He discussed the activities necessary to maintain the economic health of the U.S. aerospace industry and said:

> First and foremost is free trade in the international marketplace. And I mean free trade—not a situation where one country is willing to export but unwilling to accept imports on a reciprocal basis. I know that some union and business spokesmen favor restrictions on certain imports and curbs on foreign business operations. Some of you may feel that way. Although such actions are supposed to protect U.S. industry and jobs, they would have the opposite effect. Economic protectionism basically benefits the inefficient and non-competitive. It is the efficient and competent—and this means us—who pay the price.
>
> If it were not for foreign sales, Boeing wouldn't exist today in its present form. The majority of our commercial jet transport sales during the past few years has been made to foreign airlines.

The fact is that U.S. aerospace companies have produced approximately 90 percent of the civilian aircraft flying or on order in the free world today. In the military field, the largest U.S. aircraft sale in recent years was the purchase of the F-16 by the European NATO partners. Massive purchases of aircraft by West Germany and the Netherlands, for example, have not required a single offsetting purchase of Dutch or German aircraft.

In toto, the U.S. balance of trade in 1975 showed an $11 billion surplus of exports over imports. A large part of this surplus came from high-technology industries of which aerospace is an outstanding example. In the expansion of free trade during the last quarter of a century, the United States has fared very well over-all, despite some specific examples to the contrary. This is one probable explanation for the current effort of the U.S. Government to persuade the GATT countries to cut tariffs up to 60 percent.

It is revealing that the General Accounting Office is studying the effect of U.S. procurement policies on other nations to learn whether retaliatory policies might work to the detriment of U.S. products. GAO is investigating whether foreign procurement might not only result in savings but improve trade. We offer the example of the impact of the Buy American Act on the Coast Guard procurement. All parties stand to benefit if the competition is based on the merits of the product itself rather than upon protectionist legislation.

The San Diego Union, March 21, 1976, put it well:

> Our trading partners in Europe and Asia already are accusing the United States of applying a thin veneer of free trade rhetoric over a hard core of market protection. That verdict still is out, but there is no doubt if that is proved to the satisfaction of other nations the retaliation will be swift and the political repercussions severe, particularly in nations like Italy where Communists already are making inroads into government.

If we are to remain strong and if the other free nations of the world are to remain strong we need the opportunity to freely trade.

SUIT TO INSURE VOTE ON FUTURE PAYRAISES

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. PRESSLER. Mr. Speaker, last week I inserted into the RECORD an explanation of my current lawsuit which questions the constitutionality of automatic payraises for Members of Congress without a vote. The objective of the suit is to insure a vote on future pay changes. I am convinced that the Constitution requires a specific vote for adjusting congressional pay.

Mr. Speaker, for the benefit of those interested, I wish to insert a court notice which reports on the progress of the suit:

> [U.S. Court of Appeals for the District of Columbia Circuit, Civil Action No. 76-782]
>
> AMENDED DESIGNATION OF JUDGES TO SERVE ON THREE-JUDGE DISTRICT COURT
>
> Larry Pressler, Plaintiff against William E. Simon, et al., Defendants.
>
> On May 17, 1976, The Honorable Carl McGowan, United States Circuit Judge, and The Honorable William B. Jones, Chief Judge, United States District Court, were designated as members of a three-judge court to hear and determine this action. I have today been informed that The Honorable Carl McGowan and The Honorable William B. Jones will be unable to participate in the hearing and determination of this action.
>
> Accordingly, I hereby amend the designation of May 13, 1976, by designating The Honorable Edward A. Tamm, United States Circuit Judge and The Honorable June L. Green, United States District Judge, to serve in place and stead of The Honorable Carl McGowan and The Honorable William B. Jones, as members of the three-judge court.
>
> DAVID L. BAZELON,
>
> *Chief Judge, for the District of Columbia Circuit.*

MECHANICS FOR REASSESSING NUCLEAR POWER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. BROWN of California. Mr. Speaker, in the last few days I have included in the RECORD material from a California State Legislature publication entitled, "Reassessment of Nuclear Energy in California. A Policy Analysis of Proposition 15 and Its Alternatives." In the previous remarks, I explained the political situation in California, and the nature of the nuclear energy debate.

Today, I wish to share with my colleagues the suggested mechanisms for reassessment which could be used. As this report points out:

> What makes an independent reassessment particularly difficult in this situation is the absence of any middle ground. On both sides there is an attitude of if you're not for us, you're against us.

Unfortunately, as this report points out, there have been remarkably few "neutral" actors in the nuclear energy development field. The citizens who are placing initiatives on State ballots truly believe that such an unorthodox approach to dealing with a complex issue is necessary. They are distrustful of the Federal "watchdogs" of nuclear power, and often have even less confidence in their local and State counterparts.

I commend the excerpt from this report to my colleagues.

The material follows:

CHAPTER FOUR: MECHANISMS FOR REASSESSMENT

If it is concluded that a reassessment is required, the problem then becomes one of the nature, extent, and operation of such a reassessment, as well as the competence and public credibility of the entity undertaking the project.

The public trust element is most important given the past performance of federal regulators particularly the U.S. Atomic Energy Commission.[220] In the opinion of one witness, the former AEC consistently "substituted smooth public relations for meaningful review." [221] Dr. Edward Teller characterized the former head of the AEC's reactor development division as a "monomaniac" uninterested in certain reactor safety research even though it was his assigned duty.[222]

During the AEC years, it was often argued that the problem stemmed from a conflict between promotional and regulatory functions assigned to a single agency. Congress severed the two functions in the Energy Reorganization Act of 1975, giving the sole function of safety regulation to the Nuclear Regulatory Commission and a multi-faceted energy development mission, which included nuclear power, to the Energy Research and Development Administration. Some commentators believe the NRC in its first year of operation has been tougher than the old AEC in regulating nuclear safety.[223] But in the reorganization, ERDA inherited responsibility for nuclear safety research and one witness contended nothing had changed from the days of the AEC.[224]

Nuclear reactor manufacturers and operating utilities expressed the view that, generally, existing agencies are being overly cautious, for example, in requiring all reactors of a generic type to shut down and inspect for cracks in piping which were discovered in that type of reactor elsewhere. The industry, therefore believes through a continuation of safety research, vigilance by the NRC, and careful scrutiny, no particular additional review is necessary. ERDA and the industry also point to the review now underway in the National Academy of Sciences as a sufficient external critique. Critics hardly agree.

What makes an independent reassessment particularly difficult in this situation is the absence of any middle ground. On both sides there is an attitude of "if you're not for us, you're against us". So far the study done by the American Physical Society has come the closest to the middle ground, as both a nuclear power proponent and critic were able to sit in front of a Congressional committee, wave the study and add "See, this proves what I've been saying all along." [225]

The other key issue brought to a head by the Initiative as a reassessment mechanism is the question of what to do about plans to build more reactors while the studies are being undertaken.

Spectrum of options for reassessments. There seem to be three major options for conducting a comprehensive, independent reassessment.

(1) Shut down existing plants and build no more until the studies have been completed. In the opinion of one witness, a moratorium on further development would stifle safety research since if other types of plants were being built there would be no particular incentive to do the tests which would resolve serious safety problems.[226]

(2) Continue operating existing plants and finish those under construction, but begin no more until the studies are completed. This option would place less of a burden on utilities to find replacement generating sources immediately.

(3) Continue to build new plants to gain more operating experience and conduct studies simultaneously; put more effort into data collection and retrofitting of operating plants with the latest equipment. To the critics, continuing to build more plants simply means that if the results of the reassessment were negative, it would be too late to do anything about it. The reactors would already be in place and it would be politically impossible to shut them down. Some critics don't seem to mind the program eventually going ahead so long as the tests are done first. Nuclear power proponents believe that nothing so serious as to jeopardize further construction of nuclear plants will result from the reassessment, so that continuing the construction schedule makes good sense.

The important question then is how the Initiative measures up as a mechanism for reassessment.

Generic problems with conducting a reassessment. For all potential mechanisms a key question becomes, what are the cost and supply penalties for delaying or shutting down nuclear plants? The answer to this question determines how easily a reassessment towards the end of the scale represented by the immediate shut-down option can be done. To make their case for as stringent a reassessment as possible, the critics of nuclear power argue that we really don't need nuclear power plants anyway; conservation or other energy sources can meet our needs. Proponents on the contrary seem to feel not only is nuclear power essential but that also increased use of fossil fuels and vigorous conservation together are necessary to prevent power shortages.[227] The controversy revolves around four basic uncertainties:

(1) Future demand for electricity.

(2) Achievement of conservation goals.

(3) The availability of alternate conventional sources of supply.

(4) The potential of novel sources such as geothermal and solar energy.

The slower the growth in demand, the fewer power plants needed. Prior to 1970, the utilities in California had been obliged to double their generating capacity every 9 or 10 years (7% per year growth) to keep pace with the state's growing demand for power. If that pace were to slacken, construction requirements would be cut back. After the price of electricity began to climb and coincidentally the national economy soured, the utilities saw their growth rates fall. After the oil embargo, total annual electricity sales actually fell for the first time in recent memory. Now the utilities are projecting growth rates of only 4.1% for the next 20 years. With this revision, the utilities have cut down by more than half the capacity they thought in the late 1960's they were going to need by 1995.[228] The utilities believe there is consensus among independent analysts and company forecasters that the 20-year growth rate will be between 4% and 5% per year.[229] The Chairman of the State Energy Commission testified that the rate of growth could be as low as 3.0% or as high as 5.5%.[230] The significance of his remark lies in the fact that at 3% growth nearly 16,000 MW of new capacity planned by utilities counting on 4.1% growth rate could be foregone by 1995. The figure of 16,000 MW would represent more than half of the new nuclear units planned for the State.

Conservation can reduce demand further. The demand for more power can be reduced through using existing supplies more efficiently and with less waste. But there is a wide range of opinion on just how much of a conservation savings can be achieved. At one end of the scale, some witnesses testified the savings were large enough to reduce the growth rate to 1% or less,[231] others firmly believing California's growth in electrical energy demand can be held to 1.2% annually.[232] The measures suggested to produce such savings included: increased efficiency of appliances; weatherstripping, insulation, and double pane windows; reducing lighting in buildings; and cutting the number of windows on east-west exposures.[233] These measures were chosen because they involved no lifestyle changes. These measures, even though they involve some initial added expense, are supposed to return net dollar savings to consumers over time.[234] Some contended that "producing" energy through investments in conservation—freeing up energy to be used elsewhere—is the cheapest source of supply available, equivalent to oil at $5 per barrel.[235]

If a growth rate of 1% per year could be achieved, all new nuclear plants could be postponed or cancelled along with many of the new non-nuclear plants. Other witnesses were less optimistic. Dr. Penner, from the University of California at San Diego, agreed large savings are physically possible, but a number of non-technical difficulties prevented total success. He suggested that at best only half the maximum savings would be realized and it may be 8–10 years before any savings are noticeable.[236] California had one experience where significant savings were realized in a short term, though. During the 1973–74 oil embargo the City of Los Angeles instituted a mandatory conservation program which reduced electricity consumption 17% compared to the previous year.[237] However, the mandatory program was rescinded and the savings are disappearing as the novelty and "patriotism" of the situation wear off.[238]

While few industry or utility witnesses offered an estimate of potential conservation savings, W. Kendall Davis, Vice-President of Bechtel Power Corporation felt that conservation could only cut the growth rate down

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Footnotes at end of article.

one percentage point.[239] This was also the view of researchers from the Rand Corporation drawing on a prior study done for the Committee.[240]

Government action needed if conservation is to succeed. All witnesses agreed that voluntarism was insufficient and any major conservation efforts required aggressive government action. In California certain conservation measures have already been adopted and the new Energy Commission is mandated to recommend additional measures to the Legislature and Governor for implementation.[241] But the Federal Government has not adopted any mandatory measures, choosing instead to work with industry asking for voluntary cutbacks and to appeal to the public.[242] Federal studies on conservation are continuing and ERDA is devoting $71 million to conservation research this year.[243]

Fossil fuels as replacements for nuclear energy. Presently the oil, natural gas, and coal provide the primary energy for 61% of the generating capacity serving California. Utilities, rather than maintain this proportion, plan to reduce the percentage by building nuclear plants. If nuclear plants cannot be built, the obvious alternative would be to continue building fossil fuel-fired plants as has been done in the past. There seem to be three objections to this approach which may make a reassessment difficult:

(1) Electricity generated in oil or coal burning plants is more expensive than that from nuclear plants;

(2) Burning oil and coal means more environmental degradation; and

(3) A variety of governmental regulations constrict the number of fossil fuel burning plants which can be built.

The cost differences between fossil fuel and nuclear plants uncertain. If demand were reduced, utilities would cut back on their most expensive generating sources first, in general, therefore, conservation or revised estimates of future demand would not reduce the need for nuclear plants if they were the cheapest generation source. Oil-fired plants are generally recognized to be the most expensive base-load source of electricity. However, the cost difference between coal fired plants and nuclear plants is not so clear. As this report has previously discussed, the costs of producing electricity at a new nuclear plant have been increasing very rapidly. Coal-fired power plants to provide power to the State now look fairly cheap and, in some cases, appear to be almost on a par with nuclear plants.[244] This situation may change rapidly, too, as mining costs escalate and expensive pollution abatement equipment is added. Estimates of future costs of either nuclear plants or fossil fuel plants have been very uncertain recently. One can find legitimate studies which show on the one hand power costs twice as high for nuclear as for coal, and on the other, nuclear two-thirds the cost of coal.[245]

Fossil fuels and environmental degradation. Burning oil or coal to make electricity creates environmental costs in extraction (oil spills, strip mining) and use (sulfur oxide, nitrogen oxide, and particulate air pollutants). However, nuclear plants have analogous impacts (radon emissions in mining, radioactive emissions from the power plant and the fuel reprocessing plants) along with the potential for catastrophic impacts (reactor accidents). The question is whether the pollution penalties of using coal or oil are worse than those for using nuclear power, not whether we should use "dirty" fossil fuels rather than "pollution-free" nuclear power. Both pollute. It's a matter of degree and relative impact.

Institutional constraints on fossil fuel development. Fossil fuel fired plants are becoming harder to use because of restrictions placed on the amount of pollutants they can limit and on the disruptions which can be caused in order to extract the fuels. In addition, coal development in the West may be constrained by water supplies and manpower and equipment availability. Some witnesses believed expansion of coal mining in the West was seriously constrained,[246] but one FEA witness indicated the rate of coal production was demand-limited rather than supply-limited.[247] To the extent these constraints are real, substituting fossil fuel use for nuclear energy will be difficult. But the possibility also exists that utilities will be prevented from building as many reactors as they would because of serious constraints in uranium supply, enrichment capacity, fuel reprocessing, and the absence of key regulatory decisions.[248] Other forms of generation may have to be substituted for nuclear power regardless of the effect of a reassessment.

Because of the possible cost, pollution, and institutional constraints on both the use of nuclear power and fossil fuels, solar and geothermal energy are often advocated as replacements.

Can solar and geothermal energy replace nuclear? The expanded use of solar and geothermal energy is hampered by the absence of commercially viable technologies and large-scale equipment manufacturing industries. The utilities in California plan to install 3258 MW of geothermal power plants by 1995. Nuclear power critics believe the use of geothermal and solar energy can be expanded well above this figure. Proponents of nuclear power argue that even with accelerated research programs, geothermal and solar energy will not make large enough contributions in the next 20 years to displace nuclear power.[249] According to these witnesses, geothermal energy may contribute as much as 5000 MW by 1995,[250] but this would represent only 6% of needed capacity and would require the utilities to double their projected rate of geothermal development. Solar energy might replace another 5–7% of planned capacity as an upper limit by the year 2000,[251] but many are skeptical of this figure.

Critics contend one reason for this inability to use geothermal and solar energy quickly is a pronuclear bias within the federal energy R & D establishment.[252] Another reason cited is the disinterest of large companies with investments in other energy sources to protect.[253] ERDA replied that it has a fast-growing and substantial budget for non-nuclear R & D and that it simply takes time to solve the problems on the road to commercial application of new energy sources.[254] Critics believe a crash program, if the government were committed to it, would bring solar and geothermal energy into widespread use very rapdily.

Utilities take a conservative stance on these four uncertanties. Inferring from the testimony presented by all the utilities in the State, they appear to believe that demand will continue to grow but at somewhat reduced rates, energy conservation will be only marginally effective, the solar and geothermal potential in the next 20 years is small, and nuclear power will be cheaper than its fossil fuel alternatives. To an extent, this represents a traditional conservatism which characterizes the utilities. It is grounded in a number of rationales:

First, it is safer to overestimate demand than to underestimate it.

Second, utilities seem to believe the opposition to fossil-fuel burning plants, especially coal plants, would be much more intense than for nuclear. Further, the "rules of the game" for constructing large coal and oil plants are in flux right now and they appear to be afraid this will translate into a series of delays and disappointments. The uncertainties which seem to concern them are: (a) the debtate over strip-mining protection regulations in the West; (b) the proposed new state air pollution rules which may preclude any new fuel-burning plants in the State larger than 35 MW; and (c) the political resistance to more out-of-state coal plants.

Third, utilities have experience with building and operating nuclear plants in this State and this experience gives them confidence in nuclear as a major power source. They do not have similar confidence in untested geothermal and solar technologies.

Given these perspectives it is not surprising the utilities see nuclear power as giving them needed flexibility and accordingly believe any reassessment may be costly. The critics of course downplay the costs. The key question one must ask, therefore, is whether a reassessment potentially would produce offsetting benefits, whether any pause in the construction of nuclear plants will be put to good use.

FOOTNOTES

[220] An internal AEC memo of May 1974 said the credibility record of the Commission was poor because it simply had not been enforcing its own regulations (transcript, October 21, 1975, p. 79).

[221] Ebbin, transcript, October 29, 1975, p. 55.

[222] Transcript, October 21, 1975, p. 11.

[223] *Nucleonics Week*, April 8, 1976, p. 6.

[224] Ebbin, transcript, October 29, 1975, p. 55.

[225] Lewis, transcript, October 29, 1975, p. 35.

[226] Bethe, transcript, October 22, 1975, p. 9.

[227] Transcript, December 3, 1975, pgs. 8 and 11.

[228] Transcript, October 14, 1975, p. 12.

[229] Shackelford, transcript, October 14, 1975, p. 54.

[230] Maullin, transcript, October 15, 1975, p. 53.

[231] ". . . fuel conservation . . . [is] the best single strategy for simultaneously stretching out our limited fossil fuel resources, holding down energy costs, minimizing dependence on foreign energy sources, and protecting the environment . . . it is entirely feasible for the U.S. to pursue something approaching zero energy growth for several decades without economic hardship . . ." Williams, transcript, December 2, 1975, p. 59.

[232] Goldstein & Rosenfeld, transcript, December 3, 1975, p. 193.

[233] Williams, transcript, December 2, 1975, pgs. 60–62; Schipper, transcript, December 9, 1975, pgs. 26–28; Hammond, transcript, December 9, 1975, p. 117.

[234] Williams, transcript, December 2, 1975, p. 65.

[235] Transcript, December 9, 1975, p. 59.

[236] Transcript, December 2, 1975, p. 95. The same view was expressed by ERDA (transcript, October 15, 1975, p. 44).

[237] Tamaki, transcript, December 3, 1975, p. 103.

[238] *Ibid;* Laffoon, transcript, October 14, 1975, p. 94.

[239] Transcript, October 15, 1975, pgs. 76–77.

[240] Transcript, October 14, 1975, p. 112.

[241] Chapters 4 and 5, Division 15, Public Resources Code; Part 3, Division 13, Health and Safety Code (commencing with Section 19870).

[242] Transcript, October 15, 1975, pgs. 26–27.

[243] Transcript, October 15, 1975, p. 47.

[244] Transcript, October 14, pp. 34, 36, 37.

[245] "Data on Nuclear Power Costs, Benefits Conflict," Larry Pryor, *Los Angeles Times*, Apr. 4, 1976.

[246] Thorne, transcript, Dec. 3, 1975, p. 8.
p. 8.

[247] Rosenberg, transcript, Dec. 3, 1975, p. 18.

[248] One utility planner frustrated over the constraints on nuclear power said: "No enrichment, no plutonium recycle, no fuel cycle licensing, no limited work authorizations, no standardization. You can't get anything done" (*Nucleonics Week*, July 10, 1975, p. 3).

[249] Transcript, October 15, 1975, p. 73.

[250] Transcript, October 15, 1975, p. 78.

[251] Penner, transcript, December 2, 1975, p. 15.

[252] ERDA's estimated 1977 budget allocated $204 million to non-nuclear R & D ($122.9 million to solar and geothermal) and $3,940.9 million to nuclear R & D *Nucleonics Week,* January 23, 1976, pg. 1). Ralph Nader comments: "The most overriding characteristic of our energy problem is the systematic avoidance of solutions" (Transcript, December 2, 1975, p. 14).

[253] Transcript, December 2, 1975, p. 15.

[254] Transcript, October 15, 1975, pgs. 38–39.

THE SECOND WAR BETWEEN THE STATES—PART V

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. HARRINGTON. Mr. Speaker, today I am inserting the fifth of an eight part series concerning regional economic development which appeared in the May 17, 1976 edition of Business Week. This particular segment focuses on a New England manufacturing firm that, after careful consideration, decided to maintain its operations in that area, rather than move to the South.

The text of the fifth installment follows:

REECE: THE CASE OF A COMPANY THAT STAYED UP NORTH

Like Huyck Corp. Reece Corp. of Waltham, Mass., also considered a move to the South—in this case, construction of a major Southern plant. After analyzing the pluses and minuses of migration, however, the company finally decided to build in New England. Today, Reece—an 83-year-old, $34 million manufacturer of machines that sew buttonholes—supplies its worldwide markets from a 218,000 sq. ft. plant in Waltham and another 100,000 sq. ft. plant in Gorham, Me. While conceding many of the problems of running a business in New England, President John B. Reece is not all that convinced that the Southeast and Southwest are everything they are cracked up to be. "The same thing that's happened in Massachusetts can happen there too," he insists.

As an old New England company with deep roots, Reece was even slow to make its first move out of cramped, downtown Boston. That came in 1949, when Reece relocated to the Boston suburb of Waltham. By 1970, following five plant expansions, the company started searching for a second plant site. Because half of the company's sales come from outside the U.S., Reece began looking in Asia and Europe. While foreign wage rates then ran lower than those in the U.S.—fully two-thirds lower in Holland, for instance, where Reece has a small parts plant—unfamiliar laws and language, the need for new supplier networks, and sheer distance from Massachusetts manufacturing specialists soon ruled out a foreign site.

FEELING RECESSION'S PINCH

Next the company turned to the Southeast and Southwest. "But the case for building in those areas," says Reece, "was just not compelling"—at least, compared with Gorham, which is near Portland and less than two hours from Waltham by car.

Average hourly manufacturing earnings in Portland ran only $3.68 in 1974, the latest year for which figures are available. That was sharply less than the $4.55 of the Boston area and even less than the U.S. average of $4.41. The same general earnings were only slightly lower in North Carolina, at $3.28—while actually being higher in Georgia, at $4.02, and Texas, at $4.08. Perhaps more significant, the rate of hourly wage increases among manufacturing employees was also higher in parts of the South, compared with Portland. Between 1964 and 1974, average hourly manufacturing earnings rose 72% in both Portland and Boston, while increasing 80% in North Carolina and Georgia. In Texas, they rose 65%.

While the tax load is decidedly less in many Southern areas than in either Massachusetts or Maine, rates of increase in the South are often only slightly lower. Between 1964 and 1974, per capita state and local taxes jumped 171%, to $766.68, in Massachusetts and 176%, to $597.42, in Maine. In North Carolina, they rose 162%, reaching $461.35. The median increase for the U.S. came to 141%, with the national median running $572.71.

For John Reece himself, one of the biggest lures of Maine was more subtle and subjective and traced directly to the Yankee work ethic. "We were impressed by the quality of workmanship and the general work attitude," he says. "I've had men look me in the eye and say thanks for the chance to work. That's an attitude that can have a bigger impact on costs than taxes."

In Maine, Reece also likes "the good living environment, which is so important to a good business climate." And he speaks enthusiastically about the cooperation of local government officials. "People in Maine bent over backwards to help us," he says. "They introduced us to key people. They really showed that they wanted us. Before the company even signed a contract, in fact, the builder was out clearing the site—just on the strength of a handshake."

FEELING RECESSION'S PINCH

The company ended up buying 31 acres of land for $230,000 and investing another $2 million in construction and $2.2 million for tooling. A $2.5 million industrial revenue bond, offered by the city of Gorham at 5.8% interest, helped cement the deal.

Even with Maine's friendly reception, John Reece is the first to admit that staying in New England will be no bed of roses. Before moving into the new Gorham plant in 1974, the company's 1973 profits hit an all-time high of $6.3 million on record sales of $34.3 million. Then came the recession, which hit New England harder than most other regions of the country. Last year, Reece's profits were down to $3.1 million on sales of $34.2 million, cutting profit margins from 18% in 1973 to 9%.

To get better control of costs and profit margins, the company spent $4.6 million between 1968 and 1974 for new computer equipment, machine tools, and other capital equipment aimed at boosting productivity in Waltham. So far, the effects have not been dramatic. During the same six-year period, employment at Waltham climbed from 440 to a peak of 790. Total company sales, meantime, rose 60%. Today, Waltham employment is down to 600—but mainly because of the recession, which still lingers in the Northeast. Reece's manufacturing production is now running only 60% of capacity in Waltham and a dismal 40% in Gorham.

While many of the company's problems may be unresolved, John Reece—nevertheless—is still firm in his commitment to Northern manufacturing. "We have no intention of moving from New England," he insists.

BILL SUERSTEDT'S OUTSTANDING SERVICE TO SAN LEANDRO

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. STARK. Mr. Speaker, I know my colleagues will agree that when an outstanding member of a community steps down, it is indeed rewarding to reflect upon the great contributions that one individual can make.

Hellen Keller once philosophized that "Life is an exciting business and most exciting when lived for others." City council member William Suerstedt is stepping down after 16 years of serving, and living for, the people of San Leandro.

Bill's community involvement has extended for beyond his mmebership on the city council. Prior to his election in 1960, Bill served on the city's planning commission and on the board of zoning adjustments. He has been a member of the governing board of the associated community action program, an alternate member of the Bay Area Sewage Services Agency Board of Directors, the city council's representative on San Leandro's Bicentennial Committee, and a member of the San Leandro Two Affiliation Committee.

Bill's contributions will be remembered by the people of San Leandro for many years to come, and I am sure that his life has, and will continue to be, an exciting business.

A SALUTE TO MARIO POLVOROSA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. STARK. Mr. Speaker, Abraham Lincoln once noted:

> Every man is said to have his particular ambition. . . . I have no other so great as that of being truly esteemed of my fellow-men, by rendering myself worthy of their esteem.

I would like to share with my colleagues a man who is held in the highest esteem by the members of his community—Mario Polvorosa.

Mario recently retired after 11 years of service on the San Leandro City Council. His interest and concern for his community during these years is evidenced by the legacy he leaves. His concern for our youth is evidenced by his service as a director of the San Leandro Girls' Club and in the fundraising efforts of the San Leandro Boys' Club.

Mario's involvement in civic affairs has known few boundaries. His fundraising work for the March of Dimes earned him the Meritorious Honor Award and the Certificate of Commendation. Mario also served as San Leandro's representative to the National League of Cities Committee on Public Safety, as well as the director of the Alameda Red Cross.

Mario's enthusiasm for sharing his commitment and pledge to the United States will be remembered by many throughout the years to come—especially because of his encouragement of community organizations to display our flag. Mario was instrumental in having a flagpole placed at one of San Leandro's BART stations. In addition, Mario has a 30-foot flagpole near his front door so he can display our Nation's colors daily.

Mario may no longer be a council member, but his community interest and involvement will continue, and I look forward to working with him for many more years to come.

WE NEED A MODIFIED UNEMPLOYMENT COMPENSATION BILL

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. LEGGETT. Mr. Speaker, on Monday, May 17, the House voted by a substantial margin to reject House Resolution 1183, the rule which would have provided for consideration of the bill H.R. 10210. This bill would have extended coverage of the unemployment compensation system, increased the Federal unemployment insurance tax rate, and raised the wage base to which the Federal State tax was applied.

I joined with 218 of my colleagues in the unusual action of rejecting the rule to consider this legislation. I did so for two major reasons.

First, the bill as brought to the floor would have exceeded the fiscal year 1977 congressional budget resolution by nearly $900 million. Mr. Speaker, this was the budget resolution which the House took final action on just last Thursday. H.R. 10210 would have substantially broken the budget targets we have just agreed to abide by. This was due to the fact that the congressional budget resolution was developed on the basis that there would be a 1-year delay in both the expanded coverage and the wage base increase in H.R. 10210. The Ways and Means Committee itself in its March 15 report to the Budget Committee recommended that the budget resolution reflects this 1-year delay. Unfortunately Ways and Means never got around to making this crucial change in the bill before it was reported out of committee.

Second, the bill as brought to the House floor would have had a significant dampening effect on our national economic recovery. By mandating an immediate increase in the Federal unemployment tax rate and the wage base, this bill, in the estimate of Budget Committee economists, would have lowered real GNP in 1977 by at least $7 billion and would have raised the unemployment rate by approximately 0.1 percent.

It is my hope that appropriate action will be taken to modify the objectionable provisions of H.R. 10210 and eliminate the adverse effects, and that a revised bill can be promptly considered by the House.

At this point I include in the RECORD an analysis of the status and financial condition of the Federal unemployment compensation trust fund:

The following table compares the status of the unemployment compensation trust fund under the following assumptions:

The President's budget as submitted—Assumes enactment of the Administration's bill (H.R. 8614) under which the wage base would be increased temporarily from the current level of $4,000 to $6,000 and the Federal tax rate would be permanently increased from 0.5% to 0.65%. In addition, outlays would increase by $300 million as a result of expanded coverage under the bill. The President's budget assumes $16.9 billion in receipts to the trust fund. (See table 6, Budget in Brief, FY 1977, p. 66.) This $16.9 billion includes $2.1 billion from the proposed tax increase and $4.5 billion in advances from general funds, which are authorized by law to finance short-term deficits. Under the President's budget, the annual trust fund surplus in FY 1977 would be +$0.4 billion and the balance in the trust fund at the end of FY 1977 would be $5.7 billion, of which $5.5 will be held in U.S. securities and $0.2 will be held in cash. (See: *Special Analyses*, FY 1977, p. 56.)

The President's budget with no change in law would have an annual trust fund deficit of $0.2 billion and result in a balance in the trust fund at the end of FY 1977 of $5.1 billion.

The estimate for the unemployment trust fund included in the First Concurrent Resolution on the Budget assumes enactment of H.R. 10210, the Unemployment Compensation Amendments of 1975, but with a year's delay in the extension of coverage and the increase in the wage base. This delay was recommended in the March 15 report of the Ways and Means Committee. The only provision of H.R. 10210 which would be effective during FY 1977 would be an increase in the Federal tax from 0.5 to 0.7%, effective January 1, 1977. Under the estimates in the First Budget Resolution, total revenue (including advances) would equal total outlays and the balance in the trust fund at the end of FY 1977 would be $5.3 billion.

Under both the President's budget and the budget resolution estimates, significant advances from general funds are assumed. If these advances were not appropriated, the trust fund would be exhausted under both the President's and the congressional estimates unless taxes were increased.

This table excludes general fund appropriations of $1.4 billion in budget authority and outlays for Federal Unemployment benefits and Allowances, which were assumed in the First Budget Resolution for FY 1977.

STATUS OF UNEMPLOYMENT TRUST FUND, FISCAL YEAR 1977, UNDER PRESIDENT'S PROPOSED LEGISLATION AND UNDER ESTIMATES IN 1ST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1977

[Dollars in billions]

	President's budget	1st concurrent budget resolution
Balance of fund, Sept. 30, 1976	5.3	5.3
Cash income:		
Tax receipts under current law	9.8	9.1
Proposed tax increase	2.1	.5
Advance from general funds with tax increase	4.5	5.1
Advance from general funds without tax increase	(5.7)	(5.6)
Interbudgetary transactions and other	.5	.3
Total cash income	16.9	15.0
Cash outgo:		
Current law	16.2	15.0
Proposed legislation	.3	
Total cash outgo	16.5	15.0

	President's budget	1st concurrent budget resolution
Annual surplus (+), deficit (−):		
Under current law	−.2	
Under proposed legislation	+.4	
Balance of fund, Sept, 30, 1977:		
Under current law	5.1	5.3
Under proposed legislation	5.7	5.3
Annual surplus (+), deficit (−):		
Assuming no general fund advances:		
Under current law	−5.9	−5.6
Under proposed legislation	−4.1	−5.1
Balance of fund, Sept. 30, 1977:		
Assuming no general fund advances:		
Under current law	−.6	−.3
Under proposed legislation	+1.2	+.2

YOUNG ADULT CONSERVATION CORPS

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. PRESSLER. Mr. Speaker, I intend to offer the following amendment to H.R. 10138—as reported to the Committee of the Whole House—a bill to create the Young Adult Conservation Corps to complement the Youth Conservation Corps:

(1), on page 11, line 22 after "," delete "and".

(2), on page 11, line 24 after "investments" insert ", and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(3), on page 14, following line 18 insert "(F) shelterbelt maintenance".

(4), on page 14, line 19 change "(F)" to "(G)".

(5), on pages 14, line 21, change "(G)" to "(H)".

(6), on page 14, line 22 following the word "lands" add "and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(7), on page 16, line 14 after "purposes" insert ", and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(8), on page 19, line 10, after "fires," insert "shelterbelt maintenance,".

The purpose of these amendments is to allow young adults to perform work under this title on private as well as public lands. Such work shall be designed to restore and improve existing publicly assisted conservation projects, such as shelterbelts. This amendment will also allow a more equitable distribution of work performed under this title by authorizing projects in areas where little public land exists.

YOUNG ADULT CONSERVATION CORPS ACT

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. MEEDS. Mr. Speaker, H.R. 10138, the Young Adult Conservation Corps Act, is scheduled for floor action tomorrow. This act intends to extend the highly popular and successful Youth Conservation Corps to include youth aged 19 to 24 on a year-round basis to conduct much needed work projects on our Nation's public lands. As I mentioned in a recent "Dear Colleague," today I have some additional materials to insert in the Record which indicate the broad-based support this proposal has received:

Hon. Lloyd Meeds,
U.S. House of Representatives,
Washington, D.C.

Floor debate is scheduled next Wednesday on H.R. 10138, the Young Adult Conservation Corps Act reported May 14 by Education and Labor Committee. NEA urges your support of this bill, which would provide employment and other benefits to young adults while reducing the backlog of conservation work and other useful public projects on the lands and waters of America. The bill complements the excellent youth conservation corps program and would be beneficial to the economy and help reduce social problems resulting from substantial youth unemployment.

James W. Green,
Assistant Director for Legislation, National Education Association, Washington, D.C.

Office of the Governor,
Des Moines, Iowa, September 22, 1975.
Hon. Gerald R. Ford,
President of the United States,
The White House, Washington, D.C.

Dear Mr. President: I want to bring your attention to the very successful experience the State of Iowa has had in participating in the United States Youth Conservation Corps (YCC) program.

The Youth Conservation Corps is a work/learn program through which young people between the ages of 15 and 18, and from all social, economic and racial backgrounds participate in work projects which relate to the conservation and preservation of our nation's natural resources. In addition to the work, they gain an increased knowledge and awareness of the needs of our environment through a related educational program.

In Iowa, over 400 youth have been enrolled in YCC since our initial experience in 1974, as a co-sponsor of the program with the U.S. Department of the Interior and the U.S. Department of Agriculture—Forest Service. Such improvements to our public lands and water areas as the construction of wildlife shelters and nature trails, and the development of camp grounds and recreational areas have been accomplished as the result of the very fine efforts of YCC enrollees. Approximately $.80 on every dollar appropriated to YCC has been returned as an investment in our public properties.

Because of my experience in witnessing the effectiveness of the Youth Conservation Corps, and my belief in providing constructive summer work activities to youth from all segments of our society, I want to urge you to support this outstanding program next year. While I realize there are fiscal limitations which determine the funding capabilities of the federal government, perhaps a more equitable distribution of all federal dollars appropriated to youth employment activities will allow for both the expansion of YCC and the exercise of sound budgeting constraints.

Sincerely,

Robert D. Ray,
Governor.

Governor's Commission on Youth,
Salem, Oreg., May 7, 1976.
Hon. Lloyd Meeds,
Rayburn House Office Building,
Washington, D.C.,

Dear Representatives Meeds: I was pleased to learn that HR 10138, the Young Adult Conservation Corps Act, was approved for full Committee action by the Subcommitte on Manpower, Compensation, Health and Safety.

The Oregon Governor's Commision on Youth has been involved in the implementation of the Youth Conservation Corps in Oregon and has consistently been impressed with the benefits it provides both to youth and to communities. In Oregon we have routinely seen the program return $.89 in increased assesed value for each federal dollar spent on it!

While the Youth Commission favors Representative Duncan's bill (HR 9506) for a variety of reasons, they are nonetheless strongly supportive of your measure and eager to assist in any way to accomplish its passage. Commissioners are convinced that the staggering rate of youthful involvement in crime is directly related to their general inability to find meaningful employment.

Bills such as yours and that of Representative Duncan would seem to be almost unbelievable in that they carry with them the promise of environmental protection and education, of meaningful employment for the young, of having a significant impact of the rising crime rate, and of increasing values of local, state, and federally owned lands.

"Almost" unbelievable since we have the experience and evidence of the Youth Conservation Corps to support our credence in the strong, positive value of the program.

I hope that H.R. 10138 will move expeditiously through Committee and that it will receive the support necessary for passage in both Houses. If you perceive of ways in which I or the Commissioners whom I serve might be of assistance in assuring this, please do not hesitate to call upon us.

Sincerely,

Thomas P. Sullivan, Ph.D.,
Executive Secretary.

National Forest
Products Association,
Washington, D.C., May 24, 1976.
Hon. Lloyd Meeds,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Meeds: The National Forest Products Association was a supporter of the Youth Conservation Corps at the time legislation establishing the YCC was being considered by the Congress.

It is our understanding that a bill to complement the YCC, establishing the Young Adult Conservation Corps will be considered by the House of Representatives this week. Young people employed in this program will perform a number of beneficial services including work with the Forest Service which has a reforestation backlog of 3 million acres. Since tree planting activities must be carried out in other than the summer months under the current YCC summer program, this is a worthy objective. We are pleased to support H.R. 10138.

During consideration of the YCC legislation it was pointed out that a number of professional foresters began their experience in the woods under the Civilian Conservation Corps which was set up during the 1930's. Hopefully, the Young Adult Conservation Corps will provide similar opportunities for young people to begin careers in the forestry profession.

Sincerely,

Joseph B. McGrath.

NUTTY IDEA

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. BRINKLEY. Mr. Speaker, I rise today in total, complete opposition to proposals which have reached the serious stage to unionize the Armed Forces of the United States.

In an Associated Press dispatch datelined Washington and published today, we are told of the Nation's first military union which will come into being on July 1. Its membership will consist of civilian technicians in the National Guard and Reserve components. Reportedly, too, major efforts are underway toward unionizing all enlisted armed services personnel.

I oppose these efforts and the predictable final results they would bring. Today I am introducing in the House of Representatives a bill similar to that introduced in the Senate by Senator Strom Thurmond of South Carolina. The bill's sole purpose is to prohibit military unions.

In support of my position, Mr. Speaker, I submit for the Record an editorial published in the Columbus, Ga., Enquirer today, Monday, May 24. I completely endorse and adhere to the editorial's message, and I commend it to my colleagues and strenuously urge their support for legislation banning unions in the military services.

The editorial follows:

UNIONIZED ARMY A NUTTY IDEA

The Association of U.S. Army, which has not always agreed with the "party line" in matters affecting our ground forces, would have startled us if it had disagreed with official policies concerning unionization of the Army.

In an admirably researched and documented position paper, one of the more valuable functions this organization performs for the American public on a fairly regular basis, the AUSA found nothing to commend the idea.

When it first surfaced, we thought the idea of a union for men and women in the Army was something cooked up as a laborious bit of humor.

Word that the Army was seriously worrying over such a prospect made us wonder if the generals corps wasn't hearing things that go bump in the night.

Not so, apparently. There is a serious effort being made to get a unionized foot in the door.

The unionization strategy would be for some organization—lured by all of those dues and all of the power such a hold on the actual security of this country would give it—to pick up bits and pieces of action.

The union would do benevolent and beneficial things . . . at first. Nothing the laws and regulations don't provide now for our citizens in uniform, but it would provide legal aid, representation concerning personal matters, etc., and get a start.

Next would come a drive to amend the laws so that this unionization could be expanded, either through legislative effort or through legal assault to overturn present bans on such unionization.

It is bad enough that this country's cities can be buried in garbage, burned at a fairly brisk clip, and unpoliced or un-doctored and uneducated because of unionization of public, and necessary, services.

Somehow even this situation would pale

beside the specter of an aircraft carrier with the flight deck on strike, an F4 wing grounded because of a jurisdictional dispute, or an Infantry platoon carrying picket signs around the company orderly room.

Nuts to the whole idea. No matter the sophistry of the arguments advanced, nuts to it. And we choose the word advisedly. We think the idea is nuts.

We remember that general at Bastogne who used the word during World War II, and we don't think we ever want one to have to consult with a job steward if faced with such a moment in the future.

THE AMERICAN ADVENTURE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. HUGHES. Mr. Speaker, thousands of visitors are beginning to pour into the Nation's Capitol in honor of our 200th birthday. No doubt, every congressional office has been greeting visitors from back home and suggesting things to see and do while in Washington.

Last Tuesday, it was my good fortune as a member of the New Jersey congressional delegation to witness what the National Heritage Theater calls a multimedia presentation—a 50-minute visual and musical program aired on the half hour entitled, "The American Adventure."

Narrated by television personality William Conrad, it in my opinion is a marvelously entertaining and fitting addition to the many Bicentennial activities being held in Washington.

May I commend to other congressional offices that they suggest to their constituents who may drop by a visit to the National Heritage Theater at 13th and E Streets, NW. There are numerous free exhibits, a cafeteria-styled restaurant and, on the half hour, for a nominal fee, a rich treasury of paintings, photographs, and motion pictures which within an original musical score make up "The American Adventure."

THE WAXMAN-MAGUIRE AMENDMENT TO THE CLEAN AIR ACT—I

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. WAXMAN. Mr. Speaker, beginning today, and from time to time until the House votes on the important issue of automobile emissions standards under the Clean Air Act, I will be inserting in the RECORD materials in support of the Waxman-Maguire amendment. On May 15, six members of the Committee on Interstate and Foreign Commerce joined me in filing additional views supporting a strengthening amendment when this legislation reaches the floor. We firmly believe there is no reason to justify the extended freeze of the current standards as contemplated by the committee bill and the Dingell proposal. Following are the views we filed with the committee report:

ADDITIONAL VIEWS TO H.R. 10498 OF REPRESENTATIVES WAXMAN, MAGUIRE, MOSS, VAN DEERLIN, OTTINGER, WIRTH, AND MOFFETT ON AUTOMOBILE EMISSIONS

The Committee's decision to adopt a three-year freeze of the current 49-state automobile emissions standards was, in our opinion, unfortunate and unnecessary. We will offer an amendment, when the Clean Air Act Amendments come to the floor, which reverses the Committee's action and restores the standards which were originally in the bill as reported by the Rogers Subcommittee.

The Committee's action greatly jeopardizes the steady progress which has been made to date in cleaning up our automobiles. The three-year freeze of auto emissions standards will needlessly endanger public health and welfare and will also fail to guarantee any substantial fuel economy benefits. The Committee's decision also undermines California's efforts to continue its program of stricter controls on its cars. More importantly, it will almost certainly encourage the automobile manufacturers to return in three years and lobby again for further extensions of the pollution deadlines they face.

The amendment which we will offer on the floor is the same which was agreed to by the Subcommittee on Health and Environment after weeks of careful consideration. All our amendment requires is that the standards which California cars are meeting today be applied nationally in 1978. In 1980, the statutory standards for all three tailpipe pollutants will be required, although great flexibility would be provided for the control of oxides of nitrogen if either technology does not exist, or meeting the standards would result in an excessive fuel penalty.

A table contrasting our amendment with the Committee bill, the California program, and current law follows:

TABLE OF VARIOUS AUTOMOBILE EMISSIONS PROPOSALS

[Figures are in HC/CO/NOx in grams per mile]

Model year	Current Commerce Committee bill	Waxman-Maguire	California	Dingell-Train	Current law
1976	1.5/15/3.1		0.9/9/2.0		1.5/15/3.1
1977	1.5/15/2.0	1.5/15/2.0	.41/9/1.5	1.5/15/2.0	1.5/15/2.0
1978	1.5/15/2.0	.9/9/2.0	(1)	1.5/15/2.0	.41/3.4/.4
1979	1.5/15/2.0	.9/9/2.0		1.5/15/2.0	.41/3.4/.4
1980	[2] .41/3.4/.4(2.0)	[2] .41/3.4/.4(1.5)		.9/9/2.0	.41/3.4/.4
1981	[2] .41/3.4/.4(2.0)	[2] .41/3.4/.4(1.5)		.9/9/2.0	.41/3.4/.4
1982	[2] .41/3.4/.4(2.0)	[2] .41/3.4/.4(1.0)		[3] .41/3.4/2.0	.41/3.4/.4
1983	[2] .41/3.4/.4(1.5)	[2] .41/3.4/.4(1.0)		[3] .41/3.4/2.0	.41/3.4/.4
1984	[2] .41/3.4/.4(1.5)	[2] .41/3.4/.4(1.0)		[3] .41/3.4/2.0	.41/3.4/.4
1985	.41/3.4/.4	.41/3.4/.4		[2] .41/3.4/4.0	.41/3.4/.4

[1] State discretion under California waiver.

[2] Indicates level to which 0.4 NOx standard may be waived by EPA administrator.

[3] Indicates NOx level to be set by administrator's discretion.

We believe there are several compelling reasons for the adoption of our amendment.

1. It requires no more than an extension of the current California standards to all new cars in 1978 and 1979. The California technology is proven, available, and has been in use for two model years. The fact that the California standards are now being met by 10% of the domestic auto market means that requiring these standards nationwide will not, in our opinion, pose a burden for Detroit.

2. The California standards have been marked by significant fuel economy gains. Currently, fuel economy for California cars is only 2% less than that of the other forty-nine states, and is more than ten percent better than the 1975 fleet.

Generally speaking, the longer a given emission standard is in use, the better the fuel economy which can be achieved. As our amendment provides for two more years of the current California standards, we are certain that greater increases in fuel economy can be realized.

The simple fact is that fuel economy will not be significantly improved under the Committee's three-year freeze. FEA and EPA in a joint study of this issue concluded, "At the current Federal standards level (1.5/15/3.1) there is little room for further improvement of fuel economy through optimization of current engines and control systems . . ." It is non-emission control changes in automobiles which will yield the fuel economy improvements mandated by the comprehensive energy bill which was signed into law last year. As FEA and EPA stated,

". . . the remainder of the 100% or greater fuel economy improvement over 1974 models required to be achieved by the three major U.S. automakers by 1985 . . . will be achieved almost totally by non-emission control related changes such as weight reduction, model mix shifts, driveline improvements, and the use of diesel engines."

In short, fuel economy is being made the straw man of the automobile emissions question.

3. Automobile emissions standards have been imposed to protect public health. The National Academy of Sciences has estimated that, every year, four thousand Americans die and four million work days are lost to illness due to automobile pollution. The principal victims are those already susceptible to cardiac and respiratory diseases, and the very young. Medical research has clearly documented that exposure to automotive pollutants reduces exercise capacity, pulmonary function, and the elasticity of lung tissue, and exacerbates heart and lung disease. Recent evidence also suggests that NO_x pollution, of which cars are the largest single source, leads to the formation in the atmosphere of nitrosamines, one of the most potently carcinogenic substances known. Nitrosamines have been linked to respiratory, digestive, and urinary cancers, as well as leukemia. They have been detected in the ambient air in significant quantities in both rural and urban areas.

Our concern about the relationship between automotive air pollution and health is motivated by the fact that although the ambient air quality standards were established to protect public health and welfare, there are no known "threshold" levels of pollution—levels below which no adverse effect occur. The National Academy of Sciences has stated,

"... evidence indicates that the amount of health damage varies with the upward and downward variations in the concentration of the pollutant, with no sharp lower limit ... Thus, at any concentration, no matter how small, health effects may occur, the importance of which depends on the gravity of the effect."

There are, in our judgment, real health benefits to be derived by requiring new cars to meet the more stringent California standards. As NAS has concluded, "Continued reduction of CO and HC emissions from automobiles will make the ambient air cleaner and incremental benefits to health will result." The cleaner our automobiles, in other words, the healthier our population.

Even with our amendment, large areas of the country will still be unable to meet the Clean Air Act's air quality standards. If our amendment is not adopted, however, there will be many more occasions in which the air quality standards will be exceeded in regions throughout the country. EPA and the Department of Transportation have documented that this will lead to thousands of more incidences of aggravation of heart and lung disease, asthma, eye irritation, coughing, and human discomfort. This is a threat which we believe must, and can, be easily avoided.

4. The three-year freeze will place further political pressure on California to relax its automobile pollution control program. In 1977, California intends to go even further than their current standards, from .9/9/2.0 to .41/9/1.5. Even now, the Air Resources Board is under heavy attack by Detroit, even though certification of cars at the tougher 1977 standards has shown a 3–5% fuel economy gain over this year's automobiles.

Indeed, the automobile manufacturers themselves testified not only that they can meet the 1977 California standards, but that their cars will be better than current models, and in some instances will not cost any more because of pollution control equipment. General Motors told the Air Resources Board, "We will be able to meet 1977 standards with cars that are better in all ways than 1976 vehicles." Ford added, "The 1977 vehicles will show an improvement in fuel economy (over 1976) of about 3%."

If this can be accomplished at the stringent 1977 California standards, why shouldn't the nation adopt the more moderate 1976 standards?

The State of California has warned that the greater the disparity between the Federal standards and California's program, the weaker the viability of its efforts. We believe the Committee bill seriously threatens California's pollution control strategy, to the deteriment of the health of the millions who live in the South Coast Air Basin.

Indeed, if it were at all possible, we would oppose any further delays whatsoever for Detroit. We are already two to three years behind schedule in meeting the deadlines first established in 1970. In our opinion, these delays have occurred in the absence of any compelling evidence—based on the availability of technology, its cost, or the need to relax the standards—as to why further delays should be tolerated.

The National Academy of Sciences and the Environmental Protection Agency have concluded, in several different forums, that there should be no delays in meeting the statutory hydrocarbon and carbon monoxide standards in 1978. Moreover, both agencies have from time to time complained that Detroit has slackened its efforts in meeting our clean air goals, despite Congressional policy. We believe it can be fairly stated that if the Congress had not set the goals in the 1970 legislation, we would not have made the progress achieved to date.

We believe our amendment is a reasonable compromise of all the issues involved. It will result in further progress in cleaning up the air, to the benefit of public health. We can achieve this goal at a cost that is acceptable to the consumer and to industry.

CONGRESSMAN JAMES T. BROYHILL OF NORTH CAROLINA JOINS CONGRESSMAN JOHN D. DINGELL OF MICHIGAN IN COSPONSORSHIP OF AUTOMOBILE EMISSION CONTROL AMENDMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. DINGELL. Mr. Speaker, we are pleased to announce that we have joined in cosponsorship of the amendment, Dingell (Train), to be offered to the Clean Air Act amendments, H.R. 10498, when the legislation is scheduled in the House.

The Dingell-Broyhill (Train) amendment affords continued environmental progress in cleaning up air pollution from auto exhausts. It affords American automobile manufacturers ability to continue to maintain improvements in fuel mileage efficiency and to meet the mandatory fuel mileage standards in the new Energy Policy and Conservation Act. It saves consumers billions of dollars. It preserves jobs in the industry for workers.

The Commerce Committee bill, however, contains standards that are unreasonable, that waste gasoline and cost consumers unnecessary expense during the auto's lifetime. The auto air emission standards in the committee bill would not improve air quality any faster nor to any greater appreciable degree than the Dingell-Broyhill (Train) standards. These are the standards, as you are now aware, that were recommended by U.S. Environmental Protection Administrator Train and you have previously received documentation pointing out the advantages of the Train standards from EPA.

The Train standards and a discussion of the auto emission issue as it affects the pending Clean Air Act amendments due on the floor shortly, are contained in the attached dissenting views we inserted in the report, 94–1175, to accompany the bill. Ranking members of the Commerce Committee have signed the views including three of the committee's subcommittee chairmen.

We urge your attention to the following and ask your support for the Dingell-Broyhill (Train) amendment.

In addition to the attached dissenting views and for further reference on the Dingell-Broyhill (Train) amendment, see the Dingell CONGRESSIONAL RECORD inserts of:

May 11, 1976, pages 13453–13455, "Dingell/Train Auto Air Emission Standards Amendment to the Clean Air Act Amendments."

April 27, 1976, pages 11429–11436, "Analysis of Some Effects of Several Specified Alternative Automobile Emission Control Schedules."

DISSENTING VIEWS OF REPRESENTATIVES JOHN D. DINGELL, JAMES BROYHILL, FRED ROONEY, CLARENCE BROWN, JOHN MURPHY, JOHN McCOLLISTER, W. S. (BILL) STUCKEY, JR., JAMES COLLINS AND ROBERT KRUEGER

TO THE REPORT ACCOMPANYING H.R. 10498, THE CLEAN AIR ACT AMENDMENTS OF 1976, AS REPORTED BY THE INTERSTATE AND FOREIGN COMMERCE COMMITTEE OF THE HOUSE OF REPRESENTATIVES

We must dissent from the Committee's views regarding automobile emission standards under Section 203 of the Clean Air Act Amendments of 1976 (H.R. 10498). Primarily, our disagreement centers on the Committee's attempt to adopt more stringent emission levels too soon and without sufficient regard for the achievement of the fuel economy standards which Congress so recently insisted the auto industry achieve beginning in 1978. We support an amendment, to be offered by the Honorable John D. Dingell, Dingell (Train), in the House of Representatives which will present a much more reasonable alternative. For the reasons which follow, we do not believe the auto emission standards and schedules proposed by the Committee are in the public interest.

The debate over appropriate vehicle emission levels to date has been characterized more by mutual recrimination than by factual evidence. To some, it has been totally a matter of "holding the industry's feet to the fire." To others, it has been an attempt to shut the industry down. To yet others, the auto air emission control standards have been a new market opportunity for a special interest group, the catalytic converter industry.

None of these extremes form an appropriate, or even an adequate, basis for so crucial a judgment with regard to the American automobile industry which is so pivotal to the nation's economy and mobility. Certainly, there are valid criteria to be examined in order to determine not just how far the industry can and should go, but, just as importantly, what levels and deadlines yield an unacceptable sacrifice in consumer costs, production, jobs, and fuel efficiency.

In order to better focus the debate, government experts in the Environmental Protection Agency, the Federal Energy Administration, and the Department of Transportation were requested by Representative Dingell to supply an objective analysis for Congress of the effects on health, employment, costs to consumers and fuel efficiency of several levels of automobile emission control. That analysis has been made available to each Member of the House and it is included as an attachment to these views. It is the most recent, official U.S. government, document addressing this issue. Also included is a summary of the interagency analysis as prepared by Representative Dingell.

That analysis clearly demonstrates that the Commerce Committee bill with its auto air emission control standards would:

A. Waste energy
B. Produce negligible air quality benefits
C. Increase consumer costs
D. Impose a technological straitjacket

A. Energy waste

1. The Commerce Committee auto emission standards would waste energy, particularly petroleum.

2. The waste of energy will require development of increased domestic energy resources. This in turn would result in more dependence on uncertain foreign sources for oil or in more—and more—environmental damage.

B. Produce negligible air quality benefits

1. The air quality impact of the Commerce Committee standards is negligible by comparison to the Dingell (Train) amendment

and the health benefits are almost imperceptible.

2. In any event, the existing statutory standards (which the Committee amendment merely postpones) are more stringent than needed to protect health and to meet national ambient air quality standards. Furthermore, the statutory standards, particularly nitrous oxides (NOx) are not cost-beneficial.

3. Even the negligible benefits to air quality under the Committee standards as compared to the Dingell (Train) amendment may be further offset by corresponding increases in emissions of other harmful polutants, such as sulfuric acid.

C. Increase consumer costs

1. The Commerce Committee standards, commonly referred to as the Brodhead amendment, would unnecessarily and unreasonably increase the costs to be paid by consumers.

2. The Commerce Committee standards—by providing for frequently shifting targets and year-to-year waivers—creates consumer uncertainty, reluctance to buy, and further decline in production and employment.

3. Together, the problems specified in objections 1 and 2 above would aggravate the nation's ailing economy. The results would be:

Higher inflation rates;
Reduced purchasing power;
Reduced consumption of new cars;
Greater unemployment in the auto industry;
Greater unemployment in related supplier industries (steel, rubber, glass, etc.); and
Return to the recessionary spiral.

4. Additionally, if by reason of fuel inefficiencies and excessive costs, consumer confidence is undermined, the purchase of new cars may be delayed and retirement of older, dirtier cars may be postponed. This prospect is enhanced if the House were to adopt either the Committee proposal (Brodhead) or the so-called Waxman proposal (standards earlier rejected by the Committee) and in turn could reduce the rate of progress toward clean air.

D. Impose a technological straight jacket

1. The NOx standard of .4 is not technologically feasible in the foreseeable future. Requiring expensive, and perhaps unnecessary efforts to meet that standard will detract from available manpower and resources to meet the 1981–1985 fuel economy requirements of the Energy Policy and Conservation Act of 1975. Moreover, a 1.0 or .4 NOx standard locks in catalyst technologies and places a "straight jacket" on industrial development. Such extreme NOx standards rule out other technologies—diesel, lean burn, etc.—which show promise of achieving the objectives of both air quality improvement and fuel economy. Without forthrightly saying so, Congress would be making a risky sole source technology selection—a selection which may present its own air quality problem for the future.

Dingell amendment

By contrast, the Dingell (Train) amendment protects the American economy, the consumer and the worker, while maintaining good progress toward cleaner air. Thus, it overcomes the valid objections we have listed to the Committee proposal. The amendment we support contains the phased-in standards recommended by EPA Administrator Train, the official of the U.S. government agency charged by Congress with responsibility for improving air quality. These standards are supported by the environmental and health expertise of that agency. At the same time, the standards will save fuel, reduce consumer costs, promote economic recovery, and reduce unemployment in the automobile and related supplier/service industries (steel, rubber, glass, etc.), and the several other service industries associated with public transportation, recreation, and tourism. The Dingell (Train) standards would be as follows:

	HC	CO	NOx
1977	1.5	15.0	2
1978	1.5	15.0	2
1979	1.5	15.0	2
1980	.9	9.0	2
1981	.9	9.0	2
1982 (and thereafter)	.41	3.4	(1)

[1] Administratively established.

A comparison of the Dingell (Train) amendment with the Committee standards and with the so-called Waxman proposal follows:

Energy

According to a joint study by the Federal Energy Administration, the Environmental Protection Agency, and the Department of Transportation, the amendment we support would prevent a 5 percent loss in fuel economy that would result in 1980 under the Committee bill. This amounts to a savings of 2.46 billion gallons of gasoline over the 10-year life of the 1980 fleet, and a savings of 16,000 barrels per day.[1] The differences in 1981 and 1982 resulting from the NO_x standard differentials between the Dingell (Train) amendment and the Committee bill could be as high as 20 percent, or four times higher.

In model years 1980–1985, cumulative fuel consumption differences between the two standards amount to 9.27 billion gallons (or 67,000 barrels per day) of gasoline.

The Waxman standards would waste almost 15 billion gallons in greater gasoline consumption than under the Dingell (Train) amendment. Historical data, based on EPA test of vehicles, the most reliable consistent data available today to the Congress, proves that California cars which meet more stringent (by comparison to 49 state cars) emissions standards, suffer a fuel economy penalty of about 10 percent. That fuel loss is proven.

Consumer savings effect

The wasted fuel is not the only increased cost consumers would pay under the Committee bill. Higher first purchaser costs and higher maintenance costs for new cars would also result. The additional purchase and operating costs of the Committee bill in 1980 would be $1.47 billion. Total consumer costs between 1977 and 1985 would be $22.3 billion more under the Committee bill than under the Dingell (Train) amendment. The Waxman proposal would cost consumers nearly $30 billion more than the Dingell (Train) standards. With inflation, the Committee bill would cost $30 billion (and Waxman $41 billion) more than the standards recommended by Administrator Train of EPA, which we support.

Employment

Increased fuel costs due to the oil embargo and reduced purchasing power due to inflation combined in 1973–1975 to produce a drastic decline in auto sales. The result was assembly-line shutdowns, layoffs, job dislocations, inventory surpluses, cancelled orders to suppliers, and a spiral of nonproductivity and unemployment. This affected not only the auto industry, but also allied industries, such as steel, rubber, glass, etc. In fact, the economic health of the entire country was strained.

For example, at present, the district represented by Mr. Dingell in Michigan suffers from just under a 14 percent unemployment rate—double the national average. In nearby Detroit, the unemployment rate rises to 20 percent and in the inner city, to 40 percent. Other districts where there are automotive and automotive-related manufacturing industries, suffer similar agonizing unemployment problems. Only recently has there been evidence of a trend toward reducing the rate of unemployment, but this could be reversed if energy penalties and high consumer costs produce further inflation, with consequent reduction in purchasing power. The Committee bill and Waxman amendment are capable of providing just such a disruptive influence.

Shifting targets

Consumer confidence is the key to improved auto sales and full employment. But consumer confidence is threatened by frequently shifting and excessive standard levels, which forces the use of technological innovations not sufficiently tested through customer usage. Both the Committee bill and the Waxman amendment have such uncertainty built in by the year-to-year waiver.

At the same time, Congress has laid upon the auto industry a heavy requirement to meet stringent fuel economy standards by 1985. The manufacturers are involved in critical long-range product planning to meet these goals set by Congress. Under the Committee bill and the Waxman proposal, whenever a suspension is involved, the auto industry will not know what its emission standard requirements are until only 18 months before the industry must go to full production for a model year. Uncertainty over a factor so important to fuel economy as the emission standards will make long-range planning impossible—and optimization of the product an unattainable objective.

Moreover, it has been pointed out by the Court in the International Harvester case that increasing costs and fuel penalties may dissuade consumers from purchasing new cars. This in turn postpones retirement of older, dirtier cars and may, according to the Court, actually retard efforts to clean the air. Further, the court commented on the inadequacy of "last minute" changes to emission standards—by the time changes are made, substantial resources have been committed to a futile expensive effort to meet unrealistic, unnecessary standards.

Air quality impact

With these costs and problems in mind, only a strong compelling case for the minimal air quality benefits of the Committee standards (or the Waxman standards) could justify proceeding with either of those approaches. But, in fact, the air quality benefits of these two approaches are negligible when compared to the Dingell (Train) amendment. Current standards already represent a 83 percent reduction of hydrocarbon and carbon monoxide emissions from uncontrolled levels and approximately a 40 percent reduction of NOx. As new cars replace cars that are 8 to 12 years old, air quality will continue to improve even if the 1976 standards were retained. This improvement will continue well into the 1980's.

Moreover, according to EPA,[2] in 1990, ambient levels of hydrocarbons and carbon monoxide would be no lower under the Committee bill or under the Waxman standards than under the Dingell (Train) amendment. NOx levels would be only somewhat improved by the Committee bill and Waxman. But exactly 31 air quality control regions are expected to exceed ambient standards in that year regardless of which standards are adopted. This is hardly a compelling case for such substantial controls and the sector of the economy involved is critically important. In addition, these air quality projections were based on the total tonnage approach which tends to overestimate the number of regions exceeding air quality standards whenever growth is assumed.

Further, no one has demonstrated the need for .4 NOx standards, and EPA has acknowledged that stationary sources already contribute the majority of NOx in many cities and that further reductions can be achieved at lowest cost by control of stationary sources.

Finally, these benefits would be further offset by the increased risks to health that may result from higher sulfuric acid emis-

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Footnotes at end of article.

sions produced by universal application of systems equipped to meet the tighter HC, CO, and NOx standards.

Need for standards

The auto emission standards were set in 1970 on the basis of information then available on the relationship between auto emissions and air quality. Since that time, new information has come to light that casts doubt on the need for such stringent standards. First, the No_2 ambient measurement techniques were found to be in error, and instead of 43 regions being in violation of the NO_2 ambient standards, less than 10 were found to be a problem. (1973 Hearings, p. 552.) Second, a study by a panel of the Committee on Motor Vehicles of the National Academy of Sciences concluded, "Present Federal emission requirements for 0.41 gm/mi. (HC) and 0.4 gm/mi. (NOx) seems more restrictive than need be by a factor of about three. Based on the state of knowledge now available, the California 1975–76 standards of 1.0 gm/mi. (HC) and 1.5 gm/mi. (NOx) seem more nearly what is required." (1973 Hearings, p. 559.) Third, a 1975 Yale Medical School study concluded that the CO and NOx standards were too stringent, also, by a factor of four.[3] Fourth, a study undertaken by Columbia University—MIT—and Harvard for the National Science Foundation concluded that, "Recent corrections to measurements of ambient NO_2 levels indicate that the statutory NOx emission standard may be more stringent that is necessary to achieve NO_2 ambient air quality standards nationwide in 1985."[4] Finally, a recent study dated March 22, 1976, by Professor S. Fred Singer, University of Virginia, Department of Environmental Sciences, found that costs and benefits of achieving 1975 standards are about even, but going beyond that costs exceed benefits by up to $13 billion.[5]

In light of these studies, there is little justification for the extreme standards contained in the Committee bill or the Waxman amendment.

Technological impact

During the Subcommittee hearings in 1975, it was generally agreed that the .4 NOx standard was not technologically feasible in the foreseeable future. The Senate Committee bill, S. 3219, has already abandoned .4 grams per mile as a standard and goes no lower than 1.0 grams per mile, and suggests .4 NOx as only a "research objective." Furthermore, only catalytic technology appeared to have the potential to meet this .4 NOx standard, while other methods—lean burn, diesel, stratified charge—appear unable to do so.

Thus, retaining the NOx statutory standard would inhibit development of these other innovative and fuel efficient engines and will lock in catalyst technology, with all its potential problems. This is precisely contrary to the purpose of the Act stated elsewhere in this Report, i.e., to encourage improvement of technologies with significant fuel economy and emissions control potential.

Moreover, skilled research and development personnel and resources are in limited supply. Under the Energy Policy and Conservation Act of 1975, these resources and personnel will be needed to meet the 1985 goal. It is unreasonable in light of this requirement to divert such resources and personnel from this goal to the task of meeting an unnecessary, infeasible, and costly NOx standard, set by Congress in 1970 on the basis of now repudiated data. The Waxman proposal and the Committee bill would compel such a result. The Dingell (Train) amendment would not.

Conclusion

Common sense and a concern for balancing economy, energy, and environment require moderation in the rate of progress toward the single goal of emission control. Progress must continue, but the goal of protection of public health must include adequate employment to feed families and adequate energy to heat homes, as well as adequate clean air to breathe. We can have clean air without risking the others, if we are willing to adopt the Dingell (Train) amendment on auto emissions.

ATTACHMENTS

1. Summary of DOT–EPA–FEA, "Analysis of Some Effects of Several Specified Alternative Automobile Emission Control Schedules." (See Congressional Record May 11, 1976, pp. H4269 through H4271.)

2. And, the "Analysis" itself. (See Congressional Record April 27, 1976, pp. H3481 through H3487.)

FOOTNOTES

[1] FEA, EPA, DOT, "Analysis of Some Effects of Several Specified Alternative Automobile Emission Control Schedules" (April 8, 1976, page 5.)

[2] Ibid, p. 10.

[3] Stolwijk, et al., "Evaluation of the Clean Air Act Amendments of 1970" (June 1975), page 3.

[4] Grad, et al., *The Automobile and the Regulation of Its Impact on the Environment* (1974), page 108.

[5] "A Re-examination of Costs and Benefits of Automobiles Emission Control Strategies," (March 22, 1976), Supported by the National Science Foundation under Grant No. STP75–21384, Prepared by Professor S. Fred Singer, Department of Environmental Sciences, University of Virginia.

FUTURE HEARINGS WILL TAKE PLACE IN THE AREA AFFECTED

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. KETCHUM. Mr. Speaker, I know that my colleagues in this House have heard me speak many times of administrative hearings which have been taking place in my congressional district. I am referring to hearings between the Department of Health, Education, and Welfare, and the Bakersfield City School District, hearings which have led me to introduce several successful amending measures to assure that any such hearings occurring in the future will take place in the area affected—not hundreds of miles away at the Government's convenience as was the Bakersfield experience.

At this time, I would like to share with my colleagues the text of a letter written by my constituent, Ms. Florence Moody, president of the Kern Division of the California Retired Teachers' Association. In praising the excellent coverage of those hearings as provided by the Bakersfield Californian's staff writer, W. J. McCance, Ms. Moody has amply demonstrated the avid citizen interest in and concern regarding hearings such as these—interest which was ignored and overruled by the Federal agency holding the hearings. She has also stated a view with which I totally concur: By providing this outstanding daily coverage of a matter of intense concern to all Bakersfield, the Californian has succeeded in the highest form of journalistic public service. The praise is warranted, and it is my sincere pleasure to share these comments with the Members today:

BAKERSFIELD, CALIF.,
May 11, 1976.

MR. DONALD H. FRITTS,
Publisher.
MR. ALFRED T. FRITTS,
Executive Editor, the Bakersfield Californian,
Bakersfield, Calif.

DEAR MESSRS. DON AND TED FRITTS: The Board of Directors of the 950-member Kern Division, California Retired Teachers' Association today voted unanimously to express appreciation to you, and through you to the *Bakersfield Californian* staff writer W. J. McCance for the continuous coverage of that infamous 111-day U.S. Department of Health, Education and Welfare compliance hearing prosecuted by attorneys from the office of Civil Rights involving the Bakersfield City School District. We note how consistently news coverage was provided by the *Californian* even after the HEW Hearing was moved to San Francisco.

Several of our members were witnesses and others were spectators at numerous sessions. These are retired teachers who during their active teaching careers of 35, 40 and even more years gave their best to the Bakersfield City School District. They were not concerned about receiving "extra pay" for opening their classrooms before, and keeping them open after, the regular school hours, if there was an opportunity to assist some student, regardless of color, creed, or origin of birthplace. These teachers dedicated their lives to help their students develop their highest potential of usefulness as well as a genuine sense of being a good citizen. Civic responsibility was emphasized as a goal.

Numerous prominent leaders of our community can, and do, recall with humility and gratefulness the special assistance of this, or that, understanding, sympathetic and strongly motivated teacher at a critical time in their lives.

You did this community an outstanding service in keeping our residents and taxpayers informed day-by-day of that costly, idiotic legal maneuver by our federal government. How much better it would have been had the equivalent of the cost of this HEW Hearing been invested in programs within the Bakersfield City School District which would have helped insure the perpetuation of the ideals and devotion of our teachers of yesteryear and reflected in sound, basic educational programs for all the youth.

It is our hope that a complete compilation of the *Californian's* coverage will be submitted to the appropriate agencies for consideration of a Pulitzer Prize for the *Californian* and Mr. McCance; or similar high ranking recognition.

Sincerely,

FLORENCE MOODY,
President.

HEMOPHILIA WRITERS WIN AWARD

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. HUGHES. Mr. Speaker, several weeks ago Members of Congress received a copy of an excellent booklet entitled, "Hemophilia, Hemophiliacs and the Health Care Delivery System," which has been recognized as one of the best new sources on the subject and is serving as a medical textbook in a number of colleges and universities.

Last week at the Mid-Atlantic Chapter of the American Medical Writers' Association, the authors were presented with an award of distinction for writing for a professional audience, the highest award among three categories.

Presentations of the awards were made by Dr. Frank Rauscher, Jr., Director of the National Cancer Institute and the keynote address by Mr. Victor Cohn, science editor of the Washington Post.

The hemophilia study was written by Mrs. Caroline Roth Petit and Dr. Harvey G. Klein for the National Heart and Lung Institute's Division of Blood Diseases and Resources, Office of Prevention, Control and Education. One of the authors, Mrs. Petit, is the wife of my administrative assistant.

My congratulations to Mrs. Petit and Dr. Klein for but the latest commendation for an excellent summary of the peculiar problems of the hemophiliac and the state of treatment.

FORMER DIA CHIEF, LT. GEN. DANIEL GRAHAM, ON THE SOVIET THREAT

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. SYMMS. Mr. Speaker, during this year's Presidential primary campaign the relative military strength of the United States and the Soviet Union has become an issue, as has Henry Kissinger's policy of détente. Many believe that Kissinger has given away more than we got in return simply because he does not accept the notion that there is advantage to be had in nuclear superiority. Recently, Lt. Gen. Daniel O. Graham spoke to the Optimist Club in Boise, Idaho. General Graham, retired Director of the Defense Intelligence Agency, addressed some of the specific points of these issues. I would like to commend General Graham's remarks to my colleagues in Congress:

Former Defense Intelligence Chief Speaks About Soviet Threat

The facts of the balance of power between the United States and the Soviet Union are simple, stark and profoundly disturbing. They are set forth in a recent publication by the Library of Congress. This report is especially telling and is partly responsible for the remarkable turn-around on defense issues in Washington these days. Its impact stems from the fact that it was prepared not by the Pentagon, but by non-military analysts of Congress at the behest of one of the Senate's leading defense budget slashers, Senator Culver of Iowa. As a man who has for years suffered the persistent accusations of the anti-military spokesmen of Congress that I have made "bloated and distorted" estimates of the threat, I was gratified indeed to see Congress itself point out we in military intelligence have in fact leaned over backwards not to overstate the threat.

That Congressional report points out that our power relative to the Soviet Union has declined drastically over the past ten years:

In Intercontinental missiles we have gone from 600 ahead to about 600 behind.

In Polaris-type submarines we have gone from 16 ahead to 13 behind.

In Intercontinental bombers we have gone from 500 ahead to 300 ahead.

In tactical aircraft we have gone from 2900 ahead to 350 behind.

In ground force divisions we have gone from 130 behind to 150 behind.

In major surface ships we have gone from 130 ahead to 70 behind.

In strategic defense missile launchers we stand at 10,000 to zero.

In medium and intermediate range missiles we stand at 500 to zero.

In anti-ballistic missile launchers we stand at 64 to zero.

In men under arms we stand at 4.8 million to 2.1 million.

And the Soviet Union is outspending us on military capabilities by 50 billion dollars a year!

It's difficult for me to understand how anyone can look at these facts and state that our military power is "second to none." The figures speak for themselves. No amount of Washington sophistry can erase them.

You have all probably noted that when apologists for this parlous state of affairs state their arguments, they fall back on the strategic nuclear balance of terror. They state that the Soviets cannot now attack us with nuclear weapons and expect to survive our retaliation. This is true as far as it goes. No one today could hope to profit from a strategic nuclear exchange. But this was also true when we led the Soviets across the board in strategic nuclear weapons ten years ago. The difference is that today we stand like Samson of biblical fame, threatening to pull the temple down on our own heads if the Soviets should attempt to threaten us with nuclear weapons. (And I might add that we are in danger of becoming as blind as poor old Samson because of foolish attacks on our intelligence agencies.) And this situation worsens day by day.

The Soviets continue to modernize and strengthen their forces across the board. Their conventional forces opposite NATO continue to grow in numbers and in quality of equipment. They outnumber NATO in tanks by about 3 to 1; new tanks and armored artillery are being added daily; they have modernized their tactical aviation with six new fighter models over the past ten years. The Warsaw Pact is fully prepared for gas warfare; NATO is not. In the strategic field they are fielding four new, more powerful ICBM systems, and a mobile intermediate range system which will relieve about 400 intercontinental missiles from anti-China missions for anti-U.S. missions. They are deploying a new advanced strategic bomber, the Backfire, and they are building two new classes of missile firing submarines. They are building their third aircraft carrier.

Another aspect of Soviet military activity that has gone largely unnoticed in public is the Soviet lead over us in Civil Defense. The USSR has been expending a great deal of resources and effort to protect both population and industry in the event of nuclear war. Taking advantage of their tough public discipline, they have come up with a system of evacuating cities by all means including by foot. By dispersing population to surrounding countrysides they expect to be able to reduce the casualties in a nuclear exchange from 60 or 70 million to fewer than 10 million. As for industrial protection, they are building blast shields to prevent the destruction of key machinery.

What all this adds up to is the creation of a nuclear balance which would make any U.S. nuclear response to Soviet aggression too lopsidedly costly to contemplate, while at the same time building an overwhelming conventional capability with which to cow Europe and all of the Eastern Hemisphere into submission to Moscow.

If current trends go unchecked we can be faced in the future with this awful scenario: The Soviets evacuate their cities and hunker down. They then move against NATO or Yugoslavia or China or the Middle East with superior conventional forces. The US is faced with a demand to stay out or risk nuclear exchange in which 100 million Americans will die as opposed to 10 million Russians. How drastic would an ultimatum have to be in such circumstances for an American president to stand up to it?

Far fetched? Not really, if you bear in mind that we are dealing with a country that lost over 10 million dead in the last war and a regime that was willing to kill off six or seven million of its own people just to collectivize argiculture. For those who would argue that the Soviets have no military designs against the Free World, but merely react to our military capabilities, I would point out that today the Soviets are spending 20 percent of their GNP on their war machine; in 1938 just prior to Hitler's assault on Europe, he was spending 15 percent.

The saddest part of this bleak picture is the fact that it is only in part due to the efforts of the USSR. It is primarily the result of deliberate decisions by the government of the United States. During Mr. McNamara's tenure as Secretary of Defense, a curious rationale was conceived by the "whiz kids" for letting the Russians catch up. It went like this: the biggest danger of nuclear attack rises from Soviet strategic inferiority. Since they don't have a capability to ride out a U.S. first strike, they stay nervous and might just attack us first. If we let them catch up, they will relax into our Mutual Assured Destruction strategy and forget about first strikes. This incredible notion not only froze our strategic systems at their mid-sixties levels, but formed much of the basis for opposition to fielding the Safeguard anti-ballistic missile system on the grounds that it would "upset the strategic balance" in our favor. We hear today the same sort of nutty rationale from the likes of Senators Kennedy and Humphrey calling for us to discard our advantages in cruise missiles.

Detente—by whatever name you wish to call it—has contributed heavily to our disastrously declining military position. In order to make deals with the Soviets which essentially make Moscow the co-guarantor of our security, its proponents must argue against any hostile intentions of the USSR. The Soviet Union must be painted as a benign power with whom one can safely make agreements. You must downpedal the struggle between their brutal, totalitarian system and the free economic and political institutions of the West. As you pursue detente, you trade away military advantages such as the ABM for promises to address offensive systems in the future, and settle for terms which allow Soviet military plans to go forward unchecked. Worse, you make it impossible for spokesmen for strong U.S. defense to buck the wishful-thinking euphoria you create in Washington without getting fired—witness James Schlesinger.

Let me not end on a note of despair. The fact is that this country and its allies are by far stronger than the USSR in economic power and in moral fiber. Military strength grows from a strong economic and technical base. We have it and we should stop giving it to the Soviets. Will to persevere comes from strong moral fiber. While there are many weak knees in Washington, I don't see them elsewhere in this country, especially in Texas. We have the Soviets beat here too—it's they, not us, who must build fences and walls to keep their people inside their communist paradise and jam the radio waves to prevent the truth from destroying their system.

The Soviet system is weak because it is wrong. What a shock it was to the defenders of detente to find that the people have more spine than they have. They treated Alexander Solzhenitsyn as a pariah. They believed that, like themselves, the American people didn't want to be reminded of the viciousness of the system we were bolstering with detente.

It is the resistance of men like Solzhenitsyn and the growing isolation of the men in the Kremlin with their notions of world communist hegemony that points the way to the eventual triumph of freedom. We should ally ourselves with the aspirations of the people inside the Iron Curtain—not with their enemy and ours, the tyrants of the communist system. The worst thing we can do is the thing our current policies do—make the Soviet system look good. We cannot let them boast of having achieved parity, let alone superiority over the West. We cannot let them expand their grip over Third World countries. We cannot give them the basis for telling doubters in their own camp that Lenin's predictions are infallible, that the US is now only concerned with decelerating its decline as a world power. We must remember that a successful tyranny gains support even from those it tyrannizes. Even in Russia an unsuccessful tyranny is eventually overthrown.

BIOGRAPHIC DATA

General Graham was born in Portland, Oregon on April 13, 1925. He entered the United States Military Academy from Medford, Oregon in July 1943, and graduated in June 1946 with a Bachelor of Science degree.

As a junior officer he held numerous command and staff positions in Quartermaster, Infantry, and Special Forces. His intelligence assignments began in 1959 as an estimator for Soviet military matters in the Office of the Assistant Chief of Staff for Intelligence, US Army. In 1963 he was assigned to the Office of National Estimates at CIA headquarters. He left that position to assume command of a battalion in the Pacific Theater. In 1967, he became chief of current intelligence and estimates for Generals Westmoreland and Abrams in Vietnam. He returned to the Office of National Estimates at CIA in 1968.

In May 1970 he was promoted to Brigadier General and became Deputy Director for Collection, DIA and then Deputy Director for Estimates. In May 1973 he was promoted to Major General and at the behest of Dr. James R. Schlesinger moved again to CIA to the Intelligence Community Staff. He was promoted to Lieutenant General in March 1974 and remained as Deputy to the Director of Central Intelligence, Mr. Wiliam Colby, until September 1974, when he became Director of the Defense Intelligence Agency. He requested relief from his post and retirement from the Army on November 3, 1975, in protest to the discharge of Mr. Schlesinger and Mr. Colby. His resignation became effective on January 1, 1976. On February 1, 1976 he accepted a position as adjunct professor, University of Miami, working with the Center for Advanced International Studies.

General Graham graduated from several military schools including the Command and General Staff College at Fort Leavenworth and the Army War College. His decorations include the Distinguished Service Medal, the Distinguished Intelligence Medal (CIA), and the Legion of Merit with two oakleaf clusters. He speaks Spanish and Russian. He is married to the former Ruth Allen Maxwell of Leavenworth, Kansas. General and Mrs. Graham have seven children, the oldest of whom is a regular Army officer.

PRIVACY BILL BEFORE JUDICIARY COMMITTEE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. KASTENMEIER. Mr. Speaker, tomorrow morning the House Judiciary Committee will begin consideration of H.R. 214, a bill which will plug a number of significant loopholes in present Federal privacy laws.

This bill, which was favorably reported from the Subcommittee on Civil Liberties which I chair has earned the cosponsorship of 72 Members of the House, evenly divided between parties, and the endorsement of the AFL–CIO, the Communication Workers of America, the Retail Clerks International Association, the Brotherhood of Railway and Airline Clerks, the American, California and Maryland Bankers Associations, the National Retail Merchants Association, the American Express Co., and the National Association of Mutual Savings Banks.

The bill also enjoys the support of the House Republican Task Force on Privacy and the American Civil Liberties Union.

The bill has been endorsed by a number of newspapers across the country and I would like to call the attention of my colleagues to a sampling of these editorials:

[From the New York Times, May 24, 1976]

PROTECTING PRIVACY

The House Judiciary Committee will begin consideration tomorrow of a measure called "Bill of Rights Procedures Act," which is designed to limit and regulate governmental and commercial intrusions into the commonplace transactions of modern American life. It aims at protecting privacy with respect to bank, telephone and credit records, mail covers, telephone service monitoring and non-verbal communications.

Perhaps the most significant aspect of the legislation deals with the confidentiality of records on activities which are essential to participation in society, such as those kept by financial institutions, credit card issuers and telephone companies. Although some states already have laws protecting such information, there are currently no Federal laws in this vital area of customers' rights. Moreover, the Supreme Court recently ruled that compliance with a Federal subpoena by a bank—even in the absence of intervention by the customer or notifiication to him—was not an invasion of a constitutionally protected right of privacy.

The proposal before the Judiciary Committee would require Federal agents to obtain the individual's written consent to allow opening up his records, or to serve a subpoena which the citizen could challenge, or to obtain a court-authorized search warrant. Under the proposed law, the institution would have to keep an account of all examinations of a customer's records. Whenever a subpoena is served on either, the institution and the customer would be notified of their rights.

Mail covers consist of the inspection of pieces of first-class mail and the collection of whatever information appears on the outside of the envelopes. This investigative technique was widely abused in the course of the F.B.I.'s Cointel program. The bill would limit the circumstances in which such covers could be conducted to investigations of a felony offense or postal fraud and to the search for fugitives. It would require written authorization in all cases, and a sworn affidavit in some, thus clearly holding a specific official responsible for initiating an investigation.

The wiretap section of the bill would require that warnings be given by telephone companies to those who may be overheard when telephone communications are monitored to determine the quality of service. It would also extend the requirement of court orders for the interception of telephone conversations to the interception of aural communications, such as telegraph and telex and other non-verbal messages.

As computer and communications technology becomes ever more sophisticated and delves deeper into private lives, there is a growing need for legislative and judicial ingenuity to protect the privacy of even the most mundane human activities. The current proposal is a sound attempt to provide the necessary new safeguards.

[From the Christian Science Monitor, May 21, 1976]

AN IMPORTANT PRIVACY BILL

It may be surprising to America's less cynical citizens that no federal statutes protect their bank accounts from FBI scrutiny, their phone calls from monitoring by the boss, their mail from being systematically inspected and recorded according to what's on the envelopes.

But Congress is well aware of such intrusions on the right of privacy. The question is whether it will do something about them, at least to the regulatory extent proposed by the long-pending Bill of Rights Procedures Act, which is scheduled to come before the House Judiciary Committee next week.

Prompt work by the committee is necessary for House passage in time to encourage Senate action and completed legislation by this fall.

The bill was first introduced in 1974 under Republican auspices—Sen. Charles Mathias of Maryland and Rep. Charles Mosher of Ohio. It has a bipartisan group of more than 70 cosponsors in the House. It was reported out of subcommittee last month with a unanimous vote. It deserves full support.

Support has already come from credit and financial institutions who welcome the prospect of being able to cite federal statutes when the government calls. Suppose federal agents want customer information from a credit-card firm, bank, or telephone company. The bill would require them either to get the written consent of the customer, serve a subpoena on the institution with a copy to the customer (who could challenge it), or obtain a search warrant from the courts.

As for "mail covers"—the surveillance of information on the outside of first-class mail—the bill would make law of various current Postal Service guidelines, with specific provisions for authorization and subsequent notice to the person under surveillance.

The final section of the bill would take the valuable step of requiring a court order for intercepting telegraph messages, computer data transmissions, and other communications in addition to the aural or spoken word already covered by wiretap laws.

The Mosher-Mathias bill does regulate the monitoring of calls by telephone companies and other firms in the name of checking up on the level of service. For example, employees would have to be informed that their phone calls are subject to monitoring and no phone could be legally monitored without being identified as a phone subject to monitoring.

We go into these procedural controls at some length, partly because they imply the existence of practices that are either unknown to many Americans, fatalistically accepted by them, or suspected to the extent of inhibiting a democratic sense of free communication.

There is always the pitfall that the legislation of controls on such intrusions may be interpreted as tacitly permitting what might be ruled out entirely by appeal to the Constitution. But constitutional protection has already been judged not to apply to some of the practices that would be controlled by this bill. Last month, for example, the Supreme Court overruled a lower court's decision that had supported an individual's claim to privacy for his bank records.

Though the present bill would control the invasion of such records only by federal agents, it can be hoped that it would provide a model for state legislation—and, indeed, that financial managements would require anyone soliciting customer information to fulfill the same obligations placed upon the government.

[From the Washington Post]

THE NONPRIVACY OF BANK ACCOUNTS

The Supreme Court is continuing to interpret the right of privacy so narrowly as to give citizens little or no protection against governmental intrusion into many aspects of their everyday personal affairs. A notable example was the Court's 7–2 ruling on Wednesday that no constitutionally protected zone of privacy has been invaded when the government subpoenas records of a person's banking transactions from the bank.

The decision upheld the traditional view that the records of banks, like those of telephone companies, credit-card firms and other businesses, belong to the company, not the consumer. Even though sensitive personal information is often involved, this approach gives the customer no right to intervene—or even to be notified—before the business opens up the records to a law-enforcement officer. In the case decided the other day, the citizen involved—who happened to be accused of operating an illegal still—claimed that his banks' compliance with federal subpoenas violated his expectation of privacy in dealing with the banks. A lower federal court had agreed, but the High Court did not.

The most disturbing aspect of this decision is the Court's refusal to recognize that banking involves any reasonable claims of confidentiality at all. Justice Lewis F. Powell Jr., for one, seems to have modified his views along the way to this result. In an earlier case upholding government record-keeping rules, Justice Powell wrote, "Financial transactions can reveal much about a person's activities, associations and beliefs. At some point, governmental intrusion upon these areas would implicate legitimate expectations of privacy." The other day, however, Justice Powell wrote for the Court that checks and deposit slips "are not confidential communications but negotiable instruments" and "contain only information voluntarily conveyed to the banks and exposed to their employees in the ordinary course of business." Thus he concluded that no legitimate expectation of privacy is involved; on the contrary, any depositor "takes the risk" that a bank will share this information with the government.

That concept of the banking relationship is not, obviously, the one held by most bankers or most of their customers. The average citizen assumes that his transactions will be kept confidential, and that bank employees will use information about his accounts only for banking purposes. Even this limited disclosure is not entirely voluntary; as the California Supreme Court said recently, "it is impossible to participate in the economic life of contemporary society without maintaining a bank account." And it is precisely the "ordinary" kinds of personal business that should enjoy the most protection against improper or excessive scrutiny by government.

By refusing to acknowledge any legitimate confidentiality in this field, the Court has left the privacy of a wealth of detailed information about virtually all Americans en-firms with which they deal. Many companies do regard this as a solemn trust; a growing number, for example, notify a customer when information about his account is demanded by the government. Others do not. Some do not even wait for proper subpoenas, but turn over information in response to the most casual request by law-enforcement officers. Thus individuals enjoy uneven protection at best, while the companies bear the burdens of trying to judge the propriety of official demands in cases they know little tirely in the hands of the banks and other about.

Since the Court has refused to find any constitutional defect in this state of affairs, the remedy will have to come from Congess. After years of intermittent discussion, a House Judiciary subcommittee has recommended legislation that would insure citizens notice and a chance to challenge official demands for records of their dealings with financial institutions, telephone companies, creditcard issuers and the like. The notice requirement could be waived only if a judge found that advising the individual would seriously jeopardize the investigation of specified crimes. The bill (H.R. 214) ought to be passed. It would give force to the concept of confidentiality in everyday financial dealings which most people have been banking on, but which the high court has unaccountably failed to grasp.

[From the St. Louis Post-Dispatch, May 16, 1976]

MORE PROTECTION FOR PRIVACY

Despite the passage of a federal privacy law in 1974, there are still broad areas in which the privacy of Americans is not protected from unwarranted intrusion. The 1974 act, applying only to personal data record systems kept by agencies of the Federal Government, limits access to such records. But records such as those kept by financial institutions, telephone companies and credit card issuers are still accessible, often without the knowledge of the persons affected.

To help citizens protect themselves from improper use of such records, legislation has been introduced in Congress to establish clear guidelines and procedures for access to these records and to impose penalties for willful intrusion into rights of privacy. The Bill of Rights Procedures Act (H.R. 214), sponsored by Republican Representative Charles Mosher of Ohio and 72 others, has now been approved by a House Judiciary subcommittee and is likely to be considered by the full committee this week.

Since the courts have provided litte protection against the dissemination of personal data in business records, the passage of H.R. 214 is important. In the case of records kept by financial institutions, phone companies and credit card issuers, the bill would require federal agents desiring access to obtain the written consent of the individual, or to serve a subpena on the institution and a copy to the customer (with the customer being given the legal right to challenge the subpena), or to obtain a search warrant from a court.

The Mosher bill also would impose restrictions on mail covers (the inspection and recording of information on the outside of first class mail) by limiting their use to the investigation of felonies and postal fraud and to the location of fugitives. Authorization for mail covers would have to be given in writing by top officials of the postal inspector's office—although a request from the Attorney General would be automatically honored—and records of requests and dispositions would have to be kept; renewed authority would have to be sought every 30 days. At the conclusion of the cover, the affected postal patron would have to be notified.

Finally, the bill would impose restrictions on phone companies' practice of listening in on phone conversations (for the stated purpose of assuring quality of service), and would extend the protection of existing wiretapping laws to cover non-aural communications such as telegraph and telex messages and computer data transmissions.

In view of the recently disclosed record of massive abuses by intelligence agencies—involving mail covers and the interception of overseas telegraphic communications—the additional protection provided by H.R. 214 is as important in this area as in that of business firm records. Considering the bill's broad bipartisan sponsorship and its limited objective of establishing procedures rather than cutting off access, it should command enough support to ensure passage in both the House and the Senate, where Senators Charles Mathias and John Tunney are sponsoring a companion measure.

[From the Plain Dealer, May 18, 1976]

PRIVATE RIGHTS REMEDY

The main point of much of the U.S. Constitution and its amendments is that the government can't take anything away from you arbitrarily and without due process of law. It is natural for government to tug against these restrictions and, when it can, to claim rights not specifically denied it by law. Then judicial or legislative action becomes necessary to restore a citizen's rights and set narrow limits to the government's.

In recent years the federal government has tended to reach out and take from citizens the undisturbed privacy to which they are entitled in the absence of any showing of probability, or even possibility, of criminal guilt.

Its law enforcement and intelligence agencies have, on occasion, spied on and interfered with the private lives of innocent citizens, in a manner suggestive of the cynical manipulations of a totalitarian state.

Properly, this has produced several congressional reactions. One of the most reasonable is the Bill of Rights Procedures Act (HR 214), whose chief House sponsor is Rep. Charles A. Mosher, R–13, of Oberlin.

If enacted, the bill would not deny law enforcement agencies the right to obtain confidential information about a citizen. It would merely require that, if denied the subject's permission, they make the showing of cause needed to get a search warrant.

This would apply to records kept by banks, phone companies and credit card issuers. Present restrictions on wiretaps would be extended to telegraph and telex messages and computer data transmissions.

Procedures for postal surveillance ("mail covers") would be established.

The bill does not alter the exemptions presently made for national security wiretapping, though that might be done later.

HR 214 is due for consideration by the House Judiciary Committee before the end of May, having cleared a subcommittee. It merits favorable treatment.

ENERGY CONSERVATION IS NOT ENERGY CURTAILMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. BROWN of California. Mr. Speaker, much has been said about energy in this body, and much, much more will be said in the future. Among the issues facing the Congress and the country is the need to choose the right energy options. Unfortunately, not everyone agrees on what those options are, or what choices would be superior. There is one exception to this generalization, and that is the general agreement in support of energy conservation. But even with energy conservation we have conflicting definitions, and conflicting views on how to obtain results.

The confusion stems from the fact that it is much easier to organize and execute an energy production program than it is to organize and execute an energy conservation program. In addition, the contradictions in prices for energy obtained from different sources—for example, domestic oil versus foreign oil, and intrastate versus natural gas—tend to frustrate any coherent and effective energy conservation program.

These problems aside, there is one criticism of energy conservation which should be laid to rest. Some have claimed that energy conservation is equivalent to energy curtailment. This is simply wrong.

Finally, there is genuine dispute about the amount of conservation which can be achieved. I suspect that we can manage to reduce our energy consumption, by a variety of means, to a near steady-state level. This goal is considered unrealistic by many, but since we have not tried to reach it, very little can be said about its practicability.

The question of growth rates is important, but not central to the argument in favor of energy conservation programs. Energy conservation programs, if properly designed and administered, should be the most cost-efficient, and job-producing programs available to meet our national energy needs.

This issue was discussed in the May 22 edition of the Washington Post, in what I consider a very responsible format. I would recommend the following articles to my colleagues for their consideration. This dialog should help clarify many of the issues surrounding energy conservation.

The articles follow:

ON CONSERVATION

Conservation of energy—always a vulnerable principle, now an urgent necessity—won't answer all of the questions. It's dangerous to argue that the United States doesn't have to choose between nuclear reactors and more coal-burning generators. It's equally dangerous to hope that the country doesn't have to choose between substantially higher prices for energy and increasing dependence upon oil imports from the Persian Gulf. Energy consumption is going to keep rising in this country over the next decade, and the real issue is the rate at which it rises. With rigorous conservation, the increases will be modest and the choices will be relatively easy. But if the country gets bored with the idea and drifts back toward its accustomed high growth rate of energy consumption, as it currently shows signs of doing, the choices will become increasingly divisive and destructive.

We print today a couple of letters that bring these thoughts to mind. The authors speak for organizations that are among the country's ablest and most vigorous advocates of environmental protection. They respond to an earlier observation in this space that the cancellation of the huge coal-burning Kaiparowits power project in Utah leaves an interesting question about the country's future sources of power. If we don't want more coal smoke in the air, what do we want? Both letters suggest that the answer is conservation, not an increase in the supply of power. In defending a good principle, in our judgment, they overstate it.

Both letters argue that half of the energy produced in this country is wasted. But which half? If you don't mind shifting gears when you drive, perhaps you agree that an automatic transmission is a waste of gasoline. But a good many of your fellow citizens consider it a necessity. Perhaps, if you live in Florida, you go along with the idea that Americans waste too much fuel overheating their houses. But if you live in Maine, you are more likely to believe that the real waste is air conditioning. The ability of government to change any of these national habits quickly is, at best, limited.

Consider the real opportunities for very large savings of energy. First on the list is the automobile, and owing to government action the current models are far more efficient than those built three years ago. But the country is using more gasoline than it did three years ago, because there are more cars on the road. Over the past decade, the number of cars in use has been rising at a steady 3 million a year. By the same token, there are great opportunities for saving fuel in the design of housing. While Congress has enacted stiff requirements for automobiles' fuel performance, it has not yet done much about housing standards. The administration drafted a bill last year and versions have passed both houses of Congress. But the final compromise has been stuck for months in conference. Why? It cuts across traditional local jurisdiction over building codes. It is no simple matter to get even the most obvious conservation laws enacted.

The relationship of conservation to jobs is clear. Shortages mean unemployment. Refusing to build power plants is the wrong way to cut demand. But gradual and planned conservation need not disrupt employment. The law requiring more efficient cars will cost no jobs. Requirements for home insulation might actually create them. The greatest menace of all to stable employment is, of course, a return to a very rapid increase in energy consumption. That will inevitably bring once again—as it did in late 1973—sudden shortages and massive price increases. The drastic rise in oil prices and the embargo were the major cause of the recent recession in which, a year ago, nearly 9 million Americans were unemployed. Conservation can threaten jobs, if it is done ineptly. But the greater threat is the old American tradition of profligacy.

With a firm commitment to conservation—the sort that protects employment rather than jeopardizing it, and raises the standard of living rather than lowering it—this country can keep the annual rise in energy consumption down around 2 per cent a year. Without any more conservation than at present, the rise will probably be up around 4 per cent. That difference, compounded year by year, is the difference between sound environmental protection and a reckless pursuit of fuel at any cost. But even at that lower limit of 2 per cent a year, the country will need more power. The question is not whether to develop new sources of energy, but how much and under what safeguards.

GROWTH AND THE USE OF ENERGY RESOURCES

In a May 5 editorial entitled "Which Power Plants?" presents a thoughtful analysis of the national energy dilemma posed by the recent demise of the Kaiparowits power project, which had been slated for construction in southern Utah. The principle of protecting prime national environmental areas from that type of overwhelming industrial intrusion, which was vindicated in part by this event, is certainly worthy of the endorsement which you accorded. However, portions of your analysis appear to be based upon factual misapprehensions meriting comment.

The editorial is somewhat misleading in asserting that the Clean Air Act Amendments, pending in the Senate, provide a "tight" measure of protection of the air quality within national parks and wilderness areas. Indeed, the protection provided by this bill is only minimally satisfactory. First, it would not protect against the very pollutants most responsible for the smog conditions which constitute the chief peril to the pristine air within these areas. Moreover, the protection is in terms of limitations on permissible quantities of specific pollutants, rather than limitations on reduction of visibility. While these allowable increments of pollution are small, in actual effect they will permit a dramatic reduction in the "clear view and the sense of well-being that truly fresh air can provide" to which your editorial alludes. Nevertheless, the bill certainly provides far greater protection for these lands than will be available if Senator Frank Moss prevails in his efforts to delete the relevant provisions from the pending bill.

Your assertion that the standards are "a good deal stricter than anything needed to protect human health" is also incorrect. It is probably premised upon the notion that ambient air quality standards identify a threshold within which human health and welfare are preserved. This assumption is pure mythology, as is well-known by the governmental stewards in the Environmental Protection Agency to which our well being in this respect has been entrusted. The best evidence on this subject now indicates that the health and welfare consequences of air pollution are essentially linear with level of exposure. In a real sense then, protection against significant air deterioration is designed to preserve and enhance both physical and aesthetic well being. The suggestion that it is simply an exercise in cleanliness for its own sake is unfortunate.

The editorial greatly exaggerates the confornia's energy future. Doubts concerning the near-term need for the power was one of the chief vulnerabilities which led to the abandonment of this project. If and when necessary, Utah's vast coal resources can be utilized in far more sensible ways to augment national energy supplies; ways which will not entail a sacrifice of our uniquely valuable wild land resources.

Postponement is salutory for at least two important reasons. First, technology to burn coal cleanly is well on its way to commercial viability. More importantly, there is a vast potential for energy conservation in this country which will remain largely untapped unless power development is properly constrained.

Estimates of the extent of energy waste in this country range as high as 50 per cent. Most of this waste is recoverable simply by improving energy utilization efficiencies without sacrificing economic output. Your editorial is mistaken in suggesting that this option is available only at the expense of employment and economic growth. Indeed, the greatest potential for such improvement exists in that very segment of the society which the editorial singles out as demanding ever increasing supplies: the age group just now entering the job market and establishing new households.

When one considers the potential for augmenting supplies from renewable resources, the dilemma wanes further. New evidence suggests, for instance, that electricity can be available within 10 years from solar cells at a cost of 50c per peak watt (compared to the current price of nuclear energy today in excess of $1.00/watt) with extremely rapid market penetration and without significant environmental residuals.

The rational choice facing this country is not between Kaiparowits and more nuclear reactors or increased energy imports. Nor is it a choice between clean air in the parks and jobs in southern California. A national energy policy which seeks "least-cost" solutions first would defer such hard choices, probably indefinitely.

GREG THOMAS,
Washington Representative, Sierra Club.
WASHINGTON.

Considering all that has been written on the subject in recent years, your treatment of energy conservation in your May 7 editorial "Which Power Plants?" is surprising.

Holding down our growth in the use of energy resources need not impose a static standard of living as The Post implies. Our present energy consumption rate is almost twice that of several well-to-do European countries, and numerous studies indicate that about half of the energy resources consumed in the U.S. each year are wasted. With means that are readily at hand, this waste can be eliminated over the coming decades and much higher efficiencies achieved in our energy system. Because eliminating this waste provides the cleanest, most accessible and cheapest source of energy, we can, if we choose, both lower energy consumption per capita and at the same time raise the standard of living.

Similarly, The Post's statement that rigorous conservation measures will have a severe impact on employment is not supported by the conclusions of those who have examined the relationship between jobs and energy. For example, the 1974 report of the Ford Foundation Energy Policy Project concluded that "the fear of the ripple effect of economic disruption and lost jobs, if we do not continue high rates of energy growth, is unfounded. This fear confuses the impact of sudden supply disruptions with the quite different longer term effects of a slowdown in the growth of energy demand by way of economically efficient energy conservation."

Rather than restricting consumption and limiting jobs, energy conservation will improve our standard of living in innumerable ways. It will stretch our resource base, minimize environmental degradation, protect public health, reduce our reliance on insecure foreign supplies, and improve our economy.

The U.S. badly needs a strong energy conservation program. It is unfortunate that The Post has set back that cause by uncritically accepting the energy mythology of another era.

J. GUSTAVE SPETH,
THOMAS B. COCHRAN,
National Resources Defense Council, Inc.
WASHINGTON.

LET THE WORLD KNOW THAT FARM COLLECTIVIZATION MEANS HUNGER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. McDONALD of Georgia. Mr. Speaker, as the Soviet Union begins its 59th consecutive poor crop year since 1917, should we not consider how the Soviet military buildup might be slowed, perhaps halted, perhaps even reversed, should the Moscow Government be forced to devote more attention to food production? We do nothing but relieve the pressure on Moscow, with our food exports, thus permitting them to surge ahead with military projects. It is false economy to claim that a few billion in food sales is advantageous to us, when such sales then cost us untold billions in greater defense expenses.

The failure of farm collectivization should be made an absolutely inescapable fact of life for the Communist Government in Moscow, and at the same time it should be a situation so obvious to the rest of the world that it cannot be concealed or excused by apologists for communism.

The following is a report from the French periodical Le Figaro dated May 18, 1976, as translated by the Foreign Broadcast Information Service.

The report follows:

ALARMING FOOD SHORTAGES IN U.S.S.R.

Moscow. A fairly exceptional event in the U.S.S.R.: Incidents have occurred in Rostov-on-Don, Kiev and Riga. In this last city, the capital of Latvia, dock strikes took place. This news was brought to Moscow by Westerners returning from southern Russia, the Ukraine and the Baltic countries. All these affairs are directly connected with the food crisis which has affected the U.S.S.R. for several weeks.'

In Rostov and Kiev, stalls were smashed in the markets and the windows of several food shops broken by Soviets dissatisfied with the small amount of produce on sale. In Riga, loading and unloading in the port was considerably slowed by dockers complaining, once again, of food supply difficulties.

If the incidents appear fairly localized at present, dissatisfaction, on the other hand, is widespread in the face of a crisis affecting the entire country. Even Moscow, normally a highly privileged city where food supplies are concerned, is experiencing serious problems. Poultry, coffee and pepper are now nonexistent in the capital. Vegetables are scarce, particularly onions and cabbages, which play an important part in the local diet. Fruit—mainly apples—is also hard to find.

As for meat, the authorities fear widespread exhaustion of stocks. The introduction throughout the country of the meatless Thursday (cafeterias and restaurants are allowed to serve only fish on that day) gives some idea of the problems in the food sector. According to the authorities, in Moscow alone, a saving of 300 tons of meat has already been made since the beginning of May.

Although the USSR regularly experiences chaotic supplies at the end of each winter, this year the food crisis is reaching alarming proportions.

The very poor harvest of 1975 (especially the grain harvest, with a deficit of 70 million tons) and the extremely hard winter (spring has only just begun) aggravated the deficiencies of a nationalized agriculture which has proved incapable, despite massive investment, of achieving concrete results.

In a few week's time the arrival of fresh vegetables should enable the most urgent needs to be met. The experts, however, are not very optimistic:

One—concerning meat, livestock has been decimated by the peasants who were unable to feed it and it will take more than a year to build up the herds again. At the same time, hoof-and-mouth disease is spreading across the Ukraine and southern Russia.

Two—the 1976 grain harvest, although better than last year's, will still fall far below the plan target (220 million tons), according to Western experts. Part of the winter wheat (approximately 30 percent of the seed) has been destroyed by frost.

Three—The USSR will probably import agricultural produce to deal with the most serious shortages. But these purchases are likely to be limited, in view of the Soviet trade deficit which reached 5 billion dollars last year.

HOW MUCH SHOULD FEDERAL GOVERNMENT PAY DISTRICT GOVERNMENT?

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 24, 1976

Mr. FISHER. Mr. Speaker, since the early 1800's Congress has made some kind of payment to the District of Columbia in recognition of the unique relationship between the Federal Government and the District. The early payments were made sporadically and for specific purposes. After 1835 the payments were made regularly in a lump sum. For a time the payments were set at a proportion of the annual District government expenditures and more recently as an annual appropriation determined by Congress. The 1973 Home Rule Act provided authorizations for fiscal years 1975 through 1978.

Although a Federal payment is authorized, the Mayor of the District of Columbia is required to provide Congress with a justification for the payment based on at least nine factors listed in the law. The Mayor's report for fiscal year 1976, issued last March, found that the presence of the Federal Government in the District of Columbia resulted in unreceived tax revenue—negative fiscal impact—of over $330 million. The authorization for the fiscal year 1976 Federal payment was $254 million. This raises the question of the adequacy of the Federal payment. Is the payment sufficient to cover all the revenue losses and costs which the District of Columbia incurs because it is the seat of the Federal Government?

The purpose of the bill H.R. 12946 is to set up an independent commission to study that question. An independent, Presidentially appointed commission would not have the potential bias which either the District of Columbia government or the Congress would encounter in studying the question of the Federal payment. It would have no predisposition either to maximize or minimize the payment, but would concentrate on an impartial determination of fair and adequate recompense to the District of Columbia for loss of revenue.

The factors to be considered in evaluating the loss of revenue could include the great amount of nontaxable Federal property and other property such as embassies, the relative lack of business income and property which could be taxed, other taxes lost through congressionally granted exemptions, as well as the extra costs incurred because of special services made necessary by the presence of the Federal Government. The commission may well want to include other factors, or exclude some of the ones currently considered, in order to evaluate the adequacy of the Federal payment.

The House report on the home rule bill indicated that the intention of authorizing the Federal payment for a 4-year period was to give Congress the opportunity to review the situation after the 4 years were up. By establishing a commission to study the Federal payment we will be insuring an adequate disinterested review of the situation in plenty of time for Congress to make any necessary changes in the Federal payment.

The financial soundness of urban governments all around the country have become a subject of concern to all citizens. Most major cities are making a maximum tax effort and will soon reach or have already reached the point where additional taxes are counterproductive. Instead of producing more revenue, new taxes may drive revenue sources from the city. I think that the District of Columbia faces this danger. And its difficulties are compounded by the reduction in its tax base caused by the presence of the Federal Government. If the Federal payment is adequate, the District of Columbia will not need to attempt to raise or impose ill-conceived taxes, such as a professionals tax or a commuter tax.

The Federal payment is an important, complex subject which needs a careful and thorough study. This bill, H.R. 12946, provides for a commission to make such a study. I support this bill and urge the House to support it also. Together with the independent audit provided in H.R. 11009, this study commission will do much to give Congress a clear picture of the finances of the District of Columbia and a good basis for making financial decisions for the District.